

1 EASTERN INTERIOR FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3
4 PUBLIC MEETING

5
6 VOLUME I

7
8
9 Pike's Landing
10 Fairbanks, Alaska
11 October 11, 2011
12 10:00 a.m.

13
14
15
16 COUNCIL MEMBERS PRESENT:

17
18 Sue Entsminger, Chair
19 Andrew Bassich
20 Lester Erhart
21 Andrew Firmin
22 William Glanz
23 Frank Gurtler
24 Joseph Matesi
25 Virgil Umphenour
26 Larry Williams
27
28 Regional Council Coordinator, K.J. Mushovic

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P R O C E E D I N G S

(Fairbanks, Alaska - 10/11/2011)

(On record)

MADAME CHAIR ENTSMINGER: I want to call the meeting to order.

(Pause)

MADAME CHAIR ENTSMINGER: Good morning, Andrew. How would you like to do roll call this morning. Go ahead, Andrew.

MR. FIRMIN: We'll start with a roll call vote with Council members. Sue Entsminger.

MADAME CHAIR ENTSMINGER: Here.

MR. FIRMIN: Andrew Firmin, here. Larry Williams, Sr.

MR. WILLIAMS: Here.

MR. FIRMIN: Lester Erhart. We'll come back to him. Andy Bassich.

MR. BASSICH: Here.

MR. FIRMIN: William Glanz.

MR. GLANZ: Here.

MR. ERHART: Here.

MR. FIRMIN: Lester's here. Frank Gurtler.

MR. GURTLER: Here.

MR. FIRMIN: Joseph Matesi.

MR. MATESI: Here.

MR. FIRMIN: Donald Woodruff.

MS. MUSHOVIC: Weathered out.

MR. FIRMIN: Absent. And Virgil

1 Umphenour.

2

3 MR. UMPHENOUR: Here.

4

5 MADAME CHAIR ENTSMINGER: Thank you.

6 We have a quorum. Hey, Lester, if that phone rings

7 again, we're going to fine you five bucks, okay.

8

9 MR. ERHART: I can't help it if it

10 rings. I have no control over it.

11

12 (Laughter)

13

14 MADAME CHAIR ENTSMINGER: Turn it off.

15 I just want to say that Donald took the airplane and it

16 was weathered in. Andy drove, so that's why we see

17 Andy's smiling face today. I understand Donald was

18 trying to make it in. He'll probably be here tomorrow.

19

20 Larry, can I ask you to do an

21 invocation.

22

23 MR. WILLIAMS: Yes.

24

25 (Invocation)

26

27 MADAME CHAIR ENTSMINGER: Thank you,

28 Larry. In that invocation, the respect and giving us

29 wisdom and that's what I ask. Thank you for that. I

30 want to welcome everyone to our Eastern Interior

31 meeting. I know we were supposed to have met in

32 Tanana, but there was such a huge interest in this

33 meeting that they felt like they didn't have enough

34 housing up there, so it was decided to hold it in

35 Fairbanks.

36

37 Like I said, it's important -- I mean

38 Lester told me earlier some of the people in Tanana

39 were disappointed because they were very interested in

40 the customary trade, they had a lot of testimony. I

41 gave them the teleconference number and we'll see if

42 that system works because that's really important to

43 get input from our region.

44

45 If we could do introductions of agency

46 Staff and honored guests. I guess we can just go

47 around the room starting with Vince.

48

49 MR. MATHEWS: Vince Mathews, Refuge

50 subsistence coordinator for Arctic, Kanuti and Yukon

1 Flats.

2

3 MR. NEELY: Good morning. Jim Neely
4 for U.S. Fish and Wildlife Service, Division of Refuge
5 Law Enforcement here in Fairbanks.

6

7 MR. PROBASCO: Good morning. I'm Pete
8 Probasco, Assistant Regional Director for the Office of
9 Subsistence Management.

10

11 MADAME CHAIR ENTSMINGER: Good morning,
12 Pete. Nice to see you.

13

14 MR. LIEBSCHER: Good morning, folks.
15 Good to see a lot of familiar faces again. I'm Tom
16 Liebscher, Chief of Cultural, Natural and Fire
17 Resources for the Park Service in Fairbanks.

18

19 MR. YUHAS: Good morning. I'm Jennifer
20 Yuhas with the Alaska Department of Fish and Game and
21 the State/Federal/Subsistence liaison team leader.

22

23 MR. RABINOWITCH: Good morning,
24 everybody. Sandy Rabinowitch, National Park Service
25 from Anchorage and Staff Committee to the Federal
26 Board.

27

28 MS. CELLARIUS: Barb Cellarius,
29 subsistence coordinator for St. Elias National Park and
30 Preserve.

31

32 MS. PUTERA: Judy Putera, wildlife
33 biologist, Wrangell St. Elias National Park.

34

35 MS. OKADA: Marcy Okada. Good morning.
36 Subsistence coordinator for Yukon/Charlie Rivers and
37 Gates of the Arctic.

38

39 MS. PETRIVELLI: I'm Pat Petrivelli and
40 I'm the subsistence anthropologist for the Bureau of
41 Indian Affairs.

42

43 MR. ARDIZZONE: Good morning. Chuck
44 Ardizzone with the Office of Subsistence Management.

45

46 MR. BENTZEN: Torsten Bentzen, wildlife
47 biologist with Fish and Game in Tok.

48

49 DR. JENKINS: Good morning. David
50 Jenkins, an anthropologist with the Fish and Wildlife

1 Service, Office of Subsistence Management.

2

3 MR. WOOD: Russ Wood, just a concerned
4 citizen.

5

6 MR. DUDGEON: Welcome to Fairbanks.
7 Greg Dudgeon, National Park Service, Gates of the
8 Arctic and Yukon/Charlie Rivers.

9

10 MS. MASICA: Good morning. I'm Sue
11 Masica with the National Park Service, Regional
12 Director of Anchorage and member of the Federal
13 Subsistence Board.

14

15 MR. HASKETT: Good morning. Geoff
16 Haskett, Regional Director of Fish and Wildlife Service
17 in Alaska. Also a member of the Subsistence Board.
18 I'm glad to be here.

19

20 MR. JESS: Good morning. I'm Rob Jess,
21 Yukon Flats National Wildlife Refuge, Refuge manager.

22

23 MR. KARI: I'm James Kari. I'm a
24 linguist and I'm just visiting.

25

26 MADAME CHAIR ENTSMINGER: Good morning,
27 Jim.

28

29 MS. GRONQUIST: Ruth Gronquist,
30 wildlife biologist with the Bureau of Land Management.

31

32 MR. HURST: Chuck Hurst, fish and game
33 biologist in Tok with Alaska Department of Fish and
34 Game.

35

36 MS. LENART: Beth Lenart, Alaska
37 Department of Fish and Game, wildlife biologist for the
38 Yukon Flats area.

39

40 MR. BERTRAM: Mark Bertram with Fish
41 and Wildlife Service and wildlife biologist for the
42 Yukon Flats Refuge.

43

44 MADAME CHAIR ENTSMINGER: I guess we
45 didn't miss anyone. Regional Council members concerns.
46 Do you remember this process, guys. Who would like to
47 start, Lester or Joe? Go ahead, Joe. Lester will get
48 the hang of it when it gets there.

49

50 MR. MATESI: Wasting meat. We've had

1 at least one truly egregious incident this fall in the
2 Yukon Flats area. I think that's germane to one of the
3 proposals that we're going to be considering at this
4 meeting.

5
6 Another thing that's been occupying my
7 thoughts a great deal, we've got two management plans
8 in our area of the region that are currently being
9 devised and both of them have the potential of
10 affecting subsistence users, so those would be for the
11 Arctic National Wildlife Refuge as well as for BLM
12 lands in the Eastern Interior. So those are my primary
13 concerns.

14
15 MADAME CHAIR ENTSMINGER: Larry, go
16 ahead.

17
18 MR. WILLIAMS: Thank you, Madame Chair.
19 I don't have any concerns at this moment, but later on
20 in the meeting I think it will be brought up about
21 Arctic Village and I believe we have some
22 representatives here, so I'll bring it up at the
23 appropriate time.

24
25 Thank you.

26
27 MADAME CHAIR ENTSMINGER: One minute.
28 Larry, it's okay if you have things on your mind in
29 your region that is a concern to you now that isn't on
30 the agenda or just overall.

31
32 MR. WILLIAMS: I really don't have
33 anything.

34
35 MADAME CHAIR ENTSMINGER: All right.
36 Thank you. Bill.

37
38 MR. GLANZ: Yes, I really don't have a
39 whole lot of concerns for our area at this time. We
40 are working in the Central area in Circle Hot Springs
41 and Circle a little bit better with the Park Service.
42 I think we're going to put a lot of that stuff to rest
43 and all the problems we've had in the last few years.
44 We had a successful caribou season and the Fortymile
45 Herd is doing spectacular, so we're really happy with
46 that.

47
48 Also this year I've seen more moose on
49 the Yukon River than I've seen since the early '80s. I
50 believe it has a lot to do with the intense management

1 of the predator control and also with all the major
2 fires we had there. The moose are really on their way
3 up along with the caribou in our area, so we'll just
4 address things that come along.

5
6 Thank you.

7
8 MADAME CHAIR ENTSMINGER: Kind of nice
9 to hear some positive things, huh.

10
11 MR. GLANZ: Yes, it is, very much.

12
13 MADAME CHAIR ENTSMINGER: Okay. Frank.

14
15 MR. GURTLER: I really don't have any
16 concerns at this time. There's some concerns I'll have
17 later on when we discuss the regulations and proposals
18 that they have. I'd like to bring it up then, but as
19 of now I don't have anything.

20
21 Thank you.

22
23 MADAME CHAIR ENTSMINGER: Virgil.

24
25 MR. UMPHENOUR: My concerns are the
26 same they've been for a long time, basically three
27 concerns. That is responsible management of our
28 fisheries, which one small step was taken in making
29 maximum mesh size for chinook salmon 7.5 inches. It
30 should really be 6.

31
32 The impact on wild stocks from hatchery
33 production. I noticed in Prince William Sound chum
34 salmon production was again increased last year the
35 authorized amount. I feel that -- I don't know how
36 we're going to do it, but somehow we have to impact
37 hatchery releases. There's a number of new scientific
38 reports out that have been published by the American
39 Fisheries Society and we all need to take a look at
40 them and somehow get the Board of Fisheries to take
41 action. We'll address our proposal to the Board of
42 Fisheries later on in the meeting on this subject.

43
44 Then the third thing is predator
45 management, primarily wolf management. Those are my
46 main concerns.

47
48 Thank you, Madame Chair.

49
50 MADAME CHAIR ENTSMINGER: Thank you,

1 Virgil. Andrew.

2

3 MR. FIRMIN: Well, I guess on a good
4 note I agree with Bill there seemed to be a lot more
5 moose along the river this year. A lot of people in
6 the Flats seemed to have successful hunts. On the
7 other hand, there was a lot of outside influence or
8 non-local hunters that continued their normal lack of
9 hunter education and etiquette and leaving moose
10 carcasses laying everywhere. So that was another thing
11 that kind of -- my biggest concerns was with the
12 upcoming wildlife proposals. There's still the need to
13 get around that whole leaving a half a moose laying
14 there and taking the horns and two hams and leaving the
15 rest there to rot. That's still kind of a big problem
16 with non-local hunters in our area. It's a sad thing
17 that that continues to happen. Like William was
18 saying, the moose are actually on the rise it seems
19 like in the Flats, and that's just -- the more moose we
20 have, it seems like the more it gets wasted by non-
21 local users.

22

23 MADAME CHAIR ENTSMINGER: Andy.

24

25 MR. BASSICH: Madame Chair. Bill beat
26 me to it. I'm going to try to speak positively here.
27 I really feel like the fishing season was an exemplary
28 year by the managers this year. I think providing
29 pulse protection to both pulses helped us to achieve
30 two things. One, our escapement goals to Canada were
31 met for the first time in quite a while and I think it
32 really improved quality of escapement into Canada.
33 That's my personal observation through my efforts there
34 in Eagle. So I think it was a very, very tough year
35 for the fisheries, a very poor run. However, I think
36 there was ample opportunity for subsistence harvest.

37

38 I really applaud the communications and
39 outreach efforts that have gone into that topic and I
40 think they're starting to pay off along the entire
41 drainage. I think people are starting to recognize
42 that they need to lay off the chinook and there was a
43 concerted effort to harvest more summer chum and fall
44 chum, which is, I think the direction we need to move
45 in to protect and rebuild the chinook stocks.

46

47 I'm really pleased with the progress on
48 the Fortymile Caribou harvest planning on that. I
49 think we're making great progress and we'll be talking
50 about that.

1 I think we made some real progress on
2 customary trade issue and we'll be talking about that.
3 I think we've got a very good start on that. I'm very
4 pleased with that.

5
6 The only thing that goes back to some
7 of my previous concerns is I agree with Virgil, I think
8 hatchery production has been talked about for a long
9 time. It's really hard to quantify its impacts, but I
10 think my gut feeling is that it is having impacts on
11 chinook throughout the entire state of Alaska in the
12 marine environment. Chinook salmon are not doing well
13 throughout the state and that, to me, is an indicator
14 that hatchery production may be having some impacts on
15 that.

16
17 Of course, Andrew's concerns with the
18 hunter education, I think we need to continue to work
19 in that direction. All in all, I have to say this is
20 the first meeting I've come to in a while where I feel
21 like at least some of the issues I'm concerned with and
22 have been pushing for have been worked on and we're
23 making progress. I'm really happy and thankful of all
24 the Staff efforts that have gone into that and the
25 public's effort.

26
27 Thank you, Madame Chair.

28
29 MADAME CHAIR ENTSMINGER: Thank you.
30 Lester.

31
32 MR. ERHART: I don't really have too
33 many concerns. Only with this customary trade. It
34 affects a lot of people in the Yukon River. I think
35 they did a good job with the king salmon this year.
36 The management was real good, I thought. Gave people
37 an eye opener. First time we got to see nice big king
38 salmon again in our area. As we go along here, I'll
39 get right into it.

40
41 Thank you.

42
43 MADAME CHAIR ENTSMINGER: Thank you,
44 Lester. For my region, man, there have just been so
45 many meetings. I'm finding out that people are not
46 attending meetings like they probably would because
47 there's getting to be an excess of them. There was a
48 scheduling of a meeting -- I was at the Wrangell-St.
49 Elias Subsistence Resource Commission meeting in
50 Northway when there was a scheduled meeting to have the

1 tribal consultation at the same time that we were
2 meeting, so people in my region would have been
3 probably partaking in that, but it was in conflict.

4
5 Let's see now. I had people contact
6 me. I've been in the region a while. People hand me
7 their cards all the time. On the tribal consultation
8 they're saying some people are not with the tribe,
9 they're with their corporation and they feel like they
10 need to be a part of it. Some of them don't feel like
11 they're getting notified of it and they'd like to be
12 notified of it. So it's just things that come up as
13 you work in this. I will say the positive side in the
14 predator control that was done in our region really has
15 an effect for people getting their moose. There's more
16 moose available, so that's pretty neat. But, as the
17 guys said, a lot of the concerns will come up during
18 the meeting at each individual proposal.

19
20 I'll give you a report. I went to the
21 Federal Board meeting on May 3rd and 4th, I believe it
22 was, in Anchorage and was more or less a discussion
23 meeting. There wasn't a lot of action taking place,
24 but they talked a lot about the tribal consultation.
25 That was a two-day meeting and then I went to several
26 of the AC meetings. The Upper Tanana, Fortymile and
27 also went to the Subsistence Resource Commission for
28 the Park. That was in Northway on one day and then in
29 Tanacross the next day. So I will have information on
30 that as we go through the proposals.

31
32 During the meeting -- in your book
33 there should be the response to our 2010 annual report
34 and then we'll be working as we go through the meeting,
35 I'd like everybody to think of identifying issues for
36 our 2011 report.

37
38 KJ, help me out, is that due this
39 meeting?

40
41 MS. MUSHOVIC: (Shakes head negatively)

42
43 MADAME CHAIR ENTSMINGER: No. So these
44 are all -- as we go through the meetings and we have
45 concerns we need to look at what we had in 2010 and
46 think about identifying something new for 2011.

47
48 Next is review and adopt the agenda. I
49 always have people, as your Chair, contacting me,
50 pointing out certain things that might not be

1 expeditious with our time. One of the things is the
2 State biologists end up having it by region. I think
3 all of our people are here for the three days. It was
4 suggested to me and I want you guys to help me out
5 here. I thought it might be smart to take up our
6 proposals by region or by GMU I should say. If you
7 look at the proposals under B, you'll see that it's 25,
8 and then it goes to 12 and then it goes to 25 and then
9 it goes to 12 again and then 20E. I thought it might
10 be smart to take up Unit 12 and 20E first, and then
11 take up any other ones in 20, which I didn't think
12 there was but one, and then take up 25 and then take up
13 our crossover proposals.

14

15 Can I hear some discussion on that.
16 Andy.

17

18 MR. BASSICH: Yeah, I agree. I think
19 for the use of managers that are bouncing everybody
20 back and forth and being confused, I think that makes a
21 lot of sense to do that and I'd be in favor of
22 addressing the wildlife proposals in that order as the
23 Chair sees works best for her and Staff.

24

25 MADAME CHAIR ENTSMINGER: I want help
26 from you guys because I think it might be helpful if we
27 just went ahead. I talked to KJ earlier and put them
28 in a list and then each of us have that list and have a
29 list out here so we know what's going on. In Unit 12 I
30 saw -- I just think it would work out better for us
31 all.

32

33 I put the numbers down. How do the
34 rest of you guys feel? Would you like us to write all
35 the numbers down and make sure we didn't miss any and
36 then hand it out to you before we go on? Any other
37 discussion from anyone else? How do you feel about
38 this?

39

40 MR. GLANZ: I feel it would work if we
41 want to go ahead and do it that way.

42

43 MADAME CHAIR ENTSMINGER: Another issue
44 is when you're doing proposals, the C&T should come
45 before the proposal affecting the C&T. There was two
46 of them. One of them was Proposal 68 that should be
47 done before the proposed season in Unit 12 and then
48 Proposal 69 was a C&T that should be done before the
49 20E proposals because it affects 20E.

50

1 How about the rest of you. Does that
2 work? Should we just take a five-minute break here and
3 I'll get this listed and then we'll hand them to you.
4 Is anyone opposed?

5
6 (No comments)

7
8 Okay. Five minutes.

9
10 (Off record)

11
12 (On record)

13
14 MADAME CHAIR ENTSMINGER: In the
15 essence of time, I think we'll get started here. I
16 think KJ is running into a little difficulty making
17 copies. The office didn't want to make it for them out
18 here at the front, I think, is what I heard. While
19 she's working through that, are there any other new
20 people that showed up that had not introduced
21 themselves. Could you introduce yourself.

22
23 MS. ST. LOUIS: Hi, I'm Rita St. Louis.

24
25 MADAME CHAIR ENTSMINGER: Rita has just
26 showed up and she's with Fish and Game. Okay.

27
28 MR. ROBERTS: Julian Roberts with the
29 Native Village of Venetie and I'm a tribal
30 representative.

31
32 MADAME CHAIR ENTSMINGER: Are you going
33 to be here for the whole time?

34
35 MR. ROBERTS: Yes.

36
37 MADAME CHAIR ENTSMINGER: Good. If you
38 have any time certain that you're going to be leaving
39 and you have testimony, please let us know.

40
41 MR. ROBERTS: I think I'm supposed to
42 -- do you have testimony today?

43
44 MADAME CHAIR ENTSMINGER: We do have
45 something here for the public that if anyone wanted to
46 testify, it will come up this morning.

47
48 MR. ROBERTS: Yes, that's what I'm here
49 for.

50

1 MADAME CHAIR ENTSMINGER: Okay. And
2 there's one other new person.
3
4 MR. SWEETSIR: My name is Kirk
5 Sweetsir. I'm with Yukon Air Service and I would like
6 to give public testimony.
7
8 MADAME CHAIR ENTSMINGER: Okay.
9
10 MR. GLANZ: Who is he with did he say?
11
12 MADAME CHAIR ENTSMINGER: Yukon Air
13 Service. I only know that because I have it in front
14 of me.
15
16 MR. GURTLER: I thought maybe it was
17 Tanana Chiefs.
18
19 MADAME CHAIR ENTSMINGER: What we
20 decided to do is we're not going to get to probably a
21 lot of proposals on this changing of the agenda on the
22 regional proposals for a while yet, but just to help
23 people out in the audience KJ is getting some copies
24 made and we'll get them out to you. The first ones
25 that would be changed is 32 and 33 would come up first
26 instead of 91, 92 and then take up the 68, the C&T, and
27 then deferred proposal 104 and then 65, 66. If I'm
28 going too fast, stop me. It gives you an idea. Those
29 are the ones that are coming up first and we'll be
30 taking up statewide before that. This list should be
31 out and on the table.
32
33 Any questions.
34
35 MR. BASSICH: Madame Chair. I'd like
36 to make a motion to approve the changes to the agenda.
37 In the past, we have always tried to keep the agenda
38 fairly flexible and give the Chair the flexibility to
39 change the agenda to work with public testimony and
40 agency people, so I would like to add in the motion
41 that that continue at this meeting seems to work very
42 well.
43
44 Thank you.
45
46 MR. UMPHENOUR: Second.
47
48 MADAME CHAIR ENTSMINGER: Motion and
49 second. Any more discussion.
50

1 (No comments)
2
3 MR. GLANZ: Question.
4
5 MADAME CHAIR ENTSMINGER: The question
6 has been called for. All in favor say aye.
7
8 IN UNISON: Aye.
9
10 MADAME CHAIR ENTSMINGER: Anyone
11 opposed.
12
13 (No opposing votes)
14
15 MADAME CHAIR ENTSMINGER: All right.
16 Next is review and approve the minutes.
17
18 MR. BASSICH: Madame Chair. Yeah, I've
19 read the minutes and I didn't see any glaring omissions
20 or major typos. In our book here it says discussion of
21 desired details in the future and I think in an effort
22 to make the work load on Staff and others a little bit
23 less I think when there's a topic that needs a fair
24 amount of detail in the minutes, I think the onus is on
25 us as a Council to draw attention to that and that we
26 ask when we need more detail on a specific topic to be
27 reflected in the minutes just to ask for it and I think
28 that would cover that issue. The degree of detail in
29 these minutes is, I think, adequate for what we need to
30 do given that there is a record of what's being said as
31 well that can be referred to.
32
33 MADAME CHAIR ENTSMINGER: Andy, is that
34 a motion?
35
36 (Laughter)
37
38 MR. BASSICH: Yes.
39
40 MADAME CHAIR ENTSMINGER: Do I hear a
41 second.
42 MR. GLANZ: I'll second.
43
44 MADAME CHAIR ENTSMINGER: Motion is for
45 the minutes to be approved and then a second. Andy,
46 continue your discussion.
47
48 MR. BASSICH: I think I was pretty much
49 finished at that point in time. I'd just like to say I
50 think the minutes are adequate as they're presented to

1 us. We have public record on what's being said
2 basically verbatim on these meetings. However, if we
3 would like more detail, remind all Council members that
4 if there's a particular topic that's really important
5 for you to be reflected in the minutes, then just state
6 that while you're making your discussion and I think
7 that can be taken care of.

8

9 Thank you, Madame Chair.

10

11 MADAME CHAIR ENTSMINGER: The
12 discussion I'd like to hear is, in talking to KJ, I
13 guess there's other Councils that have less pages in
14 their minutes and for us I know it used to be even
15 longer. I think that I'd like to hear from you your
16 feeling of -- for me, personally, I like seeing
17 discussion put in the minutes so you know what we've
18 said. But to just yea, nay and not have much
19 discussion would be not as informative.

20

21 How do you guys feel? Andy has given
22 his. Does anyone have anything to add? How do we feel
23 about our minutes. Do we want to see lengthy minutes
24 or do we want to see middle?

25

26 MR. GLANZ: I, myself, would just like
27 to see them the way they are. It puts everything out
28 in the open there. Even now, reading back over some of
29 them I say, oh, yeah, I remember that was brought up at
30 that time.

31

32 MADAME CHAIR ENTSMINGER: Right.
33 Virgil.

34

35 MR. UMPHENOUR: I've read the minutes
36 as well and I concur with what Andy said. I don't
37 think we need to have everything verbatim. I believe
38 that if someone wants something emphasized in the
39 minutes, then they should say that to make sure that
40 the record is clear. But I think the minutes look
41 good. I like the way they were done this time.

42

43 Thank you, Madame Chair.

44

45 MADAME CHAIR ENTSMINGER: Anyone else.

46

47 (No comments)

48

49 MADAME CHAIR ENTSMINGER: I guess that
50 means we're ready for the question.

1 MR. UMPHENOUR: Question.

2

3 MADAME CHAIR ENTSMINGER: All in favor
4 of the minutes as in your book say aye.

5

6 IN UNISON: Aye.

7

8 MADAME CHAIR ENTSMINGER: Anyone
9 opposed.

10

11 (No opposing votes)

12

13 MADAME CHAIR ENTSMINGER: Okay. Moving
14 rapidly along as they say. We are now to our public
15 testimony and I have three blue cards here. James Kari
16 is first. State your name.

17

18 DR. KARI: My name is James Kari. I'm
19 retired from Alaska Native Language Center and I'm just
20 speaking briefly about 12-68 and the Chistochina Tribal
21 Council wanted to be part of this customary and
22 traditional hunt for caribou in the -- I guess it's in
23 the Chisana and Nabesna drainages.

24

25 When I read the preparation here, I was
26 very impressed by the work. I was quite surprised
27 really to see all the detail and it's very accurate use
28 of sources. There's even more sources in this if
29 people knew about unpublished sources. I worked with
30 Jack John Justin in the '80s and all the dialects were
31 very small in population. In fact, for the whole
32 Copper River drainage, aboriginally, we don't think
33 there ever were more than 1,000 people in the whole
34 drainage.

35

36 This Nabesna dialect and the Chisana
37 I've worked on and Jack was the big expert of that.
38 Wilson Justin, his younger brother, who is a lot
39 younger than his older brother, and Gilliam Joe, these
40 folks live in Chistochina, so they're authentically
41 part of the Upper Nabesna dialect, some of whom are in
42 Mentasta and Tetlin and Northway too.

43

44 There's lots of things I could
45 elaborate on, but Jack certainly knew that area. His
46 dialect was very distinctive. Katie John, of course,
47 is kind of noted for her discussions of traditional law
48 and protocol about how people use areas in the
49 different villages and she has been in that role
50 herself, but the sense of territory and permissions to

1 come over and use salmon for the brief salmon season,
2 that can be abundantly documented and then the caribou
3 would have worked the same way. They would definitely
4 give permission to their neighbors and things. You
5 know, it was really quite restrictive kind of
6 traditional regulations if we go back before 1900, for
7 example.

8

9 Anyway, I don't know if you have any
10 questions for me, but that's about all I wanted to say.

11

12 MADAME CHAIR ENTSMINGER: Council
13 members, any questions.

14

15 (No comments)

16

17 MADAME CHAIR ENTSMINGER: I have a
18 question for you, Jim. Do you know what year Jack John
19 was born? Because he's deceased for a long time.

20

21 DR. KARI: Right. He and Fred were
22 similar age. I'd guess about 1906.

23

24 MADAME CHAIR ENTSMINGER: I have
25 another fine. Federal Board member. Look out.

26

27 (Laughter)

28

29 MADAME CHAIR ENTSMINGER: Sorry. Just
30 a little humor there.

31

32 DR. KARI: I met his mother. She was
33 known as Long Lucy. I don't know if you remember her.

34

35 MADAME CHAIR ENTSMINGER: I remember
36 that one.

37

38 DR. KARI: So she would have, you know,
39 had to have been born in the 1880s.

40

41 MADAME CHAIR ENTSMINGER: So Jack John
42 was more Fred John's age, which would be.....

43

44 DR. KARI: Uh-huh. (Affirmative)

45

46 MADAME CHAIR ENTSMINGER: Okay.
47 Question? Joe.

48

49 MR. MATESI: Dr. Kari, in some of the
50 unpublished material that you have, do you have any

1 accounts from Jack John Justin talking about caribou
2 hunting in that part of the country?

3
4 DR. KARI: Not directly. I mean we did
5 vocabulary and so on on it, but not really.

6
7 MADAME CHAIR ENTSMINGER: Thank you.

8
9 DR. KARI: I remember him talking about
10 moose hunting, for example, and one war story that's
11 pretty epic.

12
13 MADAME CHAIR ENTSMINGER: All right.
14 Thank you. Kirk Sweetsir, is that how you say that?

15
16 MR. SWEETSIR: Sweetsir. I've
17 come.....

18
19 MADAME CHAIR ENTSMINGER: And your
20 name.

21
22 MR. SWEETSIR: My name is Kirk
23 Sweetsir. I'm the owner of Yukon Air Service, which
24 bases itself in Fort Yukon during the summer and fall.
25 So I've come to offer my support to the Proposal
26 WP12-06, which is proposing to change the rules to
27 require meat be left on the bone when hunting moose and
28 caribou.

29
30 My business provides somewhat guarded
31 support to non-local sheep, moose and caribou hunters
32 in the area. I've covered this area for 26 years
33 pretty extensively. I believe that the proposal is
34 fair-minded and reasonable and it addresses a
35 significant concern.

36
37 Most of the people, non-local hunters
38 that travel in this area for hunting purposes, are
39 utilizing techniques which keep them out in the field
40 for very long periods of time. They're either floating
41 rivers via air support or they're coming in jetboats.
42 I have no control or direct experience with people
43 traveling in with jetboats and they present a
44 significant problem for management I realize and know,
45 but I'm speaking more to those that travel on the
46 rivers with rafts and fixed camps for fixed periods of
47 time, 10 to 14 days is not an unusual length of time.

48
49 I think in the best of times the
50 technique of boning meat was pretty marginal. I think

1 in these days, as the seasons get warmer and warmer,
2 people stay out for longer and longer, that it's pretty
3 impractical. I think that our experience is that meat
4 that gets bones is largely spoiled in the length of
5 time that it spends. I think that it doesn't work very
6 well. So we believe this is a reasonable proposal.

7
8 I also think that this would help to
9 verify claims that meat has been salvaged for
10 enforcement people. They can see the meat on the bone,
11 they can identify what is what. There don't have to be
12 these intractable arguments about I ate the ribs or I
13 didn't do this or I did do this. It's there. I've
14 seen Heather Bartlett assemble the exploded parts of a
15 moose out of bags of what would otherwise be described
16 as gurr (ph) by commercial fishermen on a gravel bar
17 trying to reassemble the scene of the catastrophe to
18 verify the meat had been salvaged. That's just an
19 atrocious procedure to verify that these things were
20 done and done legitimately. It makes a joke of the
21 thing.

22
23 So I think the verification issue gives
24 it merit. I think that the change in weather gives it
25 merit. I think people are struggling to keep meat on
26 the bone in these hunting seasons let alone off the
27 bone.

28
29 I don't give any credence as a
30 commercial pilot and a person who's handled these
31 things for many, many years, I give no credence
32 whatsoever to the idea that this is some convenience to
33 the hunter. I think meat off the bone is harder to
34 handle, I think it's harder to load and unload into
35 airplanes, I think it's messy. It doesn't have any
36 good side as far as I can tell.

37
38 The final part of this is, a great deal
39 of animosity is generated between local and non-local
40 hunters. I think we all understand the root of that.
41 I think these groups come from different places and
42 they come from different perspectives. I think it's a
43 very common business for non-local hunters to come.
44 It's very well understood that these are trophy
45 hunters. Very few of them are primarily hunting for
46 meat. They will take the meat, they will salvage it,
47 they will comply with the law, but they do it not
48 necessarily in the most gracious way.

49
50 The most gracious way would be that you

1 would return with a piece of meat that was not covered
2 in gravel and sand and hair, but rather that it was
3 apparently cared for and valued as meat. It will be
4 salvaged by the law, but it won't necessarily be done
5 well. When that meat is then donated to a village, it
6 represents more of an insult than it does represent a
7 donation or a gift.

8

9
10 So as a condition of my support as an
11 air service, I require my customers to bring the meat
12 out on the bone. I don't support them if they don't
13 bring it out on the bone. My competitors in this
14 business don't do that and I believe that this would be
15 a useful thing not only resolving some of the tensions
16 between locals and non-locals about the intent and the
17 use of all that meat, but that it would also sort of
18 iron out the discrepancy between carriers who pay no
19 attention to any of this and those such as mine who do.

19

20
21 So, yes, I believe that this is a good
22 proposal. I think it brings the intent of the laws
23 regarding wanton waste and salvage into harmony with
24 the notion that the primary use of these animals is for
25 meat and subsistence purposes and that trophy hunting
26 is a secondary objective of these hunts. So I strongly
27 support that proposal. I think that it's probably very
28 unusual that a commercial operator who carries these
29 things would argue in favor of carrying heavier bits of
30 meat out, but I don't see it as a problem. I think
31 it's a good idea in all respects.

31

32
33 The second thing I'd like to comment on
34 is the closure of Red Sheep and Cane Creek under WP12-
35 76. This one is complicated and I have some remarks to
36 make and I don't have a strong opinion about whether it
37 should or should not be closed. I think, unfortunately
38 for you, this is your job. It has a very complicated
39 history and it's had some fairly dodgy players driving
40 the opening and the closing of those areas that I'm
41 fairly familiar with. I know some of the characters
42 involved in the last lawsuit, which resulted in an
43 opening. I don't have any good things to say about
44 those people.

44

45
46 On the other hand, I am quite familiar
47 with the antipathy that people of Arctic Village feel
48 towards non-local hunters and I have a great deal of
49 sympathy for it. With that said, I still am a
50 commercial operator who supports non-local hunters. I
51 have tried very hard and I think I've succeeded to a

1 certain extent in mitigating those antipathies by,
2 first of all, refusing to use Arctic Village as a base
3 of operations for access to the Brooks Range for those
4 hunters. This despite the fact that I have tangible
5 assets in Arctic Village that I lease from the village.
6 I have fuel tanks and a base of operations there. I
7 choose voluntarily to suspend the use of those during
8 the hunting season. What this does to me is places an
9 unnatural restriction on my operations, limits the
10 number of people that I can possibly deal with and
11 reduces the problem to some extent while still allowing
12 me to support those populations to some extent.

13

14 But I believe that now pursuing the
15 reclosure of those areas is not necessarily a good idea
16 and I believe it's not necessarily a good idea because
17 it works from the premise of a couple of false
18 presumptions. I read through the proposal and I see
19 some ideas in there which I don't believe in. One is
20 that air traffic somehow drives sheep into higher
21 country and that this is significantly affecting the
22 subsistence users' ability to access sheep. I don't
23 believe that's true. I think large, mature male rams
24 go high. I think all hunters in all areas understand
25 that sheep hunting for large, mature male rams means
26 going into the highest of the country and that less
27 mature ewes and lambs tend to exist in the lower
28 country.

29

30 The country that would be accessed by
31 locals by boat during the season that's affected here,
32 August 10th through September 20th, is not hunt country
33 that non-local hunters tend to hunt. They tend to hunt
34 way up stream on Cane Creek and Red Sheep Creek. Very
35 few hunters hunt the corridor that would be accessible
36 by the east fork of the Chandalar by boat, which is
37 where hunters from Arctic Village -- and we are
38 primarily talking about Arctic Village, although it
39 does affect Venetie, Fort Yukon, Kaktovik and
40 Chalkyitsik as well.

41

42 I don't believe that re-opening this is
43 going to increase their chances of gaining access to
44 that country. I think that access is being limited by
45 other more fundamental issues; cost of fuel, for
46 example, the ability to get to that country quickly in
47 a boat. If they are hunting sheep in those areas in
48 the winter time by snowmobile, I'm not necessarily
49 aware and I don't have an opinion. They may or they
50 may not be. I don't work in that area in the winter,

1 so I don't know, but there is no competition at that
2 time, so I don't necessarily believe that that too is
3 there.

4

5 So I'm a bit nervous about this. I
6 think this seems like an effort to claw back a
7 restriction that was probably dubious in the first
8 place that had been overturned by some strange
9 gyrations in the whole process. I think there's always
10 going to be friction between people of very modest
11 means and rich resources and they're being overrun by
12 others who have a lot more money than good manners.

13

14 I think this is a very old story and it
15 rarely ends well, but I also think it's not a good idea
16 to use this regulatory process to, with a lot of less
17 than convincing arguments, to back yourself because it
18 just heightens the argument. It doesn't actually
19 address this problem, which is that there's a lot of
20 animosity in Arctic Village towards non-local hunters.
21 I think that has to be dealt with far more directly or
22 it just creates people trying to defend the
23 indefensible all the time.

24

25 So I don't feel like that the whole
26 picture is very well presented here. If there's a
27 compelling reason to close Cane and Red Sheep Creek,
28 the case hasn't been very well made. On the other
29 hand, if it were closed, I wouldn't be very upset. I
30 would be happy to abide by that rule. But I think that
31 there could be more compelling arguments made if, in
32 fact, this is going to be a significant -- if the
33 opening of these areas has created a significant
34 impact, I guess I'm asking how. I don't quite see it,
35 but I do actually have a great deal of sympathy for the
36 sensibilities of people of Arctic toward what seems to
37 be rolling over them all the time.

38

39 I do think that there are other ideas
40 that may well be useful in ameliorating some of this
41 problem and I think one of them could be that while
42 that place is not now being offered as an area open to
43 commercial guided hunting, it could conceivably be left
44 out of that process, so it could still be available for
45 non-local resident hunters as a sheep hunting area, but
46 it could be modified in the sense that it would not be
47 available as a guiding unit. That would be a
48 significant concession to that sentiment and I think
49 maybe useful in meeting both those objectives without
50 actually fully closing those drainages.

1 Anyway, that's it.
2
3 MADAME CHAIR ENTSMINGER: Thank you.
4 Questions.
5
6 MR. FIRMIN: Kirk, do you think 41 days
7 is kind of a lengthy opening for that season? I mean I
8 don't know how many other places that are open for 41
9 days for a season that's going to.....
10
11 MR. SWEETSIR: For the sheep hunting
12 season?
13
14 MR. FIRMIN: Yes.
15
16 MR. SWEETSIR: In Red Sheep and Cane?
17 You know, I've never thought about that. I think that
18 as time goes by -- no, it isn't necessary. I think
19 that typically historically sheep hunting in the Brooks
20 has ended the end of September -- end of August, I'm
21 sorry, and that was a 20-day war in the Brooks Range.
22 But I think now as we see the seasons significantly
23 changing that that is -- sheep hunting is drifting into
24 September. I think that traditionally we've considered
25 the sheep hunting season for non-locals to be a month
26 long. If, in fact, you adjusted the season one way or
27 the other, at the end or at the front.....
28
29 MADAME CHAIR ENTSMINGER: If I could
30 interrupt. Most of the seasons in our region are
31 August 10th through September 20.
32
33 MR. SWEETSIR: Yeah. But what I'm
34 saying is they have never been utilized to that extent
35 in the Brooks Range. That almost for the last 26
36 years.....
37
38 MADAME CHAIR ENTSMINGER: Too late in
39 September because of weather.
40
41 MR. SWEETSIR: Yeah, weather has never
42 been allowing for that sort of thing. So it's almost
43 always been the case that you hunted from the 10th to
44 the end of August and you stopped and that was almost
45 always the case. Now we see it drifting into
46 September. You know, Andrew, as well as I do that the
47 Federal subsistence allowance for moose hunting in the
48 Yukon Flats, tacking on an extra 10 days for the
49 subsistence users on the front is a bit of a joke. It
50 should be on the back because that's when moose hunting

1 is actually more likely. Allowing people to hunt 10
2 days before moose hunting in the Yukon Flats is
3 useless. It's too hot. There's no moose. Very few
4 moose are taken in that time. It would be a useful
5 addition to the subsistence users if it were at the end
6 of the season. We're drifting. But, in any case, I
7 think -- I think it hasn't been utilized, but it isn't
8 an unusual length of time for the season to be open for
9 the outliers.

10

11 MR. FIRMIN: Thank you.

12

13 MADAME CHAIR ENTSMINGER: Larry.

14

15 MR. WILLIAMS: Mr. Sweetsir, my name is
16 Larry Williams and I come from Venetie. The Red Sheep
17 Creek and Cane Creek that you were talking about, with
18 no disrespect to you or your profession, it's not as
19 cut and dried as you think it is just addressing the
20 sheep. The people up in Arctic Village and also
21 Venetie and Fort Yukon have been going there for
22 centuries and it's an area of cultural significance.

23

24 MR. SWEETSIR: I appreciate that.

25

26 MR. WILLIAMS: Their ancestors have
27 been going up there for subsistence and people up there
28 who were a largely nomadic tribe until the late 1940s
29 and they knew that area like the back of their hand.
30 So when you talk about opening this and opposing a
31 closure, I wish people would take into consideration
32 the cultural and significance of that area. Also,
33 during the last meeting I believe there was a Mrs.
34 Josephine Peter addressed this Council in her
35 Athabaskan language saying the same thing and that she
36 also owns a piece of land up there that she would not
37 part with for any amount of money.

38

39 So when we address issues like that, I
40 would appreciate it very much if people would think
41 about the cultural and other significant aspects of
42 that proposal.

43

44 Thank you very much.

45

46 MADAME CHAIR ENTSMINGER: Questions.
47 Virgil.

48

49 MR. UMPHENOUR: Thank you, Madame
50 Chair. The meat on the bone issue, you said that you

1 require your clients to leave the meat on the bone, is
2 that what I heard you say?

3

4 MR. SWEETSIR: I do, yes.

5

6 MR. UMPHENOUR: Do you know of any
7 other air taxi operators that do that up there?

8

9 MR. SWEETSIR: I do not, but I have
10 certainly been laying a lot of pressure on them to do
11 so.

12

13 MR. UMPHENOUR: Thank you. I own
14 Interior Alaska Fish Processors. We process a lot of
15 game meat. I agree with you 100 percent. Our wanton
16 waste statutes and regulations don't really cover
17 things.

18

19 MR. SWEETSIR: No, they don't. I think
20 there has to be good intent on the part of the users.

21

22 MR. UMPHENOUR: Thank you. As far as
23 the sheep hunting in Red Sheep Creek, I'd like to ask
24 you a couple questions about that. Do you drop any
25 hunters off up in that area?

26

27 MR. SWEETSIR: I drop two a year, yes.

28

29 MR. UMPHENOUR: Two a year. Do you
30 have any idea how many other hunters hunt in those two
31 drainages?

32

33 MR. SWEETSIR: I have an idea, yeah,
34 but I'd be hard pressed to give it a number. I think
35 Fish and Wildlife certainly knows to a great extent
36 what the numbers are. Typically there would be a
37 number of private parties that fly themselves in there
38 from Anchorage or Fairbanks with their own airplanes.
39 This is one of the problems.

40

41 I see myself as a gatekeeper to the
42 areas that I serve and I take it very seriously. I
43 think anybody that knows me knows that. But I'm
44 totally incapable of effecting the overall trend. I
45 simply have to live with myself, so I choose to do
46 that. Others choose to do as they please and I think
47 they typically operate with whatever the regulations
48 say is required and they let things fall as they may.

49

50 I've seen -- when Red Sheep and Cane

1 reopened initially, it was a free for all. It was a
2 mess. There were way too many people hunting in those
3 places. I didn't go anywhere near it for two years.
4 Then it all disappeared and it kind of went empty. I
5 put one or two hunters a year in those drainages and
6 never had a conflict, never had anybody meet anybody
7 and there's been no problem.

8
9 As I said in my testimony, it would not
10 hurt my feelings at all if they closed that. I'm not
11 arguing against closing it. I'm not arguing for
12 opening it. I'm saying, as Mr. Williams said, it's a
13 complicated issue and I think his remarks are very
14 germane, but they also apply to the entire Arctic
15 National Wildlife Refuge, his remarks about culture
16 significance to the people of Arctic Village, the
17 Gwich'in in general. The whole Refuge meets that
18 criteria. So, to some extent, it's a big argument and
19 I have a lot of sympathy for it. We've moved on to
20 another time and there are other pressures as well.

21
22 So, yes, I think -- your question was
23 do I know how many. Not ultimately. I'd say maybe 10
24 or 12 hunters a year in Red Sheep and Cane Creek
25 perhaps.

26
27 MR. UMPHENOUR: Okay, thank you. How
28 many of your hunters -- what's the success rate of the
29 hunters you drop off and how far do they have to walk
30 from wherever you drop them off to get into what you
31 would consider or where they might find a legal sheep?
32 How far a walk is it?

33
34 MR. SWEETSIR: Almost always eight or
35 nine miles, at least.

36
37 MR. UMPHENOUR: So it's a good day's
38 walk if you're out sheep hunting just to get to where
39 you can start hunting.

40
41 MR. SWEETSIR: That's if you start high
42 in the creek you've got to go eight or nine miles. I
43 won't put anybody near the river. Near the east fork
44 never. The hunters that I put are further upstream.
45 They would start no closer than eight miles from the
46 east fork and they would hunt upstream of that and
47 that's where they always go. There's no exception to
48 that. Nobody hunts toward the river from there because
49 that's not where the legal rams they're allowed to take
50 are. They have to go in the high country to get those

1 rams and that's where they go. And success rate is
2 very middling. I'd say 50 percent. And that's not
3 because there aren't sheep, it's because hunters come
4 in very mixed flavors.

5
6 MR. UMPHENOUR: Thank you. Our RAC has
7 addressed this issue several times and I, like you,
8 have kind of mixed emotions. Of course, I'm a big game
9 guide and I don't hunt sheep anymore, but my son still
10 does, but I hunted them until I was 62, was how old I
11 was when I guided my last sheep hunter. I decided I
12 would let the younger guys do that.

13
14 Thank you, Madame Chair.

15
16 MADAME CHAIR ENTSMINGER: Council
17 members, any other questions. Andy.

18
19 MR. BASSICH: Thank you for your
20 testimony. I wanted to get back to some of the hunter
21 education and air taxi education. I was just curious.
22 It's kind of refreshing for me to hear that you require
23 that and I'm wondering what efforts you put into
24 educating your clientele before you take them out into
25 the field. The reason why I'm asking this is in
26 previous meetings we've talked a lot about some of the
27 rural/non-rural conflicts and also hunter education, so
28 I'm trying to get a sense of what amount of energy it
29 takes you to educate your hunters before they go into
30 the field on how to take care of meat and also how not
31 to create these tensions between local hunters and
32 themselves. So if you could briefly elaborate on that.

33
34 MR. SWEETSIR: It takes a very little
35 amount of energy because I've done this for a long time
36 and I know how I feel about these issues. I grew up in
37 the Bush. I grew up in Ruby. I am a fairly reluctant
38 commercial pilot supporting these things. I do it
39 under very conditional circumstances. I know what I'm
40 comfortable with. So when somebody calls me and says
41 I'd like to do this, I say I'm not helping you with
42 that because it's a bad idea. I just stop it. I don't
43 let it happen.

44
45 So the education as far as I'm
46 concerned goes toward other companies who don't
47 necessarily share my view. I work around my peers and
48 I say you should do this because it's a much better way
49 to live in peace here. I think I've had an effect in
50 that regard. As far as the other things go, yes, I try

1 my best to -- well, I certainly make very strict
2 demands of my customers. They have to tow a certain
3 line. I tell them things have to be done right or
4 they're not going to get any support. I make sure that
5 -- the thing that I'm offering to support is feasible
6 and can be done reasonably. I know what that is. You
7 can pretend that circumstances conspired to make the
8 thing go back, but that's just a weak excuse for lack
9 of discipline in my opinion.

10

11 I know what the variables are. I know
12 that you could have a warm year. You should account
13 for that. I know that you can have low water in the
14 river. You should account for that. I know that a
15 person could end up shooting a moose on the first day
16 of their hunt. You should account for that. All that
17 should be accounted for. If it means that you have to
18 limit the total number of people that you have to take
19 to do it right, then you should do that and you should
20 raise the price to whatever level it needs to be to
21 make the thing work as a business person. If everybody
22 did that, we'd have a lot less of a free for all out
23 there.

24

25 MR. BASSICH: I appreciate that. So,
26 in your opinion, what would be the most effective
27 method or tool to get more people to begin to comply
28 with that, your competitors or just getting the word
29 out to people in the state about these issues? Can you
30 briefly just say what you feel? Do you think the onus
31 falls on each individual or do you think there's a way
32 that maybe we could get better outreach to people?

33

34 MR. SWEETSIR: I think there definitely
35 could be better outreach. What those specific
36 mechanisms, I'm sure Sue there would balk if I started
37 going into them because it could take a long time, but
38 I'd be happy to talk with you about it.

39

40 MADAME CHAIR ENTSMINGER: Any other
41 questions of Kirk.

42

43 (No comments)

44

45 MADAME CHAIR ENTSMINGER: Okay. Thank
46 you, Kirk. Oh, Frank does have one.

47

48 MR. GURTLER: How you doing, Kirk.

49

50 MR. SWEETSIR: I'm doing well, Frank.

1 Long time no see.

2

3 MR. GURTLER: Thank you for your
4 comments. I like that on the bone, meat on the bone.
5 I think that's very good.

6

7 MR. SWEETSIR: I hope you guys pass it.

8

9 MADAME CHAIR ENTSMINGER: Thank you. I
10 appreciate your testimony.

11

12 MR. SWEETSIR: You're welcome.

13

14 MADAME CHAIR ENTSMINGER: Next I have a
15 Russell Wood.

16

17 MR. WOOD: Madame Chair. My name is
18 Russell Wood. I just wanted to make comments about the
19 Wildlife Proposal 12-74, the 67/74, but I only have a
20 comment about the 74 portion of it. That has to do
21 with the Unit 20F caribou. I would hope that we always
22 try to make regulations less confusing, but looking at
23 the regulation the way it reads now compared to what
24 you guys proposed reading to me it does seem more
25 confusing in that the 20F is sort of an interesting
26 unit in that just one little piece of it sets in the
27 range of the caribou herd from the White Mountains and
28 also the Fortymile Herd, just a little teeny portion of
29 the Unit 20F. There's almost no caribou there. In
30 fact, I don't know why they even have it listed as
31 caribou.

32

33 But the rest of Unit 20 has a limited
34 amount of caribou that are resident caribou. There's
35 some in the Rainy Mountains, there's some in the north
36 side of the Sawtooth Range, there's some in the Tanana
37 Hills behind Tanana. I would just hate to see that
38 these caribou would be connected to regulation-wise the
39 ones that are in Units 20E, 25C. I think that there's
40 good things happening at other unit as far as the
41 number of caribou going up, but the resident caribou in
42 Unit 20F are doing just fine without anybody fooling
43 with them. I mean they're doing their own thing. A
44 few people get caribou now and then, but I just don't
45 want that little portion of Unit 20F to have an
46 influence on the rest of 20F.

47

48 That's pretty much all I have.

49

50 MADAME CHAIR ENTSMINGER: Questions.

1 Andy.

2

3 MR. BASSICH: Yeah, I'm just curious.
4 I'm not real familiar with the hunting activities of
5 people in 20F. Do many of those people go and actively
6 hunt the Fortymile Caribou Herd in any of the three
7 zones that the herd is open to? I guess what I'm
8 asking is do the people in 20F -- do you know of many
9 people in 20F that would go to say the Steese Highway
10 to hunt caribou or do they basically.....

11

12 MR. WOOD: No.

13

14 MR. BASSICH:hunt within their
15 own unit?

16

17 MR. WOOD: Most people in Unit 20 --
18 that live in Unit 20F hunt in Unit 20F or go down hunt
19 moose out of Unit 20F downriver.

20

21 MR. BASSICH: Thank you. I appreciate
22 that. We were just talking about that earlier this
23 morning, so I wanted to get more info on that.
24 Appreciate it.

25

26 MADAME CHAIR ENTSMINGER: Any other
27 questions. Lester.

28

29 MR. ERHART: Yeah, I kind of agree with
30 Russ Woods on this 20F. I think they're doing fine.
31 We don't get very many. There's some up at the rapids,
32 but every now and then somebody lucks out and gets one.
33 But I think they're doing very good just the way they
34 are, be left alone. That's my comment.

35

36 MADAME CHAIR ENTSMINGER: Okay. We'll
37 take that up when we take up the proposal.

38

39 Thank you for your testimony.

40

41 MR. WOOD: One other comment I had,
42 ma'am, was it would be interesting to find out from
43 Fish and Game how many caribou are killed in that
44 portion of 20F that is east of the Dalton Highway and
45 south of the Yukon River because basically all that is
46 is a headwaters of Hess Creek and almost all of the
47 caribou that are taken in the White Mountains Caribou
48 Herd are actually east and north of Beaver Creek. If
49 there's no caribou there, why not just leave it the way
50 it is as far as the way the regulation -- if I read the

1 regulation the way it stands, it's pretty clear on the
2 20F caribou, of the portion that they're talking about.

3

4 Thank you.

5

6 MADAME CHAIR ENTSMINGER: Okay. So I
7 would hope that Fish and Game brings us that data.
8 That's good information that you're bringing to the
9 Council.

10

11 Thank you.

12

13 MR. WOOD: Thanks.

14

15 MADAME CHAIR ENTSMINGER: Any other
16 questions of Mr. Wood.

17

18 (No comments)

19

20 MADAME CHAIR ENTSMINGER: Thank you. I
21 have heard on our teleconferencing system several
22 people come on board. Is there anyone on the
23 teleconference that would like to testify at this time
24 from the public.

25

26 (No comments)

27

28 MADAME CHAIR ENTSMINGER: There's a
29 request that everyone introduce themselves that's on
30 teleconference. Could we do that. I heard some Staff
31 at OSM, I thought. Are you there?

32

33 MS. DAVIS: This is Alecia Davis with
34 OSM.

35

36 MADAME CHAIR ENTSMINGER: Okay. Anyone
37 else on besides Alecia?

38

39 MR. FOX: Yes. Trevor Fox with OSM.

40

41 MADAME CHAIR ENTSMINGER: Two Staff.
42 Anyone else?

43

44 MR. MCKEE: Chris McKee with OSM as
45 well.

46

47 MADAME CHAIR ENTSMINGER: Anyone else?
48 Okay, we have three Staff online. Moving along. Now
49 we're going to get a report on tribal/ANCSA corporation
50 consultations from one of our Federal Board members,

1 Sue Masica. I wanted our Council to know we are very
2 fortunate to have two of the Federal Subsistence Board
3 members here. Sue is with the Park Service and then we
4 have Greg in the back with Fish and Wildlife Service.

5

6 MR. HASKETT: Geoff.

7

8 MADAME CHAIR ENTSMINGER: Or Geoff. It
9 always looks like Greg to me, sorry. Geoff. Go ahead,
10 Sue. Thanks.

11

12 MS. MASICA: Thank you, Madame Chair.
13 I just wanted to give a quick report on the tribal and
14 ANCSA consultation process that the Board has been
15 going through related to this cycle. I chaired the
16 tribal consultation that happened last week for this
17 RAC meeting and was asked by the participants on the
18 phone call if I would do the report out since none of
19 the tribal members who participated in that
20 teleconference were planning to be able to be here,
21 although Andrew was here in his official capacity as a
22 Board member and can certainly add anything that I
23 might leave out.

24

25 What I thought I would do is provide
26 sort of a broad overview and then in the specific
27 recommendations that participants on that call provided
28 to the individual proposals, KJ is going to go through
29 as you do each proposal so that they're timely with
30 respect to the individual proposals if that's okay.

31

32 There were 10 different individuals who
33 participated on the teleconference last week from
34 tribes and representing tribal interests and then there
35 were a number of Board participants, myself and four
36 others, who were representing other members of the
37 Board and then some associated Staff from the different
38 agencies.

39

40 Just to refresh everybody's memory,
41 this is a new process that's been introduced into this,
42 which is trying to provide for some sort of meaningful
43 consultation with tribes and then a parallel process
44 for Native corporations pursuant to the provision that
45 was put in appropriations law a couple years ago. I
46 think we're all trying to feel our way through this, is
47 it working, is it not working, is there a better way to
48 do it, a different way to do it and there will be
49 opportunities for everybody to provide input to that
50 and reaction to that at a tribal consultation session

1 on the protocol which will happen on December 1st in
2 Anchorage in the context of the BIA Providers
3 Conference in a bit.

4

5 There's similarly going to be
6 interaction with the ANCSA corporation interest in
7 terms of consultation from their perspective I think
8 late next week in conjunction with the AFN convention.
9 I think the Board remains open to getting input because
10 the objective is meaningful consultation and meaningful
11 dialogue and discussion and are we getting that and are
12 there alternative ways to do that. I think everybody
13 is making a good faith effort in trying to make sure
14 people have an opportunity to engage in the process
15 while still respecting the statutory responsibilities
16 of the RACs that are called for.

17

18 My observation to date on the tribal
19 consultations that I've participated on as a Board
20 member have been -- we've been hearing from
21 individuals, but not necessarily what the positions of
22 the tribes are and so I think that's something that as
23 we move forward is something that people want to keep
24 their minds on.

25

26 With respect to the consultation
27 related to this RAC meeting, a couple comments. Like I
28 said, more general. One was just sort of confusion
29 about the process because it is a little bit confusing
30 as everybody struggles through. You made reference
31 earlier to people being over-meeting'd and I think
32 that's something that everybody is struggling with. We
33 want to be open and engage folks, but there's a limit
34 to their capacity and their time too.

35

36 One of the participants last week,
37 Carrie Stevens, on behalf of the Council of Athabascan
38 Tribal Governments wanted to be very clear in
39 communicating with the Board that tribal governments
40 might well have positions on proposals that might not
41 be discussed in these consultations as they've been
42 happening to date in these teleconferences. That the
43 tribal consultation should not assume that if there's
44 not a position or concern expressed on a proposal at
45 that meeting, that that doesn't mean the tribe doesn't
46 have a position. It's just the tribes are also very
47 busy and the tribal members and the council, so that
48 lack of comment doesn't mean that there's agreement or
49 disagreement.

50

1 Basically the caution was don't read
2 anything more into this than they maybe just weren't
3 able to be a participant, but that doesn't mean there's
4 not concern or interest. Small tribal staff and
5 budgets make it difficult for many tribes to attend or
6 develop positions prior to the schedule of the
7 meetings.

8
9 The other general sort of comments that
10 were provided in the context of the consultation were
11 some discussions about the management of wildlife on
12 Native lands and there was some explanation provided as
13 to why the Federal Subsistence Board is not involved
14 with that under the current authorities.

15
16 Then the other general discussion that
17 was had had to do with respecting the tribal customs
18 and the law specific to an area and the input that
19 elders might provide in really being thoughtful in
20 terms of allowing that to occur and encouraging frankly
21 before proposals are made that affect a region that
22 proposal advocates reach out to elders in a particular
23 region. So that was a suggestion that was offered in
24 the discussion.

25
26 I think that sort of captures the
27 summary. Then, like I said, there were some specific
28 proposals. Andrew commented on 12 different ones, so
29 those comments will be added into the record at the
30 appropriate point when those individual proposals are
31 taken up. Then Shirley Fields, on behalf of the Fort
32 Yukon Tribal Council, addressed a couple of proposals
33 as well. Any other comments that were provided were
34 more general as I described.

35
36 That, Madame Chair, is a brief summary
37 of the tribal consultation that occurred for this RAC.
38 The ANCSA consultations were statewide and it was sort
39 of up to the corporations, whichever worked best for
40 them from a scheduling perspective and there were no
41 comments that I'm aware of that were offered specific
42 to any of the proposals that this RAC is considering
43 offered during either one of those sessions.

44
45 If there's any questions, I'll be happy
46 to respond.

47
48 MADAME CHAIR ENTSMINGER: Council
49 members, questions.

50

1 (No comments)

2

3 MADAME CHAIR ENTSMINGER: They have
4 them. They just don't remember them right now.

5

6 Joe.

7

8 MR. MATESI: Thank you, Madame Chair.
9 It's not a question, but a comment. We all received a
10 handout on this and I just want to point out Mr.
11 Williams has been kind enough to show that there's a
12 rather significant error there. He's listed as first
13 chief of Venetie and it's actually Dwayne John. That's
14 also in the text, if that could be correct.

15

16 Thank you.

17

18 MS. MASICA: Sure. That happens.

19 Thank you.

20

21 MADAME CHAIR ENTSMINGER: Any other
22 questions from the Council. Andrew.

23

24 MR. FIRMIN: I just had a quick one.
25 How do you think the whole tribal consultation process
26 is working out so far? I know this is like the first
27 time it's ever been done, but how is it working so far?

28

29 MS. MASICA: All I can offer is my
30 personal perspective as a Board member. The Board has
31 not convened yet to sort of compare notes and talk
32 about it. We're trying it in my sense. I'm worried
33 about the amount of stuff people are having thrown at
34 them and their ability to react to it in a meaningful
35 way.

36

37 To me, the desired outcome is
38 meaningful engagement. I'd hope that we can stay
39 focused on how do we get that outcome and interweave it
40 with our process and if our process needs to be
41 changing, maybe we need to be open to thinking about
42 that. It seems like it's been limited, the amount of
43 engagement through that tribal consultation process.
44 That may be fine. I've not been on all of them, so I
45 don't know how it's been on all of them to date.

46

47 I think that will be part of the
48 discussion that will happen over the course of the
49 coming weeks amongst the Board members and then at the
50 BIA Providers Conference will be a great opportunity

1 for us to hear from the tribes. How's it working for
2 them because the point is to provide meaningful
3 consultation with the tribes on a government to
4 government basis.

5
6 The other piece that I should have
7 mentioned is that there will be an additional
8 opportunity for the tribes to consult with the Board
9 specific to the wildlife proposals immediately prior to
10 the Board meeting in January. So that will be another
11 opportunity.

12
13 MR. FIRMIN: Thank you.

14
15 MADAME CHAIR ENTSMINGER: Sue, I had
16 some questions. When I was at the Federal Board
17 meeting, people that I know from my region handed me
18 their card and put me on a mailing list. Ted Charles
19 was one and Tony Delia was one. They're both from
20 Tanana Chiefs. I take that real seriously when people
21 ask me specifically to be on a mailing list. But
22 they're with Tanana Chiefs. They might have been born
23 in a tribe. So have you guys talked about how you're
24 going to deal with -- you know, maybe there is one
25 person in Tanana Chiefs that wants to represent several
26 villages. How is that all going to work?

27
28 MS. MASICA: Madame Chair. My sense is
29 that the Board is open to whatever works best for the
30 tribes, but I think we have to be clear that the tribes
31 have designated somebody to be their representative for
32 them in those sessions and I don't know if we have that
33 completely worked out yet. I think this issue of many
34 individuals participating who are tribal members but
35 they're not speaking on behalf of the tribe's official
36 position. That's important input to get, but is that
37 the government to government consultation that needs to
38 occur.

39
40 I'm not the expert on that and I think
41 those are the kinds of questions that we're going to
42 have to continue to wrestle with. I think this is
43 likely to be an iterative process. We're trying it one
44 way. If it's not working, we should be open to
45 thinking differently and being responsive to what
46 people believe would work best for them.

47
48 MADAME CHAIR ENTSMINGER: I just wanted
49 to state that in the 10 years I've been on this Council
50 that we have on our procedure to follow for proposals a

1 spot where we ask for the tribal input. I thought it
2 was working, I guess, because it gives an open door for
3 each proposal for the people and then it probably works
4 more on the corporation side, I don't know, but I know
5 we had that process. I'm wondering if by doing this
6 consultation then that stuff falls through the cracks
7 more so than if it was done right at the Council -- if
8 they were right present at the Council. I feel like
9 their voice is a lot stronger heard. I don't know.
10 That's kind of what I'm observing in 10 years on the
11 Council.

12

13 MS. MASICA: Certainly my recollection,
14 Madame Chair, from some of the conversation at the last
15 Board meeting was about the need to engage not only on
16 a government to government basis but also for the
17 tribes to participate in the RAC process. So if
18 there's anything that's occurring in a way that is --
19 has the unintended consequence of discouraging
20 engagement with the RAC process I think that's
21 something we need to be smart about because I don't
22 believe that was the intention on anybody's part.

23

24 MADAME CHAIR ENTSMINGER: Well, and
25 then that thing with Northway realizing that that was
26 occurring while there was an all day meeting in their
27 village. No one was present from Northway. It makes
28 it hard. And these villages in my area are quite small
29 and they have a challenge to do all of this stuff that
30 they're faced to handle, not just these issues. It's
31 going to be a challenge I would say to analyze the
32 whole thing.

33

34 MS. MASICA: I'd hate to think what the
35 master calendar in the sky would look like if we were
36 to ever actually get it in one place where everybody --
37 to try to sequence it because we'd need more than 365
38 days in the year would be my suspicion.

39

40 MADAME CHAIR ENTSMINGER: Andy.

41

42 MR. BASSICH: I'd just like to follow
43 up on your comments, Sue. As a Council member, what I
44 find is probably the most useful tool for me is to hear
45 from the locals that are impacted by a proposal. I'm
46 not taking any weight away from some of the larger
47 entities, tribal entities or corporations and their
48 input, but as a subsistence user and as a person who I
49 feel it's my responsibility to protect subsistence
50 access and impacts on subsistence, it's the local input

1 from the tribes that gives me the best information on
2 how that's going to affect the little guy on the ground
3 and I would hate to lose that. I would like to see
4 that this Eastern RAC at least support that in every
5 way possible at as much of the grassroots level in the
6 communities as we can get input from.

7
8 I realize that it's a daunting task to
9 ask for comments on everything, but certainly if it's
10 brought to their attention and is something that's
11 going to impact them, their community or their local
12 village in a dramatic way, I want to make sure that
13 their voice is heard at least at our level here. I
14 think that's really critical and I think that has a
15 tendency of being overshadowed sometimes. I think when
16 you start getting these bigger entities together, they
17 tend to be the big foot squashing the ant and I don't
18 want to ever see the ant get squashed. I think that's
19 why we're here and I know that's certainly why I got on
20 the Council was to make sure that local voice is heard.

21
22 So I would just like to make sure that
23 the whole process keeps that in mind and encourages
24 that local input. But I do -- you know, I mean, look
25 at all that we're challenged with here, all the
26 different levels and all the different topics that
27 we're asked to give opinion on. It's pretty tough to
28 be an expert on all of them. I think we have to trust
29 in the fact that when the alarm bells goes off in a
30 local community, that there's every effort to make sure
31 that those people can give that input because that's
32 what's really critical for a subsistence user.

33
34 Thank you.

35
36 MADAME CHAIR ENTSMINGER: Andy, I agree
37 with you wholeheartedly, but sometimes what happens is
38 the local input they don't want to be the one that's
39 the vocal one. They give it to someone else to do, so
40 that's important to me also. Frank.

41
42 MR. GURTLER: I was just wondering if
43 anybody here from Tanana Chiefs that represents the
44 people in the villages on issues of what we're talking
45 about here.

46
47 MADAME CHAIR ENTSMINGER: Frank has a
48 question to the -- is there anyone from Tanana Chiefs
49 here? I don't see anyone jumping up and down.
50

1 MR. BASSICH: That's what I'm wondering
2 about. I thought they'd have something going, talking
3 to the villages on some of these issues that we're
4 having.

5
6 MADAME CHAIR ENTSMINGER: I got an
7 email from Orville Huntington from Tanana Chiefs and he
8 told me that there would be someone here, an Aaron
9 someone. I forgot his last name. It's difficult. But
10 there was supposed to be someone here and they might,
11 because of that statewide proposal, they might not be
12 here until these proposals come up. That might be part
13 of the deal because people's limited time they end up
14 trying to come to a meeting when they think their stuff
15 is coming up and I hope changing the agenda doesn't
16 mess that up. If you guys see anybody come in from the
17 public that really wants to testify, let's make sure
18 that they know what's going on and they're a part of
19 whichever proposal they're interested in.

20
21 Is there any other discussion.

22
23 MR. BASSICH: Madame Chair. I'd just
24 like to make one more point. In many of the meetings
25 that I've gone to over many years and probably Virgil
26 can speak to this as well. Sometimes some of these
27 larger tribal entities tend to have positions that are
28 very different from local views on issues and they
29 stand up and they testify and they claim that they
30 represent all these different villages in a region.

31
32 Quite often I've seen that their view
33 is not the same view as a lot of the local villages,
34 yet they claim to be representative and I've always
35 kind of had heartburn over that because I've seen it
36 happen even in my own region where someone from a
37 larger entity is saying that they're here representing
38 and testifying on behalf of 35 different villages and I
39 know the message that they're sending out is not what
40 is the local view on a top. So I just wanted to bring
41 that out and get that kind of on the record because
42 that's what I don't want to see happen by bringing this
43 to the next level.

44
45 Thank you.

46
47 MADAME CHAIR ENTSMINGER: I understand
48 what you're saying, Andy. It's just that, you know,
49 having been in my area a while people get to know you
50 and they come up and they talk to you and they tell you

1 their feelings and then you're getting it straight from
2 the horse's mouth and then they go to the meeting and
3 they won't speak up. They leave it up to you to do the
4 work. Sometimes that's real difficult for us because
5 it can be really contentious and you're having to deal
6 with something, if you know what I'm saying. It gets
7 pretty difficult at times to be in these jobs. So I
8 really like hearing from people individually and I try
9 to bring up what they say at a meeting. But I
10 understand what you're saying, yes.

11

12 MR. BASSICH: We're on the same page.

13

14 MADAME CHAIR ENTSMINGER: Anyone else.

15

16 (No comments)

17

18 MADAME CHAIR ENTSMINGER: Okay, thanks,
19 Sue. We appreciate having you here.

20

21 MS. MASICA: Thanks.

22

23 MADAME CHAIR ENTSMINGER: And now we
24 are at our proposed changes to subsistence wildlife
25 regulations. I need to look at the time.

26

27 MR. BASSICH: Can we take a five minute
28 break.

29

30 MR. UMPHENOUR: It's lunch time.

31

32 MADAME CHAIR ENTSMINGER: Ten to
33 12:00. So what's the wishes of the Council. Do you
34 want to have lunch and then come back at 1:00. We'll
35 come back at 1:00. One second. We want to make sure
36 everybody has a copy of these changes. If they don't
37 make sense, I apologize. I was just going down quickly
38 and figuring this out probably when I was ready to go
39 to bed. If anything needs to be adjusted, please take
40 a look at it and figure it out. I did cross over to
41 make sure we didn't miss anything and it looks like we
42 have not. We'll meet you back about 1:00.

43

44 (Off record)

45

46 (On record)

47

48 MADAME CHAIR ENTSMINGER: Just after we
49 went to lunch I had a young man talk to me about some
50 things. The way our schedule went was we had the

1 public testimony and then we had this report on the
2 tribal consultation. I spoke to Julian Roberts and he
3 wants to testify on tribal consultation. Julian. He's
4 a little nervous, so let's make him feel at ease. Just
5 state your name and where you're from.

6
7 MR. ROBERTS: My name is Julian
8 Roberts. I'm the tribal chief for the Native Village
9 of Venetie Tribal Government. The issue with the
10 consultation with the tribes is -- in Alaska, there's a
11 lot of corporations established under ANCSA and with
12 the consultation the tribes should be the one that we
13 should be talking to instead of the corporations
14 because the tribes are -- the way that Congress set
15 ANCSA is that the tribes sign on to ANCSA and it
16 relinquishes the rights to subsistence when they create
17 the corporation and I think that's why the tribes in
18 Alaska are having a hard time with the jurisdiction
19 over the -- it's like a sovereignty issue with tribes.

20
21
22 The only way -- I think like if you're
23 going to talk to the tribes during that BIA Providers,
24 I think all the tribes in Alaska need to probably
25 reconcile with Congress with that signing on to ANCSA
26 and get maybe -- change some of the laws under that.
27 Like for my tribe we didn't create a corporation. We
28 created a tribal government, which we claim our
29 sovereignty. We didn't take anything from Congress or
30 nothing.

31
32 That's probably about it. I just
33 wanted to make sure to tell you should be talking to
34 the tribes instead of corporations. Thanks.

35
36 MADAME CHAIR ENTSMINGER: Any
37 questions.

38
39 MR. GLANZ: I just have a comment.
40 Like Andrew said earlier, that's what we're supposed to
41 do is listen to the people rather than the
42 corporations. So we're all in the same boat that
43 you're talking about.

44
45 MADAME CHAIR ENTSMINGER: At lunch when
46 we spoke you said one thing that was a confusing thing
47 to me and you mentioned again now. Is there anyone
48 here that can speak to it unless I'm missing something.
49 You said that ANCSA relinquished your subsistence
50 rights, but as far as I understand it ANILCA brought

1 them back. If someone here could speak to that for me
2 and him. Am I reading that right?

3
4 Pat's with BIA. She would speak to
5 that. Thank you, Pat.

6
7 MS. PETRIVELLI: Hi Sue. This is Pat
8 Petrivelli with the Bureau of Indian Affairs. There is
9 a section in ANCSA that says aboriginal hunting and
10 fishing rights are extinguished, but in the legislative
11 hearings people testified about hunting and fishing and
12 the importance of hunting and fishing. When the land
13 selections were going to be made, it was clear that
14 hunting and fishing was important to Alaska Native
15 people, so Congress directed studies to be made about
16 hunting and fishing opportunities, recognizing the
17 importance of that to Alaska Native people. In the
18 course of writing the legislation for ANILCA, which is
19 the Alaska National Interest Lands Conservation Act,
20 they wrote Title VIII.

21
22 Originally that whole title said that
23 there will be a priority for Alaska Natives on Federal
24 public lands, but the State of Alaska wanted that
25 priority for all rural residents, so they asked
26 Congress to change it from Alaska Natives to all rural
27 residents. It was just to recognize the importance of
28 hunting and fishing. But ANCSA did extinguish
29 aboriginal hunting and fishing rights. That was
30 extinguished by Congress, but they did with the intent
31 of recognizing the priority on Federal public lands,
32 which is contained in ANILCA in Title VIII.

33
34 So I hope that kind of -- it was a long
35 process and it took from 1971 to 1980 to work through
36 the whole Alaska National Interest Lands Conservation
37 Act to do the wording of Title VIII.

38
39 MADAME CHAIR ENTSMINGER: Thank you,
40 Pat. That's real helpful. I'm sure it's helpful to
41 all of us because you get involved in this stuff all
42 the time and sometimes you have to be reminded how it
43 all came about.

44
45 Any other questions.

46
47 (No comments)

48
49 MADAME CHAIR ENTSMINGER: I had one
50 other public testimony regarding tribal consultation.

1 Gideon James from Arctic Village.

2

3 MR. JAMES: My name is Gideon James
4 from Arctic Village. Before I testify I wanted to
5 explain that my experience with tribal government and
6 tribal peers goes back to something like 30 years.
7 I've seen some Native people group within this crowd
8 here and I highly respect those people like that.

9

10 Anyway, I want to testify on the tribal
11 consultation process. For me, one person that believe
12 and I have a -- I remember before ANILCA became a law
13 that Senator Ted Stevens noted there was a mistake that
14 was made under ANCSA, Alaska National Interest Lands
15 Conservation Act, Section IV, control of fish and game
16 management by Native was in question at that time. He
17 noted a mistake was made at that time. That was in
18 1971. The time went on and they didn't pursue anything
19 that would correct that. So Senator Ted Stevens, about
20 two years later, when this public land act was in
21 discussion, he inserted that provision into ANILCA,
22 which he thinks that would take care of the mistake
23 that was made under ANILCA.

24

25 To tell you the truth today, I hear a
26 lot of complaints, a lot of court cases happen since
27 that time. The non-Native believe that it's
28 unconstitutional and also I'm sitting here, I'm telling
29 you, that I have a lot of experience in different
30 issues that come to my mind by talking to a lot of
31 elders and a lot of Native leaders, traditional leaders
32 like that that come to my mind that it is
33 unconstitutional for Native also. I say that because
34 it only applies when Federal land surrounds your
35 community.

36

37 Arctic Village has Federal land all
38 around them. So does a lot of different village. They
39 enjoy that protection because of that, because of that
40 ANILCA provision. But let me tell you the majority of
41 the community, Native community in Alaska doesn't enjoy
42 that type of protection because they're not located on
43 Federal land. That's where the problem rises. That's
44 where the unconstitutional issue should be questioned.
45 I truly believe that Native people and the group
46 involved with ANILCA needs to sit down and revisit
47 Section IV of the land claim deal.

48

49 Also, along the same line, there was a
50 gentleman that questioned about the corporation sharing

1 the same interest and the issue, which I disagree.
2 Some of these important issues that the tribe has to
3 deal with today is not for the best interest to them.
4 We need to understand that. If you want to work
5 together, let's do it, you know, in a matter that we
6 respect each other.

7

8 That's all I've got to say.

9

10 Thank you.

11

12 MADAME CHAIR ENTSMINGER: Thank you,
13 Gideon. Any questions for Gideon.

14

15 (No comments)

16

17 MADAME CHAIR ENTSMINGER: Okay. Thank
18 you. Some people have called in on the teleconference.
19 Could you identify yourselves. Do you hear me on the
20 teleconference? We can hear someone breathing.

21

22 MS. STICKWAN: Hello.

23

24 MADAME CHAIR ENTSMINGER: Yes. Could
25 you state your name.

26

27 MS. STICKWAN: Gloria Stickwan.

28

29 MADAME CHAIR ENTSMINGER: Hi, Gloria.
30 From Copper Center for Ahtna?

31

32 MS. STICKWAN: Yeah.

33

34 MADAME CHAIR ENTSMINGER: And also a
35 Southcentral member. Anyone else on the
36 teleconference? No one else. Okay. Gloria, if you
37 just got on, we're on 11, just taking up proposals.
38 Okay, Council members, we'll be taking up statewide
39 proposals first. If you look at the presentation
40 procedure for proposals you'll see it in the book and
41 also behind your name.

42

43 Also under number 6 you'll see we
44 always make a positive motion and then our discussion
45 will be those four points. If you look at it closely,
46 it's is there a conservation concern, is there a
47 recommendation supported by substantial evidence,
48 including traditional ecological knowledge, how will
49 the recommendation address the subsistence needs
50 involved, will it be detrimental to subsistence users,

1 will the recommendation unnecessarily restrict other
2 users involved. So that's the type of discussion that
3 we always look for when we deliberate. Just having you
4 take a look at that again.

5
6 All right. Statewide proposals are
7 first and it's WP12-01. David.

8
9 DR. JENKINS: Madame Chair. Council
10 members. Good afternoon. My name is David Jenkins
11 with OSM. We've got four statewide proposals to go
12 through. The first is WP12-01. You can find it on
13 Page 26 if you're flipping through your books there.
14 It's submitted by the Brown Bear Claw Handicraft
15 Working Group. It requests that prior to selling a
16 handicraft incorporating a brown bear claw the hide
17 must be sealed by an authorized Alaska Department of
18 Fish and Game representative or if the claws are
19 unattached they too must be sealed by an authorized
20 Alaska Department of Fish and Game representative and
21 then a copy of the ADF&G sealing certificate would then
22 accompany the handicraft when sold.

23
24 This proposal is a compromise reached
25 by the members of the Brown Bear Claw Handicraft
26 Working Group, which was composed of representatives of
27 nine of the 10 Regional Advisory Councils, ADF&G Staff
28 and Staff of various Federal agencies. The proposal
29 addresses concerns originally raised by the State of
30 Alaska with Federal regulations that allow the sale of
31 handicrafts that include brown bear claws from bears
32 that are taken under Federal subsistence regulations.
33 The Working Group suggested that deferred Proposals
34 WP08-05 and WP10-02 be opposed and that this proposal
35 be submitted.

36
37 The intent of the proposal is to
38 protect subsistence users who incorporate brown bear
39 claws into handicrafts for sale by providing proof that
40 the claws are from brown bears that were harvested by
41 Federally qualified subsistence users. Having proof
42 that the claws are from subsistence-harvested brown
43 bears could provide added value to a handicraft as it
44 would clearly identify that the claws are from a
45 legally harvested brown bear. Requiring that a copy of
46 the sealing certificate accompany the handicraft would
47 provide a method of tracking legally harvested brown
48 bears, but also would require modification to the
49 sealing certificate, which is managed by the State of
50 Alaska, to include a place on the certificate

1 indicating that the bear was legally harvested by a
2 Federally qualified user. You can find those
3 regulations on Page 26 and the proposed regulations on
4 27.

5
6 These regulations would not apply
7 everywhere. They would apply to all Federal public
8 lands in Units 1-5, 9A-C, 9E, 12, 17, 20, 22, 23, 24B
9 and 25 and 26.

10
11 The effects of the proposal would be to
12 provide some protection to subsistence users who
13 incorporate brown bear claws into handicrafts for sale
14 and it's possible, as I mentioned, that this would
15 increase the value of these handicrafts for the
16 subsistence users. I should point out that there is no
17 known evidence to indicate that current Federal
18 subsistence regulations adversely affect brown bear
19 populations nor that Federal subsistence regulations
20 have led to an increased legal or illegal harvest of
21 brown bears.

22
23 OSM's preliminary conclusion is to
24 support this proposal.

25
26 Thank you, Madame Chair.

27
28 MADAME CHAIR ENTSMINGER: That was
29 pretty brief.

30
31 DR. JENKINS: That's what I've been
32 asked to be.

33
34 MADAME CHAIR ENTSMINGER: We've been
35 through a lot of this already. Council members, any
36 questions of David.

37
38 (No comments)

39
40 MADAME CHAIR ENTSMINGER: David, I do
41 have something that came up at our subsistence resource
42 commission. I probably read it here, I apologize, but
43 I've got so much on the plate. What happens to bears
44 that were already taken from the past?

45
46 DR. JENKINS: This is a question that
47 was raised in the Brown Bear Handicraft Working Group
48 and there was extensive discussion on precisely how
49 that would work out. I don't have those minutes in
50 front of me and I can't give you a precise answer.

1 Maybe somebody behind me can give you that.

2

3 MADAME CHAIR ENTSMINGER: That would be
4 great. So you're like me, you don't have it all in
5 there. Is there someone in the audience who can answer
6 the question. Yes, I see a nodding of the head from
7 the State.

8

9 MS. YUHAS: Thank you, Madame Chair.
10 Members of the Council. For the record, my name is
11 Jennifer Yuhas with the Alaska Department of Fish and
12 Game. I was present for three of the teleconferences
13 where the Brown Bear Claw Handicraft Working Group was
14 meeting. The hypothetical was one of the many
15 hypotheticals that came up. The proposal, as written,
16 leaves room for when something can be sealed, so
17 there's been many questions posed if you had a
18 handicraft in your family for a long time and you knew
19 its history or if you didn't know its history, could
20 you bring it forward and would there be a mechanism to
21 be able to seal it later.

22

23 Enforcement who were present and
24 Department representatives who were present indicated
25 that there was enough room in the proposal that could
26 be developed and didn't have to be specifically
27 addressed, but that there would be a good faith effort.
28 Someone obviously bringing a handicraft forward
29 probably was acting in good faith and didn't have a
30 reason to be hiding anything and that someone would
31 work with them in order to be able to try and seal this
32 claw at a later date because this would be a new
33 regulation, they may have been in possession of the
34 claws a much earlier time before it was needed.

35

36 *****
37 STATE OFFICIAL WRITTEN COMMENTS
38 *****

39

40 Alaska Department of Fish and Game
41 Comments to the Regional Advisory Council

42

43 Wildlife Proposal WP12-01:

44

45 Develop a tracking program for federal
46 subsistence harvested bear claws that are made into in
47 to handicrafts for sale by federally qualified users.

48

49

50 Introduction:

1 This proposal was a consensus outcome
2 of the Brown Bear claw handicraft working group. The
3 proposal requests all federal subsistence harvested
4 brown bear claws, which are incorporated into
5 handicrafts for sale, be tracked through use of the
6 current department brown bear sealing program. If
7 adopted, federal subsistence users who intend on
8 selling brown bear claws incorporated into handicrafts
9 will be required to have the bear hide sealed by the
10 department. If adopted, a copy of the bear sealing
11 document will be required to accompany the bear claw
12 handicrafts when sold.

13

14 Sales of handicrafts made from brown
15 bear claws, teeth, skulls, and bones present a
16 particular problem, because these are potentially high
17 value items, and allowing sales creates market
18 incentives for illegal harvest in Alaska and other
19 states. Adoption of this proposal will protect federal
20 subsistence craftsmen and their clients by providing
21 proof and a means of documenting their handicrafts were
22 legally taken, legal to sale by federally qualified
23 users only, and are legal to own by any customer.
24 Additionally, if this proposal is adopted, the
25 customers who purchase brown bear claw handicrafts from
26 federally qualified users will have the security of
27 written proof certifying the handicraft came from a
28 legally harvested Alaskan brown bear, legally
29 authorized harvester, and legally authorized artesian.

30

31 Changing federal regulation to provide
32 documents which support the legal sales of federal
33 subsistence harvested brown bear claw handicrafts
34 should help eliminate illegal commercial markets and
35 the masking of illegal sales in Alaska and elsewhere.

36

37 Impact on Subsistence Users:

38

39 The Federal Subsistence Board's current
40 allowance of brown bear handicraft sales was not based
41 upon a determination that such sales are customary and
42 traditional but instead upon the Board's unsupported
43 argument that the Board can authorize any use if the
44 take is customary and traditional (see e.g., January 2,
45 2006, letter from Chairman Demientieff to Commissioner
46 Campbell). Therefore, adoption of this proposal will
47 not impact customary and traditional subsistence
48 activities.

49

50 Adoption of this proposal will not

1 interfere with continuing to allow federally qualified
2 subsistence users to obtain such handicrafts for
3 ceremonial, religious, and cultural purposes.

4
5 If adopted, federally qualified
6 subsistence users who plan on selling handicrafts made
7 from legally harvested brown bear claws will be
8 required to have the hide sealed by the department,
9 retain copies of the sealing certificate, and provide
10 copies of the certificate to customers.

11
12 Opportunity Provided by State:

13
14 Under 5 AAC 92.200, handicrafts made
15 with bear fur may be sold to anyone, but sales of
16 handicrafts made with claws, skulls, teeth, and bones
17 are prohibited. Whole bear skins, with claws attached,
18 taken in certain predator control areas may be sold
19 under 5 AAC 92.031, but only after sealing and under
20 terms of a permit issued for that bear skin.

21
22 Conservation Issues:

23
24 The Federal Subsistence Board created a
25 new market for bear claws and other high value bear
26 parts which could readily mask illegal sales, thereby
27 compounding problems with the international trade of
28 Endangered Species and contributing to the illegal
29 harvest, overharvest, and waste of bears in other
30 states and countries, as well as Alaska. Markets for
31 high value bear handicrafts create a conservation
32 concern because brown bears are protected under the
33 Endangered Species Act in other states and Mexico, and
34 the origin of brown bear products cannot be determined
35 by visual inspection. Brown bears are also listed on
36 Appendix II of the Convention International Trade of
37 Endangered Species (CITES).

38
39 In Alaska, economic incentives
40 associated with harvesting brown bears to make
41 handicrafts create conservation concerns because brown
42 bears develop slowly and have a low reproductive rate,
43 making small populations extremely susceptible to
44 overharvest. Allowing widespread sale of high value
45 bear parts without any kind of tracking mechanism is an
46 invitation to illegal harvests. Further, the existing
47 regulations are unenforceable and inconsistent with
48 sound wildlife management principles.

49
50 Enforcement Issues:

1 This proposal will reduce enforcement
2 issues created by the existing federal regulation by
3 creating a tracking system which provides documents to
4 accompany brown bear claws used for making handicrafts
5 legally taken, utilized, and sold under federal
6 subsistence regulations. Further, adoption of this
7 proposal will significantly reduce the likelihood that
8 federally-qualified subsistence users will face state
9 prosecution for engaging in sales that are prohibited
10 under state law when they occur on state or private
11 lands.

12

13 Jurisdiction Issues:

14

15 The Federal Subsistence Board lacks
16 jurisdiction to allow sales of any wildlife handicrafts
17 when and where such sales are not customary and
18 traditional. In the past, the Federal Board has
19 rejected this argument, asserting that if any use is
20 customary and traditional then the Board can authorize
21 any other use. The Board's argument is inconsistent
22 with its litigation stance in the Chistochina Unit
23 moose case where it argued that customary and
24 traditional use is related to how resources are used
25 after they are taken, and not to or a prerequisite
26 condition for the taking itself. State v. Fleagle,
27 (Case 3:06-cv-00107-HRH) Doc. 32 at 22.

28

29 Other Comments:

30

31 The department appreciates the
32 cooperative work the brown bear claw work group
33 completed over the last two years. Providing for
34 tracking would be an important first step to addressing
35 some of the Department's concerns regarding
36 conservation and enforcement. If brown bear harvests
37 can be tracked over time, and bear parts or handicrafts
38 can be traced to reported legal harvests, conservation
39 concerns will be less likely to arise and managers will
40 be better able to determine if or when legal sales are
41 contributing to illegal sales or otherwise creating
42 conservation concerns.

43

44 Recommendation: Support.

45

46 MADAME CHAIR ENTSMINGER: So what
47 you're saying is they really should -- if you're going
48 to be selling a bear handicraft from claws, it should
49 have a seal on it no matter if it was taken 30 years
50 ago or yesterday.

1 MS. YUHAS: There was room to -- it was
2 discussed specifically in the working group at one of
3 the three teleconferences I participated in -- more
4 listened. I should give credit where credit is due. I
5 didn't participate very much. I mostly respectfully
6 listened. But the hypothetical came up and it didn't
7 have to be sealed immediately within the time frame of
8 being taken if it was for the handicrafts. Someone
9 would work with those people to get it sealed at a
10 later date.

11
12 MADAME CHAIR ENTSMINGER: But the short
13 answer I'm looking for is it better have a seal
14 accompanied, a copy, accompanied to what's being sold.

15
16 MS. YUHAS: To be sold.

17
18 MADAME CHAIR ENTSMINGER: Okay. Andy.

19
20 MR. BASSICH: Thank you. I wasn't
21 really a part of any of these teleconferences. I'm
22 thinking in terms of a person out in a remote area of
23 Alaska that takes a bear and may not have ready access
24 to getting it sealed in a timely manner or may not --
25 I'm not really sure. I know people in our area have
26 relied on handicrafts from different animal parts and
27 fortunately in our community we have someone who is
28 certified to do the sealing, but I don't think that's
29 the case in a lot of these more remote villages, so I'm
30 just wondering if that was discussed and how that might
31 be addressed for those people so that they don't become
32 prosecuted because of what they're doing.

33
34 Was that discussed in any of these?

35
36 DR. JENKINS: It was discussed. My
37 recollection -- I sat in on one of these meetings and
38 my recollection is that the ADF&G representative could
39 be any number of people if I remember correctly, so
40 they were trying to figure out ways to make sure that
41 there would be a representative in these local
42 communities who would be empowered to seal these hides
43 under these circumstances. So they were trying to make
44 sure that somebody wouldn't be criminalized in some
45 fashion by adhering to this.

46
47 MR. BASSICH: Follow up. So what
48 you're saying is that isn't in place right now, but
49 it's been recognized and ADF&G has made a good faith
50 commitment to try and establish that, is that what I

1 hear you saying?

2

3 DR. JENKINS: That was my
4 understanding. Maybe Jennifer could speak to that as
5 well.

6

7 MADAME CHAIR ENTSMINGER: Go ahead,
8 Jennifer.

9

10 MS. YUHAS: Thank you, Madame Chair.
11 There was specific discussion on that. Not only trying
12 to find similar to how we have vendors who can sell
13 licenses trying to find new avenues for people who
14 could be a sealer, but also the person who does not
15 live near a sealer could come in and -- or, you know,
16 make a phone call and report that they have a need for
17 a sealing and then we'd know that they're out there
18 waiting to have something sealed.

19

20 MADAME CHAIR ENTSMINGER: How much time
21 would you give them?

22

23 MS. YUHAS: They didn't discuss that
24 specifically and they specifically did not discuss that
25 because they wanted to leave room for it and say we may
26 need to just have to work with the person and they
27 didn't want to put a number on it.

28

29 MADAME CHAIR ENTSMINGER: I
30 participated in this working group. I was one of the
31 representatives and I can tell you that it's taken a
32 lot of time and I was in favor of doing something
33 simple and something that would not make it hard for
34 the subsistence users, but then when you have your
35 meetings all these types of questions come up and, you
36 know, are we going to make somebody illegal because
37 they didn't have a copy of this CITES permit or sealing
38 permit.

39

40 It also brings up another question. I
41 don't know if you guys can answer this, but if you
42 really look at the regulations, someone like myself,
43 Eastern Interior, is allowed to shoot a bear and use it
44 for handicrafts, but I have a C&T in Southcentral in
45 Unit 11, so if I went into Unit 11 and shot a bear and
46 then I wanted to make some handicrafts out of it, would
47 I be allowed to.

48

49 DR. JENKINS: I don't know that I can
50 answer that directly. Maybe Chuck can.

1 MR. ARDIZZONE: Madame Chair. Chuck
2 Ardizzone for the record. Currently you would not be
3 able to. It says brown bears taken from the units and
4 Unit 11 is not included, so that would not be
5 authorized.

6
7 MADAME CHAIR ENTSMINGER: So then it
8 would make people wonder if they wanted to make a bear
9 handicraft should I put it in Unit 12. I mean I'm just
10 telling you how people think to get around regulations.
11 Okay, I just wanted to bring that up. Questions.
12 Larry and then Joe.

13
14 MR. WILLIAMS: I support the proposal.
15 I wasn't involved in any of the working group here. In
16 any of those working groups did you ever consider --
17 let me back up a bit here. I haven't got my train of
18 thought here. After much discussion of the tribal
19 consultation and tribal involvement in these proposals,
20 wildlife proposals, in any of your working groups have
21 you ever considered having the tribe itself seal the
22 brown bear skin or the claws or whatever you have and
23 make that authentic as good as Department of Fish and
24 Game? Was there any consideration given to that?

25
26 DR. JENKINS: I recall that there was
27 and the question is who can be an ADF&G representative
28 to seal that. My understanding is it could be any
29 number of individuals including tribal groups.

30
31 MR. WILLIAMS: Madame Chair. This
32 would be completely separate from the Department of
33 Fish and Game. It will be just the tribe saying this
34 individual took this brown bear legally and could not
35 seal there and saying that it was taken legally but
36 without any involvement of the Department of Fish and
37 Game, just the tribe, taking into account that we're
38 having tribal consultations and tribal involvement with
39 all these proposals or supposedly.

40
41 That's my question.

42
43 Thank you.

44
45 DR. JENKINS: There was discussion, Mr.
46 Williams, on providing authentication of these
47 handicrafts from tribal groups. Ultimately this was the
48 consensus that this group reached was in this
49 particular proposal, but they did address that concern
50 if I remember right. Maybe Sue can remember better

1 than I can on this issue.

2

3 MADAME CHAIR ENTSMINGER: Unfortunately
4 not. I do know that living where I do, I'm 34 miles
5 from Tok and I'm 16 miles from Mentasta Village, and
6 the people of that village have known me longer than
7 they've known the people in Tok. I've decided -- I've
8 applied to be a sealer for fur and then I found out
9 it's different for bears, so I had to apply for both.
10 Anyone in Mentasta could do the same thing. I know
11 there's a sealer in Slana, an individual seals there.
12 For people from right where we are, in Mentasta Pass
13 and Mentasta, you either go south or you either go
14 north to get it sealed, so we're just trying to make
15 more opportunities for people to get their bears
16 sealed.

17

18 It doesn't seem like it's a big process
19 to have it done. I would highly recommend people in
20 the outlying areas to ask somebody in an office to
21 become a sealing agent because it makes it a lot easier
22 than have to like drag all your furs to town somewhere
23 and have them sealed. Under this proposal there would
24 be a new spot to say that it was taken on Federal land.
25 I don't know if that detail is worked out, but am I to
26 understand that you'd have to say if it was other
27 regions where it's in the regulations.

28

29 I see a lot of nodding of heads,
30 especially from law enforcement, so I'm assuming that
31 that's right. I know when you're working on this
32 stuff, you get tons more questions. Joe, you're next.

33

34 MR. MATESI: Thank you, Madame Chair.
35 I have to apologize I'm playing catch up. I know there
36 have been a lot of people that have spent a lot of time
37 in a lot of meetings, so my questions may sound
38 elemental to you. What about in my area for example
39 we're allowed to take brown bears and there's no
40 sealing requirement. I'm sure that question has been
41 asked. You're talking about 20 certifications for one
42 bear, one for each claw? How is that supposed to work?
43 Has anyone worked out how much it would cost to expand
44 enforcement -- well, to implement this new management
45 and then also to enforce it? Has there been any
46 estimate on the cost to the different agencies? I may
47 have some more questions yet, but I'll stop right
48 there.

49

50 MADAME CHAIR ENTSMINGER: There's no

1 dumb questions, so don't worry about it.

2

3 (Laughter)

4

5 DR. JENKINS: In answer to your first
6 question, there just needs to be one certification and
7 then that could follow the 20 claws if there were 20
8 different claws.

9

10 MR. MATESI: How?

11

12 DR. JENKINS: Part of the issue is the
13 practicality of that. It's a good question. It would
14 just simply be replicating the original certification,
15 my understanding was. Maybe someone has a different
16 understanding. That was my understanding of how this
17 would proceed.

18

19 Your second question was about cost and
20 I can't answer that. I don't know if there's been any
21 estimates about cost in terms of enforcement or other
22 kinds of issues and maybe somebody else can answer
23 that. Your first question was about there wouldn't be
24 a need for 20 certifications for one bear.

25

26 MADAME CHAIR ENTSMINGER: But there
27 would be a need for 20 pieces of paper.

28

29 MR. GLANZ: Right.

30

31 MADAME CHAIR ENTSMINGER: Because you
32 have the same CITES permit and you just copy it for
33 each claw. Joe, I'd like to expound on that. What
34 came up at our SRC meeting was, so, I had a bear I
35 killed 20 years ago and I'll just make some more
36 handicrafts and I'll just throw that permit with it or
37 a copy of that. Can you answer that? I'm sorry. It's
38 for the benefit of everyone here.

39

40 DR. JENKINS: Well, if you do have
41 something from 20 years ago and you make those into
42 handicrafts and you have them sealed, then presumably
43 the sealing certificate then follows the handicraft as
44 it's sold and part of the issue is -- you keep citing
45 CITES. It's the Convention on International Trade of
46 Endangered Species. Part of the issue is when these
47 handicrafts are sold and they enter the international
48 market, they're often seized when they go to Germany or
49 some other country who are signatories to CITES and
50 because brown bears are thought to be a threatened

1 species worldwide there is a limitation on
2 international trade. So this would allow the
3 international trade to go forward, recognizing that
4 there are no conservation issues with brown bear in
5 Alaska, so people can sell them, they can go to Germany
6 or elsewhere and proceed legally through that system.
7 So that's part of what's driving this whole issues,
8 just to explain what CITES is because you've mentioned
9 it several times.

10

11 MADAME CHAIR ENTSMINGER: I have to
12 deal with it all the time making fur garments. I'm
13 sorry, you guys. I thought we all knew what it was.
14 But the seal on a grizzly bear or a brown bear it says
15 CITES right on it and it has a number. That's why I
16 keep saying CITES. Any rate, Joe, I know you have more
17 questions. Continue.

18

19 MR. MATESI: One question that I did
20 ask was what about somebody like me who lives in an
21 area where a bear is not required to be sealed? If I
22 shoot a bear, I don't need to seal it, but then if
23 later I decide to make handicrafts out of the claws
24 then I have to go seek a sealer? Does that mean Fish
25 and Game is going to charter an airplane and fly out to
26 my place and seal that bear for me?

27

28 DR. JENKINS: My understanding is if
29 you do make it into handicrafts for sale of brown bear
30 and it's claws, they would need to be sealed in the
31 units that have been mentioned in the proposal if
32 you're going to, in fact, sell them. Whether ADF&G is
33 going to charter a plane and come up and visit you,
34 you're going to have to ask Jennifer that question.

35

36 MADAME CHAIR ENTSMINGER: I think I
37 heard her answer earlier, but that's okay. Go ahead,
38 Jennifer.

39

40 MS. YUHAS: Thank you, Madame Chair.
41 Specifically I cannot promise that each time there's a
42 phone call there will be a chartered plane. I cannot
43 make that promise in this meeting. The discussions
44 that I participated in allowed for someone to notify
45 the Department that they had need of a sealing agent
46 and that there would be an effort to work with that
47 person. It would have to depend on when they intended
48 to sell, how many they needed to have sealed, how close
49 a sealing agent was and I'm not sure how that
50 discussion would go with the person they're talking to

1 on the other end of the phone and when the sealing
2 would occur, but there would be every effort made to
3 assist that artist with their sealing need.

4

5 MR. MATESI: Thank you.

6

7 MADAME CHAIR ENTSMINGER: Joe, did you
8 have any others? You did, but you just don't want
9 to.....

10

11 MR. MATESI: I have some discussion,
12 but I don't have any other questions.

13

14 Thank you.

15

16 MADAME CHAIR ENTSMINGER: Okay. Did
17 you have a question, Andy.

18

19 MR. BASSICH: I guess more of a comment
20 than a question. I think the fundamental issue that
21 we're dealing with here when a Federally qualified
22 subsistence user goes beyond taking a resource purely
23 for feeding him or herself or her family, his family,
24 and goes to the next level where they then receive cash
25 for parts, whether it be handicrafts or selling part of
26 the resource or whatever is allowed within the law.

27

28 I just want to share with the Council
29 my view. My personal view on that is once you go to
30 the next level and you turn it into a commercial
31 enterprise of any type, and I define commercial
32 enterprise as receiving cash for that, then the onus
33 becomes on that person to comply with whatever
34 regulations are put in place. We have a lot of
35 discussion about the fact that we are in rural areas,
36 we're fairly paperless and that sort of thing, but I
37 think times are changing and people have to realize
38 that the pressures on resources cannot support
39 commercialization of those without some sort of
40 regulation and some sort of recordkeeping.

41

42 MADAME CHAIR ENTSMINGER: Let's stick
43 to questions.

44

45 MR. BASSICH: Well, that is part of --
46 that's a very fundamental part of what we're going to
47 be discussing on this.....

48

49 MADAME CHAIR ENTSMINGER: Exactly.

50

1 MR. BASSICH:on customary trade.
2 So I just wanted to bring that point out. Once you
3 cross the line, you then have to make the effort to
4 comply with those regulations and it means a few extra
5 steps. It's not like doing things the same as if
6 you're just harvesting to feed yourself. That's the
7 bottom line.

8
9 MADAME CHAIR ENTSMINGER: I know, but
10 what we're doing is
11 we're asking questions on this and then this will be in
12 our deliberation. Are there any other questions,
13 Council members.

14
15 (No comments)

16
17 MADAME CHAIR ENTSMINGER: I might have
18 to tell Larry, will you help him put it on vibrate. I
19 might have to tell that to Lester too. I think he has
20 his on vibrate though. Huh?

21
22 MR. ERHART: (Nods affirmatively)

23
24 MADAME CHAIR ENTSMINGER: Okay. All
25 right. So there's no more questions on the
26 introduction of the proposal. Now we're going to go to
27 agency comments. Alaska Department of Fish and Game is
28 first.

29
30 MS. YUHAS: Thank you, Madame Chair.
31 For the record, Jennifer Yuhas, Alaska Department of
32 Fish and Game. The Department supports the proposal
33 before you, 12-01, as a product of two years worth of
34 working through the Bear Claw Handicrafts Working
35 Group. Larry Van Daele with Fish and Game was co-chair
36 of this group along with Helen Armstrong. And although
37 the next two proposals were originally submitted by
38 Fish and Game, we're going to ask the Board for
39 permission to withdraw those in support of the
40 collaborative effort. This was a very positive
41 collaborative effort with a lot of work from a lot of
42 folks. It isn't exactly the same as the ones we
43 originally proposed. You always lose something in
44 consensus building, but this is what the group arrived
45 to through the consensus process and it's the one we
46 support.

47
48 MADAME CHAIR ENTSMINGER: Any questions
49 of the State, Council members.
50

1 (No comments)
2
3 MADAME CHAIR ENTSMINGER: Okay, you got
4 off free. Next is Federal agencies.
5
6 (No comments)
7
8 MADAME CHAIR ENTSMINGER: No more
9 additional work on that. Next is Native, tribal,
10 village or other. Is there anyone here that would
11 speak to this proposal?
12
13 (No comments)
14
15 MADAME CHAIR ENTSMINGER: Next is
16 InterAgency Staff Committee comments.
17
18 (No comments)
19
20 MADAME CHAIR ENTSMINGER: We might be
21 doing this rather rapidly. Advisory groups.
22 Neighboring Regional Advisory Councils. Do you want to
23 do that now? KJ will give us a report on that.
24
25 MS. MUSHOVIC: Thank you, Madame Chair.
26 I will at least for the Gates of the Arctic if there's
27 no one here to do so. It's not a neighboring Council,
28 however, since this is a statewide comment, statewide
29 issue I mean. Gates of the Arctic National Park SRC
30 supports WP12-01. They did not provide a
31 justification.
32
33 The other Regional Advisory Councils:
34 Southeast opposed, Southcentral supported,
35 Kodiak/Aleutians opposed, Yukon-Kuskokwim Delta
36 opposed, Western Interior deferred to the Federal
37 Subsistence Board, Seward Peninsula supported.
38
39 MADAME CHAIR ENTSMINGER: Okay. Local
40 fish and game advisory committees, did you have
41 anything from them?
42
43 (No comments)
44
45 MADAME CHAIR ENTSMINGER: I was at a
46 meeting, but I guess we didn't take that up. Now the
47 National Park Service. Barbara.
48
49 MS. CELLARIUS: Thank you, Madame
50 Chair. I'm going to present the comments from the

1 Wrangell-St. Elias Subsistence Resource Commission.
2 I'm a Park Service employee, but the SRC, as you know,
3 is a citizen advisory group for the Park and Wrangell-
4 St. Elias SRC unanimously opposed the proposal. The
5 commission identified several concerns as well as
6 issues they felt were not adequately addressed. Some
7 of these things are things you've already talked about.
8 Communities where there isn't someone who can seal the
9 hides.

10
11 There were concerns about if sealing
12 certificates could be photocopied so that there could
13 be a copy of the certificate with each of the 20 claws
14 that a bear has, what would prevent copies of the
15 certificate from being used with claws that weren't
16 harvested under Federal subsistence provisions. It was
17 also unclear how the provisions would address brown
18 bear claw handicrafts made using claws from bears that
19 were harvested prior to the existence of the proposed
20 regulation.

21
22 MADAME CHAIR ENTSMINGER: Any
23 questions.

24
25 (No comments)

26
27 MADAME CHAIR ENTSMINGER: Okay. I'm on
28 that SRC for you guys and there was a lot of good
29 discussion there and it just leaves your mind kind of
30 in a quandary a little bit sometimes. Next we have
31 summary of written comments.

32
33 MS. MUSHOVIC: Thank you, Madame Chair.
34 The Ahtna Tene Nene' Customary and Traditional Use
35 Committee supports Wildlife Proposal 12-01. Although
36 the population of brown bear is not a concern in Unit
37 12, it's still good to have ADF&G monitor the sale of
38 brown bear handicrafts.

39
40 Shall I just go into the summary of
41 comments from the tribal consultation as part of the
42 public comments?

43
44 MADAME CHAIR ENTSMINGER: Yes.

45
46 MS. MUSHOVIC: Andrew Firmin of Council
47 of Athabascan Tribal Governments commented that the
48 proposal was supported in that the use of brown bear
49 claws and handicrafts is an important part of
50 subsistence uses in the area.

1 During that call also Shirley Fields of
2 the Fort Yukon Tribal Council stated that the Council
3 supported the subsistence use and sale of handicrafts.

4
5 Thank you, Madame Chair.

6
7 MADAME CHAIR ENTSMINGER: Was that the
8 one support that's in our book or is that additional?

9
10 MS. MUSHOVIC: I believe the support
11 that's in your book was the Gates of the Arctic.

12
13 MADAME CHAIR ENTSMINGER: Oh, Gates of
14 the Arctic SRC?

15
16 MS. MUSHOVIC: Yes.

17
18 MR. MATEESI: Madame Chair.

19
20 MADAME CHAIR ENTSMINGER: Go ahead,
21 Joe.

22
23 MR. MATEESI: My apologies. KJ, would
24 you mind repeating Shirley Fields' position.

25
26 MS. MUSHOVIC: Certainly. Wildlife
27 Proposal 12-01 was supported as they support the
28 subsistence use and selling of handicrafts.

29
30 MR. MATEESI: I'm not sure what she's
31 supporting. The sale -- the use and sale of
32 subsistence-caught handicrafts or this certification
33 process.

34
35 MS. MUSHOVIC: I would understand this
36 to mean supporting the proposal and also because it
37 does support the subsistence use and sale. It's a
38 justification statement as well.

39
40 MR. MATEESI: Thank you very much.

41
42 MADAME CHAIR ENTSMINGER: You didn't do
43 your job, Joe.

44
45 MR. MATEESI: Do I owe five bucks now?

46
47 (Laugh)

48
49 MADAME CHAIR ENTSMINGER: Yeah, that's
50 right. Yeah, he needs to quiet that phone. Okay. Did

1 you understand that?

2

3 MR. MATESI: Yeah.

4

5 MADAME CHAIR ENTSMINGER: Okay. I

6 need a motion.

7

8 MR. GLANZ: I make a motion we support

9 the 12-01.

10

11 MADAME CHAIR ENTSMINGER: I have a

12 motion. Do I hear a second.

13

14 MR. UMPHENOUR: Second.

15

16 MADAME CHAIR ENTSMINGER: And a second.

17 Okay. Discussion. Who's first. I think you started

18 it already, Andy. Go ahead.

19

20 MR. BASSICH: I'll reference back to my

21 earlier comments, but also in addition to that it seems

22 to me that a lot of this came about when it became an

23 issue for people who created -- subsistence users who

24 created handicrafts, sold it to a tourist who was then

25 going to take it overseas or international and then it

26 was seized. In my mind, that's where the biggest --

27 one of the bigger issues to address if it's not a

28 conservation concern. If bear populations haven't been

29 impacted by what's taking place, then I don't see it as

30 much of an issue in state as it is allowing for that

31 export of these handicrafts. It would be a real

32 concern of mine if I was a subsistence user creating

33 these handicrafts and then once I gave them or sold

34 them to a person they would be seized and that wouldn't

35 suit me very well.

36

37 So I think in my mind that's what we're

38 trying to address fundamentally here. As we all know,

39 all regulations don't cover every aspect and certainly

40 don't close all loopholes as to someone who wants to

41 take advantage of a law. Usually there's ways people

42 can do it. With that in mind, I'm going to support

43 this because I don't think it's a conservation concern.

44 I do think it allows greater opportunity for the

45 subsistence user. I recognize the fact that it will

46 require the subsistence user to put the onus on himself

47 to comply with these regulations, but I think that's a

48 small price to pay for the opportunity to be able to do

49 this successfully.

50

1 I'll leave it at that.

2

3 Thank you, Madame Chair.

4

5 MADAME CHAIR ENTSMINGER: Frank.

6

7 MR. GURTLER: This bear claws making
8 whatever they make out of it or whatever they did in
9 the early days making slippers and everything like this
10 now. We're getting more regulations on what we do on
11 handicraft and I'm kind of leery of making any more
12 laws on that. Why don't they go from the other end on
13 the other side and make them do the paperwork to get
14 rid of these laws. On the other hand, instead of
15 bringing more laws onto the people that live in the
16 villages. I don't know how to put it. To eliminate
17 some of them laws in foreign countries then or whatever
18 it takes. We're getting pressed into doing more
19 paperwork and out in the villages it's just -- we're
20 having a hard time with a lot of the people doing
21 paperwork.

22

23 Thank you.

24

25 MADAME CHAIR ENTSMINGER: I hear what
26 you're saying, Frank. You're saying like go to the
27 CITES convention and say our bears aren't endangered.
28 Maybe they ought to do more work like that. Yeah.
29 Virgil.

30

31 MR. UMPHENOUR: I'm going to support
32 the proposal. As it says in the discussion, the
33 working group came up with a compromise. The State
34 supports it. I know from my own personal experience I
35 know of an individual who is a true subsistence --
36 lived a true subsistence lifestyle out in the Bush,
37 used a dog team and a canoe for transportation. I know
38 he sold a necklace to an individual from the East Coast
39 made out of a black bear claw. I know a warrant was
40 issued for his arrest. Of course, being he couldn't
41 travel until after -- the warrant was issued in
42 September. He couldn't travel until November after
43 everything froze up and there was snow so his dog team
44 could travel and then when he finally picked his mail
45 up, which was a couple months late, there was a Federal
46 warrant out for his arrest. If we would have had this
47 regulation, that wouldn't have happened. Of course,
48 this is only addressing brown/grizzly bear claws.

49

50 I know that in rural Alaska and a lot

1 of areas they're shot on sight. Most of the time
2 they're not even reported. This would allow a use of
3 them and maybe we would actually get more accurate
4 reporting if they could make claw necklaces out of them
5 and well them.

6

7 I'll be supporting the proposal.
8 Madame Chair.

9

10 MADAME CHAIR ENTSMINGER: Other Council
11 comments. Joe.

12

13 MR. MATESI: Thank you, Madame Chair.
14 I know that this working group has done a lot of work
15 on this and probably came up with some sort of a
16 compromise. What I'm seeing now, I feel like I have to
17 agree with Mr. Gurtler, that this is really unnecessary
18 and perhaps excessive regulation being imposed on
19 subsistence users. Very cumbersome and non-compliance
20 will turn well-meaning individuals into violators.

21

22 What we've heard so far, a lot of the
23 questions have been answered by, well, we deliberately
24 decided not to answer that question because we don't
25 know how to come up with an answer. To me that doesn't
26 sound like a very effective regulation to put into
27 effect.

28

29 Also I don't think it's enforceable.
30 Somebody else mentioned the possibility that if you can
31 just make copies of the original sealing paperwork, you
32 could make 100 copies of those. So I don't see where
33 it's going to have any effect in a conservation manner
34 either.

35

36 I agree with Frank. I think we just
37 don't need to keep putting all these regulations and
38 encumbrances on subsistence users. So I think I'm
39 going to vote in opposition to this.

40

41 Thank you.

42

43 MADAME CHAIR ENTSMINGER: Other Council
44 members. Larry and then Virgil.

45

46 MR. WILLIAMS: Thank you, Madame Chair.
47 Just for myself personally I like the proposal the way
48 it's written. I'll support it with a few minor changes
49 and the ones I mentioned a while back in the form of a
50 question to David there. The way it's written, it

1 would make a handicraft more valuable to the purchaser
2 if it was authenticated that it was taken by a
3 Federally qualified subsistence user, especially if
4 they're Alaska Native or some other Native from the
5 Lower 48. Correct me if I'm wrong, people tend to buy
6 stuff that's authentically made by Native persons. So
7 I'll be supporting this proposal.

8

9 Thank you.

10

11 MADAME CHAIR ENTSMINGER: Virgil had
12 something else, but did you want to offer an amendment
13 to what you spoke to earlier or do you want to go with
14 it as written?

15

16 MR. WILLIAMS: If it's not too
17 cumbersome, I would offer an amendment saying that the
18 brown bear skin or claws be authenticated by a tribe or
19 a tribal representative saying that this brown bear was
20 taken by a Federally qualified user in such and such an
21 area on such and such a date. That would authenticate
22 the hide.

23

24 MADAME CHAIR ENTSMINGER: Just let me
25 ask you a question first so we are clear what you're
26 thinking. If the state provided to a sealing agent
27 someone in the village and on that sealing requirement
28 it stated that you were a Federally-qualified
29 subsistence user, would that take care of your concern?

30

31 MR. WILLIAMS: I don't think we're
32 quite addressing the same problem here. What I was
33 trying to say is that a tribal representative
34 representing the tribe like Mr. Roberts there would put
35 his hand to that authentication, a seal, whatever you
36 want to call it and saying that this bear or this bear
37 hide was taken illegally by a Federally qualified
38 subsistence user. There would be no other requirement
39 as far as a purchaser is concerned.

40

41 MADAME CHAIR ENTSMINGER: That would be
42 the only requirement?

43

44 MR. WILLIAMS: Yes.

45

46 MADAME CHAIR ENTSMINGER: But
47 subsistence also qualifies non-Native people, so we'd
48 have to take care of both of those. I wanted to ask
49 you one more thing. Bear with me here. Under the Made
50 in Alaska program, which I am a member, there are Made

1 in Alaska and I get a picture of the Alaska map on my
2 permit number and Alaska Native gets a picture of a
3 hand and that means made by Alaska Native, which is
4 different than this sealing thing.

5
6 MR. WILLIAMS: Yes, Madame Chair. I
7 heard of that program before. I was thinking
8 something along the same lines, it would be a hand or
9 something that says so and so shot this bear legally.
10 That's what I wanted, something worded like that.

11
12 MADAME CHAIR ENTSMINGER: Something
13 like that is what you're saying. Anyone in Alaska that
14 makes things can become part of that program. They
15 just get the permit from the State. I know it's more
16 paperwork, but it's nice because a lot of the Native
17 people I know when I go to the bazaars and things
18 around the state they have their Made by Alaska Native
19 hand and you just have a little permit and that is \$25
20 a year to have that permit and then that gets put on
21 your handicraft. You can only put that on if you're a
22 permitholder, but it's authentically made by Alaska
23 Native.

24
25 MR. WILLIAMS: Yeah, just proposing
26 something along the same lines.

27
28 MADAME CHAIR ENTSMINGER: Well, I see
29 Chuck sitting here, so I think he has some help for us
30 here.

31
32 MR. ARDIZZONE: Madame Chair. I'm not
33 sure if I'm going to confuse things. I understand what
34 Mr. Williams is trying to get at. However, the reason
35 it would be done or we would request through Fish and
36 Game sealing is that we'd have that CITES attachment
37 with it. If we just did in the village it was taken by
38 a subsistence user, it wouldn't allow people to take it
39 outside the country as a handicraft because we wouldn't
40 have that CITES number attached.

41
42 MADAME CHAIR ENTSMINGER: Larry, does
43 that make sense?

44
45 MR. WILLIAMS: No, it sure doesn't,
46 but.....

47
48 MADAME CHAIR ENTSMINGER: The more you
49 get into this, the more complicated it gets.

50

1 MR. WILLIAMS: Well, I wasn't thinking
2 in really broad terms and going overseas and going
3 international with these sales. I was going to try to
4 keep it within the borders of the U.S., so I don't know
5 how that would work.

6
7 MADAME CHAIR ENTSMINGER: Am I to
8 understand the reason these regs came about was the
9 stuff that was -- say you have a little black bear claw
10 and you're wanting to sell it -- let's stick to the
11 brown bear, sorry. Somebody in Beaver Creek just
12 across the border purchased it and went over with it,
13 they wouldn't be legal and this makes it legal.

14
15 Virgil and then Andy.

16
17 MR. UMPHENOUR: Okay. I probably seal
18 more grizzly bears than anyone in the state or my
19 clients kill more. We took 10 this year. They all
20 have to be sealed. All grizzly bear and brown bears
21 have to be sealed in the state except for maybe a few
22 exceptions on subsistence ones that don't leave the
23 game management unit. We already have laws that
24 prohibit selling these things. The penalty -- does
25 everyone on the RAC know what the Lacey Act is? I'm
26 just going to review what the Lacey Act is.

27
28 The Lacey Act says basically that if
29 you violate a hunting or fishing regulation and part of
30 that animal leaves the state, that's the Lacey Act.
31 That means one year in Federal prison is exactly what
32 it means and a huge damn fine. That's the Federal law.
33 State law is different. You can get like me as a guide
34 and Sue as a guide. If we violate anything, no matter
35 what it is, even if it's paperwork, if they really
36 throw the book at you and can convict you, it's a year
37 in jail and a \$30,000 fine.

38
39 The paperwork for sealing a bear, you
40 have to list exactly where it was killed, the day it
41 was killed, who killed it, their address, their
42 driver's license number even goes on this thing. A lot
43 of information. Whether it's a male, a female, how big
44 the head was. They pull a tooth so they can measure --
45 they do all this stuff.

46
47 So when I look at how we're supposed to
48 look at these things, there's no conservation concern,
49 but this will address conservation because this is
50 going to give more information. Like I said, in many

1 places, if a grizzly bear or any kind of bear is close
2 to a village, it gets killed and most of the time it
3 doesn't get reported. If people can make a necklace
4 out of the claws but they have to go get it sealed,
5 they're going to do that. Otherwise they're just going
6 to leave it where it lays. So I think it does address
7 conservation.

8

9 Remember what the penalties are for
10 violating the law. When it goes across the state line,
11 it's a Lacey Act. It's a Federal law then and they do
12 put people in jail for a year for Lacey Act violations.
13 I've known of several people that have went to jail
14 over the Lacey Act.

15

16 So I think it's a conservation measure
17 that benefits the bears and benefits the biology and
18 information on bears. So I am fully in support of it
19 and it's going to make it so that people can actually
20 get a little bit of money out of a bear that's going to
21 get killed anyway.

22

23 Madame Chair.

24

25 MR. BASSICH: Thank you, Madame Chair.
26 Larry, when I hear what you're saying, I understand
27 what you're saying and I'm in support of it and I'm
28 wondering if when the sealing is done if there could be
29 a provision just put on that form, a simple place on
30 that form that could then be checked off if it was
31 taken by an Federally-qualified Alaska Native and if
32 that would then satisfy Larry's point of concern there.
33 It seems like a pretty simple thing to do as far as
34 just an addition to the sealing document right now and
35 I think that would lend credence to what your issues
36 are and not really add anymore paperwork and not change
37 a whole program. It would just modify it.

38

39 I'd just like to put that out there. I
40 think that would be an easy way to make that happen. I
41 think it would actually really enhance the program a
42 lot by doing that.

43

44 Thank you.

45

46 MADAME CHAIR ENTSMINGER: Yeah, just a
47 simple Native, non-Native, check.

48

49 MR. BASSICH: Federally-qualified,
50 Native/non-Native.

1 MADAME CHAIR ENTSMINGER: There's going
2 to be a Federally qualified subsistence user and
3 underneath it could be Native/non-Native.

4
5 MR. WILLIAMS: Okay, Andrew. Thank you
6 very much for the clarification. That's exactly what I
7 was driving at.

8
9 MADAME CHAIR ENTSMINGER: So I'm
10 hearing that as a motion for an amendment to add to the
11 subsistence -- or our RAC.

12
13 MR. WILLIAMS: Yes, ma'am, a motion.

14
15 MADAME CHAIR ENTSMINGER: And a second.

16
17 MR. BASSICH: Second.

18
19 MADAME CHAIR ENTSMINGER: Discussion on
20 the amendment just to.....

21
22 MR. BASSICH: Madame Chair. Just refer
23 back to the statement I just made. I think that covers
24 support for the amendment.

25
26 MADAME CHAIR ENTSMINGER: Any other
27 discussion on the amendment.

28
29 (No comments)

30
31
32 MR. UMPHENOUR: Question on the
33 amendment.

34
35 MADAME CHAIR ENTSMINGER: Question on
36 the amendment. And the amendment would be on this
37 sealing certificate that the State is going to add
38 Federally qualified subsistence user, there will be a
39 check underneath, Native or non-Native. Is that clear?
40 The question has been called for. All in favor say
41 aye.

42
43 IN UNISON: Aye.

44
45 MADAME CHAIR ENTSMINGER: Anyone
46 opposed.

47
48 (No opposing votes)

49
50 MADAME CHAIR ENTSMINGER: Motion

1 carries. Now we're on the main motion with the amended
2 portion. Other discussion.

3

4 MR. UMPHENOUR: Question.

5

6 MADAME CHAIR ENTSMINGER: The question
7 has been called for. Everyone in favor say aye.

8

9 IN UNISON: Aye.

10

11 MADAME CHAIR ENTSMINGER: Opposed.

12

13 MR. MATESI: Oppose.

14

15 MADAME CHAIR ENTSMINGER: One opposed.
16 Okay. Thank you, guys.

17

18 Next one.

19

20 MR. UMPHENOUR: Madame Chair. Move to
21 take no action on Proposal Number 10-02 because of the
22 action taken in 12-01.

23

24 MR. BASSICH: Seconded.

25

26 MADAME CHAIR ENTSMINGER: Very good.
27 Discussion.

28

29 MR. BASSICH: Just a comment in support
30 of the motion and that is that the State has requested
31 to withdraw this proposal from the Federal Subsistence
32 Board, so I see no need for us to take action on it.
33 Madame Chair.

34

35 MADAME CHAIR ENTSMINGER: Any
36 opposition.

37

38 (No opposition)

39

40 MADAME CHAIR ENTSMINGER: Going on to
41 the next one, 12-02 redefine designated hunter. David,
42 for the introduction.

43

44 DR. JENKINS: Yes. It's on Page 50 if
45 you're looking for it in your books. Proposal 12-02,
46 submitted by Michael Cronk of Tok, Alaska, requests
47 that only people 60 years of age or older, or disabled,
48 be allowed to designate their harvest limit to another
49 person. This regulation would apply to the entire
50 state.

1 Let me give you a little background.
2 The Federal Subsistence Board established the statewide
3 designated hunter system in 2003 and that includes
4 these elements: The designator must be a Federally
5 qualified subsistence user and the designator may
6 designate another Federally qualified subsistence user
7 to take deer, moose and caribou on his or her behalf.
8 The designated hunter must obtain a designated hunter
9 permit and must return a completed harvest report. The
10 designated hunter may hunt for any number of
11 recipients, but may have no more than two harvest
12 limits in his/her possession at any one time. These
13 provisions apply unless they're modified in
14 unit-specific regulations.

15
16 The purpose of the designated hunter
17 rules is to recognize the customary practices of
18 sharing and redistribution of harvest in rural Alaska.
19 For example the designated hunter system legalizes a
20 traditional practice that is ongoing in much of rural
21 Alaska. Within individual harvest limits some hunters
22 cannot harvest enough meat to meet the needs of their
23 own households as well as the needs of the people with
24 whom they share and the designated hunter system allows
25 hunters to harvest moose, caribou and deer expressly
26 for sharing that harvest.

27
28 Households may contain members who are
29 unable to or do not choose to harvest for themselves.
30 As we all know, all hunters don't possess equal skills,
31 abilities and aptitudes. Each community tends to have
32 a minority of particularly good hunters, trappers and
33 fishers.

34
35 If this proposal were adopted, the
36 extent of impacts on subsistence users is hard to
37 measure exactly. The statistics we've gathered for the
38 analysis in your book describe the age of those
39 designating a hunter and not whether the user was
40 disabled. Based on the partial information on Table 3,
41 I think it's on Page -- I don't know the page number.
42 In Table 3, gathered between 2009 and 2010, 77 percent
43 of the users designating a hunter were under 60 years
44 old. If the proposal were adopted, they would be
45 prohibited from designating a hunter. So there's a
46 large number of people under 60 years old who already
47 use this designated hunter system.

48
49 For these reasons, the OSM preliminary
50 conclusion is to oppose this proposal.

1 Thank you, Madame Chair.

2

3 MADAME CHAIR ENTSMINGER: Okay.
4 Questions on the analysis. I think it's happening so
5 fast we're not getting questions here. Andrew.

6

7 MR. FIRMIN: On Page 51 where it's got
8 the proxy and the State and Fed system crosses, does
9 this proposal address the antler destruction on the
10 Federal side?

11

12 DR. JENKINS: This proposal didn't
13 address antler destruction as far as I'm aware, no.

14

15 MADAME CHAIR ENTSMINGER: Because
16 there's no antler destruction on the Federal side.
17 Other questions.

18

19 (No comments)

20

21 MADAME CHAIR ENTSMINGER: I have one.
22 Of the 77 percent that asked for this designated
23 hunter, is there any way of knowing are they single
24 mothers, are they handicapped or do you have any data
25 on that?

26

27 DR. JENKINS: Madame Chair. There's no
28 data on whether these designators were disabled. What
29 we do have is this broad information on age and whether
30 they're single mothers or these other categories, that
31 can be broken down. In these statistics, that's not
32 available to us. This is a broad category of below 60
33 years old, which seemed relevant to the proposal.

34

35 MADAME CHAIR ENTSMINGER: Not even the
36 single mothers?

37

38 DR. JENKINS: I don't recall seeing
39 that data in this.

40

41 MADAME CHAIR ENTSMINGER: Questions
42 Council members. Larry.

43

44 MR. WILLIAMS: Thank you, Madame Chair.
45 I'm a bit confused here. I don't know how to redefine
46 designated hunter because that's an age-old assessment
47 going on for ages and ages. That's different people
48 came into our country and it's still going on. Like
49 Mr. Jenkins mentioned, not all hunters -- not all
50 people in one little village are equal skill and

1 endurance you can call it, I suppose, to be hunters and
2 fishers. That's always been a small group of hunters
3 that everybody knows can go out and do the job for an
4 entire village. I'm a bit confused. Can somebody
5 explain to me how we're going to redefine this. We
6 already hunt for the disabled and we already hunt for
7 the widows with three small children. I wish somebody
8 would explain to me with some kind of clarity what
9 we're trying to accomplish here.

10

11 Thank you.

12

13 MADAME CHAIR ENTSMINGER: Chuck is
14 going to try.

15

16 MR. ARDIZZONE: Madame Chair. Chuck
17 Ardizzone. Currently Federal users can designate
18 anybody to hunt for themselves and there's no
19 requirements. This proposal is moving towards the
20 State's proxy system where you have to be a certain age
21 and be handicapped or whatever the requirements are.
22 Currently our regulations are much more liberal than
23 what this regulation is asking for.

24

25 MADAME CHAIR ENTSMINGER: I think I'm
26 understanding your question, Larry, because there's
27 like two things that pop in your mind when you hear
28 this analysis. The two things is the designated
29 hunter's age and the person that's hunting for that
30 hunter. At first light you might think that you're
31 talking about the person that you're hunting for. What
32 this proposal is, is the person who is asking someone
33 to hunt for them. That's all we're talking about.
34 Currently, looking at Table 3, 19 years old to 59 years
35 old -- is this table only Federal or does this take in
36 proxy hunters also. It must be all Federal.

37

38 DR. JENKINS: That's right.

39

40 MADAME CHAIR ENTSMINGER: And the 1,108
41 people is for both '09 and 2010?

42

43 DR. JENKINS: Yes, they're aggregated.

44

45 MADAME CHAIR ENTSMINGER: Okay. So of
46 the amount of people that wanted someone to hunt for
47 them, 59 of them, which is 74 percent, were between the
48 ages of 19 and 59. This person is asking that you have
49 to be 60 years or older if you're going to have someone
50 to hunt for you. Did that confuse you?

1 MR. WILLIAMS: Not any more than usual,
2 Madame Chair.

3
4 (Laughter)

5
6 MADAME CHAIR ENTSMINGER: Women are
7 from Venus, that's why.

8
9 MR. WILLIAMS: What I'm trying to get
10 at, maybe I didn't make myself clear the first time,
11 you mention an age group from 19 to 59. I hate to keep
12 repeating myself, but not everybody are of equal skills
13 when it comes to hunting and fishing. In my village,
14 you know, we have some people that have full-time jobs
15 and they need to be there because they're essential to
16 running of the village. Maybe a hunt can take a week
17 or 10 days sometimes, depends on how the game is
18 running or any number of things. But those people that
19 I mentioned usually buy gas or food or shells or
20 whatever that cost money. They said, you know, I know
21 you're a good hunter and I'll buy you this if you come
22 back with something you can share the meat with me and
23 I said okay. It's just an informal agreement.

24
25 Now this regulation, I take it as I see
26 it, would prohibit that from doing that. Is that
27 right? Somebody fill in the cracks here.

28
29 MADAME CHAIR ENTSMINGER: Okay. Women
30 are from Venus. We're a little slower, sorry. Any
31 other questions. Andrew.

32
33 MR. FIRMIN: Do you know if any of the
34 other -- it says other relevant proposals 12-10, 11 and
35 13, if those must not pertain to our area, but are
36 those -- do any of those have wording similar to this?
37 I'm just wondering what those proposals were if they're
38 relevant to this one.

39
40 MADAME CHAIR ENTSMINGER: Chuck.

41
42 MR. ARDIZZONE: Madame Chair. Those
43 were Southeast proposals and the Southeast Council did
44 not support these proposals. They wanted to keep
45 designated hunter as it is now. What they did, I think,
46 down there was add a couple more species to what could
47 be designated hunted down there.

48
49 MR. FIRMIN: Thank you. I guess
50 everything else I have to say would be speaking to the

1 motion.

2

3 MADAME CHAIR ENTSMINGER: What's that?
4 I'm hard of hearing too.

5

6 MR. FIRMIN: I just think that I don't
7 really support this proposal in the sense that it would
8 place that hardship on specific users like single
9 mothers. Actually, I think it's kind of sad that the
10 majority of these permits are issued to able-bodied
11 people or they're in that age group.

12

13 MADAME CHAIR ENTSMINGER: We'll go into
14 that.

15

16 MR. FIRMIN: We'll go into that later.

17

18 MADAME CHAIR ENTSMINGER: Yeah. All
19 right. Any more questions on the analysis. Now we're
20 going to go into agency comments, Alaska Department of
21 Fish and Game.

22

23 MS. YUHAS: Thank you, Madame Chair.
24 Jennifer Yuhas, Alaska Department of Fish and Game.
25 Should the Council decide to move forward on statewide
26 regulations for designated hunter rather than unit by
27 unit, the Department recommends modifying the currently
28 written proposal to match the wording on Page 58 for
29 Unit 6, which has already been adopted by the Federal
30 Subsistence Board, which also matches the State proxy
31 hunt designations. There's just some slight
32 differences in the age and things. I could read those
33 recommendations for modification.

34

35 That would be for someone who
36 designates a hunter to be blind, 65 years or older, at
37 least 70 percent disabled or temporarily disabled, and
38 to be in possession of only one bag limit at a time.

39

40 *****

41 STATE OFFICIAL WRITTEN COMMENTS

42 *****

43

44 Alaska Department of Fish and Game
45 Comments to the Regional Advisory Council

46

47 Wildlife Proposal WP12-02:

48

49 Change federal subsistence designated
50 hunter regulations.

1 Introduction:

2

3

4 This proposal seeks to change the
5 statewide federal subsistence designated hunter
6 regulation by specifying the qualifications for the
7 recipient of harvest. The proposal requests federal
8 regulations be changed to require that federal
9 subsistence designated hunters only harvest for
10 federally qualified recipients 60 years of age or older
11 or for a person who is disabled.

12

13 The proponent indicates the federal
14 subsistence designated hunter program has diverged from
15 the original intent of the Federal Subsistence Board by
16 allowing designated hunting to provide for elders and
17 others that were unable to hunt for themselves. The
18 proponent indicates the designated hunter program is
19 currently an uncontrolled system. The proponent
20 indicates some federal subsistence users are abusing
21 this regulation and are harvesting as many animals as
22 numbers of permits they can obtain which may lead to
23 detrimental impacts to game populations and subsistence
24 hunting in general.

25

26 Impact on Subsistence Users:

27

28 If adopted, federally qualified
29 subsistence designated hunters could harvest animal for
30 federally qualified users 60 years of age or older or
31 are disabled. If adopted, some federally qualified
32 subsistence super harvesters may expend additional time
33 locating and obtaining game tags from qualified
34 designated hunter beneficiaries. If adopted,
35 designated hunters who cannot locate federally
36 qualified users 60 or over or are disabled may harvest
37 fewer animals per year.

38

39 Opportunity Provided by State:

40

41 Proxy hunting for big game is
42 authorized in state hunting regulation. State proxy
43 hunting is allowed for moose, caribou, and deer. The
44 state proxy hunting beneficiary requirements include
45 being a resident of Alaska who is blind, 70% physically
46 disabled, or 65 years of age or older. Proxy hunters
47 may not proxy hunt for more than one beneficiary at a
48 time and may have only one Proxy Authorization with
49 them in the field at a time.

50

51 Conservation Issues:

1 Undetermined at this time. If this
2 proposal is adopted without modifications many more
3 animals may be harvested than anticipated.

4
5 Enforcement Issues:

6
7 If adopted, this proposal would bring
8 federal and state regulations closer to alignment.

9
10 Recommendation:

11
12 Support with modification.

13
14 Adopt the proposal with modification to
15 establish designated hunter beneficiary qualifications
16 equal to those approved by the Federal Subsistence
17 Board for Unit 6. The State recommends modifying this
18 proposal to require beneficiaries of the federal
19 subsistence designated hunters be blind, 65 years old
20 or older, at least 70% disabled, or temporarily
21 disabled. The State also recommends modifying this
22 proposal to reflect the Unit 6 designated hunter
23 possession limit adopted by the Federal Subsistence
24 Board which to limits designated hunters to possession
25 of only one bag limit at a time. Adoption of these
26 recommended proposal modification will bring regulatory
27 consistency to Units 1 through 6 and make federal and
28 state regulations more parallel.

29
30
31 MADAME CHAIR ENTSMINGER: You said
32 that's in Federal regs on.....

33
34 MS. YUHAS: On Page 58 of your booklet
35 that exist for Unit 6 and that is the same as the State
36 regulations. That's just an effort to avoid user
37 confusion should you move forward with statement
38 regulations. We think they should match.

39
40 MADAME CHAIR ENTSMINGER: Any questions
41 of the State. Jennifer, what year was that adopted?

42
43 MS. YUHAS: You caught me, Madame
44 Chair.

45
46 MADAME CHAIR ENTSMINGER: Oh, I'm
47 sorry. Pat, do you know the answer to that?

48
49 MS. PETRIVELLI: I think it was done in
50 like 2003, 2004, somewhere around there. I think in

1 1995-1996 the Federal program adopted the more liberal
2 designated hunting provisions in various units in the
3 regions. I think around 2003 they reviewed all the --
4 or 2004 there was a whole bunch of proposals and then
5 that's when they went through the whole state. The
6 regions were allowed to make region-specific
7 regulations. The Southcentral chose to do that in Unit
8 6.

9
10 MADAME CHAIR ENTSMINGER: Thank you,
11 Pat. Any comments from the Federal agencies.

12
13 (No comments)

14
15 MADAME CHAIR ENTSMINGER: Any Native,
16 tribal, village or other comments.

17
18 (No comments)

19
20 MADAME CHAIR ENTSMINGER: InterAgency
21 Staff.

22
23 (No comments)

24
25 MADAME CHAIR ENTSMINGER: Advisory
26 groups comments. KJ.

27
28 MS. MUSHOVIC: Madame Chair. Wildlife
29 Proposal 12-02 was opposed by Southeast, Southcentral,
30 Kodiak-Aleutians, Yukon-Kuskokwim Delta, Western
31 Interior and Seward Peninsula.

32
33 MADAME CHAIR ENTSMINGER: That's pretty
34 fast. Southeast. What next?

35
36 MS. MUSHOVIC: All of the Councils that
37 have met so far have opposed this proposal. Southeast,
38 Southcentral, Kodiak-Aleutians, Yukon-Kuskokwim Delta,
39 Western Interior and Seward Peninsula.

40
41 MADAME CHAIR ENTSMINGER: Any SRCs
42 besides Wrangell's?

43
44 MS. MUSHOVIC: Yes. Gates of the
45 Arctic National Park SRC supports Wildlife Proposal 12-
46 02 as does Lake Clark SRC with modification. I'll
47 refer to those. The Gates supported with an amendment
48 to include widows with the justification of the
49 designated hunter option is important to traditional
50 subsistence practices and ensuring that animals are

1 harvested correctly.

2

3

4 Lake Clark supported with a
5 modification to more closely mirror current State
6 eligibility requirements for proxy hunting. The SRC
7 recommends that qualified hunters be allowed to hunt
8 for individuals who are blind, 70 percent physically
9 disabled as determined by a government agency for a
10 physical disability or an affidavit signed by a
11 physician or over 60 years of age. This measure would
12 reduce the possibility of abuse of the designated
13 hunter provision by clearly defining who is eligible.

13

14 Then Barbara is here for Wrangell-St.
15 Elias SRC.

16

17 MADAME CHAIR ENTSMINGER: Thank you,
18 Barbara.

19

20 MS. CELLARIUS: Thank you, Madame
21 Chair. The Wrangell-St. Elias SRC unanimously opposed
22 the proposal. There is not clear evidence that the
23 existing designated hunter provisions are abused or
24 otherwise a problem and the current regulations are
25 important in providing an opportunity for others in the
26 community to hunt for those who are not able to do so
27 for themselves.

28

29 MADAME CHAIR ENTSMINGER: Okay. Any
30 questions.

31

32 (No comments)

33

34 MADAME CHAIR ENTSMINGER: Summary of
35 written comments.

36

37 MS. MUSHOVIC: Thank you, Madame Chair.
38 The Ahtna 'Tene Nene' Customary and Traditional Use
39 Committee opposes Wildlife Proposal 12-02 to change the
40 designated hunter regulation. Many single parents,
41 women without significant others do not have anyone in
42 the household to hunt for them and if this regulation
43 was changed, they would suffer and additionally an ill,
44 injured person or other family members would not have
45 someone to hunt for him or her.

46

47 The Sitka Tribe of Alaska also
48 commented, feeling that the proposal was too
49 restrictive and would prevent those who qualified for
50 subsistence from meeting their subsistence needs, there

1 could be numerous other obstacles that prevent
2 qualified subsistence harvesters who are truly in need
3 of the resource to survive from participating in the
4 harvest. That's the end of the written comments, but
5 there were some comments from the tribal consultation
6 telephone call.

7
8 Andrew Firmin for the Council of
9 Athabaskan Tribal Governments opposed Wildlife Proposal
10 12-02 because the current regulation allows for single
11 parent families and others who are in need to benefit
12 from hunters who can provide them with food and this
13 proposal would cause hardships on village people that
14 are in need.

15
16 Finally, Kathy Tritt, the second chief
17 of the Native Village of Venetie supported the current
18 program that allows for a designated hunter and it says
19 they use it very frequently to provide for community
20 members that are not able to hunt and it's a very
21 important program in their area that should remain in
22 place.

23
24 Thank you, Madame Chair.

25
26 MADAME CHAIR ENTSMINGER: We are now in
27 discussion. I need a motion. Virgil.

28
29 MR. UMPHENOUR: Move to adopt Proposal
30 12-02.

31
32 MR. BASSICH: Second.

33
34 MADAME CHAIR ENTSMINGER: It's been
35 moved and seconded. Now it's discussion. Joe.

36
37 MR. MATESI: Thank you, Madame Chair.
38 Briefly, I think that traditional networks of sharing
39 and support are far too complex and vary widely from
40 one community to the other to allow pigeon-holing of
41 recipients as strictly as does this proposal. Sharing,
42 gifts, trade, barter, all these forms of material
43 support within between communities is one of the
44 strongest characteristics of traditional subsistence
45 and I oppose this proposal.

46
47 MADAME CHAIR ENTSMINGER: More
48 discussion. Andrew.

49
50 MR. FIRMIN: I also oppose this. It

1 would just make a hardship on people that actually need
2 it. However, I do know that there is -- this program
3 does get abused in the sense that people shoot more
4 than what they need at the time and then they run back
5 to town and get their permit and then run back out and
6 try to make themselves legal and that's evident in the
7 success rate of the percentages here, which is almost
8 100 percent of permits issued to permits with animals
9 harvested. For the most part, that's not always a bad
10 thing as long as it gets distributed properly.

11
12 I'd still oppose this proposal as
13 written and I would advise this person that submitted
14 this if they know of abuse like that in their area that
15 they re-amend this and re-submit it preferably with
16 antler destruction and write it to a specific area, not
17 statewide. If they have an abusive area, say along the
18 highway or something where they're just getting anybody
19 that drives by or hits a moose to go give it to them or
20 have them go hunt for certain people. If they know of
21 abuse in their area, then that should change in their
22 area and not statewide.

23
24 Thank you.

25
26 MADAME CHAIR ENTSMINGER: Others.

27
28 MR. BASSICH: Question. Sorry.

29
30 MADAME CHAIR ENTSMINGER: Frank.

31
32 MR. GURTLER: I oppose this too because
33 -- this is for statewide?

34
35 MR. GLANZ: Yes.

36
37 MR. GURTLER: I definitely oppose it.

38
39 MADAME CHAIR ENTSMINGER: I know Mike
40 Cronk. I served on the Upper Tanana Fortymile Advisory
41 Committee and he wasn't present at the meeting when we
42 took up their proposal, so I didn't get to hammer on
43 him like I liked to have, but I think he was really
44 also worried about abuse on maybe the stateside and
45 didn't have all the information on the Federal side.

46
47 The question has been called for.

48
49 MR. BASSICH: Yes.

50

1 MADAME CHAIR ENTSMINGER: All in favor
2 of the motion, that being a restriction on the
3 designated hunter, say aye.

4
5 (No aye votes)

6
7 MADAME CHAIR ENTSMINGER: All opposed
8 same sign.

9
10 IN UNISON: Aye.

11
12 MADAME CHAIR ENTSMINGER: It fails.
13 Next. Trapping and incidental take. David. Proposal
14 03.

15
16 DR. JENKINS: Yes, Madame Chair.
17 Proposal WP12-03, submitted by the Orutsararmiut Native
18 Council, would require trappers to move a trap that
19 incidentally harvests a moose, caribou, or deer at
20 least 300 feet for the remainder of the regulatory
21 year. You can find that on Page 64 of your Council
22 books if you're looking for it. The proposed
23 regulation would apply to the entire state.

24
25 State of Alaska wildlife regulations
26 include this provision: A trapper is prohibited from
27 placing a trap or snare set within 300 feet of the site
28 at which a moose, caribou, or deer was taken using a
29 trap or snare. This prohibition applies for the
30 duration of the regulatory year in which the moose,
31 caribou or deer was taken using a trap or snare.

32
33 The proponent wants a similar provision
34 in Federal wildlife regulations, specifically to better
35 inform State and Federal enforcement officers that the
36 prohibition applies during the same regulatory year and
37 not the same calendar year because it was reported that
38 an enforcement officer was confused about the
39 difference between a regulator year and a calendar
40 year.

41
42 Currently Federal regulations require
43 that wildlife caught incidental to trapping furbearers
44 be salvaged. The hide, skin, viscera, head or bones
45 may be used for bait. I should put out that the use of
46 traps to harvest caribou, moose, and deer is prohibited
47 in State and Federal wildlife regulations primarily
48 because traps set for moose, caribou, and deer do not
49 discriminate between animals, such as, cows, bulls and
50 younger animals.

1 I should also point out that we have no
2 good estimates of how often moose or caribou or deer
3 are caught in traps set for furbearers statewide or by
4 region. State and Federal Staff generally assume that
5 low levels of incidental harvests occur and may be
6 ongoing, but we don't know the numbers. Occasionally
7 non-targeted animals are caught, but trappers tend to
8 use techniques to avoid them. This is one reason there
9 are such low levels of incidental harvests.

10

11 If this proposal is adopted, Federal
12 subsistence users would be required to move a trap for
13 the remainder of the regulatory year when it has taken
14 a moose, caribou, or deer incidental to trapping
15 furbearers.

16

17 OSM's preliminary conclusion is to
18 oppose this proposal. As I noted, there is no evidence
19 that this is a major problem and that trappers tend to
20 take steps to avoid incidental trapping of moose or
21 caribou or deer.

22

23 Thank you, Madame Chair.

24

25 MADAME CHAIR ENTSMINGER: Any questions
26 for analysis. That Native Council is in Bethel?

27

28 DR. JENKINS: Yes, I believe so.

29

30 MADAME CHAIR ENTSMINGER: Any questions
31 on the analysis.

32

33 (No comments)

34

35 MADAME CHAIR ENTSMINGER: Next is
36 Alaska Department of Fish and Game.

37

38 MS. YUHAS: Thank you, Madame Chair.
39 Jennifer Yuhas, Alaska Department of Fish and Game.
40 The State also opposed this proposal, finding it
41 unnecessary to have a duplicate proposal on the Federal
42 side. If you don't adopt this, the State provision
43 already applies. We think that the proposer's goal of
44 education has already been met by bringing the
45 proposal. It's been discussed at every one of the RAC
46 meetings. The enforcement officer that was a bit
47 confused at the initial sighting, which was later not
48 prosecuted, has already been educated to the issue, so
49 we don't find the proposal necessary.

50

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STATE OFFICIAL WRITTEN COMMENTS

Alaska Department of Fish and Game
Comments to the Regional Advisory Council

Wildlife Proposal WP12-03:

Incidental harvest requires moving traps for regulatory year. This proposal was submitted by the Orutsararmiut Native Council.

Introduction:

The proposer seeks to require trappers to move a trap that incidentally harvests a moose, caribou, or deer at least 300 feet for the remainder of the regulatory year. Trappers would also be required to salvage the edible meat and turn it over to the Federal inseason wildlife manager.

Impact on Subsistence Users:

Federal subsistence users would be required to move a trap when it has taken a moose, caribou, or deer incidental to trapping furbearers for the remainder of the regulatory year, and surrender their meat specifically to the Federal inseason wildlife manager.

Opportunity Provided by State:

5 AAC 92.085. Unlawful methods of taking big game; exceptions The following methods and means of taking big game are prohibited in addition to the prohibitions in 5 AAC 92.080: (6) with the use of a trap or snare . . . 5 AAC 92.095. Unlawful methods of taking furbearers; exceptions a) The following methods and means of taking furbearers under a trapping license are prohibited, in addition to the prohibitions in 5 AAC 92.080: (12) by placing or leaving an active trap or snare set on land that is within 300 feet of the site at which a moose, caribou, or deer was taken using a trap or snare; this prohibition applies for the duration of the regulatory year in which the moose, caribou, or deer was taken using the trap or snare.

Conservation Issues:

1 None identified nor solved by adoption
2 of this proposal.

3
4 Enforcement Issues:

5
6 This proposal is purported to have been
7 submitted in response to previous confusion by
8 enforcement personnel. The state understands local
9 enforcement personnel have received updated training as
10 a result of reported events surrounding this issue.
11 Failure to adopt this proposal is not expected to
12 contribute to continued enforcement issues.

13
14 Other Comments:

15
16 This proposal is likely unnecessary
17 given that if this proposal is not adopted, Federally
18 qualified subsistence users would continue to be
19 required to comply with the State regulations requiring
20 that when a caribou, moose, or deer are harvested
21 incidentally, the trap must be moved at least 300 feet
22 for the remainder of the regulatory year, or risk
23 receiving a State citation.

24
25 Recommendation: Oppose

26
27 MADAME CHAIR ENTSMINGER: That's good
28 to hear. Okay. Thanks, Jennifer. Any questions.

29
30 (No comments)

31
32 MADAME CHAIR ENTSMINGER: Federal
33 agency comments.

34
35 (No comments)

36
37 MADAME CHAIR ENTSMINGER: Tribal,
38 Native, village, other.

39
40 (No comments)

41
42 MADAME CHAIR ENTSMINGER: InterAgency
43 Staff.

44
45 (No comments)

46
47 MADAME CHAIR ENTSMINGER: Advisory
48 group comments.

49
50 MS. MUSHOVIC: Thank you, Madame Chair.

1 On Wildlife Proposal 12-03 Southeast opposed,
2 Southcentral opposed, Kodiak-Aleutians took no action,
3 Yukon-Kuskokwim Delta supported, Western Interior
4 opposed and Seward Peninsula opposed.

5
6 MADAME CHAIR ENTSMINGER: Any local
7 advisory committees or SRCs?

8
9 MS. CELLARIUS: Thank you, Madame
10 Chair. The Wrangell-St. Elias National Park
11 Subsistence Resource Commission unanimously opposed the
12 proposal. There's no evidence that this is a problem
13 in our area.

14
15 MADAME CHAIR ENTSMINGER: Thank you.
16 Any public testimony. Oh, I'm sorry. Summary of
17 written comments.

18
19 MS. MUSHOVIC: Thank you, Madame Chair.
20 The Ahtna 'Tene Nene' Customary and Traditional Use
21 Committee opposes Wildlife Proposal 12-03 to clarify
22 regulations the trappers will not be cited for
23 incidental catch of non-targeted species. If the
24 proponent wants to have this regulatory change in their
25 region, then this proposal should only apply for that
26 region and should not be a statewide regulatory change.
27 They are not a problem at this time in their region.

28
29 There was also during the tribal
30 consultation Andrew Firmin of the Council of Athabaskan
31 Tribal Governments spoke to Wildlife Proposal 12-03 in
32 opposition, that these requirements should not be
33 included in statewide regulations, but specific to the
34 area where they are proposed and are justified as
35 needed. These would place a burden to local
36 subsistence users in the Upper Yukon River area.

37
38 Thank you, Madame Chair.

39
40 MADAME CHAIR ENTSMINGER: Okay. Now, I
41 need a motion.

42
43 MR. UMPHENOUR: Move to adopt Proposal
44 12-03.

45
46 MR. GLANZ: I'll second that.

47
48 MADAME CHAIR ENTSMINGER: It's been
49 moved and seconded. Discussion. Who's first. Virgil.
50

1 MR. UMPHENOUR: What this proposal
2 would do is just make the Federal regulations the same
3 as the State regulation. That's been done many, many,
4 many times. So I have a question to Staff. That's
5 normally the common policy, isn't it, to just have
6 mirror regulations when it comes to hunting and
7 fishing?

8
9 MADAME CHAIR ENTSMINGER: Is that a
10 general statement there Virgil or is that.....

11
12 MR. UMPHENOUR: That's a question.
13 It's a general statement. It's been my observation. I
14 just want to ask if it's a fact.

15
16 MR. ARDIZZONE: Not always. At times
17 we try to have parallel regulations, but we don't
18 always have the same regulations as the State. We try
19 to work towards having the same thing if possible.

20
21 MADAME CHAIR ENTSMINGER: Try to make
22 it easier on the user. Go ahead, Virgil.

23
24 MR. UMPHENOUR: I think you said there
25 trying to make it easier on the users is why that gets
26 done.

27
28 MR. ARDIZZONE: Pardon me. I was
29 distracted.

30
31 MR. UMPHENOUR: I said I think I heard
32 you say it makes it easier on the users so that you
33 don't have conflicting regulations, is that what I
34 think I heard you say?

35
36 MR. ARDIZZONE: Yes, that is true. If
37 possible, we try not to confuse the subsistence users.

38
39 MR. UMPHENOUR: Thank you. This is a
40 conservation issue because there are idiots that
41 actually catch more moose than wolves. I know one
42 personally. In snares, that is. So there is a
43 conservation problem. I don't know how many are caught
44 now, but I know in 20A I think the State figured it
45 averaged in the neighborhood of 70 moose a year. This
46 is five or six years ago were snared in Game Management
47 Unit 20A. Most of them are wasted. I know that I have
48 actually come upon them snared by the snot locker and
49 that moose is dead no matter what. You can't turn them
50 loose. Even if you turn them loose they're going to

1 die because that part of their body has been deprived
2 of blood and that part is frozen. So there is a
3 conservation issue there.

4

5 I think the reason why the State has
6 this regulation where you can't -- you have to move
7 your traps and snares to keep people from trapping
8 moose on purpose for bait. I remember back in the
9 early '70s a guy actually did get prosecuted for that
10 here and he got a pretty harsh penalty because that is
11 what he was doing.

12

13 So this proposal does address
14 conservation. It addresses confusing regulations; that
15 is, the State having one regulation and the Federal
16 subsistence users having another recommendation. I
17 believe that in these type of issues or these type of
18 regulations such as boundaries and certain other
19 regulations that the two regulations should mirror each
20 other, the Federal subsistence regulation and the State
21 regulation, so I'm in favor of this proposal. Madame
22 Chair.

23

24 MADAME CHAIR ENTSMINGER: I'd like to
25 clarify something then. I see Jennifer is busy
26 punching things there. Didn't I hear you say,
27 Jennifer, that the law does -- the State regulation
28 covers this?

29

30 MS. YUHAS: That is correct, Madame
31 Chair.

32

33 MADAME CHAIR ENTSMINGER: So if
34 somebody did on Federal land catch an animal
35 incidental, they have to abide by State regulations
36 anyway?

37

38 MS. YUHAS: That was what we had
39 confirmed with the law department. Madame Chair.

40

41 MADAME CHAIR ENTSMINGER: So in this
42 case we don't really need a companion proposal, that's
43 my understanding here.

44

45 MS. YUHAS: That's the State's
46 recommendation. That without adopting this in the
47 Federal side, the State regulation already applies.

48

49 MR. BASSICH: Question.

50

1 MADAME CHAIR ENTSMINGER: Andy.

2

3 MR. BASSICH: What makes this an
4 exception to other regulations where the State may have
5 a regulation but the Federal doesn't? What allows this
6 one particular regulation to transcend both management
7 entities? What makes it different? Because if that's
8 the case, then that could be challenged very heavily in
9 court by just about anybody in the state. I sure would
10 like to know that. This is the first time I've ever
11 heard something like that.

12

13 MS. YUHAS: Madame Chair. In regards
14 to what makes it different, I don't have a member of
15 the Solicitor's Office present to answer that, but the
16 question was posed of them at one of the internal Staff
17 committee meetings.

18

19 MADAME CHAIR ENTSMINGER: The Federal
20 Solicitor. Behind you Pete's got his hand up, so he
21 probably going to help us. Everybody should know that
22 Pete has recovered from a terrible injury and he just
23 got rid of his crutches what day?

24

25 MR. PROBASCO: Wednesday.

26

27 MADAME CHAIR ENTSMINGER: Since July.
28 So it's good to see you.

29

30 MR. PROBASCO: Thank you, Madame Chair.
31 I think what we need to do is look back in history when
32 the Federal program became into existence and started
33 adopting regulations. They adopted the State's
34 regulations. Now, as our program has evolved, we've
35 been here for 20-plus years, the Board has taken
36 numerous actions on proposals that have resulted in
37 proposals that initially started that were very similar
38 to where now on certain issues they differ.

39

40 Instances where the Board has
41 specifically acted on an issue and made changes, those
42 regulations on the Federal side apply regardless of
43 what's on the State side. On State regulations where
44 there has been no Federal actions, the State
45 regulations apply both on Federal and State lands.
46 Madame Chair.

47

48 MADAME CHAIR ENTSMINGER: Does that
49 answer your question?

50

1 MR. BASSICH: Yes.

2

3 MADAME CHAIR ENTSMINGER: Frank.

4

5 MR. GURTLER: I think nowadays they
6 have some new snares out that partially addresses the
7 problem with that breakaway. I think trying to make
8 more regulations for trappers is not the way to go, but
9 I think they're going in the right direction by making
10 snares breakaway. It might still kill the moose, but
11 at least they're not going to stay there so trappers
12 could set traps on them like they were talking about in
13 the early days. I think something like this you can't
14 make too many regulations against trappers because they
15 have a hard enough time trying to catch a wolf. You
16 have to set out a bunch of snares for wolves if you're
17 going to get one.

18

19 Thank you.

20

21 MADAME CHAIR ENTSMINGER: Well, I think
22 it's my understanding on the breakaway snares for moose
23 that is a 300 pound and they're not catching that many
24 moose that are dying. They're getting away and
25 surviving just fine. The only question is an
26 occasional caribou might get a little too far gone.

27

28 Go ahead, Andrew.

29

30 MR. FIRMIN: Just for clarification, is
31 that the only thing that I noticed different between
32 the State and the proposed Federal regulation here is
33 that under the Federal one you would not be subjected
34 to citation, but under the State when you do accidentally
35 snare an ungulate, then you are subjected to a
36 citation. Is that correct?

37

38 MADAME CHAIR ENTSMINGER: Me, off the
39 top of my head, I'd say no, but go ahead. Who knows
40 better?

41

42 DR. JENKINS: Jennifer should speak to
43 the State side of this.

44

45 MS. YUHAS: Thank you, Madame Chair.
46 Member Firmin. If the State regulation applies, then
47 there would be a citation. If this is adopted, then
48 it's my understanding and Dr. Jenkins would have to
49 speak to this that there would be a Federal citation.
50 So there would be a citation for a violation in either

1 instance. I just don't know if you want two different
2 citations or you want to run with the one that's
3 already in existence.

4
5 MADAME CHAIR ENTSMINGER: That's not
6 your question though, was it

7
8 MR. FIRMIN: Is that so then the reason
9 that in the wording here that the regulation -- in
10 accordance of this regulation will not be subjected to
11 a citation if they surrender the meat. So that is why
12 then there would be no citation, I guess, because
13 you're already eligible for one under the State side
14 then, I guess is my question.

15
16 DR. JENKINS: Presumably. I think
17 that's probably accurate.

18
19 MR. FIRMIN: Okay. Because when I
20 originally read this and was in opposition to it, now
21 that I'm reading it again I'm starting to confuse
22 myself I guess.

23
24 Thank you.

25
26 MADAME CHAIR ENTSMINGER: I think you
27 confused me, Andrew. Your question was related to if
28 you moved your sets, right, or if you didn't move them
29 would you be in citation. Isn't that your question?

30
31 MR. FIRMIN: It was my understanding
32 that if you catch a moose under the State trapping
33 regulations, that you're required to turn it in and you
34 are probably going to get a citation and then under the
35 Federal one it says you're not required to get a
36 citation if you salvage the meat and turn it in to the
37 proper authorities. That was a difference that I
38 noticed. I was wondering if I was correct in assuming
39 that.

40
41 MADAME CHAIR ENTSMINGER: For the
42 State. If we had an incidental catch in our snares
43 we're open for a citation? I always thought it was no,
44 but that's my understanding.

45
46 MS. YUHAS: Yes, Madame Chair.

47
48 MADAME CHAIR ENTSMINGER: Yes, the
49 answer is no?

50

1 MS. YUHAS: Yes, the answer's, yes,
2 Madame Chair. Unless someone nodding behind me wants
3 to come up here. I can't see them.

4
5 MR. PROBASCO: I think what we're
6 confusing here is if an animal is instantly caught in a
7 snare and that person continues to trap, then they are
8 cited.

9
10 MADAME CHAIR ENTSMINGER: Right.

11
12 MR. PROBASCO: You still have the onus
13 of -- depending on when you catch the animal, you still
14 have the responsibility to try to salvage the animal.
15 But if you continue to keep your traps within that
16 vicinity, that's where you get cited.

17
18 MADAME CHAIR ENTSMINGER: Yeah, that's
19 my understanding. You're not going to get cited
20 because you caught the animal. That's what my concern
21 was. You have to report it and you have to salvage
22 it.

23
24 MR. PROBASCO: And move your gear.

25
26 MADAME CHAIR ENTSMINGER: Yeah. Andy.

27
28 MR. BASSICH: If you could clarify
29 something for me. On page 67, maybe I'm just having a
30 hard time understanding this. Under the justification,
31 on the last sentence in here it says the State concern
32 is ungulates being used for bait and it is not in the
33 interest of the Federal subsistence user for Federal
34 subsistence management program to impose this
35 regulation on them. Earlier in your statement you said
36 if we don't support this then Federal users are still
37 under the same kind of wanton waste that the State
38 would say. I find it hard to believe that under the
39 Federal program they would basically condone wanton
40 waste. That's the way I'm interpreting it.

41
42 Am I missing something here? I mean
43 your justification is saying that the State says that's
44 wanton waste, but under the Federal program it's not
45 really wanton waste. If it's not adopted, then we're
46 still under the State program and it is considered
47 wanton waste. I'm just really confused right now as to
48 really what this accomplishes. I also am confused
49 about the OSM's position on this because it just
50 doesn't seem consistent to me.

1 I don't know how to phrase that in a
2 question any better than I just did, but it just seems
3 like there's kind of a conflict of statement there in
4 your justification. I'm trying to tease that out for
5 myself.

6
7 MR. PROBASCO: Madame Chair. Mr.
8 Bassich. I agree with your comment on that last
9 sentence. What we need to now look at is the facts.
10 The facts is under Federal regulation you, as a
11 trapper, must salvage the edible meat of ungulates,
12 bear, grouse and ptarmigan. So the onus is placed on
13 you if you catch such an animal to try to salvage it.
14 That last sentence could have been written a little bit
15 differently. Madame Chair.

16
17 MR. BASSICH: Okay.

18
19 MADAME CHAIR ENTSMINGER: I thought I
20 understood this perfectly, but now I don't feel like I
21 do, because I thought it was cut and dry. From what
22 Jennifer said the State's position is, that seems
23 simple to me, but all these questions you guys have
24 been asking has brought up a lot of interesting things
25 that I don't think I do understand it. The people that
26 put this in, I know Greg Roczicka was part of it and
27 he's very influential and usually has a good head on
28 his shoulders. Am I to understand that he doesn't want
29 to move so he can still trap on it? No. Okay. Now
30 just to keep things simple, guys. I can see where my
31 mind is thinking.

32
33 How are we doing here? Question,
34 deliberations -- I mean more discussion.

35
36 MR. BASSICH: Madame Chair. I guess I
37 just don't see the real difference. If we oppose this,
38 then everything stays the status quo and the State
39 regulations basically impose those wanton waste
40 regulations on the user. If we adopt it, I don't see
41 that there's really that much of a change either. I
42 don't really see the -- in fact, I think it actually
43 goes against conservation a little bit more if we were
44 to adopt this. I guess as far as conservation goes I'm
45 more inclined to oppose this. I think it would have
46 more effect on conservation if we were to oppose this
47 than to adopt it.

48
49 I hear what Virgil is saying, but I
50 think given the discussion after that point that's the

1 conclusion I come to.

2

3 MADAME CHAIR ENTSMINGER: Larry.

4

5 MR. WILLIAMS: Thank you, Madame Chair.
6 We've been going around and around on this proposal for
7 the last 45 minutes, I think. Anyway, I used to run a
8 trapline, me and my brother, out at Beaver and it was
9 in very rare cases that a moose or caribou was taken in
10 any of our sets. Also right now I run a trapline out
11 of Venetie. It used to be lone, but the older I get,
12 it gets shorter every year. Anyway, even in my area in
13 Venetie right now it's very rare for a trapper to take
14 a moose or caribou in any of our sets either it be for
15 wolf or anything like that. So I don't really see the
16 need for this proposal to be on the books. I mean no
17 disrespect for anybody that proposes this, but I just
18 don't see the basis for this. In my area, if they want
19 to make up a proposal, it should just be in their area
20 alone and not statewide.

21

22 Thank you.

23

24 MADAME CHAIR ENTSMINGER: Go ahead.

25

26 MR. UMPHENOUR: I think Mr. Probasco
27 kind of clarified it. It's covered by State
28 regulations and the State regulations covers it and so
29 even on Federal lands State regulations still apply, so
30 we've just wasted a whole bunch of time. Maybe we
31 understand it a little bit better, but I'm willing to
32 vote and vote no. Madame Chair.

33

34 MADAME CHAIR ENTSMINGER: It sounds
35 like you called for the question.

36

37 MR. BASSICH: Question.

38

39 MADAME CHAIR ENTSMINGER: Everyone in
40 favor of it say aye.

41

42 (No aye votes)

43

44 MADAME CHAIR ENTSMINGER: Opposed say
45 aye.

46

47 IN UNISON: Aye.

48

49 MADAME CHAIR ENTSMINGER: Motion fails.
50 Do we need a break?

1 MR. UMPHENOUR: Yes.
2
3 MADAME CHAIR ENTSMINGER: Ten minute
4 break.
5
6 (Off record)
7
8 (On record)
9
10 MADAME CHAIR ENTSMINGER: All right.
11 We're getting back to order here. There has been a
12 request to my wonderful elders to turn your cell phones
13 off. You'll have to catch your messages later, Lester.
14 Turn it down to vibrate, please. I've decided to ask
15 Virgil to Chair some of these proposals that I would
16 like to speak more to. I'm going to turn the Chair
17 over to Virgil at this time. We're on number 32.
18 Virgil.
19
20 MR. UMPHENOUR: Thank you. Can we have
21 the introduction of Proposal 32, please.
22
23 MR. ARDIZZONE: Mr. Chair. For the
24 record, Chuck Ardizzone. Proposal WP12-32 begins on
25 Page 105 of your meeting book. The proposal requests
26 the season dates for the elder hunt and the joint
27 minor/elder sheep hunts in Units 11 and 12 be changed
28 from September 21 through October 20 to August 1
29 through August 9th.
30
31 The proponent states that the current
32 season has snow conditions that make it difficult for
33 elders to travel, and the proposed time changes would
34 be during a time of year when travel conditions are
35 less difficult and have less competition from other
36 users. The proponent believes that the shorter
37 recommended season would offset any increase in
38 participation in the hunt. The season would be
39 shortened from 27 days to 9 days.
40
41 From 2004 to 2010, the elder hunt
42 within Unit 11 resulted in 124 permits being issued, 43
43 reports being returned and two sheep being harvested.
44 During the period of 2004 to 2010, 66 permits were
45 issued for the Unit 12 elder sheep hunt, 20 individuals
46 reported hunting and no sheep were harvested.
47
48 If this proposal was adopted, the
49 season for the elder hunt would be shortened by 21 days
50 and the season dates would change from September 21

1 through October 20 to August 1 through August 9. The
2 earlier timing of the hunt may provide greater
3 accessibility to elders. Although the season would be
4 shifted earlier, which may make it more desirable and
5 possibly increase the number of permittees, the
6 proposed shorter season should offset the potential
7 increase of hunters and limit an increase to harvest.

8

9 If adopted, the season would be nine
10 days prior to the opening of the hunt for other users
11 thereby minimizing competition. The OSM preliminary
12 conclusion is to support the proposal. If you have any
13 questions, I'll try and answer them.

14

15 MR. UMPHENOUR: Council members, any
16 questions on the analysis.

17

18 MADAME CHAIR ENTSMINGER: I have one.

19

20 MR. UMPHENOUR: Go ahead, Sue.

21

22 MADAME CHAIR ENTSMINGER: Can you tell
23 me why OSM eliminated the last part of the hunt?

24

25 MR. ARDIZZONE: Madame Chair. We just
26 agreed with the proponent. The proponent for this
27 proposal are the same ones that suggested that earlier
28 hunt -- I mean the seasons for the last hunt. So we
29 were just agreeing with their suggestion.

30

31 MADAME CHAIR ENTSMINGER: If I could, I
32 would just like to add some information to that.
33 You're saying the proponent proposed it? It was my
34 understanding it came from Robert Marshall, who is an
35 elder, he's in his 80's now, who put that forth
36 originally through the system.

37

38 MR. ARDIZZONE: Madame Chair. The same
39 proponent that submitted this is the proponent who
40 submitted the proposal in 2005 that the Board adopted
41 with the current season.

42

43 MADAME CHAIR ENTSMINGER: That wasn't
44 my understanding, but go ahead.

45

46 MR. UMPHENOUR: Does any other Council
47 members have any questions on the analysis.

48

49 (No comments)

50

1 MR. UMPHENOUR: Seeing none, I will
2 move to agency comments.

3
4 MS. YUHAS: Thank you, Mr. Chairman.
5 Jennifer Yuhas, Alaska Department of Fish and Game.
6 The Department would support this proposal with a
7 modification. The dates that are listed in your packet
8 at the bottom of that section for September 21st
9 through August 10th and then retaining the established
10 season closure date of October 20th. It's already an
11 unprecedentedly long season and this was the
12 recommendation from our biology staff.

13
14 **No official written comments
15 inserted/provided by State at this
16 time**

17
18 MR. UMPHENOUR: Any questions of the
19 State representative.

20
21 (No comments)

22
23 MR. UMPHENOUR: Seeing none, any other
24 agency comments.

25
26 (No comments)

27
28 MR. UMPHENOUR: Any Native, tribal,
29 village, other.

30
31 (No comments)

32
33 MR. UMPHENOUR: How about InterAgency
34 Staff comments.

35
36 (No comments)

37
38 MR. UMPHENOUR: Seeing none.

39
40 MR. RABINOWITCH: Excuse me.

41
42 MR. UMPHENOUR: Oh, yes, we do have
43 some.

44
45 MR. RABINOWITCH: Thank you. My name
46 is Sandy Rabinowitch with the Park Service. I'm
47 speaking on behalf of the InterAgency Staff Committee.
48 To try to keep it short, what the InterAgency Staff
49 Committee put on the table at the Southcentral meeting
50 in Cantwell last week was the notion of keeping the

1 hunt about a month long, which is roughly its current
2 length. We suggested keeping the starting date of the
3 proponent and then running it for about a month. I
4 don't want to get in front of the Southcentral Council.
5 I assume, KJ, you'll read into the record exactly what
6 they did. Basically you'll hear that they were
7 supportive of that concept.

8
9 The primary reason the Staff Committee
10 brought that up, and it wasn't a hard recommendation,
11 it was more just something to consider. As we all
12 know, the weather is getting more changeable. It's
13 warmer in the summer. Sometimes the temperature can go
14 down and it's just more erratic. So we floated the
15 idea of keeping that window of opportunity being about
16 a month long and we thought moving to the starting date
17 the proponent suggested made sense. They're the ones
18 that operate that hunt. That's what they wanted to try
19 and we thought it made sense to be supportive of that.

20
21 So we kind of offered those
22 generalities and it turned out they thought that was a
23 reasonable idea. So I'll leave it at that and keep it
24 brief.

25
26 MR. UMPHENOUR: Any questions.

27
28 (No comments)

29
30 MR. UMPHENOUR: I have one. Maybe it's
31 in here somewhere, but I haven't looked at it good.
32 Where would this -- this would just be in Wrangell-St.
33 Elias Park and Preserve and where exactly would this
34 hunt take place?

35
36 MR. RABINOWITCH: It is in Wrangell-St.
37 Elias. It's Unit 11 and 12 that people can seek these
38 permits out. Unit 12, if you think about the Nabesna
39 Road, kind of runs through Unit 12 and then Unit 11
40 would be to the south. Think of the McCarthy Road.
41 They're very large areas, but those two roads kind of
42 get you centered in the units. It's Page 108 of your
43 book. There's a map that shows Units 11 and 12.

44
45 If you want any more detailed
46 information about where people have actually on the
47 ground hunted, I would ask Barbara Cellarius to come
48 answer a question like that. She has more familiarity
49 with that than I do.

50

1 MR. UMPHENOUR: Thank you. No, I don't
2 need anymore. I just wanted to be sure I understood
3 where it was at.

4
5 MR. RABINOWITCH: Thank you.

6
7 MR. UMPHENOUR: Any other Council
8 members have any questions.

9
10 (No comments)

11
12 MR. UMPHENOUR: Thank you. Advisory
13 group comments.

14
15 MS. MUSHOVIC: Thank you, Mr. Chair.
16 The Southcentral Regional Advisory Council unanimously
17 supported Wildlife Proposal 12-32 as they modified it
18 to create an elder season August 1st through August
19 30th as the proposal was written, but with the
20 additional requirement that stipulates that ewes
21 accompanied by lambs be prohibited.

22
23 MR. UMPHENOUR: Say that last part
24 again.

25
26 MS. MUSHOVIC: They added to the
27 original proposal language a requirement stipulating
28 that ewes accompanied by lambs be prohibited from
29 harvest in this hunt.

30
31 MR. UMPHENOUR: Thank you. That's the
32 only other comments there are from advisory group.

33
34 MS. MUSHOVIC: (Nods affirmatively)

35
36 MR. UMPHENOUR: Thank you. Come on up.

37
38 MS. CELLARIUS: Thank you, Mr. Chair.
39 It's a little unclear when I was supposed to come up
40 with comments from the Wrangell-St. Elias SRC. The
41 Wrangell-St. Elias Subsistence Resource Commission
42 supported this proposal with modification. They
43 unanimously supported this modified proposal. The
44 modified season dates would be August 1 to September
45 20. While the commission supports the proponents
46 interest in an early August elder season when travel
47 conditions are easier and kids are out of school. It's
48 suggested also keeping the late season when the sheep
49 are lower down.

50

1 With only two sheep taken in the elder
2 hunt in the last six years there does not appear to be
3 a conservation concern with this hunt.

4
5 MR. UMPHENOUR: Any questions, Council
6 members.

7
8 (No comments)

9
10 MR. UMPHENOUR: Seeing none, thank you.
11 Are there any written comments.

12
13 MS. MUSHOVIC: Yes. The Ahtna Tene
14 Nene' Customary and Traditional Use Committee supports
15 Wildlife Proposal 12-32 to have an earlier Unit 11
16 sheep hunting season of August 1st to August 9th so
17 that youth and elders will be able to hunt for sheep
18 and pass on customs and practices of sheep uses and
19 hunting of sheep. It's important for elders to pass on
20 their knowledge to the younger generation.

21
22 And that's it.

23
24 MR. UMPHENOUR: Thank you. Do we have
25 anyone in the public that wants to testify on this
26 proposal.

27
28 (No comments)

29
30 MR. UMPHENOUR: None in room. Any on
31 teleconference.

32
33 (No comments)

34
35 MR. UMPHENOUR: I guess not. Okay.
36 We're ready for a motion.

37
38 MR. GLANZ: I'll make a motion that
39 WP12-32 be adopted.

40
41 MADAME CHAIR ENTSMINGER: Second.

42
43 MR. UMPHENOUR: Mr. Glanz, do you want
44 to speak to the proposal being that you made the
45 motion.

46
47 MR. GLANZ: I just feel it's quite a
48 good deal there for them. Also with only two harvested
49 it shows here and none in the other area, I don't think
50 it's really much of a detriment to the sheep population

1 in these areas. That's about all I have to say on the
2 motion.

3

4 MR. UMPHENOUR: Ms. Entsminger.

5

6 MADAME CHAIR ENTSMINGER: I would like
7 to speak to this. This is in our region. I spent two
8 days at a Subsistence Resource Commission meeting and I
9 also have spent probably since 1981 many, many meetings
10 going to the Subsistence Resource Commission and I
11 remember the person that put it in originally or am I
12 remembering his discussion, but Robert Marshall from
13 Copper Center spoke to this motion and the memory that
14 a lot of people in the SRC had was that a later season
15 when the animals are lower on the mountains was what we
16 were after and the people on the SRC talked, many of
17 them remembered it, and so that's why they come up with
18 the don't get rid of the end date for those people that
19 would like to go, why get rid of that portion of it.
20 Then there was some suggestions to maybe have it the
21 5th of August through the 15th of October, but most of
22 the people thought just leave the end date on and add
23 the beginning date.

24

25 Unless there's other discussion, I
26 would like to entertain that modification -- amendment.

27

28 MR. BASSICH: And I'd second that
29 amendment.

30

31 MR. UMPHENOUR: Could you restate the
32 amendment so that we all are perfectly clear with it.

33

34 MADAME CHAIR ENTSMINGER: The amendment
35 would not take away the second -- the season that's
36 already on the books, the August 21st through October
37 20. You would have your early season the 1st through
38 the 9th and then you'd have your late season 9/21 to
39 10/20.

40

41 I don't see it as a conservation
42 concern based on the data that was presented here.
43 Very little sheep are harvested, but there are still
44 people that like to go out. There's been an interest
45 in the elder youth hunt where you would take out a
46 youth during that time. Those first nine days might be
47 more conducive to the youth and that one would only be
48 one animal, not two. So I want to support what the
49 people in my region at the SRC supported on that not
50 getting rid of the late season, just have them both.

1 MR. BASSICH: Mr. Chairman.
2
3 MR. UMPHENOUR: First, Andy, let me get
4 clear. So you would have a split season 1 through 9
5 August and then what would the other dates be?
6
7 MADAME CHAIR ENTSMINGER: I know it's
8 confusing. Right now, currently, it's September 21st
9 through October 20th is on the books and the proposal
10 would eliminate that. My motion would keep it on the
11 books.
12
13 MR. UMPHENOUR: So what your motion
14 would do is to change the proposal so that the way it
15 is now on the books, which is September 21st to October
16 20th would remain. You would just have an additional
17 season that would be the 1st through the 9th of August,
18 is what your amendment would do. Is everyone clear on
19 that.
20
21 I see some of the Staff raising their
22 hands.
23
24 MR. ARDIZZONE: Mr. Chair. I just want
25 to make sure we're retaining the same harvest limits
26 and just adding an early season.
27
28 MADAME CHAIR ENTSMINGER: Yes, what's
29 on the books.
30
31 MS. CELLARIUS: Mr. Chair. I just
32 wanted to make it clear that what the SRC recommended
33 didn't have a split season. It was simply August 1
34 through October 20. The Federal registration permit
35 for the elder hunt would apply.
36
37 MADAME CHAIR ENTSMINGER: That's what I
38 meant. I'm sorry, guys. I didn't state it properly.
39 Would the second one clarify.
40
41 MR. UMPHENOUR: Andy.
42
43 MR. BASSICH: I would like to just
44 clarify the amendment as I understand Sue is trying to
45 make it happen. The regulation would read August 1
46 through October 20th and in addition to the language
47 she had -- I really liked the comments from ADF&G and
48 especially the last three lines or so. The Department
49 also recommends further definition in Unit 11, elder
50 hunt harvest, limited to one sheep. Lambs and ewes

1 accompanied by lambs not be taken. I think that's very
2 appropriate.

3

4 So I guess maybe in a way to simplify
5 it, I would just say take the comments made by ADF&G
6 and just make it August 1 through October 20th and then
7 add their language at the end of their comments into it
8 and I think that would be a very appropriate
9 modification.

10

11 MADAME CHAIR ENTSMINGER: Thank you for
12 clarifying my motion.

13

14 MR. BASSICH: Mr. Chairman. Are we
15 clear on that? Basically, if I may restate that, the
16 season would go August 1 through October 20th and then
17 the language of the last three lines of ADF&G comments
18 also added to the proposal. Mr. Chair.

19

20 MR. UMPHENOUR: What ADF&G?

21

22 MR. BASSICH: This is on Page 104 under
23 ADF&G comments on this proposal. Page 104, a large
24 block there under ADF&G comments, last three lines
25 under their comments.

26

27 MR. MATESI: It's also on Page 114.

28

29 MADAME CHAIR ENTSMINGER: Right.

30

31 MR. UMPHENOUR: Does everyone
32 understand the proposed amendment.

33

34 (Council nods affirmatively)

35

36 MR. UMPHENOUR: Any more comments on
37 it.

38

39 (No comments)

40

41 MR. BASSICH: Question on amendment or
42 modification.

43

44 MR. UMPHENOUR: Does everyone
45 understand what the amendment would do?

46

47 (Council nods affirmatively)

48

49 MR. UMPHENOUR: All in favor of the
50 amendment.....

1 IN UNISON: Aye.
2
3 MR. UMPHENOUR: Those opposed.
4
5 (No opposing votes)
6
7 MR. UMPHENOUR: Any further comments on
8 the proposal as amended.
9
10 MR. ARDIZZONE: Mr. Chair. I hate to
11 ask another question, but the last couple lines on Page
12 114.....
13
14 MR. BASSICH: Page 104
15
16 MR. ARDIZZONE: Page 104, was looking
17 at Fish and Game's comments. So that sheep, lambs and
18 ewes and their comments I think addresses Unit 11 only.
19 So would we keep the Unit 12 harvest limit at one ram?
20 I just want to make sure it's on the record so we don't
21 change something we don't want to change.
22
23 MR. BASSICH: Yes.
24
25 MR. ARDIZZONE: Thank you.
26
27 MR. UMPHENOUR: So that everyone
28 understands and so that I understand.....
29
30 (Laughter)
31
32 MR. UMPHENOUR:a legal sheep
33 would be one sheep and lambs and ewes accompanied by
34 lambs would not be a legal sheep. So it would be any
35 sheep other than a lamb or a ewe accompanied by a lamb.
36
37 MADAME CHAIR ENTSMINGER: That's my
38 understanding.
39
40 MR. MATESI: In Unit 11.
41
42 MR. UMPHENOUR: What about Unit 12?
43
44 MADAME CHAIR ENTSMINGER: Mr. Chair.
45
46 MR. UMPHENOUR: So Unit 12 then on Page
47 105 it says Unit 12 one full curl ram, is what it says.
48 When it says one full curl ram, does that mean a full
49 curl ram or a ram with both horns broken? Can someone
50 answer that question.

1 MADAME CHAIR ENTSMINGER: I want to
2 find something here. I think in Unit 12 right now that
3 is the regulation. Let me look and make sure. It's
4 one full curl ram currently in Unit 12. That's why it
5 isn't there. That's what's on the books right now, so
6 it wouldn't change anything.

7
8 MR. UMPHENOUR: Is everyone clear now?

9
10 MR. GLANZ: It says full curl horn. It
11 doesn't say one or two, it says one ram full curl horn.
12

13 MR. MATESI: I think the practice is to
14 define a full curl ram and that also includes broken
15 horn, because you can't tell if it's broken. I mean
16 that's why we have people who have been known to go out
17 and take substandard rams and then standing there
18 banging the head on the rocks trying to break the horns
19 and making them legal.

20
21 MR. UMPHENOUR: Sue.

22
23 MADAME CHAIR ENTSMINGER: I have a
24 question of Staff. I don't think there's a lot of
25 people that see this regulation that often, but it says
26 in the Federal regs currently it says GMU general hunt
27 one ram with full curl horn or larger. Is he correct
28 in assuming that that's all that's legal?

29
30 MR. ARDIZZONE: I'll read the
31 definition of full curl ram right out of the
32 regulations if that helps. Full curl horn means a horn
33 of a dall sheep ram with a tip of which has grown
34 through 360 degrees of a circle described by the outer
35 surface of the horn as viewed from the side or that
36 both horns are broken or that the sheep is at least
37 eight years of age as determined by horn growth, is
38 what the Federal definition of full curl ram is.

39
40 MADAME CHAIR ENTSMINGER: So it does
41 include the eight years.

42
43 MR. ARDIZZONE: Yes.

44
45 MADAME CHAIR ENTSMINGER: Or broken.

46
47 MR. ARDIZZONE: Right. That is Page
48 132 of the handy dandy if you need to look at it.

49
50 MADAME CHAIR ENTSMINGER: So Virgil was

1 wrong in saying that it's just one full curl ram. It
2 does include the eight years old and broken. So we
3 don't need to mess with that to complicate things.

4
5 MR. UMPHENOUR: Okay. I think everyone
6 understands it now. Is there anyone that doesn't
7 understand it.

8
9 (No comments)

10
11 MR. UMPHENOUR: Any more comments on
12 the proposal.

13
14 MR. BASSICH: Question.

15
16 MR. UMPHENOUR: The question was
17 called. All in favor signify aye.

18
19 IN UNISON: Aye.

20
21 MR. UMPHENOUR: Opposed same sign.

22
23 (No opposing votes)

24
25 MR. UMPHENOUR: The proposal passes
26 unanimously. Introduction and analysis for Proposal
27 33, please.

28
29 MR. ARDIZZONE: Mr. Chair. The
30 analysis for Proposal WP12-33 begins on Page 116 of
31 your meeting books. Requests that wolf hunting seasons
32 in Units 11 and 12 be reduced from August 10th through
33 April 30th and reduced to November 1st through March
34 31st. The proponent wishes to apply this restriction
35 in the part of Unit 12 that is outside of the State s
36 predator control program area. The proponent states
37 that by late April, in Units 11 and 12, hides are
38 rubbed and pregnant females are approaching full term.
39 The proponent states that pups are totally dependent on
40 adults for food and protection at the start of the
41 current wolf hunting seasons in Units 11 and 12 and
42 that the August hides are not suitable for commercial
43 sale or trophies.

44
45 These same proposals were submitted two
46 years ago and Southcentral and Eastern Interior
47 Regional Advisory Councils both opposed them at that
48 time and the Federal Subsistence Board rejected those
49 proposals.

50

1 During a Southcentral Regional Advisory
2 Council meeting, the Denali Subsistence Resource
3 Commission reported that early season pelts do have low
4 commercial value, but are a resource for local
5 subsistence users making crafts and clothing for
6 personal use.

7
8 The wolf populations in Units 11 and 12
9 are thought to be healthy. The wolf populations are
10 thought to be regulated more by natural factors than
11 harvest of hunters or trappers. Thus the OSM
12 preliminary conclusion is to oppose the proposal.

13
14 Any questions.

15
16 MR. UMPHENOUR: Any questions, Council
17 members.

18
19 (No comments)

20
21 MR. UMPHENOUR: Seeing none. Fish and
22 Game.

23
24 MS. YUHAS: Thank you, Mr. Chairman.
25 Jennifer Yuhas, Alaska Department of Fish and Game.
26 The Department also opposes this proposal as
27 unnecessary. We find no conservation issues in these
28 units and the current seasons and bag limits have
29 resulted in virtually no impact to the populations.
30 Wildlife viewing occurs concurrent with hunting in the
31 area and we think that the hide value is best
32 determined by the person that wants to utilize this
33 hide regardless of commercial value.

34
35 **No official written comments
36 inserted/provided by State at this
37 time**

38
39 MR. UMPHENOUR: Any questions. Seeing
40 none, thank you. Any other Federal agency comments or
41 reports.

42
43 (No comments)

44
45 MR. UMPHENOUR: How about Native,
46 tribal, village and other.

47
48 (No comments)

49
50 MR. UMPHENOUR: InterAgency Staff

1 Committee comments.

2

3 (No comments)

4

5 MR. UMPHENOUR: Any advisory group
6 comments.

7

8 MS. MUSHOVIC: Thank you, Mr. Chair.
9 The Southcentral Regional Advisory Council supported
10 Wildlife Proposal 12-33.

11

12 MADAME CHAIR ENTSMINGER: Are you sure?

13

14 MS. MUSHOVIC: I'm sorry. They opposed
15 that proposal. Thank you for the correction.

16

17 MR. UMPHENOUR: Any local fish and game
18 advisory committees.

19

20 (No comments)

21

22 MR. UMPHENOUR: Seeing none. National
23 Park Service Subsistence Resource Commission.

24

25 MADAME CHAIR ENTSMINGER: Wait a
26 minute. I just wanted to let you know that the Upper
27 Tanana did meet. I thought they sent their comments in
28 and they would be read into the record, but they met
29 and were opposed to it. Upper Tanana Fortymile
30 Advisory Committee.

31

32 MR. UMPHENOUR: Okay. They met and
33 opposed it and we don't have their comments but you
34 brought verbal comments.

35

36 MADAME CHAIR ENTSMINGER: (Nods
37 affirmatively)

38

39 MR. UMPHENOUR: Thank you, Sue.
40 National Park Service.

41

42 MS. CELLARIUS: Thank you, Mr. Chair.
43 The Wrangell-St. Elias Subsistence Resource Commission
44 unanimously opposes the proposal. There's not a
45 conservation concern for wolves in Unit 11 and 12 and
46 shortening the season would negatively affect
47 subsistence users by reducing subsistence opportunity.
48 Hides harvested in the fall when the hair is short are
49 better for hats and mittens and spring hides can be
50 used to make good ruffs.

1 MR. UMPHENOUR: Any questions, Council
2 members.

3
4 (No comments)

5
6 MR. UMPHENOUR: Thank you. Do we have
7 any written comments submitted.

8
9 MS. MUSHOVIC: Yes, thank you, Mr.
10 Chair. The Ahtna Tene Nene' Customary and Traditional
11 Use Committee adamantly opposes Wildlife Proposal 12-
12 33. Population of wolves in Unit 11 and Unit 12 are
13 not a conservation concern. Federal management to
14 attempt to control the population of wolves so that
15 moose and caribou population can increase for human
16 consumption is sound management principal. Federally
17 qualified subsistence users do not eat wolves.

18
19 Thank you.

20
21 MR. UMPHENOUR: Thank you. Do we have
22 any public testimony on Proposal 33.

23
24 (No comments)

25
26 MR. UMPHENOUR: I see no one in the
27 audience. How about on the teleconference.

28
29 (No comments)

30
31 MR. UMPHENOUR: Okay. We're ready for
32 a motion.

33
34 MR. BASSICH: Mr. Chairman. I'd like
35 to make a motion to support WP12-33 as presented to us.

36
37 MR. GLANZ: I'll second that.

38
39 MR. UMPHENOUR: It's moved and
40 seconded. Andy, do you want to speak to your motion.

41
42 MR. BASSICH: Yes, Mr. Chairman. I
43 don't plan on supporting this. I think as stated by
44 justification and by comments also by Wrangell-St.
45 Elias SRC I agree with those comments. I think they
46 meet the criteria for this describing why it's not
47 appropriate at this time. So I will not support this.

48
49 I'd like to just further add that I
50 think it's really critical when we're trying to

1 encourage local use, whether it be for predator control
2 or predator management, whether it be intensively or
3 non-intensively, the hunting seasons are the primary
4 time when people take advantage of having additional
5 harvest of wolves. Generally people to my knowledge
6 don't spend a lot of time on their own going out and
7 purposely hunting wolves. It tends to take place much
8 more effectively during moose and caribou and bear
9 hunting seasons. So to eliminate that from the open
10 season is counterproductive to that.

11

12 Thank you.

13

14 MR. UMPHENOUR: Bill, did I see your
15 hand up?

16

17 MR. GLANZ: I was going to say this
18 outfit here they take up half the State Board meetings
19 also with their protection of the wolves, so I'm
20 definitely against them and their proposals.

21

22 MR. UMPHENOUR: Thank you. Are there
23 any other comments from Council members. I'll
24 entertain the question.

25

26 MADAME CHAIR ENTSMINGER: Question.

27

28 MR. UMPHENOUR: The question has been
29 called. All in favor of Proposal Number 33 signify by
30 saying aye.

31

32 (No aye votes)

33

34 MR. UMPHENOUR: All opposed same sign.

35

36 IN UNISON: Aye.

37

38 MR. UMPHENOUR: It fails unanimously.
39 Introduction and analysis of Proposal 68, please

40

41 DR. JENKINS: Mr. Chair. Council
42 members. Good afternoon. David Jenkins, OSM. WP12-68
43 starts on Page 151. It was submitted by the Cheesh'na
44 Tribal Council and requests the residents of
45 Chistochina be added to the Unit 12 caribou customary
46 and traditional use determination.

47

48 Chistochina is located in Unit 13C just
49 outside the border of Unit 12. Chistochina residents
50 already have a positive customary and traditional use

1 determination for moose, brown bear, and sheep in Unit
2 12. Mentasta Lake in Unit 13C also has a positive
3 customary and traditional use determination in Unit 12
4 for caribou. The Cheesh'na Tribal Council requests that
5 Chistochina should be added to the list of communities
6 which already have a positive customary and traditional
7 use determination for caribou in Unit 12, and to be
8 consistent with Mentasta Lake. Chistochina, I should
9 note, already has a positive customary and traditional
10 use determination for caribou in Unit 13.

11
12 There are eight factors for determining
13 customary and traditional uses. You can find those
14 factors enumerated on Page 152 of your books. I
15 believe you're familiar with them and we don't need to
16 go through each of those eight factors one by one. Let
17 me make a few general points.

18
19 Chistochina's uses of caribou are
20 recognized in Unit 13 and the question before you is
21 not whether Chistochina has customarily and
22 traditionally used caribou. They're significant
23 information that people of Chistochina were dependant
24 on caribou. The question before you is where they used
25 caribou and whether residents of Chistochina used
26 caribou in Unit 12.

27
28 Historically, members of the Upper
29 Chisana-Upper Nabesna band occupied the area north of
30 the Wrangell St. Elias mountains and hunted caribou in
31 the Nutzotin and Mentasta Mountains, and hunted and
32 trapped in the basins of several rivers, including the
33 White, Nabesna, and Chisana Rivers. You can see a map
34 of where the Upper Chisana-Upper Nabesna band was
35 located on Page 154, number 7 there at the bottom.

36
37 With a shift to village life in the
38 late-nineteenth and early twentieth centuries, Upper
39 Chisana-Upper Nabesna
40 band members moved to Northway, Mentasta, and
41 Chistochina and to
42 Tetlin. We have ample documentary evidence that
43 demonstrates that members of the Upper Chisana-Upper
44 Nabesna band hunted
45 caribou in what is now Unit 12. There's ample
46 archaeological evidence, there's evidence from
47 eighteenth and nineteenth century traveler s accounts.
48 We have early and mid-twentieth century descriptions
49 that indicate a continued dependence on caribou for
50 these people. The evidence is in your books and I

1 don't think I need to go through all the details.

2

3

4 Let me also note that recent oral
5 histories also demonstrate the significance of caribou
6 in the area of Unit 12 in the first half of the
7 twentieth century for these folks. Those recent oral
8 histories were collected by William Simeone, an
9 anthropologist. In addition to those oral histories
10 that he collected, Wilson Justin has testified a number
11 of times at various RAC meetings about his family's
12 relationship with caribou in Unit 12.

12

13

14 Other people who live now in
15 Chistochina also have a relationship with caribou in
16 Unit 12. For example, Gilliam Joe, grandson of Chisana
17 Joe, was born in Chisana and left the village when he
18 was two or three, as he told me. He said to me I left
19 Chisana by dog team and returned later by airplane. He
20 currently resides in Chistochina and as a young man
21 worked as a hunting guide based out of Chisana. He has
22 long-standing ties to caribou in Unit 12.

22

23

24 So there's extensive evidence from the
25 nineteenth century into the twenty-first century
26 indicating that people in Chistochina have had and
27 continue to have a long-standing caribou use in Unit
28 12.

28

29

30 If this proposal is adopted, the
31 Federal Subsistence Board would recognize the customary
32 and traditional uses of residents of Chistochina to
33 harvest caribou in Unit 12.

33

34

35 Based on the documentary evidence,
36 including the recent oral testimonies, OSM's
37 preliminary conclusion is to support WP12-68 and
38 recognize Chistochina along with the other communities
39 as having a positive customary and traditional use of
40 caribou in Unit 12.

40

41

42 Thank you, Mr. Chair. I can answer
43 questions if there are any.

43

44

45 MR. UMPHENOUR: Any questions, Council
46 members.

46

47

48 (No comments)

48

49

50 MR. UMPHENOUR: Seeing none. Agency
51 comments, Fish and Game.

1 MS. YUHAS: Thank you, Mr. Chairman.
2 Jennifer Yuhas, Alaska Department of Fish and Game.
3 The Department requires further information before
4 submitting recommendation for this particular proposal.
5 We just listened to testimony last week on this
6 proposal which was significantly longer and more
7 detailed regarding the C&T findings. Most of that
8 testimony centered around the use not being that of
9 harvest, but being that of identification with the herd
10 over time. The Department finds that confusing for
11 consistent application of C&T findings.

12
13 Either a datapoint is harvest that
14 demonstrates use or the Board has authority to make
15 findings based on special attachment to a species. We
16 really want to see where that's going to go long term
17 for consistent application. There had been a point in
18 time we had asked for rule-making on customary and
19 traditional use findings. We understand that it's not
20 done on the Federal side exactly the way that it's done
21 on the State side, that there's more of a holistic
22 approach.

23
24 We have been advocating for consistency
25 of application in that holistic approach and we find
26 that some of the communities that have been excluded
27 from the C&T actually reside closer to the range of the
28 caribou where the analysis sites that Chistochina
29 resides closer to the Park boundary and we just don't
30 think we have enough information to support these
31 findings at this time and would like to see the
32 discussion deferred for further analysis.

33
34 *****
35 STATE OFFICIAL WRITTEN COMMENTS
36 *****

37
38 Alaska Department of Fish and Game
39 Comments to the Regional Advisory Council

40
41 Wildlife Proposal WP12-68 (GMU 12 C&T
42 Caribou):

43
44 This proposal seeks to establish a
45 positive Federal Customary and Traditional Use
46 determination (C&T) for caribou in Unit 12 for the
47 residents of the Chistochina.

48
49 Introduction:
50

1 This proposal requests the federally
2 qualified residents of Chistochina have a positive C&T
3 for caribou in Unit 12. The proponent indicates the
4 federal subsistence program's methodology of making C&T
5 determinations has changed from making herd-based
6 determinations to unit-based determination. The
7 proponent indicates recent interests in the Chisana
8 herd spurred this proposal and it is appropriate to
9 re-evaluate the current C&T determinations for caribou
10 in Unit 12.

11

12 Impact on Subsistence Users:

13

14 If adopted, federal subsistence users
15 who are residents of Chistochina will be granted
16 opportunity to harvest in the federal subsistence
17 caribou hunt in Unit 12.

18

19 Opportunity Provided by State:

20

21 State regulations limit caribou hunting
22 in Unit 12 to one bull caribou west of the Glenn Hwy
23 (Tok Cutoff) and have not provided any opportunity for
24 harvesting Chisana caribou since 1993.

25

26 Other Comments:

27

28 The department requires further
29 information before submitting a recommendation
30 including testimony at RAC meetings.

31

32 Recommendation:

33

34 The department requires further
35 information before submitting a recommendation.

36

37 MR. UMPHENOUR: Thank you. Council
38 members, do you have any questions.

39

40 (No comments)

41

42 MR. UMPHENOUR: So the Department of
43 Fish and Game doesn't really have a recommendation
44 right now or they're opposed?

45

46 MS. YUHAS: We do not have a
47 recommendation at this time, Mr. Chairman.

48

49 MR. UMPHENOUR: And the confusion is is
50 you don't know which caribou herd the C&T would be for?

1 MS. YUHAS: No, Mr. Chairman. The
2 confusion centers around consistent application of C&T
3 findings. At the previous RAC meeting just last week
4 in Cantwell, the Southcentral meeting, the proposer was
5 present at the meeting and testified. One the minutes
6 are done you'll be able to read this, but his testimony
7 centered around the use of the caribou herd being that
8 of significant relationship between his people and the
9 caribou.

10
11 The finding would be for customary and
12 traditional use. He preferences for harvest in all of
13 Unit 12, not just the caribou herd that his clan has a
14 special identification with.

15
16 Historically, the Federal Subsistence
17 Board has made findings of use being associated with
18 harvest. Whether the animal was eaten, used for
19 clothing, used for shelter or another purpose, there
20 was a harvest that occurred.

21
22 The testimony that occurred last week
23 centered around the use being identification and the
24 person testifying cited that they had not harvested and
25 might not harvest in the future, but that they needed
26 this finding to be allowed to identified with this
27 populations as a symbol. The testifier said similar to
28 the way the American eagle is a symbol of the American
29 people.

30
31 So we need some clarification as to
32 whether the Federal Subsistence Board has the authority
33 to grant someone, a group of people, the right to
34 specially identify with a population and if they do,
35 what those implications are. We've heard lots of
36 testimony at the Board meetings the people of the
37 eulachon, the people of the coho and if we set a
38 precedent in this arena of granting a customary and
39 traditional use being special identification with the
40 population, we're not really sure where that goes. And
41 should a preference for harvest be granted for a group
42 who testifies they don't intend to harvest or have not
43 previously harvested over a group of people who can
44 document harvest. There's a lot of unanswered
45 questions for us.

46
47 MR. UMPHENOUR: Thank you. I think
48 Andy has a question.

49
50 MR. BASSICH: Thank you, Mr. Chair.

1 Actually when I was reading this I was a little
2 concerned about the justification and also the
3 testimony just given to us by Dr. Jenkins along the
4 same lines and I see this is setting a very serious
5 precedence in C&T determinations and I wasn't really
6 sure how to ask that question. I was kind of sitting
7 here trying to determine that.

8

9 But I really think given that concern
10 and the magnitude of possibly setting a precedence
11 here, I would maybe ask that we defer this proposal for
12 further analysis and further definition of whether they
13 can do that at this time. I see this as one of those
14 kind of proposals that could really open up a can of
15 worms in the whole C&T process in the future.

16

17 I mean basically someone can just claim
18 that we identify with this and they can be given C&T
19 determinations if this were to carry through and the
20 Federal Board was to approve this right now. So I
21 think it needs a little bit more analysis. I think it
22 needs to be defined a little bit more on the actual
23 mechanics of how they're going to use C&T
24 determinations.

25

26 Thank you, Mr. Chairman.

27

28 MR. UMPHENOUR: Thank you. Sue.

29

30 MADAME CHAIR ENTSMINGER: These issues
31 are so hard. On the C&T process the question I have
32 and probably should have asked earlier to Staff, but I
33 guess this is a C&T not by herd, it's a C&T by GMU and
34 I think it gets confused. So the C&T should be by the
35 GMU. I mean that's what the Federal system -- the way
36 we take up C&Ts is by that GMU. What I'm hearing here
37 is stuff that's saying by herd. I am also hearing
38 other stuff in your analysis that states -- I mean I
39 think clearly people at Chistochina have used caribou
40 in Unit 12, especially out on the Nabesna Road. I hate
41 seeing it getting confused because it confuses
42 everybody else. We should just be talking about
43 caribou in Unit 12.

44

45 MR. UMPHENOUR: Yes, Chuck.

46

47 DR. JENKINS: Yes, Mr. Chair. Sue is
48 correct. The Federal system manages by unit and not by
49 herd. In the analysis, as I've briefly mentioned,
50 there seems to be substantial evidence that the Upper

1 Chisana-Upper Nabesna band members who moved to the
2 communities that I mentioned, including Chistochina,
3 had a long-standing practice of harvesting caribou in
4 Unit 12. That long-standing practice that satisfies
5 these eight criteria, both individually and
6 holistically, is in OSM's estimation sufficient to
7 demonstrate that these people should be given a
8 positive customary and traditional use determination
9 for caribou in Unit 12. There is substantial evidence
10 to back up that preliminary conclusion.

11
12 The issue of herds then ends up, as Sue
13 mentioned, making the issue muddy. It really doesn't
14 matter what herd people are hunting in this area. What
15 matters is that they are caribou in Unit 12.

16
17 Thank you.

18
19 MR. UMPHENOUR: Did you have something,
20 Larry?

21
22 MR. GLANZ: Yes, Mr. Chair. I think
23 years ago didn't we get our hands slapped. We were
24 down in Delta and we took Greeley out of the C&T and
25 they said that's not our position to do that.

26
27 MR. UMPHENOUR: Sue.

28
29 MADAME CHAIR ENTSMINGER: As I remember
30 it, if you're adding it's easy to do. If you're taking
31 away it's very difficult to do.

32
33 MR. GLANZ: I knew it was something
34 like that.

35
36 MADAME CHAIR ENTSMINGER: Fort Greeley
37 taking away. This is adding. Me, personally, I can't
38 be against Chistochina getting a C&T in Unit 12 because
39 Unit 12 takes all the caribou, not just one herd.
40 That's what's hard for me. I mean I can't be against
41 that. And then if we go back in history -- I mean you
42 find out that Chistochina has a C&T for bears and sheep
43 in Unit 12 and recently got moose, which was challenged
44 and then defended. That's what's hard for me as a user
45 that we've piecemealed these C&Ts to the point where
46 they're so muddy.

47
48 It seems more likely that a user if
49 you're out there hunting a moose and you don't have a
50 C&T for caribou, isn't it strange that you should be

1 able to hunt all the species. You should have a C&T by
2 region I think for all species, but we didn't go down
3 that route, so we're on this individual C&T process. I
4 personally can't see voting against Chistochina right
5 now, but that's me and my region and that's how it's
6 come about with the SRC.

7

8 MR. UMPHENOUR: Go ahead.

9

10 MR. MATESI: I'd like to request that
11 we finish getting information from the agencies before
12 we continue with conversation.

13

14 MR. UMPHENOUR: This was questions of
15 the Staff from the Department of Fish and Game is what
16 we were doing and we got -- some people kind of
17 expanded that a little bit.

18

19 (Laughter)

20

21 MR. UMPHENOUR: Andy.

22

23 MR. BASSICH: Thank you. Dr. Jenkins,
24 when you do your analysis, is there a timeframe that
25 are cut-off points? I guess what I'm a little bit
26 confused about is in reading some of this and listening
27 to you there was determinations that there was possibly
28 heavy use back at the turn of the century and that
29 maybe in more recent times there hasn't been or maybe
30 not in the near future a desire to. I'm just curious
31 what the definition is of traditional use. Is there a
32 timeframe there that you consider to be traditional
33 use.

34

35 If you could elaborate on that a little
36 bit because it seems like -- really, if you wanted to
37 take it to the Nth degree, I'm going to play devil's
38 advocate, you could say people coming across the Bering
39 Land Bridge, which our ancestors hunted everything from
40 Nome to Texas, so they would have C&T determinations on
41 everything, everywhere. What is your more defined
42 definition of how you determine that.

43

44 DR. JENKINS: Yes, Andy. My
45 understanding is that we generally don't go into the
46 archaeological record very deeply to look for customary
47 and traditional uses of these species and we mostly
48 look at the historical records and the more
49 contemporary records for those kinds of determinations.
50 So my understanding is that we don't look deeply into

1 archaeology. We certainly don't go back across the
2 Bering Sea.

3

4 So my guess would be, you know, the
5 last 100 years, 150 years is really sufficient
6 documentary evidence to show local peoples in their
7 uses of resources in specific regions. As I mentioned,
8 from my read of the documentary evidence, members of
9 the Upper Nabesna-Upper Chisana band have demonstrated
10 ample resource use of caribou by these people, who then
11 moved in the early 20th century to the various villages
12 that I mentioned, including Chistochina, and that one,
13 perhaps for historical reasons, was not included when
14 some of these others were included 10 or so years ago.

15

16 MR. BASSICH: Okay.

17

18 MR. UMPHENOUR: Any more questions of
19 the Staff at the table.

20

21 (No comments)

22

23 MR. UMPHENOUR: Okay. We'll go to
24 Federal agencies.

25

26 (No comments)

27

28 MR. UMPHENOUR: No Federal agencies.
29 Native, tribal, village or other.

30

31 MS. STICKWAN: Hello.

32

33 MS. MUSHOVIC: Who's calling?

34

35 MS. STICKWAN: Gloria.

36

37 MR. UMPHENOUR: Did you have some
38 comments on the current Proposal 58?

39

40 MS. STICKWAN: Yes.

41

42 MR. UMPHENOUR: Go ahead, please.

43

44 MS. STICKWAN: I just want to say that
45 personally as an individual I support and Ahtna did too
46 for Unit 12 caribou for Cheesh'na or Chistochina. One
47 of the things that Wilson Justin, who is a spokesperson
48 for Chistochina at a SRC meeting, he said his word is
49 final and legal whatever he says at a meeting. He
50 speaks on behalf of Chistochina. He said that one of

1 the reason that Unit 12 for caribou and moose, they had
2 a question about the whole C&T process. Their village
3 had a question about C&T process and they were
4 wondering what route to take and they finally decided
5 that they'd go along with this C&T and put in this
6 proposal. They questioned it in the beginning and so
7 that's why they didn't pursue C&T earlier.

8
9 It didn't matter what caribou was used
10 in Unit 12. If there was caribou, historically
11 Cheesh'na would have hunted caribou. They wouldn't
12 have excluded one caribou over another one. They would
13 have taken it. I think there's not very much
14 documentation then because they had moved from their
15 village where they had lived and their access to that
16 area since they moved from Chistochina it was harder
17 for them to hunt and because of regulations as well
18 that prevented them from using the caribou.

19
20 They have use of the area and I hope
21 you guys will take that into consideration and not use
22 it against them because they haven't been using it.
23 That area where they're talking about is a hard place
24 to get to. Some of the younger people Wilson said
25 would leave for a bit and they do want to open a hunt
26 for their village. I'm speaking as an individual, not
27 for Ahtna.

28
29 Thank you.

30
31 MR. UMPHENOUR: Council members, do you
32 have any questions of Gloria.

33
34 (No comments)

35
36 MR. UMPHENOUR: Seeing none. Thank
37 you, Gloria. InterAgency Staff Committee comments.

38
39 (No comments)

40
41 MR. UMPHENOUR: None. Okay. Advisory
42 group comments, Regional Councils.

43
44 MS. MUSHOVIC: Thank you, Mr. Chair.
45 The Southcentral Regional Advisory Council unanimously
46 supported Wildlife Proposal 12-68.

47
48 MR. UMPHENOUR: Local fish and game
49 advisory committees.

50

1 (No comments)
2
3 MR. UMPHENOUR: National Park Service.
4
5 MS. CELLARIUS: Thank you, Mr. Chair.
6 The Wrangell-St. Elias National Park Subsistence
7 Resource Commission unanimously supported the proposal.
8 There is ample evidence that residents of Chistochina
9 have customarily and traditionally harvested caribou as
10 well as other resources in Unit 12.
11
12 MR. UMPHENOUR: Council members any
13 questions of Park Service.
14
15 (No comments)
16
17 MR. UMPHENOUR: Seeing none, thank you.
18 Do we have any written comments.
19
20 MS. MUSHOVIC: Yes. The Ahtna Tene
21 Nene' Customary and Traditional Use Committee supports
22 Wildlife Proposal 12-68 granting customary and
23 traditional use determination for the Chistochina
24 community for Unit 12 caribou as the Ahtna people have
25 historically fished and hunted in all of Unit 12 and
26 should be given C&T for all species in Unit 12. It's
27 well documented that the Ahtna people have hunted and
28 continue to hunt in all of Unit 12 for all species.
29
30 Thank you.
31
32 MR. UMPHENOUR: Thank you. Do we have
33 any of the public that wants to testify.
34
35 (No comments)
36
37 MR. UMPHENOUR: Seeing none. I'll
38 entertain a motion.
39
40 MADAME CHAIR ENTSMINGER: I'll make a
41 motion to support WP12-68.
42
43 MR. BASSICH: Second.
44
45 MR. UMPHENOUR: Do you want to speak to
46 your motion.
47
48 MADAME CHAIR ENTSMINGER: I think I did
49 it out of turn. Sorry. Just for the use of caribou in
50 Unit 12 I feel like, as C&Ts are done in this fashion,

1 they actually use it, there's a lot of documentations
2 here. I mean there is confusion sometimes when you're
3 talking about different herds because the Federal
4 system is doing it by GMU and not by herd. As long as
5 you were doing it by caribou and that's what we're
6 faced with, I support it.

7

8 MR. UMPHENOUR: Andy.

9

10 MR. BASSICH: Thank you, Mr. Chairman.
11 Yeah, I don't think there's a conservation concern by
12 supporting this. I think there is good documentation
13 that they do hunt in this area for not only caribou but
14 other species and that they do have those
15 determinations for other species. That helps me to
16 support that knowing that traditional patterns of most
17 subsistence hunters. I think this won't be detrimental
18 to subsistence users. It will actually benefit the
19 users in Chistochina. It's not going to restrict any
20 other groups. Therefore I will support this.

21

22 I just wanted to also add that my
23 concerns earlier were not against the approval of this.
24 I was just concerned about the process of C&T
25 determination. In my earlier comments and questions, I
26 was concerned about the consistency of how that
27 analysis is conducted and also how they use that or how
28 they interpret that. But my questions were answered,
29 so I feel like I can support this motion.

30

31 Thank you.

32

33 MR. UMPHENOUR: Go ahead.

34

35 MR. MATESE: Thank you, Mr. Chair. I'm
36 going to vote to support this proposal, but I'm going
37 to take this opportunity to compliment the Staff of OSM
38 for their Staff analysis. I thought it was amazingly
39 well researched and well written. In fact, I actually
40 enjoyed reading it. I don't know who is responsible
41 for the tremendous amount of intelligent work that went
42 into this. You guys, at least me, and I think other
43 people as well, appreciate your work and pat you on the
44 back for it.

45

46 MR. UMPHENOUR: Thank you. Anyone
47 else. William.

48

49 MR. GLANZ: Call the question is all.

50

1 MR. UMPHENOUR: The question has been
2 called. All in favor of proposal 68 signify by saying
3 aye.

4
5 IN UNISON: Aye.

6
7 MR. UMPHENOUR: Opposed.

8
9 (No opposing votes)

10
11 MR. UMPHENOUR: It passes unanimously.
12 I think it's time to take a short break. About 10
13 minutes.

14
15 (Off record)

16
17 (On record)

18
19 MR. UMPHENOUR: Okay. We'll get
20 started now. Could we have the introduction of
21 Proposals 104, 65 and 66.

22
23 MR. ARDIZZONE: Mr. Chair. For the
24 record, Chuck Ardizzone and Dr. Jenkins and I will be
25 tag-teaming. He'll present the 104 and I'll present
26 the other information. Proposals 104, 65 and 66 all
27 request variations of hunts on the Chisana Caribou.

28
29 Proposal 104, which is 10-104, was
30 deferred by the Federal Subsistence Board until this
31 cycle at its 2010 meeting. The Federal Subsistence
32 Board decided it was premature to adopt hunting
33 regulations for the Chisana Caribou Herd until the
34 draft management plan was finalized and supported by
35 management agencies involved in the plan.

36
37 As I said, they're all variations of
38 hunts on the herd. Seasons vary a little bit. Harvest
39 limits are one bull. 104 was to be a joint
40 Federal/State permit, draw permit. There's been no
41 legal harvest of the Chisana Caribou in Alaska since
42 1994. The Alaska range of the Chisana Caribou is
43 primarily within Wrangell-St. Elias National Park and
44 Preserve, a remote and mountainous location that is
45 difficult to access.

46
47 A draft five-year management plan for
48 the Chisana Caribou Herd was developed through a
49 cooperative effort. The draft plan is now finalized
50 and about to be signed by all parties involved. To this

1 point, the draft management plan has provided a
2 framework for monitoring the Chisana Caribou population
3 and a criteria for implementing a hunt.

4
5 As required by draft management plan, a
6 census was completed in October of 2010 by National
7 Park Service and Alaska Department of Fish and Game.
8 Results of the census show the Chisana population to be
9 stable with herd size of approximately 697 caribou.
10 The bull/cow ratio was 42 bulls per 100 cows, above the
11 minimum 35 bulls per 100 cows stated in the draft
12 management plan. The number of calves in the herd has
13 shown an increase since 2009. The three-year average
14 calf/cow ratio was 20 calves per 100 cows is above the
15 minimum 15.

16
17 The draft management plan recommends a
18 harvestable surplus of 2 percent of the herd split
19 between Alaska and Canada. Based on the fall 2010
20 census, estimated herd size, as I said, is 697 animals,
21 making the Alaska portion of the quota approximately
22 seven animals and the other seven would be harvested in
23 Canada.

24
25 Historically, few Chisana Caribou have
26 migrated west of the Nabesna River and Nabesna Glacier.
27 Restricting the hunt to east of the Nabesna River and
28 Glacier will avoid incidental harvest of the Mentasta
29 Herd while providing minimal impact to subsistence
30 hunters wanting to harvest a caribou from the Chisana
31 Caribou Herd.

32
33 The Mentasta Caribou Herd have
34 experienced dramatic decline and the 2010 census of the
35 herd resulted in a population estimate of 336 animals.
36 Currently all harvest of the Mentasta Herd is closed
37 under both Federal and State regulations. The reason
38 I keep I keep the harvest on one side of the river and
39 the glacier is, like I said, preclude harvest of the
40 declined Mentasta Herd.

41
42 At this point, I'll hand it over to Dr.
43 Jenkins for the .804 analysis.

44
45 DR. JENKINS: Thank you. David Jenkins
46 again. Section .804 analysis begins on Page 94. If
47 you want to follow along, I'm going to emphasize
48 several points in that first paragraph. An analysis
49 based on Section .804 of ANILCA shall be conducted
50 whenever a proposal to change Federal regulations

1 requests a prioritization for use of a subsistence
2 resource among rural residents having customary and
3 traditional use of that resource. In this case, such an
4 analysis is required because of the small harvestable
5 surplus of animals in the Chisana Caribou Herd in Unit
6 12.

7
8 As Chuck just mentioned, there are 14
9 harvestable animals at this point; seven in Canada and
10 seven in Alaska. The customary and traditional use
11 determination for caribou in Unit 12 includes the
12 communities of Chisana, Nabesna, Northway, Tanacross,
13 Tetlin, and Tok in Unit 12, Dot Lake and Healy Lake in
14 Unit 20, and Mentasta Lake in Unit 13.

15
16 If Proposal WP12-68 is adopted by the
17 Federal Subsistence Board, then Chistochina would be
18 added to this list of communities as having customary
19 and traditional use of caribou in Unit 12. In that
20 case then, there would be residents of 10 communities
21 as well as residents who don't reside in communities
22 who would be eligible to harvest caribou from the
23 Chisana Caribou Herd in the event that a harvest
24 opportunity is granted by the Federal Subsistence
25 Board.

26
27 I'll go through the criteria for an
28 .804 analysis. Section .804, the defined criteria to
29 implement a subsistence priority are these: First, a
30 customary and direct dependence upon the populations as
31 the mainstay of livelihood; second, local residency;
32 and third, the availability of alternative resources.

33
34 I'll comment on these in turn.
35 Customary and direct dependence upon the populations as
36 a mainstay of livelihood.
37 If customary and direct dependence is narrowly
38 interpreted to mean that Chisana caribou provide
39 necessary nutritional elements for a mainstay of
40 livelihood, then none of the residents of Unit 12 or of
41 the communities outside of Unit 12 with a customary and
42 traditional use determination for caribou in Unit 12
43 meet this criterion: the hunt for Chisana caribou has
44 been closed since 1994; presumably, all rural residents
45 with customary and traditional use determinations for
46 caribou in Unit 12 have managed without using Chisana
47 caribou for food between 1994 and 2011. That's a
48 narrow definition, a nutritional definition. It's very
49 narrow.
50

1 If we use a more broadly interpreted
2 definition to mean that Chisana Caribou provide
3 necessary cultural and social elements to local
4 people's existence, then there are rural residents for
5 whom this criterion applies. Based on evidence
6 presented in WP12-68 that you just voted on, it appears
7 that Northway, Mentasta, Chistochina and Tetlin are the
8 communities in Unit 12 and adjacent units whose
9 residents exhibit customary and direct
10 dependence on Chisana Caribou. Remember this is a more
11 broadly interpreted customary and direct dependence.
12 It's not about nutrition, it's about cultural and
13 social elements with this larger interpretation.

14
15 We found little evidence to suggest
16 that residents of Nabesna, Tanacross, Dot Lake and
17 Healy Lake have a customary
18 and direct dependence on the Chisana Caribou Herd.
19 Research has uncovered neither documentary evidence
20 relating to any cultural or social ties between
21 residents of these communities and the Chisana Caribou
22 Herd nor any harvest data to indicate that residents of
23 these communities hunted the Chisana Caribou Herd.

24
25 So based on the available evidence at
26 this point, it appears that residents of six of ten
27 communities exhibit a customary and direct dependence
28 on Chisana Caribou, including Tok, Northway,
29 Chistochina, Chisana, Mentasta, and Tetlin. The
30 details for that can be found in this .804 analysis and
31 in the WP12-68 that we just went through.

32
33 Of course, we're always looking for
34 additional information from the Eastern Interior
35 Regional Advisory Council and the public regarding
36 whether or not residents of other communities, Nabesna,
37 Tanacross, Dot Lake and Healy Lake have a customary and
38 direct dependence on the Chisana Caribou Herd.

39
40 So that's the first criteria, customary
41 and direct dependence upon this herd as a mainstay of
42 livelihood.

43
44 The second criteria for an .804
45 analysis is local residency. Chisana, Nabesna,
46 Tanacross, Tetlin, and Tok are within Unit 12,
47 Chistochina is on the border between Unit 11 and Unit
48 13, but falls in Unit 13, Dot Lake and Healy Lake are
49 in Unit 20, and Mentasta Lake is within Unit 13. You
50 can see those maps in your books.

1 From the point of view of customary and
2 traditional use determinations for caribou, all of
3 these communities may be considered to have local
4 residency; Chistochina is the exception, pending Board
5 determination.

6
7 However, from the point of view of
8 geographic proximity, Chisana is closest to the Chisana
9 Caribou Herd area. So if geographic proximity is the
10 only measure of local residency, then only Chisana
11 residents clearly qualify as having local residency.

12
13 So residents of Dot Lake and Healy
14 Lake, by contrast, are at the greatest distance from
15 the Chisana Caribou Herd area and could be excluded
16 from the criteria of local residency.

17
18 Based on the available evidence, it
19 appears that residents of eight communities Chisana,
20 Nabesna, Northway, Tanacross,
21 Tetlin, Tok, Mentasta Lake and Chistochina exhibit
22 local residency.

23
24 Finally, the third criteria,
25 availability of alternative resources. If the
26 availability of alternative resources is solely based
27 on considerations calories, then all of the communities
28 in this Section .804 analysis have alternatives. Other
29 caribou to harvest, other subsistence resources such as
30 moose, sheep and fish.

31
32 If the measure of an alternative
33 resource includes cultural and social considerations,
34 then it appears that for descendants of the Upper
35 Chisana-Upper Nabesna band, there are no alternatives.
36 These descendants live in Chistochina, Northway,
37 Mentasta and Tetlin. So for the residents of these
38 communities Chisana Caribou appear to be unique and
39 occupy a particular social status or importance.

40
41 For this reason, the Board may consider
42 residents to have no alternatives to Chisana Caribou in
43 terms of available resources. Under this third
44 criterion, should give subsistence priority for Chisana
45 Caribou to Chistochina, Northway, Mentasta, and Tetlin
46 residents over residents of Tok, Dot Lake, Healy Lake.
47 However, other cultural and social values are also
48 prevalent and are associated with the history of
49 guiding in the area. For former
50 guides who currently live in Mentasta, Tok and Chisana,

1 there may be no alternatives for this particular
2 caribou. This caribou may also occupy a special
3 cultural and social status.

4
5 For these reasons, residents of Tok and
6 Chisana should be included with residents of
7 Chistochina, Northway, Mentasta, and Tetlin under this
8 particular criterion.

9
10 So I can summarize these or I could
11 stop there. I think I've gone through all the criteria
12 and pointed out which of the communities should be
13 given higher priority over those who should be given a
14 lesser priority under an .804 analysis.

15
16 Maybe I'll just quickly summarize it.
17 The Section .804(1) determines that residents of
18 Chisana, Chistochina, Northway, Mentasta, Tetlin, and
19 Tok exhibit the greatest customary and direct
20 dependency on this caribou herd. The Section .804(2)
21 makes the determination that Chisana, Chistochina,
22 Nabesna, Northway, Tanacross, Tetlin, Tok, and Mentasta
23 Lake should be included based on local residency. Then
24 Section .804(3) determines that there are no
25 alternatives to Chisana caribou for residents of
26 Chisana, Chistochina, Northway, Mentasta, Tetlin, and
27 Tok, and that these communities should be granted a
28 subsistence priority over Dot Lake, Healy Lake,
29 Nabesna, and Tanacross.

30
31 On balance, the Section .804 analysis
32 determines that Chisana, Chistochina, Mentasta,
33 Northway, Tetlin, and Tok should be provided a
34 subsistence priority over Dot Lake, Healy Lake, Nabesna
35 and Tanacross.

36
37 The Eastern Interior RAC and the
38 Southcentral RAC and public review may bring more
39 information forward for consideration of these three
40 criteria. The decision of how to apportion the
41 opportunity for a subsistence harvest of seven caribou
42 over residents of six communities will be further
43 discussed by the appropriate Councils or subcommittees
44 of those Councils. Such discussion may also provide
45 information for including residents who so far have
46 been excluded under these three .804 criteria.

47
48 Thank you.

49
50 MR. ARDIZZONE: Mr. Chair. Based on

1 what we've already discussed, the OSM preliminary
2 conclusion for these proposals is to take no action on
3 Proposals 10-104 and 12-65 and support Proposal 12-66
4 with modification. You can see on Page 98 the modified
5 language. The modifications modify the hunt area and
6 modify the communities allowed to harvest caribou.

7
8 Justification of these modifications is
9 that the management plan is finalized and ready to be
10 signed. The most recent census indicates the Chisana
11 could sustain a small harvest. Proposals 65 and 66
12 would provide for a Federal subsistence hunt and have
13 merit. Proposal 66 supports a more conservative
14 approach. Historically, very few Chisana Caribou have
15 migrated west of the Nabesna River and Glacier in Unit
16 12, restricting the hunt to east of the river and
17 glacier will protect the Mentasta Caribou Herd with
18 minimal impact to subsistence users wanting to harvest
19 caribou from the Chisana Herd. In addition, Proposal
20 WP12-66 suggests a shorter hunting season. Since no
21 harvest of the Chisana has occurred since 1994, at this
22 time a cautious approach is warranted.

23
24 If there are any questions, David and I
25 will try and answer them.

26
27 MR. UMPHENOUR: Sue.

28
29 MADAME CHAIR ENTSMINGER: I have a
30 question. When you did the .804 analysis, you talk of
31 social and cultural. When I read ANILCA, I notice
32 social is the only difference. Social and cultural,
33 social is tied to the non-Native and cultural to the
34 Native in the description of subsistence uses. Is that
35 how you were trying to do that in the .804?

36
37 DR. JENKINS: Yes, it was. I adopted
38 that language and I was trying to be inclusive to make
39 sure that both groups were adequately addressed in this
40 .804 analysis.

41
42 MR. UMPHENOUR: Any more questions.

43
44 (No comments)

45
46 MR. UMPHENOUR: I have a question. In
47 reading the justification, in the middle of it, it says
48 restricting the hunt to east of the Nabesna River and
49 Nabesna Glacier will protect the Mentasta Caribou herd
50 with minimal impact to subsistence hunters wanting to

1 harvest a caribou from the Chisana Herd. I'm getting
2 confused here. When I'm reading the proposed language
3 it says west of the Nabesna River and the Nabesna
4 Glacier and then over here in the justification it says
5 -- oh, no season. Okay. So that's where they are?
6

7 MR. ARDIZZONE: Mr. Chair. They're
8 trying to separate the two herds out. The west is
9 primarily Mentasta Herd. The east would be Chisana.
10 They don't want to take any extra caribou out of the
11 Mentasta Herd that's already a low population.
12

13 MR. UMPHENOUR: Okay. So this would be
14 just a registration permit hunt and the only access --
15 what's the access to get there?
16

17 MR. ARDIZZONE: Mr. Chair. Maybe
18 someone from the Park Service can address that issue.
19 Someone local would know better than I would. I think
20 Judy Putera is going to come answer the question for
21 us.
22

23 MS. PUTERA: Mr. Chair. Could you
24 repeat the question, please.
25

26 MR. UMPHENOUR: I'm not sure what I
27 asked. Oh, the access. What's the access to get
28 there? Is it a SuperCub only deal or what is it?
29

30 MS. PUTERA: Mr. Chair. The herd is
31 primarily within the Preserve, so there would be
32 aircraft access. I don't know the specifics of where
33 the strips are or what kind of aircraft could get in
34 there.
35

36 MR. UMPHENOUR: High performance
37 aircraft to get in there. Okay. And the reason why
38 these other people from reading this from the villages
39 that would be allowed is because they're former guides
40 and they have a tradition of shooting recordbook
41 animals in this area with their clients, correct?
42 That's why it's a traditional deal and cultural?
43

44 DR. JENKINS: When I went through the
45 .804 analysis, I tried to be as expansive as possible
46 and include people who have ties to this caribou herd
47 that are clearly important to them and those ties were
48 based on many many years of guiding in the area. Yes,
49 that's part of the criteria this .804 tried to sort out
50 here.

1 MR. UMPHENOUR: I can fully appreciate
2 that. Thank you. Sue, I know you must have a
3 question.

4
5 MADAME CHAIR ENTSMINGER: Let's
6 continue through the process because there's a lot to
7 absorb here.

8
9 MR. UMPHENOUR: Thank you. I agree,
10 there's a lot to absorb here. Fish and Game comments
11 then.

12
13 MS. YUHAS: Thank you, Mr. Chairman.
14 For the record, Jennifer Yuhas with the Alaska
15 Department of Fish and Game. With this group of
16 proposals we support portions of all the proposals as
17 you have in your packet on Page 102. We recommend
18 following the guidelines for the Chisana Caribou
19 harvest according to the plan. The plan is in final
20 draft form. We don't expect that to change, but we'll
21 be supporting the final plan.

22
23 We supported a joint Federal/State
24 drawing permit to ensure working together between the
25 agencies, but if the harvest is limited only to
26 Federally qualified users, we'd suggest a registration
27 hunt and a short reporting period. With regards to the
28 .804 analysis, there's been a lot of room left before
29 it's come to this RAC to gather new information. We'd
30 hate to see someone with a harvest record or a
31 community with a harvest record excluded over someone
32 else's priority without a harvest record.

33
34 *****
35 STATE OFFICIAL WRITTEN COMMENTS
36 *****

37
38 Alaska Department of Fish and Game
39 Comments to the Regional Advisory Council

40
41 Wildlife Proposals WP12-24, 65, 66, and
42 Deferred WP10-104: Chisana Caribou

43
44 This group of proposals request
45 different variations of allowing limited harvest of
46 caribou from the Chisana herd.

47
48 WP12-24:
49
50 Requests approval of a federal

1 subsistence bull caribou hunt in an identified portion
2 of Unit 11 and Unit 12 remainder targeting the Chisana
3 herd. The proposal also recommends permitting, quotas,
4 and closures be established by the Federal inseason
5 manager following consultation with ADF&G.

6
7 WP12-65:
8

9 Requests in Unit 12 that portion of
10 the Nabesna River drainage within the Wrangell-St.
11 Elias National Park and Preserve and all Federal public
12 lands south of the Winter Trail running southeast from
13 Pickerel Lake to the Canadian border 1 bull by Federal
14 registration permit only. The proposal recommends the
15 hunt be managed in accordance with the recommendations
16 in the Chisana Herd Management Plan (Plan). The
17 proposal requests closure of the hunt to non-federally
18 qualified hunters. Open Season Aug. 10 Sept 30
19

20 The Chisana caribou herd management
21 plans sets guidelines for opening a limited hunt on the
22 herd while protecting the herd from overharvest.
23

24 WP12-66:
25

26 Requests approval of a federal
27 subsistence caribou hunt targeting the Chisana caribou
28 herd in that portion of Unit 12 east of the Nabesna
29 River and the Nabesna Glacier, and south of the Winter
30 Train running southeast from Pickerel Lake to the
31 Canadian border one bull by federal Registration
32 permit. This proposal also request no federal open
33 season in that portion of Unit 12 within the
34 Wrangell-St. Elias national park that lies west of the
35 Nabesna River and Nabesna Glacier. The proposal
36 requests total closure to non-federally qualified
37 hunters until federal subsistence user needs are
38 identified and a quantifiably harvest amount is
39 produced to determine if the federal subsistence priority
40 is being met (at least three year process).
41

42 Deferred Wildlife Proposal WP10-104:
43

44 Establishes a joint federal/state draw
45 permit hunt for the Chisana caribou herd starting fall
46 2011, following recommendations in the draft Management
47 Plan for the Chisana Caribou, 2010-2015, released April
48 22, 2010, for public review. The management plans sets
49 guidelines for opening a limited hunt on the herd while
50 protecting the herd from overharvest.

1 Introduction:

2

3

4 In the 1980s and early 1990s, an
5 average of 29 Chisana caribou were harvested annually
6 with about 60% of the harvest taken by Alaska
7 residents. Following a decline in the herd in the
8 early 1990s, hunting in Alaska and Canada was stopped.
9 Between 2003 and 2006 a captive rearing program was
10 conducted by the Yukon Department of Environment which
11 successfully increased the number of calves recruited
12 into the population during the recovery effort. From
13 2004 through 2008, the population has been stable and
14 is estimated at 700-800 caribou.

14

15

16 The Chisana Caribou herd management
17 plan, drafted by Yukon Department of Environment, White
18 River First Nation, Canadian Wildlife Service, National
19 Park Service (Wrangell St. Elias), US Fish and Wildlife
20 Service and Alaska Department of Fish and Game was
21 recently finalized.

21

22

22 Impact on Subsistence Users:

23

24

25 Access to the Chisana caribou herd is
26 difficult and is mostly limited to aircraft. Harvest
27 by federally-qualified subsistence users in Unit 12
28 averaged less than 2 caribou between 1981-1983 and
29 1990-1993. Adoption of WP12-24, 65, or 66 may provide
30 a few federal subsistence hunters the opportunity to
31 harvest a bull caribou from the Chisana herd.

31

32

32 Opportunity Provided by State:

33

34

35 State regulations limit caribou hunting
36 in Unit 12 to one bull caribou west of the Glenn Hwy
37 (Tok Cutoff) and have not provided any opportunity for
38 harvesting Chisana caribou since 1993.

38

39

39 Conservation Issues:

40

41

42 The Chisana caribou management plan
43 recommends a 2% bulls only harvest if the herd remains
44 increasing or stable, the bull/cow ratio does not fall
45 below 35/100, and calf recruitment remains above 15
46 calves/100 cows over a three year average. It is
47 unlikely a limited harvest would have any negative
48 impact on the herd.

48

49

49 Enforcement Issues:

50

1 A drawing hunt for both federally
2 qualified and non-federally qualified users would have
3 few enforcement issues. If the Federal Subsistence
4 Board chooses to limit this hunt to federally qualified
5 users, all enforcement efforts would be the
6 responsibility of the respective land managers.

7

8 Other Comments:

9

10 The guidelines set forth for a harvest
11 in the management plan are based on the 2010 census in
12 which the herd met the required population level,
13 bull/cow and calf cow ratios.

14

15 Recommendation:

16

17 Support portions of all four proposals
18 with modification. We recommend following the
19 guidelines for a limited harvest of Chisana caribou
20 shared between Alaska and Canada as is laid out in the
21 management plan and further recommend using a joint
22 state/federal permit to monitor harvest in Alaska. A
23 joint federal/state drawing permit would ensure
24 continued cooperation between state and federal
25 managers that work together to develop the herd
26 management plan.

27

28 If the harvest is limited to federal
29 subsistence users only, a registration hunt should be
30 used and the season closed if the quota is met. Based
31 on harvest records since the 1970s, the remote nature
32 (aircraft access only), the likelihood of harvesting
33 the quota is unlikely. A short reporting period should
34 be adequate to ensure over harvest does not occur.

35

36 MR. UMPHENOUR: Thank you. I have a
37 question. Of the area that would be open, how much of
38 it is hard park and how much of it is Park Preserve
39 where someone that's not a Federally qualified
40 subsistence user could hunt?

41

42 MS. YUHAS: Mr. Chairman. I have
43 Torsten Bentzen here from the Department to answer some
44 of your specific questions.

45

46 MR. BENTZEN: I'm Torsten Bentzen with
47 the Alaska Department of Fish and Game and I can answer
48 that. Pretty much the entire Chisana Herd range is in
49 the Preserve not in the hard Park, so non-subsistence
50 users could hunt the herd if there were a State season

1 that was opened.

2

3 MR. UMPHENOUR: So if a State season
4 was open, then anyone could hunt there.

5

6 MR. BENTZEN: That's correct.

7

8 MR. UMPHENOUR: Thank you. Sue.

9

10 MADAME CHAIR ENTSMINGER: I'm going to
11 try not to go into deliberation, but I'm going to try
12 to give you some information. This proposal, do you
13 remember taking it up a couple years ago? The Upper
14 Tanana Fortymile put it in. The last time it was open
15 there wasn't this involvement from the Federal side. I
16 think they learned a lot on things. There's been so
17 much talk and meetings on the Chisana Caribou Herd
18 since that proposal was put forth. Every time we talk
19 about it, it's like three hours of discussion. Just
20 for information.

21

22 MR. UMPHENOUR: Are you done, Sue? Do
23 you have another question for the Staff?

24

25 MADAME CHAIR ENTSMINGER: I think I'm
26 getting tired.

27

28 MR. UMPHENOUR: Okay. You're getting
29 tired. It would be nice to get through this proposal
30 today. I have one other question. This draft plan, is
31 it available to the public currently or not?

32

33 MR. BENTZEN: It was available for
34 public comment and review almost a year ago and since
35 then there's been some public comment and review. The
36 Canadians also did a similar public comment and review
37 process. After that point comments have all been
38 incorporated in the plan. There was some slight
39 changes to address some of those concerns. Now the
40 plan is finalized and is ready for signature by the
41 cooperating agencies. Right now the Canadians, who
42 have really taken the lead on writing the plan, they
43 have it and are planning to sign it first and then give
44 it to Alaska Department of Fish and Game and the
45 National Park Service.

46

47 MR. UMPHENOUR: That leads me to my
48 last question then for information. Has there been
49 any allocation recommendation for how many permits of
50 the seven would go to Federally-qualified subsistence

1 users and how many would go to other people?

2

3 MR. BENTZEN: The management plan
4 doesn't address that. It's simply a biological
5 recommendation that the herd could support a harvest.
6 It recommends a certain harvest level and sets
7 guidelines on how to monitor the herd to be sure that
8 it still can sustain that harvest, but it does nothing
9 to address harvest allocation between State or Federal
10 hunters.

11

12 MR. UMPHENOUR: Thank you. Council
13 members, any other questions of the Staff. Go ahead.

14

15 MS. YUHAS: Mr. Chairman. With regards
16 to the .804 findings, I would like to offer there is
17 some middle ground between the very exclusive look only
18 at calories and the less tangible look at social and
19 cultural dependance and that middle ground would be
20 harvest. A harvest record, whether it's been for
21 calories or whether it's been for clothing or other
22 uses really would be broader than simply looking at
23 calories. We just really would like to see some
24 outreach done to some of the potentially excluded
25 communities before they're excluded.

26

27 MR. UMPHENOUR: Thank you. Other
28 Federal agencies.

29

30 (No comments)

31

32 MR. UMPHENOUR: Native, tribal, village
33 and other.

34

35 (No comments)

36

37 MR. UMPHENOUR: InterAgency Staff
38 Committee.

39

40 (No comments)

41

42 MR. UMPHENOUR: Advisory group
43 comments.

44

45 MS. MUSHOVIC: Thank you, Mr. Chair.
46 The Southcentral Regional Advisory Council opposed
47 Wildlife Proposal 10-104 and WP12-65 and supported
48 WP12-66 with OSM language modification and the
49 suggested creation of a subcommittee.

50

1 MR. UMPHENOUR: Any local fish and game
2 advisory committees.

3
4 MADAME CHAIR ENTSMINGER: Mr. Chair. I
5 was at a meeting of the Upper Tanana Fortymile and they
6 voted in favor of the hunt on 66. It would be a
7 registration hunt and three-day reporting and then add
8 a way to allocate to stave unused permits.

9
10 MR. UMPHENOUR: National Park Service.

11
12 MS. PUTERA: Thank you, Mr. Chair. The
13 Wrangell-St. Elias SRC voted to take no action on
14 Proposal 104. It is an old proposal, which is now
15 obsolete with the submission of the new proposals
16 during this proposal cycle.

17
18 For WP12-65, the Wrangell-St. Elias SRC
19 unanimously opposes the proposal, preferring the
20 provisions of WP12-66. So for WP12-66, the
21 Wrangell-St. Elias SRC unanimously supports the
22 proposal as modified by OSM Staff recommendation with
23 additional modification to also include Tanacross and
24 Nabesna on the list of communities eligible to
25 participate in the hunt.

26
27 There's not a conservation concern with
28 establishing a hunt that is consistent with the
29 provisions of the Chisana Caribou Herd Management Plan.
30 Nabesna and Tanacross have ties to the other
31 communities identified in .804 analysis and should also
32 be included.

33
34 Thank you.

35
36 MR. UMPHENOUR: Any questions, Council
37 members.

38
39 (No comments)

40
41 MR. UMPHENOUR: Thank you. Summary of
42 written comments.

43
44 MS. MUSHOVIC: Thank you, Mr. Chair.
45 The Ahtna 'Tene Nene' Customary and Traditional Use
46 Committee has no comment on WP10-104 and refers to its
47 comments under WP12-66, which I will get to in just a
48 moment. The committee opposes WP12-65 as it proposes
49 to do a two-year test period, which would set a test
50 for Federally qualified subsistence users, that if they

1 fail to harvest the caribou quota within the two year
2 test period, then the State would have an open caribou
3 season. We oppose this two-year test period.
4 Federally qualified subsistence users do not have the
5 means to travel to these remote areas to hunt in Unit
6 12 for caribou and may not harvest the quota of caribou
7 allotted to them during that time. A caribou hunt
8 would then be allowed in Unit 12 for sporthunters and
9 guides.

10
11 Under WP12-66, they wrote that they
12 support the proposal to allow Unit 12 caribou hunt
13 within the Wrangell-St. Elias Park that lies east of
14 the west of the Nabesna River and Nabesna Glacier with
15 the harvest quota and number of permits to be issued by
16 the Wrangell-St. Elias National Park and Preserve and
17 to open it only for the Federally qualified subsistence
18 users under these regulations.

19
20 Unless a good reason is given for not
21 doing so, successful harvest is to be reported within
22 three days of harvest. Furthermore, they agree that an
23 ANILCA Section .804 analysis be done and a working
24 group formed to work out the details of the Chisana
25 Caribou hunt. A drawing permit is a good idea for a
26 way of distributing permits equally among Federally
27 qualified subsistence users.

28
29 Thank you, Mr. Chair.

30
31 MR. UMPHENOUR: Okay. Public
32 testimony. I understand we have someone from the
33 public that wants to speak.

34
35 MADAME CHAIR ENTSMINGER: No, I just
36 wondered under tribal. This is new to Teddy Northway
37 from Northway. If he wanted to come up and testify to
38 the proposal.

39
40 MR. NORTHWAY: Teddy Northway,
41 president of Northway Village Council. On 66 is one I
42 really like and a few people back home we discussed
43 this situation and opposed the other two for reasons as
44 you guys were just discussing about that test period
45 would be more so to give us, the Federal subsistence
46 users, the opportunity before another individual, like
47 a hunting guide or other users, to take advantage of
48 this hunt.

49
50 As I mentioned to the last RAC meeting

1 in Northway and Tanacross that the Federal subsistence
2 users of the Chisana Caribou Herd did not go up there
3 for trophy hunting. The hunters that did go up there
4 and had success brought just the meat back and left the
5 racks. Subsistence users I feel have more right and
6 opportunity to take a stronghold of this herd and as it
7 see fit. If the numbers continue to rise or decline
8 will be a judgment call on either the Federal Board or
9 this RAC to either shut down the hunt until it's
10 successful and gradually comes back by itself or other
11 means. The residents of Unit 12 I feel that we have
12 more opportunity and have a higher obligation to hunt
13 the Chisana Caribou.

14

15 I know this is going to be a discussion
16 about how the registration permits be handed out is a
17 different discussion. Was it the Ahtna one that you
18 said they were brought up as -- how they would like to
19 see the permits distributed through like a raffle or
20 what was that comment again?

21

22 MR. BASSICH: Draw.

23

24 MR. NORTHWAY: Draw permit, yeah. That
25 there would create a conflict of interest in some
26 people that just are highly ambitious and anxious to go
27 hunt this caribou may never see a ticket for years down
28 the road after the season is closed. I know that's
29 going to be a discussion to talk about how to
30 distribute those permits amongst the ones that have
31 more obligation to hunt this caribou.

32

33 MR. UMPHENOUR: Council members, any
34 questions.

35

36 MADAME CHAIR ENTSMINGER: I have a
37 question. Teddy, this proposal creates a registration
38 permit, so in order to go hunt them under this proposal
39 if it were passed, you would go to the Park Service or
40 the Federal government and get issued a registration
41 permit and then you would go hunting. Are you in favor
42 of that?

43

44 MR. NORTHWAY: Yes.

45

46 MADAME CHAIR ENTSMINGER: Are you okay
47 with short reporting and then a season close at seven
48 caribou?

49

50 MR. NORTHWAY: Yes, the short report

1 and, yes, the season close after seven caribou killed.

2

3 MADAME CHAIR ENTSMINGER: Do you have
4 any idea how many people would use the herd?

5

6 MR. NORTHWAY: On a rough draft, I see
7 a lot of individuals pursuing these caribou. There's
8 already people that know the Chisana Caribou is about
9 to open through seven permits and they see it as a
10 first come, first serve basis. When I say first come,
11 first serve, as residents of these villages.

12

13 MADAME CHAIR ENTSMINGER: I was
14 wondering if you foresee a lot of people going out and
15 actually getting one. Do you think the Federal
16 registration would be okay?

17

18 MR. NORTHWAY: The Federal
19 registration, as you discussed before, seeing a lot of
20 people pursue these caribou and, as you guys discussed
21 earlier, these caribou are not going to be a walk in
22 the park to go and get. There's a mail plane that
23 flies into Chisana and it's like \$350 to jump on that
24 plane, fly out to Chisana. How you pursue from Chisana
25 getting out to that caribou would be through walking
26 out there and walking back. Like you said, there's
27 other guides and opportunity, like using horses. It's
28 not going to be very easy to go out there and come back
29 within a matter of -- I'm just saying it's not going to
30 be very easy to go out there and successfully -- and
31 the numbers, I see a lot of individuals doing it as
32 Athabaskan subsistence users and other than going out
33 there and going out of their way to -- no, I don't see.

34

35 MR. UMPHENOUR: Any other questions.

36

37 (No comments)

38

39 MR. UMPHENOUR: So your answer to Sue's
40 question, if you were going to go over there and go
41 hunting, you would fly to Chisana and then you would
42 have to find someone with horses so you could go
43 hunting. Is that what I heard you say?

44

45 MR. NORTHWAY: Yes. There is an
46 outfitter up in Chisana that he has his horses and
47 maybe you get along talking with him about his horses.
48 Other than that you will have to walk from that
49 airfield out behind the -- or towards east of Chisana
50 and pursue, lucky to find the caribou herd and get to

1 that caribou herd within so many days.

2

3 MR. UMPHENOUR: Thank you. Any other
4 questions.

5

6 (No comments)

7

8 MR. UMPHENOUR: Thank you. We're ready
9 for a motion.

10

11 MADAME CHAIR ENTSMINGER: I make the
12 motion we adopt WP-66.

13

14 MR. BASSICH: Second.

15

16 MR. UMPHENOUR: It's been moved and
17 seconded. Would the maker of the motion speak to the
18 motion.

19

20 MADAME CHAIR ENTSMINGER: I will try to
21 do a good job. Proposal 66. It makes the change of
22 the boundary to protect the Mentasta Caribou, so it's
23 east of the Nabesna River and Glacier. It's one bull by
24 Federal registration permit and I've talked to Staff
25 and it's my understanding at a seven caribou limit
26 there would be a quick reporting, so they would know if
27 there was seven caribou taken that the season would be
28 closed.

29

30 Speaking to some of the concerns
31 raised, I know that most of the people that have C&T in
32 this region have other opportunities to hunt caribou in
33 the Fortymile and on the Nelchinas. Actually some
34 people have C&T for Nelchinas on Federal land in Unit
35 13 and then people in Unit 12 have opportunity to hunt
36 caribou in the Refuge when the Nelchinas come forth. A
37 lot of people's effort might go to other caribou other
38 than Chisana.

39

40 So I would be in favor of this
41 proposal. I will say that the .804 analysis that was
42 done, based on the work that was done by the Wrangell-
43 St. Elias SRC, I would include two communities,
44 Tanacross and Nabesna. So I'm offering that as an
45 amendment to the main motion.

46

47 MR. UMPHENOUR: Could you state your
48 amendment again so we can make sure our scribe gets it
49 written down.

50

1 MADAME CHAIR ENTSMINGER: Yeah. Right
2 now I'm probably confusing myself a lot here. The
3 Proposal states to do an .804 analysis, but it was
4 OSM's recommendation to have.....

5
6 MR. BASSICH: Do you want me to
7 clarify?

8
9 MADAME CHAIR ENTSMINGER: You're going
10 to help me out again because you're really good at
11 that.

12
13 Thank you.

14
15 MR. BASSICH: Thank you, Mr. Chair. I
16 think maybe what you're getting at if you go to Page 98
17 under the OSM preliminary conclusions they have a
18 modification to the proposal and I think what Sue is
19 getting to might be reflected in the very last bold
20 print, last paragraph under bold print, and I think
21 she's seeking to add maybe one or two more communities
22 to that. The last paragraph reads Federal public lands
23 are closed to the harvest of caribou except by
24 residents of Chisana, Chistochina, Mentasta, Northway,
25 Tetlin, and Tok. And then it would be the additional
26 two I think you had mentioned. If that helps you.
27 That's my interpretation of what you were trying to do.

28
29 MADAME CHAIR ENTSMINGER: It is, but
30 what I did was -- my main motion was for the proposal
31 as written, not OSM's conclusion. Am I messing this
32 totally up?

33
34 REPORTER: That was your motion, yes.

35
36 MADAME CHAIR ENTSMINGER: Right.

37
38 MR. BASSICH: If this is more your
39 intent, then it might be -- I'm a little confused what
40 you're trying to do too, but it might be simpler just
41 to use the modification presented by OSM and then add
42 your additional communities. I see it striking a few
43 -- a little bit of the wording from the CCH's proposal,
44 but I'm not really sure how that impacts your thoughts
45 on it. It seems to simplify it to me, Sue, looking at
46 what their modification is. It seems to simplify the
47 proposal by clarifying it.

48
49 MADAME CHAIR ENTSMINGER: So can I
50 clarify my motion to be support or -- yeah, I guess it

1 is support. Are you going to help me?

2

3 MR. BASSICH: Maybe the easiest thing
4 to do is just withdraw the motion and then we can just
5 start over.

6

7 MADAME CHAIR ENTSMINGER: Is that okay?

8

9 MR. UMPHENOUR: (Nods affirmatively)

10

11 MADAME CHAIR ENTSMINGER: Okay. I'm
12 withdrawing the motion. I make a motion that we
13 support OSM's conclusion with their modification adding
14 two communities. Their modification is on the bottom
15 of 98, Federal public lands are closed to the harvest
16 of caribou except by residents of Chisana, Chistochina,
17 Mentasta, Northway, Tetlin, and Tok. And add Tanacross
18 and Nabesna. Is that clear?

19

20 MR. UMPHENOUR: That's clear.

21

22 MR. BASSICH: Mr. Chairman. Just a
23 point of order here, maybe housekeeping. When you have
24 a motion on the floor, what's the process for just
25 removing it so that you can start over again like that
26 because we basically had a motion on the floor and it
27 was seconded. Do we need to officially remove that
28 before we can.....

29

30 MR. UMPHENOUR: The proposer can
31 withdraw their motion with the concurrence of the
32 second.

33

34 REPORTER: I thought we did that.

35

36 MR. BASSICH: Did we do that? Okay.
37 Thank you. I'm sorry, I missed that.

38

39 MR. GLANZ: So actually we have to
40 withdraw the second then also. She withdrew hers.

41

42 MR. UMPHENOUR: You concurred, right?

43

44 MR. BASSICH: I agree. We're back to
45 where we are. Sorry for the confusion, but I just
46 wanted to make sure we did that.

47

48 MR. UMPHENOUR: She's made her motion
49 to add -- to basically adopt. That's what she should
50 have said. Move to adopt the proposal with the

1 modification, Proposal 66 with modification and with
2 amendment to add Tanacross and Nabesna. So what we
3 need to do is speak to your amendment and we'll
4 deliberate the amendment. After we do that, then we
5 can move on.

6

7 MADAME CHAIR ENTSMINGER: Point of
8 clarification. That was my main motion I thought.

9

10 REPORTER: We need a second on that
11 last.

12

13 MR. BASSICH: I did.

14

15 REPORTER: Was that your second?

16

17 MR. BASSICH: Yes.

18

19 MR. UMPHENOUR: Speak to main motion.

20

21 MADAME CHAIR ENTSMINGER: Okay. With a
22 lot of the testimony that came before the Wrangell-St.
23 Elias SRC, it was clear that we wanted to add those two
24 communities. One member suggested we should go through
25 an .804 analysis, so that's why they supported it, but
26 they also -- we had testimony that would add Tanacross
27 and Nabesna to these communities because they have ties
28 the same as the other communities. I'd have to get the
29 language, I'm sorry, from Barbara. Several people
30 spoke to this at the meeting. Nabesna is located at
31 the end of the Nabesna Road and they could -- someone
32 with an airplane could fly over to Chisana from
33 Nabesna. There's been people that lived in Nabesna for
34 years that use caribou and they have ties to the area.
35 Tanacross would be the same.

36

37 MR. UMPHENOUR: Anyone else.

38

39 MR. FIRMIN: I have just a quick one
40 for clarification. Those registration permits would
41 only be available to people from those eight villages,
42 correct?

43

44 MR. BASSICH: Correct.

45

46 MR. FIRMIN: Okay, thank you.

47

48 MR. UMPHENOUR: Andy

49

50 MR. BASSICH: Yeah, I'm going to maybe

1 just assist a little bit in the justification here. I
2 don't believe there's a conservation concern. It's
3 been documented that there's a harvest surplus
4 available, although it is small, but managers seem to
5 think that they can monitor that correctly. I think
6 this proposal is supported by an awful lot of work.
7 The CCH has obviously put a lot of time into developing
8 their harvest plan similar to the Fortymile Caribou
9 Plan. I know what goes into doing that and it's
10 usually very thorough with a lot of input, so I feel
11 confident that the evidence is there to support the
12 addition of this harvest.

13

14 I think it's going to provide for
15 additional subsistence access to this group of animals
16 and I think that's a good thing whenever we can provide
17 that. Even though it's small it's important to
18 establish that when there is a surplus there. I don't
19 think this is unnecessarily going to restrict anybody.
20 Permit hunts are always a little bit restrictive in
21 their nature, but given the small harvest surplus
22 available, I think it's warranted.

23

24 Thank you, Mr. Chair.

25

26 MR. UMPHENOUR: Well, I'm going to
27 speak a little bit. I have some different feelings.
28 I'm reminded of the muskox transplant on the Seward
29 Peninsula. I'm reminded of when the State -- in fact I
30 think I even applied. There was going to be a drawing
31 permit hunt up there and then the Federal Subsistence
32 Board allocated all the muskox to the Federal hunt.
33 There's no allocation plan in this. What caused us to
34 lose our first salmon treaty, our interim agreement we
35 had with Canada in 1999 was allocation. I participated
36 in negotiating that and then we lost it because of the
37 greed-head commercial fishermen in the Lower Yukon not
38 wanting to share. The Canadians walked out. We
39 finally got an agreement a few years later.

40

41 There's no agreement here. I know who
42 T. Overly is, one of the people that would be taking
43 these caribou. He's a master hunting guide that hunts
44 in that area. The only thing we do if we pass this is
45 we set up a really good hunt for trophy caribou. I'm
46 going to read out of this thing, Page 96.

47

48 The caribou may also be unique from the
49 perspective of other local subsistence users. Local
50 guides who used to hunt the CCH indicate that Chisana

1 caribou are particularly large with unusually large
2 antlers and are therefore especially valued, D. Overly
3 and T. Overly. Former guides of the CCH currently
4 reside in Chisana, Chistochina, Mentasta and Tok. For
5 these guides, the CCH has a particular importance other
6 than providing food.

7
8 Then we go to the next page. Chisana
9 caribou, and under Section .804(3) should be given a
10 subsistence priority for Chisana caribou over residents
11 of Tok, Dot Lake, Healy Lake, Chisana, Nabesna and
12 Tanacross. However, other cultural and social values
13 are also prevalent and are associated with the history
14 of guiding in the area. For former guides who
15 currently live in Mentasta, Tok and Chisana, there may
16 be no alternatives to Chisana caribou.

17
18 There's Unit 20A Delta Caribou drawing
19 permit. They can go over there if they want to shoot a
20 Boone & Crockett caribou. All this is is setting up a
21 hunt so that guides can go over there and personally
22 shoot their Boone & Crockett caribou theirselves with no
23 competition. That's the only thing it's setting up.
24 I'm voting no. If there was an allocation plan and the
25 regular taxpayer was going to get to participate, fine,
26 but to set up a private hunt for master guides like me,
27 except I don't live there, but they're qualified as
28 Federal subsistence users, to me, no. That's how I'm
29 voting, no, because that's the only thing it's doing.
30 There's no allocation plan for the regular citizen of
31 the state of Alaska to ever hunt these caribou when
32 there's only going to be seven allocated and the
33 agreement with Canada.

34
35 Anyone else have anything to say. Sue.

36
37 MADAME CHAIR ENTSMINGER: You know, I
38 appreciate your concern, Virgil, but I think the bottom
39 line is, as you, if you were hunting an area, you would
40 take care of your clients and you're legal hunting.
41 You wouldn't be illegally hunting. I guess I don't look
42 at it that way. I feel like there would be more people
43 wanting to go over there like the guys from Northway
44 and these people kind of work together in my opinion.

45
46 It's interesting that this is kind of
47 the argument here or not argument, but discussion. I
48 guess I don't see it the way you're seeing it. I think
49 the people in the area look at it differently too
50 because the people in the Upper Tanana Fortymile who

1 worked on it in the meetings I've gone to and in the
2 past I feel like they're more interested in these
3 people being able -- people in the area being able to
4 go over there and harvest a caribou. Again, I don't
5 feel like -- I don't know. I might be wrong, but I
6 think after two years have passed by we're going to
7 find out if that's what's happening. I kind of don't
8 think it's going to happen.

9

10 MR. UMPHENOUR: Thank you, Sue. You
11 know, I'm sitting in here as Chair right now, but I do
12 need to get my opinions out there so everyone
13 understands where I'm coming from. Seven -- oh, I
14 didn't see you raise your hand. Sorry about that.
15 I'll bring up the tail end.

16

17 Your turn.

18

19 MR. MATESI: Thank you, Mr. Chair.
20 Actually I agree with you and the proposal, as it's on
21 the table now with its amendment I think I would agree
22 with you and vote no on that. If it is not passed by
23 this Council, then I'd like to see it re-proposed with
24 just Chistochina, Northway, Mentasta and Tetlin, which
25 satisfies the .804 analysis in terms of true
26 subsistence hunting, but does not include two
27 communities based on previous commercial guiding.

28

29 Did I make sense?

30

31 MR. UMPHENOUR: Yes. Frank.

32

33 MR. GLANZ: Virgil, my concern is are
34 you saying a subsistence hunter would charter one of
35 these master guides to haul them in because it's going
36 to be a Federal hunt only?

37

38 MR. UMPHENOUR: No, that's not what I'm
39 saying. Those guides are Federally qualified
40 subsistence users. The guides are going to go out
41 there and kill the caribou. They can't take a client
42 to hunt. The only people that can hunt, be able to
43 hunt, is a first come, first serve, whoever is there
44 the first. The guy with the SuperCub and the horses is
45 going to know exactly where they're at and he's going
46 to go get his Boone & Crockett caribou the first day of
47 the season and the guy that lives in Northway that's
48 going to have to ride the mail plane, he's going to be
49 SOL because the quota of seven caribou is going to be
50 dead because the guides already killed them theirself.

1
2 That's what's going to happen or that's
3 my opinion what's going to happen. And so what you
4 need is an allocation plan and it needs to be something
5 so that -- you know, split it up. Not to do like what
6 happened to the muskox on the Seward Peninsula where
7 every animal goes to the Federal subsistence qualified
8 person and no normal taxpayer gets a shot at them.
9 That's my point.

10
11 You know, I'm supposed to represent the
12 guiding industry and the people that live in the urban
13 area. I'm an urban seat on this Council. So the
14 people that live in Fairbanks and North Pole where I
15 live that are not Federally qualified subsistence
16 users, we would like to get an opportunity to at least
17 put our name in the hat and maybe you might
18 accidentally get drawn for one of those seven permits,
19 so there needs to be -- until there's an allocation
20 plan I can't vote for it.

21
22 There has to be an allocation plan
23 where we're guaranteed in the plan that not -- that 100
24 percent of the permits are not going to go to the
25 Federally qualified subsistence users. If the regular
26 Joe Blow that works at the Post Office or wherever he
27 works and wants to save his money up and charter an
28 airplane to fly him over there and drop him off where
29 he can go hunting, then he might have a one in 10,000
30 chance, like getting a bison at Delta. That's my
31 point. Until there's an allocation plan I can't vote
32 yes, period.

33
34 MADAME CHAIR ENTSMINGER: Virgil.

35
36 MR. UMPHENOUR: Sue.

37
38 MADAME CHAIR ENTSMINGER: So then I
39 have a question for you because I'm hearing two
40 different stories here. You want to allocate it to all
41 subsistence users, but you want to allocate it some to
42 the State?

43
44 MR. MATESI: Who was your question
45 addressed to?

46
47 MADAME CHAIR ENTSMINGER: (Points to
48 Mr. Umphenour)

49
50 MR. UMPHENOUR: The State does not

1 manage the general hunt. I mean the State manages the
2 general hunts. What we do here is we manage the
3 Federal subsistence hunts. But this plan is made up of
4 people from both groups. I mean the people that worked
5 on it. Plus international. The Canadians are involved
6 in it as well. So the plan should address allocation.
7 If the plan does not address allocation -- you know,
8 seven permits for Alaska. We get to decide what we're
9 going to do with those permits. What we're getting
10 ready to vote on right here, because it's all Federal
11 lands, is that on the Federal lands where Federal
12 subsistence users have priority, if there's not enough
13 to go around, then all the people that are going to get
14 to participate are the people that are Federally
15 qualified.

16
17 I represent the people that aren't
18 Federally qualified or that's what my seat is. I like
19 to think I represent all of us. But I have to bear in
20 mind that the people that are on the Fairbanks Advisory
21 Committee and we have a meeting tomorrow night and I'm
22 the vice chair of that too, they're going to want to
23 know, well, what's going to happen to the Chisana
24 Caribou. Are we going to get a chance and I'm going to
25 say no if what we voted on the Federal Board passes it.
26 No, you're not going to get a chance. All seven people
27 who are going to hunt those caribou are going to have
28 to be a Federally qualified user. I don't want to tell
29 them that tomorrow night. I'm not going to tell them
30 that tomorrow night. I'm going to say I voted no for
31 it.

32
33 Frank.

34
35 MR. GURTLER: You know, I look at these
36 seven caribou and a lot of discussion on these seven
37 caribou. We've spent a lot of time on seven caribou,
38 you know, and I'd like to see how come there's only
39 seven permits. You know, if you had it more or not at
40 all, why don't we get into some real good arguments
41 about having more caribou, enough to go around a little
42 bit better.

43
44 Thank you.

45
46 MR. UMPHENOUR: That's a good question,
47 Frank. Andy.

48
49 MR. BASSICH: Thank you, Mr. Chairman.
50 Can someone in the room who has been present at some of

1 these Chisana Caribou Herd harvest plan meetings, maybe
2 speak briefly about what the discussion was about
3 allocation because I'm sure it had to have come up at
4 some of the discussion, so maybe a little bit of
5 background might be helpful for us to understand why
6 it's maybe not written into the harvest plan because it
7 seems like a pretty important component of the harvest
8 plan.

9

10 MS. CELLARIUS: Thank you, Mr. Chair.
11 I'll start with a couple of things and then let's see
12 how well I do at addressing some of your questions. In
13 the Chisana Caribou Herd Management Plan, a lot of the
14 plan is really about working together to monitor the
15 herd and the kinds of monitoring that would be done.
16 the kinds of information that would be useful to have
17 about the herd. There's a section that describes the
18 conditions under which the planning group feels that
19 limited harvest wouldn't hurt the herd essentially.

20

21 They talk about allocation of the
22 animals between the two countries, but they don't go
23 any further than that. They realize that in the
24 different countries there are different ways that the
25 animals are managed, different priorities, so the
26 planning group did not go into the issue of allocation
27 beyond the fact that the harvestable surplus or
28 whatever the quota would be split between the two
29 countries.

30

31 I think there's been a lot of
32 discussion about -- because there was a Board of Game
33 proposal a couple years ago. There's been some
34 discussion about having a State hunt. We're talking
35 about seven animals. Our first priority with the
36 Federal Subsistence Program is to provide a subsistence
37 opportunity for Federally qualified subsistence users.
38 We really don't have good recent information about how
39 many animals might be taken. So how we would come up
40 with an allocation between the State and Federal
41 program at this point I'm not sure how we would do
42 that. We need to meet this Federal subsistence
43 priority first because we're talking about Federal
44 public lands.

45

46 MR. BASSICH: Well, having heard that,
47 maybe this shouldn't have been called the Chisana
48 Caribou Harvest Plan, but maybe the monitoring plan
49 then. If you're not going to talk about how harvest is
50 going to be allocated, if you're not going to talk

1 about future growth of the herd and how you're going to
2 allocate that harvest, then it's more of a monitoring
3 plan of the caribou.

4
5 That being said, I understand the
6 difficulties in allocating across the boundaries,
7 Alaska and Canada. I understand some of those
8 difficulties, but we've worked on that with the
9 Fortymile Caribou Herd. Actually, I didn't view it as
10 all that difficult to do.

11
12 It appears to me if the numbers are
13 going to be this low at this point in time, it might
14 actually be better to make it a draw permit hunt rather
15 than a Federal permit hunt and that way you could
16 monitor it. Those are just some brief thoughts, but
17 I'm just kind of surprised that a harvest plan wouldn't
18 have allocation included.

19
20 MADAME CHAIR ENTSMINGER: If I may,
21 this is a management plan for the Chisana Caribou Herd.
22 It's not a harvest plan. Just the management for the
23 numbers of how many you would allow, not who would
24 take.

25
26 MR. UMPHENOUR: Yes, David.

27
28 DR. JENKINS: Mr. Chair. I'd like to
29 point out that the purpose of the .804 analysis is to
30 provide a foundation for the kind of allocation that
31 you're talking about. OSM's analysis was to have six
32 communities across which these seven caribou would be
33 allocated. The method to be determined at some future
34 point. Sue's amendment added two communities, so there
35 would be eight communities over which to allocate these
36 seven animals.

37
38 The question you're asking is how you
39 go about doing that and that question has not been
40 answered in this analysis and it awaits further
41 recommendations from this body or from a subcommittee
42 that -- Southcentral suggested we put together to
43 determine exactly how those allocations would be made
44 across these six or, in this case, eight communities.

45
46 Thank you.

47
48 MR. UMPHENOUR: Sue.

49
50 MADAME CHAIR ENTSMINGER: I just can't

1 believe we got to this. I was asked like four years
2 ago, hey, there's all these bulls dying of old age over
3 there, would you support a hunt. I'm like, yeah,
4 sounds good to me, and then in our areas there was
5 meetings with Barbara and Judy and OSM Staff and it
6 went on and on and on and this is what we've come to,
7 asking for an .804 analysis.

8
9 Virgil, I mean I think people look at
10 things differently. I appreciate what you're saying.
11 In all the years that I've been involved with the Park
12 since it came, the user, people around are scared to
13 talk about certain things because you might lose an
14 opportunity and here came an opportunity at the Federal
15 Board meeting the last time I was there, there's small
16 caribou herds all over Canada that are managed with
17 minimal harvest all the time. This management plan
18 comes up with the parameters that you would allow a
19 small amount of animals taken. I know it's come down
20 to seven animals. If the herd grew, it would be more.

21
22
23 I think we're going through an
24 incredible learning process here about the Federal
25 system right now when there's a small herd like this.
26 For me, I hate to see opportunity lost because we're
27 getting wrapped around the axle with all these
28 different problems we're throwing out there. Maybe
29 there isn't any problems if there was a hunt.

30
31 I don't agree that it would just turn
32 into a guide hunt. If you want to address an
33 allocation, then -- I hear you suggesting that some
34 should go to the State. What would happen is if the
35 seven caribou were taken and there was a blatant abuse
36 of who was taking them, I mean that would come out when
37 we hear more things coming down the road. I guess I
38 don't see a blatant abuse of it. I'd like to believe
39 myself. Maybe I'm wrong, but I'm certainly open to
40 hear about it in the future if there was a blatant
41 abuse of how it was taken. It's just a shame if
42 there's harvestable animals out there.

43
44 MR. UMPHENOUR: Andrew.

45
46 MR. FIRMIN: I think if the harvestable
47 surplus is only seven animals, then there's no reason
48 that there should be any harvest of it at all. I also
49 kind of agree with Virgil in the sense that opening day
50 when Teddy is walking up the hill with his friends that

1 there's going to be seven SuperCubs going already down
2 the mountain with the seven before they even get there.
3 I mean that's totally feasible within the first couple
4 years. I mean it just depends on how dedicated you are
5 to the hunt. In another sense, if it's only seven
6 caribou to harvest, then why even open it.

7

8 MR. UMPHENOUR: Andy.

9

10 MR. BASSICH: I just have a question.
11 Maybe I'll let Barbara answer and then I'd like to come
12 back to my question if we can.

13

14 MS. CELLARIUS: Thank you. I was just
15 going to comment that we will have to -- when I say we,
16 the Park is the Federal land manager who is most
17 closely involved with the area where the herd is in the
18 United States. We're going to have to put our heads
19 together and thing about how the permitting process is
20 going to work. Southcentral has recommended a working
21 group to help discuss how the permits are allocated.
22 The proponent had some recommendations in their
23 proposal about how many permits to be issued.

24

25 Those are some things that haven't been
26 sorted out yet, but there will be some thought that
27 goes into how to manage the permits, how to manage the
28 hunt. We just haven't done that yet because we haven't
29 established a harvest, but that's something we will be
30 working on and trying to figure out how to do that the
31 beset.

32

33 MS. PUTERA: Yeah, I just wanted to
34 add, I mean in the Proposal 66 that we're talking about
35 the proponent suggests that the permits issued just be
36 equal to one and a half times the number of animals
37 available. So it's not like we're going to be giving
38 out a huge number of permits and then seven guys with
39 seven SuperCubs are going to rush out there.

40

41 Thank you.

42

43 MR. BASSICH: I guess my question also
44 was just the process that would take place if this were
45 to be forwarded through this RAC and then the Federal
46 Subsistence Board was to adopt this, would it then be
47 the Federal Subsistence Board that would ask for an
48 appointment of an entity to work on the actual
49 mechanics of it? What's the process of how you would
50 form this working group or committee to work on those

1 allocation issues? I'm just not sure whether we're
2 putting the cart before the horse.

3
4 MS. CELLARIUS: I'm wondering if
5 someone with more experience than me, somebody from OSM
6 can give us a hand with this question. I know what
7 happened with the .804 hunt under the Mentasta Herd,
8 but I don't know if it would be something similar to
9 that or something different.

10
11 MR. PROBASCO: When the Federal Board
12 is dealing with this type of situation where you have a
13 small harvestable surplus and the working group or your
14 Council hasn't developed recommendations on how to
15 administer the permits, the Board may elect to form a
16 committee usually with the in-season manager and the
17 users, to make that determination.

18
19 I would counsel this group here to --
20 if indeed you're in favor of a hunt, I would take a
21 look at providing some of your recommendations because
22 you guys bring the local expertise to the table for the
23 Board to consider on how a hunt could be administered.
24 You've got many examples. Barbara mentioned Mentasta.
25 We've had some down on the peninsula where you had very
26 small numbers and hunts were done successfully.

27
28 So the book is wide open on how those
29 hunts can be administered. So Mr. Chair.

30
31 MR. UMPHENOUR: Thank you, Mr.
32 Probasco. I need to ask you a question or maybe a
33 couple. I'm trying to figure out the best thing for us
34 to do at this point in time.

35
36 The first question is, the no
37 allocation bothers me, so could we make a
38 recommendation to the Federal Board that the Federal
39 subsistence permits -- okay, in the agreement with
40 Canada Alaska is going to get 50 percent of the
41 harvestable surplus. Does the Federal Subsistence
42 Board have the authority or is this totally out of
43 their purview to say 50 percent of our permits will go
44 to Federally-qualified subsistence users and 50 percent
45 will be managed by the State of Alaska for the
46 non-qualified because the only people that would be
47 qualified would be people in these villages. Only one
48 person in this room would be qualified and she's
49 sitting next to me so the rest of us would have a shot
50 at going hunting.

1 MR. PROBASCO: Thank you, Mr. Chair. I
2 think what we need to ground ourselves with is what
3 regulations and statutes the Board must work under and
4 that's why you have an .804 analysis before you. In
5 situations where there is a limited surplus, the Board
6 has to take a look at those rural communities that
7 would qualify. In their opinion, the harvestable
8 surplus is not sufficient to allow other users, then
9 they must look at providing an opportunity for that
10 smaller harvest.

11
12 This is my opinion. The Board does
13 have other options, but they're very limited. It would
14 be difficult in a situation like this since this is
15 Federal land to look at an allocation above Federal
16 users. My opinion. Mr. Chair.

17
18 MR. UMPHENOUR: That's what I was
19 afraid of. Basically what this would do is just
20 allocate all these -- whatever the harvestable surplus
21 is is going to go to the Federally-qualified users in
22 the villages, is basically more than likely what would
23 happen.

24
25 MR. PROBASCO: It would go to those
26 communities and the residents of those Federally-
27 qualified communities based on the .804 analysis. Mr.
28 Chair.

29
30 MR. UMPHENOUR: Thank you. I will vote
31 no. Andy.

32
33 MR. BASSICH: Thank you for that
34 clarification. I think what we ought to do is make a
35 vote on this and I would like to make a recommendation
36 to this Council that if we do pass this that in
37 addition to our support of this proposal that a strong
38 recommendation be given to the Federal Subsistence
39 Board to have a committee formed to work out the
40 allocation issues to these communities prior to any
41 hunt taking place. I would be comfortable with that.
42 I would be comfortable with a committee of people
43 working on this to determine the allocation issues.
44 It's a very small number of animals, but it is an
45 opportunity. I don't see it as being the end of the
46 world if a few people are left out of the hunt. So I
47 think that would satisfy some of the desires and some
48 of the intent of why this whole proposal was created.

49
50 Thank you, Mr. Chair.

1 MR. UMPHENOUR: Do you have something
2 to add?

3
4 MR. BENTZEN: Yeah, this is Torsten
5 Bentzen with Alaska Department of Fish and Game. I
6 wanted to respond a little bit to Andy Bassich. I
7 think you want to consider very carefully before you
8 think about making a subcommittee to further divide a
9 very small number of permits. You termed it as putting
10 the cart before the horse. If we look at our harvest
11 from the '80s and early '90s when the hunt was open
12 both to State residents and to local subsistence
13 residents, we see very few local people. Never as many
14 as seven harvesting those caribou.

15
16 I think it's likely that still local
17 use will be fairly low. I think there's probably going
18 to be some interest in early years, but it really may
19 not be necessary to further divide permits amongst
20 subsistence qualified people through some kind of
21 drawing or giving one permit to each community,
22 something like that. It may be unnecessary. Until the
23 hunt is opened and there's opportunity to see how much
24 interest there is by local communities and by which
25 communities, you may be limiting people's access to a
26 resource that would be qualified to harvest that.

27
28 MR. UMPHENOUR: Sue.

29
30 MADAME CHAIR ENTSMINGER: I have a
31 question for Torsten. I know this isn't a region that
32 we all -- or most of you don't really understand, but
33 the remoteness of the herd is important to understand.
34 Torsten, with all this concern about seven airplanes,
35 do you know how many access points are to that Chisana
36 Herd? I mean you fly it all the time. How do you get
37 there?

38
39 MR. BENTZEN: There are numerous places
40 a person could land. A lot of the area where the
41 caribou are in highest concentrations is, it's quite
42 open. Some of it is fairly flat. I'm not familiar
43 with particular strips you could land a SuperCub or
44 some other small airplane on. The access point to
45 Chisana, all kinds of aircraft could land there.
46 Looking at radio collar distributions of caribou around
47 hunting season. A person could expect to find caribou,
48 maybe as close as 10 miles to Chisana, but probably
49 not. Within 10 miles. We'd have to go further to
50 really get to the idea hunting spots for Chisana

1 Caribou.

2

3 MADAME CHAIR ENTSMINGER: But there's
4 not strips out there. It would have to be somebody
5 that really knows how to land a Cub in certain places,
6 really short areas, correct?

7

8 MR. BENTZEN: That's correct. I've
9 never landed anywhere there in a Cub.

10

11 MR. BASSICH: Successfully.

12

13 (Laughter)

14

15 MR. UMPHENOUR: Larry.

16

17 MR. GLANZ: The only thing I'm
18 uncomfortable with is being around the Fortymile
19 Caribou Herd for the last 26 years it's three-day
20 reporting. Believe me, Jeff Brose, Andy here and
21 everybody else around there they can tell you what
22 happens with three days recording. You've got overkill
23 usually. That's the only thing I'm against.

24

25 MR. UMPHENOUR: Larry.

26

27 MR. WILLIAMS: Thank you, Mr. Chair.
28 Are we doing a slow dance around the seven caribou that
29 we're talking about a particular herd and only allowed
30 seven on the United States side. I agree
31 wholeheartedly with Mr. Andrew Firmin's comment about
32 just leaving it as it is since it closed in 1994.
33 Until affected areas and the affected people can come
34 up with some rules that will make more -- I shouldn't
35 say sense, but to me I could say that. I say just
36 leave it as it is then. Table it until we can get some
37 more hard facts concerning the particular herd.

38

39 Thank you.

40

41 MADAME CHAIR ENTSMINGER: Actually, in
42 all the meetings I've been to, the Chisana Caribou Herd
43 has probably been one of those that's been the most
44 information they have. There's more collars on the
45 animals out there. They have a ton of information.
46 The management plan is going into place. All the
47 information is there. When I was at the Federal Board,
48 we had Patrick Valkenburg, who is a long time caribou
49 biologist, and he stated that it's very easy to have
50 limited on small populations when you have excess of 35

1 bulls per 100 cows, there can be a limited harvest.
2 It's in the management plan. So we're getting wrapped
3 around the axle about something and that's what I was
4 afraid of and every time we talk about the caribou this
5 is what happens. I just think it would be -- I don't
6 know.

7
8 I would like to see something go
9 forward because of the time and effort that people have
10 put in on this. If we see problems down the road, I
11 know we're going to identify them immediately. So I'm
12 in favor of the proposal. To meet your concerns, there
13 may never be one for the State unfortunately unless
14 something happens here different that people don't
15 harvest it and there might be some animals left for a
16 State harvest. I think it's important not to take away
17 opportunity even though it's a limited one.

18
19 Andrew passed me a note here. He said
20 add the wording, the use of aircraft for access to the
21 hunt, the Chisana Caribou Herd, to transport and
22 harvest caribou is prohibited in the hunt except in and
23 out of Chisana Airport, then everybody would be even.
24 An interesting concept. I mean that's something we
25 could discuss.

26
27 Just a point of clarification, does
28 this proposal set it up for what you had said earlier,
29 Judy, one and a half, which would be 10, 11 permits is
30 all that would be issued under the registration?

31
32 MS. CELLARIUS: That is the number that
33 was proposed in the proposal by the proponent. I would
34 look to Pete in terms of how that kind of
35 recommendation in a proposal goes into how we would
36 manage a herd. I mean they certainly had a
37 recommendation to issue a small number of permits, but
38 I'm not sure how all that would look like in a
39 regulation.

40
41 MR. PROBASCO: Mr. Chair. Thank you,
42 Barbara. A lot of this depends upon the comfort level
43 of the manager and how they can access the users as far
44 as the number of permits that can be issued. So if a
45 manager is in a situation where you have a small
46 harvest and their ability to get harvest data is
47 limited, it takes some time, less permits are issued on
48 the conservation side. It's something where reporting
49 is -- I'm thinking of Unit 18 moose where it's readily
50 done, then more permits are issued. It just depends on

1 what type of access the manager, in this case the Park
2 Service, would have with the users. You're dealing
3 with seven animals to harvest. I don't see a lot of
4 permits going out.

5

6 Mr. Chair.

7

8 MR. UMPHENOUR: I have a suggestion to
9 my fellow Council members. I think we need to think on
10 this for a little bit. Maybe we could think on it
11 overnight. Table it until the morning. Maybe talk
12 amongst ourselves and some of the Staff and decide what
13 we think would be our best action concerning this
14 issue. Does anyone disagree with that.

15

16 (No comments)

17

18 MR. UMPHENOUR: Then we need a motion
19 to table the time certain in the morning.

20

21 MR. BASSICH: I make a motion to table
22 until tomorrow's discussion.

23

24 MR. GLANZ: I'll second that that Andy
25 just made.

26

27 MR. UMPHENOUR: Any objection.

28

29 (No objection)

30

31 MR. BASSICH: What time?

32

33 MR. UMPHENOUR: I see no objection. We
34 will adjourn until 8:30 in the morning.

35

36 MR. PROBASCO: Adjourn.

37

38 MR. UMPHENOUR: Or recess until 8:30 in
39 the morning.

40

41 (Off record)

42

43 (PROCEEDINGS TO BE CONTINUED)

