

1 FEDERAL SUBSISTENCE BOARD  
2  
3 PUBLIC REGULATORY MEETING  
4  
5 VOLUME I  
6  
7 COAST INTERNATIONAL INN  
8 ANCHORAGE, ALASKA  
9  
10 APRIL 29, 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, State of Alaska  
34 Representative  
35  
36 Keith Goltz, Solicitor's Office  
37  
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P R O C E E D I N G S

(Anchorage, Alaska - 4/29/2008)

(On record)

CHAIRMAN FLEAGLE: Good morning. Federal Subsistence Board meeting, April 29th, 2008 in Anchorage. I'd like to welcome everybody that came to participate in the meeting. And we'll start out with call to order. I see that we have all chairs filled at the table so we do have a quorum.

I'd like to start out with Board introductions. I'm Mike Fleagle, Chairman. I reside here in Anchorage. And I'd like to start with the Forest Service to my right please.

MR. BSCHOR: Yeah, I'm Denny Bschor. Regional Forester for the Alaska Region.

MR. MELIUS: Tom Melius. Regional Director, Fish and Wildlife Service.

MS. BLASZAK: Marcia Blaszak. Regional Director with National Park Service.

DR. CHEN: Good morning, Mr. Chair. My name is Glenn Chen. I'll be sitting in for Niles Cesar, we'll also have a little bit of a tag team effort this morning, Ms. Kristin Cate will be sitting in for Niles Cesar shortly here this morning.

MR. LONNIE: Tom Lonnie. State Director with BLM.

CHAIRMAN FLEAGLE: Solicitor.

MR. GOLTZ: Keith Goltz, Solicitor's Office.

CHAIRMAN FLEAGLE: Good morning. And then now I'd like to recognize the Council Chairs that are present, starting on my left over here, please.

MS. ENTSMINGER: Sue Entsminger, Eastern Interior.

MR. KARMUN: Victor Karmun, Northwest Arctic.

1 MR. REAKOFF: Jack Reakoff, Western  
2 Interior.  
3  
4 MR. ADAMS: Bert Adams, Sr., Southeast  
5 Regional Advisory Council.  
6  
7 MR. LOHSE: Ralph Lohse, Southcentral.  
8  
9 MR. HOLMES: Pat Holmes,  
10 Kodiak/Aleutians.  
11  
12 MR. ALVAREZ: Randy Alvarez, Bristol  
13 Bay.  
14  
15 MR. ROCZICKA: Greg Roczicka, Yukon  
16 Kuskokwim Delta.  
17  
18 CHAIRMAN FLEAGLE: Good morning. And  
19 our State liaison, please. Good morning.  
20  
21 COMMISSIONER LLOYD: Thank you, Mr.  
22 Chairman, I'm Denby Lloyd with the Alaska Department of  
23 Fish and Game.  
24  
25 CHAIRMAN FLEAGLE: Push the button, you  
26 pushed the wrong button.  
27  
28 COMMISSIONER LLOYD: Different rules.  
29 Thank you, Mr. Chairman. I'm Denby Lloyd with the  
30 Alaska Department of Fish and Game.  
31  
32 CHAIRMAN FLEAGLE: Good morning. I'd  
33 like to turn it over to Pete Probasco, Pete, good  
34 morning.  
35  
36 MR. PROBASCO: Good morning, Mr. Chair.  
37 I'm Pete Probasco. I'm the Assistant Regional Director  
38 for the Office of Subsistence Management, and I have a  
39 room full of Staff and they will introduce themselves  
40 as they come forward to assist the Board in the various  
41 proposals.  
42  
43 Mr. Chair.  
44  
45 And I have my Deputy, Larry Buklis, at  
46 the front table.  
47  
48 CHAIRMAN FLEAGLE: It looks like he's  
49 ready to get to work. Good morning, Larry. And good  
50 morning everybody. We also have Terry, Tina, and

1 Stephen from the State, and various other Staff members  
2 present.

3

4 So we're going to move on then with the  
5 agenda, corrections or additions to the agenda, any  
6 discussion there. Anything, Pete.

7

8 MR. PROBASCO: Thank you, Mr. Chair.  
9 We do have an issue that deals with a proposal out of  
10 the Bristol Bay area, it's Proposals 31/32, and that  
11 will be time certain, if that's okay with you, Mr.  
12 Chair, for Wednesday, immediately after lunch. The  
13 wildlife biologist from King Salmon has another  
14 conflict and won't be able to travel until later today,  
15 arriving tomorrow.

16

17 CHAIRMAN FLEAGLE: All right.

18

19 MR. PROBASCO: Well, Larry has a  
20 correction on my statement.

21

22 CHAIRMAN FLEAGLE: Larry Buklis.

23

24 MR. BUKLIS: Mr. Chairman. That was  
25 30/31, not 31/32.

26

27 CHAIRMAN FLEAGLE: All right. It's in  
28 the right range of digits anyway.

29

30 All right, that leads us right up to  
31 the Board discussion of Council topics with Regional  
32 Advisory Council Chairs, and I'll read this statement  
33 here.

34

35 The Federal Subsistence Board and the  
36 Council Chairs have a longstanding  
37 practice to meet to discuss regional  
38 and statewide administrative matters  
39 and for several years these meetings  
40 were held in closed session just prior  
41 to Board meetings, however, in 2002,  
42 the Draft agenda for the Chair's  
43 December meeting included discussion  
44 items focused on resource management  
45 concerns. The Board considered that  
46 the Councils are subject to the Federal  
47 Advisory Committee Act and concluded  
48 that any resource management  
49 discussions must be held in an open,  
50 public meeting.

1 Therefore, beginning in December 2002,  
2 the Council Chairs and Board discussion  
3 was included as a part of the regular  
4 Board meeting agenda and most often as  
5 the final agenda item. Sometimes this  
6 has resulted in a hurried and limited  
7 discussion with some Council  
8 representatives not still present.  
9

10 In an effort to make the Council  
11 Chair's and Board discussion more  
12 effective we moved it to the beginning  
13 of the meeting in December 2007. I  
14 encourage open discussion among Council  
15 Chairs and between Council Chairs and  
16 Board members. These discussions are  
17 part of an open public meeting.  
18

19 Council representatives are free to  
20 introduce administrative and resource-  
21 oriented matters for discussion.  
22 However, please keep in mind that  
23 Council Chairs and Board members should  
24 refrain from discussing matters that  
25 will be addressed later in the meeting.  
26 All interested parties will have an  
27 opportunity to address those items as  
28 they are listed on the agenda.  
29

30 And another reminder, those who wish to  
31 participate in the discussion must still be recognized  
32 for speaking. And with that I'm going to open it up  
33 for Council Chairs discussion.  
34

35 Randy, good morning.  
36

37 MR. ALVAREZ: Good morning, Mr. Chair.  
38 I'd like to bring up your letter to the National Marine  
39 Fisheries Service concerning the Bycatch. I was asked  
40 if there was any response to that. And this is a good  
41 letter, I appreciate you sending this letter out  
42 because of what happened in the bycatch last year, it  
43 went up to double of what it used to be, and, you know,  
44 mainly speaking about the chinook bycatch. This is  
45 pretty important for subsistence, sportfish and  
46 commercial fishery in our region and along the AYK, and  
47 also I believe in the Copper River.  
48

49 And I would like to see the amount of  
50 bycatch worked out. There should be technology that

1 they can use to dictate that it even be less than what  
2 it used to be before it doubled last year. And I was  
3 just wondering if there's any response to what they  
4 were planning on doing, and if it was appropriate I  
5 would be interested if the Commissioner Lloyd, the  
6 State was acting -- trying to -- you know, doing  
7 anything to rectify this problem, too.

8

9 Thank you.

10

11 CHAIRMAN FLEAGLE: Thank you, Randy,  
12 appreciate that. Yeah, it is a concern that the Board  
13 had. And I think if I remember right they were talking  
14 130,000 kings last year, and the letter we submitted  
15 was basically comments to a public comment process so I  
16 don't think -- I haven't seen any response, but I'll  
17 turn it to Pete.

18

19 Pete.

20

21 MR. PROBASCO: Mr. Chair. We did not  
22 anticipate a response, however, we are involved in the  
23 process. I do have Staff that attend the North Pacific  
24 Fishery Management meeting. And right now the Council  
25 is working through alternatives and the next meeting is  
26 in Kodiak in June, where these alternatives will be  
27 reviewed. I am working with the coordinators to  
28 determine where it would be best to send Council Chairs  
29 from the Councils that are affected, to provide them  
30 the opportunity to testify before the Council and we're  
31 going to work with the coordinators during this  
32 meeting, trying to get a handle on it. Because if you  
33 look outward on the agenda for the North Pacific  
34 Fishery Management Council, it's on their agenda for  
35 the next three meetings, which go -- I think it's June  
36 and December and then one after that, I believe, April.  
37 But anyway it's on the agenda for those meetings.

38

39 And it is a process, where they review  
40 the alternatives and make recommendations, and i would  
41 doubt that there would be any action. I could be  
42 corrected, but any action that would take place for  
43 this season.

44

45 Mr. Chair.

46

47 CHAIRMAN FLEAGLE: Thank you, Pete.  
48 And, Commissioner Lloyd, for the second part of the  
49 question, is what's the State's participation in this  
50 issue?

1 COMMISSIONER LLOYD: Actually, Mr.  
2 Chair, most of our action is through the North Pacific  
3 Council.

4  
5 The motion that the Council is dealing  
6 with on the salmon bycatch issue came from the State,  
7 from my position as a Council member, we're involved in  
8 developing an EIS through the Council because of the  
9 large biological ramifications of the issue.

10  
11 But the types of alternatives that are  
12 on the table are a suite, as you would anticipate in  
13 any EIS process. From somewhat level of restriction to  
14 the bycatch to very, very drastic restrictions to that  
15 chinook bycatch, certainly down from the 130,000. One  
16 of the ideas that's on the table also is a tiered  
17 mechanism where there would be an overall hardcap of  
18 bycatch for the pollock trawl fishery at a level  
19 substantially less than 130,000 but then also some  
20 triggers at lower levels of that where the trawl  
21 fishery would be moved out of an area that comprises  
22 where they catch 90 percent of the pollock and 90  
23 percent of the salmon and associated bycatch.

24  
25 I give you that background to indicate  
26 that the Council is taking this issue very seriously,  
27 but as you can imagine also, with your process, they  
28 have a process that requires a fair amount of  
29 deliberation. And, Pete's correct, I think we are  
30 looking at a three meeting outlook to come to  
31 conclusion on the issue. In the meantime in the  
32 background the State is working with the National  
33 Marine Fisheries Service to assure that we have good  
34 genetics information and, perhaps, that's some of the  
35 technology that Mr. Alvarez is referring to so that we  
36 can do a better job in determining the stock  
37 composition and the harvest rates involved by that  
38 salmon bycatch so that we can distinguish impacts  
39 directly to specific runs and to specific fisheries  
40 through Alaska, Canada and Asia. NMFS has done some ad  
41 hoc sampling in the past and we're hoping to get that  
42 much more formalized with industry contributions to  
43 funding and there's a request for proposals out right  
44 now to have statisticians to develop a rigorous  
45 sampling program for the trawl bycatch incidents for  
46 the next three years so we'll have some presumably  
47 very, very good genetics information in the not too  
48 distant future so we better understand what the impacts  
49 have been and will be determining on the bycatch levels  
50 in the future.

1                   That's about it for now, Mr. Chairman,  
2 unless you have specific questions.

3

4                   CHAIRMAN FLEAGLE: Thank you.  
5 Appreciate that explanation. We have a new person at  
6 the table, introductions we did earlier, but, go ahead,  
7 please.

8

9                   MS. CATE: Yeah, I apologize for being  
10 late. I'm Kristin Cate, I'm the environmental  
11 scientist for BIA Alaska and I'm here on behalf of  
12 Niles until he gets here later, probably after lunch.

13

14                   CHAIRMAN FLEAGLE: Good morning. Thank  
15 you. Welcome. And we have a new Council member --  
16 Council Chair present.

17

18                   MR. SAVETILIK: Myron Savetilik,  
19 Shaktoolik.

20

21                   CHAIRMAN FLEAGLE: Good morning.  
22 Welcome. All right, we're in Council Chair discussion.  
23 Anybody else want to jump in on the chinook issue.  
24 Greg Roczicka and then Bert.

25

26                   MR. ROCZICKA: Yeah, just a follow up  
27 question for Denby. What you just mentioned as far as  
28 genetics, you're making major strides; can you expand  
29 on that a little bit on where WASSP is and how close  
30 they are to actually getting some of that stock  
31 identification. I heard you say it's coming up very  
32 shortly and I'd like to -- it sure caught my ear.

33

34                   CHAIRMAN FLEAGLE: Commissioner.

35

36                   COMMISSIONER LLOYD: Mr. Chairman. I  
37 wasn't referring directly to WASSP, which is a separate  
38 salmon genetics program that's looking at coastal  
39 Alaska, commercial and subsistence fisheries. WASSP  
40 stands for Western Alaska Salmon Stock ID Program. And  
41 WASSP is looking at sockeye and chum salmon harvest  
42 from Chignik through the South Peninsula through  
43 Bristol Bay and the AYK area. We're in our third year  
44 of sampling this coming season. We've also received  
45 two major appropriations from the Legislature to  
46 support genetic analysis of what will be three years of  
47 sampling then, and we anticipate that shy of any veto's  
48 to the most recent appropriations and also shy of any  
49 problems with the WASSP advisory panel, that we would  
50 be able to go through that analysis within the next, I



1 guess, year and a half or so and get a good idea,  
2 technically, of what the stock composition of the near  
3 shore harvest of salmon are for sockeye and chum,  
4 again, from Chignik through Norton Sound.

5  
6 CHAIRMAN FLEAGLE: Bert.

7  
8 MR. ADAMS: Thank you, Mr. Chairman.  
9 Just for the record, you know, SERAC is definitely  
10 interested in this interception issue so just wanted to  
11 make that a public announcement.

12  
13 Thank you.

14  
15 CHAIRMAN FLEAGLE: Appreciate that.  
16 Any other discussion on the fisheries. Jack.

17  
18 MR. REAKOFF: The Western Interior is  
19 very interested in this issue and feels that it's a  
20 very concerning problem for meeting our subsistence  
21 needs in the Western Interior region.

22  
23 Thank you.

24  
25 CHAIRMAN FLEAGLE: Thank you. Sue.

26  
27 MS. ENTSMINGER: Yeah, thank you, Mr.  
28 Chair. One of the things that come up at our RAC  
29 meetings was that with the National Marine Fisheries,  
30 the timeframe it takes to make something happen so we  
31 asked if there is any emergency things they could do  
32 and I believe they answered that but it seems like that  
33 process is pretty lengthy and three years down the road  
34 or something, if there was a fishery in trouble it  
35 seems like there should be an emergency situation that  
36 they can deal with it. I mean we talked about that, I  
37 wonder is there anybody that can give me any more  
38 information on that.

39  
40 CHAIRMAN FLEAGLE: Does anybody here  
41 have an answer to that or even a guess. Commissioner.

42  
43 COMMISSIONER LLOYD: Well, Mr.  
44 Chairman, I don't have a firm answer. But the National  
45 Marine Fisheries Service has told the North Pacific  
46 Council that an emergency rule is unlikely in this  
47 regard. So I don't anticipate that there'll be any  
48 action, say, for example, for this season.

49  
50 I should tell you, though, that the

1 pollock A season has been ongoing and this year's  
2 bycatch rates for chinook are much much less than last  
3 year. So even though there's not a regulatory regime  
4 mandating a reduction in bycatch, the effect is that  
5 the bycatch has been dramatically reduced from last  
6 year. No real idea exactly why. Of course there was  
7 no real idea of why it was so great last year either  
8 because the fishing patterns weren't substantially  
9 different last year than prior years either.

10

11                   What we haven't talked about and I  
12 guess there's a lot of interest here is that the  
13 pollock industry is also spending a fair amount of  
14 efforts designing what are called salmon excluders in  
15 their trawl nets. And the experimentation is fairly  
16 sophisticated. The behavior of pollock and salmon,  
17 particular chinook salmon in a trawl net is very  
18 different and you probably can pride yourselves that  
19 salmon are a little more energetic than pollock are and  
20 there are ways to design a net that water currents will  
21 attract salmon to leave the net while it's still fully  
22 open and fishing whereas pollock are a bit less  
23 energetic and get swept back in and caught in. So the  
24 fleet is engaged in testing these salmon excluders and  
25 that may well form part of their ability, hopefully, in  
26 the near future to abide by any hardcaps that are  
27 imposed on the fishery.

28

29                   CHAIRMAN FLEAGLE: It looks like we've  
30 about wrapped up that topic. Any other topics, Bert,  
31 please.

32

33                   MR. ADAMS: Mr. Chairman. I have about  
34 seven items here that I'll go through, you know, for  
35 the record I'd like to, on some of them, you know, get  
36 some responses, maybe not now, but later.

37

38                   The Southeast Regional Advisory Council  
39 still believes we should be able to submit RFRs. And  
40 we believe that when the Board made this decision, you  
41 know, not to allow this to happen, that it was an error  
42 in judgment. I apologize for using that term, but we  
43 really do believe that we should have the ability to do  
44 RFRs. And as I mentioned before, I'll just reiterate  
45 it again. There are small communities in Southeast  
46 Alaska that do not have the resources or the ability to  
47 do that. You know we were lucky that Saxman and  
48 Ketchikan was able to do RFRs but they had resources,  
49 you know, that they could tap into and were able to  
50 submit, you know, theirs in a timely manner and I

1 thought that they did a good job. But when you talk  
2 about Kake or Angoon or Hoonah, you know, and even  
3 Yakutat, you know, we don't see the resources there.  
4 And we are representing those people. And, you know, I  
5 think one of the reasons why the Board decided that we  
6 could not is because we were not an aggrieved person.  
7 Well, the people in those communities, when they see an  
8 issue that they want to address and they go through the  
9 process of submitting their proposals and everything  
10 and we consider them here, and the Board turns them  
11 down, I think that, we, on their behalf, should be able  
12 to address their concerns and their issues. We grieve  
13 along with them, Mr. Chairman, you know so you'll  
14 probably hear me talking more and more about this, you  
15 know, every time I'm here as long as I'm here.

16  
17                   Number 2. The Council is not pleased  
18 with the action that the Board made on the Makhnati  
19 Island issue. And, you know, we think that the Board  
20 also made an error in not allowing the closure of  
21 Makhnati Island for commercial herring harvest. I know  
22 that there has been a lot of monitoring and reporting,  
23 you know, from the local people during this last  
24 harvest season and it's really amazing, you know, how  
25 much, and I think there's a reason for it, they were  
26 aggrieved and so they -- many of the harvesters, you  
27 know, kept pretty close track of what was going on in  
28 the herring fishery in Sitka. So, you know, we feel,  
29 you know, that the Board needed to seriously consider  
30 this. I think maybe there's also some issues that the  
31 Council needed to address in order to convince you,  
32 but, you know, I don't know if Sitka is going to pursue  
33 this or not but I do know they did ask for an emergency  
34 closure earlier in the season and, you know, it wasn't  
35 submitted in a timely manner and so forth. But anyhow  
36 that's an issue that I think is going to be forthcoming  
37 and a concern of ours.

38  
39                   Number 3. The Council would like in-  
40 season management authority to close for conservation  
41 delegated to an in-season manager by the Board whenever  
42 the Board provides in-season authority to change other  
43 regulations. For instance, you know, on the deer in  
44 Unit 3 in Southeast Alaska. The proposal is to give  
45 Petersburg District Ranger authority to open a December  
46 season by announcement, and the Board should provide  
47 the same in-season manager a letter delegating the  
48 authority to close the deer season in Unit 3 for  
49 conservation purpose as well.

50

1                   Regarding this proposal, I think at the  
2 InterAgency's Council meeting the body wanted to  
3 include a regulation, you know, giving the ability for  
4 Petersburg district to close the deer season but also  
5 -- let me see, what the Council recommended was that  
6 the Petersburg district be given authority to extend  
7 the deer season by one month and the consequences of  
8 that action should be the ability to close it as well.

9  
10                   Let me see, then Number 4. The RACs  
11 should be challenged to extend an outreach to the  
12 communities, and I'm talking about all RACs. We see in  
13 our region a lack of participation from the subsistence  
14 users themselves, coming to the meetings. We do, you  
15 know, get a lot of participation but in my opinion not  
16 enough to really make a difference. And the reason why  
17 we have these meetings is in various communities is to  
18 outreach to those people, you know, who are the users  
19 but I think they also should include more coordination  
20 with the local Advisory Councils. You know I saw a  
21 lack of that. And even in my community, you know, it  
22 wasn't until just recently when I contacted some of the  
23 local Advisory Council members to see if we could begin  
24 to work together, you know, on issues that pertain to  
25 our little area there. So I think that there should be  
26 more coordination there and, you know, just outreach to  
27 those communities to make sure that we are reaching  
28 those that are being affected by the regulations that  
29 we adopt here for their benefit.

30  
31                   Another thing, too, and I understand  
32 that the Forest Service has initiated a program to  
33 provide educational materials to the schools. I think  
34 that's a real good place to begin working with  
35 subsistence issues. A couple of weeks ago I was  
36 invited to go to our high school and talk about  
37 subsistence issues. And I thought it was a good  
38 meeting and there were a lot of questions asked by  
39 these young people and I told them that, you know, some  
40 day you're going to be out there in the real world  
41 addressing these issues yourself and we need you and  
42 want you to be involved as early as possible.

43  
44                   Number 6. The success of the sea otter  
45 reintroduction program is causing depletion of  
46 subsistence resources, you know, in our area. I don't  
47 know about the other areas of Southeast Alaska. But,  
48 you know, in the late 1960s -- well, prior to that when  
49 the Russians came in, they depleted the sea otters in  
50 Southeast Alaska, particular our area, and, you know,

1 our elders told us that when they hunted sea otters a  
2 long, long time ago, they would go way out in the --  
3 they would hunt them way out on what is called the  
4 Fairweather Bench. And they told -- their stories were  
5 told that when they went out, you could barely see the  
6 tops of the mountains and we've got some of the tallest  
7 mountains in Yakutat, you know, that's how far they  
8 went out, and they kept them out there and they kept  
9 them out there for a purpose because they knew that if  
10 they allowed them to come in closer into the inland and  
11 into the islands that they would be competing, you  
12 know, with our subsistence resources, the clams, the  
13 cockles and the gumboots and crabs and so forth. And  
14 so when they were transplanted, you know, from the  
15 Aleutians in the late 1960s they were transplanted in  
16 the inlands and islands and, you know, they multiply,  
17 you know, all year-round and real fast and, you know,  
18 in our area we have a real serious depletion of our  
19 clams and cockles and the crab. And they are, you  
20 know, definitely competing with us for our own  
21 subsistence resources. And, you know, we need to  
22 figure out how the Federal system can help us manage  
23 those resources a little bit better.

24

25                   And then the last thing, Mr. Chairman,  
26 and, you know, I keep challenging the State on this all  
27 the time and it's no, you know, lack of respect toward  
28 them at all but I'd just kind of like to know whether  
29 the State is ever going to come into compliance, you  
30 know, with ANILCA, so that they can rightfully take  
31 over the management of the resources, you know,  
32 subsistence resources in Alaska. And I hope maybe we  
33 can find an answer to that, you know, sometime during  
34 this meeting, Mr. Lloyd, we would really appreciate  
35 that.

36

37                   Gunalcheesh, Mr. Chairman, thank you.

38

39                   CHAIRMAN FLEAGLE: Thank you, Bert.  
40 I'd like to go down your list and just offer  
41 opportunity for discussion. On the first item I asked  
42 Keith to address that, if we had some legal discussion  
43 about that. Keith, would you like to address that  
44 issue about RACs and RFRs?

45

46                   MR. GOLTZ: Yes. And I'd like to also  
47 address the bigger issue of what's proper to discuss at  
48 this meeting.

49

50                   I'm not a fan of having this meeting.

1 I'm very, very apprehensive. And the reason is that  
2 it's very easy to slide into a discussion of specific  
3 issues that are supposed to be open under FACA. We're  
4 doing this in public, but it's not a public meeting so  
5 we have to be very, very careful.

6

7 CHAIRMAN FLEAGLE: Wait a minute, can  
8 you explain that last sentence?

9

10 MR. GOLTZ: We're doing this in public,  
11 the public can see us, but we're not inviting testimony  
12 from the public at large. This is a closed discussion  
13 between people who are subject to FACA. I think that  
14 most of the issues that we're discussing are more  
15 properly set in the annual report.

16

17 But I've lost that argument.

18

19 So I would like to, at least, be very  
20 careful about what we're discussing and I'd like to  
21 address Bert especially. Because it does seem to me  
22 that some of the topics that you've brought up are  
23 probably appropriate if we're going to have such a  
24 meeting, the outreach, education. I don't know even  
25 maybe the State compliance with ANILCA. But RFRs,  
26 Makhnati Island and deer, those are specifics. And I  
27 just don't think they're appropriate to this  
28 discussion, and I want to say that now because we're  
29 going to be having probably more of this, and it's  
30 difficult. If we did it at the end of the meeting then  
31 we would have less risk than we do at the beginning.  
32 I'm not trying to cut off discussion but that's  
33 probably the effect of it.

34

35 I don't know. Jack.

36

37 MR. REAKOFF: Well, Mr. Chair, I.....

38

39 CHAIRMAN FLEAGLE: Hang on, hang on,  
40 the Chair recognizes speakers. Just a minute. I  
41 wanted to clarify one thing real quickly, though, the  
42 meeting that he was referring to that's closed, is this  
43 discussion with Council Chairs, not the rest of the  
44 meeting.

45

46 MR. GOLTZ: Yes.

47

48 CHAIRMAN FLEAGLE: Jack.

49

50 MR. REAKOFF: Mr. Chair. I can see

1 Keith's concerns but I also feel that the Councils have  
2 to be able to discuss statewide issues at the table,  
3 with the Federal Board. And if the solicitor has a  
4 concern then the Chair could recognize the public if  
5 they had comment in this discussion, if they felt that  
6 there was comment. But I feel that this realm is  
7 necessary for the Councils to have interaction with the  
8 Board on various issues so I would somewhat disagree  
9 with the solicitor on that point.

10

11 CHAIRMAN FLEAGLE: Keith.

12

13 MR. GOLTZ: Everybody else does too.

14

15 (Laughter)

16

17 MR. GOLTZ: And that's why we're having  
18 this meeting. But I think it's important to get that  
19 caution out there.

20

21 As to the specific questions on the  
22 RFR, aggrieved party is a term of art, it has a  
23 specific meaning in law. Basically our decision is,  
24 that the Council does not have standing to bring an  
25 RFR. Now, whether or not we could do that I'm not  
26 sure, but the way our regulations are set up right now,  
27 it does not allow for RFRs being submitted by Councils.  
28 And that's a procedural question.

29

30 CHAIRMAN FLEAGLE: All right, response,  
31 Bert.

32

33 MR. ADAMS: Just a response. Yeah, you  
34 know, we realize we are an advisory to the Board, you  
35 know, and that's another stumbling block but so is the  
36 State and they are allowed to do RFRs, so, you know,  
37 there's -- in my opinion there's some inequity here and  
38 we don't feel good about it.

39

40 Thank you.

41

42 CHAIRMAN FLEAGLE: Thanks, Bert.  
43 Ralph.

44

45 MR. LOHSE: Mr. Chair. And Keith, I'd  
46 like to ask him. One of the things I've always told  
47 people if their proposal fails they have the right to  
48 resubmit their proposal. And in case -- even if we  
49 were not allowed to do RFRs, cannot the party or the  
50 Council submit a new proposal that covers exactly the

1 same thing. The fact that it's been dealt with before  
2 does not take it off the table for future  
3 consideration, does it?

4  
5 CHAIRMAN FLEAGLE: Pete.

6  
7 MR. PROBASCO: Mr. Chair. Mr. Lohse.  
8 No, it doesn't.

9  
10 CHAIRMAN FLEAGLE: But in the case of  
11 RFR, an RFR doesn't necessarily have to wait until the  
12 appropriate cycle, RFRs can be dealt with through  
13 different meeting agenda, right?

14  
15 MR. PROBASCO: That's correct, Mr.  
16 Chair.

17  
18 CHAIRMAN FLEAGLE: That's the one  
19 difference that I would see.

20  
21 MR. LOHSE: Thank you Mr. Chair.

22  
23 CHAIRMAN FLEAGLE: Sue.

24  
25 MS. ENTSMINGER: Do I take precedence  
26 over the.....

27  
28 CHAIRMAN FLEAGLE: Your hand was  
29 up.....

30  
31 MS. ENTSMINGER: Okay, thank you.

32  
33 CHAIRMAN FLEAGLE: Your hand was up  
34 first.

35  
36 MS. ENTSMINGER: Okay. Okay. I just  
37 wanted to reiterate -- I understand this process and  
38 FACA, but I just want to remind all the people that are  
39 paid employees to be here, that you're working with us,  
40 the Councils, who are volunteers, and we struggle to  
41 stay -- as a Chair, I do, I'm sure the rest of you do,  
42 you struggle a lot to be able to continually  
43 participate and do a good job, because you have to make  
44 a living. And I happen to work with my hands, so it --  
45 I struggle a lot. So, you know, to just have a little  
46 sympathy for us whenever we come here before you, we  
47 have things that mean a lot to us and these  
48 discussions, I think, are imperative for this process  
49 to be a working process.

50



1                   And I wanted to go on, one of the  
2 things that Bert brought up, I did exactly what Bert  
3 did, with these Advisory Committees, I tried to solicit  
4 the Advisory Committees to take up the Federal  
5 proposals that affect them in their region and they're  
6 not even getting copies of these, of the Federal  
7 proposals. And then I had asked our regional  
8 coordinator to go ahead and send them to the local  
9 Advisory Committees in my region so I could say, hey,  
10 let's take these up and how do you feel about these,  
11 and they had to be made copies of and sent to them to  
12 get them, so I think there's some things that are  
13 falling through the cracks, and there's a lot of issues  
14 that the Advisory Committees feel really strongly about  
15 but they're not getting them. And I was wondering why  
16 don't they take these proposals up, it really affects  
17 them and what's going on in their region, and they're  
18 not even seeing them.

19

20                   CHAIRMAN FLEAGLE: Can we just get them  
21 added to the distribution list, Pete.

22

23                   MR. PROBASCO: Mr. Chair. We work  
24 through the State as far as contacting Advisory  
25 Committees and have we added it to our list, no,  
26 there's 80 some Advisory Committees with I don't know  
27 how many members each. So we could work with the State  
28 and find a way to make this a meaningful process as far  
29 as getting that information, but to date we have not  
30 done that.

31

32                   CHAIRMAN FLEAGLE: All right. We'll  
33 we'll put that on the topic of things we can discuss as  
34 we go forward. Yeah, that's a good suggestion, Sue. I  
35 think 86 if I remember right, I don't know if that's an  
36 exact number.

37

38                   Jack.

39

40                   MR. REAKOFF: Mr. Chairman. The  
41 Western Interior Regional Council discussed this with  
42 Pete at our meeting this spring. The Councils have now  
43 been regionalized to regional hubs, we only have two  
44 meeting places in the Western Interior that we're  
45 allowed to meet, we can't go to all of the villages  
46 that we would identify issues in these various areas  
47 within the region, we would meet in Huslia or various  
48 villages, and we're only allowed, currently, Aniak and  
49 Galena, and so I feel that the -- I discussed with Pete  
50 and various Staff, that every conservation unit has

1 Federal subsistence Staff, those Staff should attend  
2 and do attend the Advisory Committees, they should  
3 distribute the proposals, the Federal proposals, and  
4 they also should garner concerns and bring those back  
5 to the RACs because those Staff also come to our RAC  
6 meetings, so that was a way to have outreach to the  
7 Advisory Committees. Now, that's in Title VIII of  
8 ANILCA is to utilize the Advisory Committees as a  
9 resource to the RACs, and so I am going to be  
10 encouraging that utilization as our budgets are cut and  
11 our Councils are hubbed. And so I feel that we have a  
12 resource in these subsistence Staff with NPS, whoever  
13 they may be, and so that's one way that the Councils  
14 can get input from the -- I'm the vice Chair of the  
15 Koyukuk River Advisory Committee.

16  
17 I've virtually seen no input, only if  
18 asked, has the Staff had any comment. If we ask the  
19 Federal Staff they will comment, if we don't ask they  
20 don't tell. And so I feel that it should be changed to  
21 where they have interaction with the Advisory  
22 Committees and those comments and recommendations  
23 should be brought back to the RACs.

24  
25 Thank you.

26  
27 CHAIRMAN FLEAGLE: Thank you, Jack.  
28 And that kind of touches on Topic 7 of Bert's laundry  
29 list there, the ANILCA and State taking over  
30 management. I mean since that's not happening and  
31 hasn't happened in years and doesn't seem to be on the  
32 horizon, I fully agree with any level additional  
33 cooperation for exchange of information between the  
34 systems, should be encouraged and allowed. And I think  
35 that at my level, Pete and I have been meeting with  
36 some folks over at the State and talking about just how  
37 to increase -- how to improve cooperation and we're  
38 actually starting to identify some minor areas, you  
39 know, to get information that works better between the  
40 two systems. And I think that that whole process can  
41 be improved, you're right. As long as we're stuck with  
42 this dual management, we need to make it work to the  
43 maximum benefit of the subsistence users, and that's  
44 right where it starts, right there at the ground.

45  
46 So, anyways, do we want to go down  
47 Bert's list, anybody, other issues, on Makhnati Island.

48  
49 (No comments)

50

1                   CHAIRMAN FLEAGLE: I'd like to respond  
2 real quickly. That came to me as a Board member for a  
3 vote and I voted on it and by the time the time period  
4 for the voting was done, the fishery was closed, so it  
5 was kind of a moot point as far as Board members were  
6 concerned, Bert, I think it was just a timing issue  
7 there, as you referred to.

8

9                   Any other Council comments on Bert's  
10 issues.

11

12                   Pat Holmes.

13

14                   MR. HOLMES: Yes, Mr. Chairman, in the  
15 Kodiak/Aleutians RAC, I would have to say that we would  
16 need to agree with the need for outreach and work with  
17 the Advisory Committees. On Kodiak Island, our Council  
18 and the Advisory Committee works very closely together  
19 because I personally take the proposals to them and let  
20 them know what's important. For the rest of our region  
21 sometimes it falls short. And I think more outreach to  
22 the Advisory Committees as well as identifying in the  
23 communities, who are the key leaders on subsistence  
24 issues, so that -- and I know this is a burden to  
25 Staff, but either some schools -- some places the  
26 school is a hub for information, some places it's the  
27 tribal council, some places it's the city, but I do  
28 think that outreach is an extremely important thing to  
29 do so that the multiple agencies can interact. And on  
30 Kodiak Island it does seem to work but it does really  
31 need some work.

32

33                   I have a couple thoughts on Kodiak, but  
34 I'll bring them up a little later.

35

36                   Thank you.

37

38                   CHAIRMAN FLEAGLE: Appreciate that,  
39 Pat, thanks. And I'd like to offer an opportunity for  
40 the Commissioner to respond to that last topic, the --  
41 and I know that it's Legislature driven, the past  
42 efforts that had been taken to amend the State's  
43 Constitution to comply with ANILCA were not allowed to  
44 even pass through the process, the Legislative process,  
45 and I don't think that that was on anything that the  
46 administrative branch really had any authority over,  
47 but, Commissioner, maybe you can give us an update as  
48 to what anything, if anything, is happening toward that  
49 end. I know the legislative session is over but if  
50 there was any discussion, I'm not aware of.

1                   COMMISSIONER LLOYD: Well, Mr.  
2 Chairman, that's a wide ranging topic. And many of you  
3 are familiar with many attempts at special sessions and  
4 bills that have been before the Legislature to try to  
5 bring resolution on the State side to the issue.  
6 Compliance with ANILCA, various aspects of deference to  
7 Federal courts and a whole host of issues are involved  
8 here. And while I think, in concept, we would very  
9 much like to thread our way through this dilemma, it's  
10 not something that's easily done, it's not something  
11 that's immediately on any particular person's table.  
12 So I don't know of any conversations, or at least  
13 serious conversations that occurred during this  
14 legislative session.

15  
16                   In my conversations with the Governor,  
17 we're all very concerned with the complexity of the  
18 management program here, but we also don't have a  
19 silver bullet as yet.

20  
21                   So I guess I'd like to focus, if I can,  
22 on some of the comments I've heard today about  
23 increased cooperation within the operation of our two  
24 systems and try as well as possible to deal effectively  
25 and positively between our two systems and do the best  
26 we can for the end users, which really are the same  
27 people. We have overlapping constituencies and I think  
28 we need to do our best to provide a fluid regulatory  
29 environment so that we're conserving the resource but  
30 providing ample opportunity for subsistence harvest.

31  
32                   Thanks, Mr. Chair.

33  
34                   CHAIRMAN FLEAGLE: Thank you,  
35 Commissioner. All right, Bert Adams and then Greg  
36 Roczicka.

37  
38                   MR. ADAMS: Yeah, Mr. Chairman. You  
39 know, I've talked to, you know, several legislative  
40 friends of mine, and I've asked them that same  
41 question, you know, when is the State going to come  
42 into compliance and even though they talk in favor of  
43 it it never happens. That's where the stumbling block  
44 is, is in the Legislature. You know, we've had  
45 Governors in the past who have addressed this issue and  
46 had a desire, you know, to do an amendment or, you  
47 know, but it's never gone past the Legislature. So I  
48 think that's where the real stumbling block is and  
49 there are a lot of issues, too, but that's some of the  
50 things -- that's one of the things that I noticed.

1                   This is a State's rights issue, you  
2 know, and ANILCA very plainly says that the State and  
3 the Federal government should work together on  
4 management of subsistence issues in Alaska, and that  
5 the State would be authorized or delegated or whatever  
6 to manage those resources under Federal law, which is  
7 ANILCA, but, you know, several years ago they came out  
8 of compliance and now my challenge, you know, to the  
9 State is if they want to regain their State's rights on  
10 this issue then come in compliance with ANILCA and it  
11 would be, you know, off our backs, you know, and -- and  
12 in the rightful place. I really believe that.

13

14                   Thank you.

15

16                   CHAIRMAN FLEAGLE: Thank you, Bert.

17 Greg.

18

19                   MR. ROCZICKA: Mr. Chairman. I'd ask  
20 you to bear with me a little bit since I'm still --  
21 it'll take me a little while to learn the flow and how  
22 procedures go but I might end up asking some -- what  
23 everybody knows already. But one thing that Bert  
24 brought up there and mentioned about that requesting  
25 that his in-season manager have closure authority, and  
26 it was my understanding that they already did. I mean  
27 in our area the Refuge manager certainly does when  
28 we're talking about our fisheries and the windows,  
29 whether or not they'd be in place for our passage of  
30 king salmon and so forth, that was at the call of the  
31 Refuge manager although we do work very closely between  
32 both the State biologists and our Kusko River Salmon  
33 Working Group, et cetera, and along with advisories,  
34 but the final authority for those closures, I thought,  
35 or the determination in-season was already given to the  
36 area manager, which, in our case would have been the  
37 Refuge manager. And could I get a clarification on  
38 that, is that not really the case?

39

40                   CHAIRMAN FLEAGLE: Pete.

41

42                   MR. PROBASCO: Yes, Mr. Chair. Just  
43 real briefly, Greg, the management authority granted to  
44 Refuge managers, the land manager responsible for  
45 fisheries is somewhat different than what's granted for  
46 wildlife, they're not in synch. So you're correct on  
47 fisheries, they do have that authority, on wildlife  
48 it's more narrow.

49

50                   MR. ROCZICKA: So the question

1 following that, what needs to be addressed so that that  
2 concern could be rectified?

3

4 CHAIRMAN FLEAGLE: Pete.

5

6 MR. PROBASCO: Mr. Chair. It's a  
7 process that the Board delegates that authority and  
8 it's simply done through a letter and that issue as far  
9 as dealing with wildlife and possibly broadening their  
10 scope of authority has not been discussed for some time  
11 with the Board.

12

13 Mr. Chair.

14

15 CHAIRMAN FLEAGLE: Denny.

16

17 MR. BSCHOR: Mr. Chair. I will say  
18 that that specific issue will be dealt with in this  
19 meeting and I intend to address that concern  
20 specifically, to that case. As far as the broader  
21 authority, I'm not going to get into that.

22

23 Mr. Chair.

24

25 CHAIRMAN FLEAGLE: Thank you. And did  
26 I hear wrapped up in your discussion, Bert, was some  
27 suggestion that the RAC be given some of that closure  
28 authority as well?

29

30 MR. ADAMS: That is correct, Mr.  
31 Chairman.

32

33 CHAIRMAN FLEAGLE: There's what's  
34 different, we're not doing that now and we'll just see  
35 where that discussion leads, Bert. Appreciate you  
36 bringing that up. And, Randy, I got you recognized,  
37 but I'm going to switch over to Victor.

38

39 MR. KARMUN: Thank you, Chair. Victor  
40 Karmun here Kotzebue. Whereas the Northwest Arctic,  
41 the RAC works very close with the State biologists  
42 and/or the Subsistence Resource Commissions in the  
43 area. We trade knowledge back and forth, discuss all  
44 the proposals, whether it go between the State or the  
45 Federal. And, in fact, I do have some paperwork, maps,  
46 I would like to present to this Board, just as a matter  
47 of record. I forgot to bring them down, I would like  
48 to present them at a later time. But we do work very  
49 close together in the Northwest Arctic.

50

1                   The Chairman of the local State Fish  
2 and Game Advisory Committee, we kind of refer to as our  
3 quasi-attorney.

4  
5                   (Laughter)

6  
7                   MR. KARMUN: He can read and interpret  
8 that ANILCA manual, dry reading, right to the letter,  
9 and that's one of our biggest concerns around Northwest  
10 Arctic Interior departments, we think are not in  
11 compliance with ANILCA, and that's one of our big  
12 concerns.

13  
14                   Thank you, Mr. Chair.

15  
16                   CHAIRMAN FLEAGLE: Thank you, Victor.  
17 Randy.

18  
19                   MR. ALVAREZ: Thank you, Mr. Chair.  
20 I'd like to comment on the interaction between the  
21 State Advisory Committees and the RACs. I serve on the  
22 Lake Illiamna Fish and Game Advisory Committee which  
23 I've been doing longer than I've been on the RAC. And  
24 because of that, you know, I, as Chairman of both this  
25 committee and that Advisory Committee, I, at times  
26 bring up issues that pertain to what we're talking  
27 about at some of the Advisory Committee meetings and  
28 vice versa. But one of the things, problems that we  
29 have is -- as most of you know, the State Board of Fish  
30 meets every three years and the Board of Game every two  
31 years, for our area, on fisheries and game issues,  
32 well, the Legislature, in the past, had cut their  
33 funding back so that we were only having -- we were  
34 supposed to have two meetings a year to be active, but  
35 they had cut us back to one year a few years ago, and  
36 the problem we were having is that, with this cycle,  
37 for three years and two years for Fish and Game, we  
38 weren't having any meet -- the Advisory Committee  
39 wasn't having any meetings some years. Like, for  
40 instance, we're going to have a meeting this November,  
41 I believe, I'll call a meeting probably for the  
42 upcoming game proposals, well, the last meeting we'd  
43 had was about a year and a half ago for when the last  
44 time that the Board of Fish and Board of Game met both  
45 in winter, so the interaction isn't there because we  
46 don't have any meetings because of the funding. But  
47 I'm kind of hoping that the Legislature, with the  
48 recent windfall, that they're appropriating more  
49 funding so that we can have more meetings, even if it  
50 was just to bring up Federal proposals and talk about

1 some of the things that are happening in statewide --  
2 Fish and Game statewide proposals or, you know, just  
3 other things like that, just to have more meetings to  
4 keep more active and, you know, that's kind of what I  
5 wanted to state, was that, we're just not having enough  
6 meetings for interaction. And although we have two  
7 meetings a year for the RACs, you know, it's -- we need  
8 to have more meetings with the State system to discuss  
9 some of these proposals, you know, on the Federal  
10 level.

11  
12                   And one more thing I -- we had a  
13 biologist, a State biologist that wasn't really in  
14 favor of discussing some of the Federal proposals at  
15 our Fish and Game Advisory Committee meeting but I told  
16 him that the procedure for discussing these proposals  
17 is the Fish and Game Advisory Committee's comments are  
18 on the eight lists there and I says, we're going to  
19 discuss it and he wasn't very happy about it because he  
20 didn't think that we should be doing it. But, you  
21 know, that's something that they need to -- and they  
22 are our manager, you know, we use our Fish and Game  
23 biologists, game and fish, for our Federal lands, and  
24 we have them at our meetings, when we have our RAC  
25 meetings, the same guys, and then he wasn't very  
26 supportive of talking about some of the things at the  
27 Advisory Committee level meeting and I was -- but I  
28 just said we were going to do it and we discussed the  
29 proposal because it was -- it pertained to us.

30  
31                   But anyway I just wanted to comment on  
32 that. And I hope that the Legislature does appropriate  
33 more funding so that we could have more meetings to  
34 discuss this stuff.

35  
36                   So, thank you.

37  
38                   CHAIRMAN FLEAGLE: Thank you, Randy.  
39 any other discussion on Bert's topics. Sue.

40  
41                   MS. ENTSMINGER: Thank you, Mr. Chair.  
42 I'm a firm believer in solutions and not just problems.  
43 And I guess what I'm hearing you say, Bert, I have a  
44 suggestion that possibly we would request as the Chairs  
45 of these RACs, a meeting, to say, hey, this is what we  
46 think could work for some changes to the State  
47 Legislature for us to -- for the to come in compliance.

48  
49                   There might be some things that are  
50 different than what's been out there before that never



1 passed, we might have some ideas to make this thing  
2 work and we -- and I think for the Legislature to do  
3 something it's going to come from the people. So I --  
4 is it appropriate for us to suggest that, hey, we want  
5 to have a meeting, we want to talk about this, we want  
6 to talk about our ideas, what might work.

7

8 CHAIRMAN FLEAGLE: I have two people  
9 I'm going to turn to for answers. One is legal and one  
10 is money.

11

12 (Laughter)

13

14 MS. ENTSMINGER: Evil.

15

16 MR. GOLTZ: Go with the money.

17

18 CHAIRMAN FLEAGLE: Go with the money  
19 first. Meetings, Peter.

20

21 MR. PROBASCO: Mr. Chair. And as we  
22 shared with the Councils this spring, the budget for  
23 the Office of Subsistence Management has been reduced.  
24 In FY'08 we took another budget reduction. That has  
25 strained our abilities to conduct meetings as we have  
26 in the past, in other words, like Jack was referring  
27 to, we would go to communities at your choice. Cost of  
28 going to some of these far remote communities is very  
29 expensive and so one way to save money on a budget is  
30 to look at your travel funds. The priority for our  
31 program is the Council process, the regulatory process,  
32 and what suffers on that is our ability to utilize  
33 research and partner dollars like we would like to.  
34 Having a meeting where we would get 10 Council Chairs  
35 together is expensive, but it's something that we would  
36 teleconference, I see you putting the phone to your  
37 head, Sue, definitely an option. There are other  
38 options. And we would have to look at the agenda and  
39 prioritize on how we want to accomplish that.

40

41 CHAIRMAN FLEAGLE: Thanks, Pete. And  
42 then given that, would it even be legal for the Council  
43 Chairs to meet and take some type of formal action.  
44 You want to mull on that for a minute?

45

46 MR. GOLTZ: Would it be legal for the  
47 Councils to meet as.....

48

49 CHAIRMAN FLEAGLE: Council Chairs.

50

1 MR. GOLTZ: Council Chairs to meet as  
2 Council Chairs, for what purpose?

3  
4 CHAIRMAN FLEAGLE: To discuss possible  
5 solutions to the State's coming into compliance with  
6 ANILCA, and I would suggest that that would probably  
7 mean taking some type of formal action as the Council  
8 Chair group that was forwarded out.

9  
10 MR. GOLTZ: Well.....

11  
12 CHAIRMAN FLEAGLE: Sue.

13  
14 MS. ENTSMINGER: Like a letter, or  
15 suggestions, I mean ideas, okay, State this is what we  
16 think and do you think we can work on this and go to  
17 the Legislature, I mean it ultimately has to go to the  
18 Legislature.

19  
20 CHAIRMAN FLEAGLE: Keith.

21  
22 MR. GOLTZ: The lawyers have been a  
23 major part of the problem that got us where we are.

24  
25 (Laughter)

26  
27 MR. GOLTZ: I would like to be part of  
28 the solution, too, so why don't I just say that I'd  
29 work with you and with the State to try to bring  
30 something positive out of that discussion.

31  
32 CHAIRMAN FLEAGLE: Okay, Sue contact  
33 him and see what we can come up with.

34  
35 MS. ENTSMINGER: I'm a volunteer.

36  
37 CHAIRMAN FLEAGLE: All right. Pete.

38  
39 MR. PROBASCO: The only thing I would  
40 add would be that the Chairs, there's a process that  
41 the Chairs would work through, and that's -- you  
42 represent your Councils and so prior to Chairs meeting  
43 you would have to get your Council's blessings to  
44 whatever the topic will be and what direction that  
45 Council or area would like to go, so that would have to  
46 occur first, then the possibility of a Council Chair  
47 meeting is second.

48  
49 CHAIRMAN FLEAGLE: Good point, thank  
50 you. Denby.

1 COMMISSIONER LLOYD: Well, thank you,  
2 Mr. Chair. I'm actually very encouraged by the  
3 discussion. You have quite a large resource at your  
4 disposal through the RAC Chairs and through the  
5 Councils themselves. And if they are, at least,  
6 beginning to volunteer to evaluate what, from the  
7 grassroots level, might constitute a new or  
8 reinvigorated approach to bring these systems back  
9 together, I'd like to encourage that from the State  
10 perspective. I'd like to hear what folks ideas are  
11 after an entire generation has now lived under dual  
12 regulatory environment, whether or not folks  
13 experienced in that environment have some ideas on how  
14 to streamline, rectify and bring back either into State  
15 sovereignty or State primacy in management of fish and  
16 wildlife.

17  
18 So I'll just reiterate I'm encouraged  
19 by the discussion, I would hope that this Board can  
20 encourage the RACs to evaluate whether or not they want  
21 to participate and if so how best to facilitate that.

22  
23 CHAIRMAN FLEAGLE: Thank you,  
24 Commissioner. Jack.

25  
26 MR. REAKOFF: Mr. Chairman. It's in  
27 .805 of ANILCA (2), the Advisory Committees are part of  
28 the RAC process and so we -- and if the Advisory  
29 Committees are not meeting the needs of the RACs,  
30 Advisory Committees are to be set up according to  
31 ANILCA. And so the Advisory Committees are integral  
32 and were recognized in the law as part of the Regional  
33 Council process. And regarding the RACs requesting  
34 funding from the Legislature, my Council voted for and  
35 I was empowered to write a letter to request funding  
36 for Fish and Game management for Alaska Department of  
37 Fish and Game, from the Legislature, I was told by  
38 counsel that that letter could not be transmitted under  
39 the Hatch Act and that we cannot lobby for funding from  
40 the Legislature. And so that letter could not be sent  
41 out.

42  
43 I want these Council Chairs to know  
44 that we can't be lobbying the Legislature for funding.

45  
46 Although I feel that that's a very  
47 important issue, is the funding issue for Alaska  
48 Department of Fish and Game, their funding issues  
49 affect the resources that the subsistence users rely on  
50 and so I was going to comment on that further when I

1 get to my points of discussion.

2

3 Thank you.

4

5 CHAIRMAN FLEAGLE: Thank you, Jack.

6 I'd like to welcome Niles Cesar to the table.

7

8 MR. CESAR: Thank you, Mr. Chair.

9

10 CHAIRMAN FLEAGLE: Welcome. Okay, I

11 got Bert and Greg. Bert, go ahead.

12

13 MR. ADAMS: Thank you, Mr. Chairman.

14 In our annual report letter, you know, we covered most  
15 all of the things we're talking about here now, but I'd  
16 like to just, you know, kind of highlight, you know,  
17 the biennial fish and wildlife regulatory cycle  
18 meetings.

19

20 The Council continues to be concerned  
21 about this and the fact that we are actually, you know,  
22 representing subsistence users and we don't think that  
23 they're being fairly represented if we have to reduce  
24 our meetings, you know, to every other year, and  
25 getting out into the communities is very important to  
26 us as a Council to do a lot of this outreaching and so  
27 forth. Two regulatory meetings each year decreases the  
28 number of regulatory proposals at each meeting and so  
29 fewer proposals decrease Staff workload and allow an  
30 increased opportunity for the Council to carefully  
31 evaluate each proposal. And this is what we have been  
32 charged to do, is to look at those proposals that come  
33 before us and, you know, really scrutinize them and,  
34 you know, make wise and proper decisions in regards to  
35 those. So two meetings a year, you know, we think  
36 covers that pretty well, but to be reduced down to  
37 every other year, it's going to be very difficult for  
38 us to really do some good outreach to those  
39 communities.

40

41 Thank you.

42

43 CHAIRMAN FLEAGLE: Thank you, Bert.

44 Greg.

45

46 MR. ROCZICKA: Mr. Chairman. Just so  
47 we don't lose sight of it here, and I don't know if  
48 it's dependent on funding or not, but I was under the  
49 understanding that at the request of two Council  
50 members, or perhaps three, you could call for a meeting

1 of your Council to get together and that's dependent on  
2 funding, I suppose, or contingent, but we can call for  
3 that. But the other side is, I guess, if it's  
4 appropriate here, I suggest that this be -- that this  
5 issue, as far as getting together to see about  
6 searching for solutions to the dual management problems  
7 that we have evolved over the last generation, that it  
8 be put on the agenda for our fall meetings of all the  
9 Regional Councils.

10

11 CHAIRMAN FLEAGLE: Thanks, Greg.  
12 Getting action already, she's happy. Any other -- oh,  
13 go ahead, Pete.

14

15 MR. PROBASCO: Mr. Chair. Mr. Roczicka  
16 sort of threw something on the table as far as us  
17 putting it on the agenda, hearing no objections, I will  
18 assume that to go forward as an agenda topic item.

19

20 CHAIRMAN FLEAGLE: I don't see any  
21 objections. All right, any other comments on Bert's  
22 items of interest.

23

24 I got Ralph Lohse, go ahead, and then  
25 Pat.

26

27 MR. LOHSE: Just one. I'm just going  
28 to offer Southcentral's support, Bert, on the -- of the  
29 sea otter problem. Those of you that came to Cordova  
30 for our Regional Council meeting, I think some of the  
31 -- especially some of the rest of my Council had a real  
32 eye opener, they couldn't believe what they saw. When  
33 you've got 3,500 sea otters in the bay in front of your  
34 town, there is an impact.

35

36 I can remember when I first came to  
37 Cordova, you could set a crab pot by Spike Island,  
38 which is right in front of the harbor and a family of  
39 eight couldn't eat all of the crabs that came out of  
40 that crab pot. We used to catch a million pounds of  
41 crabs a year in the bay right there, that was prior to  
42 the sea otters. Today, you don't find a legal crab in  
43 the bay. There's not only not a crab fishery, there's  
44 not a subsistence crab fishery either. In fact in that  
45 whole end of Prince William Sound and Prince William  
46 Sound in general.

47

48 So when we start looking at things like  
49 that, they're all interactions, and something like what  
50 he's talking about, as the sea otters move into his

1 area, or in any kind of number, they're going to have a  
2 definite impact on the subsistence resources of the  
3 people in the area. And I don't know what, you know, I  
4 know that it's outside of the realm of this Council or  
5 this Board to do anything since it's under the Marine  
6 Mammal Act, but recognize that those kind of things put  
7 stresses on the rest of the resources that the  
8 subsistence community uses. If that resource is gone,  
9 some other resource ends up having to take its place,  
10 or has a higher impact on it because that resource is  
11 gone. And it's really interesting to us in Prince  
12 William Sound, because we look at Southeastern with its  
13 shrimp resources and its crab resources and its  
14 aborigine resources and its clam resources and we  
15 remember when there was the crab and the shrimp and the  
16 razor clams right next to town and they're not there.  
17 But we can look out from town, I mean I can go down to  
18 the harbor, go down to the breakwater, go down any  
19 place in town I want and I could look out at any time  
20 and see a couple hundred sea otters in Cordova. And if  
21 I take the boat out, I can see a couple thousand of  
22 them. So I recognize those concerns, and I don't know  
23 if anything could be done with them, but they do put  
24 impacts on the rest of the subsistence use.

25

26 Thank you.

27

28 CHAIRMAN FLEAGLE: Thank you. Pat.

29

30 MR. HOLMES: Tongue and cheek, that  
31 happened in Kodiak about 20 years ago and we just asked  
32 them to move up to Prince William Sound.

33

34 (Laughter)

35

36 MR. LOHSE: You did a good job.

37

38 (Laughter)

39

40 MR. HOLMES: Yeah, it was amazing to  
41 see some of those six and eight foot pits in the butter  
42 clam pads.

43

44 Anyway, I did have one thought back on  
45 Bert's item four on outreach and spinning off of Jack's  
46 comment and something that I think could enhance the  
47 RAC meetings, now that we have to be centralized and  
48 really can't get out to the communities, and that would  
49 be first off letting the folks know what the proposals  
50 are, we need to get those out, but providing an

1 ability, not necessarily to have a consistent  
2 teleconference, but so that the villages in each  
3 appropriate region would be able to call in. Our  
4 Advisory Committee does that because we have a  
5 centralized island-wide thing for seven villages. But  
6 would be to add the ability on to the RAC meeting that  
7 would be publicized so folks knew that if folks had  
8 concerns or wanted to comment on a proposal, that they  
9 could call in at a certain point or time span within  
10 these centralized RAC meetings that we have now.

11

12                                    Anyway, it's a thought I think might  
13 work.

14

15                                    CHAIRMAN FLEAGLE: Okay, thank you.  
16 Sue.

17

18                                    MS. ENTSMINGER: My mind's thinking. I  
19 would also think something that might work for this  
20 outreach is take each region, and see how many ACs are  
21 in that region and see how many RAC members are close  
22 to those ACs, and then make sure that they make some  
23 ability to get to that AC, that they're the closest to,  
24 and that would be a little bit of work for our  
25 coordinators to say, okay, you know, I have two near  
26 myself and there's a guy in Eagle, there's one in Eagle  
27 and so on, it would be another way to get a little more  
28 input from a RAC person that's on the RAC going to some  
29 of these AC meetings.

30

31                                    CHAIRMAN FLEAGLE: Thank you. Greg.

32

33                                    MR. ROCZICKA: Mr. Chairman. Regarding  
34 that centralization of the meetings, actually the  
35 discussion we had at our RAC meeting and we had Staff  
36 lay out the reasoning for it, it actually might not end  
37 up being that case as far as a cost saving measure.  
38 For our area, when you consider they want to have the  
39 meetings in either Bethel or St. Mary's and for Bethel  
40 when you figure in the cost of 13 people at 100+  
41 dollars a day hotel room and taxi rides and everything  
42 else put in there, it becomes almost a wash as far as  
43 cost savings, and we've asked the Staff to look into  
44 that actually, but as far as the savings you get with  
45 the per diem costs associated off set what the air fare  
46 might be to some of our surrounding villages of the  
47 region.

48

49                                    CHAIRMAN FLEAGLE: Thank you, Greg.  
50 All right. I'm going to call for a break, a 10 minute

1 break and then when we come back I got Pat wants to  
2 discuss some issues from Kodiak/Aleutians and, then,  
3 Jack, you mentioned that you want to have some issues  
4 brought from the Western Interior, and then we'll just  
5 go from there. So let's just stand down for 10  
6 minutes.

7

8 (Off record)

9

10 (On record)

11

12 CHAIRMAN FLEAGLE: All right, we're  
13 starting without everybody else. If you guys would  
14 please quite down the discussion in the back.

15

16 Hello.

17

18 (Laughter)

19

20 CHAIRMAN FLEAGLE: Hello. Okay, we got  
21 them quieted down to a mild uproar.

22

23 (Laughter)

24

25 CHAIRMAN FLEAGLE: Let's go ahead and  
26 start off with Pat Holmes. You had issues or  
27 discussion.

28

29 MR. HOLMES: Thank you, Mr. Chairman.  
30 I had a question from my RAC, and we were wondering in  
31 terms of general process and budget considerations,  
32 when the next decennial review for rural will occur  
33 because our last discussions were quite passionate and  
34 it was basically five years late before the process was  
35 started, so will the process start again on the old  
36 time schedule or will it be 10 years from our last  
37 series of meetings?

38

39 CHAIRMAN FLEAGLE: Pete.

40

41 MR. PROBASCO: It will start on the  
42 next decennial review, which would be, where's Larry,  
43 2010, takes about a year and a half or so to get the  
44 data, so I would anticipate somewhere around 2012.

45

46 MR. HOLMES: Thank you. And, you know,  
47 some of our comments are parallel to Bertrand's, of  
48 course. And we have just a point of irony, I don't  
49 know, we don't -- don't handle halibut subsistence but  
50 that was brought to our Council's attention that NOAA



1 has defined the village of Chiniak on the Kodiak road  
2 system as being non-rural for halibut subsistence and  
3 yet the town of Kodiak is rural, so I just thought I  
4 would present that as an interesting point of  
5 government irony.

6

7 And that's all I really have to say,  
8 thank you, Mr. Chairman.

9

10 CHAIRMAN FLEAGLE: Thank you. Denby.

11

12 COMMISSIONER LLOYD: Mr. Chair, I can't  
13 resist. Being on the North Pacific Council and dealing  
14 with the halibut subsistence issue. The irony doesn't  
15 stop just there, and in fact there -- as I understand  
16 it Petersburg is considered rural but if you're a  
17 little bit off the road system in Petersburg so that  
18 you're super rural then you don't qualify, so there are  
19 some things to be taken care of in the Council arena.

20

21 CHAIRMAN FLEAGLE: Thank you. Any  
22 comments on Pat Holmes' discussion.

23

24 (No comments)

25

26 CHAIRMAN FLEAGLE: Hearing none, Jack,  
27 go ahead.

28

29 MR. REAKOFF: Thank you, Mr. Chairman,  
30 and Federal Board. I'm glad to see that everybody's  
31 here, and the Staff and all the public and all the  
32 interest that this meeting has.

33

34 I want to express some concerns of the  
35 Western Interior Regional Council that aren't on the  
36 agenda as proposals.

37

38 The Western Interior Council is still  
39 very concerned about this Mulchatna Caribou Herd  
40 problem. This Board last spring requested that the  
41 Board of Game eliminate the non-resident harvest of  
42 caribou which targets bulls and they have had 14 bulls  
43 per 100 cows and the Federal Board -- or the State  
44 Board declined that and they're continuing to hunt on  
45 an ailing bull component. The Western Interior Council  
46 had a proposal before the State Board of Game this  
47 cycle, Region 3 was in cycle, 19A and B, we proposed  
48 elimination of the non-resident caribou harvest. The  
49 amounts necessary for subsistence are not being met by  
50 the residents of Alaska, let alone the rural residents.

1 The Board of Game tabled that proposal until November,  
2 we'll have a second year of harvest by non-residents on  
3 the ailing bull component.

4  
5 This is a big issue. This has become a  
6 chronic issue statewide, is overharvest of the bull  
7 component. And our Council feels strongly that the  
8 primary reason that the Board of Game is pressed, I  
9 don't fault the Department, I don't fault the Board of  
10 Game, I feel that the Board of Game is pressed into  
11 looking for a funding source to accommodate Alaska  
12 Department of Fish and Game. The general fund  
13 appropriation, and we have two past Chairs of the Game  
14 Board sitting here and as I've sat at a Game Board  
15 meeting, you'll hear nothing but worth the fiscal worth  
16 of that game is and why we need to have non-resident  
17 participation. The funding formula of Pittman-Roberts  
18 funds and the license sales is the driving force of  
19 Fish and Game funding.

20  
21 Our Council wanted to write a letter to  
22 the Governor regarding this issue. We felt that a 50  
23 percent appropriation of general funds will alleviate  
24 the need for non-resident participation and alleviate  
25 the Board of Game's need to harvest to the maximum.  
26 That was -- we're not allowed to do that under the  
27 Hatch Act. I want this Federal Board, I want the  
28 Council members to know that 90 to 95 percent of Fish  
29 and Game's budget is provided through license sales and  
30 Pittman-Roberts funds, these are excise taxes on  
31 sporting goods and so forth.

32  
33 This is a chronic issue.

34  
35 In our region the Mulchatna Caribou  
36 Herd has fallen from 200 to less than 40,000 animals.  
37 The bull/cow ratios were far below sustainability, 30  
38 to 40 bulls are necessary for caribou, and 30 bulls per  
39 100 cows on moose. The 19A and B moose population went  
40 right in the toilet. Eight bulls per 100 cows were on  
41 moratoriums on 19A and drawing Federal permits in Tier  
42 II. That's the chronic issue. Now that the Mulchatna  
43 Caribou Herd's falling off the Board of Game just  
44 opened up non-resident to two caribou in the Central  
45 Arctic 26B. I am very concerned that we continue to  
46 move around and basically suppress populations and then  
47 go through these long recoveries which are very time  
48 expensive and very detrimental to the subsistence  
49 economies in rural Alaska.

50

1 I feel that a fix, as Sue says, want to  
2 come up with solutions, a fix would be to change the  
3 funding formula away from a matching of license sales  
4 to the excise taxes. Do away with the matching of the  
5 license sales, just give the State these fundings on  
6 land mass and not on the volume of sales, all the  
7 volume of sales does is drive need for participation,  
8 large participation.

9

10 And so the other fix would be for the  
11 State of Alaska to fund Fish -- at least -- because  
12 with the escalating cost of fish and game management in  
13 Alaska with driving fuel prices and so forth, the  
14 resources have come to a point where they can't sustain  
15 the budget for the Alaska Department of Fish and Game  
16 anymore.

17

18 And so those are two of the options.

19

20 This Board could comment on the funding  
21 formula for the Pittman-Roberts funds. I think this is  
22 a very big issue.

23

24 So these concerns regarding funding  
25 sources are a chronic issue throughout our region.  
26 We've had some fixes, but now we're going through long  
27 recoveries. We have some -- if we don't catch these  
28 things in time, we don't -- we can't arrest the  
29 declines in a timely manner and then we go through  
30 decades or years of recovery.

31

32 Another issue, the amount of comment  
33 time that the RACs had at the Board of Game. I was  
34 only allowed five minutes and the Advisory Committees  
35 were allowed 15 minutes. I was told by Tina over here  
36 that they're working on that issue. But I want this  
37 Federal Board to know that the State of Alaska has  
38 tremendous amounts of time at our meetings. I, as  
39 Chair, give the State of Alaska -- George over here, he  
40 was talking practically half the meeting.

41

42 (Laughter)

43

44 MR. REAKOFF: So I give the State all  
45 kinds of time, you give the State all kinds of time,  
46 but when the effects to our rural residents, and the  
47 proposals that affect the -- the State proposals that  
48 are going to affect the rural residents come before the  
49 Board of Game, I'm given five minutes for multiple  
50 three game management units, with multiple issues and

1 multiple proposals, and the Board of Game has no real  
2 understanding of what the issues are when we have such  
3 a compressed timeframe. I feel that the State should  
4 at least allocate the minimum of 15 minutes to the RAC  
5 members to comment.

6

7 Those are the issues that I wanted to  
8 bring out before the RAC Chairs and this Federal Board.

9

10 Thank you.

11

12 CHAIRMAN FLEAGLE: Thank you, Jack.  
13 Responses. Comments. Ralph.

14

15 MR. LOHSE: Well, I was just reaching  
16 for my pen but I do have a comment on that.

17

18 (Laughter)

19

20 MR. LOHSE: You know, there's this  
21 thing that says, even a wise man -- even a fool is  
22 considered wise if he keeps his mouth shut, but in this  
23 case I guess I'll open my mouth anyhow. I have to  
24 agree with Jack on that. And, you know, I don't know  
25 if anything has ever been done to request that. Just  
26 like we have a State liaison sitting on our Board that  
27 possibly we could have a Federal liaison, a subsistence  
28 liaison sitting on the State Board of Game. I don't  
29 know if anybody's even thought of making that  
30 suggestion letting alone giving the RACs a little bit  
31 longer to speak. I've only gone once, usually another  
32 member of our Council's been going lately, and it was  
33 like Jack said, it's pretty frustrating, you've got a  
34 whole lot of proposals there but you get five minutes  
35 to comment, which doesn't give you really any time to  
36 say anything. So it might be something that the Board  
37 -- you know we start talking about having better  
38 interaction, better relationships with the State,  
39 better input both directions; it needs to go in both  
40 directions. And possibly the Board of Game and the  
41 Board of Fish could have a Federal liaison person  
42 sitting there to join in on their discussions.

43

44 And if Jack doesn't have anything more  
45 to say I'll just finish the little short thing that I  
46 was going to say because it goes right along with this.

47

48 You know in our area, and with other  
49 places that I've talked to -- the subsistence, it seems  
50 like the elders are more concerned with subsistence

1 than a lot of the younger people, and this is probably  
2 true because they've had a longer history of looking at  
3 what life is like. And one of the biggest concerns  
4 that most of the elders have with subsistence is that  
5 it would be there if times get hard, you know, and we  
6 look at what's going on right now with the cost of fuel  
7 going up, the cost of groceries going up and how it has  
8 an impact on even people who live in town, even people  
9 who live in Juneau, from what I've just heard, that  
10 same impact is multiplied out in the Bush. And so what  
11 you're doing, when you're dealing with subsistence  
12 here, is you're dealing with stuff that as times get  
13 tougher, if they get tougher in town they get even  
14 tougher out in the Bush, what you're dealing with is  
15 you're dealing with something that's of very great  
16 importance to the people who live out in rural Alaska.  
17 Subsistence becomes more important when times are hard.  
18 And, therefore, this idea of more interaction and more  
19 comment and more input becomes even more vital.  
20 Because when times are good and everything is flush  
21 everybody seems to go along okay and it's not quite as  
22 critical. But when times get hard, just like what we  
23 were talking about with the sea otters and the crab and  
24 stuff like that, you know, if times are hard, the  
25 impact gets stronger that subsistence has for the well-  
26 being of the rural Alaskan community and so your job  
27 becomes that much more important.

28

29 Thank you.

30

31 CHAIRMAN FLEAGLE: Thank you, Ralph. I  
32 wanted to make one point. The Board of Game does have  
33 a Federal liaison and the person does interact with the  
34 Board on issues that have Federal impact. And while I  
35 was on that Board we had Greg Bos and Dan LaPlant, and  
36 I'm not sure who's doing that now, but they do have  
37 that presence there.

38

39 Anyway, I just wanted to make that  
40 clarification.

41

42 MR. LOHSE: Thank you, Mike. That just  
43 shows how long it's been since I've went to a Board of  
44 Game meeting.

45

46 (Laughter)

47

48 CHAIRMAN FLEAGLE: Okay. And then,  
49 Pete, a comment.

50

1 MR. PROBASCO: And just to add to that,  
2 we also have a liaison at the Board of Fish, that's Rod  
3 Campbell. And our new Board of Game liaison is Chuck  
4 Ardizzone. And as far as testimony for RAC Chairs, it  
5 was under a different directors for both Board of Game  
6 and Board of Fish when I was a liaison that the time  
7 was equal, Tina and I are working on that issue and we  
8 hope to have it resolved by the next slate of meetings  
9 starting next fall.

10

11 CHAIRMAN FLEAGLE: Thank you, Pete.  
12 All right, in order, I have Randy, and then Bert.

13

14 MR. ALVAREZ: Thank you, Mr. Chair.  
15 Mr. Reakoff had alluded to the Mulchatna caribou, and  
16 that is a big issue for us. You know we depend --  
17 Bristol Bay depends greatly on the Mulchatna caribou.  
18 And this last meeting up in Fairbanks where the Board  
19 of Game, last -- was it last winter, I couldn't make  
20 it, we did send a letter concerning the Mulchatna  
21 caribou to them, and I talked to people that were  
22 going, I talked to Mr. Roczicka, he was attending the  
23 meeting and we kind of held the same position on the  
24 caribou issue. The Board is going to be taking that  
25 up, from what I understand, the Mulchatna caribou, this  
26 coming winter, which is Bristol Bay cycle for game is  
27 -- is next winter, will -- back -- I believe next March  
28 it will be taking up game for Bristol Bay, and from  
29 what I understand the Mulchatna caribou will be coming  
30 up again and we're going to be pursuing trying to get  
31 the Mulchatna caribou to rebound.

32

33 For instance this last winter, where I  
34 live in, Igiogik, and even the people up around  
35 Illiamna Lake there was no caribou this year. They  
36 made it down to Levelok, which is at the end of the  
37 Kvichak River at the western end of Unit 9B. And for  
38 the last couple of years they've been making it down  
39 around that area and going all the way over to Naknek  
40 and King Salmon right by the road and it's 9C, it's  
41 been closed because the Northern Peninsula Caribou Herd  
42 are in such bad shape that it went to Tier II and then  
43 a few years ago the Tier II hunt was eliminated  
44 altogether and so now they go over to 9C over there and  
45 it's been closed because of the North Peninsula, and  
46 there's been five or 6,000 caribou sitting five miles  
47 away and nobody can touch them until the Department  
48 early in the spring -- or late in the winter they  
49 determine if there's any Mulchatna caribou around and  
50 then they can open it up for one caribou. But it's --

1 you know, you got to get a permit and -- but the  
2 problem with it being like that is it puts more  
3 pressure on the moose now, and our moose populations  
4 aren't in real good shape either, they've been  
5 declining. And with the price of fuel getting more and  
6 more expensive, people can't travel 50, 60 miles or  
7 more to go hunting like they used to. As I stated our  
8 Fish and Game Advisory Committee for Lake Illiamna,  
9 we're going to have a meeting around November and bring  
10 this back up to bring before the Board of Game and I  
11 kind of hope they do something about it because as Mr.  
12 Reakoff has stated, the bull population is below  
13 harvestable levels and they shouldn't be harvesting,  
14 you know, the population is enough to harvest cows, I  
15 believe, but nobody should be harvesting bulls, not  
16 even the subsistence user, I believe, because it's so  
17 bad. And I kind of hope they do something about it  
18 this winter because otherwise it's going to get  
19 extremely worse.

20

21 Thank you.

22

23 CHAIRMAN FLEAGLE: Thank you, Randy.

24 Bert.

25

26 MR. ADAMS: Thank you, Mr. Chairman. I  
27 feel, you know, like Mr. Reakoff does, that RAC Chairs  
28 should have equal time when they come before the Board  
29 and testify.

30

31 With that said, I'd just like to also  
32 reiterate a little bit on what Ralph had said in  
33 regards to the young people, you know, not taking a  
34 real big interest, you know, in subsistence issues.  
35 And that's one of the reasons why I was invited to go  
36 to the high school, you know, a week and a half or so  
37 ago and make a presentation.

38

39 But ANILCA plainly says that there is  
40 going to be an increase in population in Alaska. And  
41 where are people most likely people going to go is out  
42 into the wilderness to get away from it all and then  
43 they're going to be settling in there and inter-  
44 marrying with the people and making those areas, you  
45 know, their permanent residences. And so this issue  
46 really needs to be addressed seriously in our  
47 communities. And, you know, as more and more people  
48 come into the state and go out into those rural areas,  
49 whether it's just to camp or live permanently, more and  
50 more regulations are going to have to be made, you

1 know, and it's going to be our job to make sure that we  
2 come forth with good common sense regulations.

3

4 But anyhow I just wanted to address the  
5 fact, that young people, you need to be really excited  
6 about this, and if we can do anything, you know, as  
7 members of the Board or Chairs or on the Board here, to  
8 talk about your concerns, you know, to the young  
9 people. We teach our grandchildren how to hunt and  
10 fish in our area, like my 16 year old son shot his  
11 first moose last year 200 yards away but using my  
12 rifle, you know, one shot and he's real excited about  
13 that and he's bragging to the kids in school and got  
14 them all excited about it, you know, and so hopefully,  
15 you know, that kind of excitement will spread through  
16 the community so that these resources can be used  
17 properly as well as, you know, an outreach or  
18 educational system be promoted as well.

19

20 So I just wanted, you know, to mention  
21 that for consideration.

22

23 Thank you, Mr. Chairman.

24

25 CHAIRMAN FLEAGLE: Thank you, Bert.

26 Greg.

27

28 MR. ROCZICKA: Amen Jack and Randy,  
29 what everybody said here. We can probably get into it  
30 a little bit more as far as discussion goes,  
31 specifically with 19A moose with how the management  
32 structure needs to be addressed, both at this Board --  
33 well, specifically with this Board.

34

35 And I'll also mention, too, we have  
36 three former Board of Game members here, there's  
37 another over -- maybe you were aware or not. But as  
38 far as the time at the Board meeting and I'm going to  
39 put this out right now, is at the statewide meeting I  
40 was approached by a Staff member prior to the proposal  
41 that we had there on denning that was in front of them  
42 at that time, and I was asked if I was representing the  
43 RAC because if I was there representing the RAC that I  
44 would get 15 minutes, rather than the five there just  
45 representing my sponsoring organization at the time.  
46 And so maybe if you would have made your request or it  
47 hasn't been actually formalized yet, but that option I  
48 believe is there already to -- anyway the offer was  
49 given to me at that time, and maybe if you would have  
50 made the request.



1 CHAIRMAN FLEAGLE: Go ahead, Jack.

2

3 MR. REAKOFF: Mr. Chair. I requested  
4 from Kristi and, no, to no avail, our liaison spoke to  
5 the Board and it was to no avail, I was only allowed  
6 five minutes. And I feel strongly that that's  
7 discriminatory against these Regional Advisory  
8 Councils. For all of the time that the State is  
9 provided at our meetings, for the Board of Game to only  
10 allow five minutes of comment from the Regional Council  
11 is discriminatory against these Councils. Usually when  
12 -- as you know, when people comment they have one or  
13 two proposals and they can cover that in five minutes,  
14 that's their pet little peeve, their little  
15 steamblowing event. But for the Councils, with three  
16 units, and multiple issues representing many villages  
17 within that region, I feel that that was uncalled for.

18

19 CHAIRMAN FLEAGLE: Thank you. And it  
20 sounds like the resolution is being considered now to  
21 that issue.

22

23 Denby.

24

25 COMMISSIONER LLOYD: Well, thanks, Mr.  
26 Chairman. I didn't want to step in on the discussion  
27 because this is your forum, but we are going to solve  
28 that. The Board of Fisheries already provides for 15  
29 minutes, I think the Board of Game may have been  
30 somewhat irregular, maybe Greg is a nicer guy or  
31 something, I don't know.

32

33 (Laughter)

34

35 COMMISSIONER LLOYD: But -- although I  
36 have to take that back.

37

38 (Laughter)

39

40 COMMISSIONER LLOYD: The Board of Game  
41 is going to provide for similar amounts of time for RAC  
42 testimony. And also one thing that hasn't been put on  
43 the table, is there are liaisons to both Boards, those  
44 liaisons are invited to speak on each proposal as well  
45 so they aren't limited to opportunities for public  
46 testimony either. So, although, it may not be exactly  
47 comparable to your system, I think there is abundant  
48 opportunity for input from the Federal system and we're  
49 going to make sure that there's more opportunity to  
50 address specifically Mr. Reakoff's encounter at the

1 last Board of Game meeting.

2

3 Thanks.

4

5 CHAIRMAN FLEAGLE: Jack.

6

7 MR. REAKOFF: Mr. Chair. The liaison  
8 was at the Board of Game meeting, who did not attend  
9 our Council meeting is only vaguely familiar with the  
10 Council's positions. And I feel that OSM should  
11 provide the RAC Chairs to be there present, sitting  
12 behind the liaison to advise the liaison, or there's  
13 got to be a little better communication system. I was  
14 communicating by email with the liaison. The liaison  
15 seemed to be fairly limited in how much input he could  
16 have there. And I think we have somewhat of a little  
17 bit of a flaw in the system, and I'm not -- you know, I  
18 don't have huge animosity, I'm not a bad guy, I just  
19 feel that we need to fix some of these issues.

20

21 (Laughter)

22

23 MR. REAKOFF: Thank you.

24

25 CHAIRMAN FLEAGLE: Well, I'm glad you  
26 clarified that because I was almost ready to rule.

27

28 (Laughter)

29

30 CHAIRMAN FLEAGLE: No, I'm kidding.

31 Pete.

32

33 MR. PROBASCO: Mr. Chair. In somewhat  
34 of a defense of my Staff, Chuck Ardizzone at that  
35 meeting, that was his first meeting. His baptism so to  
36 speak. I know Chuck very well. He's very  
37 knowledgeable in the wildlife management arena and I  
38 think if we have patience and give him time he will be  
39 as effective, if not more effective than our previous  
40 liaison. And I do know that he spends a considerable  
41 amount of time getting up to speed. As you know, Jack,  
42 your Western Interior meeting was occurring at the same  
43 time as the Board of Game, so what the Western Interior  
44 acted upon, with the Board of Game going at the same  
45 time, there was a lapse of time there, but that  
46 information was shared.

47

48 Mr. Chair.

49

50 CHAIRMAN FLEAGLE: Thank you, Pete.

1 Greg.

2

3 MR. ROCZICKA: Yeah, just to add my  
4 little bit there. That even though I was given that  
5 offer I couldn't take advantage of it because our  
6 Council had not met yet. So, I strongly -- and who's  
7 to say -- this was from a Staff member that I got this,  
8 who's to say that if I came before the Board Chair he  
9 might have refused it as well. Again, I'd just testify  
10 for the record that that was put forward at that time  
11 and so I would expect by the next meeting it ought to  
12 be straightened out.

13

14 CHAIRMAN FLEAGLE: Thank you. On the  
15 issue of the Mulchatna caribou and the proposal that  
16 was deferred, I heard to November, and now Randy says  
17 it's going to come up in March of next year. I think  
18 that's the normal cycle, but it's deferred to November,  
19 I think I heard you say, Jack.

20

21 MR. REAKOFF: That's what I -- from the  
22 AC coordinator, I was told that -- that a preliminary,  
23 that it was tabled until November because of a lack of  
24 Staff present at this last Board meeting, which I could  
25 not understand why Staff wasn't prepared to present on  
26 a proposal. But the proposal, at least, November,  
27 March, whatever, there's another hunting season that  
28 will occur between September 1 and September 15th,  
29 another season of harvest of bulls that we cannot  
30 provide for and we're still not meeting our ANS  
31 amounts, amounts necessary for subsistence are not  
32 being met by the residents of Alaska. The Board of  
33 Game is not doing the right thing with this. This is  
34 the wrong thing to be doing.

35

36 CHAIRMAN FLEAGLE: Randy.

37

38 MR. ALVAREZ: Mr. Chair. Our Fish and  
39 Game Advisory Committee coordinator told me that the  
40 call for proposal deadline is in November, I think, and  
41 then the Board of Game was going to be meeting in March  
42 to take up those proposals, so that's my understanding.  
43 That's why we're scheduled probably to have a meeting  
44 around the end of October, early November to submit  
45 proposals for that meeting, which I believe is going to  
46 be in March. I might be wrong but that's what's.....

47

48 CHAIRMAN FLEAGLE: Well, that's the  
49 normal cycle. I mean the problem with that Mulchatna  
50 Herd is they run over Region 3 and Region 2, and so

1 where is the appropriate region to deal with it,  
2 usually it's Region 2, but Unit 19A and B is in Region  
3 3. And that's the meeting they just had.

4

5 MR. ROCZICKA: Region 5.

6

7 CHAIRMAN FLEAGLE: Oh, and Region 5,  
8 Greg said, yeah, the Bethel, southwest -- or northwest,  
9 three different regions. So if it's delayed until the  
10 November meeting, that will be Region 5, no, is that  
11 Region 1, well, that's the wrong cycle, that's going to  
12 be down in Southeast. So I don't know -- well, the  
13 whole point I was getting to is obviously this Board  
14 did take a pretty strong position on it and I think it  
15 was probably precedent setting to take an action to  
16 submit an emergency petition and I'd just like to keep  
17 it in the back of our minds, maybe to address some  
18 further discussion on this as a Board after we're --  
19 you know, once we're into the regulatory process, to  
20 see if there's something that we may consider, you  
21 know, a strong letter to follow or some such.

22

23 Any other comments.

24

25 (No comments)

26

27 CHAIRMAN FLEAGLE: Wide open for new  
28 discussion from Chairs.

29

30 Sue, go ahead.

31

32 MS. ENTSMINGER: Yeah, I just wanted to  
33 bring up, we had our last meeting in Tok and that's,  
34 you know, pretty much my area and I tried to get a lot  
35 of the people to come to the meeting and I mean I sent  
36 out a lot of letters, made a lot of phone calls and I  
37 think what I'm finding out is that people are getting  
38 used up, so many meetings, so many things going on.  
39 Tok is a hub for all the villages around and we had  
40 some representation from the villages, but it seems to  
41 me that in all my talking with the people, there's some  
42 confusion, they still don't have it in their mind that  
43 it's just Federal lands -- that there's two Boards, so  
44 to speak, that State is everything and the Federal is  
45 just Subsistence Board. All they hear is subsistence  
46 and then they want to talk about all the State issues  
47 when you can't do anything about it. And, you know, I  
48 guess it comes back down to the whole issue of there's  
49 a -- you know, working together and coming up with a  
50 system that helps people to understand.

1                                   And, again, I'm going to -- I don't  
2 know how you'd do this, but, you know, there's just so  
3 many meetings out there that you can go to and people  
4 end up getting wore down. So any way that we can make  
5 these two systems simpler the better off we are.

6  
7                                   CHAIRMAN FLEAGLE: Was that a proposal  
8 to make the RACs the State AC also?

9  
10                                   (Laughter)

11  
12                                   CHAIRMAN FLEAGLE: No, we're not going  
13 to go there.

14  
15                                   Other comments. New topics.

16  
17                                   (No comments)

18  
19                                   CHAIRMAN FLEAGLE: All right, well,  
20 thank you. I heard a comment from somebody listening  
21 that they were really impressed with the positivity of  
22 the discussion with the Council Chairs and I'd like to  
23 echo that. I really appreciate it, it was good  
24 discussion. I think some really good topics came up  
25 and it sounds like there may even be some stuff that we  
26 can start working toward resolution on. And I  
27 appreciate the forum and thank you everybody for  
28 sharing.

29  
30                                   Bert.

31  
32                                   MR. ADAMS: Yeah, I'd just like to echo  
33 what you just said and what you heard. You know, I  
34 thought that the discussion this morning among the  
35 Council Chairs was really productive and, you know, I  
36 think that we've made some great progress here. So I  
37 thank the Board and you, Mr. Chairman, for this  
38 opportunity to address our issues before you.

39  
40                                   CHAIRMAN FLEAGLE: Thank you, Bert.  
41 All right, we're going to go ahead and move on with the  
42 agenda and that brings us up to the public comment  
43 period and Pete's going to go and check and see if we  
44 have any comments for non-agenda items. And with that  
45 I'm going to -- while we're waiting for him, turn over  
46 to Victor. Go ahead Victor.

47  
48                                   MR. KARMUN: Thank you, Mr. Chairman.  
49 Thank you for coming to Kotzebue when you were there.  
50

1                    Basically we have about six, we think,  
2 major concerns.

3  
4                    Unlike the people that engage in  
5 hunting with the Mulchatna Herd, we'd like to transfer  
6 about 200,000 if we could.

7  
8                    (Laughter)

9  
10                   MR. KARMUN: As you probably heard when  
11 you were in Kotzebue was the conflict between the  
12 different user groups, transporters/outfitters. The  
13 local people are not meeting their subsistence needs,  
14 being as the caribou is the most used and widely  
15 distributed in Game Management 23. There was also two  
16 members from the State Game Board, although they said  
17 their hands were basically tied because dealing with  
18 transporters/outfitters, it's kind of a grey area.  
19 There is no way to, how do you say, make new policy for  
20 these two different entities compared to big game  
21 guides. And the way they do it, they go out and  
22 saturate an area and even last fall I heard comments at  
23 one of the local restaurants, they said, yeah, we got  
24 that corridor all corked off. It really got my  
25 attention. I said, man, this is a terminology from the  
26 purse seining guys.

27  
28                    But there's basically four corridors  
29 where that Western Arctic Caribou Herd use and when  
30 they put their camps down where they come across the  
31 Noatak River, they're basically corking off that  
32 corridor. By law they're supposed to break down those  
33 camps, move them into town when they finish with that  
34 group. In all reality that is not happening. They  
35 will maintain those camps until the duration of that  
36 hunting season and then they'll finally go break them  
37 down and move on.

38  
39                    The other one, the Noatak Controlled  
40 Use Area. It seems like we went through this process  
41 20 years ago, although this organization wasn't in  
42 existence at that time, we had to deal with the State  
43 Game Board. Although it was successful for a little  
44 while, all it did was move them to different drainages.  
45 Just a few miles east to the Squirrel River and the  
46 Kobuk River, Kogugruk and the Selawik Rivers. Plus the  
47 outfitters/transporters, the attorneys, I would say it  
48 took them less than a minute to figure out a  
49 technicality in that controlled use area. What they do  
50 is drop them off above the boundary and then they float

1 the river. They can't pick them up until they hit the  
2 village of Noatak. And they are very successful in  
3 that respect.

4  
5 CHAIRMAN FLEAGLE: Victor. We're going  
6 to be taking a proposal on that Noatak Controlled Use  
7 Area so we'll hold the discussion on that particular  
8 piece of it for when we come up with those proposals.  
9 But go ahead and continue with the rest of your  
10 comments.

11  
12 MR. KARMUN: Okay, thank you. I do  
13 have some paperwork here, resolutions, maps. If you  
14 want I could present the Game Board right now with a  
15 map that basically shows the four different corridors  
16 this Western Arctic Caribou Herd uses.

17  
18 Although the State biologist didn't put  
19 out the information there, each line on that map  
20 basically is a female caribou. I used to work part-  
21 time for Jim Dau, the local biologist, and each line on  
22 there is a female caribou and each line basically  
23 represents 10,000 caribou, and you will see that over a  
24 period of time the different corridors those caribou  
25 use coming through the Brooks Range. There's a coast  
26 route, the Kelly River route, Salmon River route, and  
27 Onion Portage. They're not using the coastal route as  
28 of late and we think locally a couple of years ago,  
29 there was a pretty good size herd, went the coastal  
30 route and then after the snow came there was another  
31 herd that came through and there was about 1,500 that  
32 starved because that part of the real estate was grazed  
33 out. It was quite a number of caribou.

34  
35 We think that the caribou herd is going  
36 to crash, we don't know when, but it's on the horizon,  
37 we think, somewhere. It's not that we're short of  
38 animals, we're just running out of real estate to put  
39 all the people that want to hunt the region.

40  
41 We're looking for solutions,  
42 suggestions, recommendations, any which way we can get  
43 them. But we do think that there is a solution  
44 somewhere on the horizon.

45  
46 Thank you, Mr. Chair.

47  
48 CHAIRMAN FLEAGLE: Thank you, Victor.  
49 And as Victor just mentioned, I am a member of the Unit  
50 23 User Conflict Working Group that's trying to look at

1 solutions to mitigate conflicts caused by the outside  
2 area hunters coming in. I'm not saying they're all  
3 non-resident, there's a lot of -- the non-resident  
4 component is increasing but there's a lot of just other  
5 Alaska residents, out of unit residents and non-  
6 residents as well. And this is going to be really  
7 further exacerbated because the Mulchatna is nose  
8 diving, so all those people that were hunting there are  
9 looking for new places. There's ads in the gun section  
10 of the newspaper right now, five a day, \$2,500 to fly  
11 up and hunt in Unit 23 by a local transporter out of  
12 Anchorage here.

13

14                   And on top of all that we've got just a  
15 myriad of different land ownerships and regulatory  
16 schemes to be dealt with. Like Victor mentioned, you  
17 got the transporters that are not regulated yet because  
18 there is no governing regulations over them. But there  
19 was some commitment from Representative Jewell at that  
20 meeting to try to work the legislative process now that  
21 they've got the sunset extended for the new Big Game  
22 Commercial Services Board to give them some authority  
23 to regulate transporters. Right now the hunters that  
24 the transporters bring are regulated just like any  
25 other hunter and they just plop them anywhere as Victor  
26 mentioned.

27

28                   And then one further piece in this  
29 whole puzzle that I think is being down played because  
30 there isn't -- it can't be quantified and there isn't a  
31 trend identified, but we're already hearing of a  
32 decline in the herd by about 20 percent already in the  
33 last year so it's a major issue.

34

35                   And I agree with Victor, it's something  
36 that's going to take a long time to figure out with all  
37 the complexities of different agencies and regulatory  
38 schemes and hopefully we'll get something that works  
39 before -- I mean while we still got a good huntable  
40 population.

41

42                   Anyway, appreciate that Victor.

43

44                   And with that we're going to now go  
45 ahead and move into the public comment period.

46

47                   MR. PROBASCO: There's no comments.

48

49                   CHAIRMAN FLEAGLE: Hang on now. Denby.

50



1 COMMISSIONER LLOYD: Mr. Chairman. I  
2 want to make some opening remarks but I wondering where  
3 in your agenda to do that and I was going to wait until  
4 you have your public comments, if that's appropriate,  
5 with your indulgence where would you like us to await  
6 your agenda to make some opening comments.

7  
8 CHAIRMAN FLEAGLE: Pete and I got you  
9 penciled in right between 5 and 6, sorry, so we could  
10 have announced that so you weren't waiting in the dark  
11 there.

12  
13 All right. Now, comment period.  
14 Public comment on non-agenda items, Pete.

15  
16 MR. PROBASCO: Mr. Chair. We have no  
17 cards for either four or five at this time.

18  
19 CHAIRMAN FLEAGLE: And that moves us to  
20 the point between five and six.

21  
22 (Laughter)

23  
24 CHAIRMAN FLEAGLE: Commissioner,  
25 opening comments from the State.

26  
27 COMMISSIONER LLOYD: Thank you, Mr.  
28 Chairman. I knew I could wait.

29  
30 (Laughter)

31  
32 COMMISSIONER LLOYD: Thank you, Mr.  
33 Chair. Before the Board begins its work I'd like to  
34 say a few words and they do echo quite a bit of the  
35 conversation that's gone on before this morning.

36  
37 First, for the past year the Department  
38 and Staff have made considerable effort to be present  
39 at Regional Advisory Council meetings and to assist  
40 both the Federal Staff and the Regional Advisory  
41 Councils throughout their process on deliberation of  
42 proposals. It's our goal to assist both the Federal  
43 and State Staffs to fulfill their responsibilities to  
44 provide meaningful opportunity for subsistence  
45 throughout most of Alaska.

46  
47 It is also our goal to ensure that the  
48 Councils have the best available information on how the  
49 proposals will affect the State's management for  
50 sustainability of fish and wildlife populations.

1                   It's my impression that Councils have  
2 responded positively to this increased participation by  
3 State staff and I wish to express my appreciation for  
4 the improved respectful atmosphere during Council  
5 deliberations, particularly as impacts and benefits of  
6 some difficult proposals have been discussed. We'll  
7 continue to provide that support to the Councils,  
8 Federal Staff, to the greatest degree we can given our  
9 own staff and funding constraints and hopefully  
10 continuing these mutual efforts for the subsistence  
11 users and various resources.

12  
13                   In the spirit of cooperation between  
14 our regulatory programs which was envisioned when the  
15 State Boards and the Department and the Federal  
16 Subsistence Board entered into the interim Memorandum  
17 of Agreement, we're reviewing the Board of Game and  
18 Board of Fisheries that specify the amount of time  
19 allowed for testimony by official representatives of  
20 the RACs and the Local Advisory Committees. The time  
21 limit as we mentioned earlier appears to be different  
22 in the two Boards procedures which recently caused some  
23 misunderstandings and we want to avoid that in the  
24 future. As soon as the two Boards, our two Boards  
25 complete their review and possibly a revision of their  
26 procedures, we'll provide the RAC Chairs and the  
27 coordinators an update.

28  
29                   I also wanted to explore four  
30 overarching procedural issues that are touched on by  
31 several proposals before you at this meeting and  
32 request this Board's careful consideration. And I  
33 bring these up particularly because, again, I'm  
34 commiserating with the regional directors that are  
35 sitting here, in person, for deliberations of these,  
36 and I think we have an opportunity for a fresh look at  
37 how we approach some of these conceptual issues, even  
38 in the guise of specific proposals.

39  
40                   No. 1. The Board will be consideration  
41 several proposals to make revised  
42 customary and traditional use  
43 determinations. The Board has yet to  
44 develop clear and objective standards  
45 for making C&T determinations that  
46 would clearly address the eight Federal  
47 regulatory factors. And, in fact, last  
48 month, you postponed adopting a C&T  
49 policy stating that it was awaiting --  
50 or you were awaiting outcome of a

1 lawsuit that addresses some portion of  
2 the either C&T factors. But we believe  
3 the absence of such standards and some  
4 numerous inconsistencies in recent  
5 Board decision makes it very difficult  
6 to understand the basis the Board would  
7 use to make decisions to deny or  
8 approve proposed new and expand C&T use  
9 determination.

10  
11 The lack of analytical thresholds  
12 addressing the eight factors results,  
13 not limiting subsistence uses, but in  
14 appearance that the Board is not even-  
15 handed in addressing all C&T proposals.  
16

17 And we're suggesting that the Board  
18 should defer all action on C&T  
19 proposals until you have adopted  
20 guidelines that clearly address the  
21 eight regulatory factors.  
22

23 No. 2. You have two proposals before  
24 you that were submitted by rural  
25 communities seeking authorization in  
26 the Federal regulations to harvest  
27 wildlife for cultural events. These  
28 two proposals are on your consensus  
29 agenda, 08-08 and 08-09 because no one  
30 opposes issuing the authorizations.  
31 However, we'd suggest and request that  
32 the Board direct your Federal Staff in  
33 the future to encourage rural  
34 communities and organizations to  
35 consider applying to the Department,  
36 the Department of Fish and Game for  
37 cultural permits before making a  
38 request to the Federal Board.  
39

40 Our State cultural permits generally  
41 authorize harvest on all lands while  
42 the Federal permits can only be used on  
43 Federal lands. And in addition State  
44 permits can be authorized more timely  
45 than through the Federal regulatory  
46 process. Therefore, we think the  
47 State's permit process provides more  
48 flexibility to persons harvesting  
49 resources to support important cultural  
50 activities like those described in

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50

Proposals 08 and 09.

No. 3. We request that the Federal Subsistence Board carefully consider the Unalakleet moose proposals which are 36, 37 and 38 in light of the successful effort, at least we maintain it's a successful effort of the Department, local residents, the Alaska Board of Game and the BLM to work together to rebuild that moose population in Management Unit 22A. This is an example of where the Federal Board can cooperate with the State Board as the State provides a meaningful opportunity for subsistence.

After the three year State hunting moratorium the population has recovered enough that the Board of Game authorized a season and we ask the Federal Subsistence Board to let the State's hunt work as envisioned by all these cooperators. This hunt applies on all lands. It has been structured so no one outside of Unalakleet would likely go to the expense to get a permit, and then try to get boats and equipment into Unalakleet to hunt a month later. So the hunt is a successful culmination of a lot of trust, education and effort by the State, BLM and local residents to provide for local opportunity.

In situations such as this where the State effectively provides a priority that best serves the subsistence interest of local residents, with the least confusing regulations and only one set of permits, we ask the Federal Subsistence Board to let that State system work. The Federal Board doesn't need to take action. The Board could reject these proposals or defer taking action for one year to see how the hunt works and then evaluate whether the subsistence interests were indeed satisfied. The Federal priority is in effect since the Federal lands in the

1 area remain closed to non-Federally  
2 qualified users. Authorizing a Federal  
3 hunt that only applies on Federal lands  
4 and opens the season before the State  
5 authorized season would actually be  
6 detrimental to local subsistence users.  
7

8 Recognizing the extensive cooperation  
9 of State and Federal with local  
10 residents and the Board of Game's  
11 efforts to address subsistence, I  
12 really am urging this Board to support  
13 the State's hunt in the Unalakleet area  
14 as being in the best interest of  
15 subsistence users.  
16

17 No. 4. The Board will be considering  
18 three proposals, 12, 52 and 53 that  
19 would authorize making and selling  
20 handicrafts made from brown bear fur,  
21 including claws in three regions of the  
22 state where this practice currently  
23 isn't authorized. The Department is  
24 concerned about the expansion of this  
25 activity into three more areas of the  
26 state, especially in the absence of any  
27 mechanism for tracking bear parts or  
28 making claws used -- or marking bear  
29 claws used in making handicrafts.  
30

31 The Department has raised serious  
32 conservation issues with the  
33 unenforceable and undefined customary  
34 trade in this regard or possibilities  
35 thereof. And these concerns have been  
36 reflected in several Federal agency  
37 national budget requests for fiscal  
38 year '09 recently released by the  
39 President that document the growing  
40 national, international trade in bear  
41 paws for medicinal use and also bear  
42 claws.  
43

44 To seek resolution to address both the  
45 subsistence users desire to sell bear  
46 parts as part of handicrafts in some  
47 parts of the state and the Department's  
48 concerns, we tried a new approach in  
49 Proposal 08-05, which suggests  
50 regulatory changes that would address

1 most of our concerns and continue to  
2 allow barter of brown bear handicrafts.

3  
4 We also propose creation of a working  
5 group to address the sale and tracking  
6 of bear parts including the marking of  
7 brown bear claws used in making  
8 handicrafts for sale. If brown bear  
9 harvest can be tracked over time and  
10 bear parts or handicrafts can be traced  
11 to reported legal harvest, conservation  
12 issues will diminish and managers will  
13 be better able to distinguish illegal  
14 versus legal sales. In particular, an  
15 effective but non-burdensome tracking  
16 system could be developed to insure  
17 that only legally obtained Federal  
18 subsistence claws are marketed, we  
19 could potentially eliminate our  
20 conflicting State and Federal  
21 regulations that are unnecessarily  
22 impacting our subsistence users.

23  
24 Mr. Chairman. The Department staff  
25 will present comments on these and other proposals  
26 during your deliberations.

27  
28 I, again, just want to express my  
29 sincere appreciation for what I see as a growing level  
30 of respect and cooperation evident in recent Council  
31 and Board meetings. And, I, for one, while bringing up  
32 issues of concern to the State will look for every  
33 available opportunity to continue to improve those  
34 relations.

35  
36 So, thank you, very much.

37  
38 CHAIRMAN FLEAGLE: Thank you,  
39 Commissioner. Well, I thank you for recognizing the  
40 advancements that we're making in cooperative work, and  
41 I'd like to thank you for your participation in that, I  
42 think that as Commissioner you've brought a new  
43 attitude to the table, to the process, and I'd like to  
44 appreciate your involvement in that.

45  
46 Comments, Board members.

47  
48 Bert.

49  
50 MR. ADAMS: Mr. Chairman. I would also

1 like to express my appreciation, you know, to the State  
2 for their participation in our RAC meetings in  
3 Southeast. We've had Mr. George Pappas come to our,  
4 you know, last three or four meetings and, you know,  
5 he's been a real good addition, you know, to those  
6 meetings.

7

8 We had our meeting in Sitka last fall  
9 and the Girl Scouts were raising some money to go on a  
10 camping trip and so they came, you know, with  
11 refreshments and there was a little kitty in there for  
12 us to put our contributions in and I developed a real  
13 bright idea that whenever anybody made a mistake, you  
14 know, we'd fine them \$5 or so to put into that kitty.  
15 We got rich off of George.

16

17 (Laughter)

18

19 MR. ADAMS: And I, too, you know, made  
20 a lot of mistakes when Tina reminded me that I had to  
21 turn my microphone on or off, you know, whenever a  
22 little mistake like that was made I had to contribute  
23 my \$5.

24

25 But, George, he was fined for coming  
26 late one day.

27

28 (Laughter)

29

30 MR. ADAMS: And then he was also fined  
31 for leaving early.

32

33 (Laughter)

34

35 MR. ADAMS: So, you know, we did pretty  
36 well and we appreciate his sense of humor and we hope  
37 to see him again at future meetings.

38

39 Thank you.

40

41 CHAIRMAN FLEAGLE: Thank you, Bert.

42 Jack.

43

44 MR. REAKOFF: Mr. Chair. I appreciate  
45 the Commissioner's comments on working with the OSM and  
46 the Federal Subsistence Board on working for the co-  
47 management of these resources and I'm highly  
48 appreciative of that. That's the direction that this  
49 -- for the protection of the resources and for the  
50 protection of the users, Alaskan resident users and

1 rural resident users, in particular, under this system,  
2 that's basically the only way that we're going to be  
3 able to manage these resources appropriately.

4

5 So, thank you, Mr. Commissioner.

6

7 CHAIRMAN FLEAGLE: Other comments to  
8 the Commissioner's comments.

9

10 (No comments)

11

12 CHAIRMAN FLEAGLE: All right, hearing  
13 none, we're going to go ahead and move on with the  
14 agenda. We now move to Item 6, the 2008/2010 Subparts  
15 C and D proposals, and the first step in that is the  
16 announcement of the consensus agenda.

17

18 Larry Buklis, would you do that for us,  
19 please. Welcome.

20

21 MR. BUKLIS: Thank you, Mr. Chairman.  
22 Larry Buklis, Office of Subsistence Management. I'm  
23 the Deputy to Pete Probasco and I serve as the Chair of  
24 the Federal InterAgency Staff Committee.

25

26 Mr. Chairman, there are 17 regulatory  
27 proposals or portions of proposals on the consensus  
28 agenda. They're listed on Page 2 of the Board meeting  
29 book as follows:

30

31 WP08-02 with the recommendation of  
32 support with modification. And the  
33 details on that proposal and analysis  
34 can be found on Page 17.

35

36 Proposal 08 support with modification,  
37 Page 26.

38

39 Proposal 09 support with modification,  
40 Page 37.

41

42 Proposal 10 support with modification,  
43 Page 47.

44

45 Proposal 12 oppose, Page 64.

46

47 Proposal 13 oppose, Page 73.

48

49 Proposal 15 support, Page 82.

50



1 Proposal 23 support, Page 92.  
2  
3 Proposal 24 oppose, Page 104.  
4  
5 Proposal 25 support, Page 115.  
6  
7 Proposal 26 support, Page 123.  
8  
9 Proposal 27, the (b) portion, support  
10 with modification, Page 135.  
11  
12 Proposal 28 support, Page 144.  
13  
14 Proposal 29 support, Page 152.  
15  
16 Proposal 35 oppose, Page 162.  
17  
18 And Proposals 48/49 analyzed together,  
19 on each, oppose, Page 177.  
20  
21 Mr. Chairman, as described on Page 2 of  
22 the Board meeting book, these are proposals for which  
23 agreement exists among Federal subsistence Regional  
24 Advisory Councils, the Federal InterAgency Staff  
25 Committee, and the Alaska Department of Fish and Game  
26 concerning Board action. And as you know, Mr.  
27 Chairman, anyone disputing the recommendation on a  
28 proposal may request that the Board remove the proposal  
29 from the consensus agenda and place it on the regular  
30 agenda, however, the Board retains final authority for  
31 actually removing proposals from the consensus agenda  
32 I've announced.  
33  
34 And as you look at your agenda, Mr.  
35 Chairman, you note that the final action on the  
36 consensus agenda occurs after your deliberation and  
37 decisions on the other proposals.  
38  
39 Thank you, Mr. Chairman.  
40  
41 CHAIRMAN FLEAGLE: Thank you, Larry,  
42 appreciate that.  
43  
44 Now, I have a question about anyone,  
45 does that anyone mean even public people that come and  
46 testify have the authority to request that or is that  
47 just contained within the Board process and Council  
48 Chairs?  
49  
50 MR. BUKLIS: Mr. Chairman. The public

1 can come forward and as you begin each day you have a  
2 public comment period on consensus agenda items, No.  
3 5., on your main agenda, and at that time each morning  
4 the public could come forward and raise issues to your  
5 attention, but the Board retains authority to act.

6

7 CHAIRMAN FLEAGLE: Thanks for the  
8 clarification.

9

10 All right, and on our last day of the  
11 meeting the Board will take action on these consensus  
12 agenda items.

13

14 Thank you, Larry.

15

16 And that moves us into the non-  
17 consensus agenda proposals which are listed on Page 3  
18 of the book and I think just to give a moment for Staff  
19 to organize, let's step down for five minutes and we'll  
20 get the appropriate Staff up for Proposal 1 and 5.

21

22 (Off record)

23

24 (On record)

25

26 CHAIRMAN FLEAGLE: Before we move into  
27 proposals I'd like to welcome Ken Taylor to the table  
28 acting as the State liaison, Ken, Welcome.

29

30 MR. TAYLOR: Thank you.

31

32 CHAIRMAN FLEAGLE: And with that we're  
33 going to go ahead and move into the two statewide  
34 proposals that we have. The first one up is 08-01, and  
35 we move to Staff for the analysis. We've got Robert  
36 Larson and Dr. Polly Wheeler. Polly.

37

38 DR. WHEELER: Thank you. Mr. Chair and  
39 Board members. For the record, again, my name is Polly  
40 Wheeler. I'm presenting the analysis for WP08-01. The  
41 analysis for this proposal as well as all kinds of  
42 comments can be found in your books on Pages 183 to  
43 204.

44

45 While the analysis in your books is  
46 quite lengthy, mostly because it includes both hunting  
47 and trapping seasons and harvest limits for all 26 Game  
48 Management Units statewide, my presentation today,  
49 hopefully, will be quite short.

50

1                   This proposal was submitted by ONC of  
2 Bethel. It requests three related points.

- 3
- 4                   1.       That the closing dates of the  
5                                wolf hunting and trapping  
6                                season statewide be extended to  
7                                May 31.
  - 8
  - 9                   2.       That the harvest limit be  
10                               increased to 10 wolves per day  
11                               for the dates of April 1 to May  
12                               31.
  - 13
  - 14                   3.       And that any restrictions to  
15                               disturbing or destroying wolf  
16                               dens be removed from  
17                               regulation.
  - 18

19                   The proponent states that reinstatement  
20 of historic wolf control activities, such as denning or  
21 spring baiting will help to, "promote and maintain more  
22 productive moose or caribou populations that are highly  
23 important as basic subsistence food resources in rural  
24 Alaska." The goal of the proposal is to provide  
25 "adequate and sustainable harvest levels of moose and  
26 caribou."

27

28                   The proponent also requests that the  
29 Federal Subsistence Board call for or direct the four  
30 land management agencies of the Federal Subsistence  
31 Management Program to expedite creation and submission  
32 of management plans within one year that outline how  
33 they will manage their respective wildlife populations  
34 to provide for current and future rural subsistence  
35 harvest needs in their respective conservation units.

36

37                   The proponent goes on to request that  
38 these management plans reflect local or regional  
39 knowledge and practices. These requests are not  
40 regulatory in nature and are, thus, not addressed in  
41 this analysis, however, they are highlighted here to  
42 bring to the attention of land management agencies.

43

44                   In May 2004, the Federal Subsistence  
45 Board adopted a Predator Management Policy, and just  
46 for your information and that of the public, copies of  
47 this policy can be found at the front desk. As  
48 described in the policy, the Board administers the  
49 subsistence taking and uses of fish and wildlife on  
50 Federal public lands through regulations that provide

1 for the nonwasteful harvest of fish and wildlife by  
2 Federally-qualified rural residents consistent with the  
3 maintenance of healthy populations of harvested  
4 resources. Such subsistence takings and uses are for  
5 direct personal or family consumption. The policy goes  
6 on to note that wildlife management activities on  
7 Federal public lands, other than the subsistence take  
8 and use of fish and wildlife, such as predator control  
9 and habitat management are the responsibility of and  
10 remain within the authority of the individual land  
11 management agencies.

12  
13                   Given that the proponent of Proposal  
14 WP08-01 requests expanded wolf harvesting opportunities  
15 through more liberal trapping and hunting seasons,  
16 harvest limits and the opportunity to take pups at den  
17 sites to promote and maintain more productive moose and  
18 caribou populations thereby insuring sustainable  
19 harvest of these populations, this proposal falls  
20 outside of what the Board will do as described in the  
21 Predator Management Policy. Predator control, if done,  
22 must be done by the Federal land management agencies in  
23 coordination with the State of Alaska.

24  
25                   In reviewing a draft of this analysis  
26 at the Yukon Kuskokwim-Delta Subsistence Regional  
27 Advisory Council meeting, the proponent raised the  
28 concern that the analysis does not reflect the intent  
29 for the regulatory action to be considered regionally  
30 across the state with specific outcomes conforming to  
31 local views.

32  
33                   Presenting the issue to all 10 Councils  
34 provided an opportunity for regional approaches to be  
35 considered.

36  
37                   This proposal is in conflict with  
38 Federal subsistence Board policy as it stands today,  
39 regardless of whether there is a regional versus a  
40 statewide application.

41  
42                   The Office of Subsistence Management  
43 conclusion is to oppose Proposal WP08-01 with the  
44 rationale that the Federal Subsistence Board policy is  
45 to not promulgate regulations specifically for predator  
46 control and the proponent of this proposal specifically  
47 states that the goal of the proposal is to reduce wolf  
48 numbers and allow for higher moose and caribou  
49 populations.

50

1 Proponents are encouraged to work with  
2 the State of Alaska in coordination with the Federal  
3 agencies to enable predator control.

4  
5 Mr. Chair, that concludes my  
6 presentation.

7  
8 CHAIRMAN FLEAGLE: Thank you, Polly.  
9 Questions Board members.

10  
11 (No comments)

12  
13 CHAIRMAN FLEAGLE: All right, thank  
14 you. Summary of written public comments. Robert.

15  
16 MR. LARSON: Yeah, Mr. Chairman. If  
17 you'd look on Page 204 of your Board book you'll see  
18 the summary of written public comments. There are two  
19 comments opposing the proposal. One to support with  
20 modification. And one to defer.

21  
22 The commonality of the propo -- the  
23 comments to oppose are all in opposition to the  
24 practice of denning, although that the one proposal  
25 [sic] is in support of extending the hunting season and  
26 increasing the bag limits.

27  
28 The comments to defer suggest that  
29 there may be some additional information if a ballot  
30 initiative this fall is before the Council and they  
31 could make a better decision.

32  
33 Thank you.

34  
35 CHAIRMAN FLEAGLE: Thank you, Robert.  
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 To start with, I would like to ask that this proposal  
46 be dealt with on the two separate points that were  
47 brought forward within the original proposal, one with  
48 the actual regulatory changes and then the further one  
49 requesting the action from this Board consistent with  
50 their Predator Management Policy.

1 CHAIRMAN FLEAGLE: Thank you. We'll  
2 take that under consideration.

3  
4 Additional comments on the proposal.

5  
6 MR. ROCZICKA: Mr. Chairman. Regarding  
7 the actual regulatory changes that are requested for  
8 the increased seasons, bag limits, methods and means  
9 that are included there.

10  
11 As brought forward by the Staff in  
12 their analysis, there really is no extensive  
13 documentation on denning and to what extent it was done  
14 as a customary and traditional practice, and I would  
15 ask at this point that just because -- or point out and  
16 it was discussed at the Council, was just because  
17 something isn't written down on paper doesn't mean it  
18 didn't happen. It has been brought forward in several  
19 venues over the years that people did participate in  
20 this type of activity, reasons given, it still remains  
21 in question whether it was done specifically with  
22 perhaps the bounties that were in place back in the  
23 '30s and '40s, along those times. But if you think of  
24 it, just because a practice was only done partially, or  
25 for that long ago period of time shouldn't preclude it  
26 from coming back into play. In several of the  
27 conservation units snowmachines weren't around until  
28 just the last generation, yet, they're now recognized  
29 as a customary and traditional methods and means to  
30 access.

31  
32 So the deferral, what we would ask for  
33 these is that in the interim, that your Staff should go  
34 out throughout the different regions, and, again, we're  
35 dealing with a cross-regional issue here, that  
36 throughout Interior rural Alaska, that Staff would go  
37 and attempt to garner that and document those  
38 activities where they did take place in the past, I  
39 believe they have and they've been -- or our Council  
40 believes they have.

41  
42 And so that's for the actual regulatory  
43 changes and deferral.

44  
45 CHAIRMAN FLEAGLE: Thank you, Greg.  
46 I'm going to -- there's going to be an opportunity for  
47 further discussion on the issues as we move down the  
48 line. At this time I'm just looking to Council Chairs  
49 for the Council position on the proposal, so we'll get  
50 into the meat of -- you'll have opportunity to get into

1 the meat of the discussion a little later on in the  
2 process here.

3

4 Bert.

5

6 MR. ADAMS: Thank you, Mr. Chairman.  
7 Our Council, you know, agrees with the Staff analysis  
8 and that is to oppose this proposal.

9

10 We also recognize the fact that the  
11 Federal Subsistence Board is not in the business of  
12 allocation issues. So with that the Council determined  
13 that the practice of disturbing dens and killing pups  
14 was culturally unacceptable, at least in our region, we  
15 didn't think that was right to do that.

16

17 The proposed action is not supported,  
18 we believe, by enough data, you know, to back up the  
19 proposal and we saw a concern for conservation on this  
20 proposal.

21

22 Improving moose habitat we felt in  
23 areas with low moose abundance was thought to be a more  
24 effective solution to low moose numbers that -- you  
25 know, we believe that the wolves are predatoring [sic]  
26 on, so that's it.

27

28 Thank you, Mr. Chairman.

29

30 CHAIRMAN FLEAGLE: Thank you, Bert.  
31 Other Council. Ralph.

32

33 MR. LOHSE: Southcentral Regional  
34 Council opposed this proposal. And even if in the past  
35 we had had some discussion on wolf denning and some  
36 evidence that it had been done in our area, we looked  
37 at the wolves as a resource for the subsistence user,  
38 and wolf hunting going to May 31st and taking pups out  
39 of the den was actually removing a subsistence resource  
40 that was valuable to the subsistence resource users in  
41 our area so we opposed the proposal.

42

43 CHAIRMAN FLEAGLE: Sue.

44

45 MS. ENTSMINGER: Thank you, Mr.  
46 Chairman. We looked at the proposal and we were silent  
47 on the denning portion of it. Although I know that  
48 locally there are old-timers that did the denning from  
49 the villages. But with our region having a State  
50 season that's open until May 31st, we amended this to

1 just take our region 12, 20 and 25 and bring the  
2 Federal system consistent with the State.

3  
4 So we amended it just to cover the  
5 season dates.

6  
7 CHAIRMAN FLEAGLE: Thank you. Pat  
8 Holmes.

9  
10 MR. HOLMES: The Kodiak/Aleutians  
11 Regional Subsistence Council opposed the proposal.  
12 While we're emphatic with the concerns expressed by the  
13 proponent of the proposal, we decided to go along with  
14 the Staff recommendations and to oppose it. Although  
15 in certain surgical points, active management of  
16 predators might be appropriate, but it's not in our  
17 purview to be doing that.

18  
19 CHAIRMAN FLEAGLE: Thank you. Randy.

20  
21 MR. ALVAREZ: Thank you, Mr. Chair.  
22 The Bristol Bay Council opposed the proposal mainly  
23 because we felt that lengthening -- for two reasons.  
24 The first one was for lengthening the season to the end  
25 of May, that time the hides are no good and we felt  
26 that, you know, if they wanted to lengthen it in a  
27 different area of the state, it might work for them but  
28 it wouldn't work for us. And the second reason was  
29 that we didn't feel that taking pups out of the dens  
30 was appropriate, you know, although one of our Council  
31 remembers, he was an elder guy, and he remembers when  
32 he was real young, he did get a couple of wolf pups but  
33 we feel that predator control utilizing the adults so  
34 that we can utilize the pelts is the best way to go  
35 about this.

36  
37 That's our comments.

38  
39 CHAIRMAN FLEAGLE: Thank you. Jack.

40  
41 MR. REAKOFF: Western Interior opposed  
42 the proposal. A lot of our region is comprised of  
43 Koyukon Athabascans, there's taboos against  
44 disrespecting wolves and how to utilize wolves, like  
45 bears, and I -- you know, in my mind the ANILCA law is  
46 fairly clear about the non-wasteful aspect of  
47 utilization of subsistence resources. And killing wolf  
48 pups is basically a wasteful practice to the laws of  
49 resource.

50



1                   The discussions revolved around the  
2 quality of the fur and I trap all winter and so our  
3 season will go through the end of April on the Federal  
4 side but a lot of times it's too warm and so I just  
5 don't trap a lot of times -- I'm not going to catch  
6 wolves that are worth like nothing, 50 bucks or  
7 something, if they're not worth anything. And so we --  
8 the proposal failed -- and so we felt that, you know,  
9 utilizing wolves into May was -- although we advocate  
10 utilizing wolves and are highly valued in our region,  
11 the harvest into end of May like that is not  
12 appropriate for our region.

13

14                   CHAIRMAN FLEAGLE: Victor.

15

16                   MR. KARMUN: Thank you, Mr. Chair.  
17 Northwest Arctic opposed this also. Mainly because of  
18 the respect and everything else goes along with this,  
19 they regard it as a renewable resource. A good prime  
20 wolf pelt, January, February will go \$750 so it's a  
21 pretty good sizeable amount of pocket change for those  
22 young guys that engage in wolf hunting. And as far the  
23 pups and everything else that goes along with it, they  
24 didn't really care for that because by March they leave  
25 them alone because of their mating and their fur is not  
26 really acceptable for anything else anymore, they're  
27 done for the winter.

28

29                   Thank you.

30

31                   CHAIRMAN FLEAGLE: Thank you, Victor.

32 Myron.

33

34                   MR. SAVETILIK: Seward Peninsula  
35 opposed this proposal because I think we needed more  
36 data or more information on this proposal right here.

37

38                   CHAIRMAN FLEAGLE: Thank you. That  
39 wraps up Council recommendations.

40

41                   Fish and Game, Ken Taylor.

42

43                   MR. BUKLIS: Excuse me, Mr. Chairman.

44

45                   CHAIRMAN FLEAGLE: Larry.

46

47                   MR. BUKLIS: We have one more Council.  
48 The Chair is absent, but Robert Larson is going to  
49 speak for them.

50

1 CHAIRMAN FLEAGLE: Okay, let's do that.

2

3 MR. LARSON: Mr. Chairman. If you  
4 could turn to Page 188 in your Board book you can see  
5 the comments from the North Slope Advisory Council and  
6 they're in opposition to Proposal 1. Predator control  
7 is not part of the Federal Subsistence Management  
8 Program.

9

10 Thank you.

11

12 CHAIRMAN FLEAGLE: Okay, thank you. I  
13 should have counted heads, I just assumed we had  
14 everybody but now I do see we only have nine.

15

16 All right, now, Fish and Game. Ken  
17 Taylor.

18

19 MR. TAYLOR: Thank you, Mr. Chairman.  
20 I'll have our Staff, Terry Haynes, present the State's  
21 position on this and he and Tina will be presenting the  
22 State's position on most of these proposals. I'll be  
23 available for questions or further clarification if  
24 necessary.

25

26 CHAIRMAN FLEAGLE: All right. Just for  
27 process, though, I'm going to call on you and you can  
28 call whoever you need to for whatever discussion while  
29 we're doing this.

30

31 Go ahead, Terry.

32

33 MR. HAYNES: Thank you, Mr. Chairman.  
34 My name's Terry Haynes. I'm the Federal subsistence  
35 wildlife coordinator for the Department of Fish and  
36 Game. Before presenting our comments, we'd like to  
37 request that all of our written comments that are  
38 included in the meeting materials be entered into the  
39 record of this meeting, and that way we can  
40 significantly condense our oral comments.

41

42 CHAIRMAN FLEAGLE: We're nodding, go  
43 ahead.

44

45 MR. HAYNES: Thank you. Our written  
46 comments on this proposal appear on Pages 202 and 203  
47 of your meeting book.

48

49 The Department recommends deferral of  
50 this proposal because we've heard through the testimony

1 of the various Regional Councils, that there are  
2 different positions, different views on what action  
3 should be taken on this proposal and why those actions  
4 should be considered.

5  
6                   The Department recommends deferral, and  
7 then encourages cooperation between the Federal land  
8 management agencies and the State to recognize the  
9 State's wildlife management responsibilities. We would  
10 also request that the Federal Board create a working  
11 group to work with users and the Alaska Board of Game  
12 on this proposal and not take action until after the  
13 Board of Game completes its evaluation of wolf harvest  
14 practices and other issues addressed in proposals it  
15 has deferred. We believe this process will enable  
16 regional differences and practices to be taken into  
17 account when current regulations and potential changes  
18 to those regulations are evaluated.

19  
20                   Thank you, Mr. Chairman.

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

24  
25                   Wildlife Proposal WP08-01: Liberalize  
26 wolf harvest regulations statewide by allowing  
27 customary and traditional practices.

28  
29                   Introduction:

30  
31                   This statewide proposal would extend  
32 the wolf hunting and trapping season by moving the  
33 closure date to May 31, increase the hunting bag limit  
34 to 10 wolves per day during the period from April 1 to  
35 May 31, and delete any restrictions to disturbing or  
36 destroying a den.

37  
38                   Impact on Subsistence Users:

39  
40                   Adoption of this proposal would: (1)  
41 provide additional time and methods for federally-  
42 qualified subsistence users to hunt and trap wolves on  
43 federal lands in spring; (2) substantially increase the  
44 harvest limit in some areas for wolves taken under  
45 federal subsistence hunting regulations on federal  
46 lands; and (3) authorize dens on federal lands to be  
47 disturbed or destroyed for the purpose of harvesting  
48 wolves. These liberalizations would create wolf  
49 management and conservation issues in some areas that  
50 would likely result in reduced subsistence

1 opportunities to harvest wolves in the long-term. In  
2 some areas these may be traditional methods of harvest  
3 by rural residents.

4

5 Opportunity Provided by the State:

6

7 State hunting regulations allow harvest  
8 of wolves in May and/or authorize a bag limit of 10  
9 wolves per day in some areas where the wolf populations  
10 can sustain these harvests. State regulations do not  
11 authorize dens to be disturbed or destroyed. The  
12 Alaska Board of Game deferred action on several similar  
13 proposals until its next regulatory cycle to allow a  
14 thorough evaluation of issues.

15

16 Conservation Issues:

17

18 Elements in this proposal season  
19 extension, increased harvest limit, or  
20 disturbing/destroying dens could result in overharvest  
21 of wolves and create conservation concerns in some  
22 areas. In southeast Alaska, for example, increased  
23 harvests could lead to wolves being evaluated as  
24 possible threatened or endangered species. The poor  
25 pelt quality of wolves taken in spring in most areas  
26 reduces their value for subsistence uses.

27

28 Enforcement Issues:

29

30 Differences in federal and state  
31 regulations resulting from adoption of this proposal  
32 create enforcement issues in areas with mixed land  
33 ownership.

34

35 Other Comments:

36

37 No evidence is presented indicating  
38 that the proposed changes are needed to provide for the  
39 continuation of subsistence uses of wolves by  
40 federally-qualified subsistence users. Similar  
41 proposals to manipulate predator populations that  
42 benefit prey populations were submitted to, and  
43 rejected by, the Federal Subsistence Board in 2005 and  
44 2006 for the following reasons: (1) The Federal  
45 Subsistence Board and the Department of Fish and Game  
46 were concerned that extending the season statewide when  
47 wolves have pups at the den site is contrary to sound  
48 wildlife management principles; (2) The Federal  
49 Subsistence Board and Department of Fish and Game noted  
50 that hides of wolves taken in May are not prime and are

1 of low value for making clothing and handicrafts; and  
2 (3) The Federal Subsistence Board reiterated that its  
3 policy adopted in 2004 is to not promulgate regulations  
4 specifically for predator control.

5  
6 The proponent desires that each federal  
7 land management agency take action to facilitate active  
8 predator management on federal units. The State of  
9 Alaska is actively engaged in intensive management of  
10 wolves in some areas of the state in order to restore  
11 healthy prey populations, but federal land management  
12 policies limit the scope and effectiveness of State  
13 efforts. The State welcomes opportunities to work with  
14 the proponents to encourage federal land managers to  
15 reevaluate their land management policies that limit  
16 the State s active management tools on most federal  
17 lands.

18  
19 Recommendation:

20  
21 Defer. The Department recommends  
22 deferral of this proposal and encourages cooperation  
23 between the federal land management agencies and the  
24 State to recognize the State s wildlife management  
25 responsibilities, which may include active management  
26 of predators on federal public lands. We request the  
27 Federal Board create a work group to work with users  
28 and the Alaska Board of Game on this proposal and not  
29 take action until after the Alaska Board of Game  
30 completes its evaluation of wolf harvest practices and  
31 other issues addressed in proposals it has deferred.

32  
33 CHAIRMAN FLEAGLE: Thank you, Terry.  
34 Board members.

35  
36 (No comments)

37  
38 CHAIRMAN FLEAGLE: Terry, if the Board  
39 does not take action on this proposal, would that  
40 process that you just spoke of, the working group that  
41 the State, would that still be something that the State  
42 is willing to do, to work with Federal agencies on  
43 these issues?

44  
45 MR. HAYNES: Mr. Chairman. Yes, I  
46 believe so. I think that our suggestion the proposal  
47 be deferred is just to point out that we would not like  
48 to see it disappear altogether. We also recognize that  
49 deferral of proposals in the Federal system is  
50 essentially the same as not adopting them unless you've

1 deferred until a time specific. So we just don't want  
2 to see the issue go away because we believe there are  
3 important points to be discussed and there are  
4 unanswered questions.

5  
6 CHAIRMAN FLEAGLE: All right, thank  
7 you. The other problem with deferral, even to a time  
8 certain, is that everything has to be prepared and  
9 shipped out and commented on all over again and it's  
10 sometimes easier just to deal with something -- anyway,  
11 I'm not giving you a preponderance of what we're going  
12 to do here, I just had a question as to the working  
13 group process that you mentioned.

14  
15 All right, that leads us to InterAgency  
16 Staff Committee comments. Larry.

17  
18 MR. BUKLIS: Thank you, Mr. Chairman.  
19 The InterAgency Staff Committee comments for this  
20 proposal can be found on Page 201. And the statement  
21 that's provided there, Mr. Chairman, is provided for a  
22 number of other proposals. So I'll read it this first  
23 time and then in the future, if there are no further  
24 points than that, I'll just make that point, but not  
25 read it again. And actually I think we need to adapt  
26 in this case because there are 10 Council  
27 recommendations on this proposal, and eight of them are  
28 to oppose and I think that's the recommendation this  
29 Staff Committee comment is speaking to.

30  
31 The InterAgency Staff Committee found  
32 the Staff analysis to be a complete and  
33 accurate evaluation of the proposal and  
34 the recommendations of the Regional  
35 Advisory Councils to be consistent with  
36 ANILCA, Section .805(c).

37  
38 And, Mr. Chairman, Section .805(c) of  
39 ANILCA deals, as you know, with consideration of  
40 Council recommendations and the factors that the Board  
41 would use in considering those recommendations.

42  
43 And as I said eight of the 10 Councils  
44 position was to oppose this proposal.

45  
46 Also, Mr. Chairman, I wanted to point  
47 out that yellow folders each of the Board members and  
48 Council Chairs have provides a copy of the Predator  
49 Management Policy of the Board. And since I've got the  
50 microphone I'll just mention also that it provides the

1 policy on closures on Federal lands, and the Board  
2 meeting guidelines.

3

4 Thank you, Mr. Chairman.

5

6 CHAIRMAN FLEAGLE: Thank you, Larry. I  
7 appreciate that yellow folder as well as the orange  
8 flap on the back of our name tags that leads us through  
9 this whole thing. I used to have to flip back to a  
10 page to find that and I'd invariably miss one or the  
11 other but now everybody's got it in front of them.  
12 Good thinking. Appreciate that.

13

14 Any questions of the ISC  
15 recommendation.

16

17 (No comments)

18

19 CHAIRMAN FLEAGLE: All right. Before  
20 we move into the Board discussion I wanted to just  
21 touch on some points, this issue of the level of the  
22 Council Chairs and State liaison participation in the  
23 Board deliberations continues to be brought up to Pete  
24 and I. And I want to just go back to the  
25 recommendation that we received from legal Counsel last  
26 year on the topic, and that is to recognize the State  
27 liaison and to recognize Council Chairs throughout the  
28 process of discussion. Once a motion is made, then  
29 that proposal is going to be the property of the Board  
30 for Board discussion, unless there is some really key  
31 pertinent point that a Council Chair or the State  
32 liaison feels has been left out of the discussion and  
33 requests to be recognized, I will recognize the  
34 liaisons in that capacity at that point. But the  
35 practice of having open discussion dialogue  
36 deliberation with Council Chairs and State liaison  
37 after the motion has been made, it has proven to be  
38 problematic, not only to the legal but to the Board  
39 members and also to some -- some RACs have raised it  
40 up.

41

42 So I just wanted to make that real  
43 clear right from the start.

44

45 No. 2. It's been the policy of the  
46 Board, and this is also in the yellow folder, the  
47 meeting guidelines, it's been the standard practice of  
48 the Board to take a motion that puts the Council  
49 recommendation as the key component of that motion.  
50 That has also led to some problems, where you have a

1 motion to adopt a Council recommendation to reject, and  
2 so it just goes against everything, parliamentary,  
3 where a motion should be made in a positive so that  
4 everybody knows that their vote, when they're voting on  
5 the action, that a yes means yes and a no means no.  
6 There's none of this, yes, I'm voting, yes, to mean to  
7 no, and so I'm deviating from this practice and we're  
8 going to have to address this policy a little bit on  
9 the Board.

10

11                   But I think just to make it really  
12 clear, what I'm going to recommend or request is that  
13 all motions be made in the positive to adopt the  
14 proposal before us and then the person making the  
15 motion can address the Council's recommendation. I  
16 mean it's that -- it's really key that we do recognize  
17 the Council's recommendations because that's what this  
18 whole process is based on and then if your action is  
19 contrary to the Council's recommendation, for instance,  
20 the Council wants to adopt then we need to make  
21 reference to .805(c) where the rejection is based on  
22 one of the three criteria listed.

23

24                   So I think that will just make a much  
25 cleaner process as far as dealing with the proposals,  
26 if everything is laid out, for instance, I move to  
27 adopt Proposal 08-01 and after a second I'll give my  
28 position and then the position can be I plan to vote  
29 against this per the Council recommendation, et cetera,  
30 et cetera, but.....

31

32                   MR. PROBASCO: Or amend.

33

34                   CHAIRMAN FLEAGLE: .....or amend or  
35 whatever the point is, whatever the Council -- I'd like  
36 to have the Council still recognized within that  
37 statement but not in the motion.

38

39                   So I think that will just make it a lot  
40 simpler. Because we've had huddles back here trying to  
41 figure out, do we vote yes on this, does that mean, no,  
42 or do we vote no and so, anyways, with that then we do  
43 open it up for Board discussion with Council Chairs and  
44 the State liaison.

45

46                   So, Greg, this is your opportunity to  
47 further get into what you were recommending in your  
48 Council position as far as -- I'll just go ahead and  
49 hand it right over to you.

50



1 MR. ROCZICKA: Thank you, Mr. Chairman.  
2 And it actually does get right to the heart of the  
3 proposal.

4  
5 It was recognized and stated straight  
6 forward by the sponsors of this proposal that it was a  
7 predator management issue, although you say control,  
8 management, but this Board really needs to come to  
9 grips with the situation that you have at hand. That  
10 focusing only on the harvest aspect and not the  
11 management although granted and understood that as a  
12 Board you don't have that authority, however, each of  
13 your member agencies do.

14  
15 And the intent is described, within the  
16 proposal, was to enact the Predator Management Policy  
17 that you guys have on the books. As noted in the Staff  
18 analysis, you've had proposals of this nature come  
19 forward to you, they've been forwarded to the  
20 management agencies and the responses that have come  
21 back have been far from adequate. And having got the  
22 Predator Management Policy in front of you, you take  
23 Section B, which is noted specifically in the YK-  
24 Delta's -- the Council's action:

25  
26 It says:

27  
28 Where predators have been determined to  
29 be a major contributing factor in  
30 significant reduction of ungulate  
31 populations important for subsistence  
32 use or in the chronic suppression of  
33 such populations, low densities, the  
34 Board will, it doesn't say you'll think  
35 about it or consider it, it says you  
36 will endorse timely affirmative and  
37 effective action consistent with each  
38 respective agency's requirements.

39  
40 And it goes on to say in the last  
41 sentence that the Board will monitor  
42 actions taken by the agency to address  
43 such concerns, and, again, it says, and  
44 will provide appropriate support where  
45 necessary to assure continuation of  
46 subsistence harvest opportunities.

47  
48 When you have a situation such as we  
49 have in GMU 19A, where the people are totally excluded  
50 from hunting anymore in their customary and traditional

1 areas for my people down in the lower area, as well as  
2 Jack's up in Western Interior, for a huge section of  
3 ground, where, for generations, provided sufficient  
4 harvest for everybody that was interested until  
5 predator management, per se, or activities that were  
6 conducive to those healthy populations were precluded.

7  
8 We have a Tier II situation in the  
9 lower half of GMU 19A where we don't -- you know,  
10 people -- if you do not have enough to provide for  
11 subsistence needs, you're not doing your job, you're  
12 not providing -- it goes directly against those  
13 standards that are laid out in ANILCA. Straightforward  
14 that we have predator management plans in place here,  
15 that were done with the best science available that  
16 when you go to -- go to some of these national meetings  
17 and so forth on -- and talking about wolves and moose  
18 and so forth, Alaskan biologists and the Staff and the  
19 Department are recognized and envied by biologists and  
20 scientists from across the world. You have the best  
21 information available. You have extensive historical  
22 data put into place. You have the best that's there at  
23 present. You have your predator/prey ratios and it  
24 gets into the point of the political aspects being  
25 employed where no science, no amount of science is ever  
26 going to be considered adequate by people who have a  
27 philosophical or moral aversion to predator management  
28 as it is.

29  
30 So we're asking you to move it forward,  
31 we're asking you for help to put this before the  
32 management agencies, for them to come back and provide  
33 for those subsistence needs that are laid out  
34 specifically within ANILCA. And ANILCA, as it is, is  
35 tied directly also to the Alaska Native Claims  
36 Settlement Act. It states it there, I think it's in  
37 Section .801(5) specifically to implement the policies  
38 and intent of the Alaska Native Claims Settlement Act.  
39 And who suffers the most from having our -- our low  
40 moose and caribou populations.

41  
42 You also say that you're supposed to  
43 cooperate with the State. How can you say you're  
44 cooperating with the State when specifically the  
45 Federal management agencies come forward when these  
46 plans that have been developed, there's five of them  
47 across -- out of the -- what is it 65 or 69 Game  
48 Management Units and subunits, 65 moose populations and  
49 subpopulations across the state, and there's five of  
50 these that go forward but, yet, these predator

1 management plans that are put into place have to  
2 specifically exclude the Federal lands, that is not  
3 cooperating with the State. It is not following the  
4 best scientific information that you have.

5  
6 And it's very frightening to try to  
7 look at the future -- are we here just to provide for  
8 today, I don't think so. We're supposed to be looking  
9 towards the future to get subsistence needs provided  
10 for. I don't know I'll leave it at that, I'll probably  
11 have some more later. But it's almost like we're  
12 having to come back and almost beg to get done what  
13 should be inherent with the understandings that were  
14 passed within Title VIII of ANILCA. I remember when it  
15 went through and folks saying, this is to protect  
16 subsistence, this is to manage for subsistence in the  
17 long run. And now what has essentially evolved through  
18 this process by not addressing this, by you guys not  
19 coming -- management and the regulatory actions are  
20 just inextricably entwined and it's almost like folks  
21 are saying, yeah, we -- it gets back to the Federal  
22 government type of thing, that in a settlement or what,  
23 in the past, had been treaties to the Native people,  
24 means, yeah, we know that -- what we said and what  
25 everybody understood at the time now is becoming, well,  
26 that's not what we really meant, it's through the  
27 interpretations are evolu -- the evolution of this  
28 management structure.

29  
30 So that's where we're at, so we're  
31 asking you to at least follow up with your Predator  
32 Management Policy that you have here that says that you  
33 will provide appropriate support where -- indeed is  
34 more appropriate to support than to provide for  
35 subsistence needs, is that not in your purview, I kind  
36 of think it is, it should be, and make that strong  
37 request from each of your member agencies to do this.

38  
39 Forest Service, you know, it provides  
40 for harvest -- and manages its harvest on its lands to  
41 provide for that long-term and good sustainable yields,  
42 the same should apply here, recognizing that it's at  
43 different levels for different ones. Some of what I  
44 look at at the Park Service, for example, you know, is  
45 much more difficult to do than on the Refuges or Fish  
46 and Wildlife Lands. But that is what you really need  
47 to come to grips with here because without  
48 incorporating both this Board providing the regulatory  
49 and the management agencies working together to provide  
50 for these needs, it's a failed cause.

1                           And so I'll stop now and probably raise  
2 my hand again later.

3  
4                           CHAIRMAN FLEAGLE: Stop now -- for now,  
5 right. Okay, thank you, Greg. It's been awhile since  
6 I've reviewed those five State management plans. Now,  
7 what I remember, the State opposition was from Park  
8 Service and Fish and Wildlife Service, but maybe I  
9 should ask this of Tom Lonnie, doesn't the BLM have an  
10 agreement with the State to allow predator management  
11 to occur on BLM land without objection? So I don't  
12 think it applies to all Federal agencies.

13  
14                           Tom.

15  
16                           MR. LONNIE: That's correct, Mr.  
17 Chairman. We do defer to the State, we view predator  
18 management as a state function. Unless there's a  
19 conflict with our management plans or public health or  
20 safety we defer to the State. And if there is -- if  
21 our district manager's determine that there is a  
22 conflict we'll work with the State and review their  
23 plan.

24  
25                           CHAIRMAN FLEAGLE: Okay, thank you.  
26 And in the case of the 19A and 19B area, I don't have a  
27 land status map in front of me, but, I think that that  
28 -- any Federal land there is BLM land, too, I mean I'm  
29 just trying to think about regionalizing this, and  
30 might be encroaching down on the Yukon Delta.

31  
32                           Go ahead.

33  
34                           MR. ROCZICKA: For 19A the -- there's a  
35 fairly large section of YK-Delta Refuge land in the  
36 Aniak drainage, you know, that gets back to the -- and  
37 what is the purpose of each different agency and as far  
38 as the Fish and Wildlife Service goes, with the  
39 Refuge's, and I started to mention it earlier, as far  
40 as ANILCA goes when it was passed, the reason, the  
41 primary reason that these conservation units were so  
42 vast and so large as they were, was to accommodate that  
43 Title VIII of ANILCA and that connection with ANCSA  
44 that I mentioned earlier. You never would have got  
45 them to that huge expanse without that justification, I  
46 don't believe, as has been explained to me by people  
47 who were directly involved in the development of Title  
48 VIII and ANILCA as a whole.

49  
50                           So the first purpose, of course, is to

1 -- at least for the Refuge system and Fish and  
2 Wildlife, and all the conservation, you know, to manage  
3 in their natural diversity and to maintain for long --  
4 but the second purpose, the first human use purpose  
5 following that is for subsistence uses.

6  
7                   So as far as the Refuges go, that's  
8 your primary focus of management, it certainly -- it  
9 shouldn't be interpreted -- I can't see how it could be  
10 interpreted any different than -- it's been mentioned,  
11 of course, in the Congressional record that natural  
12 diversity and the -- and it's stated in various  
13 correspondence from -- regarding Fish and Wildlife,  
14 that predator management is certainly not precluded and  
15 it's specifically recognized that it can occur to  
16 provide for subsistence -- or not subsistence but human  
17 harvest needs and uses for manipulation of populations  
18 to provide for that.

19  
20                   CHAIRMAN FLEAGLE: Thanks, Greg. Board  
21 members, any discussion on the topics Greg raised.

22  
23                   (No comments)

24  
25                   CHAIRMAN FLEAGLE: All right. Randy  
26 and then Bert.

27  
28                   MR. ALVAREZ: Thank you, Mr. Chair.  
29 Our Council opposed the proposal before you but we  
30 still realize that predator management is -- we feel is  
31 a necessity in some areas of the state. We don't like  
32 this as a statewide proposal but I think it should be  
33 dealt with as an area -- different areas need different  
34 to have something done.

35  
36                   For instance, Unit 9C and E, for North  
37 Peninsula caribou are in such bad shape that they are  
38 now -- there's no hunting allowed, and for awhile there  
39 it was at Tier II and for the last few years it's been  
40 closed for all hunting. Well, under the Federal  
41 Subsistence Program, you're mandated to have healthy  
42 and sustainable populations and this isn't being done.  
43 And, you know, we realize that it's not up to the --  
44 you guys as a Board to implement plans, and I've talked  
45 to the -- most of the lands in -- the Federal lands in  
46 our area are Fish and Wildlife, BLM and Park Service  
47 Preserves. And I've brought this up before our  
48 managers in King Salmon and it's like my cries are  
49 falling on deaf ears. I've not gotten any response or  
50 even any reason why or why not, they just listen and

1 that's all, I never hear anything from them.

2

3                   And how is there -- is there a process  
4 that we need to go through that we need to be dealing  
5 with the different agencies on a certain process or  
6 just -- this just doesn't seem like just me speaking to  
7 them and wanting to do -- you know, I think it's  
8 gaining a little ground. You know down in 9D, the last  
9 Board of Game cycle in Fairbanks they'd decided to  
10 implement predator control -- plan in 9D for caribou  
11 when they're going to be calving to protect the newborn  
12 calves for about a week when they're most vulnerable,  
13 but I don't think that's going to be on Federal land, I  
14 think that's mostly on State land because it was the  
15 State biologist. But we -- I don't know what -- I  
16 don't know how to go about it.

17

18                   I'm asking how should we go about it  
19 because talking to our -- for instance our Federal  
20 manager in King Salmon, he just listens to me and I  
21 never hear anything back and I'm just wondering, is  
22 there something else I need to be doing?

23

24                   CHAIRMAN FLEAGLE: I think that's what  
25 Greg's wondering too and maybe this discussion will  
26 help lead us there.

27

28                   Bert and then Pat, and then Greg.

29

30                   MR. ADAMS: Thank you, Mr. Chairman.  
31 Again, I'd just like to remind that our Council  
32 considers getting into allocation issues is not the  
33 Board's business so we respect that.

34

35                   But when we go into deliberations there  
36 are three, four standards that we consider when we go  
37 through a proposal.

38

39                   1.           Is there a conservation issue.

40

41                   2.           Is there enough data to support  
42 that proposal.

43

44                   3/4.       How does it affect subsistence  
45 and non-subsistence users.

46

47                   And in each of -- when we considered  
48 this proposal we found that there was a conservation  
49 issue due to the fact that the destroying of pups in  
50 their dens, you know, was unnecessary, it was against

1 our culture in Southeast Alaska. We don't do those  
2 things. And for the future of those little pups we  
3 were concerned about that. So there was a conservation  
4 issue as well as other things.

5  
6 There wasn't enough data to support the  
7 proposal as we saw it. And so, you know, that was  
8 number 2 striking against it.

9  
10 Does it affect -- how does it affect  
11 subsistence and non-subsistence users, you know, when  
12 you consider the fact that we're asking for, you know,  
13 an extended season which means that there's going to be  
14 more wolves, you know, caught or shot or trapped, that  
15 does provide a conservation issue to us as well but it  
16 does provide some concern for the subsistence and non-  
17 subsistence users in the fact that the furs, you know,  
18 in the later part of the season, as already indicated,  
19 you know, aren't as prime as they should be, you know,  
20 earlier in the season.

21  
22 And those are just some of the things  
23 that we considered when we went through this proposal,  
24 and we do this with every one of our proposals, you  
25 know, we take those four criteria and use that as a  
26 standard. So I decided to share that with you, wanted  
27 to share that with you, Mr. Chairman, and to the Board.

28  
29 Thank you.

30  
31 CHAIRMAN FLEAGLE: Thank you, Bert.  
32 Pat Holmes.

33  
34 MR. HOLMES: Mr. Chairman. I think our  
35 Council agreed quite a bit with the comments that were  
36 made.

37  
38 We weren't really inclined towards the  
39 denning but really felt that needs -- at times there's  
40 a need for site specific predator control. And as my  
41 colleague next to me mentioned the Peninsula Caribou  
42 Herd has dropped from 4,000 down to a few hundred, and  
43 Lem Butler has gone down and, you know, the habitat's  
44 good, the does are quite fat when they're delivering  
45 their fawns, the fawns are fine when they're born but  
46 we had four fawns survive to adulthood last year. And  
47 so that's a case where we're very fortunate that the  
48 State can do predator control there on the calving  
49 grounds on State lands. When we asked the Refuge  
50 manager from Izembek she said that regardless of their

1 opinions they have to go through an EIS process, and,  
2 you know, if you're doing something like that when  
3 you're down to only four calves surviving in a herd,  
4 that's a preponderance process, but there are places in  
5 the state where there need to be some site specific  
6 action taken and a long-range approach on figuring out  
7 how to do that.

8

9 Thank you, Mr. Chairman.

10

11 CHAIRMAN FLEAGLE: Thank you, Pat. And  
12 I'm going to recognize one more before we break for  
13 lunch and that's Greg.

14

15 MR. ROCZICKA: Thank you, Mr. Chairman.  
16 And I guess that was why part of the why, you know, the  
17 original proposal that went forward, it specifically  
18 had that caveat up front that this was to be taken on a  
19 region by region basis, rather than, you know,  
20 immediately applied across the state because conditions  
21 and circumstances are certainly different throughout  
22 the state.

23

24 But the Board -- we really need to move  
25 forward with getting our -- let me back up here a  
26 minute.

27

28 You brought up the process before as to  
29 what can go forward, well, you've had the proposals in  
30 front of you, proponents in the past, I think they  
31 mentioned 2004, 2006, I know that Eastern Interior  
32 area, that folks there have been trying very  
33 strenuously over the years to get something put forward  
34 in their area and have been blockaded or stalled, I  
35 guess, if you will. I read over some of the responses  
36 that the management agency doesn't feel that it's --  
37 doesn't see the justification at this time. Are we  
38 supposed -- are managers supposed to wait until you  
39 have a situation like the North Peninsula Herd to take  
40 any action, is that management, is that providing for  
41 subsistence; I don't believe so, and I don't think a  
42 lot of other people below so either. Should you wait  
43 until we have what occurred in 19A where we have to  
44 have total closures, or where you have the Tier II hunt  
45 in place and we have our -- our habitat is just a good  
46 as shape as it's ever been, as this fellow mentioned  
47 here, we have extremely good pregnancy rates, the  
48 biological condition of the animals are in tremendous  
49 shape, we've had extremely mild winters over the last  
50 years that should be conducive to good survival but



1 we're not getting the recruitment. And, again, I  
2 believe that's something that's probably universal in a  
3 lot of different areas across the state.

4  
5 And, again, at the heart of this  
6 proposal it's asking you to stand by your policy, that  
7 these proposals have come forward to you and they've  
8 been brought to the attention to the agencies, and  
9 nothing goes any further from that point. We haven't  
10 -- it doesn't -- it also, as far as the NEPA process  
11 goes, it does not require a full blown environmental  
12 impact statement that essentially would call in the  
13 abstract wild concept that you have from that level of  
14 national oversight. You know we live in the real wild  
15 and it's -- or what people consider is wilderness, you  
16 know, my backyard is 300 miles of river, Jack's is  
17 probably how many more hundred miles of river, Koyukuk  
18 and Yukon both. When all of the biological factors are  
19 in place and everything is addressed and it's political  
20 interference it needs to be -- this Board needs to step  
21 forward and stand up for the people it's here to  
22 represent, I really believe, and, again, it's stated in  
23 your policy here, we have these places that have  
24 already been identified but yet Federal lands continue  
25 to be excluded.

26  
27 You know I've spoken with our own  
28 Refuge Staff as other people have, for YK-Delta, and  
29 they wouldn't have a problem going forward with this  
30 through an environmental assessment, you don't need to  
31 go through an EIS, you've got the people on the ground  
32 there that know their animals, they know their  
33 ecological conditions more in-depth than anything  
34 you're going to find out of Washington, D.C., or the  
35 east coast or perhaps even at the regional level,  
36 you're going to have to look to your staff in these  
37 areas to provide you with that. And try to get this  
38 politics out of it and deal with it as a biological and  
39 human use issue that it is, and the threat that it has  
40 to the future integrity of subsistence and the purpose  
41 of Title VIII of ANILCA.

42  
43 CHAIRMAN FLEAGLE: Thanks, Greg. We'll  
44 stand down for lunch. Given the large amount of crowd  
45 we're going to overcrowd the restaurant here if we have  
46 to stay on campus so to give time for folks that got to  
47 leave, let's return at 1:15.

48  
49 (Off record)  
50

1 (On record)

2

3 CHAIRMAN FLEAGLE: Good afternoon,  
4 we're back on record. And it's interesting, I read my  
5 newspaper during the lunch break and there's an article  
6 about the next big predator control program on Page A2,  
7 Rat Island.

8

9 (Laughter)

10

11 CHAIRMAN FLEAGLE: Rat Island, starting  
12 in October.

13

14 Anyways we were still discussing  
15 Proposal 08-01, we were in the Council Chair, State  
16 liaison discussion with the Board. And we closed with  
17 a comment from Greg Roczicka when we left with no hands  
18 up. Is there any further discussion on this issue  
19 before the Board takes it over.

20

21 Sue.

22

23 MS. ENTSMINGER: Thank you, Mr. Chair.  
24 I just wanted to reiterate that Eastern Interior,  
25 before I was Chair, had put forth some requests to do  
26 predator control in the Eastern Interior, and it  
27 generated a lot of correspondence. I don't know if  
28 that's stuff that you've talked about but I just found  
29 some of it here. From the NPS, we had them from three  
30 agencies, Fish and Wildlife Service and I think, was it  
31 -- I don't know if BLM sent us one or not, but it  
32 talked about the NEPA process and stuff like that. And  
33 actually I kind of wish Craig Fleener was still around  
34 because he pushed it pretty hard and it's hard when you  
35 see a long process, but I do remember the Park Service,  
36 when Sandy Rabinowitch spoke to us, saying that there  
37 was a process for -- might not get it done, but there  
38 was a process that you could go through. Was that the  
39 NEPA process.

40

41 CHAIRMAN FLEAGLE: Do you want to  
42 respond to that Sandy.

43

44 MR. RABINOWITCH: Sue, you might be  
45 giving me credit for speaking for Fish and Wildlife  
46 Service, which I try not to do.

47

48 I agree with you that there have been a  
49 number of letters, I don't have any of them with me.  
50 My recollection of what the Park Service content of

1 that was, that predator control was kind of a non-  
2 starter issue on the Park Service lands. My  
3 recollection, and I don't want to speak for Fish and  
4 Wildlife Service, there was a long presentation that  
5 Greg Box gave, is the one I kind of remember in Delta,  
6 your meeting in Delta, and what I recall him  
7 presenting, with a lot of handouts and stuff, is there  
8 was sort of a pathway through considering predator  
9 control for Fish and Wildlife Service, but I can't  
10 speak to that pathway or that process, I mean I just  
11 don't know that information.

12

13 CHAIRMAN FLEAGLE: Sue.

14

15 MS. ENTSMINGER: Maybe I had a memory  
16 lapse, but I thought I heard something positive coming  
17 from the Park Service.

18

19 CHAIRMAN FLEAGLE: I never have.

20

21 (Laughter)

22

23 MS. ENTSMINGER: It's hard to find it.  
24 But it's there once in awhile.

25

26 (Laughter)

27

28 MR. RABINOWITCH: Again, I'm just  
29 drawing on my memory, but the only way that I think you  
30 kind of open that discussion with the Park Service is  
31 if you're dealing with threatened and endangered  
32 species, that might be what you're remembering I  
33 brought up but I'm not sure.

34

35 CHAIRMAN FLEAGLE: And I was only  
36 referring to predator management, Marcia, I'm sorry.

37

38 (Laughter)

39

40 MS. BLASZAK: You won't have me long to  
41 kick around.

42

43 (Laughter)

44

45 CHAIRMAN FLEAGLE: No. Anyways there  
46 was a comment made at the State Board of Game meeting  
47 in the May '05 meeting when Pete Probasco and Gary  
48 Edwards came up and presented at the meeting and they  
49 talked about Fish and Wildlife Service authority there  
50 and they said it's possible but the bar is high, I do

1 remember that quote. And I don't know, Tom, do you  
2 want to share any on that?

3

4 MR. MELIUS: Sure, Mr. Chairman. With  
5 the 16 Refuges that we have in Alaska, and, again, I'm  
6 not a NEPA expert, we have some folks that handle that.  
7 But it is definitely a challenge to manage the various  
8 interests with the various constituencies that we have  
9 with folks utilizing the resources on those Refuges.  
10 NEPA is a process as well as working through our  
11 Cooperative Conservation Planning Process, our CCP  
12 planning process. And the EIS process has degrees of  
13 either a rather streamlined environmental assessment,  
14 which is a much shorter, much constricted type of  
15 review, it is a review, to a much broader lengthier  
16 process of a full EIS process. And we approach  
17 requests as they are wanting to do certain things,  
18 whether it's predator management or any other type of  
19 management on a Refuge based on what the purposes are  
20 for that Refuge and how that action would affect the  
21 resources. It's very difficult to say what one  
22 proposal will or will not do. Right now I can't give  
23 you kind of a blanket, and that's one of the issues of  
24 having a statewide management predator control  
25 management plan does -- when we need to look at it more  
26 specifically to that area and -- and do the analysis.

27

28 So that's kind of a broadbrush and we  
29 can have Staff discuss the more intricate parts of it  
30 later on if you would like.

31

32 CHAIRMAN FLEAGLE: Sue.

33

34 MS. ENTSMINGER: I think that's all  
35 going to come up with your discussion because if I hear  
36 what's happening, the State's recommendation to defer,  
37 I mean it sounds like -- I mean if I were you guys, I  
38 would be very concerned about working toward something,  
39 like what they're suggesting because that's another  
40 joining of efforts and working together. So I don't  
41 know if I need to push that. I think I'm not ready to  
42 tell you exactly how we should go about it. But I mean  
43 I kind of feel like Eastern Interior started something  
44 and then we didn't finish it because it got so  
45 difficult. So the difficulties in all this stuff is --  
46 I mean that's where we have to have our coordinators  
47 help us because we can't deal with all that stuff  
48 ourselves all the time.

49

50 But before -- and I hope whatever he

1 had to say is great, and that you don't lose it, but I  
2 wanted to say the Eastern Interior's modification to  
3 this proposal and the talk of quality of hides, I just  
4 wanted to reiterate what -- how we feel -- I mean I'm a  
5 skin sew and if a wolf came in, someone shot a wolf in  
6 May, I could do something with it, I could make  
7 something out of it and I could utilize that wolf. So  
8 I -- and that's -- to me, if you're out there hunting,  
9 you're not trapping, so your opportunity to take a wolf  
10 in May is pretty limited, so the Eastern Interior  
11 wanted to see this joining of the hands of the State  
12 and the Federal to have the seasons exactly the same  
13 and that's why we pulled out our region, because it's  
14 already open in the State and it's not on the Federal  
15 land, to May 31st.

16

17 CHAIRMAN FLEAGLE: That doesn't sound  
18 right though. Because the Federal Program only applies  
19 where there's a shortage, doesn't the State law trump  
20 the Federal law, I mean wouldn't it be -- Tina's  
21 shaking her head, what am I missing?

22

23 Terry Haynes.

24

25 MR. HAYNES: Mr. Chairman. The State  
26 regulations would not supersede Federal regulations on  
27 National Park or Monument lands.

28

29 CHAIRMAN FLEAGLE: That's the  
30 difference, okay, sorry, specific lands. All right,  
31 Greg.

32

33 MR. ROCZICKA: Thank you, Mr. Chairman.  
34 And what Tom had just mentioned as far as the  
35 streamline process and so forth, though, it's to my  
36 understanding that of the programs that are in place,  
37 again, the five that are there across the state, which,  
38 again if somebody wanted to go into percentage wise,  
39 we're talking about less than 10 percent of the 375  
40 million acres that are out there, but since the  
41 environmental assessments have all, in essence, already  
42 been completed, since your biological studies have  
43 already been completed, your .810 analysis have already  
44 been all addressed within the management plans that  
45 there, the Service or any other management agency that  
46 might be affected, such as -- well, with the exception  
47 of the Park Service, again, could actually, just  
48 through a fairly simple administrative directive allow  
49 those predator management programs to go forward on  
50 their -- on the Refuge lands -- well, BLM has already

1 given their blanket approval for it to occur, but that  
2 same ability is already there to do that and it's not  
3 being done and that's part of why we hope that this  
4 proposal can help bring that to some fruition.

5  
6 CHAIRMAN FLEAGLE: More discussion.  
7 Ken Taylor.

8  
9 MR. TAYLOR: Thank you, Mr. Chairman.  
10 Before you start deliberating on this proposal I wanted  
11 to express the State's sincere appreciation to the  
12 support the RACs have shown for the predator management  
13 programs we do have in place and I recognize the  
14 difficulty of, you know, trying to deal with this on a  
15 state-wide basis. Because this proposal was drafted  
16 covering multiple regulations, both in hunting and  
17 trapping, it encompassed far more than just intensive  
18 management in specific areas of the state. Some of  
19 what the proposal would do the State would have to  
20 oppose if it weren't deferred. There are some season  
21 extensions in areas where, particularly in Southeast  
22 Alaska, we don't feel that they would be appropriate.

23  
24 But I would also like to extend our  
25 appreciation to the Bureau of Land Management for  
26 maintaining a steadfast approach to predator management  
27 on BLM managed lands, that's been very helpful and we  
28 appreciate their cooperation.

29  
30 That concludes my remarks.

31  
32 CHAIRMAN FLEAGLE: Thanks, Ken. Are we  
33 ready to move on.

34  
35 (Board nods affirmatively)

36  
37 CHAIRMAN FLEAGLE: All right, that  
38 brings us to Board action, Board deliberation, looking  
39 for Board discussion.

40  
41 (No comments)

42  
43 CHAIRMAN FLEAGLE: While I've heard  
44 several comments rolled up in this proposal that I  
45 agree with, I agree that the proposal as it stands  
46 doesn't meet the requirements for passage and it would  
47 be in following with the majority of the  
48 recommendations from the RACs. But there are pieces of  
49 it I think are worth noting and that's just to open the  
50 discussion for this policy that the Federal Board has

1 in effect for predator management. It's a policy that,  
2 in my mind, doesn't have any teeth to it. I mean  
3 because we don't have the authority. We can say what  
4 we want done but it's up to the land managers, so I'm  
5 not sure how to get from A to B in this case. But I'd  
6 certainly would endorse the discussion with the  
7 individual land agencies.

8

9 And I think -- let's see we had that  
10 policy right in front of us, the Board will endorse  
11 timely affirmative effective action consistent with  
12 each respective agency's policies management objections  
13 and will monitor actions. At any rate, I certainly  
14 support where Greg is trying to go with this because I  
15 do feel that there are places in the state that need  
16 attention, and within those five named State management  
17 programs there are Federal lands that aren't receiving  
18 the application of the programs that could benefit from  
19 it.

20

21 Again, I don't know where to go with  
22 it, I can't make a motion. I'll just throw that out  
23 for discussion. There are some other options, talk  
24 about deferring this proposal, the regulatory portion  
25 of this proposal to a working group that the State is  
26 suggesting working together on, and then there's a  
27 final policy decision that we're talking about here as  
28 far as the policy.

29

30 But, anyway, I'll just throw it wide  
31 open.

32

33 Board members.

34

35 Marcia.

36

37 MS. BLASZAK: Mr. Chairman. I hate to  
38 be repetitive but several have already spoken to the  
39 fact on National Park lands, by policy, we don't allow  
40 predator control, and for the discussion we really have  
41 to take the backseat on this one.

42

43 CHAIRMAN FLEAGLE: All right. Backseat  
44 duly noted, anybody driving. Tom.

45

46 (Laughter)

47

48 MR. MELIUS: Well, thank you, Mr.  
49 Chairman, for that recognition.

50

1 (Laughter)

2

3 MR. MELIUS: Well, I think following  
4 proper order we should have a motion and that motion  
5 would get the discussion going.

6

7 So I would move in trying to follow the  
8 rules that you set earlier, I would move to accept the  
9 Yukon Kuskokwim Delta Subsistence Regional Advisory  
10 Council's motion to support 08-01 and if I get a second  
11 I will indicate why I don't feel that I would be  
12 supporting that in voting.

13

14 CHAIRMAN FLEAGLE: Is there a second.

15

16 MR. BSCHOR: Second.

17

18 CHAIRMAN FLEAGLE: All right, we do  
19 have a second. Thank you.

20

21 MR. MELIUS: I, as many of the other  
22 Councils -- Mr. Chairman, as many of the other Councils  
23 had pointed out, there's some -- again, looking at this  
24 motion that was proposed to us, there was a majority of  
25 the Councils in opposition to it. The policy that you  
26 alluded to that this Board has adopted does provide the  
27 land management agencies, the venue of the wherewithal  
28 to address this particular issue. This seems very  
29 broad. I believe that each of us can take these issues  
30 on. The Fish and Wildlife Service is not opposed to  
31 predator management, though, approaching it on a  
32 statewide basis does not fit into, as I mentioned to  
33 Sue earlier, the process that we have in planning on  
34 the various Refuges or the NEPA process that we have,  
35 where we look at an action or a request for an action  
36 on its specifics and what that impact would be on our  
37 land base and the resources thereon and the  
38 constituents that use that.

39

40 So, therefore, I would not be  
41 supportive of the motion that I just made.

42

43 CHAIRMAN FLEAGLE: Thank you, Tom. And  
44 for the record, who seconded.

45

46 MR. BSCHOR: I did.

47

48 CHAIRMAN FLEAGLE: Denny, okay. I saw  
49 your mic go on but I didn't see your lips move.

50



1 (Laughter)

2

3 CHAIRMAN FLEAGLE: Further discussion.  
4 Denny.

5

6 MR. BSCHOR: Mr. Chairman. You mention  
7 about the authority to do predator control, could you  
8 expand a little bit more on that. Because we talked a  
9 lot about the need for environmental analysis and EIS'  
10 and that sort of thing and I know that there was an EIS  
11 done for the establishment of this Board. Does that  
12 authority come with that decision or is it not -- is it  
13 negated in that decision.

14

15 CHAIRMAN FLEAGLE: Keith, can you help  
16 me?

17

18 MR. GOLTZ: Yeah, I think so. My  
19 recollection is that it was negated. I haven't  
20 reviewed that recently. But I think what the EIS said  
21 was that this is a matter that will be deferred to the  
22 land managers, individual land managers.

23

24 MR. BSCHOR: Yeah, with that said, to  
25 me it's almost moot as far as us voting on this, but I  
26 do want to say for the record, though, that -- we  
27 haven't talked about the Forest Service at all but our  
28 policies are more in line with the BLM, and my Staff  
29 person, Steve Kessler, back here could pull our policy  
30 specifically for you. So I don't need to get into the  
31 details of that unless you want that.

32

33 We do support appropriate predator  
34 control where it's justified and where it's in line  
35 with our regulations and our standards that we have for  
36 our forest plans. So I don't think that's particularly  
37 a problem.

38

39 I also recognize the contentiousness  
40 and the importance of predator control relative to the  
41 needs we've heard today and don't diminish that a bit  
42 by how I vote. But also looking at what we do as far  
43 as providing for subsistence, the practice of the -- or  
44 the condition of hunting later, we've heard some  
45 concerns there, conservation wise, and whether that's a  
46 good thing for the use of that subsistence resource, so  
47 I have concerns about that also.

48

49 Mr. Chair.

50

1 CHAIRMAN FLEAGLE: Other discussion.  
2 Tom Lonnie.  
3  
4 MR. LONNIE: Mr. Chairman. I think  
5 that I'm going to have to oppose the motion also for a  
6 number of the reasons that have already been stated.  
7 The motion seems to take a statewide brush to what is  
8 probably a more localized issue. And for the same  
9 purposes that Denny has stated in association with  
10 conservation, I'm going to have to oppose the motion.  
11  
12 CHAIRMAN FLEAGLE: Okay, there is one  
13 RAC recommendation that a statewide approach be  
14 narrowed way down to just apply to Unit 12, 20E and 25,  
15 right.  
16  
17 MS. ENTSMINGER: 20, all of the.....  
18  
19 CHAIRMAN FLEAGLE: Oh, all of 20. I'm  
20 just throwing that out as somebody mentioned it and  
21 I'll just throw it out for the Board member's  
22 consideration if -- that might warrant further  
23 discussion and maybe even an amendment. But I'll just  
24 make that opportunity available.  
25  
26 (No comments)  
27  
28 CHAIRMAN FLEAGLE: All right, hearing  
29 no action there. I guess then we're probably ready for  
30 the question.  
31  
32 (No comments)  
33  
34 CHAIRMAN FLEAGLE: With that, Pete,  
35 let's go ahead and call the roll on this, please.  
36  
37 MR. PROBASCO: Thank you, Mr. Chair.  
38 Motion to adopt Proposal WP08-01.  
39  
40 Mr. Cesar.  
41  
42 MR. CESAR: No.  
43  
44 MR. PROBASCO: Mr. Bschor.  
45  
46 MR. BSCHOR: No.  
47  
48 MR. PROBASCO: Mr. Melius.  
49  
50 MR. MELIUS: No.

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: And, Mr. Lonnie.  
10  
11 MR. LONNIE: No.  
12  
13 MR. PROBASCO: Mr. Chair, motion fails  
14 six/zero -- zero/six.  
15  
16 CHAIRMAN FLEAGLE: Zero/six.  
17  
18 MR. PROBASCO: Zero/six.  
19  
20 CHAIRMAN FLEAGLE: Thank you, Pete.  
21 Now, the second part of the request from the YK RAC was  
22 to -- how to implement the policy and getting agency  
23 support and we're only talking about one agency now and  
24 that would be the Fish and Wildlife Service, basically,  
25 that would have any lands that are affected by any of  
26 the five predator control programs that would have any  
27 ability to take any action.  
28  
29 So I don't know if any formal action  
30 from this Board is necessary or can we just look to  
31 you, Tom, and find out that the Fish and Wildlife  
32 Service will address that portion of the YK Wildlife  
33 Refuge, the Delta Wildlife Refuge.  
34  
35 MR. MELIUS: Yes. And for some of the  
36 people that may know, the Refuge manager situation out  
37 in that Refuge is undergoing some new individuals.  
38 Mike Rearden has left that position and is running a  
39 training program here in Anchorage. The deputy Doug  
40 Staller is going to be vacating that position and  
41 moving to be a deputy at Kenai and we're in the process  
42 of hiring a new manager. So these are issues that we  
43 will be bringing to the attention of the new manager to  
44 continue to work closely with folks out there.  
45  
46 That's what I can say right now.  
47  
48 CHAIRMAN FLEAGLE: All right. I know  
49 that doesn't completely satisfy your Advisory Council,  
50 Greg, and its interpretation of the policy, but I just

1 don't see any other way to reach where you're trying to  
2 get us to go.

3

4 Greg, go ahead.

5

6 MR. ROCZICKA: Mr. Chairman. By not  
7 taking any action you are in direct violation of what  
8 your policy says, Item B, it says:

9

10 Where predators have been determined to  
11 be a major contributing factor, they have -- they  
12 underwent -- I'd say within the management plans,  
13 which, by the way, Fish and Wildlife Service did  
14 endorse for the Central Kuskokwim for their moose  
15 management plan. They did it for the Innoko, it's  
16 addressed in there. I believe they've done it on the  
17 Koyukuk as well, that it's been put forward that where  
18 predator management is considered to be -- should be an  
19 integral part of your management, Fish and Wildlife  
20 Service took part in that.

21

22 These actions, these requests have come  
23 before the Board. And according to your policy, you  
24 say that they would be forwarded to the agencies and,  
25 again, where they have been determined to be a major  
26 contributing factor, and they have through these plans  
27 that are in place.

28

29 And it says the Board will endorse  
30 timely effective affirmative action consistent with  
31 each respective agency's policies, the policies that  
32 are there as well are very interpretative. We've heard  
33 that you can do a simple EA if they choose to do that  
34 on their own, or they can accept the ones that have  
35 already been incorporated into the predator management  
36 programs that are in place, for my area, certainly and  
37 I suspect again in other areas also.

38

39 So by this Board not taking some kind  
40 of a stand here and coming forward with a statement to  
41 the management agencies where this has been pointed  
42 out, what good is a policy if you're not.....

43

44 CHAIRMAN FLEAGLE: I'm sorry, I pushed  
45 the wrong button, I cut you off, didn't mean to.

46

47 MR. ROCZICKA: What is the policy there  
48 for if you can choose not to follow -- I thought  
49 policies were there to follow.

50

1 CHAIRMAN FLEAGLE: Yeah, good point,  
2 Greg. And I -- you know this is new territory for me  
3 and I think it's probably not real comfortable  
4 territory for the entire Board, it's not something  
5 we've ever had to deal with. I'm not sure -- the  
6 policy was obviously adopted before I came on the Board  
7 so I don't know the history to it, but what I would  
8 like to do is just maybe take this issue and table it  
9 to a later portion of this meeting to where maybe we  
10 have a little chance to think about what this policy is  
11 dictating us to do and what our responsibility to take  
12 action, because I mean -- you know, policies are not  
13 there just for -- just to be written for nothing, it  
14 does say what the Board will do. And I'd just as soon  
15 err on the side of doing what we're supposed to as not,  
16 but I don't know what that is right now.

17  
18 So if there's no objection we'll just  
19 defer this particular topic, not associated with any  
20 proposal, but defer it to the end of the meeting and  
21 have another discussion on it. Any objection.

22  
23 (No objections)

24  
25 CHAIRMAN FLEAGLE: All right, hearing  
26 none, that's what we'll do. Let's just mark that on  
27 the agenda, Pete.

28  
29 All right. That wraps up discussion on  
30 Proposal 08-01. We now move to Proposal 08-05, and  
31 we're going to have a Staff change.

32  
33 Okay.

34  
35 (Pause)

36  
37 CHAIRMAN FLEAGLE: And joining us now  
38 is Liz Williams from the Office of Subsistence  
39 Management. And as soon as she's ready she can give  
40 the analysis. Thank you, Liz.

41  
42 MS. WILLIAMS: Thank you, Mr. Chair,  
43 and members of the Board. I'm Liz Williams,  
44 anthropologist with OSM and the analysis for WP08-05  
45 starts on Page 210 in your books.

46  
47 Proposal 05 is a statewide proposal  
48 submitted by the Alaska Department of Fish and Game.  
49 There are three points to this request.  
50

- 1                   1.        It requests the removal of all  
2                                   unit specific regulations  
3                                   related to the sale of all  
4                                   brown bear handicrafts.  
5
- 6                   2.        It request that handicrafts  
7                                   made of brown bear skin, hide,  
8                                   pelt or fur, but not claws,  
9                                   from all units can be sold to  
10                                  anyone.  
11
- 12                  3.        It requests that handicrafts  
13                                  made from brown bear claws,  
14                                  bones, teeth, sinew or skulls  
15                                  from all units can only be sold  
16                                  from one Federally-qualified  
17                                  rural resident to another.  
18

19                                  The proponent submitted this proposal  
20 in order to change Federal regulations, which, in its  
21 view, allow for unconstrained commercial sale of  
22 handicrafts made from brown bear parts and that create  
23 market incentives for poaching. Under current Federal  
24 subsistence regulations, brown bear fur and claws can  
25 only be used to make handicrafts for sale in regions  
26 that consider these regulations appropriate and there  
27 are three; Eastern Interior, Bristol Bay, and Southeast  
28 Alaska. Other parts, such as bones, teeth, sinew or  
29 skulls can only be used in handicrafts for sale from  
30 brown bear taken in Southeast Alaska only.  
31

32                                  The proponents description of persons  
33 eligible to sell handicrafts made with brown bear parts  
34 would increase the types of bear parts available for  
35 sale in much of the state but would narrow some sales  
36 only to other Federally-qualified rural residents.  
37

38                                  Between 2002 and 2007, the Board  
39 considered seven proposals regarding the sale of  
40 handicrafts made from the non-edible parts of bears.  
41 In recognition of the diverse customary and traditional  
42 uses of bears throughout the state, the Board has  
43 consistently provided for the sale of handicrafts made  
44 from brown bear parts taken by Federally-qualified  
45 rural residents only in units where it's considered  
46 appropriate. The legal use of brown bear claws and  
47 other non-edible parts for handicrafts for sale is  
48 consistent with previous Board action and with Section  
49 .803 of ANILCA.  
50

1                   No evidence has been found that current  
2 Federal subsistence regulations adversely affect brown  
3 bear populations, nor that Federal regulations have led  
4 to an increased legal or illegal harvest of brown  
5 bears.

6  
7                   Many of the proponents requests are  
8 based on conservation concerns. Conservation concerns  
9 regarding brown bears are well documented. For most  
10 among these concerns are loss of habitat and the  
11 illegal trade of bear parts, such as gall bladders,  
12 bile and paws. There's a lucrative market for what's  
13 referred to as the Traditional Chinese Medicine Trade  
14 and Asian wildlife cuisine, which includes the meat of  
15 bear paws. These types of illegal trade are threats to  
16 brown bears in North America and around the world. A  
17 review of bear conservation literature yielded  
18 plentiful documentation of these concerns, however,  
19 there's an absence of documentation regarding  
20 conservation concerns related to bear claws and bear  
21 claw handicrafts. This absence seems to indicate that  
22 the affects of the trade or sale of bear claw  
23 handicrafts is not comparable to the trade and sale of  
24 bear gall bladders and paws.

25  
26                   For these reasons the OSM conclusion is  
27 to oppose Proposal 05.

28  
29                   CHAIRMAN FLEAGLE: Thank you.  
30 Questions Board members.

31  
32                   (No comments)

33  
34                   CHAIRMAN FLEAGLE: All right. Written  
35 public comments. Robert Larson.

36  
37                   MR. LARSON: Mr. Chairman. There are  
38 six in opposition to this proposal and one in support.

39  
40                   Generally speaking, I think they can be  
41 categorized as saying that it's a regional issue and  
42 should have a regional solution.

43  
44                   The one comment in support says that it  
45 would be a necessary step to clarify whom subsistence  
46 -- which subsistence users may sell handicrafts from a  
47 specific brown bear.

48  
49                   Thank you.

50

1 CHAIRMAN FLEAGLE: Thank you, Robert.  
2 Public testimony, Pete.

3  
4 MR. PROBASCO: Thank you, Mr. Chair.  
5 We do have one individual, Mr. Robert Fithian.

6  
7 CHAIRMAN FLEAGLE: Come forward, push  
8 the microphone on button, state your name for the  
9 record and go ahead with your testimony. Hi Bob.

10  
11 MR. FITHIAN: Good afternoon, Chairman  
12 Fleagle, members of the Federal Subsistence Board. My  
13 name is Bobby Fithian. I live in lower Tonsina Alaska  
14 in the Copper River Basin. I have for the past six  
15 years represented the Alaska Professional Hunters  
16 Association as their executive director. I also serve  
17 on the Wrangell-St. Elias Subsistence Resource Council.  
18 I would refer you to written comments submitted by our  
19 14 year elected president, Joe Klutsch who served 28  
20 years on the Naknek/Kvichak Advisory Committee, as well  
21 as comments, written comments submitted by our legal  
22 counsel, former under-Secretary of Interior who  
23 represents APHA and was substantially involved in the  
24 drafting of ANILCA.

25  
26 I would just ask you to refer in  
27 relation to WP08-05, that I would like to encourage  
28 this Board to consider the long-term conservation  
29 concerns of this proposal as well as the use, the true  
30 use and the legal customary and traditional aspect use  
31 of these handicrafts statewide. And, as well, the  
32 indistinct guidelines and enforcement aspects.

33  
34 Just a side note, two years ago right  
35 near my home in the Copper Basin, somebody harvested a  
36 sow brown bear and a two year old cub, cut off its  
37 hands, its feet and their heads and left the rest to  
38 rot.

39  
40 This is a conservation concern.

41  
42 Many of us in this room remember the  
43 historical result of the black market sale of brown and  
44 black bear parts and have led to serious consequences  
45 statewide and the enforcement concerns that went along  
46 with them.

47  
48 Anyway, I just wanted to comment in  
49 those regards.

50



1 Thank you.  
2  
3 CHAIRMAN FLEAGLE: Thank you, Bobby.  
4 Questions.  
5  
6 (No comments)  
7  
8 CHAIRMAN FLEAGLE: All right,  
9 appreciate the testimony. Go ahead and turn it --  
10 well, Larry, you can reach over and turn it off or  
11 Terry. Thank you.  
12  
13 Regional Council recommendations.  
14 Again, this is a statewide issue, I'm just going to  
15 start with Sue and go right around the table.  
16  
17 Sue.  
18  
19 MS. ENTSMINGER: You caught me off  
20 guard.  
21  
22 CHAIRMAN FLEAGLE: Well, I can start  
23 with Bob Larson for the Arctic Slope first.  
24  
25 MS. ENTSMINGER: That'd be great.  
26  
27 CHAIRMAN FLEAGLE: Why don't we do  
28 that.  
29  
30 MR. LARSON: Mr. Chairman. It will be  
31 short.  
32  
33 The North Slope is in opposition to  
34 Proposal 05. They stated this proposal would be  
35 detrimental to subsistence users.  
36  
37 CHAIRMAN FLEAGLE: Thank you. Ready  
38 Sue.  
39  
40 MS. ENTSMINGER: No.  
41  
42 CHAIRMAN FLEAGLE: Let me start at the  
43 other end of the table.  
44  
45 MS. ENTSMINGER: Yeah, I can't find my  
46 page.  
47  
48 MR. ROCZICKA: Mr. Chairman. On the  
49 YK-RAC's deliberations on it, we felt that there was no  
50 conservation concern. Actually brown bears are very

1 healthy throughout -- certainly throughout our area and  
2 from what we know around the rest of the state, and  
3 that it could be detrimental to subsistence users if  
4 the proposal was adopted.

5  
6 And also as reflected in the past, we'd  
7 defer proposals of this nature to their home regions.

8  
9 CHAIRMAN FLEAGLE: Thank you, Greg.  
10 Randy.

11  
12 MR. ALVAREZ: Thank you, Mr. Chair.  
13 The Bristol Bay RAC opposes the proposal. Although,  
14 you know, testimony -- there has been a legal harvest  
15 of bears -- illegally selling the parts, you know, our  
16 stance is that this happens in everything. Every --  
17 you know there's seasons for every type of game we have  
18 and everything has small amounts of illegal harvest, I  
19 believe, and, you know, it's against the law to shoot  
20 somebody but people get shot by other people. We don't  
21 -- you know, we're not going to eliminate the human  
22 race because of that, and we shouldn't eliminate this  
23 either. We don't feel that's a big -- it's a big  
24 enough issue to eliminate this usage. It's pretty  
25 small and we feel that it should continue.

26  
27 CHAIRMAN FLEAGLE: Thank you. Pat  
28 Holmes.

29  
30 MR. HOLMES: Mr. Chairman. Our  
31 Council, in the Kodiak and Aleutians region sale of  
32 bear parts for handicrafts is looked at in a very  
33 negative way by all cultures and we felt perhaps a way  
34 to approach this, recognizing that some areas due  
35 handicrafts, would be to support it with a modification  
36 that it include only those management units or regions  
37 of the state that currently allow the sale of bear  
38 parts, and that those sales be within Federally-  
39 qualified subsistence users so that it wouldn't  
40 prohibit indigenous folks that have done that, but that  
41 it wouldn't be creating a statewide or national market  
42 for things that are Council felt was not appropriate  
43 for sale.

44  
45 Thank you.

46  
47 CHAIRMAN FLEAGLE: Thank you. Ralph.

48  
49 MR. LOHSE: Thank you, Mr. Chair.  
50 Southcentral Regional Council unanimously opposed this

1 proposal. We've been on record quite a few times that  
2 we've felt that this kind of proposal dealing with  
3 brown bear should be unit specific because there are  
4 different cultural ties and attitudes towards bears in  
5 different parts of the state.

6  
7 We, at the same time, felt that we  
8 hadn't seen any evidence of any illegal use of brown  
9 bear parts from a subsistence standpoint. Like was  
10 just said, we realize that there are illegal brown  
11 bears killed, there always have been, but from a  
12 subsistence standpoint -- and our Council has gone on  
13 record that if it becomes a problem, if it can be  
14 documented, that the subsistence use of handicrafts  
15 from brown bear is causing a problem, we'll be right on  
16 the target to ask for regulations to address that  
17 problem. But until there is a problem or until there's  
18 a documented problem and not just the perceived idea  
19 that there may be a problem, we would oppose this  
20 proposal.

21  
22 CHAIRMAN FLEAGLE: Thank you, Ralph.  
23 Bert.

24  
25 MR. ADAMS: Thank you, Mr. Chairman.  
26 The Southeast Regional Advisory Council also agrees  
27 with the analysis that was presented by the -- the  
28 Staff analysis.

29  
30 The relationship that some of our clans  
31 in Southeast Alaska is very culturally important. And,  
32 you know, in many instances they allow the use of, and  
33 sharing of parts of the bear because of that. We have  
34 a clan there called the Brown Bear Clan, or  
35 Teikweidees, and so they don't harvest the bears, you  
36 know, for trophy or for food or for other purposes  
37 other than using them for, you know, the making of  
38 regalia and stuff. So the subsistence harvest level is  
39 very low in Southeast Alaska.

40  
41 Another concern that we had was the  
42 concern that subsistence resources could enter into the  
43 commercialization very easily, you know, with some of  
44 the parts, such as gall bladders, you know, sold to the  
45 Asian communities could become, you know, a black  
46 market and this is a concern as well.

47  
48 We think that is an unnecessary  
49 restriction on subsistence users as there are no actual  
50 examples of problems that could justify adopting this

1 restriction at all.

2

3                               So that's about the extent of my  
4 concern -- or our comments, Mr. Chairman.

5

6                               Thank you.

7

8                               CHAIRMAN FLEAGLE: Thank you, Bert.  
9 Jack.

10

11                              MR. REAKOFF: Thank you, Mr. Chairman.  
12 Western Interior Council opposed the proposal.

13

14                              Although the Western Interior does not  
15 -- has not requested the sale of bear parts in our  
16 region as it's culturally a tabu, we did not oppose  
17 other regions utilizing bears for sale in their crafts.  
18 And there's been no record, real record of abuse of the  
19 Federal regulation to this point. There's continuous  
20 illegal harvest of bears and that's not necessarily  
21 subsistence activities, there's other people doing that  
22 too. And so the Western Interior felt there was no  
23 real biological problem with the bear population, and  
24 felt that the proposal was unwarranted at this time  
25 with the high bear population.

26

27                              So those are the reasons that our  
28 Council opposed the proposal.

29

30                              CHAIRMAN FLEAGLE: Thanks, Jack.  
31 Myron.

32

33                              MR. SAVETILIK: Seward Peninsula  
34 opposed this proposal. This proposal would be  
35 detrimental to subsistence users.

36

37                              CHAIRMAN FLEAGLE: Victor.

38

39                              MR. KARMUN: Northwest Arctic opposed  
40 this, although grizzly bears and brown bears are highly  
41 prized on some of the river drainages in Northwest  
42 Arctic but the Council was kind of split on some of  
43 this but in the end they all opposed it.

44

45                              Thank you.

46

47                              CHAIRMAN FLEAGLE: Thank you.

48

49                              MS. ENTSMINGER: Last but not least, I  
50 apologize for not being prepared.

1 CHAIRMAN FLEAGLE: That's okay.

2

3 MS. ENTSMINGER: Our Council was also  
4 opposed to the proposal. We believe it's a perceived  
5 problem and it doesn't exist. And bear claws are  
6 presently legally sold in other states and in Canada  
7 and there hasn't been any problems. If the State feels  
8 there is a problem identifying claws that can be  
9 legally sold they should provide information on problem  
10 areas and request a working relationship with the  
11 Federal Subsistence Program to come up with a way to  
12 make the legal sales work.

13

14 Council members felt that there are no  
15 conservation problems, limiting the sales to Federally-  
16 qualified subsistence users basically would get rid of  
17 any illegal market. Council members believe strongly  
18 that creating a legal market gets rid of the potential  
19 legal [sic] market.

20

21 And, Mr. Chairman, I'd asked you at  
22 break if I could share one of my bear products with the  
23 Board, if that's appropriate I would do so.

24

25 CHAIRMAN FLEAGLE: We're not going to  
26 be made to eat it are we?

27

28 MS. ENTSMINGER: You would eat it later  
29 after I cook it up.

30

31 (Laughter)

32

33 CHAIRMAN FLEAGLE: Yeah, go ahead, Sue.

34

35 MS. ENTSMINGER: And I just want to  
36 bring out that as a non-Native person we might have  
37 slightly different cultures than Native people and I  
38 grew up in a nonwasteful lifestyle and any little piece  
39 of something that I can utilize I utilize it and I make  
40 something out of it. And in the process of trapping I  
41 made a lot of furs that had faces on them. And this is  
42 no disrespect for the animal, it's just something that  
43 I learned to do and in the process of making these hats  
44 with the faces on them, a lot of people like them.

45

46 The first one is a black bear, and this  
47 is probably what might have started, a long time ago,  
48 is just put a face on the front of a hat like that, and  
49 now I'm being asked to make these for Native Regalia in  
50 Southeast Alaska. I make a lot of wolves that the

1 people use at their celebration. And the claws are  
2 attached, under Federal regulations, I have to have  
3 eaten this bear and taken it on Federal land. If I  
4 want to I can cut these claws off, bottom and sell it  
5 under State law.

6  
7 And then modern times you do things a  
8 lot nicer, so here's my brown bear, actually it's a  
9 grizzly bear, not to offend anyone, but it's kind of  
10 fun. This is a hat and people would -- people can wear  
11 these. It's pretty outrageous but the claws are  
12 attached and it comes up that it wouldn't be legal  
13 under State law, even as -- as a handicraft I could  
14 still sell this under State law if I cut the claws off,  
15 but under Federal law I cannot -- I mean under Federal  
16 I can sell it, so I just don't feel like it's necessary  
17 at this time, maybe some day like Ralph brought out,  
18 that there might be a problem and that would be the  
19 first time to say that there is a problem and deal with  
20 it then.

21  
22 CHAIRMAN FLEAGLE: Thank you, Sue. Ken  
23 Taylor, State of Alaska.

24  
25 MR. TAYLOR: Thank you, Mr. Chairman.  
26 I'll ask Tina Cunning to speak to this proposal for the  
27 State.

28  
29 CHAIRMAN FLEAGLE: Thank you. Tina.

30  
31 MS. CUNNING: Mr. Chairman and Members  
32 of the Board. Our Department comments can be found in  
33 your Board book on Pages 221 through 223.

34  
35 This proposal by the Department is an  
36 attempt to seek resolution to our multi-year problem  
37 with the Federal Board having authorized the sale of  
38 brown bear fur handicrafts with claws. To address our  
39 conservation issues -- we want to address our  
40 conservation issues, while also recognizing customary  
41 and traditional uses. The problems with the  
42 conservation issues is not by the Federal subsistence  
43 users, the problem is by those who are not Federal  
44 subsistence users.

45  
46 The existing regulations create a  
47 market for bear claws and other high value bear parts  
48 which could readily mask illegal sales, thereby  
49 compounding problems with the International Trade of  
50 Endangered Species and contributing to the illegal

1 harvest, overharvest and waste of bears in other states  
2 and countries as well as Alaska. Markets for high  
3 value bear handicrafts create a conservation concern  
4 because brown bears are protected under the Endangered  
5 Species Act in other states and Mexico and the origin  
6 of brown bear products cannot be determined visual  
7 inspection. Brown bears are also listed in Appendix 2  
8 of the Convention International Trade of Endangered  
9 Species.

10

11 In Alaska, the economic incentives  
12 associated with harvesting brown bears to make  
13 handicrafts create conservation concerns because brown  
14 bears develop slowly and have a low reproductive rate  
15 making small populations extremely susceptible to  
16 overharvest. Allowing widespread sale of high value  
17 bear parts without any kind of tracking mechanism is an  
18 invitation to illegal harvest.

19

20 Further, the existing regulations are  
21 unenforceable and inconsistent with sound wildlife  
22 management principles.

23

24 I would like to point out to you that  
25 this year as we went through our annual review of the  
26 Federal budgets at the national level, which all 50  
27 states do each year to provide support to the various  
28 agencies for their fish and wildlife related  
29 activities, we found multiple references to the  
30 problems with increasing illegal trade in wildlife.  
31 This is a page out of the National Park Service's FY'09  
32 budget and they specifically point out in here that the  
33 illegal removal of wildlife from Parks is suspected to  
34 be a factor of the decline of numerous species of  
35 wildlife and one of the things that they list on here  
36 is grizzly bear, including gall bladders and paws.  
37 This is recognized in the other Federal budgets at a  
38 national level, too.

39

40 The proposal that we submitted was an  
41 attempt to try to come at this from a different  
42 direction. The proposal would reduce enforcement  
43 issues created by the existing Federal regulation in  
44 several ways. It would limit the pool of eligible  
45 purchasers for high value bear parts, significantly  
46 reduce the economic incentives for poaching in other  
47 states and countries as well as Alaska. By allowing  
48 the sales of brown bear fur handicrafts made from any  
49 game management unit as presently allowed under State  
50 law, this proposal will eliminate unenforceable unit

1 specific sales and authorizations in existing  
2 regulations and the proposed regulation will reduce the  
3 likelihood that Federally-qualified subsistence users  
4 will face prosecution for attempting to engage in sales  
5 on State or private lands that are prohibited under  
6 State law.

7  
8                   It's our preference, consistent with  
9 Commissioner Lloyd's opening remarks that you defer  
10 action on this proposal, along with the other three  
11 proposals related to the sale of handicrafts that are  
12 before you. We urge you to create a working group to  
13 address the sale and tracking of bear parts, including  
14 evaluation of the feasibility of marking brown bear  
15 claws used in making handicrafts under terms of the  
16 current Federal regulations. Providing for tracking  
17 would be an important first step to addressing some of  
18 the Department's concerns regarding conservation and  
19 enforcement. If brown bear harvest can be tracked over  
20 time and bear parts or handicrafts can be traced to  
21 reported legal harvest, conservation concerns will be  
22 less likely to arise and managers will be better able  
23 to determine if or when legal sales are contributing to  
24 illegal sales or otherwise creating conservation  
25 concerns.

26  
27                   Rather than, again, rejecting this  
28 proposal the Department brought before you and waiting  
29 for another two years or going through another request  
30 for reconsideration, consistent with the Commissioner's  
31 request we urge you to refer this to a work group for  
32 one year to seek solutions.

33  
34                   And, Ken, do you have anything further.

35  
36                   Alaska Department of Fish and Game  
37 Comments to the Federal Subsistence Board

38  
39                   Wildlife Proposal WP08-05:

40  
41                   Change the regulations regarding sale  
42 of brown bear handicrafts to allow sales of handicrafts  
43 made from brown bear fur in all units and to restrict  
44 sales of handicrafts made from claws, bones, teeth, or  
45 skulls to transactions between federally-qualified  
46 subsistence users.

47  
48                   Introduction:

49  
50                   Existing federal regulations allow



1 essentially unconstrained commercial sale of  
2 handicrafts made from bear parts taken in some units as  
3 a customary and traditional activity, despite a lack of  
4 substantial evidence demonstrating that such sales are  
5 a customary and traditional practice. The sale of such  
6 handicrafts is limited only by virtually unenforceable  
7 provision that prohibits sales constituting a  
8 significant commercial enterprise. These regulations  
9 also allow the purchase of brown bear handicrafts by  
10 persons who are not federally-qualified subsistence  
11 users, despite such purchases being prohibited under  
12 state law and, as was pointed out at the Spring 2006  
13 Federal Subsistence Board meeting, that sales can even  
14 occur over the Internet.

15  
16 Sales of handicrafts made from brown  
17 bear claws, teeth, skulls, and bones present a  
18 particular problem, because these are potentially high  
19 value items, and allowing sales creates market  
20 incentives for illegal harvest in Alaska and other  
21 states.

22  
23 Black bear handicraft sales, although  
24 not customary and traditional, do not create the high  
25 level of conservation concern raised by sales of brown  
26 bear handicrafts. Similarly, sales of brown bear  
27 handicrafts do not raise the same level of concern if  
28 limited to the skin or fur as defined in state  
29 regulations; and even sales of handicrafts made with  
30 claws and teeth do not currently raise extremely high  
31 levels of concern if limited to sales among federally-  
32 qualified users.

33  
34 Changing the regulation to continue  
35 allowing the sale of brown bear fur products to anyone  
36 (state regulations allow sale of untanned brown bear  
37 hides), while limiting sales of handicrafts made with  
38 brown bear claws, teeth, bones, and skulls to sales to  
39 other federally-qualified subsistence users, should  
40 help eliminate commercial markets and the masking of  
41 illegal sales in Alaska and elsewhere.

42  
43 Unit specific restrictions on sales are  
44 almost impossible to enforce without tracking and  
45 documentation requirements and are not needed for lower  
46 value fur handicrafts. This proposal will eliminate  
47 the unit-specific sale allowances and render the  
48 regulations more user-friendly and more enforceable.

49  
50 Impact on Subsistence Users:

1                   The Federal Subsistence Board s current  
2 allowance of brown bear handicraft sales was not based  
3 upon a determination that such sales are customary and  
4 traditional but instead upon the Board s unsupported  
5 argument that the Board can authorize any use if the  
6 take is customary and traditional (see e.g., January 2,  
7 2006, letter from Chairman Demientieff to Commissioner  
8 Campbell). Therefore, adoption of this proposal will  
9 not impact customary and traditional subsistence  
10 activities.

11  
12                   This proposal will continue to allow  
13 rural residents to: sell brown bear fur handicrafts to  
14 anyone (as allowed under State law); barter brown bear  
15 handicrafts with anyone under federal regulations; and  
16 sell brown bear handicrafts to other rural residents  
17 under federal regulations. Therefore, this proposed  
18 regulation change will not impair the ability of rural  
19 residents or urban Alaska Natives to obtain such  
20 handicrafts for ceremonial, religious, and cultural  
21 purposes.

22  
23                   Further, adoption of this proposal will  
24 significantly reduce the likelihood that federally-  
25 qualified subsistence users will face state prosecution  
26 for engaging in sales that are prohibited under state  
27 law when they occur on state or private lands.

28  
29                   Opportunity Provided by State:

30  
31                   Under 5 AAC 92.200, handicrafts made  
32 with bear fur may be sold to anyone, but sales of  
33 handicrafts made with claws, skulls, teeth, and bones  
34 are prohibited. Whole bear skins, with claws attached,  
35 taken in certain predator control areas may be sold  
36 under 5 AAC 92.031, but only after sealing and under  
37 terms of a permit issued for that bear skin.

38  
39                   Conservation Issues:

40  
41                   The Federal Subsistence Board created a  
42 new market for bear claws and other high value bear  
43 parts which could readily masks illegal sales, thereby  
44 compounding problems with the international trade of  
45 Endangered Species and contributing to the illegal  
46 harvest, overharvest, and waste of bears in other  
47 states and countries, as well as Alaska. Markets for  
48 high value bear handicrafts create a conservation  
49 concern because brown bears are protected under the  
50 Endangered Species Act in other states and Mexico, and

1 the origin of brown bear products cannot be determined  
2 by visual inspection. Brown bears are also listed on  
3 Appendix II of the Convention International Trade of  
4 Endangered Species (CITES).

5  
6 In Alaska, economic incentives  
7 associated with harvesting brown bears to make  
8 handicrafts create conservation concerns because brown  
9 bears develop slowly and have a low reproductive rate,  
10 making small populations extremely susceptible to  
11 overharvest. Allowing widespread sale of high value  
12 bear parts without any kind of tracking mechanism is an  
13 invitation to illegal harvests. Further, the existing  
14 regulations are unenforceable and inconsistent with  
15 sound wildlife management principles.

16  
17 Enforcement Issues:

18  
19 This proposal will reduce enforcement  
20 issues created by the existing federal regulation in  
21 several ways: (1) by limiting the pool of eligible  
22 purchasers for high value bear parts, it will  
23 significantly reduce economic incentives for poaching  
24 in other states and countries as well as in Alaska; (2)  
25 by allowing the sales of brown bear fur handicrafts  
26 from any Game Management Unit, as presently allowed  
27 under state law, this proposal will eliminate  
28 unenforceable Unit-specific sales authorizations in  
29 existing regulation; and (3) the proposed regulation  
30 will reduce the likelihood that federally-qualified  
31 subsistence users will face prosecution for attempting  
32 to engage in sales on state or private lands that are  
33 prohibited under state law.

34  
35 Jurisdiction Issues:

36  
37 The Federal Subsistence Board lacks  
38 jurisdiction to allow sales of any wildlife handicrafts  
39 when and where such sales are not customary and  
40 traditional. In the past, the Federal Board has  
41 rejected this argument, asserting that if any use is  
42 customary and traditional then the Board can authorize  
43 any other use. The Board's argument is inconsistent  
44 with its litigation stance in the Chistochina Unit 12  
45 moose case where it argued that customary and  
46 traditional use is related to how resources are used  
47 after they are taken, and not to or a prerequisite  
48 condition for the taking itself. State v. Fleagle,  
49 (Case 3:06-cv-00107-HRH) Doc. 32 at 22.

50

1 Recommendation:

2

3 Adopt or defer and create a working  
4 group to address sale and tracking of bear parts  
5 including evaluation of the feasibility of marking  
6 brown bear claws used in making handicrafts under terms  
7 of the current federal regulations. Providing for  
8 tracking would be an important first step to addressing  
9 some of the Department's concerns regarding  
10 conservation and enforcement. If brown bear harvests  
11 can be tracked over time, and bear parts or handicrafts  
12 can be traced to reported legal harvests, conservation  
13 concerns will be less likely to arise and managers will  
14 be better able to determine if or when legal sales are  
15 contributing to illegal sales or otherwise creating  
16 conservation concerns.

17

18 CHAIRMAN FLEAGLE: Ken Taylor, go  
19 ahead.

20

21 MR. TAYLOR: Thank you, Mr. Chairman.  
22 I think our conservation concerns over the last three  
23 years have probably not been as clearly articulated as  
24 we should have. We have a lot of bears in Alaska and,  
25 sure, we may create a conservation concern by this  
26 expanding ability to sell subsistence taken brown  
27 bears, but that may be a ways down the road.

28

29 The conservation concerns, though, that  
30 I think many of us in this room may not be aware of are  
31 at the national and international level, and they've  
32 existed for a long time.

33

34 In 1997 at the Convention for the  
35 International Trade of Endangered Species in Zimbabwe  
36 Africa, one of the issues that came up was the sale of  
37 brown parts worldwide. IT is listed as a Class 2  
38 appendix species on CITES, which restricts the trade if  
39 people understand the laws, both the export country and  
40 the import country. But because this concern was an  
41 international concern, our administration, through the  
42 Fish and Wildlife Service was actually considering a  
43 resolution to all the range state countries of brown  
44 bears across the world to enter into a treaty to  
45 actually prohibit this on a higher level than what is  
46 prohibited under CITES. They didn't, in the end, pass  
47 that resolution for a treaty. And I think that  
48 highlights the concern on the worldwide scale.

49

50 So that's one of the things we're

1 trying to address here. And I know that many of you  
2 are probably tired of seeing these brown proposals  
3 coming from the State or the State's objection to  
4 proposals from different regions, that are slightly  
5 different every year, but I really would urge the Board  
6 to consider a deferral and putting together a work  
7 group so that we can understand what would be needed in  
8 order to do this effectively.

9

10 The CITES people have got lots of  
11 different tagging technologies that they've worked with  
12 over the years that could be implemented pretty  
13 reasonably and efficiently across the state and I think  
14 that that might go a long way to solving this problem  
15 and having one less issue for you to deal with every  
16 year.

17

18 Thank you, Mr. Chairman.

19

20 CHAIRMAN FLEAGLE: Question for the  
21 State. If the Board were to consider that  
22 recommendation to defer and have a working group look  
23 at it, would the State be willing to house and oversee  
24 that working group.

25

26 Tina's nodding yes.

27

28 Can we get that on record.

29

30 MR. TAYLOR: Yes, Mr. Chairman, we  
31 would.

32

33 CHAIRMAN FLEAGLE: All right, thank  
34 you. Any other questions for the State.

35

36 (No comments)

37

38 CHAIRMAN FLEAGLE: InterAgency Staff  
39 Committee. Larry.

40

41 MR. BUKLIS: Mr. Chairman. The Staff  
42 Committee comments are on Page 220 and similar to  
43 Proposal 1, those comments speak to the accuracy and  
44 completeness of the analysis and the Council  
45 recommendations being consistent with ANILCA.

46

47 Thank you.

48

49 CHAIRMAN FLEAGLE: Thank you, Larry.

50 Open it up for Board discussion with Council Chairs and

1 State liaison.

2

3 Ralph.

4

5 MR. LOHSE: Mr. Chair. At this point  
6 in time do we have any kind of numbers on what the  
7 subsistence take of brown bears has been in recent  
8 history, under Federal regulations?

9

10 CHAIRMAN FLEAGLE: Pete, would you have  
11 an answer to that or know who to call up.

12

13 MR. PROBASCO: I think we could get the  
14 information, just off the cuff it's small, Mr. Chair.  
15 But we'd have to call each respective agency.

16

17 MR. LOHSE: And if I understand right,  
18 these regulations that we're talking about here only  
19 apply to brown bears taken under Federal regulations,  
20 they don't apply to brown bears taken under State  
21 regulations; am I correct on that?

22

23 CHAIRMAN FLEAGLE: Pete.

24

25 MR. PROBASCO: That's correct, Mr.  
26 Lohse.

27

28 Mr. Chair

29

30 MR. LOHSE: Thank you. Mr. Chair.

31

32 CHAIRMAN FLEAGLE: Tom.

33

34 MR. MELIUS: This is maybe to Victor or  
35 others. Is there an ability to tell the difference  
36 between polar bear claws and brown bear claws and if  
37 so, is that that evident? Ralph, you're shaking your  
38 head, I can direct it to whoever.

39

40 MR. LOHSE: There's an amazing  
41 difference.

42

43 MR. MELIUS: And that difference is.

44

45 MR. LOHSE: I'll just speak from the  
46 ones I've seen and I think that I noticed Ken Taylor  
47 was nodding his head the same way. A polar bear claw  
48 is a totally different shape than a brown bear claw. A  
49 polar bear claw is sharp and really curved down, brown  
50 bear claw is spayed out and it's made for digging,

1 where a polar bear claw is made for grabbing hold of  
2 the ice. It's just the same as the difference between  
3 a black bear claw and a brown bear claw, there's an  
4 amazing difference between the two of those.

5  
6 MR. MELIUS: The reason I brought that  
7 up is having some discussion with some individuals, the  
8 potential for law enforcement concerns of allowing and  
9 expanding potentially the use of one species could also  
10 then encourage, if a certain action is taken with polar  
11 bear, cause that bear parts to be more valuable and  
12 could possibly lead towards having that entered into an  
13 illegal, so that's why I was just wanting to get that  
14 on the record.

15  
16 CHAIRMAN FLEAGLE: Jack.

17  
18 MR. REAKOFF: (Shakes head negatively)

19  
20 CHAIRMAN FLEAGLE: No. Okay. Other  
21 discussion. Sue.

22  
23 MS. ENTSMINGER: I have a question. If  
24 it was deferred then this proposal would stop sale  
25 between -- if it passed, it would only between  
26 subsistence users, so if it was deferred we would be  
27 status quo -- yeah, okay.

28  
29 CHAIRMAN FLEAGLE: That's why I was  
30 shaking my head, if the proposal is deferred nothing  
31 happens.

32  
33 All right, other discussion.

34  
35 (No comments)

36  
37 CHAIRMAN FLEAGLE: Ready for a motion.

38 Denny.

39  
40 (No comments)

41  
42 CHAIRMAN FLEAGLE: Need a minute.

43  
44 MR. BSCHOR: Yeah, I need a minute. I  
45 wanted to make just a couple more comments first.

46  
47 CHAIRMAN FLEAGLE: Okay.

48  
49 MR. BSCHOR: And that is I think there  
50 are two Board members up here, myself and Niles who

1 have heard these issues many times and appreciate the  
2 concern, appreciate the concern about potential  
3 problems. At this point in time I'm not aware of any  
4 specific problems that we've noted or know of relative  
5 to illegal use of subsistence taken bears.

6

7 Also in the past we've also made a  
8 point that the entire bear should be used. I've heard  
9 a few comments about just using part of the bears, and  
10 I personally went on record saying that subsistence is  
11 not about waste, it's about utilizing the resources, so  
12 I just want to make sure that's understood in this go  
13 around again.

14

15 I also am very -- I've voted on this  
16 issue, what, three or four times I think now, and every  
17 time I have I've made the point that the tracking issue  
18 is extremely important. If we can track which bears  
19 are taken by subsistence users, track the paws, the  
20 parts, whatever, that lessens the problem that we would  
21 have, potential problems we would have with the illegal  
22 sale. I also want to note that the current regulation  
23 that we have says that's defined according to areas and  
24 it's not statewide and there was a lot of deliberation  
25 that went around that issue and almost every time -- I  
26 think every time we've deliberated this, so I want to  
27 make sure that's understood too.

28

29 But the tracking part of this is  
30 extremely important. So if we come up with a solution  
31 or a motion here that includes some direction to work  
32 together on that, I'm all for it.

33

34 CHAIRMAN FLEAGLE: Tom.

35

36 MR. MELIUS: Mr. Chair. Would that be  
37 envisioned with this working group that was being  
38 discussed by the State as a part to look at the various  
39 ways that a specific claw could be marked, microtagged  
40 or dyed or whatever technology is out there?

41

42 CHAIRMAN FLEAGLE: Tina.

43

44 MS. CUNNING: Mr. Chairman. Yes,  
45 indeed, and in fact we are even having informal  
46 discussions with the Board of Game about the  
47 possibility of trying to incorporate similar kind of  
48 marking on the State side. Since there are provisions,  
49 increasing provisions for sale of bear hides under  
50 State regulations, we want to be sure that everyone



1 understands that the conservation issue is not by the  
2 subsistence issue, the conservation issue is with the  
3 illegal market created by the nonsubsistence users. So  
4 by finding some unobtrusive way to mark bear parts and  
5 bear claws that could potentially be implemented both  
6 by the Federal program and by the State program, I  
7 think we would put an end to a lot of that concern. It  
8 would make this a lot easier for all of us.

9

10 CHAIRMAN FLEAGLE: Ralph Lohse and then  
11 Sue.

12

13 MR. LOHSE: Mr. Chair. I have a  
14 question for the Fish and Game and I'm not really sure  
15 how to pose it because currently you can order grizzly  
16 bear claws through the mail and so if you ordered  
17 grizzly bear claws from someplace else, from out of  
18 state and you brought them in the state and you made  
19 handicrafts with those they obviously wouldn't be  
20 marked with the State markings and they don't come with  
21 markings from other states, so how -- how, unless this  
22 is a -- I'll say a nationwide or country -- or even  
23 international program, how will marking the State claws  
24 have much of an effect on an international market when  
25 you can, today, just order claws through the mail?

26

27 CHAIRMAN FLEAGLE: Ken, can you give a  
28 response from the State on that.

29

30 MR. TAYLOR: Thank you, Mr. Chairman.  
31 I've never ordered bear claws through the mail, black  
32 or brown, I know that Idaho allows the sale of black  
33 bear claws. Personally I was unaware of any state in  
34 the Lower 48 that did allow the sale of brown bear  
35 claws because they're listed as a threatened and  
36 endangered species down there. So if you can buy them,  
37 I don't know if they're coming from Canada, and if they  
38 are they would need a CITES import permit and a CITES  
39 export permit.

40

41 If anybody has any more information,  
42 though, on that, I'd appreciate it.

43

44 CHAIRMAN FLEAGLE: It looks like we got  
45 Department of Law. Steven.

46

47 MR. DOUGHERTY: Mr. Chair. I would not  
48 that if anyone were to have those products in Alaska  
49 and were to engage in sales they would be prosecuted  
50 and they would have the burden of proving the source of

1 those claws. If they were to prove that they were from  
2 animals outside the state they might have a defense,  
3 but our statute prohibits the sale of bear parts,  
4 period.

5  
6 As far as State law is concerned we  
7 would consider it a violation even if those claws had  
8 been imported from Canada.

9  
10 Mr. Chair.

11  
12 MS. CUNNING: And, further, in response  
13 to Ken's question there, Idaho does have some companies  
14 that do sell brown bear claws, those are ones that are  
15 coming in from Canada that are legally harvested and  
16 have the CITES paperwork with them when they come in,  
17 so we've -- Sue has been kind enough to share some of  
18 those documents, those books with us so that we could  
19 start researching it and looking into it and that was  
20 what we learned on the sale of brown bear claws.

21  
22 CHAIRMAN FLEAGLE: Thank you. Sue.

23  
24 MS. ENTSMINGER: Thank you, Mr.  
25 Chairman. I was going to say that. But also I have a  
26 question to the State for tracking if it's such a  
27 concern.

28  
29 When you shoot a bear you have to have  
30 it sealed, a brown grizzly bear, so what would be so  
31 difficult to request from the person to see the sealing  
32 requirement that they have, I mean every bear has to be  
33 sealed and when you seal them -- and if it's taken on  
34 Federal land you could request, are you going to be  
35 making a bear handicraft out of it and you would know.

36  
37 CHAIRMAN FLEAGLE: But the seal is  
38 attached to the hide not to individual claws and if  
39 those claws were removed from that sealed hide, who  
40 would know, I guess in a rhetorical answer.

41  
42 But, Tina.

43  
44 MS. CUNNING: Thank you, Mr. Chairman.  
45 That is one of the things -- we did have an initial  
46 informal group of people, a couple law enforcement  
47 people and a couple from the ISC and those of us who  
48 tried to talk about a way to find solution here and one  
49 of the things that -- we've been brainstorming since  
50 then, is that when someone does bring a brown bear hide

1 in to be sealed, if they think they're going to want to  
2 separate those claws, and they're Federal subsistence  
3 qualified and they want them marked, there are a number  
4 of ways to tag those, there's microchipping, there's  
5 other kinds of tagging that could be done right at that  
6 time that would then track it back to that sealed  
7 document because you only get one seal, you only get  
8 one set of paperwork, and so we'd need to be sure that  
9 there was a way that all of the claws could be marked.

10

11 Terry, do you have more to add.

12

13 CHAIRMAN FLEAGLE: Jack Reakoff.

14

15 MR. REAKOFF: Mr. Chairman. There's --  
16 in the area that I live in, the Western Interior  
17 region, there is no sealing requirement if you utilize  
18 the bear for subsistence. You have a harvest ticket  
19 basically for that -- for harvest for grizzly, there is  
20 no sealing requirement so in not all of Alaska are the  
21 bears sealed.

22

23 CHAIRMAN FLEAGLE: Go ahead.

24

25 MR. REAKOFF: That's the State  
26 regulation that we hunt under, is a harvest --  
27 basically a harvest ticket.

28

29 CHAIRMAN FLEAGLE: And that's an  
30 extension of the Western Alaska Brown Bear Management  
31 Area.

32

33 MR. REAKOFF: Brown Bear Management  
34 Area, uh-huh, and so there's a large area in Alaska  
35 that there is no sealing requirement. If this planning  
36 group was to be formed, they'd have to consider -- and  
37 another comment that I would like to insert is that  
38 Federal subsistence regulations are supposed to have  
39 the least adverse impact to the subsistence users. If  
40 subsistence users were to be required to travel to  
41 Anchorage or Fairbanks for sealing these bears, it's  
42 very expensive to travel from rural areas to the urban  
43 areas, sealing agents are typically and licensed  
44 vendors are in various villages for sealing furbearers  
45 and so forth, and we should be concerned about the  
46 burden of requirement of transporting these resources  
47 into urban areas to be sealed and then transported back  
48 home again.

49

50 Thank you.

1 CHAIRMAN FLEAGLE: Randy.

2

3 MR. ALVAREZ: I have a comment about  
4 what Mr. Dougherty had stated, he stated a minute ago  
5 that it's the burden of the subsistence user to prove  
6 that it's a legally harvested bear claw, well, I  
7 thought that under the United State's law that you're  
8 innocent until proven guilty. In my opinion, wouldn't  
9 it be up to the State to prove that that was an  
10 illegally harvested bear claw instead of up to the  
11 harvester? Unless I'm mistaken or understanding --  
12 well.....

13

14 CHAIRMAN FLEAGLE: Okay, Steven, go  
15 ahead.

16

17 MR. DOUGHERTY: Mr. Chairman. I don't  
18 want to get into a debate here, but it would be the  
19 State's burden to prove that a sale occurred. It would  
20 be the individual's burden to prove that that sale was  
21 legal as an affirmative defense.

22

23 Mr. Chair.

24

25 CHAIRMAN FLEAGLE: Thank you. More  
26 discussion. Sue.

27

28 MS. ENTSMINGER: I battle this in my  
29 mind over and over, and I guess at my home we talk  
30 about it a lot, and we don't understand this biggest  
31 concern by the State I guess, because wolves are CITES  
32 animals and you can sell claws all day long from a wolf  
33 so it's just -- I don't know it's a difficult thing to  
34 understand, the concern, I don't think it's as big a  
35 concern as it may be perceived.

36

37 CHAIRMAN FLEAGLE: Are we ready to take  
38 this on as a Board.

39

40 Tom.

41

42 MR. MELIUS: Sure, we're ready to take  
43 this on. I've been listening intently here. Coming  
44 into the meeting I had an opportunity to listen to a  
45 number of other issues, as Ken Taylor has mentioned,  
46 this has been a law enforcement concern on a national  
47 and international level that our agencies have been  
48 trying to deal with and in anticipation of the  
49 potential for increases was pointed out in our -- the  
50 Park Service document, and I'm sure in other documents.

1                   Trying to weave through this, Mr.  
2 Chairman, I'm persuaded that, again, since I've only  
3 been here far less than some of my other colleagues  
4 that I guess I would be supportive of deferring for a  
5 one year period of time to allow a work group to  
6 address this issue of sale and tracking, specifically  
7 whether or not it's even feasible. I would also like  
8 to have, with the Chairman's direction, representation  
9 from several Councils on that work group and bring back  
10 a final recommendation from this work group. I'm not  
11 certain how I get around the motion or the -- yeah, the  
12 motion that was put forth, if this is an amendment to  
13 that motion, Mr. Chair, or just make this as a motion  
14 and we'll go from there.

15  
16                   So, so moved.

17  
18                   CHAIRMAN FLEAGLE: Okay. A point of  
19 clarification. We're going to the two year cycle, so  
20 that would be two years then before it would come back.

21  
22                   MR. MELIUS: Yeah, two years.

23  
24                   CHAIRMAN FLEAGLE: We wouldn't want to  
25 take this up on the fisheries meeting.

26  
27                   MR. MELIUS: No.

28  
29                   CHAIRMAN FLEAGLE: All right. Is there  
30 a second.

31  
32                   MR. BSCHOR: I'll second it.

33  
34                   CHAIRMAN FLEAGLE: All right, we have a  
35 motion to defer to the next wildlife cycle for the  
36 working group, that the State recommends, and with the  
37 caveat that we do include Council Chair or some Council  
38 participation in the group.

39  
40                   MR. MELIUS: Correct.

41  
42                   CHAIRMAN FLEAGLE: Further discussion.

43  
44                   MR. BSCHOR: Yes, Mr. Chair.

45  
46                   CHAIRMAN FLEAGLE: Denny.

47  
48                   MR. BSCHOR: Just to clarify that the  
49 current regulation would still be in effect during that  
50 period and after if we come up with a solution, that

1 would be my anticipation. Someone could always come in  
2 with another proposal, but at least for the interim it  
3 would still stand.

4

5 CHAIRMAN FLEAGLE: You're right. And  
6 the working group may come up with a better proposal.

7

8 I support this. I think that this --  
9 I, like the Council Chairs, am not convinced that a  
10 problem exists. But I've always supported opening up  
11 these bear harvests, I mean it took a long time to get  
12 the first one passed through the Board of Game and that  
13 was just a handicraft made from a black bear hide  
14 without claws, et cetera, et cetera, and it just --  
15 it's slowly being opened up and we're getting to the  
16 place where other states, and I realize brown bears are  
17 a little different, but slowly being allowed more and  
18 more, without all of these deleterious effects that  
19 we're constantly being cautioned about, so I don't have  
20 the concerns, but I think that this deferral is  
21 completely in keeping with the cooperation --  
22 cooperative effort that we keep talking about, that  
23 maybe we can work together, sit down and come together  
24 to something that's not exceedingly burdensome to the  
25 subsistence user that meets the regulatory agencies  
26 concern. And here's an opportunity to try to come up  
27 with that solution.

28

29 So I'm going to support the motion for  
30 deferral.

31

32 Any other discussion.

33

34 Marcia.

35

36 MS. BLASZAK: Mr. Chairman. I concur  
37 with your thoughts on the need to enter into  
38 cooperative discussion as opposed to a positioning that  
39 may have occurred in the past and, I, too, encourage  
40 the involvement of as many of the Councils as possible  
41 because I think that the dialogue could potentially  
42 create the best solution afterall.

43

44 So I will move to support the proposal  
45 -- motion.

46

47 CHAIRMAN FLEAGLE: Other discussion.

48

49 (No comments)

50

1 CHAIRMAN FLEAGLE: And just to clarify  
2 on the record, I did ask the question of the State if  
3 they were willing to house and to be the agency behind  
4 the working group and they did affirm, so I wanted to  
5 make sure that that was understood with the vote for  
6 deferral.

7  
8 Are we ready for the question.

9  
10 (Board nods affirmatively)

11  
12 CHAIRMAN FLEAGLE: All right, with  
13 that, Pete, go ahead and poll the Board on the issue to  
14 defer, please.

15  
16 MR. PROBASCO: Thank you, Mr. Chair.  
17 Final action on WP08-05 to defer the proposal.

18  
19 MR. BSCHOR: Aye.

20  
21 MR. PROBASCO: Mr. Melius.

22  
23 MR. MELIUS: Aye.

24  
25 MR. PROBASCO: Mr. Fleagle.

26  
27 CHAIRMAN FLEAGLE: Yes.

28  
29 MR. PROBASCO: Ms. Blaszak.

30  
31 MS. BLASZAK: Aye.

32  
33 MR. PROBASCO: Mr. Lonnie.

34  
35 MR. LONNIE: Yes.

36  
37 MR. PROBASCO: And Mr. Cesar.

38  
39 MR. CESAR: Yes.

40  
41 MR. PROBASCO: Mr. Chair, motion  
42 carries six/zero.

43  
44 CHAIRMAN FLEAGLE: Thank you, Pete.  
45 Let's step down for 10 minutes. Thank you.

46  
47 (Off record)

48  
49 (On record)

50

1 CHAIRMAN FLEAGLE: All right, the Board  
2 is back in session and we're now moving on to proposals  
3 from Southeast Alaska region. First proposal is 06,  
4 it's been divided into two pieces and up first is 06  
5 Alpha, and we turn to -- we have Pippa Kenner with us.  
6 Good afternoon.

7  
8 MS. KENNER: Good afternoon. Mr.  
9 Chair. Board members. Thank you.

10  
11 The analysis for this proposal can be  
12 found on Pages 227 to 252 in your books. Proposal  
13 WP08-06a was submitted by Gustavus resident Chuck  
14 Burkhart. It requests the recognition of customary and  
15 traditional uses of moose in Berners Bay drainages for  
16 rural residents of Unit 1C and 1D.

17  
18 On Page 5 of the Board book or Page 26  
19 of the Federal regulations you can see that Unit 1  
20 consists of the Southeast Alaska mainland and extends  
21 to the Canadian Border. Unit 1 and Unit C and 1D are  
22 its northern most subunits. The rural communities in  
23 Unit 1C are Gustavus and Excursion Inlet and in Unit 1D  
24 are Skagway, Klukwan and Haines. The customary and  
25 traditional use portion of the proposal is analyzed as  
26 WP08-06a and the season and harvest limit portion as  
27 WP08-06b.

28  
29 I'm going to present a brief history of  
30 these issues. One important observation when analyzing  
31 this proposal is that Berners Bay drainages are within  
32 the Tongass National Forest and hunting occurs  
33 primarily on Federal public lands. However, moose were  
34 not present in Unit 1 during the historic period until  
35 the early to mid-1900s when moose began naturally  
36 migrating into some of the river valleys from Canada.

37  
38 For example, the first sighting of  
39 moose in the Gustavus area was not until 1968.  
40 Additionally, 15 moose calves were introduced to  
41 Berners Bay drainages in 1958 and the supplemental  
42 release of six more calves occurred in 1960. In 1990  
43 the Federal Program established no Federal subsistence  
44 priority for moose in Berners Bay drainages because  
45 Berners Bay was in the State established Juneau  
46 nonrural area. The no Federal subsistence priority  
47 continued forward unchanged. A long-term consistent  
48 pattern of use exists in these communities for moose  
49 and is recognized by the Board in Unit 1D for residents  
50 of Skagway, Klukwan, and Haines. Residents of Gustavus



1 do not have a positive determination for moose by the  
2 Federal Program, and there is a negative determination  
3 by the State of Alaska for the Gustavus forelands. By  
4 looking at the map on Page 234 of the Board book, you  
5 can see the Gustavus forelands, which is the area  
6 surrounding the community of Gustavus and outside of  
7 Glacier Bay National Park. Residents of Gustavus  
8 harvest moose in Unit 1C primarily at the Gustavus  
9 forelands.

10

11 Moose are the primary terrestrial  
12 resource harvested by residents of these communities  
13 unlike other areas of Southeast Alaska where deer  
14 predominate. Berners Bay was used by both Chilkat  
15 Tlingit from Skagway and Haines areas and Auke Tlingit  
16 from Juneau and Admiralty Island areas to harvest wild  
17 resources.

18

19 There were two year-round villages  
20 located between Lace River and Berners River. In  
21 addition, smokehouses were built at the mouth of Antler  
22 River. By 1946 the village sites were inhabited only  
23 seasonally. Historical accounts indicate that the  
24 Berners Bay area was used to hunt, fish and gather  
25 berries. Seaweed and mussels were gathered from Echo  
26 Cove near the entrance to the bay. Coho and chum  
27 salmon were harvested and preserved. Goats were  
28 harvested and mink, lynx and wolverine were trapped.  
29 Cabins and smokehouses were accessed by pulling boats  
30 up river.

31

32 Using river drainages in Unit 1C and 1D  
33 to harvest wild resources is well documented. Chilkat,  
34 Auke and Taku, Tlingit regularly used river drainages  
35 to access goat and bear and trap furbearers. Moose  
36 were also harvested as available. Cabins and  
37 smokehouses were often located on these routes where  
38 meat was preserved by smoking. Animals were hunted in  
39 the Chilkat River Valley, especially in the area of the  
40 Canadian border, the Skagway River drainage, and  
41 Tyasanka Harbor (ph), Chilkoot Lake, the Khatzaheen  
42 (ph) River drainage and the Taku River drainage.

43

44 From Berners Bay drainages during the  
45 period 1983 to 2006 residents of the Haines area  
46 harvested two moose in 1983 and one moose in each year,  
47 1993, '94, '98, '99 and 2002. Residents of Gustavus,  
48 Excursion Inlet and Skagway have not harvested a moose  
49 in this area during this period. Because Berners Bay  
50 moose have been managed through a State managed permit

1 draw since 1978 understanding different communities  
2 uses of that population must also include a discussion  
3 of context.

4  
5                   During the 10 year period 1997 to 2006  
6 ADF&G issued an average of 14 permits annually for  
7 Berners Bay drainages. During this time there was an  
8 annual average of 1,222 applications. Thus of any one  
9 odds of any one person obtaining a permit were about  
10 one in 100. Furthermore, the drawing permit process  
11 has provisions that can make applying for a Berners Bay  
12 permit unattractive, such as a person may apply for up  
13 to three hunt numbers only on an annual basis at a cost  
14 of \$5 per hunt. However, despite these challenges  
15 residents of Skagway, the Haines area and Gustavus do  
16 submit applications. From 1997 to 2006, Gustavus  
17 residents submitted on average two applications  
18 annually. Residents of Skagway three applications  
19 annually. And residents of the Haines area 40  
20 applications annually. An effort to obtain a Berners  
21 Bay drawing permit could be considered as a take from  
22 the purposes of this review because it is so difficult  
23 to obtain one.

24  
25                   ANILCA refers to the uses of a  
26 resource, not just the take. That these communities  
27 use moose is clear. Where they take moose does add  
28 information to the analysis, but not to the exclusion  
29 of other information, such as where moose are available  
30 in sustainable populations, and through State  
31 established hunting seasons and permits. The ability  
32 of residents of these communities to harvest moose in  
33 Berners Bay drainages has been hampered by the drawing  
34 permit process and therefore due to reasons beyond the  
35 control of the residents of these communities, few  
36 harvests by them, from this area have been documented.

37  
38                   The OSM conclusion is to support  
39 Proposal WP08-06a.

40  
41                   It has been shown that the Federal  
42 Program in 1990 established a no Federal subsistence  
43 priority for moose in Berners Bay drainages. The  
44 adoption of no Federal subsistence priority for moose  
45 in Berners Bay drainages has not been reviewed by the  
46 Board. Customary and traditional uses of introduced  
47 species are recognized by the Board. And residents of  
48 Unit 1C and 1D customarily and traditionally used moose  
49 taken from these units based on a holistic application  
50 of the eight factors.

1 In conclusion, Proposal WP08-06a is a  
2 potential first step in the customary and traditional  
3 use determination process for moose in Unit 1C. This  
4 finding could be nested in a subsequent customary and  
5 traditional use finding for Unit 1C.

6

7 Thank you.

8

9 CHAIRMAN FLEAGLE: Thank you, Pippa.

10 Questions.

11

12 (No comments)

13

14 CHAIRMAN FLEAGLE: All right. We'll  
15 move on to summary of written public comments. Robert.

16

17 MR. LARSON: Mr. Chairman. We have  
18 three public comments all in opposition to this  
19 proposal. They're submitted by the Juneau-Douglas Fish  
20 and Game Advisory Committee, the Wrangell Fish and Game  
21 Advisory Committee and the Petersburg Fish and Game  
22 Advisory Committee.

23

24 The Juneau Fish and Game Advisory  
25 Committee does not believe that the eight factors have  
26 been satisfied.

27

28 The Wrangell Fish and Game Advisory  
29 Committee does not want to lose the opportunity to  
30 participate in that moose hunt.

31

32 And the Petersburg Fish and Game  
33 Advisory Committee wants that hunt to remain to all  
34 residents of the state of Alaska.

35

36 And that is all of our public comments.

37

38 CHAIRMAN FLEAGLE: Thank you. Public  
39 testimony, Pete.

40

41 MR. PROBASCO: Mr. Chair. We have no  
42 one signed up for public testimony.

43

44 CHAIRMAN FLEAGLE: Okay. Council  
45 recommendations. Bert.

46

47 MR. ADAMS: Thank you, Mr. Chairman.  
48 The Council recommendation was to oppose this proposal.

49

50

1                   The Council determined that a new  
2 propos -- after, you know, long discussion on this  
3 issue during our deliberations and so forth, we  
4 determined that a new proposal and Staff analysis is  
5 necessary to address, you know, some of the key issues  
6 in regards to C&T for that area. And so until, you  
7 know, we get a C&T determination for the entire area,  
8 they were just concentrating, you know, on the Berners  
9 Bay area, the Council is going to submit a proposal to  
10 cover the entire area, which would include that area as  
11 well.

12  
13                   And this is in regards to Unit C, a new  
14 Staff analysis will provide more complete and  
15 meaningful discussion of the customary use of moose in  
16 Berners Bay in the remainder of Unit 1C.

17  
18                   It is the intent of the Southeast  
19 Regional Advisory Council not to address changes to the  
20 taking regulations regarding Berners Bay or the  
21 remainder of Unit 1C until customary and traditional  
22 use of moose has been determined.

23  
24                   So for that reason, you know, we oppose  
25 this proposal at this point.

26  
27                   CHAIRMAN FLEAGLE: Thank you, Bert.  
28 Alaska Department of Fish and Game, Ken Taylor.

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

32  
33                   CHAIRMAN FLEAGLE: Thank you. Terry  
34 Haynes.

35  
36                   MR. HAYNES: Mr. Chairman. Our written  
37 comments are on Pages 254 and 255 of your meeting book.  
38 And comments on both parts 6a and 6b are on these two  
39 pages and I will sort out the parts that apply to the  
40 Proposal 06a.

41  
42                   In acting on this proposal to make a  
43 customary and traditional finding the Board must  
44 evaluate the eight regulatory factors relating to use  
45 of the specific wildlife population on the record and  
46 not on all moose in Unit 1C. A number of these factors  
47 require demonstrating a pattern of use and one of the  
48 most important factors is whether there is a long-term  
49 consistent pattern of use of Berners Bay moose. Rural  
50 residents in Units 1C and 1D have hunted and have been

1 found to have customary and traditional uses of other  
2 moose populations, but no long-term consistent pattern  
3 of harvest can be established for the isolated Berners  
4 Bay moose population. Therefore, a customary and  
5 traditional use determination for that population  
6 cannot be justified.

7

8                   As was noted in the Staff analysis, the  
9 moose population in Berners Bay was established through  
10 a transplant 50 years ago and has provided very limited  
11 hunting opportunity in each year that a season  
12 occurred. ANILCA clearly states its goal of protecting  
13 the continued subsistence use of fish and wildlife.  
14 Rural residents of Units 1C and 1D traditionally  
15 harvested fish and wildlife in locations accessed more  
16 efficiently and closer to their residences. A positive  
17 customary and traditional use determination for rural  
18 residents of Units 1C and 1D for moose in the Berners  
19 Bay portion of Unit 1C would result in almost no  
20 additional hunting opportunity by rural residents  
21 because very few moose in that population are available  
22 for harvest in a given year.

23

24                   Mr. Chairman. For reasons expressed by  
25 Commissioner Lloyd in his opening remarks, the  
26 Department recommends that action be deferred on this  
27 and other customary and traditional use proposals at  
28 this meeting. However, if the Board does take action,  
29 the Department does not support this proposal.

30

31                   No evidence is presented to demonstrate  
32 that rural residents of Units 1C and 1D have a history  
33 of hunting the isolated moose population in Berners  
34 Bay. No evidence is presented that these residents  
35 have made a consistent effort on a community basis to  
36 obtain permits for the limited Berners Bay moose hunt,  
37 which might provide some evidence in support of a  
38 customary and traditional pattern of use. To the  
39 contrary, the Staff analysis is based on the use of  
40 other moose populations by rural residents of Units 1C  
41 and 1D and not on moose in Berners Bay. Therefore, we  
42 conclude that a finding -- a customary and traditional  
43 use finding cannot be justified. The Federal Board  
44 must carefully review evidence presented for the eight  
45 regulatory factors on the record if the Board proceeds  
46 to determine whether or not there is sufficient  
47 evidence to support a customary and traditional finding  
48 for the Berners Bay moose population by the rural  
49 communities in Units 1C and 1D.

50

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

3  
4 Wildlife Proposal WP08-06a:

5  
6 Establish a customary and traditional  
7 use determination for moose in Unit 1C Berners Bay, for  
8 residents of Game Management Units 1C and 1D.

9  
10 Wildlife Proposal WP08-06b:

11  
12 If proposal WP08-06a is adopted, open a  
13 federal registration permit moose hunt in the Berners  
14 Bay drainages of Unit 1C.

15  
16 Introduction:

17  
18 The proponent requests that rural  
19 residents of Units 1C and 1D be found to have customary  
20 and traditional uses of moose in Unit 1C Berners Bay  
21 and requests that a September 15 October 15 season  
22 for one bull administered by federal registration  
23 permit be established.

24  
25 Customary and Traditional Use  
26 Determination:

27  
28 Moose in the Berners Bay population  
29 were not hunted customarily and traditionally by rural  
30 residents, so the proposed customary and traditional  
31 determination cannot be justified and no federal season  
32 is warranted. In acting on this proposal to make a  
33 customary and traditional use finding, the Board must  
34 evaluate the eight regulatory factors relating to use  
35 of the specific wildlife population on the record, and  
36 not on all moose in Unit 1C. A number of these factors  
37 require demonstrating a pattern of use, and one of the  
38 most important factors is whether there is a long-term  
39 consistent pattern of use of Berners Bay Moose. Rural  
40 residents in Units 1C and 1D have hunted and have been  
41 found to have customary and traditional uses of other  
42 moose populations, but no long-term, consistent pattern  
43 of harvest can be established for the isolated Berners  
44 Bay moose population. Therefore, a customary and  
45 traditional use determination for that population  
46 cannot be justified.

47  
48 Impact on Subsistence Users:

49  
50 The moose population in Berners Bay was

1 established through a transplant 50 years ago and has  
2 provided a very limited hunting opportunity in each  
3 year that a season occurred. ANILCA clearly states its  
4 goal of protecting the continued subsistence use of  
5 fish and wildlife. Rural residents of Units 1C and 1D  
6 traditionally harvested fish and wildlife in locations  
7 accessed more efficiently and closer to their  
8 residences. A positive customary and traditional use  
9 determination for rural residents of Units 1C and 1D  
10 for moose in the Berners Bay portion of Unit 1C would  
11 result in almost no additional hunting opportunity by  
12 rural residents because very few moose in that  
13 population are available for harvest in a given year.  
14 If a federal season is established, the area will also  
15 likely be closed to non-federally qualified subsistence  
16 users for moose hunting. Such a closure will deprive  
17 Juneau residents, some of whom were previously rural  
18 residents who still maintain a subsistence way of life,  
19 the opportunity to hunt moose. Thus, a positive  
20 customary and traditional use determination (where no  
21 one historically hunted moose) will provide an  
22 indefensible preference to residents who have more  
23 readily accessible resources and, as a result, will  
24 deprive those with few alternatives of the opportunity  
25 to hunt moose under state regulations.

26

27                                   Opportunity Provided by State:

28

29                                   The Berners Bay portion of Unit 1C lies  
30 within the Juneau Nonsubsistence Area and, therefore,  
31 is not open to subsistence hunting under state  
32 regulations. Moose were first introduced to the  
33 Berners Bay area with transplants from the Matanuska-  
34 Susitna Valley in 1958 and 1960. Because of the high  
35 level of interest in this hunt on this easily-  
36 accessible, small population, hunting has been  
37 administered by drawing permit since 1993 and is open  
38 to both residents and nonresidents during a September  
39 15   October 15 season. During the period 1998   2006,  
40 the Department of Fish and Game issued as many as 10  
41 bull and 10 cow permits per year for this hunt and as  
42 few as 7 bull and no cow permits. The average annual  
43 harvest during this period was 7 bulls and 4 cows (cow  
44 harvests were authorized only in 1998-2002 and in  
45 2006). The fall 2007 hunt was closed due to low moose  
46 numbers resulting from winter mortality in 2006-07.

47

48

48                                   Conservation Issues:

49

50

50                                   The state administers drawing permit

1 hunts, such as for the Berners Bay moose hunt, when  
2 participation must be limited for conservation  
3 purposes. Based on data collected from radio-collared  
4 cow moose in Berners Bay, the Alaska Department of Fish  
5 and Game estimates a mortality rate of nearly 20% of  
6 the cows during the past 12 months. Department staff  
7 counted only 59 and 60 moose during two surveys  
8 conducted in Berners Bay during winter 2007-08. The  
9 state management plan calls for a post-hunt count of 90  
10 moose. Based on this information, the Department  
11 anticipates closing the state hunt scheduled for fall  
12 2008 and possibly in 2009. This decline is  
13 attributable to harsh winter weather in 2006-07 and  
14 2007-08. Very conservative management of this moose  
15 population will be required for the next few years to  
16 allow it to recover enough to again sustain a harvest.

17

18 Other Comments:

19

20 A federal season would result in  
21 unnecessary restrictions on non-federally qualified  
22 subsistence users, in violation of section 815 of  
23 ANILCA.

24

25 Recommendation:

26

27 WP08-06a:

28

29 Oppose. No evidence is presented to  
30 demonstrate that rural residents of Units 1C and 1D  
31 have a history of hunting the isolated moose population  
32 in Berners Bay. No evidence is presented that these  
33 rural residents have made a consistent effort on a  
34 community basis to obtain permits for the limited  
35 Berners Bay moose hunt, which might provide some  
36 evidence in support of a customary and traditional  
37 pattern of use. To the contrary, the federal staff  
38 analysis of residents use of moose is based on the use  
39 of other moose populations by rural residents of Units  
40 1C and 1D and not on moose in Berners Bay. Therefore,  
41 a finding of customary and traditional use cannot be  
42 justified. In addition as discussed in our opening  
43 remarks, the Federal Subsistence Board needs to  
44 carefully review evidence presented in consideration of  
45 the eight regulatory factors on the record if the  
46 Federal Board proceeds in the future to determine if  
47 there is sufficient evidence for use of the Berners Bay  
48 moose population by the communities.

49

50 WP08-06b:



1                   Oppose. The state hunt will likely not  
2 be opened 2008 and 2009. Authorizing moose harvest in  
3 the Berners Bay area is not supported by substantial  
4 evidence and would be inconsistent with recognized  
5 principles of wildlife conservation.

6  
7                   CHAIRMAN FLEAGLE: Thank you, Terry.  
8 InterAgency Staff Committee comments. Larry.

9  
10                   MR. BUKLIS: Mr. Chairman. The  
11 InterAgency Staff Committee comments are found on Page  
12 253.

13  
14                   The Staff Committee notes four points  
15 for the Board's consideration. They're provided in  
16 detail on Page 253, I'll highlight elements of the four  
17 points.

18  
19                   1.       Is that considerable discussion  
20 took place in the Staff  
21 Committee meeting concerning  
22 customary and traditional  
23 determinations and whether a  
24 consistent pattern of use, in  
25 part, results from actual take  
26 or attempting to take. In  
27 Berners Bay by far the majority  
28 of reported moose harvest has  
29 been by Juneau, nonrural  
30 residents. Haines residents  
31 have reported taking seven  
32 moose between 1983 and 2006.  
33 While no moose had been  
34 reported taken by residents of  
35 the other rural communities in  
36 1C and 1D. However, residents  
37 of Gustavus and Skagway have  
38 attempted to harvest moose in  
39 Berners Bay by submitting  
40 applications to the State.  
41 Applications were submitted  
42 from each community during  
43 eight of the last 14 years for  
44 the drawing hunt administered  
45 by the State.

46  
47                   2.       The second point notes that in  
48 its deliberation, the Board  
49 could address customary and  
50 traditional of a relatively

1 isolated population for which  
2 there has never been an  
3 opportunity for subsistence  
4 use.

5  
6 3. The third point states that  
7 given the Council's desire to  
8 look at the broader situation  
9 of Unit 1C for which all rural  
10 residents are currently  
11 eligible, the Board may wish to  
12 defer this proposal so that it  
13 could be considered in that  
14 broader context.

15  
16 4. And the fourth point provides  
17 an alternative view. That  
18 there is no reason to further  
19 delay addressing customary and  
20 traditional use for Berners Bay  
21 for which there is no Federal  
22 subsistence priority for the  
23 sake of addressing the  
24 remainder of Unit 1C for which  
25 all rural residents are  
26 eligible. The next regulatory  
27 cycle will be in two years.  
28 And to put off consideration of  
29 Berners Bay for that long for  
30 this reason could be considered  
31 an unnecessary administrative  
32 delay in providing a requested  
33 subsistence priority.

34  
35 Thank you, Mr. Chairman.

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

39  
40 Anybody want to comment. Discuss.

41  
42 (No comments)

43  
44 CHAIRMAN FLEAGLE: Board members.

45 Anybody.

46  
47 MR. BSCHOR: Just a couple of

48 questions.

49

50 CHAIRMAN FLEAGLE: Denny.

1 MR. BSCHOR: And I think I have this  
2 correct but it is -- the population that's in Berners  
3 Bay was -- I heard somebody say it migrated from  
4 Canada, or were they planted in there?  
5  
6 CHAIRMAN FLEAGLE: Both. Pippa.  
7  
8 MS. KENNER: Mr. Chair.  
9  
10 CHAIRMAN FLEAGLE: Yes, go ahead.  
11  
12 MS. KENNER: When moose were planted in  
13 Berners Bay in 1958 and 1960 to the best of our  
14 knowledge there were no other moose in Berners Bay.  
15  
16 CHAIRMAN FLEAGLE: Tom.  
17  
18 MR. MELIUS: I'm not certain, maybe  
19 this is more towards Keith. I'm hearing from Pippa and  
20 others the issue of the number of applications and I  
21 guess I'm questioning, in my mind, on C&T  
22 determination, if the action of a group of people  
23 applying in this permit is the way -- how does that  
24 factor into a C&T determination as opposed to  
25 historical use?  
26  
27 CHAIRMAN FLEAGLE: Keith.  
28  
29 MR. GOLTZ: I don't think we've ever  
30 done this before. But it seems rationale to me that it  
31 could be part of your consideration and it could  
32 support, but I don't -- I don't have any snappy answer.  
33 There's no law on it that I know of.  
34  
35 CHAIRMAN FLEAGLE: All your answers are  
36 snappy.  
37  
38 (Laughter)  
39  
40 CHAIRMAN FLEAGLE: That was meant in a  
41 good way.  
42  
43 MR. GOLTZ: Yeah.  
44  
45 CHAIRMAN FLEAGLE: Anybody else.  
46  
47 MR. LOHSE: Mr. Chair.  
48  
49 CHAIRMAN FLEAGLE: Ralph.  
50

1                   MR. LOHSE: Mr. Chair. I can see the  
2 direction some of this discussion is going partially  
3 because the moose weren't in Berners Bay prior to 1958.  
4 I have to remind you that this is the same thing that  
5 you've dealt with in Prince William Sound, when you've  
6 dealt with customary and traditional on deer, which  
7 weren't in Prince William Sound until they were planted  
8 in 1935 and the Board found a customary and traditional  
9 for deer in Prince William Sound. It's found a  
10 customary and traditional for moose in Prince William  
11 Sound or the Cordova area, which also weren't planted  
12 until about 1950, if I remember right, 1954, somewhere  
13 in that neighborhood. I can remember when you found a  
14 customary and traditional for moose up by Nome when the  
15 moose hadn't moved into Nome, the Nome area, until  
16 after 1950, so this -- the thing that has always come  
17 up before was the fact that while there's no long-term  
18 history of take on that particular population, there is  
19 a long-term history of subsistence use of the available  
20 resources of that area. And if moose would have been  
21 there, and that was an argument that was used and  
22 presented a long time, is, if moose would have been  
23 there the subsistence uses of moose would have been  
24 right along side of the subsistence uses of anything  
25 else that would have been there, and I think you've  
26 applied that standard to quite a few different game  
27 populations in other places of the state.

28  
29                   So I just thought I would throw that in  
30 because a lot of what you're doing right here has  
31 direct correlation with what you've done in Prince  
32 William Sound.

33  
34                   CHAIRMAN FLEAGLE: Denny.

35  
36                   MR. BSCHOR: Mr. Chair. I wasn't  
37 particularly going anywhere with that but I sure  
38 appreciate the clarification that you brought to it.

39  
40                   The other thing I was curious about,  
41 relative to the proposal, is if we look at the -- well,  
42 first of all it's obvious that there's a lot of demand  
43 for moose in Berners Bay because there's more being  
44 demanded than what we have permits, I mean that's quite  
45 obvious.

46  
47                   I also understand over at Gustavus  
48 there's a lot of moose hunted over there and I don't  
49 know enough about the situation to know demand-wise and  
50 availability of moose-wise, how all that sorts out

1 between the two areas, so if I could get some  
2 clarification that way it'd be important.

3

4                   Also looking at table eight, it seems  
5 like at least the attempt of others in the Haines area  
6 versus Gustavus are much greater than they are in  
7 Gustavus for what that might be worth. It's some  
8 indicator of what the demand might be for customary --  
9 or what customary and traditional use might be -- it  
10 might indicate that to some extent also, if we can go  
11 by those figures.

12

13                   CHAIRMAN FLEAGLE: Sue.

14

15                   MS. ENTSMINGER: Yeah, Mr. Chairman, I  
16 wanted to bring up that in Eastern Interior, there's a  
17 proposal, I don't know where it's at right now to  
18 introduce wood bison to the Yukon Flats Refuge and  
19 there was also concern by the Fairbanks AC that there  
20 be a C&T put on these potentially wood bison, that  
21 there be enough to be harvested and I guess I'm  
22 wondering, is there a policy by the Federal Board on  
23 introduced species?

24

25                   CHAIRMAN FLEAGLE: Keith.

26

27                   MR. GOLTZ: The statute applies to wild  
28 renewable resources so once it's released it's subject  
29 to capture and it's subject to Title VIII. So to  
30 answer your question directly we've made not  
31 distinction between introduced species or species that  
32 have not been introduced.

33

34                   MS. ENTSMINGER: Mr. Chairman.

35

36                   CHAIRMAN FLEAGLE: Sue.

37

38                   MS. ENTSMINGER: I would just like to  
39 add, sometimes you have to wear a lot of hats when  
40 you're in these positions. That there is a concern  
41 from sportsmen that they'll pay for getting the species  
42 introduced and then they don't get to use them, and  
43 that would be a caution, I guess, I would put forth to  
44 the Board.

45

46                   CHAIRMAN FLEAGLE: And in addition to  
47 Ralph's recollection of where positive C&Ts have been  
48 found by the Federal Board on populations that have  
49 been either introduced or reintroduced there is also  
50 the Seward Peninsula Muskoxen that were a

1 reintroduction after several centuries of non-  
2 existence, and that one, I know caused a lot of  
3 concern, and the State followed suit and -- just to  
4 spread the effort up there. I mean this C&T issue is  
5 not a clear and simple one but there is precedence for  
6 the Federal Board to find C&Ts on introduced, even -- I  
7 mean not necessarily exotic species in that case but  
8 something that was extirpated for centuries.

9

10 Sue.

11

12 MS. ENTSMINGER: That leads me to  
13 another question then, is it possible for the Federal  
14 Board to have a segment for, let's call it sporthunting  
15 or Alaskans and -- and then a segment -- and I'm  
16 talking introduced species, is there a -- because I  
17 think that's what the Board wrestled with, right, Mike,  
18 is to come up with a group of the muskoxen that would  
19 be for everyone and then some for subsistence?

20

21 CHAIRMAN FLEAGLE: Yeah, I don't have  
22 the clear history from the Federal Board side, but I  
23 know the State Board was able to allocate out a portion  
24 of that muskoxen population based on the use, you know,  
25 amounts necessary -- the amounts necessary component,  
26 not the C&T. That's a different argument.

27

28 But, anyway, Keith.

29

30 MR. GOLTZ: The land patterns had a lot  
31 to do with that allocation too.

32

33 CHAIRMAN FLEAGLE: Ralph.

34

35 MR. LOHSE: Mr. Chair. There's been a  
36 couple other comments up there that have caused some  
37 concern in my mind because we've gone over this C&T  
38 stuff so often in the past. And there's two things I'd  
39 like to remind the Board and just bring back to our  
40 consciousness, is the fact that the availability of  
41 other opportunities or resources does not affect C&T  
42 findings. And also competition for the resources does  
43 not affect C&T findings. C&T findings are based on  
44 C&T, not how many other people want to use the same  
45 resource or whether there was something else they could  
46 use instead.

47

48 And I think that's something that needs  
49 to be kept in mind as this discussion goes forward,  
50 that the C&T has to be based on whether or not there is

1 C&T for that group of people and not whether or not  
2 another group of people or the competition for the  
3 resource is greater than the resource can contain or  
4 whether they have another place that they could go and  
5 obtain the same animals.

6

7 CHAIRMAN FLEAGLE: Bert.

8

9 MR. ADAMS: Thank you, Mr. Chairman. I  
10 think maybe I was kind of vague when I was making my  
11 comments earlier.

12

13 You know, we're just talking about Unit  
14 C here, Berners Bay particularly, and the Council is  
15 going to submit another proposal, you know, for the  
16 next regulatory cycle that is going to include Units 1  
17 through 5, which would include, you know, that Berners  
18 Bay area as well. We're talking about the communities  
19 of Haines, Skagway, Gustavus, you know, and a couple  
20 other communities, you know, that will be included in  
21 this proposal as well, not just, you know, that one  
22 particular area but the entire area as a whole.

23

24 Berners Bay is just a small portion of  
25 that, you know, and so we want to look at the bigger  
26 picture so that's forthcoming down the way.

27

28 Thank you.

29

30 CHAIRMAN FLEAGLE: Thank you, Bert.  
31 Additional discussion.

32

33 Denny.

34

35 MR. BSCHOR: Mr. Chair. So if I were  
36 to move to support the Council's recommendation, then  
37 the area would remain open for rural residents for  
38 another -- for another cycle, which would be two years,  
39 which would still give -- and what I'm hearing Mr.  
40 Adams say is that it would give them the opportunity to  
41 look at a different proposal in the interim also; is  
42 that correct?

43

44 CHAIRMAN FLEAGLE: Yes, sir?

45

46 MR. ADAMS: That's correct?

47

48 CHAIRMAN FLEAGLE: Larry Buklis.

49

50 MR. BUKLIS: Mr. Chairman. Berners Bay

1 had no Federal subsistence priority, there is no  
2 priority,there is no Federal hunt. Rural users, if you  
3 meant, could Alaskans hunt there, they can, they have  
4 to draw a permit, and the statistics don't favor small  
5 communities.

6  
7 1C and the surrounding areas all rural  
8 in terms of Federal C&  
9 The priority.

10  
11 CHAIRMAN FLEAGLE: Okay. Other  
12 comments.

13  
14 (No comments)

15  
16 CHAIRMAN FLEAGLE: Ready for Board  
17 deliberation.

18  
19 (No comments)

20  
21 CHAIRMAN FLEAGLE: Let's take five  
22 minutes, stand down.

23  
24 (Off record)

25  
26 (On record)

27  
28 CHAIRMAN FLEAGLE: All right, the Board  
29 is back in session on Proposal 6 and Denny, go ahead.

30  
31 MR. BSCHOR: Mr. Chair. I needed a  
32 little more information out on the table here as far as  
33 the status of the Berners Bay moose herd as far as  
34 huntability in the future. If there's someone from  
35 either the Forest Service end or the State or anybody  
36 who could give me a little more information on what's  
37 likely in the next two years even if we approved this  
38 proposal, would the person even be able to hunt. So I  
39 want to get some information out on that, either Dennis  
40 Chester or maybe someone from the State, Terry Haynes.

41  
42 CHAIRMAN FLEAGLE: I saw Terry's hand,  
43 go ahead Terry, and then I'll call on Dennis, if you  
44 have additional information.

45  
46 MR. HAYNES: Mr. Chairman. The  
47 Department does not plan to hold a hunt in the Berners  
48 Bay area this year and we will wait and see whether  
49 conditions improve over the next year or two to  
50 determine whether or not there should be a hunt a year



1 from next fall. But that area's been hit by two  
2 consecutive tough winters in addition to pretty heavy  
3 snowfall this winter and so our area management  
4 biologist -- and we pointed this out at the Southeast  
5 Regional Council meeting, that we did not anticipate  
6 having a hunt this next fall and whether or not there  
7 would be one in two years was open to question.

8

9 Dennis has talked with our area  
10 biologist more recently than I have and he may have  
11 some information to add to what I've said.

12

13 Mr. Chairman.

14

15 CHAIRMAN FLEAGLE: Thank you, Terry.  
16 And Dennis Chester, welcome, any comments.

17

18 MR. CHESTER: Dennis Chester for the  
19 record. Mainly just that the data that Terry referred  
20 to is coming from a -- they have a radio collared --  
21 bunch of radio collared moose out there so that we  
22 think the data is pretty good, we've got some good  
23 mortality data, or the State does, I should say. So  
24 we're pretty confident in what that looks like. And  
25 they've been out on the ground pretty recently and  
26 there's -- well, at least before the last foot of snow  
27 we got a couple -- or about a week ago, there was  
28 probably five or six feet of snow out in Berners Bay so  
29 the data they've got this year again looks like it's  
30 pretty tough on the moose. So no harvest already is  
31 being recommended for 2008 and probably pretty limited,  
32 if anything, for 2009.

33

34 CHAIRMAN FLEAGLE: Thank you. Denny.

35

36 MR. BSCHOR: Well, thank you. And with  
37 that said, I'm still trying to figure out how to  
38 accommodate what the Advisory Council needs are for  
39 their request -- or what they're suggesting to look at  
40 to make determinations over the next, maybe year or  
41 two, and I'm considering rather than to vote for or  
42 against the proposal, maybe to defer this, which would  
43 give time for those actions and also is -- especially  
44 if it's not going to -- the key is whether it does  
45 affect the ability to hunt and it sounds like it's  
46 pretty iffy.

47

48 So I think that's where I'm headed as  
49 far as a motion, if you want a motion.

50

1 CHAIRMAN FLEAGLE: We're ready.  
2  
3 MR. BSCHOR: Okay. I move to defer  
4 action on this proposal until the next wildlife  
5 regulatory cycle, following a second I'll provide a  
6 rationale for my motion.  
7  
8 MS. BLASZAK: Second.  
9  
10 CHAIRMAN FLEAGLE: Okay, you got your  
11 second, go ahead.  
12  
13 MR. BSCHOR: Well, as I said, I think  
14 the Council is going to be working on this some more  
15 and there currently is no determination therefore all  
16 rural residents of the state are eligible. I would  
17 like to accommodate the Council's request, if possible,  
18 as long as it doesn't have significant consequences  
19 that I just mentioned.  
20  
21 And looking ahead to Part b for this  
22 proposal, it's not likely there's going to be a hunt  
23 anyway. And I prefer to defer this proposal rather  
24 than reject the proposal, because deferring says  
25 basically that the proposal seems to have merit, it's  
26 just that it's currently a conservation concern with  
27 Berners Bay moose and it's very likely that there --  
28 unlikely that there would be harvest during the next  
29 two year period. Opposing it would say I oppose the  
30 proposal and that's not the case.  
31  
32 I do support the use of Federal land  
33 for harvesting wild and renewable resources by Alaska  
34 rural residents consistent with ANILCA Title VIII.  
35 This is not allowed in Berners Bay under our current  
36 regulations as you've heard earlier.  
37  
38 So those would be my reasons.  
39  
40 Mr. Chair.  
41  
42 CHAIRMAN FLEAGLE: Thank you. Pete, do  
43 you have a comment.  
44  
45 MR. PROBASCO: Mr. Chair. Then if I  
46 don't capture it then I'll defer to Larry. Your  
47 motion, Mr. Bschor, was to defer the proposal and if  
48 you look what's on the Board is to consider a C&T use  
49 of moose in Unit C in a much broader context. Is your  
50 intent to defer until the next wildlife cycle and

1 evaluate other possible rural users in 1C and report  
2 back or what is your intent?

3

4 MR. BSCHOR: May I ask Bert Adams to  
5 clarify what his need is there and whether this would  
6 do it.

7

8 CHAIRMAN FLEAGLE: Bert.

9

10 MR. ADAMS: Thank you. Our intent is  
11 not only just address Unit 1C, but Units 1 through 5,  
12 and that would encompass that area as well.

13

14 CHAIRMAN FLEAGLE: So it sounds like  
15 the process is going to look like this in two years  
16 we're going to come back with a Council recommendation  
17 and proposals, and this proposal may be recommended to  
18 be completely off the table at that point because this  
19 issue should be rolled into a bigger issue.

20

21 Now, since the motion is to defer 06a,  
22 should we also roll b into that?

23

24 MR. BSCHOR: Mr. Chair, that would make  
25 sense, I think.

26

27 CHAIRMAN FLEAGLE: All right. 06a and  
28 b is on the table for deferral, any further discussion.

29

30 Larry Buklis.

31

32 MR. BUKLIS: Mr. Chairman. Just two  
33 technical corrections to what I was hearing for the  
34 record, but I don't want to intrude in your motion  
35 action.

36

37 But Mr. Bschor said something in his  
38 justification about, since it's all rural residents at  
39 the present time. Actually all rural residents would  
40 be relevant to 1C remainder, but Berners Bay is no  
41 Federal priority, as we discussed earlier.

42

43 The second technical clarification is  
44 Mr. Adams spoke to all of 1 -- 1 through 5, and the  
45 proposal that the Council has drafted for submission,  
46 when we have the next call, is for Unit 1C including  
47 Berners Bay, that would be the area for the C&T and the  
48 1 through 5 is where the people, the eligibility would  
49 be considered from. So it wouldn't be moose C&T all  
50 through 1 through 5. It'd be Unit 1C moose, and the

1 people, the scope of the who would be 1 through 5  
2 residents.

3

4 Thank you, Mr. Chairman.

5

6 CHAIRMAN FLEAGLE: Bert.

7

8 MR. ADAMS: Yeah, and it was just  
9 brought to my attention, too, and I appreciate Steve  
10 coming before me. We want to address Unit 1C for  
11 residents of Unit 1, 3 [sic], okay, and the, you know,  
12 which would encompass 1 through 5. I just thought I'd  
13 make that comment.

14

15 Does that clarify everything or not?

16

17 MR. BSCHOR: Yeah.

18

19 CHAIRMAN FLEAGLE: Yeah, we got it,  
20 thanks, Larry. That does clarify it for me.

21

22 Other discussion.

23

24 CHAIRMAN FLEAGLE: All right. I'm  
25 going to throw my two bits in. I'm going to vote  
26 against the motion to defer.

27

28 I think that based on the information  
29 presented, we don't have a clear reason for finding a  
30 positive C&T for the Berners Bay moose population and  
31 would be prepared to vote in the negative on a positive  
32 finding, and so I'm going to go ahead and vote against  
33 the deferral for that reason as well.

34

35 I don't see putting off something that  
36 we could do today. But that's just one vote, one  
37 comment.

38

39 My whole point on this C&T thing is  
40 that we do have the eight factors, and I know we're not  
41 getting into them right now because this is just a  
42 motion for deferral but those factors are there to  
43 determine whether there's a positive C&T and there's  
44 got to be a line somewhere to where a population that  
45 comes before this Board doesn't make it. And this one,  
46 fits, to me, fits on the other side of that line. I  
47 mean I know it's not a real clear determination  
48 process, but anyway I'm going to vote against the  
49 deferral motion.

50

1 Are we ready for the question.  
2  
3 Pete.  
4  
5 MR. PROBASCO: Mr. Chair. Final action  
6 on WP08-6a and your intent to 6b, also, correct, Mr.  
7 Chair.  
8  
9 CHAIRMAN FLEAGLE: Yes.  
10  
11 MR. PROBASCO: Thank you. Mr. Melius.  
12  
13 MR. MELIUS: Yes.  
14  
15 MR. PROBASCO: Mr. Fleagle.  
16  
17 CHAIRMAN FLEAGLE: No.  
18  
19 MR. PROBASCO: Ms. Blaszak.  
20  
21 MS. BLASZAK: Yes.  
22  
23 MR. PROBASCO: Mr. Lonnie.  
24  
25 MR. LONNIE: Yes.  
26  
27 MR. PROBASCO: Mr. Cesar.  
28  
29 MR. CESAR: Yes.  
30  
31 MR. PROBASCO: And Mr. Bschor.  
32  
33 MR. BSCHOR: Yes.  
34  
35 MR. PROBASCO: Mr. Chair. Motion  
36 carries five/one.  
37  
38 CHAIRMAN FLEAGLE: All right, thank  
39 you. Moving on to the next proposal. All right, we're  
40 moving on to Proposal 7 now, which is Units 1 and 3  
41 deer, and we have -- okay, we now have Susan, would you  
42 please pronounce your last name for us, please.  
43  
44 MS. OEHLERS: Good afternoon. My name  
45 is Susan Oehlers, I'm with the Forest Service in  
46 Yakutat.  
47  
48 CHAIRMAN FLEAGLE: Go ahead.  
49  
50 MS. OEHLERS: Regulatory Proposal WP08-

1 07 submitted by Dick Stokes, Mark Armstrong and Mike  
2 Bangs of Wrangell would increase the harvest limit for  
3 deer in Unit 1B and most of Unit 3 from two to four  
4 deer, and increase the length of the deer season in  
5 most of Unit 3 from November 30th to December 31st.  
6 The intent of this proposed regulation is to align the  
7 subsistence harvest limits and seasons of Units 1B and  
8 3 with Unit 2. This proposal was originally submitted  
9 as WP07-06 in 2007.

10  
11 The Southeast Alaska Regional Advisory  
12 Council recommended supporting the proposal with  
13 modification to keep the harvest limit the same but to  
14 lengthen the season dates. Record snowfall occurred  
15 during the 2006/2007 season in several locations in  
16 Southeast Alaska. Consequently the Federal Subsistence  
17 Board deferred this proposal for one year to allow the  
18 collection of pellet counts and deer winter mortality  
19 data and to incorporate these data into the analysis.

20  
21 This analysis serves as an update to  
22 the original analysis. And I forgot to mention that  
23 the analysis starts on Page 274 in your Board book and  
24 the appendix starts on Page 288.

25  
26 Mortality surveys were conducted by  
27 Alaska Department of Fish and Game and U.S. Forest  
28 Service from mid-April through May of 2007.

29  
30 In Unit 1 they reported .8 carcasses  
31 per mile and .4 carcasses per mile in Unit 3. This is  
32 relative to mortality rates of 1.2 carcasses per mile  
33 in Unit 2 and 3.9 carcasses per mile in Unit 4. The  
34 observed winter deer mortality along these beach  
35 transects remain low in both Units 1 and 3. It is  
36 important to note, however, that the survey protocol  
37 focuses on the beach fringe, therefore, mortalities  
38 occurring in higher elevations were not documented with  
39 these surveys. Indeed, Alaska Department of Fish and  
40 Game received reports of an unusually high number of  
41 winter kill deer remains scattered throughout the  
42 forest well away from the beach from Unit 3 hunters  
43 during spring and fall of 2007.

44  
45 Although the observed winter mortality  
46 rates were low in both Units 1B and 3, the effects of  
47 winter malnutrition appear to have resulted in the  
48 reduced fawn crop and late fawn birthing dates in  
49 spring and summer 2007 as reported in Unit 3 and  
50 suspected in Unit 1B.

1                   The observed low birth rates and late  
2 birthing dates are likely to result in reduced  
3 recruitment into the population, thereby reducing the  
4 number of deer available for harvest in the near  
5 future.

6  
7                   In general, 2007 pellet count data from  
8 Unit 3 indicate that populations were stable or up from  
9 previous years going into winter. However, increased  
10 pellet group densities were most likely a result of  
11 heavy snowfall having forced deer into lower elevation  
12 winter range and probably not indicative of a  
13 significant population increase. Results of late  
14 winter mortality and reduced fawn crops will not be  
15 reflected in pellet count data until spring 2008  
16 surveys.

17  
18                   As discussed by the Southeast Regional  
19 Advisory Council during their February 2008 meeting,  
20 high levels of snowfall have also occurred in portions  
21 of the analysis area during the 2007/2008 winter.

22  
23                   Other alternatives considered would be  
24 to extend the season in Unit 3 without increasing the  
25 harvest limits or the harvest limit could be increased  
26 to three deer in each unit in addition to extending the  
27 season to allow additional subsistence harvest  
28 opportunities.

29  
30                   Adopting this proposal may cause an  
31 increase in harvest throughout the two units, however,  
32 in Unit 1B a significant increase in animals harvested  
33 is not likely. An increase in the total harvest may  
34 produce conservation concerns in localized areas.  
35 Additionally the sporadic distribution in deer Unit 1B  
36 may result in conservation concerns if this proposal to  
37 increase harvest levels is adopted.

38  
39                   An increase in the season length in  
40 Unit 3 would provide more flexibility for subsistence  
41 users to meet their harvest needs. If hunting patterns  
42 in Unit 3 are reflective of adjacent units, December  
43 may account for as little as three percent or up to 20  
44 percent of the total harvest. It is unclear, however,  
45 whether most subsistence users will expend  
46 substantially additional hunting effort during December  
47 and what their success rate may be, or simply  
48 reallocate their usual effort throughout the extended  
49 season. Subsistence users that were unable to fulfill  
50 their subsistence needs earlier in the season may use

1 the opportunity of the extended season to expend  
2 additional effort in an attempt to secure the harvest  
3 limit. Again, however, the success rate remains  
4 unknown. Winter weather conditions and decreasing  
5 daylight hours will likely restrict the number of  
6 subsistence users taking advantage of this time period  
7 in the season and, therefore, may not substantially  
8 increase the total harvest. Alternatively heavy  
9 snowfall in December that forces the deer to low  
10 elevations may result in a substantial increase in the  
11 total harvest, thus creating a conservation concern.

12  
13 The OSM preliminary conclusion is to  
14 support Proposal WP08-07 with modification to keep the  
15 harvest limit the same, but consistent with the  
16 Council's recommendation to delegate authority to the  
17 Petersburg District Ranger in consultation with Alaska  
18 Department of Fish and Game and the Southeast Alaska  
19 Regional Advisory Council Chair to open the December  
20 season by announcement in Unit 3 remainder.  
21 Additionally, authority would be delegated to the  
22 Petersburg District Ranger to close the season in Units  
23 1B and 3 based on conservation concerns.

24  
25 The low deer density and potential for  
26 large accumulations of snow in Unit 1B are two  
27 important factors that do not support a change in the  
28 harvest limit for this unit. The sporadic distribution  
29 of deer in Unit 1B may result in conservation concerns  
30 if the proposal to increase harvest levels is adopted.  
31 Losses of habitat, significant predation and periodic  
32 instances of high snow accumulations, such as occurred  
33 during 1971 to 1972 and the past two winter seasons  
34 contribute to the cyclic nature of the deer population  
35 in Unit 3. Effects from the last two winters are  
36 likely to include some areas with increased winter  
37 mortality and reduced recruitment into the population.  
38 A harvest limit may produce conservation concerns in  
39 local -- an increased harvest limit may produce  
40 conservation concerns in localized areas.

41  
42 As recommended by the Council, an  
43 opening of the December season in Unit 1 -- in Unit 3  
44 by announcement after consultation with the Alaska  
45 Department of Fish and Game and the Council Chair would  
46 provide more flexibility for subsistence users to meet  
47 their subsistence needs during years when the  
48 population is able to support the additional harvest.  
49 If winter weather conditions in a given year increases  
50 the potential for a substantial increase in total



1 harvest, thus creating a conservation concern, the  
2 additional modifications shown would allow for almost  
3 immediate season closure by the Petersburg District  
4 Ranger.

5  
6 And that concludes my analysis. Thank  
7 you.

8  
9 CHAIRMAN FLEAGLE: Thank you, Susan.  
10 Questions.

11  
12 (No comments)

13  
14 CHAIRMAN FLEAGLE: Summary of written  
15 public comments. Robert.

16  
17 MR. LARSON: Mr. Chairman. Written  
18 public comments are contained in Page 298 of your Board  
19 book. They comprise of two. One from the Wrangell  
20 Advisory Committee and one from the Petersburg Advisory  
21 Committee. They're both in opposition to the proposal.

22  
23 The Wrangell Advisory Committee  
24 believes that extending the hunting season into  
25 December would allow hunters to take deer during  
26 periods when snow is then concentrated, is believed the  
27 number of deer is down, the herd needs additional  
28 protection, not additional exposure to hunting  
29 pressure.

30  
31 The Petersburg Advisory Committee  
32 believes that after the harsh winter of 2006/2007 these  
33 game management units will be undergoing a rebuilding  
34 period for an unknown length of time and now is not the  
35 time to relax the seasons or bag limits.

36  
37 And that concludes the public comments.

38  
39 CHAIRMAN FLEAGLE: Thank you, Robert.  
40 Public testimony, Pete.

41  
42 MR. PROBASCO: Mr. Chair. We have no  
43 one signed up for this proposal.

44  
45 CHAIRMAN FLEAGLE: Thank you. Regional  
46 Council recommendation, Bert.

47  
48 MR. ADAMS: Thank you, Mr. Chairman.  
49 Originally the Council -- really deliberated long and  
50 hard on this proposal and we turned it down, we voted

1 it down because, you know, there were conservation  
2 issues that kept popping up, you know, lengthening the  
3 season, increasing the bag limits of deer during hard  
4 winter months, you know, was a real big issue that we  
5 had to deal with. And so we went back later after  
6 everyone thought about it a little bit and put it back  
7 on the table again, and so we did make an amendment to  
8 it, or modified it to keep the season -- you know,  
9 lengthen the season but don't increase the bag limit.  
10 That would give the subsistence users then an  
11 opportunity to meet their subsistence needs, you know,  
12 when these winter conditions are harsh. So, yeah, we  
13 supported this proposal as modified.

14

15 Thank you.

16

17 CHAIRMAN FLEAGLE: Thank you, Bert.  
18 Department of Fish and Game, Ken Taylor.

19

20 MR. TAYLOR: Thank you, Mr. Chairman.  
21 Terry Haynes will speak to this proposal.

22

23 CHAIRMAN FLEAGLE: Terry.

24

25 MR. HAYNES: Mr. Chairman. Our written  
26 comments are on Pages 296 and 297 of your Board meeting  
27 book.

28

29 Deer numbers in Units 1B and 3 are  
30 markedly lower than in other parts of Southeast Alaska,  
31 including Units 1C, 2 and 4. In lower density areas,  
32 lower harvest limits are necessary for preventing  
33 unsustainable harvest. Increasing the harvest limits  
34 and lengthening the season as proposed in this proposal  
35 are expected to create conservation issues in several  
36 areas.

37

38 For example Kuiu Island, currently has  
39 among the lowest deer densities in Southeast Alaska and  
40 could not sustain the additional harvest pressure that  
41 this proposal requests. If this proposal and more  
42 liberal regulations had been implemented last year, the  
43 record snowfalls that occurred in much of Southeast  
44 Alaska last winter almost certainly would have resulted  
45 in excessive harvest and localized depletion of deer  
46 populations.

47

48 The Department supports modification of  
49 this proposal to authorize Petersburg District Ranger  
50 to close the deer seasons in Units 1B and 3 based on

1 conservation issues in consultation with the Department  
2 consistent with provisions in effect for other areas  
3 with special delegated closure authority.

4  
5                   However, even if the Board grants this  
6 authority for closure, there's too much risk to the  
7 sustainability of the deer population to justify  
8 extending the season into December in Unit 3 this year.  
9 Federal and State biologists presently lack the  
10 resources to monitor deer population conditions in  
11 December especially when localized heavy snowfall  
12 forces deer to concentrate and become susceptible to  
13 overharvest. Damage could occur before the agencies  
14 are able to detect problems and implement timely  
15 closures. The extended season is not necessary to  
16 provide for subsistence use and could result in  
17 impacting long-term subsistence uses.

18  
19                   And as pointed out, we oppose any  
20 increase in harvest limits, due to low deer densities  
21 and the affects of winter weather in 2007, the proposed  
22 increase in harvest limits in Units 1B and the  
23 remainder of Unit 3 and the proposed season extension  
24 in the remainder of Unit 3 cannot presently be  
25 justified. Adoption of the original proposal or the  
26 proposal as modified to extend or open the season or to  
27 increase harvest limits is not necessary to provide for  
28 continued subsistence uses and could result in  
29 unsustainable harvest, thereby impacting deer  
30 populations and future subsistence opportunity in Unit  
31 1B and the remainder of Unit 3, which would be  
32 inconsistent with recognized principles of wildlife  
33 conservation and detrimental to the satisfaction of  
34 subsistence needs.

35  
36                   Thank you, Mr. Chairman.

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

40  
41                   MR. BUKLIS: Mr. Chairman. The Staff  
42 Committee comments can be found on Page 295.

43  
44                   The InterAgency Staff Committee  
45 suggests that the Board consider supporting the Council  
46 recommendation with a further amendment to provide  
47 authority to the Petersburg District Ranger to close  
48 the deer season in Units 1B and 3 based on conservation  
49 concerns.

50

1 Regulatory language addressing  
2 delegation of such authority was in front of the  
3 Council at their meeting in Sitka but because of the  
4 way in which consideration of this proposal unfolded,  
5 as Mr. Adams described, the Council did not take any  
6 action to consider that modification. In the past the  
7 Council has favorably considered similar language to  
8 address potential in-season conservation concerns  
9 including in Units 1B and 3 for other species.

10

11 Thank you, Mr. Chairman.

12

13 CHAIRMAN FLEAGLE: Thank you, Larry.  
14 Board discussion with Council Chairs and State liaison.

15

16 MR. BSCHOR: Mr. Chair.

17

18 CHAIRMAN FLEAGLE: Denny.

19

20 MR. BSCHOR: Yes, a question for Mr.  
21 Haynes. Would the State support the OSM conclusion on  
22 Pages 285 and 286?

23

24 MR. HAYNES: Through the Chair, yes, we  
25 would, except that we would not support opening a  
26 December season in Unit 3 this year. We recognize  
27 that's not automatically provided for in the OSM  
28 conclusion, but it's suggested as a possibility, so  
29 we're just going on the record right now saying we  
30 can't support that this year.

31

32 MR. BSCHOR: Thank you, Mr. Chair.

33

34 CHAIRMAN FLEAGLE: Other discussion.

35 Jack.

36

37 MR. REAKOFF: For my clarification,  
38 what's the buck/doe ratio, I didn't see that in the  
39 presentation, do you have that data at all?

40

41 MS. OEHLERS: It is just a buck  
42 harvest, but I don't have the sex ratio, I don't know  
43 if the State would have that or not.

44

45 MR. REAKOFF: I would think that that  
46 would be integral as to the harvestable surplus of that  
47 population. Is how many bucks are available for  
48 harvest and what's adequate for breeding. So I just  
49 wanted that for my own information.

50

1 Thank you.

2

3 CHAIRMAN FLEAGLE: Greg.

4

5 MR. ROCZICKA: Mr. Chairman. Not  
6 really discussion, I guess, but a question to the  
7 Department, you know, on the conservation issues that  
8 they brought forward, and they used Kuiu Island as an  
9 example where it currently has among the lowest deer  
10 densities in Southeast Alaska. And I wondered if they  
11 still had Kuiu Island, was still one of the areas that  
12 had the highest density of black bears.

13

14 CHAIRMAN FLEAGLE: I wondered that,  
15 too, big headed black bears.

16

17 (No comments)

18

19 CHAIRMAN FLEAGLE: Other discussion.

20

21 (No comments)

22

23 CHAIRMAN FLEAGLE: Are we ready to move  
24 forward with this, Board. Denny.

25

26 MR. BSCHOR: Mr. Chair. I will propose  
27 a motion here. And in doing so not that earlier in  
28 the day when Mr. Adams discussed his general concerns  
29 he talked about the lack of ability of the in-season  
30 manager to close when that's needed. So I will have to  
31 have a follow up amendment if I proceed as I'm going  
32 here to hopefully conclude that, so if I get a second  
33 to the motion.

34

35 But my motion is to support the Council  
36 recommendation with modification and that modification  
37 is on Page 275 of the Board book. And like I say, upon  
38 a second, I'll propose an amendment and provide my  
39 rationale.

40

41 MR. MELIUS: Second.

42

43 CHAIRMAN FLEAGLE: There's the second  
44 go ahead Denny.

45

46 MR. BSCHOR: The amendment I would  
47 propose is to move to amend the proposal by adding the  
48 authority for the Petersburg Ranger District to close  
49 the season in Units 1B or 3 based on conservation  
50 concerns after consultation with the Chair of the

1 Southeast Council and ADF&G as shown on on Page 285 and  
2 286.

3

4 CHAIRMAN FLEAGLE: Is there a second.

5

6 MR. MELIUS: Second.

7

8 CHAIRMAN FLEAGLE: All right. Tom  
9 Melius seconds. Go ahead, Denny.

10

11 MR. BSCHOR: And what this does, is I  
12 think solves the concern of the State that we have the  
13 ability for the beginning of the season to be closed,  
14 if that's needed, in consultation, and it allows the  
15 local manager to have the authority to deal with this  
16 population. We know it's under stress and we know that  
17 that's of grave concern. The Federal Program also has  
18 the ability to match what ADF&G wants to do and needed  
19 closures without using a much longer process, or  
20 routing special actions through the Office of  
21 Subsistence Management for a vote of the Board. And I  
22 also believe that it would meet the Advisory Council's  
23 concerns to still provide the subsistence availability.

24

25 CHAIRMAN FLEAGLE: Thank you, Denny.  
26 Before we go too much farther, there's one piece of  
27 this that I'd like to explore a little bit with the  
28 legal Counsel. First of all in consultation, I'd like  
29 to know what consultation defines, does that mean that  
30 the district manager has to get concurrence from both  
31 of those groups, if he doesn't get concurrence from one  
32 or the other, does that mean that he can't take action.  
33 Number 2, I understand that this is the first time that  
34 the Board is considering that consultation authority to  
35 the Chair of the Regional Advisory Council so I'd like  
36 to turn to Keith and just give us your legal opinion on  
37 where this takes us.

38

39 MR. GOLTZ: The consultation we've done  
40 before, but we haven't delegated any authority to the  
41 Councils. Generally to delegate you need to things,  
42 you need a writing, which is something we could take  
43 care of. But you also need in-line authority. And the  
44 Councils are not government employees, there is no in-  
45 line authority. So it would not be a direct  
46 delegation.

47

48 CHAIRMAN FLEAGLE: Go ahead, Pete.

49

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

1 The consultation step -- also to add to what Keith is  
2 saying, is for two reasons, one you're bringing the  
3 other manager into the equation as far as understanding  
4 all of the available data and the action of the other  
5 agency. And, two, talking with the Chair you get the  
6 view of the rural users as far as how this hunt,  
7 because there is a lot of dialogue with Council Chairs  
8 and others that may not occur directly with the  
9 managers. So it's a consultation process of collecting  
10 additional information in trying to make the final  
11 decision.

12

13 Mr. Chair.

14

15 CHAIRMAN FLEAGLE: You bet. I see that  
16 Steve Kessler has brought me up the book that says the  
17 -- I mean that shows the exact language for this is  
18 already done, so I don't have a problem with that. I  
19 just referring back to the discussion by Bert, and  
20 requesting in-season authority and I guess I confused  
21 this with that so we're not going there yet. All  
22 right, but I appreciate the discussion, Keith.

23

24 Further discussion on amendment to  
25 Proposal 07.

26

27 (No comments)

28

29 CHAIRMAN FLEAGLE: Are we ready for the  
30 question on the amendment. Pete, Proposal 07, the  
31 amendment that would replace language.

32

33 MR. PROBASCO: Thank you, Mr. Chair.  
34 The amendment to Proposal WP08-07 and it's referencing  
35 Pages 285/286.

36

37 Mr. Fleagle.

38

39 CHAIRMAN FLEAGLE: Yes.

40

41 MR. PROBASCO: Ms. Blaszak.

42

43 MS. BLASZAK: Yes.

44

45 MR. PROBASCO: Mr. Lonnie.

46

47 MR. LONNIE: Yes.

48

49 MR. PROBASCO: Mr. Cesar.

50

1 MR. CESAR: Yes.  
2  
3 MR. PROBASCO: Mr. Bschor.  
4  
5 MR. BSCHOR: Yes.  
6  
7 MR. PROBASCO: And Mr. Melius.  
8  
9 MR. MELIUS: Yes.  
10  
11 MR. PROBASCO: Mr. Chair. Amendment  
12 carries six/zero.  
13  
14 CHAIRMAN FLEAGLE: Thank you. We now  
15 have the amain motion as amended, further final  
16 discussion.  
17  
18 MR. MELIUS: Call the question.  
19  
20 CHAIRMAN FLEAGLE: Question's called,  
21 Pete.  
22  
23 MR. PROBASCO: Mr. Chair. Final action  
24 on WP08-07 as amended.  
25  
26 Ms. Blaszak.  
27  
28 MS. BLASZAK: Yes.  
29  
30 MR. PROBASCO: Mr. Lonnie.  
31  
32 MR. LONNIE: Yes.  
33  
34 MR. PROBASCO: Mr. Cesar.  
35  
36 MR. CESAR: Yes.  
37  
38 MR. PROBASCO: Mr. Bschor.  
39  
40 MR. BSCHOR: Yes.  
41  
42 MR. PROBASCO: Mr. Melius.  
43  
44 MR. MELIUS: Yes.  
45  
46 MR. PROBASCO: And Mr. Fleagle.  
47  
48 CHAIRMAN FLEAGLE: Yes.  
49  
50 MR. PROBASCO: Motion carries, as



1 amended, six/zero.

2

3 CHAIRMAN FLEAGLE: All right, that  
4 wraps up Southeast area -- or Southeast region  
5 proposals. We'll go ahead and thank the Staff for your  
6 time here and we'll step down for five minutes to  
7 change out for the next suite of proposals to come up.

8

9 (Off record)

10

11 (On record)

12

13 CHAIRMAN FLEAGLE: All right, we're  
14 back on record and we're moving into the Southcentral  
15 Alaska suite of proposals. First up is 08-03/04, and  
16 we're turning to, it looks like Greg Risdahl for the  
17 analysis. Good afternoon, Greg, welcome.

18

19 MR. RISDAHL: Thank you, Mr. Chairman.  
20 Members of the Board. My name is Greg Risdahl. I'm a  
21 wildlife biologist with the Office of Subsistence  
22 Management. The analysis for Wildlife Proposal 03 and  
23 04 begin on Page 301 of your Board book.

24

25 Wildlife Proposal 03 was submitted by  
26 Dean Wilson, Jr., and Wildlife Proposal 04 was  
27 submitted by Keith Rowland. Both proposals request  
28 changing the Unit 11 Federal subsistence wolverine  
29 trapping season dates from the current November 10  
30 through January 31 to November 10 through February 28.

31

32 The proponent for Wildlife Proposal 03  
33 states that extending the wolverine trapping season to  
34 February 28th and aligning it with the lynx trapping  
35 season would eliminate the need to surrender wolverines  
36 caught incidentally in traps set for lynx to the Alaska  
37 Department of Fish and Game. The proponent for  
38 Wildlife Proposal 03 also states that because few  
39 trappers are pursuing wolverines in Unit 11, there  
40 would be little to no impact to the population.

41

42 The proponent for Wildlife Proposal 04  
43 states a number of things, including traps set for lynx  
44 are all potential wolverine sets. Lengthening the  
45 wolverine trapping season to coincide with the lynx  
46 trapping season would allow trappers to keep wolverines  
47 caught incidentally in lynx sets.

48

49 The wolverine population currently is  
50 quite healthy in Unit 11. Wolverines are killing dall

1 sheep lambs at an unacceptably high rate. Because of  
2 the lack of roads, remoteness and prohibition against  
3 using aircraft to trap in Wrangell-St. Elias National  
4 Park there's very little trapping pressure. In  
5 addition, most of the traplines are not accessible  
6 until late December after rivers freeze solid enough to  
7 travel on.

8  
9                   No customary and traditional use  
10 determination has been made for wolverine trapping in  
11 Unit 11, therefore, all rural residents are eligible to  
12 trap wolverines under Federal subsistence regulations.  
13 However, National Park Service regulations restrict who  
14 is eligible to engage in subsistence activities on  
15 lands within the Park proper to individuals living in  
16 resident zone communities or those who have a 13.440  
17 subsistence permit issued by the Park superintendent.

18  
19                   Wolverine population information is  
20 limited to Alaska Department of Fish and Game sealing  
21 data and anecdotal information from trappers.  
22 Populations are considered healthy in the more remote  
23 mountainous areas of Unit 11 but are relatively scarce  
24 at lower elevations. Wolverines typically den in high  
25 elevation areas where snow accumulation provides  
26 security for offspring and buffers them from cold  
27 temperatures. Most wolverines give birth beginning in  
28 late February and stay close to their dens making them  
29 less vulnerable to being trapped.

30  
31                   The total wolverine harvest in Unit 11  
32 has averaged nine animals per year from 1985 through  
33 2006. Wolverine trappers typically catch one to two  
34 wolverines each per season with an additional one to  
35 two total caught incidentally in lynx sets. There are  
36 31 State wolverine trapping seasons and approximately  
37 the same number of Federal trapping seasons that run  
38 later than the Unit 11 season. The latest seasons run  
39 through the end of April and that can be seen on Table  
40 1, Page 303 of your Board book.

41  
42                   This proposal would increase  
43 opportunity for Federally-qualified trappers by adding  
44 one month to the current season. The proposal would  
45 eliminate the necessity for Federal subsistence  
46 trappers to surrender wolverines to the Alaska  
47 Department of Fish and Game that are caught  
48 incidentally in sets for lynx after the wolverine  
49 season is closed. Adopting the proposal would align  
50 the Federal wolverine trapping season with both the

1 Federal and State lynx trapping seasons, however, it  
2 would take the Federal wolverine trapping season out of  
3 alignment with the current State wolverine trapping  
4 season.

5  
6                   Nevertheless, because there is so  
7 little trapping pressure for wolverines in Unit 11 and  
8 because few trappers are successful at catching them, a  
9 noticeable increase in the wolverine harvest is not  
10 expected. Consequently the proposed Federal wolverine  
11 trapping season extension is not likely to affect the  
12 overall wolverine population or cause conservation  
13 concerns.

14  
15                   Therefore the OSM conclusion is to  
16 support wildlife Proposals 03 and 04.

17  
18                   Thank you, Mr. Chairman.

19  
20                   CHAIRMAN FLEAGLE: Thank you, Greg.  
21 Summary of written public comments. Donald Mike,  
22 welcome.

23  
24                   MR. MIKE: Thank you, Mr. Chair.  
25 You'll find your written public comments starting on  
26 Page 308. We received five written comments.

27  
28                   Three of the written comments were in  
29 support of the proposal stating that there was no  
30 conservation concern and one of the written public  
31 comments stating that the -- most of the off road  
32 traplines are not accessible until late December. And  
33 two supporting the proposals stating that the February  
34 28th would align the wolverine trapping season  
35 therefore would realize more profit from this in the  
36 late season, wolverine over to the Fish and Game  
37 season.

38  
39                   Thank you, Mr. Chair.

40  
41                   CHAIRMAN FLEAGLE: Thank you, Don.  
42 Public testimony, Pete.

43  
44                   MR. PROBASCO: Mr. Chair. No one has  
45 signed up to testify on this proposal.

46  
47                   CHAIRMAN FLEAGLE: Regional Council  
48 recommendation, who do we have, the Western.....

49  
50                   MR. PROBASCO: Ralph.

1 CHAIRMAN FLEAGLE: Ralph, Southcentral.  
2 Okay, Ralph.

3  
4 MR. LOHSE: Mr. Chair, thank you. This  
5 proposal was unanimously supported by the Southcentral  
6 Regional Advisory Council. And this also happens to be  
7 my home area and my area of where I've trapped for most  
8 of the years I've been here so I have additional  
9 information for you but I'll wait until we get on to  
10 discussion and I'll let the Eastern Interior give their  
11 support at this point in time.

12  
13 CHAIRMAN FLEAGLE: Go ahead, Sue.

14  
15 MS. ENTSMINGER: Thank you, Mr. Chair.  
16 The Eastern Interior, this is a crossover proposal  
17 because of the people in Unit 12 qualify to hunt in the  
18 Federal land in Unit 11. And we felt there was no  
19 biological concern with the current low level of  
20 harvest and there's not expected a great increase in  
21 harvest. Passage of the proposal would provide  
22 additional opportunity for subsistence users to keep  
23 wolverine that are incidentally harvested while  
24 trapping lynx, and they wouldn't have to turn them into  
25 the Department.

26  
27 The State seasons are longer in other  
28 areas of the state for the month of February and the  
29 concern about female harvest would be low due to not  
30 traveling when birthing, the females, we feel would be  
31 close to their dens.

32  
33 CHAIRMAN FLEAGLE: Thank you, Sue.  
34 Department of Fish and Game comments, Ken Taylor.

35  
36 MR. TAYLOR: Thank you, Mr. Chairman.  
37 Terry Haynes will speak to this proposal.

38  
39 CHAIRMAN FLEAGLE: Thank you. Terry.

40  
41 MR. HAYNES: Mr. Chairman. The  
42 Department's written comments are on Pages 306 and 307  
43 of your meeting book.

44  
45 Trapping wolverines during the denning  
46 season in February would subject females to harvest  
47 when they are most vulnerable. Wolverines already  
48 occur at low densities in Unit 11 and seasons and bag  
49 limits were reduced in the recent past to prevent  
50 depletion of the population. No evidence is presented

1 indicating that the proposed change, that is, adding 28  
2 days to the Federal season is needed to provide for the  
3 continuation of subsistence uses of wolverine on  
4 Federal lands by Federally-qualified subsistence users.

5  
6           The current lynx trapping season is  
7 longer than the wolverine trapping season. Proponents  
8 maintain the wolverine season extension will preclude  
9 surrender of wolverine caught incidentally in lynx  
10 traps. However, lynx seasons are subject to change  
11 annually as lynx numbers fluctuate over time according  
12 to their natural cycle. Lynx populations in Units 11  
13 and 13 are currently at their peak and season  
14 reductions will likely follow in subsequent years. If  
15 a proposal is adopted to lengthen the Federal wolverine  
16 trapping season, when the State shortens the lynx  
17 season, the reverse situation will occur, with lynx  
18 taken incidentally in wolverine traps unless the  
19 Federal Board makes a parallel season adjustments at  
20 that time.

21  
22           Consequently adoption of either of  
23 these proposals may necessitate adjustments to the  
24 trapping season dates each year outside the normal  
25 regulatory process.

26  
27           The Department opposes Proposal 08-03  
28 and 08-04. Again, wolverines have low reproductive  
29 potential and are not abundant in Game Management Unit  
30 11 outside the Chitina Valley. The proposed extension  
31 to the Federal season may increase the harvest of  
32 vulnerable denning females and is not necessary to  
33 provide opportunity for subsistence uses by Federally-  
34 qualified subsistence users on Federal lands in Unit  
35 11. The Department can support in-season authority  
36 being delegated to either the National Park Service or  
37 to the Office of Subsistence Management to adjust the  
38 wolverine trapping season so that it matches the lynx  
39 trapping season in Unit 11.

40  
41           Thank you, Mr. Chairman.

42  
43           Alaska Department of Fish and Game  
44 Comments to the Federal Subsistence Board

45  
46           Wildlife Proposals WP08-03 and WP08-04:

47  
48           Liberalize wolverine trapping season in  
49 Game Management Unit 11.

50

1 Introduction:

2

3 These proposals seek to extend the  
4 wolverine trapping season in Unit 11, which currently  
5 opens November 10 and closes January 31, so that it  
6 closes 28 days later on February 28.

7

8 Impact on Subsistence Users:

9

10 The reported wolverine harvest in Unit  
11 11 during the past 10 years ranged from 3 to 27  
12 annually and averaged 10 per year. These are  
13 relatively low harvest figures in an area of about  
14 12,800 square miles. Only a few local residents  
15 currently participate in trapping in Unit 11, and  
16 extending the season would not be expected to  
17 significantly increase trapping effort. Increasing the  
18 season by 28 days and increasing harvests during  
19 February could provide additional opportunity for  
20 federally-qualified subsistence users on federal lands,  
21 but increasing harvests during February could also  
22 affect productivity and, thus, reduce opportunity for  
23 subsistence harvests in the long-term.

24

25 Opportunity Provided by State:

26

27 State regulations authorize wolverine  
28 trapping from November 10 to January 31 and do not  
29 limit the number of wolverines that can be harvested.

30

31 Conservation Issues:

32

33 Trapping wolverines during the denning  
34 season in February would subject females to harvest  
35 when they are most vulnerable. Wolverines already  
36 occur at low densities in Unit 11, and seasons and bag  
37 limits were reduced in the recent past to prevent  
38 depletion of the population.

39

40 Enforcement Issues:

41

42 Differences in federal and state  
43 regulations resulting from adoption of this proposal  
44 create confusion and other enforcement difficulties in  
45 areas with mixed land ownership. Adoption of this  
46 proposal would require federally-qualified subsistence  
47 users to verify that wolverines harvested in February  
48 were taken on federal public lands in Unit 11.

49

50 Other Comments:

1                   No evidence is presented indicating  
2 that the proposed change (adding 28 days) is needed to  
3 provide for the continuation of subsistence uses of  
4 wolverine on federal lands by federally-qualified  
5 subsistence users. At present, lynx trapping season is  
6 longer than that for wolverines. Proponents maintain  
7 the wolverine season extension will preclude surrender  
8 of wolverines caught incidentally in lynx traps.  
9 However, lynx seasons are subject to change annually as  
10 lynx numbers fluctuate over time according to their  
11 natural cycle. Lynx populations in Units 11 and 13 are  
12 currently at their peak, and season reductions will  
13 likely follow in subsequent years. If a proposal is  
14 adopted to lengthen the federal wolverine trapping  
15 season when the state shortens the lynx season, the  
16 reverse situation will occur, with lynx taken  
17 incidentally in wolverine traps unless the Federal  
18 Subsistence Board makes parallel season adjustments at  
19 that time. Consequently, adoption of either proposal  
20 may necessitate adjustments to the trapping season  
21 dates each year outside the normal regulatory process.

22  
23                   Proposal WP08-04 justifies the expanded  
24 season as a predator control measure to protect Dall  
25 sheep lambs, which would be inconsistent with the  
26 Federal Subsistence Board's predator policy adopted in  
27 2004.

28  
29                   Recommendation:

30  
31                   Oppose. Wolverines have low  
32 reproductive potential and are not abundant in Game  
33 Management Unit 11 outside of the Chitina Valley. The  
34 proposed extension to the federal season may increase  
35 the harvest of vulnerable denning females and is not  
36 necessary to provide opportunity for subsistence uses  
37 by federally-qualified subsistence users on federal  
38 lands in Unit 11. The Department supports inseason  
39 authority being delegated to either the National Park  
40 Service or to the Office of Subsistence Management to  
41 adjust the wolverine trapping season so that it matches  
42 the lynx trapping season.

43  
44                   CHAIRMAN FLEAGLE: Thank you, Terry.  
45 InterAgency Staff Committee comments, Larry.

46  
47                   MR. BUKLIS: Mr. Chairman. The Staff  
48 Committee comments are found on Page 305.

49  
50                   As you've heard from other commenters

1 the Staff Committee notes that the lynx season is an  
2 important element in this discussion of the proposal on  
3 wolverine. The lynx season is subject to annual  
4 seasonal adjustments based on population fluctuations  
5 and since the objective of this proposal is to align  
6 the end of the wolverine and lynx seasons, and given  
7 the annual adjustments for the lynx season, the Staff  
8 Committee notes an alternative from the proposal, which  
9 is to delegate to either Wrangell-St. Elias National  
10 Park and Preserve superintendent or the assistant  
11 regional director for Office of Subsistence Management  
12 the authority to adjust Unit 11 wolverine season during  
13 February after consultation with the Alaska Department  
14 of Fish and Game and the Chair of the Southcentral  
15 Council, similar to the situation with lynx.

16

17 Thank you, Mr. Chairman.

18

19 CHAIRMAN FLEAGLE: Thank you. Board  
20 discussion with Council Chairs and State liaison.  
21 Jack.

22

23 MR. REAKOFF: Mr. Chair. I have  
24 trapped for about 30 years and our season runs through  
25 the end of March. I've never seen a lactating female  
26 wolverine in February. I've only seen a few wolverines  
27 -- or found pups inside of wolverine -- at the end of  
28 our season in March, and in our area I doubt that most  
29 wolverines give birth until early April, late March at  
30 the very earliest. Those wolverines that are caught in  
31 a lynx trap, the sets are used for those lynx, if  
32 you're going -- I have let female wolverines go,  
33 they're a formidable animal to let go.

34

35 (Laughter)

36

37 MR. REAKOFF: And I prefer to let them  
38 go if they're poor quality fur or they're going to have  
39 pups or something like that. But I feel if the  
40 wolverine population is adequate, that trapping  
41 wolverine to the end of February is not a problem.  
42 It's not like you're going to catch a whole bunch of  
43 female wolverines that have pups out there in the  
44 field, I think that would be very unusual for a  
45 wolverine female to have pups and be away from her den  
46 where she'd be caught, because normally that's up in  
47 the mountains. So those would be my comments on the  
48 proposal.

49

50 CHAIRMAN FLEAGLE: Thanks. While you



1 got the floor there, I had one more question from an  
2 active trapper. I know fur prices are going up, but  
3 typically the big fur animals, like the wolverine and  
4 the wolf, don't follow those trends, with the marten  
5 and lynx and everybody else; do you know what to expect  
6 as far as wolverine, do you think it's going to stay  
7 stable? I'm just wondering about increased, you know,  
8 fur prices go up, trappers increase their effort.

9  
10 MR. REAKOFF: The lynx price did go up  
11 fairly significantly this last year as did marten, and  
12 that was somewhat unexpected, even to myself. But the  
13 high cost of fuel and so forth has vastly reduced  
14 efforts by -- snowmachine prices have increased  
15 dramatically as fuel so those have negating effects.  
16 So there's not a lot of people going very far and  
17 specially in rural areas at these extremely high gas  
18 prices. And so losing the value of a wolverine that's  
19 caught incidental to lynx trapping to a trapper, could  
20 be a significant amount of money to offset the high  
21 cost of operating, so that's what rural subsistence  
22 trappers are trying to do, is make a little bit of cash  
23 income to buy fuel and so forth to go hunting with,  
24 primarily. So if that wolverine population is adequate  
25 I don't feel that the reasons given that they're going  
26 to have pups in the den apply at all.

27  
28 And I don't think that there's -- the  
29 fur price for wolverine has basically been stable to  
30 falling because there's been importation of wolverines  
31 from Canada and Russia. It's knocking our wolverine  
32 price down. There's been some buyers in Fairbanks that  
33 have been importing Russian wolverine and that's  
34 knocked our price down. So they're not following the  
35 fur trend, though.

36  
37 CHAIRMAN FLEAGLE: Ralph.

38  
39 MR. LOHSE: Thank you, Mr. Chair.  
40 First of all I'd like to echo what Jack said.

41  
42 Personally in Unit 11, I, myself, have  
43 caught over 100 wolverine. Out of that 100 wolverine,  
44 I have never caught a lactating female. Out of that  
45 100 wolverine, I have probably caught five females out  
46 of the whole 100 wolverine or 100 plus wolverine. The  
47 females live in the high country. They live up in the  
48 rugged mountains and our area is very rugged, it is  
49 very remote, most people don't get up to where -- or  
50 seldom get up to where the females den and usually the

1 female that you catch is a wandering female that's not  
2 pregnant. I have never cut open a pregnant female  
3 either and we have a tendency to dissect our animals to  
4 take a look at them to see what's going on. So from  
5 that standpoint, I would have to echo Jack on that.

6  
7                   The other thing that concerns me about  
8 using that as an argument is the fact that 31 other  
9 units have longer seasons. I wish I had a map on the  
10 wall right now to show you Unit 11, and Unit 11 is  
11 bordered by Unit 6 on the south and Unit 12 on the  
12 north, and both of those units have a longer season.  
13 Both of those units go to February 28th. The only unit  
14 that has a shorter season is Unit 13, which borders  
15 Unit 11 on the -- I'll say on the road side, and that's  
16 a unit that's very easily accessible by snowmachine,  
17 and it's the only unit in the state that has a shorter  
18 season than Unit 11. Most of the wolverine, like it  
19 was pointed out, it said, that they're worried about  
20 the wolverine being caught out of the Chitina drainage.  
21 Most of the wolverine are caught in the Chitina  
22 drainage, most of the trapping in Unit 11 is done in  
23 the Chitina drainage or down on the Kuskalina drainage,  
24 which is actually part of the Chitina drainage and so  
25 that's where most of them are.

26  
27                   Now, currently in Unit 11, Chitina  
28 Valley, which is what I have to talk to because that's  
29 the area that I'm from and the area that I know best  
30 and that's where this trapper put this proposal in. We  
31 have a very low trapper population and we have a very  
32 aging trapper population which doesn't work as hard as  
33 it used to work, except for the young kids that are  
34 involved with the person who put this proposal in. And  
35 they're gung-ho, and it's nice to see some young kids  
36 actually involved in trapping. We have a late freezing  
37 river, like it was pointed out, we also have a lot of  
38 overflow, it's usually late December before you can  
39 start running the rivers or feeling safe in crossing  
40 the rivers.

41  
42                   We're in a National Park, you're not  
43 allowed to use airplanes, and airplanes are the one way  
44 to access the alpine country where female wolverine  
45 would live. We can't use airplanes in our country. So  
46 therefore that automatically, while other rural  
47 residents could trap, they can't use the airplane to  
48 access the National Park part of it, which is a large  
49 portion of Unit 11.

50

1                   And like I pointed out before, we're  
2 bordered by units that have longer seasons. I  
3 actually, not, as a Council member, not speaking for  
4 the Council, but speaking personally as a trapper in  
5 that area, I would have to say that the Fish and Game  
6 has made a very good proposal when they said to align  
7 it with the lynx season. But I would not delegate that  
8 authority, I would just make regulation that the  
9 wolverine season in Unit 11 is aligned with the lynx  
10 season and that way there would be no question in the  
11 trappers minds whether or not this year you were going  
12 to be able to trap wolverine until the end of lynx  
13 season or not. And we know that lynx season probably  
14 will never go past February 28th. When I first started  
15 trapping there, we trapped until March 31st, and we  
16 haven't had that for a long time. But if that should  
17 happen, it would be nice if the wolverine season was  
18 aligned with it. And from that standpoint I would like  
19 to see you make, if you follow the State's lead, that  
20 you make a regulation that says, the wolverine season  
21 is aligned with the lynx season, not that you're  
22 delegating authority to someone who could align it, you  
23 know.

24  
25                   And from that standpoint I'll shut up  
26 and answer any questions anybody wants to ask me.

27  
28                   CHAIRMAN FLEAGLE: Thanks, Ralph. I  
29 got a question for the State. I don't know if it's Ken  
30 or Terry, but I'll direct it to Ken. So this Unit 11  
31 lynx population, that is one that falls under the  
32 formula that the State has that's based on the  
33 estimated counts where the State can adjust the lynx  
34 season annually?

35  
36                   MR. TAYLOR: Yes, Mr. Chairman, I  
37 believe it is. And I think the most important part of  
38 this proposal is to have the lynx and the wolverine  
39 seasons aligned. I can see if, on one side or the  
40 other, if -- if we're reducing the lynx season because  
41 we're at a population low, then that means we're going  
42 to be coming to your Board to request that you bring  
43 your lynx and wolverine seasons back as we do. I think  
44 that there's -- there's simply an alignment issue here  
45 and it was my impression, from what the ISC recommended  
46 and in our State comments we supported was, you know,  
47 delegating that authority to the person closest in the  
48 Federal system to make sure that those seasons are in  
49 alignment, that way it won't be coming back to the  
50 Board, you know, every few years.

1 CHAIRMAN FLEAGLE: All right. And a  
2 follow up question to that then, from the Federal  
3 regulatory system, do we have that same fluctuating  
4 regime in place that follows the State or do we have to  
5 react to the State every time the State changes the  
6 lynx -- and this applies everywhere where there's lynx  
7 essentially, I mean that State adjustable bag limit, or  
8 I mean season.

9

10 Pete.

11

12 MR. PROBASCO: Mr. Chair. On an annual  
13 basis, Staff from OSM, working with the Department of  
14 Fish and Game issue, on the Federal side, matching  
15 regulations for the upcoming year for the lynx season.

16

17 CHAIRMAN FLEAGLE: Okay.

18

19 MR. PROBASCO: And it's done out of our  
20 office, Mr. Chair.

21

22 CHAIRMAN FLEAGLE: All right. So it  
23 doesn't have to come back to the Board then, that was  
24 all I was wondering about.

25

26 So something that was being suggested,  
27 that the wolverine season be tied to that fluctuating  
28 lynx season would be doable.

29

30 MR. PROBASCO: Correct.

31

32 CHAIRMAN FLEAGLE: Can you say that on  
33 the record.

34

35 (Laughter)

36

37 MR. PROBASCO: I whispered it to you.  
38 Mr. Chair, that is correct. Your actions, marrying the  
39 lynx season could be done, how you'd want to do it is  
40 up to you, of course, but we could do it similar to how  
41 we do lynx.

42

43 Mr. Chair.

44

45 CHAIRMAN FLEAGLE: All right. Further  
46 discussion. Marcia.

47

48 MS. BLASZAK: I have a question for Mr.  
49 Lohse. If the -- and I'm struggling on this one  
50 because I've got two options to work through here but

1 if we were to amend the proposal for the superintendent  
2 to work in consultation with the Chair of your Council  
3 as well as the Department in order to determine that  
4 that adjustment to the wolverine season in Unit 11,  
5 would that satisfy the concern about only having it be  
6 this Park superintendent.

7

8 CHAIRMAN FLEAGLE: Ralph.

9

10 MR. LOHSE: Thank you Mr. Chair.  
11 Marcia. I just think that we don't need to go to that  
12 much effort, we could do just exactly what they were  
13 talking about. Currently the Federal system aligns the  
14 lynx system with the State lynx season in Unit 11, and  
15 we could just have a regulation that the lynx season  
16 and the wolverine season are concurrent. And if we did  
17 that then automatically they would be making that  
18 adjustment year by year, and you wouldn't have to worry  
19 about one year having the lynx season too long and one  
20 year having the wolverine season too long because the  
21 two seasons would run concurrently. And that would  
22 solve -- that would solve the whole issue.

23

24 I guess I don't like the idea of having  
25 somebody, and this is no bad comment on the Park  
26 Service or on future Council Chairs or whatever, I just  
27 don't like the idea of having somebody having to make  
28 that decision when what we're trying to do is we're  
29 trying to take that uncertainty out and that  
30 uncertainty is that, you know, if you're trapping lynx,  
31 you can't help but catch a wolverine. So if the one  
32 season's open, the other one should be open. If the  
33 one season's closed, the other one should be closed.

34

35 It's simple to put it in regulation and  
36 then nothing has to be done in the future.

37

38 And we always have the chance to go  
39 back and amend regulations, now, that's something that  
40 we have to remember, that, no regulation is set in  
41 stone but that way nobody has to concur with me and  
42 nobody has to -- the Park superintendent doesn't have  
43 to make a decision and then get it in writing, it's  
44 already in the book, that the lynx season and the  
45 wolverine season run concurrently. And it's  
46 automatically changed year by year that way.

47

48 So that would just be my suggestion,  
49 you know, unless you would prefer to set a date and say  
50 the wolverine season ends February 28th like the

1 proponent asked for, if you want what he was asking  
2 for, which was aligning them, then just have them run  
3 concurrently.

4  
5 Did I answer your question on it  
6 Marcia.

7  
8 MS. BLASZAK: Thank you.

9  
10 CHAIRMAN FLEAGLE: Well ,now, looking  
11 at this from another perspective, it's like the point  
12 was raised that we have X numbers of units or subunits  
13 where wolverine seasons run to March 31, and those are  
14 what I'm familiar with, too, being from the Interior.  
15 And lynx seasons only go to February 28, unless they're  
16 in areas like Sue's, where they are tied to that  
17 adjustable thing that Region 2 down here, Southcentral  
18 uses, so why would we want to then -- I'm just Devil's  
19 advocate, throwing this out, why do we want to now  
20 separate out one small piece of the state and not allow  
21 a longer wolverine season, I mean to have an adjustable  
22 wolverine season. I'm not sure that we -- no wait a  
23 minute -- I'll just throw that out as a question, I'm  
24 not going to deliberate yet.

25  
26 Ralph.

27  
28 MR. LOHSE: Mr. Chair. As a Council  
29 Chair I can see what you're getting at and I would  
30 agree with you, you know, ideally we would like to see  
31 our wolverine season last as long as other people's  
32 wolverine season. Like I said when I started trapping  
33 there, it was March 31st, but lynx season was March  
34 31st. We went to this variable lynx season and it's  
35 kind of interesting to me because Unit 11, Unit 13, and  
36 Unit 6, are probably your highest wolverine producing  
37 units in the state and I mean they probably have some  
38 of the highest populations of wolverines in the state  
39 because back when we used to keep track of how many  
40 other people were catching in other places, it always  
41 seemed like the people that I knew in Unit 6, Unit 11  
42 and Unit 13 caught more -- you know we'd go up to Unit  
43 12 and visit with trappers or up to Unit 20 and visit  
44 with trappers and we'd always have more wolverine than  
45 they did, we had a higher population at that time. And  
46 it just -- it's kind of interesting that Unit 11 was  
47 then picked out to be a smaller season than -- when it  
48 has some of the least trappers and some of the most  
49 rugged country. It just -- I mean ideally it'd be nice  
50 if we just had a longer season.

1                   If you don't want to do that, then what  
2 the State proposes, to make it run concurrently is  
3 acceptable.

4  
5                   CHAIRMAN FLEAGLE: Other comments.  
6 Discussion.

7  
8                   Sue.

9  
10                  MS. ENTSMINGER: Yeah, I'm thinking  
11 like you are. I'm looking at the Federal season for  
12 lynx in Unit 11, right now it's February 15th, and  
13 that's what this book says, so that means that the  
14 wolverine season would have to close on the 15th. Now,  
15 Ralph, we know the two trappers that put these  
16 proposals in and there's a lot of wolverine and they're  
17 catching them incidental and they're having to turn  
18 them in and it just seems silly that you look at the  
19 other regions around and it's -- like in Unit 12 where  
20 I am, I still go trapping, and we might catch one or  
21 two wolverine a year -- a season, or not catch any, but  
22 down there they're catching, what, six and eight, in a  
23 season and maybe one or two in February, and what I  
24 would ask the State is, how many are females. If this  
25 is a conservation concern, how many of those are  
26 females of the incidental turned in -- the ones that  
27 are taken and turned in, I would venture to say none.

28  
29                  So I guess I would like to see this  
30 proposal -- I'd like to see you guys consider the  
31 wolverine season on the February 28th.

32  
33                  CHAIRMAN FLEAGLE: As presented.

34  
35                  MS. ENTSMINGER: Exactly.

36  
37                  CHAIRMAN FLEAGLE: Greg.

38  
39                  MR. RISDAHL: Yes, Mr. Chairman,  
40 members of the Board. Just for the sake of  
41 clarification, in the Federal subsistence regulation  
42 booklet, it does say that the lynx season in a number  
43 of units, including 11, ends on February 15th, however,  
44 with this lynx tracking strategy, the Federal  
45 Subsistence Board did change our season to February  
46 28th in line with the State's, but we didn't get it in  
47 the book because we were late in processing our  
48 administrative tasks, so that's why you see the  
49 discrepancy.

50

1 Thank you.

2

3 CHAIRMAN FLEAGLE: More discussion.

4

5 (No comments)

6

7 CHAIRMAN FLEAGLE: Is the Board ready  
8 to take this.

9

10 Marcia.

11

12 MS. BLASZAK: Mr. Chairman. Before I  
13 make my motion, I want to maybe share a little bit more  
14 with the concern that I have going into this.

15

16 You know, I listened really carefully  
17 to everyone's input on this and my initial -- I think  
18 my initial place on this was that I was not going to be  
19 able to support the motion -- or support the proposal  
20 -- or I would support the proposal and then vote  
21 against my own motion, but hearing the dialogue here  
22 and not quite, you know, I think ready to make a motion  
23 that we would align it totally, I still very strongly  
24 there's a role for the consultation here.

25

26 And so instead I'm going to move that  
27 we support the Southcentral and Eastern Regional  
28 Advisory Council recommendations with a modification.  
29 And that modification would be, as I suggested, to  
30 delegate authority to the Park superintendent at  
31 Wrangell-St. Elias with consultation with the  
32 Department and the Chair of the Regional Advisory  
33 Council. That authority would be to adjust Unit 11  
34 wolverine season during February after consultation.

35

36 And I'll explain my motion after a  
37 second.

38

39 MR. MELIUS: Second.

40

41 CHAIRMAN FLEAGLE: Okay.

42

43 MS. BLASZAK: Okay. While the  
44 proponent believes that the wolverine population in  
45 Unit 11 is healthy, the Department has a different  
46 view. That view is that wolverine already occur at low  
47 densities in Unit 11, and that seasons and bag limits  
48 were reduced in the recent past to prevent depletion of  
49 the populations.

50



1 I share with you that the National Park  
2 Service has no independent data on wolverine in Unit 11  
3 and I must logically consider the biological opinions  
4 of the Department of Fish and Game. My Staff has  
5 consulted with the Department about this proposal and  
6 discussed this situation. It's been pointed out that  
7 trapping in February subjects wolverine to harvest  
8 during the denning season while they're most  
9 vulnerable. The population density is considered low  
10 but stable, and the incidental take of wolverine during  
11 the existing lynx season is very low.

12  
13 However, the potential for increased  
14 wolverine harvest in February could be more than the  
15 current incidental take and over time lead to too much  
16 harvest of wolverine. Thus, adding the ability of the  
17 local manager at the Park to adjust the wolverine  
18 season during February after the appropriate  
19 consultation makes sense to me.

20  
21 CHAIRMAN FLEAGLE: Additional comment.

22  
23 (No comments)

24  
25 CHAIRMAN FLEAGLE: Your mic.

26  
27 MS. BLASZAK: Oh, excuse me.

28  
29 (Pause)

30  
31 CHAIRMAN FLEAGLE: Six minutes to 5:00.

32  
33 (Laughter)

34  
35 CHAIRMAN FLEAGLE: Actually that clock  
36 is fast.

37  
38 (Laughter)

39  
40 CHAIRMAN FLEAGLE: Well, we're not  
41 ready for the question, I don't think. There's a lot  
42 of discussion that went on between the Council Chairs  
43 and the Board that I think should be encapsulated in  
44 the deliberations. I guess I can jump in there.

45  
46 MR. BUKLIS: Was there a second.

47  
48 CHAIRMAN FLEAGLE: Yeah, there was a  
49 second.

50

1 MR. PROBASCO: Tom Melius.

2

3 CHAIRMAN FLEAGLE: Tom Melius seconded  
4 it.

5

6 I appreciate the intent of the motion  
7 and that does fall with what the State is recommending  
8 but I don't think that it's necessary, having been a  
9 trapper myself and knowing lots and lots of trappers,  
10 and knowing about lynx populations, when those lynx  
11 populations fluctuate to the lower side, that is what  
12 limits how many you catch, not how many wolverine sets  
13 you might have out. I think that it would be in my  
14 mind more appropriate to have the proposal passed as  
15 recommended with a predetermined set closing date and  
16 just like everywhere else in the state of Alaska the  
17 wolverine season closes when it's supposed to and the  
18 lynx season closes when it's adjusted down or up  
19 according to what their population cycle is doing.

20

21 I think that the bycatch, if we can use  
22 that word in this case, of lynx in wolverine sets is  
23 nowhere near the issue as opposed to catching  
24 wolverines in lynx sets.

25

26 So for that reason I'm going to oppose  
27 the motion and I would be more in support of the  
28 original proposal.

29

30 So that's my comments.

31

32 (Pause)

33

34 CHAIRMAN FLEAGLE: And I haven't  
35 convinced anyone.

36

37 MS. ENTSMINGER: Keep talking.

38

39 CHAIRMAN FLEAGLE: Keep talking Sue  
40 says.

41

42 (Laughter)

43

44 CHAIRMAN FLEAGLE: Keep talking.

45

46 (Laughter)

47

48 MR. LOHSE: Mr. Chair. Mr. Chair, with  
49 your permission.

50

1 CHAIRMAN FLEAGLE: New information.

2

3 MR. LOHSE: New information.

4 Definitely something that has not been brought on the  
5 table up to this point in time.

6

7 CHAIRMAN FLEAGLE: Ralph, go ahead.

8

9 MR. LOHSE: I'd like you to take a look  
10 at the trapping regulations and see when coyote season  
11 and wolf season ends in Unit 11. And I think you'll  
12 find that coyote season and wolf season runs past  
13 February 28th and as a trapper yourself and as Jack  
14 would probably go along with me, there's no way to set  
15 coyote traps and wolf traps without catching a  
16 wolverine also. And currently we can trap, if I  
17 remember right, you can trap coyotes and wolves in Unit  
18 11 all the way to April 30th.

19

20 Now, I'll speak for the trappers in  
21 Unit 11, at least the trappers on the Chitina road  
22 system or the Chitina Valley system, which I know all  
23 of them, I don't know of any trappers that trap wolves  
24 or coyotes after the cat and wolverine season closes.  
25 Mostly just like the person who submitted this  
26 proposal, he wants to set an example for his children  
27 and he doesn't want them to have the temptation to keep  
28 a wolverine when the season's closed. So he gave up a  
29 month of lynx trapping this year just so that he  
30 wouldn't present his children with that kind of a  
31 temptation because it's pretty hard as a trapper to see  
32 a wolverine in a set and -- and Jack talks about  
33 turning them loose, I've turned them loose too, they're  
34 a handful to turn loose, and, yet, as a trapper I would  
35 prefer to turn it loose than take it in and give it to  
36 the Fish and Game. I mean I would do that any day of  
37 the week.

38

39 (Laughter)

40

41 MR. LOHSE: And Jack probably can speak  
42 to turning cats loose, he's probably turned cats loose  
43 when he's trapped wolves and coyotes later, I've turned  
44 cats loose when I've trapped wolves and coyotes later,  
45 because I'd rather turn the cat loose and have a chance  
46 to possibly catch him next year or go someplace else as  
47 breeding stock than to skin a cat that's not in good  
48 shape or to take a cat and skin the cat and have to  
49 take it into the Fish and Game.

50

1                   And this is no bad comment on the Fish  
2 and Game, it's just the way -- we look at this as a  
3 resource that we want to go out after again next year.

4  
5                   Now, my brother's one of the bigger  
6 trappers in this area right here, the friend that just  
7 put this proposal in is one of the bigger trappers, but  
8 by big trappers we're not talking -- we're not talking  
9 big trappers, you know, there is -- these trappers have  
10 voluntarily quit trapping coyotes and wolves simply so  
11 that they don't catch cats and wolverines. They quit  
12 trapping like this -- the family that put this one in,  
13 they quit trapping cats so they wouldn't trap  
14 wolverines. They probably have a better idea of how  
15 many wolverines are out there than the Fish and Game  
16 has because they're there. They probably have a better  
17 idea of how many wolverines are out there than the Park  
18 Service has. And I don't see where you are going to  
19 hurt anything, by either doing like Mike says, and make  
20 a definite cut off, because people can -- we could  
21 still continue to trap. I could go out there and trap,  
22 my brother could trap, we could trap until April 30th  
23 and we could be turning wolverines loose or taking them  
24 into the Fish and Game, but we choose not to do that.

25  
26                   And so that's why, to me, I don't see  
27 -- I don't see the need for doing anything other than  
28 either extending the season or making it concurrent  
29 with the lynx season because that's how the trappers  
30 are going to act that are out there. And I think I can  
31 speak for -- I can speak for all of them in the Chitina  
32 Valley anyhow because I know them all.

33  
34                   CHAIRMAN FLEAGLE: Thanks, Ralph. Tom.

35  
36                   MR. MELIUS: Mike and Ralph and Jack  
37 make pretty persuasive arguments but I would ask, this  
38 motion that Marcia has put on the table, doesn't  
39 preclude the superintendent in consultation with the  
40 State to do just that.

41  
42                   MS. BLASZAK: Right.

43  
44                   MR. MELIUS: I guess that's where I'm  
45 torn. You have a good argument and the amendment would  
46 allow that to take place if that's the direction -- or  
47 if that would be the decision in consultation with the  
48 State and the Park manager, so I'm still a little torn  
49 but you make a pretty persuasive argument.

50

1 CHAIRMAN FLEAGLE: Maybe I can help  
2 untear you.  
3  
4 MR. MELIUS: Okay.  
5  
6 CHAIRMAN FLEAGLE: Why would you want  
7 to delegate an authority as simple as this to a Park  
8 manager, Park superintendent, I mean, I don't see where  
9 that is a real strong precedent for this Board to set.  
10 This is a fairly definable season and we don't do this  
11 for this species anywhere else in the state, and I'm  
12 not speaking about whether I would trust what the  
13 superintendent would do any one given year or not, I  
14 mean maybe they would leave it alone, maybe not, but  
15 it's nothing to do with that, I just don't see why we  
16 would want to delegate something that we can deal with  
17 ourselves.  
18  
19 Other comments.  
20  
21 Denny.  
22  
23 MR. BSCHOR: So where would we be if we  
24 oppose the motion?  
25  
26 CHAIRMAN FLEAGLE: Then I would  
27 entertain a motion to support the proposal as  
28 presented.  
29  
30 Ready for the question.  
31  
32 I'll take that as a yes. Pete, on the  
33 motion would you go ahead and poll the Board, please.  
34  
35 MR. PROBASCO: Yes, Mr. Chair. Action  
36 on Proposal WP08-03/04, adopt the proposal with  
37 modification consistent with Southcentral and Eastern  
38 Interior, additionally to delegate authority to the  
39 Wrangell-St. Elias National Park and Preserve  
40 superintendent.  
41  
42 CHAIRMAN FLEAGLE: Maybe -- I'm just  
43 getting myself in another little box here about voting  
44 down a proposal and then bringing it back up, you raise  
45 a good point, Denny.  
46  
47 MR. BSCHOR: That's why I asked.  
48  
49 CHAIRMAN FLEAGLE: We've done this  
50 before and it's gotten -- it's bitten us. I think the

1 appropriate way would be to amend the proposal that's  
2 been put out.

3

4                   If the original proposal has merit in  
5 its standing the amendment would be to remove the  
6 language that delegates the authority to the Park  
7 superintendent. Because the Council's recommendations  
8 are to adopt.

9

10                   Denny.

11

12                   MR. BSCHOR: (Shakes head negatively)

13

14                   CHAIRMAN FLEAGLE: Niles.

15

16                   MR. CESAR: It's 5:00 o'clock and.....

17

18                   (Laughter)

19

20                   MR. CESAR: .....and we have gone  
21 around this mulberry bush for quite a while. It seems  
22 to me like the proper thing to do is to table this  
23 until tomorrow morning at 8:30, at which time we take  
24 it up, I propose that.

25

26                   CHAIRMAN FLEAGLE: Any objection.

27

28                   (No objections)

29

30                   CHAIRMAN FLEAGLE: Hearing none, we'll  
31 go ahead and stand down for the evening. The motion  
32 still stands on the table -- I mean not on the table,  
33 but the motion still stands for further consideration  
34 in the morning, and we'll reconvene at 8:30. Good  
35 night.

36

37                   (Off record)

38

39                   (PROCEEDINGS TO BE CONTINUED)

