

FEDERAL SUBSISTENCE BOARD
PUBLIC MEETING

Hilton Hotel
Anchorage, Alaska

May 5, 1998 - 8:30 a.m.

VOLUME II

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)

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CHAIRMAN DEMIENTIEFF: Okay. We're going to call the meeting to order.

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Before we get started on the Bristol Bay proposals, we have a special guest in from Washington today, and, Deborah, -- I'm going to call on our Special Assistant to the Secretary of Interior, Deborah Williams, to introduce our guest, please, if you would, Deborah?

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MS. WILLIAMS: Good morning, everyone. It's great to be here.

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Kevin Gover is visiting Alaska primarily to attend the big native tribal meeting down at the Cook, but we've -- since he was here and staying at the Hilton, O'Haras will be happy to know, that we would bring him by to see the Federal Subsistence Board at work. So it's with great enthusiasm that I'd like to introduce to all of you Assistant Secretary for Indian Affairs, Kevin Gover.

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MR. GOVER: Good morning, Mr. Chairman and Board members. I don't want to take up any of your time. I just want to say it's a pleasure to be here. You all obviously are in a situation where you may have a large role to play in a Federal effort here in the State, and that just magnifies the importance of your work. Obviously we appreciate all that you've done. I know the Secretary's very grateful for the work of this Board, and I'm personally grateful, and -- for what you're doing to implement the subsistence rights that rural Alaska has, and, of course, in particular the Alaska natives.

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So with that, Mr. Chairman, I'll just ask your permission to observe for a few minutes before we run on over to our tribal meeting.

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CHAIRMAN DEMIENTIEFF: Okay. Thank you very much and welcome to our meeting.

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Okay. We left off with the -- completing the North Slope work last night, and the next scheduled region will be Bristol Bay. We have a number of proposals. We have a number of proposals, and as we've established this year with the consent agenda, we have rested for Bristol Bay Proposals 47, 49, 50, 55, 57, 60, 61 and special action request 97-10. And all of those proposals are on the consent agenda, and I'll ask if there's any objection to these proposals to be on the

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1 consent agenda?

2

3 UNIDENTIFIED VOICE: I guess I'll just call (ph) it
4 here.

5

6 CHAIRMAN DEMIENTIEFF: If not, Mr. O'Hara, you had
7 another request for an addition to?

8

9 MR. O'HARA: It's on the Region 4, Bristol Bay. Sixty-
10 one is on there already.

11

12 CHAIRMAN DEMIENTIEFF: Okay.

13

14 MR. O'HARA: And that's the one we wanted, so we're
15 okay.

16

17 CHAIRMAN DEMIENTIEFF: Okay.

18

19 MR. O'HARA: Thank you.

20

21 CHAIRMAN DEMIENTIEFF: Good deal. So if there's no
22 objection to those proposals, we'll go ahead and move them on
23 to the consent agenda.

24

25 And for those of you that weren't here yesterday, these
26 proposals, basically the world lines up with, and that we have
27 consensus and they will be adopted again at the end of the
28 consideration of the other regional proposals. And those will
29 adopted without modification, so this is -- when we bring this
30 up, this is your chance to object to the adoption on the
31 consent agenda.

32

33 So with that, let's see, that will be -- this is 97-09,
34 the first one. We have the first item up for consideration
35 will be Special Action Request 97-09. Ready for the
36 introduction, unless you want to do general.....

37

38 MR. FISHER: Good morning, Mr. Chairman.

39

40 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry, yeah. (Whispered
41 conversation) Okay. This guy, I have no idea -- we don't know
42 what regions (whispered conversation).

43

44 Maybe before we begin, we do have one request for
45 public testimony. Ted Krieg from Bristol Bay Native
46 Association,.....

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48 MR. KRIEG: Thank you, Mr. Chairman.

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50 CHAIRMAN DEMIENTIEFF:and apparently Ted is

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1 wanting to address all of your -- all of the proposals in one
2 presentation, is that correct?

3

4 MR. KRIEG: Correct.

5

6 CHAIRMAN DEMIENTIEFF: So I think we're going to go
7 ahead before we get into consideration of individual ones,
8 we'll go ahead and allow Ted to testify.

9

10 MR. KRIEG: My name is Ted Krieg. I work for the
11 Bristol Bay Native Association in the Natural Resource
12 Department.

13

14 Yeah, I just -- I wanted to make I guess just a general
15 statement, but there's some things I wanted to say about this
16 special action also, so I can just say all of that right now,
17 is that.....

18

19 CHAIRMAN DEMIENTIEFF: Go ahead.

20

21 MR. KRIEG: Thank you, Mr. Chairman, for the
22 opportunity to comment.

23

24 BBNA supports the Regional Council recommendations.
25 The Regional Council always put prior- -- the conservation of
26 the resource as a priority, and as another priority for them,
27 they always try to provide for a subsistence priority for the
28 residence of Bristol Bay.

29

30 This special action request that is the first proposal
31 you're going to deal with, it's something that's been around
32 for a long time. I've been working at BBNA for over five
33 years, and a shortage of caribou, especially for the villages
34 down -- Perryville and Ivanof Bay, you know, when I started,
35 they said at that time it had been 15 years since they'd seen
36 many caribou down in their area. On Stepovak Flats, you know,
37 that used to be -- it used to be a caribou calving area, and
38 they've -- at times they saw thousands of caribou there within
39 the last 20 years. Now they don't see any.

40

41 So, you now, this proposal was -- this special action
42 was -- is -- you know, it's frustration on their part that
43 nothing's been done. You know, there's a shortage. The
44 Northern Alaska Peninsula Caribou Herd in 1993/94 they -- Fish
45 and Game counted about 1600 -- 16,000 animals. In '97 that
46 herd was down to 10,000.

47

48 Their -- one of their big concerns is all the sport
49 hunting that goes on, guided hunts, and especially for
50 Perryville and Ivanof Bay. There's only a couple of passes

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1 where caribou can pass from one side of the Alaska Peninsula to
2 the other through the mountains, and there's hunting that's
3 going in that area, and they feel like that's restricting the
4 flow of animals through there.

5

6 You know, they -- and they've seen -- I guess moose is
7 also included in this, and there's -- you know, they just have
8 -- have to put in a lot more effort to get moose, and they
9 attribute that to increased sport hunting in their area also.

10

11 We recently did finish a second round of surveys, but
12 we had three years of harvest information, and documented for
13 Chignik Lake in 94/95, -- now this was an estimate based on the
14 number that we -- of caribou that were taken for the households
15 that we did survey in the community. 94/95, they had an
16 estimated take of 111 caribou. In 95/96, it was down to 67.
17 And in 96/97, this is the regulatory year, June 1 -- or July 1
18 to June 30th of 96/97, they only got 55 caribou. So there's,
19 you know, definitely a documented decline in those three years.

20

21 And I guess I'll leave it at that. I'll be around if
22 questions do come up on any of the proposals. I'd be happy to
23 try to answer any questions.

24

25 CHAIRMAN DEMIENTIEFF: Okay. Thank you very much.
26 Okay. We're ready for the introduction of 97-10 (sic).

27

28 MR. FISHER: Good morning, Mr. Chairman, thank you. My
29 name's Dave Fisher. I work for the Fish and Wildlife Service
30 in the Subsistence Office here in Anchorage.

31

32 And this Special Action Number 97-09, this was a
33 request that was submitted by the Aniakchak National Monument
34 Subsistence Resource Commission, and it would close Federal
35 public lands in Subunit 9(E) to the hunting of caribou and
36 moose, except for qualified rural Alaska residents. The
37 Special Action also requests that the moose harvest regulation
38 change from one antlered moose to just one moose.

39

40 The current Federal regulations for the -- for caribou
41 in 9(E), there's -- 9(E) is divided into really two areas, and
42 you've look at the map on the wall -- I'm trying to get -- oh,
43 here we go. Caribou hunting is closed on Federal public lands
44 in 9(E) for about the lower one-fourth of 9(E), approximately
45 from the Seal Cape area across to the Bristol Bay side on down.
46 That area is closed and that was closed in 1996. The remainder
47 of 9(E) has a pretty liberal caribou season, August 4th through
48 September 30th with a four caribou limit.

49

50 The moose hunting in 9(E), the Federal Subsistence

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1 Regulations open ten days before the State season, so there is
2 a subsistence priority there.

3

4 Federal lands that are affected by this Special Action
5 include the Becharof National Wildlife Refuge, the Ugashik and
6 Chignik Units of the Alaska Peninsula National Wildlife Refuge,
7 and the Aniakchak National Monument and Preserve.

8

9 From a biological standpoint, the moose population in
10 9(E), we don't have a lot of data for the moose in 9(E), but
11 the current population appears to be stable, and it's within
12 the capacity of the habitat for that subunit. The current
13 population is estimated at about 2500 moose, and the Fish and
14 Game management objective for that subunit is 2500. Most of
15 the harvest occurs in the month of September.

16

17 The caribou population, as Mr. Krieg touched on
18 briefly, is -- consists of the Northern Alaska Peninsula
19 Caribou Herd, and historically this herd has fluctuated quite a
20 bit over the years. In the 1940s the population was estimated
21 at about 2,000, mid 80s close to 20,000, and currently the herd
22 is -- the herd population is estimated to be around 10,000.

23

24 Biological investigations over the last one to two
25 years have indicated that the adult population is -- consists
26 of a mediocre body condition, and poor calf production. The
27 calves have a high incidence of lung worm. And this is
28 probably due to nutritional stress.

29

30 And range conditions are not the best for this herd.
31 And it kind of illustrates the wide range of the herd. The
32 herd ranges from Point Moller all the way up north of the
33 Naknek River up to Lake Iliamna. And this is quite common for
34 a herd that is facing range conditions that are pretty poor.
35 And when their food supply becomes depleted in traditional
36 areas, they will seek out newer areas.

37

38 Also, another thing we may want to consider is the
39 Mulchatna herd has come down close to this area, and some of
40 the animals from the Northern Alaska Herd may have moved --
41 migrated with the Mulchatna herd. So we need a little bit more
42 information on that.

43

44 But over-all the herd is probably depressed and in line
45 more or less with what the habitat is -- will support for that
46 herd.

47

48 We don't have a lot of biological data for the Pacific
49 side. As Mr. Krieg alluded to, getting and doing surveys in
50 that area is fairly difficult due to weather conditions and the

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1 long flight from King Salmon. However, the Refuge will attempt
2 to carry out more surveys this spring and summer.

3
4 We need additional -- like I said, we need additional
5 caribou information from the Pacific side. Population numbers
6 and range condition information. And the Regional Council
7 recommended that we get all user groups together this coming
8 fall to come up with some management direction and more or less
9 a management plan for caribou. And the emphasis should be on
10 caribou and on moose. So that is a good recommendation.

11
12 That's all I have.

13
14 MS. EAKON: The Program received one written public
15 comment, and that was from Joe Klutsch, who is a professional
16 guide operating out of King Salmon. He was neutral on the
17 proposal, and suggested that the Regional Council form a
18 working group of different user groups.

19
20 CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee,
21 Tom?

22
23 MR. ELEY: Yes, sir, Mr. Chair. The Staff Committee
24 supports the Bristol Bay Regional Council recommendation to
25 defer action on this proposal until a working group composed of
26 stakeholders has an opportunity to review the issue and report
27 back to both the Regional Council and the Board. The working
28 group will be composed of Federal agencies, Alaska Department
29 of Fish and Game, representatives from the nine -- or from the
30 villages in Unit 9(E), as well as representatives from the
31 sport guiding industry. And I believe they already had a
32 preliminary meeting during the Regional Council meeting in
33 Dillingham this past spring.

34
35 CHAIRMAN DEMIENTIEFF: Thank you. Department comments?

36
37 MS. ANDREWS: Thank you, Mr. Chairman. The Department
38 was at the Regional Council meeting and was involved with the
39 discussions with the council as well as the follow-up impromptu
40 work group meeting. And we support the Regional Advisory
41 Council's recommendation to defer this.

42
43 CHAIRMAN DEMIENTIEFF: Thank you. We have no
44 additional requests for public testimony at this time.
45 Regional Council comments?

46
47 MR. O'HARA: Mr. Chairman, I'm Dan O'Hara, Bristol Bay
48 Council. We are looking at a very long-term fix on this. It's
49 not something that you can go and take a proposal and say we'll
50 close this area down and be on our way. There's a lot of

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1 guides in this area, so it's something that the Council -- that
2 I'm going to chair this committee that's going to work on this
3 out there, and all the major players that Staff mentioned will
4 be there to work on this. And I believe we're going to try to
5 have the meeting in Port Heiden. I know that the refuge
6 manager up there, Darryl Lonze I believe is his name, a very,
7 very fine man, is new in the area, has visited all the villages
8 already himself on his own, and I look forward to working with
9 him. I think he'll be the lead player.

10
11 And so -- one of the things, that when you close this
12 region down -- well, there was a map up there earlier. You
13 close Federal lands down, you go to the Bering Sea side, State
14 of Alaska lands and put all those non- -- you know, the
15 nonresidents, guides, out on the coastline on the villages, and
16 they put more pressure on themselves. So just closing it down
17 is not the answer. It has to have a fix to it.

18
19 Another thing I think we need to deal with is the fact
20 that Fish and Wildlife has not done a good survey over on the
21 Chignik side. You know, they have never been able to do that,
22 because of weather or whatever. We're going to really put
23 pressure on those guys to get that survey done so we'll have
24 something in hand. We're not going to accept the fact that it
25 was bad weather. We're going to have to pick a day when the
26 weather is going to be good. Katmai National Park has a pilot
27 that can do that if they are having problems. But we're going
28 to not -- we're going to insist on a good survey to have that
29 information.

30
31 And I'll go ahead and work with the committee on that,
32 so this is what our Council did. Thank you.

33
34 CHAIRMAN DEMIENTIEFF: Thank you, Dan. Is there
35 additional Regional Council comment? Board discussion? Is
36 there any final Regional Council comment then?

37
38 MR. O'HARA: No.

39
40 CHAIRMAN DEMIENTIEFF: We are prepared for a motion.

41
42 MR. ANDERSON: Mr. Chairman?

43
44 CHAIRMAN DEMIENTIEFF: Yes, Paul?

45
46 MR. ANDERSON: I move that we accept Bristol Bay
47 Advisory Council's recommendations for Special Action 97-09, to
48 defer action until a working group composed of stakeholders has
49 had an opportunity to review the issue and report back to the
50 Regional Council.

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1 And I want to commit the resources of Katmai in any act
2 (ph) to assist with the work group, or with the survey.

3

4 MR. O'HARA: Pardon me? What did you say?

5

6 MR. ANDERSON: I said to assist with the work group or
7 with the survey.

8

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

10

11 MR. HEISLER: Second.

12

13 CHAIRMAN DEMIENTIEFF: Discussion? No discussion. All
14 those in favor of the motion please signify by saying aye?

15

16 IN UNISON: Aye.

17

18 CHAIRMAN DEMIENTIEFF: Those opposed?

19

20 (No opposing votes.)

21

22 CHAIRMAN DEMIENTIEFF: Motion carries. Thank you.

23

24 Proposal 43?

25

26 UNIDENTIFIED VOICE: We did that yesterday, so we'll be
27 on to.....

28

29 CHAIRMAN DEMIENTIEFF: Oh, yeah.

30

31 UNIDENTIFIED VOICE:45.

32

33 CHAIRMAN DEMIENTIEFF: 43, 45 and 46?

34

35 UNIDENTIFIED VOICE: Forty-six, right.

36

37 CHAIRMAN DEMIENTIEFF: 43, 45 and 46.

38

39 MS. McCLENAHAN: Yes, Mr. Chairman. Proposal 98-45,
40 submitted by Bristol Bay Native Association, Bristol Bay
41 Regional Advisory Council, Beth Joy Alabama and Jon Knutson
42 request establishing a positive customary and traditional use
43 determination for Units 9(A), 9(C), and 9(D), brown bear for
44 the rural residents of Unit 9(A), 9(C) and 9(D). This is a
45 deferred proposal.

46

47 The request for Unit 9(D) was acted upon yesterday, and
48 I'm addressing Units 9(A) and 9(C).

49

50 Proposal 98-46, submitted by the Pilot Point

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1 Traditional Council, asking that the residents of Pilot Point
2 be added to the existing c&t finding for brown bear in Unit
3 9(E) was tabled for one year at the request of Pilot Point and
4 the Bristol Bay Council, so that additional information can be
5 gathered.

6
7 For Unit 9(A), there are no communities in that unit.
8 There is, however, good written published evidence from the
9 Alaska Department of Fish and Game, strong oral history, and
10 subsistence use area maps that indicate that Pedro Bay has
11 customarily and traditionally used Unit 9(A) to hunt brown bear
12 and moose.

13
14 For Unit 9(C), one of the reasons for deferring this
15 proposal last year was that the joint Bristol Bay Native
16 Association, Alaska Department of Fish and Game, Fish and
17 Wildlife Service large mammal survey that was carried out in
18 the prior two years produced negative evidence. The study
19 indicated that only very few residents of Naknek, South Naknek
20 and King Salmon had tried to take brown bear or had used brown
21 bear products during the two years of the survey. Last year's
22 study with a 30 percent sample produced similar results.

23
24 However, new information was brought forward at the
25 March 1998 Bristol Bay Regional Advisory Council meeting.
26 Counterbalancing this negative evidence is strong support from
27 a number of published sources for historic subsistence hunting
28 and use of brown bear for the residents of what -- of what is
29 today Unit 9(C). Also, substantial written and oral testimony
30 by a number of residents of Unit 9(C) was presented at the
31 Bristol Bay Council meeting. I'm sorry, the Subsistence
32 Advisory Council meeting that was held in Dillingham this year
33 This testimony includes the names of a number of users.

34
35 Currently there is no positive c&t for brown bear in
36 Unit 9(C), so the residents don't currently hunt them on
37 Federal land there. This is a case where customary and
38 traditional use was disrupted by changes in land status. For
39 example, by the establishment of ANILCA. And the rural
40 residents would like the opportunity to resume their
41 traditional practices.

42
43 That's all I have.

44
45 CHAIRMAN DEMIENTIEFF: Thank you. Written comments?

46
47 MS. EATON: Yeah. Regarding Proposal 45, the
48 Naknek/Kvichak Fish and Game Advisory Committee supports the
49 proposal. The Aniakchak Subsistence Resource Commission
50 supported with amendment to include the two communities of

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1 Chignik Lagoon and Chignik Bay.

2

3 Regarding Proposal 46, Aniakchak Subsistence Resource
4 Commission supported the proposal.

5

6 End of written comments.

7

8 CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee
9 recommendation?

10

11 MR. ELEY: Yes, sir. The Staff Committee recommended
12 support of the recommendations of the Bristol Bay Regional
13 Council for Proposal 45, and that was the addition of Pedro Bay
14 to Unit 9(A), as well as deferring the rest -- action on the
15 rest of the proposal until more information is available.

16

17 With regards to 46, the Staff Committee recommended
18 deferring action for one year consistent with the
19 recommendation of the Bristol Bay Regional Council.

20

21 There is indication -- there is sufficient information
22 documenting Pedro Bay's subsistence use of Unit 9(A). The
23 Staff Committee concurs that the deferring of the rest of this
24 recommen- -- of this proposal will be consistent with
25 protecting healthy populations. Although the Department of
26 Fish and Game and Bristol Bay Native Association's study of
27 large mammals didn't show any use in Unit 9(C) by 9(C)
28 residents, there's considerable written and oral testimony of
29 supporting previous use by at least some families of bears in
30 9(C), and an interest in using 9(C) again.

31

32 With regard to Proposal 46, the Staff Committee concurs
33 with Bristol Bay Regional Council's recommendation that more
34 information is needed for Pilot Point's use of -- about Pilot
35 Point's use of brown bears and deferring it until that's
36 available.

37

38 CHAIRMAN DEMIENTIEFF: Thank you. Department comments?

39

40 MS. ANDREWS: Yes, Mr. Chairman. It looks like we have
41 consent on this one, too, and the Department supports the
42 Council recommendation.

43

44 CHAIRMAN DEMIENTIEFF: Thank you. We have no
45 additional requests for public testimony. Regional Council
46 Comments?

47

48 MR. O'HARA: Mr. Chairman, Dan O'Hara, Regional Chair.
49 It's pretty obvious. I grew up at Pilot Bay, which is right
50 next to Pedro Bay, and in the early days they would go across

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1 over to the Cook Inlet side and get clams and seal and bear and
2 so Pedro Bay is totally entitled to a c&t over there.

3
4 We had some good additional testimony from the Naknek
5 area on 9(C), which is some -- we'd like to -- this is a
6 request to continue for another year to gather more information
7 for the villages down south also. And I think one of the
8 problems that existed, you know, the Secretary of Interior just
9 -- we didn't go to the Park, the Park kind of came to us, and
10 so you can't go into Katmai National Park, the wilderness area
11 and get a bear, you know. So it's a little different in the
12 Naknek area when it comes to the c&t finding. But we feel that
13 if we can get more information working with Pat McClenahan,
14 who's done a very good job for us, we'll build a good strong
15 tie here, and we don't feel that a year's time is too long. So
16 we appreciate you passing this.

17
18 CHAIRMAN DEMIENTIEFF: Okay. Thank you very much.
19 Additional Regional Council comment? Board discussion? Is
20 there any final Regional Council comment? We are prepared for
21 a motion.

22
23 MR. POSPAHALA: Mr. Chairman, I'll move to accept the
24 Regional Council and the Staff Committee recommendation to
25 defer those portions of Proposals 43, 45, and 46 that deal with
26 Unit C -- 9(C) and 9(D), and to accept the customary and
27 traditional use determination recommended for Pedro Bay in Unit
28 9(E).

29
30 CHAIRMAN DEMIENTIEFF: We have a motion. Is there a
31 second?

32
33 MR. ANDERSON: Second.

34
35 CHAIRMAN DEMIENTIEFF: Yeah, 43 was dealt with
36 yesterday, but 45 and 46. It's been moved and seconded. Did
37 you get the second?

38
39 COURT REPORTER: (Nods affirmative)

40
41 CHAIRMAN DEMIENTIEFF: Okay. (Whispered conversation)
42 Yeah, she got it. Discussion on the motion.

43
44 UNIDENTIFIED VOICE: Question.

45
46 CHAIRMAN DEMIENTIEFF: Question's been called for. All
47 those in favor, signify by saying aye?

48
49 IN UNISON: Aye.

50

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1 CHAIRMAN DEMIENTIEFF: Those opposed, same sign?

2

3 (No opposing votes.)

4

5 CHAIRMAN DEMIENTIEFF: Motion carries.

6

7 (Whispered conversation)

8

9 CHAIRMAN DEMIENTIEFF: Oh, I better mention that, yeah.

10 For the record, Proposal 48 was withdrawn and is not up for

11 consideration at this time.

12

13 Our next proposal we'll deal with is Proposal 51 on
14 page 78 of your book. Go ahead and introduce the issue, please?

15

16 MS. McCLENAHAN: Yes, Mr. Chairman. Proposal 98-51,
17 submitted by the Akiak and Akiachak IRA requests a positive
18 customary and traditional use determination for black bear in
19 Unit 17, located in Region 4 for residents of Akiak and
20 Akiachak located on the Lower Kuskokwim River in Unit 5. Akiak
21 and Akiachak community residents claim historic use of Unit 17
22 along with their relatives and neighbors in Kwethluk, Tuluksak,
23 and other nearby Lower Kuskokwim communities.

24

25 This is one of a number of proposals you'll be hearing
26 that originated with the communities of Akiak and Akiachak
27 today.

28

29 The proposal would add the two communities to an
30 existing c&t. There is little written published subsistence
31 use information available for Akiak and Akiachak. No ADF&G
32 Division of Subsistence studies or technical reports have been
33 done for these communities. Reference can be made to Technical
34 Report Number 157, Coffing, 1991, on neighboring Kwethluk.
35 Coffing's study contains references to the Unit 18 communities
36 of Akiak and Akiachak.

37

38 Published historic accounts, oral history gathered by
39 Staff, and oral testimony show that the residents of Akiak and
40 Akiachak have ties to Region 4 going back to historic times.
41 They share the same language, Central Yup'ik, with the
42 residents of Unit 17, and many Lower Kuskokwim residents took
43 part in reindeer herding between the 1920s and the 1940s.
44 Herders used parts of Unit 17 to graze their reindeer.

45

46 Residents from Lower Kuskokwim communities moved to
47 communities on the east side to Togiak to Clark's Point, to New
48 Stuyahok, Aleknagik, Manokotak, and Dillingham.

49

50 People living in Akiak and Akiachak take part in a

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1 resource exchange network that includes at a minimum the
2 Kuskokwim communities and Togiak. They also visit relatives in
3 Unit 17 and hunt with them. Black bear is one of the large
4 land mammals that makes up from 2 percent to 13 percent of the
5 yearly take for Yukon-Kuskokwim residents.

6
7 An Akiachak informant said that some families depend on
8 large terrestrial mammals for from 40 to 60 percent of their
9 total subsistence intake for one year. Bear meat and fat lend
10 variety to the diet and are considered a delicacy by some.

11
12 This map shows you the Togiak National Wildlife Refuge.
13 In particular these -- this area, 17(A) and 17(B) will be of
14 interest to you. This is a map that was produced by Ron Thuma
15 in 1985 that shows a general subsistence use area for Akiak for
16 that year. And I think that you can see Togiak National
17 Wildlife Refuge and the -- how the use area responds --
18 corresponds to that. No differentiation was made between black
19 bear and brown bear in Thuma's maps, by the way.

20
21 This is a subsistence use area map for Akiachak. It's
22 a general subsistence use area map, and you can see the Togiak
23 National Wildlife Refuge right here, and BLM land.

24
25 That's all I have.

26
27 CHAIRMAN DEMIENTIEFF: Thank you.

28
29 MS. EAKON: There were no written comments, Mr. Chair.

30
31 CHAIRMAN DEMIENTIEFF: Okay. Thank you. Staff
32 Committee?

33
34 MR. ELEY: Yes, sir, Mr. Chair. Staff Committee
35 supported the proposal with a modification reflecting the
36 Bristol Bay Regional Council's assessment that in Unit 17(B)
37 residents of Akiak and Akiachak have used only that portion of
38 the subunit that is within the Togiak National Wildlife Refuge.
39 Ancestors of the modern residents of Akiak and Akiachak have
40 long used this area that is today Unit 17(A) and a portion of
41 Unit 17(B) within the Togiak National Wildlife Refuge for
42 subsistence purposes, as well as for herding reindeer. Many
43 residents of Akiak and Akiachak are residents -- are relatives
44 of residents of Unit 17 and frequently visit them there. The
45 residents of Togiak and Twin Hills also have an area -- an
46 interest in the area to the north of Unit 18 where Akiak and
47 Akiachak are located.

48
49 The Staff Committee's recommendation is consistent with
50 the recommendation of the Bristol Bay and the Yukon-Kuskokwim

00080

1 Delta Regional Councils.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. Department comments?

4

5 MS. ANDREWS: Thank you, Mr. Chairman. Actually, at
6 the Regional Council meeting there at Bristol Bay, the
7 Department recommended basically what the Regional Council
8 recommended, which is different than the Staff Committee
9 recommendation. While we would prefer that it stay consistent
10 with the regulation that you have that allows Kwethluk to use
11 part of this area, and that's still a broader area than
12 identified in the Staff Committee recommendation, we certainly
13 can go along with what the Bristol Bay Council recommended,
14 which was to use the old Western Alaska Brown Bear Management
15 Area, because we think that area is more consistent with the
16 areas that have been customary and traditionally used by these
17 communities, and we think that the Staff Committee
18 recommendation is too restrictive. So we'd prefer -- if you're
19 not going for consistency with what you already have in your
20 regulations, then we'd go with what the Bristol Bay Council
21 recommendations is, and that's for the old Western Alaska Brown
22 Bear Management Area.

23

24 Thank you, Mr. Chairman.

25

26 CHAIRMAN DEMIENTIEFF: Thank you.

27

28 MS. McCLENAHAN: Mr. Chairman?

29

30 CHAIRMAN DEMIENTIEFF: Yes.

31

32 MS. McCLENAHAN: That map I believe is in your book,
33 even though we don't have a slide for it, if you care to refer
34 to it.

35

36 UNIDENTIFIED VOICE: Page 98.

37

38 CHAIRMAN DEMIENTIEFF: We have no additional requests
39 for public testimony at this time.

40

41 Regional Council comment?

42

43 MR. O'HARA: Mr. Chairman, I think we have a little
44 difference here between what Staff wants and what we want. And
45 it's my job to stick with what the Council sends me here for,
46 so we're going to support our recommendation as you find it in
47 the book.

48

49 And although I do like what the State of Alaska has to
50 say, I think perhaps maybe -- we try to really work very

00081

1 closely with the State and the Federal programs so that we
2 don't -- you know, to make the thing work the best, so we have
3 no problem with coming back, even visiting it another year if
4 we need to, but this basically is the best that we could do
5 from our Council, and we ask you to support that.

6

7 Thank you.

8

9 CHAIRMAN DEMIENTIEFF: Additional Regional Council
10 comment?

11

12 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim Delta
13 Regional Council recommend support of the proposal with
14 modification supported by Staff.

15

16 CHAIRMAN DEMIENTIEFF: Okay. Thank you. Is there any
17 additional Regional Council comment?

18

19 MR. O'HARA: Mr. Chairman, Dan O'Hara, Bristol Bay
20 Regional Council.

21

22 Staff, does that increase the area?

23

24 MS. McCLENAHAN: The.....

25

26 MR. O'HARA: Your proposal?

27

28 MS. McCLENAHAN: The brown bear?

29

30 MR. O'HARA: Yeah.

31

32 MS. McCLENAHAN: It's just slightly larger. I think
33 that what Staff Committee's recommending is just that corner of
34 Togiak National Wildlife Refuge in essence, and the brown bear
35 area is a little bit larger.

36

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

38

39 CHAIRMAN DEMIENTIEFF: Yes. Any additional Regional
40 Council comment? Board discussion. Mr. Anderson?

41

42 MR. ANDERSON: Mr. Chairman. Just so I'm not confused,
43 in looking at the Western Brown Bear Management Area relative
44 to Federal public lands, Togiak Refuge in 17(A) and (B), is
45 there a part of the Togiak Refuge that does not fall within the
46 Brown Bear Management area?

47

48 MS. McCLENAHAN: No.

49

50 MR. ANDERSON: And is there other Federal public land

00082

1 in 17(B) that's not a part of the Togiak Refuge in that portion
2 of the Western Brown Bear.....

3

4 MS. McCLENAHAN: For that portion,.....

5

6 MR. ANDERSON:Management Area?

7

8 MS. McCLENAHAN:I believe it's all Togiak
9 National Wildlife Refuge. The only -- the only other Federal
10 land is Lake Clark, which is way over on the other side, and is
11 not involved here.

12

13 MR. ANDERSON: Right. It's not in the management.....

14

15 MS. McCLENAHAN: There is a small amount.....

16

17 MR. ANDERSON:in the.....

18

19 MS. McCLENAHAN:of BLM land in question.

20

21 CHAIRMAN DEMIENTIEFF: I'm sorry, I wasn't able to hear
22 you. Is there.....

23

24 MS. McCLENAHAN: There's a.....

25

26 CHAIRMAN DEMIENTIEFF: Is there other Federal land
27 within the old Western Alaska Brown Bear Management Area?

28

29 MS. McCLENAHAN: There's a small amount of BLM land
30 that would fall within that.

31

32 (Whispered conversation)

33

34 MS. McCLENAHAN: Shall I take you back to the map?
35 There's a small amount of BLM land.

36

37 CHAIRMAN DEMIENTIEFF: Yeah, please.

38

39 MS. McCLENAHAN: Oops. It's not responding. Let me go
40 forward instead. I can't seem to get this to go back.

41

42 CHAIRMAN DEMIENTIEFF: Okay.

43

44 (Whispered conversation)

45

46 MS. McCLENAHAN: Okay.

47

48 UNIDENTIFIED VOICE: There you go. That's a map.

49

50 UNIDENTIFIED VOICE: Yeah. That map will do it.

00083

1 MS. McCLENAHAN: As you see, there's a little bit of
2 the gold color, is BLM land.

3
4 (Whispered conversation)

5
6 CHAIRMAN DEMIENTIEFF: Okay. Paul?

7
8 MR. ANDERSON: The BLM land that shows in the bottom of
9 17(B), if I'm not mistaken, if I'm reading my map correctly,
10 the Western Brown Bear Management Area does not go that far out
11 into 17(B), so that land wouldn't be covered.....

12
13 MS. McCLENAHAN: That.....

14
15 MR. ANDERSON:by the Brown Bear Management Area.

16
17 MS. McCLENAHAN: That leaves the Togiak National
18 Wildlife Refuge then.

19
20 CHAIRMAN DEMIENTIEFF: Can't hear.

21
22 UNIDENTIFIED VOICE: The Brown Bear.....

23
24 (Whispered conversation)

25
26 CHAIRMAN DEMIENTIEFF: Okay. So we have established
27 that all of the Federal land that is in the former Western
28 Brown Bear Management Area or -- is included in this proposal,
29 is that correct?

30
31 MS. McCLENAHAN: Yes, as far as we're able to discern.

32
33 CHAIRMAN DEMIENTIEFF: Okay. And then with regard to,
34 what is it, Kwethluk, is that -- Mr. O'Hara, is that a work in
35 progress or -- Mr. Wilde?

36
37 MR. O'HARA: That would be the Staff recommendation.

38
39 MS. McCLENAHAN: The Kwethluk -- Kwethluk already has a
40 positive c&t, and if you'd like, I can read this to you, the
41 description of the area that Kwethluk has. It says Units 17(A)
42 and 17(B), those portions north and west of a line beginning
43 from the Unit 18 boundary at the northwest end of Nenevok Lake
44 to the southern part of Upper Togiak Lake, and northeast to the
45 northern point of Nuyakuk Lake, northeast to the northern point
46 where the Unit 17 boundary intersects the Shotgun Hills.
47 Residents of Kwethluk.

48
49 CHAIRMAN DEMIENTIEFF: Well, that makes it as clear as
50 bell for me.

00084

1 (Laughter)

2

3 MS. McCLENAHAN: Yeah, when you're -- if you're not
4 familiar with those areas, it's very difficult.

5

6 CHAIRMAN DEMIENTIEFF: Elizabeth, did you have a.....

7

8 MS. ANDREWS: Thank you, Mr. Chairman. The -- one of
9 the reasons that we prefer going with the Counsel
10 recommendation for the old Western Alaska Brown Bear Management
11 Area is that that area was designed for brown bear hunting.
12 And it's also -- the boundaries of that area were discussed
13 with the public at our game board meeting, and came up with
14 something where people could identify landmarks and features --
15 features, of course, out on the land, rather than trying to
16 follow something like the National Wildlife Refuge boundaries.

17

18 The other one which you have in regulations that was
19 just read to you, it does use landmarks, however, it is not as
20 encompassing as what the Bristol Bay Council recommended.

21

22 MR. POSPAHALA: Mitch?

23

24 CHAIRMAN DEMIENTIEFF: I'm sorry, go ahead, Dick.

25

26 MR. POSPAHALA: A question for Elizabeth if I could.
27 Did the State redefine the boundaries in 1995 of the Western
28 Brown Bear Management Area? Or was that.....

29

30 MS. ANDREWS: Well,.....

31

32 MR. POSPAHALA:did the State redefine these
33 boundaries, or did somebody else? You said the old ones are
34 based on brown bear, just, you know, I presume based on the
35 title, that the 1995 one is as well.

36

37 MS. ANDREWS: Well, perhaps Mr. O'Hara could address
38 that. I think that's when we were adding in other communities
39 into this management area, and so I think the changes went to
40 the west. I'm not sure. But the discussion at the Council
41 meeting and, you know, I've read the transcripts, and, of
42 course, Mr. O'Hara and others were there, identified this
43 particular boundary that's opposite page 99 is what they were
44 supporting, and that seemed to be most consistent with the use.

45

46 CHAIRMAN DEMIENTIEFF: This Brown Bear Management Area
47 is still in effect in State regulation, correct?

48

49 MS. ANDREWS: That's correct.

50

00085

1 (Whispered conversation)

2

3 MS. ANDREWS: Well, it has changed, but we still have a
4 brown bear management area.

5

6 CHAIRMAN DEMIENTIEFF: Where's that language? Do we
7 have that language anywhere. Tom?

8

9 (Whispered conversation)

10

11 MS. ANDREWS: Mr. Chairman, the point at issue here is
12 the part that's in 17(B). It's my understanding that in 17(A)
13 there's no disagreement on. That it's the portion of 17(B) and
14 that the Council as well as the Department thought that just
15 limiting it to the Wildlife Refuge was too restrictive, and it
16 didn't follow a boundary that people could identify with.

17

18 (Whispered conversation)

19

20 CHAIRMAN DEMIENTIEFF: Mr. Wilde, do you -- let's see,
21 you -- your Regional Council's voted to support the Staff
22 Committee recommendation. The Bristol Bay recommendation has
23 some slight variance or, you know, different areas described,
24 and, you know, I know I can't put you on the spot in terms of
25 seeking already for what your Regional Council has voted, but
26 we would have the possibility maybe to go back and take a look
27 at that within your region. You're familiar with the old Brown
28 Bear Management Area, the Western Brown Bear Management Area I
29 guess in State regulation. Have you had a chance to work with
30 that in the past?

31

32 MR. WILDE: Mr. Chairman, not really. One of the
33 things that I'm looking at, another packet that we worked on in
34 the Regional Council meeting,.....

35

36 COURT REPORTER: Excuse me. I think the mike's off.
37 You need to turn it back on.

38

39 UNIDENTIFIED VOICE: Yeah, why don't you turn that back
40 on.

41

42 MR. WILDE: In this meeting is.....

43

44 UNIDENTIFIED VOICE: Thank you.

45

46 MR. WILDE:Proposal 51, species, bear, it says
47 Unit 17. That's the one that request a change, revised
48 customary and traditional use for include Akiak and Akiachak.

49

50 MS. McCLENAHAN: Mr. Chairman?

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1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MS. McCLENAHAN: If I could make a clarification? The
4 Council's recommendation from Yukon-Kuskokwim Delta was to
5 accept the recommendations of Staff. It was to -- it was for
6 all of 17(A) and 17(B). That was the Staff recommendation. It
7 differed from the Staff Committee recommendation, and we just
8 wanted to clarify that.

9

10 CHAIRMAN DEMIENTIEFF: Okay. Okay. Is there any
11 additional Board discussion? Any final Regional Council
12 comment? We're ready for Board action.

13

14 MR. ANDERSON: Mr. Chairman?

15

16 CHAIRMAN DEMIENTIEFF: Go ahead, Paul.

17

18 MR. ANDERSON: I move that the Board accept the
19 Regional Council -- or Bristol Bay Regional Council's
20 recommendations for Proposal 51.

21

22 CHAIRMAN DEMIENTIEFF: We have a motion to accept the
23 Bristol Bay Council's recommendation. Is there a second?

24

25 MR. POSPAHALA: Second.

26

27 CHAIRMAN DEMIENTIEFF: Actually, it's -- in terms of
28 discussion, it appears that that would also be inclusive, all
29 inclusive of the Yukon-Kuskokwim Regional Council
30 recommendation as well. That's my understanding.

31

32 UNIDENTIFIED VOICE: Right.

33

34 CHAIRMAN DEMIENTIEFF: Okay. Further discussion?
35 Hearing none, all those in favor of the motion, please, signify
36 by saying aye.

37

38 IN UNISON: Aye.

39

40 CHAIRMAN DEMIENTIEFF: Those opposed?

41

42 (No opposing votes.)

43

44 CHAIRMAN DEMIENTIEFF: Motion carries.

45

46 Proposal 52.....

47

48 MS. McCLENAHAN: Mister.....

49

50 CHAIRMAN DEMIENTIEFF: On page 100.

00087

1 MS. McCLENAHAN: Mr. Chairman, Proposal 52 proposes to
2 -- it was also submitted by Akiak and Akiachak IRA, and it
3 requests a positive customary and traditional use determination
4 for brown bear in Unit 17. This proposal would add Akiak and
5 Akiachak to an existing c&t determination. And the available
6 information for this proposal is the same as that for Proposal
7 51. The areas are the same. This is the subsistence use area
8 for Akiak and for Akiachak.

9
10 And that's all I have.

11
12 MS. EAKON: There were no written public comments,
13 Mr. Chair.

14
15 CHAIRMAN DEMIENTIEFF: Okay. Thank you. Staff
16 Committee?

17
18 MR. ELEY: Yes, sir. The Staff Committee supported the
19 proposal with a modification reflecting the Bristol Bay's
20 assessment that residents of Akiak and Akiachak have used 17(A)
21 and only that portion of 17(B) that is within the Togiak
22 National Wildlife Refuge. Similar to their last one.

23
24 CHAIRMAN DEMIENTIEFF: Okay. Thank you. Department
25 comments?

26
27 MS. ANDREWS: Mr. Chairman, it's the same comments as
28 applied to previous proposal, so we would support the Bristol
29 Bay Council recommendation.

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

34
35 MR. O'HARA: Yes, Mr. Chairman. It's pretty much the
36 same as what we said in our previous proposal, without taking
37 very much time. The modification to limit the boundaries of
38 the customary and traditional use determination, the line is
39 the boundary of the old Western Alaska Brown Bear Management
40 Plan. Thank you.

41
42 CHAIRMAN DEMIENTIEFF: Thank you. Additional Regional
43 Council comment?

44
45 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim Delta
46 Regional Council recommends support of Proposal with the
47 modification recommended by the Staff.

48
49 CHAIRMAN DEMIENTIEFF: Thank you. Is there any other
50 Regional Council comment? Board discussion? Final Regional

00088

1 Council comment?

2

3 MR. O'HARA: None.

4

5 CHAIRMAN DEMIENTIEFF: We're ready for Board action.

6

7 MR. POSPAHALA: Mr. Chair, I'd move that we accept
8 Proposal 52, consistent with the modification recommended by
9 the Bristol Bay Regional Council, which also then is inclusive
10 of the recommendation of the Yukon Delta Regional Council.

11

12 CHAIRMAN DEMIENTIEFF: Thank you. Is there a second to
13 the motion?

14

15 MR. ANDERSON: I second it.

16

17 COURT REPORTER: Who seconded?

18

19 CHAIRMAN DEMIENTIEFF: Discussion? Paul. Hearing no
20 further discussion, all those in favor of the motion, please
21 signify by saying aye.

22

23 IN UNISON: Aye.

24

25 CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

26

27 (No opposing votes.)

28

29 CHAIRMAN DEMIENTIEFF: Motion carries.

30

31 Fifty-three and 54.

32

33 MS. McCLENAHAN: Mr. Chairman, Proposal 98-53,
34 submitted by the Akiak and Akiachak IRA, requests a positive
35 customary and traditional use determination for caribou in Unit
36 17, located in Region 4, for the residents of Akiak and
37 Akiachak, located in Region 5.

38

39 Proposal 98-54 was submitted by the Association of
40 Village Council Presidents, AVCP, and it requests a positive
41 customary and traditional use determination for caribou in all
42 of Units 17(A) and 17(B) for all rural residents of Unit 18.

43

44 Both of these proposals are backlog proposals.

45

46 Adoption of the proposals would add the communities to
47 an existing customary and traditional use finding.

48

49 With regard to factor one of the eight factors that we
50 analyzed during our proposal analyses, and that is whether

00089

1 there has been a long-term consistent pattern of use, excluding
2 the interruptions beyond the control of the community or area,
3 caribou is a traditional subsistence resource that has been
4 sought by the residents of Unit 18, including Akiak and
5 Akiachak, along with a wide variety of other subsistence
6 resources. However, caribou have been largely absent from the
7 Yukon-Kuskokwim Delta for over 100 years. Based on the
8 existing customary and traditional use determinations on
9 available subsistence use area maps, and subsistence use
10 studies, Akiak, Akiachak, Kwethluk, Goodnews Bay and Quinhagak
11 have had a pattern of consistent documented use of Units 17(A)
12 and 17(B) in Region 4.

13
14 The subsistence use maps for caribou and for general
15 subsistence use areas for Akiak and Akiachak are ones that were
16 drawn up by Ron Thuma of the Fish and Wildlife Service in
17 November 1985. This is the use area for caribou for Akiachak.
18 Thuma's project gathered subsistence data for use on the Yukon
19 Delta National Wildlife Refuge comprehensive conservation plan.
20 Information for the maps was taken a community meetings in each
21 village where the elders and community hunters were invited to
22 give information. The refuge's RIGs were also present at those
23 meetings. The maps show that both Akiak and Akiachak used
24 portions of Units 17(A) and 17(B) for caribou hunting in 1985.

25
26 In 1997, residents of Akiak and Akiachak met with
27 staff, Fish and Wildlife Service staff, and reviewed Thuma's
28 maps, and they consider them to be the work of their elders,
29 and had no revisions to offer at that time.

30
31 Sufficient information about each of the eight factors,
32 including subsistence use area maps, or verbal descriptions of
33 use areas, exist to support granting the determination for
34 Akiak, Akiachak, Quinhagak, Goodnews Bay, and Platinum for
35 Units 17(A) and 17(B). However, regarding the remaining Unit
36 18 communities, either there is evidence indicating that the
37 residence of those communities hunt caribou elsewhere, or that
38 data to support a positive finding are lacking.

39
40 Unless you need me to, I'm not going to list all of
41 those communities. That's all I have.

42
43 MS. EAKON: There were no written public comments.

44
45 CHAIRMAN DEMIENTIEFF: Okay. Department comments? Oh,
46 Staff Committee, I'm sorry.

47
48 MR. ELEY: Yes, sir. Well, the Staff Committee
49 recommends deferring both proposals in accordance with the
50 recommendations of both the Bristol Bay and Yukon-Kuskokwim

00090

1 Regional Councils.

2

3 CHAIRMAN DEMIENTIEFF: There's some mention here of
4 studies that are planned of being done. How close are those,
5 are you aware, Tom?

6

7 MR. ELEY: I'm not sure I can answer that question. Do
8 you know, Pat, what the.....

9

10 MS. McCLENAHAN: Yes.

11

12 MR. ELEY:study situation is?

13

14 MS. McCLENAHAN: Yes.

15

16 MR. ELEY: I know that the Bristol Bay Regional
17 Council, just to mention, that they were really concerned about
18 prematurely excluding people, so they were taking the.....

19

20 CHAIRMAN DEMIENTIEFF: Right.

21

22 MR. ELEY:conservative. They really wanted to
23 what the studies would be, and I can't recall. Pat?

24

25 MS. McCLENAHAN: We have two sets of things that are
26 going on. One is a proposal for formal studies to be done by
27 ADF&G for the communities of Akiak and Akiachak. They are --
28 we're in the process of scoping those now.

29

30 The other is an informal effort that will be taken on
31 by Staff as directed by the Regional Council, and John Andrew
32 and I will be approaching a number of communities. I have the
33 list here, if you'd like it, to find out more information about
34 whether they use those areas or not. Those communities will
35 include -- sorry. Maybe John has those. There are about six
36 communities on the Lower Kuskokwim for which we need to
37 determine for sure.

38

39 CHAIRMAN DEMIENTIEFF: Yeah, I guess the question I
40 just had for Staff is, you know, is this -- I see some mention
41 of it, and I just wanted to make sure that, you know, it is on
42 the horizon here. That's all.

43

44 MS. McCLENAHAN: Yes.

45

46 CHAIRMAN DEMIENTIEFF: Okay. Thank you. Department
47 comments?

48

49 MS. ANDREWS: Mr. Chairman, yeah, we have consent on
50 this one, too. We agree that they should be deferred.

00091

1 CHAIRMAN DEMIENTIEFF: Okay Public -- we have no
2 requests for additional public testimony at this time. Is
3 there Regional Council comment?

4
5 MR. O'HARA: Yes, Mr. Chairman. Dan O'Hara, Bristol
6 Bay. We would ask for a deferment on this. We don't want
7 communities to fall through the cracks that might be eligible
8 here. It's not going to hurt us to take another look at this
9 for a while and see what proposal will surface as the year goes
10 on. Thank you.

11
12 CHAIRMAN DEMIENTIEFF: Thank you. Additional Regional
13 Council comment?

14
15 MR. THOMAS: Mr. Chairman?

16
17 CHAIRMAN DEMIENTIEFF: Mr. Thomas.

18
19 MR. THOMAS: Okay. I have just a couple of
20 curiosities. I don't understand what the reason for the
21 deferment would be, and also what would the study determine
22 through all this? C&T or stock health, or what are we
23 studying?

24
25 MS. McCLENAHAN: May I speak to that? The first study
26 for Akiak and Akiachak will hopefully confirm what we -- some
27 of the information we've already gathered for Unit 17. It will
28 also look into some of the other units. You're going to hear
29 more proposals today presented by Akiak and Akiachak that --
30 for which there is much less information than I have for these
31 units.

32
33 In addition to that, there are several Lower Kuskokwim
34 communities for which there is no information right now, and we
35 need to -- we need to go out and make sure that those
36 communities have not used the area in question. For the five
37 communities that I mentioned, Akiak, Akiachak, Kwethluk,
38 Goodnews Bay, Platinum, those communities -- the staff feels
39 that there sufficient information to go forward with a positive
40 c&t. The others we're not -- either they didn't use the area
41 and it's documented by such things as ADF&G studies, or the
42 studies are lacking and we're not sure about those.

43
44 MR. THOMAS: Thank you, Mr. Chairman. One more
45 question. Now, is that study going to determine that health of
46 the stock, or what are you going to find satisfaction to the
47 eight determining factors in looking at c&ts?

48
49 MS. McCLENAHAN: Yes, of c&ts. There will be a
50 subsistence use area study.

00092

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

2

3 CHAIRMAN DEMIENTIEFF: Additional Regional Council
4 comment?

5

6 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim Delta
7 Regional Council recommend deferred action on Proposal 53 and
8 54 until more complete review and the planned Akiachak, Akiak
9 study be done and complete.

10

11 CHAIRMAN DEMIENTIEFF: Thank you.

12

13 MR. MORGAN: Mr. Chairman?

14

15 CHAIRMAN DEMIENTIEFF: Yes.

16

17 MR. MORGAN: Yeah, the Western Interior, we deferred
18 our proposal to the Bristol Bay, but as long as we've got one,
19 we've got Lime Village and Stony, but we just after further
20 deliberation, we looked at it, Stony River wouldn't have been
21 included. We want to include Lime Village, because they're
22 long standing with close relations with Nondalton, and as far
23 as that goes, Tyonek.

24

25 CHAIRMAN DEMIENTIEFF: Thank you. Additional Regional
26 Council comment?

27

28 MR. O'HARA: Mr. Chairman, that's not a bad idea.

29

30 CHAIRMAN DEMIENTIEFF: Okay. Board discussion?

31

32 (Whispered conversation)

33

34 CHAIRMAN DEMIENTIEFF: Do we have information on some
35 of the villages that we're trying to include in here for c&t
36 determinations, enough to justify inclusion of some of those?

37

38 MS. McCLENAHAN: We have sufficient -- staff feels that
39 there's sufficient information about the communities of Akiak,
40 Akiachak, Quinhagak, what else did I say here? I'm sorry.
41 Akiak, Akiachak, Kwethluk, Goodnews Bay, and Quinhagak have at
42 least some documentation as to their use.

43

44 CHAIRMAN DEMIENTIEFF: Yeah. You know, I just note --
45 or would make the comment to the appropriate Regional Council
46 representatives that these are not exclusionary rulings, you
47 know. If we were to adopt the regulation as proposed, it would
48 include some, but not to the exclusion of the communities that
49 we don't have additional information on. We've deferred these
50 proposals for, I don't know, several years now. I'm not sure

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1 how long. You know, and there may be a time where the Councils
2 might want to just consider moving on with these. And again I
3 point out that it would not be to the exclusion. As
4 information becomes available, and as we document other
5 communities' customary and traditional uses of, you know, these
6 areas and these species, you know, we can add as information
7 becomes available. So I -- you know, I just point it out, that
8 you may want to consider this in the next cycle. I mean, I
9 intend to certainly support the Councils recommendations, but,
10 you know, we -- just because we don't have information on some
11 of these communities doesn't mean that we can't add them as
12 information becomes available. So I'd just point that out for
13 your consideration. In the next cycle, you may want to, you
14 know, take a look at the things I'm telling you now.

15
16 Additional Board discussion? Final Regional Council
17 comments? We're ready for a Board action.

18
19 MR. POSPAHALA: I'll move to accept the Regional
20 Council recommendations, all three of them, for deferral at
21 this time.

22
23 CHAIRMAN DEMIENTIEFF: Okay. Is there.....

24
25 MR. POSPAHALA: With the amendment that we also include
26 review of Tyonek and Nondalton, is that what.....

27
28 CHAIRMAN DEMIENTIEFF: Lime Village.

29
30 MR. POSPAHALA: Well, Mr. Morgan referred to.....

31
32 CHAIRMAN DEMIENTIEFF: Yeah, we can send that message
33 in a moment in terms of discussion here.

34
35 There is a motion, is there a second?

36
37 MR. ANDERSON: I'd second.

38
39 CHAIRMAN DEMIENTIEFF: Okay. Go ahead Tom with your
40 recommendation?

41
42 MR. ELEY: Richard, I'm sorry.

43
44 MR. POSPAHALA: Well, I guess I could ask for a
45 clarification of your comments relative to Tyonek, and.....

46
47 MR. MORGAN: The Western Interior.....

48
49 MR. POSPAHALA:to Nondalton?

50

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1 MR. MORGAN:deferred the proposal for Bristol
2 Bay, as long as it included Lime Village, because they have a
3 long standing and they've got relations and they're really
4 closely tied to Nondalton and Tyonek. That's.....

5
6 CHAIRMAN DEMIENTIEFF: What is the regulations
7 addressed with regard to Lime Village at this time?

8
9 (Whispered conversation)

10
11 MR. MORGAN: It's currently there.

12
13 CHAIRMAN DEMIENTIEFF: And you just want to make sure
14 that they're still in there.

15
16 MR. MORGAN: Make sure.

17
18 CHAIRMAN DEMIENTIEFF: Yeah. Okay. Fine.

19
20 MR. POSPAHALA: I'm satisfied.

21
22 CHAIRMAN DEMIENTIEFF: Further discussion? Hearing
23 none, all those in favor of the motion, please signify by
24 saying aye.

25
26 IN UNISON: Aye.

27
28 CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

29
30 (No opposing votes.)

31
32 CHAIRMAN DEMIENTIEFF: Motion carries.

33
34 Proposal 56.

35
36 MR. FISHER: Yes, Mr. Chairman. Proposal 56 was
37 submitted by Mr. Heyano from Dillingham, Alaska. This would
38 allow for the same day airborne subsistence hunting of caribou
39 on the Nushagak Peninsula, Subunits 17(A) and 17(C). This is
40 within the Togiak National Wildlife Refuge.

41
42 Currently, there are two Federal regulations which
43 prohibit same-day-airborne hunting. The Airborne Hunting Act,
44 and Federal subsistence regulation. State regulations also
45 prohibit same-day-airborne hunting, but there is an exception,
46 and that's for caribou in Subunits 9(B), 17(B) and 17(C) east
47 of the Nushagak River from January 1 to April 15th, and this is
48 primarily for the Nushagak -- or for the Mulchatna Caribou
49 Herd, which has expanded and continues to increase in
50 population. It's a real large herd. The State regulation has

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1 a provision the hunter has to be at least 300 feet from the
2 airplane before he is to take -- partake in hunting these
3 animals.

4

5 The Fish and Wildlife Service has a policy in Alaska
6 for refuges, and the Service policy is to allow airborne access
7 to the refuges, but not for the taking of wildlife, which would
8 interfere with the same-day-airborne hunting act.

9

10 As you recall, an identical proposal was submitted last
11 year by the Nushagak Peninsula Caribou Planning Committee. The
12 Bristol Bay Regional Council did not adopt or reject this
13 proposal last year, because of a tied council vote. However,
14 the Federal Subsistence Board last year did reject this --
15 reject the proposal.

16

17 The caribou that we're talking about here are the
18 Nushagak Peninsula Herd, and this is a herd that was introduced
19 on the Nushagak Peninsula in 1988. There was approximately 146
20 animals moved up from the Northern Alaska Peninsula Caribou
21 Herd there south -- just south of King Salmon. And over the
22 years the herd has grown quite rapidly from 146 up to 12 to
23 1400 animals, with around 1200 animals on the Nushagak
24 Peninsula. The other 150, 200 animals are located further to
25 the west around Togiak and Twin Hills.

26

27 The harvest guidelines in the management plan call for
28 maintaining the herd at approximately about 1,000 animals,
29 which is currently being done, and also 10 percent harvest of
30 the herd when the herd population exceeds 600. And increase
31 the harvest level when 10 percent harvest is not adequate.

32

33 Hunting for this -- for these caribou started in 1995,
34 and over the years to the present time, the harvest has not met
35 expectations. It's always been a little low. However, the
36 habitat on the Peninsula is excellent, and the herd is doing
37 real fine.

38

39 The proponent claims that changing this regulation
40 would increase the harvest for subsistence users and help keep
41 the population around the desired objective level.

42

43 The Staff and the -- in discussion with the Refuge
44 personnel, we do have some concerns, and that is the stress
45 that would be put on these animals during the winter and early
46 spring when the caribou are in their poorest physical
47 condition. The location of this herd, like I'd mentioned
48 earlier, is primarily confined to the Nushagak Peninsula and
49 Dillingham and Manokotak are the two closest villages. And we
50 felt that snow machines and four wheelers currently offer an

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1 excellent means of access to this herd.

2

3 Another concern the Refuge and the staff had was
4 allowing same-day-airborne hunting directly conflict with the
5 Airborne Hunting Act. The Bristol Bay Native Association has
6 gone on record in opposing this hunt.

7

8 The Service and the Refuge, we would prefer to use
9 seasons and harvest limits to control the population rather
10 than introduce airplanes on the Nushagak Peninsula.

11

12 That's all I have.

13

14 MS. EAKON: One written public comment, and that was
15 from Joe Klutsch was concerned that the practice would lend
16 itself to indiscriminate harvest, and hazing of animals by some
17 people.

18

19 CHAIRMAN DEMIENTIEFF: Staff Committee?

20

21 MR. ELEY: The Staff Committee recommended rejecting
22 the proposal as recommended by the Bristol Bay Regional
23 Council. We didn't receive -- we had the same proposal last
24 year as many of you will remember. There's no new information
25 or problems that were presented that -- in this proposal that
26 would indicate that same-day-airborne hunting of caribou on the
27 Nushagak Peninsula would benefit the herd or provide more
28 opportunity for subsistence hunters. Exposing the herd to
29 harassment by airplanes would put additional stress on the
30 animals on the winter. Caribou are generally in their poorest
31 physical condition at this time. It would make the herd more
32 skittish to any type of disturbance, and may actually increase
33 the hunting effort required by other hunters using snow
34 machines. It could move the herd's distribution significantly.

35

36 Other -- We recommend -- or thought that other
37 management methods, such as increasing the bag limit or
38 extending the season would be a better management tool if we --
39 if there was one needed to increase the harvest.

40

41 It is true that the State regulations allow harvest of
42 caribou on the same-day-airborne in Subunits 9(B), 17(B) and
43 17(C) east of the Nushagak River, provided the hunter is 300
44 feet away from the airplane. These subunits comprise an area
45 that is probably -- or about 15 to 20 times the size of the
46 Nushagak Peninsula. Airborne hunting on the Nushagak Peninsula
47 would concentrate and magnify aircraft activity on a smaller
48 caribou use area. The Northern Peninsula Herd -- or the
49 Northern -- the Nushagak Peninsula Caribou Herd is in close
50 proximity to the communities of Manokotak and Dillingham, and

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1 therefore there is no need to use aircraft the same day -- in
2 the same day as airborne. Snow machines and four wheelers may
3 actually be more efficient modes of transportation during --
4 and travel during hunting conditions.

5

6 I might also mention, Mr. Chair, a number of local
7 residents with c&t, as well as the Bristol Bay Native
8 Association, whose members represent 30 villages, have gone on
9 record in opposition to the same-day-airborne hunting of
10 caribou on Nushagak Peninsula.

11

12 CHAIRMAN DEMIENTIEFF: Thank you. Department comments?

13

14 MS. ANDREWS: Thank you, Mr. Chairman. The Department
15 is part of the Nushagak Peninsula comanagement team on this,
16 and the -- that comanagement group has supported this proposal,
17 and since we're a member of that group, we're in support of
18 this proposal also.

19

20 CHAIRMAN DEMIENTIEFF: Thank you.

21

22 (Whispered conversation)

23

24 CHAIRMAN DEMIENTIEFF: Yeah. We have no request for
25 public testimony at this time. Is there Regional Council
26 comments?

27

28 MR. O'HARA: Mr. Chairman, Dan O'Hara, Bristol Bay
29 Chairman. This was one of the fun in-house combat proposals,
30 as you can tell by the vote. It was four to -- three to four,
31 wasn't it, Helga, that we.....

32

33 MS. EAKON: Four to three.

34

35 MR. O'HARA: And so we would recommend that you support
36 the proposal. However, I think we probably -- since some of
37 your staff members have kind of taken it upon themselves to
38 give their opinion on same-day-as-airborne hunting, I think we
39 have a right to a minority report, don't we? Might as well
40 liven the thing up a little bit, and make it fun.

41

42 Mr. Fisher, I'd like to ask him a question, and
43 Mr. Eley, I believe was your name up here? Yeah.

44

45 CHAIRMAN DEMIENTIEFF: Sure.

46

47 MR. O'HARA: The policy is of the Refuge not to have
48 airborne hunting, because of the act which says it's against
49 the airborne -- the Airborne Hunting Act is in compliance -- or
50 your Refuge is compliance with the Airborne Hunting Act by not

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1 allowing same day as airborne?

2

3 MR. FISHER: The Fish and Wildlife Service policy is to
4 allow airplane access to refuges in Alaska, but do not allow
5 same-day-airborne hunting on refuges.....

6

7 MR. O'HARA: Okay.

8

9 MR. FISHER:in compliance with the Airborne
10 Hunting Act.

11

12 MR. O'HARA: And you're sure of that now? Have you had
13 a legal opinion on that, because I don't think we've had a
14 legal opinion on that. So I think we need to be really careful
15 when we say.....

16

17 MR. FISHER: Bring attorneys in.

18

19 MR. O'HARA: Yeah. We don't have -- I don't think
20 there's -- I think there's some reason to look at this. It's
21 not going to fly, but I'm just making this, because it's going
22 to come back. And we addressed that last year.

23

24 And then I think for the Staff to say, and I don't know
25 where you get this, giving the Staff report here today, telling
26 us that the best way to get an animal is with a four wheeler or
27 a snow machine. Do you know how much harassment takes place
28 with a snow machine? Way more than an airplane. We were using
29 an airplane before we were using a chainsaw. It's a c&t
30 finding if you want to really -- you know, so this is a big
31 issue. Granted the native association -- they have more snow
32 machines than we have airplanes, so they didn't support the
33 proposal. They supported no airplane, which is fine.

34

35 But I think it was a very close vote, and it's my job
36 to tell you to support the proposal. However, I didn't vote
37 for it. I was in the minority, and so -- there really is, Mr.
38 Chairman, a lot less harassment by same-day-airborne hunting on
39 an animal than there is.....

40

41 Excuse me. I just had a correction here. To reject
42 the proposal.

43

44 CHAIRMAN DEMIENTIEFF: Right.

45

46 MR. O'HARA: But you understood what I was talking
47 about.

48

49 CHAIRMAN DEMIENTIEFF: Right.

50

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1 MR. O'HARA: Yeah, but it was a very close vote.

2

3 CHAIRMAN DEMIENTIEFF: Four to three, I don't call it a
4 recommendation. Bill?

5

6 MR. THOMAS: Thank you, Mr. Chairman. I'm having --
7 it's confusing for me to listen to the exchange that happened.
8 The one overriding question I have is, when this all shakes
9 out, does this provide an opportunity for subsistence users to
10 use the resource? Does it give them access?

11

12 CHAIRMAN DEMIENTIEFF: To use park -- to use what?

13

14 MR. THOMAS: The resource. The caribou, or whatever
15 they're going after. When this all shakes out, when
16 everybody's happy and unhappy, does this still leave the
17 subsistence community an opportunity to harvest?

18

19 MR. FISHER: Yes.

20

21 MR. THOMAS: It does?

22

23 MR. FISHER: Yes.

24

25 MR. THOMAS: Thank you.

26

27 CHAIRMAN DEMIENTIEFF: Any other Regional Council
28 comments? Mr. Goltz, Board discussion. Would it be possible
29 for us to have a look at -- or get an opinion on it? I mean,
30 that seems to be one of the major issues, and I'm -- and just
31 kind of in support of the Regional Council and its difficulties
32 with this, if that's -- if that's a major issue, and according
33 to Mr. O'Hara, that hasn't been looked at. I don't know
34 whether you'd be ready to give an opinion right off, you know,
35 off the table here, or if this is something that we could ask
36 you to do in the next month or so, but in terms of compliance
37 with the Same-Day-Airborne Act, you know, and I would like to,
38 you know, find out whether or not you would -- could give us an
39 opinion with regard to that issue?

40

41 MR. GOLTZ: I could do it now, and I could do it also
42 in writing if you wish.

43

44 I don't have the act in front of me, but my
45 recollection is that the difficult part of the act is the word
46 harassment.

47

48 CHAIRMAN DEMIENTIEFF: Uh-hum.

49

50 MR. GOLTZ: And that the Service has taken the position

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1 that it is possible to hunt an animal with an airplane without
2 harassing that animal, but it's very difficult. And generally
3 the Service has opposed the use of aircraft to actually hunt
4 the animal. They have allowed the use of the aircraft to
5 access an area for the purpose of hunting.

6

7 But I hope we don't lose sight of the fact that the
8 Advisory Council opposed the proposal here.

9

10 CHAIRMAN DEMIENTIEFF: Yeah. Right. I haven't lost
11 sight of that.

12

13 What is the policy regarding harassment? How are we
14 interpreting that?

15

16 MR. GOLTZ: At one point, and I did read the case, that
17 there's not very much law in this, but there are a couple
18 cases. And at least one court has said that harassment should
19 be defined very narrowly, and that any time that the airplane
20 directs the movement of the animal, that animal has been
21 harassed. So if you've got an animal moving in a straight
22 line, and an airplane veers that animal off that line, that's
23 harassment. That court in particular said you don't have to
24 stress the animal.

25

26 And they base that ruling on some pretty extensive
27 legislative history that was openly hostile to the use of
28 aircraft for hunting. My recollection is that it came out of a
29 lot of emotional public testimony in the late 60s and early 70s
30 which actually was generated in large part on a show that dealt
31 with wolf hunting in Alaska. Some of you may remember that.

32

33 CHAIRMAN DEMIENTIEFF: Mr. O'Hara, would this be useful
34 for -- I mean, I doubt by the vote that the issue's going to go
35 away from your Regional Council's consideration. I mean, it's
36 -- and would this be helpful in terms of your Regional Council
37 deliberations to have these things laid out?

38

39 MR. O'HARA: Yes, I think so. And I think that there
40 -- I guess the way we look at it is the minority side of it
41 looks at it this way: That it's just one thing that's being
42 taken away from you.....

43

44 CHAIRMAN DEMIENTIEFF: Uh-hum.

45

46 MR. O'HARA:because of what they do in the South
47 48 or some place else, or what the Federal Government does in
48 their policy, just determining -- you heard the staff report
49 today. And our Council will take exception with Staff, and
50 anybody else if we need to. But I think that, you know, like

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1 we do same-day-as-airborne hunting in the Mulchatna Herd there
2 on Lake Iliamna for the last two years, and it works fine. And
3 actually you land and you never even disturb an animal. It
4 doesn't even know it's going to get shot.

5
6 So I think there's -- this is why I asked the question.
7 Before you say you're going to harass an animal by using an
8 airplane, you better give it some thought for us who have used
9 airplanes to hunt animals.

10
11 The second thing is, you know, those animals, they --
12 it's on a permit basis over there, so only a certain number of
13 animals are going to be killed. And I made the statement, you
14 know, and they put on KLEG, I said you can use an F-16 to go
15 get one, because it's an issue of getting the animal, not how
16 you get them. And a lot of times there's not access to those
17 animals at a certain time of the year except by floats or
18 something. And you could land on one lake and walk over, shoot
19 an animal and be on your way.

20
21 So there is other things, too, you know, Mr. Chairman,
22 that you need to kind of look at, but don't lose sight of the
23 fact that we are asking you to reject the proposal.

24
25 CHAIRMAN DEMIENTIEFF: Yeah, I understand that. I'm
26 just basically, you know, there are issues that are going
27 around the councils, and in your deliberations of this,
28 because, you know, it's come up before. And I'm just trying to
29 provide some over-all assistance to the Council, and if we can
30 get, you know, a letter regarding the two issues, regarding,
31 well, the Airborne Hunting Act, and specifically as it relates
32 to harassment, you know, that would be useful to the Council,
33 then I want us to get that opinion to the Council for future
34 deliberations. That's basically all I'm getting at here.

35
36 MR. O'HARA: I sure do appreciate that. That's good
37 information.

38
39 CHAIRMAN DEMIENTIEFF: Mr. Goltz.

40
41 MR. GOLTZ: Generally the way we've working this is if
42 the Council had approved this, then we would have given some
43 kind of opinion either oral or in writing on the Airborne
44 Hunting Act, but since they opposed it, we didn't see any
45 reason to do it.

46
47 In this case, however, especially since there seems to
48 be a certain emotional charge behind this, I would suggest that
49 you as Chairman, write a letter to the Solicitor and set out
50 the basic confines of the request, and I personally would be

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1 happy to write that.

2

3 CHAIRMAN DEMIENTIEFF: Okay. I'll be glad to do that,
4 and that's all I'm getting at is, you know, if we're -- I just
5 want to make sure that this kind of an issue that your Council
6 has for future deliberations, you know, all the information
7 that you need that we can provide you at least. It may not
8 make the issue go away, but at least we're all going to be
9 dealing off the -- all off the same page.

10

11 MR. O'HARA: Yeah, Mr. Chairman, the same thing is if
12 we get the information and it's cut and clear then let's not
13 worry everybody with doing it again, too. And I think that's
14 important.

15

16 CHAIRMAN DEMIENTIEFF: Uh-hum.

17

18 MR. O'HARA: Thank you.

19

20 CHAIRMAN DEMIENTIEFF: Okay. Is there any other Board
21 discussion? Final Regional Council comment? We're ready for
22 an action.

23

24 MR. POSPAHALA: Mr. Chairman, in spite of all the
25 discussion (Indiscernible, away from microphone), I'd like to
26 see if we could help support the Regional Council Position on
27 this proposal, and in addition that, I think from a Fish and
28 Wildlife Service standpoint at this point in time, the
29 characteristics of the Nushagak Caribou Herd are not such that
30 the Fish and Wildlife Service would be supportive of an aerial
31 hunting -- same-day-airborne hunting program on a population of
32 its status. Therefore, I would move to reject the -- or to
33 dispense with the proposal, to.....

34

35 CHAIRMAN DEMIENTIEFF: To support the.....

36

37 MR. POSPAHALA:reject (Indiscernible --
38 simultaneous speech).

39

40 CHAIRMAN DEMIENTIEFF:Regional Council
41 recommendation?

42

43 MR. POSPAHALA: To support the Regional Council and
44 reject the proposal, yes.

45

46 CHAIRMAN DEMIENTIEFF: There is a motion. Is there a
47 second?

48

49 MR. CAPLAN: Second.

50

000103

1 CHAIRMAN DEMIENTIEFF: Further discussion. Hearing
2 none, all those in favor of the motion, please signify by
3 saying aye?

4
5 IN UNISON: Aye.

6
7 CHAIRMAN DEMIENTIEFF: Those opposed, same sign?

8
9 (No opposing votes.)

10
11 CHAIRMAN DEMIENTIEFF: The motion carries.

12
13 It's now shortly after ten. We've got two more
14 proposals to consider. I think we'll just go ahead and take a
15 short break now, and then come back and finish up Bristol Bay.

16
17 (Off record)

18
19 (On record)

20
21 CHAIRMAN DEMIENTIEFF: Okay. We'll call the meeting
22 back to order. Have staff introduce Proposal 58, please?

23
24 MS. McCLENAHAN: Yes, Mr. Chairman. Proposal 98-58 was
25 submitted by the Akiak and Akiachak IRA, and it requests a
26 positive customary and traditional use determination for moose
27 in Unit 17(B) for residents of Akiak and Akiachak. This would
28 add the two communities to an existing customary and
29 traditional use determination.

30
31 No ADF&G subsistence studies or technical reports have
32 been done for these two communities. Reference can be made to
33 Michael Coffing's work for 1991, Technical Report 157 on the
34 neighbor, Kwethluk. Only a few historic and ethnograph studies
35 and other commonly used references include information on Akiak
36 and Akiachak. Bureau of Indian Affairs ANCSA 14(h)(1) files
37 contain transcripts of residents' testimony that has relevance
38 to the history of Akiak and Akiachak. Other sources are Oswald
39 1990, Townsend 1965, and Hageland and Palmer 1922.

40
41 Subsistence use area maps for the two communities
42 showing their use of Unit 17(B) are available. You're going to
43 become very familiar with these. This is the Akiachak moose
44 and bear use area, the Akiak moose and bear use area. This map
45 you haven't seen before. I showed you a general subsistence
46 use area map before, but you'll see that a portion of Unit
47 17(B) is used by Akiak.

48
49 Moose are historically a relatively new species to much
50 of Southwest Alaska including Unit 17(B) and Unit 18, even

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1 though they have been present in Alaska since prehistoric
2 times. Some Unit 18 residents report seeing their first moose
3 in the 1930s. As the moose population increased, moose were
4 hunted opportunistically and over time moose hunting became a
5 regular part of the seasonal round of activities of most Yukon-
6 Kuskokwim Delta residents. It's now an important source of
7 meat for many residents of Unit 18. Moose provides a variety
8 to the diet. It's well like. And it's traditionally used
9 particularly during the holiday celebrations, Salavik.

10
11 Akiak and Akiachak residents knew historically and know
12 today the area that is Unit 17(B). There are ethnographic
13 reports and resident information indicating that Akiak and
14 Akiachak residents use the Unit 17 area at least by the 1700s.
15 Residents of these communities share a common language with
16 people of the greater Yukon-Kuskokwim Delta, and their upper --
17 and the upper and central Alaska Peninsula.

18
19 It's documented that from time to time since the early
20 1800s, residents of Lower Kuskokwim communities have relocated
21 to Unit 17, as well as to Unit 9. Examples are the communities
22 of Levelock, Koliganek in Unit 17(B) and Chicok in Unit 9(B).

23
24 We've mentioned previously that during the period from
25 the 1920s until the late 1940s reindeer herders from the Lower
26 Kuskokwim River area used a large area that extends into parts
27 of Unit 17(A) and 17(B). The northwest portion.

28
29 Lower Kuskokwim families also have relatives in Unit 17
30 communities of Clarks Point, New Stuyahok, Aleknagik,
31 Manokotak, and Dillingham. And they are part of a resources
32 exchange network with Togiak.

33
34 Subsistence use area maps that I showed you here, those
35 were drawn by Ron Thuma in 1985. And I already mentioned that
36 the residents -- some residents of Akiak and Akiachak met with
37 staff and looked over those maps, and recognized them as being
38 work of their elders this year. And they had no revisions to
39 offer in these maps.

40
41 Although informal subsistence studies have not been
42 completed for the communities of Akiak and Akiachak, there's
43 enough information from a variety of sources to support a
44 positive customary and traditional use finding for a portion of
45 Unit 17(B). Information that we have satisfies all eight
46 factors, but particularly factors one and four.

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

49
50 CHAIRMAN DEMIENTIEFF: Thank you. Helga?

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1 MS. EAKON: There were no written public comments,
2 Mr. Chair.

3
4 CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee?

5
6 MR. ELEY: Yes, Mr. Chair. The Staff Committee
7 recommends deferring action on the proposal until the
8 subsistence resource study for Akiak and Akiachak is completed,
9 as was recommended by the Bristol Bay Regional Council.
10 Although the Yukon-Kuskokwim Delta Regional Council recommended
11 supporting the proposal, the Staff Committee opted to defer to
12 the Bristol Bay Regional Council which has jurisdiction of the
13 geographical area in question.

14
15 There was, however, a dissenting opinion on the Staff
16 Committee that the Yukon-Kuskokwim Delta Regional Council
17 recommendation should be supported. This opinion held that the
18 available ethnographic information is sufficient to support a
19 positive customary and traditional determination, and that
20 deferring the request to obtain additional information is not a
21 valid reason to reject the Yukon-Kuskokwim Delta Regional
22 Council's recommendation.

23
24 Thank you, sir.

25
26 CHAIRMAN DEMIENTIEFF: My book says Yukon-Kuskokwim
27 supports the Staff recommendation. Is that.....

28
29 MR. ELEY: I believe that's the Staff and not the Staff
30 Committee's recommendation,.....

31
32 CHAIRMAN DEMIENTIEFF: I see. Okay.

33
34 MR. ELEY:but they can -- I would let them speak
35 for themselves.

36
37 CHAIRMAN DEMIENTIEFF: Department comments?

38
39 MS. ANDREWS: Yes, thank you, Mr. Chairman. The
40 Department supported the portion that has to do with Unit
41 17(A). We think that the portion of the proposal that would
42 provide c&t in all of 17(B) isn't consistent with the
43 information, so we do support the Bristol Bay Council
44 recommendation to defer this until the information can be
45 cleared up and brought forward.

46
47 CHAIRMAN DEMIENTIEFF: We have no requests for public
48 testimony at this time. Regional Council comments?

49
50 MR. O'HARA: Mr. Chairman, Dan O'Hara, Chair of Bristol

000106

1 Bay. I think we're all pretty much in alignment here on a
2 deference -- deferring until we have some addition information.
3 Thank you.

4

5 CHAIRMAN DEMIENTIEFF: Thank you. Additional Regional
6 Council comment?

7

8 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim Delta
9 Regional Council recommends and supports staff recommendations.

10

11 CHAIRMAN DEMIENTIEFF: Yes. Thank you. Further
12 Regional Council comment? Board discussion. Final Regional
13 Council comment? Ready for a motion.

14

15 MR. ANDERSON: Mr. Chairman?

16

17 CHAIRMAN DEMIENTIEFF: Paul?

18

19 MR. ANDERSON: I move that we accept the Bristol Bay
20 Regional Advisory Council recommendation to defer action until
21 the subsistence resource study can be conducted for Akiak and
22 Akiachak.

23

24 CHAIRMAN DEMIENTIEFF: Thank you. Is there a second to
25 the motion?

26

27 MR. POSPAHALA: Second.

28

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

32

33 IN UNISON: Aye.

34

35 CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

36

37 (No opposing votes.)

38

39 CHAIRMAN DEMIENTIEFF: Motion carried.

40

41 Proposal 59.

42

43 MR. FISHER: Yes, Mr. Chairman. Proposal 59 was
44 submitted by the Togiak National Wildlife Refuge, and this
45 proposal would change Special Action 97-03, which allows for a
46 temporary moose hunting season last fall. It would change it
47 from a special action to a permanent regulation in line with
48 current State of Alaska hunting regulations for moose in
49 Subunit 17(A).

50

000107

1 Under State or Federal regulations, there was no open
2 season for the harvest of moose in Subunit 17(A) from December
3 1980 up to August of 1997. The Board of Game established a
4 season for this subunit last March, and the Bristol Bay
5 Regional Subsistence Council followed with a special action to
6 align Federal Regulations with State regulations for moose
7 hunting in Subunit 17(A). And this proposal would align
8 Federal regulations with current State regulations.

9
10 As far as c&t use goes for this subunit, all the
11 residents of Unit 17 plus Goodnews Bay, Platinum and Kwethluk
12 from Unit 18 are eligible to hunt.

13
14 There was a special action submitted in February. This
15 would allow a -- for a -- was to allow for a winter season in
16 February and part of March; however, that was opposed by the
17 Regional Council, and also opposed by the Federal Subsistence
18 Board.

19
20 As far as the moose population in 17(A) goes, Fish and
21 Game started surveys there in the real early 70s, and they
22 didn't see a lot of animals. In '81 I think they did, oh, 12
23 or 13 hours of flying and they only saw three animals. From
24 '81 through '88 the population still remained low. In '89 the
25 Service and Fish and Game did a small collaring project, and
26 they found out that there were animals coming in from the
27 adjacent Subunit 17(C) over into 17(A). In the early 90s, this
28 population continued to increase. In '92 there were 84 animals
29 counted. In '95, 120. In '97 we had 234 animals in Subunit
30 17(A). In '98 the population jumped up to 429.

31
32 Surveys indicate that this population continues to
33 increase, and biologists from Fish and Game and the Refuge
34 think that the area is capable of supporting more than the 429
35 animals that they currently estimate are there.

36
37 The Refuge in cooperation with the Department of Fish
38 and Game is currently working on a moose management plan. They
39 recently collared, radio collared 36 animals. From that
40 they'll be able to determine movement. They're going to be
41 working on some habitat assessment to actually get a better
42 feel for what that area will support. And regardless of which
43 way this proposal goes, residents will still be able to hunt
44 moose in Subunit 17(A) under Fish and Game regulations.

45
46 And I just like to maybe close with one comment here.
47 I'm pretty familiar with that area, and this is a real success
48 story seeing this population increase like this. I can
49 remember in the early 80s flying over Togiak River, Togiak
50 Drainage, seeing habitat, no animals. You just really -- you

000108

1 couldn't figure out why there wasn't any animals there, but
2 slowly the population has built up, and the Department of Fish
3 and Game and the Refuge, they're doing a real good job as far
4 as management of that herd.

5

6 That's all I have.

7

8 CHAIRMAN DEMIENTIEFF: Thank you.

9

10 MS. EAKON: No written public comments, Mr. Chair.

11

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

14

15 MR. ELEY: Yes, Mr. Chair. The Staff Committee adopted
16 the Bristol Bay Regional Council recommendation to table the
17 proposal.

18

19 However, in reviewing the Bristol Bay Regional Council
20 recommendation, the Staff Committee noted that the
21 recommendation was to table, and we weren't quite sure what the
22 Regional Council meant about that, whether they wanted to have
23 the proposal to remain on the books until it could be acted on
24 after the management plan was put forward, or whether they
25 wanted the proposal as it is to be rejected, and then after the
26 management plan was written, a new proposal would come in.

27

28 The Staff Committee concurs with the Bristol Bay
29 Regional Council's recommendation to not support the request at
30 this time pending the development of a moose management plan.
31 In addition to its support for development of a moose
32 management plan for population management purposes, the Staff
33 Committee noted that such a plan may also provide a basis for
34 identifying the full scope of subsistence users who would be
35 eligible to hunt under Federal subsistence regulations.
36 Subsistence users can presently harvest moose in 17(A) under
37 State regulations.

38

39 The Refuge and Alaska Department of Fish and Game plan
40 to expand and redefine the draft moose management plan. This
41 planning process would be a cooperative effort among all the
42 stakeholders to develop a plan that will promote the growth of
43 the moose population while simultaneously accommodating the
44 needs of subsistence users.

45

46 The Staff Committee, however, was not unanimous in its
47 recommendation to defer or to go along with whatever the
48 Bristol Bay Regional Council did. The dissenting opinion held
49 that the proposal should be adopted, because the proponent and
50 other subsistence users needed the moose for subsistence

000109

1 purposes. The Yukon-Kuskokwim Delta Regional Council
2 recommended supported the proposal, and there was no biological
3 reason to defer the proposed season. The dissenting opinion
4 further held that the Bristol Bay Regional Council supported
5 deferral in order to work on the management plan, and a hunt
6 can be held while the management plan is being developed.

7
8 Thank you, Mr. Chair.

9
10 CHAIRMAN DEMIENTIEFF: Department comments?

11
12 MS. ANDREWS: Yes, Mr. Chairman. The Department's
13 neutral on this proposal. We don't see any problem with having
14 a Federal season while we're working on developing some finer
15 points to the management plan.

16
17 CHAIRMAN DEMIENTIEFF: Okay. We have no additional
18 requests for public testimony at this time. Regional Council
19 comment.

20
21 MR. O'HARA: Mr. Chairman, Dan O'Hara, Bristol Bay
22 Chair. We got into an in depth discussion on this and looked
23 at it very carefully, and I think that we were looking at a
24 threshold of 600 animals in the area that we would like to see,
25 which that area could support as (indiscernible) mentioned this
26 morning. And we find that there was an illegal hunt that took
27 place or animals were taken illegally over there this winter,
28 and it was just one of those unfortunate things that happened,
29 but it was not an uprising by Togiak by any means.
30 (Indiscernible). It was an isolated situation.

31
32 And I think that we're real clear about what we want on
33 this proposal, and that is (indiscernible) the hunt on the
34 (indiscernible), it comes back to the proposal, we want the
35 management plan in place as stated here in your report. And I
36 think we're very clear about that.

37
38 There has been I believe a real cooperative effort
39 between the communities in trying to build this herd back up,
40 so it's not -- there's a lot of people that will be working at
41 trying to make this decision.

42
43 I think that -- I don't know if this is the place to
44 mention it or not, but this is a fairly fast growing herd I
45 believe. I don't think their predators are too accountable
46 (ph). I think the bull/cow ratio is really good, and probably
47 can attain this quite quickly. And they can still hunt State
48 regulations, so there can be a harvest.

49
50 But we want an organized management plan in place, and

000110

1 we would appreciate your support (indiscernible).

2

3 CHAIRMAN DEMIENTIEFF: Additional Regional Council
4 comment?

5

6 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim Delta
7 Regional Council recommended support of Staff recommendation to
8 support the proposal.

9

10 CHAIRMAN DEMIENTIEFF: Further comment, Regional
11 Council comment? Bill?

12

13 MR. THOMAS: Thank you, Mr. Chairman. Bill Thomas,
14 Southeast. Probably the best language I personally like in
15 ANILCA would go to subsistence management is the first sentence
16 that comes out of the blocks. It says opportunity must be
17 provided and continued. And in this case you have a State
18 hunt, which allows for those people we're talking about access
19 to this resource in any case. And for the Federal management
20 to read (ph) that formula into that curve in demonstrating
21 their willingness and support of providing an opportunity, it
22 isn't looking like a real good part of this process to me. So
23 I'm not offering a recommendation, I'm offering an observation.
24 But in everything that we do, an opportunity for subsistence is
25 to be provided in the process. That's the only reason we're
26 here.

27

28 The management plan is good, but I -- (indiscernible)
29 accurately to plan where you're only using what you can -- what
30 you can consume. I just wanted to offer that as a reminder.
31 And I'll probably do it again.

32

33 Thank you, Mr. Chairman.

34

35 CHAIRMAN DEMIENTIEFF: Further Regional Council
36 comment? Board discussion.

37

38 (Whispered conversation)

39

40 CHAIRMAN DEMIENTIEFF: Yeah.

41

42 MR. POSPAHALA: I'm not sure who to direct this
43 question to, but what would the expectation be as -- in terms
44 of a completion date for a management plan? I assume it's
45 collaborative between the Fish and Wildlife Service and ADF&G?

46

47 MR. FISHER: I can try and take a stab at it. I don't
48 want to put the Refuge on the spot and say a date and then not
49 have them complete it, but I would imagine probably some time
50 within the six months they should have a draft out.

000111

1 UNIDENTIFIED VOICE: Question?

2

3 MR. FISHER: I don't if upon.....

4

5 MR. POSPAHALA: The real frank question is that if we
6 defer final action on this proposal right now until next year,
7 are we going to be able to take action on this proposal with
8 the management plan in hand?

9

10 MR. FISHER: Well, definitely I would feel by next year
11 we would have a management plan in place. Tom may want to come
12 out on that. Maybe he's a little closer to the Staff.

13

14 (Whispered conversation)

15

16 MR. FISHER: But from my discussions with the Staff, I
17 don't see any reason why we -- why there shouldn't be a
18 management plan in place. In fact, I think the Council is
19 expecting the same. Am I right on that, Dan?

20

21 MR. O'HARA: Pardon? I was.....

22

23 MR. FISHER: I think the Regional Council is expecting
24 a management plan probably this coming fall.

25

26 MR. O'HARA: We are.

27

28 MR. POSPAHALA: That's.....

29

30 MR. FISHER: Yeah.

31

32 MR. O'HARA: Yeah, it's not going to be a long term
33 (indiscernible).

34

35 MR. FISHER: Yeah. It.....

36

37 MR. O'HARA: (Indiscernible) that we would like it at
38 hand.

39

40 MR. FISHER: Right. And I think the Refuge will be
41 able to deliver on that.

42

43 CHAIRMAN DEMIENTIEFF: Dick, what is the season that --
44 how many are we trying to harvest out there do you know? On
45 the State hunt.

46

47 MR. FISHER: Well, the last hunt -- the last hunt that
48 was last fall, there were 44, 45 permits issued. State
49 registration permits. You had to pick the permit up in Togiak,
50 and they were looking for around ten animals to be harvested;

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1 however, there was 15 animals. And there was a little lapse
2 there between when all the permits were turned in and when they
3 finally quit issuing permits. But they were five animals over
4 the ten, but that didn't seem to really be any problem. I
5 would estimate that the management plan will come in with
6 possibly a little bit higher objective, depending on how many
7 animals there are out there. But last fall there was -- they
8 were looking at ten animals, and there was 15 animals
9 harvested.

10

11 CHAIRMAN DEMIENTIEFF: Were the -- well, I mean, I'm
12 familiar with how those -- where you pick them up type thing.
13 Were those local hunters that got those permits or.....

14

15 MR. FISHER: Most of the permits were issued to the
16 people in Togiak and Twin Hills. I think there was a couple
17 permits from Dillingham, and there might have been one or two
18 from Manokotak, but, yes, most of the permits were right from
19 Togiak and Twin Hills.

20

21 CHAIRMAN DEMIENTIEFF: Elizabeth, yes.

22

23 MS. ANDREWS: Mr. Chairman, that's correct. There --
24 the Board authorized a quota of up to ten animals to be taken.
25 And as this management plan is developed, it's certainly
26 something that we'd want to take back to the Board of Game,
27 too, so that we can have consistent State and Federal
28 regulations for the hunt.

29

30 CHAIRMAN DEMIENTIEFF: The -- yeah, 'cause I noticing,
31 I mean, even if it was 15, that the information suggests that
32 the population in the area nearly doubled from last year to
33 this year, and yet -- and then the information at least that's
34 presented in the books indicates that we're looking at a
35 carrying capacity of up to, you know, 600. And I don't know if
36 600 -- you know, would over 600, you know, would that stress
37 the habitat?

38

39 MR. FISHER: I haven't seen -- detailed evaluation of
40 that habit hasn't been done. That's one thing they're doing
41 now, but just based on my familiarity with the area, I would
42 say 600 is a good ballpark figure, possibly 600 plus. I --
43 just based on my familiarity with the area. There is a chance
44 that -- and I hope it happens, that those animals, and we'll
45 get into this with Proposal 63, but there is a good chance that
46 some of those animals may go from 17(A) further to the west
47 over into 18. There's also some good habitat in the Goodnews
48 Drainage, Arolik Drainage, and the Kanektok River Drainage, so
49 there is plenty of room for those animals to disburse to the
50 west.

000113

1 CHAIRMAN DEMIENTIEFF: And when is the Board of Game
2 going to consider this particular area again?

3
4 MS. ANDREWS: Mr. Chairman, Region 2 will come up at
5 next spring's meeting, which means that proposals to the Game
6 Board will be due usually around late December or the first of
7 January. In December I was just told. So that would certainly
8 give the, you know, Regional Council time to consider proposals
9 following the management plan, and for the public and the
10 Advisory Committee to get one into the Game Board that would be
11 consistent.

12
13 CHAIRMAN DEMIENTIEFF: Yeah, it's a real -- it's a real
14 difficult situation given our mandate, you know, to provide
15 subsistence harvest, albeit on a small scale, as this -- as the
16 State regulation currently provides where we appear to be doing
17 no biological damage to the resource. And, you know, that
18 we're working on a management plan. And I guess that's the --
19 you know, the issue as far as my wrestling with it. While, you
20 know, there appears to be no biological reason why we can't
21 sustain some harvest, at least to the level that the State
22 intends to.

23
24 I guess, was there any trouble with people harvesting
25 on Federal land, you know, who were -- with the State permit or
26 anything like that? People who are pretty familiar with the
27 area and there was no problems like that I guess?

28
29 MR. FISHER: No, there was no problem, because there
30 was two seasons. There was a Federal season, which was
31 implemented by special action,.....

32
33 CHAIRMAN DEMIENTIEFF: Right.

34
35 MR. FISHER:and then there was the Board of Game
36 that established a season. So there was two seasons, and, no,
37 everything meshed real well. The.....

38
39 (Whispered conversation)

40
41 MR. FISHER: Hunting on the Federal lands was under the
42 State registration permit, so if you had a permit, you had to
43 follow those guidelines and rules that were on the State
44 registration permit.

45
46 CHAIRMAN DEMIENTIEFF: I guess my inclination at this
47 point, you know, is to keep the regulation that we have as
48 proposed, that is a conservative -- you know, like I said,
49 there doesn't appear to be a biological problem. It appears to
50 be a temporary type of situation. I mean, if we're going to

000114

1 get a management plan done between now and next year, you know,
2 where we can do a more sustained program, or a longer term
3 program as Mr. O'Hara had indicated, but at least for me there
4 appears to be no biological reason why we can't continue the
5 same -- some opportunity to hunt while the management plan is
6 being fine tuned.

7

8 Anyway, other board discussion? Regional Council
9 comment, final round.

10

11 MR. THOMAS: Mr. Chairman?

12

13 CHAIRMAN DEMIENTIEFF: Yes.

14

15 MR. THOMAS: In discussing management plans, Section
16 802 of ANILCA is not a bad one. Whatever management plan that
17 they come up with has to at least resemble the contents of 802.
18 And as it gives all the fundamentals of good management, so in
19 a sense ANILCA has a plan in place. What's wrong with adopting
20 that?

21

22 CHAIRMAN DEMIENTIEFF: Any final Regional Council
23 comment?

24

25 UNIDENTIFIED VOICE: Yes, Mr. Chairman.

26

27 CHAIRMAN DEMIENTIEFF: Yes.

28

29 UNIDENTIFIED VOICE: I appreciate my fellow council
30 (indiscernible) testifying. However, you know, you've been
31 talking about, our number one goal is to have subsistence use,
32 but our Council (indiscernible) habitat, we have to have
33 (Indiscernible, away from microphone), and you are
34 (indiscernible) and we (indiscernible) have a management plan
35 to go along with it. (Indiscernible) funding (indiscernible).
36 (Indiscernible) directly statutory (ph) to that, we said no.
37 We had these other animals, grow this herd, (indiscernible) on
38 that.

39

40 And one of those Council members mentioned that Federal
41 Staff objected, wearing white hats (ph) and we were the guys
42 with the black hats. And we didn't appreciate that very much
43 at all, because we had to be the bad guys and say no. And I
44 think this is (indiscernible).

45

46 CHAIRMAN DEMIENTIEFF: Any other Regional Council
47 comment? We're ready for an action.

48

49 MR. POSPAHALA: Yes. I'll move to defer this proposal
50 until next year.

000115

1 CHAIRMAN DEMIENTIEFF: There's a motion. Is there a
2 second?

3
4 MR. ALLEN: Second.

5
6 CHAIRMAN DEMIENTIEFF: Discussion on the motion? Like
7 next year in your -- that's assuming that we're going to have a
8 management plan in place, and.....

9
10 MR. POSPAHALA: And that the Council will have a chance
11 to react to that as well, yes.

12
13 CHAIRMAN DEMIENTIEFF: Further discussion on the
14 motion. Hearing none, all those in favor of the motion, please
15 signify by saying aye.

16
17 IN UNISON: Aye.

18
19 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

20
21 (No opposing votes.)

22
23 CHAIRMAN DEMIENTIEFF: Motion carries.

24
25 MR. O'HARA: Mr. Chairman?

26
27 CHAIRMAN DEMIENTIEFF: Yes.

28
29 MR. O'HARA: We're done with Bristol Bay at this time?

30
31 CHAIRMAN DEMIENTIEFF: Pardon?

32
33 MR. O'HARA: Are we finished with Bristol Bay at this
34 time?

35
36 CHAIRMAN DEMIENTIEFF: Yes, sir.

37
38 MR. O'HARA: Thank you very much for your help today.
39 The consensus thing is really speeding things up now. The
40 learning curve goes down considerably, because we don't hear
41 from -- all these good people (ph) that happen with the
42 proposals. And I'm not laying in bed at night reading somebody
43 else's proposal. It's not part (indiscernible). But I'm sure
44 it's -- and sometimes (ph) I did miss all the information that
45 you get from biologists and other (indiscernible). But it's an
46 interesting issue (ph). Thank you.

47
48 CHAIRMAN DEMIENTIEFF: I'm wondering, Mr. O'Hara, since
49 you bring this issue up, you know, it just appears to me we've
50 just about cut our work in half in terms of this process. You

000116

1 know, we -- in fairness, we had a little discussion about this
2 privately at which I raised the point that we could get all the
3 reports you want out of the book, that he's -- Dan tells me,
4 well, I don't have to read that stuff. But, you know, we may
5 consider or may want to look at, and maybe we'll look for some
6 guidance from the Regional Councils as we look at this, we may
7 want to hear the Staff reports. I'm not talking -- I'm talking
8 about the introductory reports. It's just a few minutes for
9 each proposal. So we'll look for -- we'll raise that issue. I
10 mean, we don't -- we don't want to -- you know, while it has
11 sped the process up, and it's real nice, I agree, you know, if
12 there's -- the Staff reports just take a few minutes. And if
13 we ran down just the Staff reports on each one of those issues,
14 you know, it's not going to slow us down that much either. I
15 mean, that's the one part of the process that really does slow
16 us down, so that may be one of the things we'd want to do is
17 introduce each one of them whether they're on the consent
18 agenda or not. So we'll just look to some guidance on that
19 issue. But that's a good point, Dan. I appreciate it.

20

21 And thank you and your Council and everybody else for
22 their hard work in your area.

23

24 With that, we'll move on to Yukon-Kuskokwim where we
25 have two proposals, one of which is on the consent agenda, and
26 that's Proposal Number 62. Is there any objection to
27 continuing to have Proposal 62 on the consent agenda? There's
28 no objection to having Proposal 62 on the consent agenda. Then
29 we'll go ahead and Proposal Number 62 will be adopted intact at
30 the conclusion of our consideration of all the other regional
31 proposals.

32

33 And we will with that move on to Proposal 63. Staff?

34

35 MR. FISHER: Thank you, Mr. Chairman. We're still
36 talking about moose, and we're moving a little bit to the west
37 out of 17(A) into Unit 18. Proposal Number 63 was submitted by
38 the Togiak National Wildlife Refuge, and this proposal would
39 correctly describe that portion of Game Management Unit 18
40 south of and including the Kanektok River Drainages within the
41 Togiak Refuge that is closed to hunting.

42

43 Current Federal subsistence management regulations for
44 moose hunting in this part of Unit 18 specifying no Federal
45 season for the Goodnews and Kanektok River Drainages. Moose
46 hunting on these two river drainages within the Togiak National
47 Wildlife Refuge has been closed since 1991, because of
48 extremely low moose populations.

49

50 This proposal, if adopted, would add the Arolik River

000117

1 Drainage, which lies between the Goodnews and the Kanektok
2 River. And I'll try to illustrate that on the map. This is
3 the Kanektok River Drainage here to the north. And then we
4 have the Arolik River Drainage, of which there's several small
5 rivers that come in and forms the Arolik River, and then
6 further to the south we have the Goodnews River Drainage.

7
8 So what had happened was when this was closed in 1991,
9 it specifically mentioned the Goodnews and the Kanektok River
10 drainages, and the original intent was to close all of those
11 drainages from the Kanektok River down to the boundary of Unit
12 18 and 17(A). All the Federal lands in this area, there's two
13 ownerships there, the Refuge in the purple on the map, and then
14 the BLM in the gold.

15
16 Moose surveys conducted since 1981 show very few moose
17 were observed in any of these drainages, and it's quite similar
18 to what 17(A) was in the early 80s. There is habitat there,
19 but there's very few critters.

20
21 C&T for this area includes Unit 18 residents, and Upper
22 and Lower Kalskag.

23
24 As I mentioned previously, the original intent was to
25 enclose -- close all that area to moose hunting.

26
27 There is one thing that does sort of compound the
28 situation, and that is current State of Alaska hunting
29 regulations do allow for moose hunting on State-controlled
30 lands in this area.

31
32 That's all I have, Mr. Chairman.

33
34 CHAIRMAN DEMIENTIEFF: Thank you. Public comments?

35
36 MR. ANDREW: Mr. Chairman, there were no written
37 comments. Thank you.

38
39 CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee?

40
41 MS. HILDEBRAND: The Staff Committee supported the
42 proposal to close the area, contrary to the recommendations of
43 the Yukon-Kuskokwim Delta Council. The report was that adding
44 the Arolik Drainage to the closure was the original intent of
45 the Refuge, to protect the moose on Federal lands. There's a
46 low population. The State has an open on the adjacent lands.
47 And this was to insure a future healthy population.

48
49 The dissenting opinion was that the proposal should be
50 rejected. The State hunt in the same area remains open. The

000118

1 Yukon-Kuskokwim Delta Regional Corporation (sic) opposes this
2 closure. The potential harvest is so small that likely
3 significant negative impact to the population -- the impact
4 would be negative. And there was no biological reason to
5 support it, because that impact would be so small.

6

7 CHAIRMAN DEMIENTIEFF: Thank you. Department comments?

8

9 MS. ANDREWS: Mr. Chairman, we supported the proposal
10 as written to remove the regulatory loophole.

11

12 CHAIRMAN DEMIENTIEFF: Thank you. We have no requests
13 for public testimony at this time. Regional Council comments?

14

15 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim Delta
16 Regional Council opposed the proposal for fear of a closure
17 trap for the local subsistence users. There was during public
18 meeting on March at Bethel, one of the local subsistence users
19 stressed by testimony and saying that due to the hunting around
20 their area for subsistence use, and travelling for the along
21 other areas, they were -- that's why they were testi- -- they
22 were having testimony against closure of this area.

23

24 CHAIRMAN DEMIENTIEFF: Additional Regional Council
25 comment?

26

27 MR. THOMAS: Mr. Chair, Bill Thomas, Southeast. Is
28 there currently a subsistence hunt in this area now?

29

30 CHAIRMAN DEMIENTIEFF: Pardon?

31

32 MR. FISHER: There is no -- the Federal subsistence
33 season is not open on the Goodnews and the Kanektok River
34 drainages. There's no Federal subsistence season for that.
35 However, the Arolik is still open, because it wasn't closed
36 when they closed the other two drainages. Am I confusing you?

37

38 MR. THOMAS: No, not necessarily. I'm trying to
39 determine how many subsistence -- how many eligible subsistence
40 users are impacted by this situation, by the regulation or lack
41 of one.

42

43 MR. FISHER: Well, you have primarily three villages:
44 Quinhagak, Goodnews Bay and Platinum. The population in
45 Quinhagak, John may correct me, but I think it's right around
46 five or 600. The population in Platinum is probably less than
47 100. And the population in Goodnews Bay is somewhere around
48 probably 150 to 200.

49

50 MR. THOMAS: If a subsistence hunt was in place, and

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1 the health of the stocks were satisfactory, what is the project
2 -- what would a typical projected harvest be in a given season?

3
4 MR. FISHER: Well, I guess that would depend on what
5 that -- where we set a management objective level of what we
6 wanted for a population that we could hunt. Right there's --
7 like I said, it's similar to what it was in 17(A), there's
8 virtually no animals. What animals are there are taken, and
9 it's just -- and impacting the growth of that population.
10 There is habitat there, and the area is able to support more
11 animals than were currently there.

12
13 We haven't done any -- to my knowledge, the Refuge has
14 not done any habitat evaluation other than surveys, a few moose
15 surveys every year. They are -- probably will sometime in the
16 real near future duplicate what they've done in 17(A) by
17 involving the Fish and Game people from 18 and those three
18 communities to come up with a management direction and/or
19 management plan.

20
21 And hopefully, possibly some of those animals from
22 Subunit 17(A) will move over further to the west, but the way
23 it is right now, there's -- the population is very low, so any
24 animals that are taken are slowing the growth of the population
25 there.

26
27 MR. THOMAS: So is the population so low in your
28 opinion, with the information you have that any kind of a
29 concerted effort of harvest would have a chance of eliminating
30 that -- the remaining herd?

31
32 MR. FISHER: Well, I don't think you'll eliminate it,
33 because there's still animals that will filter in from 17(A)
34 and other parts of 18. You'll just -- by allowing a continued
35 hunt there, you're just going to slow the growth. Eventually
36 that herd will probably grow, but it's going to take a long
37 time.

38
39 MR. THOMAS: Do you have -- do you have an estimated
40 count at this point? An estimated size of the herd?

41
42 MR. FISHER: Well, I -- you're kind of putting me on a
43 limb here, but I guess that's fine. I don't mind. I am.....

44
45 MR. THOMAS: (Indiscernible -- simultaneous speech)
46 part of my job.

47
48 MR. FISHER: Okay. I'm somewhat familiar with that
49 area, not as familiar as I am with 17(A). It is a larger area
50 than 17(A). There's three river drainages. I guess right off

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1 the top of my head, I'd say there's probably less than probably
2 40 animals there now.

3

4 MR. THOMAS: Okay. I'm not going to beleaguer this.
5 The point I was trying to make was to get some kind of handle
6 to where those of us in attendance here would have some
7 knowledge of the health of the stocks that are there, and to
8 determine how far away a viable subsistence harvest is in the
9 future for projection, and still maintaining a healthy
10 population. That was the point I was trying to arrive at.

11

12 MR. FISHER: I would say probably at least five years.
13 I'm not sure what the plans of the Game Department is, but I
14 think we would be looking at them to possibly close the lands
15 that they control to hunting to allow that population to build
16 up. I'd say we're at least five years away from maybe
17 entertaining any type of a hunt.

18

19 MR. THOMAS: Is this area do you think that will be
20 part of some kind of a study between now and next year?

21

22 MR. FISHER: No, I don't think so. No. There -- with
23 the Refuge there and Fish and Game, they're pretty well wrapped
24 with doing this 17(A) project. But I think they can probably
25 start maybe some preplanning, hold some village meetings and
26 things like that. In fact, I think they already are doing
27 that.

28

29 MR. THOMAS: So a realistic opportunity for subsistence
30 harvest in your next projection will be the neighborhood of
31 five years from now?

32

33 MR. FISHER: I can say that, yes.

34

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

36

37 CHAIRMAN DEMIENTIEFF: Further Regional Council
38 comment? Board discussion.

39

40 MR. ALLEN: Mr. Chair?

41

42 CHAIRMAN DEMIENTIEFF: Tom?

43

44 MR. ALLEN: Yeah, I think this is pretty straight
45 forward. The Board acted in the past to close this area, and
46 the way it was described it simply left out a relatively small
47 portion, and at best this is just simply a technical
48 correction. I intend to -- when there's a motion, vote in such
49 a way that it realizes the intent of the original closure.
50 Thank you.

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1 CHAIRMAN DEMIENTIEFF: Any other Board discussion?
2 Final Regional Council comment? We're now ready for a Board
3 action. Tom.

4
5 MR. ALLEN: Mr. Chairman, I move that we support the
6 proposal as recommended by the Staff and.....

7
8 CHAIRMAN DEMIENTIEFF: There's a motion. Is there a
9 second?

10
11 MR. CAPLAN: Second.

12
13 CHAIRMAN DEMIENTIEFF: Jim Caplan. Discussion on the
14 motion? Hearing none, all those in favor signify by saying
15 aye.

16
17 IN UNISON: Aye.

18
19 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

20
21 (No opposing votes.)

22
23 CHAIRMAN DEMIENTIEFF: Motion carries.

24
25 That completes our work on the Yukon-Kuskokwim Delta
26 proposals.

27
28 Now we move into Region Six, Western Interior.

29
30 UNIDENTIFIED VOICE: Ida has (indiscernible).

31
32 CHAIRMAN DEMIENTIEFF: Ida will staff those for us,
33 okay.

34
35 (Whispered conversation)

36
37 CHAIRMAN DEMIENTIEFF: Okay. The proposals in this --
38 in the Western Interior that are on the consent agenda,
39 Proposals 75, 76, 77, 78, 79, 80, 82, 83, and 84. Is there any
40 objection to these proposals remaining on the consent agenda?
41 No objections to the proposals remaining on the consent agenda.
42 They will be adopted intact with the rest of the proposals on
43 the consent agenda at the conclusion of our business
44 considering all the regional proposals.

45
46 So with that, we will have the introductions for
47 Proposals 64 and 65, which are going to be considered together.

48
49 MR. SHERROD: Thank you, Mr. Chair. I'm George Sherrod
50 with Fish and Wildlife Service, anthropologist for the Western

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1 Interior.

2

3 Before I deal into this, I'd like to talk a few points
4 that apply to all the Interior proposals, and hopefully that
5 will expedite our dealing with these. As you know, the
6 Interior is a fairly complex area. In Unit 19, for example, we
7 have minimally five linguistic Alaska native breakdowns or
8 divisions. In Unit 21 we have at least six linguistic groups
9 that use the area. So the nature of the analysis of some of
10 these are quite long. In many cases the data is fairly limited
11 in that we lack harvest data for black bear in several of the
12 units and so on. The ethnographic data presented is generally
13 by linguistic groups, and may or may not reflect contemporary
14 communities.

15

16 In laying out the analysis in several of the cases I
17 used ecological adaptation zones, lumping several of the groups
18 together. So for the eight factors, in a number of these
19 you'll actually have three sets of analysis dealing sort of a
20 collection of three or more of these groups.

21

22 It's important to mention that in all of the
23 communities we're dealing with on c&t, these communities have
24 either been specifically identified as having a subsistence use
25 of a one resource or another, or are by default recognized as
26 having a resource. That is, they are in a region and the
27 region -- residents of that region have been granted a
28 subsistence use of a resource.

29

30 I think that given that, the task at hand here is
31 perhaps not to dwell in depth in all eight factors, although
32 they are in your book, but to look at possibly two of the
33 primary factors that we're dealing with.

34

35 One is reasonable accessibility. We're talking about
36 area. Is the area being requested for c&t determination
37 reasonable accessible to the community?

38

39 The other one would be the factor does the request --
40 does the request reflect the nature of subsistence as sort of
41 illustrated by the eight factors when taken in their entirety,
42 perhaps not by any one specific factor, but the eight factors
43 taken in entirety in theory sort of paint a picture of what a
44 subsistence use is, and what a subsistence community is.

45

46 Lastly, I'd like to mention that there is in several
47 cases differences between the Staff conclusion and the
48 recommendations from the Regional Advisory Councils. Their
49 recommendations were based upon data either presented at the
50 meeting after the analysis was written, or on extensive

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1 deliberation considering the facts. In all of the cases I
2 think this year that even though the Staff conclusion is not
3 exactly the same as the RAC's or Regional Council's
4 recommendation, I find no flaw with either the data presented
5 at the Council meetings that they considered or their logic
6 used in reaching their determinations.

7
8 With that, as I say, I'm going to try to do a fairly
9 abbreviated presentation of these issues, and if there are
10 questions, I can then go into depth and try to deal with them
11 more specifically.

12
13 Proposal 98-64 and 98-65 deal with black bear,
14 requesting a black bear determination in Region 19. One is
15 submitted by Akiak and Akiachak. You've already had some -- a
16 number of proposals put forward by these communities. The
17 other one is by Sleetmute. The existing customary use
18 determination for black bear in Unit 19 is basically there's
19 not one, by default we're dealing with all rural residents.

20
21 All the communities addressed in the analysis basically
22 have recognized use of subsistence resources. In this case
23 they've all been documented as using black bear. The question
24 then comes to the fact as do they use it in this area? The
25 data would suggest that these communities not only take black
26 bear, but they take black bear in conjunction with harvesting
27 other resources in an opportunistic manner, not exclusively
28 this, but they frequently do. It is suggested that the -- the
29 Staff suggestion is that the black bear determination mirror
30 that of the moose determination, thereby allowing residents to
31 harvest moose -- or black bear in association with moose and
32 caribou.

33
34 And that would be it.

35
36 CHAIRMAN DEMIENTIEFF: Thank you. Regional comments?

37
38 MR. MATHEWS: Yes, Mr. Chairman, just for the
39 administrative record, that was George Sherrod, the social
40 scientist. I'm Vince Mathews the Regional Coordinator for
41 Western Interior. And Pete DeMatteo is the biologist, which
42 will follow on other proposals.

43
44 We had to public comments on Proposals 64 and 65. One
45 was from Denali Subsistence Resource Commission. They want to
46 defer -- the Board to defer action on the proposal, because
47 they would like to leave it open to all rural residents.
48 That's for both 64 and 65.

49
50 Mr. Mike Sallee of Ketchikan pointed out that this

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1 proposal draws attention to the need to clarify customary and
2 traditional, and to what extent should c&t be allowed to evolve
3 through technology.

4

5 That's all the comments we had, Mr. Chairman.

6

7 CHAIRMAN DEMIENTIEFF: All right. Staff Committee
8 recommendation?

9

10 MS. HILDEBRAND: The Staff Committee recommendation is
11 to oppose Proposal 64 and support Proposal 65. They suggest
12 that the data for Akiak and Akiachak and other residents of
13 Unit 18 do harvest black bear in association with their harvest
14 of moose in the area of 19(A) and (B). The remainder of Unit
15 19 is a considerable distance, and therefore they did not
16 believe that it -- they believe that was beyond the area used
17 by those communities of Unit 18.

18

19 And, second, they disagreed with the Western Interior's
20 recommendation because biological factors were not a component
21 of c&t determinations.

22

23 CHAIRMAN DEMIENTIEFF: Okay. Department comments.

24

25 MS. ANDREWS: Thank you, Mr. Chairman. This is --
26 these two are two of eight proposals that we recommend that the
27 Board defer action on. It's similar to the situation that you
28 talked about earlier with Bristol Bay. There's differences of
29 opinion by the Councils and the Staff -- first Staff
30 conclusion, and then the Staff Committee recommendation. And
31 we think that by deferring action you still have all rural
32 residents are involved with having c&t use in there. And when
33 you have more adequate information brought forward, then you
34 can make, we think, a sound decision based on what the c&t uses
35 are.

36

37 So there's 64, 65, 66, 67, 68, 69, 70 and 73, those are
38 -- they cover several species across these Game Management
39 Units, and if you deferred action on those, it would give you a
40 chance to look at the communities that even are accessible to
41 these game populations, but are in fact excluded from
42 consideration under the recommendation. In this specific
43 example, with 65, you've got nearby communities such as Russian
44 Mission and Holy Cross aren't addressed. They'd be excluded
45 from this proposal. And yet you're including -- you would be
46 including communities such as Nikolai and Telida which I don't
47 think, if they were to have discussion, would say that their
48 intent was to have a c&t use in 19(A) and (B).

49

50 Another part of this proposal, in fact, doesn't even

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1 address the remain- -- it suggests not even addressing the
2 remainder of Unit 19, and there's communities that have
3 demonstrated c&t uses in the literature and so forth that could
4 be included by addressing remainder of Unit 19.

5
6 So for all those reasons, our recommendation is on
7 these two well, as well as the other six, is to just simply
8 defer action until you can look at the complete package of
9 which communities in adjacent subunits would have c&t in this
10 area, which communities would come forward and say they haven't
11 used that area, and you'd have a more comprehensive look at
12 this. So that's our recommendation, is to defer.

13
14 CHAIRMAN DEMIENTIEFF: Thank you. We have no requests
15 for additional public testimony at this time. Regional Council
16 comments?

17
18 MR. MORGAN: Mr. Chairman?

19
20 CHAIRMAN DEMIENTIEFF: Carl?

21
22 MR. MORGAN: The Western Interior opposed this
23 regulation, both 64 and 65, because both of these proposals got
24 very restrictive. And that's not the intent I think of us, to
25 restrict anybody. Because if we look at it, it just mentioned
26 Akiak and Akiachak, and if you look at Upper and Lower Kalskag,
27 which these two communities are only three miles apart, yet the
28 dividing line is in between both of these. So Lower Kalskag
29 would be excluded from Proposal 64 and 65. We try to make a
30 determination that why exclude when there's no reason to. We
31 definitely oppose Proposal 64 and 65.

32
33 CHAIRMAN DEMIENTIEFF: Additional Regional Council
34 comments?

35
36 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim Delta
37 Regional Council, if you look at it on this big packet here,
38 that's not the way they voted on taking our own schedule of
39 people (ph) here, it says on Proposal 64, request change,
40 revise c&t, include resident of Akiak, Akiachak, recommend
41 deferred action. That's on 64.

42
43 And also on 65, it's the same thing. Proposal 65,
44 species black bear, Unit 19, requested change, revise c&t
45 determination and include rural resident of 19 and 19(A) and
46 19(B), residents of Akiachak, recommend defer the proposal.
47 Mr. Chairman.

48
49 CHAIRMAN DEMIENTIEFF: Thank you. Additional Regional
50 Council comment? Craig?

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1 MR. FLEENER: Yes. Craig Fleener, Eastern Interior.
2 Eastern Interior didn't specifically take this one up, but --
3 this is something that cuts to the heart of a lot of the
4 proposals that we'll be addressing in Eastern Interior pretty
5 soon, and this is a classic example of part of the problem that
6 many of us see with c&t determinations.

7
8 Here it appears that the people who live in Akiak and
9 Akiachak wanted to be recognized for a customary and
10 traditional use of a resource, and so the IRA council submitted
11 this proposal. I don't believe that the intent was to exclude
12 other people, because we've had the same problem in the Eastern
13 Interior Region where people wanted recognition for the
14 resources they use.

15
16 The intent of ANILCA as we discussed earlier was not to
17 restrict when there's not a need to restrict, and this would
18 become quite restrictive. And people in the Eastern Interior
19 Region who live on the border of Unit 19 would be excluded
20 because of this, and I really don't think that this was the
21 intent of the residents of this area.

22
23 Thank you.

24
25 MR. THOMAS: Mr. Chairman?

26
27 CHAIRMAN DEMIENTIEFF: Bill?

28
29 MR. THOMAS: Craig's exactly right. The c&t is seeming
30 (ph) to find a method of momentum in at least creating
31 suspicions and ultimately divisions. And that's the one thing
32 that we're trying to avoid. Customary and traditional, in the
33 customary and traditional fashion, was to expand the sharing,
34 the availability of the resource that we identify, not to
35 restrict. I hope we can keep that -- I hope we can keep that
36 same focus as we proceed with considering c&t's. Thank you,
37 Mr. Chairman.

38
39 CHAIRMAN DEMIENTIEFF: Additional Regional Council
40 comment?

41
42 (Whispered conversation)

43
44 CHAIRMAN DEMIENTIEFF: I don't understand the question.
45 Don't know. It's what we were talking about.

46
47 (Whispered conversation)

48
49 CHAIRMAN DEMIENTIEFF: No further comment? Board
50 discussion.

000127

1 MR. ALLEN: Mr. Chairman?

2
3 CHAIRMAN DEMIENTIEFF: Yes.

4
5 MR. ALLEN: This -- these proposals provide a
6 considerable dilemma.

7
8 CHAIRMAN DEMIENTIEFF: Uh-hum. (Affirmative)

9
10 MR. ALLEN: I think there's a lot to be said for the
11 State's recommendations on deferral. We're looking at perhaps
12 a chicken and an egg thing here, and that the first item we're
13 addressing is black bear c&t and we're faced with a Council
14 recommendation to oppose, and our initial requirement and in
15 fact desire is to accommodate council recommendations. And
16 then later on we're going to address -- ostensibly we're going
17 to address the caribou c&t which to me is the -- would be more
18 appropriately addressed first, since that as I understand this,
19 and the way it's presented, is the primary species, if you
20 will, for people using the area.

21
22 And so when I look through all these, and I have been
23 studying them, I've got to tell you it's a mass of confusion in
24 who we accommodate, how we accommodate them, and I think
25 there's a lot to be said for considering a deferral until we
26 can have a more inclusive kind of a study of this entire area,
27 and benefit from the study that's intended for c&t generally.

28
29 Thank you.

30
31 CHAIRMAN DEMIENTIEFF: Yeah. That -- accordingly that
32 would keep all residents of Alaska in place.

33
34 So I guess, you know, we have varying degrees of
35 studies done on different species, you know, all across the
36 State, and so I've got a question. I just -- you know, as
37 these communities are trying to establish their traditional and
38 customary utilization of different species, and if they happen
39 to have their subsistence studies -- or subsistence uses
40 documented, and like you said, it's sporadic in different
41 areas, different parts of the State. And not so much in terms
42 of this proposal, although maybe I guess, but one of the things
43 that if we make a determination then automatically become
44 restrictive, is that correct, Keith? I'm looking at Keith
45 here.

46
47 MR. GOLTZ: Yes, in the sense that you've gone from a
48 broad inclusive regulation to one that's narrow.

49
50 CHAIRMAN DEMIENTIEFF: Uh-hum.

000128

1 MR. GOLTZ: It doesn't mean, however, that you can't go
2 back and revisit it.

3
4 CHAIRMAN DEMIENTIEFF: Well, I guess what I'm saying is
5 that if we do have some communities that have -- you know, made
6 progress in terms of, you know, get- -- of having studies done
7 or documenting their subsistence utilization of some species,
8 in this case say black bear, you know, and then what I'm
9 concern- -- and I know it sounds redundant, but I'm just
10 looking at the possibility of going something like with a
11 regulation that would read all rural residents, including. In
12 this case it would be Akiak and Akiachak. Then we could
13 consider their utilization of that species. And once -- you
14 know, once we -- more communities did that, or we got more
15 information and felt confident enough to use a more restrictive
16 or narrower definition of who has c&t in those areas, but then
17 we wouldn't have to revisit. In this case, if we were to adopt
18 this resolu- -- or this regulation with that kind of language
19 in effect. I guess what I'm trying to get at is that we would
20 not have to revisit, if we were to adopt this proposal, you
21 know, these communities as we're trying to more specifically
22 define specific species and their utilization.

23
24 MR. GOLTZ: I think that's correct. And I think
25 there's a lot of room here in the statute, but I hope we don't
26 lose focus here. I think we should remember that it's not
27 Akiak that we're dealing with here. It's a Council
28 recommendation that it's our job to respond to.

29
30 CHAIRMAN DEMIENTIEFF: I understand that in terms of
31 consideration of this proposal. But I guess what I'm looking,
32 and I'm not -- and I was trying to say that it really wasn't in
33 terms of this proposal, but I am trying to find a way that we
34 can not defer these proposals as they come up, and in fact
35 communicate to the Councils in future consideration of these,
36 say like next year. So if we have a good subsistence study
37 done on a specific community and were able to document, we
38 don't have to revisit that, that we can maybe suggest an
39 alternative to the Councils for future consideration and on
40 future proposals, that they may want to come back with language
41 that says all rural residents, including the communities of X,
42 Y, and Z, or whatever proposal we're considering in the future.
43 And that's all I'm getting at. I'm not looking at some way to
44 specifically resolve this proposal, or I'm not suggesting it,
45 because the Regional Councils obviously haven't had time to --
46 haven't had time to review this stuff, but at least we'll have
47 some work starting to get done, albeit piecemeal. But at least
48 some work will be having done in terms of getting some of these
49 backlogs or -- or not -- or allowing communities who are ready,
50 you know, in the future to get their individual communities

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1 considered on different species. And all I'm asking is if that
2 would accomplish the inclusionary part, while allowing the
3 Board to get some work done?

4

5 MR. GOLTZ: I think yes, I think there's a lot of ways
6 to approach this. I'd point out a couple of things. I think
7 different regions have different understandings of the c&t
8 process, and that's complicating it here.

9

10 Another way to approach it is simply going on record as
11 supporting the uses by Akiak and Akiachak, and simply point out
12 that they are included under the present regulatory regime.

13

14 CHAIRMAN DEMIENTIEFF: Well, all -- yeah, that's all
15 I'm trying to get at is we keep deferring, deferring, and I
16 just want to see some attention maybe paid to developing a
17 mechanism where we can consider these individual piecemeal
18 proposals while recognizing that we don't have the work done,
19 and to try to find some way that we can suggest some language
20 to the Regional Councils that will not exclude the other
21 communities that utilize that specific species, but can
22 document, you know, individual communities. And it's something
23 again for -- it's in the -- you know, I'm just trying to find
24 some way to get some of these things done, because we've got a
25 backlog. I mean, some of these things keep coming up, and we
26 keep deferring, but if in fact we can document that those
27 communities utilize that specific species and that specific
28 area, and we can suggest language to the Regional Councils that
29 will not exclude the other communities, but in fact have our
30 documentation done whenever we get around to it, getting the
31 documentation, at least we'll not have to revisit those
32 communities that we have established, and in a sense it gets --
33 moves some of the backlog. And in fact, may motivate, you
34 know, some communities to bring forward the -- or more
35 communities to bring forward these proposals if we can't
36 resolve on a total utilization picture, at least, you know,
37 other communities may want to come forward and say, okay, we
38 use this species, you know, and if they're able to document it,
39 you know, we can get it done. I hope I'm still making some
40 sense.

41

42 MR. GOLTZ: Well, I think you are. I don't want to
43 sound too much a lawyer. Some people define a lawyer as
44 someone who's able to talk about one step without giving a
45 single thought to the next one.

46

47 But I would only point out that the -- our job is to
48 respond to the Councils, and the Council has said they oppose
49 these proposals. And when we react to that, it seems like we
50 have been -- We've (Indiscernible -- simultaneous speech) done

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1 our job.

2

3 CHAIRMAN DEMIENTIEFF: Yeah. Well, I mean -- and, you
4 know, that's -- and I -- you know, among the reasons that we
5 can reject a Regional Council recommendation is that it would
6 be detrimental to subsistence, right? So if a community comes
7 in and documents that they in fact do have a traditional and
8 customary dependence upon the resource, and the Council goes
9 against that, then we still -- that's still a viable option.

10

11 MR. GOLTZ: Some day I'm going to make it through one
12 of these meetings without talking, and that will be a big
13 success.

14

15 But I want to throw out one caution based on my
16 personal experience. I started with the State in 1969 when
17 there was only one board, and the idea was that there would be
18 an advisory system in the State that would be ground up, and
19 that the people in rural Alaska would take their proposals to
20 the Board, and the Board would then act. But what people
21 quickly discovered in the State system is they could go around
22 it, and the Board was quite willing to look through the
23 advisory system. And now it's I would say largely a broken
24 system. It functions in some areas, not in others.

25

26 And I would caution us against that trap. Our concern,
27 it may sound a little brutal, but our concern is not with
28 Akiak. Our concern is with the local councils, and I would
29 spend some effort in insisting on that. The Council's job is
30 to deal with the local people. Not ours.

31

32 CHAIRMAN DEMIENTIEFF: Is there any other Board
33 discussion? Tom?

34

35 MR. ALLEN: Yeah, Mr. Chairman, I don't know where that
36 leaves us, but I do think I appreciate what the Counselor is
37 saying here, in that we have to deal with the Council
38 recommendations. And I go back to my initial comment that
39 there is a certain rationale for addressing caribou first,
40 inasmuch as black bear are suggested as an incidental or an
41 opportunistic take. And it -- and in my review of the work
42 done by the Regional Councils, there seem to have addressed
43 caribou in much greater detail, and that's reflected in the
44 recommendations, even though we have to somehow deal with and
45 sort out different recommendations by different councils. But
46 I think to address caribou first should we decide to go through
47 these one-by-one and take action on them, leads us down a path
48 of rationale to then dealing with black bear in a more
49 rationale manner than is presented here. We simply have the
50 Council's opposition to including c&t, and what the Solicitor

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1 is telling us, that's what we have to deal with.

2

3 CHAIRMAN DEMIENTIEFF: Further Board discussion?

4

5 MR. ANDERSON: Mr. Chairman?

6

7 CHAIRMAN DEMIENTIEFF: Yes.

8

9 MR. ANDERSON: At the risk of further confusing the
10 issue, in furtherance of Proposals 64 and 65, and in deference
11 to the Regional Council's recommendations here, I guess that my
12 belief is that this specific situation is a difficult one,
13 because we're going from a no determination to a community
14 determination or a unit determination, which is in fact, if we
15 were to approve the requested determinations, would eliminate
16 the opportunity at the present time for other communities who
17 we have reason to believe may have a customary and traditional
18 use. And in order to deal with this, and I appreciate the
19 Chairman's comments about trying to include the communities on
20 a list if you will, in addition to all rural residents, I
21 wonder if there's perhaps three things that we could do here:

22

23 One would be to recognize that certain communities
24 proposed here appear to the Board to have documented customary
25 and traditional use within these subunits.

26

27 Two, that the Councils oppose the restriction by
28 determination.

29

30 And, three, that the customary and traditional work
31 group that the Board and the Regional Councils put together
32 yesterday to deal with the issue of c&t address this difficulty
33 in their deliberations and make recommendations as to how we
34 could best address the c&t issue without unnecessarily
35 restricting opportunity.

36

37 CHAIRMAN DEMIENTIEFF: Okay. Anyway, it's about ten
38 minutes to 12 right now, and now that we've gone all different
39 directions, we do have a major conference going on over here,
40 and I'm wanting us to get started at one. So what I'm
41 suggesting is that we go ahead and break right now, a few
42 minutes early, and maybe a chance that people can go get lunch
43 and beat the rush a little bit, and we can start at one.
44 Otherwise we find ourselves scrambled up getting back here this
45 afternoon.

46

47 So we're going to go ahead and recess right now to 1:00
48 o'clock.

49

50 (Off record)

000132

1 (On record)

2

3 CHAIRMAN DEMIENTIEFF: We'll go ahead and call the
4 meeting back to order. We're going to proceed on with our
5 agenda in a moment. But first I just wanted to announce that
6 based on a meeting that we had yesterday morning, we, the
7 Federal Subsistence Board had with the Regional Council Chairs,
8 we agreed to start a customary and traditional working group.
9 And the Regional Councils have gotten together and they've
10 selected Craig Fleener, Robin Samuelsen and Bill Thomas. From
11 the Staff Committee, at this point we will have Sandy
12 Rabinowitch, Ken Thompson, Ida Hildebrand and may possibly add
13 one more. I, myself will chair that working group. And I just
14 wanted to announce that we are going to have a meeting at the
15 conclusion of our business here, whenever we get done. Now, it
16 may be as soon as tomorrow, it could possibly tomorrow
17 afternoon, but I just wanted to alert those people and let you
18 all know that we have formulated -- almost formulated the
19 entire group -- we have one more. And we will, tomorrow or
20 whenever we adjourn this meeting we'll immediately start that
21 meeting and then we will begin to map out a work plan, and the
22 objective there is to get some recommendations or some food for
23 thought or raise the issue for the fall Regional Council
24 meetings, that's what we're looking at. So we don't want to
25 move too far ahead of our Regional Councils on this, but we do
26 want to shape the issue or at least gather all the pertinent
27 information that we think is important. Elizabeth Andrews,
28 from the State, has agreed to sit on that preliminary meeting
29 and the Department of Subsistence will provide a historical
30 perspective on the State's involvement with c&t at our next
31 meeting of that working group. But this first working group
32 will just basically map out our strategy of how we're going to
33 get this issue developed and to the Regional Councils in time
34 for the fall meetings. So I just wanted to announce that.

35

36 And so with that, we were in the middle of Board
37 discussion on Proposal 64 and 65, and then we're going to have
38 the final round of Regional Council comment. And then we will
39 take action on Proposal 64 and 65. Towards that end, there may
40 have been some misunderstandings in the deliberations that, at
41 least, I was raising this morning. Basically, you know, I feel
42 committed to standing by the Regional Council recommendation.
43 I did not have any intention of doing anything other than that,
44 at least, with my personal vote on these proposals as we
45 consider them. But basically what I was trying to do was frame
46 some ways that we could get some of these considered in the
47 future without jeopardizing or without minimizing people's c&t
48 designations in the future. And that's basically where my
49 discussion was going on -- with regard to these proposals. So
50 you know, I feel personally committed to following the Regional

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1 Council recommendation on this and taking the time necessary to
2 develop the work. But I'm just raising food for thought on how
3 we might be able to get some of these things going, at least,
4 on a case by case basis and suggesting some ways maybe that the
5 Regional Councils might want to consider approaching these
6 things as the next round of proposals come forward.

7

8 So with that, is there any further Board discussion on
9 these proposals?

10

11 MR. T. ALLEN: Mr. Chairman.

12

13 CHAIRMAN DEMIENTIEFF: Tom.

14

15 MR. T. ALLEN: I may be beating a dead horse here but
16 I'll take another stab at getting it to move. I think that if
17 we were to temporary set aside deliberation on 64 and 65, and
18 move to 67 and 68 and address caribou. And in saying that, I
19 look at the Staff Committee recommendations and the Council
20 recommendations and they're fairly well aligned and look to
21 give considerable thought and specificity to c&t for a variety
22 of communities in this part of the country, I'm speculating
23 that we could probably reach consensus on that. And if we did
24 that and if, in fact, my understanding is, at least, largely
25 correct that the taking of black bear is for the most part
26 incidental to hunting for caribou that we would have a logic
27 trail here for making a c&t determination for black bear that
28 aligned with the specifics that are laid out in Proposal 67.
29 And albeit we might end up on the face of it not going along
30 with the Regional Council's recommendation to oppose 64 and 65,
31 I think the rationale that's laid out there might turn out to
32 be quite acceptable. But I throw that out, I don't know
33 procedurally what it takes to do that or if I haven't made
34 myself clear or if everybody disagrees with me, I'll accept any
35 of the above.

36

37 Thank you. Maybe some of my peers would offer comment
38 on that, I don't know.

39

40 CHAIRMAN DEMIENTIEFF: Well, whether or not a harvest
41 is incidental to hunting of another species, you know, if you
42 establish c&t on a particular species, it's all species by
43 species anyway, isn't it? I mean there's -- that's my
44 understanding.

45

46 MR. T. ALLEN: Right. I'm just speaking to the
47 rationale for having a basis for a Board action in an
48 acceptable logic for, if you will, disagreeing with the
49 recommendation of the Council. I'm suggesting that if we had a
50 similar c&t for black bear, as we might come up with for

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1 caribou following the Council's recommendation, we would
2 address, I believe the Council's concern for more use rather
3 than less. I think we would also address the, at least, in
4 part the State's point that Russian Mission, for example, would
5 be included and they're not in the proposal spelled out in 64
6 and 65.

7
8 CHAIRMAN DEMIENTIEFF: I don't really have a good feel
9 for that issue one way or the other but, you know, if you do
10 want to it would just simply be a tabling motion to table 64
11 and 65 until we deliberate 67 and 68, that's all that would be
12 necessary for us to get there.

13
14 MR. T. ALLEN: Well, if I may I make a motion we table
15 64 and 65 and address 67 and 68.

16
17 CHAIRMAN DEMIENTIEFF: All right.

18
19 MR. CAPLAN: Second.

20
21 CHAIRMAN DEMIENTIEFF: It's been moved and second.
22 Discussion on that -- or no discussion on a tabling motion.
23 All those in favor signify by saying aye.

24
25 IN UNISON: Aye.

26
27 CHAIRMAN DEMIENTIEFF: Those opposed.

28
29 (No opposing votes)

30
31
32 CHAIRMAN DEMIENTIEFF: Okay. 64 and 65 tabled pending
33 Proposal 67 and 68 deliberations. As soon as we finish
34 deliberating 67 and 68, 64 and 65 will come off the table.
35 Okay, introduction.

36
37 MR. SHERROD: Does this mean we're tabling 66 also and
38 moving right on to 67?

39
40 CHAIRMAN DEMIENTIEFF: Right, yeah.

41
42 MR. SHERROD: Okay. Proposal 67 and 68 deal with
43 caribou c&t in Unit 19. Proposal 67 submitted by AVCP request
44 that all residents of Unit 18 be granted a positive c&t for
45 caribou in Units 19(A) and (B). And Proposal 68 was submitted
46 by Akiak and Akiachak IRAs, and they request that they should
47 be granted c&t for caribou in all of Unit 19.

48
49 As stated before Unit 19 is used by a number of
50 different groups, harvest data is non-existent from any of

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1 these contemporary communities. Therefore, we have to some
2 degree extrapolated from historic counts. All of these
3 communities in question have been granted c&t for some
4 (indiscernible) caribou. Basically it was the suggestion or
5 the analysis pointed to a conclusion that would basically grant
6 a change in c&t determinations for caribou in 19(A) and (B),
7 which would coincide with basically the existing moose
8 determination under the logic that the lack of specific data,
9 the belief is that if you have a following for c&t for moose we
10 know from the accounts people hunted caribou and bear and other
11 animals simultaneously, that by granting this c&t determination
12 would facilitate the customary practice of opportunistically
13 taking local resources for Unit 19(C) and 19(D). At this time
14 we should not modify the existing c&t determination of those
15 two communities.

16

17 MR. MATHEWS: Mr. Chairman, there was no written
18 comments.

19

20 CHAIRMAN DEMIENTIEFF: Okay. Staff Committee
21 recommendation.

22

23 MS. HILDEBRAND: The Staff Committee supported the
24 proposal with the modification to include Marshall, St. Mary,
25 Pilot Station, Russian Mission, which is consistent with the
26 recommendation of the Western Interior Council. The Alaska
27 Board of Game and Fish acknowledged Akiak, Akiachak and other
28 residents of Unit 18 as having met the criteria for subsistence
29 uses of some resources including caribou in Unit 19. Residents
30 of the Kuskokwim drainage upstream and including the Johnson
31 River have customarily and traditionally used caribou in Unit
32 19(A) and (B), and that c&t's identical with their moose c&t.
33 The opportunity to take multiple resources in a single harvest
34 effort allows for diversity of harvest and facilitates the
35 customary and traditional use patterns of that area.

36

37 Proposal 68 regarding Unit 19(C) and Unit 19(D) was
38 considered too distant from Akiak and Akiachak.

39

40 CHAIRMAN DEMIENTIEFF: Thank you. Department comments.

41

42 MS. ANDREWS: Thank you, Mr. Chairman. Our comments
43 are pretty much the same as what I stated on the previous
44 proposals that have been tabled. And while the community of
45 Russian Mission is included, along with some of the other Lower
46 Yukon River communities based on information brought out at the
47 Regional Council, we still would maintain that some communities
48 that might have a use such as Holy Cross, for example, which is
49 more closely situated to Unit 19(A) and that they may actually
50 need to be considered to include here, although the information

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1 hasn't been brought out.

2

3 At the same time, again, there's communities that, like
4 from the far up reaches of the Upper Kuskokwim drainage are
5 included in spite of contemporary and historical mapped
6 information that shows that they didn't use this area for
7 hunting caribou populations. And therefore, we still would
8 recommend that this be deferred until something more
9 comprehensive be brought forward.

10

11 Thank you.

12

13 CHAIRMAN DEMIENTIEFF: We have no request for public
14 testimony at this time. We're now ready for Regional Council
15 comments.

16

17 MR. MORGAN: Yes, Mr. Chairman, the Western Interior
18 does support this Proposal 67 with the Alaska Department of
19 Fish and Game's comment about Holy Cross and Shageluk and Anvik
20 and Grayling. We did ask them, we didn't purposely leave them
21 out, we did ask them if they want to be, we can include them in
22 this list. One thing what we were trying to do was not exclude
23 anybody. But the way these proposals are written, the ones we
24 oppose and support, the way they were written, some of them
25 were too restrictive.

26

27 With the caribou situation in Western Interior in my
28 area, we didn't have caribou up 'til 15 years ago about. We
29 didn't have it. You know, there was some but you had to go a
30 long ways towards the Napaimuit, but there were very few. And
31 about 15 years ago, then the Mulchatna herd got big, and it
32 goes with the migration pattern, what are we going to do about
33 that, you know. We're in support of this because this language
34 says Russian Mission, Pilot Station, the Yukon, because if you
35 read the proposal the way it was written, that it was upstream
36 from the Johnson River, it didn't include all of Unit 18, it
37 was upstream from the Johnson River. And it will clarify the
38 other one on the black bear.

39

40 CHAIRMAN DEMIENTIEFF: Additional Regional Council
41 comment. Bill.

42

43 MR. THOMAS: Mr. Chairman, I have a question I probably
44 should have asked five years ago. Exactly, what role do we
45 anticipate c&t to play in the scheme of subsistence management?
46 I ask that now because we have more answers here rather than
47 trying to go to different offices. I mean we have the brains
48 right here now and I'm sure the answer is in this room. But do
49 we expect c&t's to play in the management of -- the Federal
50 management of subsistence on Federal public lands?

000137

1 MR. KATCHEAK: Mr. Chairman.

2
3 CHAIRMAN DEMIENTIEFF: Yes.

4
5 MR. KATCHEAK: Ted Katcheak from Seward Peninsula.
6 Sometime back in 19 -- mid-50s or late '50s there were some
7 reindeer that were transported from our area that was the
8 Stebbins and St. Michael area down to Mountain Village area and
9 St. Mary's. As a result of that there was some reindeers that
10 got lost in the mountains or just moved away from the main herd
11 and I'm thinking well, that's probably how that caribou herd
12 started, there were these wild caribous that keep wandering
13 away and pretty soon they started to populate. That's my
14 observation -- my experience has been. I've been a reindeer
15 herder since back in '74 or earlier, 1970. So I've heard many
16 stories about reindeers being moved from one area to another
17 and some got lost in the mountains and I believe that's
18 probably how the caribou herds started in that area.

19
20 MR. THOMAS: Mr. Chairman.

21
22 CHAIRMAN DEMIENTIEFF: Yes.

23
24 MR. THOMAS: You know, with the sound of silence that I
25 generated with my question to the role of c&t's, I'm wondering
26 why we're allowing this to consume so much of our time, energy
27 and good rationale in trying to do a good job of subsistence
28 management? I get the impression that there really isn't a
29 role for c&t. And if there is a role, where did it come from
30 and what is that role? And if that can't be responded to in
31 this room, I hope we can find some way to bury that so that it
32 doesn't show up on our agenda in the future.

33
34 Thank you, Mr. Chairman.

35
36 CHAIRMAN DEMIENTIEFF: Well, you know, the real
37 reluctance, I guess, I have in considering all of these any
38 further, you know, and that's why it didn't make any difference
39 to me whether we took 64 or 65 or 67 or 68. I consider 67 to
40 be, you know, a well developed proposal. But then I hear right
41 now that there are some holes in it even as far along as it is.
42 It's gotten quite a bit of work. It appears to be, you know,
43 very much there. But you know, and even by testimony from the
44 Regional Council we find out, you know, there were some
45 communities not asked or not consulted that are right adjacent
46 to the area. And by the Department's testimony of some
47 communities that are pretty remote, which would be included.
48 So you know, it appears to me it's not quite there.

49
50 I really didn't want to respond to your question, Bill,

000138

1 you know, because we do have the opportunity now, with the
2 working group that we've got to look at this whole issue. My
3 inclination is to, unless there's something that's severely
4 detrimental to subsistence users and we could document that or
5 build that case, you know, my inclination is to defer this
6 proposal, you know, until we come back with some way to deal
7 with these that would not be exclusionary. If that were the
8 case and we had a procedure that would not exclude those
9 communities that were mentioned, you know, Holy Cross, Shageluk
10 and like that, and we had a way to approve c&t for some of
11 those communities but not to the exclusion of those that we're
12 still working on, I would feel much better about voting for
13 this proposal or Proposal 67. But I don't see an apparent way
14 to do that right now and I think that that would be an
15 excellent charge for the c&t working group.

16
17 MR. THOMAS: I guess I'll be less in distress over this
18 whole thing if deferral or table or turn our backs with regard
19 to considering c&t's doesn't equate into denying the
20 opportunity to have access for subsistence users. But if it's
21 going to have any of those impacts we're in trouble.

22
23 CHAIRMAN DEMIENTIEFF: And denying access, is that what
24 you said, I couldn't hear that part?

25
26 MR. THOMAS: Yes, deny access.

27
28 CHAIRMAN DEMIENTIEFF: That's just exactly what I said
29 a minute ago.

30
31 MR. MORGAN: Mr. Chairman.

32
33 CHAIRMAN DEMIENTIEFF: Yes.

34
35 MR. MORGAN: We didn't purposely exclude Holy Cross, we
36 did ask them if they wanted to be in this list. They
37 specifically said no. They don't go hunting over there.

38
39 CHAIRMAN DEMIENTIEFF: Oh, they said no?

40
41 MR. MORGAN: Yeah, yeah. Their representative.

42
43 CHAIRMAN DEMIENTIEFF: Okay.

44
45 MR. MORGAN: There's two of them from the area that
46 said no, they don't go hunting up there, so you know,
47 reluctantly we had to respect their two Council members
48 requests. We respected them, even though I didn't feel
49 comfortable excluding but I respected their request -- we
50 respected their request.

000139

1 CHAIRMAN DEMIENTIEFF: I see. I wasn't understanding
2 that, I'm sorry.

3
4 MR. WILDE: Mr. Chairman.

5
6 CHAIRMAN DEMIENTIEFF: Yes.

7
8 MR. WILDE: Yukon Kuskokwim Regional Council recommends
9 to support Proposal 67 with the modification to include
10 residents of Unit 19 and residents of Unit 18, within Kuskokwim
11 River drainage, upstream from and including the Johnson River
12 and Unit 19 caribou determination. No action on Proposal 68.

13
14 Thank you, Mr. Chairman.

15
16 CHAIRMAN DEMIENTIEFF: Okay, I'm sorry, I wasn't
17 understanding that anyway, and it certainly changes my thinking
18 on this. So the only problem we have is over-inclusive, I can
19 live with that.

20
21 Okay, Board discussion.

22
23 MR. ANDERSON: Mr. Chairman.

24
25 CHAIRMAN DEMIENTIEFF: Yes.

26
27 MR. ANDERSON: Just to make sure I understand where we
28 are on Proposal 67 and 68. The Staff Committee recommendation
29 on 67 and 68 -- let me back up a second, the c&t determination
30 for 19(A) and (B) is currently in place for residents of 19(A)
31 and (B) and residents of Kwethluk and rural residents of Unit
32 18 in the Kuskokwim drainage in Kuskokwim Bay. So in
33 addressing this proposal, we're not starting from a point of no
34 determination, there already is an existing determination. And
35 if I understand this correctly, Proposal 67, as modified, and I
36 think consistent with the Regional Council's recommendations
37 expands the c&t determination that currently exists to include
38 a number of communities in the area. Is my understanding
39 correct here?

40
41 CHAIRMAN DEMIENTIEFF: I'm thinking it is. Staff
42 Committee; basically your recommendation is in concurrence with
43 both the Western and Yukon Delta recommendations; is that
44 correct?

45
46 MR. BOYD: Yes, you're right.

47
48 CHAIRMAN DEMIENTIEFF: Any further Board discussion?

49
50 MR. POSPAHALA: Just one question, Mr. Chair,

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1 apparently your Regional Council and agency committee was
2 formed to review c&t proposals that give rise to the kinds of
3 problems that are presented by the four proposals that we've
4 discussed in the latter part of this morning and early this
5 afternoon. If that's the case, why isn't it appropriate to
6 defer action on all proposals of that nature until after that
7 committee has produced their product, even if it takes some
8 time?

9
10 CHAIRMAN DEMIENTIEFF: Yeah, with regard to that issue.
11 We've got a case here where we are excluding legitimate
12 subsistence users on this resource and that is where the
13 difference would be. In the case of 64 and 65, all rural
14 residents are included as eligible for c&t because there's no
15 determination, you see. In this case we've got a partial
16 determination that has excluded some communities who need to be
17 -- you know, need to be in that determination, and that's the
18 difference between these two proposals as opposed to other
19 ones. You know, and I would agree with you, as long as we're
20 not excluding people who need to be included.

21
22 So that's where I was going until I -- you know,
23 because I had misunderstood the Regional Council testimony.
24 And now that I understand that some people are excluded that
25 need to be included, you know, then I see we do need to deal
26 with this proposal here.

27
28 Other Board discussion. Final Regional Council
29 comment.

30
31 MR. MORGAN: Mr. Chairman.

32
33 CHAIRMAN DEMIENTIEFF: Yes.

34
35 MR. MORGAN: You know, this particular proposal, we had
36 a hard time with it because to make a determination where we
37 felt that there wasn't a need to make a c&t determination
38 because the animals are so abundant and we wrestled and
39 wrestled around with it, it took us a while. But we didn't
40 want to defer. We want to get these regulations off the paper.
41 We dealt with it whether it was hard or easy, personal or
42 indifferent. And with regard to Holy Cross and them, we also
43 mentioned to them that they can always be added. They can
44 always be added on, it's not a restrictive list.

45
46 CHAIRMAN DEMIENTIEFF: Uh-huh.

47
48 MR. MORGAN: Because we had a really hard time with
49 this because of the abundance of the caribou. And it was by
50 their request that they were excluded.

000141

1 CHAIRMAN DEMIENTIEFF: Final Regional Council comment.
2 We'll advance the issue for Board consideration and/or action.

3
4 MR. T. ALLEN: Mr. Chairman.

5
6 CHAIRMAN DEMIENTIEFF: Yes.

7
8 MR. T. ALLEN: I want to make a motion that we adopt
9 the Proposal 67 as modified by the recommendations of the
10 Western Interior Regional Council and concurrent with that
11 reject Proposal 68 inasmuch as it gets rendered moot by the
12 action on 67.

13
14 CHAIRMAN DEMIENTIEFF: I'm assuming you're meaning both
15 Regional Councils because your motion would be in compliance
16 with both Regional Council recommendations?

17
18 MR. T. ALLEN: Yes.

19
20 CHAIRMAN DEMIENTIEFF: You just said Western but I'm
21 sure.....

22
23 MR. T. ALLEN: That's correct.

24
25 CHAIRMAN DEMIENTIEFF:you wanted to add Yukon
26 Delta, before we get a second.

27
28 MR. T. ALLEN: Yes.

29
30 CHAIRMAN DEMIENTIEFF: Do we have a second on the
31 motion?

32
33 MR. ANDERSON: I second.

34
35 CHAIRMAN DEMIENTIEFF: Seconded by Paul. Discussion.

36
37 MR. ANDERSON: Mr. Chairman.

38
39 CHAIRMAN DEMIENTIEFF: Yes.

40
41 MR. ANDERSON: My intention to support this motion is
42 based on the fact that there's an expansion of opportunity
43 through this determination as opposed to a restriction of
44 opportunity. And I understand that there may be other
45 communities that may need to be and want to be added to it
46 which we certainly entertain in the future. But given that it
47 does expand the opportunity, I intend to support it, consistent
48 with the Regional Council recommendations.

49
50 CHAIRMAN DEMIENTIEFF: I do intend to support this

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1 motion, you know, although it does not exclude anybody from
2 hunting at this point, the regulation. At least I don't
3 because of the abundance of the species, you know, caribou
4 herds are known to crash and we do have well intentions to
5 embark upon this c&t working group and do some considerations.
6 But we have to realize that this is a major, major undertaking.
7 This is beyond the scope, certainly, at least I believe, and
8 correct me if I'm wrong, of the Federal Subsistence Board, it's
9 not something we can do. Don't we have to go -- actually the
10 Secretaries that have to go and do this?

11

12 MR. BOYD: Yes.

13

14 CHAIRMAN DEMIENTIEFF: So I mean just because we're
15 intending to embark upon this trail, it doesn't mean we're
16 going to -- we'd like to get it done if we're going to make any
17 changes in the next year or so, it doesn't mean it's going to
18 happen. It's beyond the scope of our authority, and we all
19 know that pending fish, you know -- pending the fisheries
20 issue, you know, if we get that, you know, it may be more than
21 the Secretaries would want to embark upon to do try to do all
22 of this all at once. You know, while it's well intentioned, it
23 could potentially be exclusionary and that's why I'm going to
24 support taking action on this right now.

25

26 Any further discussion on the motion? Hearing none,
27 all those in favor of the motion please signify by saying aye.

28

29 IN UNISON: Aye.

30

31 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

32

33 (No opposing votes)

34

35 CHAIRMAN DEMIENTIEFF: Motion carries. That brings us
36 back to 64 and 65. And we were in Board discussion as I recall
37 on these. Assuming we're done with that we'll go to a final
38 round of Regional Council comment, 64 and 65.

39

40 MR. POSPAHALA: Mr. Chair, would you entertain a Staff
41 comment?

42

43 CHAIRMAN DEMIENTIEFF: Pardon?

44

45 MR. POSPAHALA: Would you entertain a Staff comment?

46

47 CHAIRMAN DEMIENTIEFF: Sure.

48

49 MR. SHERROD: Thank you, Mr. Chair. As Carl has
50 pointed out, both of the Councils worked a long time and

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1 deliberated fairly extensively on these proposals. I gave them
2 a (indiscernible) to help us try to move along. You know,
3 these things still have to be (indiscernible - not at
4 microphone) existing regulation under discussion about
5 (indiscernible - not at microphone). In many cases there is no
6 bear harvest data and we're not going to get anymore bear data
7 (indiscernible - not at microphone).

8

9 So I think, at least, as a point of information, when
10 Council's worked on this, they did try to make a better
11 realizing that they may not be perfect but they were better
12 than the existing regulation.

13

14 Thank you, Mr. Chairman.

15

16 CHAIRMAN DEMIENTIEFF: So with this we have no
17 determination and therefore all rural residents are qualified.
18 Is there any additional Regional Council comment with regard to
19 these? Are we ready for a Board action here.

20

21 MR. T. ALLEN: Mr. Chairman.

22

23 CHAIRMAN DEMIENTIEFF: Tom.

24

25 MR. T. ALLEN: It's taken a little bit of discussion to
26 help clear some of this up in my mind. But the way I see it
27 right now, the Western Regional Council's position to impose
28 these two propositions results in the greatest level of
29 inclusion, if I'm correct on that. And whenever you're ready
30 I'm prepared to make a motion to support the Western Interior
31 Regional Council's position to reject Proposal 64 and 65, with
32 the intended benefit of being more inclusive rather than less
33 inclusive.

34

35 CHAIRMAN DEMIENTIEFF: So that's your motion?

36

37 MR. T. ALLEN: So moved.

38

39 CHAIRMAN DEMIENTIEFF: Is there a second.

40

41 MR. HEISLER: I'll second.

42

43 CHAIRMAN DEMIENTIEFF: It's moved and seconded.

44 Further discussion on the motion. Hearing none, all those in
45 favor of the motion please signify by saying aye.

46

47 IN UNISON: Aye.

48

49 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

50

000144

1 (No opposing votes)

2

3 CHAIRMAN DEMIENTIEFF: Motion carries.

4

5 MR. THOMAS: Mr. Chairman.

6

7 CHAIRMAN DEMIENTIEFF: Proposal 66, do you want to
8 introduce.

9

10 MR. SHERROD: Proposal 66 was submitted by Akiak and
11 Akiachak IRA. It's similar to the black bear proposal we just
12 dealt with. This proposal requests changing the determination
13 for brown bear in Unit 19. 19(C) currently there is no Federal
14 subsistence priority in Unit 19(C). As the other cases, bear
15 harvest data, particularly through tag data and so on is quite
16 limited. In looking at the information available, existing
17 c&t's and other considerations, the analysis lead to this
18 conclusion that with respect (A) and (B) residents of 19 and
19 residents of Unit 18 domiciled within the Kuskokwim River
20 drainage upstream from, and including the Johnson River
21 drainage, again the same as the moose and it's very similar to
22 the black bear determination, the suggestion that was just
23 voted down. And similar to the caribou one you just moved on
24 to leave 19(C) with no subsistence priority. And to provide a
25 subsistence priority for residents of 19(A) and (D) in Unit
26 19(D).

27

28 The reason for basically rejecting the request of Aniak
29 and Akiachak is that Units 19(C) and (D) are considerable
30 distances from those communities and it is not likely that this
31 area is systematically used for the harvest of resources,
32 including brown bear.

33

34 MR. MATHEWS: Mr. Chairman, there was no public
35 comments on Proposal 66.

36

37 CHAIRMAN DEMIENTIEFF: Okay. Staff Committee.

38

39 MS. HILDEBRAND: The Staff Committee supported the
40 proposal as modified by the Western Interior and Yukon
41 Kuskokwim Delta Regional Councils.

42

43 CHAIRMAN DEMIENTIEFF: Department Comments.

44

45 MS. ANDREWS: Thank you, Mr. Chairman. Again, this was
46 one of the eight that we thought that it'd be better to defer
47 it and have more complete information. In this particular
48 case, we think, for example, that there probably is information
49 for Unit 19(C) brown bear to include other communities and I
50 notice the Staff Committee recommendation doesn't want to

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1 address 19(C). The Alaska Board of Game has made a positive
2 c&t finding for that brown bear population.

3
4 So again, we think that it is incomplete. There are
5 communities that are included that are some distance from the
6 area and then there are communities that were excluded although
7 it sounds like some of that was discussed at the Regional
8 Council meeting. So we just again, recommend deferring this
9 one.

10
11 CHAIRMAN DEMIENTIEFF: Thank you. We have no request
12 for public testimony at this time. Regional Council comments.

13
14 MR. MORGAN: Mr. Chairman, the Western Interior
15 supports the resolution 66.

16
17 CHAIRMAN DEMIENTIEFF: And that's based on testimony at
18 your Regional Council meeting based on local knowledge of uses
19 of brown bear in this area?

20
21 MR. MORGAN: Yes.

22
23 CHAIRMAN DEMIENTIEFF: And do you feel it's inclusive
24 of everybody who should be included in this determination?

25
26 MR. MORGAN: Yes. I feel it's -- I feel comfortable
27 with it because we had one of our representatives, our Council
28 member is from around the McGrath area, and he lived with this
29 and he thought it was okay with him.

30
31 CHAIRMAN DEMIENTIEFF: Harry, did you have a comment?

32
33 MR. WILDE: Mr. Chairman, Yukon Kuskokwim Regional
34 Council supports with the modification to Unit 19 residents and
35 Unit 18 residents within the Kuskokwim River drainage, upstream
36 from and include the Johnson River for brown bear in Unit 19(A)
37 and 19(B).

38
39 CHAIRMAN DEMIENTIEFF: And again, this is based on your
40 Regional Council's knowledge of the hunting patterns within
41 this area?

42
43 MR. WILDE: Yes, sir, Mr. Chairman.

44
45 CHAIRMAN DEMIENTIEFF: Any other Regional Council
46 comment? Board discussion.

47
48 This -- for me anyway, this particular proposal, you
49 know, appears to be a finished product. And why I was asking
50 the questions of the two Regional Council representatives is if

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1 this is based on their Regional Council's. We have heard Staff
2 say we're not going to get anymore bear studies in the
3 foreseeable future in this particular area, pending that, you
4 know, the fact that your two Regional Council's in this
5 particular proposal are charged with the responsibility of
6 providing us the local data that we do not have in light of the
7 lack of biological data, which is not on the horizon. And
8 that's basically why I asked that question, I wanted to build
9 that record that, in fact, this is the best advice or the best
10 advice that we're going to get on this particular issue. And
11 it appears to be a complete proposal, and for those reasons I
12 intend to support this particular proposal.

13

14 Further Board discussion. Final Regional Council
15 comment.

16

17 MR. MORGAN: Yes, Mr. Chair, I'd like to reiterate it
18 was the best available data and stuff at the time we made the
19 determination. Thank you.

20

21 CHAIRMAN DEMIENTIEFF: Thank you. Any other Regional
22 Council comment? We'll advance to decision time, Board action.
23 Is there a motion?

24

25 MR. T. ALLEN: Mr. Chairman.

26

27 CHAIRMAN DEMIENTIEFF: Yes.

28

29 MR. T. ALLEN: I'm prepared to make a motion. I
30 appreciate the State's comments, clearly they're intended to --
31 very positively based and intend to want to include folks who
32 may not be included in this and I appreciate that. I move that
33 we adopt the recommendations of the Western Interior Regional
34 Council and the Yukon Kuskokwim Regional Council, and support
35 the proposal with modification to read Unit 19 residents and
36 Unit 18 residents within the Kuskokwim River drainage, upstream
37 from and including the Johnson River for brown bear in Unit
38 19(A) and Unit 19(B).

39

40 CHAIRMAN DEMIENTIEFF: There's a motion, is there a
41 second.

42

43 MR. POSPAHALA: I second.

44

45 CHAIRMAN DEMIENTIEFF: Discussion on the motion.
46 Hearing none, all those in favor of the motion please signify
47 by saying aye.

48

49 IN UNISON: Aye.

50

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1 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

2

3 (No opposing votes)

4

5 CHAIRMAN DEMIENTIEFF: Motion carries. Proposals 69
6 and 70.

7

8 MR. SHERROD: Thank you, Mr. Chair. Proposals 69 and
9 70 deal with black bear in Unit 21. 69 deals with all of Unit
10 21 and 70 deals with subunits 21(A) and 21(E). As mentioned in
11 my introductory statement, we have roughly six Alaska Native
12 groups that utilize portions of area 21. Their black bear
13 harvest data is not required in Unit 21, so in the lacking of
14 having specific harvest data, the analysis was conducted by
15 looking at existing c&t's and documentation of other harvest
16 activities in the area.

17

18 Again, at the graphic sources and Division of
19 Subsistence publications led to the conclusion that in many
20 cases black bear was harvested while undertaking the harvest of
21 caribou and moose and other resources. So the analysis
22 eventually led to the conclusion that mirroring the existing
23 determinations for those species of granting black
24 determination that mirrored those species would provide for the
25 opportunity for the harvest of multiple resources leading to
26 the economy of effort and diversity of take.

27

28 MR. MATHEWS: Mr. Chairman, there was no public
29 comments on Proposal 69 and 70.

30

31 CHAIRMAN DEMIENTIEFF: Okay. Staff Committee.

32

33 MS. HILDEBRAND: The Staff Committee voted to support
34 Proposal 69 and opposed Proposal 70 as modified and recommended
35 by the Eastern Interior Regional Council.

36

37 CHAIRMAN DEMIENTIEFF: Department comments.

38

39 MS. ANDREWS: Thank you, Mr. Chairman. The Department,
40 again, we recommended deferring action because of the same
41 reasons we discussed earlier. I see that this is one of the
42 proposals that if the Board adopted the Western Interior
43 Council recommendation which was to oppose it then it leaves it
44 with all rural residents. And we'd prefer seeing that at this
45 point than excluding some communities that there is information
46 for that use this area. There's mapped information that we --
47 that we provided for the community of Aniak that shows that
48 they use a portion of Unit 21 and they're not included in this
49 list. So while our recommendation is to defer action, we
50 certainly wouldn't have a problem with going with the Western

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1 Interior Council recommendation to oppose it.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. We have no request
4 for public testimony at this time. Regional Council comments.

5

6 MR. MORGAN: Yes, Mr. Chairman, Western Interior
7 opposed these because we didn't see no biological reason to
8 restrict subsistence users.

9

10 CHAIRMAN DEMIENTIEFF: Thank, you. Craig.

11

12 MR. FLEENER: Eastern Interior voted to support
13 Proposal 69 with the modification that Tanana be included in
14 this, however, I think the discussions again were based on what
15 people believe the intent of c&t is. And I think that even the
16 no determination would meet the needs but still wouldn't give
17 people the recognition that they think they're getting with
18 c&t. However, our discussions at our meeting to include Tanana
19 were based on personal knowledge of one of our Regional Council
20 members and so based on our discussions, we voted to support it
21 with that modification to include Tanana based on traditional
22 practices of the people of Tanana.

23

24 Thank you.

25

26 CHAIRMAN DEMIENTIEFF: Go ahead, Willie.

27

28 MR. GOODWIN: Mr. Chairman, our Regional Advisory
29 Council supported Proposal 69 based on incidental take from
30 residents of Unit 23 and to 21. The reasoning behind it -- but
31 we didn't take any action on 70.

32

33 CHAIRMAN DEMIENTIEFF: Thank you.

34

35 MR. GOODWIN: We felt it wasn't right for us to make an
36 action that's outside of our region.

37

38 CHAIRMAN DEMIENTIEFF: Thank you.

39

40 MR. WILDE: Mr. Chairman.

41

42 CHAIRMAN DEMIENTIEFF: Yes.

43

44 MR. WILDE: Yukon Kuskokwim Delta Regional Council
45 recommend deferred action on both proposals.

46

47 CHAIRMAN DEMIENTIEFF: Is there any further Regional
48 Council comment at this time? If not, we'll move on to Board
49 discussion.

50

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1 Without trying to compare apples to oranges in this
2 particular case, in the proposals that we have adopted, if you
3 note through them with regard to this where we have especially
4 multi-Regional Council affected, we've adopted the ones where
5 all the Regional Council's concur. In this case we don't have.
6 But the other question I guess I would have for Staff right
7 here is, are we likely in the future here to get determinations
8 -- or more bear studies in this area, black bear in particular,
9 is that.....

10

11 MR. SHERROD: Mr. Chairman, I don't foresee it unless
12 -- I mean someone else might know something that I don't, but
13 there's currently no reporting requirements. I don't know of
14 any foreseeable studies in the near future.

15

16 CHAIRMAN DEMIENTIEFF: I guess what my inclination is
17 again using the best resources we have for these kind of
18 determinations, if I weren't the Chairman and I was going to
19 make a motion, I would move to modify the proposal to include
20 the recommendation made by Eastern, to include the
21 recommendation made by the Northwest, and then I would adopt
22 the YK recommendation to defer so that we've built the record
23 that we have uses by these other areas and as opposed to
24 straight out voting down the proposal. We may put this on the
25 deferral list pending the outcome of our c&t working group.

26

27 But at least we would have accomplished what the
28 concerns were raised by Eastern Interior and the Northwest, and
29 that is that they know -- those Councils know of uses in Unit
30 21 by Unit 23 in the case of Northwest and by Unit 20 -- what?

31

32 MR. FLEENER: Residents in Unit 21, I believe it is.

33

34 CHAIRMAN DEMIENTIEFF: Yeah, 21.

35

36 MR. FLEENER: 21.

37

38 CHAIRMAN DEMIENTIEFF: Yeah.

39

40 MR. POSPAHALA: Mr. Chair, I think that the material
41 that had been considered by the Regional Council's in each case
42 is included as a matter of record in the transcripts of their
43 deliberations and the material that's provided to the Board
44 here.....

45

46 CHAIRMAN DEMIENTIEFF: Uh-huh.

47

48 MR. POSPAHALA:that with a simple action of
49 deferring all of that administrative materials is automatically
50 available to your c&t task force to use in their deliberations

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1 in making a recommendation at a later time. The question being
2 then whether or not a motion to defer will provide you still
3 with the opportunity to move ahead as you wish.

4

5 CHAIRMAN DEMIENTIEFF: Well, by deferring we are going
6 to bring this proposal back. I mean that's what I want to make
7 sure, I don't want this to go away. I want this -- they've
8 taken the time to build this record but then I note in the
9 Staff Committee recommendation, that they are basically
10 supporting Eastern Interior's recommendation on both proposals.
11 That does not include, at least, in the way I read it, the
12 Northwest Regional Council's recommendation. Is that correct
13 Staff Committee?

14

15 MS. HILDEBRAND: It's correct, in that, it doesn't use
16 that specific language. But it leaves the regulation as is
17 with no determination for those areas. So it achieves the same
18 purpose that Northwest wanted.

19

20 CHAIRMAN DEMIENTIEFF: If we were to defer it would?

21

22 MS. HILDEBRAND: Right.

23

24 CHAIRMAN DEMIENTIEFF: But in.....

25

26 MS. HILDEBRAND: But if you adopted the Staff Committee
27 recommendation, it would remain for Northwest concern, it would
28 be the no determination so they would have c&t, they would have
29 access.

30

31 CHAIRMAN DEMIENTIEFF: I don't know if I'm following
32 all that.

33

34 MS. HILDEBRAND: For clarification it's back to the
35 discussion of where there's no determination, all rural
36 residents qualify and therefore the Northwest area units would
37 qualify.

38

39 CHAIRMAN DEMIENTIEFF: Right. And Mr. Goodwin, your
40 Council's recommendation is based again on incidental use while
41 you're traveling within Game Management Unit 21?

42

43 MR. GOODWIN: Or when we're hunting other animals,
44 yeah.

45

46 CHAIRMAN DEMIENTIEFF: Yeah, in 21.

47

48 MR. GOODWIN: Like caribou or.....

49

50 CHAIRMAN DEMIENTIEFF: Correct, okay.

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1 MR. GOODWIN: There's not a lot of issue of our people
2 going into Unit 21 to hunt, but there are some instances where
3 the people in Buckland do go over and hunt and that's why we
4 support a proposal to cover the incidental take while hunting
5 other species.

6
7 CHAIRMAN DEMIENTIEFF: So if we were to defer, it would
8 go back also, Staff Committee would have another look at this,
9 and in particular, if we do pass the motion to defer, you know,
10 I would want to make sure that Staff Committee takes a look at
11 the Northwest Regional Council's request. Because I know,
12 myself, I'm familiar with residents of Northwest traveling into
13 21. I mean I raised some kids from up that way and you know, I
14 know the stories and I'm sure being opportunistic if you bump
15 into something you're going to harvest, you know. But I would
16 charge that the Staff Committee, should we defer, to take a
17 look at that particular issue and see if we can't
18 accommodate.....

19
20 MR. GOODWIN: Mr. Chairman, it's kind of hard to see
21 the boundaries when you're hunting.

22
23 CHAIRMAN DEMIENTIEFF: You mean you guys haven't marked
24 those yet.

25
26 MR. GOODWIN: But this is a way to cover us here.

27
28 CHAIRMAN DEMIENTIEFF: Okay. Is there any other
29 Regional Council comment?

30
31 MR. WILDE: Mr. Chairman.

32
33 CHAIRMAN DEMIENTIEFF: Yes.

34
35 MR. WILDE: I think Proposal 69 especially black bear,
36 Unit 21 was deferred by Yukon Kuskokwim Regional Council
37 requesting changing a revised c&t to include residents of 21
38 and 23, and residents of Tanana, Russian Mission other who have
39 traditional hunting in Unit 21. For that reason they deferred.

40
41 CHAIRMAN DEMIENTIEFF: Well, in any event, it sounds
42 like when -- go ahead, Craig, I'm sorry.

43
44 MR. FLEENER: Thank you, Mr. Chair. Craig Fleener,
45 Eastern Interior. I think this proposal does meet the needs of
46 Northwest Regional Council. What it says here in the notes is
47 support the proposal to include Unit 23. If we look up top at
48 the proposed regulation, it says residents of Unit 21 and 23
49 and so on and so forth. So I believe the proposal in the
50 shaded area would meet their needs. They're asking for Unit 23

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1 residents to be included, I think under the proposed regulation
2 in the shaded area they would be included.

3
4 CHAIRMAN DEMIENTIEFF: Yeah, I would agree with that, a
5 good thing you looked at that. I would agree with your
6 analysis with regard to your issues. But then we're also
7 hearing from Yukon Kuskokwim Delta that we may not quite be
8 there yet. That it does need a little work down there.
9 Certainly Western needs to be brought in. I think I agree with
10 you that we satisfied the concerns of Northwest as well as
11 Eastern, and maybe with a little bit more work by YK and
12 Western, you know, we'd be ready for this thing. I mean this
13 has got to be -- I mean how many proposals do we get where we
14 have four directly effected Regional Council's, this isn't --
15 we're halfway there it would appear. Craig.

16
17 MR. FLEENER: Thank you, Mr. Chair. I just wanted to
18 make a closing comment on these two proposals. This goes to
19 show you how confusing the c&t process is. Here we have four
20 Regional Council's that are affected and all four have a
21 different outcome. One is to oppose, one is to defer, one is
22 to support and one is to amend. So that's part of the problem
23 that a lot of us see with the c&t process and I just wanted to
24 point that out as you already know.

25
26 CHAIRMAN DEMIENTIEFF: Okay. Is there anymore Regional
27 Council comment?

28
29 MR. WILDE: Mr. Chairman, also on that Proposal 70,
30 species of black bear, Unit 21(E), request a change revise c&t
31 determination include Akiak and Akiachak, recommendation by
32 Yukon Kuskokwim Advisory Council to defer for action.

33
34 CHAIRMAN DEMIENTIEFF: Okay. Any other Regional
35 Council comment? Given that, I think we're ready for a Board
36 action and we'll move it on for Board action.

37
38 MR. POSPAHALA: Mr. Chair, in view of the fact that
39 deferral of this proposal will not result in any restriction of
40 subsistence uses I move that the Board defer final action on
41 this proposal pending the outcome of the review of your
42 interagency and Regional Council committee.

43
44 CHAIRMAN DEMIENTIEFF: Maybe before we get a second --
45 well, is there a second to the motion?

46
47 MR. T. ALLEN: Second.

48
49 CHAIRMAN DEMIENTIEFF: And then while I agree with the
50 motion to defer, and I don't know if all the language that you

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1 put in there is part of that motion or not. But I was looking
2 for -- I would support a straight motion to defer, not
3 necessarily for the same reasons. Because given the fact that
4 we don't know how long that c&t review is going to take. But
5 if, in the event that we were able to get the last few bugs
6 worked out between Western and Yukon next year, I would be
7 willing to adopt it then whether or not we had our c&t review
8 done.

9

10 MR. POSPAHALA: I'll agree to amend it to that
11 form.....

12

13 CHAIRMAN DEMIENTIEFF: Just withdraw the motion?

14

15 MR. POSPAHALA: I'll withdraw it.

16

17 CHAIRMAN DEMIENTIEFF: Is there a second -- does the
18 second agree?

19

20 MR. T. ALLEN: Yeah.

21

22 CHAIRMAN DEMIENTIEFF: Okay, it's a straight motion --
23 is there a motion?

24

25 MR. POSPAHALA: I'll then move to defer final action on
26 this proposal.

27

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

30

31 MR. T. ALLEN: Second.

32

33 CHAIRMAN DEMIENTIEFF: Thank you. Discussion.

34

35 UNIDENTIFIED VOICE: Question.

36

37 CHAIRMAN DEMIENTIEFF: Question's been called for. All
38 those in favor signify by saying aye.

39

40 IN UNISON: Aye.

41

42 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

43

44 (No opposing votes)

45

46 CHAIRMAN DEMIENTIEFF: Motion carries. We're going
47 now. Proposal 71.

48

49 MR. SHERROD: Thank you, Mr. Chair. Proposal 71 was
50 submitted by Akiak and Akiachak IRA. It requests making a

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1 positive c&t determination for brown bear in Unit 21(A) and
2 21(E). As stated before, in the document there is some ample
3 evidence to document the use of brown bear by Akiak and
4 Akiachak. It should be noted that in the maps collected by
5 Thuma, that there was some indication that communities,
6 Akiachak, actually used small portions of 21(E) and portions of
7 21(A). However, based on the lack of data that demonstrated a
8 systematic use of the area for the taking of brown bear, the
9 analysis was led to the conclusion that because Unit 21(A) and
10 (E) are a considerable distance from both Akiak and Akiachak
11 and that there are brown bear in more proximal areas in Unit 18
12 and at this time this proposal should be rejected and that the
13 existing c&t stands.

14

15 MR. MATHEWS: And Mr. Chairman, there was no public
16 comments on Proposal 71.

17

18 CHAIRMAN DEMIENTIEFF: Staff Committee.

19

20 MS. HILDEBRAND: The Staff Committee opposes Proposal
21 71 at the recommendation of the Western Interior Regional
22 Council.

23

24 CHAIRMAN DEMIENTIEFF: Department comments.

25

26 MS. ANDREWS: Mr. Chairman, the Department recommends
27 deferring action on this one also consistent with the Yukon
28 Kuskokwim Council recommendation.

29

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

32

33 MR. MORGAN: Yes, Mr. Chairman, the Western Interior
34 opposed this based on public testimony, Staff analysis and
35 other information provided at the meeting. And I'd also like
36 to comment that there was a representative from the YK Council
37 there and he made this comments to the Board.

38

39 CHAIRMAN DEMIENTIEFF: Other Regional Council comment.

40

41 MR. WILDE: Mr. Chairman, the Yukon Kuskokwim Delta
42 Regional Council recommend defer action on Proposal 71.

43

44 CHAIRMAN DEMIENTIEFF: Other Regional Council comment.

45

46 MR. GOODWIN: Mr. Chairman.

47

48 CHAIRMAN DEMIENTIEFF: Yes.

49

50 MR. GOODWIN: Northwest didn't take any action because

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1 we felt it wasn't our place to pass the proposal that are
2 affecting other regions, this far away from ours.

3

4 CHAIRMAN DEMIENTIEFF: Okay. Further Regional Council
5 comment. Board discussion. Mr. Wilde, in discussing this
6 proposal were members of your Regional Council able to document
7 any patterns of use by residents of Akiak and Akiachak in these
8 units?

9

10 MR. WILDE: Mr. Chairman, request change recommendation
11 on Proposal 70 revise c&t determination to include Akiak and
12 Akiachak, the recommendation was defer action.

13

14 CHAIRMAN DEMIENTIEFF: Board discussion. Final
15 Regional Council comment. I guess we're ready for a motion for
16 Board action.

17

18 MR. T. ALLEN: Mr. Chairman.

19

20 CHAIRMAN DEMIENTIEFF: Yes.

21

22 MR. T. ALLEN: I move we defer action on this proposal.

23

24 CHAIRMAN DEMIENTIEFF: There is a motion to defer, is
25 there a second.

26

27 MR. CAPLAN: Second.

28

29 CHAIRMAN DEMIENTIEFF: Moved and seconded. Discussion
30 on the motion.

31

32 MR. POSPAHALA: Exactly what benefit are we going to
33 derive from that? Are we going to provide direction to pursue
34 further information about use patterns?

35

36 MR. T. ALLEN: That's the impression I had.

37

38 CHAIRMAN DEMIENTIEFF: I'm sorry, what now?

39

40 MR. POSPAHALA: Well, exactly what's going to be the
41 benefit of deferring action on this?

42

43 CHAIRMAN DEMIENTIEFF: That's what I was trying to
44 wonder here.

45

46 MR. POSPAHALA: Oh, okay.

47

48 CHAIRMAN DEMIENTIEFF: I mean for myself, I was looking
49 at it and I'm wondering, why would we defer?

50

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1 MR. POSPAHALA: If further information becomes
2 available at a later date, there can be a resubmission of a
3 proposal or a request for a determination at that time. I
4 guess I would tend to favor opposition to the proposal rather
5 than deferring at this point in time.

6
7 CHAIRMAN DEMIENTIEFF: Yeah, I don't know where we're
8 going with the motion to defer.

9
10 MR. T. ALLEN: Mr. Chairman.

11
12 CHAIRMAN DEMIENTIEFF: Yeah.

13
14 MR. T. ALLEN: I'd be happy to withdraw the motion in
15 deference to my compatriots who waited to so long to make their
16 point.

17
18 MR. CAPLAN: I'll withdraw my second.

19
20 CHAIRMAN DEMIENTIEFF: Okay, motion's been withdrawn.
21 Yeah, I was struggling, I'm sorry I was busy trying to
22 understand. It appeared to me, you know, with regard to our
23 last proposal, which has no -- but we were close, close enough
24 with a little bit more work that we could get a finished
25 product and I don't know where we'd be going with this
26 determination at this time. I mean that's -- as opposed to
27 accepting the Staff Committee recommendation and the Western
28 Interior Regional Council's at this time.

29
30 MR. POSPAHALA: I'll move that the proposal then be
31 rejected.

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

35
36 MR. T. ALLEN: Second.

37
38 CHAIRMAN DEMIENTIEFF: Discussion. Hearing none, all
39 those in favor 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 carried. 72, 73 and 74.

48
49 MR. SHERROD: Thank you, Mr. Chair. 72, 73 and 74 all
50 deal with caribou in Unit 21. It's another one of these cases

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1 where we have basically limited data on the use of caribou.
2 And within the statistic data base that ADF&G maintains, we
3 have only three year caribou reported being harvested in all of
4 Unit 21, and that was in 21(A) in 1983 by residents of McGrath.

5
6 As stated earlier, 21 area is used by multiple
7 different residents. Looking at the communities and
8 populations within the surrounding units and the unit itself,
9 we come up with approximately 20,000 potential users in the
10 area. It's true that the ethnographic information would
11 include that all these communities are decedents of people or
12 people who, themselves have used caribou in the past. There is
13 evidence of use even though it's not reported or reflected in
14 the harvest data. We do have evidence of people harvesting,
15 receiving and giving information documented in the Department
16 of Subsistence, Department of Fish and Game.

17
18 The analysis leads to the conclusion that basically
19 Unit 21 be divided into separate subunits with the
20 recommendation for 21(A) be -- the residents of 21(A) and
21 21(B), residents of Aniak, Chuathbaluk, Crooked Creek, Huslia,
22 McGrath and Takotna. 21(B) and (C) be residents of 21(B), (C)
23 and (D) and residents of Tanana. The same as 21(B), it's
24 residents of 21 (D), (B) and (C) and residents of Huslia. And
25 21(E) is residents of Unit 21(E), 21(A) and residents of Aniak,
26 Chuathbaluk, Crooked Creek, McGrath and Takotna. And again the
27 analysis looked at uses of other resources and we've asked
28 people information specific to caribou determining the areas
29 where other resources have been harvested relying on, I
30 suppose, a belief that the eight factors, one of them having to
31 do with reasonable accessibility -- if it's reasonably
32 accessible to take moose, so there then it's probably
33 reasonably accessible to take caribou.

34
35 Again, although not a perfect analysis, it's probably
36 better than where we're at now.

37
38 MR. MATHEWS: Mr. Chairman, there was no public written
39 comments on Proposal 72, 73 and 74.

40
41 MR. SHERROD: Mr. Chair, one final note, after this
42 analysis was done, after we went out to the Regional Council,
43 information was provided from the Department of Fish and Game,
44 Red Devil should be listed in 21(A) and Russian Mission should
45 probably be listed in 21(E). It was the suggestion of Staff
46 that believed this would be best left for a proposal next year
47 so it could go before the Regional Council so there would be
48 recommendations.

49
50 CHAIRMAN DEMIENTIEFF: Staff Committee.

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1 MS. HILDEBRAND: The Staff Committee supported Proposal
2 72 with the modification recommended by Western Interior
3 Council and the Staff recommendation as modified by the Western
4 Interior Council. And also to reject Proposal 73 and 74 but
5 incorporating their intent into the results in Proposal 72.

6
7 CHAIRMAN DEMIENTIEFF: Department comments.

8
9 MS. ANDREWS: Thank you, Mr. Chairman. I'm trying to
10 work my way through this now, too. And we had problems with 72
11 as it was written. And also the Staff Committee, at least the
12 Staff conclusion to modify it with -- including some of the
13 rest such as Huslia having c&t use in 21(A), we supported the
14 idea in Proposal 74 to include Anvik and that looks like that
15 might be accommodated here. With 73 we recommend deferring it,
16 and the question I have looking at this again is -- I'm trying
17 to follow what, in fact, is being proposed. I can see that
18 with the Western Interior recommendation. What I don't know is
19 whether as proposed in 73, if use by residents of Unit 23 and
20 24 is then excluded or included? I see that the modification
21 was to delete the portion west of the Koyukuk and the Yukon and
22 that the recommendation is to, I guess, oppose 73, somehow
23 that's worked into this other one. I guess what I'm asking is
24 whether or not residents of Unit 23 are included anywhere in
25 what the proposal is? I don't see that right now, that is one
26 of our concerns. We think that they should be but I'm not
27 quite sure where that would be accommodated.

28
29 And so that's again why we're recommending deferring
30 until some of this gets sorted out a little better. Thank you,
31 Mr. Chairman.

32
33 MS. HILDEBRAND: Mr. Chairman.

34
35 CHAIRMAN DEMIENTIEFF: Yes.

36
37 MS. HILDEBRAND: I'd like to make a correction. In one
38 of the modifications by Western Interior was to exclude Huslia
39 from 21(A).

40
41 MS. ANDREWS: That might answer the Huslia question but
42 we still have concerns that maybe 23 -- that we know uses
43 Western Arctic caribou, whether or not they're included or
44 excluded by what's being proposed here?

45
46 MS. HILDEBRAND: The answer to that is the
47 recommendation that the residents of 23 and 24 are recognized
48 as having customary and traditional use of the Western Arctic
49 caribou herd, however, there is no indication that the hunters
50 from those units travel into Unit 21 to take resources.

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1 MR. MATHEWS: Mr. Chairman.

2
3 CHAIRMAN DEMIENTIEFF: Yes.

4
5 MR. MATHEWS: Western Interior did not exclude Huslia
6 in their recommendation, they included Huslia in their
7 recommendation. It was the Staff Committee that remove Huslia
8 from their recommendation.

9
10 CHAIRMAN DEMIENTIEFF: Thank you. There's no request
11 for -- did you get it all cleared up Elizabeth? About as clear
12 as everybody else.

13
14 MS. ANDREWS: Not quite. I mean I heard evidence a
15 little earlier about, you know, hunting black bear in Unit 21
16 by residents of 23 so I'm still a bit confused about the
17 caribou hunting. And I'm sure Mr. Goodwin might clear that up.
18 But it's just a question I'm asking because.....

19
20 CHAIRMAN DEMIENTIEFF: Right.

21
22 MS. ANDREWS:whether or not that was intentional
23 or not?

24
25 CHAIRMAN DEMIENTIEFF: Well, maybe we'll hear the
26 Regional Council comments with regard to this. And if you're
27 still not clear we'll welcome you back into -- give you another
28 shot at this. There's no request for public testimony on this
29 issue at this time and we shall advance the matter to Regional
30 Council comments. Willie.

31
32 MR. GOODWIN: Mr. Chairman, to answer Elizabeth's
33 question. The caribou hunting in Unit 23 is pretty exclusive
34 in 23. However, as history has shown that when the caribou
35 crashed, we didn't hunt south we went north to hunt, out of 23,
36 further north. And I can't remember if any of the hunters went
37 into 21 when there was a crash. They were generally heading
38 hunting further north. And another thing, that's a pretty big
39 herd and we don't mind sharing it right now but when there's a
40 crash we will reconsider.

41
42 CHAIRMAN DEMIENTIEFF: Further Regional Council
43 comment.

44
45 MR. MORGAN: Yes, Mr. Chair, the Western Interior
46 supported the proposals.

47
48 CHAIRMAN DEMIENTIEFF: With modification to include
49 Huslia or not? That's the one we just -- you said to include,
50 right?

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1 MS. HILDEBRAND: I misread.

2

3 CHAIRMAN DEMIENTIEFF: Okay, there's like a typo there
4 or something?

5

6 MR. BOYD: No, to include.

7

8 MS. HILDEBRAND: I misread.

9

10 MR. BOYD: That's the Staff Committee.....

11

12 CHAIRMAN DEMIENTIEFF: No, she said she misread it.

13

14 MR. BOYD: With regard to the Western Interior's
15 recommendation she misread it.

16

17 CHAIRMAN DEMIENTIEFF: Oh.

18

19 MR. BOYD: With regard to the Staff Committee she did
20 not.

21

22 CHAIRMAN DEMIENTIEFF: Further Regional Council
23 comment.

24

25 MR. WILDE: Mr. Chairman, Yukon Kuskokwim Delta
26 Regional Council deferred action for the reason request change
27 to revise customary and traditional determination to include
28 Akiachak, Akiak. The recommendation was to defer that.

29

30 CHAIRMAN DEMIENTIEFF: Further Regional Council
31 discussion. Board discussion. This may be one of those, at
32 least, in my perspective is going to need another years
33 seasoning. Since -- what's the current regulation? We don't
34 have a determination?

35

36 MR. BOYD: Yeah, we do.

37

38 CHAIRMAN DEMIENTIEFF: Do we have a determination?

39

40 MR. BOYD: Yes, turn to Page 142 and you'll see the
41 existing regulations.

42

43 CHAIRMAN DEMIENTIEFF: Okay.

44

45 MR. POSPAHALA: Mr. Chair.

46

47 CHAIRMAN DEMIENTIEFF: Yes.

48

49 MR. POSPAHALA: Could I just perhaps inquire of the
50 Staff whether or not the issue of including Huslia in the

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1 proposed determination for 21(A) was discussed with the
2 Regional Council?

3

4 MR. MATHEWS: Yes,, I can provide that and then the
5 Chair can add more to it. Basically the Regional Council, when
6 they met, took the Staff recommendation and supported that, the
7 modification thereof, and that's on Page 170 of your book.
8 After the conclusion of the Staff Committee meeting, I
9 consulted with the Chair on the removal of Huslia from the
10 proposal recommendation and he requested that I contact the two
11 Council members that are effected in the area, Benedict Jones
12 in Koyukuk and William Derentiff of Huslia. And I contacted
13 both of them and both agreed that residents of Huslia, to their
14 knowledge in the current time period, do not hunt in Unit
15 21(A). And I shared that with the Chair and he may have some
16 other comments.

17

18 CHAIRMAN DEMIENTIEFF: Without -- the Western Interior
19 modifications are to include c&t determinations for these
20 people who currently don't have them adding to the regulations;
21 is that correct?

22

23 MR. BOYD: Yes.

24

25 MR. POSPAHALA: I think in general what we're looking
26 at here is one of these transitions we get into when we have,
27 in some instances, in the older regulations, c&t determinations
28 that were reached by looking at use patterns of particular
29 herds or populations of caribou especially. And now we're
30 making a transition back across to geographic or area specific
31 determinations that in some cases attend more than one herd or
32 one population. And every once in a while it causes a bit of a
33 problem, in that, you know, when you try to make that switch.

34

35 CHAIRMAN DEMIENTIEFF: I see.

36

37 MR. POSPAHALA: So if Huslia is the only problem with
38 this one and if, in fact, it's not a major issue for the
39 Western Interior Council relative to Unit 21(A), it might be a
40 simple matter to go ahead and deal with this one and get on
41 with it. I guess that's what I'm trying to find out.

42

43 CHAIRMAN DEMIENTIEFF: Yeah, that's basically what I'm
44 trying to get at here, too, to find out exactly what we need to
45 do and at least get it down to just a few issues that we need
46 more work on. Obviously, if there needs to be more work on
47 documenting Akiak and Akiachak's use, then if we can move the
48 other issues out, I mean it's just Western Regional's
49 recommendations and I'm just trying to figure out if these are
50 all? Maybe Ida can help me with this or George?

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1 MS. HILDEBRAND: I think what Mr. Wilde was referring
2 to on deferral with Yukon Kuskokwim, was they are definitely
3 doing Akiak/Akiachak studies and that's being deferred,
4 probably all of their c&t. And Mr. Goodwin from Northwest
5 Arctic stated that he believes his people in the Northwest,
6 Unit 23, tended to hunt out of 23, going north as opposed to 21
7 going south. Therefore -- and the Western Interior Council has
8 subsequently agreed that Huslia does not go into 21(A), then I
9 think the Staff recommendation is in agreement with all the
10 Councils -- or is meeting the intent of all the Councils at
11 this time.

12
13 CHAIRMAN DEMIENTIEFF: George you have.....

14
15 MR. SHERROD: Mr. Chair, I was just going to say that I
16 had in my analysis included Huslia and that was based in large
17 part on past c&t's and sort of consideration and lack of real
18 data of distances that people potentially would travel for to
19 harvest caribou. I think that that was an erroneous conclusion
20 in the of Huslia and as I said, the Regional Council's went
21 with some modification to apply Staff conclusion. And Ida had
22 pointed that the information brought up in the Staff Committee
23 supported the idea that Huslia, at least, at this point in time
24 should not be included in this determination.

25
26 CHAIRMAN DEMIENTIEFF: And yet the rest of Western
27 Interior Regional's recommendations are people who have been
28 omitted and should be included, okay, with the modification
29 that we not include -- and then we'll revisit the rest of the
30 determination when we get some studies done. We're only at
31 Board discussion -- okay, we have gone through -- I guess in
32 terms of Board discussion then, it would occur to me that
33 adopting Staff Committee recommendation with the modification
34 to exclude Huslia out of 21(A) would make the bulk of the
35 determinations that are necessary. While we have a study being
36 done in Akiak and Akiachak to determine, we can take that case
37 up but we'll have the bulk of this work done.

38
39 And I think with that finally understanding, at least,
40 I'd be inclined to just vote for the Staff Committee
41 recommendation.

42
43 MR. POSPAHALA: Mr. Chair, I'll move that accept the
44 Staff Committee recommendation.

45
46 CHAIRMAN DEMIENTIEFF: We got one more round of
47 Regional Council comments.

48
49 MR. GOODWIN: Mr. Chairman, the comments I made with
50 respect to hunting north, that activity happened when there was

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1 a crash in the herd.

2

3 CHAIRMAN DEMIENTIEFF: Right.

4

5 MR. GOODWIN: Now, with the population today, we don't
6 have to go very far, so we stay exclusively within 23 at this
7 time. There's no reason for us to go into 21 to hunt or 24
8 when the caribou are just going through our backyard right now.
9 And we stock up in the spring time and fall time and when
10 they're going south we stock up again.

11

12 CHAIRMAN DEMIENTIEFF: Uh-huh.

13

14 MR. GOODWIN: And when they're coming back in the
15 spring time, after they go so far south there, man they're
16 pretty wild, it's spooky.

17

18 MR. MORGAN: Mr. Chairman, we did take up the issue of
19 Unit 23. And we directed Staff to work with Northwest for more
20 information and I think we named some villages that should be
21 in this study, and we just didn't leave them out, we directed
22 Staff to work with Northwest.

23

24 CHAIRMAN DEMIENTIEFF: Yeah.

25

26 MR. GOODWIN: Mr. Chairman, I do know that residents of
27 Huslia and Hughes, I believe, they go into 23 when they go to
28 the hot springs and take caribou.

29

30 CHAIRMAN DEMIENTIEFF: Right.

31

32 MR. GOODWIN: And Galena sometimes.

33

34 CHAIRMAN DEMIENTIEFF: Galena, too. And that's in
35 here, that's one of the corrections that's in here.

36

37 MR. BOYD: It's not even considered in this one.

38

39 CHAIRMAN DEMIENTIEFF: Oh, it's not even in this one.

40

41 MR. BOYD: It's in a different regulation.

42

43 CHAIRMAN DEMIENTIEFF: Okay. Any other Regional
44 Council comments. Now, we're ready for a motion.

45

46 MR. POSPAHALA: Can I put my motion back on the table?

47

48 CHAIRMAN DEMIENTIEFF: Go ahead.

49

50 MR. POSPAHALA: I move that we support the Staff

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1 Committee recommendation or accept it.

2

3 CHAIRMAN DEMIENTIEFF: There's a motion, is there a
4 second?

5

6 MR. CAPLAN: Second.

7

8 CHAIRMAN DEMIENTIEFF: Discussion. Yeah, under
9 discussion, I agree there may be a few little other things that
10 we're going to need to consider. Western Regional may want to
11 consider in consulting. We certainly have more work to do on
12 the Yukon Kuskokwim Delta. But this again, at least, through
13 my observation, you know, gets the bulk of the corrections that
14 needs to be done so that when we do consider these other things
15 in the future, you know, that we will have -- at least we'll
16 have these corrections done. These are obviously ones that
17 need to be done and they'll be on the books and we can add to
18 or whatever as we need to. But we won't have this big bulk of
19 things to consider, which is, I think, makes it a little
20 difficult for us to consider as we're going through here.

21

22 Okay, further discussion. Hearing none, all those in
23 favor signify by saying aye.

24

25 IN UNISON: Aye.

26

27 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

28

29 (No opposing votes)

30

31 CHAIRMAN DEMIENTIEFF: Motion carries. That completes
32 our work in Western Interior.

33

34 MS. HILDEBRAND: 81.

35

36 CHAIRMAN DEMIENTIEFF: Oh, 81, that almost completes
37 our work. Okay, Proposal 81, Staff introduction.

38

39 MR. DeMATTEO: Mr. Chair, Proposal 81 was submitted by
40 the Western Interior Regional Council. This proposal would
41 change the current Federal trapping season for beaver in Unit
42 24 from the existing Federal November 1 through April 15th
43 season to that of the State November through June 10 season.

44

45 The existing Federal beaver trapping regulations for
46 Unit 24 are more restrictive than that of the State regulations
47 which provide an additional 56 days of opportunity. The
48 proposed season would extend the Federal season from April 16th
49 through June the 10th. No additional harvest is anticipated
50 because rural users who trap beaver in Unit 24 currently do so

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1 under the State regulations. The beaver population for Unit 24
2 are abundant throughout the unit. This is derived through a
3 combination of beaver calf surveys conducted by the Department
4 of Fish and Game in conjunction with Federal land managers and
5 also through intensive questionnaires and harvest reports
6 collected by the Department of Fish and Game. Harvest levels
7 are relatively low, currently at this time, compared to what
8 they were 10 years ago, when the fur prices were considerably
9 much higher.

10

11 Thank you.

12

13 MR. MATHEWS: Mr. Chairman, we had two written
14 comments. One was from K-Corp, which say approval the
15 proposal. They feel secure that local subsistence users are
16 the ones who would benefit from the changes and they strongly
17 urge the inclusion of land access information in the regulatory
18 booklets. We also had comments from the Gates of the Arctic
19 Subsistence Resource Commission. They opposed the proposal
20 even though they generally agree with the alignment of seasons
21 can benefit subsistence users in the field, they adamantly
22 oppose linking the season because even in northern parts of
23 Unit 24 the customary trapping practice is to pickup traps by
24 early April at the latest. Otherwise the warming weather
25 results and reduced pelt quality, snow conditions can
26 deteriorate rapidly making closing outlines difficult and
27 survival of the young may be threatened.

28

29 So two comments, one in support, one in opposition.

30

31 CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee.

32

33 MS. HILDEBRAND: The Staff Committee voted to reject
34 Proposal 81 consistent with the recommendations of Western
35 Interior Regional Council. The Council opposed the proposal,
36 although it would not adversely effect the population and would
37 provide additional opportunity for subsistence users. However,
38 the attempt to align State and Federal regulations was to
39 enable the subsistence users to take beaver by firearm and
40 State regulations do not provide that provision at this time.

41

42 CHAIRMAN DEMIENTIEFF: Thank you. Department comments.

43

44 MS. ANDREWS: Mr. Chairman, we're neutral on this
45 proposal.

46

47 CHAIRMAN DEMIENTIEFF: Okay. Has the Game Board looked
48 at allowing harvest by firearms in this area?

49

50 MS. ANDREWS: Mr. Chairman, the Game Board has looked

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1 at in other units where the local residents and advisory
2 committee have brought forward a proposal for shooting, and one
3 has not come forward from this unit requesting that they be
4 able to use firearms during this time period.

5

6 MS. HILDEBRAND: Excuse me, Mr. Chair, I omitted that
7 the Regional Council Western Interior also recommended that
8 Staff assist them in creating such a proposal.

9

10 CHAIRMAN DEMIENTIEFF: Correct, okay. We have no
11 request for public testimony at this time. Regional Council
12 comment.

13

14 MR. MORGAN: Western Interior opposed this because we
15 need provisions for firearms.

16

17 CHAIRMAN DEMIENTIEFF: Additional Regional Council
18 comment. Yes, Dan.

19

20 MR. O'HARA: Carl, you don't have in place to take a
21 beaver with a firearm?

22

23 MR. MORGAN: We do in Unit 19. Unit 24 is different.

24

25 MR. O'HARA: We got this a long time ago out in our
26 region and it works real well.

27

28 CHAIRMAN DEMIENTIEFF: It sounds like -- yeah, I'm
29 sorry, it sounds like a matter of process anyway. If they
30 requested them to get a proposal to the Game Board, you know,
31 then it would be logical to realign the seasons if that were to
32 pass.

33

34 Any other Regional Council comment? Board discussion.
35 Elizabeth, when in the cycle will this come before the Board of
36 Game or this beaver for Unit 24?

37

38 MS. ANDREWS: That would be two years from now. They
39 just finished taking up this region at their March meeting.

40

41 CHAIRMAN DEMIENTIEFF: Go ahead.

42

43 MR. SHERROD: Thank you, Mr. Chair. In a situation
44 similar to this in Unit 25, we created a beaver hunting season
45 to allow the incidental take of beaver while pursuing other
46 activities in the spring for human consumption. The Staff
47 could help draft such a proposal for the next round to at least
48 allow them to take beaver at this time. It would, I think,
49 eliminate some of the concerns the Council members --
50 concerning the take of -- basically shooting female beaver too

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1 close to the lodge. So I think we don't have to wait for two
2 years to get resolution on this we should have something in
3 front of us by this fall.

4

5 CHAIRMAN DEMIENTIEFF: Okay. Good. Final round of
6 Regional Council discussion. Ready for an action.

7

8 MR. ANDERSON: Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: Yes.

11

12 MR. ANDERSON: I move that we adopt the Staff Committee
13 recommendation consistent with the Western Interior Regional
14 Council recommendation to reject the proposal at this time with
15 the commitment to have our Staff Committee work with that
16 Council on this issue.

17

18 CHAIRMAN DEMIENTIEFF: Is there a second.

19

20 MR. HEISLER: I'll second it.

21

22 CHAIRMAN DEMIENTIEFF: The motion's been made and
23 seconded. Discussion on the motion. Hearing none, all those
24 in favor of the motion please signify by saying aye.

25

26 IN UNISON: Aye.

27

28 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

29

30 (No opposing votes)

31

32 CHAIRMAN DEMIENTIEFF: Motion carries. That now
33 completes our work on Western Interior Region. I think at this
34 time it's close enough to 3:00, we'll go ahead and take a break
35 and come back and do Eastern Interior.

36

37 (Off record)

38 (On record)

39

40 CHAIRMAN DEMIENTIEFF: We shall call the meeting back
41 to order. We're now moving into the Eastern Interior
42 proposals. We have two proposals from the Eastern Interior
43 Region, Region 9. Proposal 97 and 105, that are going to go on
44 to the consent agenda. So is there any objection to Proposal
45 97 and 105 being on the consent agenda? If not, then we'll go
46 ahead and put them on the consent calendar. Proposal 95 being
47 the first.

48

49 MR. SHERROD: Thank you, Mr. Chair. Proposal 95 was
50 submitted by the Copper River Native Association and requests a

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1 positive customary and traditional use determination for black
2 bear in Unit 12 for residents of Chistochina and Mentasta Lake.

3
4 This area, Chistochina and Mentasta Lake basically fell
5 into -- I should say it cuts logistic lines, but residents from
6 these areas hunted with their Upper Tanana and Tanacross
7 neighbors to the north as far as Eagle basically. And
8 diversely people from the Upper Tanana area have been reported
9 as taking resources, caribou, sheep and so on in the Copper
10 River drainage system in the areas of Mentasta and Chistochina.

11
12 Although black bear harvest, again, is somewhat rare,
13 there is enough evidence to document the traditional and
14 temporary use of this resource by the residents of the
15 communities in question. This would go from a non-
16 determination to a restrict determination, so in addressing
17 this proposal in the analysis and by the other bodies that
18 looked at it, an attempt was made to not exclude residents who
19 potentially used black bear in the area.

20
21 The analysis led to the conclusion that for black bear
22 it should be Units 12 and surrounding -- residents of
23 surrounding units. The logic behind this to some degree falls
24 into two of the eight factors, one dealing with reasonable
25 accessibility, the other dealing with the economy of a hunt.
26 If you have the ability to take more than one species and use
27 of those resources.

28
29 MR. MATHEWS: Mr. Chairman, we had two written
30 comments. One from the Upper Tanana Fortymile Fish and Game
31 Advisory Committee, and I'll be brief on this. Basically they
32 support the amendments to have a positive c&t for Game
33 Management Unit 11, 12, 13, subunits (A) through (D) and
34 residents of Chickaloon, Dot Lake and Healy Lake, which
35 includes the Wrangell-St. Elias National Park resident zone
36 communities. They concluded in saying because one community
37 wishes to have their eligibility established, this should not
38 automatically exclude other eligible subsistence communities or
39 units.

40
41 Wrangell-St. Elias National Park Subsistence Resource
42 Commission also took up this Proposal 95 consistent with Staff
43 recommendations -- with Staff analysis recommendation as
44 modified. The Commission's recommendation would include
45 residents of Dot Lake, Healy Lake, Unit 11, Unit 12 and the
46 Wrangell-Elias National Park resident zone communities located
47 in Unit 13. And Staff can provide a list of those communities
48 that are on Page 22 if that's needed.

49
50 Those are the only two comments that I'm aware of.

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1 CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee.

2

3 MR. WILSON: Mr. Chairman, the Staff Committee
4 supported the proposal with the modification to include the
5 rural residents of Unit 12, Dot Lake, Chistochina and Mentasta
6 Lake. But I should point out at the top of Page 4, although
7 the Eastern Interior and Southcentral Regional Councils
8 recommended including the adjacent subunits in the customary
9 and traditional use determination, the Staff Committee felt
10 that there was insufficient evidence available during its
11 deliberations to support this recommendation.

12

13 CHAIRMAN DEMIENTIEFF: Thank you. Department comments.

14

15 MS. ANDREWS: Mr. Chairman, the Department concurs with
16 the Staff Committee recommendation and their modification.

17

18 CHAIRMAN DEMIENTIEFF: Thank you. We have no request
19 for public testimony at this time and we'll open it up for
20 Regional Council comments.

21

22 MR. FLEENER: Yes, Mr. Chair, Craig Fleener, Eastern
23 Interior. I've got several paragraphs that I've prepared to
24 read and some of the information that I'll read here will
25 basically apply to the majority of our proposals that include
26 adjacent subunits in our proposals, the amendments that we
27 proposed.

28

29 First I'd like to say on this proposal, concerns were
30 expressed by the Regional Council about excluding fellow
31 subsistence users. However, at the same time we wanted to
32 respond to the requests of subsistence users -- subsistence
33 communities for the recognition of their customary and
34 traditional uses. We, in the Eastern Interior, like those in
35 Western Interior like Mr. Morgan stated do not like the idea of
36 limiting customary and traditional uses of resources when there
37 is plenty. However, because of the confusing nature of c&t we
38 do, in fact, limit but we try to be limited in our limiting.

39

40 Further, I'd like to say that ANILCA implies that it is
41 to cause the least adverse impact on rural subsistence users,
42 and that's in Title VIII, Section 802. Title VIII, Section
43 801, paragraph four, Congress invoked its congressional
44 authority to protect and provide opportunity for continued
45 subsistence uses. And I've got several quotes from several of
46 our distinguished Board members and other people here from the
47 past and within the past few days.

48

49 Previously Mr. Goltz indicated in another Board meeting
50 that his office believes that ANILCA requires that regulations

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1 allow for a large pool of rural users and that the courts have
2 consistently supported broad determinations until there is a
3 shortage. Mr. Allen and Mr. Thompson said in our meeting the
4 other day, that the Federal Subsistence Board intends to be
5 more inclusive and less exclusive, and that the purpose of the
6 Board is not to restrict but to provide for subsistence uses
7 when the resources can withstand it. Mr. Goltz also stated
8 that ANILCA was setup with the understanding that knowledge and
9 understanding of customary and traditional practices is
10 greatest at the local level. And we feel that we wanted to be
11 inclusive of the uses of the people within a subunit. We
12 wanted to be able to let them have the customary and
13 traditional use of the adjacent subunit and we believe, and we
14 did have testimony to the fact that there is a lot of
15 traveling. A gentleman from Healy Lake, several times, gave
16 testimony to the fact that his people actually walked into the
17 Yukon Flats and hunted, and walked quite a few other places. I
18 just remember the Yukon Flats because that's where I'm from.
19 But he indicated that they were all over the place hunting.
20 And during the majority of our discussion, we talked a lot
21 about how people migrated and how it was customary and
22 traditional to go find the resources, wherever they were.
23 These game management units and subunits were not in place a
24 long time ago, not that long ago, and people didn't follow
25 these lines and we're required to follow them now but they
26 truly don't follow customary or traditional patterns.

27

28 And it's the opinion of the Eastern Interior that when
29 we make these determinations we want to be more inclusive. As
30 it was stated in our meeting last year, we want to try to use
31 the large end of the funnel when we make c&t determinations,
32 not the small end of the funnel.

33

34 Thank you.

35

36 CHAIRMAN DEMIENTIEFF: Thank you. Additional Regional
37 Council comment. Gilbert Dementi.

38

39 MR. DEMENTI: Yes. Gilbert Dementi, Southcentral
40 Regional Council recommend support of the proposal as modified
41 by the Eastern Interior Regional Council, with clarification to
42 include residents of Dot Lake, Chistochina, and Mentasta Lake
43 without excluding others.

44

45 CHAIRMAN DEMIENTIEFF: Thank you.

46

47 MR. THOMAS: Mr. Chairman.

48

49 CHAIRMAN DEMIENTIEFF: Yes.

50

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1 MR. THOMAS: Did I understand in the Staff
2 recommendation that they recommended not to adopt because of
3 lack of sufficient evidence; is that what I heard?

4
5 MR. WILSON: Yes.

6
7 CHAIRMAN DEMIENTIEFF: Yes.

8
9 MR. THOMAS: Well, this is a new one. That's extending
10 over from the reason to deny proposals for regulations, now,
11 it's moving over to the c&t areas. And the whole idea, the
12 whole idea of ANILCA is to provide an opportunity. We don't
13 look for imaginary ways to decide whether or not sufficient
14 evidence is -- by the way, how do you recognize sufficient
15 evidence if it was presented? What would you consider
16 sufficient evidence?

17
18 Thank you, Mr. Chairman.

19
20 CHAIRMAN DEMIENTIEFF: Is there further Regional
21 Council discussion at this point? We're going to backup before
22 we get to Board discussion here. I had received one request to
23 testify a few minutes late but Gloria Stickwan has filed a
24 request to testify on this proposal and I'm going to grant her
25 request; the Copper River Native Association. Proposal 95.

26
27 MS. STICKWAN: Gloria Stickwan, subsistence
28 coordinator. I'm directed by CRNA to write proposals for eight
29 Ahtna villages, so I write them in for our villages. My
30 intention is to write it for our villages, however, I'm not
31 excluding other communities. It's not CRNA's intent to exclude
32 other communities. I just write for our own Ahtna villages,
33 which I'm directed to.

34
35 I support Staff Committee's recommendation. The Ahtna
36 people have historically hunted and used black bear. There are
37 still a few people who still hunt black bear, but because of
38 the requirements for regulations of sealing, the Ahtna people
39 do not like having to report taking black bear.

40
41 Black bear was hunted most of the year. It was during
42 the spring, fall and winter season when the meat tasted good
43 because the black bears were eating berries. It was killed
44 with bows and arrows and knives after it was wounded and
45 snares. It was hunted during the spring season with spears,
46 knives and axes when the bear was hibernating. The bears were
47 hunted where the dens were located. Meat was dried and put
48 into cache for winter use. The head and stomach and bones were
49 not eaten but were buried or burned. The foot was boiled and
50 eaten. The fat was used for cooking and for candle light. The

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1 fur was made into clothing, jewelry and mittens, mukluks and
2 mats. The guts were washed and used for windows in the homes.
3 The gall bladder was used for medicine. The contents were
4 dripped into the eyes and mouths for sickness. The claws and
5 teeth were made into jewelry.

6
7 Ahtna people have taboo against talking about bears
8 while it is sleeping. They have a great respect for black
9 bear. The knowledge is handed down through Ahtna Heritage
10 Foundation. They hold a camp each summer to teach the customs
11 and traditions of the Ahtna people, and the elders also talk to
12 the younger generation about their traditional lifestyle.

13
14 Thank you.

15
16 CHAIRMAN DEMIENTIEFF: Thank you. Is there any Board
17 discussion?

18
19 MR. POSPAHALA: Mr. Chair, am I correct in assuming
20 that the situation with which we're faced in entertaining this
21 proposal is identical to the situation we had earlier today on
22 Proposal 64 and 65, about their c&t in Unit 19, in which we
23 took action to defer the proposal at this point in time? I'm
24 told that that's the case.

25
26 CHAIRMAN DEMIENTIEFF: Why is it the case?

27
28 MR. POSPAHALA: Because it's one of those situations
29 where we have an existing no determination in terms of the c&t
30 finding. And what we -- the action that's pending before this
31 Board would result in a restriction.

32
33 CHAIRMAN DEMIENTIEFF: Well, I'm not so sure about
34 that.

35
36 MR. POSPAHALA: Okay.

37
38 CHAIRMAN DEMIENTIEFF: And let me tell you why. You
39 know these folks have been working on these determinations for
40 a lot of years now in the Upper Tanana. And have, in fact, you
41 know, deferred on their own accord on taking some action in the
42 past few years because they hadn't quite completed. And I'm
43 kind of familiar with it through the years from different,
44 various -- you know, in working with some of these people. But
45 what gets me is, you know, I really want to have some
46 discussion with regard to the Staff Committee because you've
47 got every advisory regrouped in the whole area on board talking
48 about the utilization of the species. You've got Southcentral
49 region, you've got Eastern Interior, you've got the Upper
50 Tanana Fortymile Advisory Committee and you've got the

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1 Subsistence Resource Commission all saying the same thing. And
2 I'm just a little bit shocked, you know, what do you need in
3 terms of evidence? We have every advisor -- these people are
4 not connected to each other. The two Regional Council's are
5 different regions. The Upper Tanana Fortymile Fish and Game
6 Advisory committee is a State run advisory committee. The
7 Subsistence Resource Commission is specifically for Wrangell-
8 St. Elias. And they're all saying the same thing. Where's the
9 lack of evidence? I want you to prove to me your lack of
10 evidence. And I'm struggling to try to find it in here.

11

12 MR. ANDERSON: Mr. Chair.

13

14 CHAIRMAN DEMIENTIEFF: Yeah.

15

16 MR. ANDERSON: I agree with everything you've said,
17 however, in the Staff recommendation or the justification for
18 the Staff Committee recommendation, if I'm not mistaken, it
19 said there was a lack of evidence to support. There was
20 insufficient evidence available during its deliberations to
21 support the recommendation to include the adjacent subunits.
22 And so my question would be to the Staff Committee, given what
23 the Chairman has presented to us, can you explain the rationale
24 or background to that statement; that there was insufficient
25 evidence?

26

27 MR. BOYD: Let me look to Staff to see if we could
28 bring out of the analysis or whether or not we even analyzed
29 the subunits. It's a little unclear in my mind as well. The
30 proposal that was before us was for rural residents of
31 Chistochina and Mentasta. That was in the primary evaluation.
32 I think when we took it to the Councils, I think we supported
33 that, as well as residents of Unit 12, proper, and I think
34 during the course of the analysis Dot Lake was also added. I
35 think it was in the course of the Council deliberation that the
36 adjacent subunits, as a concept came up, but it's not clear to
37 me whether in the deliberations in the Council meeting, if
38 evidence was provided specifically about use for those
39 communities or whether it was simply presented as a conceptual
40 way to do c&t determinations. So I might ask George to
41 elaborate a bit on that because my memory's a little faulty
42 there.

43

44 MR. SHERROD: Thank you. This is true that basically
45 again we're dealing with a species in which we have a limited
46 amount of harvest data. In the course of deliberating and
47 providing the information to the Regional Council and trying to
48 deal with this, the question was basically posed, would it be --
49 and these aren't their exact words, would it be within the
50 theoretical realm that use of units and adjacent subunits would

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1 include most of the use areas of these groups. And we
2 certainly, although the language is not specific there, but
3 there is literature that describes the nature of modern
4 foragers and their activities. And the range that would be
5 encompassed in these areas would most likely be included -- the
6 harvesting range would be included by the inclusion of these
7 units. And I believe was pointed out, in many cases these
8 units really don't mean anything except in our regulations and
9 they propose a tool and I think it was at that idea that the
10 Council was grappling between trying to use part of the
11 existing system and still accommodate a harvest strategy, and
12 traditional mode of operation that they knew existed. So it
13 was an attempt to try to bleed, as I said, our regulations, our
14 unit -- management units and their knowledge of the situation.

15
16 Again, as I say, black bear data is sparse. We
17 certainly know, as we pointed back on the map that these
18 individuals ranged hundreds of miles, that's very clear in the
19 ethnographic record, crossing the boundaries of not only
20 management units but crossing into different regions and into
21 the Upper Tan -- Copper River for example. So I suppose the
22 Staff Committee is stuck with the dilemma in trying to ensure
23 there is an adequate record of trying to decide whether or not
24 a model, and certainly in biology you see a lot of models about
25 muskox production and everything else. A model from the social
26 sciences could be used to justify an action.

27
28 MR. BOYD: Moreover, I think, Mr. Chair, with regard to
29 your question about the consistency of views between the two
30 Councils, the SRC and the local advisory committee. I can't
31 speak for the SRC or the local advisory committee, but I can
32 say that the Southcentral Council was presented the Eastern
33 Interior's recommendation. So I think they generally agreed,
34 at least, in concept with what they were trying to achieve, and
35 I think hence that that's the reason for the consistency in the
36 two recommendations. And it's not -- and maybe Staff can
37 elaborate whether or not -- or the Park Service whether or not
38 the SRC was also presented the same conclusions or
39 recommendations of the Eastern Interior Council to the SRC.

40
41 CHAIRMAN DEMIENTIEFF: Sandy.

42
43 MR. RABINOWITCH: I can't exactly answer the question
44 to come before it because I wasn't at the meeting, the
45 Wrangell-St. Elias SRC, actually at two meetings, one in
46 December, I believe and then one during the week when the Staff
47 Committee was meeting, what I can do is read about four lines
48 of the written record exactly what they supported, I've got it
49 with me here.
50

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1 And that record which was typed up on April 20th of
2 1998 says that the Wrangell-St. Elias National Park Subsistence
3 Resource Commission supports Proposal 95, consistent with the
4 Staff analysis as modified. The SRC recommendation would
5 include residents of Dot Lake, Healy Lake, Unit 11, Unit 12,
6 and the Wrangell-St. Elias resident zone communities, that's 18
7 different communities and I can provide you with a list if you
8 like, but I won't read them all, period. So the way I read
9 this, I don't make the leap, you know, someone else could
10 probably interpret this different, but I don't make the leap
11 that the Wrangell SRC supported all the adjacent subunits.
12 It's a little bit of a task to sit down and write them all out
13 and I sort of figure when I do it, I think there's overlap but
14 it's not completely consistent with that.

15
16 CHAIRMAN DEMIENTIEFF: Yeah, I think there's -- like
17 Glennallen and Copper, that they supported it, where
18 necessarily -- no Eagle, no.....

19
20 MR. RABINOWITCH: I do have that list of communities,
21 that list of 18, if you want it. I've got it here.

22
23 CHAIRMAN DEMIENTIEFF: Craig.

24
25 MR. FLEENER: Yes, Mr. Chair, thank you. I just have a
26 couple comments. If you adopt the Staff recommendation you, in
27 fact, are actually being more restrictive than what we
28 recommend. And I believe, I'm not 100 percent sure, but I'm
29 fairly sure that the SRC gave their comments before we
30 deliberated on adjacent subunits and I don't recall whether we
31 gave them another option; the option to get up and reply to
32 that.

33
34 MR. RABINOWITCH: Mr. Chairman.

35
36 CHAIRMAN DEMIENTIEFF: Yes.

37
38 MR. RABINOWITCH: If I might respond to Mr. Fleener,
39 the SRC did meet actually twice, once before your meeting and
40 once following your meeting. Again, while I was not at either
41 SRC meeting, my understanding from Clarence Summers is that at
42 the second meeting, which was in April, that they were made
43 aware of both -- well, of all the Regional Council's
44 recommendations. And then, as I said, I've just read into the
45 record -- the written record I'd been given of their meeting.

46
47 CHAIRMAN DEMIENTIEFF: You know, some of the things
48 that we know for certain, if one of those elders passes away in
49 any one of those subunits, and as, you know, what was
50 documented earlier in terms of, you know, how people range much

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1 farther than this in the past, if an elder happened to die in
2 the summer in any one of those communities, every one of those
3 communities there would be represented during those days. And
4 traveling to or from, if they ran into a fat black bear what do
5 you think they're going to do? I mean right now we are on
6 Board discussion aren't we? We must be because I'm talking.

7

8 MR. BOYD: Yes, Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: You know, right now, you know,
11 if we don't have the documentation -- but this is a real, real
12 -- I mean you don't have to be a rocket scientist to figure
13 this one out. You know, we got either one of two choices. And
14 for sure passing the Staff Committee recommendation at this
15 point is not one of those options. Either we adopt what every
16 subsistence user advisory group in the area says to be the case
17 or we simply defer, which keeps a restriction from going into
18 place until, you know, we can do whatever we need to do to
19 convince -- or to document that this is going on. So you know,
20 that would appear to be the only two things I could support at
21 this time. I certainly cannot support the Staff Committee
22 recommendation.

23

24 MR. ANDERSON: Mr. Chair.

25

26 CHAIRMAN DEMIENTIEFF: Paul.

27

28 MR. ANDERSON: This is a difficult issue for me in
29 terms of where we are today in the Board meeting because I
30 can't support the Staff Committee recommendation either. And
31 the reason I can't support it is because it does restrict the
32 opportunity, potentially, unnecessarily. I don't know -- I
33 guess I'm not -- I believe that if we focused on the
34 information available to us, the oral testimony, traditional
35 knowledge, the use patterns and the relationships amongst the
36 people, that we will probably find that there is evidence for
37 the Board to consider to include the adjacent subunits that are
38 part of the Eastern Interior's modification. But to this
39 point, for better or worse, I guess I'm concerned that we, as a
40 Board, have relied on direct testimony and to the Staff
41 Committee and to the Board to show that there was, in fact,
42 historical use of the resources by the individuals under
43 consideration. And I think to the extent that the proposal
44 that the Staff Committee put forward covers that. I mean they
45 believe that there was that evidence presented. I don't think
46 all the evidence was presented and that's why I'm not in favor
47 of supporting the Staff Committee recommendation.

48

49 But nonetheless, do we change our method of operation
50 here and perhaps I'm not looking at it correctly. But do we

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1 change our method of operation here from relying on the
2 analysis and evidence presented at the Regional Council
3 meetings and/or directly to the Board in public testimony to
4 make a determination based on substantial evidence or are we
5 going to say that if the Regional Council recommends it, if the
6 Fish and Game Advisory Committee recommends it that's good
7 enough for us. And I think I'm a little nervous with it. I
8 think that, again, the end result of this should be that those
9 people who have customarily and traditionally used black bear,
10 wherever they are in that area, those people should have c&t
11 for Unit 12, and not be excluded by action of the Board. At
12 the same time I think it's important that we are consistent in
13 how we make our determinations.

14
15 CHAIRMAN DEMIENTIEFF: Go ahead, Dick.

16
17 MR. POSPAHALA: I got a question that's beginning to
18 evolve, at least for me, Mr. Chair, and I understand fully the
19 comments that you made earlier about the depth of knowledge and
20 the involvement of people that live in this area in discussing
21 this issue. But I think it's beginning to evolve, at least for
22 me, that what's happened here is that we started with a
23 proposal some time back that was much more simple in terms of
24 its initial format than the one that eventually evolved after
25 four or five iterations and reviews by the subsequent Regional
26 Council and other people that have had some impact on the form
27 that the final recommendation takes at this point in time. I
28 think that we'll find upon some -- and that likely is what, at
29 least, in my view, perhaps resulted in a finding of
30 insufficient evidence for the final recommendation that came
31 from the Eastern Interior Regional Advisory Council. Not so
32 much that the evidence may not be there but that the evidence
33 was never brought forward in the analysis because those
34 adjacent areas were not a part of the proposal at the time that
35 it was being brought forward.

36
37 For that reason and also because of the concern that I
38 expressed earlier about continuity in terms of what we're doing
39 here today, at least, in terms of situations where we're taking
40 action that would result in more restrictive determinations
41 than currently exist, and what I view I guess as a lack of a
42 pressing need to get on with that business immediately pending
43 the outcome of other deliberations that are going to take place
44 over the next year or so, once again, I think I'm going to
45 favor deferral of this proposal.

46
47 CHAIRMAN DEMIENTIEFF: Yeah, let me -- I'm sorry, I got
48 another testifying that I simply overlooked. We're going to
49 backup before we go to the final round of comments and take the
50 testimony of Connie Friend. And I apologize to you, Connie, in

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1 the multitude you've got here, I missed that one.

2

3 MR. FRIEND: Thank you, Mr. Chairman and committee
4 members. I think I have a little information that might help
5 you to reach a decision on this. I actually did attend the SRC
6 meeting and also the Eastern Interior meeting that were both
7 held in Tanacross this spring. As I recall, the SRC came to
8 the same conclusion via their own route, that these are really
9 important issues to all of us. And as they went through their
10 process of reviewing proposals, they began to see that some of
11 these proposals while, you know, they were ensuring c&t for
12 certain communities, they were leaving others out. And the
13 point of all that is to say that this was not the intent as you
14 heard Gloria Stickwan say, that their intent is not to exclude.
15 And so you know, I was actually at these meetings and I heard
16 two different -- they were very different ways of coming to
17 that same conclusion.

18

19 And I'm here, I should have said that at first, but I
20 represent the Upper Tanana Fortymile Advisory Committee and
21 also Healy Lake. I'm employed by Tanana Chiefs in the Tok -- or
22 the Upper Tanana subregional office. And so I've worked, you
23 know, with many of these groups and they have concerns about
24 the outcome as these regulations are tightened. Then for
25 instance, Healy Lake, when they started presenting their
26 proposals, you know, in the format for proposals, they'd say
27 well what is your alternative. And Healy Lake, they just flat
28 out said, you know, we're going to be -- we're going to hunt
29 illegally, because we're going to feed our families, and that's
30 very important, you know. You know, the whole area is rural
31 subsistence through and through, and it's very important to us.
32 And so you know, that's what these restrictive measures tend to
33 make people, you know, actually it could be a felony, you know,
34 think about that. And so I just want to kind of point that out
35 to you. And these two year cycles, I mean we're feeding our
36 families and waiting two years -- it's another two years that
37 we've got to figure out how we can do this.

38

39 So those are part of our position. And actually I know
40 the Upper Tanana Fortymile Advisory Committee felt that they
41 could just tack on a friendly amendment which was more
42 inclusive and that, you know, it could go forward that way.
43 And they did that with many proposals, just to ensure that
44 people can do these things without feeling like criminals. I
45 think -- you know, I don't want to point fingers but I think
46 that the lack of evidence is a lack of thorough examination.
47 I'm aware that especially for bear, black bear and brown bear,
48 that it's under reported. You know, the tags that come in are
49 not the whole story. And among Native people, there are many --
50 you know, many restrictions and taboos and limitations and

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1 secrecies, and so you know, it's a whole -- it's a very private
2 thing in some ways. So you know, that doesn't get broadcast.
3 And again, it might be illegal is you know a good reason.

4
5 And so I guess I should just conclude and make your
6 decisions. But I think that the SRC -- I know that the SRC and
7 the Eastern Interior Councils both made their decisions from a
8 different place and came to the same conclusion. I know that
9 the Upper Tanana Fortymile Advisory Committee is concerned for
10 our reciprocity. They hunt in Unit 11 and they welcome people
11 to hunt in Unit 12, you know. And as Mr. Demientieff
12 mentioned, you know, there are kinship ties throughout the
13 whole area and I can elaborate on that if you'd like. There
14 was just a funeral, a person who -- an elder who passed away in
15 Fairbanks who had a service in Fairbanks and then a service in
16 Tanacross and was finally interned at Healy Lake, and this is
17 not uncommon. You know, there are these kinship ties
18 throughout the whole region. And one more thing and maybe you
19 won't have to call me back, but Healy Lake is so committed to
20 being identified as part of the Upper Tanana region that they
21 have proposed to change their GMU boundaries. This is
22 important to them, you know, it's important, that they're
23 included with the rest of their people, and that this region
24 that you're discussion, that's it. That's who they identify
25 themselves as.

26
27 Thank you for your time and I hope I added a little
28 clarification.

29
30 CHAIRMAN DEMIENTIEFF: Thank you. I guess having
31 understood all this and not realizing that the Staff Committee
32 might not have had all the pertinent information, given that, I
33 think probably the motion I would support now would be a
34 straight motion to defer which guarantees that, one, we have
35 this proposal on our plate next year, two, that we are not
36 excluding people who appropriately should be. If we do defer
37 they will be entitled, you know, to -- I mean there will be no
38 determination so it will be all rural residents. I've heard no
39 information regarding any restrictions among subsistence users
40 that might come up in the next year so we're likely not going
41 to be excluding anybody based on the biological information.
42 And you know, this also gives the Staff Committee time to get
43 the information necessary to document what looks to be a pretty
44 close to final product. You know, so given that I would
45 support a motion to defer.

46
47 Any other Board comment? One last round of Regional
48 Council comments? Go ahead, Craig.

49
50 MR. FLEENER: Thank you, Mr. Chair. I just wanted to

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1 make one final comment, that this isn't meant to be and I don't
2 think it is, a selfish modification submitted by Eastern
3 Interior. What we're trying to do with this modification is
4 actually to include members outside of our region. It's not
5 meant for us to go into another region although that may come
6 up in the future. But this is us inviting people into our
7 region because we realize people don't live by these invisible
8 lines.

9

10 Thank you.

11

12 CHAIRMAN DEMIENTIEFF: Thank you. Bill.

13

14 MR. THOMAS: Thank you, Mr. Chairman. Oh, boy,
15 listening to the lady's testimony which I really appreciate,
16 one thing I realize is that the criminals in this case are the
17 guys wearing the badge. I'm really struggling with finding a
18 point to everything that's happening here. I've been through
19 other regulatory meetings in the state with regards to fish,
20 with regards to game, where -- decisions involve masses of
21 quantities of resources. Masses that we can't weigh. Masses
22 that we can barely count. Masses that make a difference in the
23 economic health of any given area. None of those forums
24 involve themselves in intricate discussions like we're doing
25 here. We're talking about consumptive quantities of any given
26 area. And we have really been torpedoed by someone around
27 here.

28

29 When ANILCA first came out, I'll admit it's not the
30 most perfect document there is but I haven't seen a better one.
31 The subsistence community in Alaska looks at this body as their
32 only remaining hope of maintaining the opportunity to be able
33 to provide for themselves in the traditional fashions, the
34 seasons that they've had before and they worked. It all
35 worked. And now we're getting into technical aspects that not
36 even the aspects know where they're at. And I don't like that.
37 I don't know if anybody else likes that, let me see you raise
38 your hand? You know, we're running into a pipe with a plug on
39 the other end and there's no place really to go. We need to do
40 something different than what we're doing. We have regressed
41 so far since our inception, to look at it now is really
42 pathetic. I don't like being part of that. I like being part
43 of something positive, something valuable, something
44 productive.

45

46 What would be the harm in adopting Proposal 95? You
47 know, if there's no harm then do it. If there is harm,
48 identify it and do something else. Thank you, Mr. Chairman.

49

50 CHAIRMAN DEMIENTIEFF: I would think that part of the

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1 harm is the integrity of the process itself. And what we've
2 got here, you know, is a proposal that started as this little
3 bitty thing and evolved ahead of -- obviously ahead of the
4 Staff Committee's ability to document the dynamics that were
5 going on. I think we've got a clearer picture now, we've got a
6 more whole picture and in preserving the integrity of the
7 process; if we don't have the solid documentation we need to
8 preserve the integrity of the process and it's just the way the
9 thing evolved, that Staff Committee wasn't able to document all
10 that needs to do to preserve that integrity. Then the
11 appropriate thing is to defer. We're not hurting a subsistence
12 user, and as I said we're guaranteeing that this proposal is
13 going to be on our plate at the next regulatory meeting.

14
15 It's not going to mean a shortage to any subsistence
16 hunter in the 1998 season. And I think that's what we're
17 getting at here.

18
19 Other Regional Council comment? Hearing none, we're
20 ready to move on for a Board action.

21
22 MR. ANDERSON: Mr. Chairman.

23
24 CHAIRMAN DEMIENTIEFF: Yes.

25
26 MR. ANDERSON: Respecting Copper River Native
27 Association's intent to provide their community a customary and
28 traditional determination for black bear and for the other
29 subsistence users who may not be included in those communities,
30 but are, in fact, or will be found, in fact, to have customary
31 and traditional -- or documentation that supports customary and
32 traditional determination, and with the intent to do no harm to
33 the subsistence users by an action that the Board might take,
34 and with the intent to resolve this situation correctly,
35 fairly, in the interest of the subsistence users in the Federal
36 program, and understanding that the current determination for
37 Unit 12 is no determination which allows that opportunity for
38 all of the subsistence users living in all of the subunits and
39 the communities proposed by all of the proposals or any of the
40 proposals; I move that we defer this proposal to allow the
41 Staff Committee the opportunity to work with the Councils and
42 effected parties to gather the documentation and with the full
43 understanding of the scope of the intent of this proposal bring
44 it back to the Board, I guess, within the next year's session.

45
46 CHAIRMAN DEMIENTIEFF: There's a motion, is there a
47 second?

48
49 MR. POSPAHALA: I'll second it.

50

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1 CHAIRMAN DEMIENTIEFF: Discussion. Hearing none, all
2 those in favor signify by saying aye.

3
4 IN UNISON: Aye.

5
6 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

7
8 (No opposing votes)

9
10 CHAIRMAN DEMIENTIEFF: Motion carries. Proposal 96.

11
12 MR. SHERROD: Thank you, Mr. Chairman. Proposal 96 was
13 also submitted by the Copper River Native Association. It
14 mirrors the proposal you just dealt with except this proposal
15 addresses c&t for brown bear, not black bear. Currently in
16 Unit 12 we have a determination for brown bear, that
17 determination is residents of Unit 12 and Dot Lake. In
18 essence, the proposal requests that we add Chistochina and
19 Mentasta to that existing determination.

20
21 As you know, brown bear are a special animal amongst
22 the Athascans. Data is somewhat limited, but the lack of it
23 is not to be construed as lack of harvest or use or I would say
24 the limited harvest of use is not to be construed as lack of
25 importance to the people and the culture of the area. This
26 proposal, like the other one, was modified -- or the
27 conclusions were modified at the Regional Council based on
28 their deliberations and thoughts to basically include
29 surrounding subunits. And again, as I said, to some extent
30 this was justified by the theoretical verbiage that's found on
31 Pages 42 and 43.

32
33 MR. MATHEWS: Mr. Chairman, I'll need the assistance of
34 the Park Service on these comments. They may want to clarify.
35 But anyway, there's two comments submitted, one from the Upper
36 Tanana Fortymile Fish and Game Advisory Committee. That
37 committee supports with amendment to have a positive c&t for
38 Healy Lake also. The reason I'm asking the Park Service may
39 want to comment on this because, as was pointed out with
40 previous proposals, Wrangell-St. U National SRC met twice, what
41 I find in my book is only comments from their first meeting and
42 nothing in their second meeting, but maybe that's an oversight
43 I'm not sure. But based on their first meeting in December,
44 the SRC supports an amended proposal to add Chistochina and
45 Mentasta in addition to the present c&t use. And they made it
46 clear that that was tentative.

47
48 CHAIRMAN DEMIENTIEFF: Sandy, do you have additional
49 information regarding?

50

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1 MR. RABINOWITCH: Just that in their second meeting
2 they did not address Proposal 96, according to the record I
3 have. So their previous comments would stand.

4
5 CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee.

6
7 MR. WILSON: Staff Committee recommendation as it's
8 printed on Page 24 of your book is incorrect and I'll see if I
9 can get it right here. We support the proposal with a
10 modification to include Gakona and Slana. But there again, we
11 have the -- and also the paragraph that I quoted awhile ago for
12 Proposal 95 was erroneously dropped from the end of '96. Here
13 again, we -- it's the same thing, although the Eastern Interior
14 and Southcentral Regional Councils recommended including the
15 adjacent subunits in the customary and traditional use
16 determination, the Staff Committee felt that there was
17 insufficient evidence during its deliberations to support this
18 recommendation.

19
20 CHAIRMAN DEMIENTIEFF: Okay, thank you. Department
21 comments.

22
23 MS. ANDREWS: Mr. Chairman, the Department doesn't
24 support this proposal or the modification. Because we think
25 that the Staff analysis that's in the booklet doesn't show a
26 long-term consistent pattern of use including a documentation
27 of the contemporary use. Surveys that our division have done
28 in that area for the last 10 years haven't shown any use of
29 brown bear even through sharing. And generally we've found
30 that in areas where people have been taking brown bear, they --
31 you will, even if they haven't been reporting it, it does show
32 up in surveys as having shared it. And we don't see any
33 evidence either of harvest or of sharing.

34
35 Thank you, Mr. Chairman.

36
37 CHAIRMAN DEMIENTIEFF: Thank you. Public testimony.
38 Gloria Stickwan.

39
40 MS. EAKON: My name is Helga Eakon, and Gloria
41 Stickwan, Copper River Native Association had an urgent matter
42 to attend to so she asked me to be her mouthpiece, if I may.

43
44 First of all, she asked me to relate to the Board that
45 it was not the intention of Copper River Native Association to
46 exclude any eligible user or community. And this is her
47 testimony regarding this proposal.

48
49 The Ahtna people have historically hunted and used
50 brown bear. There are a few people who still hunt brown bear.

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1 Because of the regulation requirements on sealing, the Ahtna
2 people do not like to report taking brown bear. Brown bear
3 were hunted most of the year, summer, fall and the winter
4 season when the meat tasted good because the brown bear ate
5 berries and ground squirrel. It was killed with spears, bow
6 and arrows, knives after it was wounded and snares. It was
7 also hunted during the spring season with spears, knives and
8 axes when the bear was hibernating. The bear was hunted in the
9 hills where the dens were located. The meat was dried and put
10 into the cache for winter use. The head stomach and bones were
11 not eaten but were burned or buried. The foot was boiled and
12 eaten. The fat was used for cooking and for candle light. The
13 fur was made into clothing, jewelry, mittens, mukluks and mats.
14 The guts were washed and used for windows in the homes. The
15 gall bladder was used for medicine. The contents were dipped
16 into the mouth and eyes for sickness. The claws and teeth were
17 made into jewelry.

18
19 The Ahtna people did not talk about brown bear while it
20 was sleeping, this was considered taboo. The brown bear is a
21 respected animal by the Ahtna people. Today Ahtna Heritage
22 Foundation hold a summer camp to teach and pass on the customs
23 and traditions of the Ahtna people, the elders speak to the
24 younger generations about the traditional life of the Ahtna
25 people.

26
27 Thank you.

28
29 CHAIRMAN DEMIENTIEFF: Thank you. There's no other
30 request for public testimony at this time, we will move on to
31 Regional Council comments. Craig.

32
33 MR. FLEENER: Thank you, Mr. Chair. Craig Fleener,
34 Eastern Interior. I won't read the lengthy paper that I read
35 earlier, but I wanted to reiterate those points also apply to
36 this same proposal that we're dealing with now. And also
37 something that I neglected to read last time from, it appears,
38 what the Staff put together. A cursory -- and this is the last
39 paragraph, the second from the last sentence; a cursory review
40 of land use maps collected by researchers from the Division of
41 Subsistence indicates that 100 miles is well within the range
42 of hunting forays for the majority, if not, all interior
43 communities, a radius of 100 miles will transcend management
44 unit boundaries. And I didn't mention that during the last
45 proposal, but this also applies to this one. And it just
46 continues to show you that if we restrict it to a subunit that
47 that would be very restrictive and it would not follow
48 customary and traditional patterns.

49
50 Thank you.

000185

1 CHAIRMAN DEMIENTIEFF: Thank you. Is there additional
2 Regional Council comment? Yes.

3

4 MR. DEMENTI: Southcentral Regional Council supports
5 proposal modified by the Eastern Interior Advisory Council.

6

7 CHAIRMAN DEMIENTIEFF: Thank you. Additional Regional
8 Council comment.

9

10 MR. WILSON: Mr. Chairman.

11

12 CHAIRMAN DEMIENTIEFF: Yes.

13

14 MR. WILSON: May I add a little additional from the
15 Staff Committee?

16

17 CHAIRMAN DEMIENTIEFF: Sure.

18

19 MR. WILSON: I want to make it clear what it was that
20 we supported. We supported a c&t for residents of Unit 12 and
21 Dot Lake, Chistochina, Gakona, Mentasta Lake and Slana.

22

23 CHAIRMAN DEMIENTIEFF: Okay.

24

25 MR. WILSON: That's the first thing.

26

27 CHAIRMAN DEMIENTIEFF: So that is Chistochina and
28 Mentasta are added too?

29

30 MR. WILSON: Right.

31

32 CHAIRMAN DEMIENTIEFF: Okay, thank you.

33

34 MR. WILSON: That's the first thing. And then the
35 second thing is that again we were caught in a box on this one
36 just like we were caught in a box on the last one.

37

38 CHAIRMAN DEMIENTIEFF: Thank you. Okay, Board
39 comments. I think there is a major difference then between the
40 two proposals. And we recognize that the Staff Committee did
41 have dilemma, that this thing had snowballed on them and they
42 didn't have a chance to get their work down in time to make an
43 adequate recommendation to us. I think, as a Board member, we
44 still have the responsibility to protect the integrity of the
45 process just like I talked about in the last proposal.

46

47 I don't think for a minute what the Regional Council is
48 presenting us with at this moment isn't true. But if we don't
49 have the Staff work done to protect the integrity of the
50 process, there's no way that I can support that. But the major

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1 difference is that we do have a regulation on the book, and we
2 do have a recommendation to add communities. So basically at
3 this point, Craig, you know, I just -- I intend to support
4 Staff Committee recommendation, but I don't -- I'm certainly
5 hoping that the Regional Council will bring back a proposal
6 next year that would be more reflect the -- you know, what we
7 think goes on in that portion of the Eastern Interior of Alaska
8 in enough time -- you know, in proposal form hopefully that
9 will give the Staff Committee time to do its work. You know,
10 so that is the difference. Right now we have the work done to
11 add a few of the communities that need adding. And if we can
12 get the proposal in proposal form to amend that in the next
13 regulatory cycle, Staff Committee will have time to get its
14 work done.

15

16 Any other comments? Dick.

17

18 MR. POSPAHALA: I realize that this proposal hinges on
19 a -- is, in fact, a c&t issue, but when I look at the
20 regulations for brown bears as -- Federal subsistence for brown
21 bears in Unit 12, I see no open season which raises the
22 question in my mind about expanding the customary and
23 traditional uses and the impact that that would have on any
24 subsequent harvest of brown bears in the unit. We didn't get
25 any report on the status of the bear population there and what
26 the harvest regime has been like in the recent past. So do we
27 have no season there right now?

28

29 CHAIRMAN DEMIENTIEFF: Go ahead, Tom.

30

31 MR. BOYD: Well, I think if you look at Proposal 97
32 which is on the consent agenda there is a proposal before us
33 to.....

34

35 MR. POSPAHALA: For season?

36

37 MR. BOYD:establish a season. So I think that
38 issue will be addressed.

39

40 MR. POSPAHALA: What do we expect to happen there?

41

42 UNIDENTIFIED VOICE: It's rhetorical.

43

44 MR. BOYD: I expect the Board will make the right
45 decision.

46

47 UNIDENTIFIED VOICE: It's rhetorical.

48

49 CHAIRMAN DEMIENTIEFF: And if you wanted to object to
50 that season your opportunity has long since passed, Dick.

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1 UNIDENTIFIED VOICE: You missed that one.

2

3 CHAIRMAN DEMIENTIEFF: So there we are. Any other
4 Board comments? Last Regional Council comments. We're ready
5 to advance this to a Board decision, Board action.

6

7 MR. ANDERSON: Mr. Chairman.

8

9 CHAIRMAN DEMIENTIEFF: Yes, Paul.

10

11 MR. ANDERSON: I move that we adopt the proposal as
12 modified by Staff to revise the existing c&t for brown bear in
13 Unit 12 by adding the communities of Chistochina, Gakona,
14 Mentasta Lake and Slana.

15

16 CHAIRMAN DEMIENTIEFF: There is a motion, is there a
17 second?

18

19 MR. HEISLER: Second.

20

21 CHAIRMAN DEMIENTIEFF: Moved and seconded. Discussion.
22 Hearing none, all those in favor signify by saying aye.

23

24 IN UNISON: Aye.

25

26 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

27

28 (No opposing votes)

29

30 CHAIRMAN DEMIENTIEFF: Motion carries. Proposal 98.
31 Go ahead, Staff.

32

33 MR. SHERROD: Mr. Chair, Proposal 98 was an
34 administrative change, we're not dealing with it so we jump
35 ahead to 99.

36

37 CHAIRMAN DEMIENTIEFF: Okay. Proposal 99, the resolve
38 of Proposal 98 is on Page 57, I guess of the big book.

39

40 MR. BOYD: Right.

41

42 CHAIRMAN DEMIENTIEFF: Proposal 99.

43

44 MR. SHERROD: Thank you, Mr. Chair. Proposal 99 is a
45 Healy Lake proposal. We've dealt with Healy Lake several times
46 in the past. I think this is an easy one, I'm certainly not
47 going to promise that about the rest of them but I think this
48 is somewhat of a no-brainer. Healy Lake currently has an
49 existing caribou c&t determination for Unit 20. Prior to Board
50 action last year they actually had a c&t determination for

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1 portions of Unit 12, the area they are requesting recognition
2 in now.

3
4 There are strong cultural ties between Healy Lake and
5 the other Upper Tanana communities. As we indicated on the map
6 earlier, these people were known to travel fairly extensively.
7 They have access to the area via the river or via the road
8 system. At other times the community is road-connected during
9 a small portion of the winter when there's an ice road in. So
10 even though it is fairly remote and isolated, it is not totally
11 so. In my understanding, several people or residents of the
12 community actually maintain cars where they can take their
13 boats to, so they have access to the road system of that area.
14 So I guess in saying that we recognize them as using caribou
15 before. We recognized them in Unit 12 before. And we
16 certainly would be inclined to recognize them as a subsistence
17 based economy based on the other factors outlined in the
18 document.

19
20 MR. MATHEWS: Mr. Chairman, there was two written
21 public comments. One from Upper Tanana Fortymile Local Fish
22 and Game Advisory Committee. They support the proposal with
23 amendment to have a positive c&t for Healy Lake also. You may
24 need to look in that further. But anyways, the second one is
25 Wrangell-St. U National Park Subsistence Resource Commission,
26 they support 99 as written. It is consistent with the
27 recommendations of the Staff analysis in the preliminary
28 conclusions. This would recognize Healy Lake as having a
29 positive c&t use of caribou in Unit 12.

30
31 CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee

32
33 MR. WILSON: Mr. Chair.....

34
35 CHAIRMAN DEMIENTIEFF: I'm sorry, go ahead.

36
37 MR. WILSON:we support the proposal without
38 modification which means, again, that we're -- we've got that
39 last paragraph where we're in disagreement with the Eastern
40 Interior and Southcentral Regional Councils on the adjacent
41 units.

42
43 CHAIRMAN DEMIENTIEFF: Thank you. Department.

44
45 MS. ANDREWS: Mr. Chairman, we support the proposal as
46 written to include Healy Lake in this c&t determination.

47
48 CHAIRMAN DEMIENTIEFF: Okay. Public testimony, Connie
49 Friend.

50

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1 MS. FRIEND: Mr. Chairman and committee members, thank
2 you. I wish that Patrick Saylor could be here. He spoke for
3 Healy Lake for this proposal at the Eastern Interior meeting.
4 And I think that it was something that he felt would be proper
5 would be, again, to include the adjacent subunits. However,
6 Healy Lake would definitely like to be included and has a very
7 long history of hunting with the people of the Upper Tanana
8 region. I have some documentation from Logan Luke, who lives
9 in Healy Lake hunting together with Tanacross people for
10 moose, and that was in Unit 11 so it's not quite the same
11 thing. But, you know, there were definitely hunting parties
12 that joined and still do. So we would appreciate your support
13 of this proposal.

14
15 Thank you.

16
17 CHAIRMAN DEMIENTIEFF: Thank you. Regional Council
18 comments. Craig.

19
20 MR. FLEENER: Thank you, Mr. Chair. Craig Fleener,
21 Eastern Interior. We certainly support the addition of Healy
22 Lake. And once again, for the reasons mentioned before, we
23 wanted to add the adjacent subunits also. I'll leave it at
24 that.

25
26 CHAIRMAN DEMIENTIEFF: Additional Regional Council
27 comment. Go ahead, Gilbert.

28
29 MR. DEMENTI: Mr. Chair, Southcentral Regional Council
30 supports the proposal modified by the Eastern Interior Regional
31 Council. The proposal deals with the community outside of the
32 Southcentral Regional, so it defers to the advice of the
33 Eastern Regional Council recommendation.

34
35 CHAIRMAN DEMIENTIEFF: Thank you. Additional Regional
36 Council comment. Board discussion. I think in this one we're
37 much faced with the same dilemma we dealt with in the last
38 proposal insofar as we haven't got all of our work done. But
39 we do have it for the initial proposal done, and we've got
40 strong recommendation to do that. Again, Craig, I'm going to
41 support the Staff Committee recommendation on this. And very
42 much invite you to bring back the full proposal so that we can
43 get the work done on it. And the reason again, you know, we do
44 have a regulation on the book. We've established that Healy
45 Lake needs to be in there, at least, we can expand to include
46 them, and hopefully we can get the rest of our work done in
47 time next year to get this up for consideration before the
48 Board. Just so we understand, fully, you know, what's going on
49 and you can communicate back to your Council so that they know
50 they're almost in hunt.

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1 MR. POSPAHALA: Excuse me, Mr. Chair. Craig, if I
2 could just ask you, you know, this is not intended to be an
3 acrimonious debate about this issue, that we're looking at two
4 different things here. Is there merit in going back and having
5 you reiterate the information that you provided early on about
6 those adjacent subunits or do you generally agree with the
7 approach that we're taking -- I don't think you can agree with
8 the recommendation certainly because you're representing a
9 Council, but I'm not seeing anything new come up that's going
10 to cause us to change the fact that the nature of the proposals
11 that we're dealing with is different than the ones that first
12 came in and whether or not there's any merit in going back and
13 reviewing the material that you've placed before us originally?
14 I'm not sure of that. And that's what I'm asking you is,
15 whether or not you feel that it would be?

16
17 MR. FLEENER: Yes, Mr. Chair, as for reviewing the
18 information I guess since the Staff says we don't have enough
19 information to comply with or we don't have enough information
20 to meet the need of the Council's request or recommendation, I
21 guess more work needs to be done. I don't think a whole lot of
22 work needs to be done because I think a lot of the work was
23 done during the Regional Council meeting. There was a lot of
24 deliberation. If you go back and look at our meeting minutes,
25 we talked a long time on most of the proposals about the way
26 we're doing c&t and how we came about doing the adjacent
27 subunits and why, and most of it stemmed from the belief by the
28 majority of the people in the audience and the Regional
29 Councils that people were using broader areas than just
30 subunits to hunt in. And the fact that people want recognition
31 for their customary and traditional uses. I hope that answers
32 your question.

33
34 MR. POSPAHALA: I guess I also know that a lot of the
35 agencies have spent a lot of effort in that general part of the
36 state looking at the subsistence harvest information, and it
37 may not be a major effort to go back and bring that information
38 to bear on the issues that are reflected in these recently
39 passed proposals either.

40
41 CHAIRMAN DEMIENTIEFF: Good. Okay, anymore Board
42 discussion. Is there anymore Regional Council discussion?
43 Hearing none we're ready to advance this to a Board action.

44
45 MR. ANDERSON: Mr. Chairman.

46
47 CHAIRMAN DEMIENTIEFF: Yes.

48
49 MR. ANDERSON: For all the reasons and with all the
50 considerations that you stated during Board discussion, I move

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1 that we adopt the proposal as originally written to revise the
2 existing c&t for caribou in Unit 12 by adding the community of
3 Healy Lake.

4

5 CHAIRMAN DEMIENTIEFF: There's a motion, is there a
6 second?

7

8 MR. POSPAHALA: I'll second it.

9

10 CHAIRMAN DEMIENTIEFF: Discussion. Hearing none, all
11 those in favor signify by saying aye.

12

13 IN UNISON: Aye.

14

15 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

16

17 (No opposing votes)

18

19 CHAIRMAN DEMIENTIEFF: Motion carried. Proposal 100.

20

21 MR. SHERROD: Thank you, Mr. Chair. Proposal 100 deals
22 with Healy Lake again. It's a request to add Healy Lake to the
23 Unit 12 determination for sheep. Healy Lake has a positive
24 determination or de facto determination for sheep already. The
25 data outlining cultural ties, nature of hunting and so on is
26 basically the same that was in the other report.

27

28 In doing the analysis, it became apparent that probably
29 not only should Healy Lake be included a positive customary and
30 traditional use determination for Unit 12, but Dot Lake also
31 should be included. In fact, land use maps collected by the
32 Division of Subsistence actually document the harvest of sheep
33 by Dot Lake residents into Unit 12.

34

35 MR. MATHEWS: Mr. Chairman, we had two written
36 comments. One from Upper Tanana Fortymile local Fish and Game
37 Advisory Committee, they support the proposal. Second was from
38 Wrangell-St. U National Park Subsistence Resource Commission,
39 they support Proposal 100 because it's consistent with the
40 recommendations of Staff analysis/preliminary conclusion. That
41 would result in the recognition of Healy Lake and Dot Lake as
42 having a positive c&t use of sheep in Unit 12.

43

44 Thank you.

45

46 CHAIRMAN DEMIENTIEFF: Staff Committee

47

48 MR. WILSON: Mr. Chairman, the Staff Committee supports
49 the proposal with a modification to include the community of
50 Dot Lake. And again, we have the contradiction between the

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1 Regional Councils and the Staff Committee on the adjacent
2 units.

3

4 CHAIRMAN DEMIENTIEFF: Department comments.

5

6 MS. ANDREWS: Mr. Chairman, the Department supports
7 including Dot Lake and Healy Lake in this proposal.

8

9 CHAIRMAN DEMIENTIEFF: Public testimony, Connie.
10 You're becoming a real friend here.

11

12 MS. FRIEND: Thank you, Mr. Chairman. I just have one
13 little piece of information to add. And you may all already be
14 aware, but Healy Lake is surrounded by State land and they did
15 have some historical sheep hunting area in the Johnson River --
16 the mountains near the Johnson River area. But some of that
17 has been deleted or restricted by the military -- by Ft.
18 Greely, and there has been, you know, serious pollution there,
19 too. So this would be real important to them to be able to
20 hunt sheep in this area.

21

22 Thank you.

23

24 CHAIRMAN DEMIENTIEFF: Thank you. Regional Council
25 comment.

26

27 MR. FLEENER: Thank you, Mr. Chair. Craig Fleener,
28 Eastern Interior. I just wanted to do things a little bit
29 different this time and read out of our minutes a little bit of
30 the discussion we had. When we first taking -- or when the
31 motion was made to support this proposal it was to support the
32 Staff recommendation, and I just wanted to point that out, that
33 actually on a lot of these we did support the Staff
34 recommendation except we added the adjacent units.

35

36 CHAIRMAN DEMIENTIEFF: Uh-huh.

37

38 MR. FLEENER: Which we believe were consistent with the
39 principles of -- because of reasonable access and that a
40 pattern of use -- it was a pattern of use characterized by
41 efficiency and economy of effort and cost and other information
42 that was provided at the meeting. And I think that it would be
43 incorrect for Staff Committee to say that there is insufficient
44 information because we have three of our Regional Council
45 members that are from the area who gave testimony that they
46 hunted in these areas, and that they used a broad area, much
47 broader than just the subunit -- than just the unit that they'd
48 be dealing with, also the adjacent areas. And we had testimony
49 from people in the audience, specifically a gentleman from
50 Healy Lake. And so this goes back to quite a few of the other

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1 proposals where the Staff says we don't have sufficient
2 information, and it may be that they weren't given enough time
3 because we did make the amendment at the meeting, but if the
4 Staff was there, they would have also heard the discussion that
5 was going on from the various Council members and from members
6 in the audience.

7
8 So I'm somewhat troubled about the continued repeating
9 of the statement that we don't have sufficient information.
10 It's broadly known that you're not going to get a lot of
11 written information from some -- from a wide variety of users
12 in the Bush, and that's the case in the Eastern Interior and a
13 lot of places. And we, in fact, have gone by and probably will
14 continue to go by public testimony of someone getting up in
15 front of a microphone and saying, why, what are you saying I
16 don't have a use over there, I go -- I went across the river
17 over there with my grandfather, and things similar to that.
18 And we have repeated, many times, people come up to the
19 microphone and say that and in this case, in particular, and
20 the previous proposals, same thing happened. The Council
21 members from the area said yes, we use the area, we have
22 relatives down there. We have relatives in those adjacent
23 units and adjacent subunits. And I don't know what the Staff
24 is referring to if they just -- if they're deferring to the
25 fact that they didn't get enough time before we made this
26 amendment. Because I know that the Council did discuss it at
27 length, and that, as I said a little while ago, that we had
28 public testimony to the effect that they use the adjacent
29 subunits.

30
31 Thank you.

32
33 CHAIRMAN DEMIENTIEFF: Thank you, Craig. Other
34 Regional Council comments. Gilbert.

35
36 MR. DEMENTI: Southcentral region also supports this
37 proposal modified by the Eastern region. But it is outside of
38 the Southcentral region, and we defer to the advice of the
39 Eastern Council recommendation.

40
41 CHAIRMAN DEMIENTIEFF: Thank you. Other Regional
42 Council comment. I think, Craig, that what I'm going to do
43 since we have so many and we're so close, you know, to
44 completing the work in that area, I'm going to see what we can
45 do to charge Staff Committee to work directly with the Regional
46 Council. You know, just the regular Staff Committee, the same
47 Committee that works for the Board here, who meet monthly
48 anyway, to develop that dialog, and let's find out what we need
49 to do to get this done. I mean it's just obvious, we're right
50 there, but we're not done. And maybe we can just clean -- do

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1 what we need to to document all these, get them all done in the
2 year, so I am going to charge that. So you will have an open
3 dialogue with the Staff Committee directly. And it's not going
4 to be an indirect dialogue either, they'll be communicating
5 right with the Regional Council leadership, and the Regional
6 Council membership is who I'd like them to see. Now, maybe we
7 can maybe we can even arrange one face-to-face meeting, I don't
8 know about that, I will request it; that the Regional Council
9 leadership and those Regional Council members that represent
10 that area of the State, and to the -- if we don't have all the
11 Southcentral covered, to get those people maybe face-to-face
12 with the one time deal with the Staff Committee. And I think
13 that we can clear this all up because we do need some
14 consistency, and I hear you pointing out and I'm trying to
15 respond to the things that you're pointing out. We're
16 obviously, again, forced to do what we have to do. And
17 particularly in an area where we have an existing regulation,
18 you know, just what we've been saying, and we have the
19 opportunity to include, we're going to do that. But then this
20 is just -- we're so close.

21
22 Other Board discussion. Regional Council comment.
23 We're ready for Board action on this.

24
25 MR. ANDERSON: Mr. Chairman.

26
27 CHAIRMAN DEMIENTIEFF: Yes.

28
29 MR. ANDERSON: Thank you for the commitment to have the
30 Staff Committee work together with the Regional Council to get
31 the information necessary for us to move forward on these. And
32 given that that's going to happen, I feel more comfortable
33 proposing that we -- or moving that we adopt the proposal as
34 modified by Staff to revise the existing c&t for sheep in Unit
35 12 by adding the communities of Dot Lake and Healy Lake.

36
37 CHAIRMAN DEMIENTIEFF: There's a motion, is there a
38 second.

39
40 MR. HEISLER: I'll second.

41
42 CHAIRMAN DEMIENTIEFF: Discussion. Hearing none, all
43 those in favor signify by saying aye.

44
45 IN UNISON: Aye.

46
47 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

48
49 (No opposing votes)

50

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1 CHAIRMAN DEMIENTIEFF: Motion carries. 101 and 104.

2

3 MR. SHERROD: Thank you, Mr. Chair. 101 and 104 are
4 both Healy Lake proposals again. 101 requests that Healy Lake
5 be granted a customary and traditional use of moose in Unit 12.
6 104 requests that Healy Lake be granted the recognition of use
7 of moose in Units 20(A) and 20(B). The majority of the data
8 presented again is similar to that previously presented
9 documenting Healy Lake's close ties to other Upper Tanana
10 communities and its use of reliance on a wide variety of
11 natural resources.

12

13 In respect to Proposal 101, requesting the inclusion of
14 Healy Lake in Unit 12 for moose, the data would tend to support
15 this request. In respect to Proposal 104, which is Unit 20(A)
16 and 20(B), if you can look on the map there from what we see
17 the areas close to Healy Lake, 20(A) and 20(B), we have
18 virtually no Federal lands. 20(A) to a large extent is part of
19 the bombing range, and even though traditionally documentation
20 supports Healy Lake's claim to going into that area, currently
21 and in recent histories they have not -- no community in Unit
22 20(D), even Delta Junction which is right on the border line
23 has a recognized use of 20(A). So given this whole myriad of
24 factors and part of the complexity of the c&t process, the data
25 basically would say that to add Healy Lake to that existing
26 determination would not provide any opportunity whatsoever.

27

28 MR. MATHEWS: Mr. Chairman, there was two comments.
29 Again, Upper Tanana Fortymile Fish and Game Advisory Committee
30 supported the proposal. And Wrangell-St. U National Park
31 Subsistence Resource Commission deferred action on these
32 proposals.

33

34 CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee.

35

36 MR. WILSON: Mr. Chairman, the Staff Committee supports
37 the addition of Healy Lake to the customary and traditional use
38 determination for moose in Unit 12. We oppose the addition of
39 Healy Lake to the customary and traditional use determination
40 of Units 20(A) and 20(B). And again we have adjacent units.

41

42 CHAIRMAN DEMIENTIEFF: Department comments.

43

44 MS. ANDREWS: Mr. Chair, we support the Staff Committee
45 recommendation for Healy Lake.

46

47 CHAIRMAN DEMIENTIEFF: Thank you. Connie Friend, this
48 is 101 and 104.

49

50 MS. FRIEND: Mr. Chairman and committee members. I did

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1 speak with Pat Saylor, who is the representative for Healy Lake
2 about these two proposals, and they would be comfortable with --
3 if they could get a positive c&t for Unit 12 and that they
4 would not insist on the other. I do know that there was some
5 history of hunting, I think it was again, Logan Luke and his
6 family, who had hunted in the areas mentioned in 104. But you
7 know, Patrick did tell me that they would be okay with not
8 receiving that if that were the Board's discretion.

9

10 Thank you.

11

12 CHAIRMAN DEMIENTIEFF: Okay. Regional Council
13 comments.

14

15 MR. FLEENER: Yes, Mr. Chair. Craig Fleener, Eastern
16 Interior. We supported the Proposal 101 to include Healy Lake
17 and also to include adjacent subunits based on conversations
18 and deliberations that we had at the meeting from various
19 Council members and from the gentleman from Healy Lake again,
20 who reiterated the importance of these other areas in hunting.
21 So we also added the amendment, of course, as you know, to
22 include adjacent subunits which was also deliberated and was
23 supported by information from several Council members and the
24 gentleman from Healy Lake.

25

26 And we opposed 104 for the simple fact that there's
27 almost no Federal land available to hunt in.

28

29 Thank you.

30

31 CHAIRMAN DEMIENTIEFF: Additional Regional Council
32 comment. Gilbert.

33

34 MR. DEMENTI: Mr. Chair, Southcentral region supports
35 the proposal modified by the Eastern Regional Council. It's
36 also out of the Southcentral region, and we defer to the advice
37 of the Eastern Interior Regional Council recommendation.

38

39 Thank you.

40

41 CHAIRMAN DEMIENTIEFF: Thank you. Is that it for
42 Regional Council comment? Again, the same thing, Craig, I'm
43 going to support it and refer this matter, as promised, with
44 the Staff Committee, everyone of them, and work towards some
45 resolve in this next year.

46

47 Any other Board discussion?

48

49 MR. CAPLAN: Mr. Chairman.

50

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1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MR. CAPLAN: Just a point of information, and that is
4 for my understanding, you've made a good distinction, I think
5 here between '95 and '96 in our deferrals there and your
6 reasoning there and these later actions by the Board to affirm.
7 And I'm wondering if you could state for me, again, just where
8 you saw the dividing line between those because I still have
9 some confusion in my mind between your recommendations for '95
10 and '96 in this proposal and the last couple proposals.

11

12 CHAIRMAN DEMIENTIEFF: Well, what we basically were
13 able to determine in those and I think it's the same thing that
14 we've been saying all the way through. Is that, as the
15 proposals grew, Staff Committee wasn't able -- we weren't able
16 to get our work done, and that's basically the fact. Now, I
17 think hooking the Regional Council up directly with the Staff
18 Committee, and I think we're hearing the Regional Council say
19 that they're going to come back with the full proposals, so
20 they're on the plate from the getgo, that we're going to have
21 the opportunity to get all of those work done to protect the
22 integrity off the process for determining. And if we didn't
23 get our work done, you know, I believe we've got a vehicle, a
24 commitment on both sides to get out there and get the
25 information that we need to complete this within the year.

26

27 It's just that they started out as little bitty one
28 village or two village proposals, as they got to the Regional
29 Council process they grew to a bigger things, times everything,
30 and it just appears that there wasn't time to get all the work
31 done that was necessary.

32

33 MR. CAPLAN: And my understanding is that that applies
34 in every case here, '95 and '96.....

35

36 CHAIRMAN DEMIENTIEFF: Yeah.

37

38 MR. CAPLAN:and the other proposals?

39

40 CHAIRMAN DEMIENTIEFF: Yeah, right down the line.

41

42 MR. CAPLAN: And I see Dick nodding his head, no, so I
43 want to be clear why we're making a distinction.

44

45 MR. POSPAHALA: In '95 and '96 the existing c&t
46 determination for the unit was no determination, which means
47 any.....

48

49 MR. CAPLAN: Right.

50

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1 CHAIRMAN DEMIENTIEFF: Right.

2

3 MR. POSPAHALA:rural resident of Alaska.....

4

5 MR. CAPLAN: Giving deference to all.....

6

7 MR. POSPAHALA:so that any c&t determination was
8 going to be a restriction.

9

10 MR. CAPLAN: Got it.

11

12 MR. POSPAHALA: That's not been true in any of the
13 others since then.

14

15 CHAIRMAN DEMIENTIEFF: Since then, yeah. Since the
16 ones that we -- since '95 and '96 where we deferred, which
17 would have been a limiting action if we'd adopted. All these
18 other ones are, in fact, expanding subsistence opportunities,
19 which is, you know, of course, one of our mandates here.

20

21 MR. CAPLAN: And that was the distinction I was trying
22 to get clear in my mind.....

23

24 CHAIRMAN DEMIENTIEFF: Yeah, I'm sorry.

25

26 MR. CAPLAN:and on the record. That the idea
27 here is to give the most deference to the most use by
28 subsistence users.....

29

30 CHAIRMAN DEMIENTIEFF: Right.

31

32 MR. CAPLAN:and look at restriction only when
33 necessary and appropriate. And that's, in fact.....

34

35 CHAIRMAN DEMIENTIEFF: Yeah, '95 and '96 would have
36 been a restriction and since then we've provided for greater
37 opportunities.

38

39 MR. CAPLAN: Okay, thank you, Mr. Chairman.

40

41 CHAIRMAN DEMIENTIEFF: Okay, final Regional Council
42 comment. We're ready for an action.

43

44 MR. ANDERSON: Mr. Chairman.

45

46 CHAIRMAN DEMIENTIEFF: Yes.

47

48 MR. ANDERSON: First a clarification. If I'm not
49 mistaken, '95 would have been a restriction, '96 was the first
50 where there was already a determination and it was an expansion

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1 of opportunity.

2

3 CHAIRMAN DEMIENTIEFF: Right.

4

5 MR. ANDERSON: Okay, given that, I move that we adopt
6 Proposal 101 as written to revise the existing c&t for moose in
7 Unit 12 by adding the community of Healy Lake and that we
8 reject Proposal 104, consistent with the Eastern Interior's
9 recommendation.

10

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

12

13 MR. CAPLAN: Second.

14

15 CHAIRMAN DEMIENTIEFF: Discussion. Hearing none, all
16 those in favor of the motion signify by saying aye.

17

18 IN UNISON: Aye.

19

20 CHAIRMAN DEMIENTIEFF: Those opposed same sign.

21

22 (No opposing votes)

23

24 CHAIRMAN DEMIENTIEFF: Motion carries. Proposal 102.

25

26 MR. SHERROD: Thank you, Mr. Chair. Proposal 102 is
27 fairly complicated so I'm going to try to walk us through it.
28 It deals with the changing c&t determination for caribou in
29 Unit 20 and 25. I think it's fair to say at the beginning, to
30 maybe speed this along, practically speaking, any action this
31 Board takes is going to be moot. It is moot in the fact that
32 we either have little to no Federal land -- could we get the
33 map? We don't have a map -- oh, there we go. We have little
34 to no Federal land. We have little to no caribou or we have
35 few or no seasons.

36

37 To complicate the manner, we have a fairly large
38 population of individuals who have either documented the use of
39 a resource or caribou or one of the others in the area. In
40 going through this analysis, and I will certainly stress, this
41 is not a perfect inclusion and it's hard to include communities
42 for a number of reasons. In some years we haven't had
43 season.....

44

45 CHAIRMAN DEMIENTIEFF: George, I know you're just
46 getting wound up but it is 5:00 o'clock, and I've got another
47 meeting at 6:00 tonight, 6:00 to 8:00. Craig, you're not going
48 anywhere are you, would you mind if we did this -- if we're
49 going to get into a complicated one, I'd just as soon not do
50 it, I've got to be somewhere at 6:00.

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1 MR. FLEENER: It's fine with me.

2

3 MR. SHERROD: I was almost going to suggest that, Mr.
4 Chair. It would make it.....

5

6 CHAIRMAN DEMIENTIEFF: Yeah, I was listening to you
7 this time, see, and I was picking up on what you were saying.
8 So being it as late as it is and all, we'll pick it up at 8:30
9 in the morning with the last proposal in the Eastern region,
10 Proposal 102. We stand adjourned.

11

12 (PROCEEDINGS TO BE CONTINUED)

13

* * * * *