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EASTERN INTERIOR SUBSISTENCE

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REGIONAL ADVISORY COUNCIL

7

PUBLIC MEETING

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VOLUME I

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11

February 27, 2004

12

2:05 o'clock p.m.

13

Cruikshank School

14

Beaver, Alaska

15

16

17 COUNCIL MEMBERS PRESENT:

18

19 Gerald Nicholia, Chair

20 Andrew Bassich

21 Sue Entsminger

22 Craig Fleener

23 Allen J. Stevens

24 Virgil Umphenour

25 Tricia Waggoner

26 Philip Titus

27

28 Regional Coordinator, Vince Mathews

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P R O C E E D I N G S

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(Beaver, Alaska - 2/27/2004)

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(On record)

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CHAIRMAN NICHOLIA: This is the Eastern Interior Advisory Council meeting here in Beaver. It's five after 2:00. So, do you have to go over any ground rules or anything, Vince?

MR. MATHEWS: Can you guys hear me okay? We need to patch in Pete DeMatteo real soon here because he'll be presenting the proposals. Maybe we can do that right now or after you review and adopt the agenda.

CHAIRMAN NICHOLIA: Is Pete here?

MR. MATHEWS: No. Pete won't make it here. We just have to take about 30 seconds to hook him up on the phone. It might be best if we just do that right now.

CHAIRMAN NICHOLIA: What proposals is he speaking to? Pretty much all the wildlife?

MR. MATHEWS: Pete is speaking to the proposals on page four of your agenda, but he kind of wanted to hear about what you discuss before that. We can do it right now and get him on.

CHAIRMAN NICHOLIA: Sure.

MR. MATHEWS: So just stand down 30 seconds or so.

(Off record)

(On record)

CHAIRMAN NICHOLIA: I'd like to welcome you guys here to Beaver. We've got some new members on this board. Everybody will kind of introduce themselves. I guess I'll start out. My name is Gerald. Everybody knows me.

I'm sure glad we're meeting here after our third try. I wouldn't mind if Donald Mike was here because we're really trying to meet here. What I'd like to see come out of this meeting is that I'd like to meet

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1 the people I represent and Beaver is kind of like -- it's  
2 in the Eastern Interior and it's the first time I've been  
3 here and it's pretty nice.

4

5                   The one thing I hear about up and down  
6 the river everywhere I go is that a lot of people are  
7 doing out-migrating from the village to the city just  
8 because of a lot of things, I think, but one of the main  
9 things, their main resources that they rely on is  
10 dwindling or there's no money for like trapping. There's  
11 no money out there anymore like it used to be. That  
12 creates no employment for the real qualified subsistence  
13 user and it forces him to go to the city just to provide  
14 for themselves and their family.

15

16                   The way I see us sitting here is we've  
17 got to create some opportunity for these people that rely  
18 on the Federal program, OSM, to give them the opportunity  
19 not only to make money but to hold our traditional and  
20 cultural values intact and still believe that some day it  
21 will be good again. So, where they can provide for  
22 themselves and their family on these natural resources  
23 within this region.

24

25                   I know there's a lot of contentious  
26 issues about fisheries. I'd like to keep this being  
27 mostly focused on the game management wildlife issues.  
28 If we have time at the end, then we could deal with the  
29 fisheries issues. I don't like to go off subject. I  
30 don't like people to blow a lot of hot air when we could  
31 just say it in a few words. I've been going through this  
32 program for a while and I'd like people to show a little  
33 respect and try to listen and understand each other  
34 mostly.

35

36                   Mostly it's an educational process from  
37 us to you. What I like to learn is from the people  
38 involved. Whoever shows up, I'll be very grateful.  
39 We're out here to voice people's opinion about their  
40 traditional way of living and lifestyle.

41

42                   With that, I thank Paul Williams, Beaver  
43 Tribal Council, for helping us put this show on. Let's  
44 go around the Board and start with Andy and go around and  
45 then we'll introduce the guests after that.

46

47                   MR. BASSICH: Thank you, Mr. Chairman.  
48 My name is Andy Bassich and I'm representing the  
49 community of Eagle. I'd just like to say thank you to  
50 the people of Beaver. I'm happy to come here and see

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1 your community and hope to speak with those of you that  
2 live here and hear your concerns. I'd also like to  
3 acknowledge that as I look around this Council here, I  
4 see a lot of years of experience and a lot of wisdom  
5 sitting here. People that have been involved in the  
6 issues for a lot of years and I look forward to not only  
7 working with you, but learning a great deal from your  
8 experience.

9

10 I'd also like to state that as far as  
11 Fish and Game goes, I feel for me, personally, and for  
12 the people in our area, you can only be considered as a  
13 priceless commodity to us. Without Fish and Game, the  
14 people in my area would not be able to live the way they  
15 live. It is absolutely priceless to us.

16

17 Thank you.

18

19 MS. WAGGONER: Tricia Waggoner from Tok.  
20 It's nice to be back in Beaver and thank you for all the  
21 hospitality here.

22

23 Thanks.

24

25 MR. STEVENS: My name is Allen J.  
26 Stevens, representing Stevens Village, which is just the  
27 next village down the river, so this is kind of a home  
28 away from home. They all know what I'm about, but I  
29 still would like to thank the people of Beaver for  
30 hosting this meeting. All the hard work Paul has put in,  
31 I really appreciate it, and everybody else, the cooks and  
32 everybody else coordinating stuff. I know coordinating  
33 something like this is pretty tough, so I thank the  
34 community of Beaver for that.

35

36 MR. UMPHENOUR: My name is Virgil  
37 Umphenour. I live in North Pole and I'm glad to be here  
38 in Beaver. It's our third try and we finally made it.

39

40 MR. TITUS: Phil Titus from Minto. I'm  
41 sure glad we made it to Beaver and I hope something good  
42 comes out of this for people that live off the land and  
43 the resource. Thanks.

44

45 MS. ENTSMINGER: My name is Sue  
46 Entsminger. I live near the village of Mentasta. I'm  
47 actually on the road system. The extreme southern  
48 eastern end of the Eastern Interior region. It's a  
49 pleasure to be here and I hope I get to meet more of the  
50 people from Beaver. A lot of Mentasta people are married

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1 to people here and there's family that's inter-tied  
2 together, so it's kind of neat to meet some of the  
3 relatives here.

4

5 MR. FLEENER: Hello. My name is Craig  
6 Fleener from Fort Yukon. I'm also happy to be here to  
7 see some old friends and hopefully the community of  
8 Beaver comes out and participates in the meeting. I just  
9 want to let you guys know that everybody that's sitting  
10 around the table here is here as a representative of  
11 yours and if you have questions or if you have comments  
12 or if you have a complaint, to come up and let us know.  
13 If you don't feel like coming up to the table and talking  
14 about an issue that's important to you, then pull us off  
15 to the side and let us know what's important to you  
16 because those are the things that we need to bring up and  
17 talk about. So don't be afraid to grab one of us or grab  
18 two of us or grab all of us and let's work to solve  
19 problems that we all have in common. Thanks.

20

21 MR. MATHEWS: I think we're just waiting  
22 now to hook up to the system here. Jerry, do you have  
23 Pete on line?

24

25 MR. BERG: We should soon.

26

27 CHAIRMAN NICHOLIA: I guess everybody  
28 pretty much knows each other, but I'd sure like to have  
29 everybody introduce themselves.

30

31 MR. SCHLOSMA: My name is Joe Schlosman.  
32 I'm the fisheries biologist with the Council of  
33 Athabaskan Tribal Governments in Fort Yukon.

34

35 MR. RIVARD: I'm Don Rivard. I'm the  
36 division chief with the Office of Subsistence Management.

37

38 MR. BOS: Greg Bos, Fish and Wildlife  
39 Service Staff Committee member.

40

41 MS. BROWN: Melinda Brown, subsistence  
42 coordinator for Yukon Flats and Arctic National Wildlife  
43 Refuges.

44

45 MS. FRIEND: Connie Friend, refuge  
46 information technician, Tetlin Wildlife Refuge.

47

48 MS. PETRIVELLI: Pat Petrivelli,  
49 anthropologist with Office of Subsistence Management.

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1 MR. SULLIVAN: Joe Sullivan with YRDFA.

2

3 MR. HEUER: Ted Heuer with Yukon Flats  
4 Refuge.

5

6 MR. HAYNES: Terry Haynes, Department of  
7 Fish and Game, Division of Wildlife Conservation.

8

9 MR. BERG: Jerry Berg, fishery regulatory  
10 biologist for the Yukon for OSM.

11

12 MS. RICHARDS: My name is Ann Richards  
13 and I'm glad you're all here. It's a pleasure to host  
14 this group and I'm the principal of the school here.

15

16 MR. SUMMERS: My name is Clarence  
17 Summers. I'm with the National Park Service. I work in  
18 the Anchorage office. I'm really happy to be here today,  
19 my first day in Beaver. As you can see, I'm a little  
20 late getting back. I went out for a little hike. I'm  
21 happy to be here. Thanks for hosting me.

22

23 MR. WILLIAMS: I'm Paul Williams. Second  
24 chief of the Tribal Council in Beaver and also work for  
25 the refuge. I welcome you to Beaver, and hope you enjoy  
26 your stay.

27

28 MR. SCHLEUSNER: Cliff Schleusner with  
29 the Office of Subsistence Management. I'd like to thank  
30 Paul for the hospitality.

31

32 MR. HENRY: I'm Arthur Henry. I work for  
33 the Beaver Village Council. I'd like to welcome  
34 everyone.

35

36 CHAIRMAN NICHOLIA: All right. Thank  
37 you, guys. Paul, is there anybody doing invocation for  
38 this meeting?

39

40 (Off record)

41

42 (On record)

43

44 CHAIRMAN NICHOLIA: Thank you. Tricia is  
45 still our secretary. I guess she'll do the roll call.

46

47 MS. WAGGONER: Sue Entsminger.

48

49 MS. ENTSMINGER: Here.

50

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1 MS. WAGGONER: Gerald.

2

3 CHAIRMAN NICHOLIA: Here.

4

5 MS. WAGGONER: Andy Bassich.

6

7 MR. BASSICH: Here.

8

9 MS. WAGGONER: Philip Titus.

10

11 MR. TITUS: Here.

12

13 MS. WAGGONER: Allen Stevens.

14

15 MR. STEVENS: Here.

16

17 MS. WAGGONER: Larry Williams.

18

19 (No response)

20

21 MS. WAGGONER: Craig Fleener.

22

23 MR. FLEENER: Here.

24

25 MS. WAGGONER: Virgil Umphenour.

26

27 MR. UMPHENOUR: Here.

28

29 MS. WAGGONER: Myself, Tricia Waggoner.

30 Here.

31

32 CHAIRMAN NICHOLIA: We've got eight  
33 members out of 10. We have a quorum, Vince.

34

35 This is Regional Council members  
36 concerns, topics. I voiced my concerns earlier. There  
37 are certain things that -- there's a lot of things that  
38 happened throughout this year. Most of the things was in  
39 Wasilla and the Federal Board. There's so many meetings  
40 that I've been through, both State and Federal. Most of  
41 the things that we asked for for this region got -- like  
42 that Birch Creek fishery thing, the Federal adopted it,  
43 but the State opposed it. There's a lot of things that  
44 got turned down, especially fisheries issues. Most of  
45 the game issues that we deal with is that -- I'd like to  
46 hear most of you guys' concerns here in Beaver. I'd like  
47 to really try to understand where we stand as  
48 representing you people here. I know a lot of people are  
49 gone, but even a few voices would help us make a few  
50 decisions here and hopefully we could do something for

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1 you guys here.

2

3 MR. MATHEWS: It's going to be noisy to  
4 hook him up on the phone. Here you go. Pete, can you  
5 hear us?

6

7 MR. DEMATTEO: Yes.

8

9 MR. MATHEWS: You'll have to let us know  
10 -- I'll periodically interrupt the Chair to see if you're  
11 still on line. Okay?

12

13 MR. DEMATTEO: You're coming in loud and  
14 clear.

15

16 MR. MATHEWS: We're set to go.

17

18 CHAIRMAN NICHOLIA: Do you guys still  
19 want to go through Council member concerns?

20

21 MR. FLEENER: Yeah, sure, I'll go. I've  
22 always got concerns. It's been a year since I've gotten  
23 to speak into this microphone. It's unfortunate the  
24 concerns that I have to share are really the same  
25 concerns that I've shared year in and year out and  
26 they're concerns that are common to a lot of people in  
27 the Eastern Interior, so it won't be new to any of you,  
28 but I do want to get it on the record. At least for the  
29 Yukon Flats, our extremely low moose population has been  
30 an ongoing problem. What's really troubling to me is  
31 that it seems like no one besides the local people really  
32 care enough to do anything about it.

33

34 The Yukon Flats Refuge has a very large  
35 budget compared to those of us living in the Yukon Flats  
36 anyway and very little actually goes into doing something  
37 to increasing the moose population. Part of their  
38 mandate is to manage resources in their natural  
39 diversity, which I think in some cases -- did I get that  
40 right, Ted?

41

42 MR. YORK: Yes.

43

44 MR. FLEENER: Which in some cases I think  
45 actually might be a reason to not do more than what's  
46 actually naturally occurring out there. But, in my  
47 opinion, I think we actually need to do more. We need to  
48 do something for the moose population.

49

50 The refuge has had projects in the past

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1 that we've sponsored in some cases, like we supported the  
2 idea of this moose calf mortality study to find out  
3 exactly what predation was on the moose population and  
4 that turned out to be overwhelmingly -- that the  
5 mortality on moose was overwhelmingly, at least on  
6 calves, was caused by bears.

7

8                   That leads into my second concern. That  
9 is an extremely high bear population in the Yukon Flats.  
10 I think Bob Stephenson told me he thinks we probably have  
11 about twice as many bears as we do moose in the Yukon  
12 Flats. That's a big concern, especially when you  
13 consider that food alternatives, you know, might be  
14 pretty limited up here. If food alternatives are limited  
15 for predators, they're going to try to concentrate on the  
16 species that are the easiest to get and moose calves are  
17 certainly easy to get in their first 10 days of life.

18

19                   So we've got an extremely low moose  
20 population, which is a really bad thing when you consider  
21 that our salmon populations are also doing so poorly  
22 right now. The two most important resources for us in  
23 the Yukon Flats, I think, are salmon and moose. In the  
24 higher parts of Yukon Flats, people can get some caribou,  
25 but down here in the low land they're pretty rare.

26

27                   So moose and salmon are the two most  
28 important things and it just so happens that they're  
29 among the most problematic as far as numbers. Our salmon  
30 numbers have been declining, you know, and have been in a  
31 state of very low numbers for quite a while now, to the  
32 point where we've been restricted. Not only that, but  
33 also to the point where we have to fish so much to still  
34 not meet our subsistence needs that that's a problem.

35

36                   So we have low moose population, we have  
37 a low salmon population and, to add insult to injury, the  
38 Board of Fish just liberalized fishing in the Area M area  
39 to, as Virgil put it, pre-Statehood -- I can't remember  
40 exactly how he put it, but they can now fish with less  
41 restrictions than they've had since Statehood. So, while  
42 our ability to get salmon up here is greatly diminished,  
43 in other places of the state they're liberalizing their  
44 fishing seasons, which can only negatively impact our  
45 ability to catch salmon.

46

47                   So those are some serious problems that I  
48 think we need to address now and into the future. I'm  
49 really getting tired of saying the same thing every  
50 meeting I go to, that we have a low moose population,

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1 that we have an extremely high bear population and we  
2 have no salmon left. We need to do something about it.  
3 We don't want to be on food stamps. We don't want to all  
4 move to the city.

5  
6 We need to take some action now. That  
7 means we need to take some action on the ground. We have  
8 to do what we need to do and that is with management. We  
9 have to actually physically manage these resources that  
10 are out here. We can only do so much with proposals. We  
11 can only do so much with changing seasons and bag limits.

12  
13  
14 The local people are doing quite a few  
15 things. We're trying to encourage more predator harvest  
16 and we've worked together to try to reduce cow harvest to  
17 try to protect the moose population. We've even limited  
18 how many salmon we take in some cases. So we're doing  
19 pretty much all that's being done here locally to help  
20 the populations and we're not even the land managers. So  
21 we need to demand from our land managers, from our  
22 resource managers that they take some action.

23  
24 Thank you.

25  
26 MS. ENTSMINGER: Thank you. I'd like to  
27 reiterate some of the things that Craig brings out in  
28 20(E) and actually in 13, which is one of the hunting  
29 areas where people in the Upper Tanana actually go also.  
30 There's very low moose numbers in 20(E) and it's been  
31 proven. I guess it's four years running the game  
32 biologist has brought out to the Advisory Committee  
33 locally there that there's really no recruitment of  
34 calves and they believe it's bears. I don't think they  
35 really have accurate numbers. I don't know if it's  
36 something the department can do a little more precise,  
37 but probably numbers of bears is something that needs to  
38 be worked on.

39  
40 And then I see some problems for the  
41 local people where there might be commercial use, even in  
42 the game issues, on State land that affects subsistence  
43 use and sometimes it's not our privy to get involved in,  
44 but sometimes I think we need to bring it out in the  
45 meetings that there's other things that they need to be  
46 working on jointly with the State. Particularly the  
47 guiding industry where it is abused in the commercial air  
48 taxis where there might be some way to make things a  
49 little easier for the people out in the rural areas.

50

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1 I also wanted to mention it's important  
2 to me to have respect for each other both as Native and  
3 non-Native, that we hold hands jointly in working on  
4 these issues.

5  
6 Thank you.

7  
8 MR. TITUS: My consensus that subsistence  
9 and the resources are here for everybody far into the  
10 future, that they could have ways to put meat and fish on  
11 the table, like Craig said, without living on food  
12 stamps. You can't put monetary value on subsistence  
13 because there's no way you could put a monetary value on  
14 what you live on all your life.

15  
16 Thanks.

17  
18 MR. UMPHENOUR: Thank you. Tomorrow on  
19 the agenda we have the call for proposals for fishery  
20 issues and, as Craig said, the fishing time and  
21 exploitation rate on salmon passing through the area,  
22 False Pass fishery, has just been increased -- or the  
23 fishing time by 285 percent. I know that pre-1970 or the  
24 middle '70s they fished five days a week down there. Now  
25 they have more fishing time than that actually and their  
26 efficiency has increased by unknown magnitude, but a  
27 giant one.

28  
29 Another issue that I'm really concerned  
30 about is the genetic integrity of our king salmon in the  
31 Yukon River. In State management, the State does not do  
32 anything about ecosystem management, they totally ignore  
33 it and I think we need to bring that issue forward  
34 because when there's not enough fish to eat for the bears  
35 and the wolves and the wolves do eat fish as well,  
36 salmon, then they're going to eat more moose calves. To  
37 me, that's a very important issue and I'd like to hear  
38 from some of the local people that live here about their  
39 fishery, especially their salmon fisheries.

40  
41 Thank you.

42  
43 MR. STEVENS: Jay Stevens here. I guess  
44 I'd have to agree with all four of the individuals before  
45 me and to reiterate what Craig had to say about the low  
46 moose population here on the flats. In Stevens Village,  
47 we've been doing everything that Craig has been talking  
48 about. I mean to the farthest extent that we could go.  
49 I mean we've provided different means for people to go  
50 out and do these activities. We've provided traps and

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1 snares for the local people. So we are doing just about  
2 everything we can locally to help address the situation.  
3

4                   Some of the proposals that are coming up  
5 have to deal with some of these issues, so they're going  
6 to be pretty contentious I think even within the Board  
7 here. So, like Sue said, we need to work together to  
8 make sure that we come out with a good outcome. If  
9 there's some sort of criticism to be brought up here,  
10 let's try to make sure that it's kept to be constructive  
11 criticism and work together to adjust these issues.  
12

12

13                   Thank you.

14

15                   MR. BASSICH: Thank you, Mr. Chairman.  
16 Many of the concerns that I have have already been voiced  
17 mainly in dealing with wildlife, low moose density and  
18 calf recruitment in 20(E) and a great concern over the  
19 increase in bear populations and their effects on both  
20 moose and caribou in the area. Regarding fisheries,  
21 recent decisions by the Board of Fish on area M and its  
22 liberalization of fishing is shocking to me. I'll  
23 reserve comment on that at this point in time, but I find  
24 it very disturbing.  
25

25

26                   As Virgil mentioned, the genetic  
27 diversity I feel is in serious danger right now on  
28 mainstem and Canadian-bound stocks and I feel that we  
29 really need to address that issue in every way possible.  
30 I think we're coming to a time when if we don't make some  
31 attempts to rectify this current fishing schedules and  
32 means, that we may lose the opportunity to save that  
33 genetic pool, which we will never gain the opportunity to  
34 get it back. Once it's gone, it's gone. So I think  
35 we're running out of time and we need to address those  
36 issues.  
37

37

38                   Thank you, Mr. Chairman.

39

40                   CHAIRMAN NICHOLIA: Thank you, guys.  
41 Because we're in Beaver, there's going to be people  
42 that's coming in and going out. I don't really like to  
43 have a set, rigid agenda. I usually keep it floating so  
44 we could -- what I mean by floating is where we could  
45 suspend the rules and somebody that's got to come in and  
46 go out the same day, have them sit down and we'll hear  
47 their opinions and stuff and then that way they can go  
48 and they don't have to stay. A floating agenda, if we  
49 could do that, we could change at any time and we can add  
50 to it or anything if you know what I mean. If you guys

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1 could entertain a motion to have a floating agenda, I  
2 would really like that.

3

4 MR. BASSICH: So moved.

5

6 MR. UMPHENOUR: Second.

7

8 MR. FLEENER: Question.

9

10 CHAIRMAN NICHOLIA: It's been moved by  
11 Andy, seconded by Virgil and the question has been called  
12 by Fleener. All those in favor of a floating agenda  
13 signify by saying aye.

14

15 IN UNISON: Aye.

16

17 CHAIRMAN NICHOLIA: All those opposed  
18 same sign.

19

20 (No opposing votes)

21

22 CHAIRMAN NICHOLIA: Motion carries. Has  
23 everybody reviewed the minutes from our Wasilla meeting?

24

25 (No comments)

26

27 CHAIRMAN NICHOLIA: I have a question for  
28 you, Vince. Are we going to just approve our minutes  
29 from the meeting the last day or are we going to approve  
30 the Tri-Council meeting minutes?

31

32 MR. MATHEWS: Mr. Chairman, you have to  
33 approve both of them. The Eastern Interior ones are in  
34 your book. I wasn't able to get the Tri-Council minutes  
35 in the book. I have copies here, but you all should have  
36 been mailed them, but I can pass around copies from the  
37 Tri-Council. You do need to approve both.

38

39 CHAIRMAN NICHOLIA: Maybe some of these  
40 members here haven't been at the Tri-Council meeting, so  
41 maybe they should look at it. I know most of us was  
42 there. I went through it and I pretty much agree to it,  
43 except for a few typos.

44

45 MR. MATHEWS: I'm sure you'll let me know  
46 which typos, Mr. Chairman.

47

48 CHAIRMAN NICHOLIA: So, do we entertain a  
49 motion or anything to that effect?

50

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1 MS. ENTSMINGER: I'll make a motion to  
2 accept the Tri-Council meeting minutes of October 14th.

3  
4 CHAIRMAN NICHOLIA: Along with our  
5 meeting minutes.

6  
7 MS. ENTSMINGER: You want them together?

8  
9 CHAIRMAN NICHOLIA: Yes.

10  
11 MS. ENTSMINGER: Along with the Eastern  
12 Interior minutes, the same Wasilla meetings.

13  
14 MR. FLEENER: Second.

15  
16 CHAIRMAN NICHOLIA: Any discussion.

17  
18 (No comments)

19  
20 MR. UMPHENOUR: Question.

21  
22 CHAIRMAN NICHOLIA: It's been moved by  
23 Sue, seconded by Craig Fleener and the question has been  
24 called by Virgil. All those in favor of adopting the  
25 Tri-Council meeting minutes along with the Eastern  
26 Interior Regional Advisory Council minutes that happened  
27 in Wasilla signify by saying aye.

28  
29 IN UNISON: Aye.

30  
31 CHAIRMAN NICHOLIA: All those opposed  
32 same sign.

33  
34 (No opposing votes)

35  
36 CHAIRMAN NICHOLIA: Motion carries.  
37 Okay, Vince, this is where we -- how do you want to go  
38 about doing our proposals? I know we always change the  
39 way we do it on just about every meeting.

40  
41 MR. MATHEWS: Okay. What we need to do  
42 now is two things. One is we need to do your ethics  
43 disclosure and then we need to go to how -- because I  
44 haven't been at your past meetings -- if you agree with  
45 how the order is in the agenda of how to handle the  
46 proposals. So first thing would be to look at your  
47 lavender sheet here. I can just call the name out or if  
48 you can just go around the table, whichever way covers  
49 the ethics disclosure part.

50

00015

1 CHAIRMAN NICHOLIA: I guess I'll be the  
2 first one to step into this one. My name is Gerald  
3 Nicholia. I live in Tanana. I subsistence hunt and fish  
4 in the areas under consideration at this meeting. I do  
5 not hold any commercial permits or conduct any business  
6 activities directly affected by any agenda items before  
7 this Council. How's that?

8

9 MR. MATHEWS: Yes, Mr. Chairman, I  
10 understand that member Gerald Nicholia does not have any  
11 significant financial interest directly related to the  
12 matters before this Council at this meeting and may fully  
13 participate.

14

15 MR. UMPHENOUR: My name is Virgil  
16 Umphenour. I live in North Pole. I make my living as a  
17 fish processor and a hunting guide. I buy salmon up and  
18 down the Yukon River from the village of Kaltag all the  
19 way to Stevens Village. We have no fisheries proposals  
20 before us that I would be in conflict with in my hunting.  
21 I do hunt, in part, in the Eastern Interior but in none  
22 of the areas where this is at. And I do hunt both  
23 grizzly bear or, as they're calling them here, brown  
24 bear, and black bear as well, but I don't feel that I  
25 have any significant conflicts with the proposals before  
26 us. Mr. Chair.

27

28 MR. MATHEWS: Mr. Chairman, member Virgil  
29 Umphenour does not have any significant financial  
30 interest directly related to the matters before this  
31 Council at this meeting and may he fully participate.

32

33 MR. TITUS: I take number one.

34

35 MR. MATHEWS: Mr. Chairman, let the  
36 record reflect that Philip Titus is referring to number  
37 one on the lavender sheet, that he hunts and fishes in  
38 the areas in consideration and does not hold any  
39 commercial permits, correct?

40

41 MR. TITUS: Correct.

42

43 MR. MATHEWS: Or conduct any business  
44 activities directly related to any agenda item before  
45 this Council. Being that is what it is, member Philip  
46 Titus does not have any significant financial interest  
47 directly related to the matters before this Council at  
48 this meeting and may fully participate.

49

50 MS. ENTSMINGER: Okay. My name is Sue

00016

1 Entsminger and I do hunt and fish in the Eastern  
2 Interior. I do hold a State licensed registered guide  
3 and I do work for my son. He is the contracting guide  
4 and I work for him at times taking out hunters in Game  
5 Management Unit 12. I might do it in 20 someday, 20(E),  
6 if we get to do something with grizzly bears up there. I  
7 also hold a fur dealer license where I can buy/sell raw  
8 fur, but I mostly buy from trappers and cut the stuff up  
9 and I'm a skin sewer. Most of my living is made from  
10 sewing things and selling it. And I do hold two  
11 commercial fishing permits, one in Norton Sound, which is  
12 not in this area, and one in Prince William Sound and I  
13 have not used those in many years because the seasons are  
14 either not buying or it's closed.

15

16 MR. MATHEWS: Mr. Chairman, based on that  
17 information and analysis done by Staff, member Sue  
18 Entsminger does not have any significant financial  
19 interest directly related to the matters before this  
20 Council at this meeting and may fully participate.

21

22 MR. FLEENER: My name is Craig Fleener.  
23 I live in Fort Yukon. I'm a subsistence hunter and  
24 fisherman. I'm a gun dealer, a fur buyer and I sell  
25 hunting and trapping supplies, but I won't receive  
26 significant financial benefit from any of the proposals  
27 in the book.

28

29 MR. MATHEWS: Mr. Chairman, member Craig  
30 Fleener does not have any significant financial interest  
31 directly related to the matters before this Council and  
32 may fully participate.

33

34 MR. STEVENS: My name is Allen Stevens.  
35 I live in Stevens Village and I subsistence hunt and fish  
36 in the areas under consideration at this meeting. I do  
37 not hold any commercial permits or conduct any business  
38 activities directly affected by any agenda items before  
39 this Council. Mr. Chair.

40

41 MR. MATHEWS: Mr. Chairman, member Allen  
42 J. Stevens does not have any significant financial  
43 interest directly related to the matters before this  
44 Council at this meeting and may fully participate.

45

46 MS. WAGGONER: My name is Tricia Waggoner  
47 and I live in the Tok/Tanacross area. I subsistence hunt  
48 and fish in the areas under consideration at this  
49 meeting. I do not hold any commercial permits or conduct  
50 any business activities directly affected by any agenda

00017

1 items before the Council.

2

3 MR. MATHEWS: Mr. Chairman, member Tricia  
4 Waggoner does not have any significant financial interest  
5 directly related to the matters before this Council at  
6 this meeting and may fully participate.

7

8 MR. BASSICH: Mr. Chairman, my name is  
9 Andy Bassich. I live in Eagle. I subsistence hunt and  
10 fish in the area under consideration at this meeting. I  
11 do not hold any commercial permits or conduct any  
12 business activities directly affected by the agenda items  
13 before this Council. Mr. Chairman.

14

15 MR. MATHEWS: Mr. Chairman, as your  
16 regional coordinator, in conclusion of this review,  
17 member Andy Bassich does not have any significant  
18 financial interest directly related to the matters before  
19 this Council at this meeting and may fully participate.  
20 The Office appreciates your patience with this exercise.

21

22 Mr. Chairman, on the next item that you  
23 asked about is proposal review procedure. I assume you  
24 guys are looking at your book on top of page four, is how  
25 we've done the proposal reviews. I'm fairly certain I did  
26 talk to Donald Mike about that's how you do it, but do  
27 you remember earlier during the training session Greg Bos  
28 mentioned that there was review of the role of the  
29 Inter-Agency Staff Committee.

30

31 So under item number three would be  
32 inserted Inter-Agency Staff Committee comments, I  
33 suppose, is a way of saying it. My understanding of  
34 that, and Greg can correct me, is that so you understand  
35 what they discussed at their meeting recently. Their  
36 concerns are talking points about that.

37

38 So now there will be seven steps. One is  
39 introduction of the proposal and second would be the  
40 analysis, third would be Agency comments, fourth would be  
41 the Staff Committee, fifth would be open floor comments  
42 and then sixth would be summary of written public  
43 comments and then you deliberate and et cetera.

44

45 I didn't discuss with you or your other  
46 officers how to handle these proposals. We attempted at  
47 Wasilla to assist that and I'm not sure that helped much.  
48 So you will have to decide how you want to do your  
49 motions. So I think per proposal and we'll ask for  
50 clarifications.

00018

1 CHAIRMAN NICHOLIA: Thank you, Vince. We  
2 usually do it move to adopt, but I think if we do that,  
3 we'd have to take action on certain proposals and I would  
4 like to just go through this then and we'll do our move  
5 to adopt and motion and second and everything,  
6 discussion, between the Council. We'll go through this  
7 list right here. Whoever is going to introduce the  
8 events, then we'll hear them, then there will be Pete.

9

10 MR. MATHEWS: I think since Pete is on  
11 line, if this is okay with you, Pete, I'll introduce the  
12 proposal.

13

14 MR. DEMATTEO: I'm with you.

15

16 MR. MATHEWS: Okay. I took that to mean  
17 that I'll introduce it and then that way we can maintain  
18 that the line is still functioning. Let me grab my notes  
19 here real quick because a lot of this is for the record.

20

21 Mr. Chairman, the first proposal before  
22 you is a statewide proposal, Proposal No. 1. It's found  
23 on page 27 under Tab B, as in beaver. Proposal 1 is to  
24 allow the sale of handicraft made from brown bear fur.  
25 With that, Pete DeMatteo will present the analysis.

26

27 MR. DEMATTEO: Mr. Chair, Members of the  
28 Council, Proposal 01 was submitted by Sue Entsminger of  
29 Tok and she requests the allowance of handicraft items  
30 made from the fur of a brown bear.

31

32 Keep in mind that there are related  
33 proposals. Proposal 53, Proposal 78. These proposals  
34 legalize the sale of brown bear parts from black and  
35 brown bears harvested in Units 21(E) and also 25,  
36 respectively.

37

38 This proposal would allow the sale of  
39 handicraft items made from the fur of brown bear as a  
40 means for subsistence users to have additional cash flow  
41 from hides that are not normally utilized. The proponent  
42 notes that the use of brown bear hides is not available  
43 except for personal use items. This will benefit  
44 subsistence users by allowing them to fully use the bear  
45 hide.

46

47 Mr. Chair, the proposed regulations, what  
48 essentially would do -- existing regulations are you may  
49 sell handicraft articles from the fur of a black bear and  
50 the proposed regulation would add the language or brown

00019

1 bear to the end of that sentence.

2

3

4 Brown bear populations throughout most of  
5 Alaska are generally stable and occupy all of their  
6 historic ranges. The statewide average density of brown  
7 bear normally ranges from seven to 140 individuals per  
8 100 square miles.

8

9

10 A regulatory law enforcement framework to  
11 control illegal harvest or to control the legal sale of  
12 brown bear fur handicraft items is not currently in  
13 place, nor does it appear to be practical. This proposal  
14 generates many legal, biological and cultural concerns.  
15 Should the Board adopt this proposal, some rural  
16 residents will find this practice culturally  
17 objectionable. The sale of handicraft items made from  
18 brown bear parts could increase the potential for  
19 additional legal and illegal harvest, possibly over-  
20 exploiting some populations.

20

21

22 The development of a cash economy  
23 associated with the sale of wildlife products has often  
24 been shown to be detrimental to the species involved.  
25 Brown bear populations are usually small in number, have  
26 low population growth rates, low sustainable yields,  
27 higher commercial value and are easily over-harvested.

27

28

29 Adopting this proposal may result in  
30 increased illegal harvests and provide economic  
31 incentives that may lead to the wasting of some bear  
32 parts, such as the meat. Commercial trade in brown bear  
33 fur handicrafts could lead to an increase in illegal  
34 trafficking of endangered populations of brown bear  
35 outside of Alaska. Also, little to no information exists  
36 on statewide basis regarding the use of black bear fur  
37 for handicrafts for the past five years.

37

38

39 Mr. Chair, with that, the preliminary  
40 conclusion is to oppose the proposal. This is not an  
41 easy one to analyze, Mr. Chair. It has statewide  
42 implications, so that is why it's being presented to all  
43 10 regions. We look to Council members for definite  
44 information that may fill in some of these gaps.

44

45

46 Thank you.

46

47

48 CHAIRMAN NICHOLIA: Thank you, Pete. So  
49 that was number two there, Vince, or number one?

49

50

MR. MATHEWS: Mr. Chairman, that was what

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1 I was just getting. That was number two, biological  
2 analysis of Proposal 1.

3

4 CHAIRMAN NICHOLIA: Okay. Agency  
5 comments from Federal.

6

7 MR. MATHEWS: We're just getting our  
8 rhythm here. If there are any agency comments that want  
9 to speak. I think Terry may want to come up and I think  
10 you may want to invite Terry just to stay up at the table  
11 with all the proposals, but this would be a time for the  
12 Alaska Department of Fish and Game, any of the Federal  
13 agencies or Native private organizations to share their  
14 comments.

15

16 MR. HAYNES: Thank you, Mr. Chairman. My  
17 name is Terry Haynes with the Division of Wildlife  
18 Conservation, Department of Fish and Game. I'm our  
19 Federal wildlife liaison. Part of our comments on this  
20 proposal appear on page 53 of your meeting book. For  
21 some reason, the Office of Subsistence Management staff  
22 elected to publish the first paragraph of our comments  
23 but not the rest of our comments. We had pretty lengthy  
24 comments on this proposal.

25

26 The upshot is if we don't support this  
27 proposal, we see the potential for commercialization of  
28 wildlife and that's, in our judgment, not an appropriate  
29 action to take in the Federal Subsistence Management  
30 Program. There could be abuse of brown bear harvest.  
31 The Board of Game has dealt with proposals like these in  
32 the past and is dealing with several proposals, like bear  
33 proposals, on your agenda at this meeting. So,  
34 ultimately, the department's position is going to be  
35 related to what action the Board of Game takes on similar  
36 proposals during the next couple of weeks.

37

38 For the time being, all I can tell you is  
39 that the department does not support this proposal. It  
40 becomes a conservation issue if you allow essentially a  
41 commercial use of bears and could create a series of  
42 other problems. I'll be happy to try to answer questions  
43 if you have any.

44

45 Thank you.

46

47 MR. FLEENER: Thank you, Mr. Chairman.  
48 Yes, I did have a question. On page 32 of our booklet,  
49 the fourth paragraph refers to the Yukon Territory and  
50 British Columbia and the fact that they do allow for

00021

1 limited sales of bear parts and bear hides. I was  
2 wondering if ADF&G or any of the Feds have contacted them  
3 to see what kind of problems they've run into or whether  
4 it has been an issue in the Yukon Territory and British  
5 Columbia, whether it has, indeed, led to increased  
6 harvest poaching or illegal trade.

7

8 Thank you.

9

10 MR. HAYNES: Mr. Chairman, I don't have  
11 information from the State to cite on that.

12

13 CHAIRMAN NICHOLIA: Go ahead.

14

15 MR. FLEENER: Thank you, Mr. Chair. I  
16 guess I wanted to ask a question. Will the management of  
17 brown bears cease with the passage of this proposal? I  
18 ask this question and I want you to answer it, but it's a  
19 surprise to me that we say that there's going to be a  
20 conservation concern. It's like all of a sudden when we  
21 pass this proposal there's not going to be anymore bear  
22 management in the state of Alaska. The way that I hear  
23 it being discussed time and time again is that the  
24 enforcement officers are afraid to have this passed  
25 because they won't be able to enforce it. Does that mean  
26 that enforcement is all of sudden going to stop? It's  
27 not going to stop and neither will wildlife management,  
28 but I still want to hear you tell me whether or not  
29 wildlife management or brown bear management is going to  
30 cease with the passage of this proposal.

31

32 MR. HAYNES: No, I don't believe it is  
33 and I don't believe I made any statement suggesting that  
34 it would cease, did I?

35

36 MR. FLEENER: No, other than the fact of  
37 saying that there's going to be an abuse of this  
38 resources. Now, for there to be an abuse that takes  
39 places, that means that there's an absence of management.  
40 Either we're going to actively manage this resource or  
41 we're going to not actively manage the resource. Along  
42 with any type of adopting of any proposal there's always  
43 going to be a change in management.

44

45 In addition to that question, you talk  
46 about commercializing the resource. You said that it's  
47 not appropriate for the Federal Subsistence Board to  
48 commercialize the subsistence resource. Well, what about  
49 trapping? Should we no longer have legal trapping under  
50 the Federal system?

00022

1 MR. HAYNES: Mr. Chairman, this may not  
2 be the place to debate trapping versus brown bear  
3 hunting, but I think the concern is related to the fact  
4 that there are a limited number of brown or grizzly bears  
5 in the country. If you authorize essentially a  
6 commercial use of brown bears, you're very likely to  
7 increase the harvest pressure on brown bears and  
8 encourage harvest that could create a conservation  
9 problem. The question is whether what is on the table  
10 here is a subsistence proposal. How this relates to  
11 subsistence uses of wildlife resources. I believe you're  
12 getting to that point in use in characterizing this as a  
13 commercial use more than a subsistence use. That's  
14 ultimately what we see is happening with adoption of this  
15 type of proposal.

16  
17 Then you get to the point of if part of  
18 the purpose of adopting this proposal is to allow for the  
19 use of certain bear parts to be made into handcraft  
20 items and if the idea is to allow those items to be sold,  
21 we don't see the sale of handcraft items made from brown  
22 bear parts as being a customary and traditional practice.

23  
24  
25 So there are a lot of different elements  
26 of this proposal that concern us and lead us to believe  
27 that at the end of the day you would have a serious  
28 conservation issue if you authorize and promote the use  
29 of brown bear parts and treat brown bears in a way very  
30 differently than they're being treated now in the  
31 regulations.

32  
33 But again, Mr. Chairman, I don't know  
34 what action the Board of Game is going to take on similar  
35 proposals. They may well do something contrary to what  
36 I'm saying here in my comments in their actions at their  
37 meeting taking place right now. If they take some  
38 different action, then ultimately we'll know that in a  
39 couple weeks and we will respond accordingly at the  
40 Federal Subsistence Board meeting.

41  
42 MR. FLEENER: I guess I wanted to  
43 continue on with that line of discussion. I'm not really  
44 too concerned right now about what the Board's decision  
45 may or may not be. I guess I'm primarily concerned about  
46 the opposition that you're presenting when you consider  
47 that in the proposal it doesn't really even mention  
48 commercialization of brown bear. It talks about using  
49 the resource to the full extent.

50

00023

1                   Now, what's going on is we have brown  
2 bear harvests occurring all over the place. While there  
3 might be some additional harvest, if you look at other  
4 places around the country -- I know there's not many with  
5 real liberal brown bear harvest like this, but if you  
6 look at other places around the country and in Canada  
7 where they allow the sale of bear parts or they allow the  
8 sale of handicraft items, bear harvests haven't gone  
9 through the roof. They haven't caused tremendous  
10 concerns. I think that if you look at most of the areas  
11 around Alaska where a lot of people are really interested  
12 in doing this, they are very rural areas where there  
13 aren't a lot of outside -- or there aren't a lot of  
14 people. So I think the increase in harvest would be  
15 pretty limited. There would be a small increase at the  
16 most.

17  
18                   I guess I don't like the idea of how  
19 you've classified this as really becoming a commercial  
20 harvest when I think the person that proposed this is  
21 basically saying let us use this resource to its fullest  
22 extent. Instead of having to throw something away or  
23 pile up two or three bear rugs in the corner or whatever  
24 they do with them, bear hides in the corner, please let  
25 us use this in a way that we can make some money.

26  
27                   And you say you don't want to compare a  
28 marten with a bear, but in my culture they're equally  
29 valuable. All of God's animals are equally valuable.  
30 One marten is just as valuable as a bear skin. Just  
31 because the State of Alaska or the Federal government  
32 have decided in their wisdom that some animals are more  
33 valuable than others, it's not that way in most of our  
34 cultures.

35  
36                   We're not trying to commercialize this.  
37 This animal is something that we use. Allow us to use it  
38 to its fullest extent and I think then you'll be doing a  
39 good service to the resource itself instead of some of  
40 the parts of the animals not being able to get used.

41  
42                   Furthermore, I think that we still have  
43 mechanisms to protect against over-harvest of resources.  
44 In areas where this may become a problem I think would be  
45 more restrictive. In areas where it probably won't  
46 become a problem I think would become less restrictive.  
47 Instead of having a blanket decision that this is a bad  
48 idea, we have mechanisms to protect against over-harvest  
49 and I think we need to utilize those, not just assume  
50 that based on the testimony of some wildlife enforcement

00024

1 guy that there's going to be a tremendous problem once we  
2 legalize this. We take a look at it from place to place  
3 and we liberalize in places we can liberalize and we be  
4 more restrictive in areas that we must be more  
5 restrictive, but I don't think that it's wise to just  
6 classify every single place in Alaska where there's going  
7 to be an over-harvest or an over-harvest beyond what we  
8 can control or what we can manage.

9

10 Thank you, Mr. Chair.

11

12 MR. HAYNES: Mr. Chairman, Craig. I  
13 appreciate all your comments. I think what may happen  
14 with this proposal, what could happen, it could be a  
15 topic of discussion for the Council chairs when you have  
16 an opportunity to get together because I know that the  
17 Seward Peninsula Regional Council does not support this  
18 proposal. They met last week. There are going to be  
19 other regional councils who, because of the relationship  
20 people in their region have with bears, the respect they  
21 show for bears, they're not going to agree with proposals  
22 that promote the use of bears in ways that aren't being  
23 allowed now or that could -- that they just see as not  
24 compatible with their cultural practices and beliefs. So  
25 there may well be areas of the state in which something  
26 like this is more acceptable than in other areas.

27

28 A statewide proposal may simply be one  
29 that's too challenging to get support for at this time.

30

31 MR. FLEENER: Can I follow up on one more  
32 thing, Mr. Chair? I think it's interesting that you  
33 point that out because we've also argued in our area and  
34 many other areas on the Yukon River against catch and  
35 release fishing because that's culturally offensive, but  
36 in no time anywhere has any Manager, state or Federal,  
37 said we should get rid of catch and release fishing  
38 because it's culturally offensive. So it's interesting  
39 that you bring that up as a reason that we should be  
40 cautious about bringing this proposal up.

41

42 CHAIRMAN NICHOLIA: Go ahead, Sue.

43

44 MS. ENTSMINGER: Thank you, Mr. Chair.  
45 Since I was the proposer of the proposal, I put a lot of  
46 thought into this and I got calls from people in  
47 Southeast concerned about brown bear and I told them I  
48 was willing to pull out the brown bear from the proposal  
49 and then people get all excited about you can sell it  
50 here and you can't sell it there and it's a problem.

00025

1 I just wanted to bring something out.  
2 The seasons and bag limits are, in different areas, one  
3 every year or one every four. It has to be a bear that  
4 you personally shot, that you made something of it and  
5 you were able to sell it. So I started thinking about  
6 it. Okay, now, there's all these people out there. How  
7 many people that aren't going to sew it into something  
8 are going to increase the harvest? How many people are  
9 going to go out there and say, oh, boy, I can shoot bears  
10 and we're going to kill lots more bears here? Then they  
11 would have to either make it into something themselves or  
12 they would have to hire somebody to make it into  
13 something. Then, once they got it finished, then they'd  
14 have to figure out how they're going to sell it. Either  
15 they're going to sell it to the person -- I don't know.  
16 They've got to figure out how they're going to sell it.  
17 I don't see how it's such a -- that all the managers are  
18 sitting here saying that it's going to create this  
19 illegal harvest or this increased harvest. It's probably  
20 not as bad as it is.

21  
22 I guess, Terry, what I'd like to ask you  
23 is, is this something that the State is looking at? I  
24 guess why did you guys make this decision if you're  
25 waiting to see what the Board of Game is doing?

26  
27 MR. HAYNES: Mr. Chairman, Sue. I had  
28 hoped to be able to come to this meeting and let you know  
29 what the department's position was going to be on the  
30 Board of Game proposals dealing with brown bear parts and  
31 use of black bears and brown bears. Unfortunately, I  
32 couldn't do that. These comments were already published  
33 in the Council meeting book. All I can tell you is this  
34 reflects our thinking on these types of proposals  
35 concerning the use of black and brown bear parts. Some  
36 of the issues and concerns that the department has.  
37 Again, we don't know what action the Board of Game may  
38 take and ultimately that will be something we would  
39 support if they do something authorizing the sale or use  
40 of bear parts.

41  
42 MS. ENTSMINGER: Have you seen an  
43 increase in black bear harvest due to the fact that  
44 there's a handicraft for black bear?

45  
46 MR. HAYNES: Mr. Chairman. No, but,  
47 again, I think there's a distinction that needs to be  
48 made between using bear parts for handicraft items and  
49 then allowing the sale of bear parts. Those are  
50 distinctions that -- you can make a distinction between a

00026

1 subsistence use and a commercial use, I believe.

2

3 MS. ENTSMINGER: Are you talking about  
4 Proposal 1?

5

6 MR. FLEENER: Proposal 1 says it allows  
7 the sale of handicrafts made from brown bear.

8

9 MS. ENTSMINGER: Which is the same  
10 proposal that's already on the books for I don't know how  
11 many years now for black bear.

12

13 MR. HAYNES: Selling brown bear parts is  
14 a different concern from selling black bear parts.

15

16 MR. FLEENER: Mr. Chair. This doesn't  
17 say parts, this says sale of handicrafts made from brown  
18 bear fur.

19

20 CHAIRMAN NICHOLIA: Wait. We're just  
21 going to get deeper and deeper. I'd like to hear what  
22 Tricia is going to say.

23

24 MS. WAGGONER: The first ADF&G comment is  
25 the department has consistently opposed commercialization  
26 of wildlife. Then in the 1992 ADF&G report, the person  
27 who wrote it for Fish and Game says with the demise of  
28 brown bears in other areas Alaska has become a premier  
29 locale for trophy bear hunting. We allow people to make  
30 money off of taking people out brown bear hunting. Isn't  
31 that already commercialized? I mean isn't that a  
32 commercial industry with brown bear already?

33

34 MR. HAYNES: Mr. Chairman, we're looking  
35 at these proposals in the context of the Federal  
36 Subsistence Management Program and the scope of that  
37 program, which is different than the scope of State  
38 regulation of fish and wildlife. That's part of the  
39 distinction that's being made here.

40

41 CHAIRMAN NICHOLIA: Go ahead.

42

43 MR. BASSICH: Thank you, Mr. Chairman. I  
44 think one thing we have to begin to realize is that  
45 there's a species out there that's endangered right now  
46 and that's called the subsistence liver, the person who  
47 is living out, who doesn't have ties economically to good  
48 jobs, good-paying jobs, people that have decided to live  
49 a lifestyle that may not bring them all the amenities  
50 that other people choose to have and, in doing so, they

00027

1 endure a great deal of hardship. History has always  
2 maintained that no matter where you live you still need a  
3 certain amount of cash or something to barter with. That  
4 goes way back. That goes back hundreds of years, even  
5 thousands of years.

6  
7 Quite frankly, Mr. Chairman, I see  
8 absolutely no problem with a person obtaining an animal  
9 and utilizing it to its fullest extent because I think  
10 that's the most respectful thing you can do when you do  
11 take wildlife and I would be in support of this because I  
12 believe that it will help alleviate some of the hardships  
13 that a subsistence liver may have.

14  
15 I would also like to state that I also  
16 recognize that there is cultural diversity within our  
17 state and that some of the people or peoples within this  
18 state of Alaska, due to their cultural or religious  
19 beliefs, may feel that this is offensive to them. I have  
20 compassion for that, but I feel that the subsistence way  
21 of life is slowly being taken away from us through rules  
22 and regulations and through the restriction of the taking  
23 of wildlife and fish and I think that subsistence livers  
24 need to have the opportunity in any way they can to be  
25 able to continue their lifestyle.

26  
27 Thank you, Mr. Chairman. Therefore, I  
28 would be in support of this.

29  
30 MR. UMPHENOUR: Mr. Haynes, I know that  
31 -- I could be wrong -- and, of course, this is Federal  
32 law, not State, but I think you know the answer, is it  
33 legal to sell handicrafts made from polar bear skins?

34  
35 MR. HAYNES: Alaska Natives can harvest  
36 and use polar bears. I don't know off the top of my head  
37 if they can sell items.

38  
39 MR. UMPHENOUR: I know a long time ago I  
40 used to have a mukluks made out of polar bear, but I  
41 think that is legal, so I'd like to ask if there is any  
42 Staff in the room that knows whether because handicraft  
43 items made out of polar bear can be sold, whether that's  
44 caused a conservation problem with polar bear or maybe I  
45 should wait until someone else is up there, but I don't  
46 know procedurally when would be the appropriate time to  
47 ask that question.

48  
49 CHAIRMAN NICHOLIA: Did you want to say  
50 something else, Craig?

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1 MR. FLEENER: Mr. Chair, I guess I was  
2 only pointing out that a very similar question was asked  
3 about black bear, so it would be nice to find out if  
4 there is a conservation problem with black bear and polar  
5 bear because handicraft items are sold from their hides.

6  
7 MR. HAYNES: Mr. Chairman and Craig. The  
8 department doesn't have any information that would  
9 indicate that allowing the use of -- or making handicraft  
10 items from black bear parts has had a significant effect  
11 on the harvest of black bears. There's no information to  
12 suggest that's happening and there's a limited amount of  
13 information available on black bears generally anyway,  
14 but no information to suggest the problem is created from  
15 allowing handicraft use.

16  
17 CHAIRMAN NICHOLIA: Go ahead, Tricia.

18  
19 MS. WAGGONER: I'd like to address a  
20 couple more points that Terry made. You mentioned how  
21 the selling of handicrafts from brown bear fur and how it  
22 relates to subsistence and also that the sale of  
23 handicrafts of fur is not customary and traditional, but  
24 yet in your guys's comments to oppose, you state that  
25 current laws and regulations accommodate traditional  
26 practices of making and wearing handicraft items and we  
27 have customary trade. You know, there's always been the  
28 sale of handicraft items that are made. So I see a real  
29 conflict here in your comments, that you don't have the  
30 stuff to support it, but yet you say people make it and  
31 use it. You know, handicrafts are bartered and sold. So  
32 I'd like to understand your position there when, to me,  
33 it seems like you guys are stating two different things.

34  
35 MR. HAYNES: Mr. Chairman, Tricia. This  
36 boils down to it's not a good statewide proposal because  
37 it does not take into account the fact that in different  
38 parts of the state people have different customs and  
39 traditions surrounding the use of brown bears. To  
40 suggest that allowing something like this statewide is  
41 appropriate, we disagree with that. I believe you're  
42 going to see that input from other regional councils  
43 where they don't believe it is appropriate to treat brown  
44 bears in this way. That's simply their beliefs and their  
45 practices.

46  
47 MS. WAGGONER: So what you're saying is  
48 we should make a decision based on not allowing an  
49 opportunity, a subsistence opportunity, but because  
50 somebody else in another part of the state doesn't like

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1 that, then we have to defer to someone else's opinion. I  
2 mean I think we need to be respectful of everybody's  
3 opinion and customs and beliefs -- I'm having a hard time  
4 figuring that out. Go ahead.

5

6 MR. TITUS: My question is what's  
7 happening to the bears that's being killed now? Are they  
8 just being wasted or just a trophy rug?

9

10 MR. HAYNES: Brown bears or black bears?

11

12 MR. TITUS: Yeah, brown bears.

13

14 MR. HAYNES: Well, you're not allowed to  
15 make handicraft items from brown bear hides, which is  
16 what is being requested in this proposal. So I don't  
17 know what is being done with -- if people are not  
18 shooting brown bears because they can't use the hides in  
19 a certain way, if that's just discouraging people from  
20 shooting brown bears, I don't know.

21

22 MR. TITUS: It seems like my  
23 interpretation is just to trophy hunt just for the rug.  
24 If you're not utilizing the bear, that's all it is.  
25 You're going after the rug.

26

27 MR. UMPHENOUR: Mr. Haynes, would the  
28 department be opposed to amending the proposal to just be  
29 for this individual RAC's area, the Eastern Interior, or  
30 has the department even discussed that?

31

32 MR. HAYNES: That's the other problem  
33 that is created by a proposal like this. If you don't  
34 have it statewide, then you have the potential problem of  
35 bootlegging, so it creates a real quandary. If you allow  
36 something in one area and not others, people could shoot  
37 a bear in another area and bring it in to this area and  
38 you've created another problem. I'm not in a position to  
39 say right now what the department would support again  
40 because we're waiting to see what action the Board of  
41 Game takes on some similar proposals.

42

43 MR. UMPHENOUR: So the Board of Game has a  
44 similar proposal before them that they're going to  
45 address at the current meeting that just started, is that  
46 not correct?

47

48 MR. HAYNES: Yes, that's correct, Mr.  
49 Chairman.

50

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1 MR. UMPHENOUR: So, if the Board of Game  
2 passes those proposals, then the department's position  
3 would change and they would support this proposal?

4  
5 MR. HAYNES: Typically, the department  
6 supports action taken by the Board of Game if there is a  
7 similar proposal in the Federal process.

8  
9 MR. UMPHENOUR: Thank you. And I think  
10 you said one RAC has already voted not to support this  
11 proposal. I think you said that earlier.

12  
13 MR. HAYNES: Mr. Chairman, the Seward  
14 Peninsula Regional Council met last week and voted not to  
15 support Proposal No. 1.

16  
17 MR. UMPHENOUR: Thank you, Mr. Chair.

18  
19 CHAIRMAN NICHOLIA: Seeing no more  
20 questions for Terry, is there any private entities?  
21 Anybody private here?

22  
23 (No comments)

24  
25 CHAIRMAN NICHOLIA: Or open floor for  
26 public comments specific to the selling of handicraft of  
27 brown bear parts. Greg.

28  
29 MR. BOS: Thank you, Mr. Chair. Greg  
30 Bos, Fish and Wildlife Service Staff Committee. I'm a  
31 little hesitant to come up here after Terry's experience.  
32 It's like walking into a buzz saw. But I did want to  
33 call your attention to some of the aspects on this  
34 proposal that were discussed by the Staff Committee in  
35 reviewing the analysis before it came to you in your  
36 Council books.

37  
38 I would like to say though that some  
39 excellent points have been raised here, some good  
40 questions and we're going to need to do a little bit of  
41 homework, particularly with regards to the situation with  
42 polar bears and what experience we've had on the black  
43 bear as a handicraft in the two years that has been in  
44 the Federal regulations.

45  
46 The Staff Committee was reminded in  
47 reviewing this proposal of the similar proposal of two  
48 years ago, similar in the sense that it would have  
49 allowed the sale of brown bear parts. That was a  
50 proposal by Craig Fleener to reclassify bears as fur

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1 bearers, thereby allow for the sale of bear hides and  
2 possibly other parts, not as handicrafts, but just as raw  
3 parts.

4

5 I think this proposal would be much more  
6 limiting in that it would require that the bear fur be  
7 made into an article of handicraft, which is defined in  
8 the regulations and would require some work by the person  
9 selling to increase the value over what the natural  
10 material is.

11

12 One of the difficulties that may be  
13 presented in the Federal regulations that define fur,  
14 however, is that it includes the claws as part of the  
15 fur. Claws of brown bear can be fairly valuable. I  
16 think the concern about creating an economic incentive  
17 that might increase bear harvest is the value of the  
18 parts that might be sold. Just recently at the fur  
19 auction at the Fur Rendezvous in Anchorage a brown bear  
20 hide sold for, I think, about \$5,000, just a raw hide.

21

22 In some instances, if it were a statewide  
23 regulation, it would create possible conservation  
24 problems for vulnerable bear populations if the economic  
25 incentive was great enough to induce people to take bears  
26 that they would not otherwise take for subsistence.  
27 Under the Federal regulations that you know, you have to  
28 utilize the bear for food. The Board has recognized the  
29 subsistence use of brown bears as food, but not for other  
30 uses. In fact, in Federal regulations, the only sale of  
31 wildlife parts currently allowed is the sale of black  
32 bear fur to make an article of handicraft.

33

34 A number of issues that have been raised  
35 in the analysis and in your discussion with Terry Haynes  
36 I think were discussed by the Staff Committee, so it's  
37 good that you're aware of those and may discuss those in  
38 your deliberations.

39

40 The enforcement problems have several  
41 aspects to them. One is the potential conflict with  
42 contrary State regulations. When you have a patchwork of  
43 jurisdictions, you may put subsistence users at risk of  
44 having to show or prove that the bears that they took and  
45 sold the fur as handicraft article actually came from  
46 Federal lands. We want to try to avoid placing  
47 subsistence users in a position of inadvertently finding  
48 themselves in conflict with State law and having to  
49 defend themselves from that.

50

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1                   Secondly, if the regulation is not  
2 statewide, you have this problem of bootlegging that  
3 Terry mentioned, the people that take bears in other  
4 locations where they may be easier to find and take but  
5 report them as coming from an area where you allow the  
6 sale of handicraft.

7  
8                   There's also the international concerns  
9 and the Federal enforcement officials have raised  
10 concerns about the increased difficulties of enforcing  
11 provisions of the convention on international trade of  
12 endangered species that regulates international flow of  
13 wildlife parts. Both black and brown bears are on the  
14 CITES list, too. Those are species not endangered but  
15 are threatened in some parts of the world where trade and  
16 international transport are strictly regulated.

17  
18                   I can't speak to the Canadian situation,  
19 whether the Canadians have experienced difficulties with  
20 allowing sale of bear hides there. Their management  
21 situation is different. Their regulations apply to the  
22 area as a whole, to the territories in their entirety and  
23 not just to some jurisdictions within their territories  
24 and they may have different situations with respect to  
25 their ports of entry than the United States has with  
26 respect to other countries. But we should follow up on  
27 that and see just exactly what kind of problems that has  
28 brought about and in talking with our own Federal  
29 enforcement people to see how they have found ways to  
30 compensate for that with their Canadian counterparts.

31  
32                   The State may allow the sale of brown  
33 bear parts if they decide to approve the proposals before  
34 it. If the State were to approve it, the State  
35 regulations would apply on all lands, both Federal and  
36 State, so subsistence users would be able to use the  
37 State regulation to make and sell handicraft articles  
38 from bear fur just as they do under black bear.

39  
40                   One final aspect of this has been touched  
41 on that the Board may want to explore is whether or not  
42 the practice of selling bear parts, even if they're made  
43 into handicrafts, is a customary and traditional  
44 practice. Craig, I think you mentioned, you know, what's  
45 the difference between bears and fur bearers. Well, with  
46 fur bearers, there's a long, long history of subsistence  
47 users selling furs, trapping for commercial use, so  
48 that's recognized. It was recognized in the legislative  
49 history of ANILCA. They made an exception for fur  
50 bearers and recognizing that as a commercial use, but it

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1 was the intent of Congress in passing Title VIII that  
2 they did not want to encourage new commercialized uses.  
3 So there's a balance there in what is considered  
4 customary and traditional and a legitimate use.

5  
6 I don't think anybody would argue against  
7 a more complete beneficial use of a resource. If you  
8 have a hide that's not going to be used for anything  
9 else, why not utilize it to the benefit of the  
10 subsistence user or anybody else for that matter. But you  
11 have to, and I hope in your discussions, determine  
12 whether there is a pattern or a long-term use of brown  
13 bear for handicraft articles that have been sold. You  
14 could argue that while regulations have prevented you  
15 from doing that for the last 40 years, but what about  
16 before then.

17  
18 In the research that was done by OSM  
19 Staff in preparing this analysis, they found very little  
20 evidence that brown bears were sold as handicraft items.  
21 There was some relatively minor use of bear hides in the  
22 early days of Alaska, but the trade in bear hides was  
23 mostly black bear and not brown bear.

24  
25 So these are aspects of the proposal that  
26 you need to consider. I'm not sure where you want to go  
27 with the brown versus grizzly bear question, Sue. I  
28 think the difficulty is in establishing geographic  
29 boundaries. Where do you call a bear a grizzly bear and  
30 where do you call it a brown bear? Because I think the  
31 taxonomic convention present day is that they're all one  
32 species. And it would be difficult if you have a bear in  
33 your possession to say whether for sure it was a brown  
34 bear or a grizzly bear except by where it came from. And  
35 then you have the difficulty of lining up geographic  
36 ranges of what's considered grizzly bear, saying the  
37 Boone and Crockett definition, with your Game Management  
38 Unit boundaries because we manage by management units,  
39 not by Boone and Crockett definition of a species. Even  
40 if you were able to say this is the range of a grizzly  
41 bear and this is where the regulation would apply, you  
42 still then have the enforcement difficulty of ensuring  
43 that the bear actually came from the area where it's  
44 allowed and not from adjacent areas where you might have  
45 conservation concerns.

46  
47 That's all I have, Mr. Chair. Thank you.

48  
49 CHAIRMAN NICHOLIA: Sue.

50

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1 MS. ENTSMINGER: Thank you, Mr. Chair.  
2 Greg, I need to get something clear. I've called the  
3 Department of Fish and Game when this thing all came up  
4 and it's clear that the claws is not part of the State  
5 regulation. Are you saying it is in the Federal?  
6

7 MR. BOS: Mr. Chair. Yes, there is a  
8 difference in the definitions between the Federal and the  
9 State definitions of fur.  
10

11 MS. ENTSMINGER: So, currently, I can  
12 sell a black bear claw, any of us that took a black bear  
13 and ate the animal, which is some of the finest where we  
14 live in the fall, and I can cut that claw off and sell  
15 it.  
16

17 MR. BOS: I think in responding to that I  
18 would say that if you were to sell the claw by itself,  
19 you would need to alter its appearance in some way to  
20 make it a handicraft article. If it was scrimshawing or  
21 some form of enhancement, you would increase its value  
22 significantly over the claw by itself.  
23

24 MS. ENTSMINGER: I learned something  
25 today. I could be doing all kinds of things that I  
26 wanted to do a long time ago. I wanted to ask you a  
27 couple other questions here. Are the Federal and the  
28 State concerned that the State work on this first and  
29 then the Federal work on it later to see what the State  
30 does? Because I'm thinking like -- oh, how can I say  
31 this. We keep hearing this enforcement problem, this  
32 enforcement problem, but I don't think I see it as  
33 horrible as you see it. You mentioned CITES. Wolves are  
34 CITES, river otter are CITES, wolverine are CITES, lynx  
35 are CITES. If you look at some of the state, I don't  
36 even know where I've read all this stuff. There's a lot  
37 of stuff in Canada. I don't see Montana selling grizzly  
38 bear and black bear hides. I read it somewhere. Some of  
39 the states in the Lower 48 are selling hides. So where  
40 is the CITES concern?  
41

42 MR. BOS: I'm not aware that any of the  
43 states allow for sale of brown bear. I think it's black  
44 bear. That has raised significant conservation concerns  
45 and enforcement difficulties in many of the Lower 48  
46 states. I think you maybe have seen some of the  
47 television special reports on that problem. It's most  
48 directed at the sale of gallbladders, however, I think.  
49 It's hard to generalize. I think you have different  
50 circumstances in different parts of the country and it's

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1 related to market availability and resource availability.  
2 So I think we need to look at the experience of other  
3 places, other states and Canada, but Alaska is going to  
4 have its own unique situation that we'd have to evaluate.

5  
6

7 I know the Federal Board had, in  
8 considering the proposal two years ago, addressed these  
9 concerns and they felt they were valid concerns in terms  
10 of the enforcement and the conservation concerns that  
11 might be raised. Again, though, the proposal two years  
12 ago was for sale of any bear part. I think the proposal  
13 could have been interpreted to that. It may not have  
14 been the intent of the proponent. So the potential for  
15 abuse may have been much larger than your proposal.

16

17 MS. ENTSMINGER: I just have to say one  
18 more thing. My family went through a Federal indictment  
19 nine years ago already and the stuff that you see in the  
20 press about what's going on with an indictment is really  
21 biased by the Federal agency that's trying to prosecute  
22 someone and I feel real strongly that one of the things  
23 that the government is missing is that sometimes you  
24 would be better off creating a legal market for something  
25 to eliminate the illegal market and there's a way -- I  
26 mean we have all these jobs of people doing all these  
27 things and when there's a way to maybe work out something  
28 that would work for the users and eliminate the illegal  
29 market, I would like to see people working in that avenue  
30 sometimes with all their time and energy spent at the  
31 Federal jobs.

32

33 CHAIRMAN NICHOLIA: Go ahead, Tricia.

34

35 MS. WAGGONER: Okay. Two questions. In  
36 talking about the conservation concerns and vulnerable  
37 populations, the mechanism is already in place to address  
38 that, like through a special action emergency order and  
39 placing quotas on a population in these areas, isn't it?

40

41 MR. BOS: When it comes to management of  
42 brown bears, it's very difficult to assess population  
43 status. They're difficult to count. There's a number of  
44 census techniques and they're trying to improve on those,  
45 but, at best, we have guesstimates in many areas through  
46 mark recapture studies, through aerial transit surveys.  
47 Depending on the nature of the habitat that they're  
48 surveying, bears can be more or less visible in different  
49 parts of Alaska. As a general rule, bear population  
50 estimation is a very difficult undertaking, so we can't

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1 be sure of the status of bear populations.

2

3

4 Secondly, because of their low  
5 reproductive potential and because they're difficult to  
6 census, it's difficult to determine when a population has  
7 been over-harvested. Once you do determine it, it's  
8 often quite a ways a fairly significant reduction of that  
9 population and the low reproductive potential delays  
10 recovery of that bear population to healthy levels. So  
11 we have to be especially careful with brown bear  
12 populations. It's a different situation with black bear.

12

13 MS. WAGGONER: Okay. My second question  
14 was you mentioned the sale of -- you know, wildlife --  
15 you know, big game parks. If I take a moose or a  
16 caribou, can't I sell the antlers and the hide off of  
17 those to someone to make handicrafts from?

18

19 MR. BOS: Under State regulations you  
20 can, but not under Federal regulations. Under State, you  
21 have to cut the antler off from the skull. It cannot be  
22 attached to the skull to sell an antler or a horn from a  
23 sheep. But, yes, you are allowed to sell horns and  
24 antlers that are not attached to the skull and you can  
25 sell hides and capes. But those are not subsistence  
26 regulations, those are just general regulations. Both  
27 residents and non-residents of Alaska are allowed to do  
28 that under the State regulations.

29

30 CHAIRMAN NICHOLIA: Andy.

31

32 MR. BASSICH: Thank you, Mr. Chairman. I  
33 just wonder if maybe one of the solutions to this issue  
34 of possible over-harvest would be to sunset this proposal  
35 with a two-year sunset, which would give it time for this  
36 proposal to go into action and it would also give time in  
37 two years for the departments to assess whether there's  
38 been an adverse affect on bear populations due to this  
39 proposal. I guess I would also ask the Chair if he's  
40 looking for any motion on this at this point in time.

41

42 Thank you.

43

44 CHAIRMAN NICHOLIA: Any more questions  
45 for these two? Go ahead, Sue.

46

47 MS. ENTSMINGER: Thank you, Mr. Chair. I  
48 just want to actually argue the low reproduction rate. I  
49 would bet that with bears having an average of two and  
50 three cubs when they reproduce and, at times, we've seen

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1 four, that they probably have close to 100 percent  
2 survival rate, where moose calves and caribou calves, in  
3 some places, moose calves are down to 90 percent are  
4 gone, 10 percent survival rate. I would bet that the  
5 bear survival rate and their production is higher than  
6 moose right now.

7

8 MR. BOS: Again, it's difficult to  
9 generalize, but if I were to do that, you know, first of  
10 all, bears don't become reproductively mature until  
11 they're six or eight years old. It varies in different  
12 parts of the state. Secondly, bear cubs do suffer  
13 significant mortality rates. They're eaten by other  
14 bears, so you don't have 100 percent survival on bear  
15 cubs through their first two to three years of life while  
16 they're with a sow. In some areas, 40 to 50 percent of  
17 the cubs die, primarily mortality by other bears. I  
18 would agree that they certainly don't suffer the same  
19 mortality rate that moose calves suffer in areas where  
20 predation rates are high.

21

22 MS. ENTSMINGER: I really appreciate this  
23 dialogue and I hate to drag it out. All of that data is  
24 mostly brown bear data, it's not grizzly bear data about  
25 the mortality of the young.

26

27 CHAIRMAN NICHOLIA: Go ahead.

28

29 MR. FLEENER: Thank you, Mr. Chair. I  
30 guess I wanted to follow up with trying to understand  
31 some of the cons to this proposal. What you're saying is  
32 you think it's a conservation problem primarily because  
33 of enforcement, I think, or because of over-harvest. You  
34 also talked about jurisdictional problems. It was  
35 mentioned we shouldn't commercialize subsistence  
36 resources and problems with CITES. It seems to me since  
37 we haven't done this, those are all generalizations and  
38 that we haven't tried this, so we really don't know how  
39 it's going to work. I guess I don't like the idea that  
40 you guys come out in complete opposition to something  
41 that I think can be managed fairly well. There's  
42 millions of dollars coming into this state to manage  
43 wildlife.

44

45 If we've got a lot of public support  
46 for something, especially when you consider that we're  
47 trying to -- I mean my intent for supporting a proposal  
48 like this is because we want to fully utilize the  
49 resource. We have people out here that could make some  
50 money off of this resource. I think that is a darn good

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1 thing to do instead of not being able to fully utilize  
2 the resource. All of these other things are just  
3 speculation. We don't know that there's going to be a  
4 conservation problem. We don't know that there's going  
5 to be an enforcement problem.

6

7 I think it's wrong that we don't want to  
8 commercialize subsistence resources. We're not truly  
9 commercializing the subsistence resource. We've already  
10 harvested this animal and eaten it. We have something  
11 now that's stacked up in the corner that we would like to  
12 make a few dollars on instead of wasting the rest of that  
13 resource. So we're not truly commercializing a  
14 subsistence resource. We've already gotten what we need  
15 off of that animal to survive on, even more than what is  
16 required in State law, for example. So we're doing more  
17 already than is required in State law and we want to just  
18 utilize it more.

19

20 So to over-generalize with all of these  
21 possible problems that are not tried, are not tested, I  
22 think it's not a good review of the potential for this  
23 project. I think that using these resources and using  
24 them wisely is something we should consider instead of  
25 saying we're afraid because we think somebody might abuse  
26 the system. If somebody abuses the system, then we shut  
27 it down or we go after that person, just like we can do  
28 with every other resource. I think we should take a look  
29 at it from that angle, not just assume that everything is  
30 going to go downhill because we open something up. We  
31 can simply close it down the following year if it goes  
32 wrong. We can close it down the year after that. We can  
33 keep an eye on things. We have active managers. We have  
34 people out here on the land. If all of a sudden you see  
35 450,000 bear hides heading to Anchorage, then you might  
36 want to be concerned.

37

38 We have systems set in place. We get  
39 together twice a year. Board of Game meets in different  
40 parts of the state more often than that, don't they? So  
41 we've got systems set in place that if we have a problem  
42 with something like this, we can easily shut it down. So  
43 I think we need to consider this proposal and actually  
44 consider going with it because all it's doing is  
45 legalizing something that would help us to more fully  
46 utilize the resource.

47

48 Thank you, Mr. Chair.

49

50 CHAIRMAN NICHOLIA: Thank you, guys.

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1 Open the floor for public testimony. If anybody wants to  
2 testify to this or say anything, come up to a mike and  
3 say your piece.

4

(No comments)

6

7 CHAIRMAN NICHOLIA: Seeing no public  
8 testimony, Vince, what's our written public comments?

9

10 MR. MATHEWS: Mr. Chairman, I'll  
11 summarize the public comments that have been received on  
12 this. One has already been brought up, but just to make  
13 that clear. Seward Pen Regional Council on February 19th  
14 took up Proposal 1. They opposed the proposal, nine  
15 against, one absent. The Regional Council felt the  
16 proposal would be more appropriate for a specific area  
17 but not statewide. This change would not be culturally  
18 acceptable in Seward Pen Region. Adopting this proposal  
19 may result in increased illegal harvest and could provide  
20 economic incentives associated with bear hunting, thus  
21 changing the incentive of bear hunters.

22

23 Wrangell-St. Elias National Park  
24 Subsistence Resource Commission took up this proposal I  
25 believe on February 11th and 12th. Basically the  
26 Subsistence Resource Commission supports the proposal as  
27 written. If you have more questions on that, when we get  
28 Barbara Cellarius on there or Sue Entsminger was present  
29 at that meeting to define why they supported it, I  
30 believe that's available.

31

32 Mr. Chairman, in addition, in your book  
33 the Upper Tanana Fortymile Local Fish and Game Advisory  
34 Committee during its December meeting passed a motion to  
35 support Proposal 1.

36

37 The AHTNA Native corporation supported  
38 the proposal because it would allow the sale of  
39 handicrafts from the fur of a grizzly bear.

40

41 The Alaska Professional Hunters  
42 Association submitted a letter in opposition. The  
43 Association opposes Proposal 1 and similar proposals  
44 regarding the sale of handicrafts from bears. The Alaska  
45 Board of Game, the Alaska Department of Fish and Game and  
46 others have opposed similar proposals. I took this  
47 directly from their letter because I didn't get a chance  
48 to talk to them. In their letter it stated, "How can  
49 proposals like these comply with the requirements of  
50 ANILCA?" They felt they did not comply with ANILCA.

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1                   Also, I need confirmation. Maybe Pete  
2 has it in Anchorage. The court recorder here has  
3 informed me that Northwest Arctic Regional Corporation  
4 took it up and opposed it. Pete, do you have any  
5 information in Anchorage on what Northwest Arctic did at  
6 its Kotzebue meeting?

7

8                   (No answer)

9

10                   MR. MATHEWS: Well, we may have lost  
11 Pete. The court recorder's job is to record most of this  
12 stuff, so that's a fairly accurate assessment. So right  
13 now we have two Regional Councils that are in opposition  
14 to the proposal. One letter in opposition and three  
15 letters in support of Proposal 1.

16

17                   MR. DEMATTEO: Mr. Chair.

18

19                   MR. MATHEWS: Pete just called you.

20

21                   CHAIRMAN NICHOLIA: Go ahead, Pete.

22

23                   MR. DEMATTEO: Mr. Chair, sorry about  
24 that. There's more buttons on this phone than you can  
25 imagine. At this time, we have no update on the  
26 Northwest Arctic recommendation on this issue.

27

28                   CHAIRMAN NICHOLIA: Thank you, Pete. Now  
29 we'll go to the Council members to entertain a motion to  
30 adopt this.

31

32                   MS. WAGGONER: I move to adopt Proposal  
33 WP04-01 to allow the sale of handicrafts made from brown  
34 bear fur.

35

36                   MS. ENTSMINGER: Second.

37

38                   CHAIRMAN NICHOLIA: It's been so moved by  
39 Tricia Waggoner, seconded by Sue. Going to Council  
40 member discussion.

41

42                   Personally, me, I see the pros, that it  
43 will help, in my view, a dying subsistence way of life,  
44 but that's my personal view. I see all the hurts and all  
45 the bad things and all the good things in it. From what  
46 I am, I'm a Koyukon Athabascan, and if my grandfather  
47 heard me speaking about this, I'd never hear the end of  
48 it. It's taboo in my culture to even speak about brown  
49 bears. For me to mention it now, to allow the sale of  
50 brown bear parts or grizzly bear parts, in the Koyukon

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1 traditional and cultural beliefs, for that reason alone --  
2 I wasn't even going to say anything, but I'm going to  
3 say it anyway. Just for my cultural and traditional  
4 beliefs alone, I'll have to oppose this proposal because  
5 I don't want to go against my grandparents, I don't want  
6 to go against my grandparents, I don't want to go against  
7 my grandpa and I don't want to go against my family or  
8 the tribal people that I live with.

9

10 I know it might be different in a  
11 Gwich'in point of view, but I have to stick with what I  
12 believe in. If I don't, I'm just as worst off as the  
13 next guy down the road. If anybody else wants to say  
14 something, now is the time to say it.

15

16 MS. WAGGONER: Thank you, Gerald. I  
17 agree with you, in varying regions it's very difficult to  
18 talk about. It's been a difficult issue to discuss with  
19 people, to cross those cultural lines. I am going to  
20 vote in support of the proposal. I'll hit my three here,  
21 Vince.

22

23 In looking at the Staff analysis, there  
24 was basically five points that they made to oppose the  
25 proposal. First one is culturally objectionable. This  
26 is also a comment on how the Staff analysis was done. I  
27 had to go to other proposals to find the actual  
28 documentation that said in some cultures in Alaska, yes,  
29 it is -- it's not objectionable that, you know, brown  
30 bears have been used for handicrafts. So there is  
31 substantial evidence that, yes, it has been used in some  
32 areas in the state. I think we need to respect that  
33 potential that in some areas it is a practice, has been a  
34 practice when it was legal.

35

36 The increase in harvest, as Craig said,  
37 you're still going to be -- it's still subsistence.  
38 You're still going to be required to salvage all the  
39 edible meat first and foremost and you're utilizing a fur  
40 that's lying there. It's not changing the regulations.  
41 It's still going to be one bear a year, one bear every  
42 four years.

43

44 The third opposition was because of the  
45 wasting of meat, but, again, you can enforce it. You  
46 have to use the meat of the brown bear. Increasing  
47 hunters. How much is it going to increase because how  
48 many people are going to want to go eat brown bear.

49

50 The illegal trafficking and I think

00042

1 that's, again, as Craig said, that's an enforcement  
2 issue. Let's do it and see if it works.

3

4 I don't think it would be detrimental to  
5 subsistence. It would be beneficial to subsistence to  
6 fully utilize the subsistence resource. You can only  
7 make so many ruffs, barrettes, boots for yourself.

8

9 As a conservation issue, yes, we can  
10 address it. We have options. We can sunset it. We can  
11 do in-season emergency orders. The State allows  
12 commercialization of the industry through guiding, trophy  
13 hunting. All they're requiring is to take the hide.  
14 They don't even require you to take the meat. To me,  
15 that's more of a conservation concern when the State  
16 allows you to go out and hunt and just take the hide  
17 rather than taking all of it.

18

19 So, I am fully in support of this  
20 proposal.

21

22 MR. FLEENER: Thank you, Mr. Chairman. I  
23 appreciate your comments and honor and respect those  
24 things that you say. Like we've done traditionally in  
25 these meetings in the past, we look out for each other  
26 and we try to take care of each other and respect each  
27 other's wishes and each other's ways. I think that  
28 that's something that we'll continue to do.

29

30 I know that we've had to vote on  
31 culturally objectionable issues in the past and it's been  
32 real hard for us because we've had a lot of people  
33 throughout this entire region, which is enormous, that  
34 have been pro something and another group that's been con  
35 something and we've had to fight with those things.  
36 We've had to grapple with those and make the decision  
37 that we thought was best.

38

39 I personally think that the way we've  
40 dealt with it in the past is that while we respected the  
41 views of our neighboring communities, what we've done,  
42 like, for example, and I brought it up before, but with  
43 catch and release fishing. We've had to deal with catch  
44 and release fishing in the past. The way we've done it  
45 is we understand that it's objectionable and I personally  
46 don't catch and release fish. I think that it's a bad  
47 thing to do, so I won't do it and that's how I've  
48 personally dealt with this thing.

49

50 We've had to support things a lot of

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1 different types of -- or we've had to make decisions on a  
2 lot of different types of proposals. The way I've  
3 personally handled it is if I was opposed to it, it might  
4 have been a good, sound biological decision, but I  
5 personally didn't like the idea, then I just personally  
6 wouldn't partake in that. Sometimes I've had to vote  
7 against my conscience because it was a good, sound,  
8 biological decision, but my personal beliefs were opposed  
9 to it. I think that's what I would have to do in this  
10 case because I think, for me, allowing someone to fully  
11 utilize the resource is much better.

12

13 I don't like the idea that we've focused  
14 so much discussion on this thing being all about money  
15 because that's not what it's all about. It's about using  
16 this resource. Money is just a tool for us to get by.  
17 Andy brought it up a little while ago. Money is just a  
18 means for us to continue on with what we do. You know, I  
19 have a job in Fort Yukon, but 50 years ago, 60, 70 years  
20 ago, the guy that was there before me didn't have a job  
21 and he didn't need as much money as you need now. We  
22 needed money to come here. If I didn't have a little  
23 money in my pocket, I couldn't have even gotten to Beaver  
24 because they handed me a check. A check doesn't do me  
25 any good. I need the money.

26

27 So we have to have cash in order to exist  
28 in this society and I think that's just one benefit of  
29 being able to use this resource. But I don't like the  
30 idea that we focused so much of our discussion on it  
31 being a cash issue because it's not a cash issue, it's a  
32 matter of allowing us to fully utilize the resource and  
33 if we can get some benefit, whether that benefit fills  
34 our bellies or whether that benefit allows me to get gas  
35 money for a chain saw, I think we need to consider those.

36

37 I think all the other issues that have  
38 been brought up are just about fear. I think this is a  
39 good proposal. If it's already legal with polar bears  
40 and it's already legal with black bears, I don't know why  
41 it can't be legal with brown bears. I disagree with some  
42 people. I think if you allow commercialization with some  
43 wildlife, why not allow it with other wildlife. To me,  
44 there's no difference between commercializing a marten  
45 and commercializing a grizzly bear. If you're going to  
46 allow it for one, you should allow it for the other.

47

48 I do have a question, however, dealing  
49 with the way the proposal is written. Where it says  
50 proposed Federal regulations here on page 28 it says you

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1 may sell handicraft articles from the fur of a black bear  
2 or a brown bear. If this was passed, would that be a  
3 problem. If I was to sell something from a black bear,  
4 would I not be able to sell it from a brown bear since  
5 this says or? Should it say and? If it would prevent me  
6 from selling something from one or the other, then I  
7 think we need to change it to and.

8

9 That's all the comments I have. Thank  
10 you, Mr. Chair.

11

12 CHAIRMAN NICHOLIA: Go ahead, Andy.

13

14 MR. BASSICH: Thank you, Mr. Chairman. I  
15 would just like to echo Council Member Fleener's  
16 comments. I feel he spoke very eloquently and matched my  
17 feelings at this point in time and would also like to  
18 publicly say that I have a great deal of respect for the  
19 people of the Koyukon region and their beliefs and I hope  
20 that by voting yes on this I do not offend them. It's no  
21 intent to be disrespectful to their beliefs. Once again,  
22 as Craig said, I feel that this is a sound proposal and  
23 one that will be beneficial to the subsistence lifestyle  
24 in the region which I represent.

25

26 Thank you, Mr. Chair.

27

28 CHAIRMAN NICHOLIA: Sue.

29

30 MS. ENTSMINGER: Mr. Chairman, I do need  
31 to say things that I've heard. I heard from Department  
32 of Fish and Game Staff in Glennallen that AHTNA changed  
33 their position on this to oppose. I tried to find out  
34 why and the people that I needed to talk to were in  
35 Washington, DC. I took it upon myself to make a few  
36 calls to elders in Tanacross, Dot Lake and these people  
37 were 70, over. I actually talked to Katie John, too, and  
38 I truly understand the Koyukons from talking to these  
39 people. I have a high regard and high respect for how  
40 they feel about the bear.

41

42 Two of the elders in Tanacross told me --  
43 I specifically asked them if there was something wrong in  
44 selling the grizzly bear. What I was explained, Laura  
45 Sanford is a skin sewer there and she said that they did  
46 use both, but primarily used the black bear for boots,  
47 coats, mattresses, coverings over the door, which was  
48 reiterated by the other three that I had spoke to. When  
49 I spoke with Katie, she admitted that she doesn't always  
50 remember what she had said to somebody when they talk to

00045

1 her, but it's likely -- what's going on now, this is the  
2 AHTNA region. It's a little bit different than the Upper  
3 Tanana and she said that it is, like your tradition in  
4 the Koyukon, somewhat taboo to talk about it.  
5 Especially, she said, when the bear is asleep you're not  
6 to talk about it. She said it was okay to talk about it,  
7 she explained to me, in the summertime. We both made a  
8 vow to the grandfather bear not to bother us because of  
9 that, but at the same time she said that the biggest  
10 problem was not utilizing -- the women not eating or  
11 wearing the bear. They did, at times, trade. They  
12 traded some of the things that they did make out of it.

13

14 So I would just like to bring that out.  
15 These are some of the things I did and I in no way, shape  
16 or form am saying that I've done a complete survey and  
17 know everything I'm talking about here. I have complete  
18 respect for the Native cultures and, at the same time, I  
19 have to reiterate what the rest of you have said.

20

21 Thank you.

22

23 CHAIRMAN NICHOLIA: Go ahead, Virgil.

24

25 MR. UMPHENOUR: I don't know too many  
26 people that eat grizzly bear. I eat grizzly bear and the  
27 people that I've fed grizzly bear to are surprised at how  
28 good it is most of the time.

29

30 These bears that are taken are taken for  
31 food, so if you're taking the bear for food, I don't see  
32 any difference in making something out of its hide. It's  
33 no different to me than if you took a moose or a Dall  
34 sheep and you made something out of its antlers or horns  
35 and sold it for its hide. To me, I don't see any  
36 difference. It's just further utilization. I don't know  
37 if in order to take these bears under these rules it's  
38 supposed to be for food to begin with and so I don't --  
39 and then you have to physically do manual labor and be  
40 talented to make something out of it that you could  
41 potentially sell. So, in my judgment, I don't think that  
42 this is going to cause an expansion of grizzly bear or  
43 brown bear harvest. I don't eat fish-eating brown bear,  
44 but I do eat the grizzly bear that we hunt in the  
45 mountains in the spring and the fall, both. So I'll be  
46 in support of the proposal.

47

48 Thank you.

49

50 MR. DEMATTEO: Mr. Chair.

00046

1 CHAIRMAN NICHOLIA: Go ahead.

2

3 MR. DEMATTEO: For the record, I was able  
4 to run down Northwest Arctic Council's recommendation on  
5 this proposal. Northwest Arctic Council recommends  
6 deferral to the home region on the basis that they'd like  
7 to see a proposal like this just made for the home  
8 region.

9

10 Thank you.

11

12 CHAIRMAN NICHOLIA: Thank you, Pete. Go  
13 ahead, Tricia.

14

15 MS. WAGGONER: I wanted to make one other  
16 comment on this. As the Council recommendations come in  
17 and this goes in front of the Federal Board, they can  
18 make -- if they wanted to regionalize it at that point in  
19 time, they could, based on what all the different Council  
20 recommendations are. So it may not be that it's  
21 statewide. That can be changed at the Federal Board  
22 level, right?

23

24 MR. BOS: Mr. Chair, yes, the Board  
25 certainly could and you could as well if you chose to  
26 recommend a modification.

27

28 MR. STEVENS: Mr. Chair, I guess I'm the  
29 only one here who hasn't spoke yet. I've been asking  
30 questions around Stevens there and Stevens Village is the  
31 last Koyukon village up the river coming from down river  
32 and then Beaver here being the next Gwich'in population.  
33 I did ask a few of the elders in Stevens some questions  
34 concerning this issue. Being how Stevens Village is a  
35 mix of different cultures, there was two different  
36 opinions that I got, for and against.

37

38 I think the only thing that I want to add  
39 to this is that being detrimental to the satisfaction of  
40 subsistence needs, this would actually address a  
41 different subsistence need in terms of moose populations.  
42 When we developed our moose management plan, this was one  
43 of the issues that we discussed, was predation. After  
44 the survey was done, we used a lot of the information  
45 from the survey and we developed the moose management  
46 plan and we were hoping that it would encourage people to  
47 go out and harvest more bears, seeing as how 80 percent  
48 of the bears around this area are taken by bears, but I  
49 believe it's actually black bears.

50

00047

1                   So I think that that would address a  
2 different part of our subsistence needs. By addressing  
3 this one issue, it would help to boost moose populations  
4 if people were more inclined to go take these animals and  
5 actually be able to utilize them a little further and  
6 make a buck off them.

7  
8                   I'm not going to state my personal  
9 feeling, but my experience in the Flats here, just being  
10 in fish camp for a month out of the year, we're lucky to  
11 see three black bears. We'll view and observe 15 brown  
12 bears where generally the population is supposed to be  
13 black. Where I'm from, 70 miles downriver from here, my  
14 fish camp is only about 40 miles downriver, brown bears  
15 outnumber black bears tremendously in that area. It is  
16 crazy. You wouldn't think it, but we hardly see any  
17 black bears. They're all brown bears down in our area.  
18 So, in terms of population, I don't think there any  
19 numbers for this area. Just viewing it in one month's  
20 time, we count the different bears and we try to make  
21 sure we don't count the same bear twice, but we do see a  
22 heck of a lot more brown bears than we do black bears  
23 around this area.

24  
25                   I guess that's about all I have to say.

26  
27                   CHAIRMAN NICHOLIA: Would you come up to  
28 the microphone, state your name. We'll suspend the rules  
29 here a little bit, Vince.

30  
31                   MR. HENRY: Arthur Henry, Beaver Village  
32 Council. I'm just wondering, we have this meeting about  
33 10 years ago. It sounds like to me it's still going  
34 around in circles. Parts of bear for sale, hides for  
35 sale. Black bear, fur bearing. I heard the same thing  
36 10, 20 years ago, before even some of you guys got on  
37 this Advisory Committee. There's no change. It seems  
38 like it to me. The Fish and Wildlife, State, they got  
39 the control on fur bearing, on black bears and brown  
40 bears and grizzly bears. It's not like the North Slope.  
41 We're not talking polar bears and all that stuff up  
42 there. Up there, they're pretty strong on selling their  
43 products. Fur bearer, make parts out of black bears,  
44 brown bears, you know. If you make parts for it, Fish  
45 and Game don't have nothing to say about it, right? I  
46 don't think they could stop you from selling rugs out of  
47 brown bear, grizzly bear and black bear. That's just  
48 parts. It's still going around in circles.

49  
50                   My question was, if a brown bear was

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1 given to me, somebody else got it and give it to me and I  
2 make parts out of it, who benefits out of it? I will.  
3 Let's just think about this. It's been going around for  
4 20, 30 years.

5  
6 That's all I've got to say. Thank you.

7  
8 CHAIRMAN NICHOLIA: Do you have a  
9 question for him, Andy?

10  
11 MR. BASSICH: Yes. Thank you, Mr.  
12 Chairman. Mr. Henry, I would just like you to clarify.  
13 You are in support of this proposal, is that correct?

14  
15 MR. HENRY: I am in support of this  
16 proposal. You know, I heard this 20, 30 years and it  
17 didn't went nowhere. The Fish and Game is so against it.  
18 Fish and Wildlife, they're against it. We're Native  
19 people now. I really support it. I would like to sell  
20 parts of black bear and brown bear, you know. Could make  
21 necklaces and make -- I don't know how much they sell  
22 necklace for. Claws. Tell me, anybody. We'd get a good  
23 price for it. I wouldn't say what, but I know.

24  
25 Mr. Chair, thank you.

26  
27 CHAIRMAN NICHOLIA: Thank you, Arthur.

28  
29 MR. ADAMS: Mr. Chairman, while you're  
30 bending the rules, can I say something?

31  
32 CHAIRMAN NICHOLIA: Come up.

33  
34 MR. ADAMS: I'm Cliff Adams and I'm a  
35 member of Beaver. This is my home. I've been here 40  
36 years. A comment on what Jay had to say. I'm Koyukon  
37 and Gwich'in and I respect the Koyukon way. Also I  
38 respect the Gwich'in. I grew up the Gwich'in way. I'm a  
39 hunter. I'm a trapper. I live on the land. My first  
40 memories were being out in the country, 18 months old,  
41 out there trapping, riding in a dog team. All my life  
42 I've been taught when you take something from the land,  
43 you take and utilize all of it, you know. When you get a  
44 moose, you get a 2,000 pound moose like I did this fall  
45 and when you leave there, you may leave maybe 20, 30  
46 pounds of remains. That's just stuff there's nothing you  
47 can do with it. It's not edible, you know. That's what  
48 you leave. You take the hide, you take everything and  
49 you utilize it. Sometimes when we're out at our fish  
50 camps or whatever and we get problem animals, bears

00049

1 mostly, and we have to take them out, you know. It's  
2 either them or our dogs or our kids, you know, something.  
3 Taking that out and there's certain times of the year  
4 that bears are good to eat and certain times they're not.  
5 Spring time they're good. June, July, not really a good  
6 animal to eat, but later in the fall they're good again.  
7 But if you're doing fishing and you take these animals,  
8 what do you do? There's no market for any of it.  
9 There's nothing. What do you do? Do you dump this in  
10 the river or you throw it in the trash or do you take the  
11 skin off and handcraft some items. It makes you feel  
12 like you didn't do Mother Nature wrong and you didn't  
13 break any of your values, your traditions and stuff like  
14 that.

15

16 It sounds like a real good proposal. As  
17 a resident of Beaver, I support it all the way. I wish  
18 it passes.

19

20 Thank you.

21

22 CHAIRMAN NICHOLIA: Thank you, Cliff.  
23 Any more public comments?

24

25 (No comments)

26

27 CHAIRMAN NICHOLIA: It's been moved,  
28 seconded. Discussion is had.

29

30 MR. FLEENER: Question.

31

32 CHAIRMAN NICHOLIA: Question now has been  
33 called. Why don't you do a roll call, Vince.

34

35 MR. MATHEWS: Yes, Mr. Chairman. Sue  
36 Entsminger.

37

38 MS. ENTSMINGER: Yes.

39

40 MR. MATHEWS: Tricia Waggoner.

41

42 MS. WAGGONER: Yes.

43

44 MR. MATHEWS: Gerald Nicholia.

45

46 CHAIRMAN NICHOLIA: No.

47

48 MR. MATHEWS: Andrew Bassich.

49

50 MR. BASSICH: Yes.

00050

1 MR. MATHEWS: Philip Titus.

2

3 MR. TITUS: Yes.

4

5 MR. MATHEWS: Jay Stevens.

6

7 MR. STEVENS: Yes.

8

9 MR. MATHEWS: Craig Fleener.

10

11 MR. FLEENER: Yes.

12

13 MR. MATHEWS: Virgil Umphenour.

14

15 MR. UMPHENOUR: Yes.

16

17 MR. MATHEWS: Mr. Chairman, it passes the  
18 majority. Mr. Chairman, at this time I need direction  
19 from the Council.

20

21 CHAIRMAN NICHOLIA: Vince, one thing.  
22 Just do one favor for me. Let it be known that I voted  
23 against it.

24

25 MR. MATHEWS: Yes. Mr. Chairman, I need  
26 direction from the Council and the Chair. It's already  
27 been expressed that it's culturally offensive to talk  
28 about bears by the present Chair. I think the Council  
29 needs to seriously look at who will present this proposal  
30 as it moves forward to the Federal Subsistence Board, to  
31 honor his cultural beliefs. So we need to discuss that  
32 in private if the Chair does not want to present this  
33 proposal.

34

35 CHAIRMAN NICHOLIA: In my view, Vince, I  
36 already stepped over that boundary, so I wouldn't be so  
37 afraid anymore.

38

39 MR. MATHEWS: Thank you, Mr. Chair.

40

41 CHAIRMAN NICHOLIA: With that, I think  
42 we'll take a short break here.

43

44 (Off record)

45

46 (On record)

47

48 CHAIRMAN NICHOLIA: Proposal No. 77  
49 there, Vince?

50

00051

1 MR. MATHEWS: Yes, Mr. Chairman.  
2 Proposal 77 was submitted by Alaska Department of Fish  
3 and Game. It simplifies the regulations, extends the  
4 seasons and revises the harvest limits for brown bears in  
5 Units 19 through 21, 24, 25, 26(A) and 26(B). I believe  
6 Pete is on line to present the analysis for the proposal.

7  
8 CHAIRMAN NICHOLIA: Pete, are you there?

9  
10 MR. DEMATTEO: Yes. Mr. Chair, Proposal  
11 77 was submitted by the Alaska Department of Fish and  
12 Game and this would simplify the brown bear hunting  
13 regulations for Units 19, 20, 21, 24, 25 and 26(C).  
14 Pertaining to your regulations today, what effects people  
15 of your region is Units 21(A), 20 remainder and 24, Unit  
16 25 (A) and (B). Harvest regulations for brown bear for  
17 most of the Interior and Eastern Arctic regions have  
18 become more complicated and conservative over the years.  
19 This has made management of populations and harvest  
20 confusing for hunters and has resulted in some lost  
21 hunting opportunity in many instances. Modifying these  
22 regulations will result in some additional harvest  
23 without impacting brown bear populations in these areas.

24  
25 The brown bear population for Unit 20(A)  
26 occur throughout Unit 20(A) with higher densities in the  
27 mountainous parts of this unit. The mountainous part of  
28 Unit 20(A) was classified as high density while the  
29 Tanana Flats, the lowland areas, provided poor brown bear  
30 habitat with low densities.

31  
32 Mr. Chair, we'll bring up 24 because  
33 residents of Stevens Village have C&T to harvest brown  
34 bear in Unit 24. Brown bear are in moderate numbers  
35 throughout this unit. The highest densities in Unit 24  
36 are in the mountainous areas near the Brooks Range in the  
37 northern part of the unit. Specific population data for  
38 this unit is limited. The brown bear population in Unit  
39 24 is considered to be stable or slowly increasing.

40  
41 For Units 25(A) and 25(B), biological  
42 data for brown bears is very limited. Population density  
43 estimates for the units was revised in '93. This was  
44 based on studies done in portions of these units or  
45 compared to similar habitats elsewhere. Also taken into  
46 consideration were observations by local area residents  
47 with a long-term familiarity with the area. The brown  
48 bear population in these two units is considered stable.

49  
50 Mr. Chair, the proposed regulatory

00052

1 changes should not cause declines in bear populations.  
2 Over the years a harvest of about 5-6 percent harvest  
3 composed primarily of males has been sustainable.  
4 Harvest in most Interior and Eastern Arctic units has  
5 been below this level, indicating that an increased  
6 harvest should not impact brown bear populations.

7  
8                   This proposal would simplify brown bear  
9 harvest regulations in much of the Interior and Eastern  
10 Arctic regions. This will provide increased opportunity  
11 for subsistence users. This would be achieved by  
12 adopting a one brown bear per year harvest limit that  
13 does not count against the harvest limit of one brown  
14 bear per every four years in other parts of the state and  
15 extending harvest seasons in most instances. The  
16 proposed changes should not cause declines in brown bear  
17 populations. Also, prior liberalization of seasons and  
18 harvest has resulted in a minimal increase in the harvest  
19 of brown bear.

20  
21                   Passage of this proposal would provide a  
22 simplification of harvest regulations and additional  
23 harvest opportunities for subsistence users hunting brown  
24 bear in the above units.

25  
26                   If the Federal Board does not adopt this  
27 Proposal 77 and if the Alaska Board of Game adopts State  
28 Proposal 254, Federally-qualified subsistence users would  
29 still benefit from the proposed changes under State  
30 regulations.

31  
32                   Mr. Chair, if you look under the proposed  
33 Federal regulations, the changes that would affect your  
34 region under Unit 20(A), what that would do is create a  
35 one bear harvest limit per regulatory year and the season  
36 would be September 1 through May 31st and then for the  
37 remainder of Unit 20 what it would do is change the  
38 harvest limit from one bear every four regulatory years  
39 to one bear every regulatory year.

40  
41                   Unit 24, what it would do is change the  
42 season. It would extend the season. The existing season  
43 is September 1 through June 15. It would change the  
44 season to August 10 through June 30th.

45  
46                   Units 25(A) and (B), again, it would  
47 extend the season to August 10 through June 30.

48  
49                   Mr. Chair, with that, the preliminary  
50 conclusion is to support the proposal and I'll stop

00053

1 there.

2

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Thank you.

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there.

Thank you.

CHAIRMAN NICHOLIA: Thank you, Pete. We have no questions for Pete, I guess. Agency reports. State. Terry.

MR. HAYNES: Mr. Chairman, as this is a department proposal, we obviously support it. Your Council did get more details on this proposal at your meeting in Wasilla. This same proposal is before the Board of Game at its current meeting, so we'll have to wait and see what action the Board of Game takes. That action obviously hasn't been taken yet.

CHAIRMAN NICHOLIA: Got anything for us, Greg?

MR. BOS: Thank you, Mr. Chair. First, Pete, I'd like to ask if you could look quickly at the State proposal that's going before the Board of Game to see if Unit 20(E) is addressed in that proposal.

The reason I'm asking that, Mr. Chair, when the Staff Committee reviewed this analysis, it appeared that it was proposing to reduce the season in Unit 20(E) for what is currently in the State and Federal regulations. Unit 20(E) currently has a one bear per year harvest limit with an August 10-June 30 season and under this proposal 20(E) would be swept into what's called Unit 20 remainder, which reduces the season from August 10-June 30 down to September 1-May 31. We were uncertain if there was a mistake in the way the State's proposal was copied.

MR. HAYNES: Mr. Chairman, if I could just add to that. If we go back to the original Federal proposal book, Unit 20(E) is separated out in both the existing regulation and proposed regulation, so it's possible there's an error somewhere. Greg's point is that we need to get this sorted out.

MR. UMPHENOUR: In our book here it says 20(E) August 10-June 30th, the book we all have in front of us on page 55.

MR. BOS: Mr. Chair, I think the correction was made to the summary page but not to the analysis or in the preliminary conclusion on page 64.

00054

1 Then there was one other correction that we talked about  
2 in the Staff Committee and that had to do with Unit 19(C)  
3 where the Board previously, in the early 1990s, made a  
4 determination that there was no customary and traditional  
5 use of bears in Unit 19(C). It was a negative  
6 determination. For the Board now to establish a season  
7 and a harvest limit in that unit, it would have to make a  
8 positive determination for customary and traditional use  
9 and there has not been an analysis made for that purpose.  
10 So I think, Pete, unless the Staff there made a different  
11 determination on that issue, we may want to delete the  
12 reference to Unit 19(C).

13

14 MR. DEMATTEO: Correct. There's no  
15 determination for C.

16

17 MR. BOS: There's a determination of no  
18 subsistence. That's different than not having any  
19 determination made at all. In the Federal regulations,  
20 when the Board has not made a determination, all rural  
21 residents are eligible to hunt for that species in that  
22 area.

23

24 MR. DEMATTEO: Correct.

25

26 MR. BOS: But where the Board has made no  
27 subsistence determination, then nobody is eligible under  
28 Federal regulations to hunt in that unit.

29

30 CHAIRMAN NICHOLIA: Any more questions.  
31 Go ahead, Greg. You had something else.

32

33 MR. BOS: I'd just suggest that the  
34 Council recognizes that those changes would be made when  
35 the proposal is advanced to the Federal Board so you  
36 don't misunderstand that there hasn't been a change made  
37 without your knowledge.

38

39 CHAIRMAN NICHOLIA: So we could do  
40 everything for Unit 19 except Unit 19(C). Is that in our  
41 area?

42

43 MR. BOS: Mr. Chair, I would suggest that  
44 you modify the conclusion to delete reference to Unit  
45 19(C) and to identify the existing season for brown bear  
46 in Unit 20(E) and that is the August 10-June 30 season  
47 with a one bear per year harvest limit. That is shown on  
48 your summary page for this proposal on page 55.

49

50 MR. UMPHENOUR: So the appropriate thing

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1 to do would be to move to delete Unit 19(C) from the  
2 proposal. That would be appropriate, is that not  
3 correct?

4

MR. BOS: That's correct.

6

7 MR. UMPHENOUR: Then I move to  
8 delete.....

9

10 CHAIRMAN NICHOLIA: Wait. Tricia, you  
11 had a question.

12

13 MS. WAGGONER: Yeah, 19(C) is in the  
14 Western Interior, not Eastern, right?

15

MR. DEMATTEO: That is correct.

17

18 MR. BOS: Mr. Chair, with regard to  
19 19(C), I think you could treat that as an administrative  
20 correction that the Staff will make and you probably  
21 don't need to make a formal action here to delete it.  
22 But I would suggest ensuring that 20(E) is properly  
23 included in the recommendation.

24

25 MR. UMPHENOUR: Then let me ask one other  
26 question before you leave the table then. Has it been  
27 determined as far as 20(E) goes that it's correct on page  
28 55 or it's correct on page 64?

29

30 MR. BOS: Mr. Chair, it's correct on page  
31 55.

32

33 MR. UMPHENOUR: It is correct on page 55.  
34 So then we don't have to worry about it, right?

35

36 MR. BOS: It's confusing because it's  
37 presented in two different ways in this analysis. The  
38 summary page was corrected, but the wording in the  
39 analysis and the preliminary conclusion was incorrect.  
40 I'm just calling it to your attention so that you know  
41 that 20(E) needs to be included in the recommendation.

42

43 MR. UMPHENOUR: Okay. So on page 55 it's  
44 correct, so being as we understand that, then that is  
45 what the proposal is, is what's on page 55?

46

47 MR. BOS: With respect to 20(E), I would  
48 say yes. I haven't carefully looked at everything on  
49 page 55 to make sure it's consistent with the rest of the  
50 analysis. For 20(E) that is correct.

00056

1 MR. UMPHENOUR: Thank you. Mr. Chair.

2

3 MR. DEMATTEO: Mr. Chair.

4

5 CHAIRMAN NICHOLIA: Go ahead, Pete.

6

7 MR. DEMATTEO: What Mr. Bos is saying is  
8 that he's saying it would be good for the Council to tidy  
9 this up by recommending that there be no change in the  
10 Federal regulations for Unit 20(E) brown bear. It would  
11 remain as it appears on page 55.

12

13 CHAIRMAN NICHOLIA: Tricia.

14

15 MS. WAGGONER: The current State  
16 regulation for 20(E) is one bear every four and the same  
17 dates August 10-June 30, is the current State regulation.

18

19 CHAIRMAN NICHOLIA: Terry.

20

21 MR. HAYNES: No. It's one bear per year  
22 State regulation, not one bear per four years.

23

24 MS. WAGGONER: Yeah, in the State book  
25 it's one bear per regulatory year.

26

27 CHAIRMAN NICHOLIA: Go ahead, Philip.

28

29 MR. TITUS: The State opposed or somebody  
30 opposed our proposal for this bear parts because they say  
31 it's going to be detrimental effect, but aren't they  
32 liberalizing it in this proposal? It seems like they  
33 tell us we can't do -- kind of odd, I'd say.

34

35 CHAIRMAN NICHOLIA: Any more questions.  
36 Open floor for public comments. Anybody want to get up  
37 and talk, speak to this proposal.

38

39 (No comments)

40

41 CHAIRMAN NICHOLIA: Hearing nobody.  
42 Summary of written public comments, Vince.

43

44 MR. MATHEWS: Mr. Chairman, there were no  
45 public comments submitted on this.

46

47 CHAIRMAN NICHOLIA: Okay. Council  
48 action.

49

50 MS. WAGGONER: I move to adopt Proposal

00057

1 WP04-77.

2

3

MR. FLEENER: Second.

4

5

CHAIRMAN NICHOLIA: It's been moved by  
6 Tricia Waggoner, seconded by Craig Fleener. Discussion.

7

8

MR. UMPHENOUR: My understanding of this  
9 proposal and from the presentation that was given to us  
10 at our meeting in October is what this is simply doing  
11 it's making in these Interior Game Management Units all  
12 the regulations basically the same. In some of the  
13 units, it's changing it from one bear every four years to  
14 one bear every year and then it's changing some of the  
15 season dates, but what it's basically doing is making the  
16 regulation more user friendly to the public and I'm all  
17 for making regulations more user friendly to the public  
18 so that they're not so complicated that it's super hard  
19 to understand so that people unintentionally violate the  
20 law because the regulations are too confusing. So I'm in  
21 favor of the proposal.

22

23

Thank you.

24

25

CHAIRMAN NICHOLIA: Andy.

26

27

MR. BASSICH: Thank you, Mr. Chairman. A  
28 point of clarification. It's my understanding that the  
29 motion, if we were to adopt what was previously stated in  
30 testimony, that under the motion Unit 19(C) should be  
31 removed from the proposal and it should be asked that  
32 Unit 20(E) remain as is. Mr. Chairman.

33

34

I guess, Mr. Chairman, I'm asking if we  
35 need to readdress the motion.

36

37

CHAIRMAN NICHOLIA: Make an amendment to  
38 the motion? Is that all right with the mover and the  
39 seconder?

40

41

MR. FLEENER: Mr. Chair, I don't think we  
42 have to. I think the Staff Committee already pointed out  
43 that they're going to pull out the 19(C) idea and 20(E)  
44 is correct as it's written here on 55, which is the page  
45 I'm going off of. So I don't think we need to make any  
46 changes.

47

48

CHAIRMAN NICHOLIA: Tricia.

49

50

MS. WAGGONER: I think we just basically

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1 need to state, and I should have stated this in my  
2 motion, the Proposal 77 as written on page 55.

3

4 CHAIRMAN NICHOLIA: And 19(C) ain't in  
5 our area. I don't like to cross boundaries without the  
6 other Councils around and see what their intentions are  
7 because I don't want to create no conflict, inter-  
8 regional conflicts, so I'll just let them deal with that.  
9 It's on the record, you know, that we didn't do nothing  
10 with it. It will make things easier. It's been moved,  
11 it's been seconded.....

12

13 MR. DEMATTEO: Mr. Chair.

14

15 CHAIRMAN NICHOLIA: Pete.

16

17 MR. DEMATTEO: Yeah, Mr. Chair, maybe  
18 Vince can help out with this, but it would probably be  
19 good measure for the Council to state which sub-unit  
20 they're taking actions on. The ones I covered before  
21 were the ones that affect the people you represent in  
22 Eastern Interior Region. You've already stated you don't  
23 want to touch 19 because that's not part of your region,  
24 but there's also Units 21, which we didn't cover as well.  
25 So you might want to state for the record that being you  
26 don't have C&T for brown bear in 21 that you're going to  
27 defer to the home region. That's one option you have.

28

29 Thank you.

30

31 CHAIRMAN NICHOLIA: Yeah, I'll state that  
32 for the record. Unit 19(C) and Unit 21, anything that  
33 has to do with Unit 19(C) or even Unit 19 and 21 we'd  
34 defer to the home region, Western Interior, and we'll  
35 only take action on proposals that affect the Eastern  
36 Interior. With that.....

37

38 MR. FLEENER: Question.

39

40 CHAIRMAN NICHOLIA: The question has been  
41 called. We made our statements about inter-regional  
42 conflicts. All those in favor of this proposal with  
43 those few corrections at the last signify by saying aye.

44

45 IN UNISON: Aye.

46

47 CHAIRMAN NICHOLIA: All those opposed  
48 same sign.

49

50 (No opposing votes)

00059

1 CHAIRMAN NICHOLIA: Motion carries. For  
2 this next Proposal 78, I think it's very similar to  
3 Proposal No. 1 and you've already heard all the issues,  
4 we've already asked all the questions. Is this pretty  
5 much the same? I could talk about black bears but not  
6 brown bears. Do we have to go through the whole deal  
7 again there, Vince?

8

9 MR. MATHEWS: Mr. Chairman, I don't think  
10 so. I'll ask Pete. Because you have in front of you on  
11 page 67 through wherever that ends in front of you and  
12 you were provided that two weeks in advance. So, Pete,  
13 do you see a need to summarize the key points of the  
14 analysis for Proposal 78?

15

16 MR. DEMATTEO: Mr. Chair, not to the  
17 extent that we did for Proposal 01, but there are a few  
18 differences I think would be appropriate to cover in a  
19 very quick analysis presentation if that's okay.

20

21 CHAIRMAN NICHOLIA: Go ahead, Pete.

22

23 MR. DEMATTEO: Mr. Chair, Proposal 78 was  
24 submitted by Craig Fleener of Fort Yukon and he requests  
25 the legal sale of raw materials, including hides, claws  
26 and skulls from black and brown bears taken in Unit 25.  
27 The proponent wishes to allow the sale of hides, skulls  
28 and claws of black and brown bears taken from Federal  
29 lands in Unit 25 by Federally-qualified subsistence  
30 users.

31

32 Through follow-up discussions with the  
33 proponent, it has been clarified that the request is to  
34 allow the sale of raw materials taken from Federal lands  
35 in Unit 25. The proposal would also allow for the legal  
36 sale of hides, claws and skulls from bears taken in Unit  
37 25 anywhere in the state. The proponent is seeking to  
38 create an opportunity for the legitimate use of bear  
39 parts and dissuade illegal sales. The proponent notes  
40 that this will benefit subsistence users by allowing them  
41 to fully use the resource and supplement their  
42 subsistence lifestyle.

43

44 Mr. Chair, as you well know, Proposal 01  
45 requests the Board allow the making of handicrafts, items  
46 from brown bear fur, and Proposal 53, which we will cover  
47 shortly, requests the legal sale of black and brown bear  
48 parts on the open market.

49

50 So, for this proposal, Mr. Chair, it

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1 would add the language to Federal regulations that would  
2 read you may sell the hide, skull and claws of black or  
3 brown bear taken in Unit 25.

4

5 CHAIRMAN NICHOLIA: Thank you, Pete. I  
6 guess we could go to -- if Terry has anything to say.

7

8 MR. HAYNES: Mr. Chair, the department's  
9 comments on this proposal are on page 82 of your meeting  
10 book and the only difference between this long comment  
11 and what our comments were supposed to be for Proposal 1  
12 is that we added a sentence at the end just asking about  
13 whether there's evidence to support the fact of the sale  
14 of bear parts being a customary and traditional practice  
15 in Unit 25. So, beyond that, our comments are basically  
16 the same for this proposal.

17

18 CHAIRMAN NICHOLIA: Craig.

19

20 MR. FLEENER: Thank you, Mr. Chairman.  
21 Unfortunately, it's been illegal for I think my entire  
22 life to sell grizzly bear parts, so it would be pretty  
23 hard for me to present some evidence. If it was legal, I  
24 probably could have done it. I don't see how we could  
25 practically answer a question when it's been illegal. If  
26 I was to say something on the record as to me selling  
27 grizzly bear parts, I'd probably be in big trouble.

28

29 I'd just like to add to that if you take  
30 a look at the analysis back here on page 74 it identifies  
31 in Unit 25 -- it has a breakdown of how many grizzly  
32 bears are actually -- or it says brown bear mortality  
33 from '89 to '90 through '99-2000. In discussions with  
34 the area biologist for the Department of Fish and Game,  
35 we could actually triple the harvest of grizzly bears in  
36 25 and still be well under the State's target harvest  
37 level. I forget what the harvest level was or I could  
38 give you a better idea of how far we are away from it,  
39 but we're so far below the target, the State's target  
40 harvest level, that we could at least triple our harvest  
41 and still be well under.

42

43 So, anyway, with us being so far below  
44 the target harvest level and the idea that there's going  
45 to be -- similar types of arguments that were made for  
46 Proposal 1, we just want to be able to utilize this  
47 resource to its fullest extent. I don't think there  
48 would be the problem that they've been talking about. In  
49 Unit 25, we have very few outside hunters coming in, we  
50 have very few people within the Yukon Flats harvesting

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1 grizzly bears. Of the people who are harvesting grizzly  
2 bears, nearly every single one of them that I've spoken  
3 to said that if they could sell some parts, that they  
4 would like to do it.

5  
6 So I can't answer the State's question as  
7 to the history of sale of grizzly bear parts, but  
8 certainly the people that I've spoken to would like to  
9 sell these parts if it became legal.

10  
11 Thank you, Mr. Chair.

12  
13 CHAIRMAN NICHOLIA: Andy.

14  
15 MR. BASSICH: Thank you, Mr. Chairman. I  
16 very strongly supported 01, but I have some concerns with  
17 this. I guess my main concern is how are we going to  
18 make sure that this is limited to Unit 25. I don't see  
19 how that's addressed in here and maybe someone could  
20 explain to me how that may be limited through ceiling or  
21 however.

22  
23 I supported 01 because I feel if you take  
24 the time to tan and make a product from it, then you're  
25 investing your time and I think it is self-limiting as  
26 far as the potential for abuse, but I do have  
27 reservations for the sale of raw products. I would be  
28 very much in support of it if it was amended to say  
29 tanned black bear hides and brown, but I do have some  
30 reservations and I'd like to hear a little bit more  
31 discussion about how we might be able to ensure that this  
32 would not spread to other units.

33  
34 Thank you, Mr. Chairman.

35  
36 CHAIRMAN NICHOLIA: Is there anybody that  
37 could answer that?

38  
39 MR. FLEENER: I guess the only one that  
40 can answer a proposal is the guy who wrote it, right? I  
41 actually talked to, I forget his name, Rich Uberuaga. Is  
42 that how you say it? He called me one day and said that  
43 there would be a problem with this proposal because it  
44 was not statewide for the same reason earlier that there  
45 would be a problem across the boundaries. I told him  
46 that I submitted a similar proposal a while back that was  
47 statewide and I was told that we wouldn't accept a  
48 statewide proposal because we want to do it on a regional  
49 basis first. The proposal is slightly different, but the  
50 idea is the same. So it's a weird back and forth sort of

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1 thing. I told him on the phone, if you change your vote  
2 from opposed to support, I'll make it statewide. I said  
3 I don't care. So I'm kind of surprised that it actually  
4 still says 25 because when he asked me if I would make it  
5 statewide for the sake of keeping it from having  
6 bootlegging, I told him that would be a possibility. I'm  
7 open to anything that would give us some opportunity to  
8 fully utilize these resources.

9

10 As far as whether or not we sell just  
11 tanned hides, I don't know. I like the idea of being  
12 able to possibly export some raw bear skins to Canadian  
13 fur markets. I've been called by the Western Canadian  
14 Raw Fur Auction a number of times on bear pelts. Of  
15 course, can't sell any, but they're interested in buying  
16 raw bear pelts. If it was legal for us to export them,  
17 they would be willing to buy them. I'm not opposed to  
18 that idea entirely, but it would possibly limit some of  
19 the market. Of course, if everybody votes no, I guess  
20 this is going down the toilet anyway. I'm open to ideas.  
21 You know, we just want to be able to utilize our resource  
22 more fully.

23

24 CHAIRMAN NICHOLIA: Thank you, Craig.  
25 You know, we don't have to worry about the State. Let  
26 the Federal Board worry about that. We might take it up  
27 on the next round. So let's just deal with our own  
28 little area here. I'm ready for Council action. Let's  
29 move on, man.

30

31 MS. WAGGONER: I have to deal with Craig  
32 after this, but in a way I can't support this in that I  
33 think we're kind of pushing the outer limits with  
34 Proposal 01 and I think we need to take the  
35 liberalization of what we allow with bears slowly. I  
36 don't really see a market for skulls. I mean I know  
37 there is. Like Andy said, I really wholly supported 01  
38 because it did limit -- it's got its own self-limiting  
39 potential. I believe this, yes, would increase harvest  
40 in 25, which 25 can handle it, but I oppose it just in  
41 that I think we need to move slowly in liberalizing bear  
42 harvest.

43

44 CHAIRMAN NICHOLIA: Andy.

45

46 MR. BASSICH: Thank you, Mr. Chairman. I  
47 just would like to state for the proposer of this that I  
48 think I would support it if it was written in that they  
49 had to be finished black or brown bear hides. I think I  
50 can support that because I know what it takes to go

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1 through that process and that, in itself, will help limit  
2 possible abusers of this and it would also -- I think it  
3 would, to my feelings, satisfy me that we're making  
4 attempts to limit the ability for someone to take  
5 advantage of this. So I'd just leave that with you. I  
6 can't support it right now as it's written. If there are  
7 some restrictions put on how the hides must be finished  
8 off, then I feel I could support it.

9

10 Thank you.

11

12 MR. FLEENER: Thank you, Mr. Chair. I  
13 think that while you sit around this table you're at  
14 liberty to offer any amendment to these proposals as you  
15 see fit. I personally won't vote on it myself because I  
16 proposed it, so I just want to let you guys know that up  
17 front, so you won't hear my vote. Of course, I support  
18 it, but I'm not going to vote on it. I would recommend  
19 that if you see some way of altering it that would meet  
20 to your satisfaction without seriously changing the  
21 intent of the proposal, then I wouldn't be opposed to  
22 that.

23

24 CHAIRMAN NICHOLIA: Let me say something  
25 here. You know, we never moved or seconded, so it's  
26 amendable because it's on the table right now. Go ahead,  
27 Sue.

28

29 MS. ENTSMINGER: I'd just like to say  
30 that there's a proposal to the State for 20(E) to do  
31 exactly this and the Advisory Committee met with the  
32 protection officer and a few of the people there and they  
33 put a lot of time and energy into your concerns. One of  
34 the things that they're taking to the Game Board right  
35 now is that they cut one-inch square piece of hide out of  
36 the bear that was being sold and they have the person  
37 that took it sign an affidavit where they took it. They  
38 either pinpoint it on a map or a GPS reading where the  
39 carcass is so there could be like a DNA analysis that it  
40 was legally taken in that GMU and then it has to be  
41 sealed by a special seal. Not the seal when you go in  
42 and have it sealed as a bear taken, it's a special seal  
43 for being sold and it has to stay with the animal as it's  
44 being sold. I mean I would be willing to add that to it.

45

46 MR. BASSICH: Thank you, Mr. Chairman. I  
47 appreciate the effort that went into that, but, quite  
48 frankly, I want to keep things as simple as possible.  
49 For the guy that's out in the woods, I don't see that as  
50 a viable option and I also see it as just costing the

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1 State a lot more money, State or Federal agencies a lot  
2 more money to impose those restrictions. I appreciate  
3 that effort, but I think things are too complicated and  
4 too costly as they are and I always look at simplifying  
5 wherever possible.

6

7 So, thank you.

8

9 MS. ENTSMINGER: You know, sometimes I  
10 feel -- I would support this proposal and I'll tell you  
11 why because I guess I get a little discouraged with this  
12 we can't, we can't, we can't, we can't. I believe if we  
13 give them that that's what our wishes are, let them work  
14 out some problems. These were just some things that were  
15 brought up for 20(E), so I thought I'd bring it out.

16

17 CHAIRMAN NICHOLIA: So, since you're  
18 worried, Andy, could you make a friendly amendment to  
19 this thing so we could move on.

20

21 MR. BASSICH: Yes, Mr. Chairman. I would  
22 make the amendment to allow the sale of tanned brown and  
23 black bear hides within Unit 25(B).

24

25 CHAIRMAN NICHOLIA: That's your motion  
26 and amendment to the proposal?

27

28 MR. BASSICH: Correct.

29

30 MS. WAGGONER: Basically, though, if you  
31 go that way, we aren't doing anything different than  
32 what's already in regulation and what we passed under 01.  
33 I mean this regulation is saying, you know, untanned furs  
34 and the skulls, so it's even more -- and adding skulls.  
35 So, if we amend it, we aren't really doing anything that  
36 we didn't already pass in 01.

37

38 MR. HAYNES: Mr. Chairman, Andy, did you  
39 mean to adopt the proposal with skull, claws and tanned  
40 hides or just limit it to tanned hides? That wasn't  
41 clear.

42

43 MR. BASSICH: Mr. Chairman. Yeah, I  
44 would include the skulls and the claws with that  
45 amendment.

46

47 CHAIRMAN NICHOLIA: So moved.

48

49 MS. ENTSMINGER: I second it.

50

00065

1 CHAIRMAN NICHOLIA: We already went  
2 through discussion.

3  
4 (No comments)

5  
6 CHAIRMAN NICHOLIA: Anybody want to say  
7 question.

8  
9 MR. FLEENER: Did we finish public  
10 comments?

11  
12 CHAIRMAN NICHOLIA: I already requested  
13 that. Go ahead.

14  
15 MR. MATHEWS: All right, Mr. Chairman.  
16 I'm trying to keep track of your motions here. There  
17 were public comments on that if you wanted a summary.

18  
19 CHAIRMAN NICHOLIA: Yeah. Okay. Did you  
20 want to say something, Paul, or no?

21  
22 (No comments)

23  
24 CHAIRMAN NICHOLIA: Anybody.

25  
26 MR. WILLIAMS: This is just from sitting  
27 back there and saying nothing. This is a proposal that  
28 came out of Beaver and Craig was helpful enough to put  
29 that in the language that we hoped might pass. You know,  
30 this is aimed at increasing the number of moose. We  
31 spent a lot of time and money to create a management  
32 committee in the Yukon Flats aimed at raising the number  
33 of moose in the Yukon Flats and one of them was to try to  
34 cut down on the number of bears, both brown and black in  
35 this area, to increase the number of moose.

36  
37 We didn't think that people would be  
38 against it because this is our area. Back when we were  
39 in charge of management of moose in our area, we always  
40 found ways to cut back on the predator and everybody  
41 knows how we did it, but it's not like that anymore. Get  
42 to a point where people don't want to shoot or get rid of  
43 bears in a way that is going to be wasted and I think  
44 that's the biggest holdback. If people want to be in  
45 charge and tell the government what to do or the  
46 government is going to tell us what to do about a crisis  
47 that's being developed, the crisis is going to  
48 development to a point where there might be no more  
49 moose.

50

00066

1                   So I'm speaking in support of this  
2 proposal. Thanks.

3

4                   CHAIRMAN NICHOLIA: Craig.

5

6                   MR. FLEENER: Thank you, Mr. Chair. I'm  
7 glad Paul got up and mentioned the moose management plan  
8 and the committee that we started a couple of years ago  
9 because it reminded me that in our discussions with the  
10 State and the refuge, they both came out in agreement  
11 saying that they would help us and support proposals that  
12 would actually liberalize the harvest of bears for the  
13 purpose of protecting moose and I'm glad Paul brought  
14 that up because I had completely forgotten about it.

15

16                   If you take a look at the opposition  
17 we've received so far from the State and the Fish and  
18 Wildlife Service -- now, I realize it was the Yukon Flats  
19 Refuge that said they would give us support, not the OSM,  
20 but to hear that there's just opposition to these things  
21 when, in fact, the actual moose management plan itself  
22 that was adopted by the State Board of Game and the  
23 Federal Subsistence Board, both said that they would  
24 support us in proposal development. Apparently so far  
25 we've received zero support and that's kind of shocking.  
26 Or maybe it's not shocking.

27

28                   CHAIRMAN NICHOLIA: Virgil.

29

30                   MR. UMPHENOUR: On National Wildlife  
31 Refuges, all guiding is controlled by the wildlife  
32 refuges. So what they do -- and I know in this wildlife  
33 refuge, I think there's only one guide use area. I don't  
34 know whether they're both held by one permit holder or  
35 two, two different permit holders. I don't know exactly  
36 where they are, although I did look at the prospectus.  
37 It's been over a year ago. The one guide had been  
38 operating in the southern part, I think, of 25 or the  
39 refuge, I believe, I don't know where the other one was  
40 operating.

41

42                   So my question is this of the refuge  
43 manager. Has the refuge considered issuing any other  
44 guide use areas and have the Native corporations in the  
45 area agreed to potentially allow guided hunting for bears  
46 only on their lands?

47

48                   MR. HEUER: Mr. Chairman, my name is Ted  
49 Heuer. I'm the manager of the Yukon Flats. We do have  
50 two guide areas. One in kind of the western portion of

00067

1 the refuge and one in the eastern portion. We limit it  
2 to two areas largely to keep conflicts with subsistence  
3 users down to a minimum. The guide in the western  
4 portion of the refuge hunts bears only. The guide in the  
5 eastern portion takes a few moose, a few bears, a wolf  
6 occasionally.

7

8 I guess to answer your question we would  
9 not be opposed to the village corporations and Doyon  
10 having their own guide areas within the refuge. There's  
11 probably close to 2.5 million acres of private lands  
12 within the refuge that could be hunted by other guides.  
13 But we wanted to keep the conflicts with subsistence  
14 users down to a minimum. That's why we had the two  
15 areas.

16

17 MR. UMPHENOUR: Thank you. That answers  
18 my question.

19

20 MR. TITUS: I have a comment. You know,  
21 up around Huslia they have a bear hunt every fall after  
22 freeze-up. I don't know how many bears they take, but  
23 they're doing it year after year, so they're not hurting  
24 the bear population. It seems like they're helping the  
25 moose population too by having the traditional hunt to go  
26 look for bear in the fall time. They do take quite a  
27 number of bears. Some years they 30 or 40 bears and I  
28 asked them if there's any documentation, but nobody had  
29 an answer to that.

30

31 CHAIRMAN NICHOLIA: Yeah, I think we're  
32 just going around in a circle here. Either vote it up or  
33 down or take no action, but let's go forward on this  
34 here. I don't think you guys want to be sitting here all  
35 night.

36

37 MR. BASSICH: Question.

38

39 CHAIRMAN NICHOLIA: Is it very clear that  
40 you got our intention on this proposal there, Vince?

41

42 MR. MATHEWS: Yes, Mr. Chairman. The  
43 only public comment that you weren't informed of is that  
44 the Alaska Professional Hunters Association opposed it.  
45 Same comments as on Proposal 1. They didn't see it was  
46 part of ANILCA.

47

48 CHAIRMAN NICHOLIA: But it's very clear  
49 that we made some amendments earlier. The question has  
50 been called. I'm going to request roll call again.

00068

1 MR. MATHEWS: Sure, Mr. Chairman. Let me  
2 get your roster. Sue Entsminger.

3  
4 MS. ENTSMINGER: Yes.

5  
6 MR. MATHEWS: Tricia Waggoner.

7  
8 MS. WAGGONER: No.

9  
10 MR. MATHEWS: Gerald Nicholia.

11  
12 CHAIRMAN NICHOLIA: Abstain.

13  
14 MR. MATHEWS: Andrew Bassich.

15  
16 MR. BASSICH: Yes.

17  
18 MR. MATHEWS: Philip Titus.

19  
20 MR. TITUS: Yes.

21  
22 MR. MATHEWS: Jay Stevens.

23  
24 MR. STEVENS: Yes.

25  
26 MR. MATHEWS: Craig Fleener.

27  
28 MR. FLEENER: Abstaining.

29  
30 MR. MATHEWS: Virgil Umphenour.

31  
32 MR. UMPHENOUR: No.

33  
34 MR. MATHEWS: Mr. Chairman, you have four  
35 in favor, two against or negative and two abstentions, so  
36 the motion passed.

37  
38 CHAIRMAN NICHOLIA: Okay. Let's go on to  
39 79.

40  
41 MR. MATHEWS: Mr. Chairman, Proposal 79  
42 is to delete the cow harvest during the fall caribou  
43 season in Unit 20(F) and I believe it is a proposal that  
44 you submitted and Pete will provide the analysis.

45  
46 MR. DEMATTEO: Mr. Chair, Proposal 79 was  
47 submitted by the Eastern Interior Regional Council. The  
48 proposal requests the Federal Board adopt regulatory  
49 changes that would restrict the harvest of cow caribou in  
50 Unit 20(F) to the November 1-March 31 season for that

00069

1 portion east of the Dalton Highway and south of the Yukon  
2 River. Adoption of the proposed regulatory change would  
3 align State and Federal regulations that affect the White  
4 Mountain Caribou Herd in the proposal area and with  
5 adjacent Federal regulations for the same herd in the  
6 adjacent hunt area in Unit 25(C) to the east.

7  
8 Caribou in this portion of Unit 20(F) are  
9 part of the White Mountain Caribou Herd. This relatively  
10 small herd of calves in the adjacent White Mountains in  
11 Unit 25(C), but utilizes range in the affected portion of  
12 Unit 20(F) during fall and winter seasons.

13  
14 The Board previously adopted the same  
15 proposed change under Proposal WP03-44 for caribou in  
16 Unit 25(C), that portion west of the Preacher and  
17 American Creeks for the 2003-2004 regulatory year. The  
18 Board adopted Proposal 44 to protect cow caribou during  
19 the fall season and to align changes in harvest limits  
20 made by the Alaska Board of Game. The reduction in cow  
21 harvest during the fall season in Unit 20(F) would  
22 further promote calf production and recruitment within  
23 the White Mountain Caribou Herd.

24  
25 Mr. Chair, the proposed regulation would  
26 add the following language to the existing regulation for  
27 Unit 20(F) east of the Dalton Highway and south of the  
28 Yukon River - 1 caribou; however, cow caribou may be  
29 taken only from November 1 - March 31.

30  
31 The White Mountains Caribou Herd is the  
32 primary herd utilizing the affected portion of Unit 20(F)  
33 and 25(C) is where the calving grounds are. The herd  
34 size is estimated to be somewhere less than 1,000  
35 animals. The herd is considered to be healthy and is  
36 estimated to be expanding at a rate of 6-15% each year.  
37 That was documented by Nowlin in 1998. The proposed  
38 reduction in cow harvest should promote calf production,  
39 recruitment and some herd growth.

40  
41 The current State/Federal winter harvest  
42 quota for the White Mountains Herd is 30 caribou.  
43 Closure of the Federal winter season has been delegated  
44 to the BLM in conjunction with ADF&G when the harvest  
45 quota of 30 caribou is reached. While Federal  
46 registration permits were required for the winter season  
47 of 200-2001 and now State registration permits for both  
48 the State and Federal winter seasons, no permits have  
49 been requested by Federally-qualified users and non-  
50 qualified users.

00070

1 Annual harvest rates of the White  
2 Mountains Herd continue to be low. Reported cumulative  
3 harvest for the herd was 175 caribou during the 1987-1988  
4 through 2002-2003 regulatory years. Average annual  
5 harvest for the period was 16 caribou, which is below the  
6 sustainable level for this herd. Low harvest rates are  
7 attributed to difficult access to the herd due to  
8 remoteness, mountainous terrain and adverse seasonal  
9 weather conditions.

10  
11 Adoption of the proposed change would  
12 reduce cow caribou harvest for this herd. A reduction in  
13 cow caribou harvest would favor calf production and  
14 recruitment within the herd. Therefore, the proposed  
15 reduction in cow harvest should promote some calf  
16 production, recruitment and, as mentioned before, some  
17 herd growth.

18  
19 Adoption of the proposed regulatory  
20 change would also align State and Federal regulations  
21 that affect this herd in the proposal area and with  
22 adjacent Federal regulations for the same herd in the  
23 adjacent hunt area to the east, which is 25(C).

24  
25 Mr. Chair, the preliminary conclusion is  
26 to support the proposal and I'll stop there.

27  
28 Thank you.

29  
30 CHAIRMAN NICHOLIA: Thank you, Pete.  
31 Terry.

32  
33 MR. HAYNES: Mr. Chairman, the  
34 department's comments are on page 89 of your meeting  
35 book. We support this proposal. Pete is partially  
36 correct in saying that the proposed action would align  
37 the State and Federal regulations. There would continue  
38 to be a difference in the winter season length. The  
39 Federal winter season would open on November 1st. The  
40 State season would open on December 1st, so the State  
41 season would be a month shorter. We don't have a problem  
42 with that, so we support this proposal.

43  
44 CHAIRMAN NICHOLIA: Any other Agency  
45 reports.

46  
47 (No comments)

48  
49 CHAIRMAN NICHOLIA: Open for public  
50 comments.

00071

1 MR. MATHEWS: No written public comments  
2 were submitted on Proposal 79.

3

4 CHAIRMAN NICHOLIA: It's an open floor  
5 for public comments.

6

7 (No comments)

8

9 CHAIRMAN NICHOLIA: Regional Council  
10 action.

11

12 MS. WAGGONER: I move to adopt Proposal  
13 WP04-79.

14

15 MR. BASSICH: Second.

16

17 MR. FLEENER: Question.

18

19 CHAIRMAN NICHOLIA: Council discussion.

20

21 (No comments)

22

23 CHAIRMAN NICHOLIA: The question has been  
24 called. All those in favor of adopting Proposal 79  
25 signify by saying aye.

26

27 IN UNISON: Aye.

28

29 CHAIRMAN NICHOLIA: All those opposed  
30 same sign.

31

32 (No opposing votes)

33

34 CHAIRMAN NICHOLIA: Proposal 80.

35

36 MR. MATHEWS: Mr. Chairman, on Proposal  
37 80 I talked to you earlier. We had a request from the  
38 Wrangell-St. Elias Subsistence Resource Commission to  
39 take Proposal 24 and 80 together. To do that, we need to  
40 have Pete get a hold of the anthropologist out at  
41 Glennallen and patch her in to this. So if we could just  
42 stand down for two, three minutes to get Barbara  
43 Cellarius on line, that would really help.

44

45 CHAIRMAN NICHOLIA: Do you need a little  
46 time?

47

48 MR. MATHEWS: Yeah, I need a little time.  
49 About five minutes.

50

00072

1 CHAIRMAN NICHOLIA: Okay. You got it.

2

3 (Off record)

4

5 (On record)

6

7 MS. PETRIVELLI: Mr. Chairman, I was  
8 going to present 24 first if that's okay with you. 24  
9 was submitted by the Wrangell-St. Elias Subsistence  
10 Resource Commission. It deals with the elder hunt in  
11 Unit 11. Just in describing that then you'll know what  
12 was requested in Unit 80.

13

14 In Unit 11 the elder hunt was established  
15 in 1996 and it's a month later season. It's one sheep by  
16 Federal registration permit only by persons 60 years of  
17 age or older. The analysis starts on page 120. It was a  
18 special hunt just established so that elders could hunt  
19 when the sheep are lower in the mountains and they could  
20 pass on their cultural knowledge and teach younger people  
21 their skills.

22

23 The proposal they're requesting now is to  
24 have a -- and then, of course, the customary and  
25 traditional use determinations are on page 121 and some  
26 residents of the Eastern Interior Region have customary  
27 and traditional use determinations for those sheep. What  
28 they're requesting now is to allow designated hunting for  
29 those sheep during that season. The recipient of the  
30 sheep has to be qualified to participate in the hunt, be  
31 60 years of age or older and then the designated hunter  
32 must also have a designated hunter permit.

33

34 I included what the Council said when  
35 they approved this hunt and they specifically said to not  
36 allow proxy hunting on the hunt because the hunt was to  
37 provide opportunity to the elders to go out and hunt and  
38 teach others. I guess it was in 1998 the hunt was  
39 approved. So I opposed the proposal and the  
40 justification is on page 122 and I said adoption of the  
41 proposal would be in direct contradiction with the  
42 original purposes for establishing the hunt. The  
43 allowance of designated hunting during the extended  
44 season for elders would defeat the purpose of the elder  
45 hunt, which is to provide the opportunity for those  
46 elders to participate in the hunt and pass on to others  
47 their knowledge and skills.

48

49 For those elders who are unable to  
50 participate in the hunt, I just suggested that they

00073

1 submit a proposal having designated hunting during the  
2 regular season rather than just the elders only season  
3 because the elders only season was set up just so the  
4 elders could go out and hunt the sheep themselves. That  
5 was the extent of the analysis.

6

7 Then the Subsistence Resource Commission  
8 had an alternative suggestion for the Unit 11 hunt and  
9 they also wanted to apply it to the Proposal 80. They're  
10 mirroring it just the same exact type of hunt for Unit  
11 12, but I'll let Barbara Cellarius talk to that later.  
12 That concludes my analysis.

13

14 CHAIRMAN NICHOLIA: Thank you, Pat.  
15 Barbara.

16

17 MS. CELLARIUS: Yes, I'm here.

18

19 MR. MATHEWS: I think, Barbara, he's  
20 asking to kind of get an input on what the SRC did.  
21 Yeah, that's what he's asking for. I'm getting ready to  
22 pass out the letter from the Commission right now, so  
23 they'll have a copy of the letter of February 12th.

24

25 MS. CELLARIUS: Okay. So you let me know  
26 when I can start talking.

27

28 CHAIRMAN NICHOLIA: Yes. Fire away,  
29 Barbara.

30

31 MS. CELLARIUS: My name is Barbara  
32 Cellarius and I'm the subsistence coordinator for  
33 Wrangell-St. Elias National Park and Preserve. As such,  
34 I provide Staff support to the Wrangell-St. Elias  
35 National Park Subsistence Resource Commission. As you  
36 see in the letter, the SRC has suggested a modification  
37 of their proposal and also the SRC opposes any  
38 modification that would provide for a designated hunter  
39 on the regular season.

40

41 We had some testimony at our SRC meeting  
42 on the 11th of February in which it was explained that  
43 what the elders were interested in is being able to take  
44 their grandchildren or younger members of the community  
45 along on the hunt with them. They would supervise this  
46 younger person, but the younger person who was with them  
47 on this elder hunt during the elder season would actually  
48 be able to take an animal, so that's the language you see  
49 in front of you. The SRC recommends this being done on a  
50 two-year trial basis to monitor for conservation

00074

1 concerns.

2

3

4 So, as I said, the intent of the proposal  
5 is to allow, for example, a grandparent to take a  
6 grandchild along on the hunt and for the younger hunter  
7 to be able to take the animal themself under the guidance  
8 of the more experienced grandparent. If there are any  
9 questions, I would be happy to try to answer them.

9

10

CHAIRMAN NICHOLIA: Go ahead, Virgil.

11

12

13 MR. UMPHENOUR: Why do they want it to be  
14 full curl? A younger one would be better to eat.

14

15

16 MS. CELLARIUS: Let's see, you're looking  
17 at Proposal -- are you looking at 24 or 80? Because I  
18 believe that what they wanted was one sheep. Proposal  
19 24, the bag limit would be one sheep. It is not a full-  
20 curl sheep for Proposal No. 24. This would just mirror  
21 the existing bag limit for the regular hunt in that unit.

21

22

CHAIRMAN NICHOLIA: Sue.

23

24

25 MS. ENTSMINGER: Thank you, Mr. Chairman.  
26 Barbara, I believe what he's asking you, and if I  
27 remember the meeting correctly, the SRC did the same  
28 thing in both GMU's. They put in Unit 12 as a proposal  
29 because it said full-curl sheep, to answer your question,  
30 Virgil, but I believe they amended it to any sheep for  
31 the late season hunt for the elders. Is that correct,  
32 Barbara?

32

33

34 MS. CELLARIUS: Yes, that's correct. For  
35 the Unit 12 proposal, the existing bag limit or harvest  
36 limit for the regular season sheep hunt is a full curl.  
37 We're recommending that for the elder hunt and for the  
38 provision it will allow the hunter to take along a  
39 younger person, that the bag limit would be one sheep.  
40 So it would be the same one sheep as exists in 11.

40

41

42 MR. UMPHENOUR: Thank you. That  
43 clarifies it. I was reading the original proposal where  
44 it said it had to be a full curl.

44

45

Thank you.

46

47

CHAIRMAN NICHOLIA: Go ahead, Sue.

48

49

50 MS. ENTSMINGER: Barbara, I had one  
question. I know we're taking up 11 right now, but

00075

1 they're so interrelated of what the wishes were of the  
2 group. It brings to me a question that maybe I'm afraid  
3 to ask. What does it do in the preserve -- like GMU 12  
4 is pretty difficult to get to in some of the areas. Is  
5 an aircraft allowed to be used in Unit 12 or any place  
6 where it's a preserve?

7

8 MS. CELLARIUS: Yes. In the preserve,  
9 you can use aircraft for subsistence purposes. It's only  
10 prohibited in the park.

11

12 MS. ENTSMINGER: Thank you. Mr.  
13 Chairman, Barbara, I'm curious -- and I don't know if  
14 you're the one to ask this question. It might be OSM  
15 Staff. We do not need to have a designated hunter under  
16 what the SRC is proposing here or do we?

17

18 MS. CELLARIUS: This is Barbara and I  
19 would not know the answer to the technical aspect of that  
20 question.

21

22 MS. PETRIVELLI: Anyone can accompany the  
23 elder on the hunt. It's just whoever shoots the sheep  
24 has to be the permit holder. So if the elder goes out  
25 hunting and they have the permit and that's who the hunt  
26 was designed for, as long as they shoot the sheep  
27 themselves, they can take anyone with them they want. So  
28 there would be no need to have a designated hunter  
29 provision. A designated hunter provision just allows  
30 that younger person to shoot the sheep, but they don't  
31 need a designated hunter permit to go with the elder on  
32 the hunt.

33

34 MS. CELLARIUS: Can I add something?

35

36 CHAIRMAN NICHOLIA: I'm kind of getting  
37 the feeling that we messed up taking on two proposals.  
38 We should have just did Proposal 80, then Proposal 24.  
39 Go on then. We've got to get this on the road.

40

41 MR. UMPHENOUR: Okay. I think I  
42 understand this. If the elder has the permit, they can  
43 take along anyone they want to be their helper and packer  
44 to help butcher it and pack it out, so what this proposal  
45 is doing is asking them to take one person preferably,  
46 maybe their grandchild with them, and if that person has  
47 this permit, then the elder could allow their grandchild  
48 to shoot the sheep, teach them how to butcher it and all  
49 that other stuff.

50

00076

1 I support that. Thank you.

2

3 MS. ENTSMINGER: I believe if we want to

4 add Unit 12 an elder hunt, we could do these together.

5 Do the same for both 11 and 12 for the elder hunt.

6

7 CHAIRMAN NICHOLIA: I'm getting a mixed

8 feeling here about both of these proposals. The more I

9 hear about it, the Fed and State is for one and they're

10 opposed to one.

11

12 MR. BASSICH: Thank you, Mr. Chairman.

13 I'd have to say I'm opposed to 24. I feel like if

14 they're going to have a hunt for elders, that's fine.

15 The only way I could support this is if they had an age

16 limit for the designated hunter who is going with it

17 because I could see that this could turn into something

18 where they just drag someone along so that someone else

19 could take a sheep. If they put a 16 year old and

20 younger as a designated hunter to go with them, I can see

21 that the intent would be followed through, but I would

22 question this as it's written the way it is. However, I

23 would support it if there was that amendment to it.

24

25 Thank you.

26

27 MR. FLEENER: Thank you, Mr. Chair. With

28 a designated hunter, nobody has to be there. You just

29 hand the person your permission slip and they go hunt it

30 for you and nobody has to be there, so I just wanted to

31 clarify that.

32

33 MS. ENTSMINGER: Thank you, Mr. Chair. I

34 also wanted to add for the record that Mt. Sanford -- or

35 it's two villages. Anyway, the Native people in that

36 area, they know the elder that originally proposed this

37 and they said sometimes they don't understand what the

38 elder really wants and then they found out that it was

39 just to be able to take their grandchild along with them.

40

41

42 As this is written, would you want to see

43 us -- do you want to take care of one at a time? Because

44 they wanted to do it in 12 also.

45

46 MS. WAGGONER: To me, the way that these

47 changes are made through the letter and stuff, there's no

48 Staff analysis for the actual proposal here. I would

49 actually make the recommendation that it get tabled until

50 next year, revised with age limits, figure out if you

00077

1 want full curl or one sheep in Unit 12, would be my  
2 personal recommendation to really clarify what you want  
3 and what the intent is.

4

CHAIRMAN NICHOLIA: You're talking 24?

6

7 MS. WAGGONER: I'm talking 24 and 80,  
8 both.

9

10 CHAIRMAN NICHOLIA: You know, I could  
11 support 80 where the intention is to pass on traditional  
12 knowledge, but I can't see myself supporting 24, amended  
13 or not, because I see an avenue for abuse there. So, if  
14 we could get this over with. If you have any more new  
15 information. I don't want to go around in circles  
16 anymore. Let's go forward.

17

18 MR. FLEENER: Thank you, Mr. Chair. I  
19 certainly agree. I think we should address these  
20 separately. I think they're two separate issues. I  
21 wouldn't read anything more into them than what they say.  
22 I hate the idea of assuming that somebody meant this and  
23 somebody didn't mean that. Just read it the way it's  
24 written and go from there. I say we take them up  
25 separately.

26

27 CHAIRMAN NICHOLIA: Okay. We're just  
28 dealing with Proposal 80 here now. Makes it a lot  
29 easier. We heard Agency comments for Proposal 80.  
30 Vince, what do you have there?

31

32 MR. MATHEWS: Unless I missed something,  
33 I don't know if we had the Agency comments. Did the  
34 State comment on Proposal 80?

35

36 MR. HAYNES: Mr. Chairman, there hasn't  
37 been a presentation of Proposal 80 yet. We haven't  
38 commented on Proposal 24. So maybe I'm a bit confused  
39 about how we want to proceed.

40

41 CHAIRMAN NICHOLIA: We're just dealing  
42 with Proposal 80.

43

44 MR. HAYNES: Do you want to hear a Staff  
45 presentation before you hear department comments?

46

47 CHAIRMAN NICHOLIA: Go ahead.

48

49 MS. PETRIVELLI: Okay. It will be real  
50 brief because you know the issue. Proposal 80 is

00078

1 submitted also by Wrangell-St. Elias Subsistence Resource  
2 Commission and they're requesting a late season sheep  
3 hunt in Unit 12 for persons 60 years of age or older and  
4 they want it to be exactly like the Unit 11 sheep hunt.  
5 What they did was just add -- the season is September 21  
6 to October 20th. This is just extending the season that  
7 already exists in Unit 12. Just for purposes of  
8 comparison, I included a harvest history just showing how  
9 many sheep are harvested in Unit 12 and then I also  
10 included how many sheep were harvested for the elder hunt  
11 in Unit 11. In Unit 11 for the elder hunt, 37 permits  
12 were issued, 14 of those permits were hunted and four  
13 sheep were harvested in the time that that sheep was  
14 authorized since 1998.

15

16 They're requesting that hunt because  
17 those persons eligible for hunting in Unit 12 just wanted  
18 to have the opportunity closer to their area. It's just  
19 the portion within the Wrangell-St. Elias National Park  
20 and Preserve where this hunt would be. It would create  
21 this elder season and the reasons are is that sheep move  
22 to lower elevations. This late season hunt would also  
23 allow elders to take sheep in a more accessible location  
24 and for all the same reasons it was passed on. There is  
25 a tradition of giving elders deference in hunting  
26 practices and that's included in the analysis.

27

28 So the preliminary recommendation was to  
29 support the proposal as written.

30

31 MR. HAYNES: Mr. Chairman, the Department  
32 supports this proposal as long as designated hunting  
33 provisions do not apply to the hunt. We support the idea  
34 of a hunt for the elders but not if someone else is able  
35 to do the hunting for them.

36

37 MR. FLEENER: Thank you, Mr. Chair. I  
38 wanted to ask Pat, you mentioned that you opposed the  
39 other proposal because it had the designated hunter. If  
40 this one doesn't mention designated hunter, do we  
41 automatically assume that someone 60 and over can have a  
42 designated hunter?

43

44 MS. PETRIVELLI: There are no designated  
45 hunter provisions for sheep in this unit. There's only  
46 designated hunter provision for moose, caribou, but none  
47 for sheep.

48

49 MR. FLEENER: So then the State's  
50 concerns are non-existent then?

00079

1 MS. PETRIVELLI: Well, what happened when  
2 the special elder hunt was approved for 11, the Councils  
3 both in '98 said we approve it as long as there are no  
4 designated hunter provisions because they wanted it just  
5 specifically for the elders to carry out the hunts.

6

7 MR. FLEENER: My question though is are  
8 the State's concerns addressed? Is there going to be a  
9 problem with designated hunters?

10

11 MS. PETRIVELLI: If we pass the proposal  
12 as written, there wouldn't be a problem, but if you amend  
13 it to recommend designated hunting, then the State would  
14 have a problem.

15

16 MR. FLEENER: I'm not talking about  
17 amendments. I'm talking about the proposal we're looking  
18 at right now. Does the State have a legitimate concern  
19 right here with the proposal that we're looking at?

20

21 MS. PETRIVELLI: Not as it's written.

22

23 MR. FLEENER: Okay. Then, Mr. Chairman,  
24 since everybody seems to be in support, I recommend we  
25 adopt Proposal 80.

26

27 MS. ENTSMINGER: Second.

28

29 CHAIRMAN NICHOLIA: Hold on. Tricia.

30

31 MS. WAGGONER: Okay. You said as it's  
32 written, but you also said it mirrors Unit 11, but we are  
33 looking at Proposal 80 as being one ram with full curl,  
34 not one sheep, is that correct?

35

36 MS. PETRIVELLI: It mirrors Unit 11 in  
37 just that it allows a later season. It just extends the  
38 season that already exists in the unit and it just  
39 extends it. That's the way it mirrors Unit 11.

40

41 CHAIRMAN NICHOLIA: Go ahead.

42

43 MR. SUMMERS: Mr. Chairman, Clarence  
44 Summers, National Park Service. I just wanted to point  
45 out in the letter under Proposal 80 it states that the  
46 request for harvest limit is a harvest limit of any sheep  
47 and that's in the second paragraph, first bullet.  
48 Clearly states the establishment of a late season elder  
49 hunt for sheep in that part of Unit 12 that falls within  
50 Wrangell-St. Elias National Park and Preserve with a

00080

1 season of September 21 to October 20th and a harvest  
2 limit of any sheep.

3

4 Thank you.

5

6 CHAIRMAN NICHOLIA: So that gets rid of  
7 the full curl. Okay, I understand it now. Okay.

8

9 MS. CELLARIUS: Mr. Chairman, is there an  
10 opportunity for a comment from the Wrangell-St. Elias  
11 SRC?

12

13 CHAIRMAN NICHOLIA: Go ahead.

14

15 MS. CELLARIUS: The SRC would like to  
16 modify this proposal. They're suggesting this  
17 modification based on testimony and comments from elders  
18 who requested the proposal and they're suggesting the  
19 following modification. The first modification would be  
20 to change -- you would create the late season elder hunt  
21 for sheep, but instead of having a harvest limit of one  
22 full-curl ram, it would be a harvest limit of any sheep.

23

24 The second modification would be to add  
25 the same provision that they've recommended adding to the  
26 season in Unit 11. This would be the opportunity for the  
27 permit holder to be accompanied by another Federally-  
28 qualified subsistence user to take a sheep on his or her  
29 behalf so that the accompanying individual, a grandchild  
30 or something along those lines, would actually be able to  
31 do the harvest.

32

33 CHAIRMAN NICHOLIA: Thank you. We'll go  
34 along with the first modification, but I don't want to go  
35 along with the second modification because, to me, that  
36 creates an avenue of abuse. I'd like to create  
37 opportunities where they pass on their traditional  
38 knowledge, but I do not like to create avenues of abuse.  
39 So, if the motioner and the seconder could get this thing  
40 done with that first modification of any sheep, I'd go  
41 along with that because this next proposal is going to be  
42 a long one, I believe.

43

44 MR. FLEENER: Mr. Chair, I'll just  
45 withdraw my motion and we can start discussing it from  
46 there.

47

48 MS. ENTSMINGER: Just as a conservation  
49 issue, since it's been told to me that an aircraft can be  
50 used, I just want to make sure, is it true we wouldn't

00081

1 have any conservation issues, problems in the preserve  
2 portion of Unit 12?

3

4 MR. HAYNES: Mr. Chairman, the department  
5 has that question, too. This changes dramatically the  
6 Staff analysis of this proposal because the analysis does  
7 not address a one sheep requirement, so it would be  
8 useful to have some additional information to see if the  
9 biological effects would be different.

10

11 MR. BASSICH: Mr. Chairman, I'm in  
12 support of it as it's written on page 92, but that's as  
13 far as I'm willing to go with this.

14

15 MR. FLEENER: I'll second that.

16

17 CHAIRMAN NICHOLIA: So you move to adopt  
18 that full curl?

19

20 MR. BASSICH: Yes, Mr. Chairman, as  
21 written on page 92.

22

23 CHAIRMAN NICHOLIA: So we're just going  
24 to pass the buck to the Federal Board. That sounds good  
25 to me.

26

27 MS. WAGGONER: As I said earlier, I can  
28 support the proposal as written, but until we can have an  
29 accurate Staff analysis of what we're looking at. I  
30 don't want to see any modifications to it. I'll support  
31 it if we're voting on it as written on page 92, full  
32 curl.

33

34 MS. ENTSMINGER: Call for the question.

35

36 CHAIRMAN NICHOLIA: What now, Vince?

37

38 MR. MATHEWS: Mr. Chairman, you have to  
39 follow your review procedure. We still have a summary of  
40 written comments. I'm sure there's no one in the crowd  
41 here, but it hasn't been announced that they can come up  
42 and comment. So those two steps I would advise you to  
43 take before you actually vote on the motion.

44

45 CHAIRMAN NICHOLIA: Okay. Does anybody  
46 want to speak to this No. 80 sheep proposal? Seeing none  
47 -- oh, make it short.

48

49 MS. FRIEND: Mr. Chairman, my name is  
50 Connie Friend and I attended the SRC meeting where this

00082

1 proposal was discussed with the elders who came forward  
2 and I'd just like you to know that the SRC, in their  
3 proposals, were working very closely with those elders  
4 and they were trying to accommodate their needs. I guess  
5 that's all I can tell you. The one sheep, they felt that  
6 an elder -- you know, that they were out there for the  
7 meat and to teach and that a full curl would be too much  
8 to expect for an elder at the elevations that they would  
9 be frequenting.

10

11 The SRC worked very closely and went over  
12 every detail many times with the proponents of this  
13 proposal and it was to support the intention of those  
14 people who actually do go out and want to take their  
15 grandchildren. That might be helpful.

16

17 Thank you.

18

19 CHAIRMAN NICHOLIA: Any more oral  
20 testimony. Written public comments.

21

22 MR. MATHEWS: Yes, Mr. Chairman, there  
23 was one written public comment from the AHTNA  
24 Corporation. They support this Proposal 80 to establish  
25 a late fall sheep hunting season of September 21 to  
26 October 20th so that elders will have more days to hunt  
27 for sheep in Unit 12. Barbara already covered the  
28 recommendation of the Subsistence Resource Commission.  
29 No other Regional Council has taken this up.  
30 Southcentral will take it up at their forthcoming  
31 meeting.

32

33 CHAIRMAN NICHOLIA: Okay. It's been  
34 moved and seconded. The question has been called to  
35 adopt Proposal 80 as written. I see everybody shaking  
36 their heads. All those in favor of adopting Proposal 80  
37 as written, signify by saying aye.

38

39 IN UNISON: Aye.

40

41 CHAIRMAN NICHOLIA: All those opposed  
42 same sign.

43

44 (No opposing votes)

45

46 CHAIRMAN NICHOLIA: I want to take a  
47 dinner break and we're going to come back and do Proposal  
48 81 because I don't want to deal with it tomorrow.

49

50 MR. MATHEWS: Did you want to deal with

00083

1 24 tomorrow because I need to inform Barbara.

2

3 CHAIRMAN NICHOLIA: No. You already  
4 confused us enough, Vince. We'll come back at 7:30.  
5 How's that. Do you guys want to go for 24? Okay. Let's  
6 do it then.

7

8 MR. MATHEWS: Thank you, Mr. Chair.

9

10 MS. ENTSMINGER: I make a motion we adopt  
11 as written.

12

13 MS. WAGGONER: Second.

14

15 CHAIRMAN NICHOLIA: Discussion.

16

17 MS. WAGGONER: As we discussed, this  
18 designated hunter goes against what the original  
19 regulation change was for, so I'm going to oppose this  
20 motion.

21

22 CHAIRMAN NICHOLIA: Any further  
23 discussion.

24

25 (No comments)

26

27 CHAIRMAN NICHOLIA: Okay.

28

29 MS. WAGGONER: Question.

30

31 CHAIRMAN NICHOLIA: Terry.

32

33 MR. HAYNES: Mr. Chairman, just for the  
34 record, the department does not support this proposal.

35

36 CHAIRMAN NICHOLIA: Okay. It's been  
37 seconded. The question has been called. Public comment,  
38 open floor.

39

40 (No comments)

41

42 MR. MATHEWS: The written public comment  
43 is on page 123 and I believe Sue Entsminger was at that  
44 meeting if further clarification is needed. The Upper  
45 Tanana - Fortymile Local Fish and Game Advisory Committee  
46 opposes Proposal 24. The AHTNA Corporation supports it.

47

48 Mr. Chairman, it would probably be best --  
49 or I don't know if Barbara explained what the  
50 Subsistence Resource Commission did on Proposal 24.

00084

1 CHAIRMAN NICHOLIA: She already did that,  
2 I believe.

3

4 MR. MATHEWS: Okay. Sorry, Mr. Chair.  
5 That's all the written comments.

6

7 CHAIRMAN NICHOLIA: Okay. It's been  
8 seconded. The question has been called. All those in  
9 favor of adopting Proposal 24 signify by saying aye.

10

11 (No votes)

12

13 CHAIRMAN NICHOLIA: All those opposed  
14 same sign.

15

16 IN UNISON: Aye.

17

18 CHAIRMAN NICHOLIA: Proposal 24 fails.  
19 Dinner time. 7:30.

20

21 (Off record)

22

23 (On record)

24

25 CHAIRMAN NICHOLIA: We'll take up  
26 Proposal 81.

27

28 MR. MATHEWS: Yes, Mr. Chairman.  
29 Proposal 81 was before you earlier cycle. It is  
30 addressing customary and traditional use determination  
31 for Unit 20(E) moose. It's found on page 97. It  
32 originally was submitted by this Council.

33

34 Thank you, Mr. Chair.

35

36 MS. PETRIVELLI: Mr. Chairman, I'll be  
37 presenting this analysis. Like Vince said, this proposal  
38 was before the Council before and submitted by the  
39 Council. Last year the Council made a recommendation on  
40 this proposal and they amended the proposal and just  
41 included residents, two communities from 20(D), Healy  
42 Lake and Dot Lake.

43

44 Then the Staff Committee had a different  
45 recommendation. They included all the original  
46 proponents and they also added Mentasta Lake residents,  
47 like the Council recommended. So then the Board decided,  
48 since there was conflicting recommendations, to defer the  
49 proposal and they directed us to find out more  
50 information about the use of moose by residents of the

00085

1 Delta Junction area and then bring that information back  
2 to you to look at the issue again.

3

4                   Since you've already reviewed this  
5 analysis, I don't think Andy was here or Craig wasn't at  
6 the meeting last year, so I'll just give a real brief.  
7 The proposal was submitted because in 20(E) currently  
8 there is no determination for moose, so all rural  
9 residents are eligible to use 20(E) for moose. There was  
10 just a concern to identify the real users of the  
11 resource. The proposal that was submitted paralleled the  
12 C&T determination for caribou in 20(E) because that had  
13 been passed and I forget which year because someone else  
14 did the analysis, but it does parallel the C&T  
15 determinations for caribou in 20(E).

16

17                   Since last year to this year, the only  
18 new data is what I learned at the Delta Junction Fish and  
19 Game Advisory Committee meeting. I went there and Vince  
20 Mathews and we presented this issue before the Fish and  
21 Game Advisory Committee members and we discussed the  
22 information that's included here, just saying what the  
23 level of use was and just the characteristics of the use  
24 of how the residents of Delta Junction use 20(E) for  
25 moose. During the course of that discussion, they gave  
26 me names of people to contact. Of course, I was only  
27 there for one day and I contacted some by telephone and  
28 one committee member, Larry Fett, he went and talked to  
29 all the other people that they recommended and that  
30 information is included in the analysis.

31

32                   What came out was the committee members  
33 did feel that certain members of the community had a  
34 historical use of moose in 20(E). Then they were  
35 questioned because as far as data goes, household use for  
36 -- in different studies, telling about the use of the  
37 residents of all the communities except for Delta  
38 Junction, there are no data, no studies for residents of  
39 Delta Junction and they asked why. Of course, I guess  
40 they haven't been included in ADF&G studies because  
41 thorny issues haven't come up where they needed that.

42

43                   Then they asked about individual C&T and  
44 I explained to the committee members that we don't make  
45 C&T determinations based upon individual uses unless it  
46 involves national parklands and that's the only time we  
47 make individual C&T determinations. So we can only make  
48 determinations based upon community use because it's just  
49 the policy of our program that we look at uses by the  
50 community. So their recommendation is included in here,

00086

1 but they wanted the customary and traditional use  
2 recommended by individuals in Delta Junction.

3

4 Then the other issue that we discussed  
5 was Fort Greely and Fort Greely has been dismantled as a  
6 base, but it's being re-opened as a missile defense site,  
7 so that information is included in the analysis.

8

9 In the discussions of the use of 20(E)  
10 for moose by residents of Delta Junction historically,  
11 they acknowledged that they particularly used 20(E) when  
12 20(D) was closed. And 20(D) hasn't been closed  
13 completely, but just certain parts of 20(D) close and  
14 they had that as a reserve area to go hunting and that  
15 was a pattern they acknowledges and then Larry Fett found  
16 out that there were some families that even though they  
17 didn't use it just as a reserve, they just went there  
18 routinely and they still go there. So there is a portion  
19 of the community that routinely go to 20(E) to hunt and  
20 not just as a reserve, but for the larger portion of the  
21 community, they definitely do use it as a reserve area to  
22 go hunt.

23

24 I ended up making a preliminary  
25 conclusion to leave 20(D) in, but excluding residents of  
26 Fort Greely, and including Mentasta Lake as the Council  
27 recommended before. That concludes my analysis.

28

29 CHAIRMAN NICHOLIA: Thank you, Pat.  
30 Terry Haynes.

31

32 MR. HAYNES: Thank you, Mr. Chairman.  
33 Department's comments on this proposal are on page 118.  
34 We continue to oppose the proposal as well as the Staff  
35 recommendation that Pat read to you. Our primary concern  
36 continues to be including Delta Junction in the finding.

37

38

39 We appreciate the fact that Pat did make  
40 an attempt to get some more information from Delta  
41 Junction residents. We don't find that new information  
42 very compelling. We're still left with information like  
43 that on Table 2 on page 106 which shows that from 1983 to  
44 2000 less than one, you know, seven-tenths of a percent  
45 of Delta Junction's moose were harvested in 20(E). We  
46 don't believe that's evidence of a customary and  
47 traditional pattern of use by a community.

48

49 We don't deny the fact that some  
50 individuals hunt in 20(E) and have hunted in Unit 20(E),

00087

1 but we just don't see it as constituting a community  
2 pattern of use.

3

4 CHAIRMAN NICHOLIA: Thank you, Terry.

5 Mr. Bassich.

6

7 MR. BASSICH: Thank you, Mr. Chairman. A  
8 question for you, Pat. In your interviews with those  
9 families who had stated they were using 20(E), can you  
10 clarify for me -- I'm not really sure exactly what you're  
11 saying. You're saying that they believe that they would  
12 prefer to have individual C&T's for 20(E), that they  
13 recognize the fact that as a general rule 20(D) has not  
14 had customary and traditional use there or could you  
15 clarify that for me, please.

16

17 MS. PETRIVELLI: It was the Fish and Game  
18 Advisory Committee that felt there should be individual  
19 C&T recognized because they wanted the historical -- they  
20 acknowledge that certain families, certain members of  
21 Delta Junction had used 20(E), but they didn't think that  
22 should qualify the new people that lived in the community  
23 to having C&T. They only thought that the people who  
24 used it before should be able to use it in the future.  
25 We don't make C&T based upon individuals that way. If we  
26 recognize the community, we recognize the community. We  
27 don't single out segments of the community to be  
28 recognized.

29

30 MR. BASSICH: Thank you. Some more  
31 comments here. I would have to agree very strongly with  
32 ADF&G's comments and support also what was just stated.  
33 That chart showing .7 percent over an 18-year period very  
34 clearly demonstrates to me that this is not an area that  
35 is used heavily. I think you could go anywhere in the  
36 state and you could find someone from a unit that hunts  
37 in a different unit and I would hate to see the  
38 precedence set that just because one family or one  
39 individual or maybe even three individuals go to an area  
40 and hunt it regularly that they could get C&T  
41 determination in that area.

42

43 I'd also like to point out to the Board  
44 that Eagle Advisory Committee strongly opposes this.  
45 There was a letter written to this body by them.

46

47 I guess the last thing is, you know, with  
48 such a small number of people using it on a regular basis  
49 or maybe not even all that regular basis, it looks to me  
50 like it's almost like an incidental thing. They're just

00088

1 trying to cover their bases. Are we willing to grant C&T  
2 to an entire community with such small numbers  
3 documented? That's all.

4

5 Thank you, Mr. Chairman.

6

7 MR. FLEENER: Thank you, Mr. Chairman. I  
8 don't necessarily like the discussion about limiting  
9 solely based on small amount of use because there are  
10 quite a few resources that some of the people in the  
11 Yukon Flats -- there's some resources that the people in  
12 the Flats use, but they don't kill many of them, but I  
13 still agree that they should have a customary and  
14 traditional use.

15

16 One example is Dall sheep. There's some  
17 people in the Yukon Flats that use Dall sheep and have  
18 used it forever, but I can probably imagine that it's  
19 probably around one percent as well. So I don't like the  
20 idea of blocking someone out because the amount of use is  
21 small. I just say that to let Terry know that I don't  
22 think that's a good argument.

23

24 Now, granting an entire community C&T for  
25 something that's so far away and only a couple use, that  
26 may be another issue, but I just don't like the idea of  
27 limiting because only a couple people have traditionally  
28 harvested. Sheep hunting is pretty hard apparently. You  
29 do it. I don't know. I've never done it. I understand  
30 it's moose, but I'm just saying that as an example.  
31 Sheep is a resource that's not heavily harvested and I  
32 wouldn't want to see that changed just because only a few  
33 people are harvesting it.

34

35 CHAIRMAN NICHOLIA: I'm going to say  
36 something here. This Board is going to run into a lot of  
37 problems like this and I'm going to say something right  
38 now. We could please most of the majority of the people  
39 by doing this. We wouldn't please a few people in Delta,  
40 but we're taking care of the interest we're supposed to  
41 hold for these other people. You can't please everybody  
42 all the time, but you can please somebody. If that's  
43 what it's going to take with this thing, that's what it's  
44 going to take. You've got to look at there's a growing  
45 Russian population there and they said that Fort Greely  
46 is going to be gone out of there. No, there's going to  
47 be more military people there.

48

49 I remember the last two times. This is  
50 the third time we're looking at this. We fought hard for

00089

1 Healy Lake and Dot Lake. If we include Delta, which they  
2 both oppose, those two villages, we would have fought the  
3 last four or five years for them for nothing. Their main  
4 contention was to exclude Delta Junction, but to include  
5 Dot Lake and Healy Lake. I know for a fact they have  
6 traditional and customary use. Like I said, we can't  
7 please everybody.

8

9 MS. WAGGONER: In looking at making  
10 concessions or meeting the middle ground here, Pat, would  
11 it be possible to say a portion of 20(D), like north of  
12 the Tanana River and east of the Johnson River? Would  
13 that be a feasible solution for the regulation?

14

15 CHAIRMAN NICHOLIA: As a Board, we can  
16 make any amendment. We can amend this the way we feel it  
17 will protect the subsistence user. We're trying to  
18 protect their interests. Even if we cut out a few  
19 people, that's what we've got to do. I feel this is not  
20 going to be the last time we're going to run into this  
21 head on to the same problem. We're sending the same  
22 message back to the Federal Subsistence Board, but if we  
23 have to do it again, we're going to do it again.

24

25 MS. ENTSMINGER: Thank you, Mr. Chair. I  
26 do want to caution us for the dialogue, exactly what  
27 Craig has said. If you look at this data on page 106,  
28 Dot Lake has zero percent harvest from 1983 to 2000.  
29 Maybe the issue here is not so much this data as the gray  
30 area that Pat spoke to earlier. I was just wondering if  
31 she could kind of give us an idea of what the population  
32 is. Before you answer that, I guess the other thing that  
33 is missing in this information for long-term use would be  
34 sometimes -- I hear what Craig was saying. The data  
35 starts at 1983 to 2000, maybe long term way back. So I  
36 mean I'm having trouble with this data as an argument, I  
37 guess. But if I could hear a little bit more on that  
38 gray area of a community 2,500 to 7,000.

39

40 MS. PETRIVELLI: The data available, what  
41 I have here, is the computerized database that's  
42 available that's broken down by residency. Then that  
43 historic use that Delta Junction residents talked about,  
44 that would have been like in the '70s. Then possibly  
45 even the Healy Lake, Dot Lake and even Mentasta, they  
46 talk about their use around the 1940s.

47

48 There's been subsistence household  
49 surveys done for Dot Lake and Mentasta and they were done  
50 in 1982 and updated in '87, so they actually talked with

00090

1 people, they mapped their use areas. Then there's been  
2 ethnographies done of those communities that showed their  
3 past use of resources and mapped their resource areas.  
4 No such studies have been done of Delta Junction at all.  
5 The only source of data showing use of resources is this  
6 harvest database.

7

8 Of course, for a long time -- 20(D) and  
9 20(E), they just were created and I forget what year, but  
10 I included that. Oh, the boundaries of 20(D) were  
11 created in 1971.

12

13 CHAIRMAN NICHOLIA: Tricia.

14

15 MS. WAGGONER: I just want to make sure  
16 we get on the record that the reason Healy Lake is not on  
17 the harvest database is because of the mail system.  
18 Their addresses are in Fairbanks and that's why they're  
19 not in the harvest database because there is no post  
20 office in Healy Lake.

21

22 MS. PETRIVELLI: Then at various times in  
23 the past this Council held a series of hearings looking  
24 at the use by Healy Lake residents, so they've kind of  
25 been lumped with Dot Lake. I think it's in the analysis,  
26 but I just didn't go over it this time.

27

28 Thank you.

29

30 CHAIRMAN NICHOLIA: Craig.

31

32 MR. FLEENER: Two things, I guess. What  
33 is the confidence interval on these numbers for harvest  
34 for Dot Lake? I know the ADF&G harvest numbers for the  
35 Yukon Flats is pretty low. Pretty big confidence  
36 interval.

37

38 MS. PETRIVELLI: I don't know the  
39 confidence interval. Terry might know.

40

41 MR. HAYNES: Mr. Chairman, Craig. We can  
42 just say generally that the harvest ticket numbers are a  
43 poor depiction of actual harvest and participation in Dot  
44 Lake. We believe they much more accurately reflect what  
45 goes on in Delta Junction. We also know that communities  
46 like Dot Lake and Healy Lake have historic ties to Unit  
47 20(E). People in those communities and their ancestors,  
48 some lived in Kechumstuk and Joseph. So there's another  
49 level of historic tie to 20(E) that I think offsets the  
50 fact that their participation in the harvest ticket

00091

1 system is lower.

2

3

Thank you.

4

5 CHAIRMAN NICHOLIA: So what you're saying

6 is you, yourself, wouldn't have much confidence in the

7 accuracy of this table, huh?

8

9 MR. HAYNES: Mr. Chairman, to the extent

10 that it accurately reflects the village harvest, no, it

11 doesn't do that very well.

12

13 CHAIRMAN NICHOLIA: Thank you. Andy.

14

15 MR. BASSICH: Thank you, Mr. Chairman. I

16 think in my mind what stands out as the issue more than

17 numbers or harvest is the simple fact that the reason why

18 we have in my opinion, my interpretation, the reason why

19 we have rural and non-rural preference is to protect a

20 hunting area, a biological area when stocks or game are

21 at such a low level that we need to begin to prioritize

22 their use. Am I correct? Am I wrong in this assumption?

23

24 (No audible response)

25

26 MR. BASSICH: Okay. If that's the

27 premise, then what we're looking at is protecting an area

28 the best we possibly can and giving preference to those

29 individuals who depend upon that resource the most. To

30 me, that's what the issue is here. We're trying to

31 protect an area at times when -- and I'm not trying to

32 exclude anybody. I understand where people are coming

33 from, but when an area is in trouble, people who live in

34 that area should have priority over outside hunters if

35 there's enough game or fish. Beyond that, then by all

36 means it should be open. So, for me, it's also somewhat

37 of a philosophical questions.

38

39 The very fact that the AC and Delta was

40 asking for individual C&T's demonstrates to me that they

41 don't have a lot of confidence or feel strongly that

42 their unit should be included.

43

44 Thank you.

45

46 MS. PETRIVELLI: Mr. Chairman, I just

47 have to jump in on the idea of protecting. C&T is not a

48 tool for protecting users. C&T is a tool for recognizing

49 users. There's a whole different system for protecting

50 users in a time of resource and there are three criteria

00092

1 they're to use.

2

3

4 There's the big pool first, rural  
5 residents, then there's the customary and traditional use  
6 determinations and that can be more specific, but when  
7 there is a shortage, then we go to three criteria that  
8 are outlined in ANILCA and that's local residency,  
9 customary and direct dependency on the resource and  
10 availability of alternative resources. That's when you  
11 go to truly protecting -- well, actually, I've skipped a  
12 step, but when you recognize the big pool, the ones who  
13 have the customary and traditional use, you cut out all  
14 the other users, the non-subsistence users, and then if  
15 the resource shortage is drastic enough, then you go to  
16 the local residency, customary and direct dependency and  
17 lack of alternative resources. So that's when you  
18 protect the local users as a last resort.

18

19 Thank you.

20

21 CHAIRMAN NICHOLIA: Did you understand  
22 that, Andy?

23

24 MR. BASSICH: I do. Thank you.

25

26 CHAIRMAN NICHOLIA: Okay. But you can  
27 see where we're kind of going with this though, don't  
28 you? Eventually, in my mind, the way OSM department do  
29 it, they say one thing here, but you go down the road and  
30 get so twisted around in my mind. If we exclude Delta in  
31 the C&T deal, we are eventually protecting 20(E)  
32 residents. To me we are. You could make up all kinds of  
33 laws and all kinds of regulations, but it's going to come  
34 down to one thing for one person out there who has no  
35 money to go to the store or Tanacross or Fairbanks, but  
36 he has a gun and bullets and he has a hungry family and  
37 he's going to have to do something. I bet there's a lot  
38 of people in this region that does that, but they don't  
39 say nothing. If we exclude Delta, I think we're doing  
40 pretty good for those residents.

41

42 If there's no more questions for these  
43 two right here, I think we're open for public comments  
44 specific to this proposal.

45

46 (No comments)

47

48 CHAIRMAN NICHOLIA: Seeing none. Any  
49 written public comments?

50

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1 MR. MATHEWS: I didn't know if the Staff  
2 Committee had any. No. Okay. There is the one and Pat  
3 already covered it. The Delta Local Advisory Committee  
4 actually sent a letter to the Federal Subsistence  
5 Program. They would like a household survey of Delta  
6 Junction and they would like to have a customary and  
7 traditional use determination for individual users for  
8 moose in Unit 20(E). So they support with modification  
9 the Delta Junction Local Advisory Committee. That's all  
10 the written comments that I have.

11  
12 CHAIRMAN NICHOLIA: Council action.

13  
14 MS. WAGGONER: Comment or motion first?

15  
16 CHAIRMAN NICHOLIA: Make a motion or  
17 comment.

18  
19 MS. WAGGONER: Okay. Do I amend it  
20 first? I can amend it in my motion? Okay. I move to  
21 establish a customary and traditional use determination  
22 for Unit 20(E) moose that includes the residents of Unit  
23 20(E), Unit 12 north of the Wrangell-St. Elias National  
24 Preserve, Unit 20(D) north of the Tanana River and east  
25 of the Johnson River, the residents of Circle, Central  
26 and Mentasta Lake.

27  
28 CHAIRMAN NICHOLIA: Any comments.

29  
30 MR. STEVENS: I'll second that.

31  
32 CHAIRMAN NICHOLIA: Discussion.

33  
34 MS. WAGGONER: First off, I think OSM  
35 needs to look at addressing the issue of changing  
36 communities where -- as Delta agrees and I agree too,  
37 there are a very minute few users in Delta Junction that  
38 have traditional use of this area. I think that's  
39 something we need to look at within the C&T determination  
40 on the community issue.

41  
42 But, historically, the Delta area is an  
43 agricultural area and even the justification in here  
44 doesn't, to me, meet all eight points to provide C&T for  
45 the Delta Junction region, whereas it does for the other  
46 communities that are mentioned. So I support it. That's  
47 it. As amended.

48  
49 CHAIRMAN NICHOLIA: I have to say  
50 something, too. The first time this came up, I forgot

00094

1 what it was about, but Matt Nat Good said just about the  
2 same lines as that, but he was opposing to include -- I  
3 remember this very well because we had some major  
4 discussions. He was very opposed to including C&T for  
5 Delta residents in anything because of the fact that Fort  
6 Greely is there and it's a growing population. Not only  
7 the fact that there's a growing population of Russian  
8 immigrants that has total disregard for our values, our  
9 management regime, everything. What I mean by disregard  
10 our management regime, they harvest out of season -- this  
11 was verbally told to me. They harvest out of season and  
12 they don't listen to it. They could get away with stuff  
13 because they have their own beef system or whatever it  
14 is.

15

16 But I'll support this proposal with the  
17 amendments made. Is there anybody else.

18

19 I was going to ask Tricia, is that  
20 amendment that you made all the way from the Johnson  
21 River all the way to the border of Unit 20(D) to Unit 13?

22

23 MS. WAGGONER: Yes.

24

25 CHAIRMAN NICHOLIA: Thank you. Go ahead,  
26 Sue. I know you look worried.

27

28 MS. ENTSMINGER: Yes, thank you. I am a  
29 little worried. I keep going back, why did we ever put  
30 this thing in anyway. I just want it on the record that  
31 when we do C&T's, it is important to me that -- you know,  
32 maybe a community has changed and there is reason that  
33 it's no longer C&T, but sometimes it's real hard when you  
34 know long-term residents like yourself that lived in an  
35 area and then they would be out and sometimes that's hard  
36 for me to deal with.

37

38 At any rate, I think it's at the wishes  
39 of the Council. I just want to make it known that if in  
40 the future there's another C&T, that I wouldn't want to  
41 have this as a precedence-setting case where we might  
42 want to look at it with the same kind of argument. Maybe  
43 there's some new things that we need to be looking at.

44

45 CHAIRMAN NICHOLIA: Thank you for  
46 mentioning that, Sue. I was trying to get up to that  
47 point. In this process we're going through to help the  
48 managers out, without knowing it, sometimes when we do  
49 other things, like I remember in the past, we do exclude  
50 people knowingly. We did it before. I know we did it a

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1 whole bunch of times, but we did it with a lot of  
2 heartburn, you know. Like I said, you can't please  
3 everybody, but you have to protect that little guy out  
4 there. If we include them in this, those few people,  
5 that's just a little percent, maybe six people out of  
6 1,100 people. That might cause us a little heartburn,  
7 but that's the thing we have to do to protect the  
8 residents in 20(E). That's just a choice we have to make.

9

10

11 Go ahead, Tricia.

12

13 MS. WAGGONER: One of those six people  
14 happens to be a family member of mine. I just want to  
15 reiterate we have a formal Council member from the area  
16 that has agreed that that community does not have a  
17 cultural and traditional use of the area, you have the  
18 local advisory committee that states even though you have  
19 a small population, the community as a whole doesn't have  
20 it. I have specific personal communication with people  
21 that also say the same thing. So, I mean, we have a lot  
22 of evidence that backs up the fact that as a community it  
23 doesn't have a cultural and traditional use of the area.  
24 You have a very small, minute amount of residents.

25

26

CHAIRMAN NICHOLIA: Thank you, Tricia.  
27 Before I let Andy have the floor, you know, since Terry  
28 Haynes has shot down the Table 2 and all their evidence  
29 it's not substantial anymore, so that's number one there.  
30 It will be detrimental to subsistence needs of the  
31 residents of Unit 20(E), so that's number two. And it  
32 violates the recognized principles of conservation.  
33 That's number three for the residents of 20(E) if it ever  
34 gets that far. If the moose population ever gets that  
35 low. So it takes care of number three.

36

37 Andy, go ahead.

38

39 MR. BASSICH: Thank you, Mr. Chairman. I  
40 think the most important thing about this is and what RAC  
41 talked about is that we feel it's very important to get  
42 non-rural resident established or C&T established in our  
43 area there and with the amendment to this, I feel it  
44 would satisfy that. I think the important thing is to  
45 move with this decision one way or another to get some  
46 protection out there for those who do -- I shouldn't say  
47 protection. Get recognition for those people that live  
48 and use the resources in that area. That's paramount  
49 and, as amended, I would support it right now.

50

00096

1 CHAIRMAN NICHOLIA: Craig.

2

3 MR. FLEENER: Thank you, Mr. Chair. I  
4 want to point out something that I've pointed out in lots  
5 of past meetings and that is that we're not excluding  
6 anybody right now. Anybody that wants to go hunt over  
7 there is not being excluded. The only time they're going  
8 to be excluded is when there's a resource problem. So  
9 we're not excluding anybody yet, so don't feel like  
10 you're putting somebody's head on the chopping block  
11 right now. In the future, that may happen.

12

13 I wanted to address what Andy said. When  
14 we first started doing C&T, we thought that it was a  
15 recognition process and I caution you not to think of the  
16 C&T process as a recognition of your way of life because  
17 we went round and round and round on thinking that what  
18 we were doing was recognizing our use. That's not really  
19 what it is. It's a means to exclude people or to include  
20 people, depending on how you want to look at it for use  
21 in an area when there's a resource problem. What we  
22 thought when we first started doing this was that we need  
23 to make C&T determinations on everything because, by  
24 golly, we customary and traditionally use everything out  
25 here.

26

27 So we went and made hundreds of C&T  
28 determinations when, in fact, it was really just a  
29 tremendous -- I hate to say waste of time, but it was a  
30 lot of work that really didn't have to be done because  
31 there were so many populations that weren't in any kind  
32 of jeopardy. But people thought that this is how we get  
33 our use recognized when it's not going to recognize you  
34 for anything if there's no resource problem. So, for the  
35 majority of the C&T determinations we've made, they've  
36 helped nobody. Have we gone through an 804 process that  
37 has eliminated use in the Eastern Interior?

38

39 MS. PETRIVELLI: There was an 804 process  
40 for the Fortymile Caribou Herd.

41

42 MR. FLEENER: So we've done one out of  
43 the hundreds and hundreds of C&T determinations, I guess.

44

45 MS. PETRIVELLI: Mentasta Caribou Herd.  
46 I'm sorry.

47

48 CHAIRMAN NICHOLIA: Thank you, Craig. Go  
49 ahead, Virgil.

50

00097

1 MR. UMPHENOUR: Hey, I'm going to speak a  
2 couple of the criteria. The first one is criteria one, I  
3 think. I notice here we have familiar names that  
4 examined some of this, like Haynes, et al, in 1983 and  
5 '84. They said that moose was the primary large game  
6 harvested for Tanacross, Tetlin, Northway and Tok areas  
7 with addition to Dot Lake, Marcott also found the same  
8 thing in work they done '87 through '88 and that was in  
9 1992. You get over to the third criteria, which is the  
10 pattern of use consisting of methods and means or  
11 harvests which are characterized by efficiency and  
12 economy of effort, cost, condition by local  
13 characteristics. The people that live in Delta Junction  
14 are a long ways away from there and the people that live  
15 closer to there are, of course, closer to there. So, as  
16 far as efficiency, people are more efficient at hunting  
17 in the area that they know more, so the people that live  
18 there and are closer to there are going to be more  
19 efficient. Plus, it's going to be much more expensive  
20 for people from Delta Junction to travel over there to go  
21 hunting. If you go through all the rest of the criteria,  
22 they're going to favor the people that live in that area  
23 and the people farther away are not going to be near as  
24 dependant as the people that live real close to there.

25

26 So this supports the amended proposal.  
27 The whole eight criteria basically support that. But  
28 then we get to Steve Braund. He did some work for the  
29 Pogo Mine and that's in criterion four, the consistent  
30 harvest and use. There again, people that live a long  
31 ways away are not consistently going to be harvesting in  
32 an area a long ways away, but the people that are there  
33 locally are going to be doing that. And in Braund's work  
34 he did find that some Delta Junction people did go to  
35 20(E), but a lot of other people from Dot Lake and Healy  
36 Lake and those areas did as well.

37

38 So I feel that these people should have a  
39 positive C&T finding for moose in this area. In speaking  
40 of Delta Junction, the characteristics there are not, I  
41 believe, keeping with the reason for C&T determinations  
42 because their economy is based on an urban type economy,  
43 it's farmers, which was already mentioned, construction  
44 workers and people that work for the Federal government.  
45 That's who the primary population base of Delta Junction  
46 are. As far as I'm concerned, they don't qualify as a  
47 rural area in my mind because they're primarily dependant  
48 on a cash economy with regular jobs.

49

50 Thank you.

00098

1 MS. WAGGONER: One of the things in  
2 reading this it was talking about the reason that Delta  
3 people even went to 20(E) to get moose was because you  
4 could hunt moose and caribou at the same time, which the  
5 State of Alaska and the Federal Board made it now so you  
6 have to either hunt caribou or you have to hunt moose.  
7 So the historical harvest of Delta was also an incidental  
8 harvest to the caribou hunting. So that's another reason  
9 that we shouldn't give them C&T for moose.

10

11 CHAIRMAN NICHOLIA: Go ahead.

12

13 MS. ENTSMINGER: Thank you, Mr. Chair.  
14 I'm just going to verify this for the record. Delta does  
15 have a positive C&T for moose in Unit 13, correct?

16

17 MS. PETRIVELLI: Yes, I'm pretty sure.  
18 In 13(B), rural residents of Units 13, 20(D), except Fort  
19 Greely and residents of Chickaloon and Slana. Then they  
20 also have a C&T for caribou in Unit 13(B) and it's --  
21 well, the residents of 20(D), except Fort Greely.

22

23 MS. ENTSMINGER: It could be noted that  
24 they do have C&T to moose in a closer area than 20(E) on  
25 the Federal lands that are out there.

26

27 CHAIRMAN NICHOLIA: Thank you, Sue.  
28 Vince.

29

30 MR. MATHEWS: Since Sue brought up what  
31 Delta Junction has a positive C&T for, in 20(E) they have  
32 a positive C&T for caribou, 20(D) and (E). So I'm just  
33 bringing that out. If they didn't have the  
34 characteristics for moose for positive C&T, then somehow  
35 they have characteristics for caribou.

36

37 CHAIRMAN NICHOLIA: When was that  
38 determination made?

39

40 MR. MATHEWS: I don't know.

41

42 CHAIRMAN NICHOLIA: Probably hundreds of  
43 years ago. Tricia.

44

45 MS. WAGGONER: That's why I was making  
46 the comment that moose harvest was incidental to the  
47 caribou harvest and not a targeted harvest, whereas the  
48 residents of Healy Lake, Dot Late, et cetera, are  
49 targeting moose in 20(E) and Delta Junction the most  
50 likely harvest was incidental.

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1 MR. UMPHENOUR: Well, I would like to  
2 point out, because I participated in that hunt when you  
3 used to be able to hunt from the 10th of August until the  
4 30th of March, and I'll tell you about my first hunt.  
5 That was the end of September of 1971. I drove up past  
6 Chicken, I had a '70 GMC truck, was a pretty new truck  
7 back then. Anyway, I took 10 sand bags with me because I  
8 figured I might have some steep hills to go up. So, when  
9 everyone was stuck in front of me, I made my little trail  
10 of sand and made it over the mountain to -- I can't  
11 remember which fork that is. It's the one past Chicken.  
12 I made it over the hill, I got to the other side, there  
13 was a couple hundred caribou out in a big meadow down at  
14 the bottom of the hill right where the Fortymile River  
15 is. I got out of my truck, myself and my partner, and we  
16 were going to try to sneak up around and get behind these  
17 caribou. Well, we got over there, then about eight car  
18 loads of guys made it up over the hill. A number of them  
19 were Air Force people with their M-16's with them and  
20 they started blasting at these caribou. What it reminded  
21 me of is one of these western movies of a cattle stampede  
22 because I got down behind a tree and all the caribou ran  
23 past me and bullets were whizzing everywhere. A number  
24 of people from Delta Junction and all the troops from  
25 down there were also participating in this hunt. My  
26 second hunt was not quite as bad the next year, but kind  
27 of like that.

28

29 But, anyway, I'm speaking to two things.  
30 One of them is that it used to be broadcast when the  
31 caribou would cross the Taylor Highway. In fact, the Air  
32 Force with their O-2's, I think they were called, they  
33 had a squadron of them at Eielson, so those guys would  
34 patrol the road and then pass the word when the caribou  
35 were going to cross the road. The caribou never had a  
36 chance. It was just an unbelievable thing, an experience  
37 to go through.

38

39 So these were like Tricia said. A lot of  
40 the people from that area were up there on a big meat  
41 hunt deal for caribou and they might occasionally shoot a  
42 moose. But as far as alternative resources available,  
43 they can go to 13. Of course, there's major problems  
44 with moose in Unit 13, but that's real close to them.  
45 But there's also fairly decent moose hunting right around  
46 Delta, so they have alternative resources as far as moose  
47 goes. And that caribou herd over in that area with all  
48 the work that's went into rebuilding it and everything,  
49 the Fortymile Caribou Herd, I haven't hunted there in  
50 years, but I feel that we're making the right decision.

00100

1 Most of the people there do have a  
2 positive C&T for caribou, but the moose I feel is a  
3 different story because the moose population has been  
4 depressed there for years and I seriously doubt if many  
5 people from Delta went over in the Fortymile country, up  
6 the Taylor Highway and 20(E) to specifically hunt moose  
7 with the expectations of getting a moose and it being an  
8 efficient way to go get a moose because it's not.

9

10 Thank you.

11

12 MR. BASSICH: I call question.

13

14 CHAIRMAN NICHOLIA: I just want to make  
15 sure there's no more further discussion.

16

17 (No comments)

18

19 CHAIRMAN NICHOLIA: It's been moved by  
20 Tricia Waggoner to adopt the proposal as amended as she  
21 stated earlier. It's been seconded by Jay Stevens. The  
22 question has been called. All those in favor of adopting  
23 Proposal 04-81 with Tricia's amendments signify by saying  
24 aye.

25

26 IN UNISON: Aye.

27

28 CHAIRMAN NICHOLIA: All those opposed  
29 same sign.

30

31 (No opposing votes)

32

33 CHAIRMAN NICHOLIA: We shall recess  
34 tomorrow until 8:30.

35

36 (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:

THAT the foregoing pages numbered 02 through 100 contain a full, true and correct Transcript of the EASTERN INTERIOR FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, VOLUME I taken electronically by Nathaniel Hile on the 27th day of February 2004, beginning at the hour of 2:05 o'clock p.m. at Beaver, Alaska;

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

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

DATED at Anchorage, Alaska, this 14th day of March 2004.

\_\_\_\_\_  
Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 04/17/04 \_