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7 FISH AND WILDLIFE SERVICE FEDERAL SUBSISTENCE BOARD

8 EGAN CONVENTION CENTER

9 ANCHORAGE, ALASKA

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VOLUME I

13

14 MAY 9, 2001

15 8:30 o'clock a.m.

16 PUBLIC MEETING

17

18

19 MEMBERS PRESENT:

20

21 Mr. Mitch Demientieff, Chair

22 Mr. Fran Cherry, Bureau of Land Management

23 Mr. Gary Edwards, U.S. Fish and Wildlife Service

24 Ms. Judy Gottlieb, National Park Service

25 Mr. Charles Bunch, Bureau of Indian Affairs

26 Dr. Wini Kessler, U.S. Forest Service

27

28 Mr. Keith Goltz, Solicitor

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

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(On record)

CHAIRMAN DEMIENTIEFF: We'll go ahead and call the meeting to order. My name is Mitch Demientieff, I'm the Chairman of the Federal Subsistence Board. And with that, I'd like to welcome everybody here for a few days of hard work in some real important matters that we have facing us on the agenda. In the first part of our meetings we just like to kind of go around the table and have everybody introduce themselves and their affiliation. With that, we'll welcome the presence of the state of Alaska and ask Terry to go ahead and introduce himself.

MR. HAYNES: Thank you, Mr. Chairman. I'm Terry Haynes with the Alaska Department of Fish and Game.

MS. CROSS: I'm Grace Cross. I'm the Chair of Seward Penn.

MR. LOHSE: Ralph Lohse, Chair of Southcentral.

MR. THOMAS: Bill Thomas, Chair of Southeast.

MR. USTASIEWSKI: Jim Ustasiewski, Office of the General Counsel, Department of Agriculture.

MS. KESSLER: Wini Kessler, U.S. Forest Service.

MR. THOMPSON: Ken Thompson, Forest Service.

MR. BUNCH: Charlie Bunch, Bureau of Indian Affairs.

MS. HILDEBRAND: Ida Hildebrand, BIA Staff Committee.

MR. BRELSFORD: Taylor Brelsford, BLM Staff Committee member.

MR. CHERRY: Fran Cherry, BLM.

MS. FOX: Peggy Fox, Office of Subsistence Management.

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1 MR. BOYD: Tom Boyd, Subsistence Office,  
2 Fish and Wildlife.

3  
4 MR. JACK: Carl Jack, Native Liaison, Fish  
5 and Wildlife Service.

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7 MR. EDWARDS: Gary Edwards, Fish and  
8 Wildlife Service.

9  
10 MR. BOS: Greg Bos, Fish and Wildlife  
11 Service, Staff Committee member.

12  
13 MS. GOTTLIEB: Judy Gottlieb, National Park  
14 Service, Board member.

15  
16 MR. RABINOWITCH: Sandy Rabinowitch,  
17 National Park Service, Staff Committee.

18  
19 MS. GOLTZ: Keith Goltz, Solicitor's  
20 Office.

21  
22 MR. SAM: Ron Sam, Chairman, Western  
23 Interior.

24  
25 MR. WILDE: Harry Wilde, Yukon-Kuskokwim  
26 Chair.

27  
28 MR. REXFORD: Fenton Rexford. I'm from the  
29 North Slope region.

30  
31 MS. TRUMBLE: Della Trumble, Chair,  
32 Kodiak/Aleutians.

33  
34 MR. GOODWIN: Willie Goodwin, Chair from  
35 the Northwest.

36  
37 MR. NICHOLIA: Gerald Nicholia, Chair of  
38 the Eastern Interior.

39  
40 MR. O'HARA: Dan O'Hara, Chair of Bristol  
41 Bay.

42  
43 MR. LaPLANT: Dan LaPlant, Office of  
44 Subsistence Management.

45  
46 CHAIRMAN DEMIENTIEFF: Now, that we know  
47 all the microphones work, I guess we'll go ahead and get  
48 about our business. First item of business this morning  
49 will be the corrections and additions to agenda, if there's  
50 any agenda change items now would be the time to bring

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1 those up. Gary.

2

3 MR. EDWARDS: Mr. Chairman, in looking at  
4 the agenda, I would ask that we move Proposal 22 in front  
5 of Proposal 17. I think given the nature of these two  
6 requests, I believe that it would allow the discussion to  
7 be more fruitful by doing that. And with regards to the  
8 three special actions on fisheries, I.....

9

10 CHAIRMAN DEMIENTIEFF: Gary, let's go ahead  
11 and deal with that first. Dan, is there a problem with  
12 that, for us to flip-flop 17 and 22?

13

14 MR. O'HARA: (Shakes head negatively)

15

16 CHAIRMAN DEMIENTIEFF: No, problem, okay.  
17 Go ahead.

18

19 MR. EDWARDS: Mr. Chairman, with regards to  
20 the three special actions dealing with fisheries,  
21 particularly the two dealing with the harvest on the Yukon  
22 and the Kuskokwim, I think it would help focus the  
23 discussions that if both of those proposals would be made  
24 in their entirety with the associated rationale and then we  
25 go into specific discussions on them as to how we want to  
26 proceed.

27

28 CHAIRMAN DEMIENTIEFF: Harry, do you have a  
29 problem with that, with grouping them together? The  
30 Special Action Requests?

31

32 MR. WILDE: No.

33

34 CHAIRMAN DEMIENTIEFF: We'll take  
35 individual action on them, of course, but as far as the  
36 information sharing it will make it probably a little more  
37 streamlined. I should have asked, is there any Board  
38 objection to any of the changes?

39

40 (None noted)

41

42 CHAIRMAN DEMIENTIEFF: Anybody else have  
43 anything? Terry.

44

45 MR. HAYNES: Mr. Chairman, is this the time  
46 to request removing an item from the consent agenda?

47

48 CHAIRMAN DEMIENTIEFF: Yes, it is. We will  
49 right now.

50

1 MR. HAYNES: Mr. Chairman, when I met with  
2 the Staff Committee to review proposals and recommended  
3 actions last month, on Proposal No. 50, that proposal was  
4 tentatively placed on the consent agenda depending  
5 Department comments; we had not reviewed and commented on  
6 that proposal. Subsequent to having reviewed it, our  
7 position on that proposal is not in line with the other  
8 parties so we would request that it be removed from the  
9 consent agenda.

10  
11 CHAIRMAN DEMIENTIEFF: Okay. Actually,  
12 Terry, I got a little bit ahead of myself on that. But  
13 it's so noted anyway. Because the only other item I had  
14 before that was public comment for non-agenda items and we  
15 have no requests and so I'll just note that that we do not  
16 have any requests for public comment with regard to non-  
17 agenda items. Then we'll just go ahead and go through the  
18 consent agenda items, which at any time in the meeting when  
19 you're issues are being debated by a region, they will be  
20 the final item, so we'll have opportunity throughout the  
21 meeting, if any of the consenters wish to pull those items  
22 off of the agenda, you can do so any time up until then. I  
23 would prefer that if you were going to pull an item off of  
24 a particular region that we do it while we're considering  
25 that region but this opportunity right now is fine and  
26 noted.

27  
28 We have statewide Proposals 1 and 2.  
29 Southeast No. 5. Southcentral 12 and 48. 50, which has  
30 been requested to be pulled so it's duly noted that we will  
31 deliberate No. 50. Kodiak/Aleutians 15(a) and 15(b).  
32 Bristol Bay 18 and 19. Yukon-Kuskokwim doesn't have any  
33 proposals. Western Interior 23, 24, 25 and 27, 28, 31, 30,  
34 32, 33 and 34. Seward Penn 35. Northwest Arctic has no  
35 proposals on the consent agenda. Eastern Interior 36(a),  
36 36(b), 37, 38, 39, 40, 41, 42, 43, 44. North Slope 45 and  
37 46(b).

38  
39 So those are the consent agenda items and  
40 again, they will be adopted at the end of the meeting.

41  
42 MR. O'HARA: Mr. Chairman.

43  
44 CHAIRMAN DEMIENTIEFF: Yes.

45  
46 MR. O'HARA: Where did 22 go under, what  
47 part of the agenda, for Bristol Bay?

48  
49 CHAIRMAN DEMIENTIEFF: It's switched with  
50 17. So we'll do 16, then go 22.

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1 MR. O'HARA: Okay.

2

3 CHAIRMAN DEMIENTIEFF: And then swap and go  
4 back to 17 at the end.

5

6 MR. O'HARA: Because it lines up with the  
7 other proposals on that same issue?

8

9 CHAIRMAN DEMIENTIEFF: Pardon?

10

11 MR. O'HARA: It aligns with the other  
12 proposals that will be brought up at that time?

13

14 CHAIRMAN DEMIENTIEFF: No, actually not. I  
15 don't believe so or, Gary?

16

17 MR. EDWARDS: Mr. Chairman, what I  
18 suggested is given the nature of those two proposals, I  
19 just think that it would help with the overall discussion  
20 by doing that, by leading with that one first and then  
21 followed by the other one.

22

23 MR. O'HARA: Thank you, Mr. Chairman.

24

25 CHAIRMAN DEMIENTIEFF: Is that still not a  
26 problem with you, I mean, Dan, if it's a problem we  
27 could.....

28

29 MR. O'HARA: No, I just wanted to make sure  
30 that it got in there.

31

32 CHAIRMAN DEMIENTIEFF: With that, we'll  
33 move into the Southcentral region first. Southcentral  
34 wildlife Proposal 01-07. And let me see, who's going to do  
35 the analysis on this, Dan, okay.

36

37 MR. LaPLANT: Good morning, Mr. Chairman,  
38 members of the Board. For the record my name is Dan  
39 LaPlant, with the Office of Subsistence Management. And  
40 the first proposal, No, 7, deals with Unit 13 caribou, the  
41 Nelchina Caribou Herd. The proposal was submitted by Wayne  
42 Crowson of Delta Junction. And Mr. Crowson has proposed  
43 that the winter season for the Nelchina Herd in Unit 13 be  
44 eliminated, that portion of the season that runs between  
45 October 21st and March 31st.

46

47 As you may know the Nelchina Caribou Herd  
48 has been declining in recent years. As an example, in  
49 1996, the population was about 50,000 animals and the  
50 inventory last fall of 2000 was down to 29,600. The

1 decline is attributed to calf predation by wolves and poor  
2 summer range. So Mr. Crowson has recommended the  
3 elimination of the winter season to eliminate the shooting  
4 of pregnant cows and slow the decline of the herd.

5  
6 The State harvest right now is limited to  
7 one bull and the Federal harvest is currently two caribou  
8 and the Federal season has been at two caribou since the  
9 program began in 1991. Herd productivity is currently  
10 quite low. The cow calf ratio of the herd is down to 20  
11 calves per 100 cows, that's the lowest it's been observed  
12 in the last 30 years according to the Department of Fish  
13 and Game. The herd also has a pretty high mortality rate.  
14 It's up to 15 to 25 percent, a normal annual mortality on  
15 their radio-collared cows has been around 10 percent. So  
16 we have increased mortality as well.

17  
18 The State harvest, in recent years, has  
19 been around 2,000 in 1999 and last year they reduced the  
20 number of permits from 6,000 down to 2,000 and the harvest  
21 so far this season -- well, the season's over now, but the  
22 harvest this winter has been somewhat something over 700.  
23 It was 700 in mid-winter and most of the animals moved out  
24 of the area so it's probably something a little bit more  
25 than that, but a significant reduction from previous years.

26  
27 The Federal harvest in 1999 was 389  
28 animals, 181 of those were cows, and this past winter as of  
29 mid-April it was reported 167 animals harvested, 55 of  
30 those being cows. If you look at Table No. 1 on Page 10 of  
31 your binder, it displays the percent of the Federal harvest  
32 as compared to the overall harvest. And as you can see,  
33 the Federal harvest has been significantly a small part of  
34 the overall harvest, between four to six percent over the  
35 years. But, however, the last two years, the '98 and '99  
36 seasons, the harvest has jumped up to approximately 16  
37 percent. So the Federal harvest is becoming a more  
38 significant piece of the overall harvest.

39  
40 Also on Table 2, on the next page, it shows  
41 the distribution of the hunt by the Federal subsistence  
42 hunters showing that 65 percent of the harvest has taken  
43 place during that winter season from October 21st to March  
44 31st. So basically then the effect of this proposal would  
45 be a 65 percent reduction or a potential 65 percent  
46 reduction in the opportunity for subsistence hunters. That  
47 would equate to about 94 cows per year based on what the  
48 harvest has been over the last three years and with our  
49 cow-calf ratio of about 20 calves per cow, so if we add  
50 about 19 calves to that, it would be a savings of about 113

1 caribou per year, what that 65 percent reduction would  
2 equate to.

3

4 We looked at other considerations in doing  
5 this analysis. One of them, of course, was to close  
6 Federal lands to non-subsistence users. However, Federal  
7 lands only comprise about two percent of the overall land  
8 area within Unit 13, so non-Federal subsistence hunters  
9 would have an opportunity on 98 percent so that wouldn't  
10 have much of an effect.

11

12 We also looked at closing the Federal  
13 season by a special action when the harvest reached a  
14 specific quota, perhaps maybe 200 cows. That option has  
15 merit. There's a concern that if the herd was to cross the  
16 Richardson Highway during the hunting season with the  
17 Federal subsistence program issuing about 2,500 permits  
18 each year, that a significant number of animals, maybe up  
19 to 1,000 cows could be harvested if that should occur.

20

21 The other option that we looked was to  
22 change the season to a bulls only season and eliminate the  
23 cow season so making it a two bull per year for subsistence  
24 hunters. That would be a more effective method of  
25 protecting the cow segment of the population.

26

27 That concludes my presentation on Proposal  
28 7.

29

30 CHAIRMAN DEMIENTIEFF: Okay, before we get  
31 to the summary of public comments, I was seriously amiss in  
32 not reminding people that if you wish to testify on these  
33 proposals, you get the blue proposal form and they're  
34 available at the Staff table immediately outside the door  
35 and then we'll be able to go ahead and proceed on and  
36 they'll get them to me and I'll call you up as that  
37 happens. Summary of written public comments.

38

39 MS. WILKINSON: Mr. Chairman, yes, there  
40 are comments. Mr. Don Quarberg of Delta Junction supports  
41 this proposal as a way of preventing the take of pregnant  
42 females.

43

44 The Upper Tanana Fortymile Fish and Game  
45 Advisory Committee supports this proposal with a suggested  
46 amendment. They prefer a one bull caribou bag limit. Due  
47 to the Nelchina Caribou Herd decline, our advisory  
48 committee supports the provision to allow the State and  
49 Federal Game Department to correlate the bag limit and sex.

50



1                   The Wrangell-St. Elias Subsistence Resource  
2 Commission opposes the proposal stating that it is not  
3 likely to have a positive effect on the herd but will have  
4 a negative effect on subsistence users since 65 percent of  
5 the caribou taken by Federal subsistence users are taken  
6 between October 21st and March 31st.

7  
8                   The Denali Subsistence Resource Commission  
9 is unanimously opposed to this proposal. Local rural  
10 residents have a very limited opportunity to hunt in Unit  
11 13 under the State's Tier II program due to the  
12 complexities of the State system. Local rural subsistence  
13 hunters would have a limited biological impact on the  
14 caribou population. The need to reduce non-subsistence  
15 hunters on Federal lands before reducing local rural  
16 resident hunters opportunities.

17  
18                   Thank you.

19  
20                   CHAIRMAN DEMIENTIEFF: Thank you.  
21 Department comments.

22  
23                   MR. HAYNES: Mr. Chairman, the Department  
24 supports the Eastern Interior Regional Council  
25 recommendation to limit the caribou harvest to bulls only  
26 in Unit 13 but to retain the winter season. The Nelchina  
27 Caribou Herd continues to decline and reducing cow  
28 mortality is essential for promoting herd growth necessary  
29 for recovery for this important wildlife resource.

30  
31                   Board members may recall that we raised a  
32 concern a year ago about the cow harvest and said at some  
33 point the Department might come to you and ask for an  
34 elimination of the cow harvest, and so we were pleased to  
35 see that as an option that's before you now.

36  
37                   Thank you.

38  
39                   CHAIRMAN DEMIENTIEFF: Thank you. Gilbert  
40 Dementi, we're now open for public testimony. Gilbert, did  
41 you want to testify?

42  
43                   MR. DEMENTI: I'm Gilbert Dementi from  
44 Cantwell. I want to thank the Board for allowing me to  
45 testify here. On Proposal 7, Cantwell residents oppose  
46 this proposal. Ann stated what Cantwell residents feel so  
47 I think we should vote the way she says, the Denali  
48 Commission, and I'm on the Denali Commission so my  
49 testimony is just short. We're opposed to Proposal 7.

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1 CHAIRMAN DEMIENTIEFF: Is that the only one  
2 you want to testify on?

3  
4 MR. DEMENTI: Proposal 11 also.

5  
6 CHAIRMAN DEMIENTIEFF: Well, you can go  
7 ahead and add that now, it's on the consent agenda item.

8  
9 MR. DEMENTI: I could?

10  
11 CHAIRMAN DEMIENTIEFF: Yeah.

12  
13 MR. DEMENTI: Okay, thank you. On Proposal  
14 11, I think Ann will read the Denali Commission -- no, or  
15 Hollis, maybe, will read it. Ann Wilkinson will read the  
16 comments.

17  
18 CHAIRMAN DEMIENTIEFF: So we'll hold off  
19 here.

20  
21 MR. DEMENTI: Okay.

22  
23 CHAIRMAN DEMIENTIEFF: We're going to go  
24 ahead and take a little break here.

25  
26 (Pause)

27  
28 CHAIRMAN DEMIENTIEFF: We're going to  
29 deliberate Wildlife Proposal 11 when we get to the Eastern  
30 Interior region so that's going to be a little bit later on  
31 in the meeting.

32  
33 MR. DEMENTI: Okay, I'll hold my comments  
34 then.

35  
36 CHAIRMAN DEMIENTIEFF: Okay, thank you very  
37 much, Gilbert.

38  
39 MR. DEMENTI: Thank you.

40  
41 CHAIRMAN DEMIENTIEFF: Regional Council  
42 recommendation.

43  
44 MR. LOHSE: Mr. Chair, Southcentral  
45 Regional Council opposed this proposal. We opposed the  
46 modifications for the proposal. Some of our reasonings, we  
47 were informed that currently predation is at an all time  
48 high and that as the rabbits and everything else goes down,  
49 it's likely that some of the predators will go down, too.  
50 The range is poor but it's on the upcline because of a

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1 smaller herd not impacting it as good. And so the  
2 theoretical growth that would take place if we didn't take  
3 any cows is based on the current level of survival and in  
4 the long term it may have or may not have any effect. Our  
5 main reason though is that there is a State season in  
6 effect, and if there's a State season in effect then we  
7 didn't feel like the subsistence season should be  
8 curtailed, and that's kind of a policy of the Southcentral  
9 Regional Council.

10

11 CHAIRMAN DEMIENTIEFF: Thank you very much.  
12 Staff Committee.

13

14 MR. THOMPSON: Mr. Chairman, the Staff  
15 Committee recommends that the Board modify the proposal as  
16 recommended by Eastern Interior Regional Advisory Council  
17 so the regulation would be two bulls by Federal  
18 registration permit August 10 through September 30 and  
19 October 21 through March 31st.

20

21 The reason we recommend this is the  
22 Nelchina herd has declined from an estimated population of  
23 50,000 to 30,000 in the past four years. As the State's  
24 harvest quota has been reduced, the Federal either sex  
25 harvest has had a progressively larger impact on the herd's  
26 population trend. This modified proposal would address  
27 conservation concerns about the herd's status. Elimination  
28 of the cow harvest would provide some reduction to the  
29 herd's decline and would be consistent with the current  
30 State Tier II harvest regulation which does not allow a cow  
31 harvest. Eliminating the October through March season  
32 would likely result in a 65 percent reduction in the  
33 Federal subsistence harvest. This would result in  
34 unnecessary restriction of rural subsistence users in  
35 violation of the protections afforded in Sections .802 and  
36 .805 of ANILCA, Title VIII.

37

38 Thank you, Mr. Chairman.

39

40 CHAIRMAN DEMIENTIEFF: Thank you. With  
41 that Staff Committee recommendation we'll now advance it to  
42 Board deliberation and included, of course, in that will be  
43 our Regional Council representative, Ralph.

44

45 MR. LOHSE: I'd like something clarified  
46 for the Board and for myself. We always talk about this  
47 herd declining from 50,000 to 30,000. At the level that it  
48 reached, they said that it was overpopulated. They put  
49 regulations into effect to take more caribou and if I  
50 remember right, I believe the goal for this herd is around

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1 38,000, and I'd like somebody to answer that. Because  
2 there's a total difference between the herd declining by  
3 20,000 or being 8,000 below the desired level.

4

5 CHAIRMAN DEMIENTIEFF: Dan.

6

7 MR. LaPLANT: Yes, Mr. Chairman, the  
8 Department of Fish and Game's management objective for the  
9 herd is 35 to 40,000, and the population was around 50,000  
10 in 1996 and has declined and the population has, you know,  
11 cycled over the past several decades as caribou populations  
12 normally do. But right now it is in a downward trend and  
13 it's predicted to continue down given the current harvest  
14 strategy.

15

16 CHAIRMAN DEMIENTIEFF: State comments.

17

18 MR. HUGHES: Thank you, Mr. Chair. My name  
19 is Jeff Hughes and I work for the Department of Fish and  
20 Game, Division of Wildlife Conservation and I'm the  
21 regional supervisor for Region 2, Southcentral. At the  
22 recent Board meeting, the Board of Game adopted a  
23 population objective as Mr. LaPlant has told you of 35 to  
24 40,000. Over the past five or even 10 years, the Board has  
25 allowed the number of Nelchina caribou to go up over  
26 50,000. You may recall at one time we had a Tier I and a  
27 Tier II hunt and our best thinking now is that the range,  
28 the actual habitat, caribou range, the number that we can  
29 probably support out there would be in the neighborhood of  
30 35 to 40,000. The Board has gone back and forth a bit on  
31 that number but as has been pointed out, the number that  
32 has been adopted as of March was 35 to 40,000.

33

34 I might also point out that I was here last  
35 spring and urged the Board to consider sharing the  
36 conservation burden by reducing the harvest of cows. Any  
37 cow harvest will deepen the decline, exacerbate the  
38 condition that's already out there, we feel, and probably  
39 delay the recovery of this herd some.

40

41 Thank you.

42

43 CHAIRMAN DEMIENTIEFF: Does that satisfy  
44 you, Ralph, or do you have a follow up question?

45

46 MR. LOHSE: Yeah, it does satisfy me because  
47 it shows that they recognize that at the ranges that they  
48 allowed it to get to they were doing damage to the range  
49 and I submit my thoughts on it that if the range has been  
50 damaged by that and we're dealing with slow growing lichens

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1 and that, the fact that the herd is at 30,000 right now,  
2 it's going to continue to decline until the range improves  
3 and the predators go down. We actually don't feel like the  
4 -- from what we understood with calf survival and  
5 everything, that the amount of animals that are taken by  
6 the subsistence hunters really amounted to much and if the  
7 range is down, it's possible this herd will have to go down  
8 quite a bit farther to have that range recover from the  
9 high levels that they let it reach to begin with.

10

11 CHAIRMAN DEMIENTIEFF: Additional comments,  
12 questions. Willie.

13

14 MR. GOODWIN: Thank you, Mr. Chairman.  
15 Willie Goodwin from Northwest. You know, in the Northwest  
16 we have a fairly large herd and we've been hunting caribou  
17 for a long, long time. Historically, we try to get the  
18 bulls in the fall time, early fall before the rutting  
19 season. And it don't make any sense to allow a subsistence  
20 user to only hunt bulls in the winter time when they're  
21 real skinny, not for us anyway. There's no fat on them in  
22 the wintertime. So we have a cow harvest up there. And to  
23 cut out a resource that's important to the subsistence user  
24 surely don't make any sense to me.

25

26 Thank you.

27

28 CHAIRMAN DEMIENTIEFF: Additional comment.  
29 Yes, Ralph.

30

31 MR. LOHSE: Mr. Chair, one of the  
32 suggestions or one of the comments that came up was the  
33 idea of putting a cap on it so that after a certain amount  
34 of cows were taken just in case they ended up hanging along  
35 the road where they were totally accessible, I was  
36 wondering is there anything in place that allows our  
37 managers the EO authority to put a stop to the season if  
38 they feel like there's an excessive amount of caribou being  
39 taken?

40

41 CHAIRMAN DEMIENTIEFF: Tom.

42

43 MR. BOYD: I may look for some assistance  
44 from a regulatory specialist, however, we do have emergency  
45 action authority in the regulations to take appropriate  
46 steps for conservation concerns. I'm not exactly sure what  
47 you're suggesting, Mr. Lohse, but the mechanisms are in  
48 place, yes.

49

50 MR. LOHSE: Basically what I was asking was

1 that if the take suddenly shot above the historical take or  
2 the take in recent years because of conditions that kept  
3 caribou close to the road and accessible, do you have the  
4 authority in place that you could shut that season down if  
5 that kind of situation arise?

6

7 CHAIRMAN DEMIENTIEFF: Dan.

8

9 MR. LaPLANT: I believe we do, Mr.  
10 Chairman. One of the problems that we have to overcome is  
11 the reporting. Currently the permits require reporting of  
12 harvest within five days of the harvest, so we'd have to  
13 put in some stipulations that would require a reporting of  
14 harvest within 24 or 48 hours, something like that. I  
15 believe that could be done.

16

17 CHAIRMAN DEMIENTIEFF: Any other comment.

18 Ralph.

19

20 MR. LOHSE: Well, Mr. Chair, I submit that  
21 the conditions that they're worried about taking place are  
22 very evident to everybody in the community including the  
23 BLM managers and the people of the community there. I don't  
24 think if that kind of situation arose that it would be any  
25 secret that all of a sudden the caribou harvest was going  
26 higher than it should go. So consequently the lack of  
27 reporting conditions under five days shouldn't hinder the  
28 biologists from seeing what's going on.

29

30 CHAIRMAN DEMIENTIEFF: Any other comment.

31

32 MR. BOYD: Yes, Mr. Chair.

33

34 CHAIRMAN DEMIENTIEFF: Tom.

35

36 MR. BOYD: I think going back to the point  
37 raised by Ralph, I think there is a concern about the  
38 practicality of being able to exercise closure authority  
39 within an appropriate time constraints. It depends on a  
40 number of variables. For example, if you've got a large  
41 number of caribou at the road and you got a lot of hunters  
42 out there it's a possibility that you may exceed, or  
43 overharvest a certain element of the population and that is  
44 a concern. So it's kind of a gray area. While we have the  
45 mechanisms in place, I'm not sure practicality we can  
46 effect a closure of the kind that you're speaking to.

47

48 CHAIRMAN DEMIENTIEFF: Any other comment.

49 Ralph.

50

1 MR. LOHSE: Well, knowing the area I'd  
2 doubt if you'd have that many hunters out there that fast  
3 because it takes awhile for the word to get around. Is  
4 there a possibility that you can put language into it that  
5 would give you that authority on a quicker basis?

6  
7 CHAIRMAN DEMIENTIEFF: Dan, do you have a  
8 response to that?

9  
10 MR. LaPLANT: Mr. Chairman, I'm not certain  
11 if possibly the authority could be given to BLM to change  
12 the season, they're the land manager in the area that would  
13 be most closely monitoring the situation. But there's a  
14 possibility if they were given the authority to close the  
15 season on a very short notice, that would be the most  
16 effective way of doing it. But again, the practicality of  
17 getting that information and making that decision in a  
18 timely manner, I'm not sure.

19  
20 CHAIRMAN DEMIENTIEFF: Ralph, I've got a  
21 question, was this part of the Regional Council or did you  
22 deliberate this issue in the Regional Council?

23  
24 MR. LOHSE: No, this didn't come up until  
25 after we were done with our deliberations and that's why  
26 I'm asking questions, not making suggestions. I was  
27 wondering if the authority was in place. The thing is the  
28 BLM has a new protection officer that patrols that road in  
29 the wintertime. What I'm saying is things up there don't  
30 happen in a vacuum. They don't happen in the kind of speed  
31 that you're talking about and so I'm just wondering if you  
32 have the ability in place right now to do that if there was  
33 an emergency.

34  
35 CHAIRMAN DEMIENTIEFF: Any other comments.  
36 Fran.

37  
38 MR. CHERRY: Mr. Chair, the BLM does have a  
39 law enforcement officer in place up in the Glennallen area  
40 now and also a wildlife biologist and as Ralph indicates,  
41 if problems appear along the highway there and we're  
42 certainly patrolling that highway we could be cognizant and  
43 aware by our patrols of any changes that might take place  
44 and would be prepared to come quickly forward for some  
45 emergency action with the rest of the Board.

46  
47 CHAIRMAN DEMIENTIEFF: Any other comment.

48  
49 MS. GOTTLIEB: Mr. Chair.

1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MS. GOTTLIEB: First, I want to thank  
4 Gilbert for making the effort to come down here today and  
5 relay what the Denali SRC had to say. I did attend the  
6 Wrangell Subsistence Resource Commission meeting and they  
7 also were concerned about elimination of a winter hunt.

8

9 CHAIRMAN DEMIENTIEFF: Thank you. Ken, let  
10 me ask, did the Staff Committee look at the visibility of  
11 BLM personnel during their deliberations?

12

13 MR. THOMPSON: No, we did not, Mr. Chair.

14

15 CHAIRMAN DEMIENTIEFF: Terry, from the  
16 State perspective, did you realize the enhanced protection  
17 officer as well as a wildlife biologist up there?

18

19 MR. HAYNES: Mr. Chairman, our concern is  
20 with reducing the cow harvest and we hadn't thought about  
21 the issue of BLM personnel being more visible. I think  
22 it's just essential for conservation purposes to reduce  
23 that cow harvest.

24

25 CHAIRMAN DEMIENTIEFF: Gerald, was that  
26 part of your deliberations at all in terms of knowing that  
27 BLM had two additional personnel up there?

28

29 MR. NICHOLIA: No, sir, at the time that  
30 this came up we thought that it would be mostly done with  
31 State because there's hardly any Park Service lands or BLM  
32 lands around there. We only had one Council member that  
33 opposed this proposal and the rest of the Council supported  
34 it to a bulls only harvest.

35

36 CHAIRMAN DEMIENTIEFF: Thank you.

37

38 MR. EDWARDS: Mr. Chairman.

39

40 CHAIRMAN DEMIENTIEFF: Yes.

41

42 MR. EDWARDS: You know, by taking this  
43 action and making it bulls only is not intended to be a  
44 permanent action. Certainly if changes occurred in the  
45 population size, there would certainly be opportunity to go  
46 back at a later date. So I'm assuming it's not something  
47 that's going to be written in stone.

48

49 CHAIRMAN DEMIENTIEFF: Any other  
50 deliberation, comments, discussion items. Dan.



00017

1 MR. O'HARA: Mr. Chairman, when do the  
2 Chairs get to make a comment on this or do we?

3  
4 CHAIRMAN DEMIENTIEFF: Pardon?

5  
6 MR. O'HARA: To the Chairs get to make a  
7 comment on this?

8  
9 CHAIRMAN DEMIENTIEFF: You mean yourself?

10  
11 MR. O'HARA: Yes.

12  
13 CHAIRMAN DEMIENTIEFF: Yeah, go ahead,  
14 that's fine.

15  
16 MR. O'HARA: It looks like the problem is  
17 that there's still a pretty high harvest in the winter  
18 months, apparently, Mitch, and I'll just give you an  
19 example of what took place in Bristol Bay. Back in the  
20 '70s we did same day airborne hunting and the local people  
21 killed a lot of bulls in the wintertime because they were  
22 bigger and they were more meat and what happened with the  
23 formula for the cow/bull ratio, the bulls were going away  
24 and so we made a proposal to, in those days it was the Game  
25 Board, that you could only shoot an animal from January on  
26 to March 31st that did not have horns, that meant the  
27 pregnant cows because they are the ones that lose their  
28 horns, and that was kind of contrary to what we would do in  
29 the way of hunting. But within about five or six years,  
30 that herd turned around and, of course, they brought the  
31 regulation off.

32  
33 So I think if the Alaska Department of Fish  
34 and Game can figure out how to just harvest bulls only in  
35 the winter season, if that's what you need to do to  
36 preserve the animals, then shoot the animals that have  
37 horns.

38  
39 Thank you, Mr. Chair.

40  
41 CHAIRMAN DEMIENTIEFF: Thank you.

42  
43 MR. EDWARDS: Mr. Chairman.

44  
45 CHAIRMAN DEMIENTIEFF: Go ahead.

46  
47 MR. EDWARDS: You meant that pregnant cows  
48 maintain their horns, right?

49  
50 MR. O'HARA: I'm sorry, it's the other way

1 around. Pregnant cows maintain their horns because  
2 everything that's within the animal is taking care of the  
3 little ones. The bulls lose their horns first so we would  
4 shoot an animal with the horns, you're right, thank you for  
5 that correction. It'd be bad if we got that regulation  
6 backwards.

7

8 CHAIRMAN DEMIENTIEFF: Bill.

9

10 MR. THOMAS: Thank you, Mr. Chairman. I  
11 was out for a little while during some of the deliberations  
12 and this bulls or buck only thing occurs in other parts of  
13 the state and I guess I don't understand the biology in  
14 shooting bulls only for any given amount of time when the  
15 bull is required in the developing of calves. I've never  
16 seen anything in this proposal that would satisfy the  
17 concern here. This is micromanagement at its best and it  
18 really comes up with not definitive resolve.

19

20 That was an observation and I'm sorry I  
21 didn't have better comment than that. Thank you.

22

23 CHAIRMAN DEMIENTIEFF: Thank you. Any  
24 other discussion. If not, we're ready for a motion.

25

26 MR. CHERRY: Mr. Chair.

27

28 CHAIRMAN DEMIENTIEFF: Yes.

29

30 MR. CHERRY: I move that we adopt the  
31 modifications to the proposal as recommended by the Eastern  
32 Interior Regional Council and the InterAgency Staff  
33 Committee. The result is to retain the winter season but  
34 to revise the harvest limit to two bulls rather than to two  
35 caribou. This addresses conservation concerns for the herd  
36 by protecting the cow component and retains the winter  
37 harvest opportunity for Federal subsistence users.

38

39 If I could continue, while this would not be a part  
40 of the official motion, I would like to make it noted that  
41 BLM would continue its patrols in the area during the  
42 winter period, and if larger than average take is noted,  
43 we, in concert, with the Department of Fish and Game would  
44 come forward with additional recommendations if we note  
45 that there are problems in the area.

46

47 CHAIRMAN DEMIENTIEFF: Is there a second to  
48 the motion?

49

50 MS. KESSLER: Yes, I'll second.

1 CHAIRMAN DEMIENTIEFF: Okay. Further  
2 discussion on the motion. If there are none, I guess we're  
3 ready for a vote. All those in favor of the motion, please  
4 signify by saying aye.

5  
6 IN UNISON: Aye.

7  
8 CHAIRMAN DEMIENTIEFF: Those opposed same  
9 sign.

10  
11 (No opposing votes)

12  
13 CHAIRMAN DEMIENTIEFF: Motion carries.  
14 We're going to go ahead and move on to Proposal 50, do we  
15 have to do a Staff change?

16  
17 MR. BOYD: No, Dan is going to do it.

18  
19 CHAIRMAN DEMIENTIEFF: Go ahead, Dan, if  
20 you could do the analysis.

21  
22 MR. LaPLANT: Thank you, Mr. Chairman.  
23 Proposal No. 50 deals with moose in Unit 15(A) remainder.  
24 Unit 15(A) remainder happens to be most of Unit 15(A) with  
25 the exception of the Skilak Loop Management Area, so we're  
26 looking at the majority of 15(A). This proposal was  
27 submitted by the Office of Subsistence Management. It's in  
28 response to an order from the U.S. District Court of Alaska  
29 that declared the current season to be invalid. The matter  
30 was remanded back to the Federal Subsistence Board for the  
31 purpose of adopting a new moose season that provides a more  
32 meaningful preference.

33  
34 The current season or, I guess, we could  
35 say the old season now since the court has said it's not  
36 valid, runs from August 18th to September 20th. The State  
37 season, the current State season goes from August 20th to  
38 September 20th, so this season that's on the books right  
39 now provides the Federal subsistence users with a two day  
40 advantage over the State hunters. We're proposing that the  
41 Federal season begin on August 10th and extend through  
42 September 20th, giving Federal subsistence users a 10 day  
43 advance hunt over the State season.

44  
45 The other issue here in the mix is that  
46 there's currently an archery season, a State archery season  
47 that runs from August 10th through August 19th when the  
48 rifle season opens on the 20th. So one thing I'd also like  
49 to note here is that the court didn't recommend that a 10  
50 day preference was acceptable, they did say that the two

1 day preference was not acceptable, it wasn't enough, so  
2 we're proposing this 10 day preference.

3

4 The existing season was established in  
5 1996, following court action in a suit of Ninilchik  
6 Traditional Council when the Board, at that time,  
7 established customary and traditional use for Ninilchik,  
8 Port Graham, Nanwalek and Seldovia and then after that C&T  
9 was determined, the Board provided for a harvest season  
10 with that two day priority. The concern at the time that  
11 was expressed in the transcripts is that the subsistence  
12 season may conflict with the current State archery season.

13

14 The Federal season that we currently have  
15 in Units 15(B) and 15(C) are from August 10th to September  
16 20th, so this proposal would make the season consistent  
17 throughout Unit 15 with the exception of the Skilak Loop  
18 Management Area. We're recommending a harvest limit of one  
19 antlered bull with spike-fork or 50-inch, three brow-tine  
20 restriction. I'd also like to note that under the current  
21 season, Federal subsistence season, that two day advance,  
22 there has been no moose harvested under this regulation.  
23 There's been four hunters who have reported participating  
24 in the hunt, but no harvest.

25

26 As far as the population of the herd, the  
27 management goal by the Department is 3,600 moose with a 15  
28 bull per cow ratio within the Refuge on Federal land. The  
29 management objective is 25 bulls per 100 cows. The current  
30 population information that we have on the herd is from  
31 1998 in the most recent surveys taken and at that time the  
32 bull/cow ratio was 30 bulls per cow [sic] so it meets both  
33 the State and Federal objective and the population itself  
34 was between 20 and 2,500 animals, somewhat below the State  
35 objective. However, we've had two pretty mild winters here  
36 recently so we expect the population to have increased and  
37 be pretty close to what the population objective is.

38

39 The effects of this proposal to provide  
40 this eight additional days to qualified Federal subsistence  
41 users depends upon the Board's action on Proposal 49 which  
42 is a C&T proposal. For one thing, though, it does  
43 eliminate what appears to be an unnecessary restriction and  
44 it would make all of Unit 15 consistent with the same  
45 season. If the Board does not approve Proposal 49 to  
46 provide customary and traditional use Kenai Peninsula  
47 residents of moose, then this would basically have no  
48 effect. That average of four hunters participating will  
49 probably have a minimal effect on the population. However,  
50 if Proposal 49 is approved, there is a potential there that

1 up to 1,200 additional hunters would participate in the  
2 Federal season. Now, those would be more likely 1,200  
3 hunters that are currently participating in the State  
4 season but if they have customary and traditional use they  
5 would have the opportunity to begin hunting early on the  
6 August 10th date under the Federal regulations so there's a  
7 potential there for those 1,200 hunters to be in conflict  
8 with archery hunters in the State's season that's currently  
9 taking place. Again, those would not be additional  
10 hunters, those would be the same hunters that are currently  
11 participating in the State, they would just be hunting  
12 earlier.

13  
14 That concludes the presentation.

15  
16 CHAIRMAN DEMIENTIEFF: Summary of written  
17 public comments.

18  
19 MS. WILKINSON: Yes, Mr. Chairman. The  
20 Central Peninsula Advisory Committee supports this  
21 proposal. Since the State allows a special archery season  
22 to begin at that time, subsistence hunting should be  
23 allowed. This proposal will also align the subsistence  
24 season in all portions of Unit 15.

25  
26 Mr. Art Copoulos, a part-time resident of  
27 Hope supports the proposal because opening the season  
28 earlier will avoid confusion with subsistence hunting.

29  
30 Mr. Rod, I don't know how to pronounce his  
31 last name, Chiappone and Mark Drizer, Robert Wall and Jerry  
32 each sent in comments opposing Proposal 50. They expressed  
33 concern that the meat will spoil so early in August.  
34 They're also opposed to moose hunting in August altogether.  
35 One gentleman recommended a late season hunt instead. Mr.  
36 Kizer said he would rather see a late season hunt every  
37 year, excuse me, a late season hunt every other year rather  
38 than an annual early August season.

39  
40 Thank you.

41  
42 MR. HAYNES: Mr. Chairman, the Department  
43 recommends that action be deferred on this proposal until  
44 the Board acts on the Kenai rural request for  
45 reconsideration. Action is being deferred on two other  
46 Kenai Peninsula proposals until the Board acts on that  
47 request for reconsideration. We think it's appropriate to  
48 do the same with this proposal as well.

49  
50 As Mr. LaPlant has pointed out, if the

1 entire Kenai Peninsula retains its rural status and if a  
2 C&T determination is made in Proposal 49 it substantially  
3 increases the number of hunters eligible for this hunt.  
4 The additional hunting opportunity early in the season  
5 creates a very new and different situation and we believe  
6 that it's important to analyze the effects of this  
7 proposal, we need to know very clearly whether or not the  
8 current four communities will be the eligible hunting  
9 population or whether maybe all Kenai Peninsula residents  
10 will be eligible. It's not just a matter of the same  
11 hunters shifting to an early season and the effect being  
12 the same. We think that there's some other dynamics that  
13 may well occur in having a large number of hunters in the  
14 field early in the season and that has effects for the  
15 remainder of the season.

16  
17 So we feel we'd be in a better position to  
18 analyze the effects of this proposal if we knew for certain  
19 what the eligible user population was going to be.

20  
21 Thank you.

22  
23 CHAIRMAN DEMIENTIEFF: Keith.

24  
25 MR. GOLTZ: Mr. Chairman, with all respect  
26 to Dr. Haynes, one of the things we can't do on this  
27 proposal is defer. We have told the U.S. District Court  
28 that we would be acting today and I have told the  
29 Department of Justice that I would be reporting at the end  
30 of this week as to what this Board did.

31  
32 CHAIRMAN DEMIENTIEFF: There are no  
33 additional requests for public testimony at this time.  
34 Regional Council recommendation.

35  
36 MR. LOHSE: The Regional Council supports  
37 this proposal. We felt that the 10 days would probably be  
38 adequate to meet the requirements. We're hoping, I guess,  
39 that it is. And we recognize, you know, that it could be  
40 the whole Kenai Peninsula because we're the ones the  
41 submitted that the whole Kenai Peninsula be rural. We did  
42 not change the antlered bull, spike-fork 50-inch, three  
43 brow-tines and so the same animals will be eligible for  
44 being taken from August 10th that are eligible to be taken  
45 all the way to September 20th; and there's only a certain  
46 amount of those animals anyway.

47  
48 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
49 Committee recommendation.

1 MR. THOMPSON: Mr. Chairman, the Staff  
2 Committee recommends the Board adopt this proposal as  
3 recommended by the Southcentral Council. The reason we  
4 recommend this is that the action would align the season  
5 with the harvest seasons in Units 15(B) and 15(C) to  
6 minimize subsistence user confusion and eliminate what  
7 appears to be an unnecessary restriction.

8  
9 The moose population in Unit 15(A) is  
10 stable and near carrying capacity of the habitat. The  
11 antler restriction contained in this proposal should  
12 provide adequate protection from overharvest of breeding  
13 age bulls. The proposal is anticipated to have no  
14 significant impact on the total moose harvest in this unit  
15 and is consistent with the conservation of healthy moose  
16 populations. Most, that is 80 to 85 percent of the State  
17 general season hunters are local residents. In the event  
18 that these individuals become eligible Federal subsistence  
19 users through the approval of Proposal 49, they will have  
20 the opportunity to harvest moose earlier in the season.  
21 The total number of participants and moose harvested in  
22 Unit 15(A) should not increase.

23  
24 Thank you, Mr. Chairman.

25  
26 CHAIRMAN DEMIENTIEFF: Is there any  
27 deliberation on this issue from Board members, Regional  
28 Council.

29  
30 MS. GOTTLIEB: Mr. Chairman.

31  
32 CHAIRMAN DEMIENTIEFF: Yes.

33  
34 MS. GOTTLIEB: Well, taking a cue from  
35 Chairman Thomas, I think eliminating confusion is good and  
36 being consistent's even better. So I think this is a good  
37 suggestion here, appreciate it.

38  
39 CHAIRMAN DEMIENTIEFF: Other discussion.  
40 Gary.

41  
42 MR. EDWARDS: Mr. Chairman, Council  
43 certainly clarified any lingering doubts that I might have  
44 and I'm prepared at this time to make a motion.

45  
46 CHAIRMAN DEMIENTIEFF: Go ahead.

47  
48 MR. EDWARDS: I move that we adopt Proposal  
49 50 as recommended by the Southcentral Regional Council and  
50 the Staff Committee. It's been stated on several

1 occasions, the adoption of this will align the season dates  
2 with those of Units 15(B) and 15(C) and hopefully it will  
3 provide a meaningful preference to subsistence that are  
4 consistent with the guidelines from the court decision.

5

6 CHAIRMAN DEMIENTIEFF: Thank you very much.  
7 There's a motion, is there a second?

8

9 MS. GOTTLIEB: Second.

10

11 CHAIRMAN DEMIENTIEFF: Discussion. Hearing  
12 none, all those in favor of the motion please signify by  
13 saying aye.

14

15 IN UNISON: Aye.

16

17 CHAIRMAN DEMIENTIEFF: Those opposed, same  
18 sign.

19

20 (No opposing votes)

21

22 CHAIRMAN DEMIENTIEFF: Motion carries.  
23 That's it for Southcentral.

24

25 MR. BOYD: That's it.

26

27 CHAIRMAN DEMIENTIEFF: Okay. I think while  
28 we shift gears into Southeast, we'll go ahead and take just  
29 a real brief break if you guys want to stand up and stretch  
30 and we'll get our Staff changed around.

31

32 (Off record)

33

34 (On record)

35

36 CHAIRMAN DEMIENTIEFF: We'll call the  
37 meeting back to order. Is Gloria Stickwan or Carl Pete  
38 here yet? Before we start into Southeast, I did get a  
39 couple of late requests for a couple of people to offer  
40 public testimony on Southcentral proposals and so at this  
41 time we'll allow them to testify and then we'll begin  
42 deliberation of the Southeast proposals. Gloria Stickwan.

43

44 MS. STICKWAN: My name is Gloria Stickwan.  
45 I work for the Copper River Native Association. I just  
46 want to make comments on Proposals 12 and 44. We support  
47 the consensus. Proposal 41, we support that consensus.  
48 Proposal 48, we support that, too. I wanted to make  
49 comments on Proposal 7 but it's already done with now.

50



1 CHAIRMAN DEMIENTIEFF: Okay, thank you very  
2 much. Carl Pete.

3  
4 MR. PETE: Hello. My name's Carl Pete.  
5 I'm sorry that I was late this morning. It's an honor to  
6 give my testimony to all of you. It's on Proposal 7, I'm  
7 here to give public testimony on Proposal 7 by Wayne  
8 Crowson. I am opposed to eliminating the winter hunt or to  
9 change the hunt to bulls only. The subsistence users who  
10 hunt in Unit 13 on Federal public lands will not cause in  
11 that first impact up on the caribou herd. The Alaska Board  
12 of Game at the last Board of Game meeting did not change  
13 this hunt. And the Federal subsistence hunt in Unit 13  
14 should not be changed. We want to keep it as it is.

15  
16 The caribou herd may be on the decline but  
17 it's not due to Federal subsistence users taking the  
18 caribou. It is mostly the wolves and the brown bears that  
19 are taking the calves of the caribou as well as the urban  
20 hunters. So we would like to please leave Unit 13 caribou  
21 hunt as it is under the Federal subsistence management.

22  
23 I'd like to thank you all for listening to  
24 me. I also forgot to tell you that I'm from the Native  
25 village of Klutina, and I'm the Chairman of the  
26 shareholders of that village. Thanks.

27  
28 CHAIRMAN DEMIENTIEFF: Thank you. Again,  
29 before we go too far, I'll remind everybody that wants to  
30 testify, the blue request to testify cards are available at  
31 the table immediately outside the door of the meeting room.

32  
33 With that, we'll move into Southeast  
34 regional proposals. One proposal on the consent agenda,  
35 that being Proposal No. 5, and at this time, we'll consider  
36 wildlife Proposal No. 103 and we'll call on the analysis  
37 from Dave.

38  
39 MR. JOHNSON: Mr. Chair, Board, for the  
40 record my name is Dave Johnson. The proposal was submitted  
41 by the East Prince of Wales Advisory Committee and requests  
42 the elimination of the antlerless deer harvest in Unit 2.  
43 Unit 2 includes the area of Prince of Wales and the several  
44 smaller islands adjacent to Prince of Wales. This proposal  
45 has been around for several years. It's come before the  
46 Board almost every year in recent past. The existing  
47 population based on harvest data and based on deer pellet  
48 transect data collected indicates there is no conservation  
49 concern for harvest of the antlerless deer.

50

1 That concludes my presentation.

2

3 CHAIRMAN DEMIENTIEFF: Okay, thank you.

4 Summary of written public comment, Fred.

5

6 MR. CLARK: Thank you, Mr. Chairman. For  
7 the record my name is Fred Clark. There was one written  
8 public comment for this proposal, it's in support of the  
9 proposal from Gretchen Goldstein of Point Baker who writes  
10 on behalf of the Sumner Strait Fish and Game Advisory  
11 Committee. The Sumner Strait Fish and Game Advisory  
12 Committee believes that the deer population on Prince of  
13 Wales Island has declined to the point of not being able to  
14 support a hunting season.

15

16 Thank you, Mr. Chairman.

17

18 CHAIRMAN DEMIENTIEFF: Thank you.

19 Department comments.

20

21 MR. HAYNES: Mr. Chairman, the Department  
22 supports adoption of this proposal. We believe the overall  
23 stability of the deer population in Unit 2 demonstrates the  
24 effectiveness of the existing State management strategy in  
25 the current season and bag limit. We support elimination  
26 of the antlerless deer season in Unit 2 and consider  
27 limiting harvest to antlered deer only as being important  
28 for providing long-term sustainable deer harvest in Unit 2.  
29 Doe harvests are appropriate when the management objective  
30 is to reduce deer numbers due to inadequate or limited  
31 habitat, that is, when carrying capacity has been reached  
32 or exceeded.

33

34 The Unit 2 deer population is below the  
35 carrying capacity of the available habitat while  
36 recruitment and survival rates are high. In Unit 2, does  
37 are taken in easily accessible roaded areas and can affect  
38 local populations. For example, harvesting 300 does along  
39 the road system may not be critical to the well-being of  
40 the overall Unit 2 deer population but this level of  
41 harvest can substantially affect localized populations.

42

43 The areas most affected by this local  
44 reduction in deer numbers are the same areas where local  
45 residents traditionally hunt for bucks. If each of the 300  
46 harvested does in this example produced an average of 1.5  
47 fawns, the local population has effectively been reduced by  
48 750 deer over a two year period. If we extend these  
49 numbers out for several more years, the number of deer that  
50 never enter the population because of the doe harvest rises

1 even higher.

2

3 Thank you.

4

5 CHAIRMAN DEMIENTIEFF: Thank you. We have  
6 no request for public testimony at this time. Regional  
7 Council recommendation.

8

9 MR. THOMAS: Thank you, Mr. Chairman. Can  
10 we bring the map of Region 2 back up there? Okay,  
11 everything you're hearing references Unit 2. In reality,  
12 the reference areas, if you draw a line between Klawock and  
13 Thorne Bay and go north to Point Baker, that is the  
14 concentrated area of the harvest that's taking place.  
15 That's also an area that has been heavily logged for the  
16 last 50 years. The habitat has been destroyed. The  
17 watersheds have been destroyed. And so there are a lot of  
18 contributing factors to the populations and in spite of all  
19 that, there's no conservation concerns.

20

21 The references you're hearing does not  
22 include any of those other islands that you see adjacent to  
23 Unit 2. And those islands are very sizeable, like Dall  
24 Island there, Dall Island is almost 50 miles long. Prince  
25 of Wales, itself, is 150 miles long and 50 miles wide at  
26 its widest point. And with the advent of logging having  
27 been curtailed, the roads that were built to do the logging  
28 created more access to the alpine area. Okay, now, those  
29 roads are growing with alders, they're not being  
30 maintained. There's an outcry from the same people that  
31 wrote this proposal to clear those roads so they can hunt  
32 some more, but that's not happening.

33

34 So you never got a good true picture of  
35 what Unit 2 was being expressed here. And it's been  
36 mention that there's no conservation concerns, that the  
37 biological support for that proposal is just nonexistent.  
38 This is about the seventh time it's been submitted. Every  
39 year that goes by, we deal with the same proposal. At one  
40 point it was brought to our attention that the levels of  
41 populations were in jeopardy. We recommended instituted  
42 .804 and in a matter of months, the population went from  
43 nonexistent to an over abundance. And so our  
44 recommendation to apply restrictions designed by Title VIII  
45 weren't used.

46

47 So giving you some of that history, the  
48 Regional Council opposes this proposal.

49

50 Thank you, Mr. Chairman.

1 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
2 Committee recommendation.

3  
4 MR. THOMPSON: Yes, Mr. Chairman, the Staff  
5 Committee recommends the Board reject this proposal as  
6 recommended by the Southeast Council. The reasons for our  
7 recommendation is, again, the deer population Unit 2 is  
8 stable and at a healthy level. The antlerless deer harvest  
9 has not had a significant impact on the overall deer  
10 population. The antlerless Unit 2 will be evaluated on a  
11 regular basis and adjusted, if necessary, during those  
12 years with severe winter snowfall.

13  
14 Thank you, Mr. Chairman.

15  
16 CHAIRMAN DEMIENTIEFF: Thank you. Board  
17 discussion and/or Regional Council discussion. Is someone  
18 prepared to make a motion at this time?

19  
20 MS. KESSLER: Move to reject the proposal.

21  
22 CHAIRMAN DEMIENTIEFF: There's a motion to  
23 reject, is there a second?

24  
25 MR. EDWARDS: Second.

26  
27 CHAIRMAN DEMIENTIEFF: Discussion on the  
28 motion.

29  
30 MS. GOTTLIEB: Mr. Chairman.

31  
32 CHAIRMAN DEMIENTIEFF: Yes.

33  
34 MS. GOTTLIEB: I do agree that this has  
35 come up several times before. I support what the RAC is  
36 saying, especially keeping in mind that we can evaluate and  
37 make adjustments as necessary.

38  
39 CHAIRMAN DEMIENTIEFF: Thank you. Further  
40 discussion. Hearing none, all those in favor of the  
41 motion, please signify by saying aye.

42  
43 IN UNISON: Aye.

44  
45 CHAIRMAN DEMIENTIEFF: Those opposed, same  
46 sign.

47  
48 (No opposing votes)

49  
50 CHAIRMAN DEMIENTIEFF: Motion carries.

1 With that we'll move on to wildlife Proposal No. 4, Staff  
2 analysis.

3

4 MR. JOHNSON: Mr. Chair and Board, Proposal  
5 4 was submitted by the Forest Service to remove the  
6 provision for taking ungulates from a boat in Unit 4. If  
7 you look at the map you'll see where Unit 4 is located. It  
8 takes in the ABC Islands, or what's commonly referred to as  
9 the ABC Islands, Admiralty, Chichagof and Baranof.

10

11 The current regulation, 36 CFR, Section  
12 242.25(k)(4)(3)(a), specifically allows subsistence users  
13 to shoot ungulates from a boat in Unit 4 but the regulation  
14 does not apply to the marine waters of the Tongass National  
15 Forest, Section 242.3(b)(28). Since subsistence users in  
16 Unit 4 shoot ungulates from boats in marine waters only,  
17 this Federal regulation fulfills no purpose.

18

19 Furthermore, the State is prosecuting or at  
20 least has prosecuted one hunter who was shooting from a  
21 boat in marine waters because there currently is a State  
22 regulation which prohibits that practice and the State  
23 asserts jurisdiction in marine waters.

24

25 Just a brief discussion, Mr. Chair. The  
26 current regulations permitting ungulates from a boat has  
27 been in place since 1994 and the Federal Subsistence  
28 Board's intention, I believe, based on the record, was that  
29 they wanted to provide shooting from a boat in marine  
30 waters because that was a traditional practice in  
31 Southeast. This was also in response to the State's  
32 regulatory restriction of harvesting deer from a boat which  
33 has been in place since 1972. Currently Units 1 through 5  
34 are the only ones in the state that shooting ungulates from  
35 a boat is not permitted. In 1999 the Federal Subsistence  
36 Board excluded the marine waters of the Tongass from the  
37 application of the Federal regulations concerning  
38 subsistence because that's when we took jurisdiction in  
39 fisheries.

40

41 That includes my analysis, Mr. Chairman.

42

43 CHAIRMAN DEMIENTIEFF: Thank you. Summary  
44 of written public comments.

45

46 MR. CLARK: Thank you, Mr. Chairman. There  
47 was only one written public comment for this proposal. Zeb  
48 Strong of Tenakee Springs, Alaska writes in opposition to  
49 this proposal stating that the existing regulation reflects  
50 the reality of how subsistence users harvest ungulates and

1 that banning shooting from a boat would probably not affect  
2 how people hunt for meat.

3

4 Thank you, Mr. Chairman.

5

6 CHAIRMAN DEMIENTIEFF: Thank you. State  
7 comments.

8

9 MR. HAYNES: Mr. Chairman, the Department  
10 supports this proposal. Adoption of the proposal would  
11 align the State and Federal regulations and eliminate the  
12 current confusion that exists due to differences in the  
13 State and Federal regulations. This action also would  
14 reduce the likelihood of Federally-qualified subsistence  
15 hunters being cited in violation of State regulation.

16

17 I should note that the Board of Game will  
18 consider a similar proposal at its January 2002 meeting in  
19 Juneau. So we think it's important to keep the State and  
20 Federal regulations aligned until such time that the State  
21 Board of Game would have an opportunity to look at this  
22 issue and consider making changes.

23

24 Thank you.

25

26 CHAIRMAN DEMIENTIEFF: We have no  
27 additional requests for public testimony at this time.  
28 Regional Council recommendation.

29

30 MR. THOMAS: Thank you, Mr. Chairman. The  
31 Southeast Regional Advisory Council opposes this proposal.  
32 A motion to pass to amend the proposal included some  
33 provision shall extend marine waters as an exemption and  
34 the exclusions stated in 36 CFR 242.3(b)(28). The  
35 rationale. The word, take, refers to where the animal is  
36 standing not from where the hunter is shooting.

37

38 Testimony presented documentation that  
39 regulation to allow hunting deer from a boat is necessary  
40 to prevent interference with the Native way of life and  
41 cultural identify. The testimony documents that the  
42 regulation to allow hunting deer from a boat is necessary  
43 to prevent the loss of an important means of acquiring  
44 subsistence foods. There are three legal foundations for  
45 jurisdiction to extend this for, concurrent, there's a  
46 Federal interest in deer standing on Federal land. If the  
47 person shooting the deer is on State water, the State has  
48 an interest, too. So there is a shared interest in a  
49 shared jurisdiction. Exclusive, of not defining the  
50 original boundaries of the Tongass shows that boundary

1 extending miles into marine waters. Extraterritorial, in  
2 order to protect customary and traditional hunting and  
3 fishing, this regulation extends into marine waters to the  
4 extent necessary to protect a Federal right.

5

6 But anyway, we oppose this proposal and  
7 there's been much more discussion about it. That concludes  
8 my comments, Mr. Chairman, thank you.

9

10 CHAIRMAN DEMIENTIEFF: Terry, I should ask  
11 the question, what date did you say the Board of Game was  
12 going to take up the ungulate issue?

13

14 MR. HAYNES: Mr. Chairman, I believe the  
15 Board had originally recommended taking this up at its fall  
16 meeting in Kotzebue but then a change was made, I was told,  
17 to take it up at the statewide meeting in Juneau since it  
18 would be appropriate to discuss that issue closer to the  
19 area that's affected by the proposal.

20

21 CHAIRMAN DEMIENTIEFF: And when would that  
22 be again?

23

24 MR. HAYNES: Next January.

25

26 CHAIRMAN DEMIENTIEFF: This coming January,  
27 okay, I just wanted to clarify that.

28

29 MR. HAYNES: Mr. Chairman, if I'm in error  
30 I will get back to you but I believe this was a change that  
31 was made after the Board acted on setting that date at its  
32 last meeting.

33

34 CHAIRMAN DEMIENTIEFF: Okay. Staff  
35 Committee recommendation.

36

37 MR. THOMPSON: Mr. Chairman, the Staff  
38 Committee recommends the Board defer this proposal. While  
39 recognizing that the Southeast Council recommendation was  
40 to oppose the proposal, the Staff Committee recommends a  
41 deferral. The State Board of Game, as you've heard, will  
42 convene apparently now next January to consider an  
43 identical proposal. If the Board of Game adopts the  
44 proposal, the problem of confusion about State and Federal  
45 regulations would be eliminated.

46

47 Thank you.

48

49 CHAIRMAN DEMIENTIEFF: Okay, with that  
50 we'll advance this on to Federal Subsistence Board

1 deliberation, Regional Council discussion before we move  
2 on.

3

4 MR. EDWARDS: Mr. Chairman.

5

6 CHAIRMAN DEMIENTIEFF: Yes.

7

8 MR. EDWARDS: I guess I'm trying to  
9 understand, I guess two things. What are sort of the on-  
10 the-ground implications of deferring it and two, what then  
11 if, in fact, when the Game Board does meet in January, they  
12 consider to continue to support it, what are the on-the-  
13 ground implications of that and then what further action,  
14 you know, by deferring it would be coming back to the Board  
15 and what does it all mean?

16

17 CHAIRMAN DEMIENTIEFF: Ken.

18

19 MR. THOMPSON: Yes, Mr. Chairman and Dave,  
20 help me, but where we had considered the Board of Game  
21 addressing the shooting from boat issues, next fall, I  
22 believe we would still, depending on how quickly the Board  
23 could, our Board could react to whatever action the Board  
24 of Game took, may or may not be able to take advantage of  
25 the shooting from boats next season, you know, under our  
26 regulations.

27

28 Either way, though, it's contrary to our  
29 regulations as the regulations stand. So I would say the  
30 effect of it being January instead of November probably  
31 doesn't make a whole lot of difference. Now, how soon  
32 after it would be taken up by the Board after the January  
33 meeting, I think that's up to the wishes of the Board, it  
34 could probably be fairly immediate but, of course, the next  
35 opportunity would be the following fall or when the next  
36 deer season would be. The other question you had Gary?

37

38 MR. EDWARDS: Well, you know, if the Board  
39 maintains it and we continue to have this difference, I  
40 mean I thought that's what we were trying to address and  
41 I'm just unclear. If the Board takes up the proposal, you  
42 know, they can either go one way or the other and what are  
43 the implications of either of those decisions. And then  
44 where does that leave us and what action would be coming  
45 back to us to address?

46

47 MR. THOMPSON: Well, technically, if the  
48 Board of Game maintains their current regulation, making it  
49 where it's illegal to shoot from boats, regardless of what  
50 they do, our regulations as they are now, as we interpret



1 our jurisdiction, it would remain illegal as it currently  
2 is and we're simply trying to clarify the regulations so  
3 that we don't have a confusing set of regulations to the  
4 users out there.

5  
6 So unless we were to change our  
7 interpretation of jurisdiction, we would not be  
8 entertaining a -- legally I don't think we'd be  
9 entertaining a proposal to allow for shooting from boats.

10  
11 CHAIRMAN DEMIENTIEFF: Other discussion.

12  
13 MR. THOMPSON: Dave has a comment.

14  
15 CHAIRMAN DEMIENTIEFF: I'm sorry, Dave.

16  
17 MR. JOHNSON: Mr. Chair, normally I don't  
18 disagree with my boss, however, in this particular case  
19 deferring to the Council, I believe that most of the  
20 harvest of deer in Unit 4 occurs during the month of  
21 January when the deer have moved down to the beach. And so  
22 historically, a lot of the deer are taken at that time.  
23 And so by deferring, it may raise some questions with  
24 regard to the users and, again, I would defer to the Chair  
25 or the Council on that.

26  
27 CHAIRMAN DEMIENTIEFF: Bill, do you have  
28 additional comment?

29  
30 MR. THOMAS: Some of what Mr. Johnson said  
31 is true, is that some hunting occurs in January. But I  
32 don't recall what the seasons are in that particular unit.  
33 But it was brought to us on many occasions that for  
34 subsistence purposes, that that was the preferred time for  
35 harvesting. So that's all I would have to add to Mr.  
36 Johnson, thank you.

37  
38 CHAIRMAN DEMIENTIEFF: Ida.

39  
40 MS. HILDEBRAND: Thank you, Mr. Chair. Ida  
41 Hildebrand, BIA Staff Committee member. It failed to come  
42 up in the discussion but at the Regional Council meeting in  
43 Southeast, the Council passed a resolution in opposition to  
44 removal of this Federal regulation. They stated they  
45 wanted the Federal regulation to remain and that the  
46 Federal Board was obligated by Title VIII to protect the  
47 subsistence practices of the local people and shooting deer  
48 from a boat is a local practice that also occurs in Federal  
49 waters.

1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MS. KESSLER: Yes, I just want to clarify  
4 that in making this proposal it was our intention to  
5 continue recognizing shooting from boats, as a traditional  
6 and efficient practice. It's not the intention to in any  
7 way discourage that, but rather the focus was on this  
8 program of appearance in the regulations that we are  
9 authorizing that which we felt placed hunters at risk for  
10 prosecution.

11

12 Ultimately what we desire is to have this  
13 traditional practice fully legal. The most direct way to  
14 bring the regulations into alliance with the State is our  
15 preferred approach which is to work with the Board of Game  
16 and have the change made there. In view of that and many  
17 excellent discussions took place at the Council meeting, I  
18 much more fully understand the Council's reasons why they  
19 have a concern about changing the regulation, why they have  
20 a concern about this proposal. Although we would hope the  
21 Board of Game would have brought this up in November, the  
22 fact that they are choosing, instead to bring it up in  
23 January, still leads me to believe that the best way to act  
24 on this would be to defer it so that we can take the  
25 preferred route of resolution as our first case and proceed  
26 with that.

27

28 MS. GOTTLIEB: Mr. Chairman.

29

30 CHAIRMAN DEMIENTIEFF: Yes.

31

32 MS. GOTTLIEB: As I recall from the  
33 Southeast RAC meeting, there was also agreement that a  
34 representative from that Council would then attend the  
35 Board of Game meeting and convey their position.

36

37 CHAIRMAN DEMIENTIEFF: Bill.

38

39 MR. THOMAS: Thank you, Mr. Chairman.  
40 That's correct. Although I would really draw your  
41 attention to the summary of written public comment by Zeb  
42 Strong of Tenakee Springs. That's a very brief statement  
43 but that's the sentiments of the subsistence hunters. This  
44 is going to continue on whether the regulations align or  
45 not.

46

47 Thank you.

48

49 CHAIRMAN DEMIENTIEFF: Mr. Clark.

50

1 MR. CLARK: Thank you, Mr. Chairman. One  
2 additional point came up during the Regional Council  
3 meeting that I think gets to one of Gary Edward's questions  
4 and is important to have on the record. That's that the  
5 customary and traditional users in Unit 4 fully understand  
6 that it's not legal to hunt deer from boats under the  
7 Federal regulations and under the State regulations except  
8 for from freshwater. And it was our understanding going  
9 into the Regional Council meeting that essentially all of  
10 the hunting took place in marine waters from boats but it  
11 became apparent at the meeting that people do take their  
12 boats up into the mouths of rivers and streams and shoot  
13 deer from there. So taking this regulation away, even the  
14 way it's written now, would mean that they could no longer  
15 practice shooting deer from boats from freshwater which is  
16 an existing customary and traditional practice.

17  
18 Thank you, Mr. Chair.

19  
20 MR. EDWARDS: Mr. Chairman.

21  
22 CHAIRMAN DEMIENTIEFF: Yes.

23  
24 MR. EDWARDS: With that said, could one  
25 modification be to write it in such a way that it  
26 acknowledges the right to shoot from a boat in freshwater  
27 but doesn't acknowledge the right to shoot from a boat in  
28 marine water?

29  
30 MR. THOMAS: Mr. Chairman.

31  
32 CHAIRMAN DEMIENTIEFF: Yes.

33  
34 MR. THOMAS: This whole thing, I guess,  
35 just for the peace of mind of people that don't understand  
36 this practice. I haven't seen any biological support for  
37 supporting this. Confusion is a part of life. I mean you  
38 got a room full of confusion here and we're trying to  
39 prevent confusion from people that are going to read the  
40 material we develop. But to try to consider making  
41 cultural practices of providing for themselves legal or  
42 illegal is irrelevant within the community.

43  
44 Thank you.

45  
46 CHAIRMAN DEMIENTIEFF: Let me see, the  
47 State has decided not to prosecute the one case; is that  
48 correct, at this time? Did I hear that, Terry do you know?  
49 Anybody?

1 MR. HAYNES: Mr. Chairman, I don't know.

2

3 MR. JOHNSON: Mr. Chairman.

4

5 CHAIRMAN DEMIENTIEFF: Yes.

6

7 MR. JOHNSON: My understanding was that the  
8 individual was prosecuted but was acquitted. I don't know  
9 the nature of why there was an acquittal but there was one  
10 prosecution under the State system.

11

12 CHAIRMAN DEMIENTIEFF: Any other  
13 discussion. Bill, do you an idea of how many different  
14 people utilize this practice?

15

16 MR. THOMAS: There wouldn't be as many that  
17 are in this room. Not very many because this is a practice  
18 that was used by earlier generations. And it's a skill  
19 that was developed a long time ago. There were no  
20 boundaries, there was no ownership, there was no legals,  
21 there was nothing illegal. Whenever the opportunity  
22 presented itself, people harvested. The strongest argument  
23 against this was the mortality, the potential mortality  
24 rate. But the rationale that people of this area use, if  
25 you can shoot a seal on the high seas, you're not shooting  
26 from a stable platform, you're shooting from one wave when  
27 your target's on another wave and you only get one shot,  
28 and you never go home without a seal. So what's the  
29 problem from shooting deer from a boat?

30

31 So it's a waste of a lot of good time and  
32 energy. Thank you, Mr. Chairman.

33

34 CHAIRMAN DEMIENTIEFF: Any other  
35 discussion. If not we're ready for a Board motion.

36

37 MS. KESSLER: I move to defer this  
38 proposal.

39

40 CHAIRMAN DEMIENTIEFF: There's a motion to  
41 defer, is there a second?

42

43 MR. BUNCH: I second it.

44

45 CHAIRMAN DEMIENTIEFF: It's been moved and  
46 seconded to defer this proposal. Discussion on the motion.  
47 Let me just clarify, I think I'm going to vote to oppose  
48 the motion at this time based on the fact that, you know,  
49 we could jeopardizing our mandate by limiting subsistence  
50 opportunities. Now, granted, we've been over this trail

1 many times, our mandate differs somewhat from the mandate  
2 of the State of Alaska currently. But we have a job to do  
3 and for no apparent biological reason, certainly there has  
4 not been significant risk to subsistence users, but it can  
5 be an educational item in terms of educating the limited  
6 number of hunters that utilize that practice. And with  
7 significant effort, or not with significant, but with  
8 effort on our part as well as the State of Alaska, we can  
9 clarify exactly where their standings are if these are the  
10 only people that we're talking about doing it.

11  
12 Certainly although there's been a lot of  
13 confusion in this room we're getting very well educated on  
14 this issue and it can be done. And so for those intents, I  
15 intend to oppose the proposal to defer, and let the State  
16 do as it may, because in my estimation we're not putting  
17 subsistence users at risk but we are limiting by deferring  
18 this proposal pending that.

19  
20 MR. EDWARDS: Mr. Chairman, it's my  
21 understanding if, in fact, we would vote to defer the  
22 regulation would stand as is, which, in fact, would it not  
23 continue to allow the practice of shooting from a boat?

24  
25 CHAIRMAN DEMIENTIEFF: Well, I guess let me  
26 clarify that. I understand that that would be the  
27 condition. But then, you know, basically it leaves the  
28 door open which certainly doesn't limit somebody from  
29 turning in a new proposal. But in continuing a regulation  
30 that allows this practice, without, you know, having this  
31 proposal hanging over the head more or less, I guess, of  
32 the subsistence user. You know, that's the question as far  
33 as I'm concerned. I think our mandate is very clear, and  
34 I'm just willing to stand by my own personal decision to  
35 oppose the proposal and be done with it.

36  
37 Further discussion.

38  
39 MS. KESSLER: Just to clarify that, what it  
40 will do is continue to allow, if we defeat this, continue  
41 to allow shooting from boats in freshwater but there was  
42 only ever the appearance that it authorized shooting from  
43 saltwater, it didn't really -- so in that respect that  
44 wouldn't change.

45  
46 CHAIRMAN DEMIENTIEFF: Further discussion.

47  
48 MR. THOMAS: Mr. Chairman.

49  
50 CHAIRMAN DEMIENTIEFF: Yes.

1 MR. THOMAS: Is it permissible for Regional  
2 Council comments.

3  
4 CHAIRMAN DEMIENTIEFF: Go ahead, Bill, I'll  
5 call upon you.

6  
7 MR. THOMAS: You brought out an important  
8 point in the responsibility of this Board. The  
9 responsibility you find very clearly in Title VIII. And  
10 this is what is meant by providing a priority for people  
11 that have been identified and to defer is not taking  
12 appropriate action.

13  
14 Thank you, Mr. Chairman.

15  
16 CHAIRMAN DEMIENTIEFF: Further discussion.  
17 Hearing none, all those in favor of the motion, please  
18 signify by saying aye.

19  
20 IN UNISON: Aye.

21  
22 CHAIRMAN DEMIENTIEFF: Those opposed same  
23 sign. Aye. Motion carries. We now move on to Proposal 6.

24  
25 MR. JOHNSON: Mr. Chairman, Board.  
26 Proposal 6 was submitted by Patricia Phillips.

27  
28 CHAIRMAN DEMIENTIEFF: We'll call on the  
29 analysis.

30  
31 MR. JOHNSON: I'm sorry.

32  
33 CHAIRMAN DEMIENTIEFF: Go ahead.

34  
35 MR. JOHNSON: Thank you. Proposal 6 was  
36 submitted by Patty Phillips of Pelican. It requests an  
37 extension of the marten, mink and weasel trapping season on  
38 Chichagof Island in Unit 4. Changing it from December 31st  
39 as the end of the season to February 15th to align it with  
40 the existing State season. It would allow trappers to  
41 harvest hides when they're prime and also would align it  
42 with the rest of Unit 4.

43  
44 An additional issue that was identified is  
45 that the current ban on use of motorized vehicles on  
46 Chichagof for marten, mink and weasel trapping is more  
47 restrictive under Federal subsistence regs than under the  
48 State subsistence regs. Removing the special provision  
49 would allow for increased opportunity for harvest of those  
50 three furbearers.

1                   If you'll look at the map, the area up  
2 around the northeast portion where you see Hoonah, the  
3 white portion is on Native lands. If you draw a line  
4 basically from just slightly to the east of that arrow and  
5 down, basically that whole block up there of green that's  
6 separated by white is the special controlled area of  
7 Chichagof.

8  
9                   The existing biological information  
10 indicates that marten populations in Unit 4 are healthy and  
11 that they're also cyclical in that they go up and down with  
12 the availability of prey species. In the early '90s is  
13 when the marten population declined on the northeast  
14 Chichagof area and it was at that time when the road  
15 restriction was put into place. Recent information for the  
16 1999 and 2000 season indicate that marten populations are  
17 up, however, there was a concern identified that marten  
18 populations in proximity to roads can be locally depressed.

19  
20                   Basically the effect of the proposal will  
21 still allow for the conservation of marten mink and weasel  
22 while increasing the opportunity as well as eliminating the  
23 confusion over two different sets of regulations in terms  
24 of the season and also would make it less restrictive for  
25 the subsistence user.

26  
27                   That concludes my analysis Mr. Chairman.

28  
29                   CHAIRMAN DEMIENTIEFF: Thank you. Written  
30 public comments.

31  
32                   MR. CLARK: Again, there was one written  
33 public comment for this proposal. Zeb Strong from Tenakee  
34 Springs writes in favor of Proposal 6, stating that a  
35 longer season for mink, marten and weasel might result in a  
36 decreased population for these animals allowing the birds  
37 in the area to recover their numbers.

38  
39                   Thank you, Mr. Chairman.

40  
41                   CHAIRMAN DEMIENTIEFF: Thank you.  
42 Department comments.

43  
44                   MR. HAYNES: We've made some revisions to  
45 our comments that appear in your meeting materials to try  
46 to clarify exactly what our position is. The Department  
47 supports adoption of a modified proposal. We're concerned  
48 that lengthening the trapping season by one and a half  
49 months for marten, mink and weasel in the northeast  
50 Chichagof Controlled Use Area on Chichagof Island in Unit 4

00040

1 might result in overharvest of the marten population there.  
2 Although mink and weasels are generally non-targeted  
3 species in Unit 4, these two species are usually taken with  
4 marten sets. Consequently where mink and weasels are  
5 targeted, the extended season for these two species would  
6 likely result in significant marten by-catch.

7

8                   We agree the current harvest levels  
9 probably have little effect on unitwide marten populations  
10 but in localized areas, a high percentage of the available  
11 marten could be taken.

12

13                   The Department has no biological data to  
14 support the assertion that "marten, mink and weasel  
15 populations are plentiful," in Unit 4, but we do know that  
16 vole populations, the primary prey fluctuates significantly  
17 from year to year. The proposal also suggests the pelt  
18 quality is best at the end of December and in January and  
19 February. Pelt primary is a function of day length and we  
20 believe there is no difference in fur quality from December  
21 through February. Early December marten and mink pelts  
22 examined by our Sitka area wildlife biologists are fully  
23 prime. However, mink pelts can get a singed appearance in  
24 late January and February which reduces their value on  
25 international markets. This apparently is not a factor  
26 with marten pelts that are taken in January and February.

27

28                   The Department supports retaining the  
29 December 1 through 31 marten, mink and weasel trapping  
30 seasons in the northeast Chichagof Controlled Use Area and  
31 extending the closing date of February 15 for the remainder  
32 of Chichagof Island and the remainder of Unit 4. In doing  
33 so, we note that this action would result in consistent  
34 State and Federal seasons throughout Unit 4.

35

36                   Thank you.

37

38                   CHAIRMAN DEMIENTIEFF: We have no request  
39 for public testimony from the floor at this time. Regional  
40 Council recommendation.

41

42                   MR. THOMAS: Thank you, Mr. Chairman.  
43 Southeast Regional Council recommends to support the Staff  
44 modification of the proposal to change the hunting and  
45 trapping season for marten, mink and weasel in Unit 4.  
46 Extending the length of the season would provide more  
47 subsistence opportunity on healthy populations and allow  
48 for the take of pelts when more of them are in their prime.

49

50                   That's the end of our recommendation.



00041

1 Thank you, Mr. Chairman.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
4 Committee.

5

6 MR. THOMPSON: Mr. Chairman, Staff  
7 Committee, like the Council just suggested, we urge the  
8 Board to adopt the proposal as modified and as recommended  
9 by the Council. So the regulation would be to include  
10 marten, mink and weasel in all of Unit 4, December 1  
11 through February 15. Justification of the modified  
12 proposal will provide subsistence users the opportunity to  
13 harvest marten, mink and weasel when pelts are in prime  
14 conditions. It will also provide consistency in the  
15 seasons between Federal and State regulations in Unit 4  
16 except in the Controlled Use Area allowing the conservation  
17 of marten, mink and weasel populations.

18

19 Thank you.

20

21 CHAIRMAN DEMIENTIEFF: Thank you. Board  
22 deliberations. Gary.

23

24 MR. EDWARDS: Mr. Chairman, just to  
25 clarify, Ken, so we're not asking for any change in the  
26 Controlled Use area, in other words we're not being asked  
27 to rescind the restrictions on motorized land vehicles, you  
28 know, for taking of marten, mink and weasels?

29

30 MR. THOMPSON: Mr. Chairman, if I may. No,  
31 I believe the difference that remains between us and the  
32 State is the season length. I think, maybe you could  
33 correct me if I'm wrong, but I think the State season is  
34 December 1 through December 31 where we're recommending the  
35 additional six week period. But no, there's no  
36 recommendation regarding the use of motorized vehicles.

37

38 CHAIRMAN DEMIENTIEFF: That is correct,  
39 Terry?

40

41 MR. HAYNES: Yes, Mr. Chairman.

42

43 CHAIRMAN DEMIENTIEFF: Okay. Any other  
44 discussion. We're ready for a motion at this time.

45

46 MS. KESSLER: Mr. Chair, I move to adopt  
47 the modified proposal as recommended by the Southeast  
48 Alaska Regional Advisory Council.

49

50 CHAIRMAN DEMIENTIEFF: Is there a second to

00042

1 that motion?

2

3 MS. GOTTLIEB: Second.

4

5 CHAIRMAN DEMIENTIEFF: Moved and seconded.  
6 Discussion. Hearing none, all those in favor of the  
7 motion, please signify by saying aye.

8

9 IN UNISON: Aye.

10

11 CHAIRMAN DEMIENTIEFF: Those opposed, same  
12 sign.

13

14 (No opposing votes)

15

16 CHAIRMAN DEMIENTIEFF: Motion carries.  
17 With that we complete our work in Southeast.

18

19 MR. THOMAS: Mr. Chairman.

20

21 CHAIRMAN DEMIENTIEFF: Yes.

22

23 MR. THOMAS: Region 1 would like to thank  
24 the Board for their participation in this, thank you very  
25 much.

26

27 CHAIRMAN DEMIENTIEFF: With that we'll go  
28 ahead and take another brief break while we change Staff  
29 for the Kodiak/Aleutians.

30

31 (Off record)

32

33 (On record)

34

35 CHAIRMAN DEMIENTIEFF: We'll go ahead and  
36 call the meeting back to order. With that we'll move into  
37 the Kodiak/Aleutians region with our first proposal being  
38 wildlife Proposal No. 01-13, and with that we'll call on  
39 the analysis. Is that going to be you, Dave?

40

41 MR. FISHER: Thank you, Mr. Chairman. For  
42 the record my name is Dave Fisher. I work in the Office of  
43 Subsistence Management. This proposal was submitted by  
44 Della Trumble from King Cove and what this proposal would  
45 do would establish a brown bear subsistence harvest season  
46 for those Federal public lands in Unit 9(D) and Unit 10,  
47 Unimak Island. It would be one brown bear by Federal  
48 registration permit. The proposed seasons would be October  
49 1st through December 31st and the spring season would be  
50 May 1st through the 25th. The Federal public lands

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1 involved here consist of the Izembek National Wildlife  
2 Refuge.

3

4           The current estimated brown bear population  
5 for Unit 9 is around 6,000 animals. Overall this  
6 population is stable. The Unit 9(D) population estimate is  
7 around 900 bears. Unit 10, Unimak Island population  
8 estimate is somewhere around 200 to 250. In both areas the  
9 population is considered stable. Over the years, 90s  
10 averaged approximately 45 bears harvested in the fall and  
11 65 in the spring. Unimak Island has averaged harvest about  
12 eight animals, eight bears per year.

13

14           What this proposal would do would establish  
15 Federal subsistence harvest seasons for hunting on the  
16 Izembek National Wildlife Refuge in 9(D) and also Unimak  
17 Island. The proposal, as modified, would add ceiling  
18 requirements as established by the Federal Subsistence  
19 Board for other brown bear management areas, and also the  
20 spring seasons would be aligned with the current State  
21 regulations.

22

23           As discussed at the Staff Committee  
24 meeting, we may need to establish a separate brown bear  
25 management area for 9(D) and Unimak Island.

26

27           That's all I have Mr. Chairman, thank you.

28

29           CHAIRMAN DEMIENTIEFF: Thank you. Summary  
30 of written comments.

31

32           MS. CHIVERS: Thank you, Mr. Chair. For  
33 the record my name is Michelle Chivers. We received two  
34 comments. We have one comment in opposition from Henry D.  
35 Tiffany, IV, who is a professional guide from Esther. He  
36 writes in opposition of Proposal 13 because he believes it  
37 is unnecessary as the existing State regulations already  
38 allow brown bear hunting.

39

40           The second comment is from the Aniakchak  
41 National Monument SRC. The SRC supports this proposal as  
42 submitted by the proponent. While the game units are  
43 outside the Aniakchak Monument and Preserve, Unit 9(D)  
44 borders the Monument and Preserve. The SRC feels strongly  
45 that a subsistence season be added for the residents of  
46 Units 9(D) and 10.

47

48           Thank you.

49

50           CHAIRMAN DEMIENTIEFF: Thank you. State

1 comments.

2

3 MR. HAYNES: Thank you, Mr. Chairman. The  
4 Department supports this proposal with modification. We  
5 support establishment of a Federal registration permit hunt  
6 for brown bear in Units 9(D) and 10 as requested in the  
7 proposal. However, we request that the permits specify  
8 that any hides to be removed from the area be sealed by the  
9 Fish and Wildlife Service in Cold Bay at which time the  
10 front claws and skin of the head must be removed to destroy  
11 trophy value.

12

13 We also request that if a brown bear  
14 management area is adopted in the context of this proposal,  
15 that it clearly state that only Federal public lands are  
16 included in the management area. We further recommend that  
17 if such a management area is adopted, that its provisions  
18 resemble as closely as possible those of the State's  
19 Chignik Alaska brown bear management area in Unit 9(E).

20

21 To add to our comments, we handed out a new  
22 Proposal 13 specifying some language for sealing and we  
23 have some problems with the recommended sealing  
24 requirements. It's suggested that Department Staff in Cold  
25 Bay be included in providing the sealing and the Department  
26 has Commercial Fisheries Staff in Cold Bay in the summer  
27 and they have their hands full doing commercial fisheries  
28 work so we're not ready to recommend that they have this  
29 additional work placed on them. We also note that King  
30 Salmon is not a transportation hub for the communities in  
31 Units 9(D) or 10 so it would not necessarily be a good  
32 advantage to include King Salmon as an alternate sealing  
33 site.

34

35 So with those caveats we do support some  
36 aspects of this proposal.

37

38 CHAIRMAN DEMIENTIEFF: Thank you. We have  
39 no request for additional public testimony at this time on  
40 this issue. Regional Council recommendation.

41

42 MS. TRUMBLE: Thank you, Mr. Chair. A  
43 couple of items I'd like to bring forth. First of all, in  
44 our meeting in Old Harbor and discussing this, we have a  
45 problem with the issue of the sealing. There's two things  
46 here that basically says that the time the front claws and  
47 skin of the head be removed to destroy trophy value. The  
48 whole purpose of us wanting us to do this is to bring back,  
49 not only the practice of harvesting a bear for subsistence  
50 but to also use the skin of the bear for dance purposes,

1 which is that we would like to have it sent out to  
2 taxidermist, brought back to the community so the King Cove  
3 Aleut dancers can use this as part of their dance group.  
4 In reference to this, Paul Gunderson who is from Nelson  
5 Lagoon stated that the intent of the hunt is that a lot of  
6 those parts and pieces of the animal have been used in  
7 traditional dances and decorations. That was the intent of  
8 taking the animal in the first place. By taking those away  
9 it nullifies the purpose. It's our understanding that  
10 Kodiak also has a subsistence hunt and Al Cratty from Old  
11 Harbor, when asked what their practice was in regard to  
12 this, he stated that it was part of their requirements and  
13 that they had thrown it out because of traditional and  
14 cultural practices.

15  
16 There is someone from ADF&G in Cold Bay  
17 that does the sealing during the State hunts. And I don't  
18 see a problem with that sealing being done but we do have a  
19 problem with removing and retaining the skin and the front  
20 claws. The whole idea is if there are trophy hunts in  
21 place already by the State, and if that was our intention  
22 we could have done it under those guidelines.

23  
24 Thank you.

25  
26 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
27 Committee.

28  
29 MR. O'HARA: Mr. Chairman.

30  
31 CHAIRMAN DEMIENTIEFF: Yes, go ahead, Dan.

32  
33 MR. O'HARA: Excuse me, I have a question,  
34 are you under Chairs now or something else?

35  
36 CHAIRMAN DEMIENTIEFF: We're just going to  
37 hear the Staff Committee recommendation and move onto that.  
38 Go ahead.

39  
40 MR. BOS: Thank you, Mr. Chair. The Staff  
41 Committee recommends the Board adopt the proposal as  
42 modified consistent with the recommendations of the  
43 Kodiak/Aleutians Regional Council. Proposed regulatory  
44 wording has been passed around to the Board members and, I  
45 believe, to the audience. It differs from that that  
46 appears on Page 4 of your Board book. If you'd like I can  
47 read that language into the record or just proceed.

48  
49 CHAIRMAN DEMIENTIEFF: Dan. Are you done?

1 MR. BOS: Well, I can give you the  
2 reasoning of the Staff Committee, the adoption of the  
3 proposal will establish a Federal subsistence brown bear  
4 hunting season in Units 9(D) and 10, Unimak Island. The  
5 brown bear populations in Unit 9(D) and Unimak Island are  
6 stable and capable of sustaining subsistence harvest under  
7 the proposed seasons and harvest limits. Requiring sealing  
8 of bear skins and skulls only if removed from the area  
9 recognizes local customary and traditional practices in the  
10 area and is consistent with the sealing requirements  
11 adopted by the Board for other subsistence brown bear  
12 management areas.

13

14 Thank you.

15

16 CHAIRMAN DEMIENTIEFF: Dan, I failed to  
17 realize that you guys, in fact, do have a stake in this  
18 particular issue and I should have called upon you at the  
19 same time so I apologize for that. It's this recent  
20 separation thing.

21

22 (Laughter)

23

24 MR. O'HARA: The audience hasn't a clue  
25 what you're talking about.

26

27 (Laughter)

28

29 MR. O'HARA: And we still like Della a lot.

30

31 (Laughter)

32

33 MR. O'HARA: Okay, thank you, Mr. Chair,  
34 this is fine. I figured you'd give me an opportunity to  
35 speak. I guess the concern we have is since the  
36 Kodiak/Aleutians Council met, the Bristol Bay Council has  
37 not had a chance to meet. And so I want to be careful of  
38 what I say because our Council has not addressed this issue  
39 yet and I was wondering if 9(D), does that take in the  
40 Chigniks? I don't know if we have a map that will show  
41 that or not. But while she's looking -- no, that's okay.  
42 I was just kind of wondering, the State of Alaska said that  
43 King Salmon was not a hub, part of 9(D), State of Alaska is  
44 part of that hunt area, the Chigniks is a part of the King  
45 Salmon hub. Is that right?

46

47 MR. THOMAS: It's up on the wall.

48

49 MR. O'HARA: Okay.

50

1 UNIDENTIFIED VOICE: The Chigniks are in  
2 9(E).

3  
4 MR. O'HARA: Okay, so the State of Alaska  
5 was right. And the second thing I'd like to address, Mr.  
6 Chairman, is in the past meetings, the Bristol Bay Advisory  
7 Council has gone on record stating that we do oppose this  
8 sealing type method where if it's a subsistence bear you  
9 cut the head and claws off if you want to take it out of  
10 the region, and that is just the most ridiculous thing I  
11 have ever heard in my life. It's a most discriminatory  
12 thing that Western Alaska Brown Bear Management would take  
13 a group of people and say, this guy is paying \$15,000 for  
14 his hide, he can go do anything he wants with it, if I go  
15 eat the animal and try to take the hide out of the area  
16 then I'm penalized by this type of practice. Somewhere  
17 along the line this has to stop, you know. Somebody has to  
18 have a conscious here somewhere in dealing with this issue.

19  
20  
21 So the reason I mention it, Mr. Chair, is  
22 because we have already acted on this in other proposals  
23 that have come before our Council before. But I'm going to  
24 be very clear that we have not acted, Mr. Chairman, on this  
25 one.

26  
27 Thank you.

28  
29 CHAIRMAN DEMIENTIEFF: Thank you, Dan.  
30 We'll now move on to Board deliberations.

31  
32 MR. EDWARDS: Mr. Chairman, I'm trying to  
33 reconcile what I heard from both the State and the Council.  
34 I thought the State basically supported it but had some  
35 concerns about, I guess, on having a representative always  
36 present, right now the language reads that sealing could  
37 occur by either a State or Federal representative, but I  
38 thought the State indicated that it would prefer that it  
39 would be jointly done or did I misunderstand that?

40  
41 MR. HAYNES: Mr. Chairman, I said nothing  
42 about a joint -- about joint sealing.

43  
44 MR. EDWARDS: So this language that says  
45 either or is fine with the State on sealing?

46  
47 MR. HAYNES: I'm going to let Jeff Hughes  
48 speak to that, Mr. Chairman.

49  
50 CHAIRMAN DEMIENTIEFF: Go ahead.

1 MR. HUGHES: Thank you, Mr. Chairman. Our  
2 contention is that we don't have any Staff in Cold Bay and  
3 our one person in King Salmon would be out of the unit and  
4 similarly, typically not available. The best way to do  
5 this would be to have Fish and Wildlife Service do it at  
6 Cold Bay.

7  
8 MR. EDWARDS: You would have no problem  
9 with that?

10  
11 MR. HUGHES: (Nods negatively)

12  
13 MR. EDWARDS: All right. Then my other  
14 question, I guess, for the Council, what I understood is  
15 that there wasn't a problem with the sealing per se but  
16 there was a problem with not being able to keep the hide?

17  
18 CHAIRMAN DEMIENTIEFF: I guess, and I don't  
19 know if you can remember this, but originally in the State  
20 process there was a lot of concern when these regulations  
21 first came into effect within the State Board of Game  
22 process, didn't want to create some kind of industry out of  
23 a sport hunt. I can certainly understand that, sport  
24 hunters coming in and then going off somewhere and selling  
25 bear claws and those kinds of things. But under our  
26 mandate, we have to recognize the traditional practices of  
27 the people in the harvest and that being an important of  
28 it. I know it is at home in Nenana, I've seen stuff, quite  
29 frankly from all over the state, different types of jewelry  
30 items, I mean all kinds of different things. It's a common  
31 practice, I believe.

32  
33 But you know, the actual separation in the  
34 mandate is that the State does not want to create a little  
35 business off the side out of a sport hunt. But of course,  
36 our mandate is quite different.

37  
38 Other discussion. Bill.

39  
40 MR. THOMAS: Mr. Chairman, I think that the  
41 Federal Board is being asked to spread themselves too thin.  
42 Your mandate is to deal with subsistence concerns of the  
43 state of Alaska and you're not involved with the sport  
44 hunt. And so I don't see where that this Board should  
45 concern themselves with a user group that they don't even  
46 have any jurisdiction management capabilities of. And the  
47 second thing is I don't understand how we can even have a  
48 sport harvest of anything in Alaska and be worried about  
49 conservation issues and this kind of thing. It's just a  
50 conflicting situation. If you're not going to use the



1 resource you take for your welfare but to use it as  
2 something like a sport hunt, and I don't understand why  
3 it's called sporty anyway, if it bleeds, to me, it's not  
4 sporty. So I disagree with this and I don't even know who  
5 wrote this proposal. But I don't think that the sealing  
6 and the removal of those parts should be supported because  
7 it is very contrary to the traditional practices of  
8 established subsistence communities.

9

10 Thank you, Mr. Chairman.

11

12 CHAIRMAN DEMIENTIEFF: Thank you, Bill.

13 Ralph.

14

15 MR. LOHSE: I just have a question,  
16 something that Della said there. Am I correct in assuming  
17 that the way this is written that if a resident of Unit 9  
18 or 10 takes a bear under subsistence registration permit  
19 that they cannot send the whole hide out to have it tanned  
20 and returned to themselves, I mean even if it ends up back  
21 in 9 and 10? In other words, basically they're limited  
22 from sending their complete hide out to a tannery and  
23 having it tanned and come back whole? I mean it's not a  
24 case of them sending it out of the area to get rid of it  
25 and sending it out of the area, it's a case of sending it  
26 out to have it tanned to come back into the area and they  
27 can't do that; am I right, under this proposal?

28

29 CHAIRMAN DEMIENTIEFF: Greg.

30

31 MR. BOS: Yes, Mr. Chair, maybe I could add  
32 a little information on a couple of points here. First,  
33 the place of sealing, at Cold Bay, many bears taken under  
34 State regulations are sealed by Federal Staff at the  
35 Izembek National Wildlife Refuge headquarters in Cold Bay.  
36 We've cooperated with the Department of Fish and Game in  
37 helping seal bears and it'd be the Federal intent to seal  
38 bears there if this proposal is adopted recognizing that at  
39 times the Staff of the Department of Fish and Game,  
40 Commercial Fisheries Division may be able to assist in  
41 sealing bears as they do now with the State seasons. We  
42 included King Salmon as another sealing point because the  
43 Regional Council requested that the provisions exempting  
44 the sealing of bears be applied to bears that are moved  
45 within Unit 9, people share bears from Units 9(D) and 10  
46 with other residents of Unit 9. And if bears were to move,  
47 bear skins and parts were to move to Unit 9(C), if then  
48 they were taken out of the unit, King Salmon would be a  
49 more convenient place of departure for the sealing to take  
50 place and that's why we included King Salmon. We had

00050

1 consulted with Dick Sellers, the area biologist at King  
2 Salmon and he was fully supportive and would help seal  
3 bears under those provisions.

4

5 The requirement to devalue the trophy value  
6 of a brown bear in these brown bear management areas goes  
7 way back to 1991 and '92 when the Federal Board, in concert  
8 with the Department of Fish and Game, established special  
9 brown bear management areas. There were two areas  
10 established at that time, the Northwest Alaska Brown Bear  
11 Management area, the area around Kotzebue and the Western  
12 Alaska Brown Bear Management area, which began initially  
13 with Unit 18 and has since been expanded to include parts  
14 of Unit 9 and Unit 17, 19, and 21. At that time there was  
15 strong concern that some local residents would take  
16 advantage of the more liberal provisions in the Federal  
17 regulations, that is, one bear every year to basically hunt  
18 bear for trophy purposes and that concern was particularly  
19 directed to the larger communities in those areas,  
20 communities like Nome, Kotzebue and Bethel, which had  
21 residents there that might take advantage of the more  
22 liberal regulations. That provision may or may not be  
23 necessary in the Southern Alaska Peninsula where the  
24 communities are much smaller and the practices may be  
25 different, but those restrictions were acceptable to  
26 subsistence users in the Western and Northwestern Brown  
27 Bear Management areas and they worked well for 10 years and  
28 there hasn't been any strong objections raised.

29

30 We crafted this regulation to be consistent  
31 with the previous Board actions for special brown bear  
32 management areas and that's why you have that in front of  
33 you. You can deliberate whether further changes are in  
34 order.

35

36 MR. LOHSE: Mr. Chair.

37

38 CHAIRMAN DEMIENTIEFF: Ralph, and then Ron,  
39 you're next.

40

41 MR. LOHSE: Mr. Chair, I still didn't get  
42 an answer to the question I asked, though, and that was  
43 whether a person that lives in 9 or 10 can send their hide  
44 out, because it says, you know, if they're going to have it  
45 it's not going to be removed from 9 or 10, it's going to  
46 stay in 9 and 10, can they send it out to have it tanned  
47 and have it come back to 9 and 10 without removing the  
48 skull and the claws?

49

50 MR. BOS: Mr. Chair, Ralph, no, they could

1 not as this regulation is worded. And that would be  
2 similar to the provisions in those other brown bear  
3 management areas. Residents living in those areas, a  
4 resident in Bethel who takes a bear under the Federal  
5 subsistence provisions cannot send the bear out of the hunt  
6 area to have it tanned and have it returned to them without  
7 having the skin of the head and the claws removed. He can,  
8 however, take a bear under the State regulations, have it  
9 sealed and have the entire skin, head and claws retained  
10 for other purposes.

11

12 CHAIRMAN DEMIENTIEFF: Ron.

13

14 MR. SAM: Thank you, Mr. Chair. As with  
15 you, I have seen all kinds of jewelry and stuff made out of  
16 this, one of our revered animals, and if you recall we did  
17 have a prosecution of one of our residents from Huslia who  
18 sold some stuff and then I just question the practice of  
19 removing the paws and the head skin. Because if you cut  
20 off the paws, you inadvertently are creating an industry  
21 because the only thing it will be good for, is the claws,  
22 to make jewelry and stuff that is used automatically barter  
23 and trade or you know, keep it in the family or it may be  
24 creating an industry in itself because you could make all  
25 kinds of jewelries and stuff for keepsakes out of teeth and  
26 the claws. So it may be self-defeating to remove the claws  
27 and the head skin.

28

29 Thank you, Mr. Chair.

30

31 CHAIRMAN DEMIENTIEFF: Della first and then  
32 Bill.

33

34 MS. TRUMBLE: I think I just kind of want  
35 to try to, again, clarify something. There is a process  
36 already in place under the State for the sport hunt. Our  
37 intention is only to use this for, like I say, the two  
38 purposes and it is to develop and establish our customary  
39 trade practices which we have basically lost to quite a  
40 degree in our region, and it's only been the last three to  
41 five years that we've been able to start even looking at  
42 the village sites in the eastern Aleutians, and this is  
43 just part of that as us learning and being able to  
44 understand our culture that we've basically totally lost.

45

46 CHAIRMAN DEMIENTIEFF: Bill.

47

48 MR. THOMAS: Mr. Chairman, thank you. At  
49 the very beginning of Title VIII it mentions a commitment  
50 that we need to support with regard to the customs and

1 traditions of the Native populations and I think we need to  
2 bear that in mind. And much of the discussion I'm hearing  
3 now is not consistent with that and I think the request  
4 that Della's making and the rationale that she's offering  
5 is very consistent with that provision.

6  
7 Thank you, Mr. Chair.

8  
9 MS. CROSS: Mr. Chair.

10  
11 CHAIRMAN DEMIENTIEFF: Grace.

12  
13 MS. CROSS: If the Board passes this with  
14 front claws and skin of the head be removed, you might as  
15 well replace trophy with cultural value, destroy cultural  
16 value.

17  
18 CHAIRMAN DEMIENTIEFF: Willie.

19  
20 MR. GOODWIN: Thank you, Mr. Chairman.  
21 This is just another instance and case of over-regulation  
22 of a proposal. Thank you.

23  
24 MR. EDWARDS: Mr. Chairman.

25  
26 CHAIRMAN DEMIENTIEFF: Yes.

27  
28 MR. EDWARDS: Well, I guess I'm trying to  
29 look for some common ground here because what I heard Greg  
30 said was that this is a practice that's been in effect for  
31 10-plus years and up until now apparently hasn't been an  
32 issue but now it's an issue and it does seem like some of  
33 the rationale for wanting to change it are valid. I mean  
34 the question is is there a way that we can accomplish  
35 what's being requested and yet maintain some of the  
36 rationale that's apparently been in place for 10 years. I  
37 certainly don't have an answer but it seems to me we ought  
38 to be able to do something. And Ida says she has an answer  
39 so I'll yield to her.

40  
41 CHAIRMAN DEMIENTIEFF: Well, let me just go  
42 first here. In the past, you know, some of the things we  
43 protected, where traditional or customary practice has been  
44 regulated out of existence, and in some cases where  
45 regulations have disrupted a practice or for other reasons,  
46 and people are looking to reestablish a long-term practice,  
47 you know, we have made those kinds of decisions in the  
48 past. Just because a practice has been disrupted it's  
49 still well-based in the culture of the people and as such,  
50 you know, we have used that rationale in the past, Gary, to

1 do that.

2

3 Ida.

4

5 MS. HILDEBRAND: Thank you, Mr. Chairman.  
6 In reference to Mr. Edward's comment, it would seem that  
7 the only differences, what I understand Kodiak/Aleutians to  
8 be requiring is that the last line be stricken, which would  
9 be, at the time of sealing that Fish and Wildlife or ADF&G  
10 representatives shall remove and retain the skin of the  
11 skull and the front claws of the bear. If you remove that  
12 language you'd still have a sealing requirement, if it's  
13 removed from the area but under a subsistence hunt, which  
14 is specifically only to Unit 9(D) and Unit 10, they would  
15 require a sealing but not the removal of the claws and the  
16 skin of the skull.

17

18 MR. EDWARDS: Mr. Chairman, I guess,  
19 certainly for one would have no problem with that. I guess  
20 I'd like to better understand then what is the broader  
21 implications of doing that and for other areas, does it  
22 have application or not?

23

24 CHAIRMAN DEMIENTIEFF: Go ahead, Ida.

25

26 MS. HILDEBRAND: As Della stated, well,  
27 mostly all of the Chairman that have spoken have stated,  
28 this practice is already allowed for sports hunting under  
29 the State regulations, that they can take whatever they  
30 kill out of the region by sealing, and that the disparage  
31 treatment of subsistence users and at the same time we're  
32 mandated to protect the subsistence uses and practices and  
33 this has implications, because the regulation specifically  
34 states, Unit 9(D) and 10 only to Unit 9(D) and 10. All the  
35 other regulations throughout the state that are Federal  
36 regulations would remain intact unless there was a future  
37 proposal to change those, and I don't expect that there  
38 would be a future proposal to change them since the people  
39 of those regions have not objected to the treatment or the  
40 regulations for 10 years.

41

42 CHAIRMAN DEMIENTIEFF: I'm trying to  
43 wrestle with an understanding, too. Della, maybe you can  
44 help me. Was there objection to tanning in Cold Bay or  
45 King Salmon by the Regional Council?

46

47 MS. TRUMBLE: We can't do any tanning.

48

49 CHAIRMAN DEMIENTIEFF: Sealing, I'm sorry.

50

1 MS. TRUMBLE: Sealing, there's no objection  
2 to sealing. We already do that, the sealing in Cold Bay,  
3 just under the State sport hunt and I've done it myself  
4 even.

5  
6 CHAIRMAN DEMIENTIEFF: And then we can add  
7 King Salmon, the Council's in favor of that?

8  
9 MS. TRUMBLE: Yeah.

10  
11 CHAIRMAN DEMIENTIEFF: It's for, not  
12 against?

13  
14 MS. TRUMBLE: There's no problem with that.

15  
16 CHAIRMAN DEMIENTIEFF: Okay, now, the  
17 second part of that is remove or retain the skin of the  
18 skull and front claws of the bear, that's something the  
19 Council wants to see stricken out. Because in the Staff  
20 Committee recommendation it does have that requirement,  
21 which basically -- go ahead, I'm sorry.

22  
23 MS. TRUMBLE: I guess in looking at this,  
24 we're talking about one bear from Unit 9(D) and one from  
25 Unit 10. I can see if there was a problem if it had one  
26 bear per household or something under those lines, but  
27 we're only talking about one bear from each of those units.

28  
29 CHAIRMAN DEMIENTIEFF: And is there a  
30 tannery available in those units?

31  
32 MS. TRUMBLE: No.

33  
34 CHAIRMAN DEMIENTIEFF: Is that something  
35 you would want to do?

36  
37 MS. TRUMBLE: Yes, it is. And the reason  
38 for it is to use the bear for the dance groups in our  
39 region.

40  
41 CHAIRMAN DEMIENTIEFF: Right. So those are  
42 really the few things that are kind of confusing about the  
43 proposal. Greg, can you answer where the regulation that  
44 prevents you from removing the bear from those units?

45  
46 MR. BOS: In the other brown bear  
47 management areas?

48  
49 CHAIRMAN DEMIENTIEFF: No, applying here.  
50 I'm talking about this specific proposal. Is there a

1 regulation that would prevent them from sending the skin of  
2 the bear out to a tannery given that there's not a tannery  
3 available in that region?

4

5 MR. BOS: No, we have no regulations in  
6 place because we haven't had a Federal hunt in this area.  
7 And what's being proposed and you have in front of you was  
8 the Staff Committee recommended regulatory wording to  
9 establish this special brown bear management area for the  
10 Southern Alaska Peninsula and to put these sealing  
11 requirements in place.

12

13 CHAIRMAN DEMIENTIEFF: Della.

14

15 MS. TRUMBLE: Someone just handed this to  
16 me, but maybe is it an option to make it a special use  
17 permit that can be given to the tribes that they can  
18 regulate or have tribal members do the hunt for them as an  
19 educational purpose and also to donate the hide to the  
20 dance groups?

21

22 MR. EDWARDS: Mr. Chairman, it's my  
23 understanding that we would have the authority to issue  
24 some kind of a cultural use permit and certainly that might  
25 be a way to go, but I guess a more fundamental question,  
26 does that really get at the issue? I mean if that's  
27 acceptable to the Council then I think we could do that.

28

29 And I guess my other question is just for,  
30 maybe a matter of correctness here, is that, the way I  
31 actually understand it, the Council is sort of modifying  
32 their original proposal, because my understanding,  
33 actually, the original proposal, which the Staff Committee  
34 sort of is supporting would include the destruction so it  
35 is technically a modification of your original proposal?

36

37 MS. TRUMBLE: Yes.

38

39 MR. EDWARDS: Okay.

40

41 CHAIRMAN DEMIENTIEFF: Dan.

42

43 MR. O'HARA: Mr. Chairman, this is not  
44 something, Mr. Edwards, that just recently comes up, this  
45 goes probably back before you came to this table. And Ida  
46 may stand corrected in that this has been up in the Bristol  
47 Bay area before and I think one of the things that we need  
48 to look at and we need to ask Greg about is where did this  
49 -- the people who came up with this wording, they're called  
50 the Western Brown Bear Management Plan; is that right,

1 Greg?

2

3 MR. BOS: Yes.

4

5 MR. O'HARA: And who do they consist of?  
6 Who makes up this group of people?

7

8 MR. BOS: All of the rural residents of the  
9 units that are included within that unit who have customary  
10 and traditional use of brown bears in the units that are  
11 included within the management area.

12

13 MR. O'HARA: Bristol Bay has never endorsed  
14 cutting the heads and feet off these animals. And it's my  
15 understanding that there was a group of people originally  
16 who started this who were biologists and management people  
17 from the government that gave us this wording in the first  
18 place; is that right or not?

19

20 MR. BOS: Yes, this goes back to 1990 and  
21 '91 when people in the Bethel area wanted to establish  
22 brown bear Federal subsistence regulations that allowed  
23 them to take a bear every year, not to have to submit to  
24 the sealing requirements, that they use the bears at their  
25 places of residences, that they primarily use the bears for  
26 food and so the regulatory language was crafted to  
27 accommodate their needs and to satisfy management concerns  
28 about the potential for abuse of the more liberal  
29 regulations. And those regulations were adopted for the  
30 Western Brown Bear Management area and the Northwestern  
31 Brown Bear Management area. Both areas have subsequently  
32 been expanded to include additional units.

33

34 MR. O'HARA: Okay.

35

36 MR. BOS: I do know that your Council  
37 considered a proposal for brown bear harvest in Lake Clark  
38 Park and Preserve where you considered this issue and you  
39 recommended regulations which the Board subsequently  
40 adopted which did not require the devaluation of the bear.

41

42 MR. O'HARA: That's right. And that's why  
43 I say it's not an issue that has not come up before and has  
44 not been dealt with because we have dealt with that issue  
45 before, Mr. Chairman.

46

47 CHAIRMAN DEMIENTIEFF: I think we're kind  
48 of mixing apples and oranges here a little bit. Della,  
49 I've got a suggestion. I think we understand exactly what  
50 you want, which is one bear per year for ceremonial



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1 purposes, correct?

2

3 MS. TRUMBLE: (Nods affirmatively)

4

5 CHAIRMAN DEMIENTIEFF: And then you can  
6 send it out -- well, there'd be nothing prohibiting you  
7 from sending it out but then striking the removal of the  
8 skin and claws, and that's specifically all you're looking  
9 at, two bears per year?

10

11 MS. TRUMBLE: (Nods affirmatively)

12

13 CHAIRMAN DEMIENTIEFF: Okay. So what I'm  
14 going to suggest is that we break for lunch and we've got  
15 the language here so you wouldn't have to come back  
16 annually for a permit, a separate permitting process, that  
17 basically it would be in the regulations. And what I'm  
18 going to suggest that we do is just have you meet, we'll  
19 just recess right now for lunch, have you meet clean up the  
20 language and get exactly what the Regional Council had  
21 intended to get because the direction we're going right now  
22 and the way I would read it is that one bear, that would be  
23 to the whole unit, well, it might not be a Native person, a  
24 non-Native person that goes in there and harvests that one  
25 bear, we don't want to see that. So we could put the  
26 regulation on the books, it's just a matter of cleaning up  
27 the language and I think if we just broke now, you stayed  
28 and worked with Staff over lunch, that you'd have the right  
29 language that you're looking for; is that agreeable to you?

30

31 MS. TRUMBLE: Yes, it is. Thank you, Mr.

32 Chairman.

33

34 MR. EDWARDS: Mr. Chairman, I think that  
35 that is a good solution. I guess my question is I think  
36 we're simply just talking about deleting that last sentence  
37 so why don't we just do that and move on.

38

39 CHAIRMAN DEMIENTIEFF: No. It reads one  
40 bear, you know, by Federal registration. Well, that means  
41 somebody, anybody could apply in that unit and that defeats  
42 the purpose of that.

43

44 MR. BOS: Mr. Chair, that one bear is one  
45 bear per hunter. It's not one bear for the unit.

46

47 CHAIRMAN DEMIENTIEFF: That's not what  
48 you're intending to do, right, Della?

49

50 MS. TRUMBLE: That is not. I'd like to, if

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1 we can, go ahead and take Mitch's recommendation because I  
2 think we can get this cleaned up in a lot more quicker  
3 manner than it is taking now.

4

5 CHAIRMAN DEMIENTIEFF: I think I know what  
6 you want and I think we can get that done very easily.  
7 It's just one bear per unit per year, that's all, for  
8 ceremonial purposes. We'll have it cleaned up and be done  
9 with it real quick I would imagine. So we'll go ahead and  
10 recess until 1:00 o'clock and we'll come back with this  
11 issue. Thank you.

12

13 (Off record)

14

15 (On record)

16

17 CHAIRMAN DEMIENTIEFF: We'll call the  
18 meeting back to order. At this time we'll continue our  
19 deliberations with regard to Proposal No. 13, wildlife  
20 proposal 01-13. Do we have a motion on the floor?

21

22 MR. BOYD: Yes.

23

24 CHAIRMAN DEMIENTIEFF: We do have a motion  
25 floor.

26

27 MR. BOYD: Wait a minute, let me check --  
28 no, we don't. We just finished the Staff Committee and  
29 Regional Council comments.

30

31 (Pause)

32

33 CHAIRMAN DEMIENTIEFF: Okay, we do have a  
34 proposal in front of us. Before we left for lunch, I'd  
35 asked the principals, being Kodiak/Aleutian Regional  
36 Council rep to work up some language and I believe you guys  
37 have worked up something, Della?

38

39 MS. TRUMBLE: (Nods affirmatively)

40

41 CHAIRMAN DEMIENTIEFF: Could you read that,  
42 please.

43

44 MS. TRUMBLE: Thank you, Mr. Chair. I  
45 apologize for some of the confusion, this has been a  
46 learning process for us. What we'd like to propose is that  
47 the communities of False Pass, King Cove, Cold Bay, Sand  
48 Point and Nelson Lagoon annually may each take from October  
49 1 through December 31st or May 10th through May 25th, one  
50 brown bear for ceremonial purposes under the terms of a

1 Federal registration permit. A permit will be issued to an  
2 individual only at the request of a local organization.  
3 The brown bear may be taken from either Unit 9(D) or Unit  
4 10, Unimak Island only. The sealing requirements would be  
5 as follows: any brown bear skin or skull that is to be  
6 removed from Unit 9(D) or 10, Unimak Island shall be sealed  
7 by U.S. Fish and Wildlife Service or ADF&G personnel in  
8 Cold Bay or King Salmon.

9

10 Thank you.

11

12 CHAIRMAN DEMIENTIEFF: And while we all  
13 understand it doesn't bear the weight of the action  
14 Regional Council recommendation, in your opinion as  
15 Chairman, it does intend where the Regional Council wanted  
16 to go?

17

18 MS. TRUMBLE: Yes, that is correct.

19

20 CHAIRMAN DEMIENTIEFF: Okay. Discussion on  
21 this language?

22

23 MR. EDWARDS: Mr. Chairman, I wonder if it  
24 would be all right with the Council that after, for  
25 ceremonial purposes, we insert from Federal public lands?

26

27 MS. TRUMBLE: (Nods affirmatively)

28

29 CHAIRMAN DEMIENTIEFF: Gary, that does go  
30 without saying since that's the only area we have  
31 jurisdiction. Other discussion on the language. Terry,  
32 from your perspective, do you think that might alleviate  
33 some of the State's concerns?

34

35 MR. HAYNES: Mr. Chairman, we're  
36 comfortable with this substitute language. And the  
37 understanding would be that bears taken under provisions of  
38 this hunt would be subject to normal sealing requirements,  
39 which would allow retention of the claws and not destroy  
40 that is of concern to the Regional Council.

41

42 CHAIRMAN DEMIENTIEFF: Right. They would  
43 stay with the bear. And also the understanding is, is  
44 that the bear skin could be sent out of the region for  
45 tanning. I'm sorry go ahead.

46

47 MR. BOS: Mr. Chairman, I guess I would  
48 suggest that we don't even need to refer to sealing  
49 requirements under this special provision regulations. If  
50 normal sealing requirements would apply, we wouldn't need

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1 to specify Cold Bay and King Salmon, people could have them  
2 sealed anywhere as we require under our standard  
3 regulations.

4

5 MS. TRUMBLE: That would be acceptable, Mr.  
6 Chair. We just thought there was a requirement for  
7 sealing, but if there isn't under this special permit use  
8 then we're okay.

9

10 MR. BOS: There would be a requirement for  
11 sealing under the standard sealing regulations that apply  
12 for brown bears for most of the state, we just wouldn't  
13 need to specify particular communities that they would need  
14 to be sealed in.

15

16 CHAIRMAN DEMIENTIEFF: Okay. And then  
17 again, the regulation could maximally only allow for a  
18 harvest of five bears annually. And in terms of biological  
19 purposes, do either biologists feel that that would cause  
20 significant damage, either from the State or Federal  
21 perspective?

22

23 MR. HAYNES: Mr. Chairman, no, we don't  
24 have a concern with this right now.

25

26 MR. FISHER: No, it shouldn't cause any  
27 problem, Mr. Chairman.

28

29 CHAIRMAN DEMIENTIEFF: Okay, good.

30

31 MR. BRELSFORD: Mr. Chairman.

32

33 CHAIRMAN DEMIENTIEFF: Yes.

34

35 MR. BRELSFORD: We had a question of  
36 clarification on the drafting here. In the original  
37 proposal, the May season is referred to as starting on May  
38 1st and ending on May 25th, and somehow in the Staff  
39 Committee recommendation and again in the language just  
40 read to us, it refers to the May season as starting on May  
41 10th and ending on May 25th. We wanted to make sure that  
42 wasn't a typing error. Is there a reason for the later  
43 start compared to the Staff analysis and the proposal as it  
44 was submitted?

45

46 MS. TRUMBLE: No, I think it was we just  
47 copied those dates from the original proposal.

48

49 CHAIRMAN DEMIENTIEFF: The original  
50 proposal was May 1st, so it must be just a typo.

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1 MS. TRUMBLE: A typo, yeah.

2

3 CHAIRMAN DEMIENTIEFF: Go ahead, Greg.

4

5 MR. BOS: Maybe Dave Fisher could speak to  
6 this, I believe this was discussed at the Council meeting  
7 and the Council agreed to change the date to May 10 so it  
8 would be aligned with the State regulation dates?

9

10 MR. FISHER: That's correct, Greg. You're  
11 correct it was discussed at the Council meeting and it was  
12 changed to May 10th.

13

14 CHAIRMAN DEMIENTIEFF: Della.

15

16 MS. TRUMBLE: That is correct. We  
17 discussed this with the State also and agreed to align  
18 those dates. Thank you.

19

20 CHAIRMAN DEMIENTIEFF: Good. Okay, any  
21 other discussion. At this time if there's no other  
22 discussion the Chair would entertain a motion to adopt the  
23 substitute language as drafted and read into the record by  
24 the Regional Council rep. Is there a motion?

25

26 MR. CHERRY: Mr. Chair, I propose that we  
27 accept this substitute language as read into the record.

28

29 CHAIRMAN DEMIENTIEFF: Is there a second to  
30 that motion?

31

32 MS. KESSLER: Second.

33

34 CHAIRMAN DEMIENTIEFF: Further discussion.

35

36 MR. EDWARDS: Mr. Chairman.

37

38 CHAIRMAN DEMIENTIEFF: Gary.

39

40 MR. EDWARDS: Could we read the language  
41 one more time so we know exactly what we're voting on?

42

43 CHAIRMAN DEMIENTIEFF: Communities of False  
44 Pass, King Cove, Cold Bay, Sand Point and Nelson Lagoon,  
45 annually may each take from October 1 through December 31st  
46 or May 10th through May 25th one brown bear for ceremonial  
47 purposes under the terms of a Federal registration permit.  
48 A permit will be issued to an individual only at the  
49 request of a local organization. The brown bear may be  
50 taken from either Unit 9(D) or 10, Unimak Island only.

1 Other discussion on the motion. William.

2

3 MR. THOMAS: Thank you, Mr. Chairman. Is  
4 there an understanding or some indication in that language  
5 that satisfies the cultural concerns? Thank you, Mr.  
6 Chairman.

7

8 CHAIRMAN DEMIENTIEFF: As represented by  
9 Regional Council Chair, it's agreeable.

10

11 MR. THOMAS: Thank you.

12

13 CHAIRMAN DEMIENTIEFF: Terry.

14

15 MR. HAYNES: Mr. Chairman, we still would  
16 feel more comfortable if either in the language here or in  
17 the permit itself it specified that this hunt occurs on  
18 Federal public lands since the State also issues permits  
19 for a State hunt, there could be some confusion about which  
20 permits apply to which areas. We understand that in the  
21 Federal regulations it's implicit that this hunt would  
22 occur on Federal public lands but for clarity it might be  
23 useful to either have that clarification in this language  
24 or in the permit itself that hunters would obtain.

25

26 CHAIRMAN DEMIENTIEFF: We can deal with  
27 that language in the actual permit itself if that's  
28 agreeable?

29

30 MR. HAYNES: Thank you.

31

32 CHAIRMAN DEMIENTIEFF: Any other  
33 discussion. Hearing none, all those in favor of the motion  
34 please signify by saying aye.

35

36 IN UNISON: Aye.

37

38 CHAIRMAN DEMIENTIEFF: Those opposed same  
39 sign.

40

41 (No opposing votes)

42

43 CHAIRMAN DEMIENTIEFF: Motion carries.

44 Proposal No. 14.

45

46 MR. FISHER: Yes, Mr. Chairman. Proposal  
47 No. 14 was submitted by the Kodiak Fish and Game Advisory  
48 Committee. What this proposal would do is change the  
49 season dates for elk hunting from September 1st to November  
50 30th to September 25th to November 30th, one elk by State

1 registration permit. This would eliminate the current  
2 regulation of one elk per household and one elk per two  
3 hunters. It would also add Uganik and Kodiak Island to the  
4 hunt area.

5  
6 The Kodiak Fish and Game Advisory Committee  
7 submitted a similar proposal to the Board of Game and  
8 changed the State season dates from September 25th through  
9 November 30th to October 5th to November 30th, and this was  
10 contingent upon the Federal Subsistence Board adopting  
11 Proposal No. 14, this proposal.

12  
13 I would like to point out one thing, in the  
14 Staff Committee recommendation, the State season closes on  
15 November 30th, not October 22nd, as shows there. There was  
16 some confusion because the State season does close on  
17 October 22nd in other parts of Unit 8 so there is a little  
18 confusion.

19  
20 Both these proposals, the one to the Board  
21 of Game and the one to us were sort of an attempt by the  
22 Fish and Game Advisory Committee, the Kodiak National  
23 Wildlife Refuge and the Alaska Department of Fish and Game  
24 to simplify the elk hunt regulations, increase the hunt  
25 area and still maintain the 10 day early subsistence season  
26 and increase the potential for more harvest for subsistence  
27 users. The elk population that we're talking about is  
28 called the waterfowl bird and it ranges anywhere from 80 to  
29 150 animals. I think the current estimate is around 100.  
30 And this herd uses the Refuge portion of Afognak Island and  
31 occasionally gets over on the Kodiak Island portion of the  
32 Refuge. And during the fall about half this herd used the  
33 Refuge. During the past three seasons, we issued Federal  
34 registration permits although no elk have been harvested  
35 under -- have been reported harvested with the Federal  
36 registration permit.

37  
38 What this proposal would do would increase  
39 the subsistence hunt area with the addition of Kodiak and  
40 Uganik Island, simply the regulations by removal of the one  
41 elk per household and one elk per two hunters in a party  
42 and would use the State registration permit instead of  
43 currently using two permits. It would set the season back  
44 and reduce the potential for meat spoilage and subsistence  
45 hunters would still have a 10 day season prior to other  
46 hunters.

47  
48 That's all I have, Mr. Chairman. Thank  
49 you.

1 CHAIRMAN DEMIENTIEFF: Thank you. Summary  
2 of written public comments.

3

4 MS. CHIVERS: Thank you, Mr. Chair. There  
5 are no public comments at this time, written comments.

6

7 CHAIRMAN DEMIENTIEFF: Department comments.

8

9 MR. HAYNES: Mr. Chairman, the Department  
10 supports the proposal as submitted by the Kodiak Fish and  
11 Game Advisory Committee. Uniform season opening dates are  
12 needed in the State and Federal subsistence regulations to  
13 reduce pressure on the elk population in Unit 8 and to  
14 allow hunters to use a single permit. At its March 2001  
15 meeting in Anchorage, as Mr. Fisher pointed out, the Board  
16 of Game shortened the elk season in the portion of Unit 8  
17 that includes Federal public lands by 10 days by changing  
18 the opening date from September 25th to October 5th,  
19 contingent upon the Federal Subsistence Board implementing  
20 a September 25th season opening for the same hunt on  
21 Federal public lands. The September 25th opening would  
22 give Federally-qualified subsistence users 10 days of elk  
23 hunting opportunity prior to the State season and would  
24 allow the hunt to be administered with a single permit.

25

26 If the Federal Subsistence Board adopts the  
27 proposal as modified by the Kodiak/Aleutians Regional  
28 Council, and opens the season on September 15th, then the  
29 Board of Game action is nullified and a Federal permit may  
30 be required for the Federal subsistence season.

31

32 We also note for the record that the  
33 Regional Council was not aware of the Board of Game action  
34 when it met so it didn't have the benefit of knowing what  
35 the new State season was going to be before it discussed  
36 this issue at its fall meeting.

37

38 Thank you.

39

40 CHAIRMAN DEMIENTIEFF: Thank you. We have  
41 no request for additional public testimony from the floor  
42 at this time. Regional Council recommendation.

43

44 MS. TRUMBLE: Thank you Mr. Chair. Reading  
45 from our minutes of our meeting this fall in Old Harbor,  
46 Ivan Lukin, Pete Squartsoff and Al Cratty support one elk  
47 per household. It usually takes two people most of the day  
48 to get one elk out. They also support the September 15  
49 date because it allows them to harvest their subsistence  
50 elk. I believe this is something we did testify on last



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1 year, so thank you.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
4 Committee recommendation.

5

6 MR. BOS: Yes, Mr. Chairman. The Staff  
7 Committee recommendation is to adopt the proposal as  
8 modified consistent with the recommendation of the  
9 Kodiak/Aleutians Regional Council. The proposed regulatory  
10 wording is shown on Page 13 of your book. Adoption of the  
11 modified proposal will change the elk season opening date  
12 from September 1 to September 15, which will provide  
13 subsistence users 10 days of hunting opportunity before the  
14 State season opens on September 25th.

15

16 Modifying the proposal to remove the  
17 possession limit of one elk for each two hunters in a party  
18 is less burdensome for subsistence or retention of the one  
19 elk per household limit will serve to provide the harvest  
20 opportunity to more households. The proposal also expands  
21 the hunt area to include Kodiak and Uganik Islands where  
22 elk may occasionally be encountered.

23

24 CHAIRMAN DEMIENTIEFF: Thank you, very  
25 much. We're now ready to advance this to Board and  
26 Regional Council discussion. Is there anybody who wishes  
27 to discuss the matter? If not, we're ready for a motion.  
28 Gary, you got something?

29

30 MR. EDWARDS: No, I'm going to make a  
31 motion.

32

33 CHAIRMAN DEMIENTIEFF: Okay, go ahead.

34

35 MR. EDWARDS: Mr. Chairman, I move that the  
36 Board adopt the modified proposal consistent with the  
37 recommendation of the Kodiak/Aleutians Regional Council.  
38 By doing so and adopting this modified proposal will  
39 simplify the subsistence elk hunting regulations for Unit 8  
40 residents as well as to continue to provide a meaningful  
41 preference for subsistence users. The proposal will also  
42 add additional areas where elk may be taken if they're  
43 encountered.

44

45 CHAIRMAN DEMIENTIEFF: We have a motion, is  
46 there a second?

47

48 MS. GOTTLIEB: Second.

49

50 CHAIRMAN DEMIENTIEFF: Discussion on the

1 motion. Hearing none, all those in favor of the motion,  
2 please signify by saying aye.

3  
4 IN UNISON: Aye.

5  
6 CHAIRMAN DEMIENTIEFF: Those opposed, same  
7 sign.

8  
9 (No opposing votes)

10  
11 CHAIRMAN DEMIENTIEFF: Motion carries.  
12 That concludes our work on Kodiak/Aleutians and we're now  
13 ready to go ahead and move into Bristol Bay. We'll go  
14 ahead and change Staff since we -- I'm sorry, go ahead,  
15 Della.

16  
17 MS. TRUMBLE: Mr. Chair, I just wanted to  
18 thank everybody for their help and support in doing our  
19 proposals. Thank you.

20  
21 CHAIRMAN DEMIENTIEFF: You're welcome.  
22 We've got the same Staff so we'll switch very quickly, we  
23 won't take a break we'll just go at ease for a couple of  
24 minutes here and get our paperwork together.

25  
26 (Pause)

27  
28 CHAIRMAN DEMIENTIEFF: I will note for the  
29 record that there are two consent agenda items from Bristol  
30 Bay, Proposals No. 18 and 19 are still on the consent  
31 agenda. You ready to go Dave?

32  
33 MR. FISHER: Yes, Mr. Chair.

34  
35 CHAIRMAN DEMIENTIEFF: With that, we'll go  
36 ahead and begin our Staff analysis on wildlife Proposal 01-  
37 17 -- pardon me, correction, we are going to take -- I  
38 forgot that we modified the agenda at the beginning of the  
39 meeting and we are actually going to open up with Proposal  
40 22.

41  
42 MR. FISHER: Thank you, Mr. Chairman.  
43 Proposal No. 22 was submitted by the Bristol Bay Native  
44 Association and what this proposal would do would allow for  
45 subsistence hunting, same day airborne land and shoot of  
46 wolves under the subsistence hunting regulations for Unit  
47 9(C) and 9(E). It would also allow the subsistence take  
48 same day airborne land and shoot of free-ranging wolves  
49 under subsistence trapping regulations in 9(C) and 9(E).

1           The original intent of this proposal was  
2 predator control, however, the proponent met with the  
3 subsistence Staff in our office in Anchorage in late  
4 January and specified that the intent of the proposal was  
5 to increase subsistence opportunity for the taking of  
6 wolves with the use of aircraft, same day airborne with a  
7 valid trapping license.

8  
9           The current Federal subsistence hunting  
10 regulations for wolves in Unit 9 are August 10th through  
11 April 30th with a harvest limit of five wolves. The  
12 Federal subsistence trapping regulations for Unit 9 are  
13 November 10th through March 31st, harvest, no limit.  
14 Current Federal subsistence hunting and trapping  
15 regulations do prohibit same day airborne taking of wolves,  
16 however, a trapper using a firearm may dispose of or kill,  
17 dispatch furbearers caught in trap, same day airborne.  
18 Current Federal regulations to authorize the use of  
19 aircraft in support of trapping such as trappers checking  
20 their snares, traps, camp drop-offs, hauling in supplies  
21 and so on.

22  
23           The Federal public lands involved with this  
24 proposal for 9(C) consist of the Becharof National Wildlife  
25 Refuge, BLM lands and the Katmai National Park and  
26 Preserve. In Unit 9(E), Federal public lands consist of  
27 the Becharof National Wildlife Refuge, the Ugashik and  
28 Chignik Units of the Alaska Peninsula National Wildlife  
29 Refuge and the Aniakchak National Monument and Preserve.

30  
31           Customary and traditional use of wolves for  
32 Unit 9 includes rural residents of the following units, 6,  
33 9, Unimak Island in Unit 10, Units 11 through 13, Units 16  
34 through 26 and the residents of Chickaloon. Current  
35 National Park regulations prohibit the same day airborne  
36 take of certain species on all Park units and this includes  
37 wolves. The Bureau of Land Management, they currently have  
38 no regulations for the use of aircraft used for hunting and  
39 trapping on BLM lands in Alaska. Fish and Wildlife  
40 regulations prohibiting the same day airborne take of  
41 wolves on National Wildlife Refuges in Alaska do not apply  
42 To the take of fish and wildlife for subsistence purposes.

43  
44           Wolves in Unit 9 are abundant to  
45 increasing. We don't have a lot of good biological data on  
46 wolves. Most of the information comes from biologists  
47 doing surveys, counting other animals, out in the field  
48 talking to hunters, trappers, talking to locals and to-  
49 date, no real hardcore studies have been done to determine  
50 the status of the wolf population or their ecological

1 association there in Units 9(C) and 9(E). However, most  
2 local residents and this was brought up at the Council  
3 meeting believe that the current wolf population is stable  
4 to increasing.

5  
6 A little bit on the history, like I said,  
7 no studies have been done so we don't have a lot of  
8 information as far as the use of aircraft but we do know  
9 that aircraft have been used to take wolves in the Bristol  
10 Bay area since the late 40s, early 50s and so on. At that  
11 time both the State and Federal governments encouraged  
12 aerial wolf hunting and they actually provided bounties.  
13 Wolf pelts have been traded, sold to fur buyers or used for  
14 personal use for a number of years. However, passage of  
15 the Airborne Hunting Act in 1974 curtailed a lot of these  
16 activities so the same day airborne take did drop off in  
17 the mid-70s. Like I said, we don't have a lot of direct  
18 information regarding the subsistence take of wolves using  
19 aircraft but we do know that aircraft and other means of  
20 transportation have been used since the mid-70s up to the  
21 present time. Like I mentioned earlier, trappers with  
22 access to aircraft have used these aircraft to access their  
23 traplines, access their cabins, fly in supplies and so on.

24  
25 What this proposal would do would provide  
26 additional subsistence opportunities for the hunting of  
27 wolves, same day airborne, to those subsistence users who  
28 have access to airplanes. Hunters and trappers using  
29 aircraft same day airborne could cover more areas in a  
30 shorter period of time. However, under current customary  
31 and traditional use determination, qualified rural  
32 residents from 17 other GMUs could come to subunit 9(C) and  
33 9(E) and take wolves on Fish and Wildlife Service lands and  
34 BLM lands but currently not on Park Service or State lands.  
35 This could potentially increase the wolf harvest. However,  
36 by increasing the wolf harvest with outside hunters and  
37 trappers, they would be taking wolves that local hunters  
38 would normally get.

39  
40 Some other things that possibly should be  
41 considered when addressing this proposal which would  
42 provide for subsistence opportunities would be to increase  
43 the harvest limit under the hunting regulations, both the  
44 Federal and State regulations. The current harvest limit  
45 is five. Another item that we considered was to implement  
46 a designated hunter permit system where somebody could hunt  
47 wolves for another person similar to our designated hunter  
48 permit process that we use for caribou.

49  
50 Finally, if there is a problem, predator

1 control problem, perhaps it should be further evaluated  
2 with a meeting with the resource managers, Regional  
3 Councils and maybe discussed at a workshop.

4

5 That's all I have, Mr. Chairman.

6

7 CHAIRMAN DEMIENTIEFF: Thank you. Summary  
8 of written public comments.

9

10 MR. EDENSHAW: Thank you, Mr. Chair.  
11 Inside the Board book there were three comments. One from  
12 George Siavelis, a trapper and hunter who resides in Aniak  
13 supports Proposal 22. He writes in favor of keeping wolf  
14 numbers low so that the moose population in his area will  
15 not be depleted resulting in an imbalance of the ecosystem  
16 and the local people's herds being destroyed.

17

18 David Haeg from the Secretary of Alaska's  
19 Western Wildlife Alliance writes that the organization  
20 supports Proposal 22. He writes that as a result of  
21 stopping airborne hunting of wolves in 1996, moose and  
22 caribou populations have dropped 50 percent and that  
23 effective predator control is needed for wolves.

24

25 The Aniakchak SRC supports Proposal 22  
26 based on the modified justifications stated in the draft  
27 Staff analysis. In addition, the SRC feels this proposal  
28 may benefit subsistence users by decreasing predation on  
29 the Northern Peninsula Caribou Herd and creating more  
30 subsistence opportunities.

31

32 We received three comments. One from a  
33 private citizen and she addresses both Proposal 17 and 22  
34 and I'll just highlight Proposal 22. This is from Karen  
35 Jensen, she strongly opposes this type of predator control.  
36 The Alaska public feels very strongly, opposed as well, as  
37 evidenced by the vote not once, but twice to ban this type  
38 of hunting in Alaska. Land and shoot consists of spotting  
39 wolves from an airplane or helicopter and harassing them  
40 until they drop from terror and exhaustion and then  
41 shooting them from the plane or herding them to people  
42 waiting to shoot them. And she goes on to further object  
43 to the proposal.

44

45 Bristol Bay Native Association also sent in  
46 written public comments and they supported both Proposals  
47 17 and 22. On Proposal 22 they just talk about the  
48 declining status of the Northern Alaska Peninsula Caribou  
49 Herd and the moose populations.

50

1                   We received a comment from the Sierra Club  
2 and they also oppose Proposal 22 submitted by the Bristol  
3 Bay Native Association, it would change an existing  
4 regulation to authorize same day airborne land and shoot  
5 subsistence hunting for wolves in Units 9(C) and (E). The  
6 purpose of the changes to reduce the number of wolves,  
7 increase subsistence opportunity, reduce predator pressure  
8 on the declining populations of Northern Alaska Peninsula  
9 Caribou Herd, again, a predator control measure is being  
10 proposed. And then they go on to further state some more  
11 additional language, but they oppose Proposal 22.

12  
13                   That concludes the written public comments,  
14 Mr. Chair.

15  
16                   CHAIRMAN DEMIENTIEFF: Thank you, very  
17 much. Department comments.

18  
19                   MR. HAYNES: Mr. Chairman, the Department  
20 has revised its position on this proposal. We are now  
21 neutral on the proposal. We have looked at the potential  
22 biological impacts of allowing same day airborne hunting of  
23 wolves only by Federally-qualified rural residents and  
24 expect that impact to be minimal.

25  
26                   The coastal maritime climate in Units 9(C)  
27 and 9(E) produces snow conditions that are not always  
28 conducive to aerial tracking and land and shoot hunting.  
29 Fur prices currently are relatively low and when combined  
30 with the expense involved in flying into Units 9(C) and  
31 (E), likely would discourage most non-local rural residents  
32 from flying into the area to harvest wolves under terms of  
33 the proposed regulation.

34  
35                   The original Staff recommendation for this  
36 proposal included a provision stipulating that hunters and  
37 trappers be 300 feet from their aircraft before taking  
38 wolves under this proposed regulation. Such a provision  
39 would help to ensure that the wolf population in Units 9(C)  
40 and 9(E) suffer no long-term effects if this proposal is  
41 adopted.

42  
43                   Thank you.

44  
45                   CHAIRMAN DEMIENTIEFF: At this time we'll  
46 open the floor for public testimony from the floor. The  
47 first person we have up is Michelle Keck. Is Michelle  
48 here? Not here, we'll call her back later then. Paul  
49 Loslin, is that the name, Alaska Wildlife Alliance?  
50 Joslin.

1 MR. JOSLIN: Yes, thank you, Mr. Chairman.  
2 My name is Paul Joslin and I am the executive director of  
3 the Alaska Wildlife Alliance. My background is also as a  
4 wolf biologist.

5  
6 We all know what happened in 1992 when the  
7 nation became outraged about how we were managing our  
8 wolves here in Alaska. And certainly one of the most  
9 sensitive parts of it relates to the use of airplanes. We  
10 have seen the state, twice, make very clear that it  
11 objects, most strongly, that is the voters of Alaska, to  
12 the use of same day airborne hunting of wolves. It is  
13 interesting that, not only from a Federal position earlier  
14 on with respect to concern over the use of same day  
15 airborne hunting of wolves, but at the State level, the  
16 Alaska Department of Fish and Game and I notice  
17 Commissioner Frank Rue is here and I hope he will speak to  
18 it, have made very clear as to the concerns about the use  
19 of same day airborne hunting.

20  
21 In essence, visualize for a moment, if you  
22 allow the use of airplanes for taking wolves in the same  
23 day, you fly out, you spot some wolves, and now what are  
24 you supposed to do, you're supposed to go off and land  
25 somewhere and get over to where your wolves are, and as a  
26 wolf biologist as I can say, you know, your wolves don't  
27 just hang around waiting for you to come and shoot them,  
28 that the temptation is huge to pursue the wolves, run them  
29 to exhaustion, maybe even attempt to shoot them from the  
30 air but that's rather more dangerous, run them to  
31 exhaustion and then land your plane and then have at them.  
32 And it's very, very difficult for enforcement to deal with  
33 that. How are they supposed to catch the offenders? It's  
34 like passing a law that can't be enforced. And so there's  
35 a lot of concern with what happens to that.

36  
37 You've heard the expression of concern by  
38 the Staff with reference to how you restrict, you know,  
39 outside hunter approach to this in the terms of the use of  
40 aircraft are coming in on this issue. There's an  
41 additional problem of how you determine what your  
42 boundaries are, as to where you'll have it and where you  
43 don't in terms of being in the air and then again for  
44 enforcement to see that people follow the rule.

45  
46 And finally, and this really brings us back  
47 to ANILCA, that ANILCA basically does not permit the  
48 manipulation of wildlife populations in the sense of  
49 favoring one species over another. Although on State land  
50 the issue is very different, you may manipulate. So since

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1 that is lacking in ANILCA, then in essence we would look at  
2 this as a form of predator control. Because same day  
3 airborne hunting is such an effective technique as we all  
4 know that we would strongly urge that you oppose Proposal  
5 22.

6

7 Thank you.

8

9 CHAIRMAN DEMIENTIEFF: Any questions.

10

11 MR. THOMAS: Mr. Chairman.

12

13 CHAIRMAN DEMIENTIEFF: Yes.

14

15 MR. THOMAS: I have a question. Bill  
16 Thomas from Region 1. I always have interest in biologists  
17 and what they do because your sense of biology and mine  
18 aren't the same since I'm not a scholar in biology in the  
19 sense that you are. Okay, with deer, we count melted  
20 pellets for biology in keeping track of deer. What is wolf  
21 biology? What does wolf biology entail? I'm not asking  
22 this to be critical, I'm just curious, when you said that  
23 you were a wolf biologist, I'm just wondering what kind of  
24 conclusions you arrive at and in three breaths, if you can,  
25 how do you get there?

26

27 MR. JOSLIN: If your question is in terms  
28 of my own wolf biology, in the background, I have worked in  
29 several countries. I've trained many government agencies  
30 with respect to wolf surveys using howling techniques. The  
31 term that's commonly used, rendezvous site, in terms of  
32 where wolves go after they den in the summertime and start  
33 these series of summer home sites that they move to. It  
34 was my particular piece of research that helped to unravel  
35 that in the early days when we didn't know much about what  
36 wolves did in the summertime in forested environments.  
37 Most of my work has been on the ground, not so much from  
38 the air. And I'm not quite sure what else to add to it.  
39 I've followed wolf packs galore.

40

41 MR. THOMAS: That's perfect. Thank you  
42 very much.

43

44 MR. JOSLIN: Okay.

45

46 MR. THOMAS: Thank you, Mr. Chairman.

47

48 CHAIRMAN DEMIENTIEFF: Any other questions.

49 Ralph.

50



1 MR. LOHSE: Mr. Chair, I was just wondering  
2 if we could get an explanation of where ANILCA prohibits  
3 the manipulation of game populations for the advancement of  
4 species beneficial for subsistence purposes?

5  
6 MR. JOSLIN: It -- the.....

7  
8 MR. LOHSE: I know it does in some of the  
9 Parks but I'm not sure.....

10  
11 CHAIRMAN DEMIENTIEFF: You're talking about  
12 ANILCA?

13  
14 MR. LOHSE: That's the word that he used  
15 and I know that's true in some of our National Parks but I  
16 don't think that applies to all Federal land.

17  
18 CHAIRMAN DEMIENTIEFF: I'll just allow you  
19 to go ahead and ask this and we'll get, maybe another  
20 response from Keith when we get into the deliberation  
21 process, but go ahead.

22  
23 MR. JOSLIN: And maybe that's the best  
24 place to direct it. That if you haven't seen it yourself  
25 within the ANILCA Act itself, there's a part that talks  
26 about what you can and can't do with respect to wildlife  
27 populations and manipulation is not a part of it. I don't,  
28 off the top of my head, have the particular section, et  
29 cetera, et cetera. If you wish, later this afternoon, we  
30 can provide that for you, but I'm sure there are several  
31 experts here that know what I'm talking about.

32  
33 CHAIRMAN DEMIENTIEFF: Thank you. Any  
34 other questions. Willie.

35  
36 MR. GOODWIN: You mentioned that you did  
37 some research on wolves, a lot, in your research, did you  
38 find that when bounty was allowed in Alaska in the 60s and  
39 50s, was there a population crash of the wolves?

40  
41 MR. JOSLIN: I was not here in the 60s. I  
42 mean we -- I know from our history for here in Alaska that  
43 we have done very substantial manipulation in the past of  
44 both wolf and to certain extent, bear populations, but  
45 we've moved away from that as has much of the rest of the  
46 world. That we tinker and tinker very carefully now when  
47 we think it's absolutely necessary.

48  
49 CHAIRMAN DEMIENTIEFF: Any other questions.  
50 Thank you very much for your testimony and appreciate it.

1 MR. JOSLIN: Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Jack Hession.

4

5 MR. HESSION: Thank you, Mr. Chairman and  
6 members of the Board. My name is Jack Hession. I'm here  
7 today on behalf of the Alaska Chapter of the Sierra Club.  
8 I will briefly summarize my remarks and would like to  
9 testify separately on 17 when it comes up if that's  
10 permissible. In summary, we oppose Proposal 22 as a  
11 predator control measure because we find it incompatible  
12 with existing Federal laws and regulations dealing with how  
13 wildlife is managed on National Conservation System Units.

14

15 To give you an example, ANILCA, which was  
16 just mentioned a moment ago, talks about the conservation  
17 of -- this is general purposes for National Wildlife  
18 Refuges, it talks about the conservation of wildlife and  
19 habitats in their natural diversity. That's a general  
20 primary purpose of Refuges which would, by implication at  
21 least, rule out intensive predator control of the kind  
22 that's under discussion here today. More recently,  
23 Congress in the National Wildlife Refuge System Improvement  
24 Act of 1997 updated policy on wildlife management in the  
25 Refuges. And fairly recently the Fish and Wildlife Service  
26 adopted regulations. Let me quote from the key section on  
27 wildlife management in the Refuges. We manage, we, the  
28 Fish and Wildlife Service, manage populations for natural  
29 densities and levels of variation while assuring that  
30 densities of endangered or otherwise rare species are  
31 sufficient for maintaining viable populations.

32

33 So here we have a direct conflict between a  
34 Congressional mandate and the notion of managing  
35 populations for unnatural densities and desired levels of  
36 variation, ironing out or leveling off the cycle, the  
37 natural cycle of wildlife.

38

39 In the case of the National Park Service  
40 lands in the Bristol Bay area, we assume that the existing  
41 Federal regulation would govern and the Board would not  
42 attempt to supersede that regulation which, of course,  
43 prohibits same day airborne subsistence or sport hunting on  
44 these lands. It's a little trickier on the National  
45 Wildlife Refuge portions, but as I've suggested, there is  
46 this conflict between the two mandates and we would urge  
47 you to seek other alternatives in achieving the goals set  
48 forth by the Bristol Bay Native Association.

49

50 In summary, Mr. Chairman, we would urge

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1 that Proposal 22 not be adopted. And again, I would like  
2 to briefly comment on 17 when that matter comes before the  
3 Board. Thank you very much.

4

5 CHAIRMAN DEMIENTIEFF: I'll call you up.  
6 Again, if there is anybody else who wishes to testify, just  
7 simply pick up the blue card right outside the door, Staff  
8 will get it to us in order to get your name up here for  
9 testifying. Are there any questions.

10

11 MS. GOTTLIEB: Mr. Chairman.

12

13 CHAIRMAN DEMIENTIEFF: Judy.

14

15 MS. GOTTLIEB: Mr. Hession, you suggest  
16 there's other alternatives, could you give some examples of  
17 what you might have in mind?

18

19 MR. HESSION: Yes. I was struck by the  
20 Staff's acknowledgement that there's very little  
21 information available, the systematic kind for wolf  
22 populations. I think it's not sound wildlife management to  
23 operate in the dark when you're dealing with species of  
24 this importance and with lands of such National and State  
25 significance. Careful approach here is called for, I  
26 believe.

27

28 As for specific alternatives, I just might  
29 mention that since the cause of the, say, the caribou  
30 population decline is unknown, it could be a number of  
31 factors responsible, why not investigate those factors and  
32 try to determine what is the cause and act accordingly,  
33 rather than rushing in here and pin all the blame on one  
34 species.

35

36 CHAIRMAN DEMIENTIEFF: Any other questions.  
37 Thank you very much.

38

39 MR. HESSION: Thank you.

40

41 CHAIRMAN DEMIENTIEFF: Michelle Keck.

42

43 MS. KECK: Hello, thank you. My name is  
44 Michelle Keck. I'm the Alaska representative of Defenders  
45 of Wildlife. I'm here to testify in opposition to Proposal  
46 22.

47

48 Similar to previous testimonies, my main  
49 concern is that there's not enough specific data that has  
50 been collected in Unit 9 to show that wolves are the cause

1 of the decline of the ungulate populations. The ungulate  
2 populations can fluctuate for lots of different reasons,  
3 you know, range conditions, weather or bears and there's no  
4 specific studies to indicate that wolves are the cause of  
5 this. And so by decreasing the wolves by land and shoot  
6 methods isn't necessarily going to result in the outcome  
7 we'd like to see.

8

9 Another concern is that land and shoot wolf  
10 hunting has long been controversial in this state. It  
11 results in many regulatory abuses such as harassing wolves,  
12 chasing them and shooting them out of the plane, and  
13 because of these reasons, land and shoot wolf hunting was  
14 banned on most of the Federal lands before we even banned  
15 it here in the state. And we voted statewide to ban the  
16 practice not once, but twice because of these reasons. In  
17 fact, the election district in which this area falls in,  
18 which I believe is 40 in this past election voted to oppose  
19 re-legalizing same day airborne wolf hunting again.

20

21 The public stated that with the initiatives  
22 land and shoot wolf hunting was acceptable only if it was  
23 shown that wolves caused the decline and that it was  
24 conducted by Department personnel and neither of those  
25 requirements is being met by this proposal.

26

27 You know, this proposal also might cause an  
28 increase in out of area hunters which might have negative  
29 impacts on people who use the methods of snaring and  
30 trapping for wolves in that region. We support  
31 subsistence trapping in this area and also support the use  
32 of airplanes to fly out and check trap and snare lines. So  
33 if it's determined that wolves are the problem, we'd like  
34 to see that those regulations be changed first before we  
35 result to land and shoot wolf hunting.

36

37 We ask that you vote in opposition to  
38 Proposal 22. Thank you.

39

40 CHAIRMAN DEMIENTIEFF: Any questions.  
41 Thank you. Regional Council recommendation.

42

43 MR. O'HARA: Mr. Chairman, Bristol Bay  
44 Regional Council. The purpose of 22 for the Federal  
45 Subsistence Advisory Council supporting Proposal 22 is for  
46 taking of wolves, same day airborne for the expressed  
47 purpose of subsistence opportunities. And that would be  
48 use of the animal after taking it for ruffs or mittens or  
49 whatever articles of clothing needed to take these animals  
50 and of course the animals are sold for profit as well.

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1 It's a known fact that that is one of the reasons that we  
2 do take it.

3

4 The past few winters we've had very little  
5 snow in the Bristol Bay area where this proposal takes  
6 place. And the creeks have remained open, we've had very  
7 little snow to be able to get out in any way to utilize  
8 these animals. And they certainly are great in number.

9

10 So these are reasons that I believe that  
11 you would support this proposal.

12

13 Probably just a comment here that was  
14 briefly mentioned by the Staff and that was aircraft may  
15 have been used as far back as the 70s, it goes back to the  
16 50s and we used aircraft for wolves prior to a snowmachine  
17 and it was a normal practice to hunt wolves with  
18 snowmachines at that time. I find it kind of interesting  
19 that we would have public testimony today when I look at  
20 these individuals who probably have never been to Bristol  
21 Bay. They've never lived with the hardships that we've  
22 lived with as far as what we're going through in the  
23 decline of fish and a lot of things that are happening in  
24 our area.

25

26 I notice that as a commercial pilot that I  
27 began spotting wolves the last few years out of a Cherokee-  
28 6, it's actually incredible that you would spot a wolf from  
29 an airplane, out of a Cherokee-6, almost unheard of. The  
30 populations have really grown. You go to the Alaska  
31 Department of Fish and Game and you will find out that the  
32 Alaska Department of Fish and Game has documented records  
33 of wolves killing calves on the Bristol Bay Alaska  
34 Peninsula, they are a predator and so are the eagle and so  
35 are the bears and so are we. We have been deprived of the  
36 use of wolves in the area in the last few years. A  
37 gentleman here who claimed to be a wolf biologist and I  
38 think he was with the Alaska Wilderness Wildlife Alliance,  
39 you could land a Supercub on a lake and walk over the hill  
40 and shoot a wolf, they don't run from aircraft anymore, you  
41 know, and that's probably something that could be held  
42 against us for that very reason, Mr. Chairman, you know,  
43 but you don't have to chase a wolf down with an airplane to  
44 kill it anymore. And I guarantee you get on that  
45 snowmachine and you'll harass that animal until its tongue  
46 is hanging out and I guarantee you I'd rather shoot a wolf  
47 from a hillside with an airplane then put a trap on his leg  
48 or a snare. So I think there's some real justification  
49 that we would be able to use these animals for subsistence  
50 opportunities.

1                   This is what the Bristol Bay Advisory  
2 Council comes from, Mr. Chairman. Thank you.

3  
4                   CHAIRMAN DEMIENTIEFF: Thank you, Dan.  
5 Staff Committee.

6  
7                   MR. BOS: Yes, Mr. Chair. I'll preface the  
8 Staff Committee's recommendation with the observation that  
9 Staff Committee deliberated, recommendation based on the  
10 clarified intent of the proposal and that being to increase  
11 subsistence use opportunities. I think it's fair to say  
12 that all of the Staff Committee members recognized that  
13 predator management was an element if not the primary  
14 intent of the original proposal.

15  
16                   So then dealing with this proposal as a  
17 subsistence use opportunity proposal, the Staff Committee  
18 did not reach consensus on the recommendation. There are  
19 two viewpoints expressed. One view was to recommend  
20 adopting the proposal as recommended by the Bristol Bay  
21 Subsistence Regional Advisory Council. This viewpoint held  
22 that, although, no formal studies of customary and  
23 traditional use of wolves in the region have been conducted  
24 by the Department of Fish and Game or the Office of  
25 Subsistence Management and there is no literature base from  
26 which to draw details, there is sufficient direct and  
27 indirect information to document a pattern of taking wolves  
28 using aircraft to substantiate it as a subsistence  
29 practice. A better understanding of the subject would  
30 require additional research. The proposed regulatory  
31 wording can be found on Page 53. Essentially would provide  
32 an exception for wolves in Units 9(C) and 9(E) to the  
33 general prohibition on most ungulates, bear, wolves,  
34 wolverine and other furbearers to the taking on the same  
35 day airborne or under a trapping license to the use of a  
36 firearm to take wolves, same day airborne.

37  
38                   The other view expressed in the Staff  
39 Committee deliberation would recommend that the Board  
40 reject the proposal contrary to the recommendation of the  
41 Bristol Bay Subsistence Regional Advisory Council. In  
42 support of that view, the information presented is  
43 insufficient to show that the use of aircraft to take  
44 wolves by the land and shoot method is or was a customary  
45 and traditional subsistence practice. Aircraft were once  
46 used to shoot wolves from the air, primarily in wolf  
47 control programs. Using aircraft to land and shoot wolves,  
48 if done in a manner that does not violate the Airborne  
49 Hunting Act is not an effective method of harvest on the  
50 Alaska Peninsula and would not be a cost effective or

1 efficient method of harvest for subsistence uses. If same  
2 day airborne shooting of wolves is allowed, local residents  
3 of Units 9(C) and 9(E) who rely on ground access based  
4 harvest of wolves to provide subsistence use benefits would  
5 be adversely affected by an influx of non-local hunter  
6 trappers using aircraft to remove wolves from these units.  
7 Adoption of this proposal is not necessary to allow  
8 subsistence hunters and trappers to access wolf hunting and  
9 trapping areas with aircraft since such access is allowed  
10 under existing regulations. Wolves may be legally trapped  
11 on the same day airborne if not taken with a firearm.

12

13 Thank you, Mr. Chairman.

14

15 CHAIRMAN DEMIENTIEFF: Thank you. We have  
16 a procedural matter to deal with and while I don't fully  
17 expect it to stand up, in my mind since the Staff Committee  
18 does not have a recommendation, the State has withdrawn its  
19 objection and the Regional Council is in favor, technically  
20 that puts it on the consent agenda and so without an  
21 objection, it would go on the consent agenda and be voted  
22 on in block with the other issues tomorrow. Gary.

23

24 MR. EDWARDS: Mr. Chairman, I guess, I  
25 don't know if we have a parliamentarian in here or not but  
26 isn't that, in fact, the case?

27

28 CHAIRMAN DEMIENTIEFF: That's my  
29 understanding of the rule.

30

31 MR. EDWARDS: Then I guess if that's the  
32 case I would move that this not be placed on the consent  
33 agenda and that we do enter into some deliberation and some  
34 discussion.

35

36 CHAIRMAN DEMIENTIEFF: Like I said, I  
37 didn't expect it to stand and I wasn't certainly advocating  
38 anything but we've got to be consistent with the procedures  
39 that we operate under. Ida, do you have something.

40

41 MS. HILDEBRAND: Mr. Chairman, after you  
42 make your decision whether or not this is on or off the  
43 consent agenda, I believe it's off since there was an  
44 objection, I would like to comment on the recommendation  
45 that supports this proposal which I don't think was fully  
46 discussed.

47

48 CHAIRMAN DEMIENTIEFF: Well, I didn't say  
49 it straight out but with the objection of Fish and Wildlife  
50 Service it is off the consent agenda and deliberation can

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1 now begin.

2

3 MS. HILDEBRAND: Thank you, Mr. Chairman.  
4 My concern is when we're rejecting, by the mandate of  
5 ANILCA, when you reject the Regional Council's  
6 recommendation you must either have a conservation concern  
7 or it is detrimental to subsistence use or there is no  
8 substantial evidence. There is no biological reason to  
9 reject the Council's recommendation to take wolves for  
10 subsistence purposes. To deny them that practice is a  
11 detriment to subsistence uses.

12

13 Based on the testimony at the Regional Council and  
14 my personal knowledge of the use of the aircraft to shoot  
15 and kill wolves, both landing and shooting, and the fact  
16 that it does not violate the Airborne Act, the Board, in my  
17 opinion, is mandated to uphold the recommendation of the  
18 Regional Advisory Council to support this proposal.

19

20 CHAIRMAN DEMIENTIEFF: With regard to that,  
21 you've already testified Dan that there is a substantial  
22 number of wolves in the Bristol Bay region, in the areas  
23 affected here, Dave, is there a conservation concern -- a  
24 biological issue there?

25

26 MR. FISHER: Probably not. The wolf  
27 population seems to be stable to increasing. There  
28 shouldn't be a conservation concern.

29

30 CHAIRMAN DEMIENTIEFF: From the State's  
31 perspective, do we know of a conservation concern?

32

33 MR. HUGHES: Thank you, Mr. Chair. As  
34 we've said previously, we don't have a conservation concern  
35 with this proposal.

36

37 CHAIRMAN DEMIENTIEFF: Now, with regard to  
38 the next criteria then, in terms of detrimental. My  
39 understanding from your testimony, Mr. O'Hara, is you have  
40 had some detrimental conditions in the last few years in  
41 terms of being able to access those wolves for subsistence  
42 purposes, and that again was because of snow conditions?

43

44 MR. O'HARA: Because of snow conditions and  
45 the wintertime conditions that exist in Bristol Bay. And  
46 that would be totally different than over in 17(B) or (A)  
47 where they had a considerable amount of snow and we're not  
48 dealing with the gentleman and lady's position from other  
49 Councils. And when you see 25 wolves in a pack and you  
50 have many, many packs of 25, you got a lot of wolves.



1 CHAIRMAN DEMIENTIEFF: And that brings us  
2 to the third criteria, and I'm not sure exactly where to go  
3 with regard to that, biological concerns?

4  
5 MR. BOYD: Lack of substantial evidence.

6  
7 CHAIRMAN DEMIENTIEFF: Oh, lack of  
8 substantial evidence, what am I doing -- I'm making notes.  
9 In terms of harvest of wolves in the Bristol Bay region in  
10 the last few years, maybe Staff Committee could give us the  
11 rundown on the numbers or Staff, Dave?

12  
13 MR. FISHER: Yes, Mr. Chairman. The table  
14 on Page 64 shows the wolf harvest by hunting and trapping,  
15 1983 through 1999 for Units 9(C) and 9(E) by all methods of  
16 access and the harvest by aircraft access. This  
17 information was taken from the Alaska Department of Fish  
18 and Game, their harvest ticket data base. It pretty well  
19 sums up the harvest from 1983 through 1999. I don't know  
20 what else, really what else to add, unless Greg has some  
21 information that he could add or Department of Fish and  
22 Game personnel that are here today.

23  
24 CHAIRMAN DEMIENTIEFF: When was the last  
25 time there was land and shoot hunting in the Bristol Bay  
26 region?

27  
28 MR. FISHER: Your question was when was the  
29 last land and shoot hunting of wolves authorized?

30  
31 CHAIRMAN DEMIENTIEFF: Yes.

32  
33 MR. FISHER: That would probably have been  
34 prior to 1974. I believe that the Airborne Hunting Act  
35 prohibited the same day airborne and I believe that was  
36 passed in 1974. Keith may correct me if I'm wrong.

37  
38 MR. O'HARA: Yeah, you're wrong it was in  
39 the 80s.

40  
41 MR. GOLTZ: I don't believe that the  
42 Airborne Hunting Act actually prevents land and shoot  
43 hunting. It prevents the use of aircraft to pursue or take  
44 wolves, but it does not prohibit same day airborne hunting.

45  
46 MR. FISHER: My mistake.

47  
48 CHAIRMAN DEMIENTIEFF: So '74 would have  
49 been the year that.....

1 MR. O'HARA: No.

2

3 CHAIRMAN DEMIENTIEFF: No.

4

5 MR. O'HARA: Mr. Chairman, Chair of Bristol  
6 Bay. It was a lot later than that, I don't know the exact  
7 date. But I would venture to say it was in the late 80s  
8 and it really heated up in the 90s.

9

10 MS. FOX: 1992.

11

12 MR. BOYD: I think it was 1992.

13

14 CHAIRMAN DEMIENTIEFF: So I know all this  
15 stuff is judgmental and I'm just trying to get this out  
16 because I see in the table in Unit.....

17

18 (Pause)

19

20 CHAIRMAN DEMIENTIEFF: I was just trying to  
21 go through and complete the criteria. I would be hard-  
22 pressed, I know you have plenty of things to say but I'm  
23 just trying to establish our three criteria, you know, and  
24 then I'll open it up I mean if there's no objection to that  
25 from the Board.

26

27 (Pause)

28

29 CHAIRMAN DEMIENTIEFF: It looks to me,  
30 using the benchmark from '93 on that there has been  
31 substantial harvest or pretty consistent harvest of wolves  
32 except notably by aircraft access which has been kind of up  
33 and down. That one would be a little bit not so clear to  
34 me, the third criteria. And so with that, having  
35 established that initial round of trying to establish a  
36 criteria, the three criteria, yeah, very much so, Gary,  
37 I'll be glad to open it up.

38

39 MR. EDWARDS: Okay, Mr. Chairman, I guess  
40 I'd like to start. I'd like to address this issue, you  
41 know, strictly from a subsistence use and needs standpoint  
42 and as a result I have a couple of questions that would be  
43 helpful for me in addressing to Staff. Are we not talking  
44 about a very small percentage of Federal lands that if we  
45 would pass this proposal that would actually be allowed,  
46 this activity to occur on, particularly on 9(C)?

47

48 MR. FISHER: Yes. 9(C), as the map  
49 indicates, the yellow is the BLM lands, the east of the BLM  
50 lands is the Katmai National Park and Preserve and then

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1 below that is part of the -- a little bit right there is  
2 Becharof National Wildlife Refuge.

3

4 MR. EDWARDS: What percentage would you say  
5 that is of the total in that unit?

6

7 MR. FISHER: Well, maybe 10 percent.

8

9 MR. EDWARDS: Okay. What about the other  
10 area?

11

12 MR. FISHER: Moving south into 9(E), we  
13 have the Becharof National Wildlife Refuge there around  
14 Becharof Lake, then we move further down we have the  
15 Aniakchak National Monument and Preserve and then we have  
16 two units of the Alaska Peninsula and National Wildlife  
17 Refuge Ugashik Unit, Chignik Unit. So those are our  
18 Federal public lands in 9(E). Probably 35 percent.

19

20 MR. EDWARDS: But that's within the Park,  
21 that's not in question here, right?

22

23 MR. FISHER: That's correct.

24

25 MR. EDWARDS: So it's a much smaller total  
26 percentage?

27

28 MR. FISHER: Yes, it would be smaller.

29

30 MR. EDWARDS: Okay. My second question is,  
31 you know, we've had considerable discussion about the use  
32 of aircraft to hunt wolves and I don't think there's any  
33 question that they've been used for a long time but I  
34 thought you said that the evidence, as it applies to the  
35 use for subsistence purposes and as a customary and  
36 traditional practice, there was not a lot of evidence to  
37 that effect?

38

39 MR. FISHER: Our research indicated really  
40 no studies that have been. Most of our information was  
41 taken by talking with locals and also information obtained  
42 at our Regional Council meeting, and that information did  
43 indicate that aircraft were used to take wolves for  
44 subsistence purposes.

45

46 MR. EDWARDS: Okay. If this proposal was  
47 allowed and this method of take was allowed, do we have any  
48 estimate of what that would do in the way of increasing  
49 subsistence opportunities or how many additional wolves  
50 would we assume might be possibly taken?

1 MR. FISHER: Well, are you talking just for  
2 residents of 9(C) and 9(E) because under the current  
3 regulation there are other outsiders that are qualified who  
4 would be able to come in?

5  
6 MR. EDWARDS: No, I would be talking about  
7 whoever would be eligible? I mean do we anticipate that,  
8 you know, X amount of wolves would be taken?

9  
10 MR. FISHER: I really hesitate to come up  
11 with a number because I'm not really -- I don't have a lot  
12 of that information to give you, a round number.

13  
14 MR. EDWARDS: Okay. And then I guess maybe  
15 I'd address my last question to the Council, it was raised  
16 that if this was passed it would attract hunters from  
17 outside of Units 9(C) and 9(E), which could be to the  
18 detriment of local residents, in fact, I understand that  
19 the Council member from this affected area actually voted  
20 against the proposal.

21  
22 MR. O'HARA: That's right. There was one  
23 member of the Council that voted against it and it's in  
24 your books. I believe there's a little report that went  
25 along with the fact that she did not support this proposal  
26 at all.

27  
28 MR. EDWARDS: And the reason for that was?

29  
30 MR. O'HARA: I was on vacation at the time  
31 so I don't know exactly. Maybe Cliff remembers, our  
32 coordinator could maybe answer that better, Mr. Edwards.

33  
34 MR. EDENSHAW: Yes, Mr. Chair. Shirley  
35 Kelley from Egegik, the Council member on the Council  
36 objected, and voted against the proposal based on very few  
37 residents within Unit 9(E) she said have airplanes.

38  
39 MR. EDWARDS: Okay. Mr. Chairman, that's  
40 all my questions.

41  
42 CHAIRMAN DEMIENTIEFF: Further discussion.

43 Yes.

44  
45 MS. KESSLER: Thank you, Mr. Chair. I  
46 struggle with this one. I want to just take a minute here  
47 to explain the difficulties I've had with it and at least  
48 put these discussions up for consideration.

49  
50 I think that there is a lack of substantial

1 evidence here as to whether this is, in fact, a subsistence  
2 use proposal primarily or a predator control proposal. I  
3 find that, in fact, it's more clear about the anticipated  
4 benefits in the form of predator control effects than it  
5 explains what subsistence needs are not presently being met  
6 that, in fact, would be provided for if this proposal were  
7 to go forward.

8

9           We have two possibilities before us. One  
10 is that predator control is, in fact, a key objective here.  
11 If that were the case it would not be consistent with my  
12 understanding of ANILCA's intent, at least as explained in  
13 the final EIS, which when the question was raised, should  
14 predators be controlled and vegetation manipulated to  
15 increase wildlife populations, the answer was that habitat  
16 manipulation projects and predator control programs are  
17 beyond the scope of the document.

18

19           Now, of course, there's a second  
20 possibility and that's the one that predator control is not  
21 the primary objective. But even in that case it clearly  
22 seems to me that it's an anticipated effect. A significant  
23 effect would be realized that's perceived as being  
24 beneficial in the form of reducing predation pressures on  
25 some of the other species. Now, in that case I have a  
26 difficulty because the analysis doesn't inform us of about  
27 that suggested effect, which, in essence, is a manipulation  
28 of a predator/prey relationship.

29

30           So we're directed as a Board that we may  
31 choose not to follow recommendations if we feel they  
32 violate principles of fish and wildlife conservation and I  
33 have this concern, I fear that manipulation of a  
34 predator/prey relationship in the absence of appropriate  
35 information about that anticipated effect, may, in fact,  
36 violate principles of fish and wildlife conservation.

37

38           Those are the struggles that I've had as  
39 I've dealt with this proposal. Thank you for listening.

40

41           CHAIRMAN DEMIENTIEFF: Fran.

42

43           MR. CHERRY: Thank you, Mr. Chair. The BLM  
44 has looked very closely at this proposal, partly because of  
45 the BLM lands within Unit 9(C) and partly because of the  
46 important policy concern that it raises. We're ready to  
47 support proposals that provide for the continuation of  
48 subsistence harvest practices, however, we cannot ignore  
49 the language in the proposal stating that part of the  
50 reason for changing the regulation is to reduce the number

1 of wolves and to reduce predator pressure on the North  
2 Alaska Peninsula Caribou Herd.

3

4 Both of these aspects come into play in our  
5 assessment. And since these are potentially topics of  
6 widespread public concern and controversy, we're obliged to  
7 exercise special care in reaching a decision.

8

9 First, to what extent is land and shoot  
10 taking of wolves an ongoing subsistence harvest practiced  
11 in Units 9(C) and 9(E)? Here, the evidence is very limited  
12 and indirect. The Staff analysis refers to testimony on  
13 the use of aircraft noting the importance of State and  
14 Federal aerial wolf hunting and boundaries before the  
15 1970s. ADF&G harvest ticket records indicate that aircraft  
16 have been used for the transportation in the taking of one-  
17 quarter to one-third of the wolf takes recorded for these  
18 units. Unfortunately, none of this information  
19 distinguishes between use of aircraft for transport to a  
20 trapline which is currently permitted under Federal  
21 subsistence regulation and the use of aircraft for land and  
22 shoot hunting, which is not. In fact, a Regional Council  
23 member from Subunit 9(E) objected strongly that land and  
24 shoot wolf hunting was not a tradition of the local  
25 communities and would make it harder for local hunters and  
26 trappers to successfully take wolves using ground  
27 transportation.

28

29 Secondly, the BLM has a longstanding formal  
30 policy in Alaska regarding predator control. Our 1983 MOU  
31 with the Alaska Department of Fish and Game states that  
32 predator control is a State issue. Throughout the 1990s  
33 starting with the Delta Caribou Plan, the BLM has  
34 repeatedly taken the view that any predator control  
35 elements are exclusively a State concern. In relation to  
36 the Federal Subsistence Program, we do not believe that  
37 predator control is within the scope of jurisdiction of the  
38 Federal Subsistence Board. The proponent refers to  
39 predator control in the proposal and the Council  
40 discussions in the February Dillingham meeting mentions  
41 effects on the caribou herd along with the discussions of  
42 increasing subsistence opportunity. In our view, there's  
43 an appropriate forum for raising predator management  
44 proposals and that is with the Alaska Department of Fish  
45 and Game. Some of the members may be aware of the Predator  
46 Management Task Force looking at Unit 19(D) in the McGrath  
47 area.

48

49 Taking these two concerns together, I find  
50 it necessary to oppose the proposal. To the extent that

1 the proposal seeks to increase subsistence harvest  
2 opportunities, there is insufficient information to  
3 indicate that the land and shoot hunting is a subsistence  
4 tradition among the residents in Bristol Bay. To the  
5 extent that the proposal seeks to reduce wolf predation and  
6 promote recovery of the Alaska Peninsula Caribou Herd, the  
7 proper channel to take this issue up is with the Alaska  
8 Board of Game.

9

10 Thank you, Mr. Chair.

11

12 CHAIRMAN DEMIENTIEFF: Thank you.

13 Additional discussion. Judy.

14

15 MS. GOTTLIEB: Mr. Chairman, thank you.

16 I'd like to make several comments and they will be like  
17 Fran's, a bit more lengthy than usual but I think that  
18 reflects my strong commitment to subsistence, to this  
19 program and to the people involved and those people  
20 affected. I do want to commend the Chair of the Regional  
21 Council who cares more about these issues than anyone for  
22 his region.

23

24 My Staff Committee representative and Staff  
25 attended the Bristol Bay RAC meeting when this proposal was  
26 discussed. Park Superintendent Liggett and her staff also  
27 attended. Within the Park Service we've had many  
28 discussions about the issues involved with this proposal.  
29 I've reviewed quite a lot of material, Congressional  
30 history, Federal statutes, Park Service regulations and  
31 I've read the transcript which recorded the RAC's  
32 deliberation and vote on this proposal.

33

34 I believe the proponent is sincerely  
35 seeking actions to benefit people in the region. As has  
36 been explained, the caribou population is down and likely  
37 to still go down. We all know that fishing has been poor  
38 for several years and we all expect it to continue in this  
39 vein. These are serious problems and in no way do I want  
40 to make light of them. This proposal gives us only one way  
41 to manage the problem, which is a concern about getting  
42 enough food on the table. There are other ways to deal  
43 with this issue but they have not yet been fully explored  
44 or discussed.

45

46 I have three main focus areas. Our lack of  
47 compliance with the National Environmental Policy Act and  
48 ANILCA, Section .810. This Board's history on the issue of  
49 predator management and mentioning the minority view from  
50 the Bristol Bay Regional Advisory Council.

1 I believe this proposal is intended to  
2 accomplish the goal of predator control for wolves.  
3 Proponents wrote about predator control several times in  
4 the original submission to this Board. You can see that  
5 for yourself by looking at the various pages in our Board  
6 book. The same proponents submitted this, Proposal 162,  
7 with more explicit language to the Board of Game to  
8 accomplish the same goal and it was rejected.

9  
10 This Board, our Board, has not yet analyzed  
11 predator control in an environmental assessment or an  
12 appropriate National Environmental Act compliance document  
13 like an environmental impact statement, nor in any kind of  
14 ANILCA compliance document, specifically, an .810 review.  
15 In my opinion, this is not something we should jump into  
16 based on one or two proposals. If I were to look for a  
17 model where appropriate discussion and cooperation toward  
18 ecosystem management seems to have worked, it might be the  
19 Fortymile Caribou Plan. That plan did not mask its effects  
20 or its efforts in regards to predator control, although I  
21 do not think the process was perfect, through a series of  
22 public meetings and a long-term commitment of many  
23 hardworking citizens, a course of action was developed that  
24 eventually gained public and governmental support.

25  
26 Should we not do at least this much on the  
27 Alaska Peninsula? Did not many residents of the region and  
28 members of the Bristol Bay RAC do just this recently when  
29 discussing moose management in Unit 17(A) and a few years  
30 ago when discussing caribou management in Unit 9. These  
31 efforts have won the endorsement of our Board many times.

32  
33 I'll point out, as Wini did, in the  
34 subsistence management EIS for public lands, Federal public  
35 lands in Alaska, the topic of predator control was not  
36 analyzed. It specifically was included under issues that  
37 were not addressed. I won't reread what Wini said, but  
38 again it was not covered in our EIS.

39  
40 Although this Board has taken up a number  
41 of proposals over the years that were or might have been  
42 about predator control, we do not have a written policy on  
43 how to deal with such issues. There is no policy to  
44 support this, nor is there one to hide behind and defeat  
45 it. Yet, this is more than a vote on a single proposal.  
46 Passage of this proposal would be a major shift for this  
47 body. A shift, that has to the best of my knowledge had  
48 little direct discussion by this Board. Let us be careful.  
49 Let us consider the many sides of a longstanding issue  
50 fraught with controversy and strongly held opinions on all



1 sides and we've heard many of those opinions today. Those  
2 of us who have been in the state many years have seen this  
3 issue come up many times before. Last year the Governor  
4 appointed a task force for the McGrath area to work on an  
5 adaptive wildlife management team to deal with wolves and  
6 predator control. Looking at their draft report, it's  
7 apparent to me that they've put in a lot of time and effort  
8 as well as gathering a lot of public input. They have  
9 defined goals and objectives and implementation ideas. We  
10 have not done anything so thorough and perhaps we need to  
11 do so.

12  
13 My interest is, if we support a predator  
14 management proposal that includes land and shoot, we may  
15 attract a wave of protest from inside and outside our  
16 state. Those are interests that might attack many parts of  
17 this program that we all agree about.

18  
19 I fully understand we do not vote based on  
20 popularity or lack thereof for the proposal, nor do we  
21 decide for fear of legal challenges. The basis for our  
22 decision-making is the law, however, if we go down this  
23 road we need to do far more than have a single proposal  
24 analyzed.

25  
26 I'd like to, again, mention quickly the  
27 minority view from the Bristol Bay RAC, the people in the  
28 region mostly have snowmachines and fourwheelers and the  
29 fear about more outside region people taking wolves than  
30 inside.

31  
32 As you see in the analysis, regardless of  
33 the outcome of this Board's vote, the activity under  
34 consideration here, same day airborne taking is already  
35 prohibited by two National Park Service regulations, 36 CFR  
36 13.21(d)(4) and 13.45. So I don't speak as concerned about  
37 Park Service lands, I speak as a very concerned Board  
38 member here. And I am worried that hunters could  
39 accidentally stray onto Park lands and therefore might be  
40 in violation.

41  
42 You've heard some comments about difficulty  
43 of enforcing this kind of regulation with regard to the  
44 Federal Airborne Hunting Act, and I share those comments.  
45 We have an obligation not to harass the animals.

46  
47 In summary, I will vote to reject Proposal  
48 22 and the RAC recommendation based on insubstantial  
49 evidence and concerns about wildlife conservation  
50 principles. This program has not yet addressed the issue

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1 of predator control in our NEPA and ANILCA compliance  
2 documents and this is also a fatal flaw.

3

4 I appreciate your time and those are my  
5 comments.

6

7 CHAIRMAN DEMIENTIEFF: Thank you. Gerald,  
8 I think was first.

9

10 MR. NICHOLIA: Thank you, Mr. Chairman.  
11 Coming from the Eastern Interior and being right close to  
12 the Western Interior, we have a very big problem with  
13 wolves. They're in large numbers, they're not afraid and  
14 they're running out of resources. They enter our villages,  
15 kill our dogs. We had to watch very closely over our kids.  
16 And if it's not for the caribou, if it's not to protect the  
17 caribou and the resources that these people depend, just  
18 think of the personal property, the elders and the kids  
19 because I've dealt with wolves all my life. And when  
20 they're in large numbered pack, more than 15 and he said,  
21 25, they wouldn't be afraid to enter a village. We had  
22 wolves right outside of Tanana howling and we had to go out  
23 there, people had to stay watch and people had to keep the  
24 kids and elders off the streets. And if nothing's going to  
25 be done now and you're just going to let them overrun it, I  
26 don't think we're even helping our subsistence -- we're not  
27 sticking up for the subsistence things that we're supposed  
28 to be sticking up for.

29

30 Thank you.

31

32 CHAIRMAN DEMIENTIEFF: Gerald, for your  
33 information -- Bill, I'll get to you in a minute, I just  
34 want to respond, I was just doublechecking to make sure  
35 where we were. We do have a defense of life and property  
36 regulation. But in terms of an ANILCA mandate, that's not  
37 within our mandate, we just provided for that opportunity.  
38 So I just wanted to make that clear in terms of dealing  
39 with the recommendation. Bill and then Ronny and then  
40 Willie. Bill.

41

42 MR. THOMAS: Thank you, Mr. Chairman. With  
43 all due respect to the views and interpretations of members  
44 of the Board, I do have to take some exception to some of  
45 the language that deals with potential and speculation with  
46 regards to abuse. This is a carryover from the State  
47 attitude for the past 30 years. I'm sorry to see it enter  
48 into the Federal scheme of management. And there's nothing  
49 we can do about -- if we're going to try to write our  
50 regulations to have it abuse free, I mean we'll be

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1 contracting all around the world for resource management.

2

3 Also I'm not so sure that I've heard a  
4 criteria not to adopt this in our discussion. It hasn't  
5 been plain, it's been hinted at, but it hasn't been clearly  
6 defined as a criteria not to adopt. Another thing, with  
7 regard to size. I don't think size of an area or  
8 population of an area should be a consideration. If you're  
9 going to manage a resource, manage on the merits of the  
10 conditions of the resource that's there. But speculation  
11 about abuses and potential other people coming in I don't  
12 think should be considered.

13

14 Thank you, Mr. Chairman.

15

16 CHAIRMAN DEMIENTIEFF: Thank you. Ron.

17

18 MR. SAM: Thank you, Mr. Chair. I've heard  
19 quite a bit of fears expressed as to going into or out of  
20 the boundaries of which we are targeting. It is so  
21 relatively simple to stay within your realm. I did  
22 intensive fire mapping for BLM with a Cherokee-6 from  
23 Fairbanks, Ft. Wainwright north and south of the Brooks  
24 Range, I didn't even need a map or anything to know where I  
25 was at. You just naturally know all the natural landmarks  
26 and you know exactly where you're at, you know what  
27 boundaries, you know whose land is here and whose land is  
28 there. And as for countries I didn't know I flew a  
29 helicopter because I was boss of that helicopter all the  
30 way down to Montana with a GPS and a map I had to report  
31 every hour my exact position because I was in total charge  
32 of that helicopter and I hadn't even seen this land. So  
33 every hour on the hour I'd call in on the radio and tell  
34 them exactly where I was. So with all the technology that  
35 we have around now, that fear shouldn't even be there.  
36 Because like I said above Fairbanks and south of the  
37 Brooks Range, I didn't even need a map to know where I was  
38 at and from what I gather from this testimony we are  
39 targeting a few, relatively few qualified Federal  
40 subsistence users in this area and I totally believe that  
41 they would have full and total knowledge of the lands and  
42 the boundaries that we are so afraid of.

43

44 There is no need for fear. Thank you, Mr.  
45 Chair.

46

47 CHAIRMAN DEMIENTIEFF: Thank you, Ron.

48 Willie.

49

50 MR. GOODWIN: Thank you, Mr. Chairman. If

1 this was a predator control question then certainly there  
2 would be numbers that you would target if you were going to  
3 shoot so many wolves. This is a subsistence question, you  
4 know, like Dan said even in my area airplanes were used to  
5 hunt wolves long before the snowmachine came around. There  
6 were two ways they got them, they either land and shoot or  
7 they shoot them from the airplane. And in fact, which  
8 reminds me, that's the way the BIA did it when they took  
9 care of the reindeer herds. My dad was the gunner for 18  
10 years for the BIA shooting wolves and wolverines out of the  
11 airplane. He got pretty damn good at it, so good that he  
12 shot a wolverine with a 30-30 rifle off the airplane one  
13 time. Now, that's good shooting. And he also hunted with  
14 his cousins who were pilots for a number of years, shooting  
15 wolves for subsistence purposes. And when the boundaries  
16 came around everybody started fighting over who was going  
17 to shoot for, from the airplane.

18  
19 But it's unfortunate that the proposers  
20 used the word, predator, but like Dan said we're predators  
21 too. Now, later on in this meeting, you know, I can't wait  
22 to see who you guys vote on Proposal 11, to see how wishy-  
23 washy you are. Thank you.

24  
25 CHAIRMAN DEMIENTIEFF: I think that depends  
26 which way the wind is blowing Willie. Any further  
27 discussion. Yes, Della.

28  
29 MS. TRUMBLE: I think I just want to make  
30 some comments in regards to the wolves. I know in our  
31 region there is an over -- we believe there is an  
32 overpopulation of wolves and it has affected our caribou,  
33 regardless of whether or not people want to believe it, I  
34 think the people in our region that live there do believe  
35 and understand that predators, being the wolves and the  
36 bear, and overpopulation does have a serious contribution  
37 to the decline in a species.

38  
39 And I think sometimes we go to too much --  
40 make too much effort in trying to maintain a sustainable  
41 resource in one area to the results of it declining in  
42 other species, and that it's something that balance is, I  
43 think, needs to be taken into consideration also when we're  
44 making decisions. But like I say, these wolves are in our  
45 communities which people have never seen before and there  
46 were some concerns of them having rabies also in five of  
47 our communities.

48  
49 CHAIRMAN DEMIENTIEFF: Yes, Bill.

1 MR. THOMAS: Della brought up some  
2 interesting points. However, with regards to us being  
3 invaded by the wildlife, I think we got it reversed.  
4 Because we built right in the middle of their habitat and  
5 they're going to continue coming across from following  
6 their instincts.

7  
8 And with regard to predator/prey ratios,  
9 based on what I've witnessed in Region 1 using the deer and  
10 the wolf population, there was an abundance of wolf down  
11 there for quite some time. Then we had a severe winter  
12 kill two years in a row and as a result of that winter kill  
13 of the prey, then there was a high mortality among the  
14 predators that corresponded with that. So there was a  
15 natural way of that meeting of balance. The only real  
16 imbalance to this whole equation is anything that's made of  
17 metal.

18  
19 Thank you, Mr. Chairman.

20  
21 CHAIRMAN DEMIENTIEFF: Dan.

22  
23 MR. O'HARA: Yeah, Mr. Chairman -- oh, I'm  
24 sorry, was there someone else over there first.

25  
26 CHAIRMAN DEMIENTIEFF: Well, let me give  
27 Ralph a shot here, okay?

28  
29 MR. O'HARA: Oh, sure.

30  
31 CHAIRMAN DEMIENTIEFF: Thank you. I'll  
32 come back to you, Dan. Ralph.

33  
34 MR. LOHSE: Well, Mr. Chairman, we've heard  
35 a lot about that we're not supposed to manipulate any  
36 predator or prey population and isn't any time we take an  
37 animal for manipulating a population, whether we take a  
38 predator or whether we take a prey, we just ended up having  
39 a discussion on Proposal 7, which dealt with caribou in  
40 Unit 13, and the subsistence take of caribou in Unit 13,  
41 cow caribou was taking it away so that we could manipulate  
42 the caribou population to increase the herd in Unit 13,  
43 theoretically to increase the herd in Unit 13 over a long  
44 time period. We didn't take into account that the range  
45 was down. We didn't take into account that the predator  
46 population was up. We cut the subsistence take so that we  
47 could manipulate the population of that herd of caribou.

48  
49 So evidently manipulating, you know,  
50 predator and prey populations is acceptable under this

1 process. Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Dan.

4

5 MR. O'HARA: Yeah, Mr. Chairman, I think  
6 we've probably talked this as far as we need to talk it and  
7 I do appreciate the opportunity of being able to address  
8 the Council. I think that it's interesting that we have  
9 three nay votes already so it ought to be real interesting  
10 to see what happens when we put the motion on the floor.

11

12 I think there's another factor here other  
13 than predator control and that is, when you see the public  
14 testimony that took place here today, these people are a  
15 long, long ways from subsistence and a long, long ways from  
16 our problem and when you get farther away and the bigger  
17 the special interest clubs and become, they get farther and  
18 farther away. And they will mandate what the Park is going  
19 to do here and you people don't have a choice but to sit  
20 there like puppets and have somebody a long ways away tell  
21 you what to do and that's the problem you're going to  
22 always face.

23

24 So there we sit. You know, you can starve  
25 a group of people out by somebody else's interests  
26 somewhere else and that's a fact of life, Mr. Chairman.  
27 And I'd like to request that we have a roll call vote.

28

29 CHAIRMAN DEMIENTIEFF: Sure, that's not a  
30 problem. Well, everybody else has weighed in and I haven't  
31 and I'm going to do that before we go to the roll call  
32 vote.

33

34 I looked at it from two different ways.  
35 The first way I looked at it is the harvest of wolves as a  
36 subsistence resource on its own. And it's clear that we  
37 didn't have a conservation concern. You know, that lack of  
38 substantial evidence that we're being detrimentally  
39 affected, or people were, that was the weak part in the  
40 proposal, where some of the other locals were saying no.  
41 With regard to the wolves providing a conservation and a  
42 detrimental concern and we do know that we do have a lack  
43 of substantial evidence to link those, that there are a lot  
44 of other factors out there. So that part of me says we  
45 fell short in terms of this.

46

47 Given our limited mandate, now the State of  
48 Alaska doesn't have that limited mandate. In my estimation  
49 the State of Alaska can go ahead with land and shoot.

50

1                   Now, I also live, hunt in rural Alaska.  
2 And, you know, the fact of the matter is is that the moose  
3 in my area, caribou just come back once every 30 or 40  
4 years because there was one of the last areas, in my area,  
5 was where the caribou lived, was one of the last areas that  
6 had wolf hunting by air. But I know on the ground as each  
7 and every one of you that represent your rural areas and as  
8 your villagers know, that they're affecting our ability to  
9 get our game; caribou, moose, there's no doubt. In the  
10 area where I hunt, just go out there, mostly a camping trip  
11 and get our moose right away, and they're in good shape and  
12 there's no doubt on the ground that it's affecting  
13 subsistence users negatively. Because even when we have to  
14 work harder to get them and when we get them they're not  
15 near as good of shape, even the first of the year and I've  
16 heard that from elders all the way down to other hunters  
17 more my age. And the reason is is because the wolves are  
18 running them damn things to death.

19  
20                   And I will never be a member of the Board  
21 of Game, given this next comment, it's out of our control.  
22 We're hiding behind fancy laws passed in Washington. We're  
23 hiding behind those fancy laws. We're hiding and we're not  
24 facing up to the issue because being manipulated by outside  
25 concerns, and that has limited our ability as Alaskans to  
26 respond to this condition that is going and going to get  
27 nothing but worse and it's going to make it tougher on the  
28 Native people and non-Native people in rural Alaska who  
29 depend on this way of life. And I know that's the reason  
30 that each and every one of you and each one of the people  
31 in your areas know what's causing these kinds of declines.  
32 I know that.

33  
34                   So the professional side of me, and I tried  
35 to approach it, that's why I took so long at the early part  
36 because I wanted to make sure that we walked through our  
37 mandate and I was frustrated because this fancy law  
38 prevents us from going ahead. But I understand and I'm  
39 willing to live by it because of the other good that this  
40 law does. Personally, there's no way that I could support  
41 the motion, no way, because I know on the ground this is  
42 wrong where this is going. I could see it's already going  
43 down to defeat. Therefore, the only choice I have, being  
44 torn professionally on what I know I have to do and  
45 personally on what I know I have to do, and that's -- you  
46 have to understand I'm not taking a chicken's way out, it's  
47 just that I am torn, if I went and voted in good conscious  
48 I'd have to vote for the proposal. But my professional  
49 integrity tells me I have to abstain. Because I know if it  
50 came down to a vote and I had to vote strictly yes or no, I

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1 would vote yes. But again, the professional side of me  
2 says I have to vote no, given our limited mandate. So have  
3 no choice but to abstain.

4

5 With that we'll call the roll call.

6

7 MR. BOYD: We need a motion.

8

9 CHAIRMAN DEMIENTIEFF: We need a motion,  
10 didn't we have a motion?

11

12 MR. EDWARDS: Mr. Chairman.

13

14 CHAIRMAN DEMIENTIEFF: Well, after the fact  
15 that we know what the vote's going to be, let's have the  
16 motion and make it official.

17

18 MR. EDWARDS: Mr. Chairman, I move that the  
19 Board oppose the proposal against the recommendation of the  
20 Regional Council. I do that in trying to look at this  
21 issue from a subsistence use and needs standpoint. I have  
22 not felt that there has been sufficient evidence that has  
23 demonstrated this method was a customary and traditional  
24 subsistence practice, particularly of the people living in  
25 the specific areas. I don't feel that it will accomplish  
26 the intent of the proposal to significantly increase  
27 subsistence use opportunities. And I remain concern that,  
28 in fact, it will be at the detriment of the subsistence  
29 users in Unit 9(C) and 9(E), given that the Council member  
30 from that area voted against this proposal.

31

32 CHAIRMAN DEMIENTIEFF: There's a motion, is  
33 there a second?

34

35 MR. CHERRY: Second the proposal.

36

37 CHAIRMAN DEMIENTIEFF: It's been moved and  
38 seconded. A roll call vote has been called for. Who's  
39 going to do that, you, go ahead.

40

41 MR. BOYD: Mr. Chair, we'll start with the  
42 National Park Service.

43

44 MS. GOTTLIEB: I concur with the rejection  
45 of the proposal.

46

47 MR. BOYD: U.S. Fish and Wildlife Service.

48

49 MR. EDWARDS: I agree with what I proposed.

50



1 MR. BOYD: Bureau of Land Management.

2

3 MR. CHERRY: I agree with the proposal.

4

5 MR. BOYD: Bureau of Indian Affairs.

6

7 MR. BUNCH: We oppose the motion.

8

9 MR. BOYD: National Forest Service.

10

11 MS. KESSLER: We agree with the motion.

12

13 MR. BOYD: Mr. Chair.

14

15 CHAIRMAN DEMIENTIEFF: I abstain.

16

17 MR. BOYD: Mr. Chair, you have four for the  
18 motion, one against, one abstain. Motion carries.

19

20 CHAIRMAN DEMIENTIEFF: Okay, with that  
21 we're going to take a short break.

22

23 MS. GOTTLIEB: Mr. Chairman.

24

25 CHAIRMAN DEMIENTIEFF: Yes.

26

27 MS. GOTTLIEB: I'm sorry, one more comment.  
28 I think this Board certainly shares the deep concerns and  
29 responsibilities of the region, and I think we'd like to do  
30 whatever we can to help address the caribou and moose  
31 situation out there and I think we would support any kind  
32 of planning efforts. I also think this Board would perhaps  
33 want to devote one of our work sessions towards further  
34 discussion on the issue.

35

36 Thank you.

37

38 MR. O'HARA: Mr. Chairman.

39

40 CHAIRMAN DEMIENTIEFF: Dan.

41

42 MR. O'HARA: Before we take a break,  
43 something on the lighter side. One of the Native people  
44 out in Bristol Bay the other day said that we have the  
45 first Native president, first Native Alaskan President in  
46 the White House, George Wasillie Bush, so you guys better  
47 be careful how you vote up there.

48

49 CHAIRMAN DEMIENTIEFF: Okay. We're going  
50 to take a short recess.

1 (Off record)

2

3 (On record)

4

5 CHAIRMAN DEMIENTIEFF: At this time we'll  
6 continue on in the Bristol Bay region. Wildlife Proposal  
7 No. 01-20. Who's going to do the Staff analysis on this  
8 for us, is that you, Dave? Okay.

9

10 MR. FISHER: Yes, Mr. Chairman. There's  
11 two proposals here, 20 and 21. They both deal with moose  
12 in 17(A). Proposal 20 was submitted by the Togiak National  
13 Wildlife Refuge. It's been a deferred proposal. It  
14 proposes to establish a fall season from August 20th to  
15 September 15th, one bull by State registration permit in  
16 Unit 17(A), this is for moose. Proposal 21 was submitted  
17 by Gary Carlos from Togiak. This would also establish a  
18 fall season August 20th to September 15th, one bull and it  
19 would also propose to establish a winter season, December  
20 1st through December 31st, one antlered bull.

21

22 There are currently no Federal seasons.  
23 There were several special actions, too, which did provide  
24 for a fall hunt. The current State season is August 20th  
25 through -- I take that back, the current State season has  
26 just been revised, it was August 20th through September  
27 15th, but the Board of Game action here in March changed  
28 that to August 25th through September 20th.

29

30 The Federal public lands that we're  
31 concerned with are the Togiak National Wildlife Refuge and  
32 customary and traditional users are those rural residents  
33 in Unit 17, Goodnews Bay and Platinum. We should be fairly  
34 familiar by now with the biological history of the moose in  
35 17(A). As you recall, very low numbers in the early 80s  
36 through the early 90s and then the population started to  
37 increase. The current population count was conducted here  
38 in February, this last February and the cooperative effort  
39 with the Alaska Department of Fish and Game, they counted  
40 470 moose. Continuing on with that cooperative effort,  
41 both agencies have gone together and they have a radio-  
42 collaring monitoring program, they've done quite a bit of  
43 habitat analysis. They have collected quite a bit of good  
44 biological data on this increasing moose population.

45

46 As you recall, the Federal Subsistence  
47 Board rejected a request for reconsideration to establish a  
48 winter season and this was consistent with the Regional  
49 Council recommendation that no winter season would be held  
50 until the population reaches 600 and this is specified in

1 the draft moose management plan.

2

3 A little bit on that plan. This plan has  
4 been approved by the Bristol Bay Regional Council and the  
5 Nushagak Fish and Game Advisory Committee. There was a  
6 meeting scheduled on April 20th in Togiak to hopefully get  
7 approval by the Togiak Fish and Game Advisory Committee and  
8 discuss that plan but that meeting was cancelled.

9

10 What this first proposal would do is  
11 establish a Federal season, however, due to the recent  
12 Board of Game action, the season would be different from  
13 the State and we're talking possibly the need for two  
14 permit systems, a Federal permit system or a State permit  
15 system. I think Greg may address this when he gives his  
16 Staff Committee report. He has discussed the permit  
17 ramifications with Fish and Game people, so he'll update us  
18 on that. With possibly two permit systems and two  
19 different season dates, this could cause confusion for  
20 local hunters. The land status would be one of the  
21 problems. Two different seasons possibly could increase  
22 the harvest but it's not likely as those animals are fairly  
23 hard to get in that time of year, the only access is  
24 primarily by boat.

25

26 As far as the proposal dealing with the  
27 winter season, I briefly discussed that when the Board  
28 addressed their request for reconsideration. That's  
29 basically all I have, Mr. Chairman. Thank you.

30

31 CHAIRMAN DEMIENTIEFF: Okay, thank you.  
32 Summary of written public comment.

33

34 MR. EDENSHAW: Yes, Mr. Chair, there  
35 weren't any written public comments.

36

37 CHAIRMAN DEMIENTIEFF: Department comments.

38

39 MR. HAYNES: Thank you, Mr. Chairman. The  
40 Department recommends that the Board adopt a modified  
41 proposal to establish a fall moose season in Unit 17(A) of  
42 August 25 to September 20 consistent with the State season  
43 established by the Board of Game at its spring 2001  
44 meeting. Consistent with our position on previous  
45 proposals to establish a winter moose season in Unit 17(A),  
46 the Department continues to support provisions of the moose  
47 management plan for this area which stipulate that the  
48 winter season should be opened only after the moose  
49 population in the area reaches 600 animals. And as Mr.  
50 Fisher pointed out, the moose survey conducted this past

00100

1 winter counted 470 moose there, well below the number  
2 needed to trigger establishment of a winter hunt.

3

4 If the Board adopts a season that is  
5 different from the current State season and supports a  
6 different process for issuing permits than the process  
7 currently used by the State, then we recommend the Board  
8 administer this hunt with a Federal registration permit.  
9 And if, and I understand that Greg Bos will have some other  
10 recommendations for how this permit hunt might be  
11 administered and we can comment on that at that time.

12

13 Thank you.

14

15 CHAIRMAN DEMIENTIEFF: Thank you. We have  
16 no additional request for public testimony on this issue at  
17 this time. Sorry, just making sure we don't have any  
18 additional requests for public testimony. Regional Council  
19 recommendation.

20

21 MR. O'HARA: Mr. Chairman. Chair of the  
22 Bristol Bay Council, we support the dates recommended here  
23 in the proposal and you'll see the support from our Council  
24 also supporting the dates of this proposal. We do not  
25 support the winter recommendation for a winter hunt since  
26 it's been pointed out, both by the Federal and the State  
27 people that the numbers have not reached 600 yet, only at  
28 470. And if Mr. Bos is going to talk about this a little  
29 later on, I think we would, of course, be very interested  
30 in a permit hunt of some way of controlling it.

31

32 I'd like to ask Cliff, Cliff we had a --  
33 Edenshaw, we had thought that we might want to submit a  
34 special action on this perhaps. Was that for the five days  
35 additional or was that something else, if I could ask that,  
36 Mr. Chairman?

37

38 CHAIRMAN DEMIENTIEFF: Go ahead.

39

40 MR. EDENSHAW: Yes, Mr. Chair. When the  
41 Board of Game met in March they adopted the State season  
42 and the Federal seasons are staggered, and when the Council  
43 met in Dillingham this past February, Robert Heyano was  
44 talking with Staff as well as other Council members,  
45 bringing up the issue of the five additional days that the  
46 moose hunting season would be open, it would be open for  
47 State residents as well as residents in the region and they  
48 thought that one solution would be to close Federal lands  
49 by a special action. The other solution is to go ahead for  
50 Chairman O'Hara to poll his Council members and go ahead

1 and align the seasons. I think there may have been one  
2 other option, Dave, if you can help me with that one. I  
3 think those were the two that were discussed at the Council  
4 meeting in Dillingham, though, Mr. Chair.

5

6 CHAIRMAN DEMIENTIEFF: Thank you.

7

8 MR. FISHER: Those were the two main  
9 options that were discussed.

10

11 MR. O'HARA: And Mr. Chair, the last  
12 comment will be that this Council certainly does have a  
13 moose plan in place and it seems to be working and we're  
14 working towards that number.

15

16 Thank you very much.

17

18 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
19 Committee.

20

21 MR. BOS: Thank you, Mr. Chairman. For  
22 clarification, are we addressing both Proposals 20 and 21  
23 at this point, because we did have different outcomes of  
24 the Staff Committee's recommendation on these. I'll  
25 address Proposal 20 first.

26

27 With regards to Proposal 20, the Staff  
28 Committee recommended adoption of the proposal as  
29 recommended by the Bristol Bay Regional Council. I'd note  
30 that the Yukon-Kuskokwim Regional Council supported the  
31 recommendation of the Bristol Bay Council. The proposed  
32 regulation can be found on Page 38 of your book. Adoption  
33 of Proposal 20 as recommended by the Council would  
34 establish as a permanent regulation the fall moose hunt in  
35 Unit 17(A), previously approved by the Board as a special  
36 action for the year 2000 season. The proposal is  
37 consistent with the draft Togiak Moose Management Plan  
38 endorsed by the Regional Council and developed through a  
39 planning process supported by the Board.

40

41 As you can see the proposed regulation  
42 calls for a State registration permit. I had discussed the  
43 permitting aspect of this hunt with Mr. Jeff Hughes, the  
44 regional supervisor for the Division of Wildlife  
45 Conservation who is responsible for management of this area  
46 under the State's season. The State would support  
47 administering both hunts with a State registration permit.  
48 The Council would like to see permits made available in  
49 several communities in the area and not just Togiak,  
50 whereas the State only issues the registration permits in

00102

1 Togiak. But the State would support the Refuge staff  
2 helping to administer distribution of the permits in  
3 communities other than Togiak. So I think we can work this  
4 thing out with the State, operate this hunt under a State  
5 registration permit, that is, both the Federal and the  
6 State hunts and make sure that permits are made available  
7 to residents in the local communities.

8  
9 I'll pause there for a moment to see if the  
10 State would like to comment on that.

11  
12 CHAIRMAN DEMIENTIEFF: Go ahead.

13  
14 MR. HUGHES: Thank you, Mr. Chair. Greg,  
15 when we spoke earlier it was my understanding we were going  
16 to align those seasons if we were going to use one permit.  
17 Is that where you're at now?

18  
19 MR. BOS: No. Maybe there was a  
20 miscommunication there. The Staff Committee is  
21 recommending the dates that the Regional Council is  
22 recommending, so there would be a five day earlier opening  
23 for Federal subsistence hunters. However, the Federal  
24 Board can authorize the use of State permits as a harvest  
25 reporting mechanism for that hunt if the State can support  
26 that.

27  
28 CHAIRMAN DEMIENTIEFF: You're done with  
29 that?

30  
31 MR. BOS: I'm done with Proposal 20 and I  
32 was going to move to Proposal 21.

33  
34 CHAIRMAN DEMIENTIEFF: Go ahead. I'm  
35 sorry, Terry.

36  
37 MR. HAYNES: Mr. Chairman, I think we would  
38 still prefer to have the seasons aligned if this hunt is  
39 going to be administered with a State registration permit.  
40 We're not comfortable right now to commit to that process  
41 if the season's aren't in alignment.

42  
43 CHAIRMAN DEMIENTIEFF: Basically what I was  
44 doing was doing the Staff work on both of them and then the  
45 Board, when we deliberate, we've got to treat each one  
46 differently but I just didn't want to have to go through  
47 the process twice on proposals that are linked for the same  
48 area. Did you have something else to add?

49  
50 MR. BOS: I was going to go on to Proposal

00103

1 21.

2

3

CHAIRMAN DEMIENTIEFF: Go ahead.

4

5

MR. BOS: With regards to Proposal 21, the Staff Committee did not reach consensus on a recommendation. Some members would reject the proposal consistent with the recommendation of the Bristol Bay Regional Council. A differing view expressed in the Staff Committee supported adopting the proposal contrary to the recommendations of the Council.

12

13

In support of rejection of Proposal 21, rejection would disapprove a winter moose season in Unit 17(A), again, consistent with the Togiak Moose Management Plan and the recommendation of the Regional Council. Presently, the draft plan does not provide for a winter moose harvest until the minimum population of 600 moose is established in Unit 17(A). The Board in the year 2000 rejected a similar proposed winter moose hunt in its annual regulatory meeting as well as on reconsideration.

22

23

In support of adoption of the proposal, some members of the Staff Committee felt that there is no biological reason to reject the request for a limited winter hunt proposal and the denial of the request would unnecessarily restrict subsistence users. The Regional Council recommendation should also be rejected because a limited 15 day winter moose hunt for antlered bulls would not adversely impact the growing moose population in Unit 17(A). The draft plan has not gained full consensus because the local residents of Togiak and Twin Hills have not approved it.

34

35

That concludes the Staff Committee recommendation, Mr. Chair.

37

38

CHAIRMAN DEMIENTIEFF: Okay, now procedurally, for purposes of Board discussion and Regional Council discussion we can discuss them both at once. It's just at the end of that, just so the Board understands, at the end of that we will make a motion on 20 and then another separate action on 21. But in terms of deliberation, I don't mind if we mix and match as we have up to this point.

46

47

Discussion. Dan.

48

49

MR. O'HARA: Would Mr. Wilde, from the Yukon area, would he be involved in discussion, too, since

50

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1 this kind of affects their area, doesn't it, or is that  
2 right?

3

4 CHAIRMAN DEMIENTIEFF: Some of these things  
5 that we deal with, I mean you notice that we allow Regional  
6 Council discussion at any particular time because there's  
7 some broader policy implications that get raised so we  
8 don't really limit any region. Any region can participate.

9

10 MR. BOYD: They also made a recommendation.

11

12 CHAIRMAN DEMIENTIEFF: You also have a  
13 recommendation Harry?

14

15 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim  
16 Delta Regional Council supports recommendation of Bristol  
17 Bay Regional Council.

18

19 CHAIRMAN DEMIENTIEFF: Thank you. Greg,  
20 did you have something?

21

22 MR. BOS: I was just going to point out,  
23 Mr. Chair, that Goodnews Bay and Platinum in Unit 18 have  
24 customary and traditional use for moose in 17(A), that's  
25 why we have a recommendation from the Yukon-Delta Regional  
26 Council.

27

28 CHAIRMAN DEMIENTIEFF: Thank you. Is there  
29 any discussion on the two proposals?

30

31 MS. GOTTLIEB: Mr. Chairman.

32

33 CHAIRMAN DEMIENTIEFF: Yes.

34

35 MS. GOTTLIEB: I was just going to ask, I  
36 heard Dave say that the April meeting of the management  
37 planning group was postponed but I wasn't sure if I heard  
38 from you or from the Chairman if it had been rescheduled or  
39 anything?

40

41 MR. FISHER: No, it hasn't rescheduled.  
42 And what our Staff will do is talk to Aaron Archibeque, the  
43 Refuge manager and get the details and then possibly try  
44 and reschedule a meeting because that will be a very  
45 important meeting.

46

47 CHAIRMAN DEMIENTIEFF: Other discussion.

48 Ida.

49

50 MR. EDWARDS: Mr. Chairman.



1 CHAIRMAN DEMIENTIEFF: Oh, Gary, go ahead.

2

3 MR. EDWARDS: I'm still trying to sort out  
4 the, I guess, the issue on the dates and whether it's a  
5 registration hunt using State permits or not and the  
6 implications of going with what the proposal is, then what  
7 ultimately will that do for the permitting registration  
8 process and is there any opportunity for any flexibility  
9 any way? Either with the Regional Council or with the  
10 State? I guess there isn't any.

11

12 CHAIRMAN DEMIENTIEFF: Not from the  
13 Regional Council, I mean they don't have their Councils  
14 here, they already have a solid Regional Council  
15 recommendation. Terry.

16

17 MR. HAYNES: Mr. Chairman, this is another  
18 of series of cooperative planning efforts that have taken  
19 place on wildlife and in these cooperative planning efforts  
20 we've tried, so far, to have State and Federal seasons  
21 aligned and it seems to work much more effectively when  
22 these seasons are in alignment. Here we have a situation  
23 where one possible outcome is that the State and Federal  
24 season would not be in alignment and it creates a new set  
25 of issues about whether or not other hunters will be  
26 restricted from Federal public lands, the complications  
27 that can result in how the permits need to be worded to  
28 make sure that if you're using -- certain people that have  
29 a permit, that because you have differences in the State  
30 and Federal seasons, you have to ensure that the  
31 appropriate people have the permit at the appropriate time.  
32 There are a series of issues and we would prefer that the  
33 seasons be in line consistent with the usual objectives  
34 that we've seen so far in these cooperative planning  
35 efforts.

36

37 I might note, too, that the State season  
38 that is currently on the books is, in part, a product of a  
39 proposal that Mr. Carlos submitted to the Board of Game and  
40 it was acted on this spring. He also requested a winter  
41 season and the Board did not adopt that. But as I  
42 understand it, the fall season is a result of what he had  
43 submitted to the Board of Game.

44

45 CHAIRMAN DEMIENTIEFF: Any other  
46 discussion.

47

48 MR. EDWARDS: Again, Mr. Chairman, I'm  
49 trying to understand because it's my understanding that  
50 there was a little surprise by the action that the Board of

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1 Game took and I'm just wondering if the dates were  
2 discussed as part of the planning process?

3

4 MR. HAYNES: Mr. Chairman, I was not at  
5 that Board of Game meeting and Mr. Hughes doesn't recall  
6 whether that topic was discussed.

7

8 MR. O'HARA: Mr. Chair.

9

10 CHAIRMAN DEMIENTIEFF: Dan.

11

12 MR. O'HARA: The State Board met and gave  
13 their dates after our Council met and we gave our dates and  
14 so I can't sit here as Chair and neither can the Staff and  
15 say, we'd like to align these to the State regulations.  
16 But taken into account what Cliff just told us, we can  
17 request a special action, you know, as far as to change it,  
18 because I would like to see the State and Federal regs  
19 aligned as much as possible, it takes away a lot of  
20 confusion. It just so happens that we don't have the  
21 authority since the Council has not. I could be wrong.

22

23 CHAIRMAN DEMIENTIEFF: I don't know, and I  
24 suppose, Dan, that you're going to want to go back to your  
25 Regional Council for an authorization? How long are the  
26 State regs in effect, when is the next Game Board meeting  
27 for that area?

28

29 MR. HAYNES: Two years, Mr. Chairman.

30

31 CHAIRMAN DEMIENTIEFF: Two years?

32

33 MR. HAYNES: Yes.

34

35 CHAIRMAN DEMIENTIEFF: Yeah, whatever  
36 choice -- if you're not comfortable with getting out in  
37 front of your Council, the Board could take care of it if  
38 you felt the Council wanted to modify it or you can go  
39 back, you know, it's an extra burden on us, if you're  
40 comfortable with the fact that -- you're not changing the  
41 Council recommendation, we're just basically rolling you on  
42 the dates.

43

44 MR. EDWARDS: Yeah, I guess, Mr. Chairman,  
45 I guess that's what I was thinking in order to somewhat get  
46 our Council Chair off the hook here, and given that I think  
47 we do have new information and it's my understanding this  
48 is one area where we've all worked very close together and  
49 have the same goals. I guess I would be inclined that if  
50 there's any heat to take that the Board would be willing to

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1 step up and take the heat.

2

3 MR. O'HARA: Yeah, Mr. Chairman, I'd rather  
4 get rolled by you than by my Council, I guarantee you that.  
5 You can do what you want.

6

7 CHAIRMAN DEMIENTIEFF: I was going to say,  
8 we've become somewhat accustomed to you, so, okay, is there  
9 any further discussion? We're ready for a Board action on  
10 Proposal 20.

11

12 MR. EDWARDS: Mr. Chairman, I'm going to  
13 take a shot on this and if I'm wrong, correct me and we'll  
14 go, but it's my understanding that I'd make a motion that  
15 we modify Proposal 20, the recommendation of the Bristol  
16 Bay Regional Council and change the dates from August 25th  
17 to September 20th.

18

19 (Pause)

20

21 MR. EDWARDS: On sage advice, I'm going to  
22 change my motion to adopt Proposal 20 consistent with the  
23 recommendation of the Bristol Bay Regional Council.

24

25 CHAIRMAN DEMIENTIEFF: There's a motion, is  
26 there a second?

27

28 MS. GOTTLIEB: Second.

29

30 CHAIRMAN DEMIENTIEFF: Okay.

31

32 MR. EDWARDS: Mr. Chairman, in further  
33 looking at this, I would move that we would amend that  
34 proposal to change the dates from August 20th to September  
35 15th to August 25th to September 20th.

36

37 CHAIRMAN DEMIENTIEFF: There is a motion to  
38 roll the Bristol Bay Regional Council, is there a second?  
39 Is there a second? I don't know, do you guys feel mean  
40 today?

41

42 MR. CHERRY: Second.

43

44 CHAIRMAN DEMIENTIEFF: Okay, we got another  
45 meanie on the Board. Discussion. Hearing none, all those  
46 in favor of the motion, please signify by saying aye.

47

48 IN UNISON: Aye.

49

50 CHAIRMAN DEMIENTIEFF: Those opposed, same

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1 sign.

2

3 (No opposing votes)

4

5 CHAIRMAN DEMIENTIEFF: Despite, Daniel  
6 O'Hara's overwhelming objection, we've had to fight and  
7 roll the Regional Council on that, we now have Proposal 20  
8 as amended before us. Discussion on Proposal 20 as  
9 amended. Okay, no discussion, all those in favor, signify  
10 by saying aye.

11

12 IN UNISON: Aye.

13

14 CHAIRMAN DEMIENTIEFF: Those opposed, same  
15 sign.

16

17 (No opposing votes)

18

19 CHAIRMAN DEMIENTIEFF: Motion carries as  
20 amended. Staff will write a letter to the Bristol Bay  
21 Regional Council for my signature telling them how  
22 valiantly he fought.

23

24 Okay, Proposal 21. Based on our action  
25 with regard to Proposal 20, I would entertain a motion to  
26 reject Proposal 21.

27

28 MR. EDWARDS: Mr. Chairman, I move that we  
29 reject the proposed winter hunt and support the Regional  
30 Council's recommendation consistent with the draft Togiak  
31 Moose Management Plan.

32

33 CHAIRMAN DEMIENTIEFF: So in all of that,  
34 that's a motion to reject Proposal 21?

35

36 MR. EDWARDS: Yes, sir.

37

38 CHAIRMAN DEMIENTIEFF: Okay. Is there a  
39 second to that?

40

41 MS. GOTTLIEB: Second.

42

43 CHAIRMAN DEMIENTIEFF: Discussion. All  
44 those in favor of the motion, please signify by saying aye.

45

46 IN UNISON: Aye.

47

48 CHAIRMAN DEMIENTIEFF: Those opposed, same  
49 sign.

50

1 (No opposing votes)

2

3 CHAIRMAN DEMIENTIEFF: Motion carries. We  
4 now have Proposal 17 before us. Staff.

5

6 MR. FISHER: Yes, Mr. Chairman. Proposal  
7 No. 17 was submitted by the Bristol Bay Native Association.  
8 What this proposal would do is expand the brown bear  
9 harvest seasons in Unit 9(E), it would add six days in the  
10 fall and it would add 25 days in the spring. So the fall  
11 season would be September 25th through December 31st and  
12 the spring season would be April 15th through May 25th.  
13 Current regulations allow one brown bear by Federal  
14 registration permit.

15

16 We've already gone over those Federal  
17 public lands in Unit 9(E). A C&T for this unit for brown  
18 bear includes the rural residents of Chignik, Chignik Lake,  
19 Chignik Lagoon, Egegik, Ivanof Bay, Perryville, Pilot  
20 Point, Ugashik and Port Heiden. I mentioned earlier when  
21 we were talking about Proposal 13, that the population of  
22 brown bears in Unit 9 was around 6,000. The estimated  
23 population for the Subunit 9(E) is considered high and it  
24 contains around 3,100 animals. So you can see 9(E) has  
25 about half the population of the entire unit. This  
26 population is currently stable. Studies in the Black Lake  
27 area which is in Unit 9(E) indicate a bear density from one  
28 bear per square mile up to one bear per seven square miles  
29 and this is pretty high when compared to the rest of the  
30 state.

31

32 Unit 9 has supported about 25 percent of  
33 the State sport harvest over the years, and if you'll look  
34 on Page 9 we have the sealing records there. Those are a  
35 little bit deceptive in the fact that it doesn't indicate  
36 all the bears that have been harvested. There have been  
37 quite a few bears that have been harvested and have not  
38 been sealed. Studies conducted by the Department of Fish  
39 and Game over the years, 1994 through 1997, and then Morris  
40 did some work in '87 indicate that the harvest efforts in  
41 Unit 9(E) have occurred primarily from August through  
42 December and some harvest has occurred as early as April.  
43 October, November, December are especially good months for  
44 harvest because of brown bear fat is real good at this time  
45 and it's used quite a bit by subsistence users in 9(E). A  
46 little bit on the harvest for communities in 9(E), again  
47 this was information that was collected in a house to house  
48 survey by Department of Fish and Game. In '94/95 there  
49 were 13 bears harvested, '95/96 18, and '96/97, eight  
50 bears.

1           In talking with Orville Lind, he's one of  
2 the assistant refuge managers there at the Becharof Alaska  
3 Peninsula Wildlife Refuge, he indicated that residents of  
4 Chignik Lake and Perryville would favor a spring extension  
5 based primarily on weather conditions and expansion of the  
6 spring season would provide more subsistence harvest  
7 opportunities for those people. And in talking with one of  
8 our anthropologists, Pat McClenahan, she indicated she used  
9 to live in the area there when she was working for the Park  
10 Service and is pretty familiar with the customary and  
11 traditional use of bears. She indicated that not a lot of  
12 bears had been taken but they have been taken over a long  
13 period of time and have been taken fairly consistent and  
14 they are an important subsistence resource.

15  
16           The issuance of Federal registration  
17 permits started in 1992 and over the years, just a handful  
18 of permits have been issued, somewhere between one and five  
19 each year and the harvest reporting has indicated only one  
20 or two bears have been taken using the Federal registration  
21 harvest permit.

22  
23           What this proposal would do would lengthen  
24 both the fall season and the spring season and based on  
25 past subsistence hunter harvest effort shouldn't impact the  
26 current population of brown bears in Unit 9(E). As I  
27 indicated there are quite a few bears in 9(E) and the  
28 population is quite stable. The proposal would provide  
29 additional subsistence harvest opportunities. However, the  
30 proposal may cause some confusion as a season in Unit 9(D)  
31 starts on October 1st, so this proposal would start the  
32 brown bear harvest season on September 25th so there  
33 possibly could be some confusion there with the hunters.

34  
35           That's all I have, Mr. Chairman.

36  
37           CHAIRMAN DEMIENTIEFF: Okay, thank you.  
38 Summary of written comments.

39  
40           MR. EDENSHAW: Thank you, Mr. Chair. The  
41 Aniakchak SRC supports Proposal 17 expanding the  
42 subsistence brown bear harvest seasons in Unit 9(E). The  
43 SRC supports this proposal as written based on the  
44 justification provided in the draft Staff analysis.  
45 Additionally, it provides a longer legal season for  
46 subsistence users to hunt brown bear.

47  
48           The Bristol Bay Native Association also  
49 sent in a written comment regarding Proposal 17 that they  
50 support the draft Staff analysis and the Bristol Bay

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1 Regional Council's recommendation to expand the brown bear  
2 seasons in the fall and spring.

3

4 Carol Jensen, additionally, commented on  
5 Proposal 17 for brown bear and she opposes Proposal 17.

6

7 The other written comments will be  
8 addressed by the individuals here in the room this  
9 afternoon. Thank you, Mr. Chair.

10

11 CHAIRMAN DEMIENTIEFF: Thank you.  
12 Department.

13

14 MR. HAYNES: Mr. Chairman, the Department  
15 recommends that this proposal not be adopted. We're  
16 unaware of any brown bears having been harvested under the  
17 current regulation for the past few years. The fact that  
18 the brown bear population is high and that there is a  
19 desire to decrease brown bear numbers is not sufficient  
20 rationale for opening the Federal fall subsistence season  
21 on September 25 in Unit 9(E). However, there may be some  
22 basis for opening the spring season earlier on the basis of  
23 traditional use patterns.

24

25 At its spring 2001 meeting, the Board of  
26 Game rejected proposals to extend the brown bear seasons  
27 and bag limit in Unit 9(E) and to establish both fall and  
28 spring seasons each year similar to what is requested in  
29 this proposal. In 1999, the Board of Game changed the fall  
30 season opening date from October 7 to October 1. The  
31 combined fall and spring harvest in the 1999/2000  
32 regulatory year was 18 percent above the average recorded  
33 for the previous 10 years. The Department believes it is  
34 important to closely monitor the current seasons for a few  
35 more years to determine if the increased harvest rates  
36 reported last year are a trend and to determine if the  
37 current boar/sow harvest ratio remains at its current  
38 level. We also believe it is important that the State and  
39 Federal subsistence season opening dates in Unit 9(E)  
40 remain in alignment to reduce confusion for hunters.

41

42 Thank you.

43

44 CHAIRMAN DEMIENTIEFF: So on that last  
45 issue, we changed on that one, are you going to change on  
46 this one? The date alignment, I'm talking about? We have  
47 one request for public testimony at this time, Jack  
48 Hession.

49

50 MR. HESSION: Thank you, Mr. Chairman,

1 members of the Board. I'll be very brief given the time of  
2 day. We recommend that the Board not adopt this proposal.  
3 Again, I would urge you to evaluate it in the context of  
4 some overriding, overarching, I should say, Federal laws  
5 and policies. Earlier I talked about the Refuge  
6 Improvement Act of 1997. The latest statement of  
7 Congressional policy in this matter. Again, the Fish and  
8 Wildlife Service is charged with managing wildlife  
9 populations for natural densities and levels of variation.  
10 Predator control is the exact opposite requirement.  
11 However, the Fish and Wildlife Service can undertake  
12 predator control but certain key requirements, and these  
13 are laid out in our Staff analysis, are that predator  
14 management be compatible with Refuge purposes, biologically  
15 sound and justified subject to the provisions of NEPA, and  
16 alternative management actions must be evaluated prior to  
17 pursuing direct predator control.

18  
19 I note that in this instance none of these  
20 requirements have been met. Earlier there was a reference  
21 to ANILCA and the provisions dealing with the National Park  
22 Service's management of wildlife. Just let me give you two  
23 brief quotes from that legislative history. This is from  
24 the Senate Energy and Natural Resources Committee report.  
25 Very similar wording was adopted by the House Resources  
26 Committee. Quote, it is contrary to the National Park  
27 Service concept to manipulate habitat or populations to  
28 achieve maximum utilization of natural resources. Rather,  
29 the National Park system concept requires implementation of  
30 management policies which strive to maintain a natural  
31 abundance, behavior, diversity and ecological integrity of  
32 Native animals as part of their ecosystem. And the  
33 committee intends that this concept be maintained. It  
34 concludes, the committee does not expect the National Park  
35 Service to engage in habitat manipulation or control of  
36 other species for the purpose of maintaining subsistence  
37 uses within National Park system units.

38  
39 Under the circumstances, Mr. Chairman, and  
40 members of the Board, I don't see how this proposal  
41 complies with these congressional guidelines and I would  
42 urge you to stay within the guidelines, if you will. And  
43 finally, I note, given the Department of Fish and Game's  
44 analysis, a conservative approach here seems highly  
45 desirable.

46  
47 Thank you very much.

48  
49 CHAIRMAN DEMIENTIEFF: Thank you. There  
50 are no additional requests for public testimony at this



1 time. Regional Council recommendation.

2

3 MR. O'HARA: Mr. Chairman, Chair of Bristol  
4 Bay. Several things here that, as you can tell, we can  
5 supported this proposal. There is a C&T for Bristol Bay in  
6 this area. These dates for qualified Federal subsistence  
7 users in 9(E) is, of course, good. This is for the  
8 expressed purpose of subsistence opportunities for  
9 qualified subsistence users, very, very controlled.

10

11 I'd just like to, Mr. Chairman, address the  
12 changing dates I think is pretty important here. One is  
13 and I'm surprised the State of Alaska made a comment that  
14 they don't have record of an earlier, in the falltime,  
15 using animals for subsistence because this is really in the  
16 falltime is where the subsistence user does use the animal  
17 for fat and I don't know if you would do it or not, but if  
18 you went to some of the homes and they took some of the  
19 bear fat out with the spawned out salmon would be pretty  
20 good and it's falltime bear. And I think the earlier dates  
21 in September are good, in that, these animals have not yet  
22 left the streams yet and they're more accessible. Granted,  
23 a guy with \$15,000 can have his aircraft with the wheels  
24 and floats-type plane, but the subsistence user with an 18-  
25 foot Lund doesn't have that privilege, so these earlier  
26 dates to get these animals by the subsistence user of brown  
27 bear, even just for the purpose of fat, I think are good  
28 arguments.

29

30 And then the springtime bear is coming out  
31 of hibernation, there's just a little earlier opportunity  
32 there for a subsistence user to go ahead and use this  
33 animal. So I think these are good reasons that you would  
34 support this proposal.

35

36 Thank you, Mr. Chairman.

37

38 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
39 Committee.

40

41 MR. BOS: Thank you, Mr. Chairman. Once  
42 again, the Staff Committee did not reach consensus on a  
43 recommendation. Some members supported adopting the  
44 proposal as recommended by the Bristol Bay Regional  
45 Council. And a differing view expressed in the Staff  
46 Committee deliberation would reject the proposal contrary  
47 to the Regional Council's recommendation.

48

49 In support of adoption, additional  
50 subsistence harvest opportunities would be provided by

1 expanding the fall and spring brown bear subsistence  
2 season. The season expansions would have little impact on  
3 the brown bear population in Unit (E) based on past  
4 subsistence hunter effort and harvest data. Harvest of  
5 brown bears during the requested seasons would be  
6 consistent with customary and traditional practices in the  
7 area. The proposed regulatory wording is on Page 3 in your  
8 books.

9

10 In support of rejection of the proposal it  
11 was felt that if the intent of this proposal is predator  
12 control it does not conform to National Park Services  
13 policies for National Park Service managed lands. The Park  
14 Service management policy mandates that predator control  
15 will not be practiced on Park Service lands unless it is  
16 part of an approved Federally threatened and endangered  
17 species recovery program.

18

19 That concludes the recommendation, Mr.  
20 Chair.

21

22 CHAIRMAN DEMIENTIEFF: Thank you. Ready  
23 for Board deliberation. Anybody have any discussion on  
24 this?

25

26 MR. EDWARDS: Mr. Chairman.

27

28 CHAIRMAN DEMIENTIEFF: Gary.

29

30 MR. EDWARDS: I'd like to ask Staff,  
31 particularly about traditional subsistence uses in the  
32 spring. It was my understanding that there has been and  
33 continues to be a desire to take bears early in the spring  
34 and there's fairly strong evidence that that has been a  
35 historical practice. Is my understanding correct?

36

37 MR. FISHER: Yes, it is correct. But as I  
38 pointed out there haven't been a lot of bears taken,  
39 there's been a consistent take over the years.

40

41 MR. EDWARDS: Early in the spring?

42

43 MR. FISHER: Are you talking, when I  
44 mentioned April, I mentioned household harvest data did  
45 indicate that there was some bears taken in April, not a  
46 lot of bears, but I don't have an exact number for were  
47 taken in April but the surveys did indicate an early  
48 harvest.

49

50 MS. GOTTLIEB: Mr. Chairman.

1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MS. GOTTLIEB: I'd like to ask the  
4 Department, I understand that a very similar proposal went  
5 in front of the Board of Game and how was that treated,  
6 please?

7

8 MR. HUGHES: Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: Yes.

11

12 MR. HUGHES: The Board did consider a  
13 similar proposal at their meeting in March of '99, as has  
14 been pointed out we lengthened the seasons and there was a  
15 significant increase in the take of brown bears in the  
16 area. In our Staff discussions of this, we had just had  
17 one cycle to look at and we wanted some additional time to  
18 evaluate the effects of extending the seasons and I think  
19 it's fair to say that the caution lights were on for us  
20 with the increased harvest and so we do have concerns.  
21 We're closely monitoring this and the Board agreed with our  
22 concerns and rejected those proposals to further liberalize  
23 the seasons.

24

25 CHAIRMAN DEMIENTIEFF: Further discussion.

26

27 MR. BUNCH: Mr. Chairman.

28

29 CHAIRMAN DEMIENTIEFF: Yes.

30

31 MS. HILDEBRAND: Thank you, Mr. Chairman.  
32 Ida Hildebrand, BIA Staff Committee. Again, I raise the  
33 concerns that there is no biological reason to reject the  
34 recommendations of the Regional Advisory Council. The  
35 population is in excess of 8,500. It would be detrimental  
36 to subsistence users to reject this proposal. And there is  
37 substantial evidence that using brown bear is a customary  
38 and traditional practice of the people of the area.

39

40 CHAIRMAN DEMIENTIEFF: Further discussion.

41

42 MR. CHERRY: Mr. Chair.

43

44 CHAIRMAN DEMIENTIEFF: Yes.

45

46 MR. CHERRY: Thank you. This proposal  
47 brings the same complexity as some of the others in this  
48 region. On one hand it proposes to increase subsistence  
49 hunting opportunities and on the other hand the proponent  
50 refers to predator control in the proposal. This obviously

1 requires a close and balanced assessment.

2

3           Brown harvest for subsistence use, both fat  
4 and for meat is well documented as a continuing part of the  
5 subsistence harvest pattern in the Alaska Peninsula,  
6 particularly among the Pacific drainage communities.  
7 Formal surveys taken over many years are available,  
8 subsistence harvest patterns are available for these  
9 communities for many, many years. For the communities of  
10 Chignik Lake, Ivanof Bay and Perryville, from one half to  
11 100 percent of the household use, subsistence take in brown  
12 bear foods most year -- in the other communities, including  
13 those in Bristol Bay side, subsistence harvest of brown  
14 bear begin to show up in the studies after 1994 but with a  
15 smaller proportion of household using brown bear for food  
16 in most year, with 10 percent or less of households  
17 participating. The total Federal subsistence harvest of  
18 brown bears is not large, totaling 39 bears from 1994 to  
19 1997, compared with a total of 622 brown bears taken by all  
20 hunters in this unit that's been documented in the sealing  
21 records for the same period.

22

23           The proposal focuses on expanding the  
24 season for harvest in both the fall and spring. In this  
25 respect, we find important testimony from elders in a 1996  
26 report of the subsistence uses of brown bear in Unit 9(E)  
27 by Jim Fall and Lisa Hutchinson-Scarborough in 1996. They  
28 report that the customary fall season, "Usually begins with  
29 the first snowfall in October and lasts until most bears  
30 have denned up in mid- to late December. bears are  
31 particularly fat at this time of year, especially later in  
32 November and December which appear to be preferred over  
33 October for hunting for this season."

34

35           In addition, the customary spring season is  
36 reported to begin after the bears first emerge from their  
37 dens. In an earlier study in 1985 this is displayed on a  
38 calendar of harvest activities as occurring in April and  
39 May. During the Regional Council meeting in February,  
40 residents of Chignik Lake and Perryville were reported to  
41 favor the spring extension since changing weather patterns  
42 have limited their spring hunting activity.

43

44           This question of predator control also  
45 arises in this proposal since decrease in the number of  
46 years in their predation effects on caribou and moose are  
47 noted as effects to the proposal. However, on the balance,  
48 the extensive ethnographic record indicates that this is an  
49 important on going subsistence hunt and that current  
50 seasons do not fully accommodate the customary periods of

1 the harvest.

2

3 Based on the record regarding customary  
4 seasons, I'm prepared to support the extension of the  
5 spring season to start six days earlier, on April 25th and  
6 to close on May 25th. I do not support the proposed  
7 earlier opening in the fall since this does not appear to  
8 correspond with the customs about when the bears are best  
9 to harvest for their fat. In my view, without supporting  
10 documentation without a customary season at this earlier  
11 point, if the Board adopted that change, would be open to  
12 criticism for having succumb to the temptation to increase  
13 harvest for predator control and not to provide for  
14 subsistence traditions.

15

16 Thank you.

17

18 CHAIRMAN DEMIENTIEFF: Gary.

19

20 MR. EDWARDS: Mr. Chairman, I think I would  
21 be in agreement with Mr. Cherry's observations but I would  
22 like to ask Dan with regards to the fall hunt, with the fat  
23 on the bears, it's my understanding that salvaging meat is  
24 not all that easy or used that much given the large amounts  
25 of fat as it applies to the winter.

26

27 MR. O'HARA: Mr. Chairman. Yes, that's a  
28 good point. The bears are the fattest in the falltime.  
29 They are absolutely in excellent condition and that's when  
30 the fat is the most desired and that's when it's used and  
31 there's use of the meat as well, you know, some, if not all  
32 the meat are eaten. At least it's a lot more than what  
33 would be done in a sport hunt which we seem to be pretty  
34 liberal with.

35

36 The other thing is, the gentleman, Fran, is  
37 that your name, that just spoke, I can't see your name tag  
38 there, okay, you said that there was not very much of a  
39 record of being taken in the fall, of course, in October  
40 they're gone. They're not accessible and that's why you  
41 must have the earlier dates. That is the subsistence  
42 opportunity is that fall hunt and when it's in September  
43 because they're still there. Now, you have ice in the  
44 rivers, you know, they're not going to be able to get up  
45 those streams and just a five day difference, a one day  
46 difference, and we had a tremendous struggle just having  
47 this Board give 9(E) C&T findings, you didn't even want to  
48 do that. There's the longest record of brown bears in that  
49 area, go all the way from your arm to the ground, so, no  
50 there is great use of these animals in the falltime.

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1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Any further  
4 discussion.

5

6 MS. GOTTLIEB: Mr. Chairman.

7

8 CHAIRMAN DEMIENTIEFF: Yes.

9

10 MS. GOTTLIEB: Well, this proposal can also  
11 be seen as having more than one goal here. In one light it  
12 certainly is about subsistence opportunity and the ability  
13 of putting food on the table, another light it could be  
14 viewed as a predator control measure with the same  
15 underlying goal of putting food on the table. I believe  
16 the proponent is truly seeking results for the benefit of  
17 people in the region. Again, there are other ways that we  
18 might be able to deal with the ecosystem and habitat issues  
19 and they haven't been fully explored.

20

21 As I mentioned before, if the intent is  
22 predator control, this Board has more compliance issues to  
23 deal with. And as you've read and as has been stated,  
24 predator control does not conform with Park Service policy  
25 for Park Service managed lands.

26

27 In the testimony at the RAC, the proponent  
28 acknowledged how the proposal was poorly written and based  
29 on what ADF&G writes on the health of the population, the  
30 particular importance of the first week of October, I  
31 suggest that the proposal be rejected for biological  
32 reasons. I'd rather give consideration to conducting  
33 workshops, a series of them, again, focusing on managing  
34 the caribou and moose populations in the region at which  
35 time a suite of solutions to the real problems could be  
36 considered. The Bristol Bay region has certainly  
37 demonstrated they can capably take on those kinds of  
38 cooperative efforts.

39

40 Thank you.

41

42 MR. BUNCH: Mr. Chairman, I will agree --  
43 excuse me.

44

45 CHAIRMAN DEMIENTIEFF: Go ahead.

46

47 MR. BUNCH: I agree there is some confusion  
48 about what the aims and goals of these proposals are but  
49 based upon that and my understanding of the Federal law is  
50 that laws that are ambiguous or open should be read in

1 favor of the Indian. So when you read the law as a whole,  
2 I think that when there is this confusion that seems to be  
3 abounding in these types of issues, we don't have any other  
4 goal than to come down on the side of the Natives and the  
5 last time I looked, that was mostly folks that lived out  
6 there.

7

8 Thank you.

9

10 CHAIRMAN DEMIENTIEFF: Ralph.

11

12 MR. LOHSE: Mr. Chair, I'm going to have to  
13 speak in favor of Bristol Bay's recommendation. In 1966 I  
14 went out to Ivanof Bay and taught school. At that time the  
15 moose hadn't even come out that far, they had gotten past  
16 Chignik and Perryville got their first moose about that  
17 time. We went out in the fall. We took bear on purpose  
18 and we took bear opportunisticly for meat for the village.  
19 We also hunted bear in spring for meat for the village.  
20 That was, other than sea mammals, the only meat that they  
21 had out there. And from that standpoint, to think that  
22 nobody was interested in the hide, nobody was interested in  
23 anything except the meat. So, from that standpoint, I'd  
24 have to support Bristol Bay in this one here.

25

26 CHAIRMAN DEMIENTIEFF: Other discussion.

27

28 MS. KESSLER: Mr. Chairman.

29

30 CHAIRMAN DEMIENTIEFF: Yes.

31

32 MS. KESSLER: I do need to share that some  
33 of the difficulties I had with the earlier one I've already  
34 spoken to. I found the same difficulties with this one in  
35 the sense of, to me, there really isn't a clear picture of  
36 substantial evidence as to whether this is, in fact,  
37 primarily a subsistence use or predator control issue. If  
38 it is a predator control issue, if, in deed, there are  
39 difficulties with those prey populations, this does need  
40 attention, it's a very, very important issue. But I do not  
41 believe that this is the way to go about it.

42

43 So I do have those concerns weighing on my  
44 mind about this proposal.

45

46 CHAIRMAN DEMIENTIEFF: Again, I didn't hear  
47 a word about predator control in the presentation by the  
48 Regional Council, and our obligation is not to the maker of  
49 the proposal. And so in hearing the recommendation of the  
50 Regional Council, predator control is not an issue with

1 regard to this proposal. The Regional Council, on the  
2 other hand, went out and took a look at this proposal for  
3 utilization of the meat. I didn't hear one -- I don't know  
4 where you're raising this except for the proposer, but  
5 we're not responsible to the proposer, which is, Bristol  
6 Bay Native Association, we are responsible to the  
7 recommendation of the Bristol Bay Regional Council. So I  
8 don't see how come you guys are ganging up on me when the  
9 Regional Council didn't even consider that as an issue in  
10 their recommendation.

11  
12 Let's deal with the Regional Council  
13 recommendation on its own. Look at that.

14  
15 You can reject the argument of the proposer  
16 but let's look at the Regional Council and what they're  
17 recommending and respond to that. I'm challenging my Board  
18 members here to link the Regional Council recommendation  
19 with predator control for me, please?

20  
21 (Pause)

22  
23 CHAIRMAN DEMIENTIEFF: Now, given that,  
24 let's have another look at it by the Board members here. I  
25 know what the proposal said, but look at who the proposer  
26 is. Look at the Regional Council recommendation. That's  
27 what we're responding to.

28  
29 I think the recommendation of the Regional  
30 Council is they're looking to enhance the opportunity for  
31 additional subsistence harvest. Not one mention of  
32 predator control. You can reject that part of the  
33 proposal, well, you don't even have to consider the  
34 proposal other than the recommendation of Regional Council.  
35 We've walked this walk before on other brown bear issues.  
36 But when it finally got broken down to a pure subsistence  
37 issue, we have a responsibility, and I have not heard one  
38 person document the reasons in the criteria that we have to  
39 reject a Regional Council recommendation. Separate that  
40 from the proposal. Granted, it's a poorly written proposal  
41 but the Regional Council considered it as a subsistence  
42 resource.

43  
44 MR. THOMAS: Mr. Chairman.

45  
46 CHAIRMAN DEMIENTIEFF: Bill, I'm trying to  
47 get through with this, unless you have something, I would  
48 just like to limit it to the Regional Council affected, if  
49 you don't mind. I would like a motion.



1 MR. CHERRY: Motion to adopt the proposal  
2 as recommended by the Bristol Bay Regional Advisory  
3 Council.  
4

5 CHAIRMAN DEMIENTIEFF: Is there a second to  
6 that motion?  
7

8 MR. EDWARDS: Mr. Chairman, I second the  
9 motion. And in saying that, in trying to separate, in  
10 looking at both the previous one dealing with wolves and  
11 looking at this one, on its merits, I feel comfortable in  
12 seconding the motion.  
13

14 CHAIRMAN DEMIENTIEFF: Discussion. I  
15 invite the other Regional Councils at this time, if you  
16 have comments. I know I deferred, but I just wanted to  
17 document that we had separated the issues, that this is not  
18 a predation proposal, it's the recommendation of the  
19 Regional Council. Bill, do you still have comment?  
20

21 MR. THOMAS: Am I in order, Mr. Chairman?  
22

23 CHAIRMAN DEMIENTIEFF: Yes.  
24

25 MR. THOMAS: Thank you, Mr. Chairman. Your  
26 last comments are really important because I think we have  
27 a tendency to lose focus, our process, in dealing with  
28 these issues. The Regional Advisory Councils come from the  
29 beach up, or the riverbank up or wherever. And the  
30 information we bring to you satisfies the requirement of  
31 Title VIII by representing those communities with this  
32 information. The reason why we were appointed to serve on  
33 these Councils is because of our knowledge with everything  
34 that has to do with subsistence. Our only mandate is  
35 subsistence. There's going to be predators whether we do  
36 anything about it or not. But our mandate is to make an  
37 opportunity for continued access to subsistence. You know,  
38 we're starting to sound like Congress. Let's humble  
39 ourselves and be subsistence management.  
40

41 Thank you.  
42

43 CHAIRMAN DEMIENTIEFF: Any other discussion  
44 on the motion. Grace.  
45

46 MS. GRACE: I was going to say, even though  
47 the proposal itself is poorly written, I read it to say  
48 that because of the declining number of caribou, they need  
49 extra meat, so therefore they could utilize bear meat.  
50 That's the way I read it.

1                   CHAIRMAN DEMIENTIEFF: Again, we're dealing  
2 with the proposal number, that has no bearing on the  
3 Regional Council recommendation. Are we ready for a vote;  
4 all those in favor of the motion to adopt the Regional  
5 Council recommendation, please signify by saying aye.

6  
7                   IN UNISON: Aye.

8  
9                   CHAIRMAN DEMIENTIEFF: Those opposed.

10  
11                  MS. GOTTLIEB: Aye.

12  
13                  MS. KESSLER: Aye.

14  
15                  CHAIRMAN DEMIENTIEFF: Okay, it's four to  
16 two. The proposal carries.

17  
18                  Okay, with that, we have some eight or nine  
19 requests on -- thank you very much for your help on this,  
20 both Harry and Dan. We are going to go ahead and move on  
21 into the next region which is Yukon-Kuskokwim, where we  
22 have two requests for special request actions. And even  
23 though I don't expect to hold us here to resolve it, I do  
24 want to go through the Staff analysis, Regional Council  
25 recommendations and those types of things, and there are  
26 some people that need to testify. There is a possibility  
27 we might be able to get through all the testimony,  
28 depending on how we go through with the original  
29 presentation. So we will deal with Special Action Request  
30 No. 01-01 and 01-02, which we will walk through together  
31 and then, again, have to deal with them each on their own  
32 merits. So as soon as the Staff is ready for the analysis,  
33 we're ready for you.

34  
35                  (Pause)

36  
37                  CHAIRMAN DEMIENTIEFF: Are we ready for the  
38 analysis or are you just getting there? Who's going to do  
39 the analysis, you, are you ready to start?

40  
41                  MR. BERG: (Nods affirmatively)

42  
43                  CHAIRMAN DEMIENTIEFF: Go ahead and start.

44  
45                  MR. BERG: Thank you, Mr. Chairman, members  
46 of the Board, Regional Council Chairs, members of the  
47 public. My name is Jerry Berg. I'm the fishery biologist  
48 for the Office of Subsistence Management. To my right is  
49 Mike Rearden, the Kuskokwim area inseason Federal fisheries  
50 manager, and Alex Nick, Y-K Regional Council coordinator.

1 This brief presentation is to provide you with an overview  
2 of information concerning the stock status and subsistence  
3 management issues for the Kuskokwim River before we move  
4 into the consideration of the Kuskokwim River Special  
5 Action Request. That was the handout that was just passed  
6 around, it's salmon colored.

7  
8 First of all, I'd like to start off saying  
9 that there currently is not a comprehensive assessment of  
10 total run size for the Kuskokwim River salmon, although  
11 there are various salmon enumeration projects including  
12 aerial surveys, weirs, one test fishery, and one sonar  
13 project on the river. Efforts are being planned to address  
14 this total run size question.

15  
16 Chinook salmon runs have been very poor for  
17 the past three years as you can see in the first graph up  
18 on the screen. Chinook salmon escapement goals for the  
19 Kuskokwim River are primarily based on historic mean annual  
20 peak aerial survey counts for selected streams. Chinook  
21 spawning escapements have been poor since 1998 although the  
22 ability to assess escapements in 1998 was severely hampered  
23 because of high water and adverse weather. Escapement  
24 goals were not achieved in 1999 and 2000 despite the use of  
25 specific management plans to reduce harvests. Most chinook  
26 salmon returning to the Kuskokwim are five and six year old  
27 fish. Below average returns of the five and six year old  
28 component are expected again this year based on poor  
29 returns of four and five year olds in 2000.

30  
31 Chum salmon spawning escapements were  
32 generally poor in 1997, 1999 and 2000, again, as you can  
33 see in the graph on the screen. Established chum salmon  
34 escapement goals do exist for the Aniak and the Kogrukluuk  
35 Rivers, which demonstrate these poor returns. Recently  
36 developed salmon enumeration projects on four other rivers  
37 also support the assessment of poor escapements in these  
38 same three years. Most chum salmon returning to the  
39 Kuskokwim are four and five year old fish. The return of  
40 four year old chum salmon in 2000 was below average and,  
41 therefore, the five year old return this summer is expected  
42 to also be below average. Escapement of chum salmon in  
43 1997 was judged to be very poor and therefore the return of  
44 the four year old salmon in 2001 is expected to be below  
45 average. We anticipate the 2001 chum salmon return to be  
46 critically low to below average based on the anticipation  
47 of continued poor productivity that has been displayed in  
48 1997, 1999 and 2000.

49  
50 As far as subsistence harvest or harvest

1 information, subsistence harvest of chinook and chum salmon  
2 in 2000 were among the lowest in the past 12 years.  
3 Subsistence users reported fishing harder for fewer fish  
4 and many upper Kuskokwim River residents reported not  
5 having their subsistence needs met. Lower and middle river  
6 residents generally did meet their needs. The preliminary  
7 subsistence salmon harvest data for 2000 supports these  
8 reports with the residents in the lower river harvesting 82  
9 percent of their five year average annual harvest of  
10 chinook and 92 percent of their five year average of chum  
11 salmon. By comparison, the middle river residents  
12 harvested 71 and 73 percent of their most recent five year  
13 average of chinook and chum salmon, while upper river  
14 residents harvested only 47 percent and 39 percent of their  
15 five year average chinook and chum salmon harvest.

16  
17 As you know there was a lengthy Board of  
18 Fish process this past January and based on this same  
19 information which was also presented to the Board of Fish  
20 in January, a subsistence fishing schedule was established  
21 on the Kuskokwim River to help these chinook and chum  
22 salmon stocks of concern. The goal of the schedule is to  
23 provide windows of time that will allow salmon to migrate  
24 upstream to the spawning grounds. When necessary for  
25 conservation, this schedule may be altered based on  
26 pre-season or in-season indicators.

27  
28 Alaska Department of Fish and Game and Fish  
29 and Wildlife Staff has discussed pre-season management  
30 strategies with the Regional Advisory Councils at their  
31 spring meetings in Fairbanks and Kotlik. Also the  
32 Kuskokwim River Salmon Management Working Group met to  
33 discuss the pre-season management strategy for the Kuskokwim  
34 River. ADF&G and Fish and Wildlife Service Staff have also  
35 been working together to get information out to the public  
36 about the upcoming salmon season. State and Federal Staff  
37 asked 25 villages along the Kuskokwim for their preference,  
38 for specific days of open and closed fishing times for the  
39 subsistence fishing schedule. The general consensus from  
40 the 15 villages that responded was adopted as the fishing  
41 schedule. The schedule will open subsistence fishing  
42 Wednesday through Saturday and close subsistence fishing  
43 Sunday through Tuesday.

44  
45 The poster being passed around here was  
46 designed and developed by the Yukon-Delta National Wildlife  
47 Refuge and is another product of the cooperative efforts  
48 between the two State and Federal agencies. These posters  
49 are being taken to most of the villages along the river by  
50 a team of ADF&G and Fish and Wildlife Service Staff and

1 meetings are being held in these villages to help answer  
2 questions and to get the word out about the upcoming  
3 fishing season. State and Federal Staff are also writing a  
4 series of fishery articles which are being printed in the  
5 Delta Discovery Newspaper each week from March through May.  
6 Information is going out through the local radio and TV  
7 stations as well.

8

9

10 All these efforts are thought to be  
11 necessary to reduce subsistence harvest in order to assure  
12 the continued viability of chinook and chum salmon  
13 populations. A commercial fishery in 2001 is highly  
14 unlikely. Subsistence harvest of chinook and chum salmon  
15 may not be met for many upriver residents. In addition to  
16 these subsistence fishing schedules, State and Federal  
17 managers are asking for local support of a cooperative  
18 appeal for Kuskokwim River drainage chinook and chum salmon  
19 conservation. The appeal states that ADF&G, the Kuskokwim  
20 River Salmon Management Working Group and the U.S. Fish and  
21 Wildlife Service are concerned that not enough chinook and  
22 chum salmon will return to spawn and ask subsistence  
23 fishers to voluntarily reduce their chinook and chum salmon  
24 harvest this summer. The appeal for this voluntary  
25 conservation measure is currently being circulated to  
26 villages along the river asking for fishers for their  
27 support. Last year there were subsistence fishery gear  
28 restrictions and subsistence harvest shortfalls. In early  
29 July last year you may recall the need for both the Federal  
30 and State Boards to restrict subsistence harvest to  
31 gillnets with mesh size of six inches or less. Additional  
32 restrictions similar to these may become necessary again  
33 in-season this year.

34

35 This concludes my summary and I'll answer  
36 any questions or comments on this summary first before  
37 proceeding with the Staff presentation on the Kuskokwim  
38 special action before you today.

39

40 CHAIRMAN DEMIENTIEFF: Of course, we have  
41 no intention to go beyond so if there -- people might be  
42 kind of tired, you are going to be here available for  
43 questions on any of the stuff that you present us today?

44

45 MR. BERG: Yes, I will.

46

47 CHAIRMAN DEMIENTIEFF: We're just going to  
48 try to accommodate through public testimony. So I ask you  
49 to be as brief as possible and we'll just try to  
50 accommodate those people who cannot make it back, and I  
51 know of at least one and I'll be asking him to testify, if

1 we can get that far. I don't mean to shorten your  
2 presentation, I know it's all important. But I think  
3 everybody's had a good look at it, but go ahead and give it  
4 a crack anyway.

5

6 MR. BERG: Okay, thank you, Mr. Chairman.  
7 Special Action 01-01 was submitted by Mike Savage with  
8 support from the Yukon-Kuskokwim Federal Regional Advisory  
9 Council and requests a closure to sport fishing for chinook  
10 and chum salmon on Federal waters within the Kuskokwim  
11 River drainage, effective June 1st. Special actions are 60  
12 emergency actions taken by the Federal Subsistence Board.

13

14 Chinook and chum salmon in the Kuskokwim  
15 River drainage have been identified as stocks of concern by  
16 the Board of Fisheries. In response to these critically  
17 low runs of chinook and chum salmon, the Board of Fisheries  
18 established a restricted subsistence fishing schedule as  
19 part of the Kuskokwim River salmon rebuilding plan. The  
20 Federal inseason manager for the Kuskokwim area intends to  
21 adopt this same subsistence fishing schedule by special  
22 action just prior to the fishing season.

23

24 The Federal regulations for this area, the  
25 C&T use determination is for all residents of the Kuskokwim  
26 area and they may take salmon only by gillnet, beach seine,  
27 fishwheel and rod and reel. The State sportfish bag limits  
28 currently are king salmon over 20 inches, three per day and  
29 three in possession and additional restrictions on the  
30 Aniak River include king salmon over 20 inches, two per day  
31 and an annual limit of two. Chum salmon there's no  
32 retention year-round on the Aniak. However, ADF&G did  
33 issue a news release announcing their intent to reduce  
34 sportfishing bag limits from three to one fish per day  
35 drainage wide. Federal jurisdiction extends throughout the  
36 lower, middle and some portions of the upper Kuskokwim  
37 River drainage. Federal jurisdiction includes all waters  
38 from the mouth of the Kuskokwim upstream to, and including  
39 the lower portion of Aniak. Jurisdiction on the Aniak  
40 extends approximately 5.6 miles upstream of its confluence  
41 with the Buckstock river.

42

43 The Kuskokwim River has always been open to  
44 subsistence fishing seven days a week, 24 hours a day  
45 unless a commercial fishing period was open but as I said,  
46 there's no expectation of any commercial fishing in June  
47 and July.

48

49 This will be the first year that a  
50 subsistence fishing schedule will be in place. The

1 schedule is intended to be implemented from the lower river  
2 upstream as the fish progress over a three week period and  
3 the schedule may be altered in-season depending on  
4 evaluation of the run strength. During subsistence fishing  
5 closures, all gillnets with mesh greater than four inches  
6 must be removed from the water and all fishwheels must not  
7 be operated. There are no preseason restrictions on  
8 subsistence rod and reel fishing.

9

10 Adoption of this schedule is intended to  
11 help spread the subsistence fishing opportunity throughout  
12 the drainage and to provide closed fishing periods for  
13 salmon to reach their spawning grounds.

14

15 Without going into the details of the  
16 biology again, since I just went over that, I'll just  
17 briefly summarize that chinook salmon runs on the Kuskokwim  
18 have been poor for the last three years and chum salmon  
19 runs have been for three out of the last four years. The  
20 outlook for both species is poor for this coming summer.

21

22 Subsistence harvest will likely be met for  
23 the lower and middle Kuskokwim residents but based on the  
24 recent salmon run performance and subsistence harvest data,  
25 upper river residents may not meet their subsistence needs  
26 this coming summer.

27

28 Sportfishing for chinook and chum salmon on  
29 Federal waters in the Kuskokwim River drainage primarily  
30 occurs on the Aniak, the Kisaralik and the Kwethluk Rivers.  
31 The Aniak River supports the largest sportfishery for  
32 chinook salmon in the Kuskokwim River. The most recent  
33 three year average of chinook caught in the Aniak River  
34 sportfishery is 7,800 fish with almost 800 of those fish  
35 actually harvested and those are a little bit updated  
36 numbers from what's in your analysis. I just received  
37 those from fish and Game recently. There have been an  
38 average of approximately 3,400 chum salmon caught and  
39 released in those three rivers with a harvest of 55 chum  
40 salmon.

41

42 The 2001 outlook and recent poor chinook  
43 and chum salmon returns in the Kuskokwim River drainage  
44 raises biological conservation concern for both species.  
45 There is always some level of uncertainty regarding salmon  
46 run outlook or forecasting of a coming salmon fishing  
47 season, however, the data available are strong indicators  
48 of expected poor returns for both chinook and chum salmon.  
49 Until there are additional indicators in-season, management  
50 actions need to be conservative for these stocks of

1 concern. If adopted, this special action would negatively  
2 affect the guides, outfitters and shuttle services operated  
3 in support of the chinook and chum salmon sport fishery.  
4 However, sportfishing for other species would continue.

5  
6 I'm prepared to answer any questions today  
7 or I'll be here tomorrow to also answer questions. Thank  
8 you, Mr. Chairman.

9  
10 CHAIRMAN DEMIENTIEFF: I think in the  
11 morning would be good. I don't even know if there are  
12 people in here that can't come. I know we do have one lady  
13 that -- you can summarize the other written public  
14 comments. The one from Jennifer you can read it into the  
15 record, she had to go and wanted it read into the record.  
16 You can read that into the record in full in the morning,  
17 first thing at 8:30. So you can summarize if there are  
18 other written public comments, you can summarize those now,  
19 briefly.

20  
21 MR. NICK: Thank you, Mr. Chairman. We've  
22 received public comments from AVCP, from Yukon River  
23 Drainage Fisheries Association, and Algaaciq Tribal Council  
24 of St. Marys.

25  
26 CHAIRMAN DEMIENTIEFF: And are those in  
27 support?

28  
29 MR. NICK: Those are in support of, AVCP  
30 and Algaaciq Tribal Council supports the special action  
31 proposals and there's a representative here from Yukon  
32 River Fisheries Drainage Association so she will summarize  
33 her public comment.

34  
35 Mr. Chairman, with your permission I'd like  
36 to just cover brief highlights of two public comments  
37 received from sport groups, one from Ultimate Rivers. They  
38 submitted a written comment and they wanted to let you be  
39 aware that there's growing resentment and animosity of  
40 locals towards outsiders. And I believe you have a copy of  
41 that with you. I won't go in detail with this one but I  
42 will just cover very brief highlights of what they're  
43 saying. That what they're covering in in this comment is  
44 that, you know, they believe that the sport activities  
45 wouldn't have impact on the subsistence uses, I believe.

46  
47 The other one is from Alaska Quest and,  
48 again, I'll cover really brief highlights of the comment.  
49 They state that the State Sportfish Division is already  
50 intensely managing the situations as evidenced by the



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1 closure of king and chum harvest on the Aniak. And they  
2 would like for the Board to know that they're greatly in  
3 opposition of these special action proposals. Again, I  
4 won't cover the rest of the letter.

5

6 Those are the public comments and there's  
7 one from Jennifer Hooper, but I will read the testimony  
8 when you call for that.

9

10 CHAIRMAN DEMIENTIEFF: As your request,  
11 we'll open up at 8:30 in the morning and you can read hers  
12 because she did have to go back.

13

14 MR. NICK: Okay.

15

16 CHAIRMAN DEMIENTIEFF: So we'll read her  
17 whole letter into the record first thing in the morning at  
18 her request.

19

20 MR. NICK: Thank you.

21

22 CHAIRMAN DEMIENTIEFF: Okay, Eruk Johnson,  
23 AVCP, are you going to be here in the morning?

24

25 MR. JOHNSON: Yes.

26

27 CHAIRMAN DEMIENTIEFF: Okay, we'll come  
28 back if we still have time if everybody's going to be here.  
29 I imagine most of these people have a vested interest.  
30 Paul Alred, are you going to be here in the morning?  
31 Pardon? Where are you at? You're going to want to watch  
32 the deliberations, I imagine anyway, uh, or you can testify  
33 today if you're not coming back?

34

35 MR. ALRED: I'll be here.

36

37 CHAIRMAN DEMIENTIEFF: Okay, 8:30. We  
38 might come back and take some of these anyway if everybody  
39 can be here. LaMont E. Albertson, are you.....

40

41 MR. ALBERTSON: I could be here.

42

43 CHAIRMAN DEMIENTIEFF: You're going to be  
44 here in the morning, okay. Eruk Williams.

45

46 UNIDENTIFIED VOICE: He left.

47

48 CHAIRMAN DEMIENTIEFF: Okay, we'll call his  
49 name in the morning, too. Greg, are you going to be here  
50 in the morning?

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1 MR. ROCZICKI: Yeah, I'll be here tomorrow  
2 morning.

3  
4 CHAIRMAN DEMIENTIEFF: Okay. Leo Morgan?

5  
6 MR. MORGAN: Yeah, I'll be here in  
7 tomorrow.

8  
9 CHAIRMAN DEMIENTIEFF: Okay. Gabe Sam, are  
10 you going to be here in the morning?

11  
12 MR. G. SAM: Yeah, I live here Mr.  
13 Chairman.

14  
15 CHAIRMAN DEMIENTIEFF: Oh, right here in  
16 the room?

17  
18 (Laughter)

19  
20 CHAIRMAN DEMIENTIEFF: Joe Daniels.

21  
22 MR. DANIELS: I'll be here in the morning.

23  
24 CHAIRMAN DEMIENTIEFF: Okay. Arthur Lake.

25  
26 MR. LAKE: Yes, sir, I'll be here.

27  
28 CHAIRMAN DEMIENTIEFF: Okay, we're going to  
29 go ahead and take some testimony right now -- what time is  
30 it -- well, we'll take a couple of testimonies right now  
31 just to get started, it will save us that much in the  
32 morning. Eruk Johnson.

33  
34 MR. BOYD: Do you want to do Fish and Game  
35 first and then public testimony?

36  
37 CHAIRMAN DEMIENTIEFF: Did we do you  
38 already?

39  
40 MR. HAYNES: No.

41  
42 CHAIRMAN DEMIENTIEFF: Oh.

43  
44 MR. VINCENT-LANG: Mr. Chairman, we have  
45 comments but we have comments on both special actions and I  
46 don't know if you want to take those comments now or if you  
47 want to take them.....

48  
49 CHAIRMAN DEMIENTIEFF: Maybe we'll just  
50 close with that since everybody else is going to be here in

1 the morning, and that will be fine. Let's hear the  
2 comments, and give them something to mull on for their  
3 testimony in the morning.

4

5 MR. VINCENT-LANG: We're going to give  
6 these comments for both these special actions.

7

8 CHAIRMAN DEMIENTIEFF: All right, that's  
9 fine.

10

11 MR. VINCENT-LANG: My name is Doug Vincent-  
12 Lang and I'm with the Alaska Department of Fish and Game.  
13 The State opposed these two Special Action Requests to  
14 close the sportfishery for chinook and chum salmon in the  
15 Federally-managed waters of the Kuskokwim River drainage  
16 upstream to and including the Aniak River upstream of the  
17 Refuge boundary and within the Yukon River downstream from  
18 the old Paradise Village. The State also opposes the  
19 Federal Staff Committee recommendation to expand these  
20 requests to close all Federally-managed waters within or  
21 adjacent to Federal Conservation Units to all but  
22 Federally-qualified subsistence users in these drainages.

23

24 The basis for the State's opposition to the  
25 Special Action Requests and the Federal Staff Committee  
26 recommendations is that we do not believe this action is  
27 necessary or is warranted as a special action. The basis  
28 of our opposition is that the action is not necessary,  
29 first off, to assure for a continued viability of the  
30 salmon stocks within these drainages nor is it necessary to  
31 provide for a subsistence priority under the State or the  
32 Federal systems or is necessary for public safety concerns.

33

34 We also note that the Federal Subsistence  
35 Board's closure authority is limited and reflects the fact  
36 that ANILCA provides for many purposes. The goals include  
37 the preservation of recreational opportunities including  
38 but not limited to fishing and sport hunting. The Federal  
39 Subsistence Board action needs to balance all of these  
40 purposes and not unduly restrict selective uses.

41

42 We also have serious process concerns as it  
43 is unclear just how Federal managers intend to manage run  
44 strength, determine whether escapement has been met or in  
45 deed, if subsistence needs are or have been met. We also  
46 believe that Staff Committee recommendation raises serious  
47 jurisdictional issues and complications. Finally, it is  
48 unclear just how many or if fish would be saved by this  
49 proposed action.

50

1                   The ADF&G stands by the Board of Fisheries  
2 deliberative process and the Department's management  
3 program for addressing conservation and subsistence needs  
4 in Alaska in general and in the AY-K area in particular.  
5 Issues regarding sustained yield fishing opportunities and  
6 management options within these drainages were recently  
7 addressed by the Board of Fisheries and the Department this  
8 last year. This effort included the participation of  
9 Federal Staff and the Regional Advisory Committees and  
10 included 12 meetings which were held throughout Alaska to  
11 obtain information and public input. This culminated at  
12 the Board of Fisheries meeting in January of 2001. At that  
13 meeting, the Board of Fisheries took significant  
14 conservation based actions along the entire migratory path  
15 that affect the stocks. In the Kuskokwim River drainage,  
16 this included establishing a four day per week subsistence  
17 net fishing schedule. At least a 60 percent reduction in  
18 fishing time in Area M. A reduction of the fishing  
19 district boundary in W-4. A reduction in the bag and  
20 possession limits for chinook and chum salmon in the  
21 sportfishery. Maintaining the spawning season closures in  
22 the sportfishery for chinook salmon -- the authority to the  
23 Department to adjust bag limits for subsistence rod and  
24 reel fisheries in-season.

25  
26                   This suite of actions which are included in  
27 the Board adopted Kuskokwim River salmon rebuilding plan is  
28 sufficient to address the conservation concerns related to  
29 chinook and chum salmon in the Kuskokwim River drainage.

30  
31                   Since the Board of Fisheries meeting, the  
32 Department has issued a news release which is stating its  
33 intent to restrict preseason, the chinook salmon  
34 sportfishery to one daily, one annually and the chum salmon  
35 to one daily. We estimate that this action will reduce the  
36 harvest by up to 50 percent in this drainage. We have also  
37 stated our intent to close these fisheries if subsistence  
38 fisheries is restricted or escapement concerns are  
39 identified. This evaluation will be made in-season based  
40 on determinations of run strength.

41  
42                   In the Yukon River drainage, the Board of Fisheries  
43 took also a significant conservation based action along the  
44 entire migratory path of the affected stocks. These  
45 included establishing a subsistence salmon fishing schedule  
46 that will be implemented chronologically consistent with  
47 the migratory timing as the run progresses upstream. This  
48 schedule may be altered for conservation by emergency order  
49 if preseason or in-season indicators suggest this is  
50 necessary. Again, it instituted a 60 percent reduction in

1 fishing time in Area M. It provided the Department  
2 emergency order authority for waters, seasons, bag and size  
3 limits and special provisions for hook and line subsistence  
4 salmon and resident species in the Yukon area of the AVCP  
5 region. And finally, it modified the Yukon River summer  
6 chum salmon management plan by establishing guidelines for  
7 managing summer chum salmon fisheries based on projected  
8 run size in-season. And again, the Board determined that  
9 this suit of actions was sufficient to address the  
10 conservation concerns related to chinook and chum salmon in  
11 the Yukon River drainage.

12  
13 The State does not support taking the  
14 proposed actions preseason, that is, around June 1st, as  
15 requested in this Special Action Request and a recommended  
16 by the Federal Staff Committee. While the run outlooks, in  
17 deed, look very poor, we believe that the runs should be  
18 assessed and managed in-season. The salmon run outlook for  
19 this -- for both the Kuskokwim and Yukon Rivers is not of  
20 sufficient precision to make accurate preseason decisions.  
21 The utility of the outlook can be approved with the  
22 addition of in-season run strength information, which is  
23 why ADF&G typically combines the preseason outlook with in-  
24 season information to make in-season management decisions  
25 in these drainages.

26  
27 Further, the regulatory subsistence fishing  
28 schedule adopted by the Board of Fisheries is intended to  
29 provide reasonable opportunity for subsistence at most  
30 salmon run sizes. Under State management, subsistence  
31 fishing will not be restricted because of expected poor  
32 returns. Only if the runs are very poor is there a  
33 likelihood of restrictions to subsistence opportunities.  
34 If the salmon runs are better than those occurring in 2000  
35 then there may be no need for further restrictions to  
36 subsistence fishing.

37  
38 We strongly suggest waiting to take these  
39 types of actions until approximately the middle of June to  
40 the late part of June when we will have sufficient in-  
41 season run strength data to determine if the adopted  
42 fishing schedules should be reduced. If the subsistence  
43 fishing schedule is reduced, then sportfishing will be  
44 closed in State regulation and no commercial fishing will  
45 be authorized.

46  
47 Placing as much emphasis as Federal Staff  
48 have on the preseason harvest projections and outlooks, we  
49 believe, is a dangerous strategy for managing salmon  
50 fisheries and frankly is quite unprecedented. We cannot

1 over-emphasize the benefits of coalescing preseason  
2 projections with timely in-season information. The fallacy  
3 of relying solely on preseason harvest projections should  
4 be evident when realizing that most chum salmon and chinook  
5 salmon projections have a 30 to 50 percent error rate  
6 associated with them.

7  
8           The modified Special Action Request states  
9 that the Federal inseason manager is authorized to remove  
10 this restriction in-season in the event that a harvestable  
11 surplus is identified in excess of the number of fish  
12 needed for escapement and subsistence. It is unclear what  
13 number are being used, as the Federal system has yet to  
14 develop mechanism or process to identify escapement or  
15 amount needed for subsistence.

16  
17           The Staff recommendation raises serious  
18 jurisdictional issues also. Federal Staff indicate that  
19 this action would apply to all waters within or adjacent to  
20 Federal Conservation Units in both drainages. No maps are  
21 included so jurisdiction is unclear also. Because  
22 customary and traditional use determinations are made by  
23 drainage for both the Kuskokwim and the Yukon, if the Staff  
24 recommendation is adopted then Yukon residents will not be  
25 able to fish on the Kuskokwim and vice versa. Similarly,  
26 Anchorage or Fairbanks residents would not be able to fish  
27 at home at their villages on the Yukon or Kuskokwim as they  
28 are not Federally-qualified subsistence users. This  
29 situation imposes an extreme burden on users and presents  
30 enforcement issues.

31  
32           Finally, the Department seeks clarification  
33 from the Federal inseason managers as to what criteria and  
34 benchmarks will be used to rescind this action if the  
35 Federal Subsistence Board adopts the Staff Committee  
36 recommendation.

37  
38           In summary, the State is opposed to the  
39 modification of the special actions to include other State-  
40 managed fisheries in other waters within the drainages. We  
41 are opposed to the apparent preemption of State inseason  
42 management authority to open State managed fisheries  
43 pending inseason run information. The Staff recommendation  
44 specifically removes the State as the inseason manager on  
45 waters within or adjacent to Federal Conservation Units.  
46 The Department stands by the Board of Fisheries'  
47 deliberative process and the Department's management  
48 program for addressing conservation and subsistence needs  
49 in Alaska in general, and the AY-K area, in particular.

1 I would also like to point out that the  
2 Board of Fisheries has submitted a letter to you raising  
3 their concerns and their standing by their Board of  
4 Fisheries deliberative process.

5  
6 CHAIRMAN DEMIENTIEFF: Yes, we've all got  
7 copies of that letter, thank you.

8  
9 MR. VINCENT-LANG: That concludes my  
10 remarks.

11  
12 CHAIRMAN DEMIENTIEFF: You're going to be  
13 here in the morning?

14  
15 MR. VINCENT-LANG: Yes.

16  
17 CHAIRMAN DEMIENTIEFF: Okay. Then we will  
18 go ahead and come back together and continue public  
19 testimony at 8:30 in the morning and recess for the day.  
20 Thank you.

21  
22 (PROCEEDINGS TO CONTINUE)  
23 \* \* \* \* \*

C E R T I F I C A T E

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UNITED STATES OF AMERICA )  
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STATE OF ALASKA )

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

THAT the foregoing pages numbered 02 through 135 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I, taken electronically by me on the 9th day of May 2001, beginning at the hour of 8:30 o'clock a.m. at the Egan Convention Center, Anchorage, Alaska;

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

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

DATED at Anchorage, Alaska, this 17th day of May 2001.

\_\_\_\_\_  
Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 4/17/04