

1 EASTERN INTERIOR FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3
4 PUBLIC MEETING

5
6 VOLUME I

7
8 Fairbanks, Alaska
9 March 21, 2006
10 9:00 o'clock a.m.

11
12
13 COUNCIL MEMBERS PRESENT:

- 14
15 Craig Fleener, Chairman
16 Sue Entsminger
17 William Glanz
18 James Nathaniel, Sr.
19 Gerald Nicholia
20 Virgil Umphenour
21 Larry Williams
22 Amy Wright
23
24 Regional Council Coordinator, Vince Mathews

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44 Recorded and transcribed by:

45
46 Computer Matrix Court Reporters, LLC
47 3522 West 27th Avenue
48 Anchorage, AK 99517
49 907-243-0668
50 jpk@gci.net

1 P R O C E E D I N G S

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3
4 (Fairbanks, Alaska - 3/21/2006)

5
6 (On record)

7
8 CHAIRMAN FLEENER: Okay, good morning
9 everyone. Let's go ahead and call this meeting to
10 order. And I'd like to thank everyone for coming and
11 being flexible for our rearrangements that we had to
12 make because of some difficulties in trying to get
13 everyone together for the meeting in Venetie. So I'll
14 just basically say thank you to everyone for coming
15 out, and I know it's been a long couple of weeks of
16 meetings, especially if you've participated in any of
17 the Board of Game meetings, and so this just adds to
18 that and makes it that much longer.

19
20 But before we'd go on any further, I'd
21 like to ask my friend, James, if he'd open us with a
22 word of prayer.

23
24 (Prayer)

25
26 CHAIRMAN FLEENER: Amen, thank you very
27 much.

28
29 Some of you may know that this is my
30 second to the last meeting that I'll be participating
31 in after 10 years. If you look in the packet you see
32 that I started in 2006 and Gerald started in 2007
33 [sic], and so we've been on this, you know, what did I
34 say, well, he started in 2017.

35
36 (Laughter)

37
38 CHAIRMAN FLEENER: No, he started just
39 a year later, whatever those dates are.

40
41 (Laughter)

42
43 CHAIRMAN FLEENER: And anyways we've
44 been doing this for about 10 years and it's been a long
45 uphill climb, although we've had a lot of fun along the
46 way. But anyway what I was going to say before I made
47 a fool of myself, was that one of the things that I
48 hope this Council remembers to continue to do is to
49 actually ask for prayer before the beginning of each
50 meeting and I know the Federal government can't require

1 it and the State government can't require it so a lot
2 of people end up dropping this thing, but, you know,
3 actually asking for the blessings of God and for the
4 will of God and for strength and power and wisdom and a
5 spirit of cooperation, I think it's the only way we can
6 really do a good job and be successful, and if we
7 don't remember where we are in this creation then I
8 think we'll get ahead of ourselves and make some
9 foolish decisions.

10
11 We may make some foolish decisions
12 anyways, but at least if we're asking for help then
13 we'll most likely get it.

14
15 So I just wanted to say that and I hope
16 that it sticks, that you folks continue to do that.

17
18 But without any further adieu, why
19 don't we go ahead on down the -- oh, actually before we
20 do that I should ask if there are any opening comments
21 by any of the other Board members before we actually
22 establish a quorum.

23
24 (No comments)

25
26 CHAIRMAN FLEENER: You'll have an
27 opportunity in a few minutes to bring up topics of
28 interest but I just didn't know if anybody wanted to
29 say anything.

30
31 (No comments)

32
33 CHAIRMAN FLEENER: If not go ahead and
34 establish a quorum, roll call.

35
36 MR. MATHEWS: Yes, Mr. Chairman. Let
37 me get the list here.

38
39 Sue Entsminger.

40
41 MS. ENTSMINGER: Here.

42
43 MR. MATHEWS: Donald Woodruff, Mr.
44 Chair, I've been in dialogue with his wife and he still
45 hasn't come back in from his trapping cabin so he will
46 not be present unless somehow he gets in. There's been
47 tremendous amount of overflow in the area and he hasn't
48 been able to get in so he's not here.

49
50 James Nathaniel.

1
2 MR. NATHANIEL: Here.
3
4 MR. MATHEWS: Gerald Nicholia.
5
6 MR. NICHOLIA: Here.
7
8 MR. MATHEWS: Andy Bassich will not be
9 here, the scheduling conflict, he's in Whitehorse for
10 the Yukon River Panel so he's not present.
11
12 Your new Council member, William Glanz.
13
14 MR. GLANZ: Present.
15
16 MR. MATHEWS: Another new Council
17 member, Amy Wright.
18
19 MS. WRIGHT: Here.
20
21 MR. MATHEWS: Craig Fleener.
22
23 CHAIRMAN FLEENER: Here.
24
25 MR. MATHEWS: Larry Williams, are you
26 still on line?
27
28 MR. WILLIAMS: Yeah, I'm still here.
29
30 MR. MATHEWS: Okay, Larry's on line.
31 He had some travel problems yesterday and he'll be
32 flying in later today.
33
34 MR. MATHEWS: Virgil Umphenour.
35
36 MR. UMPHENOUR: Here.
37
38 MR. MATHEWS: Mr. Chairman. You have
39 eight of your 10 members so you do have a quorum.
40
41 CHAIRMAN FLEENER: Okay, thank you. A
42 quorum has been established and once again welcome to
43 all the members, and I'd like to say welcome especially
44 to Amy and William. I think we're a pretty relaxed
45 bunch around here so if you're feeling kind of nervous
46 or wondering what to do just -- you already heard me
47 make a fool of myself and I don't really care.
48
49 (Laughter)
50

1 CHAIRMAN FLEENER: So, you know, you
2 guys just be yourselves, have fun and take a look at
3 the proposals and offer the kind of comments that you
4 feel that are important to you and the people that live
5 in your region and the folks you've talked to and
6 you've been selected to participate in this Council
7 because of your knowledge and because of what
8 experience you bring to the table, so just feel free to
9 talk about those things because that's what we like
10 doing around here.

11
12 So Vince maybe you'd like to start with
13 the introduction of the agency Staff.

14
15 MR. MATHEWS: Sure.

16
17 CHAIRMAN FLEENER: Unless you want to
18 let them do it themselves.

19
20 MR. MATHEWS: No, it's easier for the
21 record and then I can make a fool of myself.

22
23 (Laughter)

24
25 MR. MATHEWS: In the audience we have
26 Dan LaPlant who is with the Office of Subsistence
27 Management. He's the liaison with the Board of Game so
28 if you have any questions on what the Board of Game did
29 last week, Dan or the State representatives would be
30 good ones to talk to.

31
32 Next to him is Tom Kron who's with the
33 Office of Subsistence Management, one of the division
34 chiefs.

35
36 Next to him is, I'm drawing a blank --
37 Roy Nowlin, who is the management coordinator for the
38 Alaska Department of Fish and Game.

39
40 Next to him is David Wiswar with the
41 Federal Fisheries Management Office here in Fairbanks.

42
43 Next row back, Steve Kessler with the
44 U.S. Forest Service. And as I trained the two members
45 yesterday, he is one of the InterAgency Staff Committee
46 members. There are no Forest Service lands within your
47 region but he wants to know how you do your business
48 and what your concerns are. So it's great that he is
49 present here.

50

1 Next to him is Wennona Brown, the
2 subsistence coordinator for Arctic, Yukon Flats and
3 Kanuti Refuges.

4
5 Then Connie Friend is the subsistence
6 coordinator for Tetlin Refuge out of Tok.

7
8 And then next to Connie is Paul
9 Williams, the Refuge Information Technician for Yukon
10 Flats.

11
12 Barbara Cellarius, I don't know her
13 official title, but I'll say she's a subsistence
14 coordinator for Wrangell-St. Elias National Park and
15 Preserve, but I believe her title is anthropologist.

16
17 Then we have the Honorable Mike Smith,
18 who is the director of wildlife and parks for Tanana
19 Chiefs, which is headquartered here in Fairbanks.

20
21 Judy Gottlieb who is with the National
22 Park Service. For the new members, I talked a little
23 bit about Judy yesterday. She is one of the Board
24 members. Remember that one slide where we had all
25 those beautiful icons of all the agencies, she
26 represents the National Park Service, so she's a Board
27 member and attends your meetings regularly to
28 understand how you do your work, and understand your
29 thoughts and concerns on issues.

30
31 CHAIRMAN FLEENER: And before you
32 proceed. I just wanted to let the new Board members
33 know and others, if you haven't paid attention that
34 Judy is one of the few Board members that we have
35 coming to our meetings, so she's a great resource to
36 talk to and to get to know so I just encourage you, if
37 you have questions or comments or concerns about the
38 Board process or anything that they're going through,
39 she's a great lady to work with.

40
41 MS. GOTTLIEB: Thanks.

42
43 MR. MATHEWS: Okay, next in row is Fred
44 Andersen who represents two National Park Service
45 Units, Yukon-Charley National River Preserves and also
46 Gates of the Arctic National Park and Preserve.

47
48 And then next to him is Polly Wheeler
49 who is with the Office of Subsistence Management with
50 the Fishery Information Service, which also helps out

1 with regulatory proposals. She's the Staff
2 anthropologist. For the new Council members, when we
3 reviewed the support team, she's one of your support
4 team members.

5
6 Next to her is Terry Haynes with the
7 Alaska Department of Fish and Game, Division of
8 Wildlife Conservation.

9
10 And Bill Bucher, who's the Alaska
11 Department of Fish and Game, Division of Commercial
12 Fisheries.

13
14 And I know it's Joanna, but I don't
15 remember the last name.

16
17 MS. AHLFS: Ahlfs.

18
19 CHAIRMAN FLEENER: Joanne Ahlfs.

20
21 MR. MATHEWS: Ahlfs with Arctic
22 National Wildlife Refuge.

23
24 And then next to her is Debbie Newcomb.
25 I invited Debbie, she's with the Fish and Wildlife
26 Office in Fairbanks. She's the one who helps make all
27 those wonderful copies that we send out to you and
28 provide you and I wanted her to come to see what those
29 copies do and why they're important to get them out in
30 a certain way. So she will here partially this morning
31 and maybe a little bit this afternoon.

32
33 So next to her is Greg Bos, Fish and
34 Wildlife Service. For the new members, this is the
35 second InterAgency Staff Committee person. So remember
36 your chain of events, your recommendations go to the
37 Staff Committee and then from there they go to the
38 Board directly by your Chair but the Staff Committee
39 reviews them, so you have another Staff Committee
40 there.

41
42 Next to him is Warren Eastland for the
43 Bureau of Indian Affairs. That's your third Staff
44 Committee person, so we almost got a quorum.

45
46 (Laughter)

47
48 MR. MATHEWS: But, no, it's very
49 important that they be here because they have to kind
50 of grapple with these issues and balance them out

1 possibly from a statewide perspective so if they know
2 how you address them here they're better informed when
3 they address them at their level.

4
5 Behind him is Ruth Gronquist, wildlife
6 biologist with the Bureau of Land Management. And we
7 did talk quite a bit about her yesterday using the
8 Central area as an example and the White Mountain
9 Recreation Area. So that kind of keys into that.

10
11 Back there is Clarence Summers with the
12 National Park Service out of Anchorage. He works with
13 the Subsistence Resource Commissions at the regional
14 level but also interfaces with all the Advisory
15 Councils.

16
17 And back by the coffee is Bob
18 Stephenson, the area biologist for the -- I call it the
19 Yukon Flats area but I think it's Unit 25. He's here
20 from the Alaska Department of Fish and Game.

21
22 So I think -- and then Tina, or Salena
23 Hile, is next to me, is the court recorder and I'm
24 Vince Mathews the Regional Coordinator for Eastern
25 Interior and Western Interior.

26
27 And I apologize, we don't have a sign
28 up sheet, I know people are dying to sign the sign up
29 sheet, we will have it out there, but it's critical to
30 sign up on the sign up sheet because sometimes it's
31 difficult to make sure we spell the name right, that's
32 one reason, the other reason is we have an idea of
33 who's here. So that will be in the back. It won't be
34 the fancy form, it will be a handwritten one, but we
35 will have a sign up sheet in the back.

36
37 So, Mr. Chairman, that's -- what -- oh,
38 yes, Tina, reminded me here, for the room here as well
39 as where we meet tomorrow, please use the microphones
40 so it's recorded, also that way Larry can hear it and
41 then when we get Pete DeMatteo on line he can also hear
42 it. If you don't use the microphone then it's less
43 likely they'll hear it as loudly.

44
45 And with that that gives you the agency
46 Staff present.

47
48 CHAIRMAN FLEENER: Thank you, Vince.
49 And before we go on I just wanted to, Ruth, kind of had
50 a puzzled look on her face when you said we talked

1 about you yesterday, they had a training session with
2 new members and he was going over folks names and what
3 they were doing so I just wanted to let you know that
4 your name wasn't being in vain.

5
6 (Laughter)

7
8 CHAIRMAN FLEENER: Before we go on any
9 further, I know at least one of our Council members is
10 missing some meeting information, do you have any more
11 of these, Vince, and is there anyone else missing
12 anything that we can take care of now instead of
13 finding out later?

14
15 So, Vince, we need at least one of
16 these.

17
18 MR. MATHEWS: Yes, we have a book and
19 that would be, who, James, okay, Tina's going to get
20 it.

21
22 CHAIRMAN FLEENER: And is anyone else
23 missing anything else that we can provide.

24
25 (No comments)

26
27 CHAIRMAN FLEENER: No, okay.

28
29 MR. MATHEWS: Mr. Chairman, if you want
30 I can go into the work session real quickly or whatever
31 you want.

32
33 CHAIRMAN FLEENER: Do I want to go into
34 the work session real quickly, what does that mean?

35
36 MR. MATHEWS: Well, I can cover it at
37 this point or whatever you'd like.

38
39 CHAIRMAN FLEENER: You mean what you
40 did yesterday, you want to give us -- that's not next
41 on the agenda.

42
43 (Laughter)

44
45 MR. MATHEWS: Well, there's just that
46 little bit in the beginning of the work session on the
47 agenda, we can either not do it or whatever. If you
48 look there, there's a review of the book and et cetera,
49 et cetera.

50

1 CHAIRMAN FLEENER: Excuse me, why don't
2 we go ahead and follow the agenda first. Number 4 I
3 have is Regional Council concerns.

4
5 You don't want to follow the agenda?
6

7 MR. MATHEWS: No. There's confusion,
8 yesterday was a training session, usually you guys
9 wanted a work session where we just walked through the
10 book and walked through the agenda and then now we've
11 incorporated a new item on the agenda, which is that
12 agencies can opt up, with your permission and your
13 Council's concurrence, to bring up their agency report
14 before the proposals if it directly relates to one of
15 the proposals. Otherwise they may be talking about
16 moose in a certain area and you've already taken up the
17 proposal and passed a recommendation.

18
19 So those are two items that are under
20 the work session that maybe there's an agency that
21 would like to make their presentation on what their
22 agency did on an issue that is one of the proposals
23 before you.

24
25 CHAIRMAN FLEENER: Why don't we go
26 ahead and do No. 4 first then, I mean I like following
27 the agenda. If there's not -- it's like going to the
28 store without a shopping list, if I don't have it on my
29 shopping list, I'm not buying it. And so I tell my
30 kids, anybody, if you send me to the store it better be
31 on my list because I'm not getting it otherwise.

32
33 (Laughter)

34
35 CHAIRMAN FLEENER: And so I'm having a
36 real hard time getting away from No. 4 here, so let's
37 go ahead and do that and maybe if I jot it in in a few
38 minutes, but I'd like to just proceed with Regional
39 Council concerns. So maybe I'll start down on the
40 right side with Virgil, if you have Council member
41 concerns or topics, please.

42
43 MR. UMPHENOUR: Thank you, Mr. Chair.
44 I attended the YRDFA meeting for the Council and it was
45 held in Ruby last month. I went down there mainly to
46 speak to the issue of hatchery and YRDFA did pass a
47 resolution to send a letter to the Commissioner of Fish
48 and Game and to the Interior Delegation and Bush
49 Caucus, Alaska Legislature asking why the hatcheries in
50 Southeast and Prince William Sound were allowed to

1 increase hatchery production of chum salmon after they
2 made a deal with the Governor and the Board of
3 Fisheries in January of 2001 to reduce hatchery
4 production by 13 percent, and instead Prince William
5 Sound has increased it by 100 percent and certain
6 hatcheries in Southeast Alaska have also increased
7 their production tremendously. And a lot of this is
8 funded by the Southeast Sustainable Salmon Fund which
9 is part of the Pacific Salmon Treaty. And that money
10 is actually supposed to be used to make wild salmon
11 stocks sustainable and increasing hatchery production
12 by millions of fish is not doing anything beneficial
13 for the wild salmon stocks because these hatchery
14 salmon stocks compete with them in the marine
15 environment. And so it's exactly the opposite for what
16 the money's intended for. And I've been working on
17 this letter with Norman Cohen who is the former Deputy
18 Commissioner of Fish and Game and an attorney in Juneau
19 and works for YRDFA now on a consulting basis. And so
20 that was the main reason for me going to the YRDFA
21 meeting.

22
23 I just spent the entire time at the
24 Board of Game meeting, and our Chair, Mr. Fleener, was
25 there for three or four days of it as well. Both of
26 our proposals passed. And so later on in the agenda we
27 can talk about our proposals getting passed and how
28 that will be applied to Federal lands.

29
30 But the hatcheries is the main thing
31 concerning me and I will say that the Board of Game is
32 much more receptive to our proposals than what they
33 have been in the past.

34
35 Thank you, Mr. Chair.

36
37 CHAIRMAN FLEENER: Thank you, Virgil.

38
39 MR. GLANZ: I don't have any at this
40 time, Mr. Chair.

41
42 CHAIRMAN FLEENER: Okay, thank you.
43 James, do you have any concerns or comments.

44
45 MR. NATHANIEL: I don't have anything
46 right now except that my people in my area are
47 concerned about this Avian Flu, bird flu, and they
48 wanted me to find out a little bit more about it, and
49 probably get that information back to them if possible.

50

1 I know if I could do it now or later.
2 That's the only thing I have. Otherwise everything's
3 all right.

4
5 Thank you.

6
7 CHAIRMAN FLEENER: Thank you, James.
8 Sue.

9
10 MS. ENTSMINGER: Thank you, Mr.
11 Chairman. I just kind of want to reiterate what I've
12 always said about the hunters, subsistence and also
13 non-subsistence, that I feel that it's important that
14 we, as subsistence users and people that are non-
15 subsistence always have the consideration for each
16 other and respect for each other, and in some cases you
17 have to join hands to do work like wolf control and
18 predator control, it's a vital thing to keep the
19 resource and the resource would be number 1 in my book,
20 and we as the users would want to care for the
21 resource.

22
23 I just wanted to reiterate my feelings.

24
25 CHAIRMAN FLEENER: Amy.

26
27 MS. WRIGHT: Nothing at this time,
28 thank you.

29
30 CHAIRMAN FLEENER: Thank you. Gerald.

31
32 MR. NICHOLIA: Yeah, thank you, Mr.
33 Chair.

34
35 One of my main concerns around here,
36 around this region, especially around Tanana is getting
37 pretty bad about implementing predator control. We do,
38 around the Tanana area, we do harvest a lot of wolves
39 and stuff and we do take care of the bears and stuff,
40 but there's just too many of them around. And it does
41 affect the moose population. The State is doing a good
42 job but I have major concerns about the Federal
43 program. I know they have to go through a national
44 level and that ain't very good. But one thing they're
45 really obligated to do with the Federal Subsistence
46 Program is to provide for subsistence to the rural
47 subsistence users. And they should take it to heart
48 more, take it to heart more. Because I'm getting a
49 feeling, I've been here 10 years now and I'm getting a
50 feeling that the program is more going away from the

1 ground, grassroots network of protecting the
2 subsistence user and being pushed around by legislation
3 and other groups of people, and not really doing their
4 job of providing a subsistence protection for the rural
5 subsistence users.

6
7 I see that more now than I did 10 years
8 ago. And I don't know what, does this program got more
9 responsibilities or anything, but I would like to see
10 this program go back to what it was 10 years, where it
11 was providing protection for subsistence users and
12 protecting the resource for the subsistence users.

13
14 That's just it. If they don't go back
15 they're going to lose a lot of respect from my region,
16 the Tanana region. I mean because it's getting harder
17 and harder, gas cost more, and all that, it has an
18 adverse effect. If we don't have a protection for our
19 way of life of harvesting stuff off the resource, man,
20 where are we going to get it from, we don't get it from
21 the State hardly.

22
23 Other than that I have big concerns
24 over this age, sex -- we asked for a report over four
25 years ago, age, length and sex study, now they give it
26 to us and we don't have no proposals, we asked for
27 stuff like this to back up our proposals but when we
28 get it three or four years later, I would like to see
29 when we ask for things -- I'd like to see it there when
30 we have the proposals present, not three or four years
31 later.

32
33 And the size of the king salmon, you
34 guys got to get serious, man, both Federal and State
35 people got to get serious of the size of the kings
36 before it gets too late. It's good to have 20 years of
37 data but they don't have it all, you know. If we were
38 really out there protecting -- if this program was
39 really out there to protect the subsistence user and
40 how they harvest the resources we'd be doing a way
41 better job than we are now because we're letting the
42 resources be harvested by predators and being adversely
43 pushed around by like righteous groups and the
44 Legislator, even the Governor, this has to stop.
45 Because this program was provided for by ANILCA to give
46 the rural subsistence user a priority for subsistence
47 uses and that's what it should be doing.

48
49 Thank you.
50

1 CHAIRMAN FLEENER: Thank you, Gerald.
2 Thank you everyone for for those comments. I've got a
3 couple of comments as well.

4
5 I've been talking about some of the
6 same issues for a long, long time just as Gerald, just
7 as Virgil and other people on this Board and those who
8 have gone on before us, and it's unfortunate that we
9 keep bringing the same things up. Well, it's not
10 unfortunate that we keep bringing them up, what's
11 unfortunate is the inability of agencies to really do
12 much about what we're bringing up and that's really a
13 sad situation. And, you know, I've been complaining
14 about wildlife management in general in Yukon Flats.
15 The Yukon Flats is a huge area and we have really no
16 hands on management or next to none, very little hands
17 on management in the Yukon Flats that's taking place
18 whatsoever. And I don't know what the Federal -- I
19 don't understand the response of the Federal agencies
20 that are responsible for managing this gigantic area
21 but yet do next to nothing.

22
23 We have severe problems with really
24 small moose population. I can't say declining anymore
25 because the moose population, at least in 25(D) East
26 went up last year, but, you know, it probably wasn't
27 due to Federal management, it was probably due to what
28 local people are doing to take action themselves
29 because the Federal government has decided they're not
30 going to manage the lands in the Yukon Flats. That's
31 very evident because everybody that works in the Yukon
32 Flats lives in Fairbanks, and they probably spend,
33 maybe a combined, all of the 10 or Staff members might
34 spend 50 days out in the Flats, I don't know 60 days, I
35 should say working with people, they do spend a little
36 bit more time working out doing some field work but
37 they're not working with people. Counting microteens,
38 you know, doesn't really do a whole lot, or counting
39 waterfowl doesn't really do a whole lot with improving
40 relationships between people and managers, and I've
41 been complaining about this for a long, long time.

42
43 And, you know, a thought just gave to
44 me a few minutes ago, if I was -- well, we can -- as
45 you've heard Gerald say a lot of times in the past, we
46 consider the country our grocery store, it's basically
47 where we live. You know a lot of people don't have
48 stores in their communities so they have to go out into
49 the country to meet their needs. And the Yukon Flats
50 is our grocery store for the people who live there.

1 And let's just say that the Yukon Flats is the manager
2 of that grocery store, well, our grocery store is
3 getting empty, it's in trouble. And if I had a manager
4 -- if I was managing a chain of stores and I had a
5 manager that allowed the shelves to get empty I think
6 I'd fire him. And, so, you know, this is the place
7 where we're at, you know, I think with management of
8 the resources in the Yukon Flats. It's just not going
9 well. And it's not going well because of lack of
10 action, not because we haven't asked.

11

12 You could look back in the transcripts
13 for years and years and years and we've been asking the
14 exact same thing. And, you know, we've even tried to
15 take things into our own hands because things aren't
16 being done. We put together a moose management plan in
17 cooperation with the State and the Federal government
18 to try to do something to raise the moose population
19 and yet the majority of the action items are to be
20 undertaken by the local people, not by the agencies,
21 that's a real problem. You know, we've been told since
22 statehood that we don't, we, the people on the ground,
23 don't have the jurisdiction to do things, that that
24 jurisdiction is with the State and then of course later
25 on with the Federal government. And so we come and
26 participate in these meetings and our words fall on
27 deaf ears because nothing is being done.

28

29 And so we need something to be done.
30 The populations need active management, especially
31 where they're impacted so heavily by hunting. We rely
32 heavily on these resources, the people in the Yukon
33 Flats, they still consume -- more than 50 percent of
34 the food that's consumed by the people on the Yukon
35 Flats still comes from the land. We eat moose, we eat
36 salmon, we eat whitefish, and that provides the
37 majority of our food. And all of those populations are
38 in trouble, and, yet, nothing is being done. Well, I
39 shouldn't say nothing, there's a lot of money being
40 spent on salmon but it's not getting better, in our
41 opinion.

42

43 But I'm mostly wanting to talk about
44 wildlife management right now, it's just not being
45 done. And so, you know, we've proposed a lot in the
46 past, a number of times in the past, that if the State
47 and the Federal government can't do it or won't do it,
48 or can't afford to do it then why not work with us more
49 closely, why not work more cooperatively with the folks
50 who depend on most heavily on these resources. And if

1 you can't do it because you don't have the money or you
2 don't have the resources or you don't have the
3 expertise then don't just let it go undone because
4 there's 1,700 people in the Yukon Flats depending on
5 this. And I know that's a small number when you're
6 talking about Fairbanks or comparing it to the Kenai
7 Peninsula or Anchorage, but to us, that live there,
8 it's vitally important, and if you can't fix it work
9 with us and let us try to fix it.

10

11 I think that this idea of predator
12 management has also been talked about on this Council
13 and many others in the State system all over the place
14 for a long time and we keep getting the exact same
15 answer from the Federal government, we reserve the
16 right to do predator control but the odds are we won't
17 because of the complicated process. Well, I would urge
18 our Council here, the people that are sitting behind
19 this table to push this issue at this meeting and at
20 future meetings and force the issue. Let's say we want
21 predator management to go forward and we want you to
22 get going with an EIS to make it happen. And it's not
23 going to happen otherwise. If we just sit here and
24 don't demand action there's not going to be action.
25 And the only action is going to be us doing like this,
26 wringing our hands, because nothing is being done.

27

28 And so we need to take action, and so I
29 would urge all of us to push this issue until we get an
30 EIS under way and, whatever the results of the EIS, I
31 say we continue to push and make it happen.

32

33 The second issue I wanted to bring up
34 is something that's very important to the people in the
35 Yukon Flats, some folks support it and some folks are
36 opposed to it and it's the land trade that the Yukon
37 Flats National Wildlife Refuge and Doyon have proposed
38 in cooperation with each other. And I wanted to
39 comment that -- I'm not going to speak about the pro's
40 and con's of oil development, I'll let folks decide
41 that on their own but the one thing that I have a lot
42 of concerns about and I probably brought it up at the
43 last meeting but I'll bring it up until the land trade
44 is either done and gone or not done and gone. I don't
45 like the idea that the Federal government continues to
46 petition tribes and Native folks to get more and more
47 of their land.

48

49 You know, we started out with an awful
50 lot of land a long time ago, we've got less and less,

1 and every single year Native people in the state of
2 Alaska continue to lose more and more land. And it
3 doesn't matter your opinion of what you think about
4 people selling their allotments, whether it's right or
5 wrong, whether it's good or bad, the fact is that we
6 started out with a finite amount of land, we, meaning
7 Native people in general, and the amount of that land
8 continues to shrink. And, you know, the disgusting
9 thing about it in my opinion is that the Federal
10 government actually petitions people, can we buy your
11 land, and they will ask people. There was a piece of
12 paper, a document that came out a few years back called
13 the land protection plan where it had in there the
14 policy -- not the policy, I guess the -- it's sort of a
15 policy and the general direction and how they were
16 going to proceed when it comes to trying to get land.
17 Now, even if the Federal government isn't knocking on
18 people's door actively I don't think they should even
19 buy land to folks that knock on their doors. Now, I
20 understand what their argument is, we want to buy it
21 because we don't want some big guy from somewhere else
22 to get the land, but I don't like the idea that more
23 and more land is going to the Federal government and
24 less and less land is in the hands of Native folks.

25

26 And here we have a really big deal
27 going on, Doyon is about to trade land with the U.S.
28 Fish and Wildlife Service, and I understand that it's
29 Doyon's land and they can do what they want with it,
30 but I don't like the idea that the Refuge is actually
31 going to take more land from Doyon than they're going
32 to give Doyon in return. And my personal opinion is,
33 if they're going to trade land it should be on a one
34 for one basis because -- it should be either on a one
35 for one basis or Doyon should get more land. Because
36 Doyon is getting upland areas that are in the foothills
37 of the White Mountains, which are not as beneficial for
38 subsistence as it is for oil, I guess. And so my
39 personal opinion is that when the oil and gas is all
40 developed and gone, and you're looking back on this
41 land trade and the oil and gas development 30 or 40 or
42 50 years from now, you may be happy that you made a few
43 million bucks but once that's spent you're going to
44 look back and you're going to look around you and say,
45 gee, I have less and now, maybe it wasn't such a great
46 idea. And so, you know, I've tried to urge Doyon not
47 to trade more land away than they're getting in return
48 but that's -- you know, they're a for-profit
49 organization they're looking at the bottom line.

50

1 And so I don't like it. I don't like
2 that the Federal government is pursuing getting more
3 land from Native folks than they're giving in return
4 and that bothers me. It bothers me in the long run
5 because it takes land out of our hands. And you may be
6 wondering why in the world are you bringing this up at
7 a subsistence meeting, well, the reason is because the
8 Federal government is not doing a good job of managing
9 our subsistence resources, we, the people in the Yukon
10 Flats are having to do this job of subsistence
11 management on our own lands, and if all of that land --
12 or if more and more of that land continues to revert to
13 -- or not even revert to -- it wasn't theirs, I guess,
14 but if it goes into the hands of the Federal government
15 it means less and less land is going to be actively
16 managed in a way that we think is beneficial.

17
18 Another problem that I have that I'd
19 like to bring up is that I don't like participating in
20 board meetings or submitting proposals or hearing of
21 other Councils submitting proposals and seeing that the
22 rules and the policies of each of the Federal
23 Subsistence Board agencies basically seem that -- I
24 don't like it when it seems that they outweigh our
25 subsistence priorities. In some cases we go to these
26 meetings and it appears that instead of subsistence
27 being the number one priority for making a decision,
28 that folks still continue to push their own agency
29 agendas. And I understand we all have agendas, we all
30 have bosses and we all have to do what our bosses tell
31 us to do, but I don't like the fact that the Federal
32 Subsistence Board continues to lean on the rules of its
33 own agencies in overriding some of the things that we
34 believe are subsistence priorities.

35
36 And I know this isn't the place to
37 bring it up but I really wish that we could replace the
38 Federal Subsistence Board with members of the public.
39 Because, you know, I don't know how you could do it, I
40 don't know how the Secretary of Interior, Secretary of
41 Agriculture could do it to have appointees that are not
42 the heads of agencies or their assignees to participate
43 for them but I think I would like more of a public
44 input in how decisions are made.

45
46 On the other hand there is some good to
47 having these folks because they are interested in
48 protecting their pieces of land, and I know that that's
49 beneficial and useful, but I just don't like the idea
50 that the Federal rules or the agency policies outweigh

1 our subsistence priorities in some cases.

2

3 I also don't like the idea that the
4 Federal Subsistence Board continues to yield to State
5 decision-making when it comes to our -- a number of
6 proposals that are submitted. We've gone to the Board
7 of Game meeting numerous times and the Federal
8 Subsistence Board will say, well, we're not going to
9 make a decision until we see what the State does.
10 That's not why the Federal Subsistence Board and we
11 were put together. We were put together to manage
12 these subsistence resources because there was a
13 difference between the State and Federal government in
14 the first place.

15

16 And I don't mind working cooperatively.
17 Those of you who have watched me, you know, that I like
18 the State and the Federal system to align as closely as
19 possible. I worked for many years trying to bring
20 together and align the State and Federal regulation
21 books so that we can work together. And I've got no
22 problem working cooperatively. But in some cases when
23 we think something needs to be done we don't need to
24 yield to State decision-making and say, well, we're not
25 going to do it until they do it.

26

27 Sometimes a precedent needs to be set.
28 People are afraid to set precedence, and do something
29 that's crazy and outside the box, but sometimes
30 precedents need to be set and we shouldn't be afraid,
31 the Federal Subsistence Board should not be afraid to
32 set those precedents.

33

34 I think that's all I have.

35

36 CHAIRMAN FLEENER: What's next Vince.

37

38 MR. MATHEWS: Larry.

39

40 CHAIRMAN FLEENER: Yes, Larry, I should
41 have gotten him before. I didn't see you Larry so I
42 forgot about you.

43

44 (Laughter)

45

46 CHAIRMAN FLEENER: Do you have any
47 opening comments or concerns or topics of interest.

48

49 MR. WILLIAMS: You're a hard act to
50 follow but here goes.

1 But anyway the gentleman from
2 Chalkyitsik, James Nathaniel, he mentioned something
3 about the Avian Bird Flu, and that's a concern up here
4 in Venetie, too. I've been hearing about -- yesterday,
5 in fact, I got into a discussion with two of the local
6 citizens and they told me to bring this up and see who
7 is responsible for this bird flu. Who is the
8 responsible for this bird flu, and, you know, we should
9 have somebody out here informing the people of the
10 Yukon Flats who depends on this subsistence resource in
11 the springtime. What it is and how it's spread, and
12 where it's spreading.

13
14 And we also have a problem up here, it
15 was demonstrated last year, found it, not me, but a
16 duck that was pretty -- you know, it was not normal
17 anyway, so I had no way of knowing what agency to
18 report to, so on this Avian Bird Flu, they should have
19 some agency take responsibility and say, you know, in
20 other words, the buck stops here, you have an 800
21 number and a contact person that you know by name. And
22 that's something that should be done this coming month
23 in fact when the ducks and geese start coming back.
24 But there's a lot of people expressing concerns in my
25 village anyway in Venetie.

26
27 And if the Chair will allow me when I
28 get over there this afternoon, I would like to bring
29 this up and get some answers from the responsible
30 agencies.

31
32 Thank you, very much.

33
34 CHAIRMAN FLEENER: Thank you, Larry.
35 And perhaps I think that that's an important enough
36 topic that probably everybody at this table, and I know
37 almost everybody in the Yukon Flats is interested, I
38 don't know if anybody sitting in our audience can give
39 us a five minute rundown on whether or not there's
40 going to be folks going out to the -- I see Wennona
41 waiving her hand, are you on the agenda later to talk
42 about this?

43
44 MS. BROWN: I think.....

45
46 CHAIRMAN FLEENER: You can just nod.
47 Are you on the agenda later to talk about bird flu.

48
49 MS. BROWN: I can.

50

1 CHAIRMAN FLEENER: Okay, you are now on
2 the agenda to talk about bird flu.

3
4 And Vince is also waiving his hand, go
5 ahead Vince.

6
7 MR. MATHEWS: Yes, Mr. Chairman, there
8 is several efforts that are going on with bird flu, one
9 is in your book, there's some sample materials. And
10 then Wennona and other Staff have been working on a
11 flier, a poster that we have sample copies here of
12 that, that will be provided to all the villages so they
13 would understand what you should know about the flu,
14 what you can do to prevent, proper sanitary ways of
15 handling the birds, make sure that if they ever are
16 infected that you don't become, and then a little bit
17 about what the studies will be doing.

18
19 So, yes, there's a huge amount of
20 ramping up to get information out so Wennona will be
21 available to talk about that under agency reports.

22
23 So we're going to try to get that
24 information to you guys, through these meetings but
25 it's most likely going to be done with a direct effort
26 to through the villages, so that it's more timely and
27 easier to get responses to concerns. But this is an
28 issue that is definitely high on the radar screen for
29 the entire Yukon River.

30
31 CHAIRMAN FLEENER: Thank you, Vince.
32 And does anyone out in the audience know if there's an
33 effort, not just to send fliers out, but to actually
34 have people going to the villages?

35
36 MS. ELKIN: We are for the Arctic
37 Refuge Staff, going to Arctic Village in April 21st.

38
39 CHAIRMAN FLEENER: Okay, so we have --
40 go ahead, Wennona -- okay, we'll have Wennona come up,
41 and Joanna Ahlfs just said that the Arctic Refuge
42 Staff will be going to Arctic Village so there's one
43 community that will have some.

44
45 CHAIRMAN FLEENER: Go ahead, Wennona.

46
47 MS. BROWN: Thank you, Mr. Chair. For
48 the record Wennona Brown. Yes, we have been working on
49 several fliers and possibly like some radio show call-
50 ins, and if any village that they want us to come out,

1 give me a call and I'll make the arrangements. After
2 having been in Koyukuk two weeks ago and how serious
3 the concern is, I immediately went back and started
4 ramping up to get some materials prepared and basically
5 we just need an invitation.

6
7 CHAIRMAN FLEENER: Larry, are you
8 inviting Wennona to Venetie?

9
10 MR. WILLIAMS: Yes.

11
12 CHAIRMAN FLEENER: All right, there you
13 go, you've been invited to Venetie.

14
15 MR. WILLIAMS: Mr. Chairman. What I
16 mentioned about that responsible agency, who do we --
17 you know, we find a bunch of dead ducks, for example,
18 and maybe a duck or a geese that's not normal, you
19 know, which agency do we report to and who is the
20 contact person, is there anything being done about
21 that?

22
23 As I said before, last year I found
24 something but I had no agency or I had no contact
25 person to report to, finally I had to forget it -- I
26 don't want to be in a situation like that again where
27 I'm a member of an advisory board and I have nobody to
28 turn to when people do bring in ducks like that or --
29 or any -- it don't have to be ducks, it can be any
30 animal. Can somebody give me an answer on that real
31 fast like.

32
33 CHAIRMAN FLEENER: I can give you an
34 answer Larry, you can contact Wennona Brown and she'll
35 be giving you her telephone number here in about two
36 seconds.

37
38 (Laughter)

39
40 MS. BROWN: Yes, Mr. Chair, I have
41 volunteered for the three Refuges that I work for to be
42 a contact point. The posters and information we all
43 put together also has an 800 number to call and to
44 report seeing groups of dead or dying ducks so that
45 they can get somebody out there to test them. But, you
46 know, at l east for Eastern Interior if all else fails
47 you can always call me and I do have all that
48 information with me, I was going to put out on the back
49 table.

50

1 CHAIRMAN FLEENER: Thank you, Wennona.
2 Is that good Larry.
3
4 MR. WILLIAMS: Yes, that sounds good,
5 thank you.
6
7 CHAIRMAN FLEENER: Okay. Barb, come
8 forward please.
9
10 MS. CELLARIUS: Mr. Chair. I just
11 thought I'd let you know that the Park Service is also
12 working on the Avian Flu. I've been sort of hearing
13 things second-hand, so we'll try to get some additional
14 information if you'd like and I'll get it to Vince.
15 But there are plans to hire either biotechnicians or
16 village liaisons, I'm not exactly sure how many. Four
17 is one number that I've heard, and they'll be stationed
18 in different areas around the state and in terms of
19 Wrangell-St. Elias, I think, Mason Reid, our wildlife
20 biologist has been the main contact person so in our
21 area
22 he would be a contact.
23
24 CHAIRMAN FLEENER: And his telephone
25 number.
26
27 MS. CELLARIUS: The Park phone number
28 is 822-5234, and it's Mason Reid.
29
30 CHAIRMAN FLEENER: Thanks, Barb. Mike.
31
32 MR. SMITH: Thank you, Mr. Chairman.
33 I'm Mike Smith, Tanana Chiefs Conference and I also
34 have a seat on the Alaska Migratory Bird Co-Management
35 Council.
36
37 And certainly we've seen a lot of
38 frustration with this, the concern that's been
39 expressed over Avian Flu is obvious of course. And at
40 the Co-Management Council when this first came up, you
41 know, over a year ago we started hearing about it and
42 stuff, but our frustration is there's been a
43 considerable amount of money designated for this, that
44 money has gone to all sorts of various agencies,
45 Department of Agriculture, the University, Health
46 Services, Department of Fish and Game, Fish and
47 Wildlife Service, everybody and their brother, and to a
48 certain extent somebody, on one of our meetings, coined
49 it as a feeding frenzy by State and Federal agencies
50 over a pot of money that was all of a sudden available

1 at the national level. As a result of that we haven't
2 seen a lot of coordination.

3
4 There is, supposedly a lot of sampling
5 going to be taking place in our rural areas, in our
6 communities, we're going to have people coming out
7 from, not only Fish and Wildlife Service, but probably
8 the University, probably some of the Health Services,
9 maybe even the Department of Agriculture. There are
10 numerous testing sites available, I think Minto Flats
11 is going to be one of the heavier ones. They have some
12 historical areas that they've tested in the past, but
13 as far as a standardized coordinated effort that we can
14 go to a list and say that, you know, this agency is
15 going to be in this area collecting this many samples
16 and, you know, this many people to work on it, you
17 know, none of that has become available to us, at
18 least.

19
20 It's my understanding that the agencies
21 are trying to get together and come up with some
22 standard methodologies and protocols to be used for
23 that effort and they were supposed to be coming up with
24 a nice brochure that gets sent out and apparently they
25 have one here and I'm not -- you know, but it hasn't
26 been sent out yet, extensively at all to any of our
27 communities.

28
29 But also if you guys do run across feel
30 free to contact Tanana Chiefs as well about any
31 concerns about any birds or die-offs you may encounter
32 out there.

33
34 CHAIRMAN FLEENER: And the telephone
35 number.

36
37 MR. SMITH: 452-8251.

38
39 CHAIRMAN FLEENER: An 800 number.

40
41 MR. SMITH: Or an 800 number, we have a
42 1800 number as well that could be utilized and that is
43 1800-478-6822.

44
45 CHAIRMAN FLEENER: Thank you, Mike.
46 Connie. We need a 1-800-bird flu number.

47
48 MS. BROWN: That's the official 800
49 number -1-800 bird flu.

50

1 CHAIRMAN FLEENER: Oh, is it, hey, see
2 I am smart afterall.

3
4 (Laughter)

5
6 CHAIRMAN FLEENER: Connie, go ahead.

7
8 MS. FRIEND: Mr. Chair. Connie Friend,
9 Tetlin National Wildlife Refuge.

10
11 I just wanted to respond to Mike's
12 comments that this is being coordinated, the Fish and
13 Wildlife Service has the lead, you know, it came up
14 suddenly, but the Fish and Wildlife Service has hired a
15 specialist, her name is Deborah Rocque, and I have her
16 number in my report but I didn't bring it this morning.
17 I can get it to you on the break. But Deborah Rocque
18 is an avian ecologist with a Ph.d in avian ecology and
19 she has studied contaminants for three years and she's
20 the lead for this so everything should go to her and
21 that's the 800 number, her office as well. And also
22 the RITs are part of the outreach effort, especially in
23 the west, all the RITs in the Bethel area and I'll be
24 going out and Wennona and Paul and, you know, all of
25 the RITs will be giving out information. Some of us
26 will also be doing sampling in the field.

27
28 Thank you.

29
30 CHAIRMAN FLEENER: Thank you, Connie.
31 And RIT is a Refuge Information Tech for those who
32 don't know.

33
34 I just wanted to give a comment as well
35 for folks to think about. A lot of people, I know in
36 the Yukon Flats communities, I've heard from, I don't
37 know, countless people that they're not going hunting
38 this spring because they're deathly afraid of this
39 thing, that's all over the news, and we have started
40 receiving some fliers in the mail about bird flu, and I
41 think it's actually done more harm than good.
42 Everybody and their brother has told me, I'm not going
43 hunting this spring and I've basically told them, well,
44 that's good, because there will be less pellets falling
45 on me because I'm going hunting. And the thing that
46 people probably should consider is I don't remember the
47 exact origins of this bird flu but it's been in China,
48 it's been in India and it's been in between those two
49 countries where about three billion people live and
50 about 200 people have contracted, if you want to use

1 that word, bird flu, and less than half have died, and
2 so of the three billion people that live in the closest
3 -- in the closest proximity to bird flu only a 100
4 people have died, and so consider that and also
5 consider that they're probably not as fat and happy as
6 most of us eating real good with good access to medical
7 care with vitamins and pilates and yoga and everything
8 else people are doing around here, we're in pretty good
9 shape.

10

11 And so the idea that there's this
12 terrible thing coming -- now, the terrible thing may
13 come, don't get me wrong, but if it's been in existence
14 in a place where people don't have the best of health
15 and aren't eating the best food, and they're living
16 with their chickens in their bedrooms and there's
17 zillions of chickens, maybe even more than zillions of
18 chickens in close proximity to each other, you know, I
19 think we're in pretty good shape. And so I would urge
20 people not to be scared to death of this idea. And
21 it's unfortunate that we don't have 50 subsistence
22 hunters sitting in the crowd, I see -- I see a couple,
23 but it's mostly agency Staff, I'd like to be saying
24 this and I wish that some subsistence hunters and
25 fishermen and so on would be hearing this but I would
26 not panic until the CDC or somebody comes out and says,
27 do not eat X because we have found it and it's
28 spreading rapidly. We are not at that place right now.
29 We're nowhere near that place. And so I think that you
30 should all go hunting this spring.

31

32 And so that's what I wanted to say.

33

34 So let's move to review and adoption of
35 the agenda.

36

37 We'll go ahead and give a few seconds
38 just to take a look at the agenda if anyone has a
39 problem, please let me know.

40

41 Vince, do you know of any changes to
42 the agenda.

43

44 MR. MATHEWS: Yes, Mr. Chairman, I just
45 know of one due to scheduling conflicts. There's been
46 a request to move up the topic, it's under OSM
47 management reports, No. 12, to move up Item C, which is
48 subsistence use amounts protocol briefing. That's
49 going to be a joint presentation, Federal and State and
50 due to re-postponing this meeting and rescheduling it

1 that's conflicted and there's been a request to move
2 that to today.

3
4 CHAIRMAN FLEENER: Does anyone on the
5 Council have a problem with moving that to today.

6
7 (Council shakes head negatively)

8
9 CHAIRMAN FLEENER: And what is the time
10 commitment for that presentation, Tom.

11
12 MR. KRON: Mr. Chairman. A lot of it
13 will depend on how much you'd like to talk about it.
14 My guess is, you know, half hour, 45 minutes should be
15 able to do it justice.

16
17 Thank you, Mr. Chairman.

18
19 CHAIRMAN FLEENER: Okay, thank you Tom.
20 Where do you recommend we put it, Vince.

21
22 MR. MATHEWS: Well, Mr. Chairman, you
23 tend to get a rhythm when you get into those proposals,
24 and so it might be best to do that right before we get
25 into proposals and that way it won't interfere as we're
26 marching through the proposals, that would be one spot
27 to do that, so that would come up under No. 8, it would
28 be 8a, since there doesn't appear to be any agencies at
29 this time, unless they have not contacted you or
30 myself, that they want to make their agency report
31 prior to the proposals.

32
33 CHAIRMAN FLEENER: Okay. If there's no
34 problem we'll put that at 8a.

35
36 (Pause)

37
38 CHAIRMAN FLEENER: Anything further.

39
40 (No comments)

41
42 CHAIRMAN FLEENER: Is there a motion.

43
44 MR. NICHOLIA: Move to adopt the agenda
45 with the addition or the change.

46
47 CHAIRMAN FLEENER: It's been moved to
48 adopt the agenda with the change.

49
50 MR. NATHANIEL: Second.

1 CHAIRMAN FLEENER: James Nathaniel
2 seconds. Any discussion.
3
4 (No comments)
5
6 MR. UMPHENOUR: Question.
7
8 CHAIRMAN FLEENER: Question's been
9 called. All in favor signify by saying aye.
10
11 IN UNISON: Aye.
12
13 CHAIRMAN FLEENER: All opposed, say
14 nay.
15
16 (No opposing votes)
17
18 CHAIRMAN FLEENER: Motion carries. We
19 have an agenda.
20
21 Vince.
22
23 MR. MATHEWS: Mr. Chairman. That moves
24 us up to the meeting minutes and each of you got one of
25 these little vanilla packets. In the packet, I
26 believe is the minutes. And I'll just walk through the
27 packet real quickly. I already seen Sue has hopefully
28 shown Amy -- they're numbered. The first one is not
29 numbered, that's kind of how you handle proposals and
30 we'll talk about that when we get to proposals.
31
32 1. Is your and I never come up with a
33 politically correct term, so I'll just call it what it
34 is, a little cheatsheet sheet on who works for what
35 agencies. That's the first pink one, No. 1. That's
36 going to help the new Council members out, but also
37 some of you that have been around for awhile because
38 there may be new Staff. So that's provided for you.
39 And, again, I never know who is going to show up so
40 there may be names down there with people not here.
41
42 2. Minutes.
43
44 3. .805c letter.
45
46 And et cetera, et cetera, and we'll
47 talk about those when we get to them. But the numbers
48 are there to help you work your way through that so
49 that's why you have that file.
50

1 So your minutes are in there for your
2 review and approval, and that's all I have, Mr. Chair.

3
4 CHAIRMAN FLEENER: Thank you, Vince.
5 Let's take about three or four minutes to review these.

6
7 (Pause)

8
9 CHAIRMAN FLEENER: All right, what are
10 the wishes of the Council on the October 2005 meeting
11 minutes.

12
13 MR. NICHOLIA: Mr. Chair.

14
15 CHAIRMAN FLEENER: Go ahead.

16
17 MR. NICHOLIA: Yeah, on my concern at
18 the last meeting on there, they got one thing wrong,
19 just the last sentence there, my question to Council
20 there was the Federal Subsistence Board has good and
21 bad points.....

22
23 CHAIRMAN FLEENER: Which page?

24
25 MR. NICHOLIA: It's on Page 3, it's got
26 to be changed, but is the program really protecting the
27 rural subsistence -- not the Council but the program,
28 on Page 3, the last sentence there has got to be
29 changed from Council to program, to OSM program, is
30 what my intent was at that time.

31
32 CHAIRMAN FLEENER: Noted. Anything
33 else.

34
35 (No comments)

36
37 CHAIRMAN FLEENER: Anything.

38
39 MS. ENTSMINGER: I make a motion to
40 adopt the minutes.

41
42 CHAIRMAN FLEENER: Does that include
43 with the change?

44
45 MS. ENTSMINGER: Yes, it does.

46
47 CHAIRMAN FLEENER: Okay, there's a
48 motion on the table.

49
50 MR. NICHOLIA: Second.

1 CHAIRMAN FLEENER: And it's been
2 seconded by Gerald. Any discussion.
3
4 (No comments)
5
6 MR. UMPHENOUR: Question.
7
8 CHAIRMAN FLEENER: Okay, the question
9 has been called. All in favor signify by saying aye.
10
11 IN UNISON: Aye.
12
13 CHAIRMAN FLEENER: All opposed, say no.
14
15 (No opposing votes)
16
17 CHAIRMAN FLEENER: The motion carries.
18 We've adopted October 2005 meeting minutes with the
19 change. And let's take about a five minute break.
20
21 (Off record)
22
23 (On record)
24
25 CHAIRMAN FLEENER: Hello. All right,
26 let's everybody come back together.
27
28 Ya'll come.
29
30 (Laughter)
31
32 CHAIRMAN FLEENER: Virgil.
33
34 (Laughter)
35
36 CHAIRMAN FLEENER: All right, let's go
37 ahead and proceed with the agenda. We have consent
38 agenda items and at previous meetings we've talked
39 about how in the world can we shorten this because we
40 go through an awful lot of discussion so we talked
41 about a consent agenda, we've used it in the past, I
42 like the idea. I don't know if anyone has taken a
43 close look at the proposals, which ones we think would
44 be suitable to put on a consent agenda. Vince, maybe
45 you could help us out here, and the rest of you, if
46 you've looked at some of these proposals. And what
47 we've generally done in the past is we've looked at
48 proposals where we're in agreement with Staff
49 Committee, and it appears that there is not going to be
50 much in the way of controversy, we move those to a

1 consent agenda instead of going through a long 15 to 20
2 minute discussion per proposal, and so let's go ahead
3 and proceed.

4

5 Vince.

6

7 MR. MATHEWS: Well, Mr. Chairman, we
8 have to watch our terminology real closely here. We
9 ran into.....

10

11 CHAIRMAN FLEENER: Actually it's your
12 job to watch mine, I can.....

13

14 MR. MATHEWS: Yes.

15

16 CHAIRMAN FLEENER:say whatever
17 the heck I want.

18

19 (Laughter)

20

21 MR. MATHEWS: Okay, I have my marching
22 orders. But we had the same difficulty with.....

23

24 (Telephone interference)

25

26 MR. MATHEWS: Mr. Chairman. What I
27 mean is you used the word Staff Committee, the Staff
28 Committee has not met, has not come up with any type of
29 position, so I think what you meant is the preliminary
30 conclusion by Staff. Just preliminary conclusion is
31 fine or Staff position.

32

33 The other thing is, is the consent
34 agenda did become an issue and it's been reviewed by
35 the solicitor's office and I have guidance for you on
36 that. The guidance is basically what you've already
37 laid out. But we need to know on the record what are
38 you using as a basis, and I think you captured that by
39 saying if the Council's recommendation aligns with the
40 Staff's preliminary conclusion then you are putting it
41 at consent agenda. Realize that there's another entity
42 that's used as the Board level for consent agenda,
43 which is the State. So I just want to make it clear --
44 have you make it clear on the record what you're using
45 to go on consent. And then anyone can ask to have it
46 pulled off the consent agenda.

47

48 The way the consent agenda works, is
49 that there would be a motion to say Proposals 42, 58,
50 whatever the numbers are, should be put on the consent

1 agenda because the Staff preliminary conclusion aligns
2 with what the Council feels should be done with that
3 proposal or aligns with their recommendation. That
4 motion is seconded. And then that motion stays on the
5 table until the end of the meeting, and then it would
6 be my job to remind you to vote on that consent agenda
7 at the end of the meeting. That way during the whole
8 length of the meeting, someone could say, I would like
9 Proposal 48 pulled off the consent agenda and then we
10 would make a full presentation.

11

12 So that's what we're seeing as a
13 consent agenda and this would be the first time that
14 it's been done at a Council level.

15

16 Thank you.

17

18 And I have not reviewed the proposals
19 -- it would not be my role to review the proposals to
20 see if they possibly align with your possible
21 recommendation because that would be -- I can't do that
22 projection because of the breadth of your region.

23

24 CHAIRMAN FLEENER: Okay, thank you,
25 Vince. Maybe what we can do, I don't know, we don't
26 want to spend too much time on determining whether or
27 not there are going to be consent agenda items or the
28 whole purpose will be thwarted, but maybe we can --
29 maybe I can go down and read each proposal and you, as
30 a Council can recommend whether or not it be a consent
31 proposal, and if it is, then we can make one motion
32 after we just do a short reading and go through and
33 take a look at the page, take a look at the
34 recommendation on the page. And if you take a look on
35 Page 2 where we start the proposals, under letter B,
36 Proposal 1, for example, I would read that out,
37 restrict the commercial sales and purchase of
38 handicrafts made from bear claws and then you could
39 flip over to Page 8 and take a quick look at what the
40 comments are and so if somebody wants it to be a
41 consent agenda item then you could ask at that time.

42

43 How does that sound as a process.

44

45 (No comments)

46

47 CHAIRMAN FLEENER: Anybody opposed to
48 that process.

49

50 (No comments)

1 CHAIRMAN FLEENER: Then all is well.
2
3 (Laughter)
4
5 CHAIRMAN FLEENER: Vince, any problem
6 with that process.
7
8 MR. MATHEWS: No, just let the record
9 reflect that the Council members had received the books
10 weeks in advance and had times to review them and have
11 had access to all the information that's there and that
12 there's Staff present here if they have specific
13 questions. So it's on the record that they have all
14 the information.
15
16 CHAIRMAN FLEENER: It sounds like
17 you're covered.
18
19 (Laughter)
20
21 CHAIRMAN FLEENER: All right, let's go
22 ahead and go through this then. Proposal 1, restrict
23 the commercial sales and purchase of handicrafts made
24 from bear claws, Page 8.
25
26 (Pause)
27
28 CHAIRMAN FLEENER: Is there a wish to
29 have this as a consent item.
30
31 MS. ENTSMINGER: No.
32
33 CHAIRMAN FLEENER: If I don't see
34 anything then it will be no.
35
36 Okay, let's move to No. 2, or if
37 anybody just says no then we'll go on.
38
39 Proposal 2. Provide for sale of
40 handicrafts made from non-edible by-products of most
41 wildlife, Page 23.
42
43 MS. ENTSMINGER: I'll say no to that
44 one.
45
46 CHAIRMAN FLEENER: Okay, there's a no.
47 Proposal 56. Replace requirement for a State
48 registration permit with a Federal registration permit,
49 Page 38.
50

1 MS. ENTSMINGER: Is that your proposal.
2
3 CHAIRMAN FLEENER: Most likely.
4
5 (Laughter)
6
7 MS. ENTSMINGER: No.
8
9 (Laughter)
10
11 CHAIRMAN FLEENER: Okay, there's a no.
12 57, remove closure to non-Federally-qualified users for
13 sheep in parts of Unit 25(A).
14
15 MR. MATHEWS: Mr. Chairman. On that I
16 don't think Larry's gotten back on line, he requested
17 that that be taken up when he arrives here, that's the
18 Arctic Village Sheep Management Area.
19
20 Larry, on you on line now.
21
22 MR. WILLIAMS: Yeah, I'm on line Vince.
23
24 MR. MATHEWS: Yeah, that's your wishes
25 that you be present here when that proposal comes up.
26
27 MR. WILLIAMS: With the Chair's consent
28 I'd like to have it.
29
30 CHAIRMAN FLEENER: Okay, you got it,
31 Larry.
32
33 MR. MATHEWS: Okay, we got it and
34 whenever you come in -- yes, Larry, in case you didn't
35 catch that, yes, when you arrive 57 will be on the
36 agenda.
37
38 MR. WILLIAMS: Thank you.
39
40 CHAIRMAN FLEENER: Okay, No. 58, revise
41 C&T use determination for moose in parts of Unit 12,
42 Page 52.
43
44 (No comments)
45
46 CHAIRMAN FLEENER: Shall that be a
47 consent agenda item.
48
49 MR. GLANZ: I say that should be a
50 consent item, Mr. Chair, because you folks already

1 voted on that, right.

2

3 CHAIRMAN FLEENER: So 58 will be a
4 consent agenda item, any opposition to that. Okay,
5 58.....

6

7 MR. MATHEWS: Mr. Chairman. Staff
8 Committee member for Forest Service, I think wants to
9 address that.

10

11 MR. KESSLER: It's just a matter of
12 process.

13

14 CHAIRMAN FLEENER: So are you saying
15 you don't want this to be a consent agenda item?

16

17 MR. KESSLER: Well, I just want to
18 bring something up.

19

20 CHAIRMAN FLEENER: Well, all I want to
21 know is if you want it to be a consent agenda item.

22

23 MR. KESSLER: Well, the question
24 is.....

25

26 REPORTER: Steve, please, if you're
27 going to.....

28

29 CHAIRMAN FLEENER: Before you say
30 anything, though, do you want it to be a consent agenda
31 item.

32

33 MR. KESSLER: I have no opinion on
34 that. But it's a process thing.

35

36 CHAIRMAN FLEENER: Well, I don't really
37 want to talk about process right now I just want to
38 talk about consent agendas and non-consent.

39

40 MR. KESSLER: Okay.

41

42 CHAIRMAN FLEENER: If it's a consent
43 agenda item we're going to pass it and it's going to be
44 a done deal, and so will your comments impact how we
45 vote on that.

46

47 MR. KESSLER: Perhaps.

48

49 CHAIRMAN FLEENER: Then you don't want
50 it to be a consent agenda item because you want to talk

1 about it.

2

3

MR. KESSLER: My concern is when.....

4

5

CHAIRMAN FLEENER: I don't really want
6 to hear a whole lot of comments right now or else it
7 will drag this on but I do want to know if you don't
8 want this to be a consent agenda item, just say, no.

9

10

MR. KESSLER: Mr. Chair. Steve Kessler
11 with Forest Service. The concern is, is if there's not
12 consent among everyone, that includes the State so that
13 is the State is not in the same place as the Staff
14 recommendation and where the Council would be, then
15 when it comes to the Staff Committee, we don't have
16 consent on the Staff Committee and then we don't have
17 the rationale from the Council of why this was put on
18 their consent agenda. We don't have detailed rationale
19 and so we know that going into the Staff Committee
20 meeting we won't have a consent there, so we're going
21 to have to deal with it and the Board will have to deal
22 with it because there's not a consent.

23

24

We need the rationale from the Council
25 of why they feel the way they do.

26

27

CHAIRMAN FLEENER: And which proposal,
28 are you referring to all proposals or 58?

29

30

MR. KESSLER: Well, particularly this
31 one because this is the.....

32

33

CHAIRMAN FLEENER: Which one, we moved
34 to 59, but are you referring to 58?

35

36

MR. KESSLER: I don't remember the
37 numbers, but it's the C&T proposal and the State asked
38 that we defer that C&T proposal, so we know we will not
39 have consent if they are still in that same position
40 when we get to the Staff Committee and we know we will
41 not have consent when we get to the Board meeting if
42 they.....

43

44

CHAIRMAN FLEENER: Then all you had to
45 do.....

46

47

MR. KESSLER:maintain that
48 position.

49

50

CHAIRMAN FLEENER:was say no.

1 MR. KESSLER: So my point is, is I
2 think where there's not consent among the State and the
3 Staff recommendation, then probably those ones should
4 not go under a consent agenda.
5

6 CHAIRMAN FLEENER: Yeah, that's
7 perfectly fine, and that doesn't mean we're going to go
8 along with what the State has to say but you're saying
9 we need to talk about it anyways, so, yeah, all you had
10 to do was say no, that would have been fine. I
11 understand that process.
12

13 MR. KESSLER: Okay.
14

15 CHAIRMAN FLEENER: Thank you. So we'll
16 pull 58 off the consent agenda, which now has zero.
17

18 (Laughter)
19

20 CHAIRMAN FLEENER: 59, make Unit 12
21 moose regulations easier to understand, Page 65.
22

23 (No comments)
24

25 CHAIRMAN FLEENER: Shall this be a
26 consent agenda item.
27

28 MR. GLANZ: Yes.
29

30 MS. ENTSMINGER: Yes.
31

32 CHAIRMAN FLEENER: Anybody opposed.
33

34 (No comments)
35

36 CHAIRMAN FLEENER: All right, 59 is a
37 consent agenda item.
38

39 MR. HAYNES: No. 60. Eliminate the
40 Federal spike-fork antler restriction for Unit 12
41 remainder.....
42

43 MR. HAYNES: Mr. Chairman.
44

45 MR. SMITH: We thought we had one.
46

47 CHAIRMAN FLEENER:during the
48 August 15th through 28th season.
49

50 Oh, this is getting ugly.

1 MR. HAYNES: Terry Haynes. Department
2 of Fish and Game.

3
4 CHAIRMAN FLEENER: Hi Terry.
5

6 MR. HAYNES: I don't -- you can do what
7 you want, Mr. Chairman, I would just note that the
8 preliminary conclusion developed by Staff is to oppose
9 the proposal, this is a Council proposal that you
10 obviously support so right there you have, I think, a
11 situation where it is going to get further discussion.

12
13 And I don't believe that it will end up
14 on the consent agenda at the Federal Board meeting. So
15 it might merit your time to discuss this one.

16
17 CHAIRMAN FLEENER: Thank you, Mr.
18 Haynes. What is the Council wishes.

19
20 MR. GLANZ: Might as well hear it.

21
22 CHAIRMAN FLEENER: All right, it's off
23 the agenda, back down to zero.

24
25 (Laughter)

26
27 CHAIRMAN FLEENER: No. 60, eliminate
28 the spike-fork antler restriction for Unit 12, Page 74.
29 So I guess this is off because, I mean if we're going
30 on our past practices, there's already one opposition,
31 so let's move on.

32
33 61, Page 80. You can read them
34 yourself, I'm getting tired of reading them.

35
36 (No comments)

37
38 CHAIRMAN FLEENER: All right, this
39 one's not on. 62 muskrat season, Page 87. Hey, two
40 people actually agree, this is unbelievable.

41
42 (Laughter)

43
44 CHAIRMAN FLEENER: Shall we establish a
45 muskrat hunting season, Proposal 62, shall that be a
46 consent agenda item.

47
48 MS. WRIGHT: Yes.

49
50 MR. GLANZ: Yes.

1 MS. ENTSMINGER: Yes.
2
3 CHAIRMAN FLEENER: Yes. Any problem in
4 the audience.
5
6 MR. MIKE: The muskrats are going to
7 get it now.
8
9 (Laughter)
10
11 MS. FRIEND: Could you at least read
12 the proposal.
13
14 CHAIRMAN FLEENER: Establish a muskrat
15 hunting season in Units 20(E), 25(B) and 25(C).
16
17 (No comments)
18
19 CHAIRMAN FLEENER: Okay, let's move on
20 to 63, allow baiting for wolves in the Eastern Interior
21 region, Page 92, I can already tell you that's.....
22
23 MS. ENTSMINGER: Consent.
24
25 MR. MATHEWS: Mr. Chairman. Sorry to
26 interrupt on that, but there's been modifications to
27 the preliminary Staff conclusion on that.....
28
29 CHAIRMAN FLEENER: They changed their
30 minds.
31
32 MR. MATHEWS:which is going to be
33 addressed. It's not in your book, so it would be very
34 difficult to come up with a consent agenda without.....
35
36 CHAIRMAN FLEENER: Well, what's the
37 change?
38
39 MR. MATHEWS: I'd have to ask the lead
40 analyst to come up.
41
42 CHAIRMAN FLEENER: Are they now opposed
43 to it?
44
45 MR. MATHEWS: I don't know what it is.
46
47 CHAIRMAN FLEENER: Nobody knows. Well,
48 it says.....
49
50 MR. MATHEWS: Well, we know, the lead's

1 here but again we're -- it's your call if you want to
2 hear.....

3

4 CHAIRMAN FLEENER: Well, I don't want
5 to hear much, just tell me if it's different than
6 defer, Tom.

7

8 MR. KRON: Different than defer.

9

10 CHAIRMAN FLEENER: And what is it.
11 Oppose or support.

12

13 MR. KRON: My recommendation is to
14 support with modification, Western opposed. I think it
15 would merit some discussion to hear your rationale.

16

17 Thank you, Mr. Chair.

18

19 CHAIRMAN FLEENER: Thank you. That was
20 very clear and concise, so let's move on.

21

22 64 extend wolf hunting season in the
23 Eastern Interior region, 102.

24

25 (No comments)

26

27 CHAIRMAN FLEENER: All right, let's
28 move on.

29

30 67a, revise the C&T use determinations
31 for moose in 26(C), Page 110.

32

33 (No comments)

34

35 CHAIRMAN FLEENER: All right. We're a
36 mighty controversial bunch, I guess, everybody opposes
37 us.

38

39 67b, allow additional harvest of moose
40 in 26(C) -- did I already read that?

41

42 I'm not sure if I'm in 1996 or 2006,
43 don't forget.

44

45 (Laughter)

46

47 CHAIRMAN FLEENER: 67b, okay, I didn't
48 read that already, Page 118.

49

50 (No comments)

1 CHAIRMAN FLEENER: All right, that
2 one's another controversial one.
3
4 Okay, Proposal 33, revise controlled
5 use area boundary, 19(D) Page 128.
6
7 (No comments)
8
9 CHAIRMAN FLEENER: What are the wishes
10 of this Council, 19(D), the upper Kuskokwim Controlled
11 Use area.
12
13 MS. ENTSMINGER: It's not even Eastern
14 Interior.
15
16 CHAIRMAN FLEENER: Uh?
17
18 MS. ENTSMINGER: It's not even Eastern
19 Interior.
20
21 CHAIRMAN FLEENER: Well, the reason
22 it's for the Eastern Interior is that permits will be
23 issued to Unit 25(A) residents by the Arctic Refuge, so
24 it's allowing Eastern Interior folks to hunt in 26(C).
25
26 All I really want to know is if this to
27 be a consent agenda item.
28
29 (No comments)
30
31 CHAIRMAN FLEENER: Okay, let's move on
32 then if nobody wants it to be a consent agenda.
33
34 Proposal 33, revise controlled use area
35 boundary in 19(D), Page 128, oh, this is what we were
36 talking about earlier, support -- it says support and
37 neutral though -- oh, I was reading the wrong one
38 again.
39
40 MS. ENTSMINGER: Page 128.
41
42 CHAIRMAN FLEENER: Yeah, I don't know
43 what I'm doing.
44
45 Hey, Vince, how does this one impact
46 Eastern Interior. I see the Denali National Preserve
47 mentioned in here.
48
49 MR. MATHEWS: Yes, Mr. Chairman, it's
50 because of the customary and traditional use

1 determination includes Lake Minchumina, which is in
2 your region.

3
4 CHAIRMAN FLEENER: Okay, thank you.
5 Should this be a consent agenda item, 33.

6
7 MS. WRIGHT: Yes.

8
9 CHAIRMAN FLEENER: Yes, any opposition
10 to that.

11
12 MS. ENTSMINGER: Which number?

13
14 CHAIRMAN FLEENER: That was Proposal
15 33. Okay, we're safe for.....

16
17 MR. HAYNES: Mr. Chairman.

18
19 CHAIRMAN FLEENER: You want us to talk
20 about it.

21
22 MR. HAYNES: Yes.

23
24 CHAIRMAN FLEENER: Okay. Proposal 34,
25 extend moose season in 21(A), (B), (D), (E), and 24,
26 Page 135.

27
28 MR. UMPHENOUR: No.

29
30 CHAIRMAN FLEENER: No, okay. Proposal
31 35, open a December bull season in 21(B), 173.

32
33 (No comments)

34
35 CHAIRMAN FLEENER: Shall this be a
36 consent agenda item.

37
38 MR. NICHOLIA: Yes.

39
40 CHAIRMAN FLEENER: Yes, any opposition.

41
42 (No comments)

43
44 CHAIRMAN FLEENER: All right, we have
45 two items on the consent agenda, well, that was a
46 worthwhile exercise.

47
48 Vince.

49
50 MR. MATHEWS: Mr. Chairman. Of course

1 this is the first time you've gone through it and the
2 Board had the same difficulty when it went through this
3 process. The other thing is it needs to be clear on
4 the record that if it remains on the consent agenda
5 that your justification for that action is the Staff
6 justification that's contained in your book. That
7 would address the concern by the Staff Committee, that
8 if you agree to the Staff recommendation that you're
9 also agreeing to the justification provided in the
10 book, and I believe that would address the Staff
11 Committee concerns, so they would know why it was on
12 the consent agenda and why you supported it.

13

14 CHAIRMAN FLEENER: Well, perhaps we
15 should -- instead of saying we agree with the Staff
16 recommendation perhaps we should just acknowledge that
17 the Staff is agreeing with the proposal and that it was
18 a well written proposal and that the State was not
19 opposed to it.

20

21 I like that a lot better.

22

23 (Laughter)

24

25 MR. MATHEWS: Yeah, well, you just
26 threw in the other qualifier that the State has to
27 agree to it. The State, I'm not representing the
28 State, my understanding, and they can correct me if I'm
29 wrong, are not at their final position stage on these
30 proposals.

31

32 CHAIRMAN FLEENER: Well, which means
33 their testimony then is of no value if that's what
34 you're saying. I mean except their testimony at the
35 microphone would be of value, what you're saying then
36 is we should basically not acknowledge what they've
37 written in the book if they're not at their final
38 decision-making.

39

40 MR. MATHEWS: You should acknowledge it
41 but it's not their final position because these are
42 positions that are -- or comments that I should say, in
43 the book, are prior to sometimes seeing some of the
44 analysis and prior to hearing anything at this meeting,
45 so they remain -- they still have the option to come up
46 with their position after this meeting.

47

48 CHAIRMAN FLEENER: Of course, which
49 they always can do and they change their opinion at the
50 Board frequently. But we've done here, though, is

1 given them ample opportunity, I think, to come to the
2 microphone and waive their hand.

3

4 You can come up and sit at the
5 microphone there, Roy. What we've done is given them
6 ample opportunity, though, I say, to voice their
7 opinion and we've pulled some off the consent agenda
8 so, you know, no one could say that we haven't, at
9 least acknowledged that they have concerns about some
10 of the proposals.

11

12 Roy.

13

14 MR. NOWLIN: Thank you, Mr. Chair. Roy
15 Nowlin, the management coordinator for Interior. The
16 Board of Game took some action on this that would lead
17 us to, I believe, change our recommendation.....

18

19 CHAIRMAN FLEENER: On which one, Roy?

20

21 MR. NOWLIN: This is the one about
22 21(B) that you're looking at right now for the
23 extension -- or the December season in 21(B). And I
24 think there's some information that the Council might
25 want to hear from local advisory committees out in
26 21(B) about this proposal.

27

28 CHAIRMAN FLEENER: So are they no
29 longer supporting it?

30

31 MR. NOWLIN: Well, at the Board of Game
32 there was a trade made and December 1 through 10 was
33 not the season that was adopted. And so I'll say we
34 probably are not going to support this December 1
35 through 10 season in spite of what it says in here
36 right now as a result of the Board of Game action.

37

38 CHAIRMAN FLEENER: Okay, thank you,
39 Roy. Well, that changes it to the ADF&G is opposed to
40 it, so we might as well pull that one off.

41

42 MR. GLANZ: So we've got one left.

43

44 CHAIRMAN FLEENER: All right, we got
45 one on the consent agenda, shall we move on. Oh, we've
46 got three more to talk about, I'm sorry.

47

48 Let's go to Proposal 3, caribou and
49 moose antlers must be forfeited to the State for
50 auction in Unit 13, Page 180. Submitted to the State

1 for auction.

2

3

MR. UMPHENOUR: No.

4

5

MS. WRIGHT: No.

6

7

MS. ENTSMINGER: No.

8

9

10

11

12

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50

CHAIRMAN FLEENER: No, okay. Proposal 4, revised moose harvest requirement to reflect State antler restrictions in Units 11, 13, and 15, Page 187. The Staff opposes that.

And Proposal 5, establish an in-person sealing and reporting requirement for moose in 11, 13 and 15, Page 94.

MS. ENTSMINGER: Do they say no, no, they say no.

CHAIRMAN FLEENER: Yeah, they oppose. All right, so we have one item, let's go ahead and move on.

So you're saying we need to take that up at the end of the meeting just in case somebody needs to pull it off between now and then, we can't vote on it now?

MR. MATHEWS: Yeah, I'm getting mixed messages on that so I did talk to Staff that works closer with our Board and that's how our Board does it, it makes more sense than the instructions that were given because if you went through and voted on the consent agenda, then you would have go through a vote of reconsideration if someone in the crowd says I want Proposal 62 off, so I'm going with the way the Board does it and that's a motion, second, and then they vote on it at the end of the meeting.

CHAIRMAN FLEENER: Well, I have no problem voting on it now because we can always bring it up for reconsideration, that's just one extra action and then we don't have to think about it anymore, but I'll do what the Council wants. Should we vote on this now or at the end of the meeting, not at the end of the meeting, but at the end of the proposals.

MR. UMPHENOUR: End of the proposals.

1 MS. ENTSMINGER: End.
2
3 MS. WRIGHT: End.
4
5 CHAIRMAN FLEENER: End, okay, we'll
6 vote on it at the end. Vince, will you please remind
7 us to vote on this before we move on to No. 9.
8
9 MR. MATHEWS: Yes, Mr. Chairman. But
10 again the Board does it right before they adjourn.
11
12 CHAIRMAN FLEENER: That's wonderful.
13
14 MR. MATHEWS: Just so you're aware
15 that's how the Board does it.
16
17 CHAIRMAN FLEENER: Great, thank you,
18 Vince. I appreciate that.
19
20 All right, No. 8, wildlife regulatory
21 proposal review and recommendations.
22
23 MR. MATHEWS: Okay, Mr. Chairman, you
24 decided to accommodate the agenda change request so
25 we'd actually be going with the subsistence use
26 amounts.
27
28 CHAIRMAN FLEENER: Okay.
29
30 MR. MATHEWS: And that one, I got to do
31 some confirmation on the phone and that's going to be
32 Warren Eastland for BIA along with Terry Haynes, to my
33 knowledge, but I have to confirm that there's Staff in
34 Anchorage on line that wanted to participate -- or
35 listen in, excuse me.
36
37 CHAIRMAN FLEENER: Okay, just let us
38 know when you're ready.
39
40 (Pause)
41
42 MR. MATHEWS: Okay, Mr. Chairman,
43 Larry's going to drop off line so he can catch his
44 plane. On line, so it's clear to the record, we have
45 Pete DeMatteo, the wildlife biologist on your support
46 team, and Pat Petrivelli, who.....
47
48 (Phone line lost)
49
50 MR. MATHEWS: All right, we're fixed

1 again. On line we have Pat Petrivelli who is the Staff
2 anthropologist for the Bureau of Indian Affairs. We
3 have Pete DeMatteo who's the wildlife biologist for the
4 Interior region. Is there anyone else there on line,
5 Pete or Pat.

6

7

MS. PETRIVELLI: No.

8

9

MR. MATHEWS: No, there's no one else
10 on line. So with that we would move to the topic --
11 yes.

12

13

CHAIRMAN FLEENER: I just wanted to ask
14 a question before we moved on, why is it that we don't
15 have as good of access to these folks as we have in the
16 past? Why are folks calling in more, you know, it
17 seems like a real problem if we want to come up and
18 talk to people or if we have issues with wildlife, you
19 know, I haven't seen Pete in years, and I'm just
20 wondering what's prompted the lack of these folks --
21 and I know Pat was at our last meeting, but I don't
22 know what's prompted the lack of participation of some
23 of the Staff members. It just seems like it's not very
24 beneficial if we don't actually have access to talk to
25 these folks except in that nice little silver box that
26 probably cost 800 bucks.

27

28

MR. MATHEWS: I think Pete could answer
29 that and then at the end of the meeting I was going to
30 ask for your comments about, the general comments on
31 teleconferencing. So I don't know if Pete wants to
32 address.....

33

34

CHAIRMAN FLEENER: Well, before Pete
35 gets on, I don't have a problem with teleconferencing,
36 I think it's a great tool when it's needed, you know,
37 like Larry got weathered out or forgot his plane or
38 whatever the problem was so we could tie him in. But I
39 don't like it as a replacement for the human body. You
40 know, there's just something about being able to talk
41 to the guy on a wildlife issue or a fisheries issue or
42 an anthropology issue, and just the fact that they're
43 not here make it impossible to do that.

44

45

And so I mean Pete can tell me why he's
46 not here but that's really not going to answer the
47 overall -- or it's not going to deal with the overall
48 issue of less and less support that it seems like we're
49 getting, and I don't know if it's just me or if any of
50 the other Council members have recognized it. But it

1 just seems like there's less and less support over
2 time. Why is that and is it going to be a continuing
3 trend? Are we running out of money, what's the deal?

4
5 MR. NICHOLIA: I do.

6
7 MS. ENTSMINGER: It's not just you.

8
9 CHAIRMAN FLEENER: What's the deal?

10
11 MR. MATHEWS: Well, Mr. Chairman, I
12 personally don't want to answer that question and my
13 supervisor is not present here to address it but I
14 think what you're saying is there appears to be a
15 trend of Staff not being present at the meeting and
16 possibly just teleconferencing in. Pete's situation is
17 completely different than that so with your concurrence
18 we're going to separate Pete's situation out.

19
20 I can't answer the other question.

21
22 CHAIRMAN FLEENER: Well, maybe we can
23 teleconference your supervisor in and ask him, is that
24 possible?

25
26 MR. MATHEWS: No, it's not possible at
27 this time.

28
29 CHAIRMAN FLEENER: It's not? How about
30 his boss?

31
32 MR. MATHEWS: We can arrange that.....

33
34 CHAIRMAN FLEENER: I've got Tom's
35 number, can we call Tom -- not this Tom, the other Tom.

36
37 MR. MATHEWS: We can arrange that if
38 you would like and it would probably tomorrow or so.
39 It would probably be more likely and I hope I don't get
40 in trouble with this, Pete Probasco, because my
41 understanding is Tom Boyd's been quite ill and has been
42 not in the office, but, again, I barely have been
43 sitting at my desk so that might have changed. But it
44 would be more likely that it would be Mr. Probasco
45 would be addressing your concern about Staff
46 participation level.

47
48 CHAIRMAN FLEENER: Well, that would be
49 useful I think. And I don't know if any other folks
50 are interested but I think for the sake of this

1 program, and, you know, we've complained frequently
2 about there being less and less response to what we
3 think we need. And if the high muckity-mucks are not
4 allowing the Staff to come out and participate in the
5 meetings it just seems like we're not -- the trend is
6 going to continue.

7
8 And, you know, I just don't think
9 that's a good idea, I don't know what the rest of you
10 think.

11
12 Anybody else have a problem with it or
13 is it just me?

14
15 MR. NICHOLIA: I do.

16
17 MS. ENTSMINGER: It's not just you.

18
19 CHAIRMAN FLEENER: Gerald.

20
21 MR. NICHOLIA: Yeah, it seems like
22 throughout the year, you know, the less Staff support
23 that we have the less prepared -- we're really making
24 decisions without all the information there and to not
25 talk to the person after -- after sitting at this table
26 and not be able to talk to a person out in the hallway
27 about something, it's just not really the program that
28 I grew into, you know, it's just not the same. Seems
29 like to me it's just been changing.

30
31 CHAIRMAN FLEENER: Thank you, Gerald.
32 Sue.

33
34 MS. ENTSMINGER: Thank you, Mr. Chair.
35 What it brings to me is questions, because since I've
36 been on this RAC -- I counted at my first meeting 40
37 people in the audience that were Staff and one public
38 and I guess that's the biggest concern I have is all
39 this Staff and the -- but actually these are our key
40 players, the anthropologist and the biologist on the
41 phone, or are we supposed to be listening to the
42 biologists of each Refuge or each conservation unit, I
43 don't know maybe we're seeing a problem where there's
44 too much Staff.

45
46 CHAIRMAN FLEENER: Thank you, Sue.
47 Anyone else.

48
49 (No comments)

50

1 CHAIRMAN FLEENER: Okay. So maybe it
2 would be a good idea, Vince, if you could call him at
3 the break or at some break or have one of your pals
4 give them a call and see if they'd be willing to talk
5 with us, and just let them know our concern about their
6 not participating, and our interest in having them
7 participate.

8
9 Of course Sue brings up a good point,
10 there's got to be a balance, and having 40 Staff
11 members in the crowd and one community member, I think
12 we've always faced that problem in Fairbanks, we just
13 don't have many folks, and when we go into the smaller
14 communities we generally have a lot more participation
15 from the folks that we represent.

16
17 And it's not like I want 45 Staff
18 members, but I think there are key Staff members that
19 are vitally important to this process and they're the
20 ones that, as Gerald said, we started out with, they
21 used to come to our meetings, and we went through some
22 real tricky things in the early days, we're going
23 through them now as well, but I know we dealt with some
24 pretty serious issues, including C&T determinations and
25 how we go about making those and if it wasn't for the
26 anthropologists and the wildlife biologists being there
27 I don't think we could have made some of the good
28 decisions that I think we did make. So please let that
29 happen, and maybe we can move on with Pat and Pete on
30 the audio conference.

31
32 MR. MATHEWS: Yes, Mr. Chairman, I'll
33 make the phone call and see when we can schedule the
34 availability but, again, most likely it will probably
35 be Pete Probasco, but we'll see who's in the office at
36 this time. There is a meeting at Kodiak/Aleutians
37 going on today and it's possible that one of them is at
38 that meeting. We'll see what we can find out.

39
40 CHAIRMAN FLEENER: So are they also,
41 the Kodiak/Aleutians folks also without a biologist and
42 an anthropologist, they got theirs but we don't get
43 ours?

44
45 MR. MATHEWS: No, Mr. Chairman. What
46 you're touching upon, is I'm uncomfortable dealing with
47 is the fact that you're talking about Staffing and that
48 is not my purview to talk about Staffing so there may
49 be others here. My understanding is the regional teams
50 will remain so maybe Dan has another insight.

1 CHAIRMAN FLEENER: Dan.

2

3 MR. LAPLANT: Yeah, Mr. Chairman. I
4 was just going to add, we do have, I think five OSM
5 Staff members here at your meeting. We do have your
6 team anthropologist in the room. And Pete is not with
7 us today because a while back he was in an auto
8 accident and it's been difficult for him to get around
9 so we've allowed him to participate through
10 teleconferencing, to be able to provide his expertise
11 to the Council otherwise he wouldn't be able to
12 participate at all if he wasn't able to do it on line.

13

14 So beyond that, you know, we always
15 have this question of whether we have too many Federal
16 employees at a meeting nor not enough and that's
17 something we can work to do better on in the future,
18 but we do have several here so we're here to answer
19 your questions as they come up.

20

21 CHAIRMAN FLEENER: Great. Thanks Dan.
22 And, of course, I think teleconference is perfect for
23 the situation such as Pete because, you know, if a
24 person can't make it because of a physical problem then
25 that's why a teleconference would be perfect.

26

27 So, okay, well, let's go ahead and move
28 on then.

29

30 Vince.

31

32 MR. MATHEWS: Well, then that brings us
33 up to the wonderful topic of subsistence use amounts,
34 so those presenters would be coming up to the table.

35

36 But did we -- I may not have caught it,
37 did we have a second to the consent agenda for 62, I
38 don't know if I caught the motion and the second on
39 that.

40

41 CHAIRMAN FLEENER: Ms. Court Reporter.

42

43 REPORTER: Nothing yet.

44

45 CHAIRMAN FLEENER: Actually I don't
46 think we really dealt with it in that kind of way, so
47 perhaps Sue you made the motion to put 62 on the
48 consent agenda; is that correct?

49

50 MS. ENTSMINGER: (Shakes head

1 negatively)
2
3 CHAIRMAN FLEENER: If not, is there a
4 motion to put 62 on the consent agenda.
5
6 MR. NICHOLIA: I'll move.
7
8 CHAIRMAN FLEENER: Gerald moves, is
9 there a second.
10
11 MR. GLANZ: I'll second.
12
13 CHAIRMAN FLEENER: Okay. And so do we
14 need to also -- yes, we need to adopt this then, is
15 there any discussion -- no, we're not adopting the
16 proposal, we're just.....
17
18 MS. ENTSMINGER: Adding it to the
19 consent agenda.
20
21 MR. UMPHENOUR: No discussion.
22
23 CHAIRMAN FLEENER: Which is a huge
24 consent agenda of one item.
25
26 (Laughter)
27
28 CHAIRMAN FLEENER: So is there any more
29 discussion.
30
31 MS. ENTSMINGER: Which one.
32
33 CHAIRMAN FLEENER: 62. Only 62.
34
35 MS. ENTSMINGER: I had 35 on.....
36
37 CHAIRMAN FLEENER: 35 was pulled off.
38
39 MS. ENTSMINGER: As was 34.
40
41 CHAIRMAN FLEENER: Yes. No discussion.
42
43 (No comments)
44
45 MR. UMPHENOUR: Question.
46
47 CHAIRMAN FLEENER: Question's been
48 called. All in favor of the motion signify by saying
49 aye.
50

1 IN UNISON: Aye.
2
3 CHAIRMAN FLEENER: All opposed, say no.
4
5 (No opposing votes)
6
7 CHAIRMAN FLEENER: Motion carries. Is
8 that good, Vince.
9
10 MR. MATHEWS: Yes, Mr. Chairman. And I
11 think you have to remember this is the first time
12 you've done it and it puts the burden on the Council
13 members to make sure that they review this material in
14 light of possible consent agenda ahead of time and it
15 will also put the burden on Staff, too, to look at
16 potential consent agenda. I'm not saying to continue
17 with it, I'm saying the first time around it was always
18 difficult to do consent agendas.
19
20 CHAIRMAN FLEENER: Thank you, Vince.
21 You mean we have to read this book now.
22
23 (Laughter)
24
25 MR. MATHEWS: Yes, Mr. Chairman. It
26 fits really well right next to the -- right well in the
27 outhouse.
28
29 (Laughter)
30
31 MR. MATHEWS: It is good. But the
32 other thing with that, not to be joking about it, is if
33 any of the Council members would like to have a, you
34 know, a briefing on this stuff individually ahead of
35 time, we do have Staff, we can schedule time to review
36 these proposals with the caveat that we're just
37 presenting the information, not trying to get you to
38 make a decision or position. That's always available
39 to call us up and say, I really don't understand that
40 Program 62 muskrat one, and then I would get the
41 wildlife biologist, whoever wrote it up, on line and we
42 can openly talk about it, so that option always exists
43 for individual Council members, et cetera.
44
45 Thanks.
46
47 CHAIRMAN FLEENER: Thank you, Vince.
48 Gentlemen.
49
50 MR. EASTLAND: Thank you, Mr. Chair.

1 My name is Warren Eastland. I'm the wildlife biologist
2 with the Bureau of Indian Affairs and a member of the
3 InterAgency Staff Committee. With me is Terry Haynes
4 of the Alaska Department of Fish and Game and we're
5 here to provide a briefing on the subsistence use
6 amounts protocol being developed in OSM at this time.

7
8 The briefing begins on Page 229 in your
9 Council books. The actual protocol itself starts on
10 Page 233. And through the interim MOA between the Feds
11 and the State for the subsistence program there were
12 some agreements in there, some protocol that were to be
13 developed and the subsistence use amounts protocol is
14 one and it's nearing completion and the Board would
15 very much appreciate your comments, concerns, and any
16 other questions that you might have on this protocol.

17
18 Both the State and the Federal Boards
19 recognize that there is an obligation under ANILCA,
20 Title VIII to provide a priority for subsistence uses
21 of fish and wildlife. This MOA provides a guidance for
22 the coordination of the subsistence management between
23 the two programs, both the Federal and the State. It
24 is a method to consider the amounts of fish and
25 wildlife harvested for subsistence uses in the Federal
26 Subsistence Management Program. Have a quantifiable
27 amount will enable Federal managers to know whether or
28 not they're providing enough opportunity for
29 subsistence uses. There two, well, there are many but
30 the two main abbreviations in this protocol are AND and
31 SUA.

32
33 AND is the State term, it's amounts
34 necessary for subsistence and those amounts, where they
35 have been identified, are present in State code. SUA,
36 which is subsistence use amounts is the Federal term,
37 and at this time the Federal system has no subsistence
38 use amounts identified. And at such time as they may
39 identify subsistence use amounts they will not be put
40 into regulation.

41
42 They are essentially the amount of a
43 fish stock or a wildlife population that subsistence
44 users harvest for subsistence uses. SUA specifically
45 refers to the amount harvested by Federally-qualified
46 users for all of the ANILCA defined subsistence uses.
47 AND findings, however, are a little different because
48 of who the State considers to be subsistence users, and
49 I'll leave Terry to clarify that. And AND findings,
50 where they've been identified are usually expressed as

1 a range of the population necessary for subsistence
2 uses.

3
4 In the protocol itself, one thing that
5 I would like to bring to your attention is on Page 235,
6 the second bullet is supposed to be a header, rather
7 than a bullet, it should -- if you look on Page 234
8 towards the bottom of the page you'll see an italicized
9 header that says, amounts necessary for subsistence in
10 State management and that is followed by some bullets;
11 and the second bullet on Page 235 should also be an
12 italicized header talking about recognition and use of
13 amounts necessary for subsistence findings and the
14 developments of subsistence use amounts in Federal
15 management.

16
17 Terry has passed around a handout with
18 -- this one and on the third page at the top of the
19 page it says Federal Subsistence Board's steps when
20 considering regulations to provide for subsistence
21 uses, and that is a flow chart of how AND and SUAs are
22 used in evaluating a proposal by the biologists and the
23 anthropologists who analyze these proposals, so that if
24 -- it starts out, with has a fish or wildlife resource
25 been customarily and traditionally used and which
26 communities have C&T uses for the resource, if the
27 answer to that is no, in other words there's no C&T
28 there's no Federal priority and the issue is dropped.
29 If, yes, that there are C&T uses of the population, the
30 question then becomes can a harvest take place
31 consistent with the conservation of a healthy
32 population, if yes then it comes down to a further
33 analysis of if there is sufficient harvestable surplus
34 available then the question is is the harvestable
35 surplus to provide harvest opportunities for all
36 Federally-qualified subsistence users and other users.
37 If the answer to that is no, then we get into looking
38 at AND amounts and restrictions under ANILCA, Section
39 .815 and if further restrictions are necessary looking
40 at ANILCA Section .804.

41
42 Before I turn this over to Terry, one
43 thing that I would like to point out is that these
44 AND amounts are not intended to be a harvest quota, a
45 cap, a limit on subsistence take or any other kind of
46 ceiling. They are, instead, just one tool of many to
47 indicate to analysts to whether or not the Federal
48 priority is being met for subsistence resources.

49
50 And with that I'll turn it over to

1 Terry.

2

3

4 MR. HAYNES: Mr. Chairman. Council
5 members. My name is Terry Haynes. I'm the Alaska
6 Department of Fish and Game Wildlife Liaison to the
7 Federal Subsistence Board. I'm not going to go into a
8 lot of detail. It might be easier to answer questions
9 that the Council has.

9

10

11 Most of you know that this protocol has
12 been in preparation for several years and a lot of the
13 important work was done when Gerald Nicholia was part
14 of the working group, and I wanted to acknowledge the
15 contributions that were made because between Gerald and
16 Harry Brower, Jr., from the North Slope Regional
17 Council, they helped to keep us focused on what's
18 turned into kind of a complex protocol. But as rural
19 residents and Council members, they posed questions to
20 us and helped us to try to keep this understandable and
21 it's not always easy to do that when you're working on
22 a complex document. But I wanted to acknowledge
23 Gerald's contributions when he was representing -- one
24 of the Council representatives on the working group.

24

25

26 The Department is interested in seeing
27 this protocol implemented for a number of reasons, one
28 of which is to, as Warren indicated, provide another
29 tool to the Federal Subsistence Board for making
30 determinations about whether subsistence uses are being
31 provided for under the Federal regulations. The
32 Department is concerned that there be a mechanism for
33 looking at that more closely than can be done with the
34 current tools.

34

35

36 We, on the State side, want to ensure
37 that Federal regulations are providing that opportunity
38 but we also are concerned that there be a mechanism for
39 indicating when there are additional -- when there are
40 resources available to other users, and the subsistence
41 use amounts is one way of doing that.

41

42

43 We have a number of questions and
44 answers concerning this protocol on Pages 231 and 232
45 of the Council book. And these are an attempt to
46 answer questions that we, on the working group, assumed
47 would come up at Council meetings and be of interest
48 and concern to the public.

48

49

49 A couple of points, State AND findings,
50 amounts necessary for subsistence, which for your

1 region are on the last three pages of the handout.
2 These are findings made by the Board of Game and Board
3 of Fisheries to define what is the amount reasonably
4 necessary for subsistence uses by State subsistence
5 users. Now, it's a little more complicated now that
6 all State residents are potentially subsistence users
7 in areas where subsistence uses are allowed. And the
8 amount necessary findings are an attempt to reflect the
9 subsistence uses and not other uses, so some of these
10 numbers may look a bit funny to you, other Councils
11 have indicated they thought that some of the numbers
12 may be too low. There are a number of resources for
13 which the State has not made AND findings. There are a
14 number of these findings that probably need to be
15 reevaluated when new and more complete information is
16 available.

17
18 But the one example that we worked from
19 when we started working on this protocol is the Yukon
20 River salmon AND findings which are the last item on
21 that list. And those findings reflect the use of far
22 better data than we are likely to ever have for many
23 resources. Those findings are based on 10 consecutive
24 years of harvest data and during that period there's
25 considerable fluctuations in the annual harvest and
26 those are reflected in the lower end and the higher end
27 of the amount necessary finding so that, you know, we
28 just won't have that many situations where we have 10
29 years of data to use. Given that, we are, part of this
30 protocol process, is to identify species for which new
31 or additional information is going to be needed to make
32 a finding and the way this is envisioned because as
33 Warren pointed out, the State AND findings are in State
34 regulation, the State does not want those findings to
35 be put into Federal regulation because they would be
36 inappropriate. State findings apply to all lands. If
37 the Federal Board had to make subsistence use amounts
38 determinations, those would apply only to Federal
39 lands. So it would not be appropriate to adopt State
40 AND findings as Federal SUA findings because the amount
41 of Federal land used in various units and areas of the
42 state can vary considerably.

43
44 But once the process is implemented, if
45 there's a determination made that these numbers just
46 don't seem right, there's a process for getting them on
47 a list so that additional information can be obtained
48 through research and other sources to try to provide
49 better information for use in making a new State
50 finding. If, at the end of the day, there's still

1 dissatisfaction with the State numbers, there's a
2 process by which Federal SUA findings could be made,
3 totally separate from the State numbers.

4
5 We've thrown a lot of information at
6 you. Some of you are new to this issue, and I think
7 I'll stop right now and see if any of you have any
8 questions or if there are other topics we can focus on
9 to help.

10
11 CHAIRMAN FLEENER: Thank you,
12 gentlemen.

13
14 Gerald.

15
16 MR. NICHOLIA: Yeah, it looks like you
17 guys went back to square one. I thought when I first
18 got on -- when I was on that subsistence use amounts
19 protocol, I thought what we were trying to reflect that
20 the SUA findings do reflect the State findings because
21 we wanted to make the same thing -- the whole thing in
22 river and it just looks like you guys just went
23 backwards.

24
25 (No comments)

26
27 MR. NICHOLIA: What I'm saying is when
28 I was on that protocol working group is that we wanted
29 -- first off we wanted the subsistence use amounts to
30 match the State so it would be the same throughout the
31 whole Yukon River drainage instead of different.

32
33 CHAIRMAN FLEENER: Terry.

34
35 MR. HAYNES: Mr. Chairman. Gerald, I
36 don't think we've changed anything in that regard. The
37 idea is that the State has numbers that the -- the
38 attempt is to define all subsistence uses that are
39 occurring for that resource in that area. What we
40 didn't want to have happen was it would be
41 inappropriate to take the Federal numbers, like for
42 example, for Yukon River salmon, to say that the State
43 numbers should apply only to Federally-managed waters
44 in the area. But I think what the attempt is, is to
45 try to keep management -- look at the big picture for
46 management and realize that the resources don't only
47 occur on Federal lands or State lands, hunting doesn't
48 only occur only on Federal lands or State lands so it's
49 real important to be looking at the bigger picture.
50 And the State AND determinations do provide that big

1 picture look. But if at some point there was
2 dissatisfaction there could be Federal findings made,
3 but those findings would have to apply only to the
4 Federally-managed components, and I hope we don't ever
5 get there. I hope we can continue to have big picture
6 management and in the case of Yukon River salmon for
7 the State and Federal Staff are working together and
8 trying to acknowledge that you're much better off to
9 have regulations that apply to the overall fishery and
10 not separate State and Federal regulations.

11
12 CHAIRMAN FLEENER: Thank you, Terry.

13
14 MR. GLANZ: Mr. Chairman.

15
16 CHAIRMAN FLEENER: Go ahead.

17
18 MR. GLANZ: I don't know if it's an
19 oversight or what, but I see that in the Fortymile
20 Caribou Herd, there's nothing on 25(C) and the majority
21 of the folks in 25(C) have been on the Fortymile
22 Caribou Herd restoration and all that, is that than an
23 oversight or what?

24
25 You got 25(A), (B) and (D) and the
26 porcupine.

27
28 CHAIRMAN FLEENER: Terry.

29
30 MR. HAYNES: Mr. Chairman. Mr. Glanz.
31 I don't recall why 25(C) was not included when that
32 amounts necessary finding was made. It may be at that
33 time the Fortymile Caribou weren't.....

34
35 MR. GLANZ: I've lived there 20 years
36 we've been hunting them every year.

37
38 MR. HAYNES: I just don't remember why.
39 But the point right now is that these numbers aren't
40 restricting opportunity in any way and this may be an
41 example of a finding that does need to be updated to
42 reflect that 25(C) is an area where these caribou --
43 where Fortymile Caribou are found.

44
45 MR. GLANZ: Just so it doesn't become a
46 positive against us that's all I was concerned about,
47 with the Central, Circle Hot Springs area.

48
49 MR. HAYNES: Thank you for pointing
50 that out.

1 CHAIRMAN FLEENER: Any more questions.

2

3 (No comments)

4

5 CHAIRMAN FLEENER: Is that the end of
6 your presentation.

7

8 MR. EASTLAND: Other than a request for
9 any comments that you might wish to carry to the Board,
10 yes, sir.

11

12 CHAIRMAN FLEENER: Okay, I have a few
13 questions before you go.

14

15 I guess the one thing -- well, I have
16 several questions, but one of them is how has -- if
17 this even deserves an answer, I'm not sure, but how has
18 the Federal government, and the State as well, overcome
19 the rural priority requirement on the Federal side, how
20 is that being addressed in this agreement that's being
21 signed or agreed upon?

22

23 MR. EASTLAND: I'm not certain that I
24 understand the question. Both sides, the Federal and
25 the State fully recognize that ANILCA gives the
26 priority for the uses of fish and wildlife resources to
27 Federally-qualified subsistence users and that is in no
28 way changed by this protocol.

29

30 CHAIRMAN FLEENER: Well, that's kind of
31 exactly what I wanted to hear because as I was reading
32 down through this there was several mentions of how
33 subsistence received priority but the Federal
34 requirement is that rural residents receive a
35 subsistence priority and subsistence itself doesn't
36 receive a priority, but rural residents receive a
37 subsistence priority. The way it's written, of course
38 the State has a subsistence
39 priority as well, the Federal has a subsistence
40 priority, but what our primary concern needs to be is
41 that rural residents have the subsistence priority.
42 And so I just wanted to make sure that that is in no
43 way eroded by this sort of an agreement.

44

45 MR. EASTLAND: No, sir, as far as I
46 know, this is -- that is not eroded at all. The
47 Federal program continues to maintain that ANILCA gives
48 rural residents who are Federally-qualified subsistence
49 users priority uses of the resources as mandated by
50 ANILCA and the regulations that implement it.

1 CHAIRMAN FLEENER: And Terry, how is
2 the State viewing that in their part of the agreement.

3
4 MR. HAYNES: Mr. Chairman. I would
5 agree with what Warren said, that we clearly understand
6 that ANILCA provides for a rural preference for
7 subsistence uses on Federal public lands and that
8 that's why -- we talk about Federally-qualified
9 subsistence users and Federally and Federal uses being
10 a subset of all subsistence uses in the State right
11 now.

12
13 CHAIRMAN FLEENER: That's great. I
14 thought that was the answer I would get and I was
15 hoping that was the answer I would get. Just reading
16 through the briefing here it just focuses on the word,
17 subsistence, instead of rural residents so I was
18 concerned about that.

19
20 Gerald, you have a question.

21
22 MR. NICHOLIA: Yeah, I believe it's
23 just -- you're talking about this Memorandum of
24 Agreement, is that the one the Board of Game pulled out
25 of or are pulling out of?

26
27 CHAIRMAN FLEENER: Terry.

28
29 MR. HAYNES: Mr. Chairman. Yes,
30 Gerald, the Board of Game has expressed concerns about
31 that MOA. but that is where a number of protocol are
32 described, that both the State and the Federal programs
33 believe are important for implementing and
34 administering the Federal Subsistence Program. But at
35 this point the Board of Game is wanting to see some
36 additional work, some revisions made to that MOA and
37 exactly what those might be I can't tell you because
38 they didn't go into a discussion of those. But the
39 Department, separate from the Board of Game is moving
40 forward and we are still standing by our initialing of
41 that MOA.

42
43 MR. NICHOLIA: So that Memorandum of
44 Agreement is still in effect by the Department, just
45 not the Board of Game?

46
47 MR. HAYNES: Mr. Chairman. Gerald.
48 The Board of Game, at its January meeting expressed
49 concern and talked about pulling out. I've kind of got
50 mixed signals about whether they actually did that at

1 their meeting that just concluded on Sunday here in
2 Fairbanks, but I think the bottom line is that there is
3 an interest in going back and revisiting the MOA and I
4 think the Board of Game has some ideas for how it would
5 like to see that agreement changed. But at the January
6 Board of Game meeting, the Commissioner's office made
7 it very clear that the Department is continuing to
8 honor its agreement with this protocol and the Board of
9 Game is a separate signatory but the Board of Game does
10 not dictate the Department's involvement in this
11 process.

12

13 MR. NICHOLIA: Thank you.

14

15 CHAIRMAN FLEENER: Thank you, Terry.

16

17 MS. ENTSMINGER: I have a question.

18

19 CHAIRMAN FLEENER: Sue.

20

21 MS. ENTSMINGER: Thank you. I'm just
22 curious, is it because of the State law and the Federal
23 law that we have two acronyms and not one?

24

25 MR. EASTLAND: Yes, ma'am. There's the
26 State program and the Federal program, we use different
27 adapters than they do.

28

29 CHAIRMAN FLEENER: Thank you. I have
30 one more question as well. In here it talks a lot
31 about meeting subsistence needs, of course that's what
32 this protocol is about.

33

34 And question 13, on Page 232, basically
35 says that if our subsistence needs are not being met or
36 if the range is not likely to be met then management
37 actions may be taken to ensure that qualified
38 subsistence users have the highest priority, so on and
39 so forth, it doesn't really deal with population
40 management there, it just says that you're going to
41 ensure that there's a priority. My concern with that
42 is that you can give us priority over no animals and
43 we're not going to eat. And so my concern goes back to
44 the Yukon Flats National Wildlife Refuge and the moose
45 population, salmon population, whitefish populations
46 that are in trouble, and it doesn't really matter if
47 you give us a priority -- it doesn't matter if you
48 exclude everyone else, if the moose population
49 continues on a downward trend or goes downward again
50 and if the other populations of animals are dwindling,

1 a priority isn't going to feed us.

2

3 And so I'm wondering if there can be
4 stronger language, and I know it takes a lot more than
5 just you two, but is there any way of putting stronger
6 language in and not just say management actions may be
7 taken because so far what's happened in the Yukon Flats
8 is very few management actions have been taken, and the
9 only real action it's talking about here is we're going
10 to get the highest priority, it doesn't say animal
11 populations are going to be managed to provide the
12 harvest of fish and wildlife for subsistence after
13 allowing for escapement, it just says we're going to
14 get priority.

15

16 And I don't care as much about priority
17 as I care about seeing a moose when I go out hunting.
18 And priority is important when we need to start
19 restricting harvest, I understand that, but having
20 actually hands on management of populations is what's
21 going to get more animals out there.

22

23 So how would you respond to that
24 please.

25

26 MR. EASTLAND: Mr. Chair. Craig,
27 you've identified the fundamental weakness in North
28 America wildlife management. You have the Department
29 of Fish and Game and in this case the Federal
30 Subsistence Program that has the authority to regulate
31 seasons, limits, methods, means, whereas it is the land
32 owner or at least the land manager who has actual
33 habitat management responsibility and neither the
34 Department of Fish and Game, nor the Federal Program
35 can force the land manager to take biologically
36 appropriate land management actions.

37

38 And I'd like to state very clearly that
39 that is not just an Alaskan problem, that is a problem
40 in North America north of Mexico, both the United
41 States and Canada have a similar management system and
42 methods, means, bag limits, seasons is -- falls under a
43 separate jurisdiction from the actions that actual land
44 managers can take. And I see, short of some massive
45 change of law, I don't see any cure for that.

46

47 CHAIRMAN FLEENER: Thank you. I think
48 your answer was very concise. It was excellent.

49

50 Terry.

1 MR. HAYNES: Mr. Chairman. I might --
2 when we do further work on this package of information,
3 we might replace management actions with regulatory
4 actions in response to that question because the scope
5 of this protocol deals with regulatory process. The
6 management actions you're describing are something
7 beyond the scope of this protocol, very important but
8 not something that really can be addressed through this
9 protocol. So I think regulatory actions might be the
10 more appropriate phrase to have in the Q and A section
11 there.

12
13 CHAIRMAN FLEENER: Yeah, I think you're
14 right. Because when I see the word, management, I
15 think of a wildlife biologist or a fish biologist out
16 in the field trying to do something to somehow impact a
17 population, to do a count, to do hands on management
18 and so it would probably be better to use a different
19 word. Maybe other people don't see that word in that
20 way but when I see manage, you know, I've been a
21 manager of people for a long time, and if I was to
22 manage people like some of our agencies manage wildlife
23 populations they would run awry. I do hands on
24 management.

25
26 When somebody's not coming to work, I
27 go get them and make them come to work or else I let
28 them go, you know, and so that -- you gave me great
29 answers, but really not the answer to the question
30 because the answer to the question would have been no,
31 we can't do anything which is almost the answer you
32 gave me, or yes we can do something.

33
34 And so I want to see some active, on
35 the ground management. You're saying that the Federal
36 system that we're working through can't do that and the
37 Alaska Department of Fish and Game can't do that,
38 except maybe -- I don't know about State lands, I don't
39 know if you can do it on State lands, but we need to do
40 something. What is the right mechanism. This MOA is
41 great but if all we're doing is changing regulations
42 and not doing anything with populations then we're
43 doing half of a management scheme and I think we need
44 to do more.

45
46 So what recommendations do you have?
47 Who's door do I knock on? Who do I call? What office
48 do I get elected to to make these changes?

49
50 Either one of you or both of you would

1 be fine, if you can even work up an answer to that
2 question.

3

4 MR. HAYNES: I'll step into it.

5

6 CHAIRMAN FLEENER: Terry.

7

8 MR. HAYNES: I think the Department is
9 doing a lot to address resource management issues on
10 State managed lands. And if there is a shortage of
11 wildlife resource in an area and there's a
12 determination made that the situation requires
13 intensive management then there are processes that the
14 Department must go through, there are actions that the
15 Board of Game can take to start addressing trying to
16 fix that problem, and there's a lot of activity in
17 different parts of the state right now. But the
18 State's authority for some of the management actions
19 that have been deemed appropriate or necessary to
20 address the problem cannot be undertaken on Federal
21 lands. So some of the concerns that you have in the
22 Yukon Flats, the State would not be able to address
23 very effectively because you have a substantial amount
24 of Federally-managed lands in the Yukon Flats, whereas,
25 other parts of the state the State's management actions
26 can be more effective because there's more State land
27 in those areas.

28

29 S, you know, I think there's widespread
30 agreement, we hear it from the public around the state,
31 growing concern about the need for active management in
32 areas and quite frankly the Department's hands are
33 filled right now, Staff are overwhelmed with work to be
34 done out there in order to provide the information
35 that's necessary for the Board of Game to make
36 decisions and so I think the Department's doing the
37 best it can, it just can't do everything and the
38 Department's efforts, the State's efforts generally are
39 going to be more effective in areas under State
40 management than in areas where there are a lot of
41 Federal lands that require a separate process.

42

43 CHAIRMAN FLEENER: So Terry, before you
44 stop, what are your recommendations for our area where
45 the State clearly has jurisdiction on a lot of land,
46 not all of the land, but an awful land and it's
47 interspersed with Refuge land and because of that we
48 have a serious problem with very little hands on
49 management, you know, what do you do for the voice
50 crying in the wilderness saying, send some help on

1 jurisdiction that truly belongs to the Federal
2 government, truly belongs to the State, do we do
3 nothing and tell -- do I go back home and tell these
4 people you have no hope, we can get no help from the
5 State because of this mixed land base? Do I go home
6 after discussions with the Federal government and say
7 to the people we can do nothing because our Federal
8 policies -- it's not that they don't allow it it's just
9 that we don't, we, meaning the Federal managers, don't
10 choose to push those buttons.

11

12 Is that what I do, I go home and tell
13 my people the State and the Federal government will do
14 absolutely nothing as far as hands on management; is
15 that what I do?

16

17 I mean that's a tough question to have
18 to put you on the spot to answer, but, you know, Terry
19 you and I have talked about our problems in the Flats
20 for 15 years and the problems aren't going away and the
21 people still say we need something done and, you know,
22 unless we can come up with some real remarkable plan,
23 it's going to be the same every year. What do we do?

24

25 You know, we're standing here with our
26 hands in our pockets because we've been told that the
27 State of Alaska and the Federal government have
28 jurisdiction to do these things, you people living in
29 the Yukon Flats, you don't have jurisdiction so you
30 can't do it. You tribal governments, who really live
31 out there and have these problems facing you every day
32 you have no jurisdiction to take hands on management
33 action, that belongs to the State and the Federal
34 government, and we knock on the door constantly. You
35 can ask Bob Stephenson who I've bothered with thee
36 issues for 15 years, we keep knocking on the door, and
37 this isn't only the Yukon Flats, there are other
38 places, this is just what I know about, but what do we
39 do, where do we go, how can we get some help?

40

41 MR. HAYNES: Mr. Chairman. I don't
42 know if Roy Nowlin is still here.

43

44 CHAIRMAN FLEENER: I saw him outside
45 the door just a few minutes ago.

46

47 MR. HAYNES: I would defer that
48 question to Roy in large part because I'm not -- I
49 don't make those decisions and my influence on
50 decision-makers is fairly limited.

1 CHAIRMAN FLEENER: Yours and mine both.

2

3 (Laughter)

4

5 MR. HAYNES: But one thing I think
6 you've done in the Yukon Flats in recent years is
7 demonstrated a willingness to do what you can to
8 address some of the management issues and that is by
9 encouraging local hunters to get more active in
10 harvesting bears, taking wolves and so forth. I think,
11 you know, you've demonstrated that you're not expecting
12 everybody else to fix your problems, that you want to
13 be a part of the solution. And all I can suggest is
14 what you've probably been told many times before and
15 that is to make your issues and concerns known to the
16 Department, to the Federal agencies, to the Board of
17 Game and hopefully, you know, those reach the top of
18 the list, and eventually get addressed or at least you
19 get an answer as to what's going to have to happen for
20 some of those issues to be addressed.

21

22 But, you know, I think Roy has heard
23 your concerns before, but Roy is in a better position
24 to speak to what the Department can do, if anything.

25

26 CHAIRMAN FLEENER: And I think -- I
27 mean you're right on target, but I think we keep
28 presenting the problems and I think, you know, the
29 Yukon Flats is in -- it's not in an entirely unique
30 position, there are lots of places around Alaska that
31 have very few people that don't have road access, which
32 means we're kind of behind the closest door, you know,
33 there are very few people complaining about things,
34 there's not a lot of people going to board meetings,
35 advisory committee meetings, we don't have 70,000
36 people living in one of our cities or 100,000, we don't
37 have a big tax base, we're not generating a lot of
38 revenue so it appears to us that we're just forgotten
39 about. We have our lone biologist who does all he can
40 on a budget that's peanuts really for an area that goes
41 from the middle of the White Mountains all the way to
42 the Arctic Ocean, from the Alaska Yukon border over to
43 the Dalton Highway, I forget the size of that, but it's
44 darn big and we have one area biologist trying to do a
45 little something with -- I don't remember his annual
46 budget but it's darn tiny. And on top of that we're
47 surrounded by Federal land which makes it even more
48 complicated. So the message that we've been receiving
49 is we can't do anything, we, meaning the agencies.

50

1 Roy.

2

3 MR. NOWLIN: Yeah, thank you, Mr.
4 Chairman. Roy Nowlin, management coordinator for
5 wildlife conservation for the Interior.

6

7 I can appreciate your frustration and
8 we had some conversations at the Board of Game about
9 this very thing, and I think the discussions that we
10 have had about pulling together an intensive management
11 plan and just as soon as I said that, what is it, it's
12 more talk, it's more pieces of paper, does it really
13 make any difference to anybody? Well, I think this
14 Board, that is the Board of Game, is willing to take
15 action when other Boards have not been willing to do
16 that, and I think the key to, and I believe you and I
17 discussed this at one point in a private conversation
18 but I think the key out there is your private lands.
19 And I think the State could potentially be in a
20 position to enable some action and can work together,
21 granted our budgets are extremely slim and you're
22 right, I think Bob Stephenson's budget for the Yukon
23 Flats is minuscule, it's -- I would even go so far to
24 call it shameful, and so we're, as you probably heard
25 at the Board of Game meeting, we're asking the
26 Legislature for some additional money. And if we can
27 bring that together there's a framework there in the
28 State Intensive Management Law that would allow us to
29 do, I think, take some significant actions on private
30 lands, and that would require the buy in from the local
31 folks out there. And, Craig, as you know I spent the
32 first seven years of my career living in Fort Yukon
33 being the area biologist in residence out there so I've
34 always felt from early days that the solution to the
35 problem in the Yukon Flats ,the low moose densities out
36 there is a community based one. And I think that's a
37 direction that we need to move and the problem is going
38 to be finding funds. You know, I'm not going to come
39 in here and blow any smoke that things are going to be
40 wonderful because this is a longstanding problem, as
41 you know, and it's a difficult one, but, you know, I
42 think I can see with CATG and the cooperative programs
43 that we've had in the Flats, I see more encouragement.
44 I was gone for a long period of time from the Interior
45 but when I came back I see CATG there taking an
46 advocacy role there and being very active in getting
47 local people involved, and I think that together we can
48 bring some funding to bear on this.

49

50 It's not going to be easy and I don't

1 want to promise anybody any magic solutions because
2 this problem has been going on for decades. But I'm
3 optimistic and I think that I would like to think that
4 folks would give us a chance to look try to look at
5 what everything the Intensive Management Law can do for
6 us, and see if we can bring it to bear there. And, you
7 know, I'm kind of putting my credibility on the line
8 too, but like I say, I'm not blowing any smoke here,
9 I'm not promising any magical solutions but I know that
10 Bob Stephenson is very willing to work with local folks
11 and try to come together on some potential solutions.

12
13 But on your private lands out there,
14 you know, controlling access, controlling those private
15 lands, and I look at the model that we're currently
16 spending an awful lot of money on in McGrath right
17 there close around the village and we have been
18 successful at influencing the moose population there
19 and it requires a lot of work and we're still working
20 to try to get more local buy in there, but I would hope
21 that we would have some local buy in in the Flats and
22 maybe we can do something. There's a lot of private
23 land out there.

24
25 CHAIRMAN FLEENER: Thanks, Roy. I
26 think that, you know, that discussion and the
27 discussions that will continue give us a lot of hope.
28 It gives us a lot of hope from one side, one piece of
29 the pie and that's the State side. And I think in
30 order for us to have a real successful plan we have to
31 have the support and cooperation from the Federal side
32 as well. And I want to ask the Federal folks, you
33 know, what sort of commitment we can get, and I know
34 that you guys aren't the ones -- I don't know if you're
35 the ones that can give us commitment or can work with
36 us and say that we can do something about this area.

37
38 But before I go there, Sue, did you
39 have a question for anyone?

40
41 MS. ENTSMINGER: After he's finished.

42
43 CHAIRMAN FLEENER: Okay. And so, you
44 know, if we're going to make something work and you're
45 up here talking about this and this is why I'm bringing
46 it up at this time because you're talking about working
47 together, you have an MOA to address a common problem,
48 a problem that's common to the three of us, subsistence
49 users, State and Federal managers. We have another
50 problem in the Yukon Flats and in numerous places

1 around the state, why can't we do something similar,
2 why can't we come up with a common memorandum to do
3 something about it. We all realize, especially in the
4 Yukon Flats, we all realize that the moose population
5 is dismal and we all realize that something needs to be
6 done to continue to meet subsistence needs.

7
8 The problem from the Federal side is
9 that people are afraid to push the button or take it to
10 the level because they represent all -- I don't know
11 how many people live in the U.S., 60 million, 200
12 million, I don't know how many, however many million
13 Americans there are, the response is always we
14 represent all of these people so we just can't take
15 action without, you know, everybody's permission
16 basically, and I think we need to do something, and
17 it's not just for the Yukon Flats it's for other areas
18 around the Eastern Interior as well, but the Yukon
19 Flats would be a great place to try it out. There's
20 not a lot of outside folks coming in, there's just a
21 handful of us living there and living off the land is
22 vitally important to our continued existence. And so
23 let's work together.

24
25 Can we get something from the Federal
26 government? You know we did a moose management plan.
27 In the moose management plan the State and the Federal
28 government both agreed the moose population is
29 shamefully low and they both said we need to do
30 something to get it up but the only -- as I was saying,
31 the action items were left to the people in the
32 villages, so can we move to the next step and say we'll
33 work together to implement an action plan that will get
34 the moose population at a higher number; is that
35 something that we can do?

36
37 MR. EASTLAND: Mr. Chair. That is an
38 issue for the managers of the various Refuges, but as
39 you note, they are aware that their responsibility, it
40 being Federal land, is to all 300,000 Americans,
41 wherever they might be and do you -- that's okay, I
42 didn't need this neck anyway, they can put an ax
43 through it -- you mentioned to Vince earlier that you
44 weren't happy with the results, get his boss on the
45 phone, if you're not happy with the land manager's
46 results, Dirk Kempthorne appears to be coming in as the
47 Secretary of the Interior in the near future and
48 perhaps a letter there might do some good, I don't
49 know.

50

1 CHAIRMAN FLEENER: Okay. I guess I've
2 probably drug this on long enough but those are just
3 some real important questions to me on managing
4 subsistence and I appreciate your presentation.

5
6 Gerald, has a question.

7
8 MR. NICHOLIA: Why don't you just get
9 the process started nationally and just start it and
10 just see where it goes from there, because if it's a
11 wildlife Refuge, why don't you just start the process.
12 Tell the land manager we want to start a process and
13 then get it going and then it will go national and just
14 don't listen to the lip service that we get from around
15 here.

16
17 CHAIRMAN FLEENER: I think that's a
18 grand idea.

19
20 Vince, you had a comment.

21
22 MR. MATHEWS: Well, when you get back
23 to the subsistence use amounts.....

24
25 CHAIRMAN FLEENER: Hey, we haven't left
26 it, we're still talking about that.

27
28 (Laughter)

29
30 MR. MATHEWS: I just want to make
31 available to you the Regional Council recommendations
32 from the various regions so you're aware of that
33 because the process, and Warren can correct me if I'm
34 wrong, is asking for input from this Council on its
35 thoughts on the subsistence use amounts. So when
36 you're ready we can provide those.

37
38 CHAIRMAN FLEENER: Okay. Well, is that
39 what you're saying you want to provide them now?

40
41 MR. MATHEWS: Yeah, I can provide them
42 now.

43
44 CHAIRMAN FLEENER: Well, might as well
45 do it now, are you done gentlemen or did you want to
46 ask them a question first, Sue.

47
48 MS. ENTSMINGER: Yeah.

49
50 CHAIRMAN FLEENER: Go ahead.

1 MS. ENTSMINGER: Thank you, Mr.
2 Chairman. We've listened to this kind of talk for a
3 long time, and actually what it brings up to me is a
4 concern between -- it's the way money is spent. I mean
5 look at, what are we producing here at this level, do
6 we have any biologists out there doing any work that's
7 actually managing, I mean somewhere there has to be a
8 balance between the OSM or the Federal system where
9 there is actually work being done in the field towards
10 management, I mean that's the frustration I get. And I
11 just feel like it's important that we talk about, are
12 we really helping ourselves by worrying about the
13 priority or the highest priority or should we be
14 actually be putting in some real concerns into
15 management. And I hear that's what we're trying to do.
16 And I heard Roy said funds, and I think another -- the
17 letter that Gerald suggested, I think we should write,
18 and then I also feel like there's the State Fish and
19 Game is always losing money and our Legislature is part
20 of the problem. I think that we could write them a
21 letter and say, hey, let's give them some funds, we're
22 not doing a good job out here in our areas and we'd
23 like to see the funds to do more work out in the field.
24

25 CHAIRMAN FLEENER: So are you
26 suggesting two letters, one to the Secretary of
27 Interior to deal with this issue and one to the State
28 Legislature to request funding?
29

30 MS. ENTSMINGER: That's right.
31

32 CHAIRMAN FLEENER: Sounds good to me.
33 Is that a motion.
34

35 MS. ENTSMINGER: It's a motion right.
36

37 CHAIRMAN FLEENER: What's that Gerald.
38

39 MR. NICHOLIA: Marching orders.
40

41 CHAIRMAN FLEENER: Yep. So we have a
42 motion to write two letters so I guess we'll work on
43 those in the interim, is there a second.
44

45 MR. NICHOLIA: Second.
46

47 CHAIRMAN FLEENER: Second by Gerald.
48 Is there any further discussion on this.
49

50 (No comments)

1 MR. UMPHENOUR: Question.
2
3 CHAIRMAN FLEENER: Virgil.
4
5 MR. UMPHENOUR: Question.
6
7 CHAIRMAN FLEENER: Okay, question's
8 been called. All in favor of the motion signify by
9 saying aye.
10
11 IN UNISON: Aye.
12
13 CHAIRMAN FLEENER: Any opposed, say no.
14
15 (No opposing votes)
16
17 CHAIRMAN FLEENER: All right, hey, we
18 finally took some action. I like that.
19
20 Vince. Do you need these gentlemen up
21 here while you're giving these numbers, if not, we
22 can.....
23
24 MR. MATHEWS: Well, I think they may
25 want to reply to them, I don't know, I wasn't at these
26 meetings. These are notes that I've gotten from them.
27
28 CHAIRMAN FLEENER: Okay.
29
30 MR. MATHEWS: It's up to them if they
31 want to stay up there or not.
32
33 You're getting to the point of making
34 comments or recommendations on this SUA and you always
35 valued hearing what your sister or brother or whatever
36 they're called, Regional Councils, have to say.
37
38 CHAIRMAN FLEENER: Okay, go ahead then,
39 Vince.
40
41 MR. MATHEWS: Okay. The first one I'll
42 start with is the Southeast Regional Advisory Council.
43 They did meet first on this as far as the records I
44 have. And on this topic the Southeast Regional
45 Advisory Council, and this is their words that are
46 provided to me, so I'm not -- let the record
47 reflect.....
48
49 CHAIRMAN FLEENER: Do you have any
50 comments to hand out or is that what we've got here?

1 MR. MATHEWS: Yes, there are copies
2 here.
3
4 CHAIRMAN FLEENER: Okay.
5
6 MR. MATHEWS: I'm just not sure --
7 okay, they got them. Okay, I'll just hit the high
8 points.
9
10 CHAIRMAN FLEENER: Before you go on,
11 though, is this all the Councils or just one, the
12 Southeast.
13
14 MR. MATHEWS: That's just one.
15
16 CHAIRMAN FLEENER: And do you have any
17 more comments?
18
19 MR. MATHEWS: Yes, you have from
20 Southcentral, you have from.....
21
22 CHAIRMAN FLEENER: And do we have those
23 copies handed out already.
24
25 MR. MATHEWS: No.
26
27 CHAIRMAN FLEENER: So do you want to
28 wait until we all get a copy.
29
30 MR. MATHEWS: We can make copies, yes.
31
32 CHAIRMAN FLEENER: All right. Let's
33 make some copies so we can all have them.
34
35 MR. MATHEWS: Okay. Do you want me to
36 wait then?
37
38 CHAIRMAN FLEENER: Yes -- well, where
39 are you going to make the copies at?
40
41 MR. MATHEWS: I'd have to go back to
42 the office.
43
44 CHAIRMAN FLEENER: Oh, heck, that's
45 not.....
46
47 MR. MATHEWS: It's not a big deal,
48 there's Staff that are here, it's just -- that's all I
49 would have to do.
50

1 CHAIRMAN FLEENER: Well, just got ahead
2 and read them for now then, I guess, and give us copies
3 when you get a chance.

4
5 Thank you.

6
7 MR. MATHEWS: Southeast, you all have
8 the copy, so it's mainly I'm reading to the record so
9 I'm not trying to put -- bore you or whatever, but it's
10 for the record.

11
12 That Council strongly opposes this
13 proposal and requests that it be
14 dropped from consideration.

15
16 Their main points are the adoption or
17 use of the State of Alaska amounts
18 reasonably necessary for subsistence
19 would be a major change to the Federal
20 Management -- a major change in the way
21 that the Federal program has been
22 implementing ANILCA. And it would have
23 potentially substantial affect on the
24 subsistence users. For this reason
25 SERAC requests a formal rule-making
26 procedure to be followed considering
27 the substantial change. Such a rule-
28 making may be required under the
29 Administrative Procedures Act.

30
31 I'll take a little bit of a break out
32 here because we have two new members that I didn't go
33 over the formal rule-making yesterday. The formal
34 rule-making is basically a Federal Register notice to
35 draft a proposed rule, it goes out to everybody who
36 gets the Federal Register but it's the official way of
37 getting an issue out there and possible solutions and
38 then it comes back in for formal rule-making so it's a
39 whole other process.

40
41 Continuing with the Southeast one,
42 they're saying:

43
44 No further action on this protocol
45 should be taken without a statewide
46 meeting of the Council Chairs and
47 Council members and perhaps other
48 subsistence representatives to discuss
49 this protocol from a Council
50 perspective.

1 Use of the State of Alaska AND for
2 subsistence uses is not required under
3 ANILCA and may contradict the clear
4 intent of ANILCA.
5

6 The amounts presently in the
7 administrative code appear to be very
8 low and highly inaccurate. These
9 numbers do not reflect the known actual
10 subsistence uses in the Southeast
11 region. For many species in Southeast
12 Alaska there are no State of Alaska
13 amounts necessary for subsistence in
14 the code. The Council and the Federal
15 Subsistence Program should not defer to
16 future actions of the State Board of
17 Game and Board of Fisheries in
18 establishing use guidelines.
19

20 Subsistence uses are subject to natural
21 variation, times of abundance, and
22 scarcity which cannot be reflected in
23 State of Alaska amounts reasonably
24 necessary for subsistence uses.
25

26 Councils have been excluded from the
27 development of this protocol. Council
28 members Garza and Kookesh were invited
29 to participate, they were then removed
30 from the working group before they had
31 opportunity to participate.
32 Development of major program decisions
33 should include participation of Council
34 members and other subsistence users.
35 Decisions of this level of importance
36 cannot be left to the State of Alaska
37 and Federal Staff.
38

39 Tribal consultation needs to take place
40 on this.
41

42 And the Council notes that the Board of
43 Game does not support the Memorandum of
44 Agreement calling for cooperation with
45 the Federal program.
46

47 The Southcentral Regional Advisory
48 Council's action on this topic is:
49

50 They support the recommendation of the

1 Southeast Regional Advisory Council to
2 oppose the subsistence use amounts, SUA
3 and will recommend the Federal
4 Subsistence Board and the SUA protocol
5 go through a formal rule-making process
6 and all villages affected involved.

7
8 The Council discussion on SUA included,
9 although it may be used as a management
10 tool, it is not required by ANILCA and
11 has the potential to restrict
12 subsistence users.

13
14 So they oppose it.

15
16 Western Interior took this up and
17 they're going to draft a resolution on their thoughts
18 on the subsistence use amounts protocol. Again, I'm
19 still working on that, the resolution is not done.

20
21 But the Council members discussed how
22 AND for the Department of Fish and Game
23 was out of date, was not reflective of
24 subsistence harvest levels and Sam, the
25 Chair requested establishing the door
26 to door surveys be done within
27 communities in his areas. These
28 surveys show the amounts harvested.

29
30 Discussion continued on the need for
31 OSM to approach Regional Councils about
32 reviewing the existing State AND. They
33 also went on to say OSM Staff
34 anthropologists need to work with the
35 councils and the villages on this and
36 bring their information gained to the
37 Councils.

38
39 The Council Chair could not endorse AND
40 data provided by the State. The
41 Secretary of the Council suggested they
42 seek a historical approach because
43 subsistence needs have changed because
44 of regulatory restrictions that current
45 harvest data would not reflect.

46
47 So basically they're neutral on in it
48 to questioning the data that's present.

49
50 The last one I don't have the write up

1 with me but I'm going by memory is the Yukon-Kuskokwim
2 Regional Advisory Council meeting in.....

3

4 REPORTER: Emmonak.

5

6 MR. MATHEWS:Emmonak took this up
7 and their main thing was, is that these numbers need to
8 be -- the AND numbers, it's not clear if it was AND or
9 SUA numbers, but that the numbers that would be used
10 for this process be reviewed by the Council and local
11 villages.

12

13 And that's just going by memory, if
14 someone was at the YK meeting -- oh, we got another one
15 here. Okay, thank you, Tom, this is from the YK --
16 Yukon-Kuskokwim Delta Council.

17

18 This protocol and AND numbers come to
19 our attention after a day and a half of
20 discussion with the public on Unit 18
21 moose. They had a lot of Unit 18
22 proposals on moose down there. The
23 Council was shocked by the State's AND
24 numbers for Unit 18 moose, you don't
25 need to know the number but they were
26 shocked by the level, this is
27 ridiculous, if this number is that far
28 off there are likely problems with AND
29 numbers as well.

30

31 Regional Advisory Councils need an
32 opportunity to review AND numbers in
33 their regions before this protocol goes
34 forward for approval by the Federal
35 Subsistence Board.

36

37 The Council directed Staff to express
38 concerns about Unit 18 moose AND
39 numbers to the Alaska Board of Game.

40

41 Mr. Chairman. That's all the Councils
42 I was able to get information on. If there is other
43 Staff that attended other meetings on this topic then
44 they can come forward, but -- and why am I hesitating
45 and you have to realize Staff are all in travel status
46 for all these meetings so it's hard to sometimes get a
47 hold of people to find out what happened at other
48 Councils on this topic, but those are the ones that I
49 am aware of.

50

1 Thank you.

2

3 CHAIRMAN FLEENER: Thank you, Vince. I
4 guess one question is, it seems like there were a lot
5 of comments on the amounts necessary numbers, why does
6 that need to be included, especially if it's not
7 important on Federal lands, why would those numbers
8 need to be included in the MOA?

9

10 MR. EASTLAND: The numbers themselves
11 are not included in any MOA, but essentially this is a
12 protocol that says that those numbers will be used as a
13 tool for analyzing the proposals that come into the
14 system so that in essence this protocol is about using
15 those numbers.

16

17 CHAIRMAN FLEENER: It seems that that's
18 one of the -- well, one of many, I guess, but one of
19 the largest areas of contention is dissatisfaction with
20 the numbers, and I know that we, in the Yukon Flats,
21 have looked at the amounts necessary numbers and have
22 also felt that they were incredibly low. And if you
23 think that they're incredibly low on the State
24 perspective -- or from the State's view and they cover
25 a much bigger area, then maybe there is a real problem
26 with the numbers that these other folks have
27 identified. And so that's certainly something we need
28 to make sure we take into consideration.

29

30 Anybody -- yes, Virgil.

31

32 MR. UMPHENOUR: Well, I've had a lot of
33 experience with amounts necessary for subsistence
34 primarily with fish and also with game animals as well,
35 and I have a great degree of concern about how these
36 numbers are -- how the Department comes up with these
37 numbers. There's many cases when they're determining
38 the amounts necessary for subsistence, especially with
39 moose, for instance, that animals are double-counted,
40 the amount necessary for subsistence is double-counted
41 and they don't report how the person got the moose or
42 caribou or whatever it is, whether they got it
43 theirself, it was given to them by someone else or
44 whatever.

45

46 And I know that in the case of fish
47 that there's absolutely no rhyme nor reason for some of
48 amounts necessary for subsistence and so I -- in order
49 to have accurate amounts necessary for subsistence it's
50 a giant process and the person in the room that

1 probably knows the most about it is Dr. Wheeler,
2 however, I can say that I don't think we should throw
3 out the State's amount necessary for subsistence out
4 the window, or recommend that that be done, and, you
5 know, the Federal system trying to find out a
6 subsistence use amount because what you're talking
7 about here, if you want to really go do a good analysis
8 of what the subsistence use amount is, you're talking
9 about something that's going to be extremely expensive
10 and complicated and the only thing they really have to
11 go on right now is amounts necessary for subsistence
12 which gets challenged at Board of Game and Board of
13 Fish meetings every time they have a meeting.

14
15 But I do have a lot of -- being
16 involved in the process of doing that, like the one
17 that was shown a while ago about the amounts necessary
18 for subsistence for Yukon River salmon, I was one of
19 the guys that -- or one of the people that made that
20 determination in January of 2001 and like I said some
21 of the data that's used, and I think on things like
22 salmon is the most accurate there is, like on the
23 Yukon, the way that was done, but you can take other
24 times they've done it and I've been involved in this, a
25 giant argument that went all the way to the Supreme
26 Court over the amounts necessary for subsistence in
27 Norton Sound on salmon where the Board, what they did
28 in that case, they just counted salmon as salmon and
29 that means that they can eat pink salmon and that's all
30 the kind of salmon they get.

31
32 And so this whole thing is more of a
33 complicated issue than people realize and not that easy
34 to figure out.

35
36 But that's my comments on it. I don't
37 necessarily go along with what Southeast RAC has said
38 and I've been involved in a lot of their stuff, like
39 their herring roe in Sitka Sound where their Chair
40 lives, but it's not something that's easy to do and
41 it's super complicated and trying to subtract out the
42 subsistence use amount on Federal lands from what the
43 State has on amounts necessary for subsistence is not
44 going to be an easy task.

45
46 Thank you.

47
48 CHAIRMAN FLEENER: Thank you, Virgil.
49 Vince.

50

1 MR. MATHEWS: Yes, for the new Council
2 members, we're throwing around a lot of terms here and
3 I hope I can get them up to speed here. When we talk
4 about the Memorandum of Agreement, that was an
5 agreement that was developed quite some years ago,
6 that's an umbrella agreement between the State and the
7 Federal agencies on how to work together. So that's
8 the umbrella.

9
10 Underneath the umbrella are these
11 protocols. And I did mention that in your training,
12 that you have the Yukon River protocol and that was one
13 of the first ones passed. There are other protocols on
14 data collection, information exchange, a whole bunch of
15 other ones, and subsistence use amounts.

16
17 So that's what we're talking about.
18 The umbrella is the large one and we have these other
19 ones underneath that so when Craig said do these
20 numbers have to be put in the MOA, no, the MOA is the
21 umbrella, these are underneath that process, so it's
22 not -- unless I'm corrected, these numbers, whatever
23 they may be, will not be inserted into the MOA.

24
25 CHAIRMAN FLEENER: Well, except if you
26 hear the answer that was given, the numbers are going
27 to be used to determine future harvest; is that how you
28 said it earlier?

29
30 MR. EASTLAND: Mr. Chair. The numbers
31 themselves will not be put into the protocol nor will
32 they be put into Federal regulation, what the protocol
33 says is how those numbers that are in State
34 codification will be used, it emphasizes that they will
35 be used in the analysis of proposals that come before
36 the RACs and the Board and that in areas where the
37 Federal Board disagrees with the State on what those
38 AND numbers should be, that the Federal Board will make
39 very clear why they disagree with the State.

40
41 CHAIRMAN FLEENER: Thank you. So I
42 think that clearly says that the numbers are going to
43 be used in making determinations. So whether or not
44 it's written in the MOA, the MOA clearly states that
45 those numbers will be used, and some folks think that
46 the numbers are very low in some cases and some folks
47 think that they're high, so using numbers that people
48 are dissatisfied with, I think, is cause for concern.

49
50 Any more questions.

1 MR. NICHOLIA: no.
2
3 CHAIRMAN FLEENER: Comments.
4
5 (No comments)
6
7 CHAIRMAN FLEENER: Discussion.
8
9 (No comments)
10
11 CHAIRMAN FLEENER: Okay. Vince, what
12 do you need from us.
13
14 MR. MATHEWS: Well, I don't need
15 anything. I don't know if you want to comment on the
16 SUA or at all. It's just one of those topics where we
17 don't have a specific recommendation for you to respond
18 to. But you've seen how the other Councils have
19 responded. You don't have to respond in kind but I
20 think the Board and the State, if you have concerns
21 would like to hear them.
22
23 CHAIRMAN FLEENER: Terry.
24
25 MR. HAYNES: Mr. Chairman. After
26 Council meetings are over, and I expect after the
27 Federal Board meeting this spring, I'm not sure, but
28 the protocol working group will get back together again
29 and evaluate the input from Regional Councils, the
30 concerns you have, whether they're in support or in
31 opposition to the protocol. I think we, as a working
32 group, have to decide how do we address some of the
33 Council concerns or can we. Are those concerns
34 significant enough that we need to go back to the
35 drawing board or are they smaller problems that can be
36 fixed as we proceed.
37
38 But I think we've heard some of your
39 concerns here today but if you have specific topics
40 that you -- or additional points you want to make that
41 the working group should listen to, I would encourage
42 you to make those.
43
44 CHAIRMAN FLEENER: Thank you, Terry.
45
46 Tom.
47
48 MR. KRON: Mr. Chairman. Both the
49 Staff Committee and the Board will be looking at this
50 issue trying to decide what action to take. As Vince

1 read into the record earlier some of the other Councils
2 have chosen to make motions on this issue, to draft
3 position statements, it is your choice whether or not
4 you want to do that but, again, this issue will be
5 included in the upcoming Board meeting and the Councils
6 that have chosen to go on the record with their
7 perspective, that information will be included in the
8 book for the Board.

9

10 CHAIRMAN FLEENER: Thank you. And so
11 what are the wishes of this Council, do you like what
12 the other Regional Advisory Councils have said, do you
13 want to support what they've said, would you like to
14 make more comments on your own to be put on the record
15 or are you happy with the discussion that we've had so
16 far and take no further action and move on.

17

18 Mike, do you have a comment.

19

20 MR. SMITH: Mr. Chairman, I.....

21

22 CHAIRMAN FLEENER: If you do you have
23 to use the microphone.

24

25 MR. SMITH: Thank you, Mr. Chairman.
26 Not that it's probably going to matter much but I was
27 just curious if the Council was interested in hearing
28 comments from public or participants before they make
29 their deliberations at all.

30

31 CHAIRMAN FLEENER: I think we're always
32 interested in hearing from the public. I am, anyways,
33 I don't know about the rest of you.

34

35 MS. ENTSMINGER: Yes.

36

37 MS. WRIGHT: Yeah.

38

39 CHAIRMAN FLEENER: Yeah, we're all part
40 of the public so I like hearing from these guys.

41

42 Yes, sir.

43

44 MR. EASTLAND: Mr. Chair. Pardon my
45 poor memory but I was just reviewing the protocol and a
46 comment that the Bristol Bay RAC had that was not
47 mentioned by Vince was in the protocol itself, much of
48 what you've touched on have been the numbers. Much of
49 what other RACS touched on were the numbers rather than
50 the protocol itself.

1 But Bristol Bay did make the comment
2 that in the protocol itself that we
3 needed to go back and resolve the
4 differences between consider and use.
5

6 For example on Page 235 in the protocol
7 the first bullet underneath the header, you remember I
8 made the change, so it would actually be the third
9 bullet on the page, it says SUA findings will be used,
10 and then when you go down another couple of bullets it
11 says that AND will be considered. And so Bristol Bay
12 did make the comment that to consider is not
13 necessarily to use and that we needed to resolve that
14 issue.

15
16 I'm sorry I didn't bring that up
17 earlier, sir.

18
19 Thank you.

20
21 CHAIRMAN FLEENER: That's okay. Thank
22 you very much for clarifying that.

23
24 All right, what are the wishes of
25 Council.

26
27 (No comments)

28
29 CHAIRMAN FLEENER: Are there any
30 additional comments that you want to make for the
31 record.

32
33 MS. ENTSMINGER: Yes.

34
35 CHAIRMAN FLEENER: Sue.

36
37 MS. ENTSMINGER: Yeah, thank you, Mr.
38 Chairman. I just want to point out that what Terry
39 spoke of, subsistence amounts for the State is all
40 Alaska residents, and when it was not all Alaska
41 residents and rural, the Nelchina Caribou Herd was far
42 less than 100 percent of the allowable harvest. If I
43 remember it was like 600 or something like that, and
44 that goes back a few years. And I would say some of
45 these cases you'll have -- especially in caribou where
46 it's close to populations of the Alaska -- the numbers
47 might be extremely high, so I would like to make sure
48 that we look at those types of numbers.

49
50 And as far as an agreement, the fact

1 that there's a protocol here that the State and the
2 Federal people are willing to work together. I endorse
3 that. But if there's more work that needs to be done
4 on these numbers, I don't know how the process would go
5 but I would be like the other committees, that we need
6 to make sure that we're taking care of the numbers.

7

8 CHAIRMAN FLEENER: Thank you, Sue.
9 Gerald.

10

11 MR. NICHOLIA: Yeah, my biggest concern
12 about this SUA/AND is that the fall back of the
13 Departments of both agencies is using the best
14 available data, sometimes the best available data don't
15 produce the best result and if you have to go out there
16 and go get more data to make these SUAs presentable, I
17 mean agreeable to the public, then go out and get that
18 data, don't rely on best available data because you'll
19 end up with the wrong result all the time.

20

21 CHAIRMAN FLEENER: Thank you, Gerald.
22 Others.

23

24 Yes, Virgil.

25

26 MR. UMPHENOUR: Yeah, Sue brought up
27 the best one of all, which is where it says -- where
28 the State's amounts necessary for subsistence is 100
29 percent of the available harvest and the Board of Game,
30 just this last week, based on that, and on the big bag
31 of worms that deal is, is spent an awful lot of time on
32 proxy hunting, and it all stems from that thing right
33 there.

34

35 So anyway this issue is a big issue,
36 and I don't think, as far as our recommendation would
37 go to the Board, you know, the protocol, the way it's
38 been explained to us and what was just pointed out to
39 us, you know, their findings in the Federal program,
40 you're going to have to use the AND, and go along with
41 -- what Gerald said, a lot of times maybe it's messed
42 up and what Sue brought out about Nelchina Caribou is
43 it's really ridiculous, and so there's no hard and fast
44 answer on amounts necessary for subsistence and
45 subsistence use amounts other than just a case by case
46 basis, I think, is about the only way it can be done.

47

48 And like Gerald said, a lot of times
49 the information that we have, even though it's the best
50 available information, it might be super old

1 information and not really accurate and so it has to be
2 a case by case basis.

3

4 Thank you.

5

6 CHAIRMAN FLEENER: Thank you, Virgil. I
7 guess so what I've heard then is that there's a need
8 for some sort of an MOA so that the agencies can work
9 together but there's a number of problems that we've
10 identified in our discussions that Vince can probably
11 capture that we don't endorse it as it is; that we
12 agree that it needs to be worked over some more; and it
13 appears that all of the Regional Advisory Councils
14 think that it needs to have some working over. I'd say
15 that we agree with them. Some numbers are low, some
16 numbers are high regardless the numbers are very wrong
17 in a lot of cases and would not be -- may not be the
18 best tool for us to use so I don't think that we're --
19 unless someone is wanting to make this suggestion, I
20 don't think we're really wanting to sit down and write
21 our own letter but that we're in general agreement with
22 the other Regional Advisory Councils and incorporate
23 the comments that we've made.

24

25 Is that correct?

26

27 MR. NICHOLIA: Yes.

28

29 MS. ENTSMINGER: I have one more thing.

30

31 CHAIRMAN FLEENER: Go ahead Sue.

32

33 MS. ENTSMINGER: I have one more point.
34 There's some species, in the case of brown grizzly bear
35 that there's negative C&Ts on the State side and
36 positive on the Federal side, and so I would want to
37 make sure that we don't lose that in the shuffle.

38

39 CHAIRMAN FLEENER: That's a really good
40 point, I thank you for that.

41

42 Okay, Vince, do we need to do anything
43 before we eat?

44

45 MR. MATHEWS: No, Mr. Chairman, just
46 tell us what time you're coming back.

47

48 CHAIRMAN FLEENER: All right, how does
49 1:30 sound. Anybody got a problem with that.

50

1 (No comments)
2
3 CHAIRMAN FLEENER: All right, 1:30.
4
5 (Off record)
6
7 (On record)
8
9 CHAIRMAN FLEENER: All right, let's
10 call the meeting back to order.
11
12 Vince.
13
14 MR. MATHEWS: Yes, Mr. Chairman. We
15 just got communication from Pete DeMatteo, we did an
16 extra effort on Proposal 57, the Arctic Village Sheep
17 Management Area, we sent out fliers and other materials
18 requesting people if they wanted to teleconference in,
19 to get ahold of us, they have gotten ahold of us and
20 they apologize they didn't get ahold of us within the
21 72 hour time period but I think the program would like
22 to have Arctic Village on line. What does that mean
23 for you right now, well, we know that they're available
24 from 1:30 on. It might be best, with your indulgence,
25 to take up Proposal 57 first off, that way they can
26 budget their time to do what else they need to do at
27 their tribal council.
28
29 CHAIRMAN FLEENER: Is someone from
30 Arctic Village on now?
31
32 MR. MATHEWS: What was that?
33
34 CHAIRMAN FLEENER: Is someone from
35 Arctic Village on the phone right now?
36
37 MR. MATHEWS: No, Pete DeMatteo would
38 have to call them and then I also just got a note
39 passed to me that we would need the wildlife biologist
40 from the Arctic Refuge, which is en route over here.
41
42 CHAIRMAN FLEENER: All right, so is
43 there any problem with the Council members on allowing
44 that to take place, that we move 57 to when we have the
45 public and the wildlife biologist from Arctic Refuge.
46
47 (Council agrees)
48
49 CHAIRMAN FLEENER: Okay, there's no
50 problem with that, so we'll make that possible.

1 MR. MATHEWS: Okay, then you would just
2 start off with your statewide proposals. Again, these
3 names that are on your agenda may have changed but
4 there are Staff here to cover those, so your first
5 proposal, is Proposal 1, which is to restrict
6 commercial sales and purchase of handicrafts made from
7 bear claws and Dan LaPlant will be presenting that.

8
9 And, shoot, behind your name tag is the
10 recommended, you don't have to follow that, of how to
11 deal with the proposals, but if you do you'll have a
12 clean record. For those that can't read, because of
13 the distance.....

14 (Laughter)

15 MR. MATHEWS: Whatever.

16 (Laughter)

17 MR. MATHEWS: There is a pink sheet
18 with a larger font inside your book.

19 (Laughter)

20
21 MR. MATHEWS: Inside your notebook that
22 has the same procedure, if we can follow that, it's
23 easier for everyone and then also it creates a clean
24 record.

25 Thank you, Mr. Chair.

26 CHAIRMAN FLEENER: Thank you, Vince.
27 So we'll go ahead and move into proposals then.
28 Proposal 1. Dan.

29 MR. LAPLANT: Thank you, Mr. Chairman.
30 Members of the Council. For the record my name is Dan
31 LaPlant, I'm with the Office of Subsistence Management.
32 I'll be giving you the analysis for Proposal WP06-01
33 and you can find that in your book on Page 10.

34 This addresses the commercial sales of
35 handicrafts made from bear claws. And as you may
36 recall last year the Federal program had a proposal in
37 front of them that dealt with several aspects of the
38 bear handicraft regulations and the Board adopted most
39 of the elements out of that proposal but they didn't
40 adopt any language related to limitations on commercial
41 sales.

1 Last year the Board made some
2 modifications to the definition of handicraft to make
3 it clearer, more understandable for all involved and
4 they also changed the definition of the term skin,
5 hide, pelt and fur. Previously the regulation just
6 said that handicrafts made from fur could be sold or
7 they were legal to sell. And so that definition was
8 changed. And they also changed the language in the
9 regulation to actually clarify that claws were part of
10 the authority to make and sell handicrafts. Previous
11 to that the term, claw, was actually hidden in the
12 definition of what a fur was. And so this language
13 that they passed last year clarified all that again and
14 when it came to the part that dealt with commercial
15 sales the Federal Board got to a point where they
16 modified some of the language that was presented to
17 them in that proposal and when they got to a point of
18 deliberating on that, they decided that it was probably
19 best that this be brought before the Councils again to
20 get their input because of the changes they made.

21
22 So I don't want to portray this as
23 being the Board's proposal because the Board hasn't
24 voted on this yet, but this is what was in front of the
25 Board last year when they met in May and they decided
26 to stop moving forward on this proposal and get this
27 information back in front of the Councils again. So
28 that's what this proposal is all about.

29
30 And as you remember the actual
31 decisions for allowing the sales of handicrafts made
32 from black bear were decided by the Board back in, I
33 think, 2002 and then in 2004 they passed the regulation
34 allowing the sale of handicrafts made from brown bear
35 fur but that was just in three regions Eastern
36 Interior, Bristol Bay and Southeast. So those
37 decisions are, you know, in the books and that's not
38 what this is about.

39
40 This is about considering regulation
41 that limits the sales of handicrafts made from bear
42 claws because they feel that -- or some feel that this
43 opportunity to sell large quantities of handicrafts may
44 create an incentive for poaching so that's the main
45 reason for considering a limitation on the amount of
46 handicrafts that could be sold.

47
48 State regulations allow the sale of
49 handicrafts made from brown and black bear fur, but not
50 claws. So, again, handicrafts made from claws can only

1 be sold under Federal regulations.

2

3

4 The proposed language and you can see
5 that on Page 10, on the middle of the page, it
6 subsistence user with a business license from selling
7 their handicrafts to individuals such as at craft
8 shows, however, it would not allow the handicraft to be
9 sold to another business and it doesn't allow
10 businesses to buy those bear claw handicrafts. So,
11 again, that's an important point in this -- that was an
12 important issue last year when it came up. Some
13 subsistence handicraft makers have business licenses
14 and they didn't want regulations that would prohibit
15 them from selling with that business license. So this
16 language would allow those sales to take place, but it
17 won't allow the sale to another business or it won't
18 allow the business to buy a handicraft, so the person
19 at the craft show, the subsistence user would have to
20 be the handicraft maker, selling it under their
21 business license.

21

22 Again, that's basically the structure
23 of the language.

24

25 And then the third part that you see on
26 Page 10, it says the sale of handicrafts made from non-
27 edible by-products of brown and black bear when
28 authorized in this part may not constitute a
29 significant commercial enterprise. And this language
30 is similar to the language that you seen in customary
31 trade regulations for the sale of fish. It restricts
32 the sales to a level that does not constitute a
33 commercial enterprise.

34

35 Another point to make here is that gift
36 shops selling handicrafts under consignment would also
37 be prohibited if the gift shop is generating a profit
38 from the activity. And this is an interpretation from
39 the solicitor's office's as to whether those sales
40 could be make under consignment, it's a question that
41 often comes up.

42

43 So the effect of this proposal.

44

45 So this regulation would remove
46 incentives for harvesting bears thereby
47 providing additional protection from
48 overharvest of bear populations. The
49 Board's intent in allowing the sale of
50 bear handicrafts is to provide for

1 customary and traditional making and
2 selling of handicrafts from bears taken
3 for subsistence, it's not to provide a
4 commercial incentive to harvest bears.
5

6 Now, that's a little bit different than
7 recent action taken by the Alaska Board of Game.
8 Recently the Alaska Board of Game has passed some
9 regulations to provide commercial incentives to harvest
10 brown bear. At their January meeting they passed a
11 regulation that allows hides with claws attached of
12 brown bear taken in brown bear predator control areas,
13 primarily Unit 20(E) and Unit 12, to be able to sell
14 those hides with claws attached and this would be done
15 through a permit process.

16
17 So, again, I want to make clear that
18 that's not a handicraft regulation so that's the
19 State's attempt to provide a commercial incentive for
20 that harvest.

21
22 The Federal regulation is a handicraft
23 regulation. And the intent there is to allow those
24 customary and traditional practices to continue.

25
26 So another effect of this proposal as
27 you can see in here is to exempt the Southeast area
28 from this limitation on commercial sales.

29
30 And the Staff recommendation as you see
31 on Page 13 is to support the proposal, support it with
32 modification, it would be after removing the Southeast
33 exemption. The Staff feels that the proposed Southeast
34 exemption will result in difficulty with enforcement of
35 the regulation, allowing commercial sales of handicraft
36 made from bear claws taken in any part of the state
37 without a tracking system will have a significant
38 detrimental effect on the ability of enforcement
39 officers to differentiate between legal sales and those
40 from poached bears or bears taken under State
41 regulations, which aren't allowed in either State or
42 Federal regulations.

43
44 So, again, subsistence users in
45 Southeast feel they should be able to carry out their
46 customary and traditional making and selling of
47 handicraft from bears taken for subsistence uses
48 without actually selling them at a level of a
49 significant commercial enterprise.
50

1 So, again, Mr. Chairman, our
2 recommendation is to support with that modification to
3 remove the Southeast exemption.

4
5 Thank you.

6
7 CHAIRMAN FLEENER: Thank you. Agency
8 comments, Department of Fish and Game.

9
10 (Pause - phone interruption)

11
12 CHAIRMAN FLEENER: Go ahead, Terry.

13
14 MR. HAYNES: Mr. Chairman, thank you.
15 The Department's comments on this proposal are on Page
16 22 of your Council book.

17
18 The Department does not support this
19 proposal. We don't believe the Federal
20 Subsistence Board has established a
21 record demonstrating that the sale as
22 opposed to the barter, sharing or use
23 of bear claws, teeth and bones for use
24 in making handicrafts for sale is a
25 customary and traditional practice.

26
27 Even if the Board made such a
28 determination the record would only
29 support limited non-commercial
30 exchanges adhering to customary
31 practices in some areas of the state.

32
33 The proposed provisions of sections
34 (j)(8)(a) and (j)(8)(b) exceed the
35 authority of the Federal Board because
36 they purport to authorize sales and
37 purchases by entities that are not
38 Federally-qualified subsistence users
39 which is not consistent with state law.
40 Sale and purchase of bear claws, teeth,
41 skulls and bones are prohibited by
42 State Statute and regulation.

43
44 The Federal Board does not have the
45 authority to alter such prohibitions
46 with regard to non-Federally-qualified
47 subsistence users. The State may take
48 enforcement action against any non-
49 Federally-qualified subsistence user
50 who purchases or sells bear claws,

1 teeth, skulls or bones regardless of
2 any Federal regulation that purports to
3 authorize such sale or purchase.

4
5 Thank you, Mr. Chairman.

6
7 CHAIRMAN FLEENER: Thank you, Terry.
8 Any other Federal agencies.

9
10 (No comments)

11
12 CHAIRMAN FLEENER: Any Native, tribal,
13 village/other entities.

14
15 (No comments)

16
17 CHAIRMAN FLEENER: InterAgency Staff
18 Committee comments.

19
20 (No comments)

21
22 CHAIRMAN FLEENER: Anybody else in the
23 room got any comments -- there's -- come on up.

24
25 MS. CELLARIUS: Mr. Chair. Members of
26 the Council. My name is Barbara Cellarius. I'm the
27 subsistence coordinator for Wrangell-St. Elias National
28 Park and Preserve. One of the things that I do in that
29 capacity is I provide staff support to the Wrangell-St.
30 Elias Subsistence Resource Commission, which, like
31 yourselves, is a group of subsistence users whose
32 purpose is specifically to advise the National Park,
33 Wrangell-St. Elias on subsistence issues and so I'm
34 going to be presenting to you today several of their
35 comments.

36
37 Wrangell-St. Elias National Park
38 Subsistence Resource Commission opposes
39 the proposal as modified in the staff
40 recommendation. Because the vote on
41 this proposal was very close, four
42 votes to support and five votes to
43 oppose, the concerns of both sides are
44 presented here.

45
46 We would also note that a vote was
47 taken on the proposal as modified in
48 the Staff recommendation because there
49 was general consensus that an exemption
50 for one region would make the proposed

1 regulation unenforceable. The
2 prevailing opinion is that the proposal
3 is unnecessary.

4
5 Commercialization is not felt to be
6 common or to cause a conservation
7 concern in the Wrangell-St. Elias area.
8 Thus, the proposal would unnecessarily
9 limit the opportunity for subsistence
10 users to sell handicrafts made from the
11 claws of subsistence harvested bears.

12
13 Those in the minority support the
14 proposal both for concerns about the
15 potential for commercial sales to lead
16 to over harvest and for cultural
17 reasons. Bears are of great cultural
18 significance to some people and the
19 commercialization of handicrafts made
20 from their claws is disrespectful to
21 the bear and its spirit.

22
23 That concludes their comment on this
24 proposal.

25
26 CHAIRMAN FLEENER: Thank you, Barb. I
27 have a question, I guess, we hear frequently about the
28 potential for problems with enforcement, but we really
29 see little evidence presented to us, pretty much ever,
30 on enforcement issues. The Board, the Federal
31 Subsistence Board and the Board of Game usually agree
32 with the enforcement folks to our detriment at times,
33 but I wanted to give you fair chance since you brought
34 up the potential for enforcement problems other than
35 the Unit 1 through 5 issue, but have there been
36 enforcement problems that you can actually identify,
37 any that have been documented.

38
39 MR. LAPLANT: The short answer is, no,
40 Mr. Chairman. This regulation as I stated earlier has
41 only been in effect for a few years now and there's not
42 been that many bear handicrafts on the market and I'm
43 not aware of any enforcement problems related to the
44 Federal regulation, but there is that concern that it
45 could result in some excessive harvest at some time in
46 the future, but nothing at this time.

47
48 Thank you.

49
50 CHAIRMAN FLEENER: And if we were to

1 not agree with this proposal, if it was to fail, does
2 that -- do you think that that would preclude the
3 Federal government from making a future restriction to
4 protect bears if there was a problem sometime in the
5 future?

6
7 MR. LAPLANT: Mr. Chairman. The
8 Federal subsistence regulations are open for proposals
9 every year, so if problems do come up a proposal could
10 be submitted in a future year, so these are one year
11 regulations so that's totally possible, yes.

12
13 CHAIRMAN FLEENER: Okay, thank you.
14 Sue.

15
16 MS. ENTSMINGER: I have some questions.
17 I just want it clear in my mind, this is just for bear
18 parts, including -- with claws and bones and skulls,
19 teeth, et cetera, no?

20
21 MR. LAPLANT: Through the Chair. Ms.
22 Entsminger. This only relates to handicrafts made from
23 bear clear, just simply claws. As I stated earlier,
24 the State regulation allows the sale of handicraft made
25 from bear fur and they don't have any limitations on
26 the amount that could be sold. So it wouldn't be
27 beneficial for the Federal program to do anything more
28 restrictive than what the State has got. But the sale
29 of claws are not allowed, and the sale of handicrafts
30 made from claws is not allowed under State regulation,
31 only Federal regulation, so this proposal only relates
32 to those handicrafts made from claws.

33
34 MS. ENTSMINGER: And the original
35 proposal was an exemption just for 1 through 5, GMUs 1
36 through 5, and now this -- to my understanding, for
37 grizzly bear, it's just three of the RACs that have it
38 in their region that you can sell brown, grizzly claws?

39
40 MR. LAPLANT: Yeah, that was part of
41 the Board's original decision relating to brown bears,
42 when they made that decision as to what areas could
43 sell handicrafts made from brown bears, that was
44 Southcentral [sic], Eastern Interior and Bristol Bay
45 regions, so that's been in the regulations for a few
46 years now. But this relates to putting a cap on the
47 amount of those sales that could take place.

48
49 And I forget what -- did you have an
50 earlier question?

1 MS. ENTSMINGER: Yeah, I'm just trying
2 to make sure I understand what this -- what your
3 amended proposal would do.

4
5 MR. LAPLANT: The amendment is to just
6 remove the Southeast exemption.

7
8 The original proposal last year was
9 similar to this, it put a restriction on the amount of
10 commercial sales, but it didn't provide for a
11 subsistence user who had a business license selling at
12 a craft show. The language last year was problematic
13 in that respect because it wouldn't have allowed a
14 subsistence with a business license to sell. So this
15 new language this year would allow that subsistence
16 user with a business license to sell but it puts a
17 restriction on who they can sell it to, can't sell it
18 to another business.

19
20 So that's the modification that the
21 Board proposed last year when they were deliberating on
22 it. And along with that modification, the issue of
23 that exemption for Southeast Alaska was also placed on
24 it. Now, as the Staff went through the analysis this
25 year we've made the recommendation to remove that
26 exemption for Southeast, saying that with that
27 exemption it makes it difficult to enforce any
28 regulation at all because, you know, there's no
29 tracking system so enforcement officers wouldn't know
30 where that product came from.

31
32 So our recommendation right now is just
33 to remove that Southeast exemption.

34
35 Thank you.

36
37 MS. ENTSMINGER: Which keeps everything
38 equal, statewide.

39
40 MR. LAPLANT: Everything equal
41 statewide but in respect to brown bear it only does and
42 it always has applied to just those three regions,
43 black bear it applies statewide.

44
45 MS. ENTSMINGER: I just had one other
46 question. I'm a fur sewer and I might make a hat out
47 of a black bear that has the feet hanging on it, am I
48 allowed to give that to, say, another subsistence user
49 who has a store on consignment, that she could sell it
50 for me?

1 MR. LAPLANT: According to the -- you
2 know, we've asked that question of the solicitor's
3 office and the answer we got is, no, if the store is
4 making a profit off of that, and through that
5 transaction taking a cut of the profit made through
6 that sale, then it's the same as the store buying it
7 from you and reselling it so that would be prohibited.

8
9 MS. ENTSMINGER: But if they gave me
10 the exact amount that I was asking then it would be
11 legal?

12
13 MR. LAPLANT: Again, if the store is
14 not making a profit off of the transaction then it
15 would be legal.

16
17 MS. ENTSMINGER: Thank you.

18
19 CHAIRMAN FLEENER: Vince, do we have
20 comments -- oh, I'm sorry, Virgil, go ahead.

21
22 MR. UMPHENOUR: Yeah, my question is it
23 lists Alaska Statute, a business defined as that Alaska
24 Statute, is that just a plain old business license or
25 is there a different class of business license?

26
27 MR. LAPLANT: Mr. Chairman. Mr.
28 Umphenour. To the best of my knowledge that's just a
29 standard Alaska business license, and actually the
30 Alaska Statute says that anybody selling anything is
31 required to have a business license so we don't say in
32 this language that if you have a business license, but
33 we say, if you're required to have a business license,
34 so that includes everybody that's selling products.

35
36 MR. UMPHENOUR: Thank you.

37
38 CHAIRMAN FLEENER: Vince, do we have
39 other Council comments.

40
41 MR. MATHEWS: Yes, we have written
42 comments and Council comments. So I'll give you the
43 written comments. You already have them on Page 22.

44
45 Defenders of Wildlife support with
46 amendment deleting Units 1 through 5
47 exemption. The sales to businesses as
48 defined in Alaska State Statute as
49 listed there should apply to all game
50 management units without further

1 justification -- there is no reason to
2 exempt Units 1 through 5.

3
4 The AHTNA Subsistence Committee. They
5 do not support WP06-01 as proposed.
6 However, they support small sales by
7 rural residents of handicrafts made
8 from claws of black and brown bears
9 taken under Federal subsistence hunting
10 regulations.

11
12 Barb already covered the Wrangell-St.
13 Elias recommendation on this.

14
15 Denali Subsistence Resource Commission
16 took up this up at their recent meeting
17 in February and for Proposal 1, they
18 passed a motion to adopt the Staff
19 analysis to support the proposal with
20 modification to remove the Southeast
21 exemption. That motion passed
22 unanimously.

23
24 And their justification is this
25 regulation would remove commercial
26 incentives for harvesting bears,
27 thereby, providing additional
28 protection from overharvest of bear
29 populations.

30
31 Now, we have the list of Advisory
32 Committees.

33
34 Northwest Arctic took this up. They
35 support with modification. I tried to
36 consult with the coordinator on that to
37 find out what that meant and she's in
38 Kodiak/Aleutians and so I wasn't able
39 to get that. So I would assume it was
40 support the Staff modification but it
41 wasn't reflected in the materials they
42 provided me.

43
44 The North Slope Regional Council
45 support the proposal with Staff
46 recommendation.

47
48 Yukon-Kuskokwim Delta Regional Council,
49 they just supported the proposal, and I
50 assume that's as written, and it was

1 without the modification. Their
2 justification is, we honor the beliefs
3 and cultures of other parts of Alaska.
4 Bear claws are used for handicrafts and
5 skin sewing. There is a desire to
6 maintain traditional sales, opportunity
7 while preventing commercialization of
8 sales. There is a desire to be able to
9 display handicrafts in the village
10 stores for sale by the person that
11 produced the handicraft.

12
13
14 Seward Peninsula, they opposed this
15 proposal.

16
17 Southeast Regional Advisory Council
18 also opposed this proposal.

19
20 And then the Western Interior Regional
21 Advisory Council supported the proposal
22 with the Staff recommendation.

23
24 And I think that other than
25 Kodiak/Aleutians, which is meeting as we speak, that's
26 all the -- well, Bristol Bay, I wasn't able to get
27 their information so I don't know what Bristol Bay did
28 on any of the statewide.

29
30 MR. HAYNES: Opposed.

31
32 MR. MATHEWS: Okay, according to Terry,
33 Bristol Bay opposed Proposal 1, so I don't know if that
34 helps you. We can come up with a summary of it, but it
35 appears to be kind of split between the Councils
36 opposing it and others supporting it with modification.

37
38 CHAIRMAN FLEENER: And what are the two
39 other regions where it's currently legal, Southeast and
40 Bristol Bay.

41
42 MS. ENTSMINGER: Bristol Bay.

43
44 MR. LAPLANT: Mr. Chairman. I believe
45 both of those Councils opposed it; is that correct?

46
47 MR. MATHEWS: Yes.

48
49 MR. LAPLANT: Yes.

50

1 CHAIRMAN FLEENER: Yeah, that's what I
2 was going to ask, I guess.

3
4 MR. LAPLANT: Again, Mr. Chairman, it's
5 only relative to brown bear, black bear is available to
6 all Councils. The rule applies to all regions for
7 black bear so this regulation would affect the black
8 bear handicrafts as well brown bear handicrafts.

9
10 CHAIRMAN FLEENER: Thank you, Dan.

11
12 MR. UMPHENOUR: Move to adopt Proposal
13 WP06-01.

14
15 CHAIRMAN FLEENER: Okay, there's a
16 motion to adopt this proposal, is there a second.

17
18 MS. ENTSMINGER: Second.

19
20 CHAIRMAN FLEENER: Second by Sue.
21 Further discussion. Virgil.

22
23 MR. UMPHENOUR: I think I'm going to
24 oppose this proposal -- I mean support the proposal
25 because to me what the proposal is doing is it's
26 disallowing being able for businesses -- or for a
27 Federally-qualified subsistence user to sell bear claws
28 to stores so that they can resell them and, so,
29 therefore, what the proposal is directed at is to stop
30 people from going out and killing as many bears as they
31 can because they want to sell the claws.

32
33 And so that's why I'm in support of the
34 proposal. If people were allowed to do that there
35 could be conservation concerns as far as bears go
36 because it could increase harvest above sustainable
37 yield of the bear population.

38
39 Thank you, Mr. Chair.

40
41 CHAIRMAN FLEENER: Thank you, Virgil.
42 And for clarification, was your motion to adopt it with
43 the modification or without modification.

44
45 MR. UMPHENOUR: With the modification.

46
47 CHAIRMAN FLEENER: And was your second,
48 too.

49
50 MS. ENTSMINGER: Yes, that was my

1 understanding.

2

3 CHAIRMAN FLEENER: Okay, thank you, I
4 just wanted clarification. Any more discussion on
5 this.

6

7 Gerald.

8

9 MR. NICHOLIA: Yeah, Mr. Chairman, I
10 don't believe in selling bear claws. There's nothing --
11 because it goes against my grandma and grandpa and
12 father and them taught me so I'm just going to stay out
13 of it.

14

15 CHAIRMAN FLEENER: Thank you. Any
16 more discussion.

17

18 MR. LAPLANT: Mr. Chairman.

19

20 CHAIRMAN FLEENER: Go right ahead, Dan.

21

22 MR. LAPLANT: Mr. Chairman. I'd just
23 like to make one clarification here. The question was
24 before how this language differs from what was in front
25 of the Board last year and I explained that there was
26 the language that was problematic for people with
27 business licenses, for selling, that was part of the
28 original proposal last year, but the recommendation
29 that went to the Board last year included the language
30 that you see in this proposal.

31

32 The difference between last year's
33 recommendation that went to the Board and this language
34 is the significant commercial enterprise phrase and the
35 Southeast Alaska exemption. So those are the two
36 elements of this proposal that were in front of the
37 Board last year that were added, you know, through that
38 Board discussion last year, I should say.

39

40 CHAIRMAN FLEENER: Thank you. Virgil.

41

42 MR. UMPHENOUR: I don't remember how
43 much everyone remembers when we went through trying to
44 figure out what a substantial commercial enterprise was
45 as far as the sale of fish on the subsistence rules
46 that got beat around for years, but this addresses that
47 because what it does is it says that you cannot sell to
48 another business, and so that addresses that issue.

49

50 Mr. Chair.

1 CHAIRMAN FLEENER: Thank you, Virgil.
2 Sue.

3
4 MS. ENTSMINGER: Yeah, thank you, Mr.
5 Chairman. I want to say that I'm extremely torn here.
6 First of all, it puts black and brown bear claws
7 together, and in some situations after attending a week
8 of Board of Game meetings, I mean there's concern of
9 bears in McGrath area. When I looked at the report
10 from the Department, I think they even passed to trap
11 bears now out there for conservation so they can
12 increase the moose out there and I don't -- what did
13 they do -- can you tell me what they did with the hide?
14

15 MR. LAPLANT: Again, the State's
16 regulation was to allow -- I think they -- I'm not
17 sure, I guess we'd have to ask Roy if they added the
18 McGrath area to that but the original proposal that the
19 Board of Game passed in January was to allow the sale
20 of raw hides with claws attached rom areas where they
21 have bear predator control programs and that's
22 primarily in 20(E) and in Unit 12, and McGrath may have
23 been added to that here at the last meeting.
24

25 MS. ENTSMINGER: Is there some
26 regulation that that cannot be separated and made into
27 a handicraft?
28

29 CHAIRMAN FLEENER: Go ahead, Roy.
30

31 MR. NOWLIN: Yeah, thank you, Mr.
32 Chair. What the Board passed was a provision allowing
33 for sale of raw hides for black bear from active
34 predator control areas and McGrath does have one of
35 those, so they will -- when that regulation goes into
36 effect they will be ale to sell raw hides with claws
37 attached.
38

39 There on grizzly bears, it is only --
40 the same thing, sale of raw hides with claws attached
41 but only from bear predation control areas, so there's
42 a difference between those two.
43

44 The black bear is more general, any
45 place where you have a predation control program that's
46 active you can take a black bear hide and sell that
47 with claws attached, raw, but for grizzly bears it
48 would have to be a specifically designated area for
49 bear predation control.
50

1 So the only place in the state where
2 you could, under this new regulation when it becomes
3 effective that you could take a grizzly bear hide and
4 sell it would be from the program in 20(E).

5
6 MS. ENTSMINGER: Once it's sold, a raw
7 hide, then is there a law to stop the sale of a bear
8 claw or can they make something out of it and sell it?

9
10 MR. NOWLIN: Mr. Chair. My
11 understanding is that you could not do that. You could
12 not detach that hide -- or detach those claws from that
13 hide and sell them.

14
15 CHAIRMAN FLEENER: I want to add a
16 little. There was some additional discussion that said
17 once the bear leaves the country and goes to Canada to
18 the auction house that they lose complete control of
19 it, so if it's one or two steps away from the person
20 who trapped it or shot it or whatever, that there's
21 really no way to control it and that was part of the
22 discussion. That was part of the understanding that
23 they would lose control of it and it was still
24 authorized.

25
26 Go ahead.

27
28 MR. NOWLIN: Mr. Chair. Once it leaves
29 the state of Alaska and is no longer under our
30 jurisdiction then there wouldn't -- of course, our
31 state of Alaska regulations would not apply, but it
32 would -- the Board did make allowance for resale of
33 those hides but the comment was made that we wouldn't
34 be able to track that but it would still be -- if it
35 was in state, my understanding is, it would still be
36 illegal to detach those claws and sell them if that
37 hide was still in the state because it would be under
38 State jurisdiction.

39
40 CHAIRMAN FLEENER: Sue.

41
42 MS. ENTSMINGER: Yeah, I just want to
43 bring out that in my years of selling first at
44 Anchorage Fur Rondy for 19 years, I'd see some people
45 from the villages come in with cute little things that
46 they had black bear claws in and I'd have to politely
47 tell them, no, that isn't legal, you can't do that,
48 they're out there with their little handicrafts selling
49 that, and some of that I just feel like, part of me
50 says, in a black bear claws, if you got a three bear

1 limit somewhere and you're allowed to make handicrafts
2 what is the problem in selling a black bear claw, I
3 don't have a problem with that.

4
5 If a grizzly bear claw is in an area
6 where they're doing control efforts, even then I have
7 to wonder are we handering here.

8
9 But at the same time, I'm real
10 concerned about Southeast. I know a lot of guides down
11 there and they bring up to me, you know, they just get
12 all upset because I even put this proposal in but I
13 think that we should have some measures that have some
14 controls on it, but then on the other hand putting the
15 black bear and the brown bear, grizzly together, I have
16 a little bit of problem with that. I wish it was the
17 brown bear and then the black bear.

18
19 I mean like he says, once a year we can
20 see if there's a problem and then you can bring it back
21 up and I'm not sure how to do this. I'd like to hear
22 what the other Council members say.

23
24 CHAIRMAN FLEENER: Virgil.

25
26 MR. UMPHENOUR: I think one of the
27 things that maybe some of the other Councils got
28 confused on, is the regulation was already passed that
29 you can sell the, so this is regulation that -- so
30 there's nothing we can do about that, what we're
31 addressing here is people basically want to wholesale
32 them to another business; that's the issue here. We
33 can't do nothing about the fact that they can already
34 sell them, can't do nothing about that. We're just
35 making a recommendation on whether they can wholesale
36 them or not.

37
38 I don't know if that helps you or any
39 not, Sue, but to me that's the issue, should they be
40 able to wholesale them or not and this is addressing
41 that and it's saying, no, they won't be able to
42 wholesale them.

43
44 Thank you.

45
46 CHAIRMAN FLEENER: Thank you, Virgil.
47 Any more comments. Questions. Discussion.

48
49 MS. ENTSMINGER: I just want to answer.

50

1 CHAIRMAN FLEENER: Go ahead, Sue.
2
3 MS. ENTSMINGER: Yeah, in concern for
4 the resource and the subsistence user, moose is our
5 biggest thing that we're concerned about, and bears
6 they've proven as -- I guess -- I don't know if the
7 Fish and Game really realize how much calf.....
8
9 CHAIRMAN FLEENER: Mortality.
10
11 MS. ENTSMINGER:mortality comes
12 from, and especially even black bears, and here we are
13 -- I mean I'm just wondering if we're really concerned.
14 I hear what you're saying Virgil but at the same time I
15 don't see why I couldn't make something out of a black
16 bear and have it on consignment somewhere and sell it
17 and that person make a profit off it, so what, I mean I
18 don't feel that it's that big of a problem with black
19 bears. But I do recognize it could be with the brown
20 bears in Southeast.
21
22 So I'm just bringing up what concerns I
23 see. So I mean I'm willing to do whatever the Council
24 wants to do, if you want to be concerned about it and
25 pass this, that's fine.
26
27 MR. GLANZ: I feel it would be a good
28 idea to get rid of the bears, I mean that's one of our
29 main predators and I agree with Sue, I think anything
30 we can do to get rid of them as the State has said so
31 I'm opposed to this regulation.
32
33 CHAIRMAN FLEENER: More comments.
34
35 MS. ENTSMINGER: Can we amend this?
36
37 CHAIRMAN FLEENER: You can do anything
38 you'd like Sue, they're all here to listen to us.
39
40 MS. ENTSMINGER: For discussion
41 purposes, I would make a motion that we pull out black
42 bear on this and leave it just the brown.
43
44 CHAIRMAN FLEENER: Okay, there's a
45 motion on the table to remove the wording black from
46 black bears, I guess, from this.....
47
48 MR. UMPHENOUR: Point of order, Mr.
49 Chairman, we have to do -- so we either have to
50 vote.....

1 CHAIRMAN FLEENER: Oh, that's right.
2
3 MR. UMPHENOUR:or we can make an
4 amendment, I think.
5
6 CHAIRMAN FLEENER: Well, she is making
7 an amendment but we already -- yeah, we can make an
8 amendment -- well, I think that's what she's doing.
9
10 MS. ENTSMINGER: Yes.
11
12 CHAIRMAN FLEENER: That the wording was
13 just not right. So there's a motion for an amendment
14 to remove black bears from this proposal.
15
16 Is there a second.
17
18 MR. GLANZ: I'd be happy to second it.
19
20 CHAIRMAN FLEENER: There's a second.
21 Let's discuss it.
22
23 (No comments)
24
25 CHAIRMAN FLEENER: Anybody have any
26 comments.
27
28 (No comments)
29
30 CHAIRMAN FLEENER: Dan, you got
31 anything else to say.
32
33 MR. LAPLANT: No, Mr. Chairman, the
34 Board wants to hear the Council's opinion on this, so I
35 would encourage you to discuss this and give us your
36 recommendation.
37
38 CHAIRMAN FLEENER: Virgil.
39
40 MR. UMPHENOUR: Well, I know a guy that
41 used to live over on the Kantishna River and he was a
42 trapper and just trapped with a dog team and he had
43 sold at a flea market or something, a black bear claw
44 necklace, and then he went back out to his place on the
45 Kantishna River, and, of course, in the fall time he's
46 stranded there for about two months, when he finally
47 got back to Nenana there was a warrant for his arrest
48 from the Federal government because he sold it to a guy
49 from West Virginia and the Federal agent got him, but
50 that was Miles Martin.

1 (Laughter)

2

3 MR. UMPHENOUR: And he had a hard time
4 from getting out from under that. But anyway this
5 would solve that problem.

6

7 Thank you.

8

9 CHAIRMAN FLEENER: Well, I haven't said
10 much on this issue so I'll weigh in a little bit.

11

12 I don't like the proposal either
13 because I think we should be able to sell black and
14 brown bear parts. I think that we should be able to
15 fully utilize the resources as we harvest them no
16 matter what the resource is. And I will always push
17 for full utilization of the resource until there is a
18 conservation issue. If I'm never presented with the
19 facts of a conservation issue because of a regulation
20 that we pass, I see no reason to restrict unnecessarily
21 the subsistence user. Everybody's points are
22 wonderful. They're valid. But I haven't seen a
23 subsistence problem with the subsistence resource, we
24 have just the opposite.

25

26 The State of Alaska is saying we got
27 lots of bears. The Board of Game is saying we got lots
28 of bears. When I sat through four days of Board of
29 Game meetings folks were saying we've got lots of
30 bears. The Yukon Flats National Wildlife Refuge a few
31 years ago did a black bear study, they said we got lots
32 of bears.

33

34 And so I haven't heard anybody, not one
35 person get up to the table or seen anywhere in writing
36 that we have a severe problem of poaching and selling
37 of brown or black bear parts and so I have no reason to
38 support this proposal at all.

39

40 And so is there more discussion.

41

42 MR. GLANZ: I remember that study, I
43 was out there at the fire station with the helicopters,
44 I believe we had 25 they tagged and calfs, and I think
45 black bears got 24 of them that summer. So I'm all for
46 getting rid of the black bears out there, thinning them
47 down anyhow.

48

49 CHAIRMAN FLEENER: Well, that was
50 actually a separate study. There was a black bear

1 study and there was a cow/calf mortality study which
2 you're referring to.

3

4 MR. GLANZ: Okay, I stand corrected.

5

6 CHAIRMAN FLEENER: Well, that's okay,
7 you're right, the percentage of calves that died due to
8 black and brown bears was I think 75 to 90 percent,
9 somewhere around there of the moose calves died, so,
10 yeah, there's a lot of them being consumed by
11 predators.

12

13 MR. LAPLANT: Mr. Chairman.

14

15 CHAIRMAN FLEENER: Go ahead, Dan.

16

17 MR. LAPLANT: Just to clarify, I didn't
18 want to leave the impression that we didn't have any
19 information about bear poaching, there has been bear
20 poaching taking place in the state, you know, for a
21 long time for the sale of gall bladders and other
22 parts. But my answer to your question earlier was
23 there any information about poaching or new information
24 relative to handicraft sales regulations and that's
25 still correct, we don't have any new information about
26 poaching that's related to the sale of handicrafts.

27

28 CHAIRMAN FLEENER: Thank you. And if
29 my proposal was adopted a couple of years ago we could
30 have foregone the problem with illegal sales of gall
31 bladders because we could have legalized that as well
32 but the enforcement folks they management to talk the
33 Federal Subsistence Board out of that as well.

34

35 So any more discussion.

36

37 (No comments)

38

39 MR. UMPHENOUR: Question on the
40 amendment.

41

42 CHAIRMAN FLEENER: Okay, there's a
43 question on the amendment, and the amendment is to
44 remove black bear from the proposal. All in favor of
45 the motion signify by saying aye.

46

47 IN UNISON: Aye.

48

49 CHAIRMAN FLEENER: Any opposed, say no.

50

1 MR. NICHOLIA: (Abstain)
2
3 (No opposing votes)
4
5 CHAIRMAN FLEENER: Okay, that motion
6 carries. So black bear's stricken from this proposal,
7 and now it reads brown bear, basically, it's only
8 referring to brown bear.
9
10 Any discussion on this motion.
11
12 MR. UMPHENOUR: Mr. Chair. Vince has
13 his pencil up in the air.
14
15 CHAIRMAN FLEENER: Hey, Vince, go
16 ahead.
17
18 MR. MATHEWS: Well, I just was
19 communicating with Gerald that he's abstaining from
20 voting on this so the record would reflect on the
21 amendment and the main motion that he's abstaining.
22
23 MR. NICHOLIA: (Nods affirmatively)
24
25 MR. MATHEWS: Okay, thank you.
26
27 CHAIRMAN FLEENER: Thank you, Vince.
28
29 MS. ENTSMINGER: Can I make something
30 clear.
31
32 CHAIRMAN FLEENER: Go ahead, Sue.
33
34 MS. ENTSMINGER: I want to make
35 something clear. Just help me out here somebody that
36 understands this better than -- my brain isn't
37 functioning right today. We're voting on taking -- we
38 just voted the amendment to take black bear out of the
39 Staff mod or the -- I guess I was under the impression
40 that's where we were or the original language?
41
42 CHAIRMAN FLEENER: Well, the main
43 motion was to adopt the proposal with the Staff's
44 recommendation.
45
46 MS. ENTSMINGER: Okay.
47
48 CHAIRMAN FLEENER: And the Staff's
49 recommendation, the only change would be to remove the
50 Southeast exemption; is that correct?

1 MS. ENTSMINGER: Okay.
2
3 MR. LAPLANT: That's right.
4
5 CHAIRMAN FLEENER: So you're really
6 removing it from the whole proposal because their only
7 change was to remove Units 1 through 5 from that.
8
9 MS. ENTSMINGER: And this would allow
10 the sale of black bear claws, right?
11
12 CHAIRMAN FLEENER: This would -- what
13 this does is allow you to sell it to a.....
14
15 MS. ENTSMINGER: Business.
16
17 CHAIRMAN FLEENER:business.
18
19 MS. ENTSMINGER: Okay.
20
21 MR. LAPLANT: That's correct.
22
23 CHAIRMAN FLEENER: But not brown bear.
24
25 MS. ENTSMINGER: Okay.
26
27 CHAIRMAN FLEENER: Any more discussion.
28
29 (No comments)
30
31 MS. ENTSMINGER: Call for the question.
32
33 CHAIRMAN FLEENER: Okay, the question
34 is called, and all in favor of the motion signify by
35 saying aye.
36
37 IN UNISON: Aye.
38
39 CHAIRMAN FLEENER: Any opposed, say no.
40 And I'll say no, I'm opposed.
41
42 MR. NICHOLIA: (Abstain)
43
44 CHAIRMAN FLEENER: Vince.
45
46 MR. MATHEWS: Mr. Chairman. In light
47 of Arctic Village having Staff on line I think you
48 agreed to bring up Proposal 57. I just need to test
49 the lines with them so we're all on the same sheet of
50 music and I think it was Dorothy, was that your name,

1 that's in Arctic Village?

2

3 DOROTHY: Yes, we're here, we can hear
4 you.

5

6 MR. MATHEWS: First off, hopefully you
7 have in front of you the material I sent to you. Now,
8 the Council has a similar version of it, they do not
9 have the cover letter and they do not have the flier,
10 but they do have what's in your packet that's numbered
11 in the lower right-hand corner, Pages 45 through 51.

12

13 The reason I bring that up, they may
14 start talking about, well, this paragraph on Page 50
15 doesn't make sense, you can track that by the material
16 that's in front of you, so do you have a copy of that
17 there in Arctic Village?

18

19 DOROTHY: We just received it like four
20 minutes ago.

21

22 MR. MATHEWS: Okay. Then the other
23 thing is, for the record it would -- we would need the
24 names of people testifying when it comes to that point.
25 So we have it on the record, who's testifying, and were
26 you able to hear better with the last round of
27 discussion, we moved equipment closer?

28

29 DOROTHY: Yes.

30

31 MR. MATHEWS: So you did hear better.
32 Okay, Pete, are you still on line?

33

34 (No comments)

35

36 MR. MATHEWS: Mr. Chair. That gets the
37 logistics part out of the way so if they can't hear
38 then I may have to interrupt you and ask that it be
39 repeated, the people in Arctic Village.

40

41 CHAIRMAN FLEENER: And so who will be
42 presenting this proposal, is it Pete, I didn't hear
43 Pete say I'm here, is he here?

44

45 MR. DEMATTEO: I'm here, Mr. Chair.

46

47 CHAIRMAN FLEENER: Oh, there you are,
48 okay, I'm sorry. Okay, go ahead then.

49

50 MR. DEMATTEO: Mr. Chair. Members of

1 the Council. The analysis of Proposal 57 you'll find
2 in your Council book on Page 46, that's where it begins
3 and Proposal 57 was submitted by the Alaska Department
4 of Fish and Game. This proposal would eliminate the
5 Federal regulatory closure restriction for sheep
6 hunting in the Arctic Village Sheep Management Area
7 which is in Unit 25(A) and this season is during August
8 10th through April 30th. The closure pertains to that
9 season, August 10 through April 30th.

10

11 There is a map in your text -- I'm
12 sorry, your text book, in your Council book on the
13 following page, which illustrates the closure area.

14

15 The proponent feels that without
16 evidence of any significant use of the closure area by
17 local subsistence hunters, maintaining the closure to
18 continue subsistence use of sheep in that area cannot
19 be justified -- cannot be used to justify maintaining
20 the closure.

21

22 The Federal regulations for the
23 management area have been in existence since the
24 1991/1992 regulatory year. The management area was
25 expanded in 1995 to include the Cane Creek and the Red
26 Sheep drainages, which you can also see on the map in
27 front of you. The proposed regulation changes are on
28 Page 46 of the analysis under the heading of proposed
29 Federal regulations.

30

31 Residents of Arctic Village,
32 Chalkyitsik, Fort Yukon, Kaktovik and Venetie have a
33 positive customary and traditional use determination
34 for sheep in Unit 25(A). Sheep population surveys have
35 not been conducted in the management area since 1991
36 and consequently estimates of sheep abundance are not
37 available. Also information concerning the sheep
38 populations of the Eastern Brooks Range is limited.
39 Some surveys have been conducted in adjacent areas.
40 Sheep populations in the Eastern Brooks Range have
41 somewhat recovered from the declines seen in the early
42 1990s and remain below numbers observed in the 1980s.
43 These populations are currently considered to be
44 relatively stable. Also little harvest information is
45 available for sheep in the management area. Federal
46 permits have been available since the 1995/1996
47 regulatory year. The Office of Subsistence Management
48 harvest records indicate that from the year 2000 to
49 present six hunters have obtained permits, which is an
50 average of one permit per year, however no harvest

1 reports have been returned during that period.

2

3 If Proposal 57 is adopted by the
4 Federal Board it would eliminate the Federal closure
5 regulations for the sheep management area. Federal
6 subsistence hunters would be able to harvest two rams
7 of any size during August 10 through April 30th and an
8 additional one sheep during October 1st through April
9 30th under the State regulations for a combined total
10 of up to three sheep.

11

12 Non-subsistence hunters would be able
13 to harvest one full-curl ram during August 10 to
14 September 20th season and an additional one sheep in
15 the October 1st through April 30th season for a
16 combined total of up to three sheep.

17

18 All hunters taking sheep under State
19 regulations during the October 1st through April 30th
20 would be prohibited from using aircraft to hunt sheep.
21 Areas adjacent to the management area are lightly to
22 moderately utilized by non-Federally-qualified users
23 who hunt sheep under the State regulations.

24

25 Because no harvest of sheep have been
26 reported by local residents for the affected area,
27 adoption of the proposed regulatory changes is not
28 expected to have adverse impacts on the communities
29 that have a positive customary and traditional use
30 determination for sheep in the management area.

31

32 Mr. Chair. This proposal was difficult
33 for Staff to analyze because basically writing a
34 biological analysis only lets you take a look at the
35 current condition of the sheep population and also the
36 number of sheep that have been taken by qualified
37 residents. But unfortunately we do not have a good
38 handle on the status of the sheep population or the
39 hunter harvest that has occurred over the past 10 years
40 within the affected area.

41

42 Because of this, Mr. Chair, the
43 analysis steers us to the conclusion that there is no
44 longer necessary -- it is no longer necessary to
45 maintain the closure based on the amount of available
46 evidence.

47

48 In analyzing this proposal, Staff did
49 not have much to go on as far as information and,
50 therefore, Mr. Chair, the preliminary conclusion is to

1 support the proposal. But I do want to say that Staff
2 would welcome any insight or information that the
3 Council or others present may have concerning this
4 issue, particularly information regarding the harvest
5 levels of sheep that are taken within the closure area
6 and also the adjacent areas.

7
8 Thank you.

9
10 CHAIRMAN FLEENER: Thank you, Pete.
11 Department of Fish and Game.

12
13 MR. HAYNES: Mr. Chairman. The
14 Department's comments are on Page 51 of your Council
15 book.

16
17 The Department supports this proposal.

18
19 It's our proposal, and it requests that
20 this closure to sheep hunting in the Arctic Village
21 Sheep Management Area to non-Federally-qualified
22 hunters be removed as there is no biological or other
23 evidence to warrant it's continuation.

24
25 In its Federal wildlife closure review,
26 the Office of Subsistence Management concluded that
27 without evidence of any significant use by local
28 subsistence hunters a justification to continue
29 subsistence use of such populations cannot be used for
30 maintaining the closure. If this closure is removed,
31 the Department does plan to evaluate the existing State
32 sheep hunting regulations in Unit 25(A) to determine if
33 regulatory changes should be proposed to ensure
34 conservation of the sheep population in this area.

35
36 CHAIRMAN FLEENER: Thank you, Terry.
37 Other comments in the room.

38
39 MS. WRIGHT: I have a question.

40
41 CHAIRMAN FLEENER: Oh, well, go right
42 ahead, Amy.

43
44 MS. WRIGHT: Am I understanding this
45 right that they don't know how many sheep are there,
46 there hasn't been a census done of the sheep for years
47 and years but they want to take off a ban on hunting so
48 people can go hunt and then they're going to count the
49 sheep; am I getting this right?

50

1 MR. HAYNES: Mr. Chairman. Ms. Wright.
2 There hasn't been a population census done for a long
3 time.

4
5 In this case the issue is whether the
6 lack of documentation of any harvest taking place is
7 appropriate as a reason to prevent other hunters from
8 taking sheep in this area, which was occurring until
9 the closure was created some years ago. Everyone
10 acknowledges that there's a need for better biological
11 data.

12
13 CHAIRMAN FLEENER: Thank you, Terry.
14 Larry.

15
16 MR. WILLIAMS: Yeah, the way it sounds
17 to me is, is what you guys saying is, okay, you guys
18 are not using this so we're just going to open it up
19 for everybody. Well, that being the case, I read
20 somewhere here on the statement here that before this
21 closure here to Federal-qualified subsistence users
22 that there was a lot of guided hunts being conducted up
23 there. I don't know by whom but they were competing
24 with subsistence users for the sheep and there was no --
25 as this woman down here mentioned, there was no --
26 nothing being -- the sheep weren't being counted,
27 whether they were falling or stable or anything and
28 then all of a sudden you just say you're going to open
29 it up to everybody.

30
31 You haven't -- it seems like to me that
32 you're doing everything backwards. You should be
33 counting the sheep and see if it can withstand this
34 being opened to everybody, including, I believe, the
35 guided hunters that maybe or maybe not go back in
36 there.

37
38 CHAIRMAN FLEENER: Thank you, Larry.
39 Terry, I have a question, do you remember or do you
40 know what the Department's recommendation was on the
41 initial proposal to close the area originally?

42
43 MR. HAYNES: Mr. Chairman. We did not
44 support that proposal when the area closure was
45 established because we -- again, there was the lack of
46 much documentation of harvest in the area by Federally-
47 qualified subsistence users.

48
49 CHAIRMAN FLEENER: And so what is the
50 estimated or assumed status of the population?

1 MR. HAYNES: Mr. Chairman. I might
2 call Bob Stephenson up here to see if he can shed you
3 some general light on biological information.

4
5 CHAIRMAN FLEENER: Thank you. Go
6 ahead, Bob.

7
8 MR. STEPHENSON: Thank you, Mr. Chair.
9 Well, as has been acknowledged, we don't have a lot of
10 specific information about this place. But we do count
11 sheep in the western, a little ways west of here on the
12 south slope of the Brooks Range, the population is
13 there and actually on the North Slope, they've been
14 pretty stable the last several years. They're lower
15 than they were in the 1980s, which were the peak
16 period, they -- in some areas they've probably come up
17 a little bit, they had some -- there was some really
18 bad winters in the early '90s, that pushed the sheep
19 numbers down. The area is about, I think, 1,200 square
20 miles, and in comparable areas of that size we've been
21 counting, in some places, up to a thousand sheep. I
22 would guess this is a lower than that because some of
23 the habitat in the south isn't as good. But there are
24 some very good sheep habitat in the northern end, which
25 is actually the area farthest from Arctic Village, the
26 Red Sheep and Cane Creek. I think the habitat gets
27 better up there.

28
29 But the other thing I would point out
30 is that the fall season, which, you know, under which
31 people hunt pretty much everywhere in the state now has
32 a minimum size of a full-curl ram, and what that does
33 is right away make any harvest in that fall season by
34 non-local hunters pretty conservative because you're
35 limiting it to about two or three percent of the
36 population, which is what those legal rams, that's
37 about the level they occur at, is two or three percent,
38 something like that. So it's not a season for any
39 sheep. And it's proven to be a pretty safe thing to
40 do, that we can have that kind of harvest without
41 affecting numbers because it's sort of like shooting
42 only like a very large bull moose.

43
44 And as far as we have the October
45 through April subsistence season for three sheep, but
46 because of the methods and means restrictions on that
47 harvest, you can't which is you can't use aircraft
48 except to and from Arctic Village or Kaktovik, you
49 can't use snowmachines to enter the area, basically
50 because of the Haul Road and restrictions only about

1 one up to the highest ever was seven sheep taken in a
2 year in that season so it would be available to people
3 in Arctic Village, especially, they would be in the
4 best position to take advantage of that season, which
5 would still exist.

6
7 So that's about all I could say.

8
9 CHAIRMAN FLEENER: Thank you, Bob.
10 Sue.

11
12 MS. ENTSMINGER: Yes, Bob, can you tell
13 me why three sheep and how long it's been in place,
14 three sheep?

15
16 MR. STEPHENSON: It's been in place for
17 a long time and the reason it was three sheep, I think
18 it came -- it arose at a time when sheep were more
19 abundant and people in Kaktovik did a lot of spring
20 hunting down in the mountains, around the HulaHula
21 especially, south of Kaktovik, and kind of an in effort
22 to document and legitimize the subsistence harvest
23 during that period we developed a permit system for
24 three sheep, I think they indicated, you know, they
25 didn't want to be restricted to rams in the spring, so
26 it's been there probably since the early '90s. There's
27 a whole history of it, actually, that Wayne Heimer has
28 written so that's where it came from, is that there was
29 spring sheep hunting in this area, is kind of a key
30 part, an annual event, so we tried to make a permit
31 system that would allow them to do it and report and
32 for many years they did pretty well and now that's kind
33 of fallen apart, partly because of lack of effort on
34 our part, and other reasons.

35
36 And we had -- we did talk about -- we
37 actually proposed to the Board of Game or somebody did,
38 making it two rams or something after the sheep
39 declined to be more in keeping with the biology of the
40 situation and various parties didn't like that and
41 argued against it and that regulation wasn't passed.

42
43 MS. ENTSMINGER: What was the first
44 year that it was three sheep?

45
46 MR. STEPHENSON: Mr. Chair. I can't
47 tell you, Sue, but around 1990, probably, late 1980s.
48 I could dig out the regulatory history but it's been
49 there awhile.

50

1 CHAIRMAN FLEENER: Gerald.

2

3 MR. NICHOLIA: Yeah, if we were going
4 to lift these restrictions and like you said, you don't
5 know the population of the sheep that's there, is there
6 any indication that the population increased or would --
7 what I'm trying to ask is would the population, like
8 what they said there, there's going to be guide
9 services going out there and this restriction is
10 lifted, would the population be able to sustain that --
11 would the population survive the increased take if the
12 restriction is lifted?

13

14 MR. STEPHENSON: Mr. Chair. Gerald. I
15 believe it would, do just fine for a couple of reasons.
16 One as I mentioned it would be a full-curl legal
17 minimum so that's sheep that are basically at least
18 seven or eight years old or older, and so most of the
19 population is protected. The area -- I think all of
20 the area would be in the Arctic National Wildlife
21 Refuge, they have limits on the number of guides that
22 can operate, and I suspect -- I see Wertz is here, but
23 I would suspect there would be maybe one guide in the
24 upper EastFork that could expand his operation a little
25 bit back into Red Sheep and Cane Creek and maybe
26 elsewhere, and then maybe one on the Sheenjek, which is
27 the large drainage that goes to the west, kind of west
28 of Arctic Village but they limit their guides to a big
29 area so I think there maybe would be a couple, but Tara
30 could correct me, and then there'd be some resident
31 hunters who would probably fly in especially to Red
32 Sheep Creek because there is a little access point
33 there, an air strip and hunt like they did prior to the
34 closure for full-curl ram.

35

36 So I don't see a -- we harvest sheep
37 under this regime with -- some places we have a lot of
38 population data, some places we have a little and some
39 places we have no direct counts but the full-curl limit
40 is conservative enough that it just gives us a lot of
41 protection so that's, I think, kind of a built in
42 protection.

43

44 CHAIRMAN FLEENER: Thank you, Bob.
45 Virgil.

46

47 MR. UMPHENOUR: Yeah, I don't know how
48 long that three sheep hunt has been in effect but I'm
49 positive it's been in there since at least since '85,
50 I'm absolutely positive of it, but I could be wrong,

1 but I think it's at least '85, it's been in there since
2 then.

3

4 CHAIRMAN FLEENER: Sue.

5

6 MS. ENTSMINGER: Given that the case,
7 so what was the annual harvest before -- did you say
8 '91 it was taken off -- '91 is when non-locals could
9 go, right, so the annual harvest prior to and since
10 then?

11

12 MR. STEPHENSON: Mr. Chairman. Sue, I
13 do have a little graph, but I guess we're not set up
14 for PowerPoint, but I could even pass this around, but
15 it's pretty clear what happened.

16

17 If we look at the total harvest in all
18 the UCUs that are included in the closed area and a
19 couple of them extend beyond it, let's say half of them
20 are outside of it, but that was the best we could do,
21 put all that together, the highest total harvest was
22 about 17 sheep in about 1989. You can see our reported
23 harvest went up, it was up here in the range of eight
24 to 10 sheep a year, around here, and then here's the
25 first -- the first closed area which didn't include
26 Cane and Red Sheep Creek was established here so we had
27 a drop in harvest but then for some reason it came back
28 up. I don't know if people sort of adapted or not.
29 But then when Cane Sheep and Red Sheep Creeks were
30 added here in '95, you can see it went down and still
31 there's a little harvest outside of it, these should be
32 sheep taken, you know, just in the UCUs but outside the
33 boundaries of this area, but it was, you know, the
34 pattern was it declined from eight to 15 sheep or so
35 down to a few sheep, but those don't represent, I don't
36 think they involve sheep taken in the closed area.

37

38 CHAIRMAN FLEENER: Okay, thank you. Is
39 there any other agency comments -- yes, Wennona.

40

41 ARCTIC VILLAGE: This is Arctic
42 Village, we have a few people here who want to comment,
43 is it time for us to comment?

44

45 CHAIRMAN FLEENER: Not yet, we'll get
46 to you in just a couple minutes and we'll make sure we
47 specifically ask you so you know that we'll allow you
48 to direct some questions.

49

50 ARCTIC VILLAGE: Okay, thank you.

1 CHAIRMAN FLEENER: Yes.

2

3 MS. BROWN: Thank you, Mr. Chair. For
4 the record, Wennona Brown for the Arctic National
5 Wildlife Refuge. And the Arctic Refuge's position on
6 this proposal is we request that it be deferred until
7 further information can be gathered. And also for the
8 record, the original closure in 1991 was requested by
9 the Arctic Refuge National Wildlife Refuge for
10 conservation purposes.

11

12 Thank you, Mr. Chair.

13

14 CHAIRMAN FLEENER: Thank you, Wennona.
15 Any other comments.

16

17 (No comments)

18

19 CHAIRMAN FLEENER: Okay, Vince, do you
20 have other Council comments.

21

22 MR. MATHEWS: Yes, Mr. Chairman.

23

24 MR. EASTLAND: ISC.

25

26 MR. MATHEWS: North Slope Regional
27 Council took this up at their meeting and their action
28 was to defer action on it. And that's it, there's no
29 other written comments that I'm aware of.

30

31 MR. EASTLAND: ISC.

32

33 MR. BOS: ISC.

34

35 CHAIRMAN FLEENER: We'll let Vince
36 finish first please.

37

38 MR. MATHEWS: The reason North Slope
39 had it is because of the positive C&T that the
40 community of Kaktovik has for 25(A) sheep.

41

42 Thank you.

43

44 CHAIRMAN FLEENER: Go ahead.

45

46 MR. BOS: Thank you, Mr. Chair. My
47 name is Greg Bos with the Fish and Wildlife Service and
48 I'm a member of the InterAgency Staff Committee. It's
49 good to have Arctic Village people on line. We've
50 received very little information from Arctic Village

1 regarding their harvest and hope that they can provide
2 some information that will help you in your discussion
3 of this proposal.

4
5 The InterAgency Staff Committee would
6 like this Regional Council to consider an alternative
7 recommendation to that presented in the Staff analysis,
8 for Proposal 57, and depending on your discussion and
9 the information brought forward at this meeting from
10 Arctic Village and others and on further consideration
11 by the Staff Committee, a revised Staff recommendation
12 may be forwarded to the Board when it meets in May.

13
14 The alternative recommendation
15 suggested for your discussion by the InterAgency Staff
16 Committee is to remove the closure to non-subsistence
17 hunting within the Cane Creek and Red Sheep Creek
18 drainages within the Arctic Village Sheep Management
19 Area. You can refer to the map on Page 47 when you see
20 the Cane Creek and Red Sheep Creek is a very northern
21 small piece of the overall sheep management area.

22
23 It would be then to remove the closure
24 within the Cane Creek and Red Sheep Creek drainages but
25 to defer action on Proposal 57 with regards to the
26 remainder of the management area until surveys of the
27 sheep population in that area can be conducted and
28 additional information can be obtained from Arctic
29 Village residents on their harvests in that area.

30
31 This suggestion is based on the
32 following considerations and I'll give you the
33 reasoning behind it.

34
35 First, the original Arctic Village
36 Sheep Management area, and I'll just refer to that as a
37 management area in short, the original management area,
38 subsistence sheep harvest restriction and closure to
39 non-subsistence hunters was adopted by the Board in
40 1991 as you heard in the analysis to address concerns
41 about low sheep density in that area and to provide for
42 continued subsistence use opportunity. It's important
43 to note that the area did not include the drainages of
44 Cane Creek and Red Sheep Creek. The closure to non-
45 subsistence hunters was deemed necessary to provide a
46 subsistence priority with a reduction that was put in
47 place in the subsistence harvest limit from three sheep
48 to two rams. Cane Creek and Red Sheep Creek were added
49 to the management area in 1995 to eliminate
50 interference with subsistence sheep hunting from non-

1 subsistence sheep hunters in those drainages. Even
2 though the sheep population in Cane Creek and Red Sheep
3 Creek drainages was determined at that time to be able
4 to support both subsistence and non-subsistence hunting
5 under the liberal harvest limits that were in effect at
6 that time.

7
8 Little sheep hunting effort and no
9 harvest by Arctic Village residents in the management
10 area have been reported in the 15 years since the
11 management area was first established. We have no
12 information that other communities with C&T in the area
13 hunt sheep in the management area. And given that lack
14 of information of use of the area by local subsistence
15 users, it's difficult to support a continued closure of
16 the area to non-subsistence users.

17
18 Cane Creek and Red Sheep Creek
19 drainages have historically received little use by
20 local subsistence hunters due to the difficulty of
21 access, the access to the drainage is by boat in the
22 fall is very difficult due to low water and the rocky
23 nature of the EastFork of the Chandalar and access by
24 snowmachine is very difficult in the winter season
25 because of the steep nature of the terrain in those
26 drainages. Access by aircraft has been very infrequent
27 by subsistence hunters. If sheep hunting occurs in the
28 management area by Arctic Village residents we believe
29 it occurs in the portions of the area closer to the
30 village and more accessible.

31
32 As you herd the current status of the
33 sheep population in the management area is not known,
34 on surveys of sheep have been conducted in the
35 management area since it was established, however, as
36 Bob Stephenson reported some sheep surveys in the
37 Eastern Brooks Range have been conducted outside of the
38 management area and results of those surveys indicate
39 that sheep populations in the eastern Brooks Range have
40 generally increased from reduced levels observed in the
41 early 1990s and are now considered to be stable to
42 slowly increasing.

43
44 So although current sheep population
45 status information for Cane Creek and Red Sheep Creek
46 drainages is not available, there's no reason to
47 suspect that the sheep population in that area cannot
48 support use by both subsistence and non-subsistence
49 hunters. Again, at the time of inclusion of these two
50 drainages in the management area the sheep population

1 in those drainages was large enough to support use by
2 both subsistence and non-subsistence hunters. These
3 drainages are similar in nature, habitat quality to the
4 areas in the Eastern Brooks Range where sheep surveys
5 have indicated increases in sheep population since the
6 mid-1990s.

7
8 There is greater uncertainty regarding
9 the status of the sheep population in the original
10 sheep management area, that is, excluding Cane Creek
11 and Red Sheep Creek. Due to the less favorable sheep
12 habitat in the area and lower numbers of sheep when the
13 area was established it may not be prudent to eliminate
14 the closure to non-subsistence sheep hunters in this
15 portion of the management area at this time because
16 such an action would reestablish a three sheep harvest
17 limit under the State regulations to do so without
18 assurance that the sheep population could support that
19 level of harvest, we have some concerns.

20
21 So a deferral of the proposal for this
22 portion of the management area, that is that area
23 outside of the Cane Creek and Red Sheep Creek drainages
24 may be recommended pending the acquisition of sheep
25 survey information necessary to determine the
26 capability of that population to support harvest. And
27 additionally, you should know there are no guides
28 currently permitted by the Fish and Wildlife Service to
29 guide in Cane Creek and Red Sheep Creek areas.

30
31 That concludes my comments, Mr. Chair.

32
33 CHAIRMAN FLEENER: Thank you, Greg.
34 Okay, perhaps we should move to public comments then
35 and let the folks from Arctic Village have a chance.

36
37 MR. MATHEWS: Yes, you're going to need
38 to introduce yourself when you come on line so we know
39 who you are and then Craig Fleener will be directing
40 you if you have any questions or anything like that.

41
42 So Arctic Village, this is your chance
43 to share your comments on this proposal.

44
45 ARCTIC VILLAGE: We have some concerned
46 residents here in Arctic Village and you have to bear
47 with us because we're having some technical
48 difficulties so our teleconference phone is not working
49 so we're going to be passing the hand phone around,
50 hold on one second.

1 You have to say your name.

2

3 MR. JOHN: Hello, my name is Louie
4 John, and I'm a resident of Arctic Village for most of
5 my life. And I see that this proposal coming back and
6 open again, that we been defending this area for a long
7 time, and to let you know that back in 1867 our
8 grandfather was sold by Russian and we didn't have any
9 consent then but now we are still defending our way of
10 life. And I think that the United States Government is
11 incriminating [sic] towards us, they're not care for us
12 but for just the Caucasian people probably and I'm
13 speaking on behalf of all Alaska Native of how we feel
14 when people overlook us, how do we feel, it feels like
15 we are mouse and you are cat. And every time we say
16 something and then something else has to happen again
17 and I don't think it's right. We should just stay with
18 our own agreement for maybe 50 years, why do you want
19 that thing open for so other people will come in and
20 waste our sheep meat or caribou meat or moose meat or
21 fish, just so you could pay the State couple thousand
22 dollars, and I don't think it's right.

23

24 But I still stand with Proposal 95-64
25 that there is allotment there and we still want this
26 place to be closed. So I'm sure that there's others
27 here that really have same feeling, or Alaska feeling,
28 or Alaska Native feeling, and I want to thank you for
29 listening to me.

30

31 CHAIRMAN FLEENER: Thank you, Louie.

32

33 MR. SAM: Timothy Sam member of Yukon
34 Flat Fish and Game Advisory Committee for over 20 years
35 back in '70 to almost '90 and after that I was member
36 of Western Council, I couldn't remember the name of it,
37 but in 1985 I have been hunting up at Canyon River for
38 a week and I have only seen small sheep and I think it
39 should be closed to hunters even to subsistence until
40 the sheep population grow back up. In our Native
41 culture way of life that we cannot take not more than
42 we can need. If we see only few ram let it go let that
43 population go back up. On that 25(A) it has been back
44 since '70 that it was looking nice, that place was open
45 to, under subsistence to Arctic Village, Fort Yukon,
46 Kaktovik, and Chalkyitsik and this has been for number
47 of years.

48

49 And Proposal WP95-54 that Arctic
50 Village Council addressed that we have Native allotment

1 there and our traditional way of life and that Red
2 Sheep Creek and Cane Creek and also Sheenjek River, we
3 use those areas for number of years for sheep and I
4 just don't understand why it should be open to public.
5

6 Number 2, that during that time I was a
7 member of Yukon Flat Advisory Committee that sheep meat
8 or moose meat should be transferred to Arctic Village
9 or Kaktovik airport, but in the past years all I have
10 seen is hunters come back with antlers, and this is
11 violating the rights of the people, and I think that
12 should be considered and too bad we have this technical
13 problem at the present time but I hope you guys could
14 come up and have meeting with us so that you can have
15 input from local peoples as well.

16
17 Thanks for your time. This is Timothy
18 Sam.

19
20 CHAIRMAN FLEENER: Thank you, Timothy.

21
22 MR. TRITT: Arctic Village resident
23 here, Joel Tritt, I work for Fish and Wildlife and I
24 work as an RIT, Refuge Information Technician. And as
25 a concerned citizen, the problem I have is the
26 environment issue because at one time over there we
27 seen people put empty five gallon cans under the ground
28 and it was rusted, I guess they put it under there to
29 remove it later but it was all rusted. So -- and if
30 they do allow sportshunting like Timothy said, they
31 should drop all the meat here or to Kaktovik. And the
32 sheep hunting will become important to us. The reason
33 why a lot of them don't go hunting for this is because
34 there's been a lot of caribou or moose around but
35 sooner or later it's going to be few of it so we're
36 going to have to go for sheep.

37
38 And I hope they keep the land clean and
39 work with Arctic Village since our people fought for
40 these lands since ancient times we should have at least
41 have a voice, a strong voice in there.

42
43 Thank you.

44
45 CHAIRMAN FLEENER: Thank you, Joel.

46
47 MR. JOHN: Hello, this is Louie John
48 again. I forgot to tell you that I hunted that area
49 back in 2004 and we shot two sheep, subsistence wise.
50 The reason why I never report it is I don't pay for

1 license. And I think of it because I am a traditional
2 Native man and I hunt for a living and I don't see why
3 that I should go over there and pay for license, I
4 don't know why. I'm sure that most all of Native
5 Alaskans are that way too. But I hunted that area and
6 I wrote it down and gave it to Joel Tritt to hand over
7 to your department but I don't know if it ever got
8 there. That's the thing I forgot to tell you people.

9

10 Thank you.

11

12 MS. GIMALL: Hi, this is Marjorie
13 Gimall (ph), I'm the Chief of Arctic Village, I just
14 wanted to comment on this, wondering if you guys could
15 postpone this recommendation and have a meeting on this
16 up here or something because there's a lot of concerned
17 residents about this and also I'd like to say that
18 there's a lot of Native allotments up there and I think
19 it should stay closed and we live a subsistence way of
20 life up here and sheep is art of it and we do go up
21 that way and hunt, a few of us do. Also if you guys
22 open it that just means more air traffic through Arctic
23 Village and that disturbs the caribou too on their way
24 down here from the 1002 area because those hikers
25 already disturb them when they're passing by the
26 Shenjek River up there.

27

28 So I think that's all I have to say.
29 I'd just say I'm opposed to this and wondering if you
30 guys could table it.

31

32 CHAIRMAN FLEENER: Thanks, Marjorie.
33 This is Craig, do you mind if I ask you a question.

34

35 MS. GIMALL: Okay.

36

37 CHAIRMAN FLEENER: I don't know if you
38 were able to listen to the presentation by the Staff
39 Committee earlier but one of the reasons or the primary
40 reason that the Federal government is recommending that
41 it's opened again is because there has been no reported
42 harvest by anyone from Arctic Village. Now, we just
43 heard that there were two harvested last year or the
44 year before last, do you know if any other people that
45 have harvested sheep up there and if so do you know the
46 times and.....

47

48 MS. GIMALL: There's a couple of people
49 that I know of that had permits and went up there and
50 got some sheep.

1 CHAIRMAN FLEENER: Well, I think it
2 would really be good for the record if you can, you
3 don't have to give us names, but if you could give us
4 specific times and numbers that were harvested and
5 their approximate areas, I think that would be really
6 useful for the record because the only evidence,
7 really, that I've heard that this needs to be opened is
8 that the people that are allowed to hunt in the
9 subsistence areas have not reported any harvest. So if
10 you know of some harvest now is the time to report it,
11 I think.

12
13 MS. GIMALL: I'm not sure, I think it
14 was last -- that last hunting season, I forgot who it
15 was but there was a couple of them that said they got
16 sheep.

17
18 CHAIRMAN FLEENER: And what year was
19 that.

20
21 MS. GIMALL: Last year.

22
23 CHAIRMAN FLEENER: So in 2005 and how
24 many sheep to you think were harvested?

25
26 MS. GIMALL: I'm not too sure, I'm here
27 but I mean I don't go around and ask everyone how much
28 sheep they get, but I know there had to be at least a
29 couple.

30
31 CHAIRMAN FLEENER: You might want to
32 ask the other folks that are in the council office
33 there with you, if they're aware of any that were
34 harvested and if they can give some specific numbers
35 because these folks are going to want to continue to
36 push this issue and if you don't have any solid
37 numbers, it's going to be real hard to argue to keep it
38 closed.

39
40 MS. GIMALL: Okay, hold on.

41
42
43 MS. AHLFS: I have stuff from Arctic
44 Village.

45
46 CHAIRMAN FLEENER: You can come up to
47 the microphone.

48
49 MS. AHLFS: My name is Joanne Ahlfs.
50 I've got three written comments from Arctic Village and

1 I think she's referring to these comments. Did you
2 want to look at it or.....

3
4 CHAIRMAN FLEENER: Well, why don't
5 you.....

6
7 MS. GIMALL: Well.....

8
9 CHAIRMAN FLEENER: Hold on a second
10 Marjorie, we've got Joanne that's going to read some
11 testimony into the record, hold on one moment.

12
13 MS. GIMALL: Okay.

14
15 CHAIRMAN FLEENER: Go ahead.

16
17 MS. AHLFS: This one was submitted by
18 Edward Sam and it's September 19, 2005.

19
20 Every year a group of hunters go out
21 hunting for sheep in and around Arctic
22 Village Sheep Management Area, north
23 end to south end. As reported by
24 hunting regulation we are required to
25 harvest only full-curl. The problem is
26 that the management area have been way
27 overharvest by hunting guides to very
28 few sheep of any size, male and female.
29 The regulations should be changed like
30 other subsistence area.

31
32 Three sheep of any kind for subsistence
33 users. The changes in report should be
34 better in the future.

35
36 That's how I read it.

37
38 And then Louie John. Louie, are you
39 there.

40
41 MR. JOHN: Yes, I'm here.

42
43 MS. AHLFS: Okay, Louie wrote, August
44 15, 2004.

45
46 I went solo on sheep hunt up river from
47 Arctic Village to narrow Red Sheep
48 Creek, shot one small ram for my
49 subsistence need. After I pack all the
50 sheep meat back to the camp then I made

1 a wood raft and floated back to Cane
2 Creek to scout the area for any more
3 sheep. I only saw one and it not went
4 after it. Stayed for about three more
5 days and then went back to the village
6 because I don't want my sheep meat to
7 spoil.

8
9 Spent about six days around Red Sheep
10 Creek area and the mouth couple days,
11 at the end of the trees at the creek
12 above Red Sheep Creek, and then spend
13 about three days at the mouth Cane
14 Creek. I also have another plan to
15 hunt sheep past Red Sheep Creek about
16 August 2006, this time with another
17 friend.

18
19 So that's by Louie.

20
21 And the last one's by Timothy Sam.

22
23 Arctic Village residents have been
24 hunting sheep up in the Red Sheep Creek
25 for thousands of years. If we allow or
26 open up hunting in the Red Sheep Creek
27 area, they will dirty up the area with
28 gas and waste and there will be a lot
29 of people up there and they might start
30 living around there. What about our
31 subsistence lifestyle. They will
32 change that also.

33
34 Another problem is non-resident have
35 easy way of getting sheep by plane,
36 float plane and probably helicopter and
37 all these hiking, rafting are bothering
38 the sheep and any other animals around.

39
40 And that's it.

41
42 CHAIRMAN FLEENER: Okay,thank you,
43 Joanne.

44
45 Is Marjorie still on the line?

46
47 MS. GIMALL: Yes.

48
49 CHAIRMAN FLEENER: All right. You can
50 continue now. I just wanted to give Joanne an

1 opportunity to read some testimony from folks in Arctic
2 Village.

3

4 So did you have any more numbers or
5 anything specific to add Marjorie?

6

7 MS. GIMALL: We haven't had time to
8 gather the information but we could work on it. But we
9 just finally got this proposal on the fax because we
10 didn't get it in the mail.

11

12 But I would like to look into this some
13 more and there's another person that wants to say
14 comments. Hold on.

15

16 CHAIRMAN FLEENER: Okay.

17

18 MS. GARNETT: Hi, my name is Tayna
19 Garnett. I'm working as the tribal administrator for
20 the Arctic Village Council office. And this is -- we
21 think this decision is a bigger decision than actually
22 proposed and the decision that you make can really
23 affect us up here, not only in regards to our sheep but
24 in regards to our whole subsistence.

25

26 For one, with the sheep, if they're not
27 sure of the population, maybe they should look into the
28 population of the sheep to see if it can actually
29 handle outside hunters and also like in the -- on Page
30 48 in the history, the regulatory history it talks
31 about how the residents also could not compete with
32 non-local hunters using more sophisticated equipment.
33 I think that's still relevant today and that we really
34 should think about that.

35

36 And there's a lot of Native allotments
37 up there and how is that going to be managed so that
38 people are not trespassing. And also when people come
39 in, they come in and they litter and that area is
40 really close to us, it's close to us and will probably
41 be the most affected. And, you know, the water still
42 runs and the animals still travel and so what people go
43 up there and do will come down and impact us and impact
44 our subsistence lifestyle.

45

46 Those are our traditional lands, our
47 traditional homelands, our traditional hunting grounds
48 that our fathers and forefathers have hunted for
49 generations and generations. And we really want to
50 keep it closed and we're working on getting resolutions

1 in support of keeping it closed for -- just open for
2 subsistence hunters here.

3

4 And also all the air traffic, it will
5 increase the air traffic up this way, which will
6 directly impact our subsistence with the animals.

7

8 We will be talking to people of Fort
9 Yukon, Chalkyitsik, and Venetie to get support letters
10 because they are the ones that were included and
11 Kaktovik and our support resolutions.

12

13 And if it is open then how is this
14 going to be managed, how are you guys going to, you
15 know, make sure that there's no littering, no
16 overharvesting of sheep, what if they come in and hunt
17 for other animals without you guys knowing. I think
18 that maybe this proposal is a little premature and
19 should be looked into a little more.

20

21 I think that's all I have to say.

22

23 CHAIRMAN FLEENER: Thank you, Tayna.
24 Do you know if there are any others that have
25 testimony.

26

27 MS. GARNETT: Hold on.

28

29 MR. JOHN: Hey, this is Louis John,
30 again. Another question, is who is selling all these
31 license or tax or permit here in Arctic Village?

32

33 CHAIRMAN FLEENER: I don't know but
34 maybe we can connect you with somebody that can talk
35 about that later. We just want to focus on the sheep
36 hunting thing right now, Louie, if that's okay.

37

38 MR. JOHN: Well, that's a concern too,
39 because if we going to prove something that we've been
40 hunting up there then we have to buy these stuff in
41 order for licensed guide shouldn't be in there, that's
42 what that question is all about.

43

44 CHAIRMAN FLEENER: Maybe I can ask
45 someone from the Refuge Staff then here. Does anyone
46 from the Refuge Staff know who sells licenses and what
47 not in Arctic Village, does anybody sell them in Arctic
48 Village? I know sometimes you can't get them in Fort
49 Yukon, so it's probably even harder in Arctic Village.
50 We have Terry Haynes coming to the microphone, go

1 ahead, Terry.

2

3 MR. HAYNES: Mr. Chairman. The State
4 currently does not have a licensed vendor in Arctic
5 Village, and that has been in the past, there have
6 typically been licensed vendors in a lot of the
7 communities that provided that service but there's no
8 currently no State licensed vendor there.

9

10 CHAIRMAN FLEENER: Okay, thank you,
11 Terry. Did you hear that Louie, there is no licensed
12 vendor there right now, so I think the only way you can
13 keep track of your harvest is by working with the
14 tribal council and continuing to work through CATG to
15 do the harvest surveys.

16

17 MS. GIMALL: No license vendor up here
18 right now, we have to go through CATG and the council
19 for harvest reporting. Okay.

20

21 CHAIRMAN FLEENER: Okay, so if there's
22 no more testimony then we'll go ahead and continue on,
23 thank you very much to all the folks in Arctic Village.

24

25 MS. GIMALL: All right, thank you.

26

27 CHAIRMAN FLEENER: Paul.

28

29 MR. WILLIAMS: (In Native)

30

31 I said my friends, you know, when we
32 spoke, we always spoke English, you know, we kind of
33 forgot the other side, you know, where people live for
34 thousands of years in this particular country, you
35 know, not only around the preservation area for local
36 use but other areas as well and has a lot of historical
37 significance that are important to people through their
38 names that's been handed down, these places of
39 significance for local people is very important, you
40 know, so it's almost like going on a Pilgrimage, you
41 know, if you go over to the Holy Land, if you go over
42 there, you know, it don't matter if you go snowmobile
43 or river boat, you know, so you know access you have to
44 walk 100 miles for your belief and you do so, you know,
45 so somebody mentioned that access is impossible, it is
46 not, you know, so I just want to point that out.

47

48 And that these people expressing their
49 concern from Arctic Village, you know, their request to
50 have a meeting out there for further discussion on this

1 issue should be followed up, that's my recommendation,
2 Mr. Chair and other members of the Board. I thank you
3 for my part for my participation.

4

(In Native)

6

7 CHAIRMAN FLEENER: Thank you, Paul.
8 Gerald.

9

10 MR. NICHOLIA: Yeah, thank you, Mr.
11 Chair. I have a concern here is like the Department's
12 asking us to stick our neck out for them to make a
13 determination on this, to open up this place where, I
14 know it's -- where they totally depend on the land to
15 provide for food for their table and stuff.

16

17 One of the things that they don't
18 understand is that -- they probably understand but they
19 really don't know, they don't picture it in their
20 minds, that these people have a total dependence on
21 wildlife resources and any interruption to their life
22 way patterns to those resources, even a plane flying
23 over does disrupt the pattern for caribou would go or
24 where that moose would go.

25

26 And I know for a fact that there's
27 people in Tanana that go hunt and do harvest but don't
28 report it. So you can't always depend on your harvest
29 ticket reporting. If you do, man, that's just total
30 mismanagement. And to say -- and you never -- I would
31 like to see a concrete harvest -- I mean a concrete
32 survey, not to say I think it could be sustained, I
33 think there's enough sheep that could be a harvestable
34 surplus for this. See these guiding services, they
35 don't understand the affect that their interruption
36 into a traditional way of life, how much it interrupts
37 the way of life. Even a plane flying over Arctic
38 Village will interrupt the migration pattern of the
39 moose or even the pattern. Because I've been there,
40 I've been by in Tanana, they told us that that pipeline
41 wouldn't affect the caribou and ever since they built
42 that pipeline we never harvested caribou like we used
43 to before. Even the Western Arctic Caribou, so things
44 you guys say now, you management bodies say now, it
45 just doesn't pan out, it never did and it never will
46 until you get concrete evidence that you say there's
47 enough sheep up there, count every sheep.

48

49 You just heard from the people that
50 they walk around. I know I talk to some of them, they

1 walk, they walk from their village, they don't jump on
2 a vehicle or on a Sno-Go, the best Sno-Go they got is
3 probably there is an Elan, you don't see those around
4 here anymore.

5
6 You can't make a decision here or in
7 Anchorage and think you know how they live, you don't
8 unless you live there with them. I know for a fact,
9 these are some of the most remote people in the world
10 and to have this opened would adversely affect them.
11 Because it's very hard now for anything, gas, shells,
12 everything, it's very hard, and to just open it up,
13 it's not my way of doing this kind of business and I
14 ain't going to support this proposal, as a matter of
15 fact, I'll oppose it.

16
17 Thank you.

18
19 CHAIRMAN FLEENER: Thank you, Gerald.
20 Vince, is there any more testimony that you're aware
21 of.

22
23 MR. JOHN: Yes, I'd like to have
24 another one. My name is Louie, again. I think that
25 most disturb us or that offend us is we see some big
26 hunter coming into our airport from their hunt and only
27 thing that they have is horns and they don't have
28 anything else, and big smile on their face, and that
29 really offends the Native village of Arctic Village or
30 anywhere, I believe, on that.

31
32 Thanks.

33
34 CHAIRMAN FLEENER: Thank you. Vince,
35 any more -- actually, Sue, did you want to ask someone
36 in Arctic Village a question?

37
38 MS. ENTSMINGER: Yes.

39
40 CHAIRMAN FLEENER: Who do you want to
41 ask that to?

42
43 MS. ENTSMINGER: Louie, anyone.

44
45 CHAIRMAN FLEENER: Louie. Louie, are
46 you on still?

47
48 MR. JOHN: Yes.

49
50 CHAIRMAN FLEENER: Yeah, Louie, we have

1 a question for you from Sue Entsminger.

2

3

MR. JOHN: Okay.

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MR. JOHN: Well, like has been said, Timothy pointed out to you but I'll have to repeat it, is that, they should -- about guiding, the licensed guides should come in and meet with the council of Arctic Village or, you know, and ask us what offend us around here, what would we do to work with each other. We're not all bad people, we're here for survival on this earth and our society is different and compared to your society, it's money, here and back in the old days it's just meat, fish and birds for our Chief, when our Chief was a Chief. But now it's economic. But still, as Native of Alaska, I believe in my ways, that it will not change for maybe another couple of generations and we want to save these animals for our children, not for money, we don't want to waste nothing for money, and that's a fact. That's what I would say.

And also they should come in, bring in the meat to the village, so that we may use it for potlatch and if surrounding village need assistance on some meat, you know, we could send them the meat, you know, that's our traditional way of life.

That's what I would say, thank you.

CHAIRMAN FLEENER: Thank you. Any more questions.

(No comments)

CHAIRMAN FLEENER: Vince, any more public testimony.

MR. MATHEWS: To my knowledge there's no more public testimony and if they were in the crowd they can definitely raise their hand.

1 CHAIRMAN FLEENER: All right. What are
2 the wishes of the Council.
3
4 MR. UMPHENOUR: Move to adopt Proposal
5 WP06-57.
6
7 CHAIRMAN FLEENER: Okay, there's a
8 motion to adopt this proposal, is there a second.
9
10 MS. ENTSMINGER: I'll second it.
11
12 MR. NICHOLIA: Second.
13
14 CHAIRMAN FLEENER: And there's a
15 second. Discussion.
16
17 We've had lots of discussion already
18 but is there any additional discussion.
19
20 Virgil.
21
22 MR. UMPHENOUR: Yes, I'd like to ask
23 the Refuge Staff, I think I heard them say that no
24 guides are permitted to guide in this area.
25
26 MS. WERTZ: At this time.....
27
28 MR. UMPHENOUR: Could you come to the
29 mic and speak up for the record, please.
30
31 MS. WERTZ: Tara Wertz. I'm the
32 wildlife biologist for the Arctic Refuge dealing with
33 the sheep populations, and at this time no one is
34 allowed to hunt in that area.
35
36 CHAIRMAN FLEENER: And what's your
37 name.
38
39 MS. WERTZ: Tara Wertz.
40
41 CHAIRMAN FLEENER: And can you spell
42 that?
43
44 MS. WERTZ: T-A-R-A W-E-R-T-Z.
45
46 CHAIRMAN FLEENER: Okay, thank you.
47
48 MR. UMPHENOUR: Okay, so no guides are
49 currently permitted to guide in this area, and so does
50 the Refuge Service foresee issuing licenses or permits

1 for guys to guide in this area in the near future?

2

3 MS. WERTZ: Well, Arctic Refuge has
4 exclusive guide areas throughout the Refuge so only one
5 guide is permitted in any area of the Refuge at a time.
6 So there would never be multiple guides in any of our
7 areas that are working. If this area was opened up,
8 I'm sure that there would be discussion about allowing
9 the guide that has the area around the Arctic Village
10 Sheep Management Unit to probably have hunting
11 opportunities there, but the Refuge actually has the
12 authority to limit the number of animals taken. All of
13 our guides go through a very stringent guide process
14 and the Refuge manager actually can say how many
15 animals they can take in any areas that they work.....

16

17 MR. UMPHENOUR: Right. Right, we're
18 aware of all that.

19

20 MS. WERTZ:so it would be under
21 her -- okay.

22

23 MR. UMPHENOUR: My question was, does
24 the Refuge plan to issue a permit for a guide for this
25 area, if it were to be opened?

26

27 MS. WERTZ: There hasn't been any
28 discussion because up until this time there hasn't been
29 any need to, so we have no plans for anything at this
30 time, it will all be dependent on whether this proposal
31 passes.

32

33 MR. UMPHENOUR: And if the proposal did
34 pass then one guide may be authorized to hunt there if
35 you include that in his area but you also, your Refuge
36 manager also has the authority to exempt portions of a
37 Refuge guide area from guiding in it, is that not
38 correct?

39

40 MS. WERTZ: Well.....

41

42 MR. UMPHENOUR: I can answer the
43 question, I already know.

44

45 MS. WERTZ:that -- it.....

46

47 MR. UMPHENOUR: He does have that
48 authority because I've had guide use areas on National
49 Wildlife Refuges for 13 years and he has the authority
50 to exclude guides from whatever area he wants to if it

1 interferes with subsistence, and.....

2

3 MS. WERTZ: There is some latitude in
4 that, yes.

5

6 MR. UMPHENOUR: Okay, thank you.

7

8 Mr. Chair. The only people that would
9 cause problems up there would be the troublemakers and
10 the troublemakers are the transporters. And so let me
11 ask, I'd like the Refuge lady to come back.

12

13 (Laughter)

14

15 MR. UMPHENOUR: Does your Refuge
16 regulate the transporters, and when I say that, do you
17 limit the number of transporters that can operate in an
18 area and do you limit the number of clients they can
19 take?

20

21 MS. WERTZ: We don't limit the number
22 of clients that a transporter can take. You have two
23 different scenarios here, the transporters obviously
24 also work with guides and their clients are regulated.
25 We can designate a guide to have a certain number of
26 clients hunting a number of sheep or caribou or moose,
27 but transporters are not limited in the number of
28 private, people who aren't using guide services there.

29

30 MR. UMPHENOUR: Okay. My question is
31 this. Why can the transporters go drop off unlimited
32 sheep hunters but you limit how many hunters the guides
33 can take, because if we were -- if the Federal
34 Subsistence Board decides to pass this proposal, then
35 what you're telling this RAC is that you're going to
36 allow the transporters to take as many people as they
37 want, maybe 30 or 40 in there and drop them off; is
38 that not correct?

39

40 MS. WERTZ: I guess to my knowledge
41 that that would be correct, they would be able to do so
42 but you also have to understand that sheep hunting on
43 the south side of the Brooks Range in the Refuge is
44 very limited, across the Brooks Range, I mean for the
45 past 10 years or so there's been maybe eight to 10
46 sheep hunters in the areas around the Sheenjok, in the
47 Sheenjok, in the Colleen and pretty limited sheep
48 harvest. It's not a high use area for sheep hunters
49 because the sheep hunters usually go to the north side.
50 So I think it's unrealistic to expect that if this area

1 was opened up that there's going to be a transporter
2 taking 40 people into an area like that.

3

4 MR. UMPHENOUR: Okay. The reason I ask
5 these questions, I am a registered guide and I have not
6 hunted there but I've hunted the drainages to the west
7 of there back in the '80s, but the reason I'm asking
8 these questions is the people at Arctic Village are
9 concerned that they've said guides, but I think they're
10 confusing transporters with guides. Because you're
11 telling us that one guide can operate in the adjacent
12 areas to there, because it's an exclusive guide area on
13 the Refuge.

14

15 MS. WERTZ: Correct.

16

17 MR. UMPHENOUR: But you do have the
18 authority to allow that guide to take whatever number
19 of hunters, that is if the Federal Subsistence Board
20 were to pass this proposal, then your Refuge would have
21 to make the decision whether to allow that guide to
22 operate in there and you wouldn't have to if you didn't
23 want to, and if you did allow him to you would tell him
24 how many clients he could have, maybe one client or two
25 clients a year or whatever.

26

27 MS. WERTZ: And also the number of
28 sheep he could take.

29

30 MR. UMPHENOUR: Right, I understand
31 that, and the number of sheep he could take.

32

33 MS. WERTZ: Correct.

34

35 MR. UMPHENOUR: But you have no plans
36 currently to limit the number of people that
37 transporters, and that's the people Arctic Village, I
38 think, are concerned about, is transporters, can put
39 into this area, and so my question is this, do you plan
40 to meet with the people of Arctic Village, if this gets
41 passed and potentially limit the number of transporters
42 that can operate and the number of people they can drop
43 off?

44

45 MS. WERTZ: Excuse me just a minute.
46 Wennona, you got any words of wisdom here because this
47 is way beyond my field.

48

49 I'm sorry, sir, I really don't have the
50 information that you need and I don't deal with the

1 transporters and that process. I know that we do
2 regulate the number of recreational, the recreational
3 guide are limited in the number of people they can take
4 but we don't limit private hunting parties, anyone in
5 this room could hire a transporter to go -- a licensed
6 transporter up to the Refuge to go hunting sheep.

7
8 MR. UMPHENOUR: Okay. Well, the people
9 at Arctic Village have a big concern, their concern is
10 a valid concern because you're sitting here telling us
11 that anyone that wants to can hire a transporter and
12 that transporter is not limited to how many people he
13 can drop off at this area and compete with these
14 subsistence users. That's what you're telling us.

15
16 MS. WERTZ: To the best of my
17 knowledge, yes, sir.

18
19 MR. UMPHENOUR: Okay. Well, beings
20 you're telling us that, then you cause me to -- I, as a
21 registered, as a master guide, have to compete with
22 transporters and I hear so many complaints and at the
23 Board of Game meeting just concluded here, there were
24 lots of complaints about the transporters not being
25 good stewards, and it appears that the Arctic National
26 Wildlife Refuge is not going to require stewardship on
27 the part of transporters.

28
29 MS. WERTZ: Now, that's not correct,
30 sir. That's not what I said. I said that they would --
31 I said that at this time that anyone could hire a
32 transporter to go up there but as far as regulating the
33 stewardship that the transporter operators that are
34 licensed to use the Refuge, we do require them to be
35 good stewards, they do go through a stringent process.
36 They are required to report to us the number of people
37 that they transport in and out of an area and the
38 number of animals that they transport with those
39 hunters in and out of an area. So, you know, the
40 statement you made is not correct and we do keep
41 records, and if we feel like somebody is abusing that
42 then they are -- their license can be revoked.

43
44 MR. UMPHENOUR: Okay, thank you. I
45 don't mean to appear controversial.....

46
47 MS. WERTZ: I understand, sir.

48
49 MR. UMPHENOUR:or argumentative.
50 I'm just trying to get to the point that I'd like to

1 know whether transporters are going to be restricted
2 and I've had that answered so I -- thank you very much
3 for your time. And I didn't mean to be insulting or
4 anything I'm just trying to get to the point as to
5 whether the transporters are going to be regulated or
6 not as far as the number of clients they can take.

7
8 Thank you, very much.

9
10 Mr. Chair.

11
12 CHAIRMAN FLEENER: Thank you, Virgil.
13 And I think I'll -- you can sit down if you'd like.

14
15 MS. WERTZ: Thank you, sir.

16
17 CHAIRMAN FLEENER: I think I'll add to
18 -- can you turn your microphone off, please.

19
20 I think I'll add to that a little bit
21 and I'm just the opposite of my pal Virgil, I like
22 being controversial.

23
24 (Laughter)

25
26 CHAIRMAN FLEENER: But I was going to
27 say that we have had a tremendous problem with
28 transporters not being good stewards and there may be a
29 requirement to be a good steward and I mean there's
30 lots of requirements out there that are not being met.
31 One of the reasons that the folks in Arctic Village and
32 the rest of the Yukon Flats fought so hard to restrict
33 access up there was because people were filthy pigs.
34 They would go to the landing strips up there and leave
35 them dirty.

36
37 The Arctic National Wildlife Refuge and
38 the people in Arctic Village had to go out, a couple of
39 times and clean up after these slobs, so I really don't
40 think that -- first of all I don't think you have all
41 the information because you may have requirements to be
42 good stewards but there's some people out there that
43 will toss a bag of garbage here or do whatever there
44 and after a few years it ends up building up and that
45 is part of the complaint.

46
47 But I wanted to -- I think we need to
48 get on with this because we've spent a lot of time on
49 it but I wanted to get my comment in.

50

1 I think the reason that I was given,
2 the reason we've all been given to support this
3 proposal is that the folks in Arctic Village don't
4 harvest sheep, don't spend time up there and there's no
5 evidence that they do that. I think we haven't been
6 giving overwhelming evidence that there's an awful lot
7 of harvest, but we just heard from three people and
8 written testimony from one other person that there have
9 been harvest over the last couple of years and so to me
10 that's telling me that there people still using that
11 resource up there, so the initial justification, I
12 think, is, in my opinion, is now invalid.

13
14 Which means to me that people -- the
15 folks that are putting these reviews together are not
16 doing a great job. We just had one phone call, you
17 know, you dial 1-800 Arctic Village and there you are
18 and you can talk to three people on the phone who have
19 gone harvesting sheep. And so to me that's evidence
20 that there are people using the resource.

21
22 Secondly, we have no -- it doesn't
23 appear that the Arctic Refuge has a plan to ensure that
24 the folks are going to -- let me rephrase that, that
25 Arctic Village is going to require that the place be
26 left clean and be made clean and that's nearly an
27 impossible thing to ask, but it's still a severe
28 problem. The folks in Arctic Village don't like to see
29 trash and no other hunter likes to see trash, and so
30 when you fly out to an area and you see that it's
31 messed up, nobody really likes to see that, and I think
32 there probably needs to be a plan in place. And, of
33 course, if we pass this proposal, then I'm sure the
34 folks in the Arctic Refuge will be required to put a
35 plan together and I would hope that if this does -- if
36 this proposal is adopted, I hope that the Arctic Refuge
37 Staff will work with transporters and guides to do what
38 the folks in Arctic Village have asked, and that is
39 maybe to meet and try to resolve some of these issues.

40
41 I don't think that the potential for
42 harvest is overwhelming, I mean if you're talking
43 seven, eight, nine 10 sheep in an area where there may
44 be a thousand, maybe 2,000, I don't really think that's
45 overwhelming, but the reason that was given to me is we
46 want to open this up because there have been no
47 reported harvest from Arctic Village, to me that's no
48 longer a valid reason.

49
50 There was one other thing, what was it,

1 I can't remember what the other thing was, it was
2 really important too.

3
4 (Laughter)

5
6 MS. ENTSMINGER: Working together.

7
8 CHAIRMAN FLEENER: No. Go ahead
9 Virgil.

10
11 MR. UMPHENOUR: Well, sheep hunting,
12 they have to be full-curl, eight years old or broomed
13 (ph) on both sides and so we were told maybe two
14 percent of the sheep were legal sheep, the number of
15 legal sheep that would be taken by a so-called
16 sporthunter is totally biologically insignificant,
17 that's why.

18
19 CHAIRMAN FLEENER: Thank you, Virgil.
20 So what are the -- where are we, have we -- oh, yeah,
21 we're in discussion, that's where we are, all right,
22 I'm caught up now.

23
24 So we're in discussion. Is there any
25 more discussion on this proposal.

26
27 MS. ENTSMINGER: Yes.

28
29 CHAIRMAN FLEENER: Sue.

30
31 MS. ENTSMINGER: Yeah, thank you, Mr.
32 Chairman. From what I'm hearing here, I'm like you I
33 could vote now and open it [sic] but at the same time I
34 see an opportunity here for people to join hands. I
35 believe that the people in Arctic Village, if they saw
36 that this wasn't going to hurt their subsistence
37 hunting and there could be a time where people could
38 get together and work together and make the --
39 especially the problems that you have, they're talking
40 with the village, they're working with the people, that
41 there might be an opportunity to open this and maybe we
42 are premature. And I would like to -- I don't know,
43 you need a motion to table, but I don't want to see it
44 go away, I want to see people working on this. I want
45 to see good stewardship from everybody that -- you
46 know, show the people that they're working with them
47 and get some numbers and we look at it again.

48
49 So I'll make a motion to table and that
50 we look at it again.

1 CHAIRMAN FLEENER: Can we make a motion
2 to table while we have a motion on the floor.

3
4 MR. GLANZ: We got a motion out there.

5
6 MR. UMPHENOUR: Mr. Chair.

7
8 CHAIRMAN FLEENER: Virgil.

9
10 MR. UMPHENOUR: Mr. Chair, might I
11 offer a suggestion.

12
13 CHAIRMAN FLEENER: Why you certainly
14 may, Virgil.

15
16 MR. UMPHENOUR: Okay. What we could do
17 is make a recommendation to the Federal Subsistence
18 Board to table and to direct the U.S. Fish and Wildlife
19 Service to meet with the people and to come up with
20 some type of a plan to regulate the number of people
21 that would be in that area and meet with the people in
22 Arctic Village and to try and come up with some kind of
23 an agreement where the Refuge would limit how many
24 people transporters could dump off in there that would
25 be acceptable to the people in Arctic Village and
26 that's what I think we could do.

27
28 CHAIRMAN FLEENER: Thank you, Virgil.
29 Gerald.

30
31 MR. NICHOLIA: Yeah, I think we should
32 just vote it down. Because any affect to that remote
33 subsistence economy that we do, even if we table it,
34 would be an adverse affect on their way of life. And
35 I've dealt with transporters around Tanana, namely
36 Lester Cobbs, and he's one guide with 13 transporters
37 [sic], and he left over 105 people in the Tanana area,
38 just left them there, and came back and got them a week
39 later or something. You don't imagine how that
40 mentality of one guide having that many transporters
41 leave that many people, you don't under -- it causes
42 some conflict, some serious conflict man, there is
43 going to be gun shots fired if the State Troopers
44 didn't come in at that time.

45
46 So I would just keep this on the table
47 and just vote it down.

48
49 CHAIRMAN FLEENER: Vince.

50

1 MR. MATHEWS: Thank you, Mr. Chairman.
2 At some point we can get Staff here to go over the
3 whole transporting issue. I don't want to bury you
4 with that, but there is.....
5
6 CHAIRMAN FLEENER: I don't want to.
7
8 MR. MATHEWS: But I think the issue has
9 come up in other regions that we need to address that
10 because there's a lot of factors in that transporting,
11 where they land, what land base they have, that's all
12 being glossed over here. So I think either later in
13 this meeting or a future agenda topic because this is a
14 real concern, it comes up in all your actions when
15 there's conflict between users, is the bad guy or the
16 person that seems to be the bad guy, is the
17 transporters, and then we go what can we do, I think we
18 need to seriously look at the jurisdictions on this, and
19 we can consult with Staff by tomorrow on it or put it
20 on a future agenda topic.
21
22 CHAIRMAN FLEENER: Well, what does the
23 Council think, would you like to take this issue up
24 later on in the agenda, the idea -- not this proposal,
25 but the issue of transporters?
26
27 (Council nods affirmatively)
28
29 CHAIRMAN FLEENER: Yes, okay, we'll do
30 that, so remind us later on, Vince.
31
32 MR. MATHEWS: That's assuming I can get
33 someone out of the office but I'll do my darndest to
34 get someone over here that can answer the general
35 questions.
36
37 CHAIRMAN FLEENER: You mean these
38 folks.....
39
40 MR. MATHEWS: Well, there's.....
41
42 CHAIRMAN FLEENER: There's about 40 of
43 them out there.
44
45 (Laughter)
46
47 MR. MATHEWS: But they all 40 don't
48 work on transporting and permitting and it's a whole
49 other level that I think we all need to be educated on
50 and give a fair chance because it's being portrayed

1 that there's not management of these transporters,
2 there is management of the transporters, but there's a
3 different level of transporters, and I'm not talented
4 enough to cover that, but we went through hours of this
5 in Western Interior on this very topic so there's a lot
6 more to it.

7
8 CHAIRMAN FLEENER: Thank you, Vince.
9 And I guess I did remember what the other issue is that
10 I wanted to bring up.

11
12 The one other issue is, as far as
13 justifying additional harvest, folks, several folks,
14 numerous folks pointed out that we have done no
15 population surveys or estimates and we've voted things
16 down in the past because we haven't had good biological
17 justification for adopting them and I think adopting
18 this without good justification would really go against
19 some of our previous actions, which we can do what we
20 want to, but I think that, you know, it would be hard
21 to justify. If someone said why did you support that,
22 did you have biological reasons to support it, well,
23 I'd have to say, no, we didn't. And if the
24 justification is that there's no harvest documented,
25 well, now we've tossed that out as well, so I think a
26 population survey would also be useful and I don't know
27 if this is an area that's important enough for the
28 agencies to do a survey on but if it's important enough
29 for them to request an opening maybe it's important
30 enough to do a survey.

31
32 Any more discussion.

33
34 (No comments)

35
36 MR. NICHOLIA: Question.

37
38 CHAIRMAN FLEENER: Okay, question's
39 been called. All in favor of the motion signify by
40 saying aye.

41
42 (No aye votes)

43
44 CHAIRMAN FLEENER: All opposed, say no.

45
46 IN UNISON: No.

47
48 CHAIRMAN FLEENER: All right. Let us
49 take a 10 minute break.

50

1 (Off record)

2

3 (On record)

4

5 CHAIRMAN FLEENER: That gets people's
6 attention. Okay, let us proceed. We are up to
7 Proposal No. 2.

8

9 (Laughter)

10

11 CHAIRMAN FLEENER: We're on No. 2, Page
12 23.

13

14 MR. MATHEWS: Mr. Chairman. Proposal 2
15 is the prohibit the sale of handicrafts from non-edible
16 by-products and Dan LaPlant will be presenting that and
17 Pete DeMatteo's still on line, just for the record.

18

19 Thank you.

20

21 CHAIRMAN FLEENER: Go ahead, Dan.

22

23 MR. LAPLANT: Mr. Chairman. Members of
24 the Council. Again, for the record my name is Dan
25 LaPlant. Proposal No. WP06-02 begins on Page 25 and it
26 deals with the sale of handicrafts made from non-edible
27 by-products of wildlife other than bears.

28

29 This proposal as it says, in current
30 Federal regulations it prohibits the sale of wildlife
31 by-products of -- unless specifically permitted in
32 Federal regulations. So Section 7 of our regulations
33 basically says no sales will be permitted unless the
34 Federal regulations specifically identify them in
35 Subpart C and D of the regulations, primarily Subpart
36 D.

37

38 So current Federal regulations only
39 allow for the sale of handicrafts made from bear skin,
40 hide and pelt, which we talked about in Proposal 1.
41 The sale of handicrafts also made from bear bones,
42 teeth, and sinew and skulls taken in Southeast, that's
43 another regulation that our Federal regulations
44 identify as being authorized. The regulations also
45 authorize the sale of furbearers, the hides from
46 furbearers, and that's always been a part of the
47 program under both State and Federal regulations. And
48 you're also aware that subsistence harvest under the
49 fisheries regulation for customary trade exists and
50 allows the sale of fish and wildlife products.

1 So those are the specific ones that are
2 identified in Federal regulations.

3
4 Under the State regulations they state
5 that any handicraft -- or excuse me, they say that many
6 handicrafts and other parts of game can be sold,
7 purchased or bartered, and the State has a specific
8 list of what cannot be sold. So some of those items in
9 the State regulations as far as what cannot be sold
10 includes most meat, most bear parts, big game trophies
11 and such. So the point I'm trying to make here is the
12 State regulations come at it from a different angle
13 than the Federal regulations. The Federal regulations
14 say you cannot sell these products unless specifically
15 allowed in the regulations and the State regulations
16 say you can sell anything except these specific items.

17
18 So, therefore, many wildlife
19 handicrafts individual antlers, horns, capes and other
20 items can be sold under State regulations but they
21 can't be sold from animals harvested on Federal public
22 lands under the Federal regulations. So the purpose of
23 this proposal is to make the Federal regulations
24 consistent with the State regulations with respect to
25 handicrafts.

26
27 So the action will not alter existing
28 harvest limits or seasons and therefore should have no
29 impact on wildlife populations. The action will
30 provide subsistence users who make handicrafts with an
31 opportunity to sell those handicrafts made from
32 wildlife that are harvested under the Federal
33 subsistence regulations. This change will be minimal
34 because the activity is currently allowed for wildlife
35 harvested under the State regulations and this change
36 will have no affect on other users.

37
38 In the regulation language that we
39 proposed and that is on Page -- the Staff
40 recommendation starts on the bottom of Page 27, the
41 regulation there that's proposed also provides some
42 definitions for big game and for trophy because we use
43 those terms in the regulatory language. So our
44 modification is to add those additional definitions.

45
46 So, Mr. Chairman, the Staff
47 recommendation is to adopt this proposal with the
48 recommended modifications to add those definitions.

49
50 I'd also like to add one other comment

1 here. In the past we've gotten questions as to why
2 doesn't this proposal allow the sale of, under the
3 Federal regulations that we've proposed here, why
4 doesn't it allow the sale of capes and individual horns
5 and antlers that the regulation does. In answer to
6 that question is that Federal regulations require that
7 sales be limited to handicrafts and that goes along
8 with the definition of subsistence itself. The
9 definition of subsistence in ANILCA says that
10 subsistence consists of personal and family consumption
11 of the resource, handicrafts, bartering and customary
12 trade. So the sale of capes, the sale of individual
13 horns and antlers that have not been converted into a
14 handicraft don't fall under any of those categories
15 under the definition of subsistence uses.

16
17 So this regulation, the purpose of it
18 is to address handicrafts and make the Federal
19 regulations consistent with the State regulations.

20
21 Mr. Chairman, thank you.

22
23 CHAIRMAN FLEENER: Thank you, Dan.
24 State of Alaska.

25
26 MR. HAYNES: Mr. Chairman. The
27 Department's comments are on Page 28 of your Council
28 book.

29
30 We support the proposal as modified in
31 the preliminary conclusion. The Department supports a
32 Federal regulation that authorizes the sale of
33 handicraft articles made from non-edible wildlife
34 parts that is consistent with corresponding State
35 regulations.

36
37 And as Dan pointed out, the State
38 regulations approach things from a different
39 perspective, but at the end of the day what's proposed
40 in the preliminary conclusion is consistent as it can
41 be with State regulations so we support it.

42
43 CHAIRMAN FLEENER: Thank you. Any
44 other agencies.

45
46 (No comments)

47
48 CHAIRMAN FLEENER: Any written comments
49 -- or we should go to -- okay, come on.

50

1 MS. CELLARIUS: Mr. Chair. The
2 Wrangell-St. Elias National Park Subsistence Resource
3 Commission unanimously supports the proposal as
4 modified in the Staff recommendation. The proposal
5 should not cause a conservation concern and it will
6 allow subsistence users to more fully make use of the
7 wildlife that they harvest.

8
9 CHAIRMAN FLEENER: Thank you, Barb.
10 Vince, Regional Advisory Council comments or public
11 comments.

12
13 MR. MATHEWS: Well, we have both plus
14 we have another SRC.

15
16 The written comments you'll see on Page
17 28.

18
19 The AHTNA Subsistence Committee
20 supports this proposal. They support
21 it so that rural residents may sell
22 handicrafts made from non-edible
23 byproducts. This practice has been
24 done under State regulations, but not
25 under Federal regulations. So since
26 there's no regulation in place under
27 Federal so they're in support of the
28 proposal.

29
30 The Mentasta Traditional Council, they
31 support this proposal.

32
33 Now, the Denali Subsistence Resource
34 Commission did meet on this proposal
35 and their recommendation -- well, their
36 motion was to adopt the Staff analysis
37 was passed unanimously. The modified
38 proposed regulation supported by the
39 SRC should read -- so I'm taking that
40 to mean that they support the Staff
41 recommendation with modification. And
42 the reason Denali supports that is
43 adoption of these new regulations will
44 provide Federally-qualified subsistence
45 hunters the same opportunities that are
46 currently available under State regs.

47
48 Those are the two -- Barbara covered
49 Wrangell, that was Denali.

50

1 Now, the Regional Advisory Councils.
2
3 Western Interior supported this
4 proposal as modified by Staff.
5
6 Northwest Arctic, again, I wasn't able
7 to get ahold of the person to verify
8 this but they said support with
9 modification, so I assume that's the
10 Staff modification.
11
12 The North Slope Regional Advisory
13 Council supports the proposal with
14 Staff modification.
15
16 The Southeast Regional Advisory Council
17 just supported the proposal. And I
18 think if you need clarification on
19 that, I think, Steve Kessler, can have
20 that. I was trying to find the notes
21 on Southeast and I couldn't, but my
22 handwritten note is they just supported
23 the proposal.
24
25 The Yukon-Kuskokwim Regional Advisory
26 Council. They supported the proposal
27 without the modification. They
28 supported the original proposal because
29 it would allow subsistence users to
30 continue traditional practices.
31
32 Seward Penn supported the proposal as
33 written.
34
35 And that's all the Councils I'm aware
36 of. There may be others that know what Bristol Bay
37 did.
38
39 Thank you.
40
41 CHAIRMAN FLEENER: Thank you, Vince.
42 Any other comments. Dan.
43
44 MR. LAPLANT: Mr. Chairman. Just one
45 other point that I forgot to make earlier, is that the
46 Federal Subsistence Board passed a similar regulation
47 to this dealing with fisheries, fish by-products used
48 in Mr. Chairman, handicrafts and they passed that in
49 January so that was the counterpart to this proposal,
50 dealing with fish.

1 CHAIRMAN FLEENER: Thank you. Any
2 action by the Council.

3
4 MR. NICHOLIA: Move to adopt with
5 modification.

6
7 CHAIRMAN FLEENER: There's a move to
8 adopt, any second.

9
10 MS. ENTSMINGER: Second.

11
12 CHAIRMAN FLEENER: Second by Sue.
13 Discussion. Sue.

14
15 MS. ENTSMINGER: I just had some
16 further questions here. Did I hear you correctly then,
17 on the capes, that is is, under Federal law, what we
18 have here before us with this -- your amendment or your
19 modification to the proposal, a subsistence user could
20 not sell a cape or horns?

21
22 MR. LAPLANT: Through the Chair. Ms.
23 Entsminger. A subsistence user could do that under
24 State regulations but this provision under Federal
25 regulations wouldn't allow it because capes don't fall
26 into any of the categories that are described under the
27 definition of subsistence use. So it's not a
28 handicraft, the cape is not a handicraft, it wouldn't
29 fit into that and it's not something, it's not to be
30 eaten for personal consumption, so that's correct, it
31 would not apply to capes.

32
33 MS. ENTSMINGER: Let me ask you this
34 then. If you had a Federal permit and you went out and
35 shot a caribou and you wanted to save the cape and you
36 wanted to sell it, would it be legal?

37
38 MR. LAPLANT: My answer to that, I
39 guess, would be no, a subsistence user would have to
40 decide whether that activity, that harvest took place
41 under Federal regulations or State regulations. In
42 most cases the seasons are the same, some cases the
43 Federal season is a bit longer and it's done with a
44 Federal permit, but on those hunts where it can be
45 claimed as either a State harvest or a Federal harvest
46 and the intent is to sell the cape, then the harvester
47 should identify it as having been harvested under State
48 regulations.

49
50 MS. ENTSMINGER: So are you telling me

1 that the State is less restrictive, that the Federal is
2 more restrictive?

3

4 MR. LAPLANT: With respect to selling
5 of capes, yes, that's correct.

6

7 MS. ENTSMINGER: I want to make the
8 record note that I think this is crazy. This is a use
9 that people would have. If you were out there hunting,
10 a subsistence harvester, and they decided to save the
11 cape and they could make an extra dollar on it and they
12 lived out somewhere, I mean I just think it's not even
13 imaginable that we would be more restrictive than the
14 State.

15

16 CHAIRMAN FLEENER: Can I ask you a
17 question, Sue.

18

19 MS. ENTSMINGER: Yes.

20

21 CHAIRMAN FLEENER: What's a cape?

22

23 (Laughter)

24

25 CHAIRMAN FLEENER: I know Superman
26 wears one.

27

28 (Laughter)

29

30 CHAIRMAN FLEENER: Is that similar to
31 what you're talking about.

32

33 MS. ENTSMINGER: Being married to a
34 taxidermist, it's like something that can be mounted,
35 and say a head mount, caribou, moose, sheep, goat, a
36 cape is referred to a shoulder mount from the front
37 legs forward and then a life size hide is also
38 considered a cape.

39

40 CHAIRMAN FLEENER: So the cape is just
41 the skin, is that what you're saying?

42

43 MS. ENTSMINGER: That's right.

44

45 CHAIRMAN FLEENER: So it would be skin
46 that you would mount on something like a taxidermist
47 mount?

48

49 MS. ENTSMINGER: Right. That's right.

50

1 CHAIRMAN FLEENER: And so then why
2 would that not be considered a handicraft because if a
3 subsistence user takes that -- aren't they manipulating
4 it and altering it in a way that's significant -- I
5 forget how the wording goes, but isn't it significantly
6 altered?

7
8 MR. LAPLANT: Mr. Chairman. If it does
9 meet the definition of handicraft, it was significantly
10 altered, changing the shape and the value of the
11 product, if it meets the definition of handicraft, yes,
12 it does qualify then, but if it does not meet the
13 definition of handicraft then it's a judgment call, I
14 guess that we'd have to look into closer as to what the
15 fine line is where you would cross that.

16
17 CHAIRMAN FLEENER: Well, I would think
18 that jerking the skull and the backbone out of an
19 animal is significantly altering it but maybe that's
20 not enough to -- because I mean you can't see a black
21 bear hide without altering it significantly so I guess
22 I'm trying to figure out why you couldn't sell this
23 either, because you're certainly altering it, maybe --
24 I don't know why you can't sell it. I mean you keep
25 saying it doesn't fit with the definition of
26 handicraft, and maybe you can tell me what that means.

27
28 MR. LAPLANT: Yes, Mr. Chairman, I'll
29 read the definition of handicraft currently in our
30 Federal regulations. It's on Page 132 of the Federal
31 regulation book.

32
33 A handicraft means a finished product
34 made by a rural Alaskan resident from
35 non-edible by-products of fish or
36 wildlife which is composed wholly or in
37 some significant aspect of natural
38 materials, the shape and appearance of
39 the natural material must be
40 substantially changed by the skillful
41 use of hands by sewing, weaving,
42 drilling, lacing, beading, carving,
43 etching, scrimshawing, painting, or
44 other means and incorporated into a
45 work of art, regalia, clothing or other
46 creative expression and can be either
47 traditional or contemporary in design.

48
49 The handicraft must have a substantial
50 greater monetary and aesthetic value of

1 the unaltered natural material alone.

2

3 So that's the definition of handicraft.

4

5 CHAIRMAN FLEENER: It sounds like a
6 cape or a, what do they call that, the big head on the
7 wall, a mount, it sounds like both of those fit into
8 this category. Non-edible, I mean we eat the head but
9 we don't eat the skin, we eat fish skin. But composed
10 wholly, it's certainly natural materials. The shape
11 has been altered. There's sewing involved. I don't
12 know about weaving, there's usually some drilling
13 involved. This really seems like it fits. And it
14 certainly has a greater monetary value and aesthetic
15 value, and it's a creative expression that's
16 contemporary in design, or I don't know if you'd say
17 it's not just contemporary because they used to stuff
18 these things back in King David's time.

19

20 (Laughter)

21

22 Go ahead.

23

24 MR. LAPLANT: The other point here, Mr.
25 Chairman, is in the proposed language on the bottom of
26 Page 27 it prohibits the sale of skulls or items made
27 into big game trophies, and it has to be consistent
28 with the State regulation, the prohibition of selling
29 trophies, so if it's a finished product, a finished
30 trophy, this language that's proposed would not allow
31 that and again that's consistent with the State that
32 doesn't allow the sale of trophies.

33

34 So there's a judgment call here as to
35 whether that cape meets handicraft, but it was our
36 determination as we did this analysis that a raw cape,
37 o a cape without any additional modifications did not
38 meet the definition of handicraft.

39

40 CHAIRMAN FLEENER: And I see that
41 there's no definition for trophy in here, so I'm not
42 sure what that is. I have a bowling trophy at home but
43 I didn't make that.

44

45 (Laughter)

46

47 CHAIRMAN FLEENER: So what is a trophy
48 when it comes to wildlife? So if I go out and kill a
49 moose and nail up the antler on my rich pole, is that
50 considered a trophy?

1 (Laughter)

2

3 MR. LAPLANT: Mr. Chairman. That's
4 part of the proposed language, the modification, we
5 have a definition for trophy and that's at the top of
6 Page 28.

7

8 And it says, a trophy means a mount of
9 big game animal including the skin of
10 the head, cape, or the entire skin in a
11 life like representation of the animal
12 including a life like representation
13 made from any part of a big game
14 animal.

15

16 Trophy also includes a European mount,
17 in which the antlers, or horns or
18 antlers and the skull or portion of the
19 skull are mounted for display.

20

21 So that's why we're proposing the
22 adoption of that definition of trophy so that answers
23 that question.

24

25 CHAIRMAN FLEENER: Thank you, Dan. Any
26 more public comments or anything.

27

28 (No comments)

29

30 CHAIRMAN FLEENER: Vince.

31

32 MR. MATHEWS: (Shakes head negatively)

33

34 CHAIRMAN FLEENER: No. Virgil.

35

36 MR. UMPHENOUR: I'll be in support of
37 the proposal as simply housekeeping basically to get
38 the Federal regulations in compliance with the State
39 regulations, one, the Federal is more restrictive
40 currently than the State and I don't think there's any
41 type of conservation concern here. I'll be supporting
42 the proposal as amended or modified, whatever they want
43 to call it.

44

45 CHAIRMAN FLEENER: So, Virgil, is this
46 really aligning us with the State because I thought we
47 heard a few seconds ago that you're allowed to sell
48 capes and trophies under State regulations. It's
49 housekeeping in that we just got through doing it with
50 fish but it doesn't align us with the State because

1 they're allowed to sell capes and trophies, right?

2

3 MR. UMPHENOUR: Wrong. The State, you
4 can sell a cape but you can't sell a trophy. And you
5 can sell antlers that have been detached, you know,
6 like you find them out in the woods somewhere, sheds,
7 you can sell sheds, or horns, you know, that are shed
8 or killed by wolves or whatever, if you find them you
9 can sell those, but you cannot sell a -- like.....

10

11 CHAIRMAN FLEENER: A mount.

12

13 MR. UMPHENOUR: You can't sell a mount
14 because that's considered a trophy but you can sell
15 sheds and pick ups.

16

17 CHAIRMAN FLEENER: And capes, what
18 about a cape.

19

20 MR. UMPHENOUR: And capes, you can sell
21 capes.

22

23 CHAIRMAN FLEENER: Okay, so then you
24 said you want to support this, are you wanting to
25 support it with allowing the sale of those things to
26 make it the same as the State's, or you just want to
27 support it this way.

28

29 MR. UMPHENOUR: I believe what they're
30 saying is that you will be able to sell -- if this
31 passes, and correct me if I'm wrong, then you'd be able
32 to sell the same things that the State allows you to
33 sell now as far as all this kind of stuff.

34

35 MR. LAPLANT: Mr. Umphenour. The
36 consistency with the State would be with respect to
37 handicrafts. It would make the Federal regulations the
38 same as the State regulations with respect to
39 handicrafts. But the State would allow that this
40 regulation would not provide for is the selling of
41 capes and the selling of shed horns or shed antlers and
42 individual horns. Again, the reason for that, that
43 we've concluded in the Staff analysis, is that those
44 items don't meet the definition of subsistence uses.

45

46 So the effort here is to make the
47 regulations consistent with the State with respect to
48 handicraft, and, of course we're open to hear the
49 Council's views on this and make the recommendations to
50 the Board.

1 CHAIRMAN FLEENER: Sue.
2
3 MS. ENTSMINGER: Mr. Chairman. In Unit
4 12 and 11, where I live, the Wrangell-St. Elias Park is
5 there and I know lots of people that that's something
6 they've done for a long time, selling capes and hides,
7 and it's not meeting this definition and they would be
8 not legal because in some parts of the Park it's only
9 subsistence that can take place. They don't have the
10 choice of being a sporthunter and taking it under a
11 sport license, so to me it's being more restrictive.
12 And I know many people that will be very disheartened
13 by this. So I'd like to make it that it can be
14 allowed, can we do it by an amendment to this proposal
15 to add that capes and horns can be sold -- or capes --
16 I don't know how you'd have to word it but the hide of
17 the animal could be sold.
18
19 I want it to be parallel to the State
20 law.
21
22 CHAIRMAN FLEENER: We can do anything
23 we want to do.
24
25 MS. ENTSMINGER: No, I need the
26 language.
27
28 CHAIRMAN FLEENER: Virgil.
29
30 MR. UMPHENOUR: Okay, move to align the
31 sale of capes and sheds with State regulation.
32
33 CHAIRMAN FLEENER: Yeah, you're making
34 a motion.
35
36 MR. UMPHENOUR: I'm making a motion to
37 amend the proposal to add the sale of capes and sheds
38 such as the State regulations.
39
40 CHAIRMAN FLEENER: Okay, we have a
41 motion for an amendment, is there a second.
42
43 MS. ENTSMINGER: Second.
44
45 CHAIRMAN FLEENER: It's been seconded,
46 any further discussion.
47
48 (No comments)
49
50 MR. NICHOLIA: Question.

1 CHAIRMAN FLEENER: Okay, question's
2 been called. All in favor of the amendment to add the
3 sale of -- legalizing the sale of capes and sheds, or
4 basically to bring it in compliance or to use the
5 State's wording, I guess, all in favor of that signify
6 by saying aye.
7
8 IN UNISON: Aye.
9
10 CHAIRMAN FLEENER: Any opposed, say no.
11
12 (No opposing votes)
13
14 CHAIRMAN FLEENER: All right, the
15 amendment carries.
16
17 Any more discussion on the main motion.
18
19 MR. MATHEWS: Mr. Chairman. We need
20 clarification on the main motion because the main
21 motion as we captured it was to adopt the proposal.
22 Was that to adopt the Staff recommendation.....
23
24 MR. NICHOLIA: It was move to adopt the
25 proposal with Staff recommendation.
26
27 MR. MATHEWS: Yes.
28
29 REPORTER: Yes.
30
31 MR. MATHEWS: Okay, thank you.
32
33 CHAIRMAN FLEENER: That's right, and we
34 just amended that.
35
36 MR. NICHOLIA: Yes, and we just amended
37 that and voted on it.
38
39 CHAIRMAN FLEENER: All right, more
40 discussion.
41
42 (No comments)
43
44 MR. UMPHENOUR: Question on the main
45 motion.
46
47 CHAIRMAN FLEENER: There's a question
48 on the motion. All in favor of that signify by saying
49 aye.
50

1 IN UNISON: Aye.
2
3 CHAIRMAN FLEENER: All opposed, say
4 nay.
5
6 (No opposing votes)
7
8 CHAIRMAN FLEENER: Okay, the motion
9 carries.
10
11 MR. MATHEWS: And Mr. Chairman.....
12
13 MR. UMPHENOUR: I'm going to have to
14 leave, Mr. Chair, I got an appointment.
15
16 CHAIRMAN FLEENER: All right, see you
17 Virg. See you in the morning. 0:600.
18
19 MR. UMPHENOUR: Yeah, okay.
20
21 (Laughter)
22
23 MR. MATHEWS: Mr. Chairman. So then
24 the justification for this proposal would align with
25 the Staff justification within there and then we
26 captured the other justification for the reason for the
27 amendment, is that what everybody voted on was the
28 Staff justification.
29
30 CHAIRMAN FLEENER: For the initial,
31 yes, and then we wanted to align with the State so we
32 won't have those complications and to allow more
33 opportunities for subsistence users.
34
35 MR. MATHEWS: Thanks. That way we can
36 get that through to the Board.
37
38 CHAIRMAN FLEENER: Okay, Proposal 56,
39 is that where we are, Vince?
40
41 MR. MATHEWS: Yes.
42
43 CHAIRMAN FLEENER: I don't know what
44 this units maps thing is, that's nothing, okay,
45 Proposal 56, Page 38. We're moving right along now,
46 whew.
47
48 (Laughter)
49
50 MR. DEMATTEO: Mr. Chair. Proposal 56,

1 the analysis is on Page 39. And Proposal 56 was
2 submitted by Craig Fleener of Fort Yukon. He requests
3 the creation of a Federal registration permits for all
4 species for which a State registration permit is
5 required for Federally-qualified subsistence hunters in
6 the Eastern Interior Alaska region for Units 12, 20 and
7 25.

8
9 The proponent states that he submitted
10 this proposal because of the recent action of the
11 Alaska Board of Game to implement a failure to report
12 penalty on State registration permits or a black list
13 threatens the conservation of wildlife species
14 important to subsistence users in Eastern Interior and
15 creates an unacceptable burden on subsistence hunters.
16 Those on the black list lose eligibility for future
17 registration hunts for failing to report on the
18 previous year's drawing or Tier II permits.

19
20 The proponent also stated that
21 blacklisting hunters will result in lower permit
22 reporting and it will drive traditional subsistence
23 harvesting activities and users to be illegal.

24
25 Low harvest and permit reporting
26 compliance is a real concern for Federal and State
27 wildlife managers as well as the users involved. For
28 example, for the Interior regions in Alaska, the
29 Department of Fish and Game records show that up to 20
30 percent of the permits issued are not reported. In
31 Unit 12 there are no Federal hunts that require State
32 registration permits. In Unit 20 there are two Federal
33 caribou hunts that require a joint State/Federal
34 registration permit in Subunit 20(E) and a portion of
35 Subunit 20(F). In Unit 25 two Federal caribou hunts
36 require a State registration permit both in Subunits
37 25(C).

38
39 Mr. Chair, it should be noted that
40 there is an existing Federal regulatory general
41 provision which requires similar reporting compliance
42 of Federally-qualified subsistence users and similar
43 consequences for compliance failure. On Page 16 of the
44 subsistence management regulations it reads, if a
45 permit requires you to return harvest information
46 necessary for management and conservation purposes and
47 you fail to comply with such reporting requirements,
48 you're ineligible to receive a subsistence permit for
49 that activity during the following calendar year unless
50 you demonstrate the failure to report was due to loss

1 in the mail, accident, sickness or other unavoidable
2 circumstance.

3

4 If this proposal is adopted by the
5 Federal Board, it would require Federally-qualified
6 subsistence users to have a Federal registration permit
7 to hunt caribou in Unit 20(E), portions of 20(F) and
8 25(C) in addition to having a State registration permit
9 while hunting on non-Federal lands. Dual permits would
10 be needed because of the mixture of Federal, State and
11 private lands within these units. It is worthy noting
12 that one contributing factor to the success of managing
13 the Fortymile Caribou Herd has been the coordinated
14 harvest reporting efforts between the State and Federal
15 agencies. Because the herd's harvest allocation is
16 spread over Units 20(B), 20(D), 20(E) and 25(C) an
17 effective harvest reporting system is necessary to keep
18 within harvest guidelines.

19

20 Establishment of a dual reporting
21 system could create delays in complying and monitoring
22 harvest totals for each of the effective subunits.
23 Requiring two permits would result in regulatory
24 complexity for subsistence hunters, possibly resulting
25 in citations from Federal and/or State law enforcement
26 personnel.

27

28 Adoption of this proposal would not
29 resolve the proponent's main issue as in Federal
30 regulation requires similar reporting compliance of
31 Federally-qualified users and similar consequences for
32 compliance failure.

33

34 While recognizing the proponents
35 concerns that implementation of the State's failure to
36 report penalty where issued permits could result in
37 non-compliance with the permit system, the Federal
38 Subsistence Program encourages the proponent to work
39 with the local hunters, local tribes, local advisory
40 committees, and the Eastern Interior Council to find
41 ways to improve compliance with the current reporting
42 requirements.

43

44 Mr. Chair, with that the preliminary
45 conclusion is to oppose the proposal and I'll stop
46 there.

47

48 Thank you.

49

50 CHAIRMAN FLEENER: ADF&G.

1 MR. HAYNES: Mr. Chairman. The
2 Department's comments are on Page 43 of your Council
3 book. We do not support this proposal either in large
4 part for the reasons that Pete described in the Staff
5 analysis.

6
7 This Fortymile Caribou hunt being
8 administered by joint permit for the past several years
9 is really a model hunt in this state and to impose a
10 burden on Federally-qualified subsistence users that
11 instead of getting one joint permit that they do now,
12 to require that they get both a State and Federal
13 permit, if there's any possibility that they might be
14 hunting on State lands and Federal lands seems like a
15 cumbersome process. It will require the Federal
16 agencies to provide Federal registration permits in at
17 least in Tok and Eagle. That, in turn, is going to
18 complicate the close monitoring of the harvest that the
19 Department currently does for this hunt to ensure that
20 if the harvest has reached the allowable limit in
21 particular hunting areas, that that hunt can be closed
22 for conservation purposes.

23
24 And requiring the Department or
25 whomever, to get day by day harvest information from
26 other entities that are providing permits is going to
27 require that those other entities have an efficient
28 system in place for getting those permits back in a
29 timely manner and that they're monitoring that or that
30 they're updating that information on a daily basis
31 during the season.

32
33 With reference to a concern about the
34 failure to report list in relationship to this
35 proposal, for the fall Fortymile Caribou hunt, this
36 past year, there were nearly 3,200 registration permits
37 issued, as of today or as of March 13th, I should say,
38 there were 244 hunters that remained on the failure to
39 report list out of 900 that failed to report initially.
40 Of those 244, 12 are Federally-qualified subsistence
41 users in the Fortymile Caribou hunt area, and then
42 there are seven of these Federally-qualified
43 subsistence users who have not reported, so there are
44 12 that are on the failure to report list, they have
45 reported their harvest but they have not appealed, have
46 not submitted an appeal to get their privileges back to
47 get a registration permit next season. So it's a very,
48 very insignificant percentage of Federally-qualified
49 subsistence users that have been negatively impacted by
50 this failure to report program.

1 One more point I'll make and if you
2 want to get into more detail, Roy Nowlin will be
3 talking more about the Fortymile Caribou harvest plan
4 that was just endorsed by the Board of Game. If the
5 Federal Board adopts this proposal, it's going to
6 require a total rethinking of that new revised
7 Fortymile Caribou Harvest Plan that is intended to be
8 in place for the next five years. So we just cannot
9 think of anything positive about adopting this
10 proposal. It would be a burden for everyone involved.

11
12 Thank you, Mr. Chairman.

13
14 CHAIRMAN FLEENER: Thank you, Terry.
15 Any other agency comments.

16
17 (No comments)

18
19 CHAIRMAN FLEENER: Barb.

20
21 MS. CELLARIUS: (Shakes head
22 negatively)

23
24 CHAIRMAN FLEENER: Hey, okay. Vince.

25
26 MR. MATHEWS: Yes, we do have a written
27 comment that was submitted by the Alaska Regional
28 Office of the National Parks Conservation Association,
29 and that's captured on Page 43 and 44.

30
31 In a nutshell, the way I interpreted
32 their letter is they support the
33 proposal. They were pointing out that
34 subsistence regulations should be
35 culturally sensitive and not include
36 unnecessary administrative actions.

37
38 They go on to talk about the need for
39 people to feed their family and it
40 would only serve to antagonize local
41 residents to have this system of
42 blacklisting. What is needed is a
43 culturally sensitive method of
44 collecting wildlife harvest data.
45 Whatever the method is, it would only
46 succeed when there is mutual trust
47 between government and local residents.

48
49 The State's proposal failure to report
50 penalty unfortunately does not build

1 that needed trust.

2

3 Proposal 56 recognizes the cultural
4 nuances of harvest reporting.

5

6 That's all the written comments. There
7 was no other Regional Council that's taken up 56. And
8 I'll have to look real quick here to see if Denali
9 even took up 56, it's pretty much out of their
10 jurisdiction, they did not, and then Barb's already
11 nodded her head saying Wrangell-St. Elias did not take
12 up this one and that's because it's not in their area,
13 for both SRCs.

14

15 CHAIRMAN FLEENER: Thank you, Vince.
16 Any other comments.

17

18 (No comments)

19

20 CHAIRMAN FLEENER: What are the wishes
21 of the Council.

22

23 Go ahead, Roy.

24

25 MR. NOWLIN: Yeah, Roy Nowlin,
26 management coordinator for wildlife conservation.

27

28 The way this joint State/Federal permit
29 administration is really a centerpiece of, I think, of
30 one of the most successful conservation efforts in
31 Alaska because we brought through, not just this, but
32 through efforts, trapper efforts, Department efforts,
33 we brought this Fortymile herd from about 20,000 and
34 that was back in, I guess, the late -- probably about
35 '97 or so it was 20,000, or '95 in that neighborhood
36 and we had a management plan as well and we brought it
37 from that level up to currently it's about 40,000, and
38 what I'm going to present tomorrow, the harvest
39 management plan, again, is an extension of the harvest
40 management plan because we've done a revision of it,
41 we've had this harvest management plan in effect since
42 about -- well, I guess it's been in effect the last six
43 years, 1990 [sic] it went into effect. But this joint
44 State/Federal permit has been a center piece of that
45 and a center piece of, as I said, maybe the best recent
46 conservation effort in the state, and the Regional
47 Council, the people that preceded you on this Council
48 endorsed that harvest management plan when it began and
49 what I intend to do tomorrow is ask you, as well, for
50 that endorsement so that we can continue. The

1 objective here is to continue the growth of this herd
2 and through cooperation, including, I might add, First
3 Nations in Canada as well as the Yukon Government, to
4 continue to grow this herd so that we can get it up to
5 at least 50,000 and we'd like to see it higher than
6 that, and like to see it restored to its original
7 range.

8

9 So this joint permit is a big deal.
10 And this is serious.

11

12 That's all I have, thank you.

13

14 CHAIRMAN FLEENER: Thank you, Roy.

15 Amy.

16

17 MS. WRIGHT: Just for the record, I've
18 seen how the permit system works at Tok. I think it's
19 really nice and I also don't -- I oppose this proposal
20 because I think it will cause extra paperwork on the
21 average persons -- nobody likes filling them out anyway
22 so, you know, doing two is asking a lot.

23

24 CHAIRMAN FLEENER: And maybe the rest
25 of the Council can save their comments until we bring
26 this on the table.

27

28 MS. WRIGHT: Sorry.

29

30 CHAIRMAN FLEENER: No, that's all
31 right. So what are the wishes of the Council.

32

33 MS. ENTSMINGER: I have a question.

34

35 CHAIRMAN FLEENER: Okay, Roy, we have a
36 question. Sue.

37

38 MS. ENTSMINGER: Thank you, Mr.
39 Chairman. Roy, I don't think I heard -- understood.
40 There's 12 Federal-qualified subsistence users that are
41 still on the list and seven were on it -- starting an
42 appeal and how does that appeal work.

43

44 MR. NOWLIN: Through the Chair. I
45 think what Terry said is there were seven who -- well,
46 the breakdown, some of those had reported and some had
47 not, but they were all still on the failure to report
48 list. I personally handle all the appeals for all the
49 permit hunts in the region and what happens is we have
50 a set of criteria. If someone gets on this failure to

1 report list -- let me just back up a little bit more.

2

3 After the hunt is over and it's closed,
4 we give people a period of time to report, if they
5 don't report we send them one reminder letter and it
6 includes a blank report form and so they can just drop
7 that in the mail back to us, we recommend that they
8 send it -- they get some sort of a receipt for that
9 because of the consequences of if it gets lost in the
10 mail. And then if they don't report during a period of
11 time, then we put them on this failure to report list.
12 Once they get on there, they have the option, and we
13 say that in the letter, that you have the option to
14 appeal this decision to get off the failure to report
15 list and we have some criteria for granting appeals.
16 And avoidable circumstances, just like you see in the
17 Federal regulations is one of those. The other one is
18 if it will create a subsistence hardship for the person
19 if they're left on that failure to report list. And
20 that -- and also for the Department if we can determine
21 that the person that -- that the Department screwed up,
22 you know, if we lost somebody's permit or if somebody
23 had -- and I include conclusion. Many people get
24 confused about what piece of paper they're supposed to
25 use to report, if I can determine that they were
26 confused by what piece of paper then I take them off
27 the list. And, in fact, I've processed 115 appeals
28 this year and I've only denied 15 of those. And so
29 it's a -- to me, when someone sends in an appeal that
30 tells me a lot, because that means that they're
31 conscientious and they're concerned about it, they're
32 concerned about the resource and they care, and to me
33 just in that sense, just in judging these appeals,
34 that's in their favor.

35

36 But the bottom line is that there is a
37 system there for people to appeal and we can certainly
38 take them off the list if they meet the criteria for
39 and granting an appeal.

40

41 CHAIRMAN FLEENER: Thank you.

42

43 MS. ENTSMINGER: The squeaking stopped.

44

45 CHAIRMAN FLEENER: Yeah, that was some
46 crazy squeaking going on there.

47

48 (Laughter)

49

50 MR. MATHEWS: Mr. Chairman. It's the

1 table. We haven't had a chance to grease it but
2 it.....
3
4 (Laughter)
5
6 CHAIRMAN FLEENER: It's bad.
7
8 MR. LAPLANT: Back away from the table.
9
10 (Laughter)
11
12 CHAIRMAN FLEENER: I thought someone
13 was blowing a thistle back there or something, okay.
14
15 (Laughter)
16
17 CHAIRMAN FLEENER: Okay, any more
18 questions.
19
20 (No comments)
21
22 CHAIRMAN FLEENER: Somebody better say
23 something. What do you want to do with this proposal.
24
25 MS. ENTSMINGER: Kill it.
26
27 CHAIRMAN FLEENER: Well, you can't kill
28 anything unless it's on the table.
29
30 (Laughter)
31
32 MR. NICHOLIA: Move to adopt.
33
34 CHAIRMAN FLEENER: Okay, there's a
35 motion to adopt this proposal, is there a second.
36
37 MS. ENTSMINGER: I'll second it.
38
39 CHAIRMAN FLEENER: Okay, there's a
40 second. Now, we can have some discussion on this
41 thing.
42
43 MR. NICHOLIA: Kill it.
44
45 (Laughter)
46
47 CHAIRMAN FLEENER: Now you can say kill
48 it.
49
50 MS. ENTSMINGER: What do you have to

1 say, Mr. Chair.
2
3 CHAIRMAN FLEENER: Oh, I've got lots to
4 say but I want to give everyone else a chance first.
5
6 Anybody have a comments.
7
8 MS. ENTSMINGER: I do.
9
10 CHAIRMAN FLEENER: Go ahead, Sue.
11
12 MS. ENTSMINGER: I would like to listen
13 to what you have to say but I want to say if you do
14 anything, Mr. Chair, I like when we hold hands and
15 something's working just as Amy brought forth, I mean
16 that's a very good situation where all agencies are
17 working together and the user benefits from it and we
18 like it in our area. I don't know what's going on in
19 your area that makes you have such heartburn.
20
21 MR. NICHOLIA: Craig.
22
23 CHAIRMAN FLEENER: Go ahead, Gerald.
24
25 MR. NICHOLIA: Yeah, any more permits
26 and stuff we have to fill out in the Tanana area we
27 just throw it in the trash because we have a hard
28 enough time just to go hunting, to go out there and
29 then -- there's a few of us in Tanana that didn't
30 report it but after we knew we had to sign that grey
31 paper and report it, you know, we were just getting
32 ready to go out, we didn't read the fine print, some of
33 us did, but good thing we got those mail ins so we
34 could report and we didn't get on that list. So I'm
35 not in favor of signing any more reports or doing any
36 reports, or do anything more, I just want to get a
37 license and go hunting, that's it.
38
39 CHAIRMAN FLEENER: Thank you, Gerald.
40 Any more.
41
42 (No comments)
43
44 CHAIRMAN FLEENER: Okay, my turn then.
45 The reason I brought this proposal was not an attack on
46 the Fortymile Caribou Herd or the plan, it is a
47 fabulous plan, it's working okay, the population is
48 increasing, everybody is working cooperatively together
49 so it has nothing to do with that and so all the
50 discussions around how this would negatively impact

1 that process, it has nothing to do with that.

2

3

4 It has to do with the ridiculous
5 actions that the Board of Game has taken, and the
6 ridiculous action the Board of Game has taken is to
7 basically disallow people from subsistence harvesting
8 because they failed to report. And the reason that I
9 submitted this proposal was to create a secondary tool,
10 so if you weren't hunting around State land you could
11 have a Federal permit, hunt on Federal lands and not
12 have to worry about being excluded from hunting the
13 next year.

13

14

15 I have a real problem with the current
16 State reporting system. It's a miserably flawed
17 system. I've only not -- I only forgot to turn in a
18 harvest ticket one time in my life and I got a reminder
19 card and sent in my harvest ticket to report but you
20 know what, almost every year that I had a moose harvest
21 ticket I got at least three reminders. So there's a
22 flawed system that's already out there, it's not
23 catching the fact that people are hunting or not
24 hunting so you can turn your report in and you're still
25 going to get a reminder. Almost everyone I talk to at
26 some time or another has said, oh, yeah, I've gotten a
27 reminder, and it doesn't matter if you turn your
28 harvest ticket in you're pretty much going to get a
29 reminder anyways.

29

30

31 So the system is broken, and to put a
32 disciplinary action on subsistence users I thought was
33 a pretty cheesy step by the Board of Game to basically
34 tell someone who's living out in the country you can't
35 hunt anymore because you didn't report, well, I just
36 don't like that.

36

37

38 I think if there's any attack on this
39 cooperation -- yeah, this is a ridiculous proposal, I
40 accept that, but it came because of another ridiculous
41 proposal and I think if there's any attack on
42 cooperation it's the Board of Game and whoever supports
43 the failure to report on subsistence users, I think
44 that's an attack on cooperation. I think there are
45 many other methods we can look at to get subsistence
46 users to try to report.

46

47

48

49 You know what we've done in the Yukon
50 Flats, we, ourselves, knock on every household door in
51 the Yukon Flats to get those numbers. Why? The State

1 of Alaska can't get them. They have not done a good
2 job, they can't do a good job. The Board of Game --
3 no, the other bunch, the Federal bunch, they can't get
4 good numbers. So who gets the numbers, we get the
5 numbers, and so there are many other ways of getting
6 good numbers, good harvest data reports and by turning
7 everyone that doesn't turn in a harvest ticket into an
8 outlaw, I think, is a miserable way to do it. That, if
9 anything, is going to create a substantial hardship on
10 subsistence users because we're taking their right
11 away, the right that we're supposed to be here to
12 provide, to give them a subsistence opportunity, we're
13 now taking that away because they didn't mail in a
14 little green card in to somebody.

15
16 And the real outcome, people are still
17 going to hunt. And if I didn't have a permit because I
18 was no longer allowed, I'm telling you my family is
19 still going to eat, my grandma is still going to eat,
20 my cousins are still going to eat it's just that you'll
21 never know how much we're harvesting.

22
23 We heard on the telephone a little
24 while ago, people in Arctic Village are -- they're
25 hunting sheep and nobody here knew. Wow. We heard
26 about -- I think there were about six sheep I heard
27 about, nobody knew about that. And so there has to be
28 a better way instead of punishing the subsistence users
29 that are out in the country, that's why I wrote this
30 proposal.

31
32 And I can understand why everybody
33 would vote against it. I don't really like the
34 proposal myself, but this is a counterattack on the
35 Board of Game, which is not going to affect them
36 because they're -- well, I won't say -- but it won't
37 affect them, unfortunately, but I think that we just
38 need to get the point across, maybe we can do it with a
39 letter. Maybe we can do it with a resolution or
40 something, to tell the Board of Game to get rid of this
41 additional punishment on our subsistence users because
42 I don't like it and let's work cooperatively to try to
43 resolve this issue.

44
45 I've talked with guys in the Region 3
46 office here and, you know, the handful or so of people
47 in the various areas that aren't turning them in, you
48 know, we could give them a call on the phone, we could
49 say, hey, you forgot to turn this in, what's going on,
50 you know, instead of saying, buddy you can't anymore.

1 Hunting is vitally important in the state of Alaska.

2

3 Hey.

4

5 (Laughter)

6

7 CHAIRMAN FLEENER: Hunting is vitally
8 important in the state of Alaska. And this is --
9 that's just an old friend of mine I haven't seen in
10 awhile.

11

12 (Laughter)

13

14 CHAIRMAN FLEENER: But hunting is
15 vitally important in the state of Alaska, and to remove
16 someone's right to hunt, their access to feeding their
17 family because they forget to turn in a little green
18 card, I think, it's rash and I think it's too much, and
19 so that's where this came from.

20

21 And it's not going to hurt my feelings
22 if you all vote against it but I think we need -- if
23 you do vote it down, I think we need to take some sort
24 of action telling the Board of Game to come up with a
25 better plan because punishing a guy that needs to go
26 out and get a caribou to feed his family, I think
27 that's the wrong action and I'll stand by that.

28

29 Thank you.

30

31 Any other comments.

32

33 Sue.

34

35 MS. ENTSMINGER: Would you be happy if
36 we take this and amend it and add that Federally-
37 qualified subsistence users are exempt.

38

39 CHAIRMAN FLEENER: Exempt from what?

40

41 MS. ENTSMINGER: The failure to report
42 list with.....

43

44 CHAIRMAN FLEENER: That's not going to
45 impact the Board of Game and the State's
46 responsibility, we're only dealing with the Federal
47 system.

48

49 MS. ENTSMINGER: Okay, then we need a
50 letter.

1 CHAIRMAN FLEENER: Any other comments.
2 Gerald.

3
4 MR. NICHOLIA: Yeah, that thing is only
5 making us outlaws if we don't report it because we're
6 still going to go hunting.

7
8 CHAIRMAN FLEENER: Roy.

9
10 MR. NOWLIN: Mr. Chairman. I don't
11 think that it was -- I can appreciate your frustration
12 with it and, in fact, we did point this out, the
13 problems in rural areas, we pointed that out to the
14 Board, and we do have some flexibility in the sense
15 that we have that provision for subsistence hardship on
16 there. So we can and we have considered that in the
17 appeals and we will continue to do that.

18
19 You know, the Fortymile, particularly,
20 we have, as Terry said 3,200 hunters and they come from
21 all over the state and from all different ethnic
22 groups, and income groups and so it's a -- and without
23 getting harvest reporting on that, we really can't do
24 the conservation job and have the kind of success that
25 we've had with the Fortymile Herd.

26
27 And so there are some provisions, and,
28 in fact, out in the central Kuskokwim, in Unit 19 where
29 we have -- we have similar reporting problems to the
30 Yukon Flats, and we started a registration permit hunt
31 out there and the Board of Game of just took some very
32 drastic action because their moose population is very
33 bad off and we had a registration permit hunt going on
34 out there and we got very good reporting for the first
35 time out there in that registration because we worked
36 with the local folks out there -- and there is a point
37 to this story, and I'm coming to it, but when we got to
38 this failure to report this past year out there, what
39 we did was we -- when we -- the people who didn't
40 report, we did phone them and we have done a lot of
41 phoning in the past. Part of the reason we didn't want
42 to -- well, we didn't want to continue doing that, the
43 reason we didn't is because there is so many hunters,
44 that cost so much money to do that but in special
45 circumstances we have and that Unit 19 is a good
46 example of that. We had just gotten a registration
47 permit, we had very good success, local hunters were
48 reporting and we'd done household surveys out there so
49 we knew the reporting that we were getting was very
50 good, and we wanted to continue that and we wanted to

1 have a very positive experience out there.

2

3

4 So the point to all of this is, is that
5 we do have flexibility and we have taken steps but we
6 have to be very careful about the ones we choose and,
7 you know, where we choose to apply that because of
8 budget limitations. But we definitely are sensitive to
9 rural problems.

9

10 CHAIRMAN FLEENER: Thanks, Roy. And
11 that's real important.

12

13 I've talked to a number of guys at Fish
14 and Game as well and asked them, you know, why in the
15 world they would want to put these restrictions on
16 folks, why they would want to punish someone for not
17 turning these in and one of the primary reasons that
18 was relayed to me was that you need good numbers in
19 order to do good management, especially in the
20 Fortymile area, and so I started asking about the
21 numbers that they were getting as compared to the
22 numbers that they were missing, and the guys that I
23 talked to actually said that the majority of the
24 harvest tickets that were not turned in were people
25 that weren't successful anyways, I don't remember the
26 number but it was real high. And so that tells me that
27 you really can use the numbers that you're actually
28 getting to manage that herd.

29

30 And if you have 3,000 plus harvest
31 tickets, I think you can do a pretty good of managing
32 that herd and this goes beyond that single population
33 there that we're talking about. It's the overall
34 problem of putting this additional restriction on them.
35 But in the Fortymile area, there's ample information
36 coming from the harvest tickets that are coming in to
37 determine whether or not you can close the season down,
38 whether or not there are problems, and the majority --
39 the majority of the harvest tickets not turned in were
40 folks that weren't successful at hunting anyways, which
41 would have had little impact on the decision-making.

42

43 So, you know, as far as that
44 population, I think if you were to ignore all the ones
45 you didn't get you still have good information.

46

47 But the point is that you need good
48 information, and I don't think eliminating people's
49 harvesting opportunity is going to get that good
50 information in the long-run, I think it's going to have

1 negative consequences and those consequences basically
2 are that the excluded, even if they are few, the
3 excluded few are still going to hunt and it creates a
4 separation between that hunter and any agency
5 reporting.

6
7 Thank you, Roy.

8
9 Any more comments or questions.

10
11 MS. ENTSMINGER: Call for the question.

12
13 CHAIRMAN FLEENER: Okay, the question
14 is called. All in favor of the motion to adopt this
15 proposal signify by saying aye.

16
17 Aye.

18
19 CHAIRMAN FLEENER: All opposed, say no.

20
21 IN UNISON: No.

22
23 CHAIRMAN FLEENER: All right, motion
24 fails.

25
26 (Pause)

27
28 CHAIRMAN FLEENER: Vince.

29
30 MR. MATHEWS: Mr. Chairman. That
31 brings us up to Proposal 58, which is found on Page 53,
32 and Polly Wheeler will be presenting that proposal.

33
34 Thank you.

35
36 CHAIRMAN FLEENER: Thank you. Hello,
37 Polly.

38
39 DR. WHEELER: I hear the squeaking.

40
41 CHAIRMAN FLEENER: Yeah, that table.

42
43 (Laughter)

44
45 DR. WHEELER: Yeah, Don Rivard is on
46 the agenda for presenting this but obviously I'm not
47 Don, I'm Polly and I will be presenting this analysis
48 for Proposal 58, which can be found on Pages 52 to 64
49 in your book.

50

1 Can you hear me?

2

3 CHAIRMAN FLEENER: Yes.

4

5 DR. WHEELER: Projection isn't usually
6 a problem but I can't hear it.

7

8 CHAIRMAN FLEENER: We can hear you.

9

10 DR. WHEELER: Okay, you're well
11 familiar with this proposal since the Eastern Interior
12 Regional Advisory Council submitted it, and it requests
13 that the positive customary and traditional use
14 determination for moose in portions of Unit 12 be
15 expanded to include all residents of Unit 13(C).

16

17 And for the benefits of the new members
18 I will try and avoid using acronyms, but if I do use
19 them by all means call me on them and ask me what they
20 mean, but we frequently say C&T, which means customary
21 and traditional use determinations, which I know Vince
22 went over with you on the orientation yesterday but
23 you've had a lot of information thrown at you today,
24 and it's getting later on in the day too. So I'll try
25 and be as clear as possible but if I'm not, ask
26 questions.

27

28 As you probably remember, those of you
29 certainly that were around last year when you wrote up
30 this proposal, your rationale for submitting the
31 proposal is that it supports a more comprehensive
32 customary and traditional use determination for Unit 12
33 because of the proximity of Unit 13 residents to Unit
34 12 as well as knowledge that Unit 13(C) residents have
35 a traditional pattern of hunting moose within Unit 12.

36

37 The existing regulation is on Page 53
38 in your book, the map, which you will probably want to
39 look at because it is a tad bit confusing, is on Page
40 54, and then the proposed regulation goes on to Page
41 55.

42

43 The regulatory history starts on Page
44 55, and I'm just going to give you a little bit of
45 review here and I know for some of you it is total
46 review and for some of you it's new information but
47 I'll try and be as clear as possible.

48

49 The customary and traditional use
50 determination for moose in Unit 12 is essentially the

1 same as originally adopted by the Federal Subsistence
2 Board in 1992 from State of Alaska determinations.

3
4 The State recognized customary and
5 traditional use of moose in all of Unit 12 by residents
6 of Unit 12. And then to address use by residents of
7 other units, three areas within Unit 12 were
8 identified. The 1989 State regulations referred to
9 these areas as south, east and north, respectively, but
10 for the purposes of this analysis, especially for those
11 of us that are directionally impaired we labeled these
12 areas A, B and C, so the map on Page 54, rather than
13 talk about the north, east and south areas, we're
14 talking about C, B and A, okay.

15
16 In the south or the A portion of Unit
17 12, which encompasses the Nabesna Road area, residents
18 of Unit 12 are recognized as having positive customary
19 and traditional use as were residents of Unit 11, north
20 of the 62nd parallel. Residents of Unit 13(A), 13(B),
21 13(C), 13(D), residents of Dot Lake and Chickaloon.
22 Okay, so that was for the portion that's known as A.

23
24 In the north or the C portion of Unit
25 12, residents of Unit 12 and residents of Dot Lake and
26 Mentasta Lake were recognized as having customary and
27 traditional use of moose.

28
29 In the east or B portion of Unit 12,
30 residents of Unit 12 were the only customary and
31 traditional users of moose recognized until 1998 when
32 the Federal Subsistence Board added the residents of
33 Healy Lake to all of Unit 12.

34
35 And then as most of you are well aware,
36 at the May 2005 Federal Subsistence Board meeting
37 residents of Chistochina were added to the customary
38 and traditional use finding for all portions of Unit 12
39 and that was through Proposal 05-21.

40
41 So that gives you a little bit of
42 background.

43
44 But, again, this proposal is to add
45 residents of 13(C) to all of 12, where they don't
46 currently have it. And just as a review, as I said
47 earlier, the community of Mentasta Lake is included in
48 the customary and traditional use finding for moose in
49 the A and C portions of Unit 12 but not in the B
50 portion. And for those of you that are new to the

1 program, I promise you most of the C&T determinations
2 that you're going to do are not as this confusing but
3 because we've got these different areas it's a little
4 bit confusing.

5
6 So, again, Mentasta is included in the
7 C&T finding for moose in the A and C portions of Unit
8 12, but not in the B portion.

9
10 Gakona and Slana are also included in
11 the customary and traditional use finding for moose in
12 the A portion of Unit 12 but not in the B or the C
13 portions of Unit 12.

14
15 And then people residing along the
16 Glenn Highway and the Tok cutoff road are also not
17 included in the customary and traditional use finding
18 for moose in the B and C portions of Unit 12.

19
20 So this proposal will add all of those
21 to the B and C portions of Unit 12 and then add
22 Mentasta to the B portion.

23
24 MR. GLANZ: I'm lost.

25
26 DR. WHEELER: I'm sorry.

27
28 MR. GLANZ: I'm lost, boy.

29
30 (Laughter)

31
32 DR. WHEELER: It's basically adding --
33 what it's doing is it's taking all of the people that
34 aren't -- the communities and the people living along
35 the road system that are not currently included in Unit
36 12, it's adding them in there, okay. And, again, last
37 spring the Federal Board added Chistochina and so this
38 proposal came out of that proposal actually because the
39 Council felt that they were adding Chistochina but
40 there were some other communities that were being left
41 out, so this was an attempt by the Council to help add
42 those communities in.

43
44 You with me Member Glanz.

45
46 MR. GLANZ: Yes, I'm doing all right.

47
48 DR. WHEELER: You doing okay.

49
50 MR. GLANZ: He's just trying to show me

1 here, I'll catch up.

2

3 DR. WHEELER: Okay. Okay, Craig will
4 fix it.

5

6 CHAIRMAN FLEENER: I will.

7

8 (Laughter)

9

10 DR. WHEELER: Okay, so now with that
11 completely clear and concise introduction, we get to
12 the eight factors for determining customary and
13 traditional uses. And, again, for those of you that
14 are new to the Federal program, the Federal Board uses
15 eight factors to look at a customary and traditional
16 pattern of use.

17

18 And, again, it begins on Page 56 and
19 right at the bottom of Page 56, there's a listing of
20 the eight factors, but basically the eight factors
21 together exemplify a long-term traditional pattern of
22 use.

23

24 Now, having said that we have not --
25 the Federal program has not treated these factors as a
26 checklist, so you don't go bing, bing, bing, bing,
27 which is why in the analysis all of these different
28 factors are discussed but there's not a subheading with
29 each factor and then a discussion of that factor, so
30 it's the eight factors together which exemplify the
31 patterns of use and the discussion occurs on Pages 56
32 to 62 of these eight factors there's a lot of
33 qualitative information as you can see in that
34 discussion, a lot of it based on historical sources,
35 and then it ends with the tables that everybody loves
36 with the pounds per capita, pounds per households,
37 different resources that are used by the communities
38 that are currently included in the customary and
39 traditional use determination and then those ones that
40 are being added through this proposal, or could be
41 added through this proposal.

42

43 So I'm not going to go through that
44 discussion on Pages 55 to 62 but it suffices to say
45 that basically the discussion on these pages indicates
46 that people in the area demonstrate a long-term
47 consistent pattern of use of moose in the area in
48 question exemplifying the pattern indicated by the
49 eight factors. So, again, there's qualitative
50 information and there's also quantitative information.

1 There's some that would prefer that everything be
2 quantitative but as you well know you can't always put
3 numbers on patterns of use, which is why you have this
4 sort of qualitative description of the use pattern.
5

6 On Page 62 there's the effects of the
7 proposal. And basically adoption of this proposal that
8 is Proposal WP06-58 would recognize the remaining
9 residents of Unit 13 as customary and traditional users
10 of moose in the remaining portions of Unit 12(B) east
11 of the Nabesna River and Nabesna Glacier south of the
12 Winter Trail from Pickerel Lake to the Canadian Border,
13 and C, the remainder of Unit 12. This recognition
14 should not have an impact on other users or the
15 resource.

16
17 The preliminary conclusion, also on
18 Page 62 is also to support the proposal with the
19 justification that moose are clearly an important
20 subsistence resource for residents of Unit 13(C) and
21 there's evidence for these communities using moose in
22 portions of Unit 12, namely 12(A), for which they
23 currently are included in the positive customary and
24 traditional use determination and 12(B) and 12(C), for
25 which there is some support for a pattern of use.

26
27 Mr. Chair. That's all I have.

28
29 CHAIRMAN FLEENER: Thank you, very much
30 Polly. ADF&G.

31
32 DR. WHEELER: Don't touch the table.

33
34 (Laughter)

35
36 MR. HAYNES: Mr. Chairman. The
37 Department's comments are on Page 64 of your Council
38 books.

39
40 Last year when the Federal Board
41 considered adding Chistochina as a community with
42 customary and traditional use eligibility for a portion
43 of Unit 12, the Department opposed that proposal
44 because we felt there was insufficient evidence to
45 support a finding that the community had a customary
46 and traditional pattern of use. We're not taking that
47 position this time because the Office of Subsistence
48 Management is working on a customary and traditional
49 use determination policy which will help all of us
50 better understand their procedures for making customary

1 and traditional use determinations.

2

3 We're recommending that this proposal
4 be deferred until that policy is developed and if there
5 are any new procedures that are going to be implemented
6 have been implemented.

7

8 CHAIRMAN FLEENER: Thank you, Terry.
9 Other agencies. Barb, come forth.

10

11 MS. CELLARIUS: Thank you, Mr. Chair.
12 This is the comment of the Wrangell-St. Elias National
13 Park Subsistence Resource Commission.

14

15 The Commission failed to support the
16 proposal because the vote on this
17 proposal was a tie, four to support,
18 four to oppose and one abstention. The
19 concerns of both sides are presented
20 here.

21

22 Those who voted to oppose the proposal
23 were concerned that not all the
24 communities in areas in 13(C) are
25 demonstrated to have a customary and
26 traditional use of moose throughout
27 Unit 12.

28

29 Those who voted in support of the
30 proposal noted that people living in
31 Unit 12 have well documented ties to
32 the region at issue. They recommended
33 that rather than using the term 13(C),
34 the regulation list the designated
35 resident zone communities for Wrangell-
36 St. Elias National Park of Chistochina,
37 Mentasta, Gakona and Slana.

38

39 CHAIRMAN FLEENER: Thank you. Vince.

40

41 MR. MATHEWS: Yes, Mr. Chairman, I was
42 just researching because I had to work with the AHTNA
43 subsistence committee so I apologize for being a little
44 bit slow here right now.

45

46 CHAIRMAN FLEENER: That's all right.

47

48 MR. MATHEWS: But basically the AHTNA
49 Subsistence Committee opposes this proposal and the
50 wording that you have in your book is not reflective of

1 their action.

2

3 Basically the Subsistence Committee
4 does not support revising the C&T
5 determination for moose in Unit 12 to
6 include residents of Unit 13(C).

7

8 And I thought I got it cleared with
9 them but I can't find my notes on it.

10

11 But anyways, their reference to Subunit
12 13(C) is the AHTNA's customary and
13 traditional use area is not germane to
14 the proposal. But anyways they oppose
15 it.

16

17 The Mentasta Traditional Council does
18 not support the proposal. They would
19 like to have it read Mentasta Lake and
20 Chistochina instead of Unit 13(C). The
21 communities of Mentasta and Chistochina
22 have traditionally used this area and
23 to include all of Unit 13(C) would
24 include others with no use.

25

26 And then Barb already covered the
27 Wrangell-St. Elias, and I have to find and see if
28 Southcentral covered -- they did, yes, Polly will cover
29 Southcentral.

30

31 CHAIRMAN FLEENER: Go ahead, Polly.

32

33 DR. WHEELER: Yes, after considerable
34 discussion the Southcentral RAC, or I'm sorry, Regional
35 Advisory Council opted to defer this proposal to the
36 home region. I guess there was some concern over why
37 the Regional Advisory Council was putting the proposal
38 forward. I wasn't at that meeting so I could have
39 addressed that had I been there just to explain the
40 context for why you all put that proposal forward,
41 because the discussion from last years meeting, but
42 they did end up deferring to the home region which is,
43 of course, you all.

44

45 CHAIRMAN FLEENER: Thank you, Polly.

46

47 Any other comments. Yes, Terry.

48

49 MR. HAYNES: Mr. Chairman. I was at the
50 Southcentral meeting and I wrote a few comments down.

1 As Polly said they deferred to you but they gave as
2 their reason is there's no consensus among the affected
3 communities about what action should be taken on this
4 proposal. They said public or written testimony from
5 the affected communities is important and that the
6 communities themselves should request customary and
7 traditional use designations.

8

9 So they were a little bit concerned
10 about this being a Regional Council proposal as opposed
11 to a public proposal.

12

13 CHAIRMAN FLEENER: Thank you, Terry.
14 Vince.

15

16 MR. MATHEWS: Yes, I did find the notes
17 from the coordinator from Southcentral and they
18 parallel what Terry was just saying. But, again, I
19 don't know if Southcentral understood the logic that
20 you used for submitting this proposal. So not to put
21 them in bad light, but they're basically saying it
22 should come from those communities.

23

24 So that's all I have.

25

26 CHAIRMAN FLEENER: Thank you, Vince.
27 What are the wishes of the Council.

28

29 Sue.

30

31 MS. ENTSMINGER: I'll make a motion to
32 adopt so we can discuss.

33

34 CHAIRMAN FLEENER: There's a motion to
35 adopt this proposal, is there a second.

36

37 MR. NICHOLIA: Second.

38

39 CHAIRMAN FLEENER: Okay, let's have a
40 discussion. Sue.

41

42 MS. ENTSMINGER: Thank you, Mr. Chair.
43 I appreciate the Council putting this forward.

44

45 I just want to give a little bit of
46 background, probably my biggest concern here when
47 asking to put this forward was there's actually two
48 communities which they've listed here, Slana and
49 Gakona, and maybe I should have just done it that way
50 but back in 1978 the Antiquities passed, made the

1 National -- the Wrangell-St. Elias and then there was
2 an incredible amount of effort of the people that lived
3 in these communities and other surrounding communities
4 around the area knowing that at that point it was all
5 hunting was closed except subsistence and then 1980
6 when ANILCA passed there was a bunch of regulations
7 that was put through the Federal Register and through
8 all the public comments, these communities, Slana and
9 Gakona were added to the Wrangell-St. Elias for
10 resident zone community, and my intent is to maintain
11 that we continue to protect the communities that were
12 originally put forth. And I'm looking at these numbers
13 here, 124 people in Slana and 200 in Gakona and I don't
14 want to disenfranchise the communities that are similar
15 situated to Chistochina and Mentasta.

16
17 That was my intent in that. And
18 there's a lot of information here Polly, but do I see
19 where the Staff recommendation is to oppose.

20
21 CHAIRMAN FLEENER: No, that's the next
22 proposal.

23
24 MS. ENTSMINGER: Okay.

25
26 CHAIRMAN FLEENER: Go back to 58.

27
28 DR. WHEELER: On Page 62 the
29 preliminary conclusion is to support the proposal,
30 Member Entsminger.

31
32 MS. ENTSMINGER: So just to meet the
33 needs of the people and the concerns from AHTNA and
34 Mentasta I would be willing to make an amendment to
35 this just to add these communities and forget 13(C),
36 and I would ask the rest of the Council members how
37 they feel about it.

38
39 CHAIRMAN FLEENER: Are you making a
40 motion or do you want to ask them how they feel about
41 it first?

42
43 MS. ENTSMINGER: Yeah, see how they
44 feel about it first.

45
46 CHAIRMAN FLEENER: How do you feel
47 about that Larry.

48
49 (No comments)

50

1 CHAIRMAN FLEENER: How do you guys feel
2 about it, good.

3
4 (No comments)

5
6 CHAIRMAN FLEENER: Anybody feel
7 anything.

8
9 (Laughter)

10
11 CHAIRMAN FLEENER: You're all still
12 shocked that my proposal failed, aren't you.

13
14 (Laughter)

15
16 MR. NICHOLIA: You know, just to
17 include Chistochina and Mentasta, you got to consider
18 all those people along the roads, they are considered
19 rural, right, so we can't, even if we're like pro-
20 Native or pro-non-Native, we can't exclude the rural
21 people as qualified subsistence users.

22
23 We're always getting hit with C&T
24 issues, crossover proposals all the time and I kind of
25 figured that we just went out and hit it in one shot
26 and get it over with, we're going to deal with it
27 sooner or later, because it's going to come up to us
28 anyway and it always does and if it's deferred,
29 deferred, deferred, I say we just take care of it once
30 and for all. They could always come back with another
31 proposal next year and say they don't want it.

32
33 CHAIRMAN FLEENER: Thank you, Gerald.
34 I think Gerald hits on a good point. We've always
35 tried to be as inclusive as possible and include as
36 many people that we would consider rural residents, and
37 people got to eat, that's our perspective, and if
38 they're rural and they got to eat, that's our
39 responsibility to make sure they can get to the grocery
40 store, so that's where I stand as well.

41
42 So I personally -- I mean I don't think
43 we should be restricting to just those two communities,
44 but if you want to put forward an amendment that's up
45 to you.

46
47 Any more discussion.

48
49 MR. NICHOLIA: Go ahead, Sue, get it
50 out.

1 MS. ENTSMINGER: Well, I just --
2 Gerald, are you saying that you just want to leave it
3 at 13(C)?
4
5 MR. NICHOLIA: Yes. They're considered
6 all rural residents, you can't exclude one from the
7 other even if they're non-Native or Native.
8
9 MS. ENTSMINGER: Question.
10
11 CHAIRMAN FLEENER: All right,
12 question's been called. All in favor of the motion
13 signify by saying aye.
14
15 IN UNISON: Aye.
16
17 CHAIRMAN FLEENER: Any opposed, say
18 nay.
19
20 (No opposing votes)
21
22 CHAIRMAN FLEENER: Okay, the motion
23 carries. Let's take a five minute break.
24
25 (Off record)
26
27 (On record)
28
29 MS. ENTSMINGER: I'm sorry I didn't
30 vote for you now.
31
32 (Laughter)
33
34 MS. ENTSMINGER: I screwed up because
35 we still would have been in the same place.
36
37 CHAIRMAN FLEENER: I'll vote for any
38 good proposal.
39
40 MS. ENTSMINGER: I'm not very smart am
41 I.
42
43 CHAIRMAN FLEENER: No, you're smart. I
44 know you guys have a need to overthrow me.
45
46 MS. ENTSMINGER: There's a couple
47 things that I get smart about, one is food.
48
49 CHAIRMAN FLEENER: Okay, let's get
50 going, Proposal No. 59. Dan LaPlant or LaPlant.

1 MS. ENTSMINGER: What is it.

2

3 CHAIRMAN FLEENER: LaPlant. Go ahead,
4 Dan.

5

6 MR. LAPLANT: Thank you, Mr. Chairman.
7 Proposal No. 59 can be found on Page 66, it begins
8 there. This is a proposal that was submitted by the
9 Eastern Interior Regional Advisory Council and it was
10 intended to simplify the regulations and minimize
11 confusion that now exists.

12

13 The moose regulations for Unit 12 are
14 somewhat confusing because the unit's divided one way
15 for the purpose of describing customary and traditional
16 use determinations and yet another way explaining the
17 harvest limits and the seasons. Each of these two
18 descriptions or sets of descriptions utilize the term,
19 remainder, and the remainders for each one of those are
20 not the same, the remainder for customary and
21 traditional use areas is not the remainder area for
22 seasons and harvest limits.

23

24 If you look on the maps on Page 67 and
25 68, you'll see how these differences are. I had hoped
26 to have this book published so that those two maps
27 lined up across from each other and that's the way it
28 went to the printer but when it came back from the
29 printer they happen to be back to back, so it's a
30 little bit more difficult. But if you look at the map
31 on Page 67 you'll see the C&T areas and using the same
32 descriptions that were used for Proposal 58 as Polly
33 described we've broken it down here for purposes of
34 discussing it to areas A, B and C. And area C being
35 the area we're referring to as the remainder. And if
36 you turn the page and look at the hunt area harvest
37 limit areas, there's again three areas there and we're
38 referring to them as 1, 2 and 3. And the remainder
39 area there is Area 3.

40

41 So anyway those two areas don't line up
42 and it causes quite a bit of confusion by subsistence
43 users.

44

45 The proposal recommends changing the
46 descriptions to make them match creating, actually
47 creating four areas that are the same for both C&T and
48 harvest areas. So if you look on the map on Page 69,
49 that's what's being proposed. Now, it breaks down in
50 the language as being four areas, but in reality if we

1 were to implement this it would be three because Area D
2 and 4, there's no Federal public land there so that
3 area could be included into one of the other ones very
4 easily so we're really dealing with, again, three
5 different areas that would, in this case, as proposed,
6 would line up so that they use the exact same
7 boundaries for C&T as used for seasons and harvest
8 limits.

9
10 If you look on the map on Page 67
11 there's two small areas that become a problem when we
12 try to do this. The first small area is in the Tetlin
13 National Wildlife Refuge, south of the Winter Trail and
14 you see that area by Pickerel Lake where the trail goes
15 up into the Tetlin National Wildlife Refuge, we
16 discovered that this small area is actually described
17 in both C&T areas B and C, so there is a problem there.
18 We can fix that error if we follow the unified coding
19 units, the UCU boundaries for collecting harvest data,
20 this area really should be in the part of the area
21 called the B, the lower area. So that little piece
22 below the trail, which is in the Tetlin Refuge should
23 be in Area B if we're going to be consistent with
24 harvest data reporting and that's the way we could fix
25 that. And we could fix that in the 2006 regulatory
26 book, it's an administrative fix.

27
28 The other area that creates a problem
29 and you can see that on Map 1 on Page 67 is that cross-
30 hatched area in Area A. It's the area that is
31 southwest -- or excuse me, southeast of Noise Mountain
32 within the Preserve. If we change the boundaries as
33 proposed, the C&T for that cross-hatched area would
34 change and specifically the proposed changes would
35 include adding residents of Unit 11, those units north
36 of the 62nd parallel, would also add residents of Unit
37 13(A), 13(B), 13(C) and 13(D) in addition to
38 Chistochina and Mentasta Lake, so it would add those
39 additional residents and residents of Chickaloon to
40 that cross-hatched area. And then I've got a note here
41 that says if Proposal 58 is adopted as recommended and
42 you just voted in support of that, all residents of
43 Unit 13(C) will be recognized as having a customary and
44 traditional use of the area. So, therefore, it just
45 adds those residents of Unit 13(A), (B) and the other
46 residents of 13(D) and Chickaloon.

47
48 So that's still a significant number of
49 rural users that would be added to the C&T for that
50 area.

1 You'll notice that this area is along
2 the Nabesna River, within the cross-hatched area, it's
3 relatively accessible from a traditional travel route
4 that may be a significant harvest area. We've tried to
5 find out additional information from subsistence users
6 as to whether this is a significant use area and we
7 haven't gotten any additional information. We were
8 hoping to get some testimony here at the Council
9 meeting from users.

10
11 But by adding that may communities to
12 the existing C&T for that area we determined that it
13 may be objectionable to communities that currently use
14 that area so that's quite a few additional users, or
15 potential users, I guess.

16
17 We have no new information regarding
18 the customary and traditional use of the area and
19 there's no indication that the existing customary and
20 traditional use determinations that were made by the
21 Board were incorrect or incomplete, so, therefore, we
22 have no justification for making a change or
23 recommending a change to the Board other than to help
24 simplify the regulations.

25
26 Instead of making this C&T change there
27 are some other options for helping simplify the
28 regulations and try to make them less confusing, we can
29 describe the areas, the existing C&T regulations in a
30 format that's similar to the harvest areas while
31 maintaining the current customary and traditional use
32 boundaries but the maps won't be exactly the same,
33 there will still be that small area there, it will be
34 inconsistent, but we can at least take several steps to
35 make the two descriptive areas more consistent.

36
37 One of the things we could do is
38 describe the C&T area for all residents of Unit 12,
39 separately in the language, residents of Unit 12 have
40 C&T in all of Unit 12 so we could identify that
41 separately and we could, again, just restructure the
42 language in the other ones to make it simpler.

43
44 The other thing we could do is help
45 provide maps to subsistence users to help them more
46 readily understand where they have C&T and where the
47 harvest limits and seasons exist for the various parts
48 of Unit 12.

49
50 So the Staff recommendation is to

1 oppose the proposal, and oppose the regulatory change
2 and try to address the problem through administrative
3 changes through the descriptive language. Again, like
4 I said before we were hoping to get some comments from
5 subsistence users at this meeting to find out how
6 significant that change is. And if you look at
7 comments that Vince will be describing there are two
8 organizations within the area that have provided
9 comments and they are in support of making this change
10 so that tells that maybe this isn't a significant
11 change. They've also come out in opposition to
12 Proposal 58 which made a more significant change to a
13 broader area of Unit 12, so there's some inconsistency
14 of their recommendation but I think what they're saying
15 is that this small piece is probably insignificant.

16
17 So right now without any additional
18 information I guess our recommendation, as I said, is
19 to oppose, but we're hoping to hear from the Council.

20
21 Thank you, Mr. Chairman.

22
23 CHAIRMAN FLEENER: Thank you, Dan.
24 Department of Fish and Game.

25
26 MR. HAYNES: Thank you, Mr. Chairman.
27 The Department's comments are on Page 73 of your
28 Council book. We're neutral on this proposal which
29 might sound inconsistent with our previous position on
30 the C&T proposal.

31
32 Two points. We support in concept the
33 objectives of this proposal, which is to streamline and
34 clarify the regulations to benefit the users. We agree
35 that in this case customary and traditional use
36 determinations that don't correspond with the hunt
37 areas creates confusing situations for the users.

38
39 However, before we take a position we'd
40 like to see specifically how OSM proposes to address
41 the concerns of this proposal if the proposal is not
42 adopted. Dan has described to you how they would
43 intend to do that but until we actually see on paper or
44 on map form what these alternatives look like we'll
45 retain a neutral position.

46
47 Thank you.

48
49 CHAIRMAN FLEENER: Thank you, Terry.
50 Other Department or agency comments. Barb.

1 MS. CELLARIUS: Mr. Chair. On this
2 proposal I'm going to start by saying that Wrangell-St.
3 Elias National Park concurs with the recommendation
4 that I'm going to read to you from the Subsistence
5 Resource Commission. For several years I've been
6 hearing from our Staff in Slana that this regulation is
7 a source of confusion. So now I'll read the SRC
8 comment.

9
10 Wrangell-St. Elias National Park
11 Subsistence Resource Commission
12 unanimously supports the proposal as
13 written. The proposed C&T change is
14 inconsequential. No one at the meeting
15 testified that this small C&T change,
16 customary and traditional use
17 determination change necessary to
18 accomplish this proposal is of concern
19 or otherwise objectionable.

20
21 In deed defining the C&T area with the
22 proposed geographically based boundary,
23 the Park boundary, essentially, follows
24 the mountain crest, is quite
25 reasonable, it is much easier to
26 understand than the current imaginary
27 line. Without a geographical boundary
28 how are people supposed to know where
29 they are.

30
31 In addition, making the proposed
32 changes will be a much more effective
33 way to deal with the confusion caused
34 by the existing regulation than the
35 alternatives proposed in the Staff
36 analysis.

37
38 We have heard from Park Staff that they
39 have already tried some of the
40 educational alternatives proposed with
41 little, if any success.

42
43 And that is their comment. Dan asked
44 the question of whether this is a significant harvest
45 area, I have some information about that that I could
46 share if you're interested.

47
48 CHAIRMAN FLEENER: Sue is interested.

49
50 MS. CELLARIUS: These come from two

1 sources. There's a Park employee who lives at the end
2 of the Nabesna Road who has a trap line Tshunda Creek
3 and I talked to him and he said that people do
4 occasionally go up there if they're not able to get a
5 moose along the road, some people float the river, so
6 there is some use of the area. He didn't indicate that
7 there was a lot of use of the area, most of the use of
8 the area is along the road.

9
10 And then Wilson Justin, this is
11 essentially Wilson's backyard, he testified at the
12 Southcentral meeting and one of the things that he
13 said, I mean I can share some of the other comments if
14 they're not in the Southcentral comments, was that --
15 actually here's my notes. That moose are in the cross-
16 hatched area only during the fall. There's a very
17 small resident population of moose in the area and
18 mostly it's moose who are passing through.

19
20 CHAIRMAN FLEENER: Thank you, Barb.
21 Vince.

22
23 MR. MATHEWS: Yes, there were written
24 comments on this and then there's also the Tetlin
25 National Wildlife Refuge had some additional comments.
26 But as Dan already pointed out, the AHTNA Subsistence
27 Committee and the Mentasta Traditional Council support
28 the proposal.

29
30 The Subsistence Committee said that
31 traditionally all of Unit 12 is AHTNA's
32 customary and traditional use area,
33 however, we support Proposal 59 to
34 revise the customary and traditional
35 use in portion 12 to make the
36 description more accurate and easy to
37 understand for management purposes.

38
39 The Tetlin Refuge comments, I hope I do
40 them justice because I'm not sure what version they
41 were referring to, Dan might know better. But
42 basically:

43
44 The Tetlin National Wildlife Refuge
45 concurs with this proposal. The draft
46 Staff analysis identified an error in
47 the current subsistence regulations
48 concerning harvest limit area
49 descriptions involving a small area of
50 the Tetlin Refuge south of Pickerel

1 Winter Lake Trail which is currently
2 contained within two harvest limit
3 areas.
4

5 It is proposed that this be corrected
6 by including this area within the
7 description to the south making the
8 Pickerel Winter Lake Trail the defining
9 boundary. We concur with this proposed
10 correction. The trail is an
11 identifiable geographic feature on the
12 ground and we believe it would be a
13 remedy to some of the confusion.
14

15 The Refuge goes on, it says they
16 believe the proposed alternative, which
17 I assume is the one that Dan is talking
18 about, would help alleviate some
19 confusion. We have some questions and
20 concerns about who would be responsible
21 for the development and distribution of
22 this map, and Dan will talk further
23 about that, he already did, that those
24 maps would be available. If the
25 individual land managing agency and
26 land owners would be responsible for
27 this task, there exists the possibility
28 that the maps would be inconsistent
29 with each other and that there would
30 place additional work load on the
31 station.
32

33 Their main concern is -- the Refuge
34 concern is to have the regulatory
35 boundaries that are identifiable on the
36 ground and more easily interpreted by
37 the affected users. There's a great
38 source of confusion for local users as
39 evident by the numerous questions at
40 their station that they receive each
41 year. The northern boundary -- Park
42 boundary is defined by the ridge of the
43 Mentasta Mountains which is an obvious
44 geographic feature. Aligning the C&T
45 and hunt boundaries with this feature
46 would alleviate much of the confusion
47 that currently exists.
48

49 We recognize that the proposal would
50 affect a C&T determination but the

1 amount of area affected is small and
2 located in a fairly remote area.

3
4 Again, that's the comments from the
5 Refuge. Dan may have additional ones since he
6 dialogued with the new Refuge manager for Tetlin
7 Refuge.

8
9 CHAIRMAN FLEENER: Thank you, Vince.
10 Any other comments.

11
12 (No comments)

13
14 CHAIRMAN FLEENER: None. What are the
15 wishes of the Council.

16
17 MR. NICHOLIA: Move to adopt.

18
19 CHAIRMAN FLEENER: There's a motion to
20 adopt Proposal 59, is there a second.

21
22 MS. ENTSMINGER: Second.

23
24 MR. GLANZ: Second.

25
26 MR. NATHANIEL: Second.

27
28 CHAIRMAN FLEENER: We have several
29 seconds. Discussion. Any further discussion on this
30 proposal.

31
32 Vince.

33
34 MR. MATHEWS: Yes, I failed to bring up
35 that the Southcentral Council, they deferred to the
36 home region but the Southcentral Council listened to
37 public testimony to support the changes. The current
38 regulation description is confusing and public
39 testimony supported the proposal to clarify the area of
40 use and realign meant would be beneficial but they
41 deferred to the home region.

42
43 CHAIRMAN FLEENER: Thank you, Vince.
44 Any more discussion on Proposal 59.

45
46 MR. LAPLANT: Mr. Chairman.

47
48 CHAIRMAN FLEENER: Yes, Dan.

49
50 MR. LAPLANT: I guess I could add some

1 additional comments. Adopting the proposal as proposed
2 here by the Council would go a long ways in minimizing
3 the confusion. The hesitancy on the Staff and when we
4 did the analysis is that we would be recommending a
5 change in the customary and traditional use
6 determination without any additional information to
7 support such a change. We've received some comments
8 now from some users, and they basically are saying that
9 it's quite insignificant.

10

11 But I'd like to say regardless of
12 whether -- or if the Board chooses to adopt this, that
13 will go a long ways in clearing up the confusion. If
14 the Board does not adopt this, we pledge to make some
15 modifications in the language to minimize confusion and
16 provide maps, as I told the Tetlin Refuge manager that
17 if additional maps are needed, OSM will develop those
18 maps and get them in the hands of the Park and the
19 Refuge Staff to submit to make them available to the
20 users.

21

22 Thank you.

23

24 CHAIRMAN FLEENER: Thank you, Dan.

25 Sue.

26

27 MS. ENTSMINGER: Thank you, Mr. Chair.
28 I think the Council has always demonstrated that we
29 would like to see the user not very -- not confused and
30 have a difficult time to understand regulations, and to
31 make it a little more user friendly and for that reason
32 I continue to support this proposal.

33

34 CHAIRMAN FLEENER: Thank you, Sue.

35 Other discussion.

36

37 (No comments)

38

39 MR. NICHOLIA: Question.

40

41 CHAIRMAN FLEENER: Question's been
42 called. All in favor of the motion signify by saying
43 aye.

44

45 IN UNISON: Aye.

46

47 CHAIRMAN FLEENER: Any opposed, say no.

48

49 (No opposing votes)

50

1 CHAIRMAN FLEENER: The motion carries.
2 Proposal 60.

3
4 MR. MATHEWS: Mr. Chairman. Proposal
5 60 is found on Page 75 and I believe Pete DeMatteo is
6 going to cover Proposal 60.

7
8 MR. DEMATTEO: Mr. Chair.

9
10 CHAIRMAN FLEENER: Go ahead, Pete.

11
12 MR. DEMATTEO: Can you hear me okay.

13
14 CHAIRMAN FLEENER: I can hear you just
15 fine.

16
17 MR. DEMATTEO: Mr. Chair. Proposal 60
18 begins on Page 75 of your Council books. And this
19 proposal was submitted by Doug Fredrick of Slana,
20 Federal spike-fork antler restriction for Unit 12
21 remainder moose during the August 15th through the 28th
22 season. Because fewer moose hunters have used Unit 12
23 remainder in recent years elimination of the spike-fork
24 antler restriction is not expected to attract
25 additional hunters to the affected area during the fall
26 season.

27
28 The current Federal harvest limit
29 during August 15th through the 28th season is more
30 restrictive than the existing State harvest limit for
31 Unit 12 remainder. The proposed regulatory change
32 would align Federal and State harvest limits by
33 eliminating the spike-fork antler restriction of Unit
34 12 remainder. The spike-fork antler restriction was
35 initially implemented by the State as a conservative
36 antler strategy by providing a harvest season (phone
37 cut outs) young bull component that has the highest
38 natural mortality rate of the age classes for this bull
39 moose population.

40
41 Mr. Chair. You can see the proposed
42 Federal regulation for Unit 12 moose on Page 75 halfway
43 down the page and quite simply it would eliminate the
44 spike-fork antler (phone cuts out) the affected Federal
45 lands are at the portion of the Wrangell-St. Elias
46 National Park and Preserve (phone cuts out) of the
47 Nabesna River and also the Nabesna Glacier.

48
49 The rural residents of Unit 11, 12,
50 13(A), 13(B) (phone cuts out) Dot Lake and Healy Lake

1 have a customary and traditional use determination for
2 moose in Unit 12 in that portion west of the Nabesna
3 River and Glacier (phone cuts out) line from Noise
4 Mountain southeast to the confluence (phone cuts out)
5 Nabesna River. Rural residents of Unit 12 such as
6 (phone cuts out) Dot Lake, Mentasta Lake and Healy Lake
7 have a customary and traditional use determination in
8 (phone cuts out).

9
10 In 2001 the Alaska Board of Game
11 shortened the amount of animals that could be harvested
12 by changing from spike-fork antler restriction to the
13 current any bull harvest limit in the State regulation.
14 Since then the Federal Board has eliminated the State --
15 I'm sorry, since then the Federal Board has eliminated
16 the spike-fork antler restriction for Unit 12 except
17 for the affected area that is stated in this proposal.

18
19 The current State regulations for Unit
20 12 remainder, the August season consists of a five day
21 season from August 24th to the 28th, which is nine days
22 shorter than the Federal August 15th to 28th season,
23 however, the State season has a more liberal harvest
24 limit that does not include the spike-fork antler
25 restriction as the Federal August season.

26
27 Mr. Chair. No information exists for
28 the affected moose population gathered from hunters
29 indicate that there are few moose and even fewer bulls
30 seen each year in Unit 12 remainder portion of the
31 Nabesna Road. The Department of Fish and Game
32 estimates from comparing data results from adjacent
33 areas with similar habitat that the population density
34 is probably about 0.2 to 0.3 per square mile. The
35 National Park Service Staff have observed that fewer
36 hunters use the Unit 12 portion of the Nabesna Road
37 from those who hunt the Unit 11 portion of the Nabesna
38 Road to the west. Further results from the analysis of
39 harvest data reveal that harvest in two UCU, which
40 stands for uniform coding units associated with the
41 Unit 12 remainder show some of the highest harvest
42 rates along the road. There is no way to accurately
43 monitor subsistence use of moose in the affected area
44 of Unit 12 because registration permits are not
45 required. Moose hunters access the area of the Nabesna
46 Road in Unit 13(C) and then proceed along the road
47 through Unit 11 but the majority access the Preserve.
48 Users that access the Park to hunt moose must be
49 residents of a community with resident zone community
50 status under National Park Service regulations while

1 other users are restricted to hunting the Preserve.
2 Some users that hunt moose in Unit 11 prefer hunting
3 along the Nabesna Road while others access the higher
4 elevations with off-road vehicles via trails branching
5 from the Nabesna Road.

6
7 Mr. Chair. If this proposal is adopted
8 by the Federal Board, it's important to note that
9 because of adoption of the proposal would allow for
10 harvest of any bull moose, elimination of the spike-
11 fork antler restriction could cause an increase in
12 harvest of the affected population in Unit 12
13 remainder.

14
15 Based on the biological and harvest
16 data for Unit 12 remainder, adoption of the proposed
17 regulatory change could have adverse impacts on the low
18 density moose population because of the road access and
19 also the 14 day Federal August season.

20
21 With that the conclusion is seen on
22 Page 77 of your book is to support the proposal with
23 the modification to match the State's harvest limit of
24 one bull for August 24 to August 28th and otherwise
25 remain the spike-fork antler restriction from August
26 15th to August 23rd. The modified proposed regulation
27 is stated at the bottom of the Page 77.

28
29 And with that, Mr. Chair, I'll stop
30 there.

31
32 Thank you.

33
34 CHAIRMAN FLEENER: Thank you, Pete.
35 Department of Fish and Game.

36
37 MR. HAYNES: Mr. Chairman. The
38 Department's comments are on Page 79.

39
40 The Department doesn't support this
41 proposal. The current August 15 to 28 spike-fork
42 season in the remainder of Unit 12 provides opportunity
43 for Federally-qualified subsistence users without
44 significantly affecting the breeding population of
45 larger bulls. Federally-qualified users also have the
46 option of hunting antlered bulls for the entire month
47 of September in the remainder of Unit 12, and not only
48 September 1 to 15 as was stated by the proponent in the
49 original proposal.

50

1 While the corresponding State
2 regulations allow the harvest of any bull in the
3 remainder of Unit 12, non-Federally-qualified hunters
4 have substantially fewer days of hunting opportunity in
5 this area.

6
7 The Department also does not support
8 revising the Federal regulations in the remainder of
9 Unit 12 as proposed in the preliminary conclusion.
10 Changing the harvest limit from a spike-fork bull on
11 August 23rd to any antlered bull on August 24th will be
12 extremely difficult to enforce. The current regulation
13 provides a clean break of three days between the spike-
14 fork and any antlered bull season which is a much more
15 enforceable regulation. And as was noted above, the
16 Federal regulations already provide Federally-qualified
17 users with substantially more days of hunting time than
18 do the corresponding State regulations in the remainder
19 of Unit 12.

20
21 I'd also note that in the northwestern
22 portion of Unit 12, which is nearly all State managed
23 lands at this point in time, the bull/cow ratio there
24 is declining, which suggests that it's important to
25 have some antler restrictions on the bulls that are
26 harvested in that area. We don't have information
27 available today to indicate if that same trend is
28 occurring on Federal public lands in the remainder of
29 Unit 12. But from a State perspective changing the
30 spike-fork requirement poses some problems and concerns
31 for us.

32
33 Thank you.

34
35 CHAIRMAN FLEENER: Thank you, Terry.
36 And don't leave yet, would you, Terry, I have some
37 questions but not yet.

38
39 Gerald.

40
41 MR. NICHOLIA: Yeah, Terry, would you
42 guys support this proposal with the modifications
43 stated there by Staff Committee?

44
45 MR. HAYNES: Mr. Chairman. Gerald.
46 That is the last piece that I spoke to. If you look at
47 the bottom of Page 77, what's being proposed is to have
48 the spike-fork season end on August 23rd and any
49 antlered bull season begin on August 24th. We think
50 there needs to be more of a break between those two

1 seasons for enforcement purposes.

2

3 MS. ENTSMINGER: I have a question.

4

5 CHAIRMAN FLEENER: Go ahead, Sue.

6

7 MS. ENTSMINGER: Yeah, but you don't
8 have any problem with the any antlered bull in that
9 August season?

10

11 MR. HAYNES: Mr. Chairman. Sue. We
12 prefer that the proposal not be adopted at all, and so
13 I was trying to speak to having the antlered bull --
14 having the longer antlered bull season potentially
15 could create conservation issues down the road, no
16 evidence that that would do it at this time, so we
17 would prefer the current regulation. But I don't think
18 that I could sit here and say that allowing an antlered
19 bull harvest for that August 24, that additional five
20 days is going to create conservation issues at this
21 time.

22

23 CHAIRMAN FLEENER: Thank you, Terry.
24 Vince. Actually, wait, Vince, any other comments --
25 Barb.

26

27 MS. CELLARIUS: Thank you, Mr. Chair.
28 The Wrangell-St. Elias National Park Subsistence
29 Resource Commission unanimously supports the original
30 proposal with modification to eliminate the season
31 break between the August and September seasons.

32

33 In other words the harvest limit in
34 Unit 12 remainder would be one antlered
35 bull with the season of August 15 to
36 September 30. Harvest levels in Unit
37 12 remainder at the end of the August
38 are low and the proposed change in
39 harvest limit during the early season
40 is not anticipated to cause a
41 conservation concern.

42

43 There is no good justification for this
44 season break at the end of August
45 particularly given that the harvest
46 limit would be the same for the entire
47 season. Removing the break will make
48 the regulation easier to understand.

49

50 CHAIRMAN FLEENER: Thank you, Barb. Is

1 that just the SRC or is that also your employer's
2 opinion?

3

4 MS. CELLARIUS: My understanding is
5 that currently the harvest data for the August season
6 shows very limited harvest and so we -- my last
7 conversation with our wildlife biologist indicated that
8 he didn't feel it was a conservation concern.

9

10 CHAIRMAN FLEENER: Thank you. Sue.

11

12 MS. ENTSMINGER: Barb. Am I to
13 understand then that the SRC would like to continue
14 with the original wording, the spike-fork for all of
15 the August season?

16

17 MS. CELLARIUS: What the SRC is
18 proposing is elimination of the spike-fork restriction
19 and since there would be -- the harvest limit in the
20 August season would be one antlered bull and the
21 harvest limit in the September season would be one
22 antlered bull, they see no reason for the season break
23 and so the season would just be a continuous season
24 from August 15 to September 30.

25

26 MS. ENTSMINGER: And the biologist was
27 the Wrangell-St. Elias Staff biologist there?

28

29 MS. CELLARIUS: Mason Reed, yes.

30

31 MS. ENTSMINGER: Mason. Was there any
32 communication with Jeff Gross?

33

34 MS. CELLARIUS: No, I don't believe
35 that Jeff was at the SRC meeting.

36

37 CHAIRMAN FLEENER: Terry.

38

39 MR. HAYNES: Mr. Chairman. Sue. I was
40 trying to get a hold of Jeff today to fine-tune our
41 comments on this proposal but he's not available. We
42 talked earlier and his concern was, in part, what I
43 read as concerns about changing -- not having that
44 three day break.

45

46 But in large part it boils down to not
47 having a lot of hard evidence that adopting the
48 proposal as written or as modified in the preliminary
49 conclusion will create conservation concerns. We would
50 have strong objections to what the Wrangell-St. Elias

1 Subsistence Resource Commission is recommending.
2
3 CHAIRMAN FLEENER: Thank you, Terry.
4 Anybody else.
5
6 (No comments)
7
8 CHAIRMAN FLEENER: Nope. Vince.
9
10 MR. MATHEWS: Yes, there was two
11 written comments submitted on this, both in support
12 from the AHTNA Subsistence Committee and the Mentasta
13 Traditional Council, they support it.
14
15 That's pretty much it, thank you.
16
17 CHAIRMAN FLEENER: Thank you. So what
18 are the wishes of the Council.
19
20 MR. NICHOLIA: Move to adopt.
21
22 CHAIRMAN FLEENER: There's a motion to
23 adopt Proposal 60, is there a second.
24
25 MR. GLANZ: I'll second it.
26
27 MS. ENTSMINGER: Second.
28
29 CHAIRMAN FLEENER: And there's a
30 second.
31
32 MR. NICHOLIA: Hold on, move to adopt
33 as written.
34
35 MR. GLANZ: Second.
36
37 CHAIRMAN FLEENER: Thank you. Okay,
38 any more discussion.
39
40 MS. ENTSMINGER: Mr. Chair.
41
42 CHAIRMAN FLEENER: Sue.
43
44 MS. ENTSMINGER: After the SRC met the
45 biologist called up my family and was very concerned
46 about this, well, actually it was more that split like
47 Terry brought out, and I didn't really have a lot of
48 chance to -- he was talking to my husband so I didn't
49 have a lot of chance to talk to him further about it.
50 I was just going to add that to the comments.

1 CHAIRMAN FLEENER: So what did you just
2 say?
3
4 MS. ENTSMINGER: I don't know.
5
6 CHAIRMAN FLEENER: I mean what's the
7 specific concern you were bringing up?
8
9 MS. ENTSMINGER: He was concerned about
10 that the additional season, from what I understood. He
11 didn't want to see the added days.
12
13 CHAIRMAN FLEENER: Okay, thank you.
14 More discussion.
15
16 MR. NICHOLIA: I just might have one
17 question for Terry, is there a conservation concern
18 right now?
19
20 CHAIRMAN FLEENER: Any conservation
21 concerns, Terry?
22
23 MR. HAYNES: Mr. Chairman. Gerald.
24 No, not at this time. Again, as I mentioned the
25 declining bull/cow ratio is occurring in the
26 northwestern part of Unit 12, which does not involve
27 Federal lands. I don't have information about what's
28 happening on the Tetlin Refuge, which is another part
29 of the remainder of Unit 12.
30
31 CHAIRMAN FLEENER: Thank you, Terry.
32
33 MR. NICHOLIA: Question.
34
35 CHAIRMAN FLEENER: Question called on
36 Proposal 60. All in favor signify by saying aye.
37
38 IN UNISON: Aye.
39
40 CHAIRMAN FLEENER: All opposed, say
41 nay.
42
43 MS. ENTSMINGER: Nay.
44
45 CHAIRMAN FLEENER: There's one opposed,
46 motion carries. Okay, Proposal 61 and Polly, you're
47 not Don.
48
49 MR. WHEELER: No, I'm not Mr. Rivard.
50

1 CHAIRMAN FLEENER: Okay.
2
3 (Laughter)
4
5 CHAIRMAN FLEENER: So who will do this
6 one, Vince.
7
8 MR. MATHEWS: Mr. Chairman. Proposal
9 61, I believe will be done by.....
10
11 CHAIRMAN FLEENER: Terry.
12
13 MR. MATHEWS: No. Not that we don't
14 like Terry. But I believe it's being done by Pete
15 DeMatteo.
16
17 MR. DEMATTEO: Correct.
18
19 MR. MATHEWS: Correct, Pete's here.
20
21 MR. DEMATTEO: Mr. Chair. The analysis
22 of Proposal 61 begins in your book on Page 81. And
23 this proposal was submitted by Jeff Barney from
24 Fairbanks. He requests that the moose hunting season
25 in the Kantishna area of Denali National Park which is
26 in Unit 20(C) be closed due to concerns about a low
27 moose population in that area. The proponent wants
28 hunting stopped so that the moose population can
29 rebuild.
30
31 The proposed closure area is marked on
32 the map in your book on Page 82. The Kantishna area is
33 primarily Federal public lands but there are also
34 parcels of private lands in the mix. Based on survey
35 counts conducted by the National Park Service, moose
36 numbers and moose densities have declined in the
37 Kantishna area. Park biologists are uncertain of what
38 might be the cause of the decline of the population.
39 But during the 2003/2004 population surveys that were
40 conducted, bulls comprised about half of the estimated
41 population in the Kantishna area. A high bull/cow
42 ratio representative of this vicinity is over the ADF&G
43 management objective.
44
45 During the September moose season
46 subsistence users typically obtain a road permit from
47 the Park and then drive to Kantishna and the
48 surrounding vicinity to access the hunting areas.
49 Based on past records kept by Park Service Staff there
50 are low numbers of hunters and harvested bulls reported

1 for the Kantishna area. Since there is no season for
2 cows, under either the Federal or the State regulations
3 for all of Unit 20(C) the one bull harvest limit has
4 little effect on the reproductive potential for the
5 moose population in the Kantishna area.

6
7 Based on few users harvesting these
8 small number of bulls, the impact on the moose
9 population in the Kantishna vicinity appears to be
10 minimal.

11
12 And with that, Mr. Chair, the
13 preliminary recommendation for Proposal 61 is to oppose
14 this proposal, and I'll stop there and answer any
15 questions you may have.

16
17 Thank you, Mr. Chair.

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

21
22 MR. HAYNES: Mr. Chairman. The
23 Department's comments are on Page 86. We don't support
24 this proposal. There is no biological evidence to
25 support a closure of moose hunting in the Park and
26 Preserve lands west of the Toklat River in Unit 20(C).
27 Only a small amount of the moose hunting effort in this
28 part of Unit 20(C) occurs within the Park and Preserve.

29
30 Eliminating the harvest of bulls would
31 not have much positive impact on the moose population.

32
33 CHAIRMAN FLEENER: Thank you, Terry.
34 Any other agencies or public.

35
36 (No comments)

37
38 CHAIRMAN FLEENER: None. Vince.

39
40 MR. MATHEWS: Yes, Mr. Chairman.

41
42 The Western Interior took up this
43 proposal and they unanimously opposed
44 this proposal.

45
46 They opposed it because it appears to
47 be an effort to stop hunting in the
48 area of Denali National Park and
49 Preserve. The moose population within
50 this area can withstand this hunt. The

1 Council bases its recommendation on the
2 data presented, the low number of
3 hunters and the low number of moose
4 harvested. The Council feels this
5 proposal appears to be an anti-
6 subsistence proposal.

7
8 The Denali Subsistence Resource
9 Commission took up Proposal 61 and they
10 unanimously opposed this proposal.
11 Most of the moose harvest in the
12 Kantishna area is by Federally-
13 qualified subsistence users during the
14 month of September. The number of
15 users each year is small, zero to seven
16 individuals. The number of moose
17 harvested each year varies from zero to
18 five bulls. Based on the few users
19 harvesting a small number of bulls the
20 impact on the Kantishna area moose
21 population appears to be minimal.

22
23 And the AHTNA Subsistence Committee
24 opposes this proposal.

25
26 It wasn't clear what the Alaska
27 Regional Office of the National Park
28 Conservation Association' position on
29 this but basically they were advising
30 the Regional Advisory Councils that
31 they need to identify where they are
32 lacking data to make sound wildlife
33 management decisions whether they are
34 considering a new closure, lifting an
35 old closure, adjusting harvest levels,
36 or changing the length of season.
37 Where data is lacking attention must be
38 focused on approving the quality of
39 harvest data, the population data, et
40 cetera. Only when the National Park
41 Service is aware of the instances where
42 data is lacking it can be direct
43 necessary funds.

44
45 So I had a hard time determining what
46 they wanted, but basically they're saying when you get
47 into decisions like this, you better have good data and
48 if you don't have good data then to advise the
49 agencies, in particular the Park Service, where that
50 data needs to be collected.

1 Thank you.
2
3 CHAIRMAN FLEENER: Thank you. Any
4 other comments.
5
6 (No comments)
7
8 CHAIRMAN FLEENER: None. What are the
9 wishes of the Council.
10
11 MR. NICHOLIA: I move to adopt Proposal
12 61, the Staff recommendation.
13
14 CHAIRMAN FLEENER: I wouldn't say Staff
15 recommendation because then you're moving to adopt what
16 they oppose, so just say move to adopt.
17
18 MR. NICHOLIA: Move to adopt.
19
20 CHAIRMAN FLEENER: Is there a second.
21
22 MR. GLANZ: I'll second that also.
23
24 CHAIRMAN FLEENER: Okay, there's a
25 second. Any more discussion.
26
27 (No comments)
28
29 MR. NICHOLIA: Question.
30
31 CHAIRMAN FLEENER: Question's been
32 called. All in favor of Proposal 61, signify by saying
33 aye.
34
35 (No aye votes)
36
37 CHAIRMAN FLEENER: All opposed, say
38 nay.
39
40 IN UNISON: Nay.
41
42 CHAIRMAN FLEENER: Motion fails. Okay,
43 we stand in recess until 8:30.
44
45 (Off record)
46
47 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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

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

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

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

DATED at Anchorage, Alaska, this 2nd day of April 2006.

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