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EASTERN INTERIOR SUBSISTENCE  
REGIONAL ADVISORY COUNCIL  
PUBLIC MEETING

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VOLUME II

11

12

February 28, 2004

13

8:30 o'clock a.m.

14

Cruikshank School

15

Beaver, Alaska

16

17

18 COUNCIL MEMBERS PRESENT:

19

20 Gerald Nicholia, Chair

21 Andrew Bassich

22 Sue Entsminger

23 Craig Fleener

24 Allen J. Stevens

25 Virgil Umphenour

26 Tricia Waggoner

27 Philip Titus

28

29 Regional Coordinator, Vince Mathews

30

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00103

P R O C E E D I N G S

(Beaver, Alaska - 2/28/2004)

(On record)

CHAIRMAN NICHOLIA: Good morning. I'd like to call this meeting to order. I guess the first thing we're going to do today is correct a little mistake we made yesterday, so just.

MS. WAGGONER: Somebody has -- do we need a motion to reconsider?

CHAIRMAN NICHOLIA: We should.

MS. WAGGONER: A motion to reconsider.

CHAIRMAN NICHOLIA: Yes.

MS. WAGGONER: I move to reconsider Proposal WP04-81.

MR. BASSICH: Second it.

CHAIRMAN NICHOLIA: It's been moved by Trish to reconsider proposal 81, and second by Andy. Discussion.

MS. WAGGONER: Yesterday we were looking at using geographic boundaries in the C&T determination for Unit 20(E) Moose. And in analyzing that last night it did not seem appropriate, because we don't have any information regarding the community of Dry Creek. So I would like to revise my motion for a positive C&T for moose in 20(E) to include the residents of 20(E), Unit 12 north of the Wrangell-St. Elias National Preserve, and the communities of Circle, Central, Dot Lake, Healy Lake and Mentasta Lake.

MR. MATHEWS: Mr. Chairman, before you go any further on that, basically the motion on the floor is to reconsider, so you've got to get it reconsidered, that you want to bring it back up, so then on that, then you can -- because I anticipate a motion coming out of that, so first settle out on the reconsideration, that the Council really wants to reconsider it.

MR. BASSICH: Question.

00104

1 CHAIRMAN NICHOLIA: Okay. It's been  
2 moved and second. The question has been called to  
3 reconsider Proposal 81. All those in favor signify by  
4 saying aye.

5  
6 IN UNISON: Aye.

7  
8 CHAIRMAN NICHOLIA: All those opposed,  
9 same sign.

10  
11 (No opposing votes)

12  
13 CHAIRMAN NICHOLIA: Okay. Go ahead.

14  
15 MS. ENTSMINGER: The proposal.....

16  
17 MS. WAGGONER: Uh?

18  
19 CHAIRMAN NICHOLIA: We're not trying to  
20 do -- all I thought we were going to do is just to  
21 realign it from the Johansen River, it's going to go to  
22 the west side. I don't want to do anything more. I  
23 don't want to get into no more deep discussions, because  
24 we're just going to get behind if we go into there.

25  
26 MS. ENTSMINGER: Mr. Chairman, I just  
27 wanted to say that I believe she left out the reason was  
28 also because we had left out Dot Lake in our description.

29  
30 MS. WAGGONER: That's correct. In the  
31 original motion last night, it did not -- the way it  
32 read, it did not include the community of Dot Lake. So  
33 to make it clean and clear as to who we're speaking to,  
34 it's the revised just naming of the communities. So I  
35 move to make it the residents of 20(E), Unit 12 north of  
36 the Wrangell-St. Elias National Preserve, and the  
37 residents of Circle, Central, Dot Lake, Healy Lake and  
38 Mentasta Lake.

39  
40 CHAIRMAN NICHOLIA: Okay. That's was  
41 just in -- that's Healy Lake, Dot Lake, and Tanacross is  
42 in 12, right?

43  
44 MS. WAGGONER: Yes.

45  
46 CHAIRMAN NICHOLIA: Okay. Good enough  
47 for me.

48  
49 MR. BASSICH: I'll second her motion.

50

00105

1 MR. TITUS: We're just eliminating the  
2 boundaries as stated in your original proposal, right?

3  
4 MS. WAGGONER: (Nods affirmatively)

5  
6 MR. TITUS: Okay. It's a little  
7 confusing.

8  
9 MS. WAGGONER: We're just eliminating the  
10 boundaries, and this is exactly what we passed a year  
11 ago.

12  
13 MR. BASSICH: (Indiscernible)  
14 requirements?

15  
16 MS. WAGGONER: Yeah.

17  
18 MR. TITUS: The boundaries confuse me.

19  
20 MR. BASSICH: Question.

21  
22 CHAIRMAN NICHOLIA: It's been moved and  
23 seconded for Unit 20(E) moose in 12 from Wrangell-St.  
24 Elias Preserve and to include the villages of Circle,  
25 Central, Healy Lake, Dot Lake. All those in favor of  
26 this -- and Mentasta. All those in favor of this motion  
27 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: Okay. Let's move on.  
37 We're on Proposal 25 there.

38  
39 MR. MATHEWS: Yes, Mr. Chairman.  
40 Proposal 25 provides for the take of moose and caribou  
41 for a treatment center in Unit 13. And I didn't have  
42 time to find out what page it's at, so Pat will direct  
43 you.

44  
45 MS. PETRIVELLI: And the actual -- Mr.  
46 Chairman, the actual analysis starts on Page 126. But  
47 Proposal 25 was submitted by the Copper River Native  
48 Association, and it requests the take of two bull moose  
49 and two caribou in Unit 13 for the Hudson Lake  
50 Residential Treatment Center. This particular camp has

00106

1 obtained two special permits in the past, and what they  
2 want to do, there's another camp, the Batzulnetas Culture  
3 Camp, and they had been getting their permits by special  
4 action. And then last year they passed a regulation so  
5 that it appears in the special provision for the unit.  
6 And so when it's in the special provisions, then they  
7 just go to the Park Service Office and just requests a  
8 permit like you would do a normal permit without  
9 requesting a special action. That's Copper River Native  
10 Association.

11

12                   And then the very next proposal, they  
13 also want to do the same things, but include instead of  
14 applying every year through a Board special action, and  
15 to our office to get their permit, that they would just  
16 have it in unit specific provisions and go right to the  
17 BLM office and get their permit.

18

19                   And the other thing is if they -- when  
20 they went through our process, they could only ask for  
21 one moose or one caribou. Now they're asking for the two  
22 moose or two caribou, and then they have different dates  
23 for the moose. The other -- the caribou are pretty much  
24 in the season that's allowed, but the moose they wanted  
25 to take February 1 through 28 was for the second moose.

26

27                   In reviewing the analysis, with that  
28 residential treatment camp, some people have expressed  
29 concern that is that a culture camp. But when I  
30 contacted them when they were doing the special action,  
31 they do use cultural practices to -- as part of the  
32 residential treatment thing, and it's just part of their  
33 granting things that they had to name it. It used to be  
34 called the Hudson Lake Cultural Recovery Camp, and then  
35 it got renamed to residential treatment. So there still  
36 is the cultural teachings that are part of the camp.

37

38                   But since they have been granted this --  
39 there is a biological analysis in there also, because the  
40 number of animals is not that significant. The concern  
41 -- the main things through this proposal is just the idea  
42 of the procedures, whether they write a letter to us or  
43 they contact the BLM office, so -- and then, of course,  
44 now it would be in the special provisions. So it would  
45 just make it simpler administratively for the camp.

46

47                   The other thing that brought -- in light  
48 of this particular camp, there were violations that  
49 occurred with people affiliated with the camp, and  
50 confusion, and then they were hunting without the permit

00107

1 on them, and then they didn't -- but the violations, they  
2 were pled out, and they were just with permit violations,  
3 and they had confiscated one of the hides that they got  
4 from the moose, and -- but once they pled out, the  
5 officials gave the hide back to the camp to use to -- for  
6 the camp as part of their teaching practices.

7

8                   So in talking with the Glennallen office,  
9 when we realized why the violations occurred, we suggest  
10 -- the Glennallen office suggested some modifications,  
11 and what they wanted to do was allow the hunting, but  
12 only -- the camp to have the permit, but only during the  
13 regular season, and not during a different season, so  
14 when their hunters go out, they do go out during the  
15 regular season. And then also in -- and it was just the  
16 regular limits, so that there would be no confusion, so  
17 that whoever's with the camp would be operating under the  
18 normal limits.

19

20                   And then when they go to the camp to get  
21 the permit, they likely begin those designated hunting  
22 things so that if there is a permit issued to the camp,  
23 then whoever the hunter is, can -- because there was  
24 concern that there are people in the camp that might not  
25 be Federally qualified users, they wanted to make sure  
26 that only the Federally qualified users would be the  
27 hunters, and then that would be handled through --  
28 Glennallen would say, we'll issue you the designated  
29 hunter permit, and so that at the time when they obtain  
30 the permit, there would be a clear line of who's getting  
31 the permit and who's doing the hunting, so there would be  
32 no confusion whatsoever.

33

34                   And so Glennallen will be the issuing  
35 office, and so Glennallen felt comfortable about that,  
36 because the last time when we issued the permit, we just  
37 sent a letter with the permit, and there was no direct  
38 communication about -- and so there was some confusion,  
39 and actually the hunters were out and the permit was in  
40 the cabinet, the file cabinet, and then they ended up  
41 subpoenaed and now it's in court. But that was their  
42 recommendation, and Glennallen felt comfortable being the  
43 issuer of the permit and having that direct contact with  
44 the camp to go over.

45

46                   And also the concern in Unit 13, there's  
47 a limited amount of Federal land, and then the Glennallen  
48 office would clearly emphasize where the Federal lands  
49 were located.

50

00108

1                   So that was the recommendation for  
2 modification, put it in special provisions, but with  
3 those conditions recommended by the Glennallen BLM field  
4 office. So that concludes my analysis.

5  
6                   CHAIRMAN NICHOLIA: Thank you, Pat. Is  
7 that right, Southcentral never met yet?

8  
9                   MR. MATHEWS: No, Southcentral meets next  
10 week I think. Two weeks. So they have not met yet.

11  
12                   CHAIRMAN NICHOLIA: You know, I'd like to  
13 go through the motions, but really, you know, really I  
14 hate to create a conflict, you know. We'll support it.  
15 We'll have to figure out something here, because if we  
16 support it and they don't support, we'll create a  
17 conflict. That's what I'm worried about. But we'll  
18 support it somehow, you know. It's a pretty good  
19 proposal, you know, I think.

20  
21                   MR. BASSICH: Yeah.

22  
23                   CHAIRMAN NICHOLIA: Trish.

24  
25                   MS. WAGGONER: Pat, the one thing I  
26 noticed here, it says they haven't reported on either --  
27 the harvest on either hunt. Would there -- having BLM be  
28 the issuing office help address the harvest reporting?

29  
30                   MS. PETRIVELLI: Yes. And, of course,  
31 with them being cited by the court, that would help, too,  
32 since they got the violation. I think they got a \$300  
33 fine for not reporting, so I think they're very much  
34 aware of permit conditions now, and so -- but the BLM  
35 officer, Elija Waters, he was committed to informing the  
36 camp and working closely with them to making sure they  
37 comply with all permit conditions.

38  
39                   MR. HAYNES: Thank you, Mr. Chairman.  
40 Terry Haynes, Department of Fish and Game.

41  
42                   The Department usually supports these  
43 culture camp permit requests. We're remaining neutral on  
44 this one, because we are distressed that there were  
45 violations associated with it, and we believe the  
46 preliminary conclusion, the plan of action that's laid  
47 out in this staff analysis is an attempt to address those  
48 problems. So we hope that will work, because we like to  
49 continue supporting these kinds of requests.

50

00109

1 CHAIRMAN NICHOLIA: Thank you, Terry.  
2 Before we go into questions, you guys can sit there,  
3 we're going to open the floor for public comments.  
4 Anybody want to speak to this proposal specifically?

5  
6 (No comments)

7  
8 CHAIRMAN NICHOLIA: Any written public  
9 comments?

10  
11 MR. MATHEWS: Yes, Mr. Chairman, there  
12 was a letter of support from the AHTNA corporation. They  
13 support the proposal which allows for taking of moose and  
14 caribou for this treatment center. People in Hudson Lake  
15 Treatment Center will be able to learn AHTNA's customs,  
16 traditions, and lifestyle, such as sharing among  
17 ourselves and others. So they support this proposal.

18  
19 CHAIRMAN NICHOLIA: Yeah, I think it's --  
20 go ahead, Craig.

21  
22 MR. FLEENER: Mr. Chairman, I move that  
23 we defer this proposal to the home region, to the home  
24 unit, whatever they're called.

25  
26 MS. WAGGONER: Second.

27  
28 MR. UMPHENOUR: Question.

29  
30 CHAIRMAN NICHOLIA: Let her to speak,  
31 first.

32  
33 MS. ENTSMINGER: Yeah. Mr. Chair, I  
34 guess I would like to at least support the concept from  
35 this organization. Maybe we don't -- you know, if you  
36 want to defer, that's fine, but I would like to at least  
37 go on record saying that we support this concept. I  
38 mean, we did take up Unit 11, and -- at any rate,  
39 that's.....

40  
41 CHAIRMAN NICHOLIA: Yeah. It's noted on  
42 the record that, because we're not taking really any  
43 action, because Southcentral has never met yet, and if  
44 they go against our recommendation, that will send a  
45 wrong message to the Federal Board, and I don't really  
46 like to do that. But we'll go on record is that we say  
47 we support the staff recommendation, and take care of  
48 those illegal activities.

49  
50 But it's been moved by Fleener, second by

00110

1 Tricia. The question has been called to defer the  
2 proposal back to the home region. All those in favor  
3 signify by saying aye.

4

IN UNISON: Aye.

6

7 CHAIRMAN NICHOLIA: All those opposed,  
8 same sign.

9

10 (No opposing votes)

11

12 CHAIRMAN NICHOLIA: Move on, Vince.

13

14 MR. MATHEWS: Mr. Chairman, what we can  
15 do is -- I don't know which staff here will be going to  
16 Southcentral. We can convey the message that the Council  
17 supports the idea of allowing the treatment center, but  
18 that the home region will work out the details that were  
19 addressed in the proposal. So you support the concept.  
20 So I'll make a note of that and either or someone else  
21 will convey that to get that to the Southcentral meeting.  
22 So I think that meets everyone's needs that was  
23 discussed, correct? Okay.

24

Thank you.

26

27 The next proposal is Proposal 26, a  
28 similar proposal, provide for educational take of moose  
29 or caribou in Unit 13.

30

31 Thank you.

32

33 MS. PETRIVELLI: Mr. Chairman, with this  
34 -- the analysis for this proposal begins on Page 136, and  
35 this proposal was submitted by the AHTNA Heritage  
36 Foundation, and it's -- requests the take of one moose or  
37 two caribou in Unit 13 for the AHTNA Cultural Camp. And  
38 they also have received special action permits in the  
39 past.

40

41 The thing that's different about this  
42 proposal is they just asked for moose the last time, and  
43 now they're asking for one moose or two caribou.

44

45 There was some question about the dates  
46 allowed, because it went from August 10 to September 30.  
47 And what they had done was they had just combined the two  
48 seasons into one. And so I just -- I asked them if it  
49 was okay to just do it for the existing -- I discussed  
50 about why -- because the camp's usually in August, and



00112

1 for public comments.

2

3 (No comments)

4

5 CHAIRMAN NICHOLIA: None.

6

7 MR. MATHEWS: Oh, sorry.

8

9 CHAIRMAN NICHOLIA: Go ahead, Vince. Oh,

10 go ahead, Greg.

11

12 MR. BOS: Yes, Mr. Chair, I just wanted  
13 to add one additional point that the Staff Committee  
14 discussed on this proposal, and generally we support the  
15 flexibility within those dates, but the information  
16 available so far is that the camp is usually held in  
17 August, and so we would suggest as this moves forward to  
18 the Board, that we might have a provision in here for the  
19 issuance of the permit for the time period to be  
20 specified on the permit, so that it would end at the time  
21 the camp ends. Because once the camp is concluded, there  
22 shouldn't be an opportunity to continue harvesting after  
23 that camp is over with.

24

25 CHAIRMAN NICHOLIA: Any more public

26 comments.

27

28 (No comments)

29

30 CHAIRMAN NICHOLIA: Written public

31 comments.

32

33 MR. MATHEWS: Yes, Mr. Chairman. In the  
34 same letter that was submitted for 25, the AHTNA  
35 Corporation supports the proposal to have an educational  
36 permit for moose and caribou take in Unit 13 so that the  
37 younger generation will be allowed to learn customs and  
38 traditional ways of the AHTNA people. So the AHTNA  
39 Corporation supports the proposal.

40

41 CHAIRMAN NICHOLIA: Fleener.

42

43 MR. FLEENER: Thank you, Mr. Chair. I

44 move that we defer Proposal 26 to the home region.

45

46 MR. BASSICH: Second.

47

48 CHAIRMAN NICHOLIA: With the intention of

49 support?

50

00113

1 MR. FLEENER: Absolutely.

2

3 MR. UMPHENOUR: Second.

4

5 CHAIRMAN NICHOLIA: It's been seconded.

6

7 MR. FLEENER: It's been thirded.

8

9 MR. UMPHENOUR: Question.

10

11 CHAIRMAN NICHOLIA: It's been moved by  
12 Fleener, second by Stevens. The question has been  
13 called. All those in favor of deferring Proposal 26 to  
14 the home region with the intention of supporting it  
15 signify by saying aye.

16

17 IN UNISON: Aye.

18

19 CHAIRMAN NICHOLIA: All those opposed,  
20 same sign.

21

22 (No opposing votes)

23

24 CHAIRMAN NICHOLIA: Proposal 27. Vince.

25

26 MR. MATHEWS: Yes, Mr. Chairman.

27 Proposal 27 was submitted by the Alaska Department of  
28 Fish and Game. It requests shortening the season for  
29 moose in parts of Unit 13.

30

31 MR. RIVARD: Good morning, Mr. Chair.  
32 Don Rivard with the Office of Subsistence Management.  
33 I'll be providing you with this analysis this morning.  
34 The analysis starts on Page 146 of your Council book.

35

36 Proposal 27 submitted by the Alaska  
37 Department of Fish and Game requests harvest dates for  
38 moose in Unit 13, remainder, be shortened by 14 days, and  
39 that reporting of the harvest to BLM be done within three  
40 days. The harvest season would be changed from August  
41 1st to September 20th to the dates of August 15th to  
42 September 20th.

43

44 The proponent requests that the Federal  
45 subsistence harvest regulations for moose hunting be  
46 changed to align with the existing State seasons and that  
47 harvest reporting requirements be changed. The proponent  
48 wants the season change for several reasons.

49

50 The first reason is that the first two

00114

1 weeks of August are very often warm and wet. To ensure  
2 proper care of the meat, reducing or eliminating meat  
3 spoilage, cool and dry weather is required. Typically  
4 this weather does not occur until mid to late August.

5  
6 The second reason has to deal with  
7 enforcement issues. The proponent believes that many of  
8 the moose taken under the Federal subsistence regulations  
9 are harvested outside of Federal lands. If the season  
10 were to be aligned with the State Tier II season, there  
11 would be more enforcement officers in the field helping  
12 to address enforcement issues.

13  
14 The three-day reporting requirement and  
15 the reporting of the exact kill location would allow law  
16 enforcement officials to more easily investigate  
17 suspected illegal harvest by returning to the kill site.

18  
19 So the proposed regulation then would  
20 read, one antlered bull moose by Federal registration  
21 permit only, hunt information, including permit number  
22 and exact location of harvest is to be reported to the  
23 BLM field office within three days of harvest. And the  
24 season dates would be August 15th through September 20th.

25  
26 Rural residents of Unit 13 and the  
27 residents of Chickaloon and Slana have a customary and  
28 traditional use determination for moose in Units 13(A)  
29 and 13(D). Rural residents of Unit 13, also 20(D) except  
30 for Fort Greely, and the residents of Chickaloon and  
31 Slana have a customary and traditional use determination  
32 for moose in Unit 13(B) as in beaver. Rural residents of  
33 Unit 12 and 13 and the residents of Healy Lake,  
34 Chickaloon, Dot Lake and Slana have a customary and  
35 traditional use determination for moose in Unit 13(C).

36  
37 Population declines in the Nelchina basin  
38 have continued through the present, affected most by the  
39 severity of winters and a decline in the adult cow  
40 population and low calf survival. Since 1994, in Unit  
41 13(A), adult cows have declined approximately 56 percent,  
42 primarily due to poor calf survival. In Unit 13(B) cow  
43 moose density is 38 percent below historic highs, and the  
44 adult cow population has declined 26 percent since 1991.  
45 The bull/cow ratio in Unit 13 was stable in the mid 1990s  
46 and increased in 1999, but has remained below the current  
47 management objectives of 25 to 30 bulls per 100 cows.  
48 The ADF&G's overall moose population goal for Unit 13 is  
49 to increase the population to 20,000 to 25,000 moose, and  
50 to be able to increase the harvest to 1200 to 2,000

00115

1 animals annually. The current population is considered  
2 stable, and that's reflected in table 1.

3

4 If this proposal is adopted, it would be  
5 more restrictive than the current regulation, and would  
6 shorten the Federal harvest season by 14 days, thus  
7 reducing opportunities for qualified subsistence users to  
8 harvest moose. It would align State and Federal  
9 regulations, which would eliminate the current 14-day  
10 priority subsistence users currently have on Federal  
11 lands.

12

13 The Federal Board granted this 14-day  
14 priority in 1995 for a number of reasons. The short  
15 hunting season was not meeting the subsistence users need  
16 for moose. The influx of hunters from urban areas, with  
17 their use of motorized vehicles hindered the local  
18 hunters from being successful in harvesting a moose. A  
19 local hunting season provided local hunters more  
20 opportunities to have more days to hunt, to teach their  
21 subsistence lifestyle to the younger generations, and to  
22 have the time and a reasonable opportunity to hunt for  
23 their families and for others in their communities who no  
24 longer are able to hunt for health or economic reasons.  
25 The longer hunting season ensures the customary and  
26 traditional use of moose, and allows the handing down of  
27 the knowledge of hunting skills, values, and lore to the  
28 younger generations. These conditions still exist and  
29 help to justify maintaining the current harvest season.

30

31 Currently the moose population is  
32 considered stable, and the current harvest is considered  
33 sustainable.

34

35 Subsistence harvest of moose during the  
36 first 14 days of August have been low, ranging between  
37 five and seven animals between the years 2000 and 2002.

38

39 Shortening the season would lessen  
40 opportunity for the subsistence user, basically placing a  
41 burden on all subsistence users, because of possible  
42 illegal harvest by some individuals. Adopting this  
43 proposal would not address the main concern of the  
44 proponent, which is Federal hunters harvesting moose on  
45 State lands, but reporting their harvest was taken from  
46 Federal lands. Also, if individuals are going to harvest  
47 illegally, a shortened season will not address this  
48 concern.

49

50 The Bureau of Land Management has not

00116

1 issued any citations for illegal harvest. Law  
2 enforcement officials have stated that in the future  
3 officers will be watching the trails that pass through  
4 Federal lands to State lands more closely to help  
5 eliminate the possibility of illegal harvest.

6  
7 Also, shortening the reporting time to  
8 three days and requiring the permit number and the exact  
9 location of harvest would also do little to curtail the  
10 concern of illegal harvest. Hunters may be in the field  
11 for more than three days. Requiring reporting of the  
12 exact harvest location would not alter the behavior of  
13 violators, but only further encumber the users.

14  
15 The two reasons for this proposal were  
16 concerns over meat spoilage in early August, and  
17 Federally reported moose potentially being taken off of  
18 State lands.

19  
20 Shortening the reporting time may aid in  
21 finding and investigating kill sites for enforcement  
22 purposes, but does not address the concern over meat  
23 spoilage or illegal harvest directly. There are very few  
24 moose harvested in early August in Unit 13.

25  
26 Subsistence hunters are aware of the  
27 possibility of meat spoilage during warm weather and take  
28 measures to prevent it from occurring. Most of the moose  
29 harvested on Federal lands are harvested very close to  
30 the road system, and are brought out of the field  
31 quickly, thus preventing any spoilage.

32  
33 The preliminary conclusion then is to  
34 oppose the proposal.

35  
36 Thank you, Mr. Chair.

37  
38 CHAIRMAN NICHOLIA: Thank you, Don.  
39 Terry.

40  
41 MR. HAYNES: Mr. Chairman, the  
42 Department's comments on our own proposal are on Page  
43 152. And we -- we're concerned that in the portion of  
44 Unit 13 that's affected by this proposal, Federal public  
45 lands are less than two percent of the lands in the area,  
46 but the Federal harvest reported over the past few years  
47 has been nine percent of the total moose harvest in Unit  
48 13. And we think it's highly unlikely that that much --  
49 that many moose can be taken from those Federal lands,  
50 because those Federal lands aren't that good of moose

00117

1 habitat.

2

3

4 There still would -- with adoption of the  
5 proposal, we think there would be ample opportunity for  
6 Federally qualified hunters, because they would be  
7 competing with State Tier II permit holders, many of whom  
8 would also be Federally qualified subsistence users.

8

9

10 As you move later into August, there's  
11 less chance of meat spoilage as temperatures get cooler.

11

12

13 And we've decided that, you know, the  
14 three-day reporting requirement that we've proposed  
15 probably is not realistic, so we'd be -- if this proposal  
16 moved forward, we'd be happy to see that reporting  
17 requirement extended to five to seven days, something  
18 that would better fit with people's hunting practices.

18

19

19 Thank you.

20

21

22 CHAIRMAN NICHOLIA: We'd like to open  
23 floor for public com -- have you got a question for him?  
24 Go ahead.

24

25

25 MR. BASSICH: Yes, I'd just like to know  
26 if you've documented violations regarding moose taken out  
27 of season or moose being taken on State lands and claimed  
28 as being taken on Federal lands. Has there been a  
29 documented case where this has been prosecuted and  
30 persons have been found guilty doing this?

31

32

33 MR. HAYNES: I don't know if the Federal  
34 Staff have that information. One of the problems has  
35 been, from the State's point of view, a lack or very  
36 little Federal enforcement of the Federal regulations in  
37 the areas where the Federal lands are located.

37

38

38 MR. BASSICH: Yeah. I guess what I'm  
39 asking, it seems to me in this country you're innocent  
40 until proven guilty, and if there's suspect that this is  
41 taking place, that's one thing, but until you -- until  
42 these types of violations have been documented, I can't  
43 see us putting proposals or making regulations on  
44 assumptions.

45

46

46 Thank you, Mr. Chairman.

47

48

49 CHAIRMAN NICHOLIA: So let's just go  
50 through this process here, and we'll just -- is there  
51 anybody else, open floor for public comments.

00118

1 (No comments)

2

3 CHAIRMAN NICHOLIA: Written public  
4 comments then.

5

6 MR. MATHEWS: Yes, Mr. Chairman, there  
7 were two submitted. One that's in your book on 152 is  
8 the AHTNA Corporation oppose this proposal to shorten the  
9 season.

10

11 The Wrangell-St. Elias Subsistence  
12 Resource Commission took this up in their meeting on  
13 February 11th and 12th, and on Proposal 27 they support  
14 the proposal as written. There's no explanation why they  
15 supported it, and I believe sue might have been at that  
16 meeting, if the Council wants to know why they support  
17 it. And if not, then it just stands that they supported  
18 the proposal as written.

19

20 CHAIRMAN NICHOLIA: Do you mean the AHTNA  
21 Corporation supported this proposal or opposed it?

22

23 MR. MATHEWS: I'm sorry, they opposed it.  
24 I'm sorry, they oppose. AHTNA opposed. Sorry.

25

26 CHAIRMAN NICHOLIA: Let's see, who had  
27 their hand up first?

28

29 MR. BASSICH: Sue.

30

31 CHAIRMAN NICHOLIA: Uh?

32

33 MR. BASSICH: Sue.

34

35 CHAIRMAN NICHOLIA: Go ahead, Sue.

36

37 MS. ENTSMINGER: Thank you, Mr. Chairman.  
38 I was just going to report. I believe they felt like it  
39 was just very little harvest in August, and some of the  
40 people that do harvest in August, they dry the meat, so  
41 it just wasn't a spoilage problem.

42

43 CHAIRMAN NICHOLIA: Go ahead, Craig.

44

45 MR. FLEENER: Thank you, Mr. Chair. I  
46 move to defer proposal 27 to the home region.

47

48 MS. WAGGONER: Second.

49

50 CHAIRMAN NICHOLIA: Go ahead, Craig.

00119

1 MR. FLEENER: Thank you, Mr. Chair. I  
2 just wanted to -- I guess I wanted to ask a couple of  
3 questions to Terry probably. Has the decrease in the  
4 moose population been linked to excessive human harvest  
5 in this area?

6  
7 CHAIRMAN NICHOLIA: Go ahead.

8  
9 MR. HAYNES: Mr. Chairman, as the  
10 analysis was that the harvest is very low, so you  
11 probably can't attribute the decline in the moose  
12 population to the harvest under the Federal regulations.

13  
14 MR. FLEENER: Thanks, Terry. That's sort  
15 of what I thought.

16  
17 The second question is back to you again,  
18 Terry. What other management actions have been taken or  
19 recommended to remediate the declining populations?

20  
21 MR. HAYNES: Well, on the State side  
22 there's a predator control problem occurring right now  
23 where I think at least so far this winter there have been  
24 60 some wolves taken through the predator program, the  
25 aerial hunting program.

26  
27 UNIDENTIFIED VOICE: 70 some.

28  
29 MR. HAYNES: 70 some now? So that's one  
30 very active management action that the State has taken.

31  
32 CHAIRMAN NICHOLIA: Philip.

33  
34 MR. TITUS: Yeah. Back to Andy's  
35 question. Any documentation of spoilage? Where it's  
36 spoiled? In the camp? I mean, in the field, or there's  
37 just no -- you assume it's going to spoil?

38  
39 MR. HAYNES: Mr. Chairman, Philip, as you  
40 know, hunting moose early in August, the temperatures are  
41 often very warm. There is a possibility for meat  
42 spoilage if the conditions are warm. As you get later  
43 into August and into September, weather conditions are  
44 better, more favorable for moose preservation.

45  
46 MR. TITUS: They're better.....

47  
48 CHAIRMAN NICHOLIA: Hold on. Hold on.  
49 You know, forefathers living in that area, and I know  
50 father's having a hard time -- father's a Federal

00120

1 qualified user, and they got a moose in warm weather,  
2 they'll certainly put it away. And to stereotype those  
3 people like that is just not my way of doing things, you  
4 know. It seems like even OSM does that, you know, it's  
5 got to -- you can't stereotype all the Federal qualified,  
6 even the subsistence use of the whole State of Alaska the  
7 same. We all have different cultures. We all come from  
8 different regions, and every time I look at these  
9 proposals, both State or Federal, it seems like it's  
10 always -- no matter if we're the best people and we take  
11 care of the meat and everything, it's always the other  
12 person that makes us look bad, and this stereotyping is  
13 just passed on, passed on, passed on. We've got to come  
14 out just with a better way. Tricia.

15

16 MS. WAGGONER: Having lived in this area  
17 myself, I mean, you do get good conditions in August, and  
18 I have a personal problem with the State trying to  
19 continually align the proposals to meet the State regs to  
20 make their enforcement easier. You know, it's just --  
21 we're here to provide opportunity to subsistence hunters  
22 who take care of their meat, and who are prepared to deal  
23 with meat in warm weather. So that's.....

24

25 CHAIRMAN NICHOLIA: Virgil.

26

27 MR. UMPHENOUR: Okay. I have a couple of  
28 thoughts on this proposal. I can see the reason for the  
29 proposal, and I'll just tell a little experience,  
30 personal experience of my own.

31

32 We, of course, every year, my business  
33 cuts up in excess of -- well, we cut up 70 to 100,000  
34 pounds of moose meat every fall. And I do know that I  
35 can remember, I don't remember how long ago it was, but  
36 the moose season opened when it was very warm weather,  
37 and I had hunters that were very experienced hunters that  
38 have lived around -- that have lived in Alaska their  
39 entire life, bring in moose meat and they thought they  
40 had taken proper care of their moose, but with the super  
41 warm weather, what happens, even if you totally butcher  
42 as soon as it's killed, you hang it up, and I've  
43 investigated this, because of a court case once with Dr.  
44 Gore, the head veterinarian and meat inspector for the  
45 State of Alaska. This is even a problem in  
46 slaughterhouses, if you can't cool the meat off enough.  
47 What happens is you get what they call bone sore.  
48 Bacteria spreads through the membranes and especially  
49 around large bones, and you get this real pretty green  
50 colored meat that looks like copper sulfide. It's kind

00121

1 of a bright green color, almost like his shirt over  
2 there, and that meat is totally ruined. It's bone  
3 soured. And it's not because the person didn't take care  
4 of the meat. It's because the weather was too warm, and  
5 the meat didn't cool off fast enough. And that does  
6 happen no matter how hard a person tries, no matter how  
7 well they take care of it. If the temperature's too  
8 warm, that will happen. I just wanted to point that out.

9

10 And then the other thing I want to point  
11 out is the State's comments, they're talking about  
12 enforcement. Enforcement is a problem throughout the  
13 State with both systems, both the Federal and the State  
14 system, because we have such a giant state, and so few  
15 enforcement people. So that's going to be a problem no  
16 matter what you do.

17

18 But that does happen, especially to a  
19 very large animal like a moose, no matter how hard you  
20 try, and if you do -- you can do everything perfect, and  
21 you can still lose meat if the temperature's too warm.

22

23 Thank you.

24

25 CHAIRMAN NICHOLIA: Thank you, Virgil.  
26 Jay, you wanted to say something?

27

28 MS. ENTSMINGER: Mr. Chairman, I think  
29 I'm getting senile, because I reported what AHTNA felt on  
30 the SRC. The SRC was in favor of aligning the seasons  
31 with the State. So I apologize.

32

33 And actually that is very little Federal  
34 land down there, and I was just going to ask Connie if  
35 she remembers, because I wasn't there during the entire  
36 meeting, but it's not important maybe, but there might  
37 have been some other reasons why.

38

39 But if we're going to defer the other  
40 proposals, do you want to defer this one now?

41

42 MR. FLEENER: We've already got a motion  
43 to that.

44

45 CHAIRMAN NICHOLIA: There's already a  
46 motion on it, it's already been seconded.

47

48 MS. ENTSMINGER: Okay.

49

50 CHAIRMAN NICHOLIA: We're just discussing

00122

1 it.

2

3

MS. ENTSMINGER: Thanks.

4

5

6

CHAIRMAN NICHOLIA: There's already a motion on the floor and we're just discussing. Have you

7

got anything, Vince?

8

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MR. BASSICH: Thank you, Mr. Chairman. I just wanted to stated that we have a lot of these same issues in the region that I live in, and we do have an early moose hunt in our area. However, it's not as early as this one, but for those of us who like to hunt that early season, because we don't want to go out and compete against the masses during the regular hunts, and there's no doubt about the quality of the hunts during the regular season have gone down dramatically in our region due to the influx of other hunters. This is a really important time for people to be able to get out there and have a quality hunt, and maybe get a leg up on a busy fall season. So I just think this is a really important thing to provide for subsistence users in the regions. And I realize it's not a heavy impact on the animals in the region, and I think it has much greater value to those that live there and want that opportunity. And so I'm in support of opposing any restrictions on subsistence users.

Thank you.

CHAIRMAN NICHOLIA: Fleener.

MR. FLEENER: Question.

CHAIRMAN NICHOLIA: It's been moved to deferred, seconded, and the question has been called.

All those in favor signify by saying aye.

IN UNISON: Aye.

(No opposing votes)

MR. MATHEWS: Okay. The next proposal is

00123

1 Proposal 36 on Page 153. It's from the Office of  
2 Subsistence Management. It's to delegate the authority  
3 to the office to adjust trapping and harvest limits for  
4 lynx in various units throughout the Interior and  
5 Southcentral.

6

7 MR. RIVARD: Thank you, Mr. Chair. Don  
8 Rivard with the Office of Subsistence Management.

9

10 Proposal 36, which the analysis starts on  
11 Page 154, is basically a housekeeping by our office to  
12 move the delegated authority to a Federal Subsistence  
13 Board delegated authority to be described in Subpart D of  
14 our regulations. This proposed regulatory action will  
15 clarify implementation procedures for delegation of  
16 authority to the Assistant Regional Director for  
17 Subsistence Management, and that currently is Tom Boyd in  
18 that office.

19

20 The current delegation of authority  
21 letter allows the Assistant Regional Director to  
22 implement changes to seasons and harvest limits through  
23 the special action provisions. Special action provisions  
24 described in Section 19, however, do not allow for such  
25 changes in seasons and harvest limits to exceed 60 days  
26 without conducting a public hearing.

27

28 As the Board's intent was to allow the  
29 Office of Subsistence Management to make annual  
30 adjustments in lynx harvest regulations for the specified  
31 units using the current harvest information, and the lynx  
32 harvest management strategy, a regulatory change is  
33 needed. To accomplish this change, the delegation of  
34 authority letter for lynx special actions should be  
35 withdrawn and the delegated authority would be  
36 articulated in Subpart D of the regulations.

37

38 The proposed regulation is on Page 154  
39 and the top of 155. I'll go ahead and read that for the  
40 record. Subpart D, subsections .26, the Assistant  
41 Regional Director for Subsistence Management, Fish and  
42 Wildlife Service, is authorized to open, close or adjust  
43 Federal subsistence lynx seasons, and to set harvest and  
44 possession limits for lynx in units 6, 7, 11, 13, 14, 15,  
45 16, 20(A), 20(B), 20(C) east of the Teklanika River,  
46 20(D) and 20(E). This delegation may be exercised only  
47 when it is necessary to conserve lynx populations or to  
48 continue subsistence uses, only within guidelines listed  
49 within the Lynx Harvest Management Strategy, and only  
50 after staff analysis of the potential action and Staff

00124

1 Committee concurrence.

2

3

4 In 2001 the Federal Subsistence Board  
5 provided the Assistant Regional Director for Subsistence  
6 Management with a delegation of authority letter to allow  
7 the Office of Subsistence Management to adjust lynx  
8 seasons and harvest limits through the use of ADF&G  
9 harvest tracking management strategy. This delegated  
10 authority requires coordination with ADF&G and  
11 consultation with the appropriate Federal land management  
12 agencies and a staff analysis.

12

13

14 This delegated authority was utilized in  
15 2001, 2002 and 2003. In 2001, Special Action Number 01-  
16 04 adjusted -- proposed adjustments to the lynx trapping  
17 seasons in Units 11 and 13. In 2002, Special Action 02-  
18 03 proposed adjustments to lynx trapping seasons in many  
19 of these units, and the portion of 20(C) east of the  
20 Teklanika River. In 2003, Special Action 03-07 proposed  
21 adjustments to lynx trapping seasons in Units 6, 14(C)  
22 and 16. All of these proposals were adopted and  
23 implemented under special action provisions.

23

24

25 Adoption of this proposal would allow the  
26 Office of Subsistence Management to continue making  
27 annual adjustments to lynx seasons and harvest limits  
28 consistent with the lynx management strategy.

28

29

30 The new regulatory language in subsection  
31 .26 will clarify implementation procedures and therefore  
32 will not be subject to the limitations of special action  
33 provisions in subsection .19.

33

34

35 The preliminary conclusion then is to  
36 support the proposal with modification to state the  
37 maximum season length authorized. The proposed  
38 regulation would read, Subpart D, subsection .26, the  
39 Assistant Regional Director for Subsistence Management,  
40 Fish and Wildlife Service, is authorized to open, close  
41 or adjust Federal subsistence lynx seasons, and to set  
42 harvest and possession limits for lynx in units 6, 7, 11,  
43 13, 14, 15, 16, 20(A), 20(B), 20(C) east of the Teklanika  
44 River, 20(D) and 20(E), with a maximum season of November  
45 10th through February 28th. This delegation may be  
46 exercised only when it is necessary to conserve lynx  
47 populations or to continue subsistence uses, only within  
48 guidelines listed within the Lynx Harvest Management  
49 Strategy, and only after staff analysis of the potential  
50 action and Staff Committee concurrence.

50

00125

1 Thank you, Mr. Chair.

2

3

CHAIRMAN NICHOLIA: Hold on, Don. You know, I have a lot of people who's not in favor of control lands. That east of the -- in 20(C), is that east of this Teklanika River. Where is that located? Is that in Denali National Park, around the Toklat?

8

9

MR. STEVENS: No, it's down by Nenana.

10

11

CHAIRMAN NICHOLIA: Down by Nenana. Okay. I'm not, you know -- I know we're not going to do nothing, but I just don't want the people I represent in Tanana/ Rampart/Manley advisory committee to come barking up my tree. Terry.

16

17

MR. HAYNES: Thank you, Mr. Chairman. The Department supports this proposal. The -- it's simply a matter of making the process more efficient for administration by the Office of Subsistence Management. Each spring the Department determines what the lynx seasons should be in these areas. We provide that information to the Office of Subsistence Management, and they've chosen to support those seasons being published in the Federal regulations. So anything that will help keep that coordination working efficiently is something we'd like to support.

28

29

Thank you.

30

31

CHAIRMAN NICHOLIA: Yeah. Thank you, Terry. Okay. Vince, is there -- I mean, open floor for public comments. Oh, go ahead.

34

35

MS. WAGGONER: On Page 153, general description, you included Unit 12. On Page 154 you don't include Unit 12, nor do you include Unit 12 on the proposed description. So is Unit 12 included or not?

39

40

MR. MATHEWS: Let's see the original proposal.

42

43

MR. RIVARD: We're checking into that.

44

45

MR. FLEENER: Mr. Chairman, can I ask a question while they're looking that up? I was wondering, Don, why are these subunits, or, excuse me, these units included, but not other units, because it seems like a fairly limited number of units.

49

50

00126

1 MR. RIVARD: Well, I don't have the  
2 answer to that. I'm assuming that it -- maybe Terry can  
3 do that.

4  
5 MR. HAYNES: Mr. Chairman, these are the  
6 units that are covered under the Department's Lynx  
7 Harvest Management Strategy Tracking Program.

8  
9 MR. FLEENER: So then it's important for  
10 the Vice Director -- the Assistant Regional Director to  
11 have authority to close or extend seasons or whatever in  
12 these units, but it's not important for him to have that  
13 same authority in other units?

14  
15 MR. RIVARD: Well, it's just that this is  
16 the -- where these special actions have been coming from  
17 are the units under the Lynx Management Strategy.

18  
19 And just to answer Tricia's question,  
20 Unit 12 should be included in all that. It's part of the  
21 original proposal. So it just didn't get into these  
22 other parts of it.

23  
24 Thank you for pointing that out.

25  
26 MR. UMPHENOUR: The reason for this is  
27 that's where the lynx are actually monitored, and in  
28 another area such as Mr. Fleener's area, they're not  
29 monitored, correct?

30  
31 MR. FLEENER: Thank you, Virgil.

32  
33 MS. WAGGONER: Okay. Second one. Unit  
34 20 is on the first page, again on the -- the issue states  
35 Unit 20(A), 20(B), 20(C). Okay. 20(D) and (E).

36  
37 MR. STEVENS: So it's all of 20.

38  
39 MS. WAGGONER: Okay. So I guess it's  
40 just, are we talking all of 20 or just 20(C) east of the  
41 Teklanika?

42  
43 MR. RIVARD: The original proposal is  
44 20(C) east of the Teklanika River, so it's not all of  
45 20(C).

46  
47 MS. WAGGONER: Thank you.

48  
49 MR. TITUS: I have a question. Does the  
50 State have this kind of authority or just the Feds?

00127

1 MR. HAYNES: Mr. Chairman, Philip, the  
2 Department each spring looks at the lynx data and decides  
3 what the lynx seasons should be during the next season in  
4 these units, and those are -- the Department has been  
5 delegated authority to implement those seasons in the  
6 State regulations. We then provide that information to  
7 the Office of Subsistence Management, and recommend that  
8 they adopt those same seasons in the Federal Regulations.  
9

10 MR. TITUS: That wasn't the question --  
11 that wasn't the question. The question is, do they have  
12 the -- does State have the authority to open and close  
13 and adjust the seasons as this proposal is asking.  
14

15 MR. HAYNES: Mr. Chairman, as I said, the  
16 Department has been delegated the authority from the  
17 Board of Game to adjust the lynx seasons each year based  
18 on research data and harvest data that it has for lynx.  
19

20 MR. FLEENER: Say yes.  
21

22 MR. HAYNES: Yes. How's that?  
23

24 CHAIRMAN NICHOLIA: Hold on. Hold on.  
25 Hold on. Okay. We want to open floor for public  
26 comments.  
27

28 (No comments)  
29

30 CHAIRMAN NICHOLIA: The written public  
31 comments there, Mathews.  
32

33 MR. MATHEWS: Yes, Mr. Chairman, on  
34 Proposal 36 the AHTNA Corporation supports the proposal,  
35 and I'm trying to see here if -- Wrangell-St. Elias again  
36 at their February meeting took it up and they also  
37 support the Proposal 36. And that's all the written  
38 comments that were available.  
39

40 CHAIRMAN NICHOLIA: Thank you, Vince.  
41 Okay. Go ahead, Tricia.  
42

43 MS. WAGGONER: I would just ask that Don  
44 would please reread the way it should be written,  
45 including -- so there's no question regarding Unit 12 and  
46 Unit 20.  
47

48 MR. RIVARD: With your permission, Mr.  
49 Chair, I will do that. Looking on Page 156, we're just  
50 going to add 12, and I'll read the whole thing again.

00128

1 The proposed regulation should read: Subpart D,  
2 subsection .26, the Assistant Regional Director for  
3 Subsistence Management, Fish and Wildlife Service, is  
4 authorized to open, close or adjust Federal subsistence  
5 lynx seasons, and to set harvest and possession limits  
6 for lynx in units 6, 7, 11, 12, 13, 14, 15, 16, 20(A),  
7 20(B), 20(C) east of the Teklanika River, 20(D) and  
8 20(E), with a maximum season of November 10th through  
9 February 28th. This delegation may be exercised only  
10 when it is necessary to conserve lynx populations or to  
11 continue subsistence uses, only within guidelines listed  
12 within the Lynx Harvest Management Strategy, and only  
13 after staff analysis of the potential action and Staff  
14 Committee concurrence.

15

16 Thank you, Mr. Chair.

17

18 MR. FLEENER: Thank you, Mr. Chair. I  
19 move to adopt Proposal 36 as just read by Don.

20

21 MS. ENTSMINGER: Second.

22

23 CHAIRMAN NICHOLIA: It's been moved,  
24 seconded. Discussion.

25

26 (No comments)

27

28 MR. STEVENS: Question.

29

30 CHAIRMAN NICHOLIA: The question has been  
31 called. It seems like no more discussion. It's been  
32 moved and seconded to adopt Proposal 36. All those in  
33 favor signify by saying aye.

34

35 IN UNISON: Aye.

36

37 CHAIRMAN NICHOLIA: All those opposed,  
38 same sign.

39

40 (No opposing votes)

41

42 CHAIRMAN NICHOLIA: Motion carries. Do  
43 you guys want to take a break?

44

45 IN UNISON: Yeah.

46

47 CHAIRMAN NICHOLIA: Okay. Let's take a  
48 break.

49

50 (Off record)

00129

1 (On record)

2

3

4 MR. MATHEWS: The next proposal that's  
5 before the Council, these are somewhat overlap proposals,  
6 is Proposal 55, which is to revise the customary and  
7 traditional use determination for brown bear in Unit 24.  
8 And it can be found on pages 159 in your book.

8

9

10 MS. PETRIVELLI: Mr. Chairman, I'll be  
11 presenting this analysis. The original author was Helen  
12 Armstrong, and because she's doing the Western Interior  
13 C&T analysis, and then this also -- there's also a cross  
14 over with the North Slope Region. And the person that  
15 was -- that submitted this is Andy Brattrud, and he also  
16 -- the next analysis is a similar one, but I'll wait  
17 until we get there.

17

18

19 But Andrew Brattrud, I think that's how  
20 it's pronounced, but I'm not sure, requests that the  
21 existing customary and traditional use determination for  
22 brown bear in Units 24 be expanded to include all  
23 residents of the Dalton Highway corridor north of the  
24 Yukon River. And it's noted that the original proposal  
25 included -- or that WP04-55 originally requested that  
26 Stevens, Tanana, Galena, Kobuk and Koyuk be added to the  
27 C&T determination for brown bear, but Mr. Brattrud later  
28 modified his proposal in a written statement and just  
29 addressed only the residents of the Dalton Highway  
30 corridor north of the Yukon River.

30

31

32 So within the Dalton Highway, the  
33 corridor, Wiseman already had a positive customary and  
34 traditional use determination for 24. The existing C&T  
35 determinations are on Page 160, and so for brown bear, it  
36 just lists the residents there, and it's the rural  
37 residents of Unit 24 and residents of Wiseman for the  
38 remainder.

38

39

40 And the reason this proposal's before you  
41 is because -- for the portion south of Caribou Mountain  
42 and on public lands within and adjacent to the Dalton  
43 Highway Corridor Management Area, residents of Unit 24,  
44 Stevens Village and Wiseman have C&T.

44

45

46 In looking -- when the eight factors were  
47 reviewed -- well, I guess I could start with the  
48 community characteristics, and they're on Page 161. And  
49 the only other community that's in there is -- in the  
50 Dalton Highway corridor, besides Wiseman, is Coldfoot.  
51 And there -- from the 2000 census, there were 13

00130

1 residents in Coldfoot, and three were under the age of  
2 18, and all were Caucasian. And no one lived in a home  
3 they owned.

4

5                   And then as far as -- and currently in  
6 2004, there are 15 permanent residents in Coldfoot, and  
7 it's noted in summer there are approximately 40 seasonal  
8 residents. Of course, they wouldn't be federally  
9 qualified users, it's the ones who consider it their  
10 primary place of residence.

11

12                   And then it's noted there no other  
13 communities, well, besides Wiseman, but there's  
14 approximately seven other people residing along the  
15 corridor outside of Wiseman or Coldfoot. And one family  
16 moved from Wiseman to Oldman, a site where the highway  
17 crosses the Kanuti River.

18

19                   And analyst contacted some of those  
20 residents, and -- but generally in these eight factors in  
21 those uses, because of all the documentation applies to  
22 the various traditional cultures that are in that area,  
23 and so the eight factors are all -- in those factors,  
24 well, the analyst provides information requiring the uses  
25 -- that residents of 24 generally have -- because that's  
26 the one we have information on, and so -- and that's with  
27 the assumption that the year-round permanent residents  
28 living along the corridor would exhibit use patterns  
29 similar to other residents in Unit 24, such as harvest  
30 sharing and distribution.

31

32                   So the -- and I'm not going to review all  
33 eight factors, but -- and then I'm going to just go right  
34 to the effects of the proposal, and it says, if adopted,  
35 this proposal would allow permanent residents along the  
36 corridor, including permanent residents of Coldfoot, to  
37 hunt brown bear. There are only about 15 people in  
38 Coldfoot year round, and seven people living along the  
39 Dalton Highway corridor year round and claiming permanent  
40 residency. Limited information is available regarding  
41 the hunting and fishing practices of these year-round  
42 residents along the Dalton Highway corridor in camps,  
43 Coldfoot and isolated houses; however, it is known that  
44 some have long-term ties to the area and its natural  
45 resources. The Koyukon and Nunamiut uses of brown bear  
46 fulfill the eight factors. While no data is available on  
47 the uses of the people living along the corridor, except  
48 Wiseman, it is assumed that the permanent residents would  
49 adopt many of the uses similar of the people in the  
50 region.

00131

1                   A concern regarding residents in Coldfoot  
2 and along the corridor participating in subsistence  
3 hunting has been that many people feel that transient  
4 individuals working in pump stations, road maintenance,  
5 facilities, and construction camps should not be allowed  
6 to harvest subsistence resources. However, most of the  
7 transient or seasonal workers in or visitors to the  
8 corridor have been precluded from hunting brown bear  
9 under the rural residency requirements. In 1999 a change  
10 in Federal subsistence regulations requires an  
11 individual's permanent primary home to be within Alaska.

12

13

14                   Specific factors of determining residency  
15 are found in the Federal subsistence regulations where  
16 there's a review of the Alaska driver's license, hunting  
17 license, voter registrations, or locations of the  
18 residence. As a result of the change, any recent  
19 immigrant to Alaska employed and living at Coldfoot or a  
20 work camp within the corridor is prohibited from  
21 subsistence hunting.

22

23                   In order for a corridor resident to  
24 qualify to hunt under Federal regulations, an individual  
25 must have a one-year residency, maintain his or her  
26 primary residence in the corridor, and be able to  
27 demonstrate fulfillment of the other requirements in the  
28 Federal regulations.

29

30                   The 1999 change addressed many of the  
31 concerns voiced at Council meetings regarding potential  
32 abuses of the Federal subsistence program by transient  
33 corridor residents.

34

35                   This proposal will not allow any of the  
36 potentially enfranchised hunters to hunt in the Gates of  
37 the Arctic National Preserve unless they obtain a 13.44  
38 from the Park Service. Park Service eligibility  
39 regulations limit who may hunt in the Gates of the  
40 National Preserve (sic) to residents of resident zone  
41 communities.

42

43                   And so the preliminary conclusion was to  
44 support the proposal, and that would be adding the  
45 residents of the Dalton Highway Corridor Management Area  
46 north of the Yukon River, to both the Unit 24 portion  
47 south of the Caribou Mountain, and then the remainder.

48

49                   And then the justification is pretty  
50 much, well, on Page 167. And so -- and it was just what

00132

1 I'd read through about the affect of the proposal. And  
2 that concludes the analysis.

3

4 CHAIRMAN NICHOLIA: All right. Thank  
5 you, Pat.

6

7 MR. HAYNES: Mr. Chairman, I think  
8 there's an error in here we were just looking at with  
9 Clarence. It was the sentence referencing 13.44 permits  
10 for hunting in the Preserve.

11

12 MS. PETRIVELLI: And it's only for the  
13 park.

14

15 MR. HAYNES: Yeah.

16

17 MS. PETRIVELLI: Yeah. I know as I was  
18 reading it, it was -- I apologize. This was the first  
19 time I read it. That it's wrong.

20

21 MR. HAYNES: Anyway, thank you, Mr.  
22 Chairman. The Department's comments are on Page 170.  
23 We're remaining neutral on this proposal. The analysis  
24 of the eight factors presented here present data from a  
25 different cultural tradition than that of the residents  
26 of Unit 24 in the Dalton Highway corridor, so we have no  
27 way of knowing whether their traditions are the same as  
28 those of residents whose pattern of hunting and using  
29 brown bear are described in this analysis. We think that  
30 a description of the pattern of use of the residents  
31 being addressed in this proposal should be presented.  
32 And that information, I think as Pat said, information  
33 really isn't available for those people. Without that  
34 kind of information, we don't think there's sufficient  
35 information to really evaluate the proposal accurately.

36

37 Thank you.

38

39 CHAIRMAN NICHOLIA: Thank you, Terry.  
40 Open floor for public comments.

41

42 (No comments)

43

44 CHAIRMAN NICHOLIA: Written public  
45 comments?

46

47 MR. MATHEWS: Yes, Mr. Chairman. This  
48 proposal generated a lot of discussion, and during the  
49 training session you guys mentioned about outreach  
50 efforts. This is an example where we were able to

00133

1 success with outreach efforts to the author of the  
2 proposal. So if there's confusion in the book, we'll try  
3 to straighten it out. But again it also points out to  
4 the fact that the person who submitted this proposal,  
5 after I met with him, was going to be out trapping for  
6 two months straight.

7

8                   So anyways, you'll see on Page 170 the  
9 summary of written comments. I'm going to have to kind  
10 of read this one, because Sue Henderson submitted a  
11 fairly long comment on this, and so I apologize for  
12 having to read this to you, but this is only a portion of  
13 her response.

14

15                   Susan Henderson of Coldfoot supports this  
16 proposal. She feels -- she has a feeling of -- that  
17 there's prejudice and discrimination within many of the  
18 people's north of the Yukon River. She does not see in  
19 ANILCA that -- she does not see that ANILCA discriminates  
20 in regards to whether a person lives within a town, or  
21 whether they live in a trapping cabin outside of town.  
22 It simply states that a pattern of traditional pattern of  
23 use exists for subsistence users. The residents north of  
24 the Yukon River, whether in town or outside of town, have  
25 since the early 1800s gone to the woods to find nutri --  
26 nourishment, excuse me, and sustenance for their families  
27 and themselves. And she references several historical  
28 documents which are listed there. The people north of  
29 the Yukon River have a definite pattern of traditional  
30 subsistence use.

31

32                   Current regulations addressed in  
33 Proposals 55, 56, 82 and 83 show a need for change,  
34 because hunger and the lack of equality exist. Equal  
35 opportunity for all residents in the unit are not being  
36 met. Many of the unit residents feel a need to remedy  
37 their feeling of discrimination. Special attention is  
38 being paid to Wiseman with the exclusionary wording for  
39 all the other residents of the Dalton Highway corridor.

40

41                   She does not agree that there would be no  
42 change at all in the wildlife populations. If one life  
43 is taken there is change. She also does not believe the  
44 change in numbers will endanger the wildlife population.

45

46                   The proposals are just asking for a  
47 sustainable amount for the deserving and future eligible  
48 residents. Passage of these proposals would provide  
49 relief to subsistence users due to the lifting of a  
50 feeling of being overlooked and discriminated against, as

00134

1 well as a greater chance of success to supply -- to  
2 harvest a supply of meat and of clothing materials would  
3 be offered. All communities within the area have gone --  
4 have used game to sustain themselves and to assure their  
5 survival. That's Susan Henderson.

6

7                   Again, this proposal will also be taken  
8 up by Western Interior at their meeting coming up on  
9 March 9th through the 11th. I don't know if Staff here  
10 knows if North Slope -- I'm drawing a blank if this one  
11 would be covered -- yes, this was covered by North Slope.  
12 I have no information of what North Slope -- no, North  
13 Slope is meeting next week. I'm sorry. I'm sorry.  
14 They're meeting next week to take up this same proposal.  
15 So this proposal affects three regional councils.

16

17                   Thank you, Mr. Chair.

18

19                   CHAIRMAN NICHOLIA: Thank you. You know,  
20 I have serious conflicting views with this person using  
21 my Koyukon people as his backup for his eight determining  
22 factors for customary trade issues. He should use his  
23 own. And I have very grave concerns that there's a lot  
24 of conflict between Wiseman and Coldfoot and Alatna, and  
25 Allakaket. I know that for a fact, because I've got  
26 relatives over there. And they're very contagious (ph).  
27 There's a lot of gold miners in that area that fights  
28 with those natives over there. I'll say that. And  
29 they're -- Alatna and Allakaket, they try to get along  
30 with them, and they're talking about prejudice, they're  
31 the ones that's prejudiced. They don't have to go in  
32 there. They don't -- those people that had traplines  
33 from Alatna, had traplines up that way through that gold  
34 mine country, and they can't go trap there any more. So  
35 I'm very opposed to this proposal, because it's going to  
36 infringe on my relatives in Alatna and Allakaket, it's  
37 already going to infringe my people in Hughes and Huslia.  
38 Unit 24 is a pretty big unit. And a lot of these cash  
39 economy people, gold miners and highway maintenance  
40 people to infringe on my cultural people, it's not going  
41 to fly by me in my book. No way. They're already  
42 fighting for what little resources they got around Alatna  
43 and Allakaket, and for us to support this proposal and  
44 have them infringe on my peoples any more in Alatna,  
45 Allakaket, and Koyukuk rivers, I'm not going to stand for  
46 it. I just came from there. And they're having a heck  
47 of a time just to meet their fishing needs, and we're  
48 going to impose on them? I know they eat brown bears and  
49 grizzly bears, because I ate it with them. No, I'm  
50 opposed to this proposal, but if you guys want to say

00135

1 something, go ahead.

2

3

4 MR. UMPHENOUR: Well, I support the  
5 proposal, and the reasons I support the proposal, this  
6 lady, Ms. Henderson, she referenced Lt. Allen's  
7 expedition and then she referenced some other information  
8 as well. This area was the second area of contact by  
9 Europeans in Alaska in the Interior. People went there  
10 after they had discovered gold up in the Eagle and  
11 Central area, then they moved on over into the Koyukuk  
12 area. But anyway, it's not very many people involved in  
13 the area that I think they're primarily interested in  
14 hunting in for subsistence purposes is the Dalton Highway  
15 corridor. The logistics of getting downriver even to the  
16 very first village on the Koyukuk is extremely difficult,  
17 and it would require either an airboat or a high  
18 performance jet boat, and with the price of gasoline, and  
19 trying to buy a huge amount of gas in Alatna or  
20 Allakaket, would be extremely cost prohibitive. And so I  
21 feel that if they meet the criteria, because the criteria  
22 is based on the use of the resource over multiple  
23 generations is what the criteria is based on, and not the  
24 individuals that are actually harvesting, but it's the  
25 area where they live and the use of the resources as far  
26 as the determination for subsistence.

26

27 So I feel that they would not actually be  
28 targeting the resources that the people downriver would,  
29 because of the logistics and the cost of the  
30 transportation. I think they would be hunting primarily  
31 right along the corridor, or in the area where they live.  
32 But there has been a demonstrated continued use by the  
33 people that have settled in the Coldfoot region to prior  
34 -- since the turn of the century. Over 100 years.

35

36

Thank you.

37

38

39 MR. FLEENER: Thank you, Mr. Chair. I  
40 move to adopt Proposal 55.

41

42

MR. UMPHENOUR: Second.

43

44

45 MR. FLEENER: I guess I have some  
46 concerns about, and maybe I just don't understand, but it  
47 seems like Tanana, Galena, Kobuk and Koyuk are being  
48 removed from having C&T determination, is that correct?

49

50

MR. MATHEWS: Mr. Chairman, hopefully I  
can get you on the straight path of this. The reason  
it's shown in the executive summary on Page 159 is when

00136

1 the proposal came in, and I have a copy here of the book,  
2 the proposer listed two or three species, and then wrote  
3 down the regulations for one of those species, and then  
4 it was interpreted at our office that that's what he was  
5 requesting for all the species. So I happened to meet  
6 with him and his family, and that was not the case. He  
7 was just trying to help us out by saying which  
8 regulations, but the regulations he wrote in there was  
9 only referring to one species. So we have a signed  
10 document from him from him saying what the analysis has,  
11 that for brown bear he just wants it residents of the  
12 Dalton Highway corridor north of the Yukon River. So  
13 that's why that Tanana and et cetera was listed on there.  
14 He was just trying to show what he saw in the  
15 regulations, but it only applies to one of the species,  
16 not brown bear. Does that make it clearer? His request  
17 is north of the Yukon River and the Dalton Highway  
18 corridor. And I can go into more detail as to why he's  
19 -- why he was submitting this proposal, but it.....

20

21 MR. FLEENER: Thank you, Mr. Chair. I  
22 still -- I guess I'm not fully understanding. Are  
23 Tanana, Galena, Kobuk, and Koyuk going to be removed from  
24 having a C&T determination for brown bear, yes or no?

25

26 MR. MATHEWS: No. They're not in that  
27 C&T. The current C&T for Unit 24 is on Page 160, and I'm  
28 trying to find where the other species is that has  
29 Tanana, Galena and Kobuk.

30

31 MR. STEVENS: Caribou.

32

33 MR. MATHEWS: Is it caribou?

34

35 MR. STEVENS: I believe we had for

36 caribou.

37

38 MR. MATHEWS: Yeah. No, the current C&T  
39 is on Page 160. He's just asking to add in residents of  
40 the Dalton Highway north of the -- within the corridor  
41 north of the Yukon River, and I don't see a map here, but  
42 that's Unit, yeah, 20(F), portions of 20(F) north of the  
43 Yukon River. And the reason it's before you is because  
44 Stevens Village has a positive C&T determination for  
45 brown bear in Unit 24. Does that clear it up? I would  
46 just say ignore the executive summary. That is just to  
47 track the changes of the individual's proposal.

48

49 CHAIRMAN NICHOLIA: I guess I'm illegal  
50 when I go over there.

00137

1 MR. MATHEWS: Well, no. I mean, I have  
2 to look at State regulations, what exists there for that.  
3

4 CHAIRMAN NICHOLIA: I know there's a big  
5 conflict over there between them and those people on the  
6 highway. I know there is. And we're only going to make  
7 it worse by supporting this. I mean, they're fighting.  
8 They're fighting for what little they've got.  
9

10 MR. BASSICH: Yeah, Pat, I have a  
11 question to the -- can you give us a little bit more  
12 detail on the length of time that some of these families  
13 have been there? Has this been a generational thing, or  
14 is this something that's fairly new to the area? I  
15 recognize what Mr. Umphenour said about the historical  
16 use of the area, by early contacts, but I'm just curious  
17 about current residents there.  
18

19 MS. PETRIVELLI: I can't tell you. Helen  
20 Armstrong talked to the people, and I don't know how long  
21 they've lived in that area, whether their use is  
22 intergenerational or not. But -- so I don't know.  
23

24 MR. BASSICH: Thank you, Mr. Chairman.  
25 Yeah, I guess my concern is I recognize this potentially  
26 is an area where there's quite a turn over of residents  
27 in the area, and I would be very concerned to give that  
28 kind of determination or support that kind of  
29 determination for a fluctuating population, or a  
30 population that hasn't shown a long-term history of use  
31 in the area. That's my main concern.  
32

33 MS. ENTSMINGER: Thank you, Mr. Chair.  
34 Gerald, I really do appreciate your views on that, but,  
35 boy, this is a chance as I see it that people should be  
36 holding hands. I hate to see communities divided like  
37 that. And this -- I mean, I have to agree with Virgil,  
38 if people are similarly situated in an area, and it is a  
39 very small, small population, I don't think we should be  
40 singling people out.  
41

42 CHAIRMAN NICHOLIA: I'm going to say  
43 something to that. If we open it, and Western Interior  
44 -- I don't think Western Interior's going to go for this  
45 either. Right now any little people that we help over in  
46 A-K, they're having a hard time. Sure, they get caribou,  
47 but they ain't getting no more fish like they used to  
48 get. I know for a fact that there's a high contentious  
49 -- you call Jack Reakoff, and you ask him. He probably  
50 wouldn't want to tell you, but he'll tell you anyway.

00138

1 They don't get along with those miners over there. It's  
2 just going to open another avenue for abuse that there's  
3 -- there will be more opportunities there when they  
4 already have gold mining that they're making because of  
5 the Dalton Highway. And a lot of those gold mining  
6 operations, they take a lot of traplines and stuff away  
7 from them. I don't know if they ever told you guys  
8 anything, but they -- I sure hear a lot about it. So  
9 that's why I'm opposed to anything to open up traditional  
10 and customary traditional uses on anything for that  
11 Dalton Highway corridor, because it's just -- it's a  
12 highway there, and anybody could go in there, oh, yeah, I  
13 live in Coldfoot, I'm going to shoot a brown bear, and  
14 shoot a caribou. To me in my view, that's just taking  
15 food away from those people down at Alatna and I think  
16 that's just got, what, over 85 percent welfare. I don't  
17 think we should create that kind of avenue for them,  
18 especially that's road connected to Fairbanks and  
19 everything.

20

21 MR. UMPHENOUR: Okay. The people that  
22 are transient gold miners, Alaska's had an extraction  
23 economy since contact, and it still has an extraction  
24 economy. However, the people involved in the extraction  
25 economy are not qualified federal subsistence users, and  
26 so if any of these people that are involved -- these  
27 transient people involved in gold mining or the tourism  
28 industry or anything else, they're seasonal. They don't  
29 live there permanent. They don't have a permanent  
30 address there, they don't live there year round. So they  
31 are not qualified Federal subsistence users. If they  
32 were to use this, if we pass this, and they were to use  
33 this to hunt with in that area, they would be in  
34 violation of the law, and with -- in an area like that  
35 with such a small population, I'm sure that they would  
36 get caught. And so we're -- what we're supposed to do is  
37 make a determination on the use of the resources, not on  
38 how long people have lived there. And when we make that  
39 determination, we're supposed to determine whether it's  
40 -- you know, there's a customary and traditional use of  
41 those various resources, and there is for that area. And  
42 the history is over 100 years old of people in that exact  
43 area, Coldfoot, and Oldman, and I've been to both of  
44 those places, I know exactly where they're at, of people  
45 using these resources for -- to satisfy their  
46 subsistence needs. And they're so far removed from the  
47 other people, such as down at Allakaket and down that  
48 direction, and it's so expensive, the transportation to  
49 get there, and so far as I know, they're only asking for  
50 a determination on grizzly bear, is that not correct?

00139

1 And so it that's the only thing they're asking for a  
2 determination on.....

3

4 MS. PETRIVELLI: In this proposal.

5

6 MR. UMPHENOUR: Well, okay. Is it for  
7 everything, or just grizzly bear?

8

9 MS. PETRIVELLI: Well, the next proposal  
10 will be caribou.

11

12 MR. UMPHENOUR: Okay.

13

14 MS. PETRIVELLI: But this proposal is  
15 for.....

16

17 MR. UMPHENOUR: Okay. But we're only  
18 talking about 15 people, and they have to live there  
19 permanently in order to qualify. And so all these other  
20 people that we're potentially worried about, if they're  
21 going to violate the law, they're going to violate the  
22 law anyway. And so we can't really regulate because we  
23 think someone might violate the law. There has to be  
24 absolute proven pattern of violations before you can  
25 regulate to try and keep violations from happening, and  
26 maintain orderly development of our hunting and fishing  
27 resources.

28

29 MR. FLEENER: Thank you, Mr. Chairman. I  
30 think since -- I'm kind of surprised at the tone of this  
31 lady's letter, because they can actually hunt there.  
32 They're not really disenfranchised. Under State  
33 regulations, they're allowed to hunt for brown bear.

34

35 So, yeah, I was just looking at it, it  
36 says there's a brown bear season there. Can't they hunt  
37 in Unit 24?

38

39 MS. PETRIVELLI: They don't have a C&T  
40 for brown bear in Unit 24, so they're not a federally  
41 qualified user under our program.

42

43 MR. FLEENER: Right. But they can still  
44 hunt under State law?

45

46 MS. PETRIVELLI: Not in the corridor with  
47 firearms.

48

49 MR. FLEENER: Well, not in the corridor,  
50 yeah, but.....

00140

1 MS. PETRIVELLI: Yeah.

2

3 MR. FLEENER: .....they can still hunt  
4 brown bear in Unit 24. Maybe not within the.....

5

6 MS. ENTSMINGER: They can hunt with bow  
7 and arrow, can't they?

8

9 MR. FLEENER: Yeah, they can hunt with  
10 bow and arrow, too.

11

12 MS. PETRIVELLI: They can hunt with bow  
13 and arrow, yes.

14

15 MR. FLEENER: So anyway, my point was  
16 that they have opportunity, and I think since there's so  
17 much controversy in our discussions that we should  
18 probably just defer to the home region and I'm going to  
19 withdraw my motion to adopt, and if it's okay with the  
20 second or whoever that was, to make a motion to defer  
21 Proposal 55 to the home region.

22

23 MR. UMPHENOUR: For clarification, our  
24 area goes to Caribou Mountain, is that not correct?  
25 That's the boundary? Looking at this map, that's what it  
26 looks like. That's about 40 miles north of the Yukon  
27 River. The truckers call it Finger Mountain, on the map  
28 it's Caribou Mountain.

29

30 CHAIRMAN NICHOLIA: Yeah, right here,  
31 whatever it is.

32

33 MR. UMPHENOUR: Okay. So south of there  
34 is our region. Oldman is in the valley about three miles  
35 past Caribou Mountain, so -- anyway, so that part is our  
36 region, south of Caribou Mountain, and I believe it says  
37 here Stevens Village has a positive C&T for there, and I  
38 don't see any reason why the people that live right there  
39 at Oldman, if they've truly made that their home, why  
40 they shouldn't have subsistence determination in their  
41 backyard.

42

43 Thank you.

44

45 MS. WAGGONER: I agree with you on that  
46 point, Virgil, if they're -- you know, if they live there  
47 and they can -- and they're subsistence people, then,  
48 yes, they should, but the analysis we have before us on  
49 the eight points does not show community characteristics  
50 of the residents of the Dalton Highway corridor. It's

00141

1 assuming that they will act like the other communities in  
2 the area, and you're giving them -- they're asking for a  
3 C&T determination based on the fact that it's assumed  
4 they will act like the villages, so, you know, I agree  
5 with deferring it to the home region, but I also want to  
6 go on record as saying it -- there's nothing in here that  
7 shows that those residents of the corridor, you know,  
8 have harvested, you know, the resource, you know, have a  
9 community pattern of utilizing the resource, and I think  
10 it should, you know -- they should work on getting the  
11 data that defines that they do have a consistent pattern  
12 of use as a community.

13

14 CHAIRMAN NICHOLIA: Pat.

15

16 MS. PETRIVELLI: I just want to say  
17 something, because Jerry Berg pointed out to me that  
18 Helen did say in the effect of the proposal that when she  
19 talked to them, that it is known that some have long-term  
20 ties to the area and its natural resources, so some of  
21 those 15 people have lived there for over a long term, so  
22 -- and Helen said that, but.....

23

24 CHAIRMAN NICHOLIA: Okay. Okay. Okay.  
25 There is a motion. There wasn't anybody second that  
26 deferral to home region.

27

28 MS. ENTSMINGER: Second.

29

30 CHAIRMAN NICHOLIA: Do you want to say  
31 something, Paul?

32

33 MR. WILLIAMS: Thank you, Mr. Chairman,  
34 members of the Board, Office of.....

35

36 MS. PETRIVELLI: You need to be at the  
37 mike.

38

39 MR. WILLIAMS: My name is Paul Williams.  
40 I'm from Beaver. I can say thanks for permitting me to  
41 say something.

42

43 You know, first of all I want to  
44 apologize for not many village people being in here, you  
45 know. I know that we picked Beaver because a lot of  
46 these issues that we're talking about yesterday and today  
47 is very important, and will continue to be important, and  
48 these issues are out there, and issues such as people  
49 coming in from long ways wandering about White Eye (ph),  
50 you know, my area, but I better call (ph). Sometimes

00142

1 they hunt on our land, and sometimes they don't. And  
2 they've got no disregard for whatever they do up here,  
3 you know. They live on the beach, they can dirty it up,  
4 but that's just a consideration, and this will continue  
5 to go on. In the early days people come in from mining,  
6 and they -- you know, sometimes we help them, and  
7 sometimes we don't. Us partic -- and particularly we're  
8 not interested in mining. But they're there, and they  
9 continue to live there. And then there was the Alaska  
10 Native Claims Settlement Act. It got to be more kind of  
11 coming in to, if you can excuse the word, encroach on our  
12 way of life, even though they have a cash income.

13

14                   And being native person, you know, I had  
15 opportunity make money, but I never do it, because I'd  
16 rather not for some reason. If I make money, I'll just  
17 throw it away anyhow, and, you know, stuff like that.  
18 Only make enough money to get one snow mobile or whatever  
19 you need. One outboard motor. And then you've got no  
20 more money.

21

22                   And the same way with living off the  
23 land, you know, you just take what you need, and the more  
24 that you guys can meet here on the local level, the more  
25 people listen to us talk, the more we understand,  
26 understand our priorities, understand the way we live.  
27 They come to our homes and eat our food, and we talk, we  
28 get to know one another. And, you know, because we've  
29 been separated a long time, we don't understand one  
30 another.

31

32                   I feel that as we go along it's going to  
33 continue to get more confusing, and people will take  
34 advantage of C&T and stuff like that, so that they can  
35 save their money and live off the land. You know, I've  
36 hunted lot, but it says right here for nutritional needs  
37 and clothing, you know. Hey, I don't think that's true.

38

39                   So you know, it -- I want to say one more  
40 thing, and then I'll be done, Mr. Chairman. Going to  
41 have a meeting in Ft. Yukon very soon, on the 11th. I  
42 want to go, but I might be doing something else, and  
43 there was a very important meeting that I'm preparing to  
44 go to, and that's the sale of native lands, and that's  
45 been going on on the Yukon Flats. So far only a few  
46 people have got enough money to buy 40 acres here on the  
47 Yukon Flats, and they're living out there. But one of  
48 these days, you know, I think somebody who's got a lot of  
49 money who's going to go out there for the sole purpose of  
50 making more money. And these allotments are all located

00143

1 in strategic place where it's good for subsistence and  
2 hunting. Good atmosphere and good place, you know,  
3 beautiful place. And there's a lot of game available you  
4 know, so they're going to talk about that, and I know the  
5 outfit that I work for, Fish and Wildlife Service,  
6 they've been buying allotments, but it goes back into the  
7 conservation system. And up to a point that's good, but  
8 you know what, we're losing. When we lose that land,  
9 we'll never see it again. And we're going to be talking  
10 about that, and find some way to try to stop people or to  
11 preserve this land that are in the native hands right  
12 now.

13

14 I do not support this issue you guys are  
15 talking about, because we've got to get tough sometimes,  
16 somewhere along the line, and say enough is enough.

17

18 Thank you, Mr. Chairman.

19

20 CHAIRMAN NICHOLIA: Thank you. You know  
21 -- no, no, no, no, no. This is the kind of thing I was  
22 going to think about, just try to mention about. That's  
23 just this kind of thing. You know, ANILCA was mostly --  
24 was supposed to be for natives. Somehow or another, they  
25 twisted it around and made it rural. And that was just  
26 to protect the native life, way of living on this land.  
27 Since gold mining days, they have been disrupted.  
28 Cheated. Misled. Disillusioned. Life restructured.  
29 For so much they're living in two worlds, and they're  
30 having a hard time. And like he said, we have to be  
31 tough if we're going to stick up for the people we  
32 represent in this valley or in those other valleys, we  
33 have to be tough. We're going to have to draw a line  
34 somewhere. We can't just go on opening up forever and  
35 ever. We'll be so -- we're going to be so opening  
36 everything up, we're going to lose the respect of the  
37 real subsistence user people. They're going to look at  
38 this board and, yeah, say -- they're going to say, yeah,  
39 anybody could go there and get what they want. Yeah,  
40 sure, we might be cutting people out, but there's only so  
41 much resource there.

42

43 You know, and this is a special main  
44 corridor that has a lot of abuse in it. It displaced a  
45 lot of people traditional fisheries, and that place right  
46 by Stevensville, what they call that river there. I know  
47 for a fact, because I heard it. We're either on that  
48 side of the fence, or we're either on this side of the  
49 fence. It's no in between any more, because it's going  
50 to come to a time where if we -- we're saying one thing,

00144

1 and then going around and doing another thing. I don't  
2 operate that way. I'm either on one side or the other  
3 side. No in between. I don't like going in between.  
4 It's just not me, and I know for a fact there's big  
5 conflicts up there. Sure there are people that live  
6 there year round, but they've got another alternative  
7 resource, and that's gold mining, that cash economy  
8 they've got.

9

10 Go ahead. You want to say something, go  
11 ahead.

12

13 MR. UMPHENOUR: Thank you. I was over at  
14 BLM about three weeks ago, and I picked up a couple of  
15 pamphlets. One of them was about Fort Egbert, Eagle, the  
16 history of that. And another one was about this area  
17 that we're talking about right now. And I've read a book  
18 written by Hudson Stuck, who was a founder of either  
19 Allakaket or Alatna, one or the other. I think  
20 Allakaket. And I think about some of the names of people  
21 that live in these villages and how they got those names,  
22 like Mayo, Magenty. Mayo was a trapper and a trader,  
23 came up here right after the Civil War. All the Mayos  
24 around here come from him. Charlie Mayo that died, known  
25 as Tucky to a lot of people, about four years ago, that  
26 was his grandfather. Byfelt was a gold miner and a  
27 trapper. Huntington was a gold miner and a trapper.  
28 These people all mixed in with the native population, and  
29 they formed basically one people.

30

31 And that's what we're here to represent,  
32 is the people, and not based on ethnicity, if you want to  
33 call it that, but we're here to make determinations on  
34 whether the use had been going on on these resources for  
35 generations, which it has. I don't know any of these  
36 people that live in this area, except for Jack Reakoff.  
37 He's the only one I personally know. And I know his  
38 family's lived in that area a long time. I know that  
39 they have a positive C&T, and I know that Coldfoot has  
40 been there since prior to the turn of the century, and  
41 there -- and maybe some people have moved there, some  
42 have moved away, but it's -- there's been someone there  
43 for over 100 years. And Oldman, I know that people lived  
44 there, I don't know how long ago. But we're supposed to  
45 make the determination on the use of the resource, and I  
46 don't think that there's that much conflict, because  
47 there's conflict with the transient people, and there's a  
48 lot of hard feelings with the transient people, just like  
49 in the construction industry there is, because there's  
50 people comes up from Oklahoma, Texas, and Louisiana, get

00145

1 all the good jobs at Prudhoe Bay, and the people that  
2 live here can't get one of those jobs. That's just the  
3 way it is. It's the same thing with gold mining, like  
4 over on the Hogatza River. It's the same exact thing  
5 there. The local people get left out. But that's just  
6 the way these companies operate. We have nothing to do  
7 with that.

8

9 What we're supposed to be regulating is  
10 the use of the resource here, and for the people that  
11 live there year round. And so the people that live there  
12 live round, and truly are residents of the area and  
13 trying to live off the land, I think they should have a  
14 reasonable opportunity to do so, and so I'm in favor of  
15 this proposal. And that's why I'm sitting on this body,  
16 because I believe in fair allocation of the resources,  
17 and responsible.....

18

19 CHAIRMAN NICHOLIA: Okay. Okay. Okay.

20

21 MR. UMPHENOUR: Thank you.

22

23 CHAIRMAN NICHOLIA: There is a motion  
24 made to defer. Is there a second? Let's get this over  
25 with.

26

27 MR. FLEENER: It was seconded.

28

29 MS. ENTSMINGER: It was seconded.

30

31 CHAIRMAN NICHOLIA: Okay.

32

33 MS. WAGGONER: Question.

34

35 CHAIRMAN NICHOLIA: Question was called.  
36 All those in favor of deferring Proposal 55 to the home  
37 region, signify by saying aye.

38

39 IN UNISON: Aye.

40

41 CHAIRMAN NICHOLIA: All those opposed,  
42 same sign.

43

44 MR. UMPHENOUR: Aye.

45

46 CHAIRMAN NICHOLIA: It defers to home  
47 region.

48

49 MR. MATHEWS: Mr. Chairman, the next  
50 proposal is from the same individual, and it is dealing

00146

1 with revise the customary and traditional use  
2 determination for caribou in Unit 24.

3

4 MS. PETRIVELLI: And, Mr. Chairman,  
5 Proposal.....

6

7 CHAIRMAN NICHOLIA: Hold on. Hold on.  
8 We're just going to get into the same arguments here.  
9 What do you guys want to do, just defer these ones to the  
10 home region, too?

11

12 MR. FLEENER: Blanket it. Mr. Chair, I'd  
13 make a motion to defer Proposal 56 to the home region.

14

15 CHAIRMAN NICHOLIA: All those other ones,  
16 too?

17

18 MR. BASSICH: 82 and 83 as well.

19

20 MR. FLEENER: 82 and 83 as well.

21

22 CHAIRMAN NICHOLIA: Is there a second?

23

24 MS. ENTSMINGER: Second.

25

26 MR. UMPHENOUR: Question.

27

28 MR. FLEENER: Mr. Chairman, before the  
29 question, I just wanted to confirm that there's no  
30 additional information that's much different than before.  
31 If it's real similar, then I don't think we need to go  
32 over it, but if there's some outstanding bit of  
33 information, I think it would be good to get it on the  
34 record.

35

36 MS. PETRIVELLI: I don't think there is  
37 any more data available for the uses, and it was the same  
38 conversations, and it's the same proponent and it's the  
39 same issue. It's just dealing with the resource caribou  
40 in Unit 24 and 26(B), and so that's the only difference.  
41 But it's the same rationale as in the previous issue.

42

43 MR. FLEENER: Thank you, Pat. And thank  
44 you, Mr. Chair, for that. And as long as we get those  
45 things on the record, I think we're doing things right.  
46 And public comments.

47

48 (No comments)

49

50 CHAIRMAN NICHOLIA: Okay. For the

00147

1 record, that's 56, 82 and 83, correct? Is that correct?

2 That was your motion? Okay.

3

4 MR. FLEENER: Yeah, I don't think I'd  
5 include 82 and 83, those are our proposals.

6

7 MS. PETRIVELLI: Oh, no, excuse me.

8

9 MR. MATHEWS: No, they're not, Mr.

10 Chairman.

11

12 MS. PETRIVELLI: It's written wrong in  
13 the book. On Page 172 and 173, you didn't submit those  
14 proposals. Mr. Brattrud submitted both of those  
15 proposals, and we just misprinted that. He submitted 56,  
16 82 and 83, and that's just a typo that says that you  
17 submitted it.

18

19 MR. FLEENER: Mr. Chair, I think it's  
20 time that we get something on the record here about all  
21 of these mistakes in this proposal book. It's real hard.  
22 You know, what's the use of sending this to us early to  
23 review if data is wrong on nearly every proposal. I  
24 recommend somehow maybe we put this in our annual report  
25 or something that these things be reviewed a couple of  
26 times before they come to us. This is I think like the  
27 13th error, and we've only done how many proposals?  
28 We've got wrong units, we've got wrong proposers. We  
29 have errors in villages. We've got omissions, we've got  
30 additions. It's unsatisfactory.

31

32 CHAIRMAN NICHOLIA: Okay. Jeep.

33

34 MR. TITUS: Mr. Chairman, I'm the same  
35 with Mr. Fleener there, because I was ready to support  
36 these two proposals because they've got our name on the  
37 thing, and just find out it wasn't our proposal.

38

39 MR. FLEENER: So to answer your question,  
40 Mr. Chair, yes, it's 83, 82 and 56.

41

42 CHAIRMAN NICHOLIA: No, no, no, no. Just  
43 sit Virgil, don't make -- we're just going to get in the  
44 same arguments.

45

46 MR. UMPHENOUR: I just want to clarify  
47 something.

48

49 CHAIRMAN NICHOLIA: It says all these  
50 proposals, 56, 82, submitted by Andy Brattrud. We never

00148

1 submitted no proposals.

2

3 MS. PETRIVELLI: And there's one error.

4 On Page 173, it says Unit 23 caribou, it's supposed to be

5 26(B). So.....

6

7 MR. UMPHENOUR: 26(B)?

8

9 MS. PETRIVELLI: Yeah. And I don't know

10 -- well.....

11

12 MR. UMPHENOUR: I want to ask her a

13 question about.....

14

15 CHAIRMAN NICHOLIA: Go ahead, Virgil.

16

17 MR. UMPHENOUR: Okay. It's got Point  
18 Hope in here. Point Hope, it's -- unless they want to  
19 spend \$1,000, isn't going to go over there and hunt I  
20 don't think. Is Point Hope supposed to be there?

21

22 MR. FLEENER: Mr. Chair, actually Point  
23 Hope is supposed to be there. I remember when we first  
24 started going over these C&T determinations, if you'll  
25 remember, there were C&T determinations for people 1,000  
26 miles away going all over the State of Alaska. I think  
27 Point Hope is actually correct in a previously determined  
28 determination.

29

30 CHAIRMAN NICHOLIA: Okay. It's been  
31 moved, seconded. The question has been called to defer  
32 Proposal 56, 82 and 83 to the home region. All those in  
33 favor signify by saying aye.

34

35 IN UNISON: Aye.

36

37 CHAIRMAN NICHOLIA: Opposed, same sign.

38

39 (No opposing votes)

40

41 CHAIRMAN NICHOLIA: Motion carries.

42

43 MR. FLEENER: Mr. Chairman, can I make a  
44 recommendation. I wonder if we can take a 10-minute  
45 break and have the Staff Committee go over the rest of  
46 these proposals and make sure they're right before we get  
47 to them.

48

49 CHAIRMAN NICHOLIA: Make sure they're  
50 correct. Go ahead.

00149

1 MR. FLEENER: Thank you, Mr. Chair.

2

3 (Off record)

4

5 (On record)

6

7 MR. MATHEWS: Mr. Chairman, the next  
8 proposal is Proposal 62, which is submitted by the Tanana  
9 Tribal Council, which is requesting to open an earlier  
10 moose season in 21(B). The one I passed out to you, and  
11 I believe I mailed it to you earlier, an e-mail to some  
12 of you, the newer version, is the one to focus on. And  
13 we're going to show you what it really means. There was  
14 some formatting errors even with the one I passed out,  
15 but I -- we need now to, for expedience of time, focus on  
16 the issue that was requested, and then we'll provide the  
17 appropriate analysis for it. And we heard you loud and  
18 clear on the level of errors here, and we will address  
19 that, but now we just need to focus on the issue, which  
20 is an earlier season in Unit 21(B) within the Nowitna  
21 Refuge.

22

23 MR. RIVARD: Thank you, Mr. Chair, Don  
24 Rivard. First of all I want to apologize to you and the  
25 Council for the number of errors that are found in this  
26 Board -- this Council book. As the Interior regions  
27 chief, I'm ultimately responsible for the quality of the  
28 product that comes before you. So I've noted the number  
29 of errors, and I'll pledge to do better in the future to  
30 make sure this doesn't happen again.

31

32 On Proposal 62, if you'll look on the  
33 handout that you have, what -- the existing regulation is  
34 correct. What gets a little bit confusing is the  
35 proposed regulation. We've got 21(B) and (C) listed in  
36 the existing, because that's the way it's found in your  
37 regulations book on Page 127. We're not talking about  
38 21(C), but that's why it's listed there, because that's  
39 the way it's listed in the regulations book.

40

41 And then for the proposed regulation,  
42 what you have is 21(B) is now being split out into the  
43 Nowitna Wildlife Refuge, and then a remainder. So that  
44 should be bolded, Nowitna Wildlife Refuge, as well as the  
45 new date of August 27th. The only thing that really  
46 should have been bolded on the remainder is the word  
47 remainder. And then Unit 21(C) should not have been  
48 bolded, not should the dates of September 5th through  
49 September 25th. So that led to some of the confusion,  
50 because there's no changes to the remainder of 20(B), nor

00150

1 to 21(C), and usually we show changes by bolding things,  
2 and those things should not have been bolded.

3

4 Okay. Proposal 62 was submitted by the  
5 Tanana Tribal Council. It would provide nine additional  
6 days of opportunity to hunt fall moose on the Nowitna  
7 National Wildlife Refuge in Unit 21(B) by changing the  
8 opening date from September 5th to August 27th.

9

10 The handout that you have is the --  
11 replaces the previous draft that you have that's in the  
12 book. And part of it was, is that we got some additional  
13 information from the refuge just as your Council book was  
14 going to the printer to be published, so that's why we  
15 weren't able to get it into the book itself on time.

16

17 The proposal was submitted in response to  
18 concerns of competition between outfitters, sport and  
19 non-local users that hunt fall moose in the traditional  
20 hunt areas of Tanana residents along the Nowitna river.  
21 Tanana residents are unable to compete with non-local  
22 users that have larger boats, more economic advantage,  
23 and more time to spend in the field.

24

25 The proponent requests that the Federal  
26 fall moose season in 21(B) be open nine days before the  
27 corresponding State season opens for State managed lands  
28 within the Nowitna River drainage. The proponent claims  
29 opening the Federal season in 21(B) on August 27th  
30 instead of September 5th would reduce the impact on local  
31 subsistence hunters who must compete with non-Federally  
32 qualified users.

33

34 So we've got the -- we went over the  
35 proposed regulation already.

36

37 Residents of Unit 21(B) and (C) and  
38 residents of Tanana, Galena and Ruby have a positive  
39 customary and traditional use determination for moose in  
40 Units 21(B) and (C).

41

42 Three members of the local public  
43 submitted Proposal 193 to the Alaska Board of Game, which  
44 would create a drawing permit hunt for those hunters  
45 wishing to retain the antlers for trophy in Unit 21(B).  
46 A registration permit hunt would be established for all  
47 other hunters not desiring a trophy. These hunters would  
48 be required to devalue and forfeit the antlers at the  
49 kill site, and forfeit the antlers at the ADF&G check  
50 station. A similar regulation currently in effect in the

00151

1 Koyukuk Controlled Use Area, which is adjacent to 21(B),  
2 has extensive local support.

3

4 The ADF&G will support Proposal 193 with  
5 modifications, and Terry will talk more about that.

6

7 If this proposal were adopted to include  
8 Unit 21 -- I've got it in my notes as 21(D), I think it's  
9 supposed to be 21(B), competition from non-local hunters  
10 would greatly diminish. If proposal 193 were adopted,  
11 ADF&G would withdraw the other proposal, 200, and Terry  
12 can confirm that. If Proposal 193 should fail, ADF&G  
13 would strongly support Proposal 200, another State  
14 proposal.

15

16 The Koyukuk Nowitna National Wildlife  
17 Refuge would also strongly support Proposal 200 if  
18 Proposal 193 fails.

19

20 In either case, with Proposal 193 or  
21 Proposal 200, we can anticipate that competition from  
22 non-local hunters in Game Management Unit 21(B) will be  
23 diminished significantly, which may negate the need for  
24 the proposed Federal regulatory action for this proposal.

25

26 The ADF&G has recently submitted Proposal  
27 200 to the Alaska Board of Game that would implement an  
28 antler restriction for moose in Unit 21(B). The proposed  
29 antler restriction would alleviate hunting pressure for  
30 the small and medium antlered bull component of the moose  
31 population. The State proposal, if adopted, would  
32 require resident and nonresident hunters to harvest bull  
33 moose with at least 50-inch antlers, or antlers with four  
34 or more brow tines on one side. And as you know, the  
35 Board of Game is meeting right now from 26 of February  
36 through March 10th. Adoption of State Proposal 200 by  
37 the Alaska Board of Game would also apply to Federal land  
38 in Unit 21(B). Adoption of Proposal 200 by the Alaska  
39 Board of Game would also affect Federally qualified  
40 subsistence users that hunt under State jurisdiction.

41

42 A substantial increase in total hunters  
43 was recorded at the Nowitna River moose hunter check  
44 station for the fall 2003 season. State and Federal  
45 managers are concerned that the increase in hunters has  
46 the potential to affect local users should the increase  
47 in total hunters trend continue. Extensive efforts have  
48 been made by State and Federal managers to align the  
49 existing State and Federal regulations in compliance with  
50 current harvest guidelines.

00152

1 Results from the fall 2003 moose surveys  
2 conducted on the Lower Nowitna River portion of Unit  
3 21(B) show deep declines in adult bulls of approximately  
4 15 percent annually, and adult cows of six percent  
5 annually since 2000.

6  
7 Most of the hunting pressure occurs along  
8 the Nowitna River corridor where the bull to cow ratio  
9 was 16 bulls to 100 cows in 2001, and 15 bulls to 100  
10 cows in 2003. This value is below the level of concern  
11 of 20 bulls per 100 cows, which is considered poor, and  
12 well below the desired management goal of 30 bulls per  
13 100 cows.

14  
15 In September 2003, 208 hunters checked in  
16 at the Nowitna River hunter check station. This number  
17 represents a 55 percent increase in total hunters from  
18 the fall -- from the 2002 fall season, and a 51 percent  
19 increase over the previous 15 year average of 139  
20 hunters.

21  
22 Refuge staff believe that the 2003  
23 increase was a result of hunter displacement from other  
24 areas. In 2003, similar to recent years, a number of the  
25 hunters reported that they switched from the Koyukuk  
26 River to the Nowitna River this year to avoid crowding  
27 and the requirement of destroying the trophy value of the  
28 antlers during the State subsistence registration hunt.  
29 Other hunters reported that they came to the Nowitna to  
30 escape the high density of hunters using ATVs near  
31 Fairbanks and in the Mat-Su Valley. ATVs are prohibited  
32 on the refuge.

33  
34 While the total number of hunters had  
35 increased in fall, September, 2003, the overall harvest  
36 rate recorded at the check station was equal to the  
37 previous 15-year average of 33 percent. The 2003 harvest  
38 rate among local hunters was 18 percent, slightly higher  
39 above the previous 15-year average of 15 percent;  
40 however, the number of moose harvested by local hunters  
41 equalled the previous 15-year average of four moose.

42  
43 A total of 56 bull moose were reported as  
44 harvested at the check station. This total does not  
45 include bull moose taken along the Yukon River in 21(B),  
46 nor those taken by hunters that access the Nowitna Refuge  
47 via float plane.

48  
49 Adoption of the proposed regulatory  
50 change could have additional adverse impacts on the less

00153

1 than 50-inch bull moose population in the Nowitna  
2 National Wildlife Refuge in Unit 21(B). The proposed  
3 nine-day extension to the Federal season could cause  
4 additional harvest of the small and medium antlered  
5 components of the adult bull population. Results from  
6 the 2001 and 2003 trend surveys, and the 2001 population  
7 estimate revealed a decline in the adult bull population.  
8 Additional harvest of bulls could have detrimental  
9 impacts on future productivity and recruitment and  
10 ultimately diminish the number of moose available to  
11 Federally qualified subsistence users.

12

13 In the nearby Koyukuk Controlled Use  
14 Area, in Game Management Unit 21(D), hunting effort by  
15 hunters increased when an early season was established to  
16 favor local residents. Fifty-eight hunters took  
17 advantage of this early season in 2000, and this grew  
18 steadily to 97 hunters in 2003. It is likely the early  
19 season combined with the drawing permit, which had less  
20 competition, appealed to those hunters. Refuge staff are  
21 concerned that the early season on the Nowitna would  
22 increase bull harvest more than is normally expected.

23

24 And as already previously mentioned, the  
25 Alaska Board of Game is considering Proposals 193 and  
26 200, where Proposal 193 would create a drawing and  
27 registration hunt, and Proposal 200 would require hunters  
28 to harvest bulls with 50-inch antlers or antlers with  
29 four or more brow tines on one side. Adoption of either  
30 State proposal would affect resident and nonresident  
31 hunters on State managed lands and waters within the  
32 Nowitna National Wildlife Refuge in 21(B).

33

34 If Proposal 193 were adopted, local  
35 hunters would likely experience much reduced competition  
36 from non-local hunters.

37

38 If Proposal 200 were adopted, local users  
39 would have to compete for fewer bull moose represented by  
40 the 50-inch or four or more brow tines on one side  
41 components of the adult bull population. This  
42 restriction would most likely have additional impact on  
43 local users; however, it is also anticipated that the  
44 antler restriction would cause diminished interest by  
45 non-local moose hunters. Also, if Proposal 200 is  
46 adopted by the Alaska Board of Game, Federally qualified  
47 subsistence users would then have additional opportunity  
48 to harvest any antlered bull on Federal lands within the  
49 effected area during the existing September 5 through 25  
50 season.

00154

1                   With all that, the preliminary Staff  
2 conclusion is to oppose the proposal. And Greg Bos of  
3 the Interagency Staff Committee will also have more  
4 comments on this as well.

5  
6                   Thank you.

7  
8                   CHAIRMAN NICHOLIA: Terry.

9  
10                  MR. HAYNES: Thank you, Mr. Chairman.  
11 The Department's comments are on the back page of the  
12 handout, replacement proposal, replacement analysis you  
13 received.

14  
15                  The Department does not support this  
16 proposal. We believe conservative management is needed  
17 in Unit 21(B) where moose populations are declining due  
18 to poor recruitment. Moose trend count data collected  
19 last year for the Nowitna River drainage indicate a  
20 continuing decline in the number of bulls first observed  
21 in fall 2000 and later in fall 2001 surveys. Bull/cow  
22 ratios in two of the trend count areas declined between  
23 2000 to 2003. Approximately one-half of the reported  
24 moose harvest in Unit 21(B) in 2002 and 2003 consisted of  
25 bulls with antlers less than 50 inches.

26  
27                  As Don pointed out the Board of Game will  
28 be looking at Department proposals as well as public  
29 proposals affecting Unit 21(B) moose seasons, and  
30 whatever action the Board of Game takes ultimately will  
31 affect our recommendations on these Federal -- on this  
32 Federal proposal.

33  
34                  So Proposal 193 as Don mentioned would --  
35 I've got the wrong -- Proposal 193 before the Board of  
36 Game would implement drawing and registration permit  
37 hunts, and that would be a way of providing some more  
38 control over the hunting in that area. It would be  
39 modelled after the Koyukuk Controlled Use Area drawing  
40 and registration permit hunts. And we think that that  
41 would provide some more control over the hunt in that  
42 area.

43  
44                  Proposal 200, again as Don mentioned,  
45 this would implement antler restrictions on the Unit  
46 21(B) moose hunt.

47  
48                  And so the Department recognizes there's  
49 a conservation issue in 21(B). The Department also  
50 recognizes that there is this competition concern that's

00155

1 been expressed in the Federal proposal. So there does  
2 need to be some action taken, but whatever the Board of  
3 Game does, we ultimately will come to the Federal Board  
4 with that information, and our position on the Federal  
5 proposal may change depending on the Board of Game  
6 action.

7

8 CHAIRMAN NICHOLIA: Thank you, Terry.  
9 Other agency comment.

10

11 MR. BOS: Mr. Chair, Greg Bos, Staff  
12 Committee.

13

14 MR. BASSICH: Please speak up, please.

15

16 MR. BOS: Sure. A number of the points  
17 that I was going to bring out were covered in the revised  
18 analysis that Don just went over, so maybe I'll just  
19 briefly recap those, because we have sort of a  
20 complicated set of interrelationships with proposals that  
21 are going before the Board of Game, and what was being  
22 proposed in Proposal 62.

23

24 I need to qualify the preliminary  
25 conclusion to oppose. I mean, we -- I think it doesn't  
26 reflect opposition to the intent of the proposal.  
27 There's support for the intent to reduce competition, and  
28 to promote recovery of the moose population in that area.  
29 So we recognize that non-local use needs to be reduced,  
30 preferably by the State in conjunction with the Federal  
31 Board. But if the State doesn't take action, then we  
32 would be looking at the Federal Board to reduce non-local  
33 use in this area.

34

35 There is a conservation concern in the  
36 Nowitna drainage due to the low bull/cow ratio, and the  
37 decline in the numbers of adult bulls and cows since the  
38 late 1990s. I think Don covered the bull/cow ratios.  
39 They're significantly below management objectives in the  
40 drainage.

41

42 We need to reduce the number of non-local  
43 hunters and the harvest by non-local hunters to promote  
44 the health of the moose population and to reduce  
45 competition with local hunters.

46

47 The two proposals have been described. I  
48 think the preferred approach is one similar to that being  
49 used in the Koyukuk Controlled Use Area where both State  
50 and Federal regulations are the same, and it avoids the

00156

1 difficulties proposed by the differing jurisdictions of  
2 state and Federal Management in these areas. There are  
3 some similarities between the Nowitna drainage, where  
4 most of this use in 21(B) is occurring, and with the  
5 Koyukuk. That is, that the river corridor and those  
6 adjacent flood plains below ordinary high water are under  
7 State jurisdiction. So whatever regulations are adopted  
8 by the State, folks, both local and non-local, hunting on  
9 the river itself and on those areas below the ordinary  
10 high water mark, would be subject to the State  
11 regulations. And if the State were to do -- make no  
12 change, and the Federal Board was to take action to  
13 restrict non-local use, again we would have this  
14 disparity in regulation so that non-locals could still  
15 come up the river and hunt below ordinary high water  
16 mark. So if the State takes no action, and the Federal  
17 Board was to, say, close Federal lands for part of all of  
18 the season to reduce non-local use, the effect would be a  
19 substantial reduction in non-local use in the drainage  
20 overall, but it would also tend to concentrate non-local  
21 use right on the river on those lands under State  
22 jurisdiction.

23

24                   That's very much the same situation that  
25 confronted the Federal Board on the Koyukuk Controlled  
26 Use Area before they went to this drawing permit,  
27 registration permit. We had this problem with the  
28 jurisdiction and people hunting on the river and not  
29 knowing whether they were on State or Federal lands. And  
30 in that case a working group was formed of local  
31 subsistence users advisory committees and some non-local  
32 interests, and they worked out a management strategy  
33 where both the State and the Federal program would have  
34 the same provisions, requirements for the drawing and  
35 registration permits. And it has been very successful in  
36 reducing the amount of effort by non-local hunters in  
37 that area and maintaining subsistence use opportunities.

38

39

40                   So that's the preferred approach here.  
41 We're not opposed to the intent of the proposal. We see  
42 the need to reduce competition, and improve the  
43 opportunities for local subsistence users, primarily from  
44 Ruby and Tanana in the Nowitna drainage. And if the  
45 State does not take appropriate action in this case, I  
46 think the Federal Board will be looking at some way of  
47 reducing that competition.

48

49

49                   CHAIRMAN NICHOLIA: Thank you. Looking  
50 for public comments.

00157

1 (No comments)

2

3 CHAIRMAN NICHOLIA: Written public  
4 comments.

5

6 MR. MATHEWS: Yes, Mr. Chairman. We had  
7 two, and I was just going through all my records to make  
8 sure there wasn't another one there, because I thought  
9 there was, but right now we have two that were submitted.  
10 One was by the Ruby Local Fish and Game Advisory  
11 Committee, and I did talk to their chair on this, and I  
12 was trying to find my notes on it. But based on their  
13 minutes, the Ruby Local Advisory Committee supported the  
14 proposal. There was no object to allow people living in  
15 Unit 21(B), 21(C) to have an opportunity to harvest moose  
16 in 21(B) and 21(C).

17

18 I don't know if there's other Refuge  
19 staff here that want to cover the Koyukuk/Nowitna comment  
20 on it. I can do that. I don't know if someone was  
21 assigned to do that. It looks like it's me.

22

23 Okay. And you'll find these on Page 196.  
24 Again, this is a complex refuge, so it's managed out of  
25 Galena, so the Refuge complex recommends not adopting  
26 proposal as written. The Refuge understands there may be  
27 cause for concerns with the increased number of hunters  
28 through the Nowitna check station in 2003. The Refuge is  
29 concerned that if this increase were to continue, there's  
30 a potential impact local hunters. While the number of  
31 hunters increased, the overall harvest rate at the check  
32 station went down to 27 percent from the 15-year average  
33 of 33 percent. The local harvest rate of 18 percent was  
34 slightly below the long-term average of 21 percent.  
35 However, the number of moose harvested equalled the long-  
36 term average of four.

37

38 Surveys conducted in 2003 show that while  
39 there has been a decline in the number of adult bulls,  
40 calf productivity and recruitment are up, and the  
41 population is stable when compared to the 2001 data.

42

43 There has been an extensive effort to  
44 align State and Federal regulations, and this proposal  
45 would bring those regulations out of alignment. The  
46 Refuge is aware of strong conservation measures in  
47 upcoming State proposals which better address this  
48 management need. And that's from the Koyukuk Refuge.

49

50 Those are the two written comments that I

00158

1 know of, Mr. Chair.

2

3

CHAIRMAN NICHOLIA: Thank you. I was the one that put this proposal in, because six people in Tanana came up to me, said they never got a moose this year. That's six pretty big households. So I called Ruby up and asked them what their thoughts is. They said, yeah, they want to be included, too. I didn't get a hold of nobody in Galena, but I included them anyway.

10

11

You should have seen it down in Tanana this year. Right above Ray Folger's camp. There was 36 boats in that slough. Right below his camp there was 19 boats. Big boats. Man, they had everything. They had tables and everything. Jukebox playing. Beer cans all over the place. Right above my camp, there was about 10 boats. That's 45 miles below Tanana. Right below there there's about 13 boats. And go up to Koy -- you go up to Nowitna, there's boats around every bend. The only way that me and my cousin, Fred Nicholia, got a moose at Nowitna, we told them there's a crazy guy coming down from Tanana and chased the guys out. And it was me, and I was telling them that.

24

25

You know, we're in a precarious situation, because around there we're highly impacted. There's a lot of displaced hunters that entered our country. There's a lot of people that's doing illegal activities just to get their moose meat this year. Yeah, they said, I don't care if I get busted. Let it be another Katie John case. I don't care. They said, I'm feeding my family. I never got the opportunity in the time I went out in hunting season, so I'm doing it now. And there's just.....

35

36

Anyway, I talked to a couple other people about this, too, you know. They said the only way that we give them the opportunity to get their yearly moose suppose is just to open it on the 27th, and, you know, if this don't go, I'm just going to request a special action for them. They said it was pretty hard for us, you know. We would go around the corner, there's guns and binoculars looking at you.

44

45

Go ahead, Craig.

46

47

MR. FLEENER: Mr. Chair, I move to adopt Proposal 62.

49

50

MS. WAGGONER: Second.

00159

1 MR. UMPHENOUR: Okay. In this proposal,  
2 the first thing I'm going to point out is they say that  
3 three individuals proposed. Those three individuals did  
4 not write that. Glen Stout, their area manager, wrote  
5 that proposal, I'm positive.

6  
7 But the Koyukuk Moose Working Group  
8 they're talking about, I participated in that. I've been  
9 guiding in the Koyukuk Refuge for 11 years. And what  
10 happened there, this Proposal 193 would propose to take  
11 the management plan that's on the Koyukuk National  
12 Wildlife Refuge and apply it to the Nowitna Refuge. And  
13 let me tell you what happened on the Koyukuk.

14  
15 When they first did it, I insisted on  
16 devaluing the trophy value of the moose antlers. So that  
17 got passed in regulation. But I told the management  
18 biologist, I told him right up front at the very start,  
19 unless you confiscate part of the moose antlers, the only  
20 thing that's going to happen is these guys that are after  
21 a big trophy moose, they're going to take the part that  
22 they sawed off to a taxidermist and he's going to be able  
23 to put it back together, and no one will ever know the  
24 difference. And that is exactly what happened. So they  
25 went the first three years letting the hunters keep the  
26 devalued moose antlers. Finally they saw that that  
27 wasn't working, and so now they keep the piece that they  
28 have to cut off. they have to cut off one -- cut one  
29 palm through the middle. My recommendation was cut both  
30 palms through the middle and keep the top half of both of  
31 them, or just keep the whole damn moose antler and sell  
32 it, for the State to sell it, because if they're truly a  
33 subsistence hunter, they don't want the antlers off that  
34 moose.

35  
36 But anyway, that did cut down on the  
37 number of moose hunters going there that had been  
38 displaced from other places, or wanted to get a big  
39 moose. And the Nowitna also produces very large moose.  
40 And so there's a lot of people going there that if they  
41 pass, the Board of Game passes Proposal 193, which I feel  
42 confident they will, then that -- there would be -- well,  
43 except this proposal is just asking to go hunting  
44 earlier. I'm not going to weigh in on that.

45  
46 I just wanted to kind of explain a little  
47 bit more in detail what happened in the Koyukuk Refuge.  
48 And what that did do is it did cut way down on the number  
49 of hunters, because I take my boat from the bridge over  
50 there every year, and I go up and down the river. Well,

00160

1 when I go up the river, it's right at the start of the  
2 season, but when I come back, usually the season is still  
3 on, and a lot of times I'll come down the river and go  
4 back up once during the season. The number of camps that  
5 I see along the main Koyukuk now, instead of maybe 50  
6 camps or more right on the main river, the most I've seen  
7 at any one time between Huslia and the mouth of -- or  
8 down below the Katila River where the hunting area is, is  
9 11 camps. That's the most I've seen since that went into  
10 effect. So it did reduce the number of non-local hunters  
11 going there.

12

13 And another thing it will do is it will  
14 reduce the numbers of people being illegally guided as  
15 well.

16

17 And so I just wanted to put that out on  
18 the table so everyone kind of understands what the effect  
19 was of doing the same thing as to what I'm sure that the  
20 Board is going to pass, which is Proposal 193 at this  
21 Board meeting that's going on right now. And if that  
22 doesn't pass, then I assume -- well, the Department has  
23 said that -- you know, our department has said that  
24 they'll do some kind of action to reduce the number of  
25 non-local hunters. But I'm sure that if the Board of  
26 Game doesn't do that, then you would probably want us to  
27 do a special action request or something on the order of  
28 that, is that what the procedure would be if the Board of  
29 Game doesn't take any action to address this problem?

30

31 MR. BOS: Well, we'll know that well  
32 before the Federal Board meets. This proposal is still  
33 going before the Federal Board, so the Board has the  
34 opportunity to modify this to accomplish the intent of  
35 this proposal if the State fails to act on either  
36 Proposal 193 or 200.

37

38 MR. UMPHENOUR: Okay. Let me just say  
39 one other thing and I'll be done here. So this is the  
40 vehicle in case the State Board does not take appropriate  
41 action, then this proposal is the vehicle for the Federal  
42 Board to take some type of action to address the problem  
43 then?

44

45 MR. BOS: That's correct.

46

47 MR. UMPHENOUR: Thank you, Mr. Chair.

48

49 MS. WAGGONER: This kind of all seems  
50 backwards. Okay. Basically OSM and the State say

00161

1 there's a conservation concern with moose in the Nowitna,  
2 and we have more moose being taken by nonresident hunters  
3 in the Nowitna than we do being taken by local Federally  
4 qualified subsistence hunters. And, you know, local  
5 people, we're talking 22 hunters that are asking for an  
6 extra nine days to go in and hunt before everybody else  
7 comes in. I don't see, as we have here, substantial  
8 evidence that it would increase harvest that much.

9

10 And I always thought we, as the State of  
11 Alaska, the mandate is that our resources are for all  
12 Alaskan residents, and yet we're saying local people  
13 can't hunt when we still allow nonresident hunters.

14

15 So I wholly support this proposal, and,  
16 you know, the conservation concerns should be addressed  
17 from the State level with nonresident prior to limiting  
18 subsistence hunters.

19

20 MR. UMPHENOUR: This proposal will limit.  
21 What it will do is make a drawing permit hunt.

22

23 MS. WAGGONER: I'm not talking about the  
24 State proposal.

25

26 MR. UMPHENOUR: No, I know that, but you  
27 gave false -- or uninformed -- the information you just  
28 -- or the conclusion you drew is not correct, so let me  
29 just clarify that.

30

31 The first thing is the problem is not  
32 with nonresident hunters increasing so much. It's with  
33 non-local Alaskan hunters, because they've been displaced  
34 in other places, and that's where the major problem is.

35

36 But what this Proposal 193 will do that  
37 the State is going to address, will make all non-  
38 subsistence, hunters whether they be resident or  
39 nonresident, drawing permit, and it will make a very,  
40 very small number of nonresident permits available. And  
41 what happened -- I'll just give you an example of what  
42 happened on the Koyukuk this year. What they do is they  
43 figure out what the harvestable surplus is. Then they  
44 figure out the amount necessary for subsistence. The  
45 subtract the amount necessary for subsistence from the  
46 harvestable surplus. And if there's any left over,  
47 that's how many people -- that's how many permits they  
48 will give out for the general hunt. And then of the ones  
49 -- and what they did is they went from 258 permits for  
50 the general hunt last year to 50 for this year, is what

00162

1 they did on the Koyukuk.

2

3

4 And so the same type -- if that same type  
5 of management plan is implemented for the Nowitna, what  
6 that means is, if the amount necessary for subsistence is  
7 more than the harvestable surplus, the only hunting that  
8 will take place will be subsistence hunting. I just  
9 wanted to point that out, that that is what happened in  
10 the Koyukuk, and if they implement Proposal 193, if the  
11 Board of Game does, then that will happen in this  
12 instance, and all non-subsistence hunters will be  
13 eliminated, although there's a difference between a  
14 Federally qualified subsistence hunter and a State. But  
15 that's what the State will do. Just to kind of clarify  
16 it.

16

17

18 MR. FLEENER: Thank you, Mr. Chair.  
19 While I appreciate that analysis of what the State's got  
20 going on, I think I'd like to try to focus on the Fish  
21 and Wildlife Service right now, the Federal Government in  
22 general. I think while that may occur, what we need to  
23 do is see what we can do under Federal jurisdiction.

23

24 And I don't like the idea, I get tired of  
25 hearing it, I hear it over and over again, about the OSM  
26 saying, let's wait to see what the State is going to do.  
27 That really bothers me, because I'm not here serving on a  
28 State advisory committee. If I thought that the State  
29 advisory committee was the best place to get my problems  
30 solved, I'd be sitting on that Council. But right now  
31 I'm serving on the Eastern Interior Regional Advisory  
32 Council, which is to advise the Federal Subsistence Board  
33 on things that -- on decisions that we believe should be  
34 made for subsistence users, Federally qualified  
35 subsistence users.

36

37

38 So instead of talking about let's wait to  
39 see what the State's going to do, I think we need to make  
40 sure we take care of things that we have the power to  
41 control.

41

42

43 Having said that, I actually am a little  
44 concerned about the proposal, because I don't know if it  
45 really will -- I don't think it will protect the local  
46 users enough, and I think we may to go even further. I'm  
47 not sure how to go further, but I'm concerned for the  
48 local users. I have no problem extending seasons,  
49 because, you know, I'm the sort of guy that says we  
50 should have year round seasons and let us go get our  
51 moose when we need them.

00163

1                   The problem is that you've got  
2 subsistence hunters who have lived on the land for quite  
3 a while, and they've come from a people who have lived on  
4 the land for quite a while, and have been -- they're  
5 forced to hunt within these short seasons. Now, that is  
6 where the problem lies, because you have all of this  
7 competition all coming together on this poor little moose  
8 population in a short 10, 15, whatever the day is, 20-day  
9 season, and that's just overwhelming. It's overwhelming  
10 for people and it's overwhelming for the moose  
11 population.

12

13                   So I support the idea of lengthening the  
14 season. And for people from Tanana, it's probably not  
15 really going to increase their moose harvest that much.  
16 It will give them more opportunity. If they hunt  
17 anything like I hunt, we go get a moose when we're  
18 hungry. We try to stay within State and Federal  
19 regulations as much as possible, but they don't fit with  
20 our lifestyle. They never did. And until they start  
21 taking a different approach and doing things the way we  
22 believe they should be done, the right way, then the  
23 State and Federal policies will always be out of step  
24 with how true subsistence hunters and fishers actually  
25 exist out on the land, and that is taking things when  
26 they need them, taking how much they need, and doing it  
27 in as efficient manner as possible.

28

29                   And so having said that, I just -- I  
30 think we need to look deeper at this problem, and if the  
31 problem is that we have not enough moose to go around,  
32 then we need to find a way to make enough moose to go  
33 around, first of all, and then restrict non-local, non-  
34 qualified subsistence folks on the Nowitna, I think  
35 that's where we're talking about, the Nowitna first of  
36 all.

37

38                   Thank you.

39

40                   CHAIRMAN NICHOLIA: Jeep.

41

42                   MR. TITUS: We heard a lot of comments on  
43 the low moose population in different areas and refuges.  
44 Are we going to address this later, that the managers --  
45 what's our plan for increasing the moose population?

46

47                   CHAIRMAN NICHOLIA: I'll tell you what,  
48 Jeep, there's a lot of wolves and bears down there. I  
49 don't think we want to go there right now. I know  
50 there's -- I don't think they have one, but he could

00164

1 probably answer.

2

3

4 MR. BOS: Yes, Mr. Chair. I think that  
5 moose population is subject to predation. The reduction  
6 in the number of cows in the population has not been a  
7 result of hunting, unless hunters are taking cow moose  
8 outside of the existing regulations. We don't know that.  
9 But we do know that predation occurs on this population.  
10 We've seen low survival of moose calves through their  
11 first year, so that recruitment into the population is  
12 less than we would like to see there.

12

13

14 At the same time that those effects on  
15 the population are driving the population down, the  
16 harvest levels have been going up on bulls and reducing  
17 the bull/cow ratios, which also has some effect on  
18 productivity in the population. If you get too few bulls  
19 in a population, you're not going to get optimum  
20 breeding.

20

21

22 So our conservation concern in this case  
23 is to maintain an adequate bull/cow ratio, and reduce  
24 harvest -- to do that, we need to reduce harvest  
25 primarily by non-locals in this area.

25

26

CHAIRMAN NICHOLIA: Sue.

27

28

29 MS. ENTSMINGER: Thank you, Mr. Chair.  
30 There's an earlier season, August 27th, in 21(D) in the  
31 Koyukuk. Is there any figures, and I apologize if  
32 they're out there, to show how many moose were taken by  
33 Federal subsistence users during that time, between 27th  
34 of August to September 5th?

34

35

36 MR. BOS: I don't have those figures with  
37 me. I might be able to dig them up. I think one thing  
38 the data did show is because of the earlier season and  
39 the reduction in competition with non-locals on the  
40 Koyukuk Controlled Use Area, we saw an increase in the  
41 number of locals taking advantage of the lowered  
42 competition and the earlier season. And on an annual  
43 basis, about a 30 percent increase from one year to the  
44 next in the number of local hunters hunting in this area.

44

45

46 I think for the Nowitna drainage, I  
47 suspect that the number of non-locals hunting in there is  
48 keeping locals away that don't want to put up with that  
49 competition. It's just they -- they go somewhere else.  
50 So if we reduce the number of non-locals in the Nowitna  
51 drainage, I think we're going to see a substantial

00165

1 increase in hunting by locals. They'll come back into  
2 the area. And with an earlier season, even more so. And  
3 so we would anticipate an increase in harvest in there  
4 that at this time, for conservation reasons, we don't  
5 want to see. We want to instead address the problem by  
6 reducing the harvest by non-locals. And at the same  
7 time, we would be reducing competition with the locals by  
8 reducing the number of non-local hunters in that area.

9

10 MS. ENTSMINGER: I guess I don't know  
11 enough about the area. I'm not sure exactly that that's  
12 clarified how you expect that to happen, by reducing non-  
13 local hunters exactly? I mean, I know it's in the  
14 proposal, but I don't understand it fully.

15

16 MR. BOS: Mr. Chair, I think in the  
17 proposal analysis that was handed out, there is a table  
18 there that shows the harvest by the different categories  
19 of hunters. And on that table you'll see that the  
20 majority of the harvest is by non-local Alaska residents.  
21 The -- it's on, what, the back of the second page?

22

23 MR. RIVARD: Yes.

24

25 MR. BOS: That table's on the back of the  
26 second page. I think the pages are not numbered on  
27 the.....

28

29 MR. RIVARD: It's the back of the third  
30 page.

31

32 MR. BOS: The back of the third page?

33 Okay.

34

35 MR. RIVARD: Table 2.

36

37 MR. BOS: Okay. I might as well read off  
38 of this if I can. So the column that's headed by a small  
39 "n" is the harvest number, and so the mean harvest in  
40 this area over the past 14, 15 years, has been four moose  
41 by local hunters. By non-local Alaska residents.....

42

43 CHAIRMAN NICHOLIA: I think we understand  
44 that.

45

46 MR. BOS: Okay.

47

48 CHAIRMAN NICHOLIA: Jay.

49

50 MR. STEVENS: Just a quick comment coming

00166

1 from my, I guess you would say, personal point of view.  
2 Being a resident of Stevens Village, and living so close  
3 to the Haul Road there, over the past 15 years or even  
4 since the road's went in, we've been dealing with issues  
5 like this.

6  
7                   Sevens Village has been trying to chip  
8 away at the stone with issues such as these. What we  
9 were able to do in Stevens was we were able to establish  
10 an earlier season for residents beginning August 25th in  
11 25(D) west. It was the same -- the seasons were the same  
12 prior to us changing that, or the Board changing that  
13 regulation, because we did end up -- there was conflict  
14 between locals and non-locals. We were able to get that  
15 regulation changed, and now we have an extra -- we have a  
16 season that opens sooner than the regular season does.  
17 So that did take a lot of pressure off of the local  
18 people in Stevens Village.

19  
20                   That Haul Road there, when moose season  
21 kicks in, I mean, there's well over 150 vehicles in that  
22 parking lot every year. It is unreal the amount of  
23 numbers that actually come into the area there. But most  
24 of them are going downriver his way. Not too many people  
25 any more come up our way due to the low moose population.

26  
27                   But I do support the proposal's concept.  
28 I had a question on the way it was written. Now, when  
29 you say you're proposing to open it the 27th, Unit 21(B),  
30 the Nowitna National Wildlife Refuge, is that opening the  
31 season entirely, or is that just opening the season for  
32 the residents? I mean.....

33  
34                   MR. TITUS: It says the regional  
35 residents right here.

36  
37                   MR. STEVENS: Okay. So it says  
38 residents. Okay. Okay. I see it. That answers my  
39 question. So I can sympathize with Gerald here. It did  
40 help us a tremendous amount by opening that season a few  
41 days earlier for us versus the rest of the population.

42  
43                   Thank you.

44  
45                   CHAIRMAN NICHOLIA: Do you want to finish  
46 up here?

47  
48                   MR. BOS: Yeah. I mean, I -- I'd like to  
49 respond to that, and also finish relating to the amount  
50 of use by non-locals. That's ten times as many moose on

00167

1 average are taken by non-local Alaska residents in this  
2 area than local residents over the past 15 years.

3

4 In this case, if you open -- if the  
5 Federal regulations open the season earlier it wouldn't  
6 apply on the river itself, on the Nowitna River, and  
7 those adjacent lands that are below ordinary high water  
8 mark. Those are still under State jurisdiction. Many of  
9 the local hunters hunt on the river. They travel on the  
10 river, they hunt along the river. And so they'll have to  
11 be careful not to take moose along the river if they are  
12 on lands under State jurisdiction.

13

14 MR. UMPHENOUR: Okay. Let me ask kind of  
15 a technical question here. So if the Federal Subsistence  
16 Board passes this proposal, but the State does -- the  
17 State season doesn't open until say the 5th like it is  
18 currently, then from what you just told me, the land  
19 above the high water mark would be open for federally  
20 qualified subsistence users, but below the high water  
21 mark, such as on a sandbar or an island on the river, the  
22 season would be closed until the State season opened. Is  
23 that the situation we would have? It would be open above  
24 the high water mark, and below the high water mark, it  
25 wouldn't?

26

27 MR. BOS: That's correct.

28

29 MR. UMPHENOUR: Thank you. I can -- so  
30 let me ask another kind of hypothetical question. What  
31 if someone shoots a moose and they always head for water  
32 when you shoot them, if they don't fall in their tracks.  
33 They like to get in the middle of the river and die. Or  
34 say it just makes it to the edge of the water and dies,  
35 but you shot it back in the trees somewhere, what happens  
36 when the game warden comes along?

37

38 MR. BASSICH: It goes to him.

39

40 (Laughter)

41

42 MR. UMPHENOUR: No, that's a legitimate  
43 question to ask.

44

45 MR. FLEENER: Yeah, it is.

46

47 MR. BOS: Yeah, it is. It would be up to  
48 the discretion of the enforcement officer as to how  
49 vigorously he would investigate that. If the hunter shot  
50 -- when the hunter shot, if he was standing on Federal

00168

1 lands, and the moose was on Federal lands, and the moose  
2 then runs down onto the river, that's still a legally  
3 taken moose. It's not where the moose finally expires.  
4 It's where it was shot. Now, if the hunter is in a boat  
5 on the river and shoots a moose standing on Federal  
6 lands, he would still be in violation of State  
7 regulations.

8

9 MR. UMPHENOUR: Okay. Thank you. From  
10 looking at the data, I think that the data, I think that  
11 the biological impact of allowing this season earlier is  
12 so negligible, when you look at the harvest starting in,  
13 well, say 1995, it goes three, two, one, four, three,  
14 two, zero, three, four, four. I think that's so  
15 negligible that I don't see how it can have a biological  
16 impact myself. Even if it doubled the harvest by the  
17 Federally qualified subsistence users, so I'll be in  
18 support of this. But I have a feeling that the Board of  
19 Game is going to pass Proposal 193. They may amend it a  
20 little bit or something and take part of Proposal 200 and  
21 throw it into Proposal 193, but I feel confident they're  
22 going to do that and make it a drawing permit and also  
23 put in there the destruction of the trophy value of the  
24 antlers, and that's going to get rid of a whole bunch of  
25 resident hunters that go down there, because it's one of  
26 the few places where they can go and get a chance to get  
27 a great big moose and keep the antlers.

28

29 MR. FLEENER: Question.

30

31 MR. BASSICH: Thank you, Mr. Chairman,  
32 yeah, I have a comment and a question. Right now, what  
33 is the total harvest goal for that area for moose? Do  
34 you have those figures? I'm just curious what the total  
35 harvest goals are, and then what the current harvest has  
36 been. Certainly you must have those.

37

38 MS. WAGGONER: This is current harvest.

39

40 MR. BASSICH: Yeah, but what are the  
41 goals for the harvest of that region.

42

43 MR. BOS: I don't have that number. I've  
44 asked the refuge to provide that, and I think they're  
45 going to have that available for the Western Interior  
46 Council meeting, but it wasn't available here. I think  
47 what they're looking at though is that the harvest -- the  
48 current harvest is too great. It's too large, and that's  
49 why the bull/cow ratio has continued to decline.

50

00169

1 MR. BASSICH: Okay. A comment I have,  
2 I've alluded to it earlier today in the proceedings is  
3 that in the area that I'm representing, this is a  
4 practice that takes place there, an early hunt, and it  
5 has gone a long way to satisfy subsistence needs in our  
6 area, and to provide quality hunts for people that don't  
7 want to get out there and compete against it. I do  
8 recognize that if, as Mr. Umphenour stated, these other  
9 proposals are passed, it would alleviate some of the  
10 pressure as well, but in our area, I haven't seen a  
11 significant increase in the harvest due to this early  
12 season. It has helped subsistence people tremendously,  
13 and it hasn't affected the conservation, and we are in an  
14 area where moose populations are pretty poor at this  
15 point in time, and I feel that it would be better to get  
16 those moose to the early subsistence people and I would  
17 assume that if the harvest were reported on a timely  
18 basis, that the agencies would have time certainly to  
19 adjust the seasons or have closures if they felt that  
20 this -- the harvest was too great.

21  
22 And just to share a little bit about our  
23 area, we have a lot of problems with people coming in  
24 that are not only non-local, but they are residents of  
25 the State and they're coming as far as Sitka and Wrangell  
26 to hunt. And they impact the area much more so than  
27 those individuals that live within the area.

28  
29 And, anyway, I will be in favor of this  
30 proposal, recognizing that there are other steps that  
31 will also help to solve the issues of overharvest or  
32 trying to rebuild.

33  
34 Thank you, Mr. Chairman.

35  
36 CHAIRMAN NICHOLIA: It's been moved and  
37 seconded. The question is called. I will let one more  
38 comment if anybody wanted to comment.

39  
40 MR. FLEENER: I was going to usher us  
41 towards the question as well, but since Greg mentioned  
42 that the current harvest is too great, I'd actually like  
43 to argue that point. I don't think that the current  
44 harvest is too great, especially if you go with these  
45 numbers, which I think are probably pretty darn low, the  
46 numbers on that page. Probably what's happening is  
47 predation is too high. And probably getting rid of some  
48 of the harvest might help, but generally these  
49 populations are in trouble because of predation, not  
50 because of human harvest, especially in a subsistence

00170

1 environment. So I'm not saying that's the case all the  
2 time, but I can probably guarantee you if the communities  
3 up there are only taking 10, 15, 20, 30 moose out of  
4 there, that there's no way that that can be too much  
5 harvest. And even the nonresident harvest, is this is  
6 right -- well the total harvest here is 47, if that  
7 number is right. I just can't imagine 47 moose dying is  
8 overwhelming the population. That's a mean number  
9 anyways. And so I just had to say something, because I  
10 think predation is having much more impact when you  
11 consider that a wolf pack need to eat a moose a week, and  
12 bears generally kill -- I don't know what the numbers are  
13 down there, but if they're killing anything like they're  
14 killing here, they're killing 75 percent of the moose  
15 calves in 10 days, I'd say predation is having much more  
16 impact. And question.

17

18 CHAIRMAN NICHOLIA: It's been moved, it's  
19 been seconded to adopt Proposal 62. And the question has  
20 been called. All those in favor of adopting Proposal 62,  
21 signify by saying aye.

22

23 IN UNISON: Aye.

24

25 CHAIRMAN NICHOLIA: All those opposed,  
26 same sign.

27

28 (No opposing votes)

29

30 CHAIRMAN NICHOLIA: Lunch time. We'll  
31 come back at 1:30, 1:15? 1:30.

32

33 (Off record)

34

35 (On record)

36

37 CHAIRMAN NICHOLIA: Vince, I think we're  
38 going to -- Terry Haynes is taking off pretty soon, so  
39 we're going to give him a chance to speak for the  
40 Department's issues, since he's the only Department Rep  
41 here.

42

43 MR. MATHEWS: Okay.

44

45 MR. HAYNES: Thank you, Mr. Chairman. Do  
46 you have additional proposals that you're going to be  
47 talking about?

48

49 CHAIRMAN NICHOLIA: Just Proposal 84 and  
50 that's it.

00171

1 MR. HAYNES: Yeah, we have time then. I  
2 could wait until you go through that if you'd like.

3  
4 CHAIRMAN NICHOLIA: Okay. We'll go into  
5 Proposal 84 then.

6  
7 MR. MATHEWS: Okay, Mr. Chair. Proposal  
8 84.

9  
10 MR. FLEENER: Wait. Wait.

11  
12 MR. MATHEWS: Yeah, I think we've got to  
13 get someone lined up on that. But anyways, Proposal 84  
14 was to reduce the Unit 26(C) sheep limit, sheep harvest  
15 limit. And it's found on Page 197. And Pat's helping  
16 out outside to get receipts for Terry. So it will just  
17 be a second.

18  
19 CHAIRMAN NICHOLIA: Where is Chugiak  
20 located at?

21  
22 MR. MATHEWS: That is -- what is that,  
23 north or -- well, I consider it north of Anchorage. I'm  
24 not sure if that's the right direction, but that's what I  
25 consider it. North of Anchorage. It's between Anchorage  
26 and Wasilla.

27  
28 CHAIRMAN NICHOLIA: Okay. Just if  
29 anybody could answer this question, is this guy, Harold  
30 Schetzle, or whatever, a guide service dude or -- he is.

31  
32 MR. HAYNES: Mr. Chairman, yes, he is a  
33 guide.

34  
35 MR. BERG: You know, maybe Terry could  
36 give comments. We're not prepared to -- we're not ready  
37 to present it yet.

38  
39 MR. MATHEWS: Mr. Chairman, we can try to  
40 do 84. We're just hobbling here a little bit. I did  
41 find the talking points. Those are kind of summary  
42 points that Pete DeMatteo created just in case he  
43 couldn't make it here, or the phone broke down or  
44 whatever. so we do have talking points for 84.

45  
46 I suppose it's more in Terry's court to  
47 see if he would like to be here during us stumbling  
48 through presenting 84. I mean, that's the real question  
49 here. Or else he could give his comments on 84, and then  
50 do his travel, but he would not be present here for the

00172

1 discussion possibly. It's.....

2

3

4 MR. HAYNES: Mr. Chairman, I can just  
5 provide our comments if you'd like. Our comments are  
6 consistent with the Staff recommendation on the proposal,  
7 and we don't need to be here for the discussion. We will  
8 have staff at the North Slope Regional Council Meeting,  
9 which is the home region for this proposal.

9

10 CHAIRMAN NICHOLIA: Yeah, I was just  
11 wondering why this proposal is before us. I guess it's  
12 because Arctic Village and.....

13

14

MR. BASSICH: Venetie.

15

16

CHAIRMAN NICHOLIA: Venetie? Okay.

17

18

MR. MATHEWS: Yes, it's the positive C&T  
19 for Fort Yukon, Arctic Village.

20

21

MR. RIVARD: Good afternoon, Mr. Chair,  
22 Don Rivard with the Office of Subsistence Management.  
23 Proposal 84 starts on 198 in your book. Wildlife  
24 Proposal 84 is submitted by Harold Schetzle of Chugiak,  
25 Alaska, would divide Unit 26(C) into two sub -- in two  
26 units, subunits, Unit 26(C) Hulahula River drainage, and  
27 26(C) remainder. The harvest limit for Unit 26(C)  
28 Hulahula River drainage would reduce he harvest limit  
29 from three sheep to one sheep.

30

31

This wildlife proposal would modify the  
32 subsistence sheep hunting regulations for Unit 26(C).  
33 The proponent is -- okay. I've got the addition. In  
34 addition, he proposes to reduce the current limit of  
35 three sheep per regulatory year for the 26(C) to one  
36 sheep per regulatory year for Unit 26(C) Hulahula River  
37 drainage. The proponent claims that the sheep population  
38 has declined from around 3,000 in the early 1900s to  
39 around 1,000 in 2003, and that reducing the harvest limit  
40 will help the population recover in the Hulahula River  
41 drainage.

42

43

The proposed regulation is listed there  
44 on Page 198. And it's Unit 26(C) Hulahula River  
45 drainage, one sheep per regulatory year, August 10th  
46 through September 10th, and October 1st through April  
47 30th. The August 10th through September 20th season is  
48 restricted to one ram with seven-eighths curl horn or  
49 larger. A Federal registration permit is required for  
50 the October 1st through April 30th season.

00173

1 Unit 26(C) remainder, three sheep per  
2 regulatory year, August 10th through September 20th, and  
3 October 1st through April 30th. The August 10th through  
4 September 30th season -- excuse me, August 10th through  
5 September 20th season is restricted to one ram with  
6 seven-eighths curl horn or larger. A Federal  
7 registration permit is required for the October 1st  
8 through April 30th season.

9

10 Rural residents of Unit 26, Anaktuvuk  
11 Pass, Arctic Village, Chalkyitsik, excuse me for  
12 mispronouncing that, Fort Yukon, Point Hope and Venetie  
13 have a positive customary and traditional use  
14 determination for sheep i Unit 26(C).

15

16 The ADF&G estimates there were 13,000  
17 sheep in the eastern Brooks Range in 1985. Complete  
18 censuses of sheep in the Hulahula drainage were conducted  
19 in 1986 and 1993, with population estimates of 3,200 and  
20 1500 respectively. Similar sheep populations declines  
21 were detected throughout the Brooks Range. These  
22 declines were attributed to severe winters in the early  
23 1990s. Refuge biologists implemented a new survey in  
24 2003 to more efficiently monitor the Hulahula sheep  
25 population. The survey will allow detection of long-term  
26 population changes. They only surveyed approximately 56  
27 percent of the area and observed a total of 910 sheep.  
28 The population for the Hulahula River drainage is likely  
29 in excess of 1,000 since only 56 percent of this area was  
30 surveyed. In future years, attempts will be made to  
31 survey at least 70 percent of the drainage.

32

33 Table 1 shows sheep survey data,  
34 including total sheep observed for the years 1992 to 2000  
35 for the Hulahula River drainage. Observations range from  
36 a high in 1993 of 1261 to a low of 352 in 2000.

37

38 The total number of sheep harvested in  
39 Unit 26(C) has ranged from 62 in 1983 to 51 in 2000. The  
40 eastern Brooks Range experienced a long-term increase in  
41 the number of hunters and harvest that began in the early  
42 1970s and ended around 1990. Harvest declined slightly  
43 during the last few years, although hunter participation  
44 was nearly stable. From 1986 to 1991, total reported  
45 harvest for the Brooks Range exceeded 200 sheep each  
46 year.

47

48 Kaktovik residents are the primary  
49 Federally qualified subsistence sheep hunters in Unit  
50 26(C). The number of sheep taken by Kaktovik hunters

00174

1 fluctuates, but has been anywhere from a few some years  
2 to as many as 50 in other years. The variation is  
3 closely tied to whether or not there has been a  
4 successful bowhead whale harvest in the fall, the number  
5 of caribou available, and the snow cover, weather, and  
6 traveling conditions to the mountains. Harvest  
7 monitoring by the ADF&G Subsistence Division in 1985  
8 confirm this harvest level. They estimated the sheep  
9 harvest to 47, with a range from 28 to 66.

10

11 The proposal would divide Unit 26(C) into  
12 two separate sheep hunting areas, Unit 26(C) Hulahula  
13 River drainage, and Unit 26(C) remainder. Harvest would  
14 be restricted to one sheep per regulatory year for the  
15 Hulahula River drainage, but remain at three per year for  
16 Unit 26 remainder. Subsistence hunters who hunt  
17 specifically in the Hulahula River drainage would be  
18 restricted to only one sheep per regulatory year, which  
19 would reduce the subsistence opportunity. The proposed  
20 reduced harvest limit in the Hulahula River drainage  
21 would probably not affect the sheep population at this  
22 time.

23

24 The Staff's preliminary conclusion then  
25 is to oppose the proposal.

26

27 Thank you, Mr. Chair.

28

29 MR. HAYNES: Mr. Chairman, Terry Haynes,  
30 Department of Fish and Game. Our comments did not get  
31 included on Page 204 of your meeting book, and the thing  
32 to me that -- I can't remember the reason for that. Be  
33 that as it may, I'll read our comments as they'll appear  
34 in the North Slope Regional Council meeting book.

35

36 Do not support. A careful assessment of  
37 the Unit 26(C) sheep population and harvest data is  
38 required to determine if sheep numbers actually have  
39 declined as is alleged in this proposal, and to determine  
40 if additional biological data are needed for management.

41

42 Harvest data from the Federal  
43 registration permit sheep hunt in Unit 26(C) have not  
44 been presented in the Federal proposal and analysis, but  
45 would provide more current harvest data than currently  
46 appear in Table 2. And if you'll note back on Page 199,  
47 a Federal registration permit requirement has been in  
48 place since 1994, but there is no presentation of Federal  
49 harvest data in this analysis.

50

00175

1                   Adoption of this proposal without also  
2 closing Federal public lands to sheep hunting by non  
3 Federally qualified subsistence users would not have much  
4 effect, since the State regulations would continue to  
5 authorize a bag limit of three sheep throughout Unit  
6 26(C) during the October 1/April 30 season.

7  
8                   So we see no reason to implement these  
9 restrictions that are proposed in the proposal at this  
10 time.

11  
12                   MS. WAGGONER: Mr. Chair. Terry, did the  
13 proponent of this proposal submit anything to the Board  
14 of Game to do the same thing on the State regs, to divide  
15 26(C) and to reduce the three sheep harvest during the  
16 winter season?

17  
18                   MR. HAYNES: Mr. Chair, I don't believe  
19 so. I don't remember seeing a Board of Game proposal on  
20 this subject.

21  
22                   CHAIRMAN NICHOLIA: That was it for your  
23 comments, Terry?

24  
25                   MR. HAYNES: Yes.

26  
27                   CHAIRMAN NICHOLIA: Open floor for public  
28 testimony.

29  
30                   (No comments)

31  
32                   CHAIRMAN NICHOLIA: Written public  
33 comments?

34  
35                   MR. MATHEWS: Yes, Mr. Chairman, there  
36 were three in opposition. The City Council of Kaktovik  
37 opposes this proposal. And they just want to leave the  
38 sheep level -- the subsistence level at three sheep.

39  
40                   Fenton Rexford I think Gerald knows and  
41 maybe others know, is the past chair of the North Slope  
42 Regional Advisory Council. He personally opposes  
43 changing the existing regulation. If subsistence is to  
44 be limited or reduced, the Federal Subsistence Board  
45 should restrict or stop sport hunting first.

46  
47                   The Native Village of Kaktovik opposes  
48 it. The proponent's reasoning for changing the  
49 regulation based on current population count and his  
50 comments are premature. If the bag limits are to be

00176

1 reduced, the Federal Subsistence Board should consider  
2 reducing any or halting all sport hunting fishing (sic).  
3 They just wanted to leave it as is.

4

5 So those are the three comments. And  
6 North Slope Regional Advisory Council will be taking it  
7 up next week, and Western Interior in two weeks will be  
8 taking up this proposal.

9

10 CHAIRMAN NICHOLIA: The North -- the  
11 Arctic Slope didn't meet yet?

12

13 MR. MATHEWS: No. They're meeting next  
14 week, the 3rd and 4th I think. Something like that. I  
15 know I have to get -- we're getting a Council member for  
16 Western Interior on line.

17

18 CHAIRMAN NICHOLIA: Okay. Okay. Okay.  
19 Craig.

20

21 MR. FLEENER: Move to adopt Proposal 84.

22

23 MS. WAGGONER: Second.

24

25 MR. FLEENER: Thank you, Mr. Chair. I  
26 don't see any compelling evidence to reduce this from  
27 three to one. It seems like for a guide or whoever this  
28 person is that's going to be bringing outside hunters in  
29 probably to hunt under State law anyways, that this is  
30 just going to cause a burden on the system, confusion  
31 between State and Federal regulations, so I don't plan on  
32 supporting it.

33

34 MR. UMPHENOUR: Okay. I'd like to ask  
35 Terry a question. Just to clarify what you said in the  
36 Staff comments from the State, even if this were passed,  
37 they would still be able to take -- it would not change  
38 -- the State regulations would still allow the exact same  
39 thing to happen, even if the Federal Subsistence Board  
40 passed this, is that not correct?

41

42 MR. HAYNES: Mr. Chairman, Virgil, yes,  
43 that's the case, unless the Federal Board also closed  
44 Federal public lands to non Federally qualified users.  
45 But as it stands right now, the State regulations would  
46 apply on Federal lands.

47

48 MR. UMPHENOUR: Thank you. So what we  
49 would if this were passed is we would have conflicting  
50 regulations, one regulation saying you couldn't do

00177

1 something under Federal regulations, State regulations  
2 saying that you can, which is a bad deal to have two  
3 regulations opposing each other, so I think we should  
4 oppose this.

5  
6 MR. TITUS: I plan on opposing the  
7 proposal people, because the local people oppose this  
8 proposal that's made out of the -- he from Chugiak, and  
9 he's telling them guys up in 26(C) they need to cut their  
10 thing in half. So I can't support this proposal.

11  
12 MR. FLEENER: Question.

13  
14 CHAIRMAN NICHOLIA: It's been moved,  
15 seconded, question is called. No more discussion. All  
16 those in favor of adopting Proposal 84 signify by saying  
17 aye.

18  
19 (No affirmative votes)

20  
21 CHAIRMAN NICHOLIA: All those opposed,  
22 same sign.

23  
24 IN UNISON: Aye.

25  
26 CHAIRMAN NICHOLIA: Okay. Reports.

27  
28 MR. HAYNES: Mr. Chairman, thank you. I  
29 am going to try to catch a flight out of here later this  
30 afternoon, so I appreciate the opportunity to offer a few  
31 comments out of turn. And I also want to thank you and  
32 the Council members for allowing our participation and  
33 listening to our positions, and even when we disagree, I  
34 feel like we're listening to each other, and I appreciate  
35 the respect that you show me, and I hope that you  
36 understand that we are going to have different viewpoints  
37 on some of these issues, and it's nothing personal in  
38 most cases.

39  
40 I apologize that other staff aren't here  
41 from the Department. Wildlife staff and subsistence  
42 staff are all committed to the Board of Game meeting for  
43 the next couple of weeks. Fisheries staff will be in  
44 attendance next fall and will have a lot more information  
45 for you I'm sure and will be addressing fisheries  
46 proposals that are on the calendar for next winter's  
47 Federal Board meeting.

48  
49 I was asked to provide a couple of  
50 comments. Bob Stephenson, who's the area biologist for

00178

1 the Yukon Flats said that he hopes that the Department  
2 will get a Yukon Flats Moose Management Planning meeting  
3 scheduled this spring so that work can continue on  
4 dealing with moose management issues up here. I know Bob  
5 is feeling very good about the direction things are  
6 going. There's been a lot of local interest and I think  
7 the Department and local people are working well  
8 together. And we hope that continues.

9

10 Jeff Gross, who's the area biologist in  
11 Tok, is continuing to monitor very closely Nelchina,  
12 Mentasta, 40-Mile caribou movements, harvest activities.  
13 That work is being funded in part by money we get through  
14 the Office of Subsistence Management, and without that  
15 funding, very information that's used to kind of keep  
16 track of those caribou and hunting effort, the Department  
17 simply wouldn't have the funding to do that. So we  
18 appreciate the funding that the Office of Subsistence  
19 Management continues to provide for us to use to monitor  
20 and keep track of what's going on with caribou in the  
21 Upper Tanana region.

22

23 Division of Subsistence staff have been  
24 finishing up some projects that they were funded through  
25 the FIS program, and also through the Office of  
26 Subsistence Management, what we call 809 funding. Most  
27 of that work applies to Western Interior, so I'm not sure  
28 just how much of it, of the work they're finishing up  
29 applies to your region, but I think they'll try to come  
30 to your meeting next fall with progress reports on their  
31 activities.

32

33 With that, I don't have anything else to  
34 add, other than if you have questions or information  
35 needs, I'll be happy to try to answer your questions or  
36 get information back to you after this meeting, and when  
37 staff are available. Once again, thank you for allowing  
38 us to participate in your meeting. I always enjoy  
39 working with this council.

40

41 CHAIRMAN NICHOLIA: Yeah, thank you,  
42 Terry. I think you guys are a valuable resource in  
43 helping us making some of these recommendations to the  
44 Federal Subsistence Board, you know. You give us a  
45 different view, instead of just having a view from Office  
46 of Subsistence Management. Sometimes it seems one sided,  
47 and you collected your own information, you know, and the  
48 Department, you corrected their information, sometimes  
49 they correct your information. But without the State  
50 being here, I don't think we'd have adequate information

00179

1 to make some of these recommendations that we do. And so  
2 I thank you.

3

4 Your ball game, Vince. It says update on  
5 pending Alaska Board of Game Interior Proposals, Vince  
6 Mathews.

7

8 MR. MATHEWS: Yes, Mr. Chairman. This  
9 agenda was developed about two months ago, and we were  
10 hoping that there would be some way to get updates of  
11 what the Board of Game did, and obviously we can't pull  
12 that off, and Terry's already explained that.

13

14 The next topic you requested to be on  
15 there, and that was I think somewhat achieved throughout  
16 the meeting, was that there be an open session for any of  
17 the people from Beaver or other villages that came in to  
18 share their thoughts. And I think they've been observing  
19 and coming through, and you've made it clear that they  
20 could come up to the mike at any time. But, again, for  
21 other members, these agendas are developed so far in  
22 advance that sometimes they just don't match where we're  
23 at right now. So those are those two topics.

24

25 CHAIRMAN NICHOLIA: Okay. We've got Jay  
26 or Craig here, if you want to voice your opinions on the  
27 Yukon Flats situation. You guys both live here.

28

29 MR. FLEENER: Thank you, Mr. Chair. I  
30 think that most of the comments that I wanted to make I  
31 made on the first day at the beginning of the meeting.  
32 And I guess I'll follow up just with a little bit.

33

34 I talked yesterday a little bit about the  
35 Yukon Flats Moose Management Plan, and I said that I  
36 didn't think that the State and the Feds were doing  
37 enough when it came to helping us to increase the moose  
38 population. I don't think we're doing enough to increase  
39 the moose population by any means, but I do want to  
40 publicly say that I appreciate the support that we've  
41 gotten for our moose management plan from the State and  
42 from the Yukon Flats Refuge and their staff.

43

44 It's been a problem for a long time, and  
45 the first step to solving most problems is sitting down  
46 talking about it, especially when you have differing  
47 views, and I'd say for certain that my viewpoint, Bob  
48 Stephenson's viewpoint and Ted Heuer's viewpoint are not  
49 the same. We all do agree that there's a problem with  
50 the moose population. We also agree that we have quite a

00180

1 few predators. Now, how we go about solving that problem  
2 is where we generally go our different ways, but it's a  
3 valuable exercise nonetheless to sit down and talk with  
4 each other, let each other -- share our concerns with  
5 each other, and then put those down in a written -- the  
6 written word, and we did that with our moose management  
7 plan which came through the Eastern Interior Council last  
8 year I think. I was gone fighting war last year, so I'm  
9 not sure where it was at. Maybe the year before. I'm  
10 not sure when it actually got finalized, but it was  
11 finalized, sent to the Federal Subsistence Board and to  
12 the Board of Game, and passed with unanimous support from  
13 both sides.

14

15 I would like to see it grow actually.  
16 I'd like to see the management plan change to where there  
17 are more action items by the State and the Federal  
18 managers. I would like to see some action items that  
19 help us to build our moose population, and I think, of  
20 course, that some of that building means that we're going  
21 to have to deal with our predator populations. Now,  
22 according to the federal folks, they don't have an avenue  
23 to do that. I think we have an avenue, at least the  
24 easiest avenue is by regulatory proposal development, and  
25 so I urge the State and the Federal managers to support  
26 the proposals that we submit to enable us to harvest more  
27 predators, not only for the -- well, I'll skip that part.  
28 I think we need to harvest more predators so that we can  
29 build our moose population back up.

30

31 Now, what does it take the onus off the  
32 State and Federal managers. All it does is legalizes it  
33 so it makes it easier for something to do something about  
34 our population. I would like to see that, and  
35 unfortunately most of the bear proposals did not receive  
36 the support, increased harvest or whatever we asked for  
37 over the past few years, have not received the support of  
38 the State and Federal managers. In some cases we got  
39 support by the State and Federal managers for a couple of  
40 proposals, like getting rid of the \$25 tag fee on grizzly  
41 bears. We got support on that one. And increasing brown  
42 bear harvest to one a year instead of one every four  
43 years. We got support on that one. But I think we need  
44 to -- if we're really going to take some action that's  
45 going to help us build our moose population, we've got to  
46 take some action now, and we need some support by the  
47 State and Feds as they stated in the moose management  
48 plan, that they would help us in the development and  
49 supporting passage of proposals specifically dealing with  
50 predator management, and I didn't see that and I'm kind

00181

1 of disappointed there. I'd like to see more support. We  
2 have to have aggressive proposals if we're going to have  
3 -- take aggressive actions. We can't have passive  
4 proposals that just say -- well, I don't even know what  
5 they would say, but we can't have passive proposals in  
6 the proposal book if we want to take aggressive actions.  
7 And so I would like to see some more steps there.

8

9 I think that's all I'll say for now, Mr.  
10 Chair. Thank you.

11

12 MR. STEVENS: Ditto. I don't have  
13 anything at this time, but I would like just to add ---  
14 won't add to that, but it is frustrating dealing with  
15 some of the predator issues around the Flats. So as he  
16 said, I guess I'd like to say I'd like to see a little  
17 more support, too, but we are kind of moving forward with  
18 it a little bit. There are some things being done, so --  
19 other than that, Stevens Village doesn't have any  
20 pressing issues at this time. Thanks.

21

22 MR. BASSICH: Thank you, Mr. Chairman.  
23 It's interesting to hear some of those comments. I think  
24 we're not too far behind you in our area with some of the  
25 same concerns, and so we'll be watching very closely what  
26 takes place up in your area there.

27

28 One of the things I'd like to share with  
29 you that's been generated, there's been a lot of  
30 discussion in our advisory committees, what to do about  
31 this issue, and the methods and means to do this, and one  
32 of the things that's being developed is to kind of take  
33 it into our own hands, and not really ask for the State  
34 to change a lot of regulations. And one of the ideas  
35 that's being formulated is to form our own local bounty,  
36 and that when predators are taken in our area by local  
37 harvesters, that the community would chip in, everybody  
38 would chip in and give a little bit of an incentive for  
39 those persons to go out and harvest predators. And so  
40 we're looking into it, and I hope that we can maybe  
41 develop something, and if we're successful with that,  
42 maybe be able to come back and share that with you. But  
43 at this point in time, we're not looking for the State or  
44 the -- and the Feds to go through the long bureaucratic  
45 process to take care of it. We feel like we live in this  
46 area, and we should take responsibility where we can  
47 legally to further those issues. So, thank you, that was  
48 interesting. I'll be listening more.

49

50 MR. UMPHENOUR: Thank you, one of -- I've

00182

1 thought about this a awful lot, because it's a problem  
2 all over the State, and in some areas of the State we  
3 have intensive game management, and in some of those  
4 areas the State Board of Game has allowed things such as  
5 being able to pursue wolves with snow machines, and I  
6 think just a few simple methods and means changes such as  
7 one that I know would make the hunter much more  
8 efficient, and I know that some people would object to  
9 it, saying it's not fair chase, but being able to have  
10 communication -- not shooting from aircraft, but having  
11 communication between aircraft and people on snow  
12 machines on the ground, radio communication so that you  
13 can have a spotter aircraft that can locate wolves, tell  
14 the hunters on the ground where the wolves are via radio,  
15 and then the hunters being able to pursue the wolves  
16 would make hunters, especially in an area like this,  
17 where the country's fairly flat, and it would make it so  
18 that they would be much more efficient and able to  
19 actually be successful in getting wolves and not waste so  
20 much money on super expensive gas just trying to go out  
21 there and find them on your own on a snow machine. But  
22 things like that would be a tremendous help to the local  
23 people in not only this area, but other areas as well  
24 where this could be done. And that's something I would  
25 like to encourage both agencies to think about is  
26 something like that.

27

28                   And I do know that Senator Seekins has  
29 introduced a bill to liberalize various methods and means  
30 for harvesting bears, both grizzly bears or brown bears  
31 if you want to call them that, and black bears. And so  
32 there's a lot of people in the State that are thinking  
33 about that besides just us.

34

35                   But I think that that one thing would do  
36 more to enable the local hunters to thin down the wolf  
37 population. It would be the easiest thing and the least  
38 controversial.

39

40                   Thank you.

41

42                   MR. BASSICH: If it would please the  
43 Chair, I'd like to bring up some fish issues regarding  
44 these areas? Is that an okay?

45

46                   MR. FLEENER: That's the next one.

47

48                   CHAIRMAN NICHOLIA: Do that.

49

50                   MR. BASSICH: I'd like to speak to a

00183

1 couple of the fisheries issues in this area.

2

3

CHAIRMAN NICHOLIA: All right.

4

5 MR. BASSICH: Thank you. Having been to  
6 Board of Fish meetings in Fairbanks, and also attending  
7 the YRDFA meetings over the past year, it's become quite  
8 obvious to me that we're not being well represented in  
9 the upper river regions. And I think this is really  
10 hurting all of us in the upper river region, and I think  
11 we really need to make an attempt to have a little bit  
12 more unity, and certainly better representation from the  
13 upper river within these two organizations. And so I  
14 would just like to make that comment, and hopefully see  
15 Fort Yukon and Stevens Village and Beaver become more  
16 involved in participating, especially with YRDFA in the  
17 teleconferences.

18

19

I think one of the things as I listened  
20 in on some of those last year, the general consensus is  
21 if they don't hear from anybody that things are fine, and  
22 being the farthest people upriver, you know, we're seeing  
23 the net result of what's taken place in the fisheries,  
24 and it's sometimes I think difficult for people  
25 throughout the drainage to believe us when we're telling  
26 them that we're having the problems that we're having  
27 when it's not being supported by people from a little bit  
28 down river from us that are still considered upper Yukon  
29 River fishermen.

30

31

So I guess what I'm doing is I'm inviting  
32 you to hopefully participate more in that process and be  
33 involved, because it is making a difference. YRDFA's  
34 come a long way towards improving dialogue and discussion  
35 between upriver and downriver users. And I think they're  
36 kind of at the threshold of really making some  
37 breakthroughs if we continue to work hard in that area.  
38 But I think it really benefit the upriver fishermen  
39 tremendously.

40

41

Thank you, Mr. Chairman.

42

43

CHAIRMAN NICHOLIA: Yeah, I have a follow  
44 up on that, too, is that I've been really sticking my  
45 neck out for you guys, you know. Your quietness is not  
46 helping you. Ask most of these people when they're at  
47 the Board of Game, from Board of Fish, or any board  
48 level. I'm doing what I can, but if I don't have no  
49 input from you guys, I can't really help you. I can just  
50 only speculate what I think is right. Because I know

00184

1 we're all hurting fish, and I know you're all hurting  
2 fish and moose, and I'm trying to do the best I can, but  
3 if I don't get no input, I can't really do nothing for  
4 you. And like I said, your quietness is hurting you.

5  
6 MR. UMPHENOUR: To follow up on what Andy  
7 said, at the Board of Fisheries meeting in January, which  
8 was the AYK issues, the only people from the Upper Yukon  
9 that were there were -- well, three of us are sitting  
10 here at the table, but besides us, the only other people  
11 that were representing the Upper Yukon was one person  
12 from Huslia that was there for two or three days and then  
13 Jack Reakoff from the Eastern -- or the Western RAC was  
14 there for a couple of days. But other than that, we were  
15 the only people representing the Upper Yukon as far as  
16 subsistence fishermen goes, or even commercial fishermen  
17 goes, other than sport fishermen that live primarily  
18 around Fairbanks who are mainly concerned with grayling  
19 at this meeting. However, the Lower Yukon had -- I don't  
20 know how many people they had, but they had in excess of  
21 30 people there, primarily representing commercial  
22 interests, speaking against subsistence interests for the  
23 upper river, and so that's really discouraging.

24  
25 And I just spent eight days down at the  
26 Board of Fish meeting in Anchorage as a representative of  
27 the Fairbanks Advisory Committee, and at that meeting I  
28 was the only person representing the Upper Yukon other  
29 than one person from Tanana Chiefs, and the only thing he  
30 did was testified and left. And so it's really  
31 depressing to be representing such a large area and be  
32 the only person there representing anyone's interest from  
33 that area, period.

34  
35 And it really shows in the actions that  
36 the Board of Fisheries took in both meetings, because  
37 when they have a whole bunch of commercial fishermen  
38 saying, oh, we're poor and we're going bankrupt, and we  
39 can't make any money because of low fish prices, we have  
40 to catch more fish to make more money, that's what the  
41 Board did in both cases. They went along with those  
42 people saying that, because there was no one from up here  
43 saying, look, we're having trouble getting our  
44 subsistence needs met. No one was there. And I know it  
45 costs money to go to these meetings, but if you're not  
46 there, that's the only thing the Board hears. They hear  
47 me, and they say, ah, it's that damned old guy again.  
48 And that's basically what it amounts to. They need to  
49 hear from the people. And so somehow we have to get more  
50 people at these meetings where the decisions are made as

00185

1 to whether you have reasonable opportunity to get your  
2 subsistence needs met.

3

4 Thank you.

5

6 CHAIRMAN NICHOLIA: Another thing I'm  
7 going to do about this region, too. I'm going to request  
8 that TCC pay people's way like they did the last time,  
9 the last six years, three years ago that they did that.  
10 They paid Charlie Campbell, Stan Zurey, Les Erhart, and  
11 Henry Wheel, and I believe they could do that again this  
12 next round to the State Fisheries meeting, because we  
13 have to do something. We lost this time, in my eyes we  
14 lost. We really did, man, because there were just not  
15 enough upriver support. And I could tell, I was up there  
16 just about half the time at that Board of Fish meeting.  
17 And I was practically even Tanana Chief's representation  
18 there.

19

20 MR. FLEENER: Thank you, Mr. Chair. Two  
21 things I want to talk about. I'm glad Andy brought up  
22 fish, because that's -- I don't know why I forgot about  
23 it when I started talking, but it's a real serious issue,  
24 and I think we have to pay close attention to it, and I'm  
25 really disappointed, and I want to get this on the  
26 record. I'm really disappointed in how the State and  
27 Federal managers have been handling our salmon problem.  
28 We continue to have -- in most cases, not in all cases,  
29 we continue to have problems with declining fish stocks  
30 and declining fish returns, not being able to meet  
31 escapement goals, and then not being able to meet  
32 subsistence needs. And I was always under the impression  
33 that our number 1 priority is to meet escapement goals.  
34 That's what I always thought. And so for any board or  
35 any group or any committee, anybody to go along with the  
36 idea of increasing harvest at any level, subsistence or  
37 commercial, increasing harvest and to spite escapement, I  
38 just can't imagine why that would be done. And so that's  
39 pretty disappointing.

40

41 And the second priority I always thought  
42 was subsistence. So how is it that the State or the  
43 Federal Government can allow increased commercial harvest  
44 when our subsistence needs aren't being met? I realize  
45 what the argument has always been. The argument has  
46 always been for Area M, for example, well, we don't know  
47 where all those fish are going. So since we don't know  
48 where all those fish are going, and we don't know how  
49 many of them are coming to you, we certainly can't limit  
50 them. Well, that doesn't impress me any, because the

00186

1 fact of the matter is we're not meeting a lot of our  
2 escapement goals, and we're not meeting a lot of our  
3 subsistence needs. And until we can start meeting  
4 escapement goals and subsistence needs, I think we have  
5 to start restricting fishing, and the first restriction  
6 is supposed to be on commercial fishing.

7  
8                   And I realize that in-season management  
9 is really hard, and don't get me wrong, I'm not insulting  
10 the in-season managers, but, you know, I have no problem  
11 when -- if we're going to have ongoing declines and if  
12 we're going to have years and years of low runs and low  
13 returns, I have no problem understanding why we could  
14 have a complete stoppage of commercial fish until we can  
15 start meeting these other goals. That should be the  
16 number 1 priority, escapement. Subsistence should be the  
17 number 2 priority. But if you look at the management  
18 decisions that have been made over the last year, they're  
19 not making decisions that support either one of those two  
20 priorities, and something needs to happen, and we're  
21 pretty disgusted up here.

22  
23                   Whether or not we were well represented,  
24 that's an important issue as well, but whether or not we  
25 were well represented, the Board of Fish, for example,  
26 and the Federal managers, I realize the Federal  
27 Subsistence Board doesn't have authority over the ocean  
28 where some of this stuff is taking place, but the Federal  
29 Government does, and I realize that -- well, I won't say  
30 that.

31  
32                   The second thing I want to talk about is  
33 the YRDFA teleconferencing, and Gerald brings up a point  
34 that's really important for all of us to participate ,  
35 and I know that Gerald and I have talked a lot, because I  
36 stopped participating in YRDFA teleconferences, and my  
37 reason for wanting to no longer participate was because I  
38 felt like we for years, and I participated for several  
39 years, we for years have provided them with good  
40 information from the Yukon Flats. Year in and year out,  
41 every what, Tuesday, we'd call up and we'd provide them  
42 our information. Not once was a management decision made  
43 that benefitted us. And I had a hard time convincing the  
44 folks in Fort Yukon and the other communities to continue  
45 giving me information to give to YRDFA who, of course,  
46 then funnelled it to the State managers, I have a hard  
47 time convincing them that what we're doing is valuable  
48 when the decisions that come from them have almost always  
49 negatively impact us. And so that's one of the reasons  
50 that I stopped participating in YRDFA.

00187

1                   But Andy and Gerald are both right. In  
2 order to get your viewpoint heard, you have to  
3 participate. And so, you know, I'm at fault there by not  
4 wanting to participate, and I'm willing to admit that,  
5 but I'm so darn mad that it's hard to participate when  
6 you know that the information just goes into a vacuum and  
7 decisions are being made against you.

8  
9                   Take a look at the management actions  
10 that you see in the newspaper over the last few days. It  
11 doesn't matter how much good information we give them.  
12 The decision's going to be made how -- it seems like  
13 they've already decided before we provide information.  
14 It doesn't matter if you give them good biological data,  
15 it doesn't matter if you give them good traditional  
16 knowledge. It doesn't seem to matter, because they're  
17 going to go the way they want to, and that really bothers  
18 me. And I think there's -- somebody has to do something,  
19 and some serious actions need to be taken before it's too  
20 late.

21  
22                   Thank you.

23  
24                   MR. BASSICH: Thank you, Mr. Chairman.  
25 Yeah, I would agree with your comments there, and I think  
26 I can say that I probably share the same level of  
27 frustration and disappointment that you do. But I also  
28 feel that right or wrong, the way the system works right  
29 now is the squeaky wheel gets the grease. And it's been  
30 my mission to be a squeaky wheel, and I do see a little  
31 bit of grease coming from time to time. It may be just  
32 enough to barely keep the wheel turning but nevertheless,  
33 that is the way the system works, and I agree that  
34 management maybe hasn't been benefitting subsistence to  
35 the level that we would like to see, and maybe it won't  
36 in the real near future, but unless we keep the pressure  
37 on them, if they don't hear from us, they assume we're  
38 okay. And unfortunately that's the reality of it, and  
39 that's what's been taking place. So the more  
40 participation, and the more we speak up, I think the  
41 better chance we have for those decisions to be made in  
42 our favor.

43  
44                   I'm not condoning the way things are  
45 going, but I'm just saying this is what we need to do in  
46 my experience to assure that we have at least some sort  
47 of a chance for our harvest.

48  
49                   Thank you.

50

00188

1                   CHAIRMAN NICHOLIA: Yeah, you know,  
2 Craig, is that it seems like to everybody that YRDFA is  
3 in bed with ADF&G and OSM, but they ain't. YRDFA is  
4 there to -- it's a fishermen's organization. All the  
5 people along the rivers. I'm a member of YRDFA just for  
6 that reason. You know, the Department asks us to help  
7 them sometimes, and we -- they -- because YRDFA is a  
8 voice along the whole Yukon River is that they've got a  
9 high regard from the Department of Fish and Game, is that  
10 -- no, I don't think they're in bed with ADF&G or some --  
11 they're just out there to slap them around in my book.

12

13                   MR. UMPHENOUR: I don't know, Mr. Chair,  
14 maybe this is the appropriate time to go to the next  
15 agenda item, which is to talk about fish. Do you want to  
16 do that?

17

18                   CHAIRMAN NICHOLIA: Might as well.

19

20                   MR. UMPHENOUR: Okay. What I'd like to  
21 do is give a report on -- basically a real quick report  
22 on what the Board of Fisheries did last week that affects  
23 our fishery. What they did is in the June fishery in  
24 Area M, the schedule that was implemented three years ago  
25 when I was on the Board of Fisheries was that they fished  
26 three 16-hour periods per week starting the 10th of June  
27 until the 25th.

28

29                   CHAIRMAN NICHOLIA: Do you want to say  
30 something, Paul?

31

32                   MR. WILLIAMS: Yeah, I'd like to say,  
33 something in regards to the moose management committee  
34 that we spend a lot of time. I know you're probably  
35 getting tired of hearing this, but since -- I didn't want  
36 to get too far ahead of that. Excuse me for cutting in,  
37 but, you know, going back to that moose management, we  
38 spent a lot of time and effort. It took two years to  
39 come up with a book, you know, that's thinner than this.  
40 Something like this, you know, the basic plan for people  
41 getting involvement from the local level.

42

43                   To go back the management of not only the  
44 moose and other species of prey, but to also to work  
45 along with the managers, both the wildlife managers and  
46 river fish managers. So I just want to point that out.  
47 I know it's a good idea to get airplane and go out there  
48 and look for and kill and land by it and it makes sense,  
49 and -- but, you know, that's pretty expensive. But  
50 according to the plan, you know, that's one of the things

00189

1 that we figured we could do. You know, it's been taken  
2 into consideration, all those regulations that we have in  
3 Alaska in pertinence to moose management and predator  
4 control.

5  
6 We put in for a grant for the tribal  
7 wildlife management grant system, and we got turned down,  
8 and we really don't know why it was turned down. Maybe it  
9 was too much money or we were coming on too strong or  
10 they think that maybe we're trying to get back to our old  
11 ways of being in control of our land and our wildlife  
12 resources. I don't know what it is, you know, but it  
13 sure would be a help, you know, if we got that little  
14 extra money to hire somebody, and we start small, you  
15 know, like trapping. When I was young, you know, I used  
16 to go out there a couple miles and we'd come back and  
17 sometimes I'd catch a rabbit or a weasel, and really  
18 happy. But now, you know, we go further and we've got  
19 snow mobiles, you know, and I'm thankful every day for  
20 that, and we've got a lot of other concerns like young  
21 people, here I'm starting to sound like editor, but, you  
22 know, I'm repeating myself, and I'm just going to keep  
23 repeating myself. You know, we're going to find out why  
24 we got turned down and why we can't get started. We  
25 depended on that, you know, like one young man over here  
26 was saying, you know, we got frustrated, because we're  
27 not moving ahead. And then the paper is still going  
28 ahead, you know, everything has got to be written down.  
29 And I don't know why we have to put another regulation on  
30 top of another regulations, you know. I don't know what  
31 to say, you know. I'm just -- I've got so many things to  
32 say, and it's heard to speak English, you know. It  
33 wasn't my language. (In native tongue) It's hard to  
34 speak English, you know, when you're thinking in Indian.  
35 And that's a difficulty.

36  
37 I just want to point out that we already  
38 have -- we're going to have one more meeting like  
39 somebody said a little while ago. I guess it's Jerry or  
40 Stephenson and Randy Rogers. I talked to Randy the other  
41 day, we're going to have one more meeting after the moose  
42 management survey has been completed around the 11th of  
43 next month, so probably around April we'll have one more  
44 Yukon Flats Moose Management Committee meeting, and at  
45 that time we're going to review the management -- the  
46 things that we've written up for ourselves, something to  
47 follow. Everybody agreed to it, you know, not only all  
48 of the villages, but it was agreed to by both the State  
49 and Federal managers as a good thing to do. But when you  
50 put in an application following that very thing that you

00190

1 put down on paper, you know, that we got turned down. So  
2 I just want to say that in this. But we're not going to  
3 give up, we're going to keep going, and we're going to  
4 make changes, whatever they want, and hopefully we get  
5 some money to operate.

6

7 Thank you, Mr. Chairman. Thank you for  
8 letting me have the floor.

9

10 MR. UMPHENOUR: Okay. So what happened  
11 is that the Area M fishery's fishing time was increased  
12 in the month of June from three 16-hour periods a day,  
13 which would start on the 10th of June until the 25th, and  
14 then after the 25th it was a little bit more complicated.  
15 If they had over a two to one sockeye to chum ratio two  
16 days in a row, their season was over starting on the  
17 25th. And so what the Board is increase their fishing  
18 time to 88 hours on, that's three days and 16 hours, and  
19 then 32 hours off, and they do that for the whole month  
20 of June starting on the 7th. So that's an increase in  
21 fishing time. If you figure it out mathematically, it's  
22 285 percent increase in fishing time.

23

24 There's been studies done since 1923 of  
25 the composition of the stocks in that fishery. It's  
26 acknowledged that all the stocks are migrating stocks  
27 transiting those waters in the Shumigan Islands and the  
28 South Peninsula in June, and the majority of them in July  
29 as well. And so they've had studies from 1923 up until  
30 the genetic stock identification studies that were done  
31 in the middle 90s.

32

33 And it's acknowledged that the majority  
34 of the chum salmon that are harvested in that fishery are  
35 headed to the AYK region. Genetically they can separate  
36 out what they call northwest Alaska summer stocks, and  
37 this is with over a 90 percent confidence interval, and  
38 fall Yukon stocks. And some of the sampling periods, and  
39 most of the sampling periods, they started them out on  
40 the 10th of June and went up through the 25th or 26 of  
41 June, and they were usually five days at a time, broken  
42 down into three different groups, but in most of the  
43 sampling periods, or all of the sampling periods, the  
44 majority of the fish, in excess of 50 percent of them in  
45 most cases, were AYK summer stocks. It was as high as 15  
46 percent fall Yukon in one period one time, and the  
47 highest it was 76 percent AYK summer chum stocks.

48

49 We -- on the sockeye end of things, they  
50 kept sockeye that are primarily headed for Bristol Bay,

00191

1 because that's the largest sockeye run north of the  
2 Alaska Peninsula. Well, the Kvichak River used to be the  
3 largest sockeye producer on earth. It's been declared a  
4 management concern by the Board of Fisheries, because  
5 they haven't been able to meet the escapement goals in  
6 more than a life cycle of the fish despite stopping  
7 fishing on those stocks in the local area.

8

9                   So those are the two primary stocks that  
10 are going through that area at the time. The stocks in  
11 the AYK region, such as the Yukon River that are going  
12 through there are summer chum and fall chum stocks. Our  
13 summer chum stocks are I believe still a management  
14 concern by the Board of Fisheries. The fall chum stocks,  
15 we did have two that were management concerns, the Toklat  
16 and the Fishing Branch, but they changed that, because  
17 they lowered the escapement goals in January, but there  
18 are still yield concerns. But the entire fall chum stock  
19 as an aggregate is a yield concern. So we have on the  
20 Yukon River, on our chum stocks, both the summer stock  
21 and the fall stock are still stocks of concern.

22

23                   You go on up the coast to Norton Sound,  
24 and the Norton Sound commercial fishery has been totally  
25 closed. They haven't fished commercially there in I  
26 believe three years on any kind of salmon. The northern  
27 Norton Sound stocks are management concerns.

28

29                   And I skipped the Kuskokwim. The  
30 Kuskokwim summer chums are also management -- or are also  
31 stocks of concerns. They're yield concerns. There is a  
32 fall chum component in the Kuskokwim River as well.

33

34                   So practically all the stocks that are  
35 United State stocks, outside of hatchery stocks that are  
36 caught in that fishery, are all -- all have conservation  
37 problems of some sort or another. And what the -- so  
38 that was the June fishery.

39

40                   The July fishery, if you look at the run  
41 timing data from a tagging study done in 1987 by Dr.  
42 Eggars, what he did is they -- because they have the  
43 dates and the locations where fish were tagged, and then  
44 they have the dates and the locations where fish were  
45 recovered, so if you look at the run timing data, what  
46 that does is in the month of July, especially early in  
47 July, a lot of our fall chum stocks are present in that  
48 fishery, along with some of the Norton Sound summer chum  
49 stocks, and our late summer run stocks are also present  
50 in that fishery, along with coho stocks from all of

00192

1 Western Alaska, and the Nushagak River has had coho  
2 problems, major coho problems, and it's acknowledged that  
3 those stocks are in there. Tagging stocks done in the  
4 20's up through the 50's indicate that a whole bunch of  
5 -- like the pink salmon they catch here, most of those  
6 were headed for the Nushagak River. So this is a total  
7 mixed stock fishery of migrating stocks until August.  
8 Now, in August and September, these people get to fish  
9 their own stocks.

10

11                   So what they did in July is they took all  
12 the conser -- or a bunch of conservation measures that  
13 had been put on over a period of 15 years, and the same  
14 with the June fishery, except it had been the first  
15 management thing done to them was in 1986 was a chum cap,  
16 so that was 18 years ago. All -- every bit of that  
17 conser -- all those conservation measures that people  
18 worked on, going back 18 years where the first action was  
19 finally taken, were all dissolved. They're gone.

20

21                   And so what the Board -- and so what the  
22 Bristol Bay RAC did yesterday is they made a motion, and  
23 they passed it unanimously to have a special action  
24 request go to the Federal Subsistence Council, and they  
25 asked for two thing. The first thing is for the Federal  
26 Subsistence Board to contact the Governor and invalidate  
27 the actions taken by the Board of Fisheries in the Area M  
28 fishery for the months of June and July. And then their  
29 second request was if the Governor doesn't do anything --  
30 because the Governor does have the authority to do that,  
31 no regulation is effective until the Lieutenant Governor  
32 approves it and signs it, so it can be done at that  
33 level. The second thing, if the Governor doesn't do  
34 anything, then their special action request is to have  
35 the Federal Subsistence Board start -- go through the  
36 procedure for, I don't know the exact terminology, but  
37 anyway to extend their authority out to the marine  
38 waters, and to do the same thing. And so that's what the  
39 RAC did in Bristol Bay yesterday, and they passed that  
40 unanimously.

41

42                   We talked, Vince and I both talked to  
43 Robin Samuelson this morning, who's a member of that RAC,  
44 and he's the one that brought that motion forward.

45

46                   And so basically that's kind of my  
47 report. What I have is I have some documents here that  
48 validate what's happened. The Board of Fisheries ignored  
49 their own regulations of sustainable salmon policy which  
50 is in regulation, and so what I would like to do is do

00193

1 the same motion that the Bristol Bay RAC did.

2

3

4 And so I move that we do the exact same  
5 thing the Bristol Bay RAC did, except we don't have their  
6 wording, but we can get that later. We can just say what  
7 our intent is, and I think I pretty much stated what my  
8 intent is, which is basically to petition the Governor,  
9 have the Federal Subsistence Board petition the Governor  
10 to invalidate all actions taken in the Area M fishery in  
11 the June and July fishery in the June and July fishery to  
12 expand those mixed stock intercept fisheries targeting  
13 stocks headed for our RAC area, which is the Yukon river.  
14 And then the second one is if the Governor doesn't do  
15 anything then a special action request also the Federal  
16 Subsistence Board which would ask the Federal Subsistence  
17 Board to extend their authority out to the marine  
18 environment which -- where that fishery takes place,  
19 extraterritorial jurisdiction is all -- every bit of it  
20 is off shore of national wildlife refuges, and some of it  
21 is wilderness area. All of Unimak Island is, and that's  
22 where the biggest part of the fishery takes place is off  
23 the southside of Unimak Island. But that's my motion,  
24 Mr. Chair.

24

25

MR. FLEENER: Second.

26

27

28 MR. BASSICH: Yes, thank you for that  
29 motion, Virgil. Could you explain to me who would give  
30 the Federal Subsistence Board, or how they would obtain  
31 that authority to extend their jurisdiction. If I  
32 understand what.....

32

33

34 CHAIRMAN NICHOLIA: The Secretary of  
35 Interior and the Secretary of Agriculture will have to  
36 concur on that.

36

37

38 MR. MATHEWS: Yes, Mr. Chairman. The  
39 Secretary did not delegate her authority to the Federal  
40 Subsistence Board to extend management authority beyond  
41 the conservation units, so it has to go to the  
42 Secretarial level. But I believe Virgil is correct, that  
43 first your request goes to the Federal Subsistence Board,  
44 and then it would be forwarded up to the Secretary. And  
45 as I advised Virgil yesterday, this is not a simple  
46 process. It's a long, long process. And it brings in  
47 issues for other states in the Lower 48. So I don't want  
48 you guys to think that if any action of Bristol and  
49 possibly this council, that there would be a response  
50 real soon. It's going to take a long process to address  
51 extending the authority. So anyways, that is the process

00194

1 that's involved.

2

3 CHAIRMAN NICHOLIA: Well, Vince, if it's  
4 going to take a long process, we're going to initiate it.

5

6 MR. BASSICH: Yes, Mr. Chairman, I'm just  
7 wondering also if there's some, for lack of a better  
8 term, a short term or a quicker method or means of  
9 bringing this out in the open that we might be able to --  
10 I guess I'd like to hear more discussion if there's other  
11 options in addition to this that we can start to proceed  
12 to get this action moving.

13

14 Thank you.

15

16 MR. UMPHENOUR: Thank you. Just a little  
17 bit more history. In 1991 the Board of Fisheries upped  
18 the chum cap. They used to have a chum cap then. And  
19 the way the fishery in June was managed was they got to  
20 fish seven days a week, 24 hours a day basically, until  
21 they either caught 8.3 percent of the forecasted sockeye  
22 run to Bristol Bay, or they reached this alleged chum  
23 cap. And the average sockeye to chum ratio, that's the  
24 number of sockeyes per chum salmon caught historically in  
25 that fishery was two and a half sockeyes per each chum  
26 salmon. So in 1991 the Bristol Bay forecast was for over  
27 -- well, they would have been allowed, because they're  
28 allowed 8.3 percent, over three million sockeye salmon,  
29 so they mathematically calculated it out, and it would  
30 take 900,000 chum salmon would be caught if they caught  
31 that amount of sockeye salmon. So what the Board of  
32 Fisheries did that year, which was in November of '91, is  
33 they upped the chum cap to 900,000.

34

35 There again I was the only guy from the  
36 upper Yukon at the Board of Fish meeting. At the time I  
37 was the Chairman of the Board for YRDFA. And so after  
38 that meeting, I made up a petition and that is our next  
39 option, to totally exhaust all remedies with the State is  
40 we -- is to make a petition and petition the Board of  
41 Fisheries to reconsider their decision, which we're going  
42 to have to do. And so they rejected the petition. After  
43 they rejected the petition, then I rewrote, my wife and  
44 I, and a guy named Ed Rutledge that worked at Tanana  
45 Chiefs, rewrote our petition. We went through the  
46 allocation criteria that's in statute by the State of  
47 Alaska that the Board of Fisheries is supposed to go by.  
48 Then I sent the petition to Kawerak in Nome, I sent it to  
49 AVCP in Bethel, and then Will Mayo was president of  
50 Tanana Chiefs. He ran it around a bunch of villages in

00195

1 Tanana Chiefs. We set up a table in the Shoppers Forum  
2 Mall in Fairbanks, gave away free smoked salmon and got  
3 signatures. We went the petition with over 10,000  
4 signatures to the Governor. The Governor then directed  
5 the Commission of Fish and Game to call a special meeting  
6 of the Board of Fisheries to address the petition. So  
7 they did address the petition, because they were ordered  
8 to by the Governor. At that point in time, they reduced  
9 the chum cap from 900,000 to 700,000

10

11 So that brings me to what happened after  
12 that. After that, there was a lot of pressure put on the  
13 Area M fisheries to not catch chum salmon. So what they  
14 started doing is just not counting them and pitching them  
15 overboard. So I then got appointed to the Board of  
16 Fisheries. That was in July of '94. So all these  
17 fishermen from Bristol Bay, because we had a few spies in  
18 the Area M fishery, were saying these guys were just  
19 throwing the fish overboard. So we directed the  
20 Department of Public Safety, the Board of Fisheries did,  
21 to -- there were a couple of us, Dr. John White and  
22 myself, we were raising hell, saying we want some  
23 accountability in that fishery, and we want to know how  
24 much of this is going on.

25

26 So what they did is they sent the Walstat  
27 out there, which is a vessel about -- over 120 feet long,  
28 the largest vessel the Troopers had. They sent it over  
29 there, and they -- and then Colonel Glass, who was the  
30 commander of the Law Enforcement Division for fish and  
31 wildlife protection, he gave a report to the Board of  
32 Fisheries in Juneau in November of 1995, and I have a  
33 letter here that I -- there are a couple of letters that  
34 relate to that. Anyway he said that, yes, indeed they  
35 did observe fishermen in the Area M fishery throwing fish  
36 overboard, but they were doing catch and release with  
37 drift gill nets and purse seines, because they could not  
38 find any dead fish. So the only law they would be  
39 violating would be the wanton waste law. The fish had to  
40 be dead.

41

42 So what we did is I sent a letter to the  
43 Director of Commercial fisheries, and I asked him what  
44 measures were being taken in that fishery to -- well,  
45 I'll just read what I said to him. I said, in  
46 conjunction with the Department of Public Safety's report  
47 that live chum salmon are frequently released back to the  
48 water in the June fishery, I would like a report from the  
49 Department giving its best estimate of the extent of this  
50 practice. I would also like to know of any special

00196

1 techniques such as sorting tables, large dip nets to  
2 empty a seine, live or recovery boxes, special chutes for  
3 returning the fish to the water, et cetera, that are used  
4 by the fishermen to reduce post release mortality.

5  
6                   So my response I got back was, the  
7 Department of Public Safety will be prepared to discuss  
8 this issue at the meeting the Department of Fish and Game  
9 does not have any factual information on any special  
10 techniques used by fishermen to reduce post release  
11 mortality of the chum salmon taken and released in the  
12 south Unimak and Shumagin Islands June commercial salmon  
13 fishery. The Department of Fish and Game staff will be  
14 prepared to discuss above information further at the  
15 meeting.

16  
17                   So then when we had the meeting in April  
18 of '96, the Board determined that the catch and release  
19 mortality from gillnets and purse seines in that  
20 commercial fishery had to exceed 90 percent. So the  
21 result was we promulgated a regulation for mandatory  
22 retention of all salmon, which leads me to the next  
23 thing.

24  
25                   The next thing is that the sockeye to  
26 chum ratio all of a sudden went from two and a half to  
27 one all the way up to six to one. That means instead of  
28 catching two and a half sockeye salmon per chum salmon  
29 caught, it jumped up to six to one. So myself and other  
30 people suspected that they were just pitching them  
31 overboard and not counting them.

32  
33                   And what we did then, or what I did then,  
34 is I was -- I told the Attorney General's attorney for  
35 the Board, I says, I want to examine the fish tickets.  
36 And the Department of Commercial Fisheries says that's  
37 confidential information. You can't do it. And I said,  
38 look, we're all officers of the State, we're regulators.  
39 Our job is to promulgate regulations. If we cannot  
40 determine whether our regulations are being complied  
41 with, why are we making all these regulations and  
42 expecting people to abide by them? And I told him, I  
43 says, I don't care who the fishermen are. I just want  
44 numbers so we can track them year by year. So then the  
45 Attorney General directed the Director of Commercial  
46 Fisheries to produce the fish tickets from the year that  
47 I asked for, which was the year 1994 through 2000.

48  
49                   So they produced the fish tickets. It was  
50 about this thick. And so we RC'd them, but I got them a

00197

1 couple of weeks before the Board meeting started, which  
2 was January of 2001. So I went through them, and did my  
3 own analysis of them. Once they were put on the public  
4 record, the attorney for Concerned Area M Fishermen,  
5 which was the drift gillnet fleet that's headquartered  
6 out of Seattle, threatened to sue the State if they  
7 didn't withdraw it, because they said it violated the  
8 confidentiality law. And so I says, no, it doesn't  
9 violate the confidentiality law, and he says it does.  
10 And this is why it does. The processors can take the  
11 fish tickets, they can look at the numbers of fish  
12 delivered on each day and then compare that to their  
13 records and determine who these fishermen are. And some  
14 of these fishermen have contracts with the processors  
15 that they sell them all their fish. And so if they  
16 didn't sell them all their fish, the processors would be  
17 mad at them. And so my response was, but so what if  
18 they're mad at them? These people violated two  
19 regulations. One statute and one regulation. Wanton  
20 waste statute and the mandatory retention of all salmon  
21 statute.

22

23 So anyway, what I've got with me right  
24 here is four pages of this thing, and I just presented it  
25 at the Board meeting week before last, and then again  
26 this same attorney complains and the guy that's now the  
27 chairman of the Board of Fisheries instructed the Board  
28 of Fisheries to ignore what I had said about this  
29 subject, which to me really aggravated me, because he's  
30 covering up for criminal act. So I'm going to -- I want  
31 these entered into the record and to go along with our  
32 special action request, because as a hunting guide, it is  
33 a violation of state statute if I do not report any  
34 hunting or fishing violation that I know of, and so I'm  
35 only complying with the law when I turn these in.

36

37 But anyway, what they demonstrate is that  
38 one fisherman, I'm just going to go off -- go down this  
39 real fast, it will take about three minutes. This is  
40 from 1977. At that point in time the statute of  
41 limitations had not run out, because we had that Board  
42 meeting in January of 2001, the statute of limitations on  
43 these type of violations are five years. Okay. Here's a  
44 fisherman that probably was honest or close to halfway  
45 honest. He caught, his sockeye to chum average was 4.77  
46 to one. The next fisherman on the list that fished with  
47 the same gear in the same exact place at the same exact  
48 times, sockeye to chum ratio 240 to one. And I'll just  
49 give you a couple of examples here. On the 13th of June,  
50 this one guy caught 425 sockeye and zero chums. On the

00198

1 13th of June, the other fisherman fishing in the exact  
2 same place, right beside him, caught 407 sockeye, and 156  
3 sums. But anyway, it just goes down like that.

4

5 Then you get to a fisherman that caught  
6 -- fishing in the same place, I'll just tell you some of  
7 his catches. 340 sockeye, 351 chum. He caught more chum  
8 than sockeye. And so you get over to the best sockeye  
9 fisherman in the world, and for the month of June in  
10 1977, he caught 8,844 sockeye and zero chum is what he  
11 caught.

12

13 (Laughter)

14

15 MR. UMPHENOUR: No, this -- these are the  
16 harvest records. And so what we did is we had this guy  
17 by the name of Michael R. Leak, Ph.d., he's a  
18 biometrician and statistician. He did an analysis of the  
19 extent of the chum chucking or not counting the chum  
20 salmon. This needs to go forward as well.

21

22 But these three documents, plus  
23 sustainable salmon policy, and I've highlighted parts of  
24 it that the Board of Fisheries violated when they made  
25 this action, all need to go forward with our action  
26 request. But that is basically kind of a synopsis on  
27 that issue as far as the Board doing that.

28

29 But we have another issue with the Board  
30 as well when we finish this one, Mr. Chair.

31

32 MS. WAGGONER: Virgil, when the Board  
33 made their new actions this year, is there a chum cap  
34 now?

35

36 MR. UMPHENOUR: There's nothing. What  
37 the Board did is they can catch whatever they can catch,  
38 no limitations of any kind whatsoever, directed at all  
39 migrating stocks of which almost all of them are -- have  
40 a conservation problem of some kind, and they've been  
41 declared a stock of concern. And they get to fish 88  
42 hours straight starting the 7th of June, then they have  
43 to take 32 hours off, then they get to fish 88 hours  
44 straight again, and they do this until the end of June.  
45 And I'll just tell some of the places these stocks are  
46 headed. They're headed to Lake Clark National Park,  
47 that's where the Kvichak, a bunch of them spawn. That  
48 stock is having major problems. Been subsistence  
49 restrictions on those stocks. The Kuskokwim, all the  
50 Yukon stocks, Norton Sound stocks, plus Kotzebue chum

00199

1 salmon stocks as well are mixed in. And almost every one  
2 of these stocks, the whole lower Yukon, that whole area  
3 is national wildlife refuge. You get to the middle  
4 Yukon, it's national wildlife refuge. We're in a refuge  
5 right here. And we're in a national park up on the  
6 Yukon. You go to Norton Sound, the Unalakleet River is a  
7 wild and scenic river. Then in the northern part of  
8 Norton Sound you have the Bridge of the Arctic or  
9 whatever it's called, a bunch of national park stuff.  
10 And then the Selawik River and the Kobuk River's  
11 practically all national park or national wildlife  
12 refuge. So all these fish are headed to national parks,  
13 national wildlife refuges. That's where the majority of  
14 the spawning areas are, and many of the subsistence users  
15 that rely on these fish, just like in the Village of  
16 Beaver, live inside these Federal lands.

17

18 CHAIRMAN NICHOLIA: Okay. We have a  
19 motion on the floor. It has been seconded. Is  
20 there.....

21

22 MR. BASSICH: Question.

23

24 MR. TITUS: Is there a question -- okay,  
25 yes.

26

27 CHAIRMAN NICHOLIA: Question has been  
28 called, but you look very confused there, Sue.

29

30 MS. ENTSMINGER: It's probably another  
31 fisheries issue that I'm growing familiar with, but I  
32 just wanted to say that it actually brings up, one a  
33 question, and that is -- that brings me a concern. If  
34 I'm hearing you right, Virgil, you're proposing to extend  
35 the Federal Board's jurisdiction out to ocean waters, and  
36 I'm not sure really what that means, and I mean, I guess  
37 sometimes I -- I mean, I see this dual management, it's  
38 unfortunate it had to happen. It would have been nice if  
39 the State could have kept it all in one. It has just  
40 gotten so huge and huge, and every time you add more, it  
41 makes it even bigger and bigger. And are you doing this  
42 just to make a point, because I could do this in our  
43 State system, I guess I would rather see us work in the  
44 State, the management we have.

45

46 CHAIRMAN NICHOLIA: To answer your  
47 question there about extraterritorial jurisdiction is  
48 that we as a Federal RAC -- we have an opportunity to  
49 petition the Board to do a special action request, and if  
50 -- like if they can't do anything about it, and that our

00200

1 salmon stocks are already in jeopardy, as it is right  
2 now, we could request the two Secretaries' approval to  
3 extend the jurisdiction to protect the salmon stocks that  
4 we rely on as Federally qualified subsistence users.  
5 That's just about what -- that's just about it in a  
6 nutshell. We have to have the approval from the two  
7 Secretaries.

8

9 MS. ENTSMINGER: Okay. So what would  
10 that do? Would that take away all management from  
11 commercial use to.....

12

13 CHAIRMAN NICHOLIA: It wouldn't take away  
14 management. It will be -- it's like Vince said, it's a  
15 long process. It will be a way for us to protect the  
16 salmon that we rely on, their migrating route and  
17 everything.

18

19 MR. UMPHENOUR: But our first step is to  
20 ask the Federal Subsistence Board to petition the  
21 Governor, for the Governor to be a responsible person,  
22 step up to the plate and tell the Board of Fisheries,  
23 look, boys, you violated your own regulations. That's  
24 the first thing. And then if that's unsuccessful, then  
25 go forward with the special a special action request  
26 asking the Board to go to the Secretaries.

27

28 CHAIRMAN NICHOLIA: Okay. There's a  
29 motion for just what Virgil said, and it's been seconded.  
30 The question has been called. Do you understand it a  
31 little bit? Okay. All those in favor of Virgil's  
32 motion to request -- for a request of Federal Subsistence  
33 Board to ask the Governor to invalidate that Board of  
34 Fish action, and if that doesn't work, we'll go to that  
35 other avenue, extraterritorial jurisdiction. All those  
36 in favor of this motion signify by saying aye.

37

38 IN UNISON: Aye.

39

40 CHAIRMAN NICHOLIA: All those opposed,  
41 same sign.

42

43 (No opposing votes)

44

45 CHAIRMAN NICHOLIA: Okay. Move on.  
46 Let's go through these other deals here that we have  
47 listed before we do results of the Federal Board's  
48 action. I think we already got that turn-down letter  
49 there, Vince, is that -- that's just another turn-down to  
50 me anyway. I read it. But if you guys want to -- if you

00201

1 want to inform the rest of this Council, go ahead.

2

3

4 MR. MATHEWS: Okay. Real quickly, just  
5 to make the record clean, that the intent of the motion  
6 was to follow the actions of Bristol Bay, which was  
7 summarized by yourself, and that the wording will be  
8 coming forth from Bristol Bay Regional Council on that,  
9 but the intent is clear, the two steps that are in the  
10 process, so the record is clear on that.

11

12 The next item on the agenda is the 805  
13 letter. I believe that was all mailed to you. I do have  
14 copies of it. I'll have to hand those out if you'd like  
15 to look at those. These are important. This is where  
16 the Board gets back, yes, Gerald has his folded there,  
17 but I have unfolded copies. But I don't downplay these,  
18 because this is a requirement that the Board reply back  
19 to you why they did not follow one of your  
20 recommendations. We as staff have expanded that into why  
21 they took whatever action they did. This is a very  
22 powerful piece of information, because it requires the  
23 Board to explain pretty much why they didn't follow, and  
24 sometimes that's hard to find, so I can pass those out.

25

26 I don't want to go through each item.  
27 You should have received it earlier, but I go through the  
28 same speech all the time, but it -- many on the Board  
29 know the history of this section, and this was a major  
30 situation with the Board of Fish back in the 1980s.

31

32 So anyways, the 805 letter I can pass  
33 out. If you have questions on it, let me know, and then  
34 from there we can go to the other topics.

35

36 CHAIRMAN NICHOLIA: You guys all reviewed  
37 that letter? It's mostly that they turned down a lot of  
38 proposals downriver that affected the Eastern Interior,  
39 but they really turned us down, so I don't even -- I'm  
40 kind of -- don't even want to review it. Most of our  
41 proposals that we put out to help these people upriver  
42 pretty much got turned down. It's -- you know. Okay.

43

44 We'll go to the fisheries Resource  
45 Monitoring Program. Beth Spangler, she's here? Go  
46 ahead.

47

48 MR. BASSICH: Yes, Mr. Chairman, I'd just  
49 like to request also, to recognize at some point in item  
50 B here that Joe Sullivan from YRDFA be given a few  
51 moments to speak to the Council.

00202

1 Thank you.

2

3 CHAIRMAN NICHOLIA: Yeah, we have a  
4 floating agenda. All right. Come on, Cliff.

5

6 MR. SCHLEUSNER: I've got some handouts  
7 to pass out. Mr. Chairman, my name is Cliff Schleusner.  
8 I work for the Officer of Subsistence Management. Today  
9 I've got three informational presentations, just to  
10 update you on the progress of the Fisheries Resource  
11 Monitoring Program.

12

13 The first one is going to be the status  
14 of the Fisheries Resource Monitoring Plan. And that's  
15 the handout that -- one of the handouts that I gave you.  
16 The second topic is an update on the revision of the  
17 Regional issues and information needs. We touched on  
18 that yesterday in your training. You get a little bit  
19 more information about that. And the third is an update  
20 on our Partners for Fisheries Monitoring Program. And we  
21 have a presentation from our Partners biologist from the  
22 Council of Athabaskan Tribal Governments here that's here  
23 today, Joe Schlosman. He's going to do a presentation  
24 for you.

25

26 So with that, I'll begin with the first  
27 item. It's the handout with the salmon on the front.  
28 This is an informational update on the Fisheries Resource  
29 Monitoring Plan. It's being presented to the Council as  
30 reference material, and I would like to take a few  
31 minutes to go through this report with the Council, just  
32 to familiarize you with the information that's contained  
33 within the report.

34

35 So in the beginning of it, we have an  
36 introduction, basically explaining why our Division was  
37 formed. The mission of the monitoring program, which  
38 we've discussed in the training, to identify and provide  
39 information needed to sustain sustainable fisheries for  
40 rural Alaskans on Federal public lands.

41

42 We're in the fifth year of our program,  
43 and to date a total of 61 projects have been funded in  
44 the Yukon region. These are a combination of stock  
45 status and trends, the data type that I'm responsible  
46 for, which are primarily biological studies, and the  
47 monitoring projects, and also the harvest monitoring and  
48 the TEK studies, which Dr. Wheeler is responsible for in  
49 our office.

50

00203

1                   Of the 61 projects, 34 of them are either  
2 completed or near completion, and that list starts on the  
3 beginning of Page 2 and goes through four, and it lists  
4 the FIS number, the title of the report and the status --  
5 or the title of the project and the status of the  
6 project. So that outlines the completed or projects that  
7 are -- their final reports are in review or near  
8 completion.

9  
10                   Twelve of the 61 projects are ongoing.  
11 That list is on Page 5, and these are the projects that  
12 have significant work left to do in them. And below that  
13 is the 16 projects that we brought before you last fall  
14 that make up the 2004 Fisheries Resource Monitoring Plan,  
15 so these are the projects the Board just approved in  
16 December for funding in '04.

17  
18                   So on Page 7, those 12 ongoing projects  
19 are listed again, along with a brief update on the status  
20 of those projects, giving the results to date of the  
21 research. So that continues through Page 11.

22  
23                   And then the final page of the report is  
24 a map that shows the location of the ongoing projects as  
25 well as the 2004 projects that are slated to begin.

26  
27                   So this is just for your reference. It's  
28 just an update on the existing program, the existing  
29 projects, and if you have any questions or need any of  
30 the information that's in this report, you can contact me  
31 directly, or Vince, and we can make sure that you get  
32 those, copies of those reports.

33  
34                   MS. WAGGONER: Actually I don't have a  
35 question, but a comment. We worked in Tanacross with  
36 Randy Brown on the whitefish project on the upper Tanana  
37 this year, and it was a great success, and generated a  
38 lot of community support for the research that was being  
39 done. And I just wanted to say good job of continuing  
40 the funding on it. I think it's important information  
41 being gathered throughout the region.

42  
43                   MR. SCHLEUSNER: Mr. Chairman, Tricia,  
44 thank you for that comment. If you'll notice on the '04  
45 projects, we've actually continued his research up on the  
46 Koyukuk. He's got a project where he's going to be  
47 looking whitefish and combining that with traditional  
48 ecological knowledge. It should be an excellent project.

49  
50                   All right. If we don't have any

00204

1 questions, I'm going to move on to the revision of the  
2 issues and information needs. We touched on this  
3 yesterday in our training. This spring the Office of  
4 Subsistence Management, Fisheries Resource Monitoring  
5 Program, is initiating a planning process. Through this  
6 process we'll begin to look at the issues and information  
7 needs by region. This spring we're beginning Bristol Bay  
8 and Southwest Alaska. Those two regions are going to  
9 start.

10

11 Our current process, which has operated  
12 from 2000, the inception of our program, through 2005 was  
13 the Regional Advisory Councils put together an issues and  
14 information needs document that went out with our call  
15 for proposals. Well, because of where we are in our  
16 program, in our fifth year, we wanted to do a gap  
17 analysis to see whether or not we were actually funding  
18 the highest priority projects for subsistence management  
19 or to maintain subsistence fisheries in Alaska.

20

21 In 2005, which is the same story every  
22 year, we received \$5 million worth of proposals and we  
23 had \$2 million available for funding. So we -- basically  
24 all of the proposals address issues and information needs  
25 identified by the Regional Councils. So how we  
26 prioritize that has always been the biggest question and  
27 concern.

28

29 So what we've proposed to do is initiate  
30 a workshop. For the Yukon we're proposing to start this  
31 in November of this year. We're going to pull together a  
32 workshop of managers, scientists and Council members to  
33 take a look at the goals of the program, basically three  
34 things. The objectives and goals of the programs, and  
35 the regional issues and information needs, as well as the  
36 ongoing planning processes. For the Yukon River, we have  
37 the JTC process, we have salmon management plans, we have  
38 the AYKS Aside (ph) plan. Take a look at those through  
39 an AHP process, and then perform a gap analysis on the  
40 issues and information needs. So basically we'd identify  
41 what the priorities are, do a gap analysis and find out  
42 what information is being provided and what information  
43 isn't being provided, what's being needed, and use that  
44 to prioritize the issues and information needs by region.  
45 We'd then take this information back to the full Councils  
46 for review as a draft. And our hope was -- would be then  
47 to take this plan and use it to guide future calls for  
48 proposals. In other words, identify at the beginning in  
49 our request for proposals, this information is needed for  
50 these, so that we can direct the researchers to develop

00205

1 investigation plans that address the highest needs for  
2 subsistence management is basically what we want.

3

4                   And we want to get Council support of  
5 this process, because it is basically a policy change.  
6 You know, basically we've used just the Council's issues  
7 and information needs which we ask for updates every  
8 year, which is kind of a laundry list of everything. And  
9 we're going to try and focus that down on key identified  
10 issues for the specific regions so that we can maximize  
11 our ability to affect -- you know, effectively provide,  
12 you know, the most critical information.

13

14                   We basically have a draft schedule for  
15 the Yukon. We would have our first meeting in November,  
16 and it's anticipated that it would take probably two  
17 meetings to complete this process. We'd have like a  
18 three-day meeting in November, followed up with a second  
19 meeting in the spring around March to finalize a draft  
20 plan. Then present that to the Council during the fall  
21 meeting, and then use that -- those issues and  
22 information needs, prioritize the issues and information  
23 needs to direct the following call, which would be the  
24 2007 call for proposals.

25

26                   And the way our funding goes, we fund  
27 projects for three years, so basically every three years  
28 we have a block of projects that comes up for renewal.  
29 Our next time that happens, it was last year, which is  
30 why we have 16 projects on that 2004 RFP or FRMP. Our  
31 next one will be 2007. That will be the year when all of  
32 those projects will be up for renewal again. So it will  
33 be the year that we have the most funding available, so  
34 we can affect the biggest change. So our goal is to get  
35 this, the priority -- prioritize the information needs  
36 prior to that call, so that we'd have that information  
37 available to make those decisions on what actually gets  
38 funded. And then we want the Councils to be a part of  
39 it, and to support it so that when we come back to you  
40 with that draft resource monitoring plan, that you  
41 understand, you know, why these -- what are the  
42 prioritized issues and information needs.

43

44                   So that was the update that I had on  
45 revising the issues and information needs. Are there any  
46 questions?

47

48                   MR. FLEENER: Thank you, Mr. Chair. As I  
49 go along looking at these type of proposals and starting  
50 to understand more and more about what some of the

00206

1 problems with our fisheries is, I think it's more -- it's  
2 becoming -- I'm becoming aware I think that it's more  
3 important for us to focus on genetic stock  
4 identification. I was going to ask you about this 04-228  
5 genetic stock ID for fall chum salmon. What is the area  
6 that that's going to be conducted, how long is it going  
7 to be done, and which fall chum salmon are they going to  
8 be focusing on.

9

10 MR. SCHLEUSNER: Mr. Chairman, Mr.  
11 Fleener, that's an excellent question. This is one of  
12 the areas where OSM has actually picked up the ball on  
13 genetic stock ID. We fund 121, which is basically  
14 funding the U.S. Fish and Wildlife Service, the Canadian  
15 DFO and ADF&G Genetics Labs, and they're baseline for  
16 chinook genetics work, trying to improve that so that  
17 they can start looking at mixed stock analysis.

18

19 Basically they're a little further along  
20 with the fall chum. And what the U.S. Fish and Wildlife  
21 Service Genetics lab has proposed to do is to a pilot  
22 study at the Pilot Station sonar site to see if in-season  
23 they can do stock allocations from their test fisheries  
24 at Pilot Station. In other words, they'll take genetic  
25 samples from the test fisheries, ship them off to  
26 Anchorage, run the analysis on it, and bring the stock  
27 groups back so you would get an abundance estimate at  
28 Pilot Station, and then you would get stock apportionment  
29 from that as well. So it's a two-year pilot study. It's  
30 never been tried before, but we're trying to -- trying to  
31 push ahead and produce new techniques.

32

33 MR. FLEENER: How much money is that, how  
34 many samples, if you have any idea, and will they be  
35 doing some stuff in the various spawning grounds to have  
36 some comparative analysis between what they catch at the  
37 mouth?

38

39 MR. SCHLEUSNER: Actually the first year  
40 of the study, they're going to do it on known stocks, so  
41 the first year of the study they're actually going to the  
42 spawning grounds to collect the fish to make sure they  
43 can do it, because they have the base line already. So  
44 they're going to do it on known fish. And then the  
45 second year they'll actually do it in the field.

46

47 And I do have the information on the cost  
48 of that if you're interested. That's \$67,000 the first  
49 year, and \$96,000 the second.

50

00207

1                   CHAIRMAN NICHOLIA: You know, these are  
2 all questions of certain projects. I just feel like  
3 we're dragging this on. If you have questions for Cliff,  
4 you could ask him, you know. And if you guys want to  
5 hear these questions, we could hear them, but it seems to  
6 feel like that it's almost time for our break time  
7 anyways. If you have anything, Vince, say it.

8  
9                   MR. MATHEWS: Yes, Mr. Chairman. Cliff  
10 did mention November. I want you guys to start thinking  
11 about that, because I'll have to hit you up this summer  
12 to arrange travel, so in light of your discussions about  
13 Area M and stocks of concern within river, these are the  
14 projects that bring in the data that address the concerns  
15 that you're talking about, so seriously think about it.  
16 I don't know how long this workshop will be, but you guys  
17 will be meeting most likely in October, and you all are  
18 on a zillion other advisory groups, but I'm just giving  
19 my pitch now so I don't have to do it over the phone with  
20 each of you, but the point is, there's got to be someone  
21 that's going to have to step up in there, and then you're  
22 going to follow it all the way through when it comes back  
23 to the Council. You guys did an excellent job of  
24 revising your issues and information needs before, and  
25 that took a lot of your time. So I'm just telling you  
26 know to start looking at your calendar, and, you know,  
27 I'm not saying to appoint at the end of this meeting, but  
28 give some indication pretty soon on it, because it's  
29 going to be hard to put time on your calendar.

30  
31                   CHAIRMAN NICHOLIA: If it's a very  
32 serious question, Andy.

33  
34                   MR. BASSICH: More a comment. I would  
35 just like for all these agencies to keep in mind that  
36 those of us who live out in the Bush, there are certain  
37 times of year it just doesn't work, and we're really busy  
38 in the fall getting ready for the winter. And come  
39 March, quite frankly, when the sun's out like this, I  
40 don't want to be sitting in meetings like this. I'm just  
41 being frank, so I'm more than happy to come in and sit  
42 down on my duff when it's 50 below, but when it comes --  
43 I live for this time of year, and I'm getting to the  
44 point where I'm not going to compromise my time out in  
45 the Bush during this prime time.

46  
47                   Thank you.

48  
49                   CHAIRMAN NICHOLIA: WE'll take a break  
50 before we see you, Joe.

00208

1 (Off record)

2

3 (On record)

4

5 CHAIRMAN NICHOLIA: I believe, Joe, you  
6 had a presentation for us?

7

8 MR. SCHLOSMA: Yes, sir.

9

10 MR. SCHLEUSNER: Mr. Chairman, the third  
11 update is on the partners for fisheries monitoring  
12 program. This program was initiated in 2002, and the  
13 intent of the program is to strengthen Alaskan native and  
14 rural involvement in subsistence fisheries management and  
15 research. And like we went through yesterday, we're  
16 directly funding six fisheries biologists and two social  
17 scientists with an annual budget of around \$1 million a  
18 year. The current partners include the Association of  
19 Village Council Presidents, Tanana Chiefs Conference, the  
20 Council of Athabascan Tribal Governments, the Kuskokwim  
21 Native Association, Bristol Bay Native Association, and  
22 the Native Village of Eyak.

23

24 Program accomplishments for 2003, the  
25 partners assisted with 27 of the Fisheries Resource  
26 Monitoring Program projects, and 2005 submitted 21  
27 proposals for research, or were partners on proposals.  
28 The partners have participated in extensive community  
29 outreach and education programs, and presented to over  
30 500 children this last summer and fall. And like we  
31 mentioned yesterday, each of the partners has an intern,  
32 an college intern that they're mentored through this  
33 program.

34

35 So with that, I'd like to introduce Joe  
36 Schlosman. He's our partners fisheries biologist for the  
37 Council of Athabascan Tribal Governments, and Joe's going  
38 to present an update to the Council on his work this past  
39 summer.

40

41 MR. SCHLOSMA: I'd like to take a moment  
42 to thank the -- thank you, Chairman, and ladies and  
43 gentlemen of the Council for allowing me the time to make  
44 this presentation. I also wanted to -- well, he left. I  
45 wanted to thank Paul Williams and the people of Beaver  
46 for their hospitality.

47

48 Go ahead, Cliff. You have to aim it at  
49 the screen. There it goes.

50

00209

1 I always put this on my presentations.  
2 This is the primary objective is to assist with the  
3 development of fisheries monitoring program projects and  
4 facilitate partnerships among rural organizations,  
5 government agencies, on-site technical assistance, mentor  
6 a student intern, and in most -- I try to work with one  
7 of the young high school students in Fort Yukon, or would  
8 like to in one of the smaller surrounding villages. This  
9 last year I worked with two interns out of Venetie. I  
10 think that if we can get them while they're young and get  
11 them interested in science, that's good as they go to  
12 college. And my intern from last year is currently  
13 pursuing a degree at the University of Fairbanks.

14  
15 I also assist investigators in recruiting  
16 rural residents for positions and contracting  
17 opportunities for the Fisheries Monitoring Program  
18 projects. And this next month I'm going to Venetie with  
19 Mitch Osborne to try to recruit somebody to work on the  
20 Chandalar River sonar project. Go ahead.

21  
22 Okay. This is our GIS map detailing our  
23 area, the CATG area and the 10 villages in the area,  
24 except for Rampart. Rampart's actually off the map.

25  
26 And the highlights from year 1. We hired  
27 Simon Thomas back in I believe April, and he did a little  
28 bit of work in the office helping us out, and there's me  
29 and Simon on the slough behind the office. And for our  
30 first project, we went to work on the east Andreafsky  
31 River weir, with Chuck Guinn and the U.S. Fish and  
32 Wildlife Service. And there's Simon sitting down, he's  
33 taking a break. Sitting up the weir was some kind of  
34 work. And there's the whole crew up there on the top  
35 picture. Go ahead.

36  
37 And after that project, we went to work  
38 on the U.S. Fish and Wildlife Rampart Rapids  
39 mark/recapture project. There's Simon helping out to tag  
40 some fall chum, and we -- I worked with Tevis Underwood  
41 on that project, and that led into a cooperative proposal  
42 that is in the OSM right to study juvenile out migration  
43 in Stevens Village, working with Dewey Schwallenberg.  
44 And I also worked with Bill Hauser and Jim Finn at the  
45 Twin Bears biotechnician training camp. I taught  
46 students a little bit about weir installation and otolith  
47 removal on -- from chinook salmon. Go ahead.

48  
49 The lion's share of our time was spent  
50 with Mitch Osborne on the Chandalar River sonar project.

00210

1 We actually went in, helped set up the sonar. Well, the  
2 equipment. And then get the sonar in the water, and then  
3 I was in and out of that site all summer long with Simon,  
4 and we wound up closing that project out. And that last  
5 picture on the bottom is that's the 'bye-'bye Chandalar  
6 River. That's with everything loaded up and headed down  
7 to Fort Yukon. Go ahead.

8

9 The pictures here, on the upper left, I  
10 went -- the U.S. Fish and Wildlife Service funded a  
11 Middle Chandalar fall chum carcass survey, and I had the  
12 opportunity to hire two students from Venetie, because  
13 there were two different sampling events, and we sampled  
14 up near Nuntie (ph), which is about six miles upriver  
15 from Venetie. These pictures are from the most  
16 successful sampling event, and that's Stacy Titus, he's a  
17 high school student up in Venetie. And we spent several  
18 days up there retrieving ASL data from these fall chum  
19 carcasses and we were getting the age data from vertebra  
20 that we retrieved, and kept and took back to Fort Yukon.

21

22 The bottom right picture, right pictures,  
23 were done on a U.S. Fish and Wildlife funded trip to the  
24 Black River. We went up there to do -- to look at areas  
25 to potentially put in a weir on the Black River. And it  
26 could be -- the Black River could be weir'd, but I think  
27 it would be cost prohibitive. However, we found a place  
28 on the Salmon Fork after speaking with David Salmon, this  
29 lower left picture. That's Eric Barnhill of the Bering  
30 Sea Fishermen Association, and the person sitting down is  
31 David Salmon. And he told us that if he were going to  
32 put a fence anywhere on the Black River to count salmon,  
33 he would put it on the Salmon Fork, because that's where  
34 they go. And I have run across some data that suggests  
35 that some fairly significant numbers of fall chum might  
36 go up the salmon fork.

37

38 The weir material that you see in that  
39 picture on the top, that's sitting on the banks of the  
40 Black River, not far from Chalkyitsik, and it's been  
41 sitting there for several years. In fact, that weir was  
42 never actually installed, because of high water. The  
43 idea I have is to refurbish this weir, and then take it  
44 up on the Salmon Fork and put it up there. And that  
45 would be perfect for the Salmon Fork. And that's a  
46 picture, that bottom picture is a picture of me on the  
47 Salmon Fork at one of the sites that we were looking at  
48 installing the weir. Go ahead.

49

50 Okay. The future plans, to continue to

00211

1 identify and investigate issues that may impact salmon  
2 subsistence harvests and escapement. The Yukon Salmon  
3 TEK science camp, that's going to be happening this  
4 summer, and we're going to bring kids from all over the  
5 CATG area to Fort Yukon. Right now we're looking at  
6 using the native village's youth camp there, and we're to  
7 bring in elders and spend two weeks talking to elders.  
8 We're going to do -- show kids how to collect the ASL  
9 data. We're going to do some work on invertebrates.  
10 We've got a -- we're putting together the lesson plans  
11 right now, and we've got quite a bit planned. We're also  
12 going to be bringing in managers, in-season managers, to  
13 discuss how sometimes they have to make a decision with  
14 incomplete information, and, you know, you're caught  
15 between a rock and a hard place, both are bad decisions.

16

17

18 We're also talking about installing and  
19 operation of a weir on the Salmon Fork to look at fall  
20 chum going up to that area. The Black River is  
21 essentially a black hole when it comes to salmon. We  
22 know they go in there, but we don't know where they go,  
23 or in what numbers.

24

25 We're going to continue to participate in  
26 the Chandalar River sonar project. I think that's a very  
27 important project. The people within the CATG area are  
28 interested in it, so I'm going to continue working on it,  
29 and so will my intern, because I'd like to gain as much  
30 knowledge as possible about sonar operations.

31

32 And we will continue to assist the U.S.  
33 Fish and Wildlife Conservation genetics lab. I helped  
34 Steve Miller this year obtain samples at the Chandalar  
35 River sonar project, and that was for the Chandalar River  
36 chinook stocks. They don't have much information about  
37 those. And now that they had such a significant run last  
38 year, I mean, it was really surprising, the king run that  
39 went up the Chandalar, and the Sheenjok. There's a lot  
40 of interest in getting more samples.

41

42 And we will continuing researchers by  
43 recruiting local technicians. And that's it. Any  
44 questions.

45

46 MR. FLEENER: Thank you, Mr. Chair. I  
47 actually don't have a question, but I just wanted to add  
48 a little bit to what Joe said. We -- if you take a look  
49 at the Black River, what Joe says was a black hole,  
50 that's sort of not entirely true. I'd say that the Black

00212

1 River is a black hole to the scientists, because they  
2 have unfortunately not been willing to listen to the fact  
3 that there are many elders and many other people, young  
4 people, elders alike, that have constantly been saying  
5 for years and years and years that we have a lot of  
6 salmon going up some of these streams, and unfortunately  
7 they just haven't taken that to heart.

8

9                                 It's the same thing with the Sheenjek and  
10 the Chandalar. For many years we told the State and the  
11 Federal managers that there were king salmon going up  
12 both of those streams that have been known for their  
13 summer chum. I think they're both summer chum, is that  
14 fall chum? I don't know, one of the chums. For years  
15 they've been monitoring those, and we've told them, yeah,  
16 there's king salmon going up those as well, and they've  
17 pretty much told us, no, there's not, and if there,  
18 they're in small numbers.

19

20                                 Well, it turns out that somehow they were  
21 convinced I guess to start their sonar a little bit early  
22 on the Chandalar, is that the right one? Or the  
23 Sheenjek?

24

25                                 MR. SCHLOSMAN: Mitch Osborne would like  
26 to be able to start the sonar a little early this year,  
27 but there's some question as to the effectiveness of  
28 using sonar at that particular site to enumerate king  
29 salmon.

30

31                                 MR. FLEENER: Anyways, there was some  
32 reason that they started counting early or something, and  
33 they actually found out that there were a tremendous  
34 number of king salmon. Well, the problem is that once  
35 again traditional knowledge is not being incorporated  
36 into scientific research, and this would save researchers  
37 -- and I'm saying this to put it on the record, this  
38 would save researchers a lot of time. It would save them  
39 a lot of money and it would actually help to develop good  
40 relationships between knowledge holders that live out on  
41 the land, and people who are scientists that want to do  
42 research in an area. And unfortunately, so many times  
43 the knowledge of our elders is dismissed. And here are  
44 several good examples. We talked to David Salmon about  
45 finding places where salmon spawn. He drew us a map. We  
46 were both up the Salmon Fork on the same trip, and he  
47 drew us a map and pointed out I think it was four  
48 specific spawning locations for three species of salmon,  
49 and gave us exact reasons why they spawn there, some  
50 relative abundance over time, and just the fact that they

00213

1 were there. And that information didn't exist previously  
2 in the scientific literature because they didn't believe  
3 that salmon spawned up there. They didn't believe the  
4 different species of salmon, of the -- let me start over.  
5 They didn't believe that the different species of salmon  
6 spawned up there, and then they certainly didn't believe  
7 that they were spawning in abundance if they were up  
8 there.

9

10 So I just -- I say that to encourage the  
11 researchers that go into our areas, and unfortunately  
12 there's none of them sitting here now, but I say that to  
13 encourage people to use as much traditional knowledge as  
14 is possible, and don't just use it. Actually work with  
15 the information holders to do the scientific research.  
16 It's not as good to turn over traditional knowledge to a  
17 bunch of -- or anyone educated just in the Western way,  
18 because they may misinterpret the information, they may  
19 not understand it fully. It's much better if you can  
20 work hand-in-hand with individuals that are information  
21 holders. Other than that, thank you, Joe. Do you have  
22 an intern now?

23

24 MR. SCHLOSMAN: I'm in the process of  
25 recruiting. I sent notices out to -- well, I sent the  
26 notice out to the school there in Fort Yukon, and as soon  
27 as I got back, I was planning to send more notices out to  
28 the other local schools.

29

30 Oh, and just as a note, I will be --  
31 right now it looks like I might have two interns, because  
32 I've also been accepted as a Hutton Junior Biologist  
33 mentor, and that is an AFS program where they give a  
34 \$3,000 scholarship to the intern that works with me.

35

36 CHAIRMAN NICHOLIA: Yeah, thank you, Joe.  
37 I guess we're going to have the other Joe down here.

38

39 MR. SULLIVAN: Well, for those of you who  
40 don't know me, which I don't think is many of you, I'm  
41 Joe Sullivan. I'm the program director for Yukon River  
42 Drainage Fisheries Association.

43

44 I'm trying to figure out what I needed to  
45 do when I came up here. I brought a copy of what we call  
46 YRDFA 101; however, since everybody here has already seen  
47 that, there's not much point in showing it again. But I  
48 would like to address a few issues that came up and tell  
49 you a little bit about what YRDFA's done in about the  
50 past eight months or so.

00214

1                   The first issue that you all mentioned  
2 was the teleconferences. And I'm relatively new to  
3 YRDFA, so last summer when I was there at the  
4 teleconferences, I knew a little bit about some of the  
5 non-profits, the tribal organizations that were not on  
6 the teleconferences, but it didn't really click with me  
7 right away that -- well, the importance of them actually  
8 being there or not being there. So when I'm sitting  
9 there listening to people up and down the river and from  
10 Canada as well saying that everything is hunky-dory, and  
11 that all their subsistence needs are being met, and I  
12 hear some of the people in different parts of the river  
13 saying, well, we would like this, and then Fish and Game  
14 changes their strategy to accommodate those people, it  
15 sounds -- you know, everything sounds fine to me.

16  
17                   And then we get to the fall chum -- you  
18 know, everything progresses along during the summer.  
19 First Fish and Game believes their own data and then they  
20 don't believe their own data, then they do believe their  
21 data again, and it a little confusing as to what the  
22 reality of life actually is. But you get to the end of  
23 -- come to the last few teleconferences. Fish and Game  
24 is saying, oh, there's plenty of chum salmon. We'll open  
25 a commercial fisheries for them if you all want to. And,  
26 of course, nobody wants to, because they have no  
27 infrastructure to take advantage of a sudden potential  
28 commercial opening, but for those of us who are sitting  
29 there, and, you know, don't have a lot of experience with  
30 the past history of this, when it sounds like Fish and  
31 Game is opening a commercial fisheries that nobody wants,  
32 or can take advantage of, and no one at least on the  
33 teleconference is saying they're not meeting their  
34 subsistence needs, and says, well, no, we're not fishing  
35 any more. We're out berry picking, we're out moose  
36 hunting, we're doing something like that. You must  
37 assume that, well, there's plenty of fish for escapement,  
38 there's plenty of fish for subsistence. There's so many  
39 fish that nobody's -- that they can't give away, you  
40 know, that the commercial fishermen can't even go get and  
41 catch and sell, it sounds like everything's fine, you  
42 know.

43  
44                   And then, you know, a couple months later  
45 you hear people saying, well, we didn't meet our  
46 subsistence needs. Well, we didn't meet our subsistence  
47 needs. Well, you know, my question is where were you on  
48 those teleconferences? Why were you not saying that  
49 then? It's like this doesn't mesh up with what I heard,  
50 you know. It'd kind of -- in my, you know, history, it's

00215

1 kind of like if you don't vote, you don't count. So  
2 you've got to be there to be heard.

3

4 And I appreciate the fact that there's  
5 upriver and downriver differences. That's why YRDFA was  
6 formed was to deal with those issues before they got as  
7 far as the Board of Fisheries or Fish and Game or Federal  
8 Subsistence Board. We would rather take those issues up  
9 within house, uniting upriver and downriver fishermen.  
10 That was the whole -- one of the primary reasons for  
11 getting YRDFA together was to get these issues taken care  
12 of in advance. And if we have -- I mean, it's basically  
13 -- it's like those Federal Subsistence, the RACs, you  
14 know, if you guys come up with something here that  
15 everybody agrees on is okay, and the Feds don't have a  
16 biological reason not to do it, they pretty much have to  
17 do it, you know. It's the same thing with YRDFA. If we  
18 upriver and downriver get people to agree on something,  
19 and it doesn't make one bit of difference one way or the  
20 other to the Feds or Fish and Game, they're pretty much  
21 going to go for it. So come -- so that's basically how  
22 things went during the summer.

23

24 Come October, we start looking at the  
25 Federal Subsistence Board proposals, and the Board of  
26 Fisheries proposals, and YRDFA had its board meeting,  
27 again, you know, we've got essentially 15 upriver  
28 delegates and 15 downriver delegates, so we've got people  
29 from all over. I mean, if you don't choose -- if you  
30 choose not to be part of YRDFA and therefore don't vote  
31 for these delegates, how are they going to represent you?  
32 But we have people that are willing to step forward in  
33 different parts of the River, and say what they think.

34

35 So we went through these different  
36 proposals and there were ones that we could agree on  
37 upriver and downriver, and we had a lot of debate on the  
38 different proposals. And so when we came up with a  
39 recommendation as a board, and the board operates by  
40 consensus, so it's like if any one person didn't think  
41 this was okay, it wouldn't be okay, and we wouldn't --  
42 YRDFA would not support it. But we did support a number  
43 of different proposals, and unanimously by consensus. We  
44 opposed a number of different proposals by consensus,  
45 unanimously. So there -- you know, at least from our  
46 perspective, from within our ranks, there was an  
47 upriver/downriver unity on these issues.

48

49 Now, there were other proposals that we  
50 could not reach agreement on, and that's always going to

00216

1 be the case. And so YRDFA doesn't have a position on  
2 some of those things, and when we got as far as the  
3 Federal Subsistence Board, and we got as far as the Board  
4 of Fisheries, we didn't have positions on those things.  
5 That indicate to both of those groups that there is no  
6 upriver/downriver consensus on that, and that's the way  
7 it is. But to the best of our ability, we would like to  
8 reach that, and we want to hear what you have to say.

9  
10 Relative to Area M, I must say I feel  
11 like I've been drinking through a fire hose this last  
12 year or so, because everything I hear is different, you  
13 know. And on the one hand, you know, when the Area M  
14 issues first -- it just didn't get on the radar for us  
15 for a while. You know, it just wasn't there. And when  
16 I'd ask Fish and Game about it, they said, you know, no  
17 big deal. There's not -- not to worry about anything.  
18 And I'm afraid that was bad advice on their part, but it  
19 was -- you know, we're limited on what we know, and so we  
20 have to take it from whatever sources we can get it from.

21  
22  
23 Some of the things Virgil was saying  
24 today, I've never heard before. You know, some of them I  
25 have, some of them I haven't. I was surprised by a lot  
26 of it. And one of the things that Area M fishermen were  
27 saying was, well, you know, if we're allowed to fish more  
28 periods, we'll go target sockeye. We can move different  
29 areas and not target sockeye, and therefore the chums  
30 will get away. I don't know whether that's true or not,  
31 but it sounds good. You know, there were -- there are  
32 issues of different gear types. And this gear type seems  
33 to not catch so many chums. I think the shore-based, the  
34 setnets I think supposedly catch fewer chums, and the  
35 driftnetters, and it's a hell of a lot of information to  
36 try to digest and get the truth from. But I want to  
37 continue hearing it.

38  
39 And the other -- and relative to that,  
40 things have changed now with the Board of Fisheries, but  
41 it doesn't mean that they will always have to be the way  
42 they are, okay? So what we need in order to get further  
43 down the road and make more informed choices and make  
44 more informed recommendations to the Federal Subsistence  
45 Board and the Board of Fisheries is information.

46  
47 YRDFA has been blessed by having a very,  
48 you know, good senator who keeps track -- you know, who  
49 stays on top of us. In fact, he's been pretty generous  
50 to all of us in this State I'd say, most of us, and we

00217

1 have money to look at projects that can make a  
2 difference. But we need to hear from you all, what you  
3 think those projects are, you know. And, you know, I  
4 would really like to know that, because we have some pots  
5 of money that we've not made really solid decisions on.  
6 We want to get the best bang for our buck, and whether  
7 that's upriver or downriver, we need to know what we need  
8 to know. And you need to tell us if you've got things  
9 that need doing, we need to know what that is. We'd be  
10 very happy to partner with anybody on the river. We, as  
11 a principle, are not really interested in giving any -- I  
12 mean, I'm not trying to be mean, but I don't want -- I  
13 don't think that we should be replacing money that Fish  
14 and Game loses because of, you know, cuts in the general  
15 fund and things like that. I don't see that as our role.  
16 I think that would be a disastrous tack to take.

17

18 We do want -- we are interested in  
19 capacity building within the Yukon River, and we go about  
20 that in several different ways. One, of course, is  
21 placing people with Fish and Game, and NOAA and USCS  
22 projects. We have biotech -- or technicians that are  
23 doing that. That not only gets them some experience, it  
24 also gets them a job and some money. We have  
25 biotechnician training programs that I'd like to -- the  
26 next one is going to -- the first one was an upriver  
27 location, the next one's going to downriver in June. We  
28 haven't picked the place and exact time for that yet, but  
29 we want to train people from within the Yukon River  
30 drainage to be more knowledgeable about fisheries  
31 science, and to get those jobs and to be part of it, and  
32 some day I'd like to have more real biologists from the  
33 Yukon River drainage picking up real projects and -- I  
34 mean, we have eight biologists and we have, excuse me, a  
35 couple of TK persons, and we do contracts with different  
36 people. We do contracts with NOAA and we do contracts  
37 with some of the native groups to get various things  
38 done. But we really -- it's important to us to build  
39 capacity. Co-management is one of our goals. And to do  
40 that, you have to have knowledge to go there.

41

42 But we also, like I said, we need to know  
43 what we need to know, and you need to tell us what that  
44 is, so I'm very open for suggestions. I would really  
45 encourage you to -- if you're not a member of YRDFA and  
46 some of you sitting around here that I think should be,  
47 aren't. I have application forms. I'd love for you to  
48 fill them out. And if you join as a -- I've got a deal  
49 for you today. If you join as a subsistence user for two  
50 years, you'll get a great looking hat. Okay? Ten bucks

00218

1 and you get a hat.

2

3

4 I'm not sure what else to tell you. I  
5 guess like I said, you probably know more of what we do  
6 and why we came together than you want to know. We also  
7 participate on the Yukon -- with the joint technical  
8 committee of the Yukon River Panel. We're involved with  
9 that. We have T -- like I said, we have TEK projects.  
10 We have habitat projects. We've got -- we try to cover  
11 the gamut, and we have some projects that are kind of a  
12 mixture of TEK and habitat, fisheries science. So we do  
13 a lot of different things. What else can I tell you?

13

14

15 MR. BASSICH: Thank you, Mr. Chairman.  
16 Yeah, one other thing that I think's really an important  
17 role that YRDFA is doing that potentially upriver people,  
18 community members should participate in is their  
19 educational exchange program, where they bring people  
20 from the upper river -- it's generally geared for  
21 Canadians, but last year we had people from Eagle  
22 participate. But basically what they're doing is just  
23 exchanging people from upper river to lower river for a  
24 trip and a chance to meet and share ideas and  
25 difficulties with the people of the lower river, and vice  
26 versa. So that's something that should be talked about  
27 in some of these upper river communities to kind of  
28 bridge some of the differences, and to get -- or to  
29 foster better communication and better relations between  
30 the upper river and lower river people. So just  
31 something to keep in mind, that it's not just sitting at  
32 these tables, it's not just getting involved in the  
33 projects. There's a lot that can be done within  
34 communities, and I think that's a really important place  
35 to focus on getting all the people of the river to  
36 understand the cultural diversities and use of the  
37 resource throughout the river drainage. That's a really  
38 important goal in my mind to fixing this problem with the  
39 salmon long term. That's all I had to say.

39

40

Thank you, Mr. Chairman.

41

42

MR. SULLIVAN: Okay. You're welcome.

43

44

CHAIRMAN NICHOLIA: Jeep.

45

46

47 MR. TITUS: Yeah. I think stock  
48 identification is pretty important, and I would like to  
49 know when the fish that's hitting the river and they're  
50 bound for up here, and what's happening to those fish?  
51 Are they getting sold commercially, or what? So I would

00219

1 like to see if you have a project, I'd like to see a  
2 stock identification. And if all these different  
3 agencies and groups that are putting up projects, is  
4 anybody coordinating it? You guys are doing the same  
5 studies over and over or -- it seems like there's a lot  
6 of research out there for some fish.

7

8 MR. SULLIVAN: Yeah, there are a number  
9 of different projects out there, and YRDFA's involved  
10 with a couple of them. We've been -- we have some money  
11 to take chinook samples from to Rodo (ph) River. We were  
12 supposed to do that last summer, but we had some  
13 contractor problems with that. So we may do that or a  
14 different river this summer. We've also been involved  
15 with the -- this is kind of a mixture between TEK and  
16 science in that we're -- we have a phenotypic project  
17 where people have recognized blue back salmon and white  
18 nose salmon, and say that, you know, they can tell the  
19 difference between them, so we've got -- last summer we  
20 did a project where we had a technician taking pictures  
21 of the different salmon, and through his TEK background  
22 identifying them as one or the other, and then taking  
23 genetic samples which have yet to be analyzed. You know,  
24 so that's a cooperative project with the State and Feds.

25

26 There are a number of different pots of  
27 money for genetics work, and there's some -- there are  
28 different procedures that different labs are using that  
29 are not always compatible. I guess in the past alaszyme  
30 analysis was the way to go, or was more or less the first  
31 way that people identified different stocks, but it did  
32 -- it mainly identified to major drainages, and now  
33 they're looking at other -- both macro satellite and what  
34 they're calling Snips stock ID's, but you have to build a  
35 data base on that, and the Feds and Canadians and the  
36 State are all looking at different methods to do that.  
37 But I think that ultimately they'll get there. What I  
38 think they need more than anything else is a coordinated  
39 approach, which it doesn't seem like they have, you know.  
40 But they're looking. So.....

41

42 MR. STEVENS: Yeah, let's see here. I've  
43 got one question and just a comment. I didn't know -- I  
44 personally didn't know that you can be an individual and  
45 be part of YRDFA. I thought it was just groups, tribes,  
46 organizations. So I didn't know that.

47

48 I realize the importance of it, and I am  
49 one of the upriver people, fishermen, and unfortunately  
50 we did have a person who was going to apply for a seat on

00220

1 there, one of our employees, but he ended up turning over  
2 and moving to Fairbanks, so we lost him. My tribe, if  
3 you would, has certain opinions about YRDFA, and the  
4 makeup of the board, therefore Stevens Village didn't  
5 actually become part of it. So -- but personally I  
6 didn't know individuals could become part of it. I spoke  
7 with Jill and she's been poking at me to get on the  
8 telephone and over the last three years I've had a  
9 project, a fish project that's been upriver from Stevens  
10 Village, and for the better part of the first -- well for  
11 the better part of the summer from spring on, I was up --  
12 I was 30 miles upriver from Stevens and another 30 miles  
13 up a creek, you know, for a good two months, so I was  
14 unable to take part in that. And I couldn't convince our  
15 director to take part in it. So I do see the importance  
16 of it, and I will try like crazy to take part now that  
17 our project is completed. We are getting into other  
18 projects, but I am going to try to make an effort to get,  
19 if not myself, one of the fishermen there within the  
20 village.

21

22 We do receive all your material. We hang  
23 -- we post stuff. We can't make people come into the  
24 office to get on the phone. They are aware of it, but I  
25 will make a better effort to get people involved. And  
26 all you all can quit looking at me when you talk about  
27 upriver, because every time you guys say upriver,  
28 everybody's looking at me, so I will make an effort to  
29 become more of a part of this, because I do realize the  
30 importance of it. Thanks.

31

32 MR. SULLIVAN: Thank you, Jay.

33

34 MR. BASSICH: Thank you, Mr. Chairman. I  
35 just wanted to dispel as myth, too, not only can you be  
36 an individual there, but you don't have to be a voting  
37 board member to be heard. I'm not on the board, and I am  
38 quite amazed at the level of equality in which every  
39 person is allowed to speak and voice their opinion there,  
40 regardless of if you're a board member, whether you're a  
41 subsistence user or commercial fisherman, or an agency  
42 member, and they really value everybody's input, and  
43 that's really important to pass through your communities,  
44 because that is the case there. You do have a voice  
45 there as an individual or as a group.

46

47 CHAIRMAN NICHOLIA: Thank you, Joe.  
48 Okay. Next in line is a call for 2005 fisheries  
49 proposals. And I don't think we have to do that. We  
50 could come up with some things, but -- we already did one

00221

1 proposal, and Virgil wants to do another one I guess, so  
2 go ahead, Virg.

3

4 MR. UMPHENOUR: That's correct, Mr.  
5 Chair. At the January Board meeting, the Fairbanks  
6 advisory committee amended one of the proposals. It was  
7 actually the proposal of the Western Interior RAC. But  
8 they amended it to address the loss of genetic integrity  
9 in the king salmon in the Yukon River as far as age  
10 classes goes. And the Board rejected that amendment. So  
11 what they did is they made a petition to the Board of  
12 Fisheries that I took -- that got submitted to the Board  
13 of Fisheries, and the Board of Fisheries rejected it just  
14 this last week.

15

16 And so I have -- I'd just like to take  
17 just a minute to go over this thing and tell what I would  
18 like to do.

19

20 I'm going to read one paragraph from a  
21 study done by the Department of Fish and Game in 1995.  
22 It will just take a minute to read it. Gillnet mesh  
23 studies were conducted in the Taku Inlet gillnet fishery  
24 during 1975 to attempt to harvest the various size ranges  
25 and age classes of maturing chinook salmon in proportion  
26 to their abundance. The eight-inch and large mesh  
27 gillnets which have been fished during king season for  
28 the last 80 years, are highly selective to chinook, from  
29 660 to 900 millimeter, mid eye to fork length. This  
30 subjects nearly 99 percent of the female chinook  
31 population to the gillnet fishery, but only about 16.6  
32 percent of the males. The harvest of large numbers of  
33 female chinook from this declining stock is unacceptable  
34 and studies indicate the chinook that mature at a younger  
35 age have a tendency to pass the trait to their progeny.  
36 Therefore, by annually allowing the escapement of large  
37 numbers of these small males, the age, size and  
38 reproductive potential of the run will decrease. During  
39 1995 over 75 percent of the escapement into Nakanaw (ph)  
40 River, that's one of the rivers, the smaller rivers that  
41 runs into the Taku, were one and two ocean precocious  
42 males. In other years, between 48.1 percent, and 73.8  
43 percent of the escapement have been precocious males.

44

45 A precocious male is a horny teenage boy  
46 is what he is. That means it's a five-year-old. They're  
47 saying one and two ocean fish. What that means is  
48 they're three, four and five-year-old fish. A five-year-  
49 old king salmon is normally about 28 inches long. 711  
50 millimeters is 28 inches. Over 95 percent of the five-

00222

1 year-old age class is males, are precocious males.

2

3

4 So anyway we submitted a petition, and  
5 what the petition would have done was in the Yukon River  
6 that all gillnets larger than six-inch mesh would be no  
7 deeper than 35 meshes deep. Currently they can fish 25-  
8 mesh nets.

8

9

10 Now I'm going to tell you what's happened  
11 to the Yukon River. On the Gisasa River Weir, in the  
12 year 2000, 42 percent of the fish -- or 2001, 42 percent  
13 of the king salmon that went into the escapement past the  
14 weir were female fish. That's in 2001. But you have to  
15 remember that in 2001 there was absolutely no commercial  
16 fishery, and there were true windows. They only fished  
17 two 32-hour periods a week on the lower Yukon. The very  
18 next year, in the year 2002, the percentage of females  
19 dropped from 42 percent down to 20 percent. The number  
20 of precocious males in the population that got on the  
21 spawning grounds in 2001 was around 44 percent. In the  
22 year 2002, with no windows, because they abolished the  
23 windows after they started the commercial fishery, even  
24 though they only caught a little 8,000 fish commercially,  
25 but with no windows, it jumped up to 74 percent.

25

26

27 The Tozitna River weir in the year 2002,  
28 81.8 percent of the king salmon that went through the  
29 weir and got on the spawning grounds, I'm going to say  
30 that again, 81.8 percent were five-year-olds and younger.  
31 Of that 81 -- or of the total population 79 percent were  
32 precocious males. In the year 2003, the percent of fish  
33 that were five-year-olds and younger -- and those fish in  
34 2002 averaged 26 and a half inches long. That was the  
35 mean size of the five-year-old age class, which was 40-  
36 something percent of the fish that got onto the spawning  
37 grounds. So out of 81.8 percent of the fish, they were  
38 smaller than -- they were 26 and a half inches long, or  
39 smaller, going onto the spawning grounds. That was in  
40 '83 -- or 2003.

40

41

42 And so what I'm going to do is -- or what  
43 the Fairbanks advisory committee did was put in that  
44 proposal. And then the Department's own answer to those  
45 drift gillnet proposals for District 5, in their staff  
46 comments, they said that allowing a drift gillnet fishery  
47 to take place down by Galena would target the larger  
48 female king salmon and they wanted those to cross the  
49 border in Canada, and get on the spawning grounds. That  
50 was the Department's reason for opposing that proposal.

50

00223

1                   So what they did in this proposal, the  
2 Department made some comments that said that there had  
3 been record escapement since the year 2000 on king salmon  
4 in the Yukon drainage, which is not true. I'm going to  
5 read something from the report, from the joint technical  
6 committee for the king salmon season, it was in the joint  
7 technical committee report between the United States and  
8 Canada for the Yukon River panel. I'm going to just read  
9 a couple little sentences.

10  
11                   The 2002 chinook salmon harvest was the  
12 third lowest commercial harvest since statehood. The  
13 2002 chinook salmon harvest was 75 percent below the 1990  
14 to '99 average with 152,000 chinook salmon.

15  
16                   Now, in 2000, the year 2000 was the  
17 lowest escapement on record for the Yukon River. Not  
18 only was it the lowest escapement on record, but it was  
19 the lowest harvest since statehood.

20  
21                   And what happened on the spawning  
22 grounds, I'm going to just give you some real quick data  
23 of all the escapement projects on the spawning grounds  
24 for the year 2000 and compare them to the average since  
25 -- and these are the only places we have escapements.  
26 The first three are weirs, and the second two are towers  
27 on the Andreafsky River, the escapement was 40 percent of  
28 the long-term average. The Nulato River was 49 percent  
29 of the long-term average. The Gisasa River, which is --  
30 was 73 percent. The Chena River was 65 percent, and the  
31 Salcha River was 34 percent, and was the lowest  
32 escapement since records have been kept.

33  
34                   In Canada, I'll go through the  
35 escapements. There's six of them. Tin Cup Creek was 17  
36 percent of the long-term average. Taxshum (ph) Creek 118  
37 percent. Little Salmon River was 10 percent of the long-  
38 term average. Big Salmon River, 13 percent. And  
39 Distoolen (ph) River, five percent. And Wolf River, 17  
40 percent.

41  
42                   Now, the thing I didn't say a minute ago  
43 that I'm going to say now is we have brood tables for  
44 Canada. The Canadian portion of the stock. 1990 was the  
45 last year an eight-year-old fish appeared, an eight-year-  
46 old king salmon appeared in the brood tables. In 1982,  
47 28 percent of the king salmon harvested that were of  
48 Canadian origin were seven-year-old fish. But it's been  
49 averaging in recent year is around five percent of the  
50 harvest are seven-year-olds.

00224

1                   But what's getting on the spawning  
2 grounds, that's the big question, the productivity. On  
3 the Tozitna river weir in the year 2000, six-tenths of  
4 one percent of the king salmon were seven-year-olds.  
5 Six-tenths of one percent. In 2003, four-tenths of one  
6 percent were seven-year-olds. On the Gisasa River weir,  
7 and I've examined the data from '94 to the present, the  
8 last few years, no year as it been over two percent  
9 seven-year-old king salmon.

10  
11                   So this is the question, does sustained  
12 yield mean that we maintain all age classes of salmon? I  
13 think it does. That's the question.

14  
15                   After I got back from that board meeting,  
16 I got Mike Tinker, the chairman of the Fairbanks AC, and  
17 we called Doug Meecham, the Director of Commercial  
18 Fisheries, and we asked him, does sustained yield in the  
19 Constitution mean we're supposed to maintain all age  
20 classes of salmon? And he said, that's a social issue.  
21 And so if it's a social issue, this body, I think, needs  
22 to address whether that's a social issue or not, and I  
23 think the only way to address it is to put a proposal  
24 into the Federal Subsistence Board to address whether the  
25 people that live on the Yukon River, especially the  
26 people in the upper Yukon River, want all the large king  
27 salmon to disappear, and want the productivity of the  
28 king salmon to go down the toilet because the only  
29 information that's accurate that we have indicates that  
30 in excess of 75 percent of the king salmon getting on the  
31 spawning ground are precocious males, and that the  
32 majority of the large fish are not getting there, because  
33 they're getting caught in these large mesh gillnets in  
34 the lower Yukon is where they're getting caught, and the  
35 older age classes are disappearing. The eight-year-olds  
36 are extent, the seven-year-olds are not far behind.  
37 That's the question.

38  
39                   And so my motion is to submit a proposal  
40 to the Federal Subsistence Board to limit the depth of  
41 gillnets that are large than six inches to no more than  
42 35 meshes. That's what my motion is.

43  
44                   MR. FLEENER: Second.

45  
46                   CHAIRMAN NICHOLIA: It's been moved,  
47 seconded. Discussion.

48  
49                   MS. WAGGONER: Now, I don't think we can  
50 make a limit on gillnets in commercial fishery. We can

00225

1 only limit gear that's used in subsistence, fishery,  
2 correct?

3

4 MR. UMPHENOUR: That's -- I don't know if  
5 that's correct or not. I think we should make the  
6 proposal to do it for all gillnets, because these  
7 gillnets are operated in Federal waters, and the purpose  
8 is to large the larger age classes to get up the river,  
9 primarily the females, for two reasons. One is for  
10 reasonable opportunity for the upriver users so that they  
11 have something to eat besides a precocious male. And the  
12 other reason is to put them on the spawning ground so  
13 that we have sustained yield, because we're not going to  
14 have sustained yield if we keep up at this rate. We're  
15 going to be closed.

16

17 CHAIRMAN NICHOLIA: I'd like to see this  
18 proposal go forward, because what Virgil is saying is  
19 very true. I grew up with those big fish. Twenty-five  
20 years ago. The last time I seen big fish in our  
21 fishwheel is, what, 15 years ago. So even if it's  
22 spoiled out commercial fishing, I think we should just go  
23 with it. I'm in support of -- let's have this board deal  
24 with it. I'll be there to egg them on. Any more  
25 discussion.

26

27 MS. WAGGONER: I wholeheartedly agree  
28 with you. Now, you need age and size and genetic  
29 diversity on the spawning ground. And, I mean, there's  
30 other ways we can do it, too. You know, potentially look  
31 at other proposals and windowing runs, because the  
32 precocious males are usually at the front of the run, and  
33 the females. But I don't know if there's any way that we  
34 can also sent the recommendation that -- to look on the  
35 State side and within the commercial fishing, you know,  
36 gear limits, too, because if we can address it under  
37 subsistence, we also have to send the message that it  
38 needs to be addressed under commercial, too.

39

40 MR. UMPHENOUR: There were proposals to  
41 do that. The Board of Fisheries, the current composition  
42 of the Board of Fisheries is they were recommended by the  
43 United Fishermen of Alaska, which really should change  
44 their name to United Fishermen and Processors of Seattle,  
45 because that's where the majority of them live, that's  
46 what their interests are. They're in the commercial  
47 fisheries, they could care less about subsistence  
48 fisheries, and they rejected proposals -- we had  
49 proposals before the Board, just like you suggested we  
50 do, and they were all rejected by this Board of Fisheries

00226

1 that is dominated by the commercial fishing interests  
2 from Seattle. So it's a waste.....

3

4 CHAIRMAN NICHOLIA: (Indiscernible -  
5 simultaneous speech) fishing.

6

7 MR. UMPHENOUR: .....of time. This is  
8 the only option, this is the only thing we have left.

9

10 CHAIRMAN NICHOLIA: Understand. We had  
11 some pretty good plans. Sound, decent plans to protect  
12 the genetic diversity of king salmon. And we went to  
13 them with about three different, four different  
14 proposals. That was to get this thing settled, and the  
15 things we requested, and that they said they'll give us,  
16 too, and make sure that age links, sex, studies it, they  
17 didn't do it. I don't know what warrants this -- it's  
18 just a big, God damn waste of time in my book to go to  
19 the Board of Fish with something like this again. He's  
20 right. They're all Seattle based. I like cheap  
21 sheefish.

22

23 MS. WAGGONER: This is -- goes back to  
24 the whole Area M issue, and everything else, with the  
25 dual management, and, you know, the ultimate goal to  
26 protect subsistence fishing and provide subsistence  
27 opportunity is to make sure and ensure that we have an  
28 adequate supply and a diversity of fish on the spawning  
29 grounds. And I don't know how we can address it through  
30 Federal regulations, how it can be worked out in the  
31 management scheme, but there's got to be some way to  
32 start looking more at addressing, not just regulating  
33 users and how they use and when they use it, but looking  
34 at the ways of managing to get more fish on the spawning  
35 grounds. So I'm just -- we need to work on something  
36 there.

37

38 MR. UMPHENOUR: Okay. I have a letter  
39 that was sent to the Board of Fisheries from Sebastian  
40 Jones. He's the president of the Yukon River Commercial  
41 Fishing Association in Dawson. I'll just read it real  
42 quick. The YR DFA has represented the commercial  
43 fisheries since 1985. Through this time, we have always  
44 taken the position that the viability of our fishery  
45 depends entirely on a very healthy salmon run. It is  
46 with mounting concern that we have observed the  
47 diminishing number of river hogs, 45-pound plus fish  
48 which are generally seven and eight years old. It is our  
49 view that these fish are the key to rebuilding the  
50 chinook runs on the Yukon River. No other fish has the

00227

1 size to produce the eight-to 10,000 eggs that enabled us  
2 to achieve the high returns per spawner that were  
3 realized from the escapements of the early to mid 80's.  
4 In fact, we are extremely concerned that the  
5 disappearance of the seven and eight-year-olds is a  
6 harbinger of a crash in this stock similar to that seen  
7 in other fisheries. As Canadians, we're all too  
8 painfully aware of what happened in Newfoundland to the  
9 cod fishery when the large fish disappeared while the  
10 biomass appeared to be stable, and then the stock  
11 collapsed, in 10 years have not seen an appreciable  
12 rebound. There's also ample scientific evidence that  
13 large fish are critical to sustained wild fish runs. So  
14 we urge the Alaska Board of Fisheries to develop and  
15 implement a management regime that will allow these  
16 endangered age classes to pass up the river. Nothing was  
17 done about that.

18

19 Now, I want to refer to one other  
20 subject, and that is the Ichthyophonus. And just real  
21 quick, I just want to point out one thing in the  
22 Ichthyophonus, and that is that the highest instance of  
23 Ichthyophonus, I'll just read -- it's just two sentences.  
24 When age classes -- when size classes were compared for  
25 infection prevalence, the smallest fish, under 10 pounds,  
26 exhibited the lowest infection prevalence, 21 percent,  
27 while the 21 to 25-pound weight class had the highest, 47  
28 percent. So these large fish that we're not getting on  
29 the spawning grounds, 47 percent of them are diseased,  
30 and there's a real good chance they're not going to  
31 successfully spawn. So we have a double whammy on these  
32 large fish, and that's why we have to do whatever we can  
33 to protect them and get them on the spawning grounds, or  
34 we're not going to have a fishery pretty soon.

35

36 Thank you.

37

38 CHAIRMAN NICHOLIA: Thank you, Virg.

39

40 MR. FLEENER: Question.

41

42 MR. TITUS: I thought we were dealing  
43 with a proposal and then we're dealing with a motion.  
44 What's on the table?

45

46 CHAIRMAN NICHOLIA: We have a motion on  
47 the table that was seconded, that was just Virgil's  
48 proposal to the Board of Fish. Could you clarify that  
49 motion for us, Virg?

50

00228

1 MR. UMPHENOUR: The motion is to the  
2 Federal Subsistence Board for us, from our RAC, to reduce  
3 the depth of all gillnets so that no gillnet that's  
4 larger than six-inch mesh can be deeper than 35 meshes.  
5 That's for all gillnets in the Yukon River, period.

6  
7 CHAIRMAN NICHOLIA: Okay. It's been  
8 moved and seconded. Let's get -- we're going to spend  
9 all damn day on this. Let's get moving forward. Any  
10 more questions that's going to bring up new evidence or  
11 more critical information, I would like to hear it. If  
12 it's just another question to question Virgil, but we're  
13 going to get put back, and I don't like to be put back on  
14 schedule.

15  
16 MR. MATHEWS: Mr. Chairman, when we get  
17 into proposals like this, sometimes it's real easy, if we  
18 would take a couple of people, I'm not saying right now,  
19 take a couple of people and draft up a proposal so it's  
20 clear what you want, and then bring that before the  
21 Council, instead of debating what language to use.....

22  
23 CHAIRMAN NICHOLIA: We did that already.  
24 It's very clear to me, and if it's not clear to you guys,  
25 then we'll step down and we'll do that and then we'll  
26 move on, because we just wasted a good 45 minutes  
27 discussing it, and if we don't do nothing now, man, what  
28 are you going to understand.

29  
30 MR. UMPHENOUR: I actually have it in  
31 writing, if you -- and I can just give it to you.

32  
33 MR. FLEENER: Question.

34  
35 CHAIRMAN NICHOLIA: It's been moved, it's  
36 been seconded. The question now has been called. All  
37 those in favor of Virgil's proposal, signify by saying  
38 aye.

39  
40 IN UNISON: Aye.

41  
42 CHAIRMAN NICHOLIA: All those opposed  
43 same sign.

44  
45 (No opposing votes)

46  
47 CHAIRMAN NICHOLIA: Motion carries.  
48 Okay. Let's move on to the annual review and approval.  
49 And what's this, annual review of minutes or approval of  
50 what, Vince? What's this, another typo?

00229

1 MR. MATHEWS: You're talking about item  
2 number nine?

3  
4 CHAIRMAN NICHOLIA: Yeah.

5  
6 MR. MATHEWS: No, that's not a typo.  
7 Basically during your fall meeting you weren't able to  
8 really put together an annual report, so -- that is a  
9 typo, I'm sorry, I'm responsible for that one. It should  
10 be annual report review and approval.

11  
12 But anyways, I did consult with your --  
13 Donald Mike, and he gave me a list of topics, and I've  
14 been trying to as you go through topics today, some of  
15 you have mentioned that some of them should be in the  
16 annual report. So if you want me to keep rolling with  
17 this, I can, to give you a pathway, and then you could  
18 agree to it or modify it or reject it.

19  
20 Basically when we've gone through before  
21 this before, the normal cycle is in fall you present  
22 topics. Between your fall meeting and your winter  
23 meeting, a draft annual report is put together, reviewed  
24 by the Chair, and others, and reviewed by the office and  
25 your team and et cetera. And then you get pretty much a  
26 final draft at this meeting and you approve it.

27  
28 Well, we're a little bit behind on that,  
29 so what we could do is is you would give me -- agree to  
30 the topics that are here, add topics to it, with your  
31 motion agree that the Chair and key people would be the  
32 final reviewers of that annual report. Or we could send  
33 it out to all of you, and report back in. But the action  
34 to have an annual report has to happen at a public  
35 meeting, so you'd have to do that action here. Then that  
36 would be submitted, and then last year we'll be on cycle.  
37 So that is a process.

38  
39 The only caution I give you is the  
40 deadlines will be really tight, so when I do ship it to  
41 whoever it is that you would like to review it, it's  
42 going to have to be turned around in a day or two. We  
43 can't wait much longer, because the Board takes this up  
44 fairly soon here, and we want to make sure you have the  
45 best report in front of that Board.

46  
47 So with that, the topics that I know of  
48 is Donald Mike informed me that the Council discussed the  
49 issue of hunting guides and transporters, and so that may  
50 be a topic that you want to talk about. You just signed

00230

1 a letter about establishing a commercial guide board, but  
2 you may want to address -- reinforce that need in your  
3 annual report. And again, I don't know what else you  
4 talked about on the need for a more equitable guiding  
5 process to lessen the pressure on subsistence users.

6

7 He also mentioned that, and I know this  
8 will bring a response, that outstanding -- you've asked  
9 for age, sex and length data report, and it's not  
10 forthcoming, so I think at your last meeting you  
11 expressed displeasure on the time that that's taking. So  
12 you may want to request the Board to look in to why that  
13 report is not forthcoming.

14

15 Mr. Fleener earlier brought up about the  
16 quality of the analysis, the amount of errors and et  
17 cetera. I don't know if that has to be in the annual  
18 report, but he did express saying that that might be an  
19 annual report topic.

20

21 And that's all I had at this point.

22

23 CHAIRMAN NICHOLIA: Yeah, Vince, thank  
24 you. Yeah, I'd like to have that age, length. It's  
25 highly displeasure of why we didn't receive that. It was  
26 very critical to have that at this last January Board of  
27 Fish meeting. That would have been ammo that we could  
28 have used. I'm kind of disappointed, because we put  
29 faith in the Department to get that study done, and they  
30 said they'll do it. But they always say they're going to  
31 do things, and they don't do it. So, you know, that's  
32 part of my -- what I said this last time, that's part of  
33 my decline in public support for them. And we could give  
34 them the best deals, or our best intentions with  
35 proposals or things like that, but.....

36

37 Another thing that I'm disappointed with,  
38 put this in the annual report, too, is that we come up  
39 with a lot of evidence and for our proposals, and it  
40 seems like we are the Federal -- we represent the  
41 Federally qualified users. It seems like that we're  
42 always being questioned. I mean, our credibility, our  
43 knowledge of our land that we grew up on is always being  
44 questioned. And that has to be -- there has to be  
45 something done about it. Our knowledge is more and  
46 sometimes better than Western knowledge. We may not have  
47 went to big universities or nothing, but we know more  
48 than those biologists that they've sitting down there.

49

50 And another thing that I'm really

00231

1 displeased about the Board of Fish is that, put this in  
2 that report, too, is that like Craig Fleener said earlier  
3 is that we're not a State Board of Fish AC. We sit here  
4 for making recommendations, proposing our support on  
5 issues to the Federal Board of Fish. And I don't like  
6 that for the Federal Board to be deferring to the State.  
7 To me it's just like we're walking -- they're holding the  
8 shirttails for the State coat, following along. And it's  
9 as a matter of fact the serious issue of this king  
10 salmon, not to do genetic diversity of this king salmon.  
11 They look at me and think I'm crazy for saying the same  
12 old thing, but I'm serious when I get up there. They'd  
13 better start taking this council's recommendations  
14 seriously, because I get pretty frustrated when they  
15 question my -- when I'm sitting up there at the Federal  
16 Board with the other 10 chairs, I get frustrated there  
17 when they try to discredit my credibility up there. I  
18 know, they do it. I'm there. I'm sure you've been there  
19 and saw it, too, Craig. And if they're going to stick up  
20 for the Federally qualified users in this region, they  
21 better start having some spine and some guts, because we  
22 rely on them. As the Eastern Interior Regional Advisory  
23 Council, we rely on them to make some sound decisions  
24 that will save the resource and us, give the Federally  
25 qualified users in this region an ample, equal  
26 opportunity to meet their needs.

27

28                                   And there's another thing that I'm really  
29 frustrated about, and it's this draft, I don't even want  
30 to hear about this draft predator management policy.  
31 It's just a big waste of time from what I heard in  
32 Wasilla. Why even throw it at us if they're not even  
33 going to have the -- why the need for us for to even do  
34 it. It just like just turns around in circle and put us  
35 right back in square on. That's all it is to me, and  
36 that's all I see on it. Yeah, go to the refuge manager.  
37 But I just heard just a little while ago that Federal is  
38 going to offer us letters of support, but not really work  
39 with them, so I don't really see nothing in draft  
40 predator management policy around this region.

41

42                                   I'm tired of this. OSM and the Federal  
43 Board saying that they're going to protect the Federally  
44 qualified users when in reality, you go to that meeting  
45 in December and they do no such thing. Write that down,  
46 too. I'm just getting totally frustrated with them.

47

48                                   And if anybody else want to add anything,  
49 now is the time to do it.

50

00232

1 MR. FLEENER: Thank you, Mr. Chair. I  
2 appreciate those things that you brought up, and I would  
3 like to add that although we've said it in a round about  
4 way, I think it's important to put it in this report that  
5 I'm very dissatisfied with the salmon management  
6 practices that have been going on. I think that we're  
7 throwing our salmon populations away so someone can make  
8 some money. Maybe a lot of people. But I think the way  
9 that we're managing the salmon populations is not right.  
10 I think we need to focus on escapement, and getting  
11 salmon to the spawning grounds, and then we need to --  
12 after we get enough to the spawning grounds, then we need  
13 to make sure that there's enough for subsistence. And  
14 beyond that, if they want to do commercial management,  
15 that's fine. But they have to manage based on the  
16 priorities that they themselves have established, and  
17 that hasn't been happening.

18  
19 Secondly, I'm also very dissatisfied with  
20 moose and caribou management in the -- within Federal  
21 lands. I think we're allowing predator populations to  
22 decimate our prey species that are very important for  
23 human consumption and I think that there needs to be more  
24 active hand's on management to making sure that our moose  
25 and caribou populations are stable, and can continue to  
26 sustain subsistence harvests long into the future, not  
27 allow them to dwindle down to nearly nothing like we have  
28 around here in the Yukon Flats.

29  
30 Thank you, Mr. Chair.

31  
32 CHAIRMAN NICHOLIA: Anybody else, now's  
33 your time. Virgil.

34  
35 MR. UMPHENOUR: One thing I'd like to  
36 point out, and a lot of people -- I know the State laughs  
37 at me. I've been laughed at by high-ranking people in  
38 Fish and Game for the State for making the comment that  
39 there's a direct relationship between the abundance of  
40 salmon that are spawning on the spawning grounds and  
41 survival of moose calves. But when those bears and  
42 wolves don't get enough fish to eat, and the wolves eat  
43 fish, too, then they're going to eat the next easiest  
44 thing to catch, and that's going to be moose calves. But  
45 there's a direct relationship there. And part of the  
46 sustainable salmon policy says to maintain healthy  
47 ecosystems. and a healthy ecosystem has enough salmon on  
48 it or in it so that everything that depends on the  
49 salmon, the grayling, the bears, the wolves, the eagles,  
50 everything, that there's enough for everyone, and when

00233

1 they try to do Ricker (ph) model management, where you  
2 just get enough fish on the spawning grounds to provide  
3 basically what you think, what they think by their  
4 modeling is going to be the highest return per spawner,  
5 but totally ignore the nutrients to maintain a healthy  
6 ecosystem, then it's bound to fail, and I think that's  
7 what's happening all over the State right now, and not  
8 just in our region.

9

10 Thank you.

11

12 CHAIRMAN NICHOLIA: Thank you. I think  
13 what you mention is that the diversity of nutrients in  
14 the water to the fish, other small fish, plants. That's  
15 what he's trying to get at, all this fish that goes out  
16 from the spawning to the ocean is a delicate web, and it  
17 connects to everything. It connects to us, it connects  
18 to the crows, other fish, eagles, bears, everything, is  
19 that's what he's talking to, and we've got to protect  
20 that delicate web. Trish.

21

22 MS. WAGGONER: I think we should look at  
23 going on the record as stating, you know, our hands are  
24 tied in what we can make regulations on, and we need to  
25 look at creative avenues to address the subsistence  
26 issues. And one that we talked about earlier was  
27 extending authority in maritime waters.

28

29 The other thing I think that we need to  
30 stress is that we need to get back to managers,  
31 proposals, analysis of the proposals, staff  
32 recommendations being towards protecting subsistence, and  
33 not deferring to the State regulations, and making it  
34 easy for, you know, deferring to the State seasons and  
35 making it easy so the State can enforce the State  
36 regulations. That we need to do our proposals and  
37 regulations to protect subsistence resources and provide  
38 opportunity for subsistence users.

39

40 MS. ENTSMINGER: Thank you, Mr. Chair. I  
41 have my own frustration as being self-employed and trying  
42 to go to these meetings, and when I go to a meeting and I  
43 look in the audience, when it was a place like the first  
44 one we went to was in Circle Hot Springs, and the amount  
45 of Federal people, or agency people, not just Federal,  
46 and State that are present, and then I'm expected to do  
47 this all in my free time, and it seems like it's --  
48 sometimes that we are delegated, oh, it's your  
49 responsibility to tell us what you want, and yet we're  
50 given two days twice a year, or three days twice a year

00234

1 to do that. So sometimes I find it real frustrating,  
2 because I wanted to go down and check out the OSM office  
3 last time that we were at the meeting in Wasilla, and I  
4 was told that, oh, there's no travel for you to come  
5 visit us, and in a way it just kind of goes like, excuse  
6 me, but you guys drive all over and do all these things  
7 and go everywhere and I want to come in and see how this  
8 system works, and how many people are employed and what's  
9 going on, and then I'm told, well, you can't get that  
10 extra 40 miles to drive to Anchorage. And I just find --  
11 that's just one example of some of the things that become  
12 real frustrating when you take out of your own life, you  
13 don't have a job to do this. You're taking it out of  
14 your own life, and I have the luxury of being self-  
15 employed, but when I'm not home, I'm not working, so it's  
16 taking out quite a bit of your life. And anyway, I just  
17 wanted to reiterate that sometimes I think they're not  
18 sensitive to that.

19

20 CHAIRMAN NICHOLIA: Anything else for our  
21 annual report?

22

23 MR. WILLIAMS: Can I speak again, Mr.  
24 Chairman?

25

26 CHAIRMAN NICHOLIA: If it's anything to  
27 include to our report, because we're working on our  
28 annual report right now, but if it's specific to that.

29

30 MR. WILLIAMS: We're talking about fish,  
31 right?

32

33 CHAIRMAN NICHOLIA: We're talking about  
34 our annual report from this body to the federal Board.  
35 But I guess we could suspend the rules and listen to you.

36

37 MR. WILLIAMS: That's another one, fish.

38

39 CHAIRMAN NICHOLIA: Go ahead.

40

41 MR. WILLIAMS: Thanks. This motion deals  
42 with six-inch mesh and no more than 35 meshes deep. I  
43 don't quite understand that, because everybody uses  
44 standard size, eight and a quarter mesh. And because of  
45 the situation we have here where there's a lot of  
46 channels for the fish to travel up, sometimes our fishing  
47 spot changes and it's no good for fish no more, and we  
48 just use six-inch, I'm not even sure because this, that  
49 means we just catch a small fish, and, you know, just let  
50 the big ones go, I guess. Others use fishwheel, too, so

00235

1 it's kind of confusing to me. Like you said, the Federal  
2 Board is here to make sure that we get what we're  
3 supposed to get, that we done down through the ages, so  
4 thank you for listening.

5  
6 CHAIRMAN NICHOLIA: Maybe Virgil could  
7 take the time to you later, but we'll continue on with  
8 our annual report here. If there's nothing else we want  
9 to add. I know we've just added a whole bunch of topics  
10 to it, is that we could entertain a motion and get it  
11 passed so we could get it to the Federal Subsistence  
12 Board. If you want to say something, Vince, now is the  
13 time.

14  
15 MR. MATHEWS: Yes, Mr. Chairman. I  
16 understand, and I hear, and I take to heart your  
17 frustration. But I've also got to look at the end  
18 product. And the product is if you put your shoes on, if  
19 you were a Board member, what you've expressed here is a  
20 lot of frustration. What are you telling the Board to do  
21 to address these frustrations? I'll need to assistance  
22 with that, because the Board could just say, well, you're  
23 frustrated, but how are you going to correct it? You did  
24 on some of these items do that, but on others you did  
25 not. So that's the only caution I have on it, and I  
26 think it will -- we an work through it. But realize you  
27 have to give them something say, we'll take that action  
28 or we won't take that action. So that's all I need to  
29 say, and if that can come from the reviews of the annual  
30 report, then I'm satisfied with that. And my phone  
31 number is -- you know, I'm easy to get a hold of, so  
32 we'll have to go through several reviews.

33  
34 MR. BASSICH: Mr. Chairman, thank you.  
35 What I'm hearing, and I'm a new member, but what I'm  
36 hearing, and what I also feel is a great deal of  
37 frustration towards this, is the deferring of action from  
38 the Federal Subsistence Board to the State on so many  
39 levels and so many topics. It seems like -- I wasn't  
40 there, but I was in Anchorage during those meetings and  
41 it sounded like the entire Federal Subsistence Board  
42 basically just deferred almost every issue to the State,  
43 and if that's the case, what's the point of having that  
44 Board? That's my feeling, and that's what I'm hearing  
45 from the Council members here, and I think that needs to  
46 be expressed in whatever way we can. But that's the  
47 message that I'm hearing.

48  
49 CHAIRMAN NICHOLIA: Vince, we could adopt  
50 this right now and approve it, and then you just.....

00236

1 MR. MATHEWS: Right. Right.

2

3 CHAIRMAN NICHOLIA: .....that would be  
4 just fine -- we could fine-tune it later?

5

6 MR. MATHEWS: Yes. And that you would  
7 assist me.....

8

9 CHAIRMAN NICHOLIA: Okay. Let's do that.

10

11 MR. MATHEWS: .....with the drafting of  
12 it as well as who else you would recommend doing, with  
13 the rapid turn around and -- yeah, we can do it.

14

15 MR. BASSICH: I'm sorry, is this a  
16 motion? Are you looking for a motion? Yes. So moved.

17

18 MS. WAGGONER: Second.

19

20 MR. UMPHENOUR: Question.

21

22 CHAIRMAN NICHOLIA: It's moved by Andy to  
23 approve our annual report with those new topics included,  
24 seconded by Tricia. The question has been called by  
25 Virgil. All those in favor signify by saying -- of  
26 approving our annual report.

27

28 IN UNISON: Aye.

29

30 CHAIRMAN NICHOLIA: Those opposed, same  
31 sign.

32

33 (No opposing votes)

34

35 CHAIRMAN NICHOLIA: Motion carries. I  
36 have something to say about this draft predator  
37 management policy. The more I heard about it, and I  
38 thought it was going to help us. I heard about it in  
39 Wasilla. And if there's no new information from that  
40 Wasilla meeting, I don't want to hear about it all,  
41 because I'm just going to get P.O.'d again. It's just  
42 ridiculous to say that you're going to help us, and then  
43 you come down to the fine print that we have to go to the  
44 refuge or man or something, and then to find out that  
45 refuge man is only to support and not really work, I  
46 don't really know if we really want to hear it, but I'll  
47 leave it up to you guys.

48

49 MR. UMPHENOUR: Okay. When you and I  
50 were at the Federal Subsistence Board in December, it was

00237

1 -- I don't know, they spent quite a lot of time talking  
2 about this, all the different chairs from the RACs all  
3 over the State, and Mitch Demientieff, the Chair, said  
4 that they were going to readdress this in their May  
5 meeting, and so it seemed to me like, and maybe Vince can  
6 clarify this, is it appeared to me that they were going  
7 to take more input from the RACs and then make a  
8 decision, is that what Mitch said they were going to do?  
9

10 MR. MATHEWS: Yes, Mr. Chairman, and  
11 there's others that have provided briefing here, but  
12 there is -- and I know it's not changed to the level that  
13 the Chair would like, but there has been a modification  
14 to the policy. And I would encourage -- I know that  
15 Gerald is closer to this, because he does attend the  
16 Board meetings, but we do have a new or old member, and  
17 we have other members, so it might be worth hearing it  
18 enough so they understand the policy that the Board is  
19 developing, and what it's bound to so you know what  
20 sideboards they have and see what you're facing. I know,  
21 Gerald, you've already seen that. You were briefed on  
22 this in Wasilla, but there has been a little bit of a  
23 change in it. And I'm sure that.....  
24

25 CHAIRMAN NICHOLIA: To me it's just going  
26 to be another broken promise made, you know, but if you  
27 guys wan to hear it, it's up to you, man.  
28

29 MR. TITUS: Right there in the sentence,  
30 it says the responsibility or and remain within the  
31 authority of the individual land management agencies. So  
32 whatever predator thing you ever come up with, it's going  
33 to be up to the manager whether it happens or not. So it  
34 kind of -- you just continue with the manager I guess  
35 instead of going through the Board.  
36

37 MS. ENTSMINGER: Mr. Chairman.  
38

39 CHAIRMAN NICHOLIA: I guess we'll go --  
40 just touch upon the fine points. I don't want to hear  
41 the whole thing. If you're not going -- if you guys are  
42 not going to help us control predators -- go ahead.  
43

44 MS. ENTSMINGER: Thank you, Mr. Chairman.  
45 I remember just at the end of the meeting when this came  
46 up, Virgil asked one of the refuge managers about you  
47 mean -- as I remember them stating what they would do if  
48 we -- on the refuges, and you asked a question, and  
49 they'd come back with, yes, if you guys request -- we  
50 could request wolf or some predator management on any --

00238

1 and I guess, me, I look at that as something we can  
2 positively do. Maybe it's the ref -- you know, they  
3 won't do anything, but I would certainly hope that they  
4 took it serious when we asked them. And we didn't make  
5 any motions at that meeting to request that we o it in  
6 these different refuges, but I would be willing to do  
7 that.

8

9 MR. FLEENER: Thank you, Mr. Chair. I  
10 think that we do have one manager here. It might be nice  
11 to hear from him what he thinks, you know. If their  
12 recommendation is that we work with the managers, why  
13 don't we hear from Ted Heuer, who's the Yukon Flats  
14 Refuge Manager, to see what his perspective is on how  
15 much they can do under the current rules and guidelines  
16 that they have to follow.

17

18 CHAIRMAN NICHOLIA: Yeah, Craig. All  
19 right. I want Don to respond to me, if there's any  
20 change from the last presentation that was given in  
21 Wasilla, I'd like to know, because I have very  
22 contentious issues with the Federal Board and OSM not  
23 giving us a tool to use. They say they're going to give  
24 us a tool to use, and not have that tool there, but it's  
25 just like handing us a bunch of hot air. You know, I  
26 don't -- I thought OSM was here to help these people,  
27 meet their needs and have sustained yield resource. But  
28 if there's anything new, Greg, I'd like to hear it.

29

30 MR. BOS: Okay, Mr. Chair. There was a  
31 minor change to the draft proposal in response to some  
32 concerns raised by the Councils at the Federal Board  
33 meeting. It's not the substantive change that you and  
34 this council want to see.

35

36 The change that was incorporated into  
37 this amended draft is previously the policy provided that  
38 when proposals came in that were primarily intended as  
39 predator management, OSM would screen those proposals,  
40 send them back to the proponent with an explanation that  
41 the Board would not be able to deal with those, but yet  
42 commit to providing assistance in the way of encouraging  
43 the land management agency or the State, depending upon  
44 which agency was involved in the area, to give serious  
45 consideration to those requests.

46

47 Some of the Councils at the Board meeting  
48 expressed concerns that they weren't even going to be  
49 able to see these proposals if OSM rejected them before  
50 they came to the Councils. So the policy was amended to

00239

1 provide that the proposals would come before you. They  
2 would be recognized by the Federal program as being  
3 beyond the authority of the Federal Board, but the  
4 Councils wanted to have the opportunity to hear about  
5 these proposals and to understand the concerns being  
6 raised by the subsistence users in their region. So not  
7 only will predator management proposals come before you  
8 in that way, but other kinds of proposals that were  
9 previously screened by the Office of Subsistence  
10 Management would also come before you so that you're  
11 aware of those concerns. For example, we had proposals  
12 in the past requesting actions in marine waters that were  
13 outside the jurisdiction of the Federal program. There  
14 were proposals asking for the Federal Board to regulate  
15 big game hunting guides. And those were beyond the  
16 purview of the Federal Board, unless it was a situation,  
17 say, in the case of the request on guides that some  
18 restrictions to non-subsistence users were necessary to  
19 conserve resources or protect subsistence uses. If there  
20 was a strong connection there, then those proposals would  
21 move forward through the process.

22

23 At any rate, under this new policy, this  
24 revised policy, those kinds of proposals will be brought  
25 to your attention so that you're aware of the concerns of  
26 the people in your region. But the Board continues to  
27 maintain the position that it is the land manager's  
28 authority to engage in predator management programs, and  
29 not the Federal Board.

30

31 CHAIRMAN NICHOLIA: Well, it sounds a  
32 little better than the last time.

33

34 MR. UMPHENOUR: Can we ask him a couple  
35 questions?

36

37 CHAIRMAN NICHOLIA: Go ahead.

38

39 MR. UMPHENOUR: Okay. So earlier this  
40 afternoon I mentioned that there's certain methods and  
41 means that could make it so that it would be -- for  
42 instance, hunting wolves, should be effective if you  
43 could communicate with an aircraft, and use an aircraft,  
44 not asking to shoot out of the airplane or even the pilot  
45 to land and shoot or any of that, just that the pilot --  
46 if you could have communications with an aircraft so they  
47 could fly around and scout around and try to find where  
48 the wolves are, and have a ground/air radio on the  
49 ground, and then pursue wolves with snow machines. Would  
50 something -- could something like that be done on the

00240

1 refuge, and if so, how would one go about doing it?

2

3

4 MR. HEUER: Somebody just shoot me now.  
5 I'm probably not going to tell you anything you don't  
6 know already. We've never ruled out predator management  
7 on refuges. We've always kept that as an option. But it  
8 would be very difficult to do. As you know, we'd have to  
9 go through a NEPA process, probably an EIS, because it's  
10 very controversial. Even something like that where you  
11 would have communications with an aircraft would probably  
12 require NEPA compliance. I'm sure it would.

12

13

14 We'd have to have a very good biological  
15 justification, and I'll stick with the Yukon Flats,  
16 because I'm most familiar with that. We have done a  
17 moose calf mortality study on the Yukon Flats, and we  
18 found that bears were the main predators. So, you know,  
19 right now we couldn't have a wolf control program without  
20 having good reasons to do that, and right now we don't.  
21 And we're certainly not going to get into the position of  
22 going out and shooting bears. You know, that's just  
23 going to be unacceptable to the public in general.

23

24

25 So, I mean, to answer your question, I  
26 mean, the Council could always propose something like  
27 that. We would consider it, but I think it's highly  
28 unlikely.

28

29

30 MR. UMPHENOUR: Thank you. I'll let Mr.  
31 Fleener address that further about the wolves, because  
32 I've been told since I've been here at this meeting, that  
33 there's -- wolves have been killing a large number of  
34 moose on islands up and down the river, and I know that  
35 the highest mortality on newborn calves is bears.  
36 There's been studies done on the Koyukuk Refuge as well  
37 in the early 90's that showed the same thing. But after  
38 the moose are a couple months old, then the wolves are  
39 the ones that are the predator that causes the most  
40 mortality. If I'm not correct, someone could correct me,  
41 but I know that in the wintertime, the bears are all in  
42 hibernation, and I've found lots of wolf kills myself  
43 personally where they've killed moose. And so this time  
44 of year, the wolf is the primary predator.

44

45

46 MR. HEUER: That may be the case. We  
47 don't really have any information to back that up with.  
48 The study that we did continued through the winter  
49 period, and we had very little mortality from wolves. We  
50 followed these animals for a full year. We had pretty  
51 low survival rates, about 25 percent of the calves

00241

1 survived over the two-year period. We did it two  
2 consecutive years, but I'm not sure that we documented  
3 any wolf mortality.

4

5 MS. WAGGONER: Mr. Chair, Mr. Heuer,  
6 rather than saying what you can't do, can you provide the  
7 Council with some ideas of what you could do?

8

9 CHAIRMAN NICHOLIA: Thank you.

10

11 MR. HEUER: Well, sure. I'm glad you  
12 brought that up. I think we have, you know, we've worked  
13 cooperatively with local people on a moose management  
14 plan. We have worked with this Council and the Yukon  
15 Flats Fish and Game Advisory Committee to liberalize the  
16 bear seasons within the Yukon Flats. Right now for black  
17 bears, it's three bears per year, no closed season. For  
18 grizzly bears, it's one per year for local residents, one  
19 every year. There's no requirement to get a locking tag.  
20 So I think we've given people some tools to help with the  
21 situation, and some people have taken the initiative to  
22 do that themselves.

23

24 As far as the refuge going out and  
25 putting down bears, it's just not going to happen.

26

27 MR. BASSICH: Thank you, Mr. Chairman.  
28 Once again I bring up more of a philosophical statement  
29 here, but it seems to me that if you look at the history  
30 of Alaska, people here are pretty proud people, and  
31 pretty darn independent, and incredibly capable people.  
32 And it distresses me over the last 10 or 15 years to see  
33 the change in the attitude of the people of this State,  
34 and especially of people who live in the more rural areas  
35 to go to the Government to look to solve their problems  
36 all the time. And I think what was just stated is a  
37 perfect example. Although I don't agree 100 percent with  
38 everything that's being stated, the tools are out there  
39 for those of us who really want to make a change or make  
40 a difference to do it. The tools are out there if  
41 communities work together cooperatively to take it upon  
42 themselves to deal with an issue. It can be dealt with  
43 in a way that it is done legally. It doesn't have to be  
44 done illegally. But it takes effort and it takes well.  
45 And if you don't put the effort or the will into it  
46 yourself, then why or how can you possibly expect the  
47 Government to come in and fix it for you? And I'm just  
48 saying that, because I'm getting really tired of seeing  
49 that both in the fisheries and seeing it now in the game  
50 issues as well. It's up to the people to take care of

00242

1 their area. They did long before the Government came  
2 here, before we were a State, before the settlers came.  
3 The people took care of the land. So why are we looking  
4 for the Federal Government and the State to bail us out?  
5 I just want to make that comment, because you should take  
6 that home to your communities and instill that idea and  
7 that value into them, and then see where we go from  
8 there.

9

10 Thank you.

11

12 CHAIRMAN NICHOLIA: Thanks, Andy. Craig.

13

14 MR. FLEENER: Thank you, Mr. Chair. I  
15 think Andy's mostly right. If you take a look at the  
16 moose management plan that we put together with the  
17 Refuge and the State, and I think Ted would easily agree  
18 to this, most of the action items in there are action  
19 items by the communities. We've taken it upon ourself to  
20 educate people about not shooting cow moose. We've taken  
21 it upon ourselves in some communities to -- where the  
22 tribal councils institute potlatch moose harvest  
23 regulations that further restrict people in their  
24 communities on potlatch moose take. And we've encouraged  
25 people to kill more predators. And so if you take a look  
26 at our plan, the only action item that we've -- that  
27 anybody else has volunteered to do is one thing that the  
28 Refuge had been doing, and that's prescribed burning.  
29 That's an action item on vegetation.

30

31 So if you take a look at the three things  
32 that you can really manage, people, vegetation and the  
33 animals themselves, the State has none of those. There's  
34 basically no action items. We get the idea that they'll  
35 support us in a few things, but that really has fallen  
36 through.

37

38 The Refuge has quite a list of things  
39 that they're willing to work with us on, and most of them  
40 are these philosophical type ideas, but they do have one  
41 action item, and that is vegetation.

42

43 And we have the majority, we have all the  
44 other action items, and all the other ideas have come  
45 from us. So we're not -- we haven't relegated the  
46 solving of this problem to them. As a matter of fact, we  
47 were the ones that said, hey, we need this management  
48 plan so we can come together and talk about these  
49 problems.

50

00243

1 Now, we are asking for help, but it's not  
2 for help for Ted Heuer to jump in a 206 with a couple of  
3 guys with some .06's hanging out on the struts. What  
4 we're asking for help on is -- and I'm not just looking  
5 at you. I guess I'm looking at everybody, but you're  
6 smiling at me, so I'll look at you. What we're actually  
7 asking for help on are adopting these proposals that make  
8 it easier for us to do the jobs we want to do. The  
9 reason we can't do what we did 100 years ago was -- is  
10 because I'll go to jail if I go and yank out a bear out  
11 of the den and the cubs and club them. I'll go to jail  
12 for doing that. And if I go and decide we need to shoot  
13 75 bears or 400 bears and I go shoot 100 bears, I'll get  
14 in trouble for that. But if there was a problem in the  
15 old days, yeah, we did go take care of it. We cannot do  
16 that now. I cannot go and club -- and go into a wolf den  
17 and club all the pups, you know, legally. And so we're  
18 looking for some legal solutions that allow us to go back  
19 and do some of those good management practices. Those  
20 things are not allowed under the current laws. And so  
21 that's where I'm looking for help.

22

23 I'm not really asking for Ted to do  
24 anything, because he had to make -- how many people in  
25 the U.S.? 240 million? He's got to make 240 -- I don't  
26 know if that's right or not.

27

28 MS. WAGGONER: Don't worry about them.

29

30 MR. FLEENER: He's got to make 240  
31 million people in the Lower 48 happy, and unfortunately  
32 only a very small handful of those will ever hear about  
33 the Yukon Flats or even come to the Yukon Flats. And so  
34 the only real avenue we have is working through, if we  
35 want to do things legally, is working through the current  
36 system, and in order to work through the current system,  
37 we have to have the help from the State and Federal  
38 managers.

39

40 Now, if these guys would say, yes, we  
41 support that proposal, if the Federal Government would  
42 say, yes, we support that proposal, even if it sounds  
43 kind of crazy, it would probably pass. But you know  
44 what, those proposals we submitted where it said, oppose,  
45 oppose, oppose, the Federal Subsistence Board won't even  
46 look at it twice. Not even.

47

48 So we've just -- I mean, there's no need  
49 to go to the Federal Subsistence Board and argue our  
50 point, because they won't support it, even though the

00244

1 State and Federal Government have told us that they want  
2 -- that they're going to work with us to support us on  
3 proposals that will help us meet our needs. And those  
4 needs are clearly written in this management plan. We  
5 want more moose. We have too many predators. The only  
6 other options for us is to stop shooting moose, which  
7 will -- it won't help that much. It will save a few  
8 moose, but eventually the predators will still continue  
9 to knock the populations down. Every wolf pack needs to  
10 eat a moose a week, you know, they've got to eat  
11 something, and that's way more moose than we ever kill.  
12 And then the grizzly bears on top of that, and the black  
13 bears on top of that. The only real thing -- the only  
14 thing we can do is try to work through our legal  
15 structure, or do things behind closed doors. And we're  
16 being told we shouldn't do that.

17

18 Thank you.

19

20 MS. ENTSMINGER: Yeah. I wanted to ask  
21 your refuge there, would you -- do you think -- are you  
22 guys going to support, if we say, for instance, the  
23 selling of bear parts would sell -- or pass, would your  
24 refuge go against that.

25

26 MR. HEUER: We did not support that  
27 particular proposal. And we -- basically the three  
28 refuges that are headquartered in Fairbanks got together,  
29 the biologists discussed it with the law enforcement  
30 people, and we had a lot of the same concerns that were  
31 expressed by both the State and the Staff Committee.

32

33 MR. TITUS: Your concern, was it the  
34 abuse of being like for the money or what?

35

36 MR. HEUER: We were concerned about that.  
37 We thought that there -- you know, I think we all know  
38 that there are some people out there that would take  
39 advantage of the situation, and so that's one concern.  
40 From a law enforcement standpoint, it would be very  
41 difficult to document where the bear came from. If it's  
42 only 25(D) west. If it's, you know, a statewide  
43 proposal, then it's different, that we might be able to  
44 support something like that better than we would a local  
45 proposal.

46

47 CHAIRMAN NICHOLIA: I think we're just  
48 going nowhere with this. Let's move on. Thank you.

49

50 MR. UMPHENOUR: Why don't we take a

00245

1 break, short break?

2

3 CHAIRMAN NICHOLIA: Take a short break.

4

5 (Off record)

6

7 (On record)

8

9 CHAIRMAN NICHOLIA: You going to update

10 us on the rural determination thing there, Don?

11

12 MR. RIVARD: Mr. Chair, there are four  
13 other items under Item 10 and two of them, the rural  
14 determination process, Item B there and then letter D,  
15 basically informational items and the briefings are in  
16 your book, there's really nothing to add to what's in the  
17 book. The briefings are fairly brief in the book itself.

18

19  
20 I would like to talk on the other two,  
21 though. The status of the Governor's request for non--  
22 voting member on the Federal Subsistence Board and then  
23 the update on the Safari Club litigation because I think  
24 the Council would really want to hear those items. So  
25 with your permission. Vince is handing out the letter  
26 from Secretary Gale Norton to Governor Murkowski that was  
27 dated February 24th, so it just came out this week. I  
28 think this is the first time you're seeing it. The  
29 original letter from the Governor is also attached there  
30 -- oops, I'm sorry, it's not. There's another letter to  
31 Mitch Demientieff from Gale Norton, basically also  
32 informing him of the same thing that's she's telling the  
33 Governor. I think it's worthwhile to read this and, if  
34 you'll let me, I'll do that.

35

36 February 24th, 2004.

37

38 To the Honorable Governor Frank Murkowski

39

40 Dear Governor Murkowski:

41

42 Since your initial request that I appoint  
43 a representative from the State of Alaska to serve as a  
44 non--voting member of the Federal Subsistence Board, I  
45 asked the present Board members for recommendations. The  
46 public was given an opportunity to comment on the request  
47 before the Board rendered their recommendation. My  
48 approach to consideration of your request was guided by  
49 the four C's, communication, consultation and cooperation  
50 all in the service of conservation. At the heart of the

00246

1 four C's is my belief that for conservation and  
2 administrative actions to be successful the Federal  
3 government must involve the people who live and work on  
4 the land. And in that spirit I would be pleased to  
5 receive the name of the nominee to the State liaison to  
6 the Board.

7  
8 This appointment would be consistent with  
9 the April 1992 record of decision for the subsistence  
10 management for Federal public lands in the Alaska  
11 Environmental Impact Statement. Consistent with the  
12 record of decision, the State liaison, along with the 10  
13 Regional Advisory Council Chairs will serve as active  
14 consultants to the Board but will not have a vote in  
15 Board decisions or participate in executive sessions.  
16 During Board proceedings, prior to a motion, State and  
17 Council liaisons will fully participate and be recognized  
18 by the Chair when they want to ask questions, raise  
19 concerns and/or provide additional information or  
20 clarification. Once a motion is made the liaisons may be  
21 invited to participate in Board deliberations or may be  
22 recognized by the Chair when they want to ask questions,  
23 provide additional information or clarification.

24  
25 The Board's meeting guidelines have been  
26 amended to reflect these principles. I reminded the  
27 Federal Subsistence Board of my four C's, inclusive  
28 approach to decision--making. Both the Secretary of  
29 Agriculture and I acknowledge the sovereign role of the  
30 State of Alaska in the management of fish and game in  
31 Alaska. We full expect that the Chairman will recognize  
32 the State for comment on any issue related to the  
33 coordinated regulation of fish and wildlife resources.  
34 The Board enjoys a good working relationship with the  
35 State of Alaska Department of Fish and Game, as well as  
36 the Alaska State Board of Fish and Board of Game. While  
37 no officially designated as liaisons to the Board,  
38 representatives from the State of Alaska Department of  
39 Fish and Game have routinely attended and participated in  
40 Board meetings and have provided valuable input and  
41 recommendations. The Board also appreciates how the  
42 State Boards of Fish and Game, local fish and game  
43 advisory committees, the Federal Councils and the Federal  
44 and State staffs have worked together to resolve issues.

45  
46 I anticipate that the appointment of an  
47 official State liaison to the Board structure will help  
48 clarify State perspectives on issues and provide policy  
49 input that may not have been provided in the past. In  
50 safeguarding Alaska's fish and game resources and the use

00247

1 of those resources, the State of Alaska and the Federal  
2 government have differing roles, but share some  
3 objectives and responsibilities. The responsibilities of  
4 the Secretary of Agriculture and the Secretary of  
5 Interior are twofold. One, to conserve healthy fish and  
6 wildlife populations. And, two, to ensure that the  
7 taking of fish and wildlife on Federal public lands for  
8 subsistence is afforded the priority over other  
9 consumptive uses. The State bears primary responsibility  
10 for management of fish and game on the lands and waters  
11 of Alaska ensuring sustained yield of the resources and  
12 providing for an array of uses, including subsistence,  
13 personal use, sport and commercial harvest. Given the  
14 differing roles, but shared objectives of the two  
15 sovereigns it is important to coordinate regulation of  
16 fish and wildlife resources.

17

18 I anticipate that the appointment of an  
19 official State liaison to work with the Federal  
20 Subsistence Board will increase cooperation between the  
21 State and Federal agencies thereby facilitating efforts  
22 to assure conversation and provide for the use of the  
23 resources. Although the State has the ability to propose  
24 a formal rulemaking to establish a non--voting State seat  
25 on the Board, we are optimistic this approach will  
26 provide the same benefits. The liaison role has this  
27 advantage; it can be accomplished quickly without the  
28 necessity of formal rulemaking. The Office of  
29 Subsistence Management U.S. Fish and Wildlife Service  
30 provides administrative support for the Federal  
31 Subsistence Board. Mr. Thomas H. Boyd in the Office of  
32 Subsistence Management will provide the State liaison,  
33 once nominated and officially appointed, with orientation  
34 materials and additional information. (And it's got the  
35 number that Mr. Boyd can be reached at.)

36

37 I greatly appreciate your interest in  
38 providing a liaison to the Board and look forward to the  
39 State's valuable participation in the Federal Subsistence  
40 Management program.

41

42 Sincerely, Gale A. Norton.

43

44 So that's the decision from the Secretary  
45 to go ahead and approve having a State liaison. This is  
46 a little bit different and maybe it's kind of the  
47 wording, but the Governor had asked for a non--voting  
48 member of the Board and what the Secretary approved was a  
49 State liaison, which was already something that had been  
50 considered with they first formed this program. So the

00248

1 State's just basically now taking advantage of something  
2 they were able to have a long time ago and just opted not  
3 to do it or never got around to doing it.

4

5 So that's the latest. If you have any  
6 questions or comments.

7

8 CHAIRMAN NICHOLIA: Yeah, I do. That  
9 State liaison there is like Terry Haynes, Dan Bergstrom,  
10 Doug Vincent--Lang and Marianne See, they're still going  
11 to be able to sit at the table over there and answer  
12 questions that we have.

13

14 MR. RIVARD: Yeah, I don't know how it's  
15 going to pay out exactly, but a lot of time what you've  
16 seen in Board meetings is that there's always State  
17 representatives kind of this position where I'm at now  
18 ready to answer questions or give their comments on  
19 proposal, much as they do here. What my understanding is  
20 it will be more like -- as you know, the Chairs kind of  
21 sit around the Board members on the sides and that State  
22 liaison will basically be at the same level as the Chairs  
23 now sitting there being able to offer comments at anytime  
24 they have something they want to contribute. And the one  
25 thing that I think is different, that may be different,  
26 is that that State liaison will also be able to ask  
27 questions of somebody that's testifying or giving a  
28 report or giving the proposal itself. Where if they were  
29 kind of parallel, you know, Terry Haynes here, you know,  
30 he doesn't turn and ask me a question directly.

31

32 CHAIRMAN NICHOLIA: It's just a fact that  
33 I don't want them excluded because even at the Board  
34 level they do come up with some very good comments and  
35 stuff.

36

37 MR. RIVARD: Mr. Chair, I'm sure that  
38 they're all going to be still be there, that's part of  
39 the process that will continue, it's just that there may  
40 be somebody in addition to those folks as well.

41

42 CHAIRMAN NICHOLIA: Thanks. Go on.

43

44 MR. RIVARD: Okay. The next topic is the  
45 update on the Safari Club litigation and that's on Page  
46 211 of your book. I'm going to read the first paragraph  
47 on the update and then I got some talking points on the  
48 next page that I'd like to share.

49

50 On January 16th of this year, 2004, U.S.

00249

1 District Court Judge H. Russell Holland ruled that the  
2 Safari Club International does not have standing to move  
3 forward with a broad legal challenge to the Federal  
4 Subsistence Program. Judge Holland's decision was  
5 largely favorable to the subsistence program. However,  
6 Judge Holland found that the Federal Subsistence Board  
7 did not follow the Administrative Procedures Act when  
8 implementing changes to the composition of the Regional  
9 Advisory Councils and he ordered that the Board do so  
10 promptly.

11

12 At an executive session on January 27th,  
13 2004, the Board decided not to initiate an appeal of the  
14 decision and to promptly begin a rulemaking process to  
15 comply with Judge Holland's order. The rulemaking  
16 process will allow for public comment on any proposed  
17 changes to the Council composition. Now, the ruling by  
18 the district court looks forwards rather than backwards,  
19 therefore, the appointments that were made for the  
20 Councils this year will not be rescinded, they will be  
21 left in place. The process for requesting and reviewing  
22 applicants for appointment for 2005 will proceed as  
23 planned.

24

25 The court's ruling only prohibits the  
26 Secretaries from basing Council appointments on the 70/30  
27 policy. However, appointments from all consumptive  
28 interests will continue to be considered. The court's  
29 recognized the critical importance of the Regional  
30 Advisory Councils and their role in providing  
31 recommendations to the Federal Subsistence Board  
32 regarding fish and wildlife management on Federal public  
33 lands. The court decided against interfering in any way  
34 with this ongoing management, pending the court's  
35 requirement to initiate a rulemaking process regarding  
36 Council membership composition. The Federal Subsistence  
37 Board will initiate a rulemaking process immediately as  
38 directed by the court. The Proposed Rule will be based  
39 on the 70/30 policy language that is currently in the  
40 Regional Advisory Council charters. This language sets  
41 as a goal that 70 percent of the members of a Council  
42 should represent subsistence interests and 30 percent  
43 should represent sport and commercial interests.

44

45 The Proposed Rule will be published this  
46 spring, followed by a public comment period, the Final  
47 Rule will be published later in the fall. This  
48 rulemaking process will be completed prior to the  
49 Secretary's appointments for 2005. As a Council you may  
50 provide comments to the Board on the 70/30 concept during

00250

1 this meeting and you may also comment as private citizens  
2 during the comment period after the Proposed Rule is  
3 published. We will ensure that all Council members are  
4 provided a copy of the Proposed Rule when it is  
5 published.

6

7

Thank you, Mr. Chair.

8

9

CHAIRMAN NICHOLIA: Thank you. You know,  
10 my only comment is that the main issue that we deal with  
11 for the subsistence users is the moose population,  
12 predator prey and the fish. I don't think we hardly ever  
13 deal with sport, maybe once or twice, I don't know. But  
14 my view of this Federal program is it's coming to nothing  
15 to me, can't even help anybody any more, can't even help  
16 Federally qualified users. Getting questioned about it  
17 by legislatures, big clubs, wildlife people, defenders of  
18 wildlife, everything. It's going to come to a point,  
19 seems like to me, that we're going to be sitting here for  
20 nothing, just filling a bag full of hot air, thinking  
21 it's going to help and have it pop on us again. I could  
22 say we're like going to go forward with things, but  
23 that's just little things that's hardly even helping the  
24 people that we represent. From all this legality stuff,  
25 political stuff, it's just tearing this program apart,  
26 it's making this program to protect the Federally  
27 qualified user ineffective, so much that we can't even do  
28 predator control, we can't even save the genetics, the  
29 diversity of the fish. It's just going to be -- the way  
30 the Board acts, defers proposals to State Board. In my  
31 view it's just becoming ridiculous.

32

33

When I first started with this program,  
34 five, six, seven years ago, it was doing things. And  
35 then that's when all these big pushes came along from all  
36 these other entities and stuff, because they're being  
37 pushed by the Board by our requests. And once we started  
38 getting our way then all the Safari Clubs, this FACA  
39 political, legislatures throw these FACA rules at us and  
40 Safari Club and everything. Now, it's, to me, OSM is  
41 just falling apart from when I first started. It's  
42 getting more spineless and more gutless in my view.

43

44

But if you guys want to say something.  
45 Go ahead, Trish.

46

47

MS. WAGGONER: Yeah. Don, would the  
48 timing of the Proposed Rule coming out after these  
49 meeting and the fact that the Final Rule will come out  
50 before the next set of meetings, is there an avenue

00251

1 within OSM to, at least, get each Council on a  
2 teleconference so that the Councils can make informed  
3 comments on the Proposed Rule as a Council?

4

5 MR. RIVARD: Well, anything that a  
6 Council does has to be in a public meeting and you do it  
7 as a group in a public setting, so a teleconference would  
8 not work. You could offer comments as a private citizen,  
9 as pointed out here, but if you wanted to do something as  
10 a Council, it has to be done in this type of setting, so  
11 that it's a Council recommendation or advice to the  
12 Federal Subsistence Board.

13

14 Thank you.

15

16 MS. WAGGONER: So, in effect, the  
17 Councils are actually being left out of the proposed  
18 rulemaking process as a Council.

19

20 MR. RIVARD: Well, I think that's one of  
21 the comments you could make right now, is that you would  
22 like to see this brought before your Council for your  
23 next meeting before any decision is made by the Board.

24

25 MS. WAGGONER: I would definitely like to  
26 see some way

27 -- I think it's extremely inappropriate timing to make,  
28 you know, rules that affect how these Councils are made  
29 up and how they -- you know, because that's the  
30 implementation of, you know, protection of subsistence.  
31 So, you know, that would be my comment right now, is that  
32 either the rulemaking needs to be delayed or Office of  
33 Subsistence Management needs to come up with some way  
34 that this Council can, as a group, make a comment.

35

36 CHAIRMAN NICHOLIA: You just made it for  
37 us there, Tricia. Any more questions for Don?

38

39 MR. UMPHENOUR: This doesn't change  
40 anything, this has been in effect since 2002, correct?

41

42 MR. RIVARD: Well, yeah, this has been  
43 the Board's policy to go -- this is so we comply with  
44 FACA, the Federal Advisory Committee Act. And this was  
45 the way that the Board thought that they could come up  
46 with making sure that other interests are also on these  
47 Councils, are represented in an overt way. That's my  
48 wording, not others. And, therefore -- the judge did not  
49 rule that the 70/30 policy was bad, he just said that it  
50 had to be a formal rulemaking that had to be done and not

00252

1 just the policy of the Board. So I don't anticipate that  
2 there will be any changes to it unless there's -- I  
3 don't know, it allows people to have comments and the  
4 Board will consider all the public comments that they  
5 get.

6

7 MR. UMPHENOUR: The reason I asked that  
8 is because I got renewed and I received my letter, and  
9 I'm not sure when I received it, not very long ago  
10 anyway, you know, that I had been reappointed. And when  
11 I had to fill out my application I had to list which user  
12 group I represented, whether it was commercial, sport or  
13 subsistence or which seat I wanted to be reappointed in  
14 and so I put down that I did all three and then they sent  
15 it back and said I could only put down one thing. So  
16 that's what I did. So, basically, there's no change  
17 whatsoever, except that they're just going to do  
18 something more formal or exactly what are they going to  
19 do?

20

21 MR. RIVARD: Well, that's -- you got it  
22 right on the head there, Virgil. You were appointed for  
23 this year and the judge did not say any of those were  
24 invalid, he said you could go ahead with having people be  
25 seated, it's just that it has to be a more formal process  
26 that was -- that the judge ruled hadn't taken place yet,  
27 so the Office of Subsistence Management and Federal  
28 Subsistence Board has to go through this formal  
29 rulemaking process now to put this in place officially.

30

31 MR. UMPHENOUR: Thank you.

32

33 CHAIRMAN NICHOLIA: Craig.

34

35 MR. FLEENER: Thank you, Mr. Chair.  
36 Since we can make comments at this meeting, I think my  
37 comment would follow very closely with what I recommended  
38 yesterday. And that is when you're selecting somebody  
39 take a look at the whole person not just what little box  
40 they checked on their application. And Virgil did hit  
41 the nail on the head, he checked off the three things  
42 that he was capable of doing, had been doing, and was  
43 planning on continuing doing. And so you could take a  
44 look at his application and base it on those facts and  
45 not just assume that because somebody checks off  
46 subsistence user that they don't meet some of these other  
47 categories. So I think I would recommend that to whoever  
48 is going to be this group of folks deciding what this  
49 policy is going to be, to take a look at the whole person  
50 and not just ask them to check a block.

00253

1 Thank you.

2

3 CHAIRMAN NICHOLIA: Sue.

4

5 MS. ENTSMINGER: I'd just like to  
6 reiterate that because I thought it was a really unfair  
7 thing to do to myself.

8

9 MS. WAGGONER: That's why I'm very  
10 adamant that somehow we can get together as a Council and  
11 make formal comment on the Proposed Rule once it comes  
12 out because I think that does need to be addressed in the  
13 next -- since we have this opportunity.

14

15 MS. ENTSMINGER: Mr. Chair, what's the  
16 timeline?

17

18 MR. RIVARD: Mr. Chair, Sue, the way it's  
19 stated here, again on Page 212, is that the Proposed Rule  
20 will be published this spring, followed by a public  
21 comment period and the Final Rule, they're anticipating,  
22 will be published later in the fall of this year.  
23 There's no dates right now, no formal dates, but  
24 generally.

25

26 MS. ENTSMINGER: That doesn't help us to  
27 know if we have a meeting again to bring it up.

28

29 MR. RIVARD: That's correct, your next  
30 meeting is scheduled probably for now October or  
31 September, October.

32

33 CHAIRMAN NICHOLIA: Craig.

34

35 MR. FLEENER: Thank you, Mr. Chair, that  
36 sort of brings me up -- that doesn't bring me up to  
37 anything. That reminds me that I wanted to mention  
38 earlier that I think it would be a good idea for us to  
39 recommend or to request a joint Council meeting so that  
40 we could discuss a few things that are all of a sudden in  
41 our face and we're not going to be able to meet before  
42 our -- I mean we're not going to be able to talk about  
43 them until our next meeting, which is going to be too  
44 late. One of those issues is the Area M fishery issue  
45 and I think it would be good for us to include all of the  
46 RACs that are going to be impacted by this fishery. If  
47 you remember, we got together one time and were sort of  
48 told, you guys did this behind the back of one of the  
49 Regional Advisory Committees and we want to make sure we  
50 don't do that, we want to make sure we're inclusive, so I

00254

1 recommend that we try to get a joint meeting with the  
2 other RACs that are impacted by this Area M decision that  
3 Virgil was talking about. And also maybe we can talk  
4 about the Proposed Rule at the time as well. And I'm  
5 sure that there are other things that we can talk about,  
6 I just forgot to write them down.

7

8 Thank you.

9

10 CHAIRMAN NICHOLIA: In order for us to do  
11 that, I think we'll have to put some kind of delaying  
12 action on it, is that -- I'm afraid it's going affect --  
13 I'm not really afraid that it's going to affect the  
14 composition of the RACs. You know what I really wish the  
15 public would support as a program, we're just going to  
16 further -- the more we get pushed around like this, and  
17 we don't do nothing, the more public support we lose. I  
18 see it. I see it in the last few issues that came up,  
19 these two issues came up. I see it's like you guys can't  
20 do nothing any more, they didn't request nothing from  
21 you. See, that kind of hurt in the inside, because I got  
22 on here, I got on this program seven years ago to help  
23 people, the Federally qualified users, and we were for a  
24 while. But we got to put some kind of delaying action on  
25 this so that we can get together as RACs to do something.  
26 Because, like I said, we are losing the public support as  
27 a RAC to the Federal Subsistence Board.

28

29 MR. RIVARD: Mr. Chair, I was reminded by  
30 Greg Bos here, and maybe Vince can verify this, but  
31 apparently there may be the option to hold a  
32 teleconference as long as it's publicly noticed at least  
33 15 days in advance and allows the public to also  
34 participate in the teleconference and that way you could  
35 meeting via teleconference and come up with some official  
36 Council recommendations for the Board.

37

38 CHAIRMAN NICHOLIA: Craig.

39

40 MR. FLEENER: Thank you, Mr. Chair. Does  
41 that recommendation mean that the idea of a face--to--  
42 face is anathema?

43

44 MR. RIVARD: Well, I'd have to get out my  
45 dictionary, first, to see what that means, but.....

46

47 MR. FLEENER: A big no--no.

48

49 (Laughter)

50

00255

1 MR. RIVARD: That's something we can  
2 bring back to the office and let them know that's  
3 something you'd like to do. I don't know where that  
4 would go, we're in a time of restrictive travel budgets,  
5 so I won't make any prediction where that would go.

6  
7 CHAIRMAN NICHOLIA: I'd like to see us  
8 issue some kind of special motion or something like that  
9 to delay this so that -- it's going to adversely affect  
10 the RACs and the program itself because, in my view, it  
11 took me a long time to get Board from the Yukon Flats and  
12 get these Boards back on any kind of representation. And  
13 what we just heard today, it looks like -- I see a little  
14 discouragement in their eyes, you know.

15  
16 Andrew.

17  
18 MR. BASSICH: Thank you, Mr. Chair, I  
19 just wonder if maybe after we adjourn tonight we could  
20 have a committee formed to draw up a resolution stating  
21 our concerns and submit that and then address it  
22 tomorrow.

23  
24 Thank you.

25  
26 CHAIRMAN NICHOLIA: As the Chairman, I  
27 appoint Craig, you and Tricia. Yeah, that's all, to come  
28 up with this resolution. What I'm looking for is that we  
29 get more time to correspond and get to share our concerns  
30 in this because, you know, it seems like we're catering  
31 to judges, lawyers, legislatures, more than we can cater  
32 to the Federally qualified user and I don't want to go  
33 down that avenue without the input from other people that  
34 sits at these tables.

35  
36 Craig.

37  
38 MR. FLEENER: Thank you, Mr. Chair. I  
39 wonder if it would be possible to ask the people who are  
40 going to decide on this whether or not they can wait to  
41 make their decision until after our fall meeting.

42  
43 MR. RIVARD: Well, I've already written  
44 down that that's one of your wishes as a Council. That's  
45 the comments we've gotten, so we're certainly going to  
46 relay that.

47  
48 MR. FLEENER: And how soon can we expect  
49 a reply?

50

00256

1 MR. RIVARD: That I don't know, I'd have  
2 to wait until I get back to the office and talk with  
3 other people there.

4

5 MR. BASSICH: Thank you, Mr. Chairman. I  
6 also wonder within the rules of our meetings, is it  
7 possible for chairmans from the various RACs to meet and  
8 represent their Councils to discuss this?

9

10 CHAIRMAN NICHOLIA: In public forum. It  
11 could be in public forum, yeah.

12

13 Craig.

14

15 MR. FLEENER: Thank you, Mr. Chair. So  
16 if we can hear back fairly quickly from these folks that  
17 they're willing to extent that time out, would that  
18 satisfy what you've been wanting? I think it would  
19 satisfy it for me, give us some extra time. But if we  
20 find out that they're not willing to extend it, then we  
21 need to take some pretty quick action and maybe a  
22 teleconference would be the way to address it, talk about  
23 it some more.

24

25 MR. UMPHENOUR: I could be wrong, but  
26 they're under a court order from a U.S. District judge  
27 and they have to do whatever he said, is what I think has  
28 to happen. I doubt if there's any wiggle room, maybe  
29 someone else knows in here, but I kind of doubt it. I  
30 imagine if a judge issued an order and he wants this done  
31 by a certain date probably.

32

33 CHAIRMAN NICHOLIA: Vince, you want to  
34 add to that?

35

36 MR. MATHEWS: Well, Mr. Chairman, I mean,  
37 to cover all your bases, the best thing to be would be to  
38 draft your resolutions and say that if this cannot be  
39 delayed until after the fall meeting that you would like  
40 this other action to happen. That would come out of your  
41 resolution. Because, sure, we can pull you together for  
42 a teleconference, but it has that two--week notice, it  
43 has all these other things that take time. And if I  
44 remember correctly, when the ice goes out, I can't hardly  
45 get a hold of any of you guys, so -- I mean that  
46 jokingly, you guys are available, but it is eating more  
47 into your time of subsistence activities. So that would  
48 be the option to say that you would prefer to have this  
49 delayed until after your fall meeting, if not, then go  
50 with your resolution.

00257

1 CHAIRMAN NICHOLIA: All right. Did you  
2 hear that? That could just be the form of a resolution.  
3 I think we did this before, but I don't think it was a  
4 court order, but we could try it again because I don't  
5 think that 15 days from this Council or any other Council  
6 meeting it's going to -- we need to have adequate input  
7 as a Council, you know. As a Council, we're going to be  
8 adversely affected, it would really be nice to have those  
9 extra member, those other three members, we already sport  
10 and fish and moose on this Council already. It has shown  
11 its value, but to throw something at us, just like that,  
12 just because the judge said so, I don't know, man, it's  
13 just like somebody wanting something done, they say  
14 swallow this, and we live with it, you know, it's.....  
15

16 MR. RIVARD: Mr. Chair, it wasn't the  
17 judge that rammed this down our throats, this is  
18 something that needed to be done because of FACA and the  
19 judge has said that it hadn't been done properly and it  
20 just needs to be down now in a more formal rulemaking  
21 process.  
22

23 Thank you.

24 CHAIRMAN NICHOLIA: Trish.

25 MS. WAGGONER: Well, in a way I agree  
26 with the judge in the 70/30 stick them in a box split was  
27 that just done in, as you said, rammed down the throat,  
28 so this is the opportunity that we can say we don't want  
29 the boxes, you know, or we want percentages, we want to  
30 look at the whole person so, yeah, we'll work together  
31 and get something put together the that intent.  
32  
33

34 CHAIRMAN NICHOLIA: Okay. With that  
35 done, thank you, Don.  
36  
37

38 Let me ask you guys a question. It seems  
39 like we finished off our agenda for today. And for  
40 tomorrow we got agency reports on current and concerns  
41 issues, so it looks like it ain't going to take too long.  
42 So you guys want to go tomorrow or do a little time and  
43 get all the ways out of the way tonight or -- I'm tired,  
44 I'm kind of burnt out, so I feel like I'd just like to go  
45 tomorrow.  
46

47 MR. TITUS: Recess.

48 CHAIRMAN NICHOLIA: Recess until  
49 tomorrow.  
50

00258

1 MR. BASSICH: Yeah, Mr. Chairman, I would  
2 like to at some point in time before we adjourn, either  
3 today or tomorrow, revisit the call for 205 fishery  
4 proposals, I do have something I'd like to bring before  
5 this Council and discuss anyway.

6  
7 Thank you.

8  
9 CHAIRMAN NICHOLIA: Well, what we'll do  
10 is we'll recess until tomorrow 8:30. Thank you, guys.

11  
12 (PROCEEDINGS TO BE CONTINUED)

C E R T I F I C A T E

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2  
3  
4  
5  
6

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

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

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11 THAT the foregoing pages numbered 103 through 258  
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15 Nathaniel Hile on the 27th day of February 2004,  
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17 Alaska;

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19 THAT the transcript is a true and correct  
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21 transcribed by under my direction and reduced to print to  
22 the best of our knowledge and ability;

23

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

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

29

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31

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33

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