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EASTERN INTERIOR SUBSISTENCE
REGIONAL ADVISORY COUNCIL
PUBLIC MEETING

VOLUME I

March 25, 2003
9:00 a.m.
Nenana Community Hall
Nenana, Alaska

COUNCIL MEMBERS PRESENT:

Gerald Nicholia, Chair
Sue Entsminger
Allen J. Stevens
Jim Wilde
Virgil Umphenour
Larry Williams
Tricia Waggoner
Philip Titus

Regional Coordinator, Donald Mike

P R O C E E D I N G S

(Nenana, Alaska - 3/25/2003)

(On record)

CHAIRMAN NICHOLIA: Welcome you guys all here to Nenana. I'd like to call this meeting to order of Eastern Regional Advisory Council, and I'd like to go around the table first, and go around the audience and have everybody introduce themselves, starting with Larry over there.

MR. WILLIAMS: Yeah, my name is Larry Williams, I represent Upper Yukon Flats, Fort Yukon, Venetie, and Beaver and so forth, and it's good to be in Nenana.

MR. STEVENS: Allen Stevens, Stevens Village.

MR. UMPHENOUR: Virgil Umphenour, North Pole.

MS. WAGGONER: Tricia Waggoner, Tok.

CHAIRMAN NICHOLIA: Gerald Nicholia, Tanana.

MS. ENTSMINGER: Sue Entsminger, Mentasta Pass.

MR. WILDE: Jim Wilde, Central.

MR. MIKE: Donald Mike, Council coordinator.

MR. DEMATTEO: Pete DeMatteo, Office of Subsistence Management, regional wildlife biologist, Anchorage.

MR. RIVARD: Don Rivard Office of Subsistence Management, Anchorage.

MR. JOHN: Fred John, Jr., Southcentral Council, Mentasta Lake.

MR. VOSS: Greg Voss, Fish and Wildlife Service, Staff Committee member from Anchorage.

MR. SMITH: Mike Smith, Tanana Chiefs council.

CHAIRMAN NICHOLIA: Hey, Michael.

MR. SMITH: Oh, sorry. I kind of lost track of the sequence here.

MR. LEWIS: Steve Lewis, supervisor at Fish and Wildlife Service, Fairbanks Fish and Wildlife Office.

MR. WHITEHILL: Barry Whitehill of Yukon Flats National Wildlife Refuge, Fish and Wildlife Service out of Fairbanks.

MS. W. BROWN: Wennona Brown, subsistence coordinator, U.S. Fish and Wildlife Service, Yukon Flats Refuge.

MR. GARDNER: Craig Gardner, Fish and Game, I guess now in Fairbanks. I was in Tok.

MR. ANDERSON: Fred Anderson, Park Service, Fairbanks.

MR. HANDER: Ray Hander, Fish and Wildlife Service, Fisheries, Subsistence Fishery Management, Yukon River, Fairbanks.

MR. SHLOSMAN: Joe Shlosman, fisheries biologist for Council of Athabaskan Tribal Governments.

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

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

MS. FRIEND: My name's Connie Friend, Tetlin Wildlife refuge, Tok, Alaska.

MR. DIPPEL: Chris Dippel, Fish and Wildlife Service, Tetlin Refuge in Tok.

MR. BERG: Jerry Berg, fisheries biologist with the Office of Subsistence Management out

of Anchorage.

MS. WHEELER: Polly Wheeler, anthropologist with the Office of Subsistence Management, Fisheries Information Services in Fairbanks.

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

MS. HILDEBRAND: Ida Hildebrand, Staff Committee member, BIA.

MS. C. BROWN: Caroline Brown, Subsistence Division in Fairbanks, Fish and Game.

MS. PETRIVELLI: Pat Petrivelli, Office of Subsistence Management in Anchorage, and I'm an anthropologist.

CHAIRMAN NICHOLIA: Thank you. And our court reporter is?

MR. HILE: Nathan Hile.

(Off record)

(On record)

CHAIRMAN NICHOLIA: Patricia, do a roll call. Oh, yeah, I recognized you. Philip Titus.

MR. TITUS: Thank you. Glad to be here.

MS. WAGGONER: Okay. Philip Titus.

MR. TITUS: Present.

MS. WAGGONER: Andrew Bassich.

CHAIRMAN NICHOLIA: He's absent.

MS. WAGGONER: Allen Stevens.

MR. STEVENS: Here.

MS. WAGGONER: Sue Entsminger.

MS. ENTSMINGER: Here.

MS. WAGGONER: Jim Wilde.

MR. WILDE: Here.

MS. WAGGONER: Gerald Nicholia.

CHAIRMAN NICHOLIA: Here.

MS. WAGGONER: Larry Williams.

MR. WILLIAMS: Here.

MS. WAGGONER: Virgil Umphenour.

MR. UMPHENOUR: Here.

CHAIRMAN NICHOLIA: And at this time I'd like to ask this Board, or this Council if you wanted to appoint a vice chair. It just could be anybody I guess.

MR. UMPHENOUR: I move to nominate Sue Entsminger.

MR. STEVENS: I'll second it.

CHAIRMAN NICHOLIA: There's a second.

MR. TITUS: Question.

CHAIRMAN NICHOLIA: There's a second -- first and second. The question was called. Sue Entsminger be appointed the vice chair of Eastern Interior. All those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: All those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Okay. Motion carried. We already did introduction of agency staff and honored guests. Okay. Regional Council members concerns and topics.

My report would be that there's a lot that went down this past year that concerns Eastern Interior Region. My most concern is that -- would be the fisheries topics. And my biggest concern is that we allowed a change at Toklat from optimum to a biological to allow people up in the Upper Yukon area to be -- fish,

because all the time every year that the managers, both Federal and State, they use the Toklat that never did ever meet the optimum escapement goal to change it to a biological escapement goal and so allow some people to fish up there when -- in the area we represent, especially in the Yukon Flats area.

Another of my concern is that as the Chairman for the Eastern Interior Regional Advisory Council, it seems that with the Western Interior and the Y-K for the customary trade is that we adopt what we formed. I would like to see this Council support the concept of what we did -- we brought up in the Yukon Drainage Fisheries Association meeting in Kotlik. I'd like to have that -- us support what we did support last year, but they changed it a little bit. We'll still support our position on customary trade, but we'll got with YRDFA's thing of -- the Y-K did, and that way we would have a drainage wide support of one concept instead of three concepts on the Yukon River.

Another one that may be of a concern in the Yukon Flats area is from my point of view is the low moose population that's up there.

And another one, the thing that's -- a lot of people, the Legislature and the Government is starting to support predator control, and I think it would be a good idea to do some kind of predator control in the Yukon Flats to bring our moose population up.

But another -- and another light (ph) of that, there's -- it seems like we're always facing a lot of opposition from other people that don't really understand how the people live out here in the rural. They come from outside and adversely affect our way of life, and I don't really like that to a point where I'll get very volatile against it. So I don't want to really go too far into that.

I have another -- some other things that I'd like to bring up, too, but I think that will come along, so I'll just let the other Council members share their concerns at this moment here. Go ahead, Virgil.

MR. UMPHENOUR: Thank you, Mr. Chair. I have three concerns or three problems I've identified, and these all pertain to fisheries.

The first one is the quality and lack or

escapement on our spawning grounds.

The second one is equal reasonable opportunity for upriver users.

And the third one is the competition for food in the marine environment between wild stocks and hatchery stocks.

These all go back to one problem. And that problem is lack of leadership in the Department of Fish and Game by the State, and also in the Federal Subsistence Board. And I specifically speak to the leadership trait called moral courage. It's a leadership trait I learned as a noncommissioned officer in the Marine Corps, and as a commissioned officer in the Army. All it is, is having the courage, the backbone or whatever you want to call it, to stand up for what your oath of office is, and what your moral duty is regardless of the criticism that you'll get for doing your job.

On the Yukon river, in Canada, we've only met escapement one time out of the last five years, and that was in 2001. I don't want to see any more headlines like the one I've got here from July of the year 2000. I don't want to see any more of this where the lower fishery or an intercept fishery, an intercept fisheries throughout the State this happens, where the manager is not held accountable for not making escapement, and so therefore he does not have the moral courage to say no to the commercial fishermen that want to fish and make money. They allow them to fish when they know they shouldn't.

And then we have what we call reason -- that ties into not making escapement, and then restrictions on the upriver users. In the year 2000 there was no commercial fishery upriver and the subsistence users were restricted.

The Department and the leadership has what I call the ostrich syndrome. They stick their head in the sand and ignore valid scientific data from world renowned scientists.

So we come to the hatchery problem. The State of Alaska dumps 1.6 billion, not million, billion smolts into the marine environment every year. There's been a number of scientific studies, and I brought some of those with me to the meeting, that indicate that chum

and pink salmon from these hatcheries are contributing to lower productivity in the marine environment. And they have found hatchery chum salmon from the hatchery in Juneau, the DiPak (ph) hatchery, in the trawl by-catch in the Bering Sea where all the fish from western Alaska feed in the marine environment.

But anyway, those are the issues I would like to address tomorrow when we address fisheries. Thank you, Mr. Chair.

CHAIRMAN NICHOLIA: Thank you, Virgil. Is there anybody else? Patricia.

MS. WAGGONER: I just wanted to address two issues that I didn't see on the agenda, and that were brought up at the last meeting. Well, just one issue.

Craig Gardner mentioned the woodland caribou herd around Chisana, and at some point in time maybe we can address that when we talk to the Wrangell-St. Elias Park, but I just wanted to bring that up as a Council to see that, you know, we can insure that somehow if there's any way we can help to keep that herd alive, that we do. And keep that unique diversity in the wildlife population there.

CHAIRMAN NICHOLIA: Is there anybody else that want to have Council concerns topics, anything? Larry.

MR. WILLIAMS: Yeah, one of the concerns that I have on the upper Yukon Flats, which I'm representing, is the Chair mentioned it in passing, that with the low moose population. It seems like we've been talking about this low moose population for years and years. I'm the vice chairman of the Yukon Flats Advisory Council, and we're supposed to have a meeting on the 27th, this coming Thursday, and I plan to be there.

Anyway, every time we go to a meeting, we talk about our problems and wring our hands, and say when are we going to do something about this, and our moose are getting lower every year. In fact the Village of Venetie, where I have my home, I can count on one hand the total number of moose that we got this fall, which is a total of four.

And I was just wondering, every time I go to a meeting, we say we have this problem, and when is

somebody going to do something about it? I mean, that's my concern. And I'm sure it will be brought up again this coming Thursday when we have our Yukon Flats Advisory Council meeting. And I hope I get some answers. There's a lot of people in here that's more educated than I am, got the plaques on the wall which I don't have. And I hope they come up with some answers.

And another thing is predator control. That's a hot political issue right now. And nobody wants to -- nobody wants to hang onto the ball. They're just passing it from one department to another.

We have a lot of bears up there, and we -- and according the scientists, all the black bears and brown bears are taking the calves when they're first brown in the spring time. And it's against our culture. They asked me this, okay, you guys can go shoot more bears, and I keep repeating myself over and over again in different meetings that we have. I was on the Yukon Flats Moose Planning Committee, too, for about a year. And I keep repeating myself, that as native people, we do not shoot anything that we don't need, and it's against -- it goes against our culture to shoot something that, you know, we're going to leave behind. And they keep encouraging us to shoot black bears and brown bears. And we say we can't do that unless we need it.

And another concern of mine is that we do not have enough harvest reporting in the different villages on the Yukon Flats, like Fort Yukon, Chalkyitsik, Circle or Beaver. we should have a centralized office where all our harvest -- supposedly they should be doing that now, but I haven't seen no report. I haven't seen -- I have no idea how many moose were taken on the Yukon Flats here in the last year during the fall hunting season.

So thank you for your time, and that's -- maybe I'll have more concerns after I get more familiar with what this committee's trying to do. Thank you very much.

CHAIRMAN NICHOLIA: Thank you, Larry. Anybody else?

MR. MIKE: Mr. Chair, thank you. Donald Mike, Council coordinator. If you haven't done so, please sign in. There's a sign-in sheet at the front door. And if you wish to testify on a particular

proposal, please fill out a council sheet or see me and I'll forward the proposal form to the Chair.

There's a coffee and hot water in that corner, and the bathrooms are located just to the left on this double door, and both women and men's bathroom. Thank you, Mr. Chair.

CHAIRMAN NICHOLIA: Since there's no more concerns and topics, you know, since people always travel in and out of our meetings, we'll kind of stick to our agenda, but I'd like to have it more of a floating agenda, because most of the times we always have people coming in here -- that are only allowed so many time, so we'll let them cut in. And if we could agree to that, it would be all right to have a -- we'll stick to our agenda, but it will be a floating agenda. It will be more -- it will appease or guests or presenters more, if you guys would agree to that.

MS. WAGGONER: I move we adopt the agenda while keeping it a floating agenda for public testimony for those people traveling in and out.

MR. STEVENS: I'll second.

CHAIRMAN NICHOLIA: It's been moved and seconded to keep our agenda, but keep it floating. Any questions?

MR. TITUS: Question.

CHAIRMAN NICHOLIA: Did you call for question? Okay. All those in favor of having our -- keeping our agenda as it as a floating agenda, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: All those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Okay. We've got our agenda.

Did everybody read the minutes from our last meeting in Fairbanks?

Yeah, Donald, I think the only thing that Tricia brought up right now is that we -- it seems like we're always -- the Eastern Interior's always agreeing to have their meetings in Fairbanks all the time, and that we promised like Beaver, and we promised another village that we'd have a meeting in a village. And I'd like to see it mentioned in here somewhere that that was our -- that was this Council's wishes, because most of our subsistence users we represent don't live in Fairbanks. And they live in Beaver, the live in Tanana, they live in Fort Yukon. They live outside of the hub city, and that's one of my biggest pushes to have the meeting in the villages. It's more -- it feels like -- I feel like we're having more representative than seeing a person come off the street down in Fairbanks try to attend our meetings.

MR. MIKE: Thank you, Mr. Chair. Yes, if you look at the draft minutes, at our last meeting the Council agreed to have a meeting in Beaver, and the winter meeting will -- or the alternate location will be in Tanana. Thank you, Mr. Chair.

MS. WAGGONER: Donald, under the meeting locations, after Mr. Rivard made his presentation, it was stipulated by this Council that we wanted to continue to have meetings in the villages, and I think that should be reflected in the minutes.

MR. MIKE: So noted.

MS. WAGGONER: It's on page 25 at the top of the page, meeting locations.

MR. MIKE: Mr. Chair, it's noted. Thanks.

CHAIRMAN NICHOLIA: Is there any more corrections or additions to our meeting minutes from last fall? Okay. I'll give you a little more time to go over it.

(Pause)

MS. ENTSMINGER: Trish, I have a question of you on that. On page 23. (Indiscernible) moose.

MS. WAGGONER: Yeah.

MS. ENTSMINGER: It might not be

important, but the 20(E) moose did not have a C& -- or that moose season, was it the moose (indiscernible). Remember, when we were aligning the seasons, it was for the whole unit, wasn't it, not just (indiscernible).

MS. WAGGONER: But all it was doing by deleting that -- because they've got the two separate areas.....

MS. ENTSMINGER: Yeah, but I thought it was for the whole unit. That was our intention.

MS. WAGGONER: Well, maybe.....

MS. ENTSMINGER: But it didn't get written that way.

MS. WAGGONER: No, deleting that bottom part makes it the whole unit the same.

MS. ENTSMINGER: That's not how the proposal got written.

MS. WAGGONER: No, they just deleted it on the second half.

MS. ENTSMINGER: I know. But do we want to do that in the minutes or just deal with it when we take it up?

MS. WAGGONER: When we take it up.

MS. ENTSMINGER: Yeah.

MR. MIKE: So I don't have to add it?

MS. ENTSMINGER: That's correct, sir.

CHAIRMAN NICHOLIA: It looks good.

MS. WAGGONER: I move we adopt -- or approve the minutes of the October 8th and 9th 2002 meeting as amended.

CHAIRMAN NICHOLIA: It's been moved. Is there a second?

MR. WILDE: Second.

CHAIRMAN NICHOLIA: Second by Jim.

Discussion or anything.

(No discussion)

CHAIRMAN NICHOLIA: It's been moved and second to adopt the agenda (sic) of October 8th, 9th 2002 with amendment. All those in favor of adopting the agenda signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: Those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Motion carries with the amendment.

Donald, do you want to say anything before we go on to the wildlife regulatory proposal review and recommendations?

MR. MIKE: Yes, Mr. Chair. Thank you.

If we can follow the proposal review procedure, I think it will help things move along. If you look at the -- under Page 1, we have proposal review procedure. Introduction of proposal. The Chair can do the introduction, or I can do it if you wish me to, so -- biological/sociological-cultural staff analysis presentation. Agency comments includes Federal, State and private. And open the floor for public comments specific to the proposal. And summary of written comments, and I'll go ahead and read that to the record. And finally Regional Council deliberation and recommendation and justification.

If we could follow that procedure, I think it will help move things smoothly.

Thank you, Mr. Chair.

CHAIRMAN NICHOLIA: Yeah, I'd like to do this in more like a more fashionable way where we move to adopt a proposal and then second it, and then before we call question or anything, I'd like to have a discussion where -- well, like before we introduce a proposal we have to move and adopt, and then when we get down to Regional Council deliberation and recommendation,

1 justification, well, that's when we call the question and
2 -- or for discussion. It will make it a little bit more
3 easier for me.
4
5 MR. MIKE: Mr. Chair, do you want me to
6 go ahead and introduce the proposal, and I can present
7 the -- I can introduce the staff personnel that will be
8 doing the analysis?
9
10 CHAIRMAN NICHOLIA: I'd like one of the
11 -- propose -- like when we first started out before I
12 became the chairman, is that we -- like I said, I move to
13 adopt Proposal, Wildlife Proposal 03-01, executive
14 summary, or something like that, and then it will be
15 second, then we go through it.
16
17 MS. WAGGONER: I move to adopt Proposal
18 WP03-01.
19
20 MR. UMPHENOUR: Second.
21
22 MR. MIKE: Mr. Chair, Proposal 1 is a
23 proposal that would adopt a statewide provision allowing
24 the taking of wildlife for use traditional funerary or
25 mortuary ceremonies. The proposed regulations would
26 simplify and standardize existing regulations, and
27 provide opportunity to all Federally- qualified
28 subsistence users. And Pat Petrivelli, the OSM
29 anthropologist will do the staff analysis.
30
31 Thank you.
32
33 MS. PETRIVELLI: Mr. Chairman, I'm
34 Patricia Petrivelli with the Office of Subsistence
35 Management. O3-01 was submitted by the Office of
36 Subsistence Management, and it requests -- oh, the
37 analysis begins on Page 34 of Tab B of your meeting book.
38
39 This proposal requests that the Federal
40 Subsistence Board establish a statewide Federal
41 regulation allowing the taking of wildlife for religious
42 and ceremonial potlatch purposes. Currently the
43 regulations have unit-specific provisions on the basis,
44 and this would make it statewide.
45
46 Adoption of the proposal would
47 standardize and simplify Federal subsistence wildlife
48 regulations and extend an opportunity to all
49 Federally-qualified subsistence users to harvest wildlife
50 for use in traditional religious and ceremonial

potlatches.

The proposed regulations require that harvesting does not violate recognized principles of fish and wildlife conservation and prior notice just be given to the delegated local manager.

There is another proposal that you'll be looking at, and it's Proposal 12. So if Proposal 1 doesn't get adopted for the statewide provisions, we'd like your recommendation on 12 which would adopt another unit-specific provisions. But we'll deal with that later I guess.

Existing regulations for religious and ceremonial purposes are in Appendix A, on Page 41. And the main points of the proposed regulation though is that you can take wildlife outside of the season or harvest limits for traditional religious ceremony for funerals or mortuary ceremonies.

The person organizing the ceremony must contact the Federal land management agency with information about the species and location that it will be taken. There can't be any violations of principles of fish and wildlife conservation. A report must be filed with the Federal land management agency within 15 days after the harvest. No permit or harvest ticket is required, but the harvester must be an Alaskan resident with C&T for the resource in this area.

With those existing regulations, we have provisions in 13 of 26 wildlife management units. And even though there's variation between those unit-specific regulations, the main requirements are that -- those that I outlined with not violating the recognized principles, information about the -- and providing information about the activity, and in the case of funerary/mortuary ceremonies, the name or names of the decedent, and reporting requirements, and the name and address of the harvester.

With the State regulations, those are listed on Page 35 of the book, and when we made this proposal, the State was in the process of changing their regulations, and so -- and Terry Haynes will be bringing that modified language, and I guess eventually -- usually the intent is to try to modify the language to be consistent with State regulations so that there would be less confusion, but -- and I think we've listed the major

changes they've made on Page 36, but he'd better address that.

The proposed language that we have for the preliminary conclusion we have is on Page 38, and you can see we've tried to change the proposed language a little bit to try to adjust it to the State language. But what this language says, and I think there's been some feedback, but anyway it just has some of the languages or some of the wording changes we've modified from our own proposal. And then it also shows how with the existing regulations the ones that we would revoke, and so we'd revoke certain ones, because they would be accommodated by the new changes, and then we'd keep other ones, because they're unit-specific and they're not covered by funerary or mortuary. So those are listed on page 39 and it goes to 40, the ones that we'd remove and keep that are unit specific.

And I guess -- oh. At the time this analysis was written, it was felt even though -- with the prior notifications -- oh, for Units 21 and 24, since we say person or tribal government organizing the ceremony, that it would just leave the responsibility to the tribal government.

With the justification, that's on page 40, we'd just -- adoption of the proposal would recognize the importance of wildlife in Alaska native ceremonial and religious activities statewide. The modified proposed regulation is a product of combining portions of the various unit specific regulations and the newly adopted fish regulations, because we went through this process for the statewide ceremonial use of fish.

And goals of the proposal include standardizing the regulations, and, more importantly, extending equal opportunity to all Federally-qualified subsistence uses. The regulatory change would not impose additional requirements in most units, except for Units 21 and 24 where you would have the prior notification. However, the modified proposed regulatory language would allow the person, designees or tribal government official organizing this ceremony to contact the appropriate land manager. This flexibility removes the burden from the hunter and provides protection from undue harassment by law enforcement personnel. The potential for such occurrences have increased with recent changes to State of Alaska hunting regulations.

The regulatory language provides for the conservation of wildlife populations, however, little additional harvest is anticipated as the practices have been ongoing under the State of Alaska and in some cases Federal provisions. Those unit regulations that are species specific, ceremonial specific, or those with special provisions would not be changed.

And that concludes my analysis.

CHAIRMAN NICHOLIA: Yeah, Pat I had a little question or concern. Harvest up to three moose for the Nuchalawoyya potlatch, you know, Tanana in and Unit 21, we're mostly in Unit 20, and I don't think we'd like to go around Ruby, but this -- I just want to see if that's a clarification there, because Nuchalawoyya does happen in Tanana.

MR. UMPHENOUR: I'd like to ask, on Page 38, at the bottom, paragraph 3, it says each person who harvests wildlife under this section, and then it goes through the reporting requirements. My question is this, in paragraph 1 it says prior to taking the wildlife, the person and then they put or designee or tribal government organizing the ceremony, contacts appropriate federal land management, or manager. Why is it that the person that makes the contact prior is not the same person that is going to make the post report?

MS. PETRIVELLI: I'm going to do -- first, I'm going to with Gerald's question about the unit-specific and then I'll come to your question, okay?

With -- on page 44 we do allow -- we do recognize Nuchalawoyya in Unit 20, and it's just when we summarized it, we left it off, so it is in our actual written regulations. Nuchalawoyya is recognized. And so I guess we would retain it in 20 since it's existing there, so that was just a clerical mistake, because in the actual regulations it's allowed.

Okay. Now, with the idea of -- with Virgil's question, the prior notification is meant because we're wrestling with the fact that some people find it question -- wrong to announce that they're hunting, and to be culturally sensitive. But what we want to do is have another person if -- to accommodate that cultural sensitivity, notify the agency so that enforcement people could be told that they'd be out hunting out of season. So that's the reason it could be

1 different. But the person who actually harvests the
2 moose always has the responsibility to report the
3 harvest, but they don't have to notify, the person, to
4 take into account cultural sensitivities.
5
6 CHAIRMAN NICHOLIA: Pat, I still think it
7 should be written the other way, because that just goes
8 -- that just goes against my nature. I mean, that that
9 goes against my cultural beliefs that prior to the taking
10 of wildlife, it should be prior to the notice of death
11 that this community or thing or somebody will -- just a
12 notification that a tribal person died. We don't talk
13 about how we're going to go out there and catch moose or
14 catch fish or something for this potlatch. It's just
15 totally against my cultural beliefs around Tanana.
16
17 I'd like to support this idea, but I
18 don't think we should have that prior to, the person or
19 tribal government. Maybe the tribal government organizes
20 the ceremony, but the tribal government hardly organizes
21 the ceremony. Where I come from, it's mostly the family
22 and the relatives involved. I mean, just by noticing
23 that like somebody passed away in Tanana, everybody will
24 know that, and then after they get the moose, maybe the
25 moose or caribou or whatever, is that they could I mean
26 notify you who got it at 15 days, but I don't think it
27 will -- I don't think I'll garner no support from the
28 people who I represent if prior to taking of wildlife the
29 person -- that should just be scratched out of there, or
30 designee or tribal government organize the ceremony. It
31 says prior to the taking of wildlife, the family, maybe
32 one of the family members could go up there and say
33 something that they're going to get it.
34
35 But all you managers and all you State
36 and Federal people know how we put on potlatches for our
37 people. I think most of you guys know in here how we do
38 it, and we don't have to be so, what you call it,
39 micro-managed in this fashion against my cultural
40 beliefs. I don't think it's right for the Federal agency
41 or Federal Government to go in that direction.
42
43 If there's anybody else that could speak
44 up to that, speak now,
45
46 MS. ENTSMINGER: Yes, thank you, Mr.
47 Chair. I'm trying to understand everything here.
48 Currently potlatch moose is all under the State, and no
49 Federal permits are required?
50

MS. PETRIVELLI: Currently there are State provisions, and there are unit-specific provisions that are outlined here, and so people can do the mortuary/funerary potlatches under the State provisions. There are some instances, like if this regulation doesn't pass, like on certain park lands where the State regulations wouldn't apply I think. But pretty much it -- State regulations would cover all the funerary potlatches.

MS. ENTSMINGER: So except for park preserve and park.....

MS. PETRIVELLI: I think this.....

MS. ENTSMINGER: .....or just park?

MS. PETRIVELLI: Park. Yeah. Not the preserve, but just the park.

MS. ENTSMINGER: In my mind, it's best to keep everything simple, and this seems like we're making things a lot more harder for people to do something.

MS. PETRIVELLI: And I guess it -- well, you could say either that, oh, because we have such a patchwork of like unit-specific provisions, if we just consistently followed the State so that we would just parallel the State provisions so someone would know that, and I that would be the eventual goal. But they just happened to change their regulations right as we were circulating our proposal. But I think our original goal was to mirror the State regulations so that a user would be following both State and Federal regulations, because they would be exactly the same. And so as soon as Terry comes up, and then he would testify and say what the State regulations are, but ideally -- and that way no one would just be following State or Federal, no matter what lands they were on.

CHAIRMAN NICHOLIA: Yeah, I read this thing from the start from one of these, and then when you get down to part 3, it's like a totally different thing. If I was going to be doing something for my family, like doing something like this, I'd be confused, and I'd be more reluctant to go by this right here, than just do a simple report to the agency persons than trying to figure out -- do all kinds of paperwork and stuff where most people that do get confronted with paperwork anytime in my region, I know that they're just going to avoid it.

So do you guys take that into consideration at any point in time on this deal?

MS. PETRIVELLI: I think we try to when we were doing the proposed language, and I think we're trying to mirror what the State had done in the past, and then also what we had done with the fish, because we'd just done the round of fish ceremonial regulations, so we were trying to consistent -- be consistent and trying to make it easier on the user. But if you have suggestions, we'd certainly appreciate it.

CHAIRMAN NICHOLIA: I know I'm not going to support this on this Page 38, because it's just too cumbersome for a person that's going out and do something for their family to bury somebody or have a memorial potlatch, it's just -- it's just -- you don't imagine, sometimes it's one family member doing everything, or sometimes it's three and four. You don't imagine how hard it is for them to put on this thing, and they're going to have to take the time to do all this paperwork and stuff, I don't think that's going to fly.

And if I had a suggestion, I'm -- prior to taking of wildlife, that should just -- prior -- it says prior -- it should just say prior to -- I don't even think that should even be there. That should say something like when, to a death of a family member, that they're to -- Government organization or the family shall notify the Federal land manager.

Then another thing about this, that it doesn't explain anything too much, is that these -- this regulation ain't going to apply on State lands, right?

MS. PETRIVELLI: Our regulations only apply on Federal lands.

CHAIRMAN NICHOLIA: Okay. It should be mentioned here at some point -- somewhere in time (ph) that these regulations only apply on Federal lands, so that -- and in the Eastern Interior Region, that will only be the Yukon Flats area, maybe by Denali, maybe in the upper end of this Tanana River. Yukon Charley, and where Jim Wilde is at, but there's a big difference in this region where some members in this region Federally-qualified subsistence users don't practice the same as Tanana or Eagle. There's a big difference in there, so I don't think Unit 25 will be the same as Unit 20. So it's going to have to be Unit specific. That's

1 what I was -- so I'm just trying to hit that. Virg.
2
3 MR. UMPHENOUR: Okay. My question is
4 this, on page 36 down near the bottom, it starts out
5 saying, additionally. And then it talks about the Alaska
6 Board of Game adopted regulations exempting the Koyukon
7 from prior notification, because of religious customs,
8 and did not modify its regulations providing for the Unit
9 21 recurring Koyukon potlatch. And it goes on to talk
10 about the potlatch at Tanana and then the one that's
11 either at Nulato or Kaltag. And so this is not reflected
12 in this proposal, is it?
13
14 MS. PETRIVELLI: Oh, the exemption?
15 Well, the proposed language we have, the unit-specific
16 provisions that would be exempted are under -- for the
17 Nuchalawoyya potlatch in 20 and 21, and in the
18 Kaltag/Nulato Stickdance in Unit 21. So those are
19 exempted. Those -- or they would remain the same as
20 existing in the provisions. So whatever provisions are
21 in there would remain the same, so for like.....
22
23 What might be confusing is because we say
24 they could take up to three moose per regulatory year,
25 and that unit-specific regulations doesn't mention the
26 prior notification. But if we would standardize our
27 language exactly like what the State did, then it would
28 have those provisions.
29
30 CHAIRMAN NICHOLIA: Maybe Terry could
31 shed some light on this.
32
33 MR. HAYNES: Thank you, Mr. Chairman.
34 Terry Haynes, Department of Fish and Game. I'm the
35 Department's liaison to the Federal Subsistence Board on
36 wildlife issues.
37
38 Let me just start by describing generally
39 the new State ceremonial harvest regulation, which takes
40 effect July 1st of this year.
41
42 Last year Will Mayo spent a fair amount
43 of time talking to various communities, especially in the
44 Interior, discussing the existing ceremonial harvest
45 regulation. It wasn't working very well. And so he went
46 out and visited communities, talked to tribal governments
47 about making some revisions to it.
48
49 And what the Board of Game adopted based
50 on input that Mr. Mayo provided was a two-part ceremonial

harvest regulation. The first part is similar to what is proposed here in the Federal regulation, that there is a prior reporting requirement if there is a need to go out and harvest wildlife for ceremonial purposes. There are options as to who can go in and put in that request to the Department. And then a reporting requirement after the harvest.

Exempt from that prior reporting requirement is the Koyukon potlatch ceremony. So that would cover your concerns, Gerald, about your area. So there is no prior reporting requirement in the new State ceremonial harvest regulation for the Koyukon potlatch ceremony.

Excluded from this regulation is the Nuchalawoyya potlatch and the Stickdance. Those have -- those are separate State regulations, and you're familiar with those, Gerald, because they affect your area.

So that generally tells you what the new State regulation looks like. I don't know if you have questions or want more detail.

CHAIRMAN NICHOLIA: So you're saying -- so this, just reading on Page 38, would exempt the Koyukon potlatch ceremony, which -- the funerary and the memorial thing?

MR. HAYNES: Mr. Chairman.....

CHAIRMAN NICHOLIA: Well, I'll be in support of that, but I wouldn't be in support of prior, because that will just go against my cultural beliefs.

MR. HAYNES: Mr. Chairman, the -- this on page 38 and 39, the preliminary conclusion, this does not exempt the Koyukon potlatch ceremony as I read it.

UNIDENTIFIED VOICE: It does, because it's retaining these regulations, which include Nuchalawoyya and potlatches. Or whatever provisions are in for the Nuchalawoyya.....

(Whispered conversation)

CHAIRMAN NICHOLIA: Go ahead, Pete.

MR. TITUS: Why can't we just make the proposal after the fact, after the game is dead, after

everything is over, that whatever happened is reported, and leave it at that?

MR. HAYNES: Mr. Chairman, I think -- I wasn't at the Board of Game meeting where Will Mayo presented this, the proposal that became the new State regulation. But there has been concern about people going out and taking moose for use for ceremonial potlatch, but enforcement officers not being aware that that was the purpose of the hunting activity, and people were subject to enforcement. And there's a desire to eliminate that problem for people.

MR. TITUS: Can't the enforcement guy just take it upon himself to decide right then and there whether to pursue or not? He should be smart enough to figure it out.

CHAIRMAN NICHOLIA: (Indiscernible)

MR. HAYNES: Well, Mr. Chairman, there are instances in which enforcement officers may not be aware that there was a death in the community and that there was going to be a potlatch ceremony and a need for wildlife.

MR. TITUS: There's very few people (indiscernible, microphone not on)

CHAIRMAN NICHOLIA: Hold on. Before we go any further on this, I don't want to get this out -- let's get on here, and I'd like to hear from Mike, maybe you could address what Will Mayo is talking about. Just be a little bit cool here now.

MR. SMITH: Thank you, Mr. Chairman.

Yeah, I was at that Board of Game meeting last fall, and we spent -- went round and round for days with enforcement on this issue. And we came up with the provision that was just recently passed out to you. That is the Koyukon language that is going to be incorporated in the State statutes here, and it's just kind of -- I feel a little sad that the Federal Government who was intended to protect these activities, our subsistence activities and stuff, failed to incorporate this very hard section that we worked out with the State Government. I mean, certainly I thought that the Federal effort would be a lot easier than the State's. But we went round and round, and the Board adopted this

provision and Enforcement approved of it, and that's going to be the current State statute in July. And we would support inclusion of this section into the Federal proposal.

CHAIRMAN NICHOLIA: So, Mike, you're talking to this handout that we just got right here, Proposal 21(D)?

MR. SMITH: Yes, sir. That's the final language that we negotiated wit the State and Enforcement for acceptance by the Board of Game.

CHAIRMAN NICHOLIA: Yeah, it looks way better than what the Federal Government has. I think we should go along with something like this, 'cause it clearly mirrors what we're trying to -- what I'm trying to do is respect my elders and their cultural beliefs and I'm trying to follow along in their cultural beliefs, so if I'm going to represent them, I have to go along with their ideas.

MR. SMITH: Mr. Chairman, we agree, and we had sought to seek this same type of provision in the ceremonial taking of fish last year in front of the Subsistence Board. We were defeated at that time as well. But -- which was kind of ironic in the sense that we were able to negotiate something with the State of Alaska, but we were not able to come together with the Feds on this, but we take the position that this should apply to fisheries as well, the ceremonial taking of fisheries proposal that was adopted last year as well, and I'll talk on other proposals issues, too, but thank you, Mr. Chairman.

CHAIRMAN NICHOLIA: Hold on.

MS. ENTSMINGER: Okay. I'm trying to understand everything. This was just specific to Koyukon, correct?

MR. SMITH: Yes, ma'am.

MS. ENTSMINGER: And then in.....

MR. SMITH: Yeah. Yes, ma'am, I'm sorry, Sue.

MS. ENTSMINGER: So are you saying that

this language you want statewide?

MR. SMITH: No, ma'am. This language, the regulation on prior notice, the Koyukon people were the only people who came in in opposition to that. So what the Board did was adopt the prior notification provision for the State except for this -- and exempted the Koyukon people, and they fall under this provision. So the general prior notification applies to the rest of the State, and this only applies to the Koyukon people.

MS. ENTSMINGER: Thank you.

CHAIRMAN NICHOLIA: Larry.

MR. WILLIAMS: Yeah. I'm not quite following this. Maybe I'm kind of dense here but in my culture about the same way, we don't brag about what we're going to do out in the woods. If we're lucky, we can shoot a moose. We don't say that. We don't -- you know, we're the same way as the Tanana people. and I don't see why this provision doesn't apply to upper Yukon Athabaskan Indians also. Venetie, Fort Yukon and so forth.

And I'm trying to get this how the final proposal will be written since there's some opposition to it and there's some support on this Proposal 21(D). I don't know, we can go round and round on this, but I'd like to, you know, I -- I'm not going to support it the way it's written right now according to my cultural beliefs and what the people, the elders tell me. So I'm going to have to get those things clarified here.

Thank you.

CHAIRMAN NICHOLIA: Larry, what you're talking about, you're not going to support the Federal proposal, or you're going to support this paper?

MR. WILLIAMS: I can support this, yeah.

CHAIRMAN NICHOLIA: Uh-huh. Okay.

MR. WILLIAMS: But I can't support the way that this one (indiscernible, microphone not on).

CHAIRMAN NICHOLIA: Yeah, me neither. You got something there, Virg?

MR. UMPHENOUR: Yes, I'd like clarification on this RC-36 that came from the Board of Game, and I don't know who would be appropriate to answer my question, but my question is, it says in here under (a) Koyukon potlatch, and so my question is this: How is the Koyukon potlatch -- it doesn't say in here anything -- any reference other than Koyukon. It doesn't say Game Management Unit or anything else, and so how is that interpreted as -- or going to be interpreted by the State? Is there some kind of boundary or something, or do you have to be Koyukon ancestry, or how is that going to be interpreted by the enforcement people?

MR. SMITH: Mr. Chairman, in regards to the Koyukon, the specific language regarding the Koyukon, at that time the Board of Game was looking at this, we had received -- there was numerous comments submitted for it and testimony. However, we were the only native group or organization at the Board of Game meeting, Tanana Chiefs that is. And the Koyukon provision was the language that was forwarded by Will Mayo through the Governor's Office, and he felt that that was sufficient to designate the area that this would be applicable to. Clarification like that should probably considered because -- for future deliberation, but the general provisions, no prior notifications we support.

But we agree that the language as to exactly where this would apply should be hammered out a little bit.

MR. UMPHENOUR: I believe we have someone else that wants to speak on this.

MR. HAYNES: Mr. Chairman, Virgil, I would agree with Mike on that, and there could be game management unit and sub unit language added that would cover the communities that are predominantly inhabited by Koyukon Athabaskan people, and that would be Unit 24, some sub units in Unit 21 and a small portion of Unit 20.

CHAIRMAN NICHOLIA: Just for -- just to -- let me see, try to put it this way, this proposal, make it Eastern Interior specific, because most of the Gwich'ins, the Koyukons that inhabits this area that we're representing and most of the people I think along the highway, whatever that goes on to Tok or whatever would be in agreement, and it says to add a new section, this whole justification on Page 38 or whatever. It could just be -- we could just adopt this paper right

here and say in the Eastern Interior Region the taking of big game for food. That will cover our whole region that we represent.

But first, before we go there, I'd like to welcome -- but first before we got to Council deliberations here, I'd like to hear from Fred John, do you want to address this a little bit? But you might want to come back up here later, too, Terry, just.....

MR. JOHN: Thank you, Mr. Chairman and Council members for letting me speak. This is -- I'm just going to go over what we were -- again just we were not for the statewide proposal. We thought that each region could make up their own, 'cause we're a pretty diverse group up here, and each have their own custom and traditional way of hunting and fishing and doing their memorial potlatch. And we were against that.

And another thing is the tribal government in our community, they're not the real tribal leaders really. They just deal with State and Federal, and out -- mostly it's our clan members and clan leaders that deal with potlatches, and family.

And another one, like you just a while ago, we did didn't want any prior reporting, because we don't -- and I think throughout this area, too, that saying that we'll go out and kill a moose, it's just like bragging about it, which we don't do. And mostly it's, you know, go out there, we're just going to go out and look around. So we're kind of against tribal reporting. I mean, reporting prior to taking of game on memorial potlatch.

I'd just like to -- that's about all I'd like to say. I don't have the written -- the Staff written out what we did down at Council, but that's what we -- I know -- I remember coming up with so far.

Another thing is I just want to thank you for listening to me. And I want to thank Sue Entsminger, she's from our area, and she's been living here for the last 50 years I guess. How many years? 25 years?

UNIDENTIFIED VOICE: 29 years.

MR. JOHN: And she's been in a lot of our potlatch, and she's -- we consider her a member of our village and appreciate her being on the Board.

I've been on the Southcentral Council since the beginning, and we go through all these, and a lot of time we have proposal that we make and change and amend, and when it comes out in writing, it looks different than what we said, so you kind of watch that.

Thank you. Any question?

MS. ENTSMINGER: Thank you, Mr. Chairman. Thank you, Fred. I guess, you know, after being there for the past 29 years, I'm, you know, watching how things go. It just seems like it's simple, and it doesn't have to be hard. So, I mean, is there a copy of the language that they adopted here?

MR. MIKE: Mr. Chairman, I don't have the exact language that Southcentral Region developed, but maybe Ms. Petrivelli might have some information.

MS. PETRIVELLI: I think I brought it, but what the Southcentral Council did was they opposed this proposal for one and then they modified the language for 12, Proposal 12, which deals with unit-specific regulations for 11, 12, and 13(D). And I'll find that -- I'll find the recommendations, but I think it was along with what Fred had said about instead of having -- it was adding clan to the beginning, and I think it took -- and it took away -- but I think they left in, but I can't remember. Oh, 'cause it did leave in the prior notification because they added clan. But I know I have it, and I'll find the piece of paper and.....

CHAIRMAN NICHOLIA: Excuse me here for a moment here. I think we're trying to go into Southeast, Southcentral area, and we don't -- we hardly represent -- most every thing we do with the Southcentral we defer back to home region. I'd just like to stay in the Eastern Interior Region where we'll be most effective, and I'm going to go on this route. I'm not going to -- on this page, what, 38 on the bottom of it. I'd like it to very much mirror this paper I've got in this hand, everything that's under deciding (ph), instead of having the Koyukon potlatch ceremony, we could like say in the Eastern Interior Region, the taking of big game for food outside the seasons and bag limits for the traditional Eastern Interior funereal and mortuary ceremonies is authorized if consistent with sustained yield principles, and is written -- everything down there on this piece of paper I agree with, because it pretty much follows my cultural beliefs that is passed on from my elders.

Is there anybody that would like to address this or amend this one paper to where it won't be so -- what the heck do you call that? Overburdened with regulations for instance.

MR. UMPHENOUR: Mr. Chair? Mr. Chair, maybe we could ask the Staff to get their wordsmith -- maybe we could take a break and have the Staff wordsmith this thing to get the intent that you just spoke to

MR. MIKE: Mr. Chair?

CHAIRMAN NICHOLIA: Go ahead.

MR. MIKE: Thank you, Mr. Chair. Just to keep the Council on track, we still haven't gone through agency comments yet, so -- and then later on we can discuss the -- under deliberation on how we want to approach this proposal. So we have agency comments, both Federal, State, and we can open the floor to public comments. And if it's the wishes of the Council I can read into the record what the other Councils on the proposal, Statewide Proposal No. 1.

Thank you, Mr. Chair.

MR. TITUS: Mr. Chairman.

CHAIRMAN NICHOLIA: You had something?

MR. TITUS: Well, just for the wordsmith, that delete prior like -- just the wordsmith, to delete prior reporting, because we don't say we're going to go hunting. We're going to go look around, whatever, later.

CHAIRMAN NICHOLIA: Okay. Donald, we'll go through those written public comments.

MR. MIKE: Thank you, Mr. Chair. I believe we still have to hear from the State comments and other agencies.

MR. HAYNES: Thank you, Mr. Chairman. The Department of Fish and Game comments on the original proposal are on page 35 of your meeting book.

We support a Federal ceremonial harvest regulation that is consistent with the new State regulation. We're very concerned about confusion that's going to result if there are different regulations with

the State regulation that was adopted by the Board of Game. That can apply everywhere in the State. In our opinion, there isn't a need for a separate Federal regulation, especially if it's going to be different and apply only to Federal public lands.

There's another difference,too. The proposed Federal regulation applies to wildlife, the State regulation applies to big game only, so the Federal regulation covers a lot more species.

And we believe with the Koyukon potlatch ceremony being exempted from the prior reporting requirement that -- you know, that's a difference between the State regulation and what is proposed in the preliminary conclusion on Page 38 right now. And I realize you're talking about amendments, but at the end of the day, it would be useful if you support doing something different in the Federal Regulations, and that would result in the State and Federal regulations being different. We really have to figure out a way to have reporting, so there isn't confusion for the hunters, that people aren't being harassed by enforcement personnel when they thought they were doing the right thing. But if the regulations are going to be different, which we don't support, we have to figure out a way to minimize problems for the hunters and for enforcement officers.

A lot of time and effort went into modifying the existing -- the former State regulation, and I know Will Mayo spent a lot of time and effort trying to get input from affected communities, and to come up with something that was acceptable. And as Mike Smith mentioned, the Board of Game spent a lot of time discussing that proposal, and finally worked out something that people could live with.

So in the end, we'd support a federal regulation that's consistence with the new State regulation.

Thank you.

CHAIRMAN NICHOLIA: It's my understanding on this new regulation that the State has is on this page 35 here?

MR. HAYNES: Mr. Chairman, I believe you have the part that applies to the Koyukon potlatch ceremony. I don't know if you have the entire regulation

1 or not. If you don't, I have it. I don't have copies.
2 If a Xerox machine is available, we could certainly get
3 you copies of the entire State regulation. The new State
4 regulation is broken into two pieces, and there's the
5 general provision that applies everywhere except for the
6 Koyukon potlatch ceremony, and the Koyukon potlatch
7 ceremony is a separate piece. So I'm not sure what you
8 have in front of you. Okay. So you have half the new
9 regulation. I have the entire one here, I don't have --
10 if there is a Xerox machine.....
11
12 UNIDENTIFIED VOICE: Next door.
13
14 MR. HAYNES: We can get copies made.
15
16 CHAIRMAN NICHOLIA: You know, I sure hate
17 to put something down where I'm not going to -- where I'm
18 not going to gain support back home, and say where you
19 messed up, Gerald. I don't like that, you know, and this
20 is so confusing here, and it's where it looks like the
21 Federal agency is trying to micromanage, and where the
22 State agency is not -- is trying to stay away from
23 micromanagement. I wish the Federal agencies understand
24 that, man.
25
26 As a harvester, when I was a kid, I
27 didn't like to do nothing with regulations. Nothing. But
28 I figured out after time you have to. You have to have
29 regulations, and this is -- when you put this book
30 together, I with is would more -- not so much in numbers
31 and stuff, but more explaining, because I read it over
32 the last two days, last three days, and I thought we
33 could pretty much go through it. But looks like we're
34 going to be bumbling around here all day on this one. So
35 I would like to take a break and have the right agency
36 people come up here.
37
38 Ida, do you want to say something?
39
40 MS. HILDEBRAND: Thank you, Mr. Chairman.
41 Ida Hildebrand, BIA Staff Committee member. I want to
42 make three points.
43
44 On the Koyukon language that -- when it
45 was first discussed was referring only to Unit 20 and 21,
46 and I agree with Mr. Umphenour's statement that a break
47 and wordsmithing would tremendously help and expedite the
48 decision of the council.
49
50 And the third point is that most of the

other Councils opposed this proposal because it's a statewide proposal. Most of them believe that it should have come from the regions, and been unit-specific to the regions that were involved. And they struggled with it, because they're trying to apply one concept across the State as opposed to the variations that go in with the units. And the State laws apply whether you're aware of them or not, and so the reporting requirements would apply whether you agree with them or not. But if you want to wordsmith that, that's certainly something you could do on your break. That's all I had, Mr. Chairman.

CHAIRMAN NICHOLIA: Yeah, I'd like to have a work group, and take a little break and work on it, because if we oppose it, then it's just going to come around next year again. It's going to be like customary trade. We're going to have to deal with the deal again, and I'd rather just deal with it right now. So let's take a break and recognize the people who are going to work on this thing.

(Off record)

(On record)

CHAIRMAN NICHOLIA: Yeah, Donald, we'll go written public comments. I think we already took public comments from two testifiers. Go through the written public comments, and then we'll go to the Regional Council deliberations, so.....

MR. MIKE: Thank you, Mr. Chair.

Do you wish to hear the -- what the other Regional Advisory Councils did on Proposal 1? I can read it into the record so I can go ahead with the public comments. What is the wish of the Council? Okay.

The Seward Peninsula Regional Advisory Council support Proposal 1 with a modification, and that the Council expects limited use of this provision in the region. The modification to the proposal would eliminate the requirement to report the names of the decedent. The proposal as modified would standardize and simplify regulations while providing for this opportunity statewide. Minimal impacts to wildlife resources are expected.

The Western Interior Regional Advisory Council support with modifications. The Regional Council

1 requested two modifications. One, adopt the existing
2 State regulations for religious ceremonies; two, excuse
3 the requirement to provide the name of the decedents.
4 The Alaska Board of Game has gone through a lengthy
5 process to develop existing State regulations, and these
6 modifications will benefit the subsistence user by
7 providing as close an alignment between State and Federal
8 regulations as possible, reducing the potential for
9 confusion. There is no need to name the decedent on the
10 permit.
11
12 The Yukon-Kuskokwim Delta Regional
13 Advisory Council Proposal 1. Their recommendation was
14 adopt the proposal as modified to allow -- I'm sorry.
15 Statewide proposal. That's 03-01, their recommendation
16 is adopt proposal as modified to allow one moose of
17 either sex and to delete name of decedents, and to change
18 that to a local tribal office to submit a report on -- of
19 the harvest, not individual hunter. There is no need to
20 name the decedent since this is private information and
21 suggests that they are not trusted. You need to allow
22 other sex because sometimes it is not possible to find
23 certain sex, and it is meant to allow traditional
24 practices.
25
26 The North Slope Regional Advisory Council
27 support with modification. Oops, I'm sorry. That's the
28 end of it.
29
30 Written public comments. there was four
31 written public comments received. Alaska Native
32 Brotherhood, Alfred McKinley, Sr., on behalf of the
33 Alaska Native Brotherhood, wrote that all native
34 residents should be included making regulations for the
35 taking of fish and game for or as part of the funerary
36 and mortuary cycle, including the 40-day arty and the
37 pay-off potlatch.
38
39 Mike Moses on behalf of the
40 Asa'carsarmiut Tribe of Alaska wrote that this
41 regulation would be reserved only for Alaska natives, if
42 possible, since Alaska natives are the ones that have
43 been doing this for generations.
44
45 The Denali Subsistence Resource
46 Commission unanimously supports Proposal 1 to establish a
47 statewide regulation allowing the taking of wildlife for
48 religious and ceremonial/potlatch purposes for the
49 reasons stated in the justification.
50

The Wrangell-St. Elias National Park Subsistence Resource Commission supports this proposal as written.

That concludes the written public comments, Mr. Chair.

Thank you.

CHAIRMAN NICHOLIA: Okay. On this, I talked to Jay, but I didn't really talk to Larry, is that I would support the Federal deal with the inclusion of this Koyukon potlatch ceremony exemption from prior notification. But on this Koyukon potlatch I would like to put Koyukon/Gwich'in potlatch ceremony, and then on (a) the taking of big game, I'd like to amend that to taking of wildlife for food outside the season and bag limit for the traditional Koyukon/Gwich'in potlatch funerary/mortuary ceremony is authorized consistent with the sustained yield. I'd like to have this Koyukon potlatch ceremony thing, Koyukon//Gwich'in potlatch ceremony thing included with the Federal thing on page 38 with the amendment to wildlife and that way the Gwich'in and the Koyukon people in the Eastern Interior wouldn't have to do any prior reporting, which against our cultural beliefs. Do you understand that, Larry? Everybody understand? Donald.

MR. MIKE: Mr. Chair, just for clarification, you're discussing Proposal 1 on Page 38, and you're offering an amendment to the Council, is that correct?

CHAIRMAN NICHOLIA: Yes, I'd like to offer this on this one part right here, on this one first page that says Page 4 of the State thing, the Koyukon/Gwich'in potlatch ceremony. I'd like to include Gwich'in sine most of the people that do it, this Federal Regulation is going to affect is the Gwich'in people in Eastern Interior. And another amendment to taking -- the taking of wildlife instead of big game for food. And then just another on the back there, just slash-Gwich'in. So that way we wouldn't have to do no prior reporting in our region when we bury one of our tribal members or something.

Does the Council understand that?

MS. ENTSMINGER: I'd like to make a motion to amend Proposal 1 to add the language that was

1 put before us on the Koyukon potlatch ceremony, it was
2 actually Proposal 21(D) and -- from the State I guess, it
3 says at the top of this one. And in that amendment we
4 will add Gwich'in to Koyukon, so it will read
5 Koyukon/Gwich'in potlatch ceremony. And we're changing
6 big game to wildlife in section (a), and we're adding
7 Gwich'in in section (a) also to the Koyukon/Gwich'in
8 potlatch funeral or mortuary ceremony. So that.....
9
10 MR. TITUS: Second, Mr. Chairman.
11
12 MS. ENTSMINGER: Yeah.
13
14 MR. TITUS: Second.
15
16 CHAIRMAN NICHOLIA: It's been moved and
17 second. Discussion.
18
19 MS. WAGGONER: The only thing I would
20 like, and I don't know how to do this. The original
21 motion was for Proposal 01, but actually the language
22 that we're looking at on Page 38. So do we need to move
23 to actually adopt the language on 38.....
24
25 MS. ENTSMINGER: No.
26
27 MS. WAGGONER: .....versus on 29?
28
29 CHAIRMAN NICHOLIA: I don't think so.
30
31 MS. ENTSMINGER: No, it's my
32 understanding we have this motion on the floor to adopt 1
33 as written. And that is, right, in Page 38. The
34 language in Page 38.
35
36 MS. WAGGONER: Okay.
37
38 MS. ENTSMINGER: And then adding this.
39
40 CHAIRMAN NICHOLIA: I think we had a
41 motion to adopt language but I think this next motion is
42 amendment to the whole proposal, right?
43
44 MR. MIKE: Yes, Mr. Chair, you offered an
45 amendment. We can -- the Council can vote on the
46 amendment, and then vote on the proposal with the
47 amendments.
48
49 CHAIRMAN NICHOLIA: Okay. virgil.
50

MR. UMPHENOUR: It seems to me like it would be more appropriate to substitute the State's language for the language found on Page 38, otherwise it's going to be kind of confusing. Maybe we should ask the Staff if they have any kind of recommendation, if this is what we want to do.

CHAIRMAN NICHOLIA: Ida.

MS. HILDEBRAND: Thank you, Mr. Chairman. Ida Hildebrand, BIA Staff Committee member.

The original motion was to adopt Proposal 03-01. It didn't make any reference to any page or any numbers or anything. The amendment by Sue is the new language that would -- it would now be -- if you adopted the amendment, it would be Sue's language, and then when you vote on the main motion, it would be Proposal 03-01 with the language that Sue recommended.

CHAIRMAN NICHOLIA: Okay. Thank you. Even if we did go to State or Federal language, we would still have to vote on the amendment first, right?

MS. HILDEBRAND: When you have a motion on the table and somebody moves to amend it, you have to vote on the amendment and then after you vote the amendment up or down, then you go back to the main motion as amended.

CHAIRMAN NICHOLIA: Okay. So it's been moved, been seconded. There's been discussion. Virgil.

MR. UMPHENOUR: So let me -- so that it's clear in my mind to know exactly what we would end up with, if we pass the amendment, then we vote on the final motion, but when we vote on the final motion, what we in effect have done is replaced this language found on page 38 and 39 with our amendment, is that not true?

MS. HILDEBRAND: Yes, that's correct.

MR. UMPHENOUR: Thank you, Mr. Chair.

CHAIRMAN NICHOLIA: The amendment has been moved, seconded. Discussion.

(No discussion)

CHAIRMAN NICHOLIA: Is there a question.

MR. UMPHENOUR: Question.

CHAIRMAN NICHOLIA: The question has been called. All those in favor of Sue's amendment to include Koyukon/Gwich'in potlatch, with the amendment of wildlife in there, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: All those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Okay. Then the motion to the amendment carries. And we will take on the original proposal. Do we have discussion?

(No discussion)

MR. UMPHENOUR: Question.

CHAIRMAN NICHOLIA: It's been moved, second, discussion, the question was called. All those in favor of the main -- the Proposal WP03-01 with amendments, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: All those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Motion carries. Okay. Move on to the next proposal.

MR. MIKE: Mr. Chairman, Proposal WP03-02 would change the general provisions for all units to standardize the designated hunter regulations for ungulates in order to provide a uniform opportunity in all areas of the State. And the analysis starts on Page 52. Pat Petrivelli will do the Staff analysis.

MS. PETRIVELLI: Mr. Chairman, my name is Pat Petrivelli, and actually it starts on 54, but -- well, the actual text of the analysis.

Proposal WP03-02 was also submitted by the Office of Subsistence Management, and it was to

1 change the general provisions for units to standardize
2 the designated hunter regulations. Currently designated
3 hunter provisions are allowed on a unit-specific basis,
4 causing an inconsistency in how regulations address the
5 designated hunter system. The standardization would
6 provide a uniform opportunity for subsistence users to
7 harvest or benefit from the harvest of ungulates in all
8 areas of the State.
9
10 The existing designated hunters, unit --
11 we have a designated hunter program, and it allows
12 designated hunting on unit-specific basis. So -- and
13 those are listed in Appendix A, which begins on Page 64.
14 All of the designated hunter provisions, or most of them,
15 have -- the provisions of the designated hunter program
16 is any Federally-qualified subsistence user, the
17 recipient, may designate another Federally-qualified user
18 to take wildlife on his or her behalf. the designated
19 hunter must obtain the designated hunter permit. The
20 designated hunter may hunt for any number of recipients,
21 and may not have more than two harvest limits in his or
22 her possession at one time, except for a few instances
23 that I'll discuss later.
24
25 The designated hunter may not charge the
26 recipient for his or her services in the taking of
27 wildlife for meat. For -- or for meat and -- or any part
28 of the harvested wildlife.
29
30 The proposal would allow designated
31 hunting of ungulates on a statewide basis with the option
32 of unit-specific exemptions to these -- exceptions to
33 these provisions. In the Federal Subsistence Management
34 Program, ungulate means any species of hoofed mammal,
35 including deer, elk, caribou, moose, mountain goat, dall
36 sheep and musk oxen.
37
38 And there were other proposals, but not
39 in this region that would be affected by this propos --
40 this -- but other Councils dealt with those.
41
42 The designated hunter program was first
43 implemented in -- at the Federal Board meeting in '95,
44 and they adopted provisions for moose and deer in Units 1
45 through 5, and deer in Unit 8. And at that time, that's
46 when they adopted the basic provisions of the system and
47 they agreed to adopt those provisions on a trial basis,
48 and seeing how it would work out, and eventually they've
49 been adopted in 17 units and 21 hunts. And the different
50 proposal histories is on Page -- listed on Page 57.

There's only one place where it's been prohibit, or a provision was adopted to prohibit designating hunting, and that was for Unit 11 sheep hunt, and it was a special elder hunt where they recognized that the elder had to be the one to do the hunting, because he was teaching the others, so they -- when they adopted that special hunt, they set the provision that there would be no designated hunting for that sheep for that.

Part -- one reason this proposal came about was for -- because of Unit 6(C) moose. We just recently had a Federal hunt for that and it's a drawing permit hunt and permits were issued to elderly individuals, and they were able to obtain proxy hunting permits under the State system, but we had no provision in the Federal system, so then the Board issued a special action to allow that. And then they realized that maybe we should -- there's been enough history with the program to try it on a statewide basis.

To go back to the 1995 when the program was adopted in 1995 for those five units, well, Units 1 through 5 in Southeast, and then Unit 8 for deer, and that's Kodiak Island, there was concern about the number of permits that would be issued, and so our office printed up 18,000 designated hunting permits, and we issued 183.

But to go over it with the Department of Fish and Game regulations, they have a statewide application for their proxy hunting, but their proxy hunting regulations apply only to caribou, deer and moose, they're only available to residents that are blind, 70 percent disabled or 65 years of age or order, and either the recipient or the hunter may apply for the proxy hunt. And no person may be a proxy hunter for more than one recipient at a time.

With the Federal program, the -- on Table 2, Page 58, there's the history of all the permits of the program. And since 1995, we've issued a total of 2,106 permits, and the hunters have harvested 1,902 animals. And that's just for the whole history, and it lists all the hunts, the years authorized, and it just goes through. But there are some permits or some hunts that have been authorized that people have requested, but they've never issued permits. So that's why you'll see some units on here, but -- or they've never harvested animals under the permits. Well, actually they did issue -- well, like Unit 18, they've issued permits, but there

1 was no harvest. Or they didn't issue -- they re --
2 there's some -- there are a few permit hunts authorized
3 where we haven't actually had to print up permits, that's
4 what this list shows. Is just one or two.
5
6 Table 3 shows a comparison of all the
7 hunters and designated hunters for just one year, and
8 it's for the 2002/2001 season. And for those species
9 where there were permits issued, 408 -- there was 408
10 animals harvested by designated hunters, and by all
11 hunters, 15,519 animals were hunted. So that represents
12 2.6 percent of the harvest being carried out by
13 designated hunters.
14
15 On -- in looking at the practices of
16 designated hunting, on a statewide basis, findings from a
17 comparison of household harvest within the community in
18 five different communities documented, it's not uncommon
19 for about 30 percent of the households in the community
20 to produce 70 percent or more of the communities wild
21 food harvest. And it's called like the super households,
22 and that -- it was recognized that this occurs because
23 some households at different stages of a household, that
24 they have more resources and they have more hunters in
25 the household, and as time changes they have more
26 capabilities, and so they harvest more of the -- they
27 carry out more of the harvesting activities.
28
29 The report went on to recommend
30 designated hunting or community harvest as being more
31 compatible with customary harvest patterns of particular
32 rural Alaskan areas.
33
34 What the effect of our -- the statewide
35 proposal, currently there are 66 Federally regulated
36 ungulate hunts throughout the State and these are shown
37 on Table 4, and that's on Page 60. Designated hunter
38 provisions are available in 21 of these hunts.
39
40 The exceptions to the two harvest limits
41 are for Units 9(C) and 9(E) caribou where there are no
42 limits on the harvest or possession and 9(D) and 10
43 caribou hunts where there are limits of four harvest
44 limits. And it was -- the Kodiak/ Aleutians recently met
45 and they re-emphasized that four harvest limit, because
46 of the distance they travel and the economy of scale,
47 even though the records show that in all of our
48 designated harvest hunts, no hunter has ever harvested
49 more than two harvest limits, but they wanted to have
50 that provision still there.

The designated hunting program is not expected -- this expansion is not expected to cause any significant increase in participation or delay in reporting of the harvest, because regardless of having the designated hunting permit, whoever is a recipient must comply with all harvest reporting requirements that they would have -- that would be originally in place.

It should be noticed that as a result of a request made by tribal organizations in the Southeast region, a review of the administration of designated hunting permits was made and changes in permit distributions were made in September 2002, and once -- for the Southeast region. And once this season is completed, we'll change those -- we'll look at -- evaluate those changes and look at the administration of the permit system to make it more responsive.

And one thing that has also happened is concerns have been raised about the potential impact of designated hunting on small populations. It's been pointed out that this could particularly impact goat, musk ox and sheep. So it's led to a lot of suggestions to modify this proposal to only moose, deer and caribou. But the Southcentral Council dealt with it with just having a one harvest limit in possession at a time. But whatever suggestions that would meet your needs, or whatever modifications you would like to suggest would probably be -- you could make suggestions.

But the proposal was made to provide a uniform opportunity to subsistence users to harvest or benefit from the harvest of ungulates in all areas of the State and to facilitate the customary and traditional use of ungulates for sustenance, barter and continuation of traditional ceremonies. And that concludes the analysis.

CHAIRMAN NICHOLIA: Any questions for Pat?

MS. PETRIVELLI: Oh, Don reminded me that I should say the preliminary conclusion is to support the proposal and it's exactly as written. And that's on Page 62. But just -- and the justification is there with.....

CHAIRMAN NICHOLIA: Does everybody pretty much understand what Pat's trying to explain to us here? Go ahead.

MS. ENTSMINGER: Thank you, Mr. Chair.

I actually have a pretty big concern about the proposal, because it -- and is this the appropriate time to say this, or do you want to go into deliberation? Can you help me? Then my question would be on the Cordova request for a designated hunter, it was strictly in a draw situation, that the State draw, and it was on Federal land, correct?

MS. PETRIVELLI: It was a Federal draw. Under the State draw, people had proxy hunting. Well, they participated in the State draw, and they had used the proxy hunting provisions before. And then so they applied for the State -- the Federal law, and they realized we had no proxy hunting provisions, and so the Board passed a special action allowing -- because we can have temporary regulations, and so those two permit holders were allowed to have designated hunters for their permits.

CHAIRMAN NICHOLIA: Any more questions for Pat? Thank you.

I'll go into agency comments.

MR. HAYNES: Thank you, Mr. Chairman.

The Department's comments on the original proposal are on Pages 54 and 55 of your meeting book. And rather than repeat those lengthy comments, I'll just indicate that the Department's primary concern with a statewide designated hunter regulation for all ungulates is that it could potentially lead to over harvest of goats, sheep and musk ox. These are all species that concentrate late in the season, and often occur in small groups where they'd be very vulnerable to being over harvested.

The same is true for low density moose populations that are found in some areas of the State, and especially in the Interior.

We prefer that the designated hunting regulation apply only to moose, caribou and deer so that it would be consistent with the State's proxy hunting regulation as far as the species covered.

Another option would be to limit the number of harvest limits that a hunter can have in possession at any one time to reduce the potential for over harvest of certain species in certain situations.

One specific concern about a statewide designated hunter regulation that we raised in our original comments was how designated hunter permits would be issued for Federal subsistence hunts that are administered by State registration permits, or by joint State/Federal permits, which is the case with the Forty Mile Caribou hunt, for example.

Because Regional Councils are not all in agreement about implementing a statewide designated hunter regulation as is proposed, the Department does again as we did in our original comments, recommend that action be deferred on this proposal.

Thank you.

CHAIRMAN NICHOLIA: So that's your agency report. What's your personal point of view there, Terry?

MR. HAYNES: As a government employee, I don't have one. Mr. Chairman, we support the concept of there being the opportunity for people to hunt for other people. There's certainly no objection to that, and that's a very important -- that's the way of life in many parts of the State.

But when you have that opportunity applied to resources that occur in small numbers, and where they could easily be over harvested, and in some cases where the species may not be a species that's used for subsistence purposes, or certainly doesn't contribute much meat, then it creates problems.

And as we always feel, if we can keep the State and Federal regulations pretty close, then we eliminate confusion and we make it less confusing for the hunters, and easier to enforce.

So we think, yeah, there have been public concerns in some area of the State about designated hunting. For example, in Southeast Alaska, in one community there are reports that one hunter may have taken 30 or 40 or 50 deer using designated hunter permits. Now, there's a perception that that guy's taking advantage of the system. The reality is that perhaps he was hunting for people that were unable to hunt for themselves, so it may have been a perfectly legitimate activity.

But there's a need to, you know, look at

the experience the Federal system has had with the regulation, ensure that if you're going to have a statewide regulation in place, how are you going to administer it in every rural community in the State? How are you going to make it easy for hunters to obtain the permits if they want one? How is reporting going to occur so that you can get the information back into a system, and really understand the effects of having the statewide regulation. We believe there needs to be some more time spent thinking about how you would administer and implement such a program statewide.

CHAIRMAN NICHOLIA: Yeah, Terry, I can see where this would be beneficial to people in Eastern Interior, but like I said before, I don't think anything could be statewide except for just maybe a few regulations. Something like this ain't going to work like in the Northwest territory, as it works in the Eastern Interior, because it's just like I said, it's just two totally different cultures and it's the same way in Southeast area.

I could probably see this Council supporting this whole concept as it is, because we do have designated hunters around Tanana for the elder people and people who can't do it, and I'd like to see something in law probably for the Yukon Flats area, but we've got representatives from there, and I'd like to see what they say about this regulation right here.

MR. WILLIAMS: Yeah, I'd like to comment on that. The designated hunter concept is not -- it's not something new that somebody dreamed up recently. This thing has been going on for generations within my culture. As we all know, we have elders, we have young children, and we have people, who's physically unable to go hunting, and we don't need something written down in the books to tell us to do what is right. and I support this concept, but like I said, it's not something that's new. It's been going on for generations and generations. We always have a few hunters that are always more less successful, maybe because they live right or something. Anyway -- so.....

And I can see your concern about where a species is kind of low like in the Yukon Flats where a hunter can take, you know, two, three moose, because he's successful. And we have to take that into account on a village by village basis. And I don't think a law can be specifically written to address all these concerns,

because we do have a concern, especially the elders, back in the Village of Venetie where I'm from. They said our moose is getting low, let's start doing something about it since nobody else is going to do it for us. We have to do it ourself.

So I support the concept, yeah, but I don't know how it will work. I mean, to follow the letter of the law. And I'd rather follow traditional practices. Like I've said in meetings before, if I, for example, shot two, three cow moose, that wouldn't look very good in my village. I would rather face the wrath of the village elders than -- I would rather face the wrath of the State than the village elders, you know. So there's -- you know, there -- it's something that's been -- maybe it's unwritten, but finally written down. And it's been discussed many times in different meetings that I've attended, so maybe with a few modifications. I didn't know what kind of modifications we can make, we can -- I can support it for the Upper Yukon Flats.

MR. STEVENS: Mr. Chair, I'd like to agree with a lot that Larry here has said. In my village, Stevens, you know, there's only a population of about 40, 45 people. There is one gentleman in the community that does provide for a vast majority of the people there in Stevens, and there is room for abuse on that as well. I see that. I've seen it, and that is a valid concern. But he does provide for the people that can't go out and do it themselves. He's got the funds, the money. He doesn't charge people for anything. And he just goes out and does it.

I'd also have to agree with Gerald's saying that it -- I don't know if this thing could go completely statewide. I'm still learning a bit on the process here, so those are my comments.

MS. ENTSMINGER: Thank you, Mr. Chair.

Yeah, I went to the Wrangell-St. Elias Subsistence Resource Commission and this hashed this out pretty strongly and from the way it's written, anyone, even your child of seven years old, you can just say, hey, I want to go shoot a sheep or a goat or whatever animal for that person. And if you had a family of seven, you could go out and harvest seven, you know, just one person, just gets his proxy, goes out, shoots one, and then comes back and maybe gets another proxy and goes out and shoots another. Are you saying it's limited to

1 two?
2
3 MS. PETRIVELLI: Two -- the harvest limit
4 is two in possession, and then, of course, the designated
5 hunter must follow all the applicable rules, so if there
6 is a harvest quota, they still have to follow the harvest
7 quotas for those species. So.....
8
9 MS. ENTSMINGER: Right. But can they
10 physically take seven animals.....
11
12 MS. PETRIVELLI: No.
13
14 MS. ENTSMINGER: .....one hunter? They
15 can be a.....
16
17 MS. PETRIVELLI: Not at one time.
18
19 MS. ENTSMINGER: .....proxy hunter for
20 two people -- for two.....
21
22 MS. PETRIVELLI: Well, they could be a
23 proxy hunter for seven people, and if the population.....
24
25 MS. ENTSMINGER: That's what I meant.
26
27 MS. PETRIVELLI: Yeah. And -- but they
28 can only have two harvest limits in their possession, and
29 then I think people would debate about whether someone
30 could carry two sheep back if they were hunting, but.....
31
32 MS. ENTSMINGER: But they could go out
33 and come back.....
34
35 MS. PETRIVELLI: They could go out, but
36 then.....
37
38 MS. ENTSMINGER: .....go out and come
39 back.
40
41 MS. PETRIVELLI: .....they would have to
42 report that harvest and follow all whatever reporting
43 requirements. And then if the resource manager says it's
44 okay to continue harvesting, yes, they could. Yeah.
45
46 MS. ENTSMINGER: Okay. And I guess the
47 other concern I have is the age requirements. I think
48 the proxy -- the intention of the proxy to start with was
49 to hunt for elders, and not hunt for everybody in the
50 family. So I mean, I would stick to this

species-by-species, region-by-region way of doing it, and not going for anything this broad and sweeping. It's just -- it's a conservation issue also.

CHAIRMAN NICHOLIA: I kind of agree to that, too, is that I could support this designated hunter concept for like elders and people unable to fit (ph). And I don't think the young need to be supported for -- I think their parents could pretty much do it, because -- I don't think we should be allowing young people out there doing all the hunting and stuff, because that's just -- it just should be for the elders and those who's unable to hunt, but I think also I would able to support this concept here.

Is there any other agency comments?

MR. BRELSFORD: Mr. Chairman, I'm Taylor Brelsford. I'm the Staff Committee member for the Bureau of Land Management.

I'd like to refer to a point that was offered by Terry Haynes that has been a concern for the Bureau of Land Management. Many stakeholders have worked very hard on the recovery plan and the cooperative management plan for the Forty Mile Caribou Herd. Some concerns were noted having to do with coordination of joint State/Federal hunts, and the potential for a broad new regulation on designators to have unintended consequences on some of these smaller hunts. We want to reaffirm the importance of maintaining a joint coordinated State/Federal hunt for the Forty Mile Caribou Herd. We think it would be a step backwards to discoordinate what is currently coordinated together. And from that standpoint, I think caution, moving deliberately in small steps on designated hunter is perhaps the wiser course.

Again, our concern has been not to unravel something that stakeholders in this region have worked so hard to achieve together.

Thank you.

CHAIRMAN NICHOLIA: So what you're saying here then, Taylor, is that if we support this proposal here, it would diffuse that coordination between the State and Federal? This for the Forty Mile Caribou Herd as it is now?

MR. BRELSFORD: Thank you, Mr. Chairman.

I think we're not sure of all of the details of what it would -- what would happen, what consequences would flow, and I think we would recommend a little more care in mapping out the effects in identifying what the consequences would be to insure that no unintended consequences or breakdown in coordination would come out of this.

I think basically I'm suggesting that we need to work out the fine print. I think several important concerns have been put before about some species where it might be problematic to broadly extend the designated hunter, and I believe in these joint State/Federal hunts, we also want to be very careful not to unravel, not to uncoordinate those. So I think more time is really the point here, that more time is required to examine the specific consequences.

MS. WAGGONER: Taylor, on the Forty Mile caribou hunt and BLM administered lands down along the drainages, there currently is no designated hunter provision, and within that area, it's only down in Unit 12 at the Tetlin Refuge that you do have designated hunting. So -- right? I'm just trying to get that clear?

UNIDENTIFIED VOICE: Yeah.

MR. BRELSFORD: That's right.

MS. WAGGONER: Yeah. Okay. Now I remember what I was going to ask based on that. But doesn't -- if this designated hunter permit or regulation went through, the person applying for the designated hunter permit, would still have to go to BLM, and as the land manager, BLM would still have the authority to issue or not issue that permit based on conservation?

UNIDENTIFIED VOICE: Yes.

MR. BRELSFORD: There are procedurals checks and balances, and I think it is possible to work out procedures to insure that the conservation purposes and the quotas and so on are respected. But I think we want to make sure that all those protections are in place before we adopt a statewide change in the regulation.

CHAIRMAN NICHOLIA: What's the wishes of

1 my Council? Do you want to defer it until we get some
2 more information where it won't disalign the Federal and
3 State or BLM and stuff just for the sake of the Forty
4 Mile Caribou Herd? Explain yourself, Tricia.
5
6 MS. WAGGONER: (Indiscernible, microphone
7 off) public comment. No, I mean I -- personally I see,
8 you know, designated hunter is different from the proxy
9 hunter. I had an instance of using it this year due to
10 losing my caribou meat in the fire, and being sick, and
11 going and getting another -- having my spouse go and
12 attempt to get another caribou where my family needed it.
13
14 And there's -- back on Page 68, I mean,
15 there is some -- looking at it, you know, that the land
16 manager has the authority to issue the permit or not
17 issue the permit, you know. And in my mind in the Forty
18 Mile, you know, with the Forty Mile you're looking at a
19 very small area of land which is basically just the river
20 bottoms, and -- but BLM as the land manager would still
21 have the authority to only issue designated hunting
22 permits as long as it was still within the quota system,
23 you know. So if we're looking at the Forty Mile, I don't
24 -- the Forty Mile I think is -- even though it's a joint
25 hunt, I think it could be managed there, you know. Where
26 you have bigger land areas, it might be a little bit more
27 difficult where you have joint State and Federal hunts,
28 but I just -- I think we need to continue with this and
29 hopefully get something passed so we don't have to have
30 55 different regulations for the same thing. I just like
31 to keep moving forward with it if we could.
32
33 CHAIRMAN NICHOLIA: All right, Sue.
34
35 MS. ENTSMINGER: Yeah. Thank you, Mr.
36 Chair. The intention of all the proxy hunting was for
37 the elders.
38
39 And I maintain that it's really important
40 to be concerned about the resource in lot of cases,
41 because there is a potential of abuse, and I think when
42 you take -- right now on your Federal regulations,
43 they're unit-specific and they're working the problem out
44 as we go, but to add 44 more hunts without looking at
45 what impact it has on the resource I think is not a very
46 good way to go ahead. I think -- I would like to defer
47 it, because what I hear and understand from what the
48 problem was, was it was a draw hunt where that -- that
49 comes out a little different than -- there's a lot more
50 opportunity where there's open seasons and not draws. So

I feel pretty strongly about the resource, and I think we're trying to accommodate things that we might not need to accommodate, and we should be really concerned about that.

CHAIRMAN NICHOLIA: Since there's no requests for public comments, I think we'll just move on to written comments.

MR. MIKE: Thank you, Mr. Chair.

The North Slope on Proposal 2, is support Proposal No. 2. Extending designated hunter provisions should not have a significant on wildlife resources and will provide a uniform opportunity to also subsistence users statewide.

The Seward Peninsula Regional Council supported Proposal 2. Extending designated hunter provisions should not have a significant impact on wildlife resource and will provide a uniform opportunity for statewide subsistence.

The Western Interior Council supported Proposal 2. Their Regional Council supports providing more subsistence opportunities for subsistence users. There may be a need to have a more timely reporting process reviewed in the future.

The Yukon-Kuskokwim Delta Regional Council, their recommendation is adopt the proposal. This provision has been needed in the Yukon-Kuskokwim Delta for a long time.

There were two written public comments received. One's from the Wrangell-St. Elias. The Wrangell-St. Elias Subsistence Resource Commission supports the proposal with modification to require the person designating another to hunt for him or her to demonstrate the need for a designated hunter. The intent is to prevent abuse of such a provision. Specifically they suggested a requirement such as that in the State proxy hunting regulations, blind, 65 years of age or older, 70 percent disabled, with the addition of a qualifying condition being demonstrated need. The latter would allow an individual the opportunity to make a case to the entity issuing the permit on other grounds, i.e., temporary disability or illness, economic hardship.

The SRC was also very concerned that

wildlife managers retain the ability to make unit-specific determinations about specific wildlife populations for conservation purposes and thus supports the proposal with the understanding such unit-specific control would be possible.

The Asa'carsarmiut Tribe agrees that this proposal should become a statewide Federal regulation. The only concern is that tickets and designated hunter permits are made available to subsistence users.

That concludes the written public comments. Thank you, Mr. Chair.

CHAIRMAN NICHOLIA: Yeah, I would like to see this be introduced into the Eastern Interior. Since I was doing it through the State system. I did a designated hunter thing for my auntie. Even though I didn't get nothing, I had to fill out a lot of paperwork, and it's just one thing I don't see hunters doing -- going, unless they're really committed, is fill out all this paperwork stuff that's required. But I support this idea that -- but with the exception of the Forty Mile Caribou Herd where we have State and Federal people working together to conserve and provide opportunity for people to harvest on that Forty Mile Caribou Herd. But again, I don't like to have to be -- go to every different meeting and seeing the same issues in front of me again and again and again. I just don't like that. So I'd like to see what the wishes of my council is.

MR. UMPHENOUR: I think I agree more with Sue. Just looking at all these different areas, each area is different. And I think that all these various populations of animals need to be managed in a more specific manner. We have regulations by game management unit, and to do all of these at once, just one broad sweeping thing, I don't think is quite right, because there's going to be a different biological concerns for different species in different areas.

Thank you.

CHAIRMAN NICHOLIA: So, Virgil, you suggestion is a motion to defer this proposal until there's more information out there and stuff to -- before being any movement on it?

MR. UMPHENOUR: That's what I prefer.

CHAIRMAN NICHOLIA: We have a motion to defer, is there a second.

MS. ENTSMINGER: I'll second it.

MR. UMPHENOUR: I'll make that a motion.

CHAIRMAN NICHOLIA: It's been moved, second. Discussion.

(No discussion.)

UNIDENTIFIED VOICE: Question.

CHAIRMAN NICHOLIA: Moved, second, discussion, the question's been called. It's been moved to defer this proposal until there's more information so we could better protect the working relationship between the Federal and State agencies on the Forty Mile caribou herd. And some discussion. The question's been called. All those in favor signify -- all those in favor of deferring this until there's more information signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: Those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Motion carries. Move on to the next proposal.

MR. MIKE: Mr. Chairman, the next proposal is WP03-42, establish a community harvest permit system and August 1/ September 25 baiting season for Unit 25(D) black bear.

Thank you.

Who's doing the staff analysis?

MR. DEMATTEO: Mr. Chair, Proposal 42 was submitted by the Eastern Interior Regional Council, and this proposal requests that black bear regulations in Unit 25(D) be aligned with State regulations.

This would add a community harvest permit process, and would also allow black bears to be baited

from August 1st through September 25 within Unit 25(D).

On page 76 of your analysis, of your books, halfway down the page you'll see the proposed federal regulation. And essentially this proposal would add language into Federal regulations that would include three bears by community permit within Unit 25(D) for black bear, and the season would July 1 through June 30th, It would also provide for language that would say in between August 1st and September 25, you would be able to bait black bear.

The residents of 25(D) have a positive customary and traditional use determination to harvest black bear within that unit.

Under State regulation, there are provisions for community harvest permit. Under State statute, community harvest permits may be issued to groups of people for hunting big game in specific hunt areas designated by the Board of Game. Permits are issued only where the Board of Game has established a community harvest hunt area, and are available only to Alaska residents. This type of permit accommodates local hunting practices, and creates a group bag limit rather than an individual bag limit.

Hunters who sign up for a community harvest permit during a given regulatory year cannot also hunt for same species under other regulations during the same regulatory year covered by a community harvest limit, except in a specific circumstances.

Other people can hunt in a community harvest area, except that they will have an individual bag limit.

At present there are two designated communities. One is Chalkyitsik, the other one is the Community of Yukon Flats.

Also, under State provision, Unit 25(D), there is a baiting provision for black bear, April 15th to June 30th. And also August 1st to September 25 under State regulation.

One think I'll mention, there is no requirement in either State or Federal law that black bear be sealed for Unit 25(D).

The designated hunter approach may also have application for black bears in Unit 25(D). This approach enables one hunter to harvest for one or more other Federally-qualified subsistence users who have the appropriate license, but do not wish to harvest for themselves, or wish assistance with harvesting their subsistence resources.

The designated hunter option facilitates the customary and traditional use of wildlife for subsistence bartering and for continuation of traditional ceremonies.

Black bear are abundant in this area. Based on the assumed density of one black bear for every five to 10 square miles within this sub unit, the total population would be roughly 1700 to 3500 black bears.

Black bear continue to be traditionally harvested and used by Alaska natives. The current harvest of black bear in Unit 25(D) is estimated about 100 bears per year.

It is traditional for black bears to be harvested over bait by rural residents in this area, although the baiting site registration requirement is not well understood in villages.

Current black bear harvest in Unit 25 (D) are probably lower than the estimated annual recruitment of 175 to 350 bears. The current harvest is thought to consist primarily of male bears, and this is relatively small long-term effect on the bear population.

The rationale for providing the community harvest permit for black bear is to allow communities or other groups to continue traditional harvesting practices in which a relatively small number of hunters harvest a relatively large portion of the resource used by some groups of people.

The proposed regulation would recognize the opportunity for groups to designate a hunter administrator and apply for a community harvest permit for black bear in Unit 25(D). Under this system, individuals can combine their individual harvest limits so that some hunters can take a larger number of bear. This would also establish a method to report black bear harvested under this community harvest permit.

The Alaska Department of Fish and Game has observed that a community harvest permit system would accommodate local hunting patterns, improve harvest reporting and provide an opportunity for increased local involvement in harvest management.

Proposal WP03-42 is consistent with the recommendations of the Yukon Flats Moose Management Plan. This plan emphasized the participation of local communities in management, and the need to improve harvest reporting. The community of Beaver applied for and received the initial paperwork for a community harvest permit for black bear.

A state-managed community harvest permit system would be most efficient administratively, would reduce confusion and would facilitate communication and understanding. There are a number of other examples, for instance, Forty Mile caribou, and also Koyukuk River moose where it has worked well for Federal subsis -- for the Federal Subsistence Board to support State-managed permitting systems.

Mr. Chair, with that, the preliminary conclusion is to support the proposal, and as you see on Page 81, the regulation would read that it would be Federal regulation three bears by State permit. This would a community-based permit, and the season will be year round, July 1 through June 30. And I'll stop there.

Thank you.

CHAIRMAN NICHOLIA: Is there any questions for Pete? Pete.

MR. TITUS: I've got a question. How come you want to bait bears when they're getting ready to hibernate?

MR. DEMATTEO: Mr. Chair, Mr. Titus, Staff has been told by residents in some of the rural communities that there is some traditional baiting of black bears during the fall season. Do you have other information to add to that?

MR. TITUS: We've never -- we never bait any time of the year. We never bait them any time of the year, and we just shoot them when we happen to see them. I mean, we don't actually hunt for them. We hunt for the den. If you want black bear, you hunt for the den in the

1 fall time after freeze up when they're easier to --
2 they're not easier to find.
3
4 CHAIRMAN NICHOLIA: Yes, Pete, this
5 proposal is just to align with State regulations, sir?
6
7 MR. DEMATTEO: That is correct.
8
9 CHAIRMAN NICHOLIA: Okay. Is there any
10 agency comments.
11
12 (No comments)
13
14 CHAIRMAN NICHOLIA: Terry.
15
16 (No comments)
17
18 CHAIRMAN NICHOLIA: Anybody.
19
20 (No comments)
21
22 CHAIRMAN NICHOLIA: Thank you, Terry.
23
24 MR. HAYNES: Thank you, Mr. Chairman.
25 The Department's comments on the original proposal are on
26 Page 75, and in our original comments we recommended
27 making an adjustment to the season dates so that the
28 proposed Federal regulation would apply or would be
29 consistent with the State regulation.
30
31 And I was just double checking to see if
32 the language as proposed now is going to be consistent.
33 That is, having both April 15 to June 30 and August 1 to
34 September 25. I wanted to double check that. I don't
35 know -- perhaps Pete can verify whether or not having
36 those periods is consistent with the State regulation?
37
38 MR. DEMATTEO: Yes, on Page 78 of the
39 analysis in the regulatory history, the State regulations
40 concerning black bears.
41
42 MR. HAYNES: Gotcha. Yeah. Thank you,
43 Pete.
44
45 MR. DEMATTEO: It would be the same. No
46 closed season.
47
48 MR. HAYNES: So that being said, Mr.
49 Chairman, we support the proposal as revised, because it
50 would align the State and Federal regulations. And if

you have any questions about black bear in Unit 25(D) or about the State hunt, Bob Stevenson, the area biologist is here.

CHAIRMAN NICHOLIA: Is there any more questions for Terry here? Thank you, Terry.

Is there any more agency comments?

(No comments)

CHAIRMAN NICHOLIA: Hearing none, there's no public comments.

MR. MIKE: Mr. Chair, there are no public written comments, thank you.

CHAIRMAN NICHOLIA: No public written comments either. Okay. I'm going on to Regional Council deliberations. I feel we could support this proposal, because it is our -- it is the Eastern Interior Regional Advisory Council proposal proposed by Pete. I'd just like to see it moved, second, get a vote and moving on.

MS. WAGGONER: I move we adopt WP03-42 and that it read three bears by community permit, bears may be baited from April 15th to June 30th, and August 1 to September 25th.

MR. UMPHENOUR: Second.

CHAIRMAN NICHOLIA: It's been moved and been second. Is there discussion?

(No discussion)

CHAIRMAN NICHOLIA: Everybody pretty much just understand what we're doing here? It's been moved and second, is there a question? No discussion.

MR. STEVENS: Question.

CHAIRMAN NICHOLIA: It's been moved and second to support the Proposal 42, with this new date to 4/15 and 6/30 in there. All those in favor of the motion signify by saying ayes.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: All those opposed,

same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Motion carries. What time am I at here, Donald?

MR. MIKE: Proposal No. 43 is another alignment. Is that going to take pretty quick? Otherwise, if you want to take lunch, there's lunch at the Corner Bar or the Rough Woods Inn. The grocery store is just down the street. I don't know of any other places where lunch is open.

UNIDENTIFIED VOICE: Monderosa.

MR. MIKE: Monderosa? Monderosa is open.

CHAIRMAN NICHOLIA: What do you guys want to do? Take lunch? Okay. We'll recess for lunch, and it's 1:00 o'clock.

MR. UMPHENOUR: Well, if we go to Monderosa, we need another 30 minutes.

CHAIRMAN NICHOLIA: 1:30 I guess then.

(Off record)

(On record)

CHAIRMAN NICHOLIA: Yeah. Donald, I believe we're on Proposal 03-43.

MR. MIKE: Yeah, thank you, Mr. Chair. Mr. DeMatteo will present the analysis.

Proposal 43 is align season and harvest limit with State regulations for brown bears in Unites 25(A) and (B).

MR. DEMATTEO: Mr. Chair, Proposal 43 was submitted by the Eastern Interior Regional Council. This would change the existing brown bear season for Units 25(A) and (B) from September 1 through May 31st to September 1 through June 15. The harvest limit will remain as one bear ever regulatory year.

The proposed season you'll see on Page 90 of your book, Unit 25(A) and (B), one bear, and it

creates the season September 1 through June 15th. The proposed expansion of the existing Unit 25(A) and (B) brown bear season was submitted by the proponent to align with recent Alaska Board of Game actions, and to provide more opportunity for Federally qualified users.

The Alaska Board of Game recently expanded the Unit 25 (A) and (B) season to allow for additional opportunity during the summer.

Residents of Unit 25 and Eagle have customary and traditional use determination for brown bear in Units 25(A) and 25(B).

Brown bear continue to be abundant in Units 25(A) and (B). Brown bear population trend for 25(A) was stable to increasing in the late 1990s. Population trend data for Unit 25(B) are less known during the same period. However, brown bears were reported to be common throughout the area, and numbers were probably stable to increasing. The estimated average in Unit 25(A), and for the combined Unit 25(B) and (D) population densities during 1993 through '98 were 2.8 and 2.2 bears per 100 square miles respectively.

The average annual harvest for brown bear, Unit 25(A) during 1990 through the year 2000 was 13 and a half bears per year. The six-year annual harvest between 1990 and 1997 for Unit 25(B) was 1.2 bears per year.

Mr. Chair, because of conflicting cultural beliefs which prohibit mentioning of bear hunting or bear harvesting, the actual harvest levels for the two subunits are estimated to be higher than the reported valued based on conversations with local hunters.

The proponents intent of this proposal is to align State and Federal regulations. Alignment of the State and Federal regulations would reduce confusion and improve communication.

Expansion of the Unit 25(A) and (B) seasons would not adversely impact the brown bear population. No additional harvest is anticipated as rural users who harvest brown bear in these sub units may do so under State regulations.

With that, the preliminary conclusion is

to support the proposal. That's all I have, thank you.

CHAIRMAN NICHOLIA: There's no questions? If there's no questions for Pete, I'd have to go on to agency comments.

MR. HAYNES: Mr. Chairman, the Department supports adoption of this proposal, because it result in the alignment of the State and Federal regulations.

CHAIRMAN NICHOLIA: Is there any other agency comments?

(No comments)

CHAIRMAN NICHOLIA: No public comments. Donald, written public comments?

MR. MIKE: Thank you, Mr. Chair. There's one written public comment received on Proposal 43 from Paul Joslin, Alaska Wildlife Alliance. The Alaska Wildlife Alliance opposed the proposal. Brown bears have the slowest reproduction rate of any North American mammal. Population numbers and trends are also exceedingly difficult to measure for brown bears. Until there is good data produced that has been adequately reviewed by the scientific community substantiating that a harvest of brown bears in GMU 25(A) and (B) would have no detrimental impact, it should not be permitted.

That concludes the summary of public written comments.

CHAIRMAN NICHOLIA: Regional Council deliberations

MS. WAGGONER: I move to adopt WP03-43, to align -- to change Unit 25(A) and (B) to one bear from September 1 to June 25th.

UNIDENTIFIED VOICE: June 15th.

MS. WAGGONER: Or June 15th. See, I'm trying to add 10 extra days.

MR. UMPHENOUR: Second.

MR. MIKE: Mr. Chair, was that -- the motion was for Proposal 43 as proposed or Proposal 43 as recommended by Staff on page 92.

CHAIRMAN NICHOLIA: It's been moved and second to put -- to include that date from September 1st to June 15th in Proposal 03-43. Discussion.

(No discussion)

MR. STEVENS: Question.

CHAIRMAN NICHOLIA: It's been moved, second, question. The question has been called. All those in favor of the -- to the motion for Wildlife Proposal 03-43 signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: All those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Motion carries. Next proposal, Donald.

MR. MIKE: Mr. Chairman, Proposal 44 is a proposal to delete cow caribou harvest during fall season in Unit 25(C). Mr. DeMatteo.

MR. DEMATTEO: Mr. Chair, Proposal 44 was submitted by the Eastern Interior regional Council. This would restrict the fall caribou harvest limit to bulls only in Unit 25(C) in that portion west of the east bank of the main stem of the Preacher Creek to its confluence with the American Creek, and west of the east bank of the American Creek.

The proposed regulatory change would align with recent Alaska Board of Game actions made for caribou in the affected area, except for the November season. The proponent's intentions are to eliminate the fall harvest of cow caribou to promote calf production and recruitment within the White Mountain caribou herd and to align the proposed restrictions for Federal and State regulations.

Mr. Chair, if you look at Page 98, halfway down the page, the proposed Federal season for caribou for Unit 25(C), what the proposal would do is put into regulation the language that would say one caribou. However, cow caribou may be taken only from November 1 through March 31st. So the provision that would all for

the harvest of cows would only pertain to the winter season.

Currently there is a no determination for caribou in Unit 25(C), therefore all rural residents are eligible.

The White Mountain caribou herd is the primary herd that uses the sub unit. Although this is a small herd with an estimated population of less than 1,000 animals, the herd is considered to be healthy and is estimated to be expanding at a rate of six to 15 percent each year.

With relatively little harvest trends due to remote access to the herd, and with herd size below the range capacity, reduction in cow harvest should promote calf production, recruitment and some herd growth.

Also, the proposed change would protect the herd during the fall season should the Forty Mile caribou herd which is much larger -- should animals from this herd occupy range west of the Preacher Creek. And as the Forty Mile herd has become a popular herd by hunters in more recent times, the Forty Mile herd has been expanding its distribution and it's occupying range in that area. So this proposal should help protect some of the White Mountain caribou herd from cows being harvested.

Adoption of the proposed changed to reduce cow caribou harvest in the White Mountain herd, the proposed change would protect the herd during the fall season should the Forty Mile caribou animals occupy range west of the Preacher Creek, as I mentioned.

Mr. Chair, the preliminary conclusion is to support the proposal. What this would add again is, however, cow -- the language, however, cow caribou may be taken only from November 1 through March 31st. And with that, I'll stop there.

Thank you.

CHAIRMAN NICHOLIA: Are there any questions for Pete? Go ahead, Philip.

MR. TITUS: This proposal would delete this cow taken from November 1st to March 31st? It would

delete that?

MR. DEMATTEO: Mr. Chair, Mr. Titus, what this would do is allow that cow caribou can -- may be taken during November 1 through March 31st. You would be able to harvest cows during the winter season.

CHAIRMAN NICHOLIA: And this would pretty much align with the State or whatever?

MR. DEMATTEO: Essentially this aligns with the State. Essentially, yes.

CHAIRMAN NICHOLIA: I'm seeing no more questions for Pete, so we'll go on to agency comments.

MR. HAYNES: Mr. Chairman, adoption of this proposal would align the State and Federal harvest limits for the winter White Mountain caribou season in Unit 25(C). The Federal winter season begins one month earlier than the State season, but we're not overly concerned about that difference in regulation. So the Federal regulation would provide more opportunity to Federally-qualified subsistence users.

One point that we note in our written comments on Page 97, the Department routinely attaches radio collars to a small number of White Mountains caribou i October. Department policy requires a 30-day period between chemical immobilization and open hunting seasons unless the caribou is marked and the hunting public is notified. Although the likelihood of a hunter taking a collared caribou is very low, the Department will mark the collars of any captured animals that are collared in the White Mountains area and attach a notice advising hunters that caribou taken in November may be unfit to eat and that they should contact the Department before consuming meat from a collared animal.

So in fear that if a hunter would happen to take a collared White Mountains caribou, that they should check with the Department before eating the meat.

Thank you.

CHAIRMAN NICHOLIA: Are there any questions for Terry? Thank you.

Are there any public comments?

MR. MIKE: Mr. Chair, there were no written public comments received. Thanks.

CHAIRMAN NICHOLIA: Regional Council deliberation.

MS. ENTSMINGER: Yeah, I make a motion we support Proposal 44.

MR. UMPHENOUR: Second.

CHAIRMAN NICHOLIA: Discussion.

(No comments)

MS. WAGGONER: Question.

CHAIRMAN NICHOLIA: It's been moved, second to support Proposal 44. The question was called. All those in favor of supporting Proposal 44 signify by saying ayes.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: All those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Motion carries.

MR. MIKE: Mr. Chairman, the next proposal is Wildlife Proposal 03-45. It's to remove the antler restriction for Unit 12 moose. Mr. DeMatteo has the analysis.

MR. DEMATTEO: Mr. Chair, Proposal 45 was submitted by the Eastern Interior Council. And this would replace the 14-day spike/fork moose season with a five-day any antlered bull season in a portion of Unit 12.

On Page 106 of the book you'll see the proposed Federal regulation for Unit 12 moose halfway down the page. It eliminates the language that reads, however, during the August 15th through August 28th season, only bulls with spike/fork antlers may be taken. It eliminates that language. And essentially the new regulation would be one antlered bull, any size antlered bull.

And it changes the season if you look to the right there from August 15th, and it eliminates the 15th start date and the new start date is August 24th through the 28th. So essentially it eliminates the first nine days of the season, but the trade off is you get to harvest any size antler bull, where as currently the season -- or the regulation allows for the harvest of only spike/fork antlered bulls.

This proposal pertains specifically to one specific hunt area in Unit 12, and that's the area east of the Nebesna River and Nebesna Glacier, and south of the Winter Trail from Pickerel Lake to the Canadian border.

Residents of Unit 12 and Healy Lake have customary and traditional use determination to harvest moose in this area.

If you turn the page to 108, the hunt area is, you see the Nebesna Glacier, the Nebesna River, it's the area east of there, and the area south of the Pickerel Lake Winter Trail going to the Canadian border. That's the hunt area that's in question here.

Due to conservation concerns expressed by the Alaska Department of Fish and Game and the Staff of the Tetlin National Wildlife Refuge, the Eastern Interior Council submitted Proposal WP01-41 requesting the removal of the August spike/fork season from a portion of Unit 12. The Board adopted the proposed regulation for the 2001/2002 regulatory year for the Tetlin National Wildlife Refuge portion of Unit 12, but did not address the seasons in the other two Federal hunt areas. If adopted, this proposal would establish identical August moose seasons for two Federal hunt areas in Unit 12, and align with Board of Game actions eliminating the spike/fork season.

The Unit 12 moose population in 1999 was estimated to be between 3500 and 4,000 animals existing at a density of .6 to .7 moose per square mile of suitable moose habitat. Data collected during the annual moose contour surveys in four area-specific censuses between the years of 1989 and '97 indicate the Unit 12 moose population increased between 1982 and 1989, and has grown slowly since 1993. The calf and adult survival rates improved between 1993 and '97.

The greatest harvest occurred along the

Tok and Tanana Rivers. Harvest success rates have tended to remain overall stable in recent years.

Of the roughly 1500 moose harvest reported from 1983 through 1989, 42.5 percent were taken by hunters with positive customary and traditional use determinations for Unit 12.

The moose population in Unit 12 as addressed in this proposal is experiencing expanded hunting pressure. Recent action taken by the Board of Game has reduced hunting opportunities for non-Federally qualified moose hunters in Unit 12. The Board of Game's action in conjunction with the adoption of this proposal should have a positive effect on Unit 12 moose population.

The elimination of the spike/fork harvest limit would provide some relief to small bull -- to the small bull component of the population that is stable to declining.

The current Federal seasons and harvest limits follow a management strategy that was originally implemented by the State. Elimination of the spike/fork harvest limit would also forego the need for the current three-day break between the August and September seasons, that is, closed on the 29th, 30th and 31st. The separation between these seasons is no longer necessary and the current antler restrictions are no longer necessary.

Mr. Chair, with that the preliminary conclusion is to support the proposal with the modification as you see on page 112.And essentially what this would do is change it to one antlered bull, it would remove the antler restriction of spike/fork, but the season would run continuous August 24th through September 30th, because since any bull can be harvested, there's no need to have a separation in between the August and September seasons. And that is the modification.

And with that, I'll stop there. Thank you.

CHAIRMAN NICHOLIA: Is there any questions for Pete? Okay. Then going to agency reports.

MR. HAYNES: Mr. Chairman, our comments on the original proposal are on Page 105 of your Council

meeting book. We supported the original proposal. The modified version will provide some additional hunting opportunity that we don't see as creating a problem, because of the remote area involved. As you can see from the map, it's -- there are Federal lands there, but they're pretty hard to access, and there isn't a great deal of hunting that takes place there right now, which is good, because the moose population there is pretty low density, and if hunting effort increases in this area as a consequence of regulation changes, we'd certainly be looking at maybe having to propose restrictions in the future.

And if you have any questions about moose in this area Craig Gardner is here and could answer those for you.

CHAIRMAN NICHOLIA: Any questions?

MS. ENTSMINGER: Let's bring Craig up.

CHAIRMAN NICHOLIA: Hum?

MS. ENTSMINGER: Questions of Craig.

CHAIRMAN NICHOLIA: Yeah. Got a question for Craig here.

MS. ENTSMINGER: Thank you, Craig. You helped us bring this forward, didn't you? So I guess I was a little bit confused, because I thought maybe we were putting it in for both of those 24 early season on those two areas in Unit 12?

MR. GARDNER: Yeah, this is Craig Gardner, I guess acting area biologist for Unit 12 and 28.

But the southern -- well, the northern area that takes in Tetlin National Wildlife Refuge, you know, the council dealt with like Pete said last year. And, you know, so that was the one area. And that was already dealt with, and that made it any sized bull on the 24th.

But what happened is that the Preserve lands weren't brought along on that proposal, and so what we were trying to do is bring it where all the subsistence users had access to an bull harvest, you know, starting around the 24th of August, since that's

what the original intent was.

The idea, you know, the original idea of spike/fork was to let locals have a good crack at a bull that was under-utilized. But it turned out it just never happened. It just never materialized, and, you know, they just weren't getting any of these spike forks, and so when I looked at the data, it looked to me like I could take away the spike/fork season and just put an any bull harvest, and it's not going to really affect harvest over all or the moose population over all, so that's why we changed it over to 24th, to make it a shorter season, but for any bull.

CHAIRMAN NICHOLIA: Go ahead.

MS. WAGGONER: Do you see any problem also with not having that three-day break in there like the modified proposal?

MR. GARDNER: No, Trish, I don't. You know, if it was probably an area that -- no, we needed that break when it was a spike/fork, you know, because there was just enough, you know -- a spike/fork count we just -- you know, for enforcement reasons we needed that break, but, no. Actually like Terry said, it's really remote. The number of actual users in that part of the world is very small, and, no, actually you might as well just let it go all the way through. It actually wouldn't simplify things for everybody.

MS. ENTSMINGER: I've got a question.

CHAIRMAN NICHOLIA: (Indiscernible, mike not turned on)

MS. ENTSMINGER: Yeah, I was just looking at that other one where we still have the August 15th to the 28th, one antlered bull; however, during the 15th to the 28th season, only bulls with spike/fork antlers may taken. Is there any reason why we didn't -- I'm a little confused I guess on exactly where that is, because it looks like the same language.

MR. GARDNER: Yeah, actually, you know, I kind of quickly went through the proposals just now, but the-- it really should -- this should now finish off all of Unit 12, because we took in Tetlin last time, and this should take in the preserve this time. So really when it all falls out, it should -- it's start -- any

bull season should start on the 24th and.....

MS. ENTSMINGER: All of it.

MR. GARDNER: Yeah. Yeah.

MS. ENTSMINGER: Okay. That's what I wanted to make sure. Thank you.

MR. DEMATTEO: Mr. Chair.

CHAIRMAN NICHOLIA: Go ahead.

MR. DEMATTEO: It takes care of all the Federal land in Unit 12, the Tetlin Refuge, and it also takes care of Wrangell/St. Elias preserve east of Nebesna River. Does that make sense?

MS. ENTSMINGER: Yeah.

MR. DEMATTEO: If you look at the map on Page 109, just so everybody's clear on that.

CHAIRMAN NICHOLIA: Any more questions for these two up here? Thank you.

Any public comments, Donald?

MR. MIKE: Thank you, Mr. Chair, there is one written public comment from Wrangell-St. Elias Subsistence Resource Commission. The Commission supports the proposal with modification based on conversation with Sue Entsminger concerning her understanding of the intent of the Eastern Interior Regional Advisory Council in submitting the proposal. Specifically, the SRC supports the change in season for moose and change in the type of animal to be harvested as specified in the proposal, with the modification that this change would apply to all of Unit 12 rather than only the portion of the unit that is east of the Nabesna River and Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border. This would fulfill the stated reasons for changing the regulation for aligning with State hunting regulations for moose.

That concludes the written public comments, Mr. Chair.

CHAIRMAN NICHOLIA: Thank you. Council deliberation.

MR. UMPHENOUR: Move to adopt.

CHAIRMAN NICHOLIA: Motion to adopt. Is there a second?

MR. TITUS: Second

CHAIRMAN NICHOLIA: Discussion?

MR. MIKE: Mr. Chair.

CHAIRMAN NICHOLIA: Donald.

MR. MIKE: Is the Council -- would they move to adopt proposal as proposed on 106 or as modified on Page 112?

MR. UMPHENOUR: 112.

MS. ENTSMINGER: Question.

CHAIRMAN NICHOLIA: It's been moved, second. The question's been called. All those in favor in support of Proposal 45 as stated on Page 112, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: All those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Motion carries.

MR. MIKE: Mr. Chairman, Proposal 46 is to revise the description of Fairbanks Management Area to align with State definition in Unit 20 for moose. Mr. DeMatteo is doing the analysis.

MR. DEMATTEO: Mr. Chair, Proposal 46 was submitted by the Eastern Interior Council, request the Federal Subsistence Board adopt a new definition of the Fairbanks Management Area as amended by the Alaska Board of Game in March of 2002.

Mr. Chair, this proposal's probably one of the best example of the housekeeping proposal. This does not propose to change a season, it does not propose to change a harvest limit. What it does is it proposes

that we change the Federal language that describes the boundary of the Fairbanks Management Area to match what the recent Alaska Board of Game action.

And if you look on Page 121, at the top, the proposed Federal management area description, that long descriptor there is the boundary and the bold type is the new areas to be put in. Then westerly to the middle fork of Rosie Creek through section 26 to the Parks Highway, then east along the Parks Highway to Alder Creek, then upstream. And then halfway down the column there, Davidson Ditch, then southeasterly along the Davidson Ditch to its confluence with the tributary to Gold Creek -- Goldstream Creek in section 29, then downstream along the tributary to it's confluence with the Goldstream Creek, then in a straight line to the First Chance Creek. And then just three lines down, it would add to the Chena River, comma, to it's intersection with the Trans-Alaska Pipeline right-of-way, then southeasterly along the easterly edge of the Trans-Alaska Pipeline right-of-way. It would add that language to the existing Federal description of language that describes the Fairbanks management area.

The customary and traditional determination, seasons and harvest limits and methods as I mentioned would remain the same. The existing customary and traditional use determination for this area is rural residents of 20(B) and residents of Nenana and Tanana. The rural residents of Unit 20(B) include individuals living in Livengood, Manley Hot Springs, Eureka, and along those sections of the Parks, Elliott, and Dalton Highways outside of the Fairbanks North Star Borough.

The effect of the proposal basically is that adoption of this proposal would have no meaningful impact on Federally-qualified moose hunters. What this would do is simply eliminate confusion between the State and Federal regulations.

With that, Mr. Chair, the preliminary conclusion is to support the proposal.

Thank you.

CHAIRMAN NICHOLIA: Any questions for Pete? Go on, Terry.

MR. HAYNES: Mr. Chairman, the Department

supports this proposal. It's adoption would align the State and Federal regulations, and we can't see that it would have any negative impact at all on Federally-qualified subsistence users.

CHAIRMAN NICHOLIA: It seems like there's no questions for Terry, so we'll just move on to public comments.

MR. MIKE: Mr. Chairman, there was no written public comments received.

Thank you.

CHAIRMAN NICHOLIA: Then -- okay. Regional Council deliberation.

MR. UMPHENOUR: Move to adopt as written.

MS. WAGGONER: Second.

CHAIRMAN NICHOLIA: It's been moved and seconded. Discussion.

(No discussion)

MR. TITUS: Question.

CHAIRMAN NICHOLIA: The question's been called. All those in favor of Proposal 46 as written, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: All those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Motion carries.

MR. MIKE: Mr. Chairman, Proposal 47 is requesting a customary and traditional use determination for moose in Unit 20(E). Pat Petrivelli will be doing the Staff analysis.

MS. PETRIVELLI: Mr. Chairman, my name is Pat Petrivelli.

And Proposal 03-47 was submitted by the

Eastern Interior Regional Advisory Council, and it requests a customary and traditional use determination for the rural residents of Unit 20(E), Unit 12 north of Wrangell-St. Elias National Preserve, Unit 20(D), Circle and Central. And it's a request for a determination for moose in Unit 20(E). Currently there is no customary and traditional use determination for moose in 20(E), so that means all rural residents are qualified to hunt moose there.

Page 130 has just some recent State of Alaska regulations, and it just outlines the seasons that are available for residents and non-residents to hunt for moose in 20(E).

And then Appendix -- the appendix has information about the different changes we've made to the seasons in 20(E).

For the communities that are requested for C&T, they're grouped by unit, and the Unit 20(E) communities are Chicken, which includes Boundary near by, and then Eagle and Eagle Village. And those characteristics are described on Page 131. And then there's maps, relevant maps, and then on Page 134 is a table with the population figures, but in Unit 12 the communities are Tanacross, Tok, Tetlin and Northway. And 20(D) communities are Big Delta, Delta Junction, Deltana, Dry Creek, Fort Greely, Healy Lake and Dot Lake. The Unit 25 communities are Central and Circle.

And the table shows the population figures for the year 2002, 200, then it shows the percent native population, and then the occupied households. And then the time depth, and that's just the estimated year of when first settlements were known, because it's just historical reference for when settlement occurs. And, of course, traditional communities are those that would have traditionally occupied the area, and there's no real date marking their settlement. So those communities I looked.....

This proposal was written by Pat McClennahan and myself, because I just only recently got the duties for Eastern Interior, and I had a few -- I just wasn't able to do the proposal completely, but -- I'm not as familiar with all of this data, but I think I have a vague idea.

Besides the community characteristics,

1 the level of use for the fish and game household surveys
2 that were available to give us information, they were
3 mostly from the upper Tanana communities of Northway,
4 Tanana, across Tetlin and Tok, and then there was a study
5 done in Dot Lake, but there's really not any ADF&G
6 studies. There were some Park Service studies, and, of
7 course the Federal lands involved in 20(E) are -- that
8 shows on the map, too, but, they're the Yukon Charley
9 National Preserve, and then BLM lands for the Forty Mile
10 River -- or BLM lands, so -- but those -- the only
11 sources of information are the -- from -- for those
12 communities, and then a few Park Service studies.
13
14 And then the other source of information
15 to show the use that -- in factor 1 is from the harvest
16 data base. And one drawback of that harvest data base,
17 you'll see that for quite a few communities there is no
18 information available, and that could just be because of
19 the mailing system, because there's quite a few permits
20 issued for Delta Junction, but that could be that Deltown
21 (ph) and Big Delta and Dry Creek all probably got their
22 mail at Delta Junction, so -- but there's no way of
23 measuring their use levels.
24
25 But that's the data we have, and it just
26 shows the level of use. WE included the permits that
27 were issued or reported -- we got reports back from --
28 for those use levels, and then for a comparison to show
29 the -- where else those communities harvested moose.
30
31 And, of course, the highest level of use
32 is by the residents of 20(E). And then the next highest
33 is Unit 12 north, those communities. And then there's
34 lower levels of use for residents of 20(D) and Circle and
35 Central. But the permits do show some use.
36
37 And, of course, the analysis just
38 describes whatever relevant information we have from
39 those communities for the other factors. And in looking
40 at the other important thing in C&T uses besides a
41 long-term consistent pattern of use, well, that permit,
42 the time period just -- it covers mainly from 1983 to
43 2000, so that's 17 years of use.
44
45 And but then another factor is the
46 location, whether they actually did hunt on federal
47 lands, and Pat McClennahan who had gathered the permit
48 use, it -- and she just states it, but I -- we have a
49 table, and, well, I think I brought it, but it shows that
50 Chicken, Eagle, Northway, Tanacross, Tetlin, Tok, Dot

Lake and Delta Junction have hunted moose on BLM administered lands in 20(E), and Circle, Central, Tok, Eagle and Delta Junction hunted on Park Service lands in northern 20(E), so she went through -- because there's UCU data, the smaller unit -- smaller sub units where we can specifically identify what are Federal and what are State, so permits were issued for moose by residents of those communities.

And then another thing that -- in looking at the eight factors, residents of these communities except for Circle and Central were recently determined to have customary and traditional use of caribou in 20(E), so a lot of the information that was used n those eight factors were taken from the analysis prepared for the customary and traditional determination for caribou.

So the preliminary conclusion is to support the proposal, and then I'll just go over the justification. ADF&G harvest records for this region may be incomplete, and that's only because of the mailing thing, but taken together wit the documentation by historians and ethnographers, a long-term history of use is either well-documented or suggested for the rural residents of the units or communities requesting the establishment of customary and traditional use determination. Currently a very similar customary and traditional use determination for Unit 20(E) caribou is in place for many of these same communities, which further supports the request. Historically, for many of these communities, caribou were the most important large game animal for a subsistence user. When the caribou changed their migratory paths and only a few solitary animals remained, moose became the most important source of meet.

And that concludes the analysis.

CHAIRMAN NICHOLIA: Any questions for Pat. Terry.

MR. HAYNES: Mr. Chairman, the Department supports a C&T finding being made for moose in Unit 20(E). However, if you look at the eight-factor analysis and the sources of information used to present that information, you'll see no evidence presented to support including Dry Creek in the proposed finding. Also the level of documented harvest by residents of the Delta Junction area is very low, and a case has not been made that this use rises to the level of a customary and

traditional use. The Department also recommends that Fort Greely be excluded from the proposed finding.

Although evidence in the Department's harvest records demonstrating a history of moose hunting in Unit 20(E) by some upper Tanana communities is very limited, other sources of information are available to support their inclusion in this proposed find.

So we just believe that the case has not been made to include a number of these communities and areas in the analysis given their extremely low level of documented harvest of moose in Unit 20(E).

Thank you.

CHAIRMAN NICHOLIA: Any questions? Go ahead, Virg.

MR. UMPHENOUR: What about Deltana?

MR. HAYNES: Mr. Chairman, Virgil, we kind of assumed that Deltana, Big Delta, and Delta Junction, are kind of one community in terms of reporting of moose hunting here, and so we haven't really -- you know, in the absence of any written information, it's hard to know if you should be making distinctions between those -- kind of those three population clusters.

CHAIRMAN NICHOLIA: Any more questions for Terry? Go ahead, Sue.

MS. ENTSMINGER: Terry, as you know, you've probably dealt with this a long time with me, the C&T findings and stuff, where Mentasta Village is just across the Unit 12 border, and they fall in 13(C), and, you know, once we start drawing boundaries, like Eastern Interior, it looks like we only look at like the information for the villages inside that area, and then maybe overlook something that's adjacent to it, and -- I mean, I was wondering if the State has data on Mentasta using 20(E)?

MR. HAYNES: Mr. Chairman, Sue, I don't remember. We do have information on Mentasta that's in a Copper Basin study that was done some years ago. I don't remember if the information in that report shows Mentasta residents hunting moose in Unit 20(E) or not. And, you know, Fred John is here. He might be able to offer more of a local perspective on that.

CHAIRMAN NICHOLIA: Any more questions for Terry? Clarification, same thing. Yeah, do you want to comment to this proposal, Fred?

MR. JOHN: Thank you.

As far as I know in 20(E) and 12, Mentasta has a history of hunting in those area. I don't think in recent time that much, but our har -- Mentasta hunting area went right into Canada, around Northway, just like Mentasta is a village -- I mean, most of the people come up from Nebesna, Sushana, Tansanita area, they moved to Mentasta, and the rest moved into Northway area, Dot Lake, and some to Tanacross. So our history goes into Canada, right through there. That's about all I could say right now.

Thank you.

CHAIRMAN NICHOLIA: Any written comments there, Don?

MR. MIKE: Thank you, Mr. Chair. There's one written public comment from the Wrangell-St. Elias Subsistence Resource Commission. This proposal does not directly affect Wrangell-St. Elias National Park and Preserve. However it could potentially limit the hunting opportunities of residents of the park's resident zone committees should a need to hunt in this area arise in the future. Wrangell-St. Elias National Park Subsistence Resource Commission opposes the proposal as written, noting that there appears to be no compelling reason to limit subsistence opportunity.

That concludes the written public comments, Mr. Chair.

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

The area under consideration is not part of the part, but I was alerted to this proposal by Park Service Staff in Anchorage, and they were also curious about whether there were park -- whether people from some of our resident zone communities hunted in the region under question since they were not included in the C&T determination in this proposal. And so I have been asking some of -- in some of these communities. This came up at our SRC meeting, and we had

government-to-government meetings in Chistochina and in Mentasta Lake.

And in the meeting in Mentasta Lake, the information that we received was similar to that Fred John just spoke about, and individually spoke with, mentioned an historic village called Ketchistuck (ph), which is on the Valdez/Eagle trail, and said that that was an area where they historically have hunted. They don't hunt there right now, but that it is a historic area where they hunt.

MS. ENTSMINGER: So Chisto said no use at all? Chistochina?

MS. CELLARIUS: At Chistochina they did not indicate that that was a historic place that they hunted.

CHAIRMAN NICHOLIA: Go ahead.

MS. WAGGONER: There was no indication of actually using those Federal lands in 20(E), because Ketchinstuck (ph) isn't even in 20(E). It's pretty close though. Okay.

MS. CELLARIUS: I'm not real familiar with the geography. I gave the people we were speaking to a map, and they said that the area around Ketchinstuck (ph), Mount Fairweather is another.....

UNIDENTIFIED VOICE: Fairplay.

MS. CELLARIUS: Fairplay, okay. That's another geographic area that was mentioned.

CHAIRMAN NICHOLIA: Any further questions for these two? Go ahead, Trisha.

MS. WAGGONER: I just have one more, and Pat can answer this, is why was Mentasta not included in the actual C&T review? Because this was brought up actually at the meeting when we proposed it, you know, six months ago.

MR. DEMATTEO: Well, I guess I have to 'fess up to that. We've gone through some staff changes recently, and to fill in the gaps, I typed up this original proposal, thinking I was trying to help, okay, and I inadvertently left out Mentasta out of there. And

now that I recall, in '98 you dealt with a proposal for C&T for caribou up in 20(E) and Mentasta was one of the communities that had a similar harvest pattern up there. But that is my fault. Mentasta should have been in the original proposal. But you do have the option to amend that at this point.

MS. WAGGONER: I move to adopt Proposal 47 with the -- to -- for positive C&T for the residents of 20(E), Unit 12 north of the Wrangell-St. Elias, Unit 20(D), residents of Circle, Central, and Mentasta Lake.

MR. UMPHENOUR: Second.

MR. GARDNER: Okay. You said all 20(D)?

MS. WAGGONER: Uh-huh. (Affirmative)

MR. GARDNER: Okay. Including Delta then.

CHAIRMAN NICHOLIA: It's been moved and seconded with an amendment. Discussion?

MS. ENTSMINGER: Thank you, Mr. Chair. I attended an advisory committee meeting in the upper Tanana, Forty Mile, it was held in Tok after this Board book came out, and they discussed this, and the committee was a little concerned about the Delta Junction, because it's a growing area and bigger area and military. I'm reading right from the minutes here. They said 20(E) moose population is already low and adding this many more people to the user base is not necessary. The people of Delta Junction already have a great deal of subsistence area to hunt on Federal areas that the people in -- around their area did not. so they were -- we feel that the Eastern Interior should make a standout not to include Delta in a C&T in 20(E). I just wanted to read it to the record.

MR. UMPHENOUR: So is -- are you going to make an amendment? Suggestion?

(Whispered conversation)

MR. MIKE: Mr. Chair, to help the process along, I think you have an amendment on the floor. You can vote on an amendment and then come back and make another amendment to the proposal. I think it will make it easier.

CHAIRMAN NICHOLIA: So that amendment was to add Mentasta and then delete Delta?

MS. WAGGONER: It was not.

CHAIRMAN NICHOLIA: The amendment which is to Mentasta, Slana and Chistochina?

MS. WAGGONER: Just Mentasta.

CHAIRMAN NICHOLIA: Okay. And then if we're going to include all 20(D) residents, that will include Delta. Whatcha want to do about that one? We don't want to increase the harvest for the -- we don't want to make any greater competition or anything like that.

MR. MIKE: Mr. Chairman, you have an amendment on the floor. I'd just you vote on -- either act on an amendment and then come back and discuss 20(D), and offer an amendment there.

CHAIRMAN NICHOLIA: Well, I'll tell you what we'll do here. We'll take care of Trisha's amendment, we'll vote on that, and then we'll go to the Delta deal. And then we're on that amendment there to include Mentasta Lake, and it's been moved, second.

UNIDENTIFIED VOICE: Question.

CHAIRMAN NICHOLIA: And the question has been called. All those in favor of that amendment to -- add an amendment to include Mentasta Lake, to Proposal 47, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: All those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Motion carried. Okay. We're going on to the amendment to delete Delta or include it. What's you're pleasure.

MR. UMPHENOUR: Move to delete the 20(D) communities.

CHAIRMAN NICHOLIA: Not the whole 20(D).

We want Dot Lake in there, too.

MS. ENTSMINGER: Dot Lake and Healy.

CHAIRMAN NICHOLIA: Uh-huh. We just want to.....

(Whispered conversation)

MR. UMPHENOUR: Move to delete the 20(D) communities with the exception of Dot Lake and Healy Lake.

MS. ENTSMINGER: Second.

CHAIRMAN NICHOLIA: Discussion.

(No discussion)

UNIDENTIFIED VOICE: Question.

CHAIRMAN NICHOLIA: It's been moved, second, question is called. All those in favor of excluding 20(D) with the exception of Healy Lake and Dot Lake, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: All those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: The motion carries. Okay. We're onto for a motion for Proposal 47 with the amendments that we just included. Is there a motion to move anything?

MS. WAGGONER: I move to accept or support Proposal 47 as amended.

MS. ENTSMINGER: Second

CHAIRMAN NICHOLIA: Discussion

(No discussion)

UNIDENTIFIED VOICE: Question.

CHAIRMAN NICHOLIA: It's been moved,

second. Question is called. All those in favor of Proposal -- to support Proposal 47 with the amendments, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: Those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Motion carried. Take a break.

(Off record)

(On record)

CHAIRMAN NICHOLIA: I'll call the meeting back to order.

(Whispered conversation)

MS. WAGGONER: Okay. For the record, we're going to read into the record what the regulation was that we just voted on. And that's 20(E) moose, positive C&T determination for the residents of Unit 20(E) Unit 12 north of the Wrangell-St. Elias National preserve, Healy Lake, Dot Lake, Circle and Central.

UNIDENTIFIED VOICE: And Mentasta.

MS. WAGGONER: And Mentasta Lake.

CHAIRMAN NICHOLIA: Go ahead.

MS. ENTSMINGER: Thank you, Mr. Chair. Before you go on, I just want to put on the record, too that if there are any communities that we have forgotten, I would be certainly open to hear about anything that we were in a miss in making a C&T like that.

MR. MIKE: Mr. Chair, Proposal 48 is to align season and harvest limit with State regulations for moose in Unit 20(F). Mr. DeMatteo will do the analysis.

MR. DEMATTEO: Mr. Chair, Proposal 48 was submitted by the Eastern Interior Council. This would establish a December 1 through 10 winter season for moose in the remainder of Unit 20(F). The proposed regulatory

change would align with recent Alaska Board of Game action that -- taken on moose in the affected area.

The proponents intentions are to provide additional opportunity for qualified users to harvest moose in the affected area, and to align Federal and State regulations for the December 1 through 10 season.

On Page 152, halfway down the page is the proposed Federal season for moose, Unit 20(F), remainder. The harvest limit stays the same as one antlered bull, but it creates -- establishes a December 1 through December 10 season.

Rural residents of Unit 20(F) and residents of Manley, Minto and Stevens Village have customary and traditional use determination for moose in 20(F). I'll point out on page 153 is the map. The affected Federal lands in Unit 20(F) are all BLM lands excluding the Dalton Highway Corridor Management Area. And unfortunately it didn't print out as it should have in the book, but the Federal lands, if you look at this map, the colored map you have in front of you, the place mat size, go to 20(F). And if you look above where it says 20(F) on the map there above the Yukon, there's a mosaic, yellow mosaic there. That's BLM lands, okay, except the Dalton Corridor. Just that area above Tanana is the area that's being proposed, the December 1 through 10 season be established for.

Because of use trends and limited funding, current population information for moose in Unit 20(F) is mostly limited to the portion south of the Yukon River and east of the Tanana. No new population information for the effected area was available at the time of this writing.

Hunter effort during winter is limited primarily to local residents. Additional harvest within the proposal area is estimated to be low and should not adversely impact the population.

Because Federal lands within the affected area are -- consist mainly of headwater regions of the Tozitna River and small tributaries of the Yukon, opportunity to harvest moose is generally restricted to winter access by snow machine or airplane. Hunter effort is relatively low, and mostly limited to local residents. No harvest information specific to the proposal area was available.

Adoption of the proposed season would provide additional opportunity for qualified users to harvest moose in an area not accessible by boat during the fall season. No adverse impacts to the moose population within the affected area are anticipated as a result of an adoption of this proposal.

With that, Mr. Chair, the preliminary conclusion is to support the proposal to establish December 1 through December 10 season for the remainder of Unit 20(F).

Thank you.

CHAIRMAN NICHOLIA: Questions for Pete. Terry.

MR. HAYNES: Mr. Chairman, the Department supports this proposal. It's adoption would align the State and Federal regulations and provide additional moose hunting opportunity in Unit (F) for Federally-qualified subsistence users.

CHAIRMAN NICHOLIA: Any public comments or written ones?

MR. MIKE: Mr. Chairman, we did not receive any written public comments, thank you.

CHAIRMAN NICHOLIA: Regional Council deliberation.

MR. UMPHENOUR: Move to adopt proposal WP03-48 as written.

MS. ENTSMINGER: Second.

CHAIRMAN NICHOLIA: Discussion.

(No discussion)

MR. STEVENS: Question.

CHAIRMAN NICHOLIA: It's been moved, second. The question was called. All those in favor of adopting Proposal 48 as written, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: All those opposed,

same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Motion carries.

MR. MIKE: Mr. Chair, Proposal 49 is another alignment to align the season and harvest limit with State regulations for beaver in Units 12 and 20(E). Thank you, Mr. Chair.

MR. DEMATTEO: Mr. Chair, before I proceed, on page 157 of your book, I want to point out one correction that needs to be made under the executive summary for Proposal 49. If you go down the list there for the Staff recommendation, that should read support with modification, not just support. Support with modification for Proposal 49.

Proposal 49 was submitted by the Eastern Interior Regional Council, and this would expand the existing beaver trapping seasons in Units 12 and 20(E), and would allow harvest by firearms only during the expanded portions of the seasons provided the meat is salvaged for human consumption. Adoption of the proposed regulatory change would also align State and Federal regulations.

If you look on Page 160, halfway down the page, the proposed Federal season for beaver trapping for Unit 12, this would add the language that reads, during September 20 through October 31st, and April 16 through May 15, only firearms may be used to take up to six beaver per regulatory year. Meat from harvested beaver must be salvaged for human consumption. And it would also put -- or also add the same language to Unit 20(E) for beaver trapping.

It also would change the seasons for both units. The existing season, November 1st through April 15th would be changed to September 20th through May 15th for Units 12 and 20(E) beaver trapping.

All Federally-qualified rural residents are eligible to trap beaver in Units 12 and 20(E).

The proponents intentions are to provide additional opportunity for qualified users to harvest beaver under Federal trapping regulations, and to align Federal and State regulations for Units 12 and 20(E).

Adoption of the proposed season expansions would provide qualified users an additional 72 days of opportunity to harvest up to six beaver per season with a fireman in Unit 12 and 20(E).

Beaver populations range within normal distributions in Units 12 and 20(E) compared to other areas with similar foraging conditions in northern Interior Alaska. Beaver populations for the affected area range from scarce to common in suitable lowland habitats in Units 12 and 20(E) during 1994 through '98. However, high water washed out many of the beaver lodges i area rivers during the summer of 1997 and subsequent impacts on the populations are not fully known. Given that trapper efforts have substantially decreased throughout most of the 1990 due to a recessed fur industry, the assumption is made that the current populations are at least stable and healthy with a harvestable surplus.

The proposed regulatory change would align with recent Alaska Board of Game actions taken for beaver trapping in Units 12 and 20(E). Adoption of the proposed season extensions would allow qualified users an additional 72 days of opportunity to harvest six beaver per season with a firearm in Units 12 and 20(E). Beaver harvested with a firearm would be included as part of the existing limit for trapping in Units 12 and 20(E.

While the intent of the proposed regulation is to provide additional opportunity, the requested 72-day firearm only season would not apply to National Park Service lands due to conflicting agency regulations. Currently National Park Service regulations do not allow the use of firearms to harvest beaver under the trapping regulations, therefore the requested provision would not apply to National Park Service lands within the affected areas of this proposal.

Mr. Chair, with that -- to meet the intention of the proposal, that is, to provide additional opportunity also within Park Service lands of Units 12 and 20(E), if you look at the bottom of Page 163, it has what is proposed as I read before for beaver trapping for Units 12 and 20(E). If you flip to Page 164 at the top, a modification has been added to allow Units 12 and 20(E) beaver hunting in addition to the trapping with the same language. And by allowing a beaver hunting season in this area, you -- one would be allowed -- a qualified user would be allowed to use a firearm to harvest beaver

on National Park Service lands. And that is the modification that I mentioned to go with the existing proposed language, and also add another season for Unit 12 and Unit 20(E) for beaver hunting. And this would meet the intent of the proposal.

With that, Mr. Chairman, I must also mention that at the time this was written, I needed to get it the printer so it could get to your book. Since then some new information has been -- come to light from the State, from Alaska Department of Fish and Game. It might be a good measure to hear from them what they they have to say about this proposal, if they so wish.

CHAIRMAN NICHOLIA: Terry.

MR. HAYNES: You wanted our comments now?

CHAIRMAN NICHOLIA: Whatever you want.

MR. HAYNES: New information. Mr. Chairman, the Department supported the original proposal to align the State and Federal beaver trapping seasons in Unit 12 and 20(E). At this time we do not support creation of the proposed Federal beaver hunting season in these same units. The State currently does not have a beaver hunting season in Units 12 and 20(E), and opening a Federal season would likely create confusion and would be difficult to enforce.

Department records indicate that a very small number of beaver taken per year in Unit 20(E), most of which are taken on the Yukon River.

Establishing a Federal beaver hunting season would provide additional opportunity to harvest beaver in the Yukon Charley Rivers National Preserve. But this proposal as modified would also authorize beaver hunting on refuge lands in Unit 12 where there would be the potential for over harvest and conflict with beaver trapping. Consequently if the Regional Council supports establishing a Federal subsistence beaver hunting season, we recommend it be limited to National Park Service lands in Units 12 and 20(E), since that's where the firearm prohibition applies, in Federal Park Service regulations.

And Craig Gardner is here if you have any questions concerning beaver populations in these two units.

MS. ENTSMINGER: Thank you, Mr. Chair. Yeah, Craig, I'd just like you to let us know that -- where the beaver are in those Federal areas?

MR. GARDNER: Thanks. Craig Gardner again, the area biologist from Tok.

Yeah, just kind of even to step back even further if you guys don't mind. Just a little background. The original idea to take on this open water season was actually brought up by the trappers in this area, and, you know, they just wanted to have an opportunity to get them early, you know, for food, and also to get them late. It -- and also it kind of would get rid of some of the problems they have in flooding the roads, you know, the Northway Road in particular, and then the Alaska Highway, you know, kind of going along the border there, and so they could -- the trappers the trap that area could access -- much easier go out there and shoot the beavers when they're damming up the culverts type of a thing.

The intent was never to kind of have competition and have these beavers removed, you know, another way.

And so, you know, to get to Sue's question then, why the idea of the modification, which in -- you know, on the surface seems like a great idea, you know. You have the hunting season and anybody, you know, a duck hunter or anybody else can be down there, you know, and can get a beaver, but in essence where all the beavers are being taken is really in that part of Unit 12 along the Alaska Highway and off in the parts of Nebesna River and Scotty Creek, and it's also being taken primarily by Northway natives -- residents.

And what -- in essence what this hunting season would do is actually causes a big conflict. You know, these beavers actually would be taken during the open water season, and the trappers would come down, because that's where they trap, and that's where the beavers are, and they won't be there. Basically the houses will be shot out.

So I think, you know, the idea that, you know, when the people originally came up with the idea of having these seasons didn't realize that you couldn't shoot a free-roaming animal in national preserves, and I -- you know, and it does meet the intent, you know,

especially in the Yukon-Charley. It would be actually a great move for them, because if you can think of how the river becomes difficult to travel, you know, later in the fall, you know, this would actually give them actually an opportunity to take some beavers, you know, on a hunting -- under a hunting license or a trapping license when they're downriver. They can take some beaver, so in that way, you know, it would actually fit quite well for them, you know, but actually in that part of 12, it would actually cause more grief with the users than it would actually help out anybody.

CHAIRMAN NICHOLIA: So what you're saying, Craig, is that if we adopt Proposal 49 without the modification, it wouldn't cause so much conflict and hurt for those people in that region?

MR. GARDNER: If you adopt it without the modification, right, there wouldn't be any conflict between -- you know, because that would be exactly what those folks wanted, an open season for trappers. But it would -- what it would -- or you could -- the other step would be is that you could modify the modification and preserve lands have a hunting season, because it would then benefit those folks, you know, come from Eagle or Circle or Central that can travel the river and have a chance at some beaver before it ices over and they can't move on it for a while.

CHAIRMAN NICHOLIA: Wait, wait, wait. Let me get this straight here. Just National Park Service lands, what you just told me earlier, Pete, they don't allow hunting on there for them?

MR. HAYNES: Mr. Chair, current National Park Service regulations, this is not Federal subsistence regulations, this is regulations specific to the National Park Service. They do not allow the use of a firearm to harvest beaver on National Park Service lands.

CHAIRMAN NICHOLIA: So in other words, you're saying.....

MR. HAYNES: Under a trapping license.

CHAIRMAN NICHOLIA: .....in other words you're saying that even if we do adopt this modification or modify this modification, it wouldn't have no effect on National Park Service land, would it?

MR. DEMATTEO: The existing -- proposed language that you see on Page 158, that would not provide additional opportunity to harvest beaver with a firearm on National Park Service lands. Other Federal lands, but not National Park Service lands under a trapping license.

CHAIRMAN NICHOLIA: (Indiscernible, microphone off) I'm trying to get this straight here. So you're not allowed to hunt on National Park Service lands for beaver with a rifle, but you are on -- you are allowed on refuge lands, is that correct?

MR. DEMATTEO: You can't use a rifle on Park Service under a trapping license, only a hunting license. That's why -- that was the reason for the modification to create a dual season, one for trapping, one for hunting. Then you could use a firearm on Park Service lands.

CHAIRMAN NICHOLIA: I think you guys mixed me up more. Go ahead, Trish.

MS. WAGGONER: Okay. So the original one would increase the opportunity for getting beaver under a trapping license on refuge lands only. By establishing this modification, if we said Unit 12 and Unit 20(E) within National Park Service administered lands, would allow the Yukon Charley and that northern portion of the Wrangell-St. Elias to be opened to taking of beaver with firearms. Okay.

MR. DEMATTEO: Mr. Chair, just -- it would also apply to the BLM land in the Forty Mile corridor as well.

CHAIRMAN NICHOLIA: And this is where, Craig, that you said it will cause a lot of heartburn if we did adopt this modification proposed by OSM staff?

MR. GARDNER: Yeah, I think there's a really good chance, right, because there's a lot of duck hunters that use the areas that a lot of the beaver trapping happens, and they'll take them, yeah. So right there where most of the beaver trapping is, they would -- if you just took the modification as written, it would increase conflict.

MS. WAGGONER: But could we limit this modification to strictly just Wrangell-St. Elias and Yukon Charley National Park?

MR. DEMATTEO: Mr. Chair, yes, you could. You could modify the modified proposal so that the language would read that under a hunting season it would only apply to National Park Service lands.

One other thing is being as we have National Park Service Staff here, you may wish to get some input from them.

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

I was involved in a fair bit of discussion on this proposal, and our intent was to provide for the intent of the original proposal on National Park Service lands, and the way current Park Service regulations are, that you cannot shoot a beaver under a trapping license, and there currently does not exist a hunting season for beaver on National Park Service lands in Unit 12. So the adjusted proposal, the addition of the hunting season which is on pages 163 and 164, we added that to provide for the taking of beaver on National Park Service lands based on the intent of the original proposal.

What Craig told me was that by doing this on a unit by unit system, it would allow hunting of beaver on Fish and Wildlife Service, which would have an additional impact. So I think the proposal to limit the modification to National Park Service would achieve what everybody wants out of here, at least based on my interpretation of all this. The intent is to allow the taking of beaver by firearm on National Park Service lands without increasing the harvest quota. You know, you -- we still have I think it's the 15 per season, total of six may be taken with a firearm. So we're not increasing the quota. We're just allowing additional means of taking those beaver.

CHAIRMAN NICHOLIA: Virgil.

MR. UMPHENOUR: Does this apply to park preserve land, because the Yukon Charley Rivers is a preserve.

MR. REID: Regulations apply to both park and preserve. They're National Park Service lands.

MR. UMPHENOUR: Thank you.

CHAIRMAN NICHOLIA: Go ahead, Sue.

MS. ENTSMINGER: Thank you, Mr. Chair. I just am curious. The regulation that prohibits the taking of a beaver under a trapping license, is that the free ranging fur bearer?

MR. REID: It's regulation -- well, the way this evolved was that in Federal regulations under National -- on National Park Service lands defines trapping as such, and defines hunting as such. I don't have the regulations with me. And the way they are defined, they are exclusive. Trapping does not involve taking with a firearm. So if you allow trapping and use that definition, that specifically implies that you cannot take it with a firearm. Soit's a definition of trapping versus a definition of hunting. So if they are -- if beaver can be taken with -- under a hunting license, then firearms are fine, but you just can't do it with a trapping license.

CHAIRMAN NICHOLIA: I know I've seen those State hunting and trapping license. When you buy a hunting license, you buy a hunting license, but you could also buy a hunting and trapping license at the same time under State things. How are you going to differentiate that?

MR. REID: Well, these regulations are only for Federal lands.

CHAIRMAN NICHOLIA: Well, how about the point the Craig got that if we did adopt it with that, and they include on 164 to hunting seasons from September 20th to May 15, what do you know about that heartburn that it will cause on that -- or to refuge area or Park Service area, whatever.

MR. REID: Well, I think the best way to -- well, just to give you some background, when we were discussing all of this, we were trying to figure out -- I mean, we spent a lot of effort just trying to figure out how to work with these regulations to achieve the desired objective of taking beaver with firearms under not necessarily a trapping license, but having these same people, giving them the ability to take beaver with a fire arm. And this is what we came up with. It's complex and it's a little convoluted, but this is sort of the best shot that we came up with at the time, and we found out that there are some serious limitations, which

1 Craig has outlined. But I think by supporting the
2 original proposal, and then the modification specific
3 only to National Park Service lands, that would achieve
4 the desired objective.
5
6 CHAIRMAN NICHOLIA: Okay. Okay. But
7 just restrict only to Park Service land and that's what
8 you're talking about on Page 164, the top of it, right?
9
10 MR. REID: 163 and 164, and the way I
11 read it, I think we need to include both trapping --
12 well, we may need to include both trapping and hunting
13 under that regulations, because what that does in the
14 justification we -- it specifies that -- let's see here,
15 beaver harvested with a firearm under the recommended
16 hunting season would be included as part of the existing
17 harvest limits for Units 12 and 20(E). So I'm a little
18 concerned about taking out the hunting aspect of it with
19 additive harvest. You know, you can take 12 -- I think
20 it's 12 under trapping, and -- or excuse me, 15 under
21 trapping and six under hunting, and what I don't want to
22 achieve at least in Wrangell-St. Elias lands is
23 increasing the harvest by 50 percent without any
24 biological background. You want to maintain the harvest
25 without increasing it. And so I just want to make sure
26 that, you know, we do this in a way where the harvest is
27 maintained, but all we're changing is the method of
28 harvest.
29
30 CHAIRMAN NICHOLIA: And you think
31 adopting this proposal with this modification would do
32 that?
33
34 MR. REID: The way I read it, yes. There
35 may be other opinions, but the way I read it, yes.
36
37 CHAIRMAN NICHOLIA: I know there's some
38 people that read certain things one way and there's some
39 other people that read certain things another way, so
40 anybody has a heartburn with that?
41
42 MR. DEMATTEO: Mr. Chair, just to recap
43 everything, at the bottom of Page 163, that would create
44 beaver trapping season, okay, Unit 12 and 20(E), but it
45 would provide you the provision to use a firearm to take
46 up to six beaver for the season that you see there.
47 Okay. Under the trapping season you would have the
48 flexibility to use a firearm. All right.
49
50 The problem is the limitation is it

doesn't apply to Park Service lands, because of the reasons that we just mentioned, because of regulatory conflicts. So in order to meet that intention on Park Service lands, you've got to flip the page and then you have to establish a beaver hunter season for Units 12 and 20(E), and that would meet the intent on Park Service lands use a firearm for trapping beaver on Park Service lands.

But as Craig Gardner had mentioned, there is the potential for some abuse during fall duck season, that some people might abuse it. So the alternative is to just allow this to pertain to Park Service lands in Units 12 and 20(E) for beaver hunting. And then that would meet the meet the intent for Unit 12 and Unit 20(E).

CHAIRMAN NICHOLIA: Well, we always -- you know, if we do support this, we always have until last year to -- next fall to review it again, or next spring to review it again. I"d like to help out, but I don't like to create more harvest for a limited population, but I know as beaver being a rodent, I don't think it should very much affect them too much, but I'd leave it up to my council to see what they want to do about this here.

MR. UMPHENOUR: If I'm right, what we were told by Craig is this -- these trappers that might get affected by these duck hunters are not on Park Service land, they're on refuge land, and so if we amended the language on Page 164, and for Unit 12 just said Wrangell-St. Elias National Park, and Unit 20(E) Yukon-Charley National Park Preserve, then that would make it clear for everyone that that's the only place it could be, that would be the -- where the hunting season for beaver would be open. Would that solve the problems and clarify it?

MR. REID: Yes, I think so. Restricting the beaver hunting season to National Park Service lands would fulfill the intent, although I think we should add the statement that the -- let's see, the beaver harvested with a firearm under the recommended hunting season would be included as part of the existing harvest limits for Units 12 and 20(E) on National Park Service lands.

MS. WAGGONER: Yeah, I think that's what I was -- so basically you want to somehow stipulate in there that even with this beaver hunting regulation say

in Unit 12, no more than a total of 15 beaver in aggregate could be taken between hunting and trapping on the Park Service lands was your concern?

MR. REID: Right.

UNIDENTIFIED VOICE: And the bag limit, the trapping limit.

MS. WAGGONER: Yeah. So no more than 15.

UNIDENTIFIED VOICE: Mr. Chair.

(Whispered conversation)

CHAIRMAN NICHOLIA: Before we go any further, is there any public comments? Or if you want to say something to this, Terry, or you already did?

MR. HAYNES: I'm all talked out, Mr. Chairman.

CHAIRMAN NICHOLIA: Okay. Go ahead.

MS. WAGGONER: Okay. to avoid confusion, I want to take beaver trapping and beaver hunting separate. Is that -- so I move to adopt the first half of Proposal WP03 -- to move to adopt Unit 12 and 20(E) beaver trapping, Unit 12, 15 beaver per season, as written on page 163 for the Unit 12 and Unit 20(E) beaver trapping.

MR. UMPHENOUR: Second.

CHAIRMAN NICHOLIA: It's been moved and second. Discussion.

(No discussion)

MR. STEVENS: Question.

CHAIRMAN NICHOLIA: Question's been called. All those in favor of adopting the section on 163 Unit 12 and 20(E) beaver trapping, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: All those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: That motion carries.

(Whispered conversation)

MR. UMPHENOUR: Okay. Move to adopt WP03-49 as found at the top of page 164 with the following amendments. Unit 12, add Wrangell and St. Elias National Park. Unit 20(E) add Yukon Charley River National Park Preserve. And then an additional sentence that states, beaver taken under hunting regulations will be included in the bag limit, the annual bag limit for beaver taken under trapping regulations.

MS. WAGGONER: Second.

CHAIRMAN NICHOLIA: Do you have a question, Sue?

MS. ENTSMINGER: Yes, I did. I'm just curious if we're just having hunting season, maybe the dates should be the dates here where we have a firearm season.

CHAIRMAN NICHOLIA: Yeah, September 20th to May 15th. September 20th to May 15th.

MS. ENTSMINGER: No, right here.

CHAIRMAN NICHOLIA: These are the dates.

MS. ENTSMINGER: These are the dates that you can use a firearm. And the rest of the time you can trap. You can trap on Park Service land during those dates. I was just going to ask Pete if -- do you see what I'm saying? Yeah.

MR. DEMATTEO: Mr. Chair, part of the modification is to allow the season to go from September 30th -- or September 20th through May 15th straight through, without any interruption. So she brings up a good point. The original proposal is September 20th through October 31st, and the second season be April 16th through May 15th. And part of the modification would be to just let it run straight through.

MR. MIKE: Mr. Chair. Mr. Chair, we didn't complete any public comments and there's one written public comment to read into the record. And if

there's any other agency comments that need to.....

CHAIRMAN NICHOLIA: Go ahead.

MR. MIKE: .....be present to the Council.

Mr. Chairman, the written public comment was from Wrangell-St. Elias. They support the intent. Wrangell-St. Elias National Park Subsistence Resource Commission supports the intent of the proposal to allow of taking of beaver on NPS lands by firearm during the season specified in the proposal by whatever administrative means necessary, with the clarification that during the added seasons, only firearms could be used, not traps.

That concludes the written public comments. Thank you, Mr. Chair.

Mr. Chair, is there any further agency comments, or public comments?

MS. FRIEND: Mr. Chairman, Connie Friend with the Tetlin National Wildlife Refuge. I was not aware of the concerns for the refuge lands, and so I think for the hunting portion, I would prefer that the Council not act right now and give us some time to get a better understanding of what the dynamics are.

Thank you.

CHAIRMAN NICHOLIA: I think we didn't include the Tetlin National Wildlife Refuge. I think we're just dealing with Wrangell-St. Elias and Yukon-Charley Rivers.

MS. FRIEND: But -- excuse me. But you intentionally excluded the refuge lands, and that might be opportunity. That was my understanding.

UNIDENTIFIED VOICE: Because you can do it under trapping.

MS. FRIEND: Not hunting. Not with a gun.

UNIDENTIFIED VOICE: Yes, you can.

MS. FRIEND: You can?

UNIDENTIFIED VOICE: On refuge lands.

MS. FRIEND: Oh, okay. Okay. I'm sorry. I thought we might be -- excuse me.

CHAIRMAN NICHOLIA: Is there any more agency reports or public comments there, Donald?

MR. MIKE: There's no written public comments, Mr. Chair.

MR. KESSLER: I'd like to make a comment.

CHAIRMAN NICHOLIA: Okay. You're recognized.

MR. KESSLER: I'm Gilbert Kessler from Nenana here, and I was a young kid in the 30s when in territorial days you were able to shoot. But they stopped it because they were running out of beaver here in the Tolovana and Nenana district, because them beavers sink. And it was a real low beaver population for quite a few years before they come back, and now they're pretty well, but I mean, you know, you're not shooting them around here. But I'm against it. The only -- there's only one way -- I was a kid when I shot a few beaver, and how many are you going to shoot before you get six? You're going to shoot 10, 12, 20 beaver before you'll be able to get your hands on six? And there was only one way to get them, but you really had to be an expert marksman. And I wouldn't recommend that either, because that is a little bit cruel, because you just pop them right in the nose, and they'll keep diving, then they'll crawl up on the bank. But, I mean, you know, that's -- we found out we had to do keep them -- to get them out of the -- thank you.

CHAIRMAN NICHOLIA: We have a motion on the floor to adopt the modification for six beaver per season. Meat must be salvaged for, Unit 12, Wrangell-St. Elias, and then six beaver per season with the Yukon-Charley in 20(E), with the exception of using both methods not to go over the harvest quota limit in both units. That was the motion, correct, Virgil?

MR. UMPHENOUR: That's correct, that the beavers taken with the firearm would count towards -- that's under the hunting regulation in national parks would count towards the annual limit under the regulations.

CHAIRMAN NICHOLIA: Okay. And that's the motion. Is there a second?

MS. WAGGONER: Second.

CHAIRMAN NICHOLIA: Discussion.

MR. UMPHENOUR: What Mr. Kessler brought up I think is probably a good point. Unless people are good shots, when you shoot a beaver, it sinks. And so they would need to shoot them on the bank and drill them through the brain. Or what he said, I'd never heard of that before, shoot their nose off and eventually they get tired of swimming around and get up on the bank. One or the other. I don't know if the other Council members want to discuss this issue or not, which would be wounding loss or just that they sink when you shoot them if they're in the water.

CHAIRMAN NICHOLIA: Yeah, I'd have to comment on that. I did that a few times, and you really have to go after beaver so it's dead, or really go after it. I think that will have to be mentioned.

But we do have a motion, we have a second. Discussion. Any more discussion on it.

(No discussion)

MR. STEVENS: Question.

CHAIRMAN NICHOLIA: It's been moved, second. The question has been called. All those in favor of adopting the modification with our modification for to include only in the Wrangell-St. Elias in Unit 12 and only Yukon-Charley in Unit 20(E) without going over the quota using both methods, signify by saying aye?

IN UNISON: Aye.

CHAIRMAN NICHOLIA: Those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Motion carries. And I'd like just to make a note, if we go -- did wrong with this right here, we could just review it again next spring.

MR. MIKE: Mr. Chair, Proposal 50 is to align harvest season and limit with State regulations. Mr. DeMatteo.

MR. DEMATTEO: Mr. Chair, Proposal 50 was submitted by the Eastern Interior Council. This requests that the Federal subsistence coyote harvest season and limits for Units 12, 20, and 25 be aligned with State regulations.

Page 168, half-way down the page is the proposed regulation for Units 12, 20, and 25 for coyote hunting season. And this essentially for Unit 12 would eliminate the language that says, however, no more than two coyotes may be taken before October 1. So for the entire season you can take 10 coyotes.

In Unit 20, it would increase the harvest limit from two to 10 coyote. In Unit 25 it would increase the harvest limit from two to 10 coyotes.

For the seasons for the three units, it would change the start date from September 1st to August 10th. So the new seasons would be August 10th through April 30th. All rural residents have a customary and traditional use determination for coyotes in Units 12, 20, and 25.

The status of coyote populations in Units 12, 20 and 25 are not fully known. Coyote harvests are not easily documented since there is no requirements for sealing the hides. Due to limited funding, the Alaska Department of Fish and Game does not routinely conduct surveys or inventories for coyotes.

Based on information from trapper questionnaires and sighting of coyotes by the Alaska Department of Fish and Game area biologists during aerial surveys of other species, coyote populations in these units are healthy.

The only current harvest information for coyotes are fur acquisition and fur export reports which records sales transactions between trappers and fur dealers, and also records shipments of furs outside the State for sale and tanning. Because such transactions can include fur taken in previous years, and because many trappers keep their trapped furs for tanning and use at home, this information is not an exact measure of harvest levels.

In 1999 and 2000, the total reported fur acquisition and fur export numbers for coyotes for the whole State were 11 and 126 respectively, reflecting a low harvest for coyotes statewide.

The proposed expansion of the Federal season and increase in the harvest limit for coyote in Units 12, 20, and 25 are not expected to have any biological impacts on existing coyote population.

The preliminary conclusion is to support the proposal. Thank you.

CHAIRMAN NICHOLIA: Terry.

MR. HAYNES: Mr. Chairman, the Department supports adoption of this proposal. It would align the State and Federal regulations and provide additional coyote hunting opportunity for Federally-qualified subsistence users in Units 12, 20 and 25.

CHAIRMAN NICHOLIA: Are there any other agency comments? Public comments.

MR. MIKE: Mr. Chairman, we received two written public comments. One from Denali Subsistence Resource Commission. They unanimously supports Proposal 50 to align coyote harvest seasons and limits for Unit 12, 20 and 25 with State regulations. The Commission concurs with the Sate analysis preliminary conclusion for reasons stated in the justification.

The Wrangell-St. Elias National Park Subsistence Resource Commission supports the proposal as written.

That concludes the summary of written public comments, Mr. Chair.

CHAIRMAN NICHOLIA: Regional Council deliberations.

MS. WAGGONER: I move to adopt Proposal WP03-50 as written on Page 165.

MR. UMPHENOUR: Second.

CHAIRMAN NICHOLIA: It's been moved and second. Discussion.

(No discussion)

MR. STEVENS: Question.

CHAIRMAN NICHOLIA: The question has been called to support Proposal 03-50 as written. All those in favor of that signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: Those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Motion carried. Take a break.

(Off record)

(On record)

CHAIRMAN NICHOLIA: I'd like to call the meeting back to order.

MR. MIKE: Mr. Chair, Proposal 51 is another alignment with methods and means with the State regulations. Mr. DeMatteo.

MR. DEMATTEO: Mr. Chair, Proposal 51 was submitted by the Eastern Interior Council. This requests that the Federal regulations for coyote trapping methods and means be aligned with those of the State, Units 12 and 20(E).

On page 176 under proposed regulations, for Units 12 and 20(E) for coyote trapping, the following language would be included in the Federal regulation. Trapping of coyotes in Units 12 and also 20(E) during April and October with a steel trap or with a snare using a cable smaller than 3/32nd of an inch diameter is prohibited.

All rural residents have a customary and traditional use determination for coyotes Units 12 and 20(E).

Mr. Chair, everything I said in the past proposal that dealt with coyote hunting also follows suit for this proposal.

The effects of the proposal wold be that the proposed Federal methods and means would be aligned with existing State regulations, thus reducing confusion for the subsistence user. No additional harvest is anticipated as users who harvest coyotes in the units -- in these units currently have the same opportunity to harvest under State regulations.

Although there would -- should be little effect on the coyote population from this proposed regulation there should be some benefit to other wildlife species.

Mr. Chair, the restriction of using a cable 3/32nds of an inch or thicker was put into the regulations to limit wound loss, particularly in the more powerful animals like a wolf for instance that could twist the cable and do damage to its body and also get loose.

Staff recommends that the proposed regulations be adopted. And with that, I'll stop there.

MR. HAYNES: Mr. Chairman, the Department supports this proposal. It's adoption would align the State and Federal regulations for coyote trapping in Units 12 and 20(E), and reduce confusion for subsistence users.

CHAIRMAN NICHOLIA: Are there any other agency comments? Public comments. Written public comments.

MR. MIKE: Written public comments, we received one, Mr. Chair. The Wrangell-St. Elias National Park Subsistence Resource Commission supports the proposal as written.

That concludes the written public comment. Thank you, Mr. Chair.

CHAIRMAN NICHOLIA: Regional Council deliberation.

MR. UMPHENOUR: Move to adopt Proposal WP03-51 as written.

MS. WAGGONER: Second.

CHAIRMAN NICHOLIA: Discussion.

(No discussion)

MS. ENTSMINGER: Question.

CHAIRMAN NICHOLIA: It's been moved, second. The question has been called. All those in favor of adopting Wildlife Proposal 03-51 as written, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: Those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Proposal 51, the motion carries. Okay. I was going to break from proposals here to listen to Bob Stephenson, his report here, and then we'll go on to the next three proposals after that.

MR. STEPHENSON: Mr. Chairman, thank you, and Council members, good afternoon.

I was going to give an agency report yesterday, but I'm going to have to get up to Fort Yukon for an advisory committee meeting Thursday, so I was going to have to leave this evening. So I guess Gerald's been kind enough to let me say a few words about the Yukon Flats Cooperative Moose Management Plan.

I think most of the Council members are familiar with this plan. I brought some copies along in case anybody hasn't seen it. I don't know if -- you haven't seen it, Philip? Okay. I'll get you a copy.

Last year we completed a planning effort with the residents of the Yukon Flats. The advisory committee set up a moose management planning committee. We had representatives from each committee. Larry Williams and Jay Stevens put a lot of effort into it, and were members of the committee. And it's -- we're just in the first year of working through this, and we're going to be talking about it a lot Thursday, and seeing what different communities are thinking and how they've responded to the plan, but it's an effort.....

Well, the Yukon Flats communities, most of them, are within the boundaries of the Yukon Flats

National Wildlife Refuge, so the focus of this plan is mainly on local initiatives to increase bear harvest to try to improved moose calf survival. And increase wolf trapping, although that's even probably more difficult, in the areas that they hunt and that they can affect near their communities. And another part of it is kind of an element that they brought up, and various communities are working towards I think is to regulate the harvest of moose for ceremonial purposes, and that's obviously up to each Council to do that, and take charge of that if they want to. So that's the main elements I guess.

It's just a locally focused plan aimed at using local harvest practices to try to manage moose better at least, and maintain, you know, a decent supply of moose for local communities.

So we'll be checking Thursday with people to see if there are new ideas that have come up. I've heard some. There are some interesting ideas now. I think one thing for instance Fort Yukon is discussing is the possibility of taking additional bull moose in the fall, and having that meet available for potlatches that may occur during the winter, rather than being faced with the need to take cow moose for potlatches, which often happens in mid winter, especially when bulls are in poor condition. So they are trying to find ways to reduce the harvest of cow moose which has been an issue in that area for some time. And coming up with different idea.

So we'll be talking about it Thursday, and I don't know if Larry or Jay would like to say anything about what's going on in your communities or not.

MR. STEVENS: Mr. Chair, yes, in Stevens Village we've been -- I work for the resource program there in Stevens Village, and we've been working pretty hard with the community in terms of education and what not, and working along with the plan.

The plan itself has been working. A lot of people still don't understand why -- the need for it, but we've been working with them, and the cow harvest in Steven's Village has declined quite a bit. The youth are starting to come in and ask questions and ask us the do's and don't's of going out and harvesting these animals at different times of the year, so.....

As well as the predation issue. People

are going out and taking bears. Most of them are took in the summertime at fish camps and whatnot, but people have been going out doing that. The wolf trapping has increased. Our resource program helps supply trappers with snares and whatnot. So there is a positive outcome from Steven's Village's point of view on it. Thanks.

MR. WILLIAMS: Yeah, speaking for Venetie, it's like Jay says. I think it's been a positive -- I think on the positive side since we've been having this planning committee, people are being more educated and people are starting to ask questions.

And what Bob was saying, it's more locally oriented, that we depend on the local elders and the people in charge to try to limit the use of cow moose, and try to encourage people not to take cow moose, and trying to encourage people to take more predators like the wolf and black bear whenever the occasion arises where they could take it.

So all in all, it's been pretty good. Since we've planning -- getting the word out from the planning committee that, you know, the moose is pretty low and everybody realize it, and everybody's trying to do their part, so it's pretty good in there.

Thank you.

MR. STEPHENSON: That's all I needed to hear.

CHAIRMAN NICHOLIA: Any questions for Bob or anything? Thank you.

That brings us on to Proposal 12.

MR. MIKE: Proposal 12 is a proposal submitted by Wrangell-St. Elias to allow the taking of wildlife for religious and ceremonial potlatch purposes from National Park Service lands in Units 11, 12, and 13(C).

MS. PETRIVELLI: Mr. Chair, my name's Pat Petrivelli.

Proposal 12 -- well, part of it with the action on Proposal 1, and if Proposal 1 is passed by the Federal Board, which would allow ceremonial taking of wildlife statewide, this proposal would be unnecessary.

1 And I think that's what -- but -- so -- but if the Board
2 doesn't adopt Proposal 1, then this proposal would be
3 necessary, so -- and I think I covered those grounds
4 before, because even though statewide regulations allows
5 the harvesting of ceremonial stuff, but on Park Service
6 lands that doesn't occur, and so the Wrangell-St. Elias
7 National Park Subsistence Resource Commission submitted
8 this proposal.
9
10 And the provisions are on page 185 that
11 they proposed, and they had wanted to have it applied
12 just to Park Service lands. And then the bulk of the
13 analysis, of course, will -- of course, is covered that,
14 you know, just the Park Service lands in Unit 11, 12 and
15 the small amounts in 13(C). And then the analysis
16 contains the relevant state regulations, with the
17 provisions that were adopted or changed in the fall.
18
19 And then the analysis goes through much
20 like Proposal 1 did, just saying that there's provisions
21 in 13 of 26 wildlife management units that have
22 ceremonial regulations that we recognize for
23 unit-specific regulations, and this would add more so
24 there would be-- now it would be 16 or -- yes, 16 of 26
25 units that would have it if 1 doesn't pass and 12 is
26 passed.
27
28 And, of course, in -- with the effect of
29 this proposal, it would have minimal impacts on wildlife
30 populations. It would afford all Federally-qualified
31 users of this area an opportunity to take wildlife for
32 use in food in traditional religious ceremonies which are
33 part of the funerary or mortuary cycle, including
34 memorial potlatches. And it would add another
35 unit-specific regulation regarding the use of wildlife in
36 traditional religious ceremonies.
37
38 And our preliminary conclusion was if
39 Proposal 1 isn't adopted providing for the statewide
40 provisions, that we would like to have the language
41 modified to mirror the standardized language that was
42 recommended for Proposal 1. And what -- that language is
43 on page 189. And what that language is, is just the same
44 as the language recommended for Proposal 1. And it
45 follows -- and it as the attempt to try to standardize
46 the regulations with the State regulations rather than
47 having it just to the Park Service personnel. And then
48 it would just -- and have the proposal apply to all
49 federal lands within 11, 12, and 13(C).
50

And I think we -- unfortunately we didn't include a map, but -- so it would -- there's one percent of BLM lands. Well, it's Unit 11 has -- besides Park Service land, it has some Forest Service lands and some BLM lands. And Unit 12 is Park Service and some Fish and Wildlife Service lands. And 13(C) is all Park Service lands.

But that would be our recommendation, that it just cover the entire unit and be unit-specific, and that the language become standardized with what was recommended for the language for Proposal 1, because we felt this modification would accommodate the intent of the Wrangell-St. Elias National Park Subsistence Resource Commission request, and then the modification of the proposal using the language recommended for Proposal 1 would standardize Federal regulations that recognize the importance of wildlife in Alaska native ceremonial and religious activities on all Federal public lands in the proposed units. It would parallel State regulations and minimize confusion for the subsistence users.

So that concludes the analysis.

CHAIRMAN NICHOLIA: Before we go any further, I'd like to listen to Fred John about that Federal land management prior to attempting to take wildlife. I mean, to notify them prior to, because I just want to hear his point of view before I hear agency comments.

MR. JOHN: Thank you, Mr. Chair. Is this Proposal 12? We what we got here is support with modification. And what I see here is that the person would -- instead of putting tribal government on it, we'll put clan or family, and was organizing the religious ceremony contact the proper -- Wrangell-St. Elias National Park prior to attempting to take wildlife to provide the name of the decedent. Correct me if I'm wrong, National Park, but I think we didn't put in that contacting prior before we go hunt for. I think we deleted that. That's what I had -- that's why I said when I see stuff that are written down after it didn't go the way we thought it would. And we were -- that's about the only thing that really changes, that, you know, prior notification, and changing it from clan or family, because village government is not really involved in these things. It's just village member. That's about all I could say. Any question?

CHAIRMAN NICHOLIA: Well, what I asked you is that you guys don't mind notifying prior to taking the animals for a ceremonial?

MR. JOHN: We were against that.

CHAIRMAN NICHOLIA: You were?

MR. JOHN: Uh-huh. (Affirmative)

CHAIRMAN NICHOLIA: Okay. that's what I wanted to know.

MR. JOHN: Yeah.

CHAIRMAN NICHOLIA: Terry, agency reports. Agency.

MR. HAYNES: Thank you, Mr. Chairman. The Department would prefer that the State regulation be used to administer ceremonial harvest regulations in this area. However, if there's a need to have a separate Federal regulation that applies to Wrangell-St. Elias National Park and Preserve, we recommend supporting the original proposal as modified by the Southcentral Regional Council. They talked about it at their meeting and as Fred John told you, made some revisions, suggested revisions to it, and those seemed to accommodate their concerns, and -- but again we would just -- if there isn't any need to have a specific regulation for each unit, we would just prefer using the State regulation.

Thank you.

CHAIRMAN NICHOLIA: Any questions. Any written public comments?

MR. MIKE: Mr. Chair, we have one written public comment from Wrangell-St. Elias National Park Subsistence Resource Commission. The SRC supports the proposal with the 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 harvests sometimes occur on short notice, and hunters might not have a valid license at the time that the hunt needed to occur. For example, they might not have gotten

around to renewing it yet, not anticipating such an out of the ordinary harvest need.

That concludes the written public comments. Thank you, Mr. Chair.

CHAIRMAN NICHOLIA: Regional Council deliberation.

MS. CELLARIUS: Barbara Cellarius, subsistence coordinator for Wrangell-St. Elias National Park. I guess I'd like to make two points. One is that the State ceremonial harvest regulation would not apply on National Park lands. This is -- so if there will be ceremonial harvest involving park lands, we would need to have some sort of special regulation, a Federal subsistence regulation allowing that.

The second thing I want to way is that at the time of the SRC meeting, we were not entirely informed about the -- some of the regulations. I'm pretty new at this, and we later learned after the SRC meeting that a State hunting license would be required, that that's not something that could be done at the Federal Board level.

MS. ENTSMINGER: Thank you, Mr. Chairman. The last -- I don't know if it was our last meeting or the meeting before, we gave the Park Service permission, I don't even know if it passed in the federal side, but to -- for like the Benzaneti (ph) camp, that they wouldn't have to wait, what was it, the 60 days. Does that affect -- does this proposal affect that?

MS. CELLARIUS: I'm not actually entirely clear about what the regulation that you're talking about. I don't know about the 60-day requirement.

MS. ENTSMINGER: I'm sorry, it's for the -- there's a religious ceremony at Benzaneti (ph) camp once a year, Katie John's, you know, the camp that goes on, the culture camp that goes on down at Benzaneti (ph), and Debbie Sharp came up to us and said that she wanted to be able to issue the permit for them to take moose sooner than what's in these regulations. And I just wondered if this proposal affects that?

MS. CELLARIUS: I'm not aware that this proposal wold affect that. I don't believe -- this is for funerary potlatches and things associated with that.

MR. MIKE: Mr. Chair, on the Benzaneti (ph) hunt, on Page 66 of the Federal regulations there's some specific regulations addressing the Benzaneti (ph) cultural camp. Page 66 on Federal regulations. The green book.

UNIDENTIFIED VOICE: You might want to read them.

MR. MIKE: It's the fourth bullet down. It says one moose with -- oops, I'm sorry. Oh, yeah. That's the one. One moose without calf may be taken from June 20th to June 30th in Wrangell-St. Elias National Park and Preserve in Unit 11 or 12 for the Benzaneti (ph) cultural camp. Two hunters from either Chistochina or Mentasta Village may be designated by the Mount (indiscernible) Tribal Consortium to receive the Federal subsistence harvest permit. The permit may be obtained from the Wrangell-St. Elias National Park and Preserve office.

CHAIRMAN NICHOLIA: What are the wishes of my Council?

MS. HILDEBRAND: Thank you, Mr. Chairman, Ida Hildebrand, BIA Staff Committee member.

I believe 11 and 12 are mostly in Southcentral Regions Council, and if this Council so chooses, it an defer the action to that Council.

CHAIRMAN NICHOLIA: Ida, I was almost going to hint at that, but I just want to know what the wishes of this Council are, because we do control of that Unit 12, part of Unit 12 in our Eastern Interior here. You could also defer, you know.

MS. WAGGONER: I move that we defer this proposal based on what happens with Proposal No. 1 and the confusion over this right now.

CHAIRMAN NICHOLIA: There's a motion to defer. Is there a second?

MR. UMPHENOUR: Second.

CHAIRMAN NICHOLIA: Discussion.

(No discussion)

MR. TITUS: Question.

CHAIRMAN NICHOLIA: It's been moved, it's been second. Question has been called to defer this Proposal No. 12 to the Southcentral Regional Advisory Council. All those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: Those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Motion carries.

MR. MIKE: Mr. Chair, Proposal 13 is to align the harvest season with the State regulations. Brown bear.

MR. DEMATTEO: Mr. Chair, Proposal 13 was submitted by the Southcentral Regional Advisory Council, and this requests the Federal dates for brown bear in Unit 11 be extended. This would align Federal subsistence hunt dates with season dates approved by the Alaska Board of Game in March 2001, lengthening the Federal season by 35 days. State regulations apply to preserve lands, but do not apply to park lands, therefore there is not State season for the park.

Mr. Chair, this proposal's being presented to you today because it does affect residents of Unit 12. Residents of Unit 12 have customary and traditional use determination in Unit 11 for brown bear.

On Page 200 on the proposed regulation half way down the page, essentially for all of Unit 11, brown bear, the season would change from September 1 through May 3rd to August 10th through June 15th. And that's for all of Unit 11 brown bear.

For the 2001/2002 hunting season, the Alaska Board of Game adopted a new open season for brown bear, Unit 11. The Board changed the open season from September 1 through October 31st and April 25 through May 31st to August 10 through June 15. Currently there is not a population estimate for brown bear in Unit 11. However, it is considered that the population is relatively abundant and well distributed.

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 since State regulations do not apply to the Wrangell-St. Elias National Park.

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 no impact on the brown bear population in this unit.

With that, Mr. Chair, the preliminary conclusion is to support the proposal.

Thank you.

CHAIRMAN NICHOLIA: Terry.

MR. HAYNES: Mr. Chairman, the Department supports adoption of this proposal since it would align the Federal and State brown bear hunting regulations in Unit 11 and provide more opportunity for Federally qualified subsistence users.

CHAIRMAN NICHOLIA: Is there any other agency comments? Any public comments, Donald?

MR. MIKE: Yes, there is one written public comment received. The Wrangell-St. Elias SRC supports the proposal as written. Thank you, Mr. Chair.

CHAIRMAN NICHOLIA: Council deliberation.

MR. UMPHENOUR: Move to adopt Proposal WP03-13 as written.

MS. ENTSMINGER: Second.

CHAIRMAN NICHOLIA:

(No discussion)

MS. WAGGONER: Question.

CHAIRMAN NICHOLIA: What did you say?

MS. WAGGONER: Question.

CHAIRMAN NICHOLIA: It's been moved, second. The question has been called. All those in favor of adopting Wildlife Proposal 03-13 signify by saying aye.

IN UNISON: Aye.

CHAIRMAN NICHOLIA: All those opposed, same sign.

(No opposing votes.)

CHAIRMAN NICHOLIA: Motion carries.

MR. MIKE: Mr. Chairman, Proposal 14 is the revised harvest limits and seasons for caribou in Unit 13.

MR. DEMATTEO: Mr. Chairman, the Federal Subsistence Board deferred this proposal in May of 2002 as Proposal WP02-16. It was submitted by the Copper River Native Association to request a change in the Unit 13 caribou late season from October 21 through March 31st to December 1 through April 20, and a change in the harvest limit from two bulls to two caribou.

On Page 11 the proposed regulation, the proposal would strike the word bulls and make it two caribou, and, of course, change the season to December 1 through April 20.

The proponents basis for requesting a reinstatement of an any-caribou harvest was that the current bulls-only harvest does not meet the needs of the local subsistence users and that Federally-qualified subsistence users are adversely impacted by the influx of non-subsistence hunters in Unit 13.

The current customary and traditional use determination for caribou in Units 13(A) and (D) include residents of Units 11, 12, and 13 and residents of Chickaloon. For 13(B) it would be Units 11 and 12 and 13, 20(D) except Fort Greely, and residents of Chickaloon. For 13(D) the residents of Units 11 and 12, 13, residents of Chickaloon, Dot Lake and Healy Lake. Unit 13(E), residents of Units 11, 12, 13, and residents of Chickaloon, McKinley Village, and areas along the parks highway between Mile Post 216 and 239.

Mr. Chair, at your meeting that was held up at Circle Hot Springs, this proposal, or the original proposal was presented to you with a number of conservation concerns. The current management objective and harvest objective included allowing the Nelchina herd to grow to 35,000 animals. Until then it would be a one-bull only harvest, and at 35,000 animals, there would be the possibility of an either sex harvest. It's slightly below 35,000 and this proposal is still on the table to go to either sex.

There's also the concern you heard last year was that in the springtime when they're returning to their -- the range that is I believe the Mentasta -- or, no, I'm sorry, not the Mentasta. The ranges, -- I'm sorry, the hills north of the Glenn Highway is what I'm thinking of. When they're returning to that area, they do cross some federal lands, which is essentially a very narrow corridor. As you can see on your map there, in Unit 13 essentially it follows the Richardson Highway, and some of it's along the western portion of the Denali Highway. Some of the concerns with it, as they cross through there, harvest of cows would take place, pregnant cows take place, because it is thought that -- it has been found that often the cows lead the charge as they're doing some migration. The hills I was trying to think was the Talkeetna Range.

This proposal was deferred until more information be gathered.

Currently the population estimate for the Nelchina herd is approaching the low end of the ADF&G management objective of a fall population of 35 to 40,000 animals, which could allow, as I mentioned, any sex caribou to be harvested.

Because of the strong desire for a cow harvest expressed by traditional users of the resource, and because of the high number of wanton waste cases and accidental cow harvest observed by land management agency, a limited cow harvest warrants consideration. Allowing harvest of pre-established quota of cow caribou will allow for customary and traditional practices of cow caribou harvest to continue, yet allow the herd to recover from its current depressed population at a slower pace.

Establishment of a quota system for a cow harvest based on past harvest data would require the

Bureau of Land Management to closely monitor the in-season hunt and to terminate the cow harvest when the number of cows killed reaches the estimated cut-off point through a delegated authority to the BLM field office manager. The harvest of bulls would continue throughout the established season.

Mr. Chair, the preliminary conclusion offers two options. Option A would be to oppose the proposal based on conservation concerns. The proposal request that cows may be harvested, and based on the conservation concerns, Option A would oppose that.

Also, 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.

Also, extending the harvest season into April would provide 20 hunting days of opportunity offsetting the 20 of the 40 days by eliminating the October/November season. However, an April season that included a cow harvest would be a potential conservation concern given the Nelchina caribou herd traditionally migrates through this area in April with the pregnant cows leading the way.

Mr. Chair, that's Option A, which opposes the proposal.

Option B would be to support the proposal with a modification to allow only a harvest of one cow during the fall season in sub units (A) and (B) of Unit 13. And at the bottom of 220, for Units 13(A) and (B) for the Nelchina caribou herd, the modification would include this language in the Federal regulation. Two caribou by Federal registration permit only. However, only one may be a cow taken during October through March season. The Galena (sic) BLM -- I'm sorry, the Glennallen BLM field office manager will close the cow harvest opportunity when a quota of 30 cows has been harvested. Following the closure of cow harvest, only antlerless caribou may be taken.

The justification for this option would be initiating a cow harvest with an established quota would still pose a conservation concern in regards to the health of the Nelchina caribou herd, but it wold lessen the impacts on the herd and should still allow the herd

to grow, but at a slower pace.

A cow harvest during the winter season would allow for a customary and traditional harvest of cows by subsistence users to occur.

A cow harvest of 30 animals in the winter season is based on the past average annual cow harvest October 1st through January 1st, which would allow cow harvest during the rut.

The BLM is committed to closely monitoring the cow harvest in the unit, and would be responsible for halting cow harvest when the number of animals harvested reaches the quota of 30.

The BLM field office has also proposed initiating a public outreach campaign to encourage bull only harvest and to adopt a cooperative interagency Nelchina caribou herd management plan.

Extending the harvest season into April would provide 2 hunting days of opportunity offsetting 20 of the 40 days lost by eliminating the October and November harvest dates. However, an April season that included a cow harvest would be a potential conservation concern given that the caribou traditionally migrate through this area in April with the pregnant cows leading the way. Calving starts around May 10th, so the pregnant cows are in late stages of pregnancy during April.

So, Mr. Chair, Option A opposed it based on the conservation concerns, and basically would stand by the bulls only harvest that's in regulations now. Option B would support with the modification to allow two caribou, one being a cow during October/March season, and I believe we have a maximum quota of 30 cows.

And with that, I'll stop there and answer any questions.

CHAIRMAN NICHOLIA: Is there any questions for Pete? Terry.

MR. HAYNES: Mr. Chairman, the Department's comments on the original proposal are on page 209 of your council meeting book. I'm going to provide some comments, but I'm going to speak to the preliminary conclusion.

The Department supports Option A to oppose this proposal for the reasons we present in our written comments. The Nelchina herd hasn't reached the 35,000 animal threshold yet, and until it does, we believe it's not a wise move to start allowing cow harvest. We'd like to get that population to 35,000 and the Department is committed to supporting a Federally-managed cow harvest when the population reaches 35,000, but not before.

Back to the preliminary conclusion, Option 2, or Option B, the justification point 1 says initiating a cow harvest which they propose in Option B with an established quota would still pose a conservation concern. We just can't understand why a Federal season should be proposed that would knowingly pose a conservation concern.

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

That's it.

CHAIRMAN NICHOLIA: Any questions? Written public comments. Public comments, Donald.

MR. MIKE: Mr. Chairman, there's two written public comments received. One is from the Paxson Fish and Game Advisory Committee. The Paxson Advisory Committee does not support adding 20 days to the winter season nor the taking cows at this time. The present herd size does not justify additional take or the unintended side effects of a spring cow hunt. Snow machine harassment is an ongoing problem in the Paxson area and affects the entire herd. There is more than an adequate opportunity to hunt subsistence caribou along the Richardson and Denali highways.

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

That concludes the written public comments, Mr. Chair. Thank you.

CHAIRMAN NICHOLIA: And the Wrangell-St. Elias National Park Subsistence Resource Commission is opposed to it.

MR. MIKE: Mr. Chair, if I can add one more item, the Southcentral Regional Advisory Council adopted Option B with amendments, and their amendment was to narrow -- or the tracking of the cow harvest, and the requirement is to report within 12 hours of the harvest on Nelchina caribou. Thank you, Mr. Chairman. Is that Ms. Petrivelli?

MS. PETRIVELLI: I think so. Terry has it.

CHAIRMAN NICHOLIA: Okay. Anyway, that's what the Southcentral Regional Advisory Council did. They adopted Option B with an amendment.

CHAIRMAN NICHOLIA: One, I don't like to increase harvest when there's going to be a conservation concern. These animals have sustained from 35,000 to 40,000. It just -- they have an opportunity already. But I'd like to see with the increased competition and stuff for animals and everything, I don't like really creating more opportunity on a limited resource. But again since you know my feelings on this proposal, I'll leave it up to my Council for deliberation.

MR. HAYNES: Mr. Chairman, just another point I don't believe was made in the presentation, but the Nelchina herd is also hunted in a winter season hunt to be announced in Unit 12. And residents of Unit 12, Dot Lake, Healy Lake and Mentasta Lake qualify for this winter hunt on Nelchina caribou that can occur on Federal lands in Unit 12. I don't believe that point was made in the analysis.

CHAIRMAN NICHOLIA: Go ahead.

MR. BRELSFORD: Thank you, Mr. Chairman. I believe the opportunity for other agency comments got past us.

I would like to speak on behalf of the BLM field station in Glennallen, and say that in the analysis the authors have been careful and very fair to

identify the concerns that were raised with the BLM staff and the purposes that the BLM was seeking in terms of providing some flexibility while maintaining a growth in the herd to re-attain the minimum population level. So I think the material has been fairly put before you, the pluses and the minuses of both option.

I would like to come back to Terry's comments, however, regarding Option B, and to say that in regard to the first item on the justification, the complete sentence says that it would still pose a conservation concern, but would still allow the herd to grow. I think that's really the heart of this, that what the Copper River Native Association and some local subsistence users are asking for is flexibility with some opportunity for a cow harvest while maintaining growth in the herd to re-attain the population levels.

And then in regard to paragraph number 6 at the bottom where it refers to the impacts of an April season, you'll notice that there is no April season proposed in alternative A or alternative B. Nowhere is an April season on the table at this point. So I think everybody recognizes the impacts, the negative impacts of a late season of that sort, and instead, what's before you this year is a more narrow opportunity for a limited cow harvest. This is less than what was being discussed by the BLM a year ago.

Again, the purpose of it is not to adversely affect the Nelchina caribou herd. It's to respond to concerns from local users about flexibility in their harvest, about providing for some of the traditional opportunity in a regulated way, in a managed way while continuing the harvest -- while continuing the growth of this herd.

So I leave you to deliberate and make your own judgments, but I did want to just make those two points of clarification in regard to the intention of Option B. And again I thank the authors for the complete description of the various alternatives in this particular analysis.

Thank you.

CHAIRMAN NICHOLIA: So what do you guys want to do here?

MS. WAGGONER: Mr. Chairman, I'm not sure

what anybody does, but just my opinion here is I really agree with Taylor, and no matter what to make sure that the April season stays off the table. Just awful rough on them past the end of March. That was what I wanted.

CHAIRMAN NICHOLIA: Yeah, and Option B it doesn't have that April season, but on the proposed regulation it does. You know, I hate to create more opportunity on a declining stock here, but I do like to create more opportunity for only the Federal-qualified users, and I think I seen it mentioned in here that it may create more opportunity for non-qualified subsistence users. Anybody could speak to that? Is there a possibility that if we do support this Option B with a limited window of not including the April season, would it create more confusion? Because we're right on the highway system here. Would it create more confusion for the qualified Federal subsistence users by allowing some misinformed non-qualified subsistence users to go hunting on this same stock?

MR. HAYNES: Mr. Chairman, Taylor may have some points to make, too, but there would be -- if Option B was adopted, the only legal cow harvest that could occur would be under the Federal subsistence regulations, so any non-Federally qualified subsistence user who took a cow caribou would be doing that illegally.

(Whispered conversation)

MR. HAYNES: Yeah, that's right. And the State hunt is a Tier II hunt in that area, so, you know, it's closely monitored, lots of limitations on it.

One of the other issues that does come up is clearly identifying Federal lands, the narrow strip of Federal lands where the caribou would normally be hunted in Unit 13, and that -- you know, the caribou are migrating across those lands, and they may or may not be precisely on Federal lands, so depending on the level of enforcement out there, the hunter could unknowingly take a caribou and not be on Federal lands. You know, it's just up to the migration route, and the -- where the caribou are located if you're trying to harvest them.

CHAIRMAN NICHOLIA: Are we creating more confusion here, or just trying to straighten something out? It seems like to me we're creating -- if we adopt this one the way it is, there's only a little bit of

Federal land, just that little yellow piece, and there's a lot of State land in there. Are we just creating more confusion by adopting this, or is this going to straighten something out?

MR. BRELSFORD: Well, Mr. Chairman, this is a complicated circumstance. The Nelchina caribou herd has had very large population fluctuations over the last several decades. It is actually currently increasing in population. I did want to come back to a comment you made a moment ago. This is not a herd in decline. It is a population that is growing, is coming back from its low point, and in fact is quite close to obtaining the minimum population objective.

There are differences between the State and the Federal harvest regulations, so Federally-qualified subsistence users do have a larger opportunity than State hunters operating under the Tier II regulations at the present time.

There are differences between State and Federal regulations, and as Terry has pointed out, this means that a Federal hunter has to be able to identify, in order to hunt legally, they have to hunt on Federal public lands. This has been an issue for many, many years. The BLM has prepared hunt area maps that are issued with the permits. I think we realize that they were too small and did not have enough detail to be completely useful to local hunters, and this year we are in the midst of preparing a much larger format map that would provide greater detail, greater clarification about where the Federal Lands are located.

For any of you that have -- might have seen the Western Interior map for the lower -- the Innoko Refuge area, the BLM prepared a very large format map identifying Federal lands in the Holy Cross, Grayling, Shagluk area. IT's about maybe 24 by 30 inches. It's quite large and quite detailed. That's the example of what we're going to produce this year for the Nelchina area.

So I think the existing situation is there are pretty sharp contrasts between State and Federal regulations. Federal hunters have a special obligation to pay attention to which lands they're on.

The difference in what's proposed here would be this cow harvest and the burden of quick

reporting. That would be new. So you all have seen regu -- I mean, you're able to exercise your own judgment about whether that's a net benefit or would make things more confusion with no gain.

CHAIRMAN NICHOLIA: Yeah, Taylor, I don't like that idea of creating more confusion, and I don't like the idea of creating more harvest on a stock that's trying to regrow or something. It's just not in me to support something like this, like I said, I'll leave it up to this Council. Go ahead, Trish.

MS. WAGGONER: Okay. Table 2 on Page 217, this just caught my eye. Over the last 10 years, the total harvest, and if I'm reading this right, this is the distribution of Nelchina caribou by State and Federal hunters in Unit 12 and 13, but the total harvest has gone -- with ups and downs has gone from 5300 down to 1400, about 25 percent, while the percentage of the Federal harvest has gone from 6.3 percent up to 34 percent, and basically stayed fairly stable. So by throwing an additional 30 cows in there -- I mean, I know you're not upping the quota, but you're going to be throwing more cows, and the Federal harvest has stayed the same. I think it would have more of an impact than just a minor adjustment, because that herd is so dynamic in population.

MR. BRELSFORD: Well, not meaning to argue, but if we were to look at the numbers on the right-hand column, the Federal harvest, you'll see that it's varied, but not by a lot over all of those years. Up until 1999, that includes a cow component, so the bull only harvest regulation is fairly recent. What that might suggest to us is that the harvest level is relatively constant. There is a local need for caribou and folks harvest to about that same level. It is affected by the migration pattern. If the animals land on Federal lands at key periods, then that increases harvest. So that fluctuation is really more a function of when the animals were passing on Federal lands.

But the difference in percentage, where you see the fact that in recent years Federal harvest is a larger percentage of total harvest, that's because the State harvest has been reduced and in effect the Federal opportunity, the subsistence opportunity for local people has been protected while the conservation measures were primarily borne by State-authorized hunters.

The absolute numbers have not grown a great deal. They have fluctuated, and that is the reason that we think this limited cow harvest will not add to total take, but will be a part of a relatively consistent level of total take.

MS. WAGGONER: Thank you.

MS. ENTSMINGER: Thank you, Mr. Chairman. You know, I like to keep it simple, too, but protecting cows when you want to see a herd grow I also understand. On this Option B, support with modification, they still left the October 21st opening. And what they were proposing was December 1st, so that would increase the season, and like you had said, it would have been 20 days, now it's still -- we have that additional time when more of the caribou are there and more likely to be taking the caribou. Correct? Yeah.

MR. DEMATTEO: Yeah, talking to hunters, particularly the ones that hunt the 13(B) area as we mentioned, they do prefer the fall hunt, the late fall hunt. There's still light conditions are still pretty good, and temperatures are relatively mild compared to what they'd be later. They do prefer that. But as the BLM has pointed out, there are -- still are some residents that do prefer the spring hunt.

CHAIRMAN NICHOLIA: Go ahead.

MR. BRELSFORD: But if I may, the original proposal from Copper River Native Association several years ago proposed a shift in the whole season. It would have started later, on December 1st as you identify, and continued into April, to April 20th.

MS. ENTSMINGER: Uh-huh.

MR. BRELSFORD: And I think all of the parties involved in this, the Southcentral Council, the BLM field office, have recognized significant problems with the April season. So the season dates that you see in Option B are more similar to what we had in the past. It's the October 21st opening, not delayed to December 1st, and there is no April season. So if you look on Page 220, the season dates in the late fall/winter season are comparable to what we had before the proposal.

MS. ENTSMINGER: Thank you, Mr. Chair. I went to this SRC meeting down there, and there was a lot

of discussion. I don't know if I stayed for all of it, but they talked it out a lot, and a lot of the other people on the SRC were still wanting to see, you know, that protection of those 30 cows. And, you know, listening to the people that live there and hunt there, it was -- this is a dilemma for me. It seemed like 30 cows shouldn't really matter, but then again, too, if you're hunting them October 21st, also probably more people in the field, the more chance that they be taken, and the caribou -- on the State season is one, and the caribou on the Federal season is two. So even though you would limit somebody to one, I mean, I sometimes wonder if they'd end up taking two and you didn't know about it. So I'm not really sure.

CHAIRMAN NICHOLIA: (Indiscernible, mike off) want to respond to that?

MR. BRELSFORD: Well, I would say that the deliberations of the Wrangell-St. Elias SRC are news to me. This is a new element. I don't think we had this on the record a year ago. And that is a local advisory body that is quite knowledgeable about harvest practices, particularly in the park. So I have to say that that gives me some -- that's new information that I think merits close consideration.

CHAIRMAN NICHOLIA: Virgil.

MR. UMPHENOUR: Thank you. They get two bull caribou as it is. It's a Tier II hunt for the State hunters. The herd has not yet met the lower end of the population goal. I don't really like them hunting in March, because those pregnant cows -- what's the difference between 20 days in April and the end of March? They're still very pregnant. They're out there running them down or hunting them with snow machines. When the caribou see snow machines coming, they start running. And so they're running very pregnant cows anyway. Or causing them to run, even hunting in March. If it was up to me, they wouldn't hunt in March. And so I'm going to be voting against this, Mr. Chair.

CHAIRMAN NICHOLIA: I think there's been enough discussion on here. What kind of public comments we got, Don, or did we already do that? Jim?

MR. WILDE: Well, I just want to agree with what Sue and Virgil have said, but I wish Craig was still here. We were discussing the October part of the

season at Tok on the Forty Mile herd, and they're definitely against any October hunting. That's all.

CHAIRMAN NICHOLIA: Donald, did we already go through the public comments?

MR. MIKE: Yes, Mr. Chair.

CHAIRMAN NICHOLIA: Okay. I'm going to leave it up to Council, their deliberations. We could move to adopt and shoot it up or down.

MR. UMPHENOUR: Move to adopt WP04-14.

MS. WAGGONER: What part?

CHAIRMAN NICHOLIA: What part?

MS. WAGGONER: Option A or.....

MR. UMPHENOUR: Option B.

MS. ENTSMINGER: Second.

CHAIRMAN NICHOLIA: Deliberation, discussion.

MR. UMPHENOUR: I'm against hunting caribou in October, and I'm also against hunting them in March. It think there's plenty of reasonable opportunity for the people there to harvest caribou if they want to get out and work and harvest them. I'll be voting against the proposal.

CHAIRMAN NICHOLIA: Any more discussion?

MR. MIKE: Mr. Chair, just a point of clarification. Is it Option A or Option B on page 220?

MS. WAGGONER: Option B.

MR. MIKE: Option B.

CHAIRMAN NICHOLIA: Any more discussion?

(No discussion)

MR. STEVENS: Question.

CHAIRMAN NICHOLIA: Okay. I think,

Donald, we're going to take a roll call vote here for adopting this Proposal 04-14, Option B.

MR. MIKE: Okay. Mr. Chair. Mr. Williams. Mr. Stevens.

MR. STEVENS: Oppose.

MR. MIKE: Pardon? Mr. Stevens?

MR. STEVENS: Oppose.

MR. MIKE: Mr. Umphenour?

MR. UMPHENOUR: No.

MR. MIKE: Ms. Waggoner?

MS. WAGGONER: No.

MR. MIKE: Mr. Nicholia?

CHAIRMAN NICHOLIA: No.

MR. MIKE: Ms. Entsminger?

MS. ENTSMINGER: No.

MR. MIKE: Mr. Titus?

MR. TITUS: Abstain.

MR. MIKE: Mr. Wilde?

MR. WILDE: No.

MR. MIKE: Mr. Chair, there's eight no votes, and one absent. Somebody said.....

CHAIRMAN NICHOLIA: There were seven.....

MR. MIKE: .....abstain, I'm sorry. one abstain.

CHAIRMAN NICHOLIA: .....no votes and one abstain. Okay. And the motion fails.

Terry, you want to say something?

MR. HAYNES: No, I (indiscernible - away

from microphone)

CHAIRMAN NICHOLIA: Well, if there's any more proposals, Donald, I think we're pretty much done with the proposal section. Wildlife proposals.

MR. MIKE: Yes, we're done with the wildlife proposals, Mr. Chair. We can get into fisheries topics or get into agency reports. I believe Ms. Polly Wheeler had some -- was wanting to.....

CHAIRMAN NICHOLIA: What was the time they wanted us to like -- do we have any mandatory kick-out time here, or we could stay as long as we want?

MR. MIKE: Mr. Chair, we have this building for the next two days, so they didn't give us any time restrictions.

CHAIRMAN NICHOLIA: Terry.

MR. HAYNES: Mr Chairman, there will be fisheries staff from the Department here tomorrow that would like to be present during discussion of fisheries issues, so if you continue on today, that's your choice certainly, but our fisheries staff won't be here until tomorrow.

CHAIRMAN NICHOLIA: Polly, would your presentation conflict with any that Terry and those fisheries issue, just for resources opportunity? And how long is that going to be?

MS. WHEELER: I can make it short, Mr. Chair.

CHAIRMAN NICHOLIA: Virgil?

MR. UMPHENOUR: I noticed that our fisheries manager is not here, and I was wondering whether the Federal -- all the Federal fisheries staff will be here tomorrow, because I know our manager is not. Does anyone know that?

MR. HANDER: Mr. Chairman, Mr. Umphenour, I'll be here. I'm the assistant manager working under Russ Holder, so he's been actively been involved with the Board of Fisheries process, and I think that's where he's at today. He may be here tomorrow. He expects me to give the presentation, but if he's here, obviously he'll

be available for question. Thanks.

MR. UMPHENOUR: Thank you.

CHAIRMAN NICHOLIA: Polly, if your presentation is just for resource monitor and plans and stuff you could come up here and give it to us in like 15 minutes.

MS. ENTSMINGER: But no pressure.

MS. WHEELER: Thank you, Mr. Chair. My presentation will cover several topics. Oh, Polly Wheeler with Fisheries Information Services, Office of Subsistence Management.

My presentation will cover several topics related to the Fisheries Resource Monitoring Program. First I'll give a brief overview of the project status reports, which are located under Tab C of your Council books. Second, I will present an update to the Council on the current status of 2004 call for proposals.

And I was going to have a couple of principal investigators give you some project updates, but at the last minute everybody bailed out on me, so in the absence of principal investigators giving presentations on fisheries resource monitoring projects, I had posters over here on the left-hand wall, and I encourage you all during the next day and a quarter to take an opportunity to look at those posters, because because they describe some of the projects that affect -- or that provide information for fisheries resource -- Federal subsistence fisheries management, and they're funded through our program. And so they -- and they're pretty informative actually, they're nice posters. So take an opportunity in the next day or so to look at those.

Also, Beth Spangler, who's our partners coordinator was unable to make it to the meeting as well, so I'll give you a brief update on the partners program, too, but -- and that will be at the end of my presentation.

Again, Council members should refer to Tab C in the Council books, behind this tab between pages 237 and 255, you'll find a report on the status and accomplishments of projects funded under the Fisheries Resource Monitoring Program for the Yukon Region

specifically. I'll give you a chance to look at that.

Table 1 on pages 241 to 243 provides a list of all projects that have been funded sine 2000 for the Yukon Region. A total of 48 projects in the Yukon River have been funded for over $5.4 million since the inception of our program, and that's again just strictly fisheries projects. All of these projects provide information in support of Federal subsistence fisheries management. And I think it's worth noting that the Fisheries Resource Monitoring Program is currently funding about 25 percent of the ongoing fisheries work in the Yukon River, so it's a substantial -- we're funding a big chunk of the research.

And, of course, all of these projects go before you all. In the fall meeting, or at the fall meeting, we'll be presenting the projects for 2004 to you all for your support or rejection. Beginning on Page 244 in your council books in a status report for each of the 48 projects funded for the Yukon region. These projects are a mixture of stock status and trends and harvest monitoring and TEK. As you might remember, we have -- the funding is distributed across the State through a funding formula that distributes funding by region, and also by data type, and two-thirds of the funding goes to stock status and trends projects, and about a third of the funding goes to harvest monitoring and traditional ecological knowledge projects. And that's actually -- that's a goal. Sometimes things don't always work out like that, but that is the goal.

Most of the stock status and trends studies have addressed salmon, although several have addressed whitefish and pike. Harvest monitoring and traditional ecological knowledge studies have addressed both salmon and non-salmon species.

With some exceptions, project performance has generally been good. Most study objectives have been met and study schedules have been followed. Data from these projects are being used to support in-season management of Federal subsistence fisheries, and to assess changes in regulatory management plans.

Capacity building as you probably remember continues to be a strong priority for our program. Rural and tribal organizations are serving as investigators. The program is supporting the hiring and training of local residents, and information from funded

projects is being provided through consultations, meetings and written reports.

And I should add that in the future PIs won't have the option of backing out. They will be here, because again they're -- they need to be responsive to the Regional Advisory Councils because you all are -- you know, their funding -- you all are the ones that are a position of determining which projects get funded or not, you know, at least initially, and then, of course, it goes to the Board. But I think it's important that PIs are responsive to the Regional Advisory Councils, and I will actively encourage them in the future to be here.

Over half of the projects that we've funded have tribal or rural organizations as investigators. Investigators include Tanana Chiefs Conference, Association of Village Council Presidents, this is again specifically for the Yukon, Council of Athabaskan Tribal Governments, and Alaska Intertribal Council. Tribes that have served as co-investigators include Hooper Bay Tribal Council, Emmonak Tribal Council, Native Village of Eagle, and Native Village of Circle, Tanana Tribal Council, Nulato Tribal Council, Kaltag Tribal Council, Arctic Village Tribal Council, and Native Village of Venetie. Rural residents are also involved in various projects as investigators, technicians and as project coordinators.

For the stock status and trends component, our program has played a major role in providing data for subsistence fisheries management in the Yukon, and our focus is on supporting the collection of technically sound fisheries data for Federal subsistence fisheries management.

Sustainable subsistence fisheries management requires key information, as you all know, and this includes accurate estimates of run size, which we're certainly working on, timing, spawning escapement, and age and sex composition of the stocks. Our stock status and trends program has supported the collection of data in all of these areas. For example, the FRMP, short for Fisheries Resource Monitoring Program, is supporting indexing salmon abundance with subsistence catches at Black River, test drift netting of salmon near Emmonak, and total run estimates of Yukon fall chum at Rampart.

In addition, eight salmon escapement projects have been funded throughout the Yukon.

Whitefish studies are being conducted in the Yukon Flats and Tetlin National Wildlife Refuge. Projects like the Tanana Conservation Outreach Program, with which you're familiar, Gerald, gives special emphasis and opportunity for local students to be involved with fisheries monitoring projects.

Funds are also being allocated for the development of genetic stock identification techniques, allowing for better identification of stocks intercepted in mixed stock fisheries.

In addition, several studies addressing concerns like the Ichthyophonus in Yukon chinook salmon and beaver/whitefish interactions have also been supported.

For the harvest monitoring and traditional ecological knowledge component of our program, we funded a bunch of really pretty diverse projects. A number of the projects have focused on subsistence fisheries harvest assessment, like the Grayling, Anvik, Shagluk, Holy Cross project that's about to start, the Koyukuk River project. But harvest assessment has not been limited to salmon, but rather is focused on all fisheries. In fact, it's actually tried to look at non-salmon species with the understanding that because there's increasing -- or because of decreasing runs of salmon, there's going to be potentially increasing pressure on non-salmon species.

In addition, a number of projects on the Yukon River are focused on the collection of traditional ecological knowledge, which has covered a variety of topics from local taxonomies and fish life history to traditional use areas and methods of harvesting and preservation to local perspectives on the relationship between the movement of whitefish populations and beaver dams.

I would invite Council members to refer to figure 1 on page 239, just to give you a real quick overview of what we're looking at for 2004. Figure 1 provides an overview of funding for the Fisheries Resource Monitoring Program from 2000 to 2004. In FY 2004 approximately $5 million will be available to fund new projects. Again, that's not $5 million specifically for the Yukon, but $5 million statewide. And that will be divided up across region and data type.

A total of 32 stock status and trends and 18 harvest monitoring and TEK projects were submitted for the Yukon River region for 2004. OF these, the Technical Review Committee recommended 14 stock status and trends and nine harvest monitoring and TEK projects for investigation plan development. The investigation plans and the Technical Review Committee recommendations will be presented to you guys in the fall at your fall meeting for your recommendations.

I would say that we -- for the Yukon alone, we received $12 million worth of proposals, and we're looking at probably about $700,000 that will be -- that's roughly the figure for the Yukon stock status and trends, and about 300 or 330 I think for harvest monitoring and TEK. So again it's a substantial amount of money, but it certainly isn't a substantial amount of money compared to the requests that we got. So we made the initial -- the Technical Review Committee made the initial cut, and then the final cut will be presented to you at your fall meeting so you can look at what the Technical Review Committee's come up with.

So, Mr. Chair, that's all I have with regard to the Fisheries Research Monitoring Program, unless you have any other questions.

CHAIRMAN NICHOLIA: Go ahead, Virg.

MR. UMPHENOUR: This Ichthyophonus effects, it says completed. Does that include the results of all the testing that was done this past summer?

MS. WHEELER: Mr. Chairman, Mr. Umphenour, my understanding is that that's the project that Dr. Cosan (ph) has been involved with, and it's -- the final report is currently under review is my understanding of that. But I can check tonight and make sure that I have that correct and get back with you tomorrow.

MR. UMPHENOUR: Thank you. I'd appreciate that, because it says at the bottom the final report is available from OSM.

MS. WHEELER: Well, obviously I don't have it. So I'll make -- and I -- it was my understanding that the final draft was actually under review. But I'll get back to you on that.

CHAIRMAN NICHOLIA: Is there any more questions? Yeah, I have a couple of them. You know that I worked with Dr. Cosan (ph), and, you know, he was willing to keep on working. I think he's doing a very good study on that Ichthyophonus, and I was just wondering why they're saying completed, when two years ago they said it's going to be like a 10, 15-year project to actually find out what's going on? Was this cutting him off politically motivated or was it in-house motivated to not fund this project any more?

MS. WHEELER: Mr. Chair, my understanding is that project was initially proposed as a two or a three-year project, and so it ended. And the goal right now is to coordinate -- the Joint Technical Committee of the Yukon Panel has half a million dollars for Ichthyophonus work, and so the idea is to now coordinate efforts. Again, remember that this program doesn't -- is trying real hard to not duplicate efforts, and to get the biggest bang out of every buck that we spend, and so between the AYK Sustainable Salmon Initiative, and the Joint Technical Committee work and this program, we're trying to get an actual strategic plan together for looking at Ichthyophonus, so there's in no way a recognition that the issue is not there. We all recognize that it's a critical issue, and that it needs to be addressed, but I think the focus is on trying to get a coordinated effort.

CHAIRMAN NICHOLIA: Do you know if this study is going to be continued on this Ichthyophonus? I wouldn't want to see Dr. Cosan's (ph) work duplicated again. I would like to see you guys continue to work with him, because I think he was doing a good job, and he did lay a good foundation down for you guys to follow. And I would just like to continue to see OSM and whoever else with OSM continue to work with him.

Go ahead, Virgil.

MR. UMPHENOUR: Yeah, just a follow up on that is when he left this past fall, I was under the impression that he would be back this year to continue working on this project. Do you know if he is or not?

MS. WHEELER: I don't know, but I'll -- again I'll double check on that and get back to you. It's my understanding that that part of the project is done, and there's not work planned for this summer, but I'm not 100 percent sure of that, so I will check and get

back to you, Virgil. Funded for our -- under our program. There may be other work funded under other programs, but I'll check and get back with you.

MR. UMPHENOUR: Thank you, Mr. Chair.

CHAIRMAN NICHOLIA: Any more questions for Polly? So go ahead.

MS. WHEELER: Mr. Chair, if I could beg your indulgence for a real quick overview of the Partners Program, and I promise I'll be real quick, because I don't know if any of the partners are still here. Okay. There's two of them. If I can just give you a real quick update on that.

Again, Beth Spangler is the coordinator of the Partners Program. She took over from Tom Kron who was running the program for a while, and the Partners for Fisheries Monitoring program again, just a reminder, is within the Office of Subsistence Management. The goal of the program is to place professional level fisheries biologists and social scientists in native organizations to get native and rural organizations more involved in Federal subsistence fisheries management, to build capacity at the local level.

The proposals were put before the Board last spring. They approved of six biologists positions, one social scientist -- and 1.2 or 1.3, something like that, social scientist positions. Most of the positions have been hired to date.

The Association of Village Council Presidents has hired two biologists, one for the Yukon, one for the Kuskokwim. Dave Waltemeyer who I understand is back here, he was just recently hired by AVCP to be the Yukon River biologist. And a person by the name of Erin Hebert was just hired to be the Kuskokwim River biologist. It's my understanding that she was just hired, and she's Canadian, and so she's stuck at the border now with some security issues I guess or something. Anyway, she hopefully will be on the Kuskokwim here shortly before the fish show up.

Tanana Chiefs has also hired a biologist, Kim Elkin. I think she's probably at the Board of Fisheries right now. I don't know. Maybe she'll show up tomorrow.

Council of Athabaskan Tribal Governments has hired Joe Shlusman who's in back there. You'll be seeing again Joe and Dave probably at many of these meetings. Dave Cannon has been hired by Kuskokwim Native Association.

Bristol Bay Native Association is currently recruiting. They had a person, and the person didn't work out, so they're actually currently recruiting right now.

And the Native Village of Eyak has hired Erika McCall who's a social scientist, and she serves the Southcentral Region.

The important thing to remember with these positions is that even -- that they are working for the native organization, but they're serving the region. And they're -- the goal is again to get people involved in fisheries management, to get these guys out on projects, to eventually have them submit project proposals that are developed by or caused out of concerns raised by folks in the region, so again they're working for like -- Erika McCall is working for Native Village of Eyak, but she serves Southcentral Region as a social scientist.

AVCP has also gotten some part-time social scientist positions, but they haven't been successful in fulling them yet. And I'm not sure how successful they're going to be at this point.

So again there's a poster over there that talks about the Fisheries Monitoring -- Partners for Fisheries Monitoring Program. And I encourage you to take a look at that. If you have any other questions again, I'm around and Beth Spangler who's the coordinator of that program, her contact information is on the poster.

So, Mr. Chair, that's all I have.

MS. WAGGONER: Real quick, Polly. The seven positions or seven contracts they made with these organizations, that's not fully -- that's not the program at 100 percent like it was originally planned, is it?

MS. WHEELER: No.

MS. WAGGONER: Are they going to go out

and work towards doing this -- getting all the positions statewide, or.....

MS. WHEELER: It's my understanding that they're in a holding pattern right now to review. Rather than going forward, to kind of review it. It's taken a while to get these positions up and running, to get the organizations up and running, to get the cooperative agreements in place, and I think there's a feeling that we kind of want to wait and see how the program operates, and make sure that there's some -- there's been some political issues that we've had to address, namely these position are not political positions. They're biologist level positions, and so, you know, giving testimony to the Board of Fisheries and that sort of thing is something that we need to steer clear of. So there's a sense that we want to make sure that this -- that the program, all the different intricacies and logistics of the program is up and running before there's going to be an additional -- RFP for additional positions.

CHAIRMAN NICHOLIA: Any more questions? Are you going to be here tomorrow?

MS. WHEELER: I can certainly be here if you'd like me to be, Mr. Chair.

CHAIRMAN NICHOLIA: We might have a few more questions for you tomorrow.

MS. WHEELER: I'll be here then, Mr. Chair.

CHAIRMAN NICHOLIA: Thank you. I think we'll recess until tomorrow morning. What time, Donald?

MR. MIKE: 8:30 unless you want to start earlier.

CHAIRMAN NICHOLIA: 8:30

MR. MIKE: 8:30?

UNIDENTIFIED VOICE: 9:00 o'clock.

CHAIRMAN NICHOLIA: No. The kitchen opens up at 8:00 o'clock. 9:00 o'clock.

MR. MIKE: Okay. 9:00 o'clock.

CHAIRMAN NICHOLIA: 9:00 tomorrow.

(PROCEEDINGS TO BE CONTINUED)

C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC do hereby certify:

THAT the foregoing pages numbered 02 through 138 contain a full, true and correct Transcript of the EASTERN INTERIOR FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, VOLUME I taken electronically by Nathaniel Hile on the 25th day of March 2003, beginning at the hour of 9:00 o'clock a.m. at Nenana, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 4th day of April 2003.

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Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 04/17/04