

**EASTERN INTERIOR ALASKA
SUBSISTENCE REGIONAL ADVISORY COUNCIL**

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PUBLIC MEETING
February 4th, 1994
Regency Fairbanks Hotel
Ambassador Room
9:00 o'clock a.m.
Fairbanks, Alaska

COUNCIL MEMBERS PRESENT:

LEE A. TITUS, CHAIRMAN
JEFFREY A. ROACH, VICE CHAIRMAN
JAMES E. GUSTAFSON, SECRETARY
CHARLIE TITUS, JR., MEMBER
MICHAEL A. PEARSON, MEMBER
SELINA PETRUSKA, MEMBER

David James, Coordinator

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P R O C E E D I N G S

1
2 MR. LEE TITUS: I'd like to start our meeting, the
3 continuation from yesterday. All we're going to be doing today
4 is taking the proposals.

5
6 MR. JAMES: We'd like to start the meeting.

7
8 MR. LEE TITUS: For the record, we still have a quorum.
9 How we'll be doing this, going through proposals saying I'll
10 need a motion to adopt each individual proposal to take action
11 on it.

12
13 MR. JAMES: Liz, are we picking up here?

14
15 COURT REPORTER: Yes.

16
17 MR. JAMES: Oh, okay.

18
19 MR. ROACH: So, what we're going to need to do is, as
20 we come to each proposal, we're going to need a motion to start
21 that proposal or can we begin with the comment from the agency
22 involved?

23
24 MR. JAMES: Mr. Chair, I guess you could do it whatever
25 way you propose. Certainly, Robert's Rule would suggest that
26 you make a motion first, put it on the considered proposal,
27 whatever. A couple of things I need to say here before we
28 start on the first proposal: One is that in each of your
29 places there should be a little plastic folder for this
30 Guidelines paper, "Guidelines to Help Regional Councils Make
31 Accepted Recommendations." That's something worth keeping
32 handy because this is the basis for which -- on which the
33 Federal Subsistence Board may choose to not follow your
34 recommendations. So, this is a description of the key features
35 you need to keep in mind in order to make a good solid
36 proposal. Okay? So that may be worthwhile referring to from
37 time to time, especially as you're developing your rationale
38 for taking whatever action it is you want to take on a specific
39 proposal.

40
41 Then we have six different documents, I hope. Let's
42 check and make sure before we get started for this proposal
43 review, some of which you will use almost every time and some
44 which will be simply for reference. First of all, there are
45 the two regulation books, the "State Hunting Regulations" and
46 Subsistence Regulations." Another document that I'll assume
47 for the moment you don't need is the thick proposal booklet.
48 These are proposals from the entire state, and I think that you

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won't need that for this, but if you do we've got some. And you certainly need the "Proposal Analysis" booklet. That's the blue-covered one with the caribou on the front. You'll be working out of that. Also, it's important to have a copy of this "Federal Proposed Rule" that has a letter stapled to the front of it. It's from the Federal Register, and this is the proposed rule. You may need to go to that from time to time.

7

8 The last item is "Public Written Comment," that's this dark blue bound thing, and it's in two sections. The first section is a summary of the written comments and as we go through each proposal, normally, I will be the one to give just a brief overview of what's here in the summary section. Okay? If further explanation is needed for the position that any of these written comments represent, we can refer to the second portion which is a copy of the entire letter. And in some cases, especially in the cases of the agency where their written comment is somewhat complicated, we will probably ask a representative from that agency to come forward to help you understand their point of view if it's not clear in what we have in this book.

21

22 Mr. Chair, that's all I wanted to present and as soon as you're ready, we can call up the team leader for Proposal No. 1.

25

26 MR. LEE TITUS: Okay.

27

28 MR. CHARLIE TITUS: Excuse me, Mr. Chair. Which letter do we have stapled to the guidelines? I don't think I have it here. In the blue -- oh.

31

32 MR. ROACH: It looks like this, Charlie.

33

34 MR. JAMES: You need one, too?

35

36 MR. ROACH: Yeah. I don't have an extra set, but that's what it looks like.

38

39 MR. LEE TITUS: Well, that's just the Federal Register, right?

41

42 MR. ROACH: Yeah.

43

44 MR. LEE TITUS: Okay.

45

46 MR. JAMES: Everything okay, Jeff?

47

48 MR. ROACH: Um-hum (affirmative).

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1 MR. LEE TITUS: I think we'll just....
2
3 MR. JAMES: Excuse me, Mr. Chair.
4
5 MR. LEE TITUS: Yeah?
6
7 MR. JAMES: Do you have a copy of this?
8
9 MR. LEE TITUS: No. When we get to each proposal,
we'll make a motion to adopt it and then after it's seconded,
we get it on the table and people can make their comments under
discussion. So, I need a motion to adopt Proposal No. 1?
13
14 MR. ROACH: Mr. Chairman, I'd like to make a motion to
adopt Proposal No. 1.
16
17 MR. LEE TITUS: Motion is made to adopt. All right.
Any seconds?
19
20 (Pause)
21
22 MR. JAMES: Mr. Chair?
23
24 MR. LEE TITUS: Yeah?
25
26 MR. JAMES: We'll need a second before we can proceed
with this and get our people up to testify.
28
29 MR. PEARSON: I'll second that.
30
31 MR. LEE TITUS: It's been moved and seconded.
Discussion? Charlie?
33
34 MR. CHARLIE TITUS: Is the black-out deleting it or....
35
36 MR. LEE TITUS: It's the new written....
37
38 MR. CHARLIE TITUS: It's the new -- that's the change,
Oh?
40
41 MR. ROACH: Excuse me, Mr. Chairman.
42
43 MR. LEE TITUS: Yes.
44
45 MR. ROACH: Could we bring forth somebody from the
Alaska Department of Fish and Game to give us a synopsis of the
proposal and an explanation as to why they submitted that
proposal, please?
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2 MR. LEE TITUS: Andy is....

3

4 MR. JAMES: Mr. Chair, a suggestion: What we'd like to do is, we have one person on the staff with the Subsistence Management Program of the Fish and Wildlife Service who serves as what we've been calling the team leader, somebody that will head the discussion into each proposal, give us an overview for it, and then at some point we'll have the appropriate other agency or other person or whomever to address specific issues, as a suggestion.

12

13 MR. LEE TITUS: Okay.

14

15 MR. JAMES: I believe Mr. Andy Aderman is the team leader for Proposal No. 1.

17

18 MR. LEE TITUS: Right. Andy?

19

20 MR. ANDY ADERMAN: Mr. Chair, council members. My name is Andy Aderman. I'm a wildlife biologist in the office of Subsistence Management in Anchorage. Proposal No. 1 has been submitted by the State and I'll ask Terry Haynes to correct me afterwards if I don't present this in the right way, but basically what I'm going to do is read off of page 1. And what the State is asking is that the Federal Subsistence Board make regulations pertaining to same-day-airborne taking under a trapping license consistent with the State's regulation. And the reason they would like this is that the Alaska Board of Game changed the regulation this year and they would like to keep the Federal and State regulations identical to prevent public confusion. They also say, "Trappers often use airplanes to access their traplines in remote areas, but do not use aircraft specifically to observe and take an individual animal. Consequently, once a trapper leaves the means of transportation, whether airplane, automotive vehicle, boat or other, to get to and service a trapline, the trapper should not be prevented from opportunistically taking these furbearers with a gun if the opportunity arises while he or she tends a trapline during the remainder of the day."

41

42 The effect of the proposed change on wildlife populations, the State says that populations of arctic fox, red fox, coyote, wolf, and lynx are sufficiently abundant to allow the extra take possible under this regulation, and that the effect on the proposed change on subsistence users would be that additional subsistence opportunity for trappers would be provided.

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1 I would ask now if the State has anything further that
they would like to add on their proposal.

3

4 MR. LEE TITUS: Okay. Thank you.

5

6 MR. TERRY HAYNES: Mr. Chairman, I'm Terry Haynes,
Department of Fish and Game Subsistence Division. I don't have
anything to add, but Chris Smith may have information to add
and he would be better able to respond to questions you might
have on this proposal. He had a medical appointment this
morning and so he won't be here for another half hour or so.
But if you do have questions, we want to try to answer them for
you, but Chris would be able to do that much better than I.
And I think he did have some comments on the staff analysis
yesterday and I don't know if he talked to Andy about that or
not.

17

18 MR. ADERMAN: Yes, he did.

19

20 MR. HAYNES: So, Andy will be able to clarify some of
the concerns that Chris had indicated yesterday.

22

23 MR. LEE TITUS: Okay. Thank you.

24

25 MR. ADERMAN: Mr. Chair,....

26

27 MR. LEE TITUS: Yes?

28

29 MR. ADERMAN:I would like to move up front to the
flip chart and I have outlined, hopefully, what the current
Federal regulations are, what the State regulations are, and
I'd like to point out what the differences are, what exactly
the issue is, where things would be changed.

34

35 MR. LEE TITUS: Okay.

36

37 MR. ADERMAN: Okay. These are the current regulations
regarding same-day-airborne taking under trapping license for
Federal. What I did is listed out the species on the sides and
for foxes, which include arctic and red fox, under the Federal
system you can take them as long as you're 100 feet from the
aircraft. The State: you can take them as long as you're 300
feet. This is one of the changes that the State made this year
and is asking the board to change. Again, for coyote, you have
to be 100 feet; for lynx, you have to be 100 feet. Under the
current Federal regulations for trapping, you cannot take wolf
the same day you've flown in an aircraft, or wolverine. Under
the State - and this is one of the changes, probably the

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biggest one - they allow same-day-airborne taking of wolves as long as the person taking the wolf is 300 feet from the aircraft. Now, if you look in your proposal book, on page 1, you'll see something that says "Proposed Regulations." 1994 and '95 proposed regulations. It's the top of page 1. It says, "Taking or assisting in the taking of furbearers by firearm before 3:00 a.m. on the day following the day on which airborne travel occurred; however, this does not apply to a trapper using a firearm to dispatch furbearers caught in a trap or snare."

10

11 MR. JAMES: Excuse me, Andy. Could you point out the nature of that, this activity that's prohibited?

13

14 MR. ADERMAN: Right, right. So, the proposed regulation -- if the board doesn't take any action on Proposal No. 1 or they don't accept any part of Proposal No. 1, in the next regulatory year, this will be -- this is under the Federal. You will not be able to take foxes, coyote, lynx, any of this, the same-day-airborne under the Federal regulations. Now, one of the real confusing things, if you're not confused already.

22

23 MR. PEARSON: I wasn't till a second ago. Now, you say -- let me just back up to that last part there that you put in red, in there, the one....

26

27 MR. ADERMAN: The proposed rule.

28

29 MR. PEARSON: All right.

30

31 MR. ADERMAN: Okay. Back this last year -- maybe what I thought to do is have Bill Knauer come up and explain the proposed rule and how that affects regulations.

34

35 MR. JAMES: Andy, could I take a stab at that?

36

37 MR. ADERMAN: Sure.

38

39 MR. JAMES: Under the State system, the regulations that exist this year will be the same next year unless they are changed in a process similar to this. Straightforward. That's not necessarily the case with the Federal system because getting from here this year to next year, next year's regulation booklet, there's something in between called The Proposed Rule. And, in fact, some of what's in the proposed rule is not the same that's in this year's regulations. Okay? So, the thing that Andy has at the top left is this. What he has on the right-hand side over there at the top is this. But

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what's down at the left and what he was indicating with that red streak there is this. Did that do it? If that didn't do it, we'll have to call Bill up and he can try....

3

4 MR. PEARSON: No, that's -- okay. Andy, just for simplicity when you talk about boards or whatever, make sure you throw in the Federal or the State or whoever you're talking about....

8

9 MR. ADERMAN: Um-hum (affirmative).

10

11 MR. PEARSON:because sometimes that can be misleading, you know.

13

14 MR. ADERMAN: I'll try to do that.

15

16 MR. PEARSON: Okay. Thank you.

17

18 MR. ADERMAN: Now, however, a Federally qualified subsistence user can choose to follow State regulations if they are more liberal and the Federal Subsistence Board hasn't prohibited that activity on Federal lands.

22

23 MR. PEARSON: All right.

24

25 MR. ADERMAN: Okay. So, right now what a Federally qualified subsistence user could do is take foxes, coyotes, and lynx as long as they're 100 feet from the plane, as long as they're on Federal public lands with the exception of National Park Service lands. If they get off the Federal lands, then they have to go by the State regulations, it'd be 300 feet. However, on Federal lands and State lands, they can take wolves same-day-airborne. So, subsistence users can take wolves same-day-airborne as we speak right now as long as they meet this 300-foot criteria. I just wanted to point that out and then whatever the Federal Subsistence Board decides on Proposal 1 -- let's say they don't accept Proposal 1, but unless they restrict outside people or non-Federally qualified subsistence users, the more liberal State regulations would still apply. Any questions on what exactly the issues are?

40

41 MR. LEE TITUS: To get back to your red....

42

43 MR. ADERMAN: The proposed rule. If....

44

45 MR. LEE TITUS: If we don't adopt this Proposal No. 1, you said we'll not -- can't be able to hunt fox or coyote or lynx? Is that what you're saying?

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MR. ADERMAN: That's what the Federal regulation would say, but unless the Federal Subsistence Board said that other people couldn't do this on Federal lands, you could choose to utilize the State regulations and you could still take foxes and coyote and lynx and wolf....

5

MR. LEE TITUS: On Federal land.

7

MR. ADERMAN:on Federal land the same day that you flew, as long as you're 300 feet from the aircraft.

10

MR. JAMES: Mr. Chair?

12

MR. LEE TITUS: Yes, David?

14

MR. JAMES: You know, you can easily take more than one action on a proposal. For instance, if you decide to not adopt this proposal, you're not automatically stuck with the Federal Register because you can just raise another motion and choose your own option for what you'd like to -- one of those would be, for instance, to leave it the way it is in the book currently. So don't feel that, you know, this first motion you've locked yourself into it.

23

MR. LEE TITUS: Oh, yeah. Well, what's this other stuff you have on the bottom, hunting?

26

MR. ADERMAN: Okay. Proposal 1 doesn't address same-day-airborne hunting, but I put this on here to inform you what the current regulation is under the Federal and the State systems. And under the Federal system, you cannot take foxes, wolf or wolverine, but you can take coyote and lynx. Under the State system, you can take foxes, coyote and lynx as long as you're 100 feet from the airplane. I'm not sure why the State, when they changed this distance requirement -- this used to be 300 feet up here under trapping under the State system, but they changed it this year to 300 feet. I'm not sure why they did not change this distance requirement for hunting, also.

38

Another thing in the proposed rule is the elimination of the classification called "fur animal." And under the State system, fur animals is a classification for taking under a hunting license; furbearer is a classification for taking under trapping. Okay. In that proposed rule, the Federal proposed rule, they propose that "fur animal" be eliminated, so you just have this one category, furbearer, but that -- there would still be fox hunting seasons, coyote hunting seasons, whatever, they would all be -- just be called one thing: furbearers. But, remember, the other proposed regulation is, and that's

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this one here, taking or assisting in the taking of furbearers. That would cover trapping and hunting in regards to same-day-airborne taking.

3

4 MR. ROACH: Excuse me, Mr. Chair. Can you explain why the wolverine was separated out?

6

7 MR. ADERMAN: I believe that the wolverine was separated out or not allowed to be taken same-day-airborne because there's concern in several areas of the State that wolverine populations have been declining. Also, wolverines are an animal that, characteristically, inhabit open areas and are thus a little bit more vulnerable to somebody flying and being able to see them and land and take them.

14

15 MR. LEE TITUS: So, one of the changes would include the wolverine, right?

17

18 MR. ADERMAN: Under -- no. Under the current State and Federal, trapping and hunting, you cannot take wolverines. You cannot take wolverines, period, the same-day-airborne, whether you have a trapping license or hunting license, whether you're under the Federal regulations or the State regulations. The main issue, as I see it, is this right here, allowing the same-day-airborne taking of wolves. We also have this change in distance, but this is the main issue before you, is whether or not you want to endorse the same-day-airborne taking of wolves or not.

28

29 MR. LEE TITUS: So, this proposed regulation, why don't you just delete the whole left-hand of your paper and put it over on the right-hand side....

32

33 MR. ADERMAN: Well, it....

34

35 MR. LEE TITUS:to coincide with State regulations?

36

37 MR. ADERMAN: No, it would delete -- it would prohibit same-day-airborne taking under the Federal regulations. But, remember that I said unless the Federal Subsistence Board restricts outside people on Federal lands, the State system would still apply.

42

43 MR. ROACH: Mr. Chair?

44

45 MR. LEE TITUS: Yes?

46

47 MR. ROACH: If you could also tell us why the Federal system decided not to allow the taking -- any same-day-airborne

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taking of those species?

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2 MR. ADERMAN: I would ask if Bill Knauer could comment
3 on that. Is Bill here?

4

5 MR. LEE TITUS: He just went outside.

6

7 MR. PEARSON: Also, I see Chris Smith is here. Maybe
8 f....

9

10 MR. ADERMAN: Well, I'll give it a go. And I wasn't
11 at the Federal Board meeting when they decided this, but based
12 on what I've read is that they heard testimony that same-day-
13 airborne taking was not a subsistence use, a widespread
14 subsistence use and, thus, decided to prohibit it.

15

16 MR. JAMES: Mr. Chair,....

17

18 MR. LEE TITUS: Yes, David?

19

20 MR. JAMES:a question for Andy. Would it be
21 appropriate to have a presentation from a sociocultural point
22 of view here? Is it appropriate to this presentation?

23

24 MR. ADERMAN: I don't know if George Sherrod had
25 anything prepared to talk about on this issue.

26

27 MR. SHERROD: I'm sorry, I didn't hear the question?

28

29 MR. ADERMAN: Did you....

30

31 MR. JAMES: George, we were just wondering if, in this
32 discussion, if the staff wanted to present any information from
33 sociocultural point of view on the subject.

34

35 MR. SHERROD: George Sherrod, office of Subsistence
36 Management. I didn't work on the analysis on this. Are we
37 talking about the proposed rule or, if the question could be
38 more specific, I might try to answer it.

39

40 MR. JAMES: It's issue-oriented, inclusive of both rule
41 and the proposed regulation changes.

42

43 MR. SHERROD: I was not at the drafting of the proposed
44 rule and so I don't think there's much I can add to this.

45

46 MR. ADERMAN: I don't know if that answers your
47 question satisfactorily. Oh, here's Bill. Bill, there was a
48 question from the vice chairman pertaining to why the Federal

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Subsistence Board made the proposed rule to prohibit same-day-airborne taking under trapping and hunting. And I said that I was not present or involved in that proposed rule-making and, to the best of my knowledge, it was that the board heard testimony that same-day-airborne taking was not a widespread Subsistence activity and, thus, they moved to prohibit it or endorse the proposed rule as it is. Do you have any more information that you could....

8

9 MR. KNAUER: That's my understanding, also, that the use of aircraft was not a widespread subsistence activity and there was an extreme problem with law enforcement and abuse under the same-day-airborne situation. There is nothing in the proposed rule, though, that prohibits a trapper from dispatching an animal that is legally caught in a snare or a trap.

16

17 MR. ROACH: My other question for you: As team leader, I see in the conclusions that you basically didn't come up with a definitive conclusion, one way or the other, for or against. Do you have any other guidance for us, other than what's briefly written in these paragraphs here as to why you came to that decision?

23

24 MR. ADERMAN: No, I don't.

25

26 MR. PEARSON: Mr. Chairman,....

27

28 MR. LEE TITUS: Yes?

29

30 MR. PEARSON:I'd like to hear from the author who made the State -- and I see Chris Smith is back. Maybe he could give us a little enlightenment on this proposal of theirs.

34

35 MR. LEE TITUS: Chris?

36

37 MR. SMITH: Yes, thank you, Mr. Chairman. I had a doctor's appointment this morning, so I got here late. I walked in right in the middle of this, Mike, so....

40

41 MR. PEARSON: Do you -- we were looking at your proposal 1 here,....

43

44 MR. SMITH: Right.

45

46 MR. PEARSON:and I was wondering if maybe the State could give us a little bit of enlightenment on the reasons behind it.

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1 MR. SMITH: Well, basically, what the State is trying
 2 to do with many of the proposals that we've submitted is to
 3 make the Federal and the State regulations as similar as
 4 possible because it's so difficult for people to determine
 5 where State and Federal lands actually are. To the greatest
 6 extent that we can make those regulations the same, then, we
 7 don't have enforcement problems or confusion for the users.

8
 9 Last June at their summer board meeting that dealt
 10 strictly with wolves, the board changed the regulations, the
 11 trapping regulations, to allow same-day-airborne taking of
 12 wolves with a trapping license with the 300-foot distance
 13 requirement. One question that did come up earlier was why the
 14 trapping regulations were changed to 300 feet but the hunting
 15 regulations weren't, and that was because of an administrative
 16 roadblock, so to speak. The public notice for the board's
 17 meeting in June indicated that the board would be changing or
 18 might change trapping regulations, but it did not provide
 19 public notice of changes to hunting regulations. So, the board
 20 couldn't -- administratively, they didn't have the authority to
 21 change the 100-foot requirement for hunting regulations. And,
 22 frankly, I wasn't even aware of it until yesterday when Andy
 23 and I were discussing this that that was still in there and
 24 that's a problem we'll have to address.

25
 26 MR. PEARSON: That's all I had, Chris. Thank you.

27
 28 MR. LEE TITUS: Anybody have any more questions? Yes,
 29 David?

30
 31 MR. JAMES: Mr. Chair, I think one of the things that
 32 would be particularly appropriate for the Council to look at is
 33 the issue of how relevant is same-day-airborne taking of these
 34 animals to subsistence use. I'm not saying that's the entire
 35 issue, but it's certainly one of the important things and
 36 that's where this Council is in a position to give some
 37 significant guidance to this whole process and to the board,
 38 so....

39
 40 MR. LEE TITUS: Yes?

41
 42 MR. ADERMAN: Mr. Chairman, I'd also like to bring to
 43 the Council's attention that Proposal No. 2 asks -- is a
 44 proposal submitted by the State in asking the Federal
 45 Subsistence Board to extend the wolf trapping season. For the
 46 Eastern Interior area, it would be 30 days or adding the month
 47 of April. So, what you decide on Proposal No. 1 has to be
 48 taken into account when deciding on Proposal No. 2.

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1 MR. JAMES: Mr. Chair, if the Council wants right now,
2 can just give you a brief review of what written comment has
3 come in so far on this issue.

4

5 MR. PEARSON: I think we've probably all read them,
6 haven't we?

7

8 MR. JAMES: Have you all had a chance to take a look at
9 it?

10

11 MR. LEE TITUS: Yeah, the comments.

12

13 MR. JAMES: Okay. All right. In the booklet, in the
14 back, is a complete copy of those letters.

15

16 MR. PEARSON: Mr. Chairman, I'd like to ask the
17 chairman of the Upper Tanana-Fortymile and the State Fish and
18 Game Advisory Committee if this as they understood it when they
19 opposed it.

20

21 MR. LEE TITUS: Frank?

22

23 MR. ENTSMINGER: Thank you, Mr. Chair, council members.
24 As we saw earlier this morning, you know, the Federal process
25 of, you know, determining proposals and going through the
26 proposals is quite different from the State, and our committee
27 certainly didn't understand this proposal as it was presented.

28

29 MR. PEARSON: That was what I was wondering, because
30 after hearing this lengthy discussion and explanation, is that
31 the way that you totally understood it to be and....

32

33 MR. ENTSMINGER: No, it certainly -- I mean we totally
34 mistook or misread the proposal. We thought that they were
35 trying to, you know, eliminate wolverine under the same-day-
36 airborne hunting and trapping which we favored and we, you
37 know, misread the rest of the proposal. You know, knowing how
38 the committee votes on the wolf issue, I'm certain that our
39 committee would have wanted same-day-airborne hunting of
40 wolves....

41

42 MR. PEARSON: So, you've....

43

44 MR. ENTSMINGER:under the 300-foot stipulation.

45

46 MR. PEARSON: So, in probability, you probably would
47 have been in support of it instead of being opposed to it?

48

49

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MR. ENTSMINGER: That's correct, yes.

1

MR. PEARSON: I'm glad we asked that. That's all I had of Frank. I don't know what Jeff has.

2

MR. ROACH: I was in attendance at the - if I may, Mr. Chair - at the Upper Tanana Advisory Committee meeting and Frank is right that the wolverine was the primary issue discussed; however, from the comments I heard, they were in favor of the second portion of the proposal. So, they were opposed to the original: the taking of wolverine, same-day-airborne. Correct?

3

MR. ENTSMINGER: Correct.

4

MR. ROACH: But they were in favor of the second portion. Even though they didn't exactly understand it, that's what they were discussing. They were generally in favor of taking furbearers incidentally while being in an aircraft.

5

MR. ENTSMINGER: That's correct, furbearers and wolves.

6

MR. ROACH: Right. So, that was the -- so they're in objection to Proposal No. 1, they're in objection to the first half but not to the second half.

7

MR. PEARSON: I'm glad Frank was here to call upon that being as they commented on it, so....

8

MR. ENTSMINGER: Well, yeah. Thank you, Mike, and thank you, Mr. Chair. But maybe just a suggestion: You know, most of these -- there were a good portion of these proposals that there's a lot of facets to because of the Federal side of it and the State side of it and whose land it's on. There were a couple other proposals in here that are a little bit similar and we may not have understood, you know, the entire facet. So, you know, I would hope that the Council would solicit, you know, a little bit of public testimony on the proposals prior to making your decision on it.

9

MR. PEARSON: Sure. Frank, if you feel that you have something -- if you raise your hand back there, I'd be glad to recognize you if you had something to straighten out for us.

10

MR. ENTSMINGER: Okay. Thank you very much.

11

MR. LEE TITUS: Thank you, Frank. Anybody else have any comments out there on Proposal No. 1?

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MR. ROACH: Mr. Chair, if I may take a moment. As I see it, the proposal discusses the wolverine issue in not allowing wolverine and I think that I'm in favor of that portion of the proposal because of the biological standpoint. Wolverine are fairly susceptible, the populations are in decline, and I would probably have to agree that we should not allow wolverine to be taken same-day-airborne. On the second half of the proposal where we talk about allowing the other furbearers - the fox, coyote, wolf, and lynx - to be taken from an aircraft, I would have to go along with the standpoint of the board and the second conclusion of the staff committee in that widespread historical use, subsistence use, does not occur from aircraft. So, I am opposed to this change as well. I'm in favor of the current proposed regulation to not allow the taking of those furbearers.

15

16 MR. PEARSON: So, you want to -- as I understand it, Jeff, you want to split it in half where you support half of it, but you don't support the other half?

19

20 MR. ROACH: Well, if we do not approve the proposal, then, it will achieve both of my concerns.

22

23 MR. CHARLIE TITUS: So, we -- excuse me, Mr. Chairman. So, you agree with the sentence that "Consequently, passage or failure of this proposal would not likely affect a substantial number of users," huh?

27

28 MR. ROACH: Right.

29

30 MR. PEARSON: So, then, Jeff, as I understand it, you're supporting or you're not supporting?

32

33 MR. ROACH: I am not supporting the change to the proposed regulation.

35

36 MR. PEARSON: I feel like I'm about like you. A part of it that I like -- well, I don't know, I guess there's part of it I like. I like the part of the wolverine, but I don't like the other part of it.

40

41 MR. ROACH: But if we do not vote for the proposed change, then, that's....

43

44 MR. PEARSON: Well, either way....

45

46 MR. ROACH:accomplished.

47

48 MR. PEARSON:we vote, we can put in our

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justification as to why we feel so.

1

2 MR. ROACH: Certainly.

3

4 MR. CHARLIE TITUS: To protect the wolverine, right?

5

6 MR. PEARSON: Right.

7

8 MR. GUSTAFSON: Yes, Mr. Chairman?

9

10 MR. LEE TITUS: Yes, James.

11

12

13 MR. GUSTAFSON: Being a trapper in the past, I've flown
on the same day commercial air carrier or something like that
and gone out on the trapline and checked -- and I've crossed
Federal land, State land, Native land, and a lot of people do
that in the Bush. And I'm in favor like Mr. Roach says, you
know, of preserving the wolverine, you know. I mean, if the
population is down, it's just good sense to not take it the
same day like that. But on the other hand, like if you're a
trapper and you're going out to your trapline and the only way
out there is to be dropped off for the season or something and
you have to come in and back for supplies and you have -- you
know, I don't know, I think that you should be allowed to do
that but on your established trapline. And the reasoning I see
for the Game Board, they don't want to see illegal taking. I
don't think that's -- I don't know if the incidence of that is
very great anyway, you know. So, I'm in favor -- I mean, I
agree with Mr. Roach, I go along with him.

30

31 MR. PEARSON: Make a motion there, Jeff.

32

33 MR. ROACH: Well, the motion's made. I'd like to call
for the question.

35

36 MR. LEE TITUS: The question is called on adopting
Proposal No. 1. All in favor of the proposal, signify by
saying aye. (Pause.) Opposed?

39

40 ALL MEMBERS: Aye.

41

42 MR. LEE TITUS: Proposal No. 1 was....

43

44 MR. PEARSON: I'd like to, Mr. Chairman, make sure that
our justification -- because I think we're all on the same
wavelength here on our justification, but I want to make sure
that that's passed on to the Subsistence Board of why we didn't
support that proposal. Because I think we're all the same on

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why we didn't and -- but, anyhow, I want a good justification anyhow to pass on to them. So, if maybe Ted (sic) or James would run through their justification to make sure that it's presented. Because I'm in agreement, but you guys were saying it better than I could.

5

6 MR. JAMES: Mr. Chair?

7

8 MR. LEE TITUS: Yes, David.

9

10 MR. JAMES: I would suggest that perhaps the Guideline would be useful in a situation like this. There's three points there you could look at.

13

14 MR. CHARLIE TITUS: Excuse me, Mr. Chairman. On this three-point system, how do we come about to substantial evidence on this particular case? On this proposed regulation.

17

18 MR. PEARSON: Well, the wolverine population is down. I can vouch for that.

20

21 MR. LEE TITUS: I think we can....

22

23 MR. CHARLIE TITUS: Oh, just by historical?

24

25 MR. LEE TITUS: Can we just go through the minutes -- through the record and come up with what we used yesterday?

27

28 MR. JAMES: No, Mr. Chair, I'm sorry, I can't do that. You know, it's going to vary by degrees. In some instances, you may be able to refer to specific documents and specific experience. On the other hand, it would be appropriate to say things like, you know, in your experience and many years of trapping or hunting around your community, you feel that the wolverine population is down or you feel that it's not appropriate subsistence use, or whatever. Just, you know, make a statement.

37

38 MR. CHARLIE TITUS: Maybe....

39

40 MR. JAMES: Basically, you've said most of it already; it's just a matter of getting it down.

42

43 MR. CHARLIE TITUS: The nature of the wolverine, his habits, stated -- like he said, that they stay out in the open.

45

46 MR. PEARSON: Yeah, and that the population is down and....

48

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MR. LEE TITUS: Or not the widespread use of aircraft for subsistence.

2

3 MR. JAMES: Also, Mr. Chair, I believe that what we're talking about here is not just the wolverine. Do I understand that correctly? I mean, it affects all furbearers.

6

7 MR. LEE TITUS: Yes, Chris?

8

9 MR. SMITH: Thank you, Mr. Chairman. I just wanted to clarify, on the case of the wolverine the State is not proposing to allow same-day-airborne taking of wolverines and this proposal, as put forward, would maintain the ban on same-day-airborne taking of wolverines. All that this -- as Andy said earlier, the most significant change that this proposal would induce is to allow same-day-airborne taking of wolves on Federal lands. So, the wolverines will continue to be....

17

18 MR. PEARSON: Right.

19

20 MR. SMITH:protected from same-day-airborne because the State agrees that it's not appropriate to allow same-day-airborne taking of wolverines. I just want to make sure that everybody understood where we were coming from.

24

25 MR. LEE TITUS: Thank you.

26

27 MR. SMITH: Thanks.

28

29 MR. CHARLIE TITUS: But it only affects the wolf with the 300 feet, right?

31

32 MR. ADERMAN: Excuse me, could you say that again?

33

34 MR. CHARLIE TITUS: It only affects the "no" on the Federal part and the "yes" to the 300-foot?

36

37 MR. ADERMAN: Okay. What the proposal has asked is to allow....

39

40 MR. CHARLIE TITUS: To allow 300 foot on Federal land.

41

42 MR. ADERMAN: Right.

43

44 MR. LEE TITUS: Are we coming up with the justification?

46

47 MR. ADERMAN: For all furbearers except wolverine.

48

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1 MR. JAMES: Mr. Chair?
2 MR. ADERMAN: Or the foxes, coyote, lynx, and wolf.
3
4 MR. CHARLIE TITUS: Um-hum (affirmative).
5
6 MR. JAMES: So that I can keep a record here, the
7 Council now is discussing the justification for the vote that
8 you just used....
9
10 MR. LEE TITUS: Um-hum (affirmative).
11
12 MR. JAMES:to defeat this proposal? Correct?
13
14 MR. PEARSON: Correct.
15
16 MR. JAMES: Okay. Then, I think we've established that
17 justification cannot be that you want to provide some
18 protection for the wolverine, because the wolverine would be
19 protected anyway....
20
21 MR. LEE TITUS: Um-hum (affirmative).
22
23 MR. JAMES:from this particular -- okay. So, we
24 need to focus on the reasons that -- other reasons that you
25 wanted to oppose this proposal.
26
27 MR. GUSTAFSON: Mr. Chairman, okay, one reason is
28 there's not enough evidence. I mean, what studies have been
29 done on that type of taking of wolves by subsistence users?
30
31 MR. JAMES: Mr. Chair, that's the kind of question --
32 before we pass over that, you may want to ask Andy whether
33 there's additional staff information or perhaps Fish and Game
34 or one of the other agencies has additional information that
35 will address that question that you have.
36
37 MR. CHARLIE TITUS: Mr. Chairman, what percentage of
38 hunters use airplanes for subsistence use?
39
40 MR. ADERMAN: I don't have a figure on that. If
41 somebody else in the audience has a figure, I'd ask them to
42 come up.
43
44 MR. CHARLIE TITUS: That would justify the 300-foot for
45 wolves on same-day, is what I wonder. Because we're here to
46 protect subsistence and one of the questions that comes to my
47 mind is do 90% of the population of Alaska use aircraft --
48 subsistence users use aircraft....
49
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1 MR. ADERMAN: I wouldn't think so.

2

3 MR. CHARLIE TITUS:for the taking of resources?
That's kind of -- I don't know, I have a problem with that
because there's in my hometown -- I'm speaking for myself.
None of us have aircraft with us. We have a population of 200
and I don't know of anybody from Nenana -- well, there may be a
few, but I'm just trying to think of people that I know that
trap all furbearer animals I'm thinking of.

10

11 MR. PEARSON: Charlie, I'm with you. I don't know of
anybody, but we had this discussion a little earlier and I
don't fly and I don't pretend to know much about it, but, you
know, it wouldn't surprise me that, you know, that there might
be somebody that would. I mean, I really can't think of
anybody down in my neck of the woods either that does
subsistence hunting with an aircraft, but I suppose you could
find somebody somewhere that does.

19

20 MR. LEE TITUS: Yes?

21

22 MR. ADERMAN: If the Council would like, I can have
some information that the State has collected in regards to
same-day-airborne taking of wolves. They've recorded this
information for two years and it was for the regulatory years
1990-91 and for '91-'92 and this was under a hunting license.
And if you would like, I can give you a little bit of a
breakdown of the number of people that reported taking of
wolves same-day-airborne, say, for Unit 12, Unit 20, and
Unit 25.

31

32 MR. PEARSON: I would like to hear that, Mr. Chairman.

33

34 MR. GUSTAFSON: Mr. Chairman, there's something I think
we're overlooking. Same-day-air, you could be flying in a big
jet. You can fly out to like Galena or some place like that
and that's same-day-air.

38

39 MR. ADERMAN: If I may add to that, same-day-airborne
taking is -- if you fly in a regularly scheduled commercial
flight, that's not considered same-day-airborne.

42

43 MR. GUSTAFSON: Oh, it isn't then?

44

45 MR. ADERMAN: It's when a person hops in their Supercub
and goes out or, you know, gets dropped off. That type of
thing. If you're flying from village to village on a regularly
scheduled airline or service, that's not same-day-airborne.

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1 MR. JAMES: Jim, it's on page 12 of the regulations.
2
3 MR. GUSTAFSON: Okay. But still there are other
4 exceptions where a trapper is dropped off and the pilot takes
5 off and like he goes in for supplies or something like that. I
6 imagine that it's just one of the concessions he has to make to
7 live up to that type of law. But, still, there are exceptions
8 to that.
9
10 MR. ADERMAN: Certainly. I think the proposed rule is
11 somewhat concerned over the same-day-airborne in that in the
12 past, you know, there's some been some law-breaking, harassment
13 of animals, some unscrupulous people out there, you know, that
14 are breaking other laws.
15
16
17 MR. PEARSON: Right, but I mean they're already
18 breaking the law.
19
20 MR. ADERMAN: Right.
21
22 MR. PEARSON: Yeah. I mean, so, the thing that I know
23 I've heard from our State Advisory Committee there's no sense
24 making laws to add to laws that might be already being broken.
25
26 MR. GUSTAFSON: See, I'm against illegal type of
27 taking. It gives a bad name to all people. So I am --
28 especially people that do subsistence trap and do have an
29 airplane.
30
31 MR. JAMES: Mr. Chair, I want to just make sure we're
32 all more or less at the same point. We understand that the
33 proposed rule, if it were to stand and be eventually approved,
34 would still allow the use of aircraft to run a trapline. It
35 would just make illegal the taking, the shooting of a furbearer
36 that's not in a trap on the same day that you flew in. Okay?
37 But you can still fly in, you can still dispatch an animal in a
38 trap.
39
40 MR. LEE TITUS: Um-hum. Are we -- I'm getting lost
41 here. Are we still -- are we at the process now of gathering
42 more information to make our justification or are we wandering
43 off somewhere?
44
45 MR. PEARSON: We're wandering off.
46
47 MR. JAMES: Well, that's okay. If we're wandering off,
48 there's probably a good reason for it. There's probably some
49
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misunderstanding here. Let's just keep beating it till we whup it. You know, we can do that. I guess the first place to start is to understand what these proposed options are, you know, understand what the proposed rule would do, understand what this Fish and Game regulation proposal would do. You have to understand those things first and then you can look at some of these other options.

7

8 MR. ROACH: Mr. Chair, I believe Frank Entsminger would like to make a comment.

10

11 MR. LEE TITUS: Frank?

12

13 MR. ENTSMINGER: Thank you, Mr. Chair, council members. I just kind of noticed that you're kind of mulling over this thing, kind of wondering if you're maybe doing the right thing or not. You know, I was up here earlier and stated that our committee supported same-day-airborne of furbearers, particularly wolves, but I really didn't say why. I'd kind of like to clarify our, you know, justification for the matter. You know, our area is quite -- it's a large area and it's a heavily trapped area. There's a lot of people that have traplines. There's very little of the Upper Tanana accessible by the road system that is not trapped, but there are areas way back in the upper -- you know, Ladue areas, Mosquito Flats and areas that, you know, people north of -- you know, in the north country and whatnot up there that it's not susceptible for snow-machine traplines. And even some people fly out and land and then trap, and we felt that it was justifiable for these people in the course of their flying. A lot of times they encounter wolves, other furbearers, and it's strictly prohibitive to harass them, fly and chase them and that type of thing. But there's a lot of situations where they may see wolves on a moose kill where they can land away from the wolves and walk up to them and possibly shoot a couple of them.

35

36 You know, another scenario that crops up is a lot of times they may see a wolf pack coming down a river, a frozen river. This law allows them to land ahead of the wolves, undetected, and wait and actually ambush them. It allows people an opportunity to harvest an animal the same-day-airborne. The law is specifically not for any kind of a harassment or, you know, detriment to the populations. There's always a few people that may abuse something like that, but the State Board of Game passed a law in all good conscience to first, you know, allow this harvest for people. And even though I know there's a lot of communities that don't have a lot of airplane hunters, and even -- you know, there's actually a minority in both the Native and non-Native segments, there's a

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minority of airplane hunters or trappers. But there are some and they are out there, and this regulation actually, I feel, aids to the subsistence user in an indirect way that it allows the taking of these wolves in inaccessible areas which has a definite effect on your big game populations of animals.

5

6 And I've always maintained in our area that you have to hunt both the predator and the prey animals. If you start hitting one portion of that population more than the other, you're just asking for an imbalance and declining populations from one side of the equation to the other. And we've always tried to allow for as much predator hunting and trapping as possible to equal out this equation and, in the long run, it helps the individual that wants to go out and hunt something for meat and put it on the table.

15

16 MR. PEARSON: Mr. Chairman, I have a question of Frank. When you say a small minority that uses airplane for hunting, would you say that is subsistence or sport or....

19

20 MR. ENTSMINGER: In the manner that we're talking about here,....

22

23 MR. PEARSON: I mean, is that people that, you know, make their livelihood....

25

26 MR. ENTSMINGER: No.

27

28 MR. PEARSON:off the wild resources or is that Joe Blow that, you know, has a good job and jumps in his airplane and does it a couple hours every once a month or -- that's -- I mean, it's a subsistence type issue here that we're dealing with and that's -- I'd like to hear if you think that's -- or is it -- I mean, is it somebody that does it once in awhile or is it people in this minority that you're talking about that does it on a regular basis and has for years?

36

37 MR. ENTSMINGER: Well, yes, thank you, Mike. I suppose we'd have to go to the graph that Don had up here the other day about, you know, all the different individuals and communities and whatnot and that type of scenario.

41

42 MR. PEARSON: Yeah.

43

44 MR. ENTSMINGER: And, certainly, there's probably some that, you know, have a good job and that type of thing and like it on weekends. But there are some, I know, individuals....

47

48 MR. PEARSON: That's what....

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1 MR. ENTSMINGER:in our area that this is what they
do in the wintertime; they don't have any other job. They go
out and they trap, this is their source of income for the
winter. And there's a few of them that have airplanes and they
trap this way.

6

7 MR. PEARSON: That's what I want to know, if there's a
few.

9

10 MR. ENTSMINGER: They don't harass the people that have
their regular established traplines. They go do their own
thing, they're generally flying back way off into the areas
where other people and trappers don't get to.

14

15 MR. PEARSON: Yeah, I've heard of that from your area
down there, that there is people that that's what they do. I
mean, as back as far as six years ago, I think I've heard about
this; that people that fly out and that's what they do. They
are -- they use the airplane for their mode of trapping. Just
like, you know, some people use primarily a snow-machine, they
use an airplane. I've heard of that in the past down there.

22

23 MR. ENTSMINGER: That's correct. That's correct. And
it's statewide, too.

25

26 MR. PEARSON: Yeah.

27

28 MR. ENTSMINGER: You know, I know of several Native
individuals, especially out west, Roger Huntington is one who
uses an airplane to trap and there's other -- Lucky Egrass out
of McGrath, he's another individual. So, you know, it's
definitely probably a minority; there's no question about that,
but there are individuals out there that do that. But, by and
large, they're not really interfering with anybody else's, you
know, traplines and I just can't see that it's really hurting
anything to allow this.

37

38 MR. LEE TITUS: Thank you, Frank. Yes?

39

40 MR. JAMES: Mr. Chair, I wonder if there's anybody in
the audience from a law enforcement branch, either the State or
Federal agencies, that would be willing to provide some comment
on the enforceability of this kind of regulation.

44

45 MR. GUSTAFSON: Mr. Chairman?

46

47 MR. PEARSON: We've got one back there.

48

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1 MR. TONY BOOTH: Thank you. I appreciate the Council
2 letting me talk. Basically, I'm next on the agenda.

3 MR. LEE TITUS: Please state your....

4
5 MR. PEARSON: Who are you, Tony?

6
7 MR. BOOTH: Oh, I'm sorry. I'm Tony Booth and I work
8 for U.S. Fish and Wildlife Service and, basically, I'm next on
9 the agenda to talk about a proposed Fish and Wildlife Service
10 rule that would prohibit same-day-airborne taking of wolves or
11 Wolverines with firearms on refuges. And it's so closely
12 interrelated to what you're doing, I guess I'm a little bit
13 considered that maybe you may want to consider taking action or
14 hearing the next item on the agenda and considering both of
15 those together because they're basically the same kind of
16 practices. You just brought up the point of the enforcement
17 problem. Let me tell you, since I'm in the regional office, I
18 don't have law enforcement authority anymore, but our proposed
19 regulations are based on enforcement problems and I do have
20 some information. I don't know at what time -- I think maybe
21 the most appropriate thing is just to go into the next item and
22 you might want to consider Proposal No. 1 along with the same
23 time you're considering whether or not you want to take action
24 on the Fish and Wildlife Service's proposed regulation because
25 they're very similar type things.

26
27 MR. JAMES: Mr. Chair, what Tony is talking about is
28 proposed rule -- it's already -- well, it's been published.

29
30 MR. BOOTH: It's in the Federal Register.

31
32 MR. LEE TITUS: Oh.

33
34 MR. JAMES: And it would affect the U.S. Fish and
35 Wildlife Service lands, the refuges; whereas Proposal 1
36 addresses all Federal lands except Park Service lands which are
37 already excluded. But in this case, what you're doing then
38 would include not only wildlife refuges but, for instance, BLM.
39 Now, what Tony says makes sense, you know, they're very
40 closely related obviously. It just makes it a little bit more
41 complicated to wade through it, but it's probably appropriate.

42
43 MR. LEE TITUS: Okay.

44
45 MR. BOOTH: I really feel that if you went ahead and
46 took action and then I come up and I'm going to revisit the
47 same issues again....

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1 MR. LEE TITUS: So, what are we....

2 MR. PEARSON: How about if we table Proposal 1's
3 justification for the time being and move on and then after we
4 hear his presentation, come back to it?

5

6 MR. LEE TITUS: Well, we can just have the same
7 justification for both Proposal No. 1 and 2.

8

9 MR. PEARSON: If it's similar, yeah.

10

11 MR. LEE TITUS: If they're really that similar.

12

13 MR. PEARSON: Yeah.

14

15 MR. LEE TITUS: The Chair has a motion to adopt
16 Proposal No. 2? Just for....

17

18 MR. JAMES: Mr. Chair, excuse me, this is not Proposal
19 No. 2. If you're talking about Tony's,....

20

21 MR. LEE TITUS: Yeah.

22

23 MR. JAMES:this is separate. It's not on your
24 outline. I'm sorry.

25

26 MR. LEE TITUS: Oh, okay.

27

28 MR. JAMES: I....

29

30 MR. LEE TITUS: Oh, okay.

31

32 MR. JAMES: This was a last-minute thing. Yeah, this
33 is a separate -- this would be a consideration of Fish and
34 Wildlife Service proposed rule concerning same-day-airborne
35 hunting/shooting.

36

37 MR. LEE TITUS: Do we need a motion for that or are we
38 just....

39

40 MR. JAMES: It's not necessary.

41

42 MR. LEE TITUS: Okay. Go ahead and....

43

44 MR. BOOTH: Okay. The proposed rule. Has everybody
45 found the Fish and Wildlife Service's proposed rule? It's got
46 cover letter on it.

47

48 MR. JAMES: Oh, I may not have handed that one out.

49

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1 MR. BOOTH: Oh. Fish and Wildlife Service developed a
2 proposed rule which was developed for publish in the Federal
3 Register on December 22nd, 1993 and it's still open for public
4 review or comment. And basically what we've asked or proposed
5 is an addition of a paragraph to existing refuge-specific
6 regulations in the Code of Federal Regulations which would
7 basically say, "It shall be unlawful for a person having been
8 airborne to use a firearm or any other weapon to take or assist
9 in taking a wolf or wolverine until 3:00 a.m. on the day
10 following the day in which flying occurred, except that a
11 trapper could still use a firearm or any other weapon to
12 dispatch a legally trapped or snared wolf or wolverine on the
13 same-day-airborne." And the prohibition also would not apply
14 to flights on regular commercial flights between regularly
15 maintained public airports.

16

17 MR. ROACH: Just for the Council, that's on the second
18 the last page, the very last item, and then it concludes on
19 the last page.

20

21 MR. BOOTH: Basically, this is the same prohibition
22 that's found in State regulations -- in previous State
23 regulations against same-day-airborne taking or shooting of
24 wolves or wolverines. Now, this is bounced around a lot, this
25 same-day-airborne allowance, over the last few years. Last
26 year, it was prohibited. This year, a State regulation that
27 went into effect on October 1st does allow a trapper, a person
28 with a trapping license, to shoot wolves and certain other
29 furbearers - coyotes, foxes, and lynx - the same-day-airborne
30 within 300 feet from the airplane. Basically, the effect of
31 our regulation, it would prohibit or take away that State
32 allowance for same-day-airborne shooting of wolves. Now,
33 wolverines are already prohibited and it would -- so,
34 anyway,....

35

36 MR. PEARSON: So, Tony, this would add to the rest of
37 the other animals to be with the wolverine? That -- would
38 you just go back over that last little bit there that you just
39 said, that the rest of the animals would be prohibited?

40

41 MR. BOOTH: Our proposed regulation only applies to
42 wolves and wolverines. What I was saying is wolverines it
43 won't have any effect on because they're already protected
44 against same-day-airborne take under State regulations.

45

46 MR. PEARSON: But this would add wolves to that?

47

48 MR. BOOTH: Yeah, this would add wolves to that.

49

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1 MR. ROACH: Mr. Chair, if I may make a comment? This
2 addresses a question, actually. The question that was brought
3 up at the Upper Tanana Advisory Committee meeting was why was
4 wolf and wolverine selected specifically and no other
5 furbearers, none of the other furbearing animals was selected
6 if it's an enforcement problem for taking from an aircraft?

7
8 MR. BOOTH: That's a very good question and that was
9 beat around a lot. Basically, the reason we limited it to
10 wolves and wolverines is because of the interest in taking
11 those and, plus, as far as wolves go one thing that came out of
12 these enforcement efforts in the late eighties, and we did
13 successfully prosecute a number of people -- what came out in
14 the prosecution in that is that these guys were contending that
15 that is a common practice out there, the way they were hunting
16 wolves. And we think that the State regulation is largely
17 unenforceable. We don't think that most trappers would benefit
18 from it, and what it does is it gives a loophole for people who
19 don't want to go by the regulations. On the other side, it
20 does provide some additional opportunities; however, at the
21 same time, it sure held some loopholes open for somebody that
22 doesn't want to go by the regulations and wants to violate it.
23 It invites violations and abuse of the Airborne Hunting Act.

24
25 And by saying you only have to be 300 feet from an
26 airplane, we know it is a very common practice up there to land
27 as close as you can to get that wolf so you can get out and get
28 your 300 feet before you start shooting. If you do that, you
29 have probably already violated the Airborne Hunting Act. In
30 essence, it's almost inviting a person to violate that act.

31
32 MR. PEARSON: But if you do add wolf to this with
33 wolverine, wouldn't you also be taking away a tool if you had
34 harvest -- reduce the wolf number somewhere?

35
36 MR. BOOTH: Yes. No doubt same-day-airborne taking can
37 be an effective tool as far as keeping them down, but if you
38 look at historical harvest summary data, you don't see a
39 pronounced or a significant difference among annual harvest
40 numbers in wolves varying a whole lot according to what is
41 allowed same-day-airborne -- between same-day-airborne years
42 where it was allowed and where it was not. You did not see a
43 big difference, I think it was '92, '93. Recently, it was
44 prohibited completely. And so you don't see a whole lot of
45 difference in the legal harvest. I guess what we're concerned
46 about is that unknown illegal harvesting of it.

47
48 MR. PEARSON: And....
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1 MR. BOOTH: Yeah, I agree with you. I guess,
Basically, it does affect the opportunity or the, you know,....

3
4 MR. PEARSON: And you're only having, though, two
public meetings in Anchorage and Fairbanks on this....

6
7 MR. BOOTH: That is correct.

8
9 MR. PEARSON:for input?

10
11 MR. BOOTH: Yes. But public input is not limited to
public meetings. I mean,....

13
14 MR. PEARSON: Yeah.

15
16 MR. BOOTH:you can have written comments. And
we've already gotten in -- we haven't tallied them up, but
we've gotten in probably over 200 comments so far.

19
20 MR. PEARSON: And do you know which way those comments
were leaning?

22
23 MR. BOOTH: Yeah, I haven't tallied it, but they're
overwhelmingly in support of it.

25
26 MR. PEARSON: Overwhelmingly support? What about your
public meetings that you already had in Anchorage?

28
29 MR. BOOTH: In Anchorage, we only had about 15, 20
people show up. It was pretty balanced.

31
32 MR. PEARSON: Equally?

33
34 MR. BOOTH: Equally. I -- we're having a public
meeting tonight here in Fairbanks and I think we expect a lot
of opposition to that, yes, here. I don't know, that's....

37
38 MR. PEARSON: Um-hum.

39
40 MR. BOOTH: So, written comment is overwhelmingly the
either way; however, I do expect a lot of those letters are from
outside of Alaska.

43
44 MR. PEARSON: Most of those letters in support are from
outside of Alaska?

46
47 MR. BOOTH: Yes. But I also say -- like I said, I have
not tallied numbers or anything,....

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1 MR. PEARSON: Um-hum.

2

3 MR. BOOTH:but we have a sizeable number -- by no
4 means near the majority of the letters come from Alaska, but
5 there is a sizeable number coming from within Alaska and the
6 majority of those are in support also.

7

8 MR. GUSTAFSON: Mr. Chairman. What do you think like
9 that type of impact would have on areas like were mentioned
10 before like from prior meetings like with 25(D), you know,
11 where there's a low moose population and there's a lot more
12 wolves? Wouldn't that be detrimental to take away a tool to
13 reduce the wolf population in that area or like what's your
14 ideas on that?

15

16 MR. BOOTH: I think if you look at the reported harvest
17 of wolves taken in 25(D) West, you don't see a very high number
18 of those taken reported as same-day-airborne or land-and-shoot
19 method.

20

21 MR. ROACH: Mr. Chair, if I may? Why has the Fish and
22 Wildlife Service done this for the refuge system and no other
23 agency believes that their land should be protected in the same
24 way, other than the Park Service which already has regulations
25 in place for not allowing aircraft to access?

26

27 MR. BOOTH: Okay. Well, I think the Park Service feels
28 that their regulations already prohibit same-day-airborne
29 shooting as a means of trapping. Fish and Wildlife Service,
30 you know, our jurisdiction is only limited to Fish and Wildlife
31 Service lands and we really can't -- I can't vouch for why BLM
32 is not pursuing those. I kind of know what the Park Service is
33 doing, but all I can do -- I can only speak for Fish and
34 Wildlife Service. Our jurisdiction is limited to Fish and
35 Wildlife Service lands as far as refuge regulations.

36

37 MR. ADERMAN: I was just going to add that -- and I'm
38 not speaking for the Forest Service or stating their position
39 on it, but I would guess that the feasibility of same-day-
40 airborne taking in the Southeast is pretty difficult, given the
41 terrain and that.

42

43 MR. BOOTH: I'm sorry, I forgot about Forest Service.
44 I was aware, yeah, they just basically said in light of the
45 terrain and the forest conditions, we just don't think there's
46 a big opportunity for people to do it, to land and shoot there.

47

48 MR. ROACH: I would like to allow Tom Boyd to make a

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BLM statement.

1

2 MR. BOYD: Yeah. I'm Tom Boyd with the Bureau of Land
Management. The Bureau, obviously, operates under different
4 legal mandates than the Fish and Wildlife Service, Park
Service, and we have some question - I'm talking about the
Bureau now - as to whether or not we have legal authority to
promulgate such regulations. And so we have sought basically
8 legal advice on that matter and that's kind of where we stand
at present.

10

11 MR. ROACH: Okay. I appreciate that comment. One of
the things that I'm looking at is part of the refuge system's
mandate, I guess may be the term, is to allow subsistence use
on that portion of the Federal lands like the BLM lands or the
Forest Service lands. I don't see why, as a Council, we should
support specific regulations to the refuge lands where maybe
the subsistence regulations already meet the needs. We may
decide at a later time that through subsistence regulations, we
would like to make a restriction of this type, but at this
time, I can't see closing all refuge lands to that type of
harvest. And that's what this would do.

22

23 MR. BOOTH: I understand. But we did this in light of
the fact that Federal Subsistence Regulations already prohibit
25, and we talked about that. It's already prohibited under
existing Federal Subsistence Regulations for wolves and
wolverines. The other thing -- I didn't get into these other
species. You asked that a while ago and I don't even know if I
answered it or not. But this would just prohibit it -- what it
would do is it would just close that allowance that the State
just allowed for general trappers to go out and shoot wolves
and wolverines same-day-airborne. It would bring -- yeah, and,
in fact, it's pre-empted that section of the State regulation
that allows that.

35

36 MR. PEARSON: Well, to add what Jeff had said,
Mr. Chairman, I know that I've heard from several people
concerned about this back from where I live and they were
adamantly opposed to it. And when I think that, you know,
we're up here representing, you know, people from where we're
at and the whole area, you know, not just them but the whole
area in the Eastern, I've got to take that into consideration,
too.

44

45 MR. LEE TITUS: David?

46

47 MR. CHARLIE TITUS: And then, Mr. Chair,....

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MR. JAMES: Mr. Chair. Tony, could you clarify that statement you just made about existing Federal Subsistence Regulations? As I see the regulation, it is permissible to take a wolf or wolverine same-day-airborne incidentally as long as you're over 100 feet from the aircraft.

5
6 MR. BOOTH: For wolf or wolverine?

7
8 MR. JAMES: Um-hum (affirmative).

9
10 MR. BOOTH: No.

11
12 MR. JAMES: Am I reading this right?

13
14 MR. BOOTH: There are some other furbearers; coyotes, foxes, and lynx you can. I just passed out a little table I guess. It's a little summary I put together, a cheat-sheet, and it says -- it's kind of confusing....

15
16
17
18
19 MR. PEARSON: No kidding. This little cheat-sheet of yours has got State, it's got Federal, and it's got the present and it's got the proposed, right?

20
21
22
23 MR. BOOTH: That's the way the situation is at the that
24...

25
26 (General laughter.)

27
28 MR. BOOTH: If anything, it just exemplifies just how confusing it is. But keep in mind for this regulation I am here to discuss, we limited it to wolf and wolverine. We did not include other species because, number one, we're not real comfortable about imposing a Federal regulation that pre-empts a State regulation. That's not a real -- something we take very lightly. So, we limited it to those species which we felt were biologically vulnerable and plus we felt that there was enough public interest in them where they could be biologically excessive use. We felt that if there's enough public interest in pursuing wolves and wolverines that it could be a problem. We just didn't see that as an enforcement problem right now for the other species, so we limit it just to those.

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41
42 Now, as far as the ethics question, yes, you can make the same arguments for those. We just didn't feel like the problem was there.

43
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45
46 MR. LEE TITUS: Thank you.

47
48 MR. SMITH: Yes, thank you, Mr. Chairman. I just

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wanted to clarify one point from the State's perspective relative to this proposed Federal rule. I think the question of whether or not the State regulation which allows the same-day-airborne taking of wolves with the 300-foot requirement invites violations of the Airborne Hunting Act. I think that's an open question and probably reasonable people are going to disagree on whether, in fact, it does or doesn't invite violation. But I do want to clarify that from the State's perspective, we do not consider the regulation that allows same-day-airborne taking with this 300-foot distance as a management tool for management of wolves. We do not believe it is going to result in any significant number of wolves being taken.

13

14 The comparison that was referred to earlier, the statements that were made that same-day-airborne is an effective tool and looking at the '91, '92 data as the basis for that, I believe is flawed because at that time there was no distance requirement. At that time, you could land your airplane right next to the wolves, jump out of the airplane and shoot at the wolves as they ran away. That could be effective in some areas. And, you know, the comment that Tony made, though, that even in years when that was legal, there wasn't a significant change in the wolf harvest, again, you know, it implies that it's not clear how much effect allowing same-day-airborne or not allowing same-day-airborne is going to have. I don't think anybody can say at this point, because this is the first year we've had this 300-foot requirement in place, you know, nobody can say definitely whether it will or won't be an effective method. But practiced legally, I don't believe that it's going to result in any significant number of wolves being taken and the State is certainly not viewing this as a management tool. We would not intend to use this as a management tool. If there is a need and justification for reducing the wolf population, our approach would be to implement a government-controlled operation to reduce the number of wolves if conventional hunting and trapping could not accomplish it. I just wanted to clarify that.

38

39 MR. BOOTH: Let me just say Fish and Wildlife Service basically agrees with what he -- as far as the legal harvest of wolves goes. We do not believe the same-day-airborne provision allowed by the State will have a significant effect on the statewide harvest, or any impact on wolf populations. I guess basically what our concern is we may disagree with State as to the level of illegal harvest it might create, and that's probably where we differ in opinions. We think there's an enforcement problem and they don't believe there is. But, you know, as far as the legal harvest, we are totally in agreement.

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We're not going to....

1

2 MR. CHARLIE TITUS: Mr. Chairman?

3

4 MR. LEE TITUS: Charlie?

5

6 MR. CHARLIE TITUS: Is there a -- you said that it
might impose illegal harvest. There's no proof or evidence
that it is. The State says it isn't.

9

10 MR. BOOTH: I don't have enforcement statistics,
unfortunately, but the impetus or the push for this regulation
came largely from law enforcement concerns, from our law
enforcement division.

14

15 MR. CHARLIE TITUS: Well, they're just assuming....

16

17 MR. BOOTH: A lot of it's anecdote -- no, it's
experience, I guess, basically some experiences that came up in
these late eighties when we did make some big busts and when we
did finally successfully prosecute and found out that this had
been going on a lot. It's just basically do you want to allow
that activity that you know creates some violations of Federal
law.

24

25 MR. CHARLIE TITUS: Mr. Chairman, how would the
State -- do they have the same illegal activity?

27

28 MR. SMITH: Well, I guess this is where I said
reasonable people could disagree on it. I think, you know,
certainly there have been violations, there were several cases
made where people were violating the Federal Airborne Hunting
Act. Some have claimed they didn't realize they were. I think
our position is given the level of attention that this issue
has gotten in the last few years and the fact that several of
the major violators have been charged and lost airplanes and
paid significant fines, we don't expect to see continued
violations of the Airborne Hunting Act under the revised State
regulations.

39

40 MR. PEARSON: Mr. Chair, I have a question of Chris
Smith. When you say that you don't believe that the 300-foot
from the airplane is a legitimate management tool, isn't there
a lot of people from the public or some people from the
public - I don't know, when you say "lots" whether you're
counting Outside people or local people - that feel that the
State, the government, should maybe let the public have first
back on the wolves as a management tool instead of the
government doing it?

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1 MR. SMITH: Mr. Chairman. Yes, I think that's correct,
2 and our basic policy is to allow hunting, trapping, legal
3 hunting and trapping, conventional hunting and trapping to be
4 used to the greatest extent possible in managing any
5 population, whether that's a moose population on Calligan
6 Island or a wolf population in any particular area. But the
7 State recognizes that use of aircraft for hunting or trapping
8 of wolves without certain restrictions could result in
9 violation of the Federal Airborne Hunting Act and that's one of
10 the reasons for imposing this 300-foot restriction because it
11 gives some guidance to people who are using airplanes. And it
12 indicates to them clearly that you can't use this airplane to
13 base or land right next to a wolf. You can use the airplane
14 as a way to get to where wolves are, but you have to land the
15 airplane then and either move away from the airplane and call
16 the wolves in to you or stalk them or ambush them. That's the
17 intent.

18

19 We don't see that there is any way that you can use an
20 aircraft as an efficient method of harvesting wolves without
21 violating the Airborne Hunting Act. Now, if a decision is made
22 to implement a control program and the board authorizes that,
23 then the Federal Airborne Hunting Act does not apply and the
24 Board of Game could then authorize the public to use their own
25 private aircraft to land right next to a wolf and shoot it,
26 what used to be referred to as land-and-shoot. In fact, the
27 State could, legally, issue aerial shooting permits to members
28 of the public to shoot wolves from their private aircraft and
29 take those wolves as part of a government control program. In
30 the one program that we have authorized right now in 20(A) we
31 did not include either of those because of the controversy that
32 was generated a little over a year ago when the board first
33 authorized an aerial....

34

35 MR. PEARSON: That's -- yeah, that's exactly land-and-
36 shoot or the permits for aerial shooting that I know our State
37 Fish and Game Advisory Committee has been in favor of for years
38 instead of the government doing it. But, anyhow, enough said.

39

40 MR. LEE TITUS: Frank?

41

42 MR. ENTSMINGER: Thank you, Mr. Chair, members of the
43 Council. As you can see by our minutes, the Upper Tanana --
44 we're pretty strongly opposed to this law being implemented on
45 all the Federal refuges. And, you know, basically over the
46 years with the controversy on the wolf and the aerial hunting
47 and this type of thing, restrictions have progressively got
48 more and more on taking wolves from an aircraft. And, you

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know, it actually got to the point where it was, you know, completely prohibited. And when issues of wolf control and this type of thing came up, the public, you know, felt that, you know, they could no longer, you know, harvest wolves other than get these special permits and that type of thing from the Department.

6

7 And this particular, you know, thing on taking wolves same-day-airborne, you know, we feel that it's an access for the public to still be able to legally harvest a wolf. And I know I came in last summer when the board was deliberating on this in July and they actually passed the same-day-airborne with 100-foot restriction to start with. And there were a lot of people in the hunting community and, of course, the anti-hunting community that were adamantly opposed because it looked so much like it was just, you know, a land-and-shoot type of scenario. So, the board reconsidered it. They brought it back up and the put the 300-foot stipulation and it was specifically reconsidered because they didn't want it to be looked at as, you know, a land-and-shoot hunting or a method of illegally taking a wolf. They wanted specifically just for a means to -- the average John Doe to go out and harvest a wolf.

22

23 And I don't think there are any of us that would disagree that a person's chances of running into a wolf on the ground, hunting out there, are very slim. Trappers get a few wolves, but, you know, for the average person to, you know, have an opportunity to go out and take a wolf, this is about the only law left on the books that, you know, allows that. And if you prohibit that, you're just taking another hunting right away from people. Thank you.

31

32 MR. PEARSON: Mr. Chairman, I have a question maybe of, I don't know, Hollis Twitchell. I was wondering if you had any input on this, on Tony's -- how did you word this here, Tony, again? What do you call this here? It's not a proposal. Is that the....

37

38 MR. BOOTH: The proposed rule?

39

40 MR. PEARSON: Yeah. How did you state that? Proposed "what" rule? I mean, it's not....

42

43 MR. JAMES: When will it become final?

44

45 MR. BOOTH: When will it become final? Is that....

46

47 MR. PEARSON: No, no, no. I mean, what are you calling this document?

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1 MR. JAMES: It's a proposed rule.

2

3 MR. PEARSON: Proposed rule. All right.

4

5 MR. BOOTH: You can call it a proposed regulation or
6 proposed rule.

7

8 MR. PEARSON: Rule. And I don't know if Hollis is --
9 But I think Hollis, you know, is familiar with Denali and such
10 and flies, don't you, Hollis? I was wondering if you might
11 have any comment on this.

12

13 MR. TWITCHELL: Hollis Twitchell from Denali National
14 Park. I would concur with the concerns that were expressed by
15 the Fish and Wildlife Service in regards to the potential for
16 violation by same-day-airborne type of hunting activities. And
17 that's based on 15 years of being an enforcement ranger with
18 the National Park Service; 10 years being at Lake Clark
19 National Park and Preserve and many years at Denali. And I
20 would concur that there is a very difficult enforcement
21 situation that's involved with fly-land-and-shoot in either the
22 200- or 300-foot type distances in terms of trying to enforce
23 that regulation. So, that would be my position on it.

24

25 MR. PEARSON: Hollis, if the pilot did everything that
26 was on the books totally legal the way it's supposed to be done
27 and you didn't have your enforcement problem, would that change
28 your mind on it? I mean do you look at this as just a, as Tony
29 stated, as an enforcement problem or if they did the things
30 legitimately now, would you still feel the same way?

31

32 MR. TWITCHELL: In the areas that I've worked and the
33 topography, it would be pretty difficult to be able to land
34 near a wolf and still get out and shoot the wolf and still try
35 to do it legally. The wolves, certainly in the Lake Clark area
36 from my experience from their past hunting exposure, know the
37 sound of aircraft and they know that is definitely something to
38 avoid. And the response of wolf packs in that area is to go
39 for cover just as quickly as they can. I can contrast that to
40 the wolves in the Denali area that have a little bit more
41 protection since they spend more of their time within the
42 boundaries of the Park and have a longer period of not being
43 hunted aerially from either the Territorial days or the
44 Statehood days, in which case the wildlife surveys and flying I
45 there, they don't seem to have the flight response
46 associated with the aircraft.

47

48 So, going back to your original question, in those

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other park areas that have had exposure to flying and hunting, I think the fact that the wolves do flight responses such as they do, that it's pretty hard to legally fly-land-and-shoot and legally take a wolf from the cases that I've seen and worked on. It's been more of a violation mode in terms of harassment and driving and chasing the animal to a suitable landing site.

7

8 MR. GUSTAFSON: Mr. Chairman. Mr. Twitchell, what do you think about the people that -- I don't know, you're taking away a right. What do you think about that? I mean, if they're doing everything legally, what do you think about the way that you're effecting his rights....

13

14 MR. PEARSON: That was one of my questions.

15

16 MR. GUSTAFSON: Yeah. What do you think about that? I mean, what happens if you were in his shoes? Wouldn't you feel like your rights would be violated?

19

20 MR. TWITCHELL: I would have to speak from my position with the Park Service in which case Congress looks specifically at the park areas in regards to aircraft access in support of subsistence activities.

24

25 MR. GUSTAFSON: Um-hum.

26

27 MR. TWITCHELL: And right from the start, the intent of Congress was to provide a protection for subsistence uses, but not authorize the use of aircraft for access. So, within the Park Lands, it has never been an authorized mode of access for the harvest of fish or wildlife. There's no restrictions on the aircraft's access to access a trapline from which the activity could commence or an inholding to the area. So, the focus of the restriction on the Park Service was simply to use the aircraft for the actual taking of a subsistence specie.

36

37 MR. GUSTAFSON: I think everybody agrees that we don't like the illegal taking of these furbearing animals. I mean, boy, it sure is a touchy subject. There are -- I don't know, it seems to me that, gosh, if somebody does -- there are subsistence users out there that do use airplanes. Maybe not at National Park Lands, but other Federal Lands. And, you know, we've got to take the exception and look at that, too, you know. We're looking at people that break laws and there always will be people that do that and it's up to the enforcement to take care of that. If we take away rights of these people that are legally -- or have traditionally or like Mr. Entsminger said where they do this, I don't think that's

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right. You're depriving this person of a livelihood. In that case, I'm against it. I'd like to uphold the law, but at the same time I have to look at people that uphold the law but use resources for some sort of subsistence activity, and I think we ought to look at that point. It troubles me, you know, that -- but that's my viewpoint on it.

6

7 MR. ROACH: Mr. Chairman, I think we're getting a little bit bogged down here, and the comment that I would like to make is that under proposed Federal Subsistence Regulations there would be no same-day-airborne shooting of wolves and wolverine. However, under State regulations, sport hunting regulations, that can occur on the refuge. Okay? So, what the Board is saying through the proposal or the proposed regulation is that they don't see a need for a subsistence same-day-airborne shooting, is my understanding. What the Fish and Wildlife Service would like to do is close that taking of wolverines and wolves to State sporting regulations. Am I correct?

19

20 MR. BOOTH: That is correct. It would apply, yeah, to general hunting and trapping.

22

23 MR. JAMES: It would apply to everyone.

24

25 MR. ROACH: It would apply to everyone; however, there is already in place -- the Federal Board is not going to allow same-day-airborne shooting if that proposed regulation goes into effect under subsistence regulations. However, all we're -- so, in essence, all we're talking about at this point is some -- it may change in the future -- but at this point in time is State sport hunting regulations on the refuge lands. Is that correct?

33

34 MR. BOOTH: That is correct. I'm sorry you brought that up because that was a point of -- somebody brought that up yesterday and it's a legal question. And, basically, we developed this with the intent of it applying to everybody, but with knowing that Federal Subsistence Regulations already prohibit it. So, in essence, the effect would be on general -- however, you know, the State would like to present a proposal that would allow subsistence trapping, so....

42

43 MR. ROACH: Um-hum. So, if the Fish and Wildlife Service determines, say, on a specific refuge like Tetlin that the wolf population is in danger or for some other reason they need to close same-day-airborne shooting specifically on that refuge, they can go through the rule-making process and do that that would close it to sport hunting, but there still would not

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be allowed a Federal subsistence hunt. So, by doing that, they would close it to everyone even if this does not go into effect. Am I correct in that?

3

4 MR. BOOTH: Boy, I'm not sure I caught all of that.

5

6 MR. ROACH: Okay. Tetlin National Wildlife Refuge is an example.

8

9 MR. BOOTH: Okay.

10

11 MR. ROACH: If they decide that for some reason they need to close their refuge to taking of wolves and wolverine under sport regulations,....

14

15 MR. BOOTH: Okay.

16

17 MR. ROACH:they can do that?

18

19 MR. BOOTH: Yeah, we have emergency closure procedures in regulation.

21

22 MR. PEARSON: Like the State does.

23

24 MR. BOOTH: Yes.

25

26 MR. ROACH: Okay. If they emergency-closed it to State regulations, then, there still would not be a subsistence hunt. Is that correct?

28

30 MR. BOOTH: Emergency -- depending on how you worded your emergency closure. It would probably apply to everybody.

32

33 MR. ROACH: So, we're not -- what I'm trying to get at, and I don't know if I'm going at this in the right way, but what I'm trying to say is we're not protecting a subsistence harvest by not allowing this proposed regulation to go into effect. We're not protecting the subsistence harvest. It's only -- at this time, it's only the sport hunting that we would be protecting?

40

41 MR. PEARSON: Right.

42

43 MR. ROACH: We would not be protecting a subsistence harvest. So, talking about it in terms of subsistence and subsistence regulations, we're not protecting a subsistence harvest because if they close it to State regulations, then it's closed to everybody?

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MR. BOOTH: Um-hum (affirmative).

1
2 MR. ROACH: So, we're only -- at this point in time,
we're only looking at -- if we allow this to go into effect,
we're closing it to everybody, but it's already -- the
3 subsistence regulation would already close it to subsistence
4 users; however, they could still take it under sport
5 regulations.

6
7
8
9 MR. PEARSON: Right. I think you did a pretty good job
10 there, Jeff, of explaining that one.

11
12 MR. GUSTAFSON: Mr. Chairman. So, what Mr. Roach is
13 saying is that if this proposal goes through, it might even
14 enhance the subsistence taking, possibly, of more wolves by
15 subsistence people not using airplanes? Is that possible?
16 More....

17
18 MR. PEARSON: James, I can't hear you. I'm sorry.

19
20 MR. GUSTAFSON: By allowing this proposed rule, is
21 there any possibility -- not possibility, but is there -- would
22 it enhance the taking of these certain species by subsistence
23 trappers then? It would provide more wolves?

24
25 MR. JAMES: Jim, do you mean subsistence trappers who
26 do not use aircraft?

27
28 MR. GUSTAFSON: Right.

29
30 MR. JAMES: Yeah.

31
32 MR. GUSTAFSON: It would seem to me that would be a
33 benefit, more -- because you have more wolves available and
34 not -- that were taken by the State.

35
36 MR. PEARSON: Well, I think as the chairman from
37 Fortymile said that the airplanes are reaching a lot of areas
38 that aren't being reached by the snow-machines or other means
39 way out. But, I don't know, Mr. Chairman, I -- I don't
40 know, I feel that I understand the question and the discussion
41 has been probably lengthy enough on this proposed rule and
42 maybe we ought to be getting on with the -- call the question,
43 if everybody feels comfortable with it.

44
45 MR. JAMES: There is no motion on the floor, I don't
46 think.

47
48 MR. PEARSON: Oh, there isn't?

49
50

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1 MR. LEE TITUS: No.
2
3 MR. PEARSON: Well, then we....
4
5 MR. CHARLIE TITUS: Mr. Chairman?
6
7 MR. LEE TITUS: Yes.
8
9 MR. CHARLIE TITUS: I have a comment.
10
11 MR. LEE TITUS: Go ahead, Charlie.
12
13 MR. CHARLIE TITUS: I have a comment on this. I'm a
14 sometimes trapper and a subsistence user and hunter, I love to
15 hunt. I feel like some day it's going to happen to somebody I
16 know. I'm not a pilot, but I don't see where -- I see where
17 it's taking something away from someone, somebody's right.
18 Even though I'm a conservationist, I want to protect the
19 animals, and I don't like to take somebody else's right away.
20 I think he has the right to get up and fly out and shoot this
21 animal if it's within regulations. Like I say, I'm ready for a
22 vote.
23
24 MR. LEE TITUS: This here is not on the -- it's not a
25 motion form, so are we just discussing this and trying to....
26
27 MR. PEARSON: We have been.
28
29 MR. LEE TITUS: -- and then making our comments
30 for the -- present our comments on this proposed rule to the
31 Board?
32
33 MR. JAMES: I think....
34
35 MR. PEARSON: Maybe the easiest way, Mr. Chairman, I'd
36 like to make a motion that we oppose this proposed rule.
37
38 MR. LEE TITUS: Motion on the floor to oppose the
39 proposed rule. You second that, Charlie?
40
41 MR. CHARLIE TITUS: Yeah, I second it.
42
43 MR. LEE TITUS: Seconded by Charlie. Any more under
44 discussion?
45
46 MR. CHARLIE TITUS: One more thing. Maybe this would
47 be for Mr. James. Mr. Chairman, may I? When we do make these
48 commendations or advise on these proposals, when they are
49
50

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passed by the board and written down as law in the regulations,
do they -- can they be changed in future?

2

3 MR. JAMES: Certainly. The whole body of regulations
comes up for review each year. In essence, each year's
regulations expire under the Federal system.

6

7 MR. CHARLIE TITUS: Okay.

8

9 MR. JAMES: They have to be revived or changed.

10

11 MR. LEE TITUS: Any more on discussion? Hearing none,
all in favor of opposing....

13

14 MR. JAMES: Mr. Chair, I understand the motion on the
floor is to oppose the proposed rule on same-day-airborne
shooting as it's written here.

17

18 MR. LEE TITUS: As it's written in the Federal
Register.

20

21 MR. JAMES: Thank you.

22

23 MR. LEE TITUS: Okay. All in favor -- all those that
oppose the what?

25

26

27 MR. PEARSON: Proposed rule in favor of airborne
shooting, I guess.

29

30 MR. LEE TITUS: You made a motion to oppose the
rule....

32

33 MR. PEARSON: Yeah, my motion to oppose.

34

35 MR. LEE TITUS: Okay. All those in favor of the
motion, signify by saying aye.

37

38 ALL MEMBERS: Aye.

39

40 MR. LEE TITUS: All those that oppose? (Pause) Motion
carries.

42

43 MR. PEARSON: Mr. Chairman, I'd like maybe that we take
just two minutes here and maybe put down our justifications....

45

46 MR. LEE TITUS: Um-hum (affirmative).

47

48 MR. PEARSON:while it's still fresh in our memory.

49

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1 MR. LEE TITUS: Okay. Yes?
2
3 MR. BOOTH: Did you just vote on our proposed -- the
4 Fish and Wildlife Service's proposed....
5
6 MR. PEARSON: Yes.
7
8 MR. BOOTH: Just wanted to make sure. Okay.
9
10 MR. PEARSON: Yes, sir.
11
12 MR. BOOTH: Not Proposal No. 1?
13
14 MR. JAMES: Excuse me.
15
16 MR. LEE TITUS: No.
17
18 MR. JAMES: Excuse me. No, this was the proposal in
19 the Federal Register....
20
21 MR. LEE TITUS: Right.
22
23 MR. JAMES:dated....
24
25 MR. BOOTH: Okay.
26
27 MR. JAMES: Okay? September 2nd, 1993. That's what
28 you've just voted to oppose. Is that what you wanted to do?
29
30 MR. GUSTAFSON: The proposed rule?
31
32 MR. JAMES: Did I have that incorrect?
33
34 MR. PEARSON: No, my motion and the intention of my
35 motion was on Mr. Booth's proposed rule here on the U.S. Fish
36 and Wildlife on the prohibited use of firearms or any other
37 weapon to take....
38
39 MR. CHARLIE TITUS: Where is it?
40
41 MR. PEARSON:free range -- on the discussion on
42 the wolves there, is what my intention was.
43
44 MR. JAMES: Okay. Let me get the right piece of paper.
45
46 MR. PEARSON: Is that what you understood, Charlie,....
47
48 MR. CHARLIE TITUS: Yes.
49
50

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1 MR. PEARSON:when you seconded it?
2
3 MR. CHARLIE TITUS: Yes.
4
5 MR. LEE TITUS: The December 22nd one?
6
7 MR. PEARSON: Yes.
8
9 MR. LEE TITUS: Yeah.
10
11 MR. PEARSON: Yes.
12
13 MR. LEE TITUS: The December 22nd one.
14
15 MR. PEARSON: I think we were all in....
16
17 MR. JAMES: Oh, is that what he wanted?
18
19 MR. PEARSON: Thank you. Well, let's get our
20 justifications in order and then I think Charlie had one that
21 would....
22
23 MR. JAMES: If I may interrupt. You may well want to
24 justify justifications because I suspect they will be applicable to
25 your next step which I guess is to look at....
26
27 MR. PEARSON: Sure.
28
29 MR. JAMES:another proposed rule. However, the
30 Federal Subsistence Board is not going to be passing judgment
31 on this, the one that you just voted on. You realize that?
32
33 MR. PEARSON: Right.
34
35 MR. JAMES: It's not part of that system. There may be
36 some legal question there or argument, but that's the way we're
37 proceeding at this time. That's a proposed rule that was put
38 in by refuges of the U.S. Fish and Wildlife Service; it was not
39 part of the Federal Subsistence Board....
40
41 MR. PEARSON: Right.
42
43 MR. JAMES:proposed rule. Okay.
44
45 MR. LEE TITUS: Um-hum (affirmative).
46
47 MR. CHARLIE TITUS: Well, what would this be, then?
48 They would just be looking at this or....
49
50

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1 MR. PEARSON: David, Charlie had a question.
2
3 MR. CHARLIE TITUS: What would they be....
4
5 MR. PEARSON: Who would be reviewing this? Is that
6 what your....
7
8 MR. CHARLIE TITUS: Yeah, who would be reviewing this?
9
10 MR. LEE TITUS: If we're going to justify it -- make
11 our point of justification, what's the purpose if it's not
12 going to go before the....
13
14 MR. JAMES: I think the right person to ask would be
15 Tony again.
16
17 MR. CHARLIE TITUS: If we're opposing this, what are
18 they looking at the....
19
20 MR. PEARSON: Did Tony get out of here already?
21
22 MR. CHARLIE TITUS: If it's not going through the
23 Federal Board,....
24
25 MR. PEARSON: Tony, who's going to be reviewing this,
26 was Charlie's question.
27
28 MR. BOOTH: Who's going to be reviewing our proposed
29 rule?
30
31 MR. PEARSON: Right.
32
33 MR. BOOTH: Well, it's open for anybody's review right
34 now. It's just general public review.
35
36 MR. ROACH: Excuse me, Mr. Chair. I think maybe
37 Charlie....
38
39 MR. GUSTAFSON: Which official?
40
41 MR. ROACH: Do you want to make....
42
43 MR. CHARLIE TITUS: If not the Federal Board, who?
44
45 MR. BOOTH: Oh, you're talking about the appropriate
46 means to voice your concern?
47
48 MR. PEARSON: Well, I mean, who's going to make the
49
50

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judgment whether to approve or disapprove this?

1

2 MR. BOOTH: Oh, I'm sorry. It will be made in
Washington. It'll -- at the end of the public review period,
February 22nd, we've got to go through and write an analysis or
5 summary of all of the -- analyze the public comments, all the
major issues that are brought up by the public and then we've
got to do a record of decision, it'll be bootied up, and it'll
ultimately -- if not made at, it'll have to be approved at the
Secretary of Interior's level or Assistant Secretary of
Interior's level. It'll be made at a high level.

11

12 MR. LEE TITUS: Okay. So, we -- so, what then -- the
point of justification we -- this Council will write a letter
to the Federal Board plus the Secretary of Interior stating
that we oppose this proposed rule and justifying that?

16

17 MR. BOOTH: I would suggest that you send it to the
address indicated on the Federal Register, George Constantina.
You can cc Secretary of Interior to make sure he sees your
letter, but, you know, we'll be the ones that'll be
collecting -- we're collecting the comments and we'll have to
do the paperwork. And then if the decision is made, whatever
is, it won't be in effect until it's published as a final
rule in the Federal Register, and it won't be in time to affect
this season.

26

27

28 MR. PEARSON: Mr. Chairman, not to get bogged down
anymore than we already are, but why wouldn't something like
this go before the Federal Subsistence Board?

31

32 MR. BOOTH: This is not a Federal Subsistence
Regulation. It's just a general refuge-specific regulation.

34

35 MR. PEARSON: All righty. There you go.

36

37 MR. ROACH: Mr. Chairman, I'd like to make a comment
for myself to be on record: that I understand that the Fish and
Wildlife Service can only do this -- promulgate these
regulations for themselves; however, in the future if Fish and
Wildlife Service and other Federal agencies believe that this
is a problem on Federal lands in Alaska, I would support a ban
on same-day-airborne shooting on all Federal lands with proper
justification.

45

46 MR. PEARSON: All right. Well,....

47

48 MR. LEE TITUS: Thank you. Okay. We're getting back

49

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to justification.

1

2 MR. PEARSON: Back to justification. I think one of
 our first justifications should be that this means taking a
 wolf by the public should -- even though it might be a minority
 as -- I forget who stated that. I don't think that right
 should be removed. I don't know if James and you all agree
 about that, but....

8

9 MR. GUSTAFSON: I agree with that.

10

11 MR. ROACH: May I make a comment and then I'd like
 David and Bill to be listening at the time because they may
 have a comment on what I'm about to say. Excuse me, David and
 Bill. The comment that I would like to make is, would it be
 appropriate for us -- we seem to be having some problem with
 our justification after we make a decision. Would it be
 appropriate for us to ask the secretary to draft a
 justification that is forwarded to us at a later time from our
 comments in the minutes that we would approve through a
 teleconference or individual contact so that we're not spending
 so much time not going through proposals but trying to come up
 with specific justifications that we all agree on at this time?

23

24 MR. JAMES: The only constraint to that would be that
 of time. You know, this rule-making process that we're in, we
 only have a certain amount of time to get all this compiled and
 in a form that would be presented to the Federal Subsistence
 Board.

29

30 MR. ROACH: So you're saying it can't be done that way?

31

32 MR. JAMES: Well, we can try it, but I couldn't
 guarantee that, you know, the time required to accomplish
 that -- it would make it in front of the board in time.

35

36 MR. ROACH: How does the rest of the Council feel on
 that?

38

39 MR. LEE TITUS: I think that's a good idea.

40

41 MR. PEARSON: I see the merit to it, but I think if we
 could get on a roll here, we could whip these things out. I
 mean, we've already stated them once, the justification.

44

45 MR. JAMES: I assume that this action you've taken
 here, if you apply it consistently, that you're probably going
 to oppose the proposed rule. So what you have here for
 justification will probably be the same for that one, also.

49

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1 MR. PEARSON: Right.

2

3 MR. JAMES: Yeah. As I understand it, you feel it
would not necessarily restrict those who are currently legal.

5

6 MR. PEARSON: And if there were laws that were being
broken through one more law on top of it isn't going to cure
the first laws that were being broken. And then the third one
that I thought was obviously it's pretty hard to understand --
I don't know how I'd word this, but it's pretty hard to
understand and I think this would add more confusion to the
overall of it. I mean, we've got three justifications there.
And, Mr. Chairman, maybe if we're done with that proposed rule
and my motion, then maybe we could take a 5-minute recess and
then jump back to Proposal 1 and get our thoughts cleared out
and then finish up on it and move on?

17

18 MR. LEE TITUS: Okay. Charlie?

19

20 MR. CHARLIE TITUS: You say we have three
justifications?

22

23 MR. PEARSON: Yes.

24

25 MR. CHARLIE TITUS: Maybe Mr. James could read it back
to us or whatever.

27

28 MR. LEE TITUS: Yeah, we'll take a 10-minute break and
then come back and do the justifications.

30

31 (Off record)

32 (On record)

33

34 MR. LEE TITUS: Okay. We're still wrestling with
justification on Proposal No. 1. Does the board have any
comments on justifying....

37

38 MR. PEARSON: What was Proposal 1?

39

40 MR. CHARLIE TITUS: No. 1 was that one, the 300....

41

42 MR. PEARSON: Mr. Chairman?

43

44 MR. LEE TITUS: Yes?

45

46 MR. PEARSON: I would like to ask was it the team
leader or whatever, that gentleman there, we're back to
Proposal 1 again and if we could just get him to run through

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the gist of it again to help clear our minds for our justifications on our motion.

2

3 MR. LEE TITUS: Okay.

4

5 MR. PEARSON: Would you just run through Proposal 1
6 deal quickly? I mean, read it and give us the intent of it.

7

8 MR. ADERMAN: Okay. Proposal 1, as submitted by the
9 State, is asking that the Federal Subsistence Board change
10 their regulations pertaining to same-day-airborne taking under
11 a trapping license, make them the same as the State's to reduce
12 public confusion. And the main issue in that that I see is
13 under the State system, the current State system, you can take
14 a wolf same-day-airborne as long as you meet that 300-foot
15 distance requirement.

16

17 MR. PEARSON: Are you familiar with this cheat-sheet?

18

19 MR. ADERMAN: Yes.

20

21 MR. PEARSON: I mean, I think all of the Council ought
22 to have that in front -- it really does simplify things.

23

24 MR. ADERMAN: Right. And I attempted to do that same
25 thing up on the flip chart earlier.

26

27 MR. PEARSON: All right. So, now, then, just back up
28 -- you're saying we're discussing wolf under State
29 regulations; hunting is prohibited but by -- State trapping is
30 allowed when you get over 300 feet from the airplane.

31

32 MR. ADERMAN: Correct.

33

34 MR. PEARSON: All right. And then on the Federal
35 side, it says existing is prohibited and proposed is
36 prohibited.

37

38 MR. ADERMAN: For wolf, that's correct.

39

40 MR. PEARSON: Right. For wolf, that's correct. All
41 right. And so the intention of this proposal is?

42

43 MR. ADERMAN: Is to align State and Federal
44 regulations, make them the same, and allow the same-day-
45 airborne taking of wolves.

46

47 MR. PEARSON: All righty.

48

49

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MR. ADERMAN: Under trapping.

1
2 MR. PEARSON: All righty. So, basically, this proposal
By the Alaska Department of Fish and Game would then -- under
Wolf you have -- under State you have hunting prohibited,
trapping allowed if over 300 feet, and then under the Federal
you'd have existing hunting, I guess, would be prohibited and
then under proposed it would be allowed if the State's proposal
passed?

9
10 MR. ADERMAN: Correct.

11
12 MR. PEARSON: And maybe if we could get Mr. James to
read back our motion. Can you do that on Proposal 1?

14
15 MR. JAMES: The motion was to adopt Proposal 1 and the
vote was five against.

17
18 MR. PEARSON: Five against Proposal 1 making the State
and the Federal regulation on wolf aligned?

20
21 MR. JAMES: Correct.

22
23 MR. ADERMAN: And, also, the distance requirement for
the other species. Part of the State's proposal is allowing
same-day-airborne take of foxes, coyote, and lynx with the
stipulation that the person is 300 feet from the plane.

27
28 MR. ROACH: We have already made a motion and voted to
oppose this.

30
31 MR. PEARSON: Right.

32
33 MR. ROACH: We should discuss our justification, get
that out of the way, and if there is somebody else that wants
to make a motion on Proposal 1, that should be done or we
should move on to Proposal No. 2.

37
38 MR. PEARSON: Right. Don't go nowhere.

39
40 MR. ADERMAN: I don't plan to.

41
42 MR. GUSTAFSON: Justification.

43
44 MR. PEARSON: Yes. What was that last part that you
first stated about the fox and the coyote?

46
47 MR. ADERMAN: Okay. You see the State regulation up
there?

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1 MR. PEARSON: Right.

2

3 MR. ADERMAN: Under the current State regulations, you
4 can take foxes, coyote, lynx and wolf as long as you're over
5 500 feet.

6

7 MR. PEARSON: Right.

8

9 MR. ADERMAN: That is part of Proposal No. 1.

10

11 MR. PEARSON: Right.

12

13 MR. ADERMAN: So, if you agree to Proposal No. 1,
14 you're agreeing to those other things. But, again, the wolf is
15 the -- allowing wolf the same-day-airborne taking is the major
16 issue.

17

18 MR. ROACH: May I make a statement, Mr. Chairman, as to
19 the justification that I used for voting the way I did and then
20 maybe there could be some comment after that?

21

22 MR. LEE TITUS: (Nods head.)

23

24 MR. ROACH: The reason that I voted the way I did was
25 that on Federal lands under State regulations, the taking of
26 the -- all of the species listed except wolverine is already
27 allowed. This regulation would have made it -- this proposed
28 change to the regulation would have made it a subsistence
29 regulation. The Subsistence Board has already made a proposal
30 that that would not occur. So, my feeling is since that is
31 allowed under sport hunting regulations already on Federal
32 lands, that we are not limiting anyone's ability to use that
33 resource in any way. The way I feel is that this proposed
34 change would align the seasons if the Federal Board decided to
35 hold seasons or to allow the taking of those animals.

36

37 MR. ADERMAN: If I might try to reiterate what the vice
38 chairman just said is if the board chose not to adopt Proposal
39 No. 1, there would still be opportunity under the State system
40 to take these animals same-day-airborne as long as the board
41 didn't prohibit non-Federally qualified people on Federal
42 lands. Is that correct?

43

44 MR. ROACH: That was my statement, correct. I just
45 made it a little longer.

46

47 MR. JAMES: Except that on Federal refuges,....

48

49

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MR. PEARSON: Right.

1
2 MR. JAMES:this other proposal stands, but
3 eliminating wolf from that other category.

4
5 MR. ADERMAN: Correct.

6
7 MR. PEARSON: It's -- I see by opposing -- what Jeff is
8 saying is like insuring that the State still supersedes
9 basically. Isn't that what you're saying, Jeff?

10
11 MR. ROACH: The State's harvest will occur until the
12 board decides to close those lands or it's closed by some other
13 emergency order.

14
15 MR. PEARSON: I don't know, I'm getting muddled down in
16 bad. I'm just going to stay out of it.

17
18 MR. LEE TITUS: Do you have No. 1 as far as....

19
20 MR. JAMES: Where the Council is right now is that
21 you're not taking a position on the proposed rule, but you have
22 taken a position on the proposal from Fish and Game.

23
24 MR. PEARSON: Right.

25
26 MR. JAMES: Okay. Maybe that's sufficient for now.
27 Maybe we should just go on to the next proposal.

28
29 MR. LEE TITUS: I thought we did it.

30
31 MR. PEARSON: What's that?

32
33 MR. LEE TITUS: I thought our last vote was for the
34 proposed rule.

35
36 MR. PEARSON: It was. This document.

37
38 MR. JAMES: No, it was not. The last vote was for the
39 other proposed rule that's not from the board.

40
41 MR. GUSTAFSON: It's under the....

42
43 MR. LEE TITUS: Okay, okay.

44
45 MR. GUSTAFSON:Federal Register.

46
47 MR. LEE TITUS: Right.

48
49
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MR. PEARSON: Could we just real quickly -- Andy's done a good job. Don't -- but I was just wondering if maybe we could get Chris Smith just for two minutes on this Proposal 1 and give us -- since, you know, they're the author of the proposal. I just -- maybe you could straighten this out or enlighten us a little bit on it. Doing this only a couple times a year, Chris, is very confusing.

7

MR. SMITH: I've been doing it every year for 17 years and it can still be confusing, so don't feel bad. Maybe the easiest way to sum this up would be that the reason the State put in the proposal was so that the regulations would -- in both the Federal regulations and the State regulations would be the same. However, given the interpretation that Andy has described that the Federal Subsistence staff takes, if a State regulation is more liberal than a Federal regulation, in other words, if the Federal Board adopts their proposed rule to prohibit all same-day-airborne taking of furbearers but the State law doesn't change, then, anyone would be allowed to take those furbearers under the State regulations on both State and Federal lands. So there isn't the confusion factor that I was worried about or enforcement problems that I was worried about earlier, unless the Fish and Wildlife Service adopts this second regulation that Tony was talking about.

24

So, given the actions that the board has taken at this point, if the Federal Board and the Fish and Wildlife Service did what you have -- or acted consistent with your actions, then the law would work as Jeff explained where anybody could take any of the fox, coyote, lynx or wolf the same-day-airborne as long as they were 300 feet from their airplane on both State and Federal land.

32

MR. PEARSON: I think he put it real well and I'm satisfied with that one. I don't know about anybody else, but -- that really cleared it up for me. Thank you.

36

MR. LEE TITUS: You've got that down, Mr....(laughs). That's part of the justification?

39

MR. PEARSON: Yes. I mean he said it way better than I ever could, I mean, but I agree with his intent and it did, it cleared it up. And, Mr. Chairman, I'd be ready to vote on the proposal, too.

44

MR. LEE TITUS: Who -- are you going -- David, after we go through all these proposals, you're going to do all the....

47

MR. JAMES: Justifications?

49

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1 MR. LEE TITUS: Or the staff's going to do all the --
2 putting the proposals in -- whether we're for or against each
3 proposal into justification?

4
5 MR. JAMES: Yes. Normally, that's the process.

6
7 MR. LEE TITUS: Any more to add on the proposal?

8
9 MR. JAMES: I guess I'd have to be perfectly
10 straightforward with you. I don't have anything down here
11 under justification. I think I'm being asked to use a lot of
12 creative interpretation and I don't feel comfortable with that.

13
14 MR. PEARSON: Can you use....

15
16 MR. JAMES: I want to hear clear, straightforward
17 simple statements, otherwise it's not you folks; it's me.

18
19 MR. PEARSON: All right. But what about Jeff's
20 justification that he gave there? I mean it was exactly
21 what....

22
23 MR. JAMES: I'll tell you what, if you want, what I can
24 do is probably within, Liz, ten days or so I can get the
25 transcript and I'll go back and I'll just take it verbatim.
26 I'll just lift it out of there.

27
28 MR. LEE TITUS: Um-hum.

29
30 MR. JAMES: Does that satisfy....

31
32 MR. PEARSON: Take Jeff's justification.

33
34 MR. JAMES: Okay. All right.

35
36 MR. PEARSON: I mean, that's -- him and Chris and Andy,
37 it, said the same thing, but I think we ought to use Jeff's
38 justification. It's in our words. Theirs might have been
39 spoken better or whatever, but -- or shorter.

40
41 MR. JAMES: I guess I hesitate to say this, but I
42 should bring it up, that in terms of justification when the
43 board's going to look at these things, it is rather awkward
44 that you're justifying a regulation that's more restrictive for
45 the subsistence user than the existing State regulation. Just
46 as a forewarning. And it's probably not even worth getting
47 bogged down in any more, but I feel that it's part of my job to
48 let you know that. I don't know how that will be received. I

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have no idea.

1
2 MR. PEARSON: Um-hum.

3
4 MR. JAMES: Obviously, you know, the subsistence
5 priority normally is to give more opportunity, not less. Now,
6 I think what Jeff is saying, in practice, is not really
7 restricting. So, this may be a theoretical....

8
9 MR. PEARSON: That was the way that I interpreted it.

10
11 MR. JAMES: Okay. Yeah. But just be aware that, you
12 know, that's the situation.

13
14 MR. LEE TITUS: Well, okay. We're almost up on
15 lunchtime now, but we'll adopt the proposal....

16
17 MR. PEARSON: Mr. Chairman, let's take No. 2 because
18 it's similar to the discussion earlier....

19
20 MR. LEE TITUS: Okay.

21
22 MR. PEARSON:and then we can move on to a
23 different....

24
25 MR. LEE TITUS: Motion to adopt Proposal No. 2?

26
27 MR. PEARSON: I'll second that.

28
29 MR. ROACH: Lee can't make a motion so it'll have to be
30 one of us that makes the motion.

31
32 MR. PEARSON: I'll make the motion to adopt Proposal
33 No. 2.

34
35 MR. GUSTAFSON: I'll second it.

36
37 MR. LEE TITUS: It's been moved and seconded to adopt
38 Proposal No. 2. Discussion?

39
40 MR. PEARSON: Maybe, Mr. Chairman, if we could get the
41 author from Alaska Department of Fish and Game to give us a
42 quick in-depth of the intent of this proposal.

43
44 MR. LEE TITUS: Is Andy still the leader on this one?

45
46 MR. PEARSON: No, this would be Chris Smith, I believe.

47
48 MR. JAMES: Mr. Chair?

49
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1 MR. LEE TITUS: Yeah?

2

3 MR. JAMES: My suggested outline there was only a
4 suggestion. If the Council wishes to deviate from that....

5

6 MR. LEE TITUS: Oh, okay.

7

8 MR. JAMES:and approach these any way you want to,
9 when that's my....

10

11 MR. LEE TITUS: All right. Somebody from the
12 Department of Fish and Game wants to comment on this proposal?

13

14 MR. SMITH: Thank you, Mr. Chairman. I almost hesitate
15 to bring this up because I think we'll run the risk of getting
16 into the same sort of difficulties that we did before. But,
17 basically, what we were trying to do under Proposal No. 2 was
18 to align State and Federal trapping seasons for wolves. The
19 Board of Game made some changes to trapping seasons and I guess
20 bag limits as well?

21

22 MR. ADERMAN: The hunting harvest limit.

23

24 MR. SMITH: Hunting harvest limit. And....

25

26 (Whispered conversation between Messrs. Smith and Aderman.)

27

28 MR. SMITH: Okay. Why don't you go ahead?

29

30 MR. ADERMAN: The changes specific to the Eastern
31 Interior Region under hunting for Unit 12, there would be no
32 change. The current State and Federal regulations are the
33 same. In Unit 20, the State is asking to go to a five wolf
34 harvest limit which is a reduction from the current ten wolf
35 hunting harvest limit. In Sub-unit 25(A), again, the State is
36 asking to go to a hunting harvest limit of five wolves and that
37 is from the current no limit. In the rest of Unit 25, there
38 would be a reduction from ten to five. So, you would have a
39 five wolf hunting harvest limit for every unit within the
40 Eastern Interior Region.

41

42 Under trapping, Unit 12 and 20(E), there will be no
43 changes. Again, the State and Federal regulations are
44 identical at this time. In the remainder of Unit 20 and in all
45 Unit 25, the State is asking to add an additional 30 days,
46 the month of April, to the trapping season. The current
47 trapping season ends March 31st. They would like it to go out
48 April 30th. I believe I've summarized the intent of the

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State's proposal as it pertains to this region. So, on one hand, you have a reduction in the hunting harvest limit from, depending on where you're at, ten to no limit down to five, but on the other hand, you're liberalizing or creating more opportunity under the trapping.

5

6 MR. PEARSON: Well, one thing that comes to mind there is by limiting during the hunting season and being more liberal on the trapping, the fur would be more prime during the later months. And I believe we've heard before from the Alaska Department of Fish and Game that incidental takes of just outright wolf hunting are very minimal. Correct?

12

13 MR. SMITH: That's generally correct, yeah. During the few years when same-day-airborne taking was authorized under the hunting regulations as opposed to trapping, then we had some hunters who would take fairly high numbers of wolf up to the ten, the individual bag limit that was authorized. But with that exception, generally, under a hunting license, the number of wolves taken is -- you know, usually has been one or two because it's generally an incidental take during a fall hunting season.

22

23 MR. LEE TITUS: This has nothing to do with airborne, right?

25

26 MR. ROACH: I hope not.

27

28 MR. ADERMAN: Well, if I may address that, it does a little bit....

30

31 MR. PEARSON: It does a little bit, though.

32

33 MR. ADERMAN:because the State currently allows same-day-airborne taking under the trapping license as long as you're 300 feet. And the State -- the current State trapping season goes out to April 30th in this area, so....

37

38 MR. ROACH: So, it would add a 30-day window of opportunity for somebody using an aircraft?

40

41 MR. ADERMAN: Correct.

42

43 MR. CHARLIE TITUS: Under the State's proposal, you're increasing the hunting limit to five?

45

46 MR. ADERMAN: They're decreasing. They're asking that the Federal hunting harvest limit be decreased from ten to five in Unit 20 and 25(B), (C), and (D), and in 25(A) going from no

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limit to five. So, that's the reduction part.

1

2 MR. PEARSON: You know, I could imagine, you know,
going home and telling them -- I'm not going to go home and
tell them. But there'd be people upset under hunting now,
trapping, under hunting, in Unit 20, say, that you reduce the
numbers from ten to five. And while I believe what Chris Smith
has said, that the incidental takes under hunting is very
limited anyhow, that it really isn't going to affect nobody,
but -- and then if you look over on trapping, say, the
remainder on 20 is no limits from November 1st to March 31st,
and over here the proposed, it goes to April 30th. I would
think that the people in my area would welcome this. I mean, I
think they wouldn't like that reduction in the hunting by five,
but I think if they knew all about it, they'd understand that,
but they would like the extended trapping part which is
affected by airborne.

17

18 MR. GUSTAFSON: Well, wouldn't most of the hunters have
a trapping license anyway?

20

21 MR. PEARSON: Yes.

22

23 MR. GUSTAFSON: So, it wouldn't make much difference,
right? Not appreciable.

25

26 MR. PEARSON: No, but -- no, it wouldn't. The part,
though -- the positive part is the 30-day longer in the spring.

28

29 MR. ADERMAN: Mr. Chairman, I think Hollis Twitchell
from the Park Service would like to address the hunting harvest
limit proposed changes and how that would apply to Park Service
lands. So, if Hollis would come up....

33

34 MR. TWITCHELL: Again, Hollis Twitchell from Denali. I
wanted to point out a couple aspects of this proposal as it
would affect the Denali area subsistence users. I'm speaking
on behalf of just Denali, not the general Park Service as a
whole. In the Unit 20 area, again, that would -- to review
what's already been explained, that would reduce the hunting
harvest level from a potential of ten wolves to a potential of
only five. On Park Service lands, the only way you can take a
wolf under a trapping license is if the wolf is retained, held
in a snare or a leg-trap hold. You're not authorized under the
Park Service with a trapping license to shoot with a rifle a
free-roaming wolf. Keep that in mind. So, what this proposal
would essentially do is reduce the opportunity of the
subsistence user of taking ten wolves down to a potential of
five wolves with a rifle under the hunting regulation.

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1 MR. PEARSON: Hollis, would that affect anybody that
2 you know of?

3

4 MR. TWITCHELL: That would affect the people from the
5 resident zone in Minchumina, a number of people who run
6 traplines into the Preserve and Park.

7

8 MR. PEARSON: Yeah, yeah. That wasn't what I -- do you
9 know of anybody that shoots -- hunts over five? You know, not
10 trapping, but shoots over five wolves a year?

11

12 MR. TWITCHELL: I don't have that information available
13 on what....

14

15 MR. PEARSON: Could you just -- do you know just off
16 the top of your head? Do you know of anybody?

17

18 MR. TWITCHELL: I've spoken with several of the
19 subsistence users out of Minchumina who have been traveling and
20 have passed wolf packs and have been approached by wolf packs,
21 in which case they had opportunity with the rifle to make the
22 harvest rather than a snare situation. And there are certainly
23 situations where they're aware of moose kills or caribou kills
24 in which not only do they have traps set in the vicinity, but
25 approaching them would come across wolf activity. So, for
26 those individuals, not knowing what the actual harvest is with
27 a rifle, I would question whether you want to reduce the
28 potential opportunity for them to take ten wolves down to five.

29

30 MR. PEARSON: But, you know, I mean actually not having
31 the data I realize makes it tough, but to be able to shoot ten
32 wolves in one year would be pretty dang-gum good. I mean, to
33 have that opportunity would -- I mean, you don't have your
34 data, you said, but I'm just -- I hate to restrict anybody on
35 hunting there, to cut their take from five to ten, but I'm
36 trying to think that would be a rarity, I would think.

37

38 MR. TWITCHELL: I don't have the information to support
39 deny that.

40

41 MR. PEARSON: Yeah.

42

43 MR. TWITCHELL: I really don't know. I guess my
44 approach to subsistence management would be more resource-
45 based. If you have a population that is natural or healthy or
46 natural and....

47

48 MR. PEARSON: Right.

49

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1 MR. TWITCHELL:can sustain the harvest, then, I
2 don't see a reason why we should reduce the opportunity for a
3 subsistence user unless there's some resource need to reduce
4 it.

5

6 MR. JAMES: Mr. Chair, a question for Hollis. If this
7 proposal were passed and it did turn out that folks using Park
8 Service land were unduly restricted, would it be possible for
9 the Park Service to initiate their own rule-making that would
10 make it legal for them to take furbearers, free-roaming
11 furbearers with a firearm under trapping license? That would
12 be an alternative way to solve the problem. Is that a
13 possibility?

14

15 MR. TWITCHELL: The chances of the Park Service
16 proposing that would probably be pretty slim, but the
17 possibility of the Subsistence Resource Commission, on the
18 other hand who looks at subsistence harvest and activities,
19 would most likely be the source that would come forth with a
20 proposal such as that.

21

22 MR. PEARSON: Well, Mr. Chairman, if we -- I mean, I
23 can't say that I really like that part of the proposal, but
24 either way we went -- say we support the extended trapping, but
25 we didn't support the restriction on the limit on the hunting,
26 mean, might be an option.

27

28 MR. ROACH: Mr. Chairman?

29

30 MR. LEE TITUS: Yes.

31

32 MR. ROACH: I would have to agree with Mike. One of
33 the things that we hopefully don't want to do is reduce the
34 opportunity for subsistence use if the resource can handle that
35 use. By adopting the proposal for extending the trapping
36 season as the State Fish and Game suggests, that would help
37 alleviate some confusion with dates; whereas if we oppose the
38 reduction of the hunting portion of that, then, there's really
39 not a lot of confusion between taking ten animals and taking
40 five animals. There's not a lot of confusion we'd have to deal
41 with there and we would still allow a more liberal subsistence
42 take....

43

44 MR. PEARSON: On trapping.

45

46 MR. ROACH:on hunting.

47

48 MR. PEARSON: Yeah, right.

49

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1 MR. ROACH: The other concern that has been mentioned
2s the incidental take of wolverine by leg-hold traps and the
3susceptibility to that in the springtime. One of my concerns,
4and it was addressed at the LAC meetings that I attended, was
5that wolverine numbers are not extremely high and by making it
6more vulnerable to this leg-hold traps in the spring, might
7reduce the resource to the point where it's in trouble in some
8areas. What I would suggest is that we limit that additional
90-day -- or we make a suggestion that that additional 30 days
10of wolf harvest is through the use of other means other than
11leg-hold traps.

12

13 MR. PEARSON: Such as snares.

14

15 MR. ROACH: Such as snares. That would allow the
16subsistence user to take that resource without the wolverines
17being harvested. Does anybody have a comment on that?

18

19 MR. ADERMAN: I would agree with you. I'm not real
20experienced with wolf trapping and incidental catch, but I
21would tend to agree that by limiting it to snares, you reduce
22the potential to catch wolverines. But there's also still the
23potential to catch lynx in snares, given the same kind of
24bait and that. And that may be a concern in some areas
25during the lull in the lynx cycle.

26

27 MR. LEE TITUS: Yes?

28

29 MR. SMITH: Thank you, Mr. Chairman. The Board of Game
30has adopted in -- when they extended the trapping seasons last
31year, they did impose restrictions on use of leg-hold traps in
32some of the units in order to reduce the potential for
33incidental take of wolverine and to a lesser extent lynx. But
34that certainly reduces the incidental take of wolverines and
35that's a practice that they actually started several years ago
36when they first extended wolf seasons in Units 12 and 20(E)
37much longer than other species would have prohibited use of
38leg-hold traps.

39

40 MR. PEARSON: So, Andy, and, Chris, you agree with what
41Jeff said for extending it? There would be merit to
42restricting it to snare for that last month? I mean, I don't
43know how many lynx are going to get caught in the snares that
44you set for the wolves, but by limiting it to snares, it would
45also protect the wolverine. Is that correct?

46

47 MR. ADERMAN: Right. My concern is that, you know,
48possibly during the lull cycle phase of the lynx when there's

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not a lot of hares, that the lynx may come into a....

1

2 MR. PEARSON: An incidental....

3

4 MR. ADERMAN:a carcass set and if there are a
number of snares set around that, the potential is there to
take.

7

8 MR. PEARSON: But we would still have our emergency
closure tool to use if that became a problem?

10

11 MR. ADERMAN: I would think so.

12

13 MR. PEARSON: Mr. Chairman, I'd like to ask Mr. Hollis
Twitchell that on the trapping side, I think he got it and I
probably interrupted him. He brought out real good points on
the hunting by limiting the numbers where we'd be restricting
the -- limiting the take of subsistence take. But do you see
any problems on the lengthening, say, in Unit 13 and 20 for the
longer season on the trapping side? Is there any disadvantage
to that?

21

22 MR. TWITCHELL: Thirteen would be the Southcentral
Region?

24

25 MR. PEARSON: Yes.

26

27 MR. TWITCHELL: And 20 would be the Eastern Interior
Region, and I would only contribute what I've observed from the
trappers who are utilizing the area; that the month of April is
not a good month on the north side of Denali for trapping due
to environmental conditions due to snow pack and river
conditions for traveling in the area. That tends to limit
their dispersal and their use out at that time of year. So, I
would question whether the local users in Denali would be
enhanced much on the north side by the additional 30 days in
April just because access becomes significantly challenging or
not possible.

38

39 MR. CHARLIE TITUS: Mr. Chairman, if I may? On that 30
days, isn't the fur over its prime by then?

41

42 MR. ADERMAN: That is one of the other concerns that I
have here in the last paragraph on page 10; that I've received
comments, just general comments from people talking. They
question the month of April, how good is the fur; also, the
early months under the hunting season, August, September. It's
been brought to my attention and I mention it here. I don't
know how good the fur is. I can't speak for that myself.

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1 MR. CHARLIE TITUS: I know in my experience, the fur is
2 already over its prime by the month of April. They're
3 preparing for the warmer weather and I don't think it's for a
4 subsistence hunter. I don't see where it would be worth my
5 time to go out there and try to catch a furbearing animal that
6 isn't going to bring any value. They have no value.

7
8 MR. ROACH: I agree with you, Charlie, but that would
9 be your choice whether you would want to do that or not and
10 maybe us allowing that choice to be made is still a good
11 decision.

12
13 MR. CHARLIE TITUS: But is that best for the
14 subsistence user? For the animal?

15
16 MR. PEARSON: For the resource?

17
18 MR. CHARLIE TITUS: For the population for the region?

19
20 MR. LEE TITUS: Yes, David?

21
22 MR. JAMES: Mr. Chair, a question for Chris Smith. Do
23 qualified general subsistence users presently qualify to trap
24 and hunt under State regulations with a State hunting license
25 or the State trapping license? I mean, they are able to do
26 that, are they not?

27
28 MR. SMITH: Yes, they would be.

29
30 MR. JAMES: In all these areas?

31
32 MR. SMITH: In all those areas.

33
34 MR. JAMES: It's more than likely that they're
35 currently doing it. Has ADF&G identified any resource problems
36 or any complaints about fur quality or over-harvest of
37 wolves and these other animals?

38
39 MR. SMITH: No. Although, this is the first year that
40 this change -- that these extensions will be in effect under
41 the State regulations because these actions were taken by the
42 Board last June.

43
44 MR. JAMES: Was the primary purpose for these dates for
45 the Game Board to -- was their primary focus on quality of fur
46 or was their primary focus on the standardization of closing
47 and opening dates throughout the State to simplify the
48 regulations?

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1 MR. SMITH: I think their primary intent was to make
2 the regulations more uniform, to allow some additional
3 opportunity, there was some discussion about quality of pelts
4 in the latter portion of the season. But, particularly, in the
5 northern portions of the Interior, north -- for example, north
6 of the Yukon River and up onto the North Slope, people from
7 those areas felt that all the way through the end of April the
8 pelts were certainly of adequate quality. Perhaps not to be
9 marketed, but certainly for local use for making parka ruffs or
10 things like that. There was strong interest in the communities
11 in having the seasons extend through the end of April.

12

13 MR. LEE TITUS: So, this here is a statewide proposal?

14

15 MR. ADERMAN: It affects most units or most areas of
16 the State. There are a few like Unit 12 where the seasons for
17 the State and the Federal are identical at this time. So
18 there's no proposed change for like Unit 12.

19

20 MR. GUSTAFSON: Mr. Chairman, Mr. Titus over there had
21 a good point. I agree with the simplifying of these
22 regulations, you know, for alignment. For the quality of furs,
23 a lot of trappers look at next season. If they miss a wolf,
24 they want to have an opportunity to get a pelt in fine
25 condition, in prime condition. And if you eliminate one of
26 those, you're going to be hurting yourself because with -- and
27 I agree with like the opportunity for the people up North. You
28 can just change that for that Game Management Unit rather than
29 make it areawide like it's proposed. That would be one way
30 -- you know, we can limit. Most trappers don't want to
31 catch fur that's not prime. They want to wait till next
32 season.

33

34 MR. LEE TITUS: The reason I asked about that was
35 because it seems like this proposal would be more -- would give
36 more opportunity to a hunter or trapper who has a plane by
37 extending the open season to April because where I'm from the
38 month of April it's really hard to get around on a snow-machine
39 because by the end of April most of the snow is gone and
40 there's water out on the edge of the lakes. And it's really
41 hard for a subsistence trapper to utilize the extended season
42 for subsistence hunting or trapping wolves at that part of the
43 year. And....

44

45 MR. PEARSON: But wouldn't it be hard for an airplane,
46 also, Lee?

47

48 MR. LEE TITUS: I think an airplane, they can land out

49

50

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in the middle of the lake more till the end of April or the first part of May because the middle of the lake is solid, but around the edges is pretty -- a lot of water around the edges.

3

4 MR. CHARLIE TITUS: Mr. Chairman?

5

6 MR. LEE TITUS: Yes.

7

8 MR. CHARLIE TITUS: Speaking from knowing trappers that go out even into the McKinley area, I know the Dykes, they usually go out in November or November, December, the early part of the fall, and they usually get back before April because it's too dangerous to travel. And I'm sure it's like that in most communities in Alaska. I mean, most subsistence hunters know -- hunters and trappers know for sure they've got to be in before the break-up or else the prime fur isn't prime enough for any value anyhow. Even for sewing, I don't think it's that good. So, I'm speaking from the subsistence point of view. And not flying -- I don't think it's for hunting purposes. I don't see where we're going to....

20

21 MR. PEARSON: Mr. Chairman, maybe one of our guests there could -- I've heard -- I don't know. Like I said, I don't know much about flying, but I think airplanes even in the month of April would have a hard time. Maybe Hollis could answer. I mean, do you think on, you know, around Denali there that aircraft would have an easy time or, I mean, would still be able to function in April? Or maybe not an easy time, but would they still be able to function?

29

30 MR. TWITCHELL: I would not. By that time, we're transitioned to wheels and we're not working off any of the lakes.

33

34 MR. ROACH: Just as a comment. I would not either and even if you could land in the middle of the lake where the ice is solid, you can't get to shore. You can't utilize any means of transportation during that time well. But, still, if you have a trapline, and we're talking about the whole state here, not just our region - we can make our decision based on our region - it extends pretty far north to the -- I mean, we're going up to the south slopes of the Brooks Range. And up there, the prime pelts are a little bit later in the year and they would still be able to harvest it under State regulations. So, I don't think that we should support limiting subsistence use in this case where the State is more liberal because there's not a significant impact.

47

48 MR. PEARSON: By having it later in the trapping....

49

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1 MR. ROACH: Right. There's nowhere in here or from the
2 discussions we've had where it would be a significant impact.
3 If a subsistence user doesn't want to harvest the resource,
4 then they're not going to harvest the resource.

5
6 MR. PEARSON: Well, Mr. Chairman, unlike the other
7 proposal, I understand this well. The problem I have is the
8 quality and the opportunity. You know? And I would, as food
9 for thought, maybe think that as a Council we just address this
10 the units in our areas and try not to comment on the rest of
11 the state. And here on the quality part I'm trying to think is
12 by having the hunting season shortened by five, you know, the
13 quality of the fur -- I mean, as mentioned earlier, I would
14 think that, you know, as subsistence or sport, if you can't
15 take a wolf in quality, save it for another day that you might.
16 When, on the opportunity, you know, I'd hate to restrict
17 somebody the chance of taking an additional five wolves during
18 the hunting season.

19
20 MR. CHARLIE TITUS: Mr. Chairman, it's too bad
21 Mr. Adams wasn't here because he's a trapper just outside of
22 the Brooks Range. I imagine he'd have some good comments on
23 his proposal. But something right there, too, the opportunity
24 if they -- it's a hard one. If the subsistence trapper or
25 hunter had the opportunity, if he has the extra 30 days, but
26 when I don't see what he'd want the -- it's just hard for me
27 because I don't see where there would be the opportunity. It'd
28 be going against his own beliefs or his own ways of tradition,
29 I imagine.

30
31 MR. PEARSON: To take a poor fur?

32
33 MR. CHARLIE TITUS: Yeah, to take a poor fur. I'd
34 rather get a nice fat cat than a scroungy cat. That's all.
35 It's kind of hard.

36
37 MR. LEE TITUS: More comments?

38
39 MR. ROACH: I have a question. If, for example, the
40 Council decides to suggest that we leave hunting the way it is,
41 the proposed regulation the way it is, but changed trapping,
42 extend the season to match Fish and Game's, and that we would
43 want to limit the last 30 days of the trapping season to snares
44 only for wolves, how would we go about doing that? Would that
45 -- could we do an amendment to the motion or do we have to
46 make a new motion after an approval or disapproval of this?

47
48 MR. JAMES: You can amend the motion.

49
50

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1 MR. ROACH: So is Mike the only one -- because he was
the motion-maker, Mike is the only one that can make that
amendment to the motion?

4

5 MR. LEE TITUS: No, anybody can....

6

7 MR. PEARSON: No, my....

8

9 MR. LEE TITUS: Anybody can amend the motion.

10

11 MR. ROACH: Anybody can amend the motion?

12

13 MR. LEE TITUS: Um-hum (affirmative).

14

15 MR. ROACH: Then it would stand as a motion and just be
up for further discussion and then a vote?

17

18 MR. JAMES: Right.

19

20 MR. ROACH: Okay.

21

22 MR. PEARSON: I like how you presented that, Jeff. The
only thing I'd like to add to it is that we just pertain to our
area, our units, and that -- and not comment on the whole
state.

26

27 MR. GUSTAFSON: Mr. Chairman, doesn't our area go right
up to the Brooks Range with Unit 25(D), is that right? Or 25?
Up there to, what, Arctic Village, that area around there?

30

31 MR. LEE TITUS: Um-hum (affirmative).

32

33 MR. JAMES: Yeah, that's correct.

34

35 MR. GUSTAFSON: So, that would affect our -- that would
be pertinent because....

37

38 MR. ROACH: That's what I was trying to say. When I
said the whole state, that was just, you know, a comment to how
the regulations would be changed. As far as the board, they
would not be concerned with anything other than our area or our
commendation, I don't believe.

43

44 MR. JAMES: A reminder, too, Mr. Chair. I can't recall
how. I don't think yet you've asked if anybody from the public
would like to comment on this, and also don't forget about the
written proposals that you may or may not have looked at for
this particular one, but they may provide additional....

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1 MR. PEARSON: Oh, yeah, yeah.

2

3 MR. LEE TITUS: Yes?

4

5 MR. ADERMAN: Mr. Chairman, I'd just like to add that
6 the Council may wish to consider a particular snare size should
7 the amendment be made to only allow snares during the 30 days
8 in April. You have a proposal that you'll be dealing with
9 later on this afternoon, Proposal 69, that deals with snare
10 size in regards to wolf trapping. And I believe that the
11 restriction there is to have a minimum 3/32-inch snare cable
12 size.

13

14 MR. LEE TITUS: Yes?

15

16 MR. SMITH: Mr. Chairman, I guess one suggestion that I
17 might offer is, procedurally, if you want to adopt an extended
18 trapping season, but then impose certain restrictions you
19 could, under Proposal 2, adopt the longer seasons and then
20 amend Proposal No. 69 which, as it's written, only refers to
21 two of the Game Management Units. You could amend that to
22 include any or all of units that you'd extended the season
23 into.

24 MR. ROACH: So, your suggestion is that we don't
25 mention snare size yet; we mention it when we talk about the
26 00, if applicable there?

27

28 MR. SMITH: (Nods head.) I pointed out that that's an
29 alternative. I don't think it's my place to suggest what you
30 do.

31

32 MR. PEARSON: No, that'd be too confusing.

33

34 MR. LEE TITUS: At this time, I think we should recess
35 for lunch.

36

37 MR. PEARSON: Oh, let's go and take a motion. I'd like
38 to call for the question, maybe. I mean, I'm not....

39

40 MR. LEE TITUS: Right.

41

42 MR. PEARSON:putting this forward, but I mean I'd
43 like to go ahead and get this done and over with and then go to
44 lunch.

45

46 MR. CHARLIE TITUS: What -- are we voting to extend
47 the....

48

49

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1 MR. PEARSON: We're waiting....

2 MR. LEE TITUS: We're waiting for an amendment, I
3 believe.

4

5 MR. JAMES: Mr. Chair, yes, the only motion right now
6 is to adopt Proposal 2. That's the motion.

7

8 MR. PEARSON: Yeah, it's just to adopt it, Proposal 2.

9

10 MR. LEE TITUS: Right.

11

12 MR. ROACH: And, Mr. Chair, I'd like to make that
13 amendment and then, Charlie, if you have a question maybe you
14 can address it after I make the amendment. I would like to
15 amend the motion to....

16

17 MR. PEARSON: For those....

18

19 MR. ROACH: Just a moment, I'm trying to get the
20 wording exactly right here. To accept the change to the
21 proposed regulation under the trapping season with the
22 restriction that the season from March 31st to April 30th be
23 snares only, and to oppose the change to the hunting portion of
24 the regulation.

25

26 MR. JAMES: Could you say again that last part there?
27 What about the hunting?

28

29 MR. ROACH: To oppose the change to the hunting
30 regulation.

31

32 MR. PEARSON: And what he means by that would be leave
33 it at the ten bag limit instead of just five. Do we need a
34 second on that amendment?

35

36 MR. LEE TITUS: Yeah, you need a second.

37

38 MR. PEARSON: I'll second that amendment.

39

40 MR. ROACH: Mr. Chair, I believe Chris would like to
41 comment.

42

43 MR. LEE TITUS: Yes.

44

45 MR. SMITH: I have, I guess, just a question or a
46 comment to clarify. When you referred to "snares only," the
47 regulation that the Board of Game has adopted refers to the use
48 of snares of a minimum size or firearms which by, you know,
49
50

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extension, excludes leg-hold traps. And I just wondered if you intend for this to mean only snares or if your intent is to try to eliminate leg-hold trap.

3

4 MR. ROACH: Thank you for bringing that up. What I would like to do is to change that amendment to read, instead of "snares only during the last 30 days," that it "restricts the use of leg-hold traps during that last 30 days."

8

9 MR. JAMES: Eliminates the use?

10

11 MR. ROACH: "Eliminates the use." Thank you.

12

13 MR. PEARSON: I will re-second that, then.

14

15 MR. CHARLIE TITUS: Question. Won't that be targeting other furbearing animals, for instance wolverine or wolves? If you're going to allow snares, you're obviously snaring something there.

19

20 MR. ROACH: It would be for wolf....

21

22 MR. PEARSON: Wolf.

23

24 MR. ROACH:under this regulation. That's what this regulation addresses.

26

27 MR. CHARLIE TITUS: I still have a problem. I still don't have the -- my thought in mind is that I don't like to restrict the subsistence user, but yet I don't see where it's going to help him.

31

32 MR. PEARSON: By the quality of the fur?

33

34 MR. CHARLIE TITUS: Right.

35

36 MR. PEARSON: I've got those two same concerns.

37

38 MR. CHARLIE TITUS: Mr. Chairman, I hate to be on the opposition, but if this comes to vote, I'll have to abstain my vote because I believe in the subsistence; I think it's helping the subsistence user more than it's hurting him because in the long-run, the animal will be there. He'll still be able to go out next season to get it. And whereas if he sells it, it probably wouldn't -- if he was to trap that animal or snare that wolf in April, for instance the latter part of April, and the sun is out all day, he may even snare a pregnant wolf. I don't know. I just have a problem.

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MR. PEARSON: So, Charlie, let me clear it up. You're saying quality of the fur should come before the opportunity? Because that's the same concerns I've got. But what you're saying is you would vote no because of the concern for quality over the opportunity to harvest, and save the wolf for a better -- to winter months to where the fur is more prime?

6

MR. CHARLIE TITUS: That's true. And I think for any trapper, that's the logical way to look at it. But then you said the opportunity, that's why I say I have to abstain my vote.

11

MR. PEARSON: No, I've got the same exact feelings that you do: does quality or opportunity come first?

14

MR. CHARLIE TITUS: That's why I have to abstain my vote because the subsistence user, he's always -- it's there. We're dealing with subsistence.

18

MR. PEARSON: Right.

20

MR. CHARLIE TITUS: And he's got the opportunity, quality -- I don't know where to draw the line.

23

MR. PEARSON: Well, obviously, you're saying the quality in subsistence there would be over opportunity, and I'm not disagreeing with you.

27

MR. LEE TITUS: Yes, Jeff?

29

MR. CHARLIE TITUS: Let me put it this way,....

31

MR. LEE TITUS: Charlie?

33

MR. CHARLIE TITUS:first -- Mr. Chairman, if I may? If I were starving and had 30 days, sure, I'd go after the wolf. That's the opportunity. Whether the value or not, whether the prime or not, I'd still have a chance to go out and share the wolf.

39

MR. LEE TITUS: Yes, Jeff?

41

MR. ROACH: I understand your concerns, Charlie and Mike, both. My justification for making the amendment and then voting for the amendment is that we're going to provide the opportunity for a subsistence use from March 31st to April 30th. I believe that the subsistence user can make that decision on their own that the fur is not prime or it is prime during that time of year for their use. We are allowing that

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subsistence user that additional 30 days that would be allowed to any sport take under Fish and Game regulations. And then in the hunting portion of it, I believe that reducing the number to the Fish and Game's five animal limit would only possibly make it a little easier to understand, but it reduces the subsistence opportunity which I'm not in favor of under that portion of the regulation.

7

8 MR. PEARSON: Well, I'm going to vote in favor of it, Jeff, because, one, I think that natural weather is going to restrict modes of transportation in April. I don't think that people are going to be able to get out and harvest very many wolves in April. The snow, at least in the Interior normally, you know, can be real deep but real wet to where you can't snow-machine, you can't fly, so I don't believe there's going to be a lot of people out. I think further north on the north side of our area, the fur might be still prime. Also, weather's a factor in whether the fur is prime. And then I think it's down basically to the subsistence user to decide whether they want to take that animal that isn't at its absolute prime. But I'm going to go ahead and vote in favor of it and on those reasons, and I do have concern like Charlie is saying.

23

24 MR. CHARLIE TITUS: Then you still believe that 30 -- when is the hunting season over?

26

27 MR. PEARSON: April. Well, a lot of it's August 10th through April 30th there.

29

30 MR. CHARLIE TITUS: That doesn't change?

31

32 MR. PEARSON: No.

33

34 MR. GUSTAFSON: Mr. Chairman? Well, in a way I do agree with Mr. Pearson over here. Weather is going to be a factor, if weather changes a lot. But for quality, I want to be assured, see that we have quality the next season and amount, and have the opportunity. If we don't catch that wolf one season, we can get him next season in a good condition; and that we won't offend our fellow subsistence user, also. He might have different views. He might want to wait till the next season, also, and I don't want to limit him. I wouldn't want anybody to limit him to his right of catching a quality fur or not catching fur if the season is extended. And so here's another point to look at. You know? What do the other subsistence users -- what are their viewpoints? Do we have that information? But the opportunity, I don't know. Most prudent trappers are going to wait till the next year.

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1 MR. PEARSON: But, James, don't you -- I mean that's --
2 think it boils down to quality and opportunity and I think if
3 you went, say, to the far north boundary that this Eastern
4 Council has to make decisions on, and it was a late spring,
5 there might be prime fur and then you'd be denying the
6 subsistence user the chance to harvest that. And, if they are
7 a true subsistence user and the fur wasn't prime, as Charlie
8 stated, I think a true subsistence user would wait until the
9 fur was prime.

10

11 MR. GUSTAFSON: So, Mr. Chairman, if we do recommend
12, they can still make emergency closures. Is that correct?

13

14 MR. PEARSON: Right.

15

16 MR. LEE TITUS: Um-hum (affirmative).

17

18 MR. PEARSON: Um-hum (affirmative).

19

20 MR. GUSTAFSON: Well, I can see that.

21

22 MR. PEARSON: And then, of course, we had the
23 amendments that Jeff stated on it, too.

24

25 MR. LEE TITUS: I have a problem with the subsistence
26 part of this.

27

28 MR. PEARSON: Well, the whole thing is subsistence.

29

30 MR. LEE TITUS: Yeah. Is this a subsistence
31 regulation?

32

33 MR. PEARSON: Yes.

34

35 MR. LEE TITUS: It's a whole State reg- -- it's a State
36 harvest, ain't it? Yeah.

37

38 MR. JAMES: Mr. Chair, I suggest that if the discussion
39 going to go on any longer and we're not about to take a
40 vote, perhaps it would be appropriate to break for lunch?

41

42 MR. ROACH: Mr. Chairman, I would like to call for the
43 question at this time.

44

45 MR. CHARLIE TITUS: Question, Mr.....

46

47 MR. PEARSON: I....

48

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1 MR. JAMES: I'll read the....
2 MR. LEE TITUS: Read the....
3
4 MR. JAMES:motion. Okay. To adopt Proposal 2....
5
6 MR. PEARSON: With the amendment.
7
8 MR. JAMES:with the amendment to eliminate the use
9 of leg-hold traps during March, and to oppose the reduction of
10 the hunting harvest limit.
11
12 MR. ADERMAN: April. Eliminate the use of leg-hold
13 traps in April.
14
15 MR. JAMES: Did I have the wrong month?
16
17 MR. ADERMAN: Yes.
18
19 MR. ROACH: It would be April.
20
21 MR. LEE TITUS: April.
22
23 MR. JAMES: Okay. I heard March 1st/March 31st.
24 ~~24~~, (pause).
25
26 MR. LEE TITUS: Anybody second the amendment?
27
28 MR. ROACH: It was already seconded by Mr. Pearson,
29 ~~Mr.~~ Chairman.
30
31 MR. PEARSON: Yes, I already seconded his amendment.
32
33 MR. LEE TITUS: Okay. All in favor of the amendment,
34 signify by saying aye.
35
36 MR. ROACH: Aye.
37
38 MR. PEARSON: Aye.
39
40 MR. LEE TITUS: All those opposed?
41
42 MR. CHARLIE TITUS: Aye.
43
44 MR. GUSTAFSON: Aye.
45
46
47 MR. LEE TITUS: The amendment failed. Back to the
48 original motion. Any more under discussion under the original
49
50

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proposal or original motion?

1

2 MR. ROACH: Okay. Mr. Chairman, I would like to
address the original motion. Somehow I think that we are going
to have to deal with the fact under the trapping regulation
that the State is going to allow that harvest from April 1st
through April 30th, but we're not allowing that harvest as a
subsistence use. How are we going to deal with that and answer
that question when we go back to our area?

9

10 MR. PEARSON: If you had a legitimate subsistence user
that had, say, a late spring farther north than our area that
wanted to harvest a wolf during that April there and he's going
to come up and say, well, how come you shot us down the
opportunity to do that when it was good quality? Now, I can
respect very much Charlie's concern over quality.

16

17 MR. CHARLIE TITUS: The question is over.

18

19 MR. PEARSON: What's that?

20

21 MR. CHARLIE TITUS: The question is over.

22

23 MR. PEARSON: No, we're back to the original motion.

24

25 MR. ROACH: No, the original motion....

26

27 MR. LEE TITUS: We're back to the original motion, the
original proposal on two....

29

30 MR. ROACH: Mr. Chairman?

31

32 MR. LEE TITUS: Yes.

33

34 MR. ROACH: Chris....

35

36 MR. SMITH: Maybe one thing I can point out that may
help bring you to closure on this is that under the current
interpretation with the more liberal State regulations, anyone
would still be allowed to harvest a wolf during that April
period under the State regulations on both State and Federal
land and unless the Federal Government takes some other action to
prohibit it.

43

44 MR. PEARSON: Such as emergency closure?

45

46 MR. SMITH: Right. Such as closing those Federal lands
to use under the State regulations. So, you would still be
allowed to have -- you know, barring no other change, you would

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still be allowed to take those wolves on the Federal lands. What you leave by not adopting this proposal is you would leave the door open for an individual Federal agency to take some specific action to eliminate that opportunity. And whether they will or not, I can't speak to that.

5

6 MR. LEE TITUS: Yes?

7

8 MR. TWITCHELL: I just wanted to point out that the State harvest regulations wouldn't apply on National Park lands; it would be only Federal regulations.

11

12 MR. ROACH: Mr. Chairman?

13

14 MR. LEE TITUS: Any more on discussion?

15

16 MR. ROACH: Yes, I was just going to say that now that we have gone through that vote, unless -- I agree with David, that unless we're going to make a vote right now, we should probably break for lunch and mull this over.

20

21 MR. PEARSON: Well, I don't know what more discussion we need. I think we've discussed it pretty doggone thorough.

23

24 MR. CHARLIE TITUS: And maybe over lunch, we can think about it.

26

27 MR. PEARSON: Sure. If that will help you out, Charlie, go for it. I mean, I agree.

29

30 MR. CHARLIE TITUS: I agree with you that -- well, I'm not totally agreeing that there's an opportunity there. I still believe that -- I just don't feel that there's enough of us here. That's the reason why I'm voting. I think Clifford and, Mr. James, what's his name? And, Selina,....

35

36 MR. JAMES: Bruce?

37

38 MR. PEARSON: Bruce.

39

40 MR. JAMES: Bruce Thomas.

41

42 MR. CHARLIE TITUS: They're the true subsistence members. They live way out there in the country and I think they live north. But I know we have a quorum and I have a responsibility, but I still....

46

47 MR. ROACH: If we're going -- excuse me, Mr. Chair, if we're going to make a comment on this to the board, we're going

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to have to do it without them here if they're not here. You have to do it one way or the other.

2

3 MR. PEARSON: Charlie, if you want lunch to think about
4 it, then, maybe that isn't a bad idea. Maybe we ought to break
5 for lunch.

6

7 MR. LEE TITUS: Sure.

8

9 MR. GUSTAFSON: Mr. Chairman, what about anybody from
10 the public who wants to comment on it?

11

12 MR. LEE TITUS: At this time before we break for lunch,
13 I'll just ask, see if there's any public comments about this
14 proposal before we break. (Pause) If not, we'll come back at
15 two.

16

17 (Off record; 1:00 o'clock p.m.)

18 (On record; 2:00 o'clock p.m.)

19

20 (Ms. Selina Petruska now present)

21

22 MR. LEE TITUS: All right. We're going to come back to
23 order. David has a couple of announcements. Go ahead.

24

25 MR. JAMES: The fine people that operate the restaurant
26 in this wonderful establishment informed us that three people
27 ran out this morning after eating breakfast and didn't pay for
28 it. I want all of you to do some soul-searching here and come
29 down with us. We have to maintain our sterling reputation
30 with the retail establishments in this community. Thank you.

31

32 MR. LEE TITUS: Okay. We're still on discussion on
33 Proposal No. 2. So, we're back to the main motion of adopting
34 Proposal No. 2. I have a question on the -- there was a
35 question brought up about the size of the snares. It seemed
36 like this proposal and the other one, Proposal 69, coincide
37 with each other?

38

39 MR. ROACH: Mr. Chairman?

40

41 MR. LEE TITUS: Yes?

42

43 MR. ROACH: I believe that they only coincide as far as
44 the amendment included snares. So, now that the amendment no
45 longer includes snares because that amendment was voted down,
46 then they have nothing in common.

47

48 MR. LEE TITUS: Oh, okay. All right.

49

50

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1 MR. ROACH: Mr. Chairman,....

2

3 MR. LEE TITUS: Um-hum?

4

5 MR. ROACH:just as another bit of discussion and, hopefully, we can wind this one up. The hang-up seems to be the extension of the season and it appears that the council members do not agree that the seasons should be extended by that extra 30 days for the proposed trapping regulation. If we do not discuss that, then, I'm not in favor of the proposed change for the regulation and I would like to call the question at this time.

13

14 MR. LEE TITUS: Question's been called on the motion. All in favor, okay, adopting Proposal No. 2, signify by saying aye. (Pause) All those opposed to Proposal No. 2, signify by saying aye.

18

19 ALL MEMBERS: Aye.

20

21 MR. LEE TITUS: Okay. Justification. The last part of your comments was going to be used as justification, right?

23

24 MR. ROACH: Right.

25

26 MR. LEE TITUS: Yes, David?

27

28 MR. JAMES: Mr. Chair, would you repeat that, what you just said concerning justification?

30

31 MR. LEE TITUS: Okay. Maybe....

32

33 MR. JAMES: The statement that....

34

35 MR. LEE TITUS: Jeff?

36

37 MR. JAMES:Jeff just made, is that what you mean?

38

39 MR. LEE TITUS: Um-hum (affirmative). Proposal 68?

40

41 MR. JAMES: Yes.

42

43 MR. LEE TITUS: The Chair entertains a motion to adopt Proposal 68.

45

46 MR. ROACH: I'll make the motion that we adopt the Proposal No. 68.

48

49

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1 MR. LEE TITUS: Do I hear a second?
2
3 MR. GUSTAFSON: Second.
4
5 MR. LEE TITUS: Second. We've got a second.
6 Discussion? Okay. This concerns the Dalton Highway Corridor?
7
8 MR. JAMES: Yes.
9
10 MR. BOYD: Again, I'm Tom Boyd. Just whenever you're
11 ready.
12
13 MR. LEE TITUS: Sure.
14
15 MR. BOYD: Mr. Chairman, my name is Tom Boyd. I'm with
16 the Bureau of Land Management and the Bureau of Land Management
17 is the agency that submitted this particular proposal, No. 68,
18 and I was involved with the development of the staff analysis
19 of this particular proposal and so I was asked to present the
20 analysis to you.
21
22 Let me just say from the outset that this proposal was
23 submitted to fix some unintended results for the regulation
24 change that the Federal Board made two years ago in this area.
25 That change was to lift or remove a firearm restriction for
26 the Dalton Highway Corridor Management Area. That's the area
27 five miles either side of the Dalton Highway, extending from
28 the Yukon River north to just beyond the -- I don't know the
29 landmarks up there, but just beyond the Brooks Range.
30
31 It was BLM's intention, first and foremost, that the --
32 and I'll just use this word for now, that the true subsistence
33 users of the Dalton Highway Corridor Management Area have the
34 opportunity to continue to use that area and to continue to use
35 with firearms. Now, I passed a map out to you that kind of
36 shows the area that we're talking about. The map that you are
37 looking at, Mr. Titus, has a green marker on it showing you the
38 boundary of the corridor that I'm referring to and it....
39
40 MR. CHARLIE TITUS: You mean the blue one?
41
42 MR. BOYD: And it's blue on your map. I'm sorry, there
43 are two Mr. Tituses here looking at the same -- at a different
44 map. And on the map over here, it's in blue, that's correct.
45 And you see the units overlaid on the map. The particular map
46 you're looking at, Mr. Lee Titus, has some hatch-marks on it
47 indicating where the Public Lands are. It also has some
48 coloring that is key to the legend that indicates some
49
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subsistence use areas for different communities in that area. Those maps, by the way, Mr. Lee Titus, were developed for the Land Use Plan that was developed -- that was prepared for this area by the Bureau of Land Management.

4
5 MR. LEE TITUS: So, this proposal only has to do with
6 the five-mile....

7
8 MR. BOYD: That's correct.

9
10 MR. LEE TITUS:corridor?

11
12 MR. BOYD: The five miles on either side of the Dalton
13 Highway from the Yukon River to just beyond the Brooks Range.

14
15 MR. LEE TITUS: Okay.

16
17 MR. BOYD: I don't know what the length of that is.

18
19 MR. ROACH: We're looking at a couple hundred miles?

20
21 MR. BOYD: Approximately 200 miles of road. It's a
22 considerable area, when you look at it that way.

23
24 MR. LEE TITUS: It's only north of the Yukon River,
25 though, huh?

26
27 MR. BOYD: That's correct.

28
29 MR. LEE TITUS: That's right? Okay.

30
31 MR. BOYD: The proposal itself seeks to allow only the
32 residents of Anaktuvuk Pass, Bettles, Stevens Village, and
33 those that live inside the corridor, for instance, residents of
34 Waseman, Coldfoot and I think there's somebody living down at
35 the Yukon Crossing area, to use firearms in the corridor.
36 Currently, under the current regulations, any rural resident
37 may use firearms in the corridor depending on the specific
38 customary and traditional use determination for the species in
39 a given unit. But before the -- let me just give you some
40 history of how we got to where we are today.

41
42 Before the Federal Government assumed management of
43 subsistence in 1990, State law and regulations prohibited
44 firearm use in this area, in the corridor. The initial Federal
45 regulations continued that prohibition; that was in 1990. In
46 1992, the Federal regulations were changed, allowing firearms,
47 but the unintended effect was that residents outside the area,
48 for instance, south of the Yukon River, were also allowed to

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use firearms in the corridor. And when I say residents, I mean rural residents outside that area. This was primarily due to the classification for some of the species and some of the units that there was no determination made for those species and units. In our regulations, that means if you have a "no determination" that any rural resident can use that area. And that certainly wasn't our intention back in 1992, to have that effect.

8

9 This proposal is based on a review of existing subsistence studies that identify those communities that have customarily and traditionally hunted in the corridor and, hence, one can infer that they have historically used firearms in that area. And, as I've said before, we've identified those communities as Anaktuvuk Pass, Bettles, Stevens Village, and Wiseman. The regulation itself, the proposal that we submit, goes a bit further and includes actual residents of the corridor which includes full-time residents of Coldfoot and Yukon Crossing as more of a conservative attempt to allow all rural residents in the immediate vicinity to use firearms.

20 I think the BLM recognizes that the final solution to this problem would be to conduct C&T evaluations for the communities in the area and make, you know, some determination of who use this area. But we also recognize that may take several years to complete those. This proposal was sort of presented as an interim measure until we can get those done. I think we also recognize that our analysis may not be inclusive of all communities that have used the corridor, historically. For example, we're not sure if the communities like Rampart, Adlakaket, Alatna use the area. But we do conclude that other communities outside the area probably did not use the corridor primarily because of the distance, the lack of access prior to 1974 when the road was built, and the State's closure to either hunting or firearm use during that period since then.

34

35 What we're proposing is, in effect, a de facto C&T determination on firearm use in the corridor; that it be applied only to those communities with some history or demonstrated historical use; and that it serve as an interim measure until C&T evaluations are completed. If there are communities that come forward with evidence of prior use, I think we should also consider them. But this is our best guess as to it or stab at it at this time.

43

44 MR. LEE TITUS: So, does the State have a corridor concerning the Pipeline?

46

47 MR. BOYD: They also have a similar -- probably the same area. It's defined as a special management in their

49

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hunting regulations. The State regulation basically prohibits all firearm use in that area. And that's by State law, not just by regulations; by State statute.

3
4 MR. ROACH: I'm sorry, Mr. Chair. Could you repeat that statement one more time for me?

6
7 MR. BOYD: If I understand the question, Does the State have a similar area in their regulations? Is that correct, Mr. Titus?

10
11 MR. LEE TITUS: Yeah.

12
13 MR. BOYD: Okay. And my response was, yes, they have the same area identified as a special use area or a special area where they apply some restrictions. And their restriction is no firearm use in the corridor, and that's by State statute, by State law.

18
19 MR. ROACH: Do you know if the Fish and Game restricts access by motorized vehicle?

21
22 MR. BOYD: Yes, they do.

23
24 MR. ROACH: So, that's in addition?

25
26 MR. BOYD: That's in addition. I didn't bring that up because we're only addressing firearms in our proposal. I might add, though, Mr. Roach, that last year the Federal Board changed the Federal Subsistence Regulation to allow limited use of motorized vehicles in the area. I think snow-machines is included in the current regulation, by local residents of the corridor. But the focus of our proposal is the firearm use at this time.

34
35 MR. LEE TITUS: So when you're saying local, you're only talking about the communities you mentioned earlier like Anaktuvuk and Stevens?

38
39 MR. BOYD: With reference to our proposal to lift the firearm restriction, yes. With reference to last year's regulation that dealt with motorized vehicles or snow-machines, I think it's only limited to residents of the corridor itself.

43
44 MR. LEE TITUS: Like Coldfoot?

45
46 MR. BOYD: Like Coldfoot or Wiseman.

47
48 MR. GUSTAFSON: Mr. Chairman?

49
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1 MR. LEE TITUS: Yes?

2

3 MR. GUSTAFSON: In these written comments, you'll
4 notice that Mr. Rosier opposed this in written comments and
5 said that there would be a conflict with the State. Can you
6 comment on that, on the statute? This is No. 68,....

7

8 MR. BOYD: Yeah.

9

10 MR. GUSTAFSON:I believe, and it's on page 1 of --
11 I don't understand that. I don't see -- would the conflict
12 be -- can you explain that, the conflict? Have you had words
13 with the State on this?

14

15 MR. BOYD: I can guess that the conflict basically
16 represents the difference between allowing firearm use and not
17 allowing firearm use. The State doesn't allow it, we currently
18 allow it, and I think his objection might refer to that
19 particular conflict. But what we're proposing would actually
20 permit or further restrict the amount of firearm use that's
21 currently allowed in the Federal regulations in that area. So,
22 in a sense, we're moving back in the direction of where the
23 State is, but we're not proposing that we totally disallow
24 firearm use in that area, as the State does.

25

26 MR. LEE TITUS: Do we have any comments from anybody
27 else out there about this proposal from the State or anybody
28 else? All right. Can you step up to the mike, please? For
29 the record, state your name.

30

31 MR. RANDY MAYO: Randy Mayo, Chief of the Stevens
32 Village IRA Council. And I just wanted to make a statement for
33 the record that the Stevens Village Council supports this
34 restriction to local use, the proposal here, in its entirety,
35 you know, for the simple reason that we live right next to the
36 road and all these years it's been a jumping-off place and we
37 suffered heavily for it. You know, to us, our way of taking
38 game, you know, is a needs-based system as opposed to, you
39 know, an outside sport hunter or whatever that come in and just
40 go all over the place without no regard or anything for the
41 people's, you know, personal property or nothing. And, you
42 know, like take, for instance, the Dall River right near
43 Stevens Village. That place has been heavily trashed
44 throughout the years, you know, from access off of the Haul
45 Road and we've appealed to the State and Federal agencies for
46 years to no avail. It's open season. So, I'd just like to
47 make that statement that we support this proposal here.

48

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MR. LEE TITUS: All right. Thank you, Randy. Any more comments? Oh, Jeff?

2

MR. ROACH: When you included the term "qualified rural residents," could you elaborate on what that means for us, please, and why residents living within the corridor does not satisfy the BLM?

7

MR. BOYD: I think it would. The term "qualified" I think is unnecessary. Let me see if I understand your question.

11

MR. ROACH: Yes.

13

MR. BOYD: Are you focusing on the term "qualified" in this case?

16

MR. ROACH: Right. There are two places it's listed,....

19

MR. BOYD: Yeah.

21

MR. ROACH:once by itself as an addition and then use of firearms within the corridor is authorized only for qualified rural residents. Does -- who would identify what qualified rural resident means?

26

MR. BOYD: Well, I think that's covered elsewhere in the regulations themselves, and I may be kind of jumping to conclusions here, but I think those terms probably could be edited out. I think it goes without saying that if we're allowing the use of snow-machines -- basically, we're saying residents living within the corridor and it goes without saying that it would have to be those that are qualified to hunt under Federal subsistence regulations.

35

MR. CHARLIE TITUS: Mr. Chairman?

37

MR. LEE TITUS: Charlie?

39

MR. CHARLIE TITUS: Do they have a permit system to hunt in the corridor?

42

MR. BOYD: Currently, there is a requirement for the harvest of sheep and moose to obtain a permit from the Bureau of Land Management. We are also proposing though that that permit requirement be eliminated this year.

47

MR. CHARLIE TITUS: For moose?

49

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1 MR. BOYD: Yeah, for moose only.

2

3 MR. CHARLIE TITUS: That brings back the question,
4 where do you get qualified? Do you have to qualify to get a
5 permit? Right?

6

7 MR. BOYD: Yeah, I think you're qualified by virtue of
8 the fact that, number one, you're a rural resident and, number
9 two, in this case you're living in that area. And I think you
10 don't have to use the word "qualified" in the regulation
11 itself. I think that goes without saying and I think that goes
12 to Mr. Roach's question. I think he was questioning whether or
13 not it was sort of an overstatement to use that word. We agree
14 with you; I don't think you need to say it. It kind of goes
15 without saying.

16

17 MR. LEE TITUS: So, the permit system that you're
18 referring to is a subsistence permit or a regular State permit?

19

20 MR. BOYD: It's a permit issued....

21

22 MR. LEE TITUS: Federal?

23

24 MR. BOYD:by the Federal Government....

25

26 MR. LEE TITUS: Federal subsistence permit.

27

28 MR. BOYD:for harvest of moose under the Federal
29 subsistence regs that's currently in place. I might add that
30 in this particular regulation cycle the BLM is proposing that
31 the permits for moose no longer continue. In other words, for
32 many other areas of the State, if the Federal Government
33 doesn't require a permit, then, the hunter must get a State
34 harvest ticket to report their harvest and we cooperate with
35 the State in that regard to get that information on reported
36 harvest. We're not seeing a need this year to continue that
37 requirement of the Federal permit. So, anyone hunting in that
38 area would need a State harvest ticket. But, currently, we do
39 require a permit for moose and sheep.

40

41 MR. LEE TITUS: Any more comments? Questions?

42

43 MR. ROACH: Mr. Chairman, I have a question.

44

45 MR. LEE TITUS: Yeah.

46

47 MR. ROACH: Could somebody possibly tell me if the
48 proposed regulation is different from last year's proposed

49

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regulation in any way?

1

2 MR. BOYD: I'm not sure what you're referring to when
3 you talk about last year's proposed regulation.

4

5 MR. ROACH: I'm sorry, last year's regulation....

6

7 MR. JAMES: Are you asking if the proposed rule is the
8 same as the existing regulation? This year's, Jeff?

9

10 MR. ROACH: Yes.

11

12 MR. BOYD: Oh, no. The difference is that we would --
13 let me back up a step. The last year's regulation does not
14 refer to -- and I'm talking about the language that's in front
15 of you on page 13 of the staff proposal analysis book. Last
16 year's regulation does not refer to the use of firearms at all
17 and by virtue of its absence, it allows the use of firearms to
18 all qualified residents, rural residents. Okay?

19

20 MR. ROACH: I understand that. That's addressing what
21 the BLM proposes as a change.

22

23 MR. BOYD: Right.

24

25 MR. ROACH: I'm referring to the top paragraph. Is
26 that different than last year's regulation in any way?

27

28 MR. JAMES: Let me try this one again.

29

30 MR. BOYD: Oh, no, no, it is not.

31

32 MR. ROACH: It's the same?

33

34 MR. BOYD: It's the same.

35

36 MR. ROACH: Okay.

37

38 MR. BOYD: Yeah, I understand your question.

39

40 MR. ROACH: All right. Sorry I didn't ask it in a
41 better way.

42

43 MR. BOYD: I see where you got your wording now. It's
44 in the book here.

45

46 MR. LEE TITUS: Any more questions or discussion?

47

48 MR. ROACH: This may be getting into too fine a detail

49

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and if it is, just let me know. What we -- if the board endorses this, in effect from what has been said by Mr. Boyd, we will be classifying C&T, customary and traditional use, as the time when firearms were being used for harvest in this area. Is that too much detail? I mean, we're endorsing a period of time as being customary and traditional. (Pause) Yes? No? Does anybody understand what I'm talking about?

7

8 MR. LEE TITUS: I don't know. I don't understand.

9

10 MR. JAMES: What you're worried about is, would you be establishing some sort of precedent or policy?

12

13 MR. ROACH: Yes.

14

15 MR. JAMES: I'd be real surprised if it locks you into any future actions.

17

18 MR. ROACH: Okay.

19

20 MR. JAMES: That's a guess. I don't know, maybe Mr. Boyd can....

22

23 MR. BOYD: I would concur with that. I think what we're asking is that this be put in place as an interim measure until we do the C&T evaluations. The C&T evaluations may come up with some difference than what we're proposing now, some different outcome. I don't think we want to forego that possibility, but the way we'd like to look at this is as an interim step to fix a problem that currently exists because of the way the regulations are structured right now. And we recognize that the absence of C&T determinations for some of the species and in some of the areas along that corridor have posed some peculiar management problems for us that we'd like to repair right now and we know that the long-term solution is the C&T determinations that should follow.

36

37 MR. ROACH: Okay.

38

39 MR. LEE TITUS: If this proposal passes, will it -- I've heard a lot of comments about the influx of hunters up in that area during moose or sheep seasons and if this proposal passes, would it kind of like put a cap on that?

43

44 MR. BOYD: Well, I'm not sure. I think for us, it will help us better manage the subsistence part of it. I think currently the State allows people to use primarily archery equipment in that area, in the corridor. There are a number of people that go up there and will hike in beyond the five miles,

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or at least claim they do, and harvest animals in that area. That's something I don't think that this regulation may not control, but it will help us get a handle, a fix on who the subsistence users are, and it will help us better regulate or enforce the subsistence part of the question. I'm not sure I answered your question, but it won't prohibit someone under state regulations, for instance, from driving up the Haul Road and hiking in five miles, or boating in beyond that area and using their rifle because, currently, they can do that under state law. And we're not proposing that that would be changed at all, but it would limit those same people from using a firearm within the corridor now if they live in a rural community, say, outside the area.

13

14 Let me give you an example: A number of the hunters that went up the Haul Road to take advantage of the regulations that currently exist were residents of primarily Fort Greely because Fort Greely under our current regulations is listed as a rural area. And because we have no determinations, that means any rural resident can go up there and do that, and they've taken advantage of the situation and gone up there and used the area. Hopefully, this regulation that we're proposing, well, it would stop that. It would give us an ability to enforce that.

24

25 MR. LEE TITUS: So unless you come out with a C&T determination for that area, you have no handle on the amount of people that's going to use it or....

28

29 MR. BOYD: That's correct.

30

31 MR. PEARSON: Do you have a problem -- I've heard the same thing about Fort Greely. Was there much of a problem other than that particular bunch of people going up there? If you didn't have the problem from Fort Greely, would it be a major problem?

36

37 MR. BOYD: I don't have the numbers.

38

39 MR. PEARSON: It probably would be if the word got out to other communities, or the....

41

42 MR. BOYD: Well, you've got a potential problem. Yeah, I think you're on to it. You've got a potential problem and I don't know, I mean you could have a problem.

45

46 MR. LEE TITUS: So this one, if this proposal passes, they won't have to hike anywhere to go hunting?

48

49

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MR. BOYD: Those residents of those particular communities could use the area within the corridor with a firearm, that's correct. Yeah. For instance, residents of Wiseman that live in that area wouldn't have to go beyond the five-mile limit to use their rifle.

5

MR. LEE TITUS: And....

7

MR. BOYD: And the residents of other communities that have some historical use of that area could go into that area and use a rifle and....

11

MR. LEE TITUS: What I'm trying to say is that you can't say the residents of this area and restrict it to outside people without a C&T determination.

15

MR. BOYD: I'm not sure I understand the question. This proposed regulation would, in fact, restrict people from outside of the area from using firearms in the corridor.

19

MR. LEE TITUS: Under Federal....

21

MR. BOYD: Under Federal regulations, yes.

23

MR. LEE TITUS:regulations.

25

MR. BOYD: This has no effect on State regulations, our proposal doesn't. Now, the Federal Board could close any area in the State to outside users, but generally a closure is reserved for situations where you have a biological problem and you want to limit the use to only those with a priority under Title 8. We don't have that situation here at all. Generally, the health of the populations in that area are okay and we're not trying to limit other uses. What we're really trying to do is focus the use in that area on what we believe - the BLM believes - is the legitimate or the true subsistence users in that area, instead of residents from south of the river, for instance, in any rural community.

38

The real problem here is we're talking about an area that's on the road network; therefore, it's easily accessible. That's what's peculiar about this area as opposed to, say, another area. And, therefore, it's very attractive to people from anywhere on the road net in Alaska to drive up there and want to hunt, and I think that's what we're dealing with.

45

MR. LEE TITUS: Okay. Any more comments? Questions?

47

MR. ROACH: I have a question for Mr. Boyd. You're on

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the staff committee; is that correct?

1

2 MR. BOYD: That's correct.

3

4 MR. ROACH: Do you feel comfortable, as being a member
5 of the staff committee, in identifying qualified residents or
6 subsistence users, having an agency do that? What if, as an
7 example -- maybe not a good example. But what if, say, the
8 Park Service came up with a proposal and said we want to
9 identify who the subsistence users are, and Fish and Wildlife
10 Service did the same thing. Isn't that what could happen or
11 what is happening from here?

12

13 MR. BOYD: Yeah. I think the distinction to be made is
14 that the BLM is proposing this. I feel comfortable proposing
15, but the final decision will be made by the Federal Board.
16 In a sense, BLM is not the one that's making the decision.
17 But I think I understand what you're saying and, you know, if
18 another agency came up with a similar proposal, I think it
19 would be incumbent upon the staff committee, of which I'm a
20 part, to take a look at it and look at the merits of that
21 proposal and determine whether or not it's fair or correct.
22 I'm not uncomfortable with submitting this proposal and
23 supporting it at all.

24

25 MR. ROACH: Okay.

26

27 MR. GUSTAFSON: Mr. Chairman, once again, you'll notice
28 that the State ADF&G recognizes -- well, they say if it passes,
29 they only want the rural residents living only in the Dalton
30 Corridor Management Area and Anaktuvuk Pass, Stevens Village,
31 Bettles are eligible to use both snow-machines and firearms in
32 this Dalton Corridor. Well, I don't see any difference between
33 this and the proposal. I don't see why they oppose that,
34 except for the firearms. So I don't see any -- I don't have
35 any personal -- I think it's okay.

36

37 MR. ROACH: Mr. James?

38

39 MR. JAMES: Mr. Vice Chair, I think I can answer that
40 and if I get it wrong, I think Chris Smith can correct me. I
41 think primarily what the State is trying to point out here is
42 they object to the exercise of Federal jurisdiction over a
43 State statute.

44

45 MR. ROACH: Um-hum.

46

47 MR. JAMES: That's sort of a formality. They want to
48 get that out of the way first and say, hey, we don't like what

49

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you're doing, but if you're going to do it, this is -- we concur that that's a reasonable way to do it. Have I done okay there?

3

4 MR. SMITH: (Nods head.)

5

6 MR. JAMES: Okay. Does that explain it?

7

8 MR. LEE TITUS: Selina?

9

10 MS. PETRUSKA: Who made this five-mile limit? Make it a little bit longer like 20 miles or something.

12

13 MR. BOYD: There's some history there. The Dalton Highway Corridor Management Area, and I don't know if these are the terms the State used, but was identified -- the area five miles either side of the road was identified as a special management area by the State in their hunting regulations. And that is based on a State law which prohibits the use of firearms or motorized vehicles in that area. When we began the Federal Subsistence Program in 1990, we basically adopted the State regulations and the same prohibitions. And so we adopted that special management area into our regulations in 1990 at that time.

24

25 Since that time, we have removed some of those restrictions in that area. That's why that particular area exists as it does today. But I think there were reasons that the State - and the State may want to address this - but there are reasons that the State identified that area. This was a new road going into an area that previously had no access. There was concern that wildlife populations in the area would be impacted by increased access into the area and I think there were some Pipeline considerations, there were Pipeline safety considerations that played a part in this State law and, as a result, they passed the law.

36

37 MR. CHARLIE TITUS: Mr. Chairman?

38

39 MR. LEE TITUS: Charlie?

40

41 MR. CHARLIE TITUS: I don't see anything in this referring to resource there for subsistence hunters. I, for one, lives way too far from there, but I still don't have the CAT determination for that area. And I respect their hunting privileges, their grounds, so I don't have anything against Wasegan, Bettles, Stevens Village. I've never heard from that area. The thing about it is it's accessible by road which we've already seen what roads do to our fish and game

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management in the whole of Alaska. Look what happens to the roads to here and Anchorage in hunting season, or from here to Minto. Around every bend, there's a hunter. We're constantly competing for the same resource. In the future, I think this would help protect that subsistence resource up there. There's only so many animals and people -- there's more people than animals. That's all I can say. There's nothing wrong with this proposal.

8

9 MR. LEE TITUS: Yes?

10

11 MR. PEARSON: I was wondering, I've heard the State mention before that this five miles is almost impossible for them to enforce. Any comment on that?

14

15 MR. BOYD: Well, I'm not an enforcement officer, so I really don't have a good feel for that. I will say this: that I'm aware that people have been arrested for violations in that area, so I wouldn't go as far as saying it was impossible. It's a large area to cover and that sort of plays into why we would like to better refine who the subsistence users are in that area with firearms so that we can do a better job of enforcement.

23

24 MR. LEE TITUS: Charlie?

25

26 MR. CHARLIE TITUS: But still this doesn't restrict the bow hunters, right?

28

29 MR. BOYD: No, it doesn't. It doesn't restrict State hunting at all and they don't allow firearm use in that area, but they allow bow hunters. So, it doesn't restrict the bow hunters.

33

34 MR. PEARSON: So, it would do a lot to align the State and the Feds?

36

37 MR. BOYD: I think it moves in that direction. That's correct. But it certainly doesn't complement the State's regulation.

40

41 MR. LEE TITUS: Does the hunting in this area coincide with State regulations?

43

44 MR. BOYD: I think to a large degree. In terms of seasons and bag limits?

46

47 MR. LEE TITUS: Um-hum (affirmative).

48

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MR. BOYD: Yeah. Without looking at specifics, I think to a large degree, it does. I don't know, Dave, do you want to address that? The question was, Do the State's seasons and bag limits align with our seasons and bag limits in those areas?

4

MR. DAVE YOKEL: My name is Dave Yokel. I work for the BLM Arctic District. For the most part, the seasons and bag limits are the same. There are some differences. The one that occurs to me right off is that for sheep the State increased the curl length requirement to full curl last year and for Federal it's still 7/8 curl. But there are about five different GMUs that we're discussing here and without going through the book, I wouldn't be able to remember which bag limits might be different. For the most part, they're the same.

15

MR. LEE TITUS: The reason I'm asking is because in opening a subsistence harvest period under Federal law, the permit will only go to the rural residents. But at the same time, if you open a State hunt, and it's for anybody in the State of Alaska. And what I'm thinking about is the -- how are you going to enforce both laws on the same land, restricting firearms? The State already has "no use" firearms in the corridor and then if this proposal passes it says that you can. How are you going to enforce both State and Federal laws at the same time?

26

MR. YOKEL: Well, currently, there are more people in the State who are allowed to use firearms in the corridor than there would be if this proposal passes. Enforcement would become easier with the passage of this proposal. The way that it would be enforced, theoretically, is if a law enforcement officer encounters someone hunting with a firearm within five miles of the highway, they would need some evidence of what area of the State they're a resident of. If they are not a resident -- if this proposal passes, if they're not a resident of the corridor or one of those three villages, then, they would be in violation of State and Federal regulations.

38

MR. PEARSON: Mr. Chairman? But don't we have lots of other areas where any rural resident can go and hunt in a similar situation?

42

MR. YOKEL: The way the regulations are right now, if there's no C&T determination for a particular species in a particular area, then, any rural resident can hunt that species in that area.

47

MR. PEARSON: So, this would be the first time that

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we've taken an area that has no C&T and restrict it to the local rural residents only?

2

3 MR. BOYD: I'm not sure it's the first time. It's one
4 of the first times.

5

6 MR. PEARSON: Okay. But, anyhow, that's the gist of
7 this here proposal?

8

9 MR. BOYD: Yeah, that's right.

10

11 MR. YOKELE: Well, not completely. It will restrict the
12 use of firearms to particular individuals. It will not
13 restrict anyone from hunting because it's still legal to
14 hunt....

15

16 MR. PEARSON: You're referring to the bow hunting?

17

18 MR. BOYD: Right.

19

20 MR. YOKELE: Right.

21

22 MR. BOYD: Let me further elaborate because I -- there
23 are other areas in the State where there's a no determination
24 that any rural resident can hunt. This particular area I think
25 different because it's road accessible. Okay? And what
26 that does, in effect -- and it's an attractive area to hunters.
27 And what that does, in effect, is it would draw more hunters
28 to that area than you might receive, say, somewhere out in an
29 area that's not road-connected.

30

31 MR. PEARSON: What about the biological -- I mean, has
32 the species been able to withstand the hunting pressure or is
33 there a problem there?

34

35 MR. YOKELE: We're talking several different species and
36 with some different populations, so the answer cannot be the
37 same for all.

38

39 MR. PEARSON: Say big game, moose and sheep.

40

41 MR. YOKELE: Moose and sheep will not be affected much,
42 at all, by this proposed regulation because there are
43 currently C&T determinations for both species in I believe all
44 CMUs along that corridor. So, this proposal should not affect
45 those two species or the hunting for those two species.
46 Caribou is a different story. There are no C&T determinations
47 for caribou along that corridor with the exception of the North
48 Slope, 26(B), and there's currently some question as to exactly

49

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what the determination means in 26(B).

1

2 Most of or all of the caribou populations on the North
3 Slope are currently at rather high numbers, so there's not a
4 biological problem with those herds. It's a different story
5 for the Ray Mountains herd at the southern end of the corridor
6 that is probably less than 1,000 individuals; and, at times,
7 some numbers of that herd do cross into the corridor and are
8 susceptible to hunters from the highway. The other species
9 such as bear or furbearers, I don't think we have enough data
10 to say what the biological effect is.

11

12 MR. LEE TITUS: Any more questions?

13

14

15 MR. GUSTAFSON: Yes, Mr. Chairman. I think this is
16 good because it's an alignment with -- it's BLM's alignment
17 with the Section 804 and it gives priority use to local
18 residents. And that's why I think we should consider
19 supporting that, just on that basis alone. Section 804. It
20 gives us -- and as soon as C&T comes about, you know, to
21 clarify all that, I think we should do that just for that
22 reason.

23

24 MR. PEARSON: Well, I greatly appreciate what you're
25 saying there, but I wonder if the animals, I guess, need to be
26 restricted to just a subsistence hunt.

27

28 MR. GUSTAFSON: Well, yeah, because it's the correct
29 priority.

30

31 MR. PEARSON: But is....

32

33 MR. GUSTAFSON: A subsistence priority, right.

34

35 MR. PEARSON: Yeah, but is it needed, a priority for
36 subsistence there?

37

38 MR. GUSTAFSON: Well, according to Mr. Mayo in Stevens
39 Village, he supports that.

40

41 MR. PEARSON: I mean, do we know that the prey
42 population is low?

43

44 MR. GUSTAFSON: We would have to look at the figures,
45 right?

46

47 MR. PEARSON: Yeah.

48

49

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MR. GUSTAFSON: Statistics.

1
2 MR. PEARSON: I mean I realize subsistence has a
3 priority, don't get me wrong, if there's a low number of
4 species. But I don't know that.

5
6 MR. LEE TITUS: Any more questions?

7
8 MR. ROACH: Mr. Chairman, I'd like to call for the
9 question.

10
11 MR. LEE TITUS: The question's been called for. In
12 favor of adopting Proposal 68, all in favor, signify by saying
13 aye?

14
15 MR. GUSTAFSON: Aye.

16
17 MR. GUSTAFSON: Aye.

18
19 MS. PETRUSKA: Aye.

20
21 MR. CHARLIE TITUS: Aye.

22
23 MR. LEE TITUS: Opposed?

24
25 MR. ROACH: Nay.

26
27 MR. PEARSON: Aye.

28
29 MR. LEE TITUS: The ayes have it.

30
31 MR. JAMES: Mr. Chair, could you clarify that vote for
32 me, please?

33
34 MR. LEE TITUS: One, two, three, four? Four support
35 and two nays. Justification?

36
37 MR. PEARSON: I think James had the best justification
38 for it.

39
40 MR. GUSTAFSON: In compliance with, what, Section 804
41 of subsistence priority? Is that....

42
43 MR. JAMES: Mr. Chair. By that, do you mean primarily
44 benefitting local subsistence use? I assume that's what you're
45 referring to when you say that, with an emphasis on local.

46
47 MR. GUSTAFSON: Yes.

48
49
50

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1 MR. JAMES: Local subsistence.
2 MR. LEE TITUS: Yeah, it complies with....
3
4 MR. JAMES: One of the other statements that I heard
5 that might be considered a justification....
6
7 MR. PEARSON: Well, I -- a justification for voting the
8 way I did: I realize subsistence is a priority, but then I
9 don't know for a fact that the prey species are low enough that
10 it has to be a priority in that area.
11
12 MR. JAMES: Mr. Chair, we had a request earlier by
13 agency folks who have to travel back to Glennallen tonight if
14 it would be possible that Council could review the Chisana
15 Caribou proposal, 70 and 71, I think it is, out of order.
16
17 MR. PEARSON: We're already on 69. It can only take a
18 couple hours. (Laughs.)
19
20 MR. CHARLIE TITUS: Mr. Chairman?
21
22 MR. LEE TITUS: Yes.
23
24 MR. JAMES: You said that, I didn't.
25
26 MR. ROACH: Great sense of humor there, Mike.
27
28 MR. CHARLIE TITUS: Are we done with 68?
29
30 MR. LEE TITUS: Yeah.
31
32 MR. JAMES: Yes.
33
34 MR. CHARLIE TITUS: And the justification was?
35
36 MR. LEE TITUS: It complies with ANILCA.
37
38 MR. CHARLIE TITUS: Complies with ANILCA.
39
40 MR. JAMES: By primarily benefitting local subsistence
41 use.
42
43 MR. LEE TITUS: So, we'll skip -- you wanted to skip 69
44 and go on with 70 and 71? Is that....
45
46 MR. JAMES: That was the request that was made, and
47 keep it in mind that you're on 69 now and you're just one away
48 from starting on....
49
50

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1 MR. LEE TITUS: I think we can just keep going on.
2
3 MR. PEARSON: Oh, it don't matter to me, Mr. Chairman.
4
5 MR. LEE TITUS: It's up to you guys.
6
7 MR. ROACH: They've got a long way to drive and it
8 doesn't matter what order we take them in. So, I think we can
9 go on to 70 and 71 without any problem.
10
11 MR. LEE TITUS: Okay. We'll skip 69 right now and go
12 to Proposal 70. Motion to adopt Proposal 70?
13
14 MR. CHARLIE TITUS: Move for adoption.
15
16 MR. PEARSON: I'll second it.
17
18 MR. LEE TITUS: It's been moved and seconded to adopt
19 Proposal No. 70. Discussion? Is there anybody from -- this
20 was proposed by Collins.
21
22 MR. JAMES: Mr. Chair,....
23
24 MR. LEE TITUS: Yeah.
25
26 MR. JAMES:we have a staff person, Conrad
27 Guenther, who would be glad to give an overview of the
28 proposal.
29
30 MR. LEE TITUS: Okay.
31
32 MR. CONRAD GUENTHER: I'm Conrad Guenther. I'm with
33 the U.S. Fish and Wildlife Service Subsistence Division. I'm a
34 biologist for the two Interior Federal Regions 6 and 9.
35 Proposals 70 and 71 both deal with the Chisana caribou herd and
36, Mr. Chairman, if it's appropriate, I'd like to address both
37 of those issues together; it'll save some time.
38
39 MR. LEE TITUS: Okay. Both 70 and 71?
40
41 MR. GUENTHER: Seventy and 71, yes.
42
43 MR. LEE TITUS: Okay.
44
45 MR. PEARSON: I was just wondering if maybe before you
46 started your presentation, if you could show us on a map so
47 we'd just know exactly where we're talking about. Is there
48 such a....
49
50

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1 MR. CHARLIE TITUS: There's the Taylor Highway.
2
3 MR. LEE TITUS: No.
4
5 MR. GUSTAFSON: Page 52.
6
7 MR. LEE TITUS: It's from 20(E) -- no, 12....
8
9 MR. GUENTHER: We're in Unit 12 and it's a segment of
Unit 12 in Wrangell-St. Elias Park and the animals -- the major
area is in the mountains just inside of the Park and the winter
area is on the flats into the Tetlin National Wildlife Refuge
and into Canada. I'm sorry, I'm up too far on the map. It's
in the flats below the Tetlin National Wildlife Refuge and into
Canada below Beaver Creek for a wintering area. It's a
relatively small area that this herd uses.
17
18 MR. ROACH: Mr. Chair, I would suggest that we take a
look at Proposal 70 and 71 together because they both deal
primarily with the Chisana caribou herd and I feel that with
Mr. Guenther's input, we can probably make the decision on both
of them at the same time.
23
24 MR. LEE TITUS: Okay. So, does that need to be a
motion....
26
27 MR. JAMES: I think, you know,....
28
29 MR. LEE TITUS:for the record?
30
31 MR. JAMES:these are opposites: if you vote yes on
one, you're going to vote no on the other, I think. So I think
you've got a motion on the floor to vote on 70; the discussion
can cover both at the same time; take action on 70; and then
just make another motion to take care of 71.
36
37 MR. LEE TITUS: Okay.
38
39 MR. ROACH: That's fine with me. I'll withdraw the....
40
41 MR. CHARLIE TITUS: Question. Maybe somebody could
identify who Clifford P. Collins is who submitted this
proposal. Where is he from or what....
44
45 MR. GUENTHER: I'm not certain. My understanding is
that he's from the area of Galena and he flies over the range
here and hunts the Chisana caribou herd on a regular basis.
It's a regular family hunting location. That's all that I know
49
50

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and I'm not positive of that information.

1

2 MR. ROACH: I believe, Mr. Guenther, you meant
Glennallen?

4

5 MR. GUENTHER: Yes, Glennallen. I'm sorry. Yes.

6

7 MR. CHARLIE TITUS: Oh, Glennallen. Not Galena, huh?

8

9 MR. GUENTHER: No. I'm sorry. Glennallen.

10

11 MR. CHARLIE TITUS: That's a long ways to fly from
Galena.

13

14 MR. GUENTHER: I deal with too many parts of the State.
15 Proposal No. 70 deals with closing the Chisana caribou herd to
16 all hunting except by qualified rural subsistence residents.
17 Proposal No. 71 deals with closure of the Chisana caribou herd
18 to all hunting, so it would be a total closure. For Proposal
19 No. 71, the customary and traditional determination for the
20 Chisana caribou herd is a no determination. This means that
21 every rural resident of the State is eligible to hunt Chisana
22 caribou under Federal subsistence regulations. The actuality
23 is that most hunting of Chisana caribou, subsistence hunting,
24 is done by residents of Chisana. Chisana is a relatively small
25 village; it has about ten to twelve residents as I understand.
26 The area is relatively difficult to get into and access is
27 primarily by airplane and there apparently is some horse access
28 also into the area. Most of the hunting that's occurred there
29 in the past has been sport hunting and it's fly-in hunting or
30 horse hunting into the area.

31

32 The Chisana caribou herd is a relatively small herd of
33 caribou. Let me go through my biological analysis briefly and
34 that will give you a better idea of what happened with that
35 herd. The herd went through a period of slow growth between
36 1985 and 1990. Then, in 1990, the herd began to dramatically
37 decline. It went from approximately 1,850 animals in 1990 to
38 980 animals in 1993. The calf counts -- in 1988, we had a calf
39 count, which was apparently a pretty normal situation, of about
40 calves per 100 cows. By 1992, it had dropped to less than
41 one calf to 100 cows. Last year it was 3.1 calves per 100
42 cows. This is not a high enough reproductive rate to sustain
43 that herd whether there's hunting or not in the herd.

44

45 Now, another factor that affected this calving rate
46 this last year was because of a late winter and an early fall.
47 A cow caribou, in order to go into estrus so that they can
48 become pregnant, have to gain a certain amount of weight. The

49

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feeling is that the weather conditions did not make it possible for a large number of cows to gain the appropriate amount of weight and we only had a pregnancy rate of about 50 cows per 100. Normally, we'd expect in the high 90% pregnancy rate. So, this is another factor in the last year to play into this. Also, the bull:cow ratio in 1991 was about 40 bulls per 100 cows. In 1993, it had dropped to 25 bulls per 100 cows. Also, during the last year, there was an increase in adult mortality. Now, similar to the Mentasta herd which is a herd that has gone through that type of decline also that's been closed to all hunting, we really don't know exactly why the herd is declining. We know there are a number of factors involved in this, but we can't put our finger on exactly which factor it is. It would be range conditions, it could be predation, there could be other factors we're just not totally aware of.

15

16 The herd is dramatically declining, though, and it's reached a number where it needs serious protection to allow it to stabilize; hopefully, the bull:cow ratios will advance, and hopefully we will have some good calf production years and the herd will be able to recover. It seems appropriate at this time that all actions possible be taken to reduce any harvest on that herd. If you have any questions, I'll be glad to answer them.

24

25 MR. PEARSON: Under Proposal 70, who would be a qualified rural resident?

27

28 MR. GUENTHER: Since there's a no determination on that herd, any rural resident in the State would be a qualified rural resident to hunt Chisana caribou.

31

32 MR. PEARSON: All righty. And do you have any figures on what percentage of the herd is taken by hunters?

34

35 MR. GUENTHER: Um-hum (affirmative). In 1993, there were 19 animals taken by hunters. Nineteen reported animals. This is just reported harvest that I have. In 1992, there were 18 and 6 animals taken in Canada. In 1991, there were 24 animals taken in Alaska, and 6 in Canada. The figures in 1990 jumped up dramatically. There were 45 animals taken in Alaska and 11 taken in Canada, and the figures are higher as we go back.

43

44 MR. PEARSON: Um-hum.

45

46 MR. GUENTHER: Because what happened in 1990 is the herd started to crash and there just were less animals available for harvest.

49

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1 MR. PEARSON: What kind of -- what can we do or what's
2 Canada doing about the reduction? Are they going to curtail
3 their hunting?

4

5 MR. GUENTHER: Yes. Canada is extremely concerned
6 about that herd and what's happened with it. They have
7 requested that all hunters in that area not harvest animals
8 from that herd. So, they've made a major effort to reduce
9 harvest during last fall and whether they'll take any specific
10 legal action to reduce harvest this fall is not known. But I
11 have talked to the Canadian biologists and they're very
12 concerned about it, and they're making a major effort to stop
13 all harvest of that herd in Canada, also.

14

15 MR. ROACH: Mr. Chair, Frank Entsminger is here with
16 the Upper Tanana Advisory Committee. But, if I may, I attended
17 the meeting and there was a unanimous opposition to Proposal
18 No. 70 because of the biological aspect, the fact that the herd
19 is in such a decline, and there is considered to be not enough
20 animals in the population to allow a harvest. The State of
21 Alaska has closed the season as well as, as Mr. Guenther
22 stated, Canada has asked that their season be closed as well or
23 no animals be harvested as well. So, in light of that, I would
24 like to -- unless there's more, I'd like to call for the
25 question on Proposal 70.

26

27 MR. CHARLIE TITUS: Mr. Chairman, one more thing. Lee,
28 you're from Northway. How much do the residents of Tetlin and
29 Northway utilize this resource?

30

31 MR. LEE TITUS: Right now, they don't -- there's no
32 access to the herd.

33

34 MR. CHARLIE TITUS: That's my question.

35

36 MR. PEARSON: So, Jeff, before you call for the
37 question, basically, if I catch your drift, you're opposed to
38 Proposal 70, but support 71? Is that what you're -- I just
39 want to make sure the avenues, you know, that I wish to take
40 are left open or whatever.

41

42 MR. ROACH: Support 71 with a recommendation attached
43 that. And the recommendation is that if we accept
44 Proposal 71, I would like to recommend that the Federal Board
45 utilize the proposed management plan that is being worked on by
46 Fish and Game and the National Park Service and the public to
47 reopen that season when the management plan determines that the
48 caribou herd can stand a harvest.

49

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1 MR. JAMES: Question. Could those be treated as two
2 separate motions, I wonder? The one that's on the table is to
3 adopt Proposal 70.

4
5 MR. ROACH: Yes, we are going to treat those as two
6 separate motions, but....

7
8 MR. PEARSON: Yes.

9
10 MR. ROACH:Mike wanted to know how I felt on 71.

11
12 MR. PEARSON: I just wanted to be enlightened on what
13 he....

14
15 MR. JAMES: Oh, so, you weren't offering an amendment
16 of anything?

17
18 MR. ROACH: No, I was making no amendments. I was just
19 letting Mike know how I felt and how the LAC would like that to
20 do.

21
22 MR. PEARSON: I'd be ready for the question on
23 Proposal 70 then.

24
25 MR. LEE TITUS: Question's been called on adopting
26 Proposal 70. All in favor of adopting Proposal 70, say aye.
27 (Pause). All those opposed?

28
29 ALL MEMBERS: Aye.

30
31 MR. ROACH: Mr. Chair?

32
33 MR. LEE TITUS: Yes?

34
35 MR. ROACH: We may have covered justification enough,
36 but just to reiterate, I think our justification is that the
37 herd cannot biologically stand a harvest at this time.

38
39 MR. LEE TITUS: Okay. Motion to adopt Proposal 71.

40
41 MR. PEARSON: I'll make a motion that we adopt
42 Proposal 71.

43
44 MR. CHARLIE TITUS: Second.

45
46 MR. LEE TITUS: Seconded by Charlie. Discussion?

47
48 MR. PEARSON: Maybe Jeff would want to run over his
49
50

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amendment one more time, word by word.

1

2 MR. ROACH: I don't know if it would be better for me
3 to talk first or maybe Mr. Guenther has more....

4

5 MR. GUENTHER: I really don't have any additional
6 information. The biological information would be the same for
7 Proposal 71 as it is for 70, if you have any questions. I
8 have, you know, a great deal more information right here that I
9 can give you on the biology, but basically I made the main
10 points. Thank you, Mr. Chair.

11

12 MR. ROACH: Mr. Chairman, as was discussed at the Upper
13 Tanana LAC meeting, the committee is in favor of supporting
14 this proposal; however, they would like to recommend that the
15 Federal Board use the management plan that is being developed
16 for that area now, be used as -- that the document that
17 determines when the season is to be opened for a harvest in the
18 future. Mr. Chairman, I believe Mr. Entsminger wanted to
19 make....

20

21 MR. LEE TITUS: Frank?

22

23 MR. Entsminger: Thank you, Mr. Chair, council members.
24 Yeah, just basically for a little further input on this
25 particular proposal. As you can see if you've read the copy of
26 our minutes, that we had a real hard time on this particular
27 proposal because we fully realize that, you know, if we support
28 this proposal - and we finally did support the proposal - that,
29 you know, it could be that we're supporting a closure that's
30 going to last a really good long time. And, you know,
31 basically because of Park Service policy, the policy of the
32 Park, and Russ is here, he can back me up if I'm incorrect, but
33 they've had a restriction on same-day-airborne hunting of
34 wolves for a number of years now. I mean, when the first
35 controversy came out, the Park Service went and initiated a
36 closure of same-day hunting of wolves on any Park lands or Park
37 Preserve lands.

38

39 And so, you know, basically the committee feels that
40 there's a predation problem. We're not saying it's a total
41 predation problem; don't get me wrong in any sense of the word.
42 But with all the other factors, the occasional poor calf crop
43 that comes along, maybe a hard winter where you get a lot of
44 natural mortality because of a winter loss, and then predation
45 a loss on top of that. You know, in all good conscience, we
46 couldn't go along with continuing the harvest with the bull:cow
47 ratio that, you know, both the Federal people and the State
48 people have verified, and, plus, no calf recruitment into the

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herd. But we're still leery that if we go ahead and support this proposal fully that it'll be a long time before we see a reopening of that herd. But, you know, basically, the Park Service people and the State people are trying to work out a management scheme on that herd and there's some Canadian involvement, also. But, you know, we realize that in regulation, you can't have all this spelled out. But as far as a management scheme, you know, we wanted it to where if, you know, calves started being born and survived and the population starts to grow again and the herd doesn't have to necessarily meet any magic number or anything, but just if there's a sustainable recruitment into the herd, that at some point in time and we're hoping it's not going to be too long of a time, that this herd could be reopened for hunting.

14

15 And one other thing I might bring up and if the council members would like to hear from the department, they have a -- last year, they went with the permit scheme because it allowed them to go ahead and issue a certain number of permits for a limited take of animals over there. But they don't have to necessarily issue any permits. I mean, if you get a bad year like this where there's no calf recruitment or the herd's not growing, they simply won't issue any permits. So, basically, there won't be any harvest. But the Federal people don't have any mechanism like that, and that's what we're hoping they might be able to develop in this management scheme of this herd. So, that's where we stand and with that stipulation, we passed -- or supported the proposal.

28

29 MR. PEARSON: Mr. Chairman, I'd like to ask Mr. Entsminger over here in objection to Proposal 71. Is this legitimate or is somebody trying to yank our chain on saying harassment by helicopters and fixed-wings, and another one down here was again harassment by helicopters and aircraft, and over-stressing the habitat by a large number of horses. Are those legitimate?

36

37 MR. ENTSMINGER: There may be some legitimate concerns there. I just really don't know. I don't know if I'm qualified to answer that. There's a member of Chisana, the public, in the audience right now, Mr. Ivan Thorall, and he....

41

42 MR. PEARSON: That would be great.

43

44 MR. ENTSMINGER:might be able to have some input.

45

46 MR. PEARSON: He's shaking his head like, no, he doesn't want to come up or, no,....

48

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MR. IVAN THORALL: (Speaks from audience; too far from microphones.) No, I'd just as soon not comment on it. If I was going to make a recommendation, I'd say just reject both of them.

4

MR. ENTSMINGER: I believe Ivan is -- he's, at this point -- you know, the herd went into kind of a nose-dive like this before in past years, but at that time we had a little bit more flexibility of harvesting predators and it didn't take but a couple years to get the herd turned back around. But we don't really have that option right now.

11

MR. PEARSON: Well, I'm wondering if we reject both of these proposals, then we'd be doing what Ivan wants there by leaving it the same way it was last year. It would be. We already rejected Proposal 70 which basically closed it. No, we left it for the local residents. All right. Yeah.

17

MR. ENTSMINGER: But last year there was a permit scheme open.

20

MR. PEARSON: Permit.

22

MR. ENTSMINGER: Right. And probably if you didn't do anything with it, the department simply wouldn't issue any permits this year.

26

MR. LEE TITUS: Can you give us the migration pattern of the Chisana herd? Do they stay mostly in the Wrangell Mountains?

30

MR. GUENTHER: Basically, this herd -- there's a small migration pattern....

33

MR. JAMES: Excuse me, that map, that large map there on the stand is that area.

36

MR. GUENTHER: Oh, great.

38

MR. ROACH: It may not go far enough south. It doesn't go all the way down to....

41

MR. JAMES: I know it has the winter trail marked on there. Does that help?

44

MR. GUENTHER: It helps a little bit. I can give you an idea. Basically, here's Chisana right here and basically this herd is in this mountain area in the city of Chisana. It moves out -- in the winter, it moves down onto the flats, the

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lower section of the flats and into Canada, and there's a river drainage that comes out right down here, it comes as far south as the mouth of that river drainage or down onto that drainage in Canada. So, basically, in an area approximately like this. It doesn't get close to any road access even in Canada. It's quite a ways from the road where it goes to in Canada. Does that answer your question?

7

8 MR. LEE TITUS: If there's no road system in Canada, how is the hunting in Canada -- are they flying in or....

10

11 MR. GUENTHER: I'm really not sure. I would assume that since some of it is a commercial guide operation and some local harvest, that it's probably some fly-in and some snow-machines, but I'm not certain of that. I really haven't discussed that with the Canadian biologists. There is just some limited harvest that I'm aware of.

17

18 Mr. Chair, also to expand on the biology just a little but to give you a better understanding, for approximately the last five years now there's been an extremely low number of calves produced in that herd. And so for all practical purposes, we've had five years of calf crop failure. So, we've lost approximately five years of age class out of that herd. That's part of the reason we're seeing the dramatic drop in bulls probably this last year, is because we're getting a shift from having a uniform distribution of bulls, have lost some of our younger age class, and now the natural die-out in addition to severe winter conditions or other conditions have sort of caused this to look like a much larger die-off than it is and it's having a much greater impact on the herd. So, probably in all reality, even if the calf crop was very good next year, we will probably still see some decline in that herd for at least another year.

34

35 There was a model produced on that herd by ADF&G or they've been working on a model, and if calf production would come back, that herd could start to show recovery in three to four years, approximately. Now, there's a lot of speculation and a lot of manipulation with figures, and a lot of factors that would affect that. That will give you a better idea of what's happening there.

42

43 MR. LEE TITUS: Any more discussion on that?

44

45 MR. PEARSON: Mr. Chairman, so this one here basically would -- the taking of caribou would be prohibited on public lands, no open season is what we're looking at here on 71. Closing her up tight.

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1 MR. LEE TITUS: It would close hunting to the Chisana
2 caribou herd, right? And you wanted to make an amendment to
3 that?

4

5 MR. ROACH: I was just going to ask, do we need an
6 amendment to the motion to include a recommendation that the
7 management plan be adopted by the Federal Board?

8

9 MR. JAMES: What I have is to adopt Proposal 71,
10 amended to require that the management plan currently being
11 developed will be used to establish when the season will be
12 reopened.

13

14 MR. ROACH: Okay. That's basically what I would like
15 to say and the reason that I would vote in favor of Proposal 71
16 is for the biological reason which everybody seems to agree on;
17 that the herd is in a dramatic decline now and with protection,
18 possibly, through the use of this management plan, we could see
19 a future harvest by subsistence users. If we allow the hunt
20 -- the regulation to stay as it is, that herd could be
21 driven to such a point that there would be no future harvest
22 from that herd.

23

24 MR. LEE TITUS: So since your recommendation is not in
25 the proposal, would that have to be debated as an amendment to
26 the proposal?

27

28 MR. JAMES: I assume that's what the Council would be
29 prepared to do, is vote on this amendment first and then vote
30 on the proposal like you did before.

31

32 MR. LEE TITUS: Okay. Right. So what you just said,
33 you can put that in amendment form.

34

35 MR. ROACH: I believe David has that in amendment form
36 now. If you can read that back for us, please?

37

38 MR. LEE TITUS: Oh, it is in amendment form? Oh, okay.
39 A motion to amend Proposal 71 is made. I need a second.

40

41 MR. PEARSON: I'll second Jeff's recommendation on
42 that.

43

44 MR. LEE TITUS: Any more under discussion? Hearing
45 none, all in favor of amendment to 71, signify by saying aye.

46

47 ALL MEMBERS: Aye.

48

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MR. LEE TITUS: Opposed? (Pause.) Back to the original motion as amended. Any more under discussion? Hearing none, all in favor of adopting....

3

MR. ROACH: May I make just one quick comment?

5

MR. LEE TITUS: Yes.

7

MR. ROACH: As justification, I use the same justification as my support for Proposal 71; that biologically the herd at this time cannot sustain a hunt.

11

MR. LEE TITUS: Okay. All in favor of adopting Proposal 71, signify by saying aye.

14

ALL MEMBERS: Aye.

16

MR. LEE TITUS: Opposed? (Pause.)

18

MR. PEARSON: Back to Proposal 69.

20

MR. LEE TITUS: Oh, yeah. Okay. We're back to Proposal 69. Motion to adopt Proposal 69?

23

MR. PEARSON: I'll make a motion to adopt Proposal 69.

25

MR. GUSTAFSON: I'll second it.

27

MR. LEE TITUS: It's been moved and seconded. Discussion?

30

MR. GUENTHER: Mr. Chair?

32

MR. LEE TITUS: Yes.

34

MR. GUENTHER: There are two major issues in this proposal. The first issue is to modify the snare size restriction from 3X and to allow 3/32-inch cable to be used for snare size restriction. The second part of this proposal deals with allowing the use of steel traps and snares smaller than 3X and 3/32-inch in diameter during March. Currently, in Units 12 and 20(E) which are the two units that we're talking about in this particular proposal, there is a restriction on the use of steel traps and snares smaller than 3/32-inch or 3X during the month of March for the taking of wolves.

45

First, let me address the issue of snare size. A 3X size snare is a commercial designation for snare size. It's slightly larger than 3/32-inch aircraft cable. What this

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proposal will do is to allow the use of homemade snares made of 3/32-inch aircraft cable. From my analysis of the use of this cable of 3/32-inch cable as opposed to 3X snare size, I've talked to a number of different biologists and trappers and I can come up with no reason why the snare size should not be set at 3/32-inch commercial cable size as opposed to 3X. They are very, very close. They will not have any impact except that it will allow the subsistence user to make homemade snares instead of having to buy a commercial 3X snare.

9

10 With the second part of the proposal, this one gets much more complex. Originally, the Board of Game passed a restriction for Units 12 and 20(E) restricting the use of small-diameter snare and steel traps during March and April in Units 12 and 20(E). The reason for that passage was as is discussed earlier: Wolverines are very susceptible to trapping in the spring. Most wolverines in the State are taken incidental to wolf trapping. Steel traps set around carcass -- when wolverines go into the carcass, they get in the steel trap. In spring, it becomes slightly more critical because in approximately February, into March, female wolverines start denning and so rather than roaming, they're basically -- if they find a carcass near their den, they utilize that carcass day after day, and so they're on the same carcass for a fairly long period of time. Well, basically, from March on. And so the steel trap restriction was put in place to prevent incidental take of wolverine while wolverine seasons were closed. Okay.

28

29 Now, the snare restriction, the size snare restriction for a cable snare 3X or larger, it's my understanding from what I've been told that lynx -- lynx, of course, are tall enough so they can get in a snare that's set for wolves. And so lynx in 3X or larger cable will not -- it's more difficult to catch them. So, there's less incidental take of lynx in larger-diameter cable. For a smaller-diameter cable, apparently, they can't feel the cable as soon and they can't back out of it and can't get out of it. Now, I talked to a number of people about this and there is some debate about this. Some biologists feel that the incidence with wolverines in steel leg-hold traps is not truly significant in most cases. But for some biologists, they feel very strongly that it's definitely a concern. Because we have low wolverine populations in 12 and possibly in 20(E), but definitely it's been identified in 12 as low wolverine populations, our recommendation is to take the more conservative approach. With cable size, probably a cable restriction under normal highs in lynx cycle, or a mid cycle, are not significant because lynx are not feeding heavily on carcasses. At the low in a lynx cycle when hare populations

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are also low, lynx tend to move on to carcasses more and so at that time become more susceptible to being caught in a snare set around a carcass, in particularly in small-diameter snares.

3

4

5 So, the restriction for 3X or 3/32-inch snares reduced incidental lynx harvest during low periods in the lynx cycle. This proposal now would allow during the month of March in 12 and 20(E) the use of steel traps and also the use of smaller-diameter snare size. Now one other factor that needs to be brought up in this: Last June during the board meeting - I believe it was the June board meeting, the last board meeting - the State passed restrictions for Units 12, 13, 19, 21, 24, 25 and portions of Units 20 restricting the use of steel traps and snares smaller than 3X or 3/32-inch in diameter during the months of October and April. That did not show up in this particular proposal from ADF&G. If you have any questions -- oh, let me make one other comment because this is dealing with wolf trapping.

19

20 The wolf densities in 12 and 20(E) are what would be considered a low to moderate density wolf populations. The harvest in 12 and 20(E) for the last several years has been approximately 12% to 15% of the wolf population. During this last year in one portion of 20(E), the harvest was as high as 25% of the known wolves in the area. Probably, at approximately 25% harvest rate, we negatively impact the viability of wolf populations. In other words, it becomes detrimental to the continuance at that same level of wolf populations. Probably at a 12% to 15% level, we are not having a significant impact on that population. The populations have varied from stable to slightly growing in those areas. The wolf data is somewhat weak for those two areas. If there are any questions, I'll be glad to answer them. Thank you.

34

35 MR. SMITH: Thank you, Mr. Chairman. I guess I'd just like to address a couple of points on this proposal. I don't recall whether this -- you know, how this proposal evolved within the State system as far as whether this was originally submitted as a request for a change in last year's regulation and then got carried forward, or whether this was a proposal submitted later. But I think the State's position now would be, given the action that the board took in June to expand the restriction on the use of leg-hold traps during the months of October and April to all of the Interior Game Management Units that Conrad referred to - that's Units 12, 13, 20, 21, 24, and 25 - the State's position on this proposal now would be that if adopted, it should be amended so that it's not just Units 12 and 20(E). In other words, any time you have a wolf season

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that extends into either April or October, you should restrict the methods of take to either firearms or the larger snares to reduce the incidental catch of other species, particularly Wolverine.

4

5 Given the action that you took earlier today on Proposal 2 where you were opposed to extending the season into April, if the Federal Board follows that recommendation from the committee, then any action at least as far as Federal Regulations is concerned on Proposal 69 would really have no effect because there will be no Federal season in April. So whatever the restrictions might be in April -- it wouldn't have any effect. And under the State regulations, it would be legal to use steel leg-hold traps everywhere in the State during the month of March. So, even in 12 and 20(E) where right now under the Federal regulations it's not legal to use a steel trap, it will be under the State regulations.

17

18 So, whatever you do on this proposal won't necessarily affect things, unless the Federal board were to take some additional action to specifically exclude them. The point in the staff comments in here, when they discussed the concern about or mentioned the option of a -- you know, for making things consistent, applying them throughout the areas, they indicate that they're opposed to that or opposed to allowing the use of steel traps during the month of March in Units 12 and 20(E). Steel traps can be used in March and have always been allowed to be used for wolf trapping in every other part of the Interior except 12 and 20(E). So, if it's a real problem relative to wolverine harvest in March, you know, then it should be addressed everywhere and yet there hasn't been any proposal to expand this. So, I hope that didn't just confuse things.

33

34 MR. PEARSON: So, you're saying basically, Chris, if we were to support Proposal 69, then maybe we might want to amend this to where it wouldn't be just these two units?

37

38 MR. SMITH: Yes. That would make it -- in order to make the regulations as consistent as possible. The point that Conrad made that if this proposal was adopted as is, instead of making things more consistent, it would make them less consistent.

43

44 MR. PEARSON: Plus, not only be more consistent, but it has advantages. I mean, biological advantages. I mean, it isn't just for making the sake of consistency, but there's a biological reason behind it.

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MR. SMITH: Only if the Federal Board adopts the longer seasons that are in Proposal 2 that you recommended against. If they don't adopt that, then, it really doesn't matter what this says about April because there won't be any season under the Federal regulation.

5

MR. PEARSON: I don't think that we could rest assured that they won't adopt Proposal 2, so....

8

MR. LEE TITUS: So we....

10

MR. PEARSON: I would maybe run this by you. This is what I was thinking, is we support Proposal 69 with an amendment that the snare size doesn't pertain to just these two units; that maybe it'd be statewide.

15

MR. LEE TITUS: Or we can adopt this....

17

MR. PEARSON: I mean, I'm just throwing that out for thought.

20

MR. LEE TITUS: Um-hum. So, you want to make that as an amendment or....

23

MR. PEARSON: I mean I was just seeing if anybody had any comment on it, I mean, but I will.

26

MR. LEE TITUS: Okay. What was the comment again?

28

MR. PEARSON: Well, my comment would be that maybe we would need an amendment to this proposal so that we wouldn't be making things more complicated; that we'd be aligning more things and, with good biological reason, to incorporate this snare size throughout the State and not just in these two units for these late seasons.

35

MR. LEE TITUS: Oh, okay.

37

MR. PEARSON: So that you wouldn't be accidentally catching wolverines.

40

MR. LEE TITUS: Right.

42

MR. PEARSON: Jeff looks like he's thinking hard over there.

45

MR. ROACH: I think I'm confused.

47

MR. PEARSON: I can see that.

49

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1 MR. GUENTHER: Mr. Chair, don't you mean snare and
2 steel trap?

3

4 MR. PEARSON: Right. Yes, that's what I meant. I'm
5 sorry. All right. That helped you, Jeff?

6

7 MR. ROACH: No.

8

9 MR. LEE TITUS: Sue?

10

11 MS. MATTHEWS: Thank you, Mr. Chair, and council
12 members. My name is Sue Matthews and I'm the refuge manager
13 for Tetlin Refuge. Just a little bit of a clarification, I
14 think. The Tetlin Refuge did provide comments to the
15 Subsistence Division on this proposal. The snare size of the
16 change from 3X to 3/32-inch is actually a change of a model.
17 It's whether you buy a Panasonic or whether you buy something
18 else. And that there are commercial snares that are available;
19 that if you don't happen to buy a Thompson model, you're going
20 to buy something that's a 3/32-inch. And the 3X is the name
21 that Thompson goes by. So, for our comments, we didn't care.
22 They're both practically the same and we think that to make it
23 possible for people to be legal and buy the same size snare,
24 that it should be a 3/32-inch and not 3X. So, I think that's
25 an easy thing to clear up.

26

27 You'll notice in the comments on the staff analysis for
28 this particular one, there's a reference to Tetlin Refuge staff
29 being concerned that the availability of the cheaper, homemade
30 snares could lead to more irresponsible trapping practices. If
31 somebody chooses to use an airplane cable that's 3/32-inch,
32 that's fine. We have no problems with that and, actually, I'm
33 not sure if this was a miscommunication, but I'm not sure that
34 this comment has anything relevant to do with this particular
35 proposal or the comments on it. We do have a problem for
36 people who use lots of snares as opposed to traps because while
37 a trap may cost \$125, snares are a lot cheaper, and we have had
38 instances where people have left their traps out well beyond
39 the season, say, because they got into a conflict with another
40 user on the same trapline or in the same region, or the weather
41 precluded him, and a lot of times they're not as eager to go
42 out and retrieve the snares because they're just not as
43 expensive. But if they had 30 traps out, then, they would
44 probably be interested in going and getting the traps back just
45 because they're much more valuable.

46

47 MR. PEARSON: More value.

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MS. MATTHEWS: Yeah. But it really doesn't have any reflection on this particular proposal. In our comments that we provided, and they are the same as the staff analysis, we said, absolutely, let's make them all 3/32-inch, everybody can be legal, you can use a homemade cable if you want or you can go and buy something else that's not a Thompson. What would that be, Mike?

7

MR. PEARSON: I don't have it off the top of my head here, but....

10

MS. MATTHEWS: Something else that's not a 3X and that would be fine. Our comments as far as extending the season were that we were not in favor of that and that was because of our concern about the lynx population. And we came to you last November and shortened the lynx season because we are concerned about that population and feel that if you do extend this season into April, that you may be -- even if you're using a smaller snare, that you may be taking an incidental take of lynx, especially this time of year. Reproductively, they're starting to breed and about to deliver kits and they're not as cautious, and I think that the opportunity is there. So, we just felt that we were being inconsistent by saying to you last November restrict the season because we're concerned about lynx and, here, we're extending the season using a smaller cable but still getting into an area where we think it might impact the lynx.

27

MR. PEARSON: Also to mention the fur probably isn't as prime this time of year.

30

MR. LEE TITUS: Yes?

32

MR. SMITH: Mr. Chairman, this particular proposal actually only deals with methods and means; it doesn't deal with seasons. So, if there's no season open in April, you couldn't use a snare or anything else. So, adopting this proposal would not open the season. That's why I was referring to, you know, your action on Proposal 2 in opposition to extending the season and having a legal method during a time when the season is not open is irrelevant.

41

MS. MATTHEWS: Agreed, if the board goes along with opposing....

44

MR. LEE TITUS: If the board goes....

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MR. SMITH: Right.

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1 MR. LEE TITUS: I mean, we'll be right on step with
2 them if they....

3 MR. PEARSON: Approved it.

4
5 MR. LEE TITUS:approved it the other way. Yes?

6
7 MR. CHARLIE TITUS: Mr. Chairman,....

8
9 MR. LEE TITUS: Just a minute, Charlie, we've got....

10
11 MR. CHARLIE TITUS: Oh. I was going to ask a question.

12
13 MR. RUSSELL GALIPEAU: My name is Russell Galipeau and
14 I'm the chief of Resources Management of Wrangell-St. Elias
15 National Park and Preserve. And I'd like to state that we also
16 do agree with the snare size of 3/32-inch, so we have supported
17 that. The one thing that we think is still not really
18 justified is, Why would you then continue the steel trap use or
19 the smaller snare size in March? Because right now it does not
20 allow for that in March. And keep in mind, even if they reject
21 Proposal No. 2 or reject it, it doesn't deal with Unit 12.
22 Unit 12, the trapping season is already presently through April
23 30th. So, you need to keep that in mind. So, you've
24 overlooked that so far in this discussion. So, remember,
25 that's not addressed in Proposal No. 2. That's all I had to
26 add. The Federal season goes through April 30th.

27 MR. LEE TITUS: Charlie, did you have a comment?

28
29 MR. CHARLIE TITUS: I was wondering, can maybe the
30 State -- anyone here from -- you're from the State, right?

31
32 MR. PEARSON: Chris.

33
34 MR. SMITH: Right.

35
36 MR. CHARLIE TITUS: Can you explain what Roger
37 Huntington's trying to tell us? Additional information.

38
39 MR. LEE TITUS: This is on -- you're talking about the
40 comments?

41
42 MR. PEARSON: I don't know if it's....

43
44 MR. CHARLIE TITUS: Proposal 69.

45
46 MR. PEARSON: Right. What was he....

47
48 MR. LEE TITUS: Is this under comments, public

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comments?

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2 MR. ROACH: Page 21, the last sentence.

3

4 MR. LEE TITUS: Page 21.

5

6 MR. ROACH: Page 21.

7

8 MR. GUSTAFSON: He's under the Western....

9

10 MR. PEARSON: Oh, oh, yeah.

11

12 MR. SMITH: Mr. Chairman, I don't have any knowledge,
specifically, of what Roger's ideas or intentions were or what
was meant by this additional information.

15

16 MR. PEARSON: It sounds like he was saying that the
State regulations were proposed on behalf of Roger Huntington,
on behalf of communities within the Game Management Units, and
would support the change in Federal regulations.

20

21 MR. GUENTHER: Mr. Chair, I had asked that same
question and I think I have the answer to it. When the changes
were made for the Interior units to put all Interior units -
this is the State changes to the State Game Board -were made
to include October and April restriction on snare size and on
the use of steel traps; that Roger Huntington had proposed
that. And that's, I think, what this is referring to.

28

29 MR. PEARSON: We have a member of the State Game Board
here that might want to explain that.

31

32 MR. ROACH: It's Fran, right? Ask Fran to sit down and
give us a synopsis of that.

34

35 MR. SMITH: Mr. Chairman, I think what this may be
referring to is when the board was meeting in June to deal with
wolf trapping regulations and wolf control programs, was at
that meeting that Roger suggested that or made the motion that
the State make the changes that were then adopted by the State
Board. So this statement doesn't pertain to this proposal
before you; it refers to the origin of the changes that the
State made to indicate that they were -- rather than coming
from the department, it came from a member of the Board of
Game.

45

46 MR. CHARLIE TITUS: This -- correct me if I'm wrong or
right, but this has to do with only the type of snare we're
using, right? Change it from 3X to 3/32-inch?

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1 MR. PEARSON: Right.
2
3 MR. LEE TITUS: And the traps.
4
5 MR. CHARLIE TITUS: And the traps.
6
7 MR. PEARSON: Yeah, and the traps.
8
9 MR. LEE TITUS: Yes?
10
11 MR. SMITH: Mr. Chairman, maybe if I can go step up to
the map here for a second, I could explain how the change
relative to March and use of traps would also....
14
15 MR. LEE TITUS: Okay.
16
17 MR. SMITH:affect things. Correct me if I screw
this up. This is the Eastern Interior Region. Right now
during the month of March for wolf trapping, you can use a
steel trap in all of the area except Units -- under the Federal
regulations, except Units 12 and 20(E). So, in this area,
under the Federal regulations, you cannot use a steel trap; you
can only use a snare or a firearm. But in all the rest of this
area in March, you can use steel traps or firearms or snares.
Under the State regulations, you can now use, in March, you can
use steel traps in all of this area and if you adopted this
regulation or this proposal from the State, then, that would
make the regulations consistent by allowing the use of steel
traps in this area as well as this area in March. So, you
could use steel traps everywhere in March. And if the season
were extended under the Federal regs into April, then you could
only use snares in all of that area. Snares or firearms.
33
34 MR. ROACH: Mr. Chairman, when I trapped, I only used
snares and when I've gone with other people who were trapping
primarily the 20(E) area, those people only used snares for
wolf trapping. Maybe somebody else who has some experience or
knows other trappers could tell us, is it important that we
allow leg-hold traps to be used in March?
40
41 MR. PEARSON: Well, I think that Sue Matheson (sic) had
a very good point. I mean, I have found wolves that were
caught in snares and missed. And I think she's right that
somebody wouldn't have walked away from a \$120 trap as quickly
as they'd walk away from a snare.
46
47 MR. ROACH: Mr. Chair, but we're still going to allow
that to happen in April. So, what's the difference between
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allowing it in March or April?

1

2 MR. PEARSON: March or April. Well, I think, see, in
3 April you run into a lot of -- the rivers open up, see, and
4 then people can't maybe get out on their trapline as easily.
5 I'm....

6

7 MR. CHARLIE TITUS: I'm totally confused here.

8

9 MR. LEE TITUS: I don't know of anybody that's trapping
10 in the later part of April in Unit 12. I don't think any -- I
11 don't know about 20(E), but I know for a fact that nobody's
12 trapping in -- Frank?

13

14 MR. PEARSON: You'd have to have a boat/snow-machine
15 combination.

16

17 MR. ENTSMINGER: Thank you, Mr. Chair, members of the
18 Council. You know, actually, our committee voted to support
19 this proposal, but we were not voting to support any kind of a
20 trapping season during the month of April. It hasn't been
21 legal to trap during the month of March, and that's the only
22 month that we were concerned with about trapping. And Sue
23 Matthews and I were comparing our books here and the one I am
24 going by, it basically proposes that, but, you know, the little
25 shaded areas? Mine doesn't have the shaded area on April. So,
26 I mean, our committee was just supporting trapping during the
27 month of March and being able to use the slightly smaller snare
28 size of 3/32-inch. And that's the only concern our committee
29 had and, you know, we fully support any regulations that would
30 help avoid incidental catches and all of that type of thing
31 with lynx and wolverine and that sort of thing. I wanted to
32 clarify that for you.

33

34 MR. LEE TITUS: Thank you, Frank. Any more under
35 discussion? Are we all clarified on stuff we're going to....

36

37 MR. PEARSON: It started out as clear and....

38

39 MR. CHARLIE TITUS: If we vote yes, this means that
40 we'll allow in all this area, right?

41

42 MR. PEARSON: A later season which is basically what we
43 voted against in Proposal 2.

44

45 MR. LEE TITUS: We're only voting on the snare size in
46 this Proposal 69. It has nothing to do with....

47

48 MR. PEARSON: That's -- yeah, that's....

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1 MR. LEE TITUS: It has nothing to do with the season.
2
3 MR. CHARLIE TITUS: It has nothing to do with the
4 season, right?
5
6 MR. SMITH: Yeah, you're voting only on the methods and
7 means, not on the season.
8
9 MR. LEE TITUS: Right.
10
11 MR. PEARSON: So, basically,....
12
13 MR. SMITH: Any action on this would not have any
14 effect....
15
16 MR. PEARSON: Right. So, basically, we're saying if
17 the board approved Proposal 2 which we were against, then, we
18 would have -- we'd be limited on the snare size here.
19
20 MR. LEE TITUS: And if we approve this here, it'll
21 coincide if the board approves 2.
22
23 MR. PEARSON: Right, which....
24
25 MR. LEE TITUS: Right.
26
27 MR. PEARSON:we disagreed with.
28
29 MR. LEE TITUS: Right.
30
31 MR. ROACH: Excuse me, Mr. Chairman. I have a comment
32 and then Mr. Guenther, I believe, has a comment. If I could
33 make mine? We are -- if we support this, we are both allowing
34 a 43/32-inch snare and we are allowing the use of leg-hold traps
35 in March in Units 12 and 20(E). Both of those.
36
37 MR. PEARSON: Leg-hold when?
38
39 MR. ROACH: During the month of March....
40
41 MR. PEARSON: Yeah.
42
43 MR. ROACH:in 12 and 20(E).
44
45 MR. CHARLIE TITUS: That's if we support 69?
46
47 MR. ROACH: (Nods head.)
48
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1 MR. LEE TITUS: Yes. Conrad?

2 MR. CHARLIE TITUS: Let me ask -- no, go ahead.

3
4 MR. GUENTHER: Mr. Chair, just for clarification. The
5 earlier proposal that changed season lengths, does not affect
6 the length of the seasons for 12 and 20(E). They were already
7 October through April 30th, and so that is not a factor at all.
8 And I didn't hear the last part of your statement, but I think
9 you clarified the issue. The only change that would occur in
10 passing this regulation is the snare -- allowing the 3/32-inch
11 snare and the methods which would allow steel traps and snares
12 during March, small-diameter snares in March. I'm sorry if I
13 repeated what you said.

14
15 MR. ROACH: That's quite all right.

16
17 MR. PEARSON: No, no, no. That's fine.

18
19 MR. GUENTHER: Thank you.

20
21 MR. LEE TITUS: Any more under discussion? Hearing
22 none, all in favor....

23
24 MR. ROACH: Excuse me, Mr. Chairman, could we have the
25 motion read back to us as it currently stands?

26
27 MR. JAMES: To adopt Proposal 69.

28
29 MR. ROACH: Thank you.

30
31 MR. LEE TITUS: All in favor of adopting Proposal 69,
32 say aye.

33
34 ALL MEMBERS: Aye.

35
36 MR. LEE TITUS: Opposed? (Pause.) Sixty-nine is
37 adopted.

38
39 MR. PEARSON: Mr. Chairman, could I recommend a
40 5-minute recess?

41
42 MR. LEE TITUS: We'll take a 5-minute break.

43
44 MR. PEARSON: And then we'll be back on 73. Is that
45 correct?

46
47 MR. LEE TITUS: Back to 73, that's correct.

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MR. ROACH: We'll be back to 72.

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MR. PEARSON: Seventy-two.

(Off record)

(On record)

MR. LEE TITUS: Okay. We need a motion to adopt Proposal 72.

MR. ROACH: I'll make the motion that we adopt Proposal 72.

MR. GUSTAFSON: I'll second.

MR. LEE TITUS: It's been moved and seconded. Discussion?

MR. GUENTHER: Proposal 72 is basically a proposal -- the effect that it will have will be to change the bag limit in that portion of 20(E), the remote portion, and let me show you that on a map. This is Unit 20(E). The remote portion of 20(E) is the area that is not accessible by the highway. Here is the Taylor Highway, Chicken, and Eagle. So, this portion of 20(E) along the highway in regulation is called "the remainder of 20(E)." The part that we're talking about in this regulation deals with the remote portion which is not highway accessible, which is all of this shaded area.

MR. CHARLIE TITUS: Is that where they had the Air Force bombing raids? A lot of controversy over the Air....

MR. GUENTHER: Mr. Titus, that area would be just to the west of that. Yeah, it's out to the west of that area. Chairman, this proposal now dealing with the remote portion of 20(E) would change the bag limit from one caribou to one bull caribou. Primarily, that's what this proposal does. Now, let me give you a brief analysis of what's going on with the Fortymile herd because the Fortymile herd is a caribou herd that's affected by this proposal.

The Fortymile herd is a migratory caribou herd that's an international migratory caribou herd. It is primarily in Units 20(E); it moves up into what is, number one, 25(C) in Alaska and also just to the west of 20(E) into 25 -- I can't remember the unit there, but it's just to the west of that unit also. It's a fairly remote area. And then during the winter, it migrates out into Canada. It somewhat circles around in that area. It has several areas that it calves in and it seems

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to use different areas in different years. There's not an extremely consistent pattern of use. About the only consistency is that in most year, at least a portion of the herd, does move into Canada during the winter season.

4

5 In the early 1900s, the Fortymile herd was approximately -- it was estimated at over 500,000 animals. At that time, of course, the herd covered a much larger range than it does now. It was not in the area that it's in. At that time, it extended into Canada, apparently crossed the Yukon River. Commercial harvest of the herd is probably at least a part of the reason for the decline of that herd.

12

13 By the mid 1970s, the herd had reached a population low of less than 10,000 animals. Since that time, the herd has been slowly growing and during the last three years, it has been in the vicinity of 22,000 animals. Somewhere around 20,000, 22,000, just over that. So, it appears during the last three years to have somewhat stabilized. The State objective for that herd has been to have a population of 50,000 to 60,000 animals by the year 2000. Probably, at this point with the herd staying at 22,000, it's not possible to reach that objective by the year 2000.

23

24 Harvest rates for that herd have been established in agreement with Canada, and so there's a specific percentage that's taken depending on the growth of the herd. I can go into that if you have questions about it, specifically. At this point, the herd seems to be stable, it seems to be a healthy herd, calf production is fair in that herd. Bull:cow ratios are also fair. I can give you specific numbers if you'd like. The harvest on the herd is primarily along the Taylor Highway. From what we can find out, subsistence harvest in that remote area that we're talking about now where there is currently an "any caribou" season that would change to a "bulls only" if this proposal is adopted, there is probably no subsistence harvest in that area. The only possibility that we can find of a subsistence harvest: apparently, there's one individual that has a cabin back in that area and he may occasionally harvest a caribou, but he's not reported any harvest. So, we are making an assumption that there is extremely limited, if any, subsistence harvest. There probably is not any. We're not positive of that, but our data would indicate that it's minimal to none.

44

45 One of the reasons for this proposal is to develop a consistency in management of the Fortymile herd throughout its range and this is both a goal of the State and other people working on this herd, including the Upper Tanana/Fortymile

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Caribou Committee. We feel that adopting this regulation would not have any impact on the subsistence user or have a very minimal impact. This proposal will probably not have any effect on the growth of that herd. The harvest in there now -- other than subsistence harvest, there is some sport harvest in that area. It's primarily -- well, it is, it's all fly-in sport harvest. If there are any questions, I'll be glad to answer them.

8

9 MR. LEE TITUS: Did you have any comments, Frank, on this proposal?

11

12 MR. ENTSMINGER: Thank you, Mr. Chair, members of the Council. Basically, we concur with Mr. Guenther here. Right now, with the current herd size, all the subsistence needs of just the local communities are not being met and our advisory committee is encouraging -- we want to do anything we can to help the growth of that herd so we can get that herd up to 50,000, 60,000. Actually, I think there's some of us that would like to see it go higher than 60,000 animals. So, you know, there will be a time when harvesting a cow certainly would be a problem, but at this point in time and, you know, under the situation that things are now, we don't want to encourage any kind of a cow hunt. So, we're trying to eliminate the cow hunts in this area. But at the same time, we're not -- the people would still have an opportunity to take a caribou; it would have to be a bull caribou.

27

28 MR. LEE TITUS: Thank you, Frank. Anybody else have any questions?

30

31 MR. PEARSON: Maybe we ought to deal with it before it gets complicated.

33

34 MR. LEE TITUS: Hearing no other -- under discussion, all in favor of the proposal -- wait, what was the motion now? Adopting, right?

37

38 MR. JAMES: Proposal 72.

39

40 MR. LEE TITUS: Seventy-two. All those in favor of adopting Proposal 72, say aye.

42

43 ALL MEMBERS: Aye.

44

45 MR. LEE TITUS: Opposed? (Pause.)

46

47 MR. ROACH: Mr. Chairman, I would like to make a motion that we support Proposal No. 73.

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1 MR. PEARSON: I'll second that.

2

3 MR. LEE TITUS: The motion's been made to adopt 73 and
4 it's been seconded. Discussion?

5

6 MR. GUENTHER: On Proposal 73, again, this is an effort
7 to create unified harvest regulations for the Fortymile herd.
8 It deals with Units 20(E), 25(C) south and east of the Steese
9 Highway. And, again, let me point to the map to simplify this
10 because it's complicated, the descriptions of the areas. We
11 just numbered the areas 1, 2, and 3. Area 1, when I refer to
12 Area 1, it's this portion of 25(C) south of the highway --
13 south of the Yukon River and the highway. The only caribou
14 herd that's in that area of any consequence is the Fortymile
15 caribou herd. North of the highway, you get into another
16 caribou herd. So, we're only talking about Fortymile animals.
17 This again, No. 2, is a remote area; 3 is what's referred to
18 in the regulations as the remainder, and it's the highway-
19 accessible area.

20

21 The proposal requests one bull by Federal registration
22 permit with a season similar -- the season would not change.
23 The season would be similar to what it is right now in 20(E).
24 In 25(C), the season would change. You'll have to excuse me
25 for just a minute here; I have a lot of notes. The winter
26 season in Area No. 1, 25(C), would change from February 15th
27 through March 15th to December 1st through February 28th.

28 There are four different parts to this proposal, so let
29 me address this part first. From what we know in 25(C), Area
30 we do not have good information on subsistence harvest in
31 that area. The State has estimated that there probably are
32 only about 40 Fortymile caribou taken in 25(C). In 25(C) --
33 again, let me use the map. When the Fortymile herd does get
34 into 25(C), they basically move into this area down here.
35 There is a block of Federal land right here. Access is with
36 four-wheel vehicles over an area called Mastodon Dome down to
37 this parcel of Federal land and probably harvest that -- we do
38 not know if the harvest of this herd does occur on Federal
39 land. Probably most of it occurs north of the Federal lands in
40 the area, but there may be some harvest on Federal lands. We
41 do not know how much of that is subsistence harvest or how much
42 it is taken by people outside of the area who would not be
43 considered local subsistence users.

44

45 The herd also does not consistently use that area.
46 During the last 10 years, there has been one -- during one
47 year, there was calving in that area; it's the only time that
48 happened, it was several years ago. The herd usually has some

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animals moving into that area, but it's very inconsistent how many animals are there and exactly the timing when they are there. They generally tend to be there during late summer or into the fall. The most animals that have ever occurred -- what appears to be the most animals is probably about 60% to 50% of the herd was thought to have been in that area once during the last six years. And so it's very inconsistent, the frequency of animals showing up up there and, again, we don't know the percentage of local subsistence use. So, that's the first part of the proposal that you have to deal with.

10

11 So, there would be a change of season dates to August 10 through September 30th, December 1 through February 28, one bull only. The only actual change to that is the winter portion of the season. Secondly, there would be a requirement for a Federal registration permit to harvest caribou in 25(C). At this time, there is not. The one advantage that we see to this portion of the regulation is that it would give us some documentation as to if we do have use there and how much use is occurring on Federal land which would be considered Federal subsistence use.

21

22 Again, in 20(E) in the remote portion, Part 2, it would change that to a "bulls only" harvest instead of an "any caribou." And in that portion accessible by the highway -- oh, also in the remote portion in Part 2, it would require a Federal registration permit which is not required there now, also. So it'd be one bull by Federal registration permit; now it is one caribou without a Federal registration permit. The season dates would not change. In the remainder of 20(E), the seasons would not change, but it would eliminate the cow portion of the -- the cow hunt would be changed to a bull hunt only during the winter portion of the season.

33

34 Again, Mr. Chairman, I can give you detailed information on the biology of the herd, but, again, it would be similar to what I gave you before. The herd seems to be stable and a healthy population. Probably from a biological perspective, these changes would not have a significant impact on the herd whether you adopt the changes or not adopt the changes. The advantage we see to a Federal registration permit, it would give us some additional information that we do not now have on the harvest and it would also create a situation where we would be on a comparable management strategy for a unified management of the Fortymile caribou herd within the Fortymile range.

46

47 In addition to that, the proposal requires a combined Federal/State harvest quota. Our feelings at this point are

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that we think it's a great idea, but because of the different mandates of the different agencies involved, it would probably be very difficult to work with. And so what we are recommending to the board as a staff committee is that the board look at asking all of the agencies involved with this herd to get together and to sit down and discuss a unified management plan. That's all I have.

7

8 MR. LEE TITUS: David?

9

10 MR. JAMES: I had a question for Mr. Roach. The hunters in the Eagle area, as I understand it, they don't hunt in that shaded area or do they hunt?

13

14 MR. ROACH: Most of the hunters in the Eagle area travel south to hunt caribou. That does not mean that it's impossible for them to go down in that area, but, primarily, they travel to the south. I don't know of any Eagle resident that travels to Area 2 to hunt caribou, or has in the recent past; however, there are some residents in or near that area that probably do harvest caribou or possibly could. Mr. Dick Cook lives down near Tatonduk River. There are some folks that live near the Kandik River that possibly could cross the Yukon to the south and hunt in that area, and then there's one gentleman -- I believe Mr. Guenther was referring to a gentleman who lives somewhere along the Charlie River every winter. And there are also a few trappers who have traplines down there that spend time in that area when the season would be open. So, we're probably talking about at most -- probably at the very most, ten harvesters in that area. Mr. Jan Dick with the National Park Service is here and he might be able to give us some information because that area covers a lot of the Yukon-Charlie's National Preserve.

33

34 MR. JAN DICK: Thank you, Chairman, members. My name is Jan Dick. I'm the chief ranger at Yukon-Charlie Rivers National Preserve for the National Park Service. Mr. Roach is correct; there's probably very few users out of the Eagle area that utilize the area within the Preserve for hunting caribou. We do have some individuals, again I would agree with Mr. Roach, probably about ten downriver utilizing the area, either living within the boundaries of the Preserve or on its fringes. One thing that we don't have a lot of data on, in fact any data that I'm aware of, is how much pressure or how much harvest we get out of Circle and Central. I don't know how many people we have and I don't know if there's anyone here from those areas that might be able to address that.

47

48 MR. ROACH: There is a winter trail that travels from

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the Central area that would be fairly easily accessible by snow-machine during the open season, as well as the Yukon River. I believe that it's at least 50 miles on the Yukon River to get into that area, too, that was discussed by Mr. Guenther. But the possibility is still there for a harvest from the Circle/Central area.

6

7 MR. GUENTHER: One additional item: During the 1992-93 season there were 71 Federal subsistence caribou reported taken. This included a harvest of 12 cows taken between January 20th and February 28th. That's all I have.

11

12 MR. LEE TITUS: Any more on discussion?

13

14 MR. JAMES: Mr. Chair, you may all be aware of it, but I remind you the single objection to this comes from the Eagle Advisory Committee, the people who live on the north end of that area who are affected by it. They do oppose it.

18

19 MR. LEE TITUS: Yeah, I was reading through that.

20

21 MR. ENTSMINGER: Yes, Mr. Chair, council members. The Upper Tanana Advisory Committee is aware of the objection from the Eagle Advisory Committee. Actually, I formed a subcommittee to deal with some of the, oh, the rubs, I guess you might say, where one advisory committee would like one thing and the other one would like a different thing. And we actually got together in an upcoming meeting to talk about the future and present day management of the herd and we've invited all the pertinent agencies, advisory committee chairs. There's a biologist from Canada and Dawson's First Nations, TCC. We tried to invite as many people that have any input to this herd or any stake in the herd. We tried to think of everybody and we were wanting to try to just put together a management scheme and we didn't want to let anybody out.

35

36 It's kind of a grassroots thing right now where we might be able to just make some informal agreements. And, you know, the Eagle chair has been invited. They're trying to work it out to where he can come down to this meeting and we're hoping to sway him, you know, tell him our concerns and the overall goal of increasing the herd. And I think this may have, you know, some impact on the Eagle Advisory Committee's stand on this.

44

45 And just going as a personal hunter and past experience of my own, you know, I know the objections. You know, a cow is generally a little bit tastier animal than a bull in the meantime. You know, many times young bulls are very hard to

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distinguish between cows. But I think if a person is really out there and using a resource and living off the land and whatnot, they -- these people can -- they're the first ones to be able to identify game animals out there. And I don't think that's a real problem for people like that, versus a newcomer to the State who's never hunted caribou before or is not familiar with caribou. And here, again, it's not like we're denying them an opportunity to harvest an animal to eat; it's just a matter of selection. They may have to be a little more selective in what they kill.

10

11 MR. LEE TITUS: Thank you, Frank.

12

13 MR. ENTSMINGER: That's all I'd like to say.

14

15 MR. LEE TITUS: Any more under discussion? The motion was to adopt 73, right?

17

18 MR. JAMES: Yes.

19

20 MR. LEE TITUS: Hearing no more discussion, all in favor of adopting Proposal 73, say aye.

22

23 ALL MEMBERS: Aye.

24

25 MR. LEE TITUS: Opposed? (Pause.) Seventy-four, submitted by the ADF&G. This here is to close the season, right?

28

29 MR. JAMES: There is an alternative. There's two for that particular proposal.

31

32 MR. LEE TITUS: Oh, okay. Alternatives. Okay. Oh, here are three different....

34

35 MR. ROACH: This is a confusing one.

36

37 MR. LEE TITUS: It's a proposal with three different alternatives -- two alternatives.

39

40 MR. PEARSON: I haven't heard nobody make a motion.

41

42 MR. LEE TITUS: Oh, that's right.

43

44 MR. ROACH: We can still banter over how confusing it is, but I'll go ahead and make the motion that we support Proposal 74.

47

48 MR. GUSTAFSON: Second.

49

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1 MR. LEE TITUS: It's been moved and seconded.
Discussion?

3

4 MR. GUENTHER: Mr. Chair?

5

6 MR. LEE TITUS: Yes?

7

8 MR. GUENTHER: Hopefully, I can simplify this proposal
for you. This proposal deals with two different subunits,
20(F) and 25(C). It deals with the White Mountain caribou
herd. If you look at this illustration, the area marked in
green is Subunit 20(F); 25(C) is marked by blue. The Federal
land is the dark area and the range of the White Mountains
caribou herd is this area outlined with a red line. As you can
see, in 20(F), the green area, there is no Federal land within
the normal range of the White Mountains caribou herd. So, that
portion of the proposal dealing with 20(F) really has no
relevance to Federal regulations at all. In 20(C), nearly 100%
of the range of the White Mountain herd is within Federal
lands. The exception is on the very periphery of the normal
range where it just butts off of Federal lands down in this
area. The harvest of White Mountain caribou at this time takes
place in 20(F), 20(B) where also there is no Federal lands, and
25(C). We are only dealing with 20(F), though, and 25(C).

25

26 MR. LEE TITUS: How is the access to harvest?

27

28 MR. GUENTHER: From a harvest standpoint as far as
subsistence harvest is concerned, there is no determination on
this herd which means that any rural resident of the State is
eligible to hunt this herd on Federal lands under Federal
harvest regulations. The harvest of this herd -- the State
portion of the harvest of this herd is done by a drawing
permit. Harvest report for the year 1990 to '91, there were
360 drawing permits issued; 21 hunters reported hunting; and,
three caribou were taken. In 1991-92, 11 caribou were taken in
20(B); one caribou in 20(F); and seven caribou in 25(C).

38

39 Now, the 25(C) portion may have included some animals
from the Fortymile herd. We're not sure of that figure. The
maximum harvest of White Mountain caribou during the last year
that I have data for which is '91, '92 would be a total of 19
bulls. The current subsistence harvest rate is unknown. We do
not have -- it's not recorded, so we do not have that
information at this point. As far as some of the biology of
this herd, this is a relatively small caribou herd. It numbers
somewhere in the vicinity of 800 to 1,000 animals. It has
moderate calf:cow ratios. Bull:cow ratios are about 48:100.

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The herd is basically a healthy herd. It's a relatively stable herd. The harvest for the years that we have harvest information on is somewhere in the vicinity of 2% of the herd which is well within the acceptable range. It's a small herd and we realize that small herds such as this need to be watched very closely. It's basically a herd under 1,000 animals. We understand the State's concern regarding this herd. At this point, with the limited harvest that appears, we cannot appreciate a valid reason to eliminate a subsistence harvest on this herd.

10

11 In addition to that, the State does require a drawing permit for the winter season on this herd and a drawing permit would place qualified subsistence hunters in a position of having to compete with non-rural residents to hunt on Federal lands if this proposal is passed -- if one alternative of this proposal was passed. In addition, one of the justifications in the proposal was to prevent an excessive take of cows. Under the current Federal Subsistence Regs it is a bulls only hunt. So, there's no legal harvest of cows under Federal Subsistence Regulations. Again, I have much more data on this herd if you're interested, but basically adopting this proposal, the portion dealing with 20 and 20(F) is irrelevant since there is no Federal land. If you adopt this proposal, the second part of the proposal would basically require all harvest of caribou on those lands to be done under a State permit and at this time the winter hunt is under a drawing permit. If you have any other questions, I'll be glad to answer them for you.

28

29 MR. LEE TITUS: Do we have any more -- any questions?
Yes?

31

32 MR. GUENTHER: Mr. Chairman, one other thing. In our discussions of this within our staff, we felt that there could be some value in requiring a Federal registration on this hunt from a two-pronged perspective: First of all, it would give us harvest data specifically on this herd which would help in the management of a small herd such as this; and it would also give us specific information on if there is Federal subsistence use on this herd, and how much use there is on this herd since there is a no determination for this herd at this time.

41

42 MR. LEE TITUS: So, in dealing with this proposal,
we -- are we dealing with Unit 20(F)?

44

45 MR. GUENTHER: Mr. Chairman, the proposal does address
20(F), but there is no Federal land in 20(F). So, really,
that's an irrelevant part of the proposal.

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MR. LEE TITUS: Okay. Okay. Yeah, I was trying to clarify 20(F) and it's got an alternative in there. And 25(C), no open season, or an alternative. I'm trying to figure out how we're going to get through this proposal. We'll have to deal with it unit by unit, I guess.

5

MR. ROACH: Not unless we went to oppose the whole thing, then we don't have to split it up. We could, if we wanted to.

9

MR. LEE TITUS: Okay, okay, okay. I see.

11

MR. JAMES: Likewise, if you decided to adopt it, even if -- and even if you did adopt this regulation for 20(F), even if there no open season, it still wouldn't have any effect. I mean, it seems like no matter what you do with 20(F), it doesn't matter.

17

MR. LEE TITUS: Um-hum (affirmative).

19

MR. JAMES: But 25(C) is probably where your concern is.

22

MR. GUSTAFSON: Mr. Chair, it says here that on this, the rationale behind this would be that -- or part of it would be that Federal subsistence hunters would use State harvest tickets. And they say that it would be hard to accumulate the data until the hunt is over or the season is closed, rather. And a Federal permit would require reporting right after the hunt and giving it a better access to the data, I mean, right away. So, BLM would be the Federal agency under this one.

31

MR. LEE TITUS: Any more questions or discussions? Yes?

34

MR. GUENTHER: One more comment just for clarification. In your proposal books, the last part of the proposal says remainder of 25(C). The remainder of 25(C) would go into the Fortymile herd. That portion has been deleted. It's been struck, it's been withdrawn by the State. So, we are only dealing with the White Mountain caribou herd here. So just for clarification, that proposal included the remainder of 25(C) which would be south of the Yukon River and the Steese Highway which would get into Fortymile range. That part has been withdrawn by the State. That was dealt with in the previous proposal we dealt with.

46

MR. LEE TITUS: I'm getting more confused. Yes?

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MR. JAMES: Mr. Chair. Conrad, is it fair to say that perhaps the single largest issue here might be whether they want to use a State permit or a Federal permit for Federal subsistence hunters to hunt those caribou?

4

MR. GUENTHER: Mr. Chair, let me just check my regulation book here.

7

MR. LEE TITUS: Yes?

9

MS. RUTH GRONQUIST: I'm with BLM and I don't have anything specific to say, but if you wanted to ask me any questions, I might have something that could help you.

13

MR. GUENTHER: Mr. Chair, to answer David's question, at this time Federal regulations do not require a Federal registration permit to hunt White Mountain caribou. If this proposal was adopted by the board, the board could, in addition, require a Federal registration. The proposal as it's stated would not require a Federal registration permit, but would either close the Federal season or require all Federal hunters to go through the State system.

22

MR. GUSTAFSON: Mr. Chairman. Mr. Guenther, would that be another tier system again for permits?

25

MR. GUENTHER: The State system for the winter hunt is currently a Tier-II permit, yes. Oh, no, I'm sorry, it's a drawing permit.

29

MR. GUSTAFSON: A drawing.

31

MR. GUENTHER: It's a drawing, not a Tier-II permit. It's a lottery permit.

34

MR. GUSTAFSON: Um-hum.

36

MR. LEE TITUS: So you pay them so much to get your....

38

MR. PEARSON: A chance.

39

MR. GUENTHER: A chance to be drawn.

42

MR. LEE TITUS: Right. Yes?

44

MR. JAMES: Mr. Chair, I'd be interested to hear from BLM on this. It may have some relevance there. They were very concerned about no determination and the effect that had on the corridor. You have, you know, at first glance a similar

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situation here. You have road access from two sides and, as I understood, a no determination?

2

3 MR. GUENTHER: Yes.

4

5 MR. JAMES: So, any rural resident in the State could hunt there. Is this viewed as a problem or a potential problem with the White Mountain caribou herd?

8

9 MS. GRONQUIST: I'm Ruth Gronquist with Steese-White Mountains district of BLM. To answer David's question, we recognize that there's a potential, since it's a no determination, no C&T determination for White Mountain caribou, that at some point there may be heavier use by other rural residents of the State. As Conrad said, we don't have a lot of data on who's using that area or that herd for subsistence hunting right now. And that's one place where it might help to have a registration system. I went through some of the harvest data that the State gets and it's very difficult, or it was very difficult for me to see. There were a lot of unknowns in the harvest data and I don't know if that means that people aren't reporting or if it means that there's not very much rural resident use. A registration permit might bear some of that up. And I was mentioning to Conrad that I don't think we know what the State meant when they suggested through this proposal a State permit.

26

27 MR. LEE TITUS: A drawing permit, right? Would that be a drawing? This will be....

29

30 MR. GUENTHER: Mr. Chair, it doesn't specifically state whether it'd be a drawing permit, a Tier-II permit, or what type of permit. It's just a request for a permit. Currently, there is a drawing permit for that hunt.

34

35 MR. GUSTAFSON: Mr. Chairman,....

36

37 MR. LEE TITUS: Wait just a second.

38

39 MR. GUSTAFSON: Okay.

40

41 MR. SMITH: Mr. Chairman, that would refer to the State's drawing permits and that was based on the State Board's determination that there was no customary and traditional use of this herd. Understanding the way that the Federal regulations have to work, if it's not possible for the Federal system to adopt a regulation requiring a Federal hunter to use a State permit obtained through the drawing process, then I would support a recommendation from the Federal Subsistence

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staff that any Federal subsistence hunter who does not have a State permit should get a Federal registration permit so that at least we'd be able to track those people accurately in this area and we'd know how many people we're talking about. Right now, you know, we don't know how many G.I.s from Fort Greely may go up there and take advantage of this hunt because we don't have any way to monitor them.

7

8 MR. ROACH: Excuse me, Mr. Chairman.

9

10 MR. LEE TITUS: How can't you monitor when it's a drawing system?

12

13 MR. SMITH: Mr. Chairman, under the State regulations, we can monitor them and they would be required under the State regulations to have a State drawing permit. But under the current Federal regulations there are no permit requirements, so -- and because there has been no C&T determination, any rural resident of the State, someone from Haines or Fort Greely or Glennallen, wherever, can go and hunt during that February to March period and they don't have to have a permit and we don't have any way of tracking those people now. That was why that suggestion was made that the proposal could be amended to require a Federal registration permit rather than the State permit as was listed here.

25

26 MR. ROACH: Mr. Guenther, the proposal would also liberalize the taking of caribou during the February 15th through March 15th season, is that correct, by allowing one caribou rather than one bull? So, that is also something we'd need to take into account. It would liberalize the take during the winter season.

32

33 MR. GUENTHER: Yes, Mr. Chair. That's correct.

34

35 MR. LEE TITUS: I see the White Mountain area is kind of a remote -- the area that we're talking about is kind of like a remote area. What's the access to this herd?

38

39 MR. CHARLIE TITUS: Lee, you know that 65 Mile or you know where cabin is going down toward the Elliott Highway?

41

42 MR. LEE TITUS: Um-hum (affirmative).

43

44 MR. CHARLIE TITUS: Okay. You know where that creek is? There's a trail going in to White Mountains there.

46

47 MR. LEE TITUS: Tolovana. Tolovana Drainage.

48

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MR. CHARLIE TITUS: Right. And that's where most of the -- a lot of the people go up there on snow-machines, dog sleds wintertime.

3

MR. LEE TITUS: There's a public access trail there.

5

MR. CHARLIE TITUS: Yeah.

7

MR. LEE TITUS: Winter access. In fact, you can go all the way up there and then come around and come back to, what's that, 28 Mile.

11

MR. CHARLIE TITUS: White Mountain.

13

MR. LEE TITUS: That White Mountain -- right?

15

MR. ROACH: Mr. Chairman, I would like to make an amendment to our motion to support the proposal to require a Federal registration permit rather than a State permit for this harvest in Unit 25(C). Yes.

20

MR. JAMES: The motion as amended is to adopt Proposal 74, amended to require a Federal registration permit rather than a State permit.

24

MR. LEE TITUS: Second? Do I hear a second?

26

MR. GUSTAFSON: I second.

28

MR. LEE TITUS: It's been moved and seconded. Discussion on the amendment? Hearing none, all in favor of the amendment, signify by saying aye.

32

ALL MEMBERS: Aye.

34

MR. LEE TITUS: Opposed? (Pause.) Back to the main motion as amended. Discussion? Any more discussion? Hearing none, all in favor of Proposal -- oh, wait, what was the main motion now?

39

MR. PEARSON: To accept the proposal.

41

MR. JAMES: To adopt Proposal 74, as amended.

43

MR. LEE TITUS: As amended. Okay. All in favor of adopting Proposal 74, as amended, signify by saying aye.

46

MR. ROACH: Aye.

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1 MR. CHARLIE TITUS: Aye.
2 MR. LEE TITUS: Aye.
3
4 MR. GUSTAFSON: Aye.
5
6 MR. LEE TITUS: Opposed?
7
8 MR. PEARSON: Aye.
9
10 MR. LEE TITUS: Okay. Justification.
11
12 MR. PEARSON: Ready for Proposal 75. I'd move that we
adopt Proposal 75. I think Proposal 75 is going to be real
quick. I'm familiar with it and I know we don't have a second,
\$5 unless someone seconds it, it won't....
16
17 MR. ROACH: I'll second it.
18
19 MR. LEE TITUS: It's been moved and seconded to adopt
20. Discussion?
21
22 MR. PEARSON: Discussion. Mr. Chairman, I think the
key to this here is on page 51 of Proposal 75, the shaded area
24 the Yanert Controlled Use Area. And if you notice over on
page 53 in the conclusion, it says since there is no Federal
open season that portion of the proposal should be denied. And
then up here also it states -- I've lived in that area for 30
28 some years and I wasn't aware of any Federal land and ferry
area and it must be awful small. Maybe if we could get a
clarification on that.
31
32 MR. GUENTHER: Mr. Chair, it is a minimal amount of
land. I do not have the information specific on how much there
34. Possibly somebody from BLM could give us some information
35 that. It's a very small area. This proposal, basically all
36 that it would do -- that is correct that it does not deal with
the Yanert Controlled Use Area because there is not Federal
land there. It's a small amount of Federal land that is in the
ferry trail management area. All that it would do is give
40 subsistence users the option of taking an animal with four brow
41 lines in addition to the current regulation which is spiked
42 four or greater than 50-inch.
43
44 MR. PEARSON: Excuse me, but where did I read that? I
45 read that there was no Federal land....
46
47 MR. GUENTHER: Yes.
48
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1 MR. PEARSON:in the Yanert Controlled Use Area.
2 MR. GUENTHER: Mr. Chair,....
3
4 MR. PEARSON: What was....
5
6 MR. GUENTHER: Mr. Pearson, that's correct. On
7 page 53.
8
9 MR. PEARSON: It's on page 53 here?
10
11 MR. GUENTHER: Yes, the line right above "Conclusion."
12
13 MR. PEARSON: All right. That's where I read it. So,
14 basically, I wouldn't think we'd have to deal with the Yanert
15 Controlled Use Area and all that it would be doing -- then the
16 rest of the proposal would be aligning -- and it must be an
17 awful small particle of Federal land in the ferry trail
18 management area. Maybe, Chris Smith, could you tell us about
19 that Federal land in the....
20
21 MR. SMITH: (Shakes head.)
22
23 MR. PEARSON: So, anyhow, our Alaska State Fish and
24 Game Advisory Committee supported the proposal because it does
25 align, but I would still like to know someday of where that
26 Federal land is there, but....
27
28 MR. LEE TITUS: There's only a small part of it on
29 the -- you know, what's that river? There's only a couple in
30
31
32 MR. GUENTHER: Mr. Chair,....
33
34 MR. PEARSON: The Little Delta?
35
36 MR. ROACH: Mr. Chair, Mr. Guenther would like....
37
38 MR. LEE TITUS: Yeah.
39
40 MR. GUENTHER: The area does not show up in the
41 regulation book. In fact, I looked it up on some other Federal
42 maps to find it. It's a very tiny area, but there's a couple
43 of very small parcels in it.
44
45 MR. PEARSON: Would it be gold mines, by chance?
46
47 MR. GUENTHER: I don't know.
48
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MR. ROACH: Mr. Chair?

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MR. LEE TITUS: Yes?

MR. ROACH: I would support this proposal primarily because it would align the State and Federal harvest allowing the four or more brow tines which is an easy way to identify a large bull and, like I say, it meshes with the State regulations. So, that's why I'm in support of it and I'd like to call for a question.

MR. LEE TITUS: The question's been called. All in favor of adopting Proposal 75, say aye.

ALL MEMBERS: Aye.

MR. LEE TITUS: Opposed? (Pause.) Motion to adopt Proposal 76.

MR. JAMES: Just a reminder of the time, Mr. Chair. 20's 25 after 5.

MR. LEE TITUS: Well, we just got....

MR. JAMES: And you may want to decide, you know, now when do you want to take a supper break, if you want to take a supper break.

MR. LEE TITUS: I think we've got only -- we only have four more proposals to....

MS. PETRUSKA: We should just finish it.

MR. LEE TITUS: Motion to adopt 76?

MR. CHARLIE TITUS: Move to adopt, Mr. Chairman.

MR. GUSTAFSON: I'll second it.

MR. LEE TITUS: It's been moved and seconded to adopt Proposal 76. Discussion?

MR. JAMES: Excuse me, Mr. Chair. Who -- of the people here, who made the motion and who seconded it?

MR. CHARLIE TITUS: I did.

MR. LEE TITUS: Charlie made the motion and James seconded it.

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1 MR. JAMES: Okay.

2

3 MR. LEE TITUS: Yes, Conrad. Discussion.

4

5 MR. GUENTHER: Mr. Chair, the issues in this
6 proposal -- due to the limited amount of Federal lands in Unit
7 20(B), it is recommended that all Federal Subsistence
8 Regulations for the Subunit be repealed or, alternatively,
9 aligned with the current State regulations. This would be to
10 authorize hunting within the Minto Flats Management Area by a
11 State Tier-II permit only, to authorize hunting within the
12 Fairbanks Management Area by State registration permit only
13 during the established State seasons and subject to all State
14 permit requirements effecting methods and hunter education;
15 and, three, limiting hunting within the remainder of 20(B) to
16 September 1 through 15 for one bull only.

17

18 Let me deal first with the Minto Flats Management Area.
19 There is a shaded -- David, are you getting that map of Minto
20 Flats? The Minto Flats area....

21

22 MR. JAMES: I'll see if I can locate it.

23

24 MR. GUENTHER: This is the Tanana River here to give
25 you a location. This is Minto, the Elliott Highway. The State
26 Minto Flats Management Area is this general area here. Within
27 that area, there are a number of small parcels of Federal
28 lands. The average parcel size -- the black dots are the
29 Federal lands. The average parcel size is about 75 acres and
30 this accounts for -- I've got it written here somewhere. I
31 seem to have misplaced my exact figures, but it accounts for
32 approximately 3% of the total land area of that particular
33 management area. It's a very small area. There are
34 approximately 24 areas that are allotments that have not been
35 conveyed. They're under a special BIA jurisdiction, so they
36 are considered Federal public lands. They're all very small
37 areas. Some of the areas are just several acres in size.

38

39 MR. PEARSON: How the heck could you find that?

40

41 MR. GUENTHER: This is one of the problems that the
42 State is recommending that since boundaries are not marked
43 within that area, the boundaries are very difficult to
44 determine. To give you an idea....

45

46 MR. CHARLIE TITUS: Which boundaries are you saying are
47 not marked?

48

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1 MR. GUENTHER: The boundaries on the individual small
2 parcels, on the individual 24 parcels.

3 MR. CHARLIE TITUS: All of them are not marked?
4

5 MR. GUENTHER: I really can't say for certain that
6 they're not.

7
8 MR. CHARLIE TITUS: I have land out there and mine is
9 marked. You can't say they're all not marked.

10
11 MR. ROACH: Mr. Chair?
12

13 MR. LEE TITUS: Yes.
14

15 MR. ROACH: Is it my understanding that those are all
16 Native allotments?
17

18 MR. GUENTHER: It would really be better if Mr. Knauer
19 or someone else explained that. I'm really not familiar with
20 that aspect of it. It's not my specialty.

21
22 MR. LEE TITUS: I think for those Native allotments to
23 be recognized by BLM or whoever, I understand that they're all
24 surveyed and the deeds are....
25

26 MR. GUENTHER: Before they are -- that's correct,
27 Mr. Chairman. Before they're conveyed.

28
29 MR. CHARLIE TITUS: Mr. Chairman? Are they held in
30 trust by BIA, those lands?
31

32 MR. GUENTHER: I believe that's correct.
33

34 MR. LEE TITUS: Yeah, they are.
35

36 MS. ANNE MORKILL: My name is Anne Morkill and I'm with
37 BLM Kobuk District in which the Minto Flats falls, and I just
38 wanted to confirm that all the Federal public land that's
39 considered within Minto Flats are uncertified Native
40 allotments. There isn't any other type of classified Federal
41 lands in there.

42
43 MR. CHARLIE TITUS: And are they protected by the
44 Federal Government?
45

46 MS. MORKILL: Because they're uncertified, at this
47 point they are considered Federal public land.
48

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MR. ROACH: Mr. Chair?

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MR. LEE TITUS: Yes?

3

4

MR. ROACH: Will all of those be turned over to private ownership in the near future?

6

7

MS. MORKILL: I don't know what the near future is, but, yes, once they're completely surveyed, they will be certified to the Native community.

10

11

MR. ROACH: Mr. Chair, so I'll have to defer to Charlie on what he thinks about what I'm going to say because I'm not really sure I understand all of the ramifications of it. But, in essence, what we would be doing if we supported a hunt would be to allow harvest under subsistence regulations on private land that could be -- that the Native allotment holder could restrict other access to. Is that correct?

18

19

MS. MORKILL: At this point, I'm not sure of that. If it's considered uncertified and Federal public land, they may not be able to restrict use. The concern may be that those particular allottees would like to have the opportunity to hunt under Federal subsistence on those parcels.

24

25

MR. ROACH: It's been my experience in the past that they have considered the allotments their private property even though they're held in Federal Trust at this time. Charlie, you may feel differently about that. But if somebody from Nonana, say, would come out and want to hunt on your parcel of land, is it open to them to hunt or are you going to -- or is anybody going to restrict access because that's future private land?

33

34

MR. CHARLIE TITUS: Good question. No, I wouldn't want anybody to shoot moose on my property.

36

37

MR. ROACH: In light of that, I feel that it should not fall under subsistence regulations because it is....

39

40

MR. CHARLIE TITUS: You're telling me you're denying the subsistence user?

42

43

MR. ROACH: Right. Just a moment. This just the way I feel. It's treated as private land by the owners of that land and we are trying to deal with Federal land that is open to all subsistence users, not a specific individual on a specific parcel.

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MR. JAMES: Mr. Chair?

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MR. LEE TITUS: Yes.

3

4

5

MR. JAMES: You know, I think I understand some of your concern there; however, you know, the Federal program is locked into a certain system where certain lands are classified as either in it or out. And so, officially, what we're told is that those lands are under the Federal program. Plus, the State has legal authority over managing lots of private land that's restricted. Private landowners can restrict land. So, you know, there's -- it's really a confusing situation. Maybe not consistent on either side.

14

15

MR. ROACH: I agree. It's not really consistent on either side because we're talking about sport hunting and subsistence hunting. And that's -- I'm just presenting it the way I see it and the way other rural residents, I believe, other subsistence users see it in their own specific area. If it's not legal for us to restrict it in any way, then it's not legal. But that's just the way I feel about it.

22

23

MR. LEE TITUS: Charlie?

24

25

MR. CHARLIE TITUS: I was thinking how many other Native subsistence users are going to be affected by this in the whole State because I know there's a lot of Eskimos, Indians, Aleuts all over the State who have Native allotments. From my point, I would be -- I'd have to disagree with you.

30

31

MR. LEE TITUS: I think this proposal will set a precedent on other decisions that are made concerning Native allotments throughout the State.

34

35

MR. PEARSON: Well, what David still -- I think the bottom line is, though, he's saying, the State still will have the power -- I mean, it's just like any other privately owned land. The State Game Regulations are still going to subside (sic) private land. Right, David?

40

41

MR. JAMES: I'm sorry, maybe I shouldn't have said that. I think we're just confusing the issue here. The real issue here is that certain of these relatively small lands here all under the authority of the Federal program, is what it boils down to. The State, you know, is challenging that, saying that there's not enough land to make it worthwhile and there are some other considerations. But, by definition, if you look at it technically, that's the prerogative I guess of

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the Federal system.

1

2 MR. CHARLIE TITUS: Mr. Chairman, what does 804 say?
 3 To protect the subsistence user on Federal lands. These are
 4 considered Federal land. They're held in trust. You're going
 5 to have to protect the subsistence user who is residing on that
 6 land. That's the way I interpreted it.

7

8 MR. LEE TITUS: Yes?

9

10 MR. GUSTAFSON: Mr. Chairman?

11

12 MR. LEE TITUS: Wait, Jeff had a....

13

14 MR. ROACH: I understand, Charlie, but that is going to
 15 be private land soon and -- but, right, I understand. I would
 16 like to see -- do we have where that regulation is stated, Mr.
 17 James, concerning the....

18

19 MR. LEE TITUS: ANILCA.

20

21 MR. JAMES: I don't have it, no.

22

23 MR. CHARLIE TITUS: Mr. Chairman, suppose that the land
 24 isn't conveyed. We still have to hold it in trust till it is.
 25 mean you do from now till it's conveyed.

26

27 MS. MORKILL: I think some of the concern behind this
 28 proposal is that they're not trying to restrict subsistence use
 29 of those lands, particularly not the individual allottee, but
 30 under the current regulations they're essentially open to all
 31 rural residents to hunt under Federal subsistence on those
 32 particular parcels. And the fact that a number of them are
 33 very small parcels that are unmarked, that the potential for
 34 harvesting an animal outside of those allotments is very great,
 35 and so enforcement is a problem. And so there's a concern of
 36 those scattered small acres of land and whether or not the
 37 person is actually harvesting on that allotment.

38

39 MR. CHARLIE TITUS: Mr. Chairman,....

40

41 MR. LEE TITUS: Yeah, wait. He had a comment before
 42 you did.

43

44 MR. GUSTAFSON: Well, it all boils down to since it is
 45 Federal land right now, Section 804 is in effect and the State
 46 Tier-II system will be a detriment to that subsistence user.
 47 At least that's the way I see it, and I don't agree with that.
 48 I don't want to see a Tier-II system because it would cause

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problems. Like we got this at our last meeting. In our last meeting, we rejected the Tier-II system and I think we should reject this again just on that point because they're not respecting this -- they're not in compliance with 804.

4

5 MR. LEE TITUS: Charlie, you had another comment?

6

7 MR. CHARLIE TITUS: You're with BLM?

8

9 MS. MORKILL: Yes, that's correct.

10

11 MR. CHARLIE TITUS: You're the Federal Government, too?

12

13 MS. MORKILL: Um-hum (affirmative).

14

15 MR. CHARLIE TITUS: I just wanted to know how they --
BLM supported this?

17

18 MS. MORKILL: We did from the standpoint that we feel
19 would be difficult to enforce for some people that could
20 potentially use those lands as Federal public lands. I can
21 understand that the person whose allotment that is, is probably
22 very aware of where the boundaries are and would be within
23 regulations if they harvested an animal. But I think the
24 concern is from other people coming into the Minto Flats,
25 believing that they're Federal public lands and basically
26 hunting illegally.

27

28 MR. LEE TITUS: Yeah. Excuse me. As far as I know,
29 the history of how -- as I recall, one -- I don't know, about
30 four or five years ago, we had a really early fall and nobody
31 had a chance to go out and harvest moose for the winter under
32 the State system. They shortened the days. It used to be 15
33 days and then they changed it to 10 days. And when they
34 changed it to 10 days, nobody had the opportunity under the
35 State permit system to harvest their winter moose. So, they
36 went and applied for a Federal permit to go out there and hunt,
37 and that's how this came into being. And now the State wants
38 to take that subsistence right, that subsistence opportunity
39 away from the people again.

40

41 MR. ROACH: Mr. Chair?

42

43 MR. LEE TITUS: Yes?

44

45 MR. ROACH: I don't want to seem like I'm being harsh,
46 but I want to point out that we're making subsistence
47 regulations and if we allow -- or if we want to continue with
48 the harvest as it is proposed in the regulation, then maybe we

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should ensure that the holders of those Native allotments in this area are informed that they cannot restrict access to their allotments for the harvest of the subsistence resources.

3

4 MR. CHARLIE TITUS: Mr. Chairman? I believe those allotments are private property and they are protected under the BIA. They're held in trust by the Federal Government and I don't think anybody has access to those lands without permission from the allottee.

9

10 MS. MORKILL: I'm afraid I can't say one way or the other. You probably know more than I do. I'm not sure what the legal status -- if they're considered Federal public lands. I'm not sure what the legal status in terms of trespass is.

14

15 MR. CHARLIE TITUS: If your Federal Government -- if you don't recognize the BIA -- you're BLM?

17

18 MS. MORKILL: Um-hum (affirmative).

19

20 MR. CHARLIE TITUS: Okay. BIA -- you work for the government, the Federal Government. And you don't recognize -- you're saying you're going against the BIA's....

23

24 MS. MORKILL: I'm not saying I'm going against it. I'm pleading ignorance that I don't know what the status of those uncertified allotments are. They're considered Federal public lands.

28

29 MR. CHARLIE TITUS: Mr. Chairman, I'm not a lawyer, but I know a little about Native allotments and I know they're protected under the Federal Government, BIA, by law. And if there's anyone that goes on these allotments, they're trespassing. Am I correct? Maybe someone in the audience will correct this.

35

36 MR. LEE TITUS: As far as I understand it, anybody that has title or deed to a Native allotment has the authority to put up "no trespassing" all around the Native allotments, and that's been going on up in Unit 12 because the State had a Tier-II caribou system up there a couple of years ago and we had a lot of people from out of town that was unloading their snow-machines and running across through Native allotments and he got pretty upset about it and he went out there and blocked off and they had to go around the Native allotment.

45

46 MR. JAMES: Mr. Chair, I'd like to add two things. First of all, the discussion of private property and access is something that is not normally part of the discussions of

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seasons and bag limits, to my knowledge. I've never heard it at the Game Board; I've never heard it at the Federal Board yet. Now, I could be wrong and maybe it'll happen. That's the first thing I wanted to say.

4

5 Second of all, an issue that hasn't come up, and it was my understanding based on earlier conversations with other staff members with our office, is the following: that there is a customary and traditional determination for moose in that area, Minto and Nenana. There's some concern -- this may be theoretical, but there's some concern that whereas Minto residents probably would not have difficulty obtaining a State Tier-II permit if they wish, there is a real question whether Nenana residents could. Now, under the Federal Regulations, people in Nenana qualify. So, theoretically, they could be denied the issuance of a State Tier-II permit; whereas somebody from someplace else, you know, not from either of those communities, but because of the State Tier-II scoring system could.

19

20 MR. LEE TITUS: Oh, yeah.

21

22 MR. JAMES: So, theoretically, somebody from Nenana --
23 suppose even from Minto....

24

25 MR. LEE TITUS: Sure.

26

27 MR. JAMES:would be possibly denied access. Now,
28's a whole other question when you look at the size of the
29 land; maybe the argument begins to seem a bit absurd and we're
30 maybe talking principles here. But, nevertheless, the Federal
31 program is trying to just stick by the technical aspects of
32 this.

33

34 MR. LEE TITUS: Yeah. I sat on the Fairbanks Advisory
35 Board back in the seventies and when we first came about this
36 Minto Management Plan, we had a seat from Nenana. Mitch
37 Bemientieff was sitting on that seat and so was I. We agreed
38 on a State Tier-II permit system at that time, you're right,
39 for only the residents of Nenana and Minto, but because of the
40 new State subsistence law which involved all people in the
41 State to qualify under the State Tier-II. But as far as
42 Federal law goes in the Minto Flats system, the original
43 Nenana-Minto is still intact, I believe.

44

45 MR. GUENTHER: Mr. Chair, if I could continue with some
46 of the biology relative to this, unless there's further
47 discussion on....

48

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MR. CHARLIE TITUS: Mr. Chair, I think Oscar Frank wanted to comment on this or maybe after.

2

3 MR. LEE TITUS: We'll get a bio- -- go ahead with the biological.

5

6 MR. GUENTHER: As far as the biology on the Minto Flats Management area, the moose population based on census figures appears to be a stable or slightly growing population. The bull:cow ratios are about 49:100, so bull:cow ratios are good. This is a good, healthy population. To give you an idea of the current impact of the Federal registration permits, a number of animals reported taken in subsistence harvest, if you look at the table on page 58, in the 1990-91 season the State made available 150 State Tier-II permits. Out of those 150 permits, 21 moose were taken. There were 30 Federal permits issued and seven moose were taken. In '91-'92 there were again 150 State Tier-II permits available and 36 moose were taken. There were two Federal registration permits issued and no moose were reported taken on those permits. In 1992-93, again 150 State permits were available; 42 moose were taken. There were 25 Federal permits issued and eight moose were reported taken on those permits. In 1993-94, the State made available 250 Tier-II permits. We did not have the harvest data available at the time this was published. There were 64 Federal permits issued and as of December 1st there were only two moose taken.

26

27 So, based on the current data, we're talking about a relatively small Federal harvest and it probably is not significant. And the State's concern in their proposal of an over-harvest, unless there's a significant change in the Federal subsistence harvest, is probably not warranted. There is a potential for a larger harvest based on the two permit systems together that we would not know about until after the fact, but at this point that is not a problem.

35

36 Now, to move on to the second issue in that proposal, it deals with Unit 20(B), the Fairbanks Management Area. There are several small parcels of Federal public lands within the Fairbanks Management Area. Approximately 2% to 3% of the total area is Federal land. There is no specific moose data on that area, but the population appears to be healthy and growing slowly and there is a general feeling that bull:cow ratios and calf recruitment is fair to good. From a biological perspective, the State registration permit in this situation would give better data than we're currently getting, having no registration permit for Federal and a State registration permit. But, again, this is a bow hunt only area, both under Federal regulations and State regulations, and we feel the bow

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take by Federal subsistence users is probably very minimal. We do not have specific information on this, but we feel it's probably a very small number and it probably has no impact on the managements of that herd or the harvest at this point, or minimal impact.

5

6 The only problem that occurs relative to this is that hunting under a State regulation -- bow hunting under State regulations, the bow hunter is required to have bow hunter education. Under Federal regulations, anybody that has a bow can go out and be a bow hunter without an education requirement. There is some feeling that it's advantageous for someone to have some training in bow hunting from a safety factor, but we do not have a strong opinion regarding that aspect of it.

15

16 For Issue No. 3, the remainder of 20(B) -- in the remainder of 20(B), there are two relatively small parcels of Federal lands. One parcel is located on the Salcha River below Goose Creek and extends to the Chena River Drainage at the headwaters of the Munson Creek and South Fork. The other parcel is located about 22 miles north of Fairbanks on the Elliott Highway. So, they're very small parcels. Generally, the moose population throughout the remainder appears to be healthy and growing slowly. Bull:cow ratios are good and calf:cow ratios are good. There does not appear to be any significant biological evidence to support a reduction, a five-day reduction in the Federal season within those areas.

28

29 So, basically, we're talking about small amounts of Federal land for this whole proposal. We're talking about probably quite small Federal subsistence harvest on these lands. We do not feel that the Federal Subsistence Regulations as they are currently and based on the best current data that we have and the trends over the last couple of years are having a significant impact on the management of that population, but it does create some inconsistencies with the State regulations. 37 If you pass this proposal, you would first of all authorize a requirement of hunting in Minto under a Tier-II permit. You would require that hunters hunting within the Fairbanks Management Area have a State registration permit and that they take a bow hunter training course. It's the State's course. And it would limit hunting in the remainder to September 1 through 5 which would cause a five-day reduction in the current subsistence season length. That's all I have. If you have any questions, I'd be glad to answer them for you.

46

47 MR. PEARSON: Mr. Chairman?

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MR. LEE TITUS: Yes?

1
2 MR. PEARSON: As I see this proposal, the first part of
3 it, on the Minto Flats, and I believe what Charlie is saying
4 about that being -- if it isn't private ownership, being as
5 good as private ownership. And, therefore, I don't see how we
6 could make a Federal subsistence hunt on private property. And
7 on the second part of this here proposal where you're
8 scratching the Federal registration permit only and going over
9 to the State Tier-II, I see no problem with the second part of
10.

11
12 MR. LEE TITUS: So a State Tier-II permit system from
13 September 1st to the 20th?

14
15 MR. PEARSON: All in the second part in Unit 20(B) in
16 the Fairbanks area there?

17
18 MR. LEE TITUS: The remainder of -- oh, okay. So, the
19 remainder of 20(B) is the bow hunting part, right?

20
21 MR. PEARSON: Right.

22
23 MR. LEE TITUS: Okay.

24
25 MR. GUENTHER: No, Mr. Chair, the bow hunting part is
26 the Fairbanks Management Area only. The remainder of 20(B) is
27 a gun hunting area. And just for clarification, there is not a
28 Federal registration permit now required to hunt in the
29 Fairbanks Management Area or the remainder; only in the Minto
30 Management Area.

31
32 MR. ROACH: Mr. Chair, I would like to say that I am
33 opposed to the proposed regulation, our adoption of the
34 proposed regulation primarily because it seems to restrict
35 subsistence use on some Federal lands and the requirement for a
36 Tier-II permit system, we've already discussed that as not
37 being a suitable option for subsistence users. So that is my
38 justification for that and I'd like to call for the question.

39
40 MR. LEE TITUS: Excuse me, I think we have one hand up
41 way back there.

42
43 MR. ROACH: I didn't realize that. Sorry.

44
45 MR. LEE TITUS: You have a comment?

46
47 MR. OSCAR FRANK: Good afternoon, Chairman, and council
48 members. My name is Oscar Frank and I'll be real brief. I

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work for the Tanana Chiefs Conference, Fairbanks Subregion Office and Minto and Nenana are villages within that subregion. I'm here to oppose this here proposal. Just real briefly, under a Federal registration the residents in those two communities, Nenana and Minto, would have the opportunity to hunt. And I'm not sure if that's real clear under a State II permit hunt. I'm just thinking as someone out there in the village who looks at this and in all ways it is confusing, especially with the cut-backs in the State Department of Fish and Game. They've already lost their regional coordinator, and it's confusing on who to contact if a Tier-II permit was implemented. So, my reasons are is just that the opportunity is better under a Federal permit and I don't want to see a Tier-II permit. Thank you.

14

15 MR. PEARSON: You said you supported it? I'm sorry.

16

17 MR. FRANK: I oppose this proposal. Thank you.

18

19 MR. ROACH: Mr. Chair, I believe Mr. Frank agrees with
20 opposition....

21

22 MR. FRANK: Yes.

23

24 MR. ROACH:for a lot of the same reasons. And I'd
25 like my call for the question to stand, then.

26

27 MR. LEE TITUS: The question's been called. We don't
28 have no more public comments on Proposal 76. The motion was to
29 adopt Proposal 76. All in favor of the motion, signify by
30 saying aye. (Pause.) All those opposed?

31

32 ALL MEMBERS: Aye.

33

34 MR. LEE TITUS: The motion for 76 is adopted.

35

36 MR. ROACH: I'm sorry, Mr. Chair, your comment should
37 be that motion 76 is not adopted.

38

39 MR. LEE TITUS: Oh, yeah, right.

40

41 MR. PEARSON: Oh, yeah, not adopted. Seventy-seven.
42 Motion to adopt 77? (Pause.) You want to stay here all night?

43

44 MR. GUSTAFSON: I'll make a....

45

46 MR. CHARLIE TITUS: I'll make the motion, Mr. Chairman.

47

48 MR. LEE TITUS: It's been moved. Do I hear a second?

49

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1 MR. GUSTAFSON: Second.

2

3 MR. LEE TITUS: Seconded. Discussion? This proposal
 4 was submitted by Stevens Village. Yes?

5

6 MR. SHERROD: I'm George Sherrod with the Office of
 Subsistence Management, U.S. Fish and Wildlife Service. This
 proposal was submitted by Stevens Village. I should mention
 initially that the regulation that appeared in both the
 publication and in the proposed rule, the one that appears on
 page 60, at the top, was modified by a Request for
 reconsideration to add a February 1 to February 20 season this
 year if, in fact, the harvest limit of 30 had not been reached.

14

15

16 This proposal requests, basically, that the existing
 August 25th - September 25th, December 1 - 20, August 20, and
 February 1 to 20 season - this is the part that was in there -
 with the year -- to replace that with a year-round season or,
 alternatively, an August 15 to January 28 season. It would
 also remove the provision restricting the harvest of antlered
 bulls during August 25th and the December 1 and 20 season and
 permit the harvest of any bull. It should be noted also
 that within the proposal as forwarded, if you're looking at
 our book, the second to the bottom line on page 60, there is
 the phrase "to extend jurisdiction to State and Native
 corporation selected, but unconveyed lands." This is not part
 of the prerogative of the board under the Subpart D proposal
 process that we're going -- this was brought up, in other
 words, what you sort of dealt with just a moment ago with
 lands. It's not privy to board action.

32

33 The moose population in 25(D) (West) is approximately
 605 animals. It has a density of less than one-tenth moose per
 square mile which is about one-fifth of what the habitat is
 estimated at carrying. This decline in the population
 commenced in '86. The bull:cow:calf ratio derived from a '92
 survey was 71 bulls to 100 cows to 25 calves, about half the
 number of cows per bull that should be present. The bull
 population is heavily skewed towards older bulls with only 16%
 classified as yearling. All evidence indicates that a very
 large and disproportionate number of cows and young bulls are
 being lost from the population. I guess, in general, the
 population is in bad shape, below its carrying capacity and not
 what would be expected of the normal demographic structure.

46

47 The Federal Subsistence Management Regulations provide
 for a harvest quota of 30 bulls from the entire unit and public

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lands are closed when this quota is met. About 70% of the moose population occurs on Federal public lands; however, most of the harvest occurs on lands under State jurisdiction because these lands are in close proximity to the village and/or accessible by boat. Currently, only residents of Stevens Village, Beaver, and Birch Creek, a total population of 250 individuals, are eligible to hunt moose in Unit 25(D) (West) under Federal Subsistence Management Regulations.

8 A bit of history on the regulatory process: Since roughly 1984 there has been a February season. Since Federal management has occurred, the Federal season has been proposed to be removed and has basically in one form or another has been reinstated through Requests for Reconsideration which is reflected in this last action. Currently, and this is probably -- or a major factor, I guess, in the reconsideration process. Currently, the Fish and Wildlife Service is engaged in a cooperative agreement with CATG for harvesting monitoring and it was determined that these three villages that are eligible to take moose in 25(D) (West) had taken 17 moose in the earlier two seasons which then allowed them to take the moose in this February season that just opened.

21

22 Conclusions: Current seasons exclude October, late December and January because public oral and written testimony before the board as well as pertinent literature indicates that local subsistence users consider the meat from bull moose to be unpalatable during this period. The board, considering what appears to be an illegal harvest of cow moose, believes that it is prudent not to allow moose hunting when meat from bull moose is not palatable. On the other hand, if local hunters adhere to regulations, report their harvest in a timely manner in order so that the harvest does not exceed the harvest quota, the 30 animals, and do not harvest cow moose, the season of August 25 through February 28 is acceptable. Providing for a year-round season, however, would have an inverse impact on the recruitment and would introduce the issue of spoilage of meat during warmer months. Allowing the harvest of any bulls rather than antlered bulls, even with the assurance that local hunters can differentiate between the two, there's still a concern that it places cows at risk. However, if, in fact, there is to be a season extending after February 15th, it would be appropriate to allow the taking of any bull, given that most of the bulls have lost their antlers at that time.

43

44 MR. LEE TITUS: We considered the proposed rule at our last meeting, right, concerning this, didn't we?

46

47 MR. JAMES: Mr. Chair, correct me if I'm wrong, but if you look at the top of page 61, it has "antlered" crossed out

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and then shaded in "bull moose." Do you see where I'm talking about, the very first paragraph there?

2

3 MR. LEE TITUS: Um-hum (affirmative).

4

5 MR. JAMES: Okay. That's, in a sense, a formality because the board has already approved that. It's already a bull moose season; it's not an antlered moose season. I wasn't specifically answering your question. I just wanted to point that out so that you could focus on stuff as proposed that would be different than the way it is now.

11

12 MR. SHERROD: Mr. Chairman, actually, as for the top of page 60, that is a proposed rule that went forward which is different from the rule in which people hunted. This is a case where the proposed rule and the existing rule are, in fact, different. So, the proposed rule as forwarded is -- reflects antlered moose not just bulls, even though the regulation under which people are hunting now, the one modified by the regulation, I believe, says it's bull moose.

20

21 MR. JAMES: I stand corrected.

22

23 MR. LEE TITUS: Any more questions?

24

25 MR. CHARLIE TITUS: Mr. Chairman, I wanted to ask a question. Those 17 moose that has been reported -- it's been reported harvested, is that from fall, from September or August?

29

30 MR. SHERROD: Yeah. That's from the three villages from the earlier hunts, the one that terminated in December. They're the November 1 to December 20th hunt. As of December 20th, the three villages had collectively taken 17 bulls.

35

36 MR. CHARLIE TITUS: So, they're still under their quota.

38

39 MR. SHERROD: The quota, the 30, is based on a total hunt including the State Tier-II hunt, and there were 125 State Tier-II permits. As of the writing of this analysis, the exact number of bulls taken under State Tier-II was -- I was not aware of it. Perhaps someone here in the audience might have current data on the number taken under the Tier-II. Tom, isn't that the latest number we've heard on the State report?

46

47 MR. TOM ELEY: There were four taken under Tier-II.

48

49

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MR. SHERROD: Two of which were the doubles reported?

1

MR. ELEY: Yeah. My name is Tom Eley. I'm the subsistence coordinator. I was just going to point out that there were four taken under Tier-II, but two of those were already accounted for in the other accounting and there was one moose taken by an individual from Fort Yukon and one from an individual in North Pole.

8

MR. SHERROD: A total of 19?

10

MR. ELEY: A total of 19.

12

MR. LEE TITUS: Any more questions?

14

MR. JAMES: Mr. Chair?

16

MR. LEE TITUS: Yeah.

18

MR. JAMES: George, I need some clarification. It was my understanding that in the seasons, the two parts of the season, August through September 25th, and the one that really matters, November 1st through December 20th, were those residents in those three villages hunting under the antlered or the bull moose regulation?

25

MR. SHERROD: They would have been hunting under the regulation that was a product of the request for modification or reconsideration, excuse me. I....

29

MR. JAMES: Which is antlered.

31

MR. SHERROD: Let me look.

33

MR. JAMES: No, excuse me, which is bull.

35

MR. SHERROD: I believe it's bull, but this is not the one. It says 30 bull moose....

38

MR. JAMES: Okay.

40

MR. SHERROD:was the authority used as the modified proposal. But the modified regulation, excuse me, is not what is contained within the proposed rule. It was the re-request for Reconsideration proposal that's in the proposed file in which antlered is identified there.

46

MR. LEE TITUS: What's the difference?

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MR. SHERROD: Well, in spring, after February obviously
or, you know, the February hunt, you would not find antlered
Bulls. So, even if you've handed them the season and said they
could only take antlered bulls, you've done it....

4

MR. JAMES: I guess it's tempting to chuckle about
this, but, of course, this was a very serious issue with the
three villages and they weren't chuckling when they were
talking about their Request for Reconsideration last summer.
I'm trying to establish, because I think it will be germane to
avoiding the bog here, that they are already hunting under the
bull moose regulation, are they not?

12

MR. SHERROD: That's correct.

14

MR. JAMES: Okay.

16

MR. SHERROD: That's right.

18

MR. JAMES: They are. Okay.

20

MR. LEE TITUS: Okay.

22

MR. SHERROD: Mr. Chairman, I believe there was an
attempt to change all bull -- the term "bull moose" in all the
regulations to "antlered moose" and that's for consistency.

26

MR. ELEY: That may be correct, too.

28

MR. LEE TITUS: But if you're having a winter hunt,
that will be inconsistent because the bulls drop their
horns....

32

MR. SHERROD: I think this is....

34

MR. LEE TITUS:in the winter.

36

MR. SHERROD: It's not like we have that many winter
hunts, though. I think that's unique to this situation.

39

MR. CHARLIE TITUS: Excuse me. Could you explain the
why 1st through June 30th?

42

MR. SHERROD: That would be a year-round season which
had been proposed several times and has basically been turned
down by the board in the times that it has been proposed.
However, since '84, there has been a February season through
the last couple of years through the process of
consideration, requests for reconsideration.

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1 MR. CHARLIE TITUS: And how does the department feel
2 about it? Fish and Wildlife?

3

4 MR. SHERROD: Well, the staff is basically -- I guess
5 through the fact that the board has on two other occasions
6 reinstated a spring hunt or a February hunt, it is through the
7 course -- I think if you look at the staff analysis on 77 and
8 the conclusions, the implication is there that they could live
9 with the August to February 28th hunt. "Is acceptable" is the
10 word. The season of August 25th to February 28th is acceptable
11 provided -- but they felt that the year-round season was not,
12 given the status of the moose population, both the number, the
13 density and this demographic characteristic, the ratio of cows
14 and bulls.

15

16 MR. JAMES: Mr. Chair, I think that one of the main
17 issues here that Stevens Village is raising is as long as there
18 is the quota and they abide by that, what does it matter when
19 they take those animals. Now, I suspect that is, you know,
20 what they're saying here; that there is a control on the
21 harvest, so why not give them more freedom when they can take
22 those animals. Now, as I understand it -- unfortunately, Randy
23 Mayo is not here. But if I understand it, that's one of the
24 issues that they're raising.

25

26 MR. LEE TITUS: Oscar, did you have -- step up to the
27 mike, please.

28

29 MR. FRANK: Oscar Frank here. Stevens Village is part
30 of our subregion and last summer, Kirby George, the second
31 chief of the council, and I went down for the Federal
32 Subsistence Board on their Request for Reconsideration. And at
33 that time, they came up with this proposal that's before you
34 today. And I wish Randy was here, but they got pulled away,
35 Jim and Dave Lacey. So, what we were seeking is just support
36 of this proposal and it's -- as they go before the Federal
37 Subsistence Board. And one of the concerns that was raised by
38 some people was the -- in fact, this came up during a BLM
39 meeting last summer, was that some of the people couldn't
40 differentiate between a bull moose and a cow moose. Of course,
41 that's not true. You know, the people out there have lived off
42 the land and the elders have passed on their knowledge to the
43 young people, that they are able to do that. And they agreed
44 to work with the Fish and Wildlife Service and also the chief
45 of the CATG on the harvest and to keep a close watch on all the
46 announcements.

47

48 MR. PEARSON: Mr. Chairman, I have a question. You're

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basically looking for support on the year-round season or from August 15th through February 28th?

2

3 MR. FRANK: I support the proposal as it's written by Stevens Village. If it's changed, then I would have to ask -- get back with Mr. Mayo on that.

6

7 MR. PEARSON: Because, as it is, both year-round July 1 to June 30th and August 15th to February 28th are shaded.

9

10 MR. SHERROD: Those are alternatives.

11

12 MR. LEE TITUS: Those are alternatives. Alternatives. It's either the July one or the August one.

14

15 MR. ROACH: Mr. Chairman,....

16

17 MR. LEE TITUS: Yes?

18

19 MR. ROACH:could I ask why the staff analysis set the date August 25th to February 28 as being their preferred alternative as an acceptable alternative?

22

23 MR. SHERROD: I believe the -- and I wasn't party to the final drafting of this, but I believe the feeling was that even the limited number of animals and given the problems of trying to account for these animals, that the shorter period of time provided a better opportunity to insure that over-harvest would not occur.

29

30 MR. ROACH: Okay. Why, specifically, then, was that 10 days in August considered to be important? August 15th to August 25th.

33

34 MR. SHERROD: That was their second alternative.

35

36 MR. ROACH: Okay.

37

38 MR. SHERROD: Am I mistaken on that?

39

40 MR. ROACH: The Stevens Village Council wants August 15th to February 28th. The staff conclusion says August 25th to February 28th. I'm concerned with that 10-day period why that is important.

44

45 MR. SHERROD: I'm sorry. I can't answer that. That's Conrad's -- or one of the biologists would have information on that.

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MR. PEARSON: Typo.

1
2 MR. ROACH: I just want to be sure that we're not
missing something in there.

4
5 MR. ELEY: Yes, Tom Eley again. I'm not sure if I can
exactly address it, but the 25(D) (West) issue has come up over
and over the last few years and the Fish and Wildlife Service
has tried to work really directly with the villagers. And when
we originally came up with seasons, there was some concern that
if we opened it too early in August, like opening weekend this
past August, when you have 80-degree temperature, there would
be a greater chance of spoilage. And so people wanted to err
more for the later part of the season. But then people said
that if it got into October, one of the problems there was that
the meat was not very tasty because the bulls were in rut. And
\$6 October was taken out in one of the many scenarios as this
was given. And why we originally came up with the 25th, I
think it was because of spoilage.

19
20 MR. LEE TITUS: Any more questions? Charlie?

21
22 MR. CHARLIE TITUS: Mr. Chairman, can anyone explain
the lawsuit or the Stevens Village Council or the secretary of
that or -- on reasons for changing the regulations? The one
right above -- on page 61.

26
27 MR. LEE TITUS: Where it says, "The second request is
the subject of a lawsuit"?

29
30 MR. SHERROD: I'm not knowledgeable -- this occurred
before my tenure with the Service. I do believe there are some
people in the audience, though, that might enlighten us on
this. I'm not sure if it's the lawsuit or the Request for
Reconsideration that was brought forth.

35
36 MR. ELEY: At least initially, in part, I think they
wanted -- they had a lawsuit where they wanted to extend --
well, it dealt with many issues that were considered in the
Motion for Reconsideration that was dealt with by the board
last year. But one part of this original lawsuit and there
might be -- if Randy Mayo was here, he could speak much more
eloquently on it than I can. But one portion of that was the
extension of Federal jurisdiction to Native corporation lands
and village lands within the larger National Wildlife Refuge
since those lands now are under State jurisdiction. There was
some consensus, at least in Stevens Village, that they would
rather have those under Federal jurisdiction and, of course,
that's something that we nor the board could do and it had to

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go through, I guess, the legal system. And that's my understanding of what's pending because the lawsuit was dropped because of the Motions for Reconsideration through the board, except for that portion of the lawsuit, extending the Federal jurisdiction.

5

6 MR. LEE TITUS: Yes?

7

8 MR. BILL CALDWELL: Thank you, Mr. Chairman. I'm Bill Caldwell with Alaska Legal Services. I'm kind of familiar with this litigation, just indirectly. I'm not -- I don't directly represent anybody, either the Stevens Village plaintiffs or anybody else. But I did promise Eric Smith, who is the lawyer for the Stevens Village plaintiffs that I would watch this proceeding today. And just to clarify about this, this legal issue about whether lands that have been selected by the State of a Native Village corporation or regional corporation but not yet conveyed to those entities, whether or not those lands continue to be public lands or not is still a live issue that's under advisement in the Federal courts. And the argument is based on this section of ANILCA, Section 9060 which says that selected but not conveyed lands are to be managed as a part of any conservation unit until the lands are actually conveyed out of it. Now, they take the position -- or not "they." But the secretaries took the position when they promulgated the definition of public lands, that these lands would not be treated as Federal public lands and, therefore, not under ANILCA's jurisdiction. So, that's an issue that is to be resolved by the Federal courts, but I don't think it's an issue beyond this Council's jurisdiction to make recommendations under Section 805 of ANILCA. You can make recommendations to the secretary to change his legal opinions just as well as you can make recommendations to him to do specific things. So, that's my two cents.

34

35 MR. LEE TITUS: Thank you. Selina?

36

37 MS. PETRUSKA: George, do you have any specifics on the people who go hunt up in our area even if they're not allowed to? Because I know for a fact that we've seen people go there with airplanes and....

41

42 MR. SHERROD: Well, I think the State issued 125 - correct me if I'm wrong, Tom - Tier-II permits to hunt in that area on State land and that's, I would assume, possibly the individuals that you saw. But there is a concurrent State Tier-II permit hunt in 25(D) (West) and as of this year, I guess, they took two animals. Would you say we had....

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MR. ELEY: Two, really. Yeah.

1
2 MR. SHERROD: In North Pole and Fort Yukon
3 individually.

4
5 MS. PETRUSKA: I thought you said there was such a low
6 amount, I mean, not enough moose up there to open it up to all
7 those hunters.

8
9 MR. SHERROD: The Federal Government hasn't opened up
10 Federal lands to outsiders. These people are hunting, in
11 theory, on State land under State Tier-II regulations. These
12 regulations, in fact -- you know, the 30 moose are allocated
13 not to all subsistence users, not to all users that even have
14 C&T for the area, if I recall, because we haven't done a C&T
15 process, but simply to residents of those three communities.

16
17 MS. PETRUSKA: They're like hunting with airplanes
18 right near the river where we hunt.

19
20 MR. LEE TITUS: Did we in our last meeting -- that
21 proposal for Reconsideration, did we oppose the State Tier-II
22 system on Federal lands?

23
24 MR. CHARLIE TITUS: Um-hum (affirmative).

25
26 MR. ROACH: Mr. Chair, we did oppose the State Tier-II
27 system as part of a Federal subsistence hunt. And I would like
28 to make an amendment to this motion at this time to make the
29 open season from August 25th to February 28 which is the
30 conclusion of the staff analysis and comes closest to the
31 alternative date that the Stevens Village Council presented in
32 the proposal.

33
34 MR. PEARSON: I would second that amendment.

35
36 MR. LEE TITUS: I don't know if it needs to be amended.
37 All you have to do is -- oh, you're in favor of the original
38 motion, but you're amending it to include the alternative?

39
40 MR. ROACH: To amend the alternative by 10 days.

41
42 MR. PEARSON: Right.

43
44 MR. LEE TITUS: Oh, okay.

45
46 MR. ROACH: Make the alternative August 25th to
47 February 28th.

48
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MR. LEE TITUS: Oh, okay. The amendment's been moved and seconded. Discussion on the amendment? Hearing none, all in favor of the amendment, signify by saying aye.

3

4 ALL MEMBERS: Aye.

5

6 MR. LEE TITUS: Opposed? (Pause.) Back to the main motion, as amended. All those in favor of adopting Proposal 77 as amended, signify by saying aye.

9

10 ALL MEMBERS: Aye.

11

12 MR. LEE TITUS: Opposed? (Pause.) Proposal -- motion to adopt Proposal 78?

14

15 MR. ROACH: I'll make the motion that we adopt Proposal 78.

17

18 MS. PETRUSKA: Second it.

19

20 MR. LEE TITUS: It's been moved and seconded. Discussion.

22

23 MR. GUENTHER: Mr. Chair,....

24

25 MR. LEE TITUS: Yes.

26

27 MR. GUENTHER:Proposal 78 was submitted by BLM and the proposal is to eliminate the Federal registration permits for hunts for sheep and moose in that portion of Unit 25(C) that within the Dalton Highway Corridor Management Area. Now, a portion of this proposal has been withdrawn by BLM. Now, the sheep portion has been withdrawn, so we're only dealing with moose in that portion of 25(A) within the Dalton Highway Corridor. So, the very northwestern corner of 25 -- it would be this corner of 25(A). There's about a three- to five-mile section of highway across that corner. So you're talking about a little parcel of land.

38

39 Again, we're only dealing with the moose portion of the issue. The reason that BLM is requesting that the moose permit requirement be dropped is that within two years of permits being available, they had not had any request for a permit. The residents of 25 -- the people who have C&T eligibility for the use of that corridor are the residents of 25(A) and Venetie. The area is not particularly good moose habitat. The villages that have C&T for that have a much moose habitat, much more easily accessible to them. It would also increase a uniform regul- -- it would cause there to be a uniform Federal

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regulation throughout all of that subunit. The remainder of the corridor would still have a Federal registration permit for moose hunt. That's all I have to say on that, unless you have some specific questions.

4

5 MR. ROACH: Mr. Chairman?

6

7 MR. LEE TITUS: Yes.

8

9 MR. ROACH: This seems to be a pretty cut and dry issue. I don't think there's much concern about it, and I'd like to get the vote underway as soon as possible on this one.

12

13 MR. LEE TITUS: Does anybody have any more questions or discussions?

15

16 MR. CHARLIE TITUS: Call for the question,
17 Mr. Chairman.

18

19 MR. LEE TITUS: The question's been called for Proposal
20, all in favor....

21

22 MR. JAMES: Excuse me, Mr. Chair. Do we have any potential problem here given that the way it's written here, it does include sheep and moose? Would it be necessary to have an amended proposal that addresses only moose? What's the legal end of that, do you know?

27

28 MR. SHERROD: I don't know. There's one other dimension to this and that is that in supporting -- like I said, none of the communities that have C&T for the section of the corridor in 25(A) are within the proposal supported by this body, No. 68, for having use of firearms in 25(A). So, I don't know what -- if this is a moot point now or not.

34

35 MR. JAMES: My only concern here was, Mr. Chair, that you all didn't just adopt Proposal 78 as written. I'm stuck; I don't know the answer to that. Go ahead.

38

39 MR. GUENTHER: Mr. Chair, I was hoping we could have Mr. Knauer come up. He could clarify that.

41

42 MR. KNAUER: Thank you, Mr. Chair. Because the first part dealing with sheep has been withdrawn, it has the effect of essentially never having been there and so when you're considering Proposal 78, the only thing that you are considering is the section on moose.

47

48 MR. LEE TITUS: Okay. Any more discussion? The

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question's already been called. All in favor of the motion, signify by saying aye.

2

3 ALL MEMBERS: Aye.

4

5 MR. LEE TITUS: Opposed? (Pause.)

6

7 MR. PEARSON: We've got two more, guys. It isn't midnight yet. We could go longer in debate, if you want.

9

10 MR. LEE TITUS: The chair entertains the motion to adopt Proposal 79?

12

13 MR. PEARSON: I'll entertain the motion that we support Proposal 79.

15

16

17 MR. GUSTAFSON: I'll second it.

18

19 MR. LEE TITUS: It's been moved and seconded. Discussion? George?

21

22 MR. SHERROD: Okay. Proposal No. 79 would change beaver trapping regulations in that portion of Unit 29(D) to mirror the more liberal State of Alaska seasons and bag limits. Basically, it would allow for a more liberal taking of beaver in that unit. Perhaps the really major consideration here is what based on Bureau of Land Management land status maps that we -- we've got about five miles -- oh, excuse me, I've got the wrong proposal here. We have a couple little parcels of Federal land in there, basically, I'd say approximately one and a half square miles, and they're located basically above tree line and that's marginal beaver habitat, if any beaver habitat at all. So the bottom line is adopting or rejecting this proposal would have basically no impact on subsistence users.

35

36 MR. LEE TITUS: This here is in the Delta area, right?

37

38 MR. SHERROD: That's correct.

39

40 MR. LEE TITUS: All right.

41

42 MR. PEARSON: And there is an abundance of beaver?

43

44 MR. SHERROD: But not where our -- the one and a half square miles of Federal land is. In other words,....

46

47 MR. PEARSON: How big is that Federal....

48

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1 MR. SHERROD: Well, I think we have approximately one
2 and a half square miles.

3 MR. PEARSON: And I suppose it's all marked out, too,
4 deal well, huh?

5
6 MR. GUENTHER: Mr. Chair, just a point of
7 clarification. That one and a half square miles of Federal
8 land is basically in the upper reaches of a drainage. It's
9 pretty much high alpine country. It's above tree line.
10 Definitely above tree line.

11
12 MR. LEE TITUS: Oh, way up in the mountains?

13
14 MR. GUENTHER: Yes.

15
16 MR. LEE TITUS: Okay.

17
18 MR. PEARSON: They're mountain beaver.

19
20 (General laughter.)

21
22 MR. GUENTHER: Yeah, they're an endangered species.

23
24 MR. ROACH: Mr. Chairman, I am going to vote in favor
25 of this proposal because I believe that simplifying the State
26 and Federal seasons and bag limits is a good idea and I see no
27 biological reason not to do it in this case and I'd like to
28 call for the question.

29
30 MR. LEE TITUS: The question's been called. All in
31 favor of adopting Proposal 79, say aye.

32
33 ALL MEMBERS: Aye.

34
35 MR. LEE TITUS: Opposed? (Pause.)

36
37 MR. PEARSON: You just all voted that you'd put the
38 mountain beaver on the extinct list.

39
40 MR. LEE TITUS: The last proposal, No. 80. Entertain a
41 motion to adopt?

42
43 MR. ROACH: I'll make the motion to adopt 80.

44
45 MR. CHARLIE TITUS: I'll second the motion.

46
47 MR. LEE TITUS: It's been moved and seconded to adopt
48 Proposal 80. Discussion?

49
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1 MR. GUENTHER: Mr. Chair, unfortunately, I just found
 2 out that there is some Federal land within that area, but it's
 3 a limited number of mining claims and we don't know how many.
 4 It's a very small parcel. Basically, this proposal is dealing
 5 with a five-mile corridor along the Steese Highway within
 6 Unit 20 and does not have any Federal public lands with the
 7 exception of a few limited mining claims. We do not feel that
 8 there's any significant hunting activity or harvest that occurs
 9 on that limited area.

10

11 MR. ROACH: Mr. Chairman?

12

13 MR. LEE TITUS: Yes?

14

15 MR. ROACH: I'm going to vote in favor of this proposal
 16 for the same justification as the last proposal that we just
 17 covered.

18

19 MR. PEARSON: Jeff, basically that it would align the
 20 Federal proposals with the State proposals? We're only talking
 21 about a minute little scattered parcels in well-defined Federal
 22 land.

23

24 MR. ROACH: Yes.

25

26 MR. LEE TITUS: Did you call for the question?

27

28 MR. ROACH: I didn't,....

29

30 MR. LEE TITUS: Oh.

31

32 MR. ROACH:simply because I feel really bad that
 33 I'm the only one calling for the question and I don't want to
 34 shut anybody else out.

35

36 MR. LEE TITUS: Any more under discussion? Hearing
 37 none, all in favor of adopting Proposal 80, say aye.

38

39 ALL MEMBERS: Aye.

40

41 MR. LEE TITUS: Opposed? (Pause.) Proposal 81.

42

43 MR. CHARLIE TITUS: Move for adoption.

44

45 (General laughter.)

46

47 MR. PEARSON: You stay late and work on that.

48

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1 MR. ROACH: Mr. Chair, I believe we still have some
2 items on our agenda....

3 MR. LEE TITUS: Yep.
4

5 MR. ROACH:and maybe if we could -- I would like
6 to see Item K be moved up and be dealt with now and then we can
7 go into the other items, I and J, at a later time. I'd like to
8 get Item K out of the way if we could, please.

9
10 MR. LEE TITUS: Um-hum.
11

12 MR. PEARSON: What was that you wanted to do, Jeff?
13 You wanted to move K up and then deal with I and J later? It
14 sounds like they want to make....

15
16 MR. ROACH: We still have a couple of things to cover
17 there, Mike. You look like you're getting ready to leave.

18
19 MR. LEE TITUS: Okay. Was that in a motion form or
20 what was that?

21
22 MR. ROACH: I will make the motion if it's necessary to
23 make a motion.

24
25 MR. PEARSON: I think it is.
26

27 MR. CHARLIE TITUS: Time and place of next meeting,
28 right?

29
30 MR. JAMES: Mr. Chair, I'm sorry, I haven't been
31 following what's going on. Could you catch me up now of where
32 you're at?

33
34 MR. PEARSON: We increased the bag limit in 25(A).
35

36 (General laughter.)
37

38 MR. LEE TITUS: Okay. Jeff made a motion to -- we're
39 back to the agenda and he's moving -- we're at H -- I mean, I.
40 We're done with H, and he made a motion to move K up and deal
41 with time and place of the next meeting and then go back to....

42
43 MR. PEARSON: Table I and J till our next meeting.
44

45 MR. JAMES: You want to discuss time and place of next
46 meeting?

47
48 MR. LEE TITUS: And then table Annual Report and
49

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administrative matters.

1

2 MR. JAMES: Okay. Relative to -- is it okay if I
address Item K? Is that acceptable?

4

5 MR. LEE TITUS: Sure.

6

7 MR. JAMES: Or are you talking about a motion? If
you're asking me if it's necessary, I don't think it is.

9

10 MR. ROACH: That's what I wanted to ask. If it's not
necessary, I don't want to make a motion.

12

13 MR. JAMES: Not unless there's, you know, disagreement
on it with Council. After all that, it appears that it would
be best to delay determination of time and place of next
meeting for this reason: it is very likely that the rule-making
procedure for the next cycle is going to be changed if you're
talking about a fall meeting. Okay?

19

20 MR. LEE TITUS: They might move it up, right?

21

22 MR. JAMES: So we don't even have a window to give you
where you could select from, is what it boils down to.

24

25 MR. LEE TITUS: Okay.

26

27 MR. JAMES: So, we're going to have to wait. Now, that
does not preclude you meeting before that for other purposes.
But the fall meeting is usually the big one; it has to do with
kicking off this process and getting, you know, other proposals
in.

32

33 MR. ROACH: I have no problem with waiting to set the
time and place for the next meeting until we find out when in
what -- what time frame we're going to be looking at for making
our comments for the fall meeting.

37

38 MR. JAMES: Okay. Yeah, I'll just keep all of you
appraised and as soon as we find out what that is, of course,
we'll let you know and then figure out a way to get consensus
on that.

42

43 MR. PEARSON: Mr. Chairman, I'd like to ask our
regional coordinator, David James, if there's any real pressing
administrative matters?

46

47 MR. JAMES: Yes.

48

49

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MR. PEARSON: Other than travel vouchers?

1
2 MR. JAMES: No. We strongly recommend you take the
time now to fill out the travel vouchers, sign it, and fill out
all the information and leave the appropriate receipts. If for
some reason, you just can't do that, I'm not going to insist
that you don't leave, but this would be the best way to settle
the accounts ahead of time. And I have to warn you, too, that
I found out just before -- just a few days ago that the Federal
per diem rate has been changed; it's been lowered for
Fairbanks. There is concern that some of you are going to end
up having to pay money back out of that travel pay, so you need
to be aware of that. That's another reason, I think, to get
this settled up before you leave.

14
15 MR. LEE TITUS: Well, I'm going to retire, I guess.
16

17 MR. JAMES: The other thing that I should mention is
that there is a Proposal No. 85 that comes under the North
Slope Region and it simply proposes to change all regulations
that are currently 7/8 curl ram to full curl ram. I chose not
to bring it up, but I want to let you know why I did it, is
because it only affects essentially that same little area we
just got through talking about, that piece in the Dalton
Highway Corridor. It's the only place under subsistence
regulations where there's a 7/8 curl regulation. So, if the
Board decides to act on it on the north side of the Brooks
Range, they may, in fact, extend that to the south side, but I
see it as having minimal impact on this region. So, we're just
letting you know, if that's okay.

30
31 We obviously haven't talked about the up and coming
Annual Report.

33
34 MR. LEE TITUS: I thought we did.
35

36 MR. JAMES: I'd like to know if you have any -- you
want to give me any direction at this point as to what the
Council's intentions are for that report?

39
40 MR. LEE TITUS: The '94 Annual Report?

41
42 MR. JAMES: Which is due in November.
43

44 MR. LEE TITUS: It's due next November? It's due to
have your office or it's due to be in D.C.?

46
47 MR. JAMES: Let me put it this way, I had to forward
that thing, this past Annual Report to my office so that it

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could be forwarded from there by November 15th. So, apparently, there's some time span between November 15th and when it absolutely has to be in Washington, D.C., but I would be reluctant to encourage you to try to squish that any tighter than it already is.

5

6 MR. LEE TITUS: Yes?

7

8 MR. KNAUER: I might mention that when you say D.C., remember, the regulations specify that the secretary has delegated his authority for receiving these reports to the chair of the Federal Subsistence Board. So, that is the individual to whom you make your report.

13

14 MR. LEE TITUS: Okay.

15

16 MR. JAMES: I believe that still doesn't change that November 15th deadline?

18

19 MR. KNAUER: No, the date still doesn't change.

20

21 MR. JAMES: All right. So, I have no other business at this time, except that to leave the Annual Report dangling without some kind of direction is somewhat awkward.

24

25 MR. GUSTAFSON: Mr. Chairman, I have one more thing to add. It all hinges on this subsistence fishing, this Holland case. If it's decided, would we have another meeting?

28

29 MR. PEARSON: What was that again?

30

31 MR. GUSTAFSON: You know, the subsistence fishing issue, would we have another meeting if something spectacular came up? (Pause.) Concerning the navigable waters and all that.

35

36 MR. LEE TITUS: As far as the Annual Report goes, we'll have to start all over from this meeting, right, and our decisions and stuff in the Annual Report?

39

40 MR. JAMES: If I understand your question, Mr. Chair, the Annual Report I believe has leeway enough to include in it just about anything that you want, you know, that's relevant to subsistence issues. There are guidelines in our regulations, though, that come directly from ANILCA. There's a broad outline of what the Annual Report should contain.

46

47 MR. LEE TITUS: Yeah, I remember reading through that, but I just off-hand thought....

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1 MR. JAMES: It's not necessarily, really, any of the
2 action that you've taken here, really, except in an indirect
3 way.

4
5 MR. ROACH: Mr. Chair?

6
7 MR. LEE TITUS: Yeah.

8
9 MR. ROACH: I believe that the most time-consuming
10 requirement that we have under the Annual Report is both the
11 identification of current and anticipated subsistence use of
12 fish and wildlife populations in the region and an evaluation
13 of current and anticipated subsistence need for fish and
14 wildlife populations from the public lands for their region.
15 Is that a pretty fair assessment? That those are probably the
16 most time-consuming issues that we're going to have to deal
17 with?

18
19 MR. JAMES: Yeah, I -- excuse me. Could you repeat
20 that again? Something else is going on in my mind.

21
22 MR. ROACH: The first two requirements that we have:
23 to identify current and anticipated subsistence uses; and to
24 evaluate those uses, the needs for those uses in wildlife
25 populations. Those are probably going to be the two most time-
26 consuming things that we're going to have to deal with; that we
27 should probably begin now the process of collecting that
28 information?

29
30 MR. JAMES: As an example of why we need time, yes.

31
32 MR. ROACH: Okay.

33
34 MR. JAMES: One of the things also that strikes me is
35 that there doesn't appear to be any indication in the
36 regulations or in ANILCA as to the real purpose of this and
37 what benefit it is to you or the people that make decisions
38 that affect you. I suggest that as a subject that could be
39 addressed in an annual report. Why write this Annual Report,
40 how is it going to be use, and those sorts of questions. If
41 you're looking for ideas now about what to include, I'm just
42 throwing some out.

43
44 MR. ROACH: I would like to -- the Annual Report goes
45 to the chair of the board and a copy goes to the secretary.
46 Interior and Agriculture? Not necessarily?

47
48 MR. JAMES: Not....

49
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1 MR. LEE TITUS: Probably all of the agencies.

2

3 MR. JAMES: Not necessarily. It could be copied. But,
4 wait a minute, let's get some clarification on this. Bill,
5 could you help with this one?

6

7 MR. KNAUER: As part of the subsistence regulations,
8 under Subpart A and B, the secretaries delegated to the board
9 their authority to deal with issues relative to subsistence
10 management and to receive and respond to reports. So, the
11 board -- the chair of the board is acting for the secretaries.

12

13 MR. JAMES: I think what that means then is that the
14 secretary's office won't necessarily appreciate getting copies
15 of everything if they feel that it's being dealt with in a
16 reasonable way by the entity that they delegated that authority
17 to. You know, in other words they'd probably be much more
18 appreciative of something that's bucked up to them if there
19 appears to be a good reason, you know, i.e. you're not getting
20 satisfaction of some sort from the board, from the chair of the
21 board.

22

23 MR. LEE TITUS: Okay.

24

25

26 MR. JAMES: Does that help?

27

28 MR. ROACH: Yes, it does. Then we should address the
29 questions of what we are trying to achieve by completing the
30 Annual Report in the manner listed here to the head of the
31 board, hopefully get some response back. Shall we wait and do
32 that or should we actually begin a process now? (Pause) Any
33 comment on that? The reason I want to get started with this
34, when we dealt with it last fall, all we were able to say
35 was these are a couple of our issues and some decisions that we
36 made. We did not address all of the requirements under
37 regional council duties listed here. And I feel that we should
38 address these in some form and if we wait till the fall
39 meeting, we're not going to be able to do an adequate job of
40 addressing those issues.

41

42 MR. PEARSON: What was the other reason that we were
43 thinking about having a work session meeting yesterday?

44

45 MR. JAMES: The C&T determinations.

46

47 MR. LEE TITUS: C&T determinations.

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MR. PEARSON: Because, you know, as far as today goes, Jeff, you know, I think we've been here lots of hours already and a long ways to go yet and not....

3

MR. LEE TITUS: Is it possible to get in contact by teleconference?

6

MR. KNAUER: (Nods head.)

8

MR. JAMES: Say that again?

10

MR. PEARSON: Teleconference or a special work session.

12

MR. LEE TITUS: I mean just to start brainstorming the Annual Report and what we want included in that.

15

MR. PEARSON: I have no problem with that.

17

MR. ROACH: Okay. Would it be possible then for our secretary and the coordinator to solicit a response from the Board as to some feedback as to what they're looking for and how these items will help us make decisions?

22

MR. JAMES: Yeah, we could cook up some correspondence like that. Sure.

25

26

MR. ROACH: Could we do that?

28

MR. JAMES: Sure.

30

MR. LEE TITUS: Any more under -- on the agenda?

32

MR. PEARSON: Mr. Chairman, then, I'd make a motion that we adjourn.

35

MR. ROACH: I'll second that.

37

MR. LEE TITUS: It's been moved to adjourn and seconded. Discussion?

40

MR. PEARSON: Aye.

42

MR. ROACH: Aye.

44

MR. LEE TITUS: Meeting's adjourned.

46

(Off record; 7:00 o'clock p.m.)

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MEETING ADJOURNED

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