

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

YUKON-KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL  
PUBLIC MEETING  
May 13, 1994  
9:00 A.M.  
KVNA Building  
Bethel, Alaska

COUNCIL MEMBERS PRESENT:

Paul Manumik, Sr., Acting Chairman  
Paul John  
Steven White  
Zechariah C. (Chuck) Chaliak, Sr.  
Antone K. Anvil

John Andrew, Coordinator  
Sam K. Alexie, Interpreter

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

P R O C E E D I N G S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

MR. MANUMIK: Okay. Good morning. My name is Paul Manumik. I'm going to be sitting in and chairing this advisory council meeting here. We will call the meeting to order at this time. It's now 9:22.

We have five of our board -- regional council board members here: Paul John to my left. Antone Anvil to my right. Steven White. Chuck Chaliak. And our regional coordinator is John Andrew.

Before we begin, I'd like to ask Paul John to open our meeting with an invocation, please.

MR. JOHN: (Gives invocation in Yup'ik)

MR. MANUMIK: Koyana, Paul John.

Before we begin, I'd like to -- when you're going to address the table, or address the Chair, I'd like you to face our interpreter so that -- and introduce yourself, your name and speak to the issue facing our interpreter, so he can -- it's hard to hear for those who are further away from him that from the table closer up to him.

And at this time I'd like to have Mr. Andrew introduce yourself, and then go all the way around.

MR. ANDREW: Yeah. John Andrew, Fish and Wildlife (in Yup'ik) coordinator. (In Yup'ik)

MR. KANEL: Clifford Kanel from Kasigluk.

MR. JIMMY: Michael Jimmy, Emmonak.

MR. KOVACH: Steve Kovach, Fish and Wildlife Service, Subsistence, in Anchorage.

MR. COFFEY: I'm Mike Coffey with Fish and Game here in Bethel, Subsistence Division.

MR. GRAHAM: Phil Graham from Lime Village, and I am on the Western Interior Subsistence Regional Council.

MR. HENSEL: Chase Hensel. I work for AVCP.

MR. STERNS: I'm Dave Sterns, manager, Yukon Delta Refuge.

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1  
2 MR. KRIEG: Ted Krieg, Natural Resources  
Department, Bristol Bay Native Association.  
4  
5 MR. DYASUK: Jon Dyasuk from Togiak Refuge.  
6  
7 MR. MILLER: Gene Miller from Yukon Delta  
Refuge.  
9  
10 MR. LUPIE: Henry Lupie from Tuntutuliak.  
11  
12 MR. KURTH: I'm Jim Kurth. I'm with the Fish  
and Wildlife Service Subsistence Office in Anchorage.  
14  
15 MR. MORGART: John Morgart, Yukon Delta  
National Wildlife Refuge.  
17  
18 MR. HINKES: Mike Hinkes, Togiak Refuge out of  
Dillingham.  
20  
21 MR. FROST: Gavin Frost, the Alaska Regional  
Solicitor's Office.  
23  
24 MR. BRELSFORD: I'm Taylor Brelsford with the  
Subsistence Program with Fish and Wildlife Service in  
Anchorage.  
27  
28 MR. ANVIL: Antone Anvil, Bethel.  
29  
30 MR. MANUMIK: And I'm Paul Manumik from  
Sheldons Point.  
32  
33 MR. JOHN: Paul John from Nelson Island,  
Taksook Bay.  
35  
36 MR. CHINGLIAK: Charles Chingliak from Goodnews  
Bay.  
38  
39 MR. ALEXIE: Sam Alexie from Sam's T & I  
Services.  
41  
42 MS. DOWNING: Meredith Downing with R & R Court  
Reporters.  
44  
45 MR. BEEBE: Paul Beebe from Quinhagak.  
46  
47 MR. CHALIAK: Chuck Chaliak from Nunapitchuk  
In Yup'ik).  
49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

1 MR. WHITE: I'm Steven White from Eek. I'm on  
 2 Advisory Council, too.

3  
 4 MR. MANUMIK: We have one .....?  
 5

6 MR. JENKEL: Charles Jenkel from Missoula,  
 7 Montana.

8  
 9 MR. MANUMIK: Thank you. Thank you, everybody  
 10 for coming, and before we begin our agenda, the agenda looks --  
 11 it is going to go this -- it was written, one, two, three,  
 12 four, five, six, seven, eight, nine, but then number three will  
 13 become five, number three was -- number four would be three and  
 14 number five would be four. So I need a motion to amend the  
 15 agenda to read as such?

16  
 17 MR. WHITE: Mr. Chairman, I move that we  
 18 re-adjust our agenda.

19  
 20 MR. MANUMIK: There's a motion by Steven White  
 21 to amend the agenda.

22  
 23 MR. CHALIAK: I second the motion.

24  
 25 MR. MANUMIK: Seconded by Chuck Chaliak. Is  
 26 there any addition to the -- is there any more discussion on  
 27 the amendment?

28  
 29 MR. WHITE: Mr. Chairman, I question the  
 30 motion.

31  
 32 MR. MANUMIK: There's a question called for.  
 33 Board members say "aye"?

34  
 35 ALL: Aye.

36  
 37 MR. MANUMIK: All opposed, same sign? Hearing  
 38 none, are there any more additions to the agenda or not? I  
 39 need a motion to adopt the agenda as it's amended.

40  
 41 MR. WHITE: Mr. Chairman, I move the .....

42  
 43 MR. MANUMIK: Motion by Steven .....

44  
 45 MR. WHITE: ..... that we .....

46  
 47 MR. MANUMIK: ..... White to adopt the agenda  
 48 as amended.

49  
 50

R & R COURT REPORTERS

810 N STREET  
 277-0572  
 Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

1 MR. ANVIL: Second.

2

3 MR. MANUMIK: Seconded by Antone Anvil. Any  
4 more discussion?

5

6 MR. WHITE: Question.

7

8 MR. MANUMIK: The question's called for. All  
9 those in favor say "aye"?

10

11 ALL: Aye.

12

13 MR. MANUMIK: All opposed, same sign. Hearing  
14 none, the agenda is amended and adopted.

15

16 Number three was Western Alaska Brown Bear Management  
17 Area population studies, would now become number five. And  
18 number four was moose hunting season in Unit 19(A), Proposal  
19 Number 54. It will now become number three. And number five  
20 was moose hunting regulation unit -- in Unit 21(E), Proposal  
21 Number 57. It will now become number four.

22

23 And we will now go into number 54, this issue here.  
24 And from the staff, do we have anyone that -- ? Okay. If you  
25 could state your name and your .....?

26

27 MR. KOVACH. Thank you, Mr. Chairman. My name  
28 is Steve Kovach. I'm the senior staff biologist for the  
29 Subsistence Office of Fish and Wildlife Service in Anchorage.

30

31 Proposal 54 -- what we have are two proposals, 54 and  
32 58, that through an oversight on the staff's part was not  
33 originally presented before this Council when it met last  
34 January, I believe it was, when it considered proposals  
35 directly affecting your region here. These two proposals are  
36 principally directed at the Western Interior Region, but due to  
37 existing positive customary and traditional use findings, they  
38 do affect residents of Unit 18, and therefore they need to be  
39 addressed by this Council.

40

41 When these two proposals came before the Federal  
42 Subsistence Board in their April meeting, they voted to delay  
43 any actions on these proposals until the Yukon-Kuskokwim Delta  
44 Council here could in fact address these proposals and provide  
45 their recommendations to the Board. So that's why we have  
46 these two here today.

47

48 Number 54 was submitted by the Alaska Department of  
49 Fish and Game. It deals with moose in Unit 19, and

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

specifically 19(A). The proposal requests a change from one moose to one bull, and a change of the season dates. The current season dates for the Federal hunt is September 5 through 25, January 1 through 10 and February 1 through 5. The proposal requests a change in those dates from September 1 to 10. Same number of days in September, just starts five days sooner. November 20 through 30, and February 1 through 10. So it's a longer -- it's more time in February, and exchanging the ten days of January for November.

10

11 In the 1991\92 Federal Subsistence Regulations, these were the -- the proposal dates that you have before you was in fact the dates that were on the books at that time. For the 92/93 regulatory year though, due to a proposal by a local subsistence user, the Board changed the dates. They exchanged the November season for a January season, and primarily it was due to a desire of local communities to be able to harvest a moose during the Russian Orthodox period -- or the holiday period.

20

21 Prior to the 93/94 season, the State bag limit was one moose; however, an antlerless moose could be taken during the November 20 through 30 period, and the February 1 through 10 period. There was a change -- the State changed that to one moose for all the seasons for 93/94. At its recent meeting in March, the Board of Game changed these regulations again to allow for an antlerless moose to be taken November as well?

28

29 MR. GRAHAM: No, February.

30

31 MR. KOVACH: Okay. In the February season only, in that portion of 19(A) upstream from, and I hope I pronounce these close, the Holokuk River and the Kolkof (ph) River. Upstream from those two points, you can take an antlerless moose during the February season.

36

37 MR. MANUMIK: Excuse me. You don't have a map to show us .....?

39

40 MR. KOVACH: Yeah, did everybody get a copy of the proposal packet?

42

43 MR. MANUMIK: Yes, we did.

44

45 MR. KOVACH: Okay. If you look towards the end, there is a map of Unit 19(A). Page 54-7. On the bottom there, there's a map. Unfortunately, the Kolkof River is not shown, but it is almost opposite, is slightly upstream from the Holokuk River. If anybody needs help finding that, I can --

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

would be glad to show them.

2

3 Most of the hunters who hunt in 19(A) are primarily  
4 local folks from either Units 18 or 19. During the 1990/91  
5 season, the residency reported by those people who attempted to  
6 hunt moose, 48% came from within villages within Unit 18, 21%  
7 came from villages in Unit 19, 9% were from other Alaska  
8 locations, 13% were non-Alaskan residents and 9% were from --  
9 they did not report their site of residency, so we don't know  
10 where they came from.

11

12 Composition surveys have been occurring in 19(A) for a  
13 number of years, for a number of decades, actually. As with  
14 the usual problems with censusing moose we have variations in  
15 snow cover and our ability to see moose, and there's been  
16 changing methods over the years. However, the historical data  
17 from all these surveys suggest that there is a moderate moose  
18 population, and it's reasonably commensurate with the habitat.

19

20 The last six years of harvest information, that  
21 collected from the 1987/88 season through the 92/93 season,  
22 shows kind of a bouncing around of the harvest. It's gone from  
23 a low of 108 to a high of 174. It's been reasonably  
24 consistent. The number of hunters participating in this hunt  
25 has been slowly declining. The average harvest over this six-  
26 year period has been 144 moose.

27

28 What -- through a series of hunter check stations on  
29 the rivers and things like that, what we have learned is that  
30 approximately only 45% of the actual harvest is reported  
31 through the harvest tickets that is required. If these spot  
32 checks are anywhere accurate, this would mean that the average  
33 moose harvest in 19(A) is closer to 300 moose.

34

35 The State submitted their proposal, because they felt  
36 that there was -- that the inconsistency between the State and  
37 Federal regulations cause confusion amongst the hunters in not  
38 knowing where -- what season was open when, and where, and  
39 created some law enforcement problems due to the ownership of  
40 federal lands and state and private lands in the area.

41

42 Unit 19(A) has very limited federal public lands.  
43 There are small portions of the Yukon Delta National Wildlife  
44 Refuge, small scattered parcels of BLM land, and that is all.  
45 The vast majority of the river corridors themselves are not  
46 federal public lands. In fact, over-all for Unit 19(A),  
47 federal lands only comprise 16% of the total area. Less than  
48 of those lands along the rivers themselves are in federal  
49 public lands under which the federal regulations apply.

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

1  
2 Over-all, from a biological perspective, the moose  
3 population appears to be reasonably healthy. The harvest data  
4 does not appear to be declining or indicate a decline, so  
5 biologically we have not real feeling for whether or not this  
6 change needs to be, you know, we -- the change would in fact  
7 help the moose population there, but it's not an absolute  
8 necessity.

9  
10 We also would like to point out that, of course,  
11 limiting to a bull only hunt in February when the antlers are  
12 missing is of questionable validity from a biological  
13 perspective.

14  
15 Now, that's the original proposal. I'll let Phil  
16 Graham expand some more, but just very briefly when the Western  
17 Interior Council took this up in their meeting, they voted to  
18 modify this proposal so it would in fact match that of the  
19 proposal before the Board of Game, so the regulations between  
20 the federal regulations and the state regulations would line  
21 up. And now I would like Phil to explain the rationale behind  
22 what their council did and why.

23  
24 MR. GRAHAM: Mr. Chairman, my name is Phil  
25 Graham, and I'm from, Lime Village, and I'm a member of the  
26 Western Interior Regional Council, and I'm pleased to be at  
27 your meeting today. Our Chairman, Harold Huntington, was  
28 unable to attend, and so they sent me since I'm from the -- I'm  
29 the member of the Western Interior Council who lives closest to  
30 this area.

31  
32 And when this proposal came up at our March meeting in  
33 Galena, we weren't -- well, we weren't sure what to do, and we  
34 I made some calls to some people in the -- on the Central  
35 Kuskokwim Advisory Committee, which is the villages from Aniak  
36 -- or, excuse me, Kalskag up to Lime Village. And they had  
37 passed a similar proposal at their meeting a week earlier. And  
38 that -- in their proposal, the State's proposal, they -- it  
39 was the feeling of the members of the Central Kuskokwim  
40 Advisory Committee, the Aniak area people where there's a lot  
41 of people and a lot of pressure on the moose, they wanted a  
42 bulls only season, while the people upriver from Crooked Creek,  
43 Beetmute, Stony and Lime, where there's not so much pressure,  
44 they wanted to keep it an antlerless season during the winter  
45 hunt. And so what they did, they divided the area at the  
46 Komokof River and they made it bulls only to the -- downriver  
47 from there, and an antlerless hunt above there.

48  
49 And the reason was -- well, the reason when I talked to  
50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

people on the advisory committee was that they just felt, where there's a lot of people and a lot of pressure, they wanted to let the cows -- let the cows alone so that it could -- the herd could increase or build up in that area, while the upriver people felt that there wasn't that much pressure, and they could hunt cows without doing any damage.

7

8 And so after getting that information, I brought it back to our Council meeting, and we amended the proposal to match what was passed by the Central Kuskokwim Advisory Committee, feeling that the people in that area had the best idea of what was good for their moose. And so we adopted that proposal as amended or modified, and the boundary is at the Kamokof River. I have the wording of the boundary here, if anybody wants to see that.

16

17 I don't know if I -- you could ask me questions if you want. Basically we took the advice of the people on the Central Kuskokwim Advisory Committee, and modify our proposal to match theirs.

21

22 MR. MANUMIK: When you allowed the people to hunt cows, the cow population up in that area, are you allowing just the residents to that, or any hunter from up and down the Kuskokwim?

26

27 MR. GRAHAM: Any hunter in the .....

28

29 MR. MANUMIK: And your harvest for last year was 22 cows?

31

32 MR. GRAHAM: I don't have that, Steve.

33

34 MR. KOVACH: The reported harvest for the 92/93 season was 22 cows.

36

37 MR. MANUMIK: And where's this -- okay. The total harvest 124, right, for the whole river? Up and down the Kuskokwim?

40

41 MR. KOVACH: I'm sorry?

42

43 MR. MANUMIK: The total harvest?

44

45 MR. KOVACH: Was 174, right.

46

47 MR. MANUMIK: Yeah.

48

49 MR. KOVACH: That's for all of 19(A) exclusive

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

of Lime Village, because Lime Village is under a different set of regulations, so that's moose taken in 19(A), exclusive of the residents of Lime.

4

5 MR. MANUMIK: Okay. Okay. Wait. (In Yup'ik)  
6 Steven?

7

8 MR. WHITE: No.

9

10 MR. MANUMIK: Chuck? Paul?

11

12 MR. JOHN: Yeah. My question is are you going  
13 to harvest only bulls, does it affect killing bulls only every  
14 year, do you know? Because a cow cannot produce calves without  
15 the male. Sometimes if -- when the bull is overkilled, I don't  
16 think that they -- you know, even though the female can get  
17 cows (sic), I don't think that they can produce any calves when  
18 they don't have any bulls available. Even though the cow can  
19 get pregnant, it can't reproduce without a male. So I have  
20 thought about this, when bulls are taken year after year, and  
21 so I think that sometimes the population is being held without  
22 increasing when bulls are harvested mostly every year.

23

24 MR. KOVACH: Mr. Chair, in response, the  
25 federal regulations are up for re-evaluation every year, so  
26 this proposal only affects the 95/96 regulations, so if the  
27 local people felt that if too many bulls were being harvested,  
28 then they could always bring this back for re-evaluation.

29

30 What we have found with moose populations in Alaska in  
31 general is that when a population gets in trouble, we found  
32 that if we limit the harvest to bulls only, thereby saving the  
33 cows, the populations can in fact recover, because one bull  
34 will in fact service a large number of cows. What we have  
35 found is that it is more important to protect the cows in the  
36 population than the bulls. If the population gets in serious  
37 trouble, then we need to limit -- then we have found if we  
38 limit the harvest to either very young bulls or very old bulls,  
39 we can save the majority of the bulls during the prime breeding  
40 ages, that will in fact bring a population back up to a point  
41 where regulations could then again be gone and opened up or  
42 liberalized.

43

44 MR. JOHN: Then as you observe, the -- in the  
45 year, do you think all the cows that are available to get  
46 pregnant have any reproduction?

47

48 MR. KOVACH: I'm sorry, I missed the first part  
49 that.

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1  
2 INTERPRETER: You know, as you observe in the  
3 year, do you think that every cow that is available to  
4 reproduce produce -- moose cows .....?

5  
6 MR. KOVACH: Generally every cow of breeding  
7 age gets bred. Due to nutritional problems or things like  
8 that, they do not always carry to term. They do not always  
9 produce a calf in the springtime, whether it be due to  
10 nutrition problems or things like that. Studies have found  
11 that pregnancy rates for moose in general exceed 90%. There  
12 are -- there's individual variation that causes -- you know,  
13 some cows may get bred, but for various reasons they don't get  
14 pregnant. That happens in every population with every species,  
15 including people.

16  
17 MR. JOHN: Yeah, because these cows that, you  
18 know, that don't have any mates, we know that they will not be  
19 touched, even though they are -- they can get pregnant. And  
20 also I've thought about this, and because I think it would be  
21 noticeable if the cow gets really old and not be able to get  
22 pregnant, because you can tell that by the -- their fur, and we  
23 know that that cow is getting sterile because of old age. And  
24 I have thought about that.

25  
26 MR. KOVACH: You're right. We have found the  
27 same thing, that the Native observations of very old cows not  
28 producing calves is -- you know, has been shown not only in  
29 Alaska, but throughout Canada as well.

30  
31 You know, the -- you know, we -- generally though, our  
32 moose populations are fairly productive. We have not seen any  
33 indications of the fact that there is a lack of bulls in order  
34 to get the cows present pregnant. If the population drops to  
35 that point through -- as indicated through the composition  
36 surveys, reports back from locals in the field and things like  
37 that, if we're starting to see a real lack of bulls, then what  
38 would be the prudent thing for the biologists to recommend is a  
39 further restriction of the regulations, which would include  
40 elimination of sport hunting on federal public lands, things  
41 like that, in order to take the pressure off the moose  
42 population, in order to give it a chance to build back up.

43  
44 But right now, that moose population is not in that  
45 kind of situation. It's what we determine -- it's what we  
46 would consider a moderately sized population as far as numbers  
47 of moose per square mile and things like that. Right now we  
48 just -- there's more pressure on the moose population in the  
49 lower portions of the Unit than there is in the upper portion  
50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

of the unit, as Mr. Graham explained, and the local people who live along the river in the area in the upper portions feel like there isn't such pressure up there, and that the restrictions aren't needed down there, whereas those people who live in the lower parts of the river feel in fact that the restrictions are needed.

7

8 MR. JOHN: I'm from Nelson Island, from Toksook Bay. I have gone up to Holitna River. I used 15 drums. And I was thinking that I've come from a long way, and I thought about those people. I wish that they would let them shoot any specie when they go up there, because of, you know, using 15 drums, and it's very expensive to travel up there.

14

15 Also, I have gone up the Yukon River over -- before -- headed up to of Holy Cross through the Innoko River from Nelson Island. And because I like to eat moose, and so out of that want I have gone a long ways to travel to get my moose.

19

20 MR. MANUMIK: Doi (ph)?

21

22 MR. JOHN: Um-hum.

23

24 MR. MANUMIK: Greg?

25

26 MR. ROCZICKA: Yeah. I forget the gentleman's name, but .....

28

29 COURT REPORTER: Excuse me, sir, could you come up to the table and state your name?

31

32 MR. MANUMIK: Yeah.

33

34 MR. ROCZICKA: My name is Greg Roczicka. I work with AVCP in their natural resource department, and focus mainly on game issues.

37

38 One thing you mentioned a few moments ago about lower river people feeling those restrictions are needed, that's not a universal feeling by everyone on the lower river. The proposal as put forth, and as far as the winter hunt goes with antlerless, it's primarily only the villages in the immediate vicinity in 19(A) that take advantage of that hunt. The population of moose up there over the years has been stable, healthy, and shows no signs of becoming otherwise, and so I -- as far as AVCP is concerned, we don't see any difficulty with supporting the wishes of the people up there for their winter hunt. There are a few people that go up and participate in that from the lower river as well. But for the most part it is

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

a local, a very localized hunt.

2

3 One other question that I had for you when you were  
4 going over the -- your numbers and percentages, however, was  
5 you were talking about the -- it appears that over the last  
6 several years that the numbers have been declining, and I  
7 imagine you're talking about the fall hunt. I mean, I didn't  
8 really catch the whole presentation that you had had there.  
9 And I was wondering where those numbers came from, because from  
10 all the indications that we generally get, that's the major  
11 concern of people up there, and that they're seeing increased  
12 numbers of hunters going up. I mean, I realize there hasn't  
13 been a check station there for several years and so on, and  
14 that's something we're going to be -- going to be approaching  
15 KSA on, that maybe they would take up that, you know, given the  
16 shortage of dollars and so forth, they could do it as a 4-H  
17 project or something similar to that. But anyway, I wondered  
18 where you got your numbers as far as percentages and so on?

19

20 MR. KOVACH: Sure. The -- well, the  
21 percentages I was reading off was the -- for the 90/91 season,  
22 and it was based upon harvest ticket returns to Fish and Game.  
23 That's where those numbers came from. The harvest numbers and  
24 the number of hunters that's -- this report -- that we had in  
25 the staff report also is based upon harvest ticket returns to  
26 the Department of Fish and Game. What's been declining slowly  
27 I mean, it's not a dramatic decline, but from '87 through  
28 '92, the number of hunters has dropped a little bit. It's  
29 dropped from approximately 300 people down to approximately  
30 265. So it's not a dramatic decline.

31

32 MR. ROCZICKA: Again, those numbers are from  
33 the harvest tickets only?

34

35 MR. KOVACH: Those are from the harvest tickets  
36 only. Due to -- there was some check stations that were run in  
37 '88 and '89, and those check stations compared number of  
38 hunters, number of moose and so on versus what got reported.  
39 Those check stations found that basically only 45% of the  
40 harvest was being reported .....

41

42 MR. ROCZICKA: Yeah.

43

44 MR. KOVACH: ..... and whatnot, so you can  
45 basically double the kill values here.

46

47 MR. ROCZICKA: Right.

48

49 MR. KOVACH: But all we can report, you know,

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

1 all we can give as far as hard numbers is what's been reported.  
 2 We know there's some component, maybe as much as 55% that's  
 3 not being reported, so -- and I'm sure that goes for the number  
 4 of hunters as well.

5

6 MR. ROCZICKA: Yeah. I'm familiar with those  
 7- comparison of .....

8

9 MR. KOVACH: Sure. Sure.

10

11 MR. ROCZICKA: ..... those very well. I just  
 12 wondered where you came -- you got those.

13

14 MR. KOVACH: You bet. You bet.

15

16 MR. MANUMIK: Let's see. Any more questions to  
 17 the staff on the proposal?

18

19 MR. CHINGLIAK: My name is Charles Chingliak.  
 20 I have a question about our area, because there's not many  
 21 moose in our area. But sometimes we see some in the  
 22 summertime, once in a great while. He was thinking, because we  
 23 can't hunt over there, because we live a long way from this  
 24 area, I have a question, if I see a cow moose or a bull moose,  
 25 if I see one, I don't want to -- I don't want to leave it alone  
 26 whether -- regardless of the -- because we see a moose once in  
 27 a great while in the summertime, because our place doesn't have  
 28 many spruce trees, and sometimes once in a great while we'll  
 29 see one over there. I'm asking this question: If I see a  
 30 moose, can I kill it, regardless of whether it's a male or  
 31 female?

32

33 MR. KOVACH: Could you tell me again the .....

34

35 INTERPRETER: He's from .....

36

37 MR. KOVACH: ..... place where you live?

38

39 INTERPRETER: He's from Goodnews Bay, right  
 40 near Cape Newenham, around that area. And they live by the  
 41 Bay, and he says once in a great while they see a moose in the  
 42 summertime, and his question is, because of the -- because they  
 43 live far off and come up here to hunt moose, his question is,  
 44 if I see one, regardless whether it's male or female, can I  
 45 kill it?"

46

47 MR. KOVACH: You'll have to excuse me, I have  
 48 to look at the regulations myself, because I don't remember  
 49 them. The -- Let's see.

50

R & R COURT REPORTERS

810 N STREET  
 277-0572  
 Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

ANCHORAGE, ALASKA 99501

1  
2 UNIDENTIFIED: Here's Goodnews Bay right there.  
3  
4 MR. KOVACH: Right. Yeah. That area, in that  
5 Goodnews Bay area, Platinum area, Kanektok River, all that area  
6 under federal regulations is currently closed to moose hunting  
7 at all. The populations are so low that the Federal  
8 Subsistence Board felt that in order to conserve a healthy  
9 population, it was necessary to close moose hunting to all  
10 people on federal public lands in that area.  
11  
12 State regulations is a little bit different, however.  
13 This right here?  
14  
15 MR. COFFEY: Um-hum.  
16  
17 MR. KOVACH: Okay. And for State  
18 regulations, .....

19  
20 MR. COFFEY: (Indiscernible)  
21  
22 MR. KOVACH: Okay. The State regulations allow  
23 the harvesting of one bull from September 1 through 30. In  
24 other words, the entire month of September. Those are the open  
25 seasons.  
26  
27 MR. COFFEY: There is also -- there's a winter  
28 season.  
29  
30 MR. KOVACH: Oh, there is a winter season?  
31 Okay. I'm sorry. I've just been corrected. Thank you. There  
32 is a winter season that opens up sometime between December 20th  
33 and January 20th by emergency order, and that is also a bull  
34 only hunt.  
35  
36 You know, I realize that you're seeing animals in the  
37 middle of summertime. The regulations, unfortunately, do not  
38 allow for the taking of a moose in the middle of the  
39 summertime. I'm sure that wasn't the answer you wanted to  
40 hear.  
41  
42 MR. MANUMIK: (In Yup'ik)  
43  
44 MR. CHINGLIAK: Yeah.  
45  
46 MR. MANUMIK: (In Yup'ik)  
47  
48 MR. CHINGLIAK: (In Yup'ik) Mr. Chief, Joe  
49 Chief?  
50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

1  
 2 MR. CHIEF: I'm kind of -- I'm talking about  
 the young people during -- they were afraid and they were --  
 they were afraid that people were pointing guns at them. I  
 know that, because I've been there. I know that river, and  
 I've been there in the wintertime by dog sled. And even though  
 those people are the people from there, they don't know that  
 area. I know that area better than them. Those young people  
 were afraid of coming -- they were here from Bethel and  
 probably around down river. They can go up to one of the  
 villages and they went home in the -- and when they set up  
 camping at the night time, they came over. I've been -- they  
 camped there at that mouth of the Holitna River. Those young  
 people who were afraid, and in -- and too of the dark, and even  
 though it was really rough during the nighttime, they went  
 home, because they were afraid. They came to the fish camp on  
 the Tuluksak, and they were wet and cold. In one of the  
 villages, they couldn't stop. They couldn't stop along the  
 river. They couldn't stop on the corporation land. If I was  
 there, if a person was pointing a gun at me, I'd shoot that  
 person. Those people were young, and they were afraid. They  
 came all the way to the Tuluksak camp, and it was really rough,  
 and during that time, two boats were in a wreck, and all the  
 those that they caught and their gas tanks were lost. They  
 were afraid. You should correct that. Our older generation  
 was always pushing people to do good, and they have ans- --  
 that's not correct.

28

29 This -- we the people from Alaska, this is our land,  
 and it doesn't belong to the white man, but you come -- you  
 come from down States and ruin our livelihood. You ruined the  
 32 you ruined the fish from the bay and from the land. And  
 now I heard that they're going to fish four-inch mesh. If you  
 do that, there's going to be lots of dead fish, because when  
 you pull in the net, the fish will get -- be lost in the boat.  
 36 know this is kind of late. I -- they said I was late, but  
 today that four-inch mesh is not for the fish, because they're  
 going to kill all the species of fish up and down the river. I  
 choose the seven-inch to use for the king salmon. I was a  
 commercial fisherman before they even have license. They --  
 before the Fish and Game were here.

42

43 I'm really irritated, and I'm angry about that  
 situation where those young people are pointed a gun --  
 somebody pointed a gun at them upriver. And you know at this  
 time these young people are -- and I wanted to say that those  
 people up there, I ask them, they didn't know who they were,  
 but these are young people -- those were the young people that  
 pointed the gun at them. Who brought -- who brought this up

50

R & R COURT REPORTERS

810 N STREET  
 277-0572  
 Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

ANCHORAGE, ALASKA 99501

about trespass- -- no trespassing on the land. These fish and game mess us up. It's not right. And I didn't want to keep this on my chest, so I brought it up, because of those young people who were afraid to go on the land, and those two boats were in a wreck, all the -- everything lost, even the moose they caught. I bring this up to you, because I'm very angry about that, and sad about somebody -- my generation, but this white man -- the white man is ruining it. Corporate -- this corporation is nothing. Those weren't here before, and I don't believe in those. This is what I wanted to tell you, to get it off my chest.

12

13 And also this four-inch mesh. It's going to ruin all the fish from upriver downriver if they have commercial fishermen. Think about it. When the -- when it isn't caught right, and when you pull in the net, the fish will get out the net, because it's not their size. This can be a lot of dead fish downriver, upriver also. And our ancestors have told us not to waste any food, or they tell us not to throw food in the water. If they smell the odor of dead fish, there will be no more fish in the river. And who brought the regulations up? They don't know nothing. But if they have the right size of mesh, if they have the right mesh, it will be okay, because they will be caught. And we use that seven-inch for the king salmon, but it's not right. I also -- let me remind you again, there are going to be a lot of dead fish down in the Kuskokwim River.

28

29 I had to take this off my chest, because it made me really angry to see those things. I know this, because I'm the elder, and the elders have taught us, and they're all in my head and in my heart. And I don't have it all on the paper, but those were the teachings that I received, and sometimes I get so angry.

35

36 These regulations always have -- and how there's migratory birds, and now I hear about they write -- they write on the eggs. The people have taught us not to touch the human or not to touch the egg so -- because if you do, the bird will not come and lay on the egg again.

41

42 These are the -- they come from down States and use all these regulations to break our livelihood. Don't be angry at me, but those are things that I pull off my chest.

45

46 MR. MANUMIK: Koyana. Before we go on, I'd like for someone to respond to his concern about what -- how the regulation upriver is for people -- for people from downriver to go up there and camp. How is that controlled? Do

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

You have any control over that issue or -- ? Can anybody respond to that? We'd like to know. He's really concerned about that.

MR. COFFEY: Mr. Chairman, I guess I'll respond.

MR. KOVACH: Your name for the record.

MR. COFFEY: My name is Mike Coffey, I'm with Fish and Game Subsistence in Bethel.

In terms of camping in the upper river area, state and federal regulations do not control that. People, as Mr. Chief explained, they go up in the fall time or wintertime for hunting. There are lands up there that are private lands, and those lands, just like, oh, private land that you might have are controlled by people that own them, and those lands are controlled by the Kuskokwim Corporation up there. The State does not have any control over who can camp on whose lands when they're hunting up there. We only have jurisdiction over management of fish and game on their land, so it would be the Kuskokwim Corporation lands, as well as there are some native allotment lands up there. So that's essentially what the situation is.

There are some state lands and there are some federal lands up there, however, and state lands and federal lands are open to, you know, to people in general from anywhere for hunting.

MR. MANUMIK: Can you expand upon that, since you're from Lime Village, or, you know, how that area is up there or .....?

MR. GRAHAM: I'm from Lime Village, and Lime Village is not a part of the Kuskokwim -- they're not a member of the Kuskokwim Corporation.

MR. MANUMIK: Now, are the people from down here allowed to camp in your area without restrictions .....?

MR. GRAHAM: They're asked to notify someone in the Lime Village Corporation.

MR. MANUMIK: Now, is there something going on to enforce that up there or .....?

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. GRAHAM: Nothing organized. They -- it's  
 2- the members of the Lime Village Company just would like  
 3 people who are going to use their land to check in with them,  
 4 to let them know they're there. They're not asking for a fee.  
 5 They're just asking that people who are going to hunt on that  
 6 land, Lime Village Corporation land, to let them know.

7  
 8 MR. MANUMIK: Okay. Now, the other question I  
 9 have is how many -- how many miles are we talking about that's  
 10 restricted land for, you know, the Kuskokwim Corporation's  
 11 lands. How many miles of that river is it that they're not  
 12 allowing hunters to camp on?

13  
 14 MR. KOVACH: Do you have any idea?

15  
 16 MR. MANUMIK: Greg?

17  
 18 MR. ROCZICKA: Yeah, the consortium, the ten  
 19 villages went together and formed the Kuskokwim Corporation.  
 20 Their lands start roughly about by Tuluksak Bluff, and extend  
 21 all the way up the river to the Tatlawiksuk, above Stony.

22  
 23 MR. MANUMIK: Above where?

24  
 25 MR. ROCZICKA: Tatlawiksuk. (Indiscernible,  
 26 simultaneous speech)

27  
 28 MR. MANUMIK: I'm not familiar with the  
 29 Kuskokwim River, so I don't know where that is.

30  
 31 MR. ROCZICKA: Well, you're talking roughly  
 32 about 200 miles.

33  
 34 MR. MANUMIK: How many?

35  
 36 MR. ROCZICKA: About 200 miles. In that --  
 37 within that stretch of 200 miles, there's -- on the old river  
 38 section, between Kalskag and Aniak, there's some federal lands  
 39 in there that people can camp on that's public lands, federal  
 40 state public lands, there's an old (indiscernible). Right  
 41 above Napaimiut and across there by Kolmakof, around that area,  
 42 there's another about a mile stretch of beach on each side, but  
 43 you've got to be careful. We've got offsets (ph) living there.  
 44 Currently they've got their allotments, so it's -- There's  
 45 another one right around by Crooked somewhere, but I'm not  
 46 exactly sure where on the river. And from there on up, it's  
 47 pretty much all corporation land.

48  
 49 However, when you get into any one of the tributaries,  
 50

R & R COURT REPORTERS

810 N STREET  
 277-0572  
 Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

ANCHORAGE, ALASKA 99501

Once you're in five or ten miles, you're off corporation lands, you're back onto either state or federal lands. For example, on the Aniak, once you hit Buckstak (ph), you're getting into 4- you're back into public lands. You do not need a permit there. And the Holitna, once you pass the mouth of the Hoho, either up the Hoho or the Holitna, they're also all state lands. On the Stony, you've got to go in about 15 -- about 18 miles before you get in, and then there's about a 20-mile stretch before you get to the Lime Village Management Area.

10

11 There's a similarity here. What the Kuskokwim Corporation has done is in principle, and I know it probably affects a lot more people, so it's a much more difficult issue to deal with, but they've done exactly the same thing that Bethel Native Corporation has done in charging non-shareholders for fish camps in their land. It's the same type -- it's exactly the same principle. They're trying to take a land use, a particular use of the land. And, you know, Murkorykuk (ph), it's their musk ox (indiscernible), and there's other villages (indiscernible) as well. And it's occurring on the Yukon, Holy Cross is now.

22

23 MR. MANUMIK: Yeah, I'm kind of concerned, because Mr. Chief here expressed his concern. Under -- I'd like to also know who -- under whose authority those people are using guns to force people away from the corporation lands.

24 Now .....

28

29 MR. ROCZICKA: I think probably where that came from, the people that they've had up there patrolling up and down, they do have -- they do hire people to go do that. They've been real polite. They're very unobtrusive. I've run into them a couple times myself, too. And they couldn't be nicer people. They're -- like to meet them as your neighbor.

35

36 I think probably what happened, that maybe a horror story, or most likely what happened, is a younger -- some of the younger people that they've got this built inside of them, and they started to feel angry, and, you know, perhaps interfere (ph). There's -- of course, you hear it if you camp close by around by Sleetmute or Red Devil in there. The local younger people will come and ask you to move your camp, and they can be pretty, you know, insistent and things.

44

45 MR. MANUMIK: Okay. Yeah, I .....

46

47 MR. ROCZICKA: So I think that's probably where that comes from.

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

1 MR. MANUMIK: Yeah. I think that those people,  
 2 or the enforcement personnel from the Department or the --  
 3 should look into these situations when they occur, instead of  
 4 waiting six or seven months to bring them out.

5  
 6 Has the AVCP done anything to that effect or have they  
 7 met with the people from upriver concerning the issue here?

8  
 9 MR. ROCZICKA: We're continuing to try to .....

10  
 11 MR. MANUMIK: Sure.

12  
 13 MR. ROCZICKA: ..... make (ph) a more  
 14 cooperative association, but right now it's still in the  
 15 negotiation stages.

16  
 17 COURT REPORTER: Excuse me, Greg, could you  
 18 come up to the table. I'm having trouble hearing you.

19  
 20 MR. ROCZICKA: There's a lot of history and  
 21 conflicting -- conflicts between there to some degrees, and  
 22 that's something -- we haven't got a formal set up going when  
 23 we're going to be looking at that. Hopefully in the next year  
 24 so to try to put something in place for that. But right at  
 25 present, it's -- you know, it's just a matter of phone calls  
 26 and keep trying to work it through, and pass along the  
 27 information that -- I know people have a misconception that,  
 28 you know, this permit system that they're asking for the land  
 29 the permit is a state/federal regulation and that it applies to  
 30 the whole countryside, that you can't even go up hunting up  
 31 there unless you have that -- have the KNA's land use permit,  
 32 and that's -- it's simply not true. I mean, there's -- there  
 33 are places to camp that are federal lands and -- or federal or  
 34 state lands, and up the tributaries where most people go, you  
 35 know, especially the Holitna or especially the Stony or George  
 36 Oskawalik or Holokuk or any one of them. You know, once you  
 37 get up in that river again, you're back on the public lands,  
 38 and you don't need the permit. So, you know, that's -- we try  
 39 to spread that information to the public information, so  
 40 they'll understand that, but still it's another one of those  
 41 long, hard roads. And it's an alien concept, of course, for  
 42 Native people to have any kind of restrictions on land use or  
 43 resources.

44  
 45 MR. MANUMIK: Okay. Maybe, Antone, can  
 46 you .....

47  
 48 MR. ANVIL: Yeah. It's not the first time, you  
 49 know, this -- my name is Antone Anvil from Bethel. This is not  
 50

R & R COURT REPORTERS

810 N STREET  
 277-0572  
 Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

the first time that Joe Chief had brought this up. He questioned me about it when -- I think it was last fall after the incident happened up the river, you know. I think -- I think the Fish and Game Law Enforcement should talk to whoever's behind all this, you know, that's happening, that Copper River corporation people, they should be informed and talked to those hunters up there, the land owners and everything, that this is a very serious thing, a gun point threatening. It's really -- it will get out of the -- get out of hand, you know, before somebody -- so I think it would be wise to have the Fish and Game Law Enforcement go talk to those people or the corporation people, you know, to tell those land owners or -- up the river, you know, that, you know, 'cause a lot of people have went up along -- made a long trip up to catch their moose, you know, and they comes along, and somebody threatening them with a gun point, and then they have to be chased down river, and he told me this couple boats that sunk up there and lose all their game, and -- 'cause they couldn't camp. So if it's an emergency or bad weather, then they should allow to camp at least until the weather comes down. I would strongly recommend that Fish and Game Law Enforcement talk to those people up the river, you know, the -- to -- I know they don't like it, you know, if they come to their property, but they should at least if it's on an emergency basis, like he said, the weather was bad and so they -- in spite of that, they had to get away from that threatening area. Well, anyway, that's what I'm just hoping that the Fish and Game Law Enforcement will have -- talk to those people before next moose hunting season is come up, you know.

30

31

MR. ROCZICKA: Yeah. Hopefully we can get -- was a couple back here we were able to get the Lower Kuskokwim and the Central Kuskokwim Advisory Committee together, and it was only for one meeting, but that really helped out a lot, and help them clear the air on some of it. Again, it's a corporation thing, you know, how the corporations work. It's a separate entity and all of that. But there needs people need to get down and -- get down together and start talking about it amongst each other instead of alienation like gets to be right now.

41

42 Where those boats swamped, I was in there at that same place. I went through maybe about four hours ahead of them, and it was, it was really rough, but it was right above Tuluksak, (indiscernible) that second short cut, you know, after you pass Tuluksak, and when you come around below the bluffs, right in there is where they -- where those boats swamped in there. And they could have pulled off anywhere in there. That wasn't corporate. But that understanding that

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

they had, they didn't know. But they could have pulled off and camped in there. We had to hug the bank really close.

3

4 MR. ANVIL: Yeah, that -- I would strongly  
5 recommend the Fish and Game Law Enforcement to check into this  
6 very seriously, because if that happens more times, then  
7 someone's going to get killed, you know, without, you know --  
8 so those people should be talked into -- or get information  
9 that -- before it get out of hand, and .....

10

11 MR. ROCZICKA: Yeah.

12

13 MR. ANVIL: Thanks.

14

15 MR. MANUMIK: There's two more. Paul John, and  
16 then we'll take a break and go back to the issue.

17

18 MR. MANUMIK: Paul John, and then -- yesterday  
19 sat at Swanson Store, back two years ago, two people from  
20 Sleetmute, that other person didn't know -- that other person  
21 knew me because I hunted up the Holitna River. The other  
22 person told me -- point to the other one, if this person -- if  
23 this person finds you in his land, he's going to shoot you, and  
24 they were from Sleetmute.

25

26 And then last year I listen to a person tell -- a  
27 person talking from Kalskag. He wasn't very young. He said  
28 he's against this incident arising, and also he's in the  
29 subsistence board. And living in Kalskag. And when he saw  
30 this -- when he saw this incident or proposal coming up, he was  
31 against it. And when they were -- when he was against it, the  
32 other board members removed him, because he didn't -- he was  
33 against this issue that, you know, and those people in Aniak  
34 removed him without him knowing it.

35

36 And the only -- the only thing that is making this  
37 happen is the State law. A lot -- way before the State law had  
38 already stated that if there's -- you trespass on my land, I  
39 could shoot -- I could shoot you. And these young people are  
40 in this State, that they believe that. And Joe Chief brought  
41 this up before, the State law of our ancestors, and during that  
42 time, those people pushed these people for their livelihood.  
43 They were like that before the state law came, you know. I  
44 just present -- I just make the short presentation. Koyana.

45

46 MR. MANUMIK: Chuck Chaliak?

47

48 MR. CHALIAK: If -- you know, the presentation  
49 just made, or the issue that we're talking about, I wish for

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

Somebody to write a letter to those people, and draft a letter from this meeting to address this issue and correct the situation, and -- because they can talk to the elders and correct this. They can talk to the young people and give them direction on how to behave during these times.

And on this easement, there is a 25 feet extension, and I was thinking about this while I was listening to this, that, you know, in these villages, there's easements, and also even poles for the electricity they have easements, and these things -- these things come up because they have the regulations to do those. And also I think, you know, the side of the river is not closed to any hunters.

So even though I brought that up, I know this can be corrected, and -- by -- to let those people up river know, and correct that situation. If any incidents happened, you know, it's going to affect that village. We have to be careful and present them to each other in turf (ph), and correct this situations. Thank you.

MR. MANUMIK: You heard some concern -- you heard the concern here, and Antone here suggested that the law enforcement get together with the people from upriver before the moose hunting season opens, to explain the regulation and find out who is enforcing their people to drive off people from their corporation lands, especially in bad weather. That's Joe Chief's concern there. In bad weather, I don't think anyone should be driven away from anywhere. It's life and death situation. Is it possible for you to incorporate that into your RIT program when you sent your refuge information technicians up there to talk about that issue as well?

MR. STERNS: Thank you, Mr. Chairman. Basically on private lands enforcement of (indiscernible, coughing) regulations is not the responsibility of the refuge. However, I'll be glad to pass the word to the State Troopers and do what I can to get the word to those people. But maybe this would be an appropriate thing for the people through AVCP also to bring to the Troopers to help the clarification of the law, the trespass laws, and, you know, I think AVCP could help as much as I can, but I'll do what I can.

MR. MANUMIK: We don't have an AVCP representative except for Chuck and that gentleman in the back. Can you get that information passed?

MR. ROCZICKA: Yeah, I have it -- I already have it in hand to do that.

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

MR. MANUMIK: Thank you.

MR. ROCZICKA: I've done it every year since I've (indiscernible, simultaneous speech).

MR. MANUMIK: We'd certainly appreciate the effort put forth there towards this concern. Shall we take a break?

MR. ANDREW: (In Yup'ik) If they hunt in February, you cannot hunt a half mile out of the river, and you can do this. You can push for this, or you can be against it. And you are to work on this, and then work on the third one later on toward the brown bear. You've got to concentrate on the agenda, because these people who came from a long way have to go home.

MR. MANUMIK: (In Yup'ik)

MR. ANDREW: (In Yup'ik)

MR. MANUMIK: Take a break.

(Off record)

(On record)

MR. MANUMIK: Can we get back to order? Paul Beebe? (In Yup'ik)

MR. BEEBE: My name is Paul Beebe from Quinhagak. I want to talk towards the moose.

With the Yup'ik people, our ancestors used to hunt from their area, and there were no regulations, but they had teachers from their ancestors. And now in my home, and I'm getting old before I even kill a moose in my area. These Fish and Game, because they never open it for me. Even if we see one. The one we have to put on our table. I'd be afraid. I've never -- I'd be afraid to kill a moose, and when it's open somewhere else, some people travel in bad weather and risk their lives to try and get the meat on their table. Some lose their lives.

We, the Yup'ik people, try to be careful, but as we started listening to these regulations, even if -- and we who are born in Alaska can't do anything we want. You know, we can't even hunt in our own area. And these people who came

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

from down in States, they close that area and they tell us these regulations.

3

4 I have known one person in my home town when they were hunting for their kids and his wife, the Fish and Game took everything and put him in the jail. I pity that incident.

7

8 We, the Yup'ik people, we don't think that way. We know when another person from -- to our area, we tell them to hunt any much they want, but now we are controlled by Fish and Game in our own, even though we want to eat the things we used to, because the open season -- the place where it's open is too far away. And even though we want to, we'd be afraid to hunt the moose. We the people in the villages, we don't hunt to put the trophy on the wall, but the meat to eat.

16

17 Also, when we catch a game, we disburse the meat among the needy and not waste it. That's the way of life in the villages. If they would open up the area in our area, it would be good.

21

22 Also, these young people are getting worse. Even -- and even if we tell them what to do, they don't listen any more. Our Yup'ik way of life, we're losing it. We are not white people. I'm -- I am not raised as a white man, but in a Yup'ik way.

27

28 I'm getting old before I even kill a moose. But today, next time, even though it's closed in my area, if I see a moose, I'm going to kill it. If they can find me, it's okay. I'm getting old.

32

33 Our way of -- our livelihood has no restrictions from our ancestors, therefore all the game that we are able to eat, we kill it only when we know we need it, and to put it on our table.

37

38 That's all I have to say.

39

40 MR. MANUMIK: Koyana, Paul Beebe.

41

42 Let us go back to Proposal 54. This proposal that you're presenting here to the Regional Council would include the Russian Orthodox holidays, holiday period? That's my question.

46

47 MR. KOVACH: As I .....

48

49 MR. MANUMIK: That would -- that would be they

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

Would be allowed to take any moose during the holiday season  
out there?

3

4 MR. KOVACH: Okay. As I understand the holiday  
Season, Mr. Chair, the holiday season is the very first part of  
January, is that correct?

7

8 MR. MANUMIK: Yes.

9

10 MR. KOVACH: Okay. The proposal before you  
would eliminate the ability to take a moose during the first  
part of January. The proposal would have an open season of  
September 1 through 20, November 20 through 30, and February 1  
through 10. That's the proposal before you. You would -- the  
hunts would only be allowed during the September and November  
hunts, and any moose during the February hunt.

17

18 MR. MANUMIK: So the holiday season for the  
Russian Orthodox would be eliminated?

20

21 MR. KOVACH: Correct. As I explained, that was  
an addition that the Federal Board made -- or that was a change  
that the Federal Board made beginning with the '92 season at  
the request of the local people.

25

26 When the Western Interior Council took this up, they  
felt that although the change -- the recent change, the '92  
change, was requested by the local people, they felt that it  
was better to have a unified regulation so that people wouldn't  
get confused, people wouldn't get arrested for taking a moose  
in the wrong place at the wrong time. They felt that it was  
better to do that, and this was based upon input that they  
received from people in 19(A).

34

35 The modification that the Western Interior Council made  
to allow an any moose in the upriver portions of 19(A) during  
the February season was so that it would mirror the proposal  
that the local advisory committee had before the Board of Game.

39

40 MR. MANUMIK: Now, if this Proposal 54 should  
not pass, then 93's would still prevail?

42

43 MR. KOVACH: Correct.

44

45 MR. MANUMIK: So -- Therefore -- These people  
during those -- the Proposal 54 is touching the time when they  
have Russian Christmas.

48

49 MR. JOHN: (In Yup'ik)

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

1  
2 MR. ANDREW: Mr. Chairman, if you choose this  
3 In Yup'ik)  
4  
5 INTERPRETER: Oh, excuse me.  
6  
7 MR. ANDREW: This proposal asks for a change in  
8 the season from September 25 -- 5 to 25, to January 1, February  
9 1 to 5, to September 1 to 20, November 20/30, February 1  
10 through 10.  
11  
12 MR. MANUMIK: You can either reject it or  
13 accept the proposal, and if you don't accept it, it will be  
14 just like last year.  
15  
16 MR. ANVIL: If we don't accept this, nothing  
17 will change. However, the season would never change if we  
18 reject this proposal.  
19  
20 MR. ANDREW: If you reject this proposal,  
21 nothing will change, but it will be up to the Board, the  
22 Subsistence Board.  
23  
24 MR. FROST: Mr. Chairman?  
25  
26 MR. MANUMIK: Yes?  
27  
28 MR. FROST: Thank you. Thanks, Mr. Chair, and  
29 members of the Council. My name is Gavin Frost. I'm an  
30 attorney with the Regional Solicitor's Office. My office  
31 provides advice, legal advice to both this Council and the  
32 Federal Subsistence Board.  
33  
34 And what I'm concerned with here is just ensuring that  
35 we have a sound record. I am not in any way telling you how or  
36 what to say. I simply want you to make clear your reasons for  
37 taking any action.  
38  
39 We have right now, the Board does, a recommendation  
40 from another Council just like yours, and their rationale,  
41 their recommendation, has already been presented to the Board.  
42 So the Board has that. The Board simply wants your  
43 recommendation as well, and then it will assess both of the  
44 recommendations and the rationale beneath those  
45 recommendations. So the reasons for your recommendation is  
46 extremely important, and that's why I would encourage you to  
47 make known, make clear your reasons when you make your  
48 decision. Then the Board will take both of those, yours and  
49 the other council's, and make a decision. So there is still a  
50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

chance that even if you recommend against this, that the Board would agree with the other council. That's possible. I'm not saying that would happen, I'm just saying it's possible. And that is why you want to make your reasons very clear to the Board so that they understand exactly why you are making your recommendation.

7

8 Thank you.

9

10 MR. MANUMIK: Steven?

11

12 MR. WHITE: Mr. Chairman, we tried to take this, if -- before this proposal came up, we the -- during that time of the festivity, this is where a lot of people are in good spirits, and also this Russian Orthodox festivities roll around. Also a lot of people -- and this is the reasons why I -- we have tried to resolve this first hunting season, and we work on it for a long time. And if I would move, I would make a decision to keep it the way it is.

20

21 MR. CHALIAK: Yes, we like -- even though it's kind of irritating, or even though it doesn't seem right, I want -- our minds are difference of -- we think that if -- with respect to the holidays, I think them people that would want to hunt during the holidays and during these big holidays, I want to stay in the village, because I want to be happy with my people. However, it's during the -- 1 to 10 is during the holidays. The seven -- Dislavik (ph) starts from seven till -- for about three days or a little over during that time. Do you understand what I'm saying? It would seem like I'm against your wishes, but we've got to look at both sides. We've got to look at both sides.

33

34 MR. MANUMIK: (In Yup'ik)

35

36 MR. CHALIAK: (In Yup'ik)

37

38 MR. MANUMIK: (In Yup'ik)

39

40 MR. CHALIAK: Steven pointed out that during the -- during the time that even, you know, I thought about -- I thought about the activities and the holidays where I want to stay with my family, because some respect these holidays. It seems like I'm against the wishes of the choice here, but it they would hunt before that -- they would hunt before that, I think it would be a lot more appropriate. Do you understand me? Do you understand me, Steve?

48

49 MR. MANUMIK: Mr. White?

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1  
2 MR. WHITE: Let me point this out again. If I  
3 say this, I'm going to say this and it sound like I'm going to  
4 be against what he's -- this was before the Christmas. I know  
5 that the tributaries up there in Unit 18 do not freeze the time  
6 when they used to open it for the Christmas time. We tried  
7 that during the time. If they -- if they follow this hunting  
8 season there, if they leave about January -- go right before  
9 January 1st, and this is the reason why we choose January 1 to  
10 10, because of the safety of the people and the trails would be  
11 frozen.

12  
13 MR. MANUMIK: Chuck, do you understand that,  
14 because of the things that are not frozen?

15  
16 MR. CHALIAK: Yeah, and we miss -- we miss the  
17 new year hunting. Our area -- in our area the trail is not  
18 good either. Seems like it's the same all over. But during  
19 that time .....

20  
21 MR. WHITE: We tried to move from there because  
22 there would be lack of snow.

23  
24 MR. ANDREW: On the proposal, I mean, it would  
25 be from there. It's not in the Unit 18 area.

26  
27 MR. MANUMIK: Yeah. These people that travel  
28 from this area, they're talking about this. Mr. John?

29  
30 MR. JOHN: I'm going to seem like I'm going  
31 against my -- these holidays. It's not in our Yup'ik way of  
32 life from the -- when we try to hunt for subsistence. If we go  
33 as there's a chance to go. I agree with Steven, and that  
34 that's the way I'm thinking.

35  
36 MR. MANUMIK: Okay. Mr. Antone.

37  
38 MR. ANVIL: Yeah, I also -- I agree with Steven  
39 and Paul there, because during the fall and during the first  
40 freeze up, there's too many -- too much danger, and we brought  
41 this up last year. And I know that January 1 to 10 is okay  
42 with me, because the trail would be safe, and the ice would get  
43 thick, and we'd be able to travel. And so I agree with what  
44 Steven and Paul had brought up.

45  
46 MR. MANUMIK: (In Yup'ik)

47  
48 MR. WHITE: Mr. Chairman, I so move just to  
49 object proposal 54.

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

1  
2 MR. MANUMIK: There's a motion by Steven White  
3 to oppose Proposal 54 and have the regulations for '93 prevail.  
4 Is there a second?

5  
6 MR. ANVIL: Second.

7  
8 MR. MANUMIK: Seconded by Antone Anvil. All in  
9 favor say "aye"?

10  
11 ALL: Aye.

12  
13 MR. MANUMIK: All opposed, same sign? One?

14  
15 MR. CHALIAK: One.

16  
17 MR. MANUMIK: Four for and one against. So  
18 majority rules.

19  
20 Proposal Number 58 is next on the agenda.

21  
22 MR. KOVACH: Mr. Chair, Proposal 58 was also  
23 submitted by the Alaska Department of Fish and Game, and it  
24 also deals with moose. It deals with moose in Unit 21(E), and  
25 what it would do is add during the February season -- or during  
26 the February season it would add a restriction, and that would  
27 prohibit moose hunting within one-half mile of the Yukon River.  
28 Again, this restriction's only for the February season that's  
29 in place. There's no change in season dates or bag limits or  
30 anything like that.

31  
32 The -- there's an existing customary and traditional  
33 use determination for moose hunting in 21(E), and it includes  
34 all residents of Unit 21(E), as well as residents of Russian  
35 Mission.

36  
37 I'd like to note that Federal public lands are open to  
38 all hunters in Unit 21(E) for the taking of moose.

39  
40 Generally our information on moose populations in 21(E)  
41 are fairly limited. We generally only have trend count  
42 information. We basically do not have any censuses, so we  
43 don't know exactly how many moose there are. But based upon  
44 the trend counts and general observations by both the  
45 biologists and the local hunters, the population appears to be  
46 moderate in size, and the trend count information tells us that  
47 the populations are stable.

48  
49 There is some concern by the local people in that area  
50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

that the winter moose populations along the Yukon River corridor itself have actually declined over the last ten years or so. Partly in response to this, and for the -- and partly in response to this concern by the local people and our need to get better information, a moose trend population count area was established in 1987 near the confluence of the Innoko River with the Yukon River. All we have done so far in that area is done trend counts. We haven't done a full population count there yet.

10

11 On the second page of your package, or I guess about the third page or something like that, there's a table, Table One. It shows you the results of the three surveys that have been done in that area. The first two counts, the first one in 187 was not a real good count, but there was one in 1989. Those two counts are fairly similar at about 570 to 80 moose. In 1990, a really good count was completed. We feel real good about this one. This indicates that there was 760 moose seen in that count.

20

21 Approximately two-thirds of the moose taken in Unit 22(E) occurs during the fall season, the balance occurs during the winter season. The -- looking at the last five years of data, that from the 1988 through '92 seasons, no more than ten moose have been harvested during that February hunt. This only accounts for about 3% of the annual take for this part of Unit 27.

28

29 Unfortunately, we feel that the unreported level of harvest is quite significant, so the level of harvest both in February, as well as the total, could be much higher than what we have reports on.

33

34 However, for these 24 moose that I referred to that were reported during February -- to be taken in February, the locations on those 24 moose break down like this: Seven came from the Anvik River, two from the Bonasila River, three from the Innoko River, and 12 in the Yukon River corridor. Unfortunately, we don't know of those 12 taken within the Yukon River corridor, how many of those came within that half mile area that's being requested to be closed.

42

43 Approximately 10% of the total Yukon River corridor are federal public lands. The most significant portion of this -- these 10% are located near the confluence of the Innoko and the Yukon Rivers. And this is a winter moose concentration area. The State is -- has had this same regulation in effect for a few years now, and they are -- they are concerned about potential impacts of the winter hunt in these concentration

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

areas, as are the local people.

2

3 Basically, in conclusion, as we pointed out, the  
 4 February harvest does not appear to be excessive, however  
 5 nonreporting is suspected to be quite high. And the local  
 6 people are reasonably concerned about the moose.

7

8 Just real briefly, the Western Interior Council voted  
 9 to support this proposal. Phil, do you have some more to add,  
 10 please?

11

12 MR. GRAHAM: Yeah, we discussed this proposal  
 13 at our meeting in Galena in March, and voted to adopt the  
 14 proposal. They have a similar regulation in the Galena area  
 15 where there's no hunting of moose within a half mile of the  
 16 river, and the people in Galena, especially Sidney Huntington,  
 17 felt that that protected the cows who like to hang out on the  
 18 river. And in talking to our member from Holy Cross, she felt  
 19 that it was a good idea to protect the moose along the river  
 20 during that time. And if people want a moose, they can go back  
 21 from the river. They had no objection to do hunting away from  
 22 the river, and so our Council voted to adopt this proposal.

23

24 MR. MANUMIK: If I understand this proposal  
 25 correctly, it doesn't say that you can't take moose on the  
 26 river. It says you can half a mile inland from the -- it  
 27 doesn't say within the river?

28

29 MR. KOVACH: I'm going to ask our legal counsel  
 30 answer that question.

31

32 MR. MANUMIK: So I've been to Anvik River by  
 33 snow machine in the wintertime, and I've seen hundreds and  
 34 hundreds on the river together in bunches, and you can drive up  
 35 them with a snow machine, and they wouldn't even walk away  
 36 from you. So .....

37

38 MR. FROST: Mr. Chair?

39

40 MR. MANUMIK: So I'm asking you, it doesn't say  
 41 that you can't take a moose on the river. It says away from  
 42 the river.

43

44 MR. FROST: You're exactly correct. The  
 45 problem is that at this point in time the Federal Subsistence  
 46 Board does not claim jurisdiction on the river, because it's  
 47 navigable water.

48

49 Now, if a person were hunting from the shore, on land,  
 50

50

R & R COURT REPORTERS

810 N STREET  
 277-0572  
 Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

and the lands were owned in title by the Federal Government,  
 then we would have jurisdiction.

3

4 But this proposal, even though it does not discuss the  
 5 river itself, it still pulls it outside of the jurisdiction of  
 6 the Federal Government, of the Federal Subsistence Board.

So .....

8

9 MR. MANUMIK: So what does the State  
 10 regulations say?

11

12 MR. FROST: You'd have to ask. I'm not sure  
 13 what that is at .....

14

15 MR. KOVACH: Mike? I think he was looking at  
 16 that as we spoke.

17

18 MR. COFFEY: You know, I'm assuming since this  
 19 a State .....

20

21 MR. MANUMIK: No, I don't want -- I don't want  
 22 any assumptions, .....

23

24 MR. COFFEY: Okay.

25

26 MR. MANUMIK: .....

27

28 MR. COFFEY: Well, let me read it to you then  
 29 what the regulations were and are now. Unit 21(E), one moose.  
 30 However, antlerless moose may be taken only from February 1 to  
 31 February 10. Moose may not be taken within 1/2 mile of the  
 32 Yukon River during the February season.

33

34 MR. MANUMIK: And it doesn't say from the  
 35 river. Or on the river. So teaching (ph) regs again.

36

37 MR. KRUTH: Mr. Chairman, I think the  
 38 regulation intends to prohibit shooting from the river.

39

40 MR. MANUMIK: But it doesn't state it in the  
 41 regulation there. And if I understand the subsistence law, you  
 42 can take moose on the river any time. In the water, right?

43

44 MR. KRUTH: It's a State regulation, and, you  
 45 know, I wouldn't say that it's necessarily written clearly, but  
 46 I'm pretty sure that I know what the regulation intends, and I  
 47 just wanted to make sure that I shared that with you for your  
 48 consideration.

49

50

R & R COURT REPORTERS

810 N STREET  
 277-0572  
 Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

ANCHORAGE, ALASKA 99501

1 MR. COFFEY: Yeah, Mr. Chairman, I guess I  
 2 would echo what Jim is saying. I -- the intent is to have the  
 3 river closed and to have a half mile on each side of the river  
 4 closed to moose hunting during February -- during .....

5  
 6 MR. MANUMIK: Is that both .....

7  
 8 MR. COFFEY: ..... the February season.

9  
 10 MR. MANUMIK: ..... sides or .....?

11  
 12 MR. COFFEY: Yes.

13  
 14 MR. MANUMIK: We've got time. Do you  
 15 understand this -- on the proposal here? This proposal here --  
 16 (in Yup'ik) one-half mile -- I don't know how to say half a  
 17 mile.

18  
 19 MR. ANDREW: This proposal -- if this -- if  
 20 passed, if they accept this proposal from the side of the river  
 21 up to half -- one-half mile, you cannot kill a moose, and  
 22 during the February season in the wintertime.

23  
 24 MR. MANUMIK: My question is still unclear.  
 25 Will have to fight that issue, because it doesn't state you  
 26 can't take moose on the ice, from -- what are standing on the  
 27 ice.

28  
 29 MR. KOVACH: Gavin, correct me if I'm wrong  
 30 here, but if the Federal Board moved to adopt this proposal,  
 31 the -- under federal regulations, you still would not be able  
 32 to take a moose standing in the middle of the river on the ice,  
 33 correct?

34  
 35 MR. FROST: Yes.

36  
 37 MR. KOVACH: Okay.

38  
 39 MR. FROST: Mr. Chair and members of the  
 40 Council, the harvest, the taking of a moose on the river at  
 41 this point is still covered by the State regulations, so that  
 42 the Federal Subsistence Board is not going to effect that  
 43 harvest.

44  
 45 I agree with you, Paul, that I don't think their  
 46 regulations speak directly to whether it can be harvested, but  
 47 that's still a State question, it's not -- it's not within the  
 48 jurisdiction of the Federal Government, as long as you're in a  
 49 boat, harvesting a moose .....

50

R & R COURT REPORTERS

810 N STREET  
 277-0572  
 Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

1  
2 MR. MANUMIK: No, we're talking about  
3 wintertime.

4  
5 MR. FROST: Even if you're harvesting -- see,  
6 the problem here is that if you're standing on federal lands on  
7 the shore, then, yes, the Federal Government would have  
8 jurisdiction, so the question is where are you standing? Are  
9 you standing on the ice, shooting the moose on the ice? Are  
10 you standing on federal lands shooting the moose on the ice?  
11 Then, yes, the Federal Government -- those regulations would  
12 apply. So it depends upon where you're standing, and it  
13 becomes very complex. I'm trying to remove the complexity  
14 here, and I understand your question, but I don't think I have  
15 a clear answer for you.

16  
17 MR. MANUMIK: Antone?

18  
19 MR. ANVIL: Mr. Chairman, making these  
20 regulations and rules for hunting like Paul Manumik had  
21 questioned, and it's not on the -- it's not on the State law,  
22 it's not on the -- on any kind of paper whether you should --  
23 you get it in the river, and if there's going to be regulations  
24 from the Fish and Game, and State regulations, they should put  
25 in writing so the people won't have no questions like Paul,  
26 you know. Paul -- they didn't say down on the paper about not  
27 catching it in the river. So if it's not on the paper, and you  
28 just come out and say it's regulated, but it has to be on the  
29 paper. Before then, we can go catch that moose in the river  
30 until it's on your bylaws or regulations, and we have to see it  
31 on the paper. Not just bring it up and talk about it, it --  
32 make any regulations or rules, State or Government, they have  
33 put it in writing. So we can go by those regulations, and  
34 then we can understand. Otherwise, like Paul Manumik said,  
35 it's not -- it didn't say it on the paper whether you can catch  
36 in the river or not. So if it's not in the paper, I go hunt  
37 then, I see the moose in the river, I shoot him, you know. So  
38 it has to be recorded or written on the regulations, and State  
39 law, too. That's what the confusion sometimes comes in, you  
40 know, because it's not -- you might mention it, but it's not  
41 written on the regulations, you know. A lot of people get --  
42 they have questions, you know, because they didn't see it on  
43 the paper. So maybe the Fish and Game or the Department should  
44 write these regulations since they want to bring it up to the  
45 Council or Fish and Game, you know, and then they can believe  
46.

47  
48 MR. MANUMIK: Anybody else? Steven?  
49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

1 MR. WHITE: This proposal 58, February 1  
 through 10, is it affecting only the hunting season February 1  
 through 10? September 5 to 10. Just the federal season here.

4  
 5 MR. MANUMIK: This is only concentrating on the  
 6- not to kill the cows during that season, and this was  
 brought up that the moose will not be killed within one-half  
 mile of the Yukon River. And beyond one mile -- one-half mile,  
 they probably can kill that moose. But we brought this up that  
 if there's a moose in the middle of the river on top of the ice  
 in the middle of the water, but .....

12  
 13 MR. WHITE: Yeah, I understand that part, but I  
 was curious on if it would -- if it would .....

15  
 16 MR. MANUMIK: Yeah, this is only for during the  
 February season?

18  
 19 MR. KOVACH: Correct.

20  
 21 MR. MANUMIK: Yeah. That -- yeah, that was his  
 question. (In Yup'ik)

23  
 24 MR. CHALIAK: (In Yup'ik)

25  
 26 MR. MANUMIK: Okay.

27  
 28 MR. ANVIL: (In Yup'ik)

29  
 30 MR. MANUMIK: (In Yup'ik)

31  
 32 MR. ANDREW: Mr. Chairman, on the proposal --  
 this proposal is only in the Yukon River during February  
 season. And the Innoko River area.

35  
 36 MR. MANUMIK: Okay. The other question -- one  
 other question that popped up into my mind is has that -- has  
 there been ever any people from the lower Yukon villages, other  
 than Russian Mission go up into that area during February hunt  
 season?

41  
 42 MR. KOVACH: I don't know on that. The current  
 customary and traditional use determinations the Federal Board  
 has adopted at this point in time only identifies those  
 residents of Russian Mission as being eligible to go up into  
 21(E) to harvest moose, as well as those residents of 21(E).

47  
 48 Under State -- or the current regulations that we have  
 are identical to those of the State regulations. There's --

50

R & R COURT REPORTERS

810 N STREET  
 277-0572  
 Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

ANCHORAGE, ALASKA 99501

and their season dates and bag limits are the same. The only difference between the State and Federal regulations is that the State Regulations has this existing closure during the February season, and the Federal regs do not. So anybody from down river below Russian Mission under State regulations can in fact go up and hunt during the February season.

7  
8 MR. MANUMIK: Okay. If you accept this  
9 proposal or reject it, you can make a motion.

10  
11 MR. WHITE: Mr. Chairman, Proposal Number 58, I  
12 do move to reject the proposal 58.

13  
14 MR. MANUMIK: All right. Steven White (in  
15 Yup'ik).

16  
17 MR. FROST: Mr. Chair.

18  
19 MR. MANUMIK: Wait. Is there a second?

20  
21 MR. FROST: Did you get a second? Oh, I'm  
22 sorry.

23  
24 MR. MANUMIK: Is there a second?

25  
26 MR. ANVIL: Second.

27  
28 MR. MANUMIK: Seconded by Antone. Discussion?

29  
30 MR. FROST: I just had another point. I want  
31 to make clear again my comments from before would again apply.  
32 Since we have a Council recommendation just like yours, your  
33 reasons are very important, so just make sure that that's on  
34 the record so that the Board knows that and can weigh those in  
35 relation to the other Council.

36  
37 MR. MANUMIK: Um-hum. (In Yup'ik) Steven?

38  
39 MR. WHITE: Yeah. My reason is because these  
40 people that come -- these people, if we pass this resolution,  
41 the lower -- people in the lower area would go hunting without  
42 knowing -- without knowing the change of this regulation,  
43 because a lot of people travel through February when the trail  
44 is good, and because I know that a lot of people go, and I  
45 myself have travelled before in that area to hunt.

46  
47 MR. MANUMIK: Discussion? Chuck?

48  
49 MR. CHALIAK: Mr. Chairman, do I understand  
50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

you, is this an upriver proposal? Do I understand you like that? And they have accepted that, and we -- if they have -- those people make a proposal, they have supported us before, and I think we should support those people, because this is an upriver proposal, and they know that area. That's my discussion there.

7

8 MR. MANUMIK: Yes. I think Steven's justification should be answered. This is going to be in effect in '96, right? Not this winter?

11

12 MR. KOVACH: July 94.

13

14 MR. MANUMIK: Or '95?

15

16 MR. KOVACH: No, it will -- these regulations will become effective the first of -- oh, that's right.

18

19 MR. FROST: Mr. Chairman, the easiest way to answer that is the Board has not decided anything on this, and the Board has not set a meeting yet, so it's unclear when they would start. They could, if the Board met this summer, the Board could make these effective in -- well, as soon as possible. They could actually bring them up and running this coming year. They could do that. But it may wait until next year so that it can evaluate what this Council says. Because right now the Board only has the recommendation from the one Council.

29

30 MR. MANUMIK: Okay.

31

32 MR. FROST: So it -- I can't answer that at this point. It could be very soon. It could be this year, but it probably will not be. I can't answer that.

35

36 MR. MANUMIK: Steven's concern is the hunters from down river will not be well informed enough in time to comply with the regulation. That is his concern.

39

40 MR. FROST: If the Board adopted this proposal, .....

42

43 MR. MANUMIK: Um-hum.

44

45 MR. FROST: ..... the Board would be required in advance of the season change to make that known so that everyone would have notice. And it would do that through the media and through the Federal Register. So it would get that information out.

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

1  
2 MR. MANUMIK: (In Yup'ik) Okay. Paul John?  
3  
4 MR. JOHN: (In Yup'ik)  
5  
6 MR. MANUMIK: Antone?  
7  
8 MR. ANVIL: Um-hum.  
9  
10 MR. MANUMIK: Discussion. You made a motion to  
11 reject this proposal.  
12  
13 MR. WHITE: I so hold to my motion, because  
14 Regional Council that these -- they will gather information  
15 because -- and I know that they will gather information before  
16 they make a final decision on this Proposal 58, so I so hold to  
17 my motion to reject this Proposal 58. I understand that he  
18 wants to show respect to upriver people, but I wanted to --  
19 this hunting season to retain as usual.  
20  
21 MR. MANUMIK: Okay. If all those in favor will  
22 say "aye," and if you don't want it, same sign.  
23  
24 MR. WHITE: The question now.  
25  
26 INTERPRETER: Question by Steven.  
27  
28 MR. MANUMIK: Okay. (In Yup'ik)  
29  
30 MR. JOHN: (In Yup'ik)  
31  
32 MR. MANUMIK: Steven moved to reject proposal  
33 58. All those in favor say "aye"?  
34  
35 MR. JOHN: (In Yup'ik)  
36  
37 INTERPRETER: Would .....

38  
39 MR. ANDREW: Steven moved to reject the  
40 proposal 58, and if -- all those in favor of rejecting Proposal  
41 58 should signify by saying "Aye".  
42  
43 MR. JOHN: I finally understand what you're  
44 saying to say. I got confused, so I kept quiet, because I  
45 didn't understand.  
46  
47 MR. MANUMIK: Steven -- all those in favor of  
48 Steven's -- (In Yup'ik)  
49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

1 ALL: Aye.  
2  
3 MR. MANUMIK: (In Yup'ik)  
4  
5 MR. CHALIAK: Aye.  
6  
7 MR. MANUMIK: It's four against one, so the  
8 proposal fails.  
9  
10 MR. JOHN: I reject this Proposal 58. My  
11 reason is they're tired of fighting for their livelihood to put  
12 food on the table. They're tired of regulation changes.  
13 That's the reason why I don't want this proposal to go through.  
14  
15 MR. CHALIAK: Mr. Chairman, can I say this: My  
16 reason -- I understand that this -- I respect those people and  
17 those villagers want it up there in the river. We are against  
18 it. We don't always go up there, but we go to the area where  
19 we -- it is available to us in the Unit 18 area. Some people  
20 go upriver, but small (ph) (indiscernible) goes up to that  
21 area. This proposal is the want of those people up there. I  
22 don't know what they -- I don't know what they think about  
23 their changes, but they have from their -- and .....

24  
25 MR. MANUMIK: (In Yup'ik)  
26  
27 MR. CHALIAK: (In Yup'ik)  
28  
29 MR. MANUMIK: And, yes, and Steven brought this  
30 up. If this becomes reality, he was concerned about the people  
31 around here.  
32  
33 MR. CHALIAK: It will not be hid.  
34  
35 MR. MANUMIK: If the proposal is become  
36 reality, it will be spread through the media, and also the --  
37 Steven's -- We don't know how the Federal Subsistence Board is  
38 going to move. They've got to look at all the reasons between  
39 these two boards here before they make a final decision.  
40  
41 That's it on the two proposals. The next one is --  
42 take a break. We'll discuss .....

43  
44 (Off record)  
45  
46 (On record)  
47  
48 MR. MANUMIK: (In Yup'ik) Western Alaska Brown  
49 Bear Management Area Population Study (in Yup'ik). I would  
50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

start, because we've already covered this yesterday. I guess we'll have to wait for Sky.

3

4

UNIDENTIFIED: I could try to call him.

5

6

MR. MANUMIK: Oh, you could -- do you have the language for the proposal? Well, I called him, and they said that he was on his way down.

9

10 (Off record)

11

12 (On record)

13

14 MR. MANUMIK: Is there anything else anybody would like to cover in detail or --? Maybe while he's in route, there were some concerns raised earlier about this Kuskokwim hunters being harassed. Maybe there's something we could develop in regards to that, Dave and that gentleman from AVCP? Because I'm kind of concerned about the issue that he raised about people being driven off their lands in bad weather. Yes?

22

23 MR. STERNS: Thank you, Mr. Chairman. I'm Dave Sterns.

25

26 I'll make a suggestion. There's no reason that I see why the Council can't generate a letter to each one of the corporations and just lay the problem as you people see it out to these corporations and suggest to them that they get with AVCP and see if they can't coordinate the problem and talk about the issue, and maybe that would be the best way to communicate with these people, is you do that directly with a letter to these corporations.

34

35 MR. MANUMIK: Yeah, it was suggested by Chuck Ghaliak that we do that, and I think we can get a dialogue between here and KNA both -- KNA villages, along with the Association of Village Council Presidents.

39

40 MR. STERNS: That would be my suggestion, then you're -- then you're not going through a bunch of people in the middle, and you're communicating with the people that you need to.

44

45 MR. MANUMIK: And I also think that the enforcement personnel should be well, you know, well represented and known in -- within the whole 400 mile river where this is in effect.

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. STERNS: Well, .....

2

3 MR. MANUMIK: The authority that those people  
4 carry that are strong (ph) enough and bound (ph), chasing  
5 people out is coming from their corporation, but how -- who  
6 gives them the authority to carry guns and point at people.  
7 That's my concern. Somebody is going to get hurt sometime  
8 soon.

9

10 MR. STERNS: I hear your concern, and I frankly  
11 can't answer your question. I don't know whether they have  
12 authority or not, or if they do have authority, who gave it to  
13 them.

14

15 And I would suggest additionally you might want to  
16 contact the State Troopers and talk to the Wildlife Protection  
17 Division, and the guy here in Bethel is a guy by the name of  
18 Jim Pagel, P-a-g-e-l. And I understand there's also another  
19 wildlife protection officer upriver. And those people can  
20 certainly help you, and they'll contact a lot of people in  
21 their travels around and help you get the word out.

22

23 MR. FROST: Mr. Chair, on that -- are we on  
24 record?

25

26 COURT REPORTER: Yes.

27

28 MR. FROST: Can we go off record for a moment?

29

30 MR. MANUMIK: Yes.

31

32 (Off record)

33

34 (On record)

35

36 MR. MANUMIK: Go back on record to discuss this  
37 draft proposal of the Regional Subsistence Council, submitted  
38 by the Western Alaska Brown Bear Co-management Group. Sky, can  
39 you .....?

40

41 MR. STARKEY: Yeah.

42

43 COURT REPORTER: Excuse me, Sky, what's your  
44 last name?

45

46 MR. STARKEY: Sky Starkey.

47

48 COURT REPORTER: Thank you.

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

1 MR. STARKEY: This is a proposed finding and  
 2 recommendations from the Co-management group. This was --  
 3 there was a meeting held last night. If you don't mind, I'll  
 4 just -- can I just read through this? And whenever -- it's a  
 5 draft. Whatever changes factually or substantively or whatever  
 6 anybody wants to make, we can just go through them as we read  
 7 through it.

8

9 There should be, for the record, a copy of the  
 10 Council's recommendations of last, I think it was February when  
 11 you guys met.

12

13 I'll just read through it.

14

15 Proposed recommendation of the Federal Regional  
 16 Subsistence Council submitted by the Western Alaska Brown Bear  
 17 Co-management Group.

18

19 At its last meeting, this Regional Council adopted a  
 20 recommendation that among other things called for a  
 21 subcommittee of the Council to meet with the Alaska Brown Bear  
 22 Co-management Group on this issue -- on the issue of a brown  
 23 bear collaring project being conducted by the Fish and Wildlife  
 24 Service and the Alaska Department of Fish and Game. This  
 25 meeting was held on May 12, 1994, in Bethel. It was attended  
 26 by five Council members, the Western Brown Bear Management  
 27 Group, composed of village members, and ADF&G and Fish and  
 28 Wildlife Service representatives, and members of the public.  
 29 The meeting was recorded, and the Council incorporates the  
 30 record of the meeting into the record for this recommendation.

31

32 That means that the Council's -- there were five  
 33 members of the Council there yesterday. You guys had appointed  
 34 a subcommittee. All the discussions that went on here  
 35 yesterday are on the record, and they're the basis for your  
 36 findings and recommendations today.

37

38 Findings: The collaring project is a six-year effort  
 39 in a study area covering 1100 square miles. The study area is  
 40 located on lands located primarily within the Togiak and Yukon  
 41 Delta Wildlife Refuges. Twenty-six percent of the area is  
 42 State lands. This particular area was chosen because it is an  
 43 important subsistence hunting area with good logistics and good  
 44 chances for capturing bears. The area is also used by sport  
 45 hunters.

46

47 Last June, the agencies captured 39 bears, 13 males and  
 48 26 females. The bears are located by fixed wing aircraft. A  
 49 helicopter is then called, and the bear is shot with the drug

50

R & R COURT REPORTERS

810 N STREET  
 277-0572  
 Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

ANCHORAGE, ALASKA 99501

Telazol. Once incapacitated, .....

2

3 If I'm making any mistakes, please, you know, you guys  
 who are the technical people that presented this yesterday -- I  
 mean, I don't know if Telazol is spelled correctly, or  
 whatever, so just interrupt me.

7

8 MR. FROST: Sky, I do have a comment. This is  
 the last sentence on that first full paragraph. "The meeting  
 was recorded and the Council incorporates the record of the  
 meeting into the record for this recommendation."

12

13 The problem with that is that because that meeting was  
 not advertised to the public as a Regional Advisory Council  
 meeting, there's a problem with incorporating that and using  
 that as the basis for its decision. This Council is required  
 by FACA to leave everything in the public eye. So if in fact  
 the Council wants to take action here, that's certainly  
 appropriate, but it has to be done here, and cannot base its  
 decision upon what was done yesterday. It would have to be  
 reiterated essentially here today.

22

23 So I just wanted to point that out to you. But  
 that .....

25

26 MR. STARKEY: I thought that that meeting was  
 public -- that part of the public was invited to that meeting.  
 That was our discussion at one point.

29

30 MR. FROST: The public was or may have been,  
 but it was not advertised as a Regional Advisory Council  
 meeting, so the public was not invited to it as a Regional  
 Advisory Council meeting, and that's what FACA would require.

34

35 MR. STARKEY: Okay. Well, they can reiterate  
 that, and I guess we can talk about that later.

37

38 MR. FROST: That's right. If you just want to  
 just use this record though, I mean, this particular reading,  
 that's fine with me.

41

42 MR. STARKEY: That's fine. Well, that's fine.  
 I guess the purpose of that statement, and maybe you could  
 think of a way to modify it, Gavin, is to make people aware  
 that it was fully discussed here yesterday, and that these  
 recommendations were, you know, -- that some of their  
 information that they're using is included in that record if  
 people want to see it. Okay.

49

50

R & R COURT REPORTERS

810 N STREET  
 277-0572  
 Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

ANCHORAGE, ALASKA 99501

1           So -- okay. So, anyway, please, you know, you guys, if  
 2 the facts and figures aren't right, you know, please break it,  
 3 because it's a draft and we should correct them here.

4  
 5           MR. MILLER: Yes. Telazol isn't spelled  
 6 correctly.

7  
 8           MR. STARKEY: Okay.

9  
 10          COURT REPORTER: Your name, please?

11  
 12          MR. MILLER: It's .....

13  
 14          COURT REPORTER: Your name?

15  
 16          MR. MILLER: Gene Miller.

17  
 18          COURT REPORTER: Thank you.

19  
 20          MR. MILLER: It's T-e-l-a-z-o-l.

21  
 22          MR. STARKEY: Okay. Once incapacitated, the  
 23 bear is tattooed on the upper and lower lips, blood and hair  
 24 samples are collected, a tooth is pulled, a bear is weighed --  
 25 the bear is weighed and a collar is attached. Only 21 radio  
 26 collars were attached.

27  
 28          MR. MILLER: Gene Miller again. There  
 29 were .....

30  
 31          MR. STARKEY: Yeah?

32  
 33          MR. MILLER: ..... 26 collars put on.

34  
 35          MR. STARKEY: Okay.

36  
 37          MR. MILLER: Five of those were shed.

38  
 39          MR. STARKEY: More bears are captured than  
 40 collared for various reasons, including the fact that bears are  
 41 paired for mating during this time and a male bear may kill a  
 42 drugged female bear if the male is not also drugged, and that  
 43 the agencies are looking for a sample of bears representative  
 44 that should be which represent -- representative of the  
 45 population. About an hour after collaring, the bears are  
 46 checked to make sure they are properly recovering from the  
 47 drug. One bear drowned while drugged last year and one  
 48 collared bear was taken by a sport hunter.

49  
 50

R & R COURT REPORTERS

810 N STREET  
 277-0572  
 Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

1 MR. MILLER: Another -- Gene Miller again. The  
 2 bear taken by the sport hunter was marked, ear tagged, but it  
 3 was not a radio collar.

4  
 5 MR. STARKEY: Okay. No other -- no other  
 6 capture-related mortality was reported.

7  
 8 MR. MORGART: Sky? John Morgart. That last  
 9 sentence makes it seem like both bears were capture-related  
 10 mortalities, and in fact the one bear was taken by a sport  
 11 hunter, .....

12  
 13 MR. STARKEY: Okay.

14  
 15 MR. MORGART: ..... was not a capture-related  
 16 mortality.

17  
 18 MR. STARKEY: So no other project-related  
 19 mortality, would that be okay?

20  
 21 MR. MORGART: I would say "no other  
 22 mortalities".

23  
 24 MR. STARKEY: Okay. After collaring, from June  
 25 through December the agencies conduct two survey flights per  
 26 month, and from June through March, one per month. Now, is  
 27 that supposed to be May, because that leave out May through  
 28 June. We've got April, .....

29  
 30 MR. MORGART: No.

31  
 32 MR. MILLER: January through March.

33  
 34 MR. STARKEY: ..... May, April and May.

35  
 36 MR. MORGART: January through March.

37  
 38 MR. STARKEY: So that -- what happens in April  
 39 and May? How many collar -- how many flights do you guys do?

40  
 41 MR. MILLER: Would be two a month, yeah.

42  
 43 MR. STARKEY: So that should be May through --  
 44 that should be April through December instead of June through  
 45 December?

46  
 47 MR. MILLER: January. Oh, no.

48  
 49 MR. MORGART: No, no, no. The January through  
 50

R & R COURT REPORTERS

810 N STREET  
 277-0572  
 Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

March would be basically one flight a month, and the April through November/December is the two flights per month. Basically, when the bears are still active, we fly them twice a month. When they go into the hibernation and are down for the 5- down for the count, then we just fly them once a month to check on the battery -- or collar signals.

7

8 MR. STARKEY: So corrected that should read: After collaring, from April through December, the agencies conduct two survey flights per month, and from January through March one per month?

12

13 MR. MORGART: That's reasonably accurate.

14

15 MR. STARKEY: Okay. Surveys have found 12 uncollared bear for every collared bear. Is that what you said yesterday?

18

19 MR. MORGART: No.

20

21 MR. STARKEY: Didn't you say 12 to one on your survey flight? Your .....

23

24 MR. MORGART: No. On our survey flights, virtually every .....

26

27 MR. STARKEY: You did say that, Gene. I heard 28 to one.

29

30 MR. MILLER: What I said was relocations I think per bear for the -- for the last year was from one per bear to 12 per bear. So .....

33

34 MR. STARKEY: Oh, okay.

35

36 MR. MILLER: For bears that, you know, drop their collar right away, they only had maybe one location, but bears that retained them, had up to 12 relocations during the rest of the year.

40

41 MR. STARKEY: Okay.

42

43 MR. MORGART: John Morgart here. The only bears that we would see in general that were uncollared while we're doing this flight would be cubs, young cubs with sows that weren't collared. We're seeing very few uncollared bears, because we are specifically just tracking marked bears.

48

49 MR. STARKEY: Okay. I'm going to strike that

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

and rethink it.

2

3 Collared bears have moved an average distance of 6.5  
4 miles from the original collaring location. This is very  
5 difficult, because we don't have you guys' draft, you know. If  
6 we had your draft on the table, it would be much easier.

7

8 The Council requested it to be supplied with all  
9 relevant information on the collaring project during its last  
10 meeting. A draft report on the projects' 1993 results has --  
11 and that should be have -- or has been prepared, but apparently  
12 is not sufficiently reviewed. The Council was not presented  
13 with a copy of the draft.

14

15 The project is scheduled to continue until 1997.  
16 During June of 1994, plans are to collar or re-collar 32 more  
17 bears (eight small bears have out-grown their collars and need  
18 to be refitted.) This will entail capturing substantially more  
19 than 32 bears. Last year, nearly two bears were captured for  
20 every one bear -- and that should be collared instead of taken.

21

22 MR. MILLER: I don't think that's -- that's not  
23 right. That's not right.

24

25 MR. STARKEY: Well, you did -- you got 26. I  
26 thought you only had 21, but you captured 39, so .....

27

28 MR. MILLER: Captured. 39 were captured and 26  
29 were collared.

30

31 UNIDENTIFIED: Yeah. Only .....

32

33 MR. HENSEL: How about for every one which  
34 retained its collar, then it would be 21 to 39.

35

36 UNIDENTIFIED: Why don't you just .....

37

38 MR. MILLER: No, the -- I think the point he's  
39 trying to make is how many were captured, but not collared,  
40 and, you know, 39 were captured and 26 of those were collared.  
41 That's what it came to.

42

43 MR. STARKEY: Well, it's fairly accurate to say  
44 that last year nearly two bears were captured for every one  
45 bear that remains collared.

46

47 MR. MILLER: No.

48

49 MR. STARKEY: Thirty-nine to 21 is nearly two

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

to one.

2

3

MR. MILLER: Twenty-six were collared.

4

5

UNIDENTIFIED: That remained collared.

6

7

MR. STARKEY: That remained collared. If you guys want to debate it, the Council will have to make the findings, but, you know, from .....

10

11

MR. KURTH: All the numbers are on the table.

12

13

MR. STARKEY: .....my point of view, it seems fairly accurate. Yeah.

15

16

Future years will likely be similar in capture effort. The goal is to collar 50% of the total bear population in the study area. Already collared bears will need to be recaptured to refit collars, replace batteries which have an average life span of three years and for other reasons.

21

22

The agencies gave several reasons for conducting the study. During the meeting, the primary reasons cited were a possibility of increased sport and commercial hunting and the relatively new subsistence regulations for the area, and the possibility of increased nonhunting pressure from river floaters, et cetera.

28

29

MR. MORGART: Sky? John Morgart again. On that, I would also say that the unknown amount and levels and potentially increasing or -- we just don't know. Levels of subsistence hunting was also cited as a concern.

33

34

MR. MILLER: What about just (indiscernible, simultaneous speech).

36

37

MR. STARKEY: Didn't I say that in the "relatively new subsistence regulations in the area"? Read -- as we read further, see if I didn't cover that concern, because they're expounded on.

41

42

MR. KURTH: I think it's important, Sky, to put on the record that the reason for the study is to monitor the population in order to assure the conservation of a healthy population. These are really sources of concern, you know, that are part of that. But the reason we're doing it is to manage for a healthy population.

48

49

MR. STARKEY: Okay. I think that's covered

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

later on. Why don't we read down, and then you guys can debate and see if the Council wants to change these findings.

3

4

MR. FROST: Dave had something else.

5

6

MR. STARKEY: What's that?

7

8

MR. STERNS: David Sterns. Sky, I don't recall any discussion about .....

10

11

UNIDENTIFIED: River floaters.

12

13

MR. STERNS: ..... increased hunting pressure from river floaters.

15

16

MR. STARKEY: I've seen Charles' draft and it's something that's cited in your study plan.

18

19

UNIDENTIFIED: I don't think it talks about river floaters though. I think it's just river floating activities.

22

23

MR. STARKEY: Is that not accurate to say .....

25

26

MR. KURTH: It may not be accurate to characterize that as a primary reason.

28

29

MR. STARKEY: Okay. Okay. It's not given much play here anyway, so you guys can take a look and see. But I'll make a note "not primary".

32

33

There was no evidence that sport, commercial, or nonhunting pressures presented any threat to the population in the relatively near future. The agencies were asked to consider closing or restricting non-subsistence uses if they had concerns for the bear population. They responded in essence that they had no immediate concerns that rose to the level of restricting other uses. The sport harvest .....

40

41

MR. MORGART: Sky? I hate to keep jumping in and out that one there, but I think that does mischaracterize. It's not that -- it's not that there wasn't immediate concerns for any of these things for restricting uses. We serve many publics. And even though subsistence is the highest priority, we cannot subjectively, without a body of data, quantifiable data, subjectively just say, "Well, we're going to cut out this, or we're going to cut out that." So I guess I think that's something of a mischaracterization of what was being

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

said.

2

3 MR. STARKEY: Well, why don't you work on some  
 4 rewording and then you present your version to the Council, and  
 5 it would be up to them to choose, but I guess from our  
 6 perspective, you have decided somewhat subjectively on the same  
 7 data base that you feel it absolutely essential to go ahead  
 8 with the study this year which people very much disagree with.  
 9 On the other hand, that same data does not rise -- give you  
 10 the level of concern for which you would consider recommending  
 11 to the Federal Subsistence Board to eliminate other uses. So  
 12 we see that as the balance here. And if you have other words  
 13 you want to suggest, fine. But I think from our standpoint,  
 14 since these are recommended from us, that, you know, you go  
 15 ahead and present your side of it.

16

17 MR. MORGART: Okay. That's fine. But I just  
 18 say that is a mischaracterization from our perspective, and  
 19 certainly we would rebut it at that level. But that's fine.

20

21 MR. STARKEY: But go ahead and make your  
 22 characterization, but I think it's fair and good to get it on  
 23 the record, but it's not from our stand point.

24

25 The sport harvest for last year in Game Management Unit  
 26 18 was five bears, four sows and one boar. Five bears, four  
 27 sows and one boar. Three of these were taken by non-resident  
 28 hunters. The Yukon Refuge allows two commercial guides to  
 29 operate in the refuge. Data was not available for the sport-  
 30 commercial harvest in Game Management Unit 17, which is part of  
 31 the study area, and the villages hunting grounds, but it was  
 32 estimated that the sport-commercial take in this area would be  
 33 substantially higher since the populations are denser there.

34

35 MR. HENSEL: Sky?

36

37 MR. STARKEY: Yeah?

38

39 MR. HENSEL: I wonder, the -- that sport  
 40 harvest for GMU 18 was five bears, four sows and one boar.  
 41 This four to one ratio compares unfavorably with the  
 42 subsistence data from the last two years, which shows males  
 43 taken preferentially to females at a two to one rate.

44

45 MR. STARKEY: Yeah, that's a good point.

46

47 MR. HENSEL: So if we're concerned about  
 48 population -- if we're concerned about the population, we heard  
 49 several people testify yesterday that it's productive females

50

R & R COURT REPORTERS

810 N STREET  
 277-0572  
 Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

that are of most concern in a population.

2

3 MR. KOVACH: Not only that, you know, Randy  
4 stated that last year's take was very anomalous. It was very  
5 unusual to have more sows than boars within the sport take.  
6 Generally it's pretty well skewed the other direction, too, so  
7 that's -- you know, that's not a good one to take, you  
8 know, .....

9

10 MR. STARKEY: Well, that's a good point.

11

12 MR. KOVACH: .....

13 because that is really --  
14 that's really the anomaly point there. It's not the average  
15 point.

16

17 MR. STARKEY: So it's an anomaly. It's fair to  
18 characterize it as an anomaly from the sport harvest  
19 standpoint, .....

20

21 MR. KOVACH: Absolutely.

22

23 MR. STARKEY: .....

24 but it's also fair to  
25 characterize it as contrary to the subsistence harvest pattern.

26

27 MR. KOVACH: Yeah, the subsistence harvest  
28 pattern and the sport patterns are -- pretty well match up with  
29 each other. This is just one abnormal year, which happens, you  
30 know.

31

32 MR. STARKEY: Okay. The Yukon Refuge allows  
33 for two commercial guides. Data was not available for the  
34 sport-commercial harvest in 17. We talked about that. The  
35 sport season runs from, and I didn't have it handy, so I didn't  
36 fill that in. I can.

37

38 MR. ROCZICKA: Sky, before you leave that last  
39 sentence there about .....

40

41 COURT REPORTER: Greg, up to the table, please?  
42 And also the gentleman -- you haven't stated your name?

43

44 MR. HENSEL: Chase Hensel.

45

46 COURT REPORTER: Thank you.

47

48 MR. ROCZICKA: Yeah, Roczicka. You mentioned  
49 that the take in 17 by the sport-commercial would be  
50 substantially higher, since the populations are denser there.  
51 I think Randy also mentioned that also the focus of effort by

52

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

that user community or that user group was also more prevalent  
in GMU 17, not just the bear population.

3

4 MR. STARKEY: The what, Greg? The ratio of  
Sport to subsistence user?

6

7 MR. ROCZICKA: The -- no, the sport/commercial  
efforts in GMU 17 were more prevalent in GMU 17 than they were  
in 18.

10

11 MR. STARKEY: Okay. I think one way to proceed  
here might be to just, you know, people that have suggestions,  
maybe they can pencil them in as we go through these findings,  
and people -- the Council can decide how they want to adopt or  
modify -- this is just a draft for their -- I'm just explaining  
this draft for their benefit, and maybe they'll work off the  
draft and modify it. So if you guys have suggestions, I'd  
suggest putting them in there and then, you know, as we go  
through, back through, the Council can decide how they want to  
modify things.

21

22 MR. KURTH: Sky, I might want to add one thing.  
When the agency people are making comments, it's appropriate  
to make sure we correct factual things for the Council, but we  
have to recognize, too, that it's going to probably be likely  
the Council's going to come to a different conclusion than  
agency staff did, and I don't think it's necessary for us to --  
you know, we maybe disagree with the conclusion here, to have  
to try and argue about that. I mean, I think as long as we  
supply the facts, the Council is going to draw its own  
conclusions. And I don't want to get in here arguing about  
every sentence, because the Board will be the one that responds  
to the Council, so if we can -- as long as you don't feel a  
need for us, if we might -- having a different conclusion and  
debate this at this time, we'll try and stick to supplying  
factual basis so the Board can consider the evidence, and not  
try and argue with the draft's conclusions. Does that seem  
reasonable?

39

40 MR. STARKEY: It's seems reasonable, as long as  
we get on the record that we -- the agencies and the users had  
a full-blown discussion about this yesterday, that the agency  
was given all opportunity to discuss all the substantive issues  
in front of the Council at that point in time. In fact,  
everybody was allowed a chance to vote on the final  
recommendations that came out of the Cooperative Management  
Group, and that the Council's subcommittee has been fully  
exposed to the whole realm of discussions. Is that fair to  
say?

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1  
2 MR. KURTH: I think that's fair to say, and I  
think this report is going to summarize largely the conclusions  
that the Bear Group came to when it made its recommendation to  
the Council. Some of those recommendations, of course, differ  
from the position that the agency left with, and that's okay  
that we have different things, you know. The Council just -- I  
want to make sure, you know, if we have wrong numbers and  
things, we don't let .....

10

11 MR. STARKEY: Yeah.

12

13 MR. KURTH: ..... leave the Council with  
factual errors.

15

16 MR. STARKEY: Exactly. Maybe -- does the  
Council -- does anybody on the Council want to possibly  
entertain a motion that we could go through and correct factual  
errors without debate on the findings, and then whatever other  
errors are in there, you guys can formally move to adopt, or  
would that be a good way to proceed? Just correct sort of  
controversial factual areas as we go through now?

23

24 MR. MANUMIK: (In Yup'ik) You're going to go  
through the whole thing?

26

27 MR. STARKEY: I'll go through the whole thing,  
but as we go through this time, I could just correct things  
that everybody agrees on, and then .....

30

31 MR. MANUMIK: Um-hum.

32

33 MR. STARKEY: ..... things that people don't  
agree on, you guys can talk and decide which way you want to  
go.

36

37 MR. MANUMIK: Yeah. We've got a gentleman  
that's waiting to take an airplane, too.

39

40 MR. STARKEY: Okay.

41

42 MR. MANUMIK: If we can proceed?

43

44 MR. STARKEY: Okay.

45

46 MR. MANUMIK: And then after that, we can get  
down to issues that are under debate.

48

49 MR. STARKEY: Okay.

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

1  
2 Data indicated that in fact the sport-commercial  
3 hunting pressure had declined over the past few years in Game  
4 Management Unit 18. Nonhunting pressure had been -- has been  
5 addressed in both Togiak and Yukon River management plans for  
6 the rivers, and one goal of these plans is to control use so as  
7 to minimize impacts on bears and other wildlife.

8  
9 The liberalized subsistence regulations for the area do  
10 not appear to have had any significant impact on the number of  
11 bears caught by subsistence users. When asked, a  
12 representative of the State who has done substantial work in  
13 this area stated essentially that no -- that the new  
14 regulations only legalized on-going traditional hunting  
15 patterns, and that although kill levels vary annually according  
16 to need and conditions, the new regulations have not had a  
17 significant effect on village catch levels. Another  
18 representative of ADF&G also stated that the new regulations  
19 did not appear to have significantly increased the hunting  
20 effort by non-Native rural residents living in Bethel, the  
21 regional center.

22  
23 Another reason given by the agencies for needing the  
24 study was so-called antidotal -- and I don't have any idea if  
25 that's anywhere close to the spelling -- evidence from some  
26 sport hunters that they are seeing less bears, and the reduced  
27 commercial guiding effort. The Fish and Wildlife Service  
28 acknowledged that the reduction of commercial effort could be  
29 due to numerous other factors. The Council notes that there  
30 has been court decisions and administrative actions over the  
31 past few years that have had substantial effect on commercial  
32 guiding in Alaska. The Council also recognizes that there are  
33 two surveys conducted jointly between the Fish and Wildlife  
34 Service and AVCP that demonstrate that subsistence users, who  
35 spend substantially more time in the area than sport hunters,  
36 believe through first-hand observation that the bear population  
37 is healthy and growing. Also, many other residents report  
38 increased bear sightings and bear damage at fish camps. The  
39 Council does not believe these reports by subsistence users are  
40 motivated for self-serving purposes. The survey was reviewed  
41 by professional -- "professionals" that should be -- in the  
42 Fish and Wildlife Service and AVCP, and conducted by trained  
43 survey personnel. The Council finds the reports of subsistence  
44 users and the results of these surveys at least as reliable as  
45 the unquantified antidotal reports of sport hunters.

46  
47 The local subsistence users are very strongly opposed  
48 to the collaring project. It violates fundamental spiritual  
49 and traditional beliefs and practices regarding the correct  
50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

treatment and hunting of bears. All animals are treated with care and respect, but bears hold a special place among many Yup'ik people. It is believed that the violation of these beliefs, practices and traditional laws by the agencies will have serious consequences for the Yup'ik people effecting their safety, their hunting success, and the health and welfare of the bears themselves. The Yup'ik people believe that the capture project will hurt the bears far more than physical effects of drugging, tattooing and collaring. It will effect their spirit attitudes and behavior -- and behaviors. The Yup'ik people also have other practical concerns with the project including the use of a drug not approved by the FDA and the effect of disturbing bears during the mating season.

The .....

15

16

MR. KOVACH: Sky?

17

18

MR. STARKEY: Yeah?

19

20

MR. KOVACH: On that, that's technically incorrect. The FDA does not have it labelled for bears, but the FDA has issued a permit authorizing its use in bears.

23

24

MR. HENSEL: I thought the issue was for human consumption of bear meat, or not an issue of its use for bears, but its use on bears which would then be consumed, that the FDA hasn't approved it for that use?

28

29

MR. KOVACH: FDA has not approved its labelling for that. It has issued what's called an investigational -- investigational new animal drug permit for its use in capturing bears.

33

34

MR. STARKEY: And does the permit also acknowledge the fact that Yup'ik people ingest bears?

36

37

MR. KOVACH: I don't know. I'm not the holder of that permit. But I do .....

39

40

MR. STARKEY: Chuck, maybe you .....

41

42

MR. KOVACH: .....

But I do know the permit, you know, the permit we're operating under, because the capture operation is being conducted by Fish and Game, we're using the permits issued to Fish and Game. I'm not -- I don't have a copy of the permits. I don't know exactly what all it says, but there is a permit issued by FDA.

48

49

MR. KRUTH: Sky, maybe we should just make

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

those available .....

2

3

MR. STARKEY: Yeah.

4

5

MR. KRUTH: ..... to the Council.

6

7

MR. STARKEY: Yeah. That's .....

8

9

MR. KOVACH: Yeah.

10

11

12

13

14

The project -- let's see. And the effect of disturbing bears during the mating season. The project has already affected the hunting practices of some Yup'ik who are more reluctant to go to the hunting grounds. This last spring, there was very little or no hunting in several villages which usually hunt extensively. Part of the reduced effort was the result of concern about the collaring project. There is also concern about drastically reduced hunting opportunity. The study area is in the heart of some of the villages' traditional hunting grounds. Yup'ik people will not use a collared bear for subsistence. Indeed, it does not serve the agencies' purposes if the collared bears are taken. This means an eventual 50% reduction in the number of bears that will be available to subsistence users and a corresponding loss of hunting opportunity and success. The Council finds these concerns to be sincere and justified, and that the project does have the effect of restricting subsistence uses.

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

810 N STREET

277-0572

Fax 274-8982

1007 WEST THIRD AVENUE

272-7515

R & R COURT REPORTERS

possibility worth -- worthy of exploration. They will participate in the development of a more detailed study plan which will be considered after peer review.

4

5 They expressed concern that an alternative may not be able to provide the same quantity or quality of information that the current study is designed for. The Council and others then inquired as to the kind of information needed to manage this population. The Council was informed that other bear populations are currently managed without such information. This population has been and continues to be managed under other forms of survey technique -- techniques and trend information. There was no persuasive evidence presented that demonstrated that this population has been mismanaged under the ANILCA standards using the current management system and information. The local area biologist with ADF&G stated that in his opinion based upon surveys and experience, the bear population is at least 350 bears, and based upon his participation in the collaring project, it is probably more. The Fish and Wildlife Service did not express any immediate concern over the bear population. The villages do not seek an end to data gathering or even the status quo. Instead, they seek a lesser adverse method to gain more information and better management. The Council finds that there is a great likelihood that an alternative method can be developed for gathering data sufficient to manage this population for continued viability.

28

29 Given the agencies agreement to work with the villages on a lesser intrusive alternative, the agencies were asked to delay any further collaring for the next year while such an alternative is fully developed. The agencies were asked what effects on the population and project would result from such a delay. There was no evidence presented that the population would suffer any harm during the next year. It was pointed out to the Board -- that the Board could put a subsistence quota in place for the next year, limit harvest primarily to boars, eliminate sport uses, and take other actions if there were concerns for this season. The agencies expressed concerns that more bears will need to be collared in the future if an alternative cannot be developed and the collaring project must resume. More collaring means more money, increased exposure to personnel to hazards associated with capturing bears, and a delay in getting the information expected from the collaring project. It would -- It was unclear how many additional bears would need to be captured since the six-year project requires some recapture of bears already. Given the current apparently healthy status of the population and the other restrictions that could temporarily be adopted and all the other factors

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

considered, the Council finds that the delay of one year is warranted and will not violate either recognized principles of management or the viability of the bear population. The Council is also charged with ensuring that subsistence users are provided an opportunity to satisfy subsistence uses, and that agencies actions have the least adverse impact on subsistence users. These mandates were all taken into consideration when making these findings.

9

10 ANILCA also mandates cooperative management. All parties have been working towards this goal, but this collaring project seriously threatens cooperative management efforts not only with bears, but with other wildlife species like the Kalbuck caribou herd.

15

16 Recommendations: The Secretary, the Director of the U.S. Fish and Wildlife Service, and the Federal Subsistence Board should:

19

20 Number one, halt all collaring activity for the next year and work on developing an alternative which will provide sufficient information to manage this bear population. They should reevaluate the goals and objectives of the current project and take into account the effect and impact of any study on local subsistence users and uses. The alternative should entail the least adverse impact on subsistence users and uses. Development of the alternative should be a cooperative effort between the agencies and users. The Fish and Wildlife can recapture the eight bears needed -- needing a collar adjustment.

31

32 As part of developing an alternative, an Environmental Assessment and 810 analysis should be conducted. All the findings above indicate that the current project has a serious and substantial impact on bears and subsistence users requiring that such studies be conducted.

37

38 In no event should this project proceed until the Federal Subsistence Board has conducted a full investigation and hearing on the matter. If the Board refuses to follow the Council's recommendation, it should at the very least hold a meeting before the project is allowed to continue.

43

44 What's your pleasure, Mr. Chair?

45

46 MR. MANUMIK: Koyana, Sky. You have just heard the recommendations on -- there's -- that there's three recommendations after this draft. The first one is to halt all collaring activity.

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1  
2 Can you elaborate more on the 810 analysis?  
3

4 MR. STARKEY: Yes. An 810 analysis is a  
5 requirement of Title Eight of ANILCA, and Gavin -- and your  
6 attorney here can certainly fill in if I'm misstating anything,  
7 but it requires an agency, the controlling agency, when they  
8 take an action on public lands to do an evaluation as to the  
9 impacts of that action on subsistence uses, and that's to  
10 prevent them from leasing or -- it -- the law around it has  
11 been developed basically on forestries, where the Service, the  
12 Forest Service has gone down and cut trees. And they've had to  
13 evaluate the impacts on subsistence users before they cut  
14 trees.  
15

16 And certainly the Service could do an 810 analysis on  
17 this project. It's not probably clear whether they have to,  
18 but that's not the question here. You can recommend that they  
19 should do an 810 analysis. And it's done very frequently.  
20 It's being done -- right now the Service is doing one on the  
21 K~~e~~nnectok -- or the Quisawalek River, to see how their  
22 management plan will affect the Quisawalek River, so it's  
23 certainly something they're familiar with and do all the time,  
24 and that they could do.  
25

26 MR. MANUMIK: I didn't cover either what --  
27 there are eight -- there are eight more collars that need to be  
28 changed.  
29

30 And on this 810 analysis is a requirement of ANILCA to  
31 do that. It should be conducted.  
32

33 Number three is calling for -- in no event should this  
34 project proceed until the Federal Subsistence Board has  
35 conducted a full investigation and hearing on the matter.  
36

37 INTERPRETER: He's repeating the  
38 recommendations, all the recommendations.  
39

40 MR. MANUMIK: The only three that need to be  
41 corrected are on those three bears. If -- (In Yup'ik)  
42

43 MR. CHALIAK: Mr. Chairman, yesterday -- we  
44 already covered this area yesterday, and I want to accept every  
45 the suggestions we made yesterday already.  
46

47 MR. WHITE: Mr. Chairman?  
48

49 MR. MANUMIK: Did you have something? No?  
50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1  
2 MR. WHITE: Mr. Chairman, these recommendations  
3 that were given to us, this is not the only time that it has  
4 been brought up before, and not to forget, yesterday we've been  
5 told to work together and to push this forward, and I agree  
6 with Chuck here to -- before they -- if this goes forward, and  
7 there's a sample before, their treaty (ph) was done before  
8 during the migratory birds, and to date can't be moved. And a  
9 lot of people don't -- a lot of people don't know this, and  
10 they have worked on it before, and sometimes it's a surprise to  
11 us when these things come up, because we didn't understand it.  
12 And so I agree with Chuck here when he made that suggestion  
13 there. I agree to push this forward.

14  
15 MR. MANUMIK: (In Yup'ik)

16  
17 MR. WHITE: (In Yup'ik)

18  
19 MR. MANUMIK: Yeah. Mr. John?

20  
21 MR. JOHN: Yesterday we've been here for so  
22 many hours discussing this issue here, and I also am for the  
23 recommendations here. I agree with -- and I also agree to what  
24 we want.

25  
26 MR. MANUMIK: Antone?

27  
28 MR. ANVIL: And I wasn't here yesterday when  
29 you had this meeting, but on this recommendations, I also agree  
30 with what's been recommended for this draft proposal.

31  
32 MR. MANUMIK: Sky, it is felt by the Council  
33 that the recommendations will be carried through, but then I  
34 have a problem with this -- on page -- where is the sports  
35 hunter?

36  
37 MR. STARKEY: The one where it talks about the  
38 number of sows killed or what?

39  
40 MR. MANUMIK: Yes, that part there. I have a  
41 problem with that. Okay. On page two. When -- maybe the  
42 Department or -- the Department of Fish and Game can answer  
43 this. When you give out these sports hunters the -- what is it  
44 permit or -- a hunter's permit, or they buy that permit? Are  
45 they given a specific animal to kill, a boar or a sow, or is it  
46 their own -- it's up to them to kill whatever they want?

47  
48 MR. COFFEY: Mr. Chairman, Mike Coffey, I'm  
49 Fish and Game Subsistence.

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1  
2 Hunters that are hunting under nonsubsistence  
3 regulations, whether they're nonresidents or residents in the  
4 Area, are allowed -- they have to pay \$25.00 for basically a  
5 permit and a lock and seal to hunt before they go hunting. And  
6 the bag limit is one bear total. They're allowed to take  
7 either males or either females.

8  
9 And I think as Randy explained yesterday, many of the  
10 people that are hunting that are sport hunters are wanting big  
11 bears and tend to take -- tend to take males, large males,  
12 because they want a big bear. Last year, however, there were  
13 four females that were taken. And I guess we can't really  
14 explain why that happened last year, but it did.

15  
16 But to answer your question, they're allowed to take  
17 either sex just as subsistence hunters are allowed to take  
18 either sex of bear.

19  
20 MR. MANUMIK: Okay. Now, has this occurred  
21 before where more sows were taken, or was it due to live and  
22 great situation, you know? Were they attacked or -- by the  
23 bear? Or they just took them because they were there?

24  
25 MR. COFFEY: Mr. Chairman, you know, I don't  
26 think that any of these -- I don't think that any of these four  
27 sows were shot in defense of life and property. I think they  
28 were people that were out hunting.

29  
30 One thing I should have mentioned earlier is that  
31 hunters that are out that are sport hunting that see a sow, a  
32 female bear with cubs, is not allowed to shoot that animal, so  
33 it's only female bears that are -- you know, that don't have  
34 cubs that are allowed to be harvested. Bears that have cubs  
35 with them are protected and cannot be harvested by either sport  
36 hunters or subsistence hunters.

37  
38 MR. MANUMIK: Okay. Koyana. (In Yup'ik) Sky?

39  
40 MR. STARKEY: One -- I know that -- I mean, I  
41 sense from your question that you have some concerns about the  
42 sport harvest, and one recommendation that the Council might  
43 consider adding here if you feel warrants it, would be  
44 something that states, if the Fish and Wildlife Service or the  
45 Board has concerns for the health of the bear population, they  
46 should consider restricting other uses, sport and commercial  
47 uses before conducting this collaring project. And that way  
48 you would be recommending the Board that if they concerns about  
49 this population, they should take a look at restricting sport

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

and commercial harvest, which is their, you know, legal requirement to some degree. And it might be, you know, good to get that specifically down as a recommendation if you guys think it's appropriate.

5

6 MR. MANUMIK: (In Yup'ik)

7

8 INTERPRETER: The Chairman is reiterating the possible recommendation that can be added to -- or as number four, if the agencies are concerned for the health of the bear.

11

12 MR. MANUMIK: And restrict the sport and commercial hunters to have any activity during the time the tagging project is halted. What do you think of that?

15

16 MR. WHITE: Mr. Chairman, I think it would clarify, because it's talking about the -- what they are .....

18

19 MR. MANUMIK: (In Yup'ik)

20

21 MR. WHITE: Yeah.

22

23 MR. MANUMIK: Okay. Chuck?

24

25 MR. CHALIAK: Yeah. Add that recommendation in there.

27

28 MR. MANUMIK: Paul John?

29

30 MR. JOHN: (In Yup'ik)

31

32 MR. MANUMIK: Antone?

33

34 MR. ANVIL: Yes.

35

36 MR. MANUMIK: Sky, the recommendations were taken by the Council and should be added on as a recommendation for the conservation measures, recommended under the Western Alaska Brown Bear Co-management Group. (In Yup'ik) Yeah, Steve?

41

42 MR. WHITE: Yeah. I'm recommending that somebody make a motion to accept that .....

44

45 MR. MANUMIK: There's a motion by Steven White to adopt the recommendations under the findings, one, two, three and add on number four. If the Fish and Wildlife and the Board have concerns for the bear -- for this bear population, we should consider eliminating sport uses before conducting

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

this collaring project.

2

3 MR. CHALIAK: I second the motion.

4

5 MR. MANUMIK: Seconded by Chuck Chaliak.  
 Discussion? Are there any questions from the Department or  
 U.S. Fish and Wildlife?

8

9 MR. FROST: Mr. Chair?

10

11 MR. MANUMIK: Yes?

12

13 MR. FROST: Thank you. I do have at least a  
 statement I want to make to the Council members.

15

16 At this time, as I understand some of the comments made  
 here, Fish and Wildlife would take no positions on the findings  
 articulated in the document written for the Council by  
 Mr. Starkey. The findings arguably include factual  
 misstatements, and draw questionable conclusions. If the  
 Council wishes, however, the Council is certainly entitled and  
 has the opportunity to ask questions of the staff at this time.

23

24 I would caution against using any of the statements  
 that were articulated yesterday, not because they were  
 incorrect. They could certainly be reiterated here. However,  
 yesterday there was no quorum. There was no Regional Advisory  
 Council meeting yesterday, so the record from yesterday cannot  
 be included in this record. You would have to in essence go  
 through what we did yesterday.

31

32 It was my understanding that yesterday's meeting was  
 simply an opportunity for both sides to sit down and try to  
 reach some agreement. Now, as occurred yesterday, that was  
 unsuccessful.

36

37 If you intend though to incorporate some of those  
 thoughts, they would have to be articulated on the record today  
 when you have a quorum present, when you have advertised this  
 meeting to the public.

41

42 I would also state that the Board owes great deference  
 to recommendations of the Council, but only when those  
 recommendations concern the taking of fish and wildlife for  
 subsistence uses. Arguably, this issue does not concern the  
 taking of fish and wildlife for subsistence uses. It instead  
 relates to a management study. As a result, the Board may not  
 be obligated to grant that same degree of deference that it  
 would in other instances.

50

R & R COURT REPORTERS

810 N STREET  
 277-0572  
 Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

1  
2 That's all I have. Thank you, Mr. Chair.

3  
4 MR. STARKEY: Can I .....?

5  
6 MR. MANUMIK: Sky?

7  
8 MR. STARKEY: Gavin, you -- I think that we  
need better direction procedurally from you .....

10  
11 MR. FROST: I'll happy to provide that.

12  
13 MR. STARKEY: ..... explicitly what people need  
to do to make this a document that the Board will have to  
accept legally. And I'm wondering whether or not, since Fish  
and Wildlife Service agreed yesterday that we had a full airing  
of the views here, whether or not procedurally giving them a  
chance to on the record just disagree with whatever's on there,  
and we'll have a discussion about it here, and then asking any  
members of the public if they weren't at that meeting  
yesterday. Any person that is here now, if they weren't at  
that meeting yesterday, they should stand up and say so.  
Otherwise all members of the public were included yesterday  
that are here. And secondly, that if they weren't here, they  
should ask whatever questions they want to Council members  
regarding the findings that have been read on the record.

27  
28 Now, would that be sufficient?

29  
30 MR. FROST: My point is this: I'm just trying  
to ensure that this record is clear so that if the Board or  
when the Board takes this up, it knows exactly what the Council  
had stated. It appears as though the findings in this document  
want to use what was stated yesterday and incorporate that  
herein. This Council can't do that. You didn't have a Council  
meeting yesterday, because you did not have a quorum, and it  
wasn't advertised as a meeting for the Council. Therefore, it  
would be in violation of the Federal Advisory Committee Act for  
this Council to say, "whatever we said yesterday goes here as  
well."

41  
42 I think that the staff is open to questions, but the  
problem is you've put them in a situation where an attorney for  
the Association of Village Council Presidents has drafted up a  
series of findings, and incorporated in those findings are a  
number of legal conclusions. This Council can agree with  
those. The problem is that they may not be correct as a  
factual matter. And that's why the staff is at your disposal  
at this time. If you want to ask questions, you can certainly

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

do that.

2

3 Another alternative would be to give the staff an  
 opportunity to go through these findings. Now, I realize that  
 yesterday there was a give and take. However, you're putting  
 them in a position now where they have to tell you what they  
 disagree with or what they agree with in these findings. They  
 could probably do that, and we will be here for a significant  
 period of time, I would imagine. If they want to sit here,  
 that's fine.

11

12 Another opportunity though, another alternative would  
 be to simply have them draft up a response to these findings,  
 and identify where these findings may be correct or incorrect.  
 I recognize that you may agree with them as they are already  
 written. But if you want their input, you would have to give  
 them that opportunity.

18

19 If you don't want their input, then you can just ignore  
 what they have to say and adopt these findings as their  
 written, but recognize that they may not be correct as a  
 factual matter. Okay? That's what I'm trying to get at  
 procedurally. I want to make sure this record is sound. But  
 in order to do that, we almost have to go through what we went  
 through yesterday, and I'm prepared to do that. I don't have  
 any problems with it, because yesterday was not a Regional  
 Advisory Council meeting. It was a meeting with the Western  
 Sea Brown Bear Management Association with representatives  
 from this Council. However, this Council cannot take action  
 outside of the quorum, nor can it take action if it does not  
 satisfy the language of the Federal Advisory Committee Act.  
 That's what I'm looking towards. Okay?

33

34 MR. KURTH: Gavin, I have a question. It would  
 be part of the record, though, this report that was read into  
 the record by Sky?

37

38 MR. FROST: Correct.

39

40 MR. KURTH: It is, I think, a good summary of  
 the essence of a lot of things. And I think we've tried to  
 correct the statistical fact things here.

43

44 If the Council finds that there's enough in this report  
 to draw conclusions, then I think we have an adequate record.  
 But I think what we have to be careful of is not basing it on  
 things that aren't in this summary report. I mean, if you're  
 making conclusions based on other things, we haven't made it a  
 part of the record. But just -- I guess my basic question is,

50

R & R COURT REPORTERS

810 N STREET  
 277-0572  
 Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

ANCHORAGE, ALASKA 99501

this that has been read today, the summary, is now part of the record at their disposal?

3

4 MR. FROST: There is no doubt about that.

5

6 MR. KURTH: All right.

7

8 MR. FROST: What Sky read into the record is part of the record today.

10

11 What I was getting at is that you can sense, I'm sure, that the representatives from the Fish and Wildlife Service do not necessarily agree with this, and that's where the conflict is. The problem is that this Council is not only required to use their own knowledge, your own knowledge and expertise, but you're also in a position where you should try to incorporate the knowledge from these individuals. And right now there is, I think, disagreement on some of these findings. You can, though, reject whatever they have to say and just go with these findings, because, yes, these are now part of the record. All of the record. All of these findings. They are currently part of the record. And you can base your decision on them. That's fine.

24

25 MR. STARKEY: Can we go off record?

26

27 MR. FROST: Sure.

28

29 MR. STARKEY: Off record.

30

31 MR. FROST: I think you've go to go to the Chair on that, and get a .....

33

34 MR. MANUMIK: Yes.

35

36 MR. STARKEY: Mr. Chairman, could we go off record?

38

39 MR. MANUMIK: Yes, please.

40

41 (Off record)

42

43 (On record)

44

45 MR. MORGART: Oh, I don't mind being on the record. I don't have all the -- okay.

47

48 MR. MANUMIK: Yes, I think we should go back on record and discuss this. Although we have a member, a Council

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

member, that has an ailing family member and needs to get back to his village. I don't know how we're going to -- how we are going to proceed with the action on this.

4

5 MR. WHITE: Yeah. Mr. Chairman, but even though we are on the record with our meeting today, we have a quorum, and so we can work on this action, co-management. This is not our meeting, but the co-management -- we listened to co-management and we had a quorum today. And so our action, one could -- these findings have to be justified, because they are already brought up, and they're that paper, and it seems like most of the information is there, because of the -- what they -- they represent the villages and they had practice up toward, and now it's out in the open on how we should work on this. So as we come together today, because we have a quorum, we made a motion to accept their one, because this is our priority move. And I hold to my motion that I made.

18

19 MR. CHALIAK: And I've seconded the motion.

20

21 MR. MANUMIK: Okay. There was a motion already by Mr. Steven White to adopt the Co-management's findings yesterday. And seconded by Chuck Chaliak. And we're still under discussion, and under discussion, Mr. Paul John (in Yip'ik).

26

27 MR. JOHN: Yesterday we started at 9:00 o'clock in the morning, and talked about the issues of the brown bear. We did not accomplish anything. We don't seem to have a quorum. And we keep going back and forth. It seemed like we were see-sawing over the issue yesterday. And then before we came to an agreement anywhere, suppertime came and about 7:30 to 9:00 o'clock we were together. We came to an agreement. It was going to be drafted today and presented on to the Board, recommended today.

36

37 If there's a lot of disagreement, I know that there's always conflicts. If we have been agreed together, we would have accomplished something already yesterday.

40

41 MR. MANUMIK: I'm going to ask you yesterday, when you were here yesterday, as we were subcommittee, we were the subcommittee Regional Council to be with the group here, and to record these findings on the paper. Are you .....

45

46 MR. WHITE: Mr. Chairman, they were supposed to be brought up today, and we were supposed to work on these to either accept or reject, and so we were supposed to accept them, because these were already done, and the proposals were

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

already done. And those we're supposed to work on. And those first, Number 54 and 58, and then we current -- we are -- we changed number three and four and five, and reversed them, and so we're supposed to work on the Western Alaska Brown Bear Management Area Population Study afterwards. And this -- and this is -- you have -- you, Mr. Chairman, asked us whether we should accept or reject this draft here today. That's why I moved to accept it.

9

10 MR. MANUMIK: Anybody else?

11

12 MR. FROST: Mr. Chairman, I think maybe I can resolve this. Perhaps we can do it this way: The record from yesterday's meeting has it been transcribed yet? Or it will be transcribed? All right. We'll take that transcription and we'll attach it to the recommendation as made by the Western Area Brown Bear Management Association. That was a recommendation to this Council. Four members were sitting in on that meeting, so individuals then, excluding Antone, Mr. Anvil, he can make his recommendation today as well, but those other individuals can recall what they heard yesterday, and base their decision, their recommendation on what they heard yesterday. That means that they can accept these findings. The .....

25

26 MR. MANUMIK: That is what I'm asking right

now.

28

29 MR. FROST: Okay. I just want to make sure that that's going to be attached, and that any individuals that were sitting in on that, or any agencies, would reserve the right to comment on these particular findings, because the record from yesterday, I don't have any problems. I mean, there was, you know, people said, spoke their minds. That's fine. And materials can be drawn from that. They can be taken out of that.

37

38 The problem that may result is that these findings may not be exactly consistent with what happened yesterday. But that's okay. As long as the transcript is accepted by the Council, then you can take action on these findings today and make your recommendations, and everything, the transcript from yesterday, the recommendations from yesterday, these findings and the recommendations would all go to the Federal Subsistence Board and the Federal Subsistence Board would take action. That would happen if this Council so chooses today. And I know that's your question. I thought we'll just resolve that issue and then the Council can get on about its business. Is that acceptable to the Chair?

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

1  
2 MR. MANUMIK: That is. He is reiterating what  
3 you have brought up on the -- including the transcriptions from  
4 yesterday's meeting and attach them to this draft when they are  
5 presented to the Federal Subsistence Board.

6  
7 MR. CHALIAK: Yeah. That's agreeable of what  
8 we have brought up and so if that meeting was in the written  
9 form, then Antone can have the information of yesterday's  
10 meeting.

11  
12 MR. MANUMIK: Okay. Yeah. Koyana, Chuck.  
13 Antone, do you have any questions towards this meeting on  
14 yesterday's, and also what you want to see will be on record.

15  
16 MR. ANVIL: You have to excuse me, because I  
17 was working yesterday. They didn't have a driver, and I  
18 couldn't be here, and I wasn't here yesterday. However, even  
19 though I was gone, there was -- if everything that you have  
20 discussed is written in here, yes, I follow this draft here,  
21 and I follow through the recommendations that you made.

22  
23 MR. MANUMIK: Koyana. Paul John, do you have  
24 anything else to add?

25  
26 MR. JOHN: This Antone -- you didn't hear what  
27 Antone says yesterday's problem. Because he worked, he was a  
28 driver in his work, because nobody was to drive, but I guess he  
29 didn't -- I think Antone should make -- clarified to everybody  
30 the reason why he wasn't here, and his recommendation. Maybe  
31 you didn't hear that.

32  
33 And also right now we -- and I've already stated this,  
34 what we have been trying to get out of this situation, pointing  
35 out in our way of life how we used to conduct our livelihood  
36 before all the regulations, and now you could (ph) find) 1971  
37 since before 1977, because we were born before then, and now  
38 we are grandfathers, and we have not come to a problem yet when  
39 we talk among ourselves, and trying to present to you how we  
40 have conduct our livelihood, and this -- and before we pass on,  
41 we're trying to establish so we can leave something to our  
42 younger generation.

43  
44 MR. MANUMIK: Thank you, Mr. John. Also, is  
45 there any member of the public here that wasn't here yesterday?  
46 If you could please come up and say so right now? State your  
47 name and who you represent? Hearing none, Mr. White?

48  
49 MR. WHITE: Mr. Chairman, if that's not going  
50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

to go anyway, I question this motion.

2

3 MR. MANUMIK: There is a question called for on  
the motion, to adopt the findings of the Western Alaska Brown  
Bear Co-Management Group adopted by the Western Regional  
Advisory -- Subsistence Advisory Council present today.  
There's a question on the motion. All those in favor, say  
"aye"?

9

10 ALL: Aye.

11

12 MR. MANUMIK: All opposed, same sign?

13

14 My understanding of the motion was that all of  
yesterday -- all of yesterday's findings that are in this draft  
are put forth before the Council and voted upon, including the  
recommendations with that -- with the addition of -- Sky, the  
one you -- that addition that you -- that last addition that we  
wrote on here is on your paper?

20

21 MR. STARKEY: Could I suggest that what I'll do  
is incorporate the factual changes that were given to me by the  
staff people? I will incorporate the last change that the  
Council made to the recommendations. I will put a signature  
line on there, and I will give it to the Chairman today to  
sign?

27

28 MR. MANUMIK: Yes. Okay. I think that  
concludes our agenda. Are there any people to be heard? None?  
The time and place of our next meeting will be at the call of  
the Chair.

32

33 At this time I would like have someone entertain a  
motion to adjourn?

35

36 MR. WHITE: I so move.

37

38 MR. MANUMIK: Okay. Mr. White.

39

40 MR. ANVIL: I'll second.

41

42 MR. MANUMIK: Steve White made a motion to  
adjourn, seconded by Antone Anvil. Everybody in favor say  
"aye"?

45

46 ALL: Aye.

47

48 (Off record)

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

1 (On record)

2

3 MR. FROST: You should still be on record there  
4 for that.

5

6 COURT REPORTER: He said that before that it  
7 would be at the call of the Chair.

8

9 MR. FROST: Oh, okay.

10

11 MR. JOHN: (Gives benediction in Yup'ik)

12

13 (END OF PROCEEDINGS)

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

C E R T I F I C A T E

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

UNITED STATES OF AMERICA )  
 ) ss.  
STATE OF ALASKA )

I, Meredith L. Downing, Notary Public in and for the State of Alaska and Reporter for R & R Court Reporters, Inc., do hereby certify:

THAT the foregoing pages numbered 02 through 71 contain a full, true and correct Transcript of the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council meeting taken electronically by me on the 13th day of May, 1994, beginning at the hour of 9:00 o'clock a.m. at the KVNA Building, Bethel, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by me to the best of my knowledge and ability;

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

DATED at Anchorage, Alaska, this 17th day of May, 1994.

\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: 7/3/94

**S E A L**

R & R COURT REPORTERS

810 N STREET  
277-0572  
Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515