MEMBERS PRESENT:

Anthony Christianson, Chairman
Rhonda Pitka, Public Member
Chad Padgett, Bureau of Land Management
Greg Siekaniec, U.S. Fish and Wildlife Service
Jeff Mow, National Park Service
Gene Peltola, Bureau of Indian Affairs
David Schmid, U.S. Forest Service

Ken Lord, Solicitor's Office

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MS. DETWILER: Thank you, Operator. This is Sue Detwiler and welcome everybody. I first want to start off and make sure that Court Reporter, Tina, are you recording this call at this point?

REPORTER: Yes, I'm on Sue and I've just started.

MS. DETWILER: Okay, thank you. In that case I'm going to go through and start with roll call to see who we have on of the Board and make sure that we have a quorum. And I will start with Gene Peltola, from BIA, are you on?

MR. PELTOLA: Present.

MS. DETWILER: Okay. BLM, Chad Padgett.

MR. PADGETT: Present.

MS. DETWILER: Thank you. NPS, Jeff Mow.

(No comments)

MS. DETWILER: Jeff Mow is not on yet.

Fish and Wildlife Service, Greg Siekaniec.

MR. SIEKANIEC: Yes, Sue, thank you. I am here.

MS. DETWILER: Thank you, Greg.

Forest Service, Dave Schmid.

MR. SCHMID: Sue, I'm here but I can't get in.

MS. DETWILER: Okay, we can hear you
fine, are you talking about the Teams Channel, Dave?

MR. SCHMID: Can you hear me now, Sue, sorry, they had me in listen only mode?

MS. DETWILER: Yes, I can hear you Dave, can you hear me?

MR. SCHMID: Okay, thanks. I'm here.

MS. DETWILER: Okay, great. Public Member Rhonda Pitka, are you on.

(No comments)

MS. DETWILER: Public Member Charlie Brower.

(No comments)

MS. DETWILER: Chair Anthony Christianson.

(Teleconference interference - participants not muted)

MS. DETWILER: Sorry, Anthony Christianson, was that you on?

MR. BROWER: No, this is Charlie.

MS. DETWILER: Oh, okay, thank you Charlie. I don't hear Anthony Christianson. I'm going to check and see who we have from our legal counsel. Ken Lord and Mike Routhier from Department of Interior, Solicitor's Office.

MR. LORD: Ken Lord's here.

MS. DETWILER: Thank you, Ken.

Jim Ustashesfki, USDA, Office of General Counsel.

(No comments)

MS. DETWILER: Anybody from the Department of Interior, Senior Advisor for Alaska Affairs Office, Sara Taylor.
(No comments)

MS. DETWILER: Alaska Department of Fish and Game, Ben Mulligan or Mark Burch.
MR. MULLIGAN: Ben Mulligan is here. Thanks, Sue.

MS. DETWILER: Hi Ben. Okay. And I am going to check and see if the RAC Chairs are here, Regional Advisory Council Chairs. Are Western Interior, Regional Advisory Council, is there anybody here from Western Interior.

(No comments)

MS. DETWILER: Seward Peninsula Regional Advisory Council.
MR. GREEN: Yes, Louis is on.
MS. DETWILER: Thanks, Louis.
Northwest Arctic, Thomas Baker.
MR. BAKER: Hi, this is Thomas.
MS. DETWILER: And North Slope Regional Advisory Council, Gordon Brower.
MR. G. BROWER: Gordon Brower's online.
(In Inupiat)

MS. DETWILER: Okay, thank you. Do we have any other Regional Advisory Council representatives.

(No comments)

MS. DETWILER: Okay. So let me check again, we have five out of eight Board members right now present. Jeff Mow from Park Service, did you come on?

MR. SIEKANIEC: Sue, Jeff sent a note in Teams that he's having trouble getting out of the listen only mode.
MS. DETWILER: Okay, thank you, Greg.
We'll wait a couple more minutes then while we get a few more people on the line.

MR. SCHMID: Yeah, I'm sorry, Sue, this is Dave with Forest Service. I'm back, I don't know if you counted me before but I've struggled here as well. The phone got -- I got booted off but I'm back on.

MS. DETWILER: Okay, thank you, Dave.
So we're still waiting for Jeff Mow from the Park Service, Public Member Rhonda Pitka and Chair Anthony Christianson.

(Pause)

OPERATOR: Jeff, if you're on the line you can press star zero.

MS. DETWILER: Operator, we are also looking for Board Members Rhonda Pitka and Anthony Christianson, are either of them in que?

(No comments)

MS. DETWILER: Jeff Mow, Rhonda Pitka, Anthony Christianson, are you.....

OPERATOR: Jeff's line is now open.

MS. DETWILER: Thanks. Welcome, Jeff. This is Sue Detwiler again. We are taking roll of Board members. We are still missing Rhonda Pitka and Anthony Christianson.

MR. BROWER: Hello, anybody on?

MS. DETWILER: Yes.

CHAIRMAN CHRISTIANSON: Hey, Charlie, I just got on.

MS. DETWILER: Oh, okay, Chair Anthony Christianson, is that you, you're kind of faint there.

CHAIRMAN CHRISTIANSON: Yeah, that's me. I had to find different numbers, the two I had didn't work but the operator gave me one that works.
MS. DETWILER: Okay. Well, apologize about that confusion. So it looks like, Mr. Chair, we have seven members of the Board. The only Board member that we're missing currently is Rhonda Pitka, and....

MR. LIND: Okay, can you hear me?

MS. DETWILER: I'm sorry, who just spoke up?

MR. LIND: Sue, this is Orville. Rhonda is having a hard time, the signal is very bad where she's at. She's still trying.

MS. DETWILER: Is she in the waiting room waiting to be transferred into the speaker's room?

MR. LIND: No, she's just trying to get on. She just texted me on her other number and the signal is really bad there where she's at.

CHAIRMAN CHRISTIANSON: Yeah, I got a different number from the operator for a passcode, too, if that would help.

REPORTER: Okay, and this is Tina, the court reporter. I'll also ask that if anybody's phone is not muted, if you could mute your lines it would help us hear better. I'm getting some typing in the background, and, et cetera. So if we all could check and mute our phones.

Thanks.

CHAIRMAN CHRISTIANSON: Okay, we'll give Rhonda one more minute and then we'll get started.

MS. DETWILER: This is Sue Detwiler again. Mr. Chair, we also have on the phone Regional Advisory Council Chairs Louis Green from Seward Peninsula, Thomas Baker from Northwest Arctic and Gordon Brower from North Slope Regional Advisory Council. I have not heard anybody from Western Interior on yet.

CHAIRMAN CHRISTIANSON: Thank you. Thank you guys for taking the time to call in today, too. Good to hear from everybody.
CHAIRMAN CHRISTIANSON: I think we'll go ahead and call the meeting to order, Sue, and hopefully Rhonda will come on here in a minute.

MR. BROWER: Mr. Chair.

CHAIRMAN CHRISTIANSON: Yes, go ahead, somebody's talking?

MR. G. BROWER: We can't hear them.

MR. BROWER: Mr. Chair, can you hear me, this is Charlie?

CHAIRMAN CHRISTIANSON: I hear you Charlie, I'm trying to figure out who else is talking.

MR. BROWER: Oh, did you call the meeting to order -- is it welcome, or agenda adoption?

CHAIRMAN CHRISTIANSON: Yeah, I'm calling the meeting to order now but I'm just trying to figure out who's talking in the background.

REPORTER: Right, so this is Tina, again, the court reporter. Everybody that's calling in to this line, if you could please check your phone, make sure you're on mute. Just take one second and check your line, make sure it's on mute. I'm having a hard time even hearing Tony, so we could get started if people could please take a moment.

Thank you.

Go ahead, Tony.

CHAIRMAN CHRISTIANSON: Thank you, Tina. It sounds like somebody stopped there. So, yes, Charlie, we're opening up the meeting. Quorum established. And we'll go ahead and ask Sue to go ahead and do the formal roll call, please.

MS. DETWILER: Okay. Formal roll call.

BIA, Gene Peltola.

MR. PELTOLA: Present.
MS. DETWILER: Thanks, Gene.

BLM, Chad Padgett.

MR. PADGETT: Present.

MS. DETWILER: National Park Service, Jeff Maw.

MR. MAW: Present.


MR. SIEKANIEC: Thanks, Sue. Yes, I'm here.

MS. DETWILER: Forest Service, Dave Schmid.

MR. SCHMID: Present.

MS. DETWILER: Public Member Rhonda Pitka.

(No comments)

MS. DETWILER: Public Member Charlie Brower.

MR. BROWER: Here.

MS. DETWILER: Chair Anthony Christianson.

CHAIRMAN CHRISTIANSON: Present.

MS. DETWILER: You have a quorum, seven out of eight Board members, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you, Sue. And welcome all the Board members to deal with the Unit 23 caribou and moose. And so before we get started we need a motion from the Board to approve the agenda.

MR. BROWER: I so move, Mr. Chair.

MR. PELTOLA: BIA seconds.
CHAIRMAN CHRISTIANSON: Motion's been made and seconded. Any discussion.

(No comments)

CHAIRMAN CHRISTIANSON: Call for the question.

MR. PELTOLA: Question.

CHAIRMAN CHRISTIANSON: All those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN CHRISTIANSON: Opposed, same sign.

(No opposing votes)

CHAIRMAN CHRISTIANSON: Motion carries unanimously. And with that I'll just say, you know, today we'll run the meeting like we do any other proposal that we get before us. The only difference is today I think we satisfied the public comment requirement, we had several hearings based on what's before us, last month and the public didn't feel they had adequate time to comment and so we opened up a couple of comment periods, one of them five days and a few tribal consultations, and so today we'll be getting summaries of those from the Staff and then moving on to, you know, the Board deliberation and stuff as the process unfolds, hearing from our RAC members and State liaison and all this happening after we have the Staff do the analysis, and then hearing those summaries. And so that's the order of business we'll have today.

And with that I'll turn it over to Sue to go ahead and explain the agenda and talk further about what we have going today.

Thank you, Sue.

MS. DETWILER: Okay, thank you, Mr. Chair. We just have one agenda item on today -- one agenda item for today and that's Wildlife Temporary Special Action Request WSA21-01 to close Federal public lands in Unit 23 and 26A to caribou and moose hunting by non-Federally-qualified users from August 1 to
September 30th, 2021.

And it will be Hannah starting out with the analysis on that item.

MS. VOORHEES: Good morning, Mr. Chair, and members of the Board. My name is Hannah Voorhees and I'm an anthropologist with the Office of Subsistence Management. My colleague, Lisa Grediagin, Supervisory Wildlife Biologist with Office of Subsistence Management is also on the line.

Temporary Wildlife Special Action WSA21-01 submitted by the Northwest Arctic Regional Advisory Council requests closing Federal public lands in Units 23 and 26A to caribou and moose hunting by non-Federally-qualified users from August 1st to September 30th, 2021. This proposal was also formerly supported by the North Slope Regional Advisory Council during their most recent meeting.

For those of you listening, the full analysis is available online on the Federal Subsistence Management Program website at DOI.gov/subsistence. You can search for special action to pull up the analysis.

The proponent of WSA21-01, Northwest Arctic Regional Advisory Council expresses ongoing concern about the late migration of caribou through Unit 23. The caribou migration has delayed in recent years and the proponent anticipates another delay in the fall of 2021. The effects that transporters and non-local hunters may be having on caribou migration is of particular concern to the Council. The proponent hopes that a closure will reduce activity and traffic creating an easier path for migrating caribou.

The proponent is also requesting a closure to moose hunting by non-Federally-qualified users in Unit 23 and 26A because of declining moose population.

To give some brief background. A geographically targeted closure is already in effect in part of Unit 23 for caribou hunting by non-Federally-qualified users. This closure was adopted in 2017 to address concentrated areas of user conflict. It occurs along the Noatak River, including a portion of Noatak National Preserve within the Eli, Agashashok, and
Squirrel River drainages. Additionally, only local residents can hunt moose and caribou in National Parks and Monuments as part of the status quo. Controlled Use Areas already regulate caribou and moose hunting related air traffic in portions of Unit 23 and 26A.

In the Northwest Arctic region caribou are traditionally hunted at river crossings and transported back to the village before freeze up. In winter small groups of caribou may be harvested in the areas that are accessible by snowmachine, but harvest in this later season requires greater effort and is far less certain. Inupiat knowledge holds that human action can influence caribou behavior and migration and that hunters should, quote, let the leader pass. That is not interrupt the movement of the herd leader. Members of both the Northwest Arctic and North Slope Councils have expressed concern for migration pathways and food security consequences when hunters do not follow this rule. Reports of delayed caribou migration have been noted as far back as the mid-2000s with the situation becoming more prominent and local knowledge shared by the Northwest Arctic Regional Advisory Council since at least 2015.

Extensive opportunities for public engagement were made available prior to today's Board meeting. Tribal and ANCSA Corporation consultations and public hearings regarding this proposal were held in April and May. Additionally, written public comments were accepted during a set time window in April. Summaries of comments and consultation will be given shortly.

If this special action request is approved, only Federally-qualified users, those with a customary and traditional use determination for caribou and moose in Units 23 and 26A would be able to harvest caribou and moose on Federal public lands in these units from August 1st to September 30th, 2021. Approving this request may result in additional subsistence opportunity for caribou for Federally-qualified users. Reducing non-local hunting as well as air traffic and noise associated with hunting may remove one factor possibly contributing to delay, diversion or cessation of the caribou migration into traditional harvest areas. However, the impact of non-Federally-qualified users activity on caribou migration is currently poorly understood. Particularly in
combination with the impact of climate change.

If this proposal is adopted, user conflicts and disruption of caribou movement may actually increase on State lands near villages, particularly along the upper Kobuk River. Additionally, non-Federally-qualified users would still be able to access and harvest caribou on gravel bars below the mean high water mark within Federal public lands.

An alternative to closing Federal public lands in all of Units 23 and 26A to hunting for caribou by non-Federally-qualified users is to expand the current targeted closure to some or all of Unit 23 only, such as the rest of Noatak National Preserve. However, again, there is not yet adequate evidence that closing partial Federal public lands would result in caribou migrating to the Kobuk River communities earlier in the fall.

With regard to the proposed closure to moose in Unit 26A, harvest by non-Federally-qualified users in this area is already very low at an average of 1 per year, therefore, approval of this request would not contribute to conserving the moose population. In Unit 26A, Controlled Use Area is already closed to the use of aircraft for hunting moose from July 1st to September 30th.

For moose in Unit 23, this request seeks to reduce harvest during the peak of the hunting season by non-Federally-qualified users to protect a declining population, but is important to Federally-qualified subsistence users. There are substantial conservation concerns that threaten the viability of the Unit 23 moose population. Surveys indicate substantial declines in almost every survey area and population estimates are below State objectives. Additionally, the harvestable surplus has likely been exceeded.

Regulatory changes have been made to reduce moose harvest and promote population recovery in Unit 23 under both Federal and State regulations since 2017. The State has closed their non-resident moose season. However, moose populations have continued to decline. Approval of this current request could aid in the recovery of the Unit 23 moose population by
reducing moose harvest by non-Federally-qualified users.

So the OSM conclusion is to support WSA21-01 with modification to only close moose hunting to non-Federally-qualified users in Unit 23 from August 1st to September 30th, 2021.

Thank you, Mr. Chair and members of the Board. My colleague, Lisa Grediagin and I, are here to answer any questions.

CHAIRMAN CHRISTIANSON: Thank you, Hannah. Any questions from the Board for Hannah.

MR. BROWER: Mr. Chair.

CHAIRMAN CHRISTIANSON: Yep, you have the floor.

MR. BROWER: Hannah, when you referred to the proposal WSA21-01, is it the decline in moose or both caribou and moose? So this request is only for moose, is that right?

MS. VOORHEES: Thank you, Mr. Brower. Through the Chair. So the original request was to close for both moose and caribou in Units 23 and 26A for August and September of this year. But in terms of rationale for why these were submitted, they had slightly different rationales from the proponent.

For moose the rationale was for conservation because of a declining moose population. And for caribou, it was continuation of subsistence, not necessarily the population numbers per se, or -- alone. And so -- but just to clarify -- so that was the original proposal, but then the OSM recommendation is to support only the closure for moose in Unit 23 for this time period.

MR. BROWER: For moose only on 23 -- Unit 23?

MS. VOORHEES: That's right, uh-huh.

MR. BROWER: Thank you.

MR. PELTOLA: Mr. Chair, BIA.
CHAIRMAN CHRISTIANSON: You have the floor, Gene.

MR. PELTOLA: Thank you, Mr. Chair. Appreciate the presentation and analysis, and I have a couple questions for you so please bear with me.

The last time the Federal Subsistence Board addressed the closure in GMU 23 with regard to caribou was in 2017. At that time the Board asked that the program, via OSM, engage in a very time consuming, inclusive effort to identify core use areas. I understand that the request for this is a bit different than the last request the Board -- the last time the Board addressed, although I recall in part of the analysis it said that there seemed to be some relief with the Board's '17 actions. With that being said, has OSM or the Federal Program engaged in efforts similar to what we did in '17, engaging the Western Arctic Caribou Herd Working Group, the Advisory Committees, the Regional Advisory Councils, local, within the commercial use industry, transporters, guides and land managers; has similar effort occurred this time around with this analysis?

MS. VOORHEES: Thank you, Member Peltola. So as analysts we consulted with field Staff and experts on caribou migration. And since this is kind of a broader concern, or it's a broader concern that's, you know, maybe mixed or continuous with concerns about local use focused conflict, you know, we really received the information from caribou experts that, you know, the migration is not necessarily predictable enough and it's broad enough that it would be very difficult to have a geographically targeted focus for this particular rationale. So that's kind of where we ended up.

Now, could there be greater geographical precision in terms of, you know, shaping air traffic, possibly, but that's data that hasn't really been made available to analysts in a way that would be useful.

And I believe Lisa Grediagin may have something to add.

MS. GREDIAGIN: Yeah, thanks, Hannah. Through the Chair. I just wanted to also respond to
Member Peltola's question and the targeted closure currently in codified Federal regulations originated as a special action in 2016 and then another special action in 2017 and then finally the codified regulation in 2018. So that closure came about after over two years of analysis, whereas the current request just originated, you know, or was finalized in February or March, when the Northwest Arctic Council met. So just, you know, by nature of the time period it's hard to have as much input as when you're analyzing something over several years and you just have a lot more time to engage all the Councils and subsistence users at public meetings and Council meetings and delve more into the research.

So just to provide a little more background and history context for the existing targeted closure in regulation.

MR. PELTOLA: Appreciate that Lisa. And I understand the type of requirements to get to where we are today. So a follow up question for, in regard to moose.

If I recall moose harvest in GMU23 is broken down into subunits 2301-2, -3, -4 and -5. If I recall in the analysis, it shows that the current status of the population is -- if I recall, below objective for 4, but at the lower end of the objective for additional -- for one of the five units; is that correct?

MS. GREDIAGIN: Yeah, through the Chair, this is Lisa. And as far as the moose population in Unit 23 it's managed in different survey areas so I think that's what you're referring to, I mean they're not numbered, they're more by river drainages, like Upper Noatak, Lower Kobuk, Upper Kobuk, and, yeah, the moose population in Unit 23 is well below State management objectives in all the survey areas, except the Upper Kobuk and it is just barely at the minimum State objective range in the Upper Kobuk survey area.

MR. PELTOLA: Okay, Mr. Chair, another follow up question, if I may, with regard to moose.

CHAIRMAN CHRISTIANSON: Yep.
MR. PELTOLA: And so Lisa if I recall the regulatory history, a few years back the State via their draw process precluded non-resident harvest within GMU23; is that correct?

MS. GREDIAGIN: That is correct. I'd have to look back, maybe Hannah remembers the exact year, but the non-resident hunt under State regulations has been closed for a couple years now.

MR. PELTOLA: And with regard to hunting moose in GMU23, a clarification for a full -- a broader picture of the harvest, is that -- is a draw permit required for a State resident to hunt in one of the three -- five subunits, or is it just a registration permit or both? Or I should say, either one, registration or a draw?

MS. VOORHEES: I can check that quickly, through the Chair.

MS. GREDIAGIN: Yes, through the Chair. It's not a draw permit. The draw permit hunt was only for non-residents, so under State regulations they're both the registration permit that's a more liberal harvest limit, it's just one antlered bull and that's the registration hunt from July 1st to December 31st. But permits are only available in Unit 23 villages from June 1st to July 15th, so that somewhat limits participation by non-local residents because they have to make a special trip to Unit 23 in order to get a registration permit. And then there's a general harvest ticket hunt but it's an antlered restricted hunt September 1st to September 20th for any Alaska resident under State regulations.

MR. PELTOLA: So just for clarification, is the registration permit hunt would allow for harvest of one bull, and available in the unit, in addition there is a general harvest ticket hunt which is also available to State residents, that is, if I recall 50-inch four brow tine limitations, and I may be inaccurate on that, but there is that option for harvest with antler restrictions?

Thank you.

MS. GREDIAGIN: Correct.
MR. PELTOLA: Okay, thank you.
Appreciate it Lisa. Thank you, Mr. Chair.

(Pause)

Mr. Chair, BIA.

CHAIRMAN CHRISTIANSON: Yes, go ahead Gene.

MR. PELTOLA: Thank you, Mr. Chair. Do we have -- are there Western Arctic Parklands Staff, BLM Squirrel River Staff or Selawik Refuge Staff available for questions?

MR. PADGETT: Mr. Chair, this is Chad with BLM.

CHAIRMAN CHRISTIANSON: Yeah, go ahead, Chad, you have the floor.

MR. PADGETT: Okay. Gene, I don't have Squirrel River Staff on, I do have Chris McKee here with me, but I don't have our Staff from the Squirrel River area on right now.

MR. PELTOLA: Okay, thank you, Chad. Mr. Chair, if I may, a follow up question generally speaking, maybe the agencies could address.

CHAIRMAN CHRISTIANSON: Yes.

MR. PELTOLA: Thank you, Mr. Chair.
With regard to the lands which are managing GMU23 that have significant moose and caribou harvest which the Board is addressing today, if I recall we have Western Arctic Parklands, we have the Bureau of Land Management, we have Selawik Refuge, and my recollection is in order to issue either an air taxi or transporter permit, depending on which way the agency addresses it, and that those could be called a special use permit, a concessionaire permit, I'm not sure of the terminology describing the BLM permit, authorizing such activity. But there's a Section .810 determination which is usually associated with authorizing those activities. So my question to the agencies is what were the findings those .810 determinations in addition to, if any, what additional conditions have you placed on those permits to allow the air taxi transporter, and/or
guide activities? My assumption would be that this --
if there's usually larger volumes of transporters, hunters and guides, we're probably talking about transporters aircraft activity, in addition to private residents who may utilize their own aircraft.

So the question, what were the outcomes of the .810 determinations and if there have been any additional conditions put on those permits when issued?

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you, Gene. Any other questions from the Board for Staff.

(No comments)

CHAIRMAN CHRISTIANSON: All right, thank you for that good analysis Heather and Staff. That concludes the analysis part, we move on to the summary of public comment.

MS. WESSELS: Thank you, Mr. Chair and members of the Board. For the record this is Katya Wessels with Office of Subsistence Management.

The Office of Subsistence Management held a public hearing to solicit comments on WSA21-01 on April 23rd, 2021 from 3:00 p.m., until 7:15 p.m., by teleconference. Over 600 people called in and approximately 120 people provided comments. Written public comments were also accepted between April 16th and April 20th, 2021 and 1,221 written comments were submitted. The majority of public comments came from non-Federally-qualified users or non-local hunters, guides, transporters and regular citizens, and were in opposition to the requested closure.

The reasons most frequently given for opposition can be broken down into the following broad categories.

Category 1. Decisions regarding wildlife management should always be science based and this closure is not supported by available science.

Category 2. The Western Arctic Herd is above management objectives.
Category 3. There is not evidence that air traffic has delayed caribou migration.

Category 4. Subsistence harvest of caribou has remained high.

Category 5. Public land should be open to all.

Category 6. Local businesses and guides will be negatively affected.

Category 7. Non-local hunters have already booked expensive trips.

Category 8. Once in a lifetime experiences will be lost often involving family members.

Category 9. Distinguishing between sport and subsistence hunting is not fair or valid.

Category 10. This action would represent Federal overreach.

A resident of Ambler testified in opposition expressing concerns that his non-rural relatives would not be able to hunt in the region and asking for the views of all communities in the region to be considered in the decisionmaking.

However, most residents of Unit 23 and 26A who participated in public comment opportunities testified in support of the action for reasons to allow caribou migrations to return to their previous typical route and to support communities during a time when food security has been affected by Covid19 and high fuel prices. Caribou has provided vital sustenance for Inupiaq people in the Northwest Arctic since time immemorial. And the current lack of caribou during the traditional time of harvest has created great hardship for residents. Caribou were noted as being vital to the physical, spiritual and mental well-being of people in the Northwest Arctic region, including the youngest generation. Local residents testified that non-locals do not follow the traditional practice of letting the leader caribou pass, which can result in herd diversion and a small number of hunters having a disproportionate impact on subsistence for entire communities. Speakers
expressed frustration about having to find a basic access to their traditional food.

This concludes my summary of public, oral and written comments.

Thank you, Mr. Chair and members of the Board.

CHAIRMAN CHRISTIANSON: Thank you, Katya. Any questions for Katya on the public comment.

MR. GREEN: Mr. Chair, this is Louis.

CHAIRMAN CHRISTIANSON: Louis, you have the floor.

MR. GREEN: Yes, thank you, Mr. Chair. I just -- I guess the question I have is what has happened with the migration route as of late since this smaller concentrated area has been put in place that we worked on years past?

MS. WESSELS: Thank you, Mr. Green. I would ask my colleague, Lisa, to help me with answering this question, or perhaps Hannah.

MS. GREDIAGIN: Yeah, hey, Louis, this is Lisa. I can respond somewhat to your question, not -- I don't think we have an exact answer to your question. But since the target closure was enacted around the Noatak area in 2017 we have received feedback from Noatak residents that it improved their hunting experience and hunting success and ability to harvest caribou because of the closure. And as far as caribou migration goes, we don't have the 2020 data yet. The data we do have is from GPS collared caribou that -- they're collared by the National Park Service and monitored by them, and so the migration paths of caribou back -- you know, they've been monitoring back since 2010, like they vary every year and also the timing of the migration is fairly variable. But since 2016, which I guess does coincide with the closure in that area by special action, it's been delayed south of the Noatak River. So there hasn't really been a change to the timing of the caribou crossing the Noatak River in recent years but there has been delays in the GPS collared caribou crossing the Kobuk and Selawik Rivers and this is corroborated by testimony from Northwest
Arctic Council members stating that in the past couple years Noatak residents have been able to harvest caribou in the fall but they haven't been available to residents in the southern portions of Unit 23, and so how the caribou migration is -- or has been impacted by the closure, you know, correlation doesn't mean causation so I don't think there's been any direct studies, you know, to really specify impacts of the closure on migration but just reporting observations on the closure, success for Noatak residents in the area and then also the changes in caribou migration and timing from the GPS collared caribou.

So I don't know if Hannah has anything to add, but with the data we have that's about the best -- or maybe some of the Council Chairs might have some observations as well since they, you know, experience it more locally in the area.

MR. GREEN: Okay, Lisa, thank you. I guess there was a question in my mind about what's going on on the Kobuk, you're saying on the southern side of 23. When the herd expanded down into Unit 22 more southerly and westerly, we experienced the fact that the reindeer herds on the Seward Peninsula were in jeopardy and so Fish and Game only allowed a take of those caribou as soon as they hit the north/south -- the road that runs north of Nome, is the Nome Taylor Highway. I think it was in the year '97. And they allowed -- they only allowed the hunting pressure after it was shown that those caribou were going to come into reindeer herder's ranges. And so I seen the difference in how those caribou acted at that time when they got turned around and headed back the other way, so I'm wondering -- I can hear the -- the sense of what I'm getting of this is that the folks in the Kobuk for sure are thinking that that's the cause of -- is that there's hunting pressure that's deterring those caribou from migrating under normal circumstances. Is the timing -- I guess is the timing because of this, the later season or is the timing because of hunting pressure?

Thank you, that's my questions.

MS. GREDIAGIN: Yeah, thanks, Louis. This is Lisa. And just to respond to your question on why there is variations in the timing of caribou migration, it's largely unknown. Of course there's
hypothesis to do with climate change, or just changing
range conditions. You know, caribou naturally change
their migration paths year to year and over the decades
change their wintering grounds and this might be due to
climate or due to changes in forage ability that, you
know, they -- it's all to lichen in one area so they
winter in another area where the lichen is not
depleted. And -- or, you know, there's also
observations of caribou behavior being affected by
airplanes and human activity on the ground and, you
know, whether that's long-term or short-term, it's a
little harder to determine those effects.

But the basic answer to your question
is, you know, there's not a specific reason or it's
largely unknown why the paths and timing has changed.

MR. GREEN: Okay, thank you. Through
the Chair, thank you, Lisa. Yeah, I just -- my
personal observations of what happened in Unit 22 for
us kind of spoke loudly and I, you know, was able to
watch it over more than a decade and see what took
place after the fact, after we were allowed to hunt to
help preserve the reindeer herds.

So anyway thank you.

CHAIRMAN CHRISTIANSON: All right,
thank you. Any other questions for Staff.

MR. PADGETT: Mr. Chair, Chad Padgett,
BLM.

CHAIRMAN CHRISTIANSON: Yes, Chad, you
have the floor.

MR. PADGETT: No questions for Staff.
I did want to loop back on Gene's question from
earlier. So a couple of things, and just to put out --
one is that in Unit 23 we have currently one SRP for
hunting, and over the last three years three bull
caribou have been taken in that unit from that one SRP.
No moose over the last three years. All of our other
SRPs are one, two, three, four, five, six air transport
SRPs, in that realm we've had 31 clients dropped off
for do-it-yourself hunts and they reported harvesting
26 caribou, no moose, and that was all in 2019.

So I just wanted to provide Gene with a
little background on the data that we have for our SRPs.

In addition to that he asked about our .810 analysis. That was done in the RMPs or the EAs themselves, so the .810 analysis is included within our RMPs and then tiered to the EAs, or environmental analysis and then that tiers down to the special recreation permit. But I don't have the data on exactly what those analysis said, Gene. I'd have to look those up for you and provide them later.

That's all, Mr. Chair, thank you.

MR. PELTOLA: Thank you, Chad. Appreciate it.

CHAIRMAN CHRISTIANSON: Yep, thank you, Chad, for that update. Any other Board questions.

MR. SIEKANIEC: Yeah, Mr. Chair, this is Greg.

CHAIRMAN CHRISTIANSON: Yes, Greg, you have the floor.

MR. SIEKANIEC: Thank you. Yeah, I was trying to find some information out per Gene's request as well. And, Gene, it looks like out of the OSM analysis that it recognizes that Selawik Refuge is not authorized for commercial guide use through their CCP, through the comprehensive conservation plan, and then they recognize only two hunters were brought in in 2021 by an air taxi because the caribou are really no longer abundant in the Selawik National Wildlife Refuge in September. And the non-resident moose season is already closed in Unit 23 so the area no longer receives fly-in hunts.

And then I think we had asked the Refuge manager if she could possibly join and I do not have a confirmation that they are online yet at this point in time.

Thank you, Mr. Chair.

MR. PELTOLA: Thank you, Greg.
CHAIRMAN CHRISTIANSON: Any questions from the Board for Staff. And thank you for those updates Chad and Greg.

(No comments)

CHAIRMAN CHRISTIANSON: All right, hearing no more questions I think that moves us on to summary of tribal consultation and corporate.

MR. LIND: Thank you, Mr. Chair. Can you hear me?

CHAIRMAN CHRISTIANSON: Yep, hear you good.

MR. LIND: Thank you. Good morning, Mr. Chair, and Board members. This is Orville Lind, Native Liaison for the Office of Subsistence Management.

And we did conduct tribal consultations and ANCSA consultations on April 28th and May 26th by teleconference, and we had representatives of several corporations and tribes in the region, which expressed strong support for the closure in order to allow caribou migration to return to their previous and normal routes. And to support communities along the way during a time when food security has been impacted by Covid19, which increased high fuel prices and grocery prices. Caribou have provided vital sustenance for the Inupiaq people around the area of Northwest Arctic since time immemorial, and current lack of caribou during traditional times of harvest has created great hardships for those residents. Participants also clarified that they are concerned with the effects of low flying and small aircraft over caribou rather than the effects of commercial flights. When non-local hunters are dropped off right in front of caribou this can create problems for subsistence hunters who are hunting them at the time. One individual with experience as a reindeer herder also stated that as a caribou hunter, described the effects of human/caribou interactions is capable of diverting migration -- normal migration patterns. Disruption in migration was dated to 2017 by one tribal representative from the Lower Kobuk River region. Caribou are not only coming later, but they are also less abundant in the region overall. Participants expressed the need for
scientists, the biologists share caribou tracking data with communities. One person also explained that when the caribou migration is delayed or diverted, transportation to harvest becomes difficult. The cost of going further to harvest caribou is often prohibited due to the extreme high cost of fuel in the region.

Additionally, when the migration is delayed or diverted, locals are forced to hunt more other cows, rather than bulls also. When the caribou are not available the few taken are given to elders. When non-Federally-qualified users share meat with locals, although this is appreciated but it does not replace successful subsistence activities that they partake, which encompasses traditional practices and transmission of cultures.

Moose are not traditionally the favored subsistence food in Northwest Arctic and North Slope. It also cannot substitute adequately for loss of the caribou.

The fact of relatives living outside of the region would not be able to hunt on Federal lands, public lands during a closure to non-Federal-qualified users was discussed but it was clarified that these individuals would still be able to hunt on Native corporation lands under State regulations.

And that is the summary, Mr. Chair, and Board members.

CHAIRMAN CHRISTIANSON: Thank you, Orville. Any questions for Orville on tribal consultation.

MR. BROWER: Mr. Chair, Charlie.

CHAIRMAN CHRISTIANSON: Yes.

MR. BROWER: Good morning. Just a question. When you were having tribal consultation, do you define what the proposed request is and its meaning, what it can do or what can't it do? I mean was there a change at the time of the tribal consultation that caribou wasn't included, that it was just for moose; just a concern, or you were talking mostly about caribou.
MR. LIND: Yeah, and I know it sounded that way but the moose also was included in that. When our Staff gives an overview of the special action it is -- both caribou and moose are included in that. And during the summaries we just try to focus on the key talking topics to make sure they're known what the feedback from the tribes and the corporations have.

MR. BROWER: Thank you, Orville.

MR. LIND: Thank you, Charlie.

CHAIRMAN CHRISTIANSON: Any other questions.

(No comments)

CHAIRMAN CHRISTIANSON: All right, then hearing no more we'll call on the Regional Advisory Council Chairs, or designee.

(No comments)

CHAIRMAN CHRISTIANSON: This is an opportunity for each Regional Advisory Council to speak to support or not, to the proposal, so if any Regional Advisory Council Chair wishes to speak to the proposal this is your time.

MR. G. BROWER: This is Gordon Brower, Regional Advisory Chair for the North Slope.

CHAIRMAN CHRISTIANSON: Hey, Gordon, good to hear you, you have the floor.

MR. G. BROWER: Thank you for the opportunity to provide and comment on this important special action.

You know when we were deliberating with the -- with this proposal, you know, it came from the Northwest Arctic area but it included Unit 26A which we are residents of up here. And we deliberated on this quite extensively and was in support of it after those deliberations. So in talking about it, you know, I'd like to start by saying that it's important to recognize the food security issues that are prevalent throughout rural Alaska. The very high cost of doing things. Many families pool together resources and get
designated hunters and provide them resources to provide for families. And when they're not successful, that is an extreme hardship faced by these communities.

In addition to that, the villages, you know, some are small, some are a little bit larger and the amount of jobs that are in communities amount to a handful in comparison compared to the residents and the majority of the residents depend fully on subsistence and often have to weigh whether an opportunity to go hunting, or to pay utilities, to get home heating fuel, or these kinds of expenses that are frequent around many, many communities that are not connected by road and only by aircraft. I often heard James Nageak, the late James Nageak talk about the economic disparity about transportation costs. He had mentioned he bought a door for $145 from Home Depot and by the time he got it home and freight collect, he had a $1,700 freight bill to get that door and make it useable at his residence in AKP, in Anaktuvuk Pass.

So these are some of the important things to recognize.

It's important to also note that here within the North Slope Borough, when animals -- terrestrial animals, large scale movement of terrestrial animals like caribou are interrupted, even though there is a more liberal management -- where there is liberal management, but when they are deflected and in our own municipality we often wrangle with this. You know when industry is putting pipelines and other things like that, road infrastructure and the caribou are deflected from primary subsistence use areas that are designated as resource development. The Assembly, the North Slope Borough Assembly has concluded with an analysis about that when large scale development occurs and there's a corresponding deflection of animals, even during a liberal management, while the herd is strong and there is enough, you effectively deplete the resource from that area by deflection. And that's an important thing to remember. Even though in times of plenty and there's a liberal management going on, those resources can be depleted from subsistence -- reasonable opportunity for subsistence can occur for the villages to provide food resources on the table. And one of the ways that the Assembly has treated this is to develop mitigation measures to allow for subsistence users, in particular,
by Nuiqsut, alternative mechanisms like funding fuel,
and sometimes funding ammunition so that the cost of
displacement isn't protracted on to the residents.
That if that development goes up and the deflection
occurs a corresponding mitigation will occur to allow
for reasonable access of those resources that are
deflected.

That is an important thing to recognize
because you're going to hear analysis about -- from
OSM, from ADF&G, that the caribou herds are strong.
These animals are in a -- they're not in a -- the
management scheme is not preservation yet. There's
preservation, there's conservative and there's liberal
management. But it's important to recognize that --
and this is another thing I've been trying to get
across even to Anthony, the Chair, in one of my reports
from the Chair of the North Slope, the North Slope
Borough has developed village comprehensive plans in
that developing village area of influence, the lands
immediately outside of the village district, the
village city limits, immediately outside of that is
called the -- designed by the community as a village
area of influence, where that definition includes that
the village area of influence is the contemporary and
traditional use area to provide and support the
community's subsistence needs. That's important. And
that's a law of the Borough. And it's important to
note that once enacted by ordinance these are laws of
the Borough and I think it's important to recognize a
village area of influence can be analogous to a special
use area, or a defined control use area or something
like that around a village to provide for reasonable
availability of subsistence resources so that the
community will not go without.

So there's a lot more I want to say in
this area but I really don't want to dominate and I
don't even know how much time I have to be able to
articulate some of the concerns that were raised but
the North Slope region surely did deliberate and had
concerns over these areas.

And the communities that are served by
the herds, including moose, and we did argue about the
moose as well, there's some arbitrary lines that have
been drawn, from transient animals to low populations
on the North Slope and that struggling herd -- that
struggling population of moose on the North Slope, you
know, it really should be on a sustained yield, not be subject to you only get one and then allocate some for some other users that are non-residents. And, you know, the North Slope population of moose is low. You probably have less than 2,000 and that's not a sustained yield principle way of managing that herd just so somebody outside of the state can hang something on the wall versus somebody needing to put food on the table.

That's what we're talking about, 39 communities depend on these caribou. And the needs for subsistence in excess of 15,000 animals for 38 communities to be able to successfully put food on the table annually. And when those caribou are not coming, and we don't know, there's a variable of what may be impacting the availability of those caribou, it could be deflection, it could be climate related, it could be some other factor, maybe the outer periphery of the caribou is not large enough anymore. At one time the herd was 490,000 caribou. Right now you're hovering around 230,000. Still 50 percent less of what it was before and we're still managing it either liberally or conservatively, I don't think we're at managing at preservation.

But those are the types of concerns we bring to the table and to allow for that short window of opportunity so that we can get the caribou while they're prime. We don't like to hunt animals, the bulls when they are in their rut, and I think it's very important to provide for the Federally-qualified users the first chance of uninterrupted prime caribou meat that can be put on the table, we're not going to hunt a rutted caribou, and that has the most meat to -- in fact, when we were faced with regulations to manage caribou the North Slope Regional Advisory Council acted first to say, hey, we'll use traditional knowledge to make regulation, we're not going to hunt the bulls from October 10 to December 7th until the -- somewhere around December the bulls are edible again after their antlers have fallen off. And we made that into a rule to help be part of the program for preservation when the management scheme for the caribou was at hand.

So with that I will stop. I'm always excited and want to promote and provide an avenue for our villages, our rural communities an opportunity to have food on the table and recognize that village area
of influences are important, and those lands
immediately outside and adjacent to villages are
important areas to recognize for food security for
subsistence, a priority subsistence use area.

With that I thank the Federal
Subsistence Board for the opportunity to provide
additional comments to this.

Thank you. And I'll keep on listening
to see if there are any questions that may be asked of
myself.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you,
Gordon. Appreciate that, Mr. Brower. Good insight to
what it is we have here and the challenge before us as
a Board to provide for that rural subsistence priority.
And just always appreciate your in-depth knowledge of
your area and bringing your testimony forward to serve
the people, so just appreciate that.

Is there any questions from the Board
for Gordon.

(No comments)

CHAIRMAN CHRISTIANSON: Okay,
appreciate that. Any other Regional Advisory Council
Chairs wish to speak to the topic.

MR. BAKER: Hello, this is Thomas
Baker, Chair of the Northwest Arctic RAC.

CHAIRMAN CHRISTIANSON: Hi, welcome
aboard Tom, you have the floor.

MR. BAKER: Thank you, Mr. Chair. So
I'd just like to start by saying thank you to Mr.
Brower and the North Slope Regional Advisory Council
for supporting our request for this temporary special
action.

Here in the Northwest my entire
lifetime, of 26 years, it has been an issue of where
the caribou are, how available they are and over the
course of my adult life seeing disappearance from the
region and measures, such as closing off the corridor
along the Noatak River initially to help the subsistence people in that area but the issue that we're seeing here in the Northwest Arctic is because that corridor is closed off, outside outfitters and do-it-yourself hunters are being dropped off further and further north towards the calving grounds where the caribou are at this time of year and where they're starting to begin their migration down south towards the Northwest Arctic, towards the Kobuk River, the Selawik area.

So at this time if this temporary special action is not passed this is going to lead to resource conflict that ultimately is a threat to subsistence opportunities and food security for Federally-qualified subsistence users in the region.

This is an issue of hunter placement. There's been arguments that airplanes have nothing to do with the migration patterns of caribou because, as some people stated that: I worked at Deadhorse for 30 years, we had to shoo caribou off the runway, the jets don't make them scared, they don't divert the caribou, but those are not animals that are actively being hunted. The argument here in our region is that people are coming specifically for this time of year from lower parts of the state, from Anchorage, from Fairbanks, from outside the state of Alaska specifically to run guiding and outfitting operations that ultimately bring people to where the animals are. If you Google caribou hunt Alaska you'll see results saying that if you go with this company you're promised an 85 to 95 percent success rate, whereas we have people here in the region that haven't gotten caribou for five years because of how few there are in their area as the caribou are migrating.

One of the issues that I have is that the science for local harvest is inaccurate. I reached out to our local Fish and Game office and one of the numbers that they gave me was that 12,000 a year is about what local Federally-qualified subsistence users are harvesting in Game Unit 23 each year. But the issue that there is with that, is that's not accounting for not everyone is reporting, they're not all turning in their RC907 caribou tag, caribou permit, not everyone that's going out and subsisting and living off of these animals is reporting exactly what day and how many they got. So this is an estimate that is not
representative of this critical time period this action request covers. If you wanted to know how many caribou are harvested during this timeframe by local hunters that's a number that cannot be given because it's not a number that's easily recorded. Versus the numbers I want -- I believe it's 235 caribou were harvested by non-Federally-qualified subsistence users in Game Unit 23 last fall. Each hunter has to have a tag and reported upon completion of their hunt whether they're successful or not. Now, these hunters are being dropped off with an easy access of the herd to where they have the first pick of whatever's coming their way. Five years ago people were complaining that there were small planes along the Noatak and then once the closure along the Noatak River corridor began, there were no more planes there but now across the entire Northwest Arctic region, from Noatak to Kobuk, and the Kobuk River, you got people with complaints in seeing small planes landing hunters to get whatever caribou are north of the villages.

There are enough animals in this herd as has been brought up by different people throughout the course of this discussion to allow for both user groups whether it be Federally-qualified, or non-Federally-qualified subsistence users to harvest animals in our game unit but when outside hunters bypass the empty grounds prior to the migration possibly starting to hunt where locals aren't able to reach it affects the migration patterns of the caribou. It keeps them from coming down from the southern half of Unit 26A into Unit 23. It prevents hunters from being able to go up to where they typically are and they have to go farther and farther, spend more money on gas, food, fuel, what have you, just to get a smaller amount of caribou than they typically are able to get.

I'm going to leave it at that and I do appreciate the Board for giving us this time to speak and if there are any questions I'm happy to answer them.

CHAIRMAN CHRISTIANSON: Thank you. Thank you, Tom, for that. Any questions for Tom.

MR. PELTOLA: Mr. Chair, BIA.

CHAIRMAN CHRISTIANSON: Yeah, go ahead,
MR. PELTOLA: Thank you, Mr. Chair.
Good morning, Tom. So I was curious, has the Regional Advisory Council as a body or individuals, to your knowledge, worked with the agencies on the conditions of the permits which they authorize the activity, i.e., transporters or guides, that you are aware of?

MR. BAKER: My phone service is a little spotty, I missed the first half of that question.

MR. PELTOLA: Oh, sorry about that. So my question was, has the Regional Advisory Council, to your knowledge, or individuals, to your knowledge, reached out to try to work with the land managers on the conditions of the permits that they issue in order to authorize say transporter or air taxi activities?

MR. BAKER: To my knowledge, no.

MR. PELTOLA: Okay. Okay, thank you.

MR. G. BROWER: Can I speak on behalf of that from the North Slope?

MR. PELTOLA: Sure, I'd appreciate it.

MR. G. BROWER: Yeah, and, you know, I'm employed at the North Slope Borough as Director of Planning that oversees all the permitting activities from guides to oil field development to general housing development and things like that. And this is not a secret, and it's in many of our public forums, the issuance of violation notices to guides within the North Slope Borough, areas that they were out of their concession areas, and trespassing on Native lands has occurred and our permits do condition to allow for herds to pass by, let the leaders go through with traditional knowledge. But there has been issues related to conforming with the permit even getting outside of their concession areas. And those are things that we work on up here. One other thing is I make a habit of my staff to try to attend the Big Game Services Board meetings when they do occur. And at one time, you know, I did a presentation on the land use policy of the North Slope Borough in front of the Big Game Services Board where these guides and outfitters...
get their licensing, some of these guys are very, very, kind of audacious, like cowboy type mentality and say, you know, we got our permit, we don't need no Borough permit to do what we're -- I mean there are those types of mentalities that really exist on there so, you know, I make a habit that when a violation notice is issued, I copy the Big Game Services Board so they know what this guide is doing. And those are some of the things we deal with up here.

Thank you.

I just wanted to provide the insight to that.

MR. PELTOLA: Thank you, Mr. Brower, appreciate it.

CHAIRMAN CHRISTIANSON: Thank you. Any other Board questions.

MR. SIEKANIEC: Mr. Chair, this is Greg.

CHAIRMAN CHRISTIANSON: Yes, Greg, you have the floor.

MR. SIEKANIEC: Thank you. Yeah, again, as a follow up to Gene, you know, you had asked some questions about the .810 evaluation. And our process on Selawik National Wildlife Refuge, Gene, is through the comprehensive conservation plan and the .810 analysis, we have closed the areas, in particular, are around communities for the purposes of big game hunting. So we have worked with local people in the area in order to put in place the type of stipulations I think you're asking about.

MR. PELTOLA: Thank you, Greg, appreciate that.

MR. SIEKANIEC: Okay. Thank you, Mr. Chair.

MR. MOW: Yeah, Mr. Chair, this is Jeff Mow.
CHAIRMAN CHRISTIANSON: Yes, Jeff, you have the floor.

MR. MOW: Yeah, just to also address some of Gene's interest in transporters and outside hunters coming into the area. I do have some numbers for you from the Western Arctic Parkland. By far and away the Noatak Preserve gets the majority of air taxi and transporter flights that we see. In 2020 approximately 283 compared to Kobuk Valley which only had 23 and Cape Krusenstern at five. But just to give you a sense of animals harvested from those air taxi transporter flights, in the Noatak Preserve there were 16 grizzly bears, 224 caribou, two moose and one wolf.

I don't have the clarity on our stipulations of that as to whether we discuss herd leaders. I've got Staff trying to bring that up and I think that's all I have to share to answer your original question.

Thank you.

MR. PELTOLA: Thank you, Jeff, I appreciate that.

MR. BAKER: Mr. Chair, this is Thomas again, if I may.

CHAIRMAN CHRISTIANSON: Yep, you have the floor Tom.

MR. BAKER: Thank you. I was just notified that Board Member Gene Peltola's question, a commercial user group in the Seward Peninsula has contacted the Council Coordinator, Zach Stevenson, expressing willingness to collaborate moving forward, based upon this special action request being brought up. So it's sparking at least this user group, and potentially more to want to know what the situation is and why this is an issue for the local Federally-qualified subsistence users in the region.

MR. PELTOLA: Thank you, Thomas. This is Gene, appreciate that.

CHAIRMAN CHRISTIANSON: Any other questions from the Board for Regional Advisory Council Chairs.
CHAIRMAN CHRISTIANSON: Hearing none, was there one additional Regional Advisory Council Chair that would like to speak.

MR. GREEN: Is Western on?

CHAIRMAN CHRISTIANSON: Louis, is that you, I believe you called in.

MR. GREEN: Yeah, I was just checking to see, I wanted to hear what Western Interior had to say before I said anything so I was just checking.

MS. DETWILER: Yeah, this is Sue Detwiler. I understand that Jenny Pelkola is the Acting Council Chair for Western Interior Regional Advisory Council. She is unavailable. And Jack Reakoff was going to try to call in but I'm not sure whether he's on.

(Ms. Detwiler is cut off by telephone interference)

MR. GREEN: Okay. There's quite a bit of interference here on the phone line, something beeping very loudly. Was that somebody trying to get in?

MS. DETWILER: This is Sue Detwiler. I'm not sure whether I was able to get through our not. But I was just commenting that my understanding was that Jenny Pelkola, who is the Acting Chair for Western Interior Regional Advisory Council was unable to make today's call but Jack Reakoff may have been trying to call in. I'm not sure if he made it on or not.

OPERATOR: Jack, this is the Operator, if you are on the line press star zero.

(Ms. Detwiler is cut off by telephone interference)

MR. GREEN: Mr. Chair, this is Louis again.

CHAIRMAN CHRISTIANSON: Yep, Louis, go ahead.
MR. GREEN: It doesn't sound like Jack is on. I was hoping to hear from him and....

OPERATOR: I am getting no response.

MR. GREEN: Okay, Mr. Chair, if I may.

CHAIRMAN CHRISTIANSON: Yes, you have the floor Louis.

MR. GREEN: Thank you, Mr. Chair. So this action came out after our last meeting so in discussion over the years about subsistence and local hunters having access, our RAC has been pretty adamant about making sure that we attend to the people that are directly affected by these regs and we tend to want to make sure that those people out there, those hunters out there get affordable access to their food. Subsistence is No. 1, that's why we're here. That's why we're a part of this process. And we want to see this affordable food for traditional and cultural activities.

I've seen when you don't have enough, I'll use salmon for instance. I've watched the chum salmon culture kind of fade away in my own community because of the lack of them. And then we've got the multitudes by the millions of pink salmon, you know, in the last 20 years kind of taken over and people have adapted to utilization of lesser quality fish and think that's the perfect thing. So when you see the fact that the traditional and cultural activities fade away, if you're not getting enough of that certain resource, whether it's animals on the hoof or fish in the water, you start seeing the lack of knowledge being passed on.

So, anyway, as far as when it comes to affordable food and, you know, our RAC is supportive of other RACs, whether they're -- you know we're on this same, on this 23 Unit, we're on the same -- we live off the same herd so we'd like to support where they're coming from.

The other one is the lead caribou, the scouts of the herd, you know, that's becoming a topic of conversation, now that I'm picking up on it, and I've seen this when the herd expanded and came right down in to Unit 22 towards Teller and towards Shishmaref and I seen lead animals come out there, they
are important to the herd, for the movement of the herd
and if they're taken out on the way down then that herd
-- it changes the migration, it lessens it, in my case,
what I'm talking about. So I've witnessed that. And
this is over more than, you know, a couple decades of
observation.

So the other one that I'm hearing about
and I'm seeing it at home and advertisements in the
newspaper every year, when people feel like they have
to fight back from the communities around Nome, they
put up these no trespassing areas on Native lands and
so ANCSA lands are starting to have to become part of
the regulation. It's kind of disturbing to me when the
State and the Feds have an obligation to do that.

So when it comes to subsistence,
affordable traditional activities, the Seward Peninsula
RAC always defers to the local hunters.

With that I'll end my comments.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you for
that Louis, appreciate it. Any questions for Louis
from the Board.

MR. BROWER: Mr. Chair.

CHAIRMAN CHRISTIANSON: Yes, go ahead,
Charlie.

MR. BROWER: Yeah, I just want to thank
Gordon and Louis for their comments. Thank you.

CHAIRMAN CHRISTIANSON: Okay. Thank
you for that, from the Regional Advisory Chairs.
Hearing no more questions from the Board to the RACs, we
have two more things on the agenda before deliberation,
and we skipped over the ISC recommendation. But before
we get to that, I think at this time I'd entertain if
the State liaison is on the phone, entertain the
comments from the State liaison.

MR. MULLIGAN: Thanks, Chairman
Christianson. This is Ben Mulligan, Deputy
Commissioner for the Alaska Department of Fish and
Game.
The Department opposes Wildlife Special Action 21-01 finding no evidence that this proposed closure will solve the issues brought forward by this special action request.

The guidance on Federal subsistence in Alaska is found within Section .8 of ANILCA. While there are multiple provisions guiding the approval of these closures, given the language in the special action request they are asking to close Federal public lands for the purpose of hunting moose and caribou because of either a conservation concern or the continuation of subsistence use. In this instance we cannot agree to this.

Caribou populations, as you've heard, are at a healthy level, understandably not at historic highs but still well above objectives. Right now the Western Arctic Caribou population sits at 244,000 animals, with an intensive management population objective of 200,000. Our harvest rates are also seen as being within the range of ANS, which is amount necessary for subsistence of 8 to 12,000 caribou. This data isn't solely based off of the RC permit reports that we are getting but also entails community harvest surveys.

Regarding the concerns that we've heard over the impact of aircraft, the Alaska Board of Game has been receptive to those concerns and has acted upon them over the last 30 years establishing controlled use areas throughout the region that restrict the use of aircraft for the purpose of hunting moose and caribou. We've even seen the National Park Service extend on to the Noatak Controlled Use Area into Preserve lands. Opportunities to hunt without interference of aircraft do exist, and if additional areas are desired, there are regulatory processes available here at the State to address those concerns.

If approved this closure would not impact the use of aircraft for any other reasons not having to do with hunting of moose and caribou also.

The unintended consequences of acting on this closure will also be felt far and wide here in Alaska. If approved, those Alaskans who wish to hunt this area, including many who hail from local communities will be severely restricted on where they
can or can't hunt. They will have to, you know, hunt on State lands, depending on their situation or what they'd have to be doing is threading the needle hunting on navigable waters below the ordinary high water mark where the State currently has jurisdiction. This will cause increased pressure on these State lands and some of them, as it applies outside of navigable waters, State lands lie adjacent to many of the local communities in the region. There'll also be significant economic ripples felt locally and throughout the state. Alaskans who are guides, transporters or the business owners who support these businesses, along with their clients, all spend money in a variety of businesses locally in the region and throughout Alaska.

The State of Alaska is a sovereign entity which has legal interest in the management, conservation and regulation of all fish and wildlife within its borders for sustained yield, and the maximum use and benefit of the people of Alaska. Providing for subsistence users is important to the State, and we strive to meet its statutory mandate to provide a reasonable opportunity for subsistence use first before providing for other uses, however, in this instance, we can find no evidence to close it down to only local subsistence use.

Alaska [sic] strongly urges the Federal Subsistence Board to follow the law and reject this proposal. To accept it would be a violation of the law and unjustifiably impact the subsistence opportunities of non-Federally-qualified Alaskans to meet their subsistence needs, and in some cases also to hunt recreationally. We have a Constitutional obligation to provide for these rights and will defend them, if necessary.

Thank you, Mr. Chairman, for the opportunity to provide comments.

CHAIRMAN CHRISTIANSON: Thank you, Mr. Mulligan, for your thorough and direct comments too. Appreciate you taking the time today. Any questions from the Board for Mr. Mulligan.

MR. PELTOLA: Mr. Chair, BIA.

CHAIRMAN CHRISTIANSON: Yes, Gene, you
MR. PELTOLA: Thank you, Mr. Chair.

Good morning, Ben. In your presentation you said that the Board of Game has been receptive to aircraft issues. Is there anything specific to GMU 23 that the Board has acted upon in recent history to address the concerns expressed by local residents, which have come forward to the Board in the last several years? And the reason I ask that is that, you know, I moved to Kotzebue in the early '90s and the Noatak Controlled Use Area, if I recall correctly, was in place at the time, and also expanded by the Park Service. So has there been anything in recent history that the Board of Game has addressed that you're aware of with regard to the aircraft usage concerning the local residents?

Thank you, Mr. Chair.

MR. MULLIGAN: Chair. Mr. Peltola. I know the -- I don't think there's been a new one but I know the Noatak Controlled Use Area has been modified and expanded over the years since the initial inception of it and I am currently looking for that detail in our comments but I do -- it is in the written comments that we provided. I just am, like I said, trying to find that, and I can chime in here in a minute to provide that to you, if it's okay with you.

MR. PELTOLA: That's fine, thank you Ben, appreciate it.

MR. MULLIGAN: Yep.

MR. SIEKANIEC: Mr. Chair, this is Greg.

CHAIRMAN CHRISTIANSON: Yes, Greg, you have the floor.

MR. SIEKANIEC: Thank you, Mr. Chair.

Hey, Ben, thanks for joining us this morning and providing your thoughts and comments.

In your comments, you, I think noted that you believe there are mechanisms available for making, you know, the types of changes that may be needed to help facilitate the subsistence harvest by
rural residents. Can you give me an idea of what you mean when you say that there are mechanisms available?

MR. MULLIGAN: Thank you. Through the Chair. Greg. You know, the immediate one, and one that we’re just talking about that I’m looking for now is to establish additional or expansion ofcri -- of these controlled use areas. There's also going to -- at least on our side, for State lands, there's going to the Big Game Commercial Services Board, and then there would be, on Federal public lands, there would be options to go to you guys to petition you to adjust the amount of permits that you're giving out for guided trips and transporters.

MR. SIEKANIEC: Thank you, Ben. And, thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you. Thank you, Mr. Mulligan. Any other questions for Ben.

(No comments)

CHAIRMAN CHRISTIANSON: All right, Ben, appreciate, again, you taking the time to call in today and share the position of the State. Hearing no more questions there we'll move on to the ISC recommendations.

MS. LAVINE: Good morning, Mr. Chair. Members of the Board. For the record my name is Robbin LaVine, and I will be presenting the ISC recommendation in my role as Policy Coordinator.

The InterAgency Staff Committee recommendation. Approve Temporary Wildlife Special Action WSA21-01 as modified by OSM, to close moose hunting to non-Federally-qualified users in Unit 23, August 1st through September 30th, 2021.

And the justification is as follows:

We acknowledge the vital concerns voiced by Federally-qualified subsistence users in Units 23 and 26A regarding food security and the continuation of subsistence uses. To help mitigate the situation we recommend collaborative cross-agency efforts to better understand the patterns of migration in the Western Arctic Caribou Herd, including impacts
of external factors. We also recommend that co-equal
attention be given to traditional knowledge and Western
science in understanding and managing subsistence
resources in the region.

As indicated in the Staff analysis for
WSA21-01, closure of caribou hunting to non-Federally-
qualified users in Unit 23 and 26A is not warranted at
this time. The long-term effects of aircraft and non-
local hunting activity on caribou migration remains
unclear, though short-term effects on individual
harvest success by Federally-qualified subsistence
users may be occurring.

The Board has already closed areas of
historically high user conflicts in Unit 23 along the
portion of the Noatak River, the Squirrel, Eli and
Agashashok River drainages to caribou hunting by non-
Federally-qualified users, while National Parks and
Monuments within the unit are already closed to this
user group. Furthermore, closure of Federal public
lands in these areas may serve to concentrate non-
Federally-qualified users on to State lands which are
often located close to villages and may increase user
conflicts in these areas, and non-Federally-qualified
users would still be able to access and harvest caribou
on gravel bars below the mean high water mark along
navigable rivers within Federal public land as these
areas are considered State land.

Finally, aircraft traffic from other
users, such as recreational boaters and hikers would
still occur if a closure was enacted.

A closure to moose hunting in Unit 26A
to non-Federally-qualified users is not also not
warranted. Moose harvest by non-Federally-qualified
users is very low in the unit and closure of moose
hunting to this user group would not aid in the
conservation of moose population. Additionally, moose
populations are at the edge of their distribution range
in Unit 26A and are limited by marginal habitat
available in the area.

Finally, the Unit 26A controlled use
area is already closed to the use of aircraft of
hunting moose from July 1st through September 14th as
well as January 1st through March 31st, which already
limits moose hunting opportunities by non-Federally-
qualified users.

A closure to moose hunting in Unit 23 to non-Federally-qualified users is warranted. As shown in the analysis there are substantial conservation concerns that threaten the moose population in the unit. Surveys indicate substantial declines in almost every survey area, and population estimates are below State objectives. Additionally, the harvestable surplus has likely been exceeded. Regulatory changes have been made to reduce moose harvest and promote population recovery in Unit 23 under both Federal and State regulations since 2017. Despite these efforts moose populations have continued to decline. Closure of moose hunting to non-Federally-qualified users in Unit 23 may aid in the recovery of the moose population, additional harvest opportunities for Federally-qualified subsistence users and is warranted under Section .815(3) of ANILCA and 50 CFR 100.(d)(4)(6).

Thank you.

CHAIRMAN CHRISTIANSON: Thank you, Robbin. Any questions for ISC recommendation.

(No comments)

CHAIRMAN CHRISTIANSON: Hearing none, we'll move on to Board deliberation and discussion.

MR. MULLIGAN: Mr. Chairman, this is Ben Mulligan. I have an answer for Member Peltola, if you would indulge me.

CHAIRMAN CHRISTIANSON: Go ahead, Ben, you have the floor, please.

MR. MULLIGAN: Thank you, sir. Gene, just to answer your question, I got an answer from our Regional folks and looking at our comments, it was expanded spatially in 2017 to go -- beginning at the -- and I will apologize if I butcher this name, the Agashashok River and extending up stream to the mouth of the Nimiuuktuk and then the area has been -- it looks like when it was originally established, the restrictions applied from August 20th to September 20th, and it now applies to August 15th to September 30th.
Thank you, Mr. Chairman.

MR. PELTOLA: Thank you, Ben. That's what I thought but I wanted to make sure. Appreciate the effort.

CHAIRMAN CHRISTIANSON: Thank you. Thank you, Ben. Okay, again....

MR. PELTOLA: Mr. Chair.

CHAIRMAN CHRISTIANSON: .....moving on, Board -- is there a question there?

MR. PELTOLA: Yeah, this is BIA.

CHAIRMAN CHRISTIANSON: Go ahead, Gene.

MR. PELTOLA: I don't want to seem out of line, but before we engage in Board deliberation and before we get to the motion aspect, may I request like a 10 minute break.

MR. SIEKANIEC: Sounds appropriate to me.

MR. BROWER: Sounds appropriate to me.

MR. SCHMID: Works for me.

MS. DETWILER: So, Mr. Chair.....

MR. LORD: Mr. Chair, this is Ken.

CHAIRMAN CHRISTIANSON: Yeah, sorry, I was muted guys -- sorry, I was talking away. 10 minute break, we'll fine if we can come back at 12:00 o'clock straight up and allow time for the formation of a motion.

Thank you.

MR. PELTOLA: Thank you, Mr. Chair.

MR. LORD: Mr. Chair, before we go on break.

CHAIRMAN CHRISTIANSON: Yes.
MR. LORD: Mike Routhier and I both have a hard stop at 11:55, we've got -- we're on an interview panel and have to jump off at that point.

CHAIRMAN CHRISTIANSON: Okay. Will that be an issue with us finishing the business today?

MR. LORD: I hope not.

CHAIRMAN CHRISTIANSON: I don't think so, I think we'll be fine with no legal couns -- appreciate your time today, Ken, and thank you for notifying us.

MR. LORD: All right, you all have a good day.

CHAIRMAN CHRISTIANSON: Yeah, you too, thank you. Have a good day. See you at 12:00 everyone.

(Off record)

(On record)

MS. DETWILER: Okay, so this is Sue, did we hear Chad Padgett from BLM, are you back on?

MR. PADGETT: I am.

CHAIRMAN CHRISTIANSON: Sue, I need five minutes, so I'll be on in five minutes.

(Pause)

MS. DETWILER: Chair Christianson, are you on the line?

MR. PELTOLA: Sue, I think he said he'd be back in five.

MS. DETWILER: Yeah, that's what I thought. So with your Board members forbearance here I am just going to run through this roll call again just to make sure I didn't miss anybody, everybody was just kind of chiming in there and I want to make sure I record everybody that's on.

So, Gene, I hear you're on. Chad,
you're on.

Jeff Mow, are you on?

MR. MOW: Yes, Jeff is on.

MS. DETWILER: Okay, thank you.

Greg, I heard you.

MR. SIEKANIEC: Yes.

MS. DETWILER: Dave Schmid, you're on.

Rhonda Pitka has joined us.

Charlie, are you on?

MR. BROWER: That's what I said five minutes ago.

MS. DETWILER: Okay. Okay, so we're just waiting for Anthony Christianson to come back.

(Off record)

(On record)

CHAIRMAN CHRISTIANSON: Hello, everybody, sorry about that. I had an emergency pop up, I'm back.

MS. DETWILER: Okay. Charlie [sic], this is Sue Detwiler. All the other Board members are on so you have a full compliment of eight Board members on the phone now.

CHAIRMAN CHRISTIANSON: Oh, we're just waiting for Charlie, you said?

MS. DETWILER: No, everybody's on.

CHAIRMAN CHRISTIANSON: Oh, okay, everybody's on, we'll go ahead and get started again, and we ended the discussion at Board deliberation and discussion for this wildlife special action.

MR. PELTOLA: Mr. Chair, BIA.
CHAIRMAN CHRISTIANSON: The floor is open. Yes, go ahead.

MR. PELTOLA: Thank you, Mr. Chair. So I have a few comments and would be interested in other Board members ideas.

But this body, and myself as a member of this body have, in the past, voted for prescriptive and very targeted closures. And the threshold is very high, as it should be, for precluding a user group. And we've gone through the analysis, we've heard a summary of the public comments, and we've heard from the Regional Advisory Council. At issue is in the -- refer to the Chair of the Northwest RAC that this is a primary issue of, I believe it was, hunter placement. And I've also engaged in a series of questions from the agencies in the impacted area about the efforts going through .810 determinations and what that led to and potential permit conditions issued to the commercial users within the region. We also heard from OSM earlier that this was presented to our body earlier this spring. I, personally, and professionally feel that with regard to -- and I think I have an idea of what's going to be recommended when we come to a general motion, so I would ask the body to consider -- and this is not a question of just delaying an outcome.

As I mentioned earlier I moved to Northwest Alaska in the early '90s, resided there for 10 years and went back for almost three more years, so I've spent some time up there. And when I first arrived, the issue was brought forth about competition for resource, aircraft usage and such and between the Federal and the State Programs we really haven't been able to, it sounds like, because we have another proposal before us, to address those concerns.

With that being said, I think that the Program with regard to caribou got to a decent product, a good product, wherein OSM was instructed to work with the Western Arctic Caribou Herd Working Group, the Alaska Department of Fish and Game, transporters, guides, people within the industry, the Regional Advisory Councils, the Advisory Councils for the State Program and such, and I think that this here would also benefit from a similar effort. In addition to when we look at moose, the analysis touched upon moose, but it didn't break it down by subunit and there are general
harvest information, but the GMU 23, in regard to moose harvest is broken down into five subunits and with regard to the draw permits, when they were in place, there was, you know, it was tightly controlled. Now, we have a registration and general hunt there, and there are general harvest information in regard to GMU as a whole, and then we have associated survey data, Upper Noatak, Selawik Flats, whatever survey area they may be, but it didn't go into an in-depth analysis with regard to taking the harvest information and trying to break it down as best we could between residents, non-residence unit with regard to -- and correlate -- and compare that to the harvest information to the best of our ability.

With that being said, I think that a deferral, a motion to defer with instruction to OSM to engage in those efforts. Then if those efforts are executed and completed, then at the will at the Chair we could -- this body with a more in-depth analysis, and information, can make a better informed decision about whether we should preclude a user group from accessing Federal lands or not.

As I said this is not -- for discussion purposes, it's not a mean of just kicking the can down the road. It's aimed to a more solidified position. There has been support for prescriptive and targeted closures in place, you know, like I said, and it should be, and likely so, a very high bar to preclude a user group from Federal lands.

I put it out there for discussion purposes.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you, Gene. And, yeah, I mean I kind of, you know, listening to everything today, you know, it sounded like between the ISC, you know, the Regional Advisory Council Chairs and everybody that there still seems to be some difference of, a little more information needed, and, you know, putting it back -- it seems to be, like the Staff said it took two years to get a full analysis done the last time we were presented with this, to the final. And, again, you know, a little more time to try to find those targeted solutions before we make an effort to move on this might be something we want to
consider. Just based on what we've done in the past and can maintain our consistency as a Board, you know, we've done it with the Kusko and the fishery management groups and we entrusted that the caribou before, and, you know, just maintain that consistency is something I can see a benefit to.

So I'd entertain any additional comments from the Board.

MR. PADGETT: Mr. Chair, Chad Padgett with BLM.

CHAIRMAN CHRISTIANSON: Yes, Chad, go ahead.

MR. PADGETT: Thank you for that, and I would agree with both you and Gene. I do think that allowing a little bit of additional time to do a better analysis and look at what we might be able to do as land management agencies with respect to at the local subunits and those types of things would be really helpful because these are issues that we're tackling kind of across the board in terms of conflict, you know, conflicting user groups, those kinds of things. And so I would agree with both of you that a deferral would be appropriate.

Thank you.

CHAIRMAN CHRISTIANSON: Any other Board discussion or deliberation.

MR. SIEKANIEC: Mr. Chair, this is Greg.

CHAIRMAN CHRISTIANSON: Yes, Greg, you have the floor.

MR. SIEKANIEC: Thanks. Yeah, Gene, thanks for the thoughtful comments there. I was just wondering, you know, I remember like in 2016/2017, there was -- you know, I think all of us advocated for an engagement on this broad spectrum of users that you described Gene. What I don't recall, and maybe someone else does, is did we defer a proposal in front of us at that time or did we act on it and then ask the Subsistence Team to come together and work with the
Northwest Arctic Caribou Board and see, you know, what
could be worked out and out of that, I think, came that
2017 change that Ben described.

That's sort of one question I have
there.

And then if you were talking a defer,
Gene, help me a little bit more on the timing you're
thinking of. If we could defer for a year, I think we
could probably see some better outcome here but if
you're thinking of a very short deferral to go back and
look at some harvest information, I'm -- and I'm
concerned, because there's many users out there that
are already have plans well underway for this year and
we're already, in my opinion, at the Eleventh Hour on
this.

MR. PELTOLA: Completely understand,
Greg. This is Gene. So my idea would be a deferred
for further analysis. Now, if you take the caribou
potential effort and the moose there may be different
temporary requirements for accomplishing those, and
that's why I was saying that we might be able to take
them up independently or as a whole at the will of the
Chair.

Now, if I recall correctly, '17
initiated from a special action from Northwest as well.
And if the Board addressed it via a wildlife cycle,
would have been a permanent regulatory change, which it
had not been.

MR. SIEKANIEC: Okay, thanks, Gene.
So, I'm, again, trying to understand. I think I got
out of your comments, you're looking for a -- probably
it would be a longer deferral than, you know, just a
couple of weeks here, we're probably going to push this
into -- come back to us next year?

MR. PELTOLA: I wouldn't -- thank you,
Greg. This is Gene again, BIA. Well, I wouldn't say
that we give it a TBD -- like a time limit, it has to
be accomplished in a.....

MR. SIEKANIEC: Right.
MR. PELTOLA: But what would be required of OSM to engage in the effort as instructed by the Board.

MR. SIEKANIEC: Okay, thanks, Gene. Again, I think I’m trying to sort this out. I think that if we defer it in such a way that we don’t -- we don’t set an expectation that we would get this resolved, yet, before the end of -- or before -- or on September, or August, when the season would normally open, because we’re -- again, I expressed that short window of time here, we’d keep everybody hanging and plans have been made and all of those considerations, so I think if we were to defer this with the expectation that we would resolve this prior to the next round of hunting season, I would -- I think we’d be in a good place myself. Otherwise I think we need to take action on what’s in front of us.

MR. PELTOLA: No, Greg, I concur with your statement.

MR. SIEKANIEC: Thank you, Gene.

CHAIRMAN CHRISTIANSON: Yeah, so guess what you’re looking for Greg is a time, you know, to set that time, when is the next round of Regional Advisory Council meetings set to start? In the fall?

MS. GREDIAGIN: Mr. Chair.

MS. DETWILER: Yeah, Mr. Chair.....

CHAIRMAN CHRISTIANSON: Yes.

MS. DETWILER: Yes, they start September/October timeframe.

CHAIRMAN CHRISTIANSON: Okay. And so reasonably with this we could probably just say, hey, why don’t we use the expectation that we do form some type of working group, an expectation that we can come back with something to present to those Regional Advisory Councils at their fall RAC meetings and, you know, and that way, you know, that the time to be determined is going to be, you know, probably after the season be it that ISC is recommending to oppose it
anyway, you know.

The only concern I have is with the moose maybe, you know, and not having enough information there on it and it seems to be a separate issue than the caribou here. We seem to be talking about two things.

And so, you know, I would be comfortable, you know, because the ISC proposes that and there is, you know, the conservation concern isn't clearly there, it's more, again, about user group conflict and, you know, animal positioning, and human positioning on a hunt that's causing a disruption, and that might be something, again, that needs more analyzing and time to work out. And I know that the Regional Advisory Councils have deliberated this extensively with their communities and with the groups, the RACs that they have, but, again, there still seems to be some hold up on our ability to make a move on this, and so I would say that, you know, we do that working group with that timeline in mind where something before the Regional Advisory Council so that they can, again, engage on that, and then maybe give us back a proposal after that.

MS. GREDIAGIN: Mr. Chair.

CHAIRMAN CHRISTIANSON: Yes, you have the floor.

MS. GREDIAGIN: This is Lisa Grediagin.

And I just wanted to point out that the request is for August 1st to September 30th of 2021, so if the Board does not take action before September 30th, you know, August 1st of 2021 then essentially there's, you know, this request -- it would be take no action and ultimately would -- I guess no action would be taken so then the request would ultimately be opposed. So it's not like a regulatory proposal where deferral it would just come up again for the next regulatory cycle, I mean the request itself is just for this year.

MR. PELTOLA: Mr. Chair, BIA.

the floor.

MR. PELTOLA: Thank you, Lisa, for that
clarification. Although I'd like to point out that the Federal Subsistence Board at times does modify the ISC recommendation or OSM recommendation, modify a original request to the Board for consideration. And it's unfortunate that legal counsel is not here, but that it is somewhat of a common occurrence for the Board to modify a request to address the issue as a whole.

CHAIRMAN CHRISTIANSON: So I guess I think we're all in agreement that, you know, we want to give a little more time but I also hear what Greg's saying and Lisa's saying about, you know, the timeline being, you know, pretty critical because there is a lot of people listening to, you know, if we defer it out a month, that kind of starts to cause issue for certain people, but, again, the priority is the user, and making sure that we provide for that user group and we continue hearing unanimously there's an issue with competition up there and so how do we resolve that issue and do it in a manner that helps support the local user and continue to have access for all user groups because, you know, again, there seems to be a healthy population.

MR. MOW: Mr. Chair.

CHAIRMAN CHRISTIANSON: Yes, Jeff.

MR. MOW: Yes, this is Jeff Mow from the Park Service. I heard from the analysis that there was a conservation issue with moose and, therefore, I'd be certainly be supportive of doing a closure for moose, which would be an action -- taking action on the proposed and still offer that opportunity to continue to work forward on the other aspects.

CHAIRMAN CHRISTIANSON: I guess according to what Jeff said and what Lisa's saying and what I'm hearing is is at this time we don't feel, you know, we may be able to take action on half of the proposal, but on the second half of the proposal we can support a closure based on conservation concerns of the moose population of that unit.

MR. PELTOLA: Mr. Chair, BIA.

CHAIRMAN CHRISTIANSON: Go ahead.

MR. PELTOLA: Thank you, Mr. Chair. So
I've looked at the moose aspect as well and since we're in discussion phase before a motion is being made, the analysis identifies overall GMU harvest between local and non-local, it does identify survey areas which could be associated with those three harvest areas within GMU 23. There is a subunit that is above population -- the State's population objective and in the lack of an independent plan from the Federal Program, my concern would be is that if there is not a closure warranted for one of the five, would that -- if we -- even if we were to preclude that from inclusion, would that retarget any effort that may occur in 23 to the Upper Kobuk and I think that's the area I was considering, or part -- or referring to, would that this proportionally target -- have people who's desire to hunt in 23 put undue pressure on a population that's already below objective and if we do close it, would that be above objective, do we have the justification to close it.

Thank you, Mr. Chair.

Just putting it out there for discussion purposes.

CHAIRMAN CHRISTIANSON: Thank you, Gene.

MR. SIEKANIEC: Mr. Chair, this is Greg.

CHAIRMAN CHRISTIANSON: Yes, Greg, you have the floor.

MR. SIEKANIEC: Thanks, Gene. I think you raise an important point on -- well, two very important points there. One is we do not want to take an action that inadvertently shifts people to an area that already has a below population level objective, and the other point on in an area that does not have a conservation issue, should this Board be taking that type of an action.

So do you, Gene, see yourself being able to define a clearer maybe motion around that moose concern?

MR. PELTOLA: Thank you, Greg. I've
toyed with that and have not been able to come up -- I mean the options pretty much would be, with regard to be, there'd be three options.

Support the closure.

MR. SIEKANIEC: Yep.

MR. PELTOLA: Oppose the closure. Or since we have one unit that's below popu -- four units below population objective and one above, would be preclude the one that's above the population objective unless we can articulate and justify our concern about displacement and putting disproportionate pressure on that one area that's slightly above population objectives.

So I think it's a challenge either way.

MR. SIEKANIEC: Yeah, it certainly sounds like it is.

MR. PELTOLA: And that's one of the reasons why -- I know that the special action addresses a specific harvest period, August 1st through -- but that is one of the concerns that I had by reviewing the analysis, and looking at, although it may be a challenge, I think the Program should do the best we can to try to associate those survey areas with the subunits because there is different population objectives for each of those subunits in addition to try to break down the local and the non-local harvest within those subunits. Because, just for example, it may turn out that we don't have, you know, any use or a lot of use in one or the other and without looking at that subunit analysis it would be hard to -- at least in my mind, to get to either a support or a deny or a modification.

MR. SIEKANIEC: So hence that takes you back to your deferral idea?

MR. PELTOLA: Correct, yes it does.

MR. SIEKANIEC: Yeah.

MR. PELTOLA: And, you know, I'm not criticizing OSM in any manner or capacity, I think they
did an exceptional job with the analysis in the time period in which they were given.

MR. SIEKANIEC: Yeah, no, thanks, Gene. I appreciate that. But I think you are making very valid points that, you know, we need to be very carefully that we don't inadvertently push people into an area that, you know, really can't take the level of harvest that may occur without having an additional amount of time spent on reviewing it.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you. Any other Board discussion or deliberation.

MR. PELTOLA: Mr. Chair, BIA.

CHAIRMAN CHRISTIANSON: Yes, go ahead, Gene.

MR. PELTOLA: Thank you, Mr. Chair. Hearing no further comments on it, if it pleases the Board I'd be willing to make a motion for deferral.

MS. PITKA: Please make a motion.

MR. SIEKANIEC: Fish and Wildlife is okay with that, Gene.

MR. PELTOLA: Okay, thank you. Okay, Mr. Chair. The Bureau of Indian Affairs moves that the Federal Subsistence Board defer action on Wildlife Temporary Special Action WSA21-01 with the further guidance to the Office of Subsistence Management to engage in an effort with regard to one caribou to utilize and get input from Western Arctic Caribou Herd Working Group, Alaska Department of Fish and Game, the ACs, the Regional Advisory Councils, the Chairs, and users within the industry, similar to what's occurred prior to the Board's determination in 2017. In addition to, with regard to the moose in this proposal, that OSM further the analysis to include subunit -- to the best of their ability, subunit harvest and survey information data for the Board's future consideration, to be called at the will of the Chair.

Thank you, Mr. Chair.
CHAIRMAN CHRISTIANSON: Thank you, Gene. There's been a motion, is there a second.

MR. PADGETT: BLM seconds.

CHAIRMAN CHRISTIANSON: Motion's been made and seconded for deferral. Any discussion.

MR. SIEKANIEC: Mr. Chair, this is Greg.

MR. BROWER: Mr. Chair.

CHAIRMAN CHRISTIANSON: Yes, Greg, you have the floor.

MR. SIEKANIEC: Thank you, Mr. Chair. Gene, I didn't hear any reference to a timing window. Could we identify the expectation would be for, you know, the following hunt season?

MR. PELTOLA: With the concurrence of the second, I would so include that.

MR. PADGETT: Concur.

MR. PELTOLA: Thank you, Chad.

MR. SIEKANIEC: Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Okay. And let the record reflect that the deferral is, again, going to be after the 2021 hunting season. Any other Board discussion under the motion.

MR. SCHMID: Yeah, Forest Service, Mr. Chair.

CHAIRMAN CHRISTIANSON: Yes, Dave, you have the floor.

MR. SCHMID: Yeah, I've been following along and tracking here and I'm supportive with where we're heading with a deferral and will support -- likely support this motion.

And, I, too, I get the deferral, certainly until after this season, I just want to make
sure that there is some accountability here through the
Board and as outlined there in BIA's motion to defer,
that this just doesn't continue to slide, that we do
continue to have a commitment here to follow through
and try and help resolve this with a little bit better
data and a little bit more information, but that we can
get to a more longer term solution.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you, Dave. Any other Board discussion.

MR. BROWER: Mr. Chair, Charlie.

CHAIRMAN CHRISTIANSON: Charlie, you have the floor.

MR. BROWER: Yeah, I agree with everyone, delayed until 2022, I believe, is that right,
that's the year?

MR. SIEKANIEC: Mr. Chair, this is Greg.

CHAIRMAN CHRISTIANSON: Yes, Greg, you have the floor.

MR. SIEKANIEC: Just in thinking with what Charlie just asked, I think, yes, the idea was for
2022. I saw a note from Lisa Maas come in that says,
you know, it looks like we probably should defer until
the next wildlife proposal cycle. Lisa, maybe -- could we ask Lisa to maybe come on and speak to that.

MS. GREDIAGIN: Yeah, thanks, Greg. I might pass this over to Theo since he's the regulatory
specialist that can probably cite the regs better than I can, but, yeah, that's the feedback I got. Is that
the Board is able to defer a special action to the next
wildlife proposal cycle so then it would become a
proposal, I guess that would be in 2023, and then
effective in 2024. But I'd invite Theo to provide more
detailed information if you'd like to.

MR. MATUSKOWITZ: This is Theo, if you'd like me to address this issue a little bit further.
CHAIRMAN CHRISTIANSON: Go ahead, Theo, you have the floor.

MR. MATUSKOWITZ: Okay, thank you, Mr. Chair. This is Theo Matuskowitz, OSM Regulation Specialist.

In our regulations, Section 19(c) states the Board may reject a request, and I'm talking about special actions here, for either an emergency or a special temporary special action, if the Board concludes there is no time sensitive circumstances and necessitating a regulatory change before the next regular proposal cycle.

It goes on to say a special action request that has been rejected for this reason may be deferred, if appropriate, and after consultation with the proponent for consideration during the next regulatory proposal cycle.

And so it's already in our regulations, you know, how this is a method that you can use to address this issue for deferral and allow to make -- since there was concern that, you know, it might not be followed up on, by you taking this action, it would become a proposal that would have to be addressed and, you know, with the current cycle that we're in right now we have a proposal that is exactly, you know, in that same scenario. So it wouldn't be forgotten about, it wouldn't be passed off, it would have to be addressed as a proposal and go through the entire, you know, full public process and, you know, addressed through the Councils and the ISC and, of course, eventually come back to you as the Board.

Thank you very much. I'll answer any questions if there are any.

Thank you.

MR. PELTOLA: Mr. Chair, BIA.

CHAIRMAN CHRISTIANSON: Go ahead.

MR. PELTOLA: Thank you, Mr. Chair. Good afternoon, Theo. So as the regulations stipulate, I think I heard it can, it doesn't say shall, so would there be anything in regulations that preclude the
Board from taking action on a deferral as a special action request and if time did not allow then converting it over, or if we were to get a request from the proponent during the wildlife cycle, to transition to a full blown proposal. My hope would be that the Board could take action prior to the next wildlife cycle.

Thank you, Mr. Chair.

MR. MATUSKOWITZ: Technically, yes, as the Board, you can pretty much do anything you want along those lines. So it could be addressed as a continuation of a special action if that's how you want to address this. But just keep in mind, that, you know, if it continues on as a special action it's going to be temporary in nature and so that after you address it as a special action, if the problem continues, you'll either just have another follow on special action or, you know, years down the road you'll have, you know, a proposal to address this. So, once, again, that's up to the Board's choice of how they want to address it.

Thank you.

CHAIRMAN CHRISTIANSON: Hey, Theo, I got a question, this is Anthony. Is there no reason why we couldn't do both, like we're hearing this one and we want to make this deferral, you know, so that if we do have to make an action by next hunting season, you know, we're not going to take any action this season, we're not going to affect the user groups, but that we have a special action deferred out, and if -- but concurrently that, you know, whether or not we take action on it, that we will be having the proponents prepare the proposals for the next regulatory cycle, regardless of our Board action now. Is that a possibility?

MR. MATUSKOWITZ: You could ask the proponent to do that but we cannot accept an actual proposal at this date. We have to stick to the regulations and the process of, you know, accepting proposals. So, yes, you may continue on with this as a special action with a recommendation to submit this at a later date as a proposal, but we couldn't accept that proposal at this time because we are required to follow, you know, through the APA, the process of
rulemaking. So, yes, you could recommend that but that would be it at this time.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you, Theo.

MR. PELTOLA: Mr. Chair, BIA.

CHAIRMAN CHRISTIANSON: Go ahead, Gene, yes.

MR. PELTOLA: Thank you, Mr. Chair. Thank you, Theo, for that information. I just wanted to follow up on Dave's concern, Bureau of Indian Affairs, myself, also expressed the same concern that the Program does follow through with this, and I will commit our two subsistence personnel at the Bureau of Indian Affairs to assist in the effort and any means that is required of us.

Thank you, Mr. Chair.

MR. SCHMID: Through the Chair, thank you.

MR. SIEKANIEC: Mr. Chair, this is Greg.

CHAIRMAN CHRISTIANSON: Yes, Greg, you have the floor.

MR. SIEKANIEC: Thanks. Theo, thanks. I appreciate your discussion. I think I'm following it. So if we defer, there's a -- it will come back through the regulatory cycle, but there's also the possibility that we defer and if we can accomplish this work in a timely manner, that the proponent could propose again this special action for next year and the Board would then be subject to taking it up again; is that correct?

MR. MATUKOWITZ: Through the Chair. Yes, sir, if I follow you correctly, yes, what you just stated is correct.

MR. SIEKANIEC: Okay, thank you, Theo.
And then if the Board takes an action next year and says, yes, we've reached some, you know, program that would allow for some additional actions to hopefully resolve some of this user issue, it would still likely need to follow through into a regulatory action because it needs to become part of the regs at some point in time.

MR. MATUSKOWITZ: Through the Chair.
Yes, sir, that is 100 percent correct.

MR. SIEKANIEC: Okay. Just wanted to make sure I was getting that straight in my head here. Thank you, Theo.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Any other Board questions, discussion, deliberations.

(No comments)

CHAIRMAN CHRISTIANSON: Hearing none, we'll call for the question.

MR. SIEKANIEC: Question.

CHAIRMAN CHRISTIANSON: Question's been called, roll call, please, Sue.

MS. DETWILER: Okay. So the motion is to defer and I'll start out with the maker of the motion.

BIA, Gene Peltola.

MR. PELTOLA: BIA supports as proposed.

MS. DETWILER: Thank you, Gene.

Chad Padgett, BLM.

MR. PADGETT: Support.

MS. DETWILER: Dave Schmid, Forest Service.

MR. SCHMID: I support as well, thank you.
MS. DETWILER: Thank you.

Jeff Mow, Park Service.

MR. MOW: Support.

MS. DETWILER: Greg Siekaniec, Fish and Wildlife Service.

MR. SIEKANIEC: Thank you, Sue. I support. And as much as I would like to be able to reiterate Gene's motion, I think I'll forego that and just say I am in support and thanks, Gene, for putting that forward.

MS. DETWILER: Thank you, Greg.

Public Member Rhonda Pitka.

MS. PITKA: Support. Thank you.

MS. DETWILER: Thank you.

Public Member Charlie Brower.

MR. BROWER: I support, thank you.

MS. DETWILER: Thank you.

Chair, Anthony Christianson.

CHAIRMAN CHRISTIANSON: Support.

MS. DETWILER: Okay, thank you. So that motion passes unanimously to defer.

And we, at OSM, we have the transcripts to go on that, it was kind of a long conversation but I think we have enough to go on to move forward and make sure we get something before the Councils this fall.

MR. PELTOLA: Thank you, Sue.

CHAIRMAN CHRISTIANSON: Yep, thank you, Sue. Sue, was there anything else on the agenda today?

MS. DETWILER: Nothing on the agenda but I did just want to note for the public record that the Board did meet in executive session this morning to
discuss some fishery issues with legal counsel, and there were no decisions made, it was just consulting with legal counsel on some fishery issues.

CHAIRMAN CHRISTIANSON: Okay, thank you, again, for that, Sue, making sure we get that on the record.

MR. SIEKANIEC: Mr. Chair, this is Greg.

CHAIRMAN CHRISTIANSON: With that I -- yep, go ahead.

MR. SIEKANIEC: Thank you. So I just saw another note coming from our OSM Staff that they want us to be clear that the Board's intent is for a 2022 special action, and that we would like to see the follow up on this to happen within that timeframe to allow a person, if they want to a proponent, to bring a special action forward, which would mean that the proponent would have to submit it once again. I believe that is correct, that's what was my understanding, I'm hoping everyone else had something similar in mind.

MR. SCHMID: Through the Chair, this is Forest Service. That's my understanding as well, Greg.

MR. SIEKANIEC: Thank you.

MR. PADGETT: Through the Chair, this is Chad. My understanding is the same as.....

CHAIRMAN CHRISTIANSON: Yeah, Chad, go ahead. Chad, go ahead, you have the floor.

MR. PADGETT: Sorry about that. I was just saying that. I was just saying that was my understanding as well.

Thank you.

MR. BROWER: Mr. Chair, Brower, I agree, it's my understanding. Thank you.

MR. SIEKANIEC: Okay, this is Greg, Mr. Chair. I received back from our OSM Staff, they're saying, okay, they got it and they appreciate the
clarification.

CHAIRMAN CHRISTIANSON: Yes, so we'll just make sure they know that we need to be communicating with the proponent as well as, you know, what we're directing our OSM Staff to do, to reach out to the working groups and start to strengthen the analysis and, you know, more rigorous energy put into the areas where we may be able to do those applications in a more localized fashion, being more mindful of pushing user groups around and causing maybe more of a conservation concern in some areas that are lacking a resource. So, you know, that's why we have a Board, and I just want to thank all the Board members for bringing those various perspectives because we see all sides of it once we all get together and have these discussions.

So just appreciate all the insight that was brought to the table today. Thank you.

Any other closing comments.

MR. SIEKANIEC: Mr. Chair, this is Greg.

CHAIRMAN CHRISTIANSON: Yes, Greg, you have the floor.

MR. SIEKANIEC: Thank you, Mr. Chair.

Hey, I just want to take a moment to, one, say thank you for all the hard work that the Board puts in and I think it's pretty common knowledge that I'm retiring within the next couple of weeks here from the Fish and Wildlife Service. And it's been an honor to serve with all of the Board members here and I appreciate the kind of debate, the dialogue that takes place during Board meetings when we have difficult decisions in front of us such as this.

So, Mr. Chair, again, thank you for just a moment there to, one, say, thank you, an honor to serve with you all. And Godspeed in all the decisions you'll have coming in front of you.

MR. PADGETT: Thank you, Greg.

CHAIRMAN CHRISTIANSON: Well, Greg we've -- yep, thank you, Greg, truly from the Board
here and from the Chairman, I appreciate your perspective and what you've brought and, you know, you've done a lot to educate me as a Board member and as a Chairman and I've appreciated your service over the years in looking out for the interest of the subsistence user and conservation of wildlife and have truly been an asset, will be missed. And enjoy your retirement, man, what a special thing to be stepping into.

MR. SIEKANIEC: Thank you, Mr. Chair. I will certainly look forward to maybe running into you out on the water somewhere.

MR. BROWER: Mr. Chair.

CHAIRMAN CHRISTIANSON: Things are biting in Southeast.

MR. BROWER: Mr. Chair.

CHAIRMAN CHRISTIANSON: Yes, you have the floor.

MR. BROWER: I'd like to thank Commissioner Greg for being there at the same time with our Commissioner with the U.S. Treaty on polar bears. Thank you, Greg, for your input, thank you.

MR. SIEKANIEC: Thank you fellow Commissioner, I appreciate it.

MR. SCHMID: Mr. Chair, this is Dave with the Forest Service.

CHAIRMAN CHRISTIANSON: Yes, Dave, you have the floor.

MR. SCHMID: Yeah, I was waiting for Greg to announce that publicly, and I publicly want to also acknowledge and just truly thank Mr. Siekaniec for all of his leadership, his counsel, and all of the good things he's done in public service here. He beat me to the finish line, I shared that with him before. But just done an amazing amount of work, very well respected amongst his peers and adversaries, I believe, if he has any. But just really want to thank Greg. I think he's going to make his home in Alaska here, for awhile, at least, and look forward to bumping into you...
maybe on the river sometime, Greg.

Thanks so much.

MR. SIEKANIEC: Thank you, Dave. And, yes, we will be continuing to make our home here in Alaska, so hopefully I'll get a chance to run into all Board members around.

Thanks.

CHAIRMAN CHRISTIANSON: We'll be getting those fancy proposals from you pretty soon.

(Laughter)

MR. SIEKANIEC: That's right. I have to find my rural residency somewhere, Tony.

CHAIRMAN CHRISTIANSON: Yeah, yeah, we'll be getting those articulate ones.

(Laughter)

CHAIRMAN CHRISTIANSON: All right. Right on. Well, definitely appreciate the service again, and appreciate the meeting today. And, you know, it's just good to sit in a room with a bunch of professionals, men and women, who can really tackle the issues and, you know, look out for the best interests and bring all the information to the table to make the best decision, and thank the counterparts for bringing in their perspective and appreciate the State, the RAC Chairs, all the work that the Staff does to provide analysis, the public outreach and the tribal consultation part. The Staff really had to step out on this one knowing it's controversial and causes a little bit of a stress among all of us because it is a big issue when we're talking about user groups and conservation and access, and so just appreciate the diligence by all the Staff, the Board and hope everyone the best this harvest season and look forward to a positive outcome on Unit 23.

MS. DETWILER: I think we just need a motion to close the meeting then, Mr. Chair.

MS. PITKA: This is Rhonda. I'll make a motion to close the meeting and thank you all for
participating.

Chairman Christianson: Motion on the floor.

Mr. Siekaniec: Second.

Mr. Peltola: Second.

Chairman Christianson: Motion -- any opposition to the motion to adjourn?

(No comments)

Chairman Christianson: Hearing none, motion carries. Have a nice day.

Mr. Siekaniec: Thank you everyone.

Mr. Peltola: Thank you.

Ms. Pitka: Thank you.

Mr. Schmid: Thanks.

Operator: Thank you. This does conclude today’s conference, you may disconnect at this time.

(Off record)

(End of Proceedings)
CERTIFICATE

UNITED STATES OF AMERICA

STATE OF ALASKA

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter of Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing, contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING, taken electronically by our firm on the 16th day of June 2021 via teleconference;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 18th day of June 2021.

____________________________________
Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 09/16/22