

1 FEDERAL SUBSISTENCE BOARD
2
3 PUBLIC REGULATORY MEETING
4

5
6 VOLUME II
7

8 EGAN CENTER
9 ANCHORAGE, ALASKA

10
11 January 18, 2012
12 8:30 o'clock a.m.
13

14 MEMBERS PRESENT:

15
16 Tim Towarak, Chairman
17 Bud Cribley, Bureau of Land Management
18 Geoff Haskett, U.S. Fish and Wildlife Service
19 Sue Masica, National Park Service
20 Beth Pendleton, U.S. Forest Service
21 Gene Virden, Bureau of Indian Affairs
22
23
24 Bertrand Adams - Southeast RAC
25 Rosemary Ahtuanguaruak - North Slope RAC
26 Sue Entsminger - Eastern Interior RAC
27 Ralph Lohse - Southcentral RAC
28 Jack Reakoff - Western Interior RAC
29 Mitch Simeonoff - Kodiak/Aleutians RAC
30 Lester Wilde - Yukon Kuskokwim RAC
31 Richard Wilson - Bristol Bay RAC
32
33
34 Keith Goltz, Solicitor's Office
35 Ken Lord, Solicitor's Office
36
37
38
39 Doug Vincent-Lang, State of Alaska Representative
40

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P R O C E E D I N G S

(Anchorage, Alaska - 1/18/2012)

(On record)

CHAIRMAN TOWARAK: Good morning. My name is Tim Towarak. I made it in on a flight late yesterday afternoon, late yesterday evening. And I want to thank Bud Cribley for ably handling yesterday's meetings. Didn't quite take care of Saxman like I thought he would.....

(Laughter)

CHAIRMAN TOWARAK:but that's an issue that we will be leading into in the next day or so.

Our first item on the agenda this morning is information sharing for anyone that has information that they would like to provide to begin with this morning.

Pete.

MR. PROBASCO: Mr. Chair, I have a couple items. First yesterday Mr. Norman Arriola testified before the Board on behalf of the Ketchikan Indian Community and he wanted to make sure we got his testimony so that was handed out this morning. We also have ADF&G comments that were handed out on WP12-45, WP12-49.

And then Andrea asked me to remind you Board members we have the subsistence art contest so when you get a chance and -- as well as Council Chairs, go over and look at the great art we have and select -- make the selections.

And then also staff yesterday handed out blue folders to each Board member and RAC Chairs, this has pertinent information addressing various proposals. One that I want to draw your attention is Sandy Rabinowitch took the lead and he has summarized the tribal consultation teleconferences for the Board members and that's in your document as well. So we have that.

And, Mr. Chair, that's all I have at this time.

CHAIRMAN TOWARAK: Any other information

1 that needs to be shared?
2
3 (No comments)
4
5 CHAIRMAN TOWARAK: Not seeing any then we
6 will.....
7
8 MR. ADAMS: Yeah. Bert.
9
10 CHAIRMAN TOWARAK: Oh. Bert, go ahead.
11
12 MR. ADAMS: Well, welcome back, Tim,
13 appreciate it. I just want to compliment Bud for a good
14 job he did yesterday. He stumbled through a couple
15 little things there, but we managed to get him through it
16 alright, but he did a great job for you, Tim.
17
18 Thank you.
19
20 ROSEMARY: Tim, we also got a handout
21 Resolution Number 12-1 on the Red Sheep Creek/Crane Creek
22 proposal.
23
24 MR. PROBASCO: I guess I didn't get a
25 copy. Thank you, Rosemary.
26
27 CHAIRMAN TOWARAK: Any further
28 information.
29
30 (No comments)
31
32 CHAIRMAN TOWARAK: If not then we will
33 proceed onto the second item on the agenda is a public
34 comment period on non-agenda items. Is there anyone in
35 the public that would like to.....
36
37 Go ahead, Pete.
38
39 MR. PROBASCO: Thank you, Mr. Chair. We
40 have one person signed up and that's Mr. Harry Wilde.
41
42 Harry.
43
44 MR. H. WILDE: Mr. Chairman. My name is
45 Harry Wilde, I'm from Mountain Village. I've been work
46 with some people. When I was young I move from Hooper
47 Bay to Mountain Village. Now I am 52 years old. I'm
48 still go out there and hunting and living on the land.
49 There wouldn't be no moose out there if there was no
50 moose in my area. But the help of other people upriver,

1 they help us to transplant moose. Right now we got
2 enough moose there, however yesterday I give you villages
3 -- these villages' household -- assessed the household
4 2,000 -- close to 2,000. We go out in the village, you
5 see the map in there. Only Federal land where it is
6 small area. And part of it is to us a state.

7
8 People there they want to know there
9 something is kind of hard to try to live in a small place
10 of hunting area down in coast towards mouth of Yukon. It
11 was hard, we've tried to help each other. If it's not
12 for the people of Russian Mission upriver we wouldn't
13 have no moose down there. They helping us to transplant
14 the moose. When I work in a boat we saw only one moose,
15 that's all. So how the moose grow up right now, our
16 elders, I am elder, I've tell friends, my younger people,
17 young people, you go out -- you would go out hunt in this
18 little area right here, but you got to watch these. You
19 see big bulls, big horns with the big bull, we call that
20 (in Native), we do not like to see it to get killed
21 there. Right now in that area in Mountain Village people
22 help each other and now people living in areas there,
23 somewhere around 2,000 households in a small place to
24 hunt. If it's not for the help of our Federal I think we
25 would never have a moose around our area because our
26 elders say Federal is almost the laws things that just
27 like Eskimo. What they do, Eskimo, what they do in the
28 hunting areas. We got to try to keep it clean out and
29 that's what we've been doing. Well, I've been -- when I
30 was down in Bethel area I was a Chairman down there,
31 that's same as my brother right now. We always elders
32 appreciate the Federal, what they've done to give
33 everybody chance to have a -- something to eat.
34 Sometimes like food is kind of hard. So therefore we
35 will not -- we will -- don't like to see big bull moose
36 die off in that area. And I never used to think when I
37 was young working in the boat I see only one moose with
38 the two calf. And saw -- but antlers they telling us
39 watch out for those big bulls, those are the moose maker.
40 Right now we got so many moose down there, lot of moose,
41 we never used to have, nothing.

42
43 And now I learned some things after my
44 parents pass away and try to take care of my sisters and
45 brother. It is not very easy when you was 14 years old
46 and try to be -- taking care of a home. But today I --
47 I'm not afraid to say I thank you, Federal, you help us
48 out, you people out there, elders, give them chance to
49 let other families have -- help them. That little small
50 place, hunting place out there. It's shown on the map

1 that we've been looking at. How come we have a small
2 place and that many people yet there are a lot of people.
3 Sometime you see that we try to help our elders, even
4 bring us to our own hunting camp, hunting area, to help
5 each other. It is very hard especially when the plane
6 come in with the pontoon and land where we always go
7 hunting, it's our -- that hunting place, short place,
8 small place and they go out hunt with the plane. But
9 we're not really against the outside hunters, but we want
10 to make sure that it would be treated like us, what we
11 do. We go out there not by plane, we will -- we're able
12 to sport hunters, we're able to give them chance to hunt
13 so people do get what they want, but we don't want to see
14 a big moose, big moose. We don't hunt those because
15 moose are us, those are the ones that build the moose
16 right now. We even there's none before in the Federal
17 land down in the lower Yukon.

18
19 I want you to know I'm an elder, I teach
20 the grandchildren how to go out hunting and helping their
21 elder people. Sometime it kind of hard when you see some
22 elder try to go out hunting and they didn't have no way
23 to do things -- some things. One time I go out there and
24 try to help this old man, Fish and Game asked me you got
25 the license. I didn't know -- I didn't want to kill no
26 moose at that time. I didn't have no license. I get
27 fined, fined just to try to help elder from where he's
28 hunting camp because he couldn't do very much. Now I'm
29 still an advisor, advising Federal in the weekly meeting
30 at Bethel. I was just about quit, but I got reappointed
31 from Washington, D.C., three more years. I am a person
32 that I'm not afraid to help somebody and I'm not afraid
33 to talk to anybody, if you want to go out hunting in my
34 area, yeah, you could go hunt, but if those big moose are
35 -- that's what they make us -- help us to grow moose.
36 Even right now today people could come from Bethel,
37 anyplace, they could hunt down there. Last fall in my
38 fish camp I see seven calves which their cows. There are
39 a lot of moose down there and we got a lot of people, all
40 the way from Hooper Bay goes up to even there Russian
41 Mission. Russian Mission has helped us to grow these
42 moose. They give us chance to go hunt in their area. So
43 we want to return and give them because they -- some of
44 them they fish down there. It is not easy to do things,
45 especially back home. We will help sport hunter who want
46 to go hunt, but they have -- we want to see and keep away
47 from big bull moose.

48
49 And that's why I come over and we want to
50 thank people that have been helping us all these year and

1 now there are people coming in from Bethel area, they're
2 able to hunt down there because we've got enough moose
3 now to help the people what they need.

4
5 Thank you.

6
7 CHAIRMAN TOWARAK: Thank you, Mr. Wilde.
8 Good to see you.

9
10 Any questions from any Board members?

11
12 (No comments)

13
14 CHAIRMAN TOWARAK: Thank you, Harry. You
15 mentioned that you were 52, I think you meant you're 82.

16
17 MR. H. WILDE: 82.

18
19 (Laughter)

20
21 CHAIRMAN TOWARAK: Okay. Because if
22 you're 52 I'm 21.

23
24 (Laughter)

25
26 CHAIRMAN TOWARAK: If there aren't
27 any.....

28
29 MR. PROBASCO: Mr. Chair.

30
31 CHAIRMAN TOWARAK:anything else, go
32 ahead.

33
34 MR. PROBASCO: Mr. Chair, we have one
35 more and that is Norman Arriola.

36
37 (Off record comments)

38
39 MR. PROBASCO: Thank you, Harry. Mr.
40 Norman Arriola would like to speak to the Board on
41 herring.

42
43 MR. ARRIOLA: Good morning, Mr. Chair.
44 For the record my name's Norman Arriola, I live in
45 Ketchikan, Alaska, reside at 3225 Timberline Court. A
46 life long resident here.

47
48 I'm not an expert on herring, but I know
49 that that's a food for the sea life that live in the
50 ocean. And every winter when we get big increases of

1 herring going through our Southeast waters they increase
2 the tonnage that's taken. I wish I'd have kept that
3 article that was in our Ketchikan daily newspaper about
4 the herring. Last September or no, 2010, we had whales
5 right alongside our docks for about a week in search of
6 food. Those creatures that live in the ocean are
7 starving because we're taking too much herring, we're
8 taking their food source away from them. And the herring
9 roe that we harvest, we get 50 pounds whereas those that
10 commercial fish that take it out of here by the ton and
11 send to foreign countries. So it's really discouraging
12 when last year Sitka wouldn't allow any purse seiners in
13 there to take any out to bring to Southeast communities.
14 We have a local that lives down there, I believe his last
15 name is Dimmer, I can't recall the name of his boat, but
16 he wasn't allowed to go into Sitka area last year to
17 bring any herring down to the Southeast communities that
18 enjoy and love to eat the herring roe.

19

20 So if this is on your agenda, Mr. Chair,
21 and for the Board members' consider, you know, and it
22 would be my recommendation to shut that herring fishery
23 down for about five years, give them time to regenerate
24 and give back the food that belongs to the sea life that
25 enjoy and survive off that. Another example is The
26 Shakes was completely wiped out over 15 years ago and, of
27 course, the experts that sit at a desk and go online and
28 look at various areas said that the herring moved
29 elsewhere. Where'd they go, they haven't found them yet
30 and that's been over 15 years now. So if we don't take
31 control of the Sitka Sound herring fishery though they'll
32 end up wiping that out too and there won't be anymore.

33

34 So that's the only comments I have, sir.
35 Again I thank you for allowing me to come forward and
36 speak what little I know about herring and look forward
37 to hearing your recommendations.

38

39 Thank you.

40

41 CHAIRMAN TOWARAK: Thank you, Mr.
42 Arriola. I think at this meeting all of our issues are
43 wildlife related, we're not in -- we don't have any
44 fisheries issues.

45

46 MR. PROBASCO: That's correct, Mr.
47 Chairman. And then this call this winter Regional
48 Advisory Council, that will be the opportunity to develop
49 proposals that affect fisheries, et cetera.

50

1 Mr. Chair.

2

3 CHAIRMAN TOWARAK: And I would suggest
4 that you work with your Southeast Regional Advisory
5 Council to prepare for that meeting.

6

7 MR. ARRIOLA: Okay. Well, my apologies
8 for -- I don't have a complete agenda and I don't have
9 the information you guys have in front of you, but I just
10 thought I'd bring that to your attention.

11

12 Thank you.

13

14 CHAIRMAN TOWARAK: We appreciate your
15 comments.

16

17 MR. PROBASCO: Mr. Chair, that's all the
18 people I have signed up to testify on non-agenda items
19 and I believe it would be appropriate now to go back to
20 our wildlife proposals and pick up Proposal 82.

21

22 CHAIRMAN TOWARAK: Okay. We have -- and
23 I assume this is just being introduced, it's our first
24 step in the process, we're going to first ask for an
25 analysis on the proposal?

26

27 MR. PROBASCO: That's correct, Mr. Chair.

28

29 CHAIRMAN TOWARAK: For the Board, the
30 issue is on Page 237 in your packet.

31

32 MR. MCKEE: Good morning. My name is
33 Chris McKee, I'm a wildlife biologist with the Office of
34 Subsistence Management. As mentioned the analysis for
35 WP12-82 begins on Page 237 of your meeting materials
36 booklet.

37

38 The proposal was submitted by the North
39 Slope Subsistence Regional Advisory Council and requests
40 extending the Federal brown bear season in Unit 26A a
41 month later, from May 31st to June 30 for a year-round
42 season and in Unit 26B opening the season six days
43 earlier, changing it from September 1st to August 25th.
44 Extending the Federal season would align the Federal
45 brown bear harvest seasons with the State seasons in
46 Units 26A and 26B. Currently State regulations are more
47 liberal than Federal regulations and I'll be speaking to
48 these seasonal changes here in a few minutes because a
49 couple things have changed, but the density of brown
50 bears varies widely in Unit 26 with densities highest in

1 the foothills of the Brooks Range and lowest in the
2 northern portion of the unit. The most recent estimates
3 for bears in 26 -- brown bears in 26A is 900 to 1,120
4 bears. Populations have been stable or increasing since
5 the 1960s. The most recent population estimate for Unit
6 26B is 269 bears or 1.8 bears per 100 square miles. Most
7 of the brown bear habitat in 26A and 26B is assumed to be
8 undisturbed and has supported a fairly large and growing
9 population of bears. The brown bear harvests remain well
10 under the harvestable surplus even though the brown bear
11 regulations have been liberalized since 1996. Hunters and
12 pilots have indicated that the bear population is
13 currently increasing, but even with this increase the
14 harvest seems to be mostly opportunistic when people are
15 encountering brown bears incidently while hunting for
16 other wildlife or fishing. And again the harvests remain
17 well under the harvestable surplus.
18

19
20 Originally as written by the proponents
21 the seasons for 26B would be August 25th to May 31st, but
22 I believe that these dates were -- originally called for
23 -- they were mistaken as I think they were going off of
24 an emergency order that had -- these are the dates when
25 they actually -- the original intent of the proponent was
26 to align with the State seasons and their intention was
27 to make it year-round in both units, but some things have
28 changed and yesterday at the Board of Game I'm -- I'll
29 let the State mention that, but the OSM conclusion was to
30 support this proposal with the intention that the
31 proponents' intention all along was to align with the
32 State season. And if the proponent would like -- the
33 representative for the proponent would like to speak to
34 that, that's fine, but our conclusion is to support the
35 proposal.
36

37 So that's all I have. Thank you.

38
39 CHAIRMAN TOWARAK: Any questions.

40
41 (No comments)

42
43 CHAIRMAN TOWARAK: Not hearing any then
44 we will get a summary of public comments from the
45 Regional Council Coordinator.
46

47 MS. H. ARMSTRONG: My apologies, Mr.
48 Chair, I keep forgetting that I'm acting as the
49 coordinator. The regional -- the -- I'm not sure that
50 there were any Federal public comments. There were none

1 that I can see in the book at this time.

2

3 Thank you, Mr. Chair.

4

5 CHAIRMAN TOWARAK: Thank you. Then we
6 will open the floor for public testimony on the proposal.

7

8 MR. PROBASCO: Mr. Chair, we have no one
9 online and I have no one signed up.

10

11 CHAIRMAN TOWARAK: Okay. Then we will
12 proceed on to the Regional Council recommendations from
13 the Chair.

14

15 Rosemary.

16

17 MS. AHTUANGARUAK: We supported this
18 resolution. We've had an increase in the population and
19 notes that we had impacts to one of our muskox herds and
20 that it's prevented us from getting some permits.
21 Throughout the North Slope we've had increase on
22 incidents with the conflicts of bears at camps and in
23 cabins. So we support this proposal.

24

25 CHAIRMAN TOWARAK: Go ahead, Pete.

26

27 MR. PROBASCO: Thank you, Mr. Chair.
28 Rosemary, would you speak to the modification that you
29 added to the proposal at your Council meeting.

30

31 Thank you.

32

33 MS. AHTUANGARUAK: We wanted to modify it
34 so that the 26A be year-round.

35

36 CHAIRMAN TOWARAK: Are there any
37 questions with regard to the modification proposal from
38 the Regional Council.

39

40 (No comments)

41

42 CHAIRMAN TOWARAK: From the Staff, no
43 change in the recommendation?

44

45 MR. McKEE: No, Mr. Chair.

46

47 CHAIRMAN TOWARAK: Any further discussion
48 or questions.

49

50 (No comments)

1 CHAIRMAN TOWARAK: The State.

2

3 MS. YUHAS: Welcome, Mr. Chairman. And
4 thank you to yesterday's Chair and Madam RAC Chair for
5 the leeway yesterday to move this down the agenda item.

6

7

8 Mr. Chairman, you weren't here, but we
9 have two meetings going on in tandem and the Board of
10 Game took action on this parallel proposal yesterday
11 which completely changed the State position. So in your
12 proposal books we were supporting this proposal. The
13 reason is because we did not have any other tools
14 available to us until the Board of Game took action
15 yesterday. I understand that we're working in two
16 different systems with different guidelines outlining how
17 they function and that our agencies have different
18 missions. And so if you'll bear with me I know that not
19 all of the agencies at the table have the same mission
20 that Fish and Game does, but we just had approved
21 yesterday a predator control program in this area.

22

23 The intent of our support for this
24 proposal when it was liberalizing the bear season was to
25 reduce some of the bears to increase the muskox
26 population. We have an ongoing research project showing
27 muskox mortality that takes into account habitat factors
28 as well as the effect of grizzly bears in the area. You
29 heard from OSM Staff that the population of grizzly bears
30 is not evenly distributed in this area. Yesterday the
31 Board of Game approved a precision effort for us to
32 target what we suspect is the 10 to 12 bears in a
33 concentrated area who are eating most of the muskox. We
34 believe that this tool which we did not have until
35 yesterday helps to increase our confidence in long term
36 sustainability to maintain higher hunter harvest of both
37 bear and muskox. So the Department will not be
38 supporting the liberalized season, we did not support the
39 liberalized season at the Board of Game yesterday in lieu
40 of the predator management program. We understand that's
41 not a tool that's available to all of the agencies here,
42 but this is why it changes our position.

43

44 Any questions so far on this, Mr.
45 Chairman?

46

47 CHAIRMAN TOWARAK: Not from me, but any
48 Board member questions.

49

50 (No comments)

1 CHAIRMAN TOWARAK: Go ahead.
2
3 MS. YUHAS: In lieu of that we are
4 opposed to the proposal and will be following our newly
5 approved predator management program in this area to
6 increase the muskox population. And likely to implement
7 -- this is the portion that I'm not concrete on, likely
8 to implement season dates for residents of August 20th to
9 September 20th and nonresidents of August 20th to
10 September 20th and March 1st to May 31st. That is the
11 best information I can provide this Board at this time.
12
13 CHAIRMAN TOWARAK: Thank you. Are there
14 any questions.
15
16 MR. CRIBLEY: Yeah, Jennifer, could you
17 restate those dates again so I can keep -- I didn't get
18 them written down.
19
20 MS. YUHAS: Well, they are not concrete.
21
22 MR. CRIBLEY: Understand.
23
24 MS. YUHAS: August -- residents August
25 20th to September 20th, nonresidents August 20th to
26 September 20th and March 1st to May 31st. And again that
27 is not the year-round season because we are targeting
28 efforts to increase muskox population and have identified
29 the small concentration of bears we believe are
30 responsible for the decrease in the muskox population.
31
32 MR. CRIBLEY: Now is that for the entire
33 Unit 26?
34
35 MS. YUHAS: B. Thank you.
36
37 MR. CRIBLEY: Oh, that's just for Unit B
38 or 26B?
39
40 MS. YUHAS: Correct.
41
42 MR. CRIBLEY: So the season -- what would
43 the season -- would -- well, then is the recommendation
44 -- is your recommendations for Unit 26A to stay as it was
45 and 26C?
46
47 MS. YUHAS: Correct.
48
49 PARK SERVICE: Mr. Chair, I'd just like
50 to clarify something for the record, I'm not sure I heard

1 correct. So there is a season from March 1st to May 31st
2 that's available to nonresidents, but not available to
3 residents passed by the Board?

4
5 MS. YUHAS: Not at this time, but likely
6 to be adopted.

7
8 PARK SERVICE: Likely to be adopted.
9 Thank you.

10
11 MR. PROBASCO: Is that a March to May
12 season?

13
14 MS. YUHAS: March 1st to May 31st.

15
16 MR. PROBASCO: Okay.

17
18 CHAIRMAN TOWARAK: Any further questions
19 or discussion.

20
21 (No comments)

22
23 CHAIRMAN TOWARAK: Well, I guess I would
24 have a question for Rosemary. From what -- from the
25 Council's or from your perspective or the RAC's
26 perspective, does this change what you feel the needs are
27 or from the standpoint of what the proposal is or what --
28 would your position change based on what the State has
29 just stated?

30
31 MS. AHTUANGARUAK: During our Council
32 discussions we did not see any conservation concerns in
33 the 26B, we still supported the year-round season. We
34 recognize that there's dual processes that are going that
35 are affecting the way the management processes is being
36 considered and this determination was not something that
37 we could further discuss. We recognize that the efforts
38 to help protect that muskox population is something that
39 the Board of Game is doing, but we also feel that
40 throughout the unit there are other issues that are
41 affecting us and that increasing the harvest throughout
42 the unit year-round would help to -- our community
43 members to control some of these issues that are being
44 presented.

45
46 CHAIRMAN TOWARAK: Any further
47 discussion. Mr. Adams.

48
49 MR. ADAMS: Just a matter of information
50 here. Due to the fact that, you know, the State has

1 changed their position on this particular issue, I don't
2 think Rosemary's position could change either because she
3 would have to go back to her community and village and
4 their Council and reconsider this for maybe in the future
5 sometime, but when we -- when we make a decision in our
6 RACs, you know, we stick with that until the next go
7 around.

8

9 So I just wanted to bring that out as a
10 matter of information, Mr. Chairman.

11

12 CHAIRMAN TOWARAK: Thank you, Mr. Adams.

13

14 MS. AHTUANGARUAK: Thank you.

15

16 MR. LOHSE: Mr. Chairman.

17

18 CHAIRMAN TOWARAK: Mr. Lohse.

19

20 MR. LOHSE: And I think the other thing
21 that needs to be kept in mind is that Rosemary's looking
22 at it from a subsistence standpoint, the Fish and Game is
23 looking at it from a sport hunting and a muskox
24 standpoint and there's two different -- two totally
25 different philosophies and two totally different reasons
26 for different styles of management there.

27

28 CHAIRMAN TOWARAK: Ms. Yuhas.

29

30 MS. YUHAS: Thank you, Mr. Chairman.
31 Speaking on behalf of the State, we understand that our
32 position is sometimes interpreted as a sport hunting
33 focus, but under the constitution we do provide for
34 subsistence for all Alaskans.

35

36 CHAIRMAN TOWARAK: That's noted on the
37 record.

38

39 (Laughter)

40

41 CHAIRMAN TOWARAK: Any further
42 discussion.

43

44 MR. REAKOFF: Mr. Chairman.

45

46 CHAIRMAN TOWARAK: Mr. Reakoff.

47

48 MR. REAKOFF: I'll weigh in on this one.
49 The bear population is high in 26B with subsistence use
50 and which shows that subsistence use is not affecting the

1 bear population. So I would -- personally I feel that I
2 would support North Slope's position of a year-round
3 season for subsistence opportunities for when people are
4 out in the field, at camp and so forth and accessing
5 areas that they may not -- within the State's season.
6 And so I would be -- personally I would be supportive of
7 North Slope's use of bears, people in the Anaktuvuk Pass
8 and central Brooks Range use bears for food and so
9 subsistence is the highest priority. And so I would --
10 if the Department has a control project going on possibly
11 subsistence harvest of some of those bears may occur and
12 might save the Department some time taking bears under
13 their predator control project.

14

15 So I just want to state that for the
16 record.

17

18 Thank you.

19

20 CHAIRMAN TOWARAK: Thank you. If there's
21 no further discussion, and I appreciate the position that
22 the State's taking and hopefully as we go along there's
23 going to be more and more coordination between what we're
24 doing and what the State is doing. And we appreciate you
25 bringing your information to this table.

26

27 Go ahead.

28

29 PARK SERVICE: Mr. Chair, I'd just to ask
30 one other question. If there are any RAC Chairs present
31 that think that this is enough of a game changer that
32 their RAC may change their support to oppose or opposed
33 to support. I'm sorry. Rosemary, do you think there's
34 a chance that the.....

35

36 MS. AHTUANGARUAK: With our discussions
37 that have happened this is something that we have seen
38 progressing over time and that we support having this
39 extended season. I -- with the State's efforts of
40 increasing that process, it's a process that needs to
41 come and we'll have to reassess how the process goes and
42 we may make changes in the future, but without being able
43 to do the process at the same time and look at the
44 changes that came to us today, right now I have to stand
45 with the position in support. We have many areas in the
46 unit that have had increased numbers and the efforts to
47 help protect the muskox will protect that area and
48 decrease numbers in that area, but it won't take care of
49 the rest of the unit.

50

1 CHAIRMAN TOWARAK: Go ahead, Mr. Lohse.

2

3 MR. LOHSE: I think one thing that has to
4 be put in there and Jack referred to it too, is that in
5 an area where other things are closed the fact that you'd
6 have bears open all year. A bear is -- you know, for a
7 lot of us we look at bears, I mean, I think most of the
8 Fish and Game looks at bears as a trophy animal, as a fur
9 animal, but if you're out in the Bush there's nothing
10 nicer than a nice fat grizzly bear for eating. And bears
11 are a food source and I think that needs to be remembered
12 from a subsistence standpoint that, you know, bears are
13 a food source and if they're available all year-round
14 that just means you've got a food source available all
15 year-round and that's a big difference in today's world
16 with the cost of food and everything out in the Bush.

17

18 CHAIRMAN TOWARAK: Thank you. Further
19 discussion.

20

21 (No comments)

22

23 CHAIRMAN TOWARAK: Thank you. Then we
24 will proceed on to InterAgency Staff Committee comments.

25

26 DR. JENKINS: Mr. Chair, David Jenkins
27 with OSM. The InterAgency Staff Committee found the
28 Staff analysis to be a thorough and accurate evaluation
29 of the proposal and that it provides sufficient basis for
30 the Regional Council recommendation and Federal
31 Subsistence Board action on the proposal. This is the
32 standard ISC comment and in future I'll just refer to it
33 as the standard comment rather than reading it into the
34 record each time. When there's deviations then I'll read
35 the entire ISC comment.

36

37 Thank you.

38

39 CHAIRMAN TOWARAK: Any questions of the
40 Staff.

41

42 (No comments)

43

44 CHAIRMAN TOWARAK: Thank you. Board
45 discussion with the Council Chairs and the State liaison.
46 The floor is open for general discussion.

47

48 MR. CRIBLEY: Yeah, Mr. Chair, I guess
49 the -- and this is more of a detailed question than the
50 question about the issue itself is, but in the Regional

1 Council's modified recommendation for Units 26A and 26B,
2 they're recommending it to be opened year-round, but the
3 dates are different, one goes from what, July to June and
4 then the other one goes January to December. And I was
5 wondering is there a reason that they're different or is
6 -- can they be consistent, I mean, is there any rationale
7 to that? And I don't know who I would ask that question,
8 if it would be of the Staff or what, but we -- is that --
9 or is that just the -- over history that's what has
10 happened.

11
12 MR. PROBASCO: I think your last
13 statement, Mr. Cribley, captures that, but as far as a
14 year-round season either date would work.

15
16 MR. CRIBLEY: Yes.

17
18 MS. AHTUANGARUAK: Yes, and that was the
19 intent, to create a year-round, there was a little
20 confusion using the calendar year, but the intent is to
21 create a year-round season. And putting the terminology
22 to facilitate the standardized would be appropriate.

23
24 MR. CRIBLEY: Which way is the best way
25 to -- if there was a way to state that, if it was to be
26 consistent, which of the two would be the preferred. And
27 I don't know what the sideboards or the protocol is for
28 that or is there one.

29
30 MR. GOLTZ: Mr. Chairman, my protocol is
31 to defer to the regulation writers. We caught that too
32 and we're over there discussing. I would just allow
33 whoever submits to the Federal Register to make that
34 choice.

35
36 MS. AHTUANGARUAK: Yes, we would.....

37
38 MR. GOLTZ: And I.....

39
40 MS. AHTUANGARUAK: I was going to say
41 yeah, we would support that, following the regulatory
42 language.

43
44 MR. CRIBLEY: Okay. I just didn't know
45 if there was a reason for that or it -- just the way
46 things happen sometimes. So, okay. It just seems like
47 it creates some confusion if they're not consistent in
48 the future. Of course, that depends on what we do here
49 too, but -- so, okay. Well, thank you.

50

1 CHAIRMAN TOWARAK: Any further discussion
2 or questions about the proposal.

3
4 (No comments)

5
6 CHAIRMAN TOWARAK: If not then we will
7 proceed on to the Federal Subsistence Board action.

8
9 MR. CRIBLEY: Mr. Chairman.

10
11 CHAIRMAN TOWARAK: Go ahead, Mr. Cribley.

12
13 MR. CRIBLEY: Yeah, I guess I would like
14 to go ahead and make a motion to adopt the proposal with
15 a modification consistent with what is proposed by the
16 North Slope Regional Council.

17
18 MR. HASKETT: I'll second that.

19
20 CHAIRMAN TOWARAK: The motion has been
21 moved and seconded to approve the amended proposal. Are
22 there any discussions or questions on the motion.

23
24 MR. CRIBLEY: Mr. Chairman, I guess a
25 major portion of this area is within -- covers public
26 lands or BLM lands in the National Petroleum Reserve.
27 Based on the information presented here by Staff from the
28 standpoint of the support of the proposal and also
29 because of the support by the Regional Advisory Council,
30 I feel that we or I feel like I support this motion
31 recognizing the position of the State and also
32 recognizing their decision to target a problem area
33 dealing with species management, particularly with
34 muskox. I think that's a good idea, but I think that
35 doesn't from my perspective change the decision that we
36 have in front of us or the motion we have in front of us
37 to support this proposal or this motion.

38
39 PARK SERVICE: Mr. Chair, the Park
40 Service will -- well, the proposed changes to the brown
41 bear seasons in 26A and 26B will impact Gates of the
42 Arctic National Park and Preserve and I will vote to
43 oppose the extension of the brown bear seasons to year-
44 round.

45
46 I believe there's little to no recent
47 data that supports an extension of the brown bear hunting
48 seasons in either 26A or 26B. And according to the
49 biological background on Page 240 of this book -- of the
50 Board book, the population estimate for 26A is based on

1 studies from the 1980s and '90s which is data that is
2 more than 20 years old and the 26B population estimate is
3 based on 10 year old information.

4
5 There's information on Page 247 in the
6 Staff analysis for Proposal 62 that gives me further
7 cause for concern. In northern Alaska -- it reads in
8 northern Alaska female brown bears do not successfully
9 reproduce until they are older than five years. The
10 delay in reproduction as well as small litter sizes, long
11 intervals between successful reproductive events and
12 short potential reproductive periods causes -- caused the
13 low rates of successful production in brown bears in
14 northern Alaska. In addition, female brown bears exhibit
15 high fidelity to home ranges and little emigration or
16 immigration, therefore brown bears are often managed
17 conservatively, end quote.

18
19 The uncertainty and currently -- the
20 uncertainty of the currently available population and
21 harvest information along with the potential for
22 increased take of adult female bears leaves me feeling a
23 little bit uncomfortable with year-round seasons.
24 Therefore I base the Park Service opposition to this
25 proposal or amendment on my believe that it opposes or
26 that it violates recognized principles of fish and
27 wildlife conservation.

28
29 CHAIRMAN TOWARAK: Thank you. Any
30 questions on those comments.

31
32 (No comments)

33
34 CHAIRMAN TOWARAK: Further discussion.

35
36 (No comments)

37
38 MR. CRIBLEY: Mr. Chairman, can I call
39 for question.

40
41 CHAIRMAN TOWARAK: Okay. It's in order.
42 The question has been called. And we will have a roll
43 call vote, please.

44
45 MR. PROBASCO: Thank you, Mr. Chair. The
46 motion is to adopt Proposal 12-82 as modified by the
47 North Slope Regional Advisory Council.

48
49 And today we start with Mr. Virden.

50

1 MR. VIRDEN: Yes.
2
3 MR. PROBASCO: Ms. Cooper.
4
5 MS. COOPER: No.
6
7 MR. PROBASCO: Ms. Pendleton.
8
9 MS. PENDLETON: Yes.
10
11 MR. PROBASCO: Mr. Cribley.
12
13 MR. CRIBLEY: Yes.
14
15 MR. PROBASCO: Mr. Towarak.
16
17 CHAIRMAN TOWARAK: Yes.
18
19 MR. PROBASCO: And Mr. Haskett.
20
21 MR. HASKETT: Yes.
22
23 MR. PROBASCO: Motion carries, five in
24 favor, one against.
25
26 CHAIRMAN TOWARAK: Thank you. We will
27 proceed then on to -- I understand that the Proposals 62,
28 65, all the way to 68 have already been taken care of.
29 Our next agenda topic will be Proposal 12-69 and that's
30 on Page 289.
31
32 We were told that this proposal has been
33 moved to the consensus agenda so if there are no
34 objections we -- that will be handled later.
35
36 MR. PROBASCO: That's correct, Mr. Chair.
37
38 CHAIRMAN TOWARAK: Then the next agenda
39 topic is Proposal 12-71 and 72 on Page 313. Can we have
40 analysis by the lead Staff.
41
42 MR. FOX: Yeah, thank you, Mr. Chair.
43 For the record this is Trevor Fox, I'm a wildlife
44 biologist with OSM. The combined analysis for WP12-71,
45 72, begins on Page 316 of your meeting book.
46
47 Proposal WP12-71 was submitted by the
48 Tetlin National Wildlife Refuge and it requests that the
49 fall moose harvest season in a portion of Unit 12 be
50 changed to August 24th through September 20th and that it

1 be administered through a joint State/Federal
2 registration permit.

3
4 Proposal WP12-72 also submitted by the
5 Tetlin National Wildlife Refuge requests that the winter
6 moose season in a portion of Unit 12 be changed to
7 November 1st through March 31st and that it also be
8 administered through a joint State/Federal registration
9 permit.

10
11 In Unit 12 the moose population is
12 considered to be of low density, but relatively stable.
13 Just within Tetlin National Wildlife Refuge, that portion
14 of the unit, the bull to cow ratio has been relatively
15 high with a range of 60 to 90 bulls per 100 cows in all
16 surveys conducted since 1990. So management objectives
17 have consistently been met in the Tetlin National
18 Wildlife portion of Unit 12. Currently Federal and State
19 fall moose seasons on the Tetlin National Wildlife Refuge
20 are under a State harvest ticket. For the winter moose
21 season there's a Federal registration permit being used
22 for Federally-qualified subsistence users as there is no
23 State season for the winter. Reported harvest on the
24 Refuge has averaged 12 moose per year between 1991 and
25 2010 for the fall season and for the winter season
26 there's been no reported harvest, but there has been an
27 average of 24 permits issued per year and of those an
28 average of seven Federally-qualified subsistence users
29 have attempted harvesting moose with those permits.

30
31 If the proposal were -- was to be
32 adopted, the fall seasons would change from a split
33 season of August 24th through the 28th and September 8th
34 through the 17th to a continuous August 24th through
35 September 20th season and the winter season dates would
36 be extended from November 20th to December 10th to an
37 extended season of November 1st through March 31st.
38 These additional changes would provide an additional 14
39 days of harvest opportunity for the fall season and an
40 additional 130 days in the winter season. All users
41 hunting in the Tetlin National Wildlife Refuge and the
42 northeast corner of the Wrangell-St. Elias Preserve
43 portion of Unit 12 would be required to utilize a joint
44 State and Federal registration permit on Federal lands
45 for the fall season instead of the State green harvest
46 ticket. However if the proposed joint permit were
47 adopted by this Board for the winter season -- well, for
48 both seasons, it would be contingent upon positive action
49 by the Board of Game which is scheduled to meet in March
50 of this year for Unit 12. The proposed changes would

1 likely result in an increase in the number of moose
2 harvested due to longer fall and winter seasons.

3
4 The OSM conclusion is to support WP12-71
5 and to support WP12-72 with the modification to extend
6 the winter season only until March 28th, not the March
7 31st in the original proposal and to create a joint State
8 and Federal registration permit only for the fall season.
9 And the justification is that Federally-qualified
10 subsistence users would be provided an additional 113
11 days, this is with the modification, of harvest
12 opportunity in the affected portion of Unit 12 with more
13 days to hunt without competition from other users. The
14 ratio of bulls per 100 cows in the affected areas is well
15 above the management objective and the population appears
16 healthy enough to allow for a few more bulls to be
17 harvested. The joint permit for the fall season would
18 allow managers to monitor the harvest and address
19 conservation concerns if they arise. There's been no
20 reported harvest in the winter season between 2000 and
21 2009 and the extended season is not anticipated to
22 increase harvest significantly. A joint State/Federal
23 registration permit for the winter season is unnecessary
24 as the State has no winter season in that portion of Unit
25 12.

26
27 Thank you, Mr. Chair.

28
29 CHAIRMAN TOWARAK: Thank you. Are there
30 questions to the Staff.

31
32 MR. PROBASCO: Trevor, one correction.
33 You said March 28th, you meant February 28th versus March
34 31st?

35
36 MR. FOX: Yes, that would be February
37 28th.

38
39 MR. PROBASCO: Thank you.

40
41 CHAIRMAN TOWARAK: Any further questions.

42
43 Mr. Adams.

44
45 MR. ADAMS: I'm just reading the key
46 points there and it says their population is at low
47 density, but is relatively stable. You know, I'm kind of
48 confused. I don't know, I'd be under the impression that
49 there might be a conservation concern there. But I just
50 wanted to bring that out, it's kind of confusing to read

1 those two together. And extended winter season not
2 anticipated to increase harvest significantly. You know,
3 if we were to go into deliberation in our Council that
4 would be a really, you know, long discussion about that
5 because to me it's just kind of confusing, but I just
6 thought I'd bring that out just for my own satisfaction.

7

8 Thank you.

9

10 I think if I were to ask a question, you
11 know, is there a conservation concern there.

12

13 MR. FOX: Yes, Mr. Chair. As it's stated
14 that the population is at a low density, but it has
15 remained fairly stable at that so the trend is -- appears
16 to be pretty constant and so that's why we're saying it's
17 relatively stable, it's stayed at that level with the
18 harvest that's been taking place.

19

20 MR. ADAMS: That still didn't answer my
21 question. Is there a conservation concern that needs to
22 be, you know, brought out there.

23

24 CHAIRMAN TOWARAK: Go ahead.

25

26 MR. HASKETT: So as I understand it the
27 Refuge actually is in favor of this and it is confusing
28 how that's written, but there is not a conservation
29 concern. The population actually is stable and it's
30 actually what the habitat will actually support and that
31 the Refuge believes that at the numbers they're talking
32 about it actually can be sustained, it's just the
33 population is never going to be bigger than that.

34

35 MR. ADAMS: Okay. Thank you.

36

37 CHAIRMAN TOWARAK: Further discussion.

38

39 (No comments)

40

41 CHAIRMAN TOWARAK: Thank you for your
42 presentation. We will move then to public comments,
43 summary of public comments.

44

45 MS. HERNANDEZ: Mr. Chair, Melinda
46 Hernandez, acting coordinator for the Eastern Interior
47 RAC. There were two written public comments submitted
48 for these proposals. The first was submitted by
49 Wrangell-St. Elias National Park SRC in support as
50 modified by OSM. They don't feel there's a conservation

1 concern for moose in this part of Unit 12 and there's a
2 benefit to subsistence users by providing the additional
3 opportunity. The second was submitted by Ahtna
4 Corporation, they do not -- Ahtna, Incorporated, excuse
5 me. They do not support any joint State and Federal
6 regulation hunts if no conservation concerns exist, the
7 Federal moose hunting season should be more liberal.

8

9 That's the end.

10

11 CHAIRMAN TOWARAK: Thank you. Any
12 questions.

13

14 Sue.

15

16 MS. ENTSMINGER: Yeah, I have a question.
17 I just remembered this. I went to a meeting of the Upper
18 Tanana Fortymile Advisory Committee and they took up a
19 lot of these proposals and they sent their comments in
20 and I'm surprised they're not in the record.

21

22 MS. HERNANDEZ: Sue, through the Chair.
23 Those are the only comments that I was able to find, but
24 I will find out if the -- if there are some that were
25 excluded.

26

27 CHAIRMAN TOWARAK: Do you have any idea
28 what their position was?

29

30 MS. ENTSMINGER: Yes, they -- this was
31 talked about extensively. In our area the State and
32 Federal work really closely together and they supported
33 this proposal as the Eastern Interior did.

34

35 CHAIRMAN TOWARAK: Further discussion.

36

37 (No comments)

38

39 CHAIRMAN TOWARAK: Thank you. And we
40 will open the floor to public testimony.

41

42 Pete.

43

44 MR. PROBASCO: Thank you, Mr. Chair. We
45 have one person signed up and that's Ms. Gloria Stickwan.

46

47 MS. STICKWAN: I support Proposal WP12-71
48 and 72 with OSM's modification to extend the winter
49 season only to February 28th, not March 31st and to
50 create a joint State/Federal registration for the fall

1 season only. A longer moose season in Unit 12 will allow
2 Federally-qualified subsistence users an opportunity to
3 harvest a moose. A joint State/Federal permit would give
4 Federally-qualified subsistence users less cumbersome
5 regulation to comply with by having to file for State and
6 Federal permit at the same time.

7

8 Thank you.

9

10 CHAIRMAN TOWARAK: Thank you, Gloria.
11 Any questions of Gloria on her statements.

12

13 (No comments)

14

15 CHAIRMAN TOWARAK: Thank you for your
16 time. Any -- that's it, there are no further public
17 comments. Do we have anybody on the telephone by any
18 chance.

19

20 (No comments)

21

22 CHAIRMAN TOWARAK: Doesn't sound as it we
23 do. We will move on then to the Regional Council
24 recommendation.

25

26 MS. ENTSMINGER: I see Southcentral
27 first.....

28

29 CHAIRMAN TOWARAK: Okay.

30

31 MS. ENTSMINGER:I was going to let
32 Ralph go.....

33

34 CHAIRMAN TOWARAK: Yeah.

35

36 MS. ENTSMINGER:but you want me to
37 go first?

38

39 CHAIRMAN TOWARAK: Yes.

40

41 MS. ENTSMINGER: Okay. The Eastern
42 Interior supports the proposal with a modification as
43 suggested by OSM. But in addition they modify to require
44 a single Federal registration permit rather than the
45 joint State/Federal for the fall/winter seasons. And I
46 would like to explain that. At our Eastern Interior
47 meeting we had both the State and the Federal people
48 there and if you pull out the map and look at Unit 12 and
49 adjacent areas, it's on the road system and people would
50 be going in and out of State and Federal land and it's

1 possible that somebody might be driving with just a green
2 or have the State/Federal permit and not have a green
3 harvest ticket so when they were on State land they
4 didn't think it would be valid. So -- and they -- I said
5 you guys go figure it out and we come back with this
6 recommendation. I can't tell you why they thought it
7 wasn't going to work, but we had to take their
8 information on it and that's what we went with. And so
9 their season dates were what you see in that book at 324
10 was -- would be the February 28th closure. That was the
11 other modification.

12

13 MR. LOHSE: Well, Southcentral always
14 defers to the region that hunting takes places in and
15 besides I need to refer to a lady anyhow so -- defer to
16 a lady anyhow so that's why I let her go first. But we
17 also support Proposal 71/72 with the modifications that
18 the OSM suggested.

19

20 CHAIRMAN TOWARAK: Okay. Are there any
21 questions of the Regional Council Chairs from the Board.

22

23 (No comments)

24

25 CHAIRMAN TOWARAK: Thank you for your
26 comments. We're going to back up a little here and it
27 appears that we have public members that are wanting to
28 make comments. While he's filling out his paperwork I
29 understand we have people on the line. Elizabeth from
30 the NANA Regional Corporation, are you online?

31

32 (No comments)

33

34 CHAIRMAN TOWARAK: Not hearing anything
35 from Elizabeth, is Jeromy Havenor online?

36

37 MR. HAVENOR: (Indiscernible - away from
38 microphone).....

39

40 CHAIRMAN TOWARAK: Go ahead.

41

42 MR. HAVENOR: (Indiscernible - away from
43 microphone).....

44

45 CHAIRMAN TOWARAK: Thank you.

46

47 ELIZABETH: Hello, can you hear me.

48

49 CHAIRMAN TOWARAK: Yes. Elizabeth, go
50 ahead.

1 ELIZABETH: (Indiscernible - away from
2 microphone) appreciate it.

3
4 CHAIRMAN TOWARAK: Thank you, Elizabeth.

5
6
7 Would you introduce yourself and go ahead
8 and proceed with your comments. You have a button, red
9 button.

10
11 MR. HERBERT: My name is Percy Herbert
12 from Fort Yukon area. What I'm concerned about is seem
13 like everything is getting smaller around our area, our
14 king salmon are getting smaller, our moose are getting
15 smaller and I think there's just too much pressure,
16 there's too much hunters in our area that's not from our
17 area. And also we're getting too much pressure on the
18 fish from the out of state fishermen, commercial
19 fishermen. Like there's 1,000 fishermen from Seattle and
20 I don't know how many from Oregon and California so
21 there's just too much pressure that's going on the fish
22 so we end up getting nothing. And last year in Valdez
23 just because of commercial fishermen caught a lot of king
24 salmon, they said there's lots and the person that was
25 the boss in Valdez, Fish and Wildlife boss, I guess he
26 gave them a double quota which I think is pretty wrong,
27 I don't think the guy should have done that.

28
29 Thanks.

30
31 CHAIRMAN TOWARAK: Thank you. And for
32 your information we are covering wildlife issues at this
33 meeting and fishery issues will be coming up in our
34 future meetings, I think in March. So if you can work
35 with your Regional Advisory Council, if you have any
36 proposals for this Board to consider, that would be the
37 next step that you would take for any proposals that you
38 might have.

39
40 MR. HERBERT: So do you want me to make
41 a proposal now?

42
43 CHAIRMAN TOWARAK: No, that -- fishery
44 proposals will be coming up in March.

45
46 MR. HERBERT: Okay.

47
48 CHAIRMAN TOWARAK: Today's proposals are
49 wildlife related. In this case we're talking about moose
50 in Unit 12 which is around the Tanacross area.

1 MR. HERBERT: Okay.
2
3 CHAIRMAN TOWARAK: Sir, and I'll have one
4 of my Staff, they will help you with the meeting times
5 and as well as give you the forms to submit a proposal.
6 And they'll do that.
7
8 MR. HERBERT: Okay.
9
10 CHAIRMAN TOWARAK: Okay.
11
12 MR. HERBERT: Thanks.
13
14 CHAIRMAN TOWARAK: Thank you for your
15 comments. We will then continue on with Department of
16 Fish and Game comments.
17
18 MS. YUHAS: Thank you, Mr. Chairman.
19 Jennifer Yuhas for the Alaska Department of Fish and
20 Game.
21
22 The Department is opposed to Proposal 71
23 because it creates divergent Federal and State moose
24 hunting seasons. And if the Board intends to move
25 forward with this proposal above our opposition, we
26 highly suggest that detailed maps be issued to the folks
27 that have to go out in this area and find their way
28 around.
29 Proposal 72, the State recommends
30 retaining the current fall season dates to align the
31 regulations and reduce user confusion. And as the
32 Eastern Interior RAC Chair stated supports leaving the
33 Federal permit in place. If the dates are divergent and
34 the State does not have an opportunity, we would not like
35 to be issuing a joint permit.
36
37 CHAIRMAN TOWARAK: Thank you. Are there
38 any questions of the Board -- from the Board to the State
39 or the RACs.
40
41 (No comments)
42
43 CHAIRMAN TOWARAK: Thank you. The next
44 analysis will be from the ISC Committee.
45
46 DR. JENKINS: Mr. Chair, the InterAgency
47 Staff Committee found the Staff analysis to be a thorough
48 and accurate evaluation of the proposal and that it
49 provides sufficient basis for the Regional Council
50 recommendations and Federal Subsistence Board action on

1 the proposal. The ISC notes that the Eastern Interior
2 Regional Council recommendation further modifies the
3 proposal to proceed using a Federal registration permit
4 only rather than await future Alaska Board of Game action
5 to potentially endorse a joint State/Federal permit. The
6 ISC agrees that if the Eastern Interior RAC
7 recommendation is supported subsistence users could use
8 on Federal registration permit for both the fall and
9 winter hunts rather than needing a joint State/Federal
10 permit for the fall hunt and a separate Federal
11 registration permit for the winter hunt.

12

13 Thank you.

14

15 CHAIRMAN TOWARAK: Any questions.

16

17 (No comments)

18

19 CHAIRMAN TOWARAK: Not hearing any, thank
20 you for your analysis. Board discussion with Council
21 Chairs and State liaison, the floor is open.

22

23 Go ahead, Sue.

24

25 MS. ENTSMINGER: I -- just on the note
26 that the State had mentioned about, there are places in
27 the State that a joint State/Federal registration works
28 well and one is in 20E. And a lot of that is really the
29 land status, you know, and the access. So I can see
30 where in this case it would be much better to have just
31 the Federal for -- and make it easier for the user and
32 I'm all for that.

33

34 CHAIRMAN TOWARAK: Thank you. Any other
35 discussion.

36

37 (No comments)

38

39 CHAIRMAN TOWARAK: If not, then the
40 floor's open for Board action on Proposal WP12-71 and 72.

41

42 Go ahead, Geoff.

43

44 MR. HASKETT: Yes, I'd like to move to
45 adopt Proposal 71 and 72 with the modifications
46 recommended by the Eastern Interior Regional Council.
47 And I'll provide my rationale if I get a second.

48

49 PARK SERVICE: Second.

50

1 CHAIRMAN TOWARAK: Hearing a motion and
2 a second, go ahead with your rationale.

3
4 MR. HASKETT: Okay. So this was proposed
5 out of the Tetlin Refuge and our folks, our biologists,
6 believe that the moose population there can sustain some
7 additional harvests as we talked about, that certainly
8 there's no problem there. And as a result of the
9 increased opportunities from these season changes we're
10 not going to have -- cause any additional conservation
11 concerns.

12
13 I guess I want to talk a little bit about
14 the State's concerns and I would as much as possible
15 whenever we can try and be -- coordinate with the State
16 and have essentially the public dealing with the same set
17 of regulations. This one's a little different in that
18 this is a proposal for local subsistence, the State regs,
19 of course, are for a larger group. I think sometimes
20 you're going to have situations where if you want to go
21 ahead and meet the subsistence needs you're just going to
22 end up with -- where we have some differences. Again as
23 much as possible I like to keep from doing that, but on
24 this one I don't see much other choice. So since this
25 will result in differing season dates between the State
26 and Federal regulations I think it also makes sense for
27 these hunts to be administered under a single Federal
28 permit and my Refuge Staff is prepared to do that. So I
29 intend to vote in favor of this motion when we call for
30 the question.

31
32 CHAIRMAN TOWARAK: The question's been
33 called for. All those in favor or -- go ahead, Mr.
34 Cribley.

35
36 MR. CRIBLEY: No, I was going to call for
37 the question.

38
39 CHAIRMAN TOWARAK: Okay. The question's
40 been called for. Let's -- we'll have a roll call vote,
41 please.

42
43 MR. PROBASCO: Thank you, Mr. Chair.

44
45 And we will start with Ms. Pendleton.

46
47 MS. PENDLETON: Yes.

48
49 MR. PROBASCO: Ms. Cooper.

50

1 MS. COOPER: Yes.
2
3 MR. PROBASCO: Mr. Cribley.
4
5 MR. CRIBLEY: Yes.
6
7 MR. PROBASCO: Mr. Towarak.
8
9 CHAIRMAN TOWARAK: Yes.
10
11 MR. PROBASCO: Mr. Haskett.
12
13 MR. HASKETT: Yes.
14
15 MR. PROBASCO: And, Mr. Virden.
16
17 MR. VIRDEN: Yes.
18
19 MR. PROBASCO: Motion carries, 6/0.
20
21 CHAIRMAN TOWARAK: Thank you.
22
23 Pete.
24
25 MR. PROBASCO: Mr. Chair, I have a
26 request to take a short break before we get into 12-75
27 and 12-76. Apparently there's some additional materials.
28 So we will take a break.
29
30 CHAIRMAN TOWARAK: Okay. We will take
31 what, a 10 minute break.
32
33 (Off record)
34
35 (On record)
36
37 CHAIRMAN TOWARAK: I'd like to reconvene
38 if we could.
39
40 (Pause)
41
42 CHAIRMAN TOWARAK: I would call the
43 meeting back to order. We were on Proposal 12-75 on Page
44 331. I'd like to ask for a Staff analysis, please.
45
46 MR. FOX: Yeah, thank you, Mr. Chair.
47 Again this is Trevor Fox with OSM. As you mentioned the
48 analysis for WP12-75 begins on Page 331 of your meeting
49 book. The proposal was submitted by the Upper Tanana
50 Fortymile Fish and Game Committee.

1 The proponent is requesting that the
2 dates for the Federal fall moose season for Bureau of
3 Land Management administered lands in Unit 20E drained by
4 the middle fork of the Fortymile River upstream from and
5 including the Joseph Creek drainage, be changed to August
6 20th through September 30th to match the season dates in
7 a portion of Unit 20E within the Yukon-Charley Rivers
8 National Preserve. The proponent states that the
9 adoption of this proposal would benefit Federally-
10 qualified subsistence users by providing an additional
11 nine days to hunt moose in the affected area. It would
12 also align season dates in the portions of Unit 20E off
13 the road system on Federal lands. They're also asking
14 for the end date of the season in Unit 20E remainder be
15 extended to September 30th.

16
17 The population has remained at or above
18 management objectives of 40 bulls per 100 cows, but
19 varies across the unit. The most popular hunting areas
20 have had lower bull numbers, but these still have
21 remained about the management objective. Twinning rates
22 have been moderate to indicate the nutritional status of
23 the population is being met. And the mean harvest rate
24 has averaged 144 moose per year between 1998 and 2008,
25 ranging from '95 to 74 moose per year.

26
27 If the proposal were adopted the fall
28 seasons in portions of Unit 20E would be aligned with
29 Federal regulations in those portions of Unit 20E off the
30 road system. Federally-qualified subsistence users would
31 be provided that additional nine days of harvest
32 opportunity in the portion affected of Unit 20E outside
33 of the Preserve and in the Unit 20E remainder they'd be
34 given an additional five days of opportunity. There
35 would likely be an increase in the number of moose
36 harvested due to extending the season into the rut when
37 moose are more vulnerable to harvest.

38
39 The OSM conclusion is to support WP12-75.
40 The fall season dates would become more uniform off the
41 road system and it would provide additional opportunity
42 and the moose population appears healthy enough to allow
43 for a few more bulls to be harvested.

44
45 Thank you, Mr. Chair.

46
47 CHAIRMAN TOWARAK: Thank you. Any
48 questions of the Staff.

49
50 (No comments)

1 CHAIRMAN TOWARAK: I'm not hearing any.
2 Thank you for your report. We'll have a summary of the
3 public comments from the Regional coordinator.

4
5 MS. HERNANDEZ: Mr. Chair, there is one
6 written public comment in support of the proposal from
7 the Upper Tanana Fortymile Advisory Committee. I'd like
8 to thank Sue for bringing it to my attention that I
9 didn't have this in front of me.

10
11 They're in support of lengthening the
12 winter season and support the September 25th closing
13 date.

14
15 CHAIRMAN TOWARAK: Thank you.

16
17 MR. PROBASCO: Mr. Chair, I have no one
18 signed up for this proposal.

19
20 CHAIRMAN TOWARAK: I want to make sure
21 that there's -- are no public comments, public testimony
22 from those present.

23
24 (No comments)

25
26 CHAIRMAN TOWARAK: If not then we will
27 get recommendations from the Regional Chairs. Sue.

28
29 MS. ENTSMINGER: Thank you, Mr. Chair.
30 The Eastern Interior supported the proposal with
31 modification to leave that Unit 20E remainder season
32 dates unchanged. Council sees no conservation concerns
33 and feels that the proposal provides consistency among
34 multiple hunts. So on Page 337 they will -- propose to
35 leave 20E remainder as it is with the September 25th
36 closure. And I think the Advisory Committee, what you
37 read in the record, did the same thing.

38
39 CHAIRMAN TOWARAK: What you're proposing
40 then is to leave Unit 20E, middle fork of the Fortymile,
41 to August 24 to September 25?

42
43 MS. ENTSMINGER: Yeah, 20E remainder.

44
45 CHAIRMAN TOWARAK: Any questions from the
46 Board or Staff.

47
48 (No comments)

49
50 CHAIRMAN TOWARAK: Mr. Lohse.

1 MR. LOHSE: Southcentral supported this
2 proposal even if it isn't -- out of our area. We feel
3 there is no conservation concerns and it does -- it will
4 benefit the residents of that region and so we supported
5 this proposal.

6
7 CHAIRMAN TOWARAK: Thank you. Any
8 further comments.

9
10 (No comments)

11
12 CHAIRMAN TOWARAK: Thank you, Sue. And
13 we will -- Fish and Game.

14
15 MS. YUHAS: Thank you, Mr. Chairman.
16 Jennifer Yuhas, Alaska Department of Fish and Game.

17
18 CHAIRMAN TOWARAK: The Department
19 supports this proposal with the modification that you
20 just heard from the Eastern Interior RAC Chair. The
21 Department gave testimony at the Eastern Interior RAC
22 meeting and the Advisory meeting which was not available
23 at the Southcentral RAC meeting. We had a concern with
24 that area that -- in 20E remainder because it is road
25 accessible and you can find this on Page 339 in your
26 book. We had a significant increase in application for
27 permits from 20 to 30 a year to 200 last year. While not
28 all hunters were successful and while there hasn't been
29 an impact yet, we only want to leave that 20E remainder
30 to September 25th because of this increased interest.

31
32 CHAIRMAN TOWARAK: Any questions of the
33 State from the Board.

34
35 (No comments)

36
37 CHAIRMAN TOWARAK: Thank you for your
38 comments. InterAgency Staff Committee comments.

39
40 DR. JENKINS: Mr. Chair, the Interagency
41 Staff Committee submitted their standard comments on the
42 Staff analysis for this proposal.

43
44 CHAIRMAN TOWARAK: Thank you. The floor
45 is open for discussions with the Chairs and State
46 liaison.

47
48 (No comments)

49
50 CHAIRMAN TOWARAK: Not seeing any, we are

1 ready then for Board action.
2
3 MR. CRIBLEY: Mr. Chairman.
4
5 CHAIRMAN TOWARAK: Go ahead, Mr. Cribley.
6
7 MR. CRIBLEY: I guess I'd like to make a
8 proposal to support the -- well, to support the proposal
9 as modified by the Eastern Interior Council
10 recommendation.
11
12 CHAIRMAN TOWARAK: Hear the motion, is
13 there a second.
14
15 MR. VIRDEN: Second.
16
17 MS. PENDLETON: Second.
18
19 CHAIRMAN TOWARAK: Seconded by Gene, Mr.
20 Virden. Discussion.
21
22 (No comments)
23
24 CHAIRMAN TOWARAK: To me it's just a
25 matter of changing dates and coordinating dates and I
26 think it makes it more efficient.
27
28 MR. CRIBLEY: Mr. Chairman.
29
30 CHAIRMAN TOWARAK: Yes.
31
32 MR. CRIBLEY: I guess I'd call for a
33 question.
34
35 CHAIRMAN TOWARAK: The question's been
36 called for. Roll call, please.
37
38 MR. PROBASCO: Thank you, Mr. Chair.
39 Final action on WP 12-75 as modified by the Eastern
40 Interior Subsistence Regional Advisory Council.
41
42 Ms. Cooper.
43
44 MS. COOPER: Yes.
45
46 MR. PROBASCO: Mr. Cribley.
47
48 MR. CRIBLEY: Yes.
49
50 MR. PROBASCO: Mr. Towarak.

1 CHAIRMAN TOWARAK: Yes.
2
3 MR. PROBASCO: Mr. Haskett.
4
5 MR. HASKETT: Yes.
6
7 MR. PROBASCO: Mr. Virden.
8
9 MR. VIRDEN: Yes.
10
11 MR. PROBASCO: And, Ms. Pendleton.
12
13 MS. PENDLETON: Yes.
14
15 MR. PROBASCO: Motion carries, 6/0.
16
17 CHAIRMAN TOWARAK: Thank you. We will
18 continue on then with WP12-76. Staff analysis, please.
19
20 MR. McKEE: Thank you. This is -- again
21 this is Chris McKee with the OSM. Mr. Chair, members of
22 the Federal Subsistence Board and Regional Council
23 Chairs, the analysis for WP12-76 begins on Page 340 of
24 your meeting materials booklet.
25
26 It was submitted by the Eastern Interior
27 Alaska Subsistence Regional Advisory Council and requests
28 that the Red Sheep and Cane Creek opening to Federally-
29 qualified users within the Arctic Village Sheep
30 Management Area, the AVSMA, be closed. The proponent
31 states that the Red Sheep and Cane Creek drainages are
32 important subsistence and cultural areas for residents of
33 Arctic Village and that the influx of non-Federally-
34 qualified hunters and other users into these drainages
35 has interfered with the traditional uses and practices of
36 local residents.
37
38 The establishment of the AVSMA and the
39 opening and closing of the Red Sheep and Cane Creek
40 drainages to non-Federally-qualified users have been
41 before the Federal Subsistence Board some nine times
42 since 1991. In July of 2006 the U.S. Fish and Wildlife
43 Service submitted Special Action WSA06-03 which requested
44 that the closure to non-Federally-qualified users for
45 harvesting sheep in these two drainages be lifted during
46 the August 10th through September 20th portion of the
47 season. This request followed a commitment by the Board
48 to address the closure to all but Federally-qualified
49 users in the area following completion of a sheep
50 population survey. Results of this survey found that the

1 sheep population in these drainages was healthy so the
2 Board adopted the special action effective for the 2006
3 season. Subsequent to Special Action 06-03, the Alaska
4 Department of Fish and Game submitted Proposal WP-07-56
5 which requested lifting the Federal closure within the
6 Red Sheep and Cane Creek drainages. The Board adopted
7 this proposal in May, 2007 because sheep populations in
8 these drainages were determined to be healthy.

9
10 As mentioned surveys were conducted in
11 these areas in 2006, 2007 and 2008. Densities of sheep
12 varied from 1.7 sheep per square mile in 2006 to 0.8
13 sheep per square mile in 2007. In 2008 during a sheep
14 population composition survey 130 sheep in 20 groups were
15 observed with a ratio of 59 lambs to 100 ewes suggesting
16 good productivity. There are significant differences in
17 sheep abundance and distribution within the AVSMA,
18 specifically the region north of Cane Creek has supported
19 a sheep density approximately eight times greater than
20 the region between Crow Nest and Cane Creeks. This
21 probably related to differences in geology and
22 vegetation, shell formations that occur more commonly
23 north of Cane Creek support more vegetation and therefore
24 this area supports more sheep.

25
26 The data on reported use of the AVSMA by
27 Federally-qualified users is sparse and just how many
28 sheep are harvested by Federally-qualified users in the
29 area is not known. Compliance with the harvest permit
30 system is generally low for residents of Arctic Village,
31 a not uncommon phenomenon for parts of rural Alaska. A
32 total of six Federal permits to harvest sheep in the
33 AVSMA were issued between 1991 and 2004, none were
34 returned. And between 2005 and 2007, 27 Federal
35 registration permits were issued for the area, four sheep
36 were reported harvested and 23 harvest reports were not
37 returned. No permits were issued in 2008 and 2009 and
38 four permits were issued in 2010 and of these one sheep
39 was reported harvested.

40
41 Before I go on to the OSM's conclusion to
42 this proposal I'm going to hand over some discussion
43 about the cultural issues over to Dr. David Jenkins.

44
45 DR. JENKINS: Mr. Chair, David Jenkins
46 with OSM. In your blue folders you have maps of this
47 area, the sheep management area, so if you wanted to
48 refer to those that would be helpful as I speak. I'm
49 going to talk a little about some of the cultural
50 considerations in the analysis.

1 Of the five communities with recognized
2 customary and traditional use of Dall Sheep in Unit 25A
3 the residents of Arctic Village have the strongest ties
4 to the Red Sheep and Cane Creek drainages. Sheep hunting
5 is a longstanding tradition for Arctic Village residents,
6 most of whom are Gwitch'in Athabascan. Sheep are a
7 prestigious subsistence resource and providing sheep meat
8 to the community is highly respected. Sheep are also
9 known to be an important -- what in anthropology we call
10 a hunger food, that is a source -- a food source that is
11 critical when in this instance caribou are unavailable.
12 And the public record supports the fact that Arctic
13 Village residents have a long history of using Red Sheep
14 and Cane Creek drainages and that it continues to be a
15 culturally significant area and there's public testimony
16 and previous analyses which attest to the significance
17 and the continued use of Red Sheep Creek area for sheep
18 hunting. Because of the importance to this area
19 residents of Arctic Village have repeatedly argued that
20 it should remain closed to non-Federally qualified users.
21 And in the Eastern Regional Advisory Council meeting in
22 October there were 14 people who testified in behalf of
23 this -- about this proposal, six of them called in by
24 phone and eight testified in person. And the testimony
25 was in support of this proposal, that is of the closure.
26 And a summary of those comments can be found starting on
27 Page 349 through 350 of your Board books if you'd like to
28 refer to a summary of those comments.

29
30 And I understand we have a number of
31 Arctic Villagers here who will testify later on, but --
32 so that's -- I'll end those comments there and hand back
33 to Chris.

34
35 MR. McKEE: Thank you. Chris McKee
36 again. The OSM conclusion is to oppose this proposal.
37 Reinstating the Federal closure in Red Sheep and Cane
38 Creek is not supported by the available biological data,
39 although sheep populations in the area are lower than in
40 other areas of Alaska the most recent data we have
41 available does indicate good production. In addition
42 information on sheep harvest by Federally-qualified users
43 is lacking for the two drainages and there's been very
44 little reported hunting by local users since 1991.
45 Finally Federally-qualified users have a much larger
46 segment of the population available for harvest than do
47 non-Federally-qualified users and the opportunity to
48 harvest under Federal regulations extends until April
49 30th, providing these users with more than seven months
50 of harvest opportunity beyond the State's fall hunting

1 season.

2

3 That's the end of my analysis.

4

5 Thank you.

6

7 CHAIRMAN TOWARAK: Thank you. Are there
8 questions of the Staff.

9

10 Sue.

11

12 MS. ENTSMINGER: Thank you, Mr. Chair.
13 I just wanted to mention that I took the time to go
14 through the record and, David, I'm not picking on you
15 honestly, but I think there was 18 people that testified
16 at our meeting and I believe it was like, I don't know,
17 eight and something like that. There was more people
18 testified from online than that were present, something
19 like half and half or just a little over.

20

21 CHAIRMAN TOWARAK: Further questions.

22

23 (No comments)

24

25 CHAIRMAN TOWARAK: If there aren't any
26 then we will continue with the summary of public comments
27 from the Regional Council coordinator.

28

29 MS. HERNANDEZ: Mr. Chair, there was one
30 written public comment submitted in support of the
31 proposal from the Yukon Flats Fish and Game Advisory
32 Committee.

33

34 CHAIRMAN TOWARAK: Thank you. We'll open
35 the floor to public comments or anyone online that would
36 like to testify.

37

38 MR. PROBASCO: Our first person that has
39 signed up is Mr. Bob Childers. Mr. Bob Childers.

40

41 MR. CHILDERS: Thank you, Mr. Chairman.
42 My name is Bob Childers and I am the Executive Director
43 of the Gwitch'in Steering Committee. This issue's been
44 going on for a long time as has been mentioned. I've
45 been asked first to read a resolution, I didn't hear it
46 described, that was passed January 9th by the Native
47 Village of Venetie Tribal Government.

48

49 Whereas the Native Village of Venetie
50 Tribal Government IRA is the Federally recognized tribe

1 would make sense, this is the first area you begin to see
2 sheep and all the or many of the hunters going up in the
3 various places in the Arctic Refuge, either the Kongakut
4 or on the north side of the Hula-Hula, all fly through
5 that area and they tend to drop down and take a look,
6 it's the closest open hunting area and it's a lot cheaper
7 to hunt there if you see something than going further
8 north. Regardless there has been quite a lot of air
9 traffic in the area and it's become an very important
10 issue to the people in Arctic Village.

11
12 The area's also incredibly important not
13 just for sheep hunting, but for all sorts of other
14 cultural and family reasons. Several people in Arctic
15 Village were raised up in Red Sheep Creek, there's
16 allotments up there. It's become more difficult to go up
17 there in recent years both because of the cost of
18 aircraft and the time it takes to get up there and sheep
19 hunting's typically done in the fall when there's school
20 starting up and so forth. So the people who are
21 available to go sheep hunting at any particular time is
22 often not predictable at least when I've been up there
23 and I've been on a couple different sheep hunts,
24 subsistence hunts, with people there. Typically people
25 don't know who's going or if they're going until a few
26 hours before they leave.

27
28 As has been mentioned the permit system
29 that currently exists has not been effective in keeping
30 track of population. I -- the implication in the report
31 you have could even be that there hasn't been much sheep
32 hunting up there, but that's clearly not the case. I
33 know of several folks -- I haven't been up there a lot
34 the last five or six years until this last summer, but I
35 know there was several people who went out this year, I
36 don't know how successful they were. In previous hunts
37 though we've typically brought back between two or three
38 and five sheep. And I'm sure sometimes it's more than
39 that. The other thing is as well, there's a strong
40 preference for adults rams, the meat tastes stronger and
41 just people prefer it. For elders sometimes they'll want
42 a ewe or a younger animal that'll have -- just be easier
43 to eat frankly. And I believe the last reference they
44 had to the community harvest quota over time, I think,
45 might get us to a point where we could see some reliable
46 reporting, but right now both the requirement to get a
47 permit ahead of time which is viewed very suspiciously as
48 I'm sure you appreciate and the restriction on rams only
49 really don't perfectly match the practices that have been
50 in place there long before any of us were around.

1 I have one other comment I'd like to make
2 and that is that there's a -- this Board, I believe,
3 several years ago passed a closure policy that would make
4 any closures like this relatively temporary and have to
5 be revisited every three years. And while I guess we're
6 willing to come down however often we need to, it's --
7 from Arctic Village it's a very big expense and effort to
8 meet. You know, that looks pretty onerous going forward
9 to have to go through this every three years.

10
11 So I'd encourage, I think, a close
12 reading of the Staff report, actually suggests that
13 closing this to sports hunting, to making this a
14 subsistence only hunting area is well supported in that
15 report and I hope the Board will see fit to support this
16 proposal.

17
18 Thank you.

19
20 CHAIRMAN TOWARAK: Thank you. Are there
21 any questions of Mr. Childers.

22
23 Go ahead.

24
25 MR. VIRDEN: I had a question, you said
26 you went hunting up there or you went along subsistence
27 hunting in that area?

28
29 MR. CHILDERS: Pardon. Couple times,
30 yes, sir.

31
32 MR. VIRDEN: Did you fly or did you go by
33 boat?

34
35 MR. CHILDERS: We -- both times I went we
36 -- I flew in, not everyone did, but I flew in. And the
37 one time I brought a raft in and we floated the meat and
38 everything out.

39
40 MR. VIRDEN: Is it -- would you say that
41 the local subsistence hunters generally fly or would they
42 take a boat up there?

43
44 MR. CHILDERS: You can only boat to
45 within about -- a little south of Cane Creek, I know this
46 last year everyone went by boat, but in some years
47 there's been -- some of the pilots in the area are
48 friendly and sometimes take people in, you know, if
49 they've got an empty load they'll take folks up to Red
50 Sheep Creek or Cane Creek and drop them off. So it's

1 done either way, but in my own case I flew in both times.
2 And like I said this summer I know everyone that I heard
3 of that went hunting went by boat. So it varies. Most
4 people can't fly, you know, unless there's some other
5 reason for an airplane to go there where they can get up
6 there in the plane it's really pretty prohibitive.

7

8 MR. VIRDEN: Could you estimate how -- I
9 mean, the air traffic is up because of the sports hunters
10 in there, is it up.....

11

12 MR. CHILDERS: People -- I haven't been
13 on the ground up there very much in the last eight or
14 nine years so I can only report secondhand, but people's
15 impression is that it's up. There are some people who
16 have been there more recently who'll be testifying, I
17 think they'll be in a better position to.

18

19 MR. VIRDEN: Thank you.

20

21 MR. CHILDERS: The only other thing I'd
22 like to add to my testimony if I may is that the
23 gentleman who is summarizing the OSM report, mentioned
24 that the populations and the population data showed that
25 the population was healthy and that there was good
26 recruitment, but it also shows the overall population
27 hasn't really gone up in the period between when the area
28 was closed and when it was reopened, it's not, you know,
29 like it recovered or anything like that, that's really
30 become a conflict of uses, I think, and not really
31 biology.

32

33 CHAIRMAN TOWARAK: Thank you. Go ahead.

34

35 MR. HASKETT: So just maybe expand on
36 that to help me a little bit. I was at the RAC meeting
37 where this was covered and I heard a lot of testimony, it
38 was very moving testimony and it was kind of two major
39 areas I heard and one is very serious cultural concerns,
40 but also just kind of what you referred to just now is
41 the concerns about just the -- I mean, not the biological
42 part as much as -- well, I don't want to put it that way,
43 the concern that all the use up there was actually
44 keeping people from being able to successfully do their
45 subsistence harvest. So I just want to make sure I
46 understood that correctly, it seemed like they were both
47 kind of equal to me, what I was hearing from people.

48

49 MR. CHILDERS: Uh-huh. If I understood
50 your question correctly, when we first started addressing

1 this issue some years ago I went around and interviewed
2 everyone I could find in Arctic Village that happened to
3 be there that weekend who hunted up in Red Sheep Creek
4 and Cane Creek area and asked them just that question,
5 you know, just what -- what's the edge of the difficulty
6 here. And there was a lot of -- there was a lot of
7 things, but people felt they -- I don't know how to put
8 it, they didn't feel comfortable being there anymore.
9 There was folks in -- there was an airplane camp right
10 there at Red Sheep Creek, there's hunters in there, they
11 just felt really uncomfortable, not that there'd been --
12 there'd been a couple incidents, but nothing that was
13 very serious, but they just felt like it wasn't that big
14 a place, that they couldn't go there. They talked about
15 -- one of the things that was repeated again and again in
16 those interviews was something like, you know, we don't
17 know who those people are, we don't know who their
18 parents were, we don't know where they came from and we
19 don't know what they're going to do. And people -- you
20 know, there was a couple incidents where people may have
21 felt threatened, those incidents get passed around. When
22 we started doing that -- those interviews people hadn't
23 -- several of the people I talked with hadn't hunted in
24 Red Sheep Creek in several years. And when I asked them
25 why it was always the same reason, they just didn't feel
26 like there was enough room for them there anymore.
27 There's also a number of cultural sites in the valley,
28 only some of them have been shared with me, most of them
29 apparently are not shared with non-Gwitch'in at all, but
30 there was also an expression of concerns about, you know,
31 people disturbing areas that were really important to
32 them without being too specific if I may.

33
34 The other kinds of conflicts that are
35 more kind of biologically responses really had to do with
36 activity and planes, it's hard to say which contributes
37 more, we suspect planes, but essentially keeping the
38 animals higher up in the mountains. Most of the folks I
39 hunted with at least at that time were still, you know,
40 went out in tennis shoes and just didn't go up into the
41 -- as high a place and as rugged an area as some of the
42 sports hunters would. And there was -- they just
43 couldn't play on the same ground if you will. And when
44 we went up there we were lectured about the importance of
45 moving carefully in the mountains and not being hurt and
46 they mentioned that Cane Creek was named or at least at
47 that time people thought of it as an area because of its
48 steepness that you should always carry a walking stick,
49 a cane, when you're walking just for safety. And so --
50 but anyway they instructed us not to go into the high

1 areas that sports hunters may well go because they didn't
2 feel like that's the, you know, proper way to move in the
3 mountains and the proper way to be.

4
5 The thing with airplanes -- another thing
6 that seems to happen with airplanes and it may just be
7 weather related, but there was a lot of comments in past
8 testimony about planes coming down and flying in that
9 area really very low and making it hard if you're hunting
10 for moose or even other animals even at the main fork or
11 the east fork of Chandalar rather than actually being in
12 the smaller side valleys.

13
14 And I hope that was responsive to your
15 question, Mr. Haskett, I kind of meandered around there
16 a bit.

17
18 MR. HASKETT: No, that was helpful.
19 Thank you.

20
21 MR. LOHSE: Mr. Chair.

22
23 CHAIRMAN TOWARAK: Go ahead.

24
25 MR. LOHSE: Could I ask a couple
26 questions. You know, they -- we're talking about the
27 population of the sheep, you know, adequate lamb
28 production and everything else, but would you -- from
29 what you've heard has the age of the sheep gone down, I
30 mean, are there -- within the increase in hunting and
31 everything are there less adult rams or should we say
32 full curl rams, seven-eighths rams, something like that?

33
34 MR. CHILDERS: I don't know.

35
36 MR. LOHSE: You don't know.

37
38 MR. CHILDERS: I know that this year they
39 saw -- one of the parties saw four or five nice rams
40 altogether and took one of them, but it was so far back
41 they -- they had about a 12 or 14 mile walk so they only
42 took one. But I don't know for.....

43
44 MR. LOHSE: And I'd just make a comment
45 on your -- what you were saying about the
46 uncomfortableness. I know from being around I'll say
47 long term residents of Cordova who are used to hunting,
48 if there's somebody else's boat there or somebody else is
49 in the valley, they don't go hunting there, you know, you
50 don't -- the average subsistence user is not into combat

1 hunting or combat fishing, if there's somebody else there
2 you go someplace else and if there's no place else to go
3 you go home. And I could understand that very fully for
4 -- from a village standpoint out there, this is a place
5 that you've been used to going and there's somebody else
6 going, you don't go hunt on top of them, you.....

7

8 MR. CHILDERS: Uh-huh.

9

10 MR. LOHSE:you know, you wait until
11 there's nobody else there. And that would be very
12 understandable to me.

13

14 CHAIRMAN TOWARAK: Thank you. Are there
15 any other questions.

16

17 (No comments)

18

19 CHAIRMAN TOWARAK: Thank you for your
20 testimony, Mr. Childers.

21

22 MR. CHILDERS: Thank you, Mr. Chairman.

23

24 MR. PROBASCO: Next, Mr. Chair, we have
25 Mr. Giddeon James. Mr. Giddeon James.

26

27 MR. JAMES: Thank you. My name is
28 Giddeon James, I'm from Arctic Village. I lived in
29 Arctic Village most of my life. I have many years of
30 experience in working with the tribe in Native Village of
31 Venetie, something like 30 years. And I'm also today --
32 next month I'll be 73 years old.

33

34 I want to bring the exposure to you
35 people that are here that -- to talk about sheep
36 management, but what I wanted to focus on is true, for
37 you to understand the community of Arctic Village and
38 what do they do and also the history and also the
39 activity of the -- related to the lifestyle up there, the
40 trad -- the way we live. And also other important issue
41 that address in this transcript that they hold a hearing
42 in Fairbanks and each of you need to review these things
43 on trespassing on allotments. And so the allotment's
44 owner came forward and testify. So that's a other issue
45 that I wanted to address.

46

47 And other thing is that we live in Arctic
48 Village, it's pretty closeup to Brooks Range and the cost
49 of living is one of the things that I wanted to hear --
50 I wanted you to hear. Arctic Village is located like I

1 said up on Brooks Range on the east -- east fork of the
2 Chandalar River, it kind of extend over to the east and
3 then go directly north. That's where Arctic Village is
4 located, pretty close to the Brooks Range. It's -- we
5 have a school, we just built a new school not too long
6 ago because we have -- we have up to 50 to almost 70
7 students at one time. So we are lucky to get new school.
8 And it's -- Arctic Village is really a peaceful
9 environment, peaceful place to live, you know, our kids
10 treasure the land that we have. And our elders sort of
11 encourage them in carry out the activity that our
12 forefather did in the past, you know. And like me in my
13 boyhood days, you know, my grandfather took me a lot of
14 places, you know, Native people all over are like that.
15 So Arctic Village is another one of the villages that
16 really treasure their history, their setting and they
17 respect that. Like I said our kids behave themselves, our
18 kids very seldom they get into trouble. And what I'm
19 saying is that I think understanding the land value has
20 large things to do with it because they do -- we do have
21 really good behaved kids. And Arctic Village have a
22 store, have a Native store that have basic necessity that
23 we -- that we buy.

24
25 Going into the issue of Red Sheep Creek
26 is -- Cane Creek when you look at the map -- when you
27 look at the map and look and see how the valley is
28 situated, it's very narrow, it's narrow on the east fork
29 and when the -- when the east fork and Cane Creek comes
30 out it's less than a mile across someplaces. And the
31 people that are -- that goes there actually they got
32 trails (ph) for trespass on those allotment, you know,
33 they have no other way. So I know for a fact that I
34 spent a lot of my time out in the woods in my younger
35 days and my adult life and every time you walk on the
36 ground two or three times over you develop a trail.
37 That's what hap -- that's what's happening up there. And
38 you need to understand that. You need to understand what
39 the traffic that we're talking about, it's not -- it's
40 not that we are greedy people, we have -- like I said we
41 are -- we live in peace and we don't allow several things
42 in our village like alcohol and drug, but, you know, like
43 I said we are a really peaceful people, we take care of
44 our household, we -- they raise their family in a real
45 healthy environment. So I'm really fortunate to be able
46 to live my life in that area because it is a really good
47 place to live.

48
49 Cane Creek and Red Sheep Creek is a
50 historical place for my people. Like I said in my

1 boyhood days my grandfather actually didn't take me over
2 there, but they have success on the ground -- on the land
3 further down, that's where I spent my really early
4 boyhood days and I -- we still go there. Our younger
5 people -- we take our younger people there and explain to
6 them that this has been carried on for generations,
7 generations. And Cane Creek and Red Sheep Creek is one
8 of our historical places that our people have traveled
9 to, you know, they don't actually go there every year
10 but, you know, they know that the sheep is there to --
11 for them when they need it. And the testimony that --
12 that happened in the transcript that sheep meat is
13 delicacy to Gwitch'in people, it's -- there's several
14 species that are like that to Gwitch'in people, they're
15 sort of like a medicine, you know, for elders, especially
16 elders, it's just like a medicine to them. It -- some
17 like their spirit lift up when they, you know, we know,
18 you know. I mean, most of our Native in Alaska are like
19 that, you know, every time they get their special food,
20 their spirit lift up especially the older people. You
21 got -- you have to understand, you know, they live in a
22 age where technology is upon us, but, you know, but it
23 also sometime hurt our health and usually it happens to
24 our younger people. So I encourage you to think
25 seriously about, you know, the way these people live and
26 depend on.

27
28 So we're talking about traffic that are
29 disturbing the subsistence way of life, that's true.
30 That's true. When you look at the map and the -- one of
31 the allotments has a airport on it and I don't know how
32 many years they had the airport on it. And noticing too
33 that these allotment owners they came forward and in this
34 transcript and testify that those are their land, those
35 are the land that they were given to by their ancestor,
36 you know. We're not asking much, we're just -- we like
37 to keep our family in the peaceful manner and be able to
38 provide them with good food from the land and continue to
39 do that. But when these aircraft, when they go up there,
40 they don't actually only fly to Red Sheep Creek, they
41 don't do that, they fly somewhere else and our hunters
42 spot them, it's about three -- five or six miles out of
43 -- out of the course and those things happen. Those
44 things happen and it happened to me a couple times. I
45 was up on the mountain one day early in the morning to
46 pick up that meat, pick up -- I shot a caribou so I went
47 up there with a four-wheeler to pick it up and here comes
48 a Supercub, you know, a Supercub. Soon as he saw me he
49 just make a circle and took off, that's what they do.
50 They land on a -- they land on the river, on the lakes

1 with -- with the floats and they land on the mountain,
2 you know, they got big wheels, they can -- they can land
3 just about anywhere. We're talking about traffic that's
4 out of control, you know. And the valley that I'm
5 talking to you about, the valley that we go hunting, is
6 very narrow, it's only like at the most about three miles
7 across. But Red Sheep Creek is really narrow, Cane Creek
8 is really narrow. They have to come down in the valley
9 to approach their airport. And they do disturb the
10 animals, they do. And I'm telling you that I would --
11 no, we go hunting part of the way up, you know, it's
12 shallow water and to -- you know, for that it's too
13 shallow. And back in '97 -- '97 I shot two moose, you
14 know, there's more. You know, there's more walking
15 around, but we only need two, you know, and I had some
16 little -- teenager boys with me. So we turned around and
17 went home with the two moose. That was in '97. And then
18 back in 2003 we went up there further and we noticed
19 that, you know, there's more -- there are animals up
20 there. But after that, after that reopen the place
21 everything went down, you know. People notice that, you
22 notice, when they send tracks they know how old it is,
23 they see tracks they know how old it is. And there's
24 none. Just like elders that testified from Mountain
25 Village, he is right, it's happening all over. The one
26 from Fort Yukon, it's happening all over. It's happening
27 all over. In the State of Alaska we have the resource
28 that we don't take care of, we don't manage, we need to
29 start doing that. I'm sorry, but we need to be
30 responsible and we live in Alaska, we have family in
31 Alaska and our kids go to school in Alaska and
32 everything, you know, that's where we should approach it.

33
34
35 So cost of living -- cost of living
36 again, I'm going to tell you that it costs lots, it costs
37 -- everything is flown in into Arctic Village, we don't
38 have no barge service. The gallon of gas costs \$10 for
39 about three, four years now. And it's not only in Arctic
40 Village, there are some places in Alaska it's like that
41 too. So like quart of oil, quart of oil will cost you
42 \$10 in Arctic Village. So that means every time you go
43 out and make a plan to go hunt and you don't get nothing,
44 you don't get anything then it sets you back. That
45 budget that you have is all, it's -- you're going to have
46 to modify it somehow. So lot of things, lot of family is
47 -- their budget is mostly going towards the energy costs.

48
49 So what I mean is that if -- if we
50 continue to this type of activity going on, you know,

1 there's -- I mention school, I mentioned the store and I
2 mentioned, you know, in the setting. Lot of things will
3 not be the same anymore and tell you the truth, there's
4 some community in Alaska that in that situation. We have
5 wheelchair (ph) people out there, you know, not everybody
6 hunts, some people they get interested in the working,
7 some people get interested in the raising of family and
8 some people get interested in hunting. So in Arctic
9 Village we have about two or four good hunters, they're
10 very good hunters, that's what we have. So we share and
11 we share with other village, we share with Fort Yukon, we
12 share with Venetie and things like that we do. And I'm
13 telling you that we're not greedy people. And another
14 thing I wanted to mention is that even hunter like in
15 Fairbanks or somebody that lives in Fairbanks has
16 opportunity to hunt and what they do is that they always
17 say they fill up the freezer, you know, and that's good.
18 Their budget will be really -- will be secured, you know,
19 but out in the village is different story.

20

21 CHAIRMAN TOWARAK: Are you close to
22 wrapping up?

23

24 MR. JAMES: Am I talking too long?

25

26 CHAIRMAN TOWARAK: We'll listen to what
27 you have to say but we also have other business to take
28 care of.

29

30 MR. JAMES: Okay. I just come to you to
31 say that, you know, how important my community is, that's
32 -- so I conclude with that. Thank you very much.

33

34 CHAIRMAN TOWARAK: Thank you very much,
35 Mr. James, for your -- the information that you gave to
36 us. Are there any questions for Mr. James.

37

38 (No comments)

39

40 CHAIRMAN TOWARAK: Thank you very much
41 for your testimony.

42

43 MR. JAMES: Thank you again.

44

45 MR. PROBASCO: Mr. Chairman, we have two
46 more individuals that would like to testify. The next is
47 Mr. Percy Herbert. Mr. Percy Herbert.

48

49 MR. HERBERT: We're talking about sheep
50 not, right. Well, there used to be sheep in between Fort

1 Yukon and Fairbanks on the mountains when I was a kid and
2 now when I travel back and forth with a plane between
3 Fairbanks and Fort Yukon I don't see sheep there no more,
4 they wiped them out. They used planes to do that. So
5 I'm against people hunting with planes. And nowadays
6 they got planes that they got these big balloon tires
7 where they could land anywhere. So them animals don't
8 have no chance against these hunters anymore. It's not
9 even a sport when you land by a sheep and it's just right
10 there. So they got no chance no more. So I'm against
11 hunting with planes.

12

13 Thank you.

14

15 CHAIRMAN TOWARAK: Thank you, Mr.
16 Herbert. Any questions.

17

18 (No comments)

19

20 CHAIRMAN TOWARAK: Go ahead.

21

22 MR. PROBASCO: Thank you, Mr. Chair. Our
23 last person to testify on Proposal 76 is Mr. Aaron Tritt.
24 Mr. Aaron Tritt.

25

26 MR. TRITT: Thank you. Good morning, Mr.
27 Chairman and your fellow Federal and State panels and
28 ladies and gentlemen. My name is Aaron Tritt, I was the
29 -- born in Arctic Village, I grew up in the '60s, 1960s.
30 At that time we were dependent on traditional hunting --
31 Native hunting and fishing values even in those days.
32 And that wasn't very long ago.

33

34 My Gwitch'in founding fathers has been
35 living off that land with respect since Adam and Eve,
36 since the beginning. I think the Alaska Native people
37 are the chosen people to be a keeper of the land. And I
38 think you should consider them to manage their
39 traditional hunting and fishing and their respected
40 areas. So I -- therefore I submit my recommendation and
41 I agree to shut down the sheep management area north of
42 Arctic Village known as Red Sheep and Cane Creek area.

43

44 I'm trying to summarize some of the
45 things that are said here and some of it doesn't relate
46 to sheep hunting. For instance my vision for the twenty-
47 second century is that the Alaskan rural villages to be
48 even stronger and more powerful in their effort to secure
49 Alaska Native hunting and fishing policies to enforce our
50 traditional fishing and hunting regulations. Those I

1 believe will ultimately benefit everybody including the
2 sheep hunting areas. I believe that we as a people today
3 sitting here facing each other that we're at a crossroad
4 and that there's definitely no room right now in this
5 State or even across this country for discrimination or
6 to be divided on issues that will affect us and our next
7 Native generation. To create some kind of alliance
8 between the Federal, the State and the Native people of
9 Alaska, to prevent us from going backwards, you know, 50
10 years backwards, but to go forward as civilized Americans
11 and to be reasonable and to be honest about our effort,
12 you know, as Americans, not only Natives and non-Natives,
13 but Americans.

14

15 I believe or I guess I know that the land
16 claim is unsettled, there are some sections that needs to
17 be talked about and finalized and bring before congress.
18 There are traditional laws, State and Federal laws, that
19 are complicated, complex and we haven't even started yet.
20 The -- I believe the Federal, State and Alaska Native
21 should speak with one voice, as one people to make sure
22 that the Alaska Natives are in control of managing their
23 own land and regulations.

24

25 And the last thing that I think is really
26 stressful up in our area, the (in Native) area, is
27 airplane traffic in the summertime, even in -- sometimes
28 in the winter, I guess, and sport hunting and wolves and
29 climate change, all that puts a lot of pressure on
30 animals, especially the sheep, it's surrounded, it has
31 nowhere to go. There's competition over the sheep
32 through traditional and, I believe the traditional usage
33 is important. And like Gideon said that there's planes
34 flying all over the place, not only in Red Sheep area and
35 including on the allotments. So I can only stress the
36 Committee here that we need to take control of the
37 wildlife management and prevent over harvest in
38 everything we do, take control of air space to ensure
39 healthy populations for the next -- population of animals
40 for the next generation of Alaska Natives.

41

42 With that I'll be happy to answer any
43 questions.

44

45 Thank you.

46

47 CHAIRMAN TOWARAK: Thank you, Mr. Tritt.
48 Are there any questions of Mr. Tritt.

49

50 Go ahead.

1 MR. REAKOFF: Well, Mr. Chairman, Mr.
2 Tritt. You've hunted up there at Red Sheep and Cane
3 Creek and I'm wondering is there mineral licks there or
4 why are there so many sheep right around there, is it
5 just better country, is that where people go where sheep
6 are concentrated because of minerals or why is that?
7

8 MR. TRITT: It's -- throughout Gwitch'in
9 history that there's been enormous respect for animals
10 and their respected areas and respect for their
11 population. And there's also -- they go down to the Red
12 Sheep Creek area and there's some salt with minerals that
13 they enjoy down there. And that's where the wolves and
14 all the other animals that come and that puts pressure on
15 them also. And it's safe to say that the Gwitch'in
16 people that's related their effort to minimize and
17 stabilize the population of the sheep in that area.
18

19 CHAIRMAN TOWARAK: Thank you.
20

21 MR. TRITT: Thank you.
22

23 CHAIRMAN TOWARAK: Any further questions.
24

25 (No comments)
26

27 CHAIRMAN TOWARAK: Thank you, Mr. Tritt.
28 Do we have anyone online.
29

30 OPERATOR: No one online.
31

32 CHAIRMAN TOWARAK: That concludes the
33 public testimony. We will move to the Regional Council's
34 recommendation.
35

36 Sue and.....
37

38 MS. ENTSMINGER: Yeah, thank you, Mr.
39 Chair. This is a -- there was a lot of people at our
40 meeting that testified and on teleconference. We gained
41 a lot of information. This was brought forth by our
42 Council. I will say we -- this -- we were in Arctic
43 Village in 2006 when it was considered to be open and we
44 heard a lot of testimony then, you see a lot of the same
45 faces here. The Council supported the proposal, the
46 Council sees -- we have the standard word here, sees no
47 conservation concerns, but I guess we did, finds that the
48 proposal enhances the ability of the residents of Arctic
49 Village to pursue subsistence opportunities and may
50 reduce incidents of trespass and resource damage. The

1 Council appreciated the extensive information provided
2 during our public testimony and recognized the powerful
3 connections between residents of Arctic Village and the
4 subject area as one that is deeply culture rooted. The
5 Council was compelled by extensive and detailed public
6 testimony.

7
8 And I wanted to add a few things. In
9 looking back on the transcripts several people talked
10 about low flying aircraft disturbing the animals and then
11 there was concern about data. CATG works surveys and
12 tries to work with the Fish and Game in conjunction with
13 the surveys. It was stated that maybe the data that is
14 provided is inaccurate for the amount of people that may
15 have hunted there that's not reported. There was some
16 discussion about the people being a paperless society,
17 that maybe they're not even getting hunting licenses so
18 it's not reported. And we did have some testimony from
19 Sara Jane, she gave a great history which is in our
20 packet here about sheep and their -- the different --
21 their respect for the animal and she said something about
22 there's a red rock there, that's how they got the name of
23 Red Sheep. It was very interesting information.

24
25 I'm seeing if I forgot anything. I think
26 I covered it.

27
28 Thank you.

29
30 CHAIRMAN TOWARAK: Thank you. Are there
31 any questions of the Chair.

32
33 (No comments)

34
35 CHAIRMAN TOWARAK: Thank you, Sue.

36
37 Rosemary.

38
39 MS. AHTUANGARUAK: The North Slope
40 Regional Advisory Council supports the closure to non-
41 Federally-qualified users. The amount of time travel by
42 rural residents is a concern due to the distance required
43 to travel and the cost of fuel. Subsistence users are
44 concerned that non-Federally-qualified users are
45 interfering with subsistence uses, particularly the
46 people of Arctic Village. We had some good testimony
47 yesterday related to this from people on the North Slope.
48 I provided testimony myself related to this. I noted on
49 the sheep that my uncle had caught the red on the fur
50 from their consuming the licks and I asked those

1 questions and then he shared me that information of that
2 area and how they go into that area. Some of the
3 information that's brought into the packet shows their
4 importance of the medicinal usage and how it helps our
5 elders. For me I'd like others that are looking at this
6 thing, if you were to go to the store and you had to have
7 a plane landing on the side of your vehicle before you
8 walked into the store, would that impact you. If you had
9 to go out and try to think about trying to go to the
10 store and you had a plane between you and the store and
11 you had to bring all the food back to your village how
12 does that feel to you in your thoughts of assessments.
13 In Nuiqsut we commented tremendously about how some of
14 these activities were impacting our traditional and
15 culture usage of areas and our ability to harvest. When
16 you have increased flight activities, in Nuiqsut it was
17 over 1,900 flights, it changes the way the animals use
18 the area. And just as people testified how planes can
19 affect the animals in that area, it affects us.

20

21 But it's a greater issue that's in there
22 beyond just the biological numbers of these animals. The
23 importance for our traditional and cultural use is the
24 medicinal values of support for the elders and there are
25 important foods that give them the vitality of
26 nourishments that's important for them to remain healthy
27 and to get that extra boost in the wintertime is really
28 important. And these kinds of things cannot be expressed
29 strongly enough in words when you're carrying these
30 burdens in our efforts to feed our families and in our
31 villages. So we hope that the consideration looks at the
32 impacts to the people that are trying to continue
33 activities as their elders have taught them through the
34 generations, to continue a lifestyle that's important
35 with a variety of resources that are needed to keep our
36 families healthy and the foods that we need to continue
37 to consume, that we look at the issues that are before us
38 and how it is more than just a number issue, it's the
39 reality of our actual ability to harvest and feed our
40 families.

41

42 CHAIRMAN TOWARAK: Thank you. Are there
43 any questions of Rosemary.

44

(No comments)

45

46

47 CHAIRMAN TOWARAK: I've got a question
48 not necessarily for Rosemary, but maybe they might want
49 -- both her and Sue might want to comment on. I don't
50 recall us looking at the other alternatives considered.

1 Would the Staff please comment on that section.

2

3 MR. McKEE: Would you like me to describe
4 those alternatives or.....

5

6 CHAIRMAN TOWARAK: Yes.

7

8 MR. McKEE: Okay. We looked at three
9 alternatives to the closure to non-Federally-qualified
10 users, a 10 day season extension for Federally-qualified
11 subsistence users, removing the ram restriction to allow
12 for the harvest of any sheep by Federally-qualified
13 subsistence users and establishing a community harvest
14 system.

15

16 The -- one alternative to closure, the
17 season opening, would be to move the season opening from
18 August 10th to July 31st. Arctic Village residents have
19 stated that the influx of non-Federally-qualified users
20 is displacing sheep to higher elevations, making it more
21 difficult to get at the animals for harvest however the
22 timing of the season extension may not be preferred by
23 Arctic Village residents as they generally harvest sheep
24 in the early fall or early winter. Concerns have also
25 been raised by Arctic Village residents in the past that
26 opening the season too early makes it too hot to care for
27 sheep meat adequately. The removal of the ram
28 restriction for Federally-qualified subsistence users
29 would increase harvest opportunity by providing a less
30 selective harvest. Federal regulation currently allows
31 for the harvest of two rams within the Unit 25A Arctic
32 Village Sheep Management Area, there's a lack of
33 population and harvest information for sheep in the
34 drainages in question which affects the ability of
35 managers to monitor the impacts of harvesting ewes. In
36 2008 as I mentioned earlier the population showed good
37 productivity with a ratio of 59 rams to 100 ewes.
38 However this is -- we're going on three year old data
39 now, it would not be advisable to liberalize a harvest
40 that includes the harvest of ewes which have a
41 reproductive value than rams. In addition Federally-
42 qualified subsistence users have more harvest opportunity
43 than non-Federally-qualified users while State
44 regulations have a harvest limit of one ram with a full
45 curl horn or larger.

46

47 The establishment of a community harvest
48 system was the third alternative we looked at. It would
49 allow Federally-qualified users to harvest sheep in a
50 manner more consistent with customary and traditional

1 practices of village residents. Members of the community
2 with a community harvest system do not have individual
3 harvest limits. All harvest, both State and Federal, are
4 combined for the community. A community harvest system
5 can create a more efficient and less costly hunt as
6 multiple sheep could be harvested in one trip. A
7 community harvest might also help to address low
8 compliance with harvest reporting as typically a hunt
9 administrator will be responsible for ensuring that all
10 harvests are reported. This alternative was not further
11 considered because the community harvest system, we feel
12 it should not be implemented without more information on
13 harvests and discussions with members of the community to
14 establish such a harvest limit. If the Eastern Interior
15 Regional Advisory Council, Arctic Village residents and
16 the Arctic Refuge support this alternative then a
17 community harvest limit should be proposed for
18 consideration by the Board.

19
20 That's a full description of the
21 alternatives.

22
23 CHAIRMAN TOWARAK: Are there any
24 questions. Sue.

25
26 MS. ENTSMINGER: Well, I might add that
27 at the Eastern Interior meeting in 2006 we were
28 challenged, you know, on this opening and it was
29 recommended to the State that they put that area on a
30 permanent draw and limit the amount of hunters that could
31 go in there, but that didn't happen within the State.
32 That was one of the things they talked about and I -- and
33 I'm noticing -- well, let's -- I remember at our meeting,
34 it's you're, you know, the Chair, you try to do a good
35 job, keep things in order and have your public testimony
36 and then go to the Staff reports and evidently a Refuge
37 person didn't raise his hand and didn't bring the data
38 forward on this report that he wanted to bring forward.
39 And then we allowed him to bring it forward after we
40 voted on it. But it was just a lot of information and
41 stuff that came up and I was just highlighting some of
42 this stuff here. There was -- I mean, maybe I'm getting
43 out of line here, but I just -- is it okay to just report
44 this, I failed to do that earlier. But I guess there
45 were some incidences where in the Refuge or in that area
46 south of Cane and Red Sheep Creek where people thought
47 they were in the -- those two drainages, but they were
48 down south and they were -- they had actually sheep
49 hunted. This would be non-locals, there's two incidences
50 in 2010 where residents had gone up there with their

1 airplanes and shot sheep and were busted with that. And
2 then -- and he talked heavily about that trespass in his
3 report and he thought it was important that we bring it
4 to the record and that's why we listened to it.

5

6 So I just wanted to add that too.

7

8 CHAIRMAN TOWARAK: Any comments.

9 Rosemary.

10

11 MS. AHTUANGARUAK: I know that this is a
12 difficult one to consider when you're not at the table
13 where you're having the impacts to the harvest. We know
14 that there's a lot of pros and cons to this discussion
15 and it's a heavy discussion for you guys to weigh upon
16 your shoulders when you've got your Staff recommending
17 that things are just fine, but you've heard the
18 tremendous amount of testimony that things are not just
19 fine. Changing the dates are not going to affect the
20 problem if we're not affecting the land conflicts that
21 are occurring. You note on the calendaring that there's
22 a lot of time available for them, but because we're not
23 protecting their activities that they're trying to do
24 within these area and their traditional and cultural uses
25 they're not successful in the process. So we hope you
26 take that into strong consideration.

27

28 CHAIRMAN TOWARAK: Thank you. Any
29 questions from Board members.

30

31 (No comments)

32

33 CHAIRMAN TOWARAK: I've got a question
34 that -- I don't know, it might be out of place, but have
35 we ever considered disallowing airplane hunting in that
36 area?

37

38 MR. McKEE: Mr. Chair, I'm -- I don't
39 recall that coming up. I don't think I found anything
40 about that when I was looking through the regulatory
41 history. I don't believe that's been a consideration up
42 to this point.

43

44 CHAIRMAN TOWARAK: I know you wouldn't be
45 able to answer it just as an individual, but maybe you
46 could, but is that an option?

47

48 MR. McKEE: I don't know if I'm qualified
49 to ask that -- answer that question so I can't -- I don't
50 want to say or yes or no when I don't really know.

1 CHAIRMAN TOWARAK: Thank you. Any other
2 comments from others.

3

4 MR. REAKOFF: Mr. Chairman.

5

6 CHAIRMAN TOWARAK: Jack.

7

8 MR. REAKOFF: I live in the Brooks Range
9 also, I'm in the adjacent Game Management Unit 25A and I
10 feel that I have to comment and bring to the attention of
11 the Board some of the other issues that I did not hear
12 displayed. Because of the closures in southern Alaska
13 there's been a vastly expanding pressure against the
14 Brooks Range sheep populations and will continue this
15 next year to exacerbate. The Happy Valley runway was
16 covered in Supercubs and guides that hunted over there on
17 the North Slope had never seen that kind of hunting
18 pressure. This Red Sheep area, all of those drainages on
19 the eastern Brooks Range are going to be continuing to
20 build and there was a 45 and something inch sheep killed
21 in the Arctic Refuge to the north of this area, that's --
22 there's all kinds of discussion in the Fairbanks'
23 newspaper about going to the Brooks Range to hunt sheep.
24 So the bottom line is the sheep hunters can fly fuel into
25 Arctic Village and stage from there and aircraft hunters
26 can locate the sheep. And they have the huge advantage
27 of knowing where the sheep are at on the opening day of
28 sheep season. The displacement of subsistence hunters is
29 that those -- all those planes there, it's ingrained in
30 people you don't go where someone else is hunting. And
31 so you don't -- you're not going to compete with these
32 people. That's why I asked that pointed question of
33 what's the thing about this Red Sheep. There's mineral
34 licks there and the sheep concentrate. Rams stay in ram
35 groups and so it just takes one hunting party to displace
36 all the rams. They start shooting up a bunch of sheep,
37 all the other rams are with that group and especially in
38 the season, they really -- a lot of rams will be staying
39 in the same area together. And so there's some real
40 problems on the horizon for this area whether you address
41 it now or next round, it's going to keep coming back
42 again because the sheep hunting pressure on the Dalton
43 Highway is a lot worse than this, but I can see that this
44 is going to continue to build.

45

46 Some of the options that were not
47 presented may be closure of those areas until September
48 1 or a later date than the opening. That doesn't allow
49 the hunters to hunt -- there's this opening day syndrome,
50 everybody's got to get there on the opening day. And so

1 if you don't allow hunters, non-subsistence hunters to
2 hunt on the opening day, that's the main stress period.
3 They'll be hunting somewhere else. If you displace them
4 for a 10 day period or a 20 day period until the end of
5 August you would have -- basically alleviate a lot of the
6 local people's stresses. I don't know that you can close
7 it to aircraft hunters because some people are using
8 aircraft, local people are using aircraft. You could
9 open the season earlier, but it is hot and water levels
10 in late July can be low to access that area. But I do
11 want the Board to be aware that there's a building
12 problem with Dall sheep in the Brooks Range and you're
13 going to hear more and more. We will be submitting
14 proposals for regulatory change for the Dalton Highway
15 Corridor Management Area in this next upcoming wildlife
16 round.

17

18 And so I wanted to bring those before the
19 Board's attention about Dall sheep that they're not like
20 moose, they're not scattered randomly around, Dall sheep
21 run around in herds and they look -- and the younger
22 sheep look to the older rams for leadership. Older rams
23 have more meat, they have about 20 percent more meat than
24 even a seven-eighths or three-quarter curl ram so they're
25 -- the older rams are actually sought because they have
26 more meat, you get more bang for your buck or meat for
27 your bang rather.

28

(Laughter)

29

MR. REAKOFF: Thank you, Mr. Chair.

30

MR. LOHSE: Mr. Chair.

31

CHAIRMAN TOWARAK: Go ahead, Mr. Lohse.

32

33 MR. LOHSE: I think Jack hit on something
34 that's very apprapo to subsistence hunting in general and
35 something that you hear from subsistence hunters and from
36 people that are actually looking at game as meat. And it
37 really shows up even, I was looking on Page 350, when it
38 was talking about the Gwitch'in names for the months and,
39 you know, they have the Gwitch'in name for November means
40 sheep, the name for September means moose, the name for
41 October means caribou. And the idea of opening a season
42 earlier for subsistence hunters just doesn't make any
43 sense to me at all because the idea is you're trying to
44 get good meat, you're trying to take care of the meat.
45 And Jack's idea of delaying the season, if you stop and
46 think about it, if you're coming from someplace else,

1 there's a lot of times I know in the Wrangells we have
2 snow on the 10th of August up on the mountains and by the
3 end of August you can pretty well count on it. This
4 makes it a little bit harder for somebody flying in to
5 hunt if you delay the season. The subsistence hunter's
6 probably wanting to hunt as late as they can, not as
7 early as they can. And one of the reasons that you'd
8 have November meaning sheep is in November sheep are down
9 at the bottom of the mountain, they're not up on top of
10 the mountain which makes them much more accessible to a
11 subsistence hunter and if you delayed it the average non-
12 resident or resident hunter that's going to be flying in
13 is going to think twice about coming in the 10th of
14 September than they would the 10th of August because --
15 just because of weather factors. The locals can -- the
16 locals can count their days, they can look for a break in
17 the weather or something like that, but if you're
18 planning a two week trip or a 10 day trip to go sheep
19 hunting you really don't want to plan that 10 day trip on
20 the 10th of September because you might come out to the
21 mountains and find that they're covered in snow or you
22 might get out in the mountains and find you stay there
23 all winter. And I really think Jack hit something that
24 I never thought of before, but for the average
25 subsistence hunter delaying the season makes it more --
26 I'll say more advantageous for the subsistence hunter,
27 more in like what they would like to do and less
28 conducive to people coming from long distances and
29 impacting the -- impacting the game.

30
31 And I thank you for that, I'm going to
32 have to remember that in the future, Jack.

33
34 CHAIRMAN TOWARAK: Thank you.

35
36 Sue.

37
38 MS. ENTSMINGER: Yeah, Mr. Chair. The --
39 one of our RAC members asked the people that were
40 testifying at the meeting that very question and they
41 asked if it would make a difference and they thought it
42 wouldn't. So for -- they just didn't -- they didn't like
43 it all. So I'm just letting you know that that was asked
44 at the meeting.

45
46 CHAIRMAN TOWARAK: Well, I think we will
47 proceed on then with the rest of the process that we have
48 and then come back to the general discussion a little bit
49 later.

50

1 At this point I'd like to defer to the
2 Department of Fish and Game for your comments.

3

4 MS. YUHAS: Thank you, Mr. Chairman.
5 Jennifer Yuhas, Alaska Department of Fish and Game. I
6 know that we are approaching the lunch hour, but this is
7 one of those proposals I just can't be concise on and I
8 think it requires a little bit more testimony and a
9 little bit more debate for the Board.

10

11 We receive these proposals and we go
12 through a process internally, we conduct an analysis and
13 we find out the reasons we can support something or not
14 support something. We go to a series of meetings with
15 the Federal Staff and then we go to the RAC meeting and
16 that's where we hear the local testimony. And the
17 Department has not changed our position on this proposal,
18 we're opposed to it because under our guiding documents
19 we can't support a closure that isn't meant for
20 conservation concerns under 815. We find the sheep
21 population's healthy. If you're using all of your
22 permits it looks like you could get five sheep a year
23 here. We find that our data supports that there's not a
24 conservation concern. But as a human being I sat through
25 18 people at the allotted time for the Chairwoman's
26 public testimony and two people outside that allotted
27 time for a total of 20 and I had listened to a lot of
28 real people that are really affected by things going on
29 in that area. And the things that are going on are not
30 okay. There's trespass and littering and disrespect
31 issues and I think you're a terrific guy, Mr. Chairman,
32 but I don't want to come home and find you camped in my
33 backyard, I don't want to find the remnants of your camp
34 and find that you haven't even knocked on my front door
35 to see if you can camp back there. It's really not okay
36 and we do have laws against that.

37

38 The body that's seated here governs
39 different laws, we -- animal usage, we don't govern
40 trespass issues, those are for the land managers. And I
41 found myself in quite a quandary listening to the public
42 testimony, isn't there something we can do. Well,
43 something needs to be done, is the appropriate body
44 either the Board of Game or the Federal Subsistence
45 Board, the bodies that keep having to listen to these
46 proposals and is the solution to their problem closing
47 hunting on a population we don't have a conservation
48 concern for. But I had my standard comments and I could
49 really only read those before the RAC and come back to my
50 home organization and ask around and see what we could

1 do. Trespass and littering and land disrespect fall
2 under different governing bodies, land management
3 agencies and for the State it falls under DNR. We don't
4 have adjacent State land here, it's Federal land that's
5 adjacent. We listened to efforts from enforcement to
6 find people who are trespassing and we listened to the
7 idea that Avgas is expensive, that when they do land and
8 confront someone that oftentimes they might be lied to
9 about why the person's there and the only thing they have
10 at their disposal is to issue a warning that they need to
11 leave, they can't cite someone who might not know where
12 they are or might blame their pilot or not know where
13 they have walked, whether they're telling the truth or
14 not. There's just -- that tool is just not there for
15 enforcement. We looked at what we've done in the past at
16 Fish and Game and we have had precedent for Department
17 introduced proposals for special areas of concern with
18 increased, escalated user conflicts that were
19 longstanding and not resolved, that did not have to do
20 with conservation concerns for the population. And in
21 some of these areas we've implemented special mandated
22 ethics and orientation classes. In some of these areas
23 including the Juneau wetlands those classes have included
24 land status education and cultural sensitivity
25 applications. We don't know who these people are who are
26 trespassing and being disrespectful, we don't know if
27 they're neighbors or they're out of state or we --
28 because we haven't confronted them and cited them, we
29 don't know who they are.

30
31 The Department approved an idea that I
32 had right after the Eastern Interior RAC meeting and I
33 have two supplements in front of you, one is a
34 justification for why we came up with another alternative
35 that was not before the RACs who discussed this issue.
36 Mr. Lohse was talking about other alternatives and I'm
37 introducing a new one right here. Within two weeks of
38 the Eastern Interior RAC meeting the Department approved
39 moving forward with a new Board of Game proposal, we
40 submitted an agenda change request. We are asking that
41 this Board and the Board of Game deny both of the
42 proposals before you to close hunting in Red Sheep Creek
43 in lieu of our new proposal to adopt a mandated ethics
44 and orientation class for those who wish to hunt in this
45 area. And the class has not been developed. If the
46 Board of Game mandates this we will develop the class.
47 Our intent is to include as many stakeholders as
48 possible, the land management agencies, the enforcement
49 personnel, the users from Arctic Village to come up with
50 a class that would be acceptable. Our idea will be

1 modeled off of the Game Management Unit 23 caribou
2 mandated class which is only mandated for pilots. We're
3 suggesting this be mandated who wishes to hunt in the
4 area. We're envisioning a one time online class for
5 ethics and orientation to this area and its special
6 needs.

7
8 A couple of the tools this provides is
9 education to where someone is hunting. Enforcement tools
10 that it provides are that people will be aware of the
11 land status. When they're confronted by enforcement and
12 they have taken their ethics and orientation class then
13 they know what the status is, they can be charged with
14 trespass because they received previous notification
15 where previously they couldn't do that. Without adoption
16 of this there's no previous notification and so
17 enforcement's left with simply a warning and they don't
18 want to spend the Avgas to go confront that. On the
19 State side we're looking at seven permits last year so
20 that can impact an area, seven hunters can impact an area
21 obviously, but I wanted to put that in perspective that
22 we're not talking about 40 or 50 or 100, we're talking
23 about seven. But while we haven't changed our position
24 and we do want you to oppose this, we want you to know
25 that we have a plan in place, that we took very swift
26 action to put something in place and we've been working
27 with folks to garner support for this. We expect this to
28 probably move forward with the Board of Game. We expect
29 them to probably deny the proposal for closure and
30 hopefully out ethics and orientation mandated class to
31 hunt in this area.

32
33 CHAIRMAN TOWARAK: Thank you. Are there
34 questions from the Board.

35
36 (No comments)

37
38 CHAIRMAN TOWARAK: Or the RACs, the two
39 RACs.

40
41 MS. AHTUANGARUAK: Not so much questions,
42 but my concern is that the reality is there is a large
43 unknown population that come into this area and seven
44 known permits is not that many numbers, but it's the
45 unknown issue that's bringing us so much problems. I
46 understand giving some education into the process to the
47 individuals that want to come into this area will benefit
48 the process, but you're asking us to continue to bear the
49 burden of these conflicts in the process in hopes that
50 the right people that are increasing these conflicts are

1 to become educated. We can't confirm that that's going
2 to be happening. There's a large number of people that
3 are internationally coming up to Alaska these days and
4 it's a reality of what's happening. We don't have a good
5 process of tracking all of these other outfitters that
6 are interested in bringing these things up here and we've
7 proven that with some of these concerns. But this
8 doesn't give me the answer that will meet the needs, it
9 allows us to work on improving the process in hopes that
10 things will get better, but it doesn't give me the
11 confirmation that we'll reach the people that are causing
12 the greatest concerns.

13

14 CHAIRMAN TOWARAK: Sue.

15

16 MS. ENTSMINGER: Yeah, thank you, Mr.
17 Chair. Jennifer, I do have a question. First of all I
18 think you did talk to some people, did you talk to Andrew
19 Firmin?

20

21 MS. YUHAS: Thank you, through the Chair.
22 Yes, I did.

23

24 MS. ENTSMINGER: And he seemed to think
25 that this is something that maybe they could support?

26

27 MS. YUHAS: Through the Chair. I spoke
28 several times with Mr. Firmin in his various capacities
29 with CATG, with the Fort Yukon AC, with the Eastern
30 Interior RAC. I want to be clear when I say support
31 because I don't see Mr. Firmin here to speak for himself.
32 Support was in the form of the Fort Yukon AC passing a
33 resolution at their meeting that if the Board did not
34 adopt the closure they could support the Department's
35 idea for ethics and orientation. So it's not a transfer
36 of support, first choice for them would be to see the
37 closure, but that this would be an acceptable
38 alternative should the Board fail to act on a closure.
39 The Department doesn't have any grandiose ideas that this
40 is going to solve everyone's problems or make everyone
41 happy, but we hope that you can see that we're trying to
42 take a step to do what we can within the parameters that
43 we're given that we are sensitive to the issue.

44

45 MS. ENTSMINGER: And I commend you for
46 the work that you did here, but I have another question.
47 Do -- would this just be for that Red Sheep and Cane
48 Creek and did you consider expanding it, I mean, I'm sure
49 there's lots of other places that there could be problems
50 like this because I too -- I've got friends in the

1 Fairbanks area and they have friends in Anchorage area
2 and they go oh, we went to the Brooks Range, we went
3 sheep hunting and we flew in there and all we saw was
4 tents. And they said what are all them people doing up
5 there and they were like well, what do you think they
6 were doing up there, they were sheep hunting like you
7 were. So it's -- you know, and then I agree with Jack
8 that there's been a domino affect because of what's --
9 13D and these areas down here that were put on permit.
10 So but I'm curious if the Department has thought about
11 that you might be doing this through the whole Brooks
12 Range?

13

14 MS. YUHAS: Through the Chair. We have
15 user conflicts all over the State and when we drafted
16 this proposal it was for just this area. Based on the
17 testimony, based on the escalated user conflict, based on
18 several years of offense with no relief and no other
19 alternatives facing the threat of possible closure for an
20 area we had no biological concerns for. So this was
21 proposed simply for this area. Have there been mumblings
22 that if you're going to do it here, do it in the entire
23 Brooks Range, sure, but that's part of the process. When
24 we throw something before either Board they may adopt
25 what we propose, they may adopt something else and we
26 know that it's out of your control once it goes to that
27 point. The Department is not supporting an entire Brooks
28 Range panacea here, we've put in the proposal for the
29 specific area based on the specific testimony for the
30 escalated reasons that I testified for because this is a
31 greater conflict than in other areas and there's a threat
32 of a closure.

33

34 MS. ENTSMINGER: Thank you, Jennifer.

35

36 CHAIRMAN TOWARAK: Thank you. We do have Andrew
37 Firmin on the line if -- Mr. Firmin, have you been
38 listening to the conversation and do you have any
39 comments.

40

41 MR. FIRMIN: Oh, yes, this is Andrew
42 Firmin.

43

44 CHAIRMAN TOWARAK: Hi, Andrew, this is
45 Tim Towarak, the Chairman of the Federal Subsistence
46 Board. Have you been listening to our conversation?

47

48 MR. FIRMIN: I've been trying to, it's
49 kind of hard, the phone lines are getting a lot of feed-
50 over from other conversations, but yes, I've been

1 following as well as I could.

2

3 CHAIRMAN TOWARAK: I know exactly what
4 you mean, I did that yesterday. But do you have any
5 comments on this proposal?

6

7 MR. FIRMIN: Well, for the most part I do
8 believe that area is a small area and the people that are
9 flying from Anchorage with airplanes have -- basically if
10 they can fly that far they can fly anywhere in the State.
11 So why they would have to encroach in this area that's
12 right next to a village that's been their traditional
13 hunting grounds for, you know, centuries, I believe that
14 has a lot of cultural significance to it and there's just
15 lots of old campsites that have been there for centuries
16 and lots of other little things that have enormous
17 historical significance to the people of that area. And
18 that's one of their biggest complaints, I mean, it's like
19 some -- it's like some of the people are -- you know,
20 they're like hunting on an ancient burial ground. It's
21 -- you know, that's why a lot of people take offense to
22 it. And I don't know, I believe Jennifer might have said
23 it earlier, but it's -- also all the testimony that we
24 heard at the RAC meeting in October is -- was quite --
25 you know, there was a lot of it and it was -- everybody
26 that came there had basically the same thing to say and
27 that's -- you know, some of the sheep are inaccessible
28 and hard to get to a lot of places for a person on foot
29 or by boat. And I think it just burns them up when they
30 go that far and then they -- somebody flies over them and
31 there's nothing left in the area.

32

33 Over the biological data when the place
34 was opened originally, I believe it was opened on a
35 technicality and the data from years ago, the -- why it
36 was closed originally virtually looks the same as what it
37 was when it was reopened or even looks a little worse.
38 So I don't see the -- I -- that's why I'm saying it was
39 probably opened on a technicality, I wasn't involved in
40 the process back then.

41

42 But the other thing to realize is that
43 the area is almost like a paperless society and I asked
44 a few of them at the RAC meeting that have -- have you
45 ever had a hunting license and they're, you know, like
46 no, what's that. And these people are 30, 40 years old
47 and they've never had a -- never had a hunting license in
48 their life before or maybe one time. And it's -- so, you
49 know, why would they even know or need to know where to
50 go get a permit or, you know, to go back to their -- one

1 lady's Native allotment in the family there. I mean,
2 it's highly -- it's like a paperless society and I think
3 like the permitting and the reporting process for some of
4 the sheep that they take is not there. And then I do
5 harvest data surveys for the Council of Athabaskan Tribal
6 Governments and I believe, you know, that we did them
7 this year and a lot of them -- a lot of them weren't even
8 -- you know, they didn't even want to respond there, they
9 didn't want to sit there and listen to all of them. They
10 -- you know, there was a general -- there was a lot of
11 people that just didn't want to even fill out a harvest
12 data survey that was, you know, for our personal use to
13 prove that they use, you know, certain areas for certain
14 types of game. And so I think there's also a big like a
15 learning curve, education there that they need to go
16 through, but a lot of it is -- personally I feel that --
17 I mean, the place needs to be closed, but I also have --
18 I also feel that a good -- the ADF&G proposals to the
19 Board of Game are -- and that's a good next step, I
20 guess, if nothing else, a contingency plan that you have.

21
22 And that's all I really have to say, Mr.
23 Chairman.

24
25 Thank you.

26
27 CHAIRMAN TOWARAK: Sue.

28
29 MS. ENTSMINGER: Could I ask Andrew a
30 question?

31
32 CHAIRMAN TOWARAK: Sure.

33
34 MS. ENTSMINGER: Yeah. Andrew, this is
35 Sue Entsminger. It's been talked about here at this
36 meeting of maybe making -- if this proposal were not to
37 pass, of amending and making the season for the non-
38 subsistence user not open on August 10th like the normal
39 openings and it discourages people from coming there
40 because the Brooks Range gets cold and they might get
41 stuck up there. Can you tell me did anything like this
42 get discussed and what you might be thinking on that?

43
44 MR. FIRMIN: Yes, this is Andrew Firmin
45 again. And I'm not sure of the dates that they had, I
46 believe they were earlier in the season and a lot of the
47 local people didn't want that because they're busy doing
48 other things like fishing and caribou are just starting
49 to come in and a lot of times it's a little later in the
50 season when they do go and go sheep hunting. And that

1 was why I think some of them were against it. And also
2 I thought that there was some discussion that might be
3 another -- like a fallback plan would be to move the
4 State season for everybody to -- you know, to move it
5 back farther so like you said they're encroached upon
6 more with the weather. And they would be less likely to
7 hunt there to keep the outside user group hunter numbers
8 down. And I think that was kind of -- the goal of it was
9 to move -- move the State season later on into September,
10 I believe. There was some discussion on it, but I don't
11 have that -- those dates in front of me right now.

12
13 CHAIRMAN TOWARAK: Thank you, Mr. Firmin.

14
15 Where do we go from here?

16
17 MR. PROBASCO: Staff Committee comments.

18
19 CHAIRMAN TOWARAK: Yeah, we extended the
20 Fish and Game comments. We'll move on to the InterAgency
21 Staff Committee, please.

22
23 DR. JENKINS: Mr. Chair, the InterAgency
24 Staff Committee submitted its standard comments on the
25 Staff analysis for this proposal.

26
27 Thank you.

28
29 CHAIRMAN TOWARAK: Thank you. Any
30 questions.

31
32 MR. CRIBLEY: Mr. Chair, I have a
33 question, I'm not sure who has the answer for it, maybe
34 somebody on Staff. I'm just wondering do we have
35 guidelines or does the Board have guidelines as far as
36 what its authorities or procedures are on closures of
37 areas to non-Federal hunters for non-Federal users?

38
39 MR. GOLTZ: Yes, we do have a complete
40 set of guidelines.

41
42 MR. CRIBLEY: I mean, is that something
43 concise that we can talk about here or just remind us of
44 what those guidelines are or is that something lengthy
45 that's too big to talk about here?

46
47 MR. GOLTZ: No, it's not too big to talk
48 about. I think we can get you a copy.

49
50 MR. CRIBLEY: Okay. Okay. I've got it

1 here. Thank you.

2

3 CHAIRMAN TOWARAK: While we're waiting
4 for other comments I'd like to ask what should -- should
5 we take a lunch break, what's the wishes of the Board,
6 six of one, half a dozen of the other?

7

8 MR. PROBASCO: Mr. Chair, consideration
9 and I was just looking at Ms. Cooper, is that Ms. Masica
10 will be back after lunch and she would not have the
11 opportunity to hear all this discussion. So that's a
12 consideration. I'm not sure how long this will take to
13 go through this process, but we do need to establish a
14 good record on this one.

15

16 Mr. Chair.

17

18 CHAIRMAN TOWARAK: Go ahead, Geoff.

19

20 MR. HASKETT: And I would suggest because
21 we're to the -- our discussion point here now and action,
22 so I think we've heard a lot of discussion here and
23 unless there's a lot of discussion here I think I'm to
24 the point where I can make a proposal and maybe cover a
25 lot of this. So I'd be willing to keep going.

26

27 CHAIRMAN TOWARAK: Okay. Let's continue
28 on then. And we do have one step, we're at the Board
29 discussion with Council Chairs and State liaison in
30 total. The floor is open for any comments and then we'll
31 go on to Board action.

32

33 Mr. Virden.

34

35 MR. VIRDEN: I've got a question about to
36 the -- wondering in Unit 25, where is it open in there
37 for State -- on the State regulations, State hunting.

38

39 MR. PROBASCO: Mr. Chair, Mr. Virden. As
40 it pertains to this proposal if you were to pull this map
41 out, that area currently in yellow is the area that's
42 open to all hunters. The area below that is closed and
43 only open to Federally-qualified hunters.

44

45 CHAIRMAN TOWARAK: Any further questions
46 or discussions.

47

48 MR. LOHSE: Mr. Chair.

49

50 CHAIRMAN TOWARAK: Go ahead.

1 MR. LOHSE: If I understand the question
2 he was asking, that is just the Arctic Village Sheep
3 Management Area that's on that map there. If you turn to
4 Page 115 in your Alaska handy-dandy right there, you'll
5 see that Unit 25 comprises a fairly large area, most of
6 which is open to State sheep hunting. But in the Arctic
7 Village Sheep Management Area the part in yellow is the
8 only part that's open to State hunters. But there's a
9 large area in Unit 25 that's open.

10

11 CHAIRMAN TOWARAK: Further discussion.
12 Sue.

13

14 MS. ENTSMINGER: Well, just a question.
15 If I was understanding his question, I think he was
16 looking at if you were a State hunter how would you know
17 it was closed or am I wrong in your question. And then
18 I would ask Jennifer, that's in the -- it's -- that area
19 is in the State regs that it's closed?

20

21 MS. YUHAS: Through the Chair. Correct.

22

23 MR. VIRDEN: Mr. Chair.

24

25 CHAIRMAN TOWARAK: Go ahead.

26

27 MR. VIRDEN: No, just are there -- if
28 this area was closed up here that we're discussing right
29 now, are there opportunities for hunters under the State
30 regulations to continue hunting in different areas up
31 there?

32

33 CHAIRMAN TOWARAK: My understanding you'd
34 go to Jack's region.

35

36 (Laughter)

37

38 MR. REAKOFF: Mr. Chairman.

39

40 CHAIRMAN TOWARAK: Go ahead.

41

42 MR. REAKOFF: State regulations open on
43 August 10th through September 20th in Unit 26A, B, C,
44 25A, 24A, 24B. So there's lot of other hunting
45 opportunities, this is just a little micro area that
46 would be closed. So there's lots of other area that
47 hunters can go to.

48

49 CHAIRMAN TOWARAK: Thank you. Any
50 further discussion or questions.

1 (No comments)

2

3 CHAIRMAN TOWARAK: If not, then we will
4 go to our last step in the process, the Federal
5 Subsistence Board action.

6

7 Geoff.

8

9 MR. HASKETT: Mr. Chair, I'm prepared to
10 make a motion to adopt Proposal 12-76 as recommended by
11 the Eastern Interior Regional Council and I'll provide my
12 rationale if I get a second.

13

14 MS. COOPER: Second.

15

16 MR. CRIBLEY: I'll second.

17

18 CHAIRMAN TOWARAK: The motion has been
19 set and seconded. Discussion and rationale.

20

21 MR. HASKETT: Okay. So we've heard a lot
22 of discussion here and there's obviously just a lot of
23 history to this action and what's led us up to today.
24 And so I'm going to try and be as concise and brief as
25 possible, I'll be a little longer in my justification
26 than I normally am.

27

28 I think there's two items that are
29 important to kind of start out with, is to point out that
30 this hunt is entirely within the Arctic National Wildlife
31 Refuge and that the only ownership there is Refuge
32 Federal lands and some Native allotments, there's no
33 private lands there anywhere. I hadn't thought too much
34 about this, but I think it's helpful to me when Jack made
35 the point that there are many other areas open to sheep
36 hunting and this is a very small area, it's not -- in
37 terms of the entire area that's open and available. I
38 think it bears repeating that kind of our rules that we
39 work with and I'm going to kind of turn this around a
40 little bit, that unless there's a biological,
41 conservation issue we're pretty much supposed to not go
42 against what's proposed by the RAC. And kind of the
43 reverse to that is that what the RAC is proposing does
44 not cause any conservation, biological issues. Another
45 rule we have is that we're not going to go against what
46 the RAC proposes unless it's detrimental to the
47 satisfaction of subsistence need. And what I've heard,
48 a lot of the testimony is very specific to the need for
49 closing because of detrimental use to subsistence needs.
50 I had the opportunity to go to the RAC meeting where this

1 was covered and I'll tell you there was just lots and
2 lots of impassioned testimony.

3
4 I think the State -- Jennifer did a very
5 eloquent job of kind of talking about that, how -- it was
6 very difficult actually to listen to it without walking
7 away without having some very major concerns. I think
8 the State -- I appreciate very much that you all went
9 back and made the effort to come back with I think
10 another proposal. What I think heard another RAC member,
11 Rosemary, was that, you know, okay, that's good, but it
12 doesn't really go far enough right now. So I appreciate
13 what the State did, but I also don't think it actually
14 goes far enough to actually answer the specific question
15 that we have before us right now. So we heard lots of
16 testimony today, there's also the transcript provided in
17 the Board materials. I wasn't at the 2006 meeting which
18 we've talked a lot about too, but I was again at the RAC
19 meeting here and again there was just lots and lots of
20 material there and I think a lot of it's part of the
21 record, it's very revealing.

22
23 It was at this Eastern Interior Council
24 meeting that I first heard how important this area is
25 culturally and how important it is for subsistence
26 harvest of sheep for residents of the Arctic Village and
27 Venetie. The importance of the area is also shown by the
28 number and locations of Native allotments, cultural sites
29 and ethnographic studies documenting the long history of
30 use in the area. A lot of discussion and testimony about
31 trespass, actually I think it was very important to
32 listen to. You know, it is troubling to hear about, you
33 know, the Native holdings there, the allotments and the
34 fact, you know, that there's an airstrip there, that
35 there's lots of trespass. Lots of discussion about he
36 concerns about, you know, when these over flights are
37 going in, you know, just how disruptive it is to some of
38 the ongoing hunts by subsistence users there.

39
40 So we've heard a lot of various
41 alternatives considered. You know, the Staff analysis I
42 think gave us some interesting options, you know, that
43 would be short of closure. I think that was very
44 helpful. These alternatives included an opening season
45 earlier prior to the State season, allowing for the
46 harvest of any sheep instead of rams only and a community
47 harvest permit that can include one or both of these
48 provisions and may lead to better harvest reporting.
49 Some of these were also discussed at the RAC meeting and
50 again I'd heard very little support for that, you know,

1 just lots of concerns.

2

3 So at the Eastern Interior Council
4 meeting I also heard that subsistence users' attempts to
5 harvest sheep in the area were substantially interfered
6 with by aircraft and other non-Federally-qualified
7 hunters' activities. This was very clear, I mean, to me
8 and I think most of the people that were there and I was
9 -- actually walked away convinced that the activities in
10 the area by non-Federally-qualified users have resulted
11 in displacement of sheep, pushing them out of range which
12 has then prevented Federal subsistence hunters from being
13 able to harvest sheep.

14

15 In addition, my folks at the Arctic
16 National Wildlife Refuge, and again this proposal is
17 entirely within the Refuge, they gave me a fair amount of
18 information. They're also very impassioned about how
19 they think this ought to go and forgive me, I'm going to
20 read some comments to make them part of the record. The
21 Arctic National Wildlife Refuge supports the closure of
22 Red Sheep and Cane Creek drainages in the Arctic Village
23 Sheep Management Area of Unit 25A to non-Federally-
24 qualified users during the August 10th, September 20th
25 season to ensure the continuation of traditional
26 subsistence uses of sheep by Arctic Village hunters.
27 Pressure from non-local hunting is affecting the use of
28 and access to traditional prime sheep hunting areas and
29 camp area. These areas have a long history of cultural
30 and subsistence use and are important to residents of
31 Arctic Village. This is clearly evidenced by the number
32 and location of Native allotments, cultural sites and
33 ethnographic studies documenting a long, rich history in
34 this area. They go on to say the user conflict in these
35 drainages is both perceived and real. Arctic Village
36 sheep hunting is carried out in these drainages when
37 other resources, caribou, moose and sheep, are not
38 readily available closer to the community. The hunt is
39 very costly and difficult logistically, therefore the
40 village generally pools its resources to support only
41 their best hunters. To return unsuccessful posed
42 financial hardship on families and the communities.
43 Hunters have stated they've turned around because non-
44 local hunters were present on or near the prime area for
45 camping and sheep hunting and the low flying aircraft
46 activity in the drainages has resulted in displacement of
47 sheep to higher elevations and to more distant locations.
48 Complaints of displacement of Arctic Village hunters in
49 this area have been recurring and are a major topic of
50 discussion at annual Refuge/village informational

1 meetings since these drainages were reopened to local --
2 non-local hunters in 2006 and my Refuge folks are telling
3 me this has been a major point of discussion and just a
4 major concern for the, you know, five years since then,
5 and also during the recent Arctic Refuge Draft
6 Comprehensive Conservation Plan meetings in Arctic
7 Village and Venetie and at the recent Eastern Interior
8 Alaska Subsistence Regional Advisory Council meetings in
9 2010 and again in 2011.

10

11 So having said that my motion I think
12 covered that. Sorry, I've lost -- had so much stuff here
13 I've lost my place here. Those are pretty much the
14 reasons why I believe that we should go forward with a
15 closure. I think that the concerns given have been just
16 very heartfelt and very moving and very logical and very
17 convincing and I'm swayed that that's the direction we
18 need to go.

19

20 CHAIRMAN TOWARAK: Thank you. Are there
21 any other comments.

22

23 UNIDENTIFIED VOICE: Yes.

24

25 CHAIRMAN TOWARAK: The process is for the
26 Board only, I apologize.

27

28 MR. CRIBLEY: Mr. Chairman.

29

30 CHAIRMAN TOWARAK: Go ahead, Mr. Cribley.

31

32 MR. CRIBLEY: Thank you. A very good
33 rationale from Mr. Haskett as far as summarizing the
34 issue and everything and putting it into perspective. It
35 has been a very -- learning experience for me to hear
36 this issue, hear about this issue and the depth of the
37 passion that's involved with it. One of the things that
38 are very apparent to me is that this issue is -- and I
39 think Jack reenforced that with his discussions of the
40 issues he's dealing with and what I have been seeing,
41 this is really a tip of an iceberg. And I think as
42 Jennifer said from Department of Fish and Game, a lot of
43 these issues are land management agency issues that are
44 facing all of us, particularly Federal land managing
45 issues in this area and something that we're going to
46 have to take outside of the scope of subsistence use and
47 what the Subsistence Board does. And it is my intent to
48 do that, to tackle this issue particularly along the
49 Dalton Highway in the near future. But regarding this
50 particular issue I just wanted to say that I appreciated

1 Geoff's -- his rationale and discussion and summary of
2 what this situation is and the significance of it and
3 also the ability of the Board to take action to deal with
4 this issue. And maybe by doing that highlighting the
5 significance of what's going on and what the future may
6 look like for us as land managing agencies and as a
7 Subsistence Board in the near future.

8

9 So I just wanted to reenforce that and
10 indicate that I do support his position.

11

12 Thank you.

13

14 CHAIRMAN TOWARAK: Thank you. Other
15 comments from the Board.

16

17 Mr. Virden.

18

19 MR. VIRDEN: Mr. Chair, I have a comment
20 for our legal counsel or a question. I noticed in the
21 Resolution 12-1, which was read earlier, ANILCA clearly
22 anticipates closure of sports hunting where they would
23 serve to continue subsistence uses, is that in the
24 Federal closure policy?

25

26 MR. GOLTZ: I've just been handed a copy
27 and I'll read the sentence into the record. When
28 necessary for the conservation of healthy populations of
29 fish and wildlife, to continue subsistence uses of such
30 populations, the Federal Board is authorized to restrict
31 or close the taking of fish and wildlife by non-
32 subsistence users. That's on the first page of our
33 closure policy.

34

35 CHAIRMAN TOWARAK: Thank you.

36

37 MR. VIRDEN: Thank you.

38

39 CHAIRMAN TOWARAK: Any further questions.

40

41 (No comments)

42

43 CHAIRMAN TOWARAK: I have one comment and
44 I was trying to find a copy of a -- the letter that the
45 Secretary of the Interior gave to the Board upon my
46 appointment. And it was after his review of subsistence
47 in Alaska in general and he made some comments in that
48 document and I wish I had it in front of me, but I'll try
49 to get it later, that part of our charge is to fix
50 subsistence. There have been a lot of comments publicly

1 made to the Secretary, a lot by AFN and a lot by the
2 Native community that subsistence in Alaska was broken
3 and he challenged this Board to put -- in laymen terms I
4 think to fix that problem. And I think this is one
5 example of -- where we have an opportunity to fix a
6 problem to the needs of the subsistence users and that's
7 our -- our main charge is for the use of Alaska's
8 resources for -- with putting subsistence as a priority.
9 And I too am going to support it, support the RAC's
10 position in part because of that -- those statements made
11 by the Secretary.

12

13 Are there any other discussions.

14

15 (No comments)

16

17 CHAIRMAN TOWARAK: If not, then we will
18 call for the question.

19

20 MR. CRIBLEY: Mr. Chairman, I call for
21 question.

22

23 CHAIRMAN TOWARAK: Have a.....

24

25 MR. PROBASCO: Thank you, Mr. Chair.

26

27 CHAIRMAN TOWARAK:vote.

28

29 MR. PROBASCO: Roll call vote. Mr.
30 Cribley.

31

32 MR. CRIBLEY: Yes.

33

34 MR. PROBASCO: And, excuse me, let me
35 back up. The motion is to support Proposal WP12-76 as
36 recommended by both Regional Advisory Councils.

37

38 Mr. Cribley.

39

40 MR. CRIBLEY: Yes.

41

42 MR. PROBASCO: Mr. Towarak.

43

44 CHAIRMAN TOWARAK: Yes.

45

46 MR. PROBASCO: Mr. Haskett.

47

48 MR. HASKETT: Yes.

49

50 MR. PROBASCO: Mr. Virden.

1 MR. VIRDEN: Yes.
2
3 MR. PROBASCO: Ms. Pendleton.
4
5 MS. PENDLETON: Yes.
6
7 MR. PROBASCO: And, Ms. Cooper.
8
9 MS. COOPER: Yes.
10
11 MR. PROBASCO: Motion carries, 6/0.
12 Lunchtime.
13
14 CHAIRMAN TOWARAK: Thank you. We will
15 take a break, it's 12:35 right now and we will reconvene
16 at 2:00.
17
18 (Off record)
19
20 (On record)
21
22 CHAIRMAN TOWARAK: I'd like to call the
23 meeting back to session. While we're getting together
24 one of the people from the crowd came up to me at the end
25 of the meeting this morning and asked us to get a little
26 closer to our microphone while we're speaking so I'm
27 going to try to do that a little bit more this afternoon.
28
29 We had just completed 75, I think, and 76
30 and some of the others had already been taken care of
31 yesterday. We're onto Proposal 12-61 of the Seward
32 Peninsula.
33
34 Sue.
35
36 MS. ENTSMINGER: Yes. I just wanted to
37 -- I asked you at break if I could make a few statements
38 here. I just wanted to say on that proposal, this -- the
39 work that the State did I really appreciate a great deal
40 and I feel like it has a lot of merit for future things
41 where education is a very important role for people and
42 it's really -- that was a lot of work that Jennifer did
43 and I greatly appreciate it. And I think that we
44 shouldn't take that lightly, I think we should really
45 consider that as a lot of work and very good for the
46 future.
47
48 And I wanted to mention too that I've had
49 a lot of traveling with doctor appointments this month
50 and I need to get home here, it's been really cold and

1 I've got a lot of stuff on my plate so I'll probably be
2 leaving here this afternoon. And I will try to keep
3 track of things at home on the teleconference, if there's
4 some crossover things I'll try to interject or give it to
5 my coordinator.

6

7

Thank you.

8

9

MR. HASKETT: So I'd also actually take
10 the opportunity to thank Jennifer too. We had discussion
11 just now and I'm not going to go into the details of it,
12 but I actually thought the material which I said before
13 was excellent and I still think that it's information
14 that we got to work on, there's lots of places where I
15 think that can be very valuable. So I'd like to be
16 involved in working with you all to make sure that that
17 doesn't just get lost. I thought it was excellent
18 production, we should still look at it.

19

20

So thank you for that.

21

22

23

24

25

26

27

28

29

Thank you.

30

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50

The Unit 22 wolf population does not
appear to be declining under the current regulations. It
appears that the wolf population is gradually increasing
as wolves expand their range westward, across the Seward

1 Peninsula. It appears that the Unit 22 wolf population
2 is regulated more by natural factors than by the harvest
3 by hunters and trappers. There has been no harvest limit
4 for wolf hunters in Unit 22 since the beginning of the
5 Federal subsistence program in 1990. This proposal would
6 make the Federal subsistence wolf hunting harvest limits
7 lower than State regulations.

8

9 The OSM conclusion is to oppose this
10 proposal. I welcome any questions that you may have.

11

12 Thank you, Mr. Chair.

13

14 CHAIRMAN TOWARAK: Thank you. Any
15 questions of the Staff.

16

17 (No comments)

18

19 CHAIRMAN TOWARAK: Thank you for your
20 presentation. We'll get a summary of the public comments
21 from the Regional coordinator.

22

23 MR. NICK: Mr. Chair, there were no
24 public comments received.

25

26 CHAIRMAN TOWARAK: Thank you. Is there
27 anyone on the floor that wants to testify.

28

29 MR. PROBASCO: Mr. Chair, we have no one
30 signed up for this proposal.

31

32 CHAIRMAN TOWARAK: Thank you. We will
33 move on then to the Regional Council recommendations.
34 Alex.

35

36 MR. NICK: Mr. Chair, Seward Peninsula
37 Regional Advisory Council recommendation is to oppose the
38 proposal. The Council noted that there is no
39 conservation concern thus there is no need to restrict
40 subsistence user, there is no need to align with the
41 State, the harvest of no limit should be continued as
42 there has been no abuse.

43

44 Mr. Chair.

45

46 CHAIRMAN TOWARAK: Thank you. Any
47 questions.

48

49 (No comments)

50

1 CHAIRMAN TOWARAK: Thank you. The
2 Department of Fish and Game, State.
3
4 MS. YUHAS: Thank you, Mr. Chairman.
5 Jennifer Yuhas.
6
7 The Department also opposes this proposal
8 as unnecessary.
9
10 CHAIRMAN TOWARAK: Any questions of the
11 State.
12
13 (No comments)
14
15 CHAIRMAN TOWARAK: Thank you, Jennifer.
16 InterAgency Staff Committee comments.
17
18 DR. JENKINS: Mr. Chair, the InterAgency
19 Staff Committee submitted its standard comments on this
20 Staff analysis. In addition the IC did express some
21 concern about the no limit provision.
22
23 Thank you.
24
25 CHAIRMAN TOWARAK: Any questions.
26
27 (No comments)
28
29 CHAIRMAN TOWARAK: Thank you. Board
30 discussion with Council Chairs and State liaison.
31
32 (No comments)
33
34 CHAIRMAN TOWARAK: No comments. I'm not
35 hearing or -- we are ready for Board action.
36
37 MS. MASICA: Mr. Chairman, I'll make the
38 motion.
39
40 CHAIRMAN TOWARAK: Motion has been made,
41 is there a second to the motion.
42
43 MS. MASICA: The motion would be that we
44 adopt the proposal and then I'll speak to my motion after
45 I get a second.
46
47 MS. PENDLETON: Second.
48
49 CHAIRMAN TOWARAK: Seconded by Beth.
50 Discussion and.....

1 MS. MASICA: If I could proceed, Mr.
2 Chairman. I would intend to amend the motion -- the
3 motion and my suggestion would be that we amend the
4 motion to change the harvest limit from unlimited to 20
5 wolves annually. And if I would -- could get a second
6 then I will speak to that particular amendment.

7

8 MS. PENDLETON: Second that.

9

10 CHAIRMAN TOWARAK: The motion has been
11 seconded. Rationale.

12

13 MS. MASICA: This is one of only two
14 units in the Federal program that has an unlimited
15 harvest limit for wolf hunting. The analysis on Page 61
16 points out that wolf population density is unknown, that
17 annual harvest is variable and that much of the harvest
18 may go unrecorded and that the State harvest limit has
19 long been five wolves annually, at least between 1993 and
20 2008. And in 2008 The Board of Game increased the State
21 harvest limit to 20 annually and so my amendment would be
22 consistent with that number.

23

24 I'm uncomfortable with the hunting
25 harvest limit being unlimited and think that a more
26 rational outcome would be to align our harvest limit --
27 Federal harvest limit with the existing State harvest
28 limit. Twenty wolves annually would remain among the
29 highest harvest limit for wolf hunting in the Federal
30 Regulations.

31

32 I recognize that this amendment is
33 inconsistent with the Seward Pen RAC recommendation, but
34 believe it's warranted based on Section 805 and the
35 recognized principles of wildlife conservation. There's
36 little biological information about wolf populations in
37 Unit 22 and having an unlimited harvest limit where so
38 little biological information is known does not in my
39 mind meet the standard. When there's little information
40 I think being more conservative is appropriate. Again
41 the outcome of this would be to align the harvest limits
42 for both the State and the Federal systems for Unit 22 at
43 20 wolves.

44

45 Thank you.

46

47 CHAIRMAN TOWARAK: Further discussion.

48

49 (No comments)

50

1 CHAIRMAN TOWARAK: I do note that under
2 justification that two years ago the Alaska Wildlife
3 Alliance had requested this same regulation change, the
4 Seward Peninsula Regional Advisory Council opposed that
5 request and the Federal Subsistence Board rejected that
6 proposal. And I personally would not want to make any
7 amendments without it first going through the Regional
8 Councils.

9

10 Further discussion.

11

12 (No comments)

13

14 CHAIRMAN TOWARAK: Is there a call for
15 the question.

16

17 MS. PENDLETON: Call for the question.

18

19 CHAIRMAN TOWARAK: Question's been called
20 for. Roll call, please.

21

22 MR. PROBASCO: Thank you, Mr. Chair. And
23 this is on the amendment to change the limit to 20
24 wolves.

25

26 Mr. Towarak.

27

28 CHAIRMAN TOWARAK: No.

29

30 MR. PROBASCO: Mr. Haskett.

31

32 MR. HASKETT: Yes.

33

34 MR. PROBASCO: Mr. Virden.

35

36 MR. VIRDEN: No.

37

38 MR. PROBASCO: Ms. Pendleton.

39

40 MS. PENDLETON: No.

41

42 MR. PROBASCO: Ms. Masica.

43

44 MS. MASICA: Yes.

45

46 MR. PROBASCO: And sitting in for Mr.
47 Cribley, Mr. Sharp.

48

49 MR. SHARP: No.

50

1 MR. PROBASCO: Motion fails, 2/4 --
2 amendment fails, 2/4.
3
4 CHAIRMAN TOWARAK: We're back to the main
5 motion. Any further discussion on that motion.
6
7 (No comments)
8
9 CHAIRMAN TOWARAK: Hearing none.....
10
11 MR. VIRDEN: Question.
12
13 CHAIRMAN TOWARAK: The question's been
14 called for. Roll call, please.
15
16 MR. PROBASCO: Thank you, Mr. Chair.
17 Final action on WP12-61.
18
19 Mr. Haskett.
20
21 MR. HASKETT: Can you do me a favor and
22 spell it out one more time for me. Sorry.
23
24 MR. PROBASCO: This is proposal 12-61.
25 The proposal was move to adopt. Got it?
26
27 MS. MASICA: So the adopting -- just to
28 clarify, adopting the proposal would mean a 10 wolf
29 limit, am I correct.....
30
31 MR. PROBASCO: Yes.
32
33 MS. MASICA:that that's what the
34 vote would be on?
35
36 MR. PROBASCO: That's correct. Okay, Mr.
37 Chair.
38
39 Mr. Haskett.
40
41 MR. HASKETT: Yes.
42
43 MR. PROBASCO: Mr. Virden.
44
45 MR. VIRDEN: i'm still confused. I want
46 to vote along with the RAC, would that be yes?
47
48 MR. PROBASCO: If you wanted to vote
49 along with the RAC you would say no.
50

1 MR. VIRDEN: No.
2
3 MR. PROBASCO: Mr. Virden's vote is no.
4
5 Ms. Pendleton.
6
7 MS. PENDLETON: No.
8
9 MR. PROBASCO: Ms. Masica.
10
11 MS. MASICA: Yes.
12
13 MR. PROBASCO: Mr. Sharp.
14
15 MR. SHARP: No.
16
17 MR. PROBASCO: And, Mr. Towarak.
18
19 CHAIRMAN TOWARAK: No.
20
21 MR. PROBASCO: Motion fails 2/4.
22
23 Mr. Chair, if I may insert at this time.
24 WP10-69 is a proposal that affects three Regional
25 Advisory Councils and as an oversight on our part only
26 one Council acted on this proposal. So what we're
27 recommending to the Board is that we take this proposal,
28 present it to the two other Regional Advisory Councils
29 and be prepared to act on it at our March Federal Board
30 meeting. So Staff is recommending that we defer it to
31 the March meeting.
32
33 Mr. Chair.
34
35 CHAIRMAN TOWARAK: Are there any
36 objections to that recommendation.
37
38 (No objection)
39
40 CHAIRMAN TOWARAK: Not hearing any, then
41 we will do that, have it go by the two other RACs. And
42 that was just for 10-69?
43
44 MR. PROBASCO: That's correct, Mr. Chair.
45
46 CHAIRMAN TOWARAK: Okay. Then we will
47 proceed on to Proposal 12-56. Staff analysis, please.
48
49 MR. FOX: Yes. Thank you, Mr. Chair.
50 Trevor Fox with OSM. The analysis for WP12-56 begins on

1 Page 393 of your meeting book.

2

3

4 Proposal WP12-56 was submitted by
5 Kathleen Zuray of the Tanana Tribal Council and it
6 requests an extension of the fall moose season by seven
7 days in Unit 21B. The current season is from September
8 5th through October 1st with the portion after September
9 25th being only open under Federal regulations. The
10 proponent is requesting that the Federal moose season in
11 Unit 21 be extended beyond that September 26th through
12 October 1st season to September 26th through October 8th
13 to provide additional harvest opportunities for
14 Federally-qualified subsistence users. The proponent
15 states that due to warm weather conditions fall moose
16 movements have been delayed and the season extension is
17 needed to harvest moose. The proposal affects rural
18 residents of 21B, 21C, Tanana, Galena and Ruby and would
19 extend the season on Federal public lands in Unit 21B
20 which are primarily within the Nowitna National Wildlife
21 Refuge.

21

22

23 Previous regulatory changes have been
24 adopted to address reduced harvest opportunities to
25 harvest moose in Unit 21B including the adoption of an
26 August 22nd through 31st extension in 2006 and then
27 replacing that August 22nd through 31st extension with
28 the current September 26th through October 1st extension
29 and adding a five day to be announced season that takes
30 place between December 1st and March 31st and that was in
31 2007.

31

32

33 As far as the biological background, the
34 moose population for most of Unit 21B was last estimated
35 at 2,317 moose in 2008 which is below the State
36 management objective. Aerial moose trend surveys in 2010
37 showed stable adult bull and cow numbers, improved fall
38 calf abundance and low yearling recruitment. Population
39 composition data in the affected area by this proposal,
40 which is the Nowitna River area, are different than the
41 rest of Unit 21B suggesting that hunting pressure along
42 the Nowitna River has lowered the bull to cow ratio. The
43 survey results are found on Table 1 on Page 400, however
44 it should be noted that the years are different for the
45 Nowitna and unit wide surveys. Over the long term the
46 Nowitna moose population appears to be stable at a low
47 density. Moose continue to be the most important and
48 widely used large animal for subsistence users in the
49 Interior region. Ruby Residents reported harvests were
50 above average in Unit 21B from 2007 to 2009 after a
51 period of below average harvests between 1994 and 2006.

1 Tanana residents harvested an average of five moose per
2 year in Unit 21B between 1983 and 2009 and reported
3 harvests were low in 2006 and 2008 through 2009. And the
4 current September 26th through October 1st Federal only
5 season which was initiated in 2007 to provide additional
6 harvest opportunity for Federally-qualified subsistence
7 users, most of the harvest and effort has been associated
8 with residents of Ruby. Tanana residents were issued 11
9 permits between 2007 and 2008, but only three residents
10 reportedly used their permit and only one moose was
11 harvested in 2007. Since then there were no permits
12 requested or issued to Tanana residents for this hunt in
13 2009 or 2010.

14
15 Adoption of this proposal would extend
16 the fall moose hunt on a portion of Federal public lands
17 in Unit 21B from October 1st to October 8th. The one
18 week extension would provide additional opportunity for
19 Federally-qualified subsistence users to harvest a moose
20 and the adoption of the extended season would not likely
21 lead to a large increase of bull moose harvest in Unit
22 21B, especially with the low participation rates by
23 Federally-qualified subsistence users. It should be
24 noted that only Federal public lands on the part of the
25 Nowitna River drainage which are downstream from and
26 including the Little Mud River drainage would be
27 included. And residents of Tanana would be required to
28 travel a minimum of 70 river miles to reach the eastern
29 boundary of the open area. And you can see this on the
30 map on Page 395 and the area opened is highlighted there.
31 The proposed season would overlap with the peak of the
32 rut which may affect the population, however the extent
33 of such impacts from harvesting during the rut is not
34 known as many of the affects are speculative and direct
35 evidence of such impacts are lacking.

36
37 So due to the overall low performance of
38 the population, fluctuating cow numbers in the trend
39 count areas and the recently recovered bull to cow ratio
40 a conservative harvest strategy is warranted. There the
41 OSM conclusion is to oppose WP12-56.

42
43 Thank you, Mr. Chair.

44
45 CHAIRMAN TOWARAK: Thank you. Any
46 questions of the Staff.

47
48 (No comments)

49
50 CHAIRMAN TOWARAK: Thank you for that

1 report. Summary of public comments from the Regional
2 coordinator.

3

4 MR. HERNANDEZ: Mr. Chair, Melinda
5 Hernandez, OSM. There is one public comment on this
6 proposal in opposition from the Ruby Advisory Committee.
7 They feel that keeping the check station open to such a
8 late date is a hardship on personnel and that such an
9 extension of the moose hunting season will not be used.

10

11 And that's all.

12

13 CHAIRMAN TOWARAK: Thank you.

14

15 MR. PROBASCO: Mr. Chair, no one has
16 signed up for this proposal.

17

18 CHAIRMAN TOWARAK: Are there any --
19 anyone in the audience that would like to testify from
20 the public.

21

22 (No comments)

23

24 CHAIRMAN TOWARAK: Not hearing any, then
25 we will move on to the Regional Council recommendations.
26 And I know we have two opposing views, first the Western
27 Interior.

28

29 MR. REAKOFF: Mr. Chairman, the Western
30 Interior Regional Council voted to oppose this proposal.
31 The Western Interior feels that the moose bull/cow ratio
32 on the Nowitna is just below the management objective and
33 that there's no -- there's opportunity provided with the
34 current Federal season to the 1st of October and bull
35 moose condition after the 1st of October even for two
36 year olds begins to decline fairly steadily. So we
37 didn't feel that this was a warranted extension.

38

39 CHAIRMAN TOWARAK: Any questions. Sue.

40

41 MS. ENTSMINGER: The Eastern Interior
42 took this up and the Council does not find a conservation
43 concern and the proposal could provide a very important
44 subsistence opportunity late in the season for
45 subsistence users who may not have yet been successful.
46 The Council also notes that recent climate changes have
47 influenced historic rut times and cites traditional
48 ecological knowledge that even during run moose meat is
49 not compromised unless it comes in contact with urine on
50 the hide. And that the later harvest can be beneficial

1 to those with no or limited electricity.

2

3 CHAIRMAN TOWARAK: Any questions of the
4 Chairs.

5

6 (No comments)

7

8 CHAIRMAN TOWARAK: Thank you for that
9 report. The Alaska Department of Fish and Game comments.

10

11 MS. YUHAS: Thank you, Mr. Chairman. The
12 Department also opposes this proposal and you can find
13 our biological conservation concerns listed on Page 405
14 and 406 in your manual. The population is below our
15 management objectives, we have alerted U.S. Fish and
16 Wildlife Service to this in June of 2010 and we're glad
17 that there's been an improved condition there supporting
18 harvest near Ruby, but we don't believe that we can
19 sustain the season moving into the rut, that it would
20 just be too hard on this population, we're not at
21 management objective yet.

22

23 CHAIRMAN TOWARAK: Any questions from the
24 State -- of the State.

25

26 (No comments)

27

28 CHAIRMAN TOWARAK: Thank you. We will
29 then hear from the Interagency Staff Committee.

30

31 DR. JENKINS: Mr. Chair, the Interagency
32 Staff Committee submitted its standard comment on this
33 analysis.

34

35 CHAIRMAN TOWARAK: Any questions.

36

37 (No comments)

38

39 CHAIRMAN TOWARAK: Thank you. Board
40 discussion with Council Chairs and State liaison.

41

42 (No comments)

43

44 CHAIRMAN TOWARAK: No comments. Jack.

45

46 MR. REAKOFF: Mr. Chair, just a further
47 comment. This is within the Western Interior Region and
48 we had a meeting in Ruby and identified a need for
49 additional harvest opportunity later in the year to
50 address the warmer falls and so forth. Most of the moose

1 activity that local people see is between the 22nd of
2 September and then through the 28th of September through
3 the first part of October in the warmer falls we're
4 providing that harvest opportunity with current
5 regulations and we didn't feel that with the current
6 population that this moose population and the lack of
7 participation from Tanana residents doesn't demonstrate
8 that they're really that interested in this hunt. So
9 that was why we primarily opposed the proposal.

10

11 CHAIRMAN TOWARAK: Any further comments.

12

13 (No comments)

14

15 CHAIRMAN TOWARAK: Thank you. We will
16 then -- are ready for the Federal Subsistence Board
17 action.

18

19

Geoff.

20

21

22 MR. HASKETT: So I'm going to make a
23 motion to adopt Proposal 12-56 and I'll provide my
24 rationale as to why I intend to vote against the motion
25 as recommended by the Western Interior Regional Council
26 if I get a second.

26

27

MR. SHARP: Second.

28

29

CHAIRMAN TOWARAK: You heard the second.

30

31

32 MR. HASKETT: Okay. So the moose
33 population in this area is below the management
34 objective, it's been pointed out. It's had low
35 recruitment and adding an additional seven days to hunt
36 during the rut would violate recognized principles of
37 wildlife management. There was an additional five days
38 added to this hunt in 2007. The moose check station
39 operated by the Refuge at the mouth of the river had to
40 be shut down early in 2009 and 2010 both due to ice
41 formation that caused the possible loss of harvest data.
42 Extending the season even farther could lead to even less
43 information being gathered which is needed for
44 management. For all the above reasons I intend to vote
45 against the motion.

45

46

47

48

49

50

CHAIRMAN TOWARAK: Further comments. Mr.
Sharp.

MR. SHARP: I'll also be opposed to the
proposal to extend the moose season in 21B. The

1 biological indicators for the population, the low
2 recruitment and the fluctuating cow numbers don't support
3 or support a conservative harvest strategy and increasing
4 opportunity during the rut would violate recognized
5 principles of fish and wildlife conservation. So again
6 I'll be opposed to the proposal.

7
8 CHAIRMAN TOWARAK: Any further questions.

9
10 (No comments)

11
12 MR. HASKETT: Question.

13
14 CHAIRMAN TOWARAK: The question has been
15 called for. The vote, please.

16
17 MR. PROBASCO: Thank you, Mr. Chair.
18 Final action on WP12-56, the motion was to adopt.

19
20 Mr. Virden.

21
22 MR. VIRDEN: No.

23
24 MR. PROBASCO: Ms. Pendleton.

25
26 MS. PENDLETON: No.

27
28 MR. PROBASCO: Ms. Masica.

29
30 MS. MASICA: No.

31
32 MR. PROBASCO: Mr. Sharp.

33
34 MR. SHARP: No.

35
36 MR. PROBASCO: Mr. Towarak.

37
38 CHAIRMAN TOWARAK: No.

39
40 MR. PROBASCO: And, Mr. Haskett.

41
42 MR. HASKETT: No.

43
44 MR. PROBASCO: Mr. Chairman, the motion
45 fails, 6/0.

46
47 CHAIRMAN TOWARAK: This brings us to
48 Proposal 12-57 and 58. Staff report, please.

49
50 MR. FOX: Thank you, Mr. Chair. Again

1 Trevor Fox with OSM. The combined analysis for WP12-57
2 and 58 begins on Page 413 of your meeting book.

3
4 Proposal WP12-57 was submitted by the
5 Alaska Department of Fish and Game and it requests an
6 alignment of Federal and State boundaries for the winter
7 moose season in Unit 24B.

8
9 Proposal WP12-58 was submitted by the
10 Kanuti National Wildlife Refuge and it requests
11 additional language in the regulations to clarify that a
12 State registration permit is allowed to harvest moose in
13 the Kanuti Controlled Use Area of Unit 24B during the
14 fall and winter seasons. The proposal also requests that
15 additional language be included in the regulations to
16 describe Federal public lands where a State registration
17 permit is not required during the winter moose season.

18
19 The proponent of WP12-57 states the
20 proposal would align State and Federal hunt boundaries
21 for the winter moose season in Unit 24B. The proponent
22 believes the alignment of State and Federal hunt
23 boundaries would eliminate the need for subsistence users
24 to differentiate between State and Federal public land
25 within the drainages of the Koyukuk River downstream from
26 and including the Henshaw Creek drainage. This may
27 reduce the possibility that a Federally-qualified
28 subsistence user would unintentionally violate hunting
29 regulations while hunting moose in the portion of Unit
30 24B near Bettles and Evansville which has a checkerboard
31 pattern of State and Federal land jurisdiction.

32
33 The proponent of WP12-58 requests
34 clarification in the regulations regarding the
35 registration permit requirements for the fall and winter
36 moose season in Unit 24B. The proponent believes a State
37 registration permit should be required to harvest moose
38 on closed Federal public lands within the Kanuti
39 Controlled Use Area during the September 1 through 25
40 season and the December 15th through April 15th season.
41 The proponent believes this is an administrative action
42 request that parallels several other hunts that have
43 Federal public lands and one permit for reporting. The
44 proponent states that the use of a single registration
45 permit for the winter moose season in Unit 24B would
46 lessen the burden on subsistence users and avoids
47 duplicate harvest reporting. The proponent of WP12-58
48 also requests the description of the section of Unit 24B
49 that is not covered by a State registration permit be
50 clarified for the December 15th through April 15th

1 season. The proponent states the language in the public
2 regulation booklet or the handy-dandy is incorrect and
3 should include additional language which is in the CFR
4 and states upstream of and including the Bonanza Creek
5 drainage. In addition the proponent requests that Fish
6 Creek drainage be added to the area description, but this
7 is a -- this area description change is an administrative
8 change and no action by the Federal Subsistence Board is
9 needed.

10
11 The moose population on the Kanuti
12 National Wildlife Refuge has been relatively stable, but
13 at low levels since 1999. Bull to cow and calf to cow
14 ratios have been above management plan objectives in all
15 years since 1999 and population composition data is
16 listed in Table 1 on Page 421 which has -- which the
17 higher bull to cow ratios suggest this population can
18 support current harvest levels. Moose are an important
19 subsistence resource to residents of communities in Unit
20 24B, but participation in hunts is variable with
21 residents of Allakaket and Alatna harvesting more moose
22 and having higher participation rates than those in
23 Bettles. Approximately 95 percent of moose harvested
24 throughout Unit 24, including Unit 24B, have been
25 harvested during the September 1 through 25 season, but
26 the winter seasons provide additional opportunities for
27 those subsistence users that were unable to harvest a
28 moose in the fall. Current and previous Federal moose
29 seasons beyond September 1st through 25th including
30 March, late September and the recent December to April
31 seasons have been primarily used by residents of
32 Allakaket while use among residents of Alatna and Bettles
33 and Evansville have been very low which you can see on
34 Table 2 of Page 425. Success has also been low as
35 Federally-qualified subsistence users using these season
36 extensions have only reportedly harvested one moose out
37 of 40 attempts.

38
39 If Proposal WP12-57 is adopted it would
40 align State and
41 Federal boundaries for the December 15th through April
42 15th moose season by removing sections of land from the
43 Bettles/Evansville area and the best way to see the
44 affected area is to compare Maps 1 and 2 in the analysis.
45 Map 1 is on Page 417 which represents the current Federal
46 regulations and in this map the area around Bettles and
47 Evansville which is currently listed as Section 2, the
48 shaded areas which are Federal lands inside and outside
49 of the Kanuti Controlled Use Area are currently open for
50 Federal -- for the Federal moose season during the

1 December 15th through April 15th season. If you compare
2 that with Map 2 on Page 418 which represents the changes
3 proposed by WP12-57, the Federal shaded lands around
4 Bettles and Evansville have now -- that now have a
5 vertical hatchmark would be excluded from the December
6 15th through April 15th season. By removing this section
7 of Federal lands current and future harvest opportunity
8 would be reduced even though few residents currently
9 participate in this hunt.

10

11 For Proposal WP12-58 it proposes that the
12 State registration permit would be required to harvest
13 bull moose on the Kanuti National Wildlife Refuge and BLM
14 lands during the September season and the December 15th
15 through April 15th season. However the State permit
16 would not be valid because much of the Federal public
17 lands in the affected area are within the Kanuti
18 Controlled Use Area which is closed to the taking of
19 moose except by Federally-qualified subsistence users.
20 Thus a Federal registration permit would be required
21 unless an agreement were to be made between State and
22 Federal land managers to allow a State registration
23 permit or to institute a joint State/Federal registration
24 permit.

25

26 Both of these proposals would not result
27 in significant impacts on the moose population so there
28 are no biological concerns associated with either
29 proposal.

30

31 And the OSM conclusion is to oppose WP12-
32 57 because it would unnecessarily exclude Federal public
33 lands near Bettles and Evansville, limiting future
34 harvest opportunities. Although only two permits have
35 been reportedly used by one resident in Bettles since
36 2006 moose has been identified as an important
37 subsistence resource by Bettles residents with 89 percent
38 of households reportedly using moose during a 2002/2003
39 household study.

40

41 And for Proposal WP12-58, the OSM
42 conclusion is to support the proposal with modification
43 to create one Federal registration permit that would
44 cover fall and winter moose seasons on the Kanuti
45 National Wildlife Refuge and BLM lands in Unit 24B.
46 Federally-qualified subsistence users could use this one
47 Federal permit on Refuge and BLM lands from August 25th
48 through October 1st and December 15th through April 15th.

49

50 Thank you, Mr. Chair.

1 CHAIRMAN TOWARAK: Thank you. Any
2 questions of the Staff.

3
4 (No comments)

5
6 CHAIRMAN TOWARAK: Thank you for that
7 report. Summary of public comments from the Regional
8 Council coordinator.

9
10 MS. HERNANDEZ: Mr. Chair, there were no
11 written public comments submitted for either proposal.

12
13 MR. PROBASCO: And no one is signed up,
14 Mr. Chair.

15
16 CHAIRMAN TOWARAK: Okay. We don't have
17 anyone on record of wanting to testify from the public so
18 we will proceed on to Regional Council recommendation.

19
20 MR. REAKOFF: Mr. Chairman, Western
21 Interior Regional Council supported the State's Proposal
22 12-57 and I'll give those reasons when we have
23 discussion. And we supported the proposal with
24 modification to require a Federal permit. There's
25 already a Federal permit required for the August 25 to
26 October 1 and we felt that we should include the winter
27 hunt also on that Federal permit. And those were the
28 position of the Council on these proposals.

29
30 Thank you.

31
32 CHAIRMAN TOWARAK: Thank you. Any
33 questions from the Board.

34
35 (No comments)

36
37 CHAIRMAN TOWARAK: Thank you. We will
38 then proceed on to the Department of Fish and Game
39 comments.

40
41 MR. PAPPAS: Thank you, Mr. Chair,
42 members of the Board. George Pappas, Department of Fish
43 and Game Subsistence Liaison Team. It's good to see
44 everybody again. Our comments will be summarized from --
45 starting on Page 429 of your book.

46
47 These proposals were drafted in an effort
48 to resolve ongoing confusion in the area as discussions
49 with the State and Federal managers have not reached a
50 mutually accepted solution to ongoing issues related to

1 the patchwork on land ownership in portions of the
2 drainage of Koyukuk River near the communities of Bettles
3 and Evansville.

4

5 Adoption of Proposal 58 will be
6 unnecessary if Proposal 57 is adopted. Adoption of
7 Proposal 58 would not address simplification of
8 permitting as Federal land managers would still be
9 required to issue permits. The Department believes that
10 maintaining two permits for a portion of the unit will
11 result in user confusion. Although developing a dual
12 permit has been suggested, enforcement personnel report
13 dual permit would complicate issues due to different
14 hunting regulations, hunter qualifications and hunting
15 conditions governed under different regulations. If
16 Proposal 57 is adopted a single State permit may be
17 administered by the Department.

18

19 In 2010 the Alaska Board of Game adopted
20 a compromise concerning the winter hunt opportunity by
21 expanding the winter season dates from five days to 120
22 days. The Board of Game also offered additional
23 compromise expanding the winter hunt area from less than
24 2,000 square miles to over 10,000 square miles. Both
25 these compromises benefitted more than 95 percent of the
26 hunters.

27

28 The Department recommends supporting
29 WP12-57 and opposing WP12-58 to align regulations and
30 eliminate user confusion.

31

32 Thank you, Mr. Chair.

33

34 CHAIRMAN TOWARAK: Thank you. Any
35 questions from the Board.

36

37 Geoff.

38

39 MR. HASKETT: So no questions on 57. On
40 58 the State's main concern is the dual permit part of
41 it?

42

43 MR. PAPPAS: Through the Chair. That's
44 correct.

45

46 CHAIRMAN TOWARAK: Any further questions.

47

48 (No comments)

49

50 CHAIRMAN TOWARAK: Thank you. We will

1 move on to InterAgency Staff Committee.

2

3 DR. JENKINS: Mr. Chair, the InterAgency
4 Staff Committee comments in your books are inaccurate and
5 you've been provided with an accurate ISC comment for
6 this proposal. I'll read it into the record.

7

8 The InterAgency Staff Committee found
9 that the Staff analysis -- found the Staff analysis to be
10 a thorough and accurate evaluation of the proposals and
11 that it provides sufficient basis for the Regional
12 Council recommendation and Federal Subsistence Board
13 action on the proposals. While the ISC agrees that the
14 Board may want to consider supporting the Western
15 Interior Regional Advisory Council's recommendation for
16 a Federal permit through WP12-58, the ISC further
17 suggests that the Board review the Council's
18 recommendation to support WP12-57. If the Board were to
19 oppose Proposal WP12-57 which would be contrary to the
20 Council's recommendation, it could do so based on the
21 third exception clause of Section 805(c) of ANILCA that
22 the Council recommendation would be detrimental to the
23 satisfaction of subsistence needs particularly for the
24 residents of Bettles and Evansville.

25

26 Thank you.

27

28 CHAIRMAN TOWARAK: Any questions.

29

30 (No comments)

31

32 CHAIRMAN TOWARAK: Thank you. Board
33 discussion with Council Chairs and State liaison.

34

35 MR. REAKOFF: Mr. Chair, I'll give a
36 rationale for our support of these proposals. Eleanor
37 Yatlin is on our Regional Advisory Council, she lived
38 many years in Bettles, she's very familiar with the usage
39 there. The majority of hunting of moose occurs in the
40 fall season for Bettles, there's a huge demographic
41 difference between Allakaket and Alatna and
42 Bettles/Evansville. Evansville is a Native community,
43 but it's primarily composed of elderly women that do not
44 hunt. The use of moose meat is primarily through air
45 taxis bring moose into Bettles and give away the meat on
46 the ramp, they call it ramp meat. And so they -- a lot
47 of the meat that's obtained is actually given to the
48 community through donation. There's been little use of
49 the winter hunt by Bettles and actually when we did have
50 a winter hunt in that area the community of Bettles

1 opposed the winter hunt under State regulations and
2 that's why the -- there was a boundary change that is
3 currently being used from Henshaw Creek and downriver.

4
5 The -- another aspect of that, you know,
6 the -- just there was a long process to work with the
7 Alaska Department of Fish and Game and the State to
8 develop a working State proposal for winter season and we
9 were very happy that the State came forward in 2010 with
10 a vastly expanded 10,000 square mile area. That under
11 Board of Game regulations has a sunset of -- in four
12 years so 2014, that that State hunt expires. Our concern
13 is that the State is upset about the additional few BLM
14 lands that will actually be usable. The map that -- the
15 Bettles Road actually does not even come near the BLM
16 land, it actually transitions State lands. And so the
17 usage of -- likelihood of Bettles usage for moose is --
18 as shown, they tried hunting, but it's a little bit tough
19 to go by snowmobile. The other aspect of that community,
20 they also have -- they have caribou right -- I just we
21 went through Bettles the other day, they got caribou that
22 come down in that area. Allakaket and Alatna have not
23 had caribou real close, they've had them within 25 miles,
24 this is the first year they've had -- in many years where
25 they've actually had caribou near the community in the
26 winter. Bettles has access to the Dalton Highway and can
27 actually go on the Dalton Highway and do go on the Dalton
28 Highway to harvest caribou from the road and they're
29 eligible to hunt within the Dalton Highway Corridor with
30 firearms.

31
32 The cumulative thing is we're concerned
33 about the State Board of Game retracting the State hunt
34 and so reality is the benefit to the subsistence users in
35 Bettles is minimal, if any real affect, whereas it's a
36 very important winter hunt for the communities of
37 Allakaket and Alatna. And so that was the reason why we
38 supported the State proposal. The Fish and Wildlife
39 Service is going -- on Proposal 58, the Fish and Wildlife
40 is going to issue a Federal permit for October 25 to --
41 or correction, August 25 to October 1 for the fall hunt
42 extension for Unit 24B. And we felt that the inclusion
43 of December 15 through April 15th for the winter season
44 that's currently in effect would be prudent if at some
45 point the Board of Game retracts the current hunting
46 season. And so that's why we supportive of Proposal
47 WP12-58.

48
49 Thank you, Mr. Chair.
50

1 Any questions?
2
3 CHAIRMAN TOWARAK: Any further discussion
4 or questions.
5
6 (No comments)
7
8 CHAIRMAN TOWARAK: Thank you. We are
9 ready for Board action of Proposal 12-57 slash 58.
10
11 Mr. Haskett.
12
13 MR. HASKETT: So I'm going to make a
14 motion to adopt Proposal 12-57 and Proposal 12-58 as
15 modified by the Western Interior Regional Council and
16 I'll provide my rationale if I get a second.
17
18 MS. MASICA: Second.
19
20 CHAIRMAN TOWARAK: You heard the motion
21 and the second. Rationale.
22
23 MR. HASKETT: Okay. This will change the
24 hunt area to align with the boundaries established in
25 State regulations which should reduce any confusion or
26 law enforcement concerns. It will also simplify
27 permitting for Federally-qualified users by using one
28 Federal permit for both the fall and winter moose hunt in
29 Unit 24B. The original intent of Proposal 58 was to try
30 to have one single, joint State/Federal permit, but it
31 doesn't sound like that will actually work for now so the
32 next best thing I think is to have one Federal permit
33 that covers both seasons and my intent will be to vote
34 for the motion which covers both proposals.
35
36 CHAIRMAN TOWARAK: Any other discussion.
37
38 (No comments)
39
40 CHAIRMAN TOWARAK: Is there a call for
41 the question. Oh, just -- go ahead.
42
43 MR. PAPPAS: Mr. Chair, I apologize for
44 the inconvenience here. Through the Chair, Mr. -- can I
45 ask Mr. Haskett a question?
46
47 CHAIRMAN TOWARAK: Go ahead.
48
49 MR. PAPPAS: Mr. Haskett, if 57 is
50 approved and the regulations -- the boundaries for the

1 State and Federal hunt align and Proposal 58 is approved,
2 I guess looking for clarification on the record of why
3 there need to be a Federal permit in addition to a State
4 registration permit.

5

6 Thank you, Mr. Chair.

7

8 MR. HASKETT: On 58?

9

10 MR. PAPPAS: Through the Chair. Yes, Mr.
11 Haskett.

12

13 MR. HASKETT: So if I understood
14 correctly -- so 57 we're -- the State and I are in the
15 same position right now. On 58 as I understood it, that
16 the original proposal was to have a dual permit, but I
17 thought what I heard you say was that that wouldn't work
18 because different regulations, different interpretations,
19 so a dual permit wasn't going to work. So my intent was
20 to move forward and just use one Federal permit then.

21

22 CHAIRMAN TOWARAK: Go ahead, Pete.

23

24 MR. PAPPAS: Through the Chair. Yes, as
25 the area manager explained to us, if Proposal 57 is
26 adopted then a single State permit could be administered
27 to cover both the State and Federal hunts if the
28 boundaries aligned.

29

30 Thank you, Mr. Chair.

31

32 CHAIRMAN TOWARAK: Jack.

33

34 MR. REAKOFF: Mr. Chair, supplementary Proposal
35 58 includes the August 25 to October 1 season which the
36 State doesn't recognize and that's the reason why we feel
37 that that -- there has to be a Federal permit anyways and
38 we might as well include the winter hunt. The State
39 doesn't have that season and so that would be the reason
40 for a Federal hunt.

41

42 Thank you.

43

44 MR. HASKETT: In conference with my
45 associate here, I mean, he was explaining that same thing
46 to me that Jack just laid out, but did I just hear you
47 all say that you've changed your position where the
48 seasons would come together?

49

50 MR. PAPPAS: Through the Chair.

1 Clarification that Mr. Reakoff -- Chairman Reakoff
2 provided, it would be -- for the winter hunt it would
3 match up, but you are correct, the other hunt would not
4 match up.

5
6 Thank you, Mr. Chair.

7
8 MR. HASKETT: If I may, then I stand by
9 my proposal because that's the difference and why we'd
10 have to go to one Federal permit.

11
12 CHAIRMAN TOWARAK: Is there any
13 confusion?

14
15 (No comments)

16
17 CHAIRMAN TOWARAK: It's all clear then.
18 Go ahead, Pete.

19
20 MR. PROBASCO: Thank you, Mr. Chair. And
21 I think the clarification that Mr. Reakoff provided is
22 the correct interpretation of that proposal. Trevor Fox
23 who did the lead is agreeing with Mr. Reakoff and so, Mr.
24 Haskett, I believe you have it correct and your motion's
25 appropriate.

26
27 CHAIRMAN TOWARAK: Any further
28 discussion.

29
30 (No comments)

31
32 CHAIRMAN TOWARAK: Hearing none.....

33
34 MR. CRIBLEY: Mr. Chairman.

35
36 CHAIRMAN TOWARAK: Yes.

37
38 MR. CRIBLEY: Call for question.

39
40 CHAIRMAN TOWARAK: The question's been
41 called for. Roll call, please.

42
43 MR. PROBASCO: Thank you, Mr. Chair.
44 Final action on WP12-57 which is to support the Western
45 Interior Regional Council's recommendation and Proposal
46 WP12-58 to support that proposal with modification as
47 outlined on Page 412 and 413.

48
49 Ms. Pendleton.

50

1 MS. PENDLETON: Yes.
2
3 MR. PROBASCO: Ms. Masica.
4
5 MS. MASICA: Yes.
6
7 MR. PROBASCO: Mr. Cribley.
8
9 MR. CRIBLEY: Yes.
10
11 MR. PROBASCO: Mr. Towarak.
12
13 CHAIRMAN TOWARAK: Yes.
14
15 MR. PROBASCO: Mr. Haskett.
16
17 MR. HASKETT: Yes.
18
19 MR. PROBASCO: And, Mr. Virden.
20
21 MR. VIRDEN: Yes.
22
23 MR. PROBASCO: Motion carries, 6/0.
24
25 CHAIRMAN TOWARAK: Thank you. We will
26 then move on to the Yukon-Kuskokwim Delta area, Proposal
27 12-42. Staff analysis, please.
28
29 MR. McKEE: Thank you. Chris McKee, OSM,
30 once again. Mr. Chair, members of the Federal
31 Subsistence Board, Regional Council Chairs. The analysis
32 for WP12-42 begins on Page 431 of your meeting materials
33 booklet.
34
35 WP12-42 was submitted by the Yukon Delta
36 National Wildlife Refuge and requests a reduction of the
37 harvest limit and season for caribou in Unit 18 from two
38 caribou to one and a shortening of the season by
39 approximately three months. The Mulchatna Caribou Herd
40 has increased at an average annual rate of 17 percent
41 between 1981 and 1996 and approximately 28 percent from
42 1992 to 1994. Overall herd size peaked in 1996 at
43 approximately 200,000 animals with a peak bull/cow ratio
44 of 42 to 100. The dramatic population growth at this
45 time was attributed to mild winters, movements into new,
46 unexploited range, low predation and an estimated annual
47 harvest of less than 5 percent of the population since
48 the late '70s. Since 1996 the population bull/cow ratio
49 and cow/calf ratios have declined significantly. You can
50 see this on Table 1 on Page 435 of the analysis. The

1 latest photo census provided a minimum estimate of 30,000
2 caribou for the herd which is near the minimum population
3 objectives for the herd.

4
5 Portions of the herd's range are showing
6 signs of heavy use with extensive trailing evident along
7 major travel routes. It's been reported that some of the
8 summer and fall range of the herd in the Nushagak Hills
9 and elsewhere was trampled and showing signs of heavy
10 grazing while traditional winter ranges on the north and
11 west sides of Iliamna Lake also showed signs of heavy use
12 despite the fact that few caribou appeared to continue to
13 utilize these areas.

14
15 Harvest on the Mulchatna Herd continues
16 to decline. Total reported harvest was 2,171 animals in
17 2005, but had declined to 516 by 2008. Most of the
18 harvest occurs in August and September with the majority
19 of harvest occurring close to villages on State lands.
20 Additionally March also accounts for a relatively high
21 amount of the harvest, 10 percent in 2004/2005 and
22 increasing to 23 percent in 2005/2006. Data indicates an
23 increase in the proportion of caribou taken during late
24 winter when compared to harvest chronology for previous
25 years.

26
27 The OSM conclusion can be found in the
28 analysis addendum on Page 437. Our conclusion is to
29 support the proposal with modification to maintain the
30 current harvest limit and eliminate the March portion of
31 the season and limit the impact to the Mulchatna Caribou
32 Herd. The -- given the continued decline of the herd a
33 reduction of season length is warranted. Since a
34 relatively high amount of harvest occurs during the month
35 of March and because data indicates an increase in the
36 proportion of caribou taken during late winter when
37 compared to the harvest chronology for previous years a
38 shortening of the season would be a prudent first step in
39 aiding in the recovery of the herd. However the proposal
40 as written would make the Federal harvest limit and
41 season more restrictive than State regulations. Even if
42 this proposal's adopted by the Board hunters will still
43 be able to take caribou under State regulations on Fish
44 and Wildlife and BLM lands in Unit 18 and most local
45 users would still be harvesting close to village
46 communities that are primarily on State and private
47 lands. Therefore the adoption of this proposal by the
48 Board will not have the effect sought by the proponent of
49 reducing harvest. Without aligning it with State
50 regulations the effectiveness of this proposal would be

1 limited and Federally-qualified users would have less
2 opportunity than non-Federally-qualified users.

3

4 Thank you, Mr. Chair.

5

6 CHAIRMAN TOWARAK: Any questions of the
7 Staff.

8

9 (No comments)

10

11 CHAIRMAN TOWARAK: Thank you for that
12 presentation. We will move to the summary of public
13 comments from the Regional coordinator.

14

15 MR. NICK: Mr. Chair.

16

17 CHAIRMAN TOWARAK: One minute, please.
18 Geoff, go ahead.

19

20 MR. HASKETT: So actually if I could,
21 what I was checking we -- actually Gene Peltola's here,
22 our Refuge manager, and I -- if we could I'd like him to
23 come address some of this to the Board. This seems to be
24 an appropriate time to do it.

25

26 CHAIRMAN TOWARAK: Is Gene here?

27

28 MR. PELTOLA: Right here.

29

30 CHAIRMAN TOWARAK: Would you come to the
31 floor, please.

32

33 MR. PELTOLA: Chairman Towarak, Board
34 members, RAC members. My name's Gene Peltola, Jr., I'm
35 the Refuge manager for Yukon Delta National Wildlife
36 Refuge and I have with me Robert Sundown, he's our
37 subsistence coordinator. And I wanted to address some of
38 the concerns that we saw in the data which was presented
39 to you in Table 1 on Page 435 of the proposal. And if
40 it's a bit redundant I apologize in advance, but we just
41 worked on the summary by our interpretation of the data.

42

43 A large portion of the Mulchatna Caribou
44 Herd is in Unit 18 within the Yukon Delta National
45 Wildlife Refuge and is one of the responsibilities for
46 the Refuge and the Federal Subsistence Board. The
47 continued decline of the Mulchatna Caribou population
48 necessitates a further reduction in the harvest. The
49 Department's management objectives for the Mulchatna
50 Caribou Herd are to maintain the population of 30,000 to

1 80,000 caribou with a minimum bull/cow ratio of 35 per
2 100. The latest photo census was in 2008 and the minimum
3 estimate was 30,000 caribou at the time which is the
4 lowest -- the low end of the management objective which
5 is presented in Table 1 of the proposal. The way these
6 composition surveys which were executed in 2011 and
7 showed a bull/cow ratio of 21.7 bulls per 100 cows.
8 Since 2001 the bull/cow ratios have been estimated at
9 less than 35 bulls which is below the management
10 objective as stipulated. The 2011 bull/cow ratio is the
11 eighth lowest on record and the 2011 calf ratio is the
12 fourth lowest observed since 1974 with 23 years of data
13 to address. The declining compositional ratio appears to
14 be associated with the decline of the population from a
15 high of 2000 in 1996. Without photo census data we
16 cannot determine the present population size, however the
17 2008 to 2011 composition data may indicate the population
18 is continuing to decrease from the last photo census of
19 2008 which showed 30,000 animals.

20

21 Population counts have been unsuccessful
22 since 2008 due to a combination of weather and Mulchatna
23 not aggregating during the calving period. The herd
24 appears to have started to calve in different locations
25 throughout its range, making surveys difficult to
26 accomplish. The change in the winter distribution of
27 Mulchatna has made them more accessible during the winter
28 months within GMU 18, Game Management Unit 18, with much
29 of the herd moved to areas close to the villages of
30 Napakiak, Eek, Kwethluk and the city of Bethel. And
31 winter conditions have allowed access to the nearby herd
32 via snowmachine. Due to adequate snow conditions early
33 this year harvest of caribou likely occurred right after
34 freeze up in mid November. And under current regulations
35 the harvest will continue until mid March when the season
36 ends.

37

38 The harvest ticket program underestimates
39 the total harvest due to noncompliance which is very
40 common in rural Alaska. However the reported harvest has
41 declined as the Mulchatna Caribou Herd has declined.
42 Total reported Mulchatna harvest was 2,171 animals in
43 2005, but has declined to 516 by 2008. Although we
44 cannot analyze the effects of a hunter harvest of the
45 Mulchatna Herd nor do we have recent population data,
46 composition data and anecdotal evidence on hunter harvest
47 raises concern over the health of the herd. Our concern
48 is that if over harvest is occurring which we believe may
49 be occurring at this time it will prolong the time needed
50 to recover the herd to management objective levels and

1 result in less subsistence harvest overall in the years
2 to come. In addition if the season reduction and the bag
3 limit reduction were taken into place and a new survey
4 was conducted that shows the population is higher than
5 what we believe it is there are mechanisms in place in
6 order to liberalize the season once again and increase
7 the bag limit.

8
9 If you look at the history of the harvest
10 of the Mulchatna Herd starting '96/'97, we had 200,000
11 animals, over the last 10 years we've gone down to
12 approximately 30,000 animals. During this time frame we
13 were aggressively harvesting a declining population which
14 has led to our concern at this time at the Refuge. What
15 we're looking at is not a -- we're not looking upon this
16 as a means or mechanism to curtail -- I mean, to stop
17 harvest although we want to be -- take a conservative
18 approach while reducing the season and the bag limit, but
19 yet still allowing for subsistence harvest to occur at
20 the same time in order to minimize the bottom end of the
21 population of the caribou herd and hopefully get them to
22 rebound on a more rapid pace than which may occur if we
23 continue to over harvest which we believe we are.

24
25 Thank you.

26
27 CHAIRMAN TOWARAK: Thank you, Gene. Any
28 questions from the Board or the RACs.

29
30 (No comments)

31
32 MR. PELTOLA: Thank you much, appreciate
33 the time.

34
35 CHAIRMAN TOWARAK: Thank you for that
36 information. Public comments summary.

37
38 MR. NICK: Mr. Chair, for the record,
39 Alex Nick, coordinator for Seward Pen and the YK. There
40 were no written public comments for this proposal.

41
42 Mr. Chair.

43
44 MR. PROBASCO: And, Mr. Chair, no one has
45 signed up to testify.

46
47 CHAIRMAN TOWARAK: Okay. Without any
48 comments we will proceed then, assuming that there isn't
49 anyone in the public that wants to testify or anybody on
50 the phone.

1 (No comments)
2
3 CHAIRMAN TOWARAK: Not hearing any, then
4 we will proceed to Regional Council recommendations.
5
6 Mr. Wilde.
7
8 MR. L. WILDE: Mr. Chair, thank you. The
9 YK RAC support Proposal WP12-42 with modification to
10 maintain the current harvest limit and eliminate the
11 March portion of the season and limit the impact of the
12 Mulchatna east of the Kuskokwim River. You can see the
13 OSM conclusion for regulation language.
14
15 Mr. Chairman, thank you.
16
17 CHAIRMAN TOWARAK: Thank you. Any
18 questions or.....
19
20 (No comments)
21
22 CHAIRMAN TOWARAK: Thank you, Mr. Wilde.
23 We will continue on then with the Department of Fish and
24 Game.
25
26 MR. PROBASCO: We got Bristol Bay
27 and.....
28
29 CHAIRMAN TOWARAK: Oh, I'm sorry. Oh,
30 there are other.....
31
32 MR. PROBASCO: Yes.
33
34 CHAIRMAN TOWARAK: Okay. The Western
35 Interior Subsistence Regional Advisory Council.
36
37 MR. REAKOFF: Mr. Chair, the Council did
38 not take this proposal up although I personally would
39 have liked to. Proposal 10-69, which is that customary
40 and traditional use determination for 21E moose absorbed
41 a whole bunch of an evening meeting and a whole bunch of
42 our meeting in general and that proposal's not going to
43 be reviewed by the Board until March. Our Council,
44 several members were tired, they didn't -- they wanted to
45 forego these Unit 18 proposals, but because I personally
46 have grave concern for the Mulchatna Herd I would have
47 like to have taken up this proposal, but we took no
48 action. But I had -- I felt I had to explain why we
49 didn't.
50

1 CHAIRMAN TOWARAK: Thank you, Jack. The
2 Bristol Bay Region.

3
4 BRISTOL BAY: Bristol Bay supported this
5 here proposal. I'm not really remembering exactly how it
6 went down, but the Mulchatna Herd is also a herd that we
7 feed off of over there, they go down as far as 9C, in the
8 southern portion of 9C. And that's where they're sitting
9 right now, a good portion of them.

10
11 Thank you.

12
13 CHAIRMAN TOWARAK: Thank you. We don't
14 have anybody here from the Seward Peninsula.

15
16 MR. PROBASCO: Yeah, we do.

17
18 CHAIRMAN TOWARAK: Oh, I'm sorry. Go
19 ahead.

20
21 MR. NICK: Mr. Chair, Seward Peninsula
22 opposed Proposal WP 42. The effect of this proposal is
23 too broad and applies to the whole unit and not to just
24 the Mulchatna Caribou Herd. The Council wants to give
25 deference to the Yukon-Kuskokwim Delta Subsistence
26 Regional Advisory Council. And for the Board's
27 information, Mr. Chair, two of the Seward Pen villages
28 are within the border or near the border of the Unit 18
29 which is Yukon region, Yukon-Kuskokwim region.

30
31 Mr. Chair.

32
33 CHAIRMAN TOWARAK: Thank you. Any
34 questions or comments.

35
36 (No comments)

37
38 CHAIRMAN TOWARAK: Okay. Now we go to
39 the Fish and Game.

40
41 MS. YUHAS: Thank you, Mr. Chairman.
42 Jennifer Yuhas. I will open and I believe Mr. Pappas has
43 some supplemental comments here, but this is another one
44 where a funny thing happened on the way to the meeting,
45 the Board of Game met before you did. And so our
46 comments that you have in your proposal book are no
47 longer accurate. We had originally supported the
48 proposal with modification, viewing the goal of the
49 proposal to assist the Mulchatna Herd. So conservation
50 concerns for the Mulchatna Herd were the impetus for the

1 proposal.

2

3

4 The Board of Game yesterday approved a
5 predator management program in this area that is expected
6 to benefit this herd. We expect that this will allow the
7 Board to leave the season and bag limits in place, not
8 reduce the subsistence opportunity and still meet the
9 goal of benefitting the herd.

9

10 I'm going to turn over some of the
11 specifics here to Mr. Pappas.

12

13

14 MR. PAPPAS: Thank you, Mr. Chair. Yeah,
15 the Department currently opposes changing the season and
16 bag limit for this particular hunt and recommends
17 requiring a joint State/Federal registration hunt permit.
18 And the Department would administer that. And again the
19 Department has determined the herd can sustain the
20 current estimate for reported and unreported harvest.
21 And if a joint State/Federal permit is installed
22 hopefully for the regulatory -- beginning of regulatory
23 year 2013, this will allow for the collection of more
24 accurate information and will also help us with
25 unreported harvest.

25

26 MS. YUHAS: Mr. Chairman, if I may just
27 conclude.....

28

29

CHAIRMAN TOWARAK: Sure.

30

31

32 MS. YUHAS:that the predator
33 management program that was authorized is expected to
34 commence March of this year.

34

35

36 MR. PROBASCO: Mr. Chair, Ms. Yuhas. And
37 that plan is in addition to other units besides Unit 18
38 or just Unit 18?

38

39

40 MS. YUHAS: I apologize, Mr. Probasco,
41 that I am unable to answer that question. I can tell you
42 that our position has changed on this proposal.

42

43

44 CHAIRMAN TOWARAK: Any further questions
45 or discussion from the State.

45

46

(No comments)

47

48

49 CHAIRMAN TOWARAK: If not, then we will
50 hear the InterAgency Staff Committee.

50

1 DR. JENKINS: Mr. Chair, the InterAgency
2 Staff Committee found the Staff analysis to be a thorough
3 and accurate evaluation of the proposal and that it
4 provides sufficient basis for the Regional Council
5 recommendations and Federal Subsistence Board action on
6 the proposal. The ISC recognizes the conservation
7 concerns for the Mulchatna Caribou Herd expressed by the
8 Yukon-Kuskokwim Delta Regional Advisory Council and the
9 Yukon Delta National Wildlife Refuge. Unless joint
10 Federal and State actions are undertaken to address this
11 issue however adoption of WP12-42 may not achieve the
12 desired results and would create Federal regulations
13 which would be more restrictive and detrimental to
14 Federally-qualified subsistence users.

15
16 Thank you.

17
18 CHAIRMAN TOWARAK: Thank you. Board
19 discussion with Council Chairs and the State liaison.

20
21 Go ahead, Jack.

22
23 MR. REAKOFF: Mr. Chair, since we did not
24 take this proposal up, but I speak from my own
25 perspective. There's an ongoing problem with this
26 Mulchatna Caribou Herd. If you look down in the data set
27 here, the bull/cow ratios went over a cliff when they
28 were heavily over harvested in the -- in the late -- in
29 the 2000s through 2007. They were completely in the
30 toilet, there was less than one large bull for 100 cows.
31 That's the problem, they had no breeding structure and so
32 if you look at the current data set these low calf
33 recruitments are caused by younger bulls breeding cows
34 and wearing themselves out and it's Unimak all over
35 again. And the reality is I'm happy to see that there
36 are some larger bulls in -- as a percentage of the bulls,
37 but we're not going to -- there's going to be a lag time
38 in recovery until we get these bulls back to where
39 they're supposed to be. And this has been a chronic
40 issue in moose and caribou populations in Unit 19A, moose
41 in 19A are on Federal drawing permits when the bull/cow
42 ratio was killed down to eight bulls per 100 cows.

43
44 And so I personally support this proposal
45 to recover this population, but thought should be given
46 through management about the bull/cow ratios and
47 maintaining the bull/cow ratios at levels that support a
48 healthy population as Title VIII of ANILCA requires of
49 this Board and this system, using scientific principles
50 managing for healthy populations. And so with the

1 bull/cow ratio below a management health, it's incumbent
2 to -- for predator control is not going to fix this
3 bull/cow ratio, that's only going to help the
4 recruitment. We need to recover this bull/cow ratio and
5 we should really look at a methodology to recover that
6 bull/cow ratio working with the State.

7

8 Thank you, Mr. Chair.

9

10 CHAIRMAN TOWARAK: Thank you, Jack. Any
11 further discussion.

12

13 (No comments)

14

15 CHAIRMAN TOWARAK: We're going to take a
16 10 minute break. I'm going to take a 10 minute
17 break.....

18

19 (Laughter)

20

21 CHAIRMAN TOWARAK:and stretch.

22

23 (Off record)

24

25 (On record)

26

27 CHAIRMAN TOWARAK: I'd like to call us
28 back to session here. We were on Proposal 12-42 and we
29 had just had a discussion with the Board and the Council
30 Chairs and the State liaison. The next step on the
31 process is to -- for the Federal Subsistence Board
32 action. The floor is open for action.

33

34 MR. HASKETT: Okay. So I was actually
35 prepared to go a couple different directions on this one
36 depending upon what happened at the Board of Game
37 meeting, it went a little differently than I thought it
38 was going to go. So we kind of -- we had a quick get
39 together so what I'm going to be doing is making a motion
40 to adopt Proposal 12-42 with modification as recommended
41 by the Yukon-Kuskokwim Region Council and I'll provide my
42 dissertation if I get a second.

43

44 MS. MASICA: Second.

45

46 CHAIRMAN TOWARAK: You heard the motion
47 and a second. Rationale.

48

49 MR. HASKETT: Okay. So it's clear -- in
50 fact I don't think there's any disagreement that the

1 Mulchatna Caribou Herd is in decline and needs further
2 protection. And the Council's recommendation to reduce
3 the season dates, but not the harvest limit we believe is
4 a step in the right direction. I intend to vote in favor
5 of that motion. Part of the reasons that brought us here
6 is we were expecting to get to a point where we were
7 going to be aligned on the regulations with the State, we
8 were hoping that would happen, that's not where we went.
9 Both the Feds and the State have concerns over the
10 population as does the RACs. Predator control that's
11 been proposed at the Board of Game meeting may address
12 recruitment, but we don't believe it's going to actually
13 address the declining bull/cow ratio which came up from
14 Jack previously. So what we're looking at is a proposal
15 that's short of closing Federal lands to only Federally-
16 qualified users which could have been our next step, but
17 we'd like to work this a little bit more before we get to
18 that point.

19

20 So again the motion is to adopt the
21 proposal with modification as recommended by the Yukon-
22 Kuskokwim region.

23

24 CHAIRMAN TOWARAK: Any other discussion
25 or questions from the Board.

26

27 Gene.

28

29 MR. VIRDEN: The -- you know, the -- I
30 know the Secretary had -- there was a -- I think Mr.
31 Pouchot said the Secretary had made the statement and I
32 -- and -- that Federal subsistence is broken. And to me
33 the part of this that bothers me is that Federal
34 subsistence users are in a -- they're not in the same
35 position as State hunters. State hunters have a -- are
36 like they're getting the preference. In other words
37 Federal hunters would go down to one and the State's
38 would continue at two. That just doesn't sit right with
39 me if understand that correctly.

40

41 MR. HASKETT: No, that's actually not
42 correct. Can I -- oh, I'm sorry, Mr. Chair, I should
43 have asked for permission. Can we actually have Gene
44 Peltola come up one more time to help maybe explain this?

45

46 CHAIRMAN TOWARAK: You have the floor,
47 Mr. Peltola.

48

49 MR. PELTOLA: Thank you, Chairman
50 Towarak. As the original proposal was submitted it

1 called for a reduction in the season in addition to the
2 bag limit. And what has been proposed is, and acted upon
3 via the motion, is that we maintain the same bag limit of
4 two if I understand it correctly by reducing the season.
5 I think that would be a step in the right direction, it's
6 not necessarily as far as the Refuge would like to go,
7 but we understand the concerns of the Board. The
8 majority of the harvest on this herd does not usually
9 occur in the fall, the majority of the harvest on this
10 herd currently occurs when snow conditions are
11 appropriate, where we have people from the Kuskokwim
12 villages in addition to Bettles going out and harvesting
13 caribou when they're on their winter grounds close to the
14 communities. That is where the significant amount of the
15 harvest occurs. Now if the Board decides to act on just
16 the season reduction alone by maintaining the two bag
17 limit, the way it currently is only one bull can be
18 harvested out of the herd and only one caribou prior to
19 the end of January where an additional animal can be
20 taken later on in the season after the end of January.
21 There'd still be an opportunity for subsistence users to
22 participate in the harvest and there may potentially be
23 a reduction in the harvest by shortening the season.

24
25 CHAIRMAN TOWARAK: Does that clarify your
26 question, Gene?

27
28 MR. VIRDEN: Yes, that does.

29
30 MR. CRIBLEY: I've got a question, Mr.
31 Chairman.

32
33 CHAIRMAN TOWARAK: Go ahead.

34
35 MR. CRIBLEY: Yeah, I guess where -- I
36 understand what we're trying to achieve through the
37 modification of the -- of subsistence hunting season.
38 But my understanding was is the State was not going to
39 and that the State hunt would still continue. Is that --
40 is it kind of like we got half of the pie here and we're
41 not getting the -- we're not getting the full effect of
42 what we're trying to accomplish?

43
44 MR. PELTOLA: Yeah. Through the Chair.
45 Correct. We'd have a difference in our Federal seasons
46 versus what is existing on the books with the State
47 season. Now if the Federal Subsistence Board wanted to
48 continue down the road, there are mechanisms in place
49 which can address that, but no, that's not being
50 addressed at this time.

1 MR. CRIBLEY: Thank you.
2
3 CHAIRMAN TOWARAK: Any further questions,
4 discussion.
5
6 Mr. Virden.
7
8 MR. VIRDEN: Sorry, I misstated that.
9 So, I guess, the difference would be that the Federal
10 subsistence season's shorter than the State season, but
11 the harvest would be the same theoretically.
12
13 CHAIRMAN TOWARAK: Yes.
14
15 MR. HASKETT: Yes. I mean, so maybe
16 someone correct me if I get this wrong, but since they're
17 going to be -- they will not be the same, but there's
18 still going to be the State season that's going to allow
19 people to still move forward. So we're making it a
20 statement, I think, of concern on the health of the herd
21 and what needs to be done. It's not hurting anybody or
22 causing undue problems for anyone.
23
24 CHAIRMAN TOWARAK: What you're saying
25 then is that even if the Federal season is shorter they
26 -- the hunters and the subsistence users will have the
27 State's schedule to continue their hunting ability.
28
29 Go ahead.
30
31 MR. VIRDEN: It seems like it's backwards
32 to me, but I'll just make that comment.
33
34 CHAIRMAN TOWARAK: I think we should move
35 on to a vote.
36
37 MR. CRIBLEY: Mr. Chairman.
38
39 CHAIRMAN TOWARAK: Mr. Cribley.
40
41 MR. CRIBLEY: I call for question.
42
43 CHAIRMAN TOWARAK: Question's been called
44 for. Roll call, please.
45
46 MR. PROBASCO: Thank you, Mr. Chair. And
47 this is final action on WP 12-42 to adopt the Yukon-
48 Kuskokwim Delta Regional Council recommendation which was
49 to support the proposal with modification. And that's
50 found on Page 431.

1 Ms. Masica.
2
3 MS. MASICA: Yes.
4
5 MR. PROBASCO: Mr. Cribley.
6
7 MR. CRIBLEY: Yes.
8
9 MR. PROBASCO: Mr. Towarak.
10
11 CHAIRMAN TOWARAK: Yes.
12
13 MR. PROBASCO: Mr. Haskett.
14
15 MR. HASKETT: Yes.
16
17 MR. PROBASCO: Mr. Virden.
18
19 MR. VIRDEN: No.
20
21 MR. PROBASCO: And, Ms. Pendleton.
22
23 MS. PENDLETON: Yes.
24
25 MR. PROBASCO: Motion carries, 5/1.
26
27 CHAIRMAN TOWARAK: Thank you. We will
28 move on to Proposal 12-43 then. Staff analysis, please.
29
30 MR. FOX: Yeah. Thank you, Mr. Chair.
31 Trevor Fox with OSM. The analysis for WP12-43 begins on
32 Page 441 of your meeting book.
33
34 The proposal was submitted by the Yukon
35 Delta National Wildlife Refuge and it requests an
36 extension of the season and an increased harvest limit
37 for lynx under Federal hunting regulations in Unit 18.
38 The proponent states that in addition to being a fur
39 bearer, lynx are also a subsistence food resource.
40 Additionally there is a perception among Federally-
41 qualified subsistence users who harvest a finite number
42 of lynx for food that they are second tier to commercial
43 trappers who are allowed to harvest an unlimited number
44 of lynx in a trapping season. The proposed changes are
45 to increase the harvest limit from two to five lynx under
46 Federal hunting regulations and to extend the season from
47 November 10th through March 31st to August 10th through
48 April 30th. All rural residents have a positive
49 customary and traditional use determination for lynx in
50 Unit 18. And a similar proposal was recently rejected by

1 the Alaska Board of Game due to concerns of increased
2 mortality of recently weaned kittens during August and
3 September.

4
5 As far as the population goes it's a
6 classic example of the cyclic population. With lynx
7 populations tied to that of snow hare -- snowshoe hare
8 abundance and these populations follow an eight to 11
9 year cycle. The harvest history is based on sealing
10 records which provide an index to the relative abundance,
11 but are associated with problems such as under reporting,
12 under representation of some users such as people who tan
13 their own hides and those that harvest lynx for meat.
14 Harvest is also affected by snow conditions where more
15 harvest occurs when conditions are conducive to
16 snowmachine travel. The harvest data suggest that lynx
17 are taken -- or that more -- most lynx are taken under
18 trapping regulations. The lynx under hunting regulations
19 range from zero to 28 percent of the reported harvest.
20 The proposed regulatory changes would provide some
21 additional harvest opportunity for Federally-qualified
22 subsistence users under hunting regulations by increasing
23 the limit and extending the season. There would likely
24 be minimal effects to the lynx population due to the
25 small proportion of users who harvest under hunting
26 regulations and they would be able to harvest up to three
27 additional lynx a year. Meanwhile under trapping
28 regulations the harvest is unlimited. Hunting is less
29 targeted, less targeted for harvesting lynx because of
30 the elusive behavior of lynx and most of the harvest with
31 hunting is opportunistic.

32
33 The OSM conclusion is to support WP12-43.

34
35 Thank you, Mr. Chair.

36
37 CHAIRMAN TOWARAK: Thank you. Are there
38 any questions of the Staff.

39
40 (No comments)

41
42 CHAIRMAN TOWARAK: Thank you for that
43 report. Summary of public comments from the Regional
44 coordinator.

45
46 MR. NICK: Mr. Chair, there were no
47 comments received.

48
49 Mr. Chair.

50

1 MR. PROBASCO: And, Mr. Chair, no one has
2 signed up.

3
4 CHAIRMAN TOWARAK: Okay. So we don't
5 have anyone that wants to provide testimony from the
6 public.

7
8 (No comments)

9
10 CHAIRMAN TOWARAK: And we will then
11 proceed on to the Regional Council recommendations.

12
13 Mr. Wilde.

14
15 MR. L. WILDE: Thank you. Mr. Chair. YK
16 Delta supports WP12-43. We feel that there are no
17 conservation concern and from experience lynx are good to
18 eat and you can prepare them just as well -- just like
19 you do chicken. And if you didn't know that it was lynx
20 meat you'd swear it was chicken.

21
22 Thank you, Mr. Chairman.

23
24 CHAIRMAN TOWARAK: Thank you. Some food
25 for thought.

26
27 (Laughter)

28
29 CHAIRMAN TOWARAK: We -- if there are no
30 questions from the Board to the Regional Chair, we'll go
31 to the Fish and Game Comments.

32
33 MR. PAPPAS: Thank you, Mr. Chair.
34 George Pappas, Department of Fish and Game.

35
36 Conservation concerns for lynx in Unit 18
37 are undetermined at this time and also the vast majority
38 of lynx harvest is reported through trapping. As earlier
39 mentioned the Alaska Board of Game recently opposed a
40 parallel proposal based on lynx kits of the year and the
41 Department recommends opposing this proposal based upon
42 the Board of Game action at the November, 2011 meeting.

43
44 Thank you, Mr. Chair.

45
46 CHAIRMAN TOWARAK: Any questions from the
47 Board.

48
49 (No comments)

50

1 CHAIRMAN TOWARAK: Thank you for that
2 report. We will hear then from the InterAgency Staff.
3
4 DR. JENKINS: Mr. Chair, the InterAgency
5 Staff Committee submitted its standard comment.
6
7 Thank you.
8
9 CHAIRMAN TOWARAK: Thank you. Board
10 discussion with Council Chairs and the State liaison.
11 Any need for additional comments?
12
13 (No comments)
14
15 CHAIRMAN TOWARAK: I'm not seeing any.
16 Then we will.....
17
18 MR. LOHSE: Mr. Chair.
19
20 CHAIRMAN TOWARAK: Yes.
21
22 MR. LOHSE: I just have to agree with --
23 I just have to disagree with my other Council member over
24 there, lynx does not taste like chicken, lynx tastes like
25 pork.
26
27 (Laughter)
28
29 CHAIRMAN TOWARAK: We will.....
30
31 MR. PROBASCO: You got Mr. Wilde.
32
33 CHAIRMAN TOWARAK: Oh. Mr. Wilde.
34
35 MR. L. WILDE: Thank you, Mr. Chairman.
36 One thing that I'd -- just for information sake, we hunt
37 lynx, but the only time that we're able to hunt them is
38 after the snow falls which is in October and you can't
39 always go out and chase a -- get the lynx out in the open
40 because they're -- they usually run into the tree line
41 because actually on the area where we live into the
42 willow line and it's always a little bit hard to get them
43 there, but when we do get them we enjoy both the fur --
44 we use both the fur and the meat.
45
46 Thank you, Mr. Chairman. I thought I'd
47 put that out for your information.
48
49 CHAIRMAN TOWARAK: Thank you, Mr. Wilde.
50 The floor is open for action by the Board.

1 Mr. Haskett.
2
3 MR. HASKETT: I'd like to know whether
4 it's pork or chicken.
5 (Laughter)
6
7 MR. L. WILDE: It depends on what you're
8 used to eating.
9
10 MR. LOHSE: And like Beth says, if I fry
11 it in bacon grease it probably tastes like pork.
12
13 (Laughter)
14
15 MR. HASKETT: Okay. I'm going to make a
16 motion to adopt Proposal 12-43 and recommended by the
17 Yukon-Kuskokwim Delta Regional Council and I'll provide
18 my justification if I get a second.
19
20 MR. CRIBLEY: Second.
21
22 CHAIRMAN TOWARAK: You heard the motion
23 and the second. You've got the floor, Mr. Haskett.
24
25 MR. HASKETT: Yeah, as was explained most
26 lynx are taken under trapping regulations rather than
27 hunting regulations. Lynx are often taken while -- while
28 hunting are taken opportunistically. This isn't likely
29 to impact the lynx population much. It says lynx are
30 good eating and are taken when possible. This change is
31 not likely to have much impact on the lynx population
32 since most of the harvest using hunting regulations is
33 opportunistic while hunting for other animals. Trapping
34 has a more substantial affect on lynx harvest and this
35 will not change trapping regulations so I intend to vote
36 in favor of the motion.
37
38 CHAIRMAN TOWARAK: Further discussion or
39 questions.
40
41 (No comments)
42
43 CHAIRMAN TOWARAK: Mr. Cribley.
44
45 MR. CRIBLEY: Call for question.
46
47 CHAIRMAN TOWARAK: Question's been called
48 for. Roll call, please.
49
50 MR. PROBASCO: Thank you, Mr. Chair.

1 Final action on WP12-43 to adopt as recommended by the
2 Yukon-Kuskokwim Regional Advisory Council.

3

4 Mr. Cribley.

5

6 MR. CRIBLEY: Yes.

7

8 MR. PROBASCO: Mr. Towarak.

9

10 CHAIRMAN TOWARAK: Yes.

11

12 MR. PROBASCO: Mr. Haskett.

13

14 MR. HASKETT: Yes.

15

16 MR. PROBASCO: Mr. Virden.

17

18 MR. VIRDEN: Yes.

19

20 MR. PROBASCO: Ms. Pendleton.

21

22 MS. PENDLETON: Yes.

23

24 MR. PROBASCO: And, Ms. Masica.

25

26 MS. MASICA: Yes.

27

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

29

30 CHAIRMAN TOWARAK: Thank you. We will
31 move on then to Proposal 12-47, Unit 18 moose. Staff
32 analysis, please.

33

34 MR. FOX: Thank you, Mr. Chair. Trevor
35 Fox with OSM again. The proposal for WP12-47 begins on
36 Page 449 of your meeting book.

37 The proposal was submitted by Stanley
38 Shepherd of the Mountain Village Working Group and
39 requests the addition of a special provision to limit
40 aircraft use for the moose season in a portion of Unit
41 18. The proponent states that there are concerns among
42 Unit 18 residents regarding non-local users flying into
43 Refuge lands to harvest moose. The proponent states
44 there have been reports of non-local fly-in moose hunters
45 claiming areas of Unit 18 for their exclusive use and
46 have asked local tribal members to leave hunting areas.

47

48

49 The proposal requests a special provision
50 to create a Unit 18 Federal Controlled Use Area to

1 restrict the use of aircraft during moose seasons for
2 users harvesting moose including transportation of any
3 moose hunter or moose part. The controlled use area
4 would encompass the lower Yukon and remainder areas of
5 Unit 18 and would not apply to transportation of a moose
6 hunter or moose part by aircraft between publicly owned
7 aircraft or airports.

8
9 Previous proposals have been submitted to
10 address this issue. Proposals WP05-11 and WP06-27
11 requested a Federal controlled use area for all moose
12 seasons in the lower Yukon River drainage of Unit 18.
13 WP05-11 was deferred and WP06-27 was rejected due to a
14 lack of conservation concern and the Board's limited
15 jurisdiction to implement effective controlled use areas.

16
17 As far as the population of moose in Unit
18 18, in this portion of Unit 18 the population is highly
19 productive, continues to grow and is capable of
20 supporting an increased harvest. When hunting moose
21 airplanes have been used by both Federally-qualified
22 subsistence users and non-qualified users. In Unit 18
23 between 3 and 7 percent of all users listed airplanes as
24 the primary means of transportation and this is found on
25 Table 2 on Page 461, but this accounted for less than 4
26 percent of the overall harvest which is on Table 3 on
27 Page 461. Airplane use has been more prevalent among
28 non-Federally-qualified users, but the overall effort is
29 low for known residency users. An important note is that
30 the proposal would affect all users who use airplanes
31 during the moose season and between 2007 and 2009 there
32 were between six and 17 Federally-qualified subsistence
33 users who reported using airplanes as their primary
34 method of transportation. If the proposal were adopted
35 these users would be affected.

36
37 The OSM conclusion is to oppose WP12-47
38 because the Federal Subsistence Board does not have
39 jurisdiction to restrict access methods on State and
40 private lands or to restrict spotting of moose by
41 aircraft. Also both Federal and State regulations
42 already address the issue of fly-in hunters by
43 prohibiting the taking of moose on the same day a hunter
44 is airborne. In addition the Yukon Delta National
45 Wildlife Refuge Staff does have a program to manage
46 transporter access on Refuge lands to help reduce
47 conflicts between transporter clients and local users and
48 these methods are listed on Page 457 under current
49 events. And finally there are no conservation concerns
50 for the affected moose population that would require any

1 regulatory restrictions.

2

3 Thank you, Mr. Chair.

4

5 CHAIRMAN TOWARAK: Thank you. Mr.
6 Haskett.

7

8 MR. HASKETT: So, Mr. Chair, this is an
9 area where a Refuge has actually done a lot of work to
10 address the conflict that's part of this motion. So
11 again if I could I'd like to ask Gene Peltola to come up
12 and talk about some of the work the Refuge has done.

13

14 CHAIRMAN TOWARAK: Sure. You have the
15 floor, Mr. Peltola.

16

17 MR. PELTOLA: Thank you, Chairman
18 Towarak, other Board members. Prior to this body opening
19 up the harvest of moose within GMU 18 on the Yukon, my
20 predecessor and manager, Mike Reardon, made a commitment
21 to the Board to minimize overlap and potential conflict
22 between local and non-local users. The Refuge has done
23 all we could in the -- up to date in order to carry
24 through that commitment to this body.

25

26 With our special use permits we have --
27 we've issued up to a total of four special use permits.
28 Two companies operate out of Bethel, one operates out of
29 Holy Cross and another operates out of Unalakleet.
30 Within the conditions of those permits we do not
31 authorize transporter drop off activity in high
32 concentrated areas where there -- I mean, high
33 concentrations of Native allotments. Just downstream
34 from Mountain Village, going down the main stem of the
35 Yukon, going through the lower, middle and upper mouth,
36 we have six, seven, 800 Native allotments along the river
37 there. We do not authorize any of our transporters to
38 conduct transporter drop off activity in that section of
39 the river.

40

41 In addition we require all of our
42 transporters to give us a list of latitudes/longitudes
43 prior to the beginning of the season to ensure that the
44 areas that they propose to drop someone off meets our
45 criteria. Those criteria include not dropping off
46 anybody within boat accessible waters. Now we don't hold
47 true to that along the -- at Chilingook (ph) drainage
48 which is north of Marshall. The reason being is when the
49 Yukon was opened up to non-residents of the unit in 2007
50 this is one area where we had a boat operator, boat

1 transporter. In addition too we have the Andreadfsky
2 Wilderness Area which is north of Mountain and St.
3 Mary's. Along there we have three major drainages, the
4 north fork, the east fork and the Chilingook River (ph)
5 drainages. In this area we only authorize two parties to
6 be dropped off per transporter. In addition the majority
7 of those operators up in the Andreadfsky are wheel based
8 operations so they're dropping off people several miles,
9 up to six or nine miles from the river corridor itself.
10 If there happens to be someone who's dropped off to
11 conduct a float hunt down these drainages, we require
12 that they be pulled out on the north fork which is most
13 accessible for a float hunt by Allen Creek which is about
14 halfway down the river system in order to minimize a
15 potential overlap between a local and non-local user.

16
17 Throughout the other area of the Refuge
18 we do not authorize a drop off within one nautical mile
19 of a Native allotment. We do not authorize a camp within
20 three miles of another. So there are numerous steps the
21 Refuge has taken in order to minimize the potential for
22 overlap between a local and non-local user, probably to
23 the point that within Refuge lands in Alaska, Yukon Delta
24 probably puts more stipulations on our transporters than
25 anybody else in the region.

26
27 Thank you.

28
29 CHAIRMAN TOWARAK: Any questions from the
30 Board.

31
32 (No comments)

33
34 CHAIRMAN TOWARAK: Thank you for that
35 information. Do we have any public comments or.....

36
37 MR. NICK: Mr. Chair, there weren't any.

38
39 Mr. Chair.

40
41 CHAIRMAN TOWARAK: Thank you.

42
43 MR. PROBASCO: Mr. Chair, I do have one
44 person that's signed up and that's Mr. Harry Wilde.

45
46 Mr. Harry Wilde.

47
48 CHAIRMAN TOWARAK: Go ahead.

49
50 MR. NICK: Mr. Chair, Harry told me just

1 a few minutes ago that he's going to go rest in his
2 hotel, he was getting tired.

3

4 Mr. Chair.

5

6 CHAIRMAN TOWARAK: I'm ready to join him.

7

8 (Laughter)

9

10 MR. PROBASCO: Mr. Chair, if I may. You
11 may recall that Mr. Wilde spoke earlier to the Board and
12 his testimony talked about both non-agenda items, but
13 also talked about the importance of moose in this area.
14 I'm sure he had more to add to that, but he did speak to
15 moose.

16

17 Mr. Chair.

18

19 CHAIRMAN TOWARAK: Okay. With Harry not
20 being here we will proceed then and hear the Regional
21 Council recommendations.

22

23 Mr. Wilde.

24

25 MR. L. WILDE: Thank you, Mr. Chair. The
26 YK RAC supported WP12-47. The justification was that the
27 lower Yukon people sacrificed to build the moose
28 population in the area, 13 villages depend on moose in
29 this area and local people do not support moose spotting
30 from an airplane and hunters being dropped off with an
31 airplane in the hunt area. When people fly into the
32 villages, the people in the villages volunteer to help
33 them out. So that's it.

34

35 Thank you, Mr. Chairman.

36

37 CHAIRMAN TOWARAK: Any questions of the
38 Chair.

39

40 (No comments)

41

42 CHAIRMAN TOWARAK: If not, then we will
43 proceed to the Department of Fish and Game comments.

44

45 MS. YUHAS: Thank you, Mr. Chairman.
46 Jennifer Yuhas. The Department's comments can be found
47 on Page 465 of your Board book, but I can summarize
48 simply to say that the Department is also opposed, agrees
49 with the OSM conclusion, finds the proposal unnecessary,
50 outside of your Board authority and in conflict with your
51 closure policy.

1 Thank you.
2
3 CHAIRMAN TOWARAK: Any questions.
4
5 (No comments)
6
7 CHAIRMAN TOWARAK: I have a question with
8 regard to Mr. Peltola's comments about directing carriers
9 to certain areas. Who actually has jurisdiction
10 over.....
11
12 MR. HASKETT: We -- Fish and Wildlife
13 Service does within the Refuge.
14
15 CHAIRMAN TOWARAK: Mr. Wilde, is that a
16 sufficient answer for your concerns from the Regional
17 Council?
18
19 MR. L. WILDE: Mr. Chairman.
20
21 CHAIRMAN TOWARAK: Fish and Wildlife
22 Service regulates airplane commercial activity into Unit
23 18. And from what I've heard this Board does not have
24 authority to regulate where commercial airline activity
25 takes place in the Refuge.
26
27 MR. L. WILDE: I guess we'll have to take
28 that as an answer, Mr. Chairman.
29
30 Thank you.
31
32 CHAIRMAN TOWARAK: Any further comments.
33
34 MS. AHTUANGARUAK: I'd like to comment
35 that the reality is that the technology that's available
36 to help monitor activity within our lands is greatly
37 improved and the reality is our State has not taken the
38 opportunity to improve that process. We could be putting
39 GPS monitors on these various outfitters and be
40 monitoring their activities, that type of stuff. I hope
41 that we take advantage of the reality of improvements in
42 technology in ways that we can help monitor our
43 resources.
44
45 CHAIRMAN TOWARAK: Any further
46 discussion.
47
48 MR. L. WILDE: Mr. Chairman.
49
50 CHAIRMAN TOWARAK: Mr. Wilde.

1 MR. L. WILDE: If I may, Mr. Chairman.
2 I think this proposal stem from one -- a couple incidents
3 this couple -- this last season where the hunter came to
4 an area where he usually hunt and there was a couple of
5 people that were there that they were obviously not from
6 the area. And they asked -- they told the -- the people
7 went there on their Native allotment and the -- and were
8 told by the people that were hunting on that Native
9 allotment that they were trespassing when actually the
10 people that said that the Natives were trespassing were
11 actually the ones trespassing on the Natives' land. And
12 I think that was one of the reasons why this proposal
13 came out.

14
15 Mr. Chairman.

16
17 CHAIRMAN TOWARAK: Okay. I assume that
18 you have access to the Fish and Wildlife Service
19 management.

20
21 MR. L. WILDE: Yes, I do, Mr. Chairman.
22 Thank you.

23
24 MR. LOHSE: Mr. Chair.

25
26 CHAIRMAN TOWARAK: Go ahead.

27
28 MR. LOHSE: Mr. Chair, through the Chair
29 to Mr. Haskett. You have regulations over commercial
30 enterprises like transporters and that, but there are no
31 regulations that apply to private pilots flying on their
32 own, are there?

33
34 MR. HASKETT: Yeah, that would be
35 correct. I mean, the FAA or somebody would have the
36 responsibility for something that's not actually
37 directly, you know, making use of part of the Refuge. I
38 believe that's -- generally we have -- yes.

39
40 MR. LOHSE: But individuals can make use
41 of the Refuge without going through the Fish and Wildlife
42 Service?

43
44 MR. HASKETT: You mean in terms of
45 landing or in terms of actually -- like this proposal
46 here?

47
48 MR. LOHSE: In terms of landing and
49 hunting. Let's say I was a pilot and I decided to fly
50 from Anchorage up to the Refuge and land and hunt. There

1 would be no Fish and Wildlife regulations that would
2 apply to me as an individual, would they?

3

4 MR. HASKETT: And if you're saying --
5 yeah, the answer's no, there would not be.

6

7 CHAIRMAN TOWARAK: Further discussion.

8

9 (No comments)

10

11 CHAIRMAN TOWARAK: If there aren't any
12 we're going to -- we'd like to hear from the InterAgency
13 Committee.

14

15 DR. JENKINS: Mr. Chair, the ISC had it's
16 standard comment on this.

17

18 CHAIRMAN TOWARAK: Thank you. The floor
19 is now open for open discussion with the Council Chairs
20 and the State liaison.

21

22 MR. CRIBLEY: Mr. Chair, a question of
23 clarification. The statement has been made that the
24 Board doesn't have the authority to actually do this.
25 Can we -- can I get some clarification on that.

26

27 MR. LORD: Thanks for asking that
28 question, Bud. In fact, the Board has never taken an
29 action like this, all the controlled use areas in Federal
30 regulation are those that we adopted from the State when
31 the program started. We've never gone beyond that and
32 adopted a new one. It's always been our position however
33 that we have the authority to do it, but practically
34 speaking there really hasn't been a good reason to.
35 Unless we have the State onboard on a particular
36 controlled use area then we end up with a patchwork of
37 lands where, you know, the control -- there would be a no
38 fly area and then there wouldn't be because of the -- the
39 State program and the Federal program wouldn't be
40 aligned. And taking into account that the land managers
41 typically have authority over most aircraft that go into
42 this area, there's been no reason to.

43

44 So that's as much as I can tell you,
45 we've never tested our position that we have that
46 authority.

47

48 MR. CRIBLEY: Thank you.

49

50 CHAIRMAN TOWARAK: If there isn't any

1 further discussion the floor is now open for action on
2 this proposal.

3

4 MR. HASKETT: I just want to make sure I
5 understand what just happened here. So based upon the
6 question that Bud just asked and the explanation you just
7 gave and the determination that's made by the Chair,
8 essentially the proposal has just died here and I don't
9 need to make a motion on anything -- any kind of proposal
10 here.

11

12 CHAIRMAN TOWARAK: Go ahead, Pete.

13

14 MR. PROBASCO: Mr. Board, the Board
15 actually has two options here. I'd recommend that you do
16 take action since it's gone through the process of going
17 to the RACs and they've made recommendations. However
18 the Board could elect to take no action based on counsel
19 as far as their authority.

20

21 Mr. Chair.

22

23 CHAIRMAN TOWARAK: The floor is open for
24 the wishes of the Board.

25

26 MR. HASKETT: So.....

27

28 CHAIRMAN TOWARAK: Go ahead.

29

30 MR. HASKETT:Pete, your
31 recommendation was to go forward with a motion just to
32 cover since it went through the process. So I'm willing
33 to do that then if that's the recommendation.

34

35 MR. PROBASCO: That's my recommendation,
36 Mr. Chair.

37

38 CHAIRMAN TOWARAK: The floor is open.

39

40 MR. HASKETT: Okay. So I make a motion
41 to adopt the proposal. I'll provide my justifications
42 why I intend to vote against the motion if I get a
43 second.

44

45 MS. PENDLETON: Second that.

46

47 CHAIRMAN TOWARAK: You heard the second.
48 Justification.

49

50 MR. HASKETT: Okay. So I think Gene

1 Peltola, our Refuge manager, did an excellent job of
2 describing all the efforts that were actually involved in
3 addressing these concerns. This area has one of the
4 highest densities of moose in the State right now. I do
5 understand that there's been some user conflicts in the
6 area as were referred to, however our Yukon Delta Refuge
7 Staff have taken numerous actions to help alleviate the
8 concerns of the local users. The Refuge has taken action
9 to not allow transporters to drop off hunters along
10 waterways usually accessible by boat, within one nautical
11 mile of Native allotments, within three nautical miles of
12 other hunting camps. In addition the Refuge limits the
13 number of moose hunters that transporters can bring into
14 the area. Transporters are allowed to bring in two
15 hunting parties per drainage for a total of six parties.
16 A drop off location cannot be used more than once per
17 year and no more than five round trips can occur at the
18 same location. So it appears to me that we're doing all
19 we can. It does not appear that the Yukon-Kuskokwim
20 Regional Council recommendation is supported by
21 substantial evidence under Section 805(c) of ANILCA and
22 I will be voting in opposition to the motion.

23

24 CHAIRMAN TOWARAK: Further discussion or
25 any questions.

26

27 (No comments)

28

29 MR. CRIBLEY: Mr. Chairman, I call for
30 question.

31

32 CHAIRMAN TOWARAK: The question's been
33 called for. Roll call, please.

34

35 MR. PROBASCO: Thank you, Mr. Chair.
36 Final action on WP12-47.

37

38 Mr. Towarak.

39

40 CHAIRMAN TOWARAK: No.

41

42 MR. PROBASCO: Mr. Haskett.

43

44 MR. HASKETT: No.

45

46 MR. PROBASCO: Mr. Virden.

47

48 MR. VIRDEN: No.

49

50 MR. PROBASCO: Ms. Pendleton.

1 MS. PENDLETON: No.
2
3 MR. PROBASCO: Ms. Masica.
4
5 MS. MASICA: No.
6
7 MR. PROBASCO: And, Mr. Cribley.
8
9 MR. CRIBLEY: No.
10
11 MR. PROBASCO: Motion fails 0/6.
12
13 And, Mr. Chair, the next proposal, 12-49,
14 was moved to the consensus agenda so that would move us
15 to 12-50.
16
17 CHAIRMAN TOWARAK: We will proceed then
18 on to 12-50 on Page 483. Staff analysis, please.
19
20 MS. KENNER: Good afternoon, Mr. Chair,
21 members of the Board, Council Chairs and the Solicitor.
22 I'm Pippa Kenner, anthropologist with the Office of
23 Subsistence Management. The analysis for Proposal WP12-
24 50 begins on Page 483 of your Board book.
25
26 The proposal was submitted by the
27 Association of Village Council Presidents in Bethel and
28 would allow moose to be taken from a motor driven boat
29 that is moving under power. The request addresses the
30 remainder area of Unit 18 in moose regulations and this
31 remainder area is defined in Map 1 on Page 485 of your
32 Board book.
33
34 The proponent states that the proposal
35 reflects the current method of harvesting moose in the
36 region and that the practice has been ongoing since
37 motorized boats became available in the area. A slow
38 speed is used to avoid scaring moose from river banks by
39 keeping motor noise to a minimum and a motor driven boat
40 under slow power provides a relatively stable platform
41 for shot placement.
42
43 The Federal Subsistence Board has adopted
44 regulations allowing the harvest of moose and caribou
45 from a boat under power in several management units,
46 including caribou in all of Unit 18 and moose in the
47 lower Yukon drainage portion of Unit 18.
48
49 The moose population in the area is
50 generally considered healthy and the OSM conclusion is to

1 support the proposal.

2

3 Thank you, Mr. Chair.

4

5 CHAIRMAN TOWARAK: Thank you. Are there
6 any questions of the Staff.

7

8 (No comments)

9

10 CHAIRMAN TOWARAK: Thank you for that
11 report. Any summary of public comments from the Regional
12 coordinator.

13

14 MR. NICK: Mr. Chair, there weren't any
15 comments.

16

17 MR. PROBASCO: And, Mr. Chair, no one has
18 signed up for this proposal.

19

20 Chairman TOWARAK: Okay. There are no
21 public comments or public testimony on this proposal. We
22 will move on then to the Regional Council recommendation.

23

24 MR. L. WILDE: Thank you, Mr. Chair. The
25 Yukon-Kuskokwim Delta RAC supports Proposal WP12-50 with
26 modification to include only remainder of Unit 18. This
27 is a historic standard practice and no accidents have
28 been reported using this practice while hunting. And
29 people are trying to effectively put food or efficiently
30 put food on the table. People wish to abide by the law
31 while hunting.

32

33 Thank you, Mr. Chairman.

34

35 CHAIRMAN TOWARAK: Thank you, Mr. Wilde.
36 Any questions of the Chair.

37

38 (No comments)

39

40 CHAIRMAN TOWARAK: If not then we will
41 proceed on to the Department of Fish and Game.

42

43 MR. PROBASCO: Mr. Chair, Mr. Reakoff
44 stepped out, but I want to note that the Western Interior
45 -- this was before them, but they took no action on the
46 proposal.

47

48 CHAIRMAN TOWARAK: Okay. We'll give him
49 an opportunity later if he does have any other comments.
50 We will proceed then with the Department of Fish and

1 Game.

2

3 MS. YUHAS: Thank you, Mr. Chairman.
4 Jennifer Yuhas. The Department opposes this proposal,
5 this is a practice that is already disallowed in State
6 regulation. We understand that it's been adopted in
7 other portions of Federal regulation, however in this
8 area it would be significantly confusing to users. We've
9 got two dozen communities, mixed land ownership patterns
10 and the Federal subsistence hunting regulations only
11 apply on Federal public lands, they don't apply on non-
12 Federal lands and waters. These boat accessible waters
13 put the users at risk for being cited with this mixed
14 land status in State waters in the mix. We just think
15 it's too confusing for the users and disallowed under
16 State regulations.

17

18 The Board of Game also rejected a similar
19 proposal in November.

20

21 CHAIRMAN TOWARAK: Thank you. Any
22 questions of the State.

23

24 (No comments)

25

26 CHAIRMAN TOWARAK: Not hearing any, then
27 we will proceed on to the InterAgency Staff Committee.

28

29 DR. JENKINS: Mr. Chair, the InterAgency
30 Staff Committee found the Staff analysis to be a thorough
31 and accurate evaluation of the proposal and it provides
32 sufficient basis for the Regional Council recommendation
33 and Federal Subsistence Board action on the proposal.

34

35 The Board may want to consider adding to
36 the Yukon-Kuskokwim Regional Advisory Council's
37 recommendation to clarify that the boat under power not
38 be on step for safety reasons.

39

40 Thank you.

41

42 CHAIRMAN TOWARAK: Any questions. Mr.
43 Cribley.

44

45 MR. CRIBLEY: Yeah, I guess, what does
46 that mean. I guess I don't understand that.

47

48 CHAIRMAN TOWARAK: Geoff, go ahead.

49

50 MR. HASKETT: Actually, I -- I'm going to

1 take a shot at it instead of me. I was going to go ahead
2 and volunteer to do that, but are you -- want to go ahead
3 and cover that.

4

5 MR. PROBASCO: Through the Chair, Mr.
6 Chair, if I may. Usually when people talk about a vessel
7 or a skiff being on step that means that the boat has
8 planed and it's on its upper -- it's not in the lower
9 part, it's on plane.

10

11 CHAIRMAN TOWARAK: Is it enforceable?

12

13 (Laughter)

14

15 CHAIRMAN TOWARAK: Go ahead.

16

17 MR. HASKETT: So actually I'd like to
18 once again call up Gene Peltola, they're the one enforce
19 -- or Robert Sundown, they enforce this so they can
20 actually describe how -- why it is enforceable with your
21 permission.

22

23 CHAIRMAN TOWARAK: Mr. Sundown, you have
24 the floor.

25

26 MR. SUNDOWN: Thank you, Mr. Chairman,
27 members of the Board. To answer the specific question,
28 there are three positions of a vessel, it can be in
29 displacement position which is enforceable, it can be in
30 a plow position, plow position is when you are just
31 engaging the throttle and you're in between displacement
32 and being on plane and the third position is being on
33 step, you transition from plow to plane. And it's -- it
34 would be enforceable, it would be a jury question at that
35 point, but it would be enforceable.

36

37 CHAIRMAN TOWARAK: Thank you. And those
38 are definitions in regulations?

39

40 MR. SUNDOWN: There's -- these are
41 definitions from our boating safety projects that we have
42 among Staff and commonly understood positions in vessels.
43 But.....

44

45 CHAIRMAN TOWARAK: Go ahead, Pete.

46

47 MR. PROBASCO: Mr. Chair, if the Board
48 were to go down this path they would have to capture
49 something like Mr. Sundown so it's very clear what the
50 Board's intent is when they speak to step and being off

1 step.

2

3

Mr. Chair.

4

5

CHAIRMAN TOWARAK: Any further questions.

6

7

(No comments)

8

9

10 explanation.

11

12

Mr. Lohse, go ahead.

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MR. LOHSE: Mr. Chair, I'd like to ask Ken a question at this point in time because of what's going on up in Yukon-Charley and things like that. When we start talking about waterways we're talking about Federal versus State navigable water and all of that kind of good stuff. And, in fact, I think some of it's in some pretty high courts right now if I remember right. So at that point in time that as a Federal Board we would make regulations on navigating on navigable waters in opposition to what the State would currently allow, wouldn't we have a pretty good tendency to end up in a high court somewhere to decide whether or not we could even make that kind of a -- that kind of a regulation?

MR. LORD: Thanks, Ralph. This is a little different than what's being litigated currently because the key issue here is where the take occurs. Even if the shot is coming from State managed or State owned lands, but the moose is taken on Federal lands it's our position that we -- that that's enough of a nexus for us to regulate the actions that led to that shot.

MR. LOHSE: But wouldn't that be similar to the State's prohibition from shooting off of a roadway even if you're next to Federal lands?

MR. LORD: But I'm not sure I understand the question right. And so the State can enforce that, we don't enforce that prohibition. Let me see if I understand your question. If there's a shot off of a roadway onto Federal lands then we don't have anything -- oh, here -- we don't have anything in regulation that overrides that prohibition. Here we would be allowing the shot, in Federal regulation we'd be allowing the shot and because of the supremacy clause that would override any State prohibition that would disallow that activity.

1 MR. LOHSE: Okay. So then that's --
2 somewhere along the line I missed something. I would be
3 under the impression that if we as a Federal Board made
4 a regulation that says when traveling through Federal
5 lands you can shoot out of a vehicle off of a State
6 maintained road, State -- in other words the State right-
7 of-way, that that would end up in court real fast and
8 that if I was driving down -- let's say I was driving
9 down McCarthy Road through the Federal land and I decided
10 to take a moose off the road and the State game warden
11 was right behind me, I would expect him to write me a
12 ticket even if the Federal government said it's okay for
13 me to take that moose on Federal land. But I don't think
14 the Federal government could give me permission to shoot
15 off of a State right-of-way and that's where I'm --
16 that's where I'm looking at this, there's not much
17 difference between a navigable -- depending on what the
18 courts decide, at this point in time there's not much
19 difference between a navigable waterway and a State
20 right-of-way. And I just don't -- I don't see how -- I
21 don't see how we could allow something on State land
22 that's illegal on the State land, to just -- in other
23 words to allow them to take something on Federal land.
24 And I may be wrong and that's why I was asking you and
25 you, you know.....

26
27 MR. LORD: Well, this isn't the first
28 time we've dealt with this issue, if you remember I think
29 it was Unit 4 deer, the question was taking deer off the
30 beach. Bert's shaking his head yes, he remembers this.
31 And the question was whether you could shoot from a boat
32 out in, you know, saltwater and shoot that deer that's on
33 the beach in Federal lands. And we did go down that
34 path, we weren't challenged, but we did do it.

35
36 MR. LOHSE: But State regulation doesn't
37 forbid shooting a deer off of the boat onto land unless
38 the boat is under power.

39
40 MR. LORD: Right. Well, that was the
41 question. Yeah, that was the -- the proposal was to
42 allow it from a boat under power.

43
44 CHAIRMAN TOWARAK: Go ahead, Bud.

45
46 MR. CRIBLEY: Well, we seem to be arguing
47 about something don't we already have in regulations
48 allowing shooting -- taking of moose off a powered boat
49 -- a boat under power in place and all we're doing is
50 expanding the area here for that authorization. So.....

1 MR. LORD: Correct.
2
3 MR. CRIBLEY:really we've already
4 taken the step, we're just defining how big a step we're
5 taking maybe.
6
7 MR. LORD: That is correct.
8
9 MR. CRIBLEY: Okay. Thank you.
10
11 CHAIRMAN TOWARAK: Any further
12 discussion.
13
14 (No comments)
15
16 CHAIRMAN TOWARAK: Not hearing any, then
17 we will proceed on to the.....
18
19 MR. REAKOFF: Mr. Chairman, just one
20 final comment. There is a Federal provision under
21 methods and means that precludes shooting from or across
22 a highway. So that does -- that's already in place.
23 Basically the methods and means that the Federal
24 regulations have adopted are similar to the State
25 regulations. I would really like to know the
26 interpretation about the State right-of-way, the lands
27 adjacent to the road are Federal lands and so I would --
28 at some point I would like a legal interpretation about
29 the State right-of-ways over Federal lands just for my
30 reference.
31
32 MR. LOHSE: Mr. Chair.
33
34 CHAIRMAN TOWARAK: Go ahead, Mr. Lohse.
35
36 MR. LOHSE: Jack, then I -- then I'll
37 throw another little loophole or not loophole, a little
38 question in this. Currently we have a buffalo hunt on
39 the Copper River in Unit 11. The Copper River is
40 bordered by Native land. If you want to hunt above the
41 high water mark you have to get -- you have to pay for a
42 Native permit to hunt above the high water mark, but
43 everything below the high water mark on the Copper River
44 is considered part of the navigable river and is public
45 property.
46
47 MR. REAKOFF: A response, that -- that's
48 a navigable water issue. Right-of-ways across Federal
49 lands I would like a legal interpretation. I would not
50 -- I do not want this Board to think that the right-of-

1 way areas are part of State jurisdiction. I would like
2 a legal interpretation of that before accepting it.

3

4 Thank you, Mr. Chair.

5

6 MR. LORD: Mr. Chair, we're getting a
7 little beyond the issue here. It's not something I'd
8 like to do right now. I'll talk with Jack.....

9

10 CHAIRMAN TOWARAK: Okay. We're at Board
11 discussions with Council Chairs and State liaison. Our
12 next item is Board action.

13

14 Go ahead, Pete.

15

16 MR. PROBASCO: Everybody's looking at
17 their -- doing some research while we're here and I just
18 wanted to point out to the Board as it pertains to
19 caribou your current regulation as it's stated in the
20 handy-dandy, and it doesn't try to define in you're on
21 step or off step, it just says you may take caribou from
22 a boat moving under power in Unit 18. So that's specific
23 to caribou.

24

25 Thank you, Mr. Chair.

26

27 MS. KENNER: Mr. Chair.

28

29 CHAIRMAN TOWARAK: Go ahead.

30

31 MS. KENNER: May I make a comment?

32

33 CHAIRMAN TOWARAK: Sure.

34

35 MS. KENNER: This is Pippa Kenner. I
36 think it might be helpful for the Council to see the
37 deliberation they had in 2010 when considering a similar
38 regulation for -- or the exact same regulation for the
39 lower Yukon area, it's on Page 488 and it begins at the
40 top of the page and it kind of goes over what the Board
41 discussed and we have a lot of new Board members so they
42 might want to read that. There's kind of a
43 question/response for a couple paragraphs there at the
44 top of 488.

45

46 CHAIRMAN TOWARAK: Okay. I'm going to
47 declare a five minute break so let's have Staff weed
48 through what we could before we get a motion on the
49 floor.

50

1 (Off record)

2

3 (On record)

4

5 CHAIRMAN TOWARAK: Shall we reconvene.

6 I think we were under Board discussion with the Council
7 Chairs and State liaison when some questions came up that
8 brought us into a little tizzy here, but I think we are
9 ready to move on to the last step on this proposal for
10 Board action. The floor is open for Board action.

11

12 Mr. Haskett.

13

14 MR. HASKETT: So we -- yesterday when you
15 weren't here we got into a problem on motions and
16 amendments so I'm just going to quickly say what my
17 intent is, what I'm going to try and do here and it's
18 less complicated than it was 20 minutes ago. It's not
19 going to cover the step question at all.

20

21 So I'm going to make a motion, I plan to
22 make a motion to adopt the proposal as recommended by the
23 Regional Council and I'm going to ask for an amendment
24 after that to -- just to get some clarifying language on
25 where deer actually is that I think will be okay with the
26 RAC. So with that understand I'm going to go ahead and
27 make the motion that I move to adopt Proposal 50 as
28 recommended by the Yukon-Kuskokwim Regional Council. And
29 I also plan to add an amendment to the motion if I get a
30 second.

31

32 MS. PENDLETON: Second.

33

34 CHAIRMAN TOWARAK: You heard the motion
35 and the second. Discussion.

36

37 MR. HASKETT: Can I go to make the
38 amendment? Okay. So I move to amend the motion to
39 insert language to clarify which area this applies to
40 which is written out on Page 49 [sic] of our book under
41 OSM conclusion. 489. So I'm looking for a second on
42 that too.

43

44 MS. MASICA: Second.

45

46 CHAIRMAN TOWARAK: There's a second on
47 the amendment. Discussion, the floor is open for
48 discussion.

49

50 MR. HASKETT: So the intent of the

1 amendment is to make sure that the area description is
2 easier to understand, there was -- I think the intent was
3 there by the RAC, but as has been explained to me didn't
4 quite get it down to specific areas. If you look at Page
5 485 in our book the area where this will be allowed,
6 assuming we do the final motion, approve it, is -- will
7 extend to the remainder area on that map so now it
8 applies to both the lower Yukon and the remainder areas.
9 And I believe this is consistent with the Regional
10 Council's recommendation.

11
12 CHAIRMAN TOWARAK: Any other questions or
13 discussion on the motion -- the amendment.

14
15 (No comments)

16
17 CHAIRMAN TOWARAK: Not hearing any, all
18 those.....

19
20 MS. MASICA: Call for the question, Mr.
21 Chair.

22
23 CHAIRMAN TOWARAK: The question's been
24 called for the co-vote.

25
26 MR. PROBASCO: Thank you, Mr. Chair.
27 This is on the amendment and the amendment is to clarify
28 the area that's being discussed and it's found on Page
29 489 under OSM conclusion and this amendment falls in line
30 with the YK Regional Advisory Council's recommendation.

31
32 Mr. Haskett.

33
34 MR. HASKETT: Yes.

35
36 MR. PROBASCO: Mr. Virden.

37
38 MR. VIRDEN: Yes.

39
40 MR. PROBASCO: Ms. Pendleton.

41
42 MS. PENDLETON: Yes.

43
44 MR. PROBASCO: Ms. Masica.

45
46 MS. MASICA: Yes.

47
48 MR. PROBASCO: Mr. Cribley.

49
50 MR. CRIBLEY: Yes.

1 MR. PROBASCO: And, Mr. Towarak.
2
3 CHAIRMAN TOWARAK: Yes.
4
5 MR. PROBASCO: The amendment carries,
6 6/0.
7
8 CHAIRMAN TOWARAK: Now back to the main
9 motion. Any discussion.
10
11 MR. HASKETT: So the main motion will
12 allow for the traditional practice of positioning a
13 hunter to take a moose from a moving boat which is a
14 traditional practice as we heard from the YK RAC.
15
16 CHAIRMAN TOWARAK: Any questions or
17 further discussion on the motion.
18
19 (No comments)
20
21 MR. CRIBLEY: Mr. Chairman.
22
23 CHAIRMAN TOWARAK: Mr. Cribley.
24
25 MR. CRIBLEY: Call for question.
26
27 CHAIRMAN TOWARAK: The question's been
28 called for. Roll call, please.
29
30 MR. PROBASCO: Thank you, Mr. Chairman.
31 Final action on WP12-50 as amended.
32
33 Mr. Virden.
34
35 MR. VIRDEN: Yes.
36
37 MR. PROBASCO: Ms. Pendleton.
38
39 MS. PENDLETON: Yes.
40
41 MR. PROBASCO: Ms. Masica.
42
43 MS. MASICA: Yes.
44
45 MR. PROBASCO: Mr. Cribley.
46
47 MR. CRIBLEY: Yes.
48
49 MR. PROBASCO: Mr. Towarak.
50

1 CHAIRMAN TOWARAK: Yes.

2

3 MR. PROBASCO: And, Mr. Haskett.

4

5 MR. HASKETT: Yes.

6

7 MR. PROBASCO: The motion carries as
8 amended, 6/0.

9

10 CHAIRMAN TOWARAK: Thank you. We will
11 move on then to Proposal 12-51. We'll get the Staff
12 analysis, please. And for your information the building
13 supervisor that told us that we could remain in the
14 building until 6:00 o'clock tonight, we have to be out by
15 6:00, we don't have to be here until 6:00, but that's our
16 limit. But, Staff, go ahead with your analysis, please.

17

18 Thank you.

19

20 MR. FOX: Thank you, Mr. Chair. Trevor
21 Fox with OSM. Proposal WP12-51 was submitted by the
22 Yukon Delta National Wildlife Refuge and requests an
23 extension of the season and an increased harvest limit
24 for ptarmigan in Unit 18.

25

26 The proponent states that ptarmigan
27 migrate westward from interior portions of the Yukon-
28 Kuskokwim Delta as spring progresses, but the current
29 season closes as ptarmigan arrive in coastal areas
30 thereby precluding Federally-qualified subsistence user
31 from harvesting ptarmigan. The proponent also states the
32 daily harvest and possession limits restrict the total
33 number of ptarmigan that Federally-qualified subsistence
34 users can harvest. The proposed changes are to increase
35 the harvest limit from 20 ptarmigan a day, 40 in
36 possession to no limit in Unit 18 and also to extend the
37 ptarmigan season in Unit 18 from August 10th through May
38 30th to August 10th through June 15. All rural residents
39 have a positive customary and traditional use
40 determination for ptarmigan in Unit 18.

41

42 Some of the pertinent regulatory history
43 is that Proposal 93-47 extended the ptarmigan season from
44 August 10th through April 30th to August 10th through May
45 30th to allow for move harvest opportunity in the spring
46 and also a similar proposal was recently adopted with
47 modification by the Alaska Board of Game to increase the
48 harvest limit to 50 ptarmigan a day, 100 in possession
49 and to extend the State season from August 10th through
50 April 30th to August 10th to May 15th. This new season

1 under the State regulations is still less than the
2 current Federal regulation which goes through May 30th.

3
4 Population data are lacking for ptarmigan
5 in Unit 18, but they are reportedly -- reported as
6 seasonally abundant in the fall and spring. Ptarmigan
7 harvest data is collected as part of the Alaska Migratory
8 Bird Subsistence Harvest Estimate household surveys,
9 however this provides very limited information and does
10 not allow managers to assess impacts of management
11 decisions such as increases in harvest limits or season
12 lengths. The overall harvest has been variable, but the
13 majority of harvest takes place in the spring. The
14 harvest is also variable among regions in Unit 18 and
15 some of that information is on Table 3 on Page 499. And
16 within this table most of the harvest takes place in the
17 mid coast and lower Kuskokwim areas. In the mid coast
18 spring harvest range from 1,100 to 10,750 ptarmigan
19 between 2004 and 2009. Other areas such as the south
20 coast and areas near Bethel receive relatively moderate
21 harvest levels and few ptarmigan were harvested in the
22 north coast, lower Yukon and central Kuskokwim areas.

23
24 If adopted the proposal would provide
25 additional harvest opportunity for Federally-qualified
26 subsistence users, especially those living in coastal
27 areas that have limited access to ptarmigan during
28 portions of the year. However these changes could
29 adversely impact the ptarmigan population. The proposed
30 season extension would overlap with the breeding season
31 and higher harvest could occur especially during certain
32 times of the year such as when males are defending
33 territories or when ptarmigan are flocked up during
34 migration or during the winter. Harvest is more likely
35 to be additive during or after periods of higher natural
36 mortality and populations have been shown to sustain
37 higher harvest rates in the fall than the spring.
38 Overall it is difficult to predict how an unlimited
39 harvest would affect the population dynamics of ptarmigan
40 in Unit 18. Ptarmigan do have high reproductive
41 potential and high disburseabilities which may allow them
42 to sustain high harvest levels. And they have been
43 thought to sustain high rates such as or up to 50 percent
44 or 50 percent harvest in Sweden and 40 percent in Alaska
45 during some studies. But another recent study in Norway
46 found evidence for ptarmigan populations to be partially
47 compensatory with harvest rates less than 15 percent, but
48 additive above 20 percent and super-additive above 30
49 percent harvest rates. The cyclic nature of some
50 ptarmigan populations add complexity to the understanding

1 of how harvest could affect the population.

2

3 The OSM conclusion is to oppose WP12-51.
4 And to make an informed management decision regarding
5 sustainable harvest, managers should have some knowledge
6 of whether the harvest would be additive or compensatory
7 and we do not have enough information on the population
8 to make that informed management decision. Some studies
9 show that compensatory harvest mortality should be --
10 should not be assumed even for game bird populations.
11 Most of the harvest takes place in the spring which can
12 have a higher impact on the population than a fall
13 harvest. And there are no means to monitor the affects
14 of the proposed harvest limit increase. The current
15 household surveys may serve as a limited index to the
16 relative abundance of ptarmigan, but the survey does not
17 adequately account for variation in harvest estimates.
18 We also considered two alternatives, one was to only
19 extend the season, but this was not supported due to the
20 potential impacts of harvesting during the breeding
21 season and we also looked at increased harvest limits,
22 but retaining an actual limit instead of the no limit.
23 And these included 30 ptarmigan a day, 60 in possession,
24 40 a day, 80 in possession and 50 and 100. But these
25 were not supported due to the limited ability to assess
26 impacts of the management decisions. However if the
27 harvest limit was increased the smaller increases such as
28 30 to 60 would be preferred.

29

30 Thank you, Mr. Chair.

31

32 CHAIRMAN TOWARAK: Thank you for that
33 report. Any questions of the Staff.

34

35 (No comments)

36

37 CHAIRMAN TOWARAK: Thank you for that
38 report. Next item is a summary of public comments from
39 the Regional coordinator.

40

41 Mr. Nick.

42

43 MR. NICK: Mr. Chair, there weren't any
44 written public comments received.

45

46 Mr. Chair.

47

48 MR. PROBASCO: And, Mr. Chair, we have no
49 one signed up for this proposal.

50

1 CHAIRMAN TOWARAK: Assuming that there
2 are no public testimony on the proposal, we will move on
3 to item four, Regional Council recommendations.

4
5 Mr. Wilde.

6
7 MR. L. WILDE: Thank you, Mr. Chairman.
8 The YK RAC opposed Proposal WP12-51. Our justification
9 was that elders advise hunters not to take ptarmigan
10 during the breeding season. Local hunters target
11 ptarmigan until waterfowl migrates through the area.
12 People will quit hunting ptarmigan voluntarily when the
13 time comes. This regulatory change won't make any
14 difference in the lower and middle Kuskokwim. Ptarmigan
15 numbers are available along the coast on a later season,
16 maybe as late as June 15. This proposal would provide an
17 extended opportunity for subsistence users. Some
18 subsistence users really need ptarmigan for food.
19 Currently fewer people are hunting ptarmigan these days
20 and they are -- as they did historically.

21
22 Thank you, Mr. Chairman.

23
24 CHAIRMAN TOWARAK: Thank you, Mr. Wilde.
25 Any questions of the Regional Chair.

26
27 Mr. Haskett.

28
29 MR. HASKETT: So I was a little bit
30 confused. So it sounded like part of it was a
31 justification for being in favor as opposed to being
32 opposed, but I must have misunderstood some of that.

33
34 MR. L. WILDE: Yeah, the area where it
35 said this extended season would be for subsistence, the
36 thing is there isn't that many people that are using this
37 ptarmigan as they did historically, but now they're
38 depending a lot more on the migratory birds that come in
39 during the spring. And along the coast where I'm from
40 you don't see that many ptarmigan, they'd be -- if you
41 got 50 ptarmigan in Hooper Bay you'd be killing the whole
42 flock coming down to that area.

43
44 MR. HASKETT: Thank you.

45
46 CHAIRMAN TOWARAK: And they taste like
47 pork.

48
49 (Laughter)
50

1 MR. L. WILDE: I guess.

2

3 CHAIRMAN TOWARAK: If we don't have any
4 other questions of the Regional Council Chair we will
5 move to the Fish and Game comments.

6

7 MR. PAPPAS: Thank you, Mr. Chair. Our
8 comments can be found on Page 507. This is George
9 Pappas, Department of Fish and Game. I'll be summarizing
10 from there.

11

12 If adopted hunters will -- near the coast
13 will be provided two additional weeks of opportunity in
14 June and the harvest opportunity will be unlimited if the
15 daily bag and possession limits are removed. Eliminating
16 harvest limits for ptarmigan in Unit 18 may lead to
17 conservation concerns due to lack of Federal in season
18 management tools. Last November the Board of Game
19 approved a change in the Unit 18 ptarmigan hunting season
20 ending date to May 15th and liberalized the bag and
21 possession limits to 50 birds per day with 100 in
22 possession. We support modifying this proposal to
23 reflect the recent Board of Game decision to -- for a
24 season closing date on May 15th and liberalizing the bag
25 limit to 50 per day with 100 birds in possession.

26

27 Thank you, Mr. Chair.

28

29 CHAIRMAN TOWARAK: Thank you. Any
30 questions or discussion on the State's recommendation.

31

32 (No comments)

33

34 CHAIRMAN TOWARAK: Thank you for that
35 report. We will move on then to the InterAgency Staff
36 Committee comments.

37

38 DR. JENKINS: Mr. Chair, in addition to
39 the standard InterAgency Staff Committee comment, the
40 Committee also notes that the Board may want to consider
41 supporting the proposal with modification to align the
42 harvest limit regulations for ptarmigan in Unit 18 with
43 the recent changes made by the Alaska Board of Game,
44 while leaving the harvest season dates the same. If the
45 Board were to support this proposal with modification
46 which would be contrary to the Council's recommendation
47 it could do so based on the third exception clause of
48 Section 805(c) of ANILCA, that the Council recommendation
49 would quote, be detrimental to the satisfaction of
50 subsistence needs, end quote.

1 CHAIRMAN TOWARAK: Thank you for those
2 comments. Any questions of the Staff.

3
4 (No comments)

5
6 CHAIRMAN TOWARAK: Not hearing any, we
7 will move then to item seven, the Board discussion with
8 Council Chairs and State liaison.

9
10 Geoff.

11
12 MR. HASKETT: So I have another question
13 for Lester if I may. So since you all had your
14 discussions the Board of Game's made a change and they've
15 increased the harvest limit to 50 per day and 100 in
16 possession which -- can you tell me if that would have
17 changed the discussion at all?

18
19 MR. L. WILDE: I can only bring forth
20 what my -- what the Council made a discuss -- that were
21 discussed at the time. I'd have to go back to the
22 Council in order to get any changes on this proposal.

23
24 MR. HASKETT: Thank you.

25
26 CHAIRMAN TOWARAK: Further questions.

27
28 (No comments)

29
30 CHAIRMAN TOWARAK: Not hearing any, then
31 we are ready for Board action.

32
33 Mr. Haskett.

34
35 MR. HASKETT: I'm going to move to adopt
36 Proposal 12-51 with the modification to increase the
37 harvest limit to 50 per day and 100 in possession and
38 I'll provide my rationale if I get a second.

39
40 MR. CRIBLEY: Second.

41
42 CHAIRMAN TOWARAK: You heard the motion
43 and the second. Please continue.

44
45 MR. HASKETT: So I -- I'm reluctant -- I
46 try not to come up with a motion that's different than
47 what the RAC proposed and I know there's no way -- I
48 mean, based upon your answer obviously you can't go back
49 and, you know, come up with a different answer than what
50 you did, but this was a recommendation from the Refuge

1 and we believe this will align our harvest limits with
2 the recently revised State regulations which when we can
3 do that, that -- I mean, that's something we would very
4 much like to do. These harvest limits would be in effect
5 on Federal lands. Because of the recent Board -- anyway
6 because of the recent Board of Game action so it was
7 going to be happening anyway. So I realize this doesn't
8 match the recommendation of the Regional Council. I'm
9 thinking they may have come up with something different
10 if they'd been presented with additional information, I
11 know we can't guess at that. My motion does not change
12 the season dates in any way as they seem to be working
13 well for people in Unit 18. And I intend to vote in
14 favor of the motion.

15 CHAIRMAN TOWARAK: Further discussion.
16 Pete.

17
18 MR. PROBASCO: Just a clarification. Mr.
19 Haskett, if I understand your motion was to adopt 12-51
20 with the limit of 50 per day and 100 in possession. 12-
21 51 has a closing date of June 15th and the State has a
22 closing date of May 15th.

23
24 Mr. Chair.

25
26 CHAIRMAN TOWARAK: Any other discussion.

27
28 MR. CRIBLEY: Mr. Chair, a little bit
29 more clarification. The -- my understanding is the
30 existing regulation the closing date is May 30th. The
31 proposal was to move it to -- push it back to June 15th.
32 Is Mr. Haskett's amendment to leave it at May 30th or to
33 go with the June 15th date in his amendment. I
34 understand the bag limit, what you're doing there,
35 but.....

36
37 MR. HASKETT: The intent is to leave it
38 at May 30th.

39
40 MR. CRIBLEY: Okay. Thank you.

41
42 CHAIRMAN TOWARAK: Is that okay with the
43 second?

44
45 MR. PROBASCO: That's you, Bud.

46
47 MR. CRIBLEY: Second what?

48
49 MR. HASKETT: The explanation.

50

1 MR. PROBASCO: If I may, Mr. Chair. The
2 motion was to support WP12-51 which has the ending date
3 of June 15th. You asked for clarification which Mr.
4 Haskett said he meant May 30th. So you as a second would
5 need to concur with that.

6
7 MR. CRIBLEY: Oh, I second that. I
8 concur, I think, yeah. Whatever he says, yeah.

9
10 CHAIRMAN TOWARAK: Took the words out of
11 your mouth.

12
13 MR. CRIBLEY: He did. He did. I'm
14 getting used to that.

15
16 (Laughter)

17
18 CHAIRMAN TOWARAK: Any further
19 discussion.

20
21 (No comments)

22
23 MR. CRIBLEY: Mr. Chairman, I call for
24 question.

25
26 CHAIRMAN TOWARAK: The question's been
27 called for. Roll call, please.

28
29 MS. MASICA: Can you clarify.

30
31 MR. PROBASCO: Thank you, Mr. Chair. And
32 thank you, Ms. Masica. I'm going to clarify this motion.
33 The motion is to -- in Unit 18 for ptarmigan, the season
34 would remain August 10th to May 30th, however the bag
35 limit would be changed to 50 per day and 100 in
36 possession.

37
38 And first is Ms. Pendleton.

39
40 MS. PENDLETON: Yes.

41
42 MR. PROBASCO: Ms. Masica.

43
44 MS. MASICA: Yes.

45
46 MR. PROBASCO: Mr. Cribley.

47
48 MR. CRIBLEY: Yes.

49
50 MR. PROBASCO: Mr. Towarak.

1 CHAIRMAN TOWARAK: Yes.
2
3 MR. PROBASCO: Mr. Haskett.
4
5 MR. HASKETT: Yes.
6
7 MR. PROBASCO: And, Mr. Virden.
8
9 MR. VIRDEN: Yes.
10
11 MR. PROBASCO: Motion carries, 6/0.
12
13 CHAIRMAN TOWARAK: Thank you. We will
14 move on then to Proposal 12-53.
15
16 MS. KENNER: Thank you, Mr. Chair,
17 members of the Board, Council Chairs and the Solicitor's
18 Office. I'm Pippa Kenner again, anthropologist for the
19 Office of Subsistence Management. And the analysis for
20 Proposal 12-53 begins on Page 509 of your Board book.
21
22 The proposal was submitted by the Yukon
23 Delta National Wildlife Refuge in Bethel and would
24 provide -- prohibit a hunter in Unit 18 from pursuing
25 with a motorized vehicle a moose or caribou that is
26 fleeing. At the last -- at the recent Council meeting
27 when the Council deliberated on this proposal there was
28 a tremendous amount of testimony and there was some
29 confusion as to exactly what this proposal is for. And
30 I'm going to try my best to clarify for you exactly what
31 is means.
32
33 The proponent stated that law enforcement
34 has found it necessary to site hunters last seasons for
35 pursuing caribou that were moving at full gallop and that
36 when hunters pursue at high rates of speed caribou that
37 are fleeing, that are engaged in taking and taking
38 caribou by hunters on motorized vehicles is prohibited in
39 Statewide regulations. When do hunters approaching
40 caribou turn into hunters who are pursuing caribou. It's
41 not clear and the proponent wishes to define pursuit as
42 hunters following caribou that are at or near full
43 gallop. And by characterizing Unit 18 may be helpful.
44 Unit 18 generally has few trees, only a little bushy
45 vegetation and it's characterized by large expanses of
46 wetlands with little variation in elevation. You can
47 literally see from 20 or 30 miles a hump on the tundra.
48 And so people are hunting in this environment.
49
50 We also have another Statewide regulation

1 that is applicable to all wildlife that you may not herd,
2 drive or molest caribou. Well, the problem is in this
3 environment you can be a long ways off and you're
4 affecting the movement of those caribou, they know you're
5 coming. So in order to get close to the herd on a
6 motorized vehicle and not walking which is probably not
7 a good idea, you -- in order to get close at all to take
8 one, you have to move up to them and they are generally
9 moving away from you.

10

11 So in this environment where we only have
12 a -- we have a herd that's depleted, we may have a
13 different way of enforcing regulations than we do in
14 units where the Western Arctic Caribou Herd is, where
15 there are more abundant caribou. Enforcement officers
16 have discretion with these regulations. Well, the
17 enforcement officer might have discretion, but the hunter
18 on the ground needs to know what his or her limits are
19 too. And so in this situation, the Refuge enforcement
20 would like to declare to hunters that if you're pursuing
21 a caribou that is at or near full gallop, that means
22 having all four hooves off the ground at the same time,
23 you will be cited.

24

25 And it's important to note that Proposal
26 WP12-41 would have allowed hunters on snowmachines in
27 Unit 18 to position themselves to harvest caribou. This
28 proposal was withdrawn by the Association of Village
29 Council Presidents in Bethel who instead supported
30 modifying this proposal, 12-53, by replacing fleeing with
31 the words at or near full gallop. So that modified
32 proposal would have read you may not pursue with a
33 motorized vehicle an ungulate that is at or near full
34 gallop.

35

36 And the problem that OSM -- the
37 difficulty OSM is having with this proposal is that this
38 is already illegal in Federal regulations, Statewide
39 Federal regulations, can't herd, drive or molest caribou.
40 And so we at the point that this went out in the Board
41 book had decided that the OSM conclusion is to oppose.

42

43 Thank you for your time.

44

45 CHAIRMAN TOWARAK: Thank you. Any
46 questions of the Staff.

47

48 Mr. Haskett.

49

50 MR. HASKETT: So OSM opposes because they

1 figure it's already covered otherwise, but you all aren't
2 saying it's a legal problem if someone does some
3 additional clarification?

4
5 MS. KENNER: I'd like to refer that
6 question to the solicitor.

7
8 MR. LORD: That is precisely my position,
9 Mr. Haskett. Thank you for laying it out for me.

10
11 (Laughter)

12
13 MR. HASKETT: May I? So can you lay it
14 out better than I just did so I understand why that would
15 be a problem for -- having further clarification?

16
17 MR. LORD: No, I thought I -- sorry, then
18 I misunderstood. I thought you said that it was not --
19 okay. I'm sorry, I misunderstood. No, I do not think
20 it's a problem to have further clarification.....

21
22 MR. HASKETT: Okay.

23
24 MR. LORD:or to have unit specific
25 regulation that the local people have bought into and are
26 willing to abide by. That is not a problem.

27
28 MR. HASKETT: Okay. Thank you.

29
30 CHAIRMAN TOWARAK: Further questions.

31
32 (No comments)

33
34 CHAIRMAN TOWARAK: Thank you. We will
35 then move on to number 2, public comments from the
36 Regional Council coordinator.

37
38 MR. NICK: Mr. Chair, for WP12-53, we did
39 not receive any written public comments.

40
41 Mr. Chair.

42
43 CHAIRMAN TOWARAK: Thank you.

44
45 MR. PROBASCO: Mr. Chair, we do have one
46 person that would like to testify on behalf of AVCP and
47 that's Mr. John Sky Starkey.

48
49 MR. STARKEY: Thank you, Mr. Chairman and
50 Board members. John Sky Starkey representing the

1 Association of Village Council Presidents. To my right
2 is Robert Sundown from the YK National Wildlife Refuge
3 Staff.

4

5 My appearance here is merely to confirm
6 what is in the analysis and that is that AVCP had
7 submitted a proposal earlier and in the spirit of
8 cooperation with the Refuge at the RAC meetings agreed to
9 withdraw its proposal and to support the proposal that
10 was modified and submitted by the RAC for the purposes of
11 making it clear to all what is and is not allowable when
12 you're on snowmachine with -- and hunting caribou. And
13 further just to say that in the sense of having a
14 regulation that has both in terms of tribal consultation,
15 AVCP is the tribal consortium for that region, represents
16 56 villages. So it's consistent with that obligation to
17 support this proposal. And it's also consistent with the
18 idea of having local people buy into a regulation and
19 support a regulation which is good for enforcement and
20 good for conservation and good for relationship.

21

22 Thank you.

23

24 CHAIRMAN TOWARAK: Would you like to
25 speak, Mr.....

26

27 MR. SUNDOWN: Thank you, Mr. Chair and
28 members of the Board. My name is Robert Sundown with the
29 Yukon-Kuskokwim National or Yukon Delta National Wildlife
30 Refuge. I'm just here to maybe give you a little bit of
31 the regulatory or the history behind how this all
32 occurred. You know, as the Mulchatna Caribou Herd
33 declined it became an enforcement priority for the Refuge
34 Staff along with the Alaska State Troopers Wildlife
35 Division and we stepped up our enforcement efforts as a
36 result of the declining Mulchatna Caribou Herd. And over
37 the course of last spring we issued numerous citations
38 for people chasing caribou. And just as Pippa described
39 it's flat, featureless terrain out there and if we were
40 to take the letter of the law as it's written both in the
41 Alaska statutes and in our regulations, you would have
42 greater than 90 percent of violation occurring because
43 it's nearly impossible to approach caribou on a
44 snowmachine and harvest it at the same time. So no
45 matter how careful you were it would be exceptionally
46 difficult for people to harvest caribou under the current
47 regulations.

48

49 So in the spirit of cooperation we
50 initially modified our initial proposal which was another

1 letter of the law type proposal to one that would be more
2 versatile, it would address the issue of caribou
3 conservation insofar as it would prohibit chasing because
4 that's the detrimental part of motorized vehicles and the
5 caribou population, both energetically and just from a
6 means and methods standpoint and it would allow us to
7 give citations to the few bad people that actually care
8 chasing the caribou herds.

9
10 So the important message in this
11 cooperative proposal is local buy-in as Sky recommended
12 and it's important to have local buy-in because we have
13 a Refuge that is the size of Ohio with one Federal
14 enforcement officer and two Alaska Wildlife Troopers. So
15 when you can encourage public buy-in and community
16 condemnation it's a very important milestone because you
17 have people buying into the idea that conservation of
18 this caribou herd is important. It addresses the
19 biological concern of chasing because of the energetics
20 of caribou and how it's detrimental to them when they get
21 chased. And it -- more importantly it makes an allowance
22 as opposed to the strict interpretation. All of a
23 sudden, you know, for the first time it -- you can
24 approach a caribou while on a snowmachine and if a
25 caribou can be approached without chasing it and an
26 allowance takes places for the harvest then that's the
27 compromise that was made with AVCP, addressing the
28 biological concerns the Refuge had with Mulchatna
29 Caribou.

30
31 Thank you, Mr. Chairman.

32
33 CHAIRMAN TOWARAK: Thank you. Are there
34 any questions from the Board.

35
36 (No comments)

37
38 CHAIRMAN TOWARAK: Thank you for your
39 testimony. That concludes the public testimony, we will
40 move to the Regional Council's recommendations.

41
42 MR. L. WILDE: Thank you, Mr. Chairman.
43 The YK RAC supports Proposal WP12-53 with modification to
44 add the wording that in Unit 18 a hunter may not pursue
45 ungulates that are at or near full gallop. The modified
46 proposal would read Unit 18 Special Provision, you may
47 not pursue with a motorized vehicle an ungulate that is
48 at or near full gallop. This proposal is being directed
49 toward the caribou hunting. Subsistence hunters are
50 trying to get food on their -- feed for their families,

1 at or near full gallop was the original wording agreed to
2 by Association of Village Council Presidents, AVCP, and
3 the Yukon Delta National Wildlife Refuge. State
4 regulations require a mandatory court appearance, a fine
5 and a criminal charges and -- let me go over that again.
6 State regulations require a mandatory court appearance,
7 a fine and criminal charges. The desire is to have
8 something less strict for subsistence users. The desire
9 is to have a bailable offense under Federal Subsistence
10 regulations. AVCP pulled Proposal WP12-41 and agreed
11 with the U.S. Fish and Wildlife Service. Yukon Delta
12 National Wildlife Refuge is to support this proposal with
13 the understanding that the regulatory wording would say
14 at or near full gallop. AVCP and U.S. and Fish and
15 Wildlife and Yukon Delta National Wildlife Refuge Staff
16 did not intend to mirror the Alaska Department of Fish
17 and Game regulations in this case. The analysis needs to
18 describe the U.S. Fish and Wildlife Service, Yukon Delta
19 National Wildlife Refuge and AVCP agreement in this case.
20 The Council specifically requests that the Office of
21 Subsistence Management support this proposed wording.

22

23 Thank you, Mr. Chairman.

24

25 CHAIRMAN TOWARAK: Thank you. Any
26 questions of the YK Delta Chair.

27

28 (No comments)

29

30 CHAIRMAN TOWARAK: Bristol Bay and Seward
31 Peninsula, Mr. Nick, do you -- oh, I'm sorry, Bristol
32 Bay. On Page 509 it says that Bristol Bay Regional
33 Council recommends -- the recommendation is to oppose.

34

35 MR. WILSON: I'll have to go with that,
36 I -- you caught me off guard there.

37

38 CHAIRMAN TOWARAK: Okay. The discussion
39 is on Page 518.

40

41 MR. WILSON: It says here that Bristol
42 Bay Regional Advisory Council opposes 12-53. Use of
43 motorized vehicles is already prohibited in existing
44 regulations and can be addressed by additional
45 explanatory language in the Federal regulation booklet.
46 It is a public education issue and does not require
47 additional regulations.

48

49 Thank you.

50

1 CHAIRMAN TOWARAK: And the Seward
2 Peninsula.

3
4 MR. NICK: Mr. Chair, Seward Peninsula
5 opposed Proposal 12-53. This regulation would prevent
6 hunters from pursuing wounded animals via motorized
7 vehicles. And the Council did not agree with this, they
8 were worried about hunters not pursuing wounded animals
9 during their deliberation.

10
11 Mr. Chair.

12
13 CHAIRMAN TOWARAK: Thank you. The
14 Western Interior.

15
16 MR. REAKOFF: Oh, we didn't take the
17 proposal up, we basically deferred it to the YK Delta
18 region.

19
20 CHAIRMAN TOWARAK: Thank you. Any
21 questions of any of the Council Chairs.

22
23 (No comments)

24
25 CHAIRMAN TOWARAK: Not hearing, then we
26 will move on to Alaska Department of Fish and Game.

27
28 MS. YUHAS: Thank you, Mr. Chairman.
29 Jennifer Yuhas. The State comments begin on Page 520
30 where you can also find the policy for off road vehicle
31 use.

32
33 And the State is opposed to this
34 proposal. This is already illegal in regulation. We
35 understand the conversations that have taken place
36 between the Refuge and the local folks and what is
37 necessary for enforcement and being able to approach the
38 caribou population and believe that the existing language
39 speaks enough to this, to enforcement it defines
40 harassment, molestation, changing the direction of the
41 animal. We find the new insertion at or near full gallop
42 really just muddies the water for enforcement. You know,
43 these caribou don't come with an odometer or a
44 speedometer and, you know, is it half gallop, was it near
45 full gallop, how near to full gallop was it, was it a
46 cantor, was it wounded, a wounded animal can fully
47 gallop. We really believe this creates too much of an
48 enforcement issue even though we understand the desire
49 for the bailable offense and appreciate the attempt to
50 clarify, but we think that this further confuses the

1 issue.

2

3 CHAIRMAN TOWARAK: Thank you. Any
4 questions of the State.

5

6 (No comments)

7

8 CHAIRMAN TOWARAK: We'll move on then to
9 the InterAgency Staff.

10

11 DR. JENKINS: Mr. Chair, the InterAgency
12 Staff Committee found the Staff analysis to be a thorough
13 and accurate evaluation of the proposal and that it
14 provides sufficient basis for the Regional Council
15 recommendations and Federal Subsistence Board action on
16 the proposal.

17

18 Thank you.

19

20 CHAIRMAN TOWARAK: Thank you. We'll move
21 to the Board discussion with Council Chairs and the State
22 liaison. Any questions or comments.

23

24 (No comments)

25

26 CHAIRMAN TOWARAK: Not seeing any or --
27 go ahead, Mr. Cribley.

28

29 MR. CRIBLEY: Well, I guess a question
30 and going back to the comments, the Bristol Bay Regional
31 Council recommendation which was that this could be
32 handled just through clarification or within the handbook
33 as opposed to changing the regulation. Was that -- was
34 there -- is that viable, reasonable, was there any
35 thought or discussion or thought put into that.

36

37 MS. KENNER: Thank you, Mr. Cribley,
38 through the Chair. There was a lot of discussion about
39 that and, in fact, one of the reasons why you're seeing
40 that statement in a Council recommendation is that the
41 recommendation that they saw included that option. The
42 OSM preliminary conclusion was to instead place this
43 provision in the booklet. There's a couple of issues
44 around that. It was thought to be a compromise that at
45 first Staff did not want and the reason why is that the
46 Office of Subsistence Management through our regulatory
47 specialist works very hard to keep our regulations pretty
48 clean and precise, by not offering language in the
49 booklet distributed to the public that is not in
50 regulation. In this situation for a while the

1 InterAGency Staff Committee and the OSM Staff thought it
2 could work as an alternative, but instead moved back to
3 their position that it would be better to either cleanly
4 oppose it or cleanly support it. I would like to point
5 out though that this similar language is in the State's
6 handy-dandy distributed to the public which is why that
7 recommendation came up and why the proponent used this
8 language.

9

10 CHAIRMAN TOWARAK: Further questions or
11 discussions. Pete, did you.....

12

13 MR. PROBASCO: I just want to make a
14 comment for the Board's consideration and I've been
15 talking with our regulations specialist, Theo, and I
16 spoke briefly with Ken, I'm not sure Ken and I are on
17 total agreement, but if the Board were to go down the
18 path of looking at this proposal and used the term at or
19 near a full gallop, talking with Theo and my
20 interpretation is the Board would have to define what is
21 meant by full gallop as far as an enforceable regulation.

22

23 Mr. Chair.

24

25 CHAIRMAN TOWARAK: Any other discussion.
26 Go ahead.

27

28 MR. LORD: Mr. Chair, from a prosecution
29 perspective if this -- if I were to get in front of a
30 judge at a full gallop would be problematic. It's an
31 issue of fact much like a boat being up on step. And I
32 think the -- you know, Jennifer's comments captured it
33 quite nicely, you know, it puts a burden on the
34 prosecution and on law enforcement to prove full gallop
35 versus half gallop versus something else. And I think it
36 might be enough to render this proposed language
37 unenforceable. Fleeing to me is a much cleaner word or
38 -- I'm sorry, that's not -- I don't mean to say that.
39 What I mean to say it would be much easier to define and
40 describe and I think for a judge to accept the dictionary
41 definition of fleeing is much easier for law enforcement
42 to prove.

43

44 CHAIRMAN TOWARAK: What's the wishes of
45 the Board. Go ahead, Mr. Haskett.

46

47 MR. HASKETT: So this is going to be my
48 motion when we get to that point. And that was new
49 information I hadn't heard before from counsel that
50 there's a problem with the definition full gallop. I

1 know the Refuge believes this is something strongly
2 needed and has worked really closely with AVCP. And so
3 I guess what I'd like to do -- this is the last proposal
4 for tonight from the YK? Yes. So what I would like to
5 be able to do is if it's acceptable to the Board, to the
6 Chair, is circle back with my folks tonight and take this
7 up first thing tomorrow morning where I'll know for sure
8 if I can still make the motion with something that
9 addresses that or not.

10

11 CHAIRMAN TOWARAK: In my mind that would
12 be allowable as long as when we reconvene the meeting we
13 would not have to go through the seven steps that we've
14 already gone through and we would just jump straight into
15 the eighth step.

16

17 Go ahead.

18

19 MR. HASKETT: My promise it'll be the
20 eighth step recovery plan. So I will either be in a
21 position where I will not make this proposal if I can't
22 address the concerns or I will have a definition that we
23 will run by the solicitor that will either be okay or
24 not. So we'll start at the correct point tomorrow.

25

26 CHAIRMAN TOWARAK: Is there any
27 objections to that. Mr. Cribley.

28

29 MR. CRIBLEY: No, just -- no, I -- well,
30 I appreciate the suggestion, I think it's a good idea,
31 but one addition -- can I ask one additional question of
32 clarification if that's okay. And that goes back to the
33 recommendation from the Bristol Bay Subsistence Regional
34 Advisory Council, if we were to take their suggestion of
35 adding additional explanatory language in the Federal
36 regulation booklet would that not then apply everywhere
37 and not just in this area so it would be a larger
38 clarification for all units rather than just for this
39 particular unit? It was just a question.

40

41 MR. LORD: If that question was directed
42 at me, it.....

43

44 MR. CRIBLEY: Well, yeah.

45

46 (Laughter)

47

48 MR. LORD: Well, I thought it was.....

49

50 MR. CRIBLEY: Well, you're the smart guy

1 on the table. Come on, now.

2

3 MR. LORD: We could, I suppose, adopt a
4 unit specific definition, but we've never gone down that
5 path. So if we do it the way we've traditionally done
6 it, you're correct, it would be a definition applying
7 Statewide.

8

9 MR. CRIBLEY: If we take the approach
10 Bristol Bay approach or the approach that Bristol Bay is
11 taking or that if we -- are you saying that if we take
12 the approach of the proposal that it would apply to the
13 entire State or it would be -- it wouldn't be just
14 limited to Unit 18, it would be all units? Am I -- I'm
15 making it worse.

16

17 MR. PROBASCO: Mr. Chair, if I may. I
18 think what we're doing here and can is that we're -- the
19 Bristol Bay's recommendation was they felt that we could
20 take the handy-dandy and clarify it. I think we would
21 have difficulty pretty much based on what Ms. Kenner said
22 as well as what Theo has said, that would be very
23 difficult to do, to capture what AVCP would like to do,
24 to allow some form of use of a motorized vehicle to
25 harvest caribou. And so it's going now to the issue of
26 how do we capture that desire and it's focusing on the YK
27 which was at full gallop, Ken countered that with there's
28 some difficulty with that at looking at flee. So going
29 down the Bristol Bay's approach which is specifically
30 looking at trying to clarify it in the handy-dandy
31 without any supporting regulatory language would be very
32 difficult and probably would put us right back in the
33 same place.

34

35 Mr. Chair.

36

37 CHAIRMAN TOWARAK: Go ahead, Geoff.

38

39 MR. HASKETT: So I think I can help this
40 one too. So I believe that the proposal that we're going
41 to be making a motion for is specific to the YK Delta as
42 opposed to the Bristol Bay discussion which would have
43 done something different. So we'll get that clarified
44 tomorrow too before I go ahead and make a motion. If it
45 is a Statewide thing I won't make the motion and we'll
46 get that clarified ahead of time.

47

48 CHAIRMAN TOWARAK: That sounds like a
49 solution. I think what I'd like to do is maybe call for
50 a recess, it's going on 5:30. We're allowed to stay here

1 until 6:30, but I think is a good place to take a break.
2 We've got about half of our proposals done and I would
3 assume that we will try to speed up the process to do the
4 rest tomorrow which would leave us pretty close to
5 adjournment.....

6

7 MR. REAKOFF: Mr. Chairman.

8

9 CHAIRMAN TOWARAK:on paper.

10

11 MR. PROBASCO: Well, Mr. Chair.....

12

13 CHAIRMAN TOWARAK: Yes.

14

15 MR. REAKOFF: I want to notify the Board
16 that I intend to go home tomorrow, it's still cold and so
17 I've concluded my business here and I appreciate all your
18 hard work and the work of the Staff on a productive
19 meeting.

20

21 Thank you.

22

23 CHAIRMAN TOWARAK: Thank you. Is that
24 agreeable with the rest of the Board, to take a break
25 right now, it seems to be following some rabbit trail
26 that are -- seems to get us lost at times. So I think we
27 need a good night's rest to come here refreshed and
28 tackle the rest of the proposals tomorrow.

29

30 So we will recess this meeting until 8:30
31 tomorrow morning.

32

33 (Off record)

34

35 (PROCEEDINGS TO BE CONTINUED)

