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SOUTHCENTRAL FEDERAL SUBSISTENCE

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REGIONAL COUNCIL MEETING

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VOLUME I

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12

Anchorage, Alaska

13

March 5, 2002

14

8:30 o'clock a.m.

15

16

17 COUNCIL MEMBERS PRESENT:

18

19 Ralph Lohse, Chairman

20 Fred H. Elvsaaas, Vice Chair

21 Fred John, Jr.

22 Susan Wells

23 Robert Churchill

24 Gilbert Dementi, Sr.

25

26 Coordinator: Ann Wilkinson

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1 PROCEEDINGS

2

3 (On record)

4

5 CHAIRMAN LOHSE: I'd like to call the
6 Spring meeting -- this is the Spring 2002 meeting of the
7 Southcentral Subsistence Regional Advisory Council -- to
8 order, in session. And, again, I'd like to repeat that
9 if you haven't signed in make sure you do so. There's
10 handouts on the back table. And anything else that we
11 need to tell them at this point in time?

12

13 MS. WILKINSON: Mr. Chairman, if anyone
14 wishes.....

15

16 CHAIRMAN LOHSE: Testify.

17

18 MS. WILKINSON:give testimony, they
19 will need to fill out one of the blue sheets on the sign-
20 in table and bring it to me, please. Thank you.

21

22 CHAIRMAN LOHSE: Thank you, muchly, Ann.
23 With that, we'll have a roll call and establish a quorum.

24

25 MS. WILKINSON: Thank you, Mr. Chairman.
26 Gilbert Dementi.

27

28 MR. DEMENTI: Here.

29

30 MS. WILKINSON: Ken Vlasoff.

31

32 (No audible response)

33

34 MS. WILKINSON: Fred Elvsaa.

35

36 MR. ELVSAAS: Here.

37

38 MS. WILKINSON: Susan Wells.

39

40 MS. WELLS: Here.

41

42 MS. WILKINSON: Robert Churchill.

43

44 MR. CHURCHILL: Here.

45

46 MS. WILKINSON: Fred John.

47

48 MR. JOHN: Here.

49

50 MS. WILKINSON: Ralph Lohse.

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1 CHAIRMAN LOHSE: Here.

2

3 MS. WILKINSON: Mr. Chairman, we do have
4 a quorum established.

5

6 CHAIRMAN LOHSE: Thank you, Ann. With
7 that, I'd like to welcome everybody to this Spring 2002
8 meeting of the Southcentral Regional Advisory Committee.
9 What we usually do is we usually go around and give
10 introductions. We'll start with ourself, and we'd like
11 everybody in the room to introduce themselves, too. So,
12 what we'll do is well just start. When it comes time for
13 the people in the audience, we'll just in this front row
14 and just work your way back and work your way around.
15 Tell who you are and who you represent, or anything that
16 you'd like to give of interest to yourself. With that,
17 Susan.

18

19 MS. WELLS: Susan Wells, Kenai.

20

21 MR. JOHN: Fred John, Jr., Mentasta Lake.

22

23 CHAIRMAN LOHSE: Ralph Lohse, Chitina.

24

25 MR. ELVSAAS: I'm Fred Elvsaas, Seldovia.

26

27 MR. DEMENTI: Gilbert Dementi, Cantwell.

28

29 MR. CHURCHILL: Bob Churchill, Anchorage.

30

31 MS. PETRIVELLI: Pat Petrivelli, Office
32 of Subsistence Management.

33

34 MR. KNAUER: Bill Knauer, Office of
35 Subsistence Management.

36

37 MR. BOYD: Tom Boyd, Assistant Regional
38 Director, Office of Subsistence Management, Fish and
39 Wildlife Service.

40

41 MS. GOTTLIEB: Judy Gottlieb, with the
42 National Park Service.

43

44 MS. SHARP: Devi Sharp, Wrangell-St Elias
45 National Park and Preserve.

46

47 MR. TWITCHELL: Hollis Twitchell, Denali
48 National Park and Preserve.

49

50 MR. BURCHAM: Milo Burcham, the Forest

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1 Service in Cordova.

2

3 MR. KING: Mark King, Native Village of
4 Eyak, Cordova.

5

6 MR. TAUBE: Tom Taube, Alaska Department
7 of Fish and Game, Glennallen.

8

9 MS. SCOTTON: Sandy Scotton, Wrangell-St.
10 Elias National Park.

11

12 MS. JARRETT: Danielle Jarrett, Fish and
13 Wildlife Service.

14

15 MR. VOSS: Greg Voss, Fish and Wildlife
16 Service.

17

18 MR. NELSON: Dave Nelson, National Park
19 Service, fishery biologist here in Anchorage.

20

21 MR. BUCKLIS: Larry Bucklis, Office of
22 Subsistence Management. I'm a fishery biologist assigned
23 to this Council team.

24

25 MR. VEACH: Eric Veach, Wrangell-St.
26 Elias National Park.

27

28 MS. STICKWAN: Gloria Stickwan, Copper
29 River Native Association.

30

31 MS. ROGERS: I'm Kari Rogers, and I'm a
32 biologist for the BLM in Glennallen.

33

34 MS. TAKESHORSE: I'm Brenda Takeshorse,
35 liaison for the BLM.

36

37 MR. BRELSFORD: Good morning. I'm Taylor
38 Brelsford, and I serve with the BLM as the Staff
39 Committee member.

40

41 MR. UBERUAGA: Richard Uberuaga, Office
42 of Subsistence Management.

43

44 MR. HOLBROOK: Ken Holbrook, Chugach
45 National Park.

46

47 MR. LAMBERT: Mike Lambert, Native
48 Village of Eyak, tribal biologist out of Cordova.

49

50 MR. ZEMKE: Steve Zemke, Chugach National

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1 Forest.

2

3 MR. CARPENTER: Michael Carpenter. I'm
4 just an observer, making sure you guys are doing your
5 job.

6

7 MR. HALL: Jim Hall. I'm here with the
8 Kenai National Wildlife Refuge.

9

10 MR. REID: Mason Reid, Wrangell-St. Elias
11 National Park and Preserve.

12

13 MR. LAPLANT: Dan Laplant, Office of
14 Subsistence Management.

15

16 UNIDENTIFIED SPEAKER: Excuse me, we left
17 out the people in the back row.

18

19 CHAIRMAN LOHSE: I already saw that.
20 I'll get them.

21

22 UNIDENTIFIED SPEAKER: Okay.

23

24 MS. HILDEBRAND: Ida Hildebrand, BIA
25 Staff Committee member.

26

27 MS. DEWHURST: Donna Dewhurst, Office of
28 Subsistence Management.

29

30 MS. WRIGHT: I'm Sherry Wright, with the
31 Department of Fish and Game. I'm the Board Support
32 Southcentral Coordinator.

33

34 MR. HAYNES: Terry Haynes, Department of
35 Fish and Game, State's liaison team.

36

37 MR. DAVIS: Richard Davis, Office of
38 Subsistence Management, Public Affairs Specialist.

39

40 MS. HAMILTON: Deanne Hamilton, Native
41 Voice Communications. We're working on a half-hour
42 program for U.S. Fish and Wildlife on the RAC's and the
43 public participation.

44

45 REPORTER: Nathan Hile. I represent
46 Computer Matrix. I'm the court reporter.

47

48 CHAIRMAN LOHSE: Can you get the back row
49 back there?

50

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1 MS. LOHSE: Lonita Lohse, Chitina Native
2 Corporation.

3
4 MR. LOHSE: Robert Lohse, Lower Tonsina.

5
6 MR. GOODLATAW: Johnny Goodlataw, Tazlina
7 Village.

8
9 MS. NICHOLAS: Jane Nicholas, Cantwell.

10
11 MR. EWAN: Morris Ewan, Gulkana Village.

12
13 CHAIRMAN LOHSE: Thank you all for
14 introducing yourselves, and we'll try our best to
15 remember who everyone is, although we won't do it
16 perfectly. But, it's always nice to see somebody other
17 than staff out there. So, with that, we'll go on to the
18 review and the adoption of the agenda as it's printed
19 before you. Do I have any revisions or additions that
20 anybody would like to add to it at this point in time or
21 would like a change in order? Sorry. Do we have any
22 other.....

23
24 MR. HOLBROOK: Mr. Chairman.

25
26 CHAIRMAN LOHSE: Yes.

27
28 MR. HOLBROOK: I'd like to add the Forest
29 Service to the Staff Committee Reports.

30
31 CHAIRMAN LOHSE: You'd like to add the
32 Forest Service to the Staff Committee Reports? Any other
33 additions or changes that anybody would like to make to
34 the agenda?

35
36 (No audible responses)

37
38 CHAIRMAN LOHSE: Hearing none, a motion
39 to adopt the agenda is in order.

40
41 MR. CHURCHILL: So moved.

42
43 MS. WELLS: I'll second.

44
45 CHAIRMAN LOHSE: It's been moved and
46 seconded to adopt the agenda. Any discussion? If not,
47 the question has been called. All in favor, signify by
48 saying Aye.

49
50 IN UNISON: Aye.

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1 CHAIRMAN LOHSE: All opposed, signify by
2 saying nay.

3

4 (No opposing responses)

5

6 CHAIRMAN LOHSE: Motion carries. At this
7 point, we go to the review and the adoption of the
8 minutes on tab B in your folder. A motion to adopt the
9 minutes is in order so that we can put it up for
10 discussion. Do I hear a motion to adopt the minutes of
11 the October 1st through 3rd Fall Meeting of the
12 Southcentral Regional Advisory Council?

13

14 MR. ELVSAAS: I'll move.

15

16 CHAIRMAN LOHSE: It's been so moved. Do
17 I hear a second?

18

19 MR. CHURCHILL: Second.

20

21 CHAIRMAN LOHSE: It's been moved and
22 seconded. Okay, discussion? Any additions, changes or
23 corrections? Ann.

24

25 MS. WILKINSON: Mr. Chairman, I was
26 informed last week by telephone that I made an error on
27 page seven under public testimony regarding Wilson Justin
28 -- that he is a member of the Cheesh' Na Council. And
29 then, on.....

30

31 CHAIRMAN LOHSE: Okay, instead of the
32 Chitina?

33

34 MS. WILKINSON: Right. And.....

35

36 CHAIRMAN LOHSE: Yeah.

37

38 MS. WILKINSON:I know that. I
39 don't know why I put it in incorrectly.

40

41 CHAIRMAN LOHSE: Uh-huh. I missed it.

42

43 MS. WILKINSON: And then, on the last
44 paragraph, Mr. Joseph Hart, representing the Ahtna Land
45 Department. And those are the only two that I am aware
46 of.

47

48 CHAIRMAN LOHSE: Now, is that the Ahtna
49 Land Department of the corporation?

50

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1 MS. WILKINSON: Yes.

2

3 CHAIRMAN LOHSE: So, it's -- okay. Are
4 there any others? Bob.

5

6 MR. CHURCHILL: Not a correction, but
7 just a question. On page two, at the bottom, it says --
8 referring to Mr. Boyd's comments -- it says he also
9 confirmed that an immediate effect would be to provide
10 subsistence users a priority in times of shortage. This
11 may go with the discussion later. I was curious. Is
12 that a shortage in terms of the resource? In other
13 words, say, a total run of sockeyes is considerably down,
14 or does that focus on harvest? You may have situations
15 where you have a shortage in terms of harvest but not in
16 resource. Is that something that the Committee has
17 discussed, or is that something we can talk about later?

18

19 CHAIRMAN LOHSE: We can talk about it
20 later, Bob, but my understanding is that's a resource
21 issue right there, when there's a shortage of the
22 resource, not a shortage of the harvest.

23

24 MR. CHURCHILL: Thank you.

25

26 CHAIRMAN LOHSE: I'll stand corrected if
27 any of the other Council members -- okay, thank you.
28 Fred, do you have something to say?

29

30 MR. ELVSAAS: No.

31

32 CHAIRMAN LOHSE: Well, if there's no
33 further discussion, we have a motion on the table.
34 Question is in order.

35

36 MR. ELVSAAS: Question.

37

38 CHAIRMAN LOHSE: The question has been
39 called. All in favor of approving the October 1st
40 through 3rd minutes of the Southcentral Subsistence
41 Regional Advisory Council signify by saying Aye.

42

43 IN UNISON: Aye.

44

45 CHAIRMAN LOHSE: All opposed, signify by
46 saying nay.

47

48 (No opposing responses)

49

50 CHAIRMAN LOHSE: Motion carries. Okay,

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1 at this point in time, we have the Chair's report.
2 That's me. I don't have a lot to report that isn't here
3 under tab C. If anybody wants me to go through all of
4 stuff on tab C, I can. Otherwise, you can look under tab
5 C in your book. We basically have a Council Chairs
6 meeting that's chaired by Bill Thomas from Southcentral
7 prior to the Board meeting in December. If you turn to
8 tab C, you can see we discussed quite a few things,
9 everything from compensation to Council members to the
10 need for interaction with foreign nations and entities on
11 resources across the line, like salmon. We asked for --
12 not representation, but that we be included, at least, in
13 North Pacific Fishery Management Council programs so that
14 we could at least have input and know what's going on.
15 Quite a few different things. Like I said, if you look
16 under tab C, it's there. The biggest one is, as
17 everybody knows, customary trade. And, as that has been
18 brought to the individual Councils, there's really no
19 need to go over what we, as Chairs -- to go over what we
20 said on it. Basically, what we said is in the minutes
21 right here. The action that the Board took on the
22 proposals that we recommended or didn't recommend can be
23 found on pages 10, 11, and 12. If there's any questions
24 on any of those, I'll be happy to try to answer them for
25 you, or we can get a member of the staff to answer them
26 for you. And that's pretty much what we did. I'm
27 looking -- I'm trying to remember on the 805 Letter, Ann.
28 Can you refresh my mind on that one there? I don't
29 remember that one. I lost it.

30

31 MS. WILKINSON: Mr. Chairman, that is the
32 one on page nine?

33

34 CHAIRMAN LOHSE: That is the one on page
35 9.

36

37 MS. WILKINSON: Yeah.

38

39 CHAIRMAN LOHSE: Okay. That's the.....

40

41 MS. WILKINSON: That's the response from
42 the.....

43

44 CHAIRMAN LOHSE: That's their reply to
45 us.

46

47 MS. WILKINSON: Right.

48

49 CHAIRMAN LOHSE: Okay. I guess it just
50 wasn't classed as that, and I missed it. Any other

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1 questions? Any questions from the Council on the Chairs
2 meeting or the Board meeting? The Board's been very good
3 at letting the Council have input, both in the Board
4 meeting and in the Chair board meeting ahead of time. I
5 feel like we have a fairly good rapport with them, a
6 fairly good working relationship. In fact, a real good
7 working relationship. With that, we're going to go on to
8 number 7 on our agenda, which is to elect a Council
9 secretary. At this point in time, nominations are in
10 order.

11

12 MR. ELVSAAS: Mr. Chairman.

13

14 CHAIRMAN LOHSE: Yes, Fred.

15

16 MR. ELVSAAS: Could you outline what the
17 secretary does?

18

19 CHAIRMAN LOHSE: Mr. Chairman, I'm going
20 to leave that up to Ann to give us a rough outline on
21 that.

22

23 MS. WILKINSON: Primarily, the duties of
24 the secretary would be to take the roll call and
25 establish a quorum; to -- it would be very helpful for me
26 to really review the minutes thoroughly -- the draft
27 minutes; and, also, in case the Chairman or Vice Chair is
28 not present to chair the meeting.

29

30 CHAIRMAN LOHSE: Does that answer your
31 question?

32

33 MR. ELVSAAS: But you take the minutes,
34 right?

35

36 MS. WILKINSON: Yes.

37

38 MR. ELVSAAS: Yeah. So, it's not a --
39 oh, I'm out of it, because I'm Vice Chair. But, just
40 everybody understands, it's not a 24-hour job, but we do
41 need a secretary.

42

43 CHAIRMAN LOHSE: Do I hear any
44 nominations? Do I hear any volunteers?

45

46 MR. CHURCHILL: Sure. I'd be happy to
47 volunteer.

48

49 CHAIRMAN LOHSE: Volunteer, okay. Are
50 there any other nominations or volunteers? Don't

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1 everybody speak at once.

2

3 MR. ELVSAAS: Do you need to formalize
4 that in a motion?

5

6 CHAIRMAN LOHSE: Yeah. We need to
7 formalize that in a motion.

8

9 MR. ELVSAAS: I would move that we
10 nominate Robert Churchill for secretary.

11

12 CHAIRMAN LOHSE: Do I hear a second?

13

14 MR. DEMENTI: I second it.

15

16 CHAIRMAN LOHSE: And moved and seconded.
17 Any further discussion, or anybody else would like to put
18 their name on the agenda? Hearing none, motion is in
19 order. All in favor, signify by saying Aye.

20

21 IN UNISON: Aye.

22

23 CHAIRMAN LOHSE: Opposed, signify by
24 saying nay.

25

26 (No opposing responses)

27

28 CHAIRMAN LOHSE: Motion carries. You're
29 it. Okay, at this point in time, I'm going to reiterate
30 what Ann said before. We have opportunities for public
31 testimony. There are blue slips back there that look
32 like this. They need to be filled out and given to Ann
33 if you wish to testify on an issue. You can testify at
34 any time during this meeting, and if you have a number of
35 proposals you'd like to testify on directly you can
36 indicate that on your blue slip. If you'd like to just
37 testify in general at public testimony time, which is
38 right now, you can indicate that on your slip.

39

40 And we kind of run an open meeting that
41 way. We give anybody the opportunity to testify if
42 they've got something that they think that they can add
43 to any of our discussion that's going on. We run a very
44 open meeting when it comes to allowing public testimony.
45 And, on there, it's got a proposal number. If you put
46 the proposal number on, then what we'll do is we'll call
47 on you when we deal with that proposal. If you'd like to
48 just testify in general, we'll allow you to do it now or
49 at any other time during the meeting. So with that in
50 order, I've got a couple up here, but both of them, I

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1 think, are for specific proposals. And, if I'm not
2 wrong, I will save until we get on those proposals. So,
3 if there's anybody else that wishes to testify, fill out
4 a blue slip and give it to Ann.

5
6 With that, we're going to go on to tab D
7 in your folder. Ann, everybody has access to a folder
8 like this, right?

9
10 MS. WILKINSON: (Inaudible reply)

11
12 CHAIRMAN LOHSE: Okay. Tab D are the
13 proposals that we have before us. Or, actually, tab D is
14 the procedure for submitting a proposal, and proposals
15 can be submitted by anybody. And, as we go through these
16 proposals, what we're going to do as we're going to
17 discuss them -- we're going to, first of all, introduce
18 the proposal and give an analysis of it by the staff.
19 The Alaska Department of Fish and Game is going to be
20 open for comments. We're going to allow any other agency
21 to give comments. The Fish and Game advisory committees
22 are open for comments, and we'll have a summary of the
23 written public comments. We'll have public testimony.
24 And then, the Council will go into deliberation,
25 recommendation, and voting on the proposals before us.

26
27 With that, we're going to go on to
28 proposal one, which is to include brown and black bears
29 in the furbearer's definition and allow parts to be sold
30 and that's going to be introduced by Donna Dewhurst and
31 you'll find that under tab D.

32
33 MS. DEWHURST: That's correct, to be tab
34 D and starting on page one. This proposal was submitted
35 by Craig Fleener of Fort Yukon, and, as Mr. Chair said,
36 it requests black and brown bears to be classified as
37 furbearers. At the previous Councils I presented this
38 at, I've kind of gotten some funny looks when I said that
39 because they understand what the implications of that
40 are. It's two-fold. One is, if we classify them as
41 furbearers, it means we could therefore leghold traps to
42 trap them where, right now, that's illegal. And the
43 other aspect and the more important aspect is it would
44 allow the sale of bear parts -- hides, claws, gall
45 bladders, whatever -- bear parts.

46
47 This issue has been around for a long
48 time. The sale of brown bears -- basically, brown bear
49 parts -- has been illegal since 1925, so way before we
50 were even a state. Black bears was legal up until the

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1 early 70's, and then the sale of black bear hides then
2 became illegal. There is a large commercial market for
3 these bear parts -- the hides, the claws, skull, teeth,
4 gall bladders especially. And in some parts of Canada
5 and certain states in the Lower 48 it actually is legal,
6 primarily the black bear parts. Most areas still protect
7 brown bears.

8

9 The other issue that gets involved is
10 there's also a very extensive black market for these
11 parts, which has been a problem in Alaska, especially
12 when we start talking gall bladders. There is an Asia
13 market. Gall bladders are considered an aphrodisiac in
14 Asia, and people will pay a great deal of money for just
15 the gall bladders. Same with the claws. The claws can
16 be ground up and considered to be an aphrodisiac.

17

18 So that's one side of the coin,
19 basically. The other aspects -- many parts of the State,
20 there are cultural reasons to not permit the sale. For
21 example, Inupiat of the Seward Peninsula and western
22 Alaska feel very strongly to protect -- the hunting of
23 bears is -- bears are considered to be sacred and you
24 don't discuss it. You would not discuss the sale, and
25 selling parts would be not giving due respect to the
26 bears. So, it has a cultural aspect also.

27

28 This proposal is statewide, so it's going
29 to all the Councils. It has already gone to, I believe,
30 three Councils. I presented at two of three. Just to
31 give you a quick synopsis, North Slope Council supported
32 the staff recommendation, which we'll get to in a minute.
33 Seward Peninsula Council, they opposed the proposal.
34 They didn't go with the staff recommendation because the
35 aspect of allowing handicrafts of black bears -- they
36 don't have very many black bears on the Seward Peninsula,
37 so they basically didn't want to vote on anything that
38 concerned black bears until they heard more from the
39 Athabaskans of the interior. So they felt like they
40 didn't have adequate information, so they didn't want to
41 deal with that aspect of the proposal. So they basically
42 opposed it, in general. And then the other Council
43 that's already reviewed it is Eastern Interior, which is
44 where the proponent is, and they basically deferred it
45 because the proponent, Craig Fleener, is with the
46 National Guard and he's unavailable to explain why he
47 made the proposal or any of the details. So they
48 deferred dealing with it at this time because of that.
49 So that's what the three Councils that have addressed it
50 so far have felt. Like I mentioned, this will go to all

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1 the Councils, and everybody will get a shot at it.

2

3 The staff recommendation is, in general,
4 to oppose the proposal primarily because, on the State
5 side, it's illegal and there are a lot of complex issues
6 involved with commercialization of the sales. And, like
7 I mentioned, the whole black market issue is a very
8 sensitive issue for a lot of people. And you can look at
9 one side of the coin and I think part of why it was
10 originally proposed was the concern that bears in many
11 parts of the State are getting too common and if we
12 allowed sale of certain parts it would promote people to
13 hunt and trap bears and that, I think, was the idea. But
14 the other concern on the other side of the coin is the
15 danger of opening up something that could get out of hand
16 with commercialization of the sales. So, in general,
17 given these legal and jurisdictional issues and the whole
18 aspect of being very careful in going into the commercial
19 market, we're opposing it. But, under State regulation,
20 there is one aspect that's legal right now and that is
21 handicrafts from the fur of black bears are allowed to be
22 sold under State law; and, under current Federal
23 regulations, they are not. So, the one thing under the
24 staff recommendation is we're opposing all aspects except
25 to line up with the State under the current regulations,
26 which would be to allow the sale of handicrafts from the
27 fur of black bears, and that's the staff recommendation.
28 And that's all, Mr. Chair.

29

30 CHAIRMAN LOHSE: Does anybody have any
31 questions for Donna? Bob.

32

33 MR. CHURCHILL: Yeah, through the Chair.
34 Question: In reading the booklet and some input from --
35 particularly one from, I think, Joe Matty -- he indicated
36 that the sale price for both gall bladders and bear parts
37 -- that prices have dropped dramatically over the last
38 couple of years. Do you have any information on that one
39 way or another?

40

41 MS. DEWHURST: With the gall bladders,
42 there was an influx in the market of cow gall bladders
43 that flooded the market, and suddenly gall bladders
44 became much more common. But then, when the Fish and
45 Wildlife forensic lab looked at some of these gall
46 bladders, they quickly realized they weren't bear. And I
47 guess once they're dried and a little shriveled form it's
48 hard to tell what the gall bladder came from. But, it
49 did saturate the market with gall bladders and lowered
50 the price. But, in reality, people, I guess, have to

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1 watch what they buy because they weren't getting the real
2 entity. Now, I have no idea if the aphrodisiac value of
3 a cow gall bladder is equivalent to a bear, but that's
4 what happened.

5
6 MR. CHURCHILL: Can I follow up, please?
7 I guess I wasn't quit so interested in the gall bladder
8 aspect, and I agree with you. I probably couldn't tell
9 one dried gall bladder from another. But, no, I was
10 talking specifically about bear parts and I've looked at
11 some catalogues myself from where it's legal to sell
12 those things and the prices don't seem to be exorbitant,
13 at least not one that probably attract a huge market for
14 them. And I'm really more interested in the black bear
15 issue. I tend to agree with the brown bear issue,
16 keeping that closed.

17
18 MS. DEWHURST: My guess on that would be
19 two-fold. One, would be the fact that furs in general
20 have gone way down because the interest, especially in
21 the Lower 48. It's kind of an anti-fur market right now.
22 So that would easily explain why the value of black bear
23 fur or brown bear fur wouldn't be real high right now.
24 The other aspect is in the past five to 10 years we've
25 gotten a lot of hides coming in from Russia, where's
26 there's been a new interest over there, and they're
27 coming across. So, I think, between the two -- but I
28 suspect the biggest thing is just the drop in the fur
29 market in general.

30
31 Generally, furs aren't the concern. The
32 concern seems to be more claws and gall bladders, and
33 that's what my personal has been. Working on the Alaska
34 peninsula, we worked a number of cases where bears were
35 found and the only thing removed were the claws and the
36 gall bladders. They didn't mess with the hides. So,
37 obviously, there wasn't a big black market for the hides.
38 That wasn't the main issue.

39
40 MR. CHURCHILL: One more follow-up. When
41 were those cases that you were referring that you were
42 investigating?

43
44 MS. DEWHURST: Well, they're ongoing even
45 recently, but the ones that I personally was involved in
46 was four to five years ago. But, I know just for a fact
47 keeping up with them that they're still ongoing.

48
49 MR. CHURCHILL: Thank you very much.
50

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1 CHAIRMAN LOHSE: Any other questions for
2 Donna? I have a couple. Donna, could you explain for
3 the purposes of everybody present the difference between
4 methods and means of taking of a furbearer versus methods
5 and means of taking of a game animal?

6
7 MS. DEWHURST: Well, the main thing is
8 the trapping aspect, and that's what I mentioned earlier
9 -- that the primary difference would be as a furbearer
10 you could use leghold traps, which is.....

11
12 CHAIRMAN LOHSE: Or snares?

13
14 MS. DEWHURST: Yeah, or snares. And the
15 snares isn't as controversial as the leghold traps. A
16 few years ago that was a big issue on those. You use
17 those -- I don't know the number but it's those really
18 large leghold traps for a brown bear and it was a public
19 safety issue that kind of raised public uproar, in that
20 people didn't think these were good to be around, and
21 that if a child or somebody else stepped in one --
22 because of the large size of those leghold traps --
23 somebody could get hurt. So, they basically were phased
24 out and made illegal over a number of years, and this
25 would, then, legalize use of those large leghold traps
26 again.

27
28 CHAIRMAN LOHSE: I kind of disagree with
29 that, Donna, because I think we have a -- correct me if
30 I'm wrong, but I think we have in the regulations a size
31 limit. There's a jaw spread limit currently on leghold
32 traps, if I remember. I'm not exactly sure, but I don't
33 think you can have one over 10 inches or something like
34 that right now. And, so, the fact that you would
35 legalize the trapping of them wouldn't necessarily
36 increase the size of the trap that you can use.
37 Currently, some of the wolf traps that are used would
38 catch black bears with no problem, and they're currently
39 legal anyhow. And the snaring hasn't been addressed, but
40 the snaring would actually be probably a more common way
41 to catch bears than would leghold traps. Game animals
42 are not allowed to be taken by those methods and means
43 under current law. Am I correct.

44
45 MS. DEWHURST: That's correct, and I'll
46 defer. Bill Knauer is in the audience, and he's more
47 familiar with the ins and outs. I don't think we have
48 the size limits on the Federal regs. I think that's on
49 the State regulations. Bill's back there someplace.
50

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1 MR. KNAUER: Good morning, Mr. Chairman.
2 Bill Knauer here. In looking over the regulations, I
3 find that the only size limit relates to the taking of
4 otter during any closed mink or marten season. There
5 does not appear to be any size limit in the Federal
6 regulations on trap size that I can find.

7
8 MS. DEWHURST: It's nine inches.

9
10 MR. KNAUER: Well, somebody pointed to a
11 different -- a steel trap, there is one that prevents a
12 steel trap with a jaw spread over nine inches or a
13 Conibear over 11 inches.

14
15 CHAIRMAN LOHSE: So, currently, the
16 regulation for trap size is already on the book. A nine
17 inch is basically a four and a half.

18
19 MS. DEWHURST: Uh-huh. (Affirmative)

20
21 MR. KNAUER: Uh-huh. (Affirmative)

22
23 CHAIRMAN LOHSE: So, legalizing the
24 taking of bears as furbearers would not necessarily
25 rescind the law on trap size. The trap size law would
26 still be there. A couple of other question. Brown and
27 grizzly bears come under CITA, don't they, the
28 international trade?

29
30 MS. DEWHURST: I am not positive on that.
31 I know that brown bears are protected in several states
32 in the Lower 48 still, and I think they're threatened
33 status.

34
35 CHAIRMAN LOHSE: Yeah.

36
37 MS. DEWHURST: But, I'm not sure. I
38 believe you're right, but I can't say a hundred percent.

39
40 CHAIRMAN LOHSE: Yeah. I don't think
41 black bears are in any place or any way. And I was under
42 the impression that the galls were used in the oriental
43 countries to treat all kinds of diseases more than as an
44 aphrodisiac, that it's actually used for treatment for
45 different kinds of fevers and sicknesses and things like
46 that. Okay, any other questions for Donna on this one?

47
48 MR. JOHN: Permission? I just want to
49 hear the reason why they want black bear and brown bear
50 to be classified as a furbearing animal.

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1 MS. DEWHURST: My understanding, the
2 proponent's wish was to try to provide incentive to get
3 subsistence users to take more bears, primarily in his
4 area, but he was also interested statewide because of the
5 concern in the interior that predator numbers have
6 increased and their impacts on caribou and moose.

7

8 MR. JOHN: Mr. Chairman. Is that
9 probably the only reason?

10

11 MS. DEWHURST: That's my understanding.
12 We haven't been able -- that was part, I think, why
13 Eastern Interior deferred was because they wanted more
14 clarification from the proponent. But, as I mentioned,
15 with his National Guard duty he isn't available. I think
16 he's even out of the country, so they couldn't get
17 further clarification on some of the questions.

18

19 MR. JOHN: Thank you.

20

21 CHAIRMAN LOHSE: Now, Donna, in his
22 justification for it he talks about benefits. It kind of
23 looked to me like what he was indicating is that there
24 would be a chance for financial benefits for subsistence
25 users. Whether the underlying purpose was to increase
26 the take, one of the things that's come up in a lot of
27 our meetings has been the fact that we have a very low
28 calf survival for moose and caribou and the bears have
29 been indicated as a -- well, actually, even a higher take
30 of the calves than the wolves have been. I know some of
31 the studies that have been done up in Unit 11 the
32 majority of the calves that have been taken have been
33 taken actually by black bear versus wolves. So, that
34 could be part of his reasoning, but the reasoning that he
35 stated in there was financial benefit. Ida.

36

37 MS. HILDEBRAND: Thank you, Mr. Chairman.
38 Ida Hildebrand, BIA Staff Committee member. For your
39 information, on page two of this proposal, under
40 reasonings, he states that to allow subsistence users to
41 use bear hides and other parts, and I believe in the text
42 itself it states to totally utilize the animal and have
43 some gain from the sale, although it would be minimal.

44

45 CHAIRMAN LOHSE: Yeah. Yeah, I think
46 that's something that we'd have to remember is that it's
47 not how large a gain. It's the fact that there is a gain
48 involved is what he's proposing. As we read in the staff
49 analysis and everything, there's not a big market at this
50 point in time for black bear hides. There's always been

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1 a black market for grizzly bear hides, and there has been
2 -- I think not only in the area that you talked about but
3 in other areas of the state there definitely has been
4 illegal poaching of black bears just for the parts that
5 are commercially sellable. At the same time, there are a
6 lot of other parts that aren't used because the
7 individual that takes the bear for meat or something has
8 no need for -- it currently costs so much to have a hide
9 tanned that it's easier to throw the hide away, if you
10 took the bear for meat, than it is to send the hide in
11 and have it tanned and that's what happens in a lot of
12 cases.

13

14 Any other discussion? I don't think we
15 have any public testimony on this one right here. Is
16 there anybody from the public that would like to testify?
17 Mark, can you fill out a blue slip and.....

18

19 MR. KING: Sure.

20

21 CHAIRMAN LOHSE:and give it to Ann?

22

23 MR. KING: Do you want me to do it now?

24

25 CHAIRMAN LOHSE: No. Just do your
26 testimony, and then give her a blue slip when you're
27 done.

28

29 MR. KING: Under the State regulations,
30 most of the brown bear harvest is for sport hunting and
31 most of the people that are hunting these bears are for
32 trophies and they take them to a taxidermist and if they
33 don't pick the animal up then the taxidermist has the
34 authority to sell that trophy. That's one way that
35 they're being sold. The other way is if a bear is killed
36 in defense of life or property, under the State
37 regulation that bear has to be turned in to the State and
38 then they will auction that off.

39

40 I think that if a bear is, you know,
41 found dead, then I think that a person should be allowed
42 to salvage parts off that bear -- you know, the claws,
43 the meat, the hide -- if the hide isn't slipping -- or
44 whatever, you know. The way that the State has regulated
45 this taking the bears has just been for sport and trophy
46 hunting. And so, you get people that are harvesting
47 bears for food and want to utilize the hide and the claws
48 and the skull and all the parts of the animal for their
49 own use, then they should have the right to be able to
50 sell those parts, I think. And I don't think you're

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1 going to see a big increase in take, necessarily, but
2 you're going to see better use of the animal. You know,
3 a sport hunter will shoot a big brown bear and take the
4 hide off of it and have a trophy mounted out of it and
5 then leave all the meat, the bones -- they'd take the
6 skull.

7

8 And I think of this as, you know, you can
9 look at this like marine mammal parts, you know, that you
10 find washed up on the beach. You know, there's a way, I
11 think, that you can salvage whalebone, and I know there's
12 people salvaging walrus tusks and things and stuff like
13 that and using them for art projects, or whatever. So, I
14 think that, you know, it should be legal myself to use
15 these parts and just be more responsible for the use of
16 the whole animal.

17

18 Sally Coatenberg (ph) made me a pair of
19 brown bear mittens before, you know. But, it would be
20 illegal for me to sell those mittens. I've made brown
21 bear claw necklaces, you know, and under the regulations
22 now it's illegal to sell those. And, you know, a lot of
23 times people are finding these bears with just their feet
24 cut off. It's a nuisance bear, and like Ralph was saying
25 it's so expensive to get the hide tanned, you know, that
26 people are naturally going to try and salvage, you know,
27 whatever parts that they might want to use off of that --
28 might be the reason why the feet are cut off the bear. I
29 might be wrong, but I don't think there's a huge black
30 market business going on in Alaska on bears, you know.
31 It would be quite a waste just to shoot a bear to take a
32 gall bladder out of it. I can't understand why somebody
33 would do that. And during AFN, if you go to where the
34 Alaska natives sell their crafts, you can go through
35 there, and there's bear tooth necklaces and bear claw
36 necklaces and stuff like that that are being sold there.

37

38 So, I just think that there should be
39 some sort of exemption, and I don't think that you need
40 to necessarily have them registered as a furbearer to do
41 it. And there would be a limit, I'm sure, of how many
42 animals could be taken, but I'd be in support of
43 something like this myself.

44

45 CHAIRMAN LOHSE: Any questions for Mark?
46 Susan.

47

48 MS. WELLS: Well, I don't know if it's
49 for Mark. The regulations read that it's currently
50 possible or allowable to create handcrafts from skins or

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1 claws, correct, if the bear has been hunted as a food
2 source or even as a sport as long as it's a handcraft?
3

4 MS. DEWHURST: Under current State
5 regulations, handicrafts are allowed to be made and sold
6 from the fur of black bears only. So, it's only a fur
7 thing. So claws wouldn't be included. It would just be
8 fur. And that's under the current State regulation. We
9 don't have any provisions currently under Federal
10 regulation for handicrafts or any other aspects of sales.
11

12 CHAIRMAN LOHSE: Any questions for Mark?
13 Bob.
14

15 MR. CHURCHILL: Yeah, Mark, and through
16 the Chair. You made some references I found interesting,
17 too. In my limited travels in the interior, particularly
18 including Venetie, Arctic Village and Fort Yukon, my
19 impression is that the wolverine is held in quite high
20 esteem in the scale of the spirit value, and I see the
21 ruffs and other trade items. I'm saying that my
22 experience has been the same as yours. Also,
23 particularly black bears, there's some beautiful
24 handicrafts that have been given as gifts with no
25 disrespect intended to the animal or its spirit. And I
26 guess, again, my limited experience has more to do with
27 what you take out of the field, and that's pretty
28 commonly burying the head or placing the head facing
29 east. So, I guess what I'm struggling with in a long way
30 around is I certainly don't see anything inconsistent
31 with using the claws or skull or other parts where you
32 have subsistence users that have that as a resource and
33 to turn that into cash for other goods to support their
34 lifestyle. Do you see any inconsistencies with that?
35

36 MR. KING: Not at all. I don't see any.
37 You know, I just don't like to see things wasted myself,
38 and if there's an opportunity to -- you know, if somebody
39 shoots a bear if it's a nuisance bear or it's causing a
40 problem or something -- I don't know, I shot one in
41 defense of life or property one time and I had to turn it
42 in to the Fish and Game fellow that made a report on it
43 and everything. And I said, well, can't you make some
44 exemption? I'd like to have the hide and, you know,
45 whatever else. Oh, no, no, no. They wouldn't even tell
46 me where they were going to auction it off. So, I wasn't
47 too happy about that.
48

49 CHAIRMAN LOHSE: Any other questions for
50 Mark?

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1 MR. ELVSAAS: Mr. Chair, was that a brown
2 bear or a black bear?

3

4 MR. KING: Brown bear.

5

6 MR. ELVSAAS: Oh, okay.

7

8 CHAIRMAN LOHSE: Thank you, Mark. I have
9 a few questions that, from Mark's discussion, came up in
10 my mind. First of all, if brown bear or black -- or if
11 individually or both -- were classified as furbearer,
12 would that automatically allow trapping, or can
13 individual restrictions be made on the take of the animal
14 and still classify them as furbearer? My understanding
15 would be that individual restrictions could be made for
16 that animal. Now, I do know that occasionally at this
17 point in time a black bear or a brown bear will get
18 caught in somebody's trap and under current law those are
19 usually a wasted bear or a bear that gets turned in to
20 Fish and Game one way or the other. But, I'm under the
21 impression that we -- not we, meaning us as a Council,
22 individually, but as a lawmaking body -- could put
23 restrictions on the method and means of take of
24 something. Just because it's classed as a furbearer does
25 not automatically allow bear traps or even automatically
26 allow snaring of bears.

27

28 In answer to Mark's comments on salvaging
29 bears, I think that salvaging bears comes under the same
30 classification as salvaging roadkills. You aren't
31 allowed just because you see a roadkill to stop and take
32 something off the roadkill. Technically speaking, a
33 roadkill is the property of the State unless they give it
34 to you or tell you to go salvage it.

35

36 We had a bear drown in the lake last year
37 -- right across thin ice and fall -- drowned in the lake,
38 right in the middle of our trapping grounds. The wolves
39 came and were eating the bear out of the ice. The ice
40 was gradually closing over the top of the bear. I
41 requested permission to take the bear out of the ice and
42 move him someplace else so the wolves could get at him
43 better. I was told I couldn't touch the bear. I didn't
44 kill the bear. I didn't take the bear. I couldn't touch
45 the bear. I could set traps around him, where he was,
46 but I was not to take any parts off the bear. I was not
47 to move the bear. Basically, the bear sunk into the
48 bottom of the lake when Spring came and the ice thawed.
49 That's because that's an animal that you haven't taken.
50 And, like I said, I think that comes under the same

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1 classification as if it was a roadkill. So, you don't
2 really have a chance to take it.

3

4 I have a question, though. I was under
5 the impression that once a bear hide was mounted or
6 turned into a rug or a deer was mounted and you had a
7 mount on your wall in your home that that became personal
8 property and, at that point in time, once it was a
9 finished product it was no longer a raw animal product
10 and that you could sell that personal property. You see
11 them in estate sales. You see people that go around and
12 buy them up from people. They buy up mounts, take the
13 horns off to make lamps and chandeliers and stuff like
14 that. And somebody should correct me if I'm wrong, but
15 if a person goes through all the effort to take that bear
16 and turn it into a piece of furniture and puts it into
17 their house and has it in their house as personal
18 property are they then allowed to sell that as a piece of
19 personal property just like it was a couch or a chair or
20 a painting on the wall?

21

22 MS. DEWHURST: I may be corrected, but
23 it's my understanding no. We've been involved in some
24 cases where people have gotten full bear mounts where
25 they're actually taxidermied in position and tried to
26 sell them, and we were told they couldn't -- and same
27 with the hides. Of course, things do happen and aren't
28 caught, but it's my understanding, though, it doesn't
29 change.

30

31 CHAIRMAN LOHSE: Susan.

32

33 MS. WELLS: Mr. Chair, my understanding
34 is correct the State presently has auctions for bear
35 hides whether they're brown or black?

36

37 MS. DEWHURST: Yeah. Those are those DOP
38 hides.....

39

40 MS. WELLS: And so.....

41

42 MS. DEWHURST:that are recovered.

43

44 MS. WELLS:are those hides -- if I
45 was to purchase one at your auction, I could then go and
46 sell it?

47

48 MS. DEWHURST: No. The State's the one
49 that does the auction, and you could purchase the hide at
50 the ADF&G auction, but you could not then sell it again.

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1 You could use it for your own personal use or you could
2 give it to somebody but you couldn't sell it.

3

4 MS. WELLS: Could I make it into
5 handicrafts and then sell it?

6

7 MS. DEWHURST: If it was black bear
8 handicrafts.....

9

10 MS. WELLS: Okay.

11

12 MS. DEWHURST:yes, you could, under
13 State law. Not under Federal law.

14

15 MS. WELLS: Thank you.

16

17 CHAIRMAN LOHSE: Any other discussion or
18 comments? Well, I'll throw in one or two more personal
19 opinion comments, and then we'll go on to try to come to
20 some kind of conclusion on this. I guess I have to go
21 along with Mark on one thing and that's the fact that I
22 hate to see something wasted that doesn't have to be
23 wasted and that's totally against the subsistence
24 tradition that are practiced by the Alaska natives or by
25 anybody else that does it. You don't purposefully waste
26 something. And I know in the interior -- or down in the
27 Cordova area, particularly -- we have people that do take
28 black bears for meat. And, at the current prices, to
29 have a black bear hide tanned -- like, where we live, we
30 have a limit of three black bears. We could take three
31 black bears for meat a year. Most people that I know up
32 there don't, but if they did most people I know couldn't
33 afford to have three black bear hides tanned just to
34 throw them around the house and do nothing with them.
35 And so, consequently, the meat is taken and the hides
36 thrown away. Now, we see that the hide is worth maybe 60
37 bucks on an auction, on the average. Sixty dollars isn't
38 much, but \$60 is better than throwing something away.
39 And \$60 would mean that somebody would probably bring it
40 out of the woods and salt it and sell it, rather than
41 send it in and have it tanned.

42

43 Out on the peninsula where I taught
44 school, people ate brown bear, and none of them had a
45 brown bear hide in their house. None of them thought it
46 was worthwhile to send a brown bear in to get it tanned
47 to make a rug to hang on the wall like a trophy hunter
48 would, but they still took brown bear for meat. Like I
49 said, the thought of just throwing something away -- at
50 the same time, you don't want to make a market and you

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1 don't want to increase illegal take. But, the take can
2 still be regulated. We have short limits on some of our
3 furbearers. Limits can be placed on how many can be
4 taken, just like we currently have right now. We're not
5 restricted to, if we make it legal, it automatically
6 becomes open and everybody can go out and set all the
7 bear traps that they want or all the snares that they
8 want. But, we could have it so that you could, under
9 current law, salvage and sell bears taken in subsistence
10 activities. And, with that in mind, I'm going to shut up
11 and let the rest of the Council decide what they would
12 like to do on this issue.

13

14 MR. ELVSAAS: Is it time for Council
15 deliberations now?

16

17 CHAIRMAN LOHSE: We're on Council
18 deliberations right now.

19

20 MR. ELVSAAS: Okay. Mr. Chairman,
21 looking at the issue, you know the proposal is for brown
22 bear and black bear. I think we would be wiser, at this
23 point, to split the difference between brown bear and
24 black bear because my feeling is that the black bear --
25 there's an abundance of them in our area and both in the
26 area around Seldovia and the Kachemak country as well as
27 on the west side of Cook Inlet. We had to do in four
28 bear last year. We salvaged the meat. Fortunately, I
29 had enough people that wanted the meat, and we salvaged
30 three of the hides. And I had called about the hides,
31 and I was told to bring the hides in, get them tagged
32 and, also, the skulls, so they could measure the skulls
33 for Fish and Game purposes, which was fine. We saved
34 three hides and let one go. We were busy fishing at the
35 time and didn't have much time to fool with it. We saved
36 the meat. Fish and Game informed me that they wanted 40
37 percent of the meat of each bear salvaged, and I said,
38 well, we thought we'd like to save all of the meat. And
39 they said, well, they meant at least 40 percent. So, I
40 think that's realistic. That means the hindquarters will
41 be salvaged at the very least.

42

43 In looking at the problem of the
44 abundance of bears now in the State killing off the moose
45 calves I would really like to see some method to take
46 more of these bears. I agree with Ralph. It's not
47 realistic to bring these hides in and have them tanned.
48 You can't afford it. I was fortunate that some of the
49 people I know wanted the hides. I gave them the hides,
50 and they were utilized. In turn, if you have a situation

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1 where you kill a bear and you don't want the hide, you
2 should be able to save the claws, at least. And some
3 people like the skulls and so forth, even if it's a head
4 mount or just the skull itself after you boil the meat
5 off of it. So, I think that in regards to the black
6 bears it sounds realistic.

7

8 But, looking at the brown bears, I'm not
9 sure that this idea applies, at least at this time.
10 Maybe we should do this in two steps, if we do it for
11 both, but I would prefer that we allow the taking of the
12 black bears for subsistence purposes. I don't know if we
13 want to call them furbearers. I don't view a bear as a
14 furbearing animal. But, on the other hand, if that's the
15 method to utilize the bear hides, the claws, the teeth,
16 whatever, maybe that is a way to go. But I would prefer
17 that we look at this as brown bears and black bears, not
18 just bears, period.

19

20 So, with that, I'd like to hear some
21 other thoughts on this. Also, one other thing is I
22 understand in talking with the State people -- Fish and
23 Game in Homer -- you can take as many black bears as you
24 want. There's no limit in our area. But, you know, to
25 get more than three or four they've got to be coming
26 around your place. You're not going to go miles out in
27 the back country and drag in four bears. With that, I'll
28 rest for now.

29

30 CHAIRMAN LOHSE: Yeah, Fred, your
31 question was correct, if we were to the point with
32 discussion of this. As usual, I jumped the gun. So you
33 and I did some discussion, but we were ahead of time. We
34 are supposed to, at this point in time.....

35

36 MR. ELVSAAS: Well, that's what I
37 thought.

38

39 CHAIRMAN LOHSE:go through the
40 whole procedure, which I have a tendency to forget. So,
41 with this, we're going to go to Alaska Department of Fish
42 and Game comments. A lot of the questions and issues
43 that have been brought up will probably be addressed by
44 the Alaska Department of Fish and Game, and some of the
45 questions that I asked Donna I should have asked them.

46

47 MR. HAYNES: Thank you, Mr. Chairman. My
48 name is Terry Haynes. I'm with the Alaska Department of
49 Fish and Game. Our comments on this proposal you'll find
50 on page 19 of your notebooks. And in some cases on these

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1 proposals, our comments may have changed based on the
2 staff analysis. So, the comments you see in this book
3 were based on looking at the original proposals. In this
4 particular case, we continue to oppose this proposal for
5 the reasons we give in our comments, as well as those
6 that Donna read as justification based on the Federal
7 staff review. You know, we support the use of black bear
8 hides for handicrafts just to be consistent with the
9 State regulations, but there are potential problems in
10 expanding the harvest and use of bear parts in some areas
11 of the State.

12

13 We note that March 2000 the Board of Game
14 was looking at an issue concerning the use of brown bear
15 parts in handicrafts and so it established a committee to
16 talk about the issue and that committee concluded that at
17 this time it was not a good thing to expand the use of
18 brown bear parts. I did want to comment on the statement
19 that Mr. Elvsaa made. There's not an unlimited harvest
20 allowed of black bears in any part of the State. There
21 are seasons and bag limits, even though the bag limits
22 are pretty liberal. But, I'm not aware of any part of
23 the State where the State allows an unlimited bag limit
24 on black bears. So, unless there's something I'm not
25 aware of, I believe that was an incorrect statement. And
26 I can try to answer questions that you might have. I may
27 not be the best person to do so, but.....

28

29 CHAIRMAN LOHSE: Any questions for Terry?

30

31 MR. JOHN: Mr. Chair, I have a question.
32 I don't know much about the selling of bear parts and
33 everything. Does the State law forbid selling bear parts
34 across the State, like the claws and the teeth and the
35 stuff like that, and do you know if you could take it
36 down to the Lower 48 and sell it?

37

38 MR. HAYNES: I believe that would be
39 illegal.

40

41 MR. JOHN: Okay. That's what I want to
42 know. And what about selling it to another person in the
43 State of Alaska? That would be illegal, too?

44

45 MR. HAYNES: I believe that would also be
46 illegal.

47

48 MR. CHURCHILL: Yeah, through the Chair.
49 Terry, that committee with the Board of Game, that was
50 limited to brown bears, was it not? It didn't address

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1 black bears?

2

3 MR. HAYNES: Mr. Chairman, they were
4 talking specifically about the use of brown bear parts.

5

6 MR. CHURCHILL: And, as a follow up, it's
7 not illegal for sale -- let me put it in the positive.
8 It currently reads with black bear the only legal
9 handicrafts are fur alone, no other part of the bear on a
10 black bear. Is that correct, Terry?

11

12 MR. HAYNES: That's correct.

13

14 MR. CHURCHILL: And I guess with black
15 bear, what's your opinion and what might it be based on
16 regards any increase in take of black bear, if we were to
17 liberalize the use -- in other words, allow folks to use
18 the whole hide and skull and teeth and claws as they saw
19 fit?

20

21 CHAIRMAN LOHSE: Terry.

22

23 MR. HAYNES: Mr. Chairman, that's hard to
24 say, with the bag limit already being pretty liberal.
25 Whether harvest levels would change if there were other
26 uses allowed, it's hard to say. Bears just aren't as
27 attractive an animal for hunters as they once were; and,
28 in some cases, there may be an increase if there were
29 other uses allowed. In other parts of the State, there
30 might not be any change noted at all.

31

32 MR. CHURCHILL: So, if I'm understanding
33 you correctly, that even with the liberal bag limits on
34 black bear we're not even coming close to harvesting
35 within the limits that exist?

36

37 MR. HAYNES: I'd say that as a general
38 statement, yes.

39

40 MR. CHURCHILL: Thank you.

41

42 CHAIRMAN LOHSE: Thank you. Susan.

43

44 MS. WELLS: I'm curious here and, for
45 either of you, in reading your reports there's a pretty
46 interesting history on the cultural harvest by Alaska
47 native cultures, and in the ADF&G comments you also make
48 note of the Alaska native traditions surrounding the care
49 and treatment -- handling. Was this information gotten
50 from books, or did you actually consult with the tribes

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1 in present day? Were they consulted since this proposal
2 was brought forth?

3

4 MS. DEWHURST: That information came from
5 a report that was written -- well, it was before I got to
6 OSM, so it must have been '94, '95 -- from my
7 predecessor, Steve Kovach. He did an extensive research
8 in it and it was present day information and I know for a
9 fact present day because I've heard it from the Councils
10 -- specifically, Seward Peninsula recently -- that it's
11 still very strong in certain parts of the State. The
12 very much revere bears and have a great deal of respect
13 for them and have very strong traditions as to how they
14 should be treated and it's primarily a respect thing.
15 And, as mentioned, the heads often have to be left in the
16 field and faced a certain direction.....

17

18 MS. WELLS: Uh-huh. (Affirmative)

19

20 MS. DEWHURST:and things along
21 those lines. I had it to the point where I was talking
22 to some folks out west where they were uncomfortable even
23 discussing this proposal, because they felt it went
24 against their culture. They didn't even feel comfortable
25 discussing it, because they felt out of respect to bears
26 it's just not done.

27

28 MR. HAYNES: Mr. Chairman, the Division
29 of Subsistence and the Department of Fish and Game has
30 done a number of field studies around the state, too.
31 So, we have firsthand documentation of how people use
32 bears and the cultural traditions that surround brown
33 bears, and in some areas of the State brown bears are
34 highly regarded. They have special status in the
35 community. And even in some of the State's brown bear
36 regulations have been changed in the past number of years
37 to accommodate some of these cultural traditions. The
38 State established brown bear management areas in some
39 parts of the State to better accommodate locate hunting
40 practices and local treatment of brown bears. So, in
41 this proposal, some of the uses that would be allowed of
42 brown bears are viewed as being disrespectful of brown
43 bears by some Alaska native cultures.

44

45 CHAIRMAN LOHSE: Susan.

46

47 MS. WELLS: I guess I want to narrow it
48 down. Was this particular proposal, WPO2-01, taken to
49 the tribes of the areas and asked for comment on?

50

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1 MS. DEWHURST: All of the proposals
2 broadly get distributed, and there's a large comment
3 period so that -- and we have gotten input. Not on this
4 specific one, but it also gets exposure when it goes to
5 the Councils. Ann has the comments; but, yes, it's
6 gotten broad release. I can't guarantee you it's gone to
7 every single tribal council, but it's gotten broad
8 release to the public.
9

10 MS. WELLS: In thinking about the
11 ramifications of this, from my own cultural background
12 waste of any resource is a no-no. Whether an animal or a
13 resource is revered, part of the reverence is making sure
14 that it isn't wasted and it's all used. And whether it
15 be a one-step or a two-step process in considering the
16 use of brown bear as opposed black or both and when, a
17 hide, a fingernail, an eyelash of any animal or any of
18 our resources should never be wasted. And, as a hunter
19 or a gatherer, going out and doing the labor of the hunt,
20 I really feel that it should be their right and
21 responsibility to care for all of the parts of the
22 animal. And, in some cases, having the opportunity to
23 offset some of the costs of that care is appropriate.
24

25 CHAIRMAN LOHSE: Thank you. Any other
26 questions for Terry? Bob.
27

28 MR. CHURCHILL: I have one question,
29 Terry. I know that the sale of bear parts is currently
30 illegal, but is the exchange -- we'd call it customary
31 trade and barter -- is the exchange of bear parts between
32 subsistence users for other subsistence resources also
33 illegal?
34

35 MR. HAYNES: I believe they can be
36 bartered where money is not involved. I guess the
37 question whether that would be allowed under customary
38 trade I'm not sure about that. But, certainly, I think
39 that probably is a practice that currently exists, that
40 bear parts are exchanged for non-cash.
41

42 CHAIRMAN LOHSE: Mr. Churchill.
43

44 MR. CHURCHILL: Through the Chair.
45 Terry, in your research did you find that the beliefs and
46 ways of showing respect to different animals --
47 particularly, bears, wolverine and wolves -- varied
48 significantly between different groups, either within,
49 like, the Athabaskan community or Yup'ik or Inupiat.
50

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1 MR. HAYNES: Yes. There are significant
2 differences both with in the Athabaskan community and
3 between other Alaska native groups.

4
5 MR. CHURCHILL: Thank you.

6
7 CHAIRMAN LOHSE: Any other questions for
8 Terry? Thank you, Terry. Are there any other agency
9 comments -- Park Service, Fish and Wildlife Service?
10 Anybody other agency have anything they'd like -- BIA? I
11 don't see any. Fish and Game advisory committees. Do we
12 have any comments from any Fish and Game advisory
13 committees at this point in time? Hearing none, let's go
14 on to a summary of written public comments.

15
16 MS. WILKINSON: Thank you, Mr. Chairman.
17 We had four comments on this proposal. Mr. Glen
18 Alsworth, Sr., of Port Alsworth stated that he supports
19 this proposal. He believes that any time a subsistence
20 user can derive more benefit from a legally taken
21 subsistence resource, the better.

22
23 The Department of Public Safety is
24 opposed to Proposal Number 1. The Director, Colonel Joel
25 L. Hard, wrote we believe that allowing the sale of bear
26 parts will increase illegal take and waste of bears, will
27 exacerbate the black market issues, will go against a
28 North American trend that is more restrictive concerning
29 sale, and is not consistent with customary and
30 traditional practices.

31
32 The Wrangell-St. Elias Subsistence
33 Resource Commission opposes the proposal based on legal,
34 cultural and biological concerns. The Denali Subsistence
35 Resource Commission is unanimously opposed to Proposal 1.
36 The commission approves the staff analysis' preliminary
37 conclusion for the reasons stated in the analysis
38 justification. And that is all, sir.

39
40 CHAIRMAN LOHSE: At this point in time, I
41 have no blue slips in for public comment on this
42 proposal. Do we have anybody in the public that would
43 like comment on this proposal?

44
45 MR. MIKE: Thank you, Mr. Chair. My name
46 is Donald Mike. I'm the Eastern Interior Regional
47 Advisory Council's coordinator. The Eastern Interior
48 recently met in Circle Hot Springs on February 25th and
49 27th on the statewide Wildlife Proposal 02-01, which is
50 the one that the Council at the Eastern Interior

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1 submitted. The Council deferred Proposal 02-01 until the
2 proponent can be present to be involved. The Council
3 would like the Board to defer this proposal until the
4 proponent can be involved, given the effort the proponent
5 has put forward and his current circumstances, although
6 the Council will now support the language to allow the
7 sale of handicraft making black bear fur, which would
8 align with the State as recommended by staff in their
9 conclusions. The Council also would support the
10 definition of furbearer in this analysis. Thank you, Mr.
11 Chair.

12

13 CHAIRMAN LOHSE: Could you give us that
14 last sentence?

15

16 MR. MIKE: The last sentence reads the
17 Council also supports the definition of furbearer in the
18 staff analysis.

19

20 CHAIRMAN LOHSE: Okay. Mr. Churchill.

21

22 MR. CHURCHILL: Yeah, through the Chair.
23 Thank you for coming, but whether you can speak on behalf
24 of your organization -- did your discussions see a
25 difference between black bear and brown bear in terms of
26 harvesting and the resale of particular items like skull
27 or claws? Did you discuss that in your group?

28

29 MR. MIKE: Not particularly, but we had
30 the representative from the Tanana Chiefs Conference that
31 represented the voters within the Doyon Region, and they
32 oppose any forms of sale of bear parts in general.

33

34 MR. CHURCHILL: Just as clarification,
35 either black bear or brown bear?

36

37 MR. MIKE: Correct.

38

39 MR. CHURCHILL: Thank you.

40

41 CHAIRMAN LOHSE: Any other questions?

42 Ida.

43

44 MS. HILDEBRAND: Thank you, Mr. Chairman.
45 Ida Hildebrand, BIA Staff Committee -- the BIA. In
46 response to Mr. Churchill's question, although it was not
47 discussed at this particular Regional Council meeting, in
48 the past the Eastern Interior Regional Council has
49 requested the use of brown bear to be given special
50 consideration for ceremonial purposes and the use of

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1 their parts in ceremonial purpose and the significance of
2 that, and they did distinguish black bear in that manner
3 -- I mean, excuse me, brown bear in that manner.

4

5 CHAIRMAN LOHSE: Thank you. Susan. Ida.

6

7 MS. WELLS: And does the State allow or
8 provide for those ceremonial purposes in those requests?

9

10 MS. HILDEBRAND: I can't answer for the
11 State, but the Federal program does allow for ceremonial
12 take, yes.

13

14 MS. WELLS: Can you answer that? Does
15 the State provide a mechanism for ceremonial?

16

17 MR. HAYNES: I guess I'm not clear what
18 you're asking.

19

20 MS. WELLS: Ms. Hildebrand was saying
21 that there are cases where the natives would use parts of
22 bears for ceremonial purposes, and I'm understanding that
23 the Federal government allows for that. Does the State?

24

25 MR. HAYNES: As long as a sale isn't
26 involved, you can use brown bear parts, you know, if you
27 legally harvest a brown bear. If you want to use those
28 for personal uses or for ceremonial purposes I don't
29 think there's anything in State law that prohibits that
30 from happening.

31

32 MS. WELLS: Thank you.

33

34 CHAIRMAN LOHSE: Susan, is the question
35 you're asking is, like, with moose there is a procedure
36 in place to take moose out of season for ceremonial
37 purposes. Is the question that you're asking is there a
38 procedure in place to take a bear out of season for
39 ceremonial purposes?

40

41 MS. WELLS: Yes. That makes it clearer,
42 I think, for me.

43

44 CHAIRMAN LOHSE: Terry.

45

46 MR. HAYNES: The State has a ceremonial
47 harvest regulation, Mr. Chairman, that allows the harvest
48 of big game animals. I'd have to double-check to see if
49 it specifically includes brown bears, but typically the
50 animals taken under the State ceremonial harvest

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1 regulation are moose and sometimes caribou. I don't know
2 if there have been any instances where people have taken
3 brown bear under the ceremonial harvest regulation.

4

5 MS. WELLS: Thank you. Thank you, Mr.
6 Chair.

7

8 CHAIRMAN LOHSE: Bob.

9

10 MR. CHURCHILL: Yeah, through the Chair.
11 Terry, you alluded earlier, I think, to the western brown
12 bear management area. Might that not be an example of
13 where a lot of cultural values have been meshed with
14 State regulations to accommodate particular beliefs and
15 values?

16

17 MR. HAYNES: Mr. Chairman, yes, that's
18 what I had mentioned earlier, that previous brown bear
19 hunting regulations in many parts of the State really
20 accommodated sport hunting, trophy hunting more than the
21 hunting practices of Alaska natives and other Alaskans.
22 So, the Board of Game did make pretty significant changes
23 to these regulations to better accommodate local hunting
24 practices in many parts of the state, and it may be that
25 those changes essentially are allowing people to take
26 brown bears that might be needed and might be used for
27 ceremonial purposes so that there may not be specific
28 requests coming in to the State because of the general
29 regulations being more respectful of local hunting
30 practices.

31

32 CHAIRMAN LOHSE: Thank you. Any other
33 questions for Terry? With that, I would like to suggest
34 that we take a 10-minute break before we go on into
35 deliberations so that we can get rid of our morning
36 coffee and maybe refill our cups.

37

38 (Off record)

39

40 (On record)

41

42 CHAIRMAN LOHSE: Okay. I'll call this
43 Spring meeting Southcentral Regional Subsistence Counsel
44 back in session. At this point in time, we're just
45 entering Council deliberations on WPO2-01. I had a
46 request over the closure for public testimony by an
47 individual in the audience. If there's no objection from
48 the rest of the Council, I'd like to ask him to comment
49 right now before we start. You need to turn the blue
50 slip into Ann

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1 MR. CARPENTER: My name is Mike
2 Carpenter. I'm representing the State of Alaska as a
3 private citizen. I've been listening to what's been
4 going on with the bear parts and it seems to me like
5 there's quite a market for these gall bladders in the
6 Orient and we have the product, obviously. So, I see no
7 reason why the State of Alaska shouldn't earn a few bucks
8 from this product that we have instead of letting it go
9 to waste in the woods. I don't have any idea how many
10 bear are taken each year, but if these gall bladders
11 could be turned in -- and, of course, you would give the
12 hunters an incentive to turn it in to a central point
13 with the State or the Federal government -- say a hundred
14 bucks a gall bladder, or whatever -- and then turn around
15 and, instead of having a black market with the Orient how
16 about having a -- I guess you would call it a white
17 market. But, it's a guaranteed bear bladders instead of
18 them buying up some cow bladders and so forth. So, I
19 think we should turn this into a resource. That's all I
20 have to say.

21
22 I would like a comment. I would like
23 some questions from Fish and Game, though, because I'm
24 sure they're going to dispute what I'm saying, and one of
25 the things they're going to say is, well, we don't want
26 to create this -- whatever. But, if we have a certified
27 gall bladder that we're selling to the Orient at a
28 reasonable cost, I don't think we're going to have a lot
29 of problems. Thank you.

30
31 CHAIRMAN LOHSE: Any questions for
32 Michael? Hearing none, thank you, Mike. I talked to an
33 individual over the closure that I'd like to have him
34 share some things with us on the current situation, as he
35 sees it, in the sale of bear parts. Marty, can you give
36 us a little rundown of what kind of problem you see the
37 sale of bear parts as?

38
39 MR. MYERS: Thank you. Good morning,
40 Council. My name is Marty Myers. I'm Assistant Special
41 Agent in Charge for the law enforcement for the Forest
42 Service, and I've been doing some research on some of
43 this here in Alaska, and I've also had some experiences
44 with dealing with the illegal take of wildlife and their
45 parts in the Lower 48.

46
47 The black market for bear gall bladders
48 is fairly large and fairly lucrative, and most of the
49 states in the United States find this to be an illegal
50 activity, as well as the State of Alaska. The going rate

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1 for bear gall bladders in Korea -- and this is some
2 recent information I received a couple of weeks ago -- is
3 about \$10,000 a piece. In the Lower 48, the average
4 value of a bear gall bladder is approximately \$40 a gram.
5 So, it is lucrative. It's a big issue in many states.
6 Some states do allow it. Some countries do allow it.
7 What happens and what's prevalent right now is that there
8 is a huge black market and I think, in listening to the
9 last presenter, the idea of mixing this small portion, I
10 believe, which would be taken from subsistence bears --
11 to mix those in the black market will not decrease the
12 black market. It won't decrease the value of it, nor
13 will decrease the need for it. So, I think all it would
14 do would make it harder for law enforcement, for one, to
15 be able to pursue these black market cases in this State
16 and other states as well in trying to determine where
17 these bear parts are taken from.

18

19 As far as the hides go, I don't have any
20 current information. I'm sure there's value to hides,
21 but I don't see a market for bear hides as there is for
22 the things that are usually made from the parts such as
23 gall bladders and the bear paws, which are currently
24 illegal under State law. So, in summary, with that in
25 mind I think it's incumbent on us not to basically filter
26 in legal goods in a black market where the black market
27 is prevalent and it will make it difficult, I believe, in
28 the long term for the State of Alaska and its State
29 regulations and I think it would be difficult as well for
30 the Federal government as well in the other regulations
31 applied to wildlife outside of subsistence. Any
32 questions?

33

34 CHAIRMAN LOHSE: Any questions for Marty?
35 Fred.

36

37 MR. ELVSAAS: Yeah. In regards to what
38 you said, it's illegal now to sell the gall bladders and
39 if it was made legal it wouldn't be a mix as regards to
40 Federal lands, right?

41

42 MR. MYERS: Well, what you're trying to
43 do is, I guess, here in this sense is make it legal for
44 subsistence user but there's still a huge non-subsistence
45 sport market out there for bears and that market also
46 contributes, you know, clandestinely to the black market
47 for bear gall bladders.

48

49 MR. ELVSAAS: No. But what I'm getting
50 at, sir, is if it was okay to sell the gall bladders

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1 under the Federal subsistence laws that would only be a
2 problem for the State.

3

4 MR. MYERS: No, it would be a problem for
5 the Federal government as well. The Federal government
6 also regulates sports use in certain areas like on the
7 game refuges, places like that in Alaska. That's outside
8 of State regulation.

9

10 MR. ELVSAAS: Oh, I see. Okay.

11

12 CHAIRMAN LOHSE: Did he answer your
13 question?

14

15 MR. ELVSAAS: Yeah. Thank you.

16

17 CHAIRMAN LOHSE: Susan.

18

19 MS. WELLS: In following up with what Mr.
20 Elvsaas said, if it were to be opened up sort of like the
21 one presenter was saying would that not make it more of a
22 controlled market where the State and Federal governments
23 would have more control over that resource then and take
24 out some of the strength of the black market.

25

26 MR. MYERS: Well, you know, initially it
27 may be controlled, but what I see is that it gets mixed
28 in the black market. And so, you know, you may find the
29 people selling these things to -- you know, to make more
30 money to go outside a regulation that's in place. I
31 guess I heard an amount like \$100 for a certified gall
32 bladder. Well, they're worth \$10,000 in the right place,
33 so why not make money a different way? So I guess even
34 if you were to legalize it in this respect there's still
35 a bigger market to sell it illegally. So I think just
36 getting mixed up in that market overall makes it real
37 difficult for law enforcement to deal with the other
38 illegal matters in the same arena.

39

40 CHAIRMAN LOHSE: Any other questions?

41 Bob.

42

43 MR. CHURCHILL: Through the Chair. I'm
44 very interested. You say that in Korea a bear gall
45 bladder will sell for \$10,000 a piece, is that right?

46

47 MR. MYERS: That's the information I got
48 from the U.S. Fish and Wildlife Service.

49

50 MR. CHURCHILL: Can I ask a little more

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1 specific? I mean, what's the information base? How do
2 we know that?

3

4 MR. MYERS: The information is I just
5 received a list. They've got a tabulation of, basically,
6 animals and animal parts -- all different kinds of
7 animals that they get from various resources. Most of
8 the resources they get from the sale of animals and
9 illegal sales of animals and they take that database
10 nationwide and come up with these figures.

11

12 MR. CHURCHILL: Is there any time frame?
13 Is it okay to follow up?

14

15 CHAIRMAN LOHSE: Uh-huh.

16

17 MR. CHURCHILL: Any time frame based on
18 that, something that happened recently? I'm getting the
19 sense this is real anecdotal stuff that we're getting
20 here.

21

22 MS. DEWHURST: I think I can answer that.

23

24 MR. MYERS: Go ahead.

25

26 MS. DEWHURST: I think I can answer that.
27 I've been involved a little bit with the special agents
28 in some of those cases, and that is recent information.
29 That actually is on the low side. Some of the cases I
30 was involved in, we were looking more close to \$20,000
31 for bear gall bladders. But, like he said, it was sales
32 illegally into the market where they are dealing with
33 specific dealers in Asia. So the way we found out about
34 it was we were dealing with undercover agents that were
35 involved in sales, and these were the prices that were
36 offered to them for these things. And I think where we
37 get into the illegal aspect, it's not subsistence users
38 that are hunting a bear specifically for the gall
39 bladder. These are cases where bears are found shot by
40 who knows shot them, but the only thing removed was the
41 gall bladder, and there have been a number of cases. I
42 know I have been personally involved in a number of cases
43 on that where that's the only thing that was missing from
44 the bear. So the bear obviously wasn't taken by a
45 subsistence user. They weren't taken to get meat or
46 anything. It was just shot for that one specific use.

47

48 MR. CHURCHILL: I guess what I'm saying
49 and, bottom line, this seems to fly against a lot of the
50 other information I've seen on the sale of bear parts,

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1 but I guess I understand that. Again, as a follow up,
2 you indicate this is like a huge market and a huge
3 problem. Can you share with us like the number of
4 arrests we've had in Alaska for the illegal take of gall
5 bladder in the last 12 months or so?

6

7 MR. MYERS: Well, I personally can't tell
8 you how many arrests were made here in Alaska, and I
9 think Fish and Wildlife has a better idea. Their
10 enforcement people have a better idea about that. But,
11 in talking to the agents here recently they have a huge
12 concern. It is a big problem here that they don't even
13 have a handle on because the area is so widespread, and
14 there's so much hunting going on here. But, I do have
15 experience in California, which it's a huge problem down
16 there, and of course it's strictly -- both Federally and
17 through the State, it's restricted there. Anyway, I
18 dealt with outfitters who it may not be the person
19 killing the bear. I've dealt with outfitters that
20 actually collect the gall bladders while the client just
21 collects their hide, and then the outfitter will find a
22 client that he can sell the bladders to. And I think
23 that same sort of thing can happen here as well.

24

25 MR. CHURCHILL: Just so I'm clear on what
26 your answer is, you don't have any numbers on.....

27

28 MR. MYERS: I don't have any numbers.

29

30 MR. CHURCHILL: Okay. Do you know of any
31 ongoing large-scale investigation on Federal public lands
32 regarding the sale of gall bladders?

33

34 MR. MYERS: I don't know of any, but I'm
35 not sure that would be public information if it was
36 ongoing. So.....

37

38 MR. CHURCHILL: Again, I'm not asking for
39 specifics, just general. So, you're not aware of any
40 arrests in the last 12 months, and there's no ongoing
41 investigations that you're aware of?

42

43 MR. MYERS: The Forest Service is not
44 conducting any. I don't know what the Fish and Wildlife
45 Service is conducting.

46

47 MR. CHURCHILL: Yeah. And, again, I'm
48 just trying to clarify it for my own knowledge.

49

50 MR. MYERS: Sure.

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1 MR. CHURCHILL: I appreciate it.

2

3 CHAIRMAN LOHSE: Donna.

4

5 MS. DEWHURST: Just to give you a rough
6 scale, when I was working part-time enforcement out of
7 King Salmon we worked an average of one to four cases a
8 year over an eight year period, and that was just from
9 that one small part of the State. And brown bears are
10 more common down there, so it's hard to know what we're
11 talking statewide, but those were the cases we were made
12 aware of.

13

14 MR. CHURCHILL: And, through the Chair,
15 were most of those cases then dealing with brown bear
16 harvest and gall bladders or.....

17

18 MS. DEWHURST: Yeah. We don't have black
19 bears on that part of the peninsula. It was purely a
20 brown bear issue down there.

21

22 MR. CHURCHILL: So it was limited to that
23 immediate area rather than.....

24

25 MS. DEWHURST: That's all I
26 personally.....

27

28 MR. CHURCHILL: Okay. Super.

29

30 MS. DEWHURST: You were asking specific
31 numbers.....

32

33 MR. CHURCHILL: Sure.

34

35 MS. DEWHURST:and that's where I
36 can give you.....

37

38 MR. CHURCHILL: Yeah.

39

40 MS. DEWHURST:numbers that are
41 solid. And we always had at least one case a year. I
42 can remember some years where we had up to four.

43

44 MR. CHURCHILL: Conviction rate? Did we
45 do very good?

46

47 MS. DEWHURST: Very poor, because you
48 find a bear out in the middle of the tundra. How do you
49 find out who shot it, you know? It was very, very poor.

50

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1 MR. CHURCHILL: Donna, thank you very
2 much.

3
4 CHAIRMAN LOHSE: Thank you, Bob. Fred,
5 do you have a question?

6
7 MR. ELVSAAS: Well, in regards to this,
8 you know, guided hunts and so forth. You mentioned the
9 hunter wants the hide. I don't see anything wrong with
10 the guide taking the gall bladder. It's money. And I
11 have a little hard time believing that it would sell for
12 \$10,000, but I have no reason to question that, either,
13 other than that just seems awful high. I mean, gall
14 bladder is about that big. But if that's the market,
15 maybe we should commercialize it. I just say that in
16 jest. But, on the other hand, it is a shame to waste it
17 if the bear is shot for sport or subsistence or whatever.
18 To think that you're going to salvage a hide that has
19 very little value in true sales value, and I just heard a
20 little bit ago that there's no resale allowed of these
21 hides, even if you buy them from the State. So, here is
22 something of value, and we're going to leave it in the
23 field. That doesn't make a lot of sense to me. I would
24 prefer that the taker of the bear be able to market that,
25 especially under the subsistence guidelines.

26
27 Now, no matter what happens in regards to
28 the subsistence regulations, hunts, whatnot, there's
29 always going to be somebody illegally out there hunting
30 bears just for the sake of the gall bladders, if they're
31 that valuable. But, of all the bears I've ever shot,
32 I've never saved a gall bladder because I never had a
33 market for it. You know, through my lifetime, I've shot
34 many bears and meat, and hides is what we hunt for. And
35 I'm not a great fan of bear hides. I've managed to give
36 away all the hides I ever had. But it just seems that
37 here we have a valuable product, and nobody can utilize
38 it. And yet, those that want to black market it, they're
39 going to get it anyway, and that's where you have the
40 bears killed and left in the field. So, a legitimate
41 hunter should be able to salvage the parts and market
42 them. Thank you.

43
44 CHAIRMAN LOHSE: Marty.

45
46 MR. MYERS: Well, in closing, I guess in
47 response to that there are many things in this country
48 that are illegal. Marijuana is illegal, and I suppose
49 that's a lucrative market as well. But the bottom line
50 is I believe that the government has established a reason

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1 why these things are particularly illegal and, in that
2 sense, it brings the values up and drugs are the same
3 way. So I guess the rationale to think that just because
4 there's a market for it doesn't make it right. So, in
5 talking with Fish and Wildlife Service -- and we concur
6 -- is that we oppose this regulation dealing with the
7 sale of what is currently contraband and illegal parts,
8 and we would like to see that those things do not get
9 mixed up in the black market.

10

11 CHAIRMAN LOHSE: Marty, while I've got
12 you and Donna up there, I have a couple of questions. On
13 this black market stuff, what do you feel is the current
14 percentage of the product that's hitting that black
15 market that's taken from legally taken animals, and what
16 percentage is being taken from poached animals -- in
17 other words, animals specifically taken for the purpose
18 of obtaining these parts versus a percentage that's taken
19 out of animals that were or would have been taken anyhow?
20

21 MR. MYERS: Well, my guess would be that
22 if it was easy to get it from a legal source, there would
23 be a lot of it available and the price wouldn't be so
24 high. So, I believe that it's probably not that easy to
25 get. Like I say, I do know that you can get these from
26 BC, I believe, and then there's a couple of states in the
27 Lower 48 that they're allowed to sell certain bear parts.
28 But, for the market to be as high as it is and as
29 lucrative as it is I don't believe that they're as
30 available as someone may think they are.

31

32 CHAIRMAN LOHSE: Well, the other question
33 that I had -- from a subsistence standpoint, you know,
34 the gall bladders, bear paws, claws for aphrodisiacs,
35 aren't a customary and traditional way of utilizing an
36 animal. But, like Fred says, utilizing the meat and the
37 hide is a traditional way of utilizing the animal. And
38 we have taken things and made -- on certain animals, you
39 can sell certain parts, but you can't sell other parts.
40 Would we run into a problem? I know this proposal calls
41 for classifying them as a furbearer, but could you limit
42 what could be legally sold on a furbearer? Could you say
43 that the hide from a legally taken subsistence bear could
44 be salvaged and sold without having the rest of the parts
45 being legal to be sold? Would that be possible? Could
46 you write a regulation like that?

47

48 MS. DEWHURST: In general, we can write
49 regulations as specific as we deem necessary. As you're
50 probably well aware, sometimes our regulations are more

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1 general, where sometimes we get quite specific. So, I
2 think it would be possible to hone in on specific aspects
3 and not -- I don't think it's black and white where you
4 say they're either totally legal or totally not. We
5 could go somewhere in the middle and write a more
6 specific regulation that lists what parts are and what
7 parts aren't and what species is and what species isn't.
8

9 CHAIRMAN LOHSE: So that's the other
10 thing that I wanted to point out to the Council, that
11 when we have a proposal like this before us we have the
12 ability to modify, to amend, to change, to rewrite. This
13 proposal opens the door for our suggestions in this area,
14 and if we want to break this proposal down from black
15 bears to brown bears, if we want to break it down to body
16 parts, if we want to have it taken out of furbearers and
17 just put into a legal subsistence taken animal that is
18 the prerogative of this Council to make that kind of a
19 suggestion. And from what I understand, Donna, the laws
20 can be made as specific as possible. In other words, we
21 could address one aspect of this and say that we agree
22 that the other aspects should remain illegal and let it
23 go at that, couldn't we?
24

25 MS. DEWHURST: Certainly, I think the
26 staff recommendation reflects that in that they are only,
27 at this time, recommending handicrafts from black bear
28 fur. So that is a very specific honed in aspect. So
29 that would show an example of how specific you could get.
30

31 CHAIRMAN LOHSE: Mr. Churchill.

32
33 MR. CHURCHILL: Just a question for Mr.
34 Myers. Mr. Myers, if you could, how long have you been
35 in your position here in Alaska?
36

37 MR. MYERS: I've been here for five
38 years.
39

40 MR. CHURCHILL: Okay. Thank you.
41

42 CHAIRMAN LOHSE: Thank you. I didn't
43 mean to put you on the spot unprepared, but you shared
44 some interesting information with me. I have one more
45 person who would like to testify before we go into
46 Regional Council deliberations. Terry Burrell.
47

48 MS. BURRELL: Yes. It will take a while.
49 I can talk from here.
50

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1 CHAIRMAN LOHSE: If you can talk from
2 there, that would be fine if you talk loud enough.
3 Otherwise, we can run a mike over to you or.....
4

5 MS. BURRELL: No problem. I'm a 40-year
6 resident. I'm a person that was thrilled to hear the
7 testimony of Mr. Myers because you're representing
8 Southcentral subsistence, and how many people are there
9 in Southcentral that you're representing? I mean,
10 100,000, 200,000 -- how many hundred thousand people are
11 you representing? The Daily News hasn't given any
12 information whatsoever for what's going on. I mean, I'm
13 a non-native. I'm a other person. I mean, there are
14 hundreds and hundreds and thousands of people out there
15 that don't even know about you sitting there and saying
16 that you're going to change what the State of Alaska has
17 had as illegal, as something that is usable, something
18 that is saying that we can control this.

19
20 No, don't open up a Pandora's box. I
21 mean, for how many years have we worked as a State to get
22 where we can protect our wildlife, be fair, give
23 everybody an opportunity to subsist or live in the bush,
24 give equal opportunity? I subsisted. I went without
25 heat in my house. I went without food. I lived on
26 freezer burned fish for quite sometime in Anchorage.
27 Now, I mean I have a right to say that I can say what
28 subsistence is and what subsistence is not. I did not
29 take welfare. I did not receive one penny from the
30 government while I was in that mode.

31
32 Now, for you to represent Southcentral
33 let's be fair. Let's don't question what an expert says
34 that this is a problem. We all know it's a problem of
35 gall bladders. Gall bladders used in the Orient is a
36 vile, foul thing, and it makes it even more foul because
37 it is causing our wildlife to be used in a very wasteful
38 manner. I think that we need to support what the Fish
39 and Game has had and have done, and I think that if
40 you're representing Southcentral you're representing a
41 lot of people, not just the ones that are there trying to
42 take \$10,000 for an organ from a bear. Thank you.

43
44 CHAIRMAN LOHSE: Well, thank you, Terry.
45 Before you leave, you brought up a couple of points I'd
46 like to address. Number 1, we do not make laws. We
47 cannot change laws. We are an advisory Council. We make
48 recommendations to a body that can change laws. What
49 we're here to do is we're here to listen. We're here to
50 listen to the experts. We're here to question the

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1 experts. We're here to listen to individuals like
2 yourself. We're here to listen to public testimony, and
3 come up with the best recommendations that we can make.
4 We have no ability to change laws. But, what we are here
5 to do is we are supposed to be here to represent.....

6

7 MS. BURRELL: Everybody.

8

9 CHAIRMAN LOHSE: We're supposed to be
10 representing everybody but, at the same time, the
11 subsistence interests of the rural Alaskans. And so,
12 consequently, we have to listen to what they have to say.
13 And then we have to take, to the best of our ability,
14 what we know and mix it with that and come up with a
15 recommendation that we make to a lawmaking body. They
16 can reject our recommendation. They can expand our
17 recommendation. They can defer our recommendation. They
18 have the ability to make law, not us.

19

20 MS. BURRELL: Right. However, you have
21 the ability to not mess up and make it impossible for the
22 two agencies -- the Federal government and the State --
23 to act in a reasonable, fair manner. And if you start
24 pinpointing this little place over there gets to do this
25 and somebody else gets to do that and we're not going to
26 treat you the same, then you're making a real mess.
27 Thank you.

28

29 CHAIRMAN LOHSE: But see, we don't have
30 that ability.

31

32 MS. BURRELL: I heard you. I apologize
33 for not saying -- when I say you, it is the ultimate what
34 is trying to be done, and what's trying to be done is to
35 pinpoint, be unfair to certain people and take what has
36 been worked on and has been refined and throw it in the
37 face of the State and I don't believe in that. Thank
38 you.

39

40 CHAIRMAN LOHSE: Thank you, Terry. Any
41 other questions? Mr. Churchill.

42

43 MR. CHURCHILL: Thank you. Through the
44 Chair.....

45

46 MS. BURRELL: I will sit down, if it's
47 going to be.....

48

49 MR. CHURCHILL: I don't know how long it
50 will be.

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1 MS. BURRELL: Okay.

2

3 MR. CHURCHILL: You're more than welcome
4 to have a chair, if you wish.

5

6 MS. BURRELL: Oh, no. I'll stand.

7

8 MR. CHURCHILL: Okay. Very quickly, you
9 addressed gall bladders, and that seemed to have a
10 passion for you. Do you have any concerns or comments on
11 the use of black bear hides for handicrafts or barter or
12 trade?

13

14 MS. BURRELL: It is supposed to be
15 illegal for it to be sold. Now, if it's going to be used
16 as a agency to promote culture, promote use, that is
17 something different, because you said there was a clause
18 in there that restricted. What was that restrictive
19 clause -- that it could be used for -- what was it, that
20 you just quoted?

21

22 MR. CHURCHILL: Well, I think what we're
23 talking about is that black bear hides can be turned into
24 handicrafts and.....

25

26 MS. BURRELL: Right.

27

28 MR. CHURCHILL:sold in that manner.

29

30 MS. BURRELL: Yeah.

31

32 MR. CHURCHILL: So you're saying you
33 support that?

34

35 MS. BURRELL: Definitely.

36

37 MR. CHURCHILL: Okay. Thank you.

38

39 MS. BURRELL: But, I don't think that
40 anybody's going to go out and kill a bear that thinks
41 that they're -- I mean, they know they can't sell it.
42 They can't resell it. But they can use it.

43

44 MR. CHURCHILL: Thank you very much.
45 Appreciate it.

46

47 MS. BURRELL: Okay.

48

49 CHAIRMAN LOHSE: Any other questions for
50 Terry? Thank you. Well, if we have no further public

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1 comment -- and, again, I'd like to clarify that this is
2 not a lawmaking body. We are not a lawmaking body. We
3 are an Advisory Council to listen to the public, to
4 listen to the staff, to listen to the people that we can
5 present information to us, and then to take the
6 information that we know for ourselves, mix it all
7 together and come up with a recommendation. And that's
8 the only ability that this Council has is to recommend,
9 not change. So, with that, a motion to put this proposal
10 on the table is in order so that we can discuss it as
11 Council.

12

13 MR. CHURCHILL: So moved.

14

15 CHAIRMAN LOHSE: It's been moved. Put
16 WP02-1 -- I'll read the proposal exactly as it's written
17 -- on the table. To include brown and black bear in the
18 furbearer's definition and allow parts to be sold.
19 Proposed Regulation: Subsistence taking of fish,
20 wildlife, and shellfish: general regulations.
21 Definitions: The following definitions shall apply to
22 all regulations contained in this part: Furbearer means
23 a beaver, black bear, brown bear, coyote, arctic fox, red
24 fox, lynx, marten, mink, weasel, muskrat, river (land)
25 otter, red squirrel, flying squirrel, ground squirrel,
26 marmot, wolf, or wolverine. Do I hear a second?

27

28 MR. ELVSAAS: I'll second it.

29

30 CHAIRMAN LOHSE: Okay. A motion has been
31 made and seconded to put this proposal on the table.
32 Discussion, amendments or modifications or anything are
33 in order. Fred.

34

35 MR. ELVSAAS: Mr. Chairman, this has been
36 kicked back and forth. There's a lot of views. But, you
37 know, we just heard the lady talking about the laws of
38 the State and the Federal government and so forth and I
39 believe one of the reasons we're discussing this is
40 because those laws don't fit the needs of the people and
41 they don't fit the proper use of the resource. We do
42 have a law in the State of Alaska on wanton waste, and
43 it's real difficult to look at a situation -- especially
44 in regards to black bears -- where, if you shoot the
45 bear, you have to salvage some of the meat. I was told
46 40 percent.

47

48 Now, in my case, I salvaged all of the
49 meat possible, which is a little more than 40 percent.
50 But, in turn, to throw away a valuable resource, or

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1 wanton waste of the gall bladder, doesn't make a lot of
2 sense to me. Yes, there is a law against it right now,
3 but is the law a good law? That's the dilemma here. The
4 parts. The claws. The bear teeth. Those are valuable
5 things to people. But, in turn, because the present law
6 says that you can't utilize them, that doesn't make sense
7 to me.

8

9 So, you know, I don't have the perfect
10 answer. I wish I did. But, I feel really negligent in
11 thinking that I could just disregard this thing and say,
12 well, let's go with present law. I don't think present
13 law is right. If you throw the meat away, then you get
14 fined. And yet, on the other hand, you throw the gall
15 bladder away because it's illegal to use it or sell it or
16 keep it. I guess you can keep it. I don't know. But,
17 that's what we need to face here. And I know there's
18 quite a difference between the brown bear and the black
19 bear, and I think as we go along here we need to look at
20 probably amending this motion. My preference would be to
21 amend it at this point to just address utilization of the
22 black bear.

23

24 I know within the State guidelines they
25 have specific seasons and catch limits and restrictions
26 on the brown bears. In the Cook Inlet area, I believe
27 it's every third season instead of Spring and Fall hunt
28 seasons, and I think it's every third season you can take
29 a brown bear. But, nonetheless, let's take a look at
30 this as to how best to utilize the resource. We heard
31 Mr. Carpenter talk about this. You know, maybe they are
32 worth \$10,000. I have a hard time accepting that, but
33 give that as a number. Here we're going to go out and
34 shoot a bear, pack the meat out, save the hide or not --
35 whichever you prefer -- but you're going to leave a
36 \$10,000 gall bladder laying the woods. That doesn't
37 sound right to me somehow. That's wanton waste in the
38 worst extreme. With that, I'll listen to somebody else.

39

40 CHAIRMAN LOHSE: Sue.

41

42 MS. WELLS: Well, I'm not quite sure I've
43 got all my thoughts together here, but I agree that we
44 should probably discuss the black bear at this time. And
45 my concern is with the definition of the bear becoming a
46 furbearer, that is the avenue that we're using to have
47 access to use the total bear parts. Am I correct, Mr.
48 Lohse? So, by redefining the black or the brown as a
49 furbearer, then that opens it up for me to use the teeth
50 or the claw or the hide.

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1 If we were to keep it as a big game
2 animal for hunting, could we rewrite the regulation to
3 allow us to use them under those circumstances, too --
4 the bear parts?

5
6 CHAIRMAN LOHSE: I don't know. Correct
7 me if I'm wrong on this, Donna. I don't think that we
8 deal with big game hunting. We deal with subsistence
9 hunting.

10
11 MS. WELLS: Okay.

12
13 CHAIRMAN LOHSE: And we have legal
14 methods and means for taking subsistence animals.
15 Currently, we can take black bear for subsistence
16 purposes with a rifle, a shotgun, a bow and arrow or a
17 current legal hunting weapon is what you're currently
18 allowed to take a black bear for. Our seasons are set up
19 around current hunting weapons. So, you could have a
20 subsistence bear season and address it under a
21 subsistence bear season without classifying it as a
22 furbearer and allow the sale of certain parts or whatever
23 you wanted to do, and you could do it that way, yes.

24
25 MS. WELLS: Uh-huh. (Affirmative)

26
27 CHAIRMAN LOHSE: You could address it
28 that way.

29
30 MS. WELLS: I have to agree with Mr.
31 Elvsaas on that \$10,000 for this particular bear part and
32 with the lady that made the comment about it being used
33 in such a foul manner. And I agree that it is a foul
34 waste of the resource to shoot an animal just for that
35 gall bladder. The other side of me is saying \$10,000
36 would do a lot for enforcement and a lot of money to be
37 for the use of enforcement if we went with the
38 controlled. That's just a thought. But, I'm concerned
39 about also opening up the taking of these animals --
40 changing the subsistence use just for the fur or the claw
41 -- and that's something I'd like to hear some more
42 discussion on.

43
44 CHAIRMAN LOHSE: Mr. Churchill.

45
46 MR. CHURCHILL: Thank you. I guess what
47 -- and, like Susan, I'm kind of running through this
48 mentally -- the testimony has been pretty clear that
49 we've got bag limits that exist now that are allowing an
50 increase in most black bear populations. We're not now

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1 taking up to the legal limit, and I think that kind of
2 argues against a flourishing black market in bear parts.
3 And I'm also thinking -- and with all due respect to the
4 Vice Chair, I think he's got a great idea of maybe
5 implementing this in a two-step process, that we
6 recommend to the Board that we might start this process
7 with black bear -- a little more easy to deal with.

8

9 The thing that I've heard and seen is
10 that I think that culture by culture, group by group,
11 will deal with this as it's allowed and it's consistent
12 with their values. I don't see a huge danger in
13 insulting folks. I notice currently under the furbearer
14 regulations the wolverine, which certainly speaks that
15 that needs to be treated with great respect, and it's
16 currently so classified.

17

18 The other thing is a real practical
19 reality. I mean, you know, gas for your snow go is
20 spendy. I mean, you're paying three and half bucks a
21 gallon. And if somebody can support that in order to get
22 out in the field and do more harvesting by selling the
23 claws or a skull of a black bear I would certainly
24 support that. I think it's consistent with traditional
25 harvest and use. These things evolve. That's the beauty
26 of an oral tradition is that values change, as long as
27 the core respect of both the resource and the individual
28 is shown. So, I mean, where I'm at -- and, again, as
29 through the comments of a number of this Council -- is
30 separating out black bear and maybe recommending to the
31 Board that we go forward, whether it's through
32 reclassifying the black bear as a furbearer or changing
33 the regulations as it allows to being able to use the
34 animal and its parts. That's kind of where I'm going at
35 this point.

36

37 CHAIRMAN LOHSE: Gilbert, any comment?

38

39 MR. DEMENTI: I think we're talking a big
40 game animal here, trying to classify it as a fur animal.
41 I mean, you know, a furbearing animal is usually small.
42 You've got to trap them. And the only way you can get a
43 brown bear, even if you trap them, is shoot them. I
44 don't know. I have my reservations on this. I don't
45 know. I see his additional information on this -- and
46 Craig Fleener got this information from Western Canada --
47 and it's been allowed there. So, I thought I might be
48 going with Craig Fleener's, you know, proposal. But, I
49 got my reservations, also.

50

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1 CHAIRMAN LOHSE: Fred.

2

3 MR. JOHN: Mr. Chair, out of respect for
4 the bear I'd like to -- first thing is throughout the
5 Athabaskan nation there's different cultural and respect
6 for bear in different ways. I don't want to make some
7 kind of advice here that will disrespect another culture.
8 And another thing is we put bear in a category with
9 rabbits and squirrels and everything. I think that's a
10 disrespect for the bear myself. I think that's a real
11 disrespect. I think bear has a classification of its
12 own.

13

14 And another thing is we start talking
15 about money value over cultural value and value of bear
16 claws. In my culture, sometime in my village when you
17 put down a person you call them a wolverine. To us, a
18 wolverine is kind of the lowest form of animal there is.
19 You're a wolverine, you know? We don't call nobody a
20 bear. You know, they'd be so proud of it.

21

22 And talking about killing bear, we
23 respect bear very highly. I would say bear like white
24 meat better than brown meat, you know. In the native
25 community, the native really respect bear, and that
26 respect means total respect. But, you know, a lot of
27 tourists come up here and they try to pet bear because
28 they see it on TV, you know, and they get eaten up. You
29 know, that's what I'm talking about, those that don't
30 know or don't have any respect for bear. You don't pet
31 bear.

32

33 Bear coexists for thousands of years with
34 moose and other animal, and all the animals still exists.
35 We go down and try to blame bears on shortage of moose
36 and everything. It's more people. That's what I
37 believe. And I don't know, I'll probably just say that,
38 but I don't want to classify bear just as a rabbit, you
39 know. Bear don't stay up all year round. They sleep
40 probably nine months out of the year in winter time.
41 They don't go looking for moose. It's probably in
42 summertime. We eat bear. Those that eat bear probably
43 just eat it in the springtime. They don't eat it in the
44 fall time because when they're out fishing and
45 everything, they're smelly. They don't taste good and
46 everything.

47

48 I'm against this. In my culture back
49 there, we used to use bearskin for dances when we'd go to
50 another village, and then we had what we called just

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1 regular bear fighters, and they respect bear. They use a
2 spear about five feet long, and they're a special group
3 of elite fighters that all they do is take on bear. It's
4 a pretty elite group. We don't have them anymore. I
5 mean, the present law, to me, is good, because if we do
6 go out and kill bear it's either self defense or, if we
7 do kill a bear, we need it. And I don't think we'd just
8 go out to kill a bear for the \$10,000 money value and
9 everything, and my people usually talk to a bear before
10 they go out there. I mean, talk to the bear. We don't
11 go down bragging about how many bear we're going to kill
12 or we're going to go out killing bear tomorrow and
13 everything. It's just out of respect for bear.

14

15 I'm totally against this. I don't like
16 it. I don't want it. And I know, as far as I know, the
17 people in Mentasta will back me. Thank you.

18

19 CHAIRMAN LOHSE: Thank you, Fred. Well,
20 I'm going to make some comments on it myself. I'm also
21 totally against turning them into a furbearer. At the
22 same time, I think of the precedent this Council set when
23 we talked about customary and traditional on salmon on
24 the Copper River, and we pointed out the fact that we
25 wanted it taken for food first and if there was something
26 left over that could be sold -- but not that it would
27 become the idea that you would take them for sale and
28 then save a few for food. The idea was that you took
29 them for food.

30

31 I don't know what kind of effect it would
32 have on the culture to make use of the hide. I know that
33 in certain parts of Southcentral to salvage the hide
34 would be customary and traditional, if you had a means of
35 using it and selling it. But, at the same time, I don't
36 see a Oriental market as being a customary and
37 traditional subsistence use of bear parts. And so, I
38 could not support the sale of gall bladders and dried
39 paws and stuff like that.

40

41 Basically, for me, I just wonder if under
42 current seasons and bag limits that we have -- our
43 current regulations -- if the ability to sell the hide,
44 to salvage the hide in the field and salvage the hide
45 would change the harvest level. Poaching exists. Those
46 high priced bear parts are going to encourage poaching.
47 We've heard about it in our area. I'm sure other people
48 have heard about it in other areas. The fact that you
49 can legally sell something that you legally took that was
50 customary and traditional to do for certain individuals

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1 isn't probably going to change that poaching.

2

3 So, the only way that I could support
4 this thing would be if it was under current subsistence
5 bag limits and seasons and I felt that there wouldn't be
6 any increase in harvest and it would just salvaging a
7 customary and traditional part that we currently
8 evidently can do for handicraft purposes. But, I know
9 for a fact that that \$60, a guy might haul the hide out
10 of the woods rather than leave it in there like I've
11 known individuals to do because they were after the meat,
12 and the meat came first. And so that's where I would sit
13 on it. I would not want it as a furbearer. And much as
14 there's big income in it, Fred, I couldn't support the
15 sale of gall bladders. Mr. Churchill.

16

17 MR. CHURCHILL: I guess I was really
18 interested in Fred John's thoughts. I see this as a
19 proposal really trying to get at the ability for folks
20 who are taking black bear primarily for food, and it's a
21 shame, if it's within their cultural values, to not be
22 able to use the claws or the skull or the teeth
23 consistent with those values. I also agree that we don't
24 want to create a flourishing gall bladder market if, in
25 fact, those prices are obtainable. But I keep coming
26 back to the fact that we've got bag limits now, and we're
27 not even getting close to them. It just seems a shame to
28 leave things in the field -- again, like claws, like
29 skulls, where people could turn that into dollars to
30 support other parts of a subsistence lifestyle, whether
31 it's buying flour or salt or other items to help support
32 themselves. It doesn't seem to me we're in any danger of
33 pushing the resource at all, given everything that we've
34 heard. And if we do this thoughtfully and just allow the
35 take -- again, not reclassify these as furbearers, but
36 allow those to be taken from the field, it would seem to
37 at least go a little ways towards helping folks that are
38 taking them now.

39

40 CHAIRMAN LOHSE: Fred.

41

42 MR. JOHN: You know, I'm not against
43 selling the claws or, you know, trading the claws,
44 bartering and everything because down in the Lower 48 on
45 the reservation I've talked to a lot of people that, you
46 know, ask the native people up here if they could, you
47 know, send down claws because they use it. They don't
48 have bear down there anymore or if any -- you know, I
49 don't know, they probably do someplace. But, on a
50 reservation, you could get good money for bear claws

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1 because they use bear claws and use bear teeth for
2 necklace and everything in their traditional way. But,
3 what I'm trying to say is I think I'm against it just
4 because, you know, I think there's so many different
5 belief in Alaska among the native people. Even in my
6 village, on my father's side they eat bear. On my mom's
7 side, they don't. Not that my dad disrespect bear, but
8 he grew up, you know, in a different clan, so he eats
9 bear, you know. And then, on my dad's side, there's what
10 you call those hunters that just go out after bear alone.
11 They're bear killers. They practice and they practice
12 and they practice and, you know, they fight bear. I
13 don't know if it's sports or it's cultural, or whatever,
14 but it's a pretty neat thing. I'm not against, you know,
15 using it and selling it and everything. It's just that
16 it's a lot of -- turning it into a furbearing animal and
17 going out and just getting it, you know -- seems like the
18 classifying it and all that.

19

20 CHAIRMAN LOHSE: Susan.

21

22 MS. WELLS: I'd have to agree with
23 whoever it was. I can't see classifying bear, whether
24 it's brown or black, as a furbearer. And it is
25 unfortunate for me that Craig Fleener is not here. I
26 would really appreciate his personal viewpoints. It's
27 not clear enough in this proposal to -- you know, I don't
28 have his background, and I don't have that. So, at this
29 time, I couldn't support this. I do support the use and
30 the taking of bear parts for personal use, rather than
31 leaving them to waste in the field.

32

33 CHAIRMAN LOHSE: Susan, I think that's
34 currently legal. You can take all the bear parts that
35 you want for your own personal use. It's just the sale
36 of the bear parts that's illegal. And, from what I
37 understand from listening to the comments before you can
38 give them to anybody that you want to and I think I got
39 the inclination that you could barter them for other
40 subsistence resources but you couldn't sell them and I'm
41 not sure if we have a clarification on that.
42 Mr. Churchill.

43

44 MR. CHURCHILL: Yeah, Mr. Chairman. Is
45 it possible for us to recommend to the Board that, in
46 fact, we are not in favor of this as written. However,
47 we would encourage a regulatory change that would allow
48 for the sale consistent with the subsistence taking of
49 black bear for parts and specifically name those parts --
50 you know, fur, skull, teeth and claw only? And, that

00055

1 way, it would address the gall bladder issue, would allow
2 us to test this out, would certainly not disrespect the
3 black bear because it would not be classified as a
4 furbearer. It would stay with its classification as a
5 big game animal, and that would seem to address the
6 concerns we've expressed here and allow the Board to deal
7 with it. And, at that time, Mr. Fleener hopefully will
8 be in the State and could address any concerns to the
9 Board.

10

11 CHAIRMAN LOHSE: Mr. Churchill, it's
12 definitely within our prerogative to modify it, change
13 it, or give what we feel is what we would think would be
14 proper on it. If something like that is going to be
15 done, a motion needs to be put on the floor to amend it
16 in that way, and that motion then has to go up as an
17 amendment and then we vote on the proposal, as amended,
18 or on the amended proposal.

19

20 MR. CHURCHILL: Then I'd like to offer an
21 amendment to the proposal that we're discussing. I'd
22 like to amend it to allow the taking, use and sale of the
23 parts of a black bear to include the fur, claws, skull
24 and teeth. Yeah, that would be what I'd like to offer.

25

26 CHAIRMAN LOHSE: Is that taking under
27 current legal subsistence regulations?

28

29 MR. CHURCHILL: Yes, absolutely. Yes.
30 Thank you.

31

32 CHAIRMAN LOHSE: And bag limits and
33 harvest.....

34

35 MR. CHURCHILL: Yes. All other things to
36 remain the same.

37

38 CHAIRMAN LOHSE: Okay, under current
39 regulations. Okay, so what I got for your amendment was
40 to allow taking under current regulations for seasons and
41 bag limits black bear, and the use and sale of the hide,
42 skull and claws.

43

44 MR. CHURCHILL: And teeth.

45

46 CHAIRMAN LOHSE: And teeth, okay. Do I
47 hear a second?

48

49 MR. ELVSAAS: I will second that.

50

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1 CHAIRMAN LOHSE: Okay. We have an
2 amendment on the table. Discussion. Terry, I saw that
3 you came up. Would you like to make a comment on it?
4

5 MR. HAYNES: I want to clarify what the
6 State regulations do and do not allow.....

7
8 CHAIRMAN LOHSE: Okay.
9

10 MR. HAYNES:regarding the barter of
11 bear parts. The State regulations do not allow the
12 barter of game meat, except for hares and caribou in
13 certain regions. So you can't barter bear meat. You may
14 not barter any part of a black or brown or grizzly bear
15 except an article of handicraft made from the fur of a
16 black bear. So, I was.....

17
18 CHAIRMAN LOHSE: Okay.
19

20 MR. HAYNES:I misspoke.
21

22 CHAIRMAN LOHSE: So there is no barter or
23 trade, even between subsistence users of any bear parts
24 at this point in time, except the handicraft made out of
25 black bear hide?
26

27 MR. HAYNES: That's right, and I
28 apologize for misinforming you.
29

30 CHAIRMAN LOHSE: Thank you. Okay, we
31 have an amendment on the table. Discussion on the
32 amendment. Fred.
33

34 MR. ELVSAAS: Mr. Chair, first of all, I
35 have to agree a bear is not a furbearer. You know, that
36 was unfortunate he put that in there. But, on the other
37 hand, when you take a bear you should be able to utilize
38 the bear. I just have a bad feeling about leaving
39 something in the field if you can bring it in. And I
40 recognize that the sale of gall bladders is not a
41 customary and traditional activity. When you look at all
42 of these things, you take an example of somebody goes out
43 and gets a bear and they salvage the meat and they take
44 the hide, but they leave the gall bladder. Does this
45 mean somebody else can pick up a gall bladder and sell
46 it, then? You know, there's all kinds of questions that
47 come out of this, and you can what if this thing to
48 death, I know.
49

50 But, on the other hand, it just seems to

00057

1 me that not only in the subsistence area but throughout
2 the State that something that's harvestable should be
3 harvested rather than left to rot in the wild. But, as I
4 understand now, the amendment is to allow the taking of
5 black bear -- the meat, the fur. I guess instead of fur
6 we should say hides because we're agreeable that's it's
7 not a furbearer. So we better not say fur. So we better
8 say the hides, the claws, and the teeth and just not even
9 mention the gall bladder at this point. I'm comfortable
10 with that, because this will start some discussions with
11 other Advisory Committees and so forth.

12

13 I know several are deferring this -- we
14 heard earlier -- waiting to see if somebody is going to
15 make a move on it, and I think we're -- negligent, I
16 guess, is probably not the right word, but I'll use it --
17 negligent in not addressing the issue. We know it's
18 before us. We know it's being done. We know the
19 resource is there. And I would vote for the amendment,
20 and I think we're all agreeable it's hides instead of
21 fur.

22

23 MR. CHURCHILL: Absolutely.

24

25 MR. ELVSAAS: Thank you.

26

27 CHAIRMAN LOHSE: Susan.

28

29 MS. WELLS: As far as bartering,
30 according to the State there is no mechanism unless -- I
31 mean, the only way that it could be used would be by
32 handcraft, if something was made into an item. And
33 still, then the purchase, sale or barter of it would be
34 prohibited under State regulations. But, under ANILCA,
35 Title 8, Section 803, the phrase subsistence uses is
36 defined to include for the making and selling of
37 handcraft articles for -- and then, there's something
38 left out there. The applicable language says for barter
39 or sharing for personal or family consumption and for
40 customary trade. So we do have, under ANILCA, the
41 mechanism for that, am I not correct?

42

43 UNIDENTIFIED SPEAKER: Uh-huh.

44 (Affirmative)

45

46 MS. WELLS: Okay. So we do have that,
47 and so we're really asking that this hide and this
48 resource and the respect of this animal not be wanton
49 waste. And, again, I'll say it. I'm opposed to it being
50 a furbearer, but I think this will give us more teeth.

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1 Do not leave, you know, a part of this revered and
2 respected animal in the forest. And so, you know, I
3 think that if we could encourage subsistence and the
4 Federal law to include this, that it's giving us some
5 definition that maybe the users of that would harvest
6 this and then barter. I mean, then it would also give an
7 opportunity here for the sale.

8

9 The sale concerns me. I have
10 reservations for the term sale. There does need to be
11 some avenue for subsistence users to make good for their
12 work.

13

14 CHAIRMAN LOHSE: Mr. Churchill.

15

16 MR. CHURCHILL: Yeah. I guess, having
17 talked to some of the fur buyers and looked at these
18 catalogues, I don't think the market is so
19 lucrative that we're going to create a huge drain on the
20 resource. And there's a concern, but it's not an
21 overriding concern with allowing the sale of these
22 specific items off of a black bear. And just so that
23 we're all clear, there's nothing in this amendment to
24 indicate that we're reclassifying either the brown bear
25 or black bear as a furbearer.

26

27 CHAIRMAN LOHSE: Thank you, Bob. Fred,
28 in answer to some of the things you brought up.
29 Currently, we can use any part of any bear. We can't
30 sell. And it doesn't whether or not somebody else shot
31 it or whether you found it or not. You can not pick up a
32 part of a bear and sell it. There is no sale of bear
33 parts, period.

34

35 And, as to what you were bringing up,
36 Sue, ANILCA allows customary trade and barter. One of
37 the things that we've been trying to define is what is
38 customary trade and barter. And, to me, the sale of gall
39 bladders would never fit under customary, because they
40 weren't customary by a long shot. The trade and sale in
41 hides and teeth and claws are probably customary. It's
42 currently allowed. It's not defined, and so there's been
43 no legal challenge in court on it, either. So,
44 technically speaking, if a subsistence user did customary
45 trade and barter bear parts, what we have is we have no
46 definitive law written on it.

47

48 That's one of the things that's trying to
49 be done with the customary trade and barter committees
50 and everything is to come up with, you know, what is

00059

1 customary trade. Sale is an exchange. It's an exchange
2 for cash, is the way it's defined as -- just the same as
3 if you exchanged it for meat. Well, for lack of a better
4 way of thinking of it, I think of the Old Testament law
5 on tithing where he said that, you know, if the place
6 that you're going is too far to go, exchange your grain
7 and crop and everything for money, bind it up in your
8 hand and take it there and buy what you want to buy when
9 you get there, and that's basically what happens when
10 you exchange something for cash. Then you take that cash
11 and you go someplace else and you buy something with it,
12 and so you're trading with an in between. So, for lack
13 of a better way of putting it, I'm just trying to give
14 you some background on where we're at on that right now.
15 Sue.

16

17 MS. WELLS: Then I have one, hopefully
18 law question. Well, if we were to approve this motion to
19 include the black bear, and allow the taking under
20 current legal regs -- the use and sale of the hide -- we
21 already have that under ANILCA for a subsistence user.
22 Would we eventually be restricting what we have now
23 by.....

24

25 CHAIRMAN LOHSE: I feel we would probably
26 be defining what we as a Council think is customary.
27 Again, remember, we're making recommendations. We're
28 trying to put our input into it from the way we see it
29 with the information that we've received, the way we see
30 it from our background. Fred shared a lot of background
31 today and the idea of the fact that different clans see
32 it different. I ran into that 35 years ago, where I was
33 out on the peninsula. We had one family in the village
34 that were the bear hunters and they were extremely highly
35 respected and they did all the bear hunting. And so, all
36 of these things come into the issue. And currently under
37 ANILCA, ANILCA allows for customary trade and barter.
38 But, somewhere along the line, as Councils we have to
39 give our recommendations as to what we do think is
40 customary, and that's basically what you're doing right
41 here. And, again, remember it's a recommendation. It
42 goes in with all of the other Council recommendations,
43 and the Board will do the deliberations after hearing all
44 of the other information on it, also. Mr. Churchill.

45

46 MR. CHURCHILL: And, just for the record,
47 the intent of the motion was not totally inclusive. It
48 was saying at a minimum to allow for the sale. And,
49 again, we're not talking about making these a furbearer
50 -- the black bear, and I was just talking to the black

00060

1 bear -- at all. That was not the intent. It was just to
2 allow for the sale of those specific parts, and it was
3 clarified hide, claws, skull and teeth. And I don't see
4 that as saying that's all that's customary and
5 traditional, but I see it as saying those are included
6 among the things that are customary and tradition. So I
7 don't think it slams any doors for us.

8

9 CHAIRMAN LOHSE: The other thing I came
10 across when Susan reread the thing, I was under the
11 impression that it was under current subsistence
12 regulations. In other words, this is not applying to
13 State regulations across the board. This is applied to
14 the current subsistence regulations regarding methods,
15 means and bag limits on black bear. And I think I said
16 that when I read it the first time. I hope I did.

17

18 UNIDENTIFIED SPEAKER: Yes, you did.

19

20 CHAIRMAN LOHSE: Okay, any further
21 discussion? You know, if we keep going like this we'll
22 be here till Saturday.

23

24 MR. JOHN: I've got a definition for
25 barter, trade and sale. Like our native moccasin, you
26 trade it for \$50, and they sell it for \$150.

27

28 MR. CHURCHILL: If I'm understanding the
29 Chair correctly, I'd call the question then.

30

31 CHAIRMAN LOHSE: Okay. The question has
32 been called. We're voting on the amendment.

33

34 MR. ELVSAAS: Mr. Chair.

35

36 CHAIRMAN LOHSE: Yes.

37

38 MR. ELVSAAS: It's seems like they wanted
39 recorded both ayes and nays.

40

41 CHAIRMAN LOHSE: Right. We have to ask
42 for both.

43

44 MR. ELVSAAS: Do you want the roll for
45 that then?

46

47 CHAIRMAN LOHSE: No, we don't need a roll
48 call vote. We just need to call for both.

49

50 MR. ELVSAAS: Oh, okay.

00061

1 MR. JOHN: Mr. Chair, can you restate the
2 amendment -- I mean what.....

3
4 CHAIRMAN LOHSE: Okay.

5
6 MR. JOHN:the correct wording?

7
8 CHAIRMAN LOHSE: Okay. Now, I don't
9 know, maybe Ann can correct me, if I'm wrong. But, it
10 was to allow for the taking black bear under current
11 subsistence regulations regarding methods, means and bag
12 limits and allow the use and sale of the hides, teeth,
13 claws and skull.

14
15 UNIDENTIFIED SPEAKER: Of black bear?

16
17 CHAIRMAN LOHSE: Of black bear, yeah.
18 The black bear was way up in there.

19
20 MR. DEMENTI: So we're just dealing with
21 black bear?

22
23 CHAIRMAN LOHSE: We're just dealing with
24 black bear. We're just dealing with hides, teeth, claws,
25 skulls. Did you include the meat in that, too? I didn't
26 have.....

27
28 MR. CHURCHILL: No.

29
30 CHAIRMAN LOHSE: It was just the hides,
31 teeth, claws and skulls? I don't know. I think as a
32 Council we just take for granted that if you're taking
33 the animal you're taking it for meat, just like if you're
34 taking the salmon you're taking it for meat.

35
36 MR. DEMENTI: Exactly.

37
38 MR. CHURCHILL: Exactly.

39
40 CHAIRMAN LOHSE: And so, it's to allow
41 for the use of the other parts that you wouldn't have use
42 of yourself.

43
44 MR. CHURCHILL: Exactly, yeah.

45
46 CHAIRMAN LOHSE: Okay. That's an
47 understanding and a clarification that, you know, as a
48 Council I think we need to make sure that we have in our
49 records is that our idea of the subsistence taking of a
50 bear is for meat.

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1 MR. CHURCHILL: Make sure the secretary
2 gets all that.

3
4 CHAIRMAN LOHSE: Yeah. Okay. With that,
5 we have an amendment on the table. The question's been
6 called for. All in favor of the amendment, signify by
7 saying Aye.

8
9 IN UNISON: Aye.

10
11 CHAIRMAN LOHSE: All opposed, signify by
12 saying nay.

13
14 (No opposing responses)

15
16 CHAIRMAN LOHSE: Motion carries. We now
17 have an amended motion on the table, and this amendment,
18 I feel, precludes all of the rest of the proposal. Am I
19 correct? In that case, if there's no further discussion,
20 a question on the motion as amended is in order.

21
22 MR. CHURCHILL: Call the question.

23
24 CHAIRMAN LOHSE: Question.....

25
26 MS. WELLS: Can we read it again, Ralph?

27
28 CHAIRMAN LOHSE: I'm going to let Ann
29 read it again. I can read it again, if you like. It's
30 allow for the taking of black bear under current
31 subsistence regulations regarding methods, means and bag
32 limits and allow for the sale of the hide, the skull, the
33 claws, and the teeth. Ann.

34
35 MS. WILKINSON: If you're going to vote
36 on the proposal, it would seem you need to make a
37 statement about not reclassifying it as a furbearer.

38
39 CHAIRMAN LOHSE: Okay. Well, that's why
40 I was asking the question whether this amendment
41 precludes the original proposal, and the idea of the
42 whole original proposal as a furbearer is not part of
43 this motion. Susan.

44
45 MS. WELLS: Well, I understand his motion
46 when we started this out was to include brown bear and
47 black bear in the furbearer definition and allow the
48 parts to be sold. That was the original motion.

49
50 CHAIRMAN LOHSE: Right. Right.

00063

1 MS. WELLS: And so, I didn't hear the
2 reclassification of furbearer in the amendment.

3
4 MR. CHURCHILL: It's not. I mean.....

5
6 MS. WELLS: So.....

7
8 MR. CHURCHILL:that precludes all
9 that other language.

10
11 CHAIRMAN LOHSE: That precludes all that
12 the other language.

13
14 MR. CHURCHILL: We're not.....

15
16 CHAIRMAN LOHSE: We're amending the
17 proposal to only include what we put in the amendment.
18 Bob.

19
20 MR. CHURCHILL: Essentially, what we're
21 voting on is the amendment. We substituted the amendment
22 for the original language, and now we're revoting on the
23 same thing we voted on before, that that's going to be
24 what goes forward.

25
26 CHAIRMAN LOHSE: Well, maybe we need to
27 take a motion that this amendment is a substitute for the
28 original proposal so that the understanding is on paper
29 that we as a Council recognize that this amendment is a
30 substitute for the original proposal, if that would make
31 you more comfortable, Sue.

32
33 MS. WELLS: Well, yes, because if.....

34
35 CHAIRMAN LOHSE: Okay.

36
37 MS. WELLS:if we had to vote on it,
38 you know, the way it was originally there, even though we
39 amended it we did not take out furbearer definition.

40
41 CHAIRMAN LOHSE: Okay. Okay.

42
43 MS. WELLS: And I would have to vote
44 against that. It needs to be very bold-facely defined
45 that we aren't voting on the furbearing definition.

46
47 MR. CHURCHILL: That was included in the
48 discussion, but I'm perfectly comfortable including
49 language to that.

50

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1 MS. WELLS: I want it. Yeah, I need it
2 in there.

3
4 CHAIRMAN LOHSE: Okay. Well, then, a
5 further -- you know, we have got a motion on the table,
6 but we can have an amendment on the table. We can put
7 another amendment on the table, and that amendment would
8 be that this precludes the original motion.

9
10 MR. CHURCHILL: Well, having made the
11 original amendment, then I'd like to state for the record
12 that that amendment is in whole, in total the language
13 that we're recommending to the Board, to preclude all
14 other language embodied in proposal 1.

15
16 MS. WELLS: And, also, only with regard
17 to the black bear.

18
19 MR. CHURCHILL: That's what it says.

20
21 MS. WELLS: Okay.

22
23 MR. CHURCHILL: So, if we have a second,
24 we can call a question.

25
26 CHAIRMAN LOHSE: Okay. Do you we have a
27 second on that? Susan.

28
29 MR. JOHN: Discussion okay?

30
31 CHAIRMAN LOHSE: Well, we need a second
32 before we can discuss it.

33
34 MS. WELLS: I'll second it.....

35
36 CHAIRMAN LOHSE: Seconded, okay.

37
38 MS. WELLS:for discussion.

39
40 MR. JOHN: I'm going to vote against all
41 of this, because I think we need a little more study, a
42 little more time with other Councils -- find out, you
43 know, what -- this goes all over Alaska, I think, if it's
44 going to go, and I'm not very comfortable with this whole
45 thing right now. Just that I think I need a little more
46 information, little more input, and I'm not very
47 comfortable.

48
49 CHAIRMAN LOHSE: Mr. Churchill.

50

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1 MR. CHURCHILL: With all due respect to
2 member John, I am comfortable making the recommendation
3 because I think it allows for that discussion that we're
4 looking for in front of the Board, and we've addressed
5 the issue of not making the black bear -- and we are only
6 dealing with black bear -- a furbearer. It continues to
7 be classified as a big game animal. We're just creating
8 a situation where folks that are taking those bears for
9 subsistence needs can then use other parts of the bear
10 that would otherwise not be available to them to support
11 themselves, whether it's for gasoline or other things
12 they need. It seems to be something that I'd like to see
13 discussed at the Board level.

14

15 CHAIRMAN LOHSE: Okay. Fred, we have an
16 amendment on the table right now that this motion
17 precludes and is a substitute motion for the original
18 proposal, and so first we need to vote on that before we
19 vote on the proposal. Fred.

20

21 MR. ELVSAAS: Well, I'd like to speak to
22 the amendment that you're talking about.

23

24 CHAIRMAN LOHSE: Good.

25

26 MR. ELVSAAS: Okay. It's important....

27

28 CHAIRMAN LOHSE: Ann, what?

29

30 MS. WILKINSON: I'm sorry. I'm getting a
31 bit confused. You made an amendment, specific as it was,
32 and then we're voting on the proposal as amended or
33 modified. When I talked about I wanted something that
34 made it clear that you were not supporting
35 reclassification -- and I don't.....

36

37 CHAIRMAN LOHSE: You don't think we need
38 another amendment for that?

39

40 MS. WILKINSON: No, no.

41

42 CHAIRMAN LOHSE: We just need to make
43 that clear.

44

45 MS. WILKINSON: Right, right.

46

47 CHAIRMAN LOHSE: Okay. Well, the
48 perpetuator of the amendment made it clear that this is
49 in substitution for the whole proposal. Fred.

50

00066

1 MR. ELVSAAS: Well, I was going to get to
2 that. You know, the heading, the number of the proposal
3 is there. When the Board reviews this, they need to know
4 that this proposal was made as spelled out, and that we
5 amended it to that point. So, when the Board looks at
6 this, it's going to come from all of the areas, all the
7 Advisory Councils -- hopefully, they will all respond --
8 and they will define from all the advice given them what
9 they want to do with it. My first thought is they'll
10 probably defer it and refine it a little further even.
11 But, in regards to that, I think that if the proposal
12 before the Board is written the way it is written to us
13 and then the amendment is stated that clarifies
14 everything and I don't we need the second amendment.

15
16 CHAIRMAN LOHSE: Okay.

17
18 MR. ELVSAAS: Thank you.

19
20 CHAIRMAN LOHSE: That's what I thought,
21 but I wanted to make it perfectly clear, as Susan said,
22 that this is in substitution to the furbearer one, that
23 it is not a tack on to it. And I think we've made that
24 clear enough. With that case, I guess we can withdraw
25 the fact that those were amendments offered.

26
27 MR. CHURCHILL: The maker of the
28 amendment with withdraw it, given the fact that the
29 record has been clarified.

30
31 CHAIRMAN LOHSE: Okay. Will the second?

32
33 MS. WELLS: Yes.

34
35 CHAIRMAN LOHSE: Okay. So, we're back to
36 the motion, as amended, which is our proposal then.
37 Okay. And is there any further discussion? Then the
38 question is in order.

39
40 MR. ELVSAAS: Question.

41
42 CHAIRMAN LOHSE: The question has been
43 called. All in favor -- do I need to read it again? Do
44 we all understand it? Okay. All in favor of the motion,
45 as amended, signify by saying Aye.

46
47 IN UNISON: Aye.

48
49 CHAIRMAN LOHSE: All opposed, signify by
50 saying nay.

00067

1 MR. JOHN: Nay.

2

3 CHAIRMAN LOHSE: Motion carries. Fred,
4 would you like to give Ann your reasons for the nay? And
5 I think you gave them out loud. I think she's already
6 got them.

7

8 MR. JOHN: I don't have to give a reason
9 for voting.

10

11 CHAIRMAN LOHSE: No. Okay. That was a
12 simple one. Now, let's get on to one of the hard ones,
13 and it's almost five minutes of 12:00. I think someone
14 was overly optimistic. They only rented a room for me
15 for one night. Well, last night doesn't count. We
16 didn't have a meeting last night. Okay, it's five
17 minutes to 12:00. I think we should take a recess for
18 lunch, if that's okay with the rest of the Council. I
19 think we need an hour and a half if we're going to go
20 anyplace to have lunch unless you're going to eat here.
21 So, in that case, let's be started at 1:30. How does
22 that sound?

23

24 MR. ELVSAAS: Sounds good to me.

25

26 (Off record)

27

28 (On record)

29

30 CHAIRMAN LOHSE: I'm calling the Spring
31 meeting of the Southcentral Regional Subsistence Advisory
32 Council back into session. At this point in time, I've
33 had a request from somebody that has to go pick somebody
34 up at the airport if they could testify, and we like to
35 make sure everybody gets their chance to testify. So,
36 Gloria, would you come testify now, so you can go. This
37 is probably in regard to the caribou proposals, mostly,
38 or everything?

39

40 MS. STICKWAN: Sixteen, 17 and 19.

41

42 CHAIRMAN LOHSE: Sixteen, 17 and 18?

43

44 MS. STICKWAN: Nineteen.

45

46 CHAIRMAN LOHSE: And 19.

47

48 MS. STICKWAN: I would like to have this
49 Council, for Proposal 16, consider the documentation that
50 was written up by Elijah Waters and Taylor Brelsford. We

00068

1 think that would be a good alternative to ours, but we
2 still would like to take the same dates -- December 1st
3 through April 20th.

4

5 CHAIRMAN LOHSE: You like their
6 proposal.....

7

8 MS. STICKWAN: Yes.

9

10 CHAIRMAN LOHSE:but like your
11 dates?

12

13 MS. STICKWAN: Yes. I was asked to write
14 that proposal because of the impact of our areas on Unit
15 13. It's just overcrowding and hard to get caribou
16 during the Fall season, and even though they say there
17 is no impact on there, we do feel the impact. I mean,
18 people at Ahtna have testified for the Board of Game over
19 and over and over again how many times that they've been
20 impacted by the urban areas with their ATV's and scaring
21 moose and caribou away from -- you know. So, it does
22 impact us.

23

24 Proposal 17 was to close Federal public
25 lands just for the Federal users. I was asked to write
26 that, too, because of the impact of our area in Unit 13,
27 because there's just quite an impact out there during
28 Fall season for hunting moose and caribou. Even though
29 there's little Federal lands out there, we still want
30 that protection of those little Federal lands, because
31 those are close to the road areas, and most of the Ahtna
32 people hunt along the road because they don't have ATV's
33 to go off the road. That's why the proposal was written
34 to have just rural area hunt.

35

36 CHAIRMAN LOHSE: So, 17 is basically a
37 proposal for non-qualified subsistence users?

38

39 MS. STICKWAN: Yes. And Proposal 19 was
40 by -- I think it was Chistochina and Mentasta, and we
41 support that. CRNA also put in a proposal, too, for
42 moose for a cultural camp that has to do with -- it's
43 kind of like an alcohol related cultural camp -- and we
44 had to write one 60 days before we could go out and, you
45 know, get our moose. It was for moose. We think that if
46 -- you know, if the BLM and Wrangell-St. Elias could
47 distribute the permit, it would just make it so much
48 easier for us. People like to, you know -- I guess
49 having 60 days ahead of writing it is kind of like -- I
50 don't know. It's too long for us. We'd like to just be

00069

1 able give a week's notice, maybe, of writing a letter to
2 BLM or Wrangell-St. Elias and be able to get a permit for
3 a moose for culture camp.

4

5 I wrote one last year for CRNA and it was
6 rejected, but we support this proposal. That's all.

7

8 CHAIRMAN LOHSE: Are there any questions
9 for Gloria? Mr. Churchill.

10

11 MR. CHURCHILL: Yeah. And, again, thank
12 you for coming and testifying. I'm curious. Obviously,
13 you know, from reading your proposals overcrowding is a
14 concern. Could you talk to your concern about the
15 populations, both moose and caribou, in terms of their
16 health and abundance in your hunting areas?

17

18 MS. STICKWAN: Well, I know they're both
19 on the decline. The permits for the State has gone down
20 to do those, for caribou, and I think it's -- I'm not
21 sure -- 600 for moose. But they are going down.

22

23 CHAIRMAN LOHSE: Mr. Churchill.

24

25 MR. CHURCHILL: Yeah. As a follow up --
26 and certainly everything I've heard and seen supports
27 that as well -- what do you think is causing that
28 dramatic downturn in game abundance?

29

30 MS. STICKWAN: I don't really know, other
31 than they say it could be overeating. But, it could be
32 the impact of noise, you know, having an impact on the
33 caribou and moose just to be able to, you know -- I do
34 believe that noise from the snow machines do have an
35 impact among the caribou and their migration routes and
36 whatever. I mean, I really believe that it does. And,
37 like Fish and Game says, they may be overgrazing their
38 food. Plus, you know, it's just a natural thing that
39 they decline and go up again.

40

41 I think it is severe winters, too.
42 There's a lot of bears in the area. Wolves. That's
43 something that Federal don't support, though, is predator
44 control, I guess.

45

46 MR. CHURCHILL: Thank you very much. I
47 appreciate it.

48

49 CHAIRMAN LOHSE: So, basically, all of
50 the concerns -- the range, the predators, the ATV impacts

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1 -- all of those you kind of feel have an effect on the
2 moose and the caribou?

3

4 MS. STICKWAN: Uh-huh. (Affirmative)
5 And the noise and that.

6

7 CHAIRMAN LOHSE: Yeah.

8

9 MS. STICKWAN: Just the snow machines and
10 the ATV's and just the people. I think it does have an
11 impact on them.

12

13 CHAIRMAN LOHSE: There's been a large
14 increase in snow machines in the wintertime up there,
15 hasn't there?

16

17 MS. STICKWAN: Yeah, there is. And they
18 say it doesn't have any impact on the animals, but I
19 believe it does. I mean, they say that there's a lot of
20 animals here in Anchorage, like bears and stuff. But, I
21 think it's because they get accustomed to that, you know,
22 here in Anchorage; whereas, out there, they're not
23 accustomed. But, it does have an impact on them because
24 -- I don't know. I just believe it does.

25

26 CHAIRMAN LOHSE: Yeah. Maybe the noise
27 factor in Anchorage is compensated by the fact that the
28 noise keeps the predators away. So then, if you combine
29 noise and predators like you do in Unit 13, it has an
30 impact. If you chase all the predators away like you do
31 in Anchorage, well then it doesn't have an impact, you
32 know? I mean, you can't have both. So, thank you. Any
33 other questions for Gloria?

34

35 MR. CHURCHILL: Just a thought. You
36 know, you bring an interesting question that I know I've
37 been curious about, is what's the impact of -- and I
38 assume it's mostly recreational snow machining -- on herd
39 productivity with caribou. Do you have any ideas, other
40 than what you put in, that would specifically address
41 that, that might help us to make some recommendations? I
42 mean, I share your concerns about disturbing the herds
43 during the wintertime, where they need all the nutrition
44 they can have. Any other thoughts, Gloria?

45

46 MS. STICKWAN: I don't know really how to
47 address it, other than maybe they should be able to have
48 designated trails and forests, to stay on those areas and
49 not go where they migrate or where they, you know -- I
50 don't know, something like that. But, that would be hard

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1 to enforce, too.

2

3 CHAIRMAN LOHSE: Just a question, Gloria.
4 That's an idea that's come up before, but what I'm
5 wondering is at the same time that, you know, we feel the
6 need to restrict, you know, unlimited, just recreational
7 noise or impact on the animals, at the same time we want
8 to allow the equipment to be used for subsistence hunting
9 and it's hard to say you stay on the trail and we can go
10 off the trail. And that would be an awful hard thing to
11 enforce, but it wouldn't be an impossible thing to
12 enforce because you'd have to say that to be off the
13 trail you just would have to be in possession of a
14 subsistence hunting permit. And so, I mean, the
15 regulation could be written that way. It would still be
16 a real extremely hard thing to enforce.

17

18 MS. STICKWAN: Or, you could just have
19 designated times between recreational and hunters or.....

20

21 CHAIRMAN LOHSE: Yeah.

22

23 MS. STICKWAN: When the caribou are in
24 the area, you can't have ATV's or recreational snow
25 machining during the winter.

26

27 CHAIRMAN LOHSE: I'm sure those are
28 things that are going to be considered in the future.

29

30 MS. STICKWAN: I think they're going to
31 have a meeting here next month.....

32

33 CHAIRMAN LOHSE: In the month of.....

34

35 MS. STICKWAN:ORV.

36

37 CHAIRMAN LOHSE: Yeah. Thank you. Any
38 other questions for Gloria? Thank you, Gloria. Okay.
39 With that, we're going to go on to Proposal 16. Donna is
40 going to do the introduction on this one here.

41

42 MS. DEWHURST: Proposal 16 was submitted
43 by the Copper River Native Association, whom Gloria
44 represents. It basically has two aspects. One is to go
45 from the current regulation of two bulls, which was just
46 created by the Federal Subsistence Board this past
47 Spring, to go back to two caribou; and the other aspect
48 is to change the second season from October 21 through
49 March 31, which is the present, to that December 1
50 through April 20th. So, those are the two aspects of

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1 this proposal. One is a date change, and one is a bag
2 limit change, basically.

3

4 If you turn to page 25, I'm going to go
5 through this fairly quickly, because a lot of this is old
6 hat for everybody. On the map on page 25, it does give a
7 nice illustration of the range of the Nelchina caribou
8 and the extent of Federal lands that we'll be talking
9 about in both Proposal 16 and Proposal 17. Primarily, we
10 talking about those strips of BLM land around Paxson on
11 the map, on the figure -- so, just keeping this as a
12 frame of reference.

13

14 As mentioned, the Nelchina caribou has
15 had a long history of cycling. It's gone up, and it's
16 gone down -- and not uncommon for caribou in a lot of
17 areas in parts of the state. The State's management
18 objective is 35,000 to 40,000 animals. Presently, the
19 count is at 33,700. So, we're shy basically a couple
20 thousand animals. We're getting close to the minimum of
21 the State's harvest objective. Recently, the main
22 reasons that are thought to be keeping them back are poor
23 summer forage conditions and calf mortality, probably
24 mostly likely by predators. So those are the two things
25 that are thought to be preventing the herd from going up
26 faster at this point.

27

28 The calf recruitment has been low in
29 several years. Last year, we saw a little bit of an
30 improvement at 40 calves per 100 cows, which is a good
31 sign. It shows that things are improving, and hopefully
32 we will continue to see the improvement. But, the one
33 thing I've learned working with caribou over a number of
34 years is don't count on anything. They can go up, and
35 they can go down. So, the indications are they're going
36 up. But, until we do the next survey we never know for
37 sure.

38

39 The bull/cow ratio is still below the
40 objectives of 40. It's at 37. But there, again, it's
41 getting close. One thing that was interesting at a radio
42 telemetry study in the past couple of years was that we
43 are seeing a higher than normal mortality rate, even of
44 the adults. So there, again, predators could be a
45 factor. So, we're basically looking at a herd that's
46 impacted probably by three things: probably by habitat,
47 in some respects; by predators, in some respects; and
48 then by our calf survival. And calf survival is a
49 product of both the predators and the condition of the
50 calves. Depending on how healthy mom was will depend on

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1 how healthy that little guy comes out and how it's able
2 to deal with winter conditions and predators chasing it.
3 So, those are the factors.

4

5 Now, when we start looking at the
6 proposal, if you look at Table 1 on page 27 one of the
7 things that's interesting is when we look at this we have
8 two components. We're dealing with a joint harvest. The
9 lion's share of the harvest in the past has been by the
10 State. And you look at the State harvest, which is
11 really reflected by that middle column of total harvest,
12 and it has gone down considerably in the past decade.
13 Where, if you look at the Federal harvest, over that same
14 time period it's been remarkably consistent. We're
15 looking at somewhere from 200 to, at the peak, a little
16 bit over 400 animals taken. It's been surprisingly
17 consistent. The thing that's interesting there and just
18 possibly might be noteworthy is that even though the
19 numbers are consistent, if you look at the numbers in
20 parentheses -- meaning, what piece of the pie Federal
21 subsistence has gotten -- our piece of the pie has
22 consistently grown, showing that the local folks are
23 getting priority and that as of last year the Federal
24 subsistence accounted for approximately 26 percent of the
25 harvest. Where, you look a decade ago, we accounted for
26 six percent of the harvest. So, they are getting
27 priority under the current system with the joint Federal
28 and State, and the State is under Tier II which is also
29 considered to be a subsistence hunt.

30

31 Now, dealing with the two aspects of the
32 proposal, the first aspect I would like to really talk
33 about is the dates. The dates that Gloria mentioned --
34 to go to a December 1 through April 20th -- we're
35 opposing that, and I think the best way to explain why
36 staff is opposing that is to look on Table 2 on page 28.
37 When I created this table, I was trying to tease out the
38 various segments of the harvest. And if you look at the
39 animals harvested during October and November you see it
40 actually accounts for a third of the harvest. In the
41 justification by Gloria, the proponent, was that people
42 don't hunt during those time periods. But, when you just
43 look at the numbers, it shows that there have been people
44 hunting during October and November. And so, I had a big
45 concern with cutting those folks out, in that I -- you
46 know, we haven't gotten a lot of public input, you know,
47 screaming about it. But, the concern by our office was
48 there was no justification to cut those folks out of the
49 pie and to say they couldn't hunt in October and
50 November, and the numbers show there are a lot of people

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1 who do hunt during that time period. So there was no
2 reason to tell them they couldn't. It just didn't seem
3 justified, and that was one concern. So, it was very
4 hard to support moving the hunt to December 1, because we
5 would actually be restricting subsistence users.

6

7 Another factor there is that the State
8 hunt starts at basically the same date in October, and in
9 some respects we are kind of dealing with a quota system.
10 It hasn't come to bite us yet, but we've gotten extremely
11 close on a number of years, in that our office and ADF&G
12 work very closely every winter looking at the harvest and
13 trying to decide whether or not we need to close the hunt
14 down based on the harvest guidelines. Like, for example,
15 this year the guidelines were 1,000 bulls, and that's
16 what the harvest guidelines were. Well, as of December,
17 the State was around 800-plus animals, and they shut
18 down. They did an emergency order and they shut down.
19 Then the burden came on my shoulders and our office.
20 Well, are you going to shut down? Are the Feds going to
21 shut down? We looked at the harvest at that time, and we
22 felt based on historical harvest that with the 800 taken
23 under the State system and our harvest usually averaging
24 200 to 400, we were probably safe and so we made the
25 decision to stay open. And we've revisited that every
26 month. We revisited it in January. We revisited in
27 February. And we just revisited it again and made the
28 decision, at this point, to stay open. Now, it is a
29 little risky. The current numbers -- let's see, the one
30 hunt has taken reported kill 196 and 119. This is as of
31 yesterday. So that's 205 [sic] looks like.

32

33 So that's where we're at right now. But,
34 that represents only about 25 percent reporting. So we
35 have another 75 percent of the harvest tags out there
36 that we don't know what's being taken. We only have 25
37 reporting, which generally means the people that report
38 are done. They've either gotten their two caribou, or
39 they got one caribou and they decided they didn't want to
40 get another caribou. Whatever the case may be, they've
41 already turned their tags in. So, we have 25 percent of
42 the subsistence hunters that have turned their stuff in.
43 We have another 75 percent unknown. At this point, we
44 are keeping the hunt open this year. But, like I say, it
45 could come back and bite us. We won't know until
46 probably April or May what our total component will be.

47

48 The only reason I go into this elaborate
49 story is explaining that, in some respects, it is a quota
50 system in that we are looking at numbers of animals every

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1 winter and making that decision on whether or not the
2 State will stay open, whether or not the Feds will stay
3 open. And if we did not allow harvesting during October
4 and November -- if we shut it down and said we're going
5 to start December 1, but the State allows their folks to
6 be hunting during October and November --the thing I get
7 a little concerned about is those guys are going to go
8 get the animals and then if we end up being in a
9 situation where we have to shut down I would feel really
10 awkward to, basically, come December 1, say, oh, well we
11 can't even open up because the State hunters got the
12 quota, you know. They got all the animals. And I don't
13 like that. I would like our folks to have the same shot
14 as the State sport hunters. So that's why I oppose
15 starting on December 1. I think we should open the same
16 time that the sport hunters -- well, they're not sport
17 hunters, they're Tier II hunters -- are out there. So,
18 that's the reason why I oppose the December 1 point.

19
20 As far as the April extension, currently
21 the season closes at the end of March. The concern about
22 the April extension is purely conservation of the
23 resource. The herd starts moving in April. It's moving
24 back toward the eastern Talkeetna area, where the calving
25 grounds are, and generally moving through Federal public
26 lands where those little strips are around Paxson.
27 Historically, the pregnant cows are usually the ones that
28 lead the migrating groups. I guess they're the most
29 highly motivated to get back to the calving grounds, and
30 so they're moving along first. So they're the first ones
31 encountered by hunters, and so there was some concern
32 that people tend to take the first animals they see and
33 if the first animals they see are pregnant cows they
34 might be taken.

35
36 The other concern was just a disturbance
37 factor, and these animals will start dropping calves in
38 May. And so, when we start talking about an April
39 harvest, we are disturbing the animals pretty darn close
40 to when they're calving. So, there is some risk of
41 aborting fetuses at that point, when you start doing
42 disturbance that close to the point where they're going
43 to drop the calves. So, based on that, we felt it would
44 be better for the pregnant cows, basically, to keep the
45 hunt shut down at the end of March and, historically,
46 March is a good month. You look back at that Table 2 and
47 you see that a good chunk of the harvest occurs in March.
48 So, historically, people have been able to get their
49 animals in March, and we didn't really see any strong
50 justification to extend it into April. So, that's

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1 dealing with the dates, purely the date issue. So, as
2 far as the date issue, staff is recommending at this
3 point to oppose the proposal.

4

5 The other aspect is going back to two
6 caribou. Now, on this aspect, you basically will have
7 three alternatives in front of you. You will have CRNA's
8 proposal, which is to go to just two any sex caribou.
9 BLM will be presenting a middle of the road proposal
10 which will be two caribou, one of which may be a cow.
11 That's kind of in the middle. And then, the current
12 staff recommendation, which is to stick with the two
13 bulls. The staff recommendation is based primarily on
14 the Federal Subsistence Board decision last Spring. The
15 Federal Subsistence Board is who decided to go to two
16 bulls in the Spring, based purely on conservation of the
17 resource and strongly on the recommendation of ADF&G. It
18 was felt at that time -- and, purely as a wildlife
19 biologist -- the most conservative route would be to
20 stick at this time to two bulls, the with the
21 understanding and full intent that if we see a continued
22 increase that will probably get lifted sometime in the
23 near future. But, at this time, we'd like to see the
24 cows protected, based on the fact that calf mortality is
25 a big factor. We want to maximize our calves, is
26 basically what we're saying. And the way to maximize
27 your calf production is to maximize the cows. And so, at
28 this point, we'd like to protect every cow that we can,
29 and we're recognizing this is probably only going to be
30 for another year, two at the tops. But, at this point,
31 conservation of the resource would lean towards a bulls
32 only harvest, and sticking with the Federal Subsistence
33 Board determination of last Spring.

34

35 So, basically, that's why I say you end
36 up with three alternatives. On one side of the coin,
37 it's stick with the bulls only. The middle of the road,
38 which will be presented here shortly, is going to be two
39 animals, one of which may be a cow. And then, CRNA's
40 proposal which is basically two, either sex. So that's
41 what you're going to end up, you know, having in front of
42 you as far as alternatives and to base it. And the
43 staff's recommendation, which is on the one extreme end,
44 is purely based on conservation of the resource. That's
45 the only reason for that justification. We are not
46 trying to restrict subsistence users just for the
47 purposes of restricting subsistence users. We don't have
48 that intention at all. We realize it will be a burden to
49 subsistence users to say you have to take two bulls. We
50 understand that. But, at this point, you could call it

00077

1 the hard-line view, but the conservation view purely as a
2 wildlife biologist would be to stick with two bulls at
3 this time. So that concludes the staff analysis.

4

5 CHAIRMAN LOHSE: Thank you. Any
6 questions for Donna? Bob.

7

8 MR. CHURCHILL: Yeah, if you know it, and
9 I was really interested. If I was hearing you right,
10 there's a real reduction in the survival rate of calves
11 through to the Fall. Is the age of the cows in that herd
12 increasing dramatically then?

13

14 MS. DEWHURST: That's one I don't know.
15 I think Brett's -- did Brett come in after lunch? We did
16 have an ADF&G person here earlier. I don't know. If
17 Brett's here, he would be one better to answer that one.
18 I know they have radio collared cows, so they should have
19 that information.

20

21 MR. CHURCHILL: Okay, because I've read
22 some studies related to -- somebody did a productivity
23 study on elk herds, and as the cows got older they became
24 less productive.

25

26 MS. DEWHURST: That is true. Generally,
27 that's not the factor so much with caribou. We did a
28 productivity study on the Alaska peninsula on the caribou
29 down there, and it seemed like the bigger factor was
30 nutrition -- the nutrition of the cows both during
31 conception and then all through development. It's a
32 delayed implantation thing. And often, if you examine
33 the cows, you'll see that they'll be a potential of even
34 up to three little fetuses to develop and depending on
35 how many actually make it all the way to development
36 often depends pretty highly on the nutrition of the
37 female and the health of the female -- health of a cow.
38 And that is pretty much in the fall because, you know,
39 they're going to start developing pretty quickly. So, as
40 far as how many actual ones from the ones that were
41 fertilized to development seems to be a Fall nutritional
42 factor of the cows more than anything else.

43

44 MR. CHURCHILL: If I can follow up. Any
45 numbers on twinning rates?

46

47 MS. DEWHURST: The State may correct me,
48 but it seems to me what I remember of the data is it's
49 pretty low, relative to things like Western Arctic Herd,
50 which has a super high twinning rate.

00078

1 MR. CHURCHILL: And one more question,
2 and I don't know this -- about how this herd is hunted in
3 the Spring. But I know, like at Anaktuvuk Pass,
4 generally the first 500 or 600 animals are let through
5 without hunting at all on them, and then they're picking
6 up the young males that are following the pregnant cows.
7 Do you have any information or idea or how this herd is
8 hunted? And I'm also concerned about an April hunt where
9 you may be killing a cow and a calf or two with one shot.
10 But any idea how this herd is hunted in the Spring?

11
12 MS. DEWHURST: That would probably be
13 better answered by either BLM or ADF&G staff. But my
14 understanding, since it's primarily on Federal lands
15 we're dealing with a road hunt, people line up along the
16 road. And I'm not sure if they're letting animals
17 through or not. But they are just basically lined up
18 along the road waiting for animals to cross.

19
20 MR. CHURCHILL: Through the Chair, I see
21 Gloria's back. Could she maybe address this?

22
23 CHAIRMAN LOHSE: Gloria, could we have
24 you come on up, please?

25
26 MS. STICKWAN: I didn't hear your
27 question.

28
29 MR. CHURCHILL: No problem. What I was
30 asking is, I know I've traveled in the interior, and up
31 in Anaktuvuk Pass when the herd migrates they'll let
32 quite a number of animals go through without hunting
33 them, letting the pregnant cows go through first and then
34 hunting the young bulls that come after. And I was
35 wondering if there may be a similar hunting tradition
36 there on the herd as they return in the Spring to the
37 calving grounds? Is that....

38
39 MS. STICKWAN: The Ahtna people
40 customarily and traditionally have never taken any
41 animals that was -- when it was having young inside of
42 them. It's just taboo to do that. So, that's why I said
43 the BLM proposal would help to eliminate that.

44
45 MR. CHURCHILL: I'm sorry. I guess I
46 wasn't clear. What I'm talking about though is when the
47 cows are still pregnant in the Spring and they're
48 migrating back -- how the herd is hunted at that point?
49 And I'm aware. I absolutely agree that the cows aren't
50 hunted when they have calves with them. I'm talking

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1 about the pregnant cows as they return to the calving
2 ground before they actually calve.

3

4 I'm clear as mud, aren't I? I'm sorry.

5 The concern we've had expressed is that if the hunt is
6 extended into April that there may be a take of pregnant
7 cows that would hurt the resource. And I guess what I'm
8 wondering is if there's anything specifically done on the
9 subsistence hunt when the herd is returning to the
10 calving ground that would address that concern?

11

12 MS. STICKWAN: Just that, you know, I
13 know that they were just totally against taking any
14 pregnant animals, and I think the BLM proposal addresses
15 that. By having the antlerless caribou hunt during that
16 time would help to eliminate that taking from pregnant
17 cows.

18

19 MR. CHURCHILL: Thank you very much.

20

21 MS. STICKWAN: How they did it
22 traditionally -- not to take cows -- I don't know how
23 they did that, but they knew which ones were pregnant. I
24 don't know how they did, but they wouldn't take those.

25

26 MS. WELLS: I think you answered my
27 question. But then, can you address the -- I think it
28 was the part of her report about the disruption to the
29 cows? Even though we don't take them -- a cow that is
30 pregnant -- just the disruption of the hunt causing the
31 abortion of the calf, spontaneous, because of the
32 upsetting or they're having to run or whatever. Have you
33 seen any of that happen in that area?

34

35 MS. STICKWAN: I haven't, unh-unh.

36 (Negative)

37

38 MS. DEWHURST: One thing I can do. I
39 suspect this discussion is going to go on a little bit.
40 I have last year's harvest data in front of me, and I can
41 tally approximately how many cars were taken in March
42 last year, which might be of use. So, as the discussions
43 go on, I'll try to do a quick tally.

44

45 CHAIRMAN LOHSE: Gloria.

46

47 MS. STICKWAN: When I speak, I speak for
48 the Ahtna people. I don't speak for the general public.
49 I work for the eight villages, and it's my job to
50 represent them. So when I write this proposal I

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1 represent the Ahtna villages, and these are the dates
2 that they told me they wanted. They didn't like to hunt
3 in October and November because of the rutting season.
4 That's the reason they said to cut that out and extend
5 the season into part of April, till April 20th. And I
6 don't know, I just thinking keeping the dates and going
7 along with BLM's proposal would help to not get the
8 pregnant cows. And during the months of March and April,
9 that's when we see the caribou along the road, too, and
10 that's easier to get.

11

12 CHAIRMAN LOHSE: Any other questions for
13 Gloria? Maybe you can stay up there, Gloria, because
14 maybe you'll have to answer some that Donna can't answer.
15 And I know what Bob was getting at over there when he was
16 talking about up in Anaktuvuk Pass, but I think what you
17 have to realize is that Anaktuvuk Pass is an isolated
18 area. This area is one of the easiest road accessed
19 areas in the State. And so, even if the traditional
20 practice would be let the first of the caribou go through
21 to allow the more pregnant cows to go through it wouldn't
22 apply here, because not all of the people who take part
23 in that hunt have the same traditional background. And
24 yet, they are subsistence users. They are rural
25 residents of the area, and they may or may not have the
26 traditional practice of avoiding the pregnant cows or
27 allowing the first caribou to come through.

28

29 I guess in a way I was thinking of what
30 Donna said about the impact of hunting in April on
31 pregnant cows. I guess I'd have to go along with Gloria
32 on that. I can't imagine an animal that has survived
33 this long that's under constant predation and has to be
34 able to run when its pregnant and everything else being
35 impacted because somebody takes another caribou alongside
36 of him, or something like that. I mean, these animals
37 have lived and developed with the idea that they're under
38 constant pressure from the time they're born until the
39 time they die from natural predation. And so a pregnant
40 cow has got to be able to either escape or fight back
41 just like a regular cow. And so, the additional hunting
42 would have a harvest impact, but I doubt if the fact that
43 there was somebody else taking another caribou around
44 them -- my personal feeling would be that it's not going
45 to cause spontaneous abortion of the caribou that are
46 around them. Otherwise, they would never have survived
47 this long.

48

49 I have a question, and I think Gloria can
50 probably answer this for me better than Donna. In March,

00081

1 which animal is in better shape? The cow or the bull?

2

3 MS. STICKWAN: Which animal?

4

5 CHAIRMAN LOHSE: Yeah. I mean, from a
6 food standpoint in the month of March which animal is in
7 better shape to be taken for food in March? The cow or
8 the bull?

9

10 MS. STICKWAN: I don't know. Probably
11 the bull.

12

13 CHAIRMAN LOHSE: Probably the bull. So
14 the people would have a tendency to target bulls.....

15

16 MS. STICKWAN: Uh-huh. (Affirmative)

17

18 CHAIRMAN LOHSE:if they could.
19 Because where the cow is going downhill over the course
20 of the winter the bull is going up. I mean, he's in his
21 lowest shape in October and November, and from October,
22 November on he actually gets fatter, healthier and
23 everything else. He's better able to, you know, dig in
24 the deep snow and take care of the winter than the cow
25 is, isn't he?

26

27 MS. STICKWAN: (Inaudible reply)

28

29 CHAIRMAN LOHSE: So, I would think the
30 tendency would be to target bulls. But the idea was --
31 and I think that was part of Elijah's idea -- is that
32 even if you're targeting bulls and you're taking
33 antlerless animals, there's always the possibility that
34 you'll take a cow. And so, rather than make somebody
35 into an outlaw, make somebody illegal, you try to find a
36 way to fit that in. So, recognizing that people are
37 going to target bulls, which are antlerless animals at
38 that time of the year, but recognizing that some cows
39 will be antlerless but those will probably be non-
40 pregnant cows -- rather than making the person into doing
41 an illegal act because they took an antlerless animal and
42 it turned out to be a cow would be to allow antlerless
43 animals to be taken instead of saying bulls. And I think
44 Elijah can address that, when the time comes. But, am I
45 kind of correct in that, Gloria?

46

47 MS. STICKWAN: Yeah. Enforcement issues
48 would be helped out a lot by doing that, too, I think.

49

50 CHAIRMAN LOHSE: Yeah. But, technically

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1 speaking, from what I know from other people, most people
2 wouldn't purposefully target a cow.....

3

4 MS. STICKWAN: No.

5

6 CHAIRMAN LOHSE:in Spring. They'd
7 target a bull, because the bull is the better piece of
8 meat.

9

10 MS. STICKWAN: They would go for the
11 bulls, if they saw bulls. But then, they would take
12 anything if they.....

13

14 CHAIRMAN LOHSE: That's right. Well, the
15 other question that was brought up or was a question that
16 Bob brought up is how do they hunt in Spring? And, in
17 Spring, is it a tendency to be a lot like the early Fall
18 hunt where everybody's lined up alongside the road
19 waiting for animals to cross? The few times I've been up
20 there in Spring I haven't seen anybody, or I've only seen
21 one or two other people. So, it wasn't like there was a
22 line of hunters lined up on the road taking the caribou
23 as they cross the road. You know, it was a sporadic
24 group of hunters up there, and a lot of them were hunting
25 offroad. Fred.

26

27 MR. JOHN: I agree with you. No, in the
28 springtime I hardly ever see any hunter. Mostly just,
29 you know, end of the Fall season. But, in the springtime
30 I don't hardly see any hunters there -- one or two
31 sometime.

32

33 CHAIRMAN LOHSE: Donna.

34

35 MS. DEWHURST: I have the numbers for you
36 now. All I have is last year's data. But, of last
37 year's harvest during March, about 45 percent were cows.
38 So, that's a little bit less than half.

39

40 CHAIRMAN LOHSE: Uh-huh. (Affirmative)
41 Any other questions for Gloria? Fred.

42

43 MR. ELVSAAS: Well, no, I was thinking of
44 Donna. Earlier I think, if I heard you right, you said
45 that probably next year a cow hunt would be in order if
46 they herd rebuilds sufficiently? Is that right?

47

48 MS. DEWHURST: We're pretty close to the
49 State's management objectives of 35,000 animals. So, if
50 the current trend continues and they continue to go up,

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1 chances are, yes, that things would relax a little bit,
2 and probably everybody across the board would support a
3 more liberal harvest. We're close. But like I said, you
4 know, you can't count on anything till it happens.
5 That's the indications. But until we actually get a
6 harvest, I'm not going to say a hundred percent that's
7 how it's going to go.

8

9 MR. ELVSAAS: But the herd is rebuilding
10 some?

11

12 MS. DEWHURST: The last two years have
13 shown improvement in the herd.....

14

15 MR. ELVSAAS: Good.

16

17 MS. DEWHURST:both in the number of
18 calves and just numbers overall. So the indications are,
19 if you would plot it on a graph, that it is slowly going
20 up.

21

22 MR. ELVSAAS: Mr. Chairman, while you
23 were talking you mentioned about the disturbance of the
24 cows. Were you talking as if you were hunting bulls at
25 that time, or were you talking about hunting cows and
26 bulls?

27

28 CHAIRMAN LOHSE: Well, Fred, the question
29 came up was whether the April hunt would be a danger to
30 pregnant cows and cause natural abortion.....

31

32 MR. ELVSAAS: Uh-huh. (Affirmative)

33

34 CHAIRMAN LOHSE:or spontaneous
35 abortion. And, at that time, you've got mixed herds.
36 And my comment was that, you know, for the amount of
37 hunting pressure that I see in March and I would doubt if
38 there would be much more in April. Last year, there was
39 21 caribou taken in March, 10 of which probably were
40 cows, if you come up with 45 percent -- somewhere in that
41 neighborhood. For that amount of hunting pressure, I
42 think the caribou cows that are pregnant got ran more
43 often by wolves than they did by hunters.

44

45 MR. ELVSAAS: Uh-huh. (Affirmative)

46

47 CHAIRMAN LOHSE: And I have a sneaking
48 suspicion that an animal that lives under that kind of
49 predation, that kind of an impact on it's not going to
50 cause -- that's my personal feeling -- that that amount

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1 of impact is not going to cause spontaneous abortion of
2 very many pregnant caribou. Like anything else, if
3 they've had a hard winter.....

4

5 MR. ELVSAAS: Right. Yes.

6

7 CHAIRMAN LOHSE:and you have a lot
8 of snow machines running around there -- but there's
9 going to be a lot more snow machines running around there
10 ptarmigan hunting and playing that there is snow machines
11 running around there trying to get a caribou. And, to
12 me, that could have a lot bigger impact on the health of
13 a pregnant cow late in the season than the fact that
14 somebody show a bull caribou or another caribou right
15 alongside of them. In fact, from what I've seen, if you
16 shoot one right alongside of them they're liable to stand
17 there and look and wonder, well, what happened?

18

19 MR. ELVSAAS: Uh-huh. (Affirmative)

20 Yeah.

21

22 CHAIRMAN LOHSE: I mean, it's not like
23 they go into immediate panic and run clean out of the
24 country, you know.

25

26 MS. DEWHURST: If I can clarify that,
27 too. The studies that have shown cases where cows have
28 dropped calves prematurely were cases where nutrition was
29 a major factor.

30

31 CHAIRMAN LOHSE: Right.

32

33 MS. DEWHURST: So, those cows were in bad
34 shape in the first place, and then it just -- assume that
35 some sort of.....

36

37 CHAIRMAN LOHSE: Trauma.

38

39 MS. DEWHURST: Yeah, trauma, put them
40 over the edge.

41

42 CHAIRMAN LOHSE: Yeah. So well,
43 basically, what I see from what you just said if things
44 would go along the way it has been going on -- and that
45 one, in 2000/2001, where we took the 21, at that time it
46 was any caribou. So, they could even shoot a cow with
47 horns, and they took 10 cows. If only caribous that
48 didn't have horns were allowed, and they shot -- you
49 know, the percentage wouldn't be 45 percent, because 45
50 percent of the caribou that were taken wouldn't have been

00085

1 non-pregnant females without horns. So, you'd have a lot
2 higher ratio of bulls to cows. So, let's just throw a
3 number out, and say you'd get half as many cows as you
4 did before, although I think you'd get less. But, if you
5 got half as many cows as you did the year before, you
6 have an impact of five cows for the months of March, you
7 know.

8

9 MS. DEWHURST: That's correct, based on
10 last year's numbers.

11

12 CHAIRMAN LOHSE: Yeah.

13

14 MS. DEWHURST: And then, if you look at
15 worst case scenario in the past five years, it would have
16 been the year before that where we were talking close to
17 a 100 animals harvested during March.

18

19 CHAIRMAN LOHSE: Uh-huh. (Affirmative)

20

21 MS. DEWHURST: So, a factor of five times
22 more would be worse case scenario.

23

24 CHAIRMAN LOHSE: Yeah. So, we're talking
25 a fairly minimal amount of animals underneath the
26 antlerless -- minimum amount of cows underneath the
27 antlerless one. Probably Elijah is going to answer this
28 question when he comes up here, but what would the
29 percentage of antlerless cows to antlerless animals in a
30 herd?

31

32 MS. DEWHURST: Very small. You do have
33 some cows that will drop, but it's a very small
34 percentage. I've heard a couple of people in the break
35 talk about this, and there seems to be a misconception
36 that barren cows will drop their antlers, and there's no
37 evidence of that. So, you can't base whether or not the
38 cow is barren or pregnant.....

39

40 CHAIRMAN LOHSE: Okay.

41

42 MS. DEWHURST:based on whether or
43 not they have antlers. There's no evidence of that at
44 all. So, that's a misconception I think a lot of people
45 have.

46

47 CHAIRMAN LOHSE: I had that.

48

49 MS. DEWHURST: Yeah. It's not something
50 you can use. Generally, I think it's the younger cows

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1 that actually will drop antlers, potentially, but most
2 cows will keep them.

3

4 CHAIRMAN LOHSE: Are we talking 10
5 percent of the antlerless animals would be cows?

6

7 MS. DEWHURST: I don't know if there's
8 any real strong studies to say definitively what
9 percentage. I'm not aware of reading anything that
10 definitively gives that range, but that's probably about
11 right.

12

13 CHAIRMAN LOHSE: Yeah, because, see, that
14 even puts it lower than what we were talking about
15 before. Thank you. Anybody else have questions for
16 Donna? Gloria? Okay. With that, we'll go on to Alaska
17 Fish and Game comments.

18

19 MR. HAYNES: Thank you, Mr. Chairman.
20 I'll comment briefly on the proposal, and if you have
21 management and biological questions I'll defer to Steve
22 Machida, who's the management coordinator for the
23 department, and Brad Scotton, who's the assistant area
24 biologist in Glennallen. They'll be better able than me
25 to answer some of the kinds of questions that have been
26 raised. But the department's comments on this proposal
27 appear on page 30 of your notebook.

28

29 The department does not support this
30 proposal for the reasons that Donna gave in her
31 presentation. There are a number of ways, in theory,
32 that you can cause the Nelchina caribou population to
33 grow. One way you can cause that population to grow, in
34 practice, is to not shoot cows, and it's a tool that's
35 available to us. It's a tool that was put into effect
36 last year, and until the population reaches at least the
37 lower population objective, the department strongly
38 opposes reinstating a cow season. We're very close,
39 and hopefully in another year or two at the most we'll be
40 in a position to look at authorizing the harvest of cows,
41 but to do so now would be premature. You just couldn't
42 support it in terms of conservation interests of the
43 herd.

44

45 So, if you have questions, I'll try to
46 answer them, or Steve or Brad will be able to provide
47 further information to you. We'll also comment
48 separately on the BLM proposal once you have that before
49 you.

50

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1 CHAIRMAN LOHSE: Okay. So you have
2 comments directly on that one there?

3

4 MR. HAYNES: Yes, we do.

5

6 CHAIRMAN LOHSE: Yeah, because that was
7 one of the questions I was going to ask you, Terry, and I
8 was looking at it from the standpoint of enforcement.
9 For the percentage of cows that are mixed with bulls in
10 an antlerless season, would the gains in lack of
11 enforcement problems be worth the small risk of taking a
12 few cows by taking antlerless animals?

13

14 MR. HAYNES: Well, I'll let other people
15 speak to that when we get to that proposal, but a certain
16 amount of enforcement difficulty is going to exist
17 regardless of what the allowable harvest is, just given
18 the lay of the land out there. And I don't believe what
19 the BLM is proposing is going to be a panacea to the
20 enforcement problems. It may address one issue, but it
21 may create other problems. So, there's not a simple way
22 to address the enforcement difficulties that have
23 occurred, given the small amount of Federal lands and the
24 way they're situation in Unit 13.

25

26 CHAIRMAN LOHSE: One other question,
27 Terry. Do you think that we would be better off at this
28 point in time to have our presentation by the BLM so we
29 have that on the table? What I would like to do and what
30 I'm planning on doing is I'm going to call your other
31 ADF&G biologists and just ask them to comment on anything
32 that they -- or any red flags they saw raised by the
33 discussion that we've had to this point in time, any
34 answers they see that we've gotten that possibly were
35 wrong, or any questions they see needed clarified. So,
36 with that in mind, would we be better off to get the BLM
37 proposal on the table or, you know, in our discussion
38 first and then go ahead and do that?

39

40 MR. HAYNES: Mr. Chairman, however you
41 want to proceed. But it would probably make sense to
42 have all of the options on the table that you're going to
43 consider and that way staff can attempt to address your
44 questions as best as possible.

45

46 CHAIRMAN LOHSE: Donna.

47

48 MS. DEWHURST: Yeah, I agree. Obviously,
49 a lot of you are familiar with it, but I'm sure there's
50 probably some folks in the audience that don't know what

00088

1 we're talking about. So it would probably be good to
2 just get it up -- all three alternates up.

3

4 CHAIRMAN LOHSE: Okay. So, we've had two
5 alternates so far -- the alternate of the extended time
6 and the alternate of any caribou, as opposed to the
7 alternative of bulls only. So, if that's okay with the
8 rest of the Council, I'm going to call Elijah up to
9 present what the BLM is thinking on it. And, that way,
10 we'll have everything on the table and then maybe we can
11 ask questions that apply to all of them at the same time.

12

13 MR. BRELSFORD: Good afternoon, Mr.
14 Chair, Council members. Mr. Chairman, with your
15 permission, I'd like to introduce this following
16 discussion and particularly for the new members to
17 acknowledge that we've been struggling with some special
18 circumstances in the Glennallen field office this Fall
19 and Winter. Elijah, our wildlife biologist, was called
20 up by the National Guard and was not available to
21 participate in the drafting of the staff analysis.
22 Normally, we would all within the Federal community work
23 together to come up with a staff analysis that reflected
24 all of the considerations. It would be a single, unified
25 staff analysis.

26

27 In this case, Donna did her part. She
28 polled the BLM staff for input and for concerns. We were
29 not able to respond timely to that and, as a consequence,
30 we found ourselves at a pretty late date trying to
31 capture some ideas and look for a bit of an alternative
32 between no change and a dramatic change -- that is, any
33 caribou bag limit. That's the spirit in which we put
34 this on the table for some discussion. I apologize for
35 the procedural irregularity of this. It was a special
36 circumstance. The disruptions of September 11th spilled
37 out even to the field office in Glennallen. So, with
38 that, Elijah has worked with you for several years on
39 Nelchina caribou management and has heard some of the
40 concerns and given some close thought to perhaps a finer
41 grain alternative on the management bag limit. And, with
42 that, I'll pass the mike to Elijah and ask that Kerry be
43 sure and distribute -- we do have some additional copies
44 of the brief write-up. It's about five pages long, and
45 we want to make sure that folks in the room have access
46 to the written version. So, Kerry will hand those out to
47 others, and we'll proceed with a briefing. Thank you.

48

49 MR. WATERS: With that said, maybe you'll
50 excuse me if I start barking out orders and sound a

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1 little gruff. Basically, where the BLM's coming from
2 with this proposal, there's a couple of things. First of
3 all, as you notice from the map, there's very limited
4 Federal land in that area. If you want to hunt those
5 animals throughout the season, you have to have the toys
6 -- either four-wheelers, boats, snow machines, airplanes,
7 whatever the case may be. Now, everybody doesn't have
8 all of those toys. So, if you are limited to highway
9 access, then essentially if you're going to depend on
10 that animal for food you need to get that animal when it
11 comes through. And those highway accessible areas are
12 timbered areas where, in a lot of cases, you have 10
13 seconds from seeing the animal to shooting, and in a lot
14 of cases that's not enough time to identify that
15 positively as a bull.

16
17 Now, back in September, I was up there
18 quite a bit and observed a lot of hunting behavior.
19 Partly because we had a full-time enforcement ranger
20 there and maybe because it was bull only, but there was
21 quite a few violations this year. A lot of waste. A
22 lot of dead cows that were left in the field. A lot of
23 hunters who would try to get those cows out -- you know,
24 doing the right thing -- and they were getting tickets.
25 And my concern is that these subsistence users are not
26 bad guys. They may have inadvertently shot a cow. They
27 may have intended on turning themselves in, or maybe not.
28 I don't know. Maybe they got spooked by the presence of
29 a cop. But, you know, I think that we have to make some
30 kind of allowance rather than make these people
31 criminals.

32
33 So, with that said, what we're proposing
34 is during this early season, when a significant amount of
35 effort takes place -- when a lot of the State hunters are
36 there and the Federal hunters are limited to small blocks
37 of land, they tend to really migrate to areas -- the
38 Tangle Lakes region, the Tennmile region -- where they can
39 see -- where they can observe these animals at quite a
40 distance, pick out a bull and go to that place. And the
41 effect of that is you have a lot of subsistence hunters
42 -- a lot of Federal hunters in a very small block of
43 land. That tends to run the animals out. It tends to
44 encourage people, maybe, to want to shoot, you know, 10
45 feet over the line, 100 yards over the line -- you know,
46 a mile over the line in some cases. The situation, as it
47 stands, it encourages people who are normal, law-abiding
48 citizens to do things that they might not do otherwise.

49
50 So the intent of this proposal is to

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1 allow for some cows to be taken early in the season when
2 it's a little more difficult, if you're hunting in the
3 timbered areas, to take those cows. Maybe to try to get
4 a bull. But, if you don't, if you inadvertently shoot a
5 cow then there's an allowance for that. And then, as the
6 season progresses and the bulls start dropping their
7 antlers, it becomes easier to identify them. In most
8 cases, those bulls move out of there very rapidly. But,
9 as the season goes along, then allow for antlerless only,
10 realizing that there will be some cows taken with
11 antlerless only but, again, encouraging people to take
12 those bulls.

13
14 And these dates that you see before you --
15 October 21st. You know, those were just dates that were
16 thrown out. As Taylor said, I was gone. I've been gone
17 since October 1st, and this is just kind of generated
18 from about an hour of discussion that Taylor and I had.
19 But this date of October 21st, that's certainly
20 debatable. Typically, I start seeing some animals
21 dropping their antlers -- I've found fresh sheds as early
22 as November 1st. But, you know, I'll be the first to
23 point out that you also see a lot of antlered bulls, you
24 know, into December as well. So, that November time
25 frame, there's definitely going to be some antlerless
26 bulls, and there's going to be some antlered bulls as
27 well. You know, but, again, the intent is to make it
28 easy for enforcement and each for the subsistence hunters
29 to identify what they're shooting. And, if there is an
30 accident -- if somebody does kill a cow -- you know, the
31 intent is for them not to lose their privileges. With
32 that, I will answer any questions you have. Just for the
33 audience, in case you don't have a copy, the BLM proposal
34 is for August 10th through September 30th, for it to be
35 one bull or one cow -- only one cow -- and then from
36 October 31st through March 31st for it to be antlerless
37 only.

38
39 MR. DEMENTI: Elijah, would it make a
40 difference if you change the dates from December 1st to
41 April 20th on your alternate?

42
43 MR. WATERS: Initially, when this
44 proposal came up -- which I think is the original
45 proposal -- was from December 1st through April 20th. I
46 don't have strong feelings on that one way or another, to
47 be honest. I think the staff analysis here makes it real
48 clear that there's been peaks of harvest. You know, if
49 you look at the history, every month at some year or
50 another has been the peak harvest month, and that's based

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1 on the migration of the animals. You know, people get
2 them when they're there. Typically, that early in the
3 season, there tends to be a lot of animals taken then
4 because they're highway accessible. The only thing you
5 need to get them then is a car, or not even that if you
6 live in Paxson. You know, and then as it goes later in
7 the year -- sometimes, you know, like December and
8 January, and a lot of years there's not any animals
9 there. So those, you know, a lot of times are extremely
10 low months -- just there's no animals. So I just don't
11 have real strong feelings on that one, one way or the
12 other.

13

14 MR. DEMENTI: Okay. The reason why I ask
15 is sometimes caribou ruts in October and, if somebody
16 shoots them, I don't know how they're going to eat it.
17 It's pretty strong.

18

19 MR. WATERS: Good point. I'll leave that
20 to the State. I think they've done a lot of palatability
21 studies, if I'm not mistaken, on when they become edible
22 again. But, yeah, I think we could certainly live with a
23 December 1 opening. I think the concern, too, that
24 sometimes BLM might have is that, you know, the State
25 season would probably still open during that time -- you
26 know, earlier than the winter season for the Federal.
27 And, you know, just speaking as a local resident, I'm
28 sure there would be some grumblings about, you know,
29 State hunters are up there hunting them but the Federal
30 hunters can't.

31

32 CHAIRMAN LOHSE: Robert.

33

34 MR. CHURCHILL: Yeah, a couple of things.
35 Do you have any rough numbers on the number of violations
36 for somebody taking a cow?

37

38 MR. WATERS: Gosh, if I was working in my
39 office, I could give you exact numbers. This last year,
40 out of about five enforcement days that I worked with the
41 Federal ranger -- and, of course, he was working with a
42 State Fish and Game cop as well -- we probably saw 15
43 violations, and maybe I'd say three or four of those were
44 cow kills. Now, like I say, those are days that I worked
45 with them. I'm not sure what the rest of it was. And
46 then, also, you know we did notice several cows that had
47 been killed that had been left....

48

49 MR. CHURCHILL: So, okay....

50

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1 MR. WATERS:that, you know, there's
2 no violation.

3
4 MR. CHURCHILL: That was my next
5 question.

6
7 MR. WATERS: Well, of course, there's a
8 violation. There's no citation.

9
10 MR. CHURCHILL: What a waste.

11
12 MR. WATERS: Taylor's giving it to me.
13 Let's see, eight to 10 cases of wanton waste of cows or
14 illegal taking of cows. So I guess that's over the
15 season.

16
17 MR. CHURCHILL: Okay. Thank you. And
18 then, as a follow up -- and I'm looking at the numbers,
19 and I'm on the reported Federal subsistence use. Twenty-
20 seven percent of the caribou are taken in October and
21 November. How do you match that up to the palatability
22 due to the rut? I mean, I'm just curious.

23
24 MR. WATERS: Well, I'm not even going to
25 begin to do that. If I'm not mistaken, every year that
26 this is on, cows were legal to be taken. So a
27 significant portions could have been cows or young bulls.

28
29 MR. CHURCHILL: Thank you. That answers
30 it.

31
32
33 CHAIRMAN LOHSE: Thank you. Anybody else
34 have any questions right now, because I have a couple for
35 Elijah. Elijah, I'm looking at this paper that was
36 handed out, and I listed to what you said about the
37 violations that you saw on the 15th and the five days
38 that you were there. And maybe I misunderstand this
39 paragraph, but this paragraph says to me that during the
40 last week of September a significant number of Nelchina
41 caribou moved across Federal lands. Many hunters were
42 concentrated in a relatively small area as well. The BLM
43 staff were involved in enforcement of eight or 10 cases
44 of wanton waste of cows or illegal taking of cows in the
45 10-mile area of the Denali Highway. And it sounds to me
46 that that took place in that last week of September,
47 which actually makes sense to me, on comparison to the
48 violations that you said you saw in five days that you
49 were there.

50

00093

1 When I go back and I look at the numbers
2 for September, if that was just the last week of
3 September, then it's really obvious. But if that was the
4 whole months of September, in some years that would be 33
5 percent of the caribou that were taken in that month.
6 Other years, it would be 10 percent, you know, or
7 approximately 10 percent of the total caribou that were
8 taken in that month. And these were taken and wasted
9 because somebody basically shot a cow, either -- and I
10 would have to say probably, since everybody knows the
11 area's enforced, inadvertently. Or, the ones that
12 weren't inadvertently where the ones that took their cows
13 out without getting caught.

14
15 And that would bring me to the next
16 question. If that's what you saw, and then you
17 discovered some that you didn't find later laying around
18 dead -- like, as an idea, what percentage of the cows
19 that were actually shot actually ended up as being seen
20 and reported as violations? In other words, how many
21 cows would you estimate were probably shot during that
22 time, if that's what you've got violations on and have
23 discovered? More? I mean, quite a few more? Half of
24 them?

25
26 MR. WATERS: I'm not exactly sure I
27 understand your question, but these eight to 10 cases,
28 this is the last week in September. These are the days
29 that I was with Ron, who is our ranger. And I'm not sure
30 what the eight to 10 cases are. I don't know if this
31 means that's how many tickets were written, or eight to
32 10 animals.....

33
34 CHAIRMAN LOHSE: It says of wanton waste.

35
36 MR. WATERS:you know. But, he did
37 take some animals and we found some others in the field
38 so I'm not exactly sure. I don't necessarily think
39 there's a discrepancy with the days I was there with him
40 versus this. I think there's other cases of cows being
41 taken, and I think most of the additional cases of cows
42 being taken the people would make an attempt to get them
43 out. And I think in this case, specifically in this area
44 that this paragraph is referring to, this is that Tenmile
45 area. And I don't know how many of you are familiar with
46 that, but there's not a tree in the entire, you know,
47 several square miles. You know, you can set up with a
48 telescope and essentially watch the entire area. The
49 ranger's truck -- a very highly visible deterrent -- that
50 if people do shoot a cow and they think they can get away

00094

1 with it they're going to try to leave it versus if
2 they're out at Tangle Lakes or if they're down in the
3 Sourdough area. Then, they think they can get it out and
4 salvage the meat. And then, I'm sure, you know, it may
5 become a bull once they report it. So, I think there's
6 other cases, but I don't think that you can extrapolate
7 eight to 10 cases in a five-day period to the season.
8 There's no way.

9

10 CHAIRMAN LOHSE: No. That was a very
11 active five-day period, because the caribou.....

12

13 MR. WATERS: Uh-huh. (Affirmative)
14 Right.

15

16 CHAIRMAN LOHSE:were crossing then.
17 But that's what I was getting at. That was in a highly
18 visible area, a highly protected area and you still ended
19 up with that many cases of wanton waste. It doesn't take
20 into account -- and I'm sure there were some people in
21 that area that shot a cow, took it. We'll give them the
22 best of credit. We'll say they put it in their truck
23 intending to take it to the Fish and Game, if they caught
24 on the way to the truck. But once it was in the truck,
25 it was just as easy to drive home. And if they did that
26 in that area, how much of it went on in the other area?
27 And, all of a sudden, we have almost as many
28 inadvertently taken cows as we used to take when we had a
29 season.

30

31 MR. WATERS: Right. I would agree with
32 that statement a hundred percent. I think there are
33 quite a few inadvertently killed cows that never get
34 reported. You know, probably not 200, which is our
35 historic high, but certainly in the neighborhood, I'd
36 say, of 50.

37

38 MR. JOHN: I hope you're (indiscernible -
39 off microphone)

40

41 CHAIRMAN LOHSE: Well, from that, I'm
42 going to go on to the next statement I'd like to make
43 that you've got written wrong right here. And we go down
44 to the next paragraph, it says the BLM staff expressed
45 strong concern that the change in harvest level to bulls
46 only did not have local support. That was extremely
47 obvious at our last subsistence Council meeting. I mean,
48 it was as obvious as you could get that it did not have
49 local support for exactly the reasons that we're just now
50 seeing, which is, number one, people aren't going to be

00095

1 able to tell the difference, and so it turns people who
2 are trying to do what's right into illegal acting people.
3 And two, what you say here, this major enforcement effort
4 that results from this and resulted in these arrests for
5 wanton waste and everything else has a real adverse
6 community reaction. In other words, the community gets
7 to where they don't want to work with enforcement. And
8 this is my contention, that there were minor conservation
9 gains, because with the inadvertent taking of them and
10 the wanton waste I think they more than offset the
11 conservation gains in that short period.

12

13 Now, what I would do, I'd go one step
14 further, though, than you. And that's if somebody took a
15 cow during that season under your permit right here, I
16 would say they filled their tag. They don't have a
17 chance to take one in the spring, because it's an
18 inadvertent thing. They're trying not to do it. But,
19 instead of making them into an outlaw for doing it,
20 they're done hunting. I mean, we do the same thing with
21 waterfowl in other parts of the United States.

22

23 MR. WATERS: Uh-huh. (Affirmative)

24

25 CHAIRMAN LOHSE: You take a certain
26 species of waterfowl, you're not illegal. We don't want
27 this bird taken -- say it's a canvasback, for example.

28

29 MR. WATERS: Uh-huh. (Affirmative)

30

31 CHAIRMAN LOHSE: You take the canvasback,
32 you don't become illegal because you took the canvasback
33 but your day of hunting is over, or your season is over.
34 And that's the penalty you pay for taking something that
35 you didn't want to take -- but you don't become a crook
36 because you did it.

37

38 MR. WATERS: That's an excellent
39 compromise, I think. But, everything you say about
40 community support, you know -- and, traditionally, the
41 BLM in the Glennallen/Paxson area, we have been the good
42 guys, you know. We're looked on as favorable. And, you
43 know, when all of a sudden Joe's cousin gets a ticket
44 then we're not so good anymore.

45

46 CHAIRMAN LOHSE: Well, it would be
47 different if the person was getting a ticket because they
48 were trying to violate the law. People know that when
49 they try to violate the law, they're putting themselves
50 at risk for a ticket. But, when you're trying to do

00096

1 right, and you inadvertently violate the law -- and it's
2 not just once incident. You know, you're talking eight
3 to ten incidents in just this one little paragraph right
4 here. Obviously, more than one person made the same
5 mistake, and they definitely weren't all trying to make
6 the mistake. Fred.

7

8 MR. ELVSAAS: Yeah. Thank you. You
9 mentioned finding several cows abandoned, wanton waste
10 and so forth. About how many was there?

11

12 MR. WATERS: How many cows did we find?

13

14 MR. ELVSAAS: Approximately? Five?

15

16 MR. WATERS: Probably three or four.

17

18 MR. ELVSAAS: But, you know, beyond just
19 shooting those and leaving them that same hunter is going
20 to kill another one, too.....

21

22 MR. WATERS: Absolutely.

23

24 MR. ELVSAAS:you know. So you've
25 lost twice as much, in that you lost the legal one
26 secondary and then the wanton waste one.

27

28 MR. WATERS: Uh-huh. (Affirmative)

29

30 MR. ELVSAAS: So, that's another
31 consideration here. Thank you.

32

33 MR. WATERS: You know, I really like the
34 idea of maybe, you know, one cow equals two bulls. You
35 know, if you kill a cow that's it. We'd have to maybe
36 discuss what would happen if you kill a bull first and
37 then kill a cow. You know, what's that equal? But I do
38 like the idea if you kill a cow you're done.

39

40 CHAIRMAN LOHSE: There's a simple
41 solution to that. You have one caribou a day limit. So
42 you can only take one caribou on any given day. If you
43 take a cow, you're done. And if you take a cow in the
44 Spring season, you're taking an antlerless animal at that
45 point in time, so there's not problem. But, I mean, we
46 can do it if we feel that it's needed to be done in order
47 to not make the community into outlaws, for the
48 conservation reasons because, if we have that kind of
49 wanton waste, I don't see any conservation gain.
50 Especially, like he says. The guy that shoots the

00097

1 illegal animal doesn't bother to use his ticket on it.

2

3 MR. WATERS: Unh-unh. (Negative)

4

5 CHAIRMAN LOHSE: He can go out and take
6 another legal one, too.

7

8 MR. WATERS: Uh-huh. (Affirmative)

9

10 CHAIRMAN LOHSE: So.....

11

12 MR. ELVSAAS: Or, possibly shoot another
13 cow.

14

15 CHAIRMAN LOHSE: With that, anymore
16 questions for Elijah? Okay, now. Other agency comments
17 or Fish and Game biologists that would like to come up
18 and share some thoughts on it. I mean, we're an
19 antagonistic crowd so we'll.....

20

21 MR. SCOTTEN: Members of the Council, my
22 name is Brad Scotten. I'm the assistant area biologist
23 for the Glennallen area. A few comments, I guess. I'll
24 start with a couple of points of clarification. I'd also
25 like to thank Donna. I think she did an excellent job
26 with her presentation, and so far the discussion has been
27 pretty interesting.

28

29 A couple of points of clarification on
30 biology questions that came up earlier. Typically, in
31 the wild with caribou twinning is an exceedingly rare
32 event. It basically doesn't occur. It has been
33 documented in utero, but essentially we don't even
34 measure twin rates in caribou because it's so rare. So,
35 in terms of their productivity, the maximum we usually
36 see in the wild is 90 percent pregnancy for adult cows,
37 and so, you know, we'd have one cow and one calf every
38 year type of thing.

39

40 And then, the other question that came up
41 was about antlers being an indication of pregnancy and
42 not pregnancy among cow caribou. Antlers can be used as
43 an indication of pregnancy very late in the spring. What
44 you see happening is all the cows retain their antlers
45 until around April. And then, you actually start seeing
46 new antler growth at that time -- early to mid-April --
47 for non-pregnant cows, and they will shed their antlers
48 at that time. So, during the hunting season -- to date
49 up through March 31st -- you'd typically see all the cows
50 still retaining their antlers. And then, through May, or

00098

1 up until the time of calving, a pregnant cow typically
2 keeps her antlers right until she gives birth, and at
3 that time there's a significant hormonal change in the
4 balance in a cow, and they shed their antlers usually
5 within two days of giving birth, either before or after.
6 So, we actually do use antlers on cows as an indication
7 of pregnancy to get pregnancy rates in mid-May. So, when
8 we're flying, if a cow has antlers and a distended udder,
9 we assume her to be pregnant and that research has shown
10 that to be true 95 percent of the time, something like
11 that.

12
13 CHAIRMAN LOHSE: Can I interrupt you for
14 just a second?

15
16 MR. SCOTTEN: Sure. Ask questions.

17
18 CHAIRMAN LOHSE: Then, what you're saying
19 is that basically until March 31st -- and again, there's
20 no 100 percent on anything. We realize that. But,
21 basically, till March 31st the only thing you're going to
22 see with the antlers dropped is a bull?

23
24 MR. SCOTTEN: That's true.

25
26 CHAIRMAN LOHSE: I mean, let's say 99
27 percent or something like that.

28
29 MR. SCOTTEN: Yeah. Actually, even a
30 calf of the year which would be a what we call a short
31 yearling -- they're 10 or 11 months old -- has long spike
32 antlers that they retain, and they're actually kind of
33 soft and fuzzy. But they would actually have hard
34 antlers as well and not be legal in your bag limit.

35
36 CHAIRMAN LOHSE: Yeah. So, basically,
37 pretty much up till March 31st we could figure that if it
38 was missing the antlers it was a bull?

39
40 MR. SCOTTEN: More than likely.

41
42 CHAIRMAN LOHSE: And then, in early
43 April, if there was cows missing the antlers -- or let's
44 say if we went to April 20th -- if there was cows missing
45 their antlers, the tendency would be that those would be
46 that those would be pregnant cows?

47
48 MR. SCOTTEN: They would be more likely
49 to be barren, non-pregnant cows.

50

00099

1 CHAIRMAN LOHSE: Barren cows. That's
2 what I mean, barren cows.

3
4 MR. SCOTTEN: Along the lines of the
5 conversations about antlers and the proposal from Elijah,
6 which we just got to review yesterday for the first time.
7 The -- I guess I would offer the comments or the cautions
8 regarding an antlerless season during the winter hunt.
9 Because if the season reopens October 21st, as some of
10 the proposals have, a few of the large bulls, the very
11 large herd bulls lose their antlers and I think you
12 pointed this out Ralph, right off the bat, and they're
13 antlerless around November 1st but many, many of the
14 bulls retain their antlers through November, through
15 December, some of them retain them through January and
16 February and a hunter, just yesterday, I was just talking
17 to at the office went up to the Federal area over this
18 past weekend and shot two bulls and one is a medium size
19 bull and one is a small bull and both still had their
20 antlers. So if you choose to go to an antlerless season,
21 in effect, at least during the early winter, I think what
22 you would be doing is reducing the pool of legal animals
23 to be harvested, probably by half on average. And you
24 would be selecting, specifically for the large breeding
25 herd bulls.

26
27 CHAIRMAN LOHSE: Okay.

28
29 MR. SCOTTEN: And in terms of the
30 palpability question in late October or early November,
31 those flat-head bulls November 1st may be the ones that
32 are still a little rutty, whereas a dinky little bull
33 that still has hard antlers and may keep them until March
34 would be fine eating and is currently legal under the bag
35 limit of bulls only you just have to be close enough to
36 identify, you know, via the other characteristics of a
37 penis sheath and the white mane and what not, that it's
38 indeed a bull.

39
40 CHAIRMAN LOHSE: Okay. So what you're
41 saying is that from November, probably until March you
42 would be limiting instead of extending opportunity by
43 having antlerless only?

44
45 MR. SCOTTEN: Yeah, there would be some
46 proportion of those bulls that still have their antlers
47 so I can envision a hunt in November where the hunters
48 are on this area and they can clearly identify a group of
49 five bulls standing before them and they would all be
50 illegal because they all still had their antlers and then

00100

1 you've got a frustrated subsistence hunter that can't
2 find a large antlerless bull during that time of year.

3

4 CHAIRMAN LOHSE: Okay.

5

6 MR. SCOTTEN: I can entertain more
7 questions. I have some other comments regarding the
8 wanton waste issue as well.

9

10 CHAIRMAN LOHSE: Okay, go ahead.

11

12 MR. SCOTTEN: My boss, Bob Toby has been
13 in the area for 23 years as the area biologist and I've
14 just been there since '98 so this is my fourth hunting
15 season in the area. But I've worked in Fairbanks and the
16 Anchorage offices for several years before that. And
17 both of us, our collective experience working with the
18 Division of Wildlife Conservation over the years is that
19 any time you're hunting a herd animal like caribou,
20 wanton waste is a very unfortunate matter of fact
21 consequence of hunting an animal with those types of
22 behaviors. This, and I give BLM a lot of credit, they
23 got a full-time ranger there on staff and he was there
24 patrolling and working hard. But this is the first time
25 that BLM managing that hunt has had their own staff
26 member there on a regular basis watching what's going on.
27 IT also coincides with the first year that it was a bull
28 only season. Prior to that time, the Fish and Wildlife
29 Protection, the State officers spent what time they could
30 up there during the Federal season. Bob and I have both
31 spent considerable time on the hunt area, we fly over the
32 area regularly and I can assure you that this is just the
33 first time that the limelight has been shined on the hunt
34 in that area. Every year, whether you want to believe it
35 or want to see it or not, there's a lot of wanton waste.
36 Even if it's an any caribou season, either sex. And it's
37 simply because there's a number of ways that wanton waste
38 happens and with caribou, people do engage in things like
39 herd shooting, shooting at a group of caribou at a long
40 distance and when nothing falls, they assume they didn't
41 hit anything and those caribou run off and it runs over
42 the ridge and one of them dies, anybody that's hunted a
43 lot knows that, you know, a long shot caribou might run a
44 quarter of a mile before it falls down. And if they
45 don't follow up on it, then that animal is wasted. It
46 might be a bull, it might be a cow. And they go on and
47 they hunt elsewhere. That happens.

48

49 So that's sort of the unintended wounding
50 of an animal, not knowing that they're getting it.

00101

1 They're shooting at excessive distances, intention --
2 sometimes they do intentionally leave an animal. Like
3 this year, I think you might see a little bit more of
4 that occurring because they know cows are illegal and
5 they pick the wrong animal and they shot it and it fell
6 and they knew it and they walked up there and it was a
7 cow and they walked away. But again, in the past, and
8 Bob's document it clearly -- and I've seen it myself, in
9 a November hunt, when it was either sex, he was flying
10 moose surveys in the area and he found, I forget the
11 exact numbers -- he tells me 50 percent and I think it
12 was -- there were about a dozen kills that he witnessed
13 or saw, six were gut piles and six were whole caribou
14 that were wasted and those ones that were wasted
15 frequently were animals that walked off wounded and the
16 hunter didn't know he hit them.

17

18 So I guess you have to interpret or think
19 about all the past harvest statistics knowing that full
20 well that those are minimums, those are the reported
21 harvest. There's intentional poaching that's not
22 reported, there's intentional -- or unintentional
23 wounding loss that doesn't go reported, so in years where
24 we think we took a hundred cows out of the herd, you can
25 add a certain percentage to that for the accidental loss
26 of wounding rate and wanton waste and those unfortunate
27 things that happen. you know, we do strive to reduce
28 that as much as possible through education and through
29 talking to hunters and being in the field and making
30 contacts and what not.

31

32 I don't want to drown this to death here
33 but I just think you need -- I know it's been brought to
34 the forefront of people's minds with some of the
35 testimony apparently that's gone on here recently but
36 it's not something that is uncommon, even when it's
37 either sex hunting conditions.

38

39 CHAIRMAN LOHSE: That was one of the
40 things that I was trying to get out to the question I
41 asked Elijah is -- and that's -- I was wondering is when
42 you do your statistics, do you include -- I use the word,
43 fudge-factor, do you -- just like you would do when you
44 have reporting from subsistence fishwheels and things
45 like that, do you have a factor that you put into the
46 harvest for animals that were killed but not taken? Do
47 you even consider that in part of your statistics?

48

49 MR. SCOTTEN: Absolutely. It's not
50 always perfectly explicit but for the -- when we model

00102

1 the population herd growth or changes in population, in
2 years where -- the State hasn't had a cow season but we
3 actually model in some cow harvest from State hunters and
4 some cow harvest from Federal hunters as well because we
5 know that it occurs. We're guessing at the rate or the
6 particular amount but we do include a fudge factor, if
7 you will in our modeling to always indicate that, you
8 know, there's a little bit of that accidental type stuff
9 going on.

10

11 CHAIRMAN LOHSE: Well, that's the
12 question that I had before, was -- and again, we know
13 these aren't precise numbers. I was just wondering what
14 kind of an idea you had as that -- and as that estimated
15 unreported take, wanton waste, poaching, in other words,
16 like in Sweden where they take care of the moose, you
17 know, where they harvest them very specifically, they
18 figure in a certain percentage were hit by trains, a
19 certain percentage were hit by cars, a certain percentage
20 that are poached, a certain percentage are -- you know,
21 and they've got all of those factors that they work right
22 into, what the harvest is. Do you have any kind of a
23 percentage estimate of percentage that comes out as to
24 what would be the normal range of animals that are taken
25 that aren't reported that shouldn't have been taken?

26

27 MR. SCOTTEN: You're trying to get me to
28 commit to a number and I understand that.

29

30 CHAIRMAN LOHSE: No, I'm looking at a
31 range.

32

33 MR. SCOTTEN: Sure.

34

35 CHAIRMAN LOHSE: A range.

36

37 MR. SCOTTEN: I'll tell you what I know
38 because the studies to get at those particularly types of
39 things are few and far between and they're very difficult
40 to conduct because they're dealing with typically an
41 illegal behavior. The studies that I know of that have
42 occurred in the past have had a range of wounding
43 loss/illegal harvest between 10 and 35 percent depending
44 upon the species and the geographic location. The 35
45 percent that I recall was, I believe, on deer in Arizona.
46 It would not surprise me from my experience watching
47 caribou hunts near the road in the Glennallen area, in
48 the Tok area, in the 20(B) area outside of Fairbanks that
49 we've got wounding and/or loss rates in the 10 to 15 to
50 20 percent range. It wouldn't chock me. I'm not saying

00103

1 that's what it is but it would not surprise me if that
2 were going on.

3

4 CHAIRMAN LOHSE: It probably wouldn't
5 surprise me if it was even a little higher than that
6 simply because caribou are an animal that don't show
7 being hit very easy. They're a very stoic animal.

8

9 MR. SCOTTEN: Yeah.

10

11 CHAIRMAN LOHSE: But has a tendency to
12 walk off without even showing that it was impacted then
13 it goes over the ridge and lays down. Okay, well, that
14 brings into perspective the observed violations that we
15 saw this year. It shows that it's not a one-time thing.
16 But with that in mind, and it's hard to put you on the
17 spot this way, but because of that local adverse
18 reaction, local non-support -- you know, it doesn't
19 matter whether you're protecting panda's in China or
20 whatever or rabbits in England, you can't have any better
21 support for non-poaching than having the local support
22 what you're doing. Because if the locals aren't
23 supporting what you're doing animals will be taken
24 anyhow. Not on purpose but nobody's going to
25 inadvertently, you know, throw something away that they
26 took. Do you feel like there's enough of a gain to
27 offset the loss in local support, local reaction and
28 everything with what we're managing to save by not
29 allowing the taking of a cow inadvertently or might some
30 incentives to not take a cow but still allow cows to be
31 taken if they are taken?

32

33 MR. SCOTTEN: Yeah, I have some thoughts
34 along those lines and I appreciate the opportunity for
35 being able to share them. First of all, I guess the
36 issue of local support or non-support, apparently,
37 probably has a lot to do with who you're listening to and
38 which meetings you attend. I was not at this meeting
39 last year so I didn't have the benefit of the testimony
40 that was there. My experience as a State employee in
41 that area is that we received no complaints from anybody
42 about the change in the Federal season and we deal with
43 local users on a regular basis, every day. Just a couple
44 of weeks ago, at the local SRC meeting in Tazlina this
45 proposal was voted on and the Council, I believe -- or
46 the Commission with all but the support of one member
47 voted to support keeping the bulls only season for
48 another year. So they supported us. The local Advisory
49 Committee in Paxson which our other advisory committees
50 didn't meet this year because we're on an off board

00104

1 cycle for State proposals, the Paxson committee supported
2 retaining the bulls only season. Prior to submitting my
3 earlier comments to Terry Haynes regarding these
4 proposals, I actually called the field office BLM Staff,
5 the front line folks, the folks that issue permits, and
6 granted they're talking to people when they get their
7 permit not after they've been hunting, but they told me
8 that they had heard very little complaining about going
9 to bulls only and that on the contrary, they had had
10 actually had several comments saying, you know, this is a
11 good thing, we should be doing our part for conservation
12 right now until the herd gets back to within management
13 objectives.

14

15 So from my perspective and I admit that,
16 you know, being a State employee I may not be hearing all
17 voices, that there is a fair amount of local support.
18 Now, I have also herd very disgruntled individual hunters
19 who were cited for various illegal acts that weren't very
20 happy with the situation up there. And I can assure you
21 that many of those violations had nothing to do with
22 killing a cow this year, they have to do with the
23 boundaries of the hunt area and the enforcement of the
24 line between State and Federal lands. That has been a
25 point of contention for a number of years. It came to
26 the forefront this year again because BLM had a ranger on
27 site who is dealing with it on a daily basis.

28

29 The State's been wrestling with it. We
30 fly over the area and see dead caribou and gut piles all
31 over State land when the State season's closed but we
32 have not had the resources in the past to deal with those
33 violations. So there is some dissatisfaction and
34 unhappiness by hunters. Some of them, I'm -- you know, I
35 agree with Elijah, there's some discretion involved about
36 whether a hunter intended to shoot a caribou a hundred
37 yards over the line, a half a mile over the line, a mile
38 over the line, and it's generally at the discretion of
39 the officer in the field whether or not the violation of
40 bordering effect was egregious enough to warrant a
41 citation or not. It depends on which officer you had to
42 deal with on that day. So there's individual
43 dissatisfaction but I, personally, feel there's a fair
44 amount of support right now to maintain the conservation
45 efforts that are in place to share the burden between
46 State and Federal hunters and then, you know, Bob and I,
47 as local biologists have recommended that as soon as we
48 can clearly identify the trajectory of this herd is for
49 growth and that we meet the minimum 35,000 estimate in
50 the fall, in October, that the BLM return to their either

00105

1 sex bag limit at that time. And if there's an additional
2 allowable harvest of cows beyond that then the State will
3 consider going back to some portion of their harvest
4 being either sex.

5
6 So that has been our recommendation from
7 the field office.

8
9 CHAIRMAN LOHSE: Thank you, that
10 clarifies some things. Does anybody else have any
11 questions? Fred.

12
13 MR. JOHN: The local Advisory Committee
14 in Glennallen, what I see there I don't believe it
15 represents the majority of the people which are Native
16 people, you know, and as long as I've been there I hardly
17 ever seen a Native attend the meeting in Slana for the
18 local or in Glennallen for the local and Paxson, you
19 know, there's none there. And since Federal took over,
20 you know, their part, they're mostly Native which stick
21 with the Federal government and I don't think they have
22 any -- really input into the local Advisory Committees.
23 And to support two bulls -- if the Native were involved
24 in the local Advisory, I believe, you know it would be a
25 different story.

26
27 CHAIRMAN LOHSE: Thank you. Bob.

28
29 MR. CHURCHILL: Yeah, a question, as part
30 of this proposal, is one of the ideas to extend the
31 season -- close it for two or three months -- or two
32 months during the winter time, during the rutting season
33 and extend it through April 20th, the assumption is that
34 the animals that weren't taken during the winter would
35 offset the additional animals taken in that April hunt.
36 Does our history support that? I guess I'm concerned
37 that there may be actually significantly more animals
38 taken March 31st through the 20th if we were to extend it
39 than have been taken in that October and November period?

40
41 MR. SCOTTEN: I thought Donna did a
42 pretty good job with the harvest statistics and looking
43 at what might be the loss of opportunity in October, late
44 October and November with the -- I think it was 27
45 percent of the harvest on average, comes from those two
46 months. What we see with the Nelchina herd is that in a
47 typical year, they migrate out of Unit 13 during and just
48 after the rut. So in mid- to late October, they start on
49 the move and they head east and they're heading towards
50 Mentasta and Tok. Now, if the season were closed in late

00106

1 October and November, frequently, the entire herd would
2 be gone by the time the season reopened. So hunters do
3 take advantage of the caribou herd when it's on those
4 small areas of Federal land. I think there's a definite
5 possibility that if you close that 40 days or whatever it
6 amounts to of the season that you will lose the only
7 window of opportunity when the caribou are on Federal
8 land in the fall.

9

10 This is a strange winter for the Nelchina
11 herd. For the first time since I've been there and in
12 about five or six years, the majority of the herd has
13 actually stayed in Unit 13 for the winter. They went
14 into the winter in really good physical condition with
15 lots of fat and a bunch of them didn't migrate. And as a
16 consequence, they've been available on Federal land
17 throughout much of the winter, off and on, moving in and
18 out of the areas around Tango Lakes and the Tenmile area.
19 So there's been lots of opportunity on Federal land this
20 winter, way more than normal.

21

22 And to answer your question more directly
23 about the April portion of the hunt, normally when they
24 come back is starting in April, about the 5th or 10th of
25 April, they start coming back from the Tok area and
26 migrate through large lines crossing the Richardson
27 Highway between Meyers Lake and Paxson Lake and Sourdough
28 and that area. There is the potential, with, as Donna
29 mentioned, I mean there's 2,500 permits out there, 25
30 percent of those have reported their take. There might
31 be 1,500 or more permits still out that could,
32 potentially be hunting in April as they're migrating back
33 through that Federal corridor. And what Bob and I
34 frequently concern ourselves with is the potential to
35 harvest cows if the moon's align correctly. With that
36 many permits out there and if the caribou linger on
37 Federal land very long, the word rapidly spreads among
38 local users that they're there, they're available and if
39 we have an either sex bag limit, there's a potential for
40 a substantial cow harvest and that worries us.

41

42 MR. CHURCHILL: Thank you.

43

44 MR. JOHN: I got a question.

45

46 CHAIRMAN LOHSE: Fred.

47

48 MR. JOHN: I just got a question, one
49 year there was so much caribou up in the Northway area
50 there was hardly any in our area, and then this year it

00107

1 just seems like it's reversed, what do you think causes
2 that, the feeding or the food available?

3

4 MR. SCOTTEN: That's a real good question
5 and it's speculation to some extent on our part. But
6 this is the first year that we've seen the caribou go
7 into the winter and late fall in really good physical
8 condition. They had a good summer, the cows were fat,
9 the calves that were born in May weighed more in October
10 when we captured a sample of them than they have in six
11 years. They weighed 15 pounds on average more than they
12 weighed the years before. So they went in, they were
13 really in good physical condition and maybe they just
14 didn't feel the compelling need to go to a premier winter
15 range to maintain their physical strength so they could
16 stay in Unit 13 which may not have as good a winter
17 habitat, but if they went in fat they, you know, thought
18 maybe the forage was adequate to get them through the
19 winter right there in Unit 13.

20

21 But we did see an exact flip-flop. We
22 used to see 90 percent of herd migrate, 10 percent stay.
23 This year we've seen 90 percent stay and 10 percent
24 migrate.

25

26 MR. JOHN: Thank you.

27

28 CHAIRMAN LOHSE: Any other questions.
29 I've just one more I was going to ask you. After talking
30 to you about that antlerless part of it as a way to tell
31 bulls, it sounds to me like if we did that early in the
32 season, October, November, even January or February we'd
33 be limiting the amount of animals that we have access to.
34 But come about March, when, if we look at our chart right
35 here, we see that, you know, over the years March takes
36 about 19 percent of the animals. And if we ended up
37 extending it into April, that would be even more
38 important yet. Come about March, the antlerless would be
39 a good indication of the bulls and we'd probably have the
40 majority of the bulls be antlerless by that time?

41

42 MR. SCOTTEN: Yeah, I would say the
43 majority of them are although some small bulls,
44 especially yearling bulls will actually keep their
45 antlers probably right through March until they start
46 growing their new ones when they shed their old ones.

47

48 CHAIRMAN LOHSE: So even if we didn't go
49 to antlerless for the whole time, if we wanted to cut
50 down cow mortality, even accidental cow mortality, come

00108

1 March, when the hunting again picks up it wouldn't be a
2 bad idea to go to antlerless at that point in time
3 because we'd have a fairly good indicator that we were
4 dealing with bulls, we wouldn't cut down the harvest
5 opportunities very much and we definitely would probably
6 eliminate the possibility of taking very many cows at all
7 then in March.

8

9 MR. SCOTTEN: I think just depending upon
10 the harvest strategy regime that you recommend to the
11 Federal Subsistence Board, that could be a component of
12 it. If you're in a year like this where it's bulls only,
13 at the very least, it's a clear indication to the hunters
14 in the field if they're notified that antlerless caribou
15 are more than likely going to be the bulls, you know,
16 target those animals, that type of recommendation is
17 going to be real helpful.

18

19 Because, I mean just given the discussion
20 that's occurred here, there's lots of people that have
21 questions of their own about who's got antlers and who
22 doesn't at different times of the year and it is a
23 complicated, complex thing that's based on size and age
24 characteristics and hormone levels and there's some
25 guidelines to follow. But as usual in the biological
26 world, there's very few rules that are hard and fast that
27 don't have exceptions.

28

29 CHAIRMAN LOHSE: Does anybody else have
30 questions?

31

32 MR. JOHN: I got one more question.

33

34 CHAIRMAN LOHSE: Fred.

35

36 MR. JOHN: You said something about the
37 BLM proposal, you know, a cow and a bull, I forget what
38 you said about it, did you kind of like that proposal?

39

40 MR. SCOTTEN: Right now, Bob and I and I
41 think the State Staff recommendation is to oppose that, I
42 guess it's an amended proposal as well until there are
43 clear indications that the herd is growing and that we've
44 reached the minimum population objectives. We feel
45 there's not an allowable cow harvest. Now, we know
46 there's going to be some cow harvest illegal, accidental
47 but we feel that that is less than if we have a
48 legitimate open cow season where we've got, you know, up
49 to 2,500 permits in the field. The potential for a cow
50 harvest, you know, if it's 50 cows it might not be a big

00109

1 deal, but if that mushrooms into a hundred or 200 then it
2 starts impacting the trajectory of that growth or
3 stability or decline of the herd. So we're the first to
4 agree that BLM and the local subsistence use should go
5 back to the two caribou bag limit when we see those
6 positive indications that the herd is going to meet
7 management objectives and continue to grow. But until
8 then we're recommending maintaining the bulls only
9 season.

10

11 CHAIRMAN LOHSE: Any other questions.
12 Sue.

13

14 MS. WELLS: On that same vein, your
15 opinion on the change of the season then?

16

17 MR. SCOTTEN: The early portion of the
18 season change, there's three proposals on the table, I
19 guess. But our recommendation would be to maintain the
20 October 21st reopening. Because if you change it to
21 December 1st, you may very well be restricting hunters
22 unnecessarily when there's legal animals and bulls to be
23 taken and you'd also have a frequently -- an open State
24 season at that time. At the tail end of the season, we
25 would prefer to see the March 31st closure. Hunting into
26 April, there's -- and the discussion has been really good
27 along those lines that it's a high stress time of year,
28 they're frequently migrating, it's late winter, they
29 haven't had anything good to eat since September. There
30 are some potential impacts, we can't measure them, again,
31 it's a difficult type of study to do, hunter displacement
32 and harassment and hunting animals during that time of
33 year might have a negative impact on energetic balance
34 and what not. We don't expect to see any sort of
35 spontaneous loss or anything like that, unless they are
36 in very poor physical conditions, which, in some years
37 the Nelchina herd is in very poor condition when they
38 come back from winter range depending on how severe the
39 winter was.

40

41 I guess it seems like there's ample
42 opportunity to hunt through March and then to give them
43 that later winter, April migration period before calving
44 without the hunter harassment was our recommendation.

45

46 And then also, if you changed it to April
47 20th and then subsequently next year or the year after
48 you go back to an either sex limit, would -- you know,
49 you have to ask the question, well, does it change the
50 bag limit in April as well. It's back to either sex

00110

1 because then you would have a potential very high harvest
2 of pregnant cows at a time when they're full term
3 basically so that would be of concern to us.

4

5 CHAIRMAN LOHSE: Any other questions.
6 Thank you, muchly for the information shared with us.
7 Fish and Game Advisory Committee comments, do we have
8 any? Nope. Summary of written public comments, Ann.
9

10 MS. WILKINSON: Mr. Chairman, there are
11 three. The Paxson Fish and Game Advisory Committee
12 supports the proposal provided Alaska Department of Fish
13 and Game believes the herd can support the additional
14 hunting pressure. Taking cows can substantially hurt the
15 population and it can take years to undo the effects of
16 one hunting season.

17

18 The Wrangell-St. Elias Subsistence
19 Resource Commission supports Proposal 16 with
20 modification to change the season dates from November 1st
21 through April 20th and the harvest to two bulls rather
22 than two caribous.

23

24 The Denali Subsistence Resource
25 Commission opposes this proposal and concurs with the
26 Staff analysis preliminary conclusion for the reasons
27 stated in the analysis justification.

28

29 And that's all.

30

31 CHAIRMAN LOHSE: Did you say the Denali
32 supports Staff, is that what you said?

33

34 MS. WILKINSON: Yes, Mr. Chairman.

35

36 CHAIRMAN LOHSE: Thank you. Okay, with
37 that we have some public testimony but maybe we should
38 take a break just for a second, about 10 minutes.

39

40 (Off record)

41

42 (On record)

43

44 CHAIRMAN LOHSE: We'll call this meeting
45 back in session. Morris, we have public testimony by
46 Morris Ewan.

47

48 MR. EWAN: My name is Morris Ewan. I
49 represent Gulkana Village as well as the ATHNA people.
50 Gloria kind of took all the words that I was going to say

00111

1 before I came up here and said a few things. But another
2 thing, a fact I'd like to mention about the caribou herd
3 and some other game kind of on the rebound -- slow in
4 rebounding is because of the predator control, like bears
5 and wolves overtaking them, you know. I fly around with
6 Harley McMann and Chuck McMann and they've been guides
7 around in that area for -- Harley's been around there for
8 40 years so I pretty well know what I'm talking about
9 when I see predator control, you know.

10

11 So that's about all I had to say, thank
12 you. Thanks for listening.

13

14 CHAIRMAN LOHSE: Any questions for
15 Morris. Mr. Churchill.

16

17 MR. CHURCHILL: One, thank you for coming
18 in and talking with us. Do you have any thoughts or
19 recommendations how we might implement a little more
20 effective predator control in GMU-13, Mr. Ewan.

21

22 MR. EWAN: I don't know, it seems like
23 they protect the bears pretty much up there, you know,
24 and you'd probably get more time for killing a bear than
25 killing a man, it seems like to me.

26

27 MR. CHURCHILL: If I could follow up. I
28 mean it seems like we have some really liberal seasons on
29 bears in GMU 13 but we don't seem to take down the
30 population significantly. Do you have any thoughts of
31 things we might do differently to reduce the number of
32 bears or maybe even specifically target bears who are
33 most efficient at taking calves in any -- any ideas?

34

35 MR. EWAN: I don't have much ideas about
36 how to take them bears out but, you know, but to open the
37 season more on them probably. And another thing I'd like
38 to -- the BLM proposal by Elijah and them, too, so with
39 that, I'll say good bye.

40

41 MR. CHURCHILL: Thank you very much.

42

43 MR. EWAN: Thanks for listening to me.

44

45 CHAIRMAN LOHSE: Any other questions from
46 Council members?

47

48 MR. JOHN: Morris.

49

50 CHAIRMAN LOHSE: Fred.

00112

1 MR. JOHN: Morris did you say you liked
2 that BLM proposal?

3
4 MR. EWAN: Yes, I do.

5
6 MR. JOHN: Okay, that's all I had.

7
8 CHAIRMAN LOHSE: Okay, I think Ann has
9 got a written comment from Eastern Interior. Their
10 representative had to leave.

11
12 MS. WILKINSON: Thank you, Mr. Chairman,
13 yes he did and left this for me. The Council -- this is
14 the Eastern Interior Regional Advisory Council deferred
15 Proposal 16 to the Southcentral Council, with the intent
16 to favor the BLM compromise and a March 31 closure date.
17 The Council would like to have the Southcentral Council
18 take the lead on this issue but they are concerned about
19 the late winter portion of the season. The Council would
20 like to see the agencies work out a solution with the
21 users.

22
23 And that's the sum total of that comment.

24
25 CHAIRMAN LOHSE: Thank you. Okay, with
26 that, Elijah requested the opportunity to say one more
27 thing before we went into deliberations.

28
29 MR. WATERS: Yeah, I had just a couple of
30 things I wanted to clarify. First of all, the crippling
31 loss versus the waste, now what -- the cases we're
32 specifically talking about are cows that were shot within
33 the Federal hunt area and left, and intentionally left
34 and in some cases gutted and intentionally left. So I do
35 want to clarify that, you know, what we're talking about
36 is the waste, not crippling loss.

37
38 The other thing I want to point out, the
39 negative public reaction or perception. We actually had
40 a public meeting in Delta Junction. And by far, the
41 public response in Delta Junction was that they were
42 happy that we went to a bull only limit. But in
43 Glennallen the reaction was, you know, they were
44 disappointed that we went to a bull only. And I think
45 the difference between the two was perception. When we
46 gave a public meeting in Delta and I just asked, how many
47 caribou the people in Delta thought were taken in the
48 Federal hunt and the answer, you know, I mean just the
49 answers, from the crowd, from the people who were coming
50 was thousands. The perception in Delta was that the

00113

1 Federal hunt took thousands of caribou. We don't even
2 give out thousands of permits, we give out 2,500. But
3 the perception was that we're killing thousands of
4 animals.

5
6 So think maybe that's where some of the
7 positive -- or, you know, the mixed reviews that we get
8 from the public. You know, with that I'll go into, yes,
9 there's still 2,500 unfilled permits out there but to
10 even think that there's going to be 2,000 more animals
11 killed is ridiculous. We can look, you know, over the
12 history of this Federal hunt we've been pretty darn
13 consistent in the number of tags that we issue and we've
14 also been pretty darn consistent in the number of animals
15 that are taken. So, you know, to think that there's
16 going to be 2,000 cows or even 2,000 bulls killed in
17 March and April, you know, the history of the hunt just
18 doesn't suggest it nor do the subsistence user patterns.

19
20 Thank you.

21
22 CHAIRMAN LOHSE: Any other questions for
23 Elijah? Mr. Churchill.

24
25 MR. CHURCHILL: Yeah, what's the latest
26 we've ever had this season open in this area?

27
28 MR. WATERS: I think it's March 31st
29 throughout the history of the hunt. I think probably
30 somebody from Fish and Wildlife Service could verify
31 that.

32
33 MR. CHURCHILL: What's your opinion as
34 far as the probable take between April 1st and April
35 20th?

36
37 MR. WATERS: I think it'd be real
38 similar. If you look two years ago there was a
39 significant harvest in March and that was because a large
40 group of animals moved into the area after they had been
41 gone for a period of time. This year, when, like Brad
42 said, there's been animals pretty accessible, you know,
43 since October, I think that the harvest is more spread
44 out. I think if it were open this April it'd be pretty
45 minimal using this year as an example. I think it's all
46 dependent on how those animals are going to move in or
47 out of the area. If they move out for the winter and
48 migrate back through in April, there could be, you know,
49 some animals taken. But if, like this year, if they're
50 there all year, you know, people right now -- you know,

00114

1 if you want a caribou right now it's pretty much a matter
2 of getting a snowmachine and going and getting one.

3

4 MR. CHURCHILL: Thank you.

5

6 CHAIRMAN LOHSE: Any other questions.

7 Fred.

8

9 MR. ELVSAAS: As I understand it, the BLM
10 proposal is one cow allowed or two bulls?

11

12 MR. WATERS: No the BLM proposal was a
13 compromise. It was one animal of either sex in the early
14 season and then a bull -- actually an antlerless only as
15 the bulls begin dropping their horns. Realizing, as Brad
16 points out, that there's going to be a lot of bulls out
17 there that still have horns and yes, as a hunter, you're
18 going to be able to see clearly that that's a bull. But
19 we're looking at it also from an enforcement standpoint,
20 too, we're trying to make it easy for the hunter int he
21 field to stay legal.

22

23 MR. ELVSAAS: Right. Right, yeah,
24 there's got to be some hunter perception here as to what
25 they're shooting at.

26

27 MR. WATERS: Right.

28

29 MR. ELVSAAS: Yeah, that's what I was
30 trying to get at. The hunter has to be aware of the
31 animal. So the early season is one caribou either sex
32 and the late season is any antlerless, right?

33

34 MR. WATERS: Right.

35

36 MR. ELVSAAS: Okay, thank you.

37

38 MR. WATERS: Yeah, we're looking at
39 maximizing opportunity and ease of enforcement.

40

41 CHAIRMAN LOHSE: Fred.

42

43 MR. JOHN: The hunting area for the
44 caribou, it's just a small Federal area up toward Paxson
45 so it doesn't cover the whole area.

46

47 MR. WATERS: No, it doesn't.

48

49 MR. JOHN: So I just want to make that

50 clear, yeah.

00115

1 MR. WATERS: Yes. There's about a 40-
2 mile stretch on the highway from Sourdough to Paxson and
3 then there's a couple mile stretch on the Denali Highway
4 and then there's a narrow strip on the Denali Highway
5 that takes in Tango Lakes and then the rivers if you have
6 access to get into there.

7

8 MR. JOHN: Thank you.

9

10 MS. WELLS: Mr. Chair.

11

12 CHAIRMAN LOHSE: Yes, Susan.

13

14 MS. WELLS: You said that there is 2,500
15 permits that approximately that you issue per year and
16 those permits are for the local people in that area,
17 correct?

18

19 MR. WATERS: Right. It's the residents
20 of 20(D) and residents of Unit 13. And each -- that's
21 not 2,500 people either, that's 2,500 permits. Every
22 hunter that comes automatically gets two permits, whether
23 you want them or not you get two.

24

25 MS. WELLS: Okay. So it really isn't
26 quite as many people as we're thinking it is?

27

28 MR. WATERS: No.

29

30 MS. WELLS: So we're not having an influx
31 of people from the cities then?

32

33 MR. WATERS: No. No, it's for locals
34 only. It's for rural residents.

35

36 MS. WELLS: Thank you.

37

38 MR. WATERS: I'm sorry, but you couldn't
39 get one.

40

41 CHAIRMAN LOHSE: Any other questions.
42 Okay, thank you, Elijah. With that it's time for us to
43 go into Regional Council deliberations. A motion to
44 either put the proposal as written or modified or
45 whatever the Council would like is in order. We can put
46 the Proposal 16, as written. We can put the modification
47 as given by the BLM. We can put the modification as we
48 see fit. Or we can just put it off and vote it down,
49 whichever the Council would like. So I need a motion on
50 the table so we can discuss it.

00116

1 MR. JOHN: How does the motion go?

2

3 CHAIRMAN LOHSE: However you like.

4

5 MR. JOHN: I like the BLM proposal --
6 bring up the BLM proposal.

7

8 CHAIRMAN LOHSE: Okay, you put a motion
9 on the table to support the BLM proposal.

10

11 MR. CHURCHILL: Second.

12

13 CHAIRMAN LOHSE: Okay, it's been moved
14 and seconded to bring the BLM proposal forward then. So
15 discussion. Fred.

16

17 MR. ELVSAAS: As I understand it, it's
18 the BLM alternative to 16, right?

19

20 CHAIRMAN LOHSE: Right.

21

22 MR. ELVSAAS: So just so we don't get
23 mixed up like we did awhile ago on the other proposal.

24

25 (Laughter)

26

27 CHAIRMAN LOHSE: And it's an alternative
28 to 16 as written so we're not voting on anything in 16,
29 we're voting on.....

30

31 MR. ELVSAAS: Right.

32

33 CHAIRMAN LOHSE:unless we
34 modify.....

35

36 MR. ELVSAAS: The BLM.

37

38 CHAIRMAN LOHSE:the BLM proposal.
39 Gilbert.

40

41 MR. DEMENTI: You mentioned earlier about
42 if you shoot a cow by accident during the fall, that
43 should be it and I like that idea.

44

45 CHAIRMAN LOHSE: If we were going to do
46 that we would have to put an amendment to modify the
47 proposal that way and that's a legitimate amendment.

48

49 MR. JOHN: Mr. Chair, is that the
50 proposal that you kill the cow in the early fall and then

00117

1 a bull later on?

2

3 CHAIRMAN LOHSE: The proposal is that you
4 could kill a cow in early fall and later on you have to
5 kill an antlerless animal.

6

7 MR. JOHN: Okay.

8

9 MR. ELVSAAS: Which could also be a cow.

10

11 CHAIRMAN LOHSE: Which could be but not
12 likely. That's the proposal that's on the table right
13 now. The BLM proposal, I think we need to read the
14 alternatives so we know what we're talking about. The
15 BLM proposal basically allows the taking of a cow in the
16 early season but the late season is antlerless animals
17 only from October 20th to March 31st, right, Ann?

18

19 MS. WILKINSON: October 21st.

20

21 CHAIRMAN LOHSE: October 21st, my fault.
22 Okay. So -- yes, Susan.

23

24 MS. WELLS: I think, Gilbert, were you
25 asking about whether or not if they got -- we had
26 discussed about taking a cow if it was the first animal
27 that you took, then that would be the last you could take
28 through the season and it's my understanding that that's
29 not what we're looking at here. The BLM is giving.....

30

31 MR. DEMENTI: One cow in early season,
32 antlerless moose.

33

34 MS. WELLS: Right, which could possibly
35 be a cow but not likely. And so we're not saying that if
36 you get a cow.....

37

38 MR. DEMENTI: Oh, okay.

39

40 MS. WELLS:at the beginning.

41

42 MR. DEMENTI: All right.

43

44 MS. WELLS: Yeah.

45

46 MR. DEMENTI: But you could take two
47 bulls in the early season.

48

49 MS. WELLS: Right.

50

00118

1 MR. DEMENTI: You know, so you could fill
2 your quota -- or a bull and a cow in the early season and
3 be done.

4

5 MR. JOHN: I'm confused.

6

7 (Laughter)

8

9 CHAIRMAN LOHSE: Well, currently, the way
10 this proposal -- well, let's take a look at the proposal.
11 Let's read it to make sure we know what it says. This
12 proposal as -- this alternative: By Federal registration
13 permit only, however only one may be a cow taken in the
14 fall season and only antlerless caribou may be taken in
15 the winter season. That's what it says. Now, in other
16 words, if you took a cow you could take a bull in the
17 fall season. If you took two bulls, you could take two
18 bulls in the fall season. If you took a cow in the fall
19 season you could take a -- you could wait and take an
20 antlerless moose -- I mean an antlerless caribou in the
21 spring season.

22

23 MR. JOHN: Okay.

24

25 CHAIRMAN LOHSE: But you wouldn't have to
26 wait, you could take a bull. My -- I mean if -- can the
27 Chair offer amendments? Is that legitimate? Can the
28 Chair even put a motion on the table?

29

30 MR. CHURCHILL: You're not supposed to.

31

32 MS. WILKINSON: No.

33

34 CHAIRMAN LOHSE: You're not supposed to,
35 I didn't think so. Okay, that's why I haven't done it.

36

37 MR. JOHN: But you are the Chair.

38

39 (Laughter)

40

41 CHAIRMAN LOHSE: You just don't want me
42 to put anything on the table. Okay, but that's what
43 we're -- what we have on the table right now is two
44 caribou by Federal registration permit, however, only one
45 may be a cow taken in the fall season and only antlerless
46 caribou may be taken in the winter season. And the
47 winter season is October 21st through March 31st and the
48 fall season is August 10th through September 30th.

49

50 MS. DEWHURST: Mr. Chair.

00119

1 CHAIRMAN LOHSE: Yes, Donna.

2

3 MS. DEWHURST: I do offer, from my
4 experience with North Slope, when the Chair wanted to
5 make a motion, he gave the Chair temporarily to the vice-
6 Chair, made his motion and then went back to the Chair.

7

8 CHAIRMAN LOHSE: Thank you.

9

10 MR. JOHN: Don't take it, vice-Chair.

11

12 MR. ELVSAAS: You hand me that gavel,
13 you're out of order.

14

15 (Laughter)

16

17 CHAIRMAN LOHSE: Boy, now I see what this
18 is, this is a gag rule is what we got here.

19

20 MR. ELVSAAS: Rules by Ralph.

21

22 (Laughter)

23

24 CHAIRMAN LOHSE: Okay, so what we have is
25 we have that motion on the table, that's what we're
26 discussing. If somebody wants to offer an amendment to
27 this motion it's possible. And like what Gilbert was
28 talking about or we can leave it as it is or let me throw
29 a couple things out you might want to think of.

30

31 What this does is, from October 21st
32 through March 31st, it's antlerless only. And as the
33 biologist pointed out, from October 21st until about
34 March 1st, you're going to be losing opportunity at bulls
35 that have antlers.

36

37 MS. WELLS: Mr. Chair.

38

39 CHAIRMAN LOHSE: Yes, Susan.

40

41 MS. WELLS: I'm just wondering and I
42 don't want this to be carried out for hours and I'm
43 afraid to say something because it might but are we
44 addressing then the Copper River Native Association's
45 concerns about the December 20 -- April 20?

46

47 CHAIRMAN LOHSE: No, it's not in this
48 proposal unless somebody offers an amendment.

49

50 MS. WELLS: Well, I'm just concerned that

00120

1 -- I think I heard that the BLM didn't have a problem
2 with that.

3

4 MR. JOHN: Yeah, they didn't.

5

6 MS. WELLS: And since the major concern
7 of the BLM in this compromise or this proposal was
8 because of the users in that area, having the connection
9 with them and that we might consider adding that to the
10 proposal so that the Copper River people would have their
11 hunt time. That's where their -- I'd just like to throw
12 that out for some brief discussion.

13

14 CHAIRMAN LOHSE: Would you like to offer
15 an amendment to extend the season to April 20th and then
16 we can discuss it? We can't discuss it if you don't.

17

18 MS. WELLS: Yes. I would like to move to
19 amend this to the December 1 to April 20 time frame.

20

21 MR. JOHN: I second it.

22

23 MR. ELVSAAS: Wait a minute, you said
24 December, mine says October.

25

26 MS. WELLS: Well.....

27

28 CHAIRMAN LOHSE: That's what the Copper
29 River Native Association one, the December 1.

30

31 MR. ELVSAAS: Oh, okay.

32

33 MS. WELLS: Because.....

34

35 MR. ELVSAAS: Okay, I follow you.

36

37 MS. WELLS: Okay.

38

39 CHAIRMAN LOHSE: Did I hear a second?

40

41 MR. JOHN: I seconded it.

42

43 CHAIRMAN LOHSE: Okay, it's been moved
44 and seconded, we have an amendment on the table. And
45 that would be an amendment to this proposed alternative
46 from the BLM to have the winter season from December 1
47 through April 20th instead of October 21st through March
48 31st.

49

50 Discussion.

00121

1 MR. JOHN: Question.

2

3 CHAIRMAN LOHSE: Question's been called.

4 All in favor signify by saying aye.

5

6 IN UNISON: Aye.

7

8 CHAIRMAN LOHSE: All opposed signify by

9 saying nay.

10

11 (No opposing votes)

12

13 CHAIRMAN LOHSE: I guess I can't vote.

14 Okay.

15

16 MR. ELVSAAS: You can vote if you call

17 roll call.

18

19 CHAIRMAN LOHSE: I'll call a roll call on

20 it.

21

22 MR. ELVSAAS: Okay.

23

24 CHAIRMAN LOHSE: I would like to register

25 why I would vote nay on this one.

26

27 MR. ELVSAAS: Okay.

28

29 CHAIRMAN LOHSE: So.....

30

31 MR. ELVSAAS: Tell her to call the roll.

32

33 CHAIRMAN LOHSE: Well, if it's okay with

34 the rest of the Council I'd like to register a nay vote

35 on this one and explain why.

36

37 MR. ELVSAAS: Sure.

38

39 CHAIRMAN LOHSE: The reason I'm offering

40 a nay vote is because from October 21st through December

41 1 almost -- over the years almost 30 percent of the

42 caribou were taken. And we're losing opportunity on

43 taking of bulls from December 1st to about March 1st, the

44 way I see it, because most of them -- a lot of them won't

45 have dropped their horns and you've also lost the

46 opportunity for October, November -- or at least for the

47 month of November. So I think we're going to have a net

48 loss instead of a net gain. But that's why I'm offering

49 a nay on that one.

50

00122

1 But it's passed so we now have an amended
2 motion in front of us. We can offer other amendments if
3 we'd like to.

4
5 MR. JOHN: Could we ask for a
6 reconsideration?

7
8 MR. CHURCHILL: If you're on the
9 prevailing side you can.

10
11 CHAIRMAN LOHSE: Yeah.

12
13 MR. JOHN: Uh?

14
15 MR. CHURCHILL: If you're on the
16 prevailing side you can.

17
18 CHAIRMAN LOHSE: Yeah.

19
20 MR. CHURCHILL: If you voted for.

21
22 MR. JOHN: Yeah, I'm on the winning side.

23
24 MR. CHURCHILL: Isn't that a nice
25 feeling.

26
27 MR. JOHN: Before that I got to ask a
28 question of -- that's from October when to....

29
30 CHAIRMAN LOHSE: October 21st through
31 December 1st we just closed -- through November 31st --
32 30th we just closed.

33
34 MR. JOHN: Is there a way we could take a
35 little bit out of October and just add that April?

36
37 CHAIRMAN LOHSE: You can do anything....

38
39 MR. ELVSAAS: Move to reconsider it and
40 then offer the amendment from October 21 to April 20.

41
42 MR. JOHN: What's that?

43
44 MR. ELVSAAS: If we move to
45 reconsider....

46
47 MR. JOHN: Uh-huh.

48
49 MR. ELVSAAS:then you can negate
50 that by offering an amendment that includes the October

00123

1 date.

2

3 CHAIRMAN LOHSE: Or includes whichever
4 date that you'd like.

5

6 MR. JOHN: How do you do the reconsider?

7

8 MR. ELVSAAS: Move to reconsider.

9

10 CHAIRMAN LOHSE: Just make a motion to
11 reconsider.

12

13 MR. JOHN: I'll move to reconsider.

14

15 MS. WELLS: You also need to use the
16 microphone.

17

18 MR. JOHN: This is Fred John, I move to
19 reconsider.

20

21 CHAIRMAN LOHSE: Do I have a second?

22

23 MR. CHURCHILL: Second.

24

25 CHAIRMAN LOHSE: It's been moved and
26 seconded to reconsider the motion.

27

28 MR. JOHN: Question.

29

30 MS. WELLS: Wait.

31

32 MR. JOHN: Oh.

33

34 CHAIRMAN LOHSE: Discussion. Is there
35 any discussion on the reconsideration, not on the motion
36 just on the reconsideration? The move to reconsider, is
37 there any discussion?

38

39 MR. CHURCHILL: Yeah, I'd like to ask the
40 Chair a question?

41

42 CHAIRMAN LOHSE: Yes.

43

44 MR. CHURCHILL: Do you have any thoughts
45 on this season, the changes in it?

46

47 CHAIRMAN LOHSE: Well, I think we first
48 need to move whether or not we want to reconsider the
49 motion and then I could offer that.

50

00124

1 MS. WELLS: Oh, I see what you're saying.

2

3 CHAIRMAN LOHSE: All we're doing is
4 moving....

5

6 MR. CHURCHILL: We've moved and seconded,
7 have we not?

8

9 CHAIRMAN LOHSE: Yeah, we need to have a
10 vote to put it on the table?

11

12 MR. ELVSAAS: Yes, you have to vote.

13

14 CHAIRMAN LOHSE: Okay.

15

16 MR. CHURCHILL: Okay.

17

18 MR. ELVSAAS: Because you have to have 60
19 percent or more.

20

21 CHAIRMAN LOHSE: Yeah, yeah, okay. So
22 it's been moved and seconded to reconsider the motion.
23 All in favor signify by saying aye.

24

25 IN UNISON: Aye.

26

27 CHAIRMAN LOHSE: All opposed signify by
28 saying nay.

29

30 (No opposing votes)

31

32 CHAIRMAN LOHSE: Motion's back on the
33 table for reconsideration. Now, you can ask the
34 question.

35

36 MR. JOHN: Okay. Could you give me that
37 date?

38

39 MR. ELVSAAS: October 21 to April 20th.

40

41 MR. JOHN: Okay, I move that we amend the
42 date to October 21 to April 20th.

43

44 MR. ELVSAAS: Second.

45

46 CHAIRMAN LOHSE: Okay, it's been moved
47 and seconded to extend the season from October 21 to
48 April 20th. That's the amendment. Discussion.

49

50 MR. JOHN: You got it? Uh?

00125

1 CHAIRMAN LOHSE: Any discussion.

2

3 MR. JOHN: We just took off a few days at
4 the head of the season and added it on to the end.

5

6 MS. WILKINSON: Mr. Chairman, I'm sorry,
7 who -- I didn't hear who seconded that?

8

9 MR. JOHN: Fred and Fred.

10

11 CHAIRMAN LOHSE: Okay, while we're under
12 discussion, Fred, I seem to hear from you a little
13 misunderstanding. We haven't taken anything off the
14 front of the season this way.

15

16 MR. JOHN: Oh, we didn't?

17

18 CHAIRMAN LOHSE: No. By going to October
19 21st, we stayed with where the season was so if your
20 intention was.....

21

22 MR. JOHN: Oh, no, no, I'll -- okay.

23

24 CHAIRMAN LOHSE:to shorten the
25 season at the front and extend it at the back.....

26

27 MS. WELLS: That's not what he did.

28

29 CHAIRMAN LOHSE: That wasn't the
30 intention?

31

32 MS. WELLS: No, that's not what he did.

33

34 CHAIRMAN LOHSE: Oh, okay.

35

36 MS. WELLS: He.....

37

38 MR. JOHN: I was thinking that way.

39

40 CHAIRMAN LOHSE: That's what I heard you
41 thinking.

42

43 MR. JOHN: Yeah.

44

45 CHAIRMAN LOHSE: But we can leave it this
46 way.

47

48 MR. JOHN: I'll leave it that way.

49

50 CHAIRMAN LOHSE: Okay.

00126

1 MS. WILKINSON: So, Mr. Chair, what we've
2 done is the regular season is from October to March so
3 what we've done is we've kept the start of the season and
4 just extended it 20.

5
6 CHAIRMAN LOHSE: Yeah, we extended it 20
7 days.

8
9 MS. WILKINSON: Okay.

10
11 MR. DEMENTI: Yes, 20 days.

12
13 MS. WELLS: So the October, November
14 possibilities are still in this picture as well as
15 extending the possibility in the spring hunt.

16
17 CHAIRMAN LOHSE: Right.

18
19 MS. WELLS: And then that should -- that
20 definitely covers the CRNA.

21
22 MR. JOHN: CRNA.

23
24 CHAIRMAN LOHSE: Uh-huh.

25
26 MS. WELLS: Okay, thank you.

27
28 CHAIRMAN LOHSE: And that may offset some
29 of the loss that we have in October, November because of
30 the lack of antlerless bulls during that time period.
31 See this is an antlerless hunt only.

32
33 MS. WELLS: Right. Right.

34
35 CHAIRMAN LOHSE: Okay. Okay, motion's on
36 the table, more discussion. MR. Churchill.

37
38 MR. CHURCHILL: Yeah. I guess I'm
39 starting to get concerned. We have a herd who's had a
40 history of population decline that seems to be headed the
41 right direction now and what we're doing is maintaining
42 essentially the season we've had in the past and then
43 adding another 20 days when the herd might be the most
44 vulnerable to hunter pressure and that concerns me.
45 Because I'm kind of sitting here listening to the
46 testimony of wounding loss rate, that's when the cows are
47 going to probably be most accessible even though they may
48 not be targeted and we're adding another 20 days to the
49 season. I'm a little worried about the impact it may
50 have to the herd growth and return. We've heard from

00127

1 ADF&G when they hit that minimum population target, they
2 want to reopen it as far as either sex.

3

4 I don't know, I mean that, along with
5 Paxson who has said that if there's any concern about
6 this stopping the growth of the herd, they're certainly
7 not in favor. All the public comment we've had, if my
8 notes are correct, has been against changing this and
9 opening it up. So I'm just real hesitant that we're
10 going to have a negative impact that's actually going to
11 hurt the users we're trying to benefit.

12

13 CHAIRMAN LOHSE: Fred.

14

15 MR. ELVSAAS: You know, that's possible.
16 But on the other hand if we can eliminate the wanton
17 waste of cows, you shoot a cow, you use the cow. I think
18 it balances it out pretty nice.

19

20 I really think it's a sad situation when
21 we have hunters out there that really want to be legal
22 but for whatever reason they shoot a cow by mistaken
23 identification or whatever and then they leave it. So I
24 would rather leave the hunters take the cow and utilize
25 it than leave it. So I think it balances out, I hope it
26 does.

27

28 CHAIRMAN LOHSE: I'd like to make a
29 comment, Bob, on one of your concerns. I have just the
30 opposite concern. I look at what we just did right here
31 from October to April and I see us having cut down hunter
32 opportunity by quite a bit. Because we've just taken the
33 month of October and November where there are very few
34 bulls that are antlerless, December you start picking up
35 a few more, January you pick up a few more, February more
36 yet, by March and April, most of the bulls, you know,
37 drop their horns except for the young ones. So what
38 you've done is you've actually -- you've made it so
39 nobody during that time period will be taking illegal
40 cows because they have to take an antlerless moose.
41 You've cut down the opportunity to take -- I mean
42 antlerless caribou. You've cut down the opportunity to
43 take caribou in October and November, December, January,
44 so in the end I'll be surprised if we don't have a net
45 loss instead of a net gain. But that's -- but that's a
46 chance worth taking to see how it will work out. Because
47 at least the caribou that will be taken will be bull
48 caribou.

49

50 Mr. Churchill.

00128

1 MR. CHURCHILL: Yeah, I guess part of
2 that point was, if I remember the testimony right was
3 that the most effective breeding bulls loose -- in fact
4 lose their antlers first and they're losing them in that
5 October/November time period. And there's always been a
6 concern about taking the big breeding bulls out of the
7 population and then reduce productivity, reduce genetic
8 stock, that's part of my concern. I mean this is a real
9 mixed bag and I don't doubt anybody's motivation trying
10 to do the right thing by the local folks so....

11

12 CHAIRMAN LOHSE: Susan.

13

14 MS. WELLS: I was just going to say that
15 -- you know, we haven't taken out the -- for Ann,
16 actually, her question, we have not taken out the August
17 to September 30th?

18

19 CHAIRMAN LOHSE: No.

20

21 MS. WELLS: And all we've done is
22 extended the 20 days in the spring and you know the Fish
23 and Game was saying that it may be restrictive to users
24 but we're also providing the grace to an accidental shoot
25 which is something that the locals are wanting in that
26 area plus they're wanting the spring hunt and even the
27 spring hunt is -- because it's antlerless we're
28 protecting the cow.

29

30 And then I have to go back to that 2,500
31 divided by two and then the percentage of those that
32 actually go out and catch their take. So I would support
33 this.

34

35 CHAIRMAN LOHSE: Any other discussion on
36 the amendment that's on the table. Bob.

37

38 MR. CHURCHILL: Yes, more of a question.
39 Are we using a rough number for a number of permits
40 versus number of success? I mean what percentage of
41 permit holders fulfill their permits, about 25 percent or
42 so?

43

44 CHAIRMAN LOHSE: You mean fill both of
45 them or fill a single one?

46

47 MR. CHURCHILL: Both -- I bet we have
48 somebody that can tell us that.

49

50 MS. DEWHURST: Well, just last year,

00129

1 there's two -- it's divided into two hunts and if you
2 average the two the percent of successful hunters is
3 about 12 percent.

4

5 MS. WELLS: What did you say?

6

7 MS. DEWHURST: 12 percent.

8

9 MS. WELLS: Of successful hunts?

10

11 MS. DEWHURST: Uh-huh. Meaning they got
12 at least one caribou.

13

14 CHAIRMAN LOHSE: Right.

15

16 MR. BRELSFORD: Mr. Chairman.

17

18 CHAIRMAN LOHSE: Yes.

19

20 MR. BRELSFORD: On this same point, I
21 think it might be more helpful to say that out of an
22 average, a pretty steady average of 2, 500 permits per
23 year, the harvest has been about 290 or 300 animals,
24 reasonably stable over that same nine year period. So
25 that's about the same percentage that Donna's looking at
26 but that gives you some -- the figures in terms of the
27 actual harvest.

28

29 MS. DEWHURST: Actually that's not
30 correct. The number of permits issued jumped
31 considerably -- I was trying to find it in the report
32 when we changed the C&T.

33

34 MR. BRELSFORD: Right, there years ago.

35

36 MS. DEWHURST: Yeah, that's where we got
37 the 25. So it used to be a lot less permits issued is
38 the bottom line. The number of permits increased
39 significantly when we changed the C&T a couple of years
40 ago.

41

42 CHAIRMAN LOHSE: To allow 20 -- whatever,
43 we allowed 20(D) or whatever it was into it. Okay, with
44 that, we have an amendment on the table to amend the
45 season from October 21st to April 20th. Do I hear any
46 more discussion on that amendment?

47

48 MS. WELLS: Question.

49

50 CHAIRMAN LOHSE: Question's been called.

00130

1 All in favor of the amended winter season, October 21st
2 through April 20th signify by saying aye.

3

4 IN UNISON: Aye.

5

6 CHAIRMAN LOHSE: All opposed signify by
7 saying nay.

8

9 MR. CHURCHILL: Nay.

10

11 CHAIRMAN LOHSE: Motion carries. Would
12 you like to.....

13

14 MR. CHURCHILL: Yeah, my concern is by
15 making it an antlerless hunt in that October/November
16 period we may be taking an inordinate number of breeding
17 bulls -- big breeding bulls out of the population,
18 otherwise I have no problem with it.

19

20 CHAIRMAN LOHSE: Okay. So now we have
21 two caribou by Federal registration permit, however, only
22 one may be a cow taken in the fall season and only
23 antlerless caribou may be taken in the winter seasons,
24 August 10th through September 30th, October 21st through
25 April 20th.

26

27 MR. ELVSAAS: Mr. Chairman, do you -- I
28 am the Chair now?

29

30 CHAIRMAN LOHSE: Yes.

31

32 MR. ELVSAAS: Thank you.

33

34 CHAIRMAN LOHSE: Mr. Chairman, may I
35 offer an amendment?

36

37 MR. ELVSAAS: You wish to amend the
38 motion as amended?

39

40 CHAIRMAN LOHSE: I wish to amend the
41 motion. I wish to leave the amendment that's there and
42 add an additional amendment.

43

44 MR. ELVSAAS: Okay, what is the
45 amendment?

46

47 CHAIRMAN LOHSE: I would like to amend
48 this proposal, since our idea is to protect -- and I'll
49 give some justification. Our idea is to protect people
50 from inadvertently taking a cow in the fall season but

00131

1 not to have them target a cow. I would like to amend
2 this proposal that if a cow is taken in the fall season,
3 their hunting season's over for the year, that one cow
4 equals their hunting bag limit for the year. And in
5 order to facilitate that, because somebody could say they
6 took a bull first on the day and a cow later, I would
7 like to have as part of that amendment, that only one
8 caribou may be taken per day.

9

10 MR. CHURCHILL: Second for purposes of
11 discussion.

12

13 CHAIRMAN LOHSE: Thank you.

14

15 MR. ELVSAAS: It's been moved and
16 seconded. Did you get that Ann

17

18 MS. WILKINSON: Uh-huh.

19

20 CHAIRMAN LOHSE: Wold you like my
21 explanation?

22

23 MR. ELVSAAS: You made the motion but --
24 yes. You've been speaking to the motion already before
25 the second.

26

27 CHAIRMAN LOHSE: Yeah.

28

29 MR. ELVSAAS: Now, it's been seconded,
30 your comments please.

31

32 CHAIRMAN LOHSE: Oh, okay. Again, like I
33 said, I would like to prevent as much inadvertent cow
34 taking as possible. And while it's possible to say that
35 you took -- if you shoot two animals it's possible to say
36 you took the bull first and the cow second. One way to
37 stop that would be to allow only one animal to be taken
38 per day. You still have a two bag limit for the season
39 but one per day. And if you have a cow, your season's
40 over.

41

42 MR. ELVSAAS: I understand what you're
43 saying but you must realize that if you take the bull
44 first you're still eligible to take a cow, right?

45

46 CHAIRMAN LOHSE: Right. But not on the
47 same day.

48

49 MR. ELVSAAS: No, but the next day.

50

00132

1 CHAIRMAN LOHSE: Yeah.

2

3 MR. ELVSAAS: Or the subsequent day.

4

5 CHAIRMAN LOHSE: Yeah. That's true.

6

7 MR. ELVSAAS: So it doesn't prohibit you
8 from getting a cow and a bull but it is a limiting
9 factor.

10

11 CHAIRMAN LOHSE: Right.

12

13 MR. ELVSAAS: Okay, thank you, Mr.
14 Churchill.

15

16 MR. CHURCHILL: I have no comments, I
17 just wanted to hear the motion. I've heard what I need
18 to hear.

19

20 MR. ELVSAAS: Did you want to speak? Any
21 other comments.

22

23 MR. JOHN: Please explain it one more
24 time, I'm kind of slow.

25

26 CHAIRMAN LOHSE: No, you're not.

27

28 MR. CHURCHILL: It's late in the day.

29

30 MR. ELVSAAS: You got us this far, you're
31 not slow.

32

33 CHAIRMAN LOHSE: In order to try to limit
34 the take of cows and like he says, it doesn't limit
35 somebody -- if they take a bull first it doesn't limit
36 them from taking a cow in the fall season.

37

38 MR. JOHN: Okay.

39

40 CHAIRMAN LOHSE: So that accidently you
41 don't take two animals and one of them was a cow and one
42 of them was a bull on the same day, one caribou per day
43 and if a cow is taken prior to taking the bull your
44 season's over.

45

46 In other words, if you take a cow first,
47 you have a one -- you're allowed the one caribou. If you
48 take the bull first.....

49

50 MR. ELVSAAS: During the fall hunt.

00133

1 CHAIRMAN LOHSE: In the fall hunt.

2

3 MR. ELVSAAS: I think we should preface
4 that with saying, during the fall hunt.

5

6 CHAIRMAN LOHSE: Right.

7

8 MR. ELVSAAS: And then.....

9

10 CHAIRMAN LOHSE: The spring hunt is
11 antlerless only.

12

13 MR. ELVSAAS: Right.

14

15 MR. JOHN: Okay.

16

17 MR. ELVSAAS: Further comments.

18

19 MS. WELLS: I'll call the question.

20

21 MR. ELVSAAS: Question's been called.

22 All in favor of the amendment say aye.

23

24 IN UNISON: Aye.

25

26 MR. ELVSAAS: Opposed, same sign.

27

28 (No opposing votes)

29

30 MR. ELVSAAS: Motion passes. The gavel
31 passes.

32

33 (Laughter)

34

35 CHAIRMAN LOHSE: Okay. Now, we have a
36 motion with two amendments on the table, the motion
37 reads, two caribou by Federal registration permit,
38 however, only one may be a cow taken in the fall season.
39 If a cow is taken first the season is over. Only one
40 caribou may be taken per day and only antlerless caribou
41 may be taken in the winter season. The season is August
42 10th through September 30th, October 21st through April
43 20th.

44

45 MR. ELVSAAS: Question.

46

47 CHAIRMAN LOHSE: Question's been called.

48 All in favor of the motion as amended signify by saying

49 aye.

50

00134

1 IN UNISON: Aye.

2

3 CHAIRMAN LOHSE: All opposed signify by
4 saying nay.

5

6 MR. CHURCHILL: Nay. Same reason as on
7 the amendment.

8

9 CHAIRMAN LOHSE: And motion carries.

10 Okay.

11

12 MR. BRELSFORD: I wonder if we could ask
13 for a clarification about the intention of the motion,
14 the geographic application? The CRNA motion focused on
15 subunits 13(A) and 13(B), however, the Nelchina Caribou
16 Herd does range in other parts of the region and there
17 are a small number of Federal lands, a small portion of
18 Federal lands in 13(C). The write up that was prepared
19 for you by the BLM does refer to 13(A) and (B) but I
20 wonder if the intention of the motion is more general to
21 look at 13 -- Unit 13 Nelchina caribou, that is, to say
22 to go back to the kind of geographic structure of
23 Nelchina management that is in the current regulations.
24 So I believe it's simple enough to say that if that's the
25 intention of the motion we can clarify that on the
26 record, that we intend to manage Nelchina caribou in Unit
27 13 in a unified fashion based on the seasons and harvest
28 limits that you've just adopted.

29

30 CHAIRMAN LOHSE: Taylor, I think when we
31 look at what we replaced, what was the original proposal
32 that was on the table, it applied to Units 13(A) and (B)
33 Nelchina caribou. And since we were replacing it with
34 the other one, it applies to Nelchina caribou, Units
35 13(A) and (B).

36

37 MS. DEWHURST: Proposal 16 was for all of
38 Unit 13, the original proposal was for all of 13. 17 is
39 (A) and (B). 16 is all of 13, 17 is (A) and (B).

40

41 CHAIRMAN LOHSE: It's all of 13, right.
42 You're right. So it's all of 13. We just read the top
43 part wrong.

44

45 MR. BRELSFORD: Thanks. That's the
46 clarification we needed and I apologize for the rookie
47 errors in this.

48

49 CHAIRMAN LOHSE: Okay.

50

00135

1 MS. WELLS: Mr. Chair, I think we should
2 probably make that clarification for the record.

3
4 CHAIRMAN LOHSE: Okay.

5
6 MS. WELLS: That the intent of the last
7 motion was to encompass Unit 13 in its entirety.

8
9 CHAIRMAN LOHSE: Would you so move.

10
11 MS. WELLS: I so move.

12
13 CHAIRMAN LOHSE: Do I hear a second.

14
15 MR. CHURCHILL: Second.

16
17 CHAIRMAN LOHSE: It's been moved and
18 seconded that that last proposal was to cover Unit 13 in
19 its entirety.

20
21 MR. JOHN: Question.

22
23 CHAIRMAN LOHSE: Question's been called.
24 All in favor signify by saying aye.

25
26 IN UNISON: Aye.

27
28 CHAIRMAN LOHSE: All opposed signify by
29 saying nay.

30
31 (No opposing votes)

32
33 CHAIRMAN LOHSE: Motion carries. That
34 should clarify it pretty good. Okay, now, we're going on
35 to Proposal 17. Donna, are you introducing this one?

36
37 MS. DEWHURST: Uh-huh.

38
39 CHAIRMAN LOHSE: Okay.

40
41 MS. DEWHURST: Proposal 17 is for 13(A)
42 and (B) only, to clarify right up front.

43
44 CHAIRMAN LOHSE: Unit 13(A) and (B) only.

45
46 MS. DEWHURST: And that was a
47 clarification by CRNA. So basically if you go to Map 1
48 on Page 37, we're talking primarily the BLM lands. There
49 is a really tiny, tiny portion of Wrangell-St. Elias, so
50 tiny that it doesn't hardly even show up on the map -- on

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1 this scale we printed, but 99.9 percent of the lands
2 we're dealing with are BLM and they show up on the map.
3

4 This proposal is to close Federal public
5 lands to non-Federally-qualified users during both the
6 caribou and the moose season. It was done also by CRNA.
7 And let's see, I'm going to kind of -- just because we've
8 been -- it's been a long day, I'm going to kind of cut to
9 the chase on this one and skip to the Staff
10 recommendation and then back up the different aspects of
11 it.

12
13 Basically on the Staff recommendation,
14 what I went to was back to ANILCA and looked at when the
15 Federal Subsistence Board may make or direct a
16 restriction to non-Federally-qualified users. And if you
17 look on Page 45, I did the exact quota out of ANILCA
18 saying basically there are three reasons why we can --
19 the Federal Subsistence Board can restrict public lands
20 to non-Federally-qualified users. And those three things
21 are to assure the continued viability of a fish or
22 wildlife population; to assure the continued subsistence
23 uses of a particular fish or wildlife population and the
24 last reason is for reasons of public safety and/or
25 administration. Those are directly out of ANILCA.

26
27 So based on those three, under the
28 justification, I took each one individually and said, do
29 we or do we not meet this qualification.

30
31 The first one was viability of caribou or
32 moose populations. And the issue there wasn't are the
33 populations viable or not. We've already talked about
34 the caribou situation. The moose situation is also in
35 decline. But the issue was would what is being proposed
36 do anything to assure the viability of the population.
37 And the -- when I looked at it, it's like, well, closing
38 Federal public lands would not lessen the overall harvest
39 so it would not do anything to assure the viability of
40 the populations, in either case, of caribou or moose. So
41 I felt like in the case of the first point, this proposal
42 would not meet that criteria.

43
44 The second criteria which is probably the
45 most viable of the three is would the proposal assure the
46 continued subsistence uses of the resource, namely
47 caribou and moose? And that is generally what the
48 proponent is asking or what the proponent is using as
49 their justification is that that's why they're saying
50 it's necessary. They're not saying it's necessary to

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1 support conservation of the resource, they're saying it's
2 necessary to support their use of the resource.

3

4 And I'll take this -- I'll take caribou
5 first and then we'll deal with moose because they're two
6 very separate issues. On caribou, if you go back to
7 Figure 1, which is Page 43 of this tab section it very
8 nicely illustrates the issue of competition for caribou.
9 The lighter colored shading is the number of State
10 hunters, caribou hunters and the darker shading is the
11 Federal. And this is what I was explaining when Taylor
12 was saying the number of permits has been fixed, it
13 hasn't been fixed because we did change the C&T a couple
14 years back. So that jump where it was 800, 800 and, you
15 know, then it jumped, that jump was relative to the
16 change in C&T. So the amount of Federal persons did
17 increase, while at the same token the State hunters took
18 a nosedive and that's basically because they went to Tier
19 II and they're only issuing 2000 Tier II permits versus
20 it was, basically a wide open hunt and we're dealing with
21 16,000 hunters and now we're dealing with 2,000 hunters.
22 So the issue here was competition and is there a valid
23 argument that competition is increasing. And when you
24 look at this graph, if it is increasing it's increasing
25 among Federal users, among our own Federal user group,
26 it's not increasing because of State hunters. And the
27 State hunters that are out there right now are all
28 subsistence hunters but they're hunting under the State
29 system.

30

31 So that's the first point that I looked
32 at.

33

34 So with that it was like, well, closing
35 Federal public lands as far as caribou really wouldn't do
36 anything to alleviate that situation because you're still
37 going to be dealing with 2,000 State hunters and an
38 increase in the Federal hunters. Closing Federal public
39 lands probably wouldn't do anything to benefit the
40 subsistence user on Federal public land as far as the
41 caribou were concerned.

42

43 The moose gets a little bit more
44 complicated but I was looking at how the competition goes
45 with moose. Table 2 shows the number of Federal
46 registration permits that have been issued for moose and
47 you'll notice that also has gone up significantly with
48 changes in the C&T. It's doubled, basically from the
49 1996 period where I started looking at the numbers to the
50 current present day. So our own system has created twice

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1 as much competition among our own users. So it would be
2 fair to say that on Federal public lands there is more
3 competition, yes, our system created it.

4

5 The interesting thing or at least I
6 thought it was interesting, was, when you look at the
7 number of moose harvested it remained remarkably
8 consistent despite the fact that twice as many people are
9 getting permits. The number of moose harvested has
10 stayed about the same. And if you look at the hunter
11 success rates they have stayed remarkably consistently
12 despite the fact that twice as many people are getting
13 permits. So it leads me to believe that there hasn't
14 really been a decrease in the availability in one
15 individuals ability to get a moose has remained about the
16 same. I mean looking at the numbers. And the reason I
17 didn't put this years in is we have some preliminary
18 results but they're not final so I didn't want to mislead
19 people with numbers that weren't final numbers but the
20 indication is that it's going to fall right in the same
21 range. So there's no -- it doesn't look like it's going
22 to be an unusual year.

23

24 So looking at that I was like, well, it
25 doesn't look like there's a real problem with success
26 rate. Success rates are staying about the same. We
27 don't have any indication that the number of State
28 hunters has gone out, looking at the reported State
29 hunters either. And the way the regulations are written
30 right now, a Federal subsistence moose hunter has some
31 distinct advantages already written into the system.
32 They can start 15 days prior to the State season. They
33 have a 15 day lead right now. And then the more recent
34 change is that the State regulations went from three
35 brow-tines to four brow-tines. That's pretty
36 significant. That eliminates about half of the bulls.
37 So of the antler bulls that are of decent size, going
38 from three to four brow-tines eliminates a significant
39 number of the available bulls where under the Federal
40 subsistence season we didn't follow through with that
41 same restriction. So our Federal subsistence hunters
42 aren't under that. So they already have some pretty
43 distinct advantages over the local State hunters as far
44 as the regulations.

45

46 So that was something I considered.

47

48 So that was with moose.

49

50 And then the last aspect, which I hadn't

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1 in all honesty, hadn't thought of but somebody else
2 brought to my attention is, any time we close Federal
3 public lands, especially when Federal public lands are
4 remote and small, you always run the risk of displacing
5 State hunters closer to communities. Because the
6 communities tend to not have Federal public lands around
7 them, just the way the selections occurred. Communities
8 tend to have State lands -- State-managed lands around
9 them so when you close Federal public lands that are
10 remote, you run the risk of displacing folks -- the
11 hunters, the State hunters to areas that actually might
12 be closer to Glennallen, you know, closer to where people
13 live. And like I mentioned, that wasn't something I even
14 thought of but it was brought up as a point. It's not
15 definitive but it is a risk and it could be a negative
16 impact to local users.

17

18 So based on all those aspects I just
19 mentioned, my feeling was that the proposal didn't do
20 anything significant to say that we're doing -- continued
21 subsistence users, it didn't -- closing Federal public
22 lands really wouldn't change the competition, I guess, is
23 what I'm saying. I didn't feel like it's really going to
24 make any significant difference in the competition when
25 you look at the hard numbers.

26

27 So then I went to the last one and the
28 last one was kind of obvious is that the public safety or
29 administration. And there's no real public safety
30 concerns at all so that one was kind of obvious. And as
31 far as administration, if anything, closing Federal
32 public lands would create administration problems. It's
33 already been discussed today that a lot of the violations
34 that occur are already occurring because of the make up
35 of State and Federal lands. If we close Federal public
36 lands it would create that much more potential for
37 violations for our users. Not even so much for -- well,
38 really for both but primarily for the State users because
39 if they hunted on Federal lands they would be in
40 violation but that would force more enforcement on
41 Federal lands to make sure the State users weren't on
42 there. So it probably would actually force a higher
43 presence on Federal public lands which may or may not be
44 a negative impact to our users.

45

46 So based on those things I couldn't see
47 anything under the ANILCA guidance to justify supporting
48 the closure, the Federal public lands closure. So the
49 Staff conclusion at this point was to oppose the proposal
50 and stay with the status quo.

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1 CHAIRMAN LOHSE: Any questions for Donna.
2 Thank you, Donna. Alaska Department of Fish and Game
3 comments.

4

5 MR. HAYNES: Thank you, Mr. Chairman.
6 The Department opposes this proposal. Our written
7 comments on the proposal appear on Page 48 of your book.
8 Donna has very eloquently provided justification for not
9 instituting a closure of Federal public lands. And I
10 don't think I could offer much more that is relevant.

11

12 I would point out that on Page 36 in part
13 of the discussion for the reason for this proposal,
14 there's an incorrect number and it's in the second
15 paragraph on Page 36, that the State issues 1,500 Tier II
16 permits for the moose hunt and, in fact, the State issues
17 150 Tier II permits most of which are issued to Unit 13
18 residents.

19

20 So that concludes our comments.

21

22 CHAIRMAN LOHSE: I had a question on
23 that. Terry, if we go over there to Page 44. On 42 we
24 have a table that shows the total harvest and the percent
25 of Federal harvest for caribou but on moose we don't have
26 anything like that. I was just wondering if we had any
27 idea for like 2001 what was the total -- or 2000, let's
28 go back that far, what was the total harvest on moose,
29 what percentage of them were taken by Federal subsistence
30 users.

31

32 MR. HAYNES: Mr. Chairman, the Federal
33 Staff prepared this analysis.

34

35 CHAIRMAN LOHSE: I know.

36

37 MR. HAYNES: I can tell you I don't
38 believe the State harvest reporting, the compilation of
39 those data has been completed yet.

40

41 MS. DEWHURST: '99 is the most current.

42

43 MR. HAYNES: If there is more current
44 information available before the Board meeting we'll try
45 to have that but I don't think it's been completed yet.

46

47 CHAIRMAN LOHSE: Bob.

48

49 MR. CHURCHILL: Is there somebody else
50 here that might have an educated guess, Brad?

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1 MS. DEWHURST: I can give you '98/99
2 figures. That's the most recent the State has done.
3 That would give you a rough percentage on what's going
4 on, too, and Brad can correct if he has more up to date.
5 But in '99, under the Federal system there were 67 moose
6 taken and under the State system -- that can't be the
7 total -- yeah, you better go because I don't think this
8 computer printout is right.
9

10 MR. SCOTTEN: Mr. Chairman, I didn't
11 bring my moose data with me. I was thinking more in
12 terms of the caribou discussions but I was asked to make
13 an educated guess and this will be an educated
14 guesstimate from my memory. But the moose population is
15 declining fairly substantially in 13. The State has
16 gotten more and more restrictive every year. The State
17 harvest has been declining every year. This year's 2001
18 preliminary sort of best guess for right now, we don't --
19 this number will not be final until probably the end of
20 summer, in the neighborhood of 450 bull moose total.
21 Last year I think it was in the neighborhood of 600.
22 Actually probably a little less than that. So that would
23 put the Federal harvest in the -- and that's State sport,
24 Tier II combined, those numbers I gave you. So that
25 would put the Federal harvest in the neighborhood right
26 now of close to 10 percent of the total harvested moose.
27 And that's just off that very small portion of Federal
28 land.
29

30 MR. CHURCHILL: Thank you.

31
32 CHAIRMAN LOHSE: Thank you muchly. Okay,
33 any questions for Terry.
34

35 MR. JOHN: Terry, that decline in the
36 total moose from 600 to 400 is a restriction on the
37 antlers and stuff, right? I mean, you know, what, the
38 year before it was 600 and then it went down to 400, that
39 would be the restriction the State put on the antlers
40 from three tine to four?
41

42 MR. HAYNES: Yes.

43
44 MR. JOHN: Yeah.

45
46 MR. HAYNES: That would certainly account
47 for part of it at least.
48

49 CHAIRMAN LOHSE: Yeah. Terry, when I'm
50 looking at this one here it says to go three brow-tines

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1 to four brow-tines, effectively eliminates about half of
2 the antlered bulls from the legally huntable population,
3 do you think that's a reasonable estimate, that it cuts
4 it in half?

5
6 MS. DEWHURST: It came from Bob Tobey.

7
8 MR. HAYNES: Yes, Mr. Chairman.

9
10 CHAIRMAN LOHSE: Wow. And that applies
11 to all State land, whether it's a Federal hunter or a
12 State hunter, right, that four brow-tines?

13
14 MR. HAYNES: That restriction applies to
15 the State.....

16
17 CHAIRMAN LOHSE: Land.

18
19 MR. HAYNES:the State regulations.

20
21 CHAIRMAN LOHSE: Right.

22
23 MR. HAYNES: It does not apply to the
24 Federal regulations.

25
26 CHAIRMAN LOHSE: Okay. Fred.

27
28 MR. JOHN: Donna, what you said was that
29 this CRNA proposal, you already think everything is
30 already in place and it shouldn't go through, that's why
31 it was declined, all the different reasons that you said?

32
33 MS. DEWHURST: Yeah, basically I looked
34 at what ANILCA says on when we can restrict Federal
35 public lands and it appears that none of the three
36 criteria would be met.

37
38 MR. JOHN: Yeah, that's what I was going
39 to ask.

40
41 MS. DEWHURST: Okay.

42
43 MR. JOHN: It has not met any of the
44 ANILCA criteria?

45
46 MS. DEWHURST: Yeah. From appearances,
47 to me, it did not meet any of the three criteria under
48 ANILCA.

49
50 MR. JOHN: That's what I thought, thank

00143

1 you.

2

3 CHAIRMAN LOHSE: Okay, do we have any
4 Fish and Game Advisory Committee comments? Summary of
5 written public comments.

6

7 MS. WILKINSON: Mr. Chair, the Eastern
8 Interior Regional Advisory Council opposes this proposal
9 by a vote of 5-2, and the two is absent.

10

11 CHAIRMAN LOHSE: The two were absent?

12

13 MS. WILKINSON: Uh-huh.

14

15 CHAIRMAN LOHSE: Okay.

16

17 MS. WILKINSON: As recommended by the
18 preliminary Staff conclusion. So the five members that
19 were present voted against it.

20

21 MR. JOHN: Which....

22

23 CHAIRMAN LOHSE: Eastern Interior.

24

25 MS. WILKINSON: Excuse me? Eastern
26 Interior. The Paxson Fish and Game Advisory Committee
27 opposes this because it would make two classes of hunters
28 and be an enforcement nightmare.

29

30 The Wrangell-St. Elias Resource
31 Commission opposes Proposal 17 because it does not
32 provide a significant advantage to the subsistence user
33 and creates a difficult law enforcement situation.

34

35 The Denali Subsistence Resource
36 Commission wrote in support of Proposal 17 and stated
37 that moose numbers are very low and decreasing in Unit 13
38 so the hunt should be limited to Federally-qualified
39 users only.

40

41 Those are all the comments.

42

43 CHAIRMAN LOHSE: Thank you. At this
44 point in time we don't have anybody that has requested
45 public testimony on this proposal. Do we have anybody in
46 the audience that I'm missing on that. Hearing none,
47 it's time for the Regional Advisory Council to go into
48 deliberations. A motion is in order to -- we found out
49 we can make out a motion to accept or reject proposals,
50 so a motion is in order.

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1 MR. CHURCHILL: Can I ask for a
2 clarification before we move into a motion?

3

4 CHAIRMAN LOHSE: Yes.

5

6 MR. CHURCHILL: I'm understanding, if
7 I've read everything I've been sent properly, that we
8 are, in fact, controlled as a Regional Advisory Council
9 by ANILCA rules and regulations; is that not correct?

10

11 CHAIRMAN LOHSE: Right.

12

13 MR. CHURCHILL: I guess consistent with
14 my understanding of what the Chair is asking for, then I
15 make a motion that we reject Proposal 17 based on the
16 fact that if we can't qualify under the ANILCA criteria
17 that we're bound by as an Advisory Council.

18

19 CHAIRMAN LOHSE: Do I hear a second?

20

21 MR. ELVSAAS: I have question first. I
22 understand, you know, that you can accept or reject but
23 if you reject the proposal are you offering something in
24 place of it or just refusing to act? You know, it's
25 awkward at best, it should be positive.

26

27 CHAIRMAN LOHSE: A motion in the positive
28 usually works better.

29

30 MR. ELVSAAS: Yeah. I think then if we --
31 then the question comes up, under the rules, if you make
32 a motion in a positive you have to vote yes for the
33 motion.

34

35 CHAIRMAN LOHSE: No.

36

37 MR. ELVSAAS: See, there's always
38 that.....

39

40 CHAIRMAN LOHSE: No, you don't.

41

42 MR. ELVSAAS: So I think it would be
43 better if you made the motion.....

44

45 MR. CHURCHILL: I can withdraw my motion
46 and change the wording just a tad to vote that we accept
47 Proposal 17 as written.

48

49 MR. ELVSAAS: And I would second it.

50

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1 CHAIRMAN LOHSE: Okay, it's been moved
2 and seconded to accept Proposal 17 as written.
3 Discussion.

4

5 Now, see under discussion is when we can
6 decide whether or not it fits Federally ANILCA law or not
7 in our minds, because we might not agree with the Staff.
8 Bob.

9

10 MR. CHURCHILL: Well, for purposes of
11 discussion I've listened to Donna and read the language,
12 I read it when the book -- and based on my limited
13 understanding of the regulations it certainly appears
14 that it really doesn't meet the criteria under ANILCA to
15 support this. Although it's pretty clear that all user
16 groups that are using 13 to hunt moose and caribou are
17 frustrated as Mr. Ewan so eloquently put it, there's a
18 real problem there.

19

20 CHAIRMAN LOHSE: Thank you, Bob. Any
21 other discussion. Susan.

22

23 MS. WELLS: Okay, I just would like it
24 restated, I guess, to make sure in my mind that I did
25 hear that the moose population in that area is on the
26 decline; is that not correct?

27

28 CHAIRMAN LOHSE: Right.

29

30 MS. WELLS: But then I also heard the 450
31 bull moose take from last year was done but that was
32 attributed to the.....

33

34 CHAIRMAN LOHSE: Antler restrictions.

35

36 MS. WELLS:antler restrictions. I
37 just want that clarified.

38

39 CHAIRMAN LOHSE: Bob.

40

41 MR. CHURCHILL: My understanding, what
42 was being testified to that that was in part a reason
43 that the take was declining, but in addition also the
44 decline in the general moose population was what I
45 understood between, you know, the testimony from the
46 State.

47

48 CHAIRMAN LOHSE: Donna.

49

50 MS. DEWHURST: And also keep in mind for

00146

1 Federal harvest is not declined, it has not declined,
2 it's basically staying status quo.

3

4 CHAIRMAN LOHSE: Susan.

5

6 MS. WELLS: So to follow up then, this
7 decline, even though we're increasing the size of the
8 brow-tine we still have to be concerned about the
9 viability of that resource then. Because if the moose
10 population is declining even though we're strengthening
11 the criteria for taking of bull, isn't this resource
12 still in jeopardy? I mean don't we still have some major
13 concerns here.

14

15 MS. DEWHURST: I think you're getting
16 mixed up. The antler restriction was only on the State
17 end. That does not apply to Federal subsistence users.
18 WE have not done anything recently to restrict Federal
19 subsistence users as far as moose hunting. And the
20 Federal subsistence moose harvest has remained remarkably
21 consistent despite twice as many people getting permits
22 in recent years. So the overall moose harvest has
23 declined partly because of State restrictions, while at
24 the same time the Federal harvest has remained
25 consistent. And so the feeling is if we close Federal
26 public lands to non-Federally-qualified users, it really
27 wouldn't impact, at all, the harvest, the overall
28 harvest. The main impacts to the overall harvest have
29 been the State restrictions that they've put on their own
30 users. So the concern was it would do nothing to
31 contribute to the viability of the moose population which
32 is the issue. Closing Federal public lands would not
33 enhance the viability.

34

35 MS. WELLS: Well, I guess I just want to
36 say that whether Joe Moose is a Federal moose or a State
37 moose, the entire population is still a concern for.....

38

39 MS. DEWHURST: Correct. It's a concern
40 but then we have to look at what is being proposed, will
41 that contribute to conserving the resource or not and
42 what we're saying is that what is being proposed will not
43 make any difference as far as the conservation of local
44 moose populations.

45

46 CHAIRMAN LOHSE: Susan.

47

48 MS. WELLS: Mr. Chair, did we have C
49 and.....

50

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1 CHAIRMAN LOHSE: CRNA.

2

3 MS. WELLS: CRNA speak to this?

4

5 CHAIRMAN LOHSE: She spoke to it.

6

7 MS. WELLS: She spoke to it and I must
8 have missed that part.

9

10 CHAIRMAN LOHSE: She supported this as
11 written. Like she said, this was something that she was
12 instructed to bring forward and she did. Donna, can I
13 ask you a question? Basically, what we're saying is
14 we're saying on the Federal land and that's all that we
15 deal with, the harvest has remained the same even if the
16 amount of moose hunters has doubled, so basically what
17 we're probably doing is we're probably taking all
18 available moose on that Federal land, all available legal
19 moose on that Federal land. At the same time the
20 restrictions on the State land surrounding it have
21 increased to allow more moose to survive and less moose
22 to be a huntable part of the population. So there is
23 nothing we could do to increase the take on Federal land
24 even if we cut down the amount of hunters on it because
25 already all of them are being utilized.

26

27 MS. DEWHURST: I think that's a fair
28 analysis. And actually the State's probably doing more
29 toward conserving the resource at this point than we are
30 with their restrictions. What they're doing is
31 contributing to the overall conservation of the resource
32 throughout the unit, whether it's Federal or State lands
33 because they're cutting back on the amount of harvest
34 that's occurring by their own folks.

35

36 CHAIRMAN LOHSE: And many of those moose
37 that are illegal on State land if they wander on Federal
38 land are legal moose?

39

40 MS. DEWHURST: Correct.

41

42 CHAIRMAN LOHSE: Okay.

43

44 MS. WELLS: Except for a State permit
45 holder.

46

47 CHAIRMAN LOHSE: Except for a State
48 permit holder, right. And a State permit holder on
49 Federal land is still restricted to the same legal moose
50 that he was restricted to on Federal -- or on State land?

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1 MS. DEWHURST: Correct. So if you had a
2 three brown-tine moose wander onto Federal land the only
3 one that could legally get it would be a Federal
4 subsistence user.

5
6 CHAIRMAN LOHSE: Okay, so currently they
7 have access to it. Okay. Any further discussion.

8
9 MR. CHURCHILL: Call for the question.

10
11 CHAIRMAN LOHSE: Question's been called.
12 All in favor of Proposal 17 as written signify by saying
13 aye.

14
15 (No aye votes)

16
17 CHAIRMAN LOHSE: All opposed signify by
18 saying nay.

19
20 IN UNISON: Nay.

21
22 CHAIRMAN LOHSE: Motion fails.

23
24 MR. CHURCHILL: If we could just the
25 State hunters to run more of those moose over to the
26 Federal property.

27
28 CHAIRMAN LOHSE: They do. Okay, let's go
29 on to Proposal 18 -- it's been withdrawn, so we're going
30 on to Proposal 19. Pat.

31
32 MS. PETRIVELLI: Mr. Chairman, my name is
33 Pat Petrivelli and I'm the anthropologist for the
34 Southcentral team and I'll be doing the analysis of 19.
35 19 was submitted by the Wrangell-St. Elias National Park
36 and it would place into the Subpart D regulations to
37 allow the take of one moose without a calf in the
38 Wrangell-St. Elias National Park in either Unit 11 or 12
39 by two hunters designated by the Mr. Sanford Tribal
40 Consortium for the annual Batzulnetas Cultural Camp.

41
42 In the analysis of this -- Batzulnetas
43 Cultural Camp has applied for six permits in the past six
44 years and five of them were authorized by the Federal
45 Subsistence Board and the most recent one was authorized
46 by the Office of Subsistence Management. The way that
47 these permits work, it's under a special action for
48 educational and cultural camps. And on Page 53, it has a
49 table of the relevant regulations under Subpart D. What
50 the Park Service asks to do is to replace the issuing of

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1 this permit in Subpart D and then the camp wouldn't have
2 to request a special action every year.

3

4 These actions in Table 1 are other
5 activities that have been put in Subpart D. And, of
6 those, three of them are for specific activities like
7 Batzulnetas Camp. The specific activities are the Nulato
8 Stick Dance and then -- well, activities like that and
9 then the other activities are just generic or special
10 ones like an educational permit in Units 1 through 5 for
11 brown bear -- or I think it's Unit 4, it's just a generic
12 permit that's authorized.

13

14 In looking at the analysis, I think it
15 was a given that the Batzulnetas Cultural Camp would be
16 issued the permit, what it is is just how it's issued.
17 And just the administrative procedures, whether people
18 would send the letter to our office and having us go
19 through issue -- or having a special action
20 administrative procedure or having it issued through the
21 Wrangell-St. Elias National Park office. In looking at
22 just this recent action that we took March 2001, on Page
23 57, it shows the regulations that were adopted to
24 streamline those actions. And that streamline activity
25 is just that they send us a letter and our office
26 administers the permit rather than having the Board
27 involved in these regulations on Page 57. And so those
28 are the ones in place now.

29

30 So the analysis was to -- the
31 recommendation was just to allow the time for these
32 regulations to be effective and look at that
33 administrative change on how it would -- to evaluate the
34 effectiveness of those regulations. So we oppose this
35 proposal in not having it placed in Subpart D yet and
36 then just to see if having these streamlining things of
37 going through the Office of Subsistence Management, to
38 see how effective that is before we change any
39 procedures.

40

41 So that's the recommendation is to oppose
42 placing this in Subpart D now until we can evaluate using
43 this new process.

44

45 CHAIRMAN LOHSE: Pat, so if I'm
46 understanding you correctly, the new streamline process
47 was just put in place last year?

48

49 MS. PETRIVELLI: March of 2001.

50

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1 CHAIRMAN LOHSE: March of 2001.

2

3 MS. PETRIVELLI: Yes.

4

5 CHAIRMAN LOHSE: So it's only had the
6 opportunity to be used this summer?

7

8 MS. PETRIVELLI: Yes.

9

10 CHAIRMAN LOHSE: It hasn't had any time
11 to look and see how it works out?

12

13 MS. PETRIVELLI: Uh-huh.

14

15 CHAIRMAN LOHSE: Maybe later on if we've
16 got anybody here we can ask from the user standpoint how
17 it has worked out and see if there's any comments there.
18 Bob.

19

20 MR. CHURCHILL: Yeah, through the Chair,
21 has anybody talked to CRNA or Gloria about how they feel
22 about these new regulations and how it matches up with
23 Proposal 19?

24

25 MS. PETRIVELLI: We didn't talk to CRNA
26 and I did talk with to the Batzulnetas Cultural Camp and
27 they would prefer to go right to the Park and get their
28 permit from the Park. And that's their preference would
29 be to go right to the Park.

30

31 CHAIRMAN LOHSE: In answer to your other
32 question, Bob, when Gloria testified, if you remember,
33 she supported Proposal 19.

34

35 MR. CHURCHILL: She testified in favor of
36 19, yeah.

37

38 CHAIRMAN LOHSE: So Sue.

39

40 MS. WELLS: Didn't she have an issue
41 though with the 60 days prior, that was a problem for
42 them?

43

44 CHAIRMAN LOHSE: That was the problem.

45

46 MR. CHURCHILL: Yes.

47

48 CHAIRMAN LOHSE: Was the time.

49

50 MS. WELLS: So I mean if we're

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1 streamlining things, 60 days, is that going to be taken
2 up by the Office of Subsistence Management?

3

4 MS. PETRIVELLI: In the evaluation?

5

6 MS. WELLS: (Nods affirmatively)

7

8 MS. PETRIVELLI: I guess the Staff
9 Committee could consider that since they wanted the time
10 period to evaluate the effectiveness of these
11 regulations. So I think they would probably be happy to
12 consider, you know, how these regulations could be more
13 streamlined.

14

15 CHAIRMAN LOHSE: Pat, can I ask you a
16 question, as this proposal is written, this 60 days would
17 be streamlined. Because what this proposal would do is
18 place the authority to hand out -- would put the permit
19 into regulation and place the authority to issue the
20 permit with the National Park Service, there would be no
21 60-day waiting period, right?

22

23 MS. PETRIVELLI: As this proposal is
24 written.....

25

26 CHAIRMAN LOHSE: As this proposal is
27 written.

28

29 MS. PETRIVELLI:there wouldn't be
30 because -- well, this proposal -- what these regulations
31 -- what they effect is -- the way the current process
32 works, if you want an educational or cultural camp
33 special permit now you apply to the Federal Subsistence
34 Board for a special action. Now, what these regulations
35 do is when you apply the second time, then they assume
36 that we've done the analysis and everything else and when
37 they do it the second time and as long as they meet this
38 criteria here, our office will issue them a permit
39 without having to go to the Board. So -- but that's
40 meeting these criteria on this page.

41

42 CHAIRMAN LOHSE: And that's with the 60-
43 day ahead of time?

44

45 MS. PETRIVELLI: Yeah. Yeah.

46

47 CHAIRMAN LOHSE: But as the proposal is
48 written, this is what I'm trying to get an understanding
49 of.....

50

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1 MS. PETRIVELLI: Yeah. Yeah.

2

3 CHAIRMAN LOHSE:as the proposal is
4 written.....

5

6 MS. PETRIVELLI: They would just go to
7 the Park.

8

9 CHAIRMAN LOHSE:they would just go
10 to the Park Service and get the permit without any 60
11 days ahead of time?

12

13 MS. PETRIVELLI: Yeah.

14

15 CHAIRMAN LOHSE: Now, what would be in
16 place, the way it's written, to evaluate whether this
17 cultural camp remains a cultural camp? Would there be
18 any form of evaluation that would go with receiving of
19 the permit as this proposal is written?

20

21 MS. PETRIVELLI: No. No, it just places
22 it in regulation saying that.....

23

24 CHAIRMAN LOHSE: Okay. So in other
25 words, it would stay in regulation until somebody made a
26 proposal to take it out of regulation?

27

28 MS. PETRIVELLI: Yes.

29

30 CHAIRMAN LOHSE: Okay.

31

32 MS. PETRIVELLI: And I guess, since every
33 year we go through the regulatory process. And I don't
34 know if -- well and I guess the Board would have to
35 consider that, too.

36

37 CHAIRMAN LOHSE: Somebody would have to
38 take a proposal to take that off of the books if it was
39 no longer being used?

40

41 MS. PETRIVELLI: If the cultural camp
42 wasn't -- or.....

43

44 CHAIRMAN LOHSE: Okay. Mr. Churchill.

45

46 MR. CHURCHILL: Yeah, I guess I'm
47 struggling to see kind of the down side of Proposal 19
48 and I just don't see it. I mean I can appreciate wanting
49 to try these new regulations out and maybe there's
50 something I'm missing but it seems like we've established

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1 that this, in fact, is a viable reason for ceremonial
2 purposes, cultural purposes and that this would truly
3 streamline it where it would cut down the time frame. I
4 don't think we have any disagreements or concerns about
5 the validity of issuing it. It just seems like this
6 would really streamline it and very convenient and I'm
7 just not understanding why we don't want to do that and
8 we want to try something that seems to take a significant
9 amount of time to do, to have 60 days ahead of time. And
10 I probably just don't understand it, but I'm kind of
11 struggling with that. It seems the proposal would truly
12 streamline this thing for a pretty well documented
13 cultural use of the resource.

14

15 CHAIRMAN LOHSE: Thank you, Bob. Fred,
16 you got a comment on this one?

17

18 MR. JOHN: How long we had that cultural
19 camp, Devi, about 10 years? It's been going on 10 years
20 and we have -- since that time we have a good
21 relationship, both Mentasta, Chistochina and the Park.
22 When we have our cultural camp, the Park personnel know
23 how many people we got there and every year it's almost
24 all full. We have all the children there, we have over
25 100 some people there for one week and the Park come in
26 there and do a one-day workshop with us. You know, they
27 do a workshop for us for one day. So I believe the camp
28 is expanding, it's going to get bigger and, you know more
29 people would be coming in I think. And the problem we
30 have is going to the Federal Board to get our permit,
31 it's pretty hard doing 60 days ahead of time, and
32 sometimes our two villages are real active villages. Our
33 people are working all the time, they're overworked and
34 everything and sometimes you forget to put in those --
35 you know, the moose permit in time and, of course, if we
36 could get the Park Service, they know us, so what this
37 came in for is because we wanted to get the permit right
38 from the Park, there at Slana or Glennallen, you know,
39 where they issue it anyway. It would be a lot easier on
40 us.

41

42 It just would be a lot easier and a lot
43 better because the Park knows us and we know them. Going
44 to the Federal Board, it's like going to Washington and
45 asking them for something they don't know about, really,
46 I don't think they even know what our cultural camp is.

47

48 CHAIRMAN LOHSE: Under these current
49 streamline regulations that you were talking about here,
50 they don't go to the Board but they have to go to the

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1 Office of Subsistence Management under the regulations
2 that you were pointing out in here?

3

4 MS. PETRIVELLI: For the users, pretty
5 much almost as the same as before, they would write us a
6 letter and then the Board dealt with it, now they write
7 us a letter and our office deals with it.

8

9 CHAIRMAN LOHSE: Okay. So it basically
10 didn't change much from the user standpoint?

11

12 MS. PETRIVELLI: No.

13

14 CHAIRMAN LOHSE: Okay. Susan.

15

16 MS. WELLS: So if the cultural camp went
17 to the Preserve, right, or the Park?

18

19 CHAIRMAN LOHSE: Park.

20

21 MS. WELLS: The Park to get their permit,
22 could the Park withhold a permit at any time for any
23 reason?

24

25 MS. PETRIVELLI: I would think so because
26 it's a designated permit. While the -- and the cultural
27 -- and since we have the criteria for what the permit is,
28 I think it would be like any moose permit, you know, a
29 hunter has to have certain conditions and so maybe we
30 could -- maybe we could talk with the Park but I'm sure
31 whatever criteria, you know, that we would use to issue
32 it they would use the same issuing -- you know, like when
33 a hunter goes to get a permit, the same criteria would be
34 in and the Park would know what criteria those are.

35

36 CHAIRMAN LOHSE: In other words, I think
37 what you're saying is that if the cultural camp ceased to
38 exist or ceased to.....

39

40 MS. PETRIVELLI: Then they wouldn't issue
41 the permit.

42

43 CHAIRMAN LOHSE:meet the criteria
44 that was established then the Park would no longer issue
45 the permit?

46

47 MS. PETRIVELLI: Yeah.

48

49 CHAIRMAN LOHSE: Okay. Bob.

50

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1 MR. CHURCHILL: Under Proposal 19 and I
2 think Susan brings up a good question, what happens if
3 the Park denies it, in terms of denies, would there be an
4 appeal they could make? I don't have any reason to
5 believe they would I was just kind of curious how the
6 process works?

7
8 MS. PETRIVELLI: I know under this
9 process, the culture camp -- if our office denies the
10 permit then the camp could appeal to the Board about us
11 denying it. And I'm not sure if the Park denied it if
12 that same procedure would be in place but I guess if we
13 left the conditions the same.

14
15 CHAIRMAN LOHSE: I would imagine they can
16 always appeal to the Board because they can always put in
17 a proposal through us to the Board.

18
19 MS. PETRIVELLI: Or a special action or
20 something.

21
22 CHAIRMAN LOHSE: But now whether they
23 could do that in sufficient time if the Park denied it
24 for that year, to get it for that year would be
25 questionable, so -- okay, Susan.

26
27 MS. WELLS: So on Page 57 here, the
28 Office of Subsistence Management 60 days prior, now are
29 you looking at reducing that time limit or is that
30 something that the tribe just needs to get used to?

31
32 CHAIRMAN LOHSE: That's current
33 regulation.

34
35 MS. PETRIVELLI: This is what the current
36 regulation says and I guess during the evaluation process
37 we could consider changes.

38
39 MS. WELLS: So this is actually for a new
40 application?

41
42 MS. PETRIVELLI: Well, this is for any
43 application.

44
45 MS. WELLS: Okay.

46
47 MS. PETRIVELLI: The new one and the
48 renewals.

49
50 CHAIRMAN LOHSE: Pat, I think that that

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1 probably was put into place, if I remember right, because
2 Staff -- Federal Subsistence Staff is extremely busy and
3 to put something on their table for short notice would be
4 pretty hard to do. And this is regulation that was
5 passed by the Board. I mean this is regulation that's in
6 place by the Board. To amend that 60 days, the Board
7 would have to amend that 60 days if I understand
8 correctly. Am I correct on that?

9

10 MS. PETRIVELLI: Yeah.

11

12 CHAIRMAN LOHSE: If you can't answer
13 Pat.....

14

15 MS. PETRIVELLI: Yeah.

16

17 CHAIRMAN LOHSE: I mean to change this
18 regulation, the Board has to change this regulation,
19 correct?

20

21 MS. PETRIVELLI: Yeah, right. But we
22 could make a recommendation.

23

24 CHAIRMAN LOHSE: But you could make a
25 recommendation to it.

26

27 MS. PETRIVELLI: From the evaluation
28 process.

29

30 CHAIRMAN LOHSE: But the Board has to
31 change it. I mean that's in place by the Board.

32

33 MS. PETRIVELLI: Yeah.

34

35 CHAIRMAN LOHSE: Bob.

36

37 MR. CHURCHILL: Yeah, through the Chair,
38 I'd like to ask Fred John, do you have any concern with
39 the Park denying your request for a permit? Do you think
40 that's a real concern?

41

42 MR. JOHN: I don't have no concern about
43 the Park personnel up there but I don't think the
44 Anchorage office knows us that well, you know, they don't
45 have any -- they haven't been up there except for one
46 meeting. So they don't know about -- they never -- I
47 don't think ever have been there. But the Park Service,
48 they've been there, you know, they work with us so they
49 know us pretty well.

50

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1 MR. CHURCHILL: Again, through the Chair,
2 so.....

3
4 MR. JOHN: I think Devi could take the
5 question.

6
7 CHAIRMAN LOHSE: We'll call her up
8 shortly.

9
10 MR. CHURCHILL: So I'm hearing you're
11 very comfortable with supporting Proposal 19, you think
12 it's valid as a participant in that process?

13
14 MR. JOHN: (Nods affirmatively)

15
16 CHAIRMAN LOHSE: Okay.

17
18 MS. PETRIVELLI: We have issued the
19 permit for six years in a row.

20
21 CHAIRMAN LOHSE: For six years in a row.

22
23 MS. PETRIVELLI: And last week we issued
24 it in a week's time.

25
26 (Laughter)

27
28 CHAIRMAN LOHSE: Okay. Okay, with that
29 we're to go to the Alaska Department of Fish and Game
30 comments.

31
32 MR. HAYNES: Thank you, Mr. Chairman.
33 The Department's comments are on Page 58. And we oppose
34 this proposal. We'd like to distinguish between --
35 although we support the Batzulnetas Cultural Camp and we
36 have every year for which the permits have been issued,
37 we distinguish between cultural camp permits and
38 ceremonial use of resources. And we believe that the
39 cultural camp permit should go through a separate process
40 and we believe that just submitting that request each
41 year is appropriate to ensure that the cultural camp is
42 still operating and it provides just a screen that the
43 camp is still in operation. And as Pat has pointed out,
44 this signing of the authority for dealing with these
45 cultural camp permits after they've first been approved
46 by the Board, delegating that authority to the Office of
47 Subsistence Management should be given an opportunity to
48 work. And I think this is a good way to start that, to
49 see how that permit process works with that delegation of
50 authority and it sounds like it's pretty efficient.

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1 Thank you.

2

3 CHAIRMAN LOHSE: Thank you. Any
4 questions for Alaska Department of Fish and Game?
5 Hearing none, we'll go on to other agency comments.
6 National Park Service.

7

8 MS. SHARP: Thank you, Mr. Chair for the
9 opportunity to testify on behalf of this proposal. When
10 I submitted this proposal I did not know about the new
11 OSM rule because, in fact, I did the same thing I always
12 do which is the Park still has to write a special use
13 permit regardless of whether the Office of Subsistence
14 Management does their paperwork you can't hunt in the
15 Park without the permit.

16

17 CHAIRMAN LOHSE: A Park permit.

18

19 MS. SHARP: It's a special use permit
20 because it's not a law, it's not anything that's already
21 codified in law. So last year after the final rule was
22 published I realized that there needs to be a better way
23 because I had to crank out my end of the permit very
24 quickly. And I realized that we could do better. And my
25 intent was to streamline the process. And I'd like to
26 add a significant piece of information to the Staff
27 analysis and that is, that Wrangell-St. Elias has a
28 special relationship with both Chistochina Village
29 Council and Mentasta Native Village and that relationship
30 is a government to government relationship, that's a
31 relationship directed by the Department -- the Secretary
32 of the Interior, where the tribal elders and leaders have
33 parity, it recognizes that the elders and tribal leaders
34 are peers with our superintendent and our Park Staff.
35 It's a very special relationship, it's an agreement.
36 It's an agreement where we agree to do certain things.

37

38 And one of the things that we've agreed
39 to do is to increase our communication and decrease
40 bureaucratic red tape. And anything that we can do to
41 streamline the communication and facilitate the good of
42 the community and the community activities is something
43 that we're directed to do. So to that end I put in a
44 proposal.

45

46 And with due respect to OSM and the new
47 regulations, I don't think it's culturally appropriate
48 for me or for the Office of Subsistence Management to ask
49 -- one, to ask the organizers to make their request 60
50 days in advance, it won't happen. I don't think it's

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1 culturally appropriate or our business to provide a list
2 of instructors. I don't feel like I'm in a position to
3 say whether Katie John is an adequate instructor of the
4 cultural camp. I think if the Native village chooses
5 their instructors that's their business. I don't feel
6 comfortable asking the villages to provide an approximate
7 number of attendees and a minimum number of attendees and
8 the standards for the course.

9

10 The Park Service attends Batzulnetas
11 Cultural Camp by invitation, we have for a number of
12 years. We consider it an honor, we consider it -- it's
13 something that cements our marriage, our relationship
14 with these two communities. It's a really important
15 thing for us to attend Cultural Camp.

16

17 If this proposal is passed, as written,
18 the ceremonial moose hunt will appear in the Federal
19 regulation book and all that needs to be done is someone
20 needs to call me and within an hour I can have the permit
21 turned around because it's in my computer, it's quite
22 easy to do, I can fax it over to whichever village
23 council is requesting it, they can sign it, mail it or
24 fax it back, they check in with a Ranger Station when
25 they're hunting, we know what the activities are, they
26 tell us when they get a moose. We often know when they
27 get a moose because we're at camp eating it, we're
28 helping skin it out or preparing it. We're very much a
29 part of it.

30

31 And I think -- I understand the need to
32 honor the new OSM regulation but I do think this is a
33 special request worthy of consideration because of the
34 special relationship we have with these two villages.
35 Wrangell-St. Elias has 12 villages to develop government
36 to government relationships with. We just signed
37 Mentasta Village Council's relationship. That's a done
38 deal, just this past week. It's an important part of
39 what we're required to do as a land management agency
40 that manages land that has interest in Native activities.

41

42 So I request your support for this
43 proposal as written. That's the end of my testimony.

44

45 CHAIRMAN LOHSE: Thank you, Devi. That
46 was a good presentation. I can think of only two things
47 that you missed that you should have added to it. And
48 that's that the Ranger Station at Slana is next door to
49 them.

50

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1 MS. SHARP: Uh-huh.

2

3 CHAIRMAN LOHSE: Anchorage is 400 miles
4 away.

5

6 MS. SHARP: Right.

7

8 CHAIRMAN LOHSE: They can go to the
9 ranger station in Slana and talk with people they know,
10 it's called hunkering. They have to write a letter to
11 send it to Anchorage.

12

13 MS. SHARP: Joe Hicks only need to call
14 me on the phone and it will be done

15

16 CHAIRMAN LOHSE: That's all he needs to
17 do but he can come to see you.

18

19 MS. SHARP: Right.

20

21 CHAIRMAN LOHSE: He's not going to
22 come.....

23

24 MS. SHARP: Right.

25

26 CHAIRMAN LOHSE: If there's a problem
27 he's not going to want to come and go to Anchorage and
28 see the people in Anchorage.

29

30 MS. SHARP: That's right.

31

32 CHAIRMAN LOHSE: I think that's two
33 pieces of the puzzle that should be put in there, too.

34

35 MS. SHARP: Well, I think you were --
36 well, I know you were at Mentasta Village, let's see when
37 was it?

38

39 CHAIRMAN LOHSE: Two years ago.

40

41 MS. SHARP: Yeah, it was September. When
42 Catherine Martin, very eloquently said, when we were
43 talking about who's going to issue the Batzulnetas
44 fishing permit and she very eloquently said we want the
45 Park Service to issue that permit, we know them, we trust
46 them, they're our friends, we're neighbors, we share the
47 resource and I feel the same way about this permit. I
48 think we will be the most effective in protecting the
49 resource, in making sure it goes to a valid use, that the
50 cultural camp is still going and it's an important part

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1 of the relationship that we have with these two villages,
2 that we can help them out.

3

4 CHAIRMAN LOHSE: Any questions for Devi?
5 Susan I saw you had your hand up.

6

7 MS. WELLS: Well, I just wanted to ask
8 and I'm assuming, but maybe I'm wrong, but you, in turn
9 report back to the Office of Subsistence Management when
10 a permit is issued or -- I mean if this was to happen?

11

12 MS. SHARP: That's easily done.

13

14 MS. WELLS: I mean that would be
15 naturally done.

16

17 MS. SHARP: Right. If there's any
18 reporting requirements we'd be happy to do that. Earlier
19 someone asked about whether we would not issue a permit
20 and the only reason why I could see us not issuing a
21 permit is if the cultural camp was not viable, if it was
22 not happening in which case there would not be the need
23 for the moose or if there was a very severe resource
24 issue. The road was washed out or the moose population
25 absolutely declined and we didn't feel, you know, after
26 extensive analysis, but it would only be done after quite
27 a bit of thought. It's not something I would ever
28 foresee doing.

29

30 CHAIRMAN LOHSE: It's not something I
31 could see you doing either simply because of the
32 repercussions that would come out of it if you did do it
33 and it was not justified.

34

35 MS. SHARP: I'm not going to be the one
36 to mess with Katie's moose.

37

38 (Laughter)

39

40 CHAIRMAN LOHSE: Any other discussion.
41 We haven't got to discussion yet, we're still on agency
42 comments. I'm trying to speed us up again.

43

44 MR. CHURCHILL: You're just trying to
45 trick us.

46

47 CHAIRMAN LOHSE: Okay, any other agencies
48 that wish to comment on this? Any -- Taylor.

49

50 MR. BRELSFORD: MR. Chairman, thank you

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1 very much. The growth and the blossoming of this
2 relationship on the local level is certainly laudable and
3 certainly something that we all welcome between local
4 land managers and the tribes, all of the Federal agencies
5 have the responsibility for government to government
6 relationships to the tribes.

7

8 The one element that I don't think has
9 been put on the table and I would just offer it for your
10 consideration is the fact that the Federal Subsistence
11 Board that is authorized in statute to manage Federal
12 subsistence hunts. Delegation of authority from the
13 Federal Subsistence Board to another party is a fairly
14 sensitive matter, subject to increasing scrutiny and
15 close review as a result of lawsuits at the present time,
16 in addition to some changes in National Administrative
17 policy. So I think one of the concerns in the hearts of
18 Staff Committee members and of the office in looking at
19 this proposal, is how far and how fast do we move the
20 delegation of Board authorities. We're working in a new
21 environment with the delegation of authority for in-
22 season fisheries management. Certain steps were taken
23 two years ago, certain steps last year, certain new steps
24 on the table at the present time, this is a delegation of
25 authority that was modified a year ago to provide for
26 increased responsiveness on the part of the Office of
27 Subsistence Management where educational camps are
28 established. This is a routine permit issuance.

29

30 So the only additional factor that I
31 think was influential in some of the earlier discussions
32 hasn't been mentioned here is we're a little concerned
33 about the outside scrutiny of delegation of authority by
34 the Federal Subsistence Board. This may well be a great
35 instance and it will sort of move forward without any
36 difficulty but if all of the educational camps were to be
37 delegated to a local Federal land manager, that would be
38 a fairly significant shift in responsibility and indirect
39 oversight by the Federal Subsistence Board and I think
40 that's been something that we've given a little care to
41 in terms of the analysis and the proposal to evaluate the
42 recent shift and then see if that has, in fact, come up
43 short.

44

45 So with that, I'll wish well in your
46 deliberations but that's the additional element that I
47 wanted to be sure you were familiar with. Thank you.

48

49 CHAIRMAN LOHSE: Sit down there, Taylor,
50 now don't run off. Bob.

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1 MR. CHURCHILL: I think it's well spoken
2 but am I getting the sense that we may actually do this
3 group harm by granting this proposal or is there a
4 general concern with this overview process and not this
5 one specifically?

6
7 MR. BRELSFORD: I would like to be very
8 clear that there are no concerns about the work of the
9 Batzulnetas Cultural Camp or of the quality of the
10 relationship between the Park and the camp. Not at all.
11 It's not the instance that raises an issue. It's the
12 precedent or the broader series of move in delegation of
13 Board authority that has given us a bit of pause.

14
15 MR. CHURCHILL: I guess, no, I didn't
16 take that to be your meaning at all. I just thought we
17 didn't want to make a group of folks a lightening rod for
18 a lot of attention they don't want is my concern. I
19 guess I'm kind of hearing you say we can go -- if we pass
20 this, there doesn't seem to be any real struggle to it
21 however somebody could make it a lightning rod and make
22 it a matter of contention. That's kind of what I hear
23 being said.

24
25 MR. BRELSFORD: Let me try and be as
26 clear as I can. I think the matter of delegation of in-
27 season management authority has far greater consequence
28 and is therefore more closely reviewed. No doubt, these
29 are not of equal significance. A single educational
30 permit that is moved into this fashion to delegation is
31 not necessarily a big deal but if all educational permits
32 were moved to a delegated authority in this fashion,
33 that, I think would begin to draw some addition to
34 educational permits broadly.

35
36 Thank you.

37
38 MR. CHURCHILL: Thank you.

39
40 CHAIRMAN LOHSE: I have a question -- I
41 have two questions, actually Taylor. If the Board would
42 pass this, are they delegating authority or are they
43 putting something into regulation in regard to one
44 educational camp?

45
46 MR. BRELSFORD: It probably amounts to
47 both. On the one hand it's delegating because the permit
48 is issued and that's a legal action.

49
50 CHAIRMAN LOHSE: It's a legal action.

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1 MR. BRELSFORD: Of the year. And at the
2 same time it is established in ongoing regulation so the
3 expectation on the part of the users is that it's a
4 secure opportunity so I think it's probably both.

5
6 CHAIRMAN LOHSE: Thank you. The other
7 question I had, was, that if we passed this we have to
8 remember that this can also be our way of showing that we
9 support this general idea. The Board has the authority
10 and the responsibility to decide whether this is a good
11 move or not and have the ability to reject anything that
12 we pass because all we're doing is making a
13 recommendation that this is, in our estimation, a good
14 direction to go. Am I correct on that?

15
16 MR. BRELSFORD: Of course, that's right.
17 And I think, you know, the hope in my comments is that
18 you will still make a judgment about the circumstance
19 before you with awareness about some other considerations
20 that the Board may have to take into account. I'm not
21 raising these points in order to influence your vote only
22 to ensure that the full context is on the table.

23
24 CHAIRMAN LOHSE: Then we have to decide
25 whether it's necessary. Fish and Game Advisory
26 Committees. Any other agency that wanted to speak. With
27 that we'll go to written public comments.

28
29 MS. WILKINSON: Mr. Chairman, the Eastern
30 Interior Regional Advisory Council supports this proposal
31 as it was written by the Park Service. The Council
32 supports having a local agency work and continue to
33 develop a working relationship with the camp organizers.

34
35 The Wrangell-St. Elias Subsistence
36 Resource Commission supports this proposal because it
37 would streamline the process for obtaining a permit to
38 hunt the ceremonial moose for the Batzulnetas Cultural
39 Camp. They stated that the new OSM regulations are still
40 more cumbersome than the proposed regulation.
41 Chistochina Village and the National Park Service have a
42 government to government relationship and the SRC feels
43 that it's important to recognize that special
44 relationship.

45
46 That's the end of the comments.

47
48 CHAIRMAN LOHSE: At this point in time if
49 there is no other public comment -- the only public
50 comment I had on this was by Gloria who spoke in support

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1 of it and that is it as far as I can see. Did I miss
2 anybody? Okay, Regional Council deliberations. A motion
3 is in order to put this on the table for deliberation.

4

5 MS. WELLS: So moved.

6

7 MR. CHURCHILL: So moved.

8

9 CHAIRMAN LOHSE: Which one's moved and
10 which one is second?

11

12 MR. CHURCHILL: Second. I will second
13 Susan's motion.

14

15 CHAIRMAN LOHSE: It's been moved and
16 seconded to put 19 on the table....

17

18 MS. WELLS: As written.

19

20 CHAIRMAN LOHSE:as written.

21 Discussion.

22

23 MS. WELLS: Mr. Chair.

24

25 CHAIRMAN LOHSE: Susan.

26

27 MS. WELLS: I thoroughly understand the
28 government to government relationship and why Katie
29 John's people would want this proposal to go through, for
30 the streamlining and then also because they have that
31 relationship, they're working with people that they know
32 and have a trust relationship with. On the same hand --
33 well, I guess in the same light, it's really frustrating
34 for my area to have to deal with Juneau over issues in
35 our area and, you know, the regulations from Juneau don't
36 always fit us like a glove. But then there's also that
37 we do have the Office of Subsistence Management that is
38 delegated with this task, and I am wondering if -- I
39 guess if you were to be asked to -- well, you have been
40 asked and in light of what the tribes have said, or the
41 people up there, is there that understanding of the why?
42 And something that you could eventually turn loose if it
43 -- I guess I don't want to see a relationship, even
44 though at a distance, be undermined either, I would not
45 want the tribe or even the people of that area to get --
46 when they have to come for something else, maybe this
47 would not be so favorable in their -- am I clearer than
48 mud?

49

50 CHAIRMAN LOHSE: No, you're -- do you

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1 understand what she's asking, Pat? If you don't I think
2 I can say what she does.

3

4 MS. PETRIVELLI: Oh, that if they go to
5 the Park Service for this culture camp, that we'd break a
6 relationship with them for other actions?

7

8 CHAIRMAN LOHSE: That's kind of.....

9

10 MS. PETRIVELLI: We have regulations and
11 they could -- I mean, I think we're very responsive to
12 all the tribal organizations and we issued quite a number
13 of Special Actions in the CRNA area. Not only did we do
14 the one for Batzulnetas, but we did one for two other
15 culture camps in the area last summer. So I think we're
16 flexible enough with -- that whole Special Action process
17 recognizes the need to work with the culture camps on a
18 case-by-case basis and, I think, we're pretty responsive.
19 But also, I mean, we can understand also the Park Service
20 issue that we've issued the same permit six years in a
21 row, you know, so.....

22

23 MS. WELLS: Then maybe can I put it this
24 way? Do you trust the Park Service to do your job very
25 well?

26

27 (Laughter)

28

29 MS. PETRIVELLI: I trust the Park
30 Service, yes.

31

32 MS. WELLS: Thank you.

33

34 CHAIRMAN LOHSE: Susan, I'll rephrase
35 that question because I see what can be an issue. And I
36 don't mean this bad, but anytime that you deal with
37 chains of command and authority and -- I don't like to
38 use the word bureaucracy, but I'll have to stick
39 bureaucracy in there, you have to be careful that you
40 follow the right order without alienating somebody else.
41 And if this happened, would somebody else feel like their
42 turf has been stepped on to the point where they have to
43 have to react in a different situation, because if you
44 went to them for one, why don't you go to them for
45 something else type thing, you know. I mean, is that
46 kind of what you were asking?

47

48 Yes, Susan.

49

50 MS. WELLS: And I'm wondering if it would

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1 be maybe helpful if we instead of the exact wordage to
2 say that we would request that the -- I got to get these
3 agencies, OSM.....

4

5 MS. PETRIVELLI: Correct.

6

7 MS. WELLS:to make this happen.

8

9 CHAIRMAN LOHSE: OSM can't make it
10 happen.

11

12 MS. WELLS: Okay.

13

14 CHAIRMAN LOHSE: See, that's the thing
15 that we have to realize, is that we're asking the Board
16 to make this happen, if we pass this.

17

18 MS. WELLS: And then they.....

19

20 CHAIRMAN LOHSE: The Board has already
21 made the other one happen, that is a Board regulation to
22 OSM right now.

23

24 MS. WELLS: Okay.

25

26 CHAIRMAN LOHSE: And if we pass this,
27 this, what we're asking the Board to do is to make an
28 additional regulation that basically overrides their
29 other regulation in this case.

30

31 MS. WELLS: Okay.

32

33 CHAIRMAN LOHSE: And it's the Board that
34 makes that decision.

35

36 MS. WELLS: All right. Thank you.

37

38 CHAIRMAN LOHSE: Bob.

39

40 MR. CHURCHILL: Yeah, I'd like to speak
41 in favor of proposal 19. If I'm understanding the
42 concern by OSM and the other agencies, is that there may
43 be a perception that the delegation of authority has gone
44 too far and it is, maybe, becoming lax. And, again,
45 perception from other agencies. I think we've got a
46 fairly unique situation, we have documented history of
47 six years of the permit being granted, we have clear and
48 convincing testimony, the viability of the cultural camp.
49 We have testimony from the agency that will be acting on
50 this permit that they're not only in line of sight, but

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1 they visually attend and participate in the event every
2 year. It seems to maximize the involvement. It really
3 is an arguable case for this kind of a proposal. I think
4 we can defend it against other less desirable actions. I
5 don't see us having to generalize this to every
6 educational camp. I think this argues an excellent case
7 for this kind of an action by this Advisory Council. I
8 intend to vote for it.

9

10 CHAIRMAN LOHSE: Fred, comment?

11

12 MR. ELVSAAS: No, I support the proposal.
13 You know, after all the words and so forth are said and
14 done, what we're doing is cutting the time frame for this
15 permit so that you can eliminate the 60 day requirement.
16 And do it in a timely fashion when the people need it.
17 And I think it's unfortunate that the 60 days is in the,
18 so called, streamlined action. So I support the
19 proposal.

20

21 CHAIRMAN LOHSE: I'm going to make one
22 more comment on it. And I like to play devil's advocate
23 anyhow. I'd point out things aren't always as rosy as
24 they appear sometimes, and I really appreciate the people
25 that are currently working in the National Park up there
26 in Wrangell/St. Elias right now. I feel like we have a
27 very -- I'll use the word sympathetic Park Service up
28 there, they're very attuned to the local needs, they take
29 part in the local needs. But we have to remember one
30 thing, we are dealing with something that can change with
31 administrations, it has in the past, it can in the
32 future. And we're basing this proposal and its
33 implementation on a relationship that's developed right
34 now, but if we really want to be interested in, it is
35 between individuals because the individuals that make up
36 the Park Service right there, right now, are the
37 individuals that have developed trust and everything
38 else. This cycle of trust can be broken. This cycle of
39 trust could go to a -- and I hope I never see that day,
40 but it could go to an antagonistic situation, it's
41 happened before in different areas. And what I'm
42 wondering is, are we, by any chance, limited -- I mean,
43 are we taking out protection for the subsistence user by
44 passing this and not having it go to a main office that
45 has regulations in place and oversight and a review
46 process and things like that? And putting it the hands
47 of, and again, this is nothing derogatory about the
48 people involved, but putting in the hands of individuals
49 who currently have a very good relationship, but there's
50 no guarantee that that relationship goes on into the

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1 future. And, again, like I said, that's not personal
2 feeling, totally, but we have seen things like this
3 happen in the past.

4

5 Devi, would you like to answer that?

6

7 MS. SHARP: Thank you, Mr. Chair. I'd
8 like to point out that if this proposal is implemented as
9 written, it would be in the regulations. It's actually
10 in the book every year. So, in a way, you could view it
11 as protecting it more than it being up to the Office of
12 Subsistence Management on a year-to-year basis, because
13 it would be in the Code of Federal Regulations unless
14 changed.

15

16 CHAIRMAN LOHSE: So it would take an act
17 of the Board to take it back out of regulation?

18

19 MS. SHARP: That's correct.

20

21 CHAIRMAN LOHSE: Okay.

22

23 MR. CHURCHILL: Call the question.

24

25 CHAIRMAN LOHSE: If there's no further
26 question, the question is called.

27

28 (No audible responses)

29

30 CHAIRMAN LOHSE: Okay. All in favor of
31 the motion signify by saying aye.

32

33 IN UNISON: Aye.

34

35 CHAIRMAN LOHSE: All opposed signify by
36 saying nay.

37

38 (No opposing responses)

39

40 CHAIRMAN LOHSE: Motion carries. Where
41 are we for time?

42

43 MR. ELVSAAS: We're right about.....

44

45 CHAIRMAN LOHSE: Quarter to six? You
46 were supposed to stop me at 5:00 o'clock.

47

48 MR. ELVSAAS: Couldn't.

49

50 (Laughter)

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1 MR. ELVSAAS: You were on a roll.

2

3 CHAIRMAN LOHSE: Okay. We will recess
4 this meeting until 8:30 tomorrow morning.

5

6 (Off record)

7

8 (TO BE CONTINUED)

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1 CERTIFICATE

2

3 UNITED STATES OF AMERICA)

4)ss.

5 STATE OF ALASKA)

6

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

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11 THAT the foregoing pages numbered 02 through 170 contain a
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13 SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, VOLUME I, taken
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18 THAT the transcript is a true and correct transcript
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23 THAT I am not an employee, attorney, or party interested
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Joseph P. Kolasinski
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