

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING

March 5, 1996
Centennial Building Meeting Room
Cordova, Alaska

VOLUME II

COUNCIL MEMBERS PRESENT:

Roy S. Ewan, Chairman
Lee C. Basnar, Vice-Chairman
Fred John, Jr., Secretary
Ralph Lohse
Benjamin E. Romig
Robert J. Henrichs
Gary V. Oskolkoff

P R O C E E D I N G S

CHAIRMAN EWAN: I'll call the meeting to order. This is our second day of our Southcentral Alaska Subsistence Regional Advisory Council meeting. Anyone that has not signed up on the sign-up list here, please do so.

Today we're going to continue with the agency reports. we got done with the U.S. Forest Service, Chugach National Forest yesterday. The next agency will be the Kenai National Wildlife Refuge. Is there anyone from that agency here?

MR. ERNST: Good morning. My name is Rick Ernst, I'm a pilot biologist with the Kenai Refuge. Mark Chase

CHAIRMAN EWAN: I didn't get your last name, I'm sorry.

MR. ERNST: Rick Ernst, E-r-n-s-t.

CHAIRMAN EWAN: Okay, thank you.

MR. ERNST: Mark Chase couldn't be here due to illness, so he asked me to come. He gave me a statement that, I guess, you guys requested last time, commercial guides on the Refuge. So I'll read that and give you this copy.

On the Refuge we have six big game guides, of these only two reported hunting for moose last year with three clients total for moose hunting. We collected a total of \$170.00 from the guides who guided for moose. We have four guides who are horse transporters, one claimed no use, the other three claimed a total of 27 transport day for big game, but all of these may not have been moose, they may have been for other big game species.

We collected a total of \$54.00 from them for big game. We have 16 air taxi operators, two have not returned their use reports, eight reported no big game use and the other six reported 33 big game use days. All of these may not have been for moose hunters though. We collected \$33.00 for those. And the Refuge also received \$100.00 from the horse transporters and air taxi operators for administration fees, which makes an additional \$2,000.00. The big game guides

only paid an administration fee once every five years, so that's - there isn't a lot of big game commercial activity on the Refuge.

The only wildlife survey that we did this past year is we did a gas (ph) type census for moose in Unit 15(B) in cooperation with Fish & Game, we just finished that this last week. We had a population estimate of 942 moose for Unit 15(B). We had 116 calves out of a total of 690 moose that we actually saw, so we had roughly a 16 percent calf population. And the Refuge, we're trying in cooperation with Fish & Game to do a wolf census of 15(B) as well, but we're waiting for some fresh snow before we can do that survey.

And that's all I have.

CHAIRMAN EWAN: On the wolf census, I'm not too familiar the Kenai Peninsula, why are you doing this 15(B)?

MR. ERNST: I think they have not done a wolf census in 15(B) in several years, I don't even

CHAIRMAN EWAN: Oh, just continuing what you're doing?

MR. ERNST: Yeah, it was part of some subsistence (indiscernible - interrupted)

CHAIRMAN EWAN: I just wondered about the other sub-units, why?

MR. ERNST: Yeah, i think 15(A) we have several radio collared packs and do, you know, pretty consistent tracking of those animals, but we don't have any in 15(B), so I'm not sure if we've had a wolf census in 15(B) in the past.

MR. SPRAKER: Not in recent times, we may do the whole thing, depend on snow conditions.

MR. ERNST: Yeah.

CHAIRMAN EWAN: I was just wondering veering in on one subunit. Did you have a question, Fred?

MR. JOHN: No.

CHAIRMAN EWAN: Lee.

MR. BASNAR: Yeah, you gave us the guide hunt days or whatever the term you used, the number of days afield, I guess, with guided clients, but you didn't give us any harvest data; do you have that?
I mean, the facts that the guides were out there in the field doesn't necessarily mean, I suppose, they killed anything.

MR. ERNST: That I don't have, it wasn't listed on here. I could probably get that from the Refuge and either call that to you or send it.

MR. BASNAR: I'm just kind of curious because, you know, how adverse an impact that would be on subsistence users in the area, if there was any impact, low impact or high impact.

MR. ERNST: Yeah, because the - what I was given was just the fees that were collected. And, like I said, some of those fees we don't know if they were for moose specifically because it's listed here as just big game. I don't know what the

MR. BASNAR: Ted Spraker, perhaps, can help us out with that.

CHAIRMAN EWAN: Oh, okay. Ted.

MR. SPRAKER: Mr. Chairman, Ted Spraker with the Alaska Department of Fish & Game. Lee, to answer your question, the impact of guiding on the Kenai Peninsula has always been fairly low. We have several guides that do operate there annually, but if you look at the harvest by non-residents for sheep and mountain goat, for instance, you know, you can count the numbers on one hand. There are usually just a few animals taken by guides.

MR. BASNAR: Okay.

MR. SPRAKER: As far as moose. Although the Kenai has some pretty good moose hunting it's never been a real draw in the state as far as big trophy type moose that really attract guided hunters and, like the mountain goat and sheep harvest, it's also pretty minimal on the Kenai.

MR. BASNAR: Thank you.

CHAIRMAN EWAN: Yeah.

MR. LOHSE: Would you repeat the number of guides on the Refuge? If I remember right it was a pretty low number and the number of clients that they had.

MR. ERNST: Yeah, it was six big game guides, of those six only two reported hunting specifically for moose, taking clients out. And those two had three clients between the two of them.

MR. LOHSE: Three clients a piece?

MR. ERNST: No, three between the - for the two of them.

MR. LOHSE: Three between the two, oh, okay.

MR. ERNST: Yeah. And I don't know if they were successful or not.

MR. ROMIG: Is that the maximum amount of guides you let guide there, six?

MR. ERNST: I'm not sure if there's a limit on how many are allowed, I think that's

CHAIRMAN EWAN: I think that's what we heard at the last meeting by somebody. Did I hear that from some

MR. BASNAR: I don't remember.

CHAIRMAN EWAN: Yeah, I do.

MS. EAKON: It's in the minutes.

CHAIRMAN EWAN: Anyway

MR. ERNST: And if it wasn't in the minutes, I can find out and get back to you on that.

CHAIRMAN EWAN: Really, I guess, the question would be can more be allowed, I guess maybe that's the big question.

John.

MR. MORRISON: When the guiding law was changed in 1989 by the State and then subsequently the Federal agencies owning land on which guides operate set up their own systems. The two elements together put quite a limitation on the number of guides by virtue of the area assignments that now exists. The State designed a new set up, a new design of guide areas and within those State areas many of the refuges and national park areas subdivided those into their own areas and they limit the number of guides that can be permitted there.

Overall when that was all finished it reduced the number of guides statewide by about half. The guides can still get their registration as a registered guide and legally contract hunters, but if they don't have an area they can't operate.

CHAIRMAN EWAN: Okay. Any other questions? Is that it?

MR. ERNST: That's all I had.

CHAIRMAN EWAN: All right. Thank you then.

MR. ERNST: Do you want to keep this

CHAIRMAN EWAN: Give it to Helga to make copies for us. Thank you very much. The next agency is BLM. I guess we have Jeff Denton.

MR. DENTON: Thank you, Mr. Chairman, I'm Jeff Denton with the Anchorage District BLM. And this will be real short. Most of the Anchorage District is rocks and ice in terms of Federal public lands, there's very little lands, other than a few scattered tracts. I'd first like to introduce Peggy Fox, the BLM in the State office that's the BLM staff committee member. She took Tom Boyd's place with BLM. Some of you have met her, some of you haven't.

I'm here mostly to give assistance with Proposal 15 on military reservations near Anchorage. And one thing, and I brought this up in other council meetings, is the BLM public land base is one that is very fluid right now and probably will remain so for several years as the selection process and conveyances of lands to the state of Alaska, as well the Native corporations continues through time.

Over the last two years the Anchorage District, not necessarily in the Southcentral Region, has picked up back from the State in terms of relinquishments of selections over two million acres, so as you can see there's rather large land masses that are still being ownership decided, whether it stays in the Federal public land base or whether it doesn't and this will continue for some time.

The other things that should be of interest, at least, to you folks is, and this is in the Glenallen District. I think it mostly involves the Tiekel Block of Federal lands. There's a salvage timber sale which is proposed in cooperation with DNR with the state of Alaska that will - right now is targeting 30 million

board feet of timber - of Federal timber plus probably about an equal amount of State timber, so you're looking at considerable amount of timber harvest that may come to pass over the next two years. We're right now doing the evaluations and the environmental assessments and this sort of thing right now, so that may be something you want to at least keep in the back of you mind that may be occurring here in the near future.

Other than that we have a few scattered parcels, mostly in the Mat-Su Valley that are being evaluated for sales and these range from five acres to about 180 acres. They're just scattered pieces of land, but they do represent remnants of the public Federal - the Federal land base that's available for subsistence in the Mat Su Valley.

And that's all I have for today, so I'm open for questions if you have any.

CHAIRMAN EWAN: On the Tiekel Block, do you know how much land that is?

MR. DENTON: Not right off, that's not in my district, it just that our district has the forester that actually is going to kind of ramrod that. The State is actually doing the layouts, the sales, under contract BLM, so I do not know all of the details of those timber sales at this point.

CHAIRMAN EWAN: Are they going to bid it out

MR. DENTON: I would assume that would be the case, yes. And it is a large enough volume of timber it may get some interest, so - we have a hard time selling timber up here.

MR. HENRICHS: Yeah, is this salvage, is the spruce bark beetle or

MR. DENTON: Yeah, that's correct. Under this Salvage Timber Bill that's kind of a fast track for selling salvage timber in Alaska, it was passed by Congress here last year.

CHAIRMAN EWAN: Say some company bid on this, do they have to remove the timber immediately or how does that work?

MR. DENTON: There will be, you know, contract limitations on how many - how much time they have to get it out, how they have to do it, so on and so forth. They'll be restrictions on whether it can be exported or not, these sorts of things that go with Federal timber.

CHAIRMAN EWAN: It's close to my home, that's why I'm asking about it, it just a few miles from (indiscernible - interrupted)

MR. DENTON: Yeah, well, that why I thought it might be of high interest to, at least, individual, if not you as a Council.

CHAIRMAN EWAN: Right. Any other questions? If not, thank you.

MR. DENTON: Thank you.

CHAIRMAN EWAN: Okay. We have State of Alaska. John.

MR. MORRISON: Thank you, Mr. Chairman. I appreciate that you've kept the best for the last here. The State concern with subsistence issues at the time being namely involved in two different activities. One we'll probably be discussing a

little later and that's Lt. Governor Ulmer's initiative for the attempt to resolve the dual management issue. I'll discuss that later when the time comes up.

In addition they State is still looking for opportunities to enter into cooperative management types of agreements with local communities and the other agencies that are involved in subsistence episodes. We've already discussed the cooperative venture in the caribou herd, the Mentasta Caribou Herd. We have a similar operation going with the Forty-Mile Herd. We have a very successful program in the Lower Yukon with moose management committee there.

And at the present time the Department has been working with several of the communities and the other councils in the northwest part of the state and the North Slope regarding the Western Arctic Caribou Herd which has been burgeoning in numbers to where it's well over 400,000 now and it's spreading its range. And we see the need for a more realistic management program that would involve a wider array of participants throughout the range of that herd. So the Wildlife Conservation Division had been holding some sculping meetings with various communities and are presently about to begin meeting with some of the Federal agencies. toward deciding whether it would be feasible to set up another cooperative group that would enable local people to have a larger participation management decisions on that herd.

Other than that the Department is sort of in a holding pattern right now waiting to see what happens in several things that are going on. What the Legislature does with our budget is speculative. They always threaten to make various changes that we have to wait and see how that turns out before some of our plans can either materialize or be canceled. The Legislature also has some new proposed laws on the books that would have quite an effect on us, primarily regarding predator control and maximum yield from different wildlife populations.

The court cases that are still waiting decisions, the navigable waters issues. There's also an interest in extending Federal control of wildlife management onto non-Federal land adjacent to Federal land where it is thought that there might be a threat to subsistence use on the Federal land. There's also a referendum that you've probably heard about that will come up for the election this fall, again, regarding predator control in the case of one of them and another one having to do with giving sport fisherman a bigger share of the fish harvest.

The other topics that we'll comment on here will be in regard to some of the proposals that we'll discuss later and area biologist Roy Nowlin from Cordova here will be available to answer questions on those proposals involving Unit 6 and Ted Spraker will also comment on the proposals involving the Kenai Peninsula, Unit 15.

Other than that I have nothing else to report today.

CHAIRMAN EWAN: Any questions or comments? Thank you, John.

Do we have others that want to make comments here or report? Okay, then we'll move on. We're down to Item B, Regional Council proposal to declare entire Kenai Peninsula rural. Taylor Brelsford, do you have a report to us?

MR. BRELSFORD: I think that's the subject Helga's on the phone about.

MS. EAKON: Mr. Chair.

CHAIRMAN EWAN: Yes.

MS. EAKON: First of all, Tom Boyd had called earlier this morning, Anchorage is experiencing very high winds which are expected to last until 7:00 o'clock tonight so, therefore, Tom Boyd who was going to be prepared to come in to address the Council on their proposal to declare the Kenai Peninsula as rural, will be unable to arrive today. He is standing by so that we could hook up to him telephonically on a teleconference so that he could present to you the Board action on January 19, 1995 on the Regional Council proposal.

CHAIRMAN EWAN: All right. When should we do that then?

MS. EAKON: He is standing by to do that right now.

CHAIRMAN EWAN: I thought maybe we just quick review, what I thought you might do of what the action we took and the letter we got maybe. Will he cover all of that?

MS. EAKON: I

CHAIRMAN EWAN: Just so the audience and everybody's minds are refreshed about the action we took.

MR. BRELSFORD: I think Tom's intention was to discuss the letter that the Board sent, so that would

CHAIRMAN EWAN: Okay. Well, we're ready if

MR. BRELSFORD: Let me get some help with hooking up the teleconference.

MS. EAKON: Just to give people in the audience who are not too familiar with this proposal, at the Regional Council meeting on September 28th, 1995 at Anchor Point, Alaska, the Regional Council had put forth a proposal - had passed a motion to submit a proposal to Federal Subsistence Board that the entire Kenai Peninsula be declared rural. The motion was passed by a five-two vote with Mr. John and Mr. Henrichs opposing. And you do have the back up materials in your book under 7B(1). You have the pertinent minutes, the pertinent transcripts of the Regional Council meeting during which a lot of discussion was done.

You do have a copy of the letter from Mr. Mitch Demientieff, the Chair of the Federal Subsistence Board. The letter is dated - I think it's February 18th, 1996 and Tom Boyd is prepared to explain this letter on how come the board asked it as they did. And I think it was Gary Oskolkoff who had wanted a copy of the Kenaitze decision, the 1988 Ninth Circuit Court of Appeals decision, it's the last one in your packet. And we also included a copy of the letter from Legal Services that essentially tells the Federal Subsistence Board that the Legal Services supports the Regional Council proposal.

CHAIRMAN EWAN: Does anybody have any comments concerning the agenda item before us now while we're waiting? I think for myself, I pretty much understand what the Board action did. And I just want to read from the letter that I have a copy of. This is a letter from Mitch Demientieff to all of the Council members. It basically says down in the middle part of the letter of the first page: The Board felt that it would be premature at this time to issue a proposed rule classifying the entire Kenai Peninsula as rural. And then he says: Rather the

Board felt that the most appropriate course of action would be to suggest that the Council consider providing an opportunity for public review and comment.

That's basically it, I guess, and what they want us to do.

(Off record - setting up conference call)

MR. BRELSFORD: I think we're set. Tom, the context is that all seven members of the Council are here. Roy has just read kind of the key paragraph from Mitch's letter regarding the Board's action, so you may want to amplify a bit about the Board's reasoning and then entertain questions. I guess, basically, we're ready for you to launch.

MR. BOYD: Okay. What paragraph was that, Taylor?

CHAIRMAN EWAN: The second paragraph. This is Roy, Tom, how are you this morning?

MR. BOYD: I'm doing fine, Roy. Good to be here even though it's not in person.

CHAIRMAN EWAN: Just go ahead and do what you intended to do, explain the letter, basically, I guess.

MR. BOYD: Okay. Well, it was to be my purpose in being there this morning to further amplify on the letter and then provide an opportunity for the Council to ask any questions that they might have about it. And also to present to you some ideas that you may wish to consider should you wish to proceed with this issue. And I had prepared a statement, so I may - it may sound like I'm reading this, because I am, so I'll just read the statement that I had prepared to you and then maybe you, Mr. Chair, you can follow with any questions that you may have.

CHAIRMAN EWAN: Okay.

MR. BOYD: Okay. In your September meeting you developed a proposal to declare the entire Kenai Peninsula rural. And if I understand the motivation behind this proposal I believe it was your intention to be to be responsive to the concerns expressed by the various publics during last summer's hearings held in several Kenai communities. While the purpose of those hearings was to hear from the public regarding the proposed Kenai Peninsula c&t determinations many people expressed dissatisfaction over the rural determination of the communities on the Peninsula.

Some of the concerns that were expressed were like all the communities, at least on the road connected portion of the Kenai are the same. The lines drawn to delineate between communities determined to be rural and non-rural are arbitrary. And a third item was that the criteria used, for instance, school bus turn around points were applied incorrectly. And then there was a theme that was heard many times that these rural determinations were pitting neighbor against neighbor.

In setting forth the proposal to make the entire Kenai Peninsula rural it was the Council's intention be submitted for further public scrutiny and involvement and was not necessarily a final Council recommendation. And if I understand it correctly it was put forward to engage the public in further dialogue on this issue. While the intention from the Council was simple enough to understand the proposal left the staff with a dilemma, first it was outside the call for

proposals for changing Subpart D and Subpart C, that is the c&t determinations that we initiated in our annual regulatory process. That meant that any decision or process to deal with the question of rural would have to follow a separate decision path.

Secondly, there had been expressions of concern by some Board members, Federal Subsistence Board members in their July 1995 deliberations on the Kenai c&t issue about the adequacy of the rural determination process itself. Thus the staff, the folks that work for me and myself, we were somewhat confused about how to proceed. We asked a couple of questions. Should we proceed with the process that reevaluated the entire rural process in Subpart B or should we just reevaluate the existing Kenai Peninsula determinations as was intended by your proposal? So in order to clear this up we needed further Board guidance and direction.

We had placed this item on the agenda in a Board work session meeting that was to take place, first in November of last year, and this meeting was preempted by the first Federal shutdown. Then we were shut down again in December for about three weeks and we finally dealt with it in a Board work session on January the 19th. The purpose of addressing your proposal in this meeting was to seek clarification from the Board regarding their intentions on whether we should be addressing this issue as a reevaluation of Subpart B or reevaluation of only the Kenai determinations in Subpart C of our regulations.

The staff felt that we needed Board guidance before we moved ahead on this issue. The question was one of process for us not of substance. And interesting the response from the Board was to do neither. Instead the Board directed that the proposal be remanded back to you, the Council, for further consideration. In so doing, the Board also indicated that they felt that it was the Council's responsibility, at least in this case, to serve as the forum for public involvement in developing a proposal to address the rural determinations on the Kenai Peninsula.

Regarding the specific proposal to make the Kenai Peninsula rural the Board questioned whether it reflected an adequate opportunity for review and comment by the residents of the Kenai Peninsula. While there were hearings in the summer of '95 and while there were comments received concerning the rural issue, the primary purpose of the hearings was to receive comments on the c&t determinations, not rural determinations. Moreover, the proposal to make the entire Kenai rural did not seem to be reflective of many of the comments that were received during those meetings. Also it was noted that there was little opportunity for public comment during your, the Council's, September meeting because the proposal came up late in the meeting when few members of the public were in attendance.

Given the general absence of public comment on this specific proposal the Board was reluctant to proceed except to send it back to the Council for reconsideration. The Board did provide direction to the staff to provide administrative and technical support to the Council if you wish to proceed on this issue. I think the first question you should ask yourselves is, do you want to proceed with obtaining public input to this issue. If you wish to proceed then I'm here to provide you with a suggestion on how to proceed and to assure you, as the Director of the lead agency staff of the Fish & Wildlife Service that we will endeavor to support you logistically, administratively, financially and any other way without power to facilitate these efforts.

As a suggestion - I have a suggestion if you wish to proceed on this issue. If you do, I suggest that we structure a process that does not start with a specific proposal but goes out with a notices, we call it a notice of intent, or something along those lines that calls for information concerning the adequacy of the existing rural determinations on the Kenai Peninsula. This would enable you, the Council, to start from a neutral position instead of specific proposal that may create controversy and may cause some confusion on the part of the public about the true purpose of what you're trying to achieve. In that notice, you can set up a comment period of, say, 60 or 90 days to receive written comments and within that period also reschedule public hearings on the Kenai and perhaps in Anchorage to hear public testimony.

In this way you can actively engage the public in a problem solving exercise rather than directing attention to a specific proposal. Based on the public commentary you may then choose whether to go forward to the Board with a proposal or recommendation or not go forward at all if you believe that's not necessary. Any recommendation can then be made with the benefit of a public involvement process that focused on the rural question without drawing attention to any potential outcome.

The Fish & Wildlife Service will support you in publishing the notice, receiving, compiling, synthesizing and analyzing public comments, setting up meetings and even facilitating meetings. However, I will say again that the Board sees this effort to serve as a forum for public involvement as the Council's role.

In conclusion I think the Board would like to urge you to rethink this proposal. The Board is sensitive to your concern about resolving these serious issues on the Kenai. At the same time the Board is concerned that any efforts to resolve these concerns be constructive and carefully planned and they offer their staff to support you.

That concludes my remarks, Mr. Chairman.

CHAIRMAN EWAN: All right. Thank you very much, Tom. Are there any questions or comments from the Council members?

Lee.

MR. BASNAR: Mr. Chairman. Good morning, Tom.

MR. BOYD: Good morning, Mr. Basnar.

MR. BASNAR: Yeah, as the maker of the motion that eventually was passed by the Council, I want to clarify my position in making the motion originally. And that was out of pure frustration, I think. I listened to all of the testimony from all of the residents from Kenai and the preponderance of the testimony indicated that, no, they didn't want to be rural and no, they didn't want to be considered subsistence users they wanted to just be considered Alaskans and everyone had equal access to the resource.

And in trying to come up with a c&t determination for the various villages and communities on the Kenai we kept running up against this rural line dividing, as a good example, Clam Gulch and Ninilchik, when, in fact, there isn't much geographical distinction between the two and the demographics are somewhat different. So I said, well, let's just wipe the slate clean and start over, I

have no objection at all, in fact, I concur with the Board in their letter to us in response to this proposal.

The only thing that I hesitate to do right now is to run the people of the Kenai Peninsula through this process again. They've testified and testified and testified. I don't think there's any doubt - I know there's no doubt in my mind and I don't think there's a lot of doubt in the other Council member's minds as to the intent of the majority of the people on the Kenai Peninsula. I just wonder if we would do anything more than increase their frustration level by another series of hearings. I don't want to preclude any hearings, I just wonder if they won't say, here we go again and they didn't listen to us in the past and, therefore, they won't listen to us this time. I'm certainly glad to listen to them again, we do have at least one member from one of the organizations on the Kenai here today and perhaps we can call upon that individual to address what I've just discussed.

Mr. Chairman, would that be appropriate at this time?

CHAIRMAN EWAN: Say that again, I wasn't paying attention.

MR. BASNAR: We could call upon Mrs. Spraker who is here today representing the Kenai Outdoor Coalition and see how she would respond to the comments I just made.

CHAIRMAN EWAN: Oh, I think that that would be appropriate if she would do that. Elaina, sure like to hear from you again about this. I was thinking about what we should do here myself, I wasn't paying attention to Lee's comments here at the end.

MS. SPRAKER: I'd be happy to. For the record, my name is Elaina Spraker and I am acting Chair of the Kenai Outdoor Coalition. Hello, Tom. Is he still with us?

MR. BOYD: Hello, Elaina.

MS. SPRAKER: I think Mr. Basnar is right on target. I do appreciate, Tom, what you're agency is trying to do as far as the public process and I'm pretty clear and I can speak on behalf of the majority of the Kenai Peninsula. We voiced our opinion about how we feel about the Federal Subsistence Program on the Kenai. There are - our community is a little bit different or a lot different than a lot of the communities around Alaska and the people on the Kenai do not want to deny anybody's customary and traditional practices, we are not against the subsistence user.

But Mr. Basnar really reiterated how we feel, we are Alaskans and for us to live peacefully down on the Kenai, the Federal Subsistence Program just doesn't fit us. So, you know, if you did go through public comment again I am really wondering if the people are going to get really frustrated. I think there was ample opportunity for them to speak and they did.

I do say this, though, it did take place in the summertime and there's a lot of people that were fishing commercially and otherwise. I think if it was - those meetings were a little bit later in the year you would have had a bigger turn out at, you know, the ones in Soldotna.

CHAIRMAN EWAN: Robert.

MR. HENRICHS: Yeah, who makes up the membership in this Kenai Outdoor Coalition?

MS. SPRAKER: We have a board of directors, we have a representative of the Alaska Bowhunters Association, one from Safari Club, two at large seats, which is myself, I represent, I guess, the Joe off the street. And Les Palmer, he is at large. Commercial fisherman, a sport guide seat and a very large snowmachining club and then I have gotten - received a lot of individual memberships from just all over the Kenai that have wanted to join that are just residents.

MR. HENRICHS: How many people total are we talking about?

MS. SPRAKER: Approximately about 2,800 people. But there are a lot of - I would also like to state, of course, as usual there are a lot of people that call and talk to me and don't give me any money that are in support of it.

MR. HENRICHS: You said if you guys want to live peacefully down there. What did you mean by that?

MS. SPRAKER: Oh, Mr. Henrichs, the riff that this has caused has been unreal. I've never seen anything like it. It has pitted neighbor against neighbor, you know, it's a real have and have not situation where basically your relation or your relative or your neighbor or your friend has privileges to the resource that you don't and you've got to understand that the Kenai Peninsula, the resource down there is pretty sacred to us. We use it and we take care of it and it's our blood line, it's our life line and that's being threatened right now. Really the irony of it all is we're all in the same boat. You know, we're all trying, no matter what area you're moving in, whether it be Mentasta or Cantwell, we're trying to preserve those customs and traditions.

You know, again, I think through much of the testimony people in Soldotna and Kenai have depended on wild game, like myself, and I'm trying to pass to on to my kids. And because of my skin color and my zip code that is being threatened and there's a good possibility that's going to be taken away from me. And it angers me. And I think if you were walking my shoes you'd be angered too about it, I know you would.

This doesn't have to be a win/lose situation, this can be a win/win situation, but it just appears that it is a win/lose situation. And we need to figure out as community, which I feel you guys take a good step in saying that, you know, the Kenai Peninsula, the communities are the same and we really appreciated that, that was a positive step. Now we got to figure out how to work it out.

CHAIRMAN EWAN: I just want to say, Elaina, I think we talked about this when you spoke at our last meeting. That is, I am very concerned about those people that grew up on the Kenai Peninsula that had met the criteria, you know, for subsistence preference if we do get down to low numbers. I would hate deny them that opportunity, those people that, you know, whose ancestors grew up there and had real direct - I guess, direct dependents, customary and direct dependents on the fish and wildlife there. Those are the ones that I have concern about and I believe I said that last time. And I still have that same concern that I would really have real concern about doing away with their rights.

MS. SPRAKER: Roy, I think the thing that's being missed though is that those people that you're talking about are being excluded. The people and the history of the Kenai come right into the Kenai, the Kenaitze Indian. I've read a lot of

history in this last year of the Kenai and I certainly learned a lot and it's real ironic that those people are going to be excluded. They do have their educational fishery and they just were granted an educational moose hunt and I think - you know, again, the community really supports that and is very proud to have that part of the Kenai heritage.

But under again this - it clearly shows the Federal Subsistence Program, you know, the people in which you have just talked about, they're being excluded. You know, the Kenai was disbursement and there might have been some of those people that, you know, are talking about that have moved to another, you know, down the road 20 or 30 miles and if they're not really designated they're excluded to. And I think you need to treat us the same.

MR. ROMIG: You say, Elaina, that the communities now accept these educational fishery, now this educational hunt?

MS. SPRAKER: Um-hum. (Affirmative)

MR. ROMIG: And how about your Outdoor Coalition?

MS. SPRAKER: Yes.

MR. ROMIG: It didn't seem like the case when they first came out with the educational fishery.

MS. SPRAKER: No, unh-unh.

MR. ROMIG: So as a result of this Federal program wouldn't you say that it's made it a little bit easier for the State to work on some of those other things such as that?

MS. SPRAKER: You know, how I assess that? And Jim Showalter and I were talking about this and we kind of chuckled about it. It's like we're humans. Anything new, we're resistant to change and people, some of the people, and mainly - and I hate to pick on these guys, but I'm going to here. The sport guys were real up in arms about it, they pictured this net being strewn across the river and, you know, their industry was going to go down the toilet and as time went on and as things healed you never hear anything about it and really it made them eat their words, in a sense. You know, it really actually made the community step back and look at things a little different, that we do have to share and recognize each other's needs.

You know, it just the same thing with this allocation fight with the commercial and sport fishermen, you know. Our community right now is really going through some changes and it's busting at the seams. And we're all trying to cope with these changes also.

MR. ROMIG: The sentiment I kind of got from, for instance, the Ninilchik moose hunt was there was a lot of racism there associated with it.

MS. SPRAKER: Um-hum.

MR. ROMIG: And, you know, now you're saying the community is kind of backing this educational hunt yet, you know, when I saw that go into effect last year I saw a lot of real hostility over that and that was pretty much the same issue, wasn't it?

MS. SPRAKER: No. And let me tell you the big difference. Kenaitze are not trying to eliminate everybody else on the Kenai and that's where the resentment is really coming from. I felt with the Kenaitze Indians they want to practice, the respect other people's uses and I apologize, I feel like I'm speaking for them here, but this is - again, this is just the sentiment from the community where the Ninilchik Traditional Council had a different approach. We came how close to getting our moose season shut down.

Ninilchik people view is a little bit different because the community of Ninilchik stood up, heard the petition, on that petition there were relatives that signed that - that of the Traditional Ninilchik Council that were - objected to it. So that's the big difference there, was it was a perception of eliminating and you don't count type of thing and we do.

MR. ROMIG: You know I really believe that the indigenous people, you know, really have the roots, you know, to the traditions and stuff. But I don't know that the position this Outdoor Coalition is taking on it - really, it's kind of drawn an arbitrary line on the Kenai Peninsula and saying we don't need it on the Kenai but, you know, you can have it everywhere else. So, you know, I'm kind of lost for, you know, where to go and, you know, how do you take care of the people in Ninilchik and in Kenai and stuff and still say

MS. SPRAKER: I think one thing, Ben, that was really reiterated by the community, there's not a shortage of the resource. There's plenty of moose out there, there's ample opportunity to go hunt and that came time and time again. You know, there's many people testified that, you know, that right now we have plenty of fish, plenty of moose and if you wish to live off the wild resource the community in its entirety can do it. And as for the rest of the state, you know, the Coalition is centered on the Kenai because I think it would be a little bold of me to go into a different area and go, I know what what's best for you. Or put our thoughts onto a different area. I don't feel that's right. I know nothing about Cantwell and Mentasta.

MR. ROMIG: I guess I'm more concerned like a precedence setting. In other words, couldn't you essentially start something on the Kenai and just work it north. You're primarily concerned with the Kenai right now, but essentially it's kind of setting a precedence. I think by just saying none, it's arbitrary, you know, it's - you want to include Port Graham and Nanwalek and everything, but you're leaving out Seldovia and some other villages out there. You know, personally I just think that's arbitrary and the precedent might go throughout the state.

MS. SPRAKER: You mean the Coalition going out?

MR. ROMIG: Right.

MS. SPRAKER: We don't have the resources to do that. I do tell you one thing, we are working real diligent with the Lt. Governor. As a matter of fact she's going to be paying us a visit here on the Kenai with the quiet diplomacy. You know, again, this Coalition is made up of community members, you know, I was taking care of kids here 10 months ago and, you know, I'm maxed out and to spread this through the state I'd need a couple of clones to do that.

I don't think my husband would appreciate it either. It's been really time consuming. I'm in this because I look at these children I'm trying to raise and it's scary what we're leaving them her for the future.

CHAIRMAN EWAN: Lee.

MR. BASNAR: Mr. Chairman, just to move this along, I'd like to ask Elaina, as Tom Boyd has suggested, the Board will back us financially in any administrative needs we need. Do you think that we, as a Council, should go back onto the Kenai and conduct a series of public hearings focused on just the rural versus non-rural issue or do you think it would be a waste of time and tax payer's money?

MS. SPRAKER: Boy, that's like looking into a crystal ball. I see two things. One, I think the important thing if you did it would give the perception to the people - I've heard time and time again that this Council doesn't listen to them. And perhaps, like Tom had said, it would put you on a neutral ground and it would give the impression to the Council that you are listening to the people of the Kenai.

But if I was horse betting here and I'd put my bets on it, I believe you would come up with the same answers. I could be wrong about it, but it might a good step, you know, to do that.

MR. BASNAR: What time of year would be best for those people?

MS. SPRAKER: I think October. Your commercial seasons nets are up. People are real busy in September, we call it harvest time down there, you know, harvesting time to fill our freezers for the winter, get ready for the winter. October things seem to slow down a little bit.

MR. BASNAR: Thank you.

CHAIRMAN EWAN: Ralph.

MR. LOHSE: Elaina, do you feel that - you know, we listen to testimony last time, we heard a lot of testimony that people didn't want to be classified as rural. And we heard that from people who were in areas that were classified as rural on the Kenai Peninsula. We heard it even from people in Ninilchik and other places, that they didn't want to be classified as rural mostly because they didn't want to be classified any different than their neighbors for - if they would have had their choice, let's say, I want my neighbor to be classified as rural, too, or have the same classification as I have, do you feel that they would have asked - instead of saying I don't want to be classified as rural, would they - if they thought that would have been an option, would they have said, I'd rather my neighbor have the same classification as I did?

I mean, basically, what I heard when they didn't want to be classified as rural is they said, I'm no different than the guy that's on the other side of the school bus turn around, why should I have access to something he doesn't? Do they feel that - would they see any problem with them being classified the same if they were classified different than the urban centers in Anchorage, for example? I mean, to me I look at the Kenai and I look at Anchorage and I look at the fact that you have a very urban population that comes down and uses the resources on the Kenai, which when I went through the Kenai, the Kenai looked very rural to me. And the influx comes from a major urban center. Do you have the feeling that the people on the Kenai would prefer to either be classed all as non-rural or all as rural, rather than have neighbor against neighbor by an arbitrary line on the map?

MS. SPRAKER: Exactly, um-hum, right. And, you know, here's the other piece of the puzzle, let me throw this in, too. Even - let me throw out a scenario

here. Let's say that we all go rural, you have approximately 3,500 local hunters that hunt moose. In a good year you have a harvestable surplus of 600 moose, who's going to pick and choose who's going to get to hunt those moose. My neighbor, Sweppy (ph), who's been there before dirt, I'm going to watch him hunt, where I've grown up here most all my life, but I moved to the Kenai 10 years ago and it would be real debatable whether I'd get to hunt or not. That's the problem that you're going to run into, you know, in my assessment of it, having the entire Kenai Peninsula go rural.

And then when it gets into the river and the fish, you then have 45,000 rural designated subsistence fishermen. And before you can restrict them you have to eliminate our sport and commercial fishing industry, there's going to be tumbleweed going through the Y. See, and these are things I think some people have thought about. You know, again, we are a cash based economy and people are using that to feed their families. And then the people that aren't, like myself, are putting meat on the table because it's something that we've always done.

So you've got all these different components and it makes it very, very difficult, you know, I - you guys have got a really tough job.

MR. LOHSE: Well, then out of that, would you say that they would prefer everybody to be classed as non-rural rather than everybody be classed as rural? I mean, then that brings up the problem. I read this letter from the Kenaitze Indian Tribe down there and their lawyer's opinion and they have the feeling that the people on the Kenai Peninsula lead a rural lifestyle by any way shape or form. I mean by any definition, the more urban part of the Kenai if you put it up against an urban area someplace else is still rural.

MS. SPRAKER: Um-hum.

MR. LOHSE: I mean, you take the most urban part of the Kenai and put it in Anchorage, which is not a major urban center of the United States, but put it in there and in comparison to Anchorage it's rural.

MS. SPRAKER: Right. And I agree with what you're saying, I mean, that's why we live down there, I don't want to be like Anchorage, you know. It's a great little community, however, you know, the big obstacle is going to come up of those cash based activities, such as sport fishing and commercial fishing, again that people are dependent on to feed their families. That's what's going to rough, I mean, you've got 45,000 people, you know, this isn't a small village somewhere, this is a lot of people.

MR. LOHSE: There's 45,000 people on the Kenai?

MS. SPRAKER: Um-hum, approximately, yes.

CHAIRMAN EWAN: Lee.

MR. BASNAR: Yes, Mr. Chairman, I think that this issue is very complex and we as Council members have - we carry the public trust with us when we accept appointment to this type of a position. And I want to do my best to set aside any prejudices that I might have, any preconceived conceptions of the thing. I'd like to set that aside, I'd like each one of us to try to be able to do that, go back to Kenai and go back to the people and let them tell us in public forum what they suggest we do. Let them help us solve this problem. And if they can't help us do that, if it still is contentious then I don't see how we

can really succeed either. But I think we owe it to all of the residents of the Kenai, the Natives, the non-natives and the new comers as well as the old timers to in a public forum let them help us solve this problem.

So I would propose that Tom and his staff set up a series of meetings, I guess October seems to be the best time, according to Elaina, and that we at least, the majority of us as Council members, that can get away to go down there to listen to everybody one more time and see if we can march forward to resolve this issue because it does seem to me to be a perception of unfairness here. And that's the best that I can suggest at this point to move this thing, hopefully, forward. That's not a motion, but it's a comment for consideration of other Council members. If you want a motion I can make one.

CHAIRMAN EWAN: Anybody else got any questions or comments?

MR. OSKOLKOFF: I do.

CHAIRMAN EWAN: Gary.

MR. OSKOLKOFF: I've got a few questions. I don't know should we let Tom get off the phone now or do we have more questions for him?

MR. BRELSFORD: I think we should verify that he's still able to hear all of the discussion.

MR. OSKOLKOFF: Tom, are you with us?

MR. BOYD: Yes, I'm still with you. I'm very interested in listening to what the deliberations.

CHAIRMAN EWAN: You're welcome to hang on, Tom. Go ahead, Gary.

MR. OSKOLKOFF: Mrs. Spraker, with regard to your membership, you mentioned that you had, how many members?

MS. SPRAKER: Approximately about 2,800.

MR. OSKOLKOFF: Twenty-eight hundred?

MS. SPRAKER: Um-hum. (Affirmative)

MR. OSKOLKOFF: Out of 45,000 people on the Kenai Peninsula?

MS. SPRAKER: Well, Gary, you know, it's like any organization, again, and let me make this point. People are in support of you, but to give the \$15.00 membership or donation that's pretty human for them not to actually come out and write you a check.

MR. OSKOLKOFF: I appreciate that.

MS. SPRAKER: Right.

MR. OSKOLKOFF: With regard to those 2,800 people, how many of those people would you say have an economic interest in the fish and game on the Kenai Peninsula?

MR. SPRAKER: Well, you have UCIEDA.

MR. OSKOLKOFF: Could you tell me approximately how many of the 2,800 members are (indiscernible - simultaneous speech)

MR. SPRAKER: Well, I'd have to do the math and figure it out, I'd have to get the

MR. OSKOLKOFF: Just roughly, if you can. I don't want you to just speculate. Feel free, you can give us, perhaps, the figures later. I'm just trying to get a handle at how many people have a vested interest in the dollars that are generated from the fish and game.

MR. SPRAKER: You know what, Gary, let me say this. If you were to put a borough wide ballot, I bet you, of people whether they have interest or not, put money on it, that it would come out the vast majority that are against the way, right now, the Federal Subsistence Program is being implemented on the Kenai.

MR. OSKOLKOFF: Well, I'm not a betting kind of guy and I don't think that's probably the best way to resolve this issue, nor do I believe that sometime collectively we - just because we have an opinion one way or another we make the - perhaps, the correct legal and sometimes even the moral choice in these things. What I'm trying to discern is that there is a very vocal group on the Kenai Peninsula of which you are a member and I'm trying to get a handle on exactly who these people are. Could you tell me - once again you read a list earlier of the groups which are members of your Coalition?

MR. SPRAKER: Would you like me to repeat that?

MR. OSKOLKOFF: Please, if you would.

MR. SPRAKER: UCIEDA, those are the commercial fishermen; the Kenai River Guides; Caribou Hills Cabin Hoppers, that's the snowmachine club; Alaskan Bowhunters; Safari Club; and two at large, which is myself and Les Palmer. So off the top of my head the only two groups that economically benefit from this are the sport fishermen and the commercial fishermen, the rest don't.

MR. OSKOLKOFF: Les Palmer, he's a

MS. SPRAKER: Freelance writer.

MR. OSKOLKOFF: And he publishes a column with regard to sports hunting and fishing on the Kenai Peninsula primarily?

MS. SPRAKER: Hunting and fishing, I wouldn't specifically go sport. He writes about many, many things. He's been writing a lot about subsistence lately.

MR. OSKOLKOFF: I've noticed that.

CHAIRMAN EWAN: Lee.

MR. BASNAR: Yeah, Elaina, you represent just this group and I understand that.

MS. SPRAKER: Um-hum.

MR. BASNAR: But there are many, many other people. I think where Gary is coming from there are many, many other people on the Kenai that don't belong to your group. Do they have a different group that they represent or are they just

people out there living their normal lives. How do we get ahold of those people and get their opinions, short of conducting hearings on the Kenai, do you have any suggestions?

MS. SPRAKER: Conducting hearings on the Kenai - you know, a lot of the people that testified didn't belong to the Coalition, you know. Or I should say were paid membership to the Coalition.

MR. BASNAR: I don't understand what you just said.

MS. SPRAKER: The meetings that were conducted in Anchor Point, the ones last summer, the majority of those people - let me think about that for a minute. Yeah, were not paid membership of the Coalition.

MR. BASNAR: Okay.

MR. OSKOLKOFF: Mr. Chairman. Are you saying that they're not individual paying members or that they don't belong to one of the groups which belong to the Coalition?

MS. SPRAKER: Individual paying members. You know, I'm trying to think about that, because I'm trying to think in my head all the people that testified and that's probably a little bit impossible statement, you know, I'd have to go through the list and see, because there could be a person there that didn't give me individual membership.

MR. OSKOLKOFF: Just one more question or maybe a couple, depending on the answer. It seems to me that you got amongst these members that you have some rather well organized groups, thinking of particularly USIEDA and the Kenai Guides, in particular, that, in fact, spend a reasonable amount of money lobbying and expenses in protecting their own industries. Would that be an accurate statement?

MS. SPRAKER: Gary, I think right now USIEDA is fighting Bob Penny and sport fishing is fighting USIEDA. And that's where their energies are really going into. To say that - yes, USIEDA is - I wouldn't say very well funded, but they're organized. Sport guides a little less.

MR. OSKOLKOFF: When I read the newspapers I have consistently seen a discussion going on between those organizations and other organizations over allocations of fish and whatnot. They seem to be in the paper quite frequently, they have spokespeople, they have organized meetings, they're constantly referring to various meeting that they had. It seems to me that they're pretty well organized, that they know what they're doing and know how to get their message out. Have they been assisting - or they lent their machinery, if you will, organization and copying and distribution and, perhaps, articles within their own newspapers and whatnot to the Coalition?

MS. SPRAKER: Very little, very little. I tell you who's - the - my resource when I want to get information out, as I call it, the Charlie Daniels of the world, he's a community member. I'm thinking of some off the top of my head. When I need help I can call them up. Those board of directors are basically for decision making. Again, we've been - our time is a lot of times being spent with Julia Mason, Fran Ulmer and the quite diplomacy. But to give this group the perception that I'm over at USIEDA's using their copy machine and their mailing list all the time is absolutely false. I use my own computer. I am

very skilled in desk top publishing and basically I've worked my butt off this last year.

MR. OSKOLKOFF: I can appreciate that. One more question. The Safari Club, is that a chapter of the Safari Club International?

MS. SPRAKER: Correct. The local Safari Club, and I'm going to get one step ahead of you because, Gary, I think I know where you're going with this. The Safari Club International is the hunting group, the little organized hunting group there on the Kenai, it must be noted that the Safari Club has put - raised thousands of dollars, not thousands and thousands, but have given money to wildlife conservation programs to do studies to benefit wildlife conservation.

Well, I don't want to put words in your mouth, I just don't want to give anybody the perception that they're these big trophy hunters, they're not. Last week they gave a clinic on trapping. And I really appreciate the work that they've done with the community for the resource.

CHAIRMAN EWAN: Where are the people that like to live off the land, subsists, where are those groups, are they members of your group, too?

MS. SPRAKER: Roy, if

CHAIRMAN EWAN: Are they represented? Those that want to live off the land? Want to continue a lifestyle that they've lived for years and their fathers lived?

MS. SPRAKER: Let me - the true subsistence hunter, no, 'cause the thing that was really, again, reiterated in these - we have a fine line and a lot of gray areas here. Again I think it was testified in public testimony that this community has evolved out of subsistence hunting. If you look into the history, yes, in the 1940s the village of Kenai and you look at the history of the Kenaitze Indians, those were true subsistence hunters.

I was told a story by an old time family member of the Kenai who has been there for a long, long time and he told me that how him and his father used to go out for 100 bucks a pop and shoot moose for the village chief. And it was reflective of - hey, if it was easier, you know, to do that then that's what they did. And because of that it grew up into a cash based economy and some of those subsistence practices were lost out of, you know, technology coming in and that was a choice that they made, it wasn't forced upon them. You know, and again this was a story that was told to me, I wasn't there.

CHAIRMAN EWAN: Okay. Any other comments or questions of Elaina? Is there anybody else that wants to testify or talk about this issue in the audience?

MR. JOHN: I have a question.

CHAIRMAN EWAN: Yeah.

MR. JOHN: Are the (indiscernible) Kenai again?

MS. SPRAKER: Pardon me?

MR. JOHN: I said, is there another big fight in Kenai again?

MS. SPRAKER: I hope not.

MR. JOHN: That's all.

MS. SPRAKER: You know, again, we would definitely welcome this Council down to the Kenai and

CHAIRMAN EWAN: Well, I think we have a decision to make for your information.

MS. SPRAKER: Yeah.

CHAIRMAN EWAN: Either to pursue this further or to leave things as they are right now, which is what you people were kind of arguing against, right, last summer in the hearings - I mean, public meetings that were held?

MS. SPRAKER: Roy, we were arguing about a lot of things.

CHAIRMAN EWAN: Yeah, about c&t determination for the communities on the Kenai Peninsula. I guess

MR. ROMIG: Let's say we did have meetings in October, do you think we would be perceived the same way the other meetings were perceived? In other words, you know, there was a real negative atmosphere going into it, do you see any kind of a resolution going into this one or do you see - is your purpose of your committee just to bring out the negative or is it actually

MS. SPRAKER: No. No, not at all. And I think that's something that really this Council and perhaps someone like me, you know, before these meetings that it needs to be very clear, it needs to be understood the reasons why you guys are coming down there and I will do my best to reiterate to the community that this Council does want to listen to them, they do want to go through the public process. If sometimes, Ben, you know, there are people that seem negative, they're scared. That's human.

MR. ROMIG: Yeah, but I'm referring more to some particular articles and such that were in the paper that pretty much led everybody to believe that, you know, we were there to take things away, we weren't there to listen. You know, I hate to have that - I hate to go into another set of meetings with that, you know, because it's emotionally draining on both sides and I don't really is constructive.

MS. SPRAKER: Oh, yeah.

CHAIRMAN EWAN: Fred.

MR. JOHN: I just want to say I'm kind of little bit nervous about to the Kenai myself. When I was down there the testimony, as a Native American, I was really kind of hurt by a lot of the testimony there. And as far, you know, I know about Native American, I don't think they'd try to take anything way. And we went down there - but all through the meeting there it was so much negativism about the true subsistence hunters, you know, and it's kind of hard for me to go down there. I'd like to go down there knowing that, you know, that we're down there to listen, not sit down there and try to pit one neighbor against the other.

MR. SPRAKER: Right.

MR. JOHN: We're under mandate here, law, Federal government and we're trying to be as reasonable and, you know, sure make the Kenai - I don't know really what to do down there.

MS. SPRAKER: I know, I know. Fred, let me say this, too. I think and I know - I personally sat in meetings too and felt the same emotions. I'm a no good low life sport hunter, you know how many times I've heard that? I'm classified, I'm wasteful. I had somebody come up to me in the Anchorage meeting and tell me how great everything was before the white man came along. You know, it's both sides and as a mother that scares me. I didn't grow up like that and I really believe the majority of the people on the Kenai Peninsula, I don't care what color of skin, if it's purple or what, we judge a person by their actions and their character and I can say that pretty honestly. I mean, I have American Native blood running through me, you know.

CHAIRMAN EWAN: I guess that Fred is referring to those racist remarks we've heard.

MS. SPRAKER: I think they've been made on both sides.

MR. JOHN: I got another one. I've seen some people from Kenai come in there during the regular meeting and I was observing during the testimony and everything there. They sneaked back out one at a time, I mean, it seems like the Native people down there don't even want to testify in a mist of, you know, this kind of thing going on. And I don't like that, I don't think it should be that way down there.

MS. SPRAKER: I know one member of the Kenaitze Indian Tribe was active in passing out flyers against Federal Subsistence.

CHAIRMAN EWAN: All right. Taylor wanted to say something, I guess.

MR. BRELSFORD: Mr. Chairman, thank you. I wanted to raise a point back in response to Lee and Ben having to do with the structure of the meetings. If the Council elects to proceed with this, the structure of these meetings, the way they would be organized and publicized would be quite different. There would not be a proposed rule on the table, a course of action already set in advance, it would be a ground work laying, building from the bottom up process. And the meetings, rather than organized as hearings where public comments are solicited in reaction to a proposed rule already on the table, instead it would be a workshop format in which opinions and views and information would be shared much more freely. So I think there are some tools of public involvement that we would use differently if you were to go in this direction, they would be quite different in approach than the structure of the meetings last summer.

CHAIRMAN EWAN: I think one of the things we got to remember, I think it was mentioned at the last meeting. Regardless this action takes effect or not, I think for the rural or was it non-rural area to become rural or vice versa, there has to be a five year time or something like that; is that correct?

MR. BRELSFORD: That's correct. The Federal regulations provide that if a community grows in size there would be a delay before it loses rural status, a delay period of five years. And, broadly, the idea of that was that if there was some temporary situation the establishment of a resource camp, for example, that raised the population high, but for a very short time, that allowing a little bit of a delay in implementation would take into account temporary

changes in the population. So the way the regulations read is a determination shifting from rural to non-rural requires the five year delay.

CHAIRMAN EWAN: Are we done with Elaina?

MR. BASNAR: Mr. Chairman, I move this Council conduct a series of workshops on the Kenai Peninsula in October of '96 in order to gain input from the local - all local people, to help us determine the rural/non-rural status on the Kenai.

CHAIRMAN EWAN: Is there a second? I don't hear a second. The motion dies for lack of second, I guess, there's no second to the motion.

MR. BASNAR: Can we take a break?

CHAIRMAN EWAN: I just want to know if we're done with Elaina up here so we can

MR. LOHSE: I've got one more question I'd like to ask her if you don't mind. I'm just trying to figure out something. Basically with our idea, at least it was my idea anyhow, my way of thinking, that by making the Kenai entirely rural those people who have in the past taken part in subsistence would be capable of taking part in the future. If you made the whole Kenai non-rural and basically did away with subsistence in doing that, how would you protect the rights of those who customarily and traditionally did make use of subsistence? I mean, you can't ask people who are just catching their fish with a drift net to all decide to go to a rod and reel. I mean, just because it doesn't work that way. So how, if you took away all rural status, how then do you deal with the subsistence qualifications of individuals and individual groups on the Kenai?

I mean, I can understand how it can be handled if the whole Kenai is rural and everybody has access then the basically what you're saying is neighbor is equal to neighbor. And yet we're recognizing the fact that this fish and this game is in the back yard of these people, these people have the direct dependence on it as opposed to somebody who comes from someplace else and does it for recreational purposes. It doesn't mean that the people that are making use of it locally and depend on it aren't getting recreational value out of it, too.

I think of what we have here and I think of the number of people who depend on deer meat in the area and it really doesn't matter whether they're Native or non-native when they depend on the deer meat. Even while they go out and get it there is a cultural and recreational value to going out and getting it. But it's totally different, it's in your back yard, it's what feeds the local area as opposed to what somebody else comes in for. And I can't figure out how, if you did away with all the rural status on the Kenai that then you can protect the rights of those who should have them.

MS. SPRAKER: Two answers. Again, first, I think that the groups again, like the Kenaitze Indians are using their educational moose hunt permits and their educational fisheries. Number two is, the majority of the hunters on the Kenai are local people, there is not a shortage of resource. That's how you carry on your customs and traditions, not having privy to it, not eliminating everybody else. I've been able to carry on my customs and traditions without standing up and saying, hey, you know, I want a specific season, I want to hunt more than my neighbor, and that's my answer to that.

You know, and from what I read of ANILCA, and I admit I don't understand it completely, is that ANILCA - if you read the legislative history the intent was

to protect those true subsistence needs. It is felt by many people on the Kenai Peninsula again the people on the Kenai, on the road connected, grew up out of a subsistence way of lifestyle. And that is not at all to try to discredit or diminish their cultural needs. Again, you know, you got a real balancing act.

MR. LOHSE: I was thinking more in the line of methods and means, I wasn't thinking of time. I was thinking more on the order of methods and means. I know and from talking and everything else that there are people down there that prefer to put their net out and catch their fish that way rather than catch their fish with a rod and reel, they are people who prefer to dip their fish rather than catch the fish with a rod and reel. We look at it here on the Copper River and there are people who prefer to take their fish with fish wheel, that's a customary and traditional way that they grew up taking their fish.

MS. SPRAKER: Um-hum.

MR. LOHSE: Unless you have some kind of status under which they can continue to do those activities, if you put them all in an urban status then those activities, under our current laws, anyhow, are prohibited for urban users.

MS. SPRAKER: See, now, I guess that I have a different opinion of that. Let's take fish, for instance, we have our personal use fishery, you can string a net, catch your fish. You can dip them, you can catch them rod and reel.

MR. LOHSE: Um-hum.

MS. SPRAKER: With moose you've got a 30 day season to go out and hunt moose. I'm - I mean

CHAIRMAN EWAN: What's so terrible about that, if you have - for those that really need it, the subsistence users have a 30 day special hunt?

MS. SPRAKER: Well, Roy, I'll tell you the problem with it, it's because it's not justified. That's the problem with it. Again, many people feel that the Ninilchik Traditional Council what they're asking for is out of line. You've got members of that family that have disbursed throughout the Kenai and to give one special group, you know, a privilege that the rest of them - you know, the rest of their relatives, their neighbors don't have it angers people. I mean, you think about it if that were to happen in your, you know, in your area.

You know, one thing that I think might help is look into the history of Ninilchik. I mean, it might, and, you know, there's some good information there.

CHAIRMAN EWAN: Okay. Any other comments or questions of Elaina, so we can - Gary.

MR. OSKOLKOFF: Just a comment. We seem to have a difference of opinion between Ms. Spraker and some of the information that I've been given with regard to the number of moose and availability. On one hand you made the comment that there are enough moose out there or enough opportunity and enough moose for everyone if you want to live that lifestyle you're perfectly able to do so under the existing sport hunting, if you will, regulations. And, in fact, we've had testimony to that fact.

At the same time we have reports in our books here and have been receiving reports for quite a while from area biologists and others who say that the moose

population is now in a decline, it's been declining for a few years and that it's going to continue to do so, that the number of hunters are increasing on a regular basis, that although they've been somewhat curtailed by changing from any bull to spike-fork, 50, that that number will, indeed, increase. And at a certain time the likelihood of harvesting a moose, even though you have a ticket is going to decrease also.

How do you justify those two positions which are both arguments for no subsistence?

MS. SPRAKER: First of all, Gary, just because the moose is declining doesn't mean the moose population is not healthy. I think if you look at our area compared to the rest of Alaska, we have an incredible amount of moose on the Kenai. And if you also look at the data you'd see that spike-fork, 50, has not only increased the moose population, it's also added poundage to the moose. It's made the moose population more of a flat line type of management tool where you're not going up like this, up and down, up and down, up and down. And it's giving a great amount of opportunity for the residents of the Kenai to hunt. And as far as, you know, the increase in hunters, you know, as a community Kenai Peninsula, you and I, as residents have got figure out what where going to do because we are growing. But to eliminate each other is not the way to do it. Or to say, you know, I deserve this and you don't to your neighbor is not the way to do it.

CHAIRMAN EWAN: I would like to try to move this along. If there's no more questions for Elaina I would like to let her go.

MS. SPRAKER: Thanks.

CHAIRMAN EWAN: Tom, you heard the motion from Lee Basnar that we have workshops on the Kenai Peninsula and there was no second so that motion died, so I guess we're just going to have to deliberate some more, but I would like to take a break at this time, that's why I wanted attention.

MR. BOYD: Okay. Well, thank you, Mr. Chair, for allowing to participate in your meeting. I'll just say very quickly that I understand the complexity and the difficulty of this issue for the Council and I commend you for your patience and endurance in dealing with these issues. And thank you again for letting me speak to you today.

MR. BRELSFORD: Mr. Chairman, if you'd like, we could reestablish the phone link too.

CHAIRMAN EWAN: Yeah, we could do that again after we take a break.

MR. BOYD: Sure, that sounds good.

CHAIRMAN EWAN: All right. We'll take a 10 minute break.

(Off record)

(On record)

CHAIRMAN EWAN: I'll call the meeting back to order. We're still on this Kenai Peninsula rural business. You going to call up Tom again?

MR. BRELSFORD: Tom's back on line, Mr. Chairman.

CHAIRMAN EWAN: Okay. Hi, Tom, you with us?

MR. BOYD: Yes, I am, Mr. Chair.

CHAIRMAN EWAN: All right, we're just going to go continue these discussions. Lee, do you have a

MR. BASNAR: Yeah, Mr. Chairman, Helga made a couple of comments to me during the break, I'd like to ask her to come up and put those comments on the record, concerning the Board's comments to the public on the Kenai during the hearings last summer.

MS. EAKON: Yes, Mr. Chair. At the seven public meetings on the Kenai Peninsula and the one in Anchorage the Chair of the Federal Subsistence Board, Mitch Demientieff, instructed the public testifying not to address the rural/non-rural determination issue. He asked them to concentrate on the c&t determinations that were set forth. I just wanted to make sure that everyone knew this, that some people may have been discouraged about taking about rural/non-rural. Okay?

CHAIRMAN EWAN: Okay. What does the Council want to do on this issue here? We've heard from the Kenai Peninsula group again, Elaina represents. We had a motion that died for lack of second. Ben, did you have a comment?

MR. ROMIG: Yeah, Mr. Chairman. I'd like to revisit Lee's motion. I don't know how to do that parliamentary wise and possibly instead of October, make it January for the meetings.

CHAIRMAN EWAN: I think it would be proper to make that same motion, isn't it?

MR. OSKOLKOFF: It's a different motion so it's in order.

CHAIRMAN EWAN: Bob, did you have a comment?

MR. WILLIS: Rob Willis, Fish & Wildlife Service, I just set straight up right there when Ben said January because that's right in the middle of our analysis period for proposals for the coming year and while we can certainly try to accommodate a series of meetings at that time, it would really quadruple our workload to try to do it at that time, whereas, October, you know, we're just getting into the public submission of proposals at that time, October, no later than early November, would be most beneficial to us, but again, if they Council thinks they want to do it at that time we'll do our best to accommodate them.

CHAIRMAN EWAN: Thank you. Yeah.

MR. OSKOLKOFF: Mr. Chairman, in that line also, I don't think October is a good month either. If we have to delay it, I would think February is, perhaps, more appropriate time. I'm just looking at the activity. The activity on the Kenai Peninsula with most people doesn't slow down and you're winding down, hopefully, around Thanksgiving with any luck and hopefully the first snowfall hasn't hindered you too much or maybe it's helped you gather your wood or whatnot, but I really feel that the lull that we can sit down and discuss with one another is probably more in the winter or certainly not October if we want to do such a thing.

CHAIRMAN EWAN: All right, so - Ralph, go ahead.

MR. LOHSE: Mr. Chairman, I'd like to go along with what Gary said, you know, just from the standpoint of those of us that either use or make our living off of wildlife resources. Fall is harvest season and that's when the people that we want to talk to are most involved in doing it, that's when we're most involved in doing it. I'd like - if we're going to do something like this I would like to find sometime in the winter, early spring, before things start coming on line, something like that, that we could do it.

There's another reason, too. I know in Cordova we always consider those that are here in the middle of the winter as the people that really live here, for lack of a better way of putting it, you know. There's a lot of people that can still be around in October that don't spend their year in Cordova or on the Kenai Peninsula or someplace else. I'm with Gary, if we're going to do it, I'd like to do it when people that are living there all year are there.

CHAIRMAN EWAN: Could I say this for Ben's benefit and that is, I'm not a parliamentarian either, but I think there was no motion because there was no second to it, so you can make the same motion again, if you have a second for that. Just for your information.

Go ahead, Lee.

MR. BASNAR: I was just going to say, if the opposition to the motion dealt with the month of October, you know, we can easily change that, no problem at all. I don't care what month we do, I just based my suggestion on Elaina's comments.

CHAIRMAN EWAN: Fred.

MR. JOHN: Myself, I think we should wait for another year.

CHAIRMAN EWAN: Not do anything?

MR. JOHN: Yeah, not do anything. I really am just - let everybody think it over and cool off and get our line back and start from the beginning again. I think it's a pretty controversial issue and I think we really need to sit and look at the Kenai. I guess on this last minute position we make, we go shot down every darn time, we tried it by the Board, and then I really don't see them give us any directions right now, so I think we should just hold off.

CHAIRMAN EWAN: Lee.

MR. BASNAR: Mr. Chairman, I can't agree. I feel that the issue won't go away, I'm not going to spend the next 365 days thinking about the Kenai Peninsula. It's not going to improve the situation, it's still there. I would like to hear from - we have a member from the Kenaitze Tribe here, if he would like to speak, I'd like to get his opinion on whether or not our suggestion is in order to conduct any hearings down there.

MR. SHOWALTER: My name is James Showalter, Kenaitze Indian Tribe. Yes, I guess on the hearings down there it would be fine and hopefully it will be heard evenly from both sides. And, like you indicated, probably after the first of the year would be the most convenient for, I'm sure, everybody due to the fact, as you indicated earlier, the hunting and winding down of their fall activities.

I don't know if it's too late now at this point, is it, for customary and traditional uses of the Kenaitzes?

CHAIRMAN EWAN: How is that again?

MR. SHOWALTER: Is it too late to give a short testimony on the

CHAIRMAN EWAN: No, I think there's no objection from the Council members, so go ahead.

MR. SHOWALTER: Okay. On the Kenaitze Tribe customary and traditional, of course, it has been going on all the - in all the past and it's been diminished throughout the years since the Kenai has been influxed with peoples. This, of course, is starting after the war with the homesteaders moving in and up to present day which the people have to change their way of life with the present living to keep up with the ways of life. And as I said in the past, it was all traditional to do our hunting and fishing, begin with in the spring of the year, do our fishing and preserve all our fish for - through the winter, for the winter months to next spring. And do our hunting in the fall time which everybody does it customary and traditional realizes, does when the weather get cool to preserve it also. All other ways to preserve are dry and salt our meats and fishes.

That's about all I have for the time being.

CHAIRMAN EWAN: Lee.

MR. BASNAR: Yes, I have one question. Would members of the Kenaitze Tribe come forth with some suggestions to help us if we went down there and sought their assistance in trying to resolve this issue?

MR. SHOWALTER: Yes, myself, I would make it a point to bring it up.

MR. BASNAR: How about other tribal members?

MR. SHOWALTER: From the Kenaitze, I say I will, all I can do is the other tribes is, you know, bring it to their attention and suggest strongly that they do attend the meetings.

MR. BASNAR: Thank you.

CHAIRMAN EWAN: James, how many members in that tribe, do you know?

MR. SHOWALTER: Yes, there's right at 1,000 members in the Kenaitze Tribe.

CHAIRMAN EWAN: Majority of them live over in Kenai Peninsula?

MR. SHOWALTER: I would have to say about 50 percent of them, yes. And based on the customary and traditional we have had our - the educational net which we have been using - oh, I can't say, maybe four years or so and we got a quota of salmon we could catch which we have really have never filled the quota. Due to, of course, weather tides and it's all volunteer to get down there and do the net and, of course, all the fish goes to the tribal members for educational and how it has been done in the past. And then this last December we got an educational hunt and we got our first moose on that educational hunt. And we're in the process of applying for some more moose on this educational hunt.

CHAIRMAN EWAN: Could you tell me just like how many moose; one or two, what?

MR. SHOWALTER: We got one so far and we're asking for 10 for educational hunt.

CHAIRMAN EWAN: You got permit to get 10?

MR. SHOWALTER: No, we don't, we're asking for it and we haven't heard any - we haven't got a reply back yet.

CHAIRMAN EWAN: How do you go about doing that? You just ask the Fish & Game Board - not Fish & Game, but the Game Board?

MR. SHOWALTER: I believe it is the Game Board, yes.

CHAIRMAN EWAN: That's not a guaranteed thing for you people, is it? It's something you have to ask for when you want to do it, right?

MR. SHOWALTER: Yes, that's true.

MR. BASNAR: Now, that's State, that's not Federal land, right?

MR. SHOWALTER: We've done our hunting that's on the Federal land, yes, which is Moose Range, I believe it is, Federal.

CHAIRMAN EWAN: Taylor, do you have a comment on that?

MR. BRELSFORD: Well, I believe in this instance the land might be either State or Federal, the permit is issued by the Alaska Department of Fish & Game, there are no Federal educational permits of that sort, yet.

CHAIRMAN EWAN: Okay. Thank you very much. Okay. What is the wish of the Council on the issue now before us? Gary.

MR. OSKOLKOFF: Mr. Chairman, I have had some difficulty in seeing the wisdom of having more meetings or hearings as they've been done. I, more or less, agree when we get to a concept of a workshop, but I think that it has to be structured, very structured, otherwise it can turn into a hearing or a - well, it can be very one-sided instead of hearing, perhaps, all the issues. Generally what - I was involved in the attempted mediation by the State of Alaska with regard to the fishing dispute for the Cook Inlet and they hired a mediation team. The mediation team attempted to bring in interested parties to make sure everyone sat at the table and generally the way they attempted to work it, unfortunately it did not work, because the positions were too far apart, is that in order to develop a document or a direction to go in at the end that you had to come to a consensus. That is, if one group decided to pull out, which was the case, that you couldn't achieve a consensus, therefore, the mediation couldn't continue essentially.

I'm wondering - although I'm enthusiastic about trying to develop a consensus, I'm somewhat skeptical with the distance that we have to travel between a few of the parties involved. That there might be a little more road there than we could possibly cover, but I'm just very concerned, I guess, to put it lightly, that we're going to spend after - what was it, seven meetings on the Kenai Peninsula? That after all these meetings we're not, perhaps, making the situation even worse by bringing the public eye once again to focus on this, where you're going to get more articles in the newspaper, more divisive letters to the editor, those kind of things are just going to be continued.

I have to agree with Fred in that - maybe we don't need a cooling off period, I don't think people are - I really don't see it as that serious of situation,

but I do believe that, perhaps, people need - more than sitting down and trying to figure it out, they need an education in exactly what the law is; what precedents we have before; what subsistence is; what it's not; what other factions are there; what other groups are interested in using the fish and game of the area? And how these all tie together because I'm - in the testimony that we received in Anchorage and on the Peninsula with regard to this matter there were a great number of inaccuracies and innuendo and frankly, more or less, sometimes gossip ruled over our right facts. And not having a complete grasp of all the facts, myself, sometimes, you know, it's not easy to bring everybody back on line.

So I just wanted to express my concern that we're, perhaps, very well intentioned by jumping right back into this, but there are a lot of other issues that we're supposed to be dealing with, certainly none more contentious than the Kenai Peninsula, but I don't know if our time is best spent on trying to resolve that one issue when the parties are still very, very far apart.

CHAIRMAN EWAN: Okay. Thank you. Ralph.

MR. LOHSE: To a certain extent I agree with Gary, but I guess I don't have the opinion that we're going to resolve it no matter what kind of meetings and everything we have. You're not going to resolve something that fast, but what you can do is you can make incremental steps towards understanding. And those incremental steps - the biggest thing that separates most people is not knowing the other person's side. And if you can at least get people to sit down in a situation where they - you know, you put some rules, certain statements, you don't make certain things aren't discussed. But we want to find out about what your fears and what your uses and what your wishes are and what your understandings are and we want you to find out about ours and we've got somebody here that's willing to listen to both sides. And when you get done with it, it's really possible that you'll never change the person that's on this far side over here, you'll never change the person that's on the far side over here, but you'll take the people in the middle and they get a greater understanding of each other.

And we may end up doing something like this and not resolve a thing. And that's one of the reasons I don't think there's any massive hurry to do it. I mean, I think next spring is adequate. But at the same time what you've got to do is if you don't bring people to talk to each other then the only thing they do is get farther apart. And I agree with you, Gary, I really think that there's some differences - there some differences in understanding, we might even be looking for the same thing, but there's some differences in understanding that are so great that you're not going to pull somebody together with a little work shop or a couple of hearings, but you can make an incremental step towards understanding. And maybe it'll be a small step, maybe it'll be a little bigger step, but if you don't do it you're not going to bring any kind of closer - any kind of understanding any closer.

So from that standpoint I would support something like this, but I would like to see it put into a time when there was no hassle, there was no real pending issue that was facing everybody right at that time, you know, like a moose hunt that's stirred things up or something like that. And we look at it as an educational process and realize that we may not come out with a solution, we may not come out with a product.

CHAIRMAN EWAN: Yeah, Lee.

MR. BASNAR: Mr. Chairman, I agree with both positions over there, I think, you know, there's a hell of a lot to look at here. I really think we do need to bring the public into this process. My God, we're not seven Einstein's sitting around here with all the answers, we need all the input we can get, I think. And we need it from both sides and we need it in a fair environment. And I think if we did it next January, as has been suggested, well, that's almost a year, as Fred indicated, that does a couple of things. That give us 10 months, which is nearly a year, to think it over and it would give the staff 10 months to get out some educational paraphernalia down on the Kenai to let the people know what our intent is and what our intent is not. And it's not to have a confrontational situations.

Therefore, since I guess I can make a motion since it won't be exactly the same as my first motion, parliamentarily, I think I'm correct, I will move that we conduct an appropriate series of workshops on the Kenai in 1997 addressing only the rural and non-rural issue.

CHAIRMAN EWAN: All right. Is there a second?

MR. ROMIG: I'll second it.

CHAIRMAN EWAN: Any further discussion on the motion?

MR. HENRICHS: Yeah, I got something. We're going to have a meeting this fall again, I believe, and we're talking about setting up a date for meeting, what, 10 months from now? We're not going to meet on this this summer, why don't we just table it till this fall? You know, a lot of things could happen between now and fall, too. We don't have to - I mean, we're setting things almost out a year in advance.

MR. BASNAR: That's a good point. And the reason that I did not is that we're discussing a proposal. We have to discuss this proposal now and I just thought that, you know, it just kind of fell in line logically to go ahead and kill this particular proposal if that's what we end up doing by already having something else in place that would still address the same issue.

CHAIRMAN EWAN: All right. Any other - any further discussion on the motion? I do have a comment. That is, I'll say it again, I do have concern about the process we're going through and that we do not harm to those real subsistence users. In a public meeting process it appears to me from what I've seen on the Kenai Peninsula in the meeting that we had down there, that the discussions got pretty heated and I think could intimidate some people that want to really express their views from the other side. I think I have a concern about that, the majority of people are just pretty worked up about - kind of anti-subsistence group it looked like the majority are and that really concerns me, you know. You're going to probably hear the same thing we heard last summer. That kind of bothers me.

Who had their hand up? Gary.

MR. OSKOLKOFF: I'm have to agree with you, Mr. Chairman, I wonder, and this goes to my earlier comments, if we're not doing more harm than good. Our job is to make sure that there is an adequate subsistence season or availability made, that is what we have to do here, whether we agree in our heart whether that's the right thing or not, whether the Congress in its infinite wisdom has made the right choice or the judge has made the right decision in some cases, a lot of this information has already been put down on paper and we don't have a choice.

For instance, going completely non-rural on the Kenai Peninsula. Well, we'd be defying a court document. The decision of a judge with regard to that. That decision has already been made so some portion is going to be rural at some point, it's a discussion of how much. And I wonder by - I think it can be done without being a detriment and stirring up more emotions, but I'm concerned with the structure and how we go about doing it. If we're going to, you know, get into another situation where, hopefully, one group hopes to pack the meeting room and, therefore, only their opinion will be heard, we're not going to get very far, no matter which side it is, because we're not going to hear the real discussion. I think we would need more of a round table or something like that where all sides can feel free to be there, discuss the problems and hopefully come up with some resolution.

But I also have to agree with what Ralph said, he comments were very well put. We're going to make - if we get anywhere, we're going to make very small steps into this and I don't see a resolution coming out in spring for the next fall, '97, maybe a few more incremental steps and we're talking '98, you know, we're a long ways to a resolution of this problem. And I hope that the other areas don't feel that they are suffering by neglect in the mean time. It seems that we are - when we came here to Cordova we dealt with some problems very succinctly. They came up, we discussed them very shortly and made a decision. And when we get to the Kenai Peninsula we seem to be fragmentizing this - or fragmenting this argument gets smaller and smaller and smaller component and analyzing and reanalyzing and refragmenting further and further.

So I'm just concerned that if we do this, which I'm still not convinced we should, that we try and lay out some structure perhaps in the next meeting to allow for a real discussion on the issue.

MR. BASNAR: Yeah, I - Gary's got some good points there, too. I don't want to see any one group loading the room in order to prevail - to make their point prevail, that is not my intent in making the motion. We are the direct link to the people within Southcentral Region, we are they first step that they should be taking in order to resolve some of these issues. They don't have the opportunity to go directly to the Board, nor should they, that's what we're here for, so I feel we need to contact the people, all people directly. And I think the best way to do that is, as my motion stated, is to conduct a series of hearings and I will certainly be among the foremost in structuring this thing so that it is fair to everybody. So that it is not loaded in favor of one faction or another. And I'll also be the first to admit that we're not going to come out of that thing fully satisfied and everything resolved, it's not going to happen, but as Ralph says, take it off in small bites and let's get started. I just think that that's our job, that's our mission here.

CHAIRMAN EWAN: Any further discussion? Yes, John.

MR. MORRISON: John Morrison, Department of Fish & Game. Having had some past experience in dealing with issues like this, there's one suggestion I might make is that rather than having these meetings set up to invite the entire public on the Kenai that perhaps if representatives from each of the communities could be recruited to form a smaller group that would begin some discussions. Both the currently qualified subsistence users as well as other folks who feel disappointed at being left out of this. It could involve quite a variety of interest there. And have this group begin some meetings to explore these issues and could do so without the hostility or the prejudice that seems to be feared here. I think there probably could be people identified who could come to such

a meeting and do a more responsible and more intelligent, if you will, examination of the issue and perhaps come closer together to resolving some of the questions.

Thank you.

CHAIRMAN EWAN: Thank you, John. Any other discussion on the motion? Yes, Gary.

MR. OSKOLKOFF: Just one question. We have other proposals that deal with the Kenai Peninsula. Are these going to be held until such time that we have these meetings? I just refer to the Chairman's comments that we had our proposal to the Board to declare the entire Kenai Peninsula rural and that this would answer that proposal, therefore, we probably wouldn't have to go any further with it. And I'm just wondering if all of the other proposals were also included in that or that was the intention or not?

MR. BASNAR: What else do we have on?

MR. ROMIG: I think on the agenda, perhaps the deferral on the actions, I think that would probably be affected. The deferrals that we did on the

CHAIRMAN EWAN: Continued?

MR. ROMIG: Yeah, the deferral would continue until the - but as far as (indiscernible - interrupted)

CHAIRMAN EWAN: Can someone from - what would be affected, Taylor, anybody?

MR. BRELSFORD: I'm sorry, I got

CHAIRMAN EWAN: What about Helga? What do you see being affected by our proposed action here?

MS. EAKON: Okay. You need to make a distinction, your c&t recommendations that were tabled, they're stile on the table until you take them off. There are - at this meeting there are some proposal affecting Kenai Peninsula rural residents that are going to be addressed and our intention is to go ahead and address those as the meeting progresses.

MR. BASNAR: We can table those if we want or we could get to the proposal, right?

CHAIRMAN EWAN: Say that louder so I can hear you.

MR. BASNAR: Yeah, Mr. Chairman, as we address each individual issue we would have the option to table that issue or to take action regardless of what action we take on the motion before us; is that correct?

MR. OSKOLKOFF: That was my question, whether we'd have that option at that time to review those proposals or

CHAIRMAN EWAN: I don't know myself, that's why I'm asking for help here. Anybody else.

MS. EAKON: Peggy Fox can clarify this for use.

CHAIRMAN EWAN: Okay. Peggy.

MS. FOX: Peggy Fox, BLM staff committee member. It would be my call that this would be - the actual tabling would be a recommendation of the Council to the Board and, therefore, the Board would really make a final call as to whether or not to concur with the Council.

CHAIRMAN EWAN: To table our previous proposal?

MS. FOX: A proposal made by another body. Because the proposal that I've seen in here was a proposal by the Outdoor Coalition regarding c&t on Kenai.

MS. MASON: There are actually two c&t proposals affecting the Kenai.

MR. OSKOLKOFF: Mr. Chairman.

CHAIRMAN EWAN: Yes.

MR. OSKOLKOFF: Might I interject that perhaps we can say that this will deal with the rural/non-rural issue and that these proposals, I think, all deal with c&t, don't they? It doesn't appear there's a rural/non-rural issue in there.

MS. FOX: That's right.

CHAIRMAN EWAN: Let me verify that, we can go forward with the c&t determinations on that.

MR. OSKOLKOFF: Yeah.

CHAIRMAN EWAN: So any further discussion on the motion?

MR. BASNAR: Question.

CHAIRMAN EWAN: Question's been called for, all in favor say aye.

VARIOUS VOICES: Aye.

CHAIRMAN EWAN: Opposed same sign.

VARIOUS VOICES: Aye.

CHAIRMAN EWAN: Well, let's have roll call vote here. I can't distinguish the

MS. EAKON: Robert Henrichs.

MR. HENRICHS: No.

MS. EAKON: Ben Romig.

MR. ROMIG: Yes.

MS. EAKON: Lee Basnar.

MR. BASNAR: Yes.

MS. EAKON: Roy Ewan.

CHAIRMAN EWAN: No.

MS. EAKON: Fred John, Jr..

MR. JOHN: No.

MS. EAKON: Ralph Lohse.

MR. LOHSE: Yes.

MS. EAKON: Gary Oskolkoff.

MR. OSKOLKOFF: No.

MS. EAKON: Motion fails.

CHAIRMAN EWAN: Okay. The motion has failed by four to three vote. That didn't get us anywhere, we're back to - Ralph.

MR. LOHSE: Mr. Chairman, we don't have to take any action on this. In fact, what it says right here is Council discussion and further action, if any. It's not an action item, we can stop right where we're at and go on to something else.

CHAIRMAN EWAN: Okay. That's what we'll do.

Okay, Tom, did you get all of that?

MR. BOYD: Yes, I did, Mr. Chair.

CHAIRMAN EWAN: We're going to move on down to another item on the agenda now.

UNIDENTIFIED VOICE: Thank you, Tom.

CHAIRMAN EWAN: Thank you very much.

MR. BOYD: I will break off now then. Thank you, Mr. Chair, and I appreciate being involved.

CHAIRMAN EWAN: The next item on our agenda is Item C, Regional Council charter review.

MS. EAKON: Yes, Mr. Chair, members of the Council, please look in your books and you'll find a tab called 7C, it's a red Post-it flag and it gives you the schedule of the Regional Council charter renewal process. and immediately after that you do have a copy of the current charter of this Council, the buff colored pages and then you have information regarding the charters themselves.

And to refresh your memory the Federal Advisory Committee Act imposes a two year limit on the life of Federal Advisory Committees, so, therefore, their charters have to be renewed every other year on even years. And the things that you can change on your charter is the name of your Council, boundary, the regional boundaries, change the size of your membership, the specific Subsistence Resource Commission appointments as this Council has already done in the past. And act on criteria for removing a member. So this is your opportunity to look at the charter, if you have no changes then all we need is a motion to renew the - recommend renewal of the charter without changes, Mr. Chair.

CHAIRMAN EWAN: Any discussion on the charter? Any comments? A motion? Lee.

MR. BASNAR: Just to add a little levity, I think we ought to make a boundary change, give the Kenai to maybe Texas or Oklahoma.

MR. OSKOLKOFF: Sometimes we're not sure if that hasn't already happened.

UNIDENTIFIED VOICE: Let's put them in the Kodiak Peninsula District.

CHAIRMAN EWAN: Do we have to have action on this?

MS. EAKON: To make everything clean if you're satisfied with your charter a simple motion to accept it without changes would be in order.

MR. LOHSE: I move we accept the charter without changes.

MR. JOHN: I second.

CHAIRMAN EWAN: You moved?

MR. LOHSE: I moved and he seconds.

CHAIRMAN EWAN: The motion second. Further discussion on the motion?

MR. OSKOLKOFF: Question.

CHAIRMAN EWAN: Question is called for, all in favor say aye.

IN UNISON: Aye.

CHAIRMAN EWAN: Opposed by the same sign.

(No opposing responses)

CHAIRMAN EWAN: Motion is carried.

MR. LOHSE: Now that's the way we like to do business.

MS. EAKON: Okay. We go on to 7D and that will be the next tab in your book.

MR. BASNAR: Annual report.

MS. EAKON: The annual report. At your last meeting you had reached agreement that you would have two items in this year's annual report. Please refer to the second page. The reason you have two versions of this is because Lee, as your Vice Chair, was going to present this to the joint meeting of the Federal Subsistence Board and the Regional Council Chairs that was to have taken place last November, but because of the partial government shutdown that never happened.

And so this first one is the one you can take action on. And to refresh your memory you had agreed to include Fred John, Jr.'s issue regarding his concern about the Kenai Peninsula, the need for action should be emphasized and Chair Ewan's concerns about a lack of wolf control in Unit 11.

CHAIRMAN EWAN: You want action here to

MS. EAKON: If you want to accept this as having been discussed at your last meeting, that's fine. If you have any changes or additions now would be the time to bring them up.

MR. JOHN: Let me on that - what I said about the Kenai, I got to say no.

MS. EAKON: You change your mind on that?

MR. JOHN: Yeah.

MS. EAKON: So you would like that deleted? What I could say is that at this meeting you decided to

MR. JOHN: Well, we're going to take up Kenai anyway, and what we did a while ago is okay.

MS. EAKON: So

MR. JOHN: I would just delete that.

MS. EAKON: You would like that deleted?

MR. JOHN: At that time I wanted it to be on the front burner.

MS. EAKON: Okay. You wanted it on the front burner.

MR. JOHN: At that time, yeah.

MS. EAKON: Okay. In which case I can redo it deleting your issue concern.

MR. JOHN: Not that I'm not concerned about the subsistence hunters, I am very concerned about it, but I think it's - I mean, it

CHAIRMAN EWAN: The report you present at the April meeting?

MS. EAKON: Actually after my revision you would sign this as Chair, it would go to the Federal Subsistence Board. The issue of annual reports is going to be taken up at a joint meeting of the Federal Subsistence Board and the Regional Council Chairs on the first day of the week long meeting, that will be April 29th.

CHAIRMAN EWAN: We'll discuss the issues that you're talking about right now at that time?

MS. EAKON: You could bring them up at the time.

CHAIRMAN EWAN: Well, for my part, I've always held the position that there should be some kind of cooperation on the management of predators, you know, the wolves and the bears over in the Wrangell/St. Elias National Park area and surrounding units, 13 and 12. I'm not going to change my position on that.

MS. EAKON: Okay. What I can do is redo this, deleting Mr. John's issue concern and you can bring this forth at the joint meeting.

CHAIRMAN EWAN: Is there any objection, we'll handle it that way. If there's no objection we'll just go forward like that. Hearing no objection we'll do that.

MS. EAKON: Okay.

CHAIRMAN EWAN: What are the other items.

MS. EAKON: Then start thinking about what you want included in your '96 annual report. Right now the only response you have gotten is to your '93 report and I know that has long been a concern of Mr. Basnar, that the non-response to annual reports. That is why it is going to be an agenda item at that joint meeting because it is not only your Council, but other councils have that concern about the non-responsiveness by the Federal government, in particular the Department of Interior, to these annual reports.

CHAIRMAN EWAN: Do we need to discuss annual reports?

MS. EAKON: We can bring this up at the fall meeting. What I was going to suggest is that if you have any burning issues of concern that you want identified, kind of.,

CHAIRMAN EWAN: Does anybody have any issues that they want to identify right now? If not, we'll move on then.

MS. EAKON: Okay. Moving right along to Item 7E on your agenda, Council nominations update. Again, you do have a red flag in your books. First of all, is the Regional Council member appointment process. We are at Step 3, the deadline closed on February 29th. There were a total of 15 applications received for membership to this Council. As you know there are three seats coming up, those currently held by Lee Basnar and Ben Romig and Robert Henrichs.

And the next step is going to be to the staff committee are going to identify who's going to sit on the interagency panel that evaluates the applications. And I, as Regional Coordinator, do facilitate the meeting of that panel. And then this panel makes its recommendations to the staff committee. The staff committee deliberates and the Federal Subsistence Board makes recommendations for appointments and then sends the package on to the Secretary of Interior.

I know there seems to be some kind of problem there in Washington, D.C. because that's where the delay of appointments always comes in, but we once again will try to keep on top of it, so that the new appointees will be notified by the fall meeting.

And for your information I know that this particular Council did not want to be involved in the nominations process, but just to give you an idea of what the other Regional Councils did. On this color sheet here you do have actions by the other Regional Councils as to their degree of involvement.

And finally, you do have a listing of the applications under the Privacy Act and the Freedom of Information Act. Well, under the Privacy Act we can only give you the name of the applicant and the community and that's all.

This, Mr. Chair, is just an informational update item.

CHAIRMAN EWAN: Any questions about this? If not, we'll move on.

MS. EAKON: Okay. And then moving right along to Item 7F on your agenda. Last fall you had identified some items that you wanted training on. Staff procedures, you wanted legislative history of Title VIII of ANILCA. You wanted

to know what kind of limitation you had to work under when you deliberate proposals. You wanted to consider tours, orientation to the different regions. You wanted to know how the other Regional Councils were doing. You wanted an understanding of court decisions. And you wanted training to be done during the evening sessions. And now would be the time to identify what kind of training you want at the fall meeting. Which of these do you want us to prepare materials on?

CHAIRMAN EWAN: Ralph.

MR. LOHSE: I mean, this is personal opinion, but I'd be real interested in updates on court decisions.

CHAIRMAN EWAN: I would be interested in that also.

MS. EAKON: Okay.

MR. OSKOLKOFF: And along with that

CHAIRMAN EWAN: Maybe - excuse me.

MR. LOHSE: Go ahead.

CHAIRMAN EWAN: Maybe in addition to that any new regulations proposed regulations.

MR. OSKOLKOFF: Just in regard to, I guess, the regulations would fit in there, too, but the court decisions, perhaps a quick primer on how they affect what we can do, our limitations at that point each time there is a new

MS. EAKON: Okay.

CHAIRMAN EWAN: Somewhere in this meeting, I guess, there was going to be talk about - a report or update on the Katie John case.

MS. EAKON: Yes, Mr. Chair, that's going to be the next item on the agenda, 7G, after we get done with this training needs.

CHAIRMAN EWAN: Okay. Maybe that would be a good time to discuss the regulation I've hearing rumors about. Secretary of Interior is supposed to be coming out with, I don't know, I've been hearing this from attorneys here and there.

Is that it?

MS. EAKON: So you want us to concentrate on the court decisions and how they affect what you do, right, for the fall meeting?

CHAIRMAN EWAN: Well, that would be one. You have other things that you want to have training on, I guess.

MR. OSKOLKOFF: That might be covering quite a bit of ground in one (indiscernible - interrupted)

CHAIRMAN EWAN: I would think so, yeah.

MS. EAKON: Okay. Yeah, I rather suspect so. So we will concentrate on that, Mr. Chair.

CHAIRMAN EWAN: All right. Should we move on then?

MS. EAKON: Yes, Item 7G is what you were asking about and Taylor Brelesford is going to do an update on the status of nav waters and fisheries management and the NARC petition.

MR. BRELSFORD: Thank you very much, Mr. Chairman. I believe that all of the members have - no, then let us distribute to you a copy of a briefing paper that's been prepared by Bill Knauer to outline the current status. I'll make several general points and then for more specific information I'll encourage you to read some of the details here.

I might mention that the reason I was drawn out of the room was a phone call from the Homer Radio Station wanting to know when the rural/non-rural item would be under discussion and if I could call him right back with the results because they wanted to carry that item on the news this afternoon. I think he had the tape running when Rachel came in and said, hey, you got to run up there, so I ended in mid sentence and sounded totally befuddled, that ought to be good on the radio.

If we're ready to proceed then.

CHAIRMAN EWAN: Um-hum.

MR. BRELSFORD: I think all of you are quite familiar with the origins of the Katie John case and probably with the fact that there were rulings by the Federal District Court and again by the Ninth Circuit Court of Appeals. Those two rulings found that the definition of Federal Public Lands should include some waters, some navigable waters. The two courts differed on some of the technical definitions, the technical doctrines identifying which waters. So the current status is the highest court to pronounce yet is the Ninth Circuit Court of Appeals and it has found that there are navigable waters inside of Federal lands, within the boundaries of refuges or parks or forest, that properly should be included in the Federal Subsistence Program.

They referred to a legal doctrine known as Federal Reserved Water Rights. That decision is under consideration by the U.S. Supreme Court for possible review. The Court receives many requests to review decisions, appeals of the Ninth Circuit Court of Appeals level and they don't take all of those, so they make a decision, first, about whether to entertain further appeal. That review by the U.S. Supreme Court is underway, but we're not at all sure when they might make a judgment on it. I believe Bill's comment here is that the decision by the U.S. Supreme Court should come in the spring of '96, but that's pure question mark at this point, whether the Supreme Court will take it up and, if so, on what schedule.

Separate from that, the Department of Interior, the Solicitor's office has initiated an effort to prepare some regulations implementing the Katie John decision as it was made by the Ninth Circuit. That is to say moving the Federal Subsistence Program into subsistence fisheries, into fisheries on the waters that come under this Federal Reserved Water doctrine.

There's a lot of legal technicalities in figuring which waters, which portions of the rivers of the water sheds would come under Federal subsistence fisheries. Some of the details on that are still being ironed out and argued out, so I don't want to try to oversimplify that or do anything more than alert you to the

difficulties that are involved in figuring out exactly which waters. But this effort to prepare regulations has begun.

Our understanding is that sometime this spring the Department of Interior intends to announce a proposed set of regulations for public review and comment. Those regs wouldn't go anywhere if the Supreme Court puts the decision on stay, if they put it on hold. But if the - just in case, we're called upon to implement the Ninth Circuit decision soon, those regulations are being prepared and some preparation is under way.

So I think, perhaps, that's really the simple way to say this, that the legal issues are a little bit on hold - there's some uncertainties particularly in regard to how the Supreme Court might handle this, but in the meantime the Department of Interior has proceeded to lay the ground work for regulations implementing Federal subsistence fisheries on these waters that would be consistent with the Ninth Circuit Court's decision.

CHAIRMAN EWAN: Gary.

MR. OSKOLKOFF: Are we going to have any role whatsoever in developing these regulations?

MR. BRELSFORD: Absolutely. The intention is that there would be the normal course of public review of the proposed rule. Remember that our proposals for changes and deliberations before the Board and so on react to a proposed rule. So the process for the proposed rule to final includes many steps of public involvement, including we now have the habit, the practice of working very closely with the Regional Councils on

CHAIRMAN EWAN: You don't have any idea when the propose regulation will come out, huh?

MR. BRELSFORD: No, I see that Bill did not use a day. We heard different dates and then there have been some disagreements at the national level that has resulted in delays. At one point they were supposed to come out the end January '96. And I think basically they're just being held up on a sort of week by week basis trying to finalize some rather complicated issues of Federal lands law and Federal water law. So I think it's soon, but we've not been given a reliable date to offer to you.

CHAIRMAN EWAN: You know, a comment you made, was this lawyers kind of disagreeing about the reserve waters or is this Federal agencies trying to identify the - who's having problems pinpointing where the reserved waters are?

MR. BRELSFORD: I think without going into a lot of technical details that would be over my head, it's fair to say that the Department of Interior and the Department of Agriculture have a little bit different approach to private lands inside of Federal conservation units or forests. They have different definitions and policies and some of the delay has been a matter of trying to resolve those differences. I believe they are referring to inholdings inside of Federal lands and trying to iron out differences of opinion about how associated water rights, Federal reserved water rights would be identified. So that's my understanding of the - in a general sense, what the difference is and what the continuing dialogue has been.

CHAIRMAN EWAN: Any other expert around?

MR. BRELSFORD: Well, Rod has actually been involved in some of the briefings in Washington. And I hope not horribly oversimplifying these things.

CHAIRMAN EWAN: Gary, did you have a

UNIDENTIFIED VOICE: I think what he stated is kind of the primary difference of opinion.

MR. BRELSFORD: I didn't make that up.

CHAIRMAN EWAN: It's the agencies, my question was whether the attorneys are interpreting the law or the regulations different - it's the agencies that have to work things out, right?

MR. BRELSFORD: That's basically the picture, there are two Federal agencies involved in the subsistence program and they're bringing a little bit different legal opinion to the table.

CHAIRMAN EWAN: Gary.

MR. OSKOLKOFF: With regard to the proposed rule, are they intending to be relatively specific in denoting areas and particular water sheds and whatnot, or are they simply dealing with a broad definition and then that's going to be interpreted by agency?

MR. BRELSFORD: I think it's probably somewhere in between. There are some listing and there are some guidelines for further specific identifications. These regulations are not at the level of detail of particular seasons and bag limits in specific water sheds, they're not that specific. I would say they were somewhat intermediate between the general doctrine of Federal reserved waters and, you know, highly specific season and bag limits and methods and means restrictions on the, you know, the Kuskokwim River inside the external boundaries of the Yukon-Delta National Wildlife Refuge. They're in between those two levels of

MR. OSKOLKOFF: Oh, my concerns wasn't with the bag limits or the seasons, just as much as if they were to identify it as specific point at which this was going to occur and then, you know, at what boundaries. Essentially set the areas. Is that expected to be said in there or do you expect to be, more or less, under a definition of this is how you would determine what the area was?

MR. BRELSFORD: I'm going to punt because I have not reviewed them in the later form, so I'm not sure - let me see if Peggy or anybody else who's had a closer hand on it could give you an update on that.

MR. OSKOLKOFF: Okay.

MS. FOX: Peggy Fox, BLM. The draft that I have seen basically delineates it in two different ways. For some areas it's strictly by the boundary of the conservation system units. In which case it's area wide within those boundaries and waters adjacent to those boundaries.

MR. OSKOLKOFF: Okay.

MS. FOX: And then in other cases where it's a wild and scenic river, for example, it specifically says that wild and scenic river. So it's a combination.

MR. OSKOLKOFF: Okay. Thank you, I appreciate it.

MS. FOX: Again, those are draft.

CHAIRMAN EWAN: So water, say, like the Copper River, is, I guess the call it a boundary line for the parks, is that automatically reserved water under - or no? I don't understand that.

MS. FOX: Well, I'm not an expert on water rights.

CHAIRMAN EWAN: I guess my question is, if a river is next to the boundary of - or is the boundary, is that a reserve?

MS. FOX: In this case, yes.

CHAIRMAN EWAN: Okay. That answers my question, thank you.

MR. HENRICHS: Okay. So the Copper is?

MS. FOX: Well, I'm not familiar, but is the Copper a boundary on a conservation system unit?

CHAIRMAN EWAN: That's the line, um-hum.

MR. LOHSE: Wrangell/St. Elias.

MS. FOX: Okay. Then yes, that's the way the draft reads.

MR. ZEMKE: And that also covers it goes on national forest land, too, doesn't it?

MS. FOX: Yes.

MR. ZEMKE: Yeah. So basically you got the Copper is (indiscernible - away from microphone and interrupted)

CHAIRMAN EWAN: So if the river runs through a conservation unit that automatically reserves it?

MS. FOX: Yes.

CHAIRMAN EWAN: Okay.

MR. ZEMKE: There's some questions still about private holdings (indiscernible - interrupted)

CHAIRMAN EWAN: For private holdings, yes.

COURT REPORTER: I need to have everybody just talk one at a time.

MS. FOX: Let me address that. The question that Steve Zemke is referring to is we have situations where there's private lands on one side of the river and Federal on the other and that's not really at issue here. The primary concern is where a river goes through a conservation system unit and inholdings occur on both sides of the river or waterway. And do these regulations apply in those

cases or not? And that's where there's a difference of opinion in particular that they have to resolve.

CHAIRMAN EWAN: Okay. Any other questions. I thank you.

MS. FOX: Thank you.

CHAIRMAN EWAN: I was going to ask Taylor, how do you see us being involved? I know you said, yes, we will be involved. Once they come out with the regulations do you see going through a process so that we're part of the process in reviewing the regulations?

MR. BRELSFORD: Yes. Not knowing the timing on this, I'm not sure whether it would come before you in meeting, in a fall meeting, for example, or whether we would distribute it by mail and comments would be forwarded through the Chair, through yourself.

CHAIRMAN EWAN: Yeah, my main concern is just being involved.

MR. BRELSFORD: It certainly will be distributed and notified.

CHAIRMAN EWAN: Um-hum.

MR. BRELSFORD: And I think some of the larger questions about how we would implement are a little down the road. In some regions, for example the configuration of Regional Councils might need to be revisited. In areas where we have only looked at land resources, but a lot of marine resources would come in - or river resources would come into play here. The councils may not have the kind of representation that would be necessary. So of those other questions are further down the road, but obviously would involve the councils in providing advice.

CHAIRMAN EWAN: Okay. Any other questions. If not, thank you. We're down to the next item. Are we getting close to lunch?

MR. LOHSE: Yeah.

CHAIRMAN EWAN: Okay. If there's no objection we'll take a lunch break at this point for an hour and a half, 1:30 - 1:00 o'clock, come back at 1:00 o'clock.

(Off record)

(On record)

CHAIRMAN EWAN: We're on item H. Any other old business?

There are none. Do we have any other old business, I guess, 'cause we'll move on then.

Under new business we have A customary and traditional use determination proposal. Taylor?

MR. BRELSFORD: Thank you, Mr. Chairman. This will be very quick especially if I can't find my notes. The general picture here is I believe that all of you are aware that this year represented the first time in which c&t proposals were welcomed from all 10 regions at once on any species in any of the areas. And we knew from the beginning that there may be some work load issues that we may not

be able to staff and provide sufficient analysis of all of the c&t. So we left open the question of deferring some of those based on work load considerations. And in the event what happened was that a total of 58 c&t proposals were submitted statewide. And in - the regional teams, the biologists, the anthropologists and coordinators worked with the leadership team in our office to see what we could do to bring that number down a little bit. And so in the first cut it was reduced from the 58 to 43 distributed across the 10 regions.

And then we were still a little bit concerned about how much the Board would be able to work through in a one week board meeting and so a second time around the teams worked together to identify the essential priorities, the ones that would make the greatest difference, would have the most positive effect. And so the end result was that 24 c&t proposals were put into the analysis booklets and brought back before the Regional Councils for deliberation.

Out of those eight date from years back and 16 were proposals raised in this current year. So that's basically the picture. Unless there are questions, you know, I think our time is best spent focusing on the c&t proposals from the Kenai region.

CHAIRMAN EWAN: Are there any questions?

MR. LOHSE: I do have one question. Was that 58 for our South Central Region that was cut down to 24 or 58 statewide?

MR. BRELSFORD: It was statewide. Actually, I think, Rachel would have some details on the particulars in South Central.

MS. MASON: Mr. Chairman?

CHAIRMAN EWAN: Yes.

MS. MASON: There were six c&t proposals for South Central submitted and none of them literally came from the backlog although each of them reflect an issue that is in the backlog. And one of them ended up being deferred and that was the one that addresses sheep in Unit 11. So there are five that are going to be - that either have been presented yesterday or will be presented today.

CHAIRMAN EWAN: Thank you. Does that take care of that item? I'm losing my agenda here. Here we go. Okay. We're down to a proposal to change Subpart C, customary and traditional use determinations, Subpart D seasons, harvest limits, methods and means, Federal Subsistence Management Regulation and so on.

I guess we're going to go one, two, three. Is that how we're doing it. And you're on team one, a team leader here?

MS. MASON: Well, I'm waiting for my other teammate here.

CHAIRMAN EWAN: Okay.

MS. MASON: He's going to start with proposal number one.

CHAIRMAN EWAN: All right. What we're going to be talking about is in our package in our book?

MR. WILLIS: Yes, it is.

CHAIRMAN EWAN: Okay.

MR. WILLIS: Proposal #1 should be in the front of your light green colored book.

CHAIRMAN EWAN: Okay. Go ahead.

MR. WILLIS: Proposal #1 is a statewide proposal. It deals with shooting from vehicles on federal public lands. This proposal was submitted by the U.S. Fish & Wildlife Service And it would allow the taking of wildlife from a motorized land or air vehicle on federal public lands in all units and for all species as long as the vehicle is not in motion. This would not change the existing regulation with respect to taking game from a boat.

In the past there was a statement that taking wildlife from a motorized vehicle except from a motor driven boat if the motor has been completely shut off and the boat's progress when the motor power has ceased, those activities were prohibited. And that regulation was adopted from the State when the Federal program began back in 1990.

Since that time there have been a number of amendment proposals to change that regulation submitted to the Board. I believe we've had four in the last four years. And also during the period of time the State has liberalized their regulation concerning shooting from a motorized vehicle. And so now the Federal regulation which is the one that was adopted in 1990 with amendments was more restrictive than the State regulation.

After the fourth amendment was dealt with last year for, I think it was for caribou in one unit, the Board decided that it would be better to look at this regulation for all species in all units rather than having to take a piece-meal approach and having proposals submitted and analyzed each year. That was the reason that Fish & Wildlife Service was asked to submit a revised regulation for all species in all units.

There don't appear to be any valid reasons to prohibit the taking of wildlife from a stationary motorized land or water vehicle as long as that vehicle can legally be used to access the area in question. This regulation would not change or affect any other regulations governing whether or not a vehicle can be used to access an area. For instance, the Kenai Refuge has restrictions on the use of motorized vehicles off of established roads, and so those regulations would not be affected.

Other than consistency with State regulations there doesn't appear to be a need to require the engine to be turned off either. This is the one difference between the regulation that's being proposed here and the State regulation is that the State regulation does require that the engine be turned off. The big marshall, our retired division chief, worked on this proposal and I inherited it from him so I don't know a great deal about the background other than he did an evaluation on all the other regulations dealing with vehicle use and concluded that we're covered as far as regulations concerning harassment of wildlife, driving and herding wildlife or shooting from roads. Those are all covered in other regulations so concern about safety and harassment of wildlife are not really issues here.

And for those reasons to simplify the regulations and to eliminate the need to be piece meal regulations in each unit and for each species over a period of time our conclusion was that this regulation would be a good regulation for the Council to support. As I say, our reasons for that are there's no valid reason

to prohibit this use and continuing to provide these exceptions just unnecessarily adds to the complexity of the regulations.

Helga, do we have any public comments on this proposal?

MS. EAKON: Yes. The program received one public comment on this proposal and that was from the Alaska Department of Fish & Game who supports this proposal.

CHAIRMAN EWAN: I'm just trying to understand. This includes airplanes, right?

MR. WILLIS: Yes, it does.

CHAIRMAN EWAN: And how did that apply to the State regulation - I mean on the federal lands? I think in state regulations you don't have same day

MR. WILLIS: No same day airborne shooting.

CHAIRMAN EWAN: So this applies here, too?

MR. WILLIS: That regulation would remain in effect and you could not legally shoot anything either from the airplane or from the ground or from anywhere else on the same day you've been airborne, so it really has no effect whatever on that regulation.

CHAIRMAN EWAN: Ralph?

MR. LOHSE: If I remember right and correct me if I'm wrong on that, that same day airborne shooting only applies to certain species. If I remember right we went through a whole thing on trapping regulations and that, that you had to be so many feet away from the airplane before you could shoot on the same day you were flying, to shoot something that was in a trap that was a prohibition on landing and shooting wolfs unless you went so many feet from the airplane before you shot. So there is no statewide regulation that says you can't shoot something the same day you were airborne. It applies to certain species, mostly - I think it applies to all the big game species. I know it does not apply to deer in Prince William Sound, for example.

MR. WILLIS: Correct.

MR. LOHSE: And, I mean, you are allowed to land and shoot on the same day deer hunting. I know it doesn't apply to animals in traps and I think there are areas that you're allowed to land and if you go so far away from the airplane you're allowed to shoot a wolf.

Now, this one right here basically says that you can shoot from the motorized vehicle as long as it's stationary will - on federal land. Will that then nullify the no land and shoot effect on wolfs on federal land?

MR. WILLIS: I don't see how, Ralph. That's a separate regulation. And

MR. LOHSE: Okay. That's a separate regulation in itself.

MR. WILLIS: this does not change any existing regulation other than the regulation it replaces.

MR. LOHSE: Okay. In other words, basically all this does it where it's legal to shoot off of a motorized vehicle this allows it on Federal land just like on State land?

MR. WILLIS: Right.

CHAIRMAN EWAN: I move we

MS. EAKON: Excuse me, I need to make a correction on our presentation of the written public comments. I goofed up. The - let me correct that. The program received three written public comments on this proposal. The Alaska Department of Fish & Game opposes this proposal. They support the existing regulations and would recommend that the Federal Subsistence Board take exceptions only on a case by case basis.

The second commentor was the Alaska Wildlife Alliance of Anchorage. And they have some concerns about harassment, illegal pursuit and wildlife poaching. They believe that vehicles create air and noise pollution, destroy fragile terrain and provide an unfair advantage for some hunters. They recommend that the Board work to prevent damage to wildlife and habitat by maintaining strong monitoring and regulatory oversight of these machines.

And finally, but not least, a Ms. Catherine Kennedy of Ninilchik supports this proposal.

CHAIRMAN EWAN: It sounds like those others are concerns about a difference between the Federal and State regulations on airplane. And that's the same concern I have. If they're the same, nothing changes I would be in support of this proposal. Were you going to

UNIDENTIFIED VOICE: Mr. Morrison has
(indiscernible - interrupted)

CHAIRMAN EWAN: Yes, John?

MR. MORRISON: Thank you. Mr. Chairman, I need to update the Department's comment on this proposal. When the proposal was first published part of that first paragraph was lined out, that shaded area which would indicate that actually it is now going to approve shooting from a moving vehicle. And once that was corrected we realized that the proposal actually matches the States, we were then, of course, in accord with it. However, in one of the extremely rare situations where I make mistakes I forgot to change our comment to take that into consideration. So actually we're in accord with the proposal.

MS. EAKON: Okay.

(Simultaneous conversation)

MR. BRELSFORD: (Indiscernible) you the Council support proposal 1.

CHAIRMAN EWAN: Is there a second to that?

MR. ROMIG: I second it.

CHAIRMAN EWAN: Okay. There's a motion seconded for the discussion on the motion. I guess is how we want to handle it, right? Proposal by proposal.

UNIDENTIFIED VOICE: Yeah.

CHAIRMAN EWAN: Okay. Further discussion on the motion?

MR. OSKOLKOFF: In this it mentions subsistence had been - this type of means or methods, I guess, had been precluded for subsistence. Was it allowed for non-subsistence activities

MR. WILLIS: No.

MR. OSKOLKOFF: in any way? Okay.

CHAIRMAN EWAN: You know, just for your information I like the proposal but I hunt on Federal lands, but I think they have different regulations for the park lands, don't they?

MR. WILLIS: I can't answer that, Roy.

CHAIRMAN EWAN: Okay. I guess we don't have

MR. WILLIS: I don't think we have park service personnel here.

CHAIRMAN EWAN: I think that from my experience they deal with that on a historical basis, if you've done that in the past they won't object to you doing it presently. So that's how it is. But I like this proposal. Ralph?

MR. LOHSE: The only think I know about park lands is you can't use the airplane as your mechanical vehicle in park lands to land and hunt. I'm almost positive of that, that the use of airplane for landing and hunting in park lands is all

MR. JOHN: To access.

MR. LOHSE: to access.

MR. JOHN: Yeah. You can. It's allowed.

MR. LOHSE: Yeah. Unless you land on regular maintained strips. And then the other thing is there are lands in the - I think in the park and then there are some Federal lands that have restricted access where no motorized vehicle is allowed. And this doesn't change that either.

MR. WILLIS: No.

MR. LOHSE: This just says that where motorized vehicles are allowed you can shoot off your motorized vehicle if it's stationary. And that's a basic as far as I can see, summation of this

MR. WILLIS: That's correct.

MR. LOHSE: And the only difference between it and the State is the State says you have to turn the key off and this says you don't.

MR. WILLIS: Right.

MR. JOHN: Question.

CHAIRMAN EWAN: The question has been called for. All in favor say aye.

IN UNISON: Aye.

CHAIRMAN EWAN: Opposed by the same sign.

(No opposing responses)

CHAIRMAN EWAN: The motion carries.
Okay.

MR. WILLIS: The next proposal, I believe, is #15 and Helga will present that. I might add that I could have told you about the corrected State comments, but I wanted to let John Morrison come up and admit his own error in person.

(off record comments)

MS. EAKON: If you all will refer to page 7 of your proposal analysis booklets you will see the Staff analysis on proposal 15 which was submitted by the Bureau of Land Management.

MR. BASNAR: Which one are we considering right now?

MS. EAKON: Proposal #15 on page 7 of your booklet.

MR. BASNAR: Okay.

MS. EAKON: And this was submitted by the Bureau of Land Management, a proposal to close the Fort Richardson and Elmendorf Air Force Base Military Reservations to the subsistence taking of wildlife. The regulations are contained in your booklet are holdover ones from the State when the Federal program came into place in 1980. And the way these regulations are worded give the wrong impression that on Fort Richardson moose, black and brown bear and wolf and wolverine are available for subsistence harvesting by permits. And that Elmendorf Air Force Base is subject to harvest limits and seasons according to our Federal Subsistence Management regulations.

In reality no permits are available for subsistence taking. And there have been no documented use of any kind of subsistence harvest for either of these military reservations.

The Staff has concluded that this closure would not impact biological species or subsistence activities.

The program received two comments on this proposal. The first one is from the U.S. Army Alaska and they, of course, support the proposal. They say that these military lands are accessible for subsistence taking - I'm sorry. They agree that it would correct the misconception that these military lands are accessible for subsistence taking. Records show that no permits have been issued during the 56 years these military lands have existed.

The second commentor was the Alaska Department of Fish & Game which supports this proposal.

CHAIRMAN EWAN: All right Any comments on this? Lee?

MR. BASNAR: Yeah. Helga, it appears to me this is just kind of cleaning up a regulation that is not clear, is that the intent

MS. EAKON: That's correct. It's cleaning up

MR. BASNAR: of this proposal?

MS. EAKON: up a regulation that gives a false impression that you can go and subsistence harvest these species on Fort Rich and that's by permits, so

Yeah, I think the author of this proposal is here with us, Jeff Denton.

CHAIRMAN EWAN: Let me ask could it be allowed if we insisted?

MR. DENTON: Okay. Let me give you a little background. Jeff Denton, BLM. Let me give you a little background on Elmendorf and Fort Rich. They're not the typical military reservations. They were established by Public Land Orders out of Congress near the beginning of World War II. And since that time there's been several modifications to those public land orders that give BLM certain responsibilities on those lands and the military an oversight or if military activities then predominant over BLM management if it's for military purpose. So military is basically in control of everything but minerals, materials and vegetative management and if they've got to modify those resources for military purpose they have all the freedom to do so. So basically the military asks the BLM because we have staff committee people and so on who submit this on their behalf because they've had inquiries and quite a bit of confusion in their own ranks relative to the regulations because it indicates they're subsistence resources and permits available when there have never been permits available. Plus, the remainder of that particular Unit 14(C) is no subsistence. It's the Anchorage bowls. Both these military reservations are right in the Anchorage bowl. And they amount to about probably 80,000 acres in the Anchorage bowl area.

CHAIRMAN EWAN: Yeah. My question was could we say insist that there be a subsistence hunting there? I'm not advocating that, but I was wondering

MR. DENTON: The military basically

CHAIRMAN EWAN: That's an opportunity we have.

MR. DENTON: You could approach the military and ask them, however, from a human safety standpoint the reason the military doesn't allow it is there's a lot of unexploded ordinance

CHAIRMAN EWAN: So we could

MR. DENTON: and military training. Yeah, the reason the military has the absolute word and they would very likely say no, one for public safety, two for security. And thirdly, they have some policies there that if there are resources available for that type of use, if people - military personnel cannot utilize those then there will be no use. And they can make that decision. The generals that run those bases have absolute control. And that's kind of the history of it.

CHAIRMAN EWAN: Okay. Why are we considering it then if they have all the control?

MR. DENTON: They asked us to submit this to clarify those Federal regulations so they don't have people walking in the door and they have to respond to say these regulations are in conflict with themselves. Because one, under 14(C) regulations if Elmendorf and Fort Richardson are listed as having permits - permits available for moose, bear, wolf, wolverine. However, the 14(C) regulations for seasons and limits is no subsistence. So they're in direct conflict with each other and they want to get that straightened out because that's basically the Anchorage bowl. It's not available for subsistence, never has been.

CHAIRMAN EWAN: This applies to basically all the other bases in Alaska, do you think?

MR. DENTON: I don't know that for sure because I'm not sure of the specific Public Land Orders that established those particular bases. It would be specific to the Public Land Orders and subsequent executive orders that established the management on those bases.

CHAIRMAN EWAN: Ralph?

MR. LOHSE: Do they allow other hunting in that area?

MR. DENTON: The only hunt that I'm aware of is a archery muzzle loader type hunt on Fort Richardson to remove excess moose populations that they would consider a problem to the military operations there.

CHAIRMAN EWAN: We grew up with bow and arrow.

MR. LOHSE: Do they - Mr. Chairman, do they limit those hunts for the excess moose to members of the military personnel or are those available to the public or

MR. DENTON: I think there's - it's a drawing type of thing, but it has to be available to military personnel as well as I think it's an open drawing. It's just like it comes out in the regular regulations for special permit drawings, those particular permits.

CHAIRMAN EWAN: Ralph?

MR. LOHSE: How do they handle the matters of safety on unexploded ordinances and stuff like that in those kind of hunts?

MR. DENTON: Those hunts are extremely controlled. You go out with a military person and he basically says right here's where you hunt or there's basically your moose. It's very, very highly controlled for both security and the areas that are available.

MR. HENRICHS: Mr. Chairman,

CHAIRMAN EWAN: Robert,

MR. HENRICHS: I'm just curious they don't want people running around out there but they've got moose running out there. Do they ever blow up an unexploded ordinance and kill the moose or what?

MR. DENTON: Yes.

MR. HENRICHS: How often does it happen?

MR. DENTON: I don't know for sure, but it does happen periodically. I mean birds, lots of things put them off. And they have - they also have a lot of hazardous waste sites that are real bad stuff out there that they have to have somebody with you to stay you have to stay out of this area of you might glow in the dark the rest of your life. So it's

MS. EAKON: I can personally testify as to the stringent measures that, at least, Fort Rich imposes. One time a couple of years ago my sister and I were berry picking and they didn't have any signs on the lands, but we found real nice berry patches and we were shooed out of there by someone. They're very strict.

CHAIRMAN EWAN: Gary?

MR. OSKOLKOFF: I don't have a problem with the proposal per se to align the regulations. Could we - would there be opposition to providing a sunset clause that those automatically would end in the case of, you know, no further occupation or perhaps no further need for these regulations at some point?

MR. DENTON: I assume you're referring to the chance that those military reserves would end and would be no longer used as military reserves, is this

MR. OSKOLKOFF: Yes. That and also that they might be down-sized or reduced in the type of activity to the point where the land may be returned to its relatively natural status and there may be a much smaller presence?

MR. DENTON: Yes. Let me explain the situation there, too. The lands of Fort Rich and Elmendorf are what we call top filed on by the Native corporations as well as the State of Alaska. If in the event that either of those two military reservations was reduced in size those lands and the selections upon them would immediately take effect as valid selections and they would fall under the guise of State Wildlife Management at that time. They would become selected lands. They would no longer be Federal Public Lands under ANILCA's definition.

MR. OSKOLKOFF: Okay.

CHAIRMAN EWAN: Any further discussion on the motion?

MR. JOHN: We don't have a motion.

CHAIRMAN EWAN: Okay.

MR. BASNAR: I've heard, I guess, enough, so I move we support this Proposal 15.

MR. OSKOLKOFF: I'll second it.

CHAIRMAN EWAN: The motion is seconded. I just want to state that if the military people have the authority to control the hunting on that basis I don't see why we're doing this, but I'll go along with whatever the Council wants.

Gary?

MR. OSKOLKOFF: If I could, I just wanted to bring up the point that I didn't want this in any way becoming a precedent setting move in which when these

military bases if they are, are reverted to some other status that this is used as an argument at that point. And as long as it's on the record I think that would be adequate.

MR. LOHSE: I question this proposal itself. For sufficient game animals to be hunted under other permits those could just as easily be subsistence hunts. The only thing I could see is it might be protecting subsistence users who eat the meat if you don't hunt glow in the dark moose, but other than that to me I can't see where there's any more problem with a subsistence permit going after one of these moose than a other permit going after one of these moose. Obviously from what we've been told it's whoever does do the hunting is directed, accompanied, limited in where they can go and limited in what they can use. But I'm not sure that somebody wouldn't be willing to do that from a subsistence standpoint just as easily from a sports standpoint.

MR. DENTON: I guess let me respond to that is these areas are 14(C), the remainder of 14(C) has been determined as no - as non-subsistence. And that's the reason is that it puts it in the - at the same levels all the rest of Unit 14(C). And that determination was made, you know, a long time ago. And that's why these are anomalies within a larger area is what - is the way the regulations are written now.

MR. LOHSE: The 14 - what is it, 14(C)?

MR. DENTON: 14(C) which is the Anchorage

MR. LOHSE: That encompasses a large area, right?

MR. DENTON: Right.

MR. LOHSE: How can they (indiscernible - simultaneous speech)

(Indiscernible - simultaneous speech)

MR. HENRICHS: Mr. Chairman, how would this fit in with the Lieutenant Governor's proposed plan for subsistence where, I believe, she was saying that people who have a history of subsistence would still have it no matter where they lived in the state and that would maybe be the Native population in Anchorage. Maybe they'll - if they ever pass that they'll open subsistence hunts there, who knows. I'd rather see those go for subsistence than just, you know, anything else.

CHAIRMAN EWAN: Robert, let me see if I could add to that. I attended a meeting not too long ago with the Lieutenant Governor, that provision that you're talking about is being, I guess, they want to forget about that or try another approach and that is proxy hunting. Basically how that would work is there are subsistence rural, subsistence out here in the villages and that there's people that are too old or for some reason can't hunt, they can designate somebody from the urban area to be their hunter and that's how they could maybe share and benefit. That's a new approach, I guess. But they dropped the other proposal of I guess what they - how they called it was rural preference plus including communities like Ninilchik, Eklutna where the urban community grew up - grew around the smaller subsistence community. Gary?

MR. OSKOLKOFF: Mr. Chairman, after listening to Ralph and Robert, I'm persuaded to at this point to vote against the proposal combined with the earlier statement that it seems to me the military has pretty good control and when you

get to the military base my experience on the military base a few times I've been there is they have absolute control. There's not a lot of free wandering people on and off. I think that if the general says that there will be no hunting there's going to be no hunting or if you have to have someone with you in a specific area all those things are going to be done and I don't see a big protest by people about that. They seem to - if they want to hunt there they seem to be going along with it.

I'm also - I can understand the need to - the desire to, perhaps, clean up the regulations but I am concerned that there are - well, let's put it this way, I haven't visited the 14(C) discussion on whether it should be essentially a non-subsistence area. And I think this is part of, perhaps, that discussion and rural and urban determinations and whatnot although some of those determinations have been made by the Board.

I know that the Eklutna and the Tyonek Tribe and the Chickaloon Tribe and the Knik Tribe all claim to have hunted in that area before there was a military base, a city or anything else. And the stories I've been told that even members of other tribes have used those areas, so I'm reluctant to pass the proposal when I don't know that the proposal is going to change anything other than a little bit of confusion. And I don't know that this little bit of confusion merits a proposal. It might merit giving a list of a quick explanation, perhaps, to the guards at the gate who can explain to those coming and asking for a place to hunt that that type of thing isn't being permitted right now, but I'm - I think the charge of this group, this committee is to protect the subsistence access for the subsistence user and I don't know that we've weighed (ph) into that in the Anchorage bowl area adequately to make this kind of preliminary decision. Therefore, although I seconded the motion on the proposal I will vote against it unless someone can change my mind here.

CHAIRMAN EWAN: Any further discussion on the motion?

MR. JOHN: Question.

CHAIRMAN EWAN: The question has been called for. All in favor of the motion say aye.

IN UNISON: Aye.

CHAIRMAN EWAN: Opposed by the same sign?

IN UNISON: Aye.

CHAIRMAN EWAN: How about a show of hands. The first all in favor of the motion raise your right hand. One, two, three.

All opposed? One, two three. I will oppose too, then to make it five. The motion did not carry. Motion not carried.

Go on to the next proposal.

MS. MASON: Mr. Chairman, the next proposal is Proposal #16. And this is a customary and traditional proposal. It was submitted by the Native Village of Eyak and it requests a positive customary and traditional use determination for black bear in Unit 6(A) for residents of Yakutat and in Unit 6 for residents of Unit 6(C) and 6(D).

The proposal has the effect of adding the communities of Cordova and Whittier to the existing positive customary and traditional use determination for black bear in Unit 6(B) and 6(C). And actually what it is now is that it's a positive for black bear in Unit 6(B) and 6(C) for rural residents of 6(B) and 6(C) except Cordova. And in Unit 6(D) for residents of Chenega Bay and Tatitlek. And the proposal would also establish a positive determination for black bear for residents of Yakutat in Unit 6(A).

The black bears have been shown - as shown in archeological and ethnographic evidence black bears have historically been an important subsistence resource for the indigenous residents of Prince William Sound. And those include, Eyaks, the Chugach Alutiiqs and Tlinglits in the case of Yakutat.

Black bears and goats are the most important land mammals hunted today in Unit 6.

Just to summarize some of the historical data on harvest. In the village of Chenega in the 1960s almost every household hunted black bear. In the 1980s the re-established village of Chenega Bay also showed considerable harvests of black bear although they were more modest and they took place in a smaller area. Chenega Bay residents continue to have the highest per capita harvest of bear of all the communities that are considered in this proposal.

As for Cordova, subsistence bear hunting was reportedly light compared to sport hunting. And I won't go into the details of the seasons or the methods, but I'll just summarize what areas were used.

In the 1960s Chenega residents hunted throughout a wide area in western Prince William Sound all within Unit 6(D). In the mid-1980s Chenega Bay residents hunting was in a much smaller area, one theory for why that would be because in their newly resettled village they were less familiar with widespread hunting area and possibly as they continued to hunt bear it would extend into a wider area.

Tatitlek residents have traditionally hunted black bears in coastal and some inland areas along rivers and streams in eastern and northern Prince William Sound also in Unit 6(D).

Cordova hunters have historically used a range that include parts of all - all parts of Unit 6; Unit 6(A), 6(B), 6(C) and 6(D). Some of the places that they reportedly hunted in the '60s were on Hawkins Island north of the Copper Delta Road and also on the Prince William Sound mainland. And in the early and mid 1980s Cordova hunters used the road system around the Cordova area and they also went to Cape Yakataga east of Cordova and Port Gravina in Prince William Sound.

Residents of Yakutat have historically hunted black bears in a part of Unit 6(A) and that's at the mouth of the Kallack (ph) River north of Cape Yakataga.

The preliminary conclusion of this proposal is that the proposal should be adopted with modification. And the modification would be that there's no subsistence for black bears for residents of Whittier.

The justification is that Cordova residents have a documented history of harvesting black bears in each of the sub-units of Unit 6. Chenega Bay, Tatitlek and Whittier have no record of harvesting in Unit 6(A), 6(B) or 6(C), however Chenega Bay and Tatitlek residents have a strong history of extensive

use of black bears and they are likely to avail of bear hunting in the other areas should they be open.

Whittier residents do not have a long standing dependence on black bear hunting. And evidence was presented in this analysis also that Whittier residents generally had a much lower per capita harvest of subsistence resources than the other communities considered here.

Because - and finally, because Yakutat hunters have traditionally pursued bears in Unit 6(A) there should be a positive customary and traditional use determination for Yakutat residents for Unit 6(A).

Helga has the summary of public comments.

MS. EAKON: The program received one written comment and that was from the Alaska Department of Fish & Game which stated that residents of Unit 6(C) have a clear history of use, but the Department believes that the records do not support the other c&t changes proposed.

MS. MASON: Did you have anything else to add to that, Mr. Morrison?

CHAIRMAN EWAN: I have a question on the proposal. Would that - I guess if this proposal passed there would be special hunt or something or would it be just under the regular season and all that?

MS. MASON: Mr. Chairman, the - if this proposal passes it does not establish harvest or bag limits. It simply establishes eligibility on customary - it establishes that there has been customary and traditional use.

CHAIRMAN EWAN: That'll come later. Okay. Yeah.

Robert?

MR. LOHSE: Just as an aside, the Copper River Prince William Sound Advisory Committee also supported this proposal 15 to zero both for the Yakutat part and the Cordova part. And as I corrected Mr. Boss yesterday, on looking back at our records we see that the Cordova Advisory Committee did come out against a c&t under the Tier II state hunt back, I don't remember if it was '84 or something like that, basically because we felt that the needs of Cordova residents were met under the liberal bag limits and seasons that we had at that time. Currently we have a liberal bag limit and season, anecdotal history. I've taken black bear myself for food in spring when there was no other meat available and have taken black bear and given it to various and sundry other assorted households in the community of Cordova. It's done. It's still done to this day.

CHAIRMAN EWAN: Robert?

MR. HENRICHS: I didn't realize - Gary, didn't send you this letter, but I have a letter from Gary Komkoff and he's the president of the Tatitlek Village Council and he supports this proposal and the deer one.

MS. EAKON: No, he

MR. HENRICHS: He didn't send it to you, huh?

MS. EAKON: No.

MR. HENRICHS: Okay. Well, I have one, so it's

CHAIRMAN EWAN: Well, does somebody want to make a motion on this proposal?

MR. LOHSE: I move that we support Proposal 16.

CHAIRMAN EWAN: Is there a motion -

MR. OSKOLKOFF: I second it.

CHAIRMAN EWAN: or a motion and second. Further discussion on the motion? Lee?

MR. BASNAR: Yeah, I just have one question. I noticed that there was data available only for one year for Whittier. What was the reason for that?

MS. MASON: I - the only reason I know is that was the only year that the ADF&G Division of Subsistence conducted a harvest survey there and possibly they only had money to do that one year. Perhaps Mr. Morrison has a better explanation.

MR. MORRISON: I can only - this is John Morrison, Department of Fish & Game. I can only speculate as to what the Subsistence Division did there. But I know in subsequent work that they did on the Kenai Peninsula they felt that this low effort in Whittier was not as significant in subsistence harvest as the other communities in the Kenai Peninsula. And I think also the fact that they were short on funds induced them to put their attention on the other communities that did seem to have a greater justification for their attention.

MR. BASNAR: Yeah, that I can understand. It just seemed to me that if the data were based on only one year it could have been the year for whatever reason it may have been no bears available or an oil spill or what. And that was the reason for my question.

MS. MASON: That's a reasonable question. And also it should be pointed out that in all the communities that were surveyed by the Division of Subsistence after the oil spill there tended to be a drastic or at least a substantial drop in subsistence uses.

MR. BASNAR: Yeah. And, you know, I don't know what Whittier - what the record is. Is there any Native population in Whittier, any

MS. MASON: None to speak of, I think.

MR. OSKOLKOFF: No, that was developed around World War II.

MR. BASNAR: Well, I know that, but I mean there may have been Native presence there a thousand years ago, was there?

MR. OSKOLKOFF: Not to my knowledge.

MR. LOHSE: It was a portage site. It was - there is evidence of - I remember when we went through the c&t defining that area there was evidence of having been used as a Native transport site, or portage site.

MR. OSKOLKOFF: But as far as I know I don't believe there was an actual - any type of evidence that I've uncovered yet that any type of village or a non-transient group there.

CHAIRMAN EWAN: Any further discussion on the motion?

MR. OSKOLKOFF: Question.

CHAIRMAN EWAN: Question has been called. All in favor say aye.

IN UNISON: Aye.

CHAIRMAN EWAN: All opposed by the same sign?

(No opposing responses)

CHAIRMAN EWAN: Motion carried. Go onto the next proposal.

MS. EAKON: Who made the motion?

CHAIRMAN EWAN: Ralph did.

MR. LOHSE: I did.

MR. OSKOLKOFF: I seconded it.

MS. MASON: Mr. Chairman, I didn't understand what was just adopted. It was - was it adopted with the modification?

CHAIRMAN EWAN: With the modification.

MS. MASON: Oh, okay.

CHAIRMAN EWAN: The proposal, that's how the proposal reads, I guess. Yeah. All right.

(Off record comments)

MS. EAKON: We did 17, 18, 19 and 20, therefore we're on

CHAIRMAN EWAN: 21. What page is that?

MS. MASON: 81 (ph).

CHAIRMAN EWAN: All right.

MR. WILLIS: Mr. Chair, Proposal 21 was submitted by the Native Village of Eyak and it would change the deer season in Unit 6 such that the period for harvesting antlerless deer extends from October 1 through December 31, rather than from the existing season of November 1 through December 31.

Sitka are an introduced species in this area like they are in many areas in Alaska. They were brought in by the Cordova Chamber of Commerce, in fact, in the early part of this century and released on a couple of the major islands in the Sound. From here they've occupied all the vacant habitat on other islands and also to some degree on the mainland, although they thrive much better on the islands because the climate is much more favorable than it is on the mainland.

Like deer populations everywhere they vary significantly with the severity of the weather. The depth and duration of snowfall being the major factors which limit their population.

Deer tend to be knocked down pretty severely by a severe winter, but then they come back rather quickly in the absence of heavy predation. And that's the case on the islands here in the Sound. There are no wolves or coyotes on the islands and so they tend to rebound rather quickly from lows caused by severe weather conditions.

Deer numbers are somewhat lower now than they were in the mid 1980s during the peak of populations. The severe winter of 1990 and '91 reduced the population significantly. However, they have come back to some degree. There is a long term decline going on in areas where timber harvest is occurring and this is something that's - also has to be considered in any deer management situation.

Currently we have no determination from deer in Unit 6 which means that any federally qualified rural resident of the state can hunt deer here. The harvest of deer peaked in 1987 at about 3,000 deer, however, the 1994-'95 harvest which is the last year for which we have complete data was 2,688 which is almost back up to the 1987 peak. And it's 58 percent higher than the previous three year average.

Female deer comprise 36 percent of the harvest in '94-'95, compared to an average of 32 percent for the previous three years and 42 percent for the two years for which we have data prior to the regulatory change which shortened the doe season. Most of the deer are taken during the months of November and December, however October harvest is also significant at about 18 percent.

During the period 1980 to 1990 when the season opened on October the 1st for does, October counted for about 10 percent of the total harvest or about 375 does. After the regulatory change went into effect and the doe season began on November 1st the doe harvest in November went up about 10 percent and in December about 7 percent. But overall it was reduced about 10 percent from the years in which it started on October the 1st.

ADF&G shortened the period during which does could be harvested and reduced the limit in 1991-'92. The reasons for doing this were that the population had been hard hit by the severe winter of '90-'91 as I mentioned. The percentage of does in the harvest was considered to be too high at about 42 percent. And Kodiak Island was reducing their harvest limit to four deer at that time and it was felt that a five deer limit in Prince William Sound might attract a lot of hunters who would be traveling from other areas such as Anchorage to hunt deer rather than go into Kodiak where the bag limit would be one deer less.

The goal of the ADF&G was to reduce the harvest of does by 10 percent and in that they were successful.

I went back and looked at the residency of the people who hunted deer down here and found out that approximately 21 percent of the harvest on average was by hunters from the Anchorage residency zone which, of course, would be non-rural. And my estimate is that roughly 25 percent of the total hunters who were hunting at that time under state regulation would not have been able to participate in an October doe hunt under federal registration.

There's no question that deer provide a major source of meat to the communities in Unit 6 and in some years are the largest source of meat. As in many areas of

Alaska where deer are eaten does are preferred after the rut begins in November because the bucks tend to run themselves pretty lean and get pretty tough. The does are in better condition, have more fat and are considerably better eating.

Harvesting deer prior to the holidays is also preferred in order to eat fresh meat on special occasions. We don't really have any true customary and traditional seasons since deer were introduced early in this century and they've been under regulation since that time.

You'll notice that our conclusion in this case was inconclusive. This is an instance where my crystal ball gets pretty cloudy in trying to predict how many people are going to hunt and how many deer they're going to shoot in a situation that we haven't experienced before. The difference here from earlier years is that since this is a subsistence hunt, that 21 percent of the harvest which came out of the Anchorage area would not occur or at least some of it would not occur. And it's difficult to predict what that would be.

Our justification was that the deer population has come back to some degree from the severe winter of '90-'91. The harvest is up. We - deer are hard to census. You have to depend on pellet county surveys which are really just an index of the population rather than an actual census. So it's difficult to say exactly what the population level is.

We felt like although we could have made a call on this, we were going to meet in Cordova right here in the center of the area where this regulation would take effect and we decided to say that our conclusions are inconclusive in order to come down here and have the Council address it and get some local input before we made a call.

Also I'd mention that I talked to Roy Nowlin the State biologist back in the fall, I think either between the first and the second furloughs or maybe prior to the first furlough, it's been awhile. And also after we finally got back to work in January I was not able to contact him again and kick this around some more and I wanted to get his input on it also since we would be in his hometown. So if you don't mind I'd like to call him up to the microphone and get his input as the State biologist at this time.

CHAIRMAN EWAN: Could I ask you a quick question

MR. WILLIS: Sure.

CHAIRMAN EWAN: on your proposal at page 81, at the top right-hand corner, what are those dates, August 1 to 31?

MR. WILLIS: I'm sorry, I couldn't hear that?

CHAIRMAN EWAN: The dates here,

MR. LOHSE: Our current season is August 1 through December 31st.

CHAIRMAN EWAN: What are these other dates over here?

MR. WILLIS: From November 1st through December 31st is antlerless.

UNIDENTIFIED VOICE: Doe season.

MR. LOHSE: Is Doe season.

CHAIRMAN EWAN: Oh, okay.

MR. LOHSE: So there's two months of doe season and five months

CHAIRMAN EWAN: I was confused here.

MR. WILLIS: I couldn't hear you for the side conversation going on.

MR. LOHSE: Mr. Chairman, I'd like to while we're waiting for Roy, is Roy coming?

MR. WILLIS: I don't know. He's been here all day. I thought he was sitting back there behind me.

MR. LOHSE: He probably just stepped out. I'd like to give you what the Copper River Prince William Sound Advisory Committee came up on it. We had a vote on it just like you. We have very inconclusive conclusions that was supported by eight. It was voted against by six and two people abstained. I can give you the comments and the reasons and I think that'll explain to you why it's non-conclusive. But I comment in support of it. People thought it was a good proposal since it was limited to rural residents basically exactly what you were pointing out, only rural residents would be allowed to take part in that extra month of hunting.

Some of the main problems against it was the fact that there would be conflicting sets of regulations, State and Federal regulations out. Where this problem comes in is it comes in in land ownership and the fact that some of the hunting or at that time of the year in October when you've got the yearlings come to the beach, a lot of the hunting is on the beach. What we found out and correct me if I'm wrong on this, from the high tide line down is not Federal land, it's DNR land. And so consequently

MR. WILLIS: That's correct.

MR. LOHSE: the only place that this would apply would be on Federal land. It wouldn't apply on Native selections. It wouldn't apply on State land. And it would apply on no beach land from the tide line on down. So basically what would happen is it would encourage violation. It would encourage - I mean because a person would have to know where they're hunting and couldn't shoot them on the beach. If they did they would be in violation.

Other comments were that they felt it was pretty immature since there was no c&T finding being established. They figured there would be a large increase in doe harvest, shorter seasons would occur with combined success of winters. Personally I disagree with that. I don't think it'll make a large increase in doe harvest, although one thing that could happen is if you add October to the front maybe you should subtract December at the end. Enforcement difficulties would definitely be a problem simply because of the mixed land ownership and the fact that the beach was off limits.

The other thing was a lot of people felt that the existing State seasons were more than adequate. If you don't harvest deer in a five month season in Unit 6 it's because you didn't go hunting.

And the other one was that just to harvest deer earlier is not a compelling reason. It doesn't prove a need. Those were some of the reasons that were given in the Advisory Council meeting.

CHAIRMAN EWAN: Robert?

MR. HENRICHS: Yeah, I'm just curious. What was the deer harvest in 1995 as compared to the earlier years?

MR. WILLIS: We won't have that until we get the questionnaire survey back, Robert, and I was kind of hoping Roy could maybe give us a preliminary idea of what the harvest was just from his personal experience here in the area.

MR. HENRICHS: It seemed like it was less than it was the year before because of the weather because the snow never did force them down to the beach in their normal hunting season. New Year's Day there was no snow here. So, you know, and that was the end of the hunting season, so

MR. LOHSE: Personal observations, it was less simply because we didn't have the snow in November and December which curtailed beach hunting.

Under the current regulations beach hunting is legal for does or bucks any time the season is open for those species. Under this one right here, beach hunting would not be open for does on federal land in the month of October. And that would be the only time beach hunting was closed.

MR. HENRICHS: Except at high water.

MR. LOHSE: Except above the high water mark.
Above the mean high water mark.

CHAIRMAN EWAN: You know, for those that don't hunt deer, do we have an idea, percentage wise about - what percentage of the deer are taken on the beach, would you say half, more than half or what?

MR. LOHSE: I don't think it's half. It used to be I would say the percentage was higher - the percentage is higher in a hard winter year. A winter like this year I would say the percentage of deer taken on the beach is probably less than 20 percent.

MR. HENRICHS: Yeah.

MR. LOHSE: We'd have to go back and up. The deer stay high. They were right on top of the mountain all the way to the end of December. It made for hard hunting this year. Put people - people that were used to hunting close to the beach had to go a long way back to find deer.

MR. BASNAR: When does the snow drive the deer to the beaches, in November? Normally, I mean, you know, on an average year?

MR. LOHSE: Average year I'd say Thanksgiving.

MR. HENRICHS: Yeah, that's about right.

MR. BASNAR: Then are - I guess I don't understand what this would do for the people if they can take does earlier if they're way up on top of the mountain or do you chase them up the mountain?

MR. HENRICHS: Well, you always see does when the season's closed. The season used to be open the 1st of October. I think it was even

MR. LOHSE: It was the 1st of September when that started.

MR. HENRICHS: Yeah. At one time, so

MR. LOHSE: Yeah. There is a time period in October, early in October when your yearling, does and bucks come down to the beach. And at that time it's real hard to tel what's a buck and what's a doe because you're talking nubbing bucks and you're talking does and it is hard to distinguish between the two.

CHAIRMAN EWAN: Excuse me, Do we have knowledge of the numbers right now in this unit that we're talking about?

MR. WILLIS: The deer population?

CHAIRMAN EWAN: Yeah.

MR. WILLIS: Not really. Maybe Roy could give you a better idea of that, but as I said, deer are extremely hard to census as they live in the timber and the brush and you have to just kind of use their pellet groups, count them each year and try to determine if they're going up, going down or staying about the same.

MS. EAKON: We received one public comment and that was from the Alaska Department of Fish & Game who - which is neutral on this proposal. They state that additional harvest of antlerless deer will likely not have a significant influence on the population.

CHAIRMAN EWAN: Fred, did you have any comment on this

UNIDENTIFIED VOICE: I make a motion

MR. JOHN: Okay. I'm for this proposal and I make a motion

CHAIRMAN EWAN: There is a motion on the floor.

MR. HENRICHS: Second.

CHAIRMAN EWAN: There's a motion to second. Any further discussion on the motion?

I just want to say that I'm really unfamiliar with deer hunting and, you know, this particular area here that we're talking about, so I'll go either way that you people want to go. I 'm not opposed to it. I'm not for it. So, Lee?

MR. BASNAR: Yeah, Roy. I echo your sentiments. I'm in over my head here on this deer business on the beach. And, hell, the biologists don't seem to know which way to go, so you know, if the local people thing this is okay and it's not going to hurt the resource then I'll vote for it.

CHAIRMAN EWAN: All right.

MR. BRELSFORD: Whichever way you guys go.

CHAIRMAN EWAN: Okay. Fred, do you

MR. JOHN: It seems like there's no opposition to this. I really don't hear really opposition, so I'll vote for this.

CHAIRMAN EWAN: Ralph?

MR. LOHSE: The worst thing that could happen out of this is if there's proof that it increases the doe harvest this year we'd have to cut back next year maybe at the end of the season or something like that. I mean if this - what's going to happen is the same people are going to be taking deer that would be taking deer anyhow as has been shown. 80 percent of the people that take deer are rural residents and rural people and they'll be able to take them in October. If they take them in October they probably won't take them in December, but if it does increase the harvest there's a possibility that what will have to happen is in following years the tail end will get cut off or something like that, but I'll vote this one

CHAIRMAN EWAN: Along those lines I'm trying to figure out what is best of cutting out Anchorage hunters would have on this? You mentioned 25 percent of the hunters would be excluded.

MR. WILLIS: That was my guess that about 25 percent of the people who previously hunted does when the harvest was considered too high would not be able to hunt under this regulation.

CHAIRMAN EWAN: Okay. Ralph?

MR. LOHSE: Currently they won't be - this won't change any regulations on Anchorage hunters that are in existence right now. Anchorage hunters will still have November and December just like they did last year. Basically what this does is it gives local residents a one month jump on them so it's not going to have any effect on their take other than the fact that some deer might be taken before they start hunting.

MR. HENRICHS: Yeah, Mr. Chairman, but they're still going to hunt the five months for the bucks. So if they want to hunt they can hunt, this just gives the residents, the rural residents of Unit 6 a 30 day jump halfway back to when the doe season used to be to shoot does. I mean the Anchorage hunters won't be able to shoot does during October, but they're still going to shoot them in November and December and bucks from October 1st. So

CHAIRMAN EWAN: Ben?

MR. ROMIG: Yeah. I would like to, you know, kind of know how the population is before I, you know, voted in favor of this proposal. And also if - you know, if you can, you know, get what you need under the current regulations I don't know why you have to kind of rub it in and, you know, get an extra 30 days.

CHAIRMAN EWAN: Do we have maybe not '95 but the previous numbers?

UNIDENTIFIED VOICE: '94?

CHAIRMAN EWAN: '94.

MR. WILLIS: What I can tell you is that the population is coming back from that period after it bottomed out in '90-'91. And based on the '94-'95 harvest the population is pretty high. Of course, it varies a lot from one area to area.

You can't say it's uniform across Unit 6. And I talked to Roy yesterday during a break about it and his feeling was that in most years this would not have an effect. And I was hoping to get him in here to say that himself rather than speaking for him, but it's one of those situations where if you get a severe winter of a lot of snow that pushes the animals down to the beach at that time of the year then you could have an excessive harvest. But that's, you know, again you're speculating there about what might happen weatherwise. And you can close the season by emergency order if you get into that situation.

I would say that the population is approaching what it was in the mid 1980s just based on looking at the harvest data and Ralph, would you - you're a deer hunter, what's your personal observation on numbers of deer, you and Robert should have some insight on that.

MR. LOHSE: There's no shortage of them. I don't know if they're at the level that they were in the early '80s, but again, we haven't had the weather to do any concentrating them the last two years, this last year especially.

CHAIRMAN EWAN: Ralph, are you saying that the weather was kind of favorable for the deer then?

MR. LOHSE: The weather was extremely favorable for the deer. Personally, this is personal opinion, I expect to see lots of twins and triplets next spring. You go out on the islands right now, they haven't even had to hit the browse that's on the beach. They've been able to stay back in the browse, high up in the mountains. They little green plants that have a lot more value than eating the twigs of the blueberries and stuff like that, they've been able to get those all winter long.

Normally what happens is one of the reasons our deer bounce back so fast is after an easy winter they'll have twins and triplets and things like that instead of single fawns. If we have a hard winter they'll absorb their fawns and we won't have the same fawn crop in the spring. I would expect we'll have a big fawn crop this year. We've had a very mild winter on the islands.

CHAIRMAN EWAN: Robert, do you have any comments on that?

MR. HENRICHS: The same as what Ralph was saying there especially from Chenega and Tatitlek have told me that it was real hard hunting this year. And because the deer never did come down to the beach and they're basically meat hunters, period. They're not out there to shoot a big buck. They're out there, you know, they want meat. That's what they do and they all told me that it was, you know, tough.

CHAIRMAN EWAN: Any further discussion on the motion?

MR. OSKOLKOFF: I call for the question.

CHAIRMAN EWAN: The question is called for. All in favor of the motion say aye.

IN UNISON: Aye.

CHAIRMAN EWAN: Opposed by the same sign.

(No opposing responses)

CHAIRMAN EWAN: Motion is carried.

(Off record comments)

CHAIRMAN EWAN: Let's take a five minute break.

(Off record)

(On record)

CHAIRMAN EWAN: We'll come back to order if everybody is ready. Okay. We're back in order now. We're on Proposal #22. I don't know who's going to address this one, but

MS. MASON: I will, Mr. Chairman.

UNIDENTIFIED VOICE: Weren't you going to let Roy Nowlin testify on this other one?

MS. MASON: Oh, yeah, let him make a comment on it.

CHAIRMAN EWAN: All right. sorry about that. I guess Mr. Nowlin, you were not here when we were talking about the other proposal concerning deer, so we did have some questions about the population and so on. I believe some Council members had some questions that were not answered. And we were waiting for you to come back but you didn't come back in time and we went ahead and voted, for your information, to approve the proposal.

MR. NOWLIN: Thank you, Mr. Chairman. I apologize for being late. I was preparing some other information that I hope we'll have a chance to go over on goats later on for Unit 6. But I certainly - oh, and for the record, I'm Roy Nowlin. I'm the area biologist with the Alaska Department of Fish & Game here in Cordova. And I'd certainly try to answer any questions that you may have.

MR. HENRICHS: Yeah, Mr. Chairman. Yeah. Do you know what the harvest was for 1995 for deer?

MR. NOWLIN: We don't have that yet because it's a mail out questionnaire to hunters and that questionnaire just went out, so the results should be available sometime in the spring. We have to get those back and collate them.

If I were to guess, you know, just based upon past patterns I would say that given the winter which is, you know, the amount of snow, the amount of deer on the beach is one of the major factors affecting harvest, but you know, I would guess that our harvest will come in someplace between, say, 1500 to 1700. It's going to be lower, substantially lower than the fall before last just because the deer weren't down on the beach where they're more accessible to hunters.

MR. HENRICHS: And the year before it was like 2600 or something?

MR. NOWLIN: It was - that was a high year.

MR. HENRICHS: Yeah.

MR. NOWLIN: It was a very high year.

CHAIRMAN EWAN: Any questions from the Council members?

MR. LOHSE: Just out of curiosity, I know one of the questions that was asked a rough estimate of the deer population on the Sound, real rough?

MR. NOWLIN: It has to be real rough because we certainly don't have a good way to estimate numbers. We do pellet group surveys which give us - we go out and we run transects from the beach, run a line from the beach up to alpine and we count in a strip about this wide the number of deer pellets we find. And we do those the same place every year and that gives us a comparison between years, a relative comparison of numbers of deer. But our estimates are somewhere around 12,000 in the Sound, something like that for deer. And I hope nobody really wants to pin me down on that because that is really, really rough.

CHAIRMAN EWAN: You know, several of us here that know very little about deer hunting and all of that. Just counting the pellets and all that. Could you explain that to me a little bit how that works?

MR. NOWLIN: The pellet group surveys?

CHAIRMAN EWAN: Yeah.

MR. NOWLIN: Yeah. Well, it - all it does is provide you with a general index from year to year. What we do is we'll start at the beach and we have a place on the beach that's marked. And like we've got, you know, some timber marking painted on a tree and we'll stand there and we'll take a compass bearing and those - up the slope from the beach and we run all the way from that point on the beach until we get up into - up to tree line. So you're running all the way up there and the reason we do that, as I said, we're pulling a line behind us and there's one person pulling the line, one person counting. And you've got a distance of about this wide on either side of the line. The person counting is looking down there and every - he'll go about 77 feet and he'll record the number of pellets and then they'll go another 77 feet, just like that until they get to the tree line. And then you look at the number of pellets on there from one year to the next. And it just gives you a general idea because, you know, if you've got more deer, of course, you're probably going to encounter more pellets and less deer you're going to see less pellets on that.

CHAIRMAN EWAN: I'm trying to see how you translate that into number of deer, so, you know,

MR. NOWLIN: That is really, really difficult to do. The only - you know, the estimate that I gave you is just based on playing around with some of that a little bit. You have to know, you know, how many pellets per day that a deer on average that a deer deposits. And you go from there. And you've got to make a whole bunch of assumptions. That's why I wouldn't want anybody to pin me down to that number.

CHAIRMAN EWAN: Well, there's a lot of pellets out there, isn't there? You should start right now (ph).

MR. HENRICHS: Mr. Chairman?

CHAIRMAN EWAN: Yes, Robert.

MR. HENRICHS: I'm just curious you say you go up to tree line. A lot of times tree line is on the beach.

MR. NOWLIN: Well, you know, if you've got - you know, if you have some sites that are really colder like or muskegs, you know, where you can have no trees right down, I think that's probably what you mean. But we would go all the way up - you know, you'd be looking all the way along, you know, these slopes and you're looking up the slope and you'd look all the way along there for where all the trees just end and that would be the point. And it's usually on the south facing slopes and maybe it'll be at 1000 feet, but on the north side, like the north side of Montague, that may be one of the places you're thinking about, it is down pretty low. And sometimes you can hit tree line on Montague, you know, where there's absolutely no trees at all when you get up there at maybe 600 feet. So it's pretty variable.

And the reason we run these transects up the slope is because the deer in a severe winter they'll tend to be down on the beach and they'll be in the trees and they'll come out on the beach and they'll eat fucus (ph) on the beaches as emergency food if things get real bad, but depending on the severity of the winter you can find them in a real severe winter down on the beach. In a real mild winter they could be clear up by tree line. And so that's why we run transects all the way up because you'll pick up your pellets whether it was a severe winter, you'll pick the pellets up down on the beach, you know, get your measurement. If it's a mild winter you'll pick your pellets up higher on the slope. So either way your data is still going to be, we think, reasonably good.

CHAIRMAN EWAN: Let me ask a question I asked a little earlier. Ralph gave me a fairly good answer, I guess, but I just wanted to hear your answer. The percentage of deer taken on beaches compared to the whole take, you know, what percentage would you say is taken on the beaches about? And you don't have to be, you know,

MR. LOHSE: Let's see how close we agree.

MR. NOWLIN: Uh-oh, this is a quiz. I'm going to guess that in heavy winter like we had fall before last that probably 50 percent wind up being taken down low on those beaches and maybe you could even go up a little higher than that, but I'm going to guess at somewhere around 50. How did I do?

MR. LOHSE: We didn't go on a hard winter. We went on last year.

CHAIRMAN EWAN: I would just kind of average over the years, you know.

MR. NOWLIN: Geez, over the years I would drop that down and be 30 to 40.

CHAIRMAN EWAN: Okay. Any other questions.

MR. HENRICHS: Last winter? Come on, let's find out.

(Laughter)

MR. NOWLIN: You want to know last winter now. Boy. You know, I bet last winter was maybe my guess would be maybe 20.

(Indiscernible - simultaneous conversation)

MR. OSKOLKOFF: Mr. Chairman, what I'd like to bring up is what he's trying to explain on the pellet groups is that the pellet groups doesn't give us a count of deer. It just tells whether there was - it gives us an idea whether there was as many as last year, less than last year, more than last year. And it's

not an exact thing even on that, but let's say that you took this same place and went - you made the same line year after year after year, it's like indexing a salmon stream. And you went over the same place at the same time year after year. The average was you had 200 pellet groups in that strip. And all of a sudden you come to a couple of years and you're getting 10 or 12 or 15 pellet groups, you know you don't have many deer around at that point in time. And so all it is is a way to tell whether deer populations remaining fairly stable, whether it's in a very bunch of a crash, whether it's a slight growth or something like that. And even that's not exact, but it's an idea. It's the best tool that they have to work with because you can't see deer other than waiting till they get down on the beach and counting them and even that doesn't give you a real good indication unless it's a real hard winter.

CHAIRMAN EWAN: Were you going to say something here?

UNIDENTIFIED VOICE: No.

CHAIRMAN EWAN: Okay. Any other questions? I guess that's it. Thank you very much.

MR. NOWLIN: Thank you.

CHAIRMAN EWAN: Okay. Now we're on Proposal 22. Sorry about that.

MS. MASON: Thank you, Mr. Chairman. This proposal was submitted by the Kenai Peninsula Outdoor Coalition. And it requests a no subsistence customary and traditional use determination for goat in Unit 15(C) in the Seldovia hunt area, a positive determination for goat in Port Graham and English Bay hunt areas for residents of Port Graham and Nanwalek. A positive determination for black bear in Unit 15(C) for residents of Port Graham and Nanwalek. A positive determination for moose in Units 15(B) and 15(C) for residents of Port Graham and Nanwalek. And a no subsistence determination for ptarmigan and grouse in Unit 15.

The proposal also requested that the existing positive customary and traditional use determinations for the communities of Cooper Landing, Whittier, Hope, Ninilchik and Seldovia be withdrawn and that customary and traditional use determinations for wildlife in Nanwalek and Port Graham be limited to black bear, moose and goat.

This proposal was created in response to the customary and traditional determinations for the rural Kenai Peninsula communities that were adopted in 1995. Because it addresses four different issues and four different species the analysis is divided into four parts. Goat, black bear, moose and ptarmigan.

And the Council will have to decide whether to vote on this proposal as a whole or on each of these separately because there are four different conclusions. But what I thought I would do with Mr. Chairman's permission is to go through each of the four parts and then go into the four conclusions and their justifications.

CHAIRMAN EWAN: Okay.

MS. MASON: First, I'd like to mention that while recognizing the intent to create a clean slate in regard to the c&T on the Kenai Peninsula the analysis does not address the proposer's request to move all the current positive customary and traditional use determinations or to limit c&ts to any particular

species or communities. Instead it deals with just each of the individual issues that were brought up.

I'll start with goat. And the current c&t eligibility to hunt goat is for residents of Port Graham and Nanwalek in Unit 15(C), Port Dick and English Bay hunt areas. And there's also a positive c&t for residents of Seldovia in the Seldovia hunt area in Unit 15(C).

There haven't been any archeological evidence of goat use in the past, although it is known that goats have been present on the lower Kenai Peninsula. There's - and similarly in Osgood's Ethnography of Dena'ina Athabascans of the Seldovia area there is no information on the use of goats. There is evidence from Elders in Port Graham and Nanwalek that the goats have long been used for subsistence foods. So there has been ADF&G Division of Subsistence studies in Nanwalek, Port Graham and Seldovia. And those have shown that the per capita harvests in - are similar in Port Graham and Seldovia and there's a very high average per capita - or the highest average per capita harvest was in Nanwalek. Highest percent using was in Nanwalek, but there's been a rather modest use of it in all three communities.

Most of the goat hunting by residents of Seldovia, Port Graham or Nanwalek takes place close to the communities. And according to ADF&G technical reports reportedly some times goats walk along the beach in Nanwalek or right in that village. There has, unfortunately, been no mapping done for the Seldovia area, but from studies in the early '80s it appears that goat harvesting took place relatively close to the community. It should be noted that goat harvesting by residents of these three communities generally does not take place on Federal public lands although

CHAIRMAN EWAN: Can I ask you a question on that?

MS. MASON: Yeah, sure.

CHAIRMAN EWAN: You mentioned per capita harvest and all that

MS. MASON: Uh-huh.

CHAIRMAN EWAN: You just mentioned 1980 or '81, something like that. But you only have '91, '92, '93 on your
- I'm looking at page 95.

MS. MASON: Okay.

CHAIRMAN EWAN: So you're using some other information also in your conclusion?

MS. MASON: I was referring to a study by Caroline Reed in 1985 in regard to Seldovia because that one discussed hunt areas. The only information I have presented on per capita harvest comes from later Division of Subsistence studies that were done in the 1990s, but those did not include hunt areas as part of the study.

CHAIRMAN EWAN: Okay.

MS. MASON: Map #1 which is in your book does show areas that were mapped for Nanwalek and Port Graham in the use areas. And that shows that although most of the harvest did not take place on Federal public land, some of them did take

place very close to or adjoining Federal public land, enough to suggest that occasionally there might have been harvest on Federal lands.

Goat is one of a wide variety of resources that is used by the residents of these three communities, Nanwalek, Port Graham and Seldovia. And as for Port Graham and Nanwalek those two communities reported using the highest average number of resources of any of the communities on the Kenai Peninsula or in Prince William Sound between 1991 and 1993.

Seldovia residents did not use as many resources as Port Graham or Nanwalek but they did use a considerably wider variety than, for example, residents of Kenai or Valdez.

The per capita harvest of all resources by residents of these communities are quite high. For Nanwalek there was an average of almost 259 pounds per capita. For Port Graham it was 281 and for Seldovia it was 205.5.

I'll continue with the black bear analysis because I want to get to the conclusions.

CHAIRMAN EWAN: I'm trying to follow you (ph).

MS. MASON: Did you - I'm sorry.

CHAIRMAN EWAN: About the maps,

MS. MASON: Yes.

CHAIRMAN EWAN: How do you show on a map where they used it?

MS. MASON: I'm referring to what has been called Map 1 and it takes place

CHAIRMAN EWAN: Yeah, I'm looking at map 1.

MS. MASON: Okay. That one has - Federal lands are marked with either vertical stripes horizontal stripes. And the blacked-in marks are the places where the residents of those two communities, Nanwalek and Port Graham harvested goat from 1972 to 1982. And so up there at the head of Kachemak Bay you can see that that harvest area does overlap very slightly with Federal public lands.

CHAIRMAN EWAN: Oh, I see. I see. I see where you're talking about. Okay. Right here.

MS. MASON: Okay. I'll continue to black bear. Currently there's no determination for black bears in Unit 15. And this proposal acts for a positive c&t for residents of Port Graham and Nanwalek.

I'll say right up front that the proposal only addressed Nanwalek and Port Graham, but this analysis does look at Seldovia as well because of the stated intent in the proposal to exclude Seldovia. And also because there seem to be quite a similarity in the harvest of Seldovia, Port Graham and Nanwalek. It doesn't address Ninilchik, but as - I'm skipping ahead to the conclusions, while the analysis does not intend to deliberately exclude Ninilchik that the intent of the analysis is to leave it a no determination and to leave Seldovia as no determination.

There have been black bear remains found in prehistoric sites on the lower peninsula. It's clear that this animal was part of the diet of both Alutiiq and Athabascan peoples who are indigenous to the area. The - especially Nanwalek, but also Port Graham and Seldovia residents have long testified their dependence upon black bear as an important resource.

BIA reports from teachers that worked in Nanwalek between 1959 and 1965 show that bears were regularly taken by residents of that community. In 1961 when the human population of Nanwalek was 85 there was a total harvest of 15 bears, I guess that's about one bear for every six people there. And later in the 1980s according to Division of Subsistence studies the black bear harvest for Nanwalek averaged five bears a year. The per capita take of bears had declined considerably since the reports by the BIA teachers, but they still were - they still made up the largest portion of land mammals that were harvested by the community.

There's also information for Port Graham from several years from the Division of Subsistence studies. And, similarly to Nanwalek Port Graham's take of bears declined considerably in the years between 1961 to 1991, but they still harvested between one and seven bears per year. There's less information from the '80s at least concerning the harvest of black bear by the contemporary residents of Seldovia. And recent harvest information for Seldovia is somewhat uneven ranging from zero to 11 bears. And, again, the percent of people who used bears and who took bears were larger in Nanwalek than in any of the other communities.

The black bear harvests on the lower Kenai Peninsula were generally conducted off of Federal public lands and they were generally very close to the communities involved, in the vicinity. For example, bears are relatively abundant close to the community of Nanwalek and there was little reason to go further afield than that general area. Also the Port Graham black bear harvest has been closed to that community as well as the Seldovia black bear harvest.

Black bear meat is shared extensively once it is gotten and black bear products were esteemed highly and have been esteemed highly in these three communities and as a result people share them extensively.

Again, black bear is one of a wide variety of resources used by residents of these rural Kenai Peninsula communities.

I'll go onto moose. And first, I wanted to make sure that everybody had a copy of this map. I did distribute it to members of the council, but not to people in the audience. And this is one that didn't make it into your proposal book. And that will also be true of the next proposal, too, there's one missing there.

For moose the proposal asks that there be a positive customary and traditional use determination for moose on Federal public lands in Units 15(B) and 15(C) only for residents of Port Graham and Nanwalek. And for this one the analysis considers all four communities, all four rural communities, Port Graham, Nanwalek, Seldovia and Ninilchik because there was an intent in the proposal to deliberately exclude Seldovia and Ninilchik.

There's archeological evidence that moose were exploited on the Kenai Peninsula as a food resource well over a thousand years ago. Osgood's Ethnography provides extensive description of the role of moose in the economic adaptation of Dena'ina Athabascans. And moose has remained a key food resource in these communities throughout the Twentieth Century.

For Ninilchik, for example, by the 1980s Ninilchik residents reported that moose remain the game animal of greatest interest, however, by that time some individuals indicated competition had severely reduced their ability to pursue this resource.

I mentioned BIA teacher reports for Nanwalek before. In the early 1960s BIA teachers reported that three moose were harvested in that community in 1960, two in 1961 and one in 1965. Generally there were few moose taken here and there by residents of Port Graham and Nanwalek through the 1980s according to ADF&G Division of Subsistence reports. The harvest ranged from - well, this actually - this is according - yeah, according to the Division of Subsistence reports harvest ranged from one to four in those communities - or zero to four.

There's - moving to the areas of harvest, there's little specific information available regarding the geographic areas in which contemporary Ninilchik residents harvest moose. There hasn't been any map data on hunting areas collected in either a study conducted by Reed in 1985 or by interviews conducted by Alaska Services in 1992. However, narrative comments in both those sources indicated that residents prefer to conduct their hunts near the community but that competition had displaced some hunting area to recent areas.

According to harvest ticket reports of ADF&G between 1983 and 1992 85.5 percent of Ninilchik hunters reported hunting in Unit 15(C). And most of this was relatively near the community of Ninilchik. About five percent reported using other portions of Unit 15.

As for hunter success for the same period, 1983 to 1992, about 80 percent of Ninilchik hunters reported taking moose - of successful hunters reported taking a moose in Unit 15(C).

Seldovia hunters also concentrated their efforts in 15(C). And historically Seldovia's moose hunters traveled by boat to the head of Kachemak Bay. They hunted the entire Fox River Valley and China Poot Bay on the south shore of Kachemak Bay. In the 1980s according to Reed, again, Seldovia residents primarily used the road system around the Seldovia area to hunt for moose or traversing that lower peninsula.

In the past Nanwalek and Port Graham hunters took moose to the north of Kachemak Bay and at its head. The maps that I distributed to you for Nanwalek and Port Graham hunters and that's for the period 1972 to 1982 that shows, again, that most of the hunting by those - or actually all of the hunting by those communities that was reported in those years was off of Federal public lands.

Previously, as you are aware, the Alaska Board of Game found that residents of Nanwalek and Port Graham had a customary and traditional use determination for moose in a portion of Unit 15(C) located south and west of Kachemak Bay and that's an area where no Federal public lands are found. After 1990 Federal Subsistence regulations adopted the State's customary and traditional use determination for this portion of 15(C) but because there aren't any Federal public lands in this zone there was no season provided for subsistence hunting - federal subsistence hunting season. However, much of the moose hunting area used historically in the 1980s by residents of Nanwalek is outside of the customary and traditional subsistence use area recognized in the existing regulations.

And there is a traditional harvest area. It does not come up in the 1972 to 1982 map, but apparently at the head of Kachemak Bay there has been hunting in the past similar to the goat areas that I indicated to you before. So there is some indication that in the past some harvests, some traditional harvest did take place in the area that is now Federal public lands.

Again, moose,

CHAIRMAN EWAN: Can I ask something

MS. MASON: Oh, sure. Sure.

CHAIRMAN EWAN: When you mentioned south and west of Kachemak Bay that looks like it's out in the Inlet?

MS. MASON: I guess it would mean south and west of the head of Kachemak Bay.

CHAIRMAN EWAN: So where would that be?

MS. MASON: So that would be this little box west of the head of Kachemak Bay.

CHAIRMAN EWAN: So where would that be?

MS. MASON: So that would be this little box that's on this map, that's the closest Federal lands to where hunting has taken place in the past. The traditionally have been known to hunt by the Fox River area at the head of Kachemak Bay and that does - is somewhat proximate to the area that is now Federal public lands.

CHAIRMAN EWAN: It looked like it would be east

MR. BRELSFORD: Mr. Chairman, I think the reference was actually to the State's finding of customary and traditional uses by the communities of Nanwalek and Port Graham. And the State at the time of the State program those lands were actually very - they were the southwestern corner of the Kenai Peninsula

CHAIRMAN EWAN: Oh, okay.

MR. BRELSFORD: so they (indiscernible - interrupted)

x CHAIRMAN EWAN: Okay. That clears that up.

UNIDENTIFIED VOICE: Sorry.

MR. BRELSFORD: the lands around Port Graham and Nanwalek are the lands in question.

MS. MASON: That explains it better than I could.

CHAIRMAN EWAN: Okay.

MS. MASON: Again, moose is one of a wide variety of sources that are used by the residents of these four rural communities on the Kenai Peninsula. And it's clear that there's a general reliance on local harvests by each of them.

I'll go onto the ptarmigan and grouse now. This proposal asks for a no subsistence determination for ptarmigan and grouse in Unit 15. And currently

there is a positive c&t determination for these two birds in Unit 15 for rural residents of Units 11, 13, and the residents of Chickaloon, 15, 16 and 20(D) and 22 and 23. And this is one that was adopted from the State of Alaska. It is hard to understand the rationale for that, the current c&t, but the analysis addresses only the uses by rural residents in that area.

In South Central Alaska game birds have played an important role in local subsistence economies along with other small games such as hares. They've often been relied upon as emergency foods as times when other resources were in short supply. And understandably, harvests of small game like that tend to vary from year to year. That would depend on their availability or else the availability of other resources as well.

ADF&G harvest studies have given ample documentation of the use and harvest of grouse and ptarmigan in communities in South Central Alaska. Traditionally, the indigenous people of the Kenai Peninsula, Alutiiq and presumably the Dena'ina people as well have used grouse and ptarmigan for food, clothing and decoration. And at present these species are mainly used for food.

They've generally been taken near communities of residents and the simple fact of these birds status as an emergency food or an alternative resource suggests that they would generally be taken close to home in areas where no extraordinary measures would be needed to hunt. They're part of a wide variety of resources used by residents of Unit 15 rural communities.

And that concludes the analysis and I'll go right into the preliminary conclusions.

For mountain goat the conclusion was that the proposal should be denied. The justification is that like the residents of nearby Port Graham and Nanwalek, Seldovia residents have a long term pattern of harvesting and using goat. All three communities regularly harvest from zero to six goats annually and goat is one of a wide variety of resources used by those communities.

Please note that it does not appear that goat harvesting by any of those three communities generally takes place on Federal public lands. And this is an issue that you looked at yesterday with Proposal #20, however, it is slightly different in this case because there is more evidence that the harvest might take place on Federal public lands or that it sometimes does and also that the resource itself does exist on Federal public lands, unlike the sheep in Unit 13 that you looked at yesterday.

For the second part of the proposal, black bear, the conclusion is to adopt the proposal. That would be because of the archeological and historical evidence along with evidence from recent harvest surveys that residents of Port Graham and Nanwalek have traditionally and customarily used black bear in Unit 15(C). Again, this intent would be to give positive c&t for the two communities named in the proposal and to retain a no determination for the communities of Seldovia and Ninilchik, so it would be to retain a status quo for the other communities but to adopt the proposal for the two communities that are named in it.

For the third part of this for moose, the proposal to retain the current c&t use determination for residents of Port Graham and Nanwalek should be adopted, but again, the recommendation is for status quo that - and recommend that residents of Seldovia and Ninilchik should not be removed from the current positive c&t for Units 15(B) and 15(C).

The justification for that part is that all four communities, Port Graham, Nanwalek, Seldovia and Ninilchik have traditionally and customarily used moose. Harvest records indicate that most of the moose harvest by these communities has been in Unit 15(C) but some harvest has been documented in Unit 15(B).

Seldovia and Ninilchik residents in recent years have more extensive moose hunting patterns than the residents of Port Graham and Nanwalek. There's no reason to give a positive c&t determination to Port Graham and Nanwalek but not to Seldovia and Ninilchik. And again, it should be recognized that traditional harvesting areas for moose used by the residents of Port Graham, Nanwalek and presumably Seldovia, although there's less information about those traditional harvesting areas for Seldovia, but that they're not generally located on Federal public lands.

Finally, for ptarmigan and grouse, the recommendation is that the proposal cannot be supported as written. And the justification is that the rationale behind the current regulation is unclear. It's hard to imagine a subsistence user traveling from Shishmaref or someplace else in Unit 22 to harvest ptarmigan and grouse in Unit 15, however, there's abundant evidence that residents of rural Unit 15 communities, Nanwalek, Ninilchik, Port Graham and Seldovia have customarily and traditionally used ptarmigan and grouse.

There would be a possible modification and that would be to limit the positive customary and traditional use determination for ptarmigan and grouse in Unit 15 to the rural residents of Unit 15.

That concludes the analysis and Helga Eakon has the public comments.

MS. EAKON: The program received 10 written public comments on this proposal. The first one was a neutral comment by the Alaska Department of Fish & Game. One opposition from the Seldovia Village Tribe which would like this proposal voted down as written. The Tribe says that the community relies heavily on subsistence resources and that the city is not road connected.

There were eight comments of support namely from Central Peninsula Fish & Game Advisory Committee which unanimously agreed with the proposal and stated problem. Kenai/Soldotna Fish & Game Advisory Committee which voted unanimously to support the proposal. Kenai Peninsula Chapter Safari Club International supported the proposal in principle. A Ms. Gail Presley of Anchor Point is in full support. Lynn Kennedy of Ninilchik Fish Mounts states that - I don't know if that's a he or she, has lived in -

UNIDENTIFIED VOICE: He.

MS. EAKON: he has lived in Ninilchik and he stated that since 1973 and does not believe there is any form of subsistence fishing or hunting in this town. Mr. Dan Presley, a resident of Ninilchik since 1959 states that subsistence does not belong in this day and age, that Fish & Game can manage the hunting regulations as to allow residents to harvest the game they need without calling it subsistence. And H. Davis, Jr. of Clam Gulch states that during the hearings on the Kenai Peninsula people that had lived in the area 40 and 50 years stated they did not travel to hunt, they hunted on the coastline where they could use their skiffs. And this person's opinion is that Ninilchik is not rural. It's a road connected modern town. And finally, Dr. William West of Soldotna wrote yes to this proposal. In his comment he said that there should be no subsistence on the Kenai Peninsula with the possible exception of Nanwalek

and Port Graham. He said that we are road connected and should have equal access and benefit.

CHAIRMAN EWAN: Okay. And any questions for Helga? I guess we're going to act on these proposals then. Lee?

MR. BASNAR: Mr. Chairman, in studying this proposal I think the only way we can address this is to break it down into four different categories. And I think we probably ought to either agree upon that or vote upon that.

CHAIRMAN EWAN: All right. There's no - ask if there's objection to doing that. I would - was intending to ask that same question. I think that's the way to do it unless people have other suggestions on how to deal with this.

MR. OSKOLKOFF: Mr. Chairman,

CHAIRMAN EWAN: We'll deal with them specie by specie if there's no objection. Do you have objection, Gary?

MR. OSKOLKOFF: No, I was just going to suggest that we might want to ask if there's any public comment.

CHAIRMAN EWAN: Okay. At this point?

MR. OSKOLKOFF: Yes. I believe it's the appropriate place for public comment.

CHAIRMAN EWAN: Yes. Okay. Are there anybody that wants to make a comment?

MS. SPRAKER: Real quick just not to muddy up the waters. I'd like to go ahead and withdraw the bird proposal. I'm totally confused about it I'm sure as much as you are.

Originally when the proposal was put in it wasn't written like that and then Fish & Wildlife called me and there was some confusion and I'm still not 100 percent clear, so I'd like to withdraw it at this time just on the birds.

CHAIRMAN EWAN: I won't let you.

UNIDENTIFIED VOICE: No.

(Laughter)

CHAIRMAN EWAN: Okay. I guess if that's the proper way to do it they can. All right. Thank you. Well do it specie by specie. We'll do the goat first, I guess. Proposal. And could you repeat your recommendation again, please?

MS. MASON: Yes, as soon as I find it. Okay. Preliminary conclusion mountain goat, the proposal should be denied.

CHAIRMAN EWAN: Is there a motion on this proposal? So, Lee, there's a motion.

MR. OSKOLKOFF: Second.

CHAIRMAN EWAN: There's a motion second to approve the recommendation. Is that the motion basically?

MR. BASNAR: That's what I understand.

CHAIRMAN EWAN: Okay. Further discussion on the motion?

MR. JOHN: I'd like to say something, you know. We - this is to cover all of Fish & Game's - you know, say this was a traditional hunting area and this was not and everything. Just looking in our area up in Unit 13, the last few years, you know, we have been really pressing - the Native people have really been pressing about where we hunt and everything. And I found that, you know, - I kind of find that sometime hard to believe, you know, that they only hunt a certain area and they didn't hunt this area in the Kenai, the Native people in the Kenai area. Up Mentasta, the people at Fish & Game - the State Fish & Game said, you know, like this village at Dot Lake didn't have any area to hunt on the national park, but they didn't realize that Mentasta and Dot Lake are so closely related like Mentasta and Chistochina, they didn't realize that till just a short time ago and that's why I got kind of angry 'cause they didn't put them in the subsistence zone. We're so closely related. And every creek there is in that area, that creek that goes back through (ph) is our life line for subsistence area. We use every area there is on there. Our - when we were doing the land claim, land selections, I asked the elders in the village where they hunt. And me, myself, when I was young, I'm 53 years old. In the '40s I remember traveling by dog team from one village into Suslota and to Batzulnetas area and we hunt and we trap in all those areas. And then when the Fish & Game finally came in said we only hunt in this and this area, you know, we were - it was completely wrong, completely off the line and everything.

And I look at Kenai right now, this whole area right here, and this little village only hunted this area it could sustain itself as a subsistence people. I bet - to me I bet the use of this whole waterway was kind of like a highway to them to live, I mean, you know, for fishing and the streams that goes back. If they lived like we did up in my area I know the use every bit of this - I want to call it island, this peninsula there. I mean if - as subsistence person we use every resource. We use every stream that comes out and lakes like that. And we go farther back. We travel from Mentasta. Our travel was up to Delta down around Paxson, back down the Copper and that's our hunting area. And going back into valleys for moose and some year we don't have the moose we almost had to go to Canada, White River country.

So, you know, I see this different, really different from a Native point of view.

And these people from Kenai, and I bet they go way back this way to hunt, way back into probably Whittier, you know. And I just can't see, you know, sometime. I don't blame the, you know, Fish & Game 'cause they got sometime limited resources and sometimes the Native are really - you know, they don't tell their stories or they don't trust to tell their stories, you know, where they go and everything. 'Cause I see that in villages. And but when it comes right down, I see where - I could see a different pattern there than usually what Fish & Game come up with. I just want to bring that out.

CHAIRMAN EWAN: Thank you, Fred. I think that's a good point. You were going to read a recommendation? There was no - oh, you did already. You did already.

MS. MASON: I did already.

CHAIRMAN EWAN: Yes. Okay. And are we prepared to make a motion on this. Did we make a motion on this?

MR. HENRICHS: There's a motion on the floor.

CHAIRMAN EWAN: All right. There's a motion on the floor. Further discussion on the motion?

MR. LOHSE: Mr. Chairman, this motion basically if I understand right is dealing with Seldovia, am I correct in what our motion is on is it's on the first section which is Seldovia hunt area goat. Is that basically what we're - that's what we're dealing with right now?

MS. MASON: Mr. Chairman, the proposal is to exclude Seldovia.

MR. LOHSE: Exclude Seldovia for goat.

MR. HENRICHS: Mr. Chairman?

CHAIRMAN EWAN: Yes.

MR. HENRICHS: Did they conduct a hunt under this regulation already, subsistence hunt?

MS. MASON: I don't know.

MR. HENRICHS: Well, when was this passed? If they did my question is did they get any goats?

MS. MASON: Yes. That is a good question and I don't know the answer to it.

MR. LOHSE: Mr. Chairman?

CHAIRMAN EWAN: Yes.

MR. LOHSE: I believe it was us that found a customary and traditional determination for Seldovia if I recall right for goat.

CHAIRMAN EWAN: You have a better recollection than I do. I don't recall that one.

MR. BRELSFORD: I think the situation, Mr. Chairman, Ralph, in response to that is that you deferred action on all species except for goats. In reply to Robert's question the circumstance here is that in 1990 when the Federal Subsistence Program was established existing State c&ts were carried in. There was an existing State c&t determination concerning goat for limited areas in that southwest corner of the Kenai Peninsula, south of Kachemak Bay in respect to those three communities. The c&t determination was carried into the Federal regulations, but as we've seen a couple of times there are no federal lands in the southwest corner in the portion covered by the State c&t determination brought in in 1990.

As a result there were no Federal lands on which to authorize a hunt, a subsistence hunt, so there have been no Federal subsistence hunts in the Port Graham, Nanwalek, Port Dick area because there's no Federal lands. So there are no tallies, no takes, no hunt under the auspices of the Federal Subsistence Program since 1990.

CHAIRMAN EWAN: Robert?

MR. HENRICHS: Yeah, I've got another question here. I'm just curious, I don't know the answer to this one, the Exxon Valdez Spill Trustees Council has got this big push on to get as much Native land as they can and buy it. And they may be talking Port Graham, I don't know, or somebody. And if they get a bunch of their land is that going to be in - will it be Federal land or what?

MS. MASON: Again, that's a good question and I don't know the answer to that.

MR. KUHN: (Inaudible - away from microphone).

CHAIRMAN EWAN: Yes.

MR. KUHN: (Inaudible - away from microphone).

COURT REPORTER: Can you please come up to the microphone.

MR. KUHN: Rod Kuhn with the Forest Service. Mr. Chairman, in discussions I had with attorneys from the Solicitor's Office when I was working in the Oil Spill before returning to the Subsistence Program, that was a question they were dealing with. And the conclusion they were reaching was that they would be Federal public lands for subsistence when they acquired them - when they acquired title to the lands, not when they were just getting some rights to the lands because in some cases they are only acquiring rights to the lands.

CHAIRMAN EWAN: But would you say that this point we shouldn't be dealing with that because it didn't happen yet, right? I mean

MR. KUHN: In some cases

CHAIRMAN EWAN: We shouldn't assuming that I guess (ph)

MR. KUHN: there's negotiations, but there's nothing right now that's happened to change the land status.

CHAIRMAN EWAN: I think down the road might have some impact on

MR. HENRICHS: Yeah.

CHAIRMAN EWAN: how we deal with Seldovia, but I don't know.

Where are we at then? Any further discussion on the motion?

MR. OSKOLKOFF: Just I'd like to say it seems similar to the situation although I agree there's many parts that are dissimilar when we're dealing with the bases in that if there's no hunt there seems no harm to the non-subsistence hunters at all. And if this land does, indeed, change status in the future they're going to have to revisit this thing and turn around something. We can just as easily leave in place the way it is right now and if land status comes up, changes somewhere, has a difference in the future it may affect it then. We can revisit it on those grounds. But I would be reluctant to start down a trail of revisiting every regulation to see if it fits specifically with what we're doing when they were handed to us essentially from the State a few years ago. I imagine there's a lot of extraneous material and some of it I think we have to address and some of it that's going to have very little effect.

CHAIRMAN EWAN: Are you speaking in favor of the motion or

MR. OSKOLKOFF: I'm speaking in favor of the motion, yes.

CHAIRMAN EWAN: Okay. Any further discussion?

UNIDENTIFIED VOICE: That's a motion that I can't

CHAIRMAN EWAN: Do you want somebody to repeat the motion?

UNIDENTIFIED VOICE: Yeah, please.

UNIDENTIFIED VOICE: Yeah, I would like it, too.

CHAIRMAN EWAN: Okay. What are we - as I recall it, we're moving (ph) the recommendation on the goat.

MS. MASON: Right. And the recommendation was to deny the proposal.

MR. OSKOLKOFF: Question.

CHAIRMAN EWAN: The question has been called for. All in favor say aye.

IN UNISON: Aye.

CHAIRMAN EWAN: Opposed by the same sign.

(No opposing responses)

CHAIRMAN EWAN: The motion is carried. Okay. The next is bear, I guess.

MS. MASON: The next one is bear. And the recommendation was to adopt the proposal for the two communities of Port Graham and Nanwalek and to remain no determination for the other two communities.

CHAIRMAN EWAN: Do I hear a motion on that proposal? I'm trying to speed it up.

MR. OSKOLKOFF: I'll move to adopt the recommendation.

CHAIRMAN EWAN: There's a motion. Is there a second?

MR. HENRICHS: Second.

CHAIRMAN EWAN: The motion is seconded. Discussion?

MR. OSKOLKOFF: Just to re-assure the other members of the Council as I want to be re-assured that the motion simply means that we're adopting these determinations for Port Graham and Nanwalek, and we're not revisiting the issue at this time of the other two communities, is that my understanding of what the recommendation was?

MS. MASON: That's my understanding of what it is.

CHAIRMAN EWAN: No other discussion. Are you ready to vote on the motion?

MR. OSKOLKOFF: Question.

CHAIRMAN EWAN: The question has been called for. All in favor say aye.

IN UNISON: Aye.

CHAIRMAN EWAN: Opposed by the same sign.

(No opposing responses)

CHAIRMAN EWAN: The motion is carried. We're down to moose, right?

MS. MASON: Okay. The preliminary conclusion for moose was to adopt the proposal, however, not to remove Seldovia and Ninilchik from the current positive c&t. So to adopt the proposal and retain the status quo as far as the c&t for that community.

CHAIRMAN EWAN: Do I hear a motion?

MR. JOHN: I make a motion.

CHAIRMAN EWAN: There's a motion to adopt the recommendation. Is there a second?

MR. OSKOLKOFF: Second.

CHAIRMAN EWAN: There's a motion, seconded. Discussion? Robert, did you have

MR. HENRICHS: Yeah, to adopt a recommendation from the Fish & Game, not the proposed regulation.

CHAIRMAN EWAN: Yes, that's what I was referring to.

MR. HENRICHS: Okay.

CHAIRMAN EWAN: See, you know, we're following up on regulations, I guess,

MR. JOHN: Yeah, it's not to remove Ninilchik and Seldovia.

MR. LOHSE: Exactly what is the recommendation?

MS. MASON: The recommendation is to adopt the proposal and retain the status quo for current c&t.

MR. LOHSE: What is

MS. MASON: Okay. The proposal was to - for only Port Graham and Nanwalek to have a positive customary and traditional use determination for moose in Units 15(B) and 15(C). So the proposal should be denied. Status quo should be retained for that unit.

UNIDENTIFIED VOICE: I think we need a different motion then.

CHAIRMAN EWAN: We still seem to - it seemed to me like we move the recommendation that is the recommendation that

MS. MASON: To follow the - even though the

UNIDENTIFIED VOICE: (Inaudible - simultaneous speech).

MS. MASON: Yeah.

MR. JOHN: I'd like to withdraw my motion.

MR. OSKOLKOFF: And the second will concur.

MR. JOHN: I'd like to make a motion that we what, deny this or

MS. MASON: You could either make a motion to reject the proposal or to adopt the recommendation of the analysis.

UNIDENTIFIED VOICE: Which is reject the proposal.

MR. JOHN: I'd like to make a motion to reject the proposal on moose and not to remove Ninilchik and Seldovia.

MR. OSKOLKOFF: I second it.

CHAIRMAN EWAN: There's a motion, seconded. Any discussion on the motion?

MR. LOHSE: Basically to leave things as they are in other words.

MR. OSKOLKOFF: Question.

CHAIRMAN EWAN: The question is called for. All in favor say aye.

IN UNISON: Aye.

CHAIRMAN EWAN: Opposed by the same sign?

(No opposing responses)

CHAIRMAN EWAN: Is that all the action on the moose we need?

MS. MASON: Yes, it is.

CHAIRMAN EWAN: Okay. Now, we'll get down to ptarmigan and grouse.

MS. MASON: The ptarmigan has been withdrawn.

CHAIRMAN EWAN: Are there more proposals?

MS. MASON: Yes, there are. We now come to Proposal 23. And so on this one I gave to you two maps that did not make it into your proposal as well as the map that you used on the last one that was the use area map. And here's some more for the audience.

CHAIRMAN EWAN: All right. On Proposal 23.

MS. MASON: Okay. Proposal 23 was submitted by the Ninilchik Traditional Council and it requests a positive customary and traditional use determination for moose in Unit 15 for residents of Ninilchik. Actually it was corrected later. This says Ninilchik, Port Graham and Seldovia. It actually was for the four communities, the rural communities of Nanwalek, Ninilchik, Port Graham and Seldovia.

The effect of this proposal would be to add Unit 15(A) to the existing positive c&t that's in place for moose in Units 15(B) and 15(B) for residents of Nanwalek, Ninilchik, Port Graham and Seldovia.

This proposal does not address some of the eight factors and that's because the (indiscernible) moose harvest in those four communities has already been described in Part 3 of the preceding proposal. For that reason this analysis only examined the geographic distribution of harvest activity in Unit 15. And the analysis gives particular attention to Unit 15(A) because that's the one for which a change in status is requested. For those who desire more specific harvest information or information about the means of harvest and the processing of seasons and so forth, that can be found in the preceding analysis.

Again, we have little specific information regarding the geographic areas in which contemporary Ninilchik residents harvest moose. According to ADF&G harvest ticket reports moose hunting effort by residents of all four of these communities has been concentrated in Unit 15(C). An average of 95.5 percent of all Ninilchik hunter effort in the three subparts of 15, was in Unit 15(C) an average of 87.1 percent of Seldovia hunter effort was in that subunit. All of the hunting effort reported by residents of Port Graham and Nanwalek was in Unit 15(C).

And that is in reference to moose hunting effort. As reported in ADF&G harvest tickets there's a similar distribution of moose harvest and most of them were in Unit 15(C).

As Mr. John pointed out recently there - what is reported to ADF&G might actually be a very small subset of the harvest areas. And that's a point very well taken that there could be in hunters' experience much more of a wide area than what might appear in these kind of use maps.

I would like to direct your attention to another source of information on Ninilchik hunters' use areas. And that is the top map of the two that I gave out to you. This is the subsistence survey that was conducted by the Ninilchik Traditional Council in early 1994. In this one in contrast to the standard approach used in ADF&G Division of Subsistence studies the time period was the lifetime of moose hunters. And it reported moose hunting in an area that was - that's larger than otherwise reported. And this - this area map incorporates all of Units 15(A), 15(B), 15(C) and 7 on the Kenai Peninsula and also extends to the Lake Illiamna region on the west side of Cook Inlet.

Also - and this is on the second part of the handout I gave you, the tribal boundaries that were proposed by the Ninilchik Traditional Council in the 1980s indicated - and this is a very poor copy but it's the best we had, but it indicates a northern boundary at Tustamena Lake and that would roughly include Unit 15(C) but exclude Units 15(A) and 15(B).

And tribal boundaries would typically represent historical use areas of the tribe.

Also in regard to hunting, travel for hunting. Today the Ninilchik hunters use a variety of transportation methods as reported in ADF&G harvest tickets. Some households use automobiles and boats for access to the general area of their hunt and then proceed by foot. Of the 238 reports between 1983 and 1994 by Ninilchik residents on transportation methods for moose hunting the largest portion of 56 percent from hunters who had used highway vehicles. 19 percent

went on horseback, 14 percent used a three or four wheelers. 0.8 percent went by boat and 0.4 percent used an airplane.

As for Seldovia's moose hunting, historically Seldovia moose hunters traveled by boat to the head of Kachemak Bay. They hunted in the Fox River Valley and China Poot Bay on the south shore of Kachemak Bay. And, again, as I reported in the last proposal in the 1980s Seldovia residents used the road system traversing the lower peninsula.

Additionally, some hunters traveled to northern portions of the Kenai Peninsula to harvest moose as documented by Reed in her 1985 study.

Also in the 1980s some Seldovia moose hunters traveled by boat to Kalgin Island in Cook Inlet and these hunters also identified Illiamna as a place where they went by fishing boat.

As you saw, the map that I distributed, the last one, this shows the moose hunting areas used by residents of Nanwalek and Port Graham between 1972 and 1982. And also like Seldovia hunters in the past Nanwalek and Port Graham hunters took moose at the north of Kachemak Bay and at its head.

These blank pages are where the maps should go.

All the moose that was documented for Nanwalek in the early 1960s by BIA teachers was reported as taken north of Homer on the Kenai Peninsula proper. The most specific harvest location was provided in the 1960 report where three moose were recorded as being taken about 30 miles northeast of Homer. In the early 1980s the Nanwalek and Port Graham residents still made occasional moose hunting trips to the Fox River Flats and the Bradley River areas at the head of Kachemak Bay.

Public testimony before the Federal Subsistence Board in July and August, 1995 is also a source of information for this analysis. And during those deliberations one of the council members testified that harvest tickets are not representative of harvest practices or areas because of low reporting rates and because of the time period reported in the harvest ticket data. It's not representative of harvest practices during traditional times or during the '60s and '70s.

The preliminary conclusion was that the proposal should be rejected and the justification is that while it's clear that residents of Port Graham, Seldovia, Nanwalek and Ninilchik have customarily and traditionally harvested moose. Most of the documented moose harvest by those communities have been in Unit 15(C). And because there's no record of a long term consistent (indiscernible) harvest in Unit 15(A) the proposal to add Unit 15(A) to the already existent c&t determination for these communities for Units 15(B) and (C) should be rejected.

And there's - it's clear that there's also a low pattern of harvest in Unit 15(B), but since the proposal addresses 15(A), then the - there is no recommendation to do anything with 15(B). The conclusion addresses the addition of Unit 15(A).

CHAIRMAN EWAN: All right. I do have a question and that would probably apply to all the proposals. When you say preliminary

MS. MASON: Uh-hum.

CHAIRMAN EWAN: What does that mean basically here? At this point it's zip for us, right, preliminary,

MS. MASON: Yeah.

CHAIRMAN EWAN: it's only conclusive - a recommendation or

MS. MASON: Yeah. I don't know the history of that particular addition there and maybe

(Inaudible conversation)

MR. WILLIS: Yeah. It's a preliminary conclusion, Roy, because we quite often get information from the Councils that we didn't have prior to coming to the meetings, and so rather than - I think when we first started we called it a conclusion and someone probably took exception to the use of that term. Yeah, it was not meant to be an absolute final conclusion, but as Helga says the coordinators objected to the use of the word conclusion and so we put in preliminary just to make sure everyone understood that we come to these council meetings not only to give information but to get information. And as the deer proposal we just dealt with, I think, clearly demonstrates. And so that's why we consider it to be preliminary.

CHAIRMAN EWAN: This is the conclusion that you have come to

MS. MASON: Yeah.

CHAIRMAN EWAN: up to this point.

MR. WILLIS: Up to this point.

CHAIRMAN EWAN: Yeah.

MS. MASON: It's the preliminary conclusions of the staff, perhaps not of the council.

CHAIRMAN EWAN: Okay. Ralph?

MR. LOHSE: Mr. Chairman, I'd like to ask Gary a couple of questions if I may. Gary, do you know the distance from Homer to Kenai off the top of your head?

MR. WILLIS: Roughly 80 miles.

MR. LOHSE: So it's 80 miles

MR. WILLIS: By road.

MR. LOHSE: 80 miles from Homer to Kenai, 40 about from Ninilchik to Kenai?

MR. WILLIS: Roughly, yes.

MR. LOHSE: 40 from Ninilchik. How far is it from Nanwalek and Port Graham over to Homer?

MR. WILLIS: That's a good question. Probably about

MR. LOHSE: It looks like 30.

MR. WILLIS: Yeah, roughly 30 miles, I guess.

MR. LOHSE: 30 miles.

MR. WILLIS: By air or boat, yeah.

MR. LOHSE: So for somebody from Nanwalek or Port Graham to go to Unit 15(A) it'd be about 110 mile trip, somewhere in that, part by boat, part by road.

UNIDENTIFIED VOICE: Did you want to give your

MS. EAKON: Yes.

CHAIRMAN EWAN: Do we have comments, I mean from the public?

MS. EAKON: The program received 11 written public comments. They all oppose the proposal. The Central Peninsula Fish & Game Advisory Committee in Ninilchik opposes. The Kenai Soldotna Fish & Game Advisory Committee opposed this. A Ninilchik resident who, I guess, didn't sign his or her name said no, exclamation point, to this. And Gail Presley of Anchor Point said that this proposal is against the best interests of the moose population. And she called herself a Native Alaskan by birth who wants equality for all. The Kenai Peninsula Outdoor Coalition in Soldotna opposed this. They said that after extensive research we have still not found any supportive evidence that hunters of the Ninilchik area customarily or traditionally hunted moose in Game Management Unit 15(A) in either past or present times.

Ninilchik residents stated in testimony before the Board in 1995 that historically they hunted only in the Ninilchik area. As to recent years ADF&G harvest ticket data indicate that hunting in Skilak Loop and GMU 15(A) by residents of the southern Kenai Peninsula has been negligible. And a Mr. H. Davis, Jr. of Clam Gulch wrote to say that he opposes this proposal. He thinks that Ninilchik is not rural because it's a rural connected modern town. Dr. William West of Soldotna said no. He said there shouldn't be any subsistence on the Kenai Peninsula with the possible exception of Nanwalek and Port Graham. Dan Presley of Anchor Point said that he's lived in that community, Ninilchik community since 1959 and he can say that subsistence does not belong in this day and age. The Kenai Peninsula Chapter of the Safari Club International strongly rejected Proposal 23. Lynn Kennedy of Ninilchik opposed this. He said he's lived in Ninilchik since 1973 and does not believe there is any form of subsistence hunting or fishing in this town. And finally, Bill Deal of Kasilof said subsistence should be deleted from the line (ph) entirely and the road system on the Kenai Pen. is no place for subsistence hunting or fishing. And that concludes the written comments.

CHAIRMAN EWAN: Okay. Do we have a motion?

MR. OSKOLKOFF: You asked for comments.

CHAIRMAN EWAN: Is there anyone that wants to make a comment on this proposal from the public? Everybody is looking at Elaina, it looks

MS. SPRAKER: You're waiting for me to get up and say something. Didn't we argue enough this morning? (Inaudible) I really don't - let me (inaudible) Elaine Spraker, chair of Kenai Peninsula Outdoor Coalition for the record.

The brief comment I would like to make to this Council is, you know, I've sat here for - since the meetings began and I notice that you've embraced testimony from the community council's, I guess you call them SRCs and the Advisory Councils. And this was the first time that I picked up this packet and read these comments. And I would just like to note that the Ninilchik Advisory Council opposes this proposal. Okay.

CHAIRMAN EWAN: Okay. Thank you. I am trying to understand this just a little bit from the standpoint of being along the highway. I know that up in that area as Fred probably has stated, historically before the highway we used a lot of area, a lot of land to subsist. But more recently we've used the highway. I don't know how far we go, but we go quite a ways. For instance, in my case my people go all the way over to the Cantwell area which is over 100 miles, so I don't know. Maybe somebody could tell me what's going on here from people that live there. Robert?

MR. HENRICHS: Yeah, I heard the term there was no pattern of long term consistent use, but there was a pattern of use at times. You talk to the elders and they'll tell you that they ended up there, you know, they wouldn't go up there every year because they didn't have to. The more scarce game is the further you go to get it. And that no pattern of long term consistent use is the same reasoning that we were given when they cut people out of commercial fishing limited entry permits. Fishing was bad so they had to stop fishing and go get jobs to support their families and they lost out. It's the same reasoning that the Federal government gave us to cut people out of IF (ph) use. If you didn't fish a couple of those magic years you were out. So I ain't buying into that one. We've heard that too many times in our past history. And I'm just curious if they held a hearing in Nanwalek and Port Graham, did they discuss any of this? Didn't they have one last year or something? Didn't Federal Council go to Nanwalek and Port Graham

MS. MASON: Yes, they did.

MR. HENRICHS: Did they have any testimony on where they hunted moose and stuff?

MS. MASON: Yes, they did. I wasn't present at that and perhaps Helga can address that question.

MS. EAKON: Yes. At the Port Graham public meeting of the Board in June 1995 the chief of the village and some of the local residents did attend the meeting. And the chief did state that the hunters were busy out commercial fishing and, therefore, lost out on the opportunity to comment. But we did receive comment that not so much in the present, but in the past they did used to go across the bay over to the peninsula to hunt. I believe in one of the books back there, there's a summary of - would you like to hear exactly what they said?

MR. HENRICHS: No, if you wanted to, but

CHAIRMAN EWAN: Did you have a comment, Ted?

MR. SPRAKER: I could make a comment on the pattern.

COURT REPORTER: Could you go to the mike, please.

CHAIRMAN EWAN: Okay.

MR. SPRAKER: Mr. Chairman, Ted Spraker with Fish & Game. I think from what I've read the Department has a postponed comment on this proposal, but I would like to address the question about patterns of use. And I can only speak to the last 20 years because that's the time period that I have, you know, a good reference on the Kenai.

Historically from what I've heard is that people commonly hunted fairly close to their communities. I've talked to some people in Ninilchik that said that. I've heard testimony to that. And it sounds reasonable that a person would hunt close at hand. Although, I'm sure people do hunt in other areas. I don't have any problem understanding or believing that.

As far as the last 20 years or so on the Kenai, it's a very clear pattern and there's a very clear reason why it is. And that's the availability of moose and its crowdedness. Hunters in 15(C) that have - they're in close proximity to the Caribou Hills where we have a high bull/cow ratio, we have use of ATVs and so forth. Those hunters made use of their local areas because they're better areas to hunt. 15(A) is primarily all refuge land. You cannot use ATVs. There's a restriction on aircraft. There's a lot of hunters from Kenai, Soldotna, Anchorage that use 15(A). And hunters from 15(C) probably avoided the area because it wasn't near as good a hunting area as 15(C).

CHAIRMAN EWAN: Lee?

MR. BASNAR: Yeah, I have one question. I'm not familiar with 15(A) from the ground. I've flown over it several times, in my plane at low level, but you know, I've never walked the ground in 15(A). Is that accessible from - well, let's talk about the northern portion of Chickaloon Bay. I'm trying to put into perspective someone from Ninilchik back in the old times jumping in a boat and going to the Federal, we're only talking about the Federal land, 15(A). And there's only just a little portion of the beach there that would be Federal land that's in Chickaloon Bay as I'm looking at this. And as I recall that's a pretty damn steep bluff, about straight up and down, or is that just over on the very point there?

MR. SPRAKER: Mr. Chairman, Mr. Basnar, you're correct. That's a very steep bluff. It does taper off once it gets to Chickaloon Bay. And there's a large estuary in Chickaloon Bay that extends several miles back from the beach. And it's difficult access from a skiff because of the intertidal problems and the mud and so forth on that beach. I know people that have gone into the area with a skiff and they fight the mud to try to get up to the - you know, above the tide line mostly for waterfowl hunting.

MR. BASNAR: And there's no road access into the northern portion into that area at all?

MR. SPRAKER: Actually there is.

MR. BASNAR: There is?

MR. SPRAKER: There's a pipeline that was built probably in the early '60s, maybe Mr. Romig could help me with this, I know of it from '73 on. It was there in '73. Maybe it was built even before that. But the pipeline does come out right at Chickaloon Bay and it's opened just during the hunting season. Well, now it's a 32 day open period because it goes across refuge lands. And it's open only to highway vehicles.

CHAIRMAN EWAN: How about the southern portion of 15(A), is there a road that goes through there?

MR. SPRAKER; Mr. Chairman, yes, there is. There's a road that goes from Sterling about 12 miles straight north and then it turns to the east and extends another 15 miles. The first portion is called the Swanson River Road and then the second portion that runs east and west is called the Swan Lake Road. And that is the primary road of access.

There's actually another road over closer to Kenai, that's called the Marathon Road. And that does extend into some of the refuge land. It does not connect with these other roads.

CHAIRMAN EWAN: Do we have a motion here?

MR. BASNAR: Mr. Chairman,

CHAIRMAN EWAN: Ralph, had a comment here. Just a minute.

MR. BASNAR: Oh, all right.

CHAIRMAN EWAN: Go ahead, Ralph.

MR. LOHSE: Mr. Chairman, I - just thinking about people I would find it hard to believe when I look at the road system there that people from Ninilchik don't drive up into 15(A). I would find it less logical if people from Nanwalek, Port Graham or Seldovia would go up there. I would probably have more of a possibility of finding for a customary and traditional for Ninilchik than I would for Nanwalek, Port Graham and Seldovia in that case because, you know, the distance we're talking, like we discussed before, 40 miles from Ninilchik to Kenai and then it looks to me like you've got fairly decent - I don't know how good those roads are, but from a hunting standpoint you've got road access right into the refuge. I just wouldn't see where somebody would make that kind of a trip when they have 30 miles of water trip on top of it. And I doubt if somebody would take a boat from Nanwalek and go all the way up to Chickaloon Bay. So like I said, I'd probably have an easier time finding for Ninilchik going into this area than I would for the people down here going around and coming in this way. And I can't imagine somebody from Ninilchik - somebody from Ninilchik not going into there. And the one thing we have to remember is it does not have to be just the traditional council, traditional. I mean we're looking at Ninilchik as Ninilchik, as a rural community of Native and non-Native people.

CHAIRMAN EWAN: You know, being a road connected community I agree with you, Ralph. I - if they didn't, why would we want to close it off? That's my big question going around in the back of my mind, why do we want to close it off? Maybe some day there would be fewer moose over in 15(C) and there would be need to go into 15(A) to pursue subsistence or for subsistence purposes, moose and whatever game there is over there. Ralph?

MR. LOHSE: Mr. Chairman, but that wouldn't be a reason to keep it open because to find - have a customary and traditional finding we've got to find that they customarily and traditionally use that area. It's not a case of not wanting to close something off. It's a case of did they use it, you know. And so from that standpoint, I mean you've got to take a look at that.

CHAIRMAN EWAN: I understood that they used it.

MR. LOHSE: You know, did they use it.

MR. BRELSFORD: Mr. Chairman, I think that we originally did have 15(A). And the Board last year, I think, said that there wasn't a big enough incidence of use, you know, past use there so they excluded it. Am I correct?

MR. JOHN: Yes.

MR. BRELSFORD: So we're essentially, you know, going

MR. JOHN: Proceed to rituals (ph).

MR. BRELSFORD: Well, we're not - basically we're changing what the Board did last year by approving this proposal and putting it before them again essentially.

CHAIRMAN EWAN: Okay. I'm just trying to get an idea of where we want to go here. Lee, did you have

MR. BASNAR: Well, I do. I want to make - I have a question. This tribal boundary map, I can't determine where the tribal boundary is. It's a very difficult map for me to read.

MS. MASON: Yeah.

MR. BASNAR: Does it cross Kalgin Island, is that line there, is that the northern boundary?

MR. OSKOLKOFF: That is.

MR. BASNAR: Okay. All right.

MR. OSKOLKOFF: Mr. Basnar and Mr. Chairman, if I could make a comment with regard to the map and I have to make a comment with regard to the conclusion that was drawn with regard to the map.

This map is designed to delineate where residents are who should be served by the Union Health Service and the Bureau of Indian Affairs for social services and health programs primarily. And some meeting of the mind between - we thought meeting of the mind between the Seldovia Tribe and the Kenaitze Tribe with regard to where our lines of jurisdiction ought to end and others begin so that we could adopt standards that are similar to judicial standards that are used in the western world.

As I think everyone here is aware that's a member of a tribe or has worked with them very much, tribes have overlapping boundaries. And boundary is really a very poor western term to describe what they are. I could go on for quite some time trying to describe them, but essentially there are different areas that are used for different purposes. And there are long standing traditions of having common use areas and some areas that overlap, some areas that are only used for specific purposes, areas which are sacred areas which are grossly over-used, but you have to try and rid yourself of this mind set that we get ourselves into. We paint ourselves into a box with Federal documents, State documents which are - only can be given a certain amount of accuracy and only for the time that data was collected for them. It was be as if an anthropologist or an ethnologist walked into an area and tried to make a decision about what happened in the past

without talking to the people. You have to have some type of data in order to extract that information

And I suggest to you that the State and the Federal Fish & Game data is very limited. It is limited to 20 years in most cases. 20 years, 30 years. Maybe 19- - the 1960s or last 1960s for Port Graham and Nanwalek in some cases. This is very recent time for an area that's had hundreds of years now of occupation by other governments. You have to stretch a little bit further than that to try and get back to historical use because history goes on, I'm sorry to say, beyond western recognition. Just because there wasn't somebody there writing it down in a book doesn't mean that the people weren't there and things didn't happen.

So, therefore, I think we should remember that there's limitations to some of this data and I refer to in the cases of some of the tables here, as I was looking through, we saw information with regard to what areas people hunted in within Unit 15 A, B or C sub-units. And you'll see the note on the bottom which says that Unit 15 hunts with no identified sub-unit are not included. When somebody asks you where you hunt and you said Unit 15, apparently that wasn't included if you hunted in all 15, and you thought, well, I hunted 15.

Frankly, I've hunted 15. I didn't hunt Unit 15 A, B or C. I hunted 7 and 15. I hunted just about everywhere. And I think that much more indicative of the reality of the situation is the map that was produced using the same type of criteria to produce it that the State and the Federal government gave us. This is an overlaying map of the various maps that were produced by those people polled by the Ninilchik Regional Council. And you can see that it - the Kenai Peninsula is only a minor component of the total area that they use.

Now, I don't expect the people to just jump in and say, well, geez, Gary, it's the absolute fact, but we conducted these surveys trying to attain the same information. The only real difference is we're talking historical information so we asked over your lifetime. Why did we have to stop at 10 years or 20 years. Instead of just saying the last 10 years or the last year or so where did you hunt, we said over your lifetime what are the areas that you've hunted in. That's really one of the major differences. And, of course, over the years you'll hunt in more and more areas with any luck.

The limitations that you set on the criteria are limitations that you get. One of the differences that we found in the maps that were produced originally by the governments is that they give a very small map. They have a very small area, just the Kenai Peninsula, the direct affected area within 50 miles of where you were, maybe a 100 miles at the most, and ask people where did you hunt within this area. Well, you give them a small map, even if they include the whole thing they're going to get a small area. So we gave them a little bit bigger map and you can see they still went outside the edges of that. So these are the kind of limitations that you're dealing with here.

CHAIRMAN EWAN: Okay. Lee?

MR. BASNAR: Yes, Mr. Chairman, I know which way this boat's going to go. I'm getting a little bit irritated. I'm not attempting to take anything away from anybody, but there are some folks on this council that are attempting to take things away from people. I'm trying to come up with a fair and equitable solution based on a reasonable background, based on reasonable data so that I can apply a common approach to the subsistence. I don't want to see subsistence be abused. And I don't want subsistence users to be abusers. And so I'm a

little upset when I see this map. That's a god damned joke. Why didn't you draw a circle around the state of Alaska?

I want you to tell me how somebody from Ninilchik went moose hunting over on the back side of Mount Susitna? How did you get there? That's a joke. What the hell, you've got a damn line that's drawn out in the middle of the Gulf of Alaska. A lot of moose on the very southern portion of the Kenai Peninsula. I mean it's just swarming with them, I'm sure. I'm sorry, but I've been sitting here getting hammered all day.

And, folks, this is not the way this Council should approach this. It's give me, give me, give me. If Ninilchik wins this year let's go back and hammer us again next year and what else we can get and let's remove those god damn white people and get them to hell out of the way. And, folks, it ain't going to be that way as long as I sit on this Council as long as I'm in Alaska

CHAIRMAN EWAN: Lee, I going to stop you

MR. BASNAR: (indiscernible), I'm sorry.

CHAIRMAN EWAN: I don't know if you're raising your voice and taking (indiscernible - interrupted)

MR. BASNAR: Mr. Chairman, I apologize.

CHAIRMAN EWAN: Okay.

MR. BASNAR: I'm sorry. I'll lower my voice and I apologize for my language, but there comes a point. If a Native says it it's gospel. If a Native comes up from the audience and speaks he's treated with the utmost of respect. And if it's a non-Native it's not disrespect, but more disregard. And I've seen that happen here for a day and a half and I have no prejudice against the Native people. And I hope to God I'm not coming out that way. That is not my nature. But there are other people in Alaska that have a long tradition and it can go back hundreds of years or thousands of years, but then when it's convenient to do so you only want to go back to when the road went in in 1960. Well, that's convenient, we've used it since the road was there. But if it's not convenient to do so I find the Natives on this Council saying that well, that's not convenient so we'll go back 10,000 years. I'd like to see a calm, level approach across the board and people like me keep their voice down and not lose their cool like I just did. And I apologize again to all of you. But, this cannot continue to just give me, give me, give me without allowing some of the other people their day in court. And then somebody comes before this Council and gets angry, somebody from the Kenai Peninsula, I heard Fred say today well, that upsets him. Well, I'm sorry that does, but sometimes Lee Basnar gets upset also. Thank you.

MR. OSKOLKOFF: Mr. Chairman, could I suggest a break.

CHAIRMAN EWAN: Okay. We'll take a five minute break.

(Off record)

(On record)

CHAIRMAN EWAN: Okay. I'll call the meeting back to order. We're still on the proposal - what is the number?

UNIDENTIFIED VOICE: 22.

CHAIRMAN EWAN: 22 - 23. 23, that's what I thought.

UNIDENTIFIED VOICE: Oh, 23.

UNIDENTIFIED VOICE: 23, okay. I guess, Helga, did you have a comment?

MS. EAKON: Yes. My name is Helga Eakon and I'm speaking in my capacity as designated federal official under the Federal Advisory Committee Act of 1972 as amended. And I should like to remind the Regional Council members and the public that we have to follow Title VIII of ANILCA and always keep in mind that it is colorblind. That we have to treat Natives and non-Natives on an equal footing for the best interests of the rural residents that we serve. Thank you.

CHAIRMAN EWAN: Thank you. Do you we have motion on the proposal at this time?

MR. OSKOLKOFF: Mr. Chairman, I'll make a motion to adopt Proposal 23.

CHAIRMAN EWAN: There's a motion to adopt Proposal 23.
Second?

MR. HENRICHS: I'll second.

CHAIRMAN EWAN: Motion second. Further discussion on
the motion?

MR. ROMIG: Roy, I'd like - oh, go ahead, Gary.

MR. OSKOLKOFF: No, go ahead. Ben.

MR. ROMIG: Okay. I think I'm going to vote against this because we went over this and I don't think we found Nanwalek and Port Graham, Seldovia going that far originally. And Ninilchik was included and then, of course, the Board turned that down originally so I think because we found before that Ninilchik and - or Port Graham and Nanwalek, Seldovia hadn't traditionally traveled that far. I don't know, without further information and stuff I think I'd have to vote against this one.

CHAIRMAN EWAN: Any other comments? Ralph.

MR. LOHSE: I'd like to make a comment. I'm going to start with the map that we have right here, this nice, big map that Gary gave us and I'm going to have to say that I don't find it hard to believe that if you took the people from Ninilchik and you asked them where they've gone and where they've hunted in their lifetime, especially in this day in age, that they've covered this kind of an area, because if I took myself and I asked myself where I've hunted in this day and age in the last 30 years my area would probably be almost this big. If I threw in my brother-in-laws and my father-in-law I'm sure it would be this big.

I guess I'm probably going to vote for this for the simple reason that I believe in the subsistence rights for rural residents to use the areas around them whether they're Native or whether they're non-Native and if I'm going to err, I'm going to err on the side of including too many people instead of excluding too many people. And from that standpoint, like I said before, I really can't believe that I could live in Ninilchik and I wouldn't have made a trip or two up

those roads up into the refuge in 15(A) and gone hunting. And I don't know, we've never set a threshold. We've never said how many people out of an area have to do it and I would imagine that out of Nanwalek and Port Graham and Seldovia there have been people that have hunted up in that area, too, simply because once they're hit the road system it's not very far away.

Sometimes we do have to go on antidotal evidence and sometimes we have to go on what our own common sense tells us and I look at the area that I use today and from one end of the Kenai Peninsula to the other is really not that big of an area. And so I'm going to have to say that I have to probably find that the people from Ninilchik and Nanwalek and Port Graham and Seldovia have hunted in 15(A). I don't know how much. We've never set a definition of what makes customarily and traditional as far as volume or time. We've said they've made use of it and they've passed the information on to their children. The same kind of things that I like to feel that I'm doing.

CHAIRMAN EWAN: Gary.

MR. OSKOLKOFF: Mr. Chairman, I want to make one other comment. Maybe I should make several comments regarding the map and perhaps some of the other information.

One is, is that this map like the maps that we received when we first started discussing the issue of customary and traditional use when this Council was really first getting together is a composite or overlay of individual's hunting areas. And any one portion may only have one person who has hunted there in that one spot or it may have a dozen or how many other people were in the survey.

The survey, what we did is essentially what we asked the State for a copy of their survey and we asked them how they conducted the survey essentially and then we tried to duplicate that as closely as possible. When we did we found that only some people were willing to come in and give us information. Some people who are some of the best hunters don't ever bother to come in and tell you where they hunt. They believe that's their information, but that notwithstanding, those people came in and we did not stand over their shoulders and direct this so, therefore, they could have - they had to make some assumptions on how to do this.

Now, one other thing is regard to the inclusion of parts of Cook Inlet and Blind Sound and whatnot I think they made the assumption and so did we that they were not doing a lot of hunting while perhaps on the water unless they were doing it along the coastline and that they weren't expecting to shoot a moose there, but that they had traversed that area and they wanted to say this is basically where I went. And there's a lot of other little factors that go into it, but unless a person understands how these things were done sometimes just drawing lines on the map are a problem and that's why I asked the question when we first got together a few years ago how the maps were drawn that we were asked to use which were included in our background information by Mr. Brelsford, in fact, was the one I believe who was there who helped explain a good deal of that. I can't remember specifically.

One of the things that you have to keep in mind is that hunting is hunting. It means you generally wander using your best knowledge until you reach something. If you knew where it was they would call it farming or harvesting or something else, it wouldn't be hunting. You have to travel for it. And the difference between Unit 15(C) and Unit 15(A) is the difference between the river of Kasilof

and the river of Kenai. And that area between there is Unit 15(B). That area is 12 miles. That's a pretty short time in a car even traveling at hunting speeds for those people who road hunt. It's not that much more time in a dory or some other type of water craft to travel that distance and it's a very, very short time in a plane so I want you to keep in mind that those are the kind of considerations perhaps in having these expanded areas that they're available.

CHAIRMAN EWAN: Lee.

MR. BASNAR: Mr. Chairman, I'm going to oppose this proposal. And to let the Council know where I'm coming from, I have hunted and fished over a good portion of the State of Alaska. I killed a deer one time, the only time I ever hunted here in Alaska out here on LaTouche Island, out here in Prince William Sound. I shot a couple of sheep up in the Brooks Range. I fished the Kelly River up above Noatak up above Kotzebue and I fished all kinds of creeks and hunted all kinds of drainages and points in between I guess. Yet when the State survey person came out to my cabin and asked me to draw a circle on a map where I subsisted I didn't even include Paxson where I used to hunt moose because I don't hunt over there. I haven't hunted over there since the early '70s. I just drew circles around the general vicinity of my cabin, so my perspective is different apparently than some other Council members perspectives.

I see a subsistence user not jumping in an airplane and flying, you know, halfway around the state to go and get something just because he's fortunate enough to have an airplane and knows how to fly it so I tend to, I guess, want to limit the subsistence use areas to those areas that are reasonably accessible by foot or ground conveyance from wherever that subsistence user lives. And I think this does a couple of things; it avoids conflicts, it avoids perhaps stirring up people who are not subsistence users and so based on that I think that - and based on the analysis that the staff did and the conclusions that they came up with that most of Ninilchik, for example, hunted in 15(C) and so did Nanwalek and Port Graham.

I don't want to take anything away, you know. You come up and give me some hard evidence that says this is where I used to hunt and where lots of people hunted, hey, I'm all for it, but I don't see the hard evidence here. I'm trying to see some good, logical evidence and since the roads went in I don't doubt but what people in Ninilchik had gone up into 15(A), but if we're going to go back further than that in one sense of the term, then we've got to apply that equally across the board also so based on that and particularly based on the staff analysis I will vote against Proposal 23.

CHAIRMAN EWAN: I just want to comment on something you said and that is you would like to restrict subsistence to areas walk-in areas, is that what you said?

MR. BASNAR: No, no, I did not. I said and other ground conveyances.

CHAIRMAN EWAN: I do not like to restrict access in any way myself. I come from an area that's very highly hunted. It's very competitive. Any way you can get 'em is how we get 'em out there. And it appears at this point for me flying is the only way to get to be assured of getting a moose otherwise you would drive up and down. You ask Fred how successful those people are. The percentage is very low hunting the Cooper River Basin. You have to get off the road to do it so - Robert.

MR. HENRICHS: Yeah, it's kind of funny because in Cordova they put a ferry system in, in 1960 so everybody jumped in their trucks and went up the highway and shot moose and caribou up there, but we don't claim that as our subsistence area.

Before we had moose seasons in Cordova, the moose that people from Cordova harvested was up the highway, but we don't claim that as our subsistence area. That's theirs. We just go up there once in a while, you know, it's - what's funny is Tatitlek and Chenega have ferry docks they just built. It would be interesting to see where they start going 'cause they all got new trucks, too, so

CHAIRMAN EWAN: I guess, Lee, you get my point, right? I don't want to start restricting access. This - that comment will go in the record and maybe will start a process of restricting access to - for subsistence. I hope that's not the case. That's the reason I made this comment. Gary.

MR. OSKOLKOFF: Mr. Chairman, just one other point is that we at one time had essentially had this as part of our advice to the Board, at one time after thorough discussion and a lot of hearings and it was rejected by the Board on grounds that some of us didn't necessarily agree with. There's been a lawsuit over it and an attempted settlement by the Board. And I see this as reiterating what we had said before that although the Board believes one way perhaps, we believe the other way and I don't believe there's a great deal of harm in this world by disagreeing with the Board. If our advice is not taken a second time, it's not taken, but it still should - I don't know that it has to change our advice necessarily.

And with that I'll call for the question if there's no further

CHAIRMAN EWAN: Okay. The question is called for. All in favor of the motion say aye?

IN UNISON: Aye.

CHAIRMAN EWAN: Opposed by the same sign?

IN UNISON: Aye.

CHAIRMAN EWAN: Do you want to do that by - how do you want to do it, by show of hand? All in favor again, show of hand. One, two three. All opposed? One, two. So the three is forward, right, isn't that how - my correct count? You can see better than I can.

UNIDENTIFIED VOICE: I think there were four hands, ...

CHAIRMAN EWAN: Okay. I didn't

UNIDENTIFIED VOICE: Mr. Chairman and I didn't see your hand.

CHAIRMAN EWAN: I didn't - I'm not voting on this - on that thing so

UNIDENTIFIED VOICE: Four and two.

CHAIRMAN EWAN: Okay, the motion passes then. Next

proposal.

MR. WILLIS: Mr. Chair, the next two proposals deal with moose on the Kenai Peninsula and at this time with your indulgence I'll let Ted Spraker come forward and present some new information. It's getting kind of

CHAIRMAN EWAN: Can I ask the Council members to see if they want to continue after 5:00 for a little while. One more proposal?

MR. OSKOLKOFF: I was just curious we were scheduled for a dinner, I believe.

MR. HENRICHS: Dinner will start at 7:00.

CHAIRMAN EWAN: Okay, we've got time. Go ahead, I'm sorry, there Bob.

MR. WILLIS: That's all right. I was saying that we just last week completed a moose census. Ted was flying Thursday and Friday. In fact, before we even - we came down here on Monday and so he has some new information to present which is not in your books and so with your indulgence I'll let him come up and make a short presentation before we start these two proposals.

CHAIRMAN EWAN: Okay.

MR. SPRAKER: Mr. Chairman, Ted Spraker with the Alaska Department of Fish and Game and I would like to just make a quick reference to the survey that was completed last week. This survey was essentially conducted, orchestrated by U. S. Fish and Wildlife Service and we cooperated on completing the survey counts and so forth and we were able to count Sub-Unit 15(B). And I'd like to direct your attention to this map over here. Perhaps I could get Taylor to help me out and point out Sub-Unit 15(B). It's there between the two large lakes, Skilak Lake and Tustumena Lake.

We counted this area in 1990 following the bad winter of '89/90 and we found about 1,000 moose. We completed a census just last week and we found about 1,000 moose again, so it looks like the population is about the same that it was five years ago, but I can tell you that the population probably took a pretty major dip after the '89/90 winter and after the '91/92 was another bad winter and now it's probably rebounded because we've had such a nice winter this year.

The next thing I'd like to do with your indulgence and I'll do this briefly, I'd like to go through some information. And the reason I'd like to do this is I'd like to make the record as consistent as we possibly can on numbers of hunters on the Kenai, past harvest and effort and I'd also like to address bull/cow ratios and show you some of our counts with a couple slides.

CHAIRMAN EWAN: Ted, I just wanted to ask we're talking about Sub-Units, I was looking for my map. Could you repeat what you said about the map or

MR. SPRAKER: Okay. We have just completed with the - well, the Fish and Wildlife Service actually started this count, but we've just completed a joint survey in 15(B).

CHAIRMAN EWAN: 15(B), okay.

MR. SPRAKER: And we were able to count the entire area. And on this smaller handout you can see it says center, Sub-Unit in Unit 15.

CHAIRMAN EWAN: Right.

MR. SPRAKER: And we found about 1,000 moose in 15(B).

CHAIRMAN EWAN: Okay.

MR. SPRAKER: If I stand up here can you hear me if I talk up loud? I think I can probably talk loud enough maybe you can hear. I tried to put together a little, quick drawing here because this morning you were talking about hunting opportunities and the question was raised about is there enough moose on the Kenai to satisfy hunting and the demand for moose. I want to make it very clear that there is not enough moose on the Kenai to satisfy all the hunting demand. What there is on the Kenai, there's ample opportunity to satisfy a person's chance to take a moose. There's a lot of opportunity to hunt on the Kenai and there's a clear difference.

There probably hasn't been a clear number of moose on the Kenai to satisfy all the people that wanted a moose since we had over four, 5,000 people on the Kenai. You know, years and years ago we had more moose probably than we had people, but in these days where we have 45 plus thousand people on the Kenai about all we can hope for is to provide for a lot of opportunity.

In 15(A) we have a 40 day season. It's broken up into two seasons. There's an early archery only season that runs from August the 10th to the 17th and then there's a 32 day what we call a general open season. And I guess right now would be a good time to make a personal comment. Hopefully we will get away and we'll do this soon - we'll get away from the term sport hunting. It brings a red flag up. It's just as bad as trophy hunting. And I think we should refer to hunting as either general, open season or subsistence hunters. I think those terms serve both entities much better than sport hunters versus subsistence hunters.

As far as for the next sub-unit down to the south there, is 15(B), it has a general open season for 32 days. It also has the spike-fork, 50 inch regulation.

15(C) which is south of Tustumena and south of the Kasilof River the area has the same season as 15(B). It's 32 days long and it has the spike-fork, 50 inch regulation.

Then over the top of this in 15(B) and 15(C) and I didn't draw 'em here because it would get too confusing, we also have a 42 day subsistence and it starts August the 10th and runs to the 20th of September. And those - that season is only for the qualified subsistence hunters from four communities on the Kenai.

If there are no questions with that, I'll go oh, okay.

MR. ROMIG: Ted, how about the - wasn't there some trophy permits in 15(B) there? Was it -

MR. SPRAKER: Okay. There's

MR. ROMIG: different seasons, wasn't it?

MR. SPRAKER: There's several permit hunts.

MR. ROMIG: Yeah.

MR. SPRAKER: Okay. If you want to talk about permit hunts there's actually another permit hunt right in this area right here in Skilak Loop. Now you can tell in college I didn't major in any of the finer arts, but there's a permit hunt in Skilak Loop that has four parts to it. There's a cow hunt with 40 permits from September 15th to September 30th. And then there's a spike-fork, bull hunt in Skilak Loop for 20 permits that starts the 21st of September and runs to the 30th. And then ahead of that season there's a subsistence hunt that has 10 permits for cows and 10 permits for bulls and last year it was from the 1st to the 14th of September. In 15(B) east which is about two-thirds of the sub-unit there is a permit hunt that has 100 permits. It's split in two seasons. The first one starts the 1st of September and runs to the 20th. And the second hunt starts the 26th of September and runs to the 15th of October.

In Homer there is a new season as of this year for hunting of cows. There's 30 permits issued there. And the season runs from the 19th of October to the 20th (ph) of November and that was the first - this was the first year.

CHAIRMAN EWAN: May I ask why - what is the purpose of having these permits? What - besides the general hunt and all that, a subsistence hunt.

MR. SPRAKER: Mr. Chairman, one of the main functions of the Fish and Game is to provide for healthy resources so that they can be used by the public. And one of the reasons we have such a variety of hunts on the Kenai is to maximize the opportunity to use these natural resources because we have such a tremendous demand so we have these small hunts. A little cow hunt here, a little bull hunt there when we can recognize the surplus of animals where we can allow an extra few animals to be taken and still maintain a healthy population. And we're going to talk strictly numbers here in just a minute and maybe I can point out some of those areas.

CHAIRMAN EWAN: Okay.

MR. SPRAKER: The next thing I'd like to talk about is some of the hunting opportunity and how it's changed over time and you can see from the title this group of - this bar graph represents hunting effort on the Kenai Peninsula, both seven and 15. And what it represents, it represents the five year period starting here in 1982 and running through 1986 before the spike-fork, 50 regulation. And I want to draw your attention - if I had a big, black marker I'd do this. Draw your attention to this line right here, okay. This is kind of an increasing trend and what it shows, it shows right here that the average during that five year period was about 3,600 hunters participated in both of those sub-units.

And when the spike-fork, 50 inch regulation was put in place in 1987 the one thing that we predicted was that the hunting opportunity was going to be lowered somewhat. It was one of those costs of putting this program in place. And what happened is that the first couple years hunters did either - they either hunted elsewhere or perhaps they didn't hunt. The number of hunters went down a little bit. But the point I want to make is that in the last couple years here in '93 and '94 we have matched this line so now we have as many hunters on the Kenai as we had prior to the program.

Now, last year was really low. There's a couple reasons why. One of the reasons and, Gary, you and I and everybody else that hunted last year we all know it, it was one of the rainiest seasons we've ever had for moose hunting. Another thing that really made a difference and I'll show you that in the bull/cow ratio counts is the '94/95 winter was a horrible winter on the Kenai. We documented 270 moose that died from winter starvation. About 86 percent of those were calves. And in the hunters' mind what that means when you loose that many calves is that there will be very few spikes and forks the next year for hunting. A lot of people told me that I'm not going to hunt and they didn't hunt because they've said there were no moose there and I think that's one of the reasons

CHAIRMAN EWAN: Let me ask you about the moose that starve. How do you determine that, you just - you found 'em dead and

MR. SPRAKER: We found 'em dead and what we do is we break the femur bone or one of the lower leg bones and when you break it the marrow is just like red jelly. And what that indicates is that animal's in really poor condition. If the animal is in good condition it should be as white as this table top

CHAIRMAN EWAN: What I was wondering is if something didn't kill them

MR. SPRAKER: No.

CHAIRMAN EWAN: besides being starving?

MR. SPRAKER: The snow was about four to five feet on the level and it came real early in the year and it lasted all winter. We had one of the highest snow falls and those moose starved to death. It was very straight forward.

CHAIRMAN EWAN: Okay.

MR. SPRAKER: It's not to say that predators didn't take a fair share of 'em in places where we probably didn't - you know, we didn't find 'em.

CHAIRMAN EWAN: I was wondering if you counted some that might have survived killed by animals and

MR. SPRAKER: There's always a chance of doing that. Most of these moose were found in backyards, school yards, post office, driveways. They're usually right there handy in town.

CHAIRMAN EWAN: Okay.

MR. SPRAKER: I know it's after 5:00 so I'll hurry. Okay. I want to try to get through these kind of quickly, but if you have any questions I'll do my best to answer 'em.

Mr. Chairman, some of our best information for the Kenai comes from Sub-Unit 15(A) and the reason for that is we've had the most consistent counts. We've had counts with real high numbers. These counts represent - or these bars represent counts of well over 1,000 moose each year and it's reliable data that I think we can look at and be very comfortable that this is a pretty good picture of what's going on in 15(A) with the bull/cow ratio.

And I want to direct your attention first to the problem that we identified in the early '80s and why we went to spike-fork, 50 regulation is right here. We were below our minimum bull/cow ratio. In fact, we were below that for quite a few more than just five years. And I can remember going to Advisory Committee meetings and listening to local hunters saying they wanted to close the Kenai because the bull/cow ratio was so low. They'd hunt 10 days and not even see a bull and they wanted the whole thing closed down.

Well, instead of closing it we went to this selective harvest program. And here's what we saw; the first year it increased slightly, the next year it came up a little bit and so forth, kind of flattened out during these years. We had a couple bad winters. We had a bad winter right here, '89/90. This was a bad winter. And what I want to show you is that even after a bad winter our bull/cow ratio stayed about the same. In fact came up one point. And the reason it does is that during really bad winters you lose a lot of the old age animals and especially cows and what it does is it'll boost your bull/cow ratio. And you have to be careful looking just at these ratios and not looking at the trend of the overall population of moose.

We had another bad winter here and this one came down some and then this year it came back up again and we don't have any counts in 1993 and 1995, but the overall picture as far as 15(A) and what this program has done is you can draw a line somewhere across in here somewhere between 18 and 20, perhaps a little bit higher, bulls to the 100 cows and that's where it's pretty much stabilized our population. And that was one of the objectives of this program is to get that bull/cow ratio from 13 up to at least about 20.

Now, let's talk about the nuts and bolts. Let's talk about what it's done for meat in your freezer and mine. Here's the results; prior to this program under any bull season with about 13 bulls to the 100 cows remaining after the season we were averaging 635 bulls taken each year and this is on the entire Kenai Peninsula.

We predicted that it was going to take several years for this program to really get into place and for the harvest to get back up to what it used to be. And if you look at this period right here which gives four years for kind of a stabilizing period, we're back up to 575 moose as an average. And if we wouldn't have had a couple of bad winters in here we probably would have been just a little bit higher. This year, this is preliminary data here in 1995, but I don't think this numbers is going to come up much higher than about 400. We do have one more shot at reminder letters, but even with that I doubt that it's going to be much higher than 400.

The other thing that you have to keep in mind is that over time forest maturity on the Kenai has reduced the amount of food available for moose so you would suspect over time that this line would come down gradually as the habitat matures and that's probably what we're seeing here.

And I want to make another statement try to clarify something, we've heard statements about the number of moose available on the Kenai Peninsula. If we look at just the general open season areas, we probably have somewhere between 400 and 600 bulls available under this spike-fork or under an any bull season. And Robert will get into some of the questions and so forth about an any bull season, but I want to tell you something, we spent about a year working on this selective harvest program and modeling what happens under these different systems and I can tell you that under this system where you have 13 bulls to the

100 cows all it takes is about one or two bad winters and you're out of moose. You've also got a closed season.

Under this sort of system with the spike-fork, 50 one of the terms we've always used is that inflation proofs (ph) your moose population against two things, over harvest and bad winters. We've got nine years of information and it shows it's working. We've got about 20 bulls to the 100 cows in 15(A), our harvest is coming up, it's not going to be as high as it used to be. We didn't expect that and Robert I'll let you go from there because you know me I can sit here and talk about moose for hours.

MS. EAKON: Excuse me, Mr. Spraker, may we please have copies - paper copies of your graphs for the Administrative record?

MR. SPRAKER: You certainly may.

CHAIRMAN EWAN: Robert.

MR. WILLIS: I guess now's the time to get into the specific proposals and the first one is number 24 and I have a handout here. I'll ask Helga to pass around to the Council members. We were working right up to the last minute trying to get all this stuff put together and this is another one that didn't make it into your books. It depicts a model prediction on what the effects would be of a cow harvest in 15(A).

This Proposal #24 which was submitted by the Ninilchik Traditional Council would create a season on cow moose in all of Unit 15 extending from September 11 to September 30 with the harvest limit of one cow while retaining the existing regulation for bulls in sub-unit 15(B) and 15(C). And the cow hunt would be a permit hunt with a number of permits to be set by the Federal Subsistence Board and no suggested number of permits was specified.

The current subsistence moose hunting season on the Kenai Peninsula provides for a season of August 10 through September 20 with a harvest limit of one bull with spike-fork or 50 inch plus antlers or with at least three brow tines on either antler in Sub-Units 15(B) and 15(C) only. A Federal registration is required for that hunt so Proposal 24 would simply add a cow season extending from September 11th through 30 in all of Unit 15 with a harvest limit of one cow per person to the existing hunt.

Currently there are some drawing hunts for a limited number of cow and spike-fork bulls in the Skilak Loop area. These are held whenever moose numbers in that number exceed the carrying capacity of the winter range.

As Ted has pointed out the moose population could said to be relatively stable over the short term, but slowly declining over the long terms because of the aging of the habitat. We lose a large number of moose on the highways every year. After the severe winter of '94/95 I believe it was well over 300 moose were killed. This year as of last week we were up to 190 killed and the counting year ends on June 30th and the best estimate is it will probably reach 240 to 250 by that time.

Our best estimate of the moose population on the Federal lands in Unit 15 as opposed to the entire unit is about 1,500 to 1,700 in Skilak Loop. Few than 1,000, probably around 700 or so in 15(B) and about 340 or 50 in 15(C). The average bull/cow ratio is a little bit higher on the refuge lands than it is on the State and private lands and Ted's figures are for all lands and so refuge

lands the bull/cow ratio tends to pull up the average for the State and private lands.

Productivity is a major concern on the Kenai because it's declining and has been for quite some time. When you start talking about harvesting cows then you have to look at the productivity of your population.

Now, the way we measure that is generally by the percentage of twins that are born to each moose cow. When the 1969 burn was at its peak production back in about '83 a study done by ADF&G revealed a twinning rate of about 70 percent for cows with calves. By 1987 it had dropped to 40 percent.

Production in the '47 burn was approximately 40 percent in the 1970 and it has dropped to the low 20 percent range at the end of the 1990s. So we have a deteriorating habitat which is causing a production of moose calves to go down. That is the number of calves produced per cow is declining.

Rachel covered the subsistence use of moose on the Kenai very thoroughly and so I'm going to skip over that part of the analysis of this proposal except to say that we tried to find some evidence in the record of a preference of cows over bulls and could find no preference indicated for either cows or bulls.

The model you have in front of you is one of three models that gave us some information for use with the analysis of this proposal. Some years ago Charles Schwartz with ADF&G developed the moose population model and looked at the effect of removing cows from the population. And what he found was that whenever you exceeded about three percent loss of the cows in the population, you're population started to decline. Now that's a three percent loss from all factors.

Also Vic VanBallenberghe a research biologist with the Forest Service had done some work up close to Fairbanks and found the same thing. His finding was centered on the study of predation and hunting combined and he found that whenever you have a significant level of predation, then you're limited to shooting bulls because you simply can't add cow harvest on top of the losses to predators.

The situation we have on the Kenai is we have actually four predators operating. We have wolves, black bears, brown bears and automobiles. Among those four predators we're already taking over that three percent. At least if not over that three percent of cows that could be safely removed from the population before you start to show a decline.

One of the problems is what I call a snow ball effect. If you look at that - at the model, the sheet that I handed out you'll see for the first year or two when you start a cow harvest even at a low percentage like one percent of your cows, you don't notice it the first year or the second year and I've been as guilty as anyone of saying that, well, you can take a few cows and you won't be able to tell the difference.

Well, that's only partially true. It's true to the extent that you won't be able to tell the difference immediately because we can't measure that precisely, but over time it certainly does make a difference of removing even a few cows when you already have a high rate of cow loss. This is because the cow that's killed this year, you've also killed the calves that she would produce the following year. Half of those calves are going to be cows. You've killed the cows that they would produce - or the calves they would produce the following

year and so forth and so forth and so you continue to lose production over time. And that's why you'll see those lines getting further and further from the line at the top which indicates what the population would be without the cow harvest.

It's also been brought up that shooting cows will increase the bull/cow ratio and that would be beneficial to the population. Well, in reality the bull/cow ratio, and as Ted pointed this out earlier, is only one of the factors that you look at to determine a healthy population. A healthy population is also somewhere near the carrying capacity of the habitat and will stay relatively stable with the usual fluctuations with the winters as that habitat changes over time so when you start shooting

CHAIRMAN EWAN: We have questions as you go. We're - you're covering a lot of territory. Can we stop and ask questions here and there?

MR. WILLIS: Certainly, certainly.

CHAIRMAN EWAN: I believe Lee has a question here.

MR. BASNAR: Yes, sorry to interrupt you, but you lost me on this model. What happened in the year 2000 to your model, why the tremendous drop in that year?

MR. WILLIS: Oh, I'm sorry, Lee. We - in order to try to approach reality we programmed a bad winter in there. If you look back here at '94 you see the drop from '94 to '95, that's reality. That's what happens in a bad winter so when you run a model you try to make it reflect reality and to show what's going to happen in the future and so what we've programmed in there was a couple of average or mild winters and then another bad winter to show the effect.

MR. BASNAR: Okay.

MR. WILLIS: I should have gone into that in more detail and I apologize for that.

MR. BASNAR: Thank you.

MR. WILLIS: But that - you have a drop you see in the year 2000 reflects a bad winter in the year 1999. And you'll see that while the populations drops with or without a cow harvest it comes back much more quickly and to the previous level after a severe winter as opposed to when you have a cow harvest going on which increased your mortality on calves.

CHAIRMAN EWAN: I do have a question kind of in the back of my mind and that is about moose range - average moose range, could some of the moose be leaving the area north or is that a possibility?

MR. WILLIS: No, they - some of little sub-groups down there migrate to some extent, others stay in relatively the same area, but I don't think you're going to find any large scale movements that would be noticeably effective. Ted, would you like to comment on that?

MR. SPRAKER: Mr. Chairman, I really don't have a lot to add other than the fact that we've identified we have what we call a resident population that lives out in the lowlands primarily in 15(A), 15(B) west and parts of 15(C). And then we have kind of a migratory population that summers up in the foothills and then

later in the winter will move back down again, but as far as for moving out of sub-unit or, you know, moving away from the areas we normally find them in, there's really not a noticeable amount of movement. And certainly not

CHAIRMAN EWAN: The reason I ask that is, you know, up north, up, oh, Kotzebue area they didn't have moose till about 30 years ago. They - there are quite a few moose up there now. I was just wondering about that.

MR. SPRAKER: Oh, there's no doubt that in places like that the moose do move in, colonize, you know, and become well established and increase in the area. You know, moose in the Kenai have been there, not in high numbers for a lot of years, but certainly for a lot of years and there's no place really for them to go. They can't get away.

MR. ROMIG: I had a question. You were talking - you always talk about forest maturity and what - you know, the - for instance, the beetle kill effect and the logging and such that's going on down there and what - you know, how does that go into play with the forest maturity as far as - you know, you're looking at the habitat, you know, on a decline and with that the moose goes down. A lot of your forests are dying, how does that come into play?

MR. WILLIS: I can't answer your question very effectively, Ben, I'll tell you what I do know and then I'll see if either Ted or possibly Steve Zemke who is with the Forest Service who is with us today can expand on it, but having a forest die from beetle infestation is not the same, say, as having a fire which clears the ground, scarifies the soils and the seeds therein and lets a different type of plant come up.

I personally have not looked at an area that's been beetle killed for a number of years so that you can maybe see what - you know, what it's going to look like underneath. I would think it would be rather difficult to access because of all the stems that would - the dead trees that would fall over time. Whether or not it would come back in the type of plants that provide good moose food like it does after fire, I couldn't say and I'll defer to someone who might have more experience than I do in that area. I don't see any volunteers leap to their feet.

CHAIRMAN EWAN: When you were referring to the habitat, the feed, deep feeding, I thought you were talking about the willow not necessarily the other trees, other plants in the area. I don't know, the willow and stuff that they eat.

MR. WILLIS: That's correct. It's early (ph) successional species, species that come in shortly following a fire, the brushy type species like the willows that are eventually displaced by trees which get started and then they grow taller, they overshadow the smaller species that the moose feed on until eventually they shade them out. That's what happens to your habitat.

CHAIRMAN EWAN: With that big fire down here after that there was a lot of moose

MR. WILLIS: Right.

CHAIRMAN EWAN: so the trees outgrew the willows and everything.

MR. WILLIS: The trees are killed, plus the willows come in, but eventually the trees can out compete the willows over a period of time and that's what's happening.

CHAIRMAN EWAN: Okay. You want to continue now or is that it?

MR. WILLIS: That's pretty close to it. I was talking about the idea of shooting cows to increase your bull/cow ratio and that's sort of false economy because if your population is already at the carrying capacity or near it then all you do is drive your population down below carrying capacity so you're in an unhealthy situation even though you're bull/cow ratio may be outstanding still you don't have as many animals in there as the habitat will support because you're killing off the cows that will be producing your replacement animals. And I just wanted to mention that. It's come up before and it's kind of false economy. So our preliminary conclusion is to reject this proposal and retain the existing regulation.

CHAIRMAN EWAN: Okay. You know, you were talking about road kill, the bad winter. I'm trying to think - I know I mentioned this before at some other meeting we had and that is punching some kind of a place for them to access their feed. Is that a possibility? I think somebody said that that's something that ought to be looked at in the future. You know, on one hand nobody says anything about - I don't know how many get killed on the road, but you want to restrict subsistence hunting and then you talk about your concern about bad winters, gee, can't we help them out or somehow with some money and punch some trails out there in the woods for them to get access to their feed area and all that?

MR. SPRAKER: Mr. Chairman, I think you've posed two or three -

CHAIRMAN EWAN: And prevent the road kills all at the same time?

MR. SPRAKER: two or three questions. The first one was what can we do along the roads and we've tried to address that through the Department of Transportation widening the road right-of-way and clearing all the brush it does two things. It improves visibility so drivers can see a moose and the other thing that it does, it removes this early seral (ph) stage of aspen and willow and birch that moose are attracted to so we've gone to that extent to try to do that.

Another part of your question was restricting subsistence hunters and the same time we have all these moose that are killed. I can't tell you by sub-unit how many were killed in each sub-unit this year, but I can tell you last year in 15(A) of the 350 - 336 moose that were killed, 159 of those came from 15(A). But here's the complex part about this, because people always say why don't you identify these moose that are going to get killed on the road and then allow them for harvest. Well, the problem is someone talked about painting the moose this morning. Well, we don't know which ones are going to get killed and I'm afraid that if we started harvesting cows in 15(A) with the hopes that it would be compensatory mortality we would probably wind up having additive (ph) mortality and here's why.

I talked earlier about a resident population of moose on the Kenai that lives in the lowlands. I think in a general sense a lot of these moose are road wise. They have lived along the road system, they have reared calves along the road

system and to a certain extent they've avoided traffic. What we do have between 15(A) and 15(B) is a fairly high number of moose that move into the '69 burn and I think and I know from a study that was done in the early '80s that a high percentage of these moose just moving across the road from B to A are moose that get killed on the road system, so it's something we've looked at because basically it's 300 plus moose killed each year on the Kenai and I would much rather see them go to a hunter whether it's a general hunter or a subsistence hunter rather than on the hood of my pickup truck. And so far we haven't come up with a clear way of addressing that problem.

CHAIRMAN EWAN: Yeah. What about my suggestion of punching trails for them out there or roads?

MR. SPRAKER: I'm sorry, that's another part I forgot. That was done. In fact, that was

CHAIRMAN EWAN: I thought about that when the railroad, you know, killed hundreds of moose why they didn't do something like that, punch some roads for them out in the feeding areas and keep 'em off the railroad track.

MR. SPRAKER: It worked fairly well on the railroad, but the main thing on the railroad that reduced the kill was the pilot car going ahead of the trail and kicking the moose off of the road. But on the Kenai that was done. In fact, the snow machiners came to the rescue in 1995 and made hundreds of miles of trail. People feed moose. They did all kinds of things, but once you have a winter where you have four or five feet of snow on the level as early as December or so and your moose are heavily concentrated you're really caught. There's not a whole lot you can do and as cruel as it seems it's just nature's way of sorting these things out and there's really not a whole lot you can do to feed these moose or make trails for these moose to get 'em through the winter. You can in several cases, but on a population level of about seven to 8,000 moose on the Kenai it's a difficult and expensive task if not impossible.

CHAIRMAN EWAN: Thank you. Anything else?

MR. ROMIG: My only question, Ted, you were out counting moose last week. Do the bulls still have their antlers?

MR. SPRAKER: That's an interesting question. We did see a few. I saw three. We counted a total of 690 moose in this estimate of 1000 in 15(B). And I saw three. And it's kind of interesting and I'll speculate as to why they have them this late in the year. And I think it's because of the real mild winter we've had. And you might be able to help us out on that but it seems like in real mild winters there's very little stress on these animals. And they really don't need to lose those antlers because in real heavy snowfall winters they usually shed fairly early. And by - certainly by the end of February, you know, the bulls are all shed off.

Now, I wasn't too surprised to see small bulls with antlers. I was surprised to see about a 45 inch, probably three or four year old bull with antlers. And I think it's because of the mild winter. Lack of stress. And a high nutritional point.

CHAIRMAN EWAN: John has a couple I guess, John.

MR. MORRISON: I can't help - this is John Morrison. I can't help but back up what Ted is saying about the antler drop. It's been proved experimentally that the reason that the antlers drop when they do is because there's a great decline in testosterone levels in the bulls' blood serum. That testosterone level will drop a lot quicker in a poor winter with poor food conditions than a mild winter when they're fed better the testosterone level stays up higher and the antlers stay on longer.

CHAIRMAN EWAN: While we're talking about that, does anybody know about the difference in rutting season from north to south of the state of Alaska? It varies, doesn't it?

MR. SPRAKER: Mr. Chairman,

CHAIRMAN EWAN: The reason I asked that is that Yakutat wanted to extend the moose hunting season till October. And at Wrangell-St. Elias, that's our (indiscernible) and it came as a surprise to me that they had a different rutting season down in that area. Can anybody comment on that?

MR. SPRAKER: I'll give that a try. There's been a lot of work done on when moose breed. And the reason for that is to address low bull/cow ratios. And if you have breeding occurring during two or three sequential or subsequent estraces (ph) then you have calves born in late May and late June and late July. And the second and third estrace born calves rarely survive the winter, so it's a very important issue that the Department has looked at. We've looked at from Alaska all the way through British Columbia. And one of the things that seems to be very clear is that the first week of October is when almost all the breeding is down during the first estrace. And calves are born in late May as a result of that.

Now, the question that comes up from hunters is that they see rutting activity beginning the 10th of September and they see rutting activity going through late October, even November. There's a difference between rutting activity and the actual breeding. The breeding is synchronized usually if you have a bull/cow ratio, or at least an adequate bull/cow ratio, it's synchronized within that first week of October. The rutting behavior will extend for at least two or three weeks either side of that period. Did I confuse you enough to answer that question?

CHAIRMAN EWAN: Well, you - it does vary then say from the north end

MR. SPRAKER: No, it doesn't

CHAIRMAN EWAN: to the south? No. Somebody - there's a biologist told it does, so I'm just trying to verify that.

MR. WILLIS: I was just going to speak to the decision made by the Southeast Council on the Yakutat moose. Down there their season started after the rut. It started on October 15th and they wanted to open it a week earlier. And we did have some concerns that would have made it October the 8th. And that is after the peak of the breeding and it's crowding into that area when you really don't want to be troubling the moose while they're trying to breed. And we had some concern but not enough to say that it was a really bad idea. Whereas if it has been October the 1st, obviously it would have been. But that was not extending a season through the rut, it was starting after the rut. And they wanted to start it a little bit closer to the end of the rut.

CHAIRMAN EWAN: Okay. That explains it, I guess. Ralph?

MR. LOHSE: While we're on that subject can I just ask does that seem to extend to most of the other ungulates, to the deer and to the caribou, the same type of cycle. I know that you have the deer rut extends over a longer period of time, too, but it's - also comes in cycles during that time period. Are they pretty much October?

MR. WILLIS: No, with the deer it varies quite a bit. In my experience, I'm not as familiar - and most of Alaska I think it's pretty much about the same time. As you get further south you see deer breeding later in the year and in the area that I came from to come up here from central Tennessee it was the latter part of the November when the rut started, usually a week or two before Thanksgiving or about a week before Thanksgiving is when the breeding periods started.

You do find the same situation in that the males become sexually active sooner than the females do and so you see rutting or breeding activity in most ungulate species, but then there's only that short period of time that 24 hours when the females are in heat and can be bred and if they aren't bred at that time they cycle out and they come back in about a month later. So that is very common. It may be - I'm not familiar with all ungulate species on earth obviously, but the ones I'm familiar with that is the standard.

CHAIRMAN EWAN: Okay. Are we - yes, Lee?

MR. BASNAR: Yes, Mr. Chairman. I think if that's all of the testimony and factual data that you're going to present I would like to make a comment and then a motion.

CHAIRMAN EWAN: All right.

MS. EAKON: Excuse me. May I please present the summary of written

CHAIRMAN EWAN: Oh, okay.

MS. EAKON: public comment?

CHAIRMAN EWAN: Go ahead.

MS. EAKON: The program received 11 written comments. And they were all in opposition to this proposal. The Alaska Department of Fish & Game strongly opposes any hunt on cow moose due to the risk to the moose population in the long term. All moose populations on the Kenai National Wildlife Refuge are currently declining due to the maturation of forestry growth and diminishment of browse. The only area where cows are abundant on Federal lands is the Skilak Loop Area, otherwise due to road kills, predation and other mortalities the population is already losing the three percent allowable annual loss of females.

The Central Peninsula Fish & Game Advisory Committee in Ninilchik opposed this proposal. The - an unidentified Ninilchik resident again said Proposal 24, no, exclamation point. The Kenai Soldotna Fish & Game Advisory Committee voted unanimously to oppose. Mr. Lynn Kennedy in Ninilchik opposes this proposal. So as does Gail T. Presley of Anchor Point. The Kenai Peninsula Outdoor Coalition in Soldotna opposes this proposal as well as does Dan Presley of Anchor Point, H. Davis, Jr. of Clam Gulch and Dr. William West of Soldotna. And the Kenai Peninsula Chapter Safari Club International Soldotna, they think that this

proposal is biologically unsound. And finally, Bill Deal of Kasilof do not allow the taking of cows.
That concludes the written comments.

CHAIRMAN EWAN: I want to ask a question about that recognizing unsigned letters. I don't know if this is the accepted thing, but myself as an individual I don't recognize unsigned letters even if they're - I know who the person is that sent the letter, but are these letters that have a name on them but they're not signed?

MS. EAKON: This - no, this is a letter that was unsigned. And the same person but in big capital letters no, exclamation point after. Otherwise it is our practice to clearly identify a testifiant who writes in.

CHAIRMAN EWAN: That could cause a problem if you had only two letters and the same person could be writing both letters, is that - recognizing unsigned letters, you know.
Lee, you were going to make a comment?

MR. BASNAR: Yeah, I'm fairly well convinced that this proposal was not - is not supported by the biological evidence that we have. We might in this case here on the side of caution as Ralph said earlier, I think if we go too far with taking cow moose it would appear to me that at this point the people of Ninilchik have been pretty well properly provided for and would be able to meet their subsistence needs under the existing spike-four regulation. I'll make some more comments during the discussion period if it gets to that, but at this point I would move that we not support Proposal 24.

CHAIRMAN EWAN: Would it be better if we voted - I mean made a motion - what do you call it, do you have a way that we can maybe vote against it?

MR. BASNAR: Okay. I withdraw the motion since nobody seconded it anyway.

CHAIRMAN EWAN: Somebody bring a motion to

MR. OSKOLKOFF: Mr. Chairman, I was going to suggest before a motion is made that we ask for comments from the people

CHAIRMAN EWAN: Public. Okay.

MR. OSKOLKOFF: here if there are any. From the public any?

CHAIRMAN EWAN: Is there anyone that wants to make a comment on the proposal? I guess not. I would rather say a motion though

MR. OSKOLKOFF: Okay.

CHAIRMAN EWAN: I'm trying to think of a word

MR. LOHSE: I'll make a motion that we approve Proposal 25

CHAIRMAN EWAN: All right. That's what I want

MR. LOHSE: as proposed. Move to approve Proposal 25.

UNIDENTIFIED VOICE: 24.

MR. LOHSE: 24. My fault. I'm looking on the wrong section. 24.

MR. BASNAR: I'll second the motion.

CHAIRMAN EWAN: Second, a second on the motion.

MR. HENRICHS: Mr. Chairman, doesn't this stay (indiscernible) cows on the Kenai Peninsula? I'm just curious. The moose seem to go back and forth a lot of times between State and Federal lands. You guys are running cow permit hunts on there. I'm just curious.

MR. SPRAKER: Mr. Chairman, actually we have three cow hunts on the Kenai. They're small areas. One is Skilak Loop where we have a management objective that's been signed off by the Fish & Wildlife Service and the Department to maintain 130 cow moose in Skilak Loop. Anytime we go over 130 which is about two moose per square mile we allow for some cows to be taken by permit.

CHAIRMAN EWAN: Skilak Loop, but does that include A and B both or

MR. SPRAKER: No, sir. It's all 15(A).

CHAIRMAN EWAN: 15(A).

MR. SPRAKER: That's all on Federal land. The second cow hunt in 15 is down in Homer, the one we talked about earlier. That has a density of about six moose per square mile. And here the target is to maintain about two moose per square mile, so we've taken a real aggressive approach to harvesting cows in Homer, a less aggressive approach in Skilak Loop and then we have another one in Unit 7. But we do have two in 15 and they're very clear. I mean the numbers are there and the objective is clear. We want to go about two moose per square mile. And in all of 15(A) if you exclude the 68 miles in Skilak Loop we have about 1300 square miles. And as Robert mentioned on the refuge we probably have 15 - 1700 moose. And in all of that area we probably have around 2,000 moose, so we're less than two moose per square mile over the rest of the area. So the only places that we're concerned and it's because of density is Skilak Loop in 15(A) and Homer.

CHAIRMAN EWAN: Okay. Gary?

MR. OSKOLKOFF: Mr. Chairman, that was the - as you can read under the reason for changing the regulation under the proposal as for asking for this change. I think it's difficult for or should be difficult for those of us who are sitting here making sure that there's a reasonable opportunity for harvest to justify not having a cow season for subsistence hunters, yet having three cow seasons for other hunters. And I understand the need for area specific and whatnot, but I think those type of details can be worked out.

The other thing is that this is not just a wholesale cow hunt. This is - if you notice in the proposed regulation the number of permits to be determined by the Federal Subsistence Board annually. That this could be a permit and even kept down to zero if necessary and the number raised accordingly.

I really have a difficulty with staying in bounds of what we are charged with doing here under ANILCA. And yet somehow we have to say that subsistence users should not have access to those moose. We've already heard and I have to agree that there was no preference in the past that I'm aware of. I mean there was certainly preference on particular occasions, perhaps, but the cow moose,

especially the (indiscernible) cow during the winter which we're not addressed in here was a highly prized moose primarily because of its fat level. But I'm really - I want to be reasonable.

I think Mr. Basnar pointed that out, you know, and you have to - there has to be some give and take here, but I'm having a hard time with on one hand we have - let me point it out exactly. The Alaska Department of Fish & Game who writes us a letter saying we can't have cow hunts and then conducting cow hunts, you know, at the same time. And I understand the logic for the specific areas and whatnot, but I'm having some difficulty with sticking to that knowing what the Chairman had mentioned earlier that if you have browse available and you remove some of the moose from that area you are going to have moose replacing to a certain extent in that area. And they will move in and replace over time. It's not something that I think has to be wide open, but I think that we're charged with providing a reasonable opportunity for the subsistence user. And unless those cow hunts are closed for some reason I don't see how we cannot provide a reasonable opportunity for those subsistence users through a mechanism similar to this.

CHAIRMAN EWAN: We have a motion before us. Any further comments? Lee?

MR. BASNAR: Yeah. I'm a little unclear. I may have made a supposition here that I shouldn't have. Although the Ninilchik Traditional Council proposed this proposal who gets the permits? Can I get a permit? I'm a subsistence user. Can I get a permit?

MR. OSKOLKOFF: The assumption is that eligible subsistence hunters on the Kenai Peninsula would be those who are permitted - who are allowed to have that permit in the case of a bull, would also be eligible to apply for a permit. And I don't know what system would be best to use to hand those permits out. I understand now the State uses essentially a lottery system. It's not first come first serve. You're essentially put in the pot with everyone else and that they specify the number, and then those number are picked out of the people who apply. And this has been a very consistent, to some degree, over a number of years whether it's used with bulls or cows it's been a pretty consistent proposal.

MR. BASNAR: Okay. Well, I find it interesting that I don't see Nanwalek or Port Graham applying to shoot a cow. I see only the Ninilchik Traditional Council which I see coming up over and over in these proposals. And I just don't see the other people complaining.

So it would seem to me based on this proposal if this were to be approved by the Board that the people from Nanwalek and Port Graham could go ahead and apply for these permits and Ninilchik would be zero permits. That is a possibility, is that correct?

MR. OSKOLKOFF: The assumptions by the proposers which is the Ninilchik Traditional Council and that's why their name is on it, that those people who are eligible to participate in a moose hunt within Unit 15 would also be eligible to receive a permit. It wouldn't be particular to the Ninilchik Traditional Council or any tribe or Native or non-Native. That it would be open to all subsistence users who are qualified within that area for moose.

MR. BASNAR: Okay. that was unclear. Thank you.

CHAIRMAN EWAN: Any other comments? Ralph?

MR. LOHSE: I was just wondering what time of the year do you run your Skilak Loop or your Homer cow hunt? Are those done after the season is over and you've had a chance to look at what things are or

MR. SPRAKER: The Skilak Loop hunt for cows last year started the 15th of September to the 30th of September. And it was followed by a 10 day bull hunt which was the 21st to the 30th of September.

MR. LOHSE: And that was a permit bull hunt?

MR. SPRAKER: That was a permit, 20 tags for bulls. And then the subsistence hunt was prior to that. It started the 1st to the 14th of September. Then the cow hunt down in Homer was actually set later in the year for several reasons. One, we didn't want to conflict with the normal hunting season and so forth. And the other thing is it had to be a guided hunt, so we had to have Fish & Game staff available and the time that we were most available was after the season in October or early November. So that hunt started the 19th of October and ran to the 20th of November.

MR. LOHSE: This was because it was in a residential area

MR. SPRAKER: That's correct.

MR. BASNAR: Mr. Chairman,

CHAIRMAN EWAN: Lee, I'm sorry.

MR. BASNAR: It's getting late but I - it seems to me that if I understand this correctly this would be a drawing hunt and you all put your name in the hat and if this were approved the Federal Board would pick those names out of the hat that would get to shoot a cow moose. And it also seems to me that we have a similar system available right now, if you want to go down and shoot a cow moose in Homer put your name in the hat and go shoot one if you get drawn. Is that correct? Ted?

MR. SPRAKER: Yes, sir, that is.

MR. BASNAR: And

MR. SPRAKER: Anyone could put in for any of these hunts.

MR. BASNAR: So the opportunity is there to take a cow moose

MR. SPRAKER: Yes, sir.

MR. BASNAR: currently?

CHAIRMAN EWAN: I do have a question on the permit drawing. The reason is, you know, the last two times they had a drawing on the Nelchina herd I didn't get a permit out and I live out there. And it really makes me mad when I see a whole bunch of names from Anchorage or wherever. And two times in a row I was not allowed. How is that conduct. Is it in a fair manner?

MR. SPRAKER: I was going to direct your question without making you mad 'cause it makes me mad, too, 'cause I spent a lot of money and I'm not very lucky either. To answer your question how it's conduct it's all conducted with a

computer drawing. It's one push of the button. It's all programmed. And it's fair and unbiased as it can possibly be. Fish & Game employs that have any contact with the system are not allowed to participate. And I mean it's a state of the art as far as fairness.

CHAIRMAN EWAN: Okay. Thank you.

MR. OSKOLKOFF: That brought up another point. Is there a fee to enter the drawing?

MR. SPRAKER: Yes, sir, there is. \$5.00 per application.

MR. OSKOLKOFF: And that's nonrefundable?

MR. SPRAKER: It's nonrefundable.

CHAIRMAN EWAN: Ralph?

MR. LOHSE: Just one other question, Ted. The moose hunt down in the Homer area is on State land, right, or on non-Federal reserve land because it's right inside the - it's inside the Homer boundaries, isn't it?

MR. SPRAKER: Yes, sir, it's on a variety of land, but it's not Federal. It's borough, state, private and so forth. Not - but all non-Federal land.

MR. LOHSE: And the Skilak Loop is?

MR. SPRAKER: All Federal.

MR. LOHSE: That's all Federal.

CHAIRMAN EWAN: Any further discussion on the motion?
Ben?

MR. ROMIG: Yeah, Mr. Chairman. I guess I'd have to probably vote against this. And I guess my reason really is, you know, I think if there's opportunity for the subsistence hunters, you know, to get an early season, you know, that's one thing. And then if you go on and then you just say one cow, I know that, you know, down the line the Board, you know, might determine who gets those permits and what have you, but I don't think it's a bad idea for the subsistence user to get those permits, but, you know, I think under the program they have now of, you know, drawing your permit and then keeping in mind the fact that there's a 10 day early season anyway on the moose, I don't know that it sends a real good message out there just to say, you know, as this is written. I think I'm going to vote against it.

CHAIRMAN EWAN: Okay. Other comments?

MR. OSKOLKOFF: Question.

CHAIRMAN EWAN: The question has been called for. All in favor of the motion say aye.

IN UNISON: Aye.

CHAIRMAN EWAN: Opposed by the same sign?

IN UNISON: Aye.

CHAIRMAN EWAN: Raise your

MS. EAKON: Who said no? Tell me how you voted.

CHAIRMAN EWAN: All right. Let's vote by a show of hands. All in favor of the motion raise your right hand?

Opposed by the same sign.

Three to two - four to two. Right. The motion is not carried, right. Am I correct? See I'm getting tired. I think that's

MS. EAKON: You abstain?

CHAIRMAN EWAN: I'll abstain. I'll vote with the majority. I'm sorry. I'll vote with the majority.

MR. JOHN: I voted - I'd like to say I voted no because there's alternatives. I don't agree with the cow moose hunt just going out to term (ph) because there's, I think, it should go to a subsistence hunter. But I think there's - right now I think there's some alternative like that out in the hunting in the Homer area (indiscernible - rustling paper) area. So I say it should go to the subsistence hunter.

MS. EAKON: There's a meeting at 7:00 o'clock. Please once again put your books in the boxes. Leave it to me to take up your name tags so I don't have to hunt around for them this time. And thank you.

CHAIRMAN EWAN: I guess we'll recess till tomorrow. When, Helga?

MS. EAKON: 9:00 o'clock, please.

CHAIRMAN EWAN: 9:00 o'clock. Okay.

MR. HENRICHS: In case anybody didn't hear there's a (indiscernible) Council and all the people that came down, everybody's welcome to come. It starts at 7:00. Just keep going straight up the street, it's about

(Off record)

(PROCEEDINGS TO CONTINUE)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Rebecca Nelms, Notary Public in and for the State of Alaska and Reporter for R&R Court Reporters, Inc., do hereby certify:

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Salena Hile on the 5th day of March, 1996, beginning at the hour of 9:00 o'clock
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THAT the transcript is a true and correct transcript requested to be transcribed
and thereafter transcribed by Salena Hile, Joe Kolasinski and myself to the best
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DATED at Anchorage, Alaska, this 14th day of March, 1996.

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My Commission Expires: 10/10/98