

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

EASTERN INTERIOR FEDERAL SUBSISTENCE
REGIONAL ADVISORY COUNCIL MEETING

VOLUME I

Fairbanks, Alaska
March 2, 2005
1:00 o'clock p.m.

COUNCIL MEMBERS PRESENT:

- Craig Fleener, Chairman
- Andrew Bassich
- Sue Entsminger
- James Nathaniel, Sr.
- Philip Titus
- Virgil Umphenour
- Larry Williams
- Donald Woodruff
- Regional Coordinator, Vince Mathews

Recorded and transcribed by:

Computer Matrix Court Reporters, LLC
3522 West 27th Avenue
Anchorage, AK 99517
907-243-0668
jpk@gci.net

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

P R O C E E D I N G S

(Fairbanks, Alaska - 3/2/2005)

(On record)

CHAIRMAN FLEENER: If everybody would like to take their seats, I'd like to call the meeting to order. The first item is welcome and opening remarks, but I'd like to actually do the invocation first if no one has an objection. Paul Williams, would you please open us in prayer.

MR. WILLIAMS: (Prayer)

CHAIRMAN FLEENER: Thank you, Paul. I reckon it's my duty to welcome everyone to the meeting. Actually you're welcoming me because most of you were here before I was. So thanks for coming to our meeting. To those of us who are subsistence users and who depend heavily on the resources that are on Federal land or that go across Federal land, fly over it, swim by it, this meeting and meetings such as this are very important for us to have the input in the process and we encourage a lively debate, we encourage questions, we encourage your participation. At least I do. Anyone that has anything to say, you're welcome to ask. I think we generally have specific times set aside for people to ask questions, but if time allows I generally don't mind folks asking questions even during discussion because, in my opinion, it adds to the discussion. Unless things get real rowdy, then we might have to cut it off.

I just want to ask if any of the other Council Members have any opening remarks that they'd like to make. Larry.

MR. WILLIAMS: My name is Larry Williams from Venetie. This meeting was supposed to be held in Venetie, but unfortunately things didn't quite work out the way we planned. Hopefully in the future things will work out better so we can have the meeting in my community. I'll feel better if we, the Regional Advisory Board, have meetings in the villages, but, like I said, things can't be helped sometimes.

That's all I have to say. Thank you.

CHAIRMAN FLEENER: Thank you, Larry. Any others. We appreciate the invitation to have the meeting

1 in Venetie. I know I was looking forward to having it
2 there as well. What we try to do is have the meetings in
3 any of the communities, especially the rural communities,
4 throughout Region 9 to make sure we get close to the
5 subsistence users, those who depend on the resources the
6 most. Not saying that the folks in Fairbanks aren't
7 dependant on wild resources, but we just think it's a
8 good thing to at least have every other meeting out in
9 the community. So thanks for the invitation to go there
10 and we look forward to going there at some time in the
11 future.

12
13 If there's no more comments, Vince, would
14 you please do the roll call.

15
16 MR. MATHEWS: Yes, Mr. Chairman. Sue
17 Entsminger.

18
19 MS. ENTSMINGER: Here.

20
21 MR. MATHEWS: Donald Woodruff.

22
23 MR. WOODRUFF: Here.

24
25 MR. MATHEWS: James Nathaniel, Sr.

26
27 MR. NATHANIEL: Here.

28
29 MR. MATHEWS: Gerald Nicholia is absent.
30 He's had a couple deaths in his family and has informed
31 me he's unable to make it. Andy Bassich.

32
33 MR. BASSICH: Here.

34
35 MR. MATHEWS: Philip Titus.

36
37 MR. TITUS: Here.

38
39 MR. MATHEWS: Jay Stevens. I talked with
40 him also. He has a scheduling conflict and could not
41 make the meeting. Craig Fleener.

42
43 CHAIRMAN FLEENER: Here.

44
45 MR. MATHEWS: Larry Williams.

46
47 MR. WILLIAMS: Here.

48
49 MR. MATHEWS: Virgil Umphenour.

50

1 MR. UMPHENOUR: Here.
2
3 MR. MATHEWS: Mr. Chairman, you have
4 eight of the 10 Council members, so you have a quorum.
5
6 CHAIRMAN FLEENER: Thank you very much,
7 Vince. Let's move on to introduction of Agency Staff and
8 honored guests.
9
10 Who would like to go first.
11
12 MR. MATHEWS: I can attempt to do that.
13 I'll start off with myself. I'm Vince Mathews, regional
14 coordinator with the Office of Subsistence Management.
15 For the Staff, I think to save time, I'll just introduce
16 them for the record. When you do come up to the
17 microphone, please reintroduce yourselves so it's clear
18 on the record and that helps the court reporter. We have
19 Michael Smith here from Tanana Chiefs. Wildlife and
20 Parks Division we have Paul Williams, refuge information
21 technician with Yukon Flats. Don Rivard, division chief
22 for Interior Division, Office of Subsistence Management.
23 We have Bruce Thomas with Council of Athabaskan Tribal
24 Governments. I don't know the gentlemen next to them, so
25 I don't know if they're agencies or not.
26
27 (Two introductions away from microphone)
28
29 MR. MATHEWS: Then we have Judy Gottlieb,
30 National Park Service, Federal Subsistence Board member.
31 Then we have Mike Koskey with the Alaska Department of
32 Fish and Game, Division of Subsistence. Next to him is
33 Terry Haynes with Division of Wildlife Conservation,
34 Department of Fish and Game. Behind him is Laura
35 Greffenius with Office of Subsistence Management. Then
36 Connie Friend with Tetlin Refuge. Joanne Gustafson with
37 Arctic National Wildlife Refuge. And Taylor Brelsford
38 with Bureau of Land Management.
39
40 MR. BRELSFORD: And my colleague Carolyn
41 Spoon.
42
43 MR. MATHEWS: And Carolyn Spoon. And
44 Barbara Cellarius with Wrangell-St. Elias. Next to
45 Barbara is Hollis Twitchell with Denali National Park.
46 Then we have Rich Uberuaga, your fisheries biologist,
47 Office of Subsistence Management. Rod Campbell, who is
48 the Board liaison. A very important person for you guys
49 to get to know for a liaison between Office of
50 Subsistence Management and Alaska Board of Fisheries.

1 Scott Hayden with Denali National Park. Greg Bos with
2 Fish and Wildlife Service. He's one of the Interagency
3 Staff Committee people. I failed to point out that
4 Taylor Brelsford is also. With that, I think I caught
5 everybody. Oh, there's more back there. Caroline Brown
6 with Alaska Department of Fish and Game. Wennona Brown
7 is behind me. She's the subsistence coordinator for
8 Arctic, Kanuti and Yukon Flats Refuges. Did I miss
9 anybody?

10

11 CHAIRMAN FLEENER: No. As a matter of
12 fact, I think you did a darn fine job. I certainly
13 couldn't have done that. That was really impressive.

14

15 What's next? Ethics disclosures.

16

17 MR. MATHEWS: I'm a little bit behind the
18 curve on that. I'll be passing out a sheet on ethics
19 disclosure and then we'll go from there. (Pause) This
20 is the ethics disclosure statement and we went over it
21 this morning. It's just to make sure you will not have a
22 significant financial interest in some item that will be
23 before the Council. If you do, then you may be
24 disqualified from participating just on that issue, not
25 the whole Council meeting.

26

27 So you've got the blue sheet in front of
28 you. On the back side, in the larger font, are the
29 suggested ethics disclosure language that you could use.
30 To my knowledge, most of you would fall under number one.
31 Look that over and at the Chair's discretion, you each
32 need to give your ethics disclosure.

33

34 CHAIRMAN FLEENER: If anyone is ready to
35 give their ethics disclosure, just get my attention and
36 we'll go in order of whoever is ready. Go ahead, Virgil.

37

38 MR. UMPHENOUR: My name is Virgil
39 Umphenour. I live in North Pole. I'm a big game hunting
40 guide. I do not operate in the area that's under
41 consideration, however my son does, but he operates all
42 on State land. I also own a meat and fish processing
43 plant, which processes fish that are caught in the
44 Eastern Interior region primarily between the village of
45 Tanana and the Yukon River bridge. I also buy fish that
46 are caught in Nenana and Fairbanks. There are no
47 fisheries proposals before us at this meeting and I do
48 not feel that I have any business interests as far as big
49 game guiding or fish buying that conflict with any of
50 these proposals.

1 Thank you, Mr. Chair.
2
3 CHAIRMAN FLEENER: Thank you, Virgil. Go
4 ahead.
5
6 MR. BASSICH: Thank you, Mr. Chair. My
7 name is Andy Bassich. I live in Eagle, Alaska. I'm a
8 subsistence hunting, fishing and trapper. I do not hold
9 any commercial permits or conduct any business activities
10 directly affected by any agenda items before the Council.
11
12 Thank you, Mr. Chairman.
13
14 CHAIRMAN FLEENER: Thank you, Andy.
15 Larry.
16
17 MR. WILLIAMS: My name is Larry Williams
18 and I live in Venetie. I'm a subsistence guy and I do
19 not hold any commercial permits or conduct any business
20 activities directly affected by any agenda items before
21 the Council.
22
23 Thank you, Mr. Chair.
24
25 CHAIRMAN FLEENER: Thank you, Larry. Go
26 ahead, Sue.
27
28 MS. ENTSMINGER: My name is Sue
29 Entsminger. I subsistence hunt, fish and trap. I also
30 hold a commercial hunting guide license and two
31 commercial fishing permits. Actually, in GMU 11
32 permission to hunt on Forest Service land as a hunting
33 guide. Neither of the commercial fish permits are in the
34 area that we are affected with. I, like Virgil, hunt on
35 State land in our area. I don't see any conflict of
36 interest on financial gain.
37
38 CHAIRMAN FLEENER: Thank you, Sue. Go
39 ahead.
40
41 MR. WOODRUFF: Thank you, Mr. Chairman.
42 My name is Don Woodruff and I subsist and fish and hunt
43 and trap in the Upper Yukon area around the Charley River
44 and Kandik River and I have no commercial interest or
45 business activities in the area that affect the Council
46 items at this time.
47
48 CHAIRMAN FLEENER: Thank you, Don.
49 Philip.
50

1 MR. TITUS: My name is Philip Titus and I
2 live in Minto. I'm not going to benefit from any of
3 these proposals. That's my ethics. I'm a pretty ethical
4 guy.

5
6 CHAIRMAN FLEENER: Thank you, Philip.
7 James.

8
9 MR. NATHANIEL: My name is James
10 Nathaniel, Sr. I live in Chalkyitsik. That's up on the
11 Black River, about 70 miles northeast of Fort Yukon. I
12 depend on subsistence hunting, fishing and trapping. I
13 used to do a lot of that. Now I don't do any of those
14 anymore because of my condition.

15
16 That's all I have. Thank you.

17
18 CHAIRMAN FLEENER: Thank you, James. I
19 guess that leaves me. My name is Craig L. Fleener. I
20 live in Fort Yukon. I subsist hunt, fish and trap in the
21 area under consideration. I hold no commercial permits.
22 I do have a fur buying license and I have a gun dealer
23 license, but I don't believe those activities will be
24 affected by any of the agenda items.

25
26 MR. MATHEWS: Mr. Chairman, as your
27 coordinator, all the members have given appropriate
28 ethics disclosures and none of them have any significant
29 financial interest directly related to the matters before
30 the Council at this meeting and may fully participate.

31
32 Thank you.

33
34 CHAIRMAN FLEENER: Wonderful. It says
35 here on the next agenda item Regional Council members
36 concerns and topics. As far as Chair's report, I'm not
37 really prepared to give a report per se. Is that
38 generally the Chair's activities?

39
40 MR. MATHEWS: Yes. It's generally if the
41 Chair wants to report about the last Board meeting or
42 something he has worked on or is working on, that would
43 be an opportunity. This is just an opportunity for the
44 Council members to share concerns that they may want to
45 have addressed at this meeting.

46
47 CHAIRMAN FLEENER: The rest of the
48 concerns portion I understand, but I actually was not at
49 the last Board meeting and someone went in my place
50 because of a conflict. Not a conflict of interest, just

1 a timing conflict. I'd like to open it up for Council
2 member concerns or any other reports. Virgil.

3

4 MR. UMPHENOUR: Thank you, Mr. Chair.
5 It's going to be in our report later on, but the Federal
6 Subsistence Board did not pass any of our proposals that
7 we put forward from the last meeting. The Board of
8 Fisheries did not accept our petition. Our petition that
9 I'm speaking to is the one that we had to reduce the
10 depth of gillnets with larger than six-inch mesh to no
11 more than 35 meshes, but that concern still bothers me
12 and when we get the report from BLM later in the meeting
13 on the Tozitna River Weir we'll see that the situation as
14 far as the number of female king salmon has not improved.
15 In fact, it's gotten worse this last year.

16

17 The genetic diversity of the king salmon
18 in the Yukon River, to me, is still extremely important
19 along with the bycatch by the trawl fishery. I know this
20 has been addressed by the Council. That's the North
21 Pacific Fisheries Management Council. But I do know one
22 thing, I know that the bycatch limit that was established
23 about six years ago they went over that by about 300
24 percent for king salmon and that approximately 60 percent
25 of the king salmon that they're catching in that fishery
26 are headed to Western Alaska streams. Between the
27 Nushagak and the Yukon River and the Kuskokwim, that's
28 where the majority of those fish are headed to and, to
29 me, that's an extremely serious concern.

30

31 One other final concern I have is that of
32 the effect of the hatchery fish from Southeast Alaska and
33 Prince William Sound on the survivability of the salmon
34 that head up the Yukon River, specifically the chum
35 salmon as far as competition for food in the marine
36 environment in the Bering Sea. I have a very serious
37 concern about that. When we get to new business, I have
38 a proposal that will address all three of these concerns
39 or that I have proposals to.

40

41 Thank you, Mr. Chair.

42

43 CHAIRMAN FLEENER: Thank you, Virgil.
44 Other Council concerns or reports on your activities.

45

46 Yes, Philip.

47

48 MR. TITUS: I have concern on the West
49 Nile disease and the bird flu in the waterfowl. Is that
50 coming up on the agenda? That's my concern.

1 CHAIRMAN FLEENER: We can talk about
2 anything we want to, Philip. You know that. I don't
3 believe those are specific agenda items, are they?

4
5 MR. MATHEWS: No, they're not. We can
6 see what we can do on it. I'll have to huddle up with
7 the refuge staff and see what information we have on
8 that. We'll see how we can deal with that. Probably
9 under Agency reports. It's the West Nile Flu and its
10 effect on any particular species, Philip?

11
12 MR. TITUS: Waterfowl.

13
14 MR. MATHEWS: Waterfowl, okay. Thank
15 you.

16
17 CHAIRMAN FLEENER: Larry.

18
19 MR. WILLIAMS: Thank you, Mr. Chair. My
20 concern is that since I've been on the Council I've had
21 no way of communicating with the people I represent
22 except in my own home town. I represent the Eastern
23 Interior. How do I go about communicating with them and
24 trying to find out their concerns. I cannot adequately
25 represent them if I don't know how they feel about an
26 issue one way or another. So that's my concern about
27 communications or lack of communications. So we can
28 think about that and try to work something out where
29 Council members can have communication with their local
30 residents in the Eastern Flats and Eastern Interior.

31
32 Thank you.

33
34 CHAIRMAN FLEENER: Thank you, Larry.
35 Andy.

36
37 MR. BASSICH: Thank you, Mr. Chairman. I
38 have a couple different concerns here. One, and probably
39 the most important to me, is echoing Virgil's concerns as
40 well, the quality of escapement of chinook salmon and
41 also fall chum on the Yukon River. I kind of beat that
42 drum a lot, as you all probably know, but I think we
43 still have a long way to go in addressing that, so I'd
44 still like to keep that as a focal point.

45
46 Along those lines, I have a lot of
47 concerns with fall chum runs up the Sheenjok, Chandalar
48 and the Upper Porcupine. People in those areas that rely
49 on those stocks are having a difficult time and I think
50 some work needs to be done genetically to determine where

1 these fish are going and what their specific run timing
2 is. So that's something that maybe would be addressed in
3 future programs.

4
5 I'd like to discuss FP05 which was not
6 adopted by the Board. I would like to have a brief
7 discussion about that.

8
9 And, finally, I think that when we work
10 on fisheries proposals, I'd like to re-address the
11 possibility of having Tri-Council meetings when we
12 discuss salmon on the Yukon River. I think it's a much
13 more productive environment to discuss that. It may, in
14 fact, pull everybody together to get a better
15 understanding and communicate a little bit better and
16 also reduce some of the travel time for staff or do some
17 of the costs for this as well, but I think for the fish
18 the Yukon River users need to meet when we're going to
19 make decisions on this. I think it helps a lot and kind
20 of have a much better final product when it comes to
21 regulations regarding that fishery.

22
23 Thank you, Mr. Chairman.

24
25 CHAIRMAN FLEENER: Thank you, Andy. Sue.

26
27 MS. ENTSMINGER: Thank you, Mr. Chairman.
28 You'll probably hear me say this often, but my first
29 meeting I went to I counted 40 government people in the
30 audience and one person was a local resident. I guess
31 the concern I have is I wonder how much of the meeting
32 process is really shared by the public it affects. This
33 will be my fourth year on the Council and rarely do I
34 ever get a call from one of these many people that have
35 these positions in the subsistence. I mean we're on the
36 Council, we're told we're supposed to be very important,
37 maybe we're not that important, but there's a lot of
38 issues that come up. If it wasn't for us taking our own
39 time and going to a meeting once in a while, that's the
40 only time we hear from anyone until we get to these
41 meetings. I think that might mean that people need to
42 give us a call once in a while and talk to us about some
43 of these issues that are going on and maybe we're more
44 informed in the process.

45
46 Thank you.

47
48 CHAIRMAN FLEENER: Thank you, Sue. Yes,
49 James.

50

1 MR. NATHANIEL: This is my first time
2 here, so I'm just sitting in and listening. My main
3 concern here is that in our area, Yukon Flats, we have
4 low moose population and it's still declining and we have
5 predator problems in our area, like wolves and bear. I
6 talk to my people or some of the residents in our
7 hometown, they claim that -- like this winter there's a
8 lot of snow and it's easy prey for the wolves to kill all
9 the moose. They're talking about wolf control thing and
10 also on the bear. I think you could take two bears per
11 season or something like that, I'm not sure how many, but
12 they were saying we should take more than two bears per
13 season, like three many. Those are some of the concerns
14 my people have in my community.

15
16 Thank you.

17
18 CHAIRMAN FLEENER: Thank you, James. Go
19 ahead, Don.

20
21 MR. WOODRUFF: I interviewed two people
22 from the Yukon Flats/Circle/Central area and they
23 expressed the concern that since we've had these radical
24 fires that all the moose and caribou populations are
25 concentrating in the greenbelt. A lot of these
26 greenbelts are associated with the roadways or the mining
27 roads and they're definitely concerned that maybe during
28 the hunting season there's a big kill off because of such
29 easy access to the game right in the greenbelt. So they
30 expressed that opinion.

31
32 Then there's a group up in Circle/Eagle
33 area that 25 people signed a petition. They're opposed
34 to the radical wolf hunt. It's a group called STEADY and
35 I have 25 signatures that they asked me to bring and
36 present before you guys.

37
38 Thank you.

39
40 CHAIRMAN FLEENER: Do you want to read
41 that?

42
43 MR. WOODRUFF: It says we feel the Upper
44 Yukon/Tanana wolf/bear predation control plan which was
45 authorized by the Board of Game in November 2004 is based
46 on unrealistic and unsustainable moose harvest goals and
47 will disrupt ecological balance as well as harm
48 subsistence. The plan, which is already implemented,
49 aims to shoot an unspecified number of wolves from the
50 air with the condition that 50 be left in the area. The

1 plan also calls for killing 81 brown bear, 60 percent of
2 the estimated population. Both areas are in Units 12 and
3 20(E) near Eagle. The wolf control area is 6,000 square
4 miles larger than the bear control area, which is 2,700
5 square miles.

6
7 It goes on to say that the moose harvest
8 have been gradually increasing in 20(E) since the 1980s
9 and the average annual harvest in the unit in '99 and
10 2003 were 148 moose. Non-local hunter pressure has risen
11 much more steeply. Alaska Department of Fish and Game
12 has an annual harvest goal of 500 to 1,000 moose in this
13 focused area, which, keep in mind, is only a portion of
14 the unit. That comes out to one to two moose harvested
15 in an area of 3.7 x 3.7 miles. These goals are probably
16 not achievable in that area and almost certainly not
17 sustainable even if the better part of the wolf/bear
18 population are eliminated in blatant competition.

19
20 Then it goes on to say that these people
21 that signed this are in agreement with this.

22
23 Thank you.

24
25 CHAIRMAN FLEENER: Thank you, Don. I see
26 no more hands going up, so I'll give it a crack, I guess.
27 I've had concerns for many years of being involved with
28 this Council that really continue year after year after
29 year. As some people on the Council have pointed out, it
30 seems as if even though we feel as if we're important by
31 participating in this group, it feels as if our concerns
32 go unheeded.

33
34 One of my concerns, of course, is the
35 large numbers of predators and I know most about the
36 Yukon Flats. I know a little bit about some other parts
37 of the state, but I'll talk about the Yukon Flats. I'm
38 concerned about the large amounts of predators. We've
39 been told by the Fish and Wildlife Service that although
40 they reserve the right to manage predators, they won't do
41 anything. The State also won't do anything because we're
42 surrounded by Federal land. What options are we left
43 with?

44
45 We have two management agencies that
46 choose not to manage in a way that we feel they should
47 manage and that's pretty important to us. When you
48 consider that it's not just a large number of predators
49 that bothers us, that wouldn't be an issue if it wasn't
50 for one of the primary subsistence species being so

1 heavily impacted. We have the lowest moose population in
2 Alaska. The numbers are on a downward trend every year.

3
4

5 Half of the Yukon Flats this year during
6 the November moose survey fortunately saw a little bump
7 in numbers for the first time in many years. The other
8 half the numbers are still going down. So the trend is
9 downward. The moose population is in dismal shape. Like
10 I said, it's the worst in the state and the State and
11 Federal government choose to do nothing about it. The
12 only real actions they would like to take are to limit
13 hunting, which that's probably the easiest thing to do,
14 is to limit human harvest, but that's not going to help
15 the situation.

16
17

18 We need to take some drastic action. We
19 thought we were actually doing something when we decided
20 to cooperate with State and Federal Agencies. We didn't
21 really cooperate with them. We actually asked them if we
22 could put together a moose management plan.
23 Unfortunately, when the moose management plan was
24 completed, the action items to be taken were all to be
25 taken by local residents. They weren't to be taken by
26 the State or Federal government.

27
28

29 There's one action item by the Federal
30 government. I can't recall what it is. For the most
31 part, the action items are to be done by local residents.
32 When you consider what action items we proposed, they're
33 not even legal action items, but they're being left up to
34 us. To me, that shows a lack of good quality management
35 in the Yukon Flats and I think that needs to be
36 addressed.

37
38

39 Unfortunately, in six years from now, if
40 I'm still sitting at this table, I'm still going to be
41 saying the same thing. That's a darn shame, but after
42 here for so many years and saying the same thing every
43 single year, I think it's going to go on year after year
44 after year.

45
46

47 We continue to have a large and growing
48 bear population, black and brown, and a large and growing
49 wolf population and a small and shrinking moose
50 population and that's a bad thing.

51
52

53 Another concern that I have is that it
54 seems as if the Council process has been becoming less
55 effective with all the limitations being placed on us.

1 As Andy pointed out, we used to have Tri-Council
2 meetings, we used to have the ability to call meetings to
3 get together with other councils in other regions to help
4 solve problems and now we're left to our own to try to
5 solve these on the side and it doesn't work. It's very
6 effective to get together with neighboring regions to try
7 to solve problems, but there have been great limitations
8 placed on us for trying to hold those meetings. We've
9 lost our ability to have some of the sessions we used to
10 have with the Federal Subsistence Board and the list just
11 goes on and on. So I feel as if the Council process is
12 really being limited greatly.

13

14 I think also we have a problem with few
15 of our proposals being adopted. We're the ones that the
16 proposals are going to impact and we feel as if we pass
17 those proposals, we've done a good job of understanding
18 the process, understanding the people in the region,
19 understanding the wildlife, fish and waterfowl
20 population. That we feel as if, even though law may not
21 necessarily be on our side at times, that these are some
22 good decisions to make.

23

24 For very few of our proposals to be
25 adopted, I have a problem with that. I think more of our
26 proposals need to be adopted because, as I've said
27 before, the Federal Subsistence Board, although their
28 jobs are really important, for the most part they're not
29 from Alaska, they come to serve in their Federal job for
30 a while and then they're going to mosey on.

31

32 The decisions that are taken by them, the
33 proposals that are adopted or not adopted, are going to
34 affect those of us who live in these areas where we
35 subsist for the rest of our lives. And if not for the
36 rest of our lives, for most of our lives or at least
37 we've lived there for an awful lot of our lives.

38

39 So I think they need to be more
40 considerate of what the Councils have to say. That's
41 something that's disappointed me year in and year out and
42 it continues to disappoint me and I think we need to have
43 more consideration given to what the Councils have to
44 say.

45

46 Something else that's of concern to me
47 that's sort of an
48 emerging issue in the media and it's emerging as a sort
49 of a flowery subject that's popular to talk about. So,
50 to be a popular guy, I'll talk about it, and that is

1 climate change. Those of us who live in the Yukon Flats
2 and surrounding areas understand climate change very well
3 because we've been living with climate change, we've been
4 living with the effects of climate change.

5
6 We're having some pretty dramatic changes
7 in the Yukon Flats with permafrost levels decreasing with
8 lake levels declining, with meadows shrinking, with fire
9 regimes growing, more and more lightening strikes. A
10 good example of changes that we experienced this past
11 year that probably can be directly related to overall
12 climate change is the very low amount of precipitation we
13 had. Right at Fort Yukon we had less than a half an inch
14 of rain this past summer, which is the lowest on record.
15 Because of those low rain levels we also experienced the
16 lowest levels in the Yukon in recorded history. At Fort
17 Yukon the river was about 10 feet lower than normal.

18
19 As a matter of fact, the community of
20 Birch Creek was nearly land locked. Some of my friends
21 and I tried to actually get up to Birch Creek and we
22 ground the prop for about an hour and a half and decided
23 that was plenty enough. We turned around and went back.
24 We probably should have went back a lot sooner, but we're
25 boneheads, so we just kept on going.

26
27 The rivers have been getting lower and
28 lower and that's a problem. Because of the low amount of
29 precipitation, as I said, we had the most numbers of
30 lightening strikes this year. We actually had 17,000 in
31 one day, which is the highest number in recorded history.
32 We also had the most fires, the largest amount of acreage
33 burned up in one year.

34
35 The reason I point these things out is
36 because I don't think the Agencies are leaning forward
37 enough to help us address these issues. We're not going
38 to stop climate change, so don't think that's what I'm
39 asking for. But I think the Agencies, being who they say
40 they are, need to work with the communities to help us
41 through some of these problems.

42
43 The climate change is going to impact
44 subsistence. It impacted it for us last year. A lot of
45 people in Fort Yukon and the surrounding communities
46 couldn't get out on the river, couldn't get to hunting
47 areas that they used to get to to hunt for moose. The
48 one thing that probably was better was fishing. I know,
49 for me, I was able to catch fish fairly quickly because
50 the Yukon River is usually this wide. This year it was

1 this wide. I don't think the numbers of fish were any
2 greater than they were, but it certainly was easier
3 because the river was a lot narrower. They just didn't
4 have as many places to swim and get away from us. So I
5 think some folks in Fort Yukon did a little bit better
6 with fishing.

7
8 So these are some emerging issues that I
9 would like the Agencies to take an active role in,
10 consider working with the communities and not just sit in
11 the office and go to these big planning meetings with
12 folks from the National Science Foundation and the
13 university, but actually come and talk to those of us who
14 depend on these resources. One thing that you need to
15 consider for those of us who depend on the species that
16 climate change is impacting is how are we going to be
17 able to adapt to the changes that we're experiencing.

18
19 Unless we're going to start being more
20 dependent on food stamps and Quest cards and welfare and
21 government handouts, we need to have the freedom to adapt
22 to the changes that are coming. Which means that the
23 Agencies need to be more open to the ideas of changing
24 seasons, changing bag limits and allowing easier access
25 across the landscape. So these are issues that are very
26 important and they're under the really shiny title of
27 climate change.

28
29 Another issue that's important to me is
30 the land exchange between Doyon and the Yukon Flats
31 National Wildlife Refuge in the Yukon Flats. This land
32 transfer is for oil and gas development, proposed
33 development, and I don't know if the Yukon Flats staff is
34 going to be talking about this at all. Do you, Wennona?

35
36 MS. W. BROWN: I don't know.

37
38 CHAIRMAN FLEENER: She doesn't know
39 either. So I didn't know if they were going to be
40 talking about it. Since she doesn't know, I'll talk
41 about it for a few seconds. The land transfer is going
42 to be for quite a bit of acreage of uplands from the
43 refuge to Doyon and Doyon will be giving bottomlands,
44 which are good waterfowl, good moose habitat in the heart
45 of the refuge and that will be going to the refuge.

46
47 We had a meeting in Fort Yukon yesterday
48 and there have been some public meetings around Fairbanks
49 and the Yukon Flats and some community members have come
50 to me and said that they would like it pointed out that

1 they think that the land transfer and the subsequent
2 possible oil development could lead to some detrimental
3 impacts to subsistence resources and by virtue of the
4 folks asking me to comment on that, that's why I bring
5 that issue up.

6
7 Finally, my favorite topic that I always
8 talk about, unfortunately my pal Ed is not here, but the
9 wood bison reintroduction. Those of us in the Yukon
10 Flats and many of you who have come to these meetings for
11 many years have heard me talk about wood bison and I'm
12 still very interested in the wood bison reintroduction.

13
14 We believe that it's important for the
15 Yukon Flats, especially when you consider that our moose
16 population is low and continues to decline, especially
17 when you consider that our fish populations are low and
18 continuing to decline, especially when you consider
19 climate change and the problems that are associated with
20 that and the potential major changes to our lifestyle.

21
22 If we could reintroduce wood bison, we
23 could help a species that was on the verge of
24 disappearing. It doesn't exist anywhere as a wild
25 species in the United States. They used to be here less
26 than 200 years ago and we believe that we can help these
27 animals by introducing them into the Yukon Flats to come
28 back and be once again the great species that they once
29 were.

30
31 We also believe that this animal will
32 benefit the Yukon Flats by creating a more diverse
33 habitat by actually having diversity of wildlife species.
34 We currently have no large grazing herbivore in the Yukon
35 Flats and a large grazing herbivore just means a big
36 animal that eats grass. We have none of those in the
37 Yukon Flats currently, so this will actually add to the
38 diversity of the Yukon Flats. And, of course, I
39 mentioned that we have a low moose population and low
40 salmon numbers. We're hoping to eat these things one
41 day, so there's a variety of reasons why we're interested
42 in this project.

43
44 Once the population of bison get
45 established, then, of course, there's the possibility of
46 bringing tourists in for taking pictures. We think it
47 will be real popular because it will be the largest land
48 mammal in North America in the Yukon Flats and I think
49 some folks might be interested in taking pictures. And
50 for some folks who support guiding, it would probably be

1 a popular guided hunt as well. I don't particularly want
2 to see too many guided hunters in my area, but I know
3 that that's an economic possibility for some folks that
4 also deserve consideration.

5
6 The reason I don't want to see too many
7 guided hunters in the Yukon Flats is because when guided
8 hunters come in they generally want to come in for
9 multiple hunts and I don't want to see too many moose
10 going out of the country, so that's the reason I mention
11 that. But it can be something that provides economic
12 opportunities as well as subsistence opportunities.
13 That's all my comments. Are there any more comments.

14
15 MS. W. BROWN: Mr. Chairman, I want to
16 make a comment.

17
18 CHAIRMAN FLEENER: Yes. Can you please
19 come to the microphone.

20
21 MS. W. BROWN: For the record, Wennona
22 Brown, Yukon Flats Refuge. I just wanted to comment that
23 if you would like to have the presentation on the land
24 exchange, I can certainly request that. I can bring that
25 back either later this afternoon or tomorrow.

26
27 CHAIRMAN FLEENER: What does the rest of
28 the Council think? I've heard it, so I don't need to
29 hear it again. I've already got my opinion. It's up to
30 the rest of the Council. Does anybody want to see what's
31 going on on the land transfer? How long do you think it
32 would take? Can you do an abbreviated version? We don't
33 want to take too much time. If you can at least talk
34 about perhaps specific location and the amount of acres
35 to be swapped perhaps.

36
37 MS. W. BROWN: We could do an abbreviated
38 session. It's one of the topics that we would just
39 barely touch on in our Agency report. Maybe at the close
40 of the meeting I could have Ted come over and go over the
41 whole thing if you wanted to do that. If only certain
42 people wanted to hear it, I could have him say it at the
43 close of the Council meeting.

44
45 MS. ENTSMINGER: I just want to know from
46 you, since it's your area, is it something you want to
47 see the Council make a recommendation on?

48
49 CHAIRMAN FLEENER: Put it back on my
50 shoulders, huh. Yes. Can you do it in 10 minutes?

1 MS. W. BROWN: A 10-minute synopsis at
2 Agency reports?
3
4 CHAIRMAN FLEENER: Yes. Can you do that?
5
6 MS. W. BROWN: Okay.
7
8 CHAIRMAN FLEENER: Sounds good to me.
9 Vince.
10
11 MR. MATHEWS: Mr. Chairman, I captured
12 from the Council members that we'll need to get some key
13 Staff here when we discuss the Federal Subsistence
14 proposals that you guys submitted and didn't pass, so I'm
15 kind of signaling the Staff that we'll need to beef up a
16 little bit on that section. It won't take too long, but
17 we'll need to get more Staff here.
18
19 The other issue that came up and we do
20 have a report on it, I don't know if I can get a Staff
21 over here, Western Interior requested a report on snow
22 levels throughout the state and I have it sitting on my
23 desk. There's a summary of that snow level report, so we
24 can get that here if you would so desire to have current
25 snow levels and its effect throughout the state. I don't
26 know if I can get a Staffer here to present that.
27 They're prepared to present that in Allakaket next week.
28
29 The other one that you talked about, land
30 exchange has already been addressed. I want to respond
31 to the Council process being less effective. The program
32 is not against, we're not holding back on any Tri-Council
33 meetings or anything like that. They are always an
34 option and it's always an option to have these cross-
35 regional meetings of whatever level that is needed. We
36 have not had any requests for that nor have we seen a
37 need, but that process is always available. I can't say
38 it's going to be guaranteed each time, but if there is a
39 need for that, then we need to have a request to do that
40 and we can process that.
41
42 For example, we're doing a crossover
43 right now with North Slope and Western Interior on a
44 mutual proposal. We just didn't see any this round. If
45 we failed to do that, we can try to pull that together.
46 In the future, remind us so that we can do that. I think
47 that's all that I caught here. So most of those that you
48 brought up would fall under Agency reports. Does the
49 Council want a copy of the extensive report on snow
50 levels? It was put together by Kanuti National Wildlife

1 Refuge as well as the old soil conservation -- I can't
2 remember their new title. Natural Resources Conservation
3 Services. I have it on my desk. I can have copies here
4 tomorrow for that if you so desire.

5
6 CHAIRMAN FLEENER: Anybody interested in
7 that report? Let me rephrase that. Anybody not
8 interested in receiving a copy of that report? Give us a
9 copy of the report and we'll do with it what we want.

10
11 MR. MATHEWS: Thank you, Mr. Chair. I'll
12 have copies here tomorrow.

13
14 CHAIRMAN FLEENER: Thank you. Let's go
15 to the review and adoption of the agenda. I know that
16 there were a couple of items that were brought up. I
17 think Andy or Virgil brought up talking about proposals.

18
19
20 MR. UMPHENOUR: That's already on the
21 agenda, Mr. Chair.

22
23 CHAIRMAN FLEENER: Thank you. Any
24 changes to the agenda.

25
26 (No comments)

27
28 CHAIRMAN FLEENER: Any motions on the
29 agenda.

30
31 MR. UMPHENOUR: Move to adopt the agenda.

32
33 CHAIRMAN FLEENER: There's a motion to
34 adopt the agenda. Do I hear a second.

35
36 MR. BASSICH: Seconded.

37
38 CHAIRMAN FLEENER: Seconded by Andy.
39 Council comments. Philip.

40
41 MR. TITUS: We're not going to have an
42 evening session, are we?

43
44 CHAIRMAN FLEENER: Go ahead, Vince.

45
46 MR. MATHEWS: Yes, Mr. Chairman. Two
47 items. The evening session was basically set up -- your
48 policy has been when you meet in the villages to have an
49 evening session for people in the villages to come in. I
50 don't know if we'll have any response since we've located

1 to Fairbanks. It's the call of the Chair if you want to
2 have an evening session. Once you divest that, I
3 apologize, there's another one. So if you can give an
4 idea on the evening session, then we'll address the other
5 issue.

6
7 CHAIRMAN FLEENER: Is there an interest
8 in having an evening session? Have any of your
9 constituency asked for time at the end of this meeting?

10
11 (No comments)

12
13 CHAIRMAN FLEENER: Seeing none, no need
14 for an evening session.

15
16 MR. MATHEWS: Mr. Chairman, the other
17 issue is, and I apologize to Judy Gottlieb, she's a Board
18 member and she would like just a few moments sometime
19 today, correct?

20
21 MS. GOTTLIEB: If possible.

22
23 MR. MATHEWS: To talk about an important
24 item that's going to be for the Flats. I don't want to
25 take away your thunder. So, with that, if it's possible,
26 we could put her on the agenda today. I would say
27 probably before you get into proposals or right after
28 proposals would be a good time. Her discussion topic
29 with you would be about five, six minutes. It's not a
30 lengthy topic.

31
32 CHAIRMAN FLEENER: What's the topic?

33
34 MR. MATHEWS: The topic is that the Board
35 does go on different field trips and they're heading
36 towards the Flats here and she would like to.....

37
38 CHAIRMAN FLEENER: That's fine. You
39 don't need to say any more. Field trip is good enough.
40 So where do you think that fits in the agenda?

41
42 MR. MATHEWS: I'm sensing you guys are
43 roaring at the engine or whatever. It might fit best at
44 the end of the proposals if you guys get through those
45 proposals or it would be best to do it before you start
46 any of the proposals, right after the minutes.

47
48 CHAIRMAN FLEENER: All right. Let's do
49 it right after No. 7, after the approval of the meeting
50 minutes. Does that work for you, Judy?

1 MS. GOTTLIEB: Sure, thank you.
2
3 MR. MATHEWS: Since you're not having an
4 evening session, due to the fact that you guys are
5 relocated here to Fairbanks and it's a large community,
6 my wife and I would like to invite you all to our house
7 for dinner tonight. So that frees us up to start cooking
8 now. If you would like to do that, then myself and
9 another staff person here will have a vehicle to provide
10 transportation to our house. So that would be whenever
11 this ends and whenever you make it to the house. And the
12 dogs do not bite.
13
14 MR. SMITH: Is that open to the public?
15
16 MR. MATHEWS: Yeah, it's open to the
17 public, even to Mike, but I'll need to know general
18 numbers. A very important part of the meeting in the
19 villages are the meals and I'm trying to maintain where
20 you guys get to socialize together, so we're going to
21 try. So that will be afterwards.
22
23 That's all I have unless there's any
24 other Staffers that have any additional agenda items. As
25 you said earlier, you are a flexible Chair and if other
26 items come up you would be sympathetic to adding them.
27
28 CHAIRMAN FLEENER: Thanks, Vince.
29 Philip.
30
31 MR. TITUS: Move to adopt the agenda with
32 two changes.
33
34 MS. ENTSMINGER: Second.
35
36 CHAIRMAN FLEENER: Seconded by Sue.
37 Comments.
38
39 MR. UMPHENOUR: Question.
40
41 CHAIRMAN FLEENER: There's a question on
42 the motion. All those in favor signify by saying aye.
43
44 IN UNISON: Aye.
45
46 CHAIRMAN FLEENER: All opposed same sign.
47
48 (No opposing votes)
49
50 CHAIRMAN FLEENER: Motion carries. The

1 agenda is adopted with the two changes.

2

3 MR. MATHEWS: That brings you up to the
4 minutes which are on Page 6. You can look them over. If
5 there are any corrections, I'm here to take them. During
6 the meeting I need to get the Chair to sign the official
7 copies of the minutes.

8

9 CHAIRMAN FLEENER: Let's just take a few
10 minutes for review of this. While the Council is
11 reviewing this, I notice there's another ethics
12 disclosure at this past meeting as well. Are we doing
13 this at every meeting now?

14

15 MR. MATHEWS: Yes, Mr. Chairman, because
16 each time you have different topics.

17

18 (Pause)

19

20 CHAIRMAN FLEENER: Go ahead, Andy.

21

22 MR. BASSICH: Thank you, Mr. Chairman. I
23 have one question. Not so much about the minutes, but
24 maybe some action that may have taken place or was
25 requested and that was on our discussion in Eagle on
26 FP05-04, which was the gillnet drift fisheries opening up
27 in 4B and C and District 5. During that discussion it
28 was pointed out that both the State and Federal In-Season
29 Managers were opposed to this but yet OSM had basically
30 said it was a sound proposal and had recommended it. I
31 asked that because of this discrepancy that some action
32 be taken at the RAC meetings in both the Western Interior
33 and the lower river RACs just to make sure they were
34 aware of that discrepancy.

35

36 I just wondered if there was any action
37 taken on the part of OSM to point that discrepancy out to
38 them. I wasn't at the Board meeting. Unfortunately, I
39 got weathered out. I had planned on going down to that
40 meeting because this proposal and the one following it
41 were important ones to me. But this went on to be
42 adopted by the Federal Board and as I stated at the very
43 beginning it went very much against my concerns on
44 quality of escapement. So I guess I would just like to
45 ask if OSM had done anything at those two particular
46 meetings to bring that out.

47

48 Thank you.

49

50 CHAIRMAN FLEENER: Thanks, Andy. Vince.

1 MR. MATHEWS: Mr. Chairman, we can
2 discuss it now or when the 805(c) letter comes up. Yes,
3 the Staff did present the viewpoints of the various
4 Councils and the State was present at the Anvik meeting.
5 I'm sure they were present at the other meeting. There
6 was State Staff at all three meetings. There was also a
7 Federal in-season manager staff at all three meetings.
8 It was laid out, the proposal, similar to the way yours
9 was laid out other than the fact that each Council, as
10 they moved along, got the recommendation of the preceding
11 Council and modifications. I don't know if Rich wants to
12 add onto that because he traveled to all three meetings.
13 During the training session I pointed out and for Craig's
14 reminder we try to keep the same Staff from beginning to
15 end on presentations. So that's where it's at. I don't
16 know if the in-season manager is present here. He was
17 planning on being here tomorrow, but I'm sure that will
18 come up again.

19
20 CHAIRMAN FLEENER: Is that sufficient,
21 Andy?

22
23 MR. BASSICH: Yes, thank you.

24
25 MR. UMPHENOUR: Mr. Chairman.

26
27 CHAIRMAN FLEENER: Go ahead.

28
29 MR. UMPHENOUR: Thank you, Mr. Chair. On
30 Page 11 where we talked about the annual report last
31 year, I should have brought this up earlier, but it
32 slipped my mind. I had given a report at the meeting in
33 Eagle of the Federal Subsistence Board hearing that
34 lasted two days in Anchorage when it addressed our
35 petition about the Area M fishery being expanded. If you
36 all read down at the bottom of it, it says in the
37 minutes, "During the recent Federal Subsistence Board
38 hearing on Area M, the Governor's office said the State
39 was going to take a good hard look at the Area M fishery
40 to have better monitoring and enforcement." And I spoke
41 also to the credibility of the harvest reporting and the
42 wanton waste.

43
44 I'd like to know if the Staff knows
45 anything about whether the Department of Fish and Game,
46 Commercial Fish Division, Subsistence Division, the
47 director was there, whether they have done anything on
48 this. I'd like to know. There was a lot of promises
49 made there to try to get the Federal Subsistence Board to
50 not take any action, which they didn't. I'd like to know

1 if the State came through with their promises. Maybe we
2 could put that on the agenda some place for that to be
3 addressed. Maybe our coordinator can figure out if that
4 can happen or not.

5
6 Mr. Chair.

7
8 CHAIRMAN FLEENER: Thank you. Vince.
9

10 MR. MATHEWS: Mr. Chair, that is a topic
11 that's in your annual report. That would be a good time
12 to bring that up. You asked politely in your annual
13 report to have a status report. I don't know if there's
14 any State Staff here to speak. I've not seen any
15 Governor's Staff here. Terry may want to enlighten us,
16 but it will come back up when you bring up your annual
17 report.

18
19 CHAIRMAN FLEENER: Thank you, Vince.
20 Terry.

21
22 MR. HAYNES: Thank you, Mr. Chairman. My
23 name is Terry Haynes with the Department of Fish and
24 Game, Division of Wildlife Conservation. Mr. Chair and
25 Virgil, the commercial fisheries staff will be here
26 tomorrow at the meeting and I assume Fred Bue would be
27 able to answer your questions. If not, he would be the
28 best starting point to get that information.

29
30 CHAIRMAN FLEENER: Thank you, Terry.
31 Virgil.

32
33 MR. UMPHENOUR: Thank you.

34
35 CHAIRMAN FLEENER: Vince.

36
37 MR. MATHEWS: So, Mr. Chairman, that
38 might be best because I'm seeing the agenda is starting
39 to move a little bit here. That might be best to have
40 that under discussions. If Terry can convey that to the
41 Staff, we'll probably put that underneath -- we've got to
42 find a spot. I'm afraid if we get down to annual reports
43 it may not be convenient for State Staff. I think it
44 would be best to stick that under initial discussions for
45 2005.

46
47 CHAIRMAN FLEENER: What line item is
48 that?

49
50 MR. MATHEWS: That would be Page iii,

1 12(D). That would give a chance for the Federal in-
2 season manager as well as the State to talk about it.

3

4 CHAIRMAN FLEENER: Is 12(D) a good sub
5 location for that, Virgil?

6

7 MR. UMPHENOUR: That's probably as good
8 as any.

9

10 CHAIRMAN FLEENER: Let's do that then.

11

12 MR. MATHEWS: Thank you, Mr. Chair.
13 Thank you, Virgil.

14

15 CHAIRMAN FLEENER: Are there any motions
16 on the minutes.

17

18 MR. UMPHENOUR: Move to adopt the
19 minutes.

20

21 CHAIRMAN FLEENER: There's a motion to
22 adopt the minutes.

23

24 MR. BASSICH: Second.

25

26 MR. WOODRUFF: Second.

27

28 CHAIRMAN FLEENER: There is a second. I
29 know that Sue pointed out what appears to be a typo. You
30 know how I am with typos, Vince. On Page 18. It appears
31 at the very bottom under motion that the vote is 8-0-0-2
32 and all other votes are 6-0-0-3. Something is afoot, so
33 you may want to check on that.

34

35 MR. MATHEWS: I will check on that, Mr.
36 Chairman. There would not have been two additional
37 members there.

38

39 CHAIRMAN FLEENER: Right. I didn't slip
40 in. Are there any other comments, questions or concerns
41 about these minutes.

42

43 MS. ENTSMINGER: Question

44

45 CHAIRMAN FLEENER: The question has been
46 called. All in favor of adopting these minutes signify
47 by saying aye.

48

49 IN UNISON: Aye.

50

1 CHAIRMAN FLEENER: All opposed same sign.

2

3 (No opposing votes)

4

5 CHAIRMAN FLEENER: The October 2004 Eagle
6 meeting minutes are adopted. I would like to invite Judy
7 Gottlieb to the front.

8

9 MS. GOTTLIEB: Thank you, Mr. Chair and
10 Council members. My name is Judy Gottlieb. I work for
11 the National Park Service in Anchorage. I represent the
12 Park Service on the Federal Subsistence Board. Thank you
13 for your hospitality today. It's always good to see and
14 hear concerns firsthand. The Board has a work session
15 meeting on Friday, so I'll be glad to bring back what
16 I've already heard firsthand to the other members.

17

18 I just wanted to mention to you that July
19 19, 20 and 21st we are once again going to attempt to
20 make a field trip to the Upper Yukon River area. We had
21 plans all in place last year but the fires changed
22 everything, as it did for most of you. The Board has in
23 the last several years taken trips to see and meet people
24 firsthand, hear concerns firsthand. We've been up and
25 down the Yukon and Kuskokwim Rivers, we've been to
26 Southeast Alaska, Copper River, Lower Copper River area.
27 Last year the Chair went to Nome.

28

29 For this trip this year our tentative
30 plan would be to go to Beaver, Fort Yukon, Chalkyitsik
31 and Eagle and then also fly over the Upper Copper just to
32 have a look at that as well. I just wanted to let you
33 know. We'll be making specific arrangements with
34 individuals in those communities. We wish we could go to
35 all of them, but I don't think that will work. I think
36 it would be a good opportunity because we have heard so
37 often of the extreme problems in the Yukon that we do
38 want to see that firsthand.

39

40 If I could add one or two other items for
41 just a minute. Vince, I'm not sure if you were at the
42 very end of the Federal Board meeting last time, but it
43 did become apparent that the three Councils do need to
44 figure out ways to communicate more. So I think Chair
45 Demientieff did task the three RAC Chairs to talk about
46 different options about how that could happen. Obviously
47 meeting all together is one, but there are other options
48 that could be developed and discussed. But it did seem
49 very important and that was one thing that was being
50 recommended and asked.

1 I also wanted to mention Fred Andersen
2 from our office here in Fairbanks was unable to attend
3 today. He's out of state for family medical reasons, but
4 otherwise would surely be here. So we'll give him a full
5 report.

6
7 Thank you very much for the time.
8 Appreciate it.

9
10 CHAIRMAN FLEENER: Thanks, Judy. Are
11 there any questions for Judy. Sue.

12
13 MS. ENTSMINGER: Thank you, Mr. Chair. I
14 had a question. You're going to fly over the Upper
15 Copper. Was there anything special you were looking for?

16
17 MS. GOTTLIEB: We'll fly over it, but I
18 didn't plan that part of it, so I'm not sure. Just,
19 again, for some of the managers who haven't been to the
20 region, just to get a sense and a feel. Certainly there
21 are many issues that have come before the Board relating
22 to the Upper Copper River, so I think it will be good for
23 people to see what it looks like.

24
25 CHAIRMAN FLEENER: Thank you, Judy. Any
26 more questions. Yes, Don.

27
28 MR. WOODRUFF: Thank you, Judy. Is
29 anybody going to present Fred's proposal?

30
31 MS. GOTTLIEB: I'm sure we have someone
32 here.

33
34 CHAIRMAN FLEENER: Thank you. Any more
35 questions. If none, let's take a five-minute break.

36
37 (Off record)

38
39 (Pete DeMatteo is now on the phone)

40
41 (On record)

42
43 CHAIRMAN FLEENER: Let's start off with
44 Proposal 01. Who will do the introduction of proposal
45 and presentation of analysis. That's number one on the
46 pink sheet, Vince.

47
48 MR. MATHEWS: Yes, Mr. Chairman. I
49 didn't get a chance to work it with my Staff. I'll
50 introduce it.

1 CHAIRMAN FLEENER: So you want me to
2 follow a procedure that you haven't worked out with your
3 Staff?

4

5 MR. MATHEWS: Yes, Mr. Chairman.
6 Proposal 01 is in your book on Page 20. It was submitted
7 by the U.S. Fish and Wildlife Service. It was to clarify
8 the definitions of handicraft and to prevent
9 commercialization of bear handicrafts and Polly Wheeler
10 will be presenting.

11

12 Thank you.

13

14 CHAIRMAN FLEENER: Thank you, Vince.
15 Polly. I'll be nice to Polly.

16

17 DR. WHEELER: Thank you and Council
18 members. For the record, my name is Polly Wheeler. I
19 work with the Office of Subsistence Management. For
20 those of you who were at the training session this
21 morning, you might remember that I work with the
22 Fisheries Information Services, which is the fisheries
23 research program within Office of Subsistence Management,
24 but I pinch hit sometimes. I'm an anthropologist and I
25 have developed the analysis for this proposal. Since I
26 developed the analysis, I get to deliver the analysis to
27 the Council as well. So, Mr. Chair, I'll walk you
28 through the proposal. If you have any questions as we're
29 going along, by all means ask. I will refer you to the
30 page numbers.

31

32 I'll be available for questions after the
33 presentation of the analysis.

34

35 CHAIRMAN FLEENER: Thank you, Polly.

36

37 DR. WHEELER: For Proposal WP05-01, it is
38 on Pages 20 to 58 in your books. I know. It's not
39 really that long. It's just that there's three long
40 appendices. The actual body of the proposal is 10 or 15
41 pages. I'll tell you what the appendices are as we go
42 through.

43

44 As Vince mentioned, this proposal was
45 submitted by the U.S. Fish and Wildlife regional office.
46 The intent of the proposal was to address the need for
47 clearer definitions and regulatory language regarding the
48 sale of handicrafts made from bear fur. The proposed
49 changes to definitions and the proposed new regulatory
50 language are on Pages 30 and 31 of your book.

1 A couple things that are important to
2 note with regard to this proposal is that these changes
3 are not intended to result in any new harvest
4 opportunities or to provide any additional opportunities
5 to sell handicrafts. They merely provide language that
6 clarifies the Board's previous decisions. Specifically,
7 the proponent requests that the definition of handicraft
8 and of skin, hide, pelt or fur be changed to clarify the
9 Federal Board's stated intent to allow the sale of
10 handicrafts made in Alaska by rural Alaskans from bear
11 fur and claws.

12
13 Again, just to reiterate that point, this
14 proposal is not about making the sale of handicrafts
15 legal. The Board did that. That is handicrafts with
16 bear claws. The Board passed that proposal at last May's
17 Board meeting. So this proposal is merely a
18 clarification proposal with regard to the definition of
19 handicraft and it also has some language with regard to
20 clarifying the intent with regard to commercial sale.

21
22 This proposal is a statewide proposal
23 because it clarifies the definition, but, again, it
24 doesn't change the current allowance for the sale of
25 handicraft articles made from the fur or claws of brown
26 bear. The existing regulation can be found on Page 22 in
27 your books. The proposed regulation is underneath it.

28
29 I handed out an errata sheet to all of
30 you because when we get to the end you'll find that we're
31 recommending the proposal with modification. This errata
32 sheet has the correct language. The proposal in your
33 book does not. For that, I apologize. At the end,
34 before these had to go into the Board books, there was
35 some confusion about a statement that needed to be
36 included. So I apologize for that. I didn't get it in.
37 The errata sheet has the correct language that I'll talk
38 about in a minute.

39
40 CHAIRMAN FLEENER: Can you tell us what
41 the word errata means.

42
43 DR. WHEELER: Error.

44
45 CHAIRMAN FLEENER: Thank you.

46
47 DR. WHEELER: The material has to go into
48 the Board books fairly early. This was sort of a work in
49 progress right up until the bitter end. This one
50 statement that's highlighted on this sheet that was

1 inadvertently left out. So, Mr. Chair, again, I'll walk
2 you through the content of the proposal here or the
3 proposal analysis.

4
5 The customary and traditional use
6 determinations is something that we covered in the
7 training session this morning. They can be found on
8 Pages 34 to 40 in your books. That is Appendix A, six
9 pages, so that added some length to the analysis. Again,
10 because this is a statewide proposal, that contains the
11 customary and traditional use determinations for black
12 bear and brown bear for all units statewide.

13
14 If you look in that, it also includes the
15 harvest limits for both black and brown bear. That's
16 sort of a long table, but I think it's useful to have
17 that information in front of you when you're thinking
18 about this.

19
20 The regulatory history can be found on
21 Pages 23 to 25 in your books. There is also Appendix B,
22 which includes an extensive regulatory history. As you
23 probably all remember for those of you that have been on
24 the Board for a while, this is not a new issue. There
25 have been several proposals in the last three or four
26 years that have dealt in varying ways with bear claws and
27 customary trade. I didn't feel the need in this analysis
28 to go into extensive detail about the regulatory history
29 because it had already been done in previous analyses.
30 I'm not going to go into the entire regulatory history
31 here, but a few key points are worth noting.

32
33 In 2002 the Federal Subsistence Board
34 approved the sale of handicrafts made from black bear
35 fur. In 2004 the Board considered a proposal to allow
36 the sale of handicraft items made from the fur of brown
37 bear. At this time the Board approved the sale of
38 handicrafts made from brown bear fur in Southeast,
39 Bristol Bay and Eastern Interior. At this time the Board
40 also clarified that the Federal regulations included
41 claws. That is claws can be used in handicrafts for
42 sale. This is different from State regulations. The
43 State does not allow the sale of handicrafts that contain
44 claws. The State appealed the Federal Board decision.
45
46 As we covered this morning, the State put in requests for
47 reconsideration, a RFR, and they did it within 60 days of
48 the Board making the decision, which is what they need to
49 do. However, the Board rejected the request for
50 reconsideration and maintained its regulation to allow

1 the sale of handicrafts that include bear claws and that
2 is black bears statewide and brown bears in Southeast,
3 Bristol Bay and Eastern Interior.

4
5 The new regulations were published on
6 August 31, 2004, using the previous definition of skin,
7 hide, pelt and fur and using regulatory language stating
8 that black bear fur and brown bear fur could be used in
9 handicrafts for sale. The key to allowing the sale of
10 handicrafts made with claws remains within the definition
11 of skin, hide, pelt or fur, which contains the statement
12 the skin, hide, fur or pelt of a bear shall mean the
13 entire external covering with claws attached.

14
15 There's a section in the proposal
16 analysis, Mr. Chair and Council members, that's entitled
17 cultural history. That's included on Pages 25 to 28 in
18 your books. This section, just to clarify, is included
19 as a means of providing additional information on
20 cultural practices with regard to bear claws that has not
21 previously been provided as part of consideration of this
22 issue.

23
24 I won't go into detail here, but as you
25 can see from reviewing this section, Alaska Native groups
26 all over the state had a rich history of using bear claws
27 and teeth and fur in all kinds of ways, from Tlingit
28 headdresses to fishing lures, to incorporating them into
29 all kinds of jewelry and regalia. While limited, there
30 is some evidence for some groups being involved in sale
31 of some of these items.

32
33 During deliberations on last year's
34 proposal, and that's WP04-01, which you probably remember
35 since you put it in, the Board spent considerable time on
36 the issue of whether or not claws were customarily and
37 traditionally used in handicraft items and whether these
38 items were sold. It should be noted that the proponent
39 of that proposal did not specifically request the use of
40 claws in handicrafts for sale and, as a result, the Staff
41 analysis did not address the issue of allowing claws to
42 be incorporated into handicrafts for sale.

43
44 However, some would argue that whether or
45 not a practice was customary and traditional is
46 irrelevant since a reasonable interpretation of ANILCA is
47 that as long as the use, that is the harvest for personal
48 or family consumption, of the bear is customary and
49 traditional, no additional determination is necessary for
50 each part of the bear.

1 A comparable case involving
2 interpretation of traditional handicrafts of sea otter
3 supports this interpretation. I know it sounds a bit
4 like a digression, but hear me out on this. The
5 Didrickson decision, also known as the teddy bear case,
6 concerned the definition of handicraft under the marine
7 Mammal Protection Act. Although that statute is, of
8 course, different than ANILCA, the Court's reasoning is
9 potentially relevant here because the Court concluded
10 that the term handicraft should be interpreted broadly to
11 allow the use of a wide variety of natural materials and
12 methods of production by Alaska Natives. In large part,
13 the Ninth Circuit Court of Appeals based its decision on
14 its finding that neither the statute nor the legislative
15 history of the Marine Mammal Protection Act reveals any
16 intent by Congress to exclude sea otters or any other
17 species from Native uses.

18
19 Using the same reasoning, Mr. Chair and
20 Council members, it is likely that the Court would
21 similarly conclude that the term handicraft in ANILCA
22 should be interpreted broadly and that Congress did not
23 intend to exclude bear claws from being used by rural
24 Alaskans in handicrafts when it passed ANILCA.

25
26 The effects of this proposal if adopted
27 would change the definition of handicraft to clarify that
28 it refers to articles made in Alaska by rural Alaskans
29 from non-edible byproducts of fish or wildlife which is
30 composed wholly or in some significant respect of natural
31 materials.

32
33 The proposed definition, as you can note,
34 also includes weaving, lacing and beading in the list of
35 possible techniques or methods to develop handicrafts.
36 Additionally, there's some language specifying that the
37 handicraft can be either traditional or contemporary in
38 design. These also provide some additional clarity.

39
40 The feeling of the Office of Subsistence
41 Management is that these additions provide clarification
42 that will assist rural Alaskan artists in understanding
43 regulations and providing for allowable uses.

44
45 It is important to note that the proposed
46 regulatory language does not provide any additional
47 opportunity for subsistence uses. Rather it only
48 provides clarification of previous Board decisions to
49 allow the use of claws in handicrafts for sale.

50

1 Under ANILCA, the bears must be harvested
2 for customary and traditional uses. Bears cannot be
3 harvested solely for raw parts to be made into
4 handicrafts, so it is not expected that a drastic
5 increase of bear harvests will occur should this
6 regulation be adopted.

7
8 While handicrafts made from brown bear
9 fur and claws reportedly have significant economic value
10 and can be sold at high prices, subsistence harvest
11 limits restrict the availability of raw materials.

12
13 So the preliminary conclusion, Mr. Chair
14 and Council members, is on this error sheet handed out
15 prior to the presentation of the analysis. The
16 preliminary conclusion is to support with modification,
17 to add additional language to further clarify the
18 definition of handicraft, as well as to add language that
19 clarifies the exemption of those operating as a business.

20
21 Again, Mr. Chair, the additions here are
22 adding weaving, lacing and beading in addition to
23 carving, etching, scrimshawing, painting or other means,
24 and incorporated into a work of art, regalia, clothing or
25 other creative expression, and can be either traditional
26 or contemporary in design. So that's the modification
27 that was added as a result of developing the analysis.

28
29 The other key here is the last paragraph
30 on that page which has an (8) before it. It says, "If
31 you are a business as defined under Alaska Statute
32 43.70.110(1), you may not purchase, receive or sell
33 handicrafts made from the skin, hide, pelt or fur of a
34 black or brown bear, including claws, as part of your
35 business transactions.

36
37 The justification for supporting this
38 proposal as modified is that it addresses specific issues
39 and it clarifies Board intent. Specifically, the
40 modified language provides a more complete definition of
41 handicrafts, it fixes the definition of skin, hide, pelt
42 and fur, it states in regulatory language that claws can
43 be used in handicrafts for sale, it clarifies that
44 handicrafts must be made in Alaska by rural Alaskans, and
45 it clearly states that sales are not allowed by anyone
46 operating as a business, i.e. commercial sales.

47
48 Again, the proposal does not provide for
49 additional harvest opportunity for subsistence users that
50 could potentially impact bear populations. Mr. Chair,

1 Council members.

2

3 CHAIRMAN FLEENER: Thank you, Polly. I'm
4 not sure how the rest of the Council wants to proceed
5 with the proposals, but generally when I've chaired
6 meetings I've requested that someone move to bring the
7 proposal on the table before we enter into discussions.
8 If someone is interested in making a motion so that we
9 can follow a proper procedure even though that's not
10 written on the procedure form here, that's the way I'd
11 like to do it. Is there a motion on Proposal 01.

12

13 MR. UMPHENOUR: Mr. Chair, I'd be happy
14 to make the motion, but on our green thing we've got in
15 front of us, No. 6 is where we do that. We go through
16 all Agency comments first.

17

18 CHAIRMAN FLEENER: Oh, I didn't read the
19 green thing. Let me read the green thing. I've got a
20 pink one.

21

22 MR. MATHEWS: Mr. Chairman, the reason I
23 did that.....

24

25 CHAIRMAN FLEENER: How come you're
26 changing my normal procedure here, Vince?

27

28 MR. MATHEWS: Because if you make a
29 motion to adopt the proposal and then you want to make
30 another motion to amend it, then you get into this whole
31 amendment thing, so we were trying it this way. But it's
32 your discretion because you can always have your motion
33 withdrawn or amend it.

34

35 CHAIRMAN FLEENER: Okay. Thanks, Vince.
36 We'll go ahead and follow the green and the pink sheets
37 here. No problem. Thank you, Polly.

38

39 Do we have any questions for Polly.

40

41 MS. ENTSMINGER: I have one.

42

43 CHAIRMAN FLEENER: Sue.

44

45 MR. ENTSMINGER: Thank you, Mr. Chair.
46 Polly, does that mean that like some skin sewer that was
47 doing her sea otter or whatever, a Native person, she
48 then decided that she wanted to -- she has a business
49 with the State of Alaska, business license, right, \$25
50 business license, and if they wanted to make something

1 out of a bear claw, they cannot sell it when they're down
2 there selling something else in Anchorage at Fur
3 Rendezvous.

4

5 CHAIRMAN FLEENER: Go ahead, Polly.

6

7 DR. WHEELER: Mr. Chair, Council Member
8 Entsminger. First of all, I think business licenses are
9 around \$200 now. The price went up. But my
10 understanding is that this language was intended to
11 preclude the commercial sales. So you may not purchase,
12 receive or sell handicrafts made from the skin, hide,
13 pelt, including claws, as part of your business
14 transactions. So it's to preclude commercial sale so
15 you're not selling to a business. If you have a business
16 license, you can sell a claw but just not to a business.

17

18 CHAIRMAN FLEENER: It says you cannot
19 sell in the language. If you are a business, you cannot
20 sell. So basically if you buy a business license to sell
21 something, which the State requires for anyone, even
22 handicraft sales, that basically means that no one can
23 legally sell handicrafts anymore if a business license
24 precludes you from selling this.

25

26 DR. WHEELER: Perhaps somebody from the
27 Staff Committee could come up and help me out. My
28 understanding is that this language is consistent with
29 the customary trade language for the fish that was passed
30 several years ago by the Federal Subsistence Board. The
31 intent was to make the language consistent between the
32 customary trade of fish and the customary trade of this
33 handicraft. My understanding of it, and I could be
34 wrong, is that it was to preclude the sale to commercial
35 businesses. But you're right, in reading this language,
36 if you had a business license as a crafts person, then
37 you wouldn't be able to sell that as part of your
38 transaction. So I guess it would mean that you could
39 sell to an individual. That doesn't make sense.

40

41 CHAIRMAN FLEENER: Polly, I wonder if we
42 can also take a look at AS 43.70.110. Maybe that is a
43 specific type of business license that the handicraft
44 person wouldn't need to have.

45

46 DR. WHEELER: Mr. Chair, on Page 23 of
47 your book, there's a footnote at the bottom which reads
48 under Alaska Statute 43.70.110 definitions, a business
49 means a for profit or non-profit entity engaging or
50 offering to engage in a trade, a service, a profession or

1 an activity with the goal of receiving a financial
2 benefit in exchange for the provision of services or
3 goods or other property.

4
5 CHAIRMAN FLEENER: So then what I was
6 hoping is not going to work because this says a trade and
7 since this is customary trade and it is for receiving
8 financial benefit.

9
10 MR. MATHEWS: Mr. Chair. Polly is right.
11 The intent of this whole exercise was to prevent someone
12 from selling it to a business and you are flagging
13 something here that I don't know where we can go with
14 this.

15
16 CHAIRMAN FLEENER: Well, we can amend the
17 language is where we can go with it. To ensure that it
18 says you may not sell to a business instead of you may
19 not sell. Or make it state you may sell to an individual
20 but not to a business. That's where we can go. That's
21 not difficult. It could say if you are a business
22 defined under this you may not purchase, receive or sell
23 -- actually, that just makes it all confusing. Whether
24 or not you're a business, the only thing you want to do
25 is prevent selling it to a business. So we should just
26 scratch the first part of it and say you may not
27 purchase, receive or sell handicrafts made of this stuff
28 to a business and then it leaves non-business people out
29 of it.

30
31 You may not purchase, receive or sell
32 handicrafts made from the skin, hide, pelt or fur of a
33 black or brown bear to or from a business. It doesn't
34 sound quite right, but it's getting closer.
35 What are you thinking, Polly?

36
37 DR. WHEELER: I'm thinking back to the
38 discussions that we've had about this and the intent was
39 to preclude commercial sale and to align these
40 regulations with the customary trade regulations for fish
41 that the Board passed several years back. I think the
42 Council is clear on what the Council wants to do, so the
43 Council can certainly amend this however the Council sees
44 fit or is appropriate, Mr. Chair.

45
46 CHAIRMAN FLEENER: I think I see a slight
47 difference because I know the folks in Fort Yukon who may
48 want to sell fish don't buy a business license to sell
49 jarred fish to their neighbor, whereas someone who wants
50 to make necklaces has been required to have a business

1 license. So that may be where there's a slight
2 difference here. Maybe we can think about that for a
3 while and allow the Federal Agencies to comment unless
4 Polly has something more.

5
6 DR. WHEELER: My only comment is that you
7 make it clear, and I think you have, what your intent is
8 and how you see the language is needing to be changed.

9
10 CHAIRMAN FLEENER: Thank you, Polly.
11 Vince. Federal Agencies.

12
13 MR. MATHEWS: The Agency comments first
14 start off Alaska Department of Fish and Game.

15
16 CHAIRMAN FLEENER: Oh, yeah. You know, I
17 mistakenly was thinking Polly was out in a time warp.
18 I'm sorry. Fish and Game.

19
20 MR. HAYNES: Thank you, Mr. Chairman.
21 Department of Fish and Game comments are on Page 58 of
22 the Council meeting book. The Department does not
23 support this proposal, nor does it support the proposal
24 as modified in the Staff analysis. The proposal does not
25 address concerns raised by the Department in a request
26 for reconsideration which was submitted to the Federal
27 Board last year regarding the Federal regulation
28 authorizing the sale of handicraft items made from the
29 skin and claws of brown and black bears. It might be a
30 quibbling of words, but the Federal Subsistence Board did
31 not reject the request for reconsideration, it chose not
32 to review it. There is a subtle difference there.

33
34 It is unclear how the proposed changes
35 would address conservation concerns associated with the
36 sale of handicrafts made from bear fur and claws in the
37 absence of a tracking system that documents how many
38 bears are being harvested for the purpose of making
39 handicraft items for sale.

40
41 Just to comment to the question that
42 you're raising, I think the intent, it appears to me, is
43 to not allow a person with a business license to sell
44 handicraft items made from the fur of black bears,
45 including claws, and obviously not to sell to another
46 commercial entity. If the intent in your idea is to
47 allow a person with a business license to sell these
48 handicraft items, the State has even more concerns about
49 the proposal.

50

1 Thank you.

2

3 CHAIRMAN FLEENER: Thank you, Terry.

4 Virgil.

5

6 MR. UMPHENOUR: Thank you. The Marine
7 Mammal Act is totally different, but when I used to be in
8 the Guard out at Nome and I was the commander out at St.
9 Lawrence Island, I used to peddle a lot of my troops'
10 stuff they made. The best polar bear hunter in the state
11 was on my rifle team and, of course, his wife was a good
12 sewer and they made ruffs out of polar bears and mukluks
13 and all kinds of stuff and, of course, they carved a lot
14 of ivory. So my question is this, maybe it's because of
15 the Marine Mammal Act, but what's the difference in
16 someone making boots and parka ruffs and stuff out of a
17 black bear, grizzly bear or brown bear versus a polar
18 bear? I know the State has no jurisdiction over polar
19 bears, but do you see any difference or am I way out in
20 left field?

21

22 CHAIRMAN FLEENER: Go ahead, Terry.

23

24 MR. HAYNES: Mr. Chairman, Virgil. I'm
25 not sure how to answer that question. One of the
26 concerns the State has is that there's no system in place
27 to monitor the harvest of bears that are used for this
28 purpose, so there's absolutely no way of knowing if a
29 conservation issue is arising or not. The Marine Mammal
30 Protection Act and I think the polar bear conservation
31 plans that are in place I think there's a pretty good
32 handle on the harvest of polar bears. There's not the
33 same system set up for monitoring black and brown bear
34 harvest in some areas of the state, especially black
35 bears.

36

37 MR. UMPHENOUR: I know that brown and
38 grizzly bears have to be sealed regardless everywhere in
39 the state. I know that black bears only have to be
40 sealed in primarily the road-connected areas or areas
41 that are in close proximity to what they call the urban
42 areas. I know that. Am I not correct on the
43 grizzly/brown bears, that they all have to be sealed
44 regardless?

45

46 MR. HAYNES: Mr. Chairman, I don't
47 believe that's the case for grizzly bears taken in some
48 of the brown bear management areas. Unless those bears
49 leave the area, they don't have to be sealed under the
50 State and Federal regulations. So the reporting

1 requirements and monitoring mechanisms are not consistent
2 statewide.

3

4 CHAIRMAN FLEENER: Terry, I wonder if
5 since the legalization of the sale of these parts, has
6 the State documented some increased violations or
7 increased take or have there been problems that you've
8 been able to identify that we can put our hands around?

9

10 MR. HAYNES: Mr. Chairman, this is a
11 Federal regulation that was put in place last May. It's
12 not the State's obligation to monitor the harvest of
13 brown and black bears taken for this purpose. The issue
14 is largely surrounding the use of claws because, as you
15 know, claws are a valuable commodity and there is a
16 market especially for brown bear claws outside the state
17 of Alaska and there is concern that some people will find
18 ways of taking advantage of this regulation.

19

20 CHAIRMAN FLEENER: I understand the
21 concerns, Terry, but my question though is have you
22 noticed an increase. If there's a real problem, I want
23 to know. If there is additional harvest, if there's
24 people taking more than their bag limit, if there are
25 large numbers of bears dying and their arms being chopped
26 off or whatever because people want to make money, we
27 need to know about that because that's something we need
28 to address. If not, then it's speculation and I'm trying
29 to separate speculation from an actual game violation
30 problem or wanton waste problem.

31

32 MR. HAYNES: Mr. Chairman, I don't want
33 to argue with you, but I'll just tell you that I've been
34 told nobody knows how many bears have been taken under
35 the Federal regulations in the areas authorized for this
36 purpose and those bears being used for the purpose of
37 making these handicrafts, so I don't know the answer to
38 your question.

39

40 CHAIRMAN FLEENER: It's okay to argue
41 with me, Terry. You know me, I like a good argument.
42 There's another question I guess I wanted to ask. You
43 stated that you're also opposed to it because we have no
44 tracking mechanism for harvesting bears that are taken
45 for the purpose of handicraft. Is it legal anywhere to
46 kill a bear for handicraft items? I'd like to know.
47 Anybody who wants to answer is fine. I'm talking about
48 in Alaska.

49

50 DR. WHEELER: Mr. Chair, thank you. For

1 the record, Polly Wheeler. Actually, as was gone into in
2 pretty good detail in the analysis, ANILCA is quite
3 clear. These animals have to be taken for subsistence
4 purposes. The inclusion of that Marine Mammal case was
5 only to say the Congressional intent was pretty clear,
6 they didn't intend to limit what people could do with
7 marine mammals in the handicraft arena.

8

9 In this analysis, as we said, under
10 ANILCA, the animals are taken for subsistence purposes.
11 A reasonable interpretation of ANILCA is that you then
12 don't have to do a C&T determination for each subsequent
13 part of the bear. The point in the proposal is that as
14 long as we recognize that there could be some commercial
15 value of these things but the animals have to be taken
16 for subsistence purposes.

17

18 CHAIRMAN FLEENER: So, under Federal law
19 then, there's no allowance for commercial harvest of
20 bears.

21

22 DR. WHEELER: That's correct, Mr. Chair.

23

24 CHAIRMAN FLEENER: How about under State
25 law, is there any allowance for commercial harvest of
26 bears?

27

28 MR. HAYNES: I guess if you could clarify
29 what you mean by commercial harvest.

30

31 CHAIRMAN FLEENER: In respect to your
32 statement saying that we have no mechanism to track our
33 commercial harvest of bears for the use of handicraft
34 items. The reason I'm asking this is because you've
35 presented an argument that states that we have no way of
36 tracking how many bears we harvest for commercial use,
37 for sale of handicraft items. When we get to the
38 answers, I'll get to what I finally want to say. Go
39 ahead.

40

41 MR. HAYNES: Mr. Chairman. The State
42 does allow black bear fur to be used in making handicraft
43 items but without claws being attached. There are
44 differences in the State and Federal definitions of what
45 constitutes fur. The State's concern is focused in part
46 on the use of those claws.

47

48 Let me add something else, Mr. Chairman.
49 We acknowledge and we know that brown bear fur is used
50 many parts of the state for making ceremonial regalia.

1 Brown bears have special meaning in many Alaska Native
2 cultures. The uses of brown bear fur that we are aware
3 of do not require the sale of brown bear fur. In other
4 words, individuals can harvest brown bear. The fur is
5 used for making ceremonial regalia in Southeast Alaska,
6 for example. There can be an exchange of that fur
7 between the hunter and the craftsperson that is already
8 authorized. It largely has to do with the claws.
9 Because claws are a valuable commodity internationally,
10 we believe it is important to know if this regulation has
11 any impact on the harvest of bears because it does open
12 up the potential for use of those claws for other
13 purposes.

14
15 CHAIRMAN FLEENER: Thank you. Sue, did
16 you have a question?

17
18 MS. ENTSMINGER: I did, but I'm absorbing
19 this, so we'll continue.

20
21 CHAIRMAN FLEENER: Okay. Polly.

22
23 DR. WHEELER: Thank you, Mr. Chair. I
24 think I need to clarify something here. The intent of
25 this proposal was to clarify the definition of handicraft
26 and to then add that commercial thing at the end. The
27 issue of whether or not handicraft should be allowed for
28 sale is not an issue in this proposal because the Board
29 has already made that decision that, yes, they can. I
30 think the State's comments, and no disrespect at all,
31 Terry, but I think the State's comments are a little bit
32 confusing because they're still focusing on whether or
33 not the sale of bear claws should be legal, but that
34 issue has been decided by the Board. So this proposal is
35 really just to give further clarification on the
36 definition of handicraft and then the commercial sale
37 part. Then also to be quite clear in the regulation that
38 the sale of claws is allowed. I hope that provides
39 additional clarification.

40
41 CHAIRMAN FLEENER: That's fine. Thank
42 you, Polly. Any comments by the Council.

43
44 MS. ENTSMINGER: I remembered.

45
46 CHAIRMAN FLEENER: Go ahead, Sue.

47
48 MS. ENTSMINGER: Thank you, Mr. Chair. I
49 wanted to ask you, Terry, the State of Alaska, if there
50 was a monitoring system that you felt gave a clue of

1 what's being harvested and it was acceptable, would the
2 State then be in favor of this?

3

4 MR. HAYNES: Mr. Chairman, Sue. That
5 would address some of our concerns. I can't speak for
6 what the Department of Law or the Department of Public
7 Safety would have to say, but certainly we believe it is
8 important to know what the effect of this regulation is
9 and then be able to determine whether or not there are
10 conservation concerns or potential misuses. We're not
11 assuming there are. We're just saying it would be nice
12 to be able to know whether or not problems occur.

13

14 CHAIRMAN FLEENER: Thank you, Terry.

15

16 MS. ENTSMINGER: I wanted to continue.

17

18 CHAIRMAN FLEENER: Oh, I'm sorry. Go
19 ahead, Sue.

20

21 MS. ENTSMINGER: Thank you. I'm trying
22 to consume in my mind the legal part of it. A claw is
23 sold. If any protection officer, you immediately could
24 get that person's name and you could find out easy to
25 track back. Did you think about that? I keep thinking
26 about it. It would be so easy. There are so few people
27 that would be allowed to do that in rural Alaska. I mean
28 they need to eat that bear. I guess the problem you
29 might be seeing -- I know in Southeast they don't have to
30 eat the bear if they cut it up into a pair of mittens
31 let's say.

32

33 MR. HAYNES: Mr. Chair, Sue. No, under
34 the Federal regulations they do have to salvage the meat
35 in Southeast Alaska.

36

37 MS. ENTSMINGER: Hear me out. If you are
38 a State resident and you're from Juneau and you went out
39 and shot a brown bear under State regs, you can make a
40 pair of mittens out of it and sell it is my
41 understanding. Is that not correct?

42

43 MR. HAYNES: Yes, that's correct, but the
44 distinction here is that State regulations do not allow
45 the use of claws in making those handicraft items for
46 sale.

47

48 MS. ENTSMINGER: The reason I'm going
49 down this road is if the State is concerned about the
50 claws, why aren't you concerned -- what is the monitoring

1 system on bears for just a handicraft item?

2

3 MR. HAYNES: Mr. Chairman, Sue. We have
4 not been made aware of issues concerning the sale of
5 handicraft items made from bear fur without the claws
6 being a part of that handicraft item. We are concerned
7 because claws separate from fur have substantial value on
8 the market and there are bears harvested for illegal
9 purposes with bear parts, for example, and claws being
10 exported out of Alaska, but it's a separate issue from
11 the fur itself.

12

13 MS. ENTSMINGER: I'm sorry to go through
14 this, but I want us thinking about this because
15 originally when the proposal was put in maybe not a lot
16 of thought was gone into it. I'm trying to make us think
17 about if you are concerned about the claw sale, you have
18 more of a way to monitor it by the person has to eat that
19 bear, then anyone that can legally harvest a bear in
20 Alaska who is not rural, they can make something out of
21 it, but not without claws, so you could potentially see
22 more bears being harvested because they wanted to sell
23 something made out of just the hide. Do you see where
24 I'm going?

25

26 MR. HAYNES: Mr. Chairman, Sue. I want
27 to agree with Polly that really we're having a dialogue
28 here about something that's really not on the table. I'm
29 happy to discuss this for as long as you want.

30

31 CHAIRMAN FLEENER: I think you brought it
32 up on the table, Terry, when you said the State opposed
33 this regulation because we didn't have a tracking
34 mechanism and there was potential for wanton waste. So
35 it clearly was put on the table when you brought this
36 issue up and I think that's why we want to get it on the
37 record.

38

39 MR. HAYNES: Okay, Mr. Chairman. If you
40 want me to go into concerns that the State has.

41

42 CHAIRMAN FLEENER: Yes.

43

44 MR. HAYNES: Brown bear fur with the
45 claws attached can be harvested in three areas of the
46 state on Federal public lands under the Federal
47 regulations for the purpose of making handicrafts.
48 There's no way that I'm aware of to document where bears
49 purportedly harvested in those three areas actually were
50 harvested, whether or not they were harvested on Federal

1 public lands and whether or not they were harvested after
2 the regulation took effect last July. Those are the
3 kinds of concerns that we are pointing out. Again, not
4 saying that this is a major conservation problem. It's
5 just saying we have no way of knowing.

6
7 CHAIRMAN FLEENER: Thank you, Terry. I
8 think you've clarified your stand.

9
10 Polly.

11
12 DR. WHEELER: Thank you, Mr. Chair and
13 Council members. Just for additional clarification, in
14 Appendix A there's the customary and traditional use
15 determination for brown and black bear and there's the
16 harvest limits for brown bear and harvest limits for
17 black bear and you can see for most of the brown bear
18 harvest it's one bear every four regulatory years by
19 State registration permit only. There are some areas,
20 like Unit 11 one bear, Unit 12 one bear. I mean you can
21 go through that and see there's some areas where there's
22 no Federal open season, but that gives you an idea kind
23 of what the harvest limits are for brown bear as well as
24 for black bear.

25
26 One other point that's actually in the
27 analysis, but it might help you out here. We've noted in
28 the analysis that the use of black bear fur for
29 handicrafts has been legal under State regulations for
30 six years, but ADF&G has not collected data to assess the
31 effects of this regulation. However, no problems have
32 been reported.

33
34 Similarly, under Park Service
35 regulations, there are legal sale of handicrafts made
36 from the byproducts of fish and wildlife harvested on
37 lands and waters under National Park Service jurisdiction
38 and, again, no issues have been reported. There's a lot
39 of other material in the analysis. I was just trying to
40 hit on the highlights.

41
42 That's all, Mr. Chair.

43
44 CHAIRMAN FLEENER: Thank you, Polly. Are
45 there any more questions. If not, are you also speaking
46 on behalf of the Federal Agencies or are you just
47 speaking as the presenter of the proposal.

48
49 DR. WHEELER: I'm just speaking as the
50 presenter of the proposal, Mr. Chair.

1 CHAIRMAN FLEENER: I just wanted to give
2 you first crack at it since you're already at the table.
3 Why don't we go ahead and move into Federal agencies if
4 any have comments.

5
6 (No comments)

7
8 CHAIRMAN FLEENER: Native/tribal/village
9 or other comments. Mike.

10
11 MR. SMITH: Thank you, Mr. Chairman.
12 Mike Smith, Tanana Chiefs. Just a little clarification,
13 I think, in regards to your discussions about the
14 business license and how it was affected with fish. The
15 intent of the business license for fish was to ensure
16 that subsistence-caught fish did not end up in commercial
17 hands. So that's a little different than what we're
18 trying to accomplish here. So the use of that provision
19 directly from the commercial fish may have been erroneous
20 in this circumstance. I just wanted to let you know
21 that.

22
23 CHAIRMAN FLEENER: Thank you, Mike. Any
24 others.

25
26 MR. ATLAND: Ron Atland (ph), resident
27 from Beaver. This gentleman here, he was saying he's
28 concerned about the management of this animal, but I
29 don't believe he's supposed to be managing this animal in
30 this location where he's talking about. I mean anybody
31 could come up here and say they're concerned about
32 something, but I think they're not supposed to be
33 managing it.

34
35 Thank you.

36
37 CHAIRMAN FLEENER: Thank you for your
38 comment. Any others.

39
40 (No comments)

41
42 CHAIRMAN FLEENER: If not, let's move to
43 Interagency Staff Committee comments. Greg.

44
45 MR. BOS: Thank you, Mr. Chair. My name
46 is Greg Bos with the Fish and Wildlife Service. I think
47 Polly did a good job of describing the proposal and the
48 justification for it. I don't want to confuse things,
49 but I thought I'd give you our perspectives on the Staff
50 Committee as to the basis particularly of the

1 commercialized sale provision here.

2

3 It was intended that we address
4 commercial sales of bear parts in the same way we did
5 commercial trade of fish. It's not the intent to
6 establish a commercialized use of the resource. The
7 legislative history of ANILCA, it was clear that the
8 Congress did not intend to establish commercial uses
9 under the name of subsistence. I'm not sure about the
10 Marine Mammal Protection Act, but I don't know that they
11 address it specifically in the same way.

12

13 I think it's the intent of the Federal
14 Subsistence Board to preserve the opportunity for the
15 subsistence uses of bears and that would be the customary
16 and traditional making and sale of handicrafts. There is
17 a gray area in the language here as you've recognized
18 whether someone who sells handicrafts as a business could
19 be prevented from selling handicrafts made of brown bear
20 fur and claws under this definition. So it's not the
21 intent of the Federal program to strictly enforce that
22 kind of interpretation, that any sale is commercial use,
23 but it provides enforcement agencies the tools to address
24 abuses where it's obvious that people are selling bear
25 parts for commercial uses.

26

27 There have been some instances in the
28 past year or two and even before where bears have been
29 taken and their paws cut off. There was at least two or
30 three instances just this past year. Whether or not the
31 Federal provision that allows sale of bear claws was
32 incentive in those cases, I don't know. I think if we
33 become aware of those kinds of situations or you might
34 say flagrant abuses of sale of handicrafts made from bear
35 fur and claws, we would look to enforce those and may
36 look to finding some way of monitoring or tracking sale
37 of bear handicrafts.

38

39 The Board has not yet addressed the need
40 for some sort of tracking mechanism. There have been no
41 proposals come forward to the Federal program for that
42 purpose. There was a suggestion of doing something like
43 that in the Southeast Region where the Council was
44 recommending initially to provide a permit to allow sale
45 and that would provide a way of monitoring that activity.

46

47 As you know, with bears, there is a
48 conservation concern. The Board is cognizant of that.
49 We do not want to encourage increased harvest of bears
50 where sale of bear parts is an incentive to that harvest.

1 Rather to allow subsistence, customary and traditional
2 making and sale of handicrafts of bears taken for
3 personal consumption to continue as in the past.

4
5 I'm not sure whether you want to
6 recommend modifying the language in the provision
7 addressing commercial sales or not. It's a difficult
8 area. I think if you allow businesses to sell
9 handicrafts made from bear fur and claws, that it will
10 create an enforcement problem in determining how those
11 businesses acquired those bear parts.

12
13 Thank you.

14
15 CHAIRMAN FLEENER: Thank you. Any
16 others.

17
18 (No comments)

19
20 CHAIRMAN FLEENER: Any advisory groups,
21 advisory committees.

22
23 MR. MATHEWS: Yes, Mr. Chairman. I think
24 Polly has some of those. Several Councils have met and
25 have taken up Proposal 01. I apologize. I have them.
26 They're printed out. They're sitting on my printer back
27 at the office. So hopefully Polly has them, but there
28 are three Councils that have taken it up.

29
30 DR. WHEELER: Mr. Chair. I sent them to
31 you specifically so that you would have them at this
32 meeting. However, the Yukon-Kuskokwim Delta Regional
33 Advisory Council passed the proposal as modified.
34 Supported the proposal as modified. The Seward Peninsula
35 Regional Advisory Council deferred the proposal to the
36 regions that are affected. They don't have black bear up
37 there, so they didn't really feel like they weighed in on
38 this, so they deferred it to the affected regions
39 basically. The Southeast Council modified the definition
40 of handicraft and that's what I sent to Vince and what I
41 do not have in front of me.

42
43 If you could give me five minutes, Mr.
44 Chair.

45
46 CHAIRMAN FLEENER: Okay. Why don't we
47 look at written comments and public testimony while
48 you're looking for that.

49
50 MR. MATHEWS: Mr. Chairman. Before you

1 get there, to my knowledge or maybe the State does, I've
2 reviewed the minutes of the local Fish and Game Advisory
3 Committee that I am aware of and I knew none had taken up
4 this proposal. So if the State knows, hopefully they
5 would share that, but to my knowledge none of the
6 Advisory Committees have taken that up.

7
8 Then we go into the National Park Service
9 Subsistence Resource Commissions and two of them have
10 taken up this proposal. Wrangell-St. Elias Subsistence
11 Resource Commission took it up and they support the
12 proposal as modified in the Staff analysis. They
13 expressed concern about potential commercialization and
14 felt that this proposal addresses those concerns. I do
15 have a copy of their letter here.

16
17 I just received from Denali National Park
18 Subsistence Resource Commission on this proposal. The
19 commission considered this proposal and took no action.
20 So those are the two subsistence resource commissions
21 that have met and have discussed this proposal.

22
23 I'll just move on and go into the written
24 comments. If you want to see the summaries of them,
25 they're on Page 58. There was basically four. I already
26 gave you one. There was four written comments, two
27 support, two oppose. Don Quarberg of Delta Junction
28 opposed the proposal or modified to exclude the claws.
29 Including claws is only encouraging poaching in which the
30 claws are quickly removed and the carcass left to rot in
31 the field. The claws are the most economically desirable
32 part for handicraft.

33
34 The AHTNA Subsistence Committee supports
35 the proposal. They support the proposal to clarify the
36 definition of handicrafts and prevent the
37 commercialization of bear handicrafts. We support rural
38 subsistence users being able to make handicrafts out of
39 the skin, hide, pelt, including the claws, for black and
40 brown bears. We support efforts to prohibit
41 commercialization of the skin, hide, pelt or fur of a
42 black or brown bear, including claws.

43
44 The Department of Public Safety, Alaska
45 State Troopers oppose this proposal. We believe that
46 allowing the sale of bear parts will increase illegal
47 take and waste of bears, will exasperate the black market
48 issues, will go against a North American trend that is
49 more restrictive concerning sale and is not consistent
50 with customary and traditional practices.

1 Mr. Chairman, those are the comments I'm
2 aware of. If there are any additional written comments,
3 hopefully they'll come forth.

4
5 Thank you.

6
7 CHAIRMAN FLEENER: Thank you, Vince.
8 Polly.

9
10 DR. WHEELER: Mr. Chair. I remembered
11 what they did. The Southeast Council changed the
12 handicraft definition and I'm going to have to read it.
13 Handicraft means a finished product made by a rural
14 Alaska resident, so they took out in Alaska, from
15 non-edible byproducts of fish or wildlife. They deleted
16 which is composed wholly or in some significant respect
17 of natural materials. Then they said the shape and
18 appearance of the natural material must be substantially
19 changed by the skillful use of hands by sewing, weaving,
20 lacing, beading, carving, drilling, etching,
21 scrimshawing, painting or other means and incorporated
22 into a work of art, regalia, clothing or other creative
23 expression and can be either traditional or contemporary
24 in design. Then they deleted that last sentence.

25
26 The other thing that they did, Mr. Chair,
27 is -- and it's something I didn't mention in this
28 analysis because it seemed at the time to only be
29 relevant for Southeast. The Southeast Council had
30 submitted their own proposal for brown bear claws and
31 black bear claws and teeth, so they added a new section.
32 They modified that paragraph 25(J)(6) and I do have a
33 copy of what they did with that, so I can give that to
34 you, too, where they're talking specifically about stuff
35 going on in their Units 1, 2, 3 and 5. Then they chose
36 not to adopt paragraph 8.

37
38 Mr. Chair.

39
40 CHAIRMAN FLEENER: Thank you. Who is
41 next, Vince, while we're waiting for Polly to type that
42 up.

43
44 MR. MATHEWS: The next step would be
45 public testimony.

46
47 CHAIRMAN FLEENER: Any public testimony.

48
49 (No comments)

50

1 CHAIRMAN FLEENER: Okay. There's no
2 public testimony.
3
4 MR. UMPHENOUR: Move to adopt Proposal
5 01.
6
7 MS. ENTSMINGER: Second.
8
9 CHAIRMAN FLEENER: There's a motion to
10 adopt Proposal 01 with a second. Discussion.
11
12 MR. MATHEWS: Mr. Chair. Just to make it
13 clear for the record, the motion is to adopt the proposal
14 as submitted or as modified?
15
16 MR. UMPHENOUR: As modified by the errata
17 sheet that was handed out to us by Ms. Wheeler.
18
19 MR. MATHEWS: Thank you, Virgil. I
20 apologize for interrupting, but that makes it clearer for
21 the record.
22
23 CHAIRMAN FLEENER: Is the second friendly
24 to that motion?
25
26 MS. ENTSMINGER: Second.
27
28 CHAIRMAN FLEENER: More discussion. Are
29 there concerns with the business section? I didn't hear
30 any comment in the proposal, whether or not that was to
31 be amended or not. Are there comments relating to that?
32 Yes, Sue.
33
34 MS. ENTSMINGER: Thank you, Mr. Chair.
35 Maybe trying to use a briefer language there on that last
36 No. (8) they have, maybe something that reads something
37 like this, you may not sell handicrafts made from hide
38 with claws to a business under Alaska State and the
39 number.
40
41 CHAIRMAN FLEENER: Are you offering that
42 as an amendment to the motion?
43
44 MS. ENTSMINGER: Yes, I would, but it
45 would be interesting to see those other things. I think
46 this would take care of it in our region, so yes.
47
48 CHAIRMAN FLEENER: There's a motion to
49 amend item (8).
50

1 MR. BASSICH: I'd like to second the
2 amendment.
3
4 CHAIRMAN FLEENER: Is there discussion on
5 the amendment. Andy.
6
7 MR. BASSICH: Thank you, Mr. Chairman. I
8 think Sue is correct. By simplifying this, her amendment
9 would then make it illegal to sell to a business and that
10 seems to be the intent here. It would not preclude a
11 person with a business license from selling personally.
12 They just could not sell to another business. That makes
13 sense and I think that seemed to be the intent
14 originally.
15
16 Thank you, Mr. Chairman.
17
18 CHAIRMAN FLEENER: Thank you, Andy. More
19 discussion.
20
21 MR. UMPHENOUR: Question on the
22 amendment.
23
24 CHAIRMAN FLEENER: There's a question on
25 the amendment. All in favor signify by saying aye.
26
27 IN UNISON Aye.
28
29 CHAIRMAN FLEENER: All opposed same sign.
30
31 (No opposing votes)
32
33 CHAIRMAN FLEENER: The amendment carries.
34 Now we're back on discussion for the main motion with the
35 amendment. Vince.
36
37 MR. MATHEWS: Mr. Chairman, I'm a little
38 bit lost here. Do you still need to have Polly draft up
39 what Southeast did since you're close to taking action on
40 a motion here or am I missing something?
41
42 CHAIRMAN FLEENER: I don't think you're
43 missing anything, but I think we're still interested in
44 what they did. She's working feverishly back there. We
45 don't want her to be doing it for nothing, so I think
46 we're interested. More discussion on this motion.
47
48 Okay. There's a recommendation that we
49 step down for five minutes.
50

1 (Off record)
2
3 (On record)
4
5 CHAIRMAN FLEENER: So we took a break to
6 take a look at this language. Is there any action by the
7 Council. Sue.
8
9 MS. ENTSMINGER: Thank you, Mr. Chair.
10 During the break I spoke with Staff and I think we have a
11 more defined definition from Staff to meet our intent, as
12 we stated, to allow a person who has a business to sell
13 the handicraft, but not sell it to another business. So,
14 therefore, I would like to retract the last motion and
15 put this language on the board and ask the second to
16 concur.
17
18 MR. MATHEWS: Mr. Chairman, I'm
19 struggling here a little bit. I did advise Sue that the
20 motion to amend had already passed. So I think what you
21 need to do is just vote a reconsideration and then
22 withdraw it.
23
24 CHAIRMAN FLEENER: We haven't even passed
25 the main motion yet, so we can still address it.
26
27 MR. MATHEWS: You can still withdraw the
28 amendment?
29
30 CHAIRMAN FLEENER: We can still withdraw.
31
32 MR. UMPHENOUR: Move to withdraw the
33 amendment.
34
35 CHAIRMAN FLEENER: There's a motion to
36 withdraw the previous amendment. Is there a second.
37
38 MR. BASSICH: Seconded.
39
40 CHAIRMAN FLEENER: It's been moved and
41 seconded. I guess we need a vote. All in favor signify
42 by saying aye.
43
44 IN UNISON: Aye.
45
46 CHAIRMAN FLEENER: All opposed same sign.
47
48 (No opposing votes)
49
50 CHAIRMAN FLEENER: Motion carries. That

1 amendment has been removed. Is there some other action
2 we need to take? Go ahead, Sue.

3

4 MS. ENTSMINGER: Thank you, Mr. Chair.
5 Making an amendment to the proposal as behind me on the
6 board. I'm going to read it. It would change the
7 language on No. (8) of our error proposal and it would
8 read (8)(a) you may not sell handicrafts made from the
9 skin, hide, pelt or fur of a black or brown bear,
10 including claws, to a business as defined under Alaska
11 Statute 43.70.110(1). (8)(b)if you are a business as
12 defined under Alaska Statute 43.70.110(1), you may not
13 purchase handicrafts made from the skin, hide, pelt or
14 fur of a black or brown bear, including claws, as part of
15 your business transactions.

16

17 CHAIRMAN FLEENER: There's a motion on
18 the floor. Is there a second.

19

20 MR. BASSICH: Seconded.

21

22 CHAIRMAN FLEENER: As part of the
23 discussion, I'd also like to point out that while we're
24 talking about this we want to make sure that the intent
25 of this motion be carried forward and that is that we
26 don't want to support commercialization as it's been laid
27 out as well. So we realize this is going to have to go
28 back to the legal staff for analysis and would also be
29 interested in what they have to say. Is there more
30 discussion.

31

32 MR. UMPHENOUR: Question on the
33 amendment.

34

35 CHAIRMAN FLEENER: There's a question on
36 the amendment. All in favor signify by saying aye.

37

38 IN UNISON: Aye.

39

40 CHAIRMAN FLEENER: All opposed same sign.

41

42 (No opposing votes)

43

44 CHAIRMAN FLEENER: The amendment carries.
45 Now discussion on the main motion.

46

47 MR. UMPHENOUR: I'm going to support the
48 amended motion. All this is is basically a housekeeping
49 proposal to begin with, to clarify the definitions and to
50 make it so it's much easier for the public, a more user

1 friendly regulation than what it was before the language
2 was clarified.

3
4 Mr. Chair.

5
6 CHAIRMAN FLEENER: There's a motion to
7 adopt WP05-01 with amendments. Is there a second.

8
9 MR. NATHANIEL: Second.

10
11 CHAIRMAN FLEENER: Seconded by James.
12 Discussion.

13
14 (No comments)

15
16 CHAIRMAN FLEENER: Okay. All in favor
17 signify by saying aye.

18
19 IN UNISON: Aye.

20
21 CHAIRMAN FLEENER: All opposed same sign.

22
23 MR. MATHEWS: For the record, the main
24 motion was to adopt the proposal as amended with the
25 language that was provided. Thank you.

26
27 (No opposing votes)

28
29 CHAIRMAN FLEENER: Motion carries. Thank
30 you, Polly.

31
32 DR. WHEELER: Thank you, Mr. Chair.

33
34 MR. MATHEWS: Mr. Chairman, that brings
35 us up to Proposal 02 which is found on Page 59 of your
36 book. This proposal was submitted by the Defenders of
37 Wildlife of Anchorage. In general, it was reduce the
38 wolf hunting season length. My understanding is Pete
39 DeMatteo will be presenting that.

40
41 CHAIRMAN FLEENER: Okay. You there,
42 Pete?

43
44 MR. DEMATTEO: Yes, I am, Mr. Chair.

45
46 CHAIRMAN FLEENER: We hear you loud and
47 clear. Go ahead.

48
49 MR. DEMATTEO: Mr. Chair, members of the
50 Council. The analysis for Proposal 02 begins on Page 60.

1 This proposal was submitted by Karen Deatherage of the
2 Defenders of Wildlife in Anchorage. The proponent would
3 like to change the starting dates for the wolf hunting
4 season to begin on September 15th for the following Units
5 1, 3, 4, 5A, 6, 7, 9, 10, 11, 12, 13, 14C, 15, 16, 17,
6 18, 19, 20, 21, 24, 25 and Unit 26. Keep in mind that if
7 this proposal were adopted they would all begin on
8 September 15, but the season would still end on April
9 30th.

10
11 The proponent makes several claims and
12 that is that wolf pelts hold no value during the month of
13 August. Also, they would like to see the elimination of
14 all wolf harvest on Federal public lands before September
15 15th. Another claim is that Section 802(2) of ANILCA
16 mandates the opportunity for non-wasteful subsistence
17 uses of fish and wildlife resources by the priority
18 consumptive use on Federal public lands. Any alignment
19 with State regulations are not justification for
20 liberalized wolf seasons. Finally, the proponent also
21 claims that the August wolf hunting that occurs on
22 Federal public lands conflicts with non-consumptive users
23 of Federal public lands in the month of August.

24
25 Also, almost all Federal seasons start on
26 August the 10, as to most all State seasons, and most
27 seasons end on April 30th. The proposal does not affect
28 Units 2, 8, 22 and 23.

29
30 Wolf range covers about 85 percent of the
31 state. Wolf densities range as high as one wolf per 25
32 square miles in favorable habitat and as low as one wolf
33 per 150 square miles in marginal habitat. Wolf densities
34 and abundance primarily depend on prey species
35 availability, disease and impact from harvest and control
36 programs. The current population of wolves in the state
37 is considered to be healthy and the total numbers are
38 estimated to be somewhere from 7,000 to 10,000 wolves.

39
40 Most wolves are harvested during winter
41 months when pelts are prime and travel conditions are
42 suitable. Wolves are also harvested traditionally during
43 the early fall period on an opportunistic basis before
44 the pelts are prime. This fur is not used for sale, but
45 is used on a personal basis for hats, gloves, parkas and
46 other fur handicrafts as this fur is considered less than
47 prime but is still functional.

48
49 Table 1 in your book is found on Page 64
50 shows statewide harvest records. Total take for the

1 state beginning year 1979 through 2001 is 25,405. Table
2 2 on the following Page 65 shows the statewide hunting
3 harvest on a monthly basis. As you can see, in the same
4 period of time in August, the total reported harvest for
5 the entire state is 360 wolves. Of course, those would
6 be moved to September, which we all know that hunters are
7 out and about and there is an increase in the harvest of
8 wolves. Of course, we see the surge of harvest say in
9 November through April with the peak in February and
10 March.

11
12 If this proposal were adopted, there are
13 some things to keep in mind. The proposal would shorten
14 the wolf hunting seasons on Federal public lands by 45
15 days in four of the units that were mentioned and 36 days
16 in 17 other units. If adopted, the State and Federal
17 regulations would be out of alignment, causing confusion
18 and some law enforcement problems.

19
20 It would also eliminate the opportunity
21 for subsistence users to harvest wolves during the early
22 fall period while hunting of moose, deer and caribou
23 occur. Adoption of the proposal would also eliminate the
24 opportunity for subsistence users to harvest wolves
25 during the early fall when fur is used primarily for
26 personal use. Hunters would still be able to hunt wolves
27 on Federal public lands during August and in early
28 September under current State regulations unless the
29 Federal Subsistence Board would specifically close
30 Federal public lands to wolf hunting during August and
31 early September to non-Federally qualified users.

32
33 Keep in mind that this proposal does not
34 address any specific biological concerns regarding wolves
35 throughout the state as the current population is
36 considered to be healthy, as mentioned before.

37
38 Mr. Chair, with that, the preliminary
39 conclusion is to oppose the proposal. Thank you.

40
41 CHAIRMAN FLEENER: Thank you, Mr.
42 DeMatteo. Are there any questions.

43
44 (No comments)

45
46 CHAIRMAN FLEENER: No questions. We'll
47 move to Agency comments. Terry.

48
49 MR. HAYNES: Thank you, Mr. Chairman.
50 The Department's comments are on Page 68 of your meeting

1 book. The Department does not support this proposal and
2 we do support the preliminary conclusion as presented on
3 Page 66 to oppose the proposal for the reasons given in
4 the justification.

5
6 Thank you.

7
8 CHAIRMAN FLEENER: Thank you, Terry. Any
9 questions.

10
11 (No comments)

12
13 CHAIRMAN FLEENER: None. Federal
14 agencies.

15
16 (No comments)

17
18 CHAIRMAN FLEENER: I guess theirs is in
19 the book, isn't it. None. Native, tribal, village or
20 other individuals.

21
22 (No comments)

23
24 CHAIRMAN FLEENER: Interagency Staff.

25
26 (No comments)

27
28 CHAIRMAN FLEENER: What an easy crowd.
29 Advisory groups comments. Vince.

30
31 MR. MATHEWS: Yes, Mr. Chairman. Again,
32 those Regional Advisory Council actions are sitting on my
33 printer. So Y-K has met, Seward Pen and Southeast. I do
34 not have the actions on them. Don attended the Y-K
35 meeting, so he could share on that one.

36
37 CHAIRMAN FLEENER: Don.

38
39 MR. RIVARD: Yes, Mr. Chair. Don Rivard
40 with the Office of Subsistence Management. The Y-K Delta
41 Regional Advisory Council opposed this proposal.

42
43 CHAIRMAN FLEENER: Thank you, Don. Terry.

44
45
46 MR. HAYNES: Mr. Chairman. The Seward
47 Peninsula Regional Council also opposed this proposal
48 last week.

49
50 CHAIRMAN FLEENER: Thank you for that

1 input, Terry. Summary of written comments.

2

3 MR. MATHEWS: Yes, Mr. Chair, that I do
4 have. That's on Page 68. There are some additional to
5 that, but right now you have five written comments that
6 are in opposition. We'll start off with the Subsistence
7 Resource Commissions. The Wrangell-St. Elias Subsistence
8 Resource Commission unanimously opposes this. They see
9 no reason to change the seasons.

10

11 The Denali Subsistence Resource
12 commission unanimously opposed this proposal. Their
13 justification is the proposal would reduce subsistence
14 harvest opportunities for Denali Park subsistence users,
15 although past harvest during this fall period have been
16 very small, it does represent an opportunity to harvest
17 wolves during the fall ungulate hunting season. Early
18 season wolf pelts have low commercial value, but are a
19 resource for local subsistence users making crafts and
20 clothing for personal use. The wolf population in the
21 Denali area is considered healthy and there is no
22 conservation reason to reduce the opportunity.

23

24 Mr. Chairman, just to give an update, the
25 Southeast Regional Council opposed the proposal. So the
26 three previous Councils that have met have opposed this
27 proposal.

28

29 The other written comments in opposition
30 came from Don Quarberg from Delta Junction. He opposes
31 it. He doesn't see any biological reason to reduce the
32 seasons. Robert Jahnke of Ward Cove opposes it. Please
33 do not pass this proposal is his comment.

34

35 The AHTNA Subsistence Committee opposes
36 it. They do not support this proposal to reduce wolf
37 hunting seasons from August 1 to April 30 to September 15
38 to April 30. We do not support aligning State of Alaska
39 and Federal seasons for hunting wolves just for the sake
40 of aligning hunting seasons under the two management
41 systems. We support the more liberal hunting season so
42 that more wolves can be taken to reduce the wolf
43 population. Reducing the numbers of wolves will prevent
44 them from killing calves of caribou and moose in Units 11
45 to 13.

46

47 I did review the minutes that I received
48 from the State for the local Advisory Committees. To my
49 knowledge, none of them had taken up Proposal 02. With
50 that, that's the written comments.

1 CHAIRMAN FLEENER: Thank you, Vince. Any
2 questions or comments.
3
4 (No comments)
5
6 CHAIRMAN FLEENER: Any public testimony
7 beyond that.
8
9 (No comments)
10
11 CHAIRMAN FLEENER: None. Regional
12 Council recommendations.
13
14 MR. UMPHENOUR: Move to adopt Proposal
15 02.
16
17 CHAIRMAN FLEENER: Move to adopt Proposal
18 02. Is there a second.
19
20 MR. WOODRUFF: I'll second.
21
22 CHAIRMAN FLEENER: It's been seconded.
23 Discussion. Sue.
24
25 MS. ENTSMINGER: Thank you, Mr. Chair. I
26 just wanted to state as a skin sewer I've seen August and
27 September wolves, also in the late spring. The hair in
28 August and September is much shorter than when it's fully
29 primed but it's more conducive for me to make a hat out
30 of because it's not as big and gaudy sometimes, it's more
31 useful. I just feel that, although there's very few that
32 are taken, they're still used. I've made several things
33 out of them.
34
35 CHAIRMAN FLEENER: Thank you, Sue.
36 Virgil.
37
38 MR. UMPHENOUR: Thank you, Mr. Chair.
39 I'm opposed to this proposal. The justification by the
40 proposer does not, to me, have any merit and the comments
41 that the Staff made in their justification for opposing
42 the proposal I agree 100 percent with all those
43 conclusions.
44
45 Thank you, Mr. Chair.
46
47 CHAIRMAN FLEENER: Thank you, Virgil.
48 Don.
49
50 MR. WOODRUFF: I would like to state for

1 the record that the wolves that I've eaten in September
2 taste just fine. I wouldn't want them to decrease my
3 meat intake.

4
5 Thank you.

6
7 CHAIRMAN FLEENER: Thank you.

8
9 MR. BASSICH: Question.

10
11 CHAIRMAN FLEENER: There's a question on
12 the motion. All in favor signify by saying aye.

13
14 (No aye votes)

15
16 CHAIRMAN FLEENER: All opposed same sign.

17
18 IN UNISON: Aye.

19
20 CHAIRMAN FLEENER: The motion fails.

21
22 MR. MATHEWS: Mr. Chairman, that moves us
23 up to Proposal 21 that's found on Page 69 of your book.
24 This is to revise the customary and traditional use
25 determination. I believe it's for moose in Unit 12 to
26 add the residents of Chistochina. Laura is going to be
27 presenting that. This analysis was written by Pat
28 Petrivelli, who was anthropologist for the Southcentral
29 Region. She's now accepted a position with BIA. Laura
30 is well qualified to handle this proposal because she has
31 educational background within the field of anthropology
32 as well as wildlife biology. So just to get it clear
33 that she didn't write the analysis, but she's qualified
34 to present it.

35
36 Thank you.

37
38 CHAIRMAN FLEENER: Thank you, Vince. Go
39 ahead.

40
41 MS. GREFFENIUS: Good afternoon, Mr.
42 Chair and members of the Council. My name is Laura
43 Greffenius and I'm with the U.S. Fish and Wildlife
44 Service and the Office of Subsistence Management. I will
45 provide a summary of Proposal Wp05-21, which begins on
46 Page 69 of your Council book.

47
48 This proposal was submitted by the
49 Cheesh-na Tribal Council of Chistochina. It requests
50 adding the residents of Chistochina to the customary and

1 traditional use determinations for moose in the portions
2 of Unit 12 where they are not currently included.

3
4 In Unit 12 for moose, the customary and
5 traditional use determination is listed on Page 70. I'll
6 give you a chance to look at that. Also refer to Map 1
7 on Page 71. The residents of Chistochina, located in
8 Unit 13C, are included in the customary and traditional
9 use determination for moose in the portion of Unit 12
10 labeled as A in the regulatory descriptions. The
11 proponents are requesting a positive determination for
12 moose in the B and C portions of Unit 12 described in the
13 regulations and, again, this is on Page 71.

14
15 Note that the Federal public lands in
16 Unit 12 are comprised of Wrangell-St. Elias National Park
17 and Preserve, which is nearly half, 48 percent, of the
18 land and Tetlin National Wildlife Refuge of approximately
19 11 percent.

20
21 The customary and traditional use
22 determinations for moose in Unit 12 are essentially the
23 same as originally adopted in 1992. This determination
24 was based on existing State of Alaska determinations. In
25 the 1989 State regulations, the three areas contained in
26 Federal regulations were labeled South, East and North
27 respectively. Again, see the map on Page 71.

28
29 The customary and traditional use
30 determinations for moose in Unit 12 stayed the same until
31 1998, when the Federal Subsistence Board adopted Proposal
32 101, which added the residents of Healy Lake to all areas
33 of Unit 12.

34
35 Some specific community characteristics
36 of Chistochina are that it is located along Mile 32.7 of
37 the Tok Cutoff of the Glenn Highway. During the 2000
38 census, there were 93 residents, 63 percent of whom were
39 Alaska Native, living in 37 households. The population
40 of all the communities with customary and traditional use
41 determination in the B and C portions of Unit 12 are
42 shown in Table 1 on Page 74. I'll give you a moment to
43 look at that.

44
45 The location of Chistochina is linked to
46 a traditional Ahtna fish camp site. The community has
47 relocated within the vicinity of this camp several times
48 in the last century. the 1998 proposal analysis for
49 Healy Lake provided documentation of historical
50 interaction between Upper Tanana and Copper River Ahtna

1 residents in pursuing subsistence activities and potlatch
2 celebrations. Ties between the Upper Tanana and Upper
3 Ahtna are also noted in the 1984 Copper Basin study,
4 which contained a description of the traditional trails
5 in the Nabesna Road area of Unit 12.

6
7 The proponent noted that documentation of
8 the use of this area by Chistochina is also available in
9 the applications submitted under ANCSA 14(h)(1)
10 historical and cultural selections, the Native group
11 selections and the individual selections. These are
12 included in the discussion of Factor 4 on Page 75.

13
14 The site background in the investigation
15 report for the site at the confluence of Jack Creek and
16 the Nabesna River, the historical/cultural selection made
17 by Ahtna, provides a description of continuous use from
18 the prehistoric period through the 1970s by Upper Tanana
19 residents and Ahtna residents of Chistochina and Mentasta
20 Lake.

21
22 As I mentioned, on Page 74 there are
23 certain factors for determining the customary and
24 traditional uses and this list begins one through eight
25 and I'll note several of these factors. In Factor 1 the
26 social links for Chistochina are documented in a 1973
27 report which lists the kinship ties that Chistochina had
28 with Tulsona Creek, Gakona, Suslota, Nabesna, Mentasta,
29 Chisana and the Sanford River. Two of these occur in
30 Unit 12, Nabesna and Chisana. The report noted that the
31 Chistochina residents maintained these ties and may hunt,
32 fish and gather in areas that were traditionally used by
33 their ancestors.

34
35 Household data survey from 1987 is
36 presented in Table 2 on Page 75. In Chistochina, just
37 over half, 54 percent, of the households used moose and
38 harvested an estimated 53 pounds of moose per person on
39 an annual basis. These amounts fall within the range of
40 use by the other communities that have a positive
41 customary and traditional use determination. Through
42 Alaska Department of Fish and Game permits and harvest
43 tickets, there's documentation of moose harvest by
44 Chistochina residents.

45
46 Going to Factor 4 on Page 75, the
47 available permit information for Chistochina residents
48 from 1991-2002 shows the harvest of moose in the A
49 portion of Unit 12 where the community has an existing
50 customary and traditional use determination. However,

1 mapping of the community resource harvest areas for
2 Chistochina residents undertaken in conjunction with the
3 1982 household surveys showed a wider use area. For Unit
4 12, mapping of moose harvest areas showed residents of
5 Chistochina used the Nabesna River drainage beyond the A
6 portion, north to Pickerel Lake and east of the Nabesna
7 River along Stone Creek, Cooper Creek and Camp Creek.

8
9 Again, refer to the map on Page 72.
10 Additional information on the use of the B and C portions
11 of Unit 12 by Chistochina was provided in the
12 investigation reports for historical and cultural site
13 applications submitted by Ahtna. Historical occupancy
14 and use of sites on a seasonal basis for subsistence
15 activities, including moose harvesting, throughout the
16 1970s was described for a location at the confluence of
17 Cooper Creek with the Nabesna River and another location
18 near the confluence of the Cross and Notch Creeks
19 northwest of Chisana for the B portion and the Pickerel
20 Lakes locations for the C portion. This is on Map 2 on
21 Page 72.

22
23 Chistochina has a C&T use determination
24 for moose in other units. Information presented in each
25 of the other factors detailed in the proposal analysis
26 described their use of moose.

27
28 The adoption of Proposal WP05-21 would
29 recognize the residents of Chistochina as customary and
30 traditional users of moose in the remaining portions of
31 Unit 12. That would be B, east of the Nabesna River and
32 Nabesna Glacier, south of the Winter Trail from Pickerel
33 Lake to the Canadian Border and C, which is the remainder
34 of Unit 12. Written documentation shows that residents
35 of Chistochina have used moose in these areas since the
36 late 19th century. This recognition should not have an
37 impact on other users or the resource.

38
39 The preliminary conclusion is to support
40 the proposal. The justification is that documentation of
41 the C&T use of moose in the other portions of Unit 12 (B
42 and C) by residents of Chistochina is shown through
43 community harvest resource mapping and site specific
44 investigations within these areas. Their levels of use
45 are very similar to the communities that have a positive
46 C&T use determination in these portions of Unit 12.

47
48 Thank you.

49
50 CHAIRMAN FLEENER: Thank you, Laura. Any

1 questions. Sue.

2

3 MS. ENTSMINGER: Thank you, Mr. Chair.
4 I'm just trying to absorb all of this. This is pretty
5 close to my home here. I knew they had three moose
6 seasons and three different bag limits. Why isn't it just
7 the residents of 13C? We're just adding Chistochina to B
8 and C, right.

9

10 MS. GREFFENIUS: Correct. I'm not sure
11 if you said this is specific for Unit 12. Chistochina
12 is located in Unit 13C.

13

14 MS. ENTSMINGER: Yes.

15

16 MS. GREFFENIUS: Okay. And we're adding
17 them to the portions described in the proposed
18 regulation. The verbal part gives all the geographic
19 locations, but on your map, visually, it's the B and C
20 areas.

21

22 MS. ENTSMINGER: I think we need to
23 continue, but I see that Mentasta is not included in B
24 because it's also in 13C.

25

26 MS. GREFFENIUS: Yes, it is located in
27 the boundaries of 13.

28

29 MS. ENTSMINGER: So I think that's an
30 oversight also. So I guess we can continue with the
31 discussion and talk about it more.

32

33 CHAIRMAN FLEENER: Thank you, Sue. Any
34 more questions.

35

36 MS. GREFFENIUS: Mr. Chair. I just
37 wanted to point out that the existing C&T use analysis
38 was requested for Chistochina and we did not expand the
39 analysis. If the Mentasta residents would like to have
40 an inclusion -- because they are included in parts of
41 Unit 12. If they wanted to address that, then another
42 analysis could be done based on a proposal that they
43 made.

44

45 MS. ENTSMINGER: So, does an analysis
46 have to occur before an amendment to add them.

47

48 CHAIRMAN FLEENER: You're asking the
49 wrong person. No, you can make any amendment you want to
50 make. Any more questions for Laura.

1 (No comments)

2

3 CHAIRMAN FLEENER: If not, Fish and Game.
4 Thank you, Laura.

5

6 MR. HAYNES: Thank you, Mr. Chairman.
7 The Department's comments on this proposal are on Page
8 79. We're neutral on this proposal at this time. We do
9 have some concerns though. The evidence presented in the
10 Staff analysis clearly indicates that Chistochina
11 residents have hunted moose in some areas of Unit 12 for
12 which they don't currently have a positive C&T finding.
13 However, the evidence is not presented that this pattern
14 of use occurs throughout all of Unit 12. The
15 Southcentral and Eastern Interior Regional Councils may
16 wish to discuss whether changes to the existing C&T
17 finding should be limited to areas of Unit 12 where moose
18 hunting by residents of Chistochina has been documented.

19

20 Some of you will recall a number of years
21 ago when Unit 12 residents sought to have C&T
22 determinations made for some big game resources in Unit
23 11. People in the Copper River Basin were not supportive
24 of those uses being granted throughout Unit 11, so the
25 Sanford River became a boundary area where there was
26 pretty clear evidence that Unit 12 residents had hunted
27 that far south into Unit 11, but the Ahtna people were
28 concerned about that use extending further south. I
29 think the same kind of consideration might be given here.

30

31 The evidence presented in the analysis
32 does not show that Chistochina residents use all of Unit
33 12. Sue brings up a good point, too. If Chistochina
34 residents use Unit 12, clearly a community closer to Unit
35 12 than Chistochina is probably has a pattern of use in
36 some areas of Unit 12.

37

38 These are just some things the Council
39 might want to consider. It's unclear what a finding
40 throughout Unit 12 would have any significant effects. I
41 don't think so. I just think back to this major concern
42 that the Ahtna people expressed when Unit 12 residents
43 wanted to have their C&T uses extended down into Ahtna
44 country. The Upper Tanana people were comfortable going
45 along with that approach. So you may want to consider
46 whether that's a concern of the Council's or not.

47

48 CHAIRMAN FLEENER: Thank you, Terry. Are
49 there questions.

50

1 (No comments)

2

3 CHAIRMAN FLEENER: Federal Agencies.
4 Vince, you look poised to ask a question.

5

6 MR. MATHEWS: Mr. Chair. When we get
7 down a little further, I know that Wrangell-St. Elias
8 Staff wanted to participate in this discussion. That
9 will probably be when the SRC recommendation comes up,
10 but that's kind of why I'm fidgeting over here. I
11 apologize for that.

12

13 CHAIRMAN FLEENER: No Federal Agencies.
14 How about Native, tribal, village, other.

15

16 (No comments)

17

18 CHAIRMAN FLEENER: Sue.

19

20 MS. ENTSMINGER: Isn't Wrangell-St. Elias
21 a Federal Agency?

22

23 MR. MATHEWS: Yes, it is an advisory
24 group of it. I'm just trying to encourage Barb to get up
25 here real soon because we're going to be talking about
26 the SRC and I think we're going to need to have more
27 discussion on Mentasta Lake as well, but that's my
28 speculation, which could be wrong.

29

30 CHAIRMAN FLEENER: She has an opportunity
31 because under No. 3, National Park Service SRC's are
32 forthcoming. Right now we're not on them. So
33 Interagency Staff Committee.

34

35 MR. MATHEWS: Mr. Chair. Maybe I should
36 explain why that Interagency Staff Committee is there so
37 that you don't get lost. It's not that they're not
38 interested. When they review these proposals and
39 analysis, they may want to share particular comments or
40 questions they would like you to answer. By them not
41 coming up to the mike doesn't mean they're back there
42 doing nothing. It just means they have nothing from
43 their meeting to bring forward. We didn't want to
44 overlook them and they obviously will come up when
45 needed.

46

47 CHAIRMAN FLEENER: We're watching you
48 Interagency Staff people. All right. Any advisory
49 groups. We have a hand. Come forth. Please don't
50 forget to state your name and affiliation.

1 MS. CELLARIUS: Mr. Chair, members of the
2 Council. My name is Barbara Cellarius and I'm the
3 subsistence coordinator for Wrangell-St. Elias National
4 Park and Preserve. One of my duties is I provide staff
5 support to the Wrangell-St. Elias SRC. As Vince
6 mentioned this morning, this is an advisory council.
7 They're also chartered under FACA that specifically
8 advise the park management about the management of
9 subsistence resources within the park.

10
11 Vince has the copy of the letter that has
12 the recommendations from the SRC, but because this is a
13 proposal that's specifically two areas in the park, I
14 wanted to come up, read that recommendation and see if
15 there was any additional information that I might be able
16 to provide to you on this proposal.

17
18 The recommendation on Proposal No. 21
19 from the Wrangell-St. Elias SRC is to support the
20 proposal as written. The analysis presented clearly
21 documents that residents of Chistochina have customarily
22 and traditionally harvested moose in all three areas of
23 Unit 12 for which there are C&T determinations.

24
25 That's their comment, but if you have any
26 questions about the area, I'm happy to answer them.

27
28 CHAIRMAN FLEENER: Thank you, Barbara.
29 Sue.

30
31 MS. ENTSMINGER: Thank you, Mr. Chair.
32 Did they not talk about Mentasta at all?

33
34 MS. CELLARIUS: Mentasta didn't come up
35 in the discussion. Mentasta currently has a C&T
36 determination for two parts of Unit 12. For the portion
37 that's at the end of the Nabesna Road, which is where
38 Chistochina currently has C&T, and also for the portion
39 that includes Tetlin National Wildlife Refuge and the
40 very northern portion of the national preserve that's
41 basically north of the Nutzotin Mountains. What Mentasta
42 doesn't have C&T for is a remote portion of Unit 12
43 that's south of the Nutzotin Mountains and east of the
44 Nabesna River.

45
46 CHAIRMAN FLEENER: Thank you, Barbara.
47 Any more questions or comments. Virgil.

48
49 MR. UMPHENOUR: If it's remote, how are
50 they going to hunt or are they hunting in the winter?

1 MS. CELLARIUS: I know that some hunting
2 does occur in the winter when they can get across the
3 river and I'm not sure about all the details of that.
4
5 MR. UMPHENOUR: Thank you, Mr. Chair.
6
7 CHAIRMAN FLEENER: Thank you. No more
8 comments.
9
10 (No comments)
11
12
13 CHAIRMAN FLEENER: Written comments.
14
15 MR. MATHEWS: Yes, Mr. Chairman. We do
16 have written comments. There were two. Barb already
17 covered the Subsistence Resource Commission. The Ahtna
18 Subsistence Committee submitted a comment. They support
19 this proposal. They support rural subsistence users who
20 reside in Chistochina to having a C&T use determination
21 for moose throughout Unit 12. They have customarily and
22 traditionally used Unit 12 to hunt for caribou, moose,
23 sheep and other wildlife. Unit 12 is their traditional
24 area to hunt for caribou, moose, sheep, et cetera. They
25 have used these areas for thousands of years to take
26 wildlife for their livelihood.
27
28 Those are the only written comments I
29 reviewed. The Interior Local Advisory Committee minutes,
30 I'll have to work with the coordinator for the State for
31 Southcentral, but, to my knowledge, I have no data to say
32 if the Southcentral Local Advisory Committees took any
33 action on this proposal. If the State knows of that,
34 then they'll definitely share it, but I don't have access
35 to those minutes.
36
37 CHAIRMAN FLEENER: Thank you, Vince. Any
38 public testimony.
39
40 (No comments)
41
42 CHAIRMAN FLEENER: Seeing none. Regional
43 Council recommendations.
44
45 MR. UMPHENOUR: Move to adopt Proposal
46 No. 21.
47
48 MS. ENTSMINGER: Second.
49
50 CHAIRMAN FLEENER: There's a motion and a

1 second to adopt Proposal 21. Any comments. Sue.

2

3 MS. ENTSMINGER: Yes, Mr. Chair. I'm
4 just trying to get this all in my mind. There is a
5 winter season in A as I'm looking at the Federal
6 regulations here. You don't have a line on this map that
7 shows where A stops or am I missing it?

8

9 CHAIRMAN FLEENER: Connie.

10

11 MS. FRIEND: Mr. Chair, Council Member
12 Sue. The winter hunt is a 10-day hunt in November on
13 Tetlin Refuge and that land extends to the border.

14

15 MS. ENTSMINGER: On this map, A is
16 incorrect on Page 70. It says C on Tetlin Refuge.

17

18 MS. FRIEND: You're correct. It is a
19 winter hunt on the Tetlin Refuge though.

20

21 MS. ENTSMINGER: I just want to
22 understand what's going on here. A is not on the refuge
23 on Page 71.

24

25 CHAIRMAN FLEENER: Barbara is anxious to
26 talk.

27

28 MS. CELLARIUS: Mr. Chair, members of the
29 Council. The areas described for the C&T designations
30 are not different, but they're ordered differently and
31 they're somewhat different geographically from the areas
32 that are described for the harvest areas. So it's
33 actually a source of some confusion. The winter hunt is
34 on the Tetlin land. It's just that you have to read the
35 C&T determination areas totally separately from the
36 harvest area designations. So the map you have talks
37 about the C&T areas.

38

39 MS. ENTSMINGER: They need to be user
40 friendly.

41

42 MS. CELLARIUS: I have actually talked
43 about there's a need to do that, but there hasn't been
44 enough support to make modifications to that. I've
45 thought about it and would be happy to share that with
46 staff.

47

48 MS. ENTSMINGER: For me, I live there and
49 I'm not even clear in my mind exactly how this is set up
50 and if we're missing something. In a lot of the

1 regulations, when we've done C&T findings, we don't just
2 do the community, we'll do like 13C and it doesn't
3 exclude one little community, it keeps it clean. I know
4 that the proposal comes from Chistochina. I'm just
5 trying to get it clear in my mind. Do you guys have it
6 clear as mud also?

7

8 CHAIRMAN FLEENER: Vince.

9

10 MR. MATHEWS: Maybe I can get you back to
11 the basics. The issue before you is who qualifies. What
12 season is a secondary question that really doesn't
13 relate. Does Chistochina have a customary and
14 traditional use pattern of the right time, depth and all
15 those other things that are in those factors that you are
16 comfortable to say that they should qualify in that unit.
17 The seasons and all that I understand are important, but
18 the question before you is who, not when.

19

20 Then the point about the maps don't
21 match, the seasons to the C&T things, that's for a future
22 proposal. I hope that helps you.

23

24 CHAIRMAN FLEENER: Sue.

25

26 MS. ENTSMINGER: I'd like some help from
27 anyone here because I would say that in the past, and
28 Terry Haynes can help me here, we dealt with C&T's for
29 the Wrangell-St. Elias for years and we wanted to try and
30 keep it clean and it's just getting more muddy in my
31 opinion because we had resident zone communities of the
32 Wrangell-St. Elias, which is very important to the people
33 that live there. Here's a case where Mentasta is a
34 resident zone community and Chistochina is a resident
35 zone community and we're differentiating them. I think
36 it needs to be clean. I'm willing to make an amendment
37 to this proposal to add Mentasta, but then I'm wondering
38 who the heck else we're forgetting to keep the resident
39 zone communities all within Unit 12 that were put in
40 there back in 1980. That's where I'm coming from here.

41

42 I believe Chistochina qualifies. I just
43 believe we are maybe missing others and we don't even
44 know it.

45

46 CHAIRMAN FLEENER: Vince.

47

48 MR. MATHEWS: Mr. Chairman. This is deja
49 vu for you. The policy of our analysis now is just to
50 analyze what is being submitted. What was submitted was

1 to add Chistochina, so we did not do a comprehensive
2 analysis to look at Mentasta Lake and I don't know all
3 the other names for the area, should they be looked at
4 positively or not. So it's basically what is being
5 submitted.

6
7 You have within your abilities to amend
8 that to say additional communities and this is why I said
9 deja vu to your Chair, adjoining subunits or et cetera.
10 The Board will probably take that up and see if you've
11 provided enough compelling evidence to expand that or
12 they'll ask that section possibly to be deferred to a
13 future proposal. I don't know. But if you feel as a
14 Council that you need to add other communities to that,
15 that's within your prerogative. I don't want to deter
16 you from that, but I just wanted to explain that the
17 analysis is being done on what people ask for. It's not
18 comprehensive.

19
20 CHAIRMAN FLEENER: Vince, I have a
21 question. When this analysis is being done, are
22 neighboring communities invited to -- I realize in the
23 proposal process throughout the year everybody is given
24 an opportunity to speak, but are the neighboring
25 communities in C&T determinations actually approached on
26 these issues? Because that's what we're really getting
27 to, is are we leaving a community out that deserves to
28 have the same recognition. You have no idea.

29
30 MR. MATHEWS: I don't know if I have no
31 idea. I mean I can give you the answer that they have
32 access to the proposal through our public releases and et
33 cetera so they can log in on that. The analyst is not
34 here. Maybe Laura does know if Pat contacted other
35 communities.

36
37 CHAIRMAN FLEENER: Laura.

38
39 MS. GREFFENIUS: Mr. Chair. That's a
40 very relevant question. As I mentioned, if the Mentasta
41 Lake residents were to ask or to put in a proposal, they
42 would certainly be included. Just to reiterate what
43 Vince said, this proposal was specific to Chistochina.

44
45 Your question on C&T, I'll check with
46 Polly since she's very familiar with that and just get
47 her view on that. Polly, could you make a comment on
48 that?

49
50 CHAIRMAN FLEENER: Polly.

1 DR. WHEELER: Mr. Chair. Polly Wheeler,
2 for the record. That's correct. Laura is correct and
3 Vince is correct also. The proposals are submitted and
4 the analyses are done on the basis of what's in the
5 proposal. It's not within the purview -- I mean you all
6 are well familiar where OSM has sometimes extended itself
7 and then been slapped for it. So the policy here is that
8 we analyze what's requested in the proposal. If Mentasta
9 feels that they have been left out, then they could
10 submit a proposal to rectify that in the future.

11
12 The thing to remember is that C&T
13 findings, once they're made, it's not as if they're set
14 in stone. They can be revisited and will be, but it is
15 important, especially with C&T proposals, they need to be
16 put in by proponents, not the government.

17
18 CHAIRMAN FLEENER: Thanks, Polly. I
19 guess I pretty much knew the answer to that question. A
20 no probably would have really worked. That's all I'll
21 say. Virgil.

22
23 MR. UMPHENOUR: When I was on the Board
24 of Fisheries many times we got wrapped around the axle
25 for unprovoked good and I consider that's what this issue
26 is. I think we could spend a lot of time addressing
27 this, but I agree with what was said a minute ago, the
28 Agencies don't go around doing this stuff. If people
29 want a C&T, then they should apply for it, put it in a
30 proposal, et cetera, then we'll address it.

31
32 CHAIRMAN FLEENER: Thank you, Virgil.
33 Larry.

34
35 MR. WILLIAMS: I think the Council should
36 vote on the proposal as presented. I read in the
37 justification that they have customary and traditional
38 use of this area that's being proposed, I don't see what
39 this wasting our time is all about.

40
41 Thank you very much, Mr. Chair.

42
43 CHAIRMAN FLEENER: Thank you. Don.

44
45 MR. WOODRUFF: According to the two
46 charts that we have here, 93 people are harvesting 26
47 moose for 11 years, so it sounds like they're getting 2.6
48 moose a year. They need all the help they can get, so I
49 think we should give them a favorable vote.

50

1 CHAIRMAN FLEENER: Sounds good. What's
2 the action of the Council. Virgil.
3
4 MR. UMPHENOUR: I'll support the
5 proposal. I've looked at the criteria. Going by the
6 criteria presented by Staff and in our book, it appears
7 to me that they meet the majority of the factors and I'll
8 be supporting the proposal.
9
10 Mr. Chair.
11
12 CHAIRMAN FLEENER: Thank you. Sue.
13
14 MS. ENTSMINGER: Thank you, Mr. Chair.
15 I'll support the proposal, but I will recollect one thing
16 that happened when we did Unit 20E in Nunana. There was
17 a C&T finding and Mentasta was excluded and they were, I
18 believe, included at that time in the Staff analysis.
19 They went to Mentasta and talked to them first. In this
20 case they were not, so I feel like it is an oversight. I
21 would support the proposal as written and I would request
22 that the Staff do another analogy on 13C in its entirety.
23
24 CHAIRMAN FLEENER: Thank you, Sue.
25
26 MR. BASSICH: Question.
27
28 CHAIRMAN FLEENER: The question has been
29 called. All in favor of the motion signify by saying
30 aye.
31
32 IN UNISON: Aye.
33
34 CHAIRMAN FLEENER: All opposed same sign.
35
36 (No opposing votes)
37
38 CHAIRMAN FLEENER: The motion carries.
39
40 MR. MATHEWS: Mr. Chairman, should we
41 move forward to the next one?
42
43 CHAIRMAN FLEENER: Yes, let's do Proposal
44 06.
45
46 MR. MATHEWS: Mr. Chair, I'm just trying
47 to get clarification. Sue, are you requesting that there
48 be a proposal drafted to be all of Unit 13C for the areas
49 -- all the heads are shaking yes, let the record reflect.
50 We'll get some staff to sit down with you. Are you

1 recommending that be from the Council? Does the Council
2 want that proposal to go forward?

3
4 CHAIRMAN FLEENER: You can make any
5 motion you like.

6
7 MS. ENTSMINGER: I make a motion it comes
8 from the Council.

9
10 CHAIRMAN FLEENER: There's a motion on
11 the floor for something. Can you clarify that motion for
12 the record.

13
14 MS. ENTSMINGER: To add 13C for a C&T
15 analysis for Unit 12 moose.

16
17 CHAIRMAN FLEENER: Motion on the floor.

18
19 MR. UMPHENOUR: Second.

20
21 CHAIRMAN FLEENER: There's a motion and a
22 second. Discussion. Virgil.

23
24 MR. UMPHENOUR: I think it's already been
25 discussed, so I refer to the past discussion. Mr. Chair.

26
27
28 CHAIRMAN FLEENER: A question has been
29 called on the motion. All in favor signify by saying aye.

30
31 IN UNISON: Aye

32
33 CHAIRMAN FLEENER: All opposed same sign.

34
35 (No opposing votes)

36
37 CHAIRMAN FLEENER: The motion carries.
38 Now let's go to Proposal 06.

39
40 MR. MATHEWS: Mr. Chair, before we go to
41 06, just to make it clear to the Council the proposal is
42 being written out of cycle. I will monitor it closely
43 and then we'll submit it when the cycle comes up. Just
44 so you know we don't have a call for proposals for that
45 at this time, but we'll have it ready when that call
46 comes forward. Proposal 06 is on Page 80 in your book.
47 It was submitted by the Cheesh-na Tribal Council of
48 Chistochina. This is to provide for a joint elder/youth
49 permit hunt. Pete DeMatteo will be presenting this
50 proposal.

1 CHAIRMAN FLEENER: Pete, are you still
2 with us?

3
4 MR. DEMATTEO: Yes, I am, Mr. Chair.
5 Before we get rolling, I just want to point out the
6 reason why this is being presented to the Council today
7 is because of a few communities in the Upper Tanana area
8 have C&T to harvest sheep in Units 11 and 12. More
9 specifically, for Unit 11 north of the Sanford River, the
10 residents of Dot Lake and Healy Lake that reside in Unit
11 20 and also residents of Unit 12 in the Upper Tanana that
12 have C&T to harvest sheep in that area.

13
14 As far as Unit 12, residents of Dot Lake
15 and Healy Lake in Unit 20D have C&T to harvest sheep. In
16 Unit 12 and also residents of the Upper Tanana region
17 pertain to this proposal as they have C&T as well.

18
19 As Mr. Mathews stated, this proposal No.
20 06 is submitted by Cheesh-na Tribal Council of
21 Chistochina and they request adding a provision for a
22 joint elder and youth permit in the special late sheep
23 seasons in Units 11 and 12.

24
25 Mr. Chair, the proposed language you can
26 find in your Council books on Page 82, halfway down the
27 page. The language that's in bold italics is the
28 proposed language and I'll read it. They would add to the
29 existing language for Units 11 and 12 sheep the
30 following: A joint permit may be issued to a pair of a
31 minor child and an elder to hunt sheep during the late
32 season elder hunt September 21 to October 20.

33
34 The following conditions apply: The
35 permittees must be a child aged 8 to 15 years old and an
36 accompanying adult 60 years of age or older. The
37 accompanying adult permittee must be a parent or
38 grandparent, step-parent or step-grandparent or legal
39 guardian of the child. Alternatively, the permittees
40 must be within the first degree of kindred or the second
41 degree of kindred (a State definition also applies, which
42 we'll get to). Both the elder and the child must be
43 Federally qualified subsistence users with a positive
44 customary and traditional use determination for the area
45 they want to hunt. To hunt on National Park land, the
46 permittees must be local rural residents associated with
47 those areas. They must have any required licenses and
48 permits. The child must hunt under the direct immediate
49 supervision of the accompanying adult, who is responsible
50 for ensuring that all legal requirements are met.

1 Wildlife harvested under a permit issued under this
2 provision will count against the bag limits of both the
3 child and accompanying adult. Except for as provided
4 above, the bag limit, methods and means and all other
5 regulations applicable to the regular season shall be in
6 effect for the permits issued under this provision. That
7 concludes the proposed language to be added.

8
9 Mr. Chair, this proposal would establish
10 a joint permit for use in the elders-only sheep seasons
11 in Unit 11 and Unit 12. The age requirement proposed for
12 the youth is between 8 and 15 years old, the age of the
13 elder would remain the same, 60 years of age or older.

14
15 Based on discussions with the proponent
16 and Wrangell-St. Elias National park staff who helped
17 draft the proposal, the relationships listed in the
18 proposal were meant to be considered as options and the
19 broadest definition possible within the second degree of
20 kindred should be used.

21
22 The Tribal Council submitted this
23 proposal with the goal of allowing elders to resume their
24 traditional practices of teaching their grandchildren how
25 to hunt sheep. The proponent acknowledged that the late
26 season was established to allow only elders to hunt when
27 the sheep would be more accessible to the elders, but
28 they also want to allow grandchildren and similar younger
29 relatives to accompany the elders for educational
30 purposes. They stated that current regulation neglects
31 one aspect of the traditional instructional process, that
32 the young people should have the opportunity to take the
33 animal, rather than simply observing their elders doing
34 so.

35
36 Mr. Chair, while Proposal 05 proposes age
37 requirements in Unit 6 where hunters can have a permit
38 over the age of 10 and under the age of 10 must be
39 accompanied by an adult, this proposal deals with a
40 special hunt that was for hunters only over the age of
41 60. Proponents have recommended the age guidelines for
42 the youth participants to be within the years of 8 and
43 15.

44
45 This proposal would apply to only
46 Wrangell-St. Elias National Park and Preserve lands
47 within these units.

48
49 During the period of 1998 through 2003,
50 for the late season in Unit 11 for elders, 53 permits

1 have been issued, 21 of those hunted and five sheep have
2 been harvested. For the 2004 late sheep season for
3 elders in Unit 11, 21 permits were issued and 16 reports
4 returned. In Unit 12, eight permits were issued and
5 seven reports returned. Four hunts were conducted and no
6 sheep were harvested.

7
8 Mr. Chair, if this proposal were to be
9 adopted by the Federal Board, it would add provisions for
10 issuing a joint permit allowing a young person from the
11 age of 8 to 15 years of age to hunt with an elder 60
12 years of age or older during the late season hunt for
13 sheep in Units 11 and 12. The elder would be the primary
14 holder of the permit and only one sheep would be
15 harvested with the permit. Provision of a joint permit
16 would meet part of the original intent of the late sheep
17 season which was to provide the opportunity for elders to
18 participate in the hunt and pass on to others their
19 knowledge and skills.

20
21 The proposal also stipulates that the
22 accompanying adult permittee, the elder, must be within a
23 second degree of kindred to the young person. This
24 kinship relationship requirement would unnecessarily
25 limit participation even further to the young relatives
26 of the elder hunter only. There should be no significant
27 increase in sheep harvest that could have an effect on
28 the sheep populations in Units 11 and 12, since during
29 the five years of data for Unit 11 only five sheep were
30 harvested.

31
32 The proposed language contains provisions
33 that are contained elsewhere in the Federal subsistence
34 regulations. Additionally, the last provision that I
35 mentioned in the proposed regulatory language is also
36 duplicative to general provisions relating to permits
37 issued.

38
39 Mr. Chair, the establishment of a joint
40 permit with clear age requirements would satisfy the
41 request of the proponent to allow young persons to
42 accompany elders in the late season hunt. Deleting the
43 wording in the proposed regulatory language referring to
44 kinship relationships would allow greater participation
45 between young persons and elder hunters who are not
46 related, but who are Federally-qualified subsistence
47 users. Rewording of the bullet relating to harvest
48 limits for the permit provides clearer language.

49
50 Mr. Chair, with that, the preliminary

1 conclusion is to support with modification to eliminate
2 the requirement for a kinship relationship and redundant
3 language referring to eligibility of the permit holders
4 and other permit conditions. On Page 87 of your Council
5 books you see the proposed revised language at the bottom
6 of the page.

7
8 It reads a joint permit may be issued to
9 a pair of a minor and an elder to hunt sheep during the
10 late season elder hunt, which is September 21 to October
11 20. The following conditions apply: The permittees must
12 be a minor aged 8 to 15 years old and an accompanying
13 adult 60 years of age or older. Both the elder and the
14 minor must be federally qualified subsistence users with
15 a positive customary and traditional use determination
16 for the area they want to hunt. The minor must hunt
17 under the direct immediate supervision of the
18 accompanying adult, who is responsible for ensuring that
19 all legal requirements are met. Only one animal may be
20 harvested with this permit. Wildlife harvested will
21 count against the harvest limits of both the minor and
22 accompanying adult.

23
24 With that, Mr. Chair, I will stop there.
25 Thank you.

26
27 CHAIRMAN FLEENER: Thank you, Pete. I
28 have a question. Is there any indication by the
29 residents of Chistochina that they may be opposed to
30 Staff or Fish and Game recommendations to modify the
31 kinship requirements?

32
33 MR. DEMATTEO: Mr. Chair. No, there is
34 no indication of that thus far. Maybe that will be
35 flushed out when we get to the Southcentral Council
36 meeting, but as of now we don't have that information.

37
38 CHAIRMAN FLEENER: Okay. Thank you.
39 Barbara.

40
41 MS. CELLARIUS: Mr. Chair, members of the
42 Council. Barbara Cellarius, subsistence coordinator for
43 Wrangell-St. Elias National Park and Preserve. We
44 actually had our SRC meeting two weeks ago in Chistochina
45 and the proponent has no objections to the modification
46 to remove the kinship requirement.

47
48 CHAIRMAN FLEENER: Thank you very much.
49 Andy.

50

1 MR. BASSICH: Maybe one question. I'm
2 not sure who might be able to answer this. Has there
3 been any work done on what the estimated increased
4 harvest would be? Approximately how many people might
5 participate in this. Has that been ascertained at all?
6

7 MR. DEMATTEO: Sure, I think I can shed
8 some light on that.

9 CHAIRMAN FLEENER: Go ahead, Pete.

10

11 MR. DEMATTEO: Just one second.

12

13 (Pause)

14

15 CHAIRMAN FLEENER: Terry, do you want to
16 come up to the table while we wait because you're next in
17 line. Why don't you go ahead, Terry.

18

19 MR. HAYNES: Mr. Chairman. The
20 Department's comments are on Page 89 of your meeting
21 book. The Department supports this proposal as modified
22 in the preliminary conclusion. Last year at the
23 Southcentral Regional Council meeting Mr. Wilson Justin
24 from Chistochina made a very eloquent presentation to the
25 Southcentral Council about customary and traditional
26 hunting practices that people in his community had
27 followed for years and he was concerned because the
28 opportunities for elders to teach youth really weren't
29 accommodated in the regulations and he was very
30 interested in trying to find some way for elders to be
31 able to teach youngsters how to hunt sheep.

32

33 During a break I committed the Department
34 to working with Mr. Justin and the National Park Service
35 to see if we could come up with something. The
36 Department of Fish and Game Staff in Glennallen worked
37 with him and Barbara Cellarius to develop this proposal.

38

39 The modification provides more
40 flexibility. There may well be elders in the Copper
41 Basin who would like to participate in this hunt who
42 don't have a grandchild or a grandchild who doesn't have
43 a grandparent still living, but another elder would
44 provide that opportunity. So we don't anticipate that
45 this will increase sheep harvest very much. There is
46 already some participation in the elder hunt.

47

48 The main concern the Department had with
49 establishing an elder hunt in the Federal regulations was
50 to have it during the later season and elders have

1 participated in it. If there are conservation concerns
2 that are raised, we would be very interested in having
3 the proposal revisited.

4
5 CHAIRMAN FLEENER: Thank you, Terry.
6 Questions for Terry.

7
8 (No comments)

9
10 CHAIRMAN FLEENER: None. Are you ready,
11 Pete?

12
13 MR. DEMATTEO: Mr. Chair, I apologize.
14 I'm getting confused with the next proposal, which deals
15 with projected harvest of disabled hunters, so I have
16 nothing to add here.

17
18 CHAIRMAN FLEENER: Thank you, Pete.
19 Federal Agencies.

20
21 (No comments)

22
23 CHAIRMAN FLEENER: Seeing none. Native,
24 tribal, village, other. There should be like a mad rush
25 when I say other, but nobody comes.

26
27 (No comments)

28
29 CHAIRMAN FLEENER: Interagency Staff. We
30 won't assume you're bored or sleeping if you don't come.

31
32 (No comments)

33
34 CHAIRMAN FLEENER: Advisory groups. Yes,
35 Barbara.

36
37 MS. CELLARIUS: Mr. Chair, members of the
38 Council. Barbara Cellarius from Wrangell-St. Elias
39 National Park. I just wanted to read the recommendation
40 from Wrangell-St.Elias SRC and then answer any other
41 questions you might have.

42
43 The Wrangell-St.Elias SRC unanimously
44 supports the proposal as modified in the Staff analysis.
45 The proposed permit would provide an educational
46 opportunity for elders to pass on traditional knowledge
47 associated with the harvest of sheep to young people.

48
49 I might add a couple points. This is a
50 registration hunt, so we have people come in, get a

1 permit, they send back hunt reports so that there's a way
2 to track the harvest and we can certainly present that
3 information to you in the future if you're interested.

4

5 In terms of what Pete said, I just want
6 to clarify something. The proposal would apply
7 throughout Unit 11, which is largely Wrangell-St.Elias
8 land, but there's a tiny piece of Forest Service land.
9 Then as he said, within Unit 12, it would only apply
10 within the Park and Preserve.

11

12 CHAIRMAN FLEENER: Thank you, Barbara.

13 Any questions.

14

(No comments)

16

17 CHAIRMAN FLEENER: None. Written

18 comments.

19

20 MR. MATHEWS: Yes, Mr. Chair, you did get
21 written public comments on this proposal and they're on
22 Page 89. Again, Don Quarberg of Delta Junction is
23 opposed to this proposal. Change the regulations from
24 one sheep to one ram with full curl horns or larger. The
25 population cannot sustain this level of harvest outside
26 the National Park.

27

28 The Ahtna Subsistence Committee supports
29 the proposal and recommended adding nieces, nephews,
30 aunts, uncles to the list of accompanying adult
31 permittees. They also recommend amending the proposal so
32 that up to two children could participate in the hunt
33 with each elder. In other words, the permit would be
34 issued to an elder and up to two children.

35

36 CHAIRMAN FLEENER: Thank you, Vince. Any
37 questions.

38

(No comments)

40

41 CHAIRMAN FLEENER: Any public testimony.

42

(No comments)

44

45 CHAIRMAN FLEENER: Regional

46 recommendations.

47

48 MR. UMPHENOUR: Move to adopt Proposal 06
49 as amended.

50

1 CHAIRMAN FLEENER: There's a motion to
2 adopt Proposal 06 as amended.
3
4 MR. BASSICH: Seconded.
5
6 CHAIRMAN FLEENER: It's been moved and
7 seconded. Discussion. Virgil.
8
9 MR. UMPHENOUR: I think this is a good
10 idea. They've averaged taking one sheep a year for the
11 last five years. Myself, I think if the old-timers are
12 going to go with the young kids, even if they shoot a ewe
13 it's probably going to be better eating than an old full-
14 curl ram and I don't think that's going to hurt the
15 population. Not that many people are going to go climb
16 those mountains after those sheep.
17
18 Mr. Chair.
19
20 CHAIRMAN FLEENER: Thank you, Virgil.
21 Andy.
22
23 MR. BASSICH: Thank you, Mr. Chairman.
24 Yeah, I'm in support of this as well. I think under
25 justification bullets it meets all of the bullets except
26 for possibly the first one and that would be a
27 conservation concern. My only concern there was looking
28 at Table 1 on Page 86. It's showing a decline
29 consistency since 1999 on the estimates of population, on
30 all the estimates of population. However, being that
31 it's probably such a limited harvest, I don't see that
32 that's enough to concern me, but I think that's something
33 that needs to be monitored.
34
35 I applaud this type of proposal. I think
36 anything that continues to foster education and
37 traditional knowledge and subsistence knowledge in
38 particular is really vital to the youth.
39
40 Thank you, Mr. Chairman.
41
42 CHAIRMAN FLEENER: Thank you, Andy. Any
43 more comments or questions.
44
45 (No comments)
46
47 MR. UMPHENOUR: Call the question.
48
49 CHAIRMAN FLEENER: The question has been
50 called. All in favor of the motion signify by saying

1 aye.

2

3

IN UNISON: Aye.

4

5

CHAIRMAN FLEENER: All opposed same sign.

6

7

(No opposing votes)

8

9

CHAIRMAN FLEENER: None opposed. Motion

10 carries. So we're 17 minutes past the shutdown time.

11 What are the wishes of the Council? We'll take a five-

12 minute pow-wow and decide if we're going to go after

13 that.

14

15

(Off record)

16

17

(On record)

18

19

CHAIRMAN FLEENER: Vince, we're going to

20 recess until 9:00 tomorrow morning.

21

22

(PROCEEDINGS TO BE CONTINUED)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

C E R T I F I C A T E

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

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC do hereby certify:

THAT the foregoing pages numbered 02 through 84 contain a full, true and correct Transcript of the EASTERN INTERIOR FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, VOLUME I taken electronically by Salena Hile on the 2nd day of March 2005, beginning at the hour of 1:00 o'clock p.m. at Fairbanks, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

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

DATED at Anchorage, Alaska, this 14th day of March 2005.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/08