

1 FEDERAL SUBSISTENCE BOARD
2
3 PUBLIC REGULATORY MEETING
4
5 VOLUME III
6
7 COAST INTERNATIONAL INN
8 ANCHORAGE, ALASKA
9
10 MAY 1, 2008
11 8:30 o'clock a.m.
12
13 MEMBERS PRESENT:
14
15 Mike Fleagle, Chair
16 Thomas Melius, U.S. Fish and Wildlife Service
17 Thomas Lonnie, Bureau of Land Management
18 Marsha Blaszak, National Park Service
19 Denny Bschor, U.S. Forest Service
20 Niles Cesar, Bureau of Indian Affairs
21
22 Ralph Lohse - Southcentral RAC
23 Randy Alvarez - Bristol Bay RAC
24 Bertrand Adams - Southeast RAC
25 Sue Entsminger - Eastern Interior RAC
26 Patrick Holmes - Kodiak/Aleutians RAC
27 Victor Karmun - Northwest Arctic RAC
28 Jack Reakoff - Western Interior RAC
29 Greg Roczicka - Yukon-Kuskokwim Delta RAC
30 Myron Savetilik - Seward Peninsula RAC
31
32
33 Commissioner Denby Lloyd/Ken Taylor, State of Alaska
34 Representative
35
36 Keith Goltz, Solicitor's Office
37
38
39
40
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43
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1 P R O C E E D I N G S

2
3 (Anchorage, Alaska - 5/1/2008)

4
5 (On record)

6
7 CHAIRMAN FLEAGLE: Good morning. It's
8 good to be back with people for our third day of the
9 Federal Subsistence Board, May 1st, Anchorage. I'd
10 like to welcome everybody.

11
12 Pete, you have some announcements.

13
14 MR. PROBASCO: Yes, Mr. Chair, I have a
15 couple of announcements. But I would probably like to
16 start out first, on behalf of the Board, I'll wait
17 until Rod's done here. Thank you, Rod.

18
19 We have a Board member that she hopes
20 today is her last day at a Board meeting, and I
21 understand tomorrow is going to be her last day at
22 work, is it?

23
24 MS. BLASZAK: Yes.

25
26 MR. PROBASCO: And, Marcia, is marking
27 the end of a 39 year career.

28
29 UNANIMOUS: Wow.

30
31 MR. PROBASCO: And I think we all want
32 to wish her the best as she goes on a new adventure in
33 her life. I understand that you're moving out to the
34 Valley in the future.

35
36 MS. BLASZAK: Yes.

37
38 MR. PROBASCO: And we look forward to
39 you coming out to the Valley, God's country, it's a
40 great place to live.

41
42 But Marcia your services here on the
43 Board have been greatly appreciated and you've brought
44 the knowledge and wisdom necessary from the Park
45 Service to help with our Subsistence Program, and we
46 greatly appreciate that and more importantly we really
47 appreciate your services to the state of Alaska and we
48 wish you the best. And the Board, as well as others
49 wanted to give you a little card and a gift in our
50 appreciation.

1 MS. BLASZAK: Thank you.
2
3 MR. PROBASCO: And we understand
4 there's going to be a much bigger party later but we
5 wanted to recognize you here at the Board meeting.
6
7 Marcia.
8
9 MS. BLASZAK: Thanks, very much.
10
11 (Applause)
12
13 MS. BLASZAK: I suppose you want me to
14 open this.
15
16 MR. PROBASCO: Yeah, we'd like you to
17 open it.
18
19 MS. BLASZAK: My favorite store. How
20 beautiful. This is exquisite you guys, thank you so
21 much. Can everybody see this, I'll put it out here.
22 Thank you so much. I really -- I really can't tell you
23 how honored I am to be here among all of you this week.
24 You know it was kind of a bitter-sweet way to spend my
25 last week working, but I also appreciate the importance
26 of the work that the Board does and the decisions that
27 are made and how it affects Alaskans. And because
28 we're choosing to stay in Alaska, I suspect you'll
29 continue to hear from me and maybe with a different
30 voice, probably a consistent voice but perhaps from a
31 different vantage voice.
32
33 But I really appreciate the recognition
34 and the opportunity to work and know all of you and
35 hope that we'll continue to have relationships in the
36 future because I'll be around, so thank you.
37
38 (Applause)
39
40 CHAIRMAN FLEAGLE: Thank you, Marcia.
41 Pete, additional introduction comments.
42
43 MR. PROBASCO: Ken.
44
45 CHAIRMAN FLEAGLE: Sure. Ken, you have
46 some opening statements today.
47
48 MR. TAYLOR: Yes, thank you, Mr.
49 Chairman. I think virtually everybody in this room
50 knows Terry Haynes. He's worked for the Federal

1 Subsistence Program and the Board of Game for many,
2 many years and, this, too, is his last day at the
3 Federal Subsistence Board, and I would like to
4 personally thank him for his years of service. Since
5 you've gone to now an alternate year cycle Terry's
6 indicated that he will probably be retiring sometime
7 before the next Board meeting here that deals with
8 wildlife proposals. So thank you, Terry, I'm sure that
9 your work with the RACs will be missed in the future
10 and you set a high standard for your replacement.

11
12 I would also like to introduce Nancy
13 Hendrickson. She's the young lady in the red shirt
14 back there. She's our new liaison to the Federal
15 Subsistence Board and she's currently in training.
16 She's coming up to speed very quickly and I hope you'll
17 get a chance to meet her and we look forward to working
18 with you Nancy.

19
20 Thank you, very much, Mr. Chairman.

21
22 CHAIRMAN FLEAGLE: Thank you, Ken. And
23 also appreciate your work Terry, and nice to meet you
24 Nancy.

25
26 Pete.

27
28 MR. PROBASCO: Thank you, Mr. Chair.
29 There are some written correspondence that Staff handed
30 out to the Board members this morning.

31
32 These are issues that we have, we, the
33 Office of Subsistence Management, have been contacted
34 on, and these individuals were unable to travel to
35 testify in person. These are issues that are not on
36 your agenda but they are gaining momentum so to speak
37 and I just wanted to draw your attention to these
38 issues.

39
40 We have from the Angoon Community
41 Association, from Matthew Fred, a letter, it's speaking
42 on the Chatham Straits Southeast purse seine fishery
43 and their concerns on the impacts that fishery may have
44 on their subsistence.

45
46 We also have a letter from the
47 Kootznahoo Incorporation, Peter, and I'm not going to
48 do very well on his last name, Narose and also speaking
49 on the Chatham Straits issue and the effects on
50 subsistence.

1 Victor's here, our Chairman from
2 Northwest, he has provided you with a slate of written
3 material dealing with transporters in his area and I'm
4 sure he will speak to that later.

5
6 And then finally since, at the request
7 of Greg Roczicka, we were speaking on Proposal 1 as it
8 relates to the predator policy. We actually had
9 responded, the Board, December 19th, 2006 to Gerald
10 Nicholia from the Eastern Interior, and it's a
11 reference material for you to address the very similar
12 issue on how predator management is dealt with on the
13 Park Service, BLM, and U.S. Fish and Wildlife Service,
14 and this will be a reference document that we will
15 utilize when we get into that discussion.

16
17 Mr. Chair, that's the written
18 information we have.

19
20 CHAIRMAN FLEAGLE: Thank you. I have
21 one more.

22
23 MR. PROBASCO: He's here to testify.

24
25 CHAIRMAN FLEAGLE: Okay. All right.
26 We'll move on then. Once, again, welcome, good morning
27 to everyone.

28
29 We start out with public comment period
30 on nonagenda items. Pete.

31
32 MR. PROBASCO: Mr. Chair. We do have a
33 request here and I'm not sure if Mr. Banks wants to
34 wait until the Board discusses the predator issue after
35 the proposals or would like to do it at this time. He
36 has submitted also a written document that is on each
37 of your desks, so, Mr. Banks, what is your preference?

38
39 MR. BANKS: I'd be willing to do it
40 now.

41
42 MR. PROBASCO: Okay. Mr. Tom Banks,
43 Defenders of Wildlife.

44
45 CHAIRMAN FLEAGLE: Good morning.
46 Please turn your microphone on and state your name for
47 the record and go ahead and give your testimony.

48
49 MR. BANKS: Good morning. You have
50 written testimony in front of you and with your

1 indulgence I'll go ahead and read from it for the
2 record.

3

4 Mr. Chairman. Members of the Federal
5 Subsistence Board. My name is Tom Banks. And I am the
6 Alaska representative for the Defenders of Wildlife. I
7 live and work in Anchorage. I am grateful for the
8 opportunity to make comments with regard to review of
9 the Board's policy on predator management.

10

11 Founded in 1947, Defenders of Wildlife
12 is dedicated to the protection and restoration of
13 Native animals and plants in their natural communities.
14 Like you, we recognize the important role that
15 predators play in the overall function of healthy
16 ecosystems by limiting prey populations and ensuring
17 that the weaker members are removed from the
18 populations.

19

20 Alaska is fortunate and somewhat unique
21 in the United States and having in tact predator and
22 prey communities over very broad areas.

23

24 On Tuesday the Board was asked to
25 consider, put forth by Mr. Greg Roczicka, of the Yukon
26 Kuskokwim Delta Regional Council, this proposal asserts
27 that the Federal Subsistence Board is failing to
28 implement its Predator Control Policy, and that the
29 Federal Subsistence Board must endorse predator control
30 on Federal lands and request that the Federal agencies
31 adopt predator control. We disagree with both
32 assertions.

33

34 The proposal cites select portions of
35 the policy to make its case, specifically:

36

37 The Board will provide for subsistence
38 take and use of the subject species and
39 the Board will endorse timely,
40 affirmative and effective action to
41 reduce predator populations and allow
42 affected ungulate populations to
43 recover and the Board will monitor
44 actions taken by the agency to address
45 such concerns.

46

47 Taken out of context, these partial
48 quotes would seem to support an aggressive stance to
49 our predator control on Federal lands in Alaska.
50 However, the policy statement and accompanying Staff

1 report lay out numerous legal requirements that
2 predator control must meet in order to be implemented,
3 particularly on National Wildlife Refuges.

4
5 In the first paragraph of the policy,
6 it states:

7
8 That the Board recognizes that predator
9 control may be an appropriate
10 management tool on some Federal public
11 lands for restoring prey populations to
12 provide for subsistence needs.

13
14 The second paragraph says, in part:

15
16 Wildlife management activities on
17 Federal public lands, such as predator
18 control are the responsibility and
19 remain within the authority of the
20 individual land management agencies.

21
22 Paragraph A on Page 1 states:

23
24 The Board will also take into account
25 approved population objectives,
26 management plans, customary and
27 traditional uses and recognize
28 principles of fish and wildlife
29 management.

30
31 Paragraph B on Page 1 states:

32
33 Where predators have been determined to
34 be a major contributing factor the
35 Board will endorse timely affirmative
36 and effective action consistent with
37 each respective agency's policies and
38 management objectives to reduce
39 predator populations to allow affected
40 ungulate populations to recover.

41
42 Pages 9 of the Staff analysis sets out
43 a list of seven criteria, by which predator control
44 would be evaluated for implementation on wildlife
45 refuges, a list which dates to 1992.

46
47 1. The needs and benefits of wolf
48 control must be based on sound
49 biological justification.

50

1 interpretation of both this policy and to the relevant
2 Federal laws, regulations and policy. There are not
3 merely two or three criteria to be met for predator
4 control to be initiated on Wildlife Refuges, but at
5 least seven, including extensive public review and
6 comment through a NEPA.

7

8 Proponents of predator control should
9 not make their proposals to the Federal Subsistence
10 Board, but to each agency where such proposals can be
11 properly evaluated based on law and policy. Mr.
12 Roczicka's request is an attempt to require State
13 mandated predator control on Federal lands in spite of
14 ANILCA's requirement that wildlife be managed for
15 natural diversity. Federal law requires that Federal
16 agencies undertake environmental review of a major
17 Federal action, like predator control before
18 authorizing it.

19

20 Thank you for this opportunity to
21 comment.

22

23 CHAIRMAN FLEAGLE: Thank you,
24 appreciate the testimony.

25

26 Any questions.

27

28 (No comments)

29

30 CHAIRMAN FLEAGLE: Thank you.

31

32 MR. BANKS: Thank you.

33

34 CHAIRMAN FLEAGLE: Additional nonagenda
35 testimony, Pete.

36

37 MR. PROBASCO: Mr. Chair. That's all
38 we had that was signed up.

39

40 CHAIRMAN FLEAGLE: All right. How
41 about for the comment period on the consensus agenda
42 items.

43

44 MR. PROBASCO: We have no one signed up
45 for that.

46

47 CHAIRMAN FLEAGLE: Okay, then moving
48 right along we'll get back to our agenda. Wildlife
49 Proposal 32, Unit 9 bear, and we have still at the
50 table, Dr. Polly Wheeler and Liz Williams. Good

1 morning.

2

3 MS. WILLIAMS: Good morning, Mr. Chair
4 and Members of the Board. I'm Liz Williams,
5 anthropologist with OSM. The analysis for WP08-32
6 starts on Page 463 in your books.

7

8 This proposal was submitted by the Lake
9 Clark Subsistence Resource Commission. It requests
10 clarification of Federal subsistence regulations
11 regarding hunter eligibility for the year-round
12 resident zone brown bear subsistence hunt in Lake Clark
13 National Park and Preserve portion of Unit 9B. There
14 are three aspects to this request.

15

16 1. A request listing the resident
17 zone communities in
18 alphabetical order.

19

20 2. It requests clarifying that
21 people who live inside park
22 boundaries but outside the
23 named resident zone communities
24 are acknowledged as resident
25 zone residents.

26

27 3. It seeks the addition of
28 Preserve residents to the list
29 of those authorized to
30 participate in the year-round
31 resident zone brown bear
32 subsistence hunt.

33

34 OSM supports the first two requests.
35 Alphabetizing the resident zone communities and
36 clarifying that people living within the boundaries of
37 the Park are eligible for the resident zone subsistence
38 brown bear hunt. However, under National Park Service
39 regulations Preserve residents without 13.440 permits
40 do not have eligibility so they can't be added to the
41 list of those eligible for the year-round bear
42 subsistence hunt in Lake Clark National Park and
43 Preserve.

44

45 Making residents of the Preserve within
46 Unit 9B eligible for the year-round subsistence hunt of
47 brown bear would provide them with an opportunity not
48 afforded the other rural residents of Unit 9B who also
49 have a positive customary and traditional use
50 determination for brown bear in Unit 9B.

1 As rural residents of Unit 9B, Preserve
2 residents can, however, participate in a different
3 Federal subsistence brown bear hunt that allows for the
4 harvest of one brown bear per year from September 1st
5 through May 31st.

6
7 The Lake Clark Subsistence Resource
8 Commission met on February 12th, 2008 and considered
9 the draft analysis of Proposal 32. In a letter to the
10 Bristol Bay Regional Subsistence Advisory Council,
11 which you can see on Page 469, the Lake Clark SRC
12 supported the OSM modification of the original proposal
13 and added an additional modification. This
14 modification was to reduce the geographic area of the
15 resident zone brown bear hunt from the Park and the
16 Preserve to the Park only. The Bristol Bay RAC voted
17 to adopt the Lake Clark SRC modifications in full. It
18 should be noted that the original proposal submitted by
19 the Lake Clark SRC requested clarification of
20 eligibility for this hunt, but didn't request a
21 reduction of the resident zone hunt area. This
22 analysis addresses the eligibility issues but a
23 reduction of the hunt area isn't part of the analysis.

24
25 For these reasons the OSM conclusion is
26 to support Proposal 32 with modification to specify
27 eligibility of 13.440 permit holders but not to include
28 Preserve resident without a 13.440 permit for the
29 resident zone subsistence brown bear hunt in the Unit
30 9B portion of Lake Clark National Park and Preserve.

31
32 And for clarity I'll just read the
33 first part of the modified proposed regulation:

34
35 In Unit 9B Lake Clark National Park and
36 Preserve, residents of Illiamna,
37 NewHalen, Nondalton, Pedro Bay, Port
38 Alsworth, residents of that portion of
39 the Park Resident Zone in Unit 9B, and
40 13.440 permit holders may hunt brown
41 bear by Federal registration permit.

42
43 Thanks.

44
45 CHAIRMAN FLEAGLE: Thank you, Liz.

46
47 We go to Ann Wilkinson for summary of
48 written public comments, good morning.

49
50 MS. WILKINSON: Good morning, Mr.

1 Chair. There was only one written comment and that was
2 from the Lake Clark Subsistence Resource Commission,
3 and Liz spoke to it already. You can see what their
4 modification was at the bottom of Page 469.

5
6 Thank you.

7
8 CHAIRMAN FLEAGLE: Thank you, Ann.
9 Public testimony, Pete.

10
11 MR. PROBASCO: Yes, Mr. Chair, we have
12 one individual. Mr. Robert Fithian.

13
14 CHAIRMAN FLEAGLE: Bobby Fithian.

15
16 (No comments)

17
18 CHAIRMAN FLEAGLE: All right. Regional
19 Council recommendation, Randy Alvarez.

20
21 MR. ALVAREZ: Thank you, Mr. Chair.
22 The Bristol Bay RAC supports the proposal. We believe
23 that it clarifies who can utilize this and this -- it
24 makes it a better regulation in our opinion.

25
26 CHAIRMAN FLEAGLE: Thank you, Randy.
27 Department of Fish and Game comments, Ken Taylor.

28
29 MR. TAYLOR: Thank you, Mr. Chairman.
30 Terry Haynes will speak to this proposal.

31
32 CHAIRMAN FLEAGLE: Thank you. Good
33 morning, Terry.

34
35 MR. HAYNES: Good morning, Mr.
36 Chairman. The Department's written comments are on
37 Page 472 of your meeting book.

38
39 The Department supports this proposal
40 as modified by the Bristol Bay Regional Council and the
41 Lake Clark Subsistence Resource Commission. And that
42 modification extends eligibility for the brown bear
43 hunt in Lake Clark National Park to local rural
44 residents living within Lake Clark National Preserve
45 who qualify for an individual 13.440 permit from the
46 National Park Service. The modifications in the
47 modified proposals ensure that all rural residents
48 qualified to hunt brown bears in Lake Clark National
49 Park are eligible for this hunt. Brown bear hunting in
50 Lake Clark National Preserves should not be limited

1 only to those rural residents eligible to hunt in the
2 Park.

3

4 So it's an important distinction,
5 eligibility can be and should be more limited for the
6 Park but less so for the Preserve.

7

8 Thank you, Mr. Chairman.

9

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

12

13 Wildlife Proposals WP08-32:

14

15 Authorize rural residents of Lake Clark
16 National Park and Preserve within Unit 9B to
17 participate in the federal subsistence brown bear hunt
18 within the Lake Clark National Park and Preserve within
19 Game Management Unit 9B.

20

21 Introduction:

22

23 Under the federal subsistence
24 regulations, residents of the Lake Clark National Park
25 and Preserve within Unit 9B have a customary and
26 traditional use of brown bears in Unit 9B, but these
27 residents are ineligible to participate in the federal
28 registration permit hunt in the park and preserve.
29 This proposal would qualify them for this hunt but
30 would make no other changes to the existing regulation.

31

32 Impact on Subsistence Users:

33

34 Adoption of this proposal would enable
35 rural residents living within the Lake Clark National
36 Park and Preserve to participate in the federal
37 registration permit hunt within the park and preserve,
38 in addition to persons residing in resident zone
39 communities for Lake Clark National Park. The federal
40 subsistence regulations authorize a longer season than
41 occurs in the remainder of Unit 9B, where hunting is
42 authorized by state registration permit from September
43 1 to May 31.

44

45 Opportunity Provided by State:

46

47 State regulations in Unit 9B authorize
48 the harvest of one brown bear every four years during
49 September 20 October 21 or May 10-25 seasons in odd-
50 and even-numbered years, respectively.

1 Recommendation:

2

3 Adopt as modified by the Bristol Bay
4 Regional Advisory Council and Lake Clark National Park
5 Subsistence Resource Commission recommendation to
6 extend eligibility for the brown bear hunt in Lake
7 Clark National Park to local rural residents living
8 within Lake Clark National Preserve who qualify for an
9 individual 13.44 subsistence permit from the National
10 Park Service. These modifications ensure that all
11 rural residents qualified to hunt brown bears in Lake
12 Clark National Park are eligible for this hunt. Brown
13 bear hunting in Lake Clark National Preserve should not
14 be limited only to those rural residents eligible to
15 hunt in the Park.

16

17 CHAIRMAN FLEAGLE: Thank you, Terry.
18 InterAgency Staff Committee comments, Larry Buklis.

19

20 MR. BUKLIS: Thank you, Mr. Chairman.
21 The Staff Committee comments can be found on Page 471.
22 The recommendation of the Bristol Bay Council would
23 exclude the Preserve from the geographic scope of the
24 hunt. This differs from the original proposal which
25 sought clarification of who would be eligible for this
26 hunt.

27

28 As a consequence one concern raised at
29 the Staff Committee meeting was whether or not the
30 public was given sufficient notice that the hunt
31 boundary might be subject to change. A related concern
32 is whether the issue of geographic scope has been
33 properly considered in our administrative process and
34 in the record.

35

36 For the Board's information the users
37 affected by that change, removing the Preserve from the
38 hunt area, are primarily those people represented by
39 the proponent, the Lake Clark Subsistence Resource
40 Commission. The Commission discussed and recommended
41 these changes in response to modifications recommended
42 by the Office of Subsistence Management at an SRC
43 meeting in Port Alsworth in March 2008. The Bristol
44 Bay Council then later reviewed the proposal and
45 supported the SRC's recommendation, thereby making it
46 their own recommendation.

47

48 Thank you, Mr. Chairman.

49

50 CHAIRMAN FLEAGLE: Thank you, Larry.

1 All right, thank you. Board discussion with Council
2 Chairs and State liaison. Randy, do you want to speak
3 to this more, I know you mentioned that your RAC
4 supported the proposal but you didn't speak to the
5 modification portion of it.

6

7 MR. ALVAREZ: Yes. We did -- this was
8 a -- as the State says, the author is the Lake Clark
9 SRC and I, being not from that area, not eligible, not
10 real familiar so we depended a lot on what their
11 representative had to say but we -- I -- from what I
12 understand this does clarify who can use it and what
13 areas it would pertain to like Mr. Buklis mentioned,
14 that it would exclude the Preserve, well -- well, what
15 I understand the Preserve is open to all Alaskans, it's
16 just the Park that is -- only those residents of those
17 areas can utilize the Park and we support that.

18

19 CHAIRMAN FLEAGLE: Thank you. Other
20 discussion. Marcia.

21

22 MS. BLASZAK: Mr. Chairman. I believe
23 we can make fairly quick work of this proposal. I'd
24 like to, unless there's more discussion, to go ahead
25 and move forward into a motion.

26

27 CHAIRMAN FLEAGLE: You bet.

28

29 MS. BLASZAK: Thanks. I move that we
30 support the Bristol Bay Regional Advisory Council's
31 recommendation with the modification and if I can get a
32 second I'll continue.

33

34 MR. CESAR: I'll second that.

35

36 CHAIRMAN FLEAGLE: Okay.

37

38 MS. BLASZAK: The modification I'd like
39 to propose is actually that which the Office of
40 Subsistence Management provided and that Liz spoke to
41 on Page 455. And the difference between my motion as
42 represented in this, I guess, revised proposal, is the
43 area which would include both the Park and Preserve,
44 while the Council's recommendation suggested only the
45 Park be included. Second my motion include -- would
46 use the term and 13.440 permit holders, where the
47 Council's proposal uses the term and other NPS
48 qualified hunters, and it's primarily to be consistent
49 with other language we already have in existing
50 regulations.

1 The point regarding the Park versus the
2 Preserve is being made based on recommendations that we
3 had from our legal counsel and I didn't front load this
4 with our fine attorney beforehand but if you could help
5 me explain why.

6
7 MR. GOLTZ: You're doing fine.

8
9 MS. BLASZAK: Okay. I'm doing fine,
10 yeah.

11
12 (Laughter)

13
14 MS. BLASZAK: But we believe the
15 conclusion that OSM has on Page 466 is the appropriate
16 way to provide this clarification that's been requested
17 by the Lake Clark SRC. And that's my motion.

18
19 CHAIRMAN FLEAGLE: I wonder if going
20 back to the preferred way of taking the motion since we
21 do have two possible amendments, one that's OSM
22 supported and one that's RAC supported. Just make the
23 original motion to adopt the proposal as presented and
24 then move your amendment, would you do that, mind doing
25 that?

26
27 MS. BLASZAK: Thank you, Mr. Chair.
28 Again, for the record I vote to support the proposal
29 from the Bristol Bay Advisory Council, motion 32 --
30 excuse me on Proposal 32 with their modification -- I'm
31 sorry, sir.

32
33 CHAIRMAN FLEAGLE: Just a simple move
34 to adopt Proposal 32.

35
36 MS. BLASZAK: Move to adopt Proposal
37 32.

38
39 CHAIRMAN FLEAGLE: Okay. Now, the
40 amendment -- does Niles -- does the second concur?

41
42 MR. CESAR: Yes. Yes.

43
44 CHAIRMAN FLEAGLE: Okay. Now, the
45 amendment would be to adopt the recommend.....

46
47 MS. BLASZAK: The recommendation from
48 OSM, which is on Page 466, would be the exact wording
49 that we would propose.

50

1 CHAIRMAN FLEAGLE: Okay, we now have a
2 motion for an amendment as contained on Page 466 in the
3 OSM recommendation.

4

5 MR. CESAR: And a second.

6

7 CHAIRMAN FLEAGLE: Okay. All right, do
8 you want to speak to that further, or you've pretty
9 much covered it?

10

11 MS. BLASZAK: I'm done.

12

13 CHAIRMAN FLEAGLE: Discussion.

14

15 (No comments)

16

17 CHAIRMAN FLEAGLE: And you said the
18 difference was that the Staff.....

19

20 MS. BLASZAK: The difference would be
21 the inclusion of the Preserve, where the original
22 amended propos -- or modified proposal was only the
23 Park, and then to replace language regarding reference
24 to other NPS qualified hunters with the term 13.440
25 permit holders. Again, those are interchangeable
26 terms.

27

28 CHAIRMAN FLEAGLE: Okay. Open floor
29 for Board discussion. We do have a motion before us
30 and I do see the State has a hand raised and because
31 their recommendation was different than what is before
32 the Board here, I'm going to recognize their input.
33 Ken.

34

35 MR. TAYLOR: Thank you, Mr. Chairman.
36 I would like to get some clarification from Staff on
37 exactly what the difference is between what OSM is
38 proposing and what the modified proposal was.

39

40 CHAIRMAN FLEAGLE: I think that would
41 be beneficial. Liz.

42

43 MS. WILLIAMS: Between the Bristol Bay
44 RAC recommendation and the OSM recommendation?

45

46 MR. TAYLOR: That's correct.

47

48 MS. WILLIAMS: The Bristol Bay RAC
49 recommendation includes a modification to reduce the
50 resident zone hunt from Park and Preserve to Park only.

1 The OSM recommendation keeps the Park and the Preserve
2 as the hunt area for resident zone residents.

3

4 CHAIRMAN FLEAGLE: And changes language
5 from.....

6

7 MS. WILLIAMS: Right. Specifies 13.440
8 permit holders. The original proposal didn't have
9 13.440 permit holders mentioned but when we looked at
10 all groups who are eligible for the year-round brown
11 bear subsistence resident zone hunt it's 13.440 permit
12 holders, it's resident zone residents.

13

14 But back to the original question. The
15 difference between the Bristol Bay RAC modification is
16 geography which wasn't part of the original proposal.
17 I think it's general Park Service regs that resident
18 zone residents can hunt in the Park proper and the
19 Preserve and the reduction by the Lake Clark SRC from
20 the Park and Preserve to the Park only, there just
21 didn't seem to be a justification for that because
22 there's not a conservation concern so that's why the
23 OSM modification does not include a geographic
24 limitation.

25

26 CHAIRMAN FLEAGLE: What brought about
27 that proposed change? I see their original proposal
28 did not eliminate the Preserve portion but it got
29 amended to where that was taken out, what brought about
30 that change, do you know?

31

32 MS. WILLIAMS: I'm not really sure,
33 you'd have to talk to the Lake Clark SRC or some Park
34 Service representative. It was a response to the fact
35 that Preserve residents could not be given resident
36 zone eligibility status. In the original proposal the
37 request was to add preserve residents to resident zone
38 eligibility status, and, again, it's a general Park
39 Service regulation. If you look on the first page of
40 the analysis, Page 463 it defines local rural resident,
41 and this is Park Service regulations, 36 CFR, it's not
42 Federal subsistence regs, which are 50 CFR, but we just
43 can't turn Preserve residents into resident zone
44 residents and this is deep in the heart of Park Service
45 subsistence policy. And it would be a statewide
46 precedent.

47

48 CHAIRMAN FLEAGLE: Sandy can you help
49 clarify that.

50

1 MR. RABINOWITCH: I was focused on the
2 question that you asked.

3
4 CHAIRMAN FLEAGLE: Yeah.

5
6 MR. RABINOWITCH: So I'm happy to
7 respond to that. What the Park Service did was take
8 the original analysis as Liz has said to the Lake Clark
9 SRC meeting and they had a very long discussion about
10 it. We went through a series of questions trying to
11 articulate what their concerns were, and the outcome of
12 those questions then led to their recommendation that
13 you see in this letter. And in a nutshell what I would
14 say is that, I think, they were sort of frustrated by
15 the process a little bit. And one of their
16 recommendations came out to change the geographic
17 extent as you've heard.

18
19 I've gone back and looked at the record
20 to make sure, you know, I understand that, and I think
21 -- I think that they were just a little bit frustrated
22 and they sort of decided that they would narrow their
23 recommendation down to the Park only. One thing to
24 keep in mind is that by making that recommendation they
25 were limiting themselves, okay, and that's just how
26 they landed on that.

27
28 CHAIRMAN FLEAGLE: So irregardless of
29 whether it's the entire Park and Preserve or just the
30 Park only, we still have the harvest limits that are
31 established for this area so harvest isn't going to be
32 affected.

33
34 MR. RABINOWITCH: That's correct. And
35 the other thing is that if you look in the Federal
36 regulation book, you see that there is another Federal
37 regulation for the 9B remainder portion, okay, so other
38 Federally-qualified users that have C&T in the region
39 can hunt in the Preserve under the remainder
40 regulation, and then the Preserve is also affected by
41 State regulations, so any State resident, like myself
42 from Anchorage can hunt in the Preserve under the State
43 regulations also.

44
45 CHAIRMAN FLEAGLE: Thank you, Sandy.
46 Additional questions. Ken Taylor.

47
48 MS. BLASZAK: Don't move.

49
50 CHAIRMAN FLEAGLE: Sandy this might be

1 for you.

2

3 MR. TAYLOR: Thank you, Mr. Chairman.
4 I'm still a bit confused and I'm wondering if you could
5 recognize Terry Haynes to maybe clarify some of this
6 for me.

7

8 CHAIRMAN FLEAGLE: Can you help?

9

10 MR. HAYNES: Well, I have a question.

11

12 (Laughter)

13

14 MR. HAYNES: It's my understanding that
15 there are eligibility requirements for who can hunt in
16 National Parks, and I think the Lake Clark SRC
17 recommendation is appropriate and consistent with Park
18 Service regulations. I question extending that
19 limitation on eligibility to the Preserve because the
20 Preserve is different than the Park. And limiting
21 eligibility for this hunt in the Preserve only to
22 people who are eligible to hunt in the Park seems to me
23 to be inconsistent with Park Service regulations.

24

25 So perhaps I need clarification.

26

27 But I believe the Lake Clark SRC
28 modification is consistent with the Park Service
29 regulations and is the appropriate course of action.
30 So unless I'm confused as to what Park Service
31 regulations call for in terms of eligibility for the
32 Park versus the Preserve.

33

34 CHAIRMAN FLEAGLE: There does seem to
35 be some confusion. It sounds like to me what the
36 intent is to expand an area of opportunity for those
37 residents rather than restrict other uses, I'm not
38 sure, did I just confuse it even more?

39

40 MR. RABINOWITCH: A little bit.

41

42 CHAIRMAN FLEAGLE: A little bit. Well,
43 straighten us out, Sandy.

44

45 MR. RABINOWITCH: Let me see if I can
46 go back to basics.

47

48 I think this regulation is confusing
49 and many people in this room actually have heard me say
50 that over the past several months as we've worked on

1 it.

2

3 I'm going to put a bit of history out
4 here. I think the reason this regulation is confusing
5 is because if you look down in the reg book right now
6 and see how it's constructed and if you compared it to
7 how lots of other regs are constructed, this regulation
8 looks different and I think the reason it looks
9 different is because it was built in several pieces
10 over several years, that is over several proposals over
11 many years starting in 1994, actually Nondalton was the
12 first community. And, you know, with hindsight I think
13 we can look back and say we built the regulation in a
14 fashion that we wouldn't build it that way today, and
15 so I think we suffer from that.

16

17 That's my opinion of the history, we
18 are where we are.

19

20 In simple terms, to hunt in a Park, you
21 have to be Park Service qualified. The way you are
22 qualified is to either live in a resident zone
23 community like the ones named here, to live inside the
24 boundaries of a Park, and that's part of the confusion
25 that the Lake Clark SRC wanted clarified, or -- and --
26 or, or, if you have a 13.440, we added an 0 to it last
27 year, permit. So you have to have C&T from the Federal
28 Board, you have to be Park Service qualified and that's
29 how you get to hunt in the Park.

30

31 I agree with Terry, that the
32 requirements for Preserve are, you know, they're just
33 like any other hunt in the Federal Board book.

34

35 I'm going to stop there and see if that
36 helps or if I need to say more.

37

38 CHAIRMAN FLEAGLE: Board members. Liz
39 Williams.

40

41 MS. WILLIAMS: I'd like to add a little
42 bit of clarification too. We've worked extensively on
43 this analysis because it is a bit of arcane stuff
44 that's out of our regular regulatory purview.

45

46 These are some pages from the Lake
47 Clark Subsistence Plan for the Lake Clark National Park
48 and they're very specific about resident zone
49 eligibility and Preserve eligibility. We've spoken
50 extensively with Chris Bockman, the solicitor for the

1 Park Service and, I agree, that Terry is seeing, I
2 think, an intent of including Preserve residents in the
3 resident zone hunt, but we can't change Park Service
4 regulations about who can do what where. I think the
5 proposal that should have been submitted was a C&T for
6 all residents of Unit 9B to participate in the year-
7 round hunt because if we adopt the regulation as
8 submitted we will be giving Preserve residents a
9 special privilege that the other residents of -- rural
10 residents of Unit 9B don't have, and what should have
11 been done is a C&T for the remainder of Unit 9B to
12 participate in a year-round brown bear subsistence hunt
13 is what probably should have been submitted, but it
14 wasn't.

15

16 CHAIRMAN FLEAGLE: And so we run the
17 risk of adding just another, yet another hodge to the
18 hodge-podge here. And maybe the appropriate thing
19 would be for this Board to just defer and remand it
20 back to the SRC for.....

21

22 UNIDENTIFIED VOICE: No.

23

24 CHAIRMAN FLEAGLE: No.

25

26 (Laughter)

27

28 CHAIRMAN FLEAGLE: Well, we can't do
29 what Liz just suggested without the proper notice, we
30 can't -- we're facing the -- can't even remove the
31 Preserve portion because of proper notice, et cetera,
32 et cetera, and I got all kinds of hands. Pete, you
33 first.

34

35 MR. PROBASCO: Mr. Chair. I'm going to
36 defer to Larry after I speak. What I think needs to
37 occur is the Board needs to focus on the intent of the
38 proposal and also the legal counsel that we have
39 received regarding Proposal 32 and how far we can go.
40 We can't go outside -- in my opinion, we can't go
41 outside of that scope as far as what legal counsel we
42 have received. And what my Staff has captured is the
43 parameters or the sideboards, if you will, of what we
44 can do legally in the amendment that Marcia offered.

45

46 Larry, do you have anything to add.

47

48 CHAIRMAN FLEAGLE: Larry Buklis.

49

50 MR. BUKLIS: Mr. Chairman. I know

1 you're post-motion status here, but just taking you
2 back to the InterAgency Staff Committee comments, which
3 I delivered pre-motion and it addressed that the
4 recommendation of the Council picked up on a feature of
5 a comment from the SRC. Although the SRC was the
6 proponent, at that point in the process they just make
7 comments, they don't have any special ownership of the
8 proposal. And as Mr. Probasco said, the original
9 proposal did not address adjusting the scope of the
10 hunt area. So the proposal at hand and the SRC's
11 comment on the proposal is something to consider. But
12 you just said maybe we need to defer all this, the
13 original proposal has been addressed, in the analysis
14 and addressed by the Council, and this late development
15 of the SRC and the hunt area was picked up by the
16 Council, but as the Staff Committee comments speak, we
17 have a concern as to whether that was duly noticed and
18 duly part of the process to that point. And then the
19 analyst, Liz Williams, brought to your attention, other
20 points about Park Service regulations, but I'm speaking
21 to the process as well.

22

23 CHAIRMAN FLEAGLE: Polly Wheeler.

24

25 DR. WHEELER: Thank you, Mr. Chair. I
26 was just going to add that basically the OSM
27 modification addresses the original proposal, which is
28 to alphabetize the communities, to make it clear that
29 people living within Park Service boundaries but not in
30 the named communities are part of the resident zone,
31 and that 13.44 permit holders, or 13.440 permit
32 holders, sorry, can also participate in the hunt. So
33 those two elements are included in the OSM
34 modification. Just to be clear. But adding the
35 Preserve residents to those eligible for the hunt was
36 not added because when talking to the Park Service
37 attorney he felt that that was not consistent with Park
38 Service regs.

39

40 Thank you, Mr. Chair.

41

42 CHAIRMAN FLEAGLE: All right. Further
43 discussion.

44

45 (No comments)

46

47 CHAIRMAN FLEAGLE: Let's take a five
48 minute stand down.

49

50 (Off record)

1 (On record)

2

3 CHAIRMAN FLEAGLE: All right, the Board
4 is back in session. And it sounds like there was some
5 discussion during the stand down that would clarify
6 what the exact intent of the proposal would be and who
7 would like to put that on the record.

8

9 Marcia.

10

11 MS. BLASZAK: Thank you, Mr. Chair.
12 The intent of the proposal is to respond to the request
13 of the SRC's desire to have clarification of the
14 communities that are included in 9C -- or excuse me, 9B
15 and to, I think, be more consistent with other language
16 in our regulations and we find this to be clarifying
17 and not adding any additional eligibility nor locality
18 to the hunt.

19

20 CHAIRMAN FLEAGLE: And the amendment
21 that you fostered does not remove the Preserve portion
22 as the Regional Advisory Council's did and that was
23 cause for a little more confusion.

24

25 MS. BLASZAK: That's correct.

26

27 CHAIRMAN FLEAGLE: Ken Taylor.

28

29 MR. TAYLOR: Thank you, Mr. Chairman.
30 This regulation here is a real anomaly for brown bears
31 in Park Preserve and Hard Park. And it's -- I would
32 like to hear from your legal Staff why the scope of
33 this proposal can't be reduced to just the Park.

34

35 CHAIRMAN FLEAGLE: Keith.

36

37 MR. GOLTZ: I don't know if it can or
38 can't, that's part of the problem, we don't have a
39 record that would analyze the reduction of scope of the
40 hunt size. We haven't had notice on that question.
41 And it seems to me that we would at least have to
42 consider doing an .804 if we're going to reduce
43 subsistence opportunity.

44

45 I think that the motion of the Park
46 Service is legally defensible, but if we reduce
47 subsistence opportunity, I think the record has to show
48 more than it does at this point.

49

50 CHAIRMAN FLEAGLE: Thank you. Pete.

1 MR. PROBASCO: And, Keith, as far as
2 when you say proper notice, that means as far as having
3 the Regional Advisory Councils and the public, prior to
4 a Board meeting to review that type of a
5 recommendation?

6
7 CHAIRMAN FLEAGLE: Keith.

8
9 MR. GOLTZ: Correct. That's correct.

10
11 CHAIRMAN FLEAGLE: All right. And that
12 further raises the question that this would now be not
13 in consistency with the Regional Advisory Council's
14 recommendation because it does insert the word and
15 Preserve back into the proposal, so there's some
16 question about whether we would be voting against their
17 recommendation or not.

18
19 Pete.

20
21 MR. PROBASCO: Mr. Chair. This may be
22 appropriate for Mr. Alvarez to speak to but during our
23 break Mr. Alvarez and I were speaking, and he clarified
24 to me that the intent was to not limit the current
25 eligibility people that hunt in this area and there was
26 some confusion on their part as they dealt with this
27 proposal.

28
29 Mr. Alvarez.

30
31 CHAIRMAN FLEAGLE: Randy.

32
33 MR. ALVAREZ: Mr. Chair. Yes, this was
34 a little confusing to us when it came before the
35 Committee because we hadn't discussed it before and our
36 intent was just to keep everything the way it has been,
37 and we thought this was just language to clarify the
38 regulation. So we don't understand why -- you don't
39 need a 13.44 to hunt in the Preserve, but it -- but it
40 would -- I see that there still is -- the communities
41 are still eligible to hunt subsistence bear in the
42 Preserve as where somebody from elsewhere in the state
43 cannot do a subsistence but they can still hunt in the
44 Preserve. And we -- however you guys clarify it to
45 remain the same, it would be fine with me and probably
46 the RAC also, I believe.

47
48 CHAIRMAN FLEAGLE: Thanks, Randy. Just
49 thought that would be appropriate to have on the
50 record.

1 Now, we did allow quite a bit of
2 outside discussion after the motion was taken but I
3 think that it was appropriate in this case because the
4 motion did differ from the -- the motion -- the
5 language of OSM's recommendation was different from the
6 Subsistence Regional Advisory Council's recommendation,
7 so, with that, I'm going to draw this back to the Board
8 and ask for final discussions on the motion in support
9 of or opposition to the amendment.

10

(No comments)

11

12
13 CHAIRMAN FLEAGLE: Are we ready for the
14 question on the amendment. It looks like we are, on
15 the amendment to adopt the language on 466, OSM's
16 modified language, Pete, please poll the Board.

17

18 MR. PROBASCO: Thank you, Mr. Chair.
19 Amendment to WP08-32. Mr. Cesar.

20

21 MR. CESAR: Yes.

22

23 MR. PROBASCO: Mr. Bschor.

24

25 MR. BSCHOR: Yes.

26

27 MR. PROBASCO: Mr. Melius.

28

29 MR. MELIUS: Yes.

30

31 MR. PROBASCO: Mr. Fleagle.

32

33 CHAIRMAN FLEAGLE: Yes.

34

35 MR. PROBASCO: Ms. Blaszak.

36

37 MS. BLASZAK: Yes.

38

39 MR. PROBASCO: And Mr. Lonnie.

40

41 MR. LONNIE: Yes.

42

43 MR. PROBASCO: Amendment carries

44 six/zero.

45

46 CHAIRMAN FLEAGLE: Thank you. On the
47 main motion, ready for the question. Pete.

48

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

50 Final action on WP08-32. Mr. Bschor.

1 MR. BSCHOR: Yes.
2
3 MR. PROBASCO: Mr. Melius.
4
5 MR. MELIUS: Yes.
6
7 MR. PROBASCO: Mr. Fleagle.
8
9 CHAIRMAN FLEAGLE: Yes.
10
11 MR. PROBASCO: Ms. Blaszak.
12
13 MS. BLASZAK: Yes.
14
15 MR. PROBASCO: Mr. Lonnie.
16
17 MR. LONNIE: Yes.
18
19 MR. PROBASCO: And Mr. Cesar.
20
21 MR. CESAR: Yes.
22
23 MR. PROBASCO: Motion carries as
24 amended six/zero.
25
26 CHAIRMAN FLEAGLE: All right, thank
27 you. That wraps up the Bristol Bay suite of proposals.
28 Thank you for all your hard work Randy. And as we go
29 through a Staff change I'm going to turn to Ken Taylor
30 for an announcement. Ken, go ahead.
31
32 MR. TAYLOR: Thank you, Mr. Chairman.
33 I've been called away for another meeting and I will be
34 absent for about an hour, perhaps a little longer, I
35 would like to request that Tina Cunning sit in as the
36 State liaison.
37
38 CHAIRMAN FLEAGLE: You bet. Pete.
39
40 MR. PROBASCO: Thank you, Mr. Chair.
41 Before Staff starts, I just wanted to give credit where
42 credit's due. A lot of people have been admiring the
43 work of art that we gave Marcia for her retirement and
44 I did not pick that out, I had help, in fact, I didn't
45 do anything except ask for the services of Maureen and
46 she gets the credit, so thank you Maureen for picking
47 out a nice piece.
48
49 MS. CLARK: It's from Nome.
50

1 CHAIRMAN FLEAGLE: Thank you, Maureen.
2
3 MS. BLASZAK: Thank you.
4
5 CHAIRMAN FLEAGLE: You did do
6 something, you were the one hitting us up for the
7 bucks.
8
9 (Laughter)
10
11 MS. BLASZAK: That was good too.
12
13 MR. PROBASCO: Well, that's where I
14 come in, yeah.
15
16 (Laughter)
17
18 CHAIRMAN FLEAGLE: All right. It looks
19 like we've got folks lined up for Proposal 33, and this
20 is concerning Unit 18 moose. We have new people at the
21 table, Alex, Chuck and Pete, welcome, look forward to
22 the analysis for 33.
23
24 MR. DEMATTEO: Thank you, Mr. Chair.
25 My name is Pete DeMatteo. I'm a wildlife biologist
26 with the Office of Subsistence Management. And, Mr.
27 Chair, the analysis of WP08-33 begins in your book on
28 Page 476.
29
30 Proposal 33 was submitted by the
31 Association of Village Council of Presidents [sic], and
32 the Association requests a closure of Federal public
33 lands to non-Federally-qualified users during the fall
34 and winter moose seasons in the Yukon River drainage in
35 Unit 18 and also Unit 18 remainder.
36
37 The requested closure area could be
38 seen in Map 1 on Page 479 of your books. The proponent
39 requests that the closure to non-Federally-qualified
40 users be reinstated in these two areas and on the map
41 it's marked as remainder, Unit 18 remainder, and also
42 the area in the upper left quadrant of the map, it's
43 marked as Lower Yukon Hunt Area. The proposed
44 regulations can be seen on the lower half of Page 477
45 of your Board books.
46
47 In May of 2007, the Board eliminated
48 the Federal regulatory closure on moose hunting for
49 non-Federally-qualified users in the lower Yukon River
50 area down stream from Mountain Village as well as Unit

1 18 reminder for both the fall and winter moose seasons
2 in response to current moose population abundance.

3
4 The moose population in the proposal
5 area is highly productive, continues to grow and is
6 capable of supporting an increased harvest. In
7 February of 2008, moose population surveys were
8 conducted by the Alaska Department of Fish and Game and
9 the Yukon Delta Refuge Staff. These surveys were
10 conducted on the lower Yukon River survey unit along
11 the main river corridor from Mountain Village to
12 Kotlik. It is important to note that these were the
13 most accurate moose density surveys ever conducted in
14 the unit.

15
16 Within the lowest Yukon survey unit,
17 2,828 moose were observed. If we employ a sightability
18 correction factor to that number, the number increases
19 to 3,320 moose. To put that in perspective during the
20 2002 moose survey in the same area, 674 moose were
21 observed, and more recently in the 2005 survey 1,342
22 moose were observed for that same survey unit. These
23 data from the lowest Yukon indicates that the moose
24 population is approaching carrying capacity and is
25 experiencing a rapid growth rate of 27 percent.

26
27 Resource managers are concerned that
28 without additional control of population, through
29 increased harvest, the lowest Yukon River area of Unit
30 18 will experience habitat damage. Recovery from this
31 damage will take years, and this will be detrimental to
32 both the resource and also the subsistence user.

33
34 The Unit 18 harvest totals for the
35 years 1997 through 2006 average 208 moose annually.
36 Total hunters for the same years averaged 514 hunters.
37 This hunt had a 40 percent success rate. If the
38 harvest was under reported during 1997 through 2006,
39 the actual hunter success rate would be even higher.
40 According to the Alaska Department of Fish and Game
41 harvest records, in 2005 and 2006 hunter success rate
42 was 48 and 51 percent respectfully. Even with an
43 increase in subsistence hunter success and the harvest
44 limit which allows the take of any moose during the 30
45 day winter season, the projected take will not be
46 enough to control these moose numbers, and habitat
47 degradation would eventually result at the current
48 growth rate.

49
50 Therefore, additional harvest of moose

1 is essential for managing the moose population and its
2 habitat in the lower Yukon drainage of Unit 18. This
3 current population trend is attributed primarily to the
4 five year moratorium on moose hunting that occurred
5 between 1993 and 1998 and also to the excellent habitat
6 conditions that exist below Mountain Village.

7
8 Mr. Chair, Staff continues to recognize
9 the huge sacrifice that Unit 18 residents made during
10 the five year moratorium on moose hunting. The size of
11 today's moose population in the lower Yukon River
12 drainage is due to a cooperative effort between the
13 local residents and also Mother Nature.

14
15 ANILCA gives the Board the authority to
16 limit harvest to Federally-qualified subsistence users
17 during periods of shortage, as the Board did in 1991.
18 But currently there remains no biological reason that
19 justifies a closure to the lower Yukon River drainage
20 of Unit 18 and also for Unit 18 remainder.

21
22 Again, Mr. Chair, the area of concern
23 focuses on the current level of harvest is not enough
24 to keep this population from reaching the carrying
25 capacity of its habitat at the current growth rate.

26
27 With that, the OSM conclusion is to
28 oppose Proposal WP08-33.

29
30 This concludes my presentation, thank
31 you.

32
33 CHAIRMAN FLEAGLE: Thank you, Pete.
34 Pete Probasco -- or, sorry, hang on, summary of written
35 public comments, Alex Nick.

36
37 MR. NICK: Mr. Chair. We received one
38 written comment from Steve Powers. And I will try to
39 highlight the main points of the comment.

40
41 Mr. Powers indicated that in 2007
42 Federal Board determined based on biological
43 information from most recent moose survey showed
44 surplus of 600 animals and he also stated that moose
45 hunting in the area was extended to 82 days and that
46 nonresidents harvested eight moose in 2007, that large
47 harvestable surplus exists, and he also applauded AVCP
48 for requesting accurate subsistence use amounts. And I
49 think that's the highlights of the comment.

50

1 Mr. Chair.

2

3 CHAIRMAN FLEAGLE: Thank you, Alex.
4 Public testimony, Pete.

5

6 MR. PROBASCO: Thank you, Mr. Chair.
7 We have Mr. Timothy Andrew from the Association of
8 Village Council Presidents. Tim.

9

10 CHAIRMAN FLEAGLE: Good morning, Tim.
11 If you'd turn your microphone on and state your name
12 for the record and go with your testimony, please.

13

14 MR. ANDREW: Good morning. For the
15 record my name is Timothy Andrew. I'm the director of
16 natural resources for the Association of Village
17 Council Presidents.

18

19 Mr. Chairman. Members of the Federal
20 Subsistence Board. Guests. Thank you for the
21 opportunity to testify before you today. And the
22 subject of my testimony is in support of Proposal WP08-
23 33, which calls for the closure of Federal land in Unit
24 18 to non-Federally-qualified hunters for moose.

25

26 Mr. Chairman and members of the Federal
27 Subsistence Board, we choose to differ from the Office
28 of Subsistence Management and the Alaska Department of
29 Fish and Game's position in this matter to the extent
30 that we believe the following.

31

32 1. We find that in Section .802(1)
33 of ANILCA which calls for sound
34 management principles and
35 conservation of healthy
36 populations is not adhered to,
37 to the following conditions
38 that are inherent in both
39 Federal and State management
40 systems.

41

42 No. 1 The sound wildlife management
43 principles have not been followed. There's no clear
44 moose population objectives. And No. 2 there is an
45 absence of a bull to cow ratio that we know of. There
46 is no information as far as -- or there is no objective
47 for cow to calf ratios and there is no habitat studies
48 indicating what the maximum carrying capacity is for
49 moose in the area.

50

1 And also we believe that the absence or
2 the reliance on the outdated State of Alaska's amounts
3 necessary for subsistence in the area, we believe that
4 this could result in underharvesting of people's
5 subsistence needs.

6
7 We did make an attempt to determine
8 what the amounts necessary for subsistence is for the
9 area via Western Regional Council that AVCP and the ONC
10 tribal -- of the community of Bethel, we sponsored a
11 meeting of the Western Regional Council via advisory
12 committees to address this issue and formulated a plan
13 to develop an accurate necessary for subsistence for
14 the region.

15
16 We believe that much of this basic
17 information negated the health and continued viability
18 of the lower Yukon moose population is absent from
19 information sources of both the Alaska Department of
20 Fish and Game and the U.S. Fish and Wildlife Service.
21 Without this basic information we do not see how the
22 Alaska Department of Fish and Game and Office of
23 Subsistence Management can advocate for a continued
24 hunt for non-Federally-qualified hunters in absence of
25 this basic information.

26
27 2. Maximum opportunity has not
28 been provided to the
29 subsistence hunter, although
30 there is an earlier hunting
31 opportunity given to hunters as
32 provided by Section .801(4) of
33 ANILCA.

34
35 The following are other considerations
36 that perhaps the Board should consider before opening
37 to non-Federally-qualified hunters. No. 1 being a
38 winter cow hunt should be considered to control the
39 potential over population, and especially in Unit 18
40 remainder. Opening Unit 18 to other Federally-
41 qualified hunters like residents in Units 19, 22 and
42 21E should be a priority rather than opening the
43 Federal conservation units to non-Federally-qualified
44 hunters. The community of Aniak is a good example of a
45 community that relies on moose and in their current
46 situation with moose in Unit 19 they don't have any
47 other customary and traditional use in Unit 21E, which
48 is five miles to the north of the community of Aniak.

49
50 3. In Section .802(3) of ANILCA

1 which states Federal land
2 managing agencies in managing
3 subsistence activities on
4 public lands and protecting the
5 continued viability of all wild
6 renewable resources in Alaska
7 shall cooperate with adjacent
8 landowners and land managers
9 including Native corporations.
10

11 This important provision of ANILCA was
12 violated with the U.S. Fish and Wildlife Service
13 arbitrarily issued permits to transporters operating
14 out of the community of Bethel in the prosecution of
15 the non-Federally-qualified hunt in Unit 18 as follows:
16 Within the close proximity of community of Marshall a
17 permit was issued to one of the transporters to operate
18 a camp approximately 1,200 feet from the southern
19 boundaries of lands owned by (Indiscernible) Inc., an
20 Alaska Native Corporation, and in close proximity to
21 Alaska Native allotment lands. And after talking to
22 the assistant manager of the Yukon Delta National
23 Wildlife Refuge, the camp operating permit was revoked
24 for the coming season. And we have yet to be consulted
25 on placement of these camps for any operators within
26 the near future.
27

28 4. Twice, including this spring's
29 meeting in Kalskag, the Yukon
30 Kuskokwim-Delta Regional
31 Advisory Council voted
32 overwhelmingly to support the
33 continued closure to non-
34 Federally-qualified hunters for
35 moose.
36

37 Yet, due deference was not provided to
38 the voices of the people of the Yukon Kuskokwim-Delta,
39 through the Regional Advisory Council members, and this
40 type of behavior in overriding the recommendations of
41 the RACs places the region in a state of chaos.
42

43 Mr. Chairman and members of the Board,
44 it is very clear that the Federal Subsistence
45 Management System in Alaska needs to develop a clear
46 policy and direction before implementing or allowing
47 non-Federally-qualified hunts to occur where
48 subsistence is protected by Congress and Federal law.
49 In my testimony, I have outlined a process that would
50 allow for maximum opportunity for the rural subsistence

1 users to utilize the resource before opening the area
2 to non-Federally-qualified hunters.

3

4 In summary, the following progressive
5 course of actions should be seriously considered.

6

7 That we should develop a Federal moose
8 management plan with involvement of all the Advisory
9 Committees and the YK-Delta Regional Advisory Council
10 that contain the following:

11

12

1. Optimum population objectives
that includes habitat
considerations.

13

14

15

16

2. Optimal bull to cow ratios that
is conducive to sustaining
population levels for human
harvest and limited predation.

17

18

19

20

21

3. Optimal cow/calf ratios to gauge
the health of the population
and habitat conditions. Other
considerations would include
the threats of predation on the
young.

22

23

24

25

26

27

28

4. Assess the habitat to determine
optimal productivity levels.

29

30

31

5. Continuously assess on a three
to five year cycle the resource
needs for subsistence purposes
with whom the positive
customary and traditional use
determinations were made for.

32

33

34

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38

6. If it is determined that the
local needs, or rural needs or
the needs of the Federally-
qualified subsistence user are
being met, other neighboring
Federally-qualified users
should be provided reasonable
opportunity to participate in
the harvesting of the resource.

39

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48

7. If additional hunting pressure
from neighboring Federally-
qualified hunters is not

49

50

1 achieving harvest objectives,
2 additional hunting
3 opportunities should be
4 considered like in the case of
5 moose, a cow hunt, people can
6 always use the additional
7 opportunity and the meat during
8 the winter months.
9

10 8. If additional hunting pressure
11 by Federally-qualified users
12 and cow hunts are not helping
13 to achieve the population
14 objectives and after careful
15 and diligent consultation of
16 land owners and tribal
17 governments, only then should
18 the Board consider non-
19 Federally-qualified users to
20 participate in the hunt.
21

22 Mr. Chairman, that concludes my
23 testimony. I would be happy to answer any questions at
24 this time.
25

26 CHAIRMAN FLEAGLE: Thank you, Tim.
27 Questions.
28

29 (No comments)
30

31 CHAIRMAN FLEAGLE: Appreciate your
32 testimony.
33

34 MR. ANDREW: Thank you.
35

36 CHAIRMAN FLEAGLE: Others.
37

38 MR. PROBASCO: That's it, Mr. Chair.
39

40 CHAIRMAN FLEAGLE: Thank you. All
41 right, moving on to Regional Council recommendations.
42 We have two Councils that have weighed in on the issue.
43 Go to the Yukon Kuskokwim-Delta Regional Council, Greg.
44

45 MR. ROCZICKA: Mr. Chairman. The
46 Council in its discussion agreed with the sponsor, the
47 proponent, that this closure should be reinstated for
48 much of what he's laid out there, first, we do get an
49 accurate assessment of the moose harvest that are
50 needed by the residents of Unit 18. And strongly

1 favoring that a moose management plan of the same scope
2 that's been affording to our neighboring units in GMU
3 19A and 21E and incorporating that same level of
4 extensive local involvement is developed. And a
5 further recommendation is that this effort should be
6 done in cooperation with the Board of Game actions
7 which defer to a similar proposal at their meeting just
8 this spring in March 2008, that remanded the issue back
9 to the State's Western Regional Council, which I'll
10 speak to that further when we get into comments. And
11 the charge there was to work with Division of Wildlife
12 Conservation, Subsistence Division Staff and the area
13 managers, including Refuge Staff to address the amounts
14 necessary for subsistence that are more reflective of
15 the reality, discuss potential options for opening
16 moose hunting on the Kuskokwim side because of the
17 expiration of the moratorium that's coming up at the
18 end of this year, this calendar year. And to develop
19 an amended proposal for the Board's consideration at
20 their Spring 2009 meeting.

21

22 CHAIRMAN FLEAGLE: Thank you, Greg.
23 Western Interior, Jack.

24

25 MR. REAKOFF: Thank you, Mr. Chairman.
26 The Western Interior Regional Advisory Council opposed
27 the proposal, primarily because this planning aspect
28 was not brought before the Council. We do have .815 of
29 ANILCA that does not give exclusive use of resource to
30 subsistence users and this is an expanding resource,
31 and so personally I was concerned about excluding other
32 users when we have a resource that's gone beyond the
33 capacity or at least the utilization capacity that's
34 been provided in regulation. I personally would have
35 felt more comfortable with expanding use of the
36 subsistence -- you know, the winter hunts in the
37 remainder, and increasing proposals for customary and
38 traditional use determinations for 19A and -- but we
39 oppose the proposal. We will go into that a little
40 later.

41

42 But those were the basics why we
43 oppose. We're not against subsistence, we're just
44 opposed to this particular proposal.

45

46 Thank you.

47

48 CHAIRMAN FLEAGLE: Thank you. And
49 Seward Peninsula has jurisdiction over this area as
50 well and I see that you've taken no action, do you want

1 to explain that Myron.

2

3 MR. SAVETILIK: The reason there was no
4 action taken was I think they needed more data or more
5 information on the issue right here.

6

7 Mr. Chair.

8

9 CHAIRMAN FLEAGLE: Thank you. All
10 right. We now move to the Department of Fish and Game
11 comments. Tina Cunning.

12

13 MS. CUNNING: Mr. Chairman. Terry
14 Haynes will present our comments.

15

16 CHAIRMAN FLEAGLE: Terry.

17

18 MR. HAYNES: Thank you, Mr. Chairman.
19 Our comments are on Page 487 of your meeting book. And
20 let me first state that the success of the moose
21 moratoria in Unit 18 are really a model for moose
22 management across the state and the incredible comeback
23 of moose in different parts of Unit 18 is remarkable
24 and it's due in no small part to the sacrifices made by
25 local people to not hunt during a time that was really
26 important for letting the moose population rebound.

27

28 There are no conservation issues that
29 justify reinstating a closure at this time, however.
30 Moose are abundant in areas of Unit 18 currently open
31 for hunting thanks to the success of the moratoria.
32 Information presented to the Board last year indicate
33 that the moose population in areas targeted in this
34 proposal are highly productive and continuing to grow.
35 Preliminary harvest estimates for 2007 indicate that
36 only eight moose were taken in Unit 18 by nonlocal
37 residents and nonresidents of Alaska combined.

38

39 The Department does not support this
40 proposal. Under the closure policy adopted in 2007,
41 the Federal Board:

42

43 Will not restrict the taking of fish
44 and wildlife by users on Federal public
45 lands, other than National Parks and
46 Park Monuments unless necessary for
47 conservation of healthy populations of
48 fish and wildlife resources or to
49 continue subsistence uses of those
50 populations or for public safety or

1 administrative reasons or pursuant to
2 other applicable law.

3
4 None of these conditions apply to moose
5 hunting on Federal public lands open to moose hunting
6 in Unit 18 and a closure would be an unnecessary
7 restriction on non-Federally-qualified subsistence
8 users in violation of Section .815 of ANILCA.

9
10 Thank you, Mr. Chairman.

11
12 Alaska Department of Fish and Game
13 Comments to the Federal Subsistence Board

14
15 Wildlife Proposals WP08-33:

16
17 Close federal public lands in Game
18 Management Unit 18 to moose hunting by non-federally
19 qualified subsistence users.

20
21 Introduction:

22
23 The proposal seeks to provide
24 additional opportunity for federally-qualified
25 subsistence users by eliminating competition from other
26 hunters. The proposal omits two areas in Unit 18 that
27 are closed to moose hunting in federal regulations.
28 These omissions have the effect of increasing the size
29 of the Remainder of Unit 18 and could convey the
30 impression that hunting is allowed in areas that are
31 closed.

32
33 Impact on Subsistence Users:

34
35 The proposed closure would eliminate
36 the opportunity for non-federally-qualified subsistence
37 users to hunt moose on federal public lands in Unit 18
38 that are presently open to hunting. This closure would
39 apply to friends and relatives of federally-qualified
40 subsistence users eligible to participate in this hunt
41 under state regulations and would concentrate hunting
42 by nonlocal residents onto limited state and private
43 lands.

44
45 Opportunity Provided by State:

46
47 Although the state and federal area
48 descriptions do not match, the state regulations
49 authorize moose hunting in Unit 18 south of the Eek
50 River drainage and north of the Goodnews River drainage

1 (residents: September 1-30); in the area north and
2 west of a line from Cape Romanzof, etc. (residents:
3 September 1-30 or December 20 January 10, and
4 nonresidents: September 1-30); and in the remainder of
5 Unit 18 (residents: September 1-30 or December 20
6 January 18, nonresidents: September 1-30). In
7 addition, the state regulations authorize moose hunting
8 beginning in fall 2008 in the Goodnews River drainage
9 and south to the Unit 18 boundary.

10

11 Conservation Issues:

12

13 There are no conservation issues that
14 justify reinstating a closure. Moose are abundant in
15 areas of Unit 18 currently open for hunting, thanks to
16 the success of the moratoria. Information presented to
17 the Federal Subsistence Board in 2007 indicated that
18 the moose population in areas targeted in this proposal
19 is highly productive and continuing to grow.
20 Preliminary harvest estimates for 2007 indicate that
21 only 8 moose were taken in Unit 18 by nonlocal
22 residents and nonresidents of Alaska combined.

23

24 Enforcement Issues:

25

26 Differences in federal and state
27 regulations resulting from adoption of this proposal
28 create enforcement problems in areas with mixed land
29 ownership. The boundaries between federal and state
30 lands are not marked and often difficult to locate on
31 the ground.

32

33 Recommendation:

34

35 Oppose.

36

37 Under the closure policy adopted in
38 2007, the Federal Subsistence Board will not restrict
39 the taking of fish and wildlife by users on federal
40 public lands (other than national parks and park
41 monuments) unless necessary for conservation of healthy
42 populations of fish and wildlife resources or to
43 continue subsistence uses of those populations, or for
44 public safety or administrative reasons, or pursuant
45 to other applicable law. None of these conditions
46 apply to moose hunting on federal public lands open to
47 moose hunting in Unit 18, and a closure would be an
48 unnecessary restriction on non-federally qualified
49 subsistence users in violation of section 815 of
50 ANILCA.

1 CHAIRMAN FLEAGLE: Thank you, Terry.
2 InterAgency Staff Committee comments, Larry.

3
4 MR. BUKLIS: Mr. Chairman. The Staff
5 Committee comments are found on Page 486, and it's the
6 statement we've used before about the analysis being
7 complete and accurate evaluation of the proposal. And
8 applying this standard statement here we say that the
9 recommendation of the Council to be consistent with
10 ANILCA .805(c).

11
12 Having Chaired the Staff Committee
13 meeting, Mr. Chairman, I think this applies to the
14 Western Interior Council recommendation of oppose, and
15 it doesn't speak to the YK-Delta Council recommendation
16 of support.

17
18 Thank you.

19
20 CHAIRMAN FLEAGLE: Thank you, Larry.
21 Board discussion with Council Chairs and State liaison.
22 Greg.

23
24 MR. ROCZICKA: Thank you, Mr. Chairman.
25 First off the moratorium that occurred down there was
26 actually for seven years and it was 1988 to 1995, not
27 '93 to '98, for the lower Yukon.

28
29 The other thing I'd mention -- concern
30 about, reaching carrying capacity, there's no signs of
31 that whatsoever as yet. I mean it is a concern as
32 people have mentioned and it's out there on the horizon
33 somewhere but the brow surveys that have been done to
34 date and the observations from the folks over on the
35 lower Yukon are not showing any stress on the habitat
36 as yet.

37
38 The people -- and, again, Unit 18, when
39 people speak of that, again, when you put it into the
40 Alaska context, we're about the size of the state of
41 Oregon. It's a long haul to get over to the lower
42 Yukon from the Kuskokwim side and in the past couple
43 years, since the expansion has occurred or the more
44 liberalized season, the season has actually closed
45 before travel conditions were good enough to get over
46 there. So you haven't had the ability for the rest of
47 the residents of Unit 18 to really utilize harvest of
48 that herd.

49
50 And I wanted to speak to just the

1 really strong ownership that people feel for this and
2 reflected in the comments from the Department, the
3 lower Yukon being, I think they're probably the first
4 in the state to call for their own moratorium in their
5 own area, and along with setting that real strong
6 local, almost an override of many other areas that you
7 shoot whatever animals, or you shoot cows or whatever,
8 that when the animal presents itself you catch because
9 you might be insulting (In Native) if you don't, for
10 people not to shoot cows and leave them along was
11 really a dramatic, a dramatic change and they saw the
12 results and that -- result followed up with the Togiak
13 and now the Kuskokwim side of Unit 18. But there's --
14 there's a real worry about going too fast and
15 overharvesting. Actually even though the population is
16 at the healthy level that it's at and that also is
17 reflected, we discussed at our fall meeting about
18 possibly putting a proposal in for expansion and we
19 essentially deferred to the lower Yukon folks that they
20 were worried about opening up too much for an extended
21 cow season at this point in time, and, again, that
22 reflects back that they're not seeing the stress on the
23 habitat. So that resulted in the Council or nobody
24 putting in a proposal, specifically for -- in respect
25 for that concern.

26

27 To speak to the effort that we've asked
28 the Board of Game to do and we would hope that this
29 Board would endorse as well for their Staff to
30 participate in, the Western Regional Council, I know,
31 caused some excitement among the Staff and while we
32 were calling the Western Regional Council, why it's
33 going to them and the Western Regional Council that we
34 refer to for those of you that have been around awhile,
35 many of you probably haven't so you don't know the
36 background of this, but prior to McDowell, there were
37 six regional councils around the state that were made
38 up of the Chairman of the Advisory Committees that had
39 jurisdiction within the area and they were specifically
40 to address the cross-regional or inter-regional
41 concerns and for our area that includes Central
42 Kuskokwim, Lower Kuskokwim, Central Bering Sea, Lower
43 Yukon and now the newly created Stony/Holitna Advisory
44 Committee and all those chairmen were present at that
45 meeting and they make up what's the regional council.
46 The State ceased to fund those councils following
47 McDowell, and about 1992, I think was the last time
48 that they met because they saw it as a duplicate effort
49 and an unnecessary expenditure since the Federal system
50 created our Regional Councils that sit here today, but

1 they never did take it off the books and they are still
2 there in Statute 92 -- I forget what the quote is but
3 anyway -- so we saw that as a vehicle that could be
4 used.

5
6 Because when the Board deferred their
7 proposals on the amounts necessary, when they discussed
8 it in their fall meeting, they deferred it with the
9 specific intent that they need to take into
10 consideration, given GMU 18 and this whole western
11 regional area, they want to take it into context with
12 the amounts necessary in 19A and the amounts necessary
13 in GMU 21E as well.

14
15 So, again, it would really behoove this
16 Board or OSM to have our participation in that process
17 also and we also specifically requested the Board, in
18 setting up this group, that they include the Advisory
19 Committee from GMU 21E to participate as well.

20
21 So that's what we'd like to look to
22 develop. But as far as the proposal goes the people
23 did feel that it was really premature and the harvest
24 that would be needed for subsistence is much greater
25 and could be much better utilized through expanded
26 opportunity, locally, prior to that opening to the
27 nonresident folks.

28
29 I'll stop there for now.

30
31 CHAIRMAN FLEAGLE: Thank you. Jack.

32
33 MR. REAKOFF: Thank you, Mr. Chair.
34 The one problem with this proposal is that it goes to
35 the qualified subsistence users, and the qualified
36 subsistence users in Unit 18 only include up to upper
37 Kalskag and so I'm concerned that people in my region
38 will not be able to go down into that unit then and
39 hunt under Federal regulations. And so that's a
40 primary concern, and so we're being excluded from
41 expanding and utilizing -- as our populations in Unit
42 19 and in 21E are perceived, and moratorium or -- and
43 drawing Federal permits in Tier II in 19A and we got
44 21E, I got people up there saying the moose
45 population's going downhill, and so we feel that we're
46 being cut off, arbitrarily cut off from Unit 18 under
47 this proposal.

48
49 I would feel more comfortable with, not
50 this proposal, but I highly endorse AVCP's plan for

1 population objectives, habitat objectives and real
2 concern about maintaining these bull/cow ratios and
3 these recruitment levels. But this proposal basically
4 excludes Western Interior regional residents from 18.
5

6 The clarification on that, it should be
7 State Southwestern Regional Advisory Council. There's
8 a name, and we're going to get cross-threaded with this
9 a lot, this is the Western Interior Regional Advisory
10 Council to the Federal Subsistence Board, they have an
11 Advisory Council to the State Board of Game, and so
12 there needs to be a name change differential and we
13 can't be using the same names and getting everybody all
14 mixed up.

15
16 So that's basically why our Council is
17 opposed to this particular proposal.

18
19 I would endorse a planning group to
20 assess the population and to come up with population
21 objectives and the Refuge Staff can participate. I
22 would like our Council to also participate in those
23 planning groups. Our Council has participated in the
24 Board of Game's planning groups, the Koyukuk River
25 Moose Hunting Planning Group and so forth, and so I
26 don't feel that this proposal is also warranted at this
27 time. We have .815 of ANILCA that says we can't really
28 do that unless, you know, we get into some different
29 parameters. So there's multiple reasons why this
30 proposal should not be adopted by the Federal
31 Subsistence Board.

32
33 Thank you.

34
35 CHAIRMAN FLEAGLE: Thank you, Jack. I
36 got a question I think that may be pertinent to the
37 proposal. First, I was one of the two Board members
38 that voted against the reopening to nonqualified users
39 last year and it was based a lot on the crashing of the
40 Mulchatna, the moratorium and the Kuskokwim portion of
41 Unit 18. Several reasons, you know, that I felt
42 compelled by AVCP and the Delta Regional Advisory
43 Council [sic]. On Monday I heard a news report on the
44 radio that quoted that the moratorium in the Kuskokwim
45 portion of Unit 18 as being very successful, and that
46 they anticipate opening a hunt in '09 so that kind of
47 alleviates some of the concerns that I had on voting
48 this proposal to reopen this area last time, or voting
49 against it, I should say.

50

1 But I just wonder if somebody here is
2 willing to speak to the biology of the Unit 18
3 Kuskokwim moratorium and its numbers and the potential
4 for a hunt, I mean basically just verifying what I
5 heard on the radio Monday. I think there was a
6 wildlife biologist speaking on that program as well.

7

8 Pete, would you do that.

9

10 MR. DEMATTEO: Yes, Mr. Chair.
11 Information we received from the Refuge and also the
12 Department of Fish and Game just last week speaks to
13 recent surveys that were done in that area in January
14 of 2008, and moose composition counts were conducted
15 along the lower Kuskokwim River from Kalskag to Bethel
16 and also along the Kwethluk River from Elbow Mountain
17 to the village of Kwethluk. Within these areas we
18 noted -- speaking for the Refuge, a combined ratio of
19 98 bulls per 100 cows and 73 calves per 100 cows. Mr.
20 Chair, that's not high, that's off the charts.

21

22 (Laughter)

23

24 MR. DEMATTEO: These results indicate
25 good reproduction within these areas of Unit 18.

26

27 They also observed calving data from
28 collared moose along the Kwethluk River during May and
29 June of 2007, 34 out of a possibility of 39 cows of
30 breeding age gave birth equaling 87 percent calving
31 rate. A total of 52 calves, which includes 14 sets of
32 twins, which is very high, two sets of triplets and 18
33 single calves were born to 34 cows. The multiple birth
34 rate, which is twins and triplet calves is 47 percent.
35 Cows with calves were checked again at the end of
36 December 2007 to determine survival. The six month
37 calving -- or six month calf survival rate was 62
38 percent.

39

40 Again, these are all very high figures,
41 thank you.

42

43 CHAIRMAN FLEAGLE: Thank you, Pete.
44 And one other clarification. I think it's been stated
45 that the moratorium were to reverse a decline, but
46 isn't it more that the moratorium were intended to
47 allow the colonization to continue, I mean I think
48 we're talking about a new population of animals into
49 this region. Moose are relatively new to the Delta,
50 they're still colonizing if I remember the discussions

1 from before.

2

3

Pete.

4

5 MR. DEMATTEO: Yes, Mr. Chair, that is
6 correct. The theory that everyone seems to agree to is
7 the moose are continuing to colonize into a new area,
8 which is the lower Kuskokwim River, and the thought is
9 and biologists have been tracking this, a lot of these
10 moose are coming in from the Western Interior and
11 funneling down into the lower Kuskokwim River where the
12 habitat is said to be excellent.

13

14 CHAIRMAN FLEAGLE: And we appreciate
15 Jack for that participation.

16

17

(Laughter)

18

19

CHAIRMAN FLEAGLE: Greg Roczicka.

20

21 MR. ROCZICKA: Thank you, Mr. Chairman.
22 And, again, it'll be coming up over and over those are
23 tremendously encouraging numbers but when you put it
24 into context of total numbers of animals, when we had
25 -- and as far as the colonizing we do get the in-
26 migration and, we, again, thank you, Western Interior
27 for letting your animals come across the border.

28

29

(Laughter)

30

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(Laughter)

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And also the -- when they did their
survey back when the moratorium started, I believe, in
the lower Kusko, they counted in the range of 70 to 80
moose and in that area that has gone to 663, I believe,
is the mean right about now, 668 is what they have in
that lower river and, you know, you look at a
harvestable surplus off of that amount, that at the
four or five percent rate it's not a real substantial

1 amount of moose, certainly nothing like if we could get
2 across the -- access over to the lower Yukon population
3 that they have over there with 600 is a harvestable
4 surplus.

5

6 So, yeah, we're growing.

7

8 As far as the opening hunt next year,
9 that's part of the impetus to get this group together
10 and start, there's real strong disagreement on the
11 Kuskokwim side about opening too soon and losing what
12 we sacrificed for over the last five years. Like I
13 mentioned, you talk about the five year moratorium on
14 the lower Yukon, it was actually seven because the
15 local guys got together and said, well, let's give it
16 another couple of years, and there's a strong feeling,
17 not just Bethel, but in the villages, throughout the
18 lower Kuskokwim that they -- it's about 50/50, really,
19 I mean there's people that are anxious to get out there
20 and start catching -- you know, there's 20 moose within
21 a couple miles of my house in Bethel right now and
22 people are seeing them and they're -- comparatively
23 speaking there's a heck of a lot of moose out there
24 compared to what has been in the past, and so there's
25 people that are anxious to hunt, but there are also
26 about an equal number of people that say let's not go
27 too quick here.

28

29 The other thing about it is this
30 amounts necessary that's there, if we have a hunt,
31 people don't want to open up, at least as far as the
32 State system, they don't want to open up into a Tier II
33 right off the bat where you end up getting stuck into
34 that system. So there also is another thing to talk
35 about and what kind of hunt we'd have, whether it'd be
36 -- on the lower Yukon, they did a short -- when they
37 opened in '95 was -- I thin it was like a 10 day hunt
38 in the fall that was open to everybody, but it didn't
39 take a chance on overharvest. So we got to look at
40 what kind of options we have there, you know, limited
41 registration, what may be involved, but we don't want
42 to go back and, you know, open up into a Tier II where
43 people get locked in and you end up not being able to
44 get out of it, and you actually lose the impetus on the
45 -- actually some management to keep that herd growing
46 as well.

47

48 That's one thing about -- I've got to
49 say this, success that occurred, that has occurred with
50 these populations as well, and it needs to be stated

1 straight out, is that, the people's ownership and not
2 shooting cows, they also, as far as the lower Yukon,
3 when they had theirs, they had weekly wolf patrols in
4 the wintertime with snowmachines that was allowed by
5 the Board of Game to help to speed that growth back
6 along. We had the same thing going on on the Kuskokwim
7 as well. So it's a defacto predator management
8 activity and we still have healthy wolf populations
9 coming in though so we're not decimating them but the
10 numbers are being held in check and that's why we do
11 have the survival rate that we do and the growth rate
12 that we do. And you could have other places -- it's
13 not as conducive to that kind of an effort being
14 successful in other parts of the state because we've
15 got extensive amounts of open country, you know, that
16 people can get to, you can't do that in the interior
17 such as in 19A to that level of success.

18
19 But as far as opening next year, that's
20 still up for discussion. The moratorium does end at
21 the end of 2008, the current one, but whether we choose
22 to go forward with a hunt at this time is still
23 something that this group is going to have to hash out.

24
25 CHAIRMAN FLEAGLE: Okay, thanks, Greg.
26 Hopefully those healthy numbers of wolves coming in are
27 also coming from the Western Interior.

28
29 (Laughter)

30
31 MR. ALVAREZ: Bristol Bay.

32
33 CHAIRMAN FLEAGLE: Or Bristol Bay.

34
35 (Laughter)

36
37 CHAIRMAN FLEAGLE: Anyway, one last
38 question I have, just based on the biology. I know
39 when it was mentioned about a winter cow hunt up in
40 Unit 18 I was trying to think back to the regulatory
41 process the State has been through and I thought they
42 had opened one but I guess it's not, it's still a bull,
43 but didn't they add the ability to harvest calves into
44 that to try to check this rapid expansion.

45
46 Terry, or -- or maybe you can look that
47 up and I'll go to Jack while you're looking for the
48 answer.

49
50 MR. REAKOFF: (Shakes head negatively)

1 CHAIRMAN FLEAGLE: No. Terry.
2
3 MR. HAYNES: Mr. Chairman. In part of
4 Unit 18 there is an option in a winter hunt for one
5 antlered bull or one calf in one part of Unit 18; is
6 that what you're asking?
7
8 CHAIRMAN FLEAGLE: Yeah, and the second
9 part of the question was, wasn't that to try to arrest
10 the rapid growth of the herd?
11
12 MR. HAYNES: I don't remember the
13 specific justification given but that would be the
14 intent.
15
16 CHAIRMAN FLEAGLE: I do, I was on the
17 Board.
18
19 (Laughter)
20
21 CHAIRMAN FLEAGLE: Let's take a 10
22 minute break.
23
24 (Off record)
25
26 (On record)
27
28 CHAIRMAN FLEAGLE: All right, Federal
29 Board is back in session. We're still dealing with
30 Proposal 33, and quite a bit of discussion before the
31 break. Are there any final comments before we ask for
32 a motion.
33
34 Hearing none.....
35
36 (Laughter)
37
38 CHAIRMAN FLEAGLE: No, go ahead, Greg.
39
40 MR. ROCZICKA: Thank you. Mr. Chairman.
41 Just a couple more points I wanted to put down here.
42 We'd certainly welcome -- and Jack saying -- and you
43 bring up a real strong point and that's the fact of
44 either 19 or 21E residents being able to come down,
45 that's just because of the way the boundaries are and
46 the way the whole C&T determinations worked out. You
47 know, we got the 100 or so moose that used to come out
48 of 21E are no longer available to us over in the
49 Kuskokwim that were taken out of the winter hunt, or
50 probably another 50 to 100 that came down -- used to

1 come down out of the fall hunt, that actually is
2 another part of the impetus for the moratoriums and
3 trying to get our own populations to grow.

4
5 But a couple other things that were
6 brought to my attention while you had the break.

7
8 Regarding the influx of transporters
9 and the guides and so forth, is that, they're not
10 actually focusing their efforts where the main growth
11 and concern that's been expressed as far as habitat
12 stress may be occurring, which is Mountain Village and
13 below, their efforts are being concentrated up around
14 the villages of Marshall and the upper sections -- the
15 upper portion of the lower Yukon. So they're not
16 putting their efforts in where the concerns that have
17 been raised here as far as habitat, that's not
18 occurring.

19
20 And the other thing, back to, again,
21 this was something that was done by the lower Yukon
22 folks and one thing to keep in mind here, too, is that
23 the lower Yukon is actually part of what's called the
24 Wade Hampton District, and you talk about people who
25 have made a great sacrifice that can least afford it.
26 The Wade Hampton District is the most economically
27 depressed, not just area -- not only in the state of
28 Alaska, but in the entire nation, so, again, when you
29 need to look at that.

30
31 And the fear that people have also
32 around -- that old story the balloon being squeezed
33 where people have been cut out of other areas, they're
34 worried about that saturation spilling out over on to
35 them as well and that balloon bursting on the lower
36 Yukon, just because of the success we've had with
37 growing that population, and Unit 18 as a whole.

38
39 I just wanted to toss those out there
40 for the Board.

41
42 CHAIRMAN FLEAGLE: Thanks, Greg. Jack.

43
44 MR. REAKOFF: I feel the concerns that
45 Greg is expressing, you know, that there could be a
46 real large opportunity for a lot of influx of people.
47 I think that the planning effort for that population,
48 it's a new population, is a real positive thing,
49 setting some sideboards on what's sustainable with that
50 population and habitat browse inventories.

1 Another aspect is that they're -- what
2 should be contemplated is a controlled use aspect of
3 the -- the primary detriments that we've had in 19A is
4 the air taxi transporter high saturation rate,
5 suppression of the bull/cow ratio and crash of the
6 population. The planning effort should incorporate
7 utilization of basically nonaircraft transportation.
8 There's plenty of residents in that lower Yukon and
9 Kuskokwim region that would utilize surface, water and
10 snowmachine for access. And so I feel that a planning
11 effort instead of this proposal moving forward, a
12 planning effort, and incorporating controlled use
13 aspects on hunt parameters is the direction that this
14 population should go in.

15

16 And so that would be my final comments.

17

18 Thank you.

19

20 CHAIRMAN FLEAGLE: Thank you, Jack.

21 Tom Melius.

22

23 MR. MELIUS: Mr. Chairman. I'll make a
24 motion to adopt the proposal, and if I get a second I
25 will be explaining and justifying I would not be
26 supporting that motion.

27

28 MR. LONNIE: I'll second.

29

30 CHAIRMAN FLEAGLE: All right, you got
31 the second. Go ahead, Tom.

32

33 MR. MELIUS: You know, this is an area
34 where the Board lifted the closure last year due to an
35 expanding population as we have heard. In fact, some
36 of the statistics have indicated that this is a herd
37 that is increasing at a very healthy rate, in fact, as
38 Pete mentioned there is some biological concern that in
39 some areas there could be, at this rate, some concern
40 for habitat damage.

41

42 I believe comments that Jack brought up
43 about planning is indeed the way we, on the Refuge,
44 will be approaching the future years as we see growth
45 and use of this, and so I don't believe at this time
46 the Council's request to reinstate a closure follows
47 principles of wildlife management and, therefore, I
48 will be voting in opposition to the proposal.

49

50 CHAIRMAN FLEAGLE: Further Board

1 comments.

2

3 MR. BSCHOR: Mr. Chair.

4

5 CHAIRMAN FLEAGLE: Denny.

6

7 MR. BSCHOR: I just have a few

8 comments.

9

10 I, too, think that if the proposal --
11 the ban is lifted that it's important to make sure that
12 it's the proper planning and approaches and wildlife
13 management procedures and regulations follow that so
14 that the situation doesn't go backwards because it's
15 very apparent to me, who, I'm not in that area, I don't
16 know that area very well but it sure sounds from the
17 testimony and the information today that tremendous
18 strides have been made by the local people and
19 tremendous sacrifices have been made and I think we --
20 at least I want to say that I recognize that even from
21 afar, that I know that that has to be a significant and
22 I know the people are very concerned that this doesn't
23 go backwards.

24

25 So with that said, the evidence I've
26 seen -- or heard today and read, it's a success, the
27 conservation principles have been turned around to the
28 positive and I see no reason to continue the closure.

29

30 CHAIRMAN FLEAGLE: Thank you. Niles.

31

32 MR. CESAR: Yeah, and sit and listen
33 both to Greg and Jack and I think they're both right
34 and it's one of these situations, who is rightist or
35 can you make a selection about that, it's very positive
36 what's going on and I think we all support and endorse
37 that. But at the same time we've seen what has
38 happened over the years where, in, not rush, but in a
39 direction that we might take to open things back up,
40 we've got to be very careful about how we do it so that
41 we don't find ourselves back in the same situation.

42

43 Jack proposes planning, proper planning
44 and meeting to get that in place, which I strongly
45 endorse because I think that's, in terms of what we do,
46 that really brings us long-term success if we can do
47 that. It's just that when you're sitting here in a
48 situation like today and you got to make a decision,
49 you have to make a decision based upon the knowledge
50 that you have presently. What I see presently

1 happening, I cannot support this proposal, so I will
2 vote against it.

3

4 CHAIRMAN FLEAGLE: Ready for the
5 question. Pete, on the proposal, please poll the
6 Board.

7

8 MR. PROBASCO: Thank you, Mr. Chair.
9 Final action on WP08-33. Mr. Melius.

10

11 MR. MELIUS: No.

12

13 MR. PROBASCO: Mr. Fleagle.

14

15 CHAIRMAN FLEAGLE: No.

16

17 MR. PROBASCO: Ms. Blaszak.

18

19 MS. BLASZAK: No.

20

21 MR. PROBASCO: Mr. Lonnie.

22

23 MR. LONNIE: No.

24

25 MR. PROBASCO: Mr. Cesar.

26

27 MR. CESAR: No.

28

29 MR. PROBASCO: And Mr. Bschor.

30

31 MR. BSCHOR; No.

32

33 MR. PROBASCO: Mr. Chair, motion fails

34 zero/six.

35

36 CHAIRMAN FLEAGLE: Thank you, Pete. We
37 now move to Proposal 34, also of the Yukon Kuskokwim-
38 Delta region, and do we have new Staff.

39

40 MR. PROBASCO: Yes.

41

42 CHAIRMAN FLEAGLE: We'll take a moment
43 to allow the Staff change. Thank you for your help on
44 this one.

45

46 (Pause)

47

48 CHAIRMAN FLEAGLE: All right. We have
49 Dr. Polly Wheeler at the table with Chuck Ardizzone and
50 Alex Nick for the analysis. Dr. Polly Wheeler.

1 DR. WHEELER: Thank you, Mr. Chair.
2 The analysis for Proposal WP08-34 starts on Page 489 in
3 your books, goes to Page 511, that's the full analysis
4 and the full suite of comments there.

5
6 This proposal was submitted by the
7 Togiak National Wildlife Refuge. It requests the
8 establishment of a moose season for the portion of Unit
9 18 south of the Kanektok and Arolik River drainages
10 with a one bull harvest limit by State registration
11 permit.

12
13 The proposed hunt area is shown on Map
14 1 which can be found on Page 492 in your books. The
15 intent of the proposal is to establish a moose season
16 on Federal public lands within the proposed area by
17 2009 or earlier whenever the population reaches a
18 minimum of 100 moose.

19
20 Federal public lands in the area have
21 been closed to moose hunting since the inception of the
22 Federal Subsistence Management Program in 1991. State
23 lands were open to moose hunting until the 2005/2006
24 regulatory year when they were closed due to
25 conservation concerns over a small but increasing moose
26 population in the area to protect this population and
27 in the hopes of increasing the population so that it
28 could provide limited hunting opportunity. A three
29 year moratorium on moose hunting in the Goodnews River
30 drainage was agreed to by the Togiak National Wildlife
31 Refuge, the Alaska Department of Fish and Game, the
32 Goodnews River Drainage Moose Advisory Committee and
33 the Village Councils of Goodnews Bay and Platinum.

34
35 As parties to the moratorium, which was
36 put into place beginning in the 2006/2007 regulatory
37 year with a sunset date of June 30, 2009 the above
38 entities jointly agreed that hunting would remain
39 closed until the population reached 100 moose or until
40 three years elapsed.

41
42 Based on recent survey data, the moose
43 population appears to be growing and exceeded the
44 threshold of 100 animals with a survey count of 113
45 moose on February 15, 2008.

46
47 At its meeting in March 2008, the
48 Alaska Board of Game established a moose season in the
49 Goodnews River drainage and south to the Unit 18
50 boundary with an August 25 to September 20 season for

1 one antlered bull by registration permit with a quota
2 of up to 10 antlered moose. The permits will be issued
3 in Goodnews Bay.

4
5 A Section .804 analysis was developed
6 for this proposal due to the small number of moose
7 available for harvest and the large number of
8 subsistence users with a customary and traditional use
9 determination to harvest moose in Unit 18 remainder,
10 which includes the proposed hunt area. All Unit 18
11 residents and upper Kalskag have a customary and
12 traditional use determination to harvest moose in Unit
13 18 remainder, including the proposed hunt area. This
14 includes roughly 20,000 people living in 43
15 communities. Of all these communities only Goodnews
16 Bay and Platinum lie within the area that is the focus
17 of this proposal, Quinhagak lies about 10 miles north
18 of the proposed hunt area.

19
20 After examining all 43 communities in
21 the context of the three .804 criteria which include,
22 just to remind you:

23
24 Customary and direct dependence upon
25 the populations as a mainstay of
26 livelihood.

27
28 That's addressed on Page 500 in your
29 books.

30
31 Local residency or proximity to the
32 resource.

33
34 Which is on Page 502 of your books.

35
36 And availability of all alternative
37 resources.

38
39 Which is also on Page 502.

40
41 So after examining the 43 communities
42 in the context of these three criterias we found that
43 residents of Quinhagak, Goodnews Bay and Platinum
44 demonstrate the highest dependency on moose harvested
45 in this proposed hunt area.

46
47 While harvest effort for moose by other
48 Unit 18 communities in this area has been minimal, it
49 is possible that there may be interest in hunting moose
50 by those residents of Unit 18 communities with a

1 positive customary and traditional use determination
2 for moose should a hunt be opened.

3

4 While an .804 analysis was developed
5 through the proposal analysis process, it was
6 subsequently determined that it was possible and
7 possibly preferable to proceed without an .804 analysis
8 and result in restriction to those most dependent upon
9 and in closest proximity to the resource and without
10 retaining the closure of Federal public lands.
11 Proceeding in this way rests presumption that even
12 though the number of moose available for harvest is
13 likely small, interest from Federally-qualified users
14 and from other users hunting under State regulations
15 will not be enough to create a conservation risk.

16

17 Further, if more interest than
18 anticipated did occur, a special action could be
19 implemented in sufficient time to close Federal public
20 lands entirely or to narrow the number of communities
21 eligible to participate in the hunt based on an .804
22 analysis.

23

24 The proposed regulation would split the
25 existing area closed to moose hunting into a portion
26 which would remain closed and a portion which would be
27 subject to the proposed harvest regulations. Adoption
28 of the proposed regulations would allow the Togiak
29 National Wildlife Refuge manager to determine and
30 announce through delegated authority the season dates
31 of a Federal moose season for the affected area without
32 having to request a special action by the Board.

33

34 The proposed regulations would require
35 the Refuge manager to make the determination after
36 consultation with the Alaska Department of Fish and
37 Game, and local users.

38

39 Adoption of the proposal would create a
40 Federal open season requiring a State registration
41 permit.

42

43 And providing a date range in
44 regulation within which the Refuge manger may open a
45 season would provide constraint on the timing of such a
46 season and public awareness as to potential timing of
47 the opportunity.

48

49 Also consultation with the Regional
50 Advisory Council Chairs and more appropriate regulatory

1 formulation than consultation with just plain local
2 users.

3

4 If it's determined that a Section .804
5 restriction is not necessary than hunting opportunity
6 will be open to subsistence users with a customary and
7 traditional use determination to harvest moose in Unit
8 18 remainder. Further the closure of Federal public
9 lands in this area to non-Federally-qualified users
10 will be lifted, which would result in these lands being
11 open to hunting moose for the first time since 1991.
12 This may result in adverse impacts to the affected
13 moose population as well as to Federally-qualified
14 subsistence users, although what the impacts may be and
15 the extent to which they may occur is unknown.

16

17 The OSM conclusion is to support
18 Proposal WP08-34 with modification, and the
19 modification's on Page 502. The modifications include:

20

21 To redefine the hunt area as the
22 Goodnews River drainage and south to
23 the Unit 18 boundary.

24

25 To establish an August 25 to September
26 20 season for one antlered bull.

27

28 And to have the Togiak National
29 Wildlife Refuge manager announce a
30 quota and any needed closures in
31 consultation with the Bureau of Land
32 Management, Alaska Department of Fish
33 and Game and the Chair of the Yukon
34 Kuskokwim-Delta Subsistence Regional
35 Advisory Council.

36

37 Adoption of this proposal as modified
38 would provide Federally-qualified users an opportunity
39 to harvest a small number of moose in the Goodnews
40 River drainage and south of the Unit 18 border. The
41 establishment of a set season of August 25 to September
42 20 aligns with the newly established State season,
43 which as I said was established by the Board of Game at
44 their March 2008 meeting. Limiting the harvest to one
45 antlered bull focuses the legal harvest on adult bulls.
46 And adding the language allowing the harvest quota and
47 any needed closures to be announced by the land manager
48 in consultation with BLM, Fish and Game and the Chair
49 of the Yukon Kuskokwim-Delta Subsistence Regional
50 Advisory Council allows the managers regulatory

1 flexibility to change the allowable harvest as the
2 population of moose changes in the area and to close
3 the hunt based on conservation concerns or once the
4 quota has been met.

5
6 Mr. Chair. Council members. That
7 concludes my presentation.

8
9 CHAIRMAN FLEAGLE: Thank you, Polly.
10 Summary of written public comments, Alex Nick.

11
12 MR. NICK: Thank you, Mr. Chair. Board
13 members. The summary of written public comment can be
14 found on 511 of your Board book.

15
16 And the main points that I captured,
17 they talked about that in 2005 they agreed to a three
18 year moose moratorium which was signed off by
19 signatories and that community did not hunt moose
20 beginning in 2004 and they thought maybe they -- even
21 though they started -- stop hunting even before the
22 moratorium started due to a misunderstanding of it.
23 And also -- they also talked about that they honored
24 the community of -- Goodnews Bay honored moose
25 moratorium. And they also believe that moose numbers
26 would continue to grow. And with the high price of
27 gasoline that they could not go on a distance for moose
28 hunting.

29
30 And if I missed anything, maybe, the
31 analyst could help me.

32
33 Thank you, Mr. Chair.

34
35 CHAIRMAN FLEAGLE: Thank you, Alex.
36 Public testimony, Pete.

37
38 MR. PROBASCO: Mr. Chair, we have no
39 one signed up for this proposal.

40
41 CHAIRMAN FLEAGLE: Thank you. Regional
42 Council recommendation, Greg.

43
44 MR. ROCZICKA: Thank you, Mr. Chairman.
45 The YK RAC supported the proposal with the
46 modification. The discussion was written into the
47 recommendation by the Staff and we felt that any
48 conservation concerns we had as far as overharvest were
49 addressed through the use of that limited State
50 registration permit that would be issued in Goodnews

1 River. The Department has the discretionary authority
2 on registration permits, where they can be issued. And
3 the use of the State permits would also allow the local
4 residents the opportunity to hunt on all the lands,
5 including their own corporation lands. With that one
6 State permit in the single season.

7
8 CHAIRMAN FLEAGLE: Thanks, Greg.
9 Department of Fish and Game comments, Ken Taylor.

10
11 MR. TAYLOR: Thank you, Mr. Chairman.
12 Terry Haynes will speak to this proposal.

13
14 CHAIRMAN FLEAGLE: Thank you. Terry.

15
16 MR. HAYNES: Mr. Chairman. You'll find
17 the 509 and 510 of your meeting book. I don't have
18 much to add to what's already stated.

19
20 The Department does not support the
21 original proposal. The proposal, as modified and the
22 Office of Subsistence Management conclusion and as
23 recommended by the Yukon Kuskokwim-Delta Regional
24 Council provide for a Federal hunt that would be
25 administered by State registration permit and occur in
26 the same area defined in State regulation.

27
28 These modified proposals also would
29 reopen lands that are currently closed to non-
30 Federally-qualified subsistence users, which is
31 important for a hunt that's going to be administered by
32 a State registration permit.

33
34 And my recollection from the YK-Delta
35 Regional Council meeting was that they liked the idea
36 of this hunt as it's being modified because it would
37 resemble a moose hunt that's -- administration of a
38 moose hunt in neighboring Unit 17A whereby the Federal
39 hunt is administered with a State registration permit.

40
41 So we really believe this proposal as
42 modified by the Regional Council and in the OSM
43 conclusion is the way to go. Again, this is another
44 successful moratorium where people sacrificed, held off
45 hunting. We have an opportunity to provide for limited
46 hunting in the Goodnews Bay area and we believe that
47 having this hunt administered by a State registration
48 permit is the most efficient way to proceed. We don't
49 anticipate other people flocking to Goodnews Bay to try
50 to obtain a registration permit, especially with gas

1 prices the way they are, it'd be very expensive. And
2 we believe that this will be a successful hunt.

3

4 Thank you, Mr. Chairman.

5

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

8

9 Wildlife Proposal WP08-34:

10

11 Reopen a portion of Unit 18 south of
12 and including the Kanektok River drainage to moose
13 hunting by federal registration permit beginning in
14 fall 2009.

15

16 Introduction:

17

18 For the past 10 years, moose
19 populations have expanded into the southwestern part of
20 Unit 18, where moose hunting has been restricted by
21 agreement and design to allow colonization and
22 population growth. The Togiak National Wildlife
23 Refuge, Department of Fish and Game, village councils
24 of Goodnews Bay and Platinum, and Goodnews River
25 Drainage Moose Advisory Committee collaborated on
26 instituting a moose moratorium in 2005. These
27 organizations agreed to support reopening of the
28 hunting season after 100 or more moose are counted
29 during winter surveys in the area.

30

31 Impact on Subsistence Users:

32

33 The hunting moratorium has corresponded
34 with a steady growth of the moose population in the
35 Goodnews Bay area for the past five years. Support for
36 the moratorium by residents of Goodnews Bay has been
37 essential to its success.

38

39 Opportunity Provided by State:

40

41 At its November 2005 meeting, the
42 Alaska Board of Game closed the state season in this
43 area, stipulating that the season remain closed for 3
44 years or until 100 moose are counted in the area. The
45 City of Goodnews Bay submitted a petition for emergency
46 action to the Board of Game in September 2007, which
47 requested that a 7 to 10 day hunting season be opened
48 in the area of Unit 18 near the community. The Board
49 of Game did not open the season because it would have
50 been inconsistent with the agreement made at an October

1 2005 meeting involving Goodnews Bay residents,
2 Department of Fish and Game, and Fish and Wildlife
3 Service to not reopen the season in this area until 100
4 or more moose are counted in winter surveys.
5 Department surveys conducted in 2006 and 2007 counted
6 approximately 55-60 moose in the Goodnews River
7 drainage. The Fish and Wildlife Service counted 81
8 moose in a December 2007 survey and approximately 115
9 moose in a February 2008 survey.

10

11 Conservation Issues:

12

13 When moose hunting is reauthorized in
14 this area, a harvest allocation must be instituted to
15 reduce the potential for overharvest that would limit
16 herd growth in order to assure improved moose hunting
17 opportunity in future years. Based on herd composition
18 data, a harvest allocation of no more than 5-10 moose
19 is anticipated if a season is opened in 2008.

20

21 Enforcement Issues:

22

23 Establishing only a federal season
24 could increase the potential for enforcement problems
25 due to the mixed land ownership patterns in the area.
26 If only a federal season is established, hunters would
27 have to travel about 10 miles to reach the federal
28 public lands nearest to Goodnews Bay village, and
29 hunters would have to ensure they do not hunt on state
30 or private lands.

31

32 Other Comments:

33

34 Potential confusion in the proposed
35 regulation has been addressed in the staff analysis by
36 indicating that it involves the area south of the
37 Kanektok and Arolik river drainages. This area more
38 closely corresponds to the area that is currently
39 closed in state regulation.

40

41 Recommendation:

42

43 Oppose original proposal.

44

45 At the March 2008 meeting, the Alaska
46 Board of Game addressed a request from Goodnews Bay and
47 reopened the moose season in Unit 18, the Goodnews Bay
48 drainage south to the unit boundary. The August 25
49 September 20 season will have a harvest limit of one
50 antlered bull by registration permit only, and permits

1 will only be issued in Goodnews Bay. Up to 10 antlered
2 bulls may be taken.

3

4 If Proposal WP08-34 is adopted as
5 modified in the Office of Subsistence Management
6 Conclusion and by the Yukon-Kuskokwim Delta Regional
7 Council, the federal hunt would be administered by
8 state registration permit and occur in the same area
9 defined in state regulation. Federal lands also will
10 be open to non-federally qualified subsistence users,
11 but federal lands will remain closed to non-federally
12 qualified subsistence users if no action is taken on
13 this modified proposal. The Yukon-Kuskokwim Delta
14 Regional Advisory Council developed its position with
15 the intent to create a federal hunt modeled after the
16 moose hunt in Unit 17A.

17

18 CHAIRMAN FLEAGLE: Thank you, Terry.
19 ISC comments, Larry.

20

21 MR. BUKLIS: Thank you, Mr. Chairman.
22 The Staff Committee comments are found on Page 508.

23

24 The main point I'll bring out is the
25 Staff Committee suggests that the Board consider
26 authorizing the Togiak National Wildlife Refuge manager
27 to close the season on Federal public lands in
28 consultation with ADF&G and the Chair of the Yukon
29 Kuskokwim Regional Advisory Council. The reason for
30 that authority would be to match ADF&G emergency order
31 closure authority.

32

33 And also, Mr. Chairman, when we
34 referenced a set of modifications to the proposal in
35 the OSM conclusion, we meant to reference Page 505.

36

37 Thank you.

38

39 CHAIRMAN FLEAGLE: Thank you, Larry.
40 Board discussion with Chairs and State. Greg.

41

42 MR. ROCZICKA: Yeah, I guess the only
43 other thing to add is, and Terry kind of mentioned it,
44 even though the YK-Delta is remote Goodnews Bay is
45 remote even by YK-Delta standards as far as getting out
46 there. Just mention about concern of people lining up
47 at the door, getting too many folks out there is pretty
48 minimal.

49

50 CHAIRMAN FLEAGLE: Greg -- I mean, Jack

1 -- sorry.

2

3 MR. REAKOFF: Question for Terry. Is
4 the registration hunt for nonresident -- is it a
5 nonresident inclusion into the registration?

6

7 CHAIRMAN FLEAGLE: Terry.

8

9 MR. HAYNES: No, it's limited to State
10 residents, Mr. Chairman.

11

12 CHAIRMAN FLEAGLE: Other discussion.

13

14 (No comments)

15

16 CHAIRMAN FLEAGLE: Ready for action.

17 Tom.

18

19 MR. MELIUS: Thank you, Mr. Chairman.
20 I make a motion to adopt the proposal, and if I get a
21 second I will be offering an amendment to bring in a
22 number of concerns that were raised.

23

24 MR. LONNIE: I'll second, Mr. Chairman.

25

26 CHAIRMAN FLEAGLE: All right, you got
27 your second, Tom, go ahead.

28

29 MR. MELIUS: Okay. The amendment that
30 I'm going to be offering basically brings in the Yukon
31 Kuskokwim Council's recommendation, and I would also
32 add that we would add that the Togiak Refuge Manager
33 have the authority to close the season in consultation
34 with BLM, ADF&G and the Chair of the YK Council when
35 there are conservation concerns.

36

37 CHAIRMAN FLEAGLE: Is there a second to
38 the amendment.

39

40 MR. LONNIE: I'll second.

41

42 CHAIRMAN FLEAGLE: All right. You want
43 to go ahead and speak to that amendment, Tom, please.

44

45 MR. MELIUS: Yeah. Mr. Chairman, this
46 is a proposal that I believe builds upon the good work
47 that we've just heard from a number of different
48 speakers. It is also a recognition of the conservation
49 actions that have been taking place over the last
50 couple years for a population to be rebounding. I

1 believe that giving the Refuge manager the authority
2 does also help for future management actions. It
3 recognizes the sacrifices that have gone over the last
4 several years by the local users and I think this is a
5 way to really have a good use of that expanding
6 population.

7
8 It's also an encouragement for this
9 type of co-management, where all the users get together
10 and work cooperatively and then we can see the success
11 of that action.

12
13 So I would hope that this motion -- or
14 this amendment to the original proposal would be
15 accepted.

16
17 CHAIRMAN FLEAGLE: Other discussion.

18
19 MR. BSCHOR: Mr. Chair.

20
21 CHAIRMAN FLEAGLE: Denny.

22
23 MR. BSCHOR: Just clarification, does
24 that amendment include the wording as proposed by the
25 OSM recommendation on Page 505?

26
27 MR. MELIUS: 505.

28
29 CHAIRMAN FLEAGLE: Pete.

30
31 MR. PROBASCO: Mr. Chair, if I may,
32 there is a difference between the YK Regional Advisory
33 Council's recommendation and OSM Staff's recommendation
34 and what the Board of Game passed. And if we stick
35 with the YK Regional Advisory Council's recommendation
36 we exclude that area south to the Unit 18 boundary.

37
38 MR. PROBASCO: Go ahead, Polly.

39
40 CHAIRMAN FLEAGLE: Polly Wheeler.

41
42 DR. WHEELER: Thank you. If you look
43 on Page 490 in your books, and I have the right page
44 number this time, if you look on Page 490 you can see
45 the Regional Advisory Council modification, that is,
46 Goodnews River drainage and south to the Unit 18
47 boundary. But Regional Director Melius added
48 additional language after that that diverges somewhat
49 from the Regional Advisory Council language, but the
50 geography is correct in there.

1 CHAIRMAN FLEAGLE: But the added
2 language is just the closure authority, which is listed
3 on Page 505 in the OSM conclusion.

4
5 MR. PROBASCO: I stand corrected.

6
7 CHAIRMAN FLEAGLE: Okay. So the
8 language is encapsulated in the OSM conclusion on Page
9 505 for the amendment.

10
11 Further discussion.

12
13 (No comments)

14
15 CHAIRMAN FLEAGLE: I'm going to support
16 the proposal and the amendment.

17
18 I was a little concerned that here we
19 had a closure and then we're going to open it up to
20 everybody but those concerns are allayed by the RAC
21 Chairs statements about the remoteness of the area and
22 the lack of anticipated participation, so I think the
23 amendment does what is requested.

24
25 Other discussion. Denny.

26
27 MR. BSCHOR: Yes, Mr. Chair, I'm a
28 little confused. If we could write it up on the --
29 what this amendment actually says, I would be more
30 comfortable with -- I'm not -- I'm tending to want to
31 vote for an amendment that does what Mr. Melius' is
32 intending, I just want to make sure the wording is what
33 I'm thinking of.

34
35 CHAIRMAN FLEAGLE: Well, I meant every
36 word he said.

37
38 (Laughter)

39
40 CHAIRMAN FLEAGLE: We're getting there.
41 Larry.

42
43 MR. BSCHOR: I have a question for Mr.
44 Buklis.

45
46 MR. BUKLIS: Mr. Chairman. I think our
47 Staff needs just a moment to get the slide composed
48 that you want to see and I think it would provide
49 clarity.

50

1 CHAIRMAN FLEAGLE: That's fine. Let's
2 just stand down until we get that.
3
4 MR. BUKLIS: Thank you.
5
6 (Off record)
7
8 (On record)
9
10 CHAIRMAN FLEAGLE: There we go, we're
11 back on record.
12
13 MR. PROBASCO: Everybody's happy with
14 that.
15
16 CHAIRMAN FLEAGLE: Denny, does that
17 look okay to you.
18
19 MR. BSCHOR: It looks okay to me.
20
21 CHAIRMAN FLEAGLE: Further discussion
22 on the amendment, Tom.
23
24 MR. MELIUS: That looks fine as I
25 originally had tried to articulate, so, thank you,
26 Denny.
27
28 CHAIRMAN FLEAGLE: Marcia.
29
30 MS. BLASZAK: Probably not necessary
31 but I'd like to also recognize the good cooperation
32 that went into bringing this proposal forward as
33 amended.
34
35 Thank you.
36
37 CHAIRMAN FLEAGLE: Thank you. Ready
38 for the question on the amendment.
39
40 MR. MELIUS: Call the question.
41
42 CHAIRMAN FLEAGLE: Question's called on
43 the amendment, Pete.
44
45 MR. PROBASCO: Thank you, Mr. Chair.
46 WP08-34, to the amendment. Mr. Fleagle.
47
48 CHAIRMAN FLEAGLE: Yes.
49
50 MR. PROBASCO: Ms. Blaszak.

1 MS. BLASZAK: Yes.
2
3 MR. PROBASCO: Mr. Lonnie.
4
5 MR. LONNIE: Yes.
6
7 MR. PROBASCO: Me. Cesar.
8
9 MR. CESAR Yes.
10
11 MR. PROBASCO: Mr. Bschor.
12
13 MR. BSCHOR: Yes.
14
15 MR. PROBASCO: And Mr. Melius.
16
17 MR. MELIUS: Yes.
18
19 MR. PROBASCO: Amendment carries,
20 six/zero.
21
22 CHAIRMAN FLEAGLE: Thank you. Are we
23 ready for the question on the main motion.
24
25 MR. MELIUS: Yes.
26
27 CHAIRMAN FLEAGLE: Main motion, Pete.
28
29 MR. PROBASCO: Final action on WP08-34
30 as amended. Ms. Blaszak.
31
32 MS. BLASZAK: Yes.
33
34 MR. PROBASCO: Mr. Lonnie.
35
36 MR. LONNIE: Yes.
37
38 MR. PROBASCO: Mr. Cesar.
39
40 MR. CESAR: Yes.
41
42 MR. PROBASCO: Mr. Bschor.
43
44 MR. BSCHOR: Yes.
45
46 MR. PROBASCO: Mr. Melius.
47
48 MR. MELIUS: Yes.
49
50 MR. PROBASCO: And Mr. Fleagle.

1 CHAIRMAN FLEAGLE: Yes.

2

3 MR. PROBASCO: Amended motion carries
4 six/zero.

5

6 CHAIRMAN FLEAGLE: Thank you. That
7 concludes our Yukon Kuskokwim-Delta suite of proposals
8 and we're moving into the Seward Peninsula region,
9 Region 7 with combined Proposal 36, 37 and 38 for Unit
10 22 moose and we'll give a moment for the Staff to
11 change their chair occupancy there.

12

13 (Pause)

14

15 CHAIRMAN FLEAGLE: Greg, you're
16 outnumbered two Armstrongs to one Risdahl.

17

18 (Laughter)

19

20 CHAIRMAN FLEAGLE: I'd like to welcome
21 to the table Barbara Armstrong, Helen Armstrong and
22 Greg Risdahl. And for the analysis for Proposals 36,
23 37 and 38, Greg.

24

25 MR. RISDAHL: Thank you, Mr. Chairman.
26 Members of the Board. And Council Chairs. The
27 analysis for Wildlife Proposals 36, 37 and 38 begin on
28 Page 514 of your Board Book.

29

30 Wildlife Proposal 36 was submitted by
31 the Native Village of Unalakleet and requests opening
32 of Federal subsistence moose hunting season in the
33 Unalakleet River drainage in central Unit 22A from
34 August 1 through September 30 with a one bull limit.
35 And by the way I get tongue-twisted after saying
36 Unalakleet so many times, so please bear with me.

37

38 Likewise, Wildlife Proposal 37 was
39 submitted by the Seward Peninsula Regional Advisory
40 Council and requests opening a Federal subsistence
41 moose season in the same area with the same dates, also
42 with a one bull limit but by Federal registration
43 permit.

44

45 Wildlife Proposal 38 was submitted by
46 the Native Village of Unalakleet and requests a Federal
47 registration permit be issued to the Native Village for
48 five bull moose to be harvested in Unit 22A by
49 designated hunters selected by the Native Village and a
50 harvest season to run from August 1 through September

1 15.

2

3

4 Maps of the hunt areas and the
5 Unalakleet River drainage can be found on Pages 517 and
6 522 of your book.

7

8 The proponent for Wildlife Proposal 36
9 states that an aerial survey conducted by the Alaska
10 Department of Fish and Game in the spring of 2006
11 following a three year moratorium on hunting showed an
12 increase in moose numbers in central Unit 22A.

13

14 The proponent for Proposal 37 states
15 that subsistence users will benefit by reopening the
16 moose season in the Unalakleet River drainage because
17 it will give local residents an opportunity to harvest
18 moose closer to home.

19

20 The proponent for Proposal 38 states
21 that moose meat will be distributed only to the elders
22 of Unalakleet thereby maintaining the traditional
23 practice of sharing in the harvest.

24

25 At the November 2007 Board of Game
26 meeting in Bethel Alaska, two proposals were submitted
27 to reopen moose hunting in central Unit 22A. Proposal
28 19 submitted by the Southern Norton Sound Advisory
29 Committee requested opening a September 1 through
30 September 14 season using limited registration permits.
31 The Board of Game adopted this proposal and established
32 the season for one antlered bull by registration permit
33 in the Unalakleet River drainage and all drainages
34 flowing into Norton Sound north of the Golsovia River
35 drainage and south of the Tagoomenik and Shaktoolik
36 River drainages. State regulations will take effect
37 beginning July 1st, 2008.

38

39 The Alaska Department of Fish and Game
40 population management objectives for moose in Unit 22A
41 is to maintain a population of 600 to 800 moose with a
42 post-hunting season bull/cow ratio of 30 bulls per 100
43 cows. The most recent survey conducted by the
44 Department of Fish and Game in February of this year,
45 2008, estimated 339 moose, including 21 calves per 100
46 adults.

47

48 The harvest ticket database for Unit
49 22A provides a reasonably accurate summary of harvest
50 by nonresident and nonlocal resident Alaskans, but
51 local harvest is thought to be under-reported. In

1 fact, the most complete moose harvest data available
2 for this area comes from the large mammal harvest
3 surveys that have been conducted by both the Alaska
4 Department of Fish and Game and Kawerak and indicates
5 that the actual harvest is approximately double of what
6 is typically reported on the State harvest tickets.

7
8 A Section .804 analysis was developed
9 for this proposal due to the small number of moose
10 available for harvest in central Unit 22A and the large
11 number of subsistence users with a customary and
12 traditional use determination for moose in all of Unit
13 22A. All Unit 22A residents, which includes 20
14 communities have a customary and traditional use
15 determination for moose in Unit 22A, however, only the
16 communities of Unalakleet, St. Michael, Stebbins and
17 Shaktoolik are actually in central Unit 22A. After
18 examining all 20 communities in Unit 22 in the context
19 of the three .804 criteria that Polly Wheeler described
20 to you, including customary and direct dependence upon
21 populations as a mainstay of their livelihood; local
22 residency and proximity to the resources; and
23 availability of alternative resources, it was
24 determined that the residents of Unalakleet demonstrate
25 the highest dependence on and are in closest proximity
26 to the Unalakleet River drainage. In fact from 1983
27 through 2004 87 percent of the moose that were
28 harvested in the Unalakleet River drainage were taken
29 by residents of Unalakleet.

30
31 As far as distribution of permits,
32 which is a part of Wildlife Proposal 38, this proposal
33 requests that one Federal registration permit be issued
34 to the Native village for five bull moose to be
35 harvested in central Unit 22A by designated hunters
36 selected by the Native Village Council. In short the
37 Federal Management Program has not put into regulation
38 how permits should be distributed in the community, it
39 has, instead, left permit distribution up to the local
40 land managers. During the 2008 winter Seward Peninsula
41 Regional Advisory Council meeting, the Native Village
42 of Unalakleet recommended a change in their preferred
43 season dates than what was originally proposed. It was
44 recommended that the moose season dates be changed from
45 the August 1 through September 30 date to August 15
46 through September 14. They felt that this would allow
47 residents the opportunity to hunt moose and fish for
48 salmon at the same time. In addition it was stated
49 that most moose hunting takes place on Federal public
50 lands above the Chirooskey River, that residents of

1 Unalakleet have been hunting the area for their entire
2 lives and are very familiar with the land ownership
3 patterns there. The Council voted to support the
4 community's recommendation, noting that an August 15
5 through September 14 moose season should give residents
6 ample time to harvest the established quota.

7
8 There is now nearly unanimous agreement
9 to reopen the moose season in the Unalakleet River
10 drainage. If Proposals 36 and 37 are adopted the
11 Federal subsistence moose hunting season would last
12 approximately six and a half weeks longer than the
13 State registration permit season that was recently
14 approved by the Board of Game.

15
16 If Proposal 38 was adopted, the Federal
17 season would still be longer than the State season by
18 four weeks but would end one day later than the State
19 season. The different State and proposed Federal
20 season dates might cause confusion among hunters. From
21 a biological standpoint, however, a longer season would
22 not affect the moose population any more than a shorter
23 season if the target quota was the same under all
24 scenarios. It would, however, allow Federally-
25 qualified subsistence users more opportunity to harvest
26 a moose by giving them more time to hunt.

27
28 If Proposals 36 and 37 were adopted,
29 the Section .804 analysis would require maintaining the
30 closure of the Federal public lands to the taking of
31 moose by everyone except the residents of Unalakleet.

32
33 The OSM conclusion is, therefore, to
34 support Proposals 36 and 37 with modification to open
35 an August 15 through September 14 season, to lift the
36 closure for residents of Unalakleet and delegate
37 authority to open and close the season by the local BLM
38 field office manager.

39
40 OSM opposes Proposal 38.

41
42 In summary, adopting the proposal with
43 the modifications just described would increase moose
44 hunting opportunities in central Unit 22A for
45 Federally-qualified subsistence users specifically for
46 those residents of Unalakleet allowing them to hunt
47 closer to home, yet not jeopardize the progress made by
48 the increasing moose population as a result of the
49 recent three year moratorium on hunting. By
50 establishing a harvest quota and through careful joint

1 monitoring of the harvest by the BLM field office
2 manager and local Alaska Department of Fish and Game
3 wildlife biologist, including a mandatory reporting
4 period, the moose population in Unit 22A should not be
5 negatively impacted.

6
7 Proposal 38 is opposed because
8 providing five permits to the Native Village of
9 Unalakleet would put into regulation the distribution
10 of permits. Instead the local land manager should work
11 with the Native village and other community members to
12 assure that permit distribution is done in a fair and
13 equitable manner.

14
15 Thank you.

16
17 CHAIRMAN FLEAGLE: Thank you, Greg.
18 Now, go to the summary of written public comments,
19 Barbara.

20
21 MS. B. ARMSTRONG: Thank you, Mr.
22 Chair. There are no written public comments for this
23 proposal.

24
25 CHAIRMAN FLEAGLE: Thank you. Public
26 testimony, Pete.

27
28 MR. PROBASCO: No one has signed up for
29 these three proposals, Mr. Chair.

30
31 CHAIRMAN FLEAGLE: Thank you. Regional
32 Council recommendation, Myron.

33
34 MR. SAVETILIK: Mr. Chair. I'm just
35 trying to think of how I can word this right now. Just
36 looking at -- if just one moose was taken out by a
37 nonresident, I think it would be too much, that's
38 quote/unquote, for -- for this one right here.

39
40 CHAIRMAN FLEAGLE: Thank you, Myron.
41 Department of Fish and Game comments, Ken Taylor.

42
43 MR. TAYLOR: Thank you, Mr. Chairman.
44 Terry Haynes will speak to this proposal.

45
46 CHAIRMAN FLEAGLE: Terry.

47
48 MR. HAYNES: Mr. Chairman. The
49 Department's written comments are on Pages 533 and 534
50 of your meeting book.

1 The Department opposes all three
2 proposals and recommends that you either do not adopt
3 the modified proposals or that they be modified to
4 match the current State regulations for the moose hunt
5 in this part of Unit 22A. This would include lifting
6 the closure to non-Federally-qualified subsistence
7 users in the affected part of Unit 22A.

8
9 The limited moose hunting opportunity
10 currently available in central Unit 22A can be
11 administered most effectively under State regulations.
12 Even if the modifications recommended by the Seward
13 Peninsula Regional Council or in the Office of
14 Subsistence Management conclusion are adopted, the
15 Department still plans to issue registration permits in
16 Unalakleet beginning August 1 for a season that opens
17 September 1 and will close the State season by
18 emergency order whenever the quota of 14 bull moose is
19 reached. That is our obligation to the people in
20 Unalakleet, who we worked very closely with to
21 determine when a season should be reopened. And,
22 despite the fact that there are other proposals on the
23 table we're still obligated to plan to have a State
24 season. Now, whether or not a State hunt actually is
25 held, all hunting must be closed when 14 bulls have
26 been harvested. Higher harvest levels would be
27 inconsistent with sound wildlife management principles
28 and would be detrimental to long-term subsistence use.

29
30 The Federal registration permit
31 proposed for use, if a Federal hunt is implemented,
32 must require successful hunters to report within 24
33 hours of harvest, which will facilitate closing the
34 season quickly when the harvest quota is reached.

35
36 Thank you, Mr. Chairman.

37
38 Alaska Department of Fish and Game
39 Comments to the Federal Subsistence Board

40
41 Wildlife Proposals WP08-36, 37, and 38:

42
43 Reopen a federal subsistence moose
44 hunting season in central Game Management Unit 22A,
45 (that portion in the Unalakleet River drainage and all
46 drainages flowing into Norton Sound north of the
47 Golsovia River and south of the Tagoomenik and
48 Shaktoolik river drainages). Both WP08-36 and WP08-37
49 request an August 1 September 30 season for one bull,
50 while WP08-37 requests up to 20 federal registration

1 permits. WP08-38 would authorize a harvest season from
2 August 1 September 15 for designated hunters selected
3 by the Native Village of Unalakleet Council to take 5
4 bull moose in Unit 22A under provisions of a federal
5 registration permit issued to the Native Village of
6 Unalakleet.

7

8

Introduction:

9

10

In response to a significant moose
11 population decline attributed to predation, severe
12 winters, and hunting pressure, the Alaska Board of Game
13 closed the moose season in central Unit 22A by
14 Emergency Order (05-04-05) in July 2005. The Federal
15 Subsistence Board took similar action by adopting
16 Special Action WSA05-03 in August 2005. Both boards
17 later adopted proposals to temporarily close the
18 seasons beginning in the 2006-07 regulatory year. The
19 goal was to retain the closed seasons for three years.

20

21

Impact on Subsistence Users:

22

23

Unalakleet residents were observing and
24 harvesting very few moose in the years immediately
25 preceding the closure and supported a moratorium as a
26 necessary step to rebuild the moose population in
27 central Unit 22A. Proposals WP08-36 and WP08-37
28 request federal seasons and/or harvest limits that are
29 not sustainable and would be detrimental to subsistence
30 users because they would eliminate or significantly
31 delay any chance of this moose population recovering
32 and would likely result in closure of preferred hunting
33 areas that are easily accessible to Unalakleet
34 residents.

35

36

Opportunity Provided by State:

37

38

The moose season was closed in 2005 in
39 the central portion of Unit 22A for conservation
40 purposes. The Department of Fish and Game worked
41 closely with the Southern Norton Sound Advisory
42 Committee and residents of Unalakleet to develop a
43 proposal for consideration at the Board of Game
44 November 2007 meeting that would allow for a limited
45 harvest of moose in this area. The Alaska Board of
46 Game established a September 1-14 season open only to
47 state residents for one antlered bull by registration
48 permit issued only in Unalakleet. A moose census
49 conducted by the Department in the Unalakleet River
50 drainage in February 2008 estimated a population of 339

1 moose in the 2,400 square mile survey area. Therefore,
2 the season will be closed by emergency order when the
3 harvest quota of 14 bulls is met (a 4% harvest rate).
4 Successful hunters must report their harvest within 24
5 hours. A closely-managed state registration permit
6 hunt with specific guidelines provides a reasonable way
7 to resume limited hunting in an area where a depleted
8 moose population is showing signs of recovery. Moose
9 hunting by Unalakleet residents occurs primarily in
10 central Unit 22A and most other resident hunters have
11 more accessible and productive alternate places to hunt
12 moose.

13

14 Conservation Issues:

15

16 Limiting the harvest to only 3-4% of
17 the population is essential for sustained yield
18 management and to support continued population recovery
19 in central Unit 22A. The moose population appears to
20 have stabilized, and the percent of calves observed has
21 increased.

22

23 Proposal WP08-37 requests a long
24 federal season and a harvest quota of 20 antlered
25 bulls, which would exceed the 4% harvest rate
26 established by the Department and would represent a
27 harvest rate that far exceeds the harvest rate
28 currently applied anywhere in Unit 22.

29

30 Enforcement Issues:

31

32 Differences in federal and state
33 regulations resulting from adoption of any of these
34 proposals or of the proposals as modified by the Seward
35 Peninsula Regional Council and in the Office of
36 Subsistence Management Conclusion will create
37 enforcement problems in areas with mixed land
38 ownership. Federally-qualified subsistence users will
39 not be authorized to harvest on state and private lands
40 that are closer to Unalakleet if any of these proposals
41 or modified proposal is adopted. Therefore, federal
42 enforcement must be a high priority if a federal permit
43 hunt is established.

44

45 Other Comments:

46

47 Federal public lands in the hunt area
48 would be closed to non-federally qualified subsistence
49 users if either of the modified proposals is adopted.
50 While less problematic than any of the actual

1 proposals, these options would still result in an
2 unnecessarily complicated federal hunt. Participants
3 in the state hunt who are federally-qualified
4 subsistence users will be authorized to hunt on either
5 state or federal lands, while hunters who have a
6 federal registration permit could only hunt on federal
7 lands that are located at least 10-15 miles away from
8 Unalakleet. Parallel state and federal hunts would
9 require that the few moose available for harvest be
10 divided between the state and federal hunts. How an
11 equitable allocation would be determined is unclear.

12

13 Recommendation:

14

15 Oppose all three proposals and either
16 do not adopt the modified proposals or modify them to
17 match the state regulations. The limited moose hunting
18 opportunity currently available in central Unit 22A can
19 be administered most effectively under state
20 regulations. Even if the modifications recommended by
21 the Seward Peninsula Regional Advisory Council or in
22 the Office of Subsistence Management Conclusion are
23 adopted, the Department still plans to issue
24 registration permits in Unalakleet beginning August 1
25 and will close the State season by Emergency Order
26 whenever the quota of 14 bull moose is reached.
27 Whether or not a state hunt actually is held, all
28 hunting must be closed when 14 bulls have been
29 harvested. Higher harvest levels would be inconsistent
30 with sound wildlife management principles and would be
31 detrimental to long term subsistence use. The federal
32 registration permit proposed for use if a federal hunt
33 is implemented will need to require successful hunters
34 to report within 24 hours of harvest, which will
35 facilitate closing the season quickly when the quota is
36 reached.

37

38 CHAIRMAN FLEAGLE: Thank you, Terry.
39 InterAgency Staff Committee, Larry.

40

41 MR. BUKLIS: Thank you, Mr. Chairman.
42 The Staff Committee comments are found on Page 532.
43 I'll highlight the main points.

44

45 Although the Staff Committee recognizes
46 the strong support of the modified proposal by the
47 Regional Council, which was on Page 513, Mr. Chairman,
48 we suggest several points be considered by the Board as
49 you consider these proposals.

50

1 The Alaska Board of Game established a
2 September 1 to 14 moose season open only to State
3 residents for one antlered bull by registration permit
4 issued only in Unalakleet. Other areas in Unit 22A
5 have a more liberal State and Federal moose season. So
6 it was thought unlikely that residents outside of the
7 Village of Unalakleet will travel to Unalakleet 30 days
8 prior to the season in order to obtain a State permit
9 and then return for the hunt.

10

11 If the Federal season opens August
12 15th, it is possible that the quota may be reached
13 before the State season opens, thereby eliminating the
14 State season. The proposal as recommended by the
15 Council would limit the hunt to Federal public lands,
16 although past moose harvest has occurred predominately
17 on Federal public lands, there are significant areas of
18 State or private land that are closer to the village
19 that would not be open to moose hunting under that
20 management approach, however, the Council was aware of
21 this when making its recommendation.

22

23 Finally, if the proposal is adopted as
24 recommended by the Regional Council, then Federal
25 public lands would remain closed to the taking of moose
26 except by residents of Unalakleet.

27

28 And, Mr. Chairman, as we've noted
29 previously in this meeting, the Board is reminded of
30 its closure policy in relation to the Council
31 recommendation for such a partial lifting of the
32 existing closure.

33

34 Thank you.

35

36 CHAIRMAN FLEAGLE: Thank you, Larry.
37 Board discussion with Council Chairs and State.

38

39 (No comments)

40

41 CHAIRMAN FLEAGLE: Terry, I've got a
42 question for you on your testimony.

43

44 Is the concern that if the Board takes
45 action on these proposals and has a season that's
46 longer than the general State season, that the permits
47 would all be used by Federally-qualified users and not
48 by other State residents or what is the main concern
49 there?

50

1 MR. HAYNES: Mr. Chairman. The
2 proposed Federal season would open two weeks earlier
3 than the State season and we suspect that -- a strong
4 possibility that the allocation would be taken before
5 the State season could open. But we're also very
6 concerned, as Larry pointed out, that State managed
7 lands are closer to Unalakleet and much more easily
8 accessed, and, therefore, if a Federal season is in
9 place before the State opens, there needs to be
10 enforcement out there to ensure that harvest activities
11 are occurring on Federal public lands.

12
13 If a season was held with a State
14 permit we could have a situation very much like the
15 Goodnews Bay moose hunt that we just discussed. The
16 State permit could apply with a lifting of the closure
17 in Federal regulations, the State permit could apply on
18 both State and Federal lands, one permit, it'd be much
19 easier for people to deal with.

20
21 This is a very -- as proposed in the
22 modified proposals, increasing the administrative
23 burden for this hunt, I think there's a potential for
24 confusion in Unalakleet, people will wonder about
25 Federal permits, State permits, State permit, as was
26 pointed out, we will issue permits beginning August 1
27 for a hunt that begins September 1. If there's a
28 Federal season that opens August 15th, people may
29 assume that the State permit will apply to that Federal
30 hunt, which it won't.

31
32 We just see the potential for a lot of
33 confusion if the Federal modified proposals are
34 adopted.

35
36 CHAIRMAN FLEAGLE: I'll recognize you
37 in a minute, Ken. There's a little confusion I have on
38 that statement about when the registration permit for
39 the State takes effect. I heard earlier that the
40 permit would be available a month -- somebody would
41 have to be there a month before the season to get the
42 permit but the way you just said it, the permit process
43 starts a month; but is that not correct, is the
44 permitting -- is the registration permit not available
45 before one month before the season starts?

46
47 MR. HAYNES: Mr. Chairman. I hope I
48 didn't misspeak, but the State will make permits, State
49 registration permits available August 1st in
50 Unalakleet.

1 CHAIRMAN FLEAGLE: Only August 1st.

2

3 MR. HAYNES: Starting on August 1st.

4 The intent being that this will give Unalakleet
5 residents certainly an advantage to get permits and we
6 don't anticipate other people coming into Unalakleet to
7 obtain a State permit.

8

9 CHAIRMAN FLEAGLE: But there's no limit
10 to the number of permits, the registration there
11 usually isn't?

12

13 MR. HAYNES: Mr. Chairman. We can't
14 limit the number of registration permits that could be
15 issued, but, again, the -- we do have a cap on the
16 allowable harvest, so that if the State season moved
17 forward, we would close the State season when 14 moose
18 had been taken.

19

20 CHAIRMAN FLEAGLE: Right. But without
21 that registration permit process closing for a certain
22 amount of days prior to the start of the season, I
23 don't see any advantage at all of having a longer
24 permit process, I mean why start distributing permits
25 -- it doesn't give any advantage at all if the
26 permitting process applies right up to the season start
27 date, because anybody then, in the world, not in the
28 world, but in Alaska could then fly to Unalakleet the
29 day before the season starts, obtain their permit or
30 even while the season is open unless there's that gap
31 in there, which has been used by the State in other
32 areas of the State, which would require, somebody
33 either to traveling twice to hunt or to camp for a week
34 before they start hunting. So without that gap I don't
35 see any benefit at all to having that longer
36 registration period.

37

38 Ken.

39

40 MR. TAYLOR: Thank you, Mr. Chairman.
41 I was not at the Board meeting when they passed this
42 proposal, but I know that the Board worked very hard
43 with the residents of Unalakleet to provide the
44 opportunity they were requesting. And I believe the
45 residents of that village wanted to be able to hunt on
46 both Federal and non-Federal lands.

47

48 Typically when we have a hunt like
49 this, and we haven't had a chance to even see it run
50 yet because it was just passed last year, but we do

1 begin issuing permits early and then we cut the permits
2 off before the start of the season. We want to make
3 sure that the residents of the area have a chance to
4 get the permit that they need to go hunt and we don't
5 encourage people to come in from the outside. This is
6 the way we did it in Dillingham and other areas of the
7 state. I can't say for certain that we have a cut off
8 point, because I wasn't at that Board meeting, but I
9 would be surprised if we don't.

10

11 And I think this is one of those
12 instances that Commissioner Lloyd referred to in his
13 opening remarks where we need to have the Boards
14 working together to address these issues, and the Board
15 of Game did work hard to meet the needs of the
16 Unalakleet residents and establish the season so that
17 they could hunt close to home if they wanted to. And
18 our fear is that if this season is established the
19 State season will probably go away and that residents
20 will then have to go several miles from Unalakleet
21 before they get to Federal land to begin their hunt.

22

23 CHAIRMAN FLEAGLE: Thanks Ken, that's
24 kind of where I'm getting at with this.

25

26 And I know that the State doesn't put
27 that, you know, the permit will be distributed up until
28 five days prior to the start of the season in
29 regulation, that's a condition of the permit, and if --
30 but not knowing what the conditions of the permit are
31 in this case, it makes it kind of hard for me, as a
32 Board member, to say, yeah, I think that what you're
33 doing is right.

34

35 Tina.

36

37 MS. CUNNING: Mr. Chairman. Steven has
38 stepped out to call Kevin Saxby who was present during
39 that discussion to see what the conditions of that
40 permit were at the Board meeting.

41

42 CHAIRMAN FLEAGLE: Okay. We don't have
43 any motion on this one yet, maybe we could just set
44 this one aside and take the next proposal in order,
45 because there's some key information I think that's
46 missing, and we're coming up on lunch.

47

48 Larry.

49

50 MR. BUKLIS: Mr. Chairman. I just

1 wanted to reiterate a comment that was in our Staff
2 Committee comments and it's the point regarding the
3 lands and the location of the hunting effort and the
4 State lands being closer to the village, the Council
5 was aware of this when making its recommendation.
6 There was an active discussion of the lands and the
7 issue of jurisdiction and lands and proximity to the
8 village, and they made their recommendation for an
9 earlier date in the face of that knowledge. There was
10 a teleconference facility provided for the proponents
11 and involving the Council.

12
13 Secondly, just to remind the Board that
14 the current status of the Federal public lands are
15 closed on this matter. So if the Board doesn't act on
16 this proposal in one way or another, the lands are
17 closed to hunting for moose.

18
19 Thank you, Mr. Chairman.

20
21 CHAIRMAN FLEAGLE: Thank you, Larry.
22 Jack.

23
24 MR. REAKOFF: Under other regulations
25 the State has implemented, like the cutting the antler,
26 they call that discretionary authority of the
27 Department, and I feel that the Department could make
28 that discretionary authority of when to cut those
29 permit issuance off to assure this Federal Board what
30 we're working with here. And so your lawyer will
31 probably come up with it but you have that
32 discretionary authority the Board of Game has given you
33 on the issuance of a registration permit. All's you
34 have to do is assure this Board that you're going to
35 cut those permits off one week before they can open the
36 BLM lands up.

37
38 Thank you.

39
40 CHAIRMAN FLEAGLE: You're right, Jack,
41 and that's what -- that's the assurance I don't have
42 and we're waiting for.

43
44 Ken Taylor.

45
46 MR. TAYLOR: Thank you, Mr. Chairman.
47 That's true in some cases and not true in other cases.
48 If you look at our State regulations some areas where
49 we have these types of hunts they say what dates those
50 permits will be available for those people out there,

1 but not in all cases.

2

3 So I think it would be a good idea to
4 check and just make sure.

5

6 CHAIRMAN FLEAGLE: Pete says we can
7 break early for lunch.

8

9 MR. PROBASCO: It's 12:30.

10

11 (Laughter)

12

13 CHAIRMAN FLEAGLE: How are you an hour
14 fast?

15

16 (Laughter)

17

18 MR. PROBASCO: I don't know.

19

20 (Laughter)

21

22 CHAIRMAN FLEAGLE: Let's do that, come
23 back 12:45.

24

25 (Off record)

26

27 (On record)

28

29 CHAIRMAN FLEAGLE: The Federal
30 Subsistence Board is back on record and we left --
31 we're still in the round-table open discussion process
32 on Proposals 36, 37 and 38, and we left with a question
33 hanging as to whether the Department was going to do a
34 time spacial between the ending of the distribution of
35 the registration permits to the start of the hunt and I
36 understand you have an answer to that, Ken.

37

38 MR. TAYLOR: Yes, thank you, Mr. Chair.
39 We checked with the Nome Regional Office over lunch and
40 they said that they would be very willing to do that.
41 They would like at least 15 days between August 1st to
42 the 15th to issue the permits. They would like to
43 issue them, perhaps maybe up through the 20th,
44 depending on this Board's preference we will cut the
45 permits off any time after the 15th.

46

47 CHAIRMAN FLEAGLE: Thank you, Ken.
48 Other discussion.

49

50 MR. SAVETILIK: Mr. Chair. I forgot to

1 add on the Seward Peninsula Regional Advisory Council,
2 the proposal, WP08-36 and WP08-37 with modification to
3 establish an August 15 to September 14 season, to lift
4 the closure only for residents of Unalakleet, to
5 delegate authority to open and close the season to the
6 BLM and to be less specified about the number of
7 permits issued. And it's shown on Page 513. And the
8 Council was fully aware of the State versus Federal
9 land aspects of an earlier Federal season when we made
10 the recommendation, and we believe the earlier season
11 provided for the Federal subsistence priority and is
12 supported by the Staff analysis.

13

14 Thank you.

15

16 CHAIRMAN FLEAGLE: Thank you, Myron.

17 Other discussion.

18

19 (No comments)

20

21 CHAIRMAN FLEAGLE: Ready for Board

22 motion. Tom Lonnie.

23

24 MR. LONNIE: Thank you, Mr. Chairman.

25 Mr. Chairman, I've heard the State's concerns regarding

26 confusion over what a dual hunt creates, I've also

27 heard the concerns regarding enforcement issues and

28 possible harvest limitations due to land stewardship.

29 I think these concerns have some merit. It may limit

30 subsistence users more than it's anticipated. However,

31 the residents of Unalakleet and the RAC were aware of

32 these concerns and still supported the proposals as

33 amended.

34

35 Mr. Chairman, I move to adopt Proposals

36 08-36 and 08-37. After I get a second, I'll propose an

37 amendment.

38

39 MS. BLASZAK: Second.

40

41 CHAIRMAN FLEAGLE: Go ahead, Tom.

42

43 MR. LONNIE: Mr. Chairman. I would

44 like to make a motion to amend 08-36 AND 08-37 as

45 modified by the Seward Peninsula RAC as written on Page

46 513 of the Board book, after I get a second I'll state

47 why I intend to vote in favor of the amendment and the

48 amended motion.

49

50 MS. BLASZAK: Second.

1 CHAIRMAN FLEAGLE: Okay, you got your
2 second, go ahead, Tom Lonnie.

3
4 MR. LONNIE: Mr. Chairman. In
5 deference to the RAC I intend to support this motion.
6 Although I think that the State's position has some
7 merit, it is difficult for me not to defer to the
8 judgment and desires of the local residents in this
9 case. I encourage the Alaska Department of Fish and
10 Game to continue with their plans for a State
11 registration hunt in the Unalakleet drainage of Unit
12 22A. I intend to have BLM Staff monitor this hunt
13 closely and determine how well a separate Federal hunt
14 actually meets the needs of the residents. I also
15 intend to have BLM Staff work closely with the
16 residents of Unalakleet and the State of Alaska in
17 developing a proposal for the next regulatory cycle
18 that incorporates the lessons that we've learned from
19 this season.

20
21 Thank you, Mr. Chairman.

22
23 CHAIRMAN FLEAGLE: Thank you, Tom.
24 Further discussion on the amendment.

25
26 (No comments)

27
28 CHAIRMAN FLEAGLE: Board members.

29
30 (No comments)

31
32 CHAIRMAN FLEAGLE: Are we ready for the
33 question. Tom, the language that you're referring to
34 has been put on the screen; is that consistent with
35 what your amendment.

36
37 MR. LONNIE: (No microphone)

38
39 CHAIRMAN FLEAGLE: Go ahead and turn
40 your microphone on please.

41
42 MR. LONNIE: Mr. Chairman. That
43 appears to be a summary that's on the screen right now.
44 The language that appears on Page 513 of the Board book
45 is the same language that the RAC had proposed as
46 modified and it matches the language that OSM came up
47 with also.

48
49 CHAIRMAN FLEAGLE: Okay. And the only
50 difference I see is one bull by Federal permit.

1 MR. LONNIE: Well, Mr. Chairman, the
2 language that the RAC and OSM came up with also
3 identifies the Anchorage Field Office manager would
4 consult with Alaska Department of Fish and Game.

5
6 CHAIRMAN FLEAGLE: Got that. All
7 right, well, I'll just throw a couple comments, I'm
8 going to support the amendment. I wanted to have that
9 discussion with the State and their permit hunt and I
10 realize that this may cause some confusion between the
11 two hunts but it sounds like the people of Unalakleet
12 have considered that. It sounds like the lands they
13 want to access under the Federal permit are farther up
14 the river from the closer State and private lands to
15 the community, but that's understood. And so the
16 concerns that we're giving a preference for lands that
17 are farther away don't really have a concern -- I mean
18 it's not a hardship, I guess, is where I'm going with
19 that, so I support the amendment.

20
21 And I'll now recognize the question,
22 Pete, on the amendment.

23
24 MR. PROBASCO: Thank you, Mr. Chair.
25 Proposal 08-36/37 amendment which is on Page 513. Mr.
26 Lonnie.

27
28 MR. LONNIE: Yes.

29
30 MR. PROBASCO: Mr. Cesar.

31
32 MR. CESAR: Yes.

33
34 MR. PROBASCO: Mr. Bschor.

35
36 MR. BSCHOR: Yes.

37
38 MR. PROBASCO: Mr. Melius.

39
40 MR. MELIUS: Yes.

41
42 MR. PROBASCO: Mr. Fleagle.

43
44 CHAIRMAN FLEAGLE: Yes.

45
46 MR. PROBASCO: Ms. Blaszak.

47
48 MS. BLASZAK: Yes.

49
50 MR. PROBASCO: Amendment carries

1 six/zero.

2

3 CHAIRMAN FLEAGLE: All right, that
4 takes care of the regulatory language. Now, somebody
5 needs to answer the question concerning the C&T, we're
6 just restricting the -- it used to be all of Unit 22
7 residents could hunt in Unit 22A, but now we're -- by
8 this action we're only allowing the residents of
9 Unalakleet. Is there a process that we need to go to
10 that restrict other Federally-qualified users or just
11 adoption of this simple action, will that take care of
12 it.

13

14 Larry.

15

16 MR. BUKLIS: Mr. Chairman. This
17 proposed regulation and set of actions do not speak to
18 C&T. What you're dealing with is lifting the closure
19 and this is a partial lifting of the closure, this is
20 not a -- you're not affecting the C&T pool of eligible
21 people, you're lifting the closure in part, and you're
22 lifting the closure to residents of Unalakleet.

23

24 CHAIRMAN FLEAGLE: Okay. But from just
25 being a layman I don't agree, if you got a C&T that
26 says all of 22 residents are eligible to hunt here and
27 now you're only -- yeah, you're lifting the closure,
28 but you're only lifting the closure to the rest of the
29 eligible communities -- and I'm not saying it's wrong,
30 I just want to understand that that's appropriate to do
31 without a process.

32

33 MR. BUKLIS: Mr. Chairman.

34

35 CHAIRMAN FLEAGLE: Larry.

36

37 MR. BUKLIS: Yes, I spoke to your
38 comment about C&T, but the analysis includes an .804
39 analysis which looks at those most proximal, dependent
40 and with fewest alternative resources, so the analysis
41 contains an .804, which lands on the Unalakleet
42 residents.

43

44 CHAIRMAN FLEAGLE: Right, I understand
45 that Larry and that's where I'm getting at with the
46 questioning. Is there a process other than just having
47 it presented to the Board and the Board taking a simple
48 action like that, I mean shouldn't we at least address
49 the analysis. I understand it's in the book, but maybe
50 Keith's got a better answer for that.

1 MR. GOLTZ: No, I don't have a better
2 answer. We have done an .804 analysis that is in the
3 book. It's part of the record, and that's what you're
4 basing your decision on. If you want to discuss it
5 further, that's perfectly all right, too.

6
7 CHAIRMAN FLEAGLE: No, that's okay, as
8 long as it's inferred by reference that the Board did
9 consider that in its decision. I just want to make
10 sure that are T's are dotted and our I's crossed.

11
12 (Laughter)

13
14 CHAIRMAN FLEAGLE: Ready for action,
15 final action, Tom, you have a further comment.

16
17 MR. LONNIE: No.

18
19 CHAIRMAN FLEAGLE: Ready for the
20 question. Question on 36/37, Pete.

21
22 MR. PROBASCO: Final action on Proposal
23 WP08-36/37 as amended.

24
25 Mr. Cesar.

26
27 MR. CESAR: Yes.

28
29 MR. PROBASCO: Mr. Bschor.

30
31 MR. BSCHOR: Yes.

32
33 MR. PROBASCO: Mr. Melius.

34
35 MR. MELIUS: Yes.

36
37 MR. PROBASCO: Mr. Fleagle.

38
39 CHAIRMAN FLEAGLE: Yes.

40
41 MR. PROBASCO: Ms. Blaszak.

42
43 MS. BLASZAK: Yes.

44
45 MR. PROBASCO: And Mr. Lonnie.

46
47 MR. LONNIE: Yes.

48
49 MR. PROBASCO: Motion carries as
50 amended six/zero.

1 CHAIRMAN FLEAGLE: How do we dispense
2 with 38 Pete.
3
4 MR. LONNIE: Mr. Chairman, I'd like to
5 make a motion on 38.
6
7 CHAIRMAN FLEAGLE: Go ahead, Tom.
8
9 MR. LONNIE: Mr. Chairman, I move to
10 adopt Proposal WP08-38. I plan on opposing my motion
11 and will give my reasons when I receive a second.
12
13 MR. CESAR: I'll second.
14
15 CHAIRMAN FLEAGLE: There you go.
16
17 MR. LONNIE: Mr. Chairman. I do not
18 support WP08-38 due to actions taken on WP08-36 and 08-
19 37. My position on this proposal is supported by the
20 recommendations of the Seward Peninsula RAC.
21
22 CHAIRMAN FLEAGLE: Discussion.
23
24 (No comments)
25
26 CHAIRMAN FLEAGLE: Question. Go ahead,
27 Pete, poll the Board on 38.
28
29 MR. PROBASCO: Final action on Proposal
30 WP08-38.
31
32 Mr. Bschor.
33
34 MR. BSCHOR: No.
35
36 MR. PROBASCO: Mr. Melius.
37
38 MR. MELIUS: No.
39
40 MR. PROBASCO: Mr. Fleagle.
41
42 CHAIRMAN FLEAGLE: No.
43
44 MR. PROBASCO: Ms. Blaszak.
45
46 MS. BLASZAK: No.
47
48 MR. PROBASCO: Mr. Lonnie.
49
50 MR. LONNIE: No.

1 MR. PROBASCO: And Mr. Cesar.
2
3 MR. CESAR: No.
4
5 MR. PROBASCO: Motion fails zero/six.
6
7 CHAIRMAN FLEAGLE: Okay, thank you.
8 Okay, we now have Proposals 39 through 45 dealing with
9 various furbearers and small game in the Seward
10 Peninsula Region 7 and welcome to the table, Dr. Polly
11 Wheeler, for the analysis.
12
13 MS. H. ARMSTRONG: Thank you, Mr.
14 Chair, I'm doing the analysis. Sorry.
15
16 CHAIRMAN FLEAGLE: All right, you
17 switched chairs.
18
19 MS. H. ARMSTRONG: My name is Helen
20 Armstrong. I'm with the Office of Subsistence
21 Management. The analysis for Proposals WP08-39 through
22 WP08-45 can be found on Page 537 in your books.
23
24 These proposals were submitted by
25 Kawerak in Nome and they request customary and
26 traditional use determinations for residents of Unit 22
27 for beaver, Arctic Fox, red fox, hare, lynx, marten and
28 wolverine in Unit 22. The existing C&T for beaver,
29 Arctic Fox, red fox, hare, lynx, marten and wolverine
30 is for all Federally-qualified rural residents
31 statewide, thus this narrows the C&T determination to
32 only rural residents of Unit 22.
33
34 All of these proposals were deferred by
35 the Federal Subsistence Board last year in order to let
36 the Councils weigh in on the Staff Committee
37 recommendation to oppose these proposals. This was a
38 -- these proposals had been on the consensus agenda and
39 they were taken off of the consensus agenda at the
40 Board meeting at the requests of Kawerak and then asked
41 to be deferred.
42
43 Very little specific harvest data are
44 available for any of these species, thus the proposals
45 were combined into one analysis. With the exception of
46 beaver in Units 9 and 17, the Board has not made unit
47 specific customary and traditional use determinations
48 statewide for any of these resources. So statewide for
49 all of those resources they have all rural residents
50 for their C&T determinations.

1 Prior to 2006 the Board had never
2 addressed customary and traditional use determinations
3 for these resources.

4
5 The written analysis provides
6 information on the uses of these resources by Unit 22
7 communities, and I'm not going to go through all of
8 this, as it is in the written analysis and in the
9 administrative record.

10
11 We are not as concerned with the uses
12 in Unit 22 because it's clear that Unit 22 residents
13 have harvested these resources in Unit 22, the problem
14 that we've been faced with is that people living
15 outside of Unit 22 do come into Unit 22, some to hunt
16 and trap. There is some information regarding
17 subsistence users from outside of Unit 22 coming into
18 Unit 22 to harvest these resources, but there is little
19 information in the literature regarding the areas of
20 use or in the harvest databases.

21
22 There was some information that we
23 gathered from the Council meetings during the 2007
24 winter meetings. We found that people from Kaltag hunt
25 for bears in Unit 22A along the Unalakleet trail
26 following the trail to the coast. Some people outside
27 of Unit 22A have marten traplines along the Unalakleet
28 trail and would harvest a number of these resources, if
29 needed, while they were out trapping.

30
31 Seward Peninsula Council members also
32 noted that residents from Unit 21D take furbearers and
33 beaver was specifically mentioned in Unit 22A. Mention
34 was also made of friends from Unit 23 who come over to
35 hunt beaver. There are some people from Unit 23 who
36 like to go to Granite Mountain Hot Springs in Unit 22
37 and they might take some of these resources while
38 they're on their hunting trip. Subsistence use maps
39 created for Unit 18 communities show that Unit 18
40 subsistence use area for furbearers includes Unit 22A.

41
42 So we know that uses by neighboring
43 communities outside of Unit 22 that come into Unit 22
44 to harvest other resources, such as caribou and wolf,
45 and they may be taking these resources at the same
46 time.

47
48 There is relatively little written
49 documentation of subsistence uses of the resources in
50 these proposals in Unit 22 and consequently there is

1 insufficient information to specifically address every
2 community within Unit 22 relative to each of the eight
3 factors.

4

5 Adopting or opposing these proposals
6 would have no affect on subsistence users in 22. They
7 already can harvest these resources and would still be
8 able to if it is opposed or adopted since it's all
9 rural residents, whether it's opposed or adopted, they
10 could still take them.

11

12 Some people living in adjacent units
13 may travel to Unit 22 and take other resources and as a
14 result, those people, if they were taking these
15 resources opportunistically they would then be doing it
16 -- if the proposal were opposed [sic] it, then they
17 would be doing it illegally.

18

19 The OSM conclusion is to oppose this
20 proposal.

21

22 The justification is that with the
23 exception of beaver in Units 9 and 17, the Board has
24 not made unit specific customary and traditional use
25 determinations statewide beaver, Arctic Fox, red fox,
26 hare, lynx, marten and wolverine. There is
27 insufficient harvest data and information regarding all
28 of these resources to narrow the existing customary and
29 traditional use determinations. And while there is
30 sufficient information to generally fulfill the eight
31 factors and to recommend that all rural residents of
32 Unit 22 should continue to have a positive customary
33 and traditional use determination for these resources,
34 they also are harvested by subsistence users from
35 surrounding regions when they are hunting and trapping
36 in Unit 22.

37

38 Narrowing to only Unit 22 residents
39 would affect those living outside of the unit who also
40 may harvest these resources in Unit 22.

41

42 Rejecting the proposal has no affect on
43 subsistence users in Unit 22 or other units because
44 they would continue to be able to be harvested under
45 the existing broad customary and traditional use
46 determinations.

47

48 Thank you, Mr. Chair. That concludes
49 my presentation.

50

1 CHAIRMAN FLEAGLE: Thank you, Helen.
2 Summary of written public comments, Barbara.
3
4 MS. B. ARMSTRONG: Thank you, Mr.
5 Chair. There are no written public comments for these
6 proposals. Thank you.
7
8 CHAIRMAN FLEAGLE: Thank you. Public
9 testimony, Pete.
10
11 MR. PROBASCO: No one's signed up for
12 testimony on these proposals.
13
14 CHAIRMAN FLEAGLE: Thank you. Regional
15 Council recommendation, Myron.
16
17 MR. SAVETILIK: The Seward Peninsula
18 support Proposals WP08 through 45 [sic] with
19 modification to include Units 18, 21 and 23. Mr.
20 Chair.
21
22 CHAIRMAN FLEAGLE: Thank you.
23 Department of Fish and Game comments, Ken Taylor.
24
25 MR. TAYLOR: Mr. Chair. Terry Haynes
26 will speak to this proposal.
27
28 CHAIRMAN FLEAGLE: Did I miss
29 something?
30
31 MR. BUKLIS: Mr. Chairman. There are
32 multiple Councils on this set of proposals.
33
34 CHAIRMAN FLEAGLE: As the screen shows,
35 you're right, thank you. We better hear from them
36 then.
37
38 (Laughter)
39
40 CHAIRMAN FLEAGLE: Jack.
41
42 MR. REAKOFF: Thank you, Mr. Chairman.
43 The Western Interior Regional Council opposed the
44 proposal and I'll give our reasons during the
45 discussion.
46
47 CHAIRMAN FLEAGLE: Okay. Victor.
48
49 MR. KARMUN: I think this was discussed
50 at great length with the Northwest Arctic, I really

1 don't remember what route we elected to go but I know
2 from Unit 23, we do go use the Granite Mountain area
3 quite frequently.

4
5 CHAIRMAN FLEAGLE: Thanks. The record
6 shows that your Council opposed it. YK's not here but
7 they also show that they opposed it. Barbara.

8
9 MS. B. ARMSTRONG: Yeah. Yukon
10 Kuskokwim-Delta Subsistence Regional Advisory Council
11 also opposed Proposals WP08-39 through 45.

12
13 Thank you.

14
15 CHAIRMAN FLEAGLE: Thank you. And
16 thanks for that flag, Larry. The trouble with having
17 to wear reading glasses is I can read here but I can't
18 read there so now Department of Fish and Game comments,
19 Terry.

20
21 MR. HAYNES: Thank you, Mr. Chairman.
22 Our comments are on Page 545 of your meeting book.
23 This is the third year this proposal has basically been
24 on the table and our comments remain the same and that
25 is that no action should be taken on these proposals
26 until C&T analysis is done that addresses uses by
27 communities or users outside of Unit 22. And so
28 there's no new evidence before us other than a few
29 comments about possible uses or uses by scattered
30 communities, but no comprehensive analysis.

31
32 So until that comprehensive analysis is
33 done we don't believe action should be taken to adopt
34 these proposals.

35
36 Thank you.

37
38 Alaska Department of Fish and Game
39 Comments to the Federal Subsistence Board

40
41 Wildlife Proposals WP08-39 through
42 WP08-45:

43
44 Establish customary and traditional use
45 determinations in Game Management Unit 22 for beaver,
46 red fox, Arctic fox, hare, lynx, marten, and wolverine

47
48 Introduction:

49
50 Because the Federal Subsistence Board

1 has not made customary and traditional use
2 determinations for these furbearer species in Unit 22,
3 all rural residents qualify to harvest them in Unit 22
4 under federal regulations. Adoption of these proposals
5 as written would limit eligibility only to residents of
6 Unit 22 and disallow harvest under federal regulations
7 by other rural residents. The Federal Subsistence
8 Board deferred action on these proposals at its May
9 2006 and May 2007 meetings in order to allow time for
10 neighboring regional councils to provide input and for
11 staff to assemble information on use of these species
12 by rural residents in Unit 22 and adjoining units.

13

14 Impact on Subsistence Users:

15

16 Adoption of these proposals would not
17 affect federally-qualified subsistence users in Unit 22
18 but would disqualify other residents from adjoining
19 units from harvesting furbearers in Unit 22 under
20 federal regulations. The effect of establishing
21 customary and traditional use determinations is to
22 provide a federal preference to rural residents to
23 harvest a particular species on federal public land.
24 Nonlisted rural residents and other state subsistence
25 users are subject to limits on participation in times
26 of shortage. The Federal Subsistence Board should
27 establish a priority use based on substantial evidence
28 of customary and traditional use of each species for
29 each geographic area by more than just the residents of
30 Unit 22; otherwise, other residents, such as those in
31 adjoining units that have a history of harvesting these
32 resources in Unit 22, will be inappropriately
33 eliminated.

34

35 Other Comments:

36

37 The Federal Subsistence Board
38 previously made customary and traditional use
39 determinations for other species where substantial
40 evidence resulted in inclusion of more than just Unit
41 22 residents, so findings for additional species should
42 also evaluate available information on uses by other
43 residents. At its May 1997 meeting, the Federal
44 Subsistence Board narrowed an existing customary and
45 traditional use finding for wolves in Unit 22 to rural
46 residents of Units 21D (north of the Yukon River), 22,
47 23, and Kotlik. Areas and communities outside of Unit
48 22 were included on the basis of testimony from the
49 Northwest Arctic and Western Interior Regional Advisory
50 Councils.

1 Recommendation:

2

3 Oppose.

4

5 The staff analysis contains
6 insufficient information to specify which rural
7 residents have a history of use of the specific
8 wildlife populations for subsistence purposes in
9 specific geographic areas in Unit 22. The federal
10 regulatory standard for a customary and traditional use
11 determination requires that a community or area
12 generally exhibit the eight factors listed in 50 CFR
13 100.16(b). The regulations require that the Federal
14 Subsistence Board s determination identify the
15 specific community s or area s use of specific fish
16 stocks or wildlife populations. In order to identify
17 these uses by a community or area for federal lands in
18 Unit 22, substantial evidence must support a decision
19 after meaningful Board discussion for each of the eight
20 factors on the record.

21

22 CHAIRMAN FLEAGLE: Thank you, Terry.
23 ISC comments, Larry.

24

25 MR. BUKLIS: Mr. Chairman. Those
26 comments are on Page 544 and they speak to the analysis
27 being considered complete and accurate and the
28 recommendations of the Councils YK, Western Interior,
29 Northwest Arctic in this case consistent with .805(c)
30 of ANILCA.

31

32 Thank you.

33

34 CHAIRMAN FLEAGLE: All right, thank
35 you. I'm going to open it up for Board discussion with
36 Council Chairs and State liaison.

37

38 I got a question for the State and
39 maybe for the Federal folks, maybe somebody might have
40 an answer. I don't understand, unless the Federal
41 regulations are more -- are less restrictive than the
42 State, I don't see where a person would be restricted
43 from living outside of Unit 22 and trapping in Unit 22
44 under State regulations; is there a difference, is
45 there a preference under trapping regulations or
46 hunting for these species?

47

48 Terry.

49

50 MR. HAYNES: Mr. Chairman. Helen may

1 want to address this, too. But, you're correct, under
2 the current regulations, there aren't any restrictions
3 on who can pursue harvest of these animals or these
4 resources in Unit 22, but if the time came where there
5 were restrictions imposed, we believe, that there would
6 have to be a customary and traditional use
7 determination made to specifically address who is
8 eligible to take these resources. And that, in turn,
9 could lead to some restrictions.

10

11 CHAIRMAN FLEAGLE: Okay, I understand
12 that. But under current regulations there's no
13 preference under the Federal system. Helen.

14

15 MS. H. ARMSTRONG: Currently all rural
16 residents have the right to take these resources in
17 Unit 22.

18

19 CHAIRMAN FLEAGLE: Yeah, I understand
20 that. The point I'm getting at is under State law any
21 Alaska resident has the right to hunt or trap in Unit
22 22, and that's even more liberal and this wouldn't
23 change that unless the Federal seasons and bag limits
24 were more liberal, which, in this case, they're not,
25 that's what I'm getting at.

26

27 Other Council comments or discussion.

28

29 Jack.

30

31 MR. REAKOFF: The Western Interior
32 Council has reviewed these proposals before. Our
33 Council has felt that customary and traditional use
34 determinations for like black bear and animals that are
35 not over utilized or even coming near sustainability
36 should have more liberal customary and traditional
37 uses, and so we've been reluctant to go towards -- only
38 for specific species where we felt that like moose or
39 caribou or those types of animals. We felt that this
40 is basically an unnecessary determination. There may
41 be people that, from within our region that may travel
42 through, into Unit 22 and utilize resources, hares, or
43 various subsistence resources like that or have
44 opportunity to harvest a wolverine.

45

46 And so we opposed the proposal
47 primarily for those reasons and grounds.

48

49 CHAIRMAN FLEAGLE: Thank you, Jack.

50 Any other discussion.

1 (No comments)
2
3 CHAIRMAN FLEAGLE: Are we ready to take
4 it up as a Board. Tom Lonnie.
5
6 MR. LONNIE: Thank you, Mr. Chairman.
7 I move to adopt Proposals WP08-39 through 45. And upon
8 hearing a second I'll give my reasons why I intend to
9 not support the proposals 08-39 through 45, nor the
10 modified proposal as presented by the Seward Peninsula
11 RAC.
12
13 MR. MELIUS: Second.
14
15 CHAIRMAN FLEAGLE: Okay, you got your
16 second, go ahead, Tom.
17
18 MR. LONNIE: Mr. Chairman. I intend to
19 vote against this motion consistent with the
20 recommendation of three of the Regional Advisory
21 Councils.
22
23 I do not feel that there is sufficient
24 evidence at this time to narrow the customary and
25 traditional use determinations for these species.
26 Retaining the C&T use determinations for all rural
27 residents for these species rather than attempting to
28 define use more narrowly is consistent with customary
29 practices and the available data.
30
31 Thank you, Mr. Chairman.
32
33 CHAIRMAN FLEAGLE: Discussion.
34
35 (No comments)
36
37 CHAIRMAN FLEAGLE: I concur. Are we
38 ready for the question.
39
40 MS. BLASZAK: Yes.
41
42 CHAIRMAN FLEAGLE: The question's
43 recognized, Pete, on 39 through 45, poll the Board,
44 please.
45
46 MR. PROBASCO: Final action on WP08-39
47 through 45. Mr. Melius.
48
49 MR. MELIUS: No.
50

1 MR. PROBASCO: Mr. Fleagle.
2
3 CHAIRMAN FLEAGLE: No.
4
5 MR. PROBASCO: Ms. Blaszak.
6
7 MS. BLASZAK: No.
8
9 MR. PROBASCO: Mr. Lonnie.
10
11 MR. LONNIE: No.
12
13 MR. PROBASCO: Mr. Cesar.
14
15 MR. CESAR: No.
16
17 MR. PROBASCO: And Mr. Bschor.
18
19 MR. BSCHOR: No.
20
21 MR. PROBASCO: Motion fails zero/six.
22
23 CHAIRMAN FLEAGLE: Thank you. And we
24 now have Proposals 46 and 47 dealing with spruce,
25 grouse and ptarmigan. Helen.
26
27 MS. H. ARMSTRONG: Thank you, Mr.
28 Chair. Given the time of the day and the time in the
29 meeting, I'm going to make this a really short
30 presentation, if anybody has questions then they can
31 ask, but these are very similar to the ones you just
32 heard.
33
34 Proposals WP08-46 and 47 were also
35 submitted by Kawerak and the request customary and
36 traditional use determinations for residents of Unit 22
37 for spruce, grouse and ptarmigan, rock and willow in
38 Unit 22.
39
40 These were also deferred. The thing
41 that's different about these two besides the fact that
42 they're not furbearers and the reason I separated these
43 because they were a little bit different not being
44 furbearers but they also did not have an all rural
45 resident C&T, they had a very broad C&T but there was
46 one that they had -- that came from the State, and I
47 have to admit that I'm sure when Kawerak saw this they
48 thought, why do you have this sort of C&T because it's
49 for people from Units 11, 13, 15, 16, 20D, 22, 23 and
50 Chickaloon. And so it is a little bit of an unusual

1 sort of C&T but the State had lumped them together,
2 they were making a broad C&T determination. I'm not
3 sure why it happened but we adopted those and that's
4 what we have.

5
6 And for all the same reasons that we
7 just spoke to for the other ones and I can give you
8 those if you'd like, our OSM conclusion is to oppose
9 these proposals because there's insufficient harvest
10 data and information regarding spruce, grouse and
11 ptarmigan to narrow the existing customary and
12 traditional use determinations and narrowing to only
13 Unit 22 residents would affect those living outside of
14 the unit who also may harvest these resources in Unit
15 22. And rejecting the proposal would have no affect on
16 subsistence users in Unit 22 because they would be able
17 to continue to harvest under the existing broad C&T
18 determination.

19
20 Thank you, Mr. Chair.

21
22 CHAIRMAN FLEAGLE: Thank you. Summary
23 of written public comments, Barbara.

24
25 MS. B. ARMSTRONG: Mr. Chair. There
26 are no written public comments for these proposals,
27 thank you.

28
29 CHAIRMAN FLEAGLE: Thank you.
30 Testimony, Pete.

31
32 MR. PROBASCO: No one's signed up for
33 these proposals.

34
35 CHAIRMAN FLEAGLE: Thank you. Regional
36 Advisory Council recommendations. Myron.

37
38 MR. SAVETILIK: Seward Peninsula
39 support with modification. Thank you.

40
41 CHAIRMAN FLEAGLE: Thank you. Jack.

42
43 MR. REAKOFF: Western Interior Regional
44 Council opposed for the previous reasons.

45
46 CHAIRMAN FLEAGLE: Victor.

47
48 MR. KARMUN: I think the Northwest
49 Arctic opposed this one, too, also for the same
50 reasons.

1 CHAIRMAN FLEAGLE: Thank you. Greg.

2

3 MR. ROCZICKA: YK Council, ditto.

4

5 CHAIRMAN FLEAGLE: Thank you.

6 Department of Fish and Game comments, Ken Taylor.

7

8 MR. TAYLOR: Mr. Chairman. The

9 Department opposes this proposal for the same reasons

10 as the previous one.

11

12 Alaska Department of Fish and Game

13 Comments to the Federal Subsistence Board

14

15 Wildlife Proposals WP08-46 and 47:

16

17 Establish customary and traditional use

18 determinations for spruce grouse and rock and willow

19 ptarmigan in Game Management Unit 22.

20

21 Introduction:

22

23 Because the Federal Subsistence Board

24 has not made customary and traditional use

25 determinations for these game birds in Unit 22, all

26 rural residents qualify to harvest them in Unit 22

27 under federal regulations. Adoption of these proposals

28 as written would limit eligibility only to residents of

29 Unit 22 and disallow harvest under federal regulations

30 by other rural residents. The Federal Subsistence

31 Board deferred action on these proposals at its May

32 2006 and May 2007 meetings in order to allow time for

33 neighboring regional councils to provide input and for

34 staff to assemble information on use of these species

35 by rural residents in Unit 22 and adjoining units.

36

37 Impact on Subsistence Users:

38

39 Adoption of these proposals would not

40 affect federally-qualified subsistence users in Unit 22

41 but would disqualify other residents from harvesting

42 game birds in Unit 22 under federal regulations. The

43 effect of establishing customary and traditional use

44 determinations is to provide a federal preference to

45 rural residents to harvest a particular species on

46 federal public land. Nonlisted rural residents and

47 other state subsistence users are subject to limits on

48 participation in times of shortage. The Federal

49 Subsistence Board should establish a priority use based

50 on substantial evidence of customary and traditional

1 use of each species for each geographic area by more
2 than just the residents of Unit 22; otherwise, other
3 residents, such as those in adjoining units that have a
4 history of harvesting these resources in Unit 22, will
5 be inappropriately eliminated.

6

7

Opportunity Provided by State:

8

9

The state and federal season and
10 harvest limit for grouse are the same in Unit 22.
11 State regulations allow a harvest of 20 ptarmigan per
12 day and 40 in possession during a September 1 April
13 30 season in Unit 22.

14

15

Other Comments:

16

17

The Federal Subsistence Board
18 previously made customary and traditional use
19 determinations for other species where substantial
20 evidence resulted in inclusion of more than just Unit
21 22 residents, so findings for additional species should
22 also evaluate available information on uses by other
23 residents. At its May 1997 meeting, the Federal
24 Subsistence Board narrowed an existing customary and
25 traditional use finding for wolves in Unit 22 to rural
26 residents of Units 21D (north of the Yukon River), 22,
27 23, and Kotlik. Areas and communities outside of Unit
28 22 were included on the basis of testimony from the
29 Northwest Arctic and Western Interior Regional Advisory
30 Councils.

31

32

Recommendation:

33

34

Oppose.

35

36

The staff analysis has insufficient
37 information to specify which rural residents have a
38 history of use of grouse and ptarmigan populations for
39 subsistence purposes in specific geographic areas in
40 Unit 22. The federal regulatory standard for a
41 customary and traditional use determination requires
42 that a community or area generally exhibit the eight
43 factors listed in 50 CFR 100.16(b). The regulations
44 require that the Federal Subsistence Board s
45 determination identify the specific community s or
46 area s use of specific fish stocks or wildlife
47 populations. In order to identify these uses by a
48 community or area for federal lands in Unit 22,
49 substantial evidence must support a decision after
50 meaningful Board discussion for each of the eight

1 factors on the record.

2

3 CHAIRMAN FLEAGLE: Thank you.
4 InterAgency Staff Committee comments, Larry.

5

6 MR. BUKLIS: Mr. Chairman. The Staff
7 Committee comments are on Page 553 and similar in
8 content to the comments on 39 through 45.

9

10 Thank you.

11

12 CHAIRMAN FLEAGLE: Thank you. Board
13 discussion with Council Chairs and State liaison.

14

15 Tom Lonnie.

16

17 MR. LONNIE: Mr. Chairman. I move to
18 adopt Proposals WP08-46 and 47. Upon hearing a second
19 I'll give my reasons why I intend to not support
20 Proposals WP08-46 and 47, nor the modified proposal as
21 presented by Seward Peninsula RAC.

22

23 MR. MELIUS: Second.

24

25 CHAIRMAN FLEAGLE: You have your
26 second.

27

28 MR. LONNIE: Mr. Chairman. I intend to
29 vote against this motion consistent with the
30 recommendations of three of the Regional Advisory
31 Councils. I do not feel there's sufficient evidence at
32 this time to narrow the customary and traditional use
33 determinations for these species.

34

35 CHAIRMAN FLEAGLE: Was that a call for
36 the question, too.

37

38 MR. LONNIE: Yes, it was.

39

40 CHAIRMAN FLEAGLE: I thought so.

41

42 (Laughter)

43

44 CHAIRMAN FLEAGLE: Pete.

45

46 MR. PROBASCO: Final action on WP08-46
47 and 47. Mr. Fleagle.

48

49 CHAIRMAN FLEAGLE: No.

50

1 MR. PROBASCO: Ms. Blaszak.
2
3 MS. BLASZAK: No.
4
5 MR. PROBASCO: Mr. Lonnie.
6
7 MR. LONNIE: No.
8
9 MR. PROBASCO: Mr. Cesar.
10
11 MR. CESAR: No.
12
13 MR. PROBASCO: Mr. Bschor.
14
15 MR. BSCHOR: No.
16
17 MR. PROBASCO: And Mr. Melius.
18
19 MR. MELIUS: No.
20
21 MR. PROBASCO: Motion fails zero/six.
22
23 CHAIRMAN FLEAGLE: All right, thank
24 you, Pete. Let's take five minutes to let the Staff
25 change, appreciate that. That concludes our Seward
26 Peninsula region issues.
27
28 (Off record)
29
30 (On record)
31
32 CHAIRMAN FLEAGLE: Good afternoon. The
33 Board is back in session and we're getting ready to
34 take up the Northwest Arctic suite of proposals. And
35 we have new Staff at the table, Ann Wilkinson, Chuck
36 Ardizzone and Greg Risdahl. And, Greg, you're going to
37 give the analysis for Proposals 50 and 51.
38
39 Your name tag doesn't match.
40
41 (Laughter)
42
43 CHAIRMAN FLEAGLE: Welcome to Mark
44 Birch for the State also.
45
46 MR. RISDAHL: Thank you, Mr. Chairman.
47 Members of the Board. Council Chairs. The analysis
48 for Wildlife Proposal 50 and 51 begin on Page 557 of
49 your Board book.
50

1 Proposal 50 was submitted by Virgil
2 Adams and requests changing the time period in the
3 special provision that restricts aircraft use over the
4 Noatak Controlled Use Area from the current August 25th
5 through September 15th, to August 30th to September
6 30th.

7
8 Similarly, Wildlife Proposal 51 was
9 submitted by the Maniilaq Association and requests
10 changing the time period in the special provision from
11 August 25th through September to August 25th through
12 October 30th.

13
14 The primary reason the proponents want
15 to change the dates in the special provision
16 restricting aircraft use over the Noatak Controlled Use
17 Area is to protect the Western Arctic Caribou Herd on
18 its annual migration.

19
20 The proponent for Proposal 50 states
21 that because caribou are migrating later, the
22 restriction on flying aircraft over the Noatak should
23 be changed accordingly. The proponent also states that
24 this will improve caribou harvest for subsistence
25 users.

26
27 The proponent for 51 states that much
28 has changed since the village of Noatak first requested
29 the prohibition on the use of aircraft in 1984. With
30 climate change the Western Arctic Caribou Herd are
31 migrating later and later and freeze up of the rivers
32 and streams do not occur until mid-October. The
33 proponent for 51 also states that restricting the use
34 of aircraft over the Noatak Controlled Use Area through
35 the end of October will allow caribou to migrate on
36 their normal routes, which will subsequently improve
37 subsistence hunting opportunities.

38
39 All rural residents of Unit 23 as well
40 as several other communities in several other units
41 have a customary and traditional use determination to
42 hunt caribou in Unit 23. Only residents of Unit 23
43 have a customary and traditional use determination for
44 moose in that unit, however.

45
46 The Alaska Board of Game implemented
47 the Noatak Controlled Use Area in 1988, that's on Map
48 1. The Federal Subsistence Board adopted the State's
49 controlled use area regulations in 1990. Today much of
50 the Noatak Controlled Use Area is within the Noatak

1 National Preserve as administered by the National Park
2 Service where there are few regulations controlling the
3 use of aircraft in this valley. Air taxi's, guides and
4 transporters operating with the Preserve are only
5 required to obtain a business license from the Park
6 Service and report on their activities on an annual
7 basis. The Park Service also recommends that aircraft
8 maintain an altitude of 2,000 feet when flying over the
9 Park lands.

10

11 The current population estimate for the
12 Western Arctic Caribou Herd is around a half a million
13 animals. The average fall population composition count
14 for this herd over the long-term, this is 1961 through
15 2004 has been 48 bulls per 100 cows, 44 calves per 100
16 cows and about 23 calves per 100 adults. State and
17 Federal biologists consider this herd healthy and have
18 few concerns about the amount of hunting pressure on
19 them, thus, caribou regulations, both State and Federal
20 are some of the most liberal in the state of Alaska.

21

22 Nevertheless, scientists and local
23 hunters alike are concerned that the Western Arctic
24 Caribou Herd may be nearing carrying capacity and
25 ultimately crash in the possible not so distant future
26 because of competition of food sources, loss of forage
27 from extensive tundra fires and the inability to access
28 food on wintering areas because of icing.

29

30 People in the Noatak have a long
31 history of hunting caribou in the upper Noatak River
32 Valley especially in the fall. Local residents
33 traditionally hunt for caribou off snowmobiles from
34 late october through early May. Few local hunters use
35 aircraft. In contrast, nonlocal hunters rely almost
36 entirely on aircraft to access caribou hunting areas in
37 Unit 23. Once in the field, nonlocal hunters use boats
38 to float the river or four-wheelers supplied by hunting
39 guides who store them at remote camps. An estimated
40 10,000 plus or minus caribou are taken annually in Unit
41 23 by subsistence hunters. This represents on average
42 about 95 percent of the total harvest.

43

44 The average annual harvest by nonlocal
45 hunters on the other hand has been around 580 animals
46 since 1999. This is less than six percent of the total
47 harvest.

48

49 Conflicts among nonlocal hunters,
50 commercial operators, including guides and

1 transporters, and nonlocal -- and local subsistence
2 hunters have been an ongoing problem for many years in
3 Unit 23. The issue is complex and involves all
4 hunters, not just caribou hunters. Use of aircraft by
5 nonlocal hunters and commercial operators in contrast
6 to local hunters use of boats and snowmachines,
7 shortened seasons, reduced bag limits, crowding and few
8 trophy class animals in other parts of the state of
9 Alaska and fewer places to hunt multiple species of big
10 game animals, especially for nonresidents have all
11 contributed to the problem.

12
13 The primary limiting factors driving
14 these conflicts are access points and space to
15 accommodate all users. Some high volume transporters
16 control virtually entire drainages in Unit 23 by
17 contracting their services to numerous clients and
18 monopolizing access points.

19
20 During the November 2007 Alaska Board
21 of Game meeting in Bethel, the Board of Game rejected a
22 proposal to change the timing of the no fly
23 restrictions in the Noatak Controlled Use Area.
24 Instead the Board of Game endorsed the creation of a
25 Unit 23 User Conflict Working Group to conduct an in-
26 depth study to document and quantify the extent of
27 perceived problems between local subsistence hunters,
28 nonlocal hunters and commercial enterprise.

29
30 If either Wildlife Proposals 50 or 51
31 are adopted by the Board, it would not decrease the
32 amount of air traffic within the Noatak Controlled Use
33 Area because Federal regulations only apply to
34 Federally-qualified users on Federal public lands.

35
36 Nonlocal hunters who use air traffic
37 transporters or big game guides and outfitters to
38 access the Noatak River drainage during August and
39 September all operate under State hunting regulations.
40 Adopting Wildlife Proposal 50 or 51 and lengthening or
41 adjusting the restrictions on aircraft within the
42 Noatak Controlled Use Area would only penalize the few
43 Federally-qualified subsistence users, mostly from
44 Kotzebue, who use aircraft to hunt the area.

45
46 A Federal Subsistence Board proposal
47 would only be effective in lengthening or adjusting the
48 dates that the air traffic restrictions are in place if
49 they are done in conjunction with changes made also by
50 the Alaska Board of Game.

1 A Federal public lands closure is
2 unlikely because there are no conservation concerns for
3 the Western Arctic Caribou Herd.

4
5 Finally, controlled use areas are State
6 of Alaska management areas and the Federal Subsistence
7 Management Program has not modified controlled use area
8 wording from that provided in State regulations.

9
10 Therefore the OSM conclusion is to
11 oppose Proposals 50 and 51.

12
13 In summary, changes to the Noatak
14 Controlled Use Area should be postponed until the
15 results of the Unit 23 conflict study indicates the
16 best course of action to take. By working together,
17 the Alaska Board of Game, the Federal Subsistence
18 Management Program and the subsistence hunters will
19 have the best possible opportunity to solve user
20 conflict problems in Unit 23.

21
22 Thank you.

23
24 CHAIRMAN FLEAGLE: Thanks, Greg.
25 Summary of written public comments, Ann.

26
27 MS. WILKINSON: Mr. Chairman. For
28 these proposals we did not receive any comments, thank
29 you.

30
31 CHAIRMAN FLEAGLE: Thank you. Public
32 testimony, Pete.

33
34 MR. PROBASCO: Mr. Chair, no one has
35 signed up for these two proposals.

36
37 CHAIRMAN FLEAGLE: Okay. Regional
38 Council recommendations. Victor.

39
40 MR. KARMUN: Thank you, Mr. Chairman.
41 This conflict has been going on for many years.

42
43 Let me name off a few of the streams
44 that are most affected. Like I said earlier, they're
45 corked off. The Kelly River, Trail Creek, Wrench
46 Creek, Squirrel River, which is under BLM management,
47 and the Aggie River. The three main ones are the
48 Kelly, Squirrel and the Aggie Rivers.

49
50 Nobody up to now and you were there,

1 Mr. Chairman, at this user conflict meeting, the bad
2 news to us is it will take at least two or three years
3 for this user conflict committee or whatever you want
4 to call it to come up with some sort of solution. We
5 think, locally, that's a little bit long.

6
7 As to the no-fly zone, I think that's
8 the wrong nomenclature to use for that controlled use
9 area. You can still fly in there and engage in
10 photography, skinny dipping, fishing, picnicking,
11 whatever, it's misused and I don't really care for that
12 just for the main and simple reason you can still fly
13 in there but you cannot hunt and engage in any one of
14 these other activities.

15
16 Our best solution for right now and we
17 don't think that will be the whole part of the
18 solution, it will just put a band aid on part of it, is
19 adjusting the dates for the controlled use area just
20 because of global warming.

21
22 That river corridor is the most highly
23 used and where most of the camps are are on the Kelly
24 River, the Aggie and Squirrel which is under BLM
25 management. In fact, some of the camps themselves they
26 come in and -- when they come back to town they go
27 write a complaint to the State Fish and Game of the
28 camps being so close to each other they're competing
29 with each other also. And you'll hear comments from
30 these individuals, they said nothing can get through,
31 we've got it all corked off.

32
33 The working group, I would say it's
34 made up of a good mixture of all organizations and
35 agency. We think locally that the Noatak Controlled
36 Use Area is kind of in jeopardy. I think the State
37 Fish and Game Board would possibly like to do away with
38 it, mainly because of the pressure from organizations
39 like the Alaska Outdoor Council for one. I think
40 that's the main one. But the bottom line, the way we
41 look at the subsistence needs in two villages that are
42 most impacted by this are Noatak and Kiana and we think
43 Kotzebue third because of the usage of the Noatak
44 River.

45
46 The numbers of camps on these, believe
47 it or not, maybe up on the Kelly River, basically on
48 every bend, maybe two or three tenths within a few
49 meters apart from each other.

50

1 That's all I have for now, Mr.
2 Chairman, thank you.

3
4 CHAIRMAN FLEAGLE: Thank you, Victor.
5 Department of Fish and Game comments, Ken Taylor.

6
7 MR. TAYLOR: Thank you, Mr. Chairman.
8 Terry Haynes will speak to this proposal and we also
9 have Mark Birch who is also part of the planning group
10 lead.

11
12 CHAIRMAN FLEAGLE: Terry.

13
14 MR. HAYNES: Mr. Chairman. The
15 Department's comments are on Page 566 and 567 of your
16 meeting book.

17
18 Adoption of either of these proposals
19 would result in divergent Federal and State season
20 dates during which aircraft could not be used for
21 hunting in the Noatak Controlled Use Area. There are
22 substantial amounts of both State and Federal lands
23 within the controlled use area and hunting occurs on
24 lands under both State and Federal jurisdiction. The
25 State's controlled use area dates apply to all lands,
26 while the Federal prohibition would apply only to
27 Federally-qualified subsistence users on Federal lands
28 in the controlled use area if either of these proposals
29 was adopted.

30
31 Adoption of either proposal would
32 create unnecessarily complex regulations in the Noatak
33 Controlled Use Area with result in compliance and
34 enforcement problems.

35
36 The Department recommends that when we
37 wrote these comments that the proposals be opposed or
38 no action be taken until the Unit 23 working group had
39 met and made recommendations concerning the Noatak
40 Controlled Use Area regulations. That group has met
41 and has made some recommendations and I'll defer to
42 either Ken or Mark to speak to the potential for some
43 short-term changes being made that might address some
44 of the concerns that have been raised.

45
46 Thank you, Mr. Chairman.

47
48 Alaska Department of Fish and Game
49 Comments to the Federal Subsistence Board
50

1 Wildlife Proposals WP08-50 and 51:

2

3 Modify the August 30 September 15
4 dates during which aircraft cannot be used for hunting
5 in the Noatak Controlled Use Area in Game Management
6 Unit 23. WP08-50 requests an August 30 September 30
7 closure, while WP08-51 requests an August 25 October
8 30 closure.

9

10 Introduction:

11

12 The Noatak Controlled Use Area (CUA)
13 was established in the 1988-89 regulatory year to
14 reduce conflicts between local hunters, who access
15 hunting areas by boat, and commercial operators and
16 nonlocal hunters, who primarily use aircraft for
17 access. The CUA was enlarged for the 1994-95
18 regulatory year, and its duration shortened primarily
19 to more effectively reduce conflicts while minimizing
20 impacts on nonlocal hunters and to reduce moose
21 harvests in the Noatak River drainage. The CUA clearly
22 reduced hunting-related aircraft activity in the
23 protected corridor, thereby reducing conflicts in the
24 lower Noatak drainage during the fall season. Moose
25 hunter numbers and harvest levels in the Noatak
26 drainage declined from the 1992-93 to the 1999-2000
27 regulatory years, reportedly because moose hunting was
28 better in other portions of the unit. Since then, the
29 number of moose hunters in the Noatak drainage has
30 slowly increased while harvests have shown no clear
31 trend.

32

33 The timing of the fall migration of the
34 Western Arctic Caribou Herd has been more variable and
35 generally has occurred 2-6 weeks later since the CUA
36 was last modified. In recent years, few caribou have
37 been present in the lower Noatak drainage before the
38 CUA restrictions expire on September 15. Caribou
39 harvest data prior to 1998-99 are not available to
40 evaluate the effects of this CUA on caribou hunting.

41

42 Impact on Subsistence Users:

43

44 These proposals would increase the
45 period during which aircraft cannot be used for hunting
46 in the Noatak Controlled Use Area. The proposals are
47 based on the presumption that expanding the dates of
48 the prohibition would reduce conflicts or competition
49 from nonlocal hunters and improve caribou hunting by
50 local residents.

1 made recommendations concerning the Noatak CUA
2 regulations. If regulatory changes are proposed, we
3 recommend that the Federal Subsistence Board and Alaska
4 Board of Game consider the changes during the same
5 wildlife regulatory cycle.

6
7 CHAIRMAN FLEAGLE: Thank you. Ken, can
8 I just call on Mark.

9
10 MR. TAYLOR: Yes.

11
12 CHAIRMAN FLEAGLE: Mark Birch I know
13 you were there, welcome.

14
15 MR. BIRCH: Thank you. There were, as
16 I recall, of course you, Mr. Chairman, and Victor were
17 both there so hopefully if I don't get it exact you can
18 help correct me, but there were two basic
19 recommendations agreed to by the group.

20
21 One was having to do with transporters
22 and some voluntary guidelines that they may develop as
23 a subcommittee and I don't have any details on those
24 because they're being developed in subcommittee.

25
26 The other recommendation had to do with
27 moving these dates as Victor had just described. I
28 don't have it in front of me but as I recall it was to
29 move the dates, the three week closure to the last
30 three weeks of September for the reasons that Victor
31 described. The other aspect of that has to do with
32 changing some of the bag limits for caribou for
33 nonresidents from one to two in some locations to help
34 disburse some of the effort to some of the areas where
35 there's less effort.

36
37 So that's basically the recommendation
38 that's being sent to the Board of Game as an emergency
39 for them to carry forward with.

40
41 CHAIRMAN FLEAGLE: Thank you, Mark.
42 InterAgency Staff Committee comments, Larry.

43
44 MR. BUKLIS: Mr. Chairman. The Staff
45 Committee comments on Proposals 50 and 51 are on Page
46 565.

47
48 It's the general statement we've read
49 before, I don't have any specific points to bring out.
50

1 Thank you.

2

3 CHAIRMAN FLEAGLE: Thank you. Board
4 discussion with Council Chairs and State liaison.
5 Victor.

6

7 MR. KARMUN: Yeah, one thing I forgot
8 to mention, to us, this is where the transporter,
9 outfitters don't follow policy and their policies are a
10 very grey area. After they move their group out, they
11 don't break down their camps and move them back to
12 Kotzebue which is the hub for the region or normally
13 where they operate from. They leave these camps up and
14 they're occupied during the duration of the hunt until
15 the season is closed.

16

17 Thank you.

18

19 CHAIRMAN FLEAGLE: Thank you, Victor.
20 I'll add a little bit to what both Mark and Victor have
21 stated about the working group.

22

23 Of course this is an issue that I've
24 been involved with for several years with the Unit 23
25 residents and hearing the concerns. I know the State
26 Board of Game has taken action to try to alleviate some
27 of the concerns but they don't have full authority over
28 transporting, guiding, et cetera, et cetera, they can
29 only regulate the users that are there. Not users,
30 uses. And they -- we -- I shouldn't say we, because
31 I'm not them anymore, but they decided to petition the
32 Legislature repeatedly through a resolution and what
33 not to ask for the reinstatement of the Big Game
34 Commercial Services Board, which Representative Reggie
35 Jewell did, however, that Big Game Guide Board, as it
36 used to be called, the Guide Board, has the authority
37 to regulate guiding activities, but not transporting
38 activities, so we still have an industry that has a
39 massive impact up there that's not regulated and
40 there's some intent from Legislature, Reggie Jewell
41 spoke to it up there, that he intends to try to put
42 some additional authority to the Guide Board to deal
43 with the transporting issue.

44

45 This working group concept is trying to
46 take a whole approach because there's so many different
47 regulatory agencies, there's the Guide Board, the Game
48 Board, the Federal Board, the you name it. And then
49 there's also the different land managers that have
50 different land management goals and practices and so

1 this working group is going to attempt to try to look
2 at all of the complex issues with this issue and come
3 up with some resolution that hopefully will work.

4
5 Now, compounded by some things, first
6 of all, like Victor said, the planning process is
7 intended to be a two year process and possibly
8 stretching into a third year if necessary. That's not
9 going to alleviate any immediate concerns.

10
11 Second, we are hearing some indication
12 that that caribou herd has declined. I'm not saying
13 that it's declining but it has declined substantially
14 since those number that Greg has spoken of. They're
15 not 490,000 anymore, they're estimating probably in the
16 high 300s and if we continue to see smaller numbers of
17 caribou and an increased pressure from outside of the
18 area, the user conflicts are probably going to rise.
19 And there is increased pressure from out of the area on
20 the horizon. There's the crash of the Mulchatna Herd
21 is forcing people to look for somewhere else to hunt.
22 The Unit 9 caribou herds are all tanking. And there's
23 big ads in the gun section of the newspaper right now
24 advertising five per day, come up to Unit 23, get five
25 per day. And this is aimed at State residents, and so
26 that's transporters and where do they put them, they
27 put them right where Victor's talking about, where the
28 caribou move.

29
30 So as a short-term solution, like Mark
31 talked about, the transporters, there's going to be a
32 small group that will look at some voluntary steps like
33 disbursing of their camps, you know, a number of
34 different things that they might look at that will help
35 let the subsistence users in the area get their
36 caribou. And to try to come up with something short-
37 term, the idea to put a petition before the Board of
38 Game and two Board of Game members are a part of this
39 group, one is acting in capacity of the Board and one
40 is acting in capacity of the Big Game and Commercial
41 Services Board, but he's also a Board of Game member,
42 and they have committed to trying to work through their
43 process and emergency petition that would do exactly
44 what these proposals do and that's to shift the
45 controlled use area dates to later in the season to try
46 to cover that period when the caribou are moving
47 through.

48
49 And it may have unseen consequences --
50 unforeseen consequences, because it could tend to push

1 that pressure out into other areas that aren't
2 experiencing as high a pressure now.

3

4 But anyway the point of my comments are
5 that I think that this working group is a good start.
6 This issue is being addressed right now by the
7 formation of an emergency petition to the Board of Game
8 to try to get this controlled use area shifted to a
9 later time this season and I think that either no
10 action or a deferral would be appropriate.

11

12 But maybe I could just dispense with
13 all the discussion that we're going to have by putting
14 that all out on the table.

15

16 Further discussion.

17

18 Marcia.

19

20 MS. BLASZAK: Thank you, Mr. Chairman.
21 This is an issue that we're certainly heavily emerged
22 in in the National Park Service, I think we're actually
23 -- because we're at the point of needing to reauthorize
24 transporter licenses for a two year period that it's
25 been at the forefront of a number of people's thinking.
26 We're very supportive of the work group effort and
27 particularly, Mark, your help in guiding that effort.
28 And look forward to perhaps a much better, broader
29 solution coming out of that effort.

30

31 I am very aware of a desire to have
32 some immediate action taken and I frankly think that
33 deferring to the work that the work group is doing with
34 the Board of Game may be a better solution than us
35 taking any action at this point and when we get to that
36 point I'm planning to move to defer.

37

38 CHAIRMAN FLEAGLE: All right. Marcia,
39 it sounds like you're ready.

40

41 MS. BLASZAK: I'd like to move to defer
42 the Northwest Arctic Regional Advisory Council's
43 recommendations on Proposals 50 and 51. And if I can
44 have a second I'll speak a little bit more to that.

45

46 MR. LONNIE: I'll second.

47

48 CHAIRMAN FLEAGLE: Okay, go ahead.

49

50 MS. BLASZAK: Yes. As I stated

1 earlier, you know, I believe this working group just
2 met, what, last week, and I know the commitment our
3 agency shares with both the State of Alaska, the
4 Department of Fish and Game, as well as the other DOI
5 bureaus whose lands are in this region, that we all
6 want a solution that's going to be more holistic and
7 work for the long haul and I have a sense that any
8 action that we would take would -- I heard band aid,
9 which is a good -- maybe a good description, but I'm
10 afraid the band aid may just push the problem somewhere
11 else and I think deferring for, I think, the wise
12 advice that we'll get from the working group is a
13 better approach than taking action on this proposal at
14 this time.

15

16 CHAIRMAN FLEAGLE: All right. And just
17 to clarify the motion, the motion is to defer the
18 proposals themselves, not the RAC recommendation, but a
19 fine point.

20

21 And speaking to a deferral to time,
22 would it be to the next wildlife meeting or would it be
23 to after action by the working group or what would it
24 be.

25

26 Pete.

27

28 MR. PROBASCO: Mr. Chair. Right now
29 your deferral would be to the next wildlife cycle,
30 however, if a group or the Council brings something
31 before the Board, again, the Board can create its own
32 agenda and could take it up prior to that.

33

34 CHAIRMAN FLEAGLE: Okay. Because that
35 will cover both possible scenarios.

36

37 One, it will give the working group an
38 opportunity to get involved with the process.

39

40 Two, if the Board of Game does take
41 action on amending the CUA, then this Board could meet
42 on its own cycle to match those regulations.

43

44 MR. PROBASCO: Yes.

45

46 CHAIRMAN FLEAGLE: All right. Any
47 further discussion.

48

49 (No comments)

50

1 CHAIRMAN FLEAGLE: Ready for the
2 question. On Proposals 50 and 51, Pete.
3
4 MR. PROBASCO: Final action on Proposal
5 WP08-50 to 51 to defer. Ms. Blaszak.
6
7 MS. BLASZAK: Yes.
8
9 MR. PROBASCO: Mr. Lonnie.
10
11 MR. LONNIE: Yes.
12
13 MR. PROBASCO: Mr. Cesar.
14
15 MR. CESAR: Yes.
16
17 MR. PROBASCO: Mr. Bschor.
18
19 MR. BSCHOR: Yes.
20
21 MR. PROBASCO: Mr. Melius.
22
23 MR. MELIUS: Yes.
24
25 MR. PROBASCO: And Mr. Fleagle.
26
27 CHAIRMAN FLEAGLE: Yes.
28
29 MR. PROBASCO: Motion carries six/zero.
30
31 CHAIRMAN FLEAGLE: That brings us up to
32 Proposal 52, Unit 23 bear. Same Staff, no different
33 Staff, okay, let's take five minutes to change out.
34 Thank you, Mark.
35
36 (Off record)
37
38 (On record)
39
40 CHAIRMAN FLEAGLE: I don't know why I
41 rushed everybody back, I just realized we've only got
42 three proposals left to do with three hours to do them
43 in, so we need to slow down.
44
45 (Laughter)
46
47 MS. BLASZAK: We still have the
48 predator control.
49
50 CHAIRMAN FLEAGLE: Oh, yeah. All

1 right, we're moving on to Proposal 52, Dr. Polly
2 Wheeler, Liz Williams at the table, good afternoon.

3
4 MS. WILLIAMS: Thank you, Mr. Chair.
5 Members of the Board. I'm Liz Williams, anthropologist
6 with OSM. The analysis for WP08-52 starts on Page 570
7 in your books. And initially Proposals 52 and 53 were
8 analyzed together for their -- because they had similar
9 content but after we went through the Council reviews
10 it became clear we should present them to you
11 separately.

12
13 Proposal 52 was submitted by the
14 Northwest Arctic Regional Advisory Council and requests
15 the addition of Unit 23 to the list of areas from which
16 the skin, hide, pelt or fur, including claws of brown
17 bears can be harvested under Federal subsistence
18 regulations to make handicrafts for sale.

19
20 The Northwest Arctic RAC submitted this
21 proposal so that subsistence users in their region may
22 more completely utilize the brown bears they harvest
23 under Federal subsistence regulations.

24
25 A 2004 bear handicraft proposal WP04-01
26 requested statewide regulations to allow for the sale
27 of handicraft items made from the fur of brown bear.
28 The Northwest Arctic RAC voted to oppose this proposal
29 on the basis that it shouldn't have been a statewide
30 proposal, they felt that the proposed regulation should
31 have been addressed on a region by region basis.

32
33 After opposing the statewide proposal,
34 at the May 2004 Board meeting, the Chair of the
35 Northwest Arctic RAC stated that he planned to submit a
36 proposal for brown bear handicraft regulations for his
37 region during the next wildlife proposal cycle. There
38 have been several handicraft related regulations
39 throughout the years and the Northwest Arctic has been
40 very deliberate about which one they would support and
41 which one they wouldn't.

42
43 WP08-52, the one in front of you now is
44 the result of the discussions at the fall 2007
45 Northwest Arctic Council meeting. The Board and the
46 Regional Advisory Councils have considered several
47 proposals related to brown bear handicrafts and have
48 repeatedly emphasized the importance of the region
49 specific nature of bear handicraft regulations.

50

1 The addition of Unit 23 to the list of
2 units with brown bear handicraft regulations is
3 consistent with Section .803 of ANILCA. This proposal
4 does not change the harvest limit for brown bear,
5 therefore if adopted, this proposal should have little
6 or no effect on other users.

7
8 For these reasons the OSM conclusion is
9 to support Proposal 52.

10
11 CHAIRMAN FLEAGLE: Thank you, Liz.
12 Ann, summary of written public comments.

13
14 MS. WILKINSON: The Gates of Arctic
15 Subsistence Resource Commission would -- I can't make
16 out whether they defer to the Council or they're
17 recommending that you defer to the Council.

18
19 It says the Subsistence Resource
20 Commission defers to the customary practice of
21 subsistence users in their home regions.

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

25
26 MR. PROBASCO: No one has signed up for
27 this proposal, Mr. Chair.

28
29 CHAIRMAN FLEAGLE: Regional Council
30 recommendation, Victor.

31
32 MR. KARMUN: After much discussion I
33 will stick to what it said. Basically what it boiled
34 down to was region specific, but in my association with
35 the villages that take and use brown bear, which is
36 very high in that Northwest Arctic, on the average of
37 30 plus brown bear are taken every year, mainly in the
38 spring, some of the people I know that take and use
39 this animal will just cut the hide in four pieces and
40 leave it.

41
42 Thank you.

43
44 CHAIRMAN FLEAGLE: Thank you, Victor.
45 Jack.

46
47 MR. REAKOFF: Mr. Chairman. The
48 Western Interior took no action on the proposal. I'm
49 vice Chair of the Subsistence Resource Commission for
50 Gates of the Arctic and we deferred to the region in

1 23. And so felt that that was their prerogative.

2

3 CHAIRMAN FLEAGLE: Thank you.
4 Department of Fish and Game comments, Ken Taylor.

5

6 MR. TAYLOR: Thank you, Mr. Chairman.
7 Tina Cunning will speak to this proposal.

8

9 CHAIRMAN FLEAGLE: Thank you. Tina.

10

11 MS. CUNNING: Thank you, Mr. Chairman.
12 Consistent with the request on Proposal WP08-05, we're
13 asking that the Board defer action on this proposal
14 until such a time that a work group can come up with a
15 tracking system or some other mechanism by which we can
16 reduce the problems that we've identified with the sale
17 and trade of bear claws, in particular, and other bear
18 parts. Then once that tracking mechanism or results of
19 that work group is released, then this proposal could
20 be dealt with by the Board.

21

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

24

25 Wildlife Proposal WP08-52 would allow
26 the sale of handicrafts made from the fur, including
27 claws, of brown bear harvested in Unit 23.

28

29 Introduction:

30

31 Federal regulations authorizing sale of
32 handicrafts made from the skin, hide, fur, or pelt,
33 including claws, of brown bears do not apply to brown
34 bears taken in Units 23. This proposal would allow
35 such sales. Where such sales are allowed under federal
36 law, they are limited only by an unenforceable
37 regulation that prohibits sales constituting a
38 significant commercial enterprise, which is
39 undefined. Under state law, sales and purchases of
40 handicrafts made with brown bear claws are prohibited.
41 The state opposes these proposals as written but notes
42 that sales of bear fur handicrafts without claws would
43 be allowed without adoption of this proposal if
44 proposal WP08-05 is adopted.

45

46 Impact on Subsistence Users:

47

48 This proposal would not further
49 subsistence use of brown bear because sales of brown
50 bear handicrafts are not customary and traditional in

1 Units 23, 24B, and 26. The Federal Subsistence Board s
2 current allowance of such sales in other units was not
3 based upon a determination that such sales are
4 customary and traditional but upon the Board s
5 unsupported argument that the Board can authorize any
6 use if the take is customary and traditional.¹
7 Bartering brown bear handicrafts with anyone is already
8 allowed under federal regulations, and, therefore, this
9 proposal is not needed to allow rural residents or
10 urban Natives to obtain such handicrafts for
11 ceremonial, religious, and cultural purposes. Adoption
12 of this proposal will increase the likelihood that
13 federal subsistence users will face state prosecution
14 for engaging in sales that are prohibited under state
15 law when they are on state or private lands.

16
17 Opportunity Provided by State:

18
19 State regulations allow the purchase,
20 sale, and barter of handicrafts made from the fur of a
21 bear, but the state s definition of fur does not
22 include claws. Under 5 AAC 92.900, handicrafts made
23 with bear fur may be sold to anyone, but sales of
24 handicrafts made with claws are prohibited.

25
26 Conservation Issues:

27
28 Regulations allowing the sales of high
29 value bear claws create a legal market for bear claws
30 which is likely to mask illegal sales, compounding
31 problems with the international trade of Endangered
32 Species and contributing to the illegal harvest,
33 overharvest, and waste of bears in other states and
34 countries as well as Alaska. Brown bears develop
35 slowly and have a low reproductive rate, making small
36 populations extremely susceptible to overharvest.
37 Allowing widespread sale of high value bear parts
38 without any kind of tracking mechanism is an invitation
39 to illegal harvest. Existing unit-specific regulations
40 are unenforceable and inconsistent with sound
41 management principles. Adoption of these proposals will
42 incrementally increase these problems.

43
44 Enforcement Issues:

45
46 Adoption of this proposal will increase
47 _____

48
49 ¹ See for example Chairman Demientieff letter to ADF&G
50 on January 17, 2006

1 enforcement problems in several ways. First, by
2 expanding the pool of eligible sellers and potential
3 numbers of legal sales of high value bear parts, it
4 will contribute to increased masking of illegal sales
5 and bolster the economic incentives for poaching in
6 other states and countries as well as Alaska. Second,
7 it will add another unenforceable unit specific sales
8 authorization with no tracking mechanism for linking
9 handicrafts to the location where a bear is harvested.
10 Third, adoption of this proposal will increase the
11 likelihood that federal subsistence users will face
12 prosecution for attempting to engage in sales on state
13 or private land that are prohibited under state law.

14

15 Jurisdiction Issues:

16

17 The State continues to maintain that
18 the federal government lacks jurisdiction to allow
19 sales of any wildlife handicrafts where such sales are
20 not customary and traditional. In the past, the
21 Federal Subsistence Board has rejected this argument,
22 asserting that if any use is customary and traditional
23 the Board can authorize any other use. The Board s
24 argument is inconsistent with its litigation stance in
25 the Chistochina Unit 12 moose case where it argued that
26 customary and traditional use is related to how a
27 resource is used after it is taken and not to or a
28 prerequisite condition for the taking itself.²

29

30 Recommendation:

31

32 Oppose WP08-52 and support WP08-05
33 instead. No evidence is presented in either the
34 proposal or staff analysis demonstrating that the
35 production and sale of brown bear handicrafts is a
36 customary and traditional activity in Unit 23.
37 Furthermore, such sales will create enforcement
38 problems for subsistence users and are contrary to
39 accepted principles of wildlife management in light of
40 the endangered species and sustainability issues.
41 Sales of bear fur handicrafts without claws would be
42 allowed without adoption of this proposal if proposal
43 WP08-05 is adopted.

44

45 CHAIRMAN FLEAGLE: Thank you, Tina.
46 ISC comments, Larry.

47

48

49 2 State v. Flagle, (Case 3:06-cv-00107-HRH) Doc 32 at

50 22

1 MR. BUKLIS: Mr. Chairman. The Staff
2 Committee comments are on Page 573. It's a statement
3 that the committee found the analysis to be complete
4 and accurate and the Council recommendations to be
5 consistent with .805(c) of ANILCA.
6
7 CHAIRMAN FLEAGLE: Thank you. Board
8 discussion with Council Chairs and State liaison.
9
10 (No comments)
11
12 CHAIRMAN FLEAGLE: Anybody have any
13 ideas.
14
15 (No comments)
16
17 CHAIRMAN FLEAGLE: Ready for action.
18
19 Marcia.
20
21 MS. BLASZAK: Thank you, Mr. Chairman.
22 I move to support Northwest Arctic Regional Advisory
23 Council's recommendation on Proposal 08-52 -- excuse me
24 I move to adopt the proposal.
25
26 CHAIRMAN FLEAGLE: Proposal 52.
27
28 MS. BLASZAK: Thank you.
29
30 CHAIRMAN FLEAGLE: There you go, thank
31 you. Move to adopt, is there a second.
32
33 MR. CESAR: I'll second.
34
35 CHAIRMAN FLEAGLE: All right, it's
36 seconded. Marcia, do you want to speak to your motion.
37
38 MS. BLASZAK: Yes, sir, thank you, Mr.
39 Chairman. This will add Unit 23 to the list of areas
40 where Federally-qualified subsistence users may sell
41 handicraft articles that are made from the fur of a
42 brown bear. I heard in an earlier testimony that this
43 was the culmination of a number of years of
44 deliberation and I believe that it's now ready for
45 prime time and I intend to vote in favor of my motion.
46
47 CHAIRMAN FLEAGLE: Other discussion.
48 Tom.
49
50 MR. MELIUS: Yeah, I guess hearing a

1 lot of the discussion that we had on the first day of
2 the Board meeting in reference to the concerns we
3 addressed under 05, I thought the pathway forward of
4 having a work group look at the LE (ph) concerns and
5 the ability to possibly mark through various means in a
6 very short timeline, if they could come back with
7 recommendations from that work group within a year as,
8 I think, the State had indicated, we could work with
9 the Board's calendar to try to accommodate that so I
10 was hoping that possibly this proposal and the
11 following proposal that also dealt with bear claws
12 could be added to the assignment, or to the agenda that
13 this work group would take up and that we wouldn't be
14 taking an action in one area where earlier in the
15 Board's deliberation we decided to defer to a work
16 group.

17

18 So I'm more inclined to add this to the
19 mix that the State work group that includes Council
20 representation and that they would thrash this out and
21 come back with a proposal that we could then address.

22

23 So I would move -- well, I'll just hold
24 off on whether or not I'm going to move an amendment.

25

26 CHAIRMAN FLEAGLE: All right, thanks.

27 Marcia.

28

29 MS. BLASZAK: I actually believe Mr.
30 Melius' recommendation may be a better pathway forward
31 and I guess I'd probably more appropriately withdraw my
32 motion, no, sir.....

33

34 CHAIRMAN FLEAGLE: No, no.

35

36 MS. BLASZAK:or are we discussing
37 it.

38

39 CHAIRMAN FLEAGLE: Let's leave this

40 on.....

41

42 MS. BLASZAK: Okay.

43

44 CHAIRMAN FLEAGLE: I'd prefer to deal

45 with it as an amendment.....

46

47 MS. BLASZAK: Amend it. Amendment.

48

49 CHAIRMAN FLEAGLE:because there's
50 going to be some objection to deferral,

1 MS. BLASZAK: Yes, sir.
2
3 CHAIRMAN FLEAGLE: I sense it.
4
5 MS. BLASZAK: Okay.
6
7 (Laughter)
8
9 MS. BLASZAK: You sense that.
10
11 (Laughter)
12
13 MS. BLASZAK: Let's get it right for
14 the record, sir, go ahead.
15
16 CHAIRMAN FLEAGLE: Well, I don't
17 support deferral. The State's proposal in '05 was a
18 statewide issue dealing with the sale and how it's
19 regulated and how it's marked and how it's -- you know,
20 how everything is done statewide, it's not an attempt
21 to regulate where -- well, it might turn into where a
22 place can be done, I don't see any conflict between
23 adding areas that can sell handicrafts including claws
24 with the working group that is going to address to
25 adequately mark and track and do whatever it has to do
26 to make this not a conservation issue, if I make any
27 sense there.
28
29 I don't see any conflict with opening
30 Unit 23 to the same use that neighboring units have and
31 still allow the work group process to go forward that
32 would somehow try to bring into a higher compliance the
33 regulation.
34
35 That would be my only comment.
36
37 Tom.
38
39 MR. MELIUS: I guess it's -- I
40 understand the view that you've just laid out. I guess
41 my thought is at this point to just have a time out, so
42 to speak, and allow the work group to do its due
43 diligence and bring back a recommendation as opposed to
44 continuing to add additional units.
45
46 Again, my comment is not on how I would
47 vote on that, it was more or less an opportunity to
48 have it thoroughly discussed, and if there is no good
49 consensus, fine, if there is consensus, then we bring
50 it back before the Board, but not to continue to add to

1 the list at this time when we've already, as a Board,
2 adopted, unanimously, a position to go with the work
3 group. So that's kind of where I was coming from, Mr.
4 Chairman.

5

6 CHAIRMAN FLEAGLE: Niles.

7

8 MR. CESAR: Mr. Chairman. I agree with
9 your position that I don't see the harm of the addition
10 of this and it seems to me like the work group can
11 continue on on its way.

12

13 CHAIRMAN FLEAGLE: Further discussion.

14 Denny.

15

16 MR. BSCHOR: Yes, Mr. Chair, I believe
17 in dealing with this in past years we were approaching
18 this as a, you know, specific need by area or by
19 Council and so we left it open to additional needs as
20 they may arise or additional requests as they may
21 arise.

22

23 So I'm not sure I would vote for a
24 deferral.

25

26 And I also don't think it would have to
27 conflict at all with the work group. The work group
28 could continue to do what they need to do.

29

30 CHAIRMAN FLEAGLE: Tom.

31

32 MR. MELIUS: Well, I guess I can count
33 votes.

34

35 (Laughter)

36

37 MR. MELIUS: I would hope, though, that
38 if we do approve the proposal, that it would still be
39 one of the -- well, since '05 is a statewide look at
40 the issue of marking for claws, this, as well as all
41 the other ones would be considered. So with that
42 understanding, Mr. Chairman, I probably will be
43 supporting the proposal.

44

45 CHAIRMAN FLEAGLE: All right. We don't
46 have a motion for deferral so discussion on the main
47 proposal -- on the main motion, further discussion.

48

49 (No comments)

50

1 CHAIRMAN FLEAGLE: Are we ready for the
2 question. All right, Pete, on Proposal 52, please poll
3 the Board.

4
5 MR. PROBASCO: Final action WP08-52.
6 Mr. Lonnie.

7
8 MR. LONNIE:; Yes.

9
10 MR. PROBASCO: Mr. Cesar.

11
12 MR. CESAR: Yes.

13
14 MR. PROBASCO: Mr. Bschor.

15
16 MR. BSCHOR: Yes.

17
18 MR. PROBASCO: Mr. Melius.

19
20 MR. MELIUS: Yes.

21
22 MR. PROBASCO: Mr. Fleagle.

23
24 CHAIRMAN FLEAGLE: Yes.

25
26 MR. PROBASCO: And Ms. Blaszak.

27
28 MS. BLASZAK: Yes.

29
30 MR. PROBASCO: Motion carries six/zero.

31
32 CHAIRMAN FLEAGLE: That concludes the
33 Northwest Arctic region proposals. All right, we're
34 moving into the North Slope and we'll allow Staff a few
35 moments to switch out -- you're the same Staff -- all
36 right. Proposal 53. Liz Williams.

37
38 MS. WILLIAMS: Thank you, Mr. Chair.
39 Members of the Board. I'm Liz Williams, anthropologist
40 with OSM. And the analysis for Proposal WP08-53 starts
41 on Page 579 in your books. And if you have a Federal
42 reg book with you I'd like to refer you to Page 115
43 because I think that map will make a lot of what I'm
44 about to say much clearer than what I'm about to say
45 will.

46
47 (Laughter)

48
49 MS. WILLIAMS: And the main reason is I
50 just want you to look at where Anaktuvuk Pass is. And

1 with that I'll begin, Proposal WP08-53 was submitted by
2 the North Slope Regional Subsistence Advisory Council.
3 And it requests the addition of Units 24B and Units 26
4 to the list of areas from which the skin, hide, pelt or
5 fur including claws of brown bear harvested under
6 Federal subsistence regulations can be used to make
7 handicrafts for sale.

8

9 Unit 24B is part of the Western
10 Interior RAC region. Unit 26 is the North Slope RAC
11 region. The North Slope RAC included Unit 24B in this
12 proposal so that the community of Anaktuvuk Pass, which
13 is located just under the border of Unit 26 and Unit
14 24B was covered in the proposed regulation. Anaktuvuk
15 Pass is represented by the North Slope RAC due to
16 shared Inupiat heritage with Unit 26. The majority of
17 people living in 24B, however, are Athabascan, and
18 they're represented by the Western Interior RAC.

19

20 Cultural beliefs about bears vary
21 greatly between these two regions.

22

23 The Western Interior RAC has
24 consistently opposed brown bear handicrafts regulations
25 for is region but has supported region specific
26 proposals for brown bear handicrafts in other regions
27 as they did today.

28

29 In Unit 24B the majority of Federal
30 public lands accessed by the residents of Anaktuvuk
31 Pass are in Gates of the Arctic National Park. The
32 people of Anaktuvuk Pass have made masks from a variety
33 of animal skins and fur, including brown bear for
34 generations. The making and selling of brown bear
35 handicrafts does not conflict with beliefs about bears
36 in this community and in the remainder of Region 10,
37 the area of the North Slope RAC. The consistent
38 support of bear handicraft regulations by the North
39 Slope RAC reflect this preference.

40

41 In many Athabascan communities
42 represented by the Western Interior RAC beliefs clearly
43 prescribe what can and can't be or should not be done
44 in relation to bears. These beliefs are reflected in
45 the Western Interior RAC's consistent opposition to
46 regulations for the sale of bear handicrafts in their
47 region.

48

49 The North Slope RAC stated that it
50 submitted these proposals so that subsistence users may

1 more completely utilize brown bears they harvest under
2 Federal subsistence regulations. The Board has adopted
3 Federal regs that allow for handicrafts made from brown
4 bear fur, including claws, only for those regions whose
5 Regional Councils approve it.

6

7 WP08-53 is the result of discussions at
8 the fall 2007 North Slope RAC meetings and which the
9 question of Units 24 and 26 was raised in response to
10 requests from residents of Anaktuvuk Pass and Unit 26
11 to the National Park Service. The Federal harvest
12 limit for brown bear in both of these units is one bear
13 per year. This proposal doesn't change the harvest
14 limit so if adopted it shouldn't have any affect on
15 other users.

16

17 Adoption of regulations for the sale of
18 brown bear handicrafts in all of Unit 24B, however, is
19 not appropriate for all of Unit 24B and in an attempt
20 to accommodate the beliefs of all the residents of Unit
21 24B the proposal has been modified to include only that
22 portion of Gates of the Arctic National Park in Unit
23 24B or actually only that portion of Unit 24B within
24 Gates of the Arctic National Park. These are the
25 Federal public lands that are closest to Anaktuvuk
26 Pass.

27

28 For these reasons, the OSM conclusion
29 is to support Proposal 53 with the modification to
30 include Unit 26 and only that portion of Unit 24B
31 within Gates of the Arctic National Park.

32

33 CHAIRMAN FLEAGLE: And that concludes?

34

35 MS. WILLIAMS: Yes.

36

37 CHAIRMAN FLEAGLE: Okay, thank you.
38 All right, summary of written public comments, Barbara.

39

40 MS. B. ARMSTRONG: Mr. Chair. We have
41 one submitted by the Gates of the Arctic Subsistence
42 Resource Commission. They said to defer WP08-53 to the
43 home North Slope Subsistence Regional Advisory Council
44 with modification to remove Unit 24B from the proposal.

45

46 The Subsistence Resource Commission
47 defers to the customary practices of subsistence users
48 in their home regions. The primary subsistence
49 qualified users of 24B have social and cultural
50 sanctions against the sale of bear handicrafts.

1 Thank you, sir.
2
3 CHAIRMAN FLEAGLE: Thank you, Barbara.
4 Public testimony, Pete.
5
6 MR. PROBASCO: No one signed up for
7 this proposal, Mr. Chair.
8
9 CHAIRMAN FLEAGLE: Thank you. Regional
10 Council recommendation. North Slope, will you go ahead
11 and give that one, Barbara, please.
12
13 MS. B. ARMSTRONG: Yes. And the North
14 Slope Regional Advisory Council supported Proposal
15 WP08-53. Anaktuvuk Pass residents harvest brown bears
16 in Unit 24B and 26 and other residents of Unit 26 use
17 the brown bear skin, hide, pelt and fur including claws
18 for handicrafts.
19
20 Thank you.
21
22 CHAIRMAN FLEAGLE: Thank you, Barbara.
23 Northwest Arctic, Victor.
24
25 MR. KARMUN: I don't remember what we
26 did with this one.
27
28 (Laughter)
29
30 CHAIRMAN FLEAGLE: It says you
31 supported it.
32
33 MS. ENTSMINGER: It's right here.
34
35 (Pause)
36
37 MR. KARMUN: Personally what I'll say,
38 the Northwest Arctic Council is very reluctant to make
39 any comments, recommendations for any entity outside of
40 Northwest Arctic.
41
42 Thank you.
43
44 CHAIRMAN FLEAGLE: Okay. Jack.
45
46 MR. REAKOFF: Thank you, Mr. Chair.
47 Western Interior officially supported the proposal with
48 the modification to exclude 24B. And as vice Chair of
49 the Subsistence Resource Commission, when we had the
50 meeting, the day before our RAC meeting, the

1 representative from Anaktuvuk Pass didn't state that
2 they were wanting to be included in the sale portion.

3
4 And I've known people up there in
5 Anaktuvuk and I've seen masks that were incorporating
6 grizzly bear fur a long time ago, before it was legal,
7 and so we would have been supportive if that
8 representative would have stated so, to include the
9 Gates of the Arctic Park.

10
11 So I feel that the OSM's position is a
12 good mediation. But we, at that time, that's why we --
13 our RAC went along with that SRC recommendation.

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

17
18 MR. TAYLOR: Thank you, Mr. Chairman.
19 Consistent with our position on the previous proposal,
20 we would support deferral of this proposal.

21
22 Alaska Department of Fish and Game
23 Comments to the Federal Subsistence Board

24
25 Wildlife Proposal WP08-53 would allow
26 the sale of handicrafts made from the fur, including
27 claws, of brown bear harvested in Units 24B and 26.

28
29 Introduction:

30
31 Federal regulations authorizing sale of
32 handicrafts made from the skin, hide, fur, or pelt,
33 including claws, of brown bears do not apply to brown
34 bears taken in Units 24B and 26. These proposals would
35 allow such sales. Where such sales are allowed under
36 federal law, they are limited only by an unenforceable
37 regulation that prohibits sales constituting a
38 significant commercial enterprise, which is
39 undefined. Under state law, sales and purchases of
40 handicrafts made with brown bear claws are prohibited.
41 The state opposes these proposals as written but notes
42 that sales of bear fur handicrafts without claws would
43 be allowed without adoption of these proposals if
44 proposal WP08-05 is adopted.

45
46 Impact on Subsistence Users:

47
48 This proposal would not further
49 subsistence use of brown bear because sales of brown
50 bear handicrafts are not customary and traditional in

1 Units 24B and 26. The Federal Subsistence Board s
2 current allowance of such sales in other units was not
3 based upon a determination that such sales are
4 customary and traditional but upon the Board s
5 unsupported argument that the Board can authorize any
6 use if the take is customary and traditional.¹
7 Bartering brown bear handicrafts with anyone is already
8 allowed under federal regulations, and, therefore, this
9 proposal is not needed to allow rural residents or
10 urban Natives to obtain such handicrafts for
11 ceremonial, religious, and cultural purposes. Adoption
12 of this proposal will increase the likelihood that
13 federal subsistence users will face state prosecution
14 for engaging in sales that are prohibited under state
15 law when they are on state or private lands.

16
17 Opportunity Provided by State:

18
19 State regulations allow the purchase,
20 sale, and barter of handicrafts made from the fur of a
21 bear, but the state s definition of fur does not
22 include claws. Under 5 AAC 92.900, handicrafts made
23 with bear fur may be sold to anyone, but sales of
24 handicrafts made with claws are prohibited.

25
26 Conservation Issues:

27
28 Regulations allowing the sales of high
29 value bear claws create a legal market for bear claws
30 which is likely to mask illegal sales, compounding
31 problems with the international trade of Endangered
32 Species and contributing to the illegal harvest,
33 overharvest, and waste of bears in other states and
34 countries as well as Alaska. Brown bears develop
35 slowly and have a low reproductive rate making small
36 populations extremely susceptible to overharvest.
37 Allowing widespread sale of high value bear parts
38 without any kind of tracking mechanism is an invitation
39 to illegal harvests. Existing unit-specific
40 regulations are unenforceable and inconsistent with
41 sound management principles. Adoption of these
42 proposals will incrementally increase these problems.

43
44 Enforcement Issues:

45
46 Adoption of this proposal will increase

47 _____
48
49 ¹ See for example Chairman Demientieff letter to ADF&G
50 on January 17, 2006

1 enforcement issues in several ways. First, by
2 expanding the pool of eligible sellers and potential
3 numbers of legal sales of high value bear parts, it
4 will contribute to increased masking of illegal sales
5 and bolster the economic incentives for poaching in
6 other states and countries as well as Alaska. Second,
7 it will add another unenforceable unit specific sales
8 authorization without any tracking mechanism for
9 linking handicrafts to the location where a bear is
10 harvested. Third, adoption of this proposal will
11 increase the likelihood that federal subsistence users
12 will face prosecution for attempting to engage in sales
13 on state or private land that are prohibited under
14 state law.

15

16 Jurisdiction Issues:

17

18 The State continues to maintain that
19 the federal government lacks jurisdiction to allow
20 sales of any wildlife handicrafts where such sales are
21 not customary and traditional. In the past, the
22 Federal Subsistence Board has rejected this argument,
23 asserting that if any use is customary and traditional
24 the Board can authorize any other use. The Board s
25 argument is inconsistent with its litigation stance in
26 the Chistochina Unit 12 moose case where it argued that
27 customary and traditional use is related to how a
28 resource is used after it is taken and not to or a
29 prerequisite condition for the taking itself.²

30

31 Recommendation:

32

33 Oppose WP08-53 and support WP08-05
34 instead. No evidence is presented in either the
35 proposal or staff analysis demonstrating that the
36 production and sale of brown bear handicrafts is a
37 customary and traditional activity in Units 24B and 26.
38 Furthermore, such sales will create enforcement
39 problems for subsistence users and are contrary to
40 accepted principles of wildlife management in light of
41 the endangered species and sustainability issues.
42 Sales of bear fur handicrafts without claws would be
43 allowed without adoption of this proposal if proposal
44 WP08-05 is adopted.

45

46 CHAIRMAN FLEAGLE: Thank you. ISC
47 comments, Larry.

48

49 ² State v. Flagle, (Case 3:06-cv-00107-HRH) Doc 32 at

50 22

1
2 MR. BUKLIS: Mr. Chairman. Those are
3 found on Page 583. The comments speak to the analysis
4 being a complete and accurate evaluation and the
5 Council recommendation is consistent with ANILCA .805.
6
7 Thank you.
8
9 CHAIRMAN FLEAGLE: Thank you, Larry.
10 Discussion. Tom Melius.
11
12 MR. MELIUS: Mr. Chairman. As I've
13 raised in the 05 and 52 proposals, I do have some
14 concerns and would hope that the work group that we did
15 adopt with the 05 proposal would also look at sale of
16 claws here and I would be -- with that noted, would be
17 supportive of the proposal.
18
19 CHAIRMAN FLEAGLE: Jack.
20
21 MR. REAKOFF: The bear population is
22 very healthy in the Brooks Range and I feel, with
23 especially the eligibility restrictions within the
24 Gates of the Arctic Park and harvests are low at
25 Anaktuvuk Pass, I see no problem with the modified
26 proposal.
27
28 CHAIRMAN FLEAGLE: Okay, thank you.
29 Are we ready for a motion, and this will be to adopt.
30
31 Marcia.
32
33 MS. BLASZAK: Thank you, Mr. Chair.
34 I'd like to move to adopt Proposal 08-53 submitted by
35 the North Slope Regional Advisory Council with the
36 modifications.
37
38 CHAIRMAN FLEAGLE: Let's just stop at
39 adopt.
40
41 MS. BLASZAK: Adopt the proposal.
42
43 CHAIRMAN FLEAGLE: Okay. Is there a
44 second.
45
46 MR. LONNIE: I'll second.
47
48 CHAIRMAN FLEAGLE: Okay, now move your
49 amendment.
50

1 MS. BLASZAK: I'd like to include the
2 amendment that was discussed in the -- by OSM that
3 would include the portion of Unit 24B only National
4 Park lands in Gates of the Arctic National Park. This
5 would exclude BLM and Fish and Wildlife Service lands
6 within Unit 24B.
7
8 CHAIRMAN FLEAGLE: Is there a second.
9
10 MR. LONNIE: I'll second.
11
12 CHAIRMAN FLEAGLE: Thank you. And that
13 language can be found on the top of Page 582.
14 Discussion.
15
16 (No comments)
17
18 CHAIRMAN FLEAGLE: Ready for the
19 question. Pete, on the amendment to substitute the
20 language found in the OSM conclusion for the proposal.
21
22 MR. PROBASCO: Mr. Chair. Amendment to
23 WP08-53. Mr. Cesar.
24
25 MR. CESAR: Yes.
26
27 MR. PROBASCO: Mr. Bschor.
28
29 MR. BSCHOR: Yes.
30
31 MR. PROBASCO: Mr. Melius.
32
33 MR. MELIUS: Yes.
34
35 MR. PROBASCO: Mr. Fleagle.
36
37 CHAIRMAN FLEAGLE: Yes.
38
39 MR. PROBASCO: Ms. Blaszak.
40
41 MS. BLASZAK: Yes.
42
43 MR. PROBASCO: And Mr. Lonnie.
44
45 MR. LONNIE: Yes.
46
47 MR. PROBASCO: Amendment carries
48 six/zero.
49
50 CHAIRMAN FLEAGLE: Main motion. Any

1 discussion.

2

3

4 I think just a minor point similar with
5 the last proposal is that the intent is we're adding an
6 area that allows for the sale of handicrafts including
7 claws but it does not preclude the planning group that
8 will look at the conservation issues, the marking,
9 tagging, tracking that will apply statewide once that
10 group comes up with a recommendation that's acceptable
11 to the Board.

12

13 MR. MELIUS: Well, stated, Mr.

14 Chairman.

15

16 CHAIRMAN FLEAGLE: Thank you. The
17 question is now recognized on Proposal 53, Pete.

18

19 MR. PROBASCO: WP08-53 as amended. Mr.

20 Bschor.

21

22 MR. BSCHOR: Yes.

23

24 MR. PROBASCO: Mr. Melius.

25

26 MR. MELIUS: Yes.

27

28 MR. PROBASCO: Mr. Fleagle.

29

30 CHAIRMAN FLEAGLE: Yes.

31

32 MR. PROBASCO: Ms. Blaszak.

33

34 MS. BLASZAK: Yes.

35

36 MR. PROBASCO: Mr. Lonnie.

37

38 MR. LONNIE: Yes.

39

40 MR. PROBASCO: And Mr. Cesar.

41

42 MR. CESAR: Yes.

43

44 MR. PROBASCO: Motion carries six/zero.

45

46 CHAIRMAN FLEAGLE: Thank you, Pete.

47 Now, it looks like we've got a Staff change out.

48

49 (Pause)

50

CHAIRMAN FLEAGLE: All right. We now

1 move to Proposal 54 and we have Chuck Ardizzone and
2 Laura Greffenius at the table. Good afternoon, Laura.

3

4 MS. GREFFENIUS: Thank you. I trust
5 you're all alert after Liz' good humor, and this is the
6 last one here. So good afternoon, Mr. Chair, and Board
7 members and Council Chairs. My name is Laura
8 Greffenius and I am a wildlife biologist with the
9 Office of Subsistence Management. And I will be
10 presenting Proposal WP08-54. Staff analysis begins on
11 Page 589 of your Board book.

12

13 This proposal was submitted by Lee
14 Kayotuk of Kaktovik and relates to moose regulations in
15 Unit 26C. WP08-54 requests the harvest quota for
16 Kaktovik residents increase from three moose to five
17 moose in Unit 26C only. And of these five, the harvest
18 of up to one cow would be allowed in Unit 26C.

19

20 The proposal discontinues the harvest
21 quota in 26B remainder and removes the closure of
22 Federal public lands in Unit 26B remainder to moose
23 hunting for all except Kaktovik residents.

24

25 In 2004, this Board adopted into
26 regulation a harvest quota of three moose in Unit 26C
27 and in Unit 26B remainder, with no more than two bulls
28 harvested from Unit 26C and cows may not be harvested
29 from Unit 26C. This regulation was adopted with these
30 harvest limits to minimize adverse effects on the moose
31 population in Unit 26C.

32

33 I refer you to Table 1 on Page 593
34 which summarizes moose trend surveys done in Unit 26C,
35 results of these surveys show low numbers of moose
36 using selected drainages with no significant population
37 increase. And since 2004 Kaktovik is the only
38 community in the area eligible for Federal subsistence
39 harvest. And on Page 595 is a summary of the reported
40 moose harvest.

41

42 The effects of this proposal. If
43 adopted, Kaktovik hunters would be able to harvest
44 three additional moose than what is allowed in Unit 26C
45 and would be able to harvest in close proximity to
46 their village -- in closer proximity to their village
47 than if they traveled to the Canning River drainage in
48 Unit 26B.

49

50 If adopted the number of moose

1 harvested in Unit 26C could rise from the currently
2 allowed quota of two bulls to potentially four bulls
3 and one cow. A harvest quota limit of five moose could
4 have negative impacts on the recovery of a depressed
5 moose population. The impact would be especially
6 heightened if any cows were harvested. In addition to
7 the legal harvest of one cow that would be allowed if
8 this proposal was adopted, additional cow harvest is
9 possible because it is difficult to distinguish bulls
10 and cows during late winter when subsistence harvest is
11 most likely to occur.

12
13 If adopted, residents of Kaktovik would
14 not have an opportunity to harvest moose in Unit 26B
15 remainder. In addition the closure of Federal public
16 lands in Unit 26B remainder to moose hunting for all
17 except Kaktovik residents would be removed.

18
19 The OSM conclusion is to oppose
20 Proposal WP08-54 for these reasons:

21
22 The moose population in Unit 26C
23 remains a conservation concern.

24
25 The existing regulation allowing a
26 maximum of two bulls harvested in Unit
27 26C was a compromise measure
28 deliberated by this Board in 2004.

29
30 Moose surveys in Unit 26C indicate that
31 moose numbers have remained low and
32 have not shown sufficient increase
33 since 2004 to raise the allowable
34 harvest at this time.

35
36 The harvest of any cow moose is
37 detrimental to efforts to rebuild the
38 Unit 26C moose population.

39
40 And it is recommended that the moose
41 closure in the Canning River drainage
42 of Unit 26B remain in effect for the
43 continued subsistence use of Kaktovik
44 residents.

45
46 This concludes my presentation, thank
47 you.

48
49 CHAIRMAN FLEAGLE: Thank you, Laura.
50 Summary of written public comments, Barbara.

1 MS. B. ARMSTRONG: Mr. Chair, we have
2 one received today from Mr. Fenton Rexford of Kaktovik
3 on Proposal 54.

4
5 And he says that it's short and to the
6 point for the Federal Board to consider eco-wide eco-
7 system count and distribute the hunt that way. Moose
8 will never become extinct in Unit 26C. They are always
9 moving around.

10
11 Thank you, sir.

12
13 CHAIRMAN FLEAGLE: Thank you. Public
14 testimony.

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

18
19 CHAIRMAN FLEAGLE: Thank you. Regional
20 Advisory Council recommendation, Barbara.

21
22 MS. B. ARMSTRONG: Okay, for the North
23 Slope Regional Advisory Council, support Proposal WP08-
24 54 with modification to change the harvest quota to
25 five bulls with a shorter season from July 1 to
26 December 31. The Council recommended that a population
27 consensus be conducted in Unit 26B and C and on an
28 annual basis in the summer when the moose are in the
29 area.

30
31 Now, if you'd look at the modified
32 regulation it should read:

33
34 26B remainder and Unit 26C.

35
36 The 26B remainder and should be crossed
37 out.

38
39 Thank you, sir.

40
41 CHAIRMAN FLEAGLE: Okay, make that
42 correction on your Page 588 language, it should read
43 only 26C for the changes incorporated. Thanks for that
44 correction.

45
46 Department of Fish and Game comments,
47 Ken Taylor.

48
49 MR. TAYLOR: Thank you, Mr. Chairman.
50 Terry Haynes will speak to this proposal.

1 CHAIRMAN FLEAGLE: Terry.

2

3 MR. HAYNES: Mr. Chairman. Our written
4 comments are on Page 598.

5

6 The Department opposes both the
7 original proposal and the proposal as modified by the
8 North Slope Regional Advisory Council for the reasons
9 very clearly and convincingly expressed by Laura in her
10 presentation.

11

12 I would like to add that the
13 Department's area biologist for this part of Alaska has
14 been in constant contact with her counterpart in the
15 Arctic Refuge, and they've worked very closely in
16 looking at the moose numbers up there and they both
17 agree that there simply aren't enough moose to increase
18 the harvest limit at this time. And this is another
19 example of Department Staff maintaining constant
20 communication with Federal counterparts to make sure we
21 understand the biology of the moose population in this
22 area and that we stay on the same page to the extent
23 possible.

24

25 Thank you.

26

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

29

30 Wildlife Proposal WP08-54:

31

32 Increase the harvest quota and number
33 of federal registration permits for the federal moose
34 hunt in Game Management Unit 26C.

35

36 Introduction:

37

38 The Federal Subsistence Board and
39 Alaska Board of Game closed Unit 26C to moose hunting
40 in 1996 due to very low moose numbers. Effective for
41 the 2004-05 regulatory year, the Federal Subsistence
42 Board opened a July 1 March 31 season in Units 26B
43 and 26C with a harvest quota of 3 moose (2 bulls and
44 one of either sex), provided that no more than 2 bulls
45 and no cows could be harvested in Unit 26C and a cow
46 accompanied by a calf could not be harvested. Only 3
47 federal registration permits are issued. Federal
48 public lands are closed except to Kaktovik residents
49 holding federal registration permits. In the 2007-2008
50 regulatory year, the closure in Unit 26B applies only

1 to federal land in the Canning River drainage. This
2 proposal would: (1) increase the number of permits
3 issued from 3 to 5; (2) increase the harvest quota from
4 3 to 5 moose (4 bulls and one of either sex), (3)
5 prohibit harvest of a cow accompanied by a calf; and
6 (4) close moose hunting under the federal regulations
7 in Unit 26B Remainder.

8

9

Impact on Subsistence Users:

10

11 The proposal is designed to provide
12 Kaktovik residents with the opportunity to hunt closer
13 to home and to harvest more moose in the short term.
14 Moose numbers are low in Unit 26C, and conservative
15 management is required.

16

17

Opportunity Provided by State:

18

19

20 Moose hunting in Unit 26C and the
21 Remainder of Unit 26B are closed in state regulations
22 for conservation purposes. In Unit 26B excluding the
23 Canning River drainage, state regulations for the 2007-
24 08 regulatory year allow a harvest of one bull by
25 drawing permit September 1-14. An additional 14-day
26 resident season during February 15 April 15 for one
27 bull may be announced by Emergency Order.

28

29

Conservation Issues:

30

31 The Alaska Department of Fish and Game
32 applies a 3% harvest rate to moose populations on the
33 North Slope, and harvest should be limited to bulls in
34 situations like that in Unit 26C. Surveys conducted by
35 the Arctic National Wildlife Refuge in Unit 26C counted
36 52 moose in 2003, 47 moose in 2005, and 59 moose in
37 2007. The 3% harvest rate formula indicates no more
38 than 2 bull moose should be harvested from Unit 26C to
39 assure sustainability.

40

41

Recommendation:

42

43 Oppose both the original proposal and
44 the proposal as modified by the North Slope Regional
45 Advisory Council, both of which seek to increase the
46 harvest quota of moose in Unit 26C and retain the
47 existing restrictions in Unit 26C for the reasons
48 specified in the Justification for the Conclusion in
49 the federal staff analysis. This proposed increase in
50 the harvest of moose in Unit 26C is not supported by
substantial evidence, would violate recognized

1 principles of wildlife conservation, and would be
2 detrimental to the long term interests of subsistence
3 users.

4
5 CHAIRMAN FLEAGLE: Thank you, Terry.
6 ISC comments, Larry.

7
8 MR. BUKLIS: Mr. Chairman. The Staff
9 Committee comments are on Page 597 in your Board book.

10
11 The Staff Committee noted that an
12 alternative approach to that of the proposal would be
13 to maintain the existing season and harvest limits for
14 Unit 26B and Unit 26C, but to modify the regulation to
15 require that only antlered bulls may be taken. This
16 would be consistent with the concerns expressed by the
17 Council to minimize the potential for mistakenly taking
18 a cow in Unit 26C.

19
20 Any increase harvest limit in Unit 26C
21 would not be consistent with recognized principles of
22 wildlife conservation due to the low moose population
23 in this unit.

24
25 Thank you, Mr. Chairman.

26
27 CHAIRMAN FLEAGLE: Thank you.
28 Discussion. Jack.

29
30 MR. REAKOFF: Mr. Chairman. One point
31 that's not been brought out, I'm on the Advisory
32 Committee for the Koyukuk and I got an emergency order
33 from the Department and there was an April 1 to April
34 15th season in 26B for antlerless bulls and so the
35 Department has an antlerless bull hunt this springs and
36 seems to be concerned about Federal users killing cows
37 yet they have an antlerless bull season which included
38 the Dalton Highway Corridor. So I felt that the Board
39 should be aware that there's not full conservation on
40 the State side when they have an emergency -- when the
41 Board has approved an emergency order hunt for
42 antlerless bulls in 26B with no real quota set that I
43 could see and 15 bulls, all of those bulls could have
44 come out of the Dalton Highway Corridor. I felt that
45 that was very risky on the part of the Board of Game.

46
47 I wanted to bring that out to the
48 Board, that should enter into your deliberations.

49
50 Thank you.

1 CHAIRMAN FLEAGLE: Thank you, Jack.
2 Appreciate that. But we're only dealing with 26C in
3 this issue.
4
5 MR. REAKOFF: The InterAgency Staff
6 Committee had discussion on 26B also so I wanted to
7 bring that out.
8
9 CHAIRMAN FLEAGLE: Larry.
10
11 MR. BUKLIS: Mr. Chairman, we should
12 have been clear and we weren't, it's that portion of
13 26B that's relevant to this proposal, which I believe
14 is the Canning River drainage.
15
16 MR. REAKOFF: Okay.
17
18 MR. BUKLIS: That's a deficiency in the
19 completeness of our comment.
20
21 CHAIRMAN FLEAGLE: All right. So the
22 map, Map 1, you're only talking the real small area of
23 Unit 26B remainder, down in the southeast corner.
24
25 MR. BUKLIS: Mr. Chairman, that is
26 correct.
27
28 CHAIRMAN FLEAGLE: Okay, thanks, Larry.
29 Thank you, Jack. Other discussion. Ken Taylor.
30
31 MR. TAYLOR: Thank you, Mr. Chairman.
32 In response to Jack's comments, I just wanted to point
33 out that Unit 26B remainder which is the Canning River
34 drainage and Unit 26C have no open season under the
35 State regulations.
36
37 CHAIRMAN FLEAGLE: Other discussion.
38
39 (No comments)
40
41 CHAIRMAN FLEAGLE: Ready to move on it.
42 Tom.
43
44 MR. MELIUS: I will try to be clear as
45 we move through this one because I am planning into
46 making it two separate motions.
47
48 My first motion would be as we've
49 customarily done is to adopt the North Slope Regional
50 Council's recommendation, and if I get a second I will

1 be laying out my justification for opposing my motion.

2

3 MR. LONNIE: I'll second it.

4

5 CHAIRMAN FLEAGLE: Go it.

6

7 MR. MELIUS: Mr. Chairman. As we've
8 heard from the OSM and the State testimony, numbers of
9 moose in Unit 26C continue to be quite low so an
10 increased harvest limit for moose especially any
11 harvest of cows in Unit 26C would create a conservation
12 concern which would violate recognized principles of
13 wildlife management.

14

15 I'm not opposed to shortening the
16 season but do not believe it's necessary at this time.

17

18 And for those reasons I will be voting
19 in opposition to my motion, however, in response to the
20 Council's concerns of unintentional harvest of cow
21 moose in Unit 26C and if my motion is rejected, I would
22 then be making a second motion to take in some of these
23 concerns at that time.

24

25 CHAIRMAN FLEAGLE: Let me just think
26 procedurally the best way to do that may be to amend
27 the original proposal to meet the intent of what you're
28 wanting to put on.

29

30 MR. MELIUS: But then I would be voting
31 against what I just wanted to put on.

32

33 CHAIRMAN FLEAGLE: Well, the part that
34 you would be not in support of would be removed out by
35 amendment, if your amendment carries, and then you
36 would vote for the main proposal.

37

38 Let's stand down for five minutes.

39

40 (Off record)

41

42 (On record)

43

44 CHAIRMAN FLEAGLE: The Federal
45 Subsistence Board is back on record. Tom Melius.

46

47 MR. MELIUS: Thank you, Mr. Chairman.
48 I will try to walk us through this in a much clearer
49 fashion than I tried earlier.

50

1 We do have, I believe, a motion that
2 has been seconded and that motion, the wording for that
3 motion is starting on the bottom of Page 589 in the
4 Board book which does indicate a shift from the current
5 quota from three to five moose. I am planning to offer
6 an amendment that will -- let's see my original
7 proposal did have a second.

8

9 MR. PROBASCO: Yes.

10

11 CHAIRMAN FLEAGLE: Yes.

12

13 MR. PROBASCO: Tom Lonnie.

14

15 CHAIRMAN FLEAGLE: It did.

16

17 MR. MELIUS: I will then offer an
18 amendment to that proposal.

19

20 The language for that amendment is just
21 above that on Page 589, except, and I'm waiting for the
22 language to be put on the screen, the one addition that
23 I was talking about earlier is now identified on the
24 third and fourth lines in bold as antlered bulls -- two
25 antlered bulls -- okay, I can't quite read whether or
26 not that's been hatchmarked through, the harvest quota
27 is three moose -- two antlered bulls, one of either
28 sex, no more than the two antlered bulls may be
29 harvested from Unit 26C.

30

31 Yeah, we're not quite -- we're getting
32 there.

33

34 CHAIRMAN FLEAGLE: Okay, thanks. I
35 understand the intent of the amendment.

36

37 MR. MELIUS: Yeah.

38

39 CHAIRMAN FLEAGLE: Is there a second.

40

41 MR. LONNIE: I'll second.

42

43 CHAIRMAN FLEAGLE: Tom Lonnie seconds.
44 Go ahead speak to your amendment.

45

46 MR. MELIUS: Basically, Mr. Chairman,
47 this does bring in the concerns that were raised
48 earlier. It does change the current situation to only
49 have two antlered bulls. It basically -- basically the
50 intent is to minimize the possibility of a hunter

1 mistakenly taking a cow thinking it was a bull, that it
2 dropped its antlers during the winter months.

3

4 This would not change, though, the
5 opportunity to take a cow in that area and so I would
6 hope that I haven't muddied the water too much with
7 that and that the amendment would be adopted.

8

9 CHAIRMAN FLEAGLE: Okay, one fine
10 point. If we say two antlered bulls and one of either
11 sex, then that third moose could be without antlers.

12

13 (Pause)

14

15 MR. PROBASCO: Mr. Chair.

16

17 CHAIRMAN FLEAGLE: Pete.

18

19 MR. PROBASCO: The intent of Mr.
20 Melius' motion is to allow a harvest of a cow to occur
21 in only that portion of 26, 26B.

22

23 CHAIRMAN FLEAGLE: Okay. Discussion.

24

25 (No comments)

26

27 CHAIRMAN FLEAGLE: Now, one question, I
28 understand the concern and that was part of the
29 justification for shortening the season that the North
30 Slope RAC gave in their request for an additional
31 harvest, and it makes good conservation sense. But in
32 this amendment by reducing the bag limit to only
33 antlered -- I mean -- yeah, antlered bulls, could that
34 be construed as some type of restriction, probably not,
35 because you still have the same harvest level, but in
36 effect you're causing the harvest to take place early
37 in the year.

38

39 I just want to see what somebody else
40 has to think about that.

41

42 Marcia.

43

44 MS. BLASZAK: Mr. Chairman. On Page
45 588, and perhaps I need to be corrected if I'm not
46 reading this correctly, the modification that the
47 Advisory Council proposed shows an end date of December
48 31st, and the current adopted modification still shows
49 March 31st.

50

1 MR. MELIUS: That was intentional.
2
3 MS. BLASZAK: Was that intentional.
4
5 CHAIRMAN FLEAGLE: No, that's not, that
6 needs to be -- I mean that's correct.
7
8 MS. BLASZAK: This is correct, okay.
9
10 CHAIRMAN FLEAGLE: Because the RAC's
11 recommendation was to shorten the season to December 31
12 because of the possibility of shooting a moose without
13 antlers.
14
15 MS. BLASZAK: Okay.
16
17 CHAIRMAN FLEAGLE: And Tom's amendment
18 fixes that without shortening the season.
19
20 MS. BLASZAK: Fixes that. Got it,
21 thank you. Thank you, for the clarification.
22
23 CHAIRMAN FLEAGLE: All right.
24
25 MR. MELIUS: We're there.
26
27 CHAIRMAN FLEAGLE: Everybody clear on
28 the amendment.
29
30 Are we ready for the question. On the
31 amendment, Pete, please poll the Board.
32
33 MR. PROBASCO: Mr. Chair. WP08
34 amendment to 54 and Mr. Melius.
35
36 MR. MELIUS: Yes.
37
38 MR. PROBASCO: Mr. Fleagle.
39
40 CHAIRMAN FLEAGLE: Yes.
41
42 MR. PROBASCO: Ms. Blaszak.
43
44 MS. BLASZAK: Yes.
45
46 MR. PROBASCO: Mr. Lonnie.
47
48 MR. LONNIE: Yes.
49
50 MR. PROBASCO: Mr. Cesar.

1 MR. CESAR: Yes.
2
3 MR. PROBASCO: Mr. Bschor.
4
5 MR. BSCHOR: Yes.
6
7 MR. PROBASCO: Amendment carries
8 six/zero.
9
10 CHAIRMAN FLEAGLE: Thank you, Pete.
11 Now, we go to the main motion as amended and the net
12 effect of the amendment would be -- the only change
13 would be to add antlered to the bulls -- the bulls are
14 now required to have antlers when they're shot.
15
16 Ready for the question.
17
18 MR. MELIUS: Yes.
19
20 CHAIRMAN FLEAGLE: All right. Pete,
21 poll the Board, please, on 54, final action.
22
23 MR. PROBASCO: Final Action on 54 as
24 amended. Mr. Fleagle.
25
26 CHAIRMAN FLEAGLE: Yes.
27
28 MR. PROBASCO: Ms. Blaszak.
29
30 MS. BLASZAK: Yes.
31
32 MR. PROBASCO: Mr. Lonnie.
33
34 MR. LONNIE: Yes.
35
36 MR. PROBASCO: Mr. Cesar.
37
38 MR. CESAR: Yes.
39
40 MR. PROBASCO: Mr. Bschor.
41
42 MR. BSCHOR: Yes.
43
44 MR. PROBASCO: Mr. Melius.
45
46 MR. MELIUS: Yes.
47
48 MR. PROBASCO: Motion carries six/zero.
49
50 CHAIRMAN FLEAGLE: All right, thank

1 you. That concludes all of the non-consensus
2 proposals. We now move back to the consent agenda. On
3 the first day of this meeting we announced the
4 consensus agenda. Opportunities have been provided for
5 comment on the consensus agenda each day, there have
6 been no changes recommended to the consensus agenda and
7 I'm now looking for a motion from a Board member on the
8 consensus agenda as announced on Day 1 of the meeting.

9
10 MR. BSCHOR: I move to adopt the
11 consensus agenda.

12
13 MR. MELIUS: Second.

14
15 CHAIRMAN FLEAGLE: All right. It's
16 been moved and seconded. Discussion. Ken Taylor.

17
18 MR. TAYLOR: Mr. Chairman. I was
19 trying to get these remarks in before we moved the
20 consensus agenda.

21
22 Just a couple of quick things.

23
24 As we stated in our opening comments,
25 two proposals were submitted by rural communities
26 seeking authorization in the Federal regulations to
27 harvest wildlife for cultural events, and we request
28 the Board direct Federal Staff in the future to
29 encourage rural communities and organizations to
30 consider applying to our Department for a cultural
31 permit before making requests to the Federal Board
32 because it's much quicker and easier to get them
33 through the Department than it would be to do it
34 through this Board process. They apply to all lands
35 and they can be authorized more timely and they provide
36 more flexibility to the person harvesting the
37 resources.

38
39 Proposal 08-23 is on the consensus
40 agenda and would create a Federal registration permit
41 for moose in the Denali National Preserve portion of
42 the remainder of Unit 16B. Moose numbers are low in
43 this area and recruitment is being severely limited by
44 wolf and bear predation and hard winters. This is
45 reflected in very low harvest levels being reported in
46 the Preserve in recent years. However, administering
47 this hunt in the Preserve by Federal registration
48 permit will enable National Park Service Staff to
49 monitor the harvest in-season and initiate closures, if
50 necessary, for conservation purposes. The Department

1 recommends that a closure be initiated if and when two
2 moose have been harvested.

3

4 Thank you, Mr. Chairman.

5

6 CHAIRMAN FLEAGLE: Okay, thank you. So
7 that's just comments in addition to what you've already
8 laid out on that.

9

10 MR. TAYLOR: Yes.

11

12 CHAIRMAN FLEAGLE: Okay. Other
13 comments on the consensus agenda.

14

15 (No comments)

16

17 CHAIRMAN FLEAGLE: Ready for the
18 question.

19

20 MR. LONNIE: Call the question.

21

22 CHAIRMAN FLEAGLE: The question's
23 called, Pete, on the consent agenda, please poll the
24 Board.

25

26 MR. PROBASCO: Thank you, Mr. Chair.
27 Consensus agenda, final action, Ms. Blaszak.

28

29 MS. BLASZAK: Yes.

30

31 MR. PROBASCO: Mr. Lonnie.

32

33 MR. LONNIE: Yes.

34

35 MR. PROBASCO: Mr. Cesar.

36

37 MR. CESAR: Yes.

38

39 MR. PROBASCO: Mr. Bschor.

40

41 MR. BSCHOR: Yes.

42

43 MR. PROBASCO: Mr. Melius.

44

45 MR. MELIUS: Yes.

46

47 MR. PROBASCO: Mr. Fleagle.

48

49 CHAIRMAN FLEAGLE: Yes.

50

1 MR. PROBASCO: Motion carries six/zero.

2

3 CHAIRMAN FLEAGLE: All right. That
4 concludes regulatory action.

5

6 We do now have the action that was
7 tabled from the first day and that's the discussion on
8 the Board's Predator Management Policy and how the
9 Board should proceed.

10

11 Discussion.

12

13 Greg.

14

15 MR. ROCZICKA: Thank you, Mr. Chairman.
16 And I sure appreciate you guys coming -- taking a more
17 in-depth look at this.

18

19 You can figure if you haven't been here
20 for awhile, this whole issue is one that, in many eyes
21 has been a major failing of the whole Federal
22 Management System, and the understandings that many
23 people have for the priority that's provided in Title
24 VIII of ANILCA.

25

26 And I guess one thing I'd want to ask
27 first off, maybe from Mr. Goltz can help here, is that,
28 are the management agencies actually exempt from the
29 Title VIII considerations on providing for continuation
30 of subsistence opportunities and the priority use that
31 is there, all of those conditions that are there, .801
32 through .807, .809?

33

34 CHAIRMAN FLEAGLE: Keith.

35

36 MR. GOLTZ: Title VIII's an over --
37 what we call an overlay statute that applies to all
38 Federal public lands and includes all Federal agencies.

39

40 The issues of habitat manipulation and
41 predator control were considered when we put the
42 program together and the decision was made at that time
43 that those two issues would be handled by individual
44 agencies in accordance with the individual agency
45 mandates.

46

47 I think what you're doing is presenting
48 an argument that we should have made a different
49 decision at that time and I can't say whether one
50 argument is better than another. What I can say is

1 that that's the decision we made and that's the way the
2 program is set up at this time.

3

4 MR. ROCZICKA: Well, and then that
5 follows, too, you know, everything that's referenced
6 throughout those, I mean we could go through them one
7 at a time, you know, .801, you know, to fulfill
8 policies and purpose of the Alaska Native Claims
9 Settlement Act, a matter of equity, is to protect and
10 to provide the opportunity for continued subsistence
11 use and without some level of management of populations
12 to achieve that use, unless you consider that providing
13 an opportunity is opening a season and not having any
14 kind of a concern for -- or anything in place to have
15 anything there to catch, you know, it's almost
16 contradictory in nature. To me, and I think to many
17 people it almost flies in the face of the intent and
18 purpose of what Title VIII was put in place for.

19

20 You know, as a ruling or a definition
21 been made on that as far as opportunity. I mean under
22 the State they have reasonable opportunity which is
23 defined as normally diligent person having a reasonable
24 expectation of success, and when you have -- when you
25 go down into a Tier II or you have total closures, you
26 know, those conditions are certainly -- you know far
27 from being fulfilled. Has there been any more
28 determination on that?

29

30 CHAIRMAN FLEAGLE: Keith.

31

32 MR. GOLTZ: As you know wolf control
33 has a long history in this state, I've been involved
34 with it as have you. As a Federal Board, however, we
35 have never gone that deeply into it to the best of my
36 knowledge. That initial determination was made, it
37 came before the Board a few years ago when you and I
38 were both involved at that time, we put the policy
39 together as it now exists and the Board has never taken
40 an active role in predator management. If you ask me
41 if we can roll all that back and make a different
42 decision under ANILCA, maybe, but that's not what we
43 did.

44

45 The EIS made that initial determination
46 and that has not been changed.

47

48 If it were to be changed, I think it
49 would have to probably be at the Secretarial level.
50 And it would, as you can imagine, excite much

1 discussion within the Department itself.

2

3 CHAIRMAN FLEAGLE: Greg.

4

5 MR. ROCZICKA: Thank you, Mr. Chairman.
6 Well, you know, I'm trying to look at -- trying to come
7 to some kind of affirmative action here. Mr. Chairman,
8 you said this doesn't have any teeth but maybe we could
9 try to fit you with a pair of dentures or something.

10

11 (Laughter)

12

13 MR. ROCZICKA: Along those lines or
14 something, you know, because what we have here is
15 basically the rural people of the state are only
16 getting the crumbs of what we know can be there, you
17 know, the lands and both the fish and wildlife
18 resources that we depend on out there, they're -- you
19 know as you've heard other people say they're our
20 grocery store, they're also our bank, they're our
21 agriculture, our economy and just basically overall
22 livelihood. And to not have a -- maybe to try to put
23 it into context that some people don't have, too, you
24 know, is it's money in your bank and people -- whether
25 we should deal with wolves and not deal with bears. If
26 you can get a 40 percent return on your IRA and you're
27 bank says they're not going to allow you to do it
28 unless you can get an 80 percent, it kind of doesn't
29 make sense in my mind.

30

31 But the other part, you know, I've gone
32 through what the Service has put out as far as their
33 criteria and certainly for that Section 19A that I
34 referenced earlier, all those criteria have pretty much
35 been addressed. It's -- I want to find somehow how do
36 we get there from here.

37

38 Well, back in earlier discussions it's
39 what is your priority use for the Refuges, and I just
40 -- the discussion actually is kind of coming down to
41 focus on the Fish and Wildlife Service because BLM, we
42 pretty much heard -- well, BLM has the blanket approval
43 for other -- for such programs to go forward. Under
44 the Forest Service their practices allowed there seem
45 to accommodate everything pretty much, as much can be
46 expected or needed. The Park Service has its mandate.
47 The BIA don't have nothing.

48

49 (Laughter)

50

1 MR. ROCZICKA: Of course the Park
2 Service could be scrutinized perhaps a little more, but
3 anyway it does -- it gets down to the Refuges and the
4 purposes of the Refuges, of course, that natural
5 diversity is your number 1, but we also have the
6 Congressional record that specifically states that
7 natural diversity is not to preclude for human use.

8
9 I've looked through your bio-diversity
10 policy as well and you talk about historic --
11 maintaining historical harvests and balances and so
12 forth and it depends on what kind of hist -- how far in
13 the history you want to go, you know, if we talked
14 about historical harvest for the middle Kuskokwim,
15 we've had the last two generations, thanks to the
16 Federal government, and actions taken in the earlier
17 part of that century where we had harvests of moose in
18 the area that provided for all needs. And so we'd like
19 to -- how do we get to somewhere where we don't have to
20 be going into a Tier II or seeing these closures and
21 maintaining these populations to provide for
22 subsistence uses and needs?

23
24 We'd like to try to get back to
25 achieving that balance. It kind of occurred to me a
26 little while ago that perhaps something this Board
27 could do, as far as a statement coming out, is -- or an
28 action, is that any time that you have a Tier II
29 situation or you're contemplating Tier II to go forward
30 or a closure, that the responsible agency, that that
31 would automatically be a trigger for management actions
32 to be taken to get yourself out of it or to stay out of
33 it if you see it coming. And everybody thinks that
34 predator management -- of course people equate it
35 immediately with airborne wolf control, that certainly
36 doesn't have to be the case, there's other methods and
37 means that are utilized, you know, more liberalized
38 trapping or means of take like was provided by the
39 State in GMU 18, perhaps we can look at the Federal
40 Management Agencies not to automatically have to
41 exclude themselves from allowing those more liberal
42 methods and means in -- in 18, I don't know if you're
43 aware or not but they allow the take of wolves by
44 snowmachine, to position the hunter is what it's
45 called, but Federal lands are excluded.

46
47 So that's another example of -- or that
48 is a good example of something that could be done and
49 could be allowed, and done through the environmental
50 assessment. I don't believe the Board to come forward

1 with it is anywhere out of line or asserting any
2 authority but you're up here to represent the concerns
3 of the Council and the concerns, the needs of the rural
4 subsistence users, and until we can address this
5 effectively into the future that's really not
6 happening.

7
8 You know I quoted to you out of the
9 policy the other day and I didn't mention -- caught my
10 eye in that Section A there, your second sentence which
11 you're supposed to set up your premise for everything
12 you're doing, and here again is one of those hard words
13 that says:

14
15 The Board will ensure that the effect
16 of its decisions to provide for
17 subsistence take and use of the
18 species.

19
20 You know not to try your best, it says
21 ensure, that's some pretty strong language in there and
22 taking into account the population objectives and
23 management plans, et cetera. You have those pretty
24 much in place, at least where the State has gone to the
25 extent it has.

26
27 And then as far as Item 2, Section B,
28 the Service, I believe, at least through Eastern
29 Interior, efforts in the past from previous Chairs and
30 actions of that Council have requested action be taken
31 up in Tetlin, I believe and Yukon Flats and nothing has
32 been done, so according to your policy what has this
33 Board done to provide, again, your final sentence of
34 Section B of your policy where it says, what have you
35 done to monitor the actions that were requested and
36 denied, and what have you done to provide support where
37 it's necessary to ensure the continuation of the
38 subsistence harvest opportunity. And that, again, gets
39 back into are you providing an opportunity if the
40 population has been depressed.

41
42 And in most of these cases, well,
43 again, I can only speak with in-depth knowledge about
44 my own area, but it's not a habitat problem, we're
45 getting real good productivity, high pregnancy, high
46 twinning rates, habitat's in great condition, the human
47 harvest has been severely restricted if not totally
48 eliminated, but we're not getting the recruitment.

49
50 So I'll toss that out there to start it

1 if that's something you can see yourselves moving
2 towards, to give that direction -- and, again, at least
3 for the future or maybe even -- well, no, I'll say it
4 for now, that those areas where you have a Tier II or
5 hunt closures on Federal lands, that that would be the
6 trigger for an environmental assessment on management
7 actions that would include predator management, since
8 we're using that as the vehicle right now, but for
9 future, that that be made part of your process, for the
10 management agencies to come forward when a proposal,
11 and be ready to address it at this Board.

12
13 I'll stop there if anybody else wants
14 to talk so.....

15
16 CHAIRMAN FLEAGLE: Does anybody have an
17 answer, Pete.....

18
19 MR. PROBASCO: I don't know if I.....

20
21 CHAIRMAN FLEAGLE:from OSM's
22 standpoint. Larry. Larry has his hand up, he'll take
23 the heat.

24
25 MR. BUKLIS: Mr. Chairman. I just
26 wanted to point out the Part A clause or paragraph and
27 the sentence that was read is trying to say that the
28 Board will ensure that the subsistence regulations you
29 construct or adopt are relevant to the subject species,
30 and that the species subject to that regulation are
31 being used in a customary and traditional way. It's
32 not meaning -- it's not trying to say you will ensure
33 that you construct regulations on one species to
34 benefit another species that is the one of interest.

35
36 If you know what I'm saying.

37
38 This is speaking to subsistence
39 regulations on a given species being relevant to the
40 use of that species. It's not speaking to predator
41 control to benefit a species of interest.

42
43 CHAIRMAN FLEAGLE: One interpretation.
44 But the fact that that statement is in a predator
45 management policy could lead one to believe otherwise
46 as Roczicka's referring to.

47
48 Larry.

49
50 MR. BUKLIS: Mr. Chairman. If that's

1 the case, then we didn't do a sufficient job in
2 constructing that language, but I'm confident that that
3 was -- I was party to the process and I'm aware that
4 that was the intent of what this is trying to say.

5

6 CHAIRMAN FLEAGLE: Okay, thanks, Larry.
7 Pete.

8

9 MR. PROBASCO: Mr. Chair. I sense that
10 the Board is fishing on how we can proceed with this
11 issue before us as it pertains to our policy and if
12 you'll recall earlier this morning we passed out a memo
13 and this same discussion was brought before the Board,
14 through the Secretary's office, and we provided a
15 response on the processes that could occur,
16 particularly the focus that Mr. Roczicka's on -- U.S.
17 Fish and Wildlife Service.

18

19 As far as where OSM could go to assist
20 this issue and to provide more clarity, we could work
21 with the Yukon Kuskokwim-Delta Regional Advisory
22 Council and along with the affected Refuges in there
23 and try to understand the issues that Mr. Roczicka is
24 talking about and come back to the Board with a report.
25 As we've done with other difficult issues there's a
26 process where we do a scoping, where Staff will sit
27 down and try to scope the intent of this group and what
28 the goals and objectives are, we bring that back to the
29 Board for approval and further work.

30

31 Mr. Chair, there's a lot of unanswered
32 questions here that we don't have the information or
33 data at this point to discuss and make a determination
34 on and I think part of the process would include that
35 to collect this information so that we have a better
36 understanding of where we're going with this.

37

38 As we said in our letter nothing
39 precludes the U.S. Fish and Wildlife Service from
40 dealing with predator control of wolves or bears, but
41 it is a process that's laid out that would probably
42 require certain requirements and those, in themselves
43 are daunting, as far as starting out. So, Mr. Chair, I
44 would suggest that we work with Mr. Roczicka and the
45 Council to scope out what our objectives are and report
46 back to the Board.

47

48 CHAIRMAN FLEAGLE: Thanks, Pete.
49 Before I go to you, Tom, Sue.

50

1 MS. ENTSMINGER: Yeah, I just wanted to
2 bring out something like from the user, and our region
3 and that Yukon River. This is how the people feel.
4 I'm surrounding by total U.S. Fish and Wildlife Service
5 land and we see things that we could do and we're not
6 getting it done through one process and they're trying
7 to come through this process and then you're telling
8 them their hands are tied. It's very, very, very
9 frustrating for them.

10

11 And then -- I have to say -- you know
12 me, I like to say things kind of off the cuff, but you
13 get baffled with lots of paper I'll say instead of BS
14 but, I mean we get thrown all these things and saying
15 the NEPA process, the this and that and the other and
16 then you just kind of -- then the user gets very, very
17 frustrated because you just feel like you can't get
18 anything accomplished.

19

20 CHAIRMAN FLEAGLE: Tom.

21

22 MR. MELIUS: Appreciate, Sue, those
23 comments. It is definitely a challenge we work with on
24 all of our Refuges in balancing, as I said, the opening
25 day, balancing the various users interests along with
26 our other legislative requirements, such as ANILCA and
27 it's -- we're not opposed to predator management, but
28 we have to look at it on a Refuge specific and have
29 that action analyzed. As we discussed earlier, there's
30 a NEPA process, it could be short, it could be
31 long, depending on what that action is and we're trying
32 to work it at each one of the Refuges since that's how
33 other laws require us to be managing those resources,
34 so I don't have the ability to just, you know, waive a
35 wand and have it all taken care of. We're trying to do
36 it specifically at those Refuges and the option of
37 continuing to work with the Council, with our Refuge
38 folks, I will offer that our folks will continue to
39 help in explaining the process and their approach.

40

41 And so as Pete laid out that could be
42 one way that if the Board so chooses we could move in
43 that direction, but that does have its own, not
44 hurdles, but its own long pathway to work through.

45

46 CHAIRMAN FLEAGLE: Thank you, Tom. One
47 other angle that could be looked at is I know we're
48 struggling with trying to find some kind of threshold
49 to trigger some kind of discussion and, Greg, you
50 mentioned the closure to Federal lands to other uses

1 other than qualified subsistence users.

2

3 MR. ROCZICKA: Mr. Chairman. I need to
4 clarify that, I said a Tier II or a total closure.

5

6 CHAIRMAN FLEAGLE: We don't have Tier
7 II.

8

9 MR. ROCZICKA: Yes, you do. In 19A you
10 do. The.....

11

12 CHAIRMAN FLEAGLE: That's a State.....

13

14 MR. ROCZICKA: No, it is also the
15 Federal -- there's a Federal Tier II hunt in 19A where
16 only the villages in the closest proximity that -- it
17 triggered that, what an .806 or, what do you call it?

18

19 DR. WHEELER: .804.

20

21 MR. ROCZICKA: Where there's not enough
22 for all Federally-qualified subsistence users so the
23 villages from Johnson River from Akiak have been
24 excluded from participating to even apply for a Tier II
25 in that area.

26

27 CHAIRMAN FLEAGLE: Okay, I guess we
28 just opened a Tier II hunt in Unalakleet, too, then, I
29 never heard the terminology applied to the Federal
30 program, so I stand corrected.

31

32 But anyway the point being, my
33 discussion was going to go a little track. We do have
34 -- the State has identified five regions and with the
35 addition of Unit 9 being a sixth -- a small area down
36 on the Peninsula and where those five predatory control
37 programs that have survived the legal challenges and
38 the State's opposition -- not the State itself, but the
39 opposition within the state, maybe where those five
40 plans address Federal lands that aren't included, I
41 mean that might be a starting argument. There are two
42 that are standout in real great area -- or three, the
43 12, 20E and the 19A and B, I don't know about 13 or
44 16B, but, anyway, I mean that might be a starting point
45 for the discussion that you were referring to, Pete.

46

47 That would not just leave it up to Tom
48 to come up with something for the Yukon-Delta area that
49 covers that small portion of 19A, but it would cover
50 your area, I mean as a starting point for this

1 discussion that Pete's referring to.

2

3

Just a suggestion.

4

5

I got Randy and then Pat.

6

7

MR. ALVAREZ: Thank you, Mr. Chair. I think it was Tuesday the Board took action on Proposal 26, which dealt with a closure for 9D caribou, and you just stated, at the last -- last winter the Board in Fairbanks developed -- is going to work on a predator plan for 9D. I didn't make the meeting -- or the Lake Illiamna Advisory Committee sent a representative up there and we were told that they were going to take up Mulchatna Caribou and I think the North Peninsula -- they were going to be working on the predator control. And then I heard that they came out with -- they were going to take action on Unit 9D for predator control. And I find it quite interesting that they went to 9D instead of doing 9C and 9E, apparently 9D was still open for caribou until just a little while ago. But Unit 9C and 9E has been closed for four or five years for any harvesting for caribou, it's that bad off and, you know, we were talking about a balance between the user groups, there is no balance here, the harvester has nothing.

27

28

And, you know, I'd like to hear from, you know, get information from the Fish and Wildlife Service who has jurisdiction or any of the agencies that -- Federal agencies that have jurisdiction in these areas, what's -- what are our options -- what are options are and what course of action can be taken since, you know, since 2004 the Federal lands were closed for caribou and I think the State a little before that. It doesn't seem to be getting any better and it's been status quo. My question here is where do we go from here. Do we just leave it at status quo forever until it finally gets enough caribou if for some reason the predators are all gone, it's -- that's not in our best interest.

42

43

As Mr. Roczicka was stating in the policy from some of the ANILCA statements, it has to be managed for healthy populations so that the users groups are able to harvest and I'm frustrated because nothing has happened and I'm disappointed that the Board of Game -- maybe they're using this as a stepping stone, I don't know, to carry on from there up to 9E and 9C, I'm hoping so, but so far there has been no

1 action to rectify the problem there and it's worse off
2 -- this area is worse off than any areas of the state
3 because the clos -- not only is it closed but it's been
4 closed since 2004.

5
6 I just wanted to comment and I hope I
7 get some -- or we get some information on what options
8 are available from the agencies.

9
10 Thank you.

11
12 CHAIRMAN FLEAGLE: Thanks, Randy.
13 Before I call on you, Pat, and this is where what
14 starts the process, what comes first. I mean when the
15 State went to Tier II down in the Northern Peninsula
16 Caribou Herd and then went to the closure they
17 addressed the issue of predator management and under
18 the State's Intensive Management Law there are a number
19 of criteria that have to be met in order to do it and
20 one of them is patterns of land ownership and the State
21 did not consider any predator control down there
22 because it's all Federal land. They knew that even if
23 they had a predator control program there would be --
24 I'm not saying it's all but the vast majority of it and
25 that's one of the major concerns under the Intensive
26 Management Program. And so then what can the Federal
27 System do and I think that's where Greg is coming to
28 and this is where the wheel just turns and there's no
29 stopping it.

30
31 And I think that we're on the right
32 track to try to at least initiate some kind of
33 discussion to find out where we can interject into the
34 process and start talking about predator management as
35 a management tool for ungulates. I mean the State's
36 doing it, but they can't do it everywhere, and it's
37 been defensible because of the steps that they've gone
38 through. It may be time that, you know, the Federal
39 land managers start sticking their neck out a little
40 bit too. I mean but, we, as the Board, can't tell them
41 to do that, that's the problem. I think we can suggest
42 or maybe encourage the dialogue and maybe this
43 discussion about using the existing predator control
44 areas that the State has identified and have already
45 survived legal challenges and public opinion challenges
46 as a starting point. And that's what I throw out as a
47 suggestion.

48
49 Anyway, Pat Holmes.
50

1 MR. HOLMES: Yeah, I was wondering if
2 Mr. Banks was still here from the Defenders, are you,
3 good, you know, I would encourage you to go out to
4 Perryville in February or False Pass where some of
5 these communities on the Peninsula and other parts of
6 the state where I can remember 30 years ago out on the
7 Peninsula where the caribou numbers were, from the
8 locals, were very much higher than any survey that's
9 ever been taken. They probably overpopulated and
10 dropped and then restabilized probably in the '80s.
11 But since then we've seen some tremendous declines.
12 And we're down to the point where we had four calves
13 survive in the entire bloody herd last year from when
14 they were dropped.

15
16 Lem Butler, I think our Council looks
17 to the State as the people that give us the answers on
18 what is going on and solutions. And, you know, he went
19 down, the habitat's recovered, the does are fat, I mean
20 they're round as Holstein cattle when they drop their
21 calves and they come back a few weeks later and the
22 calves are gone, they're totally being scarfed up.
23 We're down to some population levels that are probably
24 a tenth of what they were 20 years ago, down to four or
25 500 animals in the whole herd. I mean in the amount of
26 drops that we seen in between individual years, by the
27 time we develop or implement any policy down there, if
28 -- and I don't know that even the State's efforts for
29 surgical action next year on the calving grounds and
30 it's fortunate that that herd that calving grounds is
31 on State lands because when we talk to our Refuge
32 biologist down there she just said we can't do it or
33 even think about it without a full EIS program, it
34 would take years. We could see all 431 of those
35 caribou be gone by next fall. They probably won't but
36 I mean we're getting down to the point when you close
37 the State hunts, you close the State Tier II, you close
38 the -- we've been backing down our subsistence numbers
39 to where we closed the subsistence as well and, you
40 know, it's not people, it's critters and we need to
41 implement something, or once you get to the point where
42 you've eliminated all the human harvest then you should
43 have something -- when you know that's coming up, you
44 need to have a policy of what you're going to do when
45 that happens.

46
47 And to me, I think that if the State
48 wasn't there, I don't know, most people just don't even
49 hunt caribou anymore, they just can't because they're
50 not there.

1 And I guess I would also echo all of my
2 colleagues earlier comments and I really like your
3 idea, Mike, of including the RAC folks or
4 representative for the areas that the State have
5 already gone through the process on to participate in
6 the dialogue because truly something does need to be
7 done because it's just not there.

8
9 I talked to a friend of mine, a lady in
10 Perryville and usually her kids would get moose for
11 her, she didn't get any moose this year. They haven't
12 had caribou in years. And she was running out of fuel
13 oil and so she called up and ordered some fuel and they
14 flew it in and she pumped it into a tank and then two
15 weeks later, the next mail plane came in and the bill
16 for that one drum of fuel was \$1,500. She's not going
17 to be there next year if she doesn't have food to eat,
18 she doesn't have a way to heat her house.

19
20 And you see people from all those
21 villages, you go down there, the houses are empty.

22
23 So I really truly think that we need to
24 do something. I hope I wasn't too impassioned but it's
25 something very, very important to the people on the
26 Peninsula and statewide.

27
28 Thank you.

29
30 CHAIRMAN FLEAGLE: Thank you, Pat.
31 Other discussion.

32
33 (No comments)

34
35 CHAIRMAN FLEAGLE: I was trying to see
36 if there was any new discussion first.

37
38 Greg.

39
40 MR. ROCZICKA: Mr. Chair. I did want
41 to bring out what I started to mention awhile ago as
42 far as that priority use and that management directives
43 that are there for the Refuges.

44
45 And correct me if I'm wrong, but, you
46 know, I mentioned the natural diversity which is the
47 first one but the second one and I mentioned it the
48 first day, too, is the priority for subsistence use is
49 your secondary and it's the primary human use and I
50 believe we can work around natural diversity, I believe

1 we could work with that.

2

3 But what's happening is essentially the
4 Park Service mandate seems to be spreading over into
5 the Service.

6

7 And it's more that for the recreational
8 user or I guess what they had in that -- oh, the
9 predation study, the National Academy Sciences Study,
10 they called it the existence value of Lower 48 and that
11 is coming out to be a priority in appearance with the
12 reluctance that seems to have been there so far in
13 getting these programs going.

14

15 When something's keeping food off the
16 plate for people as in 19 where the moose population
17 has dropped and not because of the human harvest and
18 not because of most of the other environmental factors,
19 it's primarily related to predation and not having
20 those programs going or something in place because of
21 the deference to those interests, essentially makes
22 them a competing competitive use. If it's keeping food
23 off your plate it's a competing competitive use. And
24 in that case, according to ANILCA and Title VIII on
25 those Refuges we're supposed to have the priority and
26 we're not getting it.

27

28 Just to put it in larger terms, you
29 know, I don't just preach to the choir on this, or I
30 haven't in the past, there are a lot of new faces here
31 so I can say it again because you might not have heard
32 it but I've been to the Worldwide Wolf Congress, by
33 their invitation by the way, to speak on this very
34 issue that was held in Calgary back in 2004, they hold
35 it every 10 years, 21 countries 1,200 people from all
36 over the world and when I was done I had retired school
37 teachers from Massachusetts coming up in tears and
38 apologizing for their leaderships in being opposed and
39 the measures that they've taken to prevent these
40 programs from going forward in the state. I followed
41 up with the National Carnivore Conference in Santa Fe
42 the year after that, the same thing. Again, I wasn't
43 treated -- I didn't get the red paint or blood thrown
44 on me, people were so grateful, they'd never heard it
45 before. The main speaker, Dr. Ran Ballenberg (ph),
46 who's the most outspoken scientist certainly in the
47 state, within Alaska and the familiarity that they had
48 on there did his half hour, 45 minute presentation and
49 I got up to the mic to ask him a question or to -- I
50 gave a little two or three minute, five minute talk on

1 our views and the whole audience in that room of 500
2 people totally ignored him and started asking me
3 questions for the next 45 minutes, just standing on an
4 open mic on the floor. People, they don't hear it, so
5 it's not the bad people. The chief scientist for
6 Defenders told me at that World Congress as well that
7 he's been down to their media folks in D.C. begging
8 them to please give out more accurate information, they
9 told him this is fundraising, go away, don't bother us.
10

11 You know so there's -- coming to some
12 kind of a balance, I'd hope that the subsistence could
13 come out a priority for those folks who have that, and,
14 again they're not bad people at all, real good hearted.
15

16 But they come to share our land and
17 appreciate its beauty and bounty for what's there but
18 in -- I guess that's what we ask, is can we keep a
19 share, you know, for the subsistence priority that was
20 put forward within the ANILCA Legislation and when it's
21 not happening -- because -- again, deference to values.
22

23 I'm sorry, that's where I'm trying to
24 get for this Board, if it can assert itself, again, you
25 don't have the authority to tell your management
26 agencies but you can certainly put out those
27 recommendations and relay it to the management agencies
28 that these are real problems that you have to struggle
29 with and you all are sitting here, of course, and
30 directors of your respective agencies, but like I say
31 some kind of affirmative action to get a -- or formal
32 action would be, I think, appropriate.
33

34 CHAIRMAN FLEAGLE: And I think you just
35 identified the chief hurdle, Greg.
36

37 Now, I got a request from Carl Jack to
38 add a few words to the discussion.
39

40 Carl.
41

42 MR. JACK: Thank you, Mr. Chairman.
43 It's not every day that when I get to address the Board
44 on the subject areas being considered. I was sitting
45 in the back and it seemed like I was going to jump out
46 of my skin.
47

48 A few days -- I think it was last week,
49 I received an update from the Alaska Federation of
50 Natives on the issue of postponing their subsistence

1 summit and that update has been sent to the Board
2 members and most of what was on that is the -- is what
3 the Federal Board is addressing, so that means that the
4 Native community and the representative organizations,
5 the Alaska Federation of Natives, the regional
6 nonprofits are watching very carefully the conduct of
7 the Federal Subsistence Board.

8

9 My understanding is when they meet to
10 address the subsistence issue, one, they would -- that
11 they're assessing who is going to be in the next
12 Administration and I think once they find out who's
13 going to take the helm of the Federal government, I
14 think they're going to sit down and make a checklist of
15 the legislative fixes that will do to Title VIII,
16 that's my assessment. And any inaction by the Federal
17 Board on the issues that's being addressed right now
18 will probably be included on that -- included in that
19 list, the legislative fix that they want to formulate
20 as amendments to Title VIII.

21

22 I just want you to be aware of that
23 assessment while you're addressing these type of
24 issues.

25

26 Thank you, Mr. Chairman.

27

28 CHAIRMAN FLEAGLE: Thank you, Carl.
29 Thanks for the input.

30

31 It sounds like we all hear loud and
32 clear the concerns the Regional Advisory Councils are
33 bringing forward with these and it's not just you,
34 Greg, I mean we've got several other Councils weighing
35 in with you. And I don't know that we can come to the
36 right solution, but I think that Pete's offer to start
37 a dialogue with the Councils and to discuss how we can
38 work this with the agencies and especially where we do
39 have predator management plans that are approved by the
40 State already that could overlap these Federal lands
41 would be a good starting point, if there isn't any
42 objection from Board members, I would suggest that
43 that's a good place to start. I mean at least it's
44 pushing us in one direction. It may not get us to
45 where we Council Chairs would like to see us go, it may
46 not get us there quickly if we do go there, but at
47 least it's pushing us off the dime.

48

49 Tom.

50

1 MR. MELIUS: Mr. Chairman. I have no
2 objection to that. Like I said it's a challenge for
3 our agency, with the various constituencies that we
4 have and the various laws that govern our actions, I'm
5 trying to walk through this as best as I can and keep
6 it out of the courts and keep management actions going
7 forward for the resources, and that includes all the
8 subsistence needs. So it's a challenge I'm trying to
9 deal with.

10

11 So I hear you loud and clear.

12

13 I think the offer that the Chairman has
14 suggested would be one that we'd welcome in continuing
15 the dialogue to look for ways that we can go through
16 this, so I have no objection to that.

17

18 CHAIRMAN FLEAGLE: Pete, how would this
19 look to you.

20

21 MR. PROBASCO: Well, Mr. Chairman, how
22 it would look to me, we don't have the answers today.
23 And I think we have a foggy idea of where we want to
24 go.

25

26 What I would like to propose is that
27 you allow Staff working with the solicitor's office to
28 sit down and develop a scoping document of where we
29 think the Board wants to go, we bring this back, we do
30 have work sessions in the summer, bring that back for
31 your review and change, et cetera. But we need to --
32 once we go down this path, we need to make sure that
33 this is a path the Board wants us to go down. And
34 we're not ready to provide that at this point, we need
35 some time to work with Staff and come back to the Board
36 with how we view the issue.

37

38 Mr. Chair.

39

40 CHAIRMAN FLEAGLE: Is that acceptable
41 Board members.

42

43 (No comments)

44

45 CHAIRMAN FLEAGLE: Hearing no
46 objection, that's the direction we'll take, thank you.
47 Appreciate your involvement Greg and other Chairs that
48 weighed in on the issue.

49

50 With that, I don't have any other

1 agenda items or action items before the Board. Pete
2 has discussion, though, go ahead.

3

4 MR. PROBASCO: Mr. Chair and Board
5 Members. The Native Village of Eyak has invited the
6 Board for a field trip this summer and I'll provide
7 more information in an email to you. But I just wanted
8 to give you a head's up, it's looking at the month of
9 June which would work best for Board members, it's up
10 to 10 individuals, they envision the trip to take
11 anywhere from two to three days but they would start in
12 Cordova and it's focusing on the Copper River and the
13 projects that they have there.

14

15 We have, annually, with the exception
16 of last year, the Board has gone on field trips to
17 various areas and the Native Village of Eyak has
18 stepped up and offered to be your host. Of course, on
19 this, Ken, the Commissioner or his designee is also
20 invited to go on these trips. This is just a head's
21 up. They asked me to present this to you. I don't
22 want an answer now, I'll put this out in an email and
23 you can share with me. I know your schedules are very
24 full. This may not be possible but I did tell them
25 that I would share this with you during this meeting.

26

27 CHAIRMAN FLEAGLE: Thank you, Pete. I
28 don't have any other action that needs to come before
29 the Board, is there any closing comments by Board
30 members before we leave.

31

32 Denny.

33

34 MR. BSCHOR: Mr. Chair. Yeah, I just
35 want to make a comment that it's obvious probably to
36 everyone, but if it isn't, we are agencies, Federal
37 agencies sitting up here with, in many cases, quite
38 different missions and challenges within our agencies.

39

40 And whether we had Title VIII or not,
41 when it comes to issues like predator control, it does
42 require at least a cooperation and hopefully a
43 partnership with the appropriate State agencies. No
44 matter where you are in the United States, we're faced
45 with overlapping issues like this.

46

47 And we all have the same conditions to
48 follow relative to process and operating in the public
49 interest and we have national laws that we follow
50 sometimes even in a consistent way, not always, but we

1 all have NEPA to deal with, no matter what we -- how
2 liberal or how conservative we are relative to our
3 missions in our agencies, so I just want to make sure
4 that that -- and Tom's sitting here saying -- he
5 whispered to me, why am I on the hot seat, I think
6 we're all on the hot seat and we're on the hot seat to
7 work in the public interest and predator control is one
8 of those issues that I consider is a public interest.

9

10 So I just wanted to make that statement
11 to let you know that's where I'm coming from. And if
12 any of the other agency leads here or heads here want
13 to add anything further or disagree, please do.

14

15 CHAIRMAN FLEAGLE: Marcia.

16

17 MS. BLASZAK: Well, I concur with, I
18 guess, both what Denny said and also Tom's concern
19 about being on the hot seat. You know these are
20 National Public Interest Lands with, you know, a
21 respect and recognition for the provisions that are
22 provided to Alaskans that were part of the big
23 compromise in these big, you know, broad sweeping
24 acreages and it is, you know, a compelling story from
25 what you said today, that we definitely need to pay
26 attention to our roles and responsibilities as it
27 relates to the Board, but also, you know, as Denny
28 mentioned each agency's individual mandates may or may
29 not allow, and in the case of the National Park Service
30 we don't do predator control and -- but I certainly
31 appreciate the dialogue and the opportunity to hear the
32 concern from you. It's as moving to me as it was for
33 you, as you shared with us from your meetings in the
34 wildlife arena.

35

36 So I thank you for your participation
37 in this dialogue.

38

39 CHAIRMAN FLEAGLE: Thank you, Marcia.

40

41 Niles.

42

43 MR. CESAR: As we are very often quick
44 to remember, the Bureau is not a land management agency
45 although we manage a lot of land in 34 states and we
46 have various predator control programs across the
47 nation that we do, we do not have a mandate against
48 predator control and I think that when predator control
49 proposals are brought forward, certainly we, as an
50 agency are more than willing to listen to and see where

1 the justice is.

2

3 I am struck very closely with the
4 issues that you're talking about in terms of what is
5 the use, or are we fulfilling our responsibilities as
6 Federal agencies, vis-a-vis the subsistence users if we
7 don't look at always to increase the opportunity for
8 our subsistence users so that these predator control
9 issues, while we have taken, certainly a back seat and
10 have kept a hand's off approach on them, I don't
11 believe are a dead issue for us.

12

13 I think that the dialogue that's being
14 suggested is important and I think needs to happen and
15 especially with the land management agencies because I
16 think that there is some possibility of assisting, you
17 know, either already established predator control
18 programs, or, in fact, some participation by however we
19 do that, and I don't want to jump out in front of the
20 dialogue, I just as soon see that happen.

21

22 But, you know, I am struck by issues or
23 the knowledge that you bring that I think -- it's in
24 the back of my head but, you know, never really brought
25 it forth and thought about it in terms of, you know,
26 why aren't we assisting more in this endeavor.

27

28 So I just wanted to mention that as an
29 agency we are in the throws of much change ourselves
30 and new leadership will be coming on, which would have
31 been coming on anyway, and I have never in the many
32 years that I've been here been instructed by my agency
33 to vote one way or another or to do one thing or
34 another, although I've been questioned, obviously,
35 about some of the votes I've taken, but -- and that's a
36 function of in-agency kinds of dialogue that we have.

37

38 I didn't want to leave this meeting
39 without, again, thanking Marcia and the Park Service.
40 I think over the years, you know, where we first
41 started this program and the gulf between the Park
42 Service and the Bureau of Indian Affairs was quite
43 large and, you know, for good reasons, I suppose, but
44 as with all of the agencies, the Federal agencies here,
45 I think that we have narrowed that gulf considerably
46 and it's all by interaction at the Board level and the
47 dialogue that's been ongoing all these years, you know,
48 even though we're -- many of us in the Interior we all
49 don't speak the same language and it -- it's unusual
50 for us to sit at the same table on more than a

1 collegial basis a couple times a year, you know, we
2 just don't -- we have separate, large missions to
3 accomplish, and on a day to day basis we go about that.
4 So it's been the interaction at this Board level that
5 has narrowed that gap and has helped me understand the
6 rest of the Department and I think that dialogue has
7 brought forth a lot of fruit with the interaction with
8 the Regional Councils.

9
10 I think when we started this process
11 there was so much unease about the role and who does
12 what and who's listening to whom, and as we can see
13 today for a number of years it is completely different
14 -- although, you know, admittedly I have been chastised
15 a number of times by Regional Councils recently about
16 our ineptitude at the Federal level to carry out what
17 many people have felt to be our mandate. All I can
18 tell you is that I think the Board is sincerely trying
19 to meet that mandate and with continued dialogue I
20 believe we will make better decisions. I don't think
21 we'll ever be at the position where we're making
22 decisions that we're all agreeing with, that's just not
23 the case.

24
25 So I just wanted to state that, thank
26 you.

27
28 CHAIRMAN FLEAGLE: Thank you. Tom
29 Lonnie.

30
31 MR. LONNIE: Yeah, just to make a few
32 brief comments. Denny's point about we all have
33 different missions is certainly right on point.

34
35 Probably of all the Federal agencies up
36 here, the BLM has probably the diverse mission of any
37 of the agencies, I mean we do everything from leasing
38 oil and gas and coal to managing the wild horses in the
39 west. But fortunately we don't have any of those here.

40
41 (Laughter)

42
43 MR. LONNIE: But I just wanted to say
44 listening to this discussion associated with predator
45 control, you know, Ralph, I was thinking about some of
46 the comments you made about snowmobiles. I mean all of
47 these things are going to start piling up in terms of
48 pressure on, particularly public lands, in terms of how
49 we manage. If you look across the Rocky Mountains, as
50 an example, the pressure and activity of development

1 there and, you know, the urban sprawl and people
2 wanting to use the lands that never existed 30 years in
3 terms of BLM has put tremendous pressure on big game.
4 And if you've been following sage grouse, that's a very
5 significant issue in terms of livestock grazing and all
6 the other activities that take place.

7
8 But, you know, I just wanted to thank
9 all of you because, you know, you kind of bring things
10 to the ground for me when you discuss things. And, you
11 know, some of the comments, Jack, you made yesterday
12 and Ralph you made, I just want to appreciate that and
13 I do think, to echo what Niles just said, the fact that
14 we're all up here, I think gives you the sense, from
15 the standpoint at least of the two Secretaries
16 involved, Agriculture and Interior, of the importance
17 of this, because frankly I've been directed
18 specifically by the Secretary of Interior to attend and
19 participate in all of these meetings, and I've gotten a
20 lot out of just the two that I've been at. And I guess
21 I want to express some appreciation to you all, you RAC
22 Chair people, in terms of what you provide to us in the
23 process. And I'd like to thank the State, too, we
24 certainly don't agree all the time, but the fact that
25 we're all here trying to participate together, I think
26 is very important.

27
28 And, finally, good luck Marcia, and the
29 fact that you were here on your last week on the job
30 tells me something.

31
32 CHAIRMAN FLEAGLE: All right, thank you
33 for the comments. I'd like to offer to Council Chairs
34 for brief closing comments. It looks like we got a
35 taker already, Ralph.

36
37 MR. LOHSE: Thank you. I'd like to
38 thank Niles for what he had to say. I think over the
39 years, and I've been in this program since it started,
40 I seen a lot of change in -- and a lot of learning, I
41 guess I would say on all sides. I've seen learning in
42 different departments, I've seen learning in the users,
43 I've seen learning in myself especially, and I'd just
44 like to thank you for your participation in it.

45
46 I thank the people that are up there
47 for the fact that they've been willing to learn and to
48 listen.

49
50 At the same time I think of what's been

1 said here this afternoon and I have no particular
2 agenda as far as what needs to be done or an answer as
3 to what needs to be done as far as predator control or
4 anything and I know we've brought it up from our
5 Southcentral, and we recognize that we're dealing with
6 the National Park where it can't take place, but we've
7 seen what's happened. And I think you've all had a
8 very good example today, remembering that these things
9 are food for people that are out in rural Alaska. And
10 as was pointed out today, parts of rural Alaska are as
11 poor or poorer than anyplace else in the United States.
12 And the difference comes between -- we heard a report
13 that calf survival for one year was 62 percent and we
14 just heard a report from another place where calf
15 survival is one percent. There's a lot of difference
16 between how many people you feed on a 62 percent
17 increase and a one percent increase because a one
18 percent increase doesn't keep up with the mortality.
19 And we've seen the same thing in Southcentral. We've
20 seen it with the Mentasta Caribou Herd, which is right
21 inside a National Park. There is no other human
22 pressure on it but the herd has basically just about
23 disappeared. There is no calf survival. I can
24 remember when I first moved to the Chitina Valley and I
25 took a small flight, just a small flight from where I
26 live to Mt. Drum, we flew in a straight line, we didn't
27 go looking for anything, but just out of curiosity we
28 counted the number of bull moose that we saw on the
29 way, we counted 274 bull moose, we didn't count cows,
30 we didn't count calves, we only counted moose that we
31 could see the horns from way up in the air and that's
32 how many bull moose we saw. I had a friend that flew
33 the same thing two years ago, he saw two. He saw two
34 moose. He didn't see two bull moose, he saw two moose
35 at the same time of the year at the same distance. If
36 you talk to the area biologist up there you find that
37 the calf survival is seven percent, four percent,
38 somewhere in that neighborhood, depending on where you
39 look.

40
41 That's the one thing that I think -- I
42 think that's what the other people were trying to bring
43 up, is in a lot of areas this is food for people's
44 table, and they recognize -- I don't think -- I don't
45 know anybody that lives in rural Alaska that wants a
46 sterile environment. I don't know anybody -- we get
47 just as much kicks out of seeing a bear go by the front
48 of the house or hearing the wolves at night as anybody
49 else. But at the same time the food on the table for a
50 lot of the rural areas of Alaska that doesn't have much

1 other economy is a lot dependent on what kind of calf
2 survival you have.

3
4 And I applaud the State for some of the
5 guts that they've had in instituting very unpopular
6 programs, if you want to put it that way, that has put
7 more food on the table in certain areas, and I would
8 suggest to the Board that if there's anything they can
9 do to do it recognizing that each individual land
10 management area is managed for different purposes.

11
12 But just keep in mind the fact that,
13 like we heard today, the Wade Hampton District is one
14 of the poorest districts in the United States. The
15 moose that they've gone on moratorium and allowed to
16 come back are very important to them. They're very
17 important to their very survival. They're very
18 important to exactly what my neighbor here was saying,
19 whether or not there's going to be anybody out there or
20 whether they're going to have to come to town and then
21 be a drain on the economy because of the fact that they
22 have no other choice. And it's an important thing and
23 that's what we're dealing with.

24
25 So thank you. And I thank you again
26 for listening to us and I thank you again for the fact
27 that we don't all agree but we do listen to each other.

28
29 CHAIRMAN FLEAGLE: Thanks, Ralph.
30 Other comments, Jack.

31
32 MR. REAKOFF: Thank you, Mr. Chairman.
33 I wanted to thank the Board for listening to us also.
34 And I appreciate all of the regional heads and leads
35 being here. And Marcia's good hand at the wheel during
36 her time with the Park Service and I wish her well in
37 the Valley.

38
39 But I also appreciate the State being
40 here. I think it's good for the State to be at these
41 meetings, to understand where we're coming from in
42 rural Alaska. We have certain perspectives that we
43 bring to this program and I think that it's good to
44 dialogue with the State and I appreciate that also.

45
46 I do feel that one point in this
47 predator issue is that sound management and
48 conservation of healthy populations is a prerequisite
49 to not going to this predator programs. If you look at
50 all of the predator programs that we currently have on

1 the books the bull/cow ratios were in the toilet
2 previous to that. so we need to really look, and
3 you'll see in our annual report, we really want to have
4 our population structures healthy to start with and
5 maintain those healthy structures. Eight bulls per 100
6 cows down there in 19A previous to the wolf programs
7 and the moratorium and so forth is the commonality, the
8 Mulchatna Caribou Herd's the same thing, and so we want
9 to move towards -- the Program should be moving towards
10 watching these populations and maintaining healthy
11 populations of game.

12
13 Predator management, basically is the
14 way I look at it, is the rectification of mistakes that
15 have been made in harvest. So there may be places
16 where it may -- if left alone it might take decades for
17 them to recover, predator management may accelerate the
18 recovery to the benefit of the subsistence users.
19 Those are specific areas that the State has identified
20 and currently has jumped all the hoops and is now doing
21 the programs to change things. 19A is an example of
22 that, the population structure, the bull/cow ratio has
23 come back, the calf recruitments are good. The
24 population is coming back. Take the predators away
25 from them for a little bit of period of time, the
26 population returns but it's a rectification of mistakes
27 that were made, don't go there to start with.

28
29 But I also appreciate all of the
30 Council members that come out and all of the people
31 that come to our meetings that you don't see but we do.
32 We're out there in the field with the animals watching
33 them in the deep snow and so forth, we're also out at
34 these meetings and people come and they have tears
35 streaming down their face if they can't meet their
36 subsistence needs, those are the people that we're
37 speaking for. And so I appreciate all of their
38 comments at all of our meetings that we have in our
39 various areas of the Western Interior.

40
41 And so I appreciate all your work,
42 thank you.

43
44 CHAIRMAN FLEAGLE: Thanks, Jack. Bert.

45
46 MR. ADAMS: Thank you, Mr. Chairman.
47 First off I want to compliment you, Mr. Chairman, for
48 running a meeting real well this time, and you've done
49 it before too but.....

50

1 (Laughter)

2

3 MR. ADAMS:but you get better as
4 you go along, you know, practice makes perfect.

5

6 I also want to, you know, wish Marcia
7 well. I serve as Chairman of the Wrangell-St. Elias
8 Subsistence Resource Commission and you have some very
9 good people working up there, we really do appreciate
10 them. So I just wanted you to know that.

11

12 Also, Terry, you know, it's not going
13 to be right not seeing you at future meetings anymore
14 because we got used to your face and we'll miss you as
15 well.

16

17 I have a few things that I'd like to
18 just bring out for your consideration here, Mr.
19 Chairman. First of all I was happy to see the rural
20 determination issues were going to be taken up this
21 summer and I'm assuming that the Saxman, Ketchikan RFRs
22 are going to be addressed as well. So, you know, I
23 have something to report when I get back, you know,
24 when people start asking me questions about that.

25

26 Often times, you know, our Council and
27 even our Resource Council Commissions, I know are
28 lacking quorums and I know that there was some
29 consideration, you know, some time ago about providing
30 alternates for our RACs and I was just wondering if
31 that was going to be pursued further. Sometimes, you
32 know, people travel from long, you know, places to go
33 to a meeting and then when you get there you find that
34 you don't have enough people to conduct business so,
35 you know, I'm kind of curious about whether this is
36 going to be pursued further.

37

38 Then I'm going to ask a question or two
39 that probably -- and I'm going to do it deliberately so
40 Keith will tell me we can't do it. Anyhow that's just
41 -- I don't mean that to be serious Keith, you know, we
42 get along okay.

43

44 But, you know, in regards to the RAC
45 Chairs meetings, the intent, you know, when I brought
46 it forth as an issue, you know, was to be able to get
47 the RAC Chairs together in a room and to be able to
48 talk about common issues, not to do business or
49 anything of that sort, you know, and we don't have that
50 opportunity even though we're all here for three or

1 four days, you know, to gather together and talk about
2 issues that we think, you know, could support one
3 another in. But I was wondering, you know, if it'd be
4 possible if we could have one before this meeting and
5 that it be advertised or provided for in the Federal
6 Register that way, you know, it would be a public
7 meeting advertised and I don't think it would be in
8 violation of FACA. So, you know, you don't have to
9 answer right now Keith but it's something for
10 consideration.

11
12 Now, that we're on a two year cycle,
13 Mr. Chairman, I witnessed some critical issues that
14 probably needs to be taken care of, you know, right
15 away during these meetings and so forth and, of course,
16 the State has offered to sponsor a working group to
17 cover those things. But I was wondering if it would
18 also be possible, you know, for the OSM to coordinate
19 joint meetings with RACs that might be affected with a
20 proposal, you know, to discuss, you know, issues that
21 are common, you know, crossover proposals and so forth,
22 you know, that affect two or three RACs that they can
23 be together to talk about these issues.

24
25 You have the letters from Southeast in
26 regards, you know, to -- Kootznahoo in regards to some
27 of the problems they're having down there with the
28 sockeye salmon. We hope that you'll keep close contact
29 with what's happening down there. I know the State and
30 one of our RAC members, you know, had a meeting, it was
31 some time ago, to talk about Chatham Straits and all
32 that and, you know, I really didn't see any real
33 solution come out of that but I hope that -- we will
34 keep an eye on it but I hope that you will as well as
35 the State. There's a fear there that the seiners are,
36 you know, intercepting a lot of the sockeye salmon that
37 are going into certain areas that adversely affect
38 subsistence users.

39
40 You know you just recently had a
41 coordinator retire. And then our coordinator resigned
42 or, you know, quit his job last year. And, of course,
43 was fortunate enough to be able to have someone fill in
44 for him and, you know, Bob Larson has been just really
45 excellent. Let me just express to you about how I feel
46 how important that particular position is to us as RAC
47 Chairs. Because, you know, we're volunteers and we
48 can't go out and do the things, you know, that necess
49 -- that we need to do in order to come here and be
50 fully prepared, you know, to present our issues to you

1 and that coordinator is very, very important to us.
2 And I think that you shouldn't wait too long to fill
3 that position that's vacant right now. Tricia O'Connor
4 is going to take over as our permanent coordinator, you
5 know, sometime mid-summer but I have to say, you know,
6 that I've been satisfied, very satisfied with what
7 we've been dealing with. But I was kind of concerned,
8 you know, when Mr. Schroeder had left, about who was
9 going to take over for awhile and then just to fill in
10 Mr. Larson has been doing an excellent job for us and
11 for me preparing me to come to thee meetings and
12 present you with these issues so, you know, that's --
13 be sensitive to the people that have to be -- has to
14 have that position filled.

15

16 Let me see anything else.

17

18 I just want to say, again, you know,
19 this has been a real good meeting, I'm really impressed
20 with everyone that's sitting at that table over there
21 and I wish you good luck, you know, until the next time
22 we see each other.

23

24 Thank you.

25

26 CHAIRMAN FLEAGLE: Thank you, Bert.

27 Pat.

28

29 MR. HOLMES: Mr. Chairman. I certainly
30 concur with all my colleagues and I won't tread over
31 other ground because I know you want to go and I've got
32 a plane to catch too.

33

34 I would like to comment first on --
35 I've been making Board meetings, filling in for our
36 Chair about every two years and I've seen a growth in
37 your Board as well as the State Boards of Fish and Game
38 and your interactions and at least attempting to try to
39 get together. I think that's reflected in our local
40 area with greater cooperation between our RAC and
41 Advisory Committee on trying to work out problem-
42 solving and usually we call in the Fed and the State
43 folks and just sit down and say, well, what's our
44 bottom line and try to figure out our problems and can
45 Fish and Wildlife solve it this time, can the State
46 solve it this time, and then approach the respective
47 Boards with what seems to be the best perspective from
48 our community's approach.

49

50 I would like to make a suggestion on

1 your way to perhaps save money and increase outreach
2 for the RACs and that would be to provide the potential
3 where we could have, you know, telecommunications,
4 let's say for an hour at the start of the meeting for
5 folks to call in from the villages because with the
6 centralization now we really don't get to the rural
7 places other than Kodiak is where we're having all our
8 meetings now and we hardly ever get to the Peninsula,
9 so the tribal councils and the respective communities
10 and AC folks could call in and say, hey, we know you
11 got this issue coming, OSM sent us the manual for your
12 meeting and we'd like to say this about that and it
13 allows, I think, communications and improves problems.

14
15 My third and closing point is field
16 trips. They're wonderful. I mean when you're in
17 school or in college, I mean that's the way you learned
18 what is really going on. You could sit around and
19 memorize facts, figures and regulations but it's the
20 field trips where you really get to learn the people
21 and learn the country. And I appreciate those of you
22 that have come to Kodiak when we had our rural hearing
23 and Marcia came and Judy and Ed Jackson, Niles has been
24 to Kodiak before, Tom came down, and Denny -- and Tom
25 came down to throw an eagle in the air, but I'd like to
26 share a couple words from a gentleman, a Native elder
27 that allowed me to call him uncle, and that's Iver
28 Malutin, and he normally would invite you down for the
29 awakening of the bears, it's a big Native potluck that
30 we have every spring but unfortunately with the state
31 of people's freezers and finances they've decided
32 between three major Native tribal entities that they
33 can't afford to do it this year. But we would like to
34 once, again, let you know that our invitation of two
35 years, if the Board or any individuals ever wants to
36 come down our way, check the tide table and give me a
37 call or one of our RAC members and we'll take you out
38 tide pooling or gillnetting or whatever your little
39 heart desires so that you can understand how our
40 community is at, and if you get more than one or two to
41 come, then we'll put together a potluck down at the
42 Sun'aq Hall or something just so that you can get the
43 feel for what our community is all about. Because as
44 you get out in Alaska and go to these remote places,
45 and I really wasn't being facetious about our colleague
46 about predator patrol [sic] because when you go to a
47 village of 15 or 20 or 30 people, or even Kodiak, we're
48 a big town in all of perspective but we're a rural
49 subsistence hub. I reported to you when we were doing
50 the rural determination that half our village

1 population had moved into Kodiak or to Anchorage.
2 Well, this last year we're down to probably a third of
3 the population, three of the villages the schools have
4 closed and they've moved into town and, yet, we see a
5 lot of the folks in town that can afford to move, have
6 already packed up and gone back to Ballard (ph), you
7 know, so we have high numbers but we still have a very
8 strong core of subsistence use and food, caring and
9 sharing. When I sent up the salmon a few years ago, it
10 wasn't to bribe, it was just a token from our community
11 to each of the Board members, you know, of what we
12 consider to be something that's really wonderful and
13 to, you know, give somebody a fish is -- that's caring
14 and sharing. If I had sent you up each 100 fish that
15 would have been a bribe.

16

17 (Laughter)

18

19 MR. HOLMES: And I'd rather give that
20 to my friends and neighbors.

21

22 (Laughter)

23

24 MR. HOLMES: But anyway, thank you very
25 much for sitting and listening to us and you're good
26 folks no matter barky I get at times, so, thank you.

27

28 CHAIRMAN FLEAGLE: Thank you, Pat.
29 Greg, then Randy.

30

31 MR. ROCZICKA: Mr. Chairman. It's a
32 certainly whole different thing sitting on this side of
33 the table I can tell you that.

34

35 I've been to a few meetings in the past
36 but never been all the way through one so it's been
37 actually kind of a learning experience to me, too,
38 every -- every process has its own little quirks and
39 you just kind of got to get used to.

40

41 I really want to express my
42 appreciation to you guys for giving me the feedback and
43 actually taking this issue up for the whole predator
44 management issue. I mean I know -- I'll say it
45 straight out, I pretty much resigned when I walked in
46 here that it was going to be shrugged off again that
47 that's not our responsibility, and you haven't actually
48 made a formal statement of endorsement or so forth but
49 what you have said is that it's starting to recognize
50 the point that I was trying to make here is how are the

1 populations going to be managed to provide for that
2 subsistence harvest opportunity and the priority that's
3 there.

4

5 It's really timely that you're doing
6 this as well and a recognition and a statement to go
7 forward that predator management is part of subsistence
8 management although it's not a "authority" of the
9 Board.

10

11 The timeliness of it is, you know, is
12 that when we have the other State programs that are in
13 place may go away soon again because of the folks that
14 talk about sound science and unfortunately it generates
15 a lot of sound and very little science except of a
16 political nature, could very well take some of those
17 programs away or their viability, not only at the State
18 level but also that national thing you got going
19 forward and, of course, with the change in
20 Administration or Congress, good old Georgie Miller in
21 California with his PAW act could have something coming
22 down the pike that's going to hit you hard here so we
23 need to start looking at some of these alternatives
24 that can keep the integrity of subsistence there for
25 the future on the ground.

26

27 So, again, I sure do appreciate you
28 guys and actually stepping forward on it and giving us
29 more hope. And look forward, the Good Lord willing and
30 the wind, water, the weather don't get me, I look
31 forward to working with you more in the future.

32

33 Thanks.

34

35 CHAIRMAN FLEAGLE: Thanks, Greg. At
36 least we're making sound.

37

38 (Laughter)

39

40 CHAIRMAN FLEAGLE: Randy.

41

42 MR. ALVAREZ: Thank you, Mr. Chair.
43 And I appreciate being able to come here and represent
44 our region. And I appreciate Bert's comments for our
45 coordinators, we need them a lot more than you probably
46 realize. I depend on ours because we're so busy in
47 everything else that we do, you know, and the nine of
48 his here and probably maybe one or two more in the
49 audience are the only ones that are here volunteering
50 to be here and everybody else I assume is probably paid

1 to be here and so we depend, you know, we don't have a
2 whole lot of time to do our coordinating, you know, we
3 can talk to each other when certain things come up
4 before we have meetings or issues and -- but I
5 appreciate what they do for us, the coordinators.

6

7 And I also wanted to express to Marcia
8 and to Terry, wellness when they're leaving from here
9 in whatever they're going to be doing.

10

11 I feel very confident of our, you know,
12 feel quite good about this meeting about what the
13 outcome, of the dialogue and what we're going to be
14 doing. Future -- it looks like we're going to be -- in
15 my opinion that we're going to be doing something to
16 help the situation out -- before when I left meetings
17 that it was stagnant, status quo, and now I feel a lot
18 better about our situation in our area and some of the
19 other ones, too, so I just wanted to thank you guys for
20 that and that's my comment, Mr. Chair.

21

22 CHAIRMAN FLEAGLE: Thank you, Randy.
23 Sue.

24

25 MS. ENTSMINGER: Yeah, thank you, Mr.
26 Chair. I want to first start off with Marcia, Marcia,
27 I don't know if you knew this but before the Park came
28 in our area with the Antiquities Act, in my 20s I met
29 the first superintendent of the Wrangell-St. Elias with
30 a skunk hat saying National Park Service stinks so I've
31 come a long ways.

32

33 MS. BLASZAK: Yes.

34

35 MS. ENTSMINGER: A long ways.....

36

37 MS. BLASZAK: You're part of our
38 history Sue.

39

40 MS. ENTSMINGER: Okay.

41

42 (Laughter)

43

44 MS. ENTSMINGER: Oh, good, I'll go down
45 with something here.

46

47 But I have to say I really appreciate,
48 I heard a lot of good things about you, I haven't been
49 able to interact with you as much as I would like to
50 have and I really like seeing this joining of hands and

1 people understanding our lifestyles out there,
2 especially with the Park so I really appreciate you and
3 hope someone like you fills your position.

4
5 And I especially want to speak to Terry
6 here, I have been with that guy from the very start
7 because I think he started doing subsistence in Tok and
8 he has really done a good job working with the user.
9 And I can't say enough about you Terry, you are great,
10 and I hate seeing you go and wish there was a way to
11 keep your continuity in this process because I hate
12 seeing continuity leave because a lot times that's the
13 frustration with the Federal governments and your heads
14 is, you know, you get here a couple years and three
15 years down the road you're gone and then we got to
16 train somebody new and that gets pretty difficult at
17 times. And then sometimes it's not so bad.

18
19 (Laughter)

20
21 MS. ENTSMINGER: It's better off they
22 don't know.

23
24 (Laughter)

25
26 MS. ENTSMINGER: But that's one of my
27 positive things and I don't like to say anything
28 negative. But it is a struggle for us as users. I'm
29 still trying to still work with my hands, you know,
30 sewing fur hats and stuff and I was trying to be -- not
31 obnoxious, but work on a few little projects while I'm
32 here because I give up a week to be here at this and
33 sometimes it's a real struggle to say do I have this
34 kind of time to keep doing this, you know, and then as
35 I get in the process I get pretty excited about it
36 because I feel that it means so much to for the State
37 and the Federal people and the users to get along and
38 figure out ways to make things work for the benefit of
39 the people and the resource.

40
41 So I want to express my thanks to
42 everyone also, thank you.

43
44 CHAIRMAN FLEAGLE: Victor.

45
46 MR. KARMUN: Thank you, Chairman.
47 Probably the town of Kotzebue will be a little bit
48 disappointed with the information I'm going to give
49 them tonight but I did hear some encouraging words that
50 our concerns are being looked into, as to when remains

1 to be seen yet.

2

3 I think one of the biggest things we
4 understand now is a lot of the -- some of the proposals
5 that we present to this Federal Game Board is not under
6 the authority of the Federal Game Board so I think
7 they're going to look long and hard at the State on
8 some of these concerns.

9

10 I appreciate your tolerance of my
11 presence here. I learned a lot. Maybe we'll see if I
12 can do better the next go around.

13

14 Thank you.

15

16 CHAIRMAN FLEAGLE: Thank you, Victor.

17 Myron.

18

19 MR. SAVETILIK: I'd like to thank
20 everybody for putting up with me even though I didn't
21 say much, but other than that it was a good meeting for
22 me to understand of what we all go through as
23 individuals and as we go through, you know, what -- you
24 know, the villages and what individuals go through to
25 make our needs made and all the other stuff.

26

27 Thank you.

28

29 CHAIRMAN FLEAGLE: Appreciate it. And
30 I'd like to close with thanking everybody who
31 participated. Board members, Council members, Staff,
32 public. I really appreciated the tone and tenor of
33 this meeting, it seems like there weren't that many
34 conflicts between people, agencies, RACs or whatever,
35 it just had a really good feeling to it. I think that
36 our process is improving. Our working relationships
37 with the user groups and with the State are improving,
38 but like any other bureaucratic entity it takes time,
39 you know, we may be seeing a little bit of adjustment
40 towards those positive and so we still have a lot of
41 issues that are needing to be addressed and fixed with
42 wildlife management -- fish and wildlife management in
43 the state but I'm really pleased with just the outcome
44 of this meeting. A lot of decisions that were made
45 that were, as Keith referred to, he said, I don't know
46 if I've ever seen a meeting where we had so many
47 six/zero votes, just like the homework was done, the
48 issues were well laid out.

49

50 And I appreciate everybody's patience

1 in my making sure that we put even little details on
2 the record just for the record's sake so that hopefully
3 we can, next year, not have 19 RFRs, maybe -- because
4 those take a lot of time. I think that a little bit of
5 time well spent here addressing issues that may be
6 triggered later, will save us time in the long-run but
7 we still ended up with time left over and pretty happy
8 about the conclusion of the meeting.

9

So thank you everyone.

10

11

With that, is there a motion to

12

13 adjourn.

14

MR. MELIUS: So moved.

15

16

MS. BLASZAK: Second.

17

18

CHAIRMAN FLEAGLE: Meeting's adjourned,

19

20 thank you.

21

(Off record)

22

23

(END OF PROCEEDINGS)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the State of Alaska and reporter for Computer Matrix Court Reporters, do hereby certify:

THAT the foregoing pages numbered 352 through 534 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME III taken electronically by Computer Matrix Court Reporters on the 30th day of April 2008 beginning at the hour of 8:30 o'clock a.m. at the Coast International Inn in Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 11th day of May 2008.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/2012