MEMBERS PRESENT:

Tim Towarak, Chairman
Kristin K'eit, Bureau of Indian Affairs
LaVerne Smith, U.S. Fish and Wildlife Service
Wayne Owen, U.S. Forest Service
Deb Cooper, National Park Service
Bud Cribley, Bureau of Land Management
Keith Goltz, Solicitor's Office
PROCEEDINGS
(Anchorage, Alaska – 7/19/2011)
(On record)

OPERATOR: Welcome and thank you for standing by. At this time all participants are on a listen only mode. This conference is being recorded, if you have any objections, you may disconnect at this time. I would now like to turn the call over to Mr. Tim Towarak. You may begin.

CHAIRMAN TOWARAK: Thank you very much. I will call this emergency special action meeting to order. And before we get started I'd like everyone here in the room to introduce themselves and for those of you on the phone that have the ability to speak to introduce yourself.

My name is Tim Towarak, I'm the Chairman of the Federal Subsistence Board.

MR. CRIBLEY: Bud Cribley, Alaska State Director for BLM.

MR. SHARP: Dan Sharp for Bureau of Land Management.

MR. ELLIS: My name is Mitch Ellis. I'm the Chief of Refuges for the US Fish and Wildlife Service here in Alaska.

MR. ARDIZZONE: Chuck Ardizzone, Deputy ARD for Subsistence.

MS. BROWN: Cole Brown, wildlife biologist for OSM.

MR. RABINOWITCH: Sandy Rabinowitch, Staff Committee for the Board for the Park Service.

MR. LORD: Ken Lord, Solicitor's Office.

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

MS. COOPER: Deb Cooper, Associate Regional Director for the Park Service.
MS. SMITH: LaVerne Smith. I'm the Deputy Regional Director for the Fish and Wildlife Service.

MR. BERG: Jerry Berg, Staff Committee member for Fish and Wildlife Service.

DR. WHEELER: Polly Wheeler, acting ARD for OSM. And if you guys can stand up and make sure the microphone can pick you up, please.

MS. MCDONALD: Tracy McDonald, Refuge supervisor with the Fish and Wildlife Service.

MS. MEDEIROS: Andrea Medeiros, subsistence outreach coordinator OSM.

MR. BELL: Larry Bell, Fish and Wildlife Service, external affairs.

MR. STARKEY: John Sky Starkey, legal counsel, Ninilchik Traditional Council.

MS. PETRIVELLI: Pat Petrivelli, BIA subsistence anthropologist.

DR. WHEELER: And maybe have the people on line too.

CHAIRMAN TOWARAK: Could we have the people introduce themselves too.

(Mr. Owen and Mr. Burcham talking simultaneously)

DR. WHEELER: Milo, I think you just talked completely talked over Wayne. But I guess we've got -- maybe it'd be easier if I just said it from here. We have Milo Burcham, Wayne Owen, who's the Forest Service Board member, Robert Stoval who's with the Forest Service, Kristin K'eit, who's the BIA Board member, and Andy Loranger, the Kenai Refuge manager. Anybody else on line.

MR. LARSON: Robert Larson.

DR. WHEELER: Oh, I'm sorry, I thought I said Robert. I had it written down.

MR. BERG: Robert Stoval and Robert
Larson.

DR. WHEELER: Robert Stoval and Robert Larson. Anybody else?

(No comments)

DR. WHEELER: Okay.

CHAIRMAN TOWARAK: Thanks Polly. Thank you, Polly. I don't know if you want to take, right at the beginning, kind of outline the process, it's a restricted process so I think we should make that point clear right at the beginning.

DR. WHEELER: Okay, I could do that. The Board had wanted -- just to back up and Tim or any of the other Board members can fill in. This emergency special action -- this is an emergency special action, it was -- the reason -- it's called an emergency special action because it's the duration is 60 days or less, a temporary special action is longer than that. The InterAgency Staff Committee addressed this analysis several weeks ago but was not able to reach consensus that's why it went to the Board. Often times the Board -- or the Board does delegate the authority down to the InterAgency Staff Committee to make a decision on an emergency special action if it can, but the InterAgency Staff Committee pushed this back to the Federal Subsistence Board at its meeting last week here in Anchorage, the Board decided to have a listen only teleconference so that the Board could have a decision and the public could at least hear the Board during its decisionmaking when they talked about this special action. As it turns out the majority of the Board members are actually in this room, we do have two on line, one, is, again, from the BIA and one is from the Forest Service but the remaining, including the Chair, are here in the room.

So, Mr. Chair, I don't know how much further you wanted me to go but.....

CHAIRMAN TOWARAK: I think that will suffice for now. I'm going to read some comments that will give further explanation.

I know that there has been increasing interest in this emergency special action request in recent days and I thought it might help to provide some explanation for why the Board is approaching this special
action in this way.

Emergency special actions are meant to address issues that cannot wait until the normal regulatory process can take place. They are effective for 60 days and then if further action is needed then a proposal can address the issue for the long-term, which includes public and Regional Council input.

This is different than a temporary special action, which requires a public meeting in the affected areas and is in place for the remainder of the regulatory year.

Because of the interest in this issue the Board agreed to allow for the public to listen in to our discussions on this decision today but this is not typically done. In fact, it is my understanding that the Board has never taken public testimony on any emergency special action in the 20 year history of the Federal Subsistence Program.

Numerous special actions are taken every year without public participation due to the emergency nature of protecting the resource.

The Yukon chinook salmon returns this year are a good example of where the in-season manager has reduced fishing time throughout the river to address the strength of the run. This was done through special action.

We realize that the Alaska Board of Game took action on this issue in March but it has taken some time for Staff to conduct an independent review of the biological information and assess the various options of how best to address the issue prior to submitting the special action request.

So while there will not be an opportunity for public input today there is an urgent need to take action because we are getting many requests for moose permits at the Refuge daily for this season that opens in a few weeks.

As a general comment it seems like we do not want to raise expectations that the Board will seek public on emergency actions as a normal part of doing business. Doing so could bog down a process that Congress intended to be expedient and responsive to the
needs of our constituency and the interest of the conservation of the resource.

So the process will consist of the following:

A brief presentation of the analysis by Cole Brown, biologist for OSM. I would note that the analysis was provided to Board members late Friday afternoon and it was made available to the public on the OSM website yesterday afternoon.

Staff experienced some technical difficulties loading the analysis to the web and we apologize for any issues this may have caused.

Board members can follow up with any questions of either Cole or the managers that are on line, Andy Loranger, manager of the Kenai National Wildlife Refuge and Milo Burcham, in-season manager for Forest Service lands in Unit 7.

The Board can then discuss the special action and make its decision.

The decision will be made in the form of a motion which will need to be seconded and then because we are on teleconference we will have a roll call vote. Board members or their designees that are either here or on the line are as follows: National Park Service, Deb Cooper; Bureau of Land Management, Bud Cribbley; Fish and Wildlife Service, LaVerne Smith; Bureau of Indian Affairs on the phone, Kristin K'eat; USDA Forest Service, Wayne Owen, also on the phone; and, myself, Chairman of the Federal Subsistence Board Tim Towarak. In addition we have legal counsel available if necessary.

So with that, and just a brief statement, that we had received letters from organizations asking about the process of -- that brought up by the Secretary of the Interior on deference to Regional Advisory Councils or the tribal consultation process, that since inception since I've been on this, this whole process has
been -- is new to all of us, in fact, it's new on a national scale and there's a lot of process planning that we've been doing. We've had a committee putting together a recommended plan for how we will address the -- especially the tribal consultation process. We have yet to receive our final reports from them and they are continuing to draft up a process that we hope to use in future years in our meetings. So we hope that, especially public organizations, will recognize that we are in an interim stage, it's kind of awkward at this point for us to meet some higher expectations, primarily because of wanting to have a defined process that is understandable to everyone.

With that then I think we will ask our Staff to get us started on the special order -- emergency special order action request.

MS. COLE: Good afternoon. My name is Cole Brown, I'm the wildlife biologist for OSM. I'm going to give a brief presentation on the special action request WSA11-02.

This emergency special action, 11-02 was submitted by the Kenai National Wildlife Refuge, and requests that the moose harvest limits in Unit 7 remainder, 15A reminder, 15B and 15C be revised to remove the spike-fork harvest option and change the brown requirement from three or more to four or more brow tines on either antler for the August 10th through September 20th season. Additionally the proponent requests the antlers of a harvested moose be inspected and sealed within 10 days of harvest by an authorized representative. The proponent states that recent moose composition surveys indicate that there are conservation concerns for the moose population in Unit 15 since the bull/cow ratios in portions of the area are very low and declining in other subunits. These low bull/cow ratios, if not corrected, could lead to low productivity and potentially severe moose population declines on the Kenai Peninsula in the future. Modifying the antler restrictions should reduce the harvest of bulls in order to address these conservation concerns while still allowing a harvest opportunity. This change in antler restrictions is meant to be a short-term solution of approximately two years to allow the increase in bull/cow ratios.

In March 2011, the Alaska Board of Game adopted the same antler restrictions and without a
similar action in the Federal regulations any
conservation gain may be compromised as the majority of
land in Unit 7 and 15 are Federal public lands.

In addition sealing the antlers within 10
days of harvest will allow for more accurate tracking of
harvest of legal moose.

The biological background for Unit 15A.
The 2010/11 fall sex and age composition survey had a
bull/cow ratio of 20/100 which is lower than long-term
bull/cow ratio of 26 bulls to 100 cows and below the
established Refuge goal. Of greatest concern within Unit
15A are the large areas of land where sex ratios are as
low as five bulls to 100 cows.

Moose populations within 15A peaked in
1971 with approximately 6,000. In 1991 moose populations
estimate was approximately 3,000 to 4,000. 2001
population was 1,700 to 2,400 and the 2008 was 1,400 to
2,000 indicating a continued population decline in Unit
15A.

The habitat. Although biologist believe
that habitat is the driving factor to overall population
decline, due to the diminished amount and quality of
moose habitat, the current harvest regime has impacted
the population. Spike-fork harvest has impacted
recruitment of bulls into the population reducing the
overall bull/cow ratio. Additionally allowing the
harvest of three brow tine moose has impacted the number
of breeding bulls population. Because of this, there are
conservation concerns for this moose population.

For Unit 15B, the most up to date census
is from 2001 when the population was estimated at 958.
Composition surveys were completed in 2010 and '11 and
estimated 33 bulls to 100 cows. Cows were estimated to
comprise six percent of the population. The 2010 and '11
composition surveys were conducted within Unit 15B East
where the US Fish and Wildlife Service has a 40 to 60
bull to 100 cow management objective.

For Unit 15C, the 2010/11 fall sex and
age composition revealed an extremely low bull/cow ratio
of nine bulls to 100 cows which was much lower than the
long-term bull/cow ratio of 29 bulls to 100 cows and well
below the established Refuge goal. Based upon ADF&G's
2010 population estimate of 2,200 animals, the moose
population in Unit 15C has decreased from 2001 when the
population was estimated to be around 3,000 animals.

Without action to address the imbalance in sex ratios, the moose population within Unit 15C will likely continue to decline.

The harvest history. The impact of various harvest scenarios on bull/cow ratios within 15C specifically was analyzed by ADF&G and the harvest restrictions implemented by the Board of Game in 2011 including requiring four brow tine antlers for harvest have the highest probability of achieving management objectives short of a total season closure during the two year management period. Comparable results could be expected in the remainder of Unit 15 and Unit 7 remainder.

On the Kenai Peninsula from 2004 to 2009 approximately one-third of the harvest has been spike-fork bulls in Unit 7 and the majority of the harvest, 59 percent, within Unit 15 has been spike-fork bulls.

Other alternatives were considered and rejected for various reasons.

OSM preliminary conclusion is to support Special Action WSA11-02.

The justification. While the current levels of moose harvest under Federal subsistence regulations are low within Unit 7 remainder and Unit 15, the percentage of spike-fork bulls that make up the total harvest by users within those units is significant. If Federal subsistence regulations continue to allow spike-fork and three brow tine options, current and additional Federally-qualified subsistence users may choose to hunt with a Federal permit and adversely impact the productivity of the moose population. At present most of these individuals choose to harvest with a State permit.

This change in antler restrictions is meant to be a short-term solution of approximately two years to allow the increase in bull/cow ratios. Aligning the State and Federal regulations for this timeframe by eliminating the spike-fork option will allow bull/cow ratios to recover to management objectives more quickly addressing conservation concerns.

In addition, increasing the brow tine requirement to four brow tines will limit the number of
large bulls harvested in the area while still allowing
for a harvest opportunity of bulls with 50-inch antlers
regardless of the number of brow tines. The Federal
season from August 10th through September 20th is 10 days
longer than the State season and provides a subsistence
priority. Additionally there is a Federal season in
Units 15B and C not found under State regulations from
October 20th through November 10th providing an
additional 20 days of harvest for Federally-qualified
subsistence users. Requiring the sealing of antlers will
allow for more accurate tracking of legal harvest to
effectively manage the moose population on the Kenai
Peninsula.

Thank you.

CHAIRMAN TOWARAK: Any questions of the
Board from -- no, I meant to the Staff.

MS. K'EIT: Mr. Chair, this is Kristin K'eit.

DR. WHEELER: Kristin.

CHAIRMAN TOWARAK: Oh, go ahead, Kristin.

MS. K'EIT: Thank you. I do have a
question. I don't have all my materials in front of me
so I apologize if you've provided this already. I
remember clearly the comment or the information that
other options were considered but that this is considered
as like an option preferred by the Refuge. What were
those other options and what were some of the criteria
used to eliminate them?

MS. BROWN: The first alternative that
was considered was maintaining the current Federal
regulations regarding antler restrictions despite the
changes that occurred in the State antler restriction --
regulations.

The proposed changes in antler
restrictions are designed to be a short-term two year
management strategy to increase the bull/cow ratios. If
the Federal subsistence regulations continue to allow the
spike-fork and three brow tine moose to be harvested,
many Federal users who have been harvesting under State
regulations may choose to hunt under the less restrictive
Federal moose regulations, which would therefore minimize
expected conservation gains from this new harvest.
strategy. Then maintaining the current Federal regulations to determine whether there will be an increase in the number of Federal permits used for the first year could delay the benefits of the new harvest strategy and negatively impact Federally-qualified users in the future.

The second was establishing a quota for spike-fork bulls or bulls with 50-inches or three brow tines for the Federal season. Quotas have been established for moose in other units throughout Alaska. Typically if the herd's growth rate is approximately 10 percent in a given year, the harvest objective for that hunting season is two to three percent of the herd. Although a quota system could be used it would be difficult to manage the hunt in-season as the quota numbers would be relatively low. If there were a large number of hunters in the field it would be very difficult to close the hunt in a timely manner and avoid over harvest which could adversely impact the productivity. Harvest reporting would be very important as would the number of days in which an individual has to report.

The third was maintain the current Federal antler restriction in Unit 7 and change the Federal season in Unit 15 to align with the State season. While reported harvest by Federally-qualified subsistence users has been small, approximately one-third, 32 percent of the harvest from 2004 to 2009 has been spike-fork bulls in Unit 7 and 62 percent were bulls with antlers that were 50-inches or three or more brow tines. The proposed regulation would allow the maximum increase of bull/cow ratios without closing the season. Similarly if Federal subsistence regulations continued to allow the harvest of spike-fork and three brow tine many Federal users who have been harvesting under the State regulations may choose to hunt under the less restrictive Federal moose regulations minimizing any conservation gains through this two year harvest strategy.

The next was closure of the Federal public lands to non-Federally-qualified users completely or by subunit. Federal public lands within Unit 7 are managed by the Chugach National Forest. The Chugach National Forest Plan lists moose as a management indicator species and has a goal of maintaining habitat to produce viable and sustainable wildlife populations that support the use of fish and wildlife resources for subsistence and sporthunting and fishing, watching wildlife conservation and other values. Federal public
lands within Unit 15 are managed by the Kenai National Wildlife Refuge which has a mandate for recreation uses including recreational hunting. If all Federal lands were closed to non-Federally-qualified subsistence uses or if just one subunit were to be closed it would put additional hunting pressure on State managed lands or the remaining subunits thereby negating conservation benefits for those areas. Federally-qualified subsistence users have an extended early season and a late season that season that is not available to non-Federally-qualified subsistence users.

The next option was to eliminate the spike-fork antler restriction but maintain the 50-inch or three brow tine antler restriction, the State maintain the drawing hunt for Unit 15B East but still have 50-inches or three brow tines but change all other hunts to four brow tine.

This is a two year short-term management strategy to increase bull/cow ratios as much as possible during this timeframe.

ADF&G has a drawing hunt for Unit 15B and has maintained 50-inches or three brow tine antler restriction for 50 drawing permits from September 1st to September 30th. These drawing permits are available to both Federally-qualified users and non-Federally-qualified users.

And that was it.

MS. K'EIT: Okay, thank you.

CHAIRMAN TOWARAK: Further questions.

MR. CRIBLEY: I guess I -- and this is probably more of a procedural question than a resource question. The action that we're taking here is emergency action and it's only good for 60 days, so it'll only be effective for this hunting period.

MS. COLE: Correct.

MR. CRIBLEY: We're talking about actions for -- or Alaska Fish and Game's action is a two year restriction or adjustment, what -- what, from the standpoint of subsistence, what's the next step, or what takes -- what happens next from the standpoint of the remainder of the two years, or what's the plan?
MS. COLE: There are two proposals that have been submitted, currently in our proposal cycle, addressing those very same issues, and because of the emergency nature and our proposal cycle is two years.....

MR. CRIBLEY: Right.

MS. COLE: .....taking this special action will then be translated over to the proposals.....

MR. CRIBLEY: Okay.

MS. COLE: .....and that will be a two year regulatory cycle, so it'd be in effect starting this next year.

MR. CRIBLEY: So essentially what.....

MS. COLE: If the Board approves it.

MR. CRIBLEY: Yeah. What would happen then -- well, regardless of what happens here it's still the intent to try to -- or bring before the Board through the normal process, the restriction in harvest.....

MS. COLE: That's correct.

MR. CRIBLEY: .....to help deal with the conservation issues of the herd -- okay.

CHAIRMAN TOWARAK: Could you review our communications with the Regional Advisory Councils on this issue.

DR. WHEELER: Certainly. This is Polly Wheeler. Just for those of you that are on line the Chairman asked me to review the communications with the Regional Advisory Councils.

At the spring meeting of the Southcentral Regional Advisory Council, the Kenai National Wildlife Refuge manager came and spoke to the RAC about proposed changes before the Board of Game. The Board of Game hadn't taken action yet but he was giving the Southcentral Council a head's up on what actions might be considered by the Board of Game. Subsequent to that -- and the Refuge manager did tell the Council that depending on what the Board did, that proposals would likely be submitted through the regular process. To be honest I don't think anybody expected this Board of Game
to do the regulatory changes that they did -- that they
took at that time, but nonetheless they did that.
Subsequent to that when the Board mentioned this last
week -- well, I don't want to speak for you Andy, so you
can certainly jump in, but I know Andy Loranger, the
Refuge manager had contacted several of the RAC members
living in the affected area to discuss this special
action with them, the Board also heard last week at its
meeting from Judy Caminer, who spoke, representing some
of the perspectives that were discussed by the Regional
Advisory Council at their spring meeting with regard to
some proposed regulatory changes, the transcript from
that discussion, the Regional Advisory Council discussion
last spring, was included as an appendix to the analysis
to ensure that the Board saw the full discussion that the
Regional Advisory Council had. You all received an email
from Judy Caminer on Sunday evening, which I made sure
was forwarded to everybody -- or select Board members got
it on Sunday evening and I forwarded it to everybody and
the InterAgency Staff Committee on Monday morning, and
then we received these four letters, which I've also
forwarded to the Federal Subsistence Board and the
InterAgency Staff Committee members as soon as I got
them. And I've had discussions with four attorneys
yesterday, one of whom was Sky Starkey who called me.

MR. CRIBLEY: I guess one other --
another question I've got, my understanding is that
there is a second season, a winter hunt kind of we would
term it, that it's just a subsistence hunt, it's not a
State hunt also, so the only hunters are those who
qualified for subsistence permits, I guess my
understanding is, is that the Refuge manager has
discretion on that hunt if they choose and if I could get
a clarification on do they, do they -- has there been any
discussion of limiting that hunt or affecting that hunt,
based on what happens here today?

DR. WHEELER: Andy, did you want to take
that?

MR. LORANGER: Yes, it is correct, that
we are the in-season manager and by regulation we have
authority relative to opening or closing that season and
there have been discussions in regards to what steps need
to be considered moving forward depending on Board action
today.

MR. CRIBLEY: Because, I guess, my
understanding also is, is this action, whatever this
action is, does not affect that hunt so even if we do
restrict the harvest or what animals qualify for harvest,
either we'd have to readdress it again or it would come
back to what the current definition of what is
harvestable?

DR. WHEELER: Correct.

MR. CRIBLEY: Would it be the intent of
Fish and Wildlife Service to come back and ask for
another emergency adjustment on that or what -- is there
a plan there as to how they are planning on dealing with
that or do they know yet?

MR. BERG: This is Jerry Berg. We
actually did submit two special actions to OSM. One to
deal with this season and one with the late season. So
I guess depending on what happens here today, whether
that -- we may withdraw and change that special action to
mirror kind of what the Board does today or we may just
let that one go through, it kind of depends on what --
but, you know, we do intend to address it in some form.

MS. COOPER: But, Mr. Chair, can I.....

CHAIRMAN TOWARAK: Go ahead.

MS. COOPER: Mr. Chair. But regardless
of what this Board decides that October 20th to November
10th late hunt could be closed at any time for
conservation concerns by Andy. And this -- but it's
currently open to both spike fork and four brow tines or
three?

MR. BERG: Three.

MS. COLE: Three.

MS. COOPER: Three. So it couldn't
necessarily be modified like elimination of spike it just
could be closed?

MS. BERG: Correct.

MS. COOPER: Mr. Chair, can I ask a
question.

CHAIRMAN TOWARAK: Go ahead.

MS. COOPER: I've heard it bandied about
that there were only four moose taken by subsistence users, was that for 15A or 15B or 15C or all of 15, do we -- and I realize that number would grow significantly if there was more opportunity for subsistence -- Federally-qualified subsistence users than for sport users, but as it stood last year, do we know if that four was as low as it sounds?

MS. COLE: I do know from the table that was included in the analysis that it is low. The actual harvest under Federal regulations for Federally-qualified users is low. For Unit 7 remainder, Unit 15A, Unit 15 B, but -- I don't know how to qualify but there is more use, more harvest within Unit 15C of spike-fork. And the percentage of the actual harvest isn't included in that table of what consists of spike-fork within those.

MS. COOPER: Thank you.

MS. COLE: And Table 7, basically shows the number of permits that were requested or issues, those individuals that hunted and those individuals that were successful within those communities that have customary and traditional use determination within 15. Part of the argument from the concern of being Federal users who are harvesting under State regulations currently could then, under Federal regulation, harvest without that competition because it would be closed under State regulations, would see an increase, so looking at.....

MS. COOPER: In success rate.

MS. COLE: Correct, yeah. So individuals, for example, Unit 15, say Ninilchik, 153 were issued, 153 hunted but only 30 were successful. So if you're looking at that 153 to 30 being successful without that competition, could it be argued that that may increase.

MS. COOPER: Or that the number of issued permitted would go up anyway.

MS. COLE: Right.

MS. COOPER: Because we don't (indiscernible - simultaneous speech).....

MS. COLE: Yeah.
MR. CRIBLEY: I guess, another question, Mr. Chairman, is then if the Board decided not to take action and they're -- I mean right now the assumption is, is that there'll be a shift if we don't take action and there'll be more subsistence permits issued, so that may cause an increase in -- or we may not meet our objective from the standpoint of reducing the bull harvest, if, in fact, that did become apparent, Fish and Wildlife Service or the Refuge manager would still have the option of shutting down, too.....

MR. ARDIZZONE: You'd have to do a special action, he doesn't have the in-season management authority for the early season.

MR. CRIBLEY: No, I'm saying the late season.

MR. ARDIZZONE: Thee late season.

MR. CRIBLEY: He could then defer or decide not to have the late season hunt to try to offset the -- or to try to balance out the harvest, but that's another way it could go, I guess, that tool, if, in fact, he did see either the -- or I guess the overall harvest did not go down based on the decision or lack of decision on the part of the Board, or final action on the part of the Board.

MS. COOPER: I have another question. Let me explain my thought process before I ask a question. Just looking at the chart for 15A, 15B and 15C where harvest is segregated by age class, it looks like there are very, very few taken that are over 50-inches and have more than four brow tines, and given that you might consider that a trophy animal, I understand that the responsibility of this Board is more to provide for subsistence rather than manage for trophy; I'm a little concerned that the subsistence opportunity is more focused toward the spike-fork than those that are eating animals in a lot of cases and that we would eliminate any opportunity for subsistence users.

(Indiscernible - Beeping interruption)

MS. COOPER: So I guess one question that comes to mind is -- and this is for either OSM or the Refuge manager is, have we explored fully the option of a quota of spike-fork take?
MS. COLE: Just in -- not at any length other than saying what is under the alternatives considered section that we have that it is possible. The challenges that that would raise, in terms of executing that quota, were really what was focused on, considering the in-season manager, the timeframe of having a lot of hunters in that area, how do you get word to them that it's been -- the quota has been reached and you can no longer harvest. And then harvest reporting within that, obviously, is very, very critical. It's always a difficult thing to get to begin with and then having it to be such an expedited process, that's why it was disregarded.

In addition, just to bring you back to Table 4, this is just for spike-fork. Maybe this should be a table that I have -- more harvest was actually done by subsistence users for 50-inch or three brow tine than there were for spike-fork.

MS. COOPER: Oh, is that right?

MS. COLE: Yeah. And that's in the language, in the paragraph, but I didn't make a table about it, but let me see if I can find -- yeah, so I can see that -- if I had a calculator I could do it right now.

MR. ARDIZZONE: I just want to make a point, too, you got to remember, kind of focus in on brow tines -- I'm sorry, Chuck Ardizzone, OSM. We're focusing on brow tines here, but 50-inches is 50-inches, if you have 50-inch antlers, you're legal, I don't care if you have one brow tine, two brow tines, three brow tines or four, we're kind of getting off on a little tangent on the different brow tines, it makes a difference but there are quite a few 50-inch bulls out there.

MS. COOPER: Uh-huh, you need to say or instead of and.

MS. COLE: Yeah.

MS. SMITH: Mr. Chairman, if there are no more questions.....

CHAIRMAN TOWARAK: Sure.

MS. SMITH: .....I would like to make a motion. This is LaVerne Smith with the Fish and Wildlife
Service, and my motion would be that we adopt the special action request 11-02 with one modification. And that modification would be that we allow hunters to fill the antlers at either the Kenai National Wildlife Refuge or at the Forest Service office in Moose Pass, and this would be in addition to being able to fill antlers at the Fish and Game offices identified in the SAR. And I'd be glad to provide my rationale and support for this motion if I get a second.

CHAIRMAN TOWARAK: Okay.

MR. OWEN: Second.

CHAIRMAN TOWARAK: There's a motion and a second on the floor. The floor is open for discussion.

MS. SMITH: Well, I'll provide my rationale and then will be glad to answer questions or discuss it further.

I think that, you know, the biological information clearly identifies that there's a conservation concern in Unit 7 and 15. We're concerned about the declining population numbers but I think even more importantly we're concerned about the low bull/cow ratios. We believe that if we take action now, hopefully within a couple of years we could see good results and we could see the population improving and the bull/cow ratios improving.

We believe without similar action to what the Board of Game has already done, it's likely that many Federally-qualified users would shift their effort over to a Federal permit and that would negate the conservation gains that we're looking for.

Unfortunately I think we're in a situation where the substantial harvest restrictions are needed. This does just apply to the 60 day period and more consideration of this will be ongoing through other action.

A special action request to extend these protections for the late season is still further action as we just talked about earlier.

And we believe that if we don't take action now that it could result in restrictions that would be needed for a longer period of time as the
population would get to a lower level and it would be harder for it to rebound.

This action should help us get the population back to being a healthy and stable population so we can return to a more liberal hunting regulations in place for future years.

And we believe that subsistence users will continue to be provided a priority with the additional 10 days prior to the State season and 20 days late season hunt.

We also believe that there will be long-term subsistence users will benefit from the conservation actions that we're taking because the population will be healthier in the long-term.

We realize that putting all the hunting pressure on the larger bulls is not sustainable for a long-term strategy but the intent is for this to be a short-term restriction that will, again, hopefully get the population to respond fairly quickly.

Finally, the motion will allow hunters to fill their antlers where it is more convenient for them and this will provide us with more data for using in managing the population.

I also just wanted to note that we do realize that the Alaska Board of Game took their action in March and it's taken us some time to complete our independent review, we got all the data, we did an independent review of all of the data and analysis and I don't think we've done this, you know, lightly, I think we've went into a lot of discussion, a lot of the review of the data, and it was a very tough call but it's one that we believe is in the best interest of managing the population so that it's healthy for the long-term which will benefit subsistence users.

And I think, myself, Jerry and Andy, we'd all be glad to answer any questions during the discussion period.

CHAIRMAN TOWARAK: Any further discussions.

MS. K'EIT: This is Kristin K'eit.
CHAIRMAN TOWARAK: Go ahead, Kristin.

MS. K'EIT: Thank you, Tim. I do have a question, I don't want to lose the opportunity for questions, it might take me a second here to kind of formulate it. I'm trying to better understand what the special -- emergency special action, what the effect will be on our subsistence users, especially in the four villages that are a part of that Southcentral RAC in relation -- and understanding this effect in relation to some of the points that were brought up by the Southcentral RAC and Greg Encelewski's letter.

CHAIRMAN TOWARAK: Does anyone have answers to her question?

DR. WHEELER: This is Polly Wheeler, Mr. Chair. I don't want to speak out of turn here, and I also don't want to speak for subsistence users, but I think that Mr. Encelewski, in his letter, which I got at 2:24, so I probably sent it out to people at about 2:30 or quarter of 3:00, and he lays out what he sees as being the impacts, he says this isn't an emergency, he addresses some of the issues, LaVerne, that you've just addressed, he says there's several options for addressing conservation concerns that don't eliminate subsistence opportunity, he makes the point that an extra 10 day season is meaningless if the moose the hunter is allowed to take are not available, he says that the RAC members discussed this issue at the March meeting, that the Fish and Wildlife Service can exercise expedited reporting and emergency closure authority to control the Federal subsistence harvest. They could -- Federal lands in Unit 15C could be closed which would reduce impacts. Only residents of Ninilchik, Seldovia, Port Graham and Nanwalek have C&T for moose in 15C so if those Federal public lands were closed then that would provide opportunity.

And I'm summarizing this as best I can, Mr. Chair, and I don't know for those of you that have had a quick opportunity to look at it, if you want I can read it into the record if that would be better. I don't know what the Board wants to do. I guess I'll take direction from the Board, Mr. Chair.

(No comments)

DR. WHEELER: Hearing none, I'll continue.
He also says that if the Board is concerned that there are too many potential subsistence hunters for a limited number of moose that can be harvested, the Federal Board should and must implement .804, Section .804 of ANILCA analysis, meaning picking from amongst those that are most dependent upon the resource, similar to the State's Tier II system.

It says there's a number of spike-fork moose that can be taken from 15C without causing an emergency conservation concern, particularly since the emergency is not so dire as to require the closing of Federal lands to all those except rural subsistence -- or rural residents, sorry, with C&T use, which is four villages, and particularly since the State is allowing a drawing hunt for 15B for moose outside the 50-inch four brow tine restriction. He said if there is some number of spike-fork moose available in 15C and he claims that there is, then the Federal Board should issue permits for the taking of this number of animals through the criteria in Section .804 amongst those rural residents that live in the four villages with C&T use.

MS. K'EIT: Thank you, Polly.

DR. WHEELER: I hope that's what you wanted, Kristin, I'm sorry if it was sort of a rough summary.

MS. K'EIT: I think it was adequate, yeah, I think that works.

So are there any responses to that from the Staff members or OSM Staff or the Refuge manager?

CHAIRMAN TOWARAK: Go ahead.

MS. COLE: Hi, this is Cole Brown with OSM. We might want to defer to Andy but I got this from him regarding the bull/cow ratio in Unit 15C, you want to clarify that Andy.

MR. LORANGER: The bull/cow ratio in Federal lands within the Refuge within 15C the Caribou Hills area, primarily, Southshore, Tustumena Lake, et cetera, is an area that traditionally has had high bull/cow ratios. The moose composition surveys which first indicated an issue with -- a potential issues with bull/cow ratios in 15C occurred in 2007/2008 season. A pretty drastic decline was indicated. In the following
years a more intensive survey of those traditional count
areas was conducted by the Department, which, once,
again, determined that the bull/cow ratio had fallen into
the low double digits, somewhere in the 10 to 12 range.
And in the most recent season, snow conditions allowed
for a much more comprehensive larger scale moose
composition survey by the Department in 15C so they did
addition -- in addition to those traditional count areas
where the problem was first detected they did some
adjacent survey areas in the vicinity of 700 to 800
square miles and classified over 700 moose and basically
confirmed the concerns about low bull/cow ratios, again,
being in the nine to 10 range per 100 cows, which is a
very -- very, very significant conservation concern from
any perspective.

MS. K'EIT: Okay. Okay. How about a
response to Mr. Encelewski's reference to .804 priority?

(No comments)

DR. WHEELER: I think that the defining
silence that you're hearing, Kristin, is that that wasn't
addressed -- it wasn't addressed in the analysis.

MS. K'EIT: Okay. So is it an option, is
it not an option because it's too precedent setting, is
it -- are we not at an extreme enough conservation issue
to look at something like that, what would be any
discussion on that area?

DR. WHEELER: Typically it goes -- you
know, typically they would go through a stepwide process,
where you would close Federal public lands, and then the
next step would be to do an .804, that's oftentimes how
it's done, although sometimes they are done in
conjunction with each other; in Unit 19A for moose, for
example. But the step hasn't been taken to close Federal
public lands to all but Federally-qualified users. I
think in this case, you know, since there are just the
four communities, going on Mr. Encelewski's letter, then
if Federal public lands were closed, maybe an .804 would
not need to be done, I don't know. But I think that the
first step of closing Federal public lands was rejected
as not -- as an alternative considered but that wasn't
the alternative that was put forward. So think that's
where it stopped.

MS. K'EIT: Okay.
MR. BERG: Well, and, Kristin, this is Jerry Berg. You know, I think if you went to .804, that would mean that, you know, you would be issuing some permits for spike-fork and I don't know if you had a chance to look at Figure 10 in the analysis, but you kind of look at those different projected lines of where the bull/cow ratios might end up and if, you know, once you start harvesting some of those bulls you're just reducing, you know, the impact that you're going to gain from the restriction, so, you know, so like -- you know, like LaVerne was saying you're just going to -- you could end up with restrictions that would be in place for longer if you were to allow some of those bulls to be taken.

MS. K'EIT: Right.

MS. SMITH: This is LaVerne. Just to build on what Polly and Jerry just said. I mean I think as we started trying to evaluate this issue and looking at the conservation concerns and the low bull/cow ratios and some of the habitat changes and things that are going on on the Peninsula, I mean we sort of summarized the options, sort of four options, and this is in a very broad and general way, but, you know, the most restrictive, the most protected, where you would get the, you know, the most conservation gains most quickly would be to do some sort of closure.

The second option would be, sort of what we're recommending, is to restrict it to the four brow tines or 50-inches throughout. We sort of felt like that would make good progress towards the conservation goal but it also still allows some -- it still allows a subsistence harvest opportunity and it still allows some recreational harvest opportunities as well and we felt like that that was consistent with the recreational purpose in ANILCA for the Kenai Refuge, which that's the only Refuge we have that for, as well as with the subsistence Title VIII requirement. So that's sort of why we went with that sort of second option, we feel like it makes good progress to the conservation goal, but it still allows, you know, subsistence opportunity.

The third option is sort of where the State is, which is the four brow tines and the 50-inches except in 15B east where the State is allowing three brown tines and 50 inches and so they're sort of a different option than us at this point.
And then one of the other main options that I think was looked at, when Cole went through the different alternatives that were considered, was the idea of going three brown tines and 50-inches throughout Units 15 and 7.

And we were sort of just trying to look at those and choose the one that we thought would help us make adequate progress on the conservation gain and still allow some level of harvest and that's sort of how we came in at that second option, which is short of closures.

MS. K'EIT: Okay.

MS. SMITH: So that's why we didn't go to .804 because we didn't choose the closure option.

MS. K'EIT: Okay. Thank you, LaVerne, for that summary, I really appreciate that.

MR. OWEN: Question, Mr. Chair.

CHAIRMAN TOWARAK: Go ahead.

MR. OWEN: This is Wayne Owen for the US Forest Service. LaVerne, on your motion you mentioned the possibility of tagging at Moose Pass, however, I know that our in-service [sic] manager Mr. Burcham, has been speaking with ADF&G and it's my understanding that they are open to sort of broader assistance in the antler sealing. Maybe it would be -- maybe there's an opportunity for other places, other than Moose Pass, you know, for example, we have the Seward Office and we have law enforcement officers that are sort of, you know, cruising around that area, you know, and are familiar to the people in those communities, just in terms of making that service more convenient and the hunters that are still out there more compliant to get their antlers sealed.

MS. SMITH: That would be great, I mean that's the goal, is to, you know, make it easy for people.

MR. BURCHAM: This is Milo, can I make a suggestion?

MS. SMITH: Yes, I -- well, I.....
CHAIRMAN TOWARAK: Yes, this is the Chairman, go ahead.

MR. BURCHAM: Yeah. Along those lines, rather than specify a location, maybe just specify getting antlers sealed by Forest Service personnel or Refuge personnel.

CHAIRMAN TOWARAK: Is that agreeable with the maker of the motion, and the second?

MS. SMITH: It is.

MR. OWEN: It is with the second.

CHAIRMAN TOWARAK: Okay. Then we will reword the motion. Are there further questions or discussions.

MS. COOPER: Yeah, Mr. Chair.

CHAIRMAN TOWARAK: Go ahead.

MS. COOPER: I would just like to ask the Refuge manager if there are plans to go back to the RAC, particularly at the end of the fall hunt, with kind of the details of how it went, what the harvest looked like, whether this is going in the direction we want it to go in and then come back to -- so that the RAC has that information to consider, particularly on a future proposal that we might be considering, and bring that information back to the Board as well?

MR. LORANGER: This is Andy Loranger, the Refuge manager. Certainly our intention is to provide the RAC with as much information as we have. The RAC meeting may be prior to the fall moose composition surveys so we may not have that information available but we would certainly have harvest information from the early season.

MS. COOPER: Thank you.

DR. WHEELER: And if I could add to that, Mr. Chair, and for the other Board members, the Board will be considering those two proposals at its January 2012 meeting and that kind of information will be provided to the Board at that time, and the Regional Council Chair can also weigh in too so there'll be additional opportunities down the road given the
scheduling that we're dealing with.

MS. COOPER: Thank you.

CHAIRMAN TOWARAK: And also to the fact that since there's a lot of interest from the Traditional Councils, I think if there's a way to do it conveniently without creating a communications problem, you know, I would like to -- I would personally like to see the tribal councils get the information as soon as possible also.

Further discussion.

(No comments)

CHAIRMAN TOWARAK: Is there a call for the question.

(No comments)

CHAIRMAN TOWARAK: If there isn't any further discussion, I see that as the only.....

MS. SMITH: Can I call for the question even though I did the motion?

CHAIRMAN TOWARAK: Yes, any Board member could call for the question.

MS. SMITH: Okay, I would call for the question.

CHAIRMAN TOWARAK: Question's been called for, and there was a request that we vote individually.

DR. WHEELER: A roll call vote.

CHAIRMAN TOWARAK: A roll call vote.

DR. WHEELER: I can do that, Mr. Chair, if you'd like.

CHAIRMAN TOWARAK: Sure.

DR. WHEELER: Kristin K'eit with BIA.

(No comments)

DR. WHEELER: Kristin.
(No comments)

DR. WHEELER: That's weird. Is everybody on line or is anybody on line?

MR. OWEN: yes, I'm still here, maybe Kristin has her mute button pushed.

DR. WHEELER: Maybe she doesn't want to vote.

(Laughter)

DR. WHEELER: Okay. Then I'll move up the list. Wayne Owen with the Forest Service.

MR. OWEN: Aye.

DR. WHEELER: Deb Cooper with the National Park Service.

MS. COOPER: Yes.

DR. WHEELER: Bud Cribley with the Bureau of Land Management.

MR. CRIBLEY: Yes.

DR. WHEELER: LaVerne Smith with Fish and Wildlife Service.

MS. SMITH: Yes.

DR. WHEELER: Tim Towarak, Chair of the Federal Subsistence Board.

CHAIRMAN TOWARAK: Yes.

DR. WHEELER: And one more chance for Kristin K'eit, BIA.

(No comments)

DR. WHEELER: Maybe she had to step away, Mr. Chair. But there were five in favor and one didn't vote, so, Mr. Chair, the motion would pass.

CHAIRMAN TOWARAK: Okay. That takes care of the action today. And for those listening, too, I would like to really reiterate that this is an emergency
situation and that we are open for any discussions on the
long-term solution to this temporary -- our current
situation. I think there's an overabiding concern for
conservation and if I remember right, part of our charge
as the Board for the subsistence -- Federal Subsistence
Board is to base our actions on long-term protection for
subsistence users on Federal land, and I personally try
to use that as a mantra in making my decisions. But if
there are opposing views to that -- to the current
action, we'd like to hear some of those while we're doing
our long-term solutions.

Any other actions at this meeting.

(No comments)

CHAIRMAN TOWARAK: Not hearing any, is
there a motion to adjourn.

MR. CRIBLEY: Motion to adjourn.

MS. SMITH: Second.

CHAIRMAN TOWARAK: There's a motion and
a second to adjourn, any objections to the motion.

(No comments)

CHAIRMAN TOWARAK: Motion passes
unanimously.

Thank you all to those that are on line.

(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 Owner of Computer Matrix, do hereby certify:

THAT the foregoing pages numbered 2 through 30 contain a full, true and correct Transcript of the Meeting recorded electronically on the 19th day of July 2011, Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed under my direction;

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

DATED at Anchorage, Alaska, this 27th day of July 2011.

____________________________
Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 9/16/14