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SOUTHCENTRAL FEDERAL SUBSISTENCE REGIONAL
ADVISORY COUNCIL PUBLIC MEETING

VOLUME I

March 4, 2003
Millennium Hotel
Anchorage, Alaska
1:00 o'clock p.m.

COUNCIL MEMBERS PRESENT:

Ralph Lohse, Chairman
Robert Churchill
Gilbert Dementi
Fred Elvsaas
Fred John
Sylvia Lange
Susan Wells

Regional Coordinator, Ann Wilkinson

P R O C E E D I N G S

(Anchorage, Alaska - 3/4/2003)

(On record)

CHAIRMAN LOHSE: I'll call this March 2003 meeting of the Southcentral Subsistence Regional Advisory Council in session. Could we have roll call.

MR. CHURCHILL: Thank you. Mr. Chair. Gilbert Dementi.

MR. DEMENTI: Here.

MR. CHURCHILL: Sylvia Lange.

MS. LANGE: Here.

MR. CHURCHILL: Fred Elvsaas.

MR. ELVSAAS: Present.

MR. CHURCHILL: Susan Wells.

MS. WELLS: Here.

MR. CHURCHILL: Fred John.

MR. JOHN: Here.

MR. CHURCHILL: Ralph Lohse.

CHAIRMAN LOHSE: Here.

MR. CHURCHILL: And Mr. Chairman, Robert Churchill is here as well. So we have a quorum and we have all members present.

CHAIRMAN LOHSE: Thank you, Bob. With that, I'd like to welcome you all here. We're going to get started and try to keep on schedule. We have a lot to cover, a lot of reports that are coming in.

With this, I'd like to introduce everybody that's here and I'd like everybody in the audience to introduce themselves, too, which is what we usually go through.

I have a few announcements to make first,

though, that I'd like to make.

Number 1. If you're speaking to something in the meeting, use the microphone for the sake of the court recorder.

Number 2. Sign in every day that you come here. If you're a visitor, if you're working, if you're sitting up here in front sign in.

Number 3. If you wish to testify, the green sheets for testifying are back on the sign in table. Fill them out and give them to the coordinator. We offer lots off opportunity to testify. We'll let you testify at public testimony or if you wish to hold your testimony until a certain proposal you can wait until then to testify. And we try not to leave anybody out.

There are handouts on the back table back there that cover most of the reports and most of the things that we're going to be dealing with. You're welcome to help yourself to them. You're welcome to look at them. You're welcome to keep them.

If you have a handout that you wish to give to us as a Council, give it to the coordinator, don't give it to us, so that she can have a copy of it and it'll get into the records and preferably give it to her in time, plenty ahead of time that that's going to come up for discussion so that we have time to review it beforehand.

We're dealing with a little bit of a new format in the book under Tab C, where we get on to proposals. We'll have the executive summary first. We'll go through the original proposal. We'll have the ADF&G comments. We'll look at the written public comments and then as a Council we'll go through it.

We have some proposals that are crossover proposals from another area, 49, 50 and 51. The analysis didn't get in until I think today or yesterday, so you won't find it in your book but there are copies on the back table.

With that I'd like to have everybody up here introduce themselves to everybody out there and then we'll just go right around and have everybody introduce themselves. So Gilbert, do you want to start.

MR. DEMENTI: Gilbert Dementi, Cantwell.

MS. WELLS: Susan Wells, Kenai.

MR. ELVSAAS: Fred Elvsaas, Seldovia.

CHAIRMAN LOHSE: You got to turn your microphones on.

MR. DEMENTI: Gilbert Dementi, Cantwell.

MS. WELLS: Susan Wells, Kenai.

MR. ELVSAAS: And, again, Fred Elvsaas, Seldovia.

CHAIRMAN LOHSE: Ralph Lohse, Chitina.

MR. CHURCHILL: Bob Churchill, Anchorage.

MR. JOHN: Fred John, Jr., Mentasta.

MS. LANGE: Sylvia Lange, Cordova.

MS. WILKINSON: Ann Wilkinson, I'm the regional coordinator.

CHAIRMAN LOHSE: And let's just start on the left side of the room since there's less people, just start in the front row and work our way back.

MR. ZEMKE: Steve Zemke, Chugach National Forest, subsistence coordinator.

MR. HOLBROOK: Ken Holbrook, Chugach National Forest.

MR. HAYNES: Terry Haynes, Department of Fish and Game.

MR. REID: Mason Reid, Wrangell-St. Elias.

MR. VEACH: Eric Veach, Wrangell-St. Elias National Park.

MR. KNAUER: Bill Knauer, Fish and Wildlife, Office of Subsistence Management.

MR. EASTLAND: Warren Eastland, BIA.

Wildlife biologist.

MR. HART: Joseph Hart, Chitina Native Corporation.

MS. CELLARIUS: Barbara Cellarius. Subsistence coordinator for Wrangell-St. Elias National Park.

MR. SIMEONE: I'm Bill Simeone, ADF&G.

MR. SUMMERS: Clarence Summers, National Park Service.

UNIDENTIFIED VOICE: Media.

CHAIRMAN LOHSE: Okay.

MR. HOLLAND: Jeff Holland. I'm the deputy manager of the Kenai National Wildlife Refuge.

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

MR. BARTEL: Rob Bartel, Law Enforcement Officer, Kenai Refuge.

MR. BRYDEN: Jeff Bryden, State Law Enforcement Officer, Subsistence, Chugach National Forest.

MR. BUKLIS: Larry Buklis, fishery biologist with Office of Subsistence Management.

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

MR. ARDIZZONE: Chuck Ardizzone, wildlife biologist with the Office of Subsistence Management.

MS. HILE: Salena Hile, Computer Matrix Court Reporters.

CHAIRMAN LOHSE: Thank you, everybody. And with that we will go on to our agenda.

The first thing is review and adoption of the agenda, do I have a motion to accept the agenda as it's before us.

MR. CHURCHILL: So moved.

MS. WELLS: I'll second.

CHAIRMAN LOHSE: It's been moved and seconded to review -- I mean to adopt the agenda as it's before us. So any comments or any changes anybody would like to put into it.

(No comments)

CHAIRMAN LOHSE: Hearing none, question is in order.

MS. WELLS: I'll call the question.

CHAIRMAN LOHSE: Question's been called. All in favor of adopting the agenda as it is before us signify by saying aye.

IN UNISON: Aye.

CHAIRMAN LOHSE: All opposed, signify by saying nay.

(No opposing votes)

CHAIRMAN LOHSE: Motion carries. We'll now go on to the review and the adoption of the minutes we need a motion on the table.

MR. CHURCHILL: So moved.

CHAIRMAN LOHSE: So moved what?

MR. CHURCHILL: So move that we adopt the minutes as written in our Board book.

CHAIRMAN LOHSE: Thank you, Bob. Do I hear a second.

MR. ELVSAAS: Second.

CHAIRMAN LOHSE: Okay. It's been moved and seconded that we adopt the minutes as they're written in our Board book. Does anybody have any questions on the minutes, any changes or anything that they saw that needed changed?

(No comments)

CHAIRMAN LOHSE: Hearing none, question's in order.

MR. DEMENTI: Question.

CHAIRMAN LOHSE: Question's been called by Gilbert. All in favor of adopting the minutes as written signify by saying aye.

IN UNISON: Aye.

CHAIRMAN LOHSE: All opposed, signify by saying nay.

MS. LANGE: Mr. Chairman, I'm going to abstain I wasn't present.

CHAIRMAN LOHSE: Okay, thank you, Sylvia. One abstention that wasn't present at the time.

Okay. We'll now go on to the Chair report. If you turn to Tab B in your book you have Chair report. I'll go over the first part of it a little bit.

We had a meeting in January for the Federal Subsistence Board, adopted new regulations clarifying customary trade practices. Some of the things we, as a Council, put in didn't get in there. If you take a look you'll see the language that they adopted.

1. Provides for unlimited customary trade between rural residents which encompasses the majority of trade exchanges.

2. Prohibits the sale and the purchase to businesses of subsistence harvested fish as well as sale of subsistence harvested fish to anyone by non-rural individuals.

3. Requires that non-rural purchasers of subsistence harvested fish use the fish for their own or their own family's personal consumption.

And they felt that that was fairly faithful to the views that were expressed by the working task force and to what they heard from all of the Councils. They left room in there so that if as a

Regional Council we felt like we needed to add more specific language that applied directly to our region we could do that.

This is a very general one.

If you take a look on Page 32 of your book you will find the formal regulations written out. That was kind of a summary that I gave you. It does not say in here -- it does say that the Board may recognize regional differences and define customary trade differently for separate regions of the State. In other words, that basically is where there is an opportunity if this Council feels like these needs to be strengthened, they could strengthen them. They're right there in front of you.

We had the Federal Subsistence Board meeting on our proposals that we took, our fish proposals, and how the Board reacted to the proposals that we submitted -- or not submitted, that we dealt with are found in the next three pages of the report. You'll see that they didn't agree with everything we said but they did a pretty good job. And unless somebody has a direct question on one of them, I'm just going to let that go. You can read it just as easy as I can say it.

Bob, did you have something?

MR. CHURCHILL: No.

CHAIRMAN LOHSE: Anybody else.

(No comments)

CHAIRMAN LOHSE: Okay. If there's no other questions on it, that's the Chair's report. Do any Council members have anything that they would like to report from their area or anything that they would like to bring on the table at this point in time.

Bob.

CHAIRMAN LOHSE: Yeah, Mr. Chair. The Anchorage Fish and Game Advisory Committee took our letter on the buffer zone around Denali based on our concern on the high levels of predation, and their intent is to pass that on to the Board of Game for reconsideration. It was not felt that the Board of Game, when it received that letter, gave it weight. And so the

Committee voted unanimously to resubmit that to the Board of Game and ask them to look at the balance of predation based on the low harvest figures and low success hunter rate in the Cantwell area.

CHAIRMAN LOHSE: Thank you, Bob. Any questions for Bob on that.

(No comments)

CHAIRMAN LOHSE: Anybody else have anything that they'd like to report or comment on at this point in time.

(No comments)

CHAIRMAN LOHSE: We'd like to welcome our newest member. I forgot to do that earlier, but we'd like to welcome Sylvia Lange from Cordova. And -- I shouldn't say Sylvia Lange, should I?

MS. LANGE: I'm Mrs. Meyer, I answer to both.

CHAIRMAN LOHSE: Mrs. Meyer, okay. Yeah, well, I've known you as Sylvia Lange for so long, Sylvia, that I never thought of it any other way.

Okay. With that we're going to go on. Do we have, at this point in time, anybody signed up for public testimony?

(No comments)

CHAIRMAN LOHSE: There is nobody signed up for public testimony at this time. If any proposals come up that you wish to testify on, don't hesitate to submit a card to our coordinator.

Okay. We are going on to wildlife proposals, they're under Tab C of your book. And we're going to go through them in a specific order. We're going to introduce them, and like I said before, we're going to have an executive summary, we're going to have the proposal, the ADF&G comments, written public comments and then we'll either put it on the table or not put it on the table and analyze it as a Council. So with that, we're going to go on to Proposals 1 and 12, these are statewide proposals, and I think Pat's going to be presenting it to us.

MS. PETRIVELLI: Thank you, Mr. Chairman. My name is Pat Petrivelli and I'm the anthropologist for the Southcentral region.

Proposal 1 was submitted by the Office of Subsistence Management and it requests that the Board establish a statewide regulation allowing for the taking of wildlife for religious and ceremonial potlatch purposes.

Adoption of this proposal would standardize and simplify Federal Subsistence Wildlife Regulations and extend an opportunity to all Federally-qualified subsistence users to harvest wildlife for use in traditional, religious ceremonial potlatches for funerals or mortuary ceremonies.

Proposed regulations requires that harvesting does not violate recognized principals of fish and wildlife conservation and prior notice must be given to the delegated local Federal manager.

If this provision is adopted, no action would be required on Proposal 12. But -- so we'll do 1 and then after 1 then we'll discuss 12, but 12 deals with provisions for the use of wildlife for religious and ceremonial purposes in just Units 11, 12 and 13(C).

CHAIRMAN LOHSE: Okay.

MS. PETRIVELLI: The existing regulations concerning religious and ceremonial purposes are varied around the state and they're in Appendix A of the -- on Page 47 and 48 of the Council book. And provisions exist in 13 of the 26 wildlife management units.

Under State regulations, they allow for the taking of big game for certain religious ceremonies and a written permit is not needed but prior notification through a tribal chief or village council is required. A written report after harvest is required and on an annual basis the State lists areas where specific large mammals and specific areas cannot be taken for ceremonial purposes because of shortages of that resource.

With the Federal regulations, there's certain provisions that each of those have in common and they've been included in this proposed regulation. And with this it would just standardize -- it would apply those provisions throughout statewide and simplify

1 Federal Subsistence regulations rather than having those
2 specific -- unit specific provisions but just have a
3 simple standardized provision through -- that would deal
4 with religious and ceremonial purposes throughout the
5 state, and it's very similar to what we did with fish the
6 last cycle.
7
8 And -- and so -- so with taking that into
9 consideration there was a proposed modification of the
10 regulation to deal with the recommendations the various
11 Councils made to those -- to that general statewide
12 provision and that's how -- and the proposed -- and
13 modification language is included in the -- on Page 50.
14
15 So -- but -- so -- and then besides
16 incorporating the modifications that -- incorporating
17 some of the modifications that were recommended for the
18 fish cycle. We also incorporated portions or
19 recommendations to make it consistent with the newly
20 adopted -- oh, with some of the State changes that were
21 adopted recently to be consistent with statewide
22 ceremonial regulations. And they just -- they acted just
23 recently on those provisions also.
24
25 But let's see, with those regulatory
26 changes that are being proposed, it wouldn't impose
27 additional requirements in most units and in the cases of
28 Units 21 and 24 there would be new prior notification
29 requirements however the modified proposed regulatory
30 language would allow either the person designee or tribal
31 government organizing the ceremony to contact the
32 appropriate Federal land manager in -- and -- or the
33 regulation is designed to have flexibility that would
34 remove the burden from the hunter and provide protection
35 from undue harassment by law enforcement personnel and
36 the potential -- so -- and then -- and then also looking
37 at trying to provide conservation -- oh, of wildlife
38 populations -- oh, in considering conservation of
39 wildlife populations, little additional harvest is
40 anticipated as the practice has been ongoing under the
41 State of Alaska and our unit-specific provisions.
42
43 So it's just making it administratively
44 more uniform with the statewide regulations and then just
45 applying the unit-specific provisions throughout all
46 units under our regulations, that's the intent of the
47 proposal.
48
49 So -- so I think that's it.
50

CHAIRMAN LOHSE: Anybody have any questions for Pat. Bob.

MR. CHURCHILL: Pat, thank you. Just so that I am clear, as I understand and read this proposal, it's limited to a ceremony that's related to strictly funeral or mortuary, no other ceremony?

MS. PETRIVELLI: Yes.

MR. CHURCHILL: The other -- if I could do a follow up, through the Chair?

CHAIRMAN LOHSE: Yes, you may.

MR. CHURCHILL: And the way I read it, it says reasons for changing the regulation, it appears to be the critical part is the food, not the harvesting, am I understanding that correctly? That the language talks about, you know, traditional foods associated with these ceremonies, that there's nothing to do with the -- the harvesting itself is not part of the ceremony?

MS. PETRIVELLI: Oh.

MR. CHURCHILL: Am I understanding that correctly, also?

MS. PETRIVELLI: Well, yeah, we're not making regulations regarding the ceremony, though, we're -- yeah, but.....

MR. CHURCHILL: I guess, you know, in some ceremonies that I've been involved with, the taking of the animal is an integral part of the ceremony, from what I'm reading here that's not the case. We're merely looking to allow for people to ensure they have traditional foods with the potlatch or with the service. Am I understanding your language, I'm looking at Page 43 reasons for changing regulations?

MS. PETRIVELLI: Reasons for changing regulations. The reasons for changing? Oh, because -- oh, you're saying because we mention the ceremony in there? It's just the idea of the harvesting -- we're allowing the harvest of wildlife outside the normal provisions.

MR. CHURCHILL: No, I understand that, and obviously I've lost you. So -- and I'm sorry. It

seems perfectly clear that we're really looking to make sure that they have traditional foods and the harvesting is not part of the concern.

MS. PETRIVELLI: No.

MR. CHURCHILL: One last follow up.

CHAIRMAN LOHSE: Go ahead, Bob.

MR. CHURCHILL: Also there's a reference to harassment of people that have been harvesting under existing regulations in here to avoid this type of, I think, harassment was the -- undue harassment by law enforcement personnel, did you actually have examples of that?

MS. PETRIVELLI: I didn't.

MR. CHURCHILL: Okay, thank you.

MS. PETRIVELLI: I don't.

MR. CHURCHILL: That's all I have.

CHAIRMAN LOHSE: Thank you, Bob. I think what you were asking if, and correct me if I'm wrong, is I think you were asking whether the purpose of this was to provide the food or to provide the opportunity to take as part of the.....

MR. CHURCHILL: Exactly.

CHAIRMAN LOHSE: .....ceremony?

MR. CHURCHILL: Yeah. And I think I got my answer.

CHAIRMAN LOHSE: Is that correct?

MR. CHURCHILL: Yeah.

CHAIRMAN LOHSE: Thank you. Anybody else have any questions for Pat?

(No comments)

CHAIRMAN LOHSE: I've got a couple, Pat. This proposed regulation, how different is it from the one that the State just passed?

MS. PETRIVELLI: (No response)

CHAIRMAN LOHSE: Or maybe I can wait and ask the State representative that.

MS. PETRIVELLI: Because I think we went -- I think we tried to make in our proposed modification -- we tried to make it consistent with the State provisions.

CHAIRMAN LOHSE: Consistent with the State?

MS. PETRIVELLI: Right.

CHAIRMAN LOHSE: Yeah. Okay. Anybody else have any -- yeah, Sylvia.

MS. LANGE: Looking back on the State regulation and the Federal, your version, or our version I guess. How come specifically in the State it mentions Native traditions but not in the new version? It's recognizing Alaska Native cultural traditions and where in our version it doesn't specify, it just says traditions?

I mean if that's what we're talking about, shouldn't we call it what it is?

MS. PETRIVELLI: If you would like to modify, but I think we -- because generally we try to do rural residents.

CHAIRMAN LOHSE: Yeah.

MS. LANGE: Okay.

MS. PETRIVELLI: Yeah, so.....

CHAIRMAN LOHSE: Pat, maybe I could give Sylvia an answer to that.

MS. PETRIVELLI: Uh-huh.

CHAIRMAN LOHSE: We're dealing with a law that says, rural Alaska residents, Native and non-Native. If there would be a non-Native tradition that fit this they would come underneath it, too.

MS. LANGE: Oh.

CHAIRMAN LOHSE: In other words, it's not just -- the law itself doesn't apply just to Native traditions. Underneath this act right here, if non-Natives would have a tradition that would use this, they could do, basically they don't -- but the law deals with Native and non-Native. You know, it says rural residents, Native and non-Native.

MS. LANGE: Right.

CHAIRMAN LOHSE: So we're not just dealing with a -- you know, we can't -- I don't think we can just limit it to a Native tradition, it's to a tradition.

Now, if we know of anybody that has a tradition that's non-Native that uses it they could use this law, too, but we probably don't, you know.

MS. LANGE: Okay.

CHAIRMAN LOHSE: So am I correct on that, Pat? I saw a hand from one of our more legal person back there and I think that's what -- you were in agreement with what I said?

MR. KNAUER: (Nods affirmatively)

CHAIRMAN LOHSE: Okay, thank you. Okay, any other questions for Pat?

(No comments)

CHAIRMAN LOHSE: Pat, thank you.

MR. JOHN: I got a question.

CHAIRMAN LOHSE: Okay, you got a question, yep.

MR. JOHN: Yeah, Pat, does this apply for memorial potlatch, too?

MS. PETRIVELLI: Yes.

MR. JOHN: Okay.

CHAIRMAN LOHSE: Okay. Sylvia.

MS. LANGE: Yeah, should it specify that?

1 Because it just says funeral and mortuary which is
2 different from a memorial potlatch?
3
4 MR. CHURCHILL: It does say that doesn't
5 it?
6
7 CHAIRMAN LOHSE: It says including
8 memorial.
9
10 MS. PETRIVELLI: It does say that.
11
12 MS. LANGE: Does it?
13
14 MS. PETRIVELLI: Yeah.
15
16 MS. LANGE: Including?
17
18 CHAIRMAN LOHSE: Including memorial
19 potlatches.
20
21 MS. LANGE: Oh, I'm sorry, thank you.
22
23 CHAIRMAN LOHSE: Yeah, it's in there.
24
25 MS. LANGE: Okay, good.
26
27 CHAIRMAN LOHSE: Okay. If there's no
28 other questions for Pat, we'll go on to the Alaska
29 Department of Fish and Game.
30
31 MR. HAYNES: Thank you, Mr. Chairman. My
32 name is Terry Haynes. I'm with the Alaska Department of
33 Fish and Game, Wildlife Conservation Division. I
34 represent the Department's interest in the Federal
35 Wildlife Proposal Process. It's nice to be here today.
36
37 Our comments on the original proposal,
38 No. 1, are found on Page 45 of your meeting book. And I
39 don't know if -- I'll just reference those and if people
40 have questions about those comments, I'll try to answer
41 your questions.
42
43 The main difference in the new State
44 ceremonial harvest regulation that was adopted late last
45 year and the proposed Federal regulation, as it would
46 affect the Southcentral region is that the Federal
47 regulation applies only to Federal lands, while the State
48 regulation applies to all lands.
49
50 Additionally, the Federal regulation

1 provides that wildlife can be taken for food and
2 traditional religious ceremonies while the State
3 regulation authorizes the taking of big game for this
4 purpose. So there's a significant difference there in
5 the scope of the resources that are covered.
6
7 One of the concerns we have is reporting.
8 If there are two separate regulations they're not going
9 to be the same as currently proposed. There needs to be
10 some education provided, I think, to rural Alaskans after
11 the Board meeting this spring, whatever action is taken,
12 there's going to have to be some education provided so
13 that people don't intentionally violate the regulation.
14
15 For example, if a rural resident would
16 choose to get a Federal permit, get approval to harvest
17 wildlife for a ceremonial activity under the Federal
18 provisions, that person would need to make certain they
19 harvested that wildlife on Federal lands. A person
20 getting permission from the State to harvest wildlife for
21 ceremonial purposes is not restricted to State lands
22 because the State regulations apply everywhere unless
23 they're superseded in some way by Federal regulations.
24
25 So we'd like to see the ceremonial
26 harvest regulations work. We believe the State
27 regulation provides adequate coverage that there isn't a
28 Federal regulation really needed. But be that as it may
29 you have a proposal before you that is different from the
30 State regulation and the fewer differences that end up
31 being in those regulations, the better in our opinion.
32
33 Thank you.
34
35 CHAIRMAN LOHSE: Any questions for Terry?
36
37 Bob.
38
39 MR. CHURCHILL: Terry, thank you for
40 coming. Has there ever been one of these permits denied
41 to your knowledge under the State regulations?
42
43 MR. HAYNES: Not to my knowledge, Mr.
44 Chairman. For the past several years, until the Board
45 changed the regulation, prior notification was not a
46 requirement in the State regulation. It was in the early
47 '90s before concerns were raised about the
48 appropriateness of having to contact an agency prior to
49 harvesting resources for ceremonial purposes. There was
50 some discomfort levels in, especially in Interior Alaska

about having to do that. So the Board of Game changed the regulation to not require prior notification. And so that hasn't been an issue for a number of years. Prior notification will take effect in the State regulations July 1st and we're hoping that that doesn't create any difficulties.

And the only reason that the State would deny a permit request would be if the moose population in an area was down to two animals, probably. I mean I could think of very few situations in which the State could make a compelling case that there weren't enough animals to harvest for these purposes.

CHAIRMAN LOHSE: Bob.

MR. CHURCHILL: Unless, of course, they were both the same sex.

(Laughter)

MR. CHURCHILL: No. I'm looking at some of the language on a proposal on this. It talks about taking the name of the decedent out of the preharvesting requirement, and what's your opinion on that? My understanding is the proposal, or the language that exists now, that prior to engaging in the hunt or the harvesting, the name of the decedent has to be submitted. But one of the suggestions is that that no longer be required. Any thoughts on how that might impact?

MR. HAYNES: Mr. Chairman, the State regulation requires including the name of the decedent.

MR. CHURCHILL: Uh-huh.

MR. HAYNES: And I can't provide a great deal of explanation for that other than if someone has passed away, it helps protect the hunter, in that, there's documentation that, in fact, an individual has passed away for which the ceremony is going to be conducted and meat is needed for that ceremony.

I know at least one of the Regional Councils has expressed a discomfort with having to provide the name of the decedent. And I don't know if that's going to be a big issue or not.

CHAIRMAN LOHSE: Bob.

MR. CHURCHILL: Through the Chair. But it does sound like it would serve more to protect the person engaging in harvesting for a potlatch or service then it would go against, if I'm understanding you correctly?

MR. HAYNES: Mr. Chairman. Yes, that's how we look at it.

MR. CHURCHILL: Thank you.

CHAIRMAN LOHSE: Any other questions for Terry?

(No comments)

CHAIRMAN LOHSE: I have a couple, Terry, if nobody else does.

If I understand right, the biggest difference between these two proposals is that the State one only covers big game and the Federal covers all wildlife, that's the biggest difference, right?

MR. HAYNES: It's certainly one of the differences, yes.

CHAIRMAN LOHSE: Okay. Was there any other significance difference that you saw, other than the areas that it covers also, you know, land areas that it covers?

MR. HAYNES: Mr. Chairman. There is another difference. As Pat pointed out, the State, when it revised its regulation late last year, it exempted the Koyukon potlatch from the prior notification requirements.....

CHAIRMAN LOHSE: Right.

MR. HAYNES: .....in Interior Alaska. And that exemption is not provided for in this Federal proposal.

CHAIRMAN LOHSE: Okay.

MR. HAYNES: So that's another distinct difference that applies to parts of Interior Alaska.

CHAIRMAN LOHSE: So currently the State

1 doesn't require prior notice, this proposal would require
2 prior notice?
3
4 MS. PETRIVELLI: Yeah.
5
6 MR. HAYNES: The State regulation that
7 takes effect July 1st requires prior notification except
8 or the Koyukon potlatch.
9
10 CHAIRMAN LOHSE: Okay. Except for that?
11
12 MR. HAYNES: Yes, that's correct.
13
14 CHAIRMAN LOHSE: Okay. You said that
15 basically the confusion you could see is where a State
16 permit covers all lands, the Federal permit only covers
17 Federal lands. I think, and I'm not positive on this and
18 somebody can correct me if I'm wrong, I believe that the
19 Federal permit would cover Park lands that are not open
20 to State hunting where the State permit is only on lands
21 that are open to hunting. So with a Federal permit
22 somebody could take a potlatch animal inside the Park
23 where they have a customary and traditional use
24 determination whereas a State, they don't have a
25 customary and traditional use determination in the Park
26 itself. So that would be one place that -- unless I'm
27 wrong, and I hope somebody corrects me if I am, that
28 would be one place where the Federal permit would have an
29 advantage to have it?
30
31 MR. HAYNES: Mr. Chairman, that is true.
32 There could be cases in which someone who was not a
33 member of a resident zone community could submit a
34 request to the State and the State would not have the
35 authority to allow that person to hunt on Park lands.
36 And I think that would not be -- most of the hunting
37 typically occurs in areas in which people live, but you
38 are correct that this is a situation that would not be
39 covered under the State regulations necessarily.
40
41 CHAIRMAN LOHSE: Yeah. I think I saw a
42 hand up, somebody had a comment back there on it, could
43 you add something to that?
44
45 MR. RABINOWITCH: I think you covered it
46 well.
47
48 CHAIRMAN LOHSE: Okay, thank you. Okay,
49 so from that standpoint, if it was going to cover that
50 contingency, there would be a Federal permit needed, even

if they mirrored each other and everything else?

MR. HAYNES: Yes, I suppose so.

CHAIRMAN LOHSE: Okay, thank you. Any other questions for Terry.

(No comments)

CHAIRMAN LOHSE: Thank you, Terry. Are there any other Federal, State, tribal agencies that wish to make comments on this proposal?

MR. RABINOWITCH: I'm Sandy Rabinowitch with the National Park Service, Staff Committee to the Federal Board. Mr. Chairman, you did a good job on that last item about the Park Service.

Let me just clarify that from the Park Service's perspective, for this activity to occur on Park or Monument land, I'm not talking about Preserves, Park or Monument land, you do need a Federal regulation to allow for the activity. The two ways to accomplish that are through a regulation like the one proposed before you or through a regulation that would be born from the Park Service. I would argue that if you look favorably toward this, this kind of proposal through the Federal Board program is an efficient way to accomplish that. If you were to come to the Park Service and try to do it it would take us a much longer time, probably years.

That said, I'd just repeat that I believe the State regulation does not apply on Park or Monument but would apply on Preserve land, as Terry said.

CHAIRMAN LOHSE: Thank you. Any questions for Sandy.

(No comments)

CHAIRMAN LOHSE: Okay. I have another request right here from Ray Neeley, Ahtna.

MR. NEELEY: Hi.

CHAIRMAN LOHSE: How you doing.

MR. NEELEY: My name is Ray Neeley, and I'm from the Ahtna Region.

CHAIRMAN LOHSE: Turn your mic on Ray, just press the button -- the little red button, there you go. Okay.

MR. NEELEY: My name is Ray Neeley. I'm from the Ahtna Region. And we're affiliated with this Copper River Native Association, so I'm representing both parts.

On the Proposal 1 here, this is what we have on there. In regards to Proposal 1, Ahtna/CRNA, with modification to take out the license requirement for the hunting for the moose or caribou. The proposal is more restriction than what the state of Alaska regulation requires. The regulation under the State only requires a phone call to the Alaska Department of Fish and Game to state what species is to be taken for funeral and memorial potlatch.

We would like to have the license requirement be taken out of Proposal 1.

Additionally, Ahtna supports a modification to Proposal 1 that requires just calling the appropriate Federal agency and leaving a message before hunting or taking an animal. If a death occurs on the weekend, then the family host will most likely hunt during the weekend and take a number of ungulates, moose or caribou, we would not want to have our caribou, our moose meat confiscated on a weekend hunt for a funeral potlatch.

In addition, we want to make sure that Proposal 1 would be to leave the decision to take a number of ungulates to be taken upon the host families. The number of ungulates taken should be left up to the family or those putting on the ceremonial potlatch. As long as the ungulate population that the host families is taken is healthy and at least sustainable population then the decision to take one or four ungulates should be left up to the individuals. Many Ahtna families host a memorial potlatch in conjunction with three or four families for two or three deceased people and may take more than two caribou or moose, ungulates, or et cetera.

Thank you.

CHAIRMAN LOHSE: Any questions for Ray.

(No comments)

CHAIRMAN LOHSE: Ray, I have one.

MR. NEELEY: Okay.

CHAIRMAN LOHSE: And I've read back through this, you objected to the license requirement and maybe I'm missing it but is there a license requirement under this proposal?

MR. NEELEY: That's what the proposal is reading there, your existing one, for, under the State regulations we're talking. State regulations. And that Unit 13, they don't require a license for going out and getting a moose for ceremonial potlatch.

CHAIRMAN LOHSE: Uh-huh.

MR. NEELEY: Like a person deceased.

CHAIRMAN LOHSE: Yeah. I just didn't see any -- I didn't see where the Federal one required a license either and I've read it through a couple times and didn't see that. So maybe they already took that out and maybe that was in the original proposal.

MR. NEELEY: It could have been. But anyways, yeah, we were just wondering if we could take the license part out.

CHAIRMAN LOHSE: Yeah.

MR. NEELEY: And if it is already that'd be fine.

CHAIRMAN LOHSE: I don't see it in here do you, Bob?

MR. CHURCHILL: No.

MS. PETRIVELLI: Uh.....

CHAIRMAN LOHSE: Yeah, I don't think it's in here anymore.

MR. NEELEY: All right, that's good.

CHAIRMAN LOHSE: Any -- oops, well, I've got all kinds of hands over the place, Bob, first.

MR. CHURCHILL: Thank you, Mr. Chair.

Yeah, Mr. Neeley, just so understand what you're asking or suggesting that we do, is you're suggesting that a family who is holding a ceremony, that it be up to their discretion as to how many animals they take, moose or caribou, without any interference or setting by any other agency, ADF&G, any Federal agency, am I understanding that correctly?

MR. NEELEY: Right. That's, you know, what we do a year or so after a death in the family there's a -- you know, in that same family sometimes there's two or three that's died in the same family and there's a lot of people that comes to -- who got a lot of family and friends, comes to it, so that's what we're asking on that part.

MR. CHURCHILL: As a follow up, through the Chair.

CHAIRMAN LOHSE: Bob.

MR. CHURCHILL: What would you anticipate being the maximum number of, say, moose that would be required for a potlatch, that you're envisioning?

MR. NEELEY: Two, probably. Because we have usually three to four days -- three to four days we usually have our potlatches.

MR. CHURCHILL: Thank you, very much.

MR. NEELEY: All right, thank you.

MS. CELLARIUS: Regarding the licenses.....

CHAIRMAN LOHSE: You have to come up and use the mic.

MS. CELLARIUS: Okay, sorry.

CHAIRMAN LOHSE: Ray, just stay there for a second, all right. I think that that's already -- well.....

MS. CELLARIUS: Barbara Cellarius, Wrangell-St. Elias National Park, subsistence coordinator.

This issue of the license requirement

came up at our SRC meeting. If you compare Proposal No. 1 with Proposal No. 12, you will see that Proposal No. 12 has a license requirement specified. And at the request of one of our SRC members, I started making a few inquiries about the license requirements. And my understanding is that under CFR 50 -- I don't have the requirement in my hand at the moment, but in the CFRs, which is the Federal -- Code of Federal Regulations, there is a requirement for an Alaska State hunting license.

And so whether or not it's specified in the proposal, my understanding is that you must have an Alaska State hunting license.

CHAIRMAN LOHSE: Underneath a different code?

MS. CELLARIUS: Yes. It's implicit in the Federal regulations.

CHAIRMAN LOHSE: Okay. Anybody else got questions for Ray.

MR. CHURCHILL: No.

MR. ELVSAAS: It says no permit is needed.

CHAIRMAN LOHSE: Yeah.

MR. ELVSAAS: It doesn't say anything about a license.

CHAIRMAN LOHSE: But it doesn't say anything about a license, right. On the other issue about the number, all I see in here, it doesn't put a number on it, it just says submit a written report to the appropriate Federal land managing agency specifying the harvesters name and address, the number, sex and species of wildlife taken. So if two moose are taken, they just have to be reported, according to this regulation right here. They don't have to be specified ahead of time.

Bob.

MR. CHURCHILL: Well, the way I read it is I think it envisions, I'm looking at Page 41, Item 1 under proposed reg, it talks, and it says that -- they talk about the species and number to be taken, and by

that I'm getting the gist to be that that be a negotiation so that, in fact, a determination can be made if that harvest is within reasonable conservation limits. That that makes it an element prior to. And as Mr. Neeley's indicated, most moose populations that I'm familiar with, if they went in and said I want two moose, I would doubt that anybody would turn that down. But it certainly seems to be that they have to talk about the number prior to getting the approval to engage in the hunt.

MR. NEELEY: Yeah, excuse me.

CHAIRMAN LOHSE: Mr. Neeley.

MR. NEELEY: You know, sometimes we have a respected elder, like a chief in our corporation there, and when that usually happens we get statewide people coming.

CHAIRMAN LOHSE: Yeah.

MR. NEELEY: So that brings the number of people and the food to provide.....

CHAIRMAN LOHSE: Okay. Bob, I have two different proposals, I guess that I'm looking at and maybe that's what has me confused. I'm looking at the one on Page 41, and the one on Page 43. And I've been working off of the one on Page 43 and I think that's the one that was submitted, am I correct, in that?

MS. PETRIVELLI: No.

MR. ELVSAAS: They're the same aren't they?

MS. PETRIVELLI: Oh.

CHAIRMAN LOHSE: Yes.

MS. PETRIVELLI: Okay, on Page 43 is the proposal that was submitted. And then on Page 50 is what our recommendation is and we modified it with some of the provisions. And so on Page 50, and because we went through this process with the fish and we had the five salmon and the 10 steelhead and then we said consultation with the land manager, well, those provisions were put on Page 50 and then on under item one is prior to taking, notifying and then on item number two on 50, then it has

1 -- and that's where the using the methods and means
2 allowable for the particular species published in
3 applicable Federal regulations, that's where the hunting
4 license would be required, and then the second sentence,
5 the appropriate Federal land manager will establish the
6 number, species, sex and place of taking, if necessary,
7 for conservation purposes.
8
9 So that would provide the balance and
10 checks for conservation.
11
12 But it -- it's not -- it's not necessary,
13 you know, a written permit, but as a contact prior. So
14 Page 50 contains the proposed modified regulation, and,
15 yes, 43 has it as originally proposed.
16
17 CHAIRMAN LOHSE: Okay. 43 was as it was
18 originally proposed.
19
20 MS. PETRIVELLI: No.
21
22 CHAIRMAN LOHSE: Okay.
23
24 MS. PETRIVELLI: This one, number 1,
25 statewide.
26
27 CHAIRMAN LOHSE: I have one more question
28 for Mr. Neeley, if I may. When you were talking about
29 that prior notification and the need to, it's on a
30 weekend and nobody's there, and just use a phone call and
31 leave a message.
32
33 MR. NEELEY: Right.
34
35 CHAIRMAN LOHSE: That would be kind of
36 like what we did on the fish proposal, where we allowed
37 the -- or we streamlined it so that it could take place
38 faster, that wouldn't be covered in this, the way it is
39 right here, because here it says we have to have prior to
40 taking it.
41
42 That would have to be something that
43 would have to be put in as a modification if we were
44 going to do something like that, which is totally
45 possible.
46
47 But I can see your point on that one
48 because if it happens on a weekend, there may not be
49 anybody in the office until Monday and I know for my
50 brother's father-in-law's one, they didn't wait that

long.

MR. NEELEY: Yeah. Yeah, that BLM office in Glennallen, they close at 4:00 o'clock Monday through Friday so weekends they're not open.

CHAIRMAN LOHSE: Yeah. So any other questions for Ray.

Susan.

MS. WELLS: Well, I just wanted some clarification. When I'm looking on Page 41, that's the proposed regulation and then when we move over to that Page 43, that's what was originally proposed and then these are the -- on Page 50 is what's being recommended by.....

MR. CHURCHILL: I think she's got it.

CHAIRMAN LOHSE: This is really.....

MS. WELLS: Because it doesn't say.....

MR. CHURCHILL: Yeah.

MS. WELLS: Okay, that's -- okay, thank you. Sorry to be confusing.

CHAIRMAN LOHSE: Bob.

MR. CHURCHILL: Through the Chair. I mean I had the same question as Susan did, but is that my -- do we have an agreement with Subsistence that, in fact, what we're really discussing is the proposal on Page 50?

(No Answer)

MR. CHURCHILL: Is that really what we're discussing?

CHAIRMAN LOHSE: Well, what are we.....

MS. PETRIVELLI: All -- all of them.

CHAIRMAN LOHSE: We're actually discussing all of them, we can put any one of these on the table. These are the recommendations from, the conclusions from the Staff. I haven't figured out the

difference between 43 and 41. 43, is the original proposal as it was first presented, right?

MS. PETRIVELLI: Uh-huh.

CHAIRMAN LOHSE: 41 has only slight modifications or does it have any modifications at all?

MS. PETRIVELLI: Um.....

CHAIRMAN LOHSE: It looked to me like it had modification.s

MR. CHURCHILL: Yeah, I guess where I'm coming from is the Office of Subsistence Management submitted the original proposal and if I understood Pat correctly, they're now saying, and that was -- is that all three versions that Subsistence did what's on Page 43, 41 and their kind of final recommendation is Page 50? Is that how it goes?

MS. PETRIVELLI: Okay. 41 and 43 should have been exactly the same and if they're not it's a typo.

MR. CHURCHILL: Okay.

MS. PETRIVELLI: So 43 and 41 should have been exactly the same. And actually 43 would have been how the public -- when we sent out the proposal book, we make the proposals when the fish meetings are going on, last fall when all the meetings were going on -- or not the -- yeah, when -- when we were reviewing fish proposals, we were accepting wildlife proposals. And then -- and we had to prepare this book, and so we prepared this book before a final decision about the wildlife -- or the fish regulations were made.

So anyway, 43 and 41 should have been exactly the same.

MR. CHURCHILL: Okay.

MS. PETRIVELLI: 50 is our final recommendation after considering what the Board of Game did and considering the Board's action on the fish ceremonial proposal last -- in December. So Page 50 would be our final recommendation.

But people who have been reviewing

1 proposals in the proposal book would have seen Page 41
2 and 43 and might be commenting based upon that version.
3
4 CHAIRMAN LOHSE: Thank you, Pat.
5
6 Bob.
7
8 MR. CHURCHILL: Yeah, Pat, this is for
9 you and I had a note to myself to ask you about it.
10
11 In this language, I am assuming it came
12 out of your office, it says, there should be no change in
13 the harvest since this type of harvest has gone on for
14 generations.
15
16 MS. PETRIVELLI: Uh-huh.
17
18 MR. CHURCHILL: Now, by that were you
19 saying that the harvest -- and I'm talking probably in
20 the last 20 years, has that gone on -- are you saying it
21 went on under the State system, where you could apply for
22 this and get it and permits be granted or were you saying
23 that it's gone outside of the current regulations? What
24 were you implying there?
25
26 MS. PETRIVELLI: It's just that it has
27 been occurring, whether it's been recognized by
28 regulations or not, or within the regulatory system, the
29 harvest of these -- of wildlife under these -- for these
30 purposes has been occurring.
31
32 MR. CHURCHILL: Well, I mean I understand
33 that. But I guess I kind of thinking about documentation
34 and when you make this statement, I guess I'm wanting to
35 know is, are you saying that -- and again, let's say the
36 last 10 years, there's been a regulation in place for the
37 State that's allowed for this harvest, you know, it's
38 fairly straightforward, are you saying that harvest has
39 been under the State system and we could probably take a
40 look at numbers of harvest, or has it been outside the
41 regulations, unreported harvest?
42
43 I mean when you wrote that what was --
44 what did you draw on for that?
45
46 MS. PETRIVELLI: Well, I wasn't the
47 author. But if I was the author I think I-- I'm sure
48 they meant that the harvest has been occurring, you know,
49 and I guess maybe they could have included the numbers
50 under State regulations. You know, that would be

1 documentation of the level of harvest but they don't --
2 the statement is that this wouldn't result in an
3 increased harvest because it's an activity that has been
4 occurring regularly.
5
6 So the intent of the statement was to
7 indicate that there wouldn't be an increased harvest.
8
9 MR. CHURCHILL: Yeah, I guess I
10 understand and I'm not hearing an answer what it's based
11 on it. But, thank you, for the effort.
12
13 CHAIRMAN LOHSE: Bob, I think, if I
14 understand what Pat is saying, that underneath this we
15 would have a better record of the harvest but the harvest
16 wouldn't increase. That the harvest will stay the same
17 both, that was reported and unreported in the past was
18 my.....
19
20 MR. CHURCHILL: Yes, I mean I understand
21 what you're saying, I'm just wondering if there's a fact
22 based on it or is it just a general belief, and I'm
23 hearing it's a general belief and I'm fine with that.
24
25 CHAIRMAN LOHSE: Okay. Any other
26 questions for either Pat -- well, Pat's gone -- or for
27 Ray.
28
29 Sylvia.
30
31 MS. LANGE: Looking over the mark upon
32 Page 50, under number 1, sounds like what the.....
33
34 CHAIRMAN LOHSE: Are you asking.....
35
36 MS. LANGE: For Ray.
37
38 CHAIRMAN LOHSE: Okay.
39
40 MS. LANGE: Your concern of being able to
41 say call in and just report ahead of time as opposed to
42 get permission ahead of time. IT sounds like the way
43 it's marked up now it might satisfy that because it
44 simply says prior to taking the wildlife, the person or
45 tribal government organizing the ceremony contacts the
46 appropriate Federal land manger in order to provide the
47 following, the parties involved, the species and the
48 number and where, but it doesn't say that it has to be
49 talking -- getting permission or anything under the new
50 language here.

Would that satisfy that concern of.....

MR. NEELEY: You mean like going out and.....

MS. LANGE: .....say it's on a Saturday?

MR. NEELEY: .....getting the moose or caribou and then reporting?

MS. LANGE: It says to report prior but it doesn't say you have to talk to a person, you're just providing the information.

MR. NEELEY: Yeah, after you, you know, get the moose and stuff you report it, that'd be fine, you know.

MS. LANGE: I'm talking about prior approval. You said prior approval was a problem.....

MR. NEELEY: Right. Right.

MS. LANGE: .....the way it's written. But with the mark up, they -- the new mark up doesn't say anything about approval.....

MR. NEELEY: Because you can't determine when you're going to get a moose or a caribou.

MS. LANGE: I see.

MR. NEELEY: You can't really determine that. And sometimes, you know, you can't determine when some people are going to pass on, too, you know, so if it happens on a Saturday, Sunday. So sometimes, you know, when somebody passes on we need to get some meat right away to start cooking for the people that come to visit.

MS. LANGE: So it's any kind of prior notice is difficult, it's only post notice.....

MR. NEELEY: Right.

MS. LANGE: .....that works?

MR. NEELEY: What we usually do is up there, we usually call the Fish and Game and let them know that a person died and that we need to go out and get some meat for the potlatch to feed the people that

come down to visit, that's the way we normally do with the State Fish and Game.

MR. NEELEY: So under the current -- follow up, if I may?

CHAIRMAN LOHSE: Yes.

MS. LANGE: So under the current, with the State, you do call them ahead of time and say you're going to go hunting because there's been a funeral or.....

MR. NEELEY: Right. Right. Yeah, yeah, we normally -- yeah.

MS. LANGE: Okay. But you don't specify how many you're looking for?

MR. NEELEY: No. No. No.

MS. LANGE: Or where?

MR. NEELEY: No.

MS. LANGE: Or what?

MR. NEELEY: No. Because you don't know where the moose is going to be.

MS. LANGE: Right.

MR. NEELEY: Because sometimes the snow is deep, they might be around, sometimes they're not around.

MS. LANGE: Okay.

CHAIRMAN LOHSE: Susan.

MS. WELLS: Now, I think you have me confused. This regulation is saying prior to the taking of the wildlife call and let us know what, you know, how many you're going to try to get, what it's for, yadda, yadda, ya. But then I'm also hearing that you already do that. You already call the State and say there's been a death and we're going out to hunt.

MR. NEELEY: Yeah, we don't know if we're going to get a moose or not, though, that's what I'm

saying. Sometimes you don't get a moose.

MS. WELLS: Well, I'm confused because as the State has it right now you already -- that's already a provision. You call them and say we've had a death and we're going to go moose hunting and hopefully get two moose.

MR. NEELEY: Yeah, that's the way the State regulates that right now.

MS. WELLS: Okay. And that's what this is saying, that prior to the taking you're going to contact the land manager and give him that information.

MR. NEELEY: This is going to be on Federal lands, Unit 11 and 12?

MS. WELLS: This whole state is what this is for.

MR. NEELEY: Okay.

MS. WELLS: And so is that what you're saying, it is not a good thing, that's not what you -- is acceptable?

MR. NEELEY: It's a good thing, it works. But the way they say how many you're going to get, like two or three, it says species, instead of one, we don't know if we're going to get one or two. So we don't know, we can't call you up and say we're going to get two moose, we're not sure if we're going to get that many.

MS. WELLS: Well, I think, as I'm reading it it's saying, you know, it's more of a.....

MR. NEELEY: What we're saying is that we do that but without having a license, you know, getting a license, you go do that, you know, you can't get the hunting license, and run around and do that and go out and hunt, you know, we're just trying to eliminate the license part.

MS. WELLS: Mr. Chair, I would like that clarified again because maybe I'm not getting this. Ms. Petrivelli mentioned point number 2, uses and methods and means allowable for a particular species published in the applicable Federal regulations, it doesn't say that you have to go get a license, but she mentioned something

about a license.

Do I see having to have a license in here? I mean I'm missing it.

CHAIRMAN LOHSE: Susan, if I understand correctly, under Federal law to take a subsistence animal under Federal law you have to have a State hunting license, not particular for this thing right here but for all Federal regulations. And if I'm correct in that, I am not sure whether State law requires you to have a license to take a moose for a mortuary or funerary potlatch, does it?

Terry, can you answer that one?

MR. HAYNES: Mr. Chairman, it's not listed as a specific requirement in that regulation. I'd have to do some research to see if there's some linkage between the general requirement to have a hunting license and this ceremonial harvest regulation.

What has been referred to early as in another proposal, Proposal 12, has language specific to requiring a license for the ceremonial harvest in the Park. And that's where the discussion came earlier.

CHAIRMAN LOHSE: Right.

MR. HAYNES: It's not specific to Proposal No. 1, but it was specific to a related proposal.

MS. WELLS: Okay. I just want to know for Proposal No. 1 is there a license required or not?

MS. PETRIVELLI: Okay. Under Federal regulations, under -- for Proposal 1, because it says, using methods and means required to harvest and under our methods and means, you're -- you're required to possess a resident license to hunt, trap under these regulations. That's just the general thing. To be a Federally-qualified hunter, you must possess a resident license for hunting.

So just that general provision under 1 in -- and in -- in 12 -- I mean 12 confuses the issue by it just double require it. But even without that word in in, because we say using the methods and means allowable you must have a license. And I guess another point of

confusion about a difference -- oh, because of the notification with the land manager -- because -- on Page 50 we do say that the person has to talk to a Federal land manager and determine the number and species taken, whereas the State difference is, they just publish a list where they have concerned species that should be avoided. And so -- and so -- so a person doesn't have to talk specifically to someone prior to notification. They just have to notify them. But they don't establish the number prior.

CHAIRMAN LOHSE: Okay. Now, does everybody on the Council have that clear?

Fred.

MR. ELVSAAS: Mr. Chair, as I understand what I just heard, if you get the wildlife under the State permit you don't need a license, we just heard that. But if you do it under the Federal permit you have to get a State license. That doesn't make sense. I mean there's something -- I think we need to, in our deliberations review that and address it at that point.

I have one other question, when you set up a potlatch, don't you generally have a little time frame, lead time before you do this, several days notice so people can attend and so forth?

MR. NEELEY: Not -- not when a person just passed on. But we're talking about memorial, a year later, that's memorial potlatches we're talking about?

MR. ELVSAAS: Uh-huh.

MR. NEELEY: When a death occurs that's when we go out and we gather the meat quick as we could. But memorial we'll have a little more lead time.

MR. ELVSAAS: The reason I asked is it seems to me that the Federal land manager, at the most, would be -- if there was a three day weekend, you wouldn't be able to access somebody but if you had your planning within a three day or four day time frame or a week or whatever, you'd have time to do so, but I don't see that as a stumbling block.

Thank you.

MR. NEELEY: Yeah, I think what we're

1 talking is mainly if somebody is passing on, just like
2 say like somebody passed on today, like on a Friday
3 night, and Saturday they're starting to get people
4 together and families coming together and stuff, that's
5 what I'm talking about.
6
7 MR. ELVSAAS: I get you, thank you.
8
9 MR. NEELEY: Yeah.
10
11 CHAIRMAN LOHSE: Thank you, Ray. Any
12 other questions for Ray.
13
14 (No comments)
15
16 MR. ELVSAAS: Ralph, I think you're on
17 No. 12, is the one I was talking about here, regulations
18 that's what the Park Service, that's -- they're both
19 funerary ceremonies.
20
21 CHAIRMAN LOHSE: Okay.
22
23 MR. ELVSAAS: One and 12, on Proposal No.
24 12 it has down here, however harvesters between the ages
25 of 16 and 60 must possess a valid hunting -- Alaska
26 hunting license.
27
28 CHAIRMAN LOHSE: Okay.
29
30 MR. ELVSAAS: They're both the -- it's
31 generally the same, one and 12.
32
33 CHAIRMAN LOHSE: Yeah.
34
35 MR. ELVSAAS: Proposal had it, where it
36 says license.
37
38 CHAIRMAN LOHSE: Okay, well, that
39 explains it right there then. I think that's what Terry
40 was trying to tell us, too, was that we -- you've gotten
41 confused because we have two proposals that are fairly
42 similar.
43
44 Thank you.
45
46 Any other questions for Ray.
47
48 (No comments)
49
50 CHAIRMAN LOHSE: Thank you muchly. Okay.

Are there any other State, Federal, tribal agencies that wish to speak to this proposal.

MR. REID: Mason Reid, wildlife biologist, Wrangell-St. Elias National Park and Preserve.

At the Wrangell-St. Elias Subsistence Resource Commission meeting a week or so ago, we discussed some of these issues about reporting as well as requirement of license. I submitted Proposal 12 to address and try to clarify some of the regulations. The goal was to achieve the same thing that Proposal 1 was achieving. But there are a couple of confusions.

With the prior reporting, as I said, we discussed that at the SRC meeting and with the Wrangell-St. Elias staff we felt that someone calling us after hours, leaving a message either on our home voicemail or on our work voicemail would satisfy the requirements for prior contact so we didn't see that there was any hurdles involved with the prior contact.

And regarding the license requirements, I was the author of Proposal 12, which duplicated existing Federal regulations for Units 1 through 5, which did require a State hunting license, so I included that in the proposal just for simplicity.

And as Barbara Cellarius mentioned earlier, both Proposal 1 and Proposal 12 require State hunting licenses based on the Federal CFRs for Parks and Monuments.

And I think, I just talked to Sandy Rabinowitch, but he did some research based on concerns that CRNA had regarding the license requirement and for the mortuary cycles or funerary cycles, both State and Federal requirements include a State hunting license. And this is a hunting license, not a permit. There are no additional permits required. But my understanding is taking any game animal in the state requires a State hunting license or trapping license.

CHAIRMAN LOHSE: Okay. Any questions.

Bob.

MR. CHURCHILL: Yeah, Mason, thank you. Then I guess I am curious, I'm on Page 50, it says the harvest does not violate recognized principles of

1 wildlife conservation, the use of methods, means
2 allowable for this particular species published in the
3 applicable Federal regs. Appropriate Federal land manger
4 will establish the number, species, sex or place of
5 taking if necessary for conservation.
6
7 So by your system, somebody leaving you a
8 voicemail, how does that meet that requirement, in your
9 mind?
10
11 MR. REID: Well, that was -- this
12 requirement here is new to me. But it's -- I don't think
13 it's a problem. Hopefully with the prior reporting if
14 there is a request -- I don't mean prior reporting, but
15 -- but the prior contact, if there's a request for six,
16 eight or 10 moose, then, you know, there's some
17 conservation concerns with that, possibly.
18
19 MR. CHURCHILL: And if I can have a
20 follow up.
21
22 CHAIRMAN LOHSE: (Nods affirmatively)
23
24 MR. CHURCHILL: But according to what I
25 heard you say is there's no contact necessary prior to
26 the person taking it, the system you're suggesting, if I
27 called you Friday night and said that my intent is to
28 harvest six moose, you know, as was said, a revered elder
29 and we anticipate 300 people coming in, and then I've met
30 my requirement. I say, well, we're going to to take six
31 or eight moose and by the time you pick up the phone 7:00
32 a.m., Monday it's a done deal.
33
34 MR. REID: Right.
35
36 MR. CHURCHILL: And what I'm looking at
37 is on Page 207, the amount of harvest of moose related to
38 potlatches seems to be increasing and I guess all the
39 population is getting older, but I guess I'm real
40 confused if conservation is a critical part of this and
41 we have no prior notification or dialogue required it
42 seems to not allow for that conservation base.
43
44 MR. REID: The way it's written currently
45 and the way we discussed it at the SRC, that is true.
46 There is, I think, and we're looking at basically
47 weekends, or what we were dealing to do in Wrangell-St.
48 Elias, was to allow the people to contact us at home or
49 whatever so if you can't get us you leave a message. But
50 we know that you did try to get ahold of us.

MR. CHURCHILL: I understand.

MR. REID: You know, we didn't really discuss conservation concerns, you know, with the prior contact. You know, we're looking at a fairly short period of time in the year, you know, a one or two day weekend or a three day weekend, it's probably -- my guess is it might be unlikely to get eight to 10 moose over a weekend.

MR. CHURCHILL: Thank you very much.

CHAIRMAN LOHSE: John.....

MR. CHURCHILL: Joe.

CHAIRMAN LOHSE: I got two of you at once, they said you had your hand up first, we'll get to you.

MR. HART: Joseph Hart with Chitina Native Corporation. The concern that you mentioned, Mr. Churchill, about conservation on the resource, there's a lot of work that goes into performing a potlatch and a memorial ceremony, and believe me overharvesting of the resource is not going to be something that we're going to want to do.

The work that's involved in harvesting a moose or a caribou or fish and so on is going to take away from the ceremony and the potlatch itself, so I don't think that the concern that you're mentioning there of someone coming in and saying they want to harvest eight moose or something is something that would really happen at all.

We're talking about people that have harvested moose for centuries. We lived on the land and respected the resources forever. And we rely on these resources for our ways of life. So I don't think that the -- unless there's a new religion that comes in or something or something new that comes in, I really don't foresee there being a violation of the number of moose or caribou or so on that's taken. I guarantee you that in my village, which is Chitina, that that wouldn't happen, we would not allow that to happen.

CHAIRMAN LOHSE: Bob.

MR. CHURCHILL: Joe, thanks a million,

and it's still Bob, it's just fine.

CHAIRMAN LOHSE: Anybody else have questions for Joe.

(No comments)

CHAIRMAN LOHSE: Don't run off so fast next time.

MR. BRYDEN: Mr. Chairman. Jeff Bryden, lead law enforcement officer, subsistence, Chugach National Forest. Prior notification for law enforcement purposes is vital for us. Particularly as was addressed earlier. The harassment of people in the field. If we don't know that there is a harvest taking place for legal means under this, either funeral, mortuary or memorial potlatch and an officer gets a call in the evening and there's people out in the field with animals down or are pursuing animals, obviously we're going to go out and contact them. This could be easily prevented if we had prior notification saying that there's going to be a group out there and they're going to be harvesting animals.

Particularly for us knowing who the people are ahead of time helps out a lot, to be able to determine that the people who are out there are eligible to be doing it. One of the issues we have, of course, is the rural residency part of it. Is are the people that are out there doing the harvest people that are allowed to do it or is it somebody that we don't know that just came in who's trying to poach a moose that has nothing to do with this but they're just out in the field.

So for law enforcement purposes, prior notification, calling it into the area managers or whatever is fine, we can get the message from them, our numbers are all posted and we work seven days a week and so there's no problem with that. So one call is all that would be needed and it could be then funneled down to us. But for those purposes, we need to be notified ahead of time so we don't interfere or cause any problems.

CHAIRMAN LOHSE: Fred.

MR. JOHN: Yeah, I know you uphold the law. In our Native custom, traditional ways, we don't go bragging about how many moose we're going to go get or we don't say, well, I'm going to get a moose today. That's

tabu in our language. And that's our customary way of hunting, you know, probably like a big sport hunter could go out there and say he's going to get the biggest sheep and everything, we don't do that. How we go about it is we're going to take a walk, we're going to go look around. In our traditional way of thinking that we have, you know, respect for the moose, we just don't say we're going to go get them.

And following up on traditional and customary way of hunting for the Athabascan people and the Inupiat and all the different tribes in Alaska. I think it would be pretty hard for a traditional person to say, hey, I'm going to get a couple moose this weekend or somebody just died and I'm going to get a couple moose, that goes completely against the traditional and customary way of life in our area.

So is there anyway you could go around it?

MR. BRYDEN: As far as saying the moose, enforcement has no way of saying you can have two moose, five caribou, all we are asking to know is if the hunt is going to take place so that we don't bother the hunt. If we know that you're out there, that's all we know is know that there are people that are out there that are legally engaged in this. We don't need to know if you're shooting two moose or four moose, that's up to the managers to decide if there's a number of them that can be harvested without hurting the overall population. We just need to know that there's going to be people in the field so that we can stay away from the area.

We don't want to mess up the harvest in any way.

CHAIRMAN LOHSE: Susan.

MS. WELLS: Well, this is a point that in point number 1, it's talking about the prior to taking of the wildlife, there's going to be a call, you know, that helps the enforcement, it's just notifying that you're going out. Okay, and hopefully, you know, we're going to get a moose, hopefully we're going to get, maybe, two moose.

But now down in number 2, the last line says the appropriate Federal land manager will establish the number, species, sex or place of taking, if

necessary, for conservation purposes.

CHAIRMAN LOHSE: Susan, can I make a comment on that, you know, actually that's the kind of thing we're going to have to discuss when we work with the proposal itself.

MR. ELVSAAS: When we make the motion.

MS. WELLS: Okay.

CHAIRMAN LOHSE: Those can be modified out, those can be amended out, those could be put in. But we needed to know from the person sitting in the chair right there is how does this affect the job that he's trying to do.

MS. WELLS: Okay.

CHAIRMAN LOHSE: Or how does he see it. And what like John brought up, John brought up something that, to me, shows, you know, that different areas have different attitudes.

MS. WELLS: Uh-huh.

CHAIRMAN LOHSE: Different cultural backgrounds. Those are the kinds of things that we can work in when we work on the proposal.

MS. WELLS: Okay.

CHAIRMAN LOHSE: But right now what we want to try to do is get as much information and most of the questions we've been asking haven't been questions to decide what we're going to do on it. I've had to have a lot of clarification because there's been a lot of things in this one here that have been pretty fuzzy, everything down -- I'd never given a thought to the fact that there is a license required even if there is another type of hunt there that doesn't specifically require it, you know.

So for the rest of this, let's, instead of discussing things that we might want to change, let's wait until we get the motion, the proposal on the table and then let's change some of these things if we think they need changed.

MS. WELLS: Well, that's why I was

bringing that up.

CHAIRMAN LOHSE: Yeah.

MS. WELLS: Because it seems to conflict.

CHAIRMAN LOHSE: Yeah.

MS. WELLS: And I don't know if that is a conflict.

CHAIRMAN LOHSE: Well, it might be a conflict for us but it's not a conflict for the enforcement right there. What he's saying is basically what -- what you're saying is what you need to know is that people will be out there, you don't really need to know how many they're taking or anything like that, but you need to know that there will be people out there taking something for this funeral or mortuary potlatch?

MR. REID: That's correct. The managers, along with the requesting party can determine how many and what species, all I need to know is that there's going to be people out there.

CHAIRMAN LOHSE: Fred. Nothing.

MR. ELVSAAS: (Shakes head negatively)

CHAIRMAN LOHSE: Okay, thank you.

MR. REID: Thank you, Mr. Chairman.

CHAIRMAN LOHSE: Do we have any more State, Federal, or tribal agency comments on this proposal.

(No comments)

CHAIRMAN LOHSE: Okay. Fish and Game Advisory Committee comments, do we have any?

MS. WILKINSON: We have some in the written comments.

CHAIRMAN LOHSE: In the written comments, okay, but nothing -- oops, we have one right here. Okay, we're dealing with Proposal 1 right now.

MR. CARPENTER: Oh, this is Proposal 1?

CHAIRMAN LOHSE: This is Proposal 1.

MR. CARPENTER: Okay, this isn't the designated hunter.

CHAIRMAN LOHSE: No. This is strictly Proposal 1.

MR. CARPENTER: Okay, no comment on this one.

CHAIRMAN LOHSE: Okay. So then we have summary of written public comments.

MS. WILKINSON: Thank you, Mr. Chairman. We do have a goodly number.

Statewide comments from outside the region come from Alfred McKinley, Jr., on behalf of the Alaska Native Brotherhood wrote that all Native residents should be included when making regulations for the taking of fish and game for or as part of a funerary or mortuary cycle, including the Fortyday Party and the Pay-off Potlatch. And that was from the Alaska Native Brotherhood.

In support Mike Moses on behalf of the Asa'carsarmiut Tribe of Alaska wrote, that this regulation should be reserved only for Alaska Natives, if possible since Alaska Natives are the ones that have been doing this for generations.

Also have comment from the Grayling, Anvik, Shageluk, Holy Cross local Fish and Game Advisory Committee met in Holy Cross on January 30th and they support this proposal unanimously.

We have comment from the Wrangell-St. Elias Subsistence Resource Commission, that they support this proposal as it is written.

CHAIRMAN LOHSE: This is Proposal 1, right?

MS. WILKINSON: One, right.

CHAIRMAN LOHSE: Yeah.

MS. WILKINSON: Do you want me to read them for 12 at the same time, no?

1 CHAIRMAN LOHSE: Well, why don't we wait
2 and hopefully we don't have to get to 12.
3
4 MS. WILKINSON: Yeah, okay. And also the
5 Denali SRC wrote in support of this proposal. They
6 unanimously support Proposal 1 to establish a statewide
7 regulation allowing the taking of wildlife for religious
8 and ceremonial potlatch purposes.
9
10 Ahtna Incorporated wrote in and said that
11 regarding Proposal 1, they support it with modification
12 to take out the license requirement. The proposal is
13 restrictive, more so than the State of Alaska's
14 regulation. The State regulation only requires a phone
15 call to Fish and Game to state what species is to be
16 taken. And we would like to have the license requirement
17 taken out of Proposal 1.
18
19 And Mr. Neeley read one that was sent in
20 as a written comment. And I believe that's all we had,
21 sir, for Proposal 1.
22
23 CHAIRMAN LOHSE: Thank you. With that,
24 we'll reopen it back up for public testimony on Proposal
25 1, if there's anybody that's turned in a blue card, have
26 they?
27
28 MS. WILKINSON: No.
29
30 CHAIRMAN LOHSE: No, we have no public
31 testimony. And so at this point in time, a motion to put
32 this proposal on the table is in order so that we can
33 discuss it.
34
35 MS. LANGE: I so move.
36
37 CHAIRMAN LOHSE: So move.....
38
39 MS. LANGE: To put Proposal 1 on the
40 table.
41
42 CHAIRMAN LOHSE: Which one of the number
43 1's are you putting on the table?
44
45 MS. LANGE: Oh.
46
47 MR. CHURCHILL: 41, 43 or 50.
48
49 MS. LANGE: Well, there's.....
50

CHAIRMAN LOHSE: 41 and 43 are the same.....

MS. LANGE: Right.

CHAIRMAN LOHSE: .....that's as put in, 50 is as it's suggested.

MS. LANGE: I see. I like 50.

CHAIRMAN LOHSE: Okay. So if I understand you right, the motion is to put the proposal as written on 50, which is Staff recommendation for Proposal 1?

MS. LANGE: That's recognizing changes needed.

CHAIRMAN LOHSE: Okay. Do I hear a second.

MR. ELVSAAS: Second.

MS. WELLS: Second.

CHAIRMAN LOHSE: It's been moved and seconded that we are going over the proposal that says, prior to the taking of wildlife, the person or designee or tribal government organizing the ceremony contacts the appropriate Federal land manager in order to provide the following:

1. That the parties and/or clans involved -- and I think that should be involved instead of involve, the species and the number of wildlife to be taken and the Federal lands from which the harvest will occur.

2. The harvest does not violate recognized principles of wildlife conservation and uses the methods and means allowable for the particular species published in the applicable Federal regulations. The appropriate Federal land manager will establish the number, species, sex or place of taking, if necessary for conservation purposes.

3. Each person who takes wildlife under this

section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land manager specifying the harvesters name and address, the number, sex and species of wildlife harvested. The date and locations of the harvest. And the name of the decedent for whom the ceremony was held.

4. No permit or harvest ticket is required for taking under this section. However, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur.

Okay. Discussion. It's open for discussion.

Susan.

MS. WELLS: Well, now, I'd like some clarification on that phrase, that the land manager will establish the number. If it happened to be a weekend, such as the man said, how is he going to go out and get his two if he has to have a land manager establish the number, if he hasn't had prior contact? I don't know if those two -- I just need some understanding on that point.

CHAIRMAN LOHSE: Anybody have an answer for Susan? Bob.

MR. CHURCHILL: Well, at least on my limited experience in these areas, pretty much, everybody knows everybody, they know their home phones and I haven't met anybody in the Federal structure that isn't pretty accessible. I'm guessing that, particularly when somebody dies, I mean the community gathers together, I don't care what your ethnicity is. And I'm not seeing that as a huge burden. I think the folks we had testify in front us go the extra mile and make sure that happens.

I mean I guess I appreciate both sides but I am confident that people, Federal land managers would do everything they could to make sure that happened as quickly as possible.

CHAIRMAN LOHSE: Fred, you had your hand up.

MR. ELVSAAS: Well, yes, specific to that.....

CHAIRMAN LOHSE: Fred, your mic.

MR. CHURCHILL: Fred.

MR. ELVSAAS: Sorry about that. But specific to the question on this issue, I could understand if there was a situation where the resource was depleted, that could be done and you got a conservation problem. Yet, on the other hand, if the resource is depleted, you aren't going to get any anyway. So I would suggest that we strike that whole sentence.

I just can't see running around trying to decide, you know, if you call in and say, for instance, you had the Friday afternoon experience, and you call in and say well, we're going to get a couple moose for potlatch or funeral, and the guy says, well, wait a minute I'm not sure what the resource is in your area right now I'll get back to you next week, and, so, you know, certainly you wouldn't want that to happen. So my preference would be to strike the whole sentence.

CHAIRMAN LOHSE: Bob.

MR. CHURCHILL: You know, I was concerned with that as well and that's why I asked the folks that have been up here in front of us if there had any problems with these permits being granted or any horror stories about enforcement and the answer was none.

I mean I guess, and again I don't envision people intentionally abusing the resources. I respect Joe's opinion, that's just polar-opposite to what this whole thing is about, is if you were to show a disrespect for the resource, I wouldn't want to do it in connection with a potlatch, frankly, but I don't think anybody else would.

I just think it's a cautionary, I mean, I'm not hearing anybody say that there is a problem with getting that approval under the State system and that's what the narrative seems to be saying, I guess I'm just a little bit more cautious about it.

CHAIRMAN LOHSE: Fred.

MR. JOHN: I'd like to say that I don't like the whole sentence either. I mean we don't go out there, you know, say the number we're going to get and the sex, the species or, you know, the place. If we run into caribou on the way we'll probably shoot a caribou instead of moose. And so I think we should just take that -- I don't think I like that in there -- I don't think we -- actually I want to say one thing, when there's a -- somebody die in a village or something usually just out of courtesy we call, you know, to the proper authority if we have a chance, you know. But there's usually very much sorrowful and everything and sometimes you don't even think, they just go get a moose, right now, you know, anybody, you know, the hunters in the village, I mean just go get a moose and there'll be people going this way. Not just one, no designated hunter, it's people trying to get meat in.

CHAIRMAN LOHSE: Thank you, Fred. Well, this brings up one issue that one of my -- I guess one of my biggest objections to this type of proposal and that's why in a way I like 11 and 12 best over 1. We have a proposal here that we're trying to make the shoe fit everybody. It's submitted by the Office of Subsistence Management, not at the request of any subsistence users themselves. And we got in here, if necessary, for conservation purposes. If each area would submit their own proposal they would know if there was any conservation needs in that area before they get it.

To me, I look at it, it says he can restrict it or establish it if it's necessary. If it's not necessary he doesn't need to establish anything so this would only be in there if there was a conservation problem.

The same issue would probably be better handled because, just like we were hearing from Fred before, and I know that for a fact, that in Fred's culture and the culture that I taught school with out in the Peninsula, you don't say ahead of time what you're going to go kill. You don't -- especially if you're going after something that's important, you feel like the animal is going to give themselves to you rather than you're going to go out and out smart them and take them. And to a certain extent, it could even be among some of the people I know, it could be tabu to say ahead of time to say ahead of time that you're going to go out and kill

an animal because that would just mean that you were showing your pride.

And that's why I think that a lot of these proposals like this need to be submitted by the subsistence users in the area that they are and be tailored to those areas instead of trying to do like we like to do which is make one shoe fit all.

And from that standpoint, I'll have to say that I guess I like the fact that Proposal 11 or 12 was submitted by people who live there versus this one that was submitted by Staff. And I can see where it's necessary to keep that in if it's necessary for conservation purposes. I also have to go along with that it probably isn't going to be necessary in a case like that. And I do know from experience that when it comes time for that to happen, there's going to be a lot of things happen without doing any thinking. It's going to be a case of people are going to go out and do something. And I hate to see people get in trouble because they didn't follow all of the -- they didn't dot all the I's and cross all the T's. But we do live in a society where, you know, there are areas where there aren't sufficient resources and it could be necessary for conservation reasons to limit what went on.

So I don't know, I have difficulty with this thing from the start. I like the idea of the phone call and go out and do it and at the same time I see the necessity for being able to establish a number if it ever gets out of hand.

I would like to see the proposals come directly from the -- I like to see the proposals come directly from the users themselves, tailored to the users. With that, I'll shut up.

Anybody else.

Fred.

MR. JOHN: I got another one here, it says prior to taking wildlife, a person or designee or tribal government organizing the ceremony. In a potlatch it isn't a tribal government that organize the ceremony, it's a clan and we got eight different clan in our area and they're the ones that organize the ceremony. I don't know how to word it but it just doesn't seem right to me putting in a tribal government in there, sure there are

1 tribal governments, but when it comes to potlatch it's
2 not the tribal government putting on a potlatch it's the
3 clans.
4
5 CHAIRMAN LOHSE: Fred, correct me if I'm
6 wrong, but it's also never a person organizing it either?
7
8 MR. JOHN: No, it's a family or extended
9 family or clan. It's usually the clan.
10
11 CHAIRMAN LOHSE: Right.
12
13 MS. WELLS: Can I.
14
15 CHAIRMAN LOHSE: Susan.
16
17 MS. WELLS: On the following pages, 53
18 through, I don't know where, is every unit in the state
19 covered with a subsistence -- I mean a funerary and
20 mortuary provision? It seems like we got one, two,
21 three, four, five, six, well, is there a Unit 7.....
22
23 MS. PETRIVELLI: Excuse me, 13 of the 26
24 units have regulations dealing with tradition or
25 religious ceremonies, so 13 units aren't covered. Half
26 of the state have unit-specific regulations that's the
27 way we currently recognize them now, through unit-
28 specific provisions. And this was an attempt to provide
29 standardized provisions.
30
31 MS. WELLS: In those units that do not
32 have provisions, is it because there is not the customary
33 and traditional or they have not been asked for?
34
35 MS. PETRIVELLI: Yes, they haven't made a
36 request for those provisions.
37
38 MS. WELLS: They have not.
39
40 MS. PETRIVELLI: They have not. Because
41 if they had we would have probably approved them and put
42 it in regulations.
43
44 MS. WELLS: Thanks.
45
46 CHAIRMAN LOHSE: Thank you, Susan. Yeah,
47 you brought up kind of what I was trying to say, is that,
48 units that have asked for this have got regulations that
49 are tailored to those units. Where, what we're trying to
50 do here is put a statewide one in which will in some

ways, like if you take Unit 20, right there, it spells out for Unit 20, who takes, you know, what -- who is qualified to take one for there.

This proposal as it's put before us, it's like I was telling Sylvia opens the door pretty wide because under the statewide proposal it cannot be listed by Native tribes, it cannot say Natives or something like that and this basically opens the door to somebody who wants to come up with a tradition, and we've had people talk today to the fact that under their culture they wouldn't take more one or two. But like somebody else said, the religion could change and you could end up coming up with a tradition that would allow taking where you would need this, if necessary conservation. And from that standpoint, that's why I -- like I said, myself, I'm in favor of each unit coming up with a proposal that meets the needs of that unit or meets the needs of the people of that unit simply because none of the units are all the -- none of the amount of game and the people and the traditions and cultures of those units are all the same.

And if you take a look and read these other proposals, read these other specific subsistence taking of wildlife from these different units and you'll see there's quite a difference, even with what you would expect in yours, don't you Fred.

Fred.

MR. JOHN: Mr. Chairman, I'd like to ask the BIA lady if she could come up, just ask her in her region, just give a little thing from -- she's from the Yukon area, if she don't mind, you know? Is it okay with you?

CHAIRMAN LOHSE: That's perfectly fine.

MS. HILDEBRAND: Thank you, Mr. Chairman. Ida Hildebrand, BIA Staff Committee member. And I believe your question was about the traditions in my area.

MR. JOHN: Yes.

MS. HILDEBRAND: In my area they have both the Nuchalawoyya ceremonies and the Nulato/Kaltag Stick Dances that are specific ceremonies that happen at a given time. In addition they also have potlatches for

1 people who are deceased at the time of their death. And
2 they have memorial services or potlatches for them after
3 a time.
4
5 So in our region this is very much an
6 ongoing active thing. And it's generally raised by the
7 decedent's family -- or not even the decedent's family,
8 the village responds to death. For instance, if my
9 father passed away, I wouldn't necessarily act in that
10 because the village would take it upon themselves in
11 respect to my father to provide for the potlatch and they
12 would merely inform my father's wife what they have done
13 and what time it is and where it is and they take care of
14 everything. They take care of preparing the grave, take
15 care of services, although we do select the readings and
16 who's going to be saying something during the formal
17 service. But pretty much the village takes it and so
18 it's generally under the tribal organization and that
19 varies on the Yukon.
20
21 There are, I was just at the Bristol Bay
22 Regional Council meeting and they, too, grappled with
23 this feeling much like your Chairman, that this wasn't
24 particularly applicable to their area but they wanted to
25 respect those people who had these traditions and so they
26 approved it on their behalf, but they didn't see it as
27 very much -- offering very much benefit or use to their
28 area.
29
30 And I think Mr. Lohse raises a really
31 point that when the proposals come from the users
32 themselves it's more reflective of the use and the
33 modifications can go from anywhere to approving for those
34 areas who do have these traditions or asking for specific
35 regulations. If this were to pass then it would be open
36 on an annual basis to put in proposals to put be more
37 restrictive to your area or to change it to be more
38 relative or relevant to your area.
39
40 CHAIRMAN LOHSE: Mr. Churchill.
41
42 MR. CHURCHILL: Thank you. My limited
43 experience has been that the traditions vary but are
44 consistent that those harvests needed to take place, you
45 have a lot of people to feed.
46
47 In our book here it indicates that the
48 moose taken for potlatches are primarily cow. Any idea
49 why that would be?
50

MS. HILDEBRAND: I don't know that the moose taken are primarily cows. I mean I'm sure if the material says that that's true. But in my experience is they go out to get moose, period, and it isn't I'm going out to get a cow or something, they're going to out to get something to feed the people and that's part of the tradition.

MR. CHURCHILL: Follow up. And I understand, too, I think it's common in hunting cultures, that to brag about what you're going to go get dooms you to failure, at least should, I think that in most hunting cultures I've been involved in and certainly the one I was raised in.

Might there be a way to establish -- I'm looking at ADF&G records on number of moose harvested for potlatches, might there be a way consistent with the cultural values to establish within the community village, tribal, clan organizations some type of anticipated number? I mean, I know these events are not scheduled, but might there be some way we could craft something that would allow for that on a more broad basis in looking and allow for it among the users and the managers in an area so that you don't have to call up and say, I'm going to take -- you know, I'm going to go catch three moose this weekend.

Based on your experience, do you have any ideas how you might guide us on something like that?

MS. HILDEBRAND: Mr. Chairman. Mr. Churchill, it's what Fred John has alluded to, it's a tabu and it's almost a death wish.

MR. CHURCHILL: Uh-huh.

MS. HILDEBRAND: And although it can be done, I mean you can certainly sit down and say, well, on average this is how many moose we take for this type of ceremony. It would be uncomfortable for elders to sit down and establish those kinds of numbers because in their opinion it's a death wish. They have the same problems with drawing up wills. So it's uncomfortable for them. But to the younger people, I'm sure they could come up with some abstract number that's an average of what goes on in the village.

But traditionally, or from the culture perspective, it's not a good idea.

MR. CHURCHILL: I didn't understand that piece. Thank you very much.

CHAIRMAN LOHSE: Thank you. Any other questions for Ida.

(No comments)

CHAIRMAN LOHSE: Thank you.

MS. HILDEBRAND: Thank you.

MR. JOHN: Mr. Chairman.

CHAIRMAN LOHSE: Fred.

MR. JOHN: I just asked her to come up so, like you said, you know, in each region there's a little different cultural things going on so I kind of agree with you, I think each region should make up their own, you said something like that, didn't you? That they should come up.....

CHAIRMAN LOHSE: Well, that's one way to look at this proposal that's in front of us, which is a statewide proposal. If we feel it's too general and applies too broad of a scale, then we can just vote it down and then we're going to deal with part of our region, we're going to deal with 11 and 12. Unit 6 already has a regulation in place. If we vote this one down we go on to the proposals dealing with Unit 11 and 12. If we want to modify this one in a way that we think it can fit the whole state, we can do that.

My own personal feeling is, and that's just as my own personal feeling, is that, this is too broad, we're trying to do too much at one time.

Fred.

MR. JOHN: Mr. Chairman. What I was thinking if this is a statewide proposal, you know, I don't want to infringe my religion on another clan or another people across the state.

CHAIRMAN LOHSE: Fred.

MR. ELVSAAS: Well, you know, I can't agree with your concept on it because this is advisory to the Federal Subsistence Board who will be looking at this

same issue from all the areas, all 10 areas, and hopefully they'll come up with something that will enable people in areas that don't have a specific proposal in place to be able to do this and do it properly.

You know, in looking at this, I think we're better to do one proposal than to try to do a bunch of piecemeal proposals. We have several areas within the Region 2, from the Copper River Flats to the Interior out to the Western Cook Inlet, and is we start working these piecemeal for every little place and everybody's wishes, we're going to have a mix of proposals that just isn't acceptable to the Board. So I think if we did one and if we need to have specific things, for instance like in Area 6 or 6(C), I believe it is, that's well and good. But this would cover all of Region 2 as our deliberations go.

And the Board will then try and put something together and they may decide that they can't come up with a statewide proposal that will work. But I think in turn, we should look at it as trying to get something to the Board in our advisory capacity.

And, you know, with that I have a -- if we adopt this, I would think we would want to do a little amending and one of them is where it says no permit or harvest ticket is required, we'd say no permit, license or harvest ticket is required, and I think that would be a simple thing to amend it.

And in regards to prior notice, as I understand the man from enforcement said, they have a 24 hour service, I think it would do well for anybody that's going to participate in a hunt to make the call so they don't get harassed in the field. I mean if I was going to do the hunt I would certainly want to call ahead of time so that nobody bothers me while I'm out there and try to take the meat away from me and things of that sort. And it could get sticky. So I think the prior notice would be more of a courtesy so you don't have the harassment of the hunter.

But in turn, I think we should do something in a positive fashion here.

With that, I'll shut up.

CHAIRMAN LOHSE: Sylvia.

MS. LANGE: Thank you, Ralph. Well, I'm going to admit to some ignorance because of my newness here, but I didn't quite understand the statewide aspect of this proposal, and I understand entirely what you're talking about. Because I was thinking regional. And if there was a gap in our regional regulations for taking on Federal lands then we needed to deal with that. And I understand it as it relates to Park Service. So I was thinking along the lines of amendment, along those terms.

But I see now, you know, under this deliberation we're really talking about something that extends statewide.

CHAIRMAN LOHSE: Right.

MS. LANGE: And that totally colors it differently in my opinion. And I take, you know, into consideration definitely what you're saying.

I speak against the motion.

CHAIRMAN LOHSE: I have to ask question, Fred, and I'm going to ask somebody out there if maybe somebody can answer me. I don't think that it's within our prerogative underneath this regulation to delete the license requirement because I think the license requirement is not under a regulation, it's under something else, isn't it? So we cannot -- there's no way that we could put a proposal in here that says no permit, no harvest tag or no license is required. Because the license comes under a whole different -- it's not coming under a proposal, like this.

Am I correct? I mean somebody out here that's got a legal standpoint tell me.

MR. KNAUER: Yes, Mr. Chairman, you are correct.

CHAIRMAN LOHSE: So there's no way that we could delete the license? Terry.

MR. HAYNES: Mr. Chairman, I was talking to one of my Federal colleagues, who had talked to one of the State Department of Law Staff regarding the question about the State requiring a hunting license to participate in the State ceremonial harvest regulation, and the answer was yes. And the Federal regulations generally follow the same types of licensing requirements

that the State has. So the State regulation does require that you have a hunting license to participate in the ceremonial harvest.

CHAIRMAN LOHSE: If I understand -- Terry, before you leave, if I understand correct, and somebody else can correct me if I'm wrong, I think the requirement to take game in the state, under either State or Federal law for any purpose requires a hunting license. And the reason we require a resident hunting license, in this case here, is because for these type of ceremonies a non-resident hunting license wouldn't fit?

MR. HAYNES: That's correct.

CHAIRMAN LOHSE: Okay. Any other questions for Terry.

(No comments)

CHAIRMAN LOHSE: Thank you. Do we have any other discussion. Susan.

MS. WELLS: Just one other thing. Now, I understand that any funerary need can be fulfilled going through this Alaska Department of Fish and Game and is that permit that is acquired from ADF&G usable on Federal lands?

CHAIRMAN LOHSE: Yes.

MS. WELLS: So it is. So there's already an avenue for -- because I look in my area, it doesn't have a specific in the Federal regs. But I know that we have permits to do so, to get the funerary. So there is an avenue for it.

CHAIRMAN LOHSE: The only place this Federal permit would make a difference is if you were next to a national Park or Monument that had areas that weren't covered by State law.

In other words, I'll use an example where I would -- well, Gilbert, I'll use an example with Gilbert, he could by law with this Federal permit take his moose or caribou inside Denali Park proper where the State law doesn't cover. But without this permit he couldn't. But all other Federal land and all other State land and all other private land is covered by the State permit.

So like down in the area that you're in, I don't think -- I don't know if Skilak would come underneath that or not, but I think that Skilak would be open even under State but I'm not positive on that one.

Anybody out there have an answer.

MR. BARTEL: Mr. Chair. Rob Bartel. Law Enforcement Office Kenai Refuge. The Loop Management Area is still under State regulations for the hunting purposes for small game, however, the Refuge itself does prohibit the use of firearms so I'm not really sure where we would go. I guess I'm not sure of your question.

CHAIRMAN LOHSE: Well, I guess what I was wondering is on that area, if there was a funerary potlatch, would an animal be capable of being taken under current State funerary potlatch law?

MR. BARTEL: In the Federal Register, Unit 15(A), Skilak Wildlife Management Area, specifically says no open season for moose.

CHAIRMAN LOHSE: No open season for moose. So it wouldn't make any difference whether you had a Federal permit or a State permit you would not be allowed to take a moose there anyhow?

MR. BARTEL: That's correct.

MR. HAYNES: That's correct.

CHAIRMAN LOHSE: Thank you. And does anybody else have a question for him.

(No comments)

CHAIRMAN LOHSE: Does that answer your question on that, Susan.

MS. WELLS: Uh-huh.

CHAIRMAN LOHSE: Okay. Any other discussion. If there's no discussion, question's called for if somebody wants to call it.

MS. WELLS: I'll call the question.

CHAIRMAN LOHSE: Okay, question's called for. I'll reread it.

1. Prior to taking of wildlife, the person organizing, or designee or tribal government organizing the ceremony contacts the appropriate Federal land management in order to provide the following. The nature of the ceremony. The parties and/or clans involved. The species and number of wildlife to be taken and the Federal lands from which the harvest will occur.

2. The harvest does not violate recognized principles of wildlife conservation and uses the methods and means allowable for the particular species published in the applicable Federal regulations. The appropriate Federal land manager will establish the number, species, sex or place of taking, if necessary for conservation purposes.

3. Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land manager specifying the harvesters name and address, the number, sex and species of wildlife harvested. The date and locations of the harvest. And the name of the decedent for whom the ceremony was held.

4. No permit or harvest ticket is required for taking under this section. However, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur.

Question's been called. All in favor signify by saying aye.

MR. ELVSAAS: Aye.

CHAIRMAN LOHSE: All opposed, signify by saying nay.

IN UNISON: Nay.

MR. CHURCHILL: One abstention.

CHAIRMAN LOHSE: Motion fails. Four nays, one aye, and one abstention and the Chair hasn't voted.

Okay, now, we have to go on to 11 and 12, which are to -- Proposal 12, which deals with 11 and 12 which deals with the specific area.

Should we take a break, a health and welfare break.

(Off record)

(On record)

CHAIRMAN LOHSE: Okay, at this point in time we're going to go on to WP03-12. Pat.

MS. PETRIVELLI: Mr. Chairman. I'm Pat Petrivelli, and I'm doing the analysis for Proposal 12.

Proposal 12 was submitted by the Wrangell-St. Elias National Subsistence Resource Commission.

It requests allowing the taking of wildlife for religious and ceremonial potlatch purposes from National Park Service lands in Units 11, 12 and 13. It's very similar to Proposal 1, except it only applies to Units -- those specific units and only Park Service lands and the proposed regulation appears on 63 and 64.

And it adds the provisions -- well, of the D, which are Park Service -- having their primary residence in a National Park Service resident zone community and having customary and traditional use of the requested species in the requested hunt unit.

In reviewing -- in doing this analysis, a lot of the background information discussing religious ceremonial provisions are the same as in the statewide one and so there's the discussion of the relevant State regulations and then the regulatory history. And so I'll just skip over that portion and just go right to the effect of this proposal. And I guess just -- I guess we should say they propose establishing this provision for those units because potlatches and mortuary celebrations are customary and traditional uses of wildlife among

1 Alaska Natives where food and other items of value are
2 shared among the attendees.
3
4 Current regulations do not allow the
5 taking of wildlife outside of designated seasons when
6 ceremonies may need to occur and the ceremonies may
7 require additional wildlife resources. And so the only
8 ceremonial provisions -- well, there are none for those
9 -- for Units 11, 12 and 13(C).
10
11 And the effects of the proposal are
12 listed on Page 66. And it says, adoption of this
13 proposal would have minimal impacts on wildlife
14 populations, would afford all Federally-qualified
15 subsistence uses of the area an opportunity to take
16 wildlife for use as food in traditional religious
17 ceremonies which are part of a funerary or mortuary cycle
18 including memorial potlatches and would add another unit-
19 specific regulation regarding the use of wildlife in
20 traditional religious ceremonies which are part of
21 funerary or mortuary cycles including memorial
22 potlatches.
23
24 In looking at the adoption of this, we
25 suggested modifications and we suggested wording that
26 would make it consistent with the provisions the State
27 recommended for Proposal 1. And we proposed those
28 modifications in order for it to be more in line with
29 State regulations and more in line with the statewide
30 provisions that we made for fish in the last regulatory
31 cycle.
32
33 So we've modified the proposal and we --
34 and the suggested wording is on Page 67 and this wording
35 you're familiar with because it's the same wording that
36 you just reviewed for Proposal 1, the suggested wording.
37 And also we suggested modifying it to apply to all
38 Federal public lands in Units 11, 12 and 13(C), rather
39 than just Park Service lands. And of course, any Park
40 Service provisions would apply where someone needed to be
41 a resident zone community member for Park lands, they
42 would also have to be even -- even if -- this
43 modification applies because of the Park Service
44 regulations.
45
46 So adoption of the modified proposal, the
47 proposal suggested -- modified would accommodate the
48 intent of the Wrangell-St. Elias National Park
49 Subsistence Resource Commission request and modification
50 of the proposal using the language recommended for

1 Proposal 1 would standardize State regulations that
2 recognize the importance of wildlife in Alaska Native
3 ceremonial and religious activities on all Federal public
4 lands in the prop -- in the proposed units, parallel
5 State regulations and minimize confusion for subsistence
6 users.
7
8 And that concludes the analysis.
9
10 CHAIRMAN LOHSE: Okay. Any questions of
11 Pat.
12
13 (No comments)
14
15 CHAIRMAN LOHSE: I just had one question,
16 Pat, basically what this then addresses is -- originally
17 what it addressed is it addressed the Park land that
18 wasn't covered by State regulations, right?
19
20 MS. PETRIVELLI: It -- it originally
21 covered National -- it said it covered National Park
22 Service lands in Units 11, 12 and 13.
23
24 CHAIRMAN LOHSE: Right.
25
26 MS. PETRIVELLI: So I don't know if it
27 was specifically just the Park lands -- oh, it says Park
28 and Preserve, so it -- and the Preserve lands would have
29 been covered by State regulations but -- but it was
30 originally just National Park lands -- Park Service
31 lands.
32
33 CHAIRMAN LOHSE: Okay.
34
35 MS. PETRIVELLI: Which includes Park and
36 Preserve lands.
37
38 CHAIRMAN LOHSE: Any other questions of
39 Pat.
40
41 (No comments)
42
43 CHAIRMAN LOHSE: Alaska Department of
44 Fish and Game comments.
45
46 MR. HAYNES: Thank you, Mr. Chairman.
47 The Department's comments on the original proposal are on
48 Page 62 of your meeting book. The Department, we
49 supported adoption of Proposal No. 1 to the extent that
50 it could be consistent with the State regulation.

Now, that you've moved on to this proposal, if this proposal or the Staff recommendation is considered for adoption, we'd like to see it as close to the State ceremonial harvest regulation as possible. To that end, there are some differences.

As I mentioned earlier, the Federal proposal addresses wildlife taken outside of the established seasons for ceremonial uses and in State regulations it's specific to big game.

The proposed regulation right now also covers Preserve lands which would duplicate State regulations and could be confusing.

And so in order to make the proposed regulation on Page 67 be parallel with the current State regulation, there would have to be some additional work done to what's on the table before you.

CHAIRMAN LOHSE: Thank you. Any questions for Terry.

Bob.

MR. CHURCHILL: Terry, what liabilities or advantages do you see of just using wildlife instead of the more specific big game?

MR. HAYNES: Well, wildlife covers small game animals, large game animals, so it covers including some species that really aren't covered under regulations. I was talking to a colleague earlier today, porcupine, for example, there are no regulations for porcupine.

MR. CHURCHILL: I mean I know the difference, you're going to have to trust me on that. But what I'm saying is do you think it creates liability? Do you think there's going to be actually any negative consequences to having a much more broad scope just using the term wildlife? I mean I think from what I've heard and my limited experience, is probably 99 percent of the time the only thing harvested under this will be people catching moose and caribou. But I mean do you see a real liability of not being more specific?

MR. HAYNES: Mr. Chairman. I was just trying to point out differences.

MR. CHURCHILL: Okay.

CHAIRMAN LOHSE: Yes. Terry, it's funny because Bob asked the same question that I was going to ask, which was, were there any of the creatures under the term, wildlife, that would be in danger of overharvesting because of this and most of the time, like, Bob, I don't think anybody's going to take too many porcupine or beaver or something like that for one of these.

Okay. Any other questions for Terry.

Fred.

MR. ELVSAAS: Specifically, why do you want the Federal regulations to be like the State, since this is not a State regulated area?

MR. HAYNES: Mr. Chairman, as proposed by Staff on Page 67, the scope of this proposal would include BLM lands and Park Preserve lands in these units. Those lands would currently be covered under the existing State ceremonial harvest regulation.

MR. ELVSAAS: Okay.

MR. HAYNES: We acknowledge that State regulations don't apply to the Wrangell-St. Elias National Park lands, but this proposal extends beyond that as written now.

MR. ELVSAAS: Okay, thank you. I wasn't aware of that.

CHAIRMAN LOHSE: Any other questions for Terry.

(No comments)

CHAIRMAN LOHSE: Thank you, Terry. Any other Federal, State or tribal agencies that wish to make comments on this proposal?

(No comments)

CHAIRMAN LOHSE: By it's a quiet one. Okay. Fish and Game Advisory Committee comments, do we have any?

(No comments)

CHAIRMAN LOHSE: Nope. Summary of written public comments.

MS. WILKINSON: Thank you, Mr. Chairman. The only one specific to 12 was submitted by the Wrangell-St. Elias National Park Subsistence Resource Commission.

And they state, that they support the proposal with modification eliminating the requirement that the individual taking the animals for this purpose possess a valid Alaska hunting license. Specifically this would involve deletion of the final sentence in subsection 4, which currently reads as follows:

> However, harvesters between the ages of 16 and 60 must possess a valid Alaska hunting license.

Such harvest sometimes occur on short notice and hunters might not have a valid license at the time the hunt needed to occur. The example, they may not have gotten around to renewing it yet, not anticipating such an out of the ordinary harvest needs.

And that was the end of their comment.

There were a couple of other comments but they were by organizations of people here that they will testify and they were more in conjunction with Proposal 1.

CHAIRMAN LOHSE: Okay. With that we're going to go on to public testimony. I have Johnny Goodlataw would like to testify on Proposal 12.

MR. GOODLATAW: My name is Johnny Goodlataw. I'm from Tazlina Village. I represent subsistence Tazlina Village. I'm going to make public comment on the following:

> Proposal 1 and 12. Tazlina Village met with eight Ahtna village subsistence representatives. And we agree upon on all wildlife proposals and deferred fishing proposal that will be brought before Southcentral Regional Advisory Committee meeting.

We support Proposal 12 with modification

to take out license requirement.

The proposal is more restricted than what State of Alaska regulations require. The regulation under the State only requires a phone call to Alaska Department of Fish and Game to state what species could be taken for funeral and memorial potlatch. We would like to have license requirement to be taken out of Proposal 12.

Additionally, we support Proposal 12 with modification that requires just calling the appropriate Federal agency and leave message before hunting for taking any animal. If a death occurs on the weekend, then the family host will most likely hunt during the weekend and take the number of moose or caribou. We do not want to have our caribou and moose confiscated on the weekend hunting for potlatch.

And we want to make sure that Proposal 12 will leave the decision on how many animals to be taken by the host family upon to them, number of animals taken should be left up to the family, those putting on the ceremony potlatch. As long as the moose or caribou population that the host family is taking is healthy and substantial population, then the direction to take one or four moose or caribou should be left to the individual.

Many Ahtna family hosts memorial potlatch in conjunction with three or four families for two or three deceased people, that may take more than two caribou or moose.

CHAIRMAN LOHSE: Any questions for John.

(No comments)

CHAIRMAN LOHSE: Thank you.

MR. GOODLATAW: Okay.

CHAIRMAN LOHSE: Okay. With that, I don't have any other public testimony that I recognize as being on this one here. Am I missing anybody?

(No comments)

CHAIRMAN LOHSE: Okay. Hearing none, a motion to put this proposal on the table is in order.

MR. CHURCHILL: Mr. Chairman, I'd like to put Proposal WP03-12 on Page 59 on the table for consideration.

CHAIRMAN LOHSE: Page 59, right.

MR. CHURCHILL: Yes.

CHAIRMAN LOHSE: Okay. Fred.

MR. ELVSAAS: I will second it. Was it on Page 59?

CHAIRMAN LOHSE: Page 59.

MR. ELVSAAS: Okay.

CHAIRMAN LOHSE: It's been moved and seconded to put Proposal WP03-12, Units 11 and 12 wildlife on Page 59 on the table.

It reads:

The taking of wildlife on Federal land within Wrangell-St. Elias National Park and Preserve Lands is authorized outside of published open seasons and harvest limits in Units 11, 12 and 13(C) if the harvested wildlife will be used for food in a traditional religious ceremony which are part of funerary or mortuary cycles, including memorial potlatches provided that:

1. The person organizing, or designee or tribal government organizing the ceremony contacts the appropriate Wrangell-St. Elias National Park and Preserve personnel prior to attempting to take wildlife. Provide the name of the decedents. The nature of the ceremony. The species and number of wildlife to be taken and the unit in which the harvest will occur.

2. The taking does not violate recognized principles of wildlife conservation.

3. Each person who takes wildlife under this provision submits a written report to

Wrangell-St. Elias National Park and Preserve not more than 15 days after the harvest. The report must specify the harvesters name and address, the number, sex and species of wildlife taken. The date and locations of the harvest. And the name of the decedents for whom the ceremony was held. Harvesters must have their primary residence in a National Park Service resident zone community and have customary and traditional use for the requested species in the requested hunt unit.

4. There are no permit or harvest ticket requirements under this provision. However, harvesters between the age of 16 and 60 must possess a valid Alaska hunting license.

Okay. Discussion.

(No comments)

CHAIRMAN LOHSE: Well, if nobody will start it, I'll start it.

One of the things that have been objected to in all of the other proposals is not in this one right here, one that I have heard objections to from people up in our area and that is the appropriate Federal land manager will establish the number, species, sex or place of taking, if necessary, for conservation purposes.

Again, we're dealing only with Wrangell-St. Elias National Park and Preserve lands where other Preserve lands do have other hunting on them, the Park lands don't have other hunting on them, other than by people with C&T in resident zone communities.

The other thing that's in here is, that has been objected to, is the requirement for the hunting license but we find that that's a requirement for all hunts in the state of Alaska. That could be dropped but it doesn't change anything.

So with that, discussion. Amendments. Modifications. Whatever the Council wishes on this one is, we can go forward.

Mr. Churchill.

MR. CHURCHILL: Yeah, I'd speak in favor of this. And I don't know of any way around the hunting license requirement, which could be a barrier. I think a lot of us wait to spend our dollars on a hunting, fishing, trapping license until we know we're going to go out and try and catch something. But I don't think we have the authority to change that. I'd be inclined to. But I'm in favor of voting for this as written and pushing it on to the Board.

CHAIRMAN LOHSE: Gilbert, anything, any comments on this. Fred.

MR. JOHN: Well, I'm kind of -- I don't like -- Mr. Chairman, what I have is that, pretty hard time, is the attempting the -- giving all this information, like the nature of the ceremony, the species, the number of animals to be taken in the unit in which the harvest will occur.

In initial funeral, I mean when they're having a funeral, I kind of have a hard time giving all that. I don't mind myself, at a memorial potlatch or stuff like that, but I don't know I don't know how to word it or anything.

CHAIRMAN LOHSE: I think what you're saying, Fred, is that this would be no problem if it's a memorial potlatch which you're planning for.

MR. JOHN: Yeah, uh-huh.

CHAIRMAN LOHSE: But a funeral that can just happen, this is the kind of thing that would be objectionable.

MR. JOHN: Yeah. I wouldn't know how to word it, you know.

CHAIRMAN LOHSE: I'll make an attempt to that, Fred. What would happen if you would just provide the name of the decedent and that would let them know that there was a funeral potlatch going to be taking place. In other words, let them know that somebody died and who it was and that there was going to be -- you know, there was going to be provisions made for that funeral.

Would that be objectionable?

MR. JOHN: No, that wouldn't be objectionable to me.

CHAIRMAN LOHSE: Bob.

MR. CHURCHILL: Just a point of clarification. Then Section 1 would read: The person or designee organizing the religious ceremony contacts the appropriate Wrangell-St. Elias National Park and Preserve personnel prior to attempting to take wildlife. Provide the name of the decedent or decedents and the nature of the ceremony, period.

CHAIRMAN LOHSE: Right.

MR. CHURCHILL: Okay.

MS. WELLS: Mr. Chair.

CHAIRMAN LOHSE: Susan.

MS. WELLS: What about leaving in the unit -- that last phrase, though, wouldn't we need the unit in which it's going to occur for the law enforcement or do they need to just guess?

CHAIRMAN LOHSE: Can I -- I'll use my background to answer that if I may. The Park extends on to two units but you'd be taking it in the Park, which is one organization. I don't thin that it'd be necessary to say Unit 11 or Unit 12. If you said -- because again, this regulation as it's sitting here in front of us deals with the Wrangell-St. Elias National Park and Preserve lands.

MR. CHURCHILL: Only.

CHAIRMAN LOHSE: Only.

MS. WELLS: Okay, I see what you're saying.

CHAIRMAN LOHSE: And you're going to be dealing with the Park Service on those lands if you're going to have a permit underneath this proposal, and they will know, you know, where their lands are.

So, myself, I wouldn't see where the unit

1 would be necessary. I would probably go along with what
2 Fred talked about earlier and I would change the person
3 or designee, I would put probably the clan or designee,
4 simply because we're dealing with here, we're dealing
5 with Unit 11 and 12, we're dealing with people from that
6 area who have a definitive culture, where it won't be a
7 person doing it, it will be a family or clan. And since
8 we're dealing with -- I mean this is not a broad
9 regulation, we're dealing with a specific group of
10 people. I think in honor for that we should use the kind
11 of terminology that they would use.
12
13 Bob.
14
15 MR. CHURCHILL: Yes. Just a point of
16 order. If I understand correctly we've got an amendment.
17
18 CHAIRMAN LOHSE: No, we don't.
19
20 MR. CHURCHILL: We don't, we're just
21 talking about a possible amendment at this point?
22
23 CHAIRMAN LOHSE: Right.
24
25 MR. CHURCHILL: And we're discussing it.
26
27 CHAIRMAN LOHSE: You're right.
28
29 MR. CHURCHILL: Yeah, so we're fine since
30 it hasn't been actually stated as an amendment?
31
32 CHAIRMAN LOHSE: Yeah.
33
34 MR. CHURCHILL: Ann is teaching us the
35 fine points for all of you that.....
36
37 CHAIRMAN LOHSE: Okay, so we need an
38 amendment to do what we're doing.
39
40 MR. CHURCHILL: Can I offer an amendment?
41
42 CHAIRMAN LOHSE: Okay.
43
44 MR. CHURCHILL: I'd like to offer an
45 amendment to the motion on the floor that Section 1 would
46 read:
47
48 The person, clan, designee, or
49 organization organizing the religious
50 ceremony contacts the appropriate

Wrangell-St. Elias National Park and Preserve personnel prior to attempting to take wildlife to provide the name of the decedents and the nature of the ceremony.

CHAIRMAN LOHSE: Do I hear a second.

MS. WELLS: Second.

CHAIRMAN LOHSE: Okay. We have a motion to amend paragraph one, and I will try to read it back the way he said.

The person, clan, designee.....

MR. JOHN: What's that?

CHAIRMAN LOHSE: Designee?

MR. JOHN: Yes.

CHAIRMAN LOHSE: In other words who they designate.

.....or organization organizing the religious ceremony contacts the appropriate Wrangell-St. Elias National Park and Preserve personnel prior to attempting to take wildlife to provide the name of the decedents and the nature of the ceremony.

MR. JOHN: Did you have family in there?

CHAIRMAN LOHSE: I didn't have family in there, but.....

MR. CHURCHILL: We meant to.

CHAIRMAN LOHSE: .....we meant to. Okay.

So we'll say:

The person, clan, family or designee organizing the religious ceremony.

How does that sound?

The person, clan, family or designee

organizing the religious ceremony
contacts the appropriate Wrangell-St.
Elias National Park and Preserve
personnel prior to attempting to take
wildlife to provide the name of the
decedents and the nature of the ceremony.

MR. CHURCHILL: Mr. Chair.

CHAIRMAN LOHSE: Mr. Churchill.

MR. CHURCHILL: Just as a clarification that designee could include either an organization or an individual, it's very broad based. That would be the intent.

CHAIRMAN LOHSE: Right. Okay. Did you have a question, Sylvia.

MS. LANGE: Mr. Chairman. Yeah, I have trouble with person. Because everybody who's testified said no one person ever does this, so designee kind of covers that if they're operating for a group, but I don't think a single person can put on a potlatch or instigate one.

CHAIRMAN LOHSE: Mr. Churchill.

MR. CHURCHILL: Just a clarification, I think we're talking about the person who makes the phone call. I mean it just seems to provide a vehicle, if it's never used, it's never used. Just seemingly to make this as broad as possible.

CHAIRMAN LOHSE: Fred.

MR. ELVSAAS: When you first read it didn't you say organization also?

CHAIRMAN LOHSE: I said organization but I decided after he repeated it that organization wasn't needed in there when he said the designee could be the organization that's doing it.

MR. CHURCHILL: Yeah.

MR. ELVSAAS: Okay.

CHAIRMAN LOHSE: So what we came up with,

and if this is the amendment as the person that put it on the floor intended it:

The person, clan, family or designee organizing the religious ceremony.

MR. CHURCHILL: Bingo.

CHAIRMAN LOHSE: Okay. I have a thing from our.....

MS. WILKINSON: Does the second agree with that?

CHAIRMAN LOHSE: Does the second agree with that?

MS. WELLS: She does.

CHAIRMAN LOHSE: The second agrees with that. Okay. So we have an amendment on the table. Discussion on the amendment only.

MS. WELLS: I'll call the question.

CHAIRMAN LOHSE: Okay. Question has been called on the amendment. All in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN LOHSE: Opposed signify by saying nay.

(No opposing votes)

CHAIRMAN LOHSE: Motion carries unanimously. Okay, now, we have an amended motion on the table. Do we have any other amendments or modifications we wish to make before we discuss the amended motion?

Sylvia.

MS. LANGE: Regarding the very last sentence, however, harvesters between the -- is that redundant? Does it have to be in there if we can't do anything about it and it's law already?

CHAIRMAN LOHSE: It's law already, it's redundant. But it does prevent confusion.

MS. LANGE: Okay.

CHAIRMAN LOHSE: What it does mean is that only those of us that are over 60 can go out and do it without a license.

MR. CHURCHILL: Nobody likes a bragger.

(Laughter)

MR. CHURCHILL: But I'll be there soon.

CHAIRMAN LOHSE: But I don't think, from all of the testimony that we got out there, I don't think we can make it so a license isn't required. We can take it out of this proposal, but the license is still required.

Fred.

MR. JOHN: I would like to just take it out of the proposal.

CHAIRMAN LOHSE: Okay.

MR. JOHN: I mean if it's required we don't need it there anyway.

CHAIRMAN LOHSE: Okay.

MR. JOHN: I'll make that a.....

CHAIRMAN LOHSE: Do you make that a motion?

MR. JOHN: Do I have to go that far down, first, there's some up there that I want to work with, too.

CHAIRMAN LOHSE: Let's take care of the one you're taking care of, one at a time, first, so.....

MR. JOHN: Okay. I make a motion that we take out the harvesters between the age of 16 and 60 must possess a valid Alaska hunting, drive license -- driver's license -- trapper -- hunting license

(Laughter)

CHAIRMAN LOHSE: Okay. Do I hear a

1 second.
2
3 MS. LANGE: I'll second it.
4
5 CHAIRMAN LOHSE: Okay. It's been moved
6 and seconded. In paragraph four, to delete the last
7 sentence.
8
9 However, harvesters between the age of 16
10 and 60 must possess a valid Alaska
11 hunting license.
12
13 Discussion.
14
15 MS. LANGE: Under discussion. Since we
16 have no jurisdiction one way or another to effect that,
17 perhaps persons or organizations or entities that do,
18 might. And so it would still be -- it wouldn't have to
19 come back to us to change then later, if it ever did
20 change.
21
22 CHAIRMAN LOHSE: Very good.
23
24 MS. LANGE: And it's a provision we don't
25 need or care for.
26
27 CHAIRMAN LOHSE: Any other discussion.
28 Question's in order.
29
30 MS. WELLS: I'll call the question.
31
32 CHAIRMAN LOHSE: Question's been called
33 on the amendment to drop the last sentence in paragraph
34 four:
35
36 However, harvesters between the age of 16
37 and 60 must possess a valid Alaska
38 hunting license.
39
40 All in favor, signify by saying aye.
41
42 IN UNISON: Aye.
43
44 CHAIRMAN LOHSE: All opposed, signify by
45 saying nay.
46
47 MR. CHURCHILL: Nay.
48
49 CHAIRMAN LOHSE: Motion carries, but not
50 unanimously, we have one opposed.

Okay. Now, do we have any other amendments that anybody would like to bring forward or modifications.

MR. JOHN: Yes, I got this.....

CHAIRMAN LOHSE: Press your button Fred.

MR. JOHN: Thank you.

CHAIRMAN LOHSE: The taking of wildlife to provide the name of the decedent. The nature of the ceremony. The species and number of wildlife to be taken and the unit in which the harvest will occur.

Somebody just said a good substitute word for that, but I don't think when you go out hunting you need all that stuff in there, because like I said before it's kind of tabu and then on top of that it's.....

CHAIRMAN LOHSE: We already dropped that one.

MR. JOHN: Uh?

CHAIRMAN LOHSE: We already dropped that one.

MR. JOHN: We dropped it?

CHAIRMAN LOHSE: Yeah.

MS. LANGE: It was the first amendment.

CHAIRMAN LOHSE: That was the first amendment we made. We dropped it, we stopped right where the name of the decedent and the nature of the ceremony.

MS. LANGE: At the end of ceremony.

CHAIRMAN LOHSE: Everything else down there.....

MR. JOHN: Oh, okay, that's good.

CHAIRMAN LOHSE: .....is -- yeah, all of that is already taken out.

MR. JOHN: I thought we just did the family and the clan and everything, okay.

CHAIRMAN LOHSE: Right.

MR. JOHN: I'm sorry, okay.

CHAIRMAN LOHSE: Yeah, we changed the end of it, too, not just the beginning.

MR. JOHN: Oh, I didn't get that part. Did I vote for?

(Laughter)

CHAIRMAN LOHSE: Yeah, we got so wrapped up with family and clan that we forgot that we were dropping, that we didn't make much emphasis on the fact we were dropping the last part of it.

Okay. Any other discussion.

MR. CHURCHILL: Call the question.

CHAIRMAN LOHSE: Question's been called on the proposal, as amended. Do I need to read the whole thing again?

MR. CHURCHILL: We trust you.

CHAIRMAN LOHSE: Okay. We're taking the proposal on Page 59 as amended in paragraph one and paragraph four.

All in favor of the proposal, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN LOHSE: All opposed, signify by saying nay.

(No opposing votes)

CHAIRMAN LOHSE: Motion carries. Okay. With that, we're not going to take a break. I've had a request, if it's acceptable to all of those that want to deal with Proposal 2, one of the persons who would like to testify on this proposal won't be here until tomorrow. If there's nobody that objects, we could put Proposal 2 off until tomorrow. If that will cause an inconvenience for anybody that's here, we'll take up Proposal 2 today.

So if there's anybody in the audience that is here specifically to speak to Proposal 2 and they aren't going to be here tomorrow, say so, and we'll go on, otherwise I'm going to request that the Council allow us to move Proposal 2 down the line so somebody else can speak to it tomorrow.

Is there anybody out there that won't be here tomorrow that came to speak to Proposal 2?

(No comments)

CHAIRMAN LOHSE: Okay, hearing none. If it's the wish of the Council, the area biologist would like to speak to this proposal and he won't be here until tomorrow, would it be okay to move this proposal back on the agenda?

(Council Nods Affirmatively)

MS. WELLS: Do we need a motion?

CHAIRMAN LOHSE: I don't know.....

MR. CHURCHILL: No.

CHAIRMAN LOHSE: .....if we need a.....

MR. ELVSAAS: No.

CHAIRMAN LOHSE: I don't -- as long as we have a consensus and there's no objection, we'll move it back and we'll take it up first thing tomorrow morning.

MR. ELVSAAS: Provided he's here.

CHAIRMAN LOHSE: Provided that there was no objection out there either.

Okay. With that we're going to go on to Proposal 15.

MR. JOHN: What page?

CHAIRMAN LOHSE: Page 199. And I think we have those combined, don't we?

MS. PETRIVELLI: 15, 16, and 55 all deal with designated hunting. And is it the area biologist for Unit 6?

CHAIRMAN LOHSE: No, this is the area biologist for Unit 13.

MS. PETRIVELLI: Oh, Unit 13, okay. So he didn't care about Unit 6?

CHAIRMAN LOHSE: No, he doesn't care about Unit 6.

(Laughter)

MS. PETRIVELLI: So, but 15, 16 and 55 all deal with designated hunting but I guess we would have to consider anyway, so.....

CHAIRMAN LOHSE: Yeah.

MS. PETRIVELLI: But if you would.....

CHAIRMAN LOHSE: He may wish to speak to 55, but.....

MS. PETRIVELLI: Well.....

CHAIRMAN LOHSE: But he didn't say anything to speaking about 55. Terry.

MR. HAYNES: Mr. Chairman. The proposal I had requested be deferred until tomorrow was the Nelchina Caribou proposal.

CHAIRMAN LOHSE: That was No. 2, wasn't it?

MR. HAYNES: No.

MS. PETRIVELLI: No.

MR. HAYNES: No. 2 is the designated hunter proposal.

CHAIRMAN LOHSE: Okay. My fault, and I apologize to everybody.

MS. PETRIVELLI: Okay.

CHAIRMAN LOHSE: I thought it was the -- with that, I'll apologize to the whole Council.

MS. PETRIVELLI: Okay.

CHAIRMAN LOHSE: And ask us to go back to Proposal 2.

MS. PETRIVELLI: 2, okay.

MR. CHURCHILL: You know, noting the lateness of the day and looking at what we're going to probably be going through on 2, might we not want to start that when we have a lot more time in front of us rather than start into it?

CHAIRMAN LOHSE: That's a suggestion. Does the rest of the Council concur, because it will -- all of these designated hunter ones are the ones that are likely to take us our most time. So we could go past them and take one -- would somebody have a suggestion of how far we should go, take one that doesn't -- or one that we might be able to fit in today and that isn't going to cause problems with somebody else that -- we could go to Proposal 13, and then we will start with the designated hunter proposals tomorrow morning.

Again, if there's no objection from somebody that came here to testify.

MR. CAIN: I'd like to testify on 55 today if possible.

CHAIRMAN LOHSE: You'd like to testify on 55 today, if possible?

MR. CHURCHILL: We could take his testimony.;

CHAIRMAN LOHSE: We could do that. We'll go through 13 and then we'll do that, Mr. Cain, would you object to doing it right at the end of our meeting today so we have it fresh in our mind?

MR. CAIN: That's fine.

MR. ELVSAAS: What page is 13?

CHAIRMAN LOHSE: It's Page 124.

MR. CHURCHILL: 124.

CHAIRMAN LOHSE: It actually starts on Page 121. This one should be fairly -- okay, would you like to present it to us.

MR. ARDIZZONE: Mr. Chair. Council members. I'm Chuck Ardizzone. I'll be presenting Wildlife Proposal 03-13.

Proposal 13 was submitted by the Southcentral Regional Advisory Council and requests the Federal dates for brown bear in Unit 11 be extended. This would align Federal subsistence hunt dates with season dates approved by Alaska Board of Game in March 2001 lengthening the Federal season by 35 days. State regulations do apply to Preserve lands but do not apply to the Park lands, therefore, there is no State season for the Park.

Extent Federal public lands, approximately 81 percent of Unit 11 is Federal public lands. There are quite a few communities which have customary and traditional use determinations for the region, and they are listed in your analysis.

Current events involving species for the 2001/2002 hunting season, the Alaska Board of Game adopted a new open season for brown bear in Unit 11. The Board changed the open season from September 1st through October 31st and April 25th through May 31st to August 10th through June 15th.

Currently there's not a population estimate for brown bears in 11, however, the population is considered relatively abundant and well distributed. This is also the consensus of biologists and outfitters in most residents in the area.

The effects of the proposal. This proposal would align the Federal season with the current State harvest dates, lengthening the season by 35 days. The proposed change would reduce confusion among Federal Subsistence hunters, and would allow additional opportunities for brown bear harvest.

Currently the brown bear population in Unit 11 is thought to be stable, healthy and relatively abundant.

Federally-qualified subsistence users currently do not harvest many brown bears annually and the length in season is not expected to result in an increase. Therefore, the proposal should have minimal impact on brown bear populations in Unit 11.

The preliminary conclusion is to support this proposal.

Any questions.

CHAIRMAN LOHSE: Any questions.

MR. CHURCHILL: Well, I got one.

CHAIRMAN LOHSE: Mr. Churchill.

MR. CHURCHILL: I believe, if memory serves, there is also some proposals right now with this GMU to change it to one bear every year as a reflection of the abundance of the brown bear population. Do you know if that's the case?

MR. ARDIZZONE: I'm unaware of that.

MR. CHURCHILL: I'm fairly confident it is. Thank you.

CHAIRMAN LOHSE: I have one question. In this unit, for subsistence purposes, is a tag required ahead of time?

MR. ARDIZZONE: I'm unsure.

CHAIRMAN LOHSE: And is there any cost to that tag?

(No comments)

CHAIRMAN LOHSE: You don't know that one?

MR. ARDIZZONE: I can't answer.

CHAIRMAN LOHSE: Maybe Bob could answer that one.

(Laughter)

MR. CHURCHILL: That will teach you to show up.

CHAIRMAN LOHSE: In Unit 11, in the Park or under Federal law, is there a tag required for brown bear and is there a cost for that tag for subsistence purposes?

MR. TOBEY: Yes, there's a $25 resident tag and it's required for both State and Federal.

CHAIRMAN LOHSE: Okay, so there's a $25 resident tag and is it one every four years or one every year?

MR. TOBEY: Every four.

CHAIRMAN LOHSE: It's one every four at this point in time.

MR. TOBEY: For State.

CHAIRMAN LOHSE: For State.

MR. TOBEY: For Federal it's one a year.

CHAIRMAN LOHSE: It's one a year for Federal but you still have the $25 tag which has to be bought prior to taking the bear?

MR. TOBEY: (Nods affirmatively)

Any other questions. Mr. Churchill.

MR. CHURCHILL: Yeah, through the Chair. To Mr. Tobey. We were talking about the abundance of the brown bear population in GMU 11, and some proposals that are currently coming forward and I believe there is proposals based on that abundance to go to one bear a year and to remove the tag few, are you aware that that's the case?

MR. TOBEY: (Nods affirmatively)

CHAIRMAN LOHSE: Did you get an answer?

MR. CHURCHILL: Yeah, Mr. Tobey acknowledged that was in fact the case.

CHAIRMAN LOHSE: Okay. Therefore, we have a high abundance of bears and basically this doesn't change the tag requirements, all this does is extends the season. This is the current season that the State has, right?

MR. ARDIZZONE: Correct.

CHAIRMAN LOHSE: Okay. Any other --

well, we don't need discussion at this point in time, I got to watch what I do. Okay. Any other questions.

(No comments)

CHAIRMAN LOHSE: Alaska Department of Fish and Game.

MR. HAYNES: Thank you, Mr. Chairman. The Department supports this proposal. It's adoption would align the Federal and State brown bear season dates in Unit 11 and provide additional opportunity for Federally-qualified subsistence users.

CHAIRMAN LOHSE: Thank you. Any questions for Terry.

(No comments)

CHAIRMAN LOHSE: Thank you, Terry. Are there other Federal, State or tribal agencies who wish to comment on this proposal.

(No comments)

CHAIRMAN LOHSE: Hearing none, Fish and Game Advisory Committee comments on this proposal, do we have any?

(No comments)

CHAIRMAN LOHSE: Written comments. Do we have any written comments on this proposal, summary of written public comments.

MR. CHURCHILL: You have that on good authority.

CHAIRMAN LOHSE: I have that on good authority, Ann, I'm trying to follow your list.

MS. WILKINSON: All right. The Wrangell-St. Elias National Park Subsistence Resource Commission supports this proposal with modification. Eliminating the requirement that the individual taking the animals for this purpose -- oops, I'm on the wrong on, excuse me.

They support this proposal as it is written.

And there's one other.

Ahtna Incorporated. Supports lengthening the brown bear hunting season in Unit 11 from September 1st to May 31st and to August 10th to June 15th. There are too many brown bears preying upon the calves of caribou and moose in Unit 11 and the proposal will aide in reducing the brown bear population.

And that's the end of the written public comment.

CHAIRMAN LOHSE: Okay. Any questions -- we can't ask questions on that, that's written. I have one person down that wanted to make public comment on this one, Johnny Goodlataw.

MR. GOODLATAW: We support Proposal 13. In lengthening the brown bear hunting season in Unit 11 from September 1 - May 30, to August 10 - June 15th. There are too many brown bear preying upon calves of caribou and moose in Unit 11 and this proposal will aide in reducing the brown bear population.

CHAIRMAN LOHSE: Thank you. Any questions for Mr. Goodlataw.

(No comments)

CHAIRMAN LOHSE: Thank you. Okay. I don't have anybody else down here for public testimony. Am I missing somebody that turned one in for that one?

With that, we'll go on to the Council. A motion to accept this proposal -- or a motion to put this proposal on the table is in order.

MR. CHURCHILL: Mr. Chairman, I'd like to move that we put Proposal WP03-13 on the table.

CHAIRMAN LOHSE: As written.

MR. CHURCHILL: As written, yes.

CHAIRMAN LOHSE: Okay.

MR. JOHN: I second that motion.

CHAIRMAN LOHSE: I have a second on it. Discussion. Bob.

MR. CHURCHILL: For purposes of the record, one, this would go to reduce any confusion with the hunting season. We've had consistent testimony that the brown bear population here is abundant. We've also had testimony that the predation on moose calves is having a negative affect on people's ability to harvest. I think for all those reasons that we ought to vote in favor of this.

CHAIRMAN LOHSE: Any other discussion.

MR. CHURCHILL: Call the question.

CHAIRMAN LOHSE: Question's been called. All in favor of Proposal 13, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN LOHSE: All opposed, signify by saying nay.

(No opposing votes)

CHAIRMAN LOHSE: Motion carries. With that we're going to go on to No. 14 -- oh, I was going to let Bruce make his testimony now just in case we get stuck before we finish 14.

So Bruce, would you like to testify on No. 55, right now?

MR. CAIN: Go ahead and do 14 and then I will.

CHAIRMAN LOHSE: Okay. No. 14, revise harvest limits and seasons for caribou in Unit 13. The proposed regulation is to change the dates, and this was submitted by the Copper River Native Association. Can you give us an overview on it -- Ann, did you have something for me?

MS. WILKINSON: Sorry, Mr. Chairman, but in the past this proposal has been rather lengthy, you might want to consider that. This is a deferred proposal.

CHAIRMAN LOHSE: This is the proposal that we have some people that might not be here tomorrow and the other person who we needed for the proposal has also made it, so maybe what we should do is take this

proposal today and then see if we get through it, if not they're going to have to stay on to tomorrow, but maybe they can get their testimony in today.

Okay.

MR. ARDIZZONE: Mr. Chair. Chuck Ardizzone presenting.

The Federal Subsistence Board deferred this proposal in May -- excuse me, it's Proposal WP03-14. The Federal Subsistence Board deferred this proposal in May of 2002 as Proposal WP02-16. It was submitted by the Copper River Native Association and requests a change in the Unit 13 caribou late season from October 21st through March 31st to December 1st through April 20th and a change in the harvest limit from two bulls to two caribou.

Federal public lands comprise of approximately 9.4 percent of the unit, with 5.9 percent managed by the National Park Service, 1.7 percent managed by BLM, and 1.8 percent managed by the Fish and Wildlife Service. It is important to note that there is very little Federal public lands in Unit 13, within the range of the Nelchina Caribou Herd. These lands include areas along and near the Richardson Highway and Denali Highway managed by BLM, which account for less than two percent of all of Unit 13 in a small parcel of Wrangell-St. Elias National Preserve off the Tok cut off road.

Once again, there's a large number of communities that have customary and traditional use determinations for caribou in this unit.

The most recent regulatory history action occurred in June of 2002. Special action WSA02-02 was submitted by the Copper River Native Association requesting to change the fall caribou season in Unit 13 from August 10th through September 30th to August 1st through September 30th. The Federal Subsistence Board rejected this special action based on their justification to refer WP02-16 during their May 2002 meeting until the results of population surveys and composition counts were completed in the summer and fall of 2002.

The Board concluded that if the new survey information showed that the Nelchina Caribou Herd had grown to meet the minimum population objective of 33,700 animals in 2002, an additional flexibility and

subsistence hunt may be warranted.

There's quite an extensive biological background. I think the most important information would be the current population size and some of the other new numbers that are from last year's survey. The current population size is 34,380 caribou, that was done in 2002. Calf production increased in 2002 to 48 calves per 100 cows, however, the observed weights for calves in 2002 dropped and are the lowest over the last several years. Low calf weights in the fall generally predict low calf production the next spring. Recently in the fall of 2000, the observed bull to cow ratio was 31 bulls per 100 cows.

In the 2000/2001 combined Federal harvest in Units 12 and 13, the total caribou harvested was 273. In 2001/2002 Federal harvest of caribou in Unit 13, 490 animals were taken, an additional harvest of one caribou in Unit 12.

The cow harvest has averaged 49 percent of the reported harvest during -- or through '97 through 2001 or on average of 159 cows per year.

Using the current cow/calf ratios normal mortality rate for this herd and the herd size, along with estimated wounding loss and several other factors, ADF&G's predicted caribou population model estimated the herd would reach a minimum management objective threshold of 35,000 in two years or less without any cow harvest. However, if cow harvest was allowed at the annual average of 159 cows plus some crippling wounding and illegal take, it would take the herd up to eight years to meet the threshold of 35,000 animals.

The effects of this proposal. The elimination of the October to November season would reduce Federal subsistence harvest opportunities by an average of 25 percent and a result of a net loss of 40 hunting days. Extending the season into April would provide 20 additional days of opportunity offsetting 20 of the 40 days lost by eliminating the October and November harvest dates. However, in an April season that included a cow harvest would be a potential conservation concern given that the migration back to the eastern Talkeetna Mountain calving grounds is traditionally in April. Pregnant cows often lead the migrating groups and they are in the late stages of their pregnancy making them vulnerable to disturbing stresses as well as

harvest.

On the past average Federal harvest of 149 cows annually, reinstating the either sex season could result in an effective loss of 76 calves per year based on the recent post-rut cow/calf ratio of 48 calves per 100 cows.

Limiting the harvest to bulls only is a more conservative alternative to protect the reproductive capacity of the herd for continued population growth until the State's management objective of 35,000 to 40,000 animals has been reached.

We have an alternative to consider based on recent BLM staff input.

Because of the strong desire for a cow harvest expressed by customary and traditional users of the resource, because of a high number of wanton waste cases and accidental cow harvest observed by the land management agency, a limited cow harvest warrants consideration.

Allowing harvest of a preestablished quota of cow caribou would allow the customary and traditional practice of the cow caribou harvest to continue yet allow the herd to recover from its current depressed population, albeit at a slower pace.

Establishment of a quota system for cow harvest based on past harvest data would require the BLM to closely monitor the in-season harvest and terminate the cow harvest when the number of cows harvested reaches an established cut off point.

Harvest of bulls could continue throughout the established season.

So for the preliminary conclusion, we have two options, Option A and Option B.

The preliminary conclusion for Option A, which is the original proposal would be to oppose the proposal based on a number of factors, but first being that the reinstating of the harvest of caribou cows in Unit 13 at this time would pose a conservation concern in regard to the health of the Nelchina Caribou Herd. Currently the herd is very close to the ADF&G's management objective. A limited bull only harvest

provides some subsistence opportunities while promoting conservation of caribou and is consistent with the existing Tier II harvest regulations.

The proposed elimination of the October/November season would unnecessarily reduce Federal subsistence harvest opportunities by an average of 25 percent and result in a net loss of 40 hunting days. However, extending the harvest season in April would provide 20 hunting days of opportunity offsetting 20 of the 40 lost by eliminating the October and November harvest dates. However, the April season that included the cow harvest would be a potential conservation concern given that the Nelchina Caribou Herd traditionally migrates through this area in April with pregnant cows leading the way making them very vulnerable to harvest and disturbing stresses which may lead to increased calf losses.

Option B. Support this proposal with modification to allow harvest of one cow during the fall season in subunits A and B. The proposed regulation with modification would read:

> Units 13 A and B, Nelchina Caribou Herd, two caribou by Federal registration permit only, however, only one may be a cow taken during the October to March season. The Glennallen BLM Field Office manager would close the cow harvest opportunity when a quota of 30 cows has been reached. Following the closure, the cow harvest, only antlerless caribou may be taken.

Justification for this modification would be instituting a cow harvest with established quota would still pose a conservation concern in regards to the health of the Nelchina Caribou Herd but would lessen the impacts on the herd and would still allow the herd to grow, albeit, at a slower pace.

The cow harvest during the winter season would allow the customary and traditional harvest of cows by subsistence users to occur. A cow harvest of animals in the winter is based on past average annual cow harvest from October 1st through January 1st, which would allow cow harvest during the rut.

BLM is committed to closely monitoring

the cow harvest in the unit and would be responsible for halting the cow harvest when the number of animals harvested reaches the quota of 30. The BLM field office proposes initiating a public outreach campaign to encourage bull only harvest and to develop a cooperative interagency Nelchina Caribou Management Plan.

Extending the harvest season into April would provide -- well, basically they don't want to extend the season because you would lose 20 days of -- or 40 days of hunting opportunity and the extension of the season would still pose a potential conservation concern given the Nelchina Herd traditionally migrates through this area, the same as the last option.

Are there any questions.

CHAIRMAN LOHSE: Any questions.

(No comments)

CHAIRMAN LOHSE: Thank you. Alaska Department of Fish and Game.

MR. HAYNES: Thank you, Mr. Chairman. The Department's comments on the original are on Page 133 of your meeting book. The Department did not support the original proposal, consistent with our position on this proposal this last year.

The Department does not support reinstitution of a cow caribou harvest in Unit 13 until the Nelchina Caribou Herd attains the State management objective of 35,000 animals and the trend is stable or increasing. The most current population estimate of 34,380 is the result of very high calf production and survival and is a slight increase over the 2001 estimate but does not yet establish a trend. In fact, the estimated number of adult caribou in the Nelchina Herd actually declined in 2002 which is a product of overwinter natural mortality. Fall weights for female calves were low in October 2002. Studies have suggested that when fall calf weights are low, calf production will decline the following spring.

The Department also does not support an April season due to the stress that can be inflicted during the critical period when near term pregnant cow are migrating from winter range in Unit 12 to the calving grounds in Unit 13(A). Migration is very expensive

energetically for cows in the last trimester of pregnancy. Energy lost during this period results in a decline in body condition which translates into smaller fetus size and a reduction in lactation. Lactation is very important for neo-natal growth and survival. Caribou are stressed when pursued by hunters. The chance of offspring surviving declines and the condition of animals harvested under such circumstances is poor. Bull caribou don't migrate in large numbers through Federal lands in the Richardson Highway area until later in the spring.

The author of this proposal states that very few Federally-qualified subsistence users harvest Nelchina Caribou on Federal public lands which constitute two percent of all lands in Unit 13. In fact, hunters reported harvesting a total of 442 Nelchina Caribou in 2001/2002 on Federal lands. This was 31 percent of the total reported harvest and the highest reported on Federal lands in Unit 13 since 1992.

Additionally, while the overall Nelchina Caribou harvest in 2001/2002 increased 30 percent from the previous regulatory year, the Federal harvest alone increased 61 percent.

As for Options A and Option B that Chuck presented to you, the Department supports Option A of the preliminary conclusion to oppose this proposal for the reasons stated in the justification and in the comments I just read you.

We strongly recommend that Option B not be supported at this time. As is stated very clearly, in the points made in support of Option B, allowing any cow harvest would pose a conservation concern, would slow the growth of the Nelchina Herd and would subject pregnant cows to unnecessary stress during their migration to the calving grounds.

Thank you.

CHAIRMAN LOHSE: Thank you. Mr. Churchill.

MR. CHURCHILL: Thanks, Terry. Well, your reference on Page 133, paragraph one, it talks about overwinter natural mortality, can you break that out into what the highest percentage of that mortality, is it predation or -- can you break that out for us?

MR. HAYNES: Mr. Chairman, I'll ask the area biologist Bob Tobey if he might be able to shed light on that topic.

MR. CHURCHILL: Thank you.

MR. TOBEY: Mr. Chair. The last couple of years we've had high mortality both in calves and adults. Normally we would see less than 10 percent mortality and pretty much due to predation. But the last few years it's been higher. And I believe that was '99/2000, we had 80 percent survival so we had 20 percent mortality and -- which is twice the historic that we've seen. In 200/2001 we had 88 percent survival so we had 12 percent mortality. And last year it barely approached the 90 percent survival so it was getting back up with a little bit higher survival.

Starting in sort of the mid-90s we had a large increase in the wolf population in Unit 13 and we saw an increase in mortality both on the calving grounds and on the wintering grounds. The calf mortality also increased and for some of those years we had 20, 21 calves in the fall that's the lowest we'd ever seen or the lowest we'd seen since the '60s when a similar situation occurred.

CHAIRMAN LOHSE: Mr. Churchill.

MR. CHURCHILL: Thank you, very much.

CHAIRMAN LOHSE: Any other questions.

(No comments)

CHAIRMAN LOHSE: Mr. Tobey, I have one. When we looked at the ADF&G comments right here in the first paragraph, we talked about fairly decent calf survival this year to start off with but then we say we have an overwinter mortality in 2002, so that would be overwinter mortality of both calves and adults then, wouldn't it? I mean that wouldn't be like the calves being taken on the calving grounds, that would be what happens in the wintertime through wolves or through food, through starvation, right?

MR. TOBEY: Mr. Chair. Yes. We look at the survival of both radio-collared calves and adults. And that was -- I gave you the adults and the yearlings. The calf survival really fluctuates but for instance in

'99/2000 it was only 62 percent survival so almost a 40 percent mortality. In 2000/2001 we had a 46 percent survival which is over 50 percent died. And these are radio-collared and it is a fairly large sample size, although you have to be careful when you're using mortality rates of radio-collared individuals. Sometimes you'll see an increase or a decrease because of sample size. But this is a very large sample size. And then in 2001/2002 we had a really good survival, it was about -- of those three years, it was about 72 percent survival, so it was improving.

CHAIRMAN LOHSE: Uh-huh.

MR. TOBEY: And, in fact, last year we had a 45 percent reduction in wolf numbers on the calving grounds and that's one of the reasons that we saw a large increase in calf survival this year from June until October.

CHAIRMAN LOHSE: But if I understand right, even with the calf survival we can lose them over the winter through predation and that's what's happened here in 200 -- let's see it says the Nelchina Herd actually declined in 2002 despite the fact that it had good calf survival in 2001/2002.

MR. TOBEY: That's right, Mr. Chair. What we were talking about with the fairly decent calf survival was on the summer range.

CHAIRMAN LOHSE: Right.

MR. TOBEY: When you look at the initial calving rate and then you look at the calving rate that we get in the October composition, the difference is calf survival to fall. We don't really consider the calves recruited into the population until they're a year old, which would be the next spring.

CHAIRMAN LOHSE: Okay. Any other questions.

(No comments)

CHAIRMAN LOHSE: Thank you, Bob. Thank you, Terry.

MR. ARDIZZONE: Mr. Chair. Chuck Ardizzone, once again. I was informed that on Option B,

I had left out a sentence which would be inserted for clarification.

CHAIRMAN LOHSE: Okay.

MR. ARDIZZONE: For the early season, August 10th through September 30th, that would be a bull only season.

CHAIRMAN LOHSE: I had that written down in my notes to ask you that and didn't. So it's bull -- the only time there would be a cow take would be in that October through March season and that would be limited to 30 cows?

MR. ARDIZZONE: Correct.

CHAIRMAN LOHSE: There would be no cow take in the fall season?

MR. ARDIZZONE: Correct.

CHAIRMAN LOHSE: Okay. How would you put that into the proposal in a way that would make that more clear? Because it says two caribou and.....

MR. ARDIZZONE: Right. I would have to put two caribou by Federal registration permit only. The August 10th through September 30th season would be bulls only.

CHAIRMAN LOHSE: Okay. Okay.

MR. CHURCHILL: One.

CHAIRMAN LOHSE: Mr. Churchill.

MR. CHURCHILL: And I remember it being discussed on the reporting requirement, but could you outline that when they harvest a cow, what the reporting requirement would be as far as timelines and how that would work, for the later season?

MR. ARDIZZONE: I hadn't really established -- I mean I could -- could I have Elijah Waters from BLM come up?

CHAIRMAN LOHSE: Yes.

MR. WATERS: Elijah Waters, Glennallen

BLM. What I can do, I did bring some of our permits and what the permits say currently is that we have part of it stays -- actually goes to the Fish and Wildlife Service, this part is what the hunter keeps and this part is the tag that goes on the animal and this part is the success report that gets mailed back in. The hunter has to keep this with him in the field and these are printed up by the Fish and Wildlife Service and they say whatever the regulations are at the time. They either sex or one caribou or they say one bull, one or the other.

And then on the harvest report that's mailed back in, it's not specific. It asks what the sex of the animal was. So this is something that needs to be thought through on how these permits are going to be printed up and what they're going to say.

CHAIRMAN LOHSE: Mr. Churchill.

MR. CHURCHILL: And I guess I'm less concerned with the language on the permit itself, but I mean time frames and who do they report it to.

MR. WATERS: Oh, okay.

MR. CHURCHILL: And the issues of, I mean this seems to be -- my concern is on any kind of a hunt very close to the road, I mean you could put some tremendous numbers down in a hurry.

MR. WATERS: Okay, good point. Thanks for the clarification.

What the permits say and what the regulations say is if you are successful you have to mail this back in within five days. If you're unsuccessful, you have to mail it back in within 15 days of the close of the season.

Now, currently the way it is is these are mailed back to the Fish and Wildlife Service. And part of what the BLM is proposing is that we will put our address on this, where these will come to Glennallen, we'll put drop boxes if we have to at Paxson, Meyers Lake, and we will tabulate this information in a timely manner, you know, and hopefully have it -- you know, I mean we will devote somebody to do it daily if that's what it takes to where we'll have up to the minute harvest information.

CHAIRMAN LOHSE: Mr. Churchill.

MR. CHURCHILL: What's the current address on that?

MR. WATERS: Office of Subsistence Management, 1011 East Tudor Road.

MR. CHURCHILL: Okay. So we're talking about by following the regulations, even if it were addressed somewhere in Glennallen, we're talking about seven days, if somebody drops it in the mail on the 5th day depending on day of week, we're talking about seven days before you get these?

MR. WATERS: Right. Could be.

MR. CHURCHILL: Thank you.

CHAIRMAN LOHSE: Yeah, I think -- Elijah, I think I know what Mr. Churchill's getting at because it's the same question that I have. When you're dealing with 30 animals, we've dealt with that in the Cordova area, I mean we've had 20 limit moose hunts and in a morning, and that's without road access. So if we're going to even consider something that has a 30 caribou limit with road access, you'd have to have almost by the minute reporting. I mean we've closed seasons down there.

I mean if I remember right, I'll ask Mr. Carpenter just to verify this, but wasn't it about five years ago we closed the Martin River season in less than 12 hours?

MR. CARPENTER: It closed within about eight hours.

CHAIRMAN LOHSE: About eight hours. In eight hours the whole quota of moose was taken and I think that's what Mr. Churchill's getting at. Is when we start talking about this small number of animals right here, with road access, there's going to have to be something, either super reporting in place or something else or you're going to get swamped, I mean instantly.

And I was just wondering if any thought had been given to some way of doing that kind of super reporting. I mean out there they had Fish and Game sitting on the only bridge that goes to the area and they

still got overwhelmed.

MR. WATERS: My only response to that would be I'd call your attention to the table on Page 141 and, you know, we're scratching this August and September season because that would be bull only, and only -- I mean most of those months, you know, the majority of those months there's not over 30 animals taken the entire season. When it gets in -- in some of those outlying months, like March of '99/2000 when there was 188 taken within the month, that was when there was a large group of animals just kind of camped out up in the Tango Lakes area and that was kind of a -- I mean that could even be predicted that there was going to be a high harvest that month.

It's certainly a possibility that that many animals could be taken but, again, the history of it it's not there.

MR. CHURCHILL: Mr. Chair.

CHAIRMAN LOHSE: Mr. Churchill.

MR. CHURCHILL: Yeah. Did you say the October November were the two months that were going to be scratched?

MR. WATERS: No, August September. I might have said October November but I meant August September. October -- or August September is bull only so there's not going to be any cow harvest there.

MR. CHURCHILL: Oh, I see what you're saying about the cow harvest, yeah. Because the proposal itself, if I'm reading it right would eliminate the October November hunt totally.

MR. WATERS: I think we're talking about Option B, not the original proposal.

MR. CHURCHILL: Yeah, I think you're absolutely right.

CHAIRMAN LOHSE: Any other questions for Elijah.

(No comments)

CHAIRMAN LOHSE: Thank you. Okay, do we

have any other Federal, State or tribal agencies that wish to speak to this.

MR. HART: Thank you, Mr. Chair. Joseph Hart again for Chitina Native Corporation.

In this proposal you have before you you have subsistence users asking for help. Their season needs to be extended to ensure their successful harvest. And they're telling you that they need to have a little more leeway on what they can harvest.

The things that are not being heard are the things that what are being done to better protect the resource. What information is out there that is making sure that the snowmachine activities, the recreational activities out there are being limited to better protect the resource. The land managers aren't telling you what they're doing and that becomes a very important key in your discussions here. You need to know if this area has had any restrictions put on the snowmachine users near the Paxson area where some of these herds go back and forth. What other activities happen in the summertime or fall, target practicing, so on that would disturb the herds in those areas. Other rafting and boating activities that go up and down these rivers. What restrictions are being placed on them. We shouldn't be talking about placing further restrictions on the subsistence users first, we should be managing the resource to better allow the harvest of those for the subsistence users to provide for their subsistence way of life.

And that's what I wanted to say.

CHAIRMAN LOHSE: Bob.

MR. CHURCHILL: Joe, thank you. And I know that snowmachine usage in this area and running caribou has been a problem for a long time and I'm just not sure how we get after it and stop it. I don't think either the RAC or the ACs have ever been able to craft something that's helped with that, but hopefully some day we will.

Do you have any ideas as far as how we might institute a local reporting requirement to make sure we cut this off as closely as we can for the 30 cows? Any thoughts or ideas on that?

MR. HART: I couldn't offer you anything at this time. I've been at the different meetings that have happened in our area and have heard all the discussions and so on, but nothing that you haven't already heard.

MR. CHURCHILL: Follow up. It seems to, from reading the narrative here, it seems to be saying that a large number of subsistence hunters do not use either snowmachines or ATVs, is that consistent with your experience?

MR. HART: Yes.

MR. CHURCHILL: Thank you.

MR. HART: Thank you.

CHAIRMAN LOHSE: Thank you. Any other questions for Joe.

MS. CALCOTE: I'd like to say something on that, you have to fill out a form.....

CHAIRMAN LOHSE: You have to fill out a form.

MR. CHURCHILL: We're pretty rough about it.

CHAIRMAN LOHSE: And we have public testimony coming shortly. Okay, at this point in time we're on to Fish and Game Advisory Committee comments. Do we have any Fish and Game Advisory Committee comments?

(No comments)

CHAIRMAN LOHSE: Just written?

MS. WILKINSON: (Nods affirmatively)

CHAIRMAN LOHSE: Okay. Written comments. Summary of public written comments.

MS. WILKINSON: Thank you, Mr. Chairman.

Ahtna Incorporated supports Option B by Bureau of Land Management. The 30 any caribou hunt during the winter -- excuse me. The 30 cow hunt, excuse me, during the winter hunt in Option B should be

increased when the Nelchina Caribou Herd has increased to a sustainable healthy population which is the State management objective of 35,000 caribou.

The Wrangell-St. Elias Subsistence Resource Commission opposes the proposal as written and the modification labeled Option B. The SRC opposes the proposals due to conservation concerns about the health of the caribou population at the present time.

And then the other is from the Paxson Fish and Game Advisory Committee. The Paxson Fish and Game Advisory Committee does not support adding 20 days to the winter season nor the taking of cows at this time. According to BLM and ADF&G records, caribou take in Unit 13 has been about 1,200 animals for the past two years, 800 for State and about 400 for Federal, and about 2,000 State permits and 2,000 Federal permits have been issued both years. If it is legal to take cows the Federal take would double. The present herd size does not justify additional take or the unintended side effects of a spring cow hunt. Cows are nearly full-term in April and susceptible to over exertion, the stress of winter migration and pregnancy combined to make animals vulnerable. Also snowmachine harassment is an ongoing problem in the Paxson area and affects the entire herd. There's more than adequate opportunity to hunt subsistence caribou along the Richardson and Denali Highways. Caribou have been present in Federal areas along these highways during every month of the Federal season for the past five years, except in 2000, the Tier II season has closed early giving subsistence hunters about four months of caribou season without urban hunters present. This year will probably afford nearly two months of caribou season without urban hunters present.

And that's all the written public testimony.

CHAIRMAN LOHSE: Okay. A request from Johnny Goodlataw for this one here, on Proposal 14.

MR. GOODLATAW: We support Proposal 14, Option B by Bureau of Land Management. With the only 30 caribou hunt during the winter hunt in Option B should be increased when the Nelchina Caribou Herd has increased to a sustainable healthy population which is the State management objective of 35,000 caribou.

We believe this should be with no quota

on any caribou.

CHAIRMAN LOHSE: John, can I ask you a question on that, on that last sentence, with no -- you mean by no quota on any caribou, you mean like no quota on bulls versus cows or just no overall quota?

MR. GOODLATAW: I think it's no overall.

CHAIRMAN LOHSE: No overall. In other words, the season should just be opened or closed?

MR. GOODLATAW: Yeah. Yes.

CHAIRMAN LOHSE: Thank you. Any other questions for John.

(No comments)

CHAIRMAN LOHSE: Thank you John.

MR. GOODLATAW: Thank you.

CHAIRMAN LOHSE: Mr. Goodlataw. Okay, is this for this caribou one right here, Delice?

MS. CALCOTE: Yes.

CHAIRMAN LOHSE: Okay. Delice Calcote.

MS. CALCOTE: Thank you for letting me ask a couple questions. Do I understand it that on Page 139. that the Nelchina Herd now stands to be between 35,000 to 40,000 caribou?

CHAIRMAN LOHSE: No. The Nelchina Herd current counts, 34,380. And we're not here to debate it we're here to hear your testimony.

MS. CALCOTE: All right. Well, I've been doing a little bit of work for Cook Inlet Treaty Tribes and we've been looking at population figures and when I see that this Nelchina Herd, you know, in the last 30 years has been decimated to this particular number right here and I deal with like the Cook Inlet Beluga one and I'm wondering when -- at what number will you say that this herd has not reached or does not reach its minimum objective for keeping the birth rate ratio up to where this is a viable herd? And, you know, when I was looking at 400,000 caribou at one point in time and, you know,

we're down to 34,000, you know, and now you're going to allow a bunch more cows to be taken.

You know, I'm wondering what is the kind of number that you want for this herd?

It seems to be getting smaller and smaller and we're going to take out more moms and you're telling us that the birth rate and their survival rate isn't too good and -- and I just wonder, you know, what kind of a herd do you want to maintain here? Is this -- you know, in five years are we going to be told, like we're told from National Marine Fisheries Service, that in five years there'll be no salmon here in Cook Inlet? I mean are you trying to tell us that this is -- I'm just trying to get a really good picture on what size do you guys want this herd to be maintained at?

CHAIRMAN LOHSE: Delice, I'll answer that question but we're not supposed to be doing this, we're supposed to be hearing your testimony. But I don't know where you ever got the number 400,000.

MS. CALCOTE: I'm looking at old tribal records and accounts from -- and how this herd has been joined by other herds at various points in time in history. So, you know, it just seems like we're looking at diminishing numbers and I want to know what, you know, will you say that it's no longer a herd when it's down to what, 5,000, or, you know, this herd is being diminished.

CHAIRMAN LOHSE: May I make a suggestion to you that you read Page 138 and 139 in the report that we have here.

MS. CALCOTE: That's what I'm looking.....

CHAIRMAN LOHSE: That will give you the numbers that we're currently dealing with as a -- that the State is currently dealing with.

MS. CALCOTE: Yes, well, 1940, well, I'm having to look back all the way to.....

CHAIRMAN LOHSE: Well, that's fine, I mean.....

MS. CALCOTE: .....you know.....

CHAIRMAN LOHSE: .....I can't answer -- I mean I'm not going to.....

MS. CALCOTE: .....the beginning.

CHAIRMAN LOHSE: .....discuss it with you. Say what you'd like to say then.

MS. CALCOTE: I did.

CHAIRMAN LOHSE: Okay.

MS. CALCOTE: I did. I want it on record that.....

CHAIRMAN LOHSE: That we should have 400,000 caribou?

MS. CALCOTE: .....there should be -- I would like to say that it should be up way more than what it is at 34,000 and allowing moms to be shot and to allow hunting to be going on during child raising time is in gee, traditionally.

Thank you.

CHAIRMAN LOHSE: No questions for Delice.

(No comments)

CHAIRMAN LOHSE: Thank you. Okay. Okay, we have a subsistence proposal in front of us from the Copper River Native Association that would like to extend the season.

With that we have the proposal, we have two options, a motion to put one of these on the table is in order.

Fred.

MR. JOHN: I'd like to make a motion of Option B on the table.

CHAIRMAN LOHSE: You'd like to make a motion to put Option B on the table, do I hear a second.

MR. DEMENTI: Second.

CHAIRMAN LOHSE: It's been moved and

seconded to put Option B on the table.

Okay, Option B.

Units 13 A and B, Nelchina Caribou Herd, August 10th through September 30th, and I understand that's bulls only.

MR. ARDIZZONE: Yes, correct.

CHAIRMAN LOHSE:

October 21st through March 31st, two caribou by Federal registration permit only, however, only one may be a cow taken during the October to March season. The Glennallen BLM Field Office manager would close the cow harvest opportunity when a quota of 30 cows has been harvested. Following the closure of the cow harvest, only antlerless caribou may be taken.

Discussion.

Susan.

MS. WELLS: Didn't we do something like this last year?

CHAIRMAN LOHSE: This was deferred.

MS. WELLS: This is the same one?

CHAIRMAN LOHSE: This is the proposal that was deferred -- this is the same proposal that was deferred.

MS. WELLS: And in that one I remember the discussion of in the fall hunt if you got a cow you were done?

CHAIRMAN LOHSE: That was one of the suggestions but that didn't make it through to this.

You could put it out as an amendment, if you wish.

MS. WELLS: Well, I would move -- well, I have to read this over. I just remembered us discussing

that and I thought we had it in there so that's why I thought this was a different thing.

CHAIRMAN LOHSE: In this proposal, as it sits before us right now, Susan, there is no cow take in the fall hunt, period, it's bulls only.

Fred.

MR. ELVSAAS: The motion, was that the one on Page 129?

CHAIRMAN LOHSE: The motion is the proposal on Page 144.

MR. ELVSAAS: Okay, let me get on the right page.

CHAIRMAN LOHSE: Okay, I should have said that. Option B on Page 144. Anybody else wish to speak to the motion. Mr. Churchill.

MR. CHURCHILL: Well, just a point of clarification. This allows, in the early season, if I'm reading this correctly you could take two cows?

CHAIRMAN LOHSE: No.

MR. CHURCHILL: It says two caribou by Federal registration permit only, however, only one may be taken during the October through March season. Is October through March, then by this, the entire season?

CHAIRMAN LOHSE: No. If you remember when I read the proposal, I read in the directions that he gave which was August 10th through September 30th, bulls only. August 10th through September 30th, bulls only.

MR. CHURCHILL: Yeah. But -- okay, so this wouldn't modify this, this language, that just says two caribou, would not modify the previous language that says bulls only.

CHAIRMAN LOHSE: For August 10th through September 30th.

MR. CHURCHILL: Okay.

CHAIRMAN LOHSE: The modification as they

1 were suggesting. Like they said, they forgot to put in
2 bulls only for that first part of it.
3
4 MR. CHURCHILL: Uh-huh.
5
6 CHAIRMAN LOHSE: And then after that,
7 from October 21st through March 31st, two caribou. This
8 should have been in two units right here.
9
10 MR. CHURCHILL: Uh-huh.
11
12 CHAIRMAN LOHSE: Two caribou, October
13 21st through March 31st, only 30 cows per season.
14
15 MR. CHURCHILL: Then I guess as a follow
16 up. I probably at this point, my biggest concern is I'm
17 having a hard time envisioning any kind of a reporting
18 requirement that would be responsive to limiting this
19 hunt to anywhere close to 30 cows. That's what's making
20 me nervous.
21
22 CHAIRMAN LOHSE: Any other comments on
23 it. Fred.
24
25 MR. JOHN: I just want to say what Elijah
26 Waters just said about during that time there's hardly
27 any caribou taken anyway.
28
29 I think could he come up here and explain
30 it again?
31
32 CHAIRMAN LOHSE: Yes, sure can, would you
33 like to call on Elijah?
34
35 MR. JOHN: Yeah, I'd like to hear it
36 again -- clarify.
37
38 MR. ELVSAAS: Mr. Chair. Could he
39 explain in what specific area that this concerns to? I
40 mean what BLM lands are we really talking about and
41 Fred's got something else.
42
43 CHAIRMAN LOHSE: Right.
44
45 MR. WATERS: Okay. I'm not sure what
46 Fred wants me to explain but I can explain the BLM lands
47 anyway.
48
49 If you have a copy of the regulations or
50 if you have a -- I think everybody has this map in front

of them, if you look in Unit 13(B), in just the tiny little bit in 13(A) that's south of the westfork of the Gulkana River, it's all that yellow land there in 13(B), it's pretty much the wild and scenic river corridor of the Gulkana River and the Delta River and then that highway corridor, what we call the utilities corridor up the Richardson Highway, which is pretty much along the pipeline. That's the lands that it applies to.

And Fred, I'll be glad to answer your question if you say it again.

MR. JOHN: You said during the -- what is it October to the March season, that there's -- that you guys said there wasn't that many caribou taken during that time so you could monitor the female pretty easy.

MR. WATERS: What I was referring to.....

MR. JOHN: That's what I thought you said.

MR. WATERS: .....is on Page 141, and I think, the Staff analysis done a really good job in looking at the harvest of caribou through every month and I realize this was done actually for considering closing that October/November season. But if they took this back all the way to 1990, every month of the year would have a peak at some time, I mean throughout the history of the Federal hunt, every month has had a peak and it's based on the caribou movements. It's based on when they migrate, if they even leave the area at all, and that's why you have that peak there in March, was always a large number of animals, March '99/2000 there was a large number of animals that moved back in, but in general, you know, there's very few of those months other than that early season August and September, there's very few of those months that have a large number of animals taken during those months.

So to answer, you know, the -- yes, we couldn't -- we couldn't -- when we got 30 cows reported killed, you know, by the time we mail out letters to those people and you have to give a small grace period, you know, there would probably be, you know, more than 30 killed, it might be 31 or it might be 40, but, you know, we can't cut it off exactly at 30 unless we, you know, made our target even lower and then cut it off earlier anticipating that there was going to be some delayed reporting and even delayed harvest.

But we could certainly keep an eye on it. We do look. You know, we've monitored the availability of those animals pretty regular. That's why I was pointing out about that March 2000, that really high harvest in March 2000, that wasn't a surprise. That wasn't a surprise that it was that high to us or to the State. I mean it was -- those animals were there and we knew there was going to be significant harvest that month.

CHAIRMAN LOHSE: Mr. Churchill.

MR. CHURCHILL: Yeah, I'm looking on the table on Page 142 and if I'm reading that right that's the Federal subsistence cow harvest and it seems to me the average by month, the highest averaged month is in fact March, am I reading that correctly?

MR. WATERS: That's what it looks like to me. And under this proposal we would anticipate that the cow quota would be reached by March.

In fact, Chuck Ardizzone can correct me if I'm wrong, but I think that this 30 -- that the cow quota of 30 was based on historically the number of cows killed in that October/November time frame.

MR. ARDIZZONE: October, November, December.

MR. WATERS: October, November, December he says.

MR. CHURCHILL: Thank you.

CHAIRMAN LOHSE: Elijah, then if I understand right, is we have a five day reporting period at this point in time and you feel that under normal conditions, unless something would happen in October where they would hang around a little long, the 30 would probably take a few months to accumulate so you'd have a little warning, I don't know, I guess I can't -- I take a look at that and after -- from what I've seen down in Cordova I just can't go -- I can't go along with that.

The only way that I could support something like this, if you're going to put a quota that small and I kind of agree with John Goodlataw, that if you're going to have to have a quota you might as well have it closed, if you're going to have it open it might

as well be open because of the problems, but the only way that I could support a quota this small is you'd have to have six hour reporting. I mean it would have to be -- and that would be totally feasible along the road system like that that if anybody took one they had six hours to report it. But anything less than that, you could take October and if it just happened that they hung around there, your 30 cows could be taken so fast that this would be meaningless.

I mean I -- if I was going to support this I'd have to pass this off to somebody else and put an amendment on because I couldn't support it with the current reporting conditions. I'd have to go along with Mr. Goodlataw, let's either close it or open it, you know.

MR. WATERS: My only comment is that you have a valid point, was this is -- you know, this gets portrayed as the BLM option, there was -- the Staff Committee of which I was a part of came up with this option and this was kind of an 11th-Hour option and, you know, when the Staff Committee was discussing this, these figures of cow harvest by month hadn't been ran yet, and we really didn't know what that quota was going to be at the time.

I think if there had of been there might have been more discussion but we just ran out of time.

CHAIRMAN LOHSE: Any other questions from any of the Council. Fred.

MR. ELVSAAS: If I read this right it says, prior to this they had a cow season during the rut and they took about 30 cows at that time. Was that because there wasn't as much hunting pressure during the rut? I can't imagine a lot of people out hunting during the rutting season?

MR. WATERS: Well, I think it's always been closed during the rut, that October 1st through the 20th, so I'm not sure what you're asking.

CHAIRMAN LOHSE: I think what he's asking, Elijah, is what isn't on this is this October season is only 10 days, this October season starts the 20th of October and goes to the 1st November and yet has that kind of a take.

MR. ELVSAAS: But on 145, the justification, number 3, it says a cow harvest of 30 animals in the winter season is based on the average annual cow harvest October 1, January 1, which would allow cow harvest during the rut. So that's where I got that from.

CHAIRMAN LOHSE: Does it say that about that the rut in there?

MR. WATERS: Could you point that out again, I'm sorry, what page?

MR. ELVSAAS: 145.

CHAIRMAN LOHSE: Which line?

MR. ELVSAAS: Number 3.

MR. WATERS: I think that's probably a misprint.

CHAIRMAN LOHSE: Right.

MR. WATERS: I'd have to defer that to Chuck.

MR. ARDIZZONE: That's a typo.

MR. WATERS: It's a typo. It should be October 21.

CHAIRMAN LOHSE: I think that we need some clarification there, Elijah. And that is the fact that the rut of caribou is about the 1st of October to about the 20th of October?

MR. WATERS: Right.

CHAIRMAN LOHSE: And that's the part of the season that's currently closed. There is some rut after the 21st of October, but mostly your cows have gone into estrus and been breed during that time period, I think.

MR. ELVSAAS: Right. So the October 1 is a misprint then?

CHAIRMAN LOHSE: Right.

MR. WATERS: Right.

CHAIRMAN LOHSE: Yeah.

MR. ELVSAAS: I just wondered.

CHAIRMAN LOHSE: Okay. Any other discussion.

(No comments)

CHAIRMAN LOHSE: Well, like I said, I'm not comfortable with this the way it is. I would like to hand the Chairmanship over to the vice Chair and offer an amendment.

Fred, will you take over the Chairmanship?

MR. ELVSAAS: Yes, I will, but I'm not sure you're going to be in order.

(Laughter)

MR. ELVSAAS: Okay, I will Chair this, you wish to offer an amendment.

CHAIRMAN LOHSE: Mr. Chair, yes I do. As I've stated before I'm not comfortable with that small of a quota, I prefer there was no quota but if the quota is going to be part of this proposal, I think that it behooves us to put something in here on how fast it has to be reported and I would like to -- I would like to put an amendment in here:

That the manager will close the cow harvest opportunity when a quota of 30 cows has been harvested. Upon the taking of a cow, hunters will report the cow within 12 hours of the time of harvesting.

MR. ELVSAAS: Twelve hours?

CHAIRMAN LOHSE: Twelve hours?

MR. CHURCHILL: Second.

MR. ELVSAAS: It's been moved and seconded that the 30 cows provision be in and upon the

taking of a cow, the hunter must report it within 12 hours; is that.....

CHAIRMAN LOHSE: That's it.

MR. ELVSAAS: Okay.

CHAIRMAN LOHSE: Very good job.

MR. ELVSAAS: Well, do you wish to discuss it further?

CHAIRMAN LOHSE: It's up to you, call for discussion.

MR. ELVSAAS: Well, it's your motion so you have first shot.

MR. JOHN: I second the motion.

MS. WELLS: It's been seconded and I'll call the question.

MR. CHURCHILL: I'd like some discussion before the question is called on this.

MR. ELVSAAS: Everybody comfortable, the question's been called?

CHAIRMAN LOHSE: No. Mr. Churchill's requested some discussion on it.

MR. ELVSAAS: Okay.

MS. LANGE: Mr. Chairman, I have a question.

MR. ELVSAAS: Okay.

MS. LANGE: My question is actually for this gentleman, Elijah. As a practical matter, how would that work?

MR. WATERS: That's what I'm doing up here. I have a couple of concerns with that, Bob Tobey just whispered in my ear that 24 hours is about as good as you can hope for. And my other concern is we're going to have to be changing the reporting requirement. You know, currently it's a mail in reporting requirement and 12 hours or 24, we all know the Alaska mail, it's not

1 going to go from Paxson to Glennallen in 24 hours. The
2 weekends, we're going to have to change the reporting
3 requirement to be a call in.
4
5 CHAIRMAN LOHSE: Right.
6
7 MR. WATERS: This is just kind of adding
8 another layer of complexity to the logistics here.
9
10 MS. LANGE: Follow up.
11
12 MR. ELVSAAS: Does that satisfy you.
13
14 MS. LANGE: Well, I just have a follow up
15 on it.
16
17 MR. ELVSAAS: Say again.
18
19 MS. LANGE: A follow up on that.
20
21 MR. ELVSAAS: Oh, go ahead.
22
23 MS. LANGE: So you could do an immediate,
24 or within 12 or 24 hours with like dropping something in
25 the mail, you know, like a hard copy or something as
26 well, I mean it would be possible?
27
28 MR. WATERS: It would be possible. I
29 mean we could put drop boxes around, it would be
30 possible. It would -- again, it would allow a
31 significant work load in the fact that those would have
32 to be checked, you know, at least at the end of the day
33 every day and depending on where we put those drop boxes,
34 you know, I mean it's about 80 miles from Paxson to
35 Glennallen and a significant amount of that harvest is
36 taking place in the Paxson area, so, you know, it's going
37 to -- that increases the workload of the BLM much more
38 than we anticipated.
39
40 And that's something my boss would have
41 to be aware of, you know, that we'd be doing that.
42
43 MR. ELVSAAS: Am I understanding you to
44 say that you could do it in 12 hours or you'd prefer 24?
45
46 MR. WATERS: Well, I'd prefer 24 but even
47 then it's going to be -- I mean, 24, it would be
48 practical but still it's -- you know, they're going to
49 have to be checked every day, seven days a week if
50 there's a significant number of animals in the area.

MR. ELVSAAS: And that was your concern, the time frame?

MR. WATERS: A call in might work but that's something we've never -- you know, that's, to my knowledge that's something that the Federal program has had, a call in, that's this critical on time, you know, I think there's probably other hunts that have a call in but even that call in's probably, you know, five days.

MR. ELVSAAS: Well, even -- just a second, even with a call in, you know, you got to realize to get the word back out to the hunters you've got several days.

To me it doesn't seem possible but as Chairman I'll shut up.

Bob.

MR. CHURCHILL: Sir, that was exactly my question is in this area, once the 11th-Hour comes and we know that the cows have been harvested, in a practical sense, how long would it take to shut the hunt down and let folks know? I'd be -- through the Chair.

MR. ELVSAAS: Do you have.....

MR. WATERS: I don't have an answer for that, I would defer that to the State. That's the -- the way they close down their Tier II is by emergency order and I don't know, off the top of my head I would guess they give them a two or three day period, you know, they make the announcement that it closes, you know, on the 8th of March or something.

MR. CHURCHILL: Again, through the Chair, could we have maybe an opinion from Mr. Tobey?

MR. ELVSAAS: Okay.

MR. CHURCHILL: Could we get an opinion from Mr. Tobey on that?

MR. TOBEY: Mr. Chair, when we close the Tier II hunt, we normally right the EO and give them about a week's notice. We try to get it out to all the newspapers and everything. I have had 24 hour hunts in Glennallen. They've been for bison hunts with very, very small quotas, eight to 10 bison. We've had 24 hour

reporting period by telephone. And the only way you can shut it down and get the people in the field notified is we make a condition of the permit that they carry a radio and they have to listen to the 6:00 -- 5:00 p.m. broadcast on KCAM every day to tell if the season's still open. So if you want to close it down real tight you have to make those kind of requirements to assure that the people in the field find about it.

And that did work successfully but I even had to give my home phone for the weekends in case the bison harvest came over the weekends.

MR. CHURCHILL: Thank you. Fred.

MR. JOHN: I'd say for myself, if there's a motion, I'd like to say we table this until the Staff get more information, because this is in a hurry and I'm not comfortable with this at all.

MR. CHURCHILL: Motion to table is not debatable.

MR. ELVSAAS: Well, we should do something because we did defer this a year ago, you know, one way the other. The maker of the motion wishes to speak.

CHAIRMAN LOHSE: Well, I guess I'm spoiled. I come from -- I spent too much time around Cordova and I go and I look at that road system out there, we got signs that says, entering Federal subsistence hunting area, leaving Federal subsistence hunting area, entering Federal subsistence hunting areas, leaving Federal subsistence hunting area. All it takes is a sign that's hung on there that says Federal subsistence hunting area closed to the taking of cows and it's closed because the only hunters that you have drive up and down that road.

I would just -- in my way of thinking, if we want these 30 cows -- I mean maybe we don't want them -- but if we want these 30 cow caribou, it behooves us to do everything we can -- I mean the State objects to us taking the 30, it doesn't fit in with the management plan to get 35,000 caribou, but if we want these 30 cows, it behooves us to do everything in our power to make sure that we don't take enough over 30 that we're doing any damage.

Either that or lets say we don't take these 30 until we've reached the management objectives.

And like I said before, I would be extremely uncomfortable asking for a quota of 30 that I gave people five days to report. Tobey says that he's done it with buffalo and he had to give his home phone number. The guys down at Fish and Game in Cordova or Federal managers, too, down at Cordova have to do the same thing and there they have to get it out with some other way. Here, we have a limited place that we can put a sign up. We have everybody's going to drive up the road one way or the other. They can either use a drop box or a telephone and the word can be gotten to the managers in a real fast hurry.

You know, I'll stay off of Chair to vote against this if there's not some kind of mechanism to stop the 30 when the 30 comes. Because you cannot have a quota of 30 on a road accessible hunt and hope that you only get 30 because that's all you're doing is hoping.

The word gets out pretty fast if there's caribou available up there. And it doesn't take long -- it doesn't take long for people to drive up there.

And that's enough, I won't say another word.

MR. ELVSAAS: Okay, thank you.

(Laughter)

MR. ELVSAAS: Anybody else. Gilbert. Susan.

MR. JOHN: Question.

CHAIRMAN LOHSE: We have an amendment on the motion.

MR. JOHN: Question.....

MR. ELVSAAS: Well, this is.....

CHAIRMAN LOHSE: We have an amendment on the table.

MR. CHURCHILL: Right.

MR. ELVSAAS: Well, this is the amendment to the main motion and now the proposal is to allow a 30 cow hunt and the hunter just report within 12 hours of taking a cow.

This also entails changing the permit form and so forth.

MR. CHURCHILL: Clarification.

CHAIRMAN LOHSE: Not necessarily.

MR. CHURCHILL: Clarification.

MR. ELVSAAS: Go ahead.

MR. CHURCHILL: And how was that reporting, the amendment envisioned, the reporting requirement, was that telephone, mail-in or.....

CHAIRMAN LOHSE: How was it envisioned, it was envisioned 12 hours and they can figure out how to do it.

MR. ELVSAAS: Yeah, I think that's a Staff problem at this point.

CHAIRMAN LOHSE: The administrative part of it is not for us to spell out.

MR. CHURCHILL: Well, I guess it makes critical difference to me in the vote. If it's mail-in it's not a 12 requirement at all. And from the time it's mailed in to the time it goes back out, from what I'm hearing we're talking about closer to 12 days. I mean what we heard from Mr. Tobey about calling it in, getting it back at a really successful turnaround time with that, I'd be inclined to vote for it.

I mean it makes a huge difference to me.

MR. ELVSAAS: Thank you. Sylvia.

MS. LANGE: Well, that was the point of my questioning of the Staff, that they said it was doable. It's changeable. I mean they have to change things but it is doable.

MR. ELVSAAS: Right.

MS. LANGE: It's a critical point.

MR. ELVSAAS: He said they could do it. Okay, anything else?

(No comments)

MR. ELVSAAS: Do you wish the Chair back or do you wish.....

CHAIRMAN LOHSE: No.

MR. ELVSAAS: .....to vote?

CHAIRMAN LOHSE: I wish to vote.

MR. ELVSAAS: Okay.

CHAIRMAN LOHSE: We're on the amendments yet anyhow.

MR. ELVSAAS: All those in favor of the amendment say aye.

IN UNISON: Aye.

MR. ELVSAAS: Those opposed.

MS. LANGE: Nay.

MR. ELVSAAS: I only heard one or two aye's but no opposition, so the motion.....

MR. CHURCHILL: And one opposition -- and one opposition. And for the record one abstention, and the abstention is based on it's not a clearly defined reporting requirement and that's why I am abstaining.

MR. ELVSAAS: Thank you. Will you note that Ann.

MS. WILKINSON: (Nods affirmatively)

MR. ELVSAAS: Okay, now, did you want another amendment?

CHAIRMAN LOHSE: No.

MR. ELVSAAS: Do you want the Chair back?

CHAIRMAN LOHSE: I'll take it back if you want me to. That way I can't vote on the whole thing.

(Laugher)

MR. ELVSAAS: You got what you wanted.

CHAIRMAN LOHSE: Okay. We have an amended motion in front of us. The motion reads:

Unit 13(A) and (B), Nelchina Caribou Herd, August 10th through September 30th, bulls only;

October 21st through March 31st, two caribou by Federal registration permit only;

however, only one may be a cow taken during the October/March season;

the Glennallen BLM Field Office Manager will close the cow harvest opportunity when a quota of 30 cows has been harvested;

upon taking a copy a hunter must report the take within 12 hours;

following the closure of the cow harvest, only antlerless caribou may be taken.

Discussion.

Fred.

MR. ELVSAAS: Mr. Chairman, as I understand it, this will be a very limited area in 13 of the overall area. But then again the optimum numbers by the State Fish and Game is not reached yet although it's close. I can't base my voting on the State regulations when it comes to subsistence, so I say I will support the motion and ask the rest of you to vote for it, too.

CHAIRMAN LOHSE: Fred.

MR. JOHN: I'm going to vote yes on this. I'll support the main motion.

CHAIRMAN LOHSE: Any other discussion.

MR. ELVSAAS: Question.

CHAIRMAN LOHSE: Question's been called. All in favor of the amended motion signify by saying aye.

IN UNISON: Aye.

CHAIRMAN LOHSE: All opposed signify by saying nay.

(No opposing votes)

CHAIRMAN LOHSE: Motion carries.

MR. CHURCHILL: One abstention, same reason as on the amendment.

CHAIRMAN LOHSE: Okay. With this it's 5:30, I'm going to give Mr. Cain the opportunity to testify before he leaves. I'd ask you to give him your attention, he's going to testify on Proposal 55, and then we will recess for the day. And I'm sorry that one took so long.

Bruce.

MR. CAIN: Thank you, Mr. Chair. I appreciate you giving me that extra time to discuss the -- my name is Bruce Cain, I'm the executive director for the Native Village of Eyak. And I'd just like to give a little background on Proposal 55. this was brought to the Council as a result of an elder in our village that received a permit -- a drawing permit for a moose and was unable to go hunt that herself and there's no provision in the Federal Subsistence hunting regulations for Unit 6 for proxy hunting or for designated hunter.

We brought a special action request to the Board which was approved and the hunt went on, she had one of her family hunt that moose. And so we were asked to submit a proposal to deal with this so that's why we brought it to the Council.

And I guess the situation is that we have no way for an elder to have a designated hunter under the Federal Subsistence rules in Unit 6, so that's what we're trying to not have to be doing special action requests. I think you heard testimony on this from a lot of different people in the community but the basic issue is that our elders need to have help with their hunting.

CHAIRMAN LOHSE: Any questions for Bruce.

(No comments)

CHAIRMAN LOHSE: So Bruce, this is basically aimed pretty much at the elders and those that are incapable of doing it themselves?

MR. CAIN: That's correct. Elderly -- it would be primarily elderly.

CHAIRMAN LOHSE: Okay. Mr. Churchill.

MR. CHURCHILL: Yeah, Bruce, thank you. There is obviously a fair amount of concern over the harvesting of moose in this area. Could you give us a broader perspective, how it -- that might guide us in dealing with some of these other proposals, if you're comfortable in doing that?

MR. CAIN: I think that -- you know, I haven't really educated myself on a lot of the other proposals. I've just looked at this one but I do know that you've got a statewide proposal that solves most of the problems. The one concern, and we would support that one, I believe it -- is it Proposal 2, or is it -- your statewide proposal on ungulates, that one, I believe would be a good solution, maybe a consistent solution.

The only concern that we had was, you know, some of the testimony that I read was on limiting the number of permits in a household or the number of permit applications to a household and we don't support that idea for this particular proposal, I think was the only one that that was directed at. But, you know, I think that we could go along with the statewide ungulate proposal.

MR. CHURCHILL: Thank you.

CHAIRMAN LOHSE: Any other questions. Sylvia?

MS. LANGE: Mr. Chair. When we had that informational meeting in Cordova, one of the things that came forward was not just elders needing a designated hunter but perhaps, since that is, specifically to that area, a lottery type drawing for those 20 animals, that in order to help pass along the information you might need a designated hunter for a youngster. Do you have

any thoughts on that?

MR. CAIN: Yeah, I wouldn't be able to comment on that. I think that there's going to be, you know, if they're that young they need to have some elders or parents with them anyway. I'm not sure what the testimony was. But, you know, you can use your judgment on that one if you were there.

MS. LANGE: A follow up.

CHAIRMAN LOHSE: Yes.

MS. LANGE: Would that be something that the Native Village of Eyak would be supportive of? The person who brought it forward said, since that's a drawing, the person who has the tag is the one who has to shoot the gun, well, you know, they -- so they were talking about designating dad -- or if dad got the tag, designating the junior to actually do the hunting.

MR. CAIN: Yeah, Sylvia, I'm not -- I wasn't familiar with that conversation so I really can't comment.

MS. LANGE: Okay.

CHAIRMAN LOHSE: Any other questions.

(No comments)

CHAIRMAN LOHSE: Thank you, Bruce. I think we will recess until -- the time tomorrow morning? What does it say in here 6:30?

(Laughter)

MR. CHURCHILL: I think it was quarter to 7:00.

CHAIRMAN LOHSE: It's a quarter to 7:00?

MR. JOHN: No.

MR. ELVSAAS: 8:30.

MR. CHURCHILL: 8:30.

CHAIRMAN LOHSE: 8:30, okay. We will recess.....

MR. CHURCHILL: One of these days she's going to call us on that and we're going to be here at 6:30.

(Laughter)

CHAIRMAN LOHSE: We'll recess until 8:30 tomorrow morning.

(PROCEEDINGS TO BE CONTINUED)

C E R T I F I C A T E

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)ss.
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