

FEDERAL SUBSISTENCE BOARD
PUBLIC MEETING

Hilton Hotel
Anchorage, Alaska

May 4, 1998 - 1:00 p.m.

VOLUME I

BOARD MEMBERS PRESENT:

Mr. Mitch Demientieff, Chairman
Mr. Dave Allen, Fish & Wildlife Service
Mr. Tom Allen, Bureau of Land Management
Mr. Warren Heisler, Bureau of Indian Affairs
Mr. Paul Anderson, National Park Service
Mr. Ken Thompson, Forest Service

Mr. Keith Goltz, Solicitor

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P R O C E E D I N G S

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(On record)

5 CHAIRMAN DEMIENTIEFF: We'll call the meeting to order
6 of the Federal Subsistence Board. Tom Boyd is going to do
7 introductions. I'll introduce myself because he can't
8 pronounce my last name. I'm Mitch Demientieff and I'm the
9 Chairman of the Federal Subsistence Board. Before we get
10 started with the introductions though we do have the sign-up
11 sheets to testify. They are available at the back table near
12 this entrance right here with the doors open. We've got plenty
13 of them, there'll be a Staff person there. We will have
14 testimony on non-agenda items, and there will be opportunity to
15 testify on proposals as well. And so with that, go ahead, Tom,
16 and do the introductions.

17
18 MR. BOYD: I'm Tom Boyd, and I oversee the Staff of the
19 Office of Subsistence Management with the U.S. Fish and
20 Wildlife Service. And I'm going to kind of go around and
21 introduce everyone that's sitting up here at the table, the
22 horseshoe table. And I'll start to my left with our Council
23 Chairmans, our Regional Advisory Council Chairmans. From the
24 Southeast Council we have Mr. Bill Thomas. From the North
25 Slope we have Mr. Fenton Rexford. From the Northwest Arctic we
26 have Mr. Willie Goodwin. From Seward Peninsula we have Mr. Ted
27 Katcheak. And then to my right we have Gilbert Dementi from
28 Southcentral. Dan O'Hara's not at his seat but he's with
29 Bristol Bay. Mark Olsen from Kodiak/Aleutians. Carl Morgan
30 from Western Interior. And we have Craig Fleener with Eastern
31 Interior.

32
33 And representing the Staff Committee, Staff for BLM is
34 Curt Wilson; Board member Mr. Tom Allen. Staff for Fish and
35 Wildlife Service Tom Eley and Board member Mr. Dave Allen.
36 Staff for BIA is Ms. Ida Hildebrand and representing the Board
37 will be Mr. Warren Heisler. Board member for the National Park
38 Service is Mr. Paul Anderson, Sandy Rabinowitch is Staff. Then
39 representing the Forest Service is Ken Thompson. And Keith
40 Goltz who's not seated now is from the Regional Solicitor's
41 Office.

42
43 We will be having Staff from the various regional teams
44 in the Office of Subsistence Management do the Staff
45 presentations and we'll be beginning with the Kodiak/Aleutians
46 Region. And with that regional team we have Ms. Rachel Mason,
47 Staff anthropologist. Robert -- Robert -- I knew I was going
48 to trip up on a name, Willis. Don't throw anything at me
49 Robert, okay. And Cliff Edenshaw is the Council coordinator.
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0003

1 And I probably should introduce, we have R&R Court
2 Reporters doing our Court Reporting today and Suzi is the Court
3 Reporter and I don't know the gentleman with you.

4
5 MR. IMIG: Greg Imig.

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7 MR. BOYD: Greg Imig.

8
9 CHAIRMAN DEMIENTIEFF: Okay, thank you very much. Are
10 there any corrections or additions to the agenda?

11
12 MR. BOYD: Almost an oversight but last, but not least
13 we have representatives from the State of Alaska, Alaska
14 Department of Fish and Game, and my apologies, but we have Ms.
15 Elizabeth Andrews, Steve Peterson is seated next to her and
16 Gary Sanders is in the room and I think Terry Haines is back
17 there.

18
19 CHAIRMAN DEMIENTIEFF: If there are no corrections or
20 additions to the agenda. Has anybody signed up to testify on
21 non-agenda items? Nobody. Nobody's signed up to testify?
22 Okay, good.

23
24 We have no old business. With that we'll go ahead and
25 move right on into the new business. And we will move into
26 Region 3 first, Kodiak/Aleutians.

27
28 In that, we have -- these are Proposals 41 and 44 in
29 the book and there's also a request for reconsideration filed
30 by the State. We have a new feature that we're utilizing this
31 year and that is basically where our part of the world is in
32 agreement with these items, then we're going to move them on
33 what we call the consent agenda. And basically what we'll do
34 is we have Proposals 41 and 44 that were aligned, and if
35 there's no objection or request to reconsider or to pull these
36 proposals from the consent agenda, then we can -- we will adopt
37 all of these items at the end of the meeting. Currently at
38 this time we have Proposals 41 and 44 that are in the consent
39 agenda for Region 3. Is there any request to pull these items
40 off the consent agenda? If not, we will go ahead and move on
41 them at the conclusion of the meeting.

42
43 Yes.

44
45 MR. THOMAS: Mr. Chairman, if I may indulge. I sense
46 and think I recognize some bewilderment around the consent
47 agenda concept. Perhaps something that would relieve my mind,
48 if you could ask the question if everybody thoroughly
49 understands the intent of the consent agenda.

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0004

1 CHAIRMAN DEMIENTIEFF: Is there anybody that doesn't
2 understand? Mark.

3
4 MR. OLSEN: Yes. I don't fully at this time understand
5 Mitch.

6
7 CHAIRMAN DEMIENTIEFF: Well, basically these Proposals
8 41 and 44, where everybody is in agreement on those proposals,
9 Regional Councils, Staff Committee, everybody's in agreement on
10 those proposals, then basically we won't utilize the normal
11 Board procedure for considering proposals. And if somebody
12 wanted to have them pulled off then we would go with the
13 regular procedure for those. And all those consent agenda
14 items will be adopted at the end of the meeting. But this is
15 the opportunity, if something has changed with regard to
16 Proposals 41 or 44, this is your opportunity now to pull them
17 off. Because once we pass this region then we won't bring
18 these off the consent agenda.

19
20 MR. OLSEN: Any slight modifications then would not be
21 made on consent agenda; is that correct?

22
23 CHAIRMAN DEMIENTIEFF: Pardon.

24
25 MR. OLSEN: Any modifications then would not make it
26 then on the consent agenda?

27
28 CHAIRMAN DEMIENTIEFF: No. If you have modifications
29 other than what's in the proposal book, you know, then now is
30 the opportunity to ask those to be pulled off the consent
31 agenda.

32
33 MR. OLSEN: Yes, okay, thank you.

34
35 CHAIRMAN DEMIENTIEFF: They will be passed at the
36 conclusion of the meeting without modification.

37
38 MR. OLSEN: But the RFR will be treated differently?

39
40 CHAIRMAN DEMIENTIEFF: We're going to consider that
41 right now. We have basically, for Kodiak, we have the two
42 consent agenda items and we have request for reconsideration,
43 Proposal 42 and 43 will be taken up in Southeast; is that
44 correct?

45
46 MR. BOYD: Bristol Bay.

47
48 CHAIRMAN DEMIENTIEFF: Bristol Bay, in Bristol Bay's
49 Proposal 43. Okay, does everybody have a handle now on the
50 consent agenda?

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

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3 CHAIRMAN DEMIENTIEFF: We will go ahead and move on
4 then. Proposals 41 and 44 will be on the consent agenda and
5 adopted as presented. The first item we have up is the request
6 for reconsideration 97-05. Rachel.

7

8 MS. MASON: RFR 97-05 was submitted by the ADF&G. It
9 asks the Federal Subsistence Board to reconsider a positive c&t
10 determination for elk in Unit 8 for all residents of Unit 8.
11 The proposal that the Board acted on in 1997 was a combination
12 of several backlog proposals that had come in over the years.
13 The 1997 Staff analysis written before Regional Council input
14 and public testimony supported a positive c&t for elk only for
15 the residents of Port Lions and Ouzinkie. However, at the
16 February 1997 Regional Council meeting the view was brought
17 forward by Council members and members of the public that
18 because of the many connections by marriage and kinship among
19 Kodiak Island communities and because of a history of migration
20 among the Unit 8 communities, that the communities should not
21 be divided up for customary and traditional determination. The
22 Regional Council and later the Staff Committee and Board were
23 persuaded by public testimony and the knowledge of Council
24 members.

25

26 The request for reconsideration states that there is
27 insufficient information to support a positive c&t for any of
28 the Unit 8 communities other than Port Lions and Ouzinkie.
29 Harvest data has shown that only those two communities and
30 Kodiak city have a substantial record of harvesting and using
31 elk with the exception of some new communities on the island of
32 Afognak. Also subsistence harvest studies show that the
33 communities with the highest levels of use of elk were Port
34 Lions, Ouzinkie and the Kodiak road system, which includes
35 Kodiak City. Elk have not always been present on Kodiak Island
36 but since their introduction they've been used along
37 traditional lines. They were introduced in 1929, I believe.
38 The presence of cooperative hunting with relatives and friends
39 from ones own and from other villages and widespread sharing
40 within and outside the villages suggest that traditional uses
41 go beyond those villages in the closest proximity to the
42 resource.

43

44 At this spring's Regional Council meeting the members
45 were asked to supply specific information on the uses of elk by
46 each of the communities in Unit 8, as well as to elaborate on
47 why kinship and marriage and migration constituted a reason for
48 a c&t determination for all those communities. At that time
49 the Council members again mentioned cooperative hunts,
50 including people from villages on both the north and the south

0006

1 end of the island, and they reaffirmed their view that the
2 different communities should not be separated in c&t
3 determination.

4

5 Thank you.

6

7 CHAIRMAN DEMIENTIEFF: Summary of written comments.

8

9 MR. EDENSHAW: Mr. Chair, there weren't any written
10 public comments.

11

12 CHAIRMAN DEMIENTIEFF: Okay, thank you. Staff
13 Committee recommendation, Tom.

14

15 MR. ELEY: Mr. Chair, the Staff Committee opposed the
16 RFR consistent with the recommendations of the Kodiak/Aleutians
17 Regional Council. Testimony supported a broad positive
18 customary and traditional use determination for elk in Unit 8
19 was presented last year, analyzed by the Board and then
20 reiterated during the winter Regional Council meeting this year
21 in Kodiak.

22

23 Basically the testimony speaks to the connections by
24 marriage and kinship among Unit 8 communities to support a
25 positive c&t for elk for all those communities including Kodiak
26 city. Furthermore, hunting partnerships between members of
27 different communities provide additional support for a broad
28 determination. Overall the testimony presented at the winter
29 Regional Council meeting reiterated the significance of
30 connections by marriage, kinship and migrations among Kodiak
31 area communities and how these connections support a positive
32 c&t for elk in Unit 8.

33

34 CHAIRMAN DEMIENTIEFF: Thank you. Department comments.

35

36 MS. ANDREWS: Thank you Mr. Chairman. Good afternoon,
37 Mr. Chairman, members of the Board. We appreciate the
38 opportunity to participate in this meeting and comment on the
39 proposals that you're addressing this week. I just want to
40 make a few general remarks that characterize our comments on
41 this years proposal. I want to give you just some general
42 idea, I didn't see an opportunity to do so earlier on the
43 agenda so I'll do that now. But also speak to what you've got
44 before you with this RFR and some general comments that will
45 pertain to the other RFRs as well as the other c&t use
46 determination proposals.

47

48 I want to point out that the comments that I'll be
49 presenting supplement or replace the written comments that you
50 have in your Board book that are from the Department. Those

0007

1 were made earlier. Since the Department wasn't involved in the
2 Staff Committee meeting we revised our comments again after the
3 Staff Committee meeting. So after you take up each proposal
4 I'll be providing you with the most current comments. I have
5 reviewed the consent agenda so there's no changes with regard
6 to what you have on that. But I do want to provide you with
7 more up to date information since we've seen the Staff
8 Committee recommendations.

9
10 I'd also just like to make a few general remarks about
11 c&t use determination proposals, as well as the RFRs. Just to
12 provide you some context about where the Department's coming
13 from on those submissions as well as our comments. We do
14 believe that for c&t use determination proposals, that they
15 should be based on the presentation of substantial evidence and
16 systematic application of the eight factors. I know that
17 you're aware of that and the Staff analysis have been outlined
18 to present data in that format. We also think that the review
19 needs to include the totality of the best available information
20 and to reasonably balance that information as it is applied to
21 those eight factors. We do recognize the importance of local
22 knowledge that's provided by the Council members as well as
23 other members of the public. It's a key component of your
24 process as it is of ours. We acknowledge and support the
25 special role of the Regional Advisory Councils in providing
26 that information and recommendations for their respective
27 areas.

28
29 I just want to remind you that we're not suggesting
30 that there have to be formal studies completed before a
31 community should be recognized for c&t use; I just want to make
32 that clear. We're also not suggesting that community harvest
33 levels have to reach a specific threshold before c&t pattern of
34 use can be established. We do request, however, that there be
35 an adequate demonstration of the existing community or area
36 pattern of use that's near or reasonably accessible to the
37 community at issue. We believe that sweeping c&t use
38 determinations that are made without careful analysis of the
39 factual information as to what community or area's uses
40 doesn't, in the long-term, assure the continuation of
41 subsistence uses by those communities and the ones that,
42 indeed, depend on certain wildlife populations. We also don't
43 think that action's consistent with what the congressional
44 intent in ANILCA was.

45
46 So while we certainly believe that there are community
47 harvest patterns, they exist, they're definable, they provide
48 the basis for c&t determinations by the Board, we think that
49 these can be distinguished from instances where community
50 harvest pattern doesn't exist. And we're interested in having

0008

1 a good record to support a stable and fair subsistence program
2 that's consistent with the ANILCA provisions.

3
4 So having said that, with respect to this RFR, as well
5 as some of the others, we believe that the information brought
6 forward by the Regional Council at their meeting and other
7 members of the public that testify would support a c&t use
8 determination for the communities of Old Harbor, Port Lions and
9 Ouzinkie and possibly Kodiak. We don't, however, think that it
10 would apply to all Unit 8 communities.

11
12 Thank you, Mr. Chairman, that concludes my comments.

13
14 CHAIRMAN DEMIENTIEFF: Thank you. Do we have any
15 request for public testimony on this RFR? No, okay, thank you.
16 Regional Council comments.

17
18 MR. OLSEN: I would just like to say that our Council
19 has looked at this and has responded unanimously accordingly to
20 our original proposal. But we certainly, when I say that means
21 the villages, communities involved in this hunt, that we did
22 not feel that the consensus of just the two villages of Port
23 Lions and Ouzinkie were credible. That Port Lions is the old
24 village of Afognak, as to which my ancestry is a part of. I am
25 very familiar with the translocation of these animals, why they
26 went to this island and what their intent was when they did
27 establish these elk on the island.

28
29 We could not feel divided and that's exactly what they
30 were doing was dividing by giving only Port Lions and Ouzinkie
31 the hunt that I know, myself, within my family here we do have
32 family that has intermarried to almost all the villages, I
33 could not sit here and say that for any one reason that any of
34 the communities should be allowed, as I do receive a lot of my
35 wild livestock through these community people. And I can very
36 much testify that yes we do go on hunts, collectively,
37 together. One other way we do is you can look at the herring
38 when we combine together, this is a general practice that we
39 consider on most every day life. So when they say that there
40 wasn't enough proof to show this, I just really find it hard
41 that before Statehood Act we did not have these many, many
42 drawings, I call it the elk lottery now, as they have so many
43 hunts available at specific times in different areas; that
44 certainly if we don't get one of these permits we're not
45 eligible to go hunting as the rest of the world. The other
46 side is elk are a very hearty animal. Just because you get the
47 permit to hunt them doesn't necessarily mean you're going to be
48 successful. I think these are things that need to be
49 considered very much.

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0009

1 So with that I'll conclude and say, yes, we unanimously
2 supported and feel that the communities that we have put in
3 this proposal are equally eligible. Thank you.

4
5 CHAIRMAN DEMIENTIEFF: Thank you. Do we have
6 additional Regional Council comment? Bill.

7
8 MR. THOMAS: Thank you, Mr. Chairman. We're reminding
9 ourselves that the responsibility of this body was intended to
10 be very interim. We should have been dismantled a long time
11 ago. We all know the reasons why we're still here. And with
12 regards to c&t's, customary and traditional is a term that has
13 been used by the subsistence community forever. Ten years ago,
14 the State had no definition for subsistence or customary and
15 trade and to my recollection, they still don't have that. And
16 with respect to the criteria instituted to determine c&t's is
17 also not a design or a provision of ANILCA.

18
19 And I'm not so sure that we should encumber ourselves
20 to allow for those areas that do not support the language of
21 ANILCA under the guise of the intent of ANILCA. You know, we
22 all read the same book and some say, well, this is the intent
23 and there is not agreement on that. So I'm not so sure that
24 these RFRs are somewhat out of order.

25
26 Thank you, Mr. Chairman.

27
28 CHAIRMAN DEMIENTIEFF: Thank you. Additional Regional
29 Council comment. Hearing none then we will advance the issue
30 to Board discussion.

31
32 MR. D. ALLEN: Mr. Chairman, I'd like to move that we
33 accept the Staff Committee's recommendation which is to reject
34 this RFR. To the best of my understanding there has been no
35 new information presented on this issue that we hadn't already
36 thoroughly and completely considered in our previous decision.

37
38 CHAIRMAN DEMIENTIEFF: Thank you. There is a motion,
39 is there a second?

40
41 MR. ANDERSON: I second.

42
43 CHAIRMAN DEMIENTIEFF: It's moved and seconded.
44 Discussion.

45
46 MR. D. ALLEN: Question.

47
48 CHAIRMAN DEMIENTIEFF: Question's been called for. All
49 those in favor of the motion please signify by saying aye.

50

00010

1 IN UNISON: Aye.

2

3 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

4

5 (No opposing votes)

6

7 CHAIRMAN DEMIENTIEFF: Motion carries. Proposal 42.

8

9 MR. WILLIS: Thank you, Mr. Chair. Proposal 42 would
10 establish a season and a harvest limit on Federal lands on
11 Afognak on Unit 8. The proposed season would extend from
12 September the 1st through September the 25th, with a harvest
13 limit of one elk per household. The proposal as originally
14 presented would also contain a designated hunter provision.

15

16 Currently the State season on Afognak Island runs for a
17 period of September 25 to November 30, with a harvest limit of
18 one elk. I would mention that this particular portion of the
19 island has an unlimited number of registration permits
20 available out of a population of about a thousand islands in
21 all of Unit 8.

22

23 We find that the Afognak Island elk are grouped into
24 various discreet herds. The particular herd that we're dealing
25 with on the forest of lands that are Federal that you see in
26 front of you on the map is called the Waterfall herd. This
27 herd is generally numbering about 80 to 120 animals and it
28 ranges on and off the Federal lands in that area. Harvest is
29 usually about three to 10 elk annually. We don't anticipate an
30 increase in harvest with the early opening of the season. The
31 September 1 opening was recommended to provide a priority for
32 the subsistence user over the non-subsistencer who would begin
33 hunting on September the 25th. We feel, rather, that the early
34 opening would merely shift some of the harvest to the
35 subsistence user rather than increasing it.

36

37 A couple of concerns that are not really biological in
38 nature were raised at the Regional Council meeting. One of
39 these involves fairly recent construction of logging roads in
40 the vicinity of the refuge lands on Afognak Island. The
41 council felt that the fact that the communities in that area
42 would have road access near -- or to the edge of the refuge
43 whereas all the other communities having c&t for elk would have
44 to get there by boat. This raises a concern that that
45 community would have an unfair advantage although they are, in
46 deed, legitimate subsistence users.

47

48 The other concern that was raised involves the salvage
49 of meat. We have several Council members who have hunted that
50 area for elk in the past and they were very concerned that too

00011

1 many elk would be shot using, especially a designated hunter
2 provision, rather than limiting people or allowing people to
3 shoot more than one harvest limit, they felt that that went a
4 little bit too far because of the difficulty of getting meat
5 out of the area. The country is very difficult to access.
6 There's a high bear population and their testimony was that
7 meat that was left in the field over night would almost
8 certainly be lost to bears.

9
10 So those were two additional concerns that were raised
11 by the Regional Council.

12
13 MR. EDENSHAW: Yeah, Mr. Chair, there weren't any
14 written public comments.

15
16 CHAIRMAN DEMIENTIEFF: Okay, thank you. Staff
17 Committee recommendation.

18
19 MR. ELEY: Yes, Mr. Chairman. The Staff Committee
20 supported the proposal as recommended by the Kodiak/Aleutians
21 Regional Council with the following modifications. First, was
22 a harvest limit of one elk by Federal registration permit per
23 household. Secondly, was access by marine waters only. Third,
24 only one elk allowed in possession of each two hunters and a
25 party in the field.

26
27 The current State regulations allow unlimited permits
28 to hunt elk on this portion of Afognak containing refuge lands.
29 A September 1st opening may shift some of the harvest by local
30 users but is not expected to result in an overall increase in
31 the harvest from the Waterfall herd population, which is the
32 population we're speaking of. Restricting access to marine
33 waters will provide equal harvest opportunity for all
34 communities having customary and traditional use of elk in Unit
35 8. Furthermore, access by roads may provide access such that
36 harvest may ultimately detrimentally effect the conservation of
37 healthy populations. And limiting the possession of one elk
38 for each two members in a hunting party will ensure that all
39 meat is salvaged before bears get there, and they're a problem
40 on Afognak Island.

41
42 CHAIRMAN DEMIENTIEFF: Thank you. Department comments.

43
44 MS. ANDREWS: Thank you, Mr. Chairman. We're neutral
45 on this proposal with the modification. Our concern is that
46 there be close monitoring of this hunt. As you know most of it
47 takes place before the State hunt would open and it's really
48 important that the Department have accurate numbers by the time
49 the State hunt opens so that we do -- can maintain a
50 sustainable population and don't exceed the allowable harvest.

00012

1 So it's real important that we get those numbers on what's
2 taken in the subsistence hunt prior to opening the State hunt.

3
4 Thank you, Mr. Chairman.

5
6 CHAIRMAN DEMIENTIEFF: Thank you. When does the State
7 season open?

8
9 MS. ANDREWS: It opens September 25th.

10
11 CHAIRMAN DEMIENTIEFF: What are our reporting
12 requirements? Is there a time of reporting requirements with
13 these permits?

14
15 MR. WILLIS: Mr. Chair, we would require a Federal
16 registration permit with a fairly short turnaround period and
17 have those sent directly to the refuge on Kodiak, rather than
18 having them come to the Anchorage office in order to get a
19 quick fix on how many animals are being taken.

20
21 CHAIRMAN DEMIENTIEFF: So by the time the State season
22 does roll around we will have a pretty accurate number for
23 harvest?

24
25 MR. WILLIS: Yes, we believe so.

26
27 CHAIRMAN DEMIENTIEFF: Elizabeth.

28
29 MS. ANDREWS: Thanks again, Mr. Chairman. This is
30 similar to the situation that we have for like Yakutat moose,
31 for example. And you know, even if -- whatever numbers you
32 have as the Federal season goes along, it's good that our Staff
33 get those so that we can start to give hunters who are going to
34 hunt under the State season some idea of what the allowable
35 harvest is going to be. If it looks like the State season's
36 only going to be open for five days because most of the
37 allowable harvest has been taken in the Federal hunt, it's good
38 for us to be able to let the public know that. So rather than
39 just like wait 'til September 24th and give us, you know, what
40 the final tally of that day is, if we get some idea about how
41 the hunt is progressing and what those numbers are that would
42 really help us make sure that we don't exceed the allowable
43 harvest.

44
45 CHAIRMAN DEMIENTIEFF: Yes, and Mr. Willis, you did say
46 the refuge would -- refuge manager or who would be having.....

47
48 MR. WILLIS: That's correct, Mr. Chair. The refuge
49 manager would be the one who gets the hunt reports from
50 subsistence hunters. The State now has a biologist in Kodiak,

00013

1 they're located very close to each other. There's no reason
2 that the refuge manager can't stay in constant contact with the
3 State biologist as each permit -- as each hunt report comes in.
4

5 CHAIRMAN DEMIENTIEFF: Okay, thank you. Do we have any
6 request for public testimony? No, no requests, okay. Regional
7 Council comments. Mark.
8

9 MR. OLSEN: Yes, our Council has spent much time on
10 these issues. I'd like to say that as long as the elk have
11 been there they have had plenty of time to abuse them if that
12 was their choice. Certainly that is not a choice to kill the
13 moose that lays the egg.
14

15 So with that I would like to say, realizing that it is
16 a relatively small area, this does, in fact, give the people --
17 local people a chance to getting elk that they probably would
18 not otherwise have as going through the State's side as far as
19 being eligible or being lucky enough to draw a permit. To do
20 that, they want permits -- you have to put in for drawings, I
21 don't know how many there is but there's at least four or five
22 different areas that have several different hunts at different
23 times of the year. So there is a big line of people waiting to
24 draw on those elk.
25

26 So with that, I would like to say that we have recently
27 obtained the c&t for the bear last year and to my knowledge,
28 things have gone well. There has not been any cases of what
29 the people most feared about doing this; I think it's been
30 regulated between the people itself and with the governing
31 bodies that govern us on these. So I just want to throw that
32 in that I feel that, here again, is another opportunity to show
33 that these things can and will work.
34

35 Thank you.
36

37 CHAIRMAN DEMIENTIEFF: Is there any additional Regional
38 Council comment? Dan.
39

40 MR. O'HARA: I notice that when the Staff gave the
41 report they said that there was a restriction on how to get to
42 the hunt on 42 by marine only or vessel only. Could the Staff
43 or maybe the Chairman Council Mark, answer that?
44

45 CHAIRMAN DEMIENTIEFF: Go ahead, Mark.
46

47 MR. OLSEN: I believe that utilizing that terminology
48 there eliminates any threat of the easier access and the area
49 being abused very much. That was one of the considerations
50 that many others would have an advantage as these roads that

00014

1 lead up to this are private roads. There would be an inequity
2 there. We feel that just because there's a logging camp there
3 it doesn't entitle them to a c&t of the elk. So we looked at
4 it to the best advantage of all communities that would have an
5 equal access and chance to getting elk.

6

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

8

9 CHAIRMAN DEMIENTIEFF: Further Regional Council
10 comment. There being none we will advance the issue on to
11 Board discussion and action.

12

13 MR. D. ALLEN: Mr. Chairman.

14

15 CHAIRMAN DEMIENTIEFF: Dave.

16

17 MR. D. ALLEN: Mr. Chairman, I recommend that we adopt
18 the proposal by the Regional Advisory Council as amended by the
19 Staff Committee for the reasons stated in the justification
20 provided.

21

22 CHAIRMAN DEMIENTIEFF: Further discussion.

23

24 MR. HEISLER: Second.

25

26 CHAIRMAN DEMIENTIEFF: Did you make no action or did
27 you make the motion?

28

29 MR. D. ALLEN: Pardon?

30

31 CHAIRMAN DEMIENTIEFF: Did you make the motion?

32

33 MR. D. ALLEN: Yeah, I did.

34

35 MR. D. ALLEN: Oh, I'm sorry, I missed it. Okay, we
36 got a motion made and seconded, I apologize. Further
37 discussion. Is there any discussion on the motion? Hearing
38 none, are we ready for the vote? All those in favor of
39 adopting Proposal 42, please signify by saying aye.

40

41 IN UNISON: Aye.

42

43 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

44

45 (No opposing votes)

46

47 CHAIRMAN DEMIENTIEFF: Motion carries. Seward
48 Peninsula Region, Region 7.

49

50 MR. BOYD: Hang on a minute, we've got 43; isn't that

00015

1 supposed to be taken up with Bristol Bay? Where is it, it's
2 under Tab 4 then, isn't it?

3

4 CHAIRMAN DEMIENTIEFF: Oh, I thought we were going to
5 take that up with -- I misled you.

6

7 MS. MASON: I'm just going to present the portion that
8 involves Region 8.

9

10 CHAIRMAN DEMIENTIEFF: Pardon me?

11

12 MS. MASON: I'll just present the material on Proposal
13 43 which effects the Kodiak/Aleutians Region.

14

15 CHAIRMAN DEMIENTIEFF: Okay. Go ahead.

16

17 MS. MASON: Thank you, Mr. Chairman. Proposals 43, 45
18 and 46 all involve c&t determinations for brown bear on the
19 Alaska Peninsula. And the three proposals were analyzed
20 together even though they involved the Bristol Bay and the
21 Kodiak/Aleutians Islands region. As I said, I'm only going to
22 talk about the portion that effects the Kodiak/Aleutians and
23 that would be Proposal 43, and actually part of Proposal 45
24 involves Unit 9(D), but that is redundant.

25

26 Proposal 43 requests a positive c&t determination in
27 Unit 9(D) for the residents of Unit 9(D) and in Unit 10, Unimak
28 Island for the residents of Unit 9(D) and the Unimak Island
29 portion of Unit 10. Proposal 45, as you see, has as one part
30 of it Unit 9(D) to establish a positive c&t for the residents
31 of Unit 9(D).

32

33 The communities in Units 9(D) and Unit 10, Unimak
34 Island are Cold Bay, False Pass, King Cove, Nelson Lagoon and
35 Sand Point. Over a 35 year period, the recorded harvest by
36 residents of this area have mainly been in Unit 9(D). Also to
37 a smaller extent in Unit 10, Unimak Island and even to a
38 smaller extent in Unit 9(E). According to the sealing records,
39 the hunters who took brown bears in these areas were mainly
40 from Cold Bay. The hunters from these communities that took
41 bears there. No harvest of brown bear that were identified as
42 being for human consumption have been reported in recent years
43 from these communities. And some people living in the region
44 remember that brown bear used to be more commonly used for
45 meat. In 1992 one percent of the Sand Point households and a
46 little over one percent of the King Cove households reported
47 using brown bears and the two bears that were reported taken by
48 King Cove residents were not eaten according to that same
49 report.

50

00016

1 Because there is little documentation that brown bear
2 harvested in the lower Alaska Peninsula communities in recent
3 times has been for human consumption. The Staff conclusion was
4 not to support the proposal. However, at the March '98
5 Regional Council meeting, two of the Council members from these
6 communities stated that they have eaten brown bear meat in the
7 past and they suggested deferring the proposal so that more
8 information could be gathered to support a positive c&t, and
9 Staff agreed to work with them for consideration for next year.

10

11 Thank you.

12

13 CHAIRMAN DEMIENTIEFF: Thank you. And now we are going
14 to go ahead and do the deliberation in Bristol Bay in
15 conjunction with 45 and 46 in Bristol Bay; is that my
16 understanding?

17

18 MS. MASON: It was my understanding that the Board
19 would actually consider Proposal 43 at this time.

20

21 CHAIRMAN DEMIENTIEFF: Okay. Do we have any written
22 comments?

23

24 MR. EDENSHAW: No.

25

26 CHAIRMAN DEMIENTIEFF: Staff Committee recommendations.

27

28 MR. ELEY: Yes, Mr. Chair. The Staff Committee
29 recommends deferring action of Proposal 43 until more
30 information is available. And this recommendation is
31 consistent with both the recommendations of the Bristol Bay and
32 the Kodiak/Aleutian Regional Councils. Thank you, sir.

33

34 CHAIRMAN DEMIENTIEFF: Thank you. Department comments.

35

36 MS. ANDREWS: Mr. Chairman, the Department supports
37 deferring action on the proposal.

38

39 CHAIRMAN DEMIENTIEFF: Thank you. I have no requests
40 for public testimony on this issue. Regional Council comment.

41

42 MR. OLSEN: No objection at this time.

43

44 CHAIRMAN DEMIENTIEFF: Thank you. Additional Regional
45 Council comment. If not then we'll move it on for Board
46 discussion and/or action. Federal Subsistence Board action.

47

48 MR. D. ALLEN: Mr. Chair.

49

50 CHAIRMAN DEMIENTIEFF: Yes, Dave.

00017

1 MR. D. ALLEN: I move that we accept the proposal by
2 the two Regional Advisory Councils until more information is
3 available.

4
5 MR. ANDERSON: Second.

6
7 CHAIRMAN DEMIENTIEFF: Okay, it's been moved and
8 seconded. Discussion on the motion.

9
10 COURT REPORTER: Who seconded?

11
12 CHAIRMAN DEMIENTIEFF: Paul. There's no further
13 discussion. All those in favor of the motion please signify by
14 saying aye.

15
16 IN UNISON: Aye.

17
18 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

19
20 (No opposing votes)

21
22 CHAIRMAN DEMIENTIEFF: Motion carries. Okay, now,
23 we'll move on to Seward Peninsula, Tab 7.

24
25 Just for the week those of you that have other things
26 that you may want to do or brief appointments, we are going to
27 probably -- unless we get hung up somewhere, our breaks will
28 probably be around 10:00 in the morning and 3:00 o'clock in the
29 afternoon so if you need to schedule or if you have a quick
30 something that you need to get done that will be when we take
31 breaks, mid-morning and mid-afternoon, about 10:00 and 3:00
32 o'clock.

33
34 The consent agenda items for Region 7, Seward
35 Peninsula, will be Proposal 85, 87, 88, 89, 90 and 91, and RFR
36 97-12 also.

37
38 Is there anybody who would like to pull any of these
39 items off the consent agenda? If none, then we'll go ahead and
40 move them on to the consent agenda items.

41
42 Okay, Proposal 86.

43
44 MS. DEWHURST: Proposal 86 is to change the moose
45 harvest from one antlered bull with still the provision that
46 you can't take a cow accompanied by a calf, and retaining the
47 present season and residency restrictions. I'll repeat that.
48 It's changing the harvest from one antlered bull to one moose
49 and keeping the current season and the current residency
50 restrictions.

00018

1 This proposal is for 22(A), the Norton Sound area.
2 Currently the moose population in that area is considered
3 depressed and below the population -- the objectives of the
4 State basically. The objectives of the State are 800 to 1,000
5 moose. The current population is estimated at 400 to 600. So
6 about half. The area gets pretty heavy harvest and it is
7 predominately by the local people though. 77 percent of the
8 harvest is by Unalakleet residents and it's very concentrated
9 along the Unalakleet River.

10
11 The quantity of the harvest has been going down
12 consistently since the mid-80s, success rates have been going
13 down and part of that is considered to be contributed to the
14 fact that the moose population has been going down.

15
16 MR. EDENSHAW: There was one written comment, a
17 gentleman opposed this proposal and his concern was illegal
18 take of cow harvest in Unit 22(A). That's all.

19
20 CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee
21 recommendation.

22
23 MR. ELEY: Yes, Mr. Chair. The Staff Committee
24 supported the proposal with the modification of substituting
25 the requirement for one antlered bull with one bull. It would
26 be a one bull season, not one antlered bull.

27
28 The moose population in Unit 22(A) is considered
29 depressed and below the population objectives for that area.
30 Liberalizing the harvest to include taking of cows would likely
31 cause a further decline in the population. Changing the
32 harvest limits to one bull would allow antlerless bulls to be
33 taken. This would be particularly advantageous in December and
34 January when many of the bulls are antlerless, yet, we could
35 still protect the cows.

36
37 Dropping of the antler requirement would also make the
38 Federal subsistence regulations consistent with those for State
39 residents. The Staff Committee disagreed with the Seward
40 Peninsula Regional Council recommendation to establish an
41 either sex harvest because it would be detrimental to the
42 health of the moose population in 22(A).

43
44 Thank you, Mr. Chair.

45
46 CHAIRMAN DEMIENTIEFF: Thank you. Request for public
47 testimony. Jake Olanna.

48
49 MR. OLANNA: Thank you, Mr. Chairman. Kawerak, at
50 their recent board meeting supported Proposal 85, which --

00019

1 could I go ahead and just go through what Kawerak's positions
2 are on these Seward Peninsula proposals?

3

4 CHAIRMAN DEMIENTIEFF: Yeah, go ahead.

5

6 MR. OLANNA: Okay.

7

8 CHAIRMAN DEMIENTIEFF: You know, you understand Jake
9 that we're already going to adopt that particular proposal on
10 the consent agenda.....

11

12 MR. OLANNA: Right.

13

14 CHAIRMAN DEMIENTIEFF:but it's your time to
15 testify so you can cover what you like.

16

17 MR. OLANNA: Okay. I don't have any comments on this
18 particular proposal that you're talking about because it's in a
19 region where I'm not real familiar with. But I do have a
20 question on the muskox proposal, special action on 97-14. The
21 proposed regulation is asking that six Federal permits will be
22 issued by the National Park Service for muskox and six Federal
23 permits will be issued on BLM land. My question is, did Staff
24 contact the people in Brevig in reference to this matter
25 because I don't know if Walter Seetot was here at the Federal
26 Subsistence Board meeting, you know, at the Northwest -- the
27 Seward Peninsula Federal Advisory Committee meeting. I don't
28 think he was there. But his concern, because the people in
29 that area have to go a long distance to National Park Service
30 lands to hunt muskox when they could observe and see muskox
31 near BLM lands, which is a lot closer. And the people that
32 have been hunting muskox in more recent years have been
33 targeting younger bulls and I don't know what the population
34 consist of but I know the hunters are reluctant to shoot the
35 big breeding bulls because their meat is tough. And I was just
36 wondering that question of why is there division between the
37 Federal lands, because the State has now granted a positive c&t
38 and have opened up that area for muskox hunting? That's the
39 only concern that I have.

40

41 But all the other proposals Kawerak supports. On the
42 bear proposal, I am very glad that -- I see that it was
43 supported because the Federal -- I mean the State Board of Game
44 just adopted a proposal similar to this one. I want to thank
45 you.

46

47 CHAIRMAN DEMIENTIEFF: Thank you. We have no
48 additional requests for public testimony at this time. State
49 comments, I'm sorry we're a little bit out of order here.

50

00020

1 MS. ANDREWS: Thank you, Mr. Chairman. The Department
2 support the Staff Committee recommendation to modify this for
3 one bull. As you know, you've heard the biological information
4 from Staff, we are also concerned about the Unalakleet
5 drainage. There is Federal land on the upper portions and we
6 do know that there would be easy access to that area by the
7 larger population center of Unalakleet. Also there is concern
8 that in years when caribou aren't available there would be more
9 pressure on the moose population which you've heard is at low
10 population density, so we do support the Staff recommendation
11 for one bull.

12
13 CHAIRMAN DEMIENTIEFF: Thank you. Regional Council
14 comment.

15
16 MR. KATCHEAK: Mr. Chair, I agree with Staff's
17 recommendation and Regional Council recommendation. Thank you.

18
19 CHAIRMAN DEMIENTIEFF: Thank you. Additional Regional
20 Council comment. Go ahead, Mr. Thomas.

21
22 MR. THOMAS: Thank you, Mr. Chairman. Down in my
23 country we don't have this problem with moose but I did have a
24 concern. The Staff Committee disagreed with the Seward
25 Peninsula Regional Council recommendation to establish an
26 either sex harvest because it would be detrimental to the
27 health of the moose population in Unit 22(A). My curiosity
28 there is input from the community, from the people that have a
29 long history of using this resource with those different
30 practices. If in the past that there was neither sex harvest
31 has it been determined by the past practice that became
32 detrimental to the health of the moose population? What's
33 happening here? I find this kind of an awkward disagreement
34 considering that by the time this recommendation got to this
35 point there was a lot of knowledgeable people that have offered
36 their input in arriving at a conclusion to suggest that.

37
38 If I'm mistaken in my public participation then perhaps
39 his is very much in order. I don't mean to make it awkward for
40 anybody. It's just that I'm trying to point out the importance
41 of local participation in these deliberations when these
42 proposals are presented and to take advantage and garner the
43 history and knowledge of those users. But if that isn't the
44 case then my concern, I guess, isn't as magnified. But I am
45 curious to know -- it sounds to me like a blanket disagreement.
46 An arbitrary disagreement. A lousy disagreement. I'm running
47 out of adjectives.

48
49 CHAIRMAN DEMIENTIEFF: I guess it is a little bit
50 confusing, Ted, the written Regional Council recommendation

00021

1 that's in Proposal 86 is different than what you testified.
2 You basically just testified that you guys supported the
3 proposal as modified?

4
5 MR. KATCHEAK: Yes.

6
7 CHAIRMAN DEMIENTIEFF: Okay, I don't know what you're
8 getting at Mr. Thomas. The Regional Council supports it.

9
10 MR. THOMAS: If they're happy, I'm happy Mr. Chairman.

11
12 CHAIRMAN DEMIENTIEFF: Okay, good. Additional Regional
13 Council comment. None, then we'll go ahead and move on to
14 Board discussion and/or action.

15
16 MR. T. ALLEN: Mr. Chair.

17
18 CHAIRMAN DEMIENTIEFF: Yes.

19
20 MR. T. ALLEN: If everybody's as happy as they
21 indicate, I'm going to make a motion that we adopt the Staff
22 Committee recommendation.

23
24 CHAIRMAN DEMIENTIEFF: Okay, you're making the motion,
25 is there a second?

26
27 MR. D. ALLEN: Second.

28
29 CHAIRMAN DEMIENTIEFF: Discussion. Hearing none, all
30 those in favor of the motion please signify by saying aye.

31
32 IN UNISON: Aye.

33
34 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

35
36 (No opposing votes)

37
38 CHAIRMAN DEMIENTIEFF: Motion carries. Now, we have
39 Special Action 97-14.

40
41 MS. DEWHURST: For those of you who have been on the
42 Board for a while this should come as a very pleasant thing as
43 we've been working on muskox for a long time, especially in the
44 Seward Peninsula and this is a time where we can say that the
45 State, the Feds, and the local users seem to have found a
46 middle ground. And it's come with a lot of work, a lot of
47 participation, a lot of effort. This special action was
48 generated by work of the Seward Peninsula Cooperators and
49 several meetings in the past six months and this is the result.

50

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1 It was decided on the five percent harvest level based
2 on by subunit from the 1998 census data which was just
3 completed a couple months ago. The State/Federal split between
4 the -- basically what this special action, it comes on the
5 tails of the State recently did grant c&t and also with State
6 Board action granted a Tier II hunt. And so this special
7 action is modifying this existing Federal hunt to allow a
8 combined State/Federal hunt so we have to adjust the amount of
9 current Federal permits to allow the combined hunt. The split
10 between the State and the Feds, as far as by subunit was
11 selected by the individual villages and modified somewhat by
12 the proportion of Federal land. So if a subunit didn't have
13 very much Federal lands we would give them a proportional
14 amount of Federal permits. But the individual villages could
15 override that. The third provision of the special action was
16 to, there again, go along with the State and put some
17 additional permit language in our Federal registration permits
18 that would request the removal of the lower jaw. And that is
19 to give us some sex, age data on the harvest which we haven't
20 had in the past.

21
22 This diagram gives a quick illustration from the
23 1996/1998 census showing a little bit of the movement. Showing
24 that there is movement but the movement wasn't as far east as
25 we anticipated. It's still staying pretty much concentrated in
26 22(D) with increased movement in 22(E) and 23. But we're not
27 seeing movement to the south and to the east into 22(B) or (A)
28 which kind of surprised some people. But that area down around
29 White Mountain, Koyuk is heavily timbered so that could explain
30 why the -- muskox like tundra and so the timber probably is
31 limiting factor.

32
33 The proposed split between the State and the Feds and
34 the State have already issued the amount of permits listed
35 under the State column under their Tier II permit and this is
36 the proposed split listed by subunit and I believe you
37 gentlemen all have this as a handout. Then like I say, the
38 split came up, primarily it's by village request and then with
39 some consideration as to the percentage of lands, State and
40 Federal lands.

41
42 MR. KATCHEAK: Mr. Chair, I'd like to recommend that
43 the restriction on Unit 22(D).....

44
45 CHAIRMAN DEMIENTIEFF: Ted, if you could, if you could
46 hold your comments off you will have the opportunity to comment
47 before we deliberate but we need to go ahead and get the rest
48 of our Staff report. Were there any written comments, Cliff?

49
50 MR. EDENSHAW: Mr. Chair, there weren't any written

00023

1 public comments.

2

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

5

6 MR. BOYD: That's me. This may be a bit confusing but
7 let me just refer you to Page 63 in your book. The Staff
8 Committee supported the special action with the following
9 modification. And instead of trying to work you through the
10 modification because I think it would require the Council
11 recommendation to come first and we haven't heard from them
12 yet, but Staff Committee is recommending in Unit 22(D) that 12
13 Federal permits be issued and then 22(E) nine Federal permits
14 be issued and then 23 eight Federal permits issued.

15

16 As, I think, Donna has said, this is the culmination of
17 several years of work in trying to establish a muskox harvest
18 system that would best meet the needs of the local users. It
19 would also be biologically sound and this is the first
20 successful efforts between, I think, several groups, the Seward
21 Peninsula Muskox Cooperators Group, Alaska Department of Fish
22 and Game and the Park Service as well as the BLM and the local
23 communities in the region. And the harvest rate division and
24 distribution, the permits, season and bag limits were all
25 developed cooperatively modifying the current Federal
26 subsistence muskox harvest system to enable a one year trial of
27 this new combined Federal/State harvest system which showed
28 strong support, I think for those cooperative management
29 effort. And it would be consistent with the expressed by the
30 Seward Peninsula Council, although somewhat different.

31

32 CHAIRMAN DEMIENTIEFF: Thank you. Department comments.

33

34 MS. ANDREWS: Mr. Chairman, our Staff has worked with
35 the Federal Staff and the cooperators on this proposal, we've
36 worked at the Game Board meeting and so forth and so we're in
37 agreement with the package that's before you.

38

39 CHAIRMAN DEMIENTIEFF: Okay, thank you. If we don't
40 have any other requests for public testimony at this time,
41 Regional Council comments. Go ahead.

42

43 MR. KATCHEAK: Thank you, Mr. Chair. We'd like to
44 recommend that the restriction be removed on 22(D) for, I
45 believe there's six muskox harvest, three in National Park
46 Service area and three in BLM. The reason why I would like to
47 recommend that is the hunters have to go about 80 to 100 miles
48 to National Park Service area and that's a long ways. I
49 understand there's a -- the muskox population is widely
50 dissipated near Brevig and Teller and that this would allow the

00024

1 hunters to harvest muskox in the BLM areas.

2
3 CHAIRMAN DEMIENTIEFF: So the Council is recommending
4 some changes; is that correct?

5
6 MR. KATCHEAK: Yeah.

7
8 CHAIRMAN DEMIENTIEFF: So you're looking for -- I'm not
9 sure, are you looking for Unit 22 -- 22(D), you're looking
10 for.....

11
12 MR. KATCHEAK: 22(D).

13
14 CHAIRMAN DEMIENTIEFF:you're looking for
15 additional State permits there?

16
17 MR. KATCHEAK: No. That the permits are -- harvest be
18 taken in the BLM where presently they're allowed to go 800
19 miles in National Park Service area to harvest their muskox.

20
21 CHAIRMAN DEMIENTIEFF: And so there's BLM land
22 available there that -- I mean there that you're trying to get
23 some access to.....

24
25 MR. KATCHEAK: Yes.

26
27 CHAIRMAN DEMIENTIEFF:that we don't currently
28 have?

29
30 MR. T. ALLEN: Mr. Chairman, Ted, in which unit are you
31 speaking?

32
33 CHAIRMAN DEMIENTIEFF: 22(D).

34
35 MS. B. ARMSTRONG: B or D?

36
37 MR. KATCHEAK: D.

38
39 MR. BOYD: You might ask Donna to point out the area.

40
41 MS. DEWHURST: It's up here.

42
43 MR. EDENSHAW: Excuse me, Mr. Chair.

44
45 CHAIRMAN DEMIENTIEFF: Okay, maybe Ken, do you mind
46 maybe helping us out here? We seem to be struggling a little
47 bit and I understand that you worked very closely with the
48 cooperative and all.

49
50 MR. ADKISSON: My name is Ken Adkisson, I'm with the

00025

1 National Park Service in Nome, Alaska and also co-chair of the
2 Seward Peninsula Muskox Cooperative Working Group. The
3 question right now I think is, you know, what really needs to
4 be done in 22(D) regarding an allocation. And what's before
5 you is to retain a split in Federal permits that was instituted
6 for last years hunt of 50 percent of the Federal permits could
7 be filled from BLM lands and 50 percent from National Park
8 Service lands. If I may, let me just go over to the map for a
9 moment.

10
11 This area right here caught in the middle part of the
12 Seward Peninsula constitutes subunit 22(D). The BLM lands that
13 were under discussion are these orange lands right in here in
14 fairly close proximity to the communities of Teller and Brevig
15 Mission. The National Park Service lands that are under
16 discussion are as the Seward Peninsula Chair points out further
17 to the east, actually all the way over to the eastern part of
18 the subunit, and yes it is difficult for hunters from Teller
19 and Brevig Mission to travel over to 22 -- the eastern part of
20 22(D) and harvest. However, the last time your permits that we
21 were issued, one hunter did accomplish that so it's not
22 possible, it is very difficult.

23
24 The problem in 22(D) is the same one that the Board has
25 faced with since the first hunt was established in 1995. And
26 that is the potential overharvest of animals off of Federal
27 public lands within 22(D). The reason for that is there's such
28 a small percentage of public lands and at the counts that are
29 done every two years, the spring counts, there's such a small
30 percentage of the total animals in 22(D) that are normally
31 counted on Federal public lands, and the issue is establishing
32 a high harvest limit based on the total animals and then
33 compressing it down on to that much smaller area of Federal
34 public land in those smaller number of animals. And so the
35 question of potential overharvest is one that's still with us.

36
37 The split was originally designed as a biological
38 safeguard to prevent overharvest of those animals especially on
39 Federal -- on BLM lands. Now, for this years hunt, the total
40 number of animals went up. To the best of my knowledge the
41 animals counted on Federal land probably stayed about the same.
42 So the total allowable harvest went up and the question is,
43 should we be applying that to those Federal public lands? Yes,
44 there probably will be some exchange of animals. There may be
45 some replacement of bulls. But once the animals essentially
46 park themselves on their wintering sites, their wintering range
47 there probably won't be that much exchange during the hunt
48 year. The question becomes then are there even 12 bulls to be
49 found out on that Federal public land? And that's a good
50 question but I seriously doubt it. So the question is, do we

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1 issue 12 permits instead of six for those BLM lands,
2 essentially the hunters are going to try to take all their
3 animals off of that. If they don't succeed, will they be
4 encouraged then to take illegal animals off of, say, State
5 lands, I don't know, it's a good question. If they can't find
6 animals, will they then go over to the Park lands, I don't
7 know, my guess is most of them probably won't, but one or two
8 may try.

9
10 At the public meetings that we held, one hunter from
11 Teller said that -- after about three years of hunting they
12 were having some trouble finding numbers of bulls on BLM lands.
13 Whether that's a biological problem that's emerging, I don't
14 think we know but it's sure something that raises a red flag.
15 The State has maintained that they still believe we're over
16 harvesting off of Federal lands in 22(D), but they also said
17 that to get the State hunt to work they'd be willing to try
18 this. The villages probably, at the final analysis, after the
19 Board of Game meeting and the agreement was reached to split
20 the permits, we really didn't go back to the villages and
21 consult on that six/six split. In some cases there simply
22 wasn't time. We recognize that it's sort of an imposition
23 perhaps for some hunters to have to travel that far. The
24 general feeling, however, is if the State hunt succeeds, we'll
25 probably see a shift in 22(D) of permits from the Federal
26 system into the State system anyway because that will allow
27 those hunters that opportunity to hunt animals close to home
28 which is what they want and they really can't do that now. And
29 if that happens, the whole issue will simply dissolve and go
30 away on its own and we won't need to retain that restriction.

31
32 The question is is should we eliminate it now, I guess.
33 Personally I feel there's still enough of a question of
34 overharvest on Federal public lands that I think most of the
35 managers would prefer to see the restriction retained for this
36 year even though it causes a slight, perhaps, hardship to some
37 of the villagers. Like I say, if the State hunt's successful I
38 think we can remove it. If we choose to remove it now, we're
39 simply experimenting to see if there are sufficient animals out
40 there and what happens if they don't. And I'm not sure in
41 terms of our agreement with the State and our other commitments
42 to the villages that it's worth experimenting with at this
43 point.

44
45 Now, if anyone has any questions I'll be glad to
46 entertain them.

47
48 CHAIRMAN DEMIENTIEFF: So then basically this coming
49 year with the State Board of Game action there will be Tier II
50 permits available for those villages in 22(D)? So actually

00027

1 it's not either or, I mean there will be opportunity then for
2 local hunters to hunt on State lands which are closer than the
3 Park Service lands?
4

5 MR. ADKISSON: Yes, sir, Mr. Chair. If you're a
6 resident of Brevig Mission and/or Teller and you obtain a State
7 Tier II permit for 22(D), because you're also Federally
8 eligible you'll be able to use those permits on State or
9 Federal lands within 22(D), which would give you a really wide
10 opportunity of where to select animals from. Since our Federal
11 permits are still only good for Federal public lands, if you
12 get a Federal permit you'll be required to take your animal off
13 of Federal public lands.....
14

15 CHAIRMAN DEMIENTIEFF: Correct.
16

17 MR. ADKISSON:within that subunit.
18

19 CHAIRMAN DEMIENTIEFF: Okay. Is there additional
20 Regional Council comment? Go ahead Willie.
21

22 MR. GOODWIN: Mr. Chairman, the villages that are
23 involved in this proposal do support the allocation of eight
24 Federal and two State, which is Buckland and Deering. And the
25 other point I'd like to make is that the availability of other
26 BLM lands come December 1st that are selected but not conveyed
27 to Native corporations around these villages will be open for
28 Federal permits. That's if the State doesn't comply with what
29 we're doing now.
30

31 CHAIRMAN DEMIENTIEFF: Okay.
32

33 MR. GOODWIN: I did have that clarified because I asked
34 a question on Buckland and Deering.
35

36 CHAIRMAN DEMIENTIEFF: Okay, additional Regional
37 Council comment. Go ahead, Fenton.
38

39 MR. REXFORD: Yeah, just a comment Mr. Chairman, Federal
40 Board members. I appreciate the work that our neighbors are
41 doing at Seward Peninsula area as far as working with the State
42 and Federal agencies, and I can see we're getting closer and
43 closer to our area. Just one thing to keep in mind, I like the
44 harvesting level, although it's still conservative at five
45 percent and I want to see that consistent around the state is
46 my only comment. That harvesting at five percent level is
47 still on the conservative end for the muskoxen and I appreciate
48 those comments and I just want to keep it pretty standard all
49 across the State of Alaska somewhere at five and a percent
50 higher would be good as well.

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1 CHAIRMAN DEMIENTIEFF: Thank you. Bill.

2

3 MR. THOMAS: Thank you, Mr. Chairman. Mine's coming
4 from a different angle altogether. In the justification, it's
5 got completing a sentence, would also be biologically sound in
6 its management. What constitutes sound management
7 biologically? That's been a question I've had for a long time.

8

9 MR. GOODWIN: Five percent.

10

11 MR. THOMAS: Five percent? I've never heard of
12 percentages used in biology. Can anybody give me an answer to
13 that? What constitutes biological sound management?

14

15 MR. GOODWIN: Mr. Chairman, that's a question I asked
16 also in our meeting and they said biologically five percent of
17 the population is a good biological reason. And the other.....

18

19 CHAIRMAN DEMIENTIEFF: Okay, Donna, do you want to give
20 us your.....

21

22 MR. GOODWIN: Mr. Chairman, the last comment, if I may,
23 is we're looking at a species here that were introduced within
24 the last 20 years so I don't know about customary and
25 traditional use of these animals. If we shoot them all right
26 now we're not going to lose nothing, we never had them before.

27

28 MS. DEWHURST: As far as biologically sound, on the
29 Seward Peninsula, all we have to go with is there's a
30 population count done every two years. We do not have any calf
31 production information which we do have up on the North Slope,
32 that's a great benefit on the North Slope as far as managing
33 there. We don't have that information so basically all we can
34 do is see what the numbers do every two years. Based on the
35 growth, the numbers in Seward Peninsula are still on the
36 upside, they're still increasing if you graphed it out. And so
37 we're assuming we're getting good calf survival and calf
38 production because the numbers are still increasing. So based
39 on that, if you remember back on the Seward Peninsula Muskox
40 Management Plan it said three percent, well, that's why all the
41 cooperators all agreed to up it to five percent because the
42 numbers are still increasing. We've been harvesting at three
43 percent and the numbers are still going up, well, obviously
44 that's okay and that's why it was agreed, well, we can go up to
45 five percent and see what happens. And the question of what's
46 biologically sound, we're having to do a little bit of guess
47 work because we don't have all the pieces of the pie. All we
48 have is this population count that's done every two years and
49 see what the numbers do. And if we -- right now, things are
50 still doing good and we say it's a sound management system and

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1 then the numbers are still going up so everybody likes that
2 because they want to be able to harvest more muskox.

3
4 CHAIRMAN DEMIENTIEFF: Thank you.

5
6 MR. THOMAS: Thank you, Mr. Chairman. That brings to
7 mind a point that's getting to be kind of a sore spot. Ever
8 since we've been in existence, much of our discussion and
9 justification and determinations had to have a lot of
10 biological documentation support or something associated to
11 that. And in the past year I started exploring what in the
12 heck is -- well, my one question was, how do you manage
13 anything biologically? And to me, I respect the response I got
14 just now but I'm having to use a lot of creativity in
15 considering it's biologically sound when so much of it is guess
16 work.

17
18 This will be coming up again and I don't want to
19 belabor it right now but it will be coming up again and again.
20 I just want to make that point because a lot of people find a
21 lot of comfort in using the term biologically sufficient,
22 biologically insufficient, biologically this or that. When
23 biologically isn't either this or that.

24
25 Thank you, Mr. Chairman.

26
27 CHAIRMAN DEMIENTIEFF: Thank you. Additional Regional
28 Council comment. Jake, I looked at your, and it does say you
29 want to testify on all Region 7 proposals. I didn't call you
30 up a second time because I thought you already testified once
31 before but that was when we were discussing Proposal 86, did
32 you have additional comment?

33
34 MR. OLANNA: No, I don't. But what just happened here
35 answered the question that I had earlier.

36
37 CHAIRMAN DEMIENTIEFF: Oh, okay.

38
39 MR. OLANNA: And I want to thank you. Could I add
40 something here?

41
42 CHAIRMAN DEMIENTIEFF: Yeah, go ahead. I should have
43 called you.....

44
45 MR. OLANNA: Okay.

46
47 CHAIRMAN DEMIENTIEFF:during the public
48 testimony.

49
50 MR. OLANNA: I started doing all the proposals at once

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1 but that's fine. I'm the co-chair of the Muskox Working Group.
2 Ken and I are chairmen of that committee, but I missed the last
3 meeting because I had a touch of pneumonia and unfortunately I
4 didn't get all the details. But what I was referring to was a
5 question that I had earlier was from some of the people that I
6 don't know if they're real hunters or not, but there's a couple
7 people from Brevig that I spoke with that could not understand
8 the fact that there was muskox on those BLM lands and then --
9 and when this proposal came up, that's what my question was,
10 why put numbers on the specific -- you know, in 22(D).

11
12 But like Ken said, muskox do travel within the region.
13 And you know, being from there I've seen muskox in a lot of
14 areas that I know weren't there the year before. But this
15 answers my question. And I'm very happy that the State has
16 granted a positive c&t and that there'll be a Tier II hunt. I
17 don't know how many exactly will be applying for permits in
18 22(D), me, being from Nome, originally from Shishmaref, I sure
19 would like to be able to try and get a permit.

20
21 But after Ken explained the problems that we've been
22 having there are, I understand the question now and I do
23 support this proposal.

24
25 CHAIRMAN DEMIENTIEFF: Thank you. At this time we're
26 going to advance the issue on for Board discussion.

27
28 MR. ANDERSON: Mr. Chairman.

29
30 CHAIRMAN DEMIENTIEFF: Yes, Paul.

31
32 MR. ANDERSON: It's rewarding to see the Seward
33 Peninsula Cooperators Group working together to solve problems
34 for the benefit of all the folks on the Seward Peninsula in
35 deference to the sustainability and biological condition of the
36 muskox population there.

37
38 The proposal before us here, Special Action 97-14,
39 reflects the interest in, and as I understand it, the consensus
40 of the muskox cooperators. And, in fact, provides for
41 increased opportunity on Federal public lands on the Seward
42 Peninsula from years past and seems to be progress in the right
43 direction. As we've heard from several of the commenters of
44 the Staff and from Mr. Adkisson, there's some concern over the
45 potential overharvest of animals on BLM lands near Teller and
46 Brevig Mission, and that certainly concerns me. And I guess
47 I'm somewhat comforted for the folks there that they do have an
48 increased ability under the State hunt potentially to take
49 muskox on State lands closer to the village. But in order to
50 provide for this increased opportunity and with concern for the

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1 muskox on the BLM lands there around Teller and Brevig Mission,
2 I'd like to make the following motion if I may.

3

4 CHAIRMAN DEMIENTIEFF: No. If we could just wait Paul.

5

6 MR. ANDERSON: Sure.

7

8 CHAIRMAN DEMIENTIEFF: I had gotten an old sheet that
9 we were operating under, the old procedures that we'd outlined
10 and we had worked out a deal with the Regional Councils, you
11 guys will recall that after we have Board discussion, before we
12 make a motion, that we would have one final round of Regional
13 Council comments. And if you were wondering why I wasn't doing
14 it, I wasn't working off of this one, I was working off an
15 older one that we've since thrown away. So what we're going to
16 do is we're going to have Board discussion, and prior to any
17 motion we'll make one last call to the Regional Councils, any
18 final comments that you might have based on hearing any
19 discussion we have. So I apologize for grabbing the wrong
20 script, anyway, that's what we'll be doing from now on.

21

22 MR. ANDERSON: Thanks for the correction, I'll let my
23 discussion stand.

24

25 CHAIRMAN DEMIENTIEFF: Okay. Is there any other
26 discussion points, Board members? Okay, one final call then
27 for Regional Council comments, any additional final comments?

28

29 MR. THOMAS: That's a good job remembering, Mr.
30 Chairman.

31

32 CHAIRMAN DEMIENTIEFF: Okay, if there's no other
33 Regional Council comments, we're ready for your motion now.

34

35 MR. ANDERSON: Okay. I move that we support Staff
36 modification for Special Action 97-14. This increases the
37 season length by opening the season on August 1st and closing
38 the season on March 15th for Units 22(D), (E) and a portion of
39 Unit 23. Further, it authorizes Federal permits as follows:
40 12 permits for Unit 22(D), six of those for NPS lands, six for
41 BLM lands. Nine permits for Unit 22(E). Eight permits for
42 Unit 23. This motion is consistent with the Staff Committee's
43 recommendation on Page 62 and 63 here in the Board book as well
44 as the Staff analysis on 65 and 66 and supports the intent and
45 proposal of the Muskox Cooperators Group.

46

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

48

49 MR. T. ALLEN: Second.

50

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1 CHAIRMAN DEMIENTIEFF: It's been moved and seconded. I
2 just want to offer, I intend to support the motion. And the
3 reason is because of the role the State has played through the
4 Board of Game in providing additional opportunities on State
5 land. But beyond that, I just want to add my congratulations
6 to all the parties. We've struggled with this issue, I think,
7 three years now, and I'm glad that we're finally able to have
8 everybody at the table from the villages, you know, the
9 management agencies, the Regional Councils, the State of
10 Alaska, all of you deserve highest commendation for sitting
11 down and finally working out something that allows
12 opportunities for subsistence users in those communities on all
13 those -- on all the lands that are available and show the
14 highest level of cooperation and care for the resource. Before
15 we vote I just wanted to offer my highest commendation to all
16 of you who worked so hard to come up with this.

17
18 MR. HEISLER: Mr. Chair, discussion.

19
20 CHAIRMAN DEMIENTIEFF: Yeah, go ahead.

21
22 MR. HEISLER: I was looking at the numbers and my
23 understanding is that we're using the muskox population of
24 1,432 and using a factor of five percent; is that correct?

25
26 CHAIRMAN DEMIENTIEFF: That's my understanding; is that
27 correct?

28
29 MS. DEWHURST: The agreement by the cooperators was to
30 do it by subunit not to go by the total number to do five
31 percent of the individual subunits and that was what the
32 cooperators agreed on.

33
34 MR. HEISLER: Thank you.

35
36 CHAIRMAN DEMIENTIEFF: Further discussion. Are we
37 ready for the vote.

38
39 UNIDENTIFIED VOICE: Question.

40
41 CHAIRMAN DEMIENTIEFF: Question's been called for. All
42 those in favor signify by saying aye.

43
44 IN UNISON: Aye.

45
46 CHAIRMAN DEMIENTIEFF: Those opposed.

47
48 (No opposing votes)

49
50 CHAIRMAN DEMIENTIEFF: Motion carries. Okay, we now

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1 move on to -- follow-up to Proposal 62 from last year.

2

3 MR. BOYD: I'll introduce and then Helen will give the
4 Staff report.

5

6 CHAIRMAN DEMIENTIEFF: Okay, Tom.

7

8 MR. BOYD: Mr. Chair, as you stated, this is a follow-
9 up to Proposal 62 from a year ago when the Board met. And at
10 that Board meeting, the Board considered a proposal from the
11 Seward Peninsula Regional Advisory Council to -- that family
12 members residing outside of Unit 22 be allowed to hunt moose in
13 Unit 22(A). The board did not support the council's
14 recommendation because the current regulations do not provide
15 for visiting family members to hunt. Although the Board didn't
16 support this request, it did commit that the Staff would
17 analyze whether or not regulations could be modified to allow
18 such use. We have looked at this issue and prepared a briefing
19 paper for the Board to consider. It's not a proposal that's in
20 front of you for decision and so I guess, with that, I would
21 have Staff -- Helen Armstrong, who prepared the report, give
22 you a briefing on it.

23

24 CHAIRMAN DEMIENTIEFF: Go ahead, Helen.

25

26 MS. H. ARMSTRONG: Thank you, Mr. Chair. Although this
27 is appearing in the Seward Peninsula discussion, this is
28 something that applies state wide but we decided to do it under
29 the Seward Peninsula proposals because it was something that
30 was brought up last year by the Seward Peninsula. What we did
31 is decided to look at ANILCA as well as legislative history to
32 determine if there was any reference to this issue anywhere in
33 the legislative history or in ANILCA. And there were two
34 issues actually that we were looking at. One whether or not
35 ANILCA would accommodate a change in Federal regulations to
36 allow rural residents to take fish or wildlife outside of their
37 customary and traditional use areas when they're visiting
38 family members, and the second was if such a modification could
39 apply to all Alaskans or only to rural residents. And the
40 reason for the second was because the request made by Seward
41 Peninsula was specifically for all Alaskans rather than rural
42 residents and they were very deliberate in that request when we
43 had our Council meeting, we actually discussed whether or not
44 they should do that and it was the decision of the Council they
45 wanted to propose it to see what would happen.

46

47 So what we did was we first looked at the definitions
48 in ANILCA, and the Seward Peninsula Council had taken the
49 approach that family, as defined in Section 803 applies to the
50 taking of subsistence resources which extends the current

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1 customary and traditional use determinations that are based on
2 local residency. This isn't really clear in the legislation,
3 we looked at Section 803 and the definition of the term,
4 subsistence uses, is the customary and traditional uses by
5 rural Alaska residents of wild renewable resources for direct
6 personal or family consumption as food, shelter, fuel,
7 clothing, tools or transportation for the making and selling of
8 handicraft articles out of non-edible by-products of fish and
9 wildlife resources taken for personal or family consumption for
10 barter or sharing for personal or family consumption and for
11 customary trade. For the purposes of this section the term,
12 family, means all persons related by blood, marriage or
13 adoption or any person living within the household on a
14 permanent basis. That was directly from Section 803.

15
16 The thing we found when we looked at this is that
17 Section 803 defines subsistence uses. But it doesn't
18 distinguish which rural residence. It doesn't look at the who
19 question may harvest particular resources. So it's only
20 talking about who uses it, not who harvests -- who does the
21 harvesting. The term, family, is only associated with
22 consumption of wild renewable resources, but doesn't have
23 anything to do with the actual harvest. So looking at the
24 definitions, yes, family is in there as the Seward Peninsula
25 Council said, but we found that it doesn't really deal with the
26 question of who's doing the harvesting. Since it wasn't in
27 ANILCA then we turned to the legislative history and looked at
28 senate reports and house reports and both of those -- I'm not
29 going to go through each one of those since it is in the paper,
30 but just to summarize -- the who question wasn't dealt with in
31 those reports as well. I don't think that this issue was
32 something that they -- in the senate or the house that they
33 felt needed to be dealt with because the senate felt that
34 determination should be made by the -- the who question should
35 be made by the rule making authority with the advice of the
36 Regional Councils. This wasn't something that should be in
37 ANILCA, this is something that the Regional Councils should
38 decide.

39
40 Just to summarize then, I think that both the senate
41 and the house reports discuss subsistence uses only as it
42 applied to uses and not to the actual harvesting of and who may
43 take it.

44
45 I need to make one reference, while Title VIII did not
46 bring into question the use issue of local residency until its
47 necessary to restrict the uses so that until 804 occurs would
48 that restriction come forward. In Title II, congress did limit
49 subsistence uses in parks only to local residents, and so there
50 is an exception to National Park Service lands. We did look

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1 some more at the intent of congress in trying to flush out a
2 little bit more about this issue. And a few things that came
3 forward that were, I guess, I want to emphasize here was that
4 we do think it was the intent of congress to support a
5 continuation of Native culture and lifestyles. And that there
6 was an intent that the least adverse impact possible on rural
7 residents should be created. In other words, that there should
8 always be the least adverse impact with any decision on rural
9 residents. And second, that the intent of the bill was to
10 promote community cohesion.

11
12 It's been our understanding from testimony at some
13 Regional Council meetings that it is a cultural practice, that
14 when people go to visit family members from family who have
15 moved away from a community, they'd go back, that people will
16 go hunting with that family member or they may go hunting for
17 that family member and they would actually do the harvesting,
18 the hunting, they would be the one pulling the trigger. And it
19 seems that this kind of practice, in continuing it, promotes
20 stronger kinship ties and provides the cultural cohesion that
21 one needs in a community by promoting the strength of the
22 family.

23
24 The other issue we looked at was the rural residency.
25 I think this one was quite clear. ANILCA has quite a few
26 references to rural residents. In Section 803 there's a
27 reference which I already read earlier about rural -- that
28 customary and traditional uses by rural residents in Section
29 801 for rurals again used and then again in Section 801.1 rural
30 issues to cause the least adverse impact possible on rural
31 residents. And again we looked at the legislative history and
32 it was very clear that ANILCA applies only to rural residents.
33 So we felt that in conclusion there's nothing in ANILCA or in
34 the legislative history that would prohibit us from
35 accommodating a change in our regulations permitting rural
36 residents from taking fish or wildlife outside of their
37 customary and traditional use areas when visiting members.
38 ANILCA and the legislative history doesn't provide clear
39 direction on whether or not such change could be allowed. But
40 it is clear that a family provision could be applied but only
41 to Federally qualified rural residents, not to all Alaska
42 residents.

43
44 That concludes my paper. Thank you, Mr. Chair.

45
46 CHAIRMAN DEMIENTIEFF: Thank you. I think this
47 actually will be helpful for us as we put together our task
48 force to review traditional and customary. This is actually
49 stuff that would apply as we finish putting together or task
50 force and do the work, a lot of this is going to apply directly

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1 to that. So I thank you for the report.

2

3 Elizabeth.

4

5 MS. ANDREWS: Mr. Chairman, I just wondered if you were
6 going to let us speak on some of this.

7

8 CHAIRMAN DEMIENTIEFF: On this issue, right now, go
9 ahead.

10

11 MS. ANDREWS: Okay. I was just checking in on that
12 because a copy of this issue paper was circulated to the State
13 and so we had -- we do have a few preliminary comments on this
14 concept and I'll give you a copy of a longer version here for
15 your administrative record. But I do want to mention a couple
16 of things. I understand you won't be taking action on this
17 since it was rejected last year. But as it's been pointed out,
18 there are a number of legal issues around this and of course,
19 the State's been looking at it from that angle and sees it as
20 raising some legal concerns. Some of these were addressed in
21 the presentation you just heard.

22

23 Family in ANILCA is not used to describe the
24 harvesters. As we've seen in ANILCA and the legislative
25 history that there's a requirement that c&t determinations be
26 on a community or an area basis. And as a result the harvest
27 eligibility should be based on a process that identifies
28 community or areas not kinship ties.

29

30 Another one of the concerns has to do with the fact
31 that congress did mention that the intent for these c&t
32 determinations was to enable those persons who have few
33 alternative resources, to provide themselves with the fish and
34 game that they depend on for sustenance. And to use a priority
35 that's based on kinship ties rather than the community or area
36 relationship to a particular wildlife population, for example,
37 in a region would broaden the nature of the priority that
38 congress granted in ANILCA. So that what would happen is that
39 the program would start to depart from the goal of enabling
40 persons who have few alternatives with the means to provide
41 themselves with the fish and wildlife they depend on for
42 sustenance. Instead it would accord a priority use rights to
43 some families having no historical usage of or cultural
44 attachment to the particular wildlife population in question.

45

46 So at the same time it would deny these rights to
47 others by including persons who have relied on the populations
48 for their nutritional, cultural and economic needs. So from
49 our view we see ANILCA and other laws as supporting the
50 reliance on the c&t use determinations on a community or area

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1 basis. We've stated that before. The State doesn't support
2 deviation from that type of procedure and we don't believe that
3 c&t uses can be based on family affiliation rather than
4 residency.

5
6 Thank you, Mr. Chairman. And I'll leave a copy of the
7 longer comments with Mr. Knauer.

8
9 CHAIRMAN DEMIENTIEFF: Okay, appreciate that. Okay,
10 with that we conclude the Seward Peninsula portion of this
11 meeting and it's pretty close to 3:00 o'clock now so I think
12 we'll just go ahead and take a 10 minute break right now.

13
14 (Off record)
15 (On record)

16
17 CHAIRMAN DEMIENTIEFF: We're going to go ahead and call
18 the meeting back to order. We're moving into Region 8,
19 Northwest at this time. There are three proposals, one of
20 which was withdrawn Proposal 92. Proposal 94 is on the consent
21 agenda. Is there anybody at this time who would like to remove
22 Proposal 94 off the consent agenda? If not, then we'll go
23 ahead with Proposal 93.

24
25 MS. H. ARMSTRONG: Thank you, Mr. Chair.

26
27 CHAIRMAN DEMIENTIEFF: Helen.

28
29 MS. H. ARMSTRONG: Helen Armstrong from Fish and
30 Wildlife Service. Proposal 93 was originally submitted by the
31 Middle Yukon local fish and game advisory committee and the
32 Northwest Arctic Regional Council. It requests a positive c&t
33 for all residents of Unit 23. I would like to mention at this
34 time that the maps inadvertently got left out of the Board
35 book. And I have placed copies of those at everybody's place
36 before you came in at 1:00 o'clock, but I will have them
37 projected as well but if you wanted to have them in front of
38 you they're there, as well as the map for Proposal 94 although
39 we're not discussing that today.

40
41 This proposal was discussed last year and the Northwest
42 Arctic Council asked for it to be deferred until this year.
43 That was because when we began doing an analysis of the
44 communities in Unit 23 that used black bear we found that there
45 were communities in 24 as well as in 21(D) that also went up
46 into 23, and it became a little unclear which communities went
47 up there and so we did a little bit more investigation in the
48 meantime so we could be certain that we included everyone that
49 should be in there.

50

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1 The proposal is only for those residents of Unit 23,
2 but we will be considering also the uses of Galena, Huslia,
3 Hughes, Allakaket, Alatna, Koyukuk as well as Bettles and
4 Evansville. The reason this isn't on the consent agenda is
5 because the original communities that went before the Councils
6 were all of those communities I just mentioned except for
7 Bettles and Evansville. And then the Northwest Arctic Council
8 had their meeting, they supported the proposal and then it went
9 to the Western Interior Council and they added Bettles and
10 Evansville, and so the Council's recommendations didn't agree
11 and so that's why it wasn't on the consent agenda and it was
12 only in non-agreement because of the fact that the Councils met
13 at different times and we couldn't go back to the Northwest
14 Arctic. So anyway, let me go on.

15
16 The communities in Unit 23 are Point Hope, Kivalina,
17 Candle, Kiana, Noatak, Kotzebue, Noorvik, Selawik, Ambler,
18 Shungnak, Kobuk, Deering and Buckland. And all of those
19 communities have had research done on them, however, there are
20 three communities that we don't have any record of harvesting
21 black bear and that's Point Hope, Kivalina and Deering. There
22 was a study done by the State that did this mapping of the 10
23 communities of bear harvest but it was not distinguished
24 between black and brown bear. So even though we have a map of
25 where these harvests occur it's -- we know that this is brown
26 bear as well. And habitat in Point Hope, Kivalina and Deering
27 is not adequate habitat for black bear. There are also has not
28 been any recorded use of black bear in Noatak or Buckland. But
29 at the Regional Council meeting, one of the Council members
30 from Buckland said that black bear habitat is close by and that
31 they do use black bear. The studies that they had from Noatak
32 showed no use of black bear, but there was some reference to
33 Noatak communities -- Noatak residents, I'm sorry, possibly
34 getting black bears when they're in other areas.

35
36 The Northwest Arctic Council felt that even though
37 Point Hope, Kivalina and Deering are not in black bear habitat
38 that they should be included in the c&t determination because
39 those people are occasionally visiting other communities and
40 other parts of Unit 23 and would take black bear
41 opportunistically if they saw them.

42
43 Where the question came in was in Unit 24 and the
44 communities there were Galena, Alatna, Allakaket, Huslia,
45 Hughes and Koyukuk. We didn't have any information on some of
46 those. In Galena we did have mapping that showed that they go
47 into 23 for caribou, that's the blue shaded area, and what we
48 found in talking to quite a few people, both from through the
49 Regional Councils as well as Fish and Wildlife Service Staff,
50 the people in 24 and 21(D) like to go up to Purcell Hot Springs

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1 and up here, apparently it's quite a popular place to go in the
2 spring, and people hunt along the way. And that they would
3 take black bear as they went up there if they saw it. Although
4 on this map, the kind of green shaded area is the black bear
5 use area it goes right up to the corner of 24 right here, but
6 the feeling is is that people -- people would, if they were,
7 even though this is their caribou hunting area if they saw a
8 black bear up in 23 they would take it. And that was a fairly
9 consistent opinion by quite a few people. And the Purcell Hot
10 Springs is a pretty -- the habitat in that area is adequate for
11 black bear.

12

13 The same was true for Allakaket and Alatna residents
14 and you can see that this is just a general use area map but
15 they go just barely missing the 23. And testimony from
16 residents indicated that they would also go up to Purcell Hot
17 Springs and would go into 23. The same is true for Hughes and
18 this map actually shows them going into 23. And then Bettles
19 and Evansville we added -- after the Western Interior Council
20 meeting and this map, too, is also a general use area and it
21 goes quite close to the corner of 23.

22

23 I'm not going to go through all of the eight factors
24 because you have it in your book and in the interest of time
25 just focusing on those areas that are the issues as which
26 communities hunt where.

27

28 We did feel that there was, although in the literature
29 and in the data bases there wasn't information of those
30 communities in 21(D) and 24 going into 23, that there was
31 adequate information that was provided through Regional Council
32 testimony as well as talking to individuals that that those
33 communities do go into 23 and would occasionally take black
34 bear. It would not be a real frequent use, but it would be
35 something that they may do upon occasion. We do know that
36 people -- the Athbascons are quite strong bear hunters and that
37 bear hunting is something that they have done historically and
38 that there really isn't any question about them not hunting
39 black bear. They do hunt black bear, the question is where
40 they would go to get it.

41

42 Thank you, Mr. Chair, that concludes my presentation.

43

44 CHAIRMAN DEMIENTIEFF: Thank you. Written comments.

45

46 MS. B. ARMSTRONG: Mr. Chair, there are no written
47 comments.

48

49 CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee
50 recommendation.

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1 MR. BOYD: I would refer the Board to Page 3 under Tab
2 8. And under the Staff Committee recommendation and there
3 appears to be an error in that recommendation. I think if you
4 will delete the reference to Wiseman then the recommendation
5 will be correct. And that is both in the recommendation itself
6 and in the justification in the second or last paragraph on
7 that page. Just delete the word Wiseman.

8
9 So the Staff Committee recommends that we modify the
10 proposal to provide a customary and traditional use
11 determination for black bear in Unit 23 for all residents of
12 Unit 23 as well as the residents of Galena, Huslia, Hughes,
13 Allakaket, Alatna, Koyukuk, Bettles and Evansville. And the
14 basis of this recommendation is, if you will, a combination of
15 both the Northwest Arctic and the Western Interior Council's
16 recommendations. And clearly the Unit 23 communities should be
17 included as stated by Staff. And the other communities in Unit
18 24 that I listed, because it's thought that they would engage
19 in subsistence activities en route to Purcell Hot Springs it's
20 likely that these communities take black bear incidently during
21 these excursions. Moreover, Galena's mapped area for black
22 bears is closer to the borders between 23 and 24, and a portion
23 of their caribou hunting area falls within 23.

24
25 CHAIRMAN DEMIENTIEFF: Okay. Department comments.

26
27 MS. ANDREWS: Mr. Chairman, we support the Staff
28 Committee recommendation with the modifications.

29
30 CHAIRMAN DEMIENTIEFF: Thank you. We have no request
31 for public testimony at this time. Regional Council comments.
32 Willie.

33
34 MR. GOODWIN: Mr. Chairman, our Regional Council did
35 approve this proposal as it is written with the amendments.

36
37 CHAIRMAN DEMIENTIEFF: Thank you.

38
39 MR. MORGAN: Mr. Chairman.

40
41 CHAIRMAN DEMIENTIEFF: Yes.

42
43 MR. MORGAN: Also the Western Interior proposed this
44 recommendation wholeheartedly.

45
46 CHAIRMAN DEMIENTIEFF: Thank you. Additional Regional
47 Council comment. Is there any Board discussion? Final round
48 for Regional Council comment. Is there a motion.

49
50 MR. ANDERSON: Mr. Chairman.

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1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MR. ANDERSON: I move that Proposal 93 be adopted as
4 modified by Staff reflecting the Regional Council
5 recommendations to establish a c&t determination for black bear
6 in Unit 23.

7

8 CHAIRMAN DEMIENTIEFF: Thank you. Is there a second to
9 the motion?

10

11 UNIDENTIFIED VOICE: Second.

12

13 CHAIRMAN DEMIENTIEFF: Discussion on the motion.
14 Hearing none, all those in favor signify by saying aye.

15

16 IN UNISON: Aye.

17

18 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

19

20 (No opposing votes)

21

22 CHAIRMAN DEMIENTIEFF: Motion carries. We'll now move
23 on to Region 10, North Slope. We have three actions to
24 consider there. Request for Reconsideration 97-16 is on the
25 consent agenda for that region. Is there any objection to RFR
26 97-16 to continue to be on the consent agenda? If not then RFR
27 97-16 is on the consent agenda. And we will move into Proposal
28 108.

29

30 MS. DEWHURST: Both proposals for the North Slope are
31 involving muskox and they're both relative to the introduction.

32

33 The first proposal is dealing with the western portion
34 of the North Slope. In this portion the muskox were introduced
35 on two places back in the late '60s, early '70s. An area on
36 Cape Thompson which would be about right here a little bit off
37 the map, and then also off the map over here on the North Slope
38 around the northern portion of Arctic Refuge. Those two
39 populations are starting to converge. As they're growing the
40 numbers are spreading into 26(A). And the proposal is to allow
41 an incidental take of these dispersing animals, what we don't
42 have is numbers. I can't give you even a wild guess as far as
43 how many animals are in 26(A). We know that they primarily
44 consist of lone bulls or maybe bull groups. The only
45 production we know of in 26(A) is in this little tiny
46 pink/purple area which is actually Alaska Maritime and National
47 Wildlife Refuge lands. We do know there is some production in
48 that portion, and that's coming from an extension of that Cape
49 Thompson herd. But the rest of 26(A) as far as we know just
50 has lone bulls and a few wandering bull groups. But the

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1 request for the proposal was to allow the incidental take of
2 these lone animals and wandering animals.

3
4 Since then there's been -- this all stems off of the
5 North Slope Cooperative Muskox Management Group, there again,
6 similar to the Seward Peninsula, the cooperatives have been
7 working in trying to come up with cooperative solutions for
8 managing muskox, so in this case the North Slope. We've been
9 working with the State also on this. And the State recently,
10 the State Board of Game, altered -- they had a couple of
11 previous regulations and they kind of merged them and they
12 tried to also come up with a solution for the 26(A) incidental
13 muskox and the Game Board passed basically a regulation that
14 says by emergency order, residents of 26(A) can harvest muskox.
15 And an emergency order by the Commissioner has been designated
16 down to Geoff Carroll in Barrow, so they can call Geoff
17 basically and he can give the okay, and a resident can harvest
18 muskox via the State system now. The one catch in that is that
19 the State system does not include Gates of the Arctic National
20 Park lands down here and it also doesn't include Alaska
21 Maritime lands. But the State system does allow for basically
22 muskox to be harvested anywhere else within 26(A). And that
23 was an attempt and request of the Council at the last North
24 Slope Regional Advisory Council for them to pursue that.
25 Originally the proposal just involved Point Lay and then it was
26 going to involve Anaktuvuk Pass, but the State did expand that
27 and passed it at the last Game Board to include all 26(A). So
28 then the question came as to, well, how do we deal with it on
29 the Federal side because the Federal proposal actually was made
30 first, and then the State proposal came and went in the midst
31 of the long gap between our fall meetings and this meeting.
32 Now, the question comes as to how do we deal with the Federal
33 proposal. And the Federal proposal is still out there allowing
34 for Federal harvest only on Federal lands, so that would be
35 primarily NPRA, this big, big chunk right here, the little
36 chunks over here, Gates of the Arctic and Alaska Maritime lands
37 are the lands involved. And the only system we have -- we
38 don't have any system in our program to do like an emergency
39 order/special request, so the only system we could implement
40 would be by Federal registration permits. And they would be
41 available to anybody that has c&t which is basically all of
42 26(A) residents plus Point Hope. And then we could decide, we
43 could limit the numbers of permits. The season is pretty much
44 year-round because these aren't breeding animals, there was no
45 need to state a season. So if we did have this hunt it would
46 be a year-round hunt. So now that's where we're at right now
47 is to decide whether or not we want to have a parallel Federal
48 hunt to the recently passed State hunt.

49

50 CHAIRMAN DEMIENTIEFF: Staff Committee. Who is it?

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1 MR. BOYD: Curt.

2

3 CHAIRMAN DEMIENTIEFF: Curt, Staff Committee
4 recommendation.

5

6 MR. WILSON: The Staff Committee opposed the proposal
7 to establish a Federal subsistence muskox harvest of incidental
8 take in Unit 26(A). Essentially the parameters of the proposed
9 harvest are not specified, particularly the level of harvest.
10 As a result there is a potential for a level of harvest that
11 would preclude expansion of the population. In addition, the
12 potential harvest level could detrimentally effect conservation
13 of healthy wildlife populations. Recent State action
14 established a provision for take of incidental muskox, which we
15 just heard, which may address residents concerned about
16 individual animal potentially disrupting resource harvesting
17 opportunities near villages and therefore may address the goals
18 of this proposal.

19

20 CHAIRMAN DEMIENTIEFF: Thank you. I'll back up, there
21 is no written public comments is there?

22

23 MS. B. ARMSTRONG: No there isn't, sir.

24

25 CHAIRMAN DEMIENTIEFF: Okay, Department comments.

26

27 MS. ANDREWS: Thank you, Mr. Chair. As was mentioned
28 the Game Board did provide for the incidental take for muskox
29 in 26(A), and also a portion of Game Management Unit 24, that'd
30 be the State managed lands in the Anaktuvuk Pass area within
31 two miles of the John River.

32

33 So we think this pretty well covers all the areas where
34 muskoxen that might be taken incidental under the authority of
35 a permit would be. And I guess I'd ask for some description of
36 the Maritime Refuge area and the Park lands area so I have a
37 better understanding of why it might be necessary to even have
38 a Federal regulation addressing those areas.

39

40 MS. DEWHURST: The only reason I mentioned those as
41 being excluded was that question was specifically addressed
42 Geoff at the North Slope meeting, and he said that they would
43 be excluded. That the Alaska Maritime lands he would just
44 basically -- he was going to exclude because they have breeding
45 animals and he wasn't going to issue any permits for breeding
46 animals if somebody called and said they wanted to hunt a
47 breeding group, he wouldn't issue a permit was basically what
48 he had said. And then for Gates, he was asked specifically if
49 it would apply for the Park and he said to his knowledge, the
50 State could not issue under this regulation for the Park. They

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1 could for the Preserve but he didn't think they could for the
2 Park. That was just based on the information that he had said
3 at that meeting.

4

5 CHAIRMAN DEMIENTIEFF: Any additional comment there,
6 Elizabeth?

7

8 MS. ANDREWS: Mr. Chairman, I guess, you know, just
9 looking at the map that was up, the GMU 26(A), maybe somebody
10 could put that up again, where is the Maritime Refuge area that
11 you were talking about?

12

13 MS. DEWHURST: That little tiny portion right here,
14 this little dot.

15

16 MS. ANDREWS: Which is within 26(A)?

17

18 MS. DEWHURST: Yeah. There's like about a five mile by
19 five mile portion.

20

21 MS. ANDREWS: Well, as our regulation reads we could
22 issue one anywhere in 26(A). So by regulation that's included.
23 Now, extenuating circumstances and what discussions the area
24 biologists would have with the North Slope Fish and Game
25 Management Committee, you know, is another matter, and so I'll
26 just leave it at that. And we do have authority in Unit 24 on
27 the State managed lands in the Anaktuvuk Pass area.

28

29 Thank you, Mr. Chairman.

30

31 CHAIRMAN DEMIENTIEFF: Thank you. We have no requests
32 for public testimony at this time, do we -- oh, did you get a
33 card filled out?

34

35 MS. HEPA: Good afternoon, Mr. Chairman and Board
36 members. My name is Taqulik Hepa and I work with the North
37 Slope Borough, Department of Wildlife Management. For the past
38 six years I've been the subsistence research specialist, and
39 recently I've been appointed as deputy director.

40

41 In regards to the Gates of the Arctic I just wanted to
42 make a comment that the people of Anaktuvuk pass were -- had
43 requested for them to be able to harvest within the Park. And
44 their reasons were because, that they depend very highly on the
45 migration of caribou through Anaktuvuk Pass, and if they could
46 -- if there was an exception for them to be able to harvest
47 disbursing muskox into their hunting areas, you know, that's
48 what they were recommending. For example, if muskox happened
49 to settle in Anaktuvuk Pass on Park lands, the hunters or the
50 people of Anaktuvuk Pass thought that the caribou might not go

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1 through that area and we understand that there needs to be a
2 study to document the interactions between muskox and caribou.

3
4 So as a recommendation from Anaktuvuk Pass, they were
5 hoping to see that they would be able to harvest on Park lands.

6
7 CHAIRMAN DEMIENTIEFF: Thank you. Okay, Regional
8 Council comment. Are you going to testify on the other
9 proposal too -- okay, thank you. Fenton.

10
11 MR. REXFORD: Thank you, Mr. Chairman. The joint
12 meeting of the North Slope Regional Advisory Council and the
13 North Slope Borough's Fish and Game Management met before the
14 Board of Game meeting in March, the middle of March and
15 consequently the State Board of Game passed a very similar
16 resolution. So we'll work with the State Board of Game's
17 proposal which is parallel to this Proposal 108. So we ask the
18 Board here to defer any action and let us live with that State
19 Board of Game's new regulation that's in the books.

20
21 Although there are some issues that did come up that we
22 need to keep in mind is that each Federal agency has
23 comprehensive conservation plans and land use policies; that
24 this issue needs to come up in front of the Subsistence
25 Resource Commission and the Park Service because this is just a
26 start of concerns that are being addressed by both State and
27 Federal. And we've come a long ways with the cooperators, and
28 this is just an example of when we try and work together
29 there's still some tug and pull that we have to work on, and
30 this is something almost close to what we want, but again,
31 there's still Federal, State and private lands that we still
32 need to cover. But again, those policies and procedures that
33 the Federal government agencies use sometimes the regulation is
34 over written by these conservation plans or land use plans or
35 whatever kind of -- all that administrative orders, those kinds
36 of things, kind of tend to clash with the regulations that
37 we're trying to put in the books so one has more jurisdiction
38 than the other. That's sort of the mandate they follow by
39 through the region and other residents, which is the folks that
40 live up there 365 days a year doesn't go right.

41
42 Biological concern. Mr. Thomas brought that up.
43 Biological carrying capacity versus social carrying capacity is
44 another issue that we're going to touch upon in Proposal 109.
45 So anyway, our Regional Council in our minutes, if the State
46 Board of Game did not approve their regulation we were going to
47 bring this one, 108, to you. So since the State Board of Game
48 passed a very similar proposal or regulation in the books now
49 we'll abide by what the State has passed for 26(A), some areas
50 in Unit 24. And the one on the Maritime Refuge, that is a very

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1 small portion and it's been convinced that it's part of a
2 population, Cape Lisburne population. We felt our neighbors in
3 that area are working on a harvest plan that will address the
4 Point Hope, Kivalina residents, Point Lay. So we know that
5 they're coming close to working out a cooperative plan, that
6 small five mile by five mile strip, or very small tip of it is
7 in 26(A). We felt that at that time, until maybe next year,
8 they can work on a proposal for a harvest or something similar
9 with the Northwest group.

10

11 Thank you, Mr. Chair.

12

13 CHAIRMAN DEMIENTIEFF: Okay. Any other Regional
14 Council comment at this time? Board discussion. Dave.

15

16 MR. D. ALLEN: Just one quick comment with respect to
17 the references made to the the small portion of Maritime
18 Refuge, and the fact that there are some muskox that reside
19 there. As I understand, there's nothing in the State
20 regulation that is designed to prohibit the issuance of permits
21 in that area. It's only been discussed as a proposal by the
22 regional biologists, that because they recognized at this time
23 as a breeding population that he was likely not to issue
24 permits in that area, but it's not a regulatory prohibition as
25 I understand him. And we're not suggesting that there be one.
26 Is that a fair characterization of the facts? I see Donna
27 nodding her head over there.

28

29 CHAIRMAN DEMIENTIEFF: Elizabeth.

30

31 MS. ANDREWS: Mr. Chairman, that's correct the way the
32 regulation reads now. It doesn't exclude that. But as Mr.
33 Rexford mentioned, we are just starting the process to develop
34 a cooperative muskox plan for the Unit 23, Northwest Unit 23.
35 And the part of that population that 23 takes in, the area in
36 question and then, in deed, as Mr. Rexford said, that's viewed
37 as part of that population and it will be covered under that
38 plan. So there isn't any specific exclusion now, but recognize
39 that our Staff, your Staff and the Regional Council and Fish
40 and Game Management Group will next be embarking on another
41 cooperators plan.

42

43 CHAIRMAN DEMIENTIEFF: Okay. You know, based on the
44 recommendation or the position of the Council, you know, I
45 intend to support your request to defer to give you the
46 additional time to work out a comprehensive program. I think I
47 just want to say how much I appreciate the fact that you guys
48 are willing to go back to the drawing board on this one and
49 come up with a proposal that will work on the ground as well as
50 for the regulatory agencies.

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1 Is there any further Board discussion.

2

3 MR. ANDERSON: Yes.

4

5 CHAIRMAN DEMIENTIEFF: Go ahead, Paul.

6

7 MR. ANDERSON: Mr. Rexford, I want to thank you for
8 your comments and your views on this issue. I appreciate the
9 cooperative efforts with the North Slope and the National Park
10 Service in the Gates of the Arctic area, especially. And I
11 pledge to you that this issue will be brought before the
12 Subsistence Resource Commission for the Gates, hopefully with
13 your and your Council's assistance, and that we will cooperate
14 with you on any kind of information or research needs to
15 address this issue with some finality, if you will, on Federal
16 lands there at Gates.

17

18 MR. REXFORD: Thank you, Mr. Anderson.

19

20 CHAIRMAN DEMIENTIEFF: Further Board discussion. Any
21 final Regional Council comments. Are we ready for a motion?

22

23 MR. ANDERSON: Mr. Chair.

24

25 CHAIRMAN DEMIENTIEFF: Yes.

26

27 MR. ANDERSON: Given the position of the Regional
28 Advisory Council to provide for more time to resolve this issue
29 and the efforts to date, I would move that the Board defer this
30 proposal and give all parties time to come to a cooperative
31 resolution.

32

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

35

36 MR. D. ALLEN: Second.

37

38 COURT REPORTER: Who seconded?

39

40 CHAIRMAN DEMIENTIEFF: Discussion -- Dave Allen.
41 Discussion on the motion. Hearing none, all those in favor
42 signify by saying aye.

43

44 IN UNISON: Aye.

45

46 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

47

48 (No opposing votes)

49

50 CHAIRMAN DEMIENTIEFF: Motion carries. 109.

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1 MS. DEWHURST: Well, as I prefaced before with Seward
2 Peninsula, those of you that have been on the Board for any
3 length of time know that we have discussed muskox harvest
4 quotas for Arctic National Wildlife Refuge for a number of
5 years, and it's been a hot topic and it continues to be a hot
6 topic.

7
8 The current proposal is right now we're up to 15
9 permits and it's bulls only. The request is to make that a
10 mixed sex hunt, so it would just be 15 muskox versus 15 bulls.
11 And also continuing the provision that Federal public lands
12 would be closed except for the residents of Kaktovik, and
13 maintaining the current season length. As you can see Arctic
14 National Wildlife Refuge encompasses most of 26(A) except for
15 that very small -- or 26(C), I'm sorry, except for that very
16 small portion up in the north, and Kaktovik is the only village
17 we are concerned with under this proposal.

18
19 The issue comes as to how best to setup a harvest
20 regime, and it's recognized that a mixed sex harvest is needed.
21 This graph shows the progression of the population basically
22 since it was introduced in the late '60s, early '70s. And you
23 can see there was a rapid growth rate which is very common with
24 introduced populations, and now it has basically stabilized
25 around 300 to 320 in that neighborhood. With the stabilization
26 -- what brought about the stabilization was the calf production
27 is slow. The calf production is decreased. Calf survival has
28 started to go down a little bit because predators have found
29 muskox. Initially it took them a few years to find them and
30 now they've discovered them and they utilize muskox, and also
31 just expansion of the habitat. so all those factors have
32 played into the stabilization at this point. So the question
33 is, if we want to maintain it at a stable level, what sort of a
34 harvest can we devise and allow and try for Kaktovik to
35 maintain it at the stable level without it either decreasing or
36 continuing to go up, which is generally the interest of the
37 North Slope cooperators, is to maintain a stable population.

38
39 What was attempted was some projections at different
40 harvest levels. You can see the first projection is worst case
41 scenario. If under the 15 permits, if we allowed 15 cows to be
42 taken you can see there'd be a pretty sharp decrease there.
43 But that's unlikely. It's kind of a worst case scenario under
44 the 15 animal harvest. If we look at a mix -- or if we
45 continue at our current regime of 15 males, you can see 15
46 males would go along -- it's this little dotted line, it would
47 go along fine, and then at about year seven, at about seven
48 years from now, we'd start to see a decline and that would be
49 because the breeding males, the older males would start to be
50 over harvested and there wouldn't be enough males to continue

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1 the production of the calves so the number would start to drop
2 off. And somewhere it's guessed around seven to 10 years from
3 now, so we're looking long-term on these projections. We're
4 not looking at next year, we're looking at trying to devise a
5 harvest -- we're looking at a harvest to setup that will
6 produce results long-term and that we can live with long-term
7 so we're not revisiting this issue year after year after year.

8
9 What has been found or what is projected with the
10 current numbers, and what went into these projections is calf
11 production, the population numbers, calf survival, the
12 percentage of males versus females in the population. There's
13 a number of factors that went into making these projections.
14 And what's considered to be the -- the one that's the closest
15 to a level line would be actually knocking it down to seven
16 males and three females which is this projection right here.

17
18 Now, there has been speculations at different meetings
19 and things of -- currently Arctic Refuge is maintaining at the
20 population at a carrying capacity, and Pat Reynolds, the
21 biologist for Arctic is here and she is available as an expert
22 witness, much more expert than me, but they're trying to
23 maintain it at the carrying capacity. And there has been some
24 speculation that if you knock the population down below the
25 carrying capacity, the calf production would rebound and it
26 would be right back where we started. But keep in mind that
27 with muskox a really big factor is the winter, the harshness of
28 the winters. It's been guessed that that was one of the
29 reasons why muskox disappeared on the North Slope and all
30 through Alaska a number of years ago, was a series of bad
31 winters. Bad winters can overtake any calf production. And
32 it's a factor that's totally uncontrollable by people, and it's
33 one that's very difficult to predict in a model or anything
34 else. And it's something that we always have to keep in mind
35 and we know it's been a factor, a very big factor, especially
36 on the North Slope in years past. So the reason why on the
37 biological end we tend to be on the conservative side on the
38 harvest is because we know that there is always that factor of
39 bad winters in there that can knock the numbers down very
40 quickly. A series of bad winters can do all these projections
41 in. So maintaining the harvest at a conservative level allows
42 for the fact that if a bad winter comes along or a series of
43 two or three bad winters comes along, we can still maintain
44 that harvest level, or most likely we can because the
45 population is still at that level. But if we increase the
46 harvest level to a point we're then -- we're starting to get a
47 decline from the harvest itself, if you combine a series of bad
48 winters on top of that that decline is going to go down much
49 faster and then we're going to be back here at the table
50 revisiting harvest levels again.

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1 So basically the purpose, as I see it, behind this
2 proposal is to try to devise a harvest that can both meet the
3 needs of Kaktovik but can give us something we can live with
4 for a few years that will be relatively stable. Keep the
5 population stable at the numbers so that we don't have to keep
6 revisiting and juggling the harvest numbers based on the
7 animals going up and down.

8
9 MS. B. ARMSTRONG: Mr. Chair, there are no public
10 written comments.

11
12 CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee
13 recommendation.

14
15 MR. WILSON: The Staff Committee recommendation is to
16 support the proposal with modification authorizing a mixed sex
17 harvest of seven bulls and three cows with a harvest quota to
18 be set annually based on three percent of the spring pre-
19 calving population counts. The Staff Committee felt that the
20 harvest limits and harvest guidelines recommended by the North
21 Slope Regional Council pose an unacceptably high risk of
22 undermining muskox conservation goals of the Arctic National
23 Wildlife Refuge comprehensive conservation plan. We did have a
24 dissenting opinion which supported the North Slope Regional
25 Council recommendation.

26
27 CHAIRMAN DEMIENTIEFF: Thank you. Department comments.

28
29 MS. ANDREWS: Thank you, Mr. Chairman. We were neutral
30 on the proposal as it was originally written. And then hearing
31 the testimony at the Regional Council; following that we had
32 supported the Regional Council's recommendation for 12 bulls
33 and three cows. We didn't partake any discussion that the
34 Staff Committee had. And where we're at at this point is we
35 would actually suggest that there be an independent review of
36 this three percent mixed sex harvest as a management principle
37 so we'd prefer that there be an independent review of this.
38 There's been a lot of discussion about the pros and the cons of
39 it and to what extent it would effect the population, and we're
40 aware of the interests of the Regional Council. So that's
41 where we're at on this on Mr. Chairman.

42
43 CHAIRMAN DEMIENTIEFF: Thank you. Public testimony.

44
45 MS. HEPA: Thank you, Mr. Chairman. Again, my name is
46 Taqulik Hepa with the North Slope Borough Department of
47 Wildlife Management for the record. Unfortunately our
48 biologist was not available to be here to give this testimony
49 so he wrote something up for me to present to the Board. These
50 are comments by the Department of Wildlife Management for the

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1 North Slope Borough on Proposal 109.

2

3 We have had the opportunity to review the biological
4 opinion of muskox management in 26(C) by the U.S. Fish and
5 Wildlife Service Staff. The report presents some very
6 interesting data on the growth of the herd and associated
7 calving rates by year. We know of very few data sets of this
8 quality and this type for a large ungulate. We understand the
9 population increased at 21 percent per year for the 10 or so
10 years following introduction. This growth period, Staff
11 biologists feel that the population reached carrying capacity
12 at about 350 animals in the 1980s and has persisted at that
13 level through the 1990s. We understand that the immigration
14 increased after the population increased carrying capacity and
15 is possibly still continuing.

16

17 In the 1990s calf production has hovered somewhere
18 around 42 calves per 100 females. Bad winters with heavy snow,
19 lower calf survival, range depletion and predation have been
20 suggested as possible causes for decreased calf production.
21 Calving rates in the mid-1970s were quite high, approaching 100
22 calves to the 100 females. It appeared that the years from
23 about 1976 to 1980 all exceeded 80 to 100 adult females. As
24 the population increased the calving rates dropped accordingly
25 which is a typical response and is a well documented
26 relationship in wildlife biology.

27

28 When populations are hunted or decline, typically the
29 opposite response occurs and calving success and production
30 increase. Therefore, in the North Slope Borough Department of
31 Wildlife Management's opinion, the interpretations of analysis
32 and modeling in the reports seem quite conservative that she
33 had mentioned.

34

35 For most ungulate populations, the goal is not to
36 manage at carrying capacity but near the population midpoint,
37 56 percent carrying capacity which is obviously considerably
38 below carrying capacity. Maximum sustained yield usually
39 occurs toward the middle of a logistic population curve. If
40 managing for a maximum sustained yield is the desired
41 objective, then reducing the population and targeting young
42 animals and adult bulls is suggested. The population modeling
43 exercise in the Staff report indicates a marked decline in
44 population numbers with a mixed sex hunt with seven males and
45 eight females for instance. This model does not allow for
46 compensation reproduction for the reasons listed above.

47

48 For example, the U.S. Fish and Wildlife Service feels
49 that habitat degradation has occurred which has had effected
50 the calf population. since the Service also wishes to manage

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1 at a carrying capacity for reasons not explicitly given, also
2 Strickland, which his reference was to, also discusses
3 sociological carrying capacity which is the maximum population
4 level that hunters and land owners in most cases are
5 comfortable with. For example, in Wisconsin, land owner
6 tolerance to winter deer populations has increased with
7 increasing populations and property damage.

8
9 Clearly, muskox have exceeded sociological carrying
10 capacity in ANWR and in the opinion of the local residents.
11 The Department has done some simple modeling on these data
12 which show that if carrying production is allowed to increase
13 to 60 calves to 100 females, the current population can
14 withstand a mixed sex harvest of 15 animals, even without
15 compensatory reproduction. This is a very preliminary finding.

16
17 Strickland, et al, which the reference again,
18 summarizes a section on big game management with some very
19 sensible harvest management criteria which includes
20 sociological and biological data. They state, ultimately a
21 hunting regulation should emerge that, one, addresses a set of
22 fair and reasonable management objectives, two, is better than
23 the other obvious options, three, that elicits voluntary
24 compliance and is enforceable and can be administered, and
25 four, everyone is willing to try.

26
27 And then we have some recommendations. The first one
28 is if vegetation is believed to be stressed, this statement
29 should be backed up with some scientific evidence since
30 population estimates appear to be quite reliable. The effects
31 of a more liberal harvest can be easily monitored. If marked
32 reductions occur, management schemes can be changed without
33 risk to the population. Clearly explain the reasons for
34 managing the population at carrying capacity and not the
35 sociological carrying capacity. Explain why the Service
36 believes that calf production will not respond to reduce
37 population levels. If density independent factors, such as
38 snow are a major factor now, it must be explained why we're not
39 -- why was it not in the 1970s and '80s. Allow a mixed sex
40 harvest of 15 animals, three cows and 12 bulls and test the
41 response through annual census and calf projection data. Have
42 an independent entity model the population based on what is
43 currently known. Dr. Eric Brackstan has been tentatively
44 identified by the Service and with the North Slope Borough as a
45 good candidate to do this modeling exercise. If the Federal
46 Staff is suggesting a harvest rate of three percent to maintain
47 current stability in the Seward Peninsula and 26(B) we are
48 planning to harvest at five percent and expect the population
49 to continue to grow or maintain its stable population. On
50 Nelson Island and Nunivak Island they harvest at 10 to 15

00053

1 percent to stabilize the population. According to the Service
2 data there has already been a mixed sex harvest of at least
3 three cows in 1996/97, one cow in '95/96 and three cows in
4 '88/89 without any detectable decline in the population. The
5 last recommendation is the Service should have had more options
6 in their analysis, such as 12 males and three females or nine
7 males and three females. Both of these would result in a
8 stable population and slightly less than 300 even without
9 reproductive compensation.

10
11 Just a couple more comments that I would like to make.
12 I know that the community of Kaktovik has enjoyed the
13 opportunity to be able to harvest muskox and they continue to
14 want to be able to harvest more muskox in their area. With
15 working with the North Slope Borough it's part of my
16 responsibility to address some of the concerns that we hear
17 from the North Slope villages. And we've heard plenty of
18 concerns from the community residents that they would like an
19 opportunity harvest more muskox since the last several years
20 there hasn't been that many caribou in the area. I'm not
21 saying caribou is declining but the caribou haven't been in the
22 areas where they used to hunt caribou.

23
24 With that, I'd like to thank you for giving me an
25 opportunity to present testimony.

26
27 CHAIRMAN DEMIENTIEFF: Thank you. Regional Council
28 comment.

29
30 MR. REXFORD: Mr. Chairman, I again, have to thank the
31 North Slope Harvest Management Team or Task Force. Consists of
32 BLM, National Park Service, U.S. Fish and Wildlife Service and
33 the Department of Alaska. Again, we've done a lot of
34 compromising and we're working on stable rather than a growing
35 population up there and that's one of the things we have to
36 compromise on. And I stated earlier when Seward Peninsula's
37 proposal was up that we should try and be consistent and I'm
38 glad you voted on the five percent limit in that area to
39 harvest at. And again, the Staff there says that's still
40 conservative. Three percent is even more extra conservative
41 that will allow growth, is what the U.S. Fish and Wildlife
42 Service or ANWR personnel are stating. It's rather
43 conservative. It will allow growth and expansion and that's
44 not part of the cooperators harvest management plan on the
45 North Slope.

46
47 In any case you heard from Donna Dewhurst on the
48 biological issues. It's mostly that you're hearing from the
49 Staff on biological carrying capacity or biological data.
50 What's missing in this Proposal 109 is a social carrying

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1 capacity that's come to its max, and we've stated that -- or
2 we've wrote them down in the harvest plan that we need a way to
3 have a harvest managers, and I think that's what you are now.
4 We're getting close to a harvest plan, cooperative management
5 plan that will help take care of the harvest in the big game in
6 26(C). But what we're hearing mostly is biological data. And
7 we are faced with sociological concerns. Carrying capacity,
8 they are not equal. And I'd just like to point out again that
9 you have set a precedent to set a harvest limit of five percent
10 and that's still conservative, according to the records there
11 in the Seward Peninsula proposal that was passed by this Board.
12

13 What we didn't see in the Staff recommendation was, I
14 think on Page 37 and if you could bring that up on the screen
15 there, that talks about seven males and three females, 15 males
16 and 15 female data. Our Council recommended 12 and three and
17 we do not see an option in this analysis of 12 and three. We
18 just see an analysis of seven and three, the Staff's
19 recommendation. Where would 12 and three lie in this
20 comparison? Our original proposal was at 12 and three and
21 where is it, where is that analysis work? Where's that option?
22 I think that's geared toward our Staff recommendation, and I
23 would urge that in the future Staff analysis or meetings, that
24 we, the Chairmans participate either to turn the tide or to
25 convince -- make it easier and a shorter cut in our meetings,
26 our side of the story. Where is the 12 and three effects of
27 different harvest levels that we've asked for? I mean it's
28 missing there. So what would that independent study be, you
29 know?
30

31 So anyway, to make a long story short, there are hunter
32 attitudes and preferences, I'm sure that you've heard over and
33 over that the hunters would want more animals than what is
34 currently allowed. We also have a social carrying capacity. I
35 think the manager's task is to identify key human interests and
36 we've done that in identifying our concerns and conflicts of
37 human interests. So again, I want to let you weigh between the
38 biological data and social concerns, muskoxen, three percent is
39 a very conservative -- very, very conservative, and again, the
40 Seward Peninsula sets five and that's still a conservative
41 limit. So you weigh between those three, I think, you need to
42 balance out and also think about our carrying capacity for
43 these animals that have been reintroduced in our area. So I
44 urge that the Board go with the State, and I'm happy that the
45 State is going along with our recommendation of 12 bulls and
46 three cows.
47

48 So in summary, I'll have to say it again, three percent
49 is very conservative. Five percent in Seward Peninsula again
50 is quoted as conservative. So I don't think an additional 12

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1 and three would hurt anything at all and I would like to see
2 what the 12 and three, as far as data, that's presented before
3 you, why our information wasn't provided there for your
4 consideration as well.

5
6 Thank you.

7
8 CHAIRMAN DEMIENTIEFF: Go ahead. Bill, you were next,
9 you had a comment?

10
11 MR. THOMAS: Thank you, Mr. Chairman, very briefly.
12 This morning I came to the meeting not knowing what a muskox
13 was, but now I give you an independent review.

14
15 Based on everything I've heard, it seems to me like
16 allowing a liberal harvest would be in order to keep habitat in
17 optimum condition because certainly there's a lot of biological
18 consideration, and from what my idea of what biology has been
19 all this time, I think it has a chance to work here. And as
20 long as speculation's a factor, see what results, biologically
21 from having a liberal harvest. Those are some ideas that went
22 through my mind. In some cases they were supported by some
23 comments, and other comments I wasn't quite sure of.

24
25 But those were my observations. Thank you, Mr.
26 Chairman.

27
28 CHAIRMAN DEMIENTIEFF: Willie.

29
30 MR. GOODWIN: Mr. Chairman, I'm a bit confused here.
31 The five percent that was recommended for the Bering Straits
32 region is based on biological data. And I'm assuming that data
33 is from bull to cow ratio and what the expectancy of calves.
34 Now, unless there's a different ratio, bull to cow ratio in the
35 North Slope, I can't understand why they want three percent of
36 the calf production. To me it's not consistent with what the
37 recommendations that are coming out of the Bering Straits where
38 there have been a lot of work between the State and the Federal
39 managers over there to come up with a biological recommendation
40 for harvest. Now, unless I'm convinced that three percent of
41 the calves is a pretty good biological reason knowing that
42 there will be mortality in the calves, whether it's the harsh
43 conditions of the North Slope versus the Bering Straits region
44 or the mortality with other animals killing the calves, you
45 know, certainly recommend that the North Slope RAC
46 recommendation be adopted.

47
48 CHAIRMAN DEMIENTIEFF: Further Regional Council
49 comment. Board discussion.

50

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1 MR. D. ALLEN: Mr. Chairman.

2
3 CHAIRMAN DEMIENTIEFF: Dave.

4
5 MR. D. ALLEN: I've got a question first and then a
6 comment. Donna, I don't know if you can answer this question
7 but what do we -- how do we characterize carrying capacity in
8 terms of numbers of muskox?

9
10 MS. DEWHURST: I'll defer that one to Pat.

11
12 MR. D. ALLEN: I mean is it a range, is it a number?
13 What's the.....

14
15 MS. REYNOLDS: Patricia Reynolds with the Arctic
16 National Wildlife Refuge. The Refuge Staff has never
17 characterized carrying capacity for this population. We look
18 at the population over the last 15 years or 12 years, 13 years,
19 and population has been relatively stable. These animals are
20 -- I respect the comments that came from the North Slope
21 Borough and also Fenton Rexford, we've worked very closely
22 together and I think we are coming closer and closer to being
23 able to agree on what should go on in the Arctic National
24 Wildlife Refuge.

25
26 Our concerns for this population are that we want to
27 maintain a population that subsistence users can repeatedly use
28 on an annual basis so that people can get permits every year.
29 We don't want to see animals go up and down to the point where
30 there aren't permits available for people. We'd like to see
31 the population stay at this level that it's been stable at for
32 a number of years. These animals are not breeding every year.
33 They're not white-tailed deer. We don't know what's happened
34 in terms of habitat. From my own professional experience,
35 these animals are more regulated by weather than they are by
36 habitat. The declines in calf production we have seen over
37 time have occurred after densities have declined which suggest
38 there are density dependent factors involved in the continuing
39 decline in calf production including this last year. So I
40 think that in terms of this population we want to harvest that
41 population at a level that we can maintain the stability of the
42 population that we've seen. We're dealing with about 300/350
43 animals, somewhere in that range, not a lot of animals.

44
45 I think that the advisory council has looked at the
46 situation and has come up with good recommendation in terms of
47 limiting the number of cows. I find that is very commendable
48 because that's a -- that was, I think, a very good thing to do.
49 I think we need to look at the population in terms of the
50 trajectories. I have trajectories for all of these if

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1 anybody's interested in seeing them from 12 males and three
2 females, seven males and three females, nine males and three
3 females, if anybody wants to see these. There are population
4 projections on different harvest regimes.

5
6 This is my best estimate of seven and three. That's
7 all I can tell you. It's a biological estimate based on the
8 knowledge and the information we've collected over the years on
9 animal numbers, on calf production, on estimated survival rates
10 and this is my best guess in terms of what will happen to the
11 population over time.

12
13 If there are other questions I can answer about the
14 population and/or the numbers of animals in the Arctic Refuge
15 I'd be happy to try to answer those.

16
17 CHAIRMAN DEMIENTIEFF: You have a follow-up Dave?

18
19 MR. D. ALLEN: Yeah, since you brought it up, maybe if
20 we could put the graph back up there, Donna, that shows the
21 projections and, Pat if you wouldn't mind just going up there
22 for everyone's benefit just draw with your finger where
23 the.....

24
25 MS. REYNOLDS: I can pass.....

26
27 MR. D. ALLEN: Pardon me?

28
29 MS. REYNOLDS: I can pass these out if people want to
30 look at them.

31
32 MR. D. ALLEN: Well, not everybody's going to be able
33 to -- I would suggest you go on up there and you can pass out
34 what you have to the folks around the table but let's start
35 with 12 males and three females and just show where your
36 projection line generally would go.

37
38 MS. REYNOLDS: The projection for 12 males and three
39 females comes down -- yeah, on this graph, I think Donna has
40 taken these projections and taken kind of the upper level and
41 the lower level and so anything else falls in between these
42 trajectories. For example, when you have the 12 males they'll
43 come down to a level of about here, so in -- after a 10 year
44 period we would have with that kind of projection we would have
45 about 250 animals.

46
47 MR. D. ALLEN: In other words, sort of a midpoint
48 between the upper line and the lower line.

49
50 MS. REYNOLDS: Right.

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1 MR. D. ALLEN: Okay.

2

3 MS. REYNOLDS: And as I said these population
4 projections are based on animal numbers done in the annual
5 census, known calf production based on annual composition
6 counts. I used an average there for the past five years. And
7 survival of calves and yearlings and estimated survival of
8 adults.

9

10 MR. D. ALLEN: Okay. And the other option of nine
11 males and three females, what would that projection line look
12 like?

13

14 MS. REYNOLDS: That would fall down to a range of about
15 275 after 10 years.

16

17 MR. D. ALLEN: Okay. So just a little better than the
18 12 and three projection?

19

20 MS. REYNOLDS: Probably about here, yeah.

21

22 MR. D. ALLEN: Okay. That's all the questions I have,
23 Mr. Chairman, and now I have some comments I'd like to make.

24

25 CHAIRMAN DEMIENTIEFF: I'm wondering if you have that
26 graph on there with the 12 and three, could we maybe just
27 distribute that because it's not on there.

28

29 MS. REYNOLDS: Yeah.

30

31 CHAIRMAN DEMIENTIEFF: It's not on here. You'll get a
32 chance after -- we're in Board discussion right now, you'll get
33 a chance to -- go ahead Dave.

34

35 MR. D. ALLEN: Thank you, Mr. Chairman. I think it
36 would be useful that we maybe focus a little bit more on what
37 we know rather than what we project because really that has
38 been the basis upon which we have consistently recommended a
39 harvest not to exceed 10 animals actually. I mean that's been
40 our consistent recommendation for many years now.

41

42 If you'll look at the table on Page 36 of your proposal
43 book, what you will see there is a harvest level of actually
44 over the last 10 years is something below three percent of
45 actual harvest. It is based on a planned harvest of three
46 percent but when you look at the actual harvest based on the
47 population estimates, it is something slightly below three
48 percent. The point of all this is if you then look at the
49 graph on -- or the bar graph on Page 34 where we look at what
50 appears to be a point of stabilization for this population

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1 sometime around, oh, 1986/1987, and then from that point,
2 maintaining a stable population, since 1987 -- or I should say
3 since the 1988/89 season we have allowed a harvest of 10 or
4 more animals. There were two years of exceptions there with
5 nine instead of 10. But the point of all this is over that 10
6 year period the population has maintained its stability by
7 actual population accounts. These are precalf population
8 counts. These aren't -- and that during this time period the
9 harvest rate as I indicated has been something less than three
10 percent, so these aren't guesses these are reflections of what
11 has actually occurred. What our concern has always been is --
12 and why when the proposal to go to 15 bulls was not supported
13 originally by the Fish and Wildlife Service was because our
14 historical data clearly indicated to us that we could maintain
15 our goal of a stable population with an annual harvest level of
16 10 animals. The jury is still out on what 15 will do. We
17 really only have one data point so far, this years harvest
18 figures aren't in yet. So what these harvest levels will
19 actually represent to us is yet to be determined. So we're not
20 really sure other than in place of that, all we've been able to
21 provide to you are these projections based on models of what we
22 believe will happen using certain information.

23
24 I would suggest to you that after we have this years
25 data on a harvest of 15 bulls and perhaps one or two more years
26 of additional data we can tell you what -- more accurately what
27 kind of trends that we're really working with. But I would
28 rather that we focus on what we know than on what we guess
29 might happen in the future. And what we know is that we can
30 maintain a stable population of something that will, in the
31 past 10 years has actually ranged from 355 animals to as low as
32 282 animals. And with an average of something in excess of 300
33 animals. So we continue to believe that the approach is
34 consistent with what we've recommended all along and that is if
35 we change the mix of allowing the harvest of bulls and cows, we
36 are still recommending -- again, based on what we know, that
37 the total harvest should not exceed 10. I recognize that the
38 current allowable harvest is 15, the Board made that decision,
39 and we've had two years now of harvesting at that level. But
40 so far we've only got one year of data that we're even able to
41 look at in rendering any decision about the effects of any
42 changes, whether it be 12 cows -- I'm sorry, 12 bulls and three
43 cows, seven bulls and three -- nine, three, whatever the ratio
44 is. The point is we're talking, once again, of making some
45 changes with very limited information about what the effects
46 have already been with respect to an increase from 10 to 15.
47 We have one year of data to look at on what the impacts have
48 been. I assume fairly soon we will have the results of this
49 past hunting season but we don't have them for purposes of this
50 deliberation, unless somebody has it that we're not aware of.

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1 So that's my comment Mr. Chairman.

2

3 CHAIRMAN DEMIENTIEFF: That is a good question, how
4 long before we'll have the other data in for this past spring
5 counts?

6

7 MS. DEWHURST: The permits, they're requested to turn
8 them in 30 days after the end of the hunt. The hunt ended, I
9 think at the end of -- March 30th, so the 30 days is up but
10 then what happens then after 30 days, another part is sent out
11 requesting more information, basically a second shot, and then
12 after that then there's hopefully some follow-up in calling
13 people. So it will probably be, my guess, June or July before
14 we'd actually know how many animals were harvesting. Because
15 traditionally less than half of the people have turned in their
16 harvest reports and we've had to rely on calling people up or
17 knocking on their door and finding out if they got on or not.

18

19 CHAIRMAN DEMIENTIEFF: And then how about the spring
20 counts, when are those?

21

22 MS. REYNOLDS: They're done in late March or early
23 April. This year there were.....

24

25 CHAIRMAN DEMIENTIEFF: And when will you.....

26

27 MS. REYNOLDS: This year there were 308 animals counted
28 in the refuge.

29

30 CHAIRMAN DEMIENTIEFF: Three hundred and eight. Okay,
31 Board discussion. Additional Regional Council comment.
32 Fenton.

33

34 MR. REXFORD: I'm glad that Ms. Reynolds provided for
35 us to look at the 12 and three and comparing it to the ones on
36 Page 37, I think that is a more straighter line of stability of
37 having 12 and three versus the seven and three scenario. I
38 look at them more parallel together. So it doesn't look like
39 there'll be too much effect on a 12 and three -- to our
40 recommendation and looking at the seven and three scenario. I
41 mean they're pretty close to each other. And I'm happy to see
42 that and that it's presented after the fact, looking in front
43 of you now as a separate sheet, and I'm happy that it turned
44 around and came in right away.

45

46 But our North Slope Regional Council comments, the
47 recommendation, Mr. Chairman, is to support the proposal with a
48 modification of mixed sex harvest of 12 bulls with three cows
49 and no oversight by the ANWR manager to set the harvest quota.
50 The proposal that we presented or recommended was that the

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1 Staff was to allow Mr. Kurth to set the harvest quota. The
2 Council commented on that, that any Federal agency or any State
3 or local peoples would have that opportunity to come before you
4 to look at setting quotas. And I think our Council comment was
5 that this will be giving too much power to a government
6 employee to set quotas and will set a precedent for all the
7 other Federal agencies in trying to set individual quotas for
8 various animals. And I think that would set a bad precedent to
9 have any Federal government employee to set harvest quotas.
10 And that is one of the big reasons why we were -- didn't want
11 to see an oversight by the ANWR management to set harvest quota
12 of three percent.

13
14 Again, in summary, let's look at the sociological
15 carrying capacity keeping in mind that we have biologists that
16 takes care of that and that you as harvest managers need to
17 consider our side of the story too as far as sociological
18 impact for an animal that's been reared to do so. Although the
19 numbers are around 300 now, I think that's really nothing much
20 to worry about but more of you should worry more about the
21 sociological impact than the biology of a muskoxen. I think
22 you have more things that you need to worry about rather than
23 this animal. It's not an endangered species. We are highly
24 impacted, so please weigh the biological data versus
25 sociological concerns on that matter because the muskoxen are
26 rapidly spreading further west. And for the 20 or 30 million
27 they have that opportunity of the national parks or the
28 maritime service lands, and having the number at 12 and three
29 will not hurt the 230 million. So please consider the
30 sociological impact versus biological data that's presented
31 before you.

32
33 CHAIRMAN DEMIENTIEFF: Additional Regional Council
34 comment. Well, we'll advance this issue for Board decision.

35
36 I'll just -- I'm sorry, public comments passed. In
37 looking at the graphs, you know, we see no long term trends,
38 the projections, that's going to happen for some four years
39 under, either the 12 and three or the seven and three, I don't
40 see any serious projected declines in the resource, which, in
41 fact, gives us the opportunity to keep the harvest limits in
42 places they are now and give us the opportunity to see before
43 we do any -- I don't see any real serious concern to do any
44 serious biological damage in the next year or two which will
45 give us a chance to on the ground take a look at where the
46 harvests are. So I feel no reason to shorten the harvest
47 limits at this time. If we are still sustaining at 12 and
48 three, counts over 300, where in this decade we've been under
49 300 a couple of times, I see no biological reason to shorten
50 the harvest limit. And, you know, I'd be wanting to see in the

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1 next year again, by the time this meeting rolls around in the
2 next year, we'll have another years worth of data, we'll have
3 another spring count. If there's no really trends we're not
4 doing the population any harm at 12 and three, then I fail to
5 see the need to cut back.

6
7 Now, I know and I'm understanding that there are other
8 circumstances out there, a bad winter. And the impacts that
9 that would have on the herd. But we factor in weather in
10 special action decisions all the time. If there's a problem,
11 you know, we can be in a teleconference or do whatever we need
12 to do if we do run into that situation in the winter of '98/99.
13 So given that and given the fact that we haven't -- you know,
14 we still have 308 muskox out there, you know, prior to the --
15 or per this spring count, I just fail to see the biological
16 concern unless I'm missing something.

17
18 Are we ready for a motion.

19
20 MR. D. ALLEN: Mr. Chairman.

21
22 CHAIRMAN DEMIENTIEFF: Yes.

23
24 MR. D. ALLEN: Knowing what your, I think, inclinations
25 are on this issue, also knowing where we are currently at with
26 regard to the harvest level that's currently permitted, you
27 know, in good faith I, though it may be expected that I would
28 make a motion on this particular issue, I think the only motion
29 that I can make in good faith is consistent with positions that
30 we've taken in the past, my agency has with regard to
31 maintaining a stable population, which has been a limit of a
32 total of 10 animals. So obviously that puts me in a position
33 that I don't think in good conscious allows me to propose a
34 motion that would increase that. I will say this, that I think
35 based on the comments of the North Slope Borough, there clearly
36 is a difference of opinion on -- and I respect that difference
37 of opinion with regard to how this herd should be managed and I
38 think that speaking for the Fish and Wildlife Service we
39 welcome the opportunity to continue to, I think, deliberate and
40 discuss those different approaches to the management of this
41 resource.

42
43 So given that, I defer to the other members of the
44 Board to craft an appropriate motion, thank you.

45
46 CHAIRMAN DEMIENTIEFF: Is there anybody so inclined.

47
48 MR. HEISLER: Mr. Chair, I'll make a motion to accept
49 the Regional Council recommendation.

50

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1 CHAIRMAN DEMIENTIEFF: Is there a second to that
2 motion?

3
4 MR. T. ALLEN: Second.

5
6 CHAIRMAN DEMIENTIEFF: Discussion on the motion.
7 Again, I point to the fact that we can be responsive if we see
8 something going on that is going to be detrimental to the herd.
9 And you know we've been around this issue, you know, with your
10 region in the past, and quite frankly I have admired your
11 region's commitment to the resource. And if we do see a trend
12 that we don't like, you know, I feel that you're going to
13 support, you know, a reduction if you see a trend that's
14 negative. You know, so that's the only reason I'm -- the other
15 reason why I'm real willing to go along with you in this
16 particular case. And I know we can be responsive and we will
17 commit to being responsive or as long as I'm around here I'll
18 make sure we get together teleconference if there's something
19 that we don't like if that's going to determine a trend, you
20 know, we can do that.

21
22 Discussion. Paul.

23
24 MR. ANDERSON: Mr. Chairman, according to the records
25 for the past two years, whether in support of Fish and
26 Wildlife's recommendation or beside's Fish and Wildlife's
27 recommendation the Board has set the number of permits issued
28 at 15 for the past two years. And to date we don't have,
29 according to Fish and Wildlife, the information to carefully
30 predict and/or to show the impacts of that level of harvest
31 over time and that certainly concerns me. It would be nice to
32 have all the answers before we made the decision, but in this
33 case I don't think we do have all the answers and we're still
34 gathering more information.

35
36 Given the presentation, I understand the resident Fish
37 and Wildlife to propose to retain the 15 animal harvest limit,
38 however if -- and given that the projections are only that,
39 projections, they aren't facts, they're predictions, but when I
40 look at the information provided in the projections, however
41 accurate or inaccurate they might be, wherein the past we've
42 had a harvest limit of 15 males, if I'm not mistaken for '97
43 and '96, and on those projections it shows that at a harvest of
44 15 animals consisting of three males -- or 12 males and three
45 females would have less impact over time in terms of the
46 decline of the population than would harvesting 15 bulls. And
47 for that reason and with the same concerns that Mr. Demientieff
48 proposed, I'm inclined to support this motion.

49
50 CHAIRMAN DEMIENTIEFF: Further discussion. I'm not

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1 sure who was first.

2

3 MR. T. ALLEN: I'll be first.

4

5 CHAIRMAN DEMIENTIEFF: Okay.

6

7 MR. T. ALLEN: Mr. Chairman, I seconded the motion
8 because I intended to vote for it not just to get us to a point
9 of discussion. This isn't an easy one but there is some
10 legitimate difference in opinion about the data and I think
11 that this Board would be willing, albeit, nobody has come to --
12 not everyone has come to agreement on what the ultimate number
13 should be for a stable population, there seems to be a
14 willingness on the part of this Board to step in if the numbers
15 should go down without even being specific or go down
16 significantly without being specific, what they might have to
17 go down to. And so based on that and the considerable work of
18 the North Slope Borough and the opinion of the State Fish and
19 Game, I'm prepared to vote in favor of the motion.

20

21 Thank you.

22

23 CHAIRMAN DEMIENTIEFF: Dave.

24

25 MR. D. ALLEN: Just a brief comment, Mr. Chairman. I
26 just wanted to acknowledge and my appreciation for your
27 comments with regard to the vigilance of the Board to continue
28 to monitor this very carefully so that if we do see any
29 significant trends it would indicate a more conservative
30 position that we would act appropriately. And obviously my
31 expectation is that the Fish and Wildlife Service, the North
32 Slope Borough, the Regional Advisory Council will continue to
33 address the -- in the State of Alaska, address the issue of
34 managing this particular herd of muskox.

35

36 Thank you.

37

38 CHAIRMAN DEMIENTIEFF: Further discussion.

39

40 MR. THOMPSON: Mr. Chairman.

41

42 CHAIRMAN DEMIENTIEFF: Yes.

43

44 MR. THOMPSON: Yeah, I think I might weigh in on this.
45 Given the sensitivity of muskox to harvest and the, in my mind,
46 the potential effect of stretching, if you will, the allowable
47 harvest, I guess I'm more inclined to -- I believe maybe a
48 better way is to wait until the population has safely expanded
49 to the point where we could decrease the quota -- increase the
50 number of animals harvested safely rather than gambling on the

00065

1 inadequacy, if you will, of the data now and the possible
2 opportunity of harvesting at a higher level. So I understand
3 both sides of the argument, but I think I'm more inclined to
4 stick with what we have argued in the past and then be willing
5 to increase that quota should the numbers of animals continue
6 to increase.

7
8 CHAIRMAN DEMIENTIEFF: Further discussion. Hearing
9 none, all those in favor signify by saying aye.

10
11 IN UNISON: Aye.

12
13 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

14
15 IN UNISON: Aye.

16
17 CHAIRMAN DEMIENTIEFF: Motion carries. That's.....

18
19 MR. BOYD: Four/two.

20
21 CHAIRMAN DEMIENTIEFF: Yeah. That concludes our North
22 Slope business today. I think we're going to go ahead and
23 recess a few minutes early today. We will start at 8:30 in the
24 morning. We have Bristol Bay, Yukon-Kuskokwim, Western,
25 Eastern, Southcentral and Southeast.

26
27 (PROCEEDINGS TO BE CONTINUED)

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