

1 FEDERAL SUBSISTENCE BOARD  
2  
3 PUBLIC REGULATORY MEETING  
4  
5 VOLUME II  
6  
7 COAST INTERNATIONAL INN  
8 ANCHORAGE, ALASKA  
9  
10 MAY 19, 2010  
11 8:30 o'clock a.m.  
12  
13 MEMBERS PRESENT:  
14  
15 Mike Fleagle, Chairman  
16  
17 Charlie Bunch, Bureau of Indian Affairs  
18 Julia Dougan, Bureau of Land Management  
19 Geoff Haskett, U.S. Fish and Wildlife Service  
20 Wini Kessler, U.S. Forest Service  
21 Sue Masica, National Park Service  
22  
23  
24  
25 Michael Bangs - Southeast RAC  
26 Judy Caminer - Southcentral RAC  
27 Molly Chythlook - Bristol Bay RAC  
28 Sue Entsminger - Eastern Interior RAC  
29 Weaver Ivanoff - Seward Peninsula RAC  
30 Jack Reakoff - Western Interior RAC  
31  
32  
33 Denby Lloyd, State of Alaska Representative  
34  
35 Keith Goltz, Solicitor's Office  
36  
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1 P R O C E E D I N G S

2  
3 (Anchorage, Alaska - 5/19/2010)

4  
5 (On record)

6  
7 CHAIRMAN FLEAGLE: Good morning.  
8 Federal Subsistence Board is back in session. Good  
9 morning, everyone. May 19, Anchorage. And we have  
10 first on the agenda this morning Subsistence Director  
11 for State Fish and Game report and then we'll go ahead  
12 back to the normal agenda and take testimony on non-  
13 consensus -- or I mean non-agenda items and consensus  
14 agenda. So with that, I'd like to turn it over to  
15 Craig Fleener, Director of Subsistence for Fish and  
16 Game.

17  
18 Good morning, Craig.

19  
20 Welcome.

21  
22 MR. FLEENER: Good morning, Mr. Chair.  
23 Thanks a lot. It's great to be here. It's almost like  
24 being back on the Regional Advisory Committee except  
25 normally I sat on the side, so it's good to see  
26 everybody. This will be a pretty short presentation.  
27 I've had a lot of people reminding of how I can go on,  
28 so I'll try not to do that too much. But the community  
29 harvest hunt was something that was thought up -- I'm  
30 not even sure how long ago now. At least ten years ago  
31 I think and the communities in the Yukon Flats were  
32 very concerned, very curious, very interested in  
33 working with the State Biologists who recognize their  
34 customary and traditional hunting and fishing patterns  
35 and so wanted to see what would happen if they asked  
36 the State or the Board of Game to try to come up with a  
37 plan that allowed them to practice their customary and  
38 traditional methods of hunting.

39  
40 And some of those methods include  
41 longer seasons or seasons that are not necessarily  
42 within the traditional State seasons but seasons that  
43 are more flexible, allowing for community hunters and  
44 those would be the typical hunters in the community who  
45 do the majority of the food harvesting, not focusing on  
46 one moose for every individual but allowing for  
47 multiple bag limits for an individual because that  
48 follows the traditional patterns.

49  
50 This is not necessarily something that

1 was customary and traditional, but it was one of the  
2 requirements and that is to use a hunt administrator  
3 and that person typically works in or for the tribal or  
4 tribal government and monitors the hunt over time,  
5 coordinates the hunt with the Department, ensures that  
6 all of the potential hunters or participants of the  
7 community hunt actually sign up. And so what happens  
8 if a community proposes a hunt and it's authorized by  
9 the Board, the hunt administrator is responsible to  
10 sign up everyone that wants to participate. So if you  
11 have a hundred people in the community that want to  
12 participate, the hunt administrator would need to go  
13 out and get those 100 people to sign up and then that  
14 person would actually collect their harvest tickets and  
15 so the hunt administrator would have a hundred harvest  
16 tickets in their hand and they would distribute those  
17 to the community hunters.

18

19                   So if you have 15 people in the  
20 community that do the majority of the hunting, you  
21 could take those 100 harvest tickets and distribute  
22 them to the community hunters and they could go and  
23 fill the bag limits for that. That was one of the real  
24 big advantages because that -- I think that's one of  
25 the things that communities wanted most in addition to  
26 the variable seasons or the flexible seasons that fit  
27 better with the -- I guess with the natural seasons in  
28 the community.

29

30                   Currently we have three community  
31 subsistence harvest/hunt areas that are recognized in  
32 the regulations and just in case anybody wants to jot  
33 them down, I have the numbers here. It's 5AAC92.072  
34 and .074. Those talk about the community subsistence  
35 harvest program. The three that we have currently are  
36 in Chalkyitsik and that's for moose, the Yukon Flats  
37 which is basically GMU 25D which is for black bears,  
38 and then in the AHTNA communities and I think it's in  
39 GMUs 13 primarily and part of 12 if I remember right  
40 and that's for moose and caribou.

41

42                   And when I just sat down, Tina actually  
43 asked me to discuss a little bit more about the AHTNA  
44 communities, so I'll do that at the end of this part of  
45 the presentation. But the process -- back to the  
46 process a little bit. A proposal was basically  
47 submitted to the Board of Game. Hopefully it's been  
48 discussed and worked with the -- worked through with  
49 the area biologist first to make sure that all of the  
50 details are hashed out and in the case of the AHTNA,

1 there was a very long discussion. There were a number  
2 of meetings and the AHTNA and the Board members and the  
3 Department Staff from Subsistence Division and Wildlife  
4 sat down and actually wrote the plan out together and  
5 it was a very complicated plan, but I think it -- in  
6 its first year, it did a pretty good job of meeting the  
7 community needs and avoiding a lot of controversy.

8  
9                   So a proposal was submitted to the  
10 Board of Game. The proposal must include a geographic  
11 description of the proposed hunt area and it must  
12 include species and the population to be harvested.  
13 Really important that you include verification of a  
14 custom of community-based harvest and sharing of the  
15 population and the reason that's so important is  
16 because that -- it is designed to be a community hunt.  
17 It's not designed to be an individual hunt or a group  
18 of buddies hunt. It's designed to be a community -- a  
19 recognized community of hunters that has a tradition  
20 that -- or that follows this sort of a tradition.

21  
22                   Also needing to be included are any  
23 other characteristics of harvest practices in the hunt  
24 area that would make it easy for the Board members to  
25 differentiate between this and any other normal type of  
26 hunting and of course the assignment of a hunt  
27 administrator. Once that is submitted to the Board,  
28 the Board deliberates and determines whether or not  
29 they will allow this sort of a hunt.

30  
31                   There are some restrictions that apply.  
32 Participants typically that participate in this can't  
33 hunt the same species with the same bag limit in other  
34 parts of the State. So it's not really a free-for-all  
35 where you can participate in this community hunt and  
36 then fly over across the State and get another moose or  
37 another caribou there, unless the bag limit in some  
38 other part of the State is higher, then they can  
39 participate.

40  
41                   And the -- I guess the other  
42 restriction that applies is that -- and this is a  
43 fairly serious one and one reason that we try to work  
44 very closely with the community hunt administrators is  
45 that if the hunt administrator fails in their reporting  
46 duties, they actually may not be reauthorized for  
47 another hunt. And so we haven't been to that point  
48 yet. We've had some struggles along the way to make  
49 sure that things are done right, that the paperwork is  
50 followed, that information is turned in in a timely

1 manner, but instead of going straight to your cutoff,  
2 we try to work with the community and I think that's  
3 been a much better way of building a good relationship  
4 with a community and recognizing their customary and  
5 traditional patterns and getting better data as well.

6  
7           One of the reasons this is a good  
8 project for the State on the State perspective is data  
9 and in a lot of the rural communities as you're very  
10 well aware, it's tough to get good harvest data and  
11 with this, if you have a good hunt administrator  
12 turning things in a timely manner, we actually get some  
13 pretty good data. So that's important.

14  
15           The AHTNA community hunt, I don't have  
16 much more to add here, but the AHTNA asked for and  
17 received a community quota on the caribou side anyways  
18 of 300 and that is an individual bag limit that's  
19 distributed to the communities involved and I won't  
20 read the community names because they're listed in the  
21 statute and you could look them up if you want to.

22  
23           But there are individual quotas that  
24 are given to each of the communities and there is a  
25 Tier I opportunity in the area. There is a community  
26 hunt. The Tier I opportunity is for 300. The  
27 community hunt is for 300. Then there's actually an  
28 additional drawing opportunity for others that are not  
29 successful in the Tier I and that are not part of the  
30 community to actually participate in the hunt as well.  
31 But there's a special requirement for that hunt and  
32 that is that the individuals that participate in it  
33 actually have to share a portion of their take with the  
34 community.

35  
36           And surprisingly when I first heard  
37 that this was being put in process, I thought it was  
38 crazy, but it turns out that there were a lot of people  
39 who applied for and received these special drawing  
40 permits and they were actually pretty happy about it.  
41 They were happy to get a caribou. They were happy to  
42 go hunting. A lot of them had not been able to hunt in  
43 this area anyways because it was locked up for so many  
44 years through the Tier II process. And they actually  
45 didn't mind sharing and that is a very important  
46 component here, especially to the AHTNA, to the entire  
47 community harvest program is sharing, and so I think  
48 that worked out remarkably well.

49  
50           And of course the most important thing

1 for the AHTNA from their perspective is that their  
2 communities get food, that communities get meat, and so  
3 this -- initially you would think that this additional  
4 opportunity would remove some opportunity for meat for  
5 the communities, but it actually didn't. It increased  
6 the amount of meat in the community because -- in the  
7 communities I should say because of those folks who had  
8 to share back with the communities.. So I think it  
9 worked out fairly well.

10

11 And I think that's enough for now. I  
12 think that's a pretty tight wrap-up and well within my  
13 time limits.

14

15 (Laughter)

16

17 CHAIRMAN FLEAGLE: Thank you, Craig.  
18 Appreciate that. I remember being on the Board of Game  
19 when we did the first one and that was in 2000 for  
20 Chalkyitsik and it was a pretty innovative idea to try  
21 to help the people in the local area maintain their  
22 prior practices and -- but I remember one problem that  
23 we ran into or one potential problem was with the  
24 State's law and the McDowell decision that you can't  
25 discriminate based on residency.

26

27 And I don't recall -- I'm pretty sure  
28 that an original hunt was set up to where anybody that  
29 wanted to apply to participate in the community harvest  
30 quote for Chalkyitsik could, but the way it was set up  
31 not many wanted to I guess was the -- is that how it's  
32 kind of set up with this.....

33

34 MR. FLEENER: Yes, Mr. Chair. Thank  
35 you for the question. That's exactly right. Anybody  
36 that wants to can sign up. So you -- typically there  
37 is still a boundary identified and so they -- for the  
38 most part, they wanted to be for their community, so  
39 they set up their community as the boundary, but other  
40 people can sign up. It's an open sign-up, but you're  
41 exactly right. A lot of folks just don't want to be  
42 part of that community.

43

44 In addition to that, not everybody in  
45 the community is forced to participate. I guess this  
46 is an important point that I left out, but if I lived  
47 in Chalkyitsik, I didn't necessarily have to sign up  
48 for the community hunt. I could go out and get my own  
49 moose. But if I did sign up for the community hunt, my  
50 harvest ticket would go into the pot with everyone

1 else's and then they would be distributed to the  
2 community hunters.

3  
4 CHAIRMAN FLEAGLE: Is there any harvest  
5 report data that shows that the success rate has  
6 improved or stayed the same or has it changed at all  
7 for the community? I'm talking Chalkyitsik because  
8 it's been going for ten years. I know these other ones  
9 are fairly new, but has it altered the harvest data?  
10

11 MR. FLEENER: Well, I don't have the  
12 answer for that question right off the top of my head  
13 and being from Fort Yukon and working for the Council  
14 of Athabascan Tribal Governments for so many years, I  
15 was actually tracking harvest levels in all of the  
16 communities in Yukon Flats and I actually noticed some  
17 very interesting trends that I don't think were really  
18 associated with the community harvest program. I  
19 actually noticed a trend -- actually the most startling  
20 trend I noticed is when they got satellite TV and it's  
21 very interesting and weird, but I don't think that  
22 there were any major differences as far as the number  
23 of moose harvested or the number of black bear, for  
24 example, in the Yukon Flats, but certainly the  
25 reporting got better because there was a hunt  
26 administrator and it was kind of a third party doing  
27 the reporting, so it was -- it wasn't quite so personal  
28 with the hunters themselves.

29  
30 So for a while, at least while I was up  
31 there, the reporting got better, but I'm sorry to say  
32 that I don't have the data to give you a definitive  
33 answer right now.

34  
35 CHAIRMAN FLEAGLE: That's fine.  
36 Thanks. I appreciate the responses. Other questions,  
37 Board members. Council members. Judy.

38  
39 MS. CAMINER: Thanks. Craig, one of  
40 the concerns Southcentral Council had when we were  
41 discussing the proposal that was just withdrawn  
42 yesterday, which would have been a Federal hunt for  
43 Federally-qualified subsistence users in Cantwell and  
44 people were worried that that would impact their  
45 community harvest, so could you comment on that,  
46 please.

47  
48 MR. FLEENER: Well, I don't know if I'm  
49 entirely prepared. Maybe I can give a little bit of  
50 comment and ask Tina to give me some backup if

1 necessary, but I think if I remember right what would  
2 happen is that because of the quota that's currently  
3 established, if there was another hunt that was set up,  
4 it would have a negative impact because the overall  
5 quota would be impacted. So if the total number of 300  
6 is the amount that's allowed to be harvested and there  
7 is some of that coming from another hunt, it reduces  
8 the quota for those -- it doesn't reduce the quota, but  
9 it reduces the availability for those communities. Is  
10 that -- yeah. So that -- I think that's the answer to  
11 your question.

12

13 MS. CAMINER: Okay. So that -- and  
14 that would not matter on land status or anything?

15

16 MR. FLEENER: It's totally based on the  
17 number 300, the 300 animals that are allowed which it  
18 doesn't matter if you take them with the Federal hunt  
19 or a State hunt. The total allowed is 300. So if 50  
20 are taken on the Federal side or a hundred or 200, that  
21 would reduce the amount available on the other side.

22

23 CHAIRMAN FLEAGLE: So you mentioned  
24 300. Is that the total number? I think you'd said 300  
25 twice, so is it 600 that the communities.....

26

27 MR. FLEENER: Mr. Chair, there's 300  
28 for the community harvest and 300 for the Tier I hunt,  
29 the draw, yes.

30

31 CHAIRMAN FLEAGLE: Have Jack and then  
32 Sue.

33

34 MR. REAKOFF: I've heard many community  
35 bag limit scenarios and I like this scenario because  
36 what my main problem was there would be community --  
37 just a blanket community bag limit would -- there would  
38 be haves and have-nots. There are certain factions in  
39 communities. I like this plan because people can  
40 choose to join the pool and others can choose to hunt  
41 on their own. And so I think I like certain aspects of  
42 that and we should talk about that at our next Council  
43 meeting.

44

45 Thank you.

46

47 CHAIRMAN FLEAGLE: Sue.

48

49 MS. ENTSMINGER: Thank you, Mr. Chair.  
50 Craig, the boundary around the communities, I don't



1 think I have that straight in my mind. So if you were  
2 a person outside that boundary and you wanted to share  
3 in that community harvest, how can you do that.

4

5 MR. FLEENER: Let me take a look at my  
6 little regulation book here real quick. I think it's  
7 actually set up to where you go and sign up. You go to  
8 the hunt administrator and sign up. I don't have the  
9 plan sitting in front of me, so I can't read it  
10 directly, but that was the original intent. You go to  
11 the hunt administrator, you say I want to participate  
12 in this hunt, and you sign up.

13

14 MS. ENTSMINGER: Could they then say  
15 no, you're not in our boundary?

16

17 MR. FLEENER: No, I don't think.....

18

19 MS. ENTSMINGER: And say no, you can't  
20 participate in our community hunt?

21

22 MR. FLEENER: I don't think that they  
23 can say that.

24

25 MS. ENTSMINGER: Okay. And then the  
26 other question I have is the -- if you just hunted  
27 under the regular harvest ticket, the State harvest  
28 ticket, are you -- still have to share your meat?

29

30 MR. FLEENER: If you're hunting under  
31 the regular harvest ticket not part of the community  
32 hunt, no, because you're hunting on your own. You're  
33 taking your own chances in the drawing and if you get  
34 drawn, you get to do whatever you want with that. The  
35 only -- there are only two examples of sharing as a  
36 requirement and that is the community harvest program  
37 for the 300 and the -- there was that secondary Court-  
38 ordered drawing hunt for those who did not get a Tier I  
39 and who are not part of the community hunt. They had a  
40 sharing requirement of half of their caribou.

41

42 But if you're just a State resident who  
43 has a normal harvest ticket on your own, you're  
44 actually not part of this and so you're not required to  
45 do that. But if you are someone -- one of the reasons  
46 that a lot of people won't sign up for these is because  
47 the bag limit is small and if you participate in this,  
48 you can't go anywhere else in the State and hunt for a  
49 similar size bag limit.

50

1 CHAIRMAN FLEAGLE: Craig, if I remember  
2 right too on that Chalkyitsik hunt at least, there were  
3 different salvage requirements that -- for different  
4 parts of the animal that were for that community hunt  
5 that didn't apply to the average hunter; is that  
6 correct?

7  
8 MR. FLEENER: Yes, Mr. Chair. That is  
9 correct, but I can't remember the specifics.

10  
11 CHAIRMAN FLEAGLE: Yeah. There are  
12 several hunts that the State managers have done where  
13 -- different salvage hunts and one that comes right to  
14 mind is the -- there was a subsistence hunt on the  
15 Koyukuk River that opened five days prior to the  
16 general hunt and this is before all the -- it was  
17 sectioned off into all the draws and everything, but it  
18 was a registration subsistence hunt and the antler had  
19 to be cut and the head had to be salvaged as well as  
20 some internal organs I believe -- stomach, yeah, I  
21 think so, but -- it just kind of helps to regulate the  
22 participation I think. Anyway, interesting.

23  
24 Any other questions.

25  
26 (No comments)

27  
28 CHAIRMAN FLEAGLE: Thank you, Craig.

29  
30 MR. FLEENER: Thank you, Mr. Chair.

31  
32 CHAIRMAN FLEAGLE: Appreciate the  
33 report.

34  
35 MR. FLEENER: Thanks.

36  
37 CHAIRMAN FLEAGLE: All right. We are  
38 back to public comment period for non-agenda items and  
39 once again if you would like to comment on non-agenda  
40 items or on the consensus agenda or on specific  
41 proposals, you need to fill out a green card available  
42 in the lobby and indicate what you would like to  
43 testify on. And if you have materials that are  
44 pertinent to your testimony or that you want  
45 distributed to the Board, you should provide 30 copies  
46 to the Staff persons at the OSM contact table in the  
47 lobby and they will log in that document and distribute  
48 it so that it becomes a part of the administrative  
49 record.

50

1                   We ask that everybody refrain from  
2 passing materials out directly to Board members and I  
3 have not had -- felt the need to impose time  
4 restrictions on any of the testimony and I appreciate  
5 everybody honoring a reasonable amount of time. It's  
6 working out fairly well at this meeting. And with  
7 that, do we have any testimony for non-agenda items.  
8 Pete.

9

10                   MR. PROBASCO: Mr. Chair, we have two  
11 people that would like to testify, one individual on  
12 non-agenda and another individual due to time  
13 constraints on a proposal that will probably be taken  
14 up either later today or tomorrow, so.....

15

16                   CHAIRMAN FLEAGLE: Okay.

17

18                   MR. PROBASCO: The first -- for a non-  
19 agenda item, testifier is Mr. Kookesh.

20

21                   CHAIRMAN FLEAGLE: Floyd Kookesh. Good  
22 morning.

23

24                   MR. KOOKESH: Good morning, Mr.  
25 Chairman. Board. Yesterday I did a brief introduction  
26 on myself and this morning, I'll do a little more  
27 official one. My name is Floyd Kookesh. I'm the  
28 Subsistence Coordinator for Central Council Tlingit and  
29 Haida Indian Tribes of Alaska which is a tribal  
30 government that represents over 27,000 Tlingit and  
31 Haida Indians worldwide. The tribe is a sovereign  
32 entity and has a government to government relationship  
33 with the United States and other tribes.

34

35                   I'm also a member of the Federal  
36 Subsistence Regional Advisory Council. I've been a  
37 member since September 1999, over ten years. In all of  
38 my years of service to the Federal Subsistence Board,  
39 this is actually my first Federal Subsistence Board  
40 meeting.

41

42                   Yesterday, Mr. Pappas -- my good  
43 friend, Mr. George Pappas, asked me -- talked to me  
44 like I'd been here to your meetings many times. But  
45 actually this is my first meeting. So I didn't know  
46 what to expect. Now I know, so -- and I'm here at the  
47 expense of Central Council by the way.

48

49                   It's safe to say that we have all hope  
50 now that the Federal review of subsistence would be at

1 a more advanced stage of resolution and acceptance by  
2 the Native community than where we are today. It's  
3 from this perspective, we are certainly looking forward  
4 to being part of the process as we work toward  
5 improving subsistence for those who are truly dependent  
6 upon it.

7  
8 I believe we have issues under the  
9 Federal review that are brought on because of the lack  
10 of transparency by the Agencies and hope at the end of  
11 this review that maybe this come more to light.  
12 Central Council has submitted two documents under the  
13 Federal review. The first one was done November 19th  
14 and the second one was done December 30th. I believe  
15 the second one we called it the addendum. And our  
16 comments were certainly brought out. They certainly  
17 address a lot of issues that we are dealing with here  
18 today.

19  
20 The relationship and responsibility  
21 that you have with Federal oversight is very important  
22 and decisions that you make have the ability to impact  
23 our way of life and I am certain you do not take that  
24 responsibility lightly. At Central Council, we take  
25 that very seriously because you do have an impact on  
26 our way of life and is our customary and traditional  
27 way of life.

28  
29 Ever since ANILCA passed, we feel we  
30 have become targets by the urban residents because of  
31 the rural-urban divide that has been put in place.  
32 It's like our way of life is being hunted down by the  
33 State of Alaska which is something we do not take very  
34 lightly.

35  
36 It is our hope that the fight for our  
37 customary and traditional way of life would end with  
38 this generation and that our children would not have to  
39 be dealing with it. As long as we allow the State of  
40 Alaska to continue to come to the table as many times  
41 as they can, we'll never be able to resolve the issue  
42 of subsistence.

43  
44 We in the Native community consider  
45 ANILCA Federal law, public law, and that it is your  
46 responsibility to uphold that law -- to uphold it and  
47 enforce it. As ANILCA Title VIII is the law of the  
48 land, it supersedes State management.

49  
50 After Secretary Salazar made the

1 announcement that subsistence was broken, I was at a  
2 meeting with two USDA land managers and when I asked  
3 the question did they feel subsistence was broken, we  
4 were shocked at the response that we got which was no.  
5 I've been working with this one staffer for years and  
6 for that response to have come out is amazing. I'm  
7 shocked the Federal staffer has not heard and listened  
8 to what the Alaskan Natives, what the rural users, the  
9 Native organizations and entities have been voicing  
10 about the erosion, the lack of deference, the heavy-  
11 handed law enforcement, the citations, overburdensome,  
12 cumbersome regulations, confusing dual management,  
13 State of Alaska advocating against proposals that would  
14 benefit users, how can you not get that?

15

16                   It has to be somebody just missing it.  
17 To me, it was like watching a State person and then a  
18 Federal person and a State person and my mind was just  
19 flashing. And I have to tell you personally -- and  
20 fortunately I'm good about this. Personally I have to  
21 tell you that I feel like getting up and kicking the  
22 chair and just throwing it across the table and just --  
23 that's how much this really bothers us in the Native  
24 community.

25

26                   We're trying to work with the system we  
27 have. This is your laws. This is your regulations.  
28 This is -- I mean you've taken this country. There's  
29 no doubt about it when they said you're the invasive  
30 species more than the plants. And we're trying to work  
31 with this system. What bothers me is here is this  
32 person who is on our team trying to make the  
33 subsistence issue work for the rural communities. The  
34 way the Staff person took the word broken and twisted  
35 it to me was amazing. It was like looking at an  
36 attorney. Of course someone else's attorney who is  
37 working against us.

38

39                   We would expect at the Federal  
40 Subsistence Program Staff would be upholding ANILCA,  
41 Title VIII. Hopefully in this Federal review the issue  
42 of Staff disconnect gets resolved and it is our desire  
43 to be at the table to make sure the issue does get  
44 addressed because until that happens, subsistence will  
45 never be resolved.

46

47                   There are many glaring indications that  
48 the system is broken and when we all start  
49 acknowledging it, then we can all work on doing a  
50 better job of upholding Title VIII of ANILCA. The

1 State of Alaska, the Federal Government all need to  
2 work more closely with the Native community and  
3 everyone else or we will all lose.

4

5 A while back I participated in a USDA  
6 National Planning Rule meeting which was held in Juneau  
7 and during the discussion, salmon was brought up, about  
8 its importance to subsistence and commercial. I was --  
9 I happened to have been there and I was fortunate to  
10 have been -- to have heard a comment given to me before  
11 that I brought up as a point which was that the salmon  
12 that we were talking about are fish that are born in  
13 Federal waters which are located on Federal land. The  
14 birth certificates for these fish are on Federal waters  
15 and on Federal land; that they migrate through State  
16 waters and back into Federal waters where they mature  
17 and after they mature, they return back into State  
18 waters where they are harvested. So these are  
19 definitely Federal fish; that when it comes to a  
20 national plan, they needed to include the Federal  
21 Government and the State of Alaska working a lot more  
22 closely to manage the fishery as it is apparent where  
23 the fish are born the State of Alaska are not the  
24 owners of the resource, but they are just the  
25 interceptors.

26

27 And if they are managing it, they are  
28 doing a very poor job. For example, around the  
29 community of Angoon where I am from, we have been on  
30 voluntary subsistence salmon closure since 2002.  
31 Voluntary. This is the issue that we're talking about  
32 is the one where it covers my brother Albert. I don't  
33 know, a lot of you know my brother Albert, Senator  
34 Kookesh, in which he was cited for having 15 fish. The  
35 15 fish that he was allowed to get for his -- per  
36 household while at the same time in the marine waters  
37 off of the shores of Angoon, the commercial fisheries  
38 was allowed to take as much as they can without any  
39 citations being issued.

40

41 So this points to the fact that State  
42 management has been very minimal in our community and  
43 we're bothered by that. The voluntary closure is not  
44 going away. We can act like it doesn't exist, that  
45 everything is fine, but that's not the case.

46

47 On the issue of ETJ which is an issue  
48 we've been dealing with in Southeast in the Native  
49 community -- ETJ's extraterritorial jurisdiction of  
50 marine waters. May 10th, Kootznookoo petitioned the

1 Secretary of Agriculture and the Alaska Regional  
2 Forester to start managing waters claimed by the State  
3 of Alaska around Angoon because proposals to the State  
4 of Alaska were being dismissed. Kootznoohoo and the  
5 community of Angoon had exhausted their administrative  
6 appeals and had no choice but to go down this route.

7  
8 The petition focused on the economic  
9 interest of Kootznoohoo who is the village corporation  
10 for Angoon. Kootznoohoo shareholders in addition to  
11 having Title VIII rights and subsistence also have  
12 Title V rights and ANILCA which include rights and  
13 property and quiet enjoyment of rich resources, waters,  
14 and lands in the tidal zones. Their petition addressed  
15 both sets of rights which are inextricably connected.  
16 Their petition also shows how marine waters, tidelands,  
17 and uplands are also inextricably connected.

18  
19 Federal Subsistence Board must  
20 acknowledge that as time passes more of these petitions  
21 will come forward as the challenges of management go  
22 unaddressed. We want to thank Federal Staff from USDA  
23 for assisting us in this process. We feel that we did  
24 not get enough administrative support from Federal  
25 Staff and the USDA that we should have gotten, but we  
26 made the best of it and allowed this petition to move  
27 forward.

28  
29 Not long ago, I received personally a  
30 letter of reprimand from the Honorable Federal  
31 Subsistence Board Chairman. I never in my life  
32 expected that this would happen, but in light of the  
33 Federal review that subsistence is broken, I should  
34 have known this can happen and it is important that I  
35 respond to that here in public. I don't know how  
36 privileged you have been to the document, but I  
37 certainly want to bring the issue up because it is  
38 important.

39  
40 I have been a member of the Southeast  
41 Regional Advisory Council since September 1999. The  
42 letter I got said I was -- I've been on since 2002. I  
43 was appointed by Secretary of Interior Bruce Babbitt  
44 and every Secretary since. I have two more years  
45 remaining on my term, 12 years. I don't know if I've  
46 seen a lot, but I've certainly done a lot.

47  
48 Like I said, I've been a volunteer for  
49 over ten years and have at least two years remaining.  
50 I have given of myself to work to provide a solution to

1 the issue that many of us facing daily in the rural  
2 areas. I learned to live with the 80 percent advanced  
3 per diem and to work for free. I've had to have --  
4 I've had to leave my family for four to five days two  
5 times a day in the last ten years. I've had to use  
6 personal earned annual leave to attend meetings. I've  
7 had to use my own personal material because nothing is  
8 provided by the Federal Subsistence Board to me. Had  
9 to use my own computers to access your emails. I  
10 haven't had any training; if any, very minimal and for  
11 very short periods of time.

12  
13 A good example is handing us a small  
14 book on Robert's Rules of Order and telling us to read  
15 it. That's the kind of training we received in the  
16 Federal Subsistence Regional Advisory Program. And  
17 then to be reprimanded for my work.

18  
19 I'm very disappointed in the uncalled  
20 for reprimand because it makes the assumption that  
21 we're only working on subsistence four to five days two  
22 times a year. Even when I was not a paid employee, I  
23 worked on subsistence and I resent the remark that I  
24 missed a few hours of a three-day meeting, especially  
25 since subsistence is 24/7. Subsistence is not 8:00 to  
26 4:30 and then you go home. Maybe Federal Staff/State  
27 Staff do that, but not when it's your livelihood and  
28 your way of life.

29  
30 We've had meetings till 7:00 p.m. and  
31 why does nobody say anything about that. What it boils  
32 down to is hateful treatment of a public servant.

33  
34 My reason for bringing up this letter  
35 of reprimand and the volunteer service is because we  
36 are volunteers and to be pressured in to feeling you  
37 are subject to a reprimand for your unpaid service is  
38 not what we in the Federal system should be sending as  
39 a message to those we value the most which is  
40 volunteerism in the United States.

41  
42 I'm a public service. There's no doubt  
43 about that. My knowledge and skills in the area of  
44 subsistence is shared openly. My work has always been  
45 for the common good. I've always worked with a team to  
46 accomplish goals. We always know that in this process  
47 we don't always agree. It was never always my way or  
48 the highway even though I wanted it to be like that.  
49 I've always been resourceful with my time. I believe  
50 in doubling up my time and money so we can extend our



1 message.

2

3

4 My friends and family community can  
5 testify to my selfless service. I have the utmost  
6 respect for other RAC members in the State as I know  
7 they are also making the same sacrifices and all I ask  
8 is you have the same level of respect for all of us and  
9 the family sacrifices made for the people of Alaska.  
10 As volunteers, we need to be encouraged and not  
11 discouraged. Hopefully we never get to the part of  
12 where we start firing the volunteers.

12

13

14 As I stated yesterday, this is my first  
15 meeting. I did my presentation way before I got here,  
16 but I do have other comments. I'd like to go back and  
17 talk to WP21. I know that's behind us right now. In  
18 my presentation, which I put aside yesterday, I knew  
19 and I had written that I knew that WP21 was going to go  
20 down in defeat. I just knew that, that this wasn't  
21 going to pass. I know I'm dealing with a system like  
22 my brother Albert said. I mean he says I'm in State  
23 court. I'm dealing with a State citation, you know,  
24 and State system. What chance do you think I have.  
25 That's what my brother Albert says. He knows he  
26 doesn't have a chance.

26

27

28 I know that in the system on WP21 that  
29 no one won. I know that normally it's about winning  
30 and losing, but I don't believe that anyone won. I  
31 talked to Barry yesterday after the vote and told  
32 Barry, Barry, the difference between the Juneau non- --  
33 non-Native and the Hoonah Indian as this is a -- this  
34 is a -- a community that is truly dependent upon the  
35 resource. They grew up with that as their way of life.

35

36

37

38 The non-Native community, they can go  
39 to Costco. Probably a better buy -- go to Costco.  
40 They can go to those stores, but when you grew up like  
41 this and you watch yourself getting regulated away, you  
42 know it's not easy and I do know that when I attended  
43 the meeting, it was over -- I was the only Native there  
44 at the Juneau Douglas AC and I know that it doesn't  
45 bother me to go to someone else's office to meet with  
46 them because I'm of the opinion that I'd like you to  
47 have your comfort zone because that element is good for  
48 you and I want us to see us work on resolving the  
49 issues.

49

50

And when I came up and talked about

1 this mob mentality, I got that from a phone call I  
2 received the day after the meeting from the Chairman of  
3 the Juneau AC apologizing for the hostile environment  
4 that was shown at this meeting toward us. Barry was in  
5 his own element, so he can't see it.

6  
7 CHAIRMAN FLEAGLE: Floyd, I've  
8 been.....

9  
10 MR. KOOKESH: Sure. I'd like to finish  
11 because this is.....

12  
13 CHAIRMAN FLEAGLE: Can you wrap it up  
14 in one minute, please.

15  
16 MR. KOOKESH: Sure.

17  
18 CHAIRMAN FLEAGLE: Okay. Thank you.

19  
20 MR. KOOKESH: I did time this, but I  
21 did also listen to you yesterday where you said that  
22 we're not going to have a time constraint and so.....

23  
24 CHAIRMAN FLEAGLE: Right. But I also  
25 asked the testifiers to respect.....

26  
27 MR. KOOKESH: Yeah.

28  
29 CHAIRMAN FLEAGLE: .....the timeline of  
30 the process. Thank you.

31  
32 MR. KOOKESH: Well, you know, Mr.  
33 Chairman, 10 years I've been on the -- I've been part  
34 of this process. I finally get an opportunity to speak  
35 to you. We spent almost \$2,000 to come up here to pay  
36 our respects to the -- to the Federal system and to  
37 voice our -- to voice our concerns.

38  
39 CHAIRMAN FLEAGLE: I understand, Floyd.  
40 Thank you.

41  
42 MR. KOOKESH: Okay. Okay. One of the  
43 things I'd like to say is that I respect -- I'll -- few  
44 more minutes -- I respect the gentleman that came up  
45 yesterday and talked about the need for the -- for the  
46 ACs and the RACs to start getting together to help work  
47 on resolving subsistence because as long as we're not  
48 working together, we're never going to resolve this --  
49 this issue. We're always going to have our  
50 differences. We need to start working more closely

1 with the law of the land which is ANILCA, Title VIII.

2

3 In closing, this was a comment that I  
4 received from a document that was written by the  
5 Southeast Hoonah Tribal and I'd like to use this. It  
6 says imagine being born Tlingit, Haida, or Tsimshian  
7 and the State of Alaska, Federal Government, and the  
8 residents of Alaska recognize as our traditional way of  
9 life subsistence, our foods and we don't need  
10 permission to get food, our food. That is what we want  
11 and that is what we should be working towards.

12

13 Thank you.

14

15 Questions.

16

17 CHAIRMAN FLEAGLE: Thank you.  
18 Appreciate your comments. Questions, Board members.

19

20 (No comments)

21

22 CHAIRMAN FLEAGLE: Thank you. Pete.

23

24 MR. PROBASCO: Thank you, Mr. Chair.  
25 Our next testifier is Mr. Wade Willis.

26

27 CHAIRMAN FLEAGLE: Mr. Willis.

28

29 MR. WILLIS: Thank you. I appreciate  
30 the opportunity to speak to you again. My name is Wade  
31 Willis. I am a resident of Anchorage. I am an avid  
32 hunter in the State and at present I'm an urban hunter  
33 and I'd like to speak to you today about the Chisana  
34 C&T determination you're probably going to debate.

35

36 I just went through the Fairbanks Board  
37 of Game meeting on the Chisana Caribou C&T  
38 determination and I found that to be quite interesting  
39 and quite a bit disturbing for me as well. The State  
40 is trying to petition the Federal Subsistence Board to  
41 adopt the standards that the State uses for C&T and ANS  
42 and I find those to be rather discriminating and not  
43 effective at meeting the goals of what we're trying to  
44 do which is sustain the language of our rural and  
45 Native culture.

46

47 The language of the culture is fish and  
48 game. Money is not the language of the Native culture.  
49 Hunting and fishing every day, preparing for it, going  
50 to their traditional areas, connecting to their roots

1 is the language of our State and that is the State that  
2 I moved to in the mid 1980s and that I want to live in  
3 and that I think we can accomplish.

4  
5 In the Chisana Caribou debate, there's  
6 quite a bit of hoo and hawing going on that there was  
7 no written record from an oral culture stating that the  
8 Chisana Herd had been harvested and I thought to  
9 myself, you know, what game wasn't C&T before white man  
10 came and why is an oral culture forced to try to prove  
11 that they hunted an animal. Why shouldn't it be the  
12 other way around. Why doesn't the State come out and  
13 say, since we're going to use the written word and the  
14 written word is our word, why don't we use our written  
15 word to prove that you did not hunt and fish these  
16 areas.

17  
18 It's exactly opposite of what it should  
19 be. The Native culture should not be trying to prove  
20 that they hunted it at all. In the Chisana area, there  
21 used to be villages and clans that lived around that  
22 Chisana Herd. They moved to Northway when the times  
23 changed so their children could get an education and so  
24 they could start trying to survive in the new world  
25 that they were involved in.

26  
27 Well, from the State's point of view,  
28 it seemed that they felt that those Native people lost  
29 their rights to that Chisana Herd because they had  
30 moved to Northway. They weren't in the Valley where  
31 Chisana Caribou live now, so thus they're not in the  
32 geographic area that you heard so much about yesterday.  
33 And I find that to be very unfortunate and I think that  
34 a culture should be able to return to its traditional  
35 hunting grounds when the opportunity presents itself in  
36 the new age that we live in now. I mean Northway  
37 residents can access Chisana a lot easier than they  
38 could back when it was just dog sleds.

39  
40 So I encourage the Federal Subsistence  
41 Board to take a hard look at prioritizing that Chisana  
42 Herd because obviously the State doesn't feel it's an  
43 important resource. Matter of fact, they went so far  
44 -- the Board of Game went so far as to say that, by  
45 golly, if you guys open up a hunt, you dang sure better  
46 give them 50 percent of the harvest. A measly four to  
47 six caribou is what they estimate might be there and  
48 the Board of Game dang sure wants 50 percent of that.  
49 It's really startling. To open it up to things like  
50 commercial hunting even, you know, it's really

1 startling.

2

3                   So I encourage the Federal Subsistence  
4 Board to say, well, if the State doesn't prioritize  
5 this resource for the residents of Alaska, the Federal  
6 Subsistence Board certainly will --certainly -- and  
7 especially since it's on Federal land. So I really  
8 hope that the Federal Subsistence Board will take a  
9 hard look and maybe read or listen to the audio of  
10 Board of Game deliberations. They also couldn't seem  
11 to address customary and traditional use of sheep at  
12 the Fairbanks meeting for tribes along the Alaska  
13 range.

14

15                   They also have this funny thing that if  
16 you're not harvesting at least a hundred moose in an  
17 area or a hundred caribou, it doesn't qualify for C&T  
18 and ANS, that if you're only harvesting 99 or 98, then  
19 you're insignificant and not important. You're not a  
20 big enough player for us to grant you any kind of  
21 subsistence priority.

22

23                   So I think you'll find the real meat of  
24 the State's position by listening to the Board of Game  
25 and those audio records are available through Board  
26 support and I highly recommend you take the opportunity  
27 in your downtime to listen to those deliberations and  
28 see what the State says when it's sitting around the  
29 table of the Board of Game and that the Federal  
30 Subsistence Board work diligently and hard to maintain  
31 the language of our rural life in Alaska and that is  
32 the ability to spend all your time revolving around  
33 harvesting of game. That's the only way our rural  
34 community's going to survive.

35

36                   Thank you.

37

38                   CHAIRMAN FLEAGLE: Thank you, Wade.  
39 Appreciate the comments. Would you go ahead and turn  
40 the mic off, please. Questions, Board members. Thank  
41 you. Oh, Jack. Hang on, Wade. Jack's got a question  
42 for you.

43

44                   MR. REAKOFF: So I heard part of Board  
45 of Game meeting on the Internet. I heard many times  
46 them suppressing ANS amounts during that meeting --  
47 this last March meeting and how many times would you  
48 estimate they reduced or did not increase ANS amounts  
49 since you sat through that whole meeting?

50

1 MR. WILLIS: Well, two come to mind  
2 very strongly that I can remember.

3  
4 MR. REAKOFF: What I was very concerned  
5 with as I stated yesterday was the huge expansion of  
6 hunting opportunity for nonresidents on the North  
7 Slope, yet the Board did not direct Mr. Fleener and the  
8 Subsistence Division to analyze the amounts necessary  
9 for subsistence, the villages, communities that utilize  
10 the Central Herd. And so this is an issue at the Board  
11 of Game process that the Central Arctic Herd has 250 to  
12 450 caribou is the subsistence amount. I estimate that  
13 there's at least 1,500 to 2,500 caribou that are  
14 utilized by people of the Central Brooks Range and  
15 North Slope from that herd, and so Mr. Willis brings up  
16 a very important point of the Board of Game process  
17 that the ANS amounts are being suppressed on sheep.

18  
19 In Unit 19C, there was a proposal for  
20 subsistence hunt for -- under State regulations. That  
21 proposal failed. The ANS amounts that were reviewed  
22 were pushed down even by the numbers that the  
23 Subsistence Division brought up. This is a very  
24 concerning issue of mine and so Mr. Willis brings this  
25 up and so I thought I would again reiterate that.

26  
27 Thank you.

28  
29 MR. WILLIS: And I'd like to add on  
30 that that it seems the C&T and the ANS that are most  
31 abused are the ones that are important to the  
32 commercial guiding industry. Look in -- look at the  
33 record on where they've taken and found C&T, for  
34 instance, sheep, the most profitable animal for the  
35 guiding industry, and you'll see that most of them are  
36 negative and most of them are areas where the trophy  
37 sheep in Alaska can be found and those -- in other  
38 areas, they won't even address C&T for those animals.

39  
40 And yesterday, you heard a lot about  
41 what happened up in Nome regarding moose ANS request.  
42 That was a startling set of testimony that I highly  
43 recommend you listen to as well and that testimony is  
44 available and I can agree 100 percent with the  
45 testimony you heard yesterday regarding that ANS  
46 setting. That is a perfect example of the State doing  
47 everything it can to marginalize ANS to the smallest  
48 amount as possible.

49  
50 CHAIRMAN FLEAGLE: Thank you. I know

1 we heard testimony yesterday from Mr. Naneng from  
2 Southwest that was concerned about a low level of  
3 amounts necessary for subsistence moose in Unit 20 -- I  
4 mean 18. So it's not uncommon.

5  
6 I guess the problem I see -- and this  
7 is something that we could maybe talk internally a  
8 little bit more about the process, we're talking about  
9 two completely separate regulation regimes and  
10 authorities and we don't have any participation or  
11 influence over the State Board of Game process as they  
12 don't over ours. I know that there is a protocol  
13 between Agencies to information share and make certain  
14 efforts for coordination as good as possible, but we  
15 haven't mixed those regulatory areas. We participate  
16 through the public process by our OSM Staff submits  
17 comments to the Board of Game. We have a person at the  
18 table there and vice versa, we have State people at our  
19 meeting. They comment on our proposals, but we just --  
20 there hasn't been a blend and I think that's why we're  
21 -- that's why we have two systems is because of  
22 conflicting laws.

23  
24 So I don't see an easy solution to  
25 having these decisions by the Board of Game more  
26 influenced by us. I mean I certainly encourage anybody  
27 that wants to to speak about their difficulties with  
28 that process, but I'm just cautioning that we don't  
29 have a lot of room to make any change there I guess is  
30 the way I see it. Maybe we can look at that further in  
31 working -- trying to coordinate better between  
32 Agencies, but at this time, it's not happening. We  
33 don't participate in their process and the Board of  
34 Game doesn't participate in ours. Jack.

35  
36 MR. REAKOFF: Well, the suppression of  
37 the amounts necessary for subsistence under the State  
38 system actually allows the State of Alaska to allocate  
39 non-subsistence uses at a -- well, at an unlimited pool  
40 of 6.5 billion that live in the world and so I feel  
41 that the State is not adhering to the State's  
42 subsistence law. The Board of Game is not requesting  
43 ANS amounts, but when they make very dramatic  
44 regulatory changes, I feel that the Federal program  
45 should -- as the State has a solicitor here and an  
46 Assistant Attorney General, I feel that the Federal  
47 program should have advisement for Mr. Ardizzone so  
48 that the Federal users have protection from the Board  
49 of Game process.

50

1                   They're not adhering to the State  
2 regulations, our solicitor should be able to step up to  
3 the plate and say wait a minute, you have to review  
4 these ANS amounts, these ANS amounts are being  
5 suppressed, this is not legal. That's what's happening  
6 at the Board of Game process. I'm not kidding. It was  
7 a pathetic situation this last March meeting. Constant  
8 suppression. Constant allocation to non-subsistence  
9 uses. Suppression of subsistence.

10

11                   I feel that the Federal program should  
12 really look at having a solicitor present at the Board  
13 of Game. They have a -- we have a wildlife biologist  
14 there, but he's not an attorney, not to protect our  
15 aspects and so I feel that there's a real, real problem  
16 here and -- because of this allocation to other  
17 non-subsistence uses.

18

19                   Thank you.

20

21                   CHAIRMAN FLEAGLE: Appreciate that and  
22 there you -- in your speaking there, you provided at  
23 least one opportunity to move towards some kind of  
24 resolution and maybe I'll just throw this out. I mean  
25 it's -- it might be something Keith and we sit together  
26 and just toss around and see if there's some way that  
27 we might be able to accommodate that -- something like  
28 that or, you know, to try to craft a process right here  
29 just hearing the issue right off the get-go is going to  
30 be difficult, but I -- you know how these processes  
31 work. It takes a long time sometimes, but it's  
32 initiated by a comment and I guess we could look in to  
33 seeing if there's some way to improve that. Judy and  
34 then I'll go back to you, Jack.

35

36                   MS. CAMINER: I was just going to add I  
37 would assume or guess that the reasons people are  
38 coming forward to tell us this is because -- not  
39 everybody's probably aware of all of the actions and  
40 just for the Board to have a sense of where our rural  
41 users -- what their situation is and to provide  
42 background and baseline for you as to why some of the  
43 requests are being made.

44

45                   CHAIRMAN FLEAGLE: Thank you, Judy. I  
46 agree. I'm just trying to figure out if there is  
47 anything we can actually do and I think that, Jack,  
48 you're on the right track here. Go ahead.

49

50                   MR. REAKOFF: Well, as Regional Council



1 members, our job is to identify issues and hopefully  
2 remedy those issues. So I'd toss that out for the  
3 Board to consider.

4

5 Thank you.

6

7 CHAIRMAN FLEAGLE: Keith, is there any  
8 objection to at least just having some initial internal  
9 discussions about this and see where we might go?

10

11 MR. GOLTZ: None at all. Ken's  
12 available for -- I'm kidding.

13

14 (Laughter)

15

16 CHAIRMAN FLEAGLE: All right. Thanks  
17 for the discussion. appreciate the testimony. Others.

18

19 MR. PROBASCO: Mr. Chairman, we have  
20 one more and it's from the Kuskokwim Native  
21 Association. Mike Talhauser. He would like to speak  
22 on Proposal 69 which is going to be towards the end of  
23 our meeting and I know he's on a tight schedule, so if  
24 we could accommodate his schedule, Mr. Chair.

25

26 CHAIRMAN FLEAGLE: You bet. Welcome.  
27 Turn the microphone on. Speak your name for the record  
28 and begin, please.

29

30 MR. TALHAUSER: Thank you, Mr. Chair.  
31 Mike Talhauser from the Kuskokwim Native Association.  
32 I'm the Fisheries Director there which I guess probably  
33 throws up the first kind of red flag with me in that  
34 this is a Wildlife proposal and unfortunately the KNA  
35 doesn't have a Wildlife Director and we do community  
36 meetings in our represented villages from Kalskag up to  
37 Stony River and as oftentimes occurs, this -- Wildlife  
38 proposals come up at the obligatory last question slide  
39 in our presentation and we do get a lot of comments and  
40 that's sort of the basis behind this proposals.

41

42 And I just wanted to thank you for the  
43 opportunity to be able to answer any questions that you  
44 may have for me as the author of this proposal and just  
45 sort of speak to where this proposal has ended up from  
46 where it started.

47

48 The proposal has been seen by the Board  
49 at least two different times as an actual proposal and  
50 as a special action request and it's been taken up by

1 the Regional Advisory Councils that are involved in the  
2 area, the Western Interior and the Yukon-Kuskokwin, and  
3 I would just like to say that I think that we really  
4 appreciate the thoughtful evaluation by the -- and  
5 diligent evaluation by the Office of Subsistence  
6 Management and by the Regional Advisory Councils in  
7 this process and I think it -- from where it started, I  
8 think -- the difference between this proposal and past  
9 proposals dealing with this issue is that before it was  
10 just sort of presented as a blanket C&T proposal for  
11 the entire unit of 21E and so there was a lot of  
12 contention between and differences between the opinions  
13 of the appropriate RACs and so was deferred by the  
14 Board and I think that this time we put in sort of a  
15 recommendation that the RACs modify -- specifically  
16 that they modify the proposal to encompass just the  
17 area that the communities in the proposal actually use  
18 and I think they've done -- they did a great job  
19 looking through that and doing their job and sort of  
20 giving the proposal more resolution.

21

22                   And I would just like to support where  
23 the -- the OSM's final position on this which is I  
24 believe the exact same as the Western Interior's in  
25 that it includes the area south of Piamuit Slough and  
26 includes the communities -- all the communities in the  
27 original proposal including Chuathbaluk.

28

29                   And that's basically my opinion. I  
30 just wanted to -- since the proposal is a little bit  
31 different than it actually started out, I'd like to say  
32 that KNA does approve this and I'll be able to answer  
33 any questions that you all might have for me.

34

35                   Thanks.

36

37                   CHAIRMAN FLEAGLE: Great. Thank you,  
38 Mike, for your testimony. Questions, Board members.

39

40                   (No comments)

41

42                   CHAIRMAN FLEAGLE: Other Councils.

43

44                   (No comments)

45

46                   CHAIRMAN FLEAGLE: Thank you.

47

48                   MR. TALHAUSER: Thanks.

49

50                   CHAIRMAN FLEAGLE: Mr. Probasco.

1 MR. PROBASCO: Mr. Chair, that's it for  
2 consensus and non-agenda items. and anybody wishing to  
3 speak early.

4  
5 Thank you, Mr. Chair.

6  
7 CHAIRMAN FLEAGLE: Okay. Great. Well,  
8 before we roll up our sleeves and get to work, let's  
9 have another cup of coffee. Ten-minute break.

10  
11 (Off record)

12  
13 (On record)

14  
15 CHAIRMAN FLEAGLE: Good morning.  
16 Federal Subsistence Board is back on record and I do  
17 have one more request for consensus agenda testimony,  
18 but before that, Harry, you raised your hand.

19  
20 MR. BROWER: Yes. Thank you, Mr.  
21 Chair. I just wanted to show my appreciation and thank  
22 Mr. Kookesh and Mr. Wade for their comments this  
23 morning. You know, these are very similar comments  
24 that we as the North Slope Council has made to our  
25 meetings and they're very similar to the situation that  
26 we've been dealing with up on the North Slope. It's  
27 not that we don't have any issues. We try to keep them  
28 within our own region. You know, we have a lot of  
29 issues that we deal with up on the North Slope, but in  
30 regards to subsistence, working with the State and the  
31 Federal program.

32  
33 And I just want to share that this  
34 morning with you, just didn't want to let it slip by in  
35 terms of how other areas are impacted as well in terms  
36 of how this -- the rule processes are in trying to  
37 address subsistence issues.

38  
39 You know, the comments Mr. Kookesh made  
40 are very similar to the comments that have been  
41 generated over the years with Regional Advisory  
42 Councils as well, members -- other members. Not just  
43 myself, other members to the Regional Advisory Council  
44 on the North Slope. And they've raised issues about  
45 this volunteerism issue. They've raised issues about  
46 compensation. It's not changed and it continues to pan  
47 out in the same situation. It's still the same.

48  
49 You know, in terms of the years that  
50 we've been commenting over these things, it's still the

1 same and not very much changes applied or have been  
2 made to where this -- and trying to get people  
3 interested in -- to the program and they see some such  
4 as for a year or two and just fade away because of the  
5 processes. They see that it's all basically taking  
6 time away from their important situations that they're  
7 dealing with. Subsistence -- as Mr. Kookesh indicated,  
8 subsistence is 24/7. And when you come down to these  
9 meetings -- or a person comes down to the meetings such  
10 as I being taking away from our subsistence activities  
11 and leaving the family, it puts a burden on the rest of  
12 the family because, you know, we're taking part as  
13 leaders as the family to take them out hunting and when  
14 we're taken away to come down to these meetings, it has  
15 an impact to the gathering of the resources that are  
16 having a presence now.

17  
18 They're not there throughout the whole  
19 season. They're migratory resources. So -- and that  
20 has an impact to a lot of the community members as  
21 well. You know, we provide -- as providers, we share  
22 our resources. Whenever we harvest, we share with our  
23 elders and our -- even our younger siblings. That kind  
24 of impact I don't think you really can share or learn  
25 about just by speaking about it. You have to go  
26 through and experience and communicating to these notes  
27 or issues and situations that arise from taken part in  
28 discussing subsistence.

29  
30 I wanted to make these comments to show  
31 it's an ongoing learning process. It's been for me as  
32 well. I've been monitoring and observing the Federal  
33 program since it started in 1990. I remember the  
34 interim Chair, Curtis McVeigh, Mr. Walt Stiglitz (ph)  
35 was the U.S. Fish and Wildlife Service director at the  
36 time and these are the folks that I remember that were  
37 in the beginning. Keith, I think he's been in there  
38 since the inception of the Federal program. I  
39 don't.....

40  
41 CHAIRMAN FLEAGLE: It started it.

42  
43 (Laughter)

44  
45 MR. BROWER: Yes. Basically. And I  
46 agree with you. I think he -- you know, he's been  
47 there since the inception of the -- since the Federal  
48 program started and I just want to share my comments  
49 and show my appreciation to the presenters this morning  
50 that did provide their testimonies to you -- to the

1 Federal Subsistence Board. Mr. Chair, thank you.

2

3 CHAIRMAN FLEAGLE: I appreciate those  
4 comments, Harry, and I can respect that the problems  
5 have probably in fact not improved but probably have  
6 not -- have maybe even slipped a little with the lack  
7 of the budget that we faced a few years in going to,  
8 you know, reduced meetings and reduced meeting cycles  
9 and everything. And I know we do hear about this from  
10 the folks on the RACs and hopefully we can figure out a  
11 way to get some money for it -- for the process.

12

13 Thank you.

14

15 MR. HASKETT: I concur with that.

16

17 (Laughter)

18

19 CHAIRMAN FLEAGLE: Thank you.

20

21 MR. REAKOFF: I just wanted to  
22 reiterate what Harry was saying there. This -- I use  
23 my own computer. I had to put Hughes Net in my house  
24 to get fast download on things. Dial-up just wasn't  
25 big enough for the kind of attachments. There's a lot  
26 of sacrifices that the RAC members make but don't --  
27 aren't apparent at this level and I just wanted to  
28 reiterate what -- family sacrifices also. When I come  
29 to meetings in the wintertime, I got to have my 76-  
30 year-old mom watch our fire because we burn wood, if I  
31 go to meetings and so forth. And so there are some  
32 family sacrifices that are made and timeout -- this is  
33 a harvesting time for us and so those should be  
34 considered when meeting dates are set and so forth.

35

36 Thank you.

37

38 CHAIRMAN FLEAGLE: Thank you. Now we  
39 have testimony. Pete.

40

41 MR. PROBASCO: Thank you, Mr. Chair.  
42 Mr. Tim Andrew would like to speak on a consensus  
43 agenda item. There he is.

44

45 CHAIRMAN FLEAGLE: Mr. Andrew.

46

47 MR. ANDREW: Good morning, Mr.  
48 Chairman. Members of the Board, Staff, and guests. My  
49 name is Timothy Andrew. I'm the Director of Natural  
50 Resources for AVCP and thank you for the opportunity to

1 testify on the consensus agenda. And the subject of my  
2 testimony this morning is going to be on the Mulchatna  
3 Caribou Herd.

4  
5 For a number of years, we've been  
6 following the status of the Mulchatna Caribou Herd with  
7 its peak in the mid to late 1990s of over 220,000  
8 animals to the point where it is today of almost 30,000  
9 animals. We have a large group of village -- people in  
10 the villages in the area. We have probably about 40  
11 villages that depend on that caribou herd and it was  
12 really sad to see the evolution of events that had  
13 occurred that led to the drop of the Mulchatna Caribou  
14 Herd and the related bag limits that had occurred  
15 during that time period as well. Where we had very  
16 liberal bag limits of five caribou, now we're down to  
17 the proposal where it is now up to two animals. Only  
18 one can be taken during the fall and one during the  
19 winter.

20  
21 And AVCP does not like to advocate to  
22 decreased bag limits for our subsistence users, but we  
23 had to just for the protection and continuation of the  
24 resource for the future generations. And one thing in  
25 hindsight that I really observed in the Mulchatna  
26 Caribou Herd is the management systems, whether State  
27 or Federal, the managers need -- their feet need to be  
28 held to the fire. The State has established bull to  
29 cow ratio management objective of 25 per hundred -- 25  
30 bulls per hundred cows and for years subsequent to that  
31 -- to the peak, it went down to 19 and kept going  
32 further and further down and the State still kept it  
33 open for nonresident harvest.

34  
35 And currently I don't know if there's a  
36 non-Federally-qualified prohibition yet, but that ought  
37 to be initiated to protect this herd. Some of the  
38 managers within the various units, either 917 or 18 or  
39 19 have expressed the concern that this caribou  
40 population is almost to the point where it can't  
41 possibly rebuild to its historic levels.

42  
43 And if you look at the hunter data that  
44 was generated out of the Mulchatna Caribou Herd, you'll  
45 see a large bull harvest that had occurred during the  
46 peak years and one of the Scandinavian studies -- I  
47 can't really refer to the authors, but it is a study  
48 called The Effects of Selective Hunting on Ungulates.  
49 And that study -- it was done in one of the  
50 Scandinavian countries on moose and caribou and various

1 other animals in that region. It showed that whenever  
2 you take a large population of the breeder bulls, it  
3 just creates total chaos in the breeding systems or  
4 breeding rituals of these ungulates.

5  
6 And I believe our caribou in the -- or  
7 the Mulchatna Caribou Herd basically suffered the same  
8 consequence where a large number of bulls were taken  
9 out. The cows out there want to breed with the great  
10 -- the bigger bulls and there were so few of them out  
11 there that their breeding went later on into the spring  
12 or summer and -- I mean fall and then gave birth later  
13 -- later towards to the winter. The cows not being  
14 extremely healthy, the calves not being extremely  
15 healthy were really subject to predation and I believe  
16 that really contributed to the steep decline of the  
17 caribou.

18  
19 So what I would like to recommend --  
20 what we would like to recommend is to develop some sort  
21 of caribou management plan for the Mulchatna Caribou  
22 Herd starting today -- not tomorrow but today to ensure  
23 that we continue to monitor the Mulchatna Caribou Herd  
24 and once there is a sustainable harvest surplus that we  
25 monitor that harvest surplus very carefully and keep  
26 the bull to cow ratio high and manage the amount of  
27 large bull harvest so that we don't see this crash  
28 occur again and this may be applicable to other  
29 populations in the rural parts of Alaska. Western  
30 Arctic has seen a decline. We've seen various declines  
31 in other caribou populations as well and this might be  
32 as a result of concentrating on the large bull harvest.

33  
34 We need to have a segment of that large  
35 bull protected to keep the resources generating at a  
36 sustainable level, not only for subsistence users but  
37 for other users as well. You know, there's a segment  
38 there that needs to be for not only the human predators  
39 but also the natural predators as well and to keep the  
40 ecosystem going.

41  
42 So if there's anybody within the State  
43 Management System, the Federal Management System,  
44 within the tribes in the various parts of Alaska, if we  
45 were to develop these management plans and keep a close  
46 watch on these populations, we can have healthy  
47 populations to keep us all happy. Whenever we see a  
48 decline in the resources like the Mulchatna -- and  
49 we've seen it on the Yukon River with the king salmon.  
50 Whenever we see a decline, we begin to fight with each

1 other and that's not healthy for the resource. It's  
2 not healthy for the humans as well.

3  
4                   So it's in our best interest to try to  
5 keep these populations as high as possible for all user  
6 groups. And that would greatly eliminate a lot of  
7 heartache that we've encountered with these low  
8 populations.

9  
10                   Thank you, Mr. Chair.

11  
12                   CHAIRMAN FLEAGLE: Thank you, Tim.  
13 Hopefully the managers of the Mulchatna Caribou Herd  
14 have heard and, you know, there maybe is an opportunity  
15 for a process like they use in the Western Arctic, the  
16 working group that's been in existence for a long time  
17 that monitors the management of those animals.

18  
19                   Pat Valkenburg from the State, would  
20 you like to speak?

21  
22                   MR. VALKENBURG: Yeah. Thank you, Mr.  
23 Chairman. I wanted to assure everyone that Department  
24 of Fish and Game realizes that management of the  
25 Mulchatna Herd is probably the most important wildlife  
26 management priority in all of Southwest Alaska and we  
27 are beginning to conduct surveys, looking at wolf  
28 numbers there as well to position ourselves to be ready  
29 to help that caribou herd come back when it's ready and  
30 it appears to be about there now.

31  
32                   One of the main reasons the herd  
33 declined is that it got too high too fast. 200,000  
34 caribou was far too many caribou for the size of the  
35 range. We had major disease problems which is the  
36 first place in Alaska that we really have had a major  
37 decline in caribou that was related to disease and  
38 range overuse at least in historic times.

39  
40                   And talking about the decline of the  
41 bull-cow ratio, when you model the decline of the bull-  
42 cow ratio and see how much of that is related to  
43 harvest -- selective harvest of bulls versus just a  
44 decline in recruitment, most of it comes from the  
45 decline in recruitment. In other words, as soon as  
46 calves stop surviving, the numbers of bulls really drop  
47 dramatically and we have seen that in caribou herds  
48 that are not hunted like the Denali Caribou Herd and  
49 then also in the Chisana Caribou Herd where you have  
50 these really low calf-cow ratios. Since bulls have a



1 shorter life span than cows, the bull-cow ratio  
2 declines very quickly.

3

4                   And the main thing that will bring the  
5 bull-cow ratio back is going to be when more calves  
6 survive. Everyone -- at least in the fall except  
7 during the rut, everyone likes to hunt big bull caribou  
8 because you get more meat and more fat and so it's not  
9 only trophy hunters that are selective for big bull  
10 caribou. It's most hunters are pretty selective.

11

12                   And we are really aware of -- and  
13 concerned about the selective harvest of large males as  
14 you mentioned and that's the reason for the antler  
15 restrictions on bull moose, for example, to try to  
16 preserve some of those larger bull moose in the  
17 population. Whether we -- at one point we considered  
18 some sort of an antler restriction on bull moose by  
19 using numbers of points. It's quite a bit more  
20 complicated than it is with moose -- with caribou I  
21 mean and it's more complicated than it is with moose.  
22 But those are the kinds of things, you know, we are  
23 paying attention to and we -- a management plan for the  
24 Mulchatna Caribou Herd is a high priority and we'd be  
25 glad to talk about that.

26

27                   CHAIRMAN FLEAGLE: Tim.

28

29                   MR. ANDREW: Yeah. Through the Chair.  
30 Thank you, Mr. Valkenburg, for your response. If you  
31 look at the harvest data for when a large percent of  
32 the local people harvest caribou in the Mulchatna,  
33 you'll see that the concentrated effort is more towards  
34 March and April for the local people and that's  
35 normally the time where we start seeing our reserves of  
36 moose from the previous fall start to decline and other  
37 resources -- subsistence resources also start to  
38 decline in the freezers and there are some people that  
39 do harvest during the fall, but the fall access, at  
40 least in Unit 18 in our area of the Mulchatna is very  
41 hard to reach. The only way that you can possibly  
42 reach during the -- reach them during the fall time is  
43 through the remote airstrips that are out there and  
44 that's where the non-local residents and also the  
45 nonresidents used to be able to come in and take a  
46 pretty good population during the fall.

47

48                   CHAIRMAN FLEAGLE: Go ahead, Pat.

49

50                   MR. VALKENBURG: Mr. Chair. Yeah. One

1 thing to keep in mind is you probably remember back in  
2 the 1970s when that caribou herd was really small. It  
3 was probably less than 10,000. It increased at 17  
4 percent a year for over 20 years. It was one of the  
5 most dramatic increases in any caribou herd in North  
6 America and -- you know, and during the '60s and '70s,  
7 it was not an important subsistence resource for many  
8 people, but with that increase and the spreading out in  
9 the range and everything, it became a very important  
10 subsistence resource. So I don't really know what to  
11 expect from that herd.

12

13                   What we're hoping is that we will be  
14 able to stop the decline about where it is now, you  
15 know, in the range of 30- to 40,000 and then get it  
16 growing and reoccupying some of the range that has  
17 become traditional range in the last few years and not  
18 let it get down to those really low levels that it  
19 reached in the 1970s.

20

21                   CHAIRMAN FLEAGLE: Well, another  
22 complication too is that the Unit 18 residents used to  
23 have the opportunity to harvest out of the Kilbuck Herd  
24 which got lost in the Mulchatnas, right? That Kilbuck  
25 Herd is no longer in existence, so I think that kind of  
26 counters a little bit.

27

28                   Tim, go ahead.

29

30                   MR. ANDREW: Yeah. Thank you, Mr.  
31 Chair. Maybe a final comment before I leave the table.  
32 I just want to remind the Federal managers that you  
33 have to take a look at the State data and dissect it.  
34 You look at the data as reflected on Page 466 on the  
35 resident and the nonresident harvest and the resident  
36 harvest, you have to take a look at the data and  
37 dissect it into, you know, who's Federally qualified,  
38 who's not Federally qualified when you're managing this  
39 low of population of the caribou.

40

41                   Thank you.

42

43                   CHAIRMAN FLEAGLE: All right. Thank  
44 you, Tim. Oh, we have Jack Reakoff. Hold on.

45

46                   MR. REAKOFF: Just to comment. My  
47 interpretation is different than the State's. I differ  
48 with the State. I talk to lots of sporthunters that  
49 hunted down there. There was lots of -- I talked to  
50 enforcement officers that hunted down -- or work that

1 area. There was a lot of unaccounted harvest. There  
2 was kill -- wound loss and various caribou that were  
3 lost from hunting pressure. The bull-cow ratio in the  
4 Mulchatna Herd was below the management objective since  
5 1999. The management objective was 35 bulls per hunter  
6 cows.

7  
8 The Board of Game continued to allow  
9 nonresident harvest of the Mulchatna Herd until 2008  
10 and so it shows that the State management system was  
11 failing fairly significantly. The herd dropped to 14  
12 bulls per 100 cows with 1.33 adult bulls for hundred  
13 cows on the Mulchatna Caribou Herd. And so I agree  
14 with Mr. Andrew here that we need to develop a  
15 management plan with the State and adhere to those  
16 management objectives.

17  
18 And so the exacerbation -- I've read  
19 that report that Mr. Andrew cited and I feel that our  
20 biologists in the State should really look at this data  
21 that's been promulgated in other areas on caribou. The  
22 reality is caribou when you breed them -- when you take  
23 them down to really low numbers, it can exacerbate  
24 recruitment problems and so you get into breeding  
25 stress on younger bulls. You get into winter  
26 mortalities on younger bulls. There's a whole bunch of  
27 things start happening.

28  
29 We have to adhere -- this program  
30 revolves around recognized scientific principles and so  
31 that's -- this program must adhere. That's our annual  
32 report -- one of our annual report item is that -- from  
33 the Western Interior Council that if the State of  
34 Alaska is not adhering to recognized scientific  
35 principles, then the Federal program must as a copilot  
36 in management reduce harvest.

37  
38 Whether that's closing to non-rural  
39 subsistence users or however that management might be,  
40 there's a real need for a management plan on the  
41 Mulchatna Herd. I feel that we also need to develop a  
42 management plan for the Central Arctic Herd at this  
43 time.

44  
45 Thank you.

46  
47 CHAIRMAN FLEAGLE: Thank you, Jack.  
48 And for the edification of the newer Board members,  
49 this Board did take the unprecedented action of  
50 submitting an emergency petition request to the Board

1 of Game for that nonresident component of the hunt. So  
2 there has been some attempts to at least meet that.  
3 Appreciate all the comments. Are there additional  
4 comments. Questions.

5  
6 (No comments)

7  
8 CHAIRMAN FLEAGLE: Thank you, Tim.

9  
10 MR. ANDREW: Thank you.

11  
12 MR. PROBASCO: That's it, Mr. Chair.

13  
14 CHAIRMAN FLEAGLE: Alrighty. Ready to  
15 go to work. We now resume with our non-consensus  
16 proposals and the first up for the Yukon-Kuskokwim  
17 Delta Region 5 is Proposal 54 and we have leading us  
18 off for this Pippa Kenner.

19  
20 MS. KENNER: Good morning, Mr Chair.  
21 Yes, it's Pippa Kenner for the record with OSM. Good  
22 morning. The analysis for Proposal WP10-54 can be  
23 found on Page 571 in the Board book.

24  
25 Proposal 10-54 submitted by the Yukon  
26 Delta National Wildlife Refuge requests establishing  
27 community harvest quotas for moose in the Lower  
28 Kuskokwim area of Unit 18, hereafter referred to as the  
29 moratorium area.

30  
31 This area is shown on Map 1 on Page 574  
32 in your books. The proponent does not request an open  
33 hunting season for moose, but was anticipating the hunt  
34 in the future.

35  
36 CHAIRMAN FLEAGLE: Hang on just a sec.  
37 Can you move your microphone just a little closer to  
38 you, please.

39  
40 MS. KENNER: There. Is that better?

41  
42 CHAIRMAN FLEAGLE: Thank you.

43  
44 MS. KENNER: Thank you, Mr. Chair. The  
45 Board closed the moratorium area in 2004. When Federal  
46 public lands reopened to moose hunting at some point in  
47 the future, there will likely be a small number of  
48 moose available to harvest relative to the large number  
49 of Federally-qualified users that are eligible to hunt  
50 moose. The potential for the harvest to exceed the

1 harvestable surplus is considered high and therefore  
2 requires the application of ANILCA Section .804  
3 criteria to establish priority among those with  
4 recognized customary and traditional uses of moose in  
5 the moratorium area.

6  
7                   The Section .804 analysis is based on  
8 the application of three criteria: Number 1, customary  
9 and direct dependence upon the population as a mainstay  
10 of livelihood; 2, local residency; and 3, the  
11 availability of alternative resources. There are  
12 roughly 20,000 people in 42 communities that are  
13 eligible to hunt moose in the moratorium area,  
14 including residents of the Yukon Drainage, including  
15 Russian Mission and Marshall, the Kuskokwim Drainage  
16 such as Tuntutuliak and Eek, and the Coastal Area in  
17 between such as Hooper Bay and Chevak.

18  
19                   A complete list of the communities is  
20 in the analysis, can be found on Page 578 of your books  
21 and each of the communities that's eligible to hunt in  
22 the moratorium area is on Map 1 on Page 574 in your  
23 books.

24  
25                   The conclusion of the .804 analysis is  
26 that the 14 communities that are located in the  
27 moratorium area and Upper Kalskag have exhibited the  
28 highest level of dependence on and the closest  
29 proximity to the moose population in the moratorium  
30 area. Their level of use in the moratorium area is  
31 highest of all Federally-qualified users.

32  
33                   In addition, many of the hunters living  
34 outside of the moratorium area have other moose  
35 populations available to them in the Lower Yukon  
36 Drainage area of Unit 18, the remainder area of Unit  
37 18, the Goodnews Bay Drainage in Unit 18, and in Unit  
38 19A.

39  
40                   Therefore the distribution of permits  
41 to hunt moose on Federal public lands in the moratorium  
42 area may be restricted to the residents of the area and  
43 upper Kalskag and further the distribution of permits  
44 within each of the communities may be limited and  
45 community harvest quotas may be stated. Generally  
46 Federal permits are distributed by the local Federal  
47 Agency. In this case, the Yukon Delta National  
48 Wildlife Refuge would be responsible for distribution  
49 Federal permits for the moose hunt in the moratorium  
50 area.

1                   Finally, because the proposal does not  
2 include opening the season for harvesting moose on  
3 Federal public lands in the moratorium area, if  
4 adopted, this proposal would have no effect on the  
5 moose population to the subsistence uses of moose until  
6 the season is opened. In the future, when the Federal  
7 season is opening in then moratorium area, the pool of  
8 Federally-qualified users would most likely be  
9 restricted to the residents of the area and upper  
10 Kalskag based upon the application of the three  
11 criteria in ANILCA Section .804.

12  
13                   This is due to the small number of  
14 moose anticipated to be available for harvest and the  
15 large number of subsistence users Federally qualified  
16 to hunt moose. The OSM conclusion is to support  
17 Proposal WP10-54 with modifications to add the results  
18 of the Section .804 analysis. The modified regulation  
19 would read Unit 18 moose with a description of the  
20 Lower Kuskokwim area that we've been calling the  
21 moratorium area. Federal public lands are closed to  
22 the taking of moose except to eligible rural residents  
23 would remain in the regulation and the modification  
24 includes only residents of Tuntutuliak, Eek, Napakiak,  
25 Napaskiak, Kasigluk, Nunapitchuk, Atmautluak,  
26 Oscarville, Bethel, Kwethluk, Akiak, Akiachak,  
27 Tuluksak, Lower Kalskag, and Kalskag may hunt in this  
28 area.

29  
30                   That's the end of my presentation.  
31 Thank you, Mr. Chair.

32  
33                   CHAIRMAN FLEAGLE: Thank you, Pippa.  
34 Questions.

35  
36                   (No comments)

37  
38                   CHAIRMAN FLEAGLE: Hearing none,  
39 summary of public comments. We have Alex Nick joining  
40 us. Welcome.

41  
42                   MR. NICK: Thank you, Mr. Chair. There  
43 were no public comments for this proposal, Mr. Chair.

44  
45                   CHAIRMAN FLEAGLE: Okay. Thank you.  
46 Do we have anybody wishing to testify, Pete.

47  
48                   MR. PROBASCO: Yes, we do, Mr. Chair.  
49 Mr. Tim Andrew.

50

1 CHAIRMAN FLEAGLE: Welcome, Mr. Andrew.

2

3 MR. ANDREW: Thank you, Mr. Chairman.  
4 Timothy Andrew with AVCP. For Proposal 54, we have  
5 these communities that will be affected from Kalskag  
6 down to the mouth of the Kuskokwim River and down into  
7 the Bay as well. And the people that reside in this  
8 area are probably the people that are in most need for  
9 large mammal subsistence resources, and if you look at  
10 the Mulchatna Caribou Herd which we just talked about  
11 declined tremendously, the moose population in Unit 19  
12 has declined tremendously as well. In fact some of the  
13 areas in Unit 19 are closed as well.

14

15 The access to the Yukon River moose is  
16 largely cost prohibitive due to the cost of gasoline  
17 that we have in the area and also the environmental  
18 conditions have deteriorated so much that, you know,  
19 people can't take their snowmachines over because  
20 there's not enough snow that we encounter in the area.

21

22 And we support -- or AVCP supports any  
23 way possible to allow for people to access what limited  
24 moose that they could possibly get in this moratorium  
25 area and meanwhile we also got to recognize that this  
26 population of moose in the former moratorium area is  
27 really sensitive to overharvest. We just spent five,  
28 six years now in building the population where it is  
29 today and this hunt, whether the State-sanctioned hunt  
30 or the Federal hunt or a combination of both, really  
31 has to be monitored closely to ensure that the  
32 population continues to grow and this is another area  
33 that also needs a good management plan to be developed,  
34 the lowest -- the moratorium -- the moose moratorium  
35 area of Unit 18, to ensure that we have adequate moose  
36 to meet the subsistence needs and also perhaps, you  
37 know, at some time allow for additional hunts to occur  
38 as well.

39

40 And I'd like to reiterate what Myron  
41 had mentioned in his testimony yesterday about the  
42 amounts necessary for subsistence for moose. It is not  
43 the 200 that the State Board of Game had indicated.  
44 The need is a lot higher than 200 and I would encourage  
45 the Federal Management System to independently look at  
46 the amounts necessary for moose in Unit 18,  
47 specifically in this area and also other areas of Unit  
48 18, and determine what the actual amounts necessary for  
49 subsistence is for moose to ensure that we meet the  
50 mandates of Title VIII of ANILCA to the rural residents

1 of this area.

2

3 Thank you, Mr. Chair.

4

5 CHAIRMAN FLEAGLE: Thank you, Tim. In  
6 all of that, I think I heard you say that you support  
7 the proposal.

8

9 MR. ANDREW: Yes, we support the  
10 proposal.

11

12 (Laughter)

13

14 CHAIRMAN FLEAGLE: Okay. The reason I  
15 ask is I know that AVCP represents 56 villages and  
16 you're reducing the availability of this resource to 14  
17 of those 56 and I just wanted to clarify where your  
18 position was in relation to the remainder of your  
19 coverage there.

20

21 Thank you.

22

23 Questions.

24

25 (No comments)

26

27 CHAIRMAN FLEAGLE: Thank you. Pete,  
28 are there any other.

29

30 MR. PROBASCO: That's it, Mr. Chair.

31

32 CHAIRMAN FLEAGLE: Alrighty. Regional  
33 Council recommendation is to support with modification  
34 and who do we have for the Southwest? Alex, can you  
35 summarize their comments, please.

36

37 MR. NICK: Mr. Chair, for the record,  
38 my name is Alex Nick. I'm the Coordinator for Yukon  
39 Delta. I'd like to first apologize that Yukon Delta  
40 RAC representative could not make it due to personal  
41 reasons. Last minute, he had to cancel his trip a  
42 couple days ago.

43

44 The Yukon-Kuskokwim Delta Subsistence  
45 Regional Advisory Council supported Proposal WP-54 with  
46 modification as described in the OSM conclusion with  
47 further modifications by the Council. First is to  
48 establish a one antler bull season from September 1  
49 through 5 by joint Federal or State registration  
50 permits and the second is to ask -- or to authorize



1 Refuge Manager in consultation with ADF&G, Wildlife  
2 Conservation is authorized to set the harvest quota and  
3 extend the season for -- rather by up to five days if  
4 harvest quota has not been met.

5  
6 Their concern was that -- the Council's  
7 concern was that the State has a ten-day season within  
8 the moose moratorium area and they were concerned about  
9 the moose population in the area. So the Council  
10 modified to allow five-day hunt on -- or to request  
11 five-day hunt on Federal lands and if the quota is not  
12 met, then Refuge Manager would be authorized to extend  
13 the season for another five days. Mr. Chair.

14  
15 CHAIRMAN FLEAGLE: All right. Thank  
16 you, Alex.

17  
18 Department of Fish and Game comments.  
19 Tina.

20  
21 MS. CUNNING: This proposal as  
22 originally submitted actually included two parts. One  
23 was to establish community harvest quotas in the area  
24 and the other part was to reduce the pool of Federally-  
25 qualified users.

26  
27 As the discussions on this proposal  
28 have occurred throughout the RAC cycle and discussions  
29 with the InterAgency Staff Committee and others, it  
30 appears that there's been a suggestion that the only  
31 part of this proposal that could move forward is the  
32 portion that provides the .804 analysis and restriction  
33 of those eligible and that a subsequent special action  
34 would have to be taken to actually authorize the  
35 Federal season. That sort of just dawned on us that we  
36 think that the original proposal by establishing a  
37 community harvest quota was actually trying to  
38 establish a season. That was actually the intent was  
39 to authorize some harvest.

40  
41 With that being our original  
42 understanding, we had supported that with the  
43 modifications and the .804 restrictions but to  
44 establish the season on Federal public lands that  
45 matches the State season with a fair amount of  
46 coordination which is in our comments on Page 589.  
47 This approach would minimize the confusion for hunters,  
48 law enforcement, and we recommend cooperative harvest  
49 quota management between the State and Federal  
50 managers.

1                   If this combination is adopted, it  
2 would have the effect of following through with the  
3 intent of the original closure and the strategy by both  
4 State and Federal managers to close the area for five  
5 years or until reaching a thousand moose.

6  
7                   I don't know, Pat, if you want to add  
8 anything to that.

9  
10                   MR. VALKENBURG: (Shakes head  
11 negatively)

12  
13                   MS. CUNNING: Okay.

14  
15                   \*\*\*\*\*  
16                   STATE OFFICIAL WRITTEN COMMENTS  
17                   \*\*\*\*\*

18  
19                   Alaska Department of Fish and Game  
20                   Comments to the Federal Subsistence Board

21  
22                   Wildlife Proposal WP10-54:

23  
24                   This proposal establishes community  
25 harvest moose quotas for federal subsistence users  
26 within the Lower Kuskokwim hunt area in Unit 18.

27  
28                   Introduction:

29  
30                   The Lower Kuskokwim hunt area in Unit  
31 18 was closed to hunting for a period of 5 years to  
32 allow for population growth as moose expanded into  
33 previously unoccupied habitat associated with the  
34 Kuskokwim River drainage. During the 2009-2010  
35 regulatory year, the Alaska Board of Game approved a  
36 registration permit hunt for residents only with a  
37 harvest quota of 75 moose based on population estimates  
38 of 1,000 moose in the hunt area. In November 2009, the  
39 Alaska Board of Game made no changes to the  
40 registration permit hunt based on hunter effort  
41 (approximately 1,100 applications) and total harvest  
42 (approximately 105 moose) during the first year the  
43 hunt was reopened. Continued hunting with low harvest  
44 quotas will allow harvest opportunity at the same time  
45 allowing herd growth and expansion.

46  
47                   Impact on Subsistence Users:

48  
49                   Opening a federal subsistence  
50 registration permit hunt on federal public lands in the

1 Lower Kuskokwim hunt are in Unit 18 allows federal  
2 subsistence users the opportunity to hunt moose in  
3 local areas rather than traveling long distances to the  
4 Yukon River drainage or the Middle Kuskokwim River.  
5 Approximately 1/3 of the moose population in the hunt  
6 area is on federal public lands, mostly of the  
7 tributaries of the Kuskokwim.

8

9 Opportunity Provided by State:

10

11 In Unit 18, the State season in the  
12 Lower Kuskokwim River hunt area is September 1 through  
13 September 10 by registration permit hunt RM615. The  
14 bag limit is 1 antlered bull. Permits are available at  
15 Alaska Department of Fish and Game in Bethel and from  
16 village license vendors during August 1 through August  
17 25. Harvest quota is based on moose population  
18 estimate and will be announced as a hunt condition on  
19 permit RM615. In 2009-2010 the harvest quota was 75  
20 bulls.

21

22 Conservation Issues:

23

24 Low harvests rates are sustainable  
25 based on the current minimum population size of 1,000  
26 moose and will allow for future herd growth and  
27 expansion.

28

29 Enforcement Issues:

30

31 Emergency closures based on achieving  
32 harvest quota make it difficult for federal subsistence  
33 hunters in the field to learn of these announcements.

34

35

36 Other Comments:

37

38 Allocation of a community harvest quota  
39 by federal delegated officials will require  
40 coordination by state and federal managers to ensure  
41 that overharvest does not occur.

42

43 Recommendation:

44

45 Support, with modification to establish  
46 a season on federal public lands that matches the state  
47 season with state registration permit and harvest  
48 quota: September 1 through September 10 season by  
49 registration permit; bag limit of 1 antlered bull;  
50 harvest quota based on moose population estimate in the

1 hunt area and announced as a permit hunt condition;  
2 hunt reports required within 3 days of harvest to allow  
3 quota management. This approach minimizes confusion  
4 for hunters and law enforcement and recommends  
5 cooperative harvest quota management among state and  
6 federal managers. If adopted, this action would be  
7 effective in the seventh year since initial closure in  
8 the lower Kuskokwim hunt area and fulfills the original  
9 strategy supported by both state and federal managers  
10 of closing the area for 5 years or reaching 1,000  
11 moose.

12

13

14 CHAIRMAN FLEAGLE: Thank you.  
15 InterAgency Staff Committee comments.

16

17 DR. WHEELER: Thank you, Mr. Chair.  
18 And just to remind you what the standard statement is  
19 on the InterAgency Staff Committee since you haven't  
20 heard it since yesterday. The InterAgency Staff  
21 Committee found the Staff analysis to be a thorough and  
22 accurate evaluation of the proposal and that it  
23 provides sufficient basis for the Regional Council  
24 recommendations and Federal Subsistence Board action on  
25 this proposal.

26

27 But in addition to the standard  
28 comments, the Staff Committee would note that the DUI  
29 Solicitors Office advice to the InterAgency Staff  
30 Committee was that the portion of the Regional Council  
31 recommendation that requested a season and harvest  
32 limit for moose is beyond the scope of the original  
33 proposal.

34

35 The Staff Committee noted that the  
36 Regional Council was aware of this potential outcome  
37 during its deliberations and therefore voted to submit  
38 a temporary special action request if their  
39 recommendation was not supported in its entirety. This  
40 would allow the Board to address this special action  
41 request prior to the fall 2010 hunting season.

42

43 Mr. Chair, that concludes the  
44 InterAgency Staff Committee comments and I just -- I  
45 would add that I don't know if Member Haskett wants to  
46 speak to the original proposal, but it's my  
47 understanding that this was submitted by the Refuge as  
48 -- basically to prepare for a season in the event that  
49 a season were to come up and we did have discussions  
50 with the Refuge Manager and that was his intent in

1 submitting the proposal. So I just wanted to clarify  
2 that for the record in case there's confusion.

3

4 Mr. Chair.

5

6 CHAIRMAN FLEAGLE: Geoff.

7

8 MR. HASKETT: Thank you, Mr. Chair. I  
9 think I can clear this up once we get to the proposal  
10 in my justification part to everybody's satisfaction.

11

12 CHAIRMAN FLEAGLE: Fair enough. Thank  
13 you. Okay. Thank you. And we're now open for Board  
14 discussion with Chairs and Liaison.

15

16 Ms. Dougan.

17

18 MS. DOUGAN: Thank you, Mr. Chair. I  
19 support the proposal as modified by OSM with the  
20 presently listed communities in the .804 analysis, but  
21 I noted in Table 1 that some of the communities close  
22 to the boundary of the moratorium area specifically  
23 Kwig and Kong show relatively stable and comparable use  
24 of the moratorium area. In the future, I'd be willing  
25 to consider adding to the list of communities in the  
26 .804 analysis should that request be made.

27

28 Thank you.

29

30 CHAIRMAN FLEAGLE: Appreciate the  
31 comments. More discussion.

32

33 (No comments)

34

35 CHAIRMAN FLEAGLE: I have a question.  
36 Just jurisdictional. I know that Unit 18 is almost all  
37 Federal lands, but obviously there are areas that are  
38 not especially in the moratorium area. If I look on  
39 the map on 574, is everything that is not colored out  
40 not Federal land, so most of the communities in the  
41 Lower Kuskokwim would be not under Federal jurisdiction  
42 in those areas or am I reading that correct. Pete.

43

44 MR. PROBASCO: Yes, you are, Mr. Chair.

45

46 CHAIRMAN FLEAGLE: All right. Further  
47 discussion. Questions. Judy.

48

49 MS. CAMINER: Mr. Chair. Maybe it's  
50 just semantics, but on Page 571, the general

1 description of the proposal, it says a request  
2 establishing community harvest quotas. Well, No. 3,  
3 community harvest quotas is that generally a Federal  
4 term and secondly, it didn't seem to really ask for a  
5 harvest quota. It seems to be asking for refinement of  
6 the C&T. So I don't think that's really a point of  
7 contention but a little bit of confusion for me.

8

9 Thank you.

10

11 CHAIRMAN FLEAGLE: Thank you.  
12 Appreciate the comments and I think that's the reason  
13 why it came out with the conclusion to do the .804  
14 analysis. It reduces the amount of communities able to  
15 participate, but appreciate pointing that out.

16

17 So this would allow those 14  
18 communities to be able to hunt in the Federal portion  
19 of the moratorium area. Is there a State season in the  
20 other portion? Did I -- I may have missed that in the  
21 analysis.

22

23 MS. CUNNING: It's on Page 575, the  
24 current State -- existing State regulation.

25

26 CHAIRMAN FLEAGLE: Okay. I got it.  
27 Thank you. Other discussion. Are we ready for a  
28 motion.

29

30 (Board nods affirmatively)

31

32 CHAIRMAN FLEAGLE: Geoff.

33

34 MR. HASKETT: Okay. I'd like to make a  
35 motion to adopt the proposal with modification. That  
36 modification's going to be to adopt that portion of  
37 Regional Council's recommendation that identifies which  
38 communities would be eligible to hunt on the Federal  
39 public lands portion within the area of the Kuskokwim  
40 River Drainage. The communities included in my motion  
41 are listed in the OSM conclusion on Page 583 of our  
42 Board book and is consistent with -- that is consistent  
43 with a portion of the Council's recommendation and I'd  
44 like to give my justification if I get a second to the  
45 motion.

46

47 MS. DOUGAN: Second.

48

49 CHAIRMAN FLEAGLE: You got it. Go  
50 ahead.

1 MR. HASKETT: Okay. So first to go  
2 ahead and address the question that Dr. Wheeler asked.  
3 The original proposal by the Refuge as modified here --  
4 when present, they are definitely still in concurrence  
5 with that. No problem there. We're good.

6  
7 So we recognize that the moose  
8 population in this area is growing some, but we  
9 recognize the reason for that is because of the efforts  
10 of the people who live there. And -- are majorly  
11 responsible for their efforts there. And some of what  
12 Tim Andrew testified is that the people there who did  
13 the work are in most need the resources. So I just  
14 want to go ahead and recognize that.

15  
16 So even though the population is  
17 growing, it's not large enough to support subsistence  
18 uses for everyone eligible under the current C&T  
19 determination. Therefore we believe it's necessary to  
20 limit the pool of users to those who are most dependent  
21 on the resource as defined in Section .804 of ANILCA  
22 and those communities listed on Page 583.

23  
24 There's ample evidence to support those  
25 15 -- 14 -- 15 communities -- 15 communities as those  
26 most qualified to hunt in the moose area. Now as has  
27 also been expressed here, the solicitor has told us  
28 that a portion of the Council's recommendation that  
29 would also establish a season harvest limit is beyond  
30 the scope of the original proposal. However, we can go  
31 and address that through a Council special action  
32 request which would do the same thing in establishing  
33 season and harvest limits and the intent would be I  
34 think to get to the question that concerns the State  
35 presented and we would actually in the same place after  
36 having gone through that. So maybe a little more extra  
37 step there, but I think we get to where we need to be,  
38 where we're coordinated together on that.

39  
40 So that's fairly convoluted, but I  
41 think it covered everyone's concerns that I heard.

42  
43 CHAIRMAN FLEAGLE: No, I think you did  
44 a good job there, Geoff. I agree that the analysis  
45 that's presented in the written document is thorough  
46 and supports the motion as well as the action. Other  
47 discussion.

48  
49 MR. PROBASCO: I've got a question.  
50

1 CHAIRMAN FLEAGLE: Pete.

2

3 MR. PROBASCO: Thank you, Mr. Chair.  
4 Keith, with the testimony that has been made and the  
5 opinion that the season is outside of the original  
6 proposal, do we have sufficient information now to just  
7 assume that we have the Special Action request or do we  
8 have to actually go to the -- through the formality of  
9 asking the Council or the Refuge to resubmit one?

10

11 Thank you, Mr. Chair.

12

13 MR. GOLTZ: I think we have to go  
14 through the formality. The reason for the solicitor's  
15 original advice was the lack of notice and comment.  
16 That concern can be overridden by going through our  
17 regular temporary regulations, but I think if we're  
18 going to be safe we should follow the steps.

19

20 CHAIRMAN FLEAGLE: Dr. Wheeler.

21

22 DR. WHEELER: Mr. Chair, if I could.  
23 The Council was very clear that if that was the  
24 direction that the Board took that it wanted a Special  
25 Action submitted. So I think -- and that is on the  
26 transcript from the Council meeting. So I think that  
27 that direction is clear from the Council discussion on  
28 this proposal at their meeting in Bethel this winter.

29

30 CHAIRMAN FLEAGLE: Thank you. Further  
31 interaction there, Keith.

32

33 MR. GOLTZ: They wanted to submit it or  
34 are they directing that.....

35

36 DR. WHEELER: The Council -- if you  
37 read the Council's comments on Page 588, it is the  
38 intent of the Council to submit a Special Action  
39 request to establish a moose harvest season and harvest  
40 limit for the moratorium area of Unit 18 depending on  
41 the Board's action on this proposal. So their thought  
42 was that if the Board had acted to enact a season,  
43 then they wouldn't have to submit a Special Action, but  
44 since the Board is acting in the way that they were  
45 told the Board probably would act, then they -- yes,  
46 the Council will submit a Special Action. Mr. Chair.

47

48 MR. GOLTZ: Okay.

49

50 CHAIRMAN FLEAGLE: I would guess the



1 process is that by that preapproving action of this  
2 meeting that puts it in place without them having to  
3 pull together another meeting, I guess is the.....

4  
5 DR. WHEELER: We have our direction.  
6 Mr. Chair.

7  
8 CHAIRMAN FLEAGLE: Yes. Okay. All  
9 right. Pete.

10  
11 MR. PROBASCO: Thank you, Mr. Chair. I  
12 wanted to just get that clarified on the record so that  
13 after we adjourn tomorrow sometime that we don't go  
14 back into that confusion again.

15  
16 So thank you, Mr. Chair.

17  
18 CHAIRMAN FLEAGLE: All right. Further  
19 discussion on the motion. Wini Kessler.

20  
21 DR. KESSLER: Thank you, Mr. Chair. I  
22 just want to express appreciation to the local -- for  
23 the local community support for th moratorium. These  
24 things are never easy. And also express appreciation  
25 to the Agencies who have worked together to restore the  
26 moose populations in the Kuskokwim.

27  
28 The habitat there is not as productive  
29 as elsewhere, for example, in the Yukon, so it may take  
30 some time yet to really bring the population levels up  
31 where they can sustain a harvest and so I think it's  
32 important to recognize that the refuge and the users  
33 and the communities and the State -- the Board of Game  
34 and the Federal Subsistence Board need to be very  
35 watchful and conservative as hunting is allowed to  
36 slowly return to this area.

37  
38 Thank you.

39  
40 CHAIRMAN FLEAGLE: Further discussion.

41  
42 (No comments)

43  
44 CHAIRMAN FLEAGLE: All right. It  
45 sounds like we've summarized fairly well the proposal's  
46 intent and discussed its merits. Are we ready for a  
47 question.

48  
49 (Board nods affirmatively)

50

1 CHAIRMAN FLEAGLE: Question's  
2 recognized on Proposal 54. Pete, please pole the  
3 Board.  
4  
5 MR. PROBASCO: Thank you, Mr. Chair.  
6 Final action on WP10-54, adopt the proposal with  
7 modification to include the results of the Section .804  
8 analysis.  
9  
10 Ms. Dougan.  
11  
12 MS. DOUGAN: Yes.  
13  
14 MR. PROBASCO: Mr. Haskett.  
15  
16 MR. HASKETT: Yes.  
17  
18 MR. PROBASCO: Mr. Fleagle.  
19  
20 CHAIRMAN FLEAGLE: Yes.  
21  
22 MR. PROBASCO: Ms. Masica.  
23  
24 MS. MASICA: Yes.  
25  
26 MR. PROBASCO: Ms. Kessler.  
27  
28 DR. KESSLER: Yes.  
29  
30 MR. PROBASCO: And Mr. Bunch.  
31  
32 MR. BUNCH: Yes.  
33  
34 MR. PROBASCO: Thank you, Mr. Chair.  
35 Motion carries, 6/0.  
36  
37 CHAIRMAN FLEAGLE: All right. Thank  
38 you. We now move to Proposal 56.  
39  
40 DR. WHEELER: Mr. Chair, Andrea  
41 Mederios is going to be presenting the analysis on this  
42 proposal.  
43  
44 CHAIRMAN FLEAGLE: Great. Welcome,  
45 Andrea.  
46  
47 MS. MEDERIOS: Chairman Fleagle. Board  
48 and Council members. My name is Andrea Mederios and I'm  
49 with the Office of Subsistence Management. Proposal  
50 10-56 analysis starts on Page 605.

1                   This proposal which was submitted by  
2 the Yukon Delta National Wildlife Refuge requests that  
3 the moose harvest limit in the lower Yukon area of Unit  
4 18 be increased to two moose per regulatory year. If  
5 adopted, a Federally-qualified subsistence user would  
6 be allowed to harvest one antlered bull in the fall and  
7 one in the winter season in the Lower Yukon area of  
8 Unit 18.

9  
10                   A hunter who did not harvest in the  
11 fall would be allowed to harvest two moose during the  
12 winter season. Users would be required to harvest both  
13 moose from the Lower Yukon area of Unit 18.

14  
15                   This proposal was submitted by the  
16 Yukon Delta National Wildlife Refuge to provide  
17 Federally-qualified subsistence users with additional  
18 harvest opportunity and to help curb the moose  
19 population growth in the area. The moose population in  
20 the area has been rapidly increasing and the Refuge is  
21 concerned that the population will exceed the carrying  
22 capacity of the habitat and then decline as a result.

23  
24                   The Federal Subsistence Board at its  
25 November 12th work session adopted a Special Action --  
26 a similar Special Action. While not all permits have  
27 been returned, 13 moose were reported to have been  
28 harvested under this Special Action and that was out of  
29 42 permits that were issued, 23 permits were returned  
30 and out of that, 13 had reported to have harvested.

31  
32                   The OSM conclusion which is on Page 611  
33 is to support the proposal with modification to extend  
34 the winter season to February 28th and to require a  
35 Federal registration permit. The winter season  
36 extension to February 28th would align the Federal  
37 season with the recently adopted State season and  
38 because the Federal and State harvest limits would be  
39 different, a Federal registration permit would be  
40 necessary.

41  
42                   Adoption of this proposal would provide  
43 additional harvest opportunity. Any additional harvest  
44 opportunity is not likely to result in a conservation  
45 concern based on the growth rate of the population in  
46 the Lower Yukon area. And that concludes my  
47 presentation. Chairman Fleagle.

48  
49                   CHAIRMAN FLEAGLE: Great. Thank you,  
50 Andrea. Appreciate the presentation and also I've

1 learned that you were largely responsible for putting  
2 this book together for us, all thousand plus pages.

3

4 Good job.

5

6 Thank you.

7

8 MS. MEDERIOS: Thank you, Chairman. Me  
9 and a lot of other hardworking individuals.

10

11 CHAIRMAN FLEAGLE: Good. Great.  
12 Questions.

13

14 (No comments)

15

16 CHAIRMAN FLEAGLE: Summary of public  
17 comments. Alex Nick.

18

19 MR. NICK: Mr. Chair. There were no  
20 public comments.

21

22 CHAIRMAN FLEAGLE: Thank you. Public  
23 testimony, Pete.

24

25 MR. PROBASCO: Yes, Mr. Chair. Mr.  
26 Andrew.

27

28 CHAIRMAN FLEAGLE: Mr. Andrew.

29

30 MR. ANDREW: Thank you, Mr. Chair. In  
31 this proposal, the area that is affected is quite a bit  
32 different than the moratorium area. Here we have a low  
33 population of humans. We have a great number of the  
34 resource there and the habitat is -- it really allows  
35 for this population of moose to build to where it is  
36 today.

37

38 And many of the people in the area are  
39 -- they do have access to the moose, but the additional  
40 moose during the winter really would add to the  
41 additional resources that they really need in the  
42 villages. It provides for the much needed moose that  
43 when people were limited only to one moose in the fall,  
44 people would normally run out or deplete their moose  
45 resources by the middle part of the winter. And when  
46 you're allowed only one moose, it makes for a hard  
47 situation for a lot of the people in the area, but the  
48 additional moose in the winter hunt would really help a  
49 lot of people out.

50

1 Thank you, Mr. Chair.

2

3 CHAIRMAN FLEAGLE: Thank you, Tim.

4 Questions.

5

6 (No comments)

7

8 CHAIRMAN FLEAGLE: Appreciate the  
9 testimony. Regional Council recommendation, Alex.

10

11 MR. NICK: Mr. Chair, Regional Council  
12 recommendation is found on your workbook Page 613. The  
13 Council supported Proposal WP-56 with modification as  
14 described in OSM conclusion. The moose population in  
15 the Lower Yukon area is healthy and still growing.  
16 This area provides more opportunity to those that need  
17 the resource for food. This request was previously  
18 allowed through a Special Action request and the  
19 harvest was relatively low.

20

21 Mr. Chair.

22

23 CHAIRMAN FLEAGLE: Thank you, Alex.  
24 Department of Fish and Game comments. Tina.

25

26 MS. CUNNING: This is one of those  
27 proposals which raise the issue of community harvest  
28 hunts being a better solution, which is part of the  
29 reason why we wanted the Board to understand how the  
30 State's working community harvest program for future  
31 coordination between our State and Federal hunts in  
32 these areas.

33

34 We have the, you know, unfortunate  
35 position here of opposing this proposal due to a number  
36 of concerns. One of those concerns is that the  
37 differences in the Federal Subsistence and State  
38 regulations are going to create some real issues in  
39 these areas of mixed landownership. If this proposal  
40 is adopted, a Federal subsistence user that harvested  
41 moose in the Federal subsistence hunt may not  
42 participate in the State moose hunt because of the  
43 different in the bag limits for the remainder of the  
44 season.

45

46 There's also a concern -- and this is  
47 more of a legal issue. We just want to remind the  
48 Board of that we've asked that the Board include  
49 specific language during deliberations clearly  
50 identifying their supporting facts because we have

1 continuing concerns regarding past Board actions which  
2 established liberal bag limits for species during times  
3 of peak population conditions and then the Board's  
4 refusal for reductions in the back limits once the  
5 population's returned to normal levels.

6  
7 We're cautious of the establishment of  
8 an artificially-inflated bag limit as the standard  
9 definition for a meaningful preference for Federal  
10 subsistence uses when the population returns to normal  
11 levels.

12  
13 So again we understand that this  
14 proposal will probably be adopted, but we would like to  
15 have some consideration be given to moving toward a  
16 community harvest system and joint evaluation of mutual  
17 proposals be less difficult for the users.

18  
19 \*\*\*\*\*  
20 STATE OFFICIAL WRITTEN COMMENTS  
21 \*\*\*\*\*

22  
23 Alaska Department of Fish and Game  
24 Comments to the Federal Subsistence Board

25  
26 Wildlife Proposal WP10-56:

27  
28 This proposal increases the federal  
29 subsistence winter bag limit for moose hunting in the  
30 Lower Yukon River hunt area (Unit 18). The winter  
31 federal subsistence season bag limit would be 2 moose  
32 per year, so a federal subsistence hunter taking a bull  
33 in the fall would be eligible to take 1 additional  
34 moose in the winter or a hunter with no take in the  
35 fall hunt would be eligible to take 2 moose in the  
36 winter hunt.

37  
38 Introduction:

39  
40 Moose population in the Lower Yukon  
41 River hunt area has increased dramatically in recent  
42 years. The population is estimated at about 3,300  
43 moose, has high bull:cow ratios and productivity, which  
44 supports fall and winter seasons. This proposal seeks  
45 to utilize more of the harvestable surplus by federal  
46 subsistence hunters.

47  
48 Impact on Subsistence Users:

49  
50 Increasing the winter bag limit will

1 give federal subsistence users more hunting  
2 opportunity.

3

4 Opportunity Provided by State:

5

6 In Unit 18, the Lower Yukon River hunt  
7 area was modified at the November 2009 Alaska Board of  
8 Game meeting. The Board of Game approved changes by  
9 emergency order announcement for the 2009-2010 winter  
10 season to reflect: 1) change to hunt area boundary,  
11 and 2) winter season. The revised state regulation  
12 becomes a permanent in 2010-2011, as follows:

13

14 5 AAC 85.045 (a) (16). Hunting seasons and bag limits  
15 for moose

16

17 Resident  
18 Open Season  
19 (Subsistence and

20 Nonresident

21 Units and Bag Limits General Hunts) Open Season

22

23 Unit 18 Lower Yukon Area,  
24 that portion north and west  
25 of the Kashunuk River including  
26 the north bank from the mouth  
27 of the river upstream to the old  
28 village of Chakaktolik, west of a  
29 line from Chakaktolik to  
30 Mountain Village, and  
31 excluding all Yukon River drainages  
32 upriver from Mountain Village.

33

34 1 antlered bull; or Aug. 10 - Sept. 30

35 Sept. 1 - Sept. 30

36 1 moose Dec. 20 Feb 28

37

38 Conservation Issues:

39

40 The Lower Yukon River moose population  
41 is growing rapidly and currently is not a conservation  
42 concern. If the moose population continues at a high  
43 rate of growth, over-browsing may result in future  
44 management and conservation considerations.

45

46 Enforcement Issues:

47

48 Enforcement problems related to hunt  
49 area boundary will be decreased by using the Kashunuk  
50 River bank as a boundary because it is an identifiable

1 geographic feature in an area of broad featureless  
2 terrain. None the less, difference in federal  
3 subsistence and state regulations resulting from  
4 adoption of this proposal create enforcement problems  
5 in areas of mixed land ownership, especially for annual  
6 bag limit accumulation issues. If adopted, a federal  
7 subsistence user that harvests a moose in a federal  
8 subsistence hunt may not participate in the state moose  
9 hunt for the remainder of the hunt season.

10

11 Other Comments:

12

13 If adopted, the department requests the  
14 Federal Subsistence Board include specific language  
15 during deliberations clearly identifying the supporting  
16 facts for adopting this proposal. The department has  
17 continued concerns regarding past Federal Subsistence  
18 Board actions which established liberal bag limits for  
19 species during times of peak population conditions and  
20 the Board s refusal for reductions in the bag limits  
21 once the populations returned to normal levels. The  
22 department is cautious of the establishment of an  
23 artificially inflated bag limit as the standard  
24 definition for meaningful preference for federal  
25 subsistence uses when the population returns to normal  
26 levels.

27

28 Recommendation:

29

30 Oppose.

31

32 If adopted, modification is needed to  
33 clarify that the federal manager must consult with the  
34 department to determine when to restrict further  
35 harvest.

36

37 The department suggests consideration  
38 be given to modification of this proposal to establish  
39 a community harvest hunt under federal subsistence  
40 regulations in cooperation with the State which would  
41 establish harvest quotas per community. Developing a  
42 community harvest program will provide additional  
43 opportunity to take harvestable surplus from the  
44 growing moose population to meet the needs of the  
45 communities. Additionally, harvest reporting would  
46 improve and harvest quotas would be sensitive to  
47 biological fluctuations in the population.

48

49 CHAIRMAN FLEAGLE: Okay. Thank you for  
50 those comments. InterAgency Staff Committee comments.



1 Polly.

2

3 DR. WHEELER: In addition to the  
4 standard comment that I reminded you of just a few  
5 minutes ago in respect to Proposal 54, the InterAgency  
6 Staff Committee has no additional comments at this  
7 time, Mr. Chair.

8

9 CHAIRMAN FLEAGLE: Thank you. Board  
10 discussion.

11

12 (No comments)

13

14 CHAIRMAN FLEAGLE: I have a question on  
15 the harvest reporting on Table 2 on 610 -- Page 610.  
16 Am I reading this that 13 additional moose were  
17 harvested under the Special Action that allowed people  
18 to go back out and of those 13, are -- those people  
19 that received this permit, are they people that had  
20 already harvested a moose prior?

21

22 MS. MEDERIOS: That I'm actually not  
23 sure of whether they'd harvested previously or not or  
24 whether they just harvested in the winter season. But  
25 I would assume if they got permits they probably would  
26 have been hunting during that special hunt. So yes, I  
27 guess that would be the case.

28

29

30 CHAIRMAN FLEAGLE: It kind of implies  
31 that. I was just.....

32

33 MS. MEDERIOS: Yeah. I take that back.

34

35 CHAIRMAN FLEAGLE: .....curious  
36 but.....

37

38 MS. MEDERIOS: It would -- because they  
39 would have been issued a special permit to harvest an  
40 additional moose, so that would be the case. It would  
41 have been their second moose.

42

43 CHAIRMAN FLEAGLE: So in the first year  
44 of this being in effect under the Special Action we saw  
45 an increase of 13 moose harvested.

46

47 MS. MEDERIOS: That's correct.

48

49 CHAIRMAN FLEAGLE: All right. Other  
50 discussion.

1 (No comments)

2

3 CHAIRMAN FLEAGLE: Ready for a motion.

4 Geoff.

5

6 MR. HASKETT: I'd like to make a motion  
7 to adopt the proposal with modification as recommended  
8 by the Yukon-Kuskokwim Delta Regional Council and I'll  
9 provide my justification if I get a second.

10

11 MR. BUNCH: Second.

12

13 CHAIRMAN FLEAGLE: Go ahead, Geoff.

14

15 MR. HASKETT: So the moose population  
16 is doing very, very well in the Lower Yukon as has been  
17 pointed out and actually some people suggested it's  
18 doing so well it actually might be causing some habitat  
19 damage -- or could.

20

21 The Board approved a harvest limit for  
22 two moose in this area by Special Action this past  
23 winter, which we just talked about. The results are  
24 very clear that a number of families too advantage of  
25 the opportunity. My guess is they were very  
26 appreciative of the fact of being able to put  
27 additional moose into their meat in their freezers. I  
28 think we need to continue with allowing for this  
29 opportunity while we can especially since this is a  
30 fairly rare situation to have such a robust moose  
31 population that could sustain this kind of additional  
32 harvest.

33

34 Actually Tina's left, but I don't  
35 disagree with the State's suggestion to establish a  
36 community harvest program in the area. However, I  
37 think we need to have the ability to have some  
38 discussion on that. I thought the presentation this  
39 morning was very good on that. I was swayed by a lot  
40 of that, but I think we need a specific different  
41 proposal, more time for discussion and cooperative  
42 efforts between the managers before we would put that  
43 in place.

44

45 So I think we need to move forward this  
46 proposal now, but looking forward to working together  
47 for additional options available to us in the future.

48

49 CHAIRMAN FLEAGLE: Thank you, Geoff.

50 Also I'm reminded that due to the growth and healthy

1 population levels of this herd that this Board took  
2 action to open -- reopen to non-Federally-qualified  
3 users. I almost said subsistence users, but  
4 nonqualified users as well, so -- other discussion on  
5 the motion.

6

7 (No comments)

8

9 CHAIRMAN FLEAGLE: Is everybody  
10 satisfied with the justification laid out by Mr.  
11 Haskett. It sounds like we're ready for the question  
12 on Proposal 55.

13

14 (Board nods affirmatively)

15

16 CHAIRMAN FLEAGLE: Pete -- or 56.

17 Sorry.

18

19 MR. PROBASCO: Thank you, Mr. Chair.  
20 Final action 10-56, adopt the proposal with  
21 modification consistent with Yukon-Kuskokwim Delta  
22 Regional Council recommendation.

23

24 And up first, Mr. Haskett.

25

26 MR. HASKETT: Yes.

27

28 MR. PROBASCO: Mr. Fleagle.

29

30 CHAIRMAN FLEAGLE: Yes.

31

32 MR. PROBASCO: Ms. Masica.

33

34 MS. MASICA: Yes.

35

36 MR. PROBASCO: Ms. Kessler.

37

38 DR. KESSLER: Yes.

39

40 MR. PROBASCO: Mr. Bunch.

41

42 MR. BUNCH: Yes.

43

44 MR. PROBASCO: And Ms. Dougan.

45

46 MS. DOUGAN: Yes.

47

48 MR. PROBASCO: Mr. Chair. Motion

49 carries, 6/0.

50

1 CHAIRMAN FLEAGLE: All right. Thank  
2 you. Now move to Proposal 59. Andrea.

3  
4 MS. MEDERIOS: Chairman Fleagle. Board  
5 and Council members. Proposal 10-59 analysis starts on  
6 Page 625 of your meeting book. This proposal which was  
7 submitted by Byran Ulak of Scammon Bay requests that a  
8 regulatory provision be established for the harvest of  
9 moose from a motorized boat under low or idle power in  
10 the Lower Yukon portion of Unit 18.

11  
12 The proponent believes that  
13 establishing this provision could help increase hunter  
14 success rate and may increase the harvest slightly. It  
15 is common practice of subsistence users in the area to  
16 hunt moose from a motor-driven boat under low power in  
17 the early morning and evening hours when animals  
18 frequent riverbanks. Low power is used to avoid  
19 scaring moose from the riverbanks by keeping motor  
20 noise to a minimum.

21  
22 Statewide Federal subsistence  
23 regulations do not allow the harvest of wildlife from a  
24 motor-driven boat under power. However, exceptions are  
25 allowed under special provisions.

26  
27 Currently under special provisions, you  
28 may take caribou from a boat moving under power in  
29 Units 23, 25, 26, and moose in Unit 25. The regulation  
30 for Unit 23 was adopted at the inception of the Federal  
31 Subsistence Management Program from State regulation.  
32 In 1994, the Board adopted a proposal to allow the  
33 harvest of caribou from a boat moving under power in  
34 Unit 26.

35  
36 In 1995, the Board adopted a proposal  
37 to allow the harvest of caribou and moose from a boat  
38 moving under power in Unit 25. The OSM conclusion  
39 which is on Page 630 is to support with modification to  
40 remove the words low or idle.

41  
42 Adoption of this proposal with  
43 modification would support the current practice in the  
44 area to harvest moose from a boat moving under power.  
45 The modification would make the language consistent  
46 with the language adopted for other units and would  
47 eliminate potential interpretation and law enforcement  
48 issues and allow Federally-qualified subsistence users  
49 the flexibility to choose the throttle setting that is  
50 appropriate for the conditions in the river.

1                   Adoption of this proposal is not likely  
2 to create a conservation concern because the moose  
3 population in the affected area is thought to be  
4 healthy enough to support any additional harvest. And  
5 that concludes my presentation.

6  
7                   Thank you, Chairman Fleagle.

8  
9                   CHAIRMAN FLEAGLE: Thank you, Andrea.  
10 Summary of public comments, Alex.

11  
12                   MR. NICK: Mr. Chair, there were no --  
13 rather any public comments received on this proposal.  
14 Mr. Chair.

15  
16                   CHAIRMAN FLEAGLE: Thank you. Public  
17 testimony, Pete.

18  
19                   MR. PROBASCO: Yes, Mr. Chair. Mr.  
20 Andrew.

21  
22                   CHAIRMAN FLEAGLE: Surprise.

23  
24                   MR. ANDREW: Thank you, Mr. Chairman.  
25 I am to the point where I'm not introducing myself  
26 anymore.

27  
28                   Yeah. We support this proposal. I've  
29 been hunting on the Yukon River for almost 40 years,  
30 ever since I was a child, along with my dad and various  
31 other people. And much of my hunts were -- or the  
32 majority of my hunts were primarily meadow hunting,  
33 spot and stalk and various other ways. And during  
34 those years that I've hunted, I've seen people hunt in  
35 low, idle conditions and various speeds in various  
36 areas, but I'd like to point out in particular this  
37 area that Byron Ulak lives in, it's very low, brushy,  
38 marshy country and it's a lot different from the area  
39 that I hunt where meadows are generally dry and fairly  
40 easily accessible.

41  
42                   And I understand why Mr. Ulak would  
43 submit this proposal just because of the lay of the  
44 land out there being so marshy and very remote in  
45 various areas. And that concludes my testimony.

46  
47                   Mr. Chair.

48  
49                   CHAIRMAN FLEAGLE: Other testimony,  
50 Pete.

1 MR. PROBASCO: No, Mr. Chair.  
2  
3 CHAIRMAN FLEAGLE: I forget to ask is  
4 there questions for the testifier. Sorry, Tim. Come  
5 on back.  
6  
7 MR. BUNCH: Oh, no. Not for Tim.  
8  
9 CHAIRMAN FLEAGLE: No. Okay.  
10  
11 MR. BUNCH: I have a question for  
12 Andrea.  
13  
14 CHAIRMAN FLEAGLE: Okay. I'll get to  
15 that under the Board discussion. We can open it up  
16 then.  
17  
18 Okay. Regional Council recommendation,  
19 Alex.  
20  
21 MR. NICK: Mr. Chair. YK RAC supported  
22 Proposal WP-59 with modification as described in OSM  
23 conclusion. There have been no reported accidents  
24 caused by hunting from moving boats. Resources in the  
25 area can sustain the additional harvest of moose. The  
26 moose population in the area is healthy and growing.  
27 Some people do this as a practical activity while  
28 hunting. Keeping the boat under power while hunting in  
29 the area is important for safety and the bracket there,  
30 it says to avoid sweepers, rocks, et cetera.  
31  
32 When they were discussing the proposal,  
33 some of the Council members did mention that, you know,  
34 it's important to keep the motor power on while it's  
35 windy, you know, when they spot moose that they want to  
36 go after. That's part of the reason why they, you  
37 know, they put that bracket there. Mr. Chair.  
38  
39 CHAIRMAN FLEAGLE: Thank you, Alex.  
40  
41 Alaska Department of Fish and Game  
42 comments, Tina.  
43  
44 MS. CUNNING: Currently under Federal  
45 Regulations 100.264 and 15, the taking of swimming  
46 wildlife from a moving boat is illegal. The  
47 traditional method of harvesting moose from the Lower  
48 Yukon River hunt area has not included pursuit and  
49 taking of swimming game.  
50

1 Changing the Federal subsistence method  
2 of take to include boats under power would contribute  
3 to enforcement issues related to take of big game while  
4 swimming and take of other game such as waterfowl  
5 hunting. Adopting methods of take regulations that are  
6 divergent from the State hunting regulations will  
7 increase user confusion and increase risks of  
8 enforcement and other enforcement problems.

9  
10 We also oppose this regulation because  
11 we believe that the Federal subsistence hunting  
12 regulations only apply on Federal public lands. The  
13 Federal subsistence hunting regulations do not apply on  
14 non-Federal lands and waters.

15  
16 The boat-accessible waters of the Lower  
17 Yukon River are largely State owned and not subject to  
18 the Federal subsistence wildlife regulations.

19  
20 \*\*\*\*\*  
21 STATE OFFICIAL WRITTEN COMMENTS  
22 \*\*\*\*\*

23  
24 Alaska Department of Fish and Game  
25 Comments to the Federal Subsistence Board

26  
27 Wildlife Proposal WP10-59:

28  
29 This proposal modifies federal  
30 subsistence methods and means of taking game to allow  
31 moose to be taken while under power in a boat being  
32 operated within the Lower Yukon River hunt area in Unit  
33 18.

34  
35 Introduction:

36  
37 Under federal regulations ^U 100.26 (4)  
38 and (15), taking swimming wildlife from a moving boat  
39 is illegal. Moose population in the Lower Yukon River  
40 hunt area has increased dramatically in recent years.  
41 The population is estimated at about 3,300 moose, has  
42 high bull:cow ratios and productivity which supports  
43 fall and winter seasons. Current federal subsistence  
44 methods of take prohibit taking a moose while under  
45 power in a boat or while moose are swimming.  
46 Traditional method of harvesting moose from the Lower  
47 Yukon River hunt area has not included pursuit and take  
48 of swimming game.

49  
50 Opportunity Provided by State:

1 State regulations prohibit the take of  
2 game from boats under power in 5 AAC 92.080 (4), as  
3 follows:

4  
5 92.080. Unlawful method  
6 of taking game;  
7 exceptions. The  
8 following methods of  
9 taking game are  
10 prohibited:

11  
12 (4) unless otherwise  
13 provided in this  
14 chapter, from a motor-  
15 driven boat or a  
16 motorized land vehicle,  
17 unless the motor has  
18 been completely shut  
19 off and the progress  
20 from the motor s power  
21 has ceased, except that  
22 a

23  
24 State regulations prohibit the taking  
25 big game while swimming in 5 AAC 92.085 (7), as  
26 follows:

27  
28 92.085. Unlawful method  
29 of taking big game;  
30 exceptions. The  
31 following methods and  
32 means of taking big  
33 game are prohibited in  
34 addition to the  
35 prohibitions in 5 AAC  
36 92.080:

37  
38 (7) while a big game  
39 animal is swimming,  
40 except that a swimming  
41 caribou may be taken in  
42 Unit 23;

43  
44 Enforcement Issues:

45  
46 Changing the federal subsistence method  
47 of take to include boats under power would contribute  
48 to enforcement issues related to take of big game while  
49 swimming and take of other game (e.g., waterfowl  
50 hunting). Adopting methods of take regulations that



1 are divergent from the state hunting regulations will  
2 increase user confusion and increase enforcement  
3 problems.

4

5 Recommendation:

6

7 Oppose.

8

9 Federal subsistence hunting regulations  
10 only apply on federal public lands; federal subsistence  
11 hunting regulations do not apply on nonfederal lands  
12 and waters (unlike federal subsistence fishing  
13 regulations). The boat accessible waters of the Lower  
14 Yukon River are state-owned and are not subject to  
15 federal subsistence wildlife regulations.

16

17 CHAIRMAN FLEAGLE: Thank you for the  
18 comments. InterAgency Staff Committee comments, Polly.

19

20 DR. WHEELER: There are no additional  
21 comments aside from the standard comment from the  
22 InterAgency Staff Committee, Mr. Chair.

23

24 CHAIRMAN FLEAGLE: Okay. Thank you.  
25 I'm going to open it up to the roundtable discussion  
26 with everybody now, but I'm going to go ahead and put  
27 you on the list since I had a request from Charlie  
28 Bunch. Charles, go ahead and ask your question of  
29 Andrea, please.

30

31 MR. BUNCH: Andrea, I think, you know,  
32 the testimony this morning shows that my concern on  
33 this would be the enforcement angle of it because I  
34 know a lot of rural residents. How is this going to be  
35 -- as Tina says, is this going to be -- present a  
36 problem with enforcement in the different regions? I  
37 mean is it going to cause confusion to a hunter  
38 depending on the boundaries of the game units.

39

40 MS. MEDERIOS: There's no way for me to  
41 know how much confusion there would be on the ground in  
42 the implementation of this proposal. One thought is  
43 though that Federally-qualified subsistence users would  
44 be permitted with hunting moose because of the action  
45 you just took on 10-56, so they would be carrying a  
46 permit in the area to hunt moose. That's one thought.

47

48 MR. BUNCH: Well, my thought wasn't so  
49 much as to carrying the permit. I'm sure they would  
50 have a permit if it was a Federal hunt. My concerns

1 were the placing people into harm's way from State law  
2 enforcement.

3

4 CHAIRMAN FLEAGLE: Polly.

5

6 DR. WHEELER: I might deflect that back  
7 to our solicitor's office perhaps, but I don't know  
8 that we have any answer for you on that one. That's  
9 kind of outside of our purview of experience or  
10 authority.

11

12 CHAIRMAN FLEAGLE: Well, I know Pat has  
13 some additional comments to Tina's comments and maybe  
14 we'll get there from here. And I also recognize,  
15 Julia, that you wanted to speak, so I'll put you on the  
16 list. But I would just comment that the regulatory  
17 changes being proposed here would only apply to Federal  
18 public lands, not the water because the -- we're not  
19 authorizing swimming moose in this. And I know you  
20 commented on swimming moose. It doesn't include that.

21

22

23 So the distinction between where the  
24 Federal lands are and the State lands are are something  
25 that the users are going to have to distinguish anyway,  
26 whether this regulation applies or not, whether you got  
27 the Federal permit or not. So I think that kind of  
28 clears it up some, but, Pat, you had additional  
29 comments.

30

31 MR. VALKENBURG: Yeah. Thank you, Mr.  
32 Chairman. To kind of rephrase what Tina was getting at  
33 maybe in a different way and then a couple of other  
34 points.

35

36 It will be a real problem for users  
37 because I can assure you that State enforcement  
38 officers would enforce the State -- existing State law  
39 on State waters. They would not allow people to shoot  
40 from moving boats.

41

42 The reason that that regulation is in  
43 State regulation and so widespread is mostly for safety  
44 purposes, but the Board of Game has been open to the  
45 idea of allowing shooting from moving boats where it  
46 makes sense and one of the first places they recognize  
47 that was on the Kilbuck with swimming caribou where  
48 actually it is less wasteful and easier for people to  
49 harvest caribou swimming in the water and I was not  
50 aware that it was an issue with moose in the Lower

1 Yukon and it's probably a fairly recent thing because  
2 of the expanding moose population.

3

4                   So I would suggest to people that they  
5 bring a proposal to the State Board of Game to try to  
6 get that addressed and I think Charlie's comments were  
7 right on also that, you know, this is going to not only  
8 cause confusion for local residents, it's going to give  
9 them the idea that it's okay to do this when State  
10 enforcement officers are going to tell them that it's  
11 not okay.

12

13                   Thank you.

14

15                   CHAIRMAN FLEAGLE: Ms. Dougan.

16

17                   MS. DOUGAN: Thank you, Mr. Chair.  
18 While I'm partially inclined to support the proposal as  
19 modified by OSM, I too remain concerned about the  
20 enforcement issues and the potential to subject users  
21 to some of those issues. And because of those  
22 jurisdictional issues as Pat said I would also be  
23 willing to defer the proposal until something could be  
24 taken to Alaska Board of Game.

25

26                   Thank you.

27

28                   CHAIRMAN FLEAGLE: Thank you. I have a  
29 question. Keith, there's a pretty significant  
30 jurisdictional question at play here. When a person  
31 takes a moose, does that take occur from the point that  
32 the hunter is at or the point that the animal is at? I  
33 mean I see the State is defining the take as occurring  
34 from the boat and the way we were looking at it,  
35 obviously from the direction of the analysis and the  
36 way I'm thinking is the take is occurring on Federal  
37 land where it is occurring. I mean what -- do you have  
38 an opinion on this?

39

40                   MR. GOLTZ: Yeah, I have an opinion.

41

42                   (Laughter)

43

44                   MR. GOLTZ: The State probably is going  
45 to argue that the take can occur either from the point  
46 of location of the hunter or from the point of impact  
47 of the bullet and I conclude that from the Totemoff  
48 case.

49

50                   I don't think that's our position in

1 this case and I don't think it's really quite as  
2 complicated as we're making it seem.

3  
4 We have already allowed this activity  
5 in five other places in Federal regulation. The State  
6 has already allowed it in two and there's no  
7 conservation concern. So what we are left with is a  
8 problem of determining where State lands are and where  
9 the Federal lands are.

10  
11 That's true of almost all our  
12 regulations. If you take a look at the maps throughout  
13 this book, there is a colored portion and there's a  
14 white portion. The Federal Government claims  
15 jurisdiction only over the white portion. The rest is  
16 under exclusive State management.

17  
18 Repeatedly we -- did I just reverse  
19 that?

20  
21 CHAIRMAN FLEAGLE: Yes.

22  
23 MR. GOLTZ: All right.

24  
25 (Laughter)

26  
27 CHAIRMAN FLEAGLE: The color is ours.  
28 The white is not.

29  
30 MR. GOLTZ: All right. Well, Harry has  
31 pointed out I'm the oldest man in the room. He's been  
32 around long enough and so has Tina that by now  
33 everybody should know I don't always get it right, but  
34 I'm trying.

35  
36 There is a difference in Federal  
37 approach to lands and waters. We claim Federal  
38 jurisdiction over all waters within the external  
39 boundaries of the CSUs. We claim Federal jurisdiction  
40 only if we have also Federal title.

41  
42 If you take a look at the map on Page  
43 627 in the -- it says Lower Yukon Hunt Area, we have  
44 Federal land and it seems during that reach there would  
45 not be much of a problem discerning where the impact of  
46 the bullet is going to be. It's going to be on Federal  
47 jurisdiction. That ribbon of water that flows through  
48 there is area that we claim Federal jurisdiction.

49  
50 Now in the past -- and I've tried to

1 explain this concept. I've often said -- used the  
2 terms hunting and fishing. But what I've been trying  
3 to ferret out is the area of Federal jurisdiction. So  
4 in that -- in a reach like that, I think the Federal  
5 Government would claim that that is a  
6 Federally-protected activity.

7

8                   Having said that, I certainly think the  
9 best solution is for us to have concurrent regulations  
10 in this entire area and I think a proposal to the State  
11 would be the best possible approach.

12

13                   CHAIRMAN FLEAGLE: Thank you, Keith.  
14 That still leaves the question though as to where --  
15 you know, if that -- I don't know that that -- the fact  
16 that we claim the waters flowing through the Federal  
17 land for wildlife, I guess that's the question that I  
18 haven't been clear. I think that Katie John was clear  
19 that it is for fisheries, but did it apply to wildlife  
20 as well.

21

22                   MR. GOLTZ: I -- Tina's going to  
23 disagree with this, but I think that the present result  
24 of the Katie John litigation is Federal jurisdiction  
25 within the external boundaries. That case is now in  
26 appeal, so we may get a different result in the Ninth  
27 Circuit, but as of now our Federal claim of  
28 jurisdiction has been affirmed. And I don't see  
29 anything in the opinion that says hunting and fishing.  
30 I have said hunting and fishing in the past and  
31 obviously used fishing to refer to waters, but that may  
32 be more a statement of the limitation of language than  
33 it is about the jurisdiction.

34

35                   We are claiming Federal jurisdiction  
36 over all internal waters.

37

38                   CHAIRMAN FLEAGLE: I see you, Tom. I  
39 got you down. But, guys, I -- we're pushing on a  
40 marathon stretch here between breaks and I thought we  
41 would finish up this Southwest area before we took a  
42 break and then we could come back, but let's stand down  
43 for just a few minutes and then we'll come back and  
44 pick this up before lunch.

45

46                   (Off record)

47

48                   (On record)

49

50                   CHAIRMAN FLEAGLE: All right. Federal

1 Subsistence Board is back on record and we're  
2 continuing discussion on Proposal 59 and I have Tom  
3 Kron wishes to speak.

4

5 MR. KRON: Yeah, Mr. Chairman. I just  
6 wanted to reiterate something that Andrea had  
7 mentioned. This is common practice in this area  
8 already. We worked real closely with the Yukon Delta  
9 National Wildlife Refuge, Mr. Robert Sundown who is the  
10 Enforcement Officer there on this. You know, he has  
11 pointed that out to us and again participated with us  
12 through the process and the presentation to the  
13 Regional Council.

14

15 Again the Refuge has not opposed this.  
16 They understand the situation and again it's a common  
17 practice issue.

18

19 Thank you, Mr. Chair.

20

21 CHAIRMAN FLEAGLE: Thank you. Further  
22 discussion.

23

24 Jack.

25

26 MR. REAKOFF: Mr. Chairman. I know  
27 this practice occurs in within our Region also. The --  
28 we get into the issue of if we have a disparate Federal  
29 season, if a person is either with a motor boat that's  
30 drifting or however it's -- if the person is shooting a  
31 moose under a Federal hunt on the Federal lands, that  
32 would be disparate to the State season, if there was a  
33 disparity.

34

35 The methods and means disparity, this  
36 Board is within the -- I feel it's within the Board's  
37 purview to set a disparate methods and means of  
38 allowing a motorized boat. Again I feel like you do,  
39 Mike, if the moose is on the Federal lands -- if you  
40 shoot a moose and it wanders into a park, you get a  
41 ticket if you're not allowed to kill a moose in the  
42 park.

43

44 It's where the moose falls is where the  
45 enforcement has always occurred. And so I feel that  
46 this methods and means should not be delayed to the  
47 Board of Game. We don't know what they're going to do.  
48 We -- this moose population is increasing. This is a  
49 customary and traditional practice there and within our  
50 Region also and I feel that this Board has the ability

1 to provide for a customary and traditional practice  
2 even though it's not recognized legally. That would be  
3 my comment.

4

5 Thank you.

6

7 CHAIRMAN FLEAGLE: Thank you. Dr.  
8 Kessler.

9

10 DR. KESSLER: I just had a question for  
11 Alex Nick. Did the Council have discussion about this  
12 for ability for enforcement actions? Is that part of  
13 the concerns they discussed at all?

14

15 MR. NICK: Through the Chair. Wini,  
16 yes, they did. They discussed the common practice that  
17 people use out there when they try to harvest a moose  
18 in that area in the Lower Yukon. Not only in the Lower  
19 Yukon like what Jack mentioned that they -- the  
20 hunters -- the local hunters sometime have no choice  
21 but to have the power motor on in order to keep the  
22 boat from drifting away from a position because in some  
23 areas like the Council did discuss this in Yup'ik and  
24 in English and Tom knows and some were the people that  
25 attended YK Council meeting knows that some of the  
26 comments the Council make are not interpreted into  
27 English because there's no interpreter there.

28

29 And even if there's interpreter,  
30 sometime he or she steps out of the room and during the  
31 deliberation, they talked about that and they talked  
32 about a current -- strong currents that occur during  
33 tidal times, you know, in the Lower Yukon when the  
34 tides are going in or going out and -- or going through  
35 a stream -- small streams where there's a lot of  
36 current or in the windy conditions, you know, during  
37 hunting activity. They did talk about that, Wini.

38

39 Mr. Chair. Does that answer your  
40 question?

41

42 DR. KESSLER: I was more wondering,  
43 questions have come up about, you know, the mixed land  
44 ownership and the possibilities of enforcement actions  
45 being taken. Was that amongst the concerns discussed  
46 by the Council?

47

48 MR. NICK: That was also discussed too  
49 and Robert Sundown was there to answer some questions  
50 that they have.

1 DR. KESSLER: Okay.  
2  
3 MR. NICK: Mr. Chair.  
4  
5 DR. KESSLER: Okay. Thank you.  
6  
7 CHAIRMAN FLEAGLE: Other discussion.  
8 Keith.  
9  
10 MR. GOLTZ: I've been asked to clarify  
11 one point. In my previous remarks, I was referring to  
12 Map No. 1 on Page 627 and I was referring to activities  
13 that are taking place in the -- what's designated the  
14 Lower Yukon Hunt Area, the dark portion. I think that  
15 Jack is correct. The enforcement actions usually take  
16 place where the animal falls and I was arguing that in  
17 that area, the animal's going to fall on Federal land  
18 and it's going to be initiated in Federal waters.  
19  
20 However, if you go north -- downriver,  
21 you're going to look at a lot of white land. We're not  
22 claiming that a hunter could legally use those Federal  
23 waters and shoot a moose in the white area. That would  
24 be under State jurisdiction.  
25  
26 CHAIRMAN FLEAGLE: Thanks for the  
27 clarification. That was my understanding as well. Are  
28 we ready for a motion.  
29  
30 (Board nods affirmatively)  
31  
32 CHAIRMAN FLEAGLE: Oh, hang on.  
33 Weaver, go ahead.  
34  
35 MR. IVANOFF: Mr. Chair. I'd like to  
36 reiterate what Mr. Alex Nick has stated in regards to  
37 safety. I don't know those of you who are sitting here  
38 at the table have been on the Yukon River and you know  
39 that's -- we all know that's an immense river and I've  
40 been on there several times on the Lower Yukon portion.  
41  
42 It's dark, it's swift, it's muddy. You  
43 fall in the water, you be under two, three feet, you  
44 don't know which way is up and which way is down.  
45 There's no question about that. I mean there's a lot  
46 of people have trouble when they fall into the river on  
47 the Yukon. You just can't tell which way's up and down  
48 even though you're in a few feet.  
49  
50 And so there's a real safety concern.



1 It's common practice already to do that. They'd like  
2 to legalize it, but the most safety concerns, once you  
3 shut off your boat motor in the excitement of the hunt,  
4 and it sometimes occurs, you got to do that because the  
5 regulation says you can't shoot it. And there's a real  
6 danger once that happens because of the current on the  
7 Yukon. It is -- there's a lot of -- there's whirlpools  
8 that do occur down there. There's swirling water and  
9 it just never quits. I mean there's a lot of force in  
10 there and once your boat hits onto an embankment, it's  
11 capsized without -- I mean just like that.

12

13                   So it's a real safety concern and I  
14 think because of that, that was part of the reason that  
15 the Yukon River, the Yukon Delta Advisory Committee is  
16 asking that this be passed. I realize that you're  
17 talking about enforcement and legal issues that are  
18 involved with it, but most of the people who live down  
19 there in Kotlik, Emmonak, Alakanuk and Nunam Iqua know  
20 where the boundaries are. This is basically the white  
21 area that we're talking about. Those are mostly  
22 corporate land -- village lands and so they know  
23 exactly where the boundaries are and that's not a  
24 question. That should not be a question because those  
25 people intimately know where those boundaries are and  
26 that shouldn't be a problem.

27

28

29                   CHAIRMAN FLEAGLE: Thank you, Weaver.  
30 Geoff.

31

32                   MR. HASKETT: I'd like to make a motion  
33 to adopt the proposal with modification as recommended  
34 by the Yukon-Kuskokwim Delta Regional Council and I'll  
35 provide my justification if I get a second.

36

37                   MS. MASICA: Second.

38

39                   CHAIRMAN FLEAGLE: There you go.

40

41                   MR. HASKETT: I'd like to point out  
42 again this is another area where we have a moose  
43 population that's healthy and robust. I'd like to  
44 point out that this is a method of harvesting moose  
45 that's already occurring a number of places in the  
46 State. The intent is to make hunters more successful  
47 and safer. It's a method we're already allowing for  
48 taking caribou in at least four other units, 18,23,25  
49 and 26 and for moose in Unit 25.

50

1                   This will be consistent with our  
2 regulations in those other units. We're looking to  
3 remove the reference that the motor must be at  
4 lower/idle power. I think that that would be very  
5 difficult to enforce or define.

6  
7                   I recognize the concerns from the State  
8 as far as the jurisdictional issues, but I guess I need  
9 to point out we have jurisdictional issues in a lot of  
10 places over the State. This is an area where we  
11 disagree in terms of who has jurisdiction and I'm -- I  
12 guess my point would be that if we let that keep us  
13 from making determinations on this Board, we would be  
14 kept from making about half the determinations we're  
15 able to make. So I guess we'll recognize we have a  
16 disagreement and move forward with this.

17  
18                   CHAIRMAN FLEAGLE: Further discussion.  
19 Charlie.

20  
21                   MR. BUNCH: Yeah. I'm hesitant to vote  
22 against anything which would affect subsistence uses.  
23 However, you know, I think that the testimony that  
24 Ralph has given and I'm assuming that Mr. Peltola knows  
25 his folks much better than I do, but I think the law  
26 enforcement issue is the only thing that is causing me  
27 concern on this and I would urge Mr. Ulak to petition  
28 the State to do something, but I'm in total agreement  
29 with you. I think if we wait for the State, we may  
30 wait a long time.

31  
32  
33                   CHAIRMAN FLEAGLE: Geoff.

34  
35                   MR. HASKETT: I want to make sure that  
36 what I said is interpreted correctly because I continue  
37 to work with the State on these issues, but I'm just  
38 recognizing the fact that we do have fairly strong  
39 jurisdictional disagreements and those shouldn't keep  
40 us from making decisions here because it could cause  
41 some problems in a lot of our deliberations.

42  
43                   MR. BUNCH: I agree.

44  
45                   CHAIRMAN FLEAGLE: Charlie. Tina.

46  
47                   MS. CUNNING: Thank you. We have a  
48 regulation in the State Board process whereby we can  
49 take up proposals out of cycle in order to make things  
50 work better with the Federal Subsistence Program and

1 that is a -- a very serious -- serious intent that was  
2 recognized through our MOU deliberations that the Board  
3 of Game would take up things out of cycle in order to  
4 address issues.

5  
6                   It's my suggestion that this is not  
7 quite as clear as what the discussion has addressed  
8 here. Several of you have noticed Keith and I have  
9 been having several sidebar conversations on this issue  
10 and there are a number of questions that still aren't  
11 raised and discussed on the record.

12  
13                   My suggestion would be that you defer  
14 this proposal, let us work on a couple of things: (1)  
15 taking this authorization up with the Board of Game  
16 which actually I think they have indicated some  
17 interest in doing and Pat's nodding yes. Secondly,  
18 it's my suggestion that we also work on providing  
19 clarifying language jointly. Even where we may  
20 disagree on jurisdiction, it's really inappropriate to  
21 put our subsistence users at risk of unnecessary  
22 enforcement actions.

23  
24                   And I think that we could help clarify,  
25 especially if our legal counsel and the Federal legal  
26 counsel were to work together -- I think we could  
27 provide some clarifying language, perhaps take this up  
28 at another Board meeting this year, that would clarify  
29 those areas that would clearly recognize the  
30 jurisdiction and clearly recognize where there's  
31 conflicts.

32  
33                   For example, the one comment that Keith  
34 made was that the Federal hunting regulations would  
35 apply within those dark areas where there's Federal  
36 lands adjacent and not in the areas downstream where  
37 there's private and State lands adjacent. However,  
38 that's really not been my understand.

39  
40                   Where there's fisheries jurisdiction  
41 claims and Federal Reserve water rights, that includes  
42 those waters downstream out to the outer boundary of  
43 the conservation system unit which would then mean that  
44 these Federal subsistence regulations for hunting would  
45 apply within those Federal Reserve water rights within  
46 the boundaries of the waterway out to the exterior  
47 boundary of the unit.

48  
49                   So we still have some discussion on  
50 where those claims would be or not be that I think we

1 need to be sure are cleared up for our respective  
2 users.

3

4 CHAIRMAN FLEAGLE: Thank you, Tina. I  
5 have a couple of thoughts on this and just for process.  
6 One is, first not speaking to the jurisdictional or the  
7 process allowing the Board of Game to participate, et  
8 cetera. I'll get to that in a minute.

9

10 But the first one is if we adopt the  
11 proposal as presented, we would have an inconsistency  
12 in the exceptions where the exceptions are currently  
13 boat moving under power in Unit 23, a boat moving under  
14 power in Unit 25, a boat moving under power in Unit 26.  
15 This would be the exception to the exception where we  
16 would say that that boat moving under power can only be  
17 at lower/idle power. I mean why confuse it with having  
18 that. I would entertain an amendment to remove that  
19 lower/idle. I mean they can -- that's what they do.  
20 Yeah. Okay. You guys are way ahead of me. I won.

21

(Laughter)

22

23 MR. HASKETT: You're very convincing.

24

(Laughter)

25

26 CHAIRMAN FLEAGLE: I'm sorry. I was  
27 busy with the other issue, but thank you. That's good.

28

29

30 The second issue is as far as we have  
31 this discussion about whether or not to wait for the  
32 Board of Game or the State to come up with some  
33 language that might allow this practice in this area,  
34 we could take action with a delayed implementation  
35 pending the result of State action at the request of  
36 any Special Action request and I know we've done  
37 similar things like this before. And it kind of  
38 positions you to say, all right, State, we are going to  
39 implement this action and we encourage you to match  
40 this action.

41

42 I know we've done it in the past. It's  
43 just a possible compromise solution. I agree with  
44 Geoff. We do have the authority to pass this  
45 regulation whether it's in the best interest to wait  
46 for the State or not. I think it's moot. Pete.

47

48 MR. PROBASCO: Mr. Chair. And your

49

1 concept there as far as when the regulation would be in  
2 effect and I -- Chief, correct me if I'm wrong, but I  
3 think the Board would need to put in their motion an  
4 effective date specifically when that regulation would  
5 take place -- would start.

6

7 CHAIRMAN FLEAGLE: Right. Keith.

8

9 MR. GOLTZ: That's correct.

10

11 CHAIRMAN FLEAGLE: So I just throw that  
12 out for suggestion and -- Weaver, go ahead.

13

14 MR. IVANOFF: Thank you, Mr. Chair.  
15 While your idea has some merits to it, I wasn't there,  
16 but I don't believe the Yukon-Kuskokwim Delta Advisory  
17 group -- RAC people envisioned the discussion to go  
18 this far, that the State would -- we would have to wait  
19 until the State takes some action to address the  
20 concern.

21

22 Again the safety issue is of the utmost  
23 importance. The practice is continuing now. It's just  
24 a matter of legalizing it and the practice is going to  
25 continue whether you take action. Maybe I'm off base  
26 saying that right now.

27

28 (Laughter)

29

30 MR. IVANOFF: But the reality of this  
31 -- and I'm a hunter and I -- things happen like that.  
32 I mean it's -- you're out there in rural Alaska. There  
33 are not that many enforcement officers running around,  
34 you know, to where they'll actually be there. I mean  
35 you'll see them maybe if you're lucky -- or unlucky --  
36 once or twice a week. I mean once every two weeks  
37 maybe and that's the reality of it. It's -- so it's --  
38 I really have I guess a hard time when we have to refer  
39 or defer taking action on a safety issue until the  
40 State could come up with something.

41

42 I mean I think we could -- we should be  
43 able to take action on a proposal and if the State  
44 needs to follow suit, then something that we could work  
45 for, but it shouldn't be the other way and that's my  
46 feeling. And again maybe I'm off base saying that, but  
47 at the same time, I believe you should, you know,  
48 really take action rather than defer and wait until the  
49 State because we don't know. We have no idea what the  
50 State Board of Game is going to do and that's the whole

1 uncertainty.

2

3                   The certainty here is taking action  
4 today. Thank you.

5

6                   CHAIRMAN FLEAGLE: All right.  
7 Appreciate the comments. I have allowed a couple of  
8 comments from outside the Board. We have taken a  
9 motion on this and I'd like to go ahead and just bring  
10 it back to the Board and let us complete our work.  
11 What's the intent of the Board.

12

13                   (No comments)

14

15                   CHAIRMAN FLEAGLE: Any further  
16 discussion? Charlie.

17

18                   MR. BUNCH: Call for question.

19

20                   CHAIRMAN FLEAGLE: Question's called on  
21 the proposal. Pete.

22

23                   MR. PROBASCO: Thank you, Mr. Chair.  
24 Final action on WP10-59, adopt the proposal with  
25 modification consistent with the Yukon-Kuskokwim Delta  
26 Regional Council recommendation to remove the words low  
27 or idle. Mr. Fleagle.

28

29                   CHAIRMAN FLEAGLE: Yes.

30

31                   MR. PROBASCO: Ms. Masica.

32

33                   MS. MASICA: Yes.

34

35                   MR. PROBASCO: Ms. Kessler.

36

37                   DR. KESSLER: Yes.

38

39                   MR. PROBASCO: Mr. Bunch.

40

41                   MR. BUNCH: Yes.

42

43                   MR. PROBASCO: Ms. Dougan.

44

45                   MS. DOUGAN: Yes.

46

47                   MR. PROBASCO: And Mr. Haskett.

48

49                   MR. HASKETT: Yes.

50

1 MR. PROBASCO: Motion carries, 6/0.

2

3 CHAIRMAN FLEAGLE: Thank you. And I  
4 would encourage the -- somebody to submit a companion  
5 proposal to the Board of Game to align that process --  
6 or I mean that activity.

7

8 That concludes the Yukon-Kuskokwim  
9 Delta portion of the meeting and we will resume with  
10 the Western Interior when we return from lunch at 1:50.

11

12 (Off record)

13

14 (On record)

15

16 CHAIRMAN FLEAGLE: Good afternoon.  
17 Welcome back to the afternoon session of the Federal  
18 Subsistence Board, May 19th, and we're stepping into  
19 the Western Interior Region, Region 6. We have two  
20 proposals and first up is Proposal 67.

21

22 Dr. Wheeler.

23

24 DR. WHEELER: Thank you, Mr. Chair. We  
25 have some staff that haven't been up to the table  
26 before at this meeting, but certainly they've been up  
27 to the table at numerous other meetings. To my right  
28 is Larry Buklis. He's the Chief of the Fisheries  
29 Division. And to his right is Don Rivard, the Analyst  
30 for several of the Western Interior proposals, and then  
31 to his right is Ann Wilkinson, the Chief of the  
32 Coordination Division. And Don will be doing the  
33 analysis for 67 and 68.

34

35 Mr. Chair.

36

37 CHAIRMAN FLEAGLE: Great. Welcome to  
38 the table, everybody, and, Don, go ahead and lead out.

39

40 MR. RIVARD: Good afternoon, Mr. Chair.  
41 Board members and Council representatives. Again my  
42 name is Don Rivard with the Office of Subsistence  
43 Management. The analysis of WP10-67 starts on Page 697  
44 in your book.

45

46 WP10-67, submitted by the Western  
47 Interior Alaska Subsistence Regional Advisory Council,  
48 requests changes in the harvest limits and dates for  
49 moose in Unit 24B in the Kanuti Controlled Use Area.

50

1                   During its February 2010 meeting, the  
2 Western Interior Council thoroughly discussed this  
3 proposal. The Alaska Department of Fish and Game Area  
4 Biologist in Galena offered and spoke to State Proposal  
5 90A as an alternative for consideration. State  
6 Proposal 90A requested a four-month winter season from  
7 December 15th to April 15th and a limit of one antlered  
8 bull with a minimum five-inch antler on one side in  
9 portions of Units 24B and 24C with a four-year sunset  
10 clause.

11  
12                   The Biologist pointed out that in the  
13 upper Koyukuk River Drainage there is a low density  
14 moose population and a low number of hunters which  
15 translates to low encounter rates with moose and  
16 therefore low harvest. The low encounter rates would  
17 be offset by the longer four-month season and take  
18 pressure off hunters to find moose during a short five-  
19 or ten-day season as has been the case and was proposed  
20 in this proposal.

21  
22                   The Council was in agreement with the  
23 rationale for State Proposal 90A and made its  
24 recommendation on WP10-67 utilizing the parameters of  
25 State Proposal 90A for Federal public lands within the  
26 Kanuti Controlled Use Area contingent on State  
27 Proposal 90A being adopted by the Alaska Board of Game  
28 the following week.

29  
30                   The Council's intent was to align  
31 Federal and State regulations in the affected area.  
32 The Council made a second recommendation in case the  
33 Board of Game did not adopt State Proposal 90A. The  
34 Board of Game did adopt State Proposal 90A but with a  
35 limit of one antlered bull, but did not adopt the  
36 minimum five-inch antler restriction due to the  
37 reported difficulty with accurately determining the  
38 size of an antler in the field.

39  
40                   OSM Staff concurred with the Council's  
41 recommendation and intent and changed its conclusion to  
42 match the Council's recommendation but without the  
43 antler size restriction so as to be consistent with  
44 State regulatory action subsequent to the Council's  
45 meeting. The Council met by teleconference last week  
46 on the 14th of May and reevaluated its recommendation  
47 on this proposal in light of the March 2010 Board of  
48 Game action.

49  
50                   The Council Chair will report the



1 outcome when he provides the Board with the Council's  
2 recommendation. Related to this proposal is State  
3 Proposal 94 which requested the boundary of the Kanuti  
4 Controlled Use Area be modified as a reduction in the  
5 size of the Controlled Use Area by removing a  
6 triangular shaped portion south of Bettles.

7  
8 The Western Interior Council's  
9 recommendation on State Proposal 94 was to oppose.  
10 However, at its March 2010 meeting, the Alaska Board of  
11 Game adopted State Proposal 94.

12  
13 Federal public lands in the Kanuti  
14 Controlled Use Area have been and are closed to the  
15 taking of moose except by Federally-qualified  
16 subsistence users of Unit 24, Koyukuk and Galena, which  
17 includes approximately half of the area removed by the  
18 Board of Game. There are now two descriptions of the  
19 Kanuti Controlled Use Area, one in State regulations  
20 and one in Federal regulations. For this proposal, the  
21 affected area is the Kanuti Controlled Use Area  
22 described in Federal regulations.

23  
24 The OSM conclusion is to support WP10-  
25 67 with modification, to provide a four-month winter  
26 season in all Kanuti National Wildlife Refuge and BLM  
27 lands in Unit 24B and to specify the Kanuti Controlled  
28 Use Area as described in Federal regulation and to  
29 specify the regulation will sunset 30 June 2014. I  
30 refer you to the map on Page 708 that shows this  
31 modification.

32  
33 Inclusion of all Refuge and BLM lands  
34 in Unit 24B will provide the same four months of  
35 harvest opportunity for Federally-qualified users on  
36 Federal lands adjacent to and/or near the Kanuti  
37 Controlled Use Area not covered by State Proposal 90A  
38 and would preclude the need for an additional portion  
39 description in regulation for 24B. The modified  
40 proposed regulations are found on Page 709.

41  
42 Thank you, Mr. Chair.

43  
44 CHAIRMAN FLEAGLE: Thank you, Don.  
45 Summary of public comments. Ann.

46  
47 MS. WILKINSON: Mr. Chairman, there  
48 were no written public comments for this proposal.

49  
50 CHAIRMAN FLEAGLE: Thank you. Pete,

1 public testimony.

2

3 MR. PROBASCO: No one has signed up  
4 testify on this proposal.

5

6 CHAIRMAN FLEAGLE: Thank you. Regional  
7 Council recommendation. Jack.

8

9 MR. REAKOFF: Mr. Chairman. The  
10 Council supports the basic outline here of OSM on Page  
11 709. This has been a long and arduous process for the  
12 Western Interior Council to accommodate moose under  
13 harvest needs for -- the primary communities are  
14 Allakaket and Alatna in Unit 26B. They used to harvest  
15 between 30 to 40 moose and in 2004, the Board of Game  
16 voted to eliminate winter moose hunting.

17

18 The Western Interior Council advocated  
19 for telemetry project and the U.S. Fish and Wildlife,  
20 the BLM, and the Park Service instituted moose  
21 telemetry including the Kanuti National Wildlife  
22 Refuge. The telemetry work has shown that the moose  
23 are not present on the Valley floor to a large degree  
24 during the fall moose hunting season and moose are  
25 basically the rule of thumb as according to the TEK  
26 there. The moose are way far off of the river quote.  
27 The Refuge Manager tracks the moose up to typically ten  
28 miles from the river and so -- and until about January,  
29 the moose finally come -- get enough snow and they come  
30 down along the river quarters and that's what makes  
31 them available for harvest.

32

33 The Western Interior submitted our  
34 original proposal on the State and Federal sides this  
35 last regulatory cycle and we were very pleased that the  
36 State has accommodated coming up with a meaningful  
37 proposal. The State has fought winter hunts, but the  
38 State came forward with a meaningful proposal, an  
39 alternate 90A, and so that was reviewed.

40

41 As Co-Chair of the Koyukuk River  
42 Advisory Committee, we met in Allakaket and the  
43 Advisory Committee reviewed the various proposals and  
44 the people of Allakaket and Alatna were very pleased  
45 with Proposal 90A to set out a December 15th to  
46 April 15th season. The Area Biologist was hard and  
47 fast with the Advisory Committee and the Regional  
48 Council to -- originally he wanted an antler length of  
49 growth and what we're looking for is to kill bull moose  
50 when they begin growing antler in April. After the

1 vernal equinox in March, they start to grow antler, and  
2 so that's been a problem.

3  
4                   There's not another moose population.  
5 It's about -- around 880 moose. It's about half of  
6 what it was -- 2,000 moose back in the '90s and so  
7 there's concern about killing cows. And so this would  
8 delineate the bulls as they grow antlers. I was  
9 concerned that with an antler length -- or correction --  
10 an ear length there wouldn't be enough time for them  
11 to grow that amount of antler. I took pictures of  
12 various moose and I've submitted those to the Advisory  
13 Committee. So we at least got the State to bring that  
14 down to half an ear length or five inches. That was as  
15 low as we could get with the Area Biologist.

16  
17                   But during deliberation, the Board of  
18 Game and primarily the protection -- Fish and Wildlife  
19 Protection said this is a subsistence hunt. It would  
20 be hard to enforce anything under four and a half inch  
21 moose, four inch moose. You know, it's a subsistence  
22 hunt. We can't really do -- so the Board of Game made  
23 it one antlered bull. And so now when we had our  
24 teleconference in -- last Friday, May 14th, the Council  
25 voted to align with the State language.

26  
27                   This proposal, I want the Board to be  
28 aware that there's an elimination of a cow harvest for  
29 four years here. Winter cow hunting is very  
30 traditional. It's desired to be part of the winter  
31 hunting opportunity, but I want the Board to be aware  
32 that we understand that the moose population is not  
33 adequate to support any cow harvest, but in the future,  
34 the Western Interior Council has been reluctant to  
35 eliminate. We went through a process of authorization.  
36 We want to put -- have a placeholder. If the moose  
37 population returns in the future, I want this record to  
38 reflect that the Council would again like to return to  
39 limited cow harvest in winter. That's a traditional  
40 activity on the Koyukuk River for the Koyukon people.

41  
42                   And so that would be my comments today.  
43 Any questions.

44  
45                   CHAIRMAN FLEAGLE: Thank you, Jack.  
46 Questions.

47  
48                   (No comments)

49  
50                   CHAIRMAN FLEAGLE: Thanks. I'm sure

1 we'll get into more discussion under the discussion  
2 portion. Probably a little more debate -- or I mean  
3 not debate but discussion. Thanks.

4  
5

6 MR. REAKOFF: Uh-huh.

7  
8

9 CHAIRMAN FLEAGLE: Okay. Alaska  
10 Department of Fish and Game comments. Tina.

11

12 MS. CUNNING: I'd like to add to Jack's  
13 comments there that this has been a long struggle, long  
14 before many of you that are on the Board know about.  
15 These proposals related to the Kanuti area have been  
16 with us for quite a long time. It's been very, very  
17 complicated because of the Controlled Use Area and the  
18 closures and whatnot and we're very close to being very  
19 much in alignment which is really a pleasure on this  
20 one.

21

22 We do have a couple concerns related to  
23 this proposal, however, which we need to just be sure  
24 are on the record. We do support the change to the one  
25 antlered bull, December 15 through April 15, within the  
26 Federal Kanuti Controlled Use Area. We oppose the  
27 modification to expand the winter season boundaries to  
28 include all of the Kanuti Refuge and BLM lands of Unit  
29 24B.

30

31 If the boundaries of the proposed four-  
32 month Federal subsistence winter hunt are expanded, a  
33 Federal permit is required because of the checkerboard  
34 portions of the expanded hunt area because the State's  
35 winter hunt would be closed in a portion of the area  
36 that is recommended for expansion.

37

38 If this proposal is adopted as modified  
39 by OSM, Federally-qualified subsistence users could be  
40 required to obtain three or four different permits to  
41 hunt moose in 24B depending upon the time and area the  
42 hunter chooses to hunt.

43

44 3. The Department requests removal of  
45 the closure of the Kanuti Controlled Use Area to non-  
46 Federally-qualified users. The closure complicates  
47 management, unnecessarily reduces opportunity for  
48 non-Federally-qualified users in remote areas away from  
49 hunting areas used by local residents, and is not  
50 necessary to provide for subsistence because it is  
51 redundant with the Controlled Use Area. Adoption of

1 this proposal as modified by OSM will significantly  
2 liberalize the Federal subsistence moose hunt. If the  
3 four-month Federal subsistence winter hunting season  
4 and the hunt area expansion are adopted, continuous of  
5 the closure to non-Federally-qualified users within the  
6 Kanuti Controlled Use Area cannot be justified as  
7 necessary for conservation or to provide for  
8 subsistence.

9

10

\*\*\*\*\*  
STATE OFFICIAL WRITTEN COMMENTS  
\*\*\*\*\*

11

12

13

14

Alaska Department of Fish and Game  
Comments to the Federal Subsistence Board

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17

Wildlife Proposal WP10-67:

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The proposal requests elimination of  
the antlerless moose hunt. No antlerless federal  
subsistence moose hunts were authorized in the last 4  
years by federal land managers, thus this proposed  
change will not restrict or provide additional  
opportunity for federal subsistence uses.

Removal of the closure of federal  
public lands in the Kanuti Refuge to non-federally  
qualified hunters would have little effect on hunting  
pressure because this is a very remote area. Non-  
federally qualified hunters are essentially limited to  
travel by boat on navigable waters in the same general  
area as federally qualified users. Removal of the  
closure may result in some increase in hunting by non-  
federally qualified users on federal lands, but the

1 state and federal Kanuti Controlled Use Area aircraft  
2 access restrictions will limit that increase.

3

4 Opportunity Provided by State:

5

6 In Unit 24B, the state season is  
7 currently one bull from September 1 through 25 upstream  
8 of the Henshaw Creek drainage; from (and including) the  
9 Henshaw Creek drainage downstream, the seasons are  
10 September 1 through 25. Downstream from the Henshaw  
11 Creek drainage, the season now includes a winter  
12 registration permit hunt during December 15 through  
13 April 15 with a bag limit of 1 antlered bull. This  
14 season will sunset after 4 years if not reapproved.  
15 The Board of Game also adopted this same winter season  
16 with a sunset for all of Unit 24C.

17

18 Conservation Issues:

19

20 The moose population in Unit 24B has  
21 declined by as much as 50% since 1999, although  
22 bull:cow ratios remain high. The management objective  
23 for the moose population is for growth and a return of  
24 the population to levels of the late 1990s. The Alaska  
25 Board of Game has endorsed this strategy and closed  
26 antlerless moose harvest in the fall and closed spring  
27 hunts in order to protect that productive component  
28 (cows) of the population. Unreported harvest of cows  
29 occurs annually, which is a conservation concern. The  
30 State season of December 15 through April 15 with a bag  
31 limit of one antlered bull will be sustainable as long  
32 as residents are careful to not shoot cows. Because  
33 this season is experimental, the Alaska Board of Game  
34 established the four year sunset so the management  
35 program is carefully evaluated before it is allowed to  
36 continue.

37

38 The Alaska Department of Fish and  
39 Game s management responsibilities for sustainable  
40 populations and scientific role in the process of  
41 determining the hunting season and numerical harvest  
42 quota need to be clarified in the proposed  
43 consultation process.

44

45 Enforcement Issues:

46

47 Federal subsistence hunters would be at  
48 risk of taking a cow in the late winter bull-only  
49 season when bulls have shed their hard antlers and are  
50 growing new velvet antlers. A legal definition for

1 what qualifies as an antlered bull would benefit both  
2 federal subsistence users and enforcement officers.

3

4 Other Comments:

5

6 The Alaska Board of Game approved  
7 population management objectives for the Upper Koyukuk  
8 River Drainage, detailed in the Koyukuk River Moose  
9 Management Plan and the Unit 24 Moose Management  
10 Report.

11

12 Recommendations:

13

14 (1) Support "one antlered bull"  
15 December 15 through April 15 winter federal subsistence  
16 moose hunting season within the federal Kanuti  
17 Controlled Use Area.

18

19 (2) Oppose OSM modification to expand  
20 the proposed December 15 through April 15 winter season  
21 boundaries to include all of the Kanuti Refuge and BLM  
22 lands of Unit 24B. If the boundaries of the proposed  
23 four month federal subsistence winter hunt are  
24 expanded, a federal permit will be required in  
25 checkerboard portions of the expanded hunt area because  
26 the State's winter hunt would be closed in a portion of  
27 the area recommended for expansion. If this proposal  
28 is adopted as modified by OSM, federally qualified  
29 subsistence hunters could be required to obtain three  
30 or four permits to hunt moose in Unit 24B depending  
31 upon the time and area the hunter chooses to hunt.

32

33 (3) The Department requests removal of  
34 the closure in the Kanuti Controlled Use Area to non-  
35 federally qualified users. The closure complicates  
36 management, unnecessarily reduces opportunity for non-  
37 federally qualified users in remote areas away from  
38 hunting areas used by local residents, and is not  
39 necessary to provide for subsistence because it is  
40 redundant with the Controlled Use Area. Adoption of  
41 this proposal as modified by OSM will significantly  
42 liberalize the federal subsistence moose hunt. If the  
43 four month federal subsistence winter hunting season  
44 and the hunt area expansion are adopted, continuance of  
45 the closure to non federally qualified users within the  
46 Kanuti Controlled Use Area cannot be justified as  
47 necessary for conservation or to provide for  
48 subsistence.

49

50 CHAIRMAN FLEAGLE: Thank you, Tina.

1 InterAgency Staff Committee comments, please.

2

3 DR. WHEELER: Thank you, Mr. Chair.  
4 Before I get to the Staff Committee comments, I do just  
5 want to make one point. In your gray notebooks -- or  
6 folders, there's a copy. The number is No. 10 and it  
7 actually is an up-to-date executive summary for  
8 Proposal 67. It gives even the results of the -- of  
9 Friday's May -- Friday, May 14th Western Interior  
10 Regional Advisory Council meeting. So we should have  
11 mentioned that earlier, but just if you want to fish  
12 that out in your packet, it gives you the revisions as  
13 of Friday.

14

15 MS. CUNNING: And the State.....

16

17 DR. WHEELER: Right. And the State  
18 distributed their comments this morning -- or the State  
19 didn't distribute them. They were distributed for the  
20 State and they're No. 13. So you might want to get  
21 those two pieces of paper.

22

23 And then, Mr. Chair, the InterAgency  
24 Staff Committee has no additional comments beyond the  
25 standard comments. Thank you.

26

27 CHAIRMAN FLEAGLE: Thank you. All  
28 right. Open for discussion. Jack.

29

30 MR. REAKOFF: Mr. Chairman. I -- to  
31 address the State's comments. The closure on the  
32 Kanuti Controlled User Area and during our  
33 deliberations last Friday, we want the Federal  
34 Government to retain the old description of the Kanuti  
35 Controlled Use Area.

36

37 The people of Allakaket and Alatna have  
38 spoken extensively on their lack of harvest. My  
39 concern with elimination of the Kanuti Controlled Use  
40 Area closure under Federal regulations would be that  
41 the bull-cow ratio is 45 bulls per 100 cows which is  
42 right at our management objective of the Koyukuk Moose  
43 Planning Group.

44

45 There's -- the Dalton Highway has  
46 access to the Jim River, the Bonanza Creek, Fish Creek,  
47 and the South Fork of the Koyukuk and those drainages  
48 allow boat access and so there are significant numbers  
49 of boat hunters that go up against that Controlled Use  
50 Area.



1                   We would be concerned that these -- the  
2 bull-cow ratio would be -- this encounter rate and this  
3 problem that people are having meeting subsistence  
4 needs -- and this proposal is for bull moose, that we  
5 would be actually inviting additional harvest that we  
6 don't feel -- that I don't feel is -- can be  
7 accommodated. The 45 bulls per hundred cows would --  
8 because there's not a lot of telemetry on the bulls,  
9 it's mainly on cows, but it indicates to me an unhunted  
10 population moose. Gates of the Arctic National Park  
11 has an unhunted basically and the core area has 78  
12 bulls per hundred cows. That's an unhunted population.  
13 45 bulls per hundred cows would indicate that moose are  
14 either being killed by Allakaket and Alatna or outside  
15 and there's many air taxis. There are two or three air  
16 taxis that fly Beaver Aircraft out of Bettles and they  
17 basically ring the Controlled Use Area with drop-off  
18 hunters.

19  
20                   And so it indicates that there's  
21 significant exchange of moose coming in and out of that  
22 Controlled Use Area and there is effect on that moose  
23 population within the Controlled Use Area. So I would  
24 not be inclined for the Board to eliminate the closure  
25 on the Kanuti Controlled Use Area. I would encourage  
26 the Board to retain the configuration of the old  
27 Controlled Use Area. The Board of Game was -- had a  
28 proposal. There was an individual who was one mile  
29 inside of the Controlled Use Area and he made a  
30 proposal to eliminate a significant portion of the  
31 Controlled Use Area and the Board adopted that.

32  
33                   And so I -- regarding all of the lands  
34 within Unit 24B, BLM and Refuge lands, I gave the  
35 Council time to comment on what they felt about just  
36 staying with the Controlled Use Area portion or all of  
37 the BLM and Refuge lands. The Council -- many comments  
38 were to give the most opportunity.

39  
40                   Bettles was issued -- there's been a  
41 Special Action request that the Federal Board has been  
42 dealing with on this winter hunt there. This will  
43 eliminate that Special Action request every year.  
44 There was one permit issued for Bettles. I think there  
45 may be three people that might -- Eleanor Yatlin -- she  
46 used to live in Bettles. She's on our RAC. She  
47 commented that those lands that the Bettles winter road  
48 transcends would be -- people may have opportunity to  
49 harvest a bull moose along that road and -- so I don't  
50 think that it's a significant amount of people that are

1 going to be Federally-qualified users. It would  
2 basically be Bettles, Evansville, Allakaket, and  
3 Alatna. There's not any more than 30 people in Bettles  
4 -- Evansville. There's very low population there.

5  
6 And so I don't feel that the additional  
7 lands are actually -- would not be detrimental to the  
8 resource or to -- it would be actually beneficial to  
9 the subsistence users to include those other BLM and  
10 Federal Wildlife Refuge lands.

11  
12 Thank you.

13  
14 CHAIRMAN FLEAGLE: Thank you, Jack.  
15 Other discussion. Mr. Buklis.

16  
17 MR. BUKLIS: Thank you, Mr. Chairman.  
18 The geography of this hunt area is a central aspect to  
19 help understand the proposal better and the various  
20 views on it and so in addition to the two supplemental  
21 documents that Dr. Wheeler pointed out to your  
22 attention, No. 10, which is the RAC -- the Council  
23 teleconference update, and No. 13 which is the revised  
24 State comments, we want to bring your attention to two  
25 other supplements in your folder or on your table, No.  
26 8 and No. 16.

27  
28 No. 8 is a map of this area that we  
29 produced a few days ago and then No. 16 is a very  
30 similar version of that map provided by the State this  
31 morning. And let me begin with No. 8 -- supplement  
32 item No. 8. We're also putting that on the screen for  
33 you.

34  
35 Now unfortunately the televised  
36 electronic version doesn't show a diagonal line showing  
37 that wedge removed by the Board of Game, but it is on  
38 your paper copy. So looking on your paper document or  
39 on the screen, let me point out a few key aspects of  
40 the geography here.

41  
42 The bold black line is the Kanuti  
43 Controlled Use Area boundary under the Federal  
44 regulations and those remain the boundaries at this  
45 point. The fine black line shown on your paper copy  
46 which on the screen would be right about there forming  
47 kind of a diagonal -- triangular wedge, that is the  
48 area removed from the Controlled Use Area definition by  
49 the State Board of Game under State regulations, but  
50 the bold line shown on the screen and on your page is

1 the Federal Controlled Use Area.

2

3 The blue -- the large area of blue  
4 shading throughout much of the region is the area of  
5 the State Board of Game action on this four-month  
6 winter hunt. And you can see that it is 24C and much  
7 of 24B and much of the Controlled Use Area. The  
8 proposal you're dealing with deals with the Federal  
9 Controlled Use Area as we've known it and as it is  
10 still defined. The Federal lands to the southeast of  
11 Bettles and Evansville outside the Controlled Use Area  
12 but in 24B and I'm pointing to them on the projection  
13 screen behind you.

14

15 The Federal lands outside the  
16 Controlled Use Area but in 24B you can see are beyond  
17 the area of blue shading where the State Board of Game  
18 action had effect. So those lands are not in the  
19 Controlled Use Area which is what this proposal deals  
20 with and they weren't acted on under State Proposal  
21 90A. So if we don't expand beyond the Controlled Use  
22 Area with this action today, those lands would be left  
23 out under both regimes.

24

25 It would be very difficult to describe  
26 just those Federal lands and the Controlled Use Area in  
27 regulation for the users. So a much simpler approach  
28 to accomplishing the same thing is what we have in our  
29 proposal modification package which is Refuge and BLM  
30 lands in Unit 24B because those lands I pointed to to  
31 the southeast of Bettles and Evansville but outside the  
32 Controlled Use Area are Refuge and BLM lands. So  
33 saying it that way grabs those lands. It also we  
34 recognize is redundancy to the State action elsewhere  
35 outside the Controlled Use Area, but it avoids that  
36 complex attempt to describe just those lands.

37

38 So it wasn't an overreach to make this  
39 a larger geographic application than we meant it to be,  
40 but it was meant simply to address those lands  
41 otherwise left out.

42

43 Thank you, Mr. Chair.

44

45 CHAIRMAN FLEAGLE: Thank you, Larry.  
46 You always do such a good job of going from Point A to  
47 Point B and every stop in between. I appreciate that  
48 ability you have.

49

50 Other comments.

1 (No comments)

2

3 CHAIRMAN FLEAGLE: Discussion. Last  
4 chance for Council and State to jump in.

5

6 (No comments)

7

8 CHAIRMAN FLEAGLE: Ready for a motion.  
9 Geoff.

10

11 MR. HASKETT: I'd like to make a motion  
12 to adopt the proposal with modification as recommended  
13 by the Western Interior Regional Council and if I get a  
14 second, I'd also like an amendment to make the motion  
15 to address the needed permit.

16

17 MS. DOUGAN: Second.

18

19 CHAIRMAN FLEAGLE: You have your  
20 second. Go ahead and speak to the motion and then  
21 we'll talk about an amendment.

22

23 MR. HASKETT: So speak to it first  
24 before I make the amendment. Okay.

25

26 The motion will be to make an amendment  
27 to establish a Federal permit from December 15th to  
28 April 15th for the Fish and Wildlife Service and BLM  
29 lands in 24B and I think people covered this better  
30 than I'm going to be able to. These are lands outside  
31 of the State's hunt area that was recently adopted by  
32 the Board of Game.

33

34 CHAIRMAN FLEAGLE: Okay. As for the  
35 wording of the amendment, we can get to that. I'm just  
36 looking for some supporting statement for the proposal  
37 itself prior to the amendment. You understand?

38

39 MR. HASKETT: Not really. You have to  
40 help me here, Mike. So.....

41

42 CHAIRMAN FLEAGLE: Okay. Generally  
43 when you're making a motion, you also provide some  
44 supporting documentation as to why you're going to be  
45 supporting it or opposing it and then in this case,  
46 you're going to move forward with an amendment that  
47 would encapsulate a permit portion. That's like a  
48 separate action that would be rolled into the main  
49 action, but I'm just looking for some -- something on  
50 the record that indicates why you're supporting or not

1 supporting the proposal.

2

3 MR. HASKETT: So can I do my  
4 justification for the first amendment when I do that to  
5 kind of tie it together?

6

7 CHAIRMAN FLEAGLE: Sure. Sure.

8

9 MR. HASKETT: .....how I separate it  
10 out.

11

12 CHAIRMAN FLEAGLE: Yeah. Yeah. Sure.  
13 If you want to do it that way, that'd be fine. So go  
14 ahead with your amendment.

15

16 MR. HASKETT: Okay. I feel sorry for  
17 Mike trying to break me in. It's always interesting.  
18 Okay.

19

20 So we're recognizing that we have a low  
21 density moose population out there overall, but it's  
22 stable. We think there's enough moose available to  
23 support the local subsistence harvest. We need to align  
24 our regulations with the State on both the Fish and  
25 Wildlife Service and BLM lands. The amendment is to  
26 help provide winter moose hunting opportunities for the  
27 peoples of the area who'd otherwise would be excluded  
28 and the idea being to try and get us to where as much  
29 as possible we are all in the same place in terms of  
30 regulation for all the bureaus -- recognizing there are  
31 still some concerns from the State. Did I get to it?

32

33 CHAIRMAN FLEAGLE: It does -- and go  
34 ahead and move with your amendment.

35

36 MR. HASKETT: Okay. So the amendment  
37 would be just establish a Federal permit for December  
38 15th to April 15th hunt on the Fish and Wildlife  
39 Service and BLM lands. These are the ones outside the  
40 State's hunt area and this essentially be the Fish and  
41 Wildlife Service and BLM lands in Unit 24B that are  
42 south of Bettles and Evansville and east of Henshaw  
43 Creek. And the map was up here before with the shading  
44 that showed that.

45

46 CHAIRMAN FLEAGLE: And the permit would  
47 be administered by the Fish and Wildlife Service?

48

49 MR. HASKETT: Yes.

50

1 CHAIRMAN FLEAGLE: Okay. Is there a  
2 second to the amendment?

3

4 MR. BUNCH: Second.

5

6 CHAIRMAN FLEAGLE: Further discussion.  
7 I think you laid out in the justification already  
8 pretty much what the intent of the amendment would be.  
9 Is there any objection to the amendment?

10

11 (No objections)

12

13 CHAIRMAN FLEAGLE: Hearing none, the  
14 amendment carries. We now we have the motion before us  
15 as amended on the whole and there's several microphones  
16 on. Geoff, go ahead.

17

18 MR. HASKETT: I'm sorry. Mine was one  
19 of them. Now, this isn't more explanation but just I  
20 wanted to -- Tina had alluded to the fact that this has  
21 taken many, many years to get to this point and lots of  
22 discussions, been very complex, and I just want to go  
23 ahead and recognize the State for all the work they  
24 did, recognize we're still not all completely there on  
25 all the points, but it does seem to me this is one that  
26 we've spent a lot time, you know, across the board with  
27 everybody coming together and coming up with a proposal  
28 that works really, really well.

29

30 CHAIRMAN FLEAGLE: Thank you, Geoff.  
31 Keith.

32

33 MR. GOLTZ: This applies to Federal  
34 lands which happen to be BLM and Fish and Wildlife  
35 land.

36

37 MR. HASKETT: Yes.

38

39 CHAIRMAN FLEAGLE: I agree. I  
40 recognize the complexity of Unit 24. I mean 24 has  
41 been -- as other areas of the State have lost their  
42 moose populations or saw them decline, 24 was growing.  
43 We had populations in some of 24 that had up to 12  
44 moose per square mile and that drew a lot of attention  
45 and that's why all of these different regimes started  
46 changing out hunts and then there was the subunits and  
47 then there's all the little minor draw areas within the  
48 subunits and it is getting increasingly complex.

49

50 And I know that -- you know, Jack, your

1 Advisory Council has been -- or Council and other  
2 committees and Councils have been working in that whole  
3 Unit 24 working group that keeps on top of this and I  
4 know it's been a tough go, but I like this. It adds a  
5 lot of -- well, it's more opportunity and just making  
6 things easier to work with.

7  
8 I'm not sure that I fully understand  
9 why we went with antlerless or a -- I mean not  
10 antlerless, but an antlered for a four-month season  
11 because much of that four months they're not going to  
12 have antlers, but I think I just answered my own  
13 question in saying that is you're reducing  
14 participation because you're only going to be hunting  
15 moose that have antlers. Jack.

16  
17 MR. REAKOFF: The reason is that on  
18 December 15th a lot of the large bulls, they're  
19 undesirable breeding bulls that have run completely  
20 down, have shed their antler, and so then we have  
21 basically two-year-old and yearling bulls which are  
22 more desirable if you're going to kill a winter moose.

23  
24 As time goes on, then they're going to  
25 lose their antlers. Starting in February, they're  
26 going to be pretty well -- now they end up going  
27 through a time frame with very few moose that have any  
28 antler and then starting in late March/early -- through  
29 the middle of April, we're going to start to have  
30 antler again.

31  
32 So we will shift the harvest throughout  
33 different demographics. And so the little bit older  
34 bulls will actually start growing and those are the  
35 actually healthier to eat. If you're kill bull  
36 caribou, you don't kill small bull caribou in the late  
37 winter. You kill big bull caribou. So you shift the  
38 harvest from younger bulls to older bulls. And so it  
39 has somewhat of a wider demographic use of the bull  
40 moose population. Thank you -- and a lot of those  
41 bulls are complete -- as I said, they're completely  
42 inaccessible in the fall time. They're not accessed  
43 and so when they come to the river with snow, then you  
44 have access and so you shift harvest from -- you may be  
45 harvesting moose differently from fall and differently  
46 from the winter populations.

47  
48 CHAIRMAN FLEAGLE: All right. Thank  
49 you, Jack. I appreciate that. And when you were  
50 saying caribou, I know you meant moose. But we.....

1 MR. REAKOFF: I meant caribou. If  
2 you're killing moose or caribou, the bigger the bull,  
3 the better eating it is in late winter and at the early  
4 -- the breeding bulls in the early winter are terrible  
5 to eat. So they actually -- they go through a recovery  
6 and the bigger bull caribou and bigger bull moose are  
7 actually the best eating in the late winter.

8  
9 CHAIRMAN FLEAGLE: Okay. I appreciate  
10 it. Other discussion.

11  
12 (No comments)

13  
14 CHAIRMAN FLEAGLE: Ready for the  
15 question.

16  
17 (Board nods affirmatively)

18  
19 CHAIRMAN FLEAGLE: Question's  
20 recognized. Pete, on the proposal, please poll the  
21 Board.

22  
23 MR. PROBASCO: Thank you, Mr. Chair.  
24 Final Action on Proposal WP10-67 with modification and  
25 as amended.

26  
27 Ms. Masica.

28  
29 MS. MASICA: Yes.

30  
31 MR. PROBASCO: Ms. Kessler.

32  
33 DR. KESSLER: Yes.

34  
35 MR. PROBASCO: Mr. Bunch.

36  
37 MR. BUNCH: Yes.

38  
39 MR. PROBASCO: Ms. Dougan.

40  
41 MS. DOUGAN: Yes.

42  
43 MR. PROBASCO: Mr. Haskett.

44  
45 MR. HASKETT: Yes.

46  
47 MR. PROBASCO: And Mr. Fleagle.

48  
49 CHAIRMAN FLEAGLE: Yes.

50



1 MR. PROBASCO: Motion carries, 6/0.

2

3 CHAIRMAN FLEAGLE: Thank you. We now  
4 move to Proposal 68. Don Rivard.

5

6 MR. RIVARD: Thank you, Mr. Chair. The  
7 analysis for Proposal WP10-68 starts on Page 661 in  
8 your book.

9

10 Proposal -- Page 661. Proposal WP10-68  
11 submitted by the Western Interior Alaska Subsistence  
12 Regional Advisory Council requests changes in dates and  
13 harvest limits for the fall and winter seasons for  
14 moose in the Koyukuk Controlled Use Area portions of  
15 Units 21D, 24C, and 24D.

16

17 The requested change in the fall season  
18 dates is identical to the one in Proposal WP10-63 which  
19 is on the consensus agenda as adopt with modification  
20 which would shift the fall season five days later from  
21 August 27th to September 20th and those dates would be  
22 shifted to September 1st to September 25th.

23

24 Should the Board adopt Proposal WP10-63  
25 as modified, the proposed dates will go into effect  
26 whatever the Board's action is on this proposal.  
27 Therefore this presentation is on the remaining aspects  
28 of Proposal WP10-68.

29

30 The Council believes there is a  
31 harvestable surplus of cow moose, albeit a very limited  
32 one, in the Koyukuk Controlled Use Area and wants to  
33 retain the opportunity to harvest cows during the March  
34 to be announced season which is the traditional and  
35 preferred time of year when local hunters harvest cows.

36

37 The Council proposed a September 1 to 5  
38 to be announced season for one antlered moose, but also  
39 proposed a moratorium for five years on cow harvest  
40 during this September 1 to 5 to be announced season to  
41 help allow the cow population to recover.

42

43 In reality, this makes the harvest  
44 limit one bull for the fall season. However, the  
45 Council specifically requested that the one antlerless  
46 moose limit wording remain in regulation.

47

48 The proponent also requested that the  
49 proposed April to be announced season for bulls be  
50 mandatory if the proposed March to be announced for

1 cows did not take place in the same year. Again during  
2 its most recent meeting in February 2010 -- well, it's  
3 actually their meeting in 2010 -- the Council discussed  
4 this proposal and as with 67, the Alaska Department of  
5 Fish and Game Area Biologist offered and spoke to State  
6 Proposal 90A which also covers some of Unit 24C.

7  
8 As I stated earlier, State Proposal 90A  
9 requested a four-month winter season and a limit of one  
10 antler bull with a minimum five-inch antler on one side  
11 in portions of Units 24B and 24C with a four-year  
12 sunset clause. The Council wanted to retain the  
13 possibility of a March cow moose hunt and therefore did  
14 not support the four-month antlered bull winter season  
15 for this -- for the Koyukuk Controlled Use Area.  
16 However, the Council did limit -- excuse me. The  
17 Council did include a limit of one antlered bull with a  
18 five-inch antler size restriction in its recommendation  
19 for the April to be announced season.

20  
21 The week following the Council's  
22 meeting, the State Board of Game adopted State Proposal  
23 90A with a limit of one antler bull, but did not adopt  
24 the minimum five-inch antler restriction. The Council  
25 met by teleconference last week on May 14th and  
26 reevaluated its recommendation on this proposal in  
27 light of the March 2010 Board of Game action and the  
28 Council Chair will report the outcome when he provides  
29 the Board with the Council's recommendation.

30  
31 I would also refer you to your Handout  
32 No. 9. It's the Revised Executive Summary that will  
33 show this as well, the revised -- the new Council  
34 recommendation.

35  
36 Mr. Chair, the OSM conclusion is to  
37 support Proposal WP10-68 with modification to (1)  
38 specify a harvest limit of one bull for the fall  
39 season; (2) to have set dates for the March and April  
40 to be announced seasons; and (3) to provide Federal  
41 Manager the discretion to authorize the March and April  
42 to be announced seasons based on the biological status  
43 of the population.

44  
45 The proposed regulations can be found  
46 on Pages 671 and 672. Please note that for the April  
47 to be announced season harvest limit, we carry forth  
48 our harvest limit recommendation of one bull from the  
49 fall season for consistency. In retrospect, we should  
50 have recommended a harvest limit of one antlered bull

1 for the April to be announced season to provide an  
2 extra measure of protection against inadvertently  
3 harvesting a cow which was and is the Council's intent.

4

5 Thank you, Mr. Chair.

6

7 CHAIRMAN FLEAGLE: Thank you, Don.  
8 Summary of public comments, Ann Wilkinson.

9

10 MS. WILKINSON: Thank you, Mr.  
11 Chairman. There were no written public comments for  
12 this proposal.

13

14 MR. PROBASCO: And no one signed up,  
15 Mr. Chair.

16

17 CHAIRMAN FLEAGLE: Thank you. Regional  
18 Council recommendation, Jack.

19

20 MR. REAKOFF: Mr. Chairman. The  
21 Council drove this proposal because we do feel that  
22 there's a harvestable number of cow -- winter cow moose  
23 in the area near Huslia Village. There is a  
24 significant predator harvest by local people there of  
25 wolves and black bears. They den black bears. And so  
26 we feel that with the high number of moose that is in  
27 the Lower Koyukuk which is much different than the  
28 Upper Koyukuk, that people should have a traditional  
29 use of these cow moose. But if there isn't enough cow  
30 moose, the hunt was precluded last year -- or in the  
31 '09 season -- spring season by the Refuge Manager.

32

33 We felt that there be a mechanism for  
34 at least a bull harvest component and that was what  
35 drove this proposal. And so we would like to align our  
36 -- we were -- went with the five-inch antler  
37 restriction. The Board of Game went with an antlered  
38 bull. We want to go -- stay consistent on the Koyukuk  
39 now and the Council is -- wants an antlered bull. And  
40 so we feel that there are -- should always be a  
41 priority use for the subsistence users. In the Koyukuk  
42 National Wildlife Refuge, there are drawing permits  
43 issued for the sporthunt there and so we feel that -- I  
44 feel that this hunt should always occur for bull moose  
45 because of the Area Biologist can calculate -- he's  
46 real good at calculating the harvestable surplus.  
47 He'll shave that right down to 30 bulls for hundred  
48 cows. He's excellent at that.

49

50 And he has to realize that there is a

1 Federal priority. We've had meetings in Huslia when we  
2 used to have meetings there and representatives come to  
3 the Advisory Committee. They very much desire winter  
4 moose harvest because it's -- freezers are getting  
5 empty towards springtime and they want to harvest.

6

7 So there is significant need for winter  
8 moose harvest and so this bull moose hunt mechanism  
9 that this proposal has, it will meet their subsistence  
10 needs.

11

12 Thank you.

13

14 CHAIRMAN FLEAGLE: Thank you, Jack.  
15 Department of Fish and Game comments. Tina.

16

17 MS. CUNNING: This is -- like the last  
18 one has been constantly evolving set of comments  
19 throughout the entire winter as we've worked through  
20 this process and so I'm sitting here with the latest  
21 revisions that were done by the RAC and our staff  
22 participated in and we continue to work on. So even  
23 though this is sitting here with an opposition as our  
24 recommendation, it is not because we're opposed to the  
25 entire proposal and I want to be sure we make that very  
26 clear. We're very supportive of these changes that  
27 have been occurring.

28

29 There is a couple of just residual  
30 concerns which appears may be addressed  
31 administratively at this point. And that is the  
32 ongoing concern about the winter hunt of cows. There  
33 is some cow harvesting that occurs annually and  
34 everyone knows that the management plan for that area  
35 is to have increased growth and we all agree we want to  
36 have that increased growth on moose out there.

37

38 So the determination that is done by  
39 the Service if there is an additional quota in that  
40 winter hunt needs to be worked out very carefully with  
41 our staff and we've had some sidebar discussions about  
42 how to do that so we can reduce the angst that's gone  
43 on in the past and we will continue to work on that.  
44 But that is a concern. We want to be sure there's real  
45 clear understanding about the consultation with the  
46 Department because this is a very tightly regulated  
47 hunt to assure that growth continues.

48

49 So with that, that's our comments.

50

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\*\*\*\*\*  
STATE OFFICIAL WRITTEN COMMENTS  
\*\*\*\*\*

Alaska Department of Fish and Game  
Comments to the Federal Subsistence Board

Wildlife Proposal WP10-68:

Four changes are proposed by the Western Interior Regional Advisory Council: 1) in Koyukuk Controlled Use Area portion of Units 21D, 24C, and 24D, expand late winter season from 5 days (March 1 through 5) to 45 days (March 1 through April 15); 2) establish a federal subsistence quota for moose in the late winter season; 3) establish a moratorium on cow moose harvest; and 4) shorten the fall federal subsistence season by 5 days. The Council subsequently modified the proposal to align the fall season in the Koyukuk Controlled Use Area to match the State fall season of September 1 through September 25.

Introduction:

Proposal WP10-68, as modified by OSM and the Council, would move the fall season to a later date to match the state season, retain the requirement to use the State registration permit, and authorize a March antlerless hunt with a federal permit requirement only after consultation with the Department confirming a harvestable surplus of cows determined for a quota. It also offers a bull by federal permit if no March antlerless season occurs.

Impact on Subsistence Users:

An average of 392 hunters harvested an average of 145 moose from RY01 through RY09, as reported on the RM832 subsistence registration permit. Hunters have voiced concerns that warmer fall temperatures reduce hunter success in the late August portion of the season.

Proposal WP10-68 would provide an additional 45 days in late winter, assuming the intent was to keep 5 days of opportunity in March 15 through April 15. There would be flexibility in the ability of federal managers to open the season depending on favorable weather. Proposal WP10-68, through the moratorium, would eliminate antlerless moose harvest in

1 regulation, which would benefit federal subsistence  
2 users, because the moose population will grow and the  
3 harvestable surplus will increase. Proposal WP10-68  
4 would shorten the fall hunt by 5 days, which would not  
5 affect federal subsistence hunters, because they could  
6 hunt legally under state regulations.

7  
8 Opportunity Provided by State:

9  
10 The season dates were September 1  
11 through September 25 until 2000, when a change was  
12 submitted by the department on behalf of the Koyukuk  
13 Moose Hunters Working Group. The Alaska Board of Game  
14 adopted in 2008 a shift of the season from August 27  
15 through September 20 to September 1 through September  
16 25. Adoption of proposal WP10-63, on the consensus  
17 agenda, would align the federal hunt with the state  
18 regulations. Alaska residents are allowed one bull by  
19 permit (DM812) from September 5 through September 25 or  
20 one bull with the trophy value destroyed (RM832)  
21 September 1 through September 25. Nonresidents are  
22 allowed one bull with 50-inch antlers or four or more  
23 brow tines on at least one side from September 5  
24 through September 25. In Units 24C and 24D (KCUA), the  
25 State season is currently one bull from September 1  
26 through 25 and December 1 through 10. In Unit 21D  
27 (KCUA), the seasons are September 1 through September  
28 25 and December 1 through 10. There is no December 1  
29 through 10 federal subsistence moose hunting season in  
30 the 24D portion of the Koyukuk CUA.

31  
32 Conservation Issues:

33  
34 From 1997 through 2008, the moose  
35 population in Koyukuk Controlled Area declined by 25%.  
36 The management objective for the area is for growth of  
37 the moose population to levels of the late 1990s. The  
38 Alaska Board of Game endorsed this strategy, closed  
39 antlerless moose harvest in the fall, and closed the  
40 spring hunts in order to protect that productive  
41 component (cows) of the population. Improved harvest  
42 success rates for subsistence hunters in fall hunts is  
43 consistent with the management strategy for Koyukuk  
44 Controlled Use Area, because improving fall harvest of  
45 bulls reduces dependency of winter harvest when cows  
46 are harvested.

47  
48 Although fall bull harvest may increase  
49 slightly with adoption of Proposal WP10-63, the  
50 bull:100 cow objectives are being met, therefore this

1 opportunity can be provided without undermining the  
2 objective for growth. Unreported harvest of cows  
3 occurs annually, which is a conservation concern, and  
4 any additional harvest of cows would further undermine  
5 the objective for growth. Any spring hunt risks the  
6 harvest of cows.

7  
8                   The Alaska Department of Fish and  
9 Game s management responsibility for sustainability and  
10 scientific role in determining "the harvestable surplus  
11 of cows will be determined for a quota" needs  
12 clarification in the "consultation" process for  
13 Proposal WP10-68. State population management  
14 objectives for Koyukuk Controlled Use Area are detailed  
15 in the Koyukuk River Moose Management Plan and Unit 21D  
16 and 24 Moose Management Reports. It is important to  
17 include Department population and bull:cow ratio  
18 objectives or biologically sustainable values for use  
19 by federal managers if Proposal WP10-68 is adopted.

20

21                   Enforcement Issues:

22

23                   Proposal WP10-68 would take the state  
24 and federal subsistence moose hunting seasons further  
25 out of alignment and cause more enforcement issues,  
26 last minute planning for the subsistence hunter, and  
27 confusion over interpretation of the actual season  
28 dates published in the federal subsistence regulation  
29 summary book versus in-season announcements by the  
30 refuge manager.

31

32                   Recommendations:

33

34                   Oppose WP10-68 as proposed.

35

36                   The Department requests proposal WP10-  
37 68 be modified to a December 1 through 10 season in the  
38 Unit 24D portion of the Koyukuk Controlled Use Area to  
39 take advantage of bull harvest opportunity, as it  
40 exists in State regulations. The Department requests  
41 more specifics regarding the proposed consultation  
42 process and quota establishment in proposal WP10-68.  
43 The proposed regulatory language, as written, triggers  
44 conservation concerns.

45

46                   CHAIRMAN FLEAGLE: Thank you.  
47 InterAgency Staff Committee comments. Polly.

48

49                   DR. WHEELER: Thank you, Mr. Chair.  
50 The InterAgency Staff Committee does not have any

1 additional comments beyond the set of standard  
2 comments. I do have something a few points to outline  
3 for new Board members, the consultation process if that  
4 would be helpful, but I can do it now or at some other  
5 point.

6  
7 CHAIRMAN FLEAGLE: Sure. I think  
8 that's appropriate.

9  
10 DR. WHEELER: Thank you, Mr. Chair.  
11 Just a heads-up to all of the new Board members -- or  
12 to all the Board members, the consultation process that  
13 we utilize is similar to many other delegations of  
14 authorities throughout the State. The Refuge Manager  
15 writes a biological status of the population document.  
16 Fish and Game is given a chance at that time to review  
17 and comment on this document. The Refuge Manager makes  
18 a recommendation on the hunt and the quota and  
19 discusses it with the local Advisory Committee, the  
20 Council Chair, Bureau of Land Management, Fish and Game  
21 again at that point in time and the Refuge Manager does  
22 make the final decision, but it is after consultation  
23 with all of these different entities and as I said,  
24 that's a fairly standard process that we use throughout  
25 the State for the consultation process so that we try  
26 and cover all the bases, Advisory Committees and RAC  
27 members as well as Fish and Game and other Federal  
28 Agencies.

29  
30 Mr. Chair.

31  
32 CHAIRMAN FLEAGLE: Thank you, Polly.  
33 Now we'll open for discussion. Jack.

34  
35 MR. REAKOFF: I don't have any real  
36 further comments. The State -- I do really appreciate  
37 the State working with the Regional Council and the  
38 Advisory Committee on these various proposals and I do  
39 understand the concern for that Lower Koyukuk moose  
40 population to grow larger, but without -- right now  
41 it's one of the highest moose populations in Alaska,  
42 the Lower Koyukuk River.

43  
44 And because I feel like the Lower  
45 Kuskokwim, those people went through hardship and  
46 endured reduction in moose harvest in the Lower  
47 Kuskokwim. Those communities that did were rewarded  
48 for doing that. I feel that in the Huslia area because  
49 they harvest wolves and they harvest bears, the  
50 predators, that their savings -- I've actually



1 calculated their savings in the hundreds of moose, and  
2 so giving back ten cow moose I do not feel is  
3 detrimental to the moose population with the kinds of  
4 savings that they have in predator harvest.

5  
6 And so I want to make that clear on the  
7 record that they do their part and they should be  
8 available -- be availed of harvest -- winter harvest of  
9 moose.

10  
11 Thank you.

12  
13 CHAIRMAN FLEAGLE: Thank you, Jack.  
14 Further discussion. Geoff.

15  
16 MR. HASKETT: I'd like to make a motion  
17 to adopt the proposal with modification as recommended  
18 by the Western Interior Regional Council and I'll  
19 provide my justification if I get a second.

20  
21 MR. BUNCH: Second.

22  
23 CHAIRMAN FLEAGLE: There you go.

24  
25 MR. HASKETT: Okay. This is another  
26 area where moose population is stable, maybe even  
27 increasing a little bit, but we recognize that a  
28 harvest will serve a plus of cow moose would be good  
29 but recognize it needs to be a very limited one.

30  
31 This motion will align the fall moose  
32 season dates with the State's fall seasons for Unit  
33 21D, also provides more flexibility to the Refuge  
34 Manager when evaluating the possibility of having a  
35 winter hunt. It can now be either for bulls or cows  
36 depending upon the status of the population.

37  
38 The Refuge Manager will continue to  
39 consult with the State, BLM, the local advisory groups  
40 when deciding whether to have a winter hunt or not. We  
41 also support the objective to continue to grow this  
42 moose population and hopefully there will be  
43 opportunities to allow for a winter hunt while also  
44 adhering to this objective.

45  
46 Want to recognize that winter moose  
47 hunt is a very traditional hunt there and one that's  
48 oftentimes critical for many people and this motion  
49 supports that. traditional

50

1 CHAIRMAN FLEAGLE: Thank you, Geoff.  
2 Any discussion.  
3  
4 (No comments)  
5  
6 CHAIRMAN FLEAGLE: I concur. Ready for  
7 the question.  
8  
9 (Board nods affirmatively)  
10  
11 CHAIRMAN FLEAGLE: Question's  
12 recognized. On Proposal 68, Pete.  
13  
14 MR. PROBASCO: Thank you, Mr. Chair.  
15 Proposal WP10-68, adopt the proposal with modification  
16 consistent with the Western Interior Regional Advisory  
17 Council as found on Pages 671 through 672.  
18  
19 Ms. Kessler.  
20  
21 DR. KESSLER: Yes.  
22  
23 MR. PROBASCO: Mr. Bunch.  
24  
25 MR. BUNCH: Yes.  
26  
27 MR. PROBASCO: Ms. Dougan.  
28  
29 MS. DOUGAN: Yes.  
30  
31 MR. PROBASCO: Mr. Haskett.  
32  
33 MR. HASKETT: Yes.  
34  
35 MR. PROBASCO: Mr. Fleagle.  
36  
37 CHAIRMAN FLEAGLE: Yes.  
38  
39 MR. PROBASCO: And Ms. Masica.  
40  
41 MS. MASICA: Yes.  
42  
43 MR. PROBASCO: Motion carries, 6/0.  
44  
45 CHAIRMAN FLEAGLE: Thank you. That  
46 concludes the Western Interior Region proposals.  
47 Appreciate your help, Jack, there. Let's give a couple  
48 moments for Staff to switch out. Maybe five-minute.  
49 Not a real break, just a brief mini break. Okay.  
50

1 (Off record)

2

3 (On record)

4

5 CHAIRMAN FLEAGLE: All right. We're  
6 back on record and everybody is back in their seats at  
7 the appointed time, but I feel like I'm in a BlackBerry  
8 briar bush up here with all the BlackBerry, everybody's  
9 doing their other work.

10

11 (Laughter)

12

13 MR. HASKETT: Except for me.

14

15 (Laughter)

16

17 CHAIRMAN FLEAGLE: He said he's got  
18 two.

19

20 (Laughter)

21

22 MR. PROBASCO: Let's note that.

23

24 (Laughter)

25

26 CHAIRMAN FLEAGLE: All right, we're  
27 moving on to Region 7, Seward Peninsula and we have new  
28 staff at the table and with that, we're going to begin  
29 with Proposal 10-72 and I'll pass it on to Polly for  
30 introductions.

31

32 DR. WHEELER: Thank you, Mr. Chair. We  
33 have Cole Brown who's a -- she's been working for OSM  
34 for about a year as a wildlife biologist and she'll be  
35 presenting the analyses for -- the biological analyses  
36 for Region 7 and some Southcentral proposals too.

37

38 CHAIRMAN FLEAGLE: Great. Thank you.  
39 Welcome, Coleen.

40

41 MS. BROWN: Thank you, Mr. Chairman.  
42 Members of the Board and members of the Regional  
43 Councils. The analysis for this proposal begins on  
44 Page 748 of your book.

45

46 Proposal WP10-72, submitted by the  
47 Seward Peninsula Regional Advisory Council, requests  
48 that the closure to harvest coyotes on Federal public  
49 lands be rescinded. The proponent is requesting the  
50 Federal harvest season for coyotes be reopened to allow

1 harvest of coyotes on Federal public lands under State  
2 regulations. The proponent is not specifically seeking  
3 a subsistence opportunity for coyotes and therefore not  
4 asking for a Federal season to be established.

5  
6           There is a lack of information  
7 regarding coyote in most parts of Alaska and  
8 specifically for Unit 22. The first report of coyotes  
9 was in 1999 from a trapper harvesting two coyotes in  
10 the Unalakleet River Drainage in Unit 22A. Potential  
11 immigration from areas surrounding Unit 22 contain  
12 records, but small populations do occur in Unit 18 and  
13 Unit 21.

14  
15           No coyote harvest has been reported in  
16 Unit 23 and trapping questionnaires list coyotes as  
17 being absent. Available food is a major factor in  
18 regulation coyote abundance especially in the winter  
19 and influences broad aspects of coyote populations  
20 including survival, reproduction, and spatial use  
21 patterns and density.

22  
23           Coyotes are typically classified as  
24 general list predators. Arctic or Tundra hares may be  
25 a potential prey source for immigrating coyotes into  
26 Unit 22. However, carrion of large ungulates in Unit  
27 22 would be the most likely break source.

28  
29           Coyotes are not required to be sealed  
30 and consequently information on numbers and  
31 distribution throughout the State is extremely limited.  
32 From 1999 to 2005, a total of 11 coyotes were reported  
33 harvested in Unit 22. A subsistence opportunity was  
34 not requested specifically for coyotes. Therefore a  
35 Federal season does not need to be established.

36  
37           By rescinding the closure and not  
38 establishing a Federal season of hunting coyotes on  
39 Federal lands, individuals will be able to hunt or trap  
40 a coyote opportunistically under State regulations.  
41 Most of the furbearer harvest in Unit 22 is done  
42 opportunistically by local residents while engaged in  
43 other activities.

44  
45           If this proposal is adopted, it would  
46 accommodate the existing practices of hunting or  
47 trapping opportunistically that occurs State lands and  
48 extend it to Federal lands thereby avoiding law  
49 enforcement difficulties.

50

1 OSM conclusion is to support Proposal  
2 WP10-72.  
3  
4 Thank you, Mr. Chairman.  
5  
6 CHAIRMAN FLEAGLE: Thank you. Summary  
7 of public comments, Alex.  
8  
9 MR. NICK: Mr. Chair, for the record,  
10 my name is Alex Nick. I'm Council Coordinator for  
11 Seward Peninsula. There were no written public  
12 comments for this proposal.  
13  
14 Mr. Chair.  
15  
16 CHAIRMAN FLEAGLE: Okay. Thank you.  
17 Testimony.  
18  
19 MR. PROBASCO: No one signed up, Mr.  
20 Chair.  
21  
22 CHAIRMAN FLEAGLE: Thank you. Regional  
23 Council recommendation, Weaver.  
24  
25 MR. IVANOFF: Thank you, Mr. Chair.  
26 Yeah. Since 1999, two coyotes have been taken in the  
27 Seward Peninsula and those were taken in Federal lands.  
28 I believe one was taken in Federal lands south of  
29 Unalakleet up in the hills while the guy was trapping  
30 for lynx and feel that need to open it so that we could  
31 be able to -- people who are in Unit 22 can be able to  
32 trap the coyotes and also as stated, make enforcement  
33 less difficult.  
34  
35 I would like to make a change in the  
36 Proposal 72. It says Unit 22 coyote trapping or --  
37 coyote incidentally taken with a trap or snare intended  
38 for red fox or wolf may be used for subsistence  
39 purposes. Most trappers hunt -- trap other animals as  
40 lynx, et cetera. I was thinking of putting in  
41 furbearers, but I thought it would be a lot cleaner  
42 just housekeeping change striking incidentally taken  
43 with a trap or snare intended for red fox or wolf. So  
44 that reads coyote may be used for subsistence purposes.  
45 Just kind of cleans it up.  
46  
47 Thank you, Mr. Chair.  
48  
49 CHAIRMAN FLEAGLE: Thank you, Weaver.  
50 Department of Fish and Game comments.

1 MS. CUNNING: We support the proposal.

2

3

\*\*\*\*\*

4

STATE OFFICIAL WRITTEN COMMENTS

5

\*\*\*\*\*

6

7 Alaska Department of Fish and Game  
8 Comments to the Federal Subsistence Board

9

10 Wildlife Proposal WP10-72:

11

12 This proposal allows for federal  
13 subsistence use of incidental catch of coyotes taken by  
14 federally qualified subsistence users under federal  
15 regulations during the federal subsistence trapping  
16 season for red fox and wolf in Unit 22.

17

18 Introduction:

19

20 Coyotes are expanding their range and  
21 abundance throughout much of western Alaska. This  
22 proposal allows for federal subsistence use of coyotes  
23 accidentally trapped as non-target species in Unit 22.  
24 The state allows hunting and trapping of coyotes in  
25 Unit 22; however, federal subsistence regulations do  
26 not have open seasons for either hunting or trapping.

27

28 Impact on Subsistence Users:

29

30 None. Subsistence users can already  
31 harvest coyote under state regulations on federal and  
32 nonfederal lands. Allowing the use of incidental catch  
33 under federal subsistence trapping regulations is not  
34 likely to impact the take or subsistence use of  
35 coyotes.

36

37 Opportunity Provided by State:

38

39 In Unit 22, regulations for coyote are:

40

41 Hunting: (Coyotes are classed as "Fur  
42 Animal"; take requires a state hunting  
43 license) the season in September 1  
44 through April 30 with a bag limit of 2  
45 coyotes.

46

47 Trapping: (Coyotes are classed as  
48 Furbearer ; take requires a state  
49 trapping license) the season is  
50 November 1 through April 15 with no bag

1 limit.

2

3 Conservation Issues:

4

5 Coyotes are expanding their range, and  
6 trapping or hunting take is not considered an  
7 impediment or conservation concern.

8

9 Recommendation:

10

11 Support; hunting and trapping of  
12 coyotes for subsistence use are already provided on  
13 federal public lands under state regulations.

14

15 CHAIRMAN FLEAGLE: InterAgency Staff  
16 Committee comments.

17

18 DR. WHEELER: Thank you, Mr. Chair.  
19 The State Committee notes that the existing hunting  
20 regulation appears to meet the intent of ANILCA Title  
21 VIII for maintaining healthy and viable populations of  
22 coyotes prior to allowing for subsistence uses.

23

24 The existing trapping regulation also  
25 provides for incidentally trapped coyotes to be used  
26 for subsistence purposes. The level of expected  
27 subsistence use should be consistent with the  
28 management of healthy populations.

29

30 If the Board supports the intent of  
31 this proposal, the Staff Committee would suggest  
32 considering establishing a Federal subsistence hunting  
33 season which aligns with that of the state and that  
34 would be two coyotes from September 1 to April 30.

35

36 Mr. Chair.

37

38 CHAIRMAN FLEAGLE: Thank you, Poly.  
39 Discussion. Wini.

40

41 DR. KESSLER: Yeah. For Ms. Brown.  
42 Normally I look to the effects section to talk about  
43 effects on the resource and I didn't find that there.  
44 So given that ANILCA Title VIII does speak in several  
45 places to the conservation of viable, healthy  
46 populations, could you explain the reason why this is  
47 believed to be consistent with that -- this proposal.

48

49 CHAIRMAN FLEAGLE: Ms. Brown.

50

1 MS. BROWN: Through the Chair. If I  
2 understand correctly, the reason this proposal was  
3 requested by the Seward Peninsula Regional Advisory  
4 Council was because coyotes would be taken  
5 opportunistically. In researching the information,  
6 there is a paucity of information about coyotes in this  
7 area. They are on the northern extent of the range as  
8 I have outlined in the analyses that the Regions -- the  
9 units around there, they're rare in those units as  
10 well.

11  
12 So it would be few immigrations through  
13 there. Now, there hasn't been any minimal viable  
14 population estimate on coyotes anywhere in Alaska. So  
15 to come up with a certain number for a Federal season,  
16 I'm not quite sure how that was done on the State.  
17 That wasn't requested in this proposal. They're not  
18 looking for a subsistence opportunity. They're looking  
19 to if a coyote happens to stray into this Region, can  
20 it be taken opportunistically. If it's being trapped  
21 in their snares, are they going to have difficulties  
22 with law enforcement because of that. There's no  
23 Federal season. It's not open. So if it occurs on  
24 Federal lands, they're harvesting against the law. So  
25 that was my understanding.

26  
27 DR. KESSLER: So in reading other parts  
28 of the analysis, it's alluded to, so tell me if this is  
29 a fair statement. The reason there's not the  
30 conservation concern is because it's believed there's  
31 no evidence. There's the habitat, the conditions  
32 adequate to support a viable population. Is that a  
33 correct statement?

34  
35 MS. BROWN: Yes, ma'am, that's correct.

36  
37 DR. KESSLER: Okay. Thank you. Yeah.

38  
39 CHAIRMAN FLEAGLE: Other discussion.

40  
41 (No comments)

42  
43 CHAIRMAN FLEAGLE: Are we ready for a  
44 motion.

45  
46 MS. DOUGAN: Mr. Chair.

47  
48 CHAIRMAN FLEAGLE: Ms. Dougan.

49  
50 MS. DOUGAN: I move to adopt Proposal



1 WP10-72 with the suggested modified language by just  
2 offered by the Seward Pen. RAC Chair and, Weaver, I'm  
3 sorry, I wasn't fast enough to catch it all, so  
4 hopefully we have that. If not, you could help us a  
5 little with that. And if I get a second, I'll speak to  
6 why I'm supporting the adoption of the proposal.

7

8 MR. BUNCH: Second.

9

10 CHAIRMAN FLEAGLE: There's the second.  
11 Go ahead.

12

13 MS. DOUGAN: Thank you, Mr. Chair. I'm  
14 in support of rescinding the Federal closure on coyote  
15 hunting and at present prefer to follow the Seward  
16 Peninsula RAC recommendation to allow opportunistic  
17 take to occur under State regulations. The State has  
18 already indicated they do not have conservation  
19 concerns with coyotes statewide and they view coyote  
20 appearance in Unit 22 as the extension of a healthy  
21 population.

22

23 Thank you.

24

25 CHAIRMAN FLEAGLE: Thank you. Weaver,  
26 would you clarify exactly the intent of the language.  
27 What portion you meant to have lined out.

28

29 MR. IVANOFF: Yes, Mr. Chair. On Page  
30 748, the proposed regulation, Unit 22, coyote trapping.  
31 Coyote incidentally taken with a trap or snare intended  
32 for red fox or wolf may be used for subsistence  
33 purposes. I'm proposing to strike out after the word  
34 coyote, strike out incidentally taken with a trap or a  
35 snare intended for red fox or wolf.

36

37 CHAIRMAN FLEAGLE: So the remaining  
38 language would read coyote may be used for subsistence  
39 purposes.

40

41 MR. IVANOFF: That's correct.

42

43 CHAIRMAN FLEAGLE: Is that even  
44 necessary?

45

46 MR. IVANOFF: Mr. Chair. I think it's  
47 just to clean up the language. If you're not -- if  
48 you're trapping lynx and you get a coyote, then you're  
49 still against the law because it specifically states  
50 you got to be trapping red fox or wolf, you know. But

1 it's just a fine line.

2

3 CHAIRMAN FLEAGLE: Right. But what I'm  
4 saying is by deleting that, you delete the intent of  
5 the entire reason that the statement is there so the  
6 remainder of the statement is not necessary. We could  
7 just remove it like we had for the hunting and have the  
8 same result. Chuck.

9

10 MR. ARDIZZONE: Mr. Chair. I agree  
11 with you. I think the whole phrase could be stricken.

12

13 CHAIRMAN FLEAGLE: Would you consider  
14 amending the motion to meet that?

15

16 MS. DOUGAN: Yes, I would consider it.  
17 Whether I can speak to it capably -- I move to adopt  
18 WP10-72 with the suggested modification from the Seward  
19 Peninsula RAC Chair which strikes -- and can you help  
20 me, Chuck, with strikes which language.

21

22 MR. ARDIZZONE: Through the Chair.  
23 There's a whole phrase on Page 749 under coyote  
24 trapping, if you struck that whole phrase, coyotes  
25 incidentally taken with a trap or snare intended for  
26 red fox or wolf may be used for subsistence purposes.  
27 If you just remove that whole phrase, I think we're  
28 fine.

29

30 MS. DOUGAN: So striking the phrase  
31 coyote incidentally taken with a trap or snare intended  
32 for red fox, correct? No Federal open season or wolf  
33 may be used for subsistence purposes.

34

35 CHAIRMAN FLEAGLE: Okay. We understand  
36 the intent. If the seconder is okay with that, we will  
37 accept this as the.....

38

39 MR. BUNCH: The seconder is okay with  
40 that.

41

42 CHAIRMAN FLEAGLE: Okay. We'll accept  
43 this as the primary motion. It's substantially  
44 similar. This is what happens and what happens is she  
45 read this piece into it, so that doesn't count, but  
46 what happens now is the proposed Federal regulations on  
47 Page 749 read Unit 22, coyote hunting, that entire line  
48 is lined out, no Federal open season. Unit 22, coyote  
49 trapping, the entire italicized portion is lined out.  
50 No Federal open season. There's a column break there,

1 so -- yeah, the no open Federal season doesn't go away,  
2 but the remainder does.

3

4                   Okay. And we have the language with  
5 that language removed. Further discussion.

6

7                   DR. KESSLER: Mr. Chair. I guess I'm  
8 just confused because the whole intent of that one was  
9 the incidental take. We say we have no open season and  
10 yet we're saying can be taken, so it's like we're  
11 creating a season. I'm really confused. Maybe Keith  
12 can help me. I don't know.

13

14                   CHAIRMAN FLEAGLE: Well, I'll take a  
15 stab first.

16

17                   DR. KESSLER: Or you can help, yeah. I  
18 don't.....

19

20                   CHAIRMAN FLEAGLE: Excuse me. Trapping  
21 and trappers sort of regulate itself. I mean there's  
22 seasons that are like statewide seasons that are open  
23 for long period and if the target animal isn't there,  
24 they're not trapped. That's just pretty much how it  
25 works and we already have a State season that applies  
26 to this area that's open for all winter with no limit  
27 that's not being utilized. It results in a couple  
28 coyotes caught and so we're not producing a -- or  
29 creating a conservation issue on a population that just  
30 doesn't exist.

31

32                   So the incidental take is merely that.  
33 It's going to be incidental whether we enumerate it or  
34 say if it's caught in a wolf or a fox snare or a lynx  
35 trap, it's still incidental. I'll get to you, Michael,  
36 in a minute. Go ahead.

37

38                   DR. KESSLER: Thank you, Mr. Chair. I  
39 think -- I had my head around the mechanism, the  
40 practicality how it works. I guess it was kind of  
41 legal question I had. Maybe it's not there. Maybe I'm  
42 just misinterpreting, but we say there's no open season  
43 and it seems to contradict what we've just decided to  
44 do. I don't -- my misunderstanding I guess.

45

46                   CHAIRMAN FLEAGLE: Pete.

47

48                   MR. PROBASCO: Thank you, Mr. Chair.  
49 The first thing to help us understand is that the  
50 coyote season for trapping under State regulations is

1 an extended season from November 1st to April 15th and  
2 there's no limit.

3

4                   Consequently with -- and that also  
5 applies to Federal lands and a Federal subsistence user  
6 who wants to trap has to have a State trapping license.  
7 So his harvest of a coyote is covered under State  
8 regulations.

9

10                   DR. KESSLER: Okay. So just my bottom  
11 line question, is this too big a change to be included  
12 with the original proposal. If it's not too big a  
13 change, I'm good.

14

15                   CHAIRMAN FLEAGLE: Keith.

16

17                   MR. GOLTZ: I don't think it's too big  
18 a change. I tend to see the confusion. It was closed.  
19 Now we're removing the closure. Why would we put the  
20 statement in the book no Federal open season. I think  
21 to a general reader they might that as a closure, I  
22 think is what you're driving at.

23

24                   UNIDENTIFIED VOICE: There's no Federal  
25 season. It's not a closure.

26

27                   MR. GOLTZ: I understand, but I see  
28 where it might be confusing to people. And if we don't  
29 -- why are we even putting it in the book would be the  
30 question to answer.

31

32                   CHAIRMAN FLEAGLE: I'll get to you,  
33 Chuck, in a minute. Michael Bangs.

34

35                   MR. BANGS: Thank you, Mr. Chairman. I  
36 -- he cleared up my question just now.

37

38                   Thank you.

39

40                   CHAIRMAN FLEAGLE: Chuck Ardizzone.

41

42                   MR. ARDIZZONE: I'll try not to muddy  
43 the waters, but basically we're removing the closure.  
44 Federal lands right now you can't harvest anything  
45 under State regs or Federal regs, period. So if we  
46 pass this, we open the closure. Things can be harvest  
47 under State regs. That seems to be the clearest way to  
48 explain it.

49

50                   MS. MASICA: Mr. Chairman,

1 CHAIRMAN FLEAGLE: Sue.

2

3 MS. MASICA: There's another way you  
4 could do this is if you went back to the underlying  
5 language and rather than -- if the concern was the  
6 incidental take, do you address it by just striking  
7 intended for red fox or wolf. You still leave the  
8 incidentally taken with a trap or snare may be used for  
9 subsistence purposes. You just take out the reference  
10 to that. Because what I understood the concern was was  
11 that there are other types of traps and snares and if  
12 you're not specific as to which type, then that might  
13 be another way to deal with this.

14

15 CHAIRMAN FLEAGLE: Yeah, but -- yeah.  
16 All right. I'll let everybody else decide how to go on  
17 this. You know, there's no coyotes to be trapped here,  
18 so it's immaterial whether they're incidentally caught  
19 in a trap or a snare or targeted by a State licensed  
20 trapper. That's -- you hear what I'm saying. Figure  
21 it out.

22

23 MR. ARDIZZONE: This allows -- the way  
24 -- if we pass the motion as presented now with all the  
25 language lined out except the Federal open season, we  
26 are lifting the closure on the Federal lands, but we're  
27 allowing just anybody who wants to trap on those  
28 Federal lands with a State trapping license under the  
29 State bag limits, which is no limit for trapping.

30

31 MS. DOUGAN: Mr. Chair, one more  
32 question for.....

33

34 CHAIRMAN FLEAGLE: Julia.

35

36 MS. DOUGAN: .....for Chuck just to  
37 make sure. So there is no opportunity now. We would  
38 be creating an opportunity for the Federal subsistence  
39 user that doesn't exist now; is that correct? Under  
40 State -- they would express that through State  
41 regulations.

42

43 MR. ARDIZZONE: On Federal lands.

44

45 MS. DOUGAN: On Federal lands. All  
46 right. Thank you.

47

48 UNIDENTIFIED VOICE: If you count two  
49 coyotes in the last 15 years opportunity, yes.

50

1 (Laughter)

2

3 CHAIRMAN FLEAGLE: Further discussion.

4 Sue.

5

6 MS. ENTSMINGER: Thank you, Mr. Chair.

7 I don't mean to make it confusing. I just -- as a  
8 logical sensible human being that hopefully I can  
9 understand regulations, if -- that what Keith brought  
10 out when you have no Federal open season, even in  
11 your -- the language in your book, it does confuse the  
12 user when they pick it up. Even though -- I mean you  
13 guys all understand it, but if you're out in the field  
14 and you go, oh, boy, you know, might want to see if I  
15 can do this and pick up a Federal -- because they're on  
16 Federal land and they pick up the Federal book and then  
17 they see no Federal open season. They don't always  
18 logically go over to the State regs and read it.

19

20 CHAIRMAN FLEAGLE: Keith.

21

22 MR. GOLTZ: I tend to agree with you,  
23 Sue, and I'm not troubled by this kind of a statement  
24 in the Federal register, but I am worried about  
25 misleading the public in our Handy-Dandy. And I wonder  
26 if we could resolve this as we put together the  
27 Handy-Dandy. Because technically our Federal lands are  
28 closed until open and now what we've said is no Federal  
29 open season. That's bound to confuse somebody.

30

31 I think we have an obligation to be  
32 clear. That's.....

33

34 DR. KESSLER: Mr. Chair.

35

36 CHAIRMAN FLEAGLE: Wini.

37

38 DR. KESSLER: It was just pointed out  
39 to me under the InterAgency Staff Committee comments  
40 that the suggestion had been made to consider  
41 establishing a Federal subsistence hunting season which  
42 aligns with the State's. Is that a cleaner option we  
43 might want to consider?

44

45 CHAIRMAN FLEAGLE: Weaver.

46

47 MR. IVANOFF: Thank you, Mr. Chair.  
48 Yeah. I think it's just getting a little bit too  
49 complicated to -- for such a simple subject and I  
50 would concur with the amendment that was stated earlier

1 that the coyote incidentally taken by a trap or a snare  
2 may be used for subsistence purposes. And that could --  
3 hopefully would clear up to the public, indeed that,  
4 yeah, I could go out in Federal lands and -- you know,  
5 trapping and get my two coyote in ten years. And that  
6 seems to me what would take care of the confusion.

7

8 CHAIRMAN FLEAGLE: What's the pleasure  
9 of the Board. We have a motion on the table currently  
10 that lines out all of the language that references the  
11 closed. Julia.

12

13 MS. DOUGAN: Mr. Chair. I move.....

14

15 CHAIRMAN FLEAGLE: For an amendment.

16

17 MS. DOUGAN: .....for an amendment --  
18 yes -- in -- to adopt the proposal consistent with the  
19 Seward Peninsula Regional Council recommendation. The  
20 wording would be Unit 22, coyote hunting, no Federal  
21 open season. Unit 22, coyote trapping, no Federal open  
22 season. Coyote incidentally taken with a trap or snare  
23 may be used for subsistence purposes.

24

25 CHAIRMAN FLEAGLE: Is there a second to  
26 the amendment.

27

28 MR. BUNCH: I second it.

29

30 CHAIRMAN FLEAGLE: Thank you.  
31 Basically the amendment is adding language back in that  
32 was previously taken out.

33

34 Is there any objection to the  
35 amendment.

36

37 (No opposing comments)

38

39 CHAIRMAN FLEAGLE: Hearing none,  
40 amendment carries. We now have Proposal No. 72 in front  
41 of us again as presented on the Board. Further  
42 discussion.

43

44 (No comments)

45

46 CHAIRMAN FLEAGLE: Ready for the  
47 question. Okay. Question's called on Proposal 72 as  
48 amended. Pete, please poll the Board.

49

50 MR. PROBASCO: WP10-72 adopt the

1 proposal and -- sorry, Tina. Final action WP10-72,  
2 adopt the proposal as amended and articulated by Ms.  
3 Dougan.

4  
5 Mr. Bunch.

6  
7 MR. BUNCH: Yes.

8  
9 MR. PROBASCO: Ms. Dougan.

10  
11 MS. DOUGAN: Yes.

12  
13 MR. PROBASCO: Mr. Haskett.

14  
15 MR. HASKETT: Yes.

16  
17 MR. PROBASCO: Mr. Fleagle.

18  
19 CHAIRMAN FLEAGLE: Yes.

20  
21 MR. PROBASCO: Ms. Masica.

22  
23 MS. MASICA: Yes.

24  
25 MR. PROBASCO: And Ms. Kessler.

26  
27 DR. KESSLER: Yes.

28  
29 MR. PROBASCO: Motion carries 6/0.

30  
31 CHAIRMAN FLEAGLE: Thank you. It's  
32 funny the proposals that you think are going to be  
33 controversial and take a lot of time don't and the ones  
34 that you think are just a slam dunk do.

35  
36 All right. We're now moving on to  
37 Proposal 76. And we have Helen Armstrong back to the  
38 table.

39  
40 MS. H. ARMSTRONG: Thank you, Mr.  
41 Chair. When you were -- when Polly was saying that  
42 Cole's been here for a year, I was -- and we talked  
43 about Keith being here since -- well, he created the  
44 program, I was waiting for somebody to say that I'm the  
45 next one who's been around almost since the beginning  
46 of the EIS started. So.....

47  
48 MR. GOLTZ: I was going to mention it.

49  
50 (Laughter)



1 MS. H. ARMSTRONG: Does that make me as  
2 old, Keith. All right. Helen Armstrong. Proposal  
3 WP10-76 is found on Page 793 in your books. We're  
4 moving right along in that big book.

5  
6 The proposal was submitted by the  
7 Seward Peninsula Subsistence Regional Advisory Council  
8 and requests the addition of Unit 22 to the list of  
9 areas from which the skin, hide, pelt, or fur,  
10 including claws, of brown bears harvested under Federal  
11 subsistence regulations can be used to make handicrafts  
12 for sale.

13  
14 The Seward Peninsula Council stated  
15 that it submitted the proposal so that subsistence  
16 users may more fully utilize brown bears they harvest  
17 under Federal subsistence regulations. The Federal  
18 Subsistence Board and the Subsistence Regional Advisory  
19 Council statewide, as we heard earlier yesterday have  
20 considered several proposals related to brown bear  
21 handicrafts and have repeated emphasized the importance  
22 of the Region-specific approach to bear handicraft  
23 regulations.

24  
25 The addition of Unit 22 to the list of  
26 areas from which the skin, hide, pelt, or fur including  
27 claws of brown bears harvested under Federal  
28 subsistence regulations can be used to make handicrafts  
29 for sale is consistent with Section .803 of ANILCA.

30  
31 The Board has considered numerous  
32 proposals regarding the sale of handicrafts made from  
33 the nonedible byproducts of black and brown bears  
34 harvested under Federal subsistence regulations. The  
35 Board has adopted bear handicraft regulations for the  
36 Regions that have requested them and has acknowledged  
37 the importance of Region-specific regulations because  
38 of cultural differences throughout the State.

39  
40 In the past, the Council has supported  
41 the sale of brown bear claw handicrafts in other  
42 Regions but not in the Seward Peninsula Region.

43  
44 The Federal subsistence harvest limit  
45 for brown bear in Unit 22 is one bear per year. The  
46 proposal does not change the harvest limit. Therefore  
47 if adopted, it would have little or no affect on brown  
48 bear populations or on other users. Adoption of this  
49 proposal will allow for increased utilization of brown  
50 bears already harvested under Federal subsistence

1 regulations.

2

3                   Adoption of this proposal may provide  
4 subsistence users with a small amount of cash if they  
5 opt to make and sell handicrafts from the skin, hide,  
6 pelt, or fur, including claws, of brown bears harvested  
7 for food. As noted, subsistence harvest limits for  
8 brown bears are in place and these regulations dictate  
9 that edible meat must be salvaged. Thus the amount of  
10 brown bear skin, hide, pelt, or fur, including claws,  
11 for handicrafts is limited by these regulations.

12

13                   The OSM conclusion is to support  
14 Proposal WP10-76.

15

16                   Thank you, Mr. Chair. That concludes  
17 my presentation.

18

19                   CHAIRMAN FLEAGLE: Thank you. And  
20 summary of public comments. Mr. Nick.

21

22                   MR. NICK: Mr. Chair. There were no  
23 summary of -- rather there were no written public  
24 comments for this proposal. Mr. Chair.

25

26                   CHAIRMAN FLEAGLE: Thank you. Public  
27 testimony.

28

29                   MR. PROBASCO: No one signed up. Mr.  
30 Chair.

31

32                   CHAIRMAN FLEAGLE: Thank you. Regional  
33 Council recommendation, Weaver.

34

35                   MR. IVANOFF: Thank you, Mr. Chair.  
36 Unit 22A is excluded from the rest of the units as far  
37 as utilizing brown bear handicrafts or parts of the  
38 brown bear to produce handicrafts and would like to be  
39 included into it. We realize that there is a brown  
40 bear handicraft working group presenting working on the  
41 situation right now on the issue and trying to come to  
42 a resolve. However, we -- there is a large population  
43 of brown bears in Unit 22. There is a large population  
44 of brown bear specifically in Unit 22A and the guides  
45 have been taking regularly. We've increased the brown  
46 bear harvest to two bears I believe.

47

48                   The subsistence take of brown bears has  
49 been very low. The subsistence take of black bears in  
50 Unit 22 is a little bit higher. But in Unit 22 as well

1 as other units in Alaska, there's a number of artists  
2 who produce a lot of work from natural objects, from  
3 animals, from walrus, from everything that they harvest  
4 and marine mammals as well as on the land.

5  
6 And so the artists are very creative  
7 and would like to continue to use the brown bear parts  
8 for handicrafts. I mean it's been a tradition. The  
9 use of animal parts for artistic reasons, ceremonial  
10 reasons or for use as tools and it's happened for years  
11 and years and years and that's how it is.

12  
13 It's just like -- I guess it's a way of  
14 saying that we would like to continue to do that as was  
15 -- as has been happening through all these years.

16  
17 Thank you, Mr. Chair.

18  
19 CHAIRMAN FLEAGLE: Thank you.  
20 Department of Fish and Game comments, Tina.

21  
22 MS. CUNNING: Thank you, Mr. Chair. As  
23 has been our custom as these handicraft proposals  
24 authorizing customary trade have come up, we request  
25 deferral until the work group completes its work.

26  
27 We did note that in the case of the  
28 concern that was just raised by the Regional Council,  
29 the customary and traditional use of bear parts is long  
30 recognized, but what the Council has previously stated  
31 on the record was that they didn't want to authorize  
32 trade as the trade and sale of these parts.

33  
34 It's just our continued position that  
35 we'd like a deferral until that work group is able to  
36 complete its job.

37  
38 CHAIRMAN FLEAGLE: Thank you.  
39 InterAgency Staff Committee comments.

40  
41 DR. WHEELER: No additional comments at  
42 this time beyond the standard comment.

43  
44 Mr. Chair. Thank you.

45  
46 CHAIRMAN FLEAGLE: Thank you.  
47 Discussion.

48  
49 (No comments)  
50

1 CHAIRMAN FLEAGLE: Ready for a motion.  
2 Sue.  
3  
4 MS. MASICA: Mr. Chairman. I have a  
5 motion and if I get a second, I'll expand upon it.  
6  
7 MS. DOUGAN: Second.  
8  
9 MS. MASICA: Mr. Chairman. I believe  
10 that the justification statement that is on Pages 796  
11 and 797 provides a good explanation for supporting this  
12 particular proposal. The proposal is consistent with  
13 the provisions of ANILCA Section .803. It does not  
14 change the harvest limit, so if adopted will have  
15 little or no effect on bear populations or other users  
16 and it would allow for increase utilization of brown  
17 bears already harvested.  
18  
19 And the proposal is consistent as has  
20 been identified with the recommendation of the Seward  
21 Pen. RAC. Move its adoption.  
22  
23 CHAIRMAN FLEAGLE: Further discussion.  
24  
25 (No comments)  
26  
27 CHAIRMAN FLEAGLE: I agree. I think we  
28 have a good rationale for adding Unit 22 to the already  
29 large list of rural areas that have this opportunity  
30 and I respect the State's wish to defer this, but I  
31 understand the entire suite of this issue is being  
32 addressed by this working group and 22 has just now  
33 become part of that scope of work. So until they come  
34 up with something different, I think -- I see no reason  
35 why not to add 22 to this group and with that, I'm  
36 going to recognize the question as being called and,  
37 Pete, please poll the Board.  
38  
39 MR. PROBASCO: Final action, WP10-76,  
40 to adopt the proposal. Ms. Dougan.  
41  
42 MS. DOUGAN: Yes.  
43  
44 MR. PROBASCO: Mr. Haskett.  
45  
46 MR. HASKETT: Yes.  
47  
48 MR. PROBASCO: Mr. Fleagle.  
49  
50 CHAIRMAN FLEAGLE: Yes.

1 MR. PROBASCO: Ms. Masica.  
2  
3 MS. MASICA: Yes.  
4  
5 MR. PROBASCO: Ms. Kessler.  
6  
7 DR. KESSLER: Yes.  
8  
9 MR. PROBASCO: And Mr. Bunch.  
10  
11 MR. BUNCH: Yes.  
12  
13 MR. PROBASCO: Motion carries 6/0.  
14  
15 CHAIRMAN FLEAGLE: Thank you, Pete. We  
16 now move to Proposal 78 and I see we have Cole Brown  
17 back at the table.  
18  
19 MS. BROWN: Thank you, Mr. Chair.  
20 Members of the Board and members of the Regional  
21 Councils. The analysis for WP10-78 begins on Page 816  
22 of your book.  
23  
24 Proposal WP10-78 submitted by the  
25 Native Village of Wales requests the special provision  
26 for the Kingikmiut Dance Festival increase the harvest  
27 limit to three muskoxen from one along with the one  
28 bull moose already allowed. The harvest would occur  
29 within the regularly established season within Unit  
30 22E.  
31  
32 Federal public lands are closed to the  
33 taking of moose of muskoxen except by Federally-  
34 qualified subsistence users. 49 percent of the Federal  
35 land in Unit 22E is Bering Land Bridge National  
36 Preserve and 3 percent is Bureau of Land Management.  
37  
38 The special provision for the  
39 Kingikmiut Dance Festival is under the terms of a  
40 Federal registration permit issued by the Bering Land  
41 Bridge National Park Superintendent and issued to  
42 individuals only at the request of the Native Village  
43 of Wales. The proponent states since the  
44 reestablishment of the festival in 2002 the date has  
45 settled into a late summer/early fall period. However,  
46 the dates of the festival are meant to be flexible and  
47 can be scheduled to follow a successful hunt.  
48  
49 The proponent states the change of  
50 harvest season would allow taking moose and muskoxen

1 for fresh meat prior to the festival thus reducing the  
2 demands for storage. The additional muskoxen would  
3 help ensure the community and guests are supplied with  
4 subsistence resources for the festival in accordance  
5 with traditional and customary hospitality.  
6

7 Muskoxen have shown an increasing  
8 population trend in Unit 22E since 1998. The  
9 composition of yearling, two- and three-year-old  
10 animals has been stable since 2005. From 2004 to 2007,  
11 annual average hunter success rate for muskoxen bulls  
12 have been approximately 65 percent and 21 percent  
13 success rate for cow harvest.  
14

15 The joint Federal and State harvest  
16 quota is 62 muskoxen and is below harvest quotas even  
17 with the additional harvest opportunity from the change  
18 of a State Tier II hunt to a State Tier I hunt in 2005.  
19 Moose have shown a stable or slightly increasing  
20 population trend also within Unit 22E. The annual  
21 harvest has been relatively low and hunter effort  
22 typically occurs in the first general harvest season  
23 between August and December.  
24

25 Average annual hunter success has been  
26 approximately 43 percent with an average of 11 bulls  
27 harvested during that time period.  
28

29 If this proposal is adopted, it will  
30 allow the Native Village of Wales to take a bull moose  
31 and up to three muskoxen either during regularly  
32 established seasons either early in the season to  
33 celebrate the festival in the fall or during optimal  
34 winter traveling conditions to celebrate the festival  
35 in late winter.  
36

37 OSM conclusion is to support WP10-80.  
38

39 Thank you, Mr. Chairman.  
40

41 CHAIRMAN FLEAGLE: All right. Thank  
42 you. Summary of public comment, Alex.  
43

44 MS. BROWN: Sorry. 78  
45

46 MR. NICK: Mr. Chair, there were no  
47 public comments -- written public comments on this  
48 proposal.  
49

50 CHAIRMAN FLEAGLE: Testimony, Pete.

1 MR. PROBASCO: No one has signed up.  
2 Mr. Chair.

3  
4 CHAIRMAN FLEAGLE: Regional Council  
5 recommendation, Weaver.

6  
7 MR. IVANOFF: Yes. Thank you, Mr.  
8 Chair. The people of Wales and Kingikmiut Dance  
9 Festival is growing. It's becoming increasingly more  
10 popular. The priests (ph) learn how to dance in the  
11 previous years and as a result more villagers are  
12 starting to participate. And as a result of that,  
13 they're needing more meat to feed the people who do  
14 come because it's their obligation as a host community  
15 to do so once you invite other people to come in and  
16 participate in the festival as customary and  
17 traditional use requires.

18  
19 Extending the moose and muskox harvest  
20 seasons, increasing harvest limit for the dance  
21 festival to have enough meat for the festival and as  
22 was stated earlier, 80 percent of the muskox were  
23 harvested in the previous hunt. And so there's still I  
24 guess what you might say a little fudge factor involved  
25 in which you could increase the number of muskox taken  
26 for the festival.

27  
28 Wales is located -- one of our most  
29 remote sites in the Seward Peninsula and westernmost  
30 point of Seward Peninsula and just northeast of that is  
31 Shishmaref. And so the two pretty much you have  
32 customary and traditional use of the muskox in that  
33 area and you have to share -- share the hunting area  
34 and basically go out during the wintertime to harvest  
35 that. And so they're not connected by any roads. The  
36 only way you can get there is by airplane as is most  
37 cases in the Seward Peninsula area.

38  
39 And so that's -- I think that's part of  
40 the reason why there is such a low utilization of the  
41 muskox during that period because there's -- other  
42 people are just not accessible to it. In fact one of  
43 the comments made by the representative of Shishmaref  
44 was that the muskox are starting to intrude into bear  
45 taking areas and other areas and becoming a nuisance  
46 and I told him that's a subsistence animal. You  
47 shouldn't be calling it a nuisance because elders don't  
48 say that, you know.

49  
50 And -- but that's how it was brought

1 up. And so Seward Peninsula is in support of this  
2 resolution.

3

4 CHAIRMAN FLEAGLE: Thank you, Weaver.  
5 Department of Fish and Game comments, Tina.

6

7 MS. CUNNING: Mr. Chairman. As was  
8 consistent with our comments in statewide Proposal 3,  
9 we would urge that the Federal Managers encourage their  
10 Staff to provide these -- to encourage people to come  
11 to the Department of Fish and Game for these kinds of  
12 ceremonial, educational, and cultural permits. They're  
13 already authorized under permit from the State and  
14 applicable in all lands.

15

16 And secondly, the Federal Subsistence  
17 Board we do not believe has authority to issue cultural  
18 permits because these authorize take for purposes that  
19 are not subsistence activities protected by ANILCA.

20

21 That's our comments. Thank you.

22

23

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\*\*\*\*\*  
STATE OFFICIAL WRITTEN COMMENTS  
\*\*\*\*\*

Alaska Department of Fish and Game  
Comments to the Federal Subsistence Board

Wildlife Proposal WP10-078:

This proposal allows ceremonial  
festival harvest in the community of Wales of 1 moose  
and 3 muskox within harvest quota guidelines using  
individual federal subsistence registration permits for  
Unit 22E.

Introduction:

Muskox populations in Unit 22E have  
increased over the past 15 years and now appear stable.  
Federal subsistence, State Tier I subsistence, and  
drawing hunts share harvest quotas and occur annually  
in the subunit. Moose populations have increased above  
management objectives since a period of low population  
during 2000-2005.

Impact on Subsistence Users:

None. Ceremonial harvest is not a



1 subsistence use protected under ANILCA Title VIII on  
2 federal public lands. Ceremonial harvest is allowed  
3 under state regulations on all lands.

4

5 Opportunity Provided by State:

6

7 Under State of Alaska regulations 5AAC  
8 92.034, the Commissioner of the Alaska Department of  
9 Fish and Game "may issue permits for the taking of game  
10 for the teaching and preservation of historic or  
11 traditional Alaskan cultural practices, knowledge, and  
12 values." This is a simple permitting process that is  
13 usually accomplished by letter within a day of the  
14 request. These state permits are widely used for  
15 traditional, cultural activities, and are valid on all  
16 lands, including private lands near villages. Using  
17 the state permit system would be more convenient and  
18 avoid enforcement problems.

19

20 Conservation Issues:

21

22 There are no moose or muskox  
23 conservation concerns because proposed ceremonial  
24 harvest would be under established harvest quotas.

25

26 Other Comments:

27

28 In 2010-2011 regulatory year, the State  
29 season for cows in hunt RX104 will open on August 1,  
30 which lengthens the time female muskox are available  
31 for harvest.

32

33 All of the lands surrounding and in the  
34 vicinity of the community of Wales are non federal  
35 public lands where the federal permit would not be  
36 valid. Federal and state staff should notify the  
37 proponent of the availability of ceremonial or cultural  
38 permits from the State of Alaska. No State of Alaska  
39 ceremonial or cultural permit requests from Region V  
40 have been denied to date.

41

42 Recommendation:

43

44 Oppose, for two reasons:

45

46 (1) This use is already authorized  
47 under state regulations. The Alaska  
48 Department of Fish and Game has asked  
49 the federal subsistence program to not  
50 authorize ceremonial harvest where not

1 traditional and where already  
2 authorized under permit by the state.

3  
4 (2) The Federal Subsistence Board does  
5 not have authority to issue cultural  
6 permits because these authorize take  
7 for purposes that are not subsistence  
8 activities protected by ANILCA. In  
9 addition, the state issues cultural  
10 permits (5 AAC 92.034) that are valid  
11 on all lands, including federal public  
12 lands that are closed to other than  
13 federally qualified subsistence users.

14  
15 CHAIRMAN FLEAGLE: Thank you.  
16 InterAgency Staff Committee.

17  
18 DR. WHEELER: Thank you, Mr. Chair.  
19 The InterAgency Staff Committee found the Staff  
20 analysis to be thorough and complete. There are  
21 sufficient muskoxen to allow the limit to be increased  
22 to up to three muskoxen and by wording the regulation  
23 as up to three muskoxen, the Federal Manager can adjust  
24 the harvest on that based upon current census and other  
25 information in future years.

26  
27 The delegation to the Federal Manager  
28 can occur via a letter of delegation from the Board.  
29 Mr. Chair.

30  
31 CHAIRMAN FLEAGLE: Discussion. Julia.

32  
33 MS. DOUGAN: Mr. Chair. Along with the  
34 Seward Peninsula RAC, I support this proposal for an  
35 increase in the muskoxen harvest limit for the Native  
36 Village of Wales. The population in the unit's healthy  
37 and authority to adjust quotas and enact closures is in  
38 place, but in response to Tina's comments, I too  
39 encourage coordination between the State and Federal  
40 Agencies whenever possible, possibly through the use of  
41 some sort of joint permitting and this action would  
42 improve hunt opportunities as well as harvest  
43 management options.

44  
45 Thank you.

46  
47 CHAIRMAN FLEAGLE: Other comments.

48  
49 (No comments)

50

1 CHAIRMAN FLEAGLE: Ready for a motion.  
2  
3 MS. MASICA: Make a motion.  
4  
5 CHAIRMAN FLEAGLE: Go ahead.  
6  
7 MS. MASICA: Mr. Chairman. Prepare to  
8 make a motion in support of 10-72 and will expound upon  
9 it if I have a second.  
10  
11 CHAIRMAN FLEAGLE: There's a motion to  
12 adopt 72. Is there a second.  
13  
14 MR. BUNCH: Second.  
15  
16 CHAIRMAN FLEAGLE: 78. Now I'm doing  
17 it. Charlie seconded it.  
18  
19 MR. BUNCH: 78. I did.  
20  
21 CHAIRMAN FLEAGLE: Thank you. Go ahead  
22 with your justification, please.  
23  
24 MS. MASICA: As indicated, the OSM  
25 justification on Page 825, it appears that both -- that  
26 muskoxen populations within the unit can support the  
27 harvest limits for the celebration of the dance  
28 festival to be changed to increase the number that can  
29 be taken and to lengthen the harvest season and this  
30 action is also consistent with the recommendations of  
31 the Seward Pen. RAC.  
32  
33 CHAIRMAN FLEAGLE: Additional Board  
34 comments.  
35  
36 (No comments)  
37  
38 CHAIRMAN FLEAGLE: I concur. I think  
39 this is a very minor adjustment in allowable harvest on  
40 a population that has sounds like under-utilization for  
41 muskox anyway and then moving the moose season to a  
42 more usable time for the ceremony I think is  
43 appropriate as well. I support for the same reasons.  
44 Ready for the question. Question's called on Proposal  
45 78.  
46  
47 MR. PROBASCO: Final action on WP10-78  
48 to adopt the proposal consistent with the Seward  
49 Peninsula Regional Council and first up, Mr. Haskett.  
50

1 MR. HASKETT: Yes.  
2  
3 MR. PROBASCO: Mr. Fleagle.  
4  
5 CHAIRMAN FLEAGLE: Yes.  
6  
7 MR. PROBASCO: Ms. Masica.  
8  
9 MS. MASICA: Yes.  
10  
11 MR. PROBASCO: Ms. Kessler.  
12  
13 DR. KESSLER: Yes.  
14  
15 MR. PROBASCO: Mr. Bunch.  
16  
17 MR. BUNCH: Yes.  
18  
19 MR. PROBASCO: And Ms. Dougan.  
20  
21 MS. DOUGAN: Yes.  
22  
23 MR. PROBASCO: Motion carries 6/0.  
24  
25 CHAIRMAN FLEAGLE: Thank you, Pete.  
26 What's the feeling of the Board. We can finish Seward  
27 Pen. or take a break now.  
28  
29 MR. BUNCH: Finish Seward Pen.  
30  
31 CHAIRMAN FLEAGLE: Okay. Let's go  
32 ahead. Proposal 80.  
33  
34 MS. BROWN: Thank you, Mr. Chairman.  
35 Members of the Board and members of the Regional  
36 Councils. The analysis for WP10-80 begins on Page 837  
37 of your book.  
38  
39 Proposal WP10-80 submitted by the  
40 Stebbins Community Association requests that the winter  
41 moose season in Unit 22A remainder be shifted two weeks  
42 to January 15th through February 15th. Federal public  
43 lands are closed except by residents of Unit 22A.  
44  
45 The proponent requests the current  
46 winter season be shifted due to short daylight and  
47 inclement weather making it too difficult to take  
48 advantage of the harvest opportunity for moose in Unit  
49 22A remainder. And there's a map on Page 839 of your  
50 book showing the area specifically in question. It's

1 the cross-hatched area on the lower portion of the map.

2

3 The moose population in Unit 22A has  
4 remained stable since 2006. Moose in Alaska typically  
5 begin to shed their antlers in late November with most  
6 mature males having shed their antlers by early  
7 January. A few small antlered males may retain their  
8 antlers for another 60 or 80 days.

9

10 From 2000 through 2008, the Alaska  
11 Department of Fish and Game harvest database reported  
12 an average of 13 moose per year by residents in Unit  
13 22A. Community-based harvest assessments conducted by  
14 Kawerak reported since 2000 have shown 62 percent of  
15 the known harvest by residents of Stebbins and St.  
16 Michael has occurred in December or January.

17

18 The preferred time to hunt is during  
19 the winter because moose habitat is difficult to access  
20 before freeze-up. Precedence for late winter and early  
21 spring moose hunts exist under both Federal and State  
22 regulations until February 28th with several lasting  
23 into March 31st.

24

25 If this proposal is adopted, it would  
26 allow the residents of Stebbins and St. Michael to  
27 harvest moose when the weather and daylight are more  
28 favorable despite the trade-off and difficulty of  
29 finding mature antler bulls to harvest since most  
30 mature bulls will have shed their antlers by the end of  
31 January.

32

33 Therefore the shift of the harvest  
34 season through February 15th may not greatly increase  
35 the opportunity for subsistence hunters to harvest a  
36 mature antlered bull, but immature bulls may retain  
37 their antlers later in spring which could provide some  
38 opportunity for harvest while having minimal impact on  
39 the population.

40

41 OSM conclusion is to support Proposal  
42 WP10-80.

43

44 Thank you, Mr. Chairman.

45

46 CHAIRMAN FLEAGLE: Okay. Thank you.  
47 Summary of public comments, Alex.

48

49 MR. NICK: Mr. Chair. There were no  
50 written public comments for this proposal.

1 CHAIRMAN FLEAGLE: Thank you.

2

3 MR. PROBASCO: And no one signed up,  
4 Mr. Fleagle.

5

6 CHAIRMAN FLEAGLE: Thank you. Regional  
7 Council recommendation, Weaver.

8

9 MR. IVANOFF: Thank you, Mr. Chair.  
10 Stebbins and St. Michael is located right on the  
11 southern tip of the Seward/Norton Sound area and  
12 located on the flat area and so the only access to the  
13 people of Stebbins and St. Michael is to travel  
14 anywhere from 10 to 20 miles by snowmachine over hilly  
15 tundra -- hilly country which is -- and that's where  
16 the moose locate. They're away from the flat and up  
17 into the hilly country and so that's where they go and  
18 hunt during the fall.

19

20 And while the moose are there, it takes  
21 a great amount of time and effort and pretty difficult  
22 traveling conditions by four-wheeler up to the hills to  
23 get your moose. And so most people rely on going out  
24 to try and do it in the wintertime where the going is a  
25 lot easier and using snowmachines only and they'll run  
26 up by snowmachines up to the hilly country to get their  
27 moose and come back the same way while still at some  
28 point in time traveling over the frozen ice -- ocean  
29 ice where sometimes it is treacherous.

30

31 During the year of 2009, there was very  
32 little snow. It was a cold year. Also this year was a  
33 very cold year and not much snow at all, so it really  
34 made for difficult conditions for both people, the  
35 people in St. Mike and Stebbins, to get to the hunting  
36 areas and by changing the season date would allow them  
37 the additional time to harvest the moose. I don't  
38 think, as was stated earlier, that there will be a  
39 great impact on more moose harvested, but I will also --  
40 but it will give them more time and opportunity to  
41 harvest the resource that is near the village.

42

43 CHAIRMAN FLEAGLE: Thank you, Weaver.  
44 Department of Fish and Game comments.

45

46 MS. CUNNING: This proposal is similar  
47 to others we've had in the past Board meetings where  
48 RACs or proponents have come in and requested shifts in  
49 the season and then based on how the weather changes,  
50 they've requested the seasons to be shifted back. So

1 we have a little bit of a concern here that the  
2 proposal's asking for a two-week delay of the winter  
3 season and delaying it will actually decrease available  
4 antlered bulls due to the antler drop in the winter  
5 season, but the winter travel conditions may or may not  
6 be better with the additional daylight.

7  
8 Our biggest concern is that these moose  
9 are not censused on a regular basis. They're censused  
10 on a rotational basis. Harvest information is acquired  
11 through a number of different techniques. Although the  
12 antlered bull bag limit in the State and Federal  
13 subsistence winter hunts avoids the take of cows, that  
14 is our biggest concern is to try to protect the cows.

15  
16 There is no other moose season in Unit  
17 22 that goes beyond January 31 on Federal or non-  
18 Federal lands due to the lack of available antlered  
19 bulls during that time frame. So we have come in with  
20 opposing this proposal.

21  
22 With that said, however, this is one of  
23 those areas where we would really encourage the  
24 Regional Advisory Council and the Federal Board to look  
25 at working with us on the establishment of community  
26 harvest quotas for the communities. This would enable  
27 the sharing of the resources and develop a program  
28 where additional harvest opportunity can be made  
29 available as this growing population can meet the needs  
30 of the communities, be a little more flexible between  
31 the Federal and State programs so we can adjust quotas  
32 then as needed and as the population can sustain.

33  
34 So that's our comments.

35  
36 \*\*\*\*\*  
37 STATE OFFICIAL WRITTEN COMMENTS  
38 \*\*\*\*\*

39  
40 Alaska Department of Fish and Game  
41 Comments to the Federal Subsistence Board

42  
43 Wildlife Proposal WP10-80:

44  
45 This proposal changes the federal  
46 subsistence winter moose season to January 15 through  
47 February 15 in Game Management Unit 22A Remainder  
48 (described as Unit 22A South in the proposal).

49  
50 Introduction:

1                    This proposal requests a two week delay  
2 of the winter federal subsistence moose hunt in Unit  
3 22A Remainder. The existing federal subsistence moose  
4 hunting winter season dates are January 1 through  
5 January 31. The proponent indicates delaying the  
6 season by two weeks will potentially increase hunt  
7 success.

8

9                    Impact on Subsistence Users:

10

11                    Delaying the winter season opening by  
12 two weeks later in January will decrease available  
13 antlered bulls due to antler-drop during the winter  
14 season. Winter travel conditions may improve for  
15 hunters with slightly longer day-length.

16

17                    Opportunity Provided by State: In Unit  
18 22A Remainder, the following moose hunting regulations  
19 were effective in 2009-2010:

20

21                    One bull by harvest ticket; residents  
22 only; season Aug 1-Sept 30;

23

24                    Or  
25 One antlered bull by harvest ticket;  
26 residents only; season Jan 1-Jan 31;

26

27                    One bull with 50-inch antlers or  
28 antlers with 4 or more brow tines on at  
29 least one side by harvest ticket;  
30 nonresidents only; season Sept 1- Sept  
31 30.

32

33                    Conservation Issues:

34

35                    Moose populations in Unit 22A Remainder  
36 are not censused on a rotational basis by Alaska  
37 Department of Fish and Game in Unit 22. However, low  
38 hunting effort and probable exchange of moose between  
39 local areas and the Yukon River drainage (located  
40 easterly of Unit 22A) have provided stable populations  
41 that allow State hunting of bulls by harvest ticket for  
42 residents and nonresidents. An antlered bull bag limit  
43 in the state and federal subsistence winter hunts  
44 avoids the take of cows to conserve the population when  
45 little is known about bull:cow ratios or total  
46 population size. Although data are scant, current  
47 harvests are considered to be within sustained yield of  
48 the population. Adoption of this proposal will not  
49 cause conservation concerns or impede the population  
50 objective due to the winter bag limit of antlered bull.



1 Enforcement Issues:

2

3 No other moose season in Unit 22 goes  
4 beyond January 31 on federal and non-federal lands due  
5 to the lack of available antlered bulls. The number of  
6 antlered bulls in February is very few to none, and the  
7 Department wants to avoid the take of cows.

8

9 Recommendation:

10

11 Oppose.

12

13 The Regional Advisory Council should  
14 consider pursuing establishment of a community harvest  
15 hunt under federal subsistence regulations in  
16 cooperation with the State to establish harvest quotas  
17 per community. Developing a community harvest program  
18 will provide additional opportunity to take harvestable  
19 surplus from the growing moose population to meet needs  
20 of the communities, improve harvest reporting, and  
21 adjust harvest quotas to match biological fluctuations  
22 in the population.

23

24 CHAIRMAN FLEAGLE: Thank you, Tina.  
25 InterAgency Staff Committee comments.

26

27 DR. WHEELER: Thank you, Mr. Chair.  
28 The InterAgency Staff Committee has no additional  
29 comments beyond the standard comments.

30

31 Mr. Chair. Thank you.

32

33 CHAIRMAN FLEAGLE: Thank you. I note  
34 for discussion that the OSM's conclusion/justification  
35 statement also speaks to the issue that Tina raise is  
36 that by shifting the season two weeks later, you may  
37 not have as many harvestable animals available. They  
38 do address the fact that there may be some smaller  
39 bulls that retain their antlers longer available and I  
40 just wanted to explore this.

41

42 I know, at least in the interior areas  
43 I grew up in, that you rarely saw a moose with antlers  
44 in February, big or small, and I'm just curious,  
45 Weaver, is they're different out there toward the coast  
46 and then maybe, Jack, you can weigh in from your  
47 experience on the bordering country there. Weaver.

48

49

50 MR. IVANOFF: Mr. Chair. You are

1 correct in that. There's very few. You know, might  
2 run into the young ones who still have the horns on  
3 there. And that's what I was saying that there will  
4 be -- my feeling is that there will be very little  
5 impact on the amount of moose that are taken, but at  
6 the same time, where the moose that are -- the moose  
7 are starting to grow in that area. There is some  
8 evidence from St. Michael people and Stebbins people  
9 that moose are starting to move during late fall from  
10 the Yukon Delta area up toward the -- and they could  
11 see movement from the southern area moving up to the  
12 northern area where they live up into the hills.

13

14 And once they get that feed in the  
15 hilly area, then they pretty much stay and recruitment  
16 seems to be pretty good there as far as getting --  
17 there are a lot of bears that could be a problem, but  
18 at the same time, the moose migration seems to be  
19 pretty healthy. And it's based on pretty much their  
20 observation that there's an increase of moose moving in  
21 and while big bulls will not have their horns, the  
22 younger ones -- the antlers, the younger ones should be  
23 able to be harvested. Does that answer your question.

24

25 CHAIRMAN FLEAGLE: Jack. Yeah, it  
26 does. Jack.

27

28 MR. REAKOFF: It's my experience in the  
29 Brooks Range that it's after January 15th, there's very  
30 few two-year-old bulls that have antler. There are a  
31 few. There's some yearling bulls that have a harder  
32 time. The younger they are, the harder they are to  
33 shed the antler. They have to work at it to get it off  
34 of there.

35

36 And so there's a declining number of  
37 available antlered bulls after the end of January.  
38 That two weeks in February, there would be a few. In  
39 looking at their recruitment data here, it would appear  
40 there would be -- it looks like approximately 5  
41 yearling bulls per 100 cows or something approximately  
42 like that. And so it would be kind of like looking for  
43 four-leaf clovers, but there are -- there is a  
44 harvestable number there.

45

46 If it's -- if the weather's good and  
47 you can look at -- would all concentrate along the  
48 river, it might actually be fairly easy.

49

50 CHAIRMAN FLEAGLE: Thank you. Well, it

1 appears to me by -- if we adopt the proposal that we  
2 would be reducing opportunity. I wonder if OSM or the  
3 RAC maybe looked at, okay, we agree that the later  
4 portion of the season should be available if they need  
5 to because of bad weather conditions at the beginning,  
6 but maybe we should retain the beginning as well in  
7 case the weather is amenable and just extend the  
8 existing season by the two weeks.

9  
10 I mean again, Jack, I agree, they're  
11 going to be out there looking for something that  
12 probably doesn't exist. If they're out there, I don't  
13 see it as adding a conservation burden, but I think by  
14 taking away the two weeks that they may be antlered  
15 that they might be able to get out there would be  
16 reducing the opportunity. I don't know. I'm just  
17 wondering if there's -- if that had been looked at.  
18 Weaver.

19  
20 MR. IVANOFF: Yes. There was a real  
21 short discussion in regards to that. That was my same  
22 gut reaction was that, you know, should the weather  
23 change and January be -- and sometimes it does, you  
24 know, become very warm and sometimes too warm, it  
25 starts raining, but the weather does change on an  
26 annual basis and you never know what's going to happen  
27 year after year and I would be very supportive of that  
28 amendment of just extending it beginning January 1 and  
29 extending it longer and that would be in my mind a lot  
30 more practical.

31  
32 CHAIRMAN FLEAGLE: Cole, was that  
33 discussed in the OSM analysis at all?

34  
35 MS. BROWN: No, Mr. Chairman, it  
36 wasn't. During the Regional Advisory Committee  
37 meeting, that's when we had the discussion, and I can't  
38 remember the member that is from that area. I think  
39 their concern was they didn't want to overreach, that  
40 they were just asking for the same amount of time.

41  
42 They understood what the tradeoff was,  
43 but they were just really concerned with being able to  
44 have that opportunity at all. So.....

45  
46 CHAIRMAN FLEAGLE: Go ahead, Weaver.

47  
48 MR. IVANOFF: I'm sorry. Through the  
49 Chair. And that's exactly right. They wanted to just  
50 so keep the amount of time hunting the same because

1 they're not -- they weren't sure whether they'd be able  
2 to retain the hunting season during that time, didn't  
3 want to lose it for sure, and so their feeling was  
4 St. Michael -- Stebbins especially was that we'll just  
5 see if we could extend it the longer time, but I really  
6 like your suggestion in regards starting January 1 and  
7 just extending the season, I think is very good.

8

9 CHAIRMAN FLEAGLE: All right. Further  
10 discussion. It's still wide open.

11

12 MR. BUNCH: Mr. Chair.

13

14 CHAIRMAN FLEAGLE: Charlie, go ahead.

15

16 MR. BUNCH: I agree. I think that the  
17 weather is quite a factor up there and Tina hit on that  
18 earlier. I think that, you know, it's kind of a crap  
19 shoot if you limit that. I'm -- I would fully support  
20 extending the season for two weeks and then that would  
21 minimize the weather problems.

22

23 CHAIRMAN FLEAGLE: And that would keep  
24 our regulation more in alignment with the State  
25 regulation which is January 1 to January 31. It would  
26 just merely add a two-week Federal extension on Federal  
27 lands.

28

29 Now if somebody's willing to go forward  
30 with that, I'm ready to entertain a motion. Ms.  
31 Dougan.

32

33 MS. DOUGAN: Mr. Chair. Okay. I move  
34 to adopt Proposal WP10-80 and if I should get a second,  
35 I would like to propose an amendment.

36

37 MR. BUNCH: Second.

38

39 CHAIRMAN FLEAGLE: Okay. There you go.

40

41 MS. DOUGAN: Thank you, Mr. Chair. I  
42 move to adopt Proposal WP10-80 with a language  
43 modification that rather than shifting the season two  
44 weeks later, I would propose that we extend for two  
45 weeks the existing season on Federal lands.

46

47 And if I would get a second for that  
48 amendment, I'd like to speak to my reasons for support.

49

50 MR. BUNCH: Second.

1 CHAIRMAN FLEAGLE: Okay. Go ahead,  
2 Julia.  
3  
4 MS. DOUGAN: Thank you, Mr. Chair.  
5 There's a recognized tradeoff between increased  
6 daylight and better weather versus less antlered moose  
7 being available the longer the hunt proceeds in the  
8 winter and I think we've heard discussion on that.  
9  
10 The Seward Peninsula RAC endorsed this  
11 proposal because they think it will provide additional  
12 opportunity for subsistence and I'm going to support  
13 the RAC for that reason and I think that the antlered  
14 bull requirement in place for the winter hunt will also  
15 continue to protect cows from harvest.  
16  
17 Thank you.  
18  
19 CHAIRMAN FLEAGLE: Further discussion.  
20  
21 (Board nods affirmatively)  
22  
23 CHAIRMAN FLEAGLE: Is it clear  
24 everybody? Are we ready for a vote. Okay. I'm sorry.  
25 On the amendment.  
26  
27 The amendment would be to take the  
28 existing season, January 1 to January 31, and extend it  
29 to the closing date as proposed to February 15 without  
30 knocking off the first two weeks. Is everybody clear  
31 on the amendment?  
32  
33 (Board nods affirmatively)  
34  
35 CHAIRMAN FLEAGLE: Any opposition to  
36 the amendment.  
37  
38 (No opposition)  
39  
40 CHAIRMAN FLEAGLE: Hearing none,  
41 amendment carries. Main motion stands before you as  
42 amended. Further discussion.  
43  
44 (No comments)  
45  
46 CHAIRMAN FLEAGLE: Ready for the  
47 question.  
48  
49 (Board nods affirmatively)  
50

1 CHAIRMAN FLEAGLE: Question on Proposal  
2 80. Pete, please poll the Board.  
3  
4 MR. PROBASCO: Mr. Chair. Final action  
5 WP10-80 to adopt the proposal consistent with the  
6 Seward Peninsula-Yukon Delta Regional Advisory Council  
7 with modification and the amendment to extend the  
8 season to February 15th.  
9  
10 Mr. Fleagle.  
11  
12 CHAIRMAN FLEAGLE: Yes.  
13  
14 MR. PROBASCO: Ms. Masica.  
15  
16 MS. MASICA: Yes.  
17  
18 MR. PROBASCO: Ms. Kessler.  
19  
20 DR. KESSLER: Yes.  
21  
22 MR. PROBASCO: Mr. Bunch.  
23  
24 MR. BUNCH: Yes.  
25  
26 MR. PROBASCO: Ms. Dougan.  
27  
28 MS. DOUGAN: Yes.  
29  
30 MR. PROBASCO: And Mr. Haskett.  
31  
32 MR. HASKETT: Yes.  
33  
34 MR. PROBASCO: Motion carries.  
35  
36 CHAIRMAN FLEAGLE: Okay. Great.  
37 Weaver, go ahead.  
38  
39 MR. IVANOFF: Yes. Mr. Chair. I'd  
40 like to thank the Staff for their assistance. I also  
41 thank you -- like to thank you for your practical  
42 amendment to the issue. I think that's very helpful  
43 and people in Stebbins I'm sure and St. Michael will be  
44 very thankful too and on their behalf, thank you very  
45 much.  
46  
47 CHAIRMAN FLEAGLE: Very good. All  
48 right. Thank you. And we appreciate your work on  
49 their behalf as well.  
50

1 With that, let's go ahead and stand  
2 down for 10 minutes.

3  
4 (Off record)

5  
6 (On record)

7  
8  
9 CHAIRMAN FLEAGLE: All right. Federal  
10 Subsistence Board is back on record and we're moving  
11 into the Eastern Interior Alaska Region, Region 9. We  
12 have several proposals before us and we have Proposal  
13 86 to begin with and it looks like Donald Rivard is at  
14 the table to lead us through it. Welcome back, Don.

15  
16 MR. RIVARD: Thank you, Mr. Chair.  
17 Good afternoon again to you, the Board members, and  
18 Regional Council representatives. The analysis for  
19 WP10-86 starts on Page 881 in your book.

20  
21 Proposal WP10-86 submitted by the  
22 Eastern Interior Alaska Subsistence Regional Advisory  
23 Council requests that the Federal moose season dates in  
24 Unit 25C be changed to match the August 20th to  
25 September 30th season and adjoining portions of  
26 Units 25B and 20E within the Yukon-Charley Rivers  
27 National Preserve.

28  
29 There is no specific customary and  
30 traditional use determination for moose in Unit 25C.  
31 Therefore all rural residents of the State of Alaska  
32 are eligible to hunt moose on Federal public lands in  
33 Unit 25C under Federal regulations. Should this  
34 proposal be adopted, all users would be provided an  
35 additional 27 days of hunting opportunity which will  
36 likely lead to an increase in the number of moose  
37 harvested.

38  
39 The Unit 25C moose population appears  
40 healthy enough to allow for a few more bulls to be  
41 harvested.

42  
43 Mr. Chair. The OSM conclusion is to  
44 support Proposal WP10-86.

45  
46 Thank you.

47  
48 CHAIRMAN FLEAGLE: Thank you, Don.  
49 Public comments, Ann Wilkinson.

50

1 MS. WILKINSON: Mr. Chairman. There  
2 were no public comments for Proposal 66 -- I mean 86.

3  
4 CHAIRMAN FLEAGLE: Thank you. Public  
5 testimony, Pete.

6  
7 MR. PROBASCO: No one has signed up.  
8 Mr. Chair.

9  
10 CHAIRMAN FLEAGLE: Regional Council  
11 recommendation, Sue Entsminger.

12  
13 MS. ENTSMINGER: Thank you, Mr. Chair.  
14 I hope I'm awake here. The Eastern Interior Regional  
15 Advisory Council support WP10-86. This proposed  
16 regulation would not increase nonlocal participation  
17 but would provide increased opportunity for the  
18 Federally-qualified subsistence users. The regulation  
19 will not result in a conservation issue and will help  
20 align the moose hunting season for the other Federal  
21 lands in the area.

22  
23 And at the Council meeting, there was  
24 some discussion about the C&T, all rural residents, and  
25 Bill Glanz, it was his Advisory Committee from Central  
26 that put this proposal in and he was specifically asked  
27 if he felt that would make a difference and they said  
28 it would not.

29  
30 He talked about if you put your boat in  
31 the river and you went upriver, you have one season  
32 here in that Steese National Conservation area and then  
33 it's a different season than the Yukon-Charley and  
34 that's why they put the proposal in.

35  
36 CHAIRMAN FLEAGLE: Thank you. Alaska  
37 Department of Fish and Game comments, Tina.

38  
39 MS. CUNNING: Mr. Chair. The  
40 Department is opposed to this dramatic expansion of the  
41 Federal subsistence moose hunting season in 25C. The  
42 expanded season creating additional differences between  
43 the State and Federal regulations is not necessary to  
44 provide the opportunity for Federal subsistence by  
45 rural residents on Federal lands.

46  
47 Creating an expanded season for all  
48 rural residents of Alaska creates a priority that is  
49 not based on continued customary and traditional uses  
50 and cannot be justified based on a desire to reduce



1 competition.

2

3 Also as the moose population declines,  
4 the expanded season will create unnecessary impacts on  
5 other subsistence users.

6

7 Thank you.

8

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\*\*\*\*\*  
STATE OFFICIAL WRITTEN COMMENTS  
\*\*\*\*\*

Alaska Department of Fish and Game  
Comments to the Federal Subsistence Board

Wildlife Proposal WP10-86:

The Eastern Interior Regional Advisory Council proposal would lengthen the federal subsistence moose hunting season in Unit 25C from September 1 through September 15 to August 20 through September 30.

Introduction:

The proponent submitted this proposal to liberalize the Unit 25C federal subsistence moose hunting season by changing the season dates to match the federal subsistence moose hunting season dates for the federal public lands within Yukon-Charlie National Preserve of Units 25B and 20E. The 41-day federal subsistence moose hunting seasons within Units 25B and 20E within the Yukon-Charlie National Preserve are August 20 through September 30, which is 26 days longer than the 15-day federal subsistence moose hunting season in Unit 25C.

Impact on Subsistence Users:

If adopted, the opportunity for federal subsistence moose hunters in Unit 25C will increase by an additional 26 days (173%), increasing federal subsistence hunting opportunity for moose in the White Mountains and Steese National Recreational Areas from 15 days to 41 days. If adopted, federal subsistence users would be allowed to hunt 10 days prior to and after the state moose hunting season in Unit 25C, potentially reducing interaction or competition with non-federally qualified moose hunters. If adopted, the liberalization of this road accessible federal subsistence moose hunt may attract other federally

1 qualified users from other areas and regions resulting  
2 in competition with other federally qualified hunters.

3

4 Opportunity Provided by State:

5

6 The state resident moose hunting season  
7 in Unit 25C is from September 1 through 15 with a limit  
8 of one bull. The state nonresident moose hunting  
9 season in 25C is September 5 through September 25 with  
10 a limit of one bull.

11

12 Conservation Issues:

13

14 None under existing regulations. This  
15 is a bull-only hunt, and hunter participation is  
16 relatively stable.

17

18 Enforcement Issues:

19

20 Federal public lands constitute  
21 approximately 74% of Unit 25C, but a significant  
22 portion of the easily accessible land is non-federal  
23 and in the state's non-subsistence use area.  
24 Federally-qualified hunters will need to be aware of  
25 the boundaries.

26

27 Other Comments:

28

29 The expanded season, creating  
30 additional differences between the state and federal  
31 regulations, is not necessary to provide the  
32 opportunity for federal subsistence by rural residents  
33 on federal lands. Creating an expanded season for all  
34 rural residents of Alaska creates a priority that is  
35 not based on continued customary and traditional uses  
36 and cannot be justified based on a desire to reduce  
37 competition. Also, as the moose population declines,  
38 the expanded season will create unnecessary impacts on  
39 other subsistence users.

40

41 Recommendation: Oppose.

42

43 CHAIRMAN FLEAGLE: Thank you.  
44 InterAgency Staff Committee comments, please.

45

46 DR. WHEELER: Mr. Chair. The  
47 InterAgency Staff Committee has no additional comments  
48 beyond the standard comments. Thank you.

49

50 CHAIRMAN FLEAGLE: Thank you.

1 Discussion.

2

3 MS. DOUGAN: Mr. Chair.

4

5 CHAIRMAN FLEAGLE: Ms. Dougan, go

6 ahead.

7

8 MS. DOUGAN: If there's no discussion

9 at this point, I would like to make a motion.

10

11 CHAIRMAN FLEAGLE: Okay.

12

13 MS. DOUGAN: Thank you, Mr. Chair.

14

15 MS. MASICA: Second.

16

17 (Laughter)

18

19 MS. DOUGAN: I move to adopt Proposal

20 WP10-86 and if I receive a second, which I think I

21 already have, I'd like to explain why I'm in support.

22

23 (Laughter)

24

25 MS. DOUGAN: The proposal was submitted

26 by the Eastern Interior RAC and it is clearly designed

27 to benefit Federally-qualified users trying to meet

28 their subsistence needs.

29 Aligning the Federal hunt dates within

30 the Yukon-Charley National Park and Preserve makes

31 obvious sense to me and it will help eliminate hunter

32 confusion in that portion of Unit 25C.

33

34 But the State's indicated there are no

35 conservation concerns right now under existing

36 regulation. So I think close monitoring of the moose

37 population during this expanded season is really needed

38 so we can maintain that status of the population. But

39 if in the future the expanded season increases the

40 annual harvest to the point where management goals are

41 not met, I will support employing a registration permit

42 to more closely monitor and manage the hunt.

43

44 Thank you.

45

46 CHAIRMAN FLEAGLE: Thank you, Ms.

47 Dougan. And we do have a motion that was seconded by

48 Sue Masica. Discussion.

49

50 (No comments)

1 CHAIRMAN FLEAGLE: Anybody wish to add  
2 comments to the statements that have already been said  
3 in the written record.

4  
5 Wini, thank you.

6  
7 DR. KESSLER: I'll add comments. This  
8 will increase opportunity for eligible rural people to  
9 hunt and there's no conservation concerns, so we'll  
10 support it.

11  
12 CHAIRMAN FLEAGLE: All right. Are we  
13 ready for the question on Proposal 86.

14  
15 (Board nods affirmatively)

16  
17 CHAIRMAN FLEAGLE: Hearing no  
18 objection, question is recognized. Pete, 86, please.

19  
20 MR. PROBASCO: Final action on WP10-86  
21 to adopt the proposal consistent with Eastern Interior  
22 Regional Council's recommendation. Ms. Masica.

23  
24 MS. MASICA: Yes.

25  
26 MR. PROBASCO: Ms. Kessler.

27  
28 DR. KESSLER: Yes.

29  
30 MR. PROBASCO: Mr. Bunch.

31  
32 MR. BUNCH: Yes.

33  
34 MR. PROBASCO: Ms. Dougan.

35  
36 MS. DOUGAN: Yes.

37  
38 MR. PROBASCO: Mr. Haskett.

39  
40 MR. HASKETT: Yes.

41  
42 MR. PROBASCO: And Mr. Fleagle.

43  
44 CHAIRMAN FLEAGLE: Yes.

45  
46 MR. PROBASCO: Motion carries 6/0.

47  
48  
49 CHAIRMAN FLEAGLE: We now move on to  
50 Proposal 87. And we have Pippa Kenner back at the

1 table. Welcome.

2

3 MS. KENNER: Thank you, Mr. Chair.

4 Good afternoon. The analysis for Proposal WP10-87 can  
5 be found on Page 889 in your books.

6

7 Proposal WP10-87 was submitted by the  
8 Eastern Interior Regional Advisory Council and seeks to  
9 add black bear to the list of furbearers for Units 12,  
10 20, and 25 in the general regulations for Federal  
11 wildlife management.

12

13 If this proposal is adopted, it will  
14 add black bears to the definition of furbearers. This  
15 would create numerous inconsistencies in Federal  
16 subsistence regulations. For example, the regulation  
17 at Section 25J Part 8 allows the sale of the raw fur or  
18 tanned pelt of furbearer while the regulation at 25J  
19 Part 10 expressly excludes some bear parts from the  
20 description of handicraft products that may be sold.

21

22 Similarly while there are various  
23 regulations that allow for the use of snares and traps  
24 to harvest furbearers, the regulation at Section 25B  
25 Part 7 states that bears may be taken only with rifles  
26 of a particular caliber or larger.

27

28 As these examples illustrate, the  
29 adoption of this proposal would create ambiguity and  
30 conflict in the Federal subsistence regulations and  
31 likely cause confusion for subsistence users and  
32 managers.

33

34 In addition, the Federal Subsistence  
35 Board has put considerable effort in to considering and  
36 adopting specific regulations with regard to the taking  
37 of bears and the selling of handicrafts. These  
38 regulations would be largely undermined by  
39 reclassifying black bears as furbearers.

40

41 Finally this regulatory change would  
42 defeat the purpose of specific regulations that are  
43 intended to limit the sale of bear parts.

44

45 This proposal is specific to Units 12,  
46 20, and 25. However, that fact does not remove the  
47 inconsistencies with Federal subsistence regulations.  
48 There is opportunity under existing regulations to make  
49 handicrafts using black bear fur and claws among other  
50 parts. Expanding the definition of furbearers to

1 include black bear creates regulatory incongruities  
2 that are not consistent with past Board action.

3  
4 For all of these reasons, the OSM  
5 conclusion is to oppose the proposal.

6  
7 Thank you, Mr. Chair. That's the end  
8 of my presentation.

9  
10 CHAIRMAN FLEAGLE: Thank you. Public  
11 comments.

12  
13 MS. WILKINSON: Thank you, Mr. Chair.  
14 We received two comments in opposition to this  
15 proposal. The AHTNA 'Tene Nene' Customary and  
16 Traditional Council stated that it's not the practice  
17 of AHTNA people to trap black bear in winter. They  
18 support predator control but not by this method in Unit  
19 12.

20  
21 The Wrangell-St. Elias SRC is concerned  
22 that people from outside the Region would try to sell  
23 parts illegally, that snaring or trapping bears could  
24 be a hazard for the trappers and others and they are  
25 concerned about disturbing bears during winter. And  
26 that's the conclusion of the comments.

27  
28 CHAIRMAN FLEAGLE: Thank you. Public  
29 testimony.

30  
31 MR. PROBASCO: Mr. Chair. We have no  
32 one signed up.

33  
34 CHAIRMAN FLEAGLE: Regional Council  
35 recommendations, Sue.

36  
37 MS. ENTSMINGER: Yeah. Thank you, Mr.  
38 Chair. This is an interesting way that this has come  
39 around. There was a meeting in Tok that instigated  
40 this proposal to come forth and when we put the  
41 proposal forward, the Eastern Interior RAC, it was only  
42 to classify black bears as a furbearer. It wasn't to  
43 create snaring and the sale. That was not part of the  
44 original intent of the Eastern Interior RAC when the  
45 proposal was put forth.

46  
47 I just wanted to kind of reiterate that  
48 right now, but -- so when we saw this proposal, we were  
49 a bit confused at why all of these other things were in  
50 there and then it hit me that, well, I guess if you

1 don't understand what the Council was after, which was  
2 to be able to sell a bear hide actually -- a black bear  
3 hide -- and -- then you would think that the people  
4 want a season for snaring and trapping.

5  
6                   So it was interesting. And then at the  
7 discussion at our meeting, we had Pat get online  
8 because we -- since we're talking about snaring bears,  
9 we started talking about the possibility of doing  
10 something like that and we did not -- we deferred even  
11 talking about it -- wanted to talk about it in the  
12 future.

13  
14                   So there was some discussion about it  
15 with the State, but we supported it only in our Region  
16 because that's where we make our recommendations for  
17 our Region. So I think something has happened within  
18 the State since and I'm going to let the State talk to  
19 that.

20  
21                   Thank you.

22  
23                   CHAIRMAN FLEAGLE: Thank you.  
24 Southcentral.

25  
26                   MS. CAMINER: Thank you, Mr. Chair.  
27 I'm going to modify what's written here a little bit  
28 because personally I don't like to say that there'll be  
29 confusion amongst users. I think the confusion if this  
30 were adopted by the Board would actually be, as we said  
31 here, between what's written in Federal regs already  
32 and the differences between what the Board of Game  
33 passed and this Federal reg which would be then unit  
34 specific.

35  
36                   We had quite a bit of discussion at our  
37 meeting and really many of the members felt this was  
38 not necessary because it was all covered through the  
39 Board of Game action statewide.

40  
41                   So we did end up opposing it, but  
42 several people did abstain because they just felt like  
43 the Council did not need to deal with it. We also paid  
44 heed to what the Subsistence Resource Commission said  
45 and they were completely opposed to it. This was not --  
46 we did get into a discussion of trapping understanding  
47 it was not a suggestion to open up a trapping season  
48 but that it could follow.

49  
50                   The SRC opposed that as being not a

1 customary and traditional method. We also felt that  
2 there was the worry about commercialization from  
3 selling the bear hides and that hides from other  
4 Regions could be brought in or -- so there was a bit of  
5 a split vote, but the Council did oppose this proposal.

6  
7

8 CHAIRMAN FLEAGLE: Thank you, Judy.  
9 Department of Fish and Game comments.

10

11 MS. CUNNING: Mr. Chairman. Our  
12 comments are on Page 904. We'll be entering those into  
13 the record in full.

14

15 Our official position is we are  
16 neutral, that the adoption of this proposal is not  
17 necessary to provide the Federal subsistence needs for  
18 use of black bear. There are some other comments and  
19 explanations of what the Board of Game did in our  
20 comments and Pat would like to supplement.

21

22 CHAIRMAN FLEAGLE: Thank you. Deputy  
23 Commissioner Valkenburg.

24

25 MR. VALKENBURG: Thank you, Mr. Chair.  
26 There are a couple of points I'd like to make here.  
27 The Department -- or the Board of Game and the  
28 Department has received numerous comments over a long  
29 period of time from people who are interested in being  
30 able to sell black bear hides, from skin sewers who cut  
31 up black bear hides in parts and pieces, is a very  
32 traditional activity statewide.

33

34 It has been legal at various times over  
35 the years. The analysis -- the OSM analysis was pretty  
36 good, has a good history of when black bears were  
37 considered furbearers and big game back and forth.

38

39 We came to the conclusion that probably  
40 the best thing to do would be to classify black bears  
41 as furbearers statewide and very much the same way that  
42 wolves and wolverines are. So now we would have three  
43 species that were dual classified as furbearers and big  
44 game.

45

46 I also wanted to point out that just  
47 because black bears as classified as furbearers does  
48 not mean that people can trap them. The Board of Game  
49 would have to set up specific trapping seasons to do  
50 that and in some areas of the State, it would be



1 appropriate to do that. In some areas, not. Obviously  
2 in places like Southeast Alaska at the present time,  
3 neither the Department nor the Board would favor  
4 trapping seasons, but in areas like the Yukon Flats  
5 where people have been asking for relief from predation  
6 by black bears on moose and also on the Kuskokwim and  
7 on the Koyukuk where there have been similar proposals,  
8 this does provide the Board of Game with an easy way of  
9 accommodating those local uses.

10

11 Trapping of black bears actually in  
12 Alaska using snares is actually a fairly common  
13 practice. In Yukon Flats, I would venture to say a few  
14 hundred black bears are trapped each year. It's a  
15 common method of taking care of problem black bears  
16 around fish camps and that sort of thing.

17

18 What we're interested in doing is  
19 getting people away from the traditional method of  
20 snaring black bears with wolf snares and directing them  
21 to use more selective techniques like bucket snares for  
22 the reason that the bears are more useful when they're  
23 caught that way. The meat is still good and the hide  
24 is still good and there's less problem with incidental  
25 catch of moose, for example, in Yukon Flats where we're  
26 really interested in rebuilding the moose population.

27

28 And we agree with the comments of the  
29 Southcentral RAC and that's one of the main reasons  
30 we're neutral on this proposal is that the Board of  
31 Game has already gone ahead and classified black bears  
32 and furbearers which legalizes the sale of bear hides  
33 and all parts except specifically not gallbladders and  
34 not bear trophies. And so -- and that is true for  
35 bears that are either hunted or trapped and that  
36 regulation goes into effect July 1st statewide.

37

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\*\*\*\*\*  
STATE OFFICIAL WRITTEN COMMENTS  
\*\*\*\*\*

Alaska Department of Fish and Game  
Comments to the Federal Subsistence Board

Wildlife Proposal WP10-87:

This proposal requests that black bears  
be added to the list of animals defined as furbearers  
in Game Management Units 12, 20, and 25.

1 Introduction:

2

3 The proponent requests black bears be  
4 listed as furbearers in federal subsistence regulations  
5 for Units 12, 20, and 25 to allow federal subsistence  
6 users to sell hides from harvested animals.

7

8 Impact on Subsistence Users:

9

10 If adopted, federal subsistence users  
11 could sell hides and claws from black bears harvested  
12 under federal subsistence regulations from Units 12,  
13 20, and 25, including part of Denali National Park and  
14 part of Wrangell-St. Elias National Park. Because  
15 harvest of black bears from these park lands is very  
16 low, the effect of the regulation will have be  
17 negligible.

18

19 Opportunity Provided by State:

20

21 The Alaska Board of Game reclassified  
22 black bears as furbearers and allowed sale of hides,  
23 and all bear parts except gall bladders and trophies,  
24 including all black bears taken under hunting and  
25 trapping regulations. The regulation will go into  
26 effect July 1, 2010. Hunting regulations for black  
27 bears in Units 12, 20, and 25, as in most other areas  
28 of Interior Alaska, are no closed season and a bag  
29 limit of 3 (no cubs or females with cubs), with an  
30 additional provision for community harvest permits in  
31 Unit 25.

32

33 Conservation Issues:

34

35 The Department and the Alaska Board of  
36 Game do not expect conservation issues by allowing sale  
37 of black bear hides and parts. The total value of all  
38 black bear parts are worth less than some other  
39 furbearers (e.g. wolves, wolverines).

40

41 Enforcement Issues:

42

43 Because the sale of black bear hides  
44 and parts, except gall bladders are now under one,  
45 uniform, statewide regulation, no enforcement issues  
46 are expected. Sale of black bear hides and parts,  
47 except gall bladders are legal in Idaho, Maine, and all  
48 Canadian provinces.

49

50 Other Comments: Adoption of this

1 proposal is not necessary to provide the federal  
2 subsistence needs for use of black bear.

3

4 Recommendation: Neutral.

5

6 CHAIRMAN FLEAGLE: Thank you, Pat.  
7 InterAgency Staff Committee comments.

8

9 DR. WHEELER: The InterAgency Staff  
10 Committee has no additional comments beyond its  
11 standard comments at this point in time.

12

13 Mr. Chair.

14

15 CHAIRMAN FLEAGLE: And are those the  
16 boilerplate comments, Dr. Wheeler.

17

18 DR. WHEELER: They are and I'd be happy  
19 to read them into the record if you'd like. It's been  
20 a long day, but you're -- at your call.

21

22 Mr. Chair.

23

24 (Laughter)

25

26 CHAIRMAN FLEAGLE: Discussion. Jack.

27

28 MR. REAKOFF: Mr. Chair. The Western  
29 Interior Council, the Koyukon people, have opposed any  
30 kind of bear trapping regulations and they have hutlani  
31 or taboos that are about speaking about bears. They  
32 talk about big animals during their meetings in these  
33 rural villages.

34

35 And so there's the Western Interior  
36 Council has opposed any bear -- sales of bear parts and  
37 those kinds of things. So I want to clarify that for  
38 the record that the Western Interior Council is opposed  
39 any kind of bear trapping because of respect for bears  
40 and concern about catching other predators like  
41 wolverines and wolves and so forth.

42

43 And so those -- the free-ranging bear  
44 harvest with a firearm, that's a different issue as far  
45 as the method of harvest or denning. Those would be  
46 the primary way people harvest black bears.

47

48 Thank you.

49

50 CHAIRMAN FLEAGLE: Thank you, Jack.

1 Sue.

2

3

MS. ENTSMINGER: Yeah. Mr. Chair.  
4 Appreciate Jack's comments, but I'd also like to state  
5 for the people in our Region, I mean they look at it  
6 very differently. So it's important to realize that --  
7 I guess when Sidney Huntington was on the Board of  
8 Game, I thought some of the people in your Region did  
9 utilize bears.

10

11 Yeah. I don't know. Something I  
12 remember from long ago, but just speaking to my Region  
13 on that Yukon Flats even when Craig Fleener was on as  
14 the -- on this Eastern Interior, I mean there was a lot  
15 of things that were brought out about the need to  
16 harvest more black bears in the area and the people  
17 utilize the bears and -- you know, I'm a skin sewer  
18 and, you know, I don't know what it would do if I was  
19 able to buy a black bear and turn him into a product to  
20 sell, what I'd have to pay for it to still make  
21 something that somebody else would purchase because  
22 I've actually had people ask me. I said well, it's not  
23 legal to do that, you know, but it is something that me  
24 personally I would have -- you know, under State regs  
25 and July 1st, then I can legally purchase a bear and I  
26 can tell you that it cost -- if someone shot a bear and  
27 brought it to me, I would have a day of fleshing to  
28 take care of it properly with the claws attached and  
29 some drying time and then I would have this tanning  
30 cost.

31

32 So, you know, my handicraft's end up  
33 costing quite a bit more if I had to purchase the hide.  
34 It's just information for the future.

35

36 Thank you.

37

38 CHAIRMAN FLEAGLE: Jack and then.....

39

40 MR. REAKOFF: Clarification. The  
41 people of Koyukuk extensively use black bears for food.  
42 If they harvest black bears, the tradition is to take  
43 the skin and put it away, don't bring it back. They  
44 don't -- they put it under a tree is what they do with  
45 it.

46

47 And so they -- there is extensive use  
48 of black bears for use black bear for food.

49

50 CHAIRMAN FLEAGLE: Thank you. Pat.

1 MR. VALKENBURG: Yeah. Thank you, Mr.  
2 Chairman. There's one point I wanted to make also  
3 about in our analysis of going to classifying black  
4 bears as furbearers, we looked at the value of black  
5 bears and all of their parts compared to other  
6 furbearers and both wolves or wolverines are more  
7 valuable than black bears.

8  
9 Black bear hides have averaged anywhere  
10 between \$50 and \$150. On the most recent North  
11 American Fur Auctions this past spring, the average  
12 price for black bear hide was \$60.

13  
14 So we don't anticipate any conservation  
15 problems along those lines and I wanted to reiterate  
16 something for Jack is just because we have them  
17 classified as furbearers statewide now, it does not  
18 mean that people will be able to trap black bears  
19 everywhere. Those will be done on a case-by-case basis  
20 through trapping seasons set by the Board, by request  
21 from ACs and other normal proposal process.

22  
23 CHAIRMAN FLEAGLE: Thank you. Further  
24 discussion. Charlie.

25  
26 MR. BUNCH: Well, I'm kind of in a  
27 quandary here because I like to follow what the RAC  
28 tells me, but now the RACs are telling me two different  
29 things, so I think that I'm inclined to simplify the  
30 regs -- or my vote would simply the regs so that we  
31 don't have different regs for different parts of the  
32 State.

33  
34 CHAIRMAN FLEAGLE: Further discussion.  
35 Sue.

36  
37 MS. ENTSMINGER: I think, you know, the  
38 discussion at the meeting, you know, if you remember  
39 that we're just saying we'll put in a proposal for our  
40 Region and then knowing that the State -- if I went  
41 back to our Council now and the State has passed that,  
42 I don't -- you know, I would venture to say probably  
43 that the Council would not care if this failed within --  
44 because they would still have that ability to do so.

45  
46 And I'm sticking my neck out a little  
47 bit, but I think I believe that they would look at it  
48 that day.

49  
50 Thank you.

1 CHAIRMAN FLEAGLE: Are we ready for a  
2 motion. Sue.  
3  
4 MS. MASICA: Mr. Chairman. I move that  
5 we support WP10-87 and then after a second, I will  
6 speak to my motion.  
7  
8 CHAIRMAN FLEAGLE: Is there a second.  
9  
10 DR. KESSLER: Second.  
11  
12 CHAIRMAN FLEAGLE: There's your second.  
13 Go ahead, please.  
14  
15 MS. MASICA: Mr. Chairman. I will vote  
16 to oppose my own motion. I'd like to clarify that this  
17 is a regulation that would affect all Federal lands in  
18 the units, not just NPS lands.  
19  
20 Both the Wrangell-St. Elias SRC, which  
21 is the most local Title VIII advisory group for the  
22 Park and the Southcentral RAC voted against the  
23 proposal, recognizing that Eastern Interior did vote in  
24 support of it.  
25  
26 I found the justification on Page 897  
27 from OSM rather compelling. The potential for  
28 increased hunting pressure by increasing the economic  
29 incentive, the relatively low reproductive rate of  
30 black bears, and the general lack of information about  
31 population. Also after listening to the presentation,  
32 reading the biological background section, it seems  
33 like there's a lot we don't know about the population.  
34 It's my understanding that these units have a year-  
35 round hunting season limit of three bears.  
36  
37 It just -- this seems to me like a big  
38 change given what we know and the conservation practice  
39 question that was raised in the write-up which is why I  
40 would oppose the motion I put forward.  
41  
42 CHAIRMAN FLEAGLE: Further discussion.  
43 Wini.  
44  
45 DR. KESSLER: Yes, Mr. Chair. Number  
46 of conservation issues have been raised. Analysis  
47 speaks to the likelihood of increased harvest, the  
48 lower reproductive rates of black bears compared to  
49 other furbearing species, the infrequency of monitoring  
50 in the area, so I believe that supporting the motion

1 would not be consistent with accepted principles of  
2 wildlife and fish conservation.

3

4 CHAIRMAN FLEAGLE: Thank you.  
5 Appreciate that reference to .805(c). I was looking  
6 for that. Are we ready for a question.

7

8 (Board nods affirmatively)

9

10 CHAIRMAN FLEAGLE: Hearing no  
11 objection, question is recognized. Pete, on Proposal  
12 87.

13

14 MR. PROBASCO: Thank you, Mr. Chair.  
15 Final Action on WP10-87 to adopt the proposal. Ms.  
16 Kessler.

17

18 DR. KESSLER: No.

19

20 MR. PROBASCO: Mr. Bunch.

21

22 MR. BUNCH: No.

23

24 MR. PROBASCO: Ms. Dougan.

25

26 MS. DOUGAN: No.

27

28 MR. PROBASCO: Mr. Haskett.

29

30 MR. HASKETT: No.

31

32 MR. PROBASCO: Mr. Fleagle.

33

34 CHAIRMAN FLEAGLE: No.

35

36 MR. PROBASCO: And Ms. Masica.

37

38 MS. MASICA: No.

39

40 MR. PROBASCO: Motion fails, 0/6.

41

42 CHAIRMAN FLEAGLE: All right. Thank  
43 you. Proposal 88. Pippa Kenner.

44

45 MS. KENNER: Thank you, Mr. Chair.  
46 I'll just take a minute. Good afternoon. The analysis  
47 for Proposal WP10-88 can be found on Page 906 in your  
48 Board book.

49

50 Proposal WP10-88 was submitted by the

1 Eastern Interior Regional Advisory Council and requests  
2 that all edible meat of the front quarters, hind  
3 quarters, and ribs from moose harvested in Unit 25 must  
4 remain on the bone until the meat is removed from the  
5 field or is processed for human consumption.

6  
7 First off, I'd like to direct you to a  
8 correction on Page 906. I'd like you to go to the OSM  
9 preliminary conclusion and I'd like you to go to  
10 .25(h), removing harvest from the field, and I'd like  
11 you to go almost halfway down the paragraph and you'll  
12 see a phrase Unit 25 prior to October 1st, and that  
13 should be bolded. I'm going to underline it and that's  
14 the new language that's being added to the regulation.  
15 That change could also be made on Page 910.

16  
17 Does everybody understand that change?  
18 Do you need more direction?

19  
20 CHAIRMAN FLEAGLE: Sorry. Go ahead,  
21 Geoff.

22  
23 MR. HASKETT: Okay. So I understand  
24 the change, but then I look at the actual .25(h) and  
25 it's not saying what you said on 907. Unless -- I may  
26 be looking in the wrong place. No -- 907.

27  
28 MS. KENNER: Thank you. It would be on  
29 Page 908.

30  
31 MR. HASKETT: 908.

32  
33 MS. KENNER: And it would be under the  
34 proposed Federal regulation, second paragraph, .25(h).

35  
36 MR. HASKETT: I see it. Okay. I'm  
37 good. I see it.

38  
39 MR. KENNER: I'm sorry for creating  
40 that confusion.

41  
42 MR. HASKETT: No, I'm.....

43  
44 MS. MASICA: Further question.

45  
46 CHAIRMAN FLEAGLE: Go ahead, Sue.

47  
48 MS. MASICA: So on 908 under .25(h),  
49 there's no reference to the Unit 25 either. So does  
50 that need to get -- it just says Unit 21.



1 MS. KENNER: Okay. Now I understand  
2 what I did. Okay. Okay. What I would like you to do  
3 now is to go to Page 910. Under the modification, now  
4 you would again go to the phrase Unit 25 prior to  
5 October 1st and that would be highlighted.

6  
7 CHAIRMAN FLEAGLE: Polly.

8  
9 DR. WHEELER: This is confusing because  
10 there's a lot of proposed, existing, and modified in  
11 here, but the proposed Federal regulation is on Page  
12 908. That's how the proposal came in. Okay? So that  
13 bolded -- there is no section like you said, Member  
14 Masica, because it's all edible meat. That's how the  
15 proposal came in.

16  
17 So then if you go over to Page 910 --  
18 910 and the top of Page 911, that's the modified. So  
19 you've got the existing regulation where it doesn't  
20 exist. Then you've got the proposed regulation and  
21 then you've got the -- where we landed with the  
22 modified. Does that help?

23  
24 MR. HASKETT: So Mr. Chair, I'm very  
25 glad I asked this question to start this out.

26  
27 (Laughter)

28  
29 DR. WHEELER: Is it clear?

30  
31 MR. HASKETT: (Nods affirmatively)

32  
33 DR. WHEELER: Excellent.

34  
35 MR. HASKETT: Got it.

36  
37 (Laughter)

38  
39 CHAIRMAN FLEAGLE: Thank you. Go  
40 ahead, Pippa.

41  
42 MS. KENNER: Thank you very much for  
43 your patience. I know it would be difficult the way it  
44 was written for Board members to understand it, but I  
45 didn't hope that situation much at first. I'm glad that  
46 we've got it now. Again I'm sorry.

47  
48 Okay. A little bit of history. At its  
49 winter and fall 2009 meeting, the Council heard that  
50 spoilage of moose meat in the field is a problem. The

1 Council first drafted a proposal to submit to the State  
2 of Alaska Board of Game to consider at its meeting in  
3 February and March 2010.

4  
5 The Council also submitted this  
6 proposal to the Federal Subsistence Board because much  
7 of the land in Unit 25 is within the boundaries of  
8 National Wildlife Refuges.

9  
10 The Council believes that the proposed  
11 regulations would make enforcing salvage regulations  
12 easier. However, the parallel proposal to the Alaska  
13 Board of Game was not adopted. Therefore this proposed  
14 regulation would only affect Federally-qualified  
15 subsistence users and would not affect non-Federally-  
16 qualified users.

17  
18 The result is that Federal wildlife  
19 regulations would be more restrictive than State  
20 regulations concerning hunters' ability to remove moose  
21 meat from the field.

22  
23 An important point to consider is that  
24 the Board of Game decision to oppose the parallel  
25 proposal that would have applied to non-Federally-  
26 qualified users occurred after the Council meeting.  
27 The Council might not have supported this proposed  
28 regulation change if it had known the Board of Game  
29 would oppose this similar action.

30  
31 That's the end of my presentation.  
32 Thank you, Mr. Chair.

33  
34 CHAIRMAN FLEAGLE: Thank you. Summary  
35 of public comments.

36  
37 MS. WILKINSON: Mr. Chairman. There  
38 were no public comments for this proposal.

39  
40 Thank you.

41  
42 MR. PROBASCO: And no one has signed  
43 up.

44  
45 CHAIRMAN FLEAGLE: Thank you. Regional  
46 Council recommendation, Sue.

47  
48 MS. ENTSMINGER: Yeah. Mr. Chairman.  
49 This is not the area that I'm most familiar with. It's  
50 -- Andrew Firmin from Fort Yukon, he saw there was a

1 need to put a proposal in like this and he wanted to  
2 put in this date and then do it jointly and, you know,  
3 I haven't had the opportunity to talk to the Council or  
4 anything about this, but we are in total support of it.

5  
6 I do know that the Refuge Manager had  
7 spoken and talked with Andrew when they tried to  
8 develop the proposal. So -- and I apologize for -- I  
9 mean I understand where you're coming from there, that  
10 maybe we need to go back and talk about it, but at the  
11 Council meeting, we supported it.

12  
13 Thank you.

14  
15 CHAIRMAN FLEAGLE: Thank you. Alaska  
16 Department of Fish and Game comments, Tina.

17  
18 MS. CUNNING: Thank you, Mr. Chair. We  
19 once again ask that our comments be entered into the  
20 record. We do oppose this proposal. We don't believe  
21 that it is necessary. Although State enforcement  
22 officials generally acknowledge meat on the bone  
23 requirements make it easier to enforce meat salvage  
24 requirements, this will make it confusing and difficult  
25 because the State hunting regulations do not presently  
26 require meat on bone salvage requirements for moose.

27  
28 \*\*\*\*\*  
29 STATE OFFICIAL WRITTEN COMMENTS  
30 \*\*\*\*\*

31  
32 Alaska Department of Fish and Game  
33 Comments to the Federal Subsistence Board

34  
35 Wildlife Proposal WP10-88:

36  
37 This proposal would require that all  
38 edible meat of the front quarters, hind quarters, and  
39 ribs from moose harvested under federal subsistence  
40 regulations in Unit 25 remain on the bones until meat  
41 is removed from the field or processed for human  
42 consumption.

43  
44 Introduction:

45  
46 Leaving moose meat on the bones until  
47 it is removed from the field and/or until it is  
48 consumed by humans is widely-practiced by state and  
49 federal subsistence users in Unit 25. However, many  
50 other hunters, including some federal subsistence

1 users, remove the meat from the bone at the kill site.  
2 The meat can be successively salvaged for human  
3 consumption if proper procedures are followed when  
4 using the "boning" technique. The state has no  
5 quantifiable data from Unit 25 concerning the incidence  
6 of wasted meat resulting from improperly "boning" moose  
7 meat and suggests it rarely occurs. The proposal  
8 offers the alternative of adopting state meat-on-the-  
9 bone salvage requirement regulations for moose taken in  
10 Unit 25 under federal subsistence regulation, and  
11 federal subsistence regulations already adopt non-  
12 conflicting state regulations by reference.

13

14 Impact on Subsistence Users:

15

16 If this proposal is adopted, successful  
17 federal subsistence moose hunters in Unit 25 will be  
18 required to transport the meat attached to the bones  
19 out of the field, resulting in more trips or heavier  
20 loads per trip.

21

22 Opportunity Provided by State:

23

24 State regulations currently do not  
25 require that moose meat remain on the bone in Unit 25.  
26 The department assumes the proponent intended to  
27 reference other near by Game Management Units with  
28 meat-on-the-bone state regulation requirements (Units  
29 9B, 13, 17, 18, 19A, 19B, 21, 23, and 24).

30

31 Conservation Issues: None.

32

33 Enforcement Issues:

34

35 State enforcement officials generally  
36 acknowledge that meat-on-the-bone requirements make it  
37 easier to enforce meat salvage requirements. Adoption  
38 of this proposal may introduce confusion in Unit 25  
39 because the state hunting regulations do not presently  
40 require meat on bone salvage requirements for moose.

41

42 The Eastern Interior Regional Advisory  
43 Council submitted a parallel proposal (#106) to the  
44 Alaska Board of Game. Proposal 106 was voted down by  
45 the Alaska Board of Game on March 2, 2010, because  
46 there was no supporting evidence to indicate a problem  
47 with wanton waste and adoption would place an  
48 unnecessary burden on users.

49

50 Recommendation: Oppose.

1 CHAIRMAN FLEAGLE: Thank you.  
2 InterAgency Staff Committee comments.

3  
4 DR. WHEELER: Mr. Chair. The  
5 InterAgency Staff Committee has no additional comments  
6 beyond the standard comment and I would be more than  
7 happy to read the standard comment into the record  
8 should that be your desire.

9  
10 Mr. Chair.

11  
12 CHAIRMAN FLEAGLE: I think the printed  
13 document is adequate. Thank you.

14  
15 (Laughter)

16  
17 CHAIRMAN FLEAGLE: Board discussion.  
18 Geoff.

19  
20 MR. HASKETT: Question for Sue. So  
21 hopefully this is okay. It's my understanding I think  
22 that the reason this was proposed had to do with an  
23 expectation that the Board of Game was going to approve  
24 a regulation that would have been the same. They  
25 didn't do that. So my sense is -- so I'm just asking a  
26 question. I'm not sure -- because this now would  
27 require more of subsistence users than it will of other  
28 folks, so I'm not sure you all would still support it.  
29 I'm not sure how to ask that question even.

30  
31 Okay. Pete said I asked it okay.  
32 So.....

33  
34 CHAIRMAN FLEAGLE: And Sue gave a good  
35 -- the proper response in her speaking is that she can  
36 only report on what their committee did, and.....

37  
38 MR. HASKETT: So I can't ask the  
39 question.

40  
41 CHAIRMAN FLEAGLE: Well, I mean you  
42 could ask it and she can speculate, but it's not going  
43 to be.....

44  
45 MR. HASKETT: Well, I guess I'll ask  
46 you to speculate then.

47  
48 MS. ENTSMINGER: Well, I can speculate  
49 that it was probably a problem that Andrew spoke to on  
50 State land possibly and that's why the proposal was put

1 in.

2

3

4 He knew of areas where this was a  
5 requirement by the State and he was concerned about  
6 areas where, you know, there was spoilage of meat and  
7 he was -- he wanted to put that proposal in. So if I  
8 were to speculate, I would say that most of the time  
9 subsistence users would not be more restrictive to  
10 themselves, but I have to go back to my Council.

11

Yeah, thank you.

12

13

MR. HASKETT: And I didn't mean to put  
14 you on the spot. I'm just trying to figure out how I'm  
15 going to phrase something later, so you helped me.

16

17

MS. ENTSMINGER: I understand. I'm a  
18 little confused here myself.

19

20

CHAIRMAN FLEAGLE: But most of the  
21 time, subsistence users already do this. They already  
22 bring their meat out on the bone and they're trying to  
23 take the people that go out and backpack or raft and  
24 cut everything up and put it in bags and it spoils and  
25 this has been an ongoing concern in a lot of different  
26 management units across the State.

27

So I understand what the intent of the  
28 proposal is, but without the State adopting a proposal,  
29 all we're doing here is restricting Federally-qualified  
30 users on Federal land and anybody else that wants to  
31 hunt on Federal land that is eligible to it wouldn't  
32 apply to. I mean it's just -- it's ridiculous. I  
33 think that we ought to just make a motion and kill it.  
34 If it were me.

35

36

MR. HASKETT: Can I make that motion.

37

38

(Laughter)

39

40

CHAIRMAN FLEAGLE: Geoff.

41

42

MR. HASKETT: I'm ready to make a  
43 motion if you're ready for that.

44

45

CHAIRMAN FLEAGLE: I am ready for the  
46 motion and the motion should be to adopt the proposal.

47

48

MR. HASKETT: Yeah. Thank you. I make  
49 a motion to adopt the proposal and will provide my

50

1 justification as to why I intend to vote against the  
2 motion if I get a second.  
3  
4 CHAIRMAN FLEAGLE: Do we have a second.  
5  
6 MR. BUNCH: I second it.  
7  
8 MR. HASKETT: Okay. This motion does  
9 not agree with the Council's recommendation, but as we  
10 have heard just now, they met prior to the Board of  
11 Game and we're anticipating the Board of Game might  
12 approve the regulation. However, since the Board did  
13 not adopt this in the State regulation, adoption of  
14 this proposal would place more restrictions on  
15 subsistence users for harvesting moose than on  
16 nonresidents and this to me appears to be detrimental  
17 to subsistence uses. Therefore I intend to vote in  
18 opposition to this motion.  
19  
20 CHAIRMAN FLEAGLE: And I appreciate the  
21 comment linking .805(c). Are we -- any further  
22 discussion. Charlie.  
23  
24 MR. BUNCH: I would agree with Geoff  
25 wholeheartedly. I don't think that we should place  
26 additional burdens on subsistence users that aren't  
27 placed on non-Federal users.  
28  
29 CHAIRMAN FLEAGLE: Are we ready for the  
30 question.  
31  
32 MR. BUNCH: Ask the question.  
33  
34 CHAIRMAN FLEAGLE: The question's  
35 called on the proposal. Pete, please poll the Board.  
36  
37 MR. PROBASCO: Thank you, Mr. Chair.  
38 Final action WP10-88 to adopt the proposal. Mr. Bunch.  
39  
40 MR. BUNCH: No.  
41  
42 MR. PROBASCO: Ms. Dougan.  
43  
44 MS. DOUGAN: No.  
45  
46 MR. PROBASCO: Mr. Haskett.  
47  
48 MR. HASKETT: No.  
49  
50 MR. PROBASCO: Mr. Fleagle.

1 CHAIRMAN FLEAGLE: No.  
2  
3 MR. PROBASCO: Ms. Masica.  
4  
5 MS. MASICA: No.  
6  
7 MR. PROBASCO: And Ms. Kessler.  
8  
9 DR. KESSLER: No.  
10  
11 MR. PROBASCO: Motion fails, 0/6.  
12  
13 CHAIRMAN FLEAGLE: Thank you very much.  
14 Proposal 89. Excuse me just a minute. Tina.  
15  
16 MS. CUNNING: Just as a point of  
17 clarification for the record because we've dealt with a  
18 recent issue and this which Ken Lord confirmed is that  
19 the proposal -- original proposal actually did offer  
20 the alternative of adopting any existing State  
21 regulations and we understand that the Federal  
22 subsistence regulations already adopt non-conflicting  
23 State regulations by reference and so our existing  
24 utilization of Fish and Wildlife State regulations  
25 would apply which do assist with the salvage.  
26  
27 CHAIRMAN FLEAGLE: Thank you. Judy.  
28  
29 MS. CAMINER: Mr. Chair. I can  
30 certainly appreciate Sue's difficult position and I  
31 think perhaps there's a way should these situations  
32 arise in the future where because of the timing of our  
33 process, but if there is a major change from -- because  
34 of Board of Game or other actions, certainly could be a  
35 feedback mechanism where Sue and the Council could be  
36 notified and perhaps then it'd be easier for a Chair to  
37 come to this meeting and represent an updated opinion  
38 from the Council.  
39  
40 So just to keep people current.  
41  
42 CHAIRMAN FLEAGLE: We'll take that into  
43 consideration. Thanks. Polly.  
44  
45 DR. WHEELER: Mr. Chair. If I could,  
46 actually that's what Western Interior did. There were  
47 two teleconferences subsequent to it meeting -- that  
48 Council meeting in February and so that opportunity is  
49 available to the Regional Advisory Councils with the  
50 caveat that because they're FACA Councils, they -- the



1 meeting has to be properly noticed which means it needs  
2 to go into the Federal register.

3  
4                   So we do have a -- we have an option  
5 for Councils that want to address issues subsequent to  
6 a Board meeting, but there are -- it's within the  
7 parameters of Federal law.

8  
9                   Mr. Chair.

10  
11                   CHAIRMAN FLEAGLE: Thank you. Sue.

12  
13                   MS. ENTSMINGER: Mr. Chair. You know,  
14 I kind of would like to reiterate just a little bit  
15 what I heard earlier today about being a volunteer and  
16 getting used up. Sometimes that's kind of difficult.

17  
18                   So I wish maybe -- I don't know. I  
19 mean this is another example of the complication of the  
20 two systems. Sometimes to get your timing right so  
21 you have your meetings when, you know, the Board of  
22 Game has already now in most cases, like you want to  
23 have, you know, all your -- go through the State Board  
24 of Game proposals. So you have your meeting in front  
25 of the Board of Game proposals so you can take your  
26 comments to the Board of Game and then things change  
27 and then -- you know, I couldn't stay for all of that  
28 Board of Game stuff. It was totally up to another  
29 person on the Council that did that.

30  
31                   So I mean it gets really pretty tough  
32 for, you know, your time.

33  
34                   CHAIRMAN FLEAGLE: Thank you. Geoff.

35  
36                   MR. HASKETT: Okay. So after that  
37 discussion, I feel like I owe you an apology because I  
38 was not trying to put you on the spot. I was trying to  
39 make it easier for me to go ahead and oppose. So I  
40 totally recognize just how much work this is and I  
41 certainly was not trying to put you in a position where  
42 you needed to talk to something you weren't prepared to  
43 do. So I appreciate the position I put you in and I  
44 apologize.

45  
46                   MS. ENTSMINGER: I take your apology  
47 and I appreciate Judy's comment. If there's a way to  
48 simplify our involvement through teleconferencing and  
49 we can still take up some things, I'm perfectly open to  
50 that and I'd rather be sitting in my home than driving

1 six hours one way to go somewhere to a meeting.

2

3 So -- and I would like to see that  
4 happen actually when the Southcentral -- when we have  
5 these overlapping proposals, if there's a way for a  
6 representative from one Council to teleconference in to  
7 another Council's meeting because some of the stuff  
8 that comes up here might have been resolved before we  
9 got here.

10

11 CHAIRMAN FLEAGLE: That's all good  
12 points. Good comments. And, Sue, you missed the  
13 beginning of the meeting where we had the interchange  
14 with the Council Chairs and one of the recurring themes  
15 we heard was that the timing of this meeting being  
16 where it is is kind of, you know, inconvenient and it  
17 was explained by Staff that because the notice was lost  
18 going Washington, I think it was twice, right?

19

20 DR. WHEELER: Actually it wasn't lost.  
21 It was withdrawn. We knew exactly where it was. It  
22 just was withdrawn.

23

24 (Laughter)

25

26 CHAIRMAN FLEAGLE: Withdrawn. Anyway,  
27 you know, we -- I don't know if it would have helped  
28 the situation by meeting at an earlier time. We may  
29 still not have met prior to the Board of Game meeting,  
30 but this meeting was not -- should not have been  
31 occurring now.

32

33 MS. ENTSMINGER: If I may. The Board  
34 of Game met right after our meeting. Matter of fact,  
35 our meeting was taking place Friday, the first day of  
36 the Board of Game meeting.

37

38 CHAIRMAN FLEAGLE: That's right. I  
39 remember that.

40

41 MS. ENTSMINGER: Yeah. Uh-huh.

42

43 CHAIRMAN FLEAGLE: Jack.

44

45 MR. REAKOFF: Mr. Chair. OSM  
46 accommodated the Western Interior's request for  
47 teleconference and so I would suggest that OSM inform  
48 the Council Chairs if there are redundant proposals in  
49 both systems that they have the option of having  
50 meetings, and so I would advise all Chairs that that's

1 an option to revisit certain issues. Make sure that  
2 you publish everything that you want to discuss because  
3 it has to be fairly defined.

4

5 And so I was satisfied for our Council  
6 with OSM's accommodation to address these issues.  
7 Thank you.

8

9 CHAIRMAN FLEAGLE: One more.

10

11 MS. ENTSMINGER: I just would like to  
12 point out that it's important for our coordinators to  
13 help us out in some of these situations to look at the  
14 some proposals because sometimes, you know, it's --  
15 this is a huge Region that I'm involved in and  
16 sometimes these proposals pass and we could have done  
17 things but I haven't had the time to look at it  
18 personally to know that something had passed and that  
19 now I should be calling a teleconference. It's stuff  
20 that we need some help with.

21

22 Thank you.

23

24 CHAIRMAN FLEAGLE: I think that's  
25 compounded by lack of a coordinator for that Region  
26 right now and we're covering with Robert out of  
27 Southeast.

28

29 MR. PROBASCO: Actually it's Ann.

30

31 MS. WILKINSON: It's me.

32

33 CHAIRMAN FLEAGLE: Ann. Okay. Well,  
34 we certainly hear the concerns and I think those are  
35 all taken into consideration by Staff to try to improve  
36 that.

37

38 Thank you.

39

40 With that are we ready to move on to

41 Proposal 89.

42

43 (Board nods affirmatively)

44

45 CHAIRMAN FLEAGLE: Helen.

46

47 MS. H. ARMSTRONG: Thank you, Mr.  
48 Chair. Members of the Board, representatives of the  
49 Councils. Proposal WP10-89 found on Page 915 of your  
50 books and it was submitted by the Eastern Interior

1 Council.

2

3

4 It requests the exclusion of residents  
5 of Ft. Greely from the customary and traditional use  
6 determination for caribou in Units 20D and 20E and for  
7 moose in 20D. And I emphasize exclusion because this  
8 is a rather unusual proposal in that we are I would  
9 almost say always adding residents of communities to  
10 our C&T determinations, but this one is an exclusion.

11

12 The Council states that this action is  
13 necessary due to the temporary nature of the residents  
14 on Ft. Greely which does not allow for the  
15 establishment of a long-term consistent pattern of use.  
16 The existing customary and traditional use  
17 determinations were made on a subunit-wide basis which  
18 includes all residents of the entire 20D and 20E  
19 subunits which also includes Ft. Greely.

20

21 In Unit 20D, there are virtually no  
22 Federal public lands and there are no Federal open  
23 seasons for caribou or moose. So the issue of 20D  
24 really has no effect.

25

26 Unit 20E, there are -- 24 percent of  
27 the lands are Federal public lands. Ft. Greely is a  
28 part of the rural grouping of the Delta Junction  
29 vicinity and has been determined by the Federal  
30 Subsistence Board to be rural. Those of you who have  
31 been around for a little while will remember when we  
32 did the rural determination review I think in 2006 I  
33 think was the year, we had an analysis of the Delta  
34 Junction vicinity and determined it to be grouped with  
35 that area.

36

37 When the Board assumed management of  
38 the subsistence uses of wildlife on Federal public  
39 lands in 1990, it adopted State of Alaska customary and  
40 traditional use determinations including the existing  
41 ones for caribou in Units 20D and 20E and moose in  
42 Unit 20D.

43

44 The Board did not exclude Ft. Greely  
45 from those determinations that were adopted. While  
46 some determinations adopted from the State such as that  
47 for Unit 13B caribou do exclude residents of military  
48 bases, the Board has not made it a practice to exclude  
49 residents of military bases from customary and  
50 traditional use determinations. For example, residents  
of the Coast Guard bases in Units 4 and 8 are not

1 excluded from any of the customary and traditional use  
2 determinations in Units 4 and 8.

3

4 Harvest data indicate that residents of  
5 Ft. Greely have harvested caribou in Units 20D and E  
6 and moose in Unit 20E since recording began in 1983.  
7 It should be noted that only permanent residents of Ft.  
8 Greely are Federally qualified to harvest caribou in  
9 Unit 20D and 20E and moose in Unit 20D under Federal  
10 regulations.

11

12 This means that Ft. Greely must be  
13 their permanent primary home for one which is true  
14 everywhere in Alaska. Those Ft. Greely residents who  
15 have not established permanent residency can only hunt  
16 under State regulations for nonresidents.

17

18 The OSM conclusion is to oppose  
19 Proposal WP10-89 because Ft. Greely is a rural  
20 community. The residents have a history of harvesting  
21 caribou in Units 20D and 20E and moose in Unit 20D and  
22 information substantiates the existing customary and  
23 traditional use determination.

24

25 Thank you, Mr. Chair. That concludes  
26 my presentation.

27

28 CHAIRMAN FLEAGLE: Thank you. Summary  
29 of public comments, Ann.

30

31 MS. WILKINSON: Thank you. The AHTNA  
32 Customary and Traditional Council and Mr. Don Quarberg  
33 of Delta Junction agreed with this proposal. They both  
34 stated that residents of Ft. Greely are transient and  
35 do not meet the eight factors for positive C&T  
36 determination.

37

38 The Delta Junction Fish and Game  
39 Advisory Committee opposes the proposal. Reasons noted  
40 were that residents of Ft. Greely currently cannot  
41 received subsistence permits and that since the post is  
42 no longer active, many local residents now rent housing  
43 on the post. And those are the only two comments --  
44 three comments -- I'm sorry -- that we received.

45

46 CHAIRMAN FLEAGLE: Thank you. Any.....

47

48 MR. PROBASCO: No one signed up. Mr.  
49 Chair.

50

1 CHAIRMAN FLEAGLE: Regional Council  
2 recommendation, Sue.

3  
4 MS. ENTSMINGER: Thank you, Mr. Chair.  
5 It's our proposal. We supported it and it came forth  
6 probably because of the caribou in 20E. There was a  
7 discussion at the Upper Tanana Fortymile Advisory  
8 Committee saying how come Ft. Greely is excluded in  
9 these other areas and they really felt like it should  
10 be consistent across the State if that's the way it's  
11 going to happen and there's -- you know, with the  
12 season up the -- on the Taylor Highway becoming -- at  
13 Twenty -- and Fortymile caribou, the harvest ended  
14 quickly and people are scrambling looking for ways to  
15 deal with the issues and they -- Upper Tanana Fortymile  
16 Advisory Committee, I go to their meetings and we  
17 decided that we would put the proposal forward and  
18 that's why we did it because it seems like it should be  
19 consistent across the State.

20  
21 CHAIRMAN FLEAGLE: Thank you. Alaska  
22 Department of Fish and Game comments, Tina.

23  
24 MS. CUNNING: Mr. Chairman. This  
25 proposal illustrates some of the concerns we raised the  
26 first day in our generic letter in terms of providing  
27 data and information on the eight factors.

28  
29 The documented use by residents of the  
30 nonsubsistence areas under State regulations does not  
31 necessarily translate into customary and traditional  
32 patterns of use of 20D and 20E caribou populations and  
33 GMU 20D moose in and around GMUs 20, 12, and 13  
34 communities.

35  
36 Other than the data reviewed by the  
37 joint Boards in 1992, no specific studies have been  
38 conducted on the wild resource use patterns of Delta  
39 Junction area residents including Ft. Greely as noted  
40 in the Federal Staff analysis. In addition, there's no  
41 discussion of customary and traditional uses by  
42 residents of Ft. Greely in relation to the eight  
43 Federal regulatory factors to determine whether or not  
44 the residents of the community area generally exhibit  
45 the customary and traditional uses of the moose  
46 populations to be excluded or retained as a positive  
47 customary and traditional determination.

48  
49 Therefore we oppose their being  
50 rejected.

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\*\*\*\*\*  
STATE OFFICIAL WRITTEN COMMENTS  
\*\*\*\*\*

Alaska Department of Fish and Game  
Comments to the Federal Subsistence Board

Wildlife Proposal WP10-89:

This proposal, submitted by the Eastern Interior Regional Subsistence Advisory Council, requests exclusion of residents of Fort Greely from the customary and traditional use determination for caribou in Game Management Units (GMU) 20D and 20E and for moose in Unit 20D. Fort Greely is located in Unit 20D.

Customary and Traditional  
Determination:

Fort Greely, Delta Junction, and the greater Delta area are located within the Fairbanks Nonsubsistence Area established by the Joint Boards of Fisheries and Game as an area in which customary and traditional uses of wild resources is not a principle characteristic of the economy and culture. Documented use by residents of nonsubsistence areas under state regulations does not necessarily translate into customary and traditional patterns of use of 20D and 20E caribou and GMU 20D moose in and around GMUs 20, 12, and 13 communities. Other than the data reviewed by the Joint Boards in 1992 (ADF&G Subsistence TP 335), no specific studies have been conducted on the wild resource use patterns of Delta Junction area residents, including Fort Greely, as noted in the federal staff analysis. In addition, there is no discussion of customary and traditional uses by residents of Fort Greely in relation to the eight federal regulatory factors to determine whether or not residents of the community or area "generally exhibit" in a holistic manner the patterns of use of caribou and moose populations to be excluded or retained as a positive customary and traditional determination.

Recommendation: Oppose.

CHAIRMAN FLEAGLE: Thank you.  
InterAgency Staff Committee comments, Polly.

DR. WHEELER: Mr. Chair. No additional comments beyond the standard comments. Thank you.

1 CHAIRMAN FLEAGLE: Thank you.  
2 Discussion. Charlie.  
3  
4 MR. BUNCH: Ann, you said that Ft.  
5 Greely was inactive?  
6  
7 MS. WILKINSON: I didn't say that.  
8 That was the comment from the Delta Fish and Game  
9 Advisory Committee. Whether it is or isn't, I can't  
10 say. I don't know, but that's what their comment was.  
11  
12 MR. BUNCH: Okay. I don't think that's  
13 a correct comment.  
14  
15 CHAIRMAN FLEAGLE: Other discussion.  
16  
17 (No comments)  
18  
19 CHAIRMAN FLEAGLE: Ready for a motion.  
20 Charlie.  
21  
22 MR. BUNCH: Mr. Chair. I move that we  
23 support Proposal WP10-89, residents of Ft. Greely do  
24 not demonstrate a characteristic of community with  
25 subsistence use and wildlife. I think that the -- and  
26 if I get a second, I'll explain that.  
27  
28 MS. MASICA: Second.  
29  
30 CHAIRMAN FLEAGLE: Okay. You got your  
31 second, Charlie. Go ahead.  
32  
33 MR. BUNCH: Okay. I think that  
34 although the historical use shows that the residents of  
35 Greely have taken the subsistence -- made subsistence  
36 use of fish and wildlife, I don't think that those are  
37 customary. The tour of duty for an unaccompanied  
38 soldier in Ft. Greely is 13 months. So if they have  
39 taken it, I doubt if it's the same people who've taken  
40 it over a period of time. I suspect that they're all  
41 transient.  
42  
43 And if -- even if they are qualified  
44 for their year's stay, they certainly do not  
45 demonstrate a need for subsistence. I mean I think  
46 when I was in the Army they gave me three  
47 (indiscernible) and a God.  
48  
49 CHAIRMAN FLEAGLE: Thank you. We have  
50 a motion to support the proposal. Further discussion.



1 Wini.

2

3

DR. KESSLER: Thank you, Mr. Chair.

4 I'm going to have to vote against this proposal. These  
5 are Federally-qualified users and not opposing this  
6 would be detrimental to the subsistence use of those  
7 rural residents.

8

9

CHAIRMAN FLEAGLE: Geoff.

10

11

MR. HASKETT: So I'd have similar  
12 comments that I'll be voting to oppose the proposal. I  
13 mean I guess I understand why the nature of a military  
14 base is one that wouldn't seem to fit for long-term use  
15 by a community, but I mean I think that the record as I  
16 understand it shows that people have utilized  
17 subsistence there, so I'll be voting to oppose as well.

18

19

CHAIRMAN FLEAGLE: Thank you. I'll be  
20 voting against the proposal. I think that this Staff  
21 analysis on Page 916 explains fairly well that the  
22 Board discussed their ruralness and did include them  
23 into the Ft. Greely vicinity along with two other minor  
24 communities of -- or Delta -- I'm sorry -- Delta  
25 vicinity -- Delta Junction. And that by taking this  
26 action would be essentially negating a previous action  
27 on the grouping, but I think bigger than that question  
28 is how would you address other communities that had  
29 like slightly different characteristics within the  
30 community boundaries. Would you say that the residents  
31 that currently reside in Ninilchik couldn't participate  
32 in subsistence harvest because they just recently moved  
33 up from outside.

34

35

No, we can't do that. We base the  
36 long-term and consistent patterns of customary and  
37 traditional uses on the people that had occupied the  
38 area in the past not on who's currently there now. I  
39 think it's really -- it's kind of a fine line, but we  
40 have wrestled with the inclusion or exclusion of other  
41 military bases as was explained by Helen and I think  
42 that by doing this -- by taking this action here would  
43 be completely contrary to where the Board's direction  
44 has been in the past.

45

46

Other discussion.

47

48

(No comments)

49

50

CHAIRMAN FLEAGLE: Ready for the

1 question.

2

3 (Board nods affirmatively)

4

5 CHAIRMAN FLEAGLE: I guess so. Pete,  
6 on the proposal, please poll the Board.

7

8

9 MR. PROBASCO: Final action on WP10-89  
10 to adopt the proposal. Ms. Dougan.

11

12 MS. DOUGAN: No.

13

14 MR. PROBASCO: Mr. Haskett.

15

16 MR. HASKETT: No.

17

18 MR. PROBASCO: Mr. Fleagle.

19

20 CHAIRMAN FLEAGLE: No.

21

22 MR. PROBASCO: Ms. Masica.

23

24 MS. MASICA: No.

25

26 MR. PROBASCO: Ms. Kessler.

27

28 DR. KESSLER: No.

29

30 MR. PROBASCO: And Mr. Bunch.

31

32 MR. BUNCH: Yes.

33

34 MR. PROBASCO: Motion fails, 1/5.

35

36 CHAIRMAN FLEAGLE: Thank you. And I  
37 guess we didn't address the .805(c) portion of that.  
38 Probably ought to have a brief comment on that. Wini.

39

40 DR. KESSLER: I think I did. Mr.  
41 Chair. I said it would be detrimental to the  
42 subsistence uses of those rural residents.

43

44 CHAIRMAN FLEAGLE: Great. Thank you.  
45 Thank you for clarifying that. All right. Okay.  
46 Proposal 91.

47

48 DR. WHEELER: Give us a minute to get  
49 adjusted here.

50

1 (Pause)

2

3 CHAIRMAN FLEAGLE: We have a request by  
4 Member Haskett that he's got a couple of Refuge  
5 personnel that he wants to have make some statements  
6 after the OSM analysis. Can we go ahead and have them  
7 come up to the table and have them prepared to hand  
8 right off to. Great. Thank you. And go ahead with  
9 the analysis, Don.

10

11 MR. RIVARD: Thank you, Mr. Chair. Don  
12 Rivard with the Office of Subsistence Management. The  
13 analysis to WP10-91 starts on Page 935 in your book.

14

15 Proposal WP10-91 submitted by Phillip  
16 Solomon in Fort Yukon requests the harvest limit be  
17 increased to three brown bears in Unit 25. Brown bear  
18 populations are typically managed conservatively, most  
19 often because of the low reproductive rate of brown  
20 bears.

21

22 The harvestable surpluses for Unit 25A  
23 and Units 25B and 25D are based on the conservative  
24 assumption that 5 percent of the total population can  
25 be harvested annually on a sustainable basis. Table 1  
26 on Page 938 in your book lists the estimated population  
27 sizes and allowable harvest for brown bear in Unit 25.

28

29 Federally-qualified users account for a  
30 small amount of the annual brown bear harvest, less  
31 than 8 percent of the reported harvest in Unit 25A and  
32 in Units 25B and D, annual reported harvest has been  
33 seven bears or less from 1995 to 2006. This is shown  
34 on Page 940 in Table 4.

35

36 Mr. Chair. The OSM conclusion is to  
37 support Proposal WP10-91 with modification to increase  
38 the harvest limit to two bears. An increase in the  
39 harvest limit to two will provide Federally-qualified  
40 users more opportunity consistent with the proponent's  
41 request while balancing conservation considerations.

42

43 The existing salvage requirement helps  
44 assure that harvested bears will be fully utilized for  
45 human use.

46

47 Thank you, Mr. Chair.

48

49 CHAIRMAN FLEAGLE: Thank you, Don.  
50 And, Geoff, would you like to introduce your personnel

1 and lead in.

2

3 MR. HASKETT: Yeah. We have from the  
4 Refuge here both Mark Bertram and Rob Jess.

5

6 CHAIRMAN FLEAGLE: Welcome, gentlemen.  
7 Thanks. Go ahead.

8

9 MR. BERTRAM: Yeah. Thank you. My  
10 name's Mark Bertram. I'm a Wildlife Biologist with  
11 Yukon Flats Refuge and we're on -- we're part of this  
12 Unit. We're Unit 25D and Unit 25B. And so this --  
13 these two units are nested within Unit 25.

14

15 Units 25D and B have a lot of  
16 Federally-qualified subsistence users and, you know, we  
17 have 1,100 residents on the Yukon Flats. Just would  
18 like to highlight -- also I'd like to compliment OSM on  
19 a great analysis. I think a lot of the information  
20 that I'm going to give you right here I'm repeating  
21 some of what they presented in the analysis, but I  
22 think it's worth repeating.

23

24 Couple of points. The first one is we  
25 have a biological concern and that is that currently  
26 there is no brown bear tag required to harvest a brown  
27 bear on Yukon Flats 25D and B. So, you know, for the  
28 last four years, we really have no way to track  
29 harvest.

30

31 The way we are tracking harvest is  
32 through household surveys and the Refuge has  
33 subcontracted to Council of Athabaskan Tribal  
34 Governments which is a consortium of all the Yukon  
35 Flats villages, representatives from all the Yukon  
36 Flats villages, and their resource department is  
37 conducting household surveys in the seven Yukon Flats  
38 villages.

39

40 So I guess I'd like to go back to I  
41 think it was Table 2 that has the survey data in it and  
42 if you go over to the percentage household survey data  
43 mortality which is the third column on the far -- from  
44 the far right-hand side, I just want to point out that  
45 we do have some information that between -- a range  
46 between 22 or 37 brown bears were harvested annually  
47 over the last five years and this -- at least one year  
48 does exceed the allowable quota harvest of 29 bears for  
49 25D and B.

50

1                   The other years, they are less than 29,  
2 but those numbers do not include unreported harvest by  
3 sporthunters in Unit 25D and B.

4  
5                   So I guess the point that I'd like to  
6 make here is that from a conservative management  
7 standpoint of using 5 percent as the allowable harvest,  
8 we are approaching and we have documented that we've  
9 exceeded in one year. So I mean that's just the best  
10 information we have, but I'd just like to point that  
11 out.

12  
13                   And the second point I'd like to make  
14 is that there is active movement on the Yukon Flats.  
15 It's called the Yukon Flats Moose Management Committee  
16 that's been -- it was organized in 2002 when we  
17 implemented our moose management plan and part of that  
18 plan is to increase harvest of bears and predators on  
19 the Refuge because we have a very low moose density.

20  
21                   And so -- and the Refuge is fully  
22 behind that plan and looking for ways to increase  
23 predator harvest.

24  
25                   Part of this committee's job also is to  
26 try and come up with ways to align Federal and State  
27 regulations as we are trying to do across the State.  
28 And because of land ownership patterns on Yukon Flats  
29 which we have 2 and a half million acres of private  
30 lands seated in the middle of 11 million acres of  
31 Federal lands, we try to align those regulations as  
32 closely as we possibly can.

33  
34                   And Proposal 91 is going to present us  
35 with a -- it's going to give us -- if it's passed as  
36 written, it's going to give us a misalignment between  
37 Federal and State regulations. So we'll have a bag  
38 limit of two on State lands and a bag limit of one on  
39 Federal land -- excuse me. Just the reverse.

40  
41                   We'll have a bag limit of one on State  
42 lands and a bag limit of two on Federal lands. And so  
43 I guess what I'd like to point out is we are -- it's an  
44 active committee. We're going to be meeting in August.  
45 Part of our mandate is to try and align seasons and so  
46 I think that the Refuge is interested in deferring this  
47 proposal so that we give this committee the opportunity  
48 to develop proposals that will be focused on both  
49 aligning regulations on Federal and State lands so we  
50 can submit those proposals in sync to the Board of Game

1 and Federal Subsistence Board as we did in 2002 when we  
2 developed the moose management plan.

3

4 MR. JESS: And for the record, I'm  
5 Robert Jess. I'm the Refuge Manager for the Yukon  
6 Flats National Wildlife Refuge and just a final point  
7 of clarification that we have and it really ties into  
8 what Mark was saying is that we are working very  
9 closely with Madam Chair, Sue Entsminger, and her Board  
10 on the ERAC. I feel like our relationship is  
11 excellent. We've got very good communication going on  
12 and one of the agenda items that our most recent ERAC  
13 Board meeting that we had up in Fort Yukon was we were  
14 charged through Andrew Firmin to see if it was the  
15 possibility of wiping the slate clean because of the  
16 various season differences and then also between State  
17 and Federal lands, if we could wipe the board clean and  
18 go to each of the villages on government-to-government  
19 consultation and then also working with the ERAC Board,  
20 if we could develop a better subsistence system out  
21 there on the Flats where it isn't so confusing where  
22 the subsistence users don't have to have essentially a  
23 lawyer strapped to their back in order to understand  
24 the regulations.

25

26 And so being charged with that mission,  
27 we are working with the State Regional Biologist Beth  
28 Leonard and Jason Sekowski (ph), Mark, myself and ERAC  
29 Board Member Andrew Firmin, we are hoping to get these  
30 five villages -- six villages total in the areas that  
31 we have to see what they think and feel. They are our  
32 user. They are our customer and we hope to be able to  
33 serve them better.

34

35 But we're excited about that  
36 opportunity. So we would hope that this defer would  
37 move forward.

38

39 CHAIRMAN FLEAGLE: Great. Appreciate  
40 the comments, guys. Questions, Board members. Thank  
41 you. Sue. Sue has a question.

42

43 MS. ENTSMINGER: I just have one quick  
44 question. Is it just Andrew that you have on the  
45 working group or do you have other people from the  
46 Region?

47

48 MR. JESS: Madam Chair Entsminger, we  
49 have others on there, but he's our primary focus at the  
50 point of the meeting -- our original meeting at the

1 ERAC. He was the one that we were initially contacting  
2 with. But Bill Glanz will be working with -- or Bill  
3 Glanz and just offhand, I can't think of who the other  
4 one was, but we did have three total.

5  
6 CHAIRMAN FLEAGLE: All right. Thank  
7 you. Public comments.

8  
9 MS. WILKINSON: Taking notes. There  
10 were no public comments for this proposal.

11  
12 Thank you.

13  
14 CHAIRMAN FLEAGLE: Thank you.

15  
16 MR. PROBASCO: And no one signed up.

17  
18 CHAIRMAN FLEAGLE: No one signed up for  
19 testimony. Regional Council recommendation, Sue.

20  
21 MS. ENTSMINGER: Thank you, Mr. Chair.  
22 This is news to me, so -- we supported the proposal  
23 with the modification as the OSM Staff conclusion and  
24 the people felt on that RAC that there are sufficient  
25 brown bears in the area to support the additional small  
26 harvest. Brown bears in our area are considered good  
27 food and this type of management action is practiced in  
28 other areas of the State.

29  
30 CHAIRMAN FLEAGLE: Thank you. Alaska  
31 Department of Fish and Game comments.

32  
33 MS. CUNNING: Mr. Chairman. Adoption  
34 of this proposal will provide the opportunity for  
35 Federal subsistence grizzly bear hunters to harvest  
36 more animals per year. The communities in Unit 25  
37 engage in what's known as primary hunter practices  
38 where specific community hunters often harvest for  
39 multiple families.

40  
41 The additional harvest is expected to  
42 be low because only Federally-qualified users would be  
43 able to take more than one grizzly bear per year and  
44 only on Federal public lands and as you heard from the  
45 Refuge Staff, there's quite a mix of Federal lands.  
46 They'd have to very careful of their land status  
47 because of the complicated pattern in that area.

48  
49 The Department's position is neutral on  
50 this proposal and I suggest that Pat may want to offer

1 some supplemental comments.

2

3 CHAIRMAN FLEAGLE: Pat Valkenburg.

4

5 MR. VALKENBURG: Thank you, Mr.  
6 Chairman. Yeah. We have been working closely with the  
7 Service on the Yukon Flats to help with moose  
8 management issues and we're also sensitive to requests  
9 by local users over the years for some relief from  
10 predation on moose.

11

12 In that spirit, we ask the Board of  
13 Game to -- for an agenda change request for the  
14 November meeting to allow the consideration of  
15 proposals from the Department on methods and means of  
16 taking bears and bag limits, et cetera. So depending  
17 on the recommendations of the working group, we would  
18 be willing to come forward with a proposal at the  
19 November Board meeting to expand the bag limit to -- to  
20 increase it to two or three bears, whatever the  
21 recommendation might be.

22

23 We would be interested in making sure  
24 that that is consistent with the -- if the Board of  
25 Game passes a regulation like that, it would apply on  
26 all lands. So a Federal regulation would not be  
27 necessary.

28

29 Also one of the things we will be  
30 considering there too is a proposal to allow trapping  
31 of black bears. The focus would be around villages and  
32 there would be several ways to do that. We haven't  
33 developed the proposal yet, but it could be limited to  
34 just private lands or it could be limited to non-  
35 Federal lands and the main reason to do that would be  
36 to try to focus the effort around the villages where  
37 the protection of moose calves would do the most good.

38

39 So all of those things are open for  
40 discussion and, you know, we are interested and we will  
41 be talking to the Service about those ideas over the  
42 next few months.

43

44 I think the deadline for proposals for  
45 that meeting is early August, so during the month of  
46 July, we'll be talking to people in the Flats and  
47 talking to the Service, talking to the working group  
48 about what to do with bears there.

49

50 I'd also like to point out that in the



1 interest of simplifying bear hunting regulations for  
2 all users of Interior Alaska, the Board of Game passed  
3 a tag fee exemption for all of the Interior units, so  
4 users will no longer have to worry about tag fees on  
5 grizzly bears anywhere north of the Alaska Range after  
6 July 1st.

7  
8 See, there was one other point that I  
9 wanted to make, but it slipped my mind, so I guess I'll  
10 shut up.

11 \*\*\*\*\*  
12 STATE OFFICIAL WRITTEN COMMENTS  
13 \*\*\*\*\*  
14

15  
16 Alaska Department of Fish and Game  
17 Comments to the Federal Subsistence Board

18  
19 Wildlife Proposal WP10-91:

20  
21 Increase the bag limit for grizzly  
22 bears in Unit 25 from 1 bear to 2 3 bears.

23  
24 Introduction:

25  
26 The proponent requests the harvest  
27 limit for grizzly bear be raised because the current  
28 federal subsistence harvest limit of one bear per year  
29 does not meet the traditional subsistence uses and user  
30 needs. Residents of Unit 25D have previously requested  
31 higher grizzly bear bag limits in state proposals for 2  
32 reasons: 1) to help reduce predation on moose and 2)  
33 some hunters would take and utilize more than 1 bear  
34 annually.

35  
36 Impact on Subsistence Users:

37  
38 Adoption of this proposal will provide  
39 the opportunity for federal subsistence grizzly bear  
40 hunters to harvest more animals per year. Communities  
41 in Unit 25 engage in "primary hunter" practices, where  
42 specific community hunters often harvest for multiple  
43 families.

44  
45 Opportunity Provided by State:

46  
47 The current state bag limit Unit 25 is  
48 1 grizzly bear every regulatory year, and no resident  
49 tag fee is required.

50

1 Conservation Issues:

2

3 None.

4

5 The additional harvest would be low  
6 because only federally qualified users would be able to  
7 take more than 1 grizzly bear per year and only on  
8 federal public land. In Unit 25D, grizzly bears are  
9 abundant and their population and distribution has  
10 increased markedly in the last 30 years, judging from  
11 traditional knowledge and observations by department  
12 biologists. One to 5 bears are reported harvested in  
13 Unit 25D annually. Harvest by local residents is not  
14 reported, and they may take an estimated additional 5  
15 bears annually. Increasing harvest of bears on the  
16 Yukon Flats to improve moose calf survival is  
17 consistent with the Yukon Flats Cooperative Moose  
18 Management Plan.

19

20 Enforcement Issues:

21

22 This regulation could cause enforcement  
23 issues because of land ownership patterns. Hunters  
24 would need to know that they are on federal land if  
25 they intend to take more than 1 grizzly bear annually.  
26 Unit 25 has a complicated patchwork of land ownership  
27 making it difficult for hunters to know when they are  
28 on federal public lands or on non-federal lands. If  
29 the Federal Subsistence Board approves this regulation,  
30 the department will recommend to the Alaska Board of  
31 Game to adopt the increased bag limit for Game  
32 Management Unit 25D at the November board meeting to  
33 alleviate enforcement problems.

34

35 Recommendation: Neutral.

36

37 CHAIRMAN FLEAGLE: Thank you, Pat. For  
38 the comments. Not for shutting up.

39

40 (Laughter)

41

42 CHAIRMAN FLEAGLE: InterAgency Staff  
43 Committee comments, please.

44

45 DR. WHEELER: Thank you, Mr. Chair.  
46 The InterAgency Staff Committee found the Staff  
47 analysis to be a thorough and accurate evaluation of  
48 the proposal in that it provides sufficient basis for  
49 the Regional Council recommendations and Federal Board  
50 action on this proposal. The InterAgency Staff

1 Committee, however, also identified another option and  
2 that would be to defer this proposal until the Yukon  
3 Flats Moose Management Planning Committee, which as you  
4 just heard from Mr. Jess and Mr. Bertram, includes  
5 Yukon Flats Refuge, ADF&G, Council of Athabaskan Tribal  
6 Governments, and Yukon Flats villages, as well as  
7 Eastern Interior Regional Advisory Council  
8 representation, so defer it until that committee has  
9 addressed this issue for Unit 25.

10

11 The current focus of the planning  
12 committee is to align hunting season dates and harvest  
13 limits for both State and Federal managed lands in Unit  
14 25D.

15

16 Thank you, Mr. Chair.

17

18 CHAIRMAN FLEAGLE: Okay. Thank you.  
19 Discussion. Sue.

20

21 MS. ENTSMINGER: Yeah. Well, with the  
22 two systems, I guess I have several questions thinking  
23 if it was deferred. What would the timing be? I mean  
24 this Board is on a two-year cycle. If it were  
25 deferred, does that mean you would take it up next  
26 cycle or how would it affect the user if it weren't  
27 passed now?

28

29 CHAIRMAN FLEAGLE: Our -- yeah. Pete,  
30 go ahead.

31

32 MR. PROBASCO: Thank you, Mr. Chair.  
33 Ms. Entsminger, the Board can set their own agenda.  
34 Granted we have a two-year cycle on fisheries and  
35 wildlife, but the Board can -- if so desired can take  
36 an issue up earlier. They could defer a proposal to a  
37 time certain, all of the above.

38

39 Mr. Chair.

40

41 CHAIRMAN FLEAGLE: Sue, go ahead.

42

43 MS. ENTSMINGER: Then my other question  
44 is, you know, how does that affect the State. So --  
45 with the memorandum of understanding that you have,  
46 would -- after the management and the suggestions come  
47 forth, then you would both meet and try to have  
48 something happen more recent or -- I mean I'm -- I  
49 guess I'm.....

50

1 CHAIRMAN FLEAGLE: Well, that's all  
2 open for discussion, Sue.

3

4 MS. ENTSMINGER: Okay.

5

6 CHAIRMAN FLEAGLE: If we were to defer  
7 it until the next wildlife meeting, that would be like  
8 January of 2012 or December of 2011, somewhere in that  
9 time frame. Two years on the two-year cycle. Like I  
10 said, this May meeting is not our normal date for us.  
11 They're usually December/January.

12

13 And Pat pointed out that they're  
14 petitioning -- not petitioning, but they've submitted  
15 an agenda change request to the Board of Game to have  
16 this brought up at their meeting in November. So that  
17 means that their process is already ongoing and we  
18 could defer this with -- like Pete said a number of  
19 ways. We could defer it to the next wildlife meeting  
20 or we could defer it to no later than the next wildlife  
21 meeting which means it could be established at some  
22 time before. We could defer it to a work session or --  
23 I mean there's a number of options, but -- and that's  
24 all in formulation.

25

26 Would we meet because the State took  
27 action? No. It would have to take -- it would have to  
28 be in our normal process.

29

30 Pat.

31

32 MR. VALKENBURG: Thank you, Mr.  
33 Chairman. I remembered the point that I forgot and  
34 that is this proposal -- the Federal proposal asks for  
35 an expansion of the bag limit in all of Game Management  
36 Unit 25 and the Department would not support that. We  
37 would support that for 25D, but some of the other  
38 subunits are south side of the Brooks Range where  
39 hunting is largely fly in by sporthunters in the fall  
40 and so, you know, we would not support the expanded bag  
41 limit in that area.

42

43 Another point too in places like the  
44 Yukon Flats, we are no longer concerned -- and I don't  
45 know that we ever were -- about the sustainability of  
46 harvest of brown bears. If you look at the traditional  
47 knowledge, it's quite clear that brown bear populations  
48 have expanded greatly on the Yukon Flats and we know  
49 now that that previously estimated 5 percent harvest  
50 rate is just way too low. We have lots of examples now

1 of brown bear populations that have been harvested at  
2 much higher rates that are quite sustainable, most  
3 notably Game Management Unit 13.

4  
5 So I think those -- you need to take  
6 those bear estimates with a grain of salt. There's a  
7 wide confidence interval around those and then also  
8 that 5 percent harvest rate is probably far too  
9 conservative.

10  
11 CHAIRMAN FLEAGLE: Thank you, Pat.  
12 Further discussion. Judy.

13  
14 MS. CAMINER: Mr. Chair. Thanks. I  
15 think to follow up on Sue's questions on timing, I  
16 believe I heard that the next Moose Management Working  
17 Group meeting would be in August, but I'm not sure I  
18 heard or maybe it's getting too late in the date when  
19 would recommendations or final product be expected so  
20 that the Board of Game would have information. The  
21 Board of -- Federal Subsistence Board would have  
22 information. Would that information come in time to go  
23 to the Board of Game meeting. So then which proposal  
24 would go to the Board of Game.

25  
26 So just kind of to follow up on the  
27 timing issues of whether it may be more helpful to take  
28 action now or to defer.

29  
30 CHAIRMAN FLEAGLE: Thank you, Judy.  
31 Okay. Just I'm not sure if you misunderstood or if I  
32 misunderstood you. We're not proposing that we defer  
33 our proposal and submit it to the Board of Game. The  
34 Board of Game proposal is being submitted by the  
35 Department of Fish and Game as an agenda change request  
36 to their November meeting.

37  
38 Other discussion.

39  
40 (No comments)

41  
42 CHAIRMAN FLEAGLE: Ready for a motion.  
43 Geoff.

44  
45 MR. HASKETT: So I make the motion to  
46 defer Proposal 91 till after the planning process  
47 between the local residents, the Refuge, and Alaska  
48 Department of Fish and Game have had a chance to  
49 discuss this issue with a possible recommendation would  
50 come back to us. I'll provide further justification if

1 I get a second.

2

3 MR. BUNCH: I second it.

4

5 CHAIRMAN FLEAGLE: Go ahead, Geoff.

6

7 MR. HASKETT: So this is in line with  
8 another option identified by the InterAgency Staff  
9 Committee where they identified the proposal that could  
10 be Yukon Flats Moose Management Planning Committee meet  
11 to address this issue June 25 and I think it was  
12 certainly covered by folks from the Refuge.

13

14 It's also -- I think works well in  
15 conjunction with what I heard Deputy Commission  
16 Valkenburg talk about that we try and coordinate that.  
17 I mean I've heard the discussion here about questions  
18 about time certain which I can't give you, but I guess  
19 we'd be looking to do that as soon as possible for the  
20 next possible time we get together.

21

22 It's based upon having -- we've heard  
23 an increase in the harvest limit may create  
24 conservation concerns for brown bears in Unit 25  
25 especially given that a harvest tag is not required in  
26 Units 25B and 25D. So we don't actually know what the  
27 actual harvest level is.

28

29 I realize again this is not in  
30 agreement with what the Eastern Interior Council  
31 recommendation is, but I think we do have a good  
32 planning effort as described to explore this issue  
33 further, given the possibility of conservation concerns  
34 we have heard today.

35

36 I think this is also consistent with  
37 what the Eastern Interior Council has recommended for  
38 the next proposal dealing with black bears in the same  
39 area.

40

41 CHAIRMAN FLEAGLE: Alrighty. Good  
42 motion. I mean good explanation of the motion. I  
43 think the one clarification would be as to establishing  
44 a deferral time and I agree establishing a deferral  
45 date certain right now would probably be not doable,  
46 but I think one of the suggestions I made earlier  
47 probably would -- would be no later than the next  
48 wildlife meeting of the Federal Subsistence Board with  
49 the intent that we could take it up earlier if we were  
50 prepared -- if the material -- the information were

1 available. Out of cycle.  
2  
3 MR. HASKETT: Yes. Agree.  
4  
5 CHAIRMAN FLEAGLE: Okay. All right.  
6 Further discussion on the motion to defer. Charlie.  
7  
8 MR. BUNCH: I could support a motion to  
9 defer, Mr. Chairman, as long as there was some date  
10 certain that we knew some action would be taken.  
11  
12 CHAIRMAN FLEAGLE: Further discussion.  
13  
14 (No comments)  
15  
16 CHAIRMAN FLEAGLE: Ready for the  
17 question.  
18  
19 (Board nods affirmatively)  
20  
21 CHAIRMAN FLEAGLE: I think the  
22 discussion -- let me just ask it this way. Once we  
23 pass the action, I'll get clarification for the record  
24 as to what the intent of the deferral time would be. I  
25 think we're pretty much in agreement that it's no later  
26 than the next wildlife meeting, but since it's not  
27 encapsulated in the motion, we'll clarify that on  
28 record afterwards. Pete.  
29  
30 MR. PROBASCO: Thank you, Mr. Chair.  
31 Final action WP10-91 to defer. Mr. Haskett.  
32  
33 MR. HASKETT: Yes.  
34  
35 MR. PROBASCO: Mr. Fleagle.  
36  
37 CHAIRMAN FLEAGLE: Yes.  
38  
39 MR. PROBASCO: Ms. Masica.  
40  
41 MS. MASICA: Yes.  
42  
43 MR. PROBASCO: Ms. Kessler.  
44  
45 DR. KESSLER: Yes.  
46  
47 MR. PROBASCO: Mr. Bunch.  
48  
49 MR. BUNCH: Yes.  
50

1 MR. PROBASCO: And Ms. Dougan.

2

3 MR. DOUGAN: Yes.

4

5 MR. PROBASCO: Motion carries 6/0.

6

7 CHAIRMAN FLEAGLE: All right. Thanks.

8 And just for clarification, Member Haskett agreed that

9 no later than the next wildlife meeting, but if there

10 was information available to the Board to that that we

11 could act on out of cycle, we would certainly be

12 willing to take that up. If there's no objection to

13 that, that'll be what we -- that'll be our action.

14

15 (No objection)

16

17 CHAIRMAN FLEAGLE: Hearing no

18 objection, that's it. All right.

19

20 All right. I'd kind of left it open at

21 the end of -- I mean before we started the last

22 proposal whether we should break or not and the

23 decision back here not on the record was to do at least

24 that one. So we're going to go ahead and break for the

25 day. Resume at 8:30 a.m. tomorrow. Have a good

26 evening, everyone.

27

28 (Off record)

29

30 (PROCEEDINGS TO BE CONTINUED)



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C E R T I F I C A T E

UNITED STATES OF AMERICA )  
 )ss.  
STATE OF ALASKA )

I, Salena A. Hile, Notary Public in and for the State of Alaska and Owner of Computer Matrix, do hereby certify:

THAT the foregoing pages numbered 188 through 380 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME II taken electronically under my direction on the 19th day of May 2010, beginning at the hour of 8:30 a.m. at the Coast International Inn, Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed under my direction;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 2nd day of June 2010.

\_\_\_\_\_  
Salena A. Hile  
Notary Public, State of Alaska  
My Commission Expires: 9/16/10