MEMBERS PRESENT:

Mike Fleagle, Chairman

Charlie Bunch, Bureau of Indian Affairs
Julia Dougan, Bureau of Land Management
Geoff Haskett, U.S. Fish and Wildlife Service
Wini Kessler, U.S. Forest Service
Sue Masica, National Park Service

Michael Bangs - Southeast RAC
Judy Caminer - Southcentral RAC
Molly Chythlook - Bristol Bay RAC
Sue Entsminger - Eastern Interior RAC
Weaver Ivanoff - Seward Peninsula RAC
Jack Reakoff - Western Interior RAC

Denby Lloyd, State of Alaska Representative

Keith Goltz, Solicitor's Office

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Good morning, Craig.

Welcome.

MR. FLEENER: Good morning, Mr. Chair.

Thanks a lot. It's great to be here. It's almost like being back on the Regional Advisory Committee except normally I sat on the side, so it's good to see everybody. This will be a pretty short presentation. I've had a lot of people reminding of how I can go on, so I'll try not to do that too much. But the community harvest hunt was something that was thought up -- I'm not even sure how long ago now. At least ten years ago I think and the communities in the Yukon Flats were very concerned, very curious, very interested in working with the State Biologists who recognize their customary and traditional hunting and fishing patterns and so wanted to see what would happen if they asked the State or the Board of Game to try to come up with a plan that allowed them to practice their customary and traditional methods of hunting.

And some of those methods include longer seasons or seasons that are not necessarily within the traditional State seasons but seasons that are more flexible, allowing for community hunters and those would be the typical hunters in the community who do the majority of the food harvesting, not focusing on one moose for every individual but allowing for multiple bag limits for an individual because that follows the traditional patterns.

This is not necessarily something that
was customary and traditional, but it was one of the
requirements and that is to use a hunt administrator
and that person typically works in or for the tribal or
tribal government and monitors the hunt over time,
coordinates the hunt with the Department, ensures that
all of the potential hunters or participants of the
community hunt actually sign up. And so what happens
if a community proposes a hunt and it's authorized by
the Board, the hunt administrator is responsible to
sign up everyone that wants to participate. So if you
have a hundred people in the community that want to
participate, the hunt administrator would need to go
out and get those 100 people to sign up and then that
person would actually collect their harvest tickets and
so the hunt administrator would have a hundred harvest
tickets in their hand and they would distribute those
to the community hunters.

So if you have 15 people in the
community that do the majority of the hunting, you
could take those 100 harvest tickets and distribute
them to the community hunters and they could go and
fill the bag limits for that. That was one of the real
big advantages because that -- I think that's one of
the things that communities wanted most in addition to
the variable seasons or the flexible seasons that fit
better with the -- I guess with the natural seasons in
the community.

Currently we have three community
subsistence harvest/hunt areas that are recognized in
the regulations and just in case anybody wants to jot
them down, I have the numbers here. It's 5AAC92.072
and .074. Those talk about the community subsistence
harvest program. The three that we have currently are
in Chalkyitsik and that's for moose, the Yukon Flats
which is basically GMU 25D which is for black bears,
and then in the AHTNA communities and I think it's in
GMUs 13 primarily and part of 12 if I remember right
and that's for moose and caribou.

And when I just sat down, Tina actually
asked me to discuss a little bit more about the AHTNA
communities, so I'll do that at the end of this part of
the presentation. But the process -- back to the
process a little bit. A proposal was basically
submitted to the Board of Game. Hopefully it's been
discussed and worked with the -- worked through with
the area biologist first to make sure that all of the
details are hashed out and in the case of the AHTNA,
there was a very long discussion. There were a number
of meetings and the AHTNA and the Board members and the
Department Staff from Subsistence Division and Wildlife
sat down and actually wrote the plan out together and
it was a very complicated plan, but I think it -- in
its first year, it did a pretty good job of meeting the
community needs and avoiding a lot of controversy.

So a proposal was submitted to the
Board of Game. The proposal must include a geographic
description of the proposed hunt area and it must
include species and the population to the harvested.
Really important that you include verification of a
custom of community-based harvest and sharing of the
population and the reason that's so important is
because that -- it is designed to be a community hunt.
It's not designed to be an individual hunt or a group
of buddies hunt. It's designed to be a community -- a
recognized community of hunters that has a tradition
that -- or that follows this sort of a tradition.

Also needing to be included are any
other characteristics of harvest practices in the hunt
area that would make it easy for the Board members to
differentiate between this and any other normal type of
hunting and of course the assignment of a hunt
administrator. Once that is submitted to the Board,
the Board deliberates and determines whether or not
they will allow this sort of a hunt.

There are some restrictions that apply.
Participants typically that participate in this can't
hunt the same species with the same bag limit in other
parts of the State. So it's not really a free-for-all
where you can participate in this community hunt and
then fly over across the State and get another moose or
another caribou there, unless the bag limit in some
other part of the State is higher, then they can
participate.

And the -- I guess the other
restriction that applies is that -- and this is a
fairly serious one and one reason that we try to work
very closely with the community hunt administrators is
that if the hunt administrator fails in their reporting
duties, they actually may not be reauthorized for
another hunt. And so we haven't been to that point
yet. We've had some struggles along the way to make
sure that things are done right, that the paperwork is
followed, that information is turned in in a timely
manner, but instead of going straight to your cutoff, we try to work with the community and I think that's been a much better way of building a good relationship with a community and recognizing their customary and traditional patterns and getting better data as well.

One of the reasons this is a good project for the State on the State perspective is data and in a lot of the rural communities as you're very well aware, it's tough to get good harvest data and with this, if you have a good hunt administrator turning things in a timely manner, we actually get some pretty good data. So that's important.

The AHTNA community hunt, I don't have much more to add here, but the AHTNA asked for and received a community quota on the caribou side anyways of 300 and that is an individual bag limit that's distributed to the communities involved and I won't read the community names because they're listed in the statute and you could look them up if you want to.

But there are individual quotas that are given to each of the communities and there is a Tier I opportunity in the area. There is a community hunt. The Tier I opportunity is for 300. The community hunt is for 300. Then there's actually an additional drawing opportunity for others that are not successful in the Tier I and that are not part of the community to actually participate in the hunt as well. But there's a special requirement for that hunt and that is that the individuals that participate in it actually have to share a portion of their take with the community.

And surprisingly when I first heard that this was being put in process, I thought it was crazy, but it turns out that there were a lot of people who applied for and received these special drawing permits and they were actually pretty happy about it. They were happy to get a caribou. They were happy to go hunting. A lot of them had not been able to hunt in this area anyways because it was locked up for so many years through the Tier II process. And they actually didn't mind sharing and that is a very important component here, especially to the AHTNA, to the entire community harvest program is sharing, and so I think that worked out remarkably well.

And of course the most important thing
for the AHTNA from their perspective is that their communities get food, that communities get meat, and so this -- initially you would think that this additional opportunity would remove some opportunity for meat for the communities, but it actually didn't. It increased the amount of meat in the community because -- in the communities I should say because of those folks who had to share back with the communities. So I think it worked out fairly well.

And I think that's enough for now. I think that's a pretty tight wrap-up and well within my time limits.

(Laughter)

CHAIRMAN FLEAGLE: Thank you, Craig. Appreciate that. I remember being on the Board of Game when we did the first one and that was in 2000 for Chalkyitsik and it was a pretty innovative idea to try to help the people in the local area maintain their prior practices and -- but I remember one problem that we ran into or one potential problem was with the State's law and the McDowell decision that you can't discriminate based on residency.

And I don't recall -- I'm pretty sure that an original hunt was set up to where anybody that wanted to apply to participate in the community harvest quote for Chalkyitsik could, but the way it was set up not many wanted to I guess was the -- is that how it's kind of set up with this.....

MR. FLEENER: Yes, Mr. Chair. Thank you for the question. That's exactly right. Anybody that wants to can sign up. So you -- typically there is still a boundary identified and so they -- for the most part, they wanted to be for their community, so they set up their community as the boundary, but other people can sign up. It's an open sign-up, but you're exactly right. A lot of folks just don't want to be part of that community.

In addition to that, not everybody in the community is forced to participate. I guess this is an important point that I left out, but if I lived in Chalkyitsik, I didn't necessarily have to sign up for the community hunt. I could go out and get my own moose. But if I did sign up for the community hunt, my harvest ticket would go into the pot with everyone
else's and then they would be distributed to the community hunters.

CHAIRMAN FLEAGLE: Is there any harvest report data that shows that the success rate has improved or stayed the same or has it changed at all for the community? I'm talking Chalkyitsik because it's been going for ten years. I know these other ones are fairly new, but has it altered the harvest data?

MR. FLEENER: Well, I don't have the answer for that question right off the top of my head and being from Fort Yukon and working for the Council of Athabascan Tribal Governments for so many years, I was actually tracking harvest levels in all of the communities in Yukon Flats and I actually noticed some very interesting trends that I don't think were really associated with the community harvest program. I actually noticed a trend -- actually the most startling trend I noticed is when they got satellite TV and it's very interesting and weird, but I don't think that there were any major differences as far as the number of moose harvested or the number of black bear, for example, in the Yukon Flats, but certainly the reporting got better because there was a hunt administrator and it was kind of a third party doing the reporting, so it was -- it wasn't quite so personal with the hunters themselves.

So for a while, at least while I was up there, the reporting got better, but I'm sorry to say that I don't have the data to give you a definitive answer right now.


MS. CAMINER: Thanks. Craig, one of the concerns Southcentral Council had when we were discussing the proposal that was just withdrawn yesterday, which would have been a Federal hunt for Federally-qualified subsistence users in Cantwell and people were worried that that would impact their community harvest, so could you comment on that, please.

MR. FLEENER: Well, I don't know if I'm entirely prepared. Maybe I can give a little bit of comment and ask Tina to give me some backup if
necessary, but I think if I remember right what would happen is that because of the quota that's currently established, if there was another hunt that was set up, it would have a negative impact because the overall quota would be impacted. So if the total number of 300 is the amount that's allowed to be harvested and there is some of that coming from another hunt, it reduces the quota for those -- it doesn't reduce the quota, but it reduces the availability for those communities. Is that -- yeah. So that -- I think that's the answer to your question.

MS. CAMINER: Okay. So that -- and that would not matter on land status or anything?

MR. FLEENER: It's totally based on the number 300, the 300 animals that are allowed which it doesn't matter if you take them with the Federal hunt or a State hunt. The total allowed is 300. So if 50 are taken on the Federal side or a hundred or 200, that would reduce the amount available on the other side.

CHAIRMAN FLEAGLE: So you mentioned 300. Is that the total number? I think you'd said 300 twice, so is it 600 that the communities.....

MR. FLEENER: Mr. Chair, there's 300 for the community harvest and 300 for the Tier I hunt, the draw, yes.

CHAIRMAN FLEAGLE: Have Jack and then Sue.

MR. REAKOFF: I've heard many community bag limit scenarios and I like this scenario because what my main problem was there would be community -- just a blanket community bag limit would -- there would be have and have-nots. There are certain factions in communities. I like this plan because people can choose to join the pool and others can choose to hunt on their own. And so I think I like certain aspects of that and we should talk about that at our next Council meeting.

Thank you.

CHAIRMAN FLEAGLE: Sue.

MS. ENTSMINGER: Thank you, Mr. Chair.

Craig, the boundary around the communities, I don't
think I have that straight in my mind. So if you were a person outside that boundary and you wanted to share in that community harvest, how can you do that.

MR. FLEENER: Let me take a look at my little regulation book here real quick. I think it's actually set up to where you go and sign up. You go to the hunt administrator and sign up. I don't have the plan sitting in front of me, so I can't read it directly, but that was the original intent. You go to the hunt administrator, you say I want to participate in this hunt, and you sign up.

MS. ENTSMINGER: Could they then say no, you're not in our boundary?

MR. FLEENER: No, I don't think.....

MS. ENTSMINGER: And say no, you can't participate in our community hunt?

MR. FLEENER: I don't think that they can say that.

MS. ENTSMINGER: Okay. And then the other question I have is the -- if you just hunted under the regular harvest ticket, the State harvest ticket, are you -- still have to share your meat?

MR. FLEENER: If you're hunting under the regular harvest ticket not part of the community hunt, no, because you're hunting on your own. You're taking your own chances in the drawing and if you get drawn, you get to do whatever you want with that. The only -- there are only two examples of sharing as a requirement and that is the community harvest program for the 300 and the -- there was that secondary Court-ordered drawing hunt for those who did not get a Tier I and who are not part of the community hunt. They had a sharing requirement of half of their caribou.

But if you're just a State resident who has a normal harvest ticket on your own, you're actually not part of this and so you're not required to do that. But if you are someone -- one of the reasons that a lot of people won't sign up for these is because the bag limit is small and if you participate in this, you can't go anywhere else in the State and hunt for a similar size bag limit.
CHAIRMAN FLEAGLE: Craig, if I remember right too on that Chalkyitsik hunt at least, there were different salvage requirements that -- for different parts of the animal that were for that community hunt that didn't apply to the average hunter; is that correct?

MR. FLEENER: Yes, Mr. Chair. That is correct, but I can't remember the specifics.

CHAIRMAN FLEAGLE: Yeah. There are several hunts that the State managers have done where -- different salvage hunts and one that comes right to mind is the -- there was a subsistence hunt on the Koyukuk River that opened five days prior to the general hunt and this is before all the -- it was sectioned off into all the draws and everything, but it was a registration subsistence hunt and the antler had to be cut and the head had to be salvaged as well as some internal organs I believe -- stomach, yeah, I think so, but -- it just kind of helps to regulate the participation I think. Anyway, interesting.

Any other questions.

(No comments)

CHAIRMAN FLEAGLE: Thank you, Craig.

MR. FLEENER: Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Appreciate the report.

MR. FLEENER: Thanks.

CHAIRMAN FLEAGLE: All right. We are back to public comment period for non-agenda items and once again if you would like to comment on non-agenda items or on the consensus agenda or on specific proposals, you need to fill out a green card available in the lobby and indicate what you would like to testify on. And if you have materials that are pertinent to your testimony or that you want distributed to the Board, you should provide 30 copies to the Staff persons at the OSM contact table in the lobby and they will log in that document and distribute it so that it becomes a part of the administrative record.
We ask that everybody refrain from passing materials out directly to Board members and I have not had -- felt the need to impose time restrictions on any of the testimony and I appreciate everybody honoring a reasonable amount of time. It's working out fairly well at this meeting. And with that, do we have any testimony for non-agenda items. Pete.

MR. PROBASCO: Mr. Chair, we have two people that would like to testify, one individual on non-agenda and another individual due to time constraints on a proposal that will probably be taken up either later today or tomorrow, so.....

CHAIRMAN FLEAGLE: Okay.

MR. PROBASCO: The first -- for a non-agenda item, testifier is Mr. Kookesh.

CHAIRMAN FLEAGLE: Floyd Kookesh. Good morning.

MR. KOOKESH: Good morning, Mr. Chairman. Board. Yesterday I did a brief introduction on myself and this morning, I'll do a little more official one. My name is Floyd Kookesh. I'm the Subsistence Coordinator for Central Council Tlingit and Haida Indian Tribes of Alaska which is a tribal government that represents over 27,000 Tlingit and Haida Indians worldwide. The tribe is a sovereign entity and has a government to government relationship with the United States and other tribes.

I'm also a member of the Federal Subsistence Regional Advisory Council. I've been a member since September 1999, over ten years. In all of my years of service to the Federal Subsistence Board, this is actually my first Federal Subsistence Board meeting.

Yesterday, Mr. Pappas -- my good friend, Mr. George Pappas, asked me -- talked to me like I'd been here to your meetings many times. But actually this is my first meeting. So I didn't know what to expect. Now I know, so -- and I'm here at the expense of Central Council by the way.

It's safe to say that we have all hope now that the Federal review of subsistence would be at
a more advanced stage of resolution and acceptance by
the Native community than where we are today. It's
from this perspective, we are certainly looking forward
to being part of the process as we work toward
improving subsistence for those who are truly dependent
upon it.

I believe we have issues under the
Federal review that are brought on because of the lack
of transparency by the Agencies and hope at the end of
this review that maybe this come more to light.
Central Council has submitted two documents under the
Federal review. The first one was done November 19th
and the second one was done December 30th. I believe
the second one we called it the addendum. And our
comments were certainly brought out. They certainly
address a lot of issues that we are dealing with here
today.

The relationship and responsibility
that you have with Federal oversight is very important
and decisions that you make have the ability to impact
our way of life and I am certain you do not take that
responsibility lightly. At Central Council, we take
that very seriously because you do have an impact on
our way of life and is our customary and traditional
way of life.

Ever since ANILCA passed, we feel we
have become targets by the urban residents because of
the rural-urban divide that has been put in place.
It's like our way of life is being hunted down by the
State of Alaska which is something we do not take very
lightly.

It is our hope that the fight for our
customary and traditional way of life would end with
this generation and that our children would not have to
be dealing with it. As long as we allow the State of
Alaska to continue to come to the table as many times
as they can, we'll never be able to resolve the issue
of subsistence.

We in the Native community consider
ANILCA Federal law, public law, and that it is your
responsibility to uphold that law -- to uphold it and
enforce it. As ANILCA Title VIII is the law of the
land, it supersedes State management.

After Secretary Salazar made the
announcement that subsistence was broken, I was at a meeting with two USDA land managers and when I asked the question did they feel subsistence was broken, we were shocked at the response that we got which was no. I've been working with this one staffer for years and for that response to have come out is amazing. I'm shocked the Federal staffer has not heard and listened to what the Alaskan Natives, what the rural users, the Native organizations and entities have been voicing about the erosion, the lack of deference, the heavy-handed law enforcement, the citations, overburdensome, cumbersome regulations, confusing dual management, State of Alaska advocating against proposals that would benefit users, how can you not get that?

It has to be somebody just missing it. To me, it was like watching a State person and then a Federal person and a State person and my mind was just flashing. And I have to tell you personally -- and fortunately I'm good about this. Personally I have to tell you that I feel like getting up and kicking the chair and just throwing it across the table and just -- that's how much this really bothers us in the Native community.

We're trying to work with the system we have. This is your laws. This is your regulations. This is -- I mean you've taken this country. There's no doubt about it when they said you're the invasive species more than the plants. And we're trying to work with this system. What bothers me is here is this person who is on our team trying to make the subsistence issue work for the rural communities. The way the Staff person took the word broken and twisted it to me was amazing. It was like looking at an attorney. Of course someone else's attorney who is working against us.

We would expect at the Federal Subsistence Program Staff would be upholding ANILCA, Title VIII. Hopefully in this Federal review the issue of Staff disconnect gets resolved and it is our desire to be at the table to make sure the issue does get addressed because until that happens, subsistence will never be resolved.

There are many glaring indications that the system is broken and when we all start acknowledging it, then we can all work on doing a better job of upholding Title VIII of ANILCA. The
State of Alaska, the Federal Government all need to work more closely with the Native community and everyone else or we will all lose.

A while back I participated in a USDA National Planning Rule meeting which was held in Juneau and during the discussion, salmon was brought up, about its importance to subsistence and commercial. I was -- I happened to have been there and I was fortunate to have been -- to have heard a comment given to me before that I brought up as a point which was that the salmon that we were talking about are fish that are born in Federal waters which are located on Federal land. The birth certificates for these fish are on Federal waters and on Federal land; that they migrate through State waters and back into Federal waters where they mature and after they mature, they return back into State waters where they are harvested. So these are definitely Federal fish; that when it comes to a national plan, they needed to include the Federal Government and the State of Alaska working a lot more closely to manage the fishery as it is apparent where the fish are born the State of Alaska are not the owners of the resource, but they are just the interceptors.

And if they are managing it, they are doing a very poor job. For example, around the community of Angoon where I am from, we have been on voluntary subsistence salmon closure since 2002. Voluntary. This is the issue that we're talking about is the one where it covers my brother Albert. I don't know, a lot of you know my brother Albert, Senator Kookesh, in which he was cited for having 15 fish. The 15 fish that he was allowed to get for his -- per household while at the same time in the marine waters off of the shores of Angoon, the commercial fisheries was allowed to take as much as they can without any citations being issued.

So this points to the fact that State management has been very minimal in our community and we're bothered by that. The voluntary closure is not going away. We can act like it doesn't exist, that everything is fine, but that's not the case.

On the issue of ETJ which is an issue we've been dealing with in Southeast in the Native community -- ETJ's extraterritorial jurisdiction of marine waters. May 10th, Kootznoohoo petitioned the
Secretary of Agriculture and the Alaska Regional Forester to start managing waters claimed by the State of Alaska around Angoon because proposals to the State of Alaska were being dismissed. Kootznoohoo and the community of Angoon had exhausted their administrative appeals and had no choice but to go down this route.

The petition focused on the economic interest of Kootznoohoo who is the village corporation for Angoon. Kootznoohoo shareholders in addition to having Title VIII rights and subsistence also have Title V rights and ANILCA which include rights and property and quiet enjoyment of rich resources, waters, and lands in the tidal zones. Their petition addressed both sets of rights which are inextricably connected. Their petition also shows how marine waters, tidelands, and uplands are also inextricably connected.

Federal Subsistence Board must acknowledge that as time passes more of these petitions will come forward as the challenges of management go unaddressed. We want to thank Federal Staff from USDA for assisting us in this process. We feel that we did not get enough administrative support from Federal Staff and the USDA that we should have gotten, but we made the best of it and allowed this petition to move forward.

Not long ago, I received personally a letter of reprimand from the Honorable Federal Subsistence Board Chairman. I never in my life expected that this would happen, but in light of the Federal review that subsistence is broken, I should have known this can happen and it is important that I respond to that here in public. I don't know how privileged you have been to the document, but I certainly want to bring the issue up because it is important.

I have been a member of the Southeast Regional Advisory Council since September 1999. The letter I got said I was -- I've been on since 2002. I was appointed by Secretary of Interior Bruce Babbitt and every Secretary since. I have two more years remaining on my term, 12 years. I don't know if I've seen a lot, but I've certainly done a lot.

Like I said, I've been a volunteer for over ten years and have at least two years remaining. I have given of myself to work to provide a solution to
the issue that many of us facing daily in the rural
areas. I learned to live with the 80 percent advanced
per diem and to work for free. I've had to have --
I've had to leave my family for four to five days two
times a day in the last ten years. I've had to use
personal earned annual leave to attend meetings. I've
had to use my own personal material because nothing is
provided by the Federal Subsistence Board to me. Had
to use my own computers to access your emails. I
haven't had any training; if any, very minimal and for
very short periods of time.

A good example is handing us a small
book on Robert's Rules of Order and telling us to read
it. That's the kind of training we received in the
Federal Subsistence Regional Advisory Program. And
then to be reprimanded for my work.

I'm very disappointed in the uncalled
for reprimand because it makes the assumption that
we're only working on subsistence four to five days two
times a year. Even when I was not a paid employee, I
worked on subsistence and I resent the remark that I
missed a few hours of a three-day meeting, especially
since subsistence is 24/7. Subsistence is not 8:00 to
4:30 and then you go home. Maybe Federal Staff/State
Staff do that, but not when it's your livelihood and
your way of life.

We've had meetings till 7:00 p.m. and
why does nobody say anything about that. What it boils
down to is hateful treatment of a public servant.

My reason for bringing up this letter
of reprimand and the volunteer service is because we
are volunteers and to be pressured in to feeling you
are subject to a reprimand for your unpaid service is
not what we in the Federal system should be sending as
a message to those we value the most which is
volunteerism in the United States.

I'm a public service. There's no doubt
about that. My knowledge and skills in the area of
subsistence is shared openly. My work has always been
for the common good. I've always worked with a team to
accomplish goals. We always know that in this process
we don't always agree. It was never always my way or
the highway even though I wanted it to be like that.
I've always been resourceful with my time. I believe
in doubling up my time and money so we can extend our
message.

My friends and family community can testify to my selfless service. I have the utmost respect for other RAC members in the State as I know they are also making the same sacrifices and all I ask is you have the same level of respect for all of us and the family sacrifices made for the people of Alaska. As volunteers, we need to be encouraged and not discouraged. Hopefully we never get to the part of where we start firing the volunteers.

As I stated yesterday, this is my first meeting. I did my presentation way before I got here, but I do have other comments. I'd like to go back and talk to WP21. I know that's behind us right now. In my presentation, which I put aside yesterday, I knew and I had written that I knew that WP21 was going to go down in defeat. I just knew that, that this wasn't going to pass. I know I'm dealing with a system like my brother Albert said. I mean he says I'm in State court. I'm dealing with a State citation, you know, and State system. What chance do you think I have. That's what my brother Albert says. He knows he doesn't have a chance.

I know that in the system on WP21 that no one won. I know that normally it's about winning and losing, but I don't believe that anyone won. I talked to Barry yesterday after the vote and told Barry, Barry, the difference between the Juneau non- -- non-Native and the Hoonah Indian as this is a -- this is a -- a community that is truly dependent upon the resource. They grew up with that as their way of life.

The non-Native community, they can go to Costco. Probably a better buy -- go to Costco. They can go to those stores, but when you grew up like this and you watch yourself getting regulated away, you know it's not easy and I do know that when I attended the meeting, it was over -- I was the only Native there at the Juneau Douglas AC and I know that it doesn't bother me to go to someone else's office to meet with them because I'm of the opinion that I'd like you to have your comfort zone because that element is good for you and I want us to see us work on resolving the issues.

And when I came up and talked about
this mob mentality, I got that from a phone call I received the day after the meeting from the Chairman of the Juneau AC apologizing for the hostile environment that was shown at this meeting toward us. Barry was in his own element, so he can't see it.

CHAIRMAN FLEAGLE: Floyd, I've been.....

MR. KOOKESH: Sure. I'd like to finish because this is.....

CHAIRMAN FLEAGLE: Can you wrap it up in one minute, please.

MR. KOOKESH: Sure.

CHAIRMAN FLEAGLE: Okay. Thank you.

MR. KOOKESH: I did time this, but I did also listen to you yesterday where you said that we're not going to have a time constraint and so.....

CHAIRMAN FLEAGLE: Right. But I also asked the testifiers to respect.....

MR. KOOKESH: Yeah.

CHAIRMAN FLEAGLE: .....the timeline of the process. Thank you.

MR. KOOKESH: Well, you know, Mr. Chairman, 10 years I've been on the -- I've been part of this process. I finally get an opportunity to speak to you. We spent almost $2,000 to come up here to pay our respects to the -- to the Federal system and to voice our -- to voice our concerns.

CHAIRMAN FLEAGLE: I understand, Floyd. Thank you.

MR. KOOKESH: Okay. Okay. One of the things I'd like to say is that I respect -- I'll -- few more minutes -- I respect the gentleman that came up yesterday and talked about the need for the -- for the ACs and the RACs to start getting together to help work on resolving subsistence because as long as we're not working together, we're never going to resolve this -- this issue. We're always going to have our differences. We need to start working more closely
with the law of the land which is ANILCA, Title VIII.

In closing, this was a comment that I received from a document that was written by the Southeast Hoonah Tribal and I'd like to use this. It says imagine being born Tlingit, Haida, or Tsimshian and the State of Alaska, Federal Government, and the residents of Alaska recognize as our traditional way of life subsistence, our foods and we don't need permission to get food, our food. That is what we want and that is what we should be working towards.

Thank you.

Questions.

CHAIRMAN FLEAGLE: Thank you.

Appreciate your comments. Questions, Board members.

(No comments)

CHAIRMAN FLEAGLE: Thank you. Pete.

MR. PROBASCO: Thank you, Mr. Chair.

Our next testifier is Mr. Wade Willis.

CHAIRMAN FLEAGLE: Mr. Willis.

MR. WILLIS: Thank you. I appreciate the opportunity to speak to you again. My name is Wade Willis. I am a resident of Anchorage. I am an avid hunter in the State and at present I'm an urban hunter and I'd like to speak to you today about the Chisana C&T determination you're probably going to debate.

I just went through the Fairbanks Board of Game meeting on the Chisana Caribou C&T determination and I found that to be quite interesting and quite a bit disturbing for me as well. The State is trying to petition the Federal Subsistence Board to adopt the standards that the State uses for C&T and ANS and I find those to be rather discriminating and not effective at meeting the goals of what we're trying to do which is sustain the language of our rural and Native culture.

The language of the culture is fish and game. Money is not the language of the Native culture. Hunting and fishing every day, preparing for it, going to their traditional areas, connecting to their roots
is the language of our State and that is the State that I moved to in the mid 1980s and that I want to live in and that I think we can accomplish.

In the Chisana Caribou debate, there's quite a bit of hoo and hawing going on that there was no written record from an oral culture stating that the Chisana Herd had been harvested and I thought to myself, you know, what game wasn't C&T before white man came and why is an oral culture forced to try to prove that they hunted an animal. Why shouldn't it be the other way around. Why doesn't the State come out and say, since we're going to use the written word and the written word is our word, why don't we use our written word to prove that you did not hunt and fish these areas.

It's exactly opposite of what it should be. The Native culture should not be trying to prove that they hunted it at all. In the Chisana area, there used to be villages and clans that lived around that Chisana Herd. They moved to Northway when the times changed so their children could get an education and so they could start trying to survive in the new world that they were involved in.

Well, from the State's point of view, it seemed that they felt that those Native people lost their rights to that Chisana Herd because they had moved to Northway. They weren't in the Valley where Chisana Caribou live now, so thus they're not in the geographic area that you heard so much about yesterday. And I find that to be very unfortunate and I think that a culture should be able to return to its traditional hunting grounds when the opportunity presents itself in the new age that we live in now. I mean Northway residents can access Chisana a lot easier than they could back when it was just dog sleds.

So I encourage the Federal Subsistence Board to take a hard look at prioritizing that Chisana Herd because obviously the State doesn't feel it's an important resource. Matter of fact, they went so far -- the Board of Game went so far as to say that, by golly, if you guys open up a hunt, you dang sure better give them 50 percent of the harvest. A measly four to six caribou is what they estimate might be there and the Board of Game dang sure wants 50 percent of that. It's really startling. To open it up to things like commercial hunting even, you know, it's really
startling.

So I encourage the Federal Subsistence Board to say, well, if the State doesn't prioritize this resource for the residents of Alaska, the Federal Subsistence Board certainly will --certainly -- and especially since it's on Federal land. So I really hope that the Federal Subsistence Board will take a hard look and maybe read or listen to the audio of Board of Game deliberations. They also couldn't seem to address customary and traditional use of sheep at the Fairbanks meeting for tribes along the Alaska range.

They also have this funny thing that if you're not harvesting at least a hundred moose in an area or a hundred caribou, it doesn't qualify for C&T and ANS, that if you're only harvesting 99 or 98, then you're insignificant and not important. You're not a big enough player for us to grant you any kind of subsistence priority.

So I think you'll find the real meat of the State's position by listening to the Board of Game and those audio records are available through Board support and I highly recommend you take the opportunity in your downtime to listen to those deliberations and see what the State says when it's sitting around the table of the Board of Game and that the Federal Subsistence Board work diligently and hard to maintain the language of our rural life in Alaska and that is the ability to spend all your time revolving around harvesting of game. That's the only way our rural community's going to survive.

Thank you.


MR. REAKOFF: So I heard part of Board of Game meeting on the Internet. I heard many times them suppressing ANS amounts during that meeting -- this last March meeting and how many times would you estimate they reduced or did not increase ANS amounts since you sat through that whole meeting?
MR. WILLIS: Well, two come to mind very strongly that I can remember.

MR. REAKOFF: What I was very concerned with as I stated yesterday was the huge expansion of hunting opportunity for nonresidents on the North Slope, yet the Board did not direct Mr. Fleener and the Subsistence Division to analyze the amounts necessary for subsistence, the villages, communities that utilize the Central Herd. And so this is an issue at the Board of Game process that the Central Arctic Herd has 250 to 450 caribou is the subsistence amount. I estimate that there's at least 1,500 to 2,500 caribou that are utilized by people of the Central Brooks Range and North Slope from that herd, and so Mr. Willis brings up a very important point of the Board of Game process that the ANS amounts are being suppressed on sheep.

In Unit 19C, there was a proposal for subsistence hunt for -- under State regulations. That proposal failed. The ANS amounts that were reviewed were pushed down even by the numbers that the Subsistence Division brought up. This is a very concerning issue of mine and so Mr. Willis brings this up and so I thought I would again reiterate that.

Thank you.

MR. WILLIS: And I'd like to add on that that it seems the C&T and the ANS that are most abused are the ones that are important to the commercial guiding industry. Look in -- look at the record on where they've taken and found C&T, for instance, sheep, the most profitable animal for the guiding industry, and you'll see that most of them are negative and most of them are areas where the trophy sheep in Alaska can be found and those -- in other areas, they won't even address C&T for those animals.

And yesterday, you heard a lot about what happened up in Nome regarding moose ANS request. That was a startling set of testimony that I highly recommend you listen to as well and that testimony is available and I can agree 100 percent with the testimony you heard yesterday regarding that ANS setting. That is a perfect example of the State doing everything it can to marginalize ANS to the smallest amount as possible.

CHAIRMAN FLEAGLE: Thank you. I know
we heard testimony yesterday from Mr. Naneng from Southwest that was concerned about a low level of amounts necessary for subsistence moose in Unit 20 -- I mean 18. So it's not uncommon.

I guess the problem I see -- and this is something that we could maybe talk internally a little bit more about the process, we're talking about two completely separate regulation regimes and authorities and we don't have any participation or influence over the State Board of Game process as they don't over ours. I know that there is a protocol between Agencies to information share and make certain efforts for coordination as good as possible, but we haven't mixed those regulatory areas. We participate through the public process by our OSM Staff submits comments to the Board of Game. We have a person at the table there and vice versa, we have State people at our meeting. They comment on our proposals, but we just -- there hasn't been a blend and I think that's why we're -- that's why we have two systems is because of conflicting laws.

So I don't see an easy solution to having these decisions by the Board of Game more influenced by us. I mean I certainly encourage anybody that wants to, to speak about their difficulties with that process, but I'm just cautioning that we don't have a lot of room to make any change there I guess is the way I see it. Maybe we can look at that further in working -- trying to coordinate better between Agencies, but at this time, it's not happening. We don't participate in their process and the Board of Game doesn't participate in ours. Jack.

MR. REAKOFF: Well, the suppression of the amounts necessary for subsistence under the State system actually allows the State of Alaska to allocate non-subsistence uses at a -- well, at an unlimited pool of 6.5 billion that live in the world and so I feel that the State is not adhering to the State's subsistence law. The Board of Game is not requesting ANS amounts, but when they make very dramatic regulatory changes, I feel that the Federal program should -- as the State has a solicitor here and an Assistant Attorney General, I feel that the Federal program should have advisement for Mr. Ardizzone so that the Federal users have protection from the Board of Game process.
They're not adhering to the State regulations, our solicitor should be able to step up to the plate and say wait a minute, you have to review these ANS amounts, these ANS amounts are being suppressed, this is not legal. That's what's happening at the Board of Game process. I'm not kidding. It was a pathetic situation this last March meeting. Constant suppression. Constant allocation to non-subsistence uses. Suppression of subsistence.

I feel that the Federal program should really look at having a solicitor present at the Board of Game. They have a -- we have a wildlife biologist there, but he's not an attorney, not to protect our aspects and so I feel that there's a real, real problem here and -- because of this allocation to other non-subsistence uses.

Thank you.

CHAIRMAN FLEAGLE: Appreciate that and there you -- in your speaking there, you provided at least one opportunity to move towards some kind of resolution and maybe I'll just throw this out. I mean it's -- it might be something Keith and we sit together and just toss around and see if there's some way that we might be able to accommodate that -- something like that or, you know, to try to craft a process right here just hearing the issue right off the get-go is going to be difficult, but I -- you know how these processes work. It takes a long time sometimes, but it's initiated by a comment and I guess we could look in to seeing if there's some way to improve that. Judy and then I'll go back to you, Jack.

MS. CAMINER: I was just going to add I would assume or guess that the reasons people are coming forward to tell us this is because -- not everybody's probably aware of all of the actions and just for the Board to have a sense of where our rural users -- what their situation is and to provide background and baseline for you as to why some of the requests are being made.

CHAIRMAN FLEAGLE: Thank you, Judy. I agree. I'm just trying to figure out if there is anything we can actually do and I think that, Jack, you're on the right track here. Go ahead.

MR. REAKOFF: Well, as Regional Council
members, our job is to identify issues and hopefully remedy those issues. So I'd toss that out for the Board to consider.

Thank you.

CHAIRMAN FLEAGLE: Keith, is there any objection to at least just having some initial internal discussions about this and see where we might go?

MR. GOLTZ: None at all. Ken's available for -- I'm kidding.

(Laughter)

CHAIRMAN FLEAGLE: All right. Thanks for the discussion. appreciate the testimony. Others.

MR. PROBASCO: Mr. Chairman, we have one more and it's from the Kuskokwim Native Association. Mike Talhauser. He would like to speak on Proposal 69 which is going to be towards the end of our meeting and I know he's on a tight schedule, so if we could accommodate his schedule, Mr. Chair.

CHAIRMAN FLEAGLE: You bet. Welcome. Turn the microphone on. Speak your name for the record and begin, please.

MR. TALHAUSER: Thank you, Mr. Chair. Mike Talhauser from the Kuskokwim Native Association. I'm the Fisheries Director there which I guess probably throws up the first kind of red flag with me in that this is a Wildlife proposal and unfortunately the KNA doesn't have a Wildlife Director and we do community meetings in our represented villages from Kalskag up to Stony River and as oftentimes occurs, this -- Wildlife proposals come up at the obligatory last question slide in our presentation and we do get a lot of comments and that's sort of the basis behind this proposals.

And I just wanted to thank you for the opportunity to be able to answer any questions that you may have for me as the author of this proposal and just sort of speak to where this proposal has ended up from where it started.

The proposal has been seen by the Board at least two different times as an actual proposal and as a special action request and it's been taken up by
the Regional Advisory Councils that are involved in the area, the Western Interior and the Yukon-Kuskokwin, and I would just like to say that I think that we really appreciate the thoughtful evaluation by the -- and diligent evaluation by the Office of Subsistence Management and by the Regional Advisory Councils in this process and I think it -- from where it started, I think -- the difference between this proposal and past proposals dealing with this issue is that before it was just sort of presented as a blanket C&T proposal for the entire unit of 21E and so there was a lot of contention between and differences between the opinions of the appropriate RACs and so was deferred by the Board and I think that this time we put in sort of a recommendation that the RACs modify -- specifically that they modify the proposal to encompass just the area that the communities in the proposal actually use and I think they've done -- they did a great job looking through that and doing their job and sort of giving the proposal more resolution.

And I would just like to support where the -- the OSM's final position on this which is I believe the exact same as the Western Interior's in that it includes the area south of Piamuit Slough and includes the communities -- all the communities in the original proposal including Chuathbaluk.

And that's basically my opinion. I just wanted to -- since the proposal is a little bit different than it actually started out, I'd like to say that KNA does approve this and I'll be able to answer any questions that you all might have for me.

Thanks.

CHAIRMAN FLEAGLE: Great. Thank you, Mike, for your testimony. Questions, Board members.

(No comments)

CHAIRMAN FLEAGLE: Other Councils.

(No comments)

CHAIRMAN FLEAGLE: Thank you.

MR. TALHAUSER: Thanks.

CHAIRMAN FLEAGLE: Mr. Probasco.
MR. PROBASCO: Mr. Chair, that's it for consensus and non-agenda items, and anybody wishing to speak early.

Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Okay. Great. Well, before we roll up our sleeves and get to work, let's have another cup of coffee. Ten-minute break.

(Off record)

(On record)

CHAIRMAN FLEAGLE: Good morning. Federal Subsistence Board is back on record and I do have one more request for consensus agenda testimony, but before that, Harry, you raised your hand.

MR. BROWER: Yes. Thank you, Mr. Chair. I just wanted to show my appreciation and thank Mr. Kookesh and Mr. Wade for their comments this morning. You know, these are very similar comments that we as the North Slope Council has made to our meetings and they're very similar to the situation that we've been dealing with up on the North Slope. It's not that we don't have any issues. We try to keep them within our own region. You know, we have a lot of issues that we deal with up on the North Slope, but in regards to subsistence, working with the State and the Federal program.

And I just want to share that this morning with you, just didn't want to let it slip by in terms of how other areas are impacted as well in terms of how this -- the rule processes are in trying to address subsistence issues.

You know, the comments Mr. Kookesh made are very similar to the comments that have been generated over the years with Regional Advisory Councils as well, members -- other members. Not just myself, other members to the Regional Advisory Council on the North Slope. And they've raised issues about this volunteerism issue. They've raised issues about compensation. It's not changed and it continues to pan out in the same situation. It's still the same.

You know, in terms of the years that we've been commenting over these things, it's still the
same and not very much changes applied or have been
made to where this -- and trying to get people
interested in -- to the program and they see some such
as for a year or two and just fade away because of the
processes. They see that it's all basically taking
time away from their important situations that they're
dealing with. Subsistence -- as Mr. Kookesh indicated,
subsistence is 24/7. And when you come down to these
meetings -- or a person comes down to the meetings such
as I being taking away from our subsistence activities
and leaving the family, it puts a burden on the rest of
the family because, you know, we're taking part as
leaders as the family to take them out hunting and when
we're taken away to come down to these meetings, it has
an impact to the gathering of the resources that are
having a presence now.

They're not there throughout the whole
season. They're migratory resources. So -- and that
has an impact to a lot of the community members as
well. You know, we provide -- as providers, we share
our resources. Whenever we harvest, we share with our
elders and our -- even our younger siblings. That kind
of impact I don't think you really can share or learn
about just by speaking about it. You have to go
through and experience and communicating to these notes
or issues and situations that arise from taken part in
discussing subsistence.

I wanted to make these comments to show
it's an ongoing learning process. It's been for me as
well. I've been monitoring and observing the Federal
program since it started in 1990. I remember the
interim Chair, Curtis McVeigh, Mr. Walt Stiglitz (ph)
was the U.S. Fish and Wildlife Service director at the
time and these are the folks that I remember that were
in the beginning. Keith, I think he's been in there
since the inception of the Federal program. I
don't......

CHAIRMAN PLEAGLE: It started it.

(Laughter)

MR. BROWER: Yes. Basically. And I
agree with you. I think he -- you know, he's been
there since the inception of the -- since the Federal
program started and I just want to share my comments
and show my appreciation to the presenters this morning
that did provide their testimonies to you -- to the
Federal Subsistence Board. Mr. Chair, thank you.

CHAIRMAN FLEAGLE: I appreciate those comments, Harry, and I can respect that the problems have probably in fact not improved but probably have not -- have maybe even slipped a little with the lack of the budget that we faced a few years in going to, you know, reduced meetings and reduced meeting cycles and everything. And I know we do hear about this from the folks on the RACs and hopefully we can figure out a way to get some money for it -- for the process.

Thank you.

MR. HASKETT: I concur with that.

(Laughter)

CHAIRMAN FLEAGLE: Thank you.

MR. REAKOFF: I just wanted to reiterate what Harry was saying there. This -- I use my own computer. I had to put Hughes Net in my house to get fast download on things. Dial-up just wasn't big enough for the kind of attachments. There's a lot of sacrifices that the RAC members make but don't -- aren't apparent at this level and I just wanted to reiterate what -- family sacrifices also. When I come to meetings in the wintertime, I got to have my 76-year-old mom watch our fire because we burn wood, if I go to meetings and so forth. And so there are some family sacrifices that are made and timeout -- this is a harvesting time for us and so those should be considered when meeting dates are set and so forth.

Thank you.

CHAIRMAN FLEAGLE: Thank you. Now we have testimony. Pete.

MR. PROBASCO: Thank you, Mr. Chair. Mr. Tim Andrew would like to speak on a consensus agenda item. There he is.

CHAIRMAN FLEAGLE: Mr. Andrew.

MR. ANDREW: Good morning, Mr. Chairman. Members of the Board, Staff, and guests. My name is Timothy Andrew. I'm the Director of Natural Resources for AVCP and thank you for the opportunity to
testify on the consensus agenda. And the subject of my testimony this morning is going to be on the Mulchatna Caribou Herd.

For a number of years, we've been following the status of the Mulchatna Caribou Herd with its peak in the mid to late 1990s of over 220,000 animals to the point where it is today of almost 30,000 animals. We have a large group of village -- people in the villages in the area. We have probably about 40 villages that depend on that caribou herd and it was really sad to see the evolution of events that had occurred that led to the drop of the Mulchatna Caribou Herd and the related bag limits that had occurred during that time period as well. Where we had very liberal bag limits of five caribou, now we're down to the proposal where it is now up to two animals. Only one can be taken during the fall and one during the winter.

And AVCP does not like to advocate to decreased bag limits for our subsistence users, but we had to just for the protection and continuation of the resource for the future generations. And one thing in hindsight that I really observed in the Mulchatna Caribou Herd is the management systems, whether State or Federal, the managers need -- their feet need to be held to the fire. The State has established bull to cow ratio management objective of 25 per hundred -- 25 bulls per hundred cows and for years subsequent to that -- to the peak, it went down to 19 and kept going further and further down and the State still kept it open for nonresident harvest.

And currently I don't know if there's a non-Federally-qualified prohibition yet, but that ought to be initiated to protect this herd. Some of the managers within the various units, either 917 or 18 or 19 have expressed the concern that this caribou population is almost to the point where it can't possibly rebuild to its historic levels.

And if you look at the hunter data that was generated out of the Mulchatna Caribou Herd, you'll see a large bull harvest that had occurred during the peak years and one of the Scandinavian studies -- I can't really refer to the authors, but it is a study called The Effects of Selective Hunting on Ungulates. And that study -- it was done in one of the Scandinavian countries on moose and caribou and various
other animals in that region. It showed that whenever
you take a large population of the breeder bulls, it
just creates total chaos in the breeding systems or
breeding rituals of these ungulates.

And I believe our caribou in the -- or
the Mulchatna Caribou Herd basically suffered the same
consequence where a large number of bulls were taken
out. The cows out there want to breed with the great
-- the bigger bulls and there were so few of them out
there that their breeding went later on into the spring
or summer and -- I mean fall and then gave birth later
-- later towards to the winter. The cows not being
extremely healthy, the calves not being extremely
healthy were really subject to predation and I believe
that really contributed to the steep decline of the
caribou.

So what I would like to recommend --
what we would like to recommend is to develop some sort
of caribou management plan for the Mulchatna Caribou
Herd starting today -- not tomorrow but today to ensure
that we continue to monitor the Mulchatna Caribou Herd
and once there is a sustainable harvest surplus that we
monitor that harvest surplus very carefully and keep
the bull to cow ratio high and manage the amount of
large bull harvest so that we don't see this crash
occur again and this may be applicable to other
populations in the rural parts of Alaska. Western
Arctic has seen a decline. We've seen various declines
in other caribou populations as well and this might be
as a result of concentrating on the large bull harvest.

We need to have a segment of that large
bull protected to keep the resources generating at a
sustainable level, not only for subsistence users but
for other users as well. You know, there's a segment
there that needs to be for not only the human predators
but also the natural predators as well and to keep the
ecosystem going.

So if there's anybody within the State
Management System, the Federal Management System,
within the tribes in the various parts of Alaska, if we
were to develop these management plans and keep a close
watch on these populations, we can have healthy
populations to keep us all happy. Whenever we see a
decline in the resources like the Mulchatna -- and
we've seen it on the Yukon River with the king salmon.
Whenever we see a decline, we begin to fight with each
other and that's not healthy for the resource. It's not healthy for the humans as well.

So it's in our best interest to try to keep these populations as high as possible for all user groups. And that would greatly eliminate a lot of heartache that we've encountered with these low populations.

Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Tim.

Hopefully the managers of the Mulchatna Caribou Herd have heed and, you know, there maybe is an opportunity for a process like they use in the Western Arctic, the working group that's been in existence for a long time that monitors the management of those animals.

Pat Valkenburg from the State, would you like to speak?

MR. VALKENBURG: Yeah. Thank you, Mr. Chairman. I wanted to assure everyone that Department of Fish and Game realizes that management of the Mulchatna Herd is probably the most important wildlife management priority in all of Southwest Alaska and we are beginning to conduct surveys, looking at wolf numbers there as well to position ourselves to be ready to help that caribou herd come back when it's ready and it appears to be about there now.

One of the main reasons the herd declined is that it got too high too fast. 200,000 caribou was far too many caribou for the size of the range. We had major disease problems which is the first place in Alaska that we really have had a major decline in caribou that was related to disease and range overuse at least in historic times.

And talking about the decline of the bull-cow ratio, when you model the decline of the bull-cow ratio and see how much of that is related to harvest -- selective harvest of bulls versus just a decline in recruitment, most of it comes from the decline in recruitment. In other words, as soon as calves stop surviving, the numbers of bulls really drop dramatically and we have seen that in caribou herds that are not hunted like the Denali Caribou Herd and then also in the Chisana Caribou Herd where you have these really low calf-cow ratios. Since bulls have a
shorter life span than cows, the bull-cow ratio declines very quickly.

And the main thing that will bring the bull-cow ratio back is going to be when more calves survive. Everyone -- at least in the fall except during the rut, everyone likes to hunt big bull caribou because you get more meat and more fat and so it's not only trophy hunters that are selective for big bull caribou. It's most hunters are pretty selective.

And we are really aware of -- and concerned about the selective harvest of large males as you mentioned and that's the reason for the antler restrictions on bull moose, for example, to try to preserve some of those larger bull moose in the population. Whether we -- at one point we considered some sort of an antler restriction on bull moose by using numbers of points. It's quite a bit more complicated than it is with moose -- with caribou I mean and it's more complicated than it is with moose. But those are the kinds of things, you know, we are paying attention to and we -- a management plan for the Mulchatna Caribou Herd is a high priority and we'd be glad to talk about that.

CHAIRMAN FLEAGLE: Tim.

MR. ANDREW: Yeah. Through the Chair. Thank you, Mr. Valkenburg, for your response. If you look at the harvest data for when a large percent of the local people harvest caribou in the Mulchatna, you'll see that the concentrated effort is more towards March and April for the local people and that's normally the time where we start seeing our reserves of moose from the previous fall start to decline and other resources -- subsistence resources also start to decline in the freezers and there are some people that do harvest during the fall, but the fall access, at least in Unit 18 in our area of the Mulchatna is very hard to reach. The only way that you can possibly reach during the -- reach them during the fall time is through the remote airstrips that are out there and that's where the non-local residents and also the nonresidents used to be able to come in and take a pretty good population during the fall.

CHAIRMAN FLEAGLE: Go ahead, Pat.

MR. VALKENBURG: Mr. Chair. Yeah. One
thing to keep in mind is you probably remember back in the 1970s when that caribou herd was really small. It was probably less than 10,000. It increased at 17 percent a year for over 20 years. It was one of the most dramatic increases in any caribou herd in North America and -- you know, and during the '60s and '70s, it was not an important subsistence resource for many people, but with that increase and the spreading out in the range and everything, it became a very important subsistence resource. So I don't really know what to expect from that herd.

What we're hoping is that we will be able to stop the decline about where it is now, you know, in the range of 30- to 40,000 and then get it growing and reoccupying some of the range that has become traditional range in the last few years and not let it get down to those really low levels that it reached in the 1970s.

CHAIRMAN FLEAGLE: Well, another complication too is that the Unit 18 residents used to have the opportunity to harvest out of the Kilbuck Herd which got lost in the Mulchatnas, right? That Kilbuck Herd is no longer in existence, so I think that kind of counters a little bit.

Tim, go ahead.

MR. ANDREW: Yeah. Thank you, Mr. Chair. Maybe a final comment before I leave the table. I just want to remind the Federal managers that you have to take a look at the State data and dissect it. You look at the data as reflected on Page 466 on the resident and the nonresident harvest and the resident harvest, you have to take a look at the data and dissect it into, you know, who's Federally qualified, who's not Federally qualified when you're managing this low of population of the caribou.

Thank you.

CHAIRMAN FLEAGLE: All right. Thank you, Tim. Oh, we have Jack Reakoff. Hold on.

MR. REAKOFF: Just to comment. My interpretation is different than the State's. I differ with the State. I talk to lots of sporthunters that hunted down there. There was lots of -- I talked to enforcement officers that hunted down -- or work that
area. There was a lot of unaccounted harvest. There
was kill -- wound loss and various caribou that were
lost from hunting pressure. The bull-cow ratio in the
Mulchatna Herd was below the management objective since
1999. The management objective was 35 bulls per hunter
cows.

The Board of Game continued to allow
nonresident harvest of the Mulchatna Herd until 2008
and so it shows that the State management system was
failing fairly significantly. The herd dropped to 14
bulls per 100 cows with 1.33 adult bulls for hundred
cows on the Mulchatna Caribou Herd. And so I agree
with Mr. Andrew here that we need to develop a
management plan with the State and adhere to those
management objectives.

And so the exacerbation -- I've read
that report that Mr. Andrew cited and I feel that our
biologists in the State should really look at this data
that's been promulgated in other areas on caribou. The
reality is caribou when you breed them -- when you take
them down to really low numbers, it can exacerbate
recruitment problems and so you get into breeding
stress on younger bulls. You get into winter
mortalities on younger bulls. There's a whole bunch of
things start happening.

We have to adhere -- this program
revolves around recognized scientific principles and so
that's -- this program must adhere. That's our annual
report -- one of our annual report item is that -- from
the Western Interior Council that if the State of
Alaska is not adhering to recognized scientific
principles, then the Federal program must as a copilot
in management reduce harvest.

Whether that's closing to non-rural
subsistence users or however that management might be,
there's a real need for a management plan on the
Mulchatna Herd. I feel that we also need to develop a
management plan for the Central Arctic Herd at this
time.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Jack.
And for the edification of the newer Board members,
this Board did take the unprecedented action of
submitting an emergency petition request to the Board
of Game for that nonresident component of the hunt. So there has been some attempts to at least meet that. Appreciate all the comments. Are there additional comments. Questions.

(No comments)

CHAIRMAN FLEAGLE: Thank you, Tim.

MR. ANDREW: Thank you.

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

CHAIRMAN FLEAGLE: Alrighty. Ready to go to work. We now resume with our non-consensus proposals and the first up for the Yukon-Kuskokwim Delta Region 5 is Proposal 54 and we have leading us off for this Pippa Kenner.

MS. KENNER: Good morning, Mr Chair. Yes, it's Pippa Kenner for the record with OSM. Good morning. The analysis for Proposal WP10-54 can be found on Page 571 in the Board book.

Proposal 10-54 submitted by the Yukon Delta National Wildlife Refuge requests establishing community harvest quotas for moose in the Lower Kuskokwim area of Unit 18, hereafter referred to as the moratorium area.

This area is shown on Map 1 on Page 574 in your books. The proponent does not request an open hunting season for moose, but was anticipating the hunt in the future.

CHAIRMAN FLEAGLE: Hang on just a sec. Can you move your microphone just a little closer to you, please.

MS. KENNER: There. Is that better?

CHAIRMAN FLEAGLE: Thank you.

MS. KENNER: Thank you, Mr. Chair. The Board closed the moratorium area in 2004. When Federal public lands reopened to moose hunting at some point in the future, there will likely be a small number of moose available to harvest relative to the large number of Federally-qualified users that are eligible to hunt moose. The potential for the harvest to exceed the
A harvestable surplus is considered high and therefore requires the application of ANILCA Section .804 criteria to establish priority among those with recognized customary and traditional uses of moose in the moratorium area.

The Section .804 analysis is based on the application of three criteria: Number 1, customary and direct dependence upon the population as a mainstay of livelihood; 2, local residency; and 3, the availability of alternative resources. There are roughly 20,000 people in 42 communities that are eligible to hunt moose in the moratorium area, including residents of the Yukon Drainage, including Russian Mission and Marshall, the Kuskokwim Drainage such as Tuntutuliak and Eek, and the Coastal Area in between such as Hooper Bay and Chevak.

A complete list of the communities is in the analysis, can be found on Page 578 of your books and each of the communities that’s eligible to hunt in the moratorium area is on Map 1 on Page 574 in your books.

The conclusion of the .804 analysis is that the 14 communities that are located in the moratorium area and Upper Kalskag have exhibited the highest level of dependence on and the closest proximity to the moose population in the moratorium area. Their level of use in the moratorium area is highest of all Federally-qualified users.

In addition, many of the hunters living outside of the moratorium area have other moose populations available to them in the Lower Yukon Drainage area of Unit 18, the remainder area of Unit 18, the Goodnews Bay Drainage in Unit 18, and in Unit 19A.

Therefore the distribution of permits to hunt moose on Federal public lands in the moratorium area may be restricted to the residents of the area and Upper Kalskag and further the distribution of permits within each of the communities may be limited and community harvest quotas may be stated. Generally Federal permits are distributed by the local Federal Agency. In this case, the Yukon Delta National Wildlife Refuge would be responsible for distribution Federal permits for the moose hunt in the moratorium area.
Finally, because the proposal does not include opening the season for harvesting moose on Federal public lands in the moratorium area, if adopted, this proposal would have no effect on the moose population to the subsistence uses of moose until the season is opened. In the future, when the Federal season is opening in then moratorium area, the pool of Federally-qualified users would most likely be restricted to the residents of the area and upper Kalskag based upon the application of the three criteria in ANILCA Section .804.

This is due to the small number of moose anticipated to be available for harvest and the large number of subsistence users Federally qualified to hunt moose. The OSM conclusion is to support Proposal WP10-54 with modifications to add the results of the Section .804 analysis. The modified regulation would read Unit 18 moose with a description of the Lower Kuskokwim area that we've been calling the moratorium area. Federal public lands are closed to the taking of moose except to eligible rural residents would remain in the regulation and the modification includes only residents of Tuntutuliak, Eek, Napakiak, Napaskiak, Kasigluk, Nunapitchuk, Atmautluak, Oscarville, Bethel, Kwethluk, Akiak, Akiachak, Tuluksak, Lower Kalskag, and Kalskag may hunt in this area.

That's the end of my presentation. Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Pippa.

Questions.

(No comments)

CHAIRMAN FLEAGLE: Hearing none, summary of public comments. We have Alex Nick joining us. Welcome.

MR. NICK: Thank you, Mr. Chair. There were no public comments for this proposal, Mr. Chair.

CHAIRMAN FLEAGLE: Okay. Thank you. Do we have anybody wishing to testify, Pete.

MR. PROBASCO: Yes, we do, Mr. Chair. Mr. Tim Andrew.
CHAIRMAN FLEAGLE: Welcome, Mr. Andrew.

MR. ANDREW: Thank you, Mr. Chairman.

Timothy Andrew with AVCP. For Proposal 54, we have these communities that will be affected from Kalskag down to the mouth of the Kuskokwim River and down into the Bay as well. And the people that reside in this area are probably the people that are in most need for large mammal subsistence resources, and if you look at the Mulchatna Caribou Herd which we just talked about declined tremendously, the moose population in Unit 19 has declined tremendously as well. In fact some of the areas in Unit 19 are closed as well.

The access to the Yukon River moose is largely cost prohibitive due to the cost of gasoline that we have in the area and also the environmental conditions have deteriorated so much that, you know, people can't take their snowmachines over because there's not enough snow that we encounter in the area.

And we support -- or AVCP supports any way possible to allow for people to access what limited moose that they could possibly get in this moratorium area and meanwhile we also got to recognize that this population of moose in the former moratorium area is really sensitive to overharvest. We just spent five, six years now in building the population where it is today and this hunt, whether the State-sanctioned hunt or the Federal hunt or a combination of both, really has to be monitored closely to ensure that the population continues to grow and this is another area that also needs a good management plan to be developed, the lowest -- the moratorium -- the moose moratorium area of Unit 18, to ensure that we have adequate moose to meet the subsistence needs and also perhaps, you know, at some time allow for additional hunts to occur as well.

And I'd like to reiterate what Myron had mentioned in his testimony yesterday about the amounts necessary for subsistence for moose. It is not the 200 that the State Board of Game had indicated. The need is a lot higher than 200 and I would encourage the Federal Management System to independently look at the amounts necessary for moose in Unit 18, specifically in this area and also other areas of Unit 18, and determine what the actual amounts necessary for subsistence is for moose to ensure that we meet the mandates of Title VIII of ANILCA to the rural residents.
of this area.

Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Tim. In all of that, I think I heard you say that you support the proposal.

MR. ANDREW: Yes, we support the proposal.

(Laughter)

CHAIRMAN FLEAGLE: Okay. The reason I ask is I know that AVCP represents 56 villages and you're reducing the availability of this resource to 14 of those 56 and I just wanted to clarify where your position was in relation to the remainder of your coverage there.

Thank you.

Questions.

(No comments)

CHAIRMAN FLEAGLE: Thank you. Pete, are there any other.

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

CHAIRMAN FLEAGLE: Alrighty. Regional Council recommendation is to support with modification and who do we have for the Southwest? Alex, can you summarize their comments, please.

MR. NICK: Mr. Chair, for the record, my name is Alex Nick. I'm the Coordinator for Yukon Delta. I'd like to first apologize that Yukon Delta RAC representative could not make it due to personal reasons. Last minute, he had to cancel his trip a couple days ago.

The Yukon-Kuskokwim Delta Subsistence Regional Advisory Council supported Proposal WP-54 with modification as described in the OSM conclusion with further modifications by the Council. First is to establish a one antler bull season from September 1 through 5 by joint Federal or State registration permits and the second is to ask -- or to authorize
Refuge Manager in consultation with ADF&G, Wildlife Conservation is authorized to set the harvest quota and extend the season for -- rather by up to five days if harvest quota has not been met.

Their concern was that -- the Council's concern was that the State has a ten-day season within the moose moratorium area and they were concerned about the moose population in the area. So the Council modified to allow five-day hunt on -- or to request five-day hunt on Federal lands and if the quota is not met, then Refuge Manager would be authorized to extend the season for another five days. Mr. Chair.

CHAIRMAN FLEAGLE: All right. Thank you, Alex.

Department of Fish and Game comments.

MS. CUNNING: This proposal as originally submitted actually included two parts. One was to establish community harvest quotas in the area and the other part was to reduce the pool of Federally-qualified users.

As the discussions on this proposal have occurred throughout the RAC cycle and discussions with the InterAgency Staff Committee and others, it appears that there's been a suggestion that the only part of this proposal that could move forward is the portion that provides the .804 analysis and restriction of those eligible and that a subsequent special action would have to be taken to actually authorize the Federal season. That sort of just dawned on us that we think that the original proposal by establishing a community harvest quota was actually trying to establish a season. That was actually the intent was to authorize some harvest.

With that being our original understanding, we had supported that with the modifications and the .804 restrictions but to establish the season on Federal public lands that matches the State season with a fair amount of coordination which is in our comments on Page 589. This approach would minimize the confusion for hunters, law enforcement, and we recommend cooperative harvest quota management between the State and Federal managers.
If this combination is adopted, it would have the effect of following through with the intent of the original closure and the strategy by both State and Federal managers to close the area for five years or until reaching a thousand moose.

I don't know, Pat, if you want to add anything to that.

MR. VALKENBURG: (Shakes head negatively)

MS. CUNNING: Okay.

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STATE OFFICIAL WRITTEN COMMENTS
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Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP10-54:

This proposal establishes community harvest moose quotas for federal subsistence users within the Lower Kuskokwim hunt area in Unit 18.

Introduction:

The Lower Kuskokwim hunt area in Unit 18 was closed to hunting for a period of 5 years to allow for population growth as moose expanded into previously unoccupied habitat associated with the Kuskokwim River drainage. During the 2009-2010 regulatory year, the Alaska Board of Game approved a registration permit hunt for residents only with a harvest quota of 75 moose based on population estimates of 1,000 moose in the hunt area. In November 2009, the Alaska Board of Game made no changes to the registration permit hunt based on hunter effort (approximately 1,100 applications) and total harvest (approximately 105 moose) during the first year the hunt was reopened. Continued hunting with low harvest quotas will allow harvest opportunity at the same time allowing herd growth and expansion.

Impact on Subsistence Users:

Opening a federal subsistence registration permit hunt on federal public lands in the
Lower Kuskokwim hunt are in Unit 18 allows federal subsistence users the opportunity to hunt moose in local areas rather than traveling long distances to the Yukon River drainage or the Middle Kuskokwim River. Approximately 1/3 of the moose population in the hunt area is on federal public lands, mostly of the tributaries of the Kuskokwim.

Opportunity Provided by State:

In Unit 18, the State season in the Lower Kuskokwim River hunt area is September 1 through September 10 by registration permit hunt RM615. The bag limit is 1 antlered bull. Permits are available at Alaska Department of Fish and Game in Bethel and from village license vendors during August 1 through August 25. Harvest quota is based on moose population estimate and will be announced as a hunt condition on permit RM615. In 2009-2010 the harvest quota was 75 bulls.

Conservation Issues:

Low harvest rates are sustainable based on the current minimum population size of 1,000 moose and will allow for future herd growth and expansion.

Enforcement Issues:

Emergency closures based on achieving harvest quota make it difficult for federal subsistence hunters in the field to learn of these announcements.

Other Comments:

Allocation of a community harvest quota by federal delegated officials will require coordination by state and federal managers to ensure that overharvest does not occur.

Recommendation:

Support, with modification to establish a season on federal public lands that matches the state season with state registration permit and harvest quota: September 1 through September 10 season by registration permit; bag limit of 1 antlered bull; harvest quota based on moose population estimate in the
hunt area and announced as a permit hunt condition; hunt reports required within 3 days of harvest to allow quota management. This approach minimizes confusion for hunters and law enforcement and recommends cooperative harvest quota management among state and federal managers. If adopted, this action would be effective in the seventh year since initial closure in the lower Kuskokwim hunt area and fulfills the original strategy supported by both state and federal managers of closing the area for 5 years or reaching 1,000 moose.

CHAIRMAN FLEAGLE: Thank you. InterAgency Staff Committee comments.

DR. WHEELER: Thank you, Mr. Chair. And just to remind you what the standard statement is on the InterAgency Staff Committee since you haven't heard it since yesterday. The InterAgency Staff Committee found the Staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Council recommendations and Federal Subsistence Board action on this proposal.

But in addition to the standard comments, the Staff Committee would note that the DUI Solicitors Office advice to the InterAgency Staff Committee was that the portion of the Regional Council recommendation that requested a season and harvest limit for moose is beyond the scope of the original proposal.

The Staff Committee noted that the Regional Council was aware of this potential outcome during its deliberations and therefore voted to submit a temporary special action request if their recommendation was not supported in its entirety. This would allow the Board to address this special action request prior to the fall 2010 hunting season.

Mr. Chair, that concludes the InterAgency Staff Committee comments and I just -- I would add that I don't know if Member Haskett wants to speak to the original proposal, but it's my understanding that this was submitted by the Refuge as -- basically to prepare for a season in the event that a season were to come up and we did have discussions with the Refuge Manager and that was his intent in
submitting the proposal. So I just wanted to clarify
that for the record in case there's confusion.

Mr. Chair.

CHAIRMAN FLEAGLE: Geoff.

MR. HASKETT: Thank you, Mr. Chair. I
think I can clear this up once we get to the proposal
in my justification part to everybody's satisfaction.

CHAIRMAN FLEAGLE: Fair enough. Thank
you. Okay. Thank you. And we're now open for Board
discussion with Chairs and Liaison.

Ms. Dougan.

MS. DOUGAN: Thank you, Mr. Chair. I
support the proposal as modified by OSM with the
presently listed communities in the .804 analysis, but
I noted in Table 1 that some of the communities close
to the boundary of the moratorium area specifically
Kwig and Kong show relatively stable and comparable use
of the moratorium area. In the future, I'd be willing
to consider adding to the list of communities in the
.804 analysis should that request be made.

Thank you.

CHAIRMAN FLEAGLE: Appreciate the
comments. More discussion.

(No comments)

CHAIRMAN FLEAGLE: I have a question.
Just jurisdictional. I know that Unit 18 is almost all
Federal lands, but obviously there are areas that are
not especially in the moratorium area. If I look on
the map on 574, is everything that is not colored out
not Federal land, so most of the communities in the
Lower Kuskokwim would be not under Federal jurisdiction
in those areas or am I reading that correct. Pete.

MR. PROBASCO: Yes, you are, Mr. Chair.

CHAIRMAN FLEAGLE: All right. Further

MS. CAMINER: Mr. Chair. Maybe it's
just semantics, but on Page 571, the general
description of the proposal, it says a request establishing community harvest quotas. Well, No. 3, community harvest quotas is that generally a Federal term and secondly, it didn't seem to really ask for a harvest quota. It seems to be asking for refinement of the C&T. So I don't think that's really a point of contention but a little bit of confusion for me.

Thank you.

CHAIRMAN FLEAGLE: Thank you.

Appreciate the comments and I think that's the reason why it came out with the conclusion to do the .804 analysis. It reduces the amount of communities able to participate, but appreciate pointing that out.

So this would allow those 14 communities to be able to hunt in the Federal portion of the moratorium area. Is there a State season in the other portion? Did I -- I may have missed that in the analysis.

MS. CUNNING: It's on Page 575, the current State -- existing State regulation.


(Board nods affirmatively)

CHAIRMAN FLEAGLE: Geoff.

MR. HASKETT: Okay. I'd like to make a motion to adopt the proposal with modification. That modification's going to be to adopt that portion of Regional Council's recommendation that identifies which communities would be eligible to hunt on the Federal public lands portion within the area of the Kuskokwim River Drainage. The communities included in my motion are listed in the OSM conclusion on Page 583 of our Board book and is consistent with -- that is consistent with a portion of the Council's recommendation and I'd like to give my justification if I get a second to the motion.

MS. DOUGAN: Second.

CHAIRMAN FLEAGLE: You got it. Go ahead.
MR. HASKETT: Okay. So first to go ahead and address the question that Dr. Wheeler asked. The original proposal by the Refuge as modified here -- when present, they are definitely still in concurrence with that. No problem there. We're good.

So we recognize that the moose population in this area is growing some, but we recognize the reason for that is because of the efforts of the people who live there. And -- are majorly responsible for their efforts there. And some of what Tim Andrew testified is that the people there who did the work are in most need the resources. So I just want to go ahead and recognize that.

So even though the population is growing, it's not large enough to support subsistence uses for everyone eligible under the current C&T determination. Therefore we believe it's necessary to limit the pool of users to those who are most dependent on the resource as defined in Section 804 of ANILCA and those communities listed on Page 583.

There's ample evidence to support those 15 communities as those most qualified to hunt in the moose area. Now as has also been expressed here, the solicitor has told us that a portion of the Council's recommendation that would also establish a season harvest limit is beyond the scope of the original proposal. However, we can go and address that through a Council special action request which would do the same thing in establishing season and harvest limits and the intent would be I think to get to the question that concerns the State presented and we would actually in the same place after having gone through that. So maybe a little more extra step there, but I think we get to where we need to be, where we're coordinated together on that.

So that's fairly convoluted, but I think it covered everyone's concerns that I heard.

CHAIRMAN FLEAGLE: No, I think you did a good job there, Geoff. I agree that the analysis that's presented in the written document is thorough and supports the motion as well as the action. Other discussion.

MR. PROBASCO: I've got a question.
Mr. Probasco: Thank you, Mr. Chair.

Keith, with the testimony that has been made and the opinion that the season is outside of the original proposal, do we have sufficient information now to just assume that we have the Special Action request or do we have to actually go to the -- through the formality of asking the Council or the Refuge to resubmit one?

Thank you, Mr. Chair.

Mr. Goltz: I think we have to go through the formality. The reason for the solicitor's original advice was the lack of notice and comment. That concern can be overridden by going through our regular temporary regulations, but I think if we're going to be safe we should follow the steps.

Chairman Fleagle: Dr. Wheeler.

Dr. Wheeler: Mr. Chair, if I could. The Council was very clear that if that was the direction that the Board took that it wanted a Special Action submitted. So I think -- and that is on the transcript from the Council meeting. So I think that that direction is clear from the Council discussion on this proposal at their meeting in Bethel this winter.

Chairman Fleagle: Thank you. Further interaction there, Keith.

Mr. Goltz: They wanted to submit it or are they directing that.....

Dr. Wheeler: The Council -- if you read the Council's comments on Page 588, it is the intent of the Council to submit a Special Action request to establish a moose harvest season and harvest limit for the moratorium area of Unit 18 depending on the Board's action on this proposal. So their thought was that if the Board had acted to enact a season, then they wouldn't have to submit a Special Action, but since the Board is acting in the way that they were told the Board probably would act, then they -- yes, the Council will submit a Special Action. Mr. Chair.

Mr. Goltz: Okay.

Chairman Fleagle: I would guess the
process is that by that preapproving action of this
meeting that puts it in place without them having to
pull together another meeting, I guess is the....

DR. WHEELER: We have our direction.

Mr. Chair.

CHAIRMAN FLEAGLE: Yes. Okay. All
right. Pete.

MR. PROBASCO: Thank you, Mr. Chair. I
wanted to just get that clarified on the record so that
after we adjourn tomorrow sometime that we don't go
back into that confusion again.

So thank you, Mr. Chair.

CHAIRMAN FLEAGLE: All right. Further
discussion on the motion. Wini Kessler.

DR. KESSLER: Thank you, Mr. Chair. I
just want to express appreciation to the local -- for
the local community support for th moratorium. These
things are never easy. And also express appreciation
to the Agencies who have worked together to restore the
moose populations in the Kuskokwim.

The habitat there is not as productive
as elsewhere, for example, in the Yukon, so it may take
some time yet to really bring the population levels up
where they can sustain a harvest and so I think it's
important to recognize that the refuge and the users
and the communities and the State -- the Board of Game
and the Federal Subsistence Board need to be very
watchful and conservative as hunting is allowed to
slowly return to this area.

Thank you.

CHAIRMAN FLEAGLE: Further discussion.

(No comments)

CHAIRMAN FLEAGLE: All right. It
sounds like we've summarized fairly well the proposal's
intent and discussed its merits. Are we ready for a
question.

(Board nods affirmatively)
CHAIRMAN FLEAGLE: Question's recognized on Proposal 54. Pete, please pole the Board.

MR. PROBASCO: Thank you, Mr. Chair. Final action on WP10-54, adopt the proposal with modification to include the results of the Section .804 analysis.

Ms. Dougan.

MS. DOUGAN: Yes.

MR. PROBASCO: Mr. Haskett.

MR. HASKETT: Yes.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Ms. Masica.

MS. MASICA: Yes.

MR. PROBASCO: Ms. Kessler.

DR. KESSLER: Yes.

MR. PROBASCO: And Mr. Bunch.

MR. BUNCH: Yes.

MR. PROBASCO: Thank you, Mr. Chair. Motion carries, 6/0.

CHAIRMAN FLEAGLE: All right. Thank you. We now move to Proposal 56.

DR. WHEELER: Mr. Chair, Andrea Mederios is going to be presenting the analysis on this proposal.

CHAIRMAN FLEAGLE: Great. Welcome, Andrea.

MS. MEDERIOS: Chairman Fleagle. Board and Council members. My name is Andrea Mederios and I'm with the Office of Subsistence Management. Proposal 10-56 analysis starts on Page 605.
This proposal which was submitted by the Yukon Delta National Wildlife Refuge requests that the moose harvest limit in the lower Yukon area of Unit 18 be increased to two moose per regulatory year. If adopted, a Federally-qualified subsistence user would be allowed to harvest one antlered bull in the fall and one in the winter season in the Lower Yukon area of Unit 18.

A hunter who did not harvest in the fall would be allowed to harvest two moose during the winter season. Users would be required to harvest both moose from the Lower Yukon area of Unit 18.

This proposal was submitted by the Yukon Delta National Wildlife Refuge to provide Federally-qualified subsistence users with additional harvest opportunity and to help curb the moose population growth in the area. The moose population in the area has been rapidly increasing and the Refuge is concerned that the population will exceed the carrying capacity of the habitat and then decline as a result.

The Federal Subsistence Board at its November 12th work session adopted a Special Action -- a similar Special Action. While not all permits have been returned, 13 moose were reported to have been harvested under this Special Action and that was out of 42 permits that were issued, 23 permits were returned and out of that, 13 had reported to have harvested.

The OSM conclusion which is on Page 611 is to support the proposal with modification to extend the winter season to February 28th and to require a Federal registration permit. The winter season extension to February 28th would align the Federal season with the recently adopted State season and because the Federal and State harvest limits would be different, a Federal registration permit would be necessary.

Adoption of this proposal would provide additional harvest opportunity. Any additional harvest opportunity is not likely to result in a conservation concern based on the growth rate of the population in the Lower Yukon area. And that concludes my presentation. Chairman Fleagle.

CHAIRMAN FLEAGLE: Great. Thank you, Andrea. Appreciate the presentation and also I've
learned that you were largely responsible for putting
this book together for us, all thousand plus pages.

Good job.

Thank you.

MS. MEDERIOS: Thank you, Chairman. Me
and a lot of other hardworking individuals.

CHAIRMAN PLEAGLE: Good. Great.

Questions.

(No comments)

CHAIRMAN PLEAGLE: Summary of public
comments. Alex Nick.

MR. NICK: Mr. Chair. There were no
public comments.

CHAIRMAN PLEAGLE: Thank you. Public
testimony, Pete.

MR. PROBASCO: Yes, Mr. Chair. Mr.
Andrew.

CHAIRMAN PLEAGLE: Mr. Andrew.

MR. ANDREW: Thank you, Mr. Chair. In
this proposal, the area that is affected is quite a bit
different than the moratorium area. Here we have a low
population of humans. We have a great number of the
resource there and the habitat is -- it really allows
for this population of moose to build to where it is
today.

And many of the people in the area are
-- they do have access to the moose, but the additional
moose during the winter really would add to the
additional resources that they really need in the
villages. It provides for the much needed moose that
when people were limited only to one moose in the fall,
people would normally run out or deplete their moose
resources by the middle part of the winter. And when
you're allowed only one moose, it makes for a hard
situation for a lot of the people in the area, but the
additional moose in the winter hunt would really help a
lot of people out.
Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Tim.

Questions.

(No comments)

CHAIRMAN FLEAGLE: Appreciate the testimony. Regional Council recommendation, Alex.

MR. NICK: Mr. Chair, Regional Council recommendation is found on your workbook Page 613. The Council supported Proposal WP-56 with modification as described in OSM conclusion. The moose population in the Lower Yukon area is healthy and still growing. This area provides more opportunity to those that need the resource for food. This request was previously allowed through a Special Action request and the harvest was relatively low.

Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Alex.

Department of Fish and Game comments. Tina.

MS. CUNNING: This is one of those proposals which raise the issue of community harvest hunts being a better solution, which is part of the reason why we wanted the Board to understand how the State’s working community harvest program for future coordination between our State and Federal hunts in these areas.

We have the, you know, unfortunate position here of opposing this proposal due to a number of concerns. One of those concerns is that the differences in the Federal Subsistence and State regulations are going to create some real issues in these areas of mixed landownership. If this proposal is adopted, a Federal subsistence user that harvested moose in the Federal subsistence hunt may not participate in the State moose hunt because of the different in the bag limits for the remainder of the season.

There’s also a concern -- and this is more of a legal issue. We just want to remind the Board of that we’ve asked that the Board include specific language during deliberations clearly identifying their supporting facts because we have
continuing concerns regarding past Board actions which
established liberal bag limits for species during times
of peak population conditions and then the Board's
refusal for reductions in the back limits once the
population's returned to normal levels.

We're cautious of the establishment of
an artificially-inflated bag limit as the standard
definition for a meaningful preference for Federal
subsistence uses when the population returns to normal
levels.

So again we understand that this
proposal will probably be adopted, but we would like to
have some consideration be given to moving toward a
community harvest system and joint evaluation of mutual
proposals be less difficult for the users.

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STATE OFFICIAL WRITTEN COMMENTS
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Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP10-56:

This proposal increases the federal
subsistence winter bag limit for moose hunting in the
Lower Yukon River hunt area (Unit 18). The winter
subsistence season bag limit would be 2 moose
per year, so a federal subsistence hunter taking a bull
in the fall would be eligible to take 1 additional
moose in the winter or a hunter with no take in the
fall hunt would be eligible to take 2 moose in the
winter hunt.

Introduction:

Moose population in the Lower Yukon
River hunt area has increased dramatically in recent
years. The population is estimated at about 3,300
moose, has high bull:cow ratios and productivity, which
supports fall and winter seasons. This proposal seeks
to utilize more of the harvestable surplus by federal
subsistence hunters.

Impact on Subsistence Users:

Increasing the winter bag limit will
give federal subsistence users more hunting opportunity.

Opportunity Provided by State:

In Unit 18, the Lower Yukon River hunt area was modified at the November 2009 Alaska Board of Game meeting. The Board of Game approved changes by emergency order announcement for the 2009-2010 winter season to reflect: 1) change to hunt area boundary, and 2) winter season. The revised state regulation becomes a permanent in 2010-2011, as follows:

5 AAC 85.045 (a) (16). Hunting seasons and bag limits for moose

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<tr>
<th>Resident</th>
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<td>General Hunts</td>
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5 AAC 85.045 (a) (16). Hunting seasons and bag limits for moose

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Unit 18 Lower Yukon Area, that portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village, and excluding all Yukon River drainages upriver from Mountain Village.

1 antlered bull; or 1 moose

August 10 - September 30, September 1 - September 30, December 20 - February 28

Conservation Issues:

The Lower Yukon River moose population is growing rapidly and currently is not a conservation concern. If the moose population continues at a high rate of growth, over-browsing may result in future management and conservation considerations.

Enforcement Issues:

Enforcement problems related to hunt area boundary will be decreased by using the Kashunuk River bank as a boundary because it is an identifiable
geographic feature in an area of broad featureless terrain. None the less, difference in federal subsistence and state regulations resulting from adoption of this proposal create enforcement problems in areas of mixed land ownership, especially for annual bag limit accumulation issues. If adopted, a federal subsistence user that harvests a moose in a federal subsistence hunt may not participate in the state moose hunt for the remainder of the hunt season.

Other Comments:

If adopted, the department requests the Federal Subsistence Board include specific language during deliberations clearly identifying the supporting facts for adopting this proposal. The department has continued concerns regarding past Federal Subsistence Board actions which established liberal bag limits for species during times of peak population conditions and the Board's refusal for reductions in the bag limits once the populations returned to normal levels. The department is cautious of the establishment of an artificially inflated bag limit as the standard definition for meaningful preference for federal subsistence uses when the population returns to normal levels.

Recommendation:

Oppose.

If adopted, modification is needed to clarify that the federal manager must consult with the department to determine when to restrict further harvest.

The department suggests consideration be given to modification of this proposal to establish a community harvest hunt under federal subsistence regulations in cooperation with the State which would establish harvest quotas per community. Developing a community harvest program will provide additional opportunity to take harvestable surplus from the growing moose population to meet the needs of the communities. Additionally, harvest reporting would improve and harvest quotas would be sensitive to biological fluctuations in the population.

CHAIRMAN FLEAGLE: Okay. Thank you for those comments. InterAgency Staff Committee comments.
Polly.

DR. WHEELER: In addition to the standard comment that I reminded you of just a few minutes ago in respect to Proposal 54, the InterAgency Staff Committee has no additional comments at this time, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you. Board discussion.

(No comments)

CHAIRMAN FLEAGLE: I have a question on the harvest reporting on Table 2 on 610 -- Page 610. Am I reading this that 13 additional moose were harvested under the Special Action that allowed people to go back out and of those 13, are -- those people that received this permit, are they people that had already harvested a moose prior?

MS. MEDERIOS: That I'm actually not sure of whether they'd harvested previously or not or whether they just harvested in the winter season. But I would assume if they got permits they probably would have been hunting during that special hunt. So yes, I guess that would be the case.

CHAIRMAN FLEAGLE: It kind of implies that. I was just.....

MS. MEDERIOS: Yeah. I take that back.

CHAIRMAN FLEAGLE: .....curious but.....

MS. MEDERIOS: It would -- because they would have been issued a special permit to harvest an additional moose, so that would be the case. It would have been their second moose.

CHAIRMAN FLEAGLE: So in the first year of this being in effect under the Special Action we saw an increase of 13 moose harvested.

MS. MEDERIOS: That's correct.

CHAIRMAN FLEAGLE: All right. Other discussion.
(No comments)

CHAIRMAN FLEAGLE: Ready for a motion.
Geoff.

MR. HASKETT: I'd like to make a motion to adopt the proposal with modification as recommended by the Yukon-Kuskokwim Delta Regional Council and I'll provide my justification if I get a second.

MR. BUNCH: Second.

CHAIRMAN FLEAGLE: Go ahead, Geoff.

MR. HASKETT: So the moose population is doing very, very well in the Lower Yukon as has been pointed out and actually some people suggested it's doing so well it actually might be causing some habitat damage -- or could.

The Board approved a harvest limit for two moose in this area by Special Action this past winter, which we just talked about. The results are very clear that a number of families too advantage of the opportunity. My guess is they were very appreciative of the fact of being able to put additional moose into their meat in their freezers. I think we need to continue with allowing for this opportunity while we can especially since this is a fairly rare situation to have such a robust moose population that could sustain this kind of additional harvest.

Actually Tina's left, but I don't disagree with the State's suggestion to establish a community harvest program in the area. However, I think we need to have the ability to have some discussion on that. I thought the presentation this morning was very good on that. I was swayed by a lot of that, but I think we need a specific different proposal, more time for discussion and cooperative efforts between the managers before we would put that in place.

So I think we need to move forward this proposal now, but looking forward to working together for additional options available to us in the future.

CHAIRMAN FLEAGLE: Thank you, Geoff.
Also I'm reminded that due to the growth and healthy
population levels of this herd that this Board took action to open -- reopen to non-Federally-qualified users. I almost said subsistence users, but nonqualified users as well, so -- other discussion on the motion.

(No comments)

CHAIRMAN FLEAGLE: Is everybody satisfied with the justification laid out by Mr. Haskett. It sounds like we're ready for the question on Proposal 55.

(Board nods affirmatively)

CHAIRMAN FLEAGLE: Pete -- or 56.

MR. PROBASCO: Thank you, Mr. Chair. Final action 10-56, adopt the proposal with modification consistent with Yukon-Kuskokwim Delta Regional Council recommendation.

And up first, Mr. Haskett.

MR. HASKETT: Yes.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Ms. Masica.

MS. MASICA: Yes.

MR. PROBASCO: Ms. Kessler.

DR. KESSLER: Yes.

MR. PROBASCO: Mr. Bunch.

MR. BUNCH: Yes.

MR. PROBASCO: And Ms. Dougan.

MS. DOUGAN: Yes.

MR. PROBASCO: Mr. Chair. Motion carries, 6/0.

MS. MÉDERIOS: Chairman Fleagle. Board and Council members. Proposal 10-59 analysis starts on Page 625 of your meeting book. This proposal which was submitted by Byran Ulak of Scammon Bay requests that a regulatory provision be established for the harvest of moose from a motorized boat under low or idle power in the Lower Yukon portion of Unit 18.

The proponent believes that establishing this provision could help increase hunter success rate and may increase the harvest slightly. It is common practice of subsistence users in the area to hunt moose from a motor-driven boat under low power in the early morning and evening hours when animals frequent riverbanks. Low power is used to avoid scaring moose from the riverbanks by keeping motor noise to a minimum.

Statewide Federal subsistence regulations do not allow the harvest of wildlife from a motor-driven boat under power. However, exceptions are allowed under special provisions.

Currently under special provisions, you may take caribou from a boat moving under power in Units 23, 25, 26, and moose in Unit 25. The regulation for Unit 23 was adopted at the inception of the Federal Subsistence Management Program from State regulation. In 1994, the Board adopted a proposal to allow the harvest of caribou from a boat moving under power in Unit 26.

In 1995, the Board adopted a proposal to allow the harvest of caribou and moose from a boat moving under power in Unit 25. The OSM conclusion which is on Page 630 is to support with modification to remove the words low or idle.

Adoption of this proposal with modification would support the current practice in the area to harvest moose from a boat moving under power. The modification would make the language consistent with the language adopted for other units and would eliminate potential interpretation and law enforcement issues and allow Federally-qualified subsistence users the flexibility to choose the throttle setting that is appropriate for the conditions in the river.
Adoption of this proposal is not likely to create a conservation concern because the moose population in the affected area is thought to be healthy enough to support any additional harvest. And that concludes my presentation.

Thank you, Chairman Fleagle.

CHAIRMAN FLEAGLE: Thank you, Andrea.

Summary of public comments, Alex.

MR. NICK: Mr. Chair, there were no -- rather any public comments received on this proposal. Mr. Chair.

CHAIRMAN FLEAGLE: Thank you. Public testimony, Pete.

MR. PROBASCO: Yes, Mr. Chair. Mr. Andrew.

CHAIRMAN FLEAGLE: Surprise.

MR. ANDREW: Thank you, Mr. Chairman. I am to the point where I'm not introducing myself anymore.

Yeah. We support this proposal. I've been hunting on the Yukon River for almost 40 years, ever since I was a child, along with my dad and various other people. And much of my hunts were -- or the majority of my hunts were primarily meadow hunting, spot and stalk and various other ways. And during those years that I've hunted, I've seen people hunt in low, idle conditions and various speeds in various areas, but I'd like to point out in particular this area that Byron Ulak lives in, it's very low, brushy, marshy country and it's a lot different from the area that I hunt where meadows are generally dry and fairly easily accessible.

And I understand why Mr. Ulak would submit this proposal just because of the lay of the land out there being so marshy and very remote in various areas. And that concludes my testimony.

Mr. Chair.

CHAIRMAN FLEAGLE: Other testimony, Pete.
MR. PROBASCO: No, Mr. Chair.

CHAIRMAN FLEAGLE: I forget to ask is there questions for the testifier. Sorry, Tim. Come on back.

MR. BUNCH: Oh, no. Not for Tim.

CHAIRMAN FLEAGLE: No. Okay.

MR. BUNCH: I have a question for Andrea.

CHAIRMAN FLEAGLE: Okay. I'll get to that under the Board discussion. We can open it up then.

Okay. Regional Council recommendation, Alex.

MR. NICK: Mr. Chair. YK RAC supported Proposal WP-59 with modification as described in OSM conclusion. There have been no reported accidents caused by hunting from moving boats. Resources in the area can sustain the additional harvest of moose. The moose population in the area is healthy and growing. Some people do this as a practical activity while hunting. Keeping the boat under power while hunting in the area is important for safety and the bracket there, it says to avoid sweepers, rocks, et cetera.

When they were discussing the proposal, some of the Council members did mention that, you know, it's important to keep the motor power on while it's windy, you know, when they spot moose that they want to go after. That's part of the reason why they, you know, they put that bracket there. Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Alex.

Alaska Department of Fish and Game

comments, Tina.

MS. CUNNING: Currently under Federal Regulations 100.264 and 15, the taking of swimming wildlife from a moving boat is illegal. The traditional method of harvesting moose from the Lower Yukon River hunt area has not included pursuit and taking of swimming game.
Changing the Federal subsistence method of take to include boats under power would contribute to enforcement issues related to take of big game while swimming and take of other game such as waterfowl hunting. Adopting methods of take regulations that are divergent from the State hunting regulations will increase user confusion and increase risks of enforcement and other enforcement problems.

We also oppose this regulation because we believe that the Federal subsistence hunting regulations only apply on Federal public lands. The Federal subsistence hunting regulations do not apply on non-Federal lands and waters.

The boat-accessible waters of the Lower Yukon River are largely State owned and not subject to the Federal subsistence wildlife regulations.

STATE OFFICIAL WRITTEN COMMENTS

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

Wildlife Proposal WP10-59:

This proposal modifies federal subsistence methods and means of taking game to allow moose to be taken while under power in a boat being operated within the Lower Yukon River hunt area in Unit 18.

Introduction:

Under federal regulations 100.26 (4) and (15), taking swimming wildlife from a moving boat is illegal. Moose population in the Lower Yukon River hunt area has increased dramatically in recent years. The population is estimated at about 3,300 moose, has high bull:cow ratios and productivity which supports fall and winter seasons. Current federal subsistence methods of take prohibit taking a moose while under power in a boat or while moose are swimming. Traditional method of harvesting moose from the Lower Yukon River hunt area has not included pursuit and take of swimming game.

Opportunity Provided by State:
State regulations prohibit the take of game from boats under power in 5 AAC 92.080 (4), as follows:

92.080. Unlawful method of taking game; exceptions. The following methods of taking game are prohibited:

(4) unless otherwise provided in this chapter, from a motor-driven boat or a motorized land vehicle, unless the motor has been completely shut off and the progress from the motor’s power has ceased, except that a State regulations prohibit the taking big game while swimming in 5 AAC 92.085 (7), as follows:

92.085. Unlawful method of taking big game; exceptions. The following methods and means of taking big game are prohibited in addition to the prohibitions in 5 AAC 92.080:

(7) while a big game animal is swimming, except that a swimming caribou may be taken in Unit 23;

Enforcement Issues:

Changing the federal subsistence method of take to include boats under power would contribute to enforcement issues related to take of big game while swimming and take of other game (e.g., waterfowl hunting). Adopting methods of take regulations that
are divergent from the state hunting regulations will increase user confusion and increase enforcement problems.

Recommendation:

Oppose.

Federal subsistence hunting regulations only apply on federal public lands; federal subsistence hunting regulations do not apply on nonfederal lands and waters (unlike federal subsistence fishing regulations). The boat accessible waters of the Lower Yukon River are state-owned and are not subject to federal subsistence wildlife regulations.

CHAIRMAN FLEAGLE: Thank you for the comments. InterAgency Staff Committee comments, Polly.

DR. WHEELER: There are no additional comments aside from the standard comment from the InterAgency Staff Committee, Mr. Chair.

CHAIRMAN FLEAGLE: Okay. Thank you. I'm going to open it up to the roundtable discussion with everybody now, but I'm going to go ahead and put you on the list since I had a request from Charlie Bunch. Charles, go ahead and ask your question of Andrea, please.

MR. BUNCH: Andrea, I think, you know, the testimony this morning shows that my concern on this would be the enforcement angle of it because I know a lot of rural residents. How is this going to be -- as Tina says, is this going to be -- present a problem with enforcement in the different regions? I mean is it going to cause confusion to a hunter depending on the boundaries of the game units.

MS. MEDERIOS: There's no way for me to know how much confusion there would be on the ground in the implementation of this proposal. One thought is though that Federally-qualified subsistence users would be permitted with hunting moose because of the action you just took on 10-56, so they would be carrying a permit in the area to hunt moose. That's one thought.

MR. BUNCH: Well, my thought wasn't so much as to carrying the permit. I'm sure they would have a permit if it was a Federal hunt. My concerns
were the placing people into harm's way from State law
enforcement.

CHAIRMAN FLEAGLE: Polly.

DR. WHEELER: I might deflect that back
to our solicitor's office perhaps, but I don't know
that we have any answer for you on that one. That's
kind of outside of our purview of experience or
authority.

CHAIRMAN FLEAGLE: Well, I know Pat has
some additional comments to Tina's comments and maybe
we'll get there from here. And I also recognize,
Julia, that you wanted to speak, so I'll put you on the
list. But I would just comment that the regulatory
changes being proposed here would only apply to Federal
public lands, not the water because the -- we're not
authorizing swimming moose in this. And I know you
commented on swimming moose. It doesn't include that.

So the distinction between where the
Federal lands are and the State lands are are something
that the users are going to have to distinguish anyway,
whether this regulation applies or not, whether you got
the Federal permit or not. So I think that kind of
clears it up some, but, Pat, you had additional
comments.

MR. VALKENBURG: Yeah. Thank you, Mr.
Chairman. To kind of rephrase what Tina was getting at
maybe in a different way and then a couple of other
points.

It will be a real problem for users
because I can assure you that State enforcement
officers would enforce the State -- existing State law
on State waters. They would not allow people to shoot
from moving boats.

The reason that that regulation is in
State regulation and so widespread is mostly for safety
purposes, but the Board of Game has been open to the
idea of allowing shooting from moving boats where it
makes sense and one of the first places they recognize
that was on the Kilbuck with swimming caribou where
actually it is less wasteful and easier for people to
harvest caribou swimming in the water and I was not
aware that it was an issue with moose in the Lower
Yukon and it's probably a fairly recent thing because of the expanding moose population.

So I would suggest to people that they bring a proposal to the State Board of Game to try to get that addressed and I think Charlie's comments were right on also that, you know, this is going to not only cause confusion for local residents, it's going to give them the idea that it's okay to do this when State enforcement officers are going to tell them that it's not okay.

Thank you.

CHAIRMAN FLEAGLE: Ms. Dougan.

MS. DOUGAN: Thank you, Mr. Chair. While I'm partially inclined to support the proposal as modified by OSM, I too remain concerned about the enforcement issues and the potential to subject users to some of those issues. And because of those jurisdictional issues as Pat said I would also be willing to defer the proposal until something could be taken to Alaska Board of Game.

Thank you.

CHAIRMAN FLEAGLE: Thank you. I have a question. Keith, there's a pretty significant jurisdictional question at play here. When a person takes a moose, does that take occur from the point that the hunter is at or the point that the animal is at? I mean I see the State is defining the take as occurring from the boat and the way we were looking at it, obviously from the direction of the analysis and the way I'm thinking is the take is occurring on Federal land where it is occurring. I mean what -- do you have an opinion on this?

MR. GOLTZ: Yeah, I have an opinion.

(Laughter)

MR. GOLTZ: The State probably is going to argue that the take can occur either from the point of location of the hunter or from the point of impact of the bullet and I conclude that from the Totemoff case.

I don't think that's our position in
this case and I don't think it's really quite as complicated as we're making it seem.

We have already allowed this activity in five other places in Federal regulation. The State has already allowed it in two and there's no conservation concern. So what we are left with is a problem of determining where State lands are and where the Federal lands are.

That's true of almost all our regulations. If you take a look at the maps throughout this book, there is a colored portion and there's a white portion. The Federal Government claims jurisdiction only over the white portion. The rest is under exclusive State management.

Repeatedly we -- did I just reverse that?

CHAIRMAN FLEAGLE: Yes.

MR. GOLTZ: All right.

(Laughter)

CHAIRMAN FLEAGLE: The color is ours. The white is not.

MR. GOLTZ: All right. Well, Harry has pointed out I'm the oldest man in the room. He's been around long enough and so has Tina that by now everybody should know I don't always get it right, but I'm trying.

There is a difference in Federal approach to lands and waters. We claim Federal jurisdiction over all waters within the external boundaries of the CSUs. We claim Federal jurisdiction only if we have also Federal title.

If you take a look at the map on Page 627 in the -- it says Lower Yukon Hunt Area, we have Federal land and it seems during that reach there would not be much of a problem discerning where the impact of the bullet is going to be. It's going to be on Federal jurisdiction. That ribbon of water that flows through there is area that we claim Federal jurisdiction.

Now in the past -- and I've tried to
explain this concept. I've often said -- used the
terms hunting and fishing. But what I've been trying
to ferret out is the area of Federal jurisdiction. So
in that -- in a reach like that, I think the Federal
Government would claim that that is a
Federally-protected activity.

Having said that, I certainly think the
best solution is for us to have concurrent regulations
in this entire area and I think a proposal to the State
would be the best possible approach.

CHAIRMAN FLEAGLE: Thank you, Keith.
That still leaves the question though as to where --
you know, if that -- I don't know that that -- the fact
that we claim the waters flowing through the Federal
land for wildlife, I guess that's the question that I
haven't been clear. I think that Katie John was clear
that it is for fisheries, but did it apply to wildlife
as well.

MR. GOLTZ: I -- Tina's going to
disagree with this, but I think that the present result
of the Katie John litigation is Federal jurisdiction
within the external boundaries. That case is now in
appeal, so we may get a different result in the Ninth
Circuit, but as of now our Federal claim of
jurisdiction has been affirmed. And I don't see
anything in the opinion that says hunting and fishing.
I have said hunting and fishing in the past and
obviously used fishing to refer to waters, but that may
be more a statement of the limitation of language than
it is about the jurisdiction.
We are claiming Federal jurisdiction
over all internal waters.

CHAIRMAN FLEAGLE: I see you, Tom. I
got you down. But, guys, I -- we're pushing on a
marathon stretch here between breaks and I thought we
would finish up this Southwest area before we took a
break and then we could come back, but let's stand down
for just a few minutes and then we'll come back and
pick this up before lunch.

(Off record)

(On record)

CHAIRMAN FLEAGLE: All right. Federal
MR. KRON: Yeah, Mr. Chairman. I just wanted to reiterate something that Andrea had mentioned. This is common practice in this area already. We worked real closely with the Yukon Delta National Wildlife Refuge, Mr. Robert Sundown who is the Enforcement Officer there on this. You know, he has pointed that out to us and again participated with us through the process and the presentation to the Regional Council.

Again the Refuge has not opposed this. They understand the situation and again it's a common practice issue.

Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you. Further discussion.

Jack.

MR. REAKOFF: Mr. Chairman. I know this practice occurs in within our Region also. The -- we get into the issue of if we have a disparate Federal season, if a person is either with a motor boat that's drifting or however it's -- if the person is shooting a moose under a Federal hunt on the Federal lands, that would be disparate to the State season, if there was a disparity.

The methods and means disparity, this Board is within the -- I feel it's within the Board's purview to set a disparate methods and means of allowing a motorized boat. Again I feel like you do, Mike, if the moose is on the Federal lands -- if you shoot a moose and it wanders into a park, you get a ticket if you're not allowed to kill a moose in the park.

It's where the moose falls is where the enforcement has always occurred. And so I feel that this methods and means should not be delayed to the Board of Game. We don't know what they're going to do. We -- this moose population is increasing. This is a customary and traditional practice there and within our Region also and I feel that this Board has the ability...
to provide for a customary and traditional practice
even though it's not recognized legally. That would be
my comment.

Thank you.

CHAIRMAN FLEAGLE: Thank you. Dr. Kessler.

DR. KESSLER: I just had a question for
Alex Nick. Did the Council have discussion about this
for ability for enforcement actions? Is that part of
the concerns they discussed at all?

MR. NICK: Through the Chair. Wini,
yes, they did. They discussed the common practice that
people use out there when they try to harvest a moose
in that area in the Lower Yukon. Not only in the Lower
Yukon like what Jack mentioned that they -- the
hunters -- the local hunters sometime have no choice
but to have the power motor on in order to keep the
boat from drifting away from a position because in some
areas like the Council did discuss this in Yup'ik and
in English and Tom knows and some were the people that
attended YK Council meeting knows that some of the
comments the Council make are not interpreted into
English because there's no interpreter there.

And even if there's interpreter,
sometime he or she steps out of the room and during the
deliberation, they talked about that and they talked
about a current -- strong currents that occur during
tidal times, you know, in the Lower Yukon when the
tides are going in or going out and -- or going through
a stream -- small streams where there's a lot of
current or in the windy conditions, you know, during
hunting activity. They did talk about that, Wini.

Mr. Chair. Does that answer your
question?

DR. KESSLER: I was more wondering,
questions have come up about, you know, the mixed land
ownership and the possibilities of enforcement actions
being taken. Was that amongst the concerns discussed
by the Council?

MR. NICK: That was also discussed too
and Robert Sundown was there to answer some questions
that they have.
DR. KESSLER: Okay.

MR. NICK: Mr. Chair.

DR. KESSLER: Okay. Thank you.

CHAIRMAN FLEAGLE: Other discussion.

Keith.

MR. GOLTZ: I've been asked to clarify one point. In my previous remarks, I was referring to Map No. 1 on Page 627 and I was referring to activities that are taking place in the -- what's designated the Lower Yukon Hunt Area, the dark portion. I think that Jack is correct. The enforcement actions usually take place where the animal falls and I was arguing that in that area, the animal's going to fall on Federal land and it's going to be initiated in Federal waters.

However, if you go north -- downriver, you're going to look at a lot of white land. We're not claiming that a hunter could legally use those Federal waters and shoot a moose in the white area. That would be under State jurisdiction.

CHAIRMAN FLEAGLE: Thanks for the clarification. That was my understanding as well. Are we ready for a motion.

(Board nods affirmatively)

CHAIRMAN FLEAGLE: Oh, hang on.

Weaver, go ahead.

MR. IVANOFF: Mr. Chair. I'd like to reiterate what Mr. Alex Nick has stated in regards to safety. I don't know those of you who are sitting here at the table have been on the Yukon River and you know that's -- we all know that's an immense river and I've been on there several times on the Lower Yukon portion.

It's dark, it's swift, it's muddy. You fall in the water, you be under two, three feet, you don't know which way is up and which way is down. There's no question about that. I mean there's a lot of people have trouble when they fall into the river on the Yukon. You just can't tell which way's up and down even though you're in a few feet.

And so there's a real safety concern.
It's common practice already to do that. They'd like
to legalize it, but the most safety concerns, once you
shut off your boat motor in the excitement of the hunt,
and it sometimes occurs, you got to do that because the
regulation says you can't shoot it. And there's a real
danger once that happens because of the current on the
Yukon. It is -- there's a lot of -- there's whirlpools
that do occur down there. There's swirling water and
it just never quits. I mean there's a lot of force in
there and once your boat hits onto an embankment, it's
capsize without -- I mean just like that.

So it's a real safety concern and I
think because of that, that was part of the reason that
the Yukon River, the Yukon Delta Advisory Committee is
asking that this be passed. I realize that you're
talking about enforcement and legal issues that are
involved with it, but most of the people who live down
there in Kotlik, Emmonak, Alakanuk and Nunam Iqua know
where the boundaries are. This is basically the white
area that we're talking about. Those are mostly
corporate land -- village lands and so they know
exactly where the boundaries are and that's not a
question. That should not be a question because those
people intimately know where those boundaries are and
that shouldn't be a problem.

CHAIRMAN FLEAGLE: Thank you, Weaver.

Geoff.

MR. HASKETT: I'd like to make a motion
to adopt the proposal with modification as recommended
by the Yukon-Kuskokwim Delta Regional Council and I'll
provide my justification if I get a second.

MS. MASICA: Second.

CHAIRMAN FLEAGLE: There you go.

MR. HASKETT: I'd like to point out
again this is another area where we have a moose
population that's healthy and robust. I'd like to
point out that this is a method of harvesting moose
that's already occurring a number of places in the
State. The intent is to make hunters more successful
and safer. It's a method we're already allowing for
taking caribou in at least four other units, 18,23,25
and 26 and for moose in Unit 25.
This will be consistent with our
regulations in those other units. We're looking to
remove the reference that the motor must be at
lower/idle power. I think that that would be very
difficult to enforce or define.

I recognize the concerns from the State
as far as the jurisdictional issues, but I guess I need
to point out we have jurisdictional issues in a lot of
places over the State. This is an area where we
disagree in terms of who has jurisdiction and I'm -- I
guess my point would be that if we let that keep us
from making determinations on this Board, we would be
kept from making about half the determinations we're
able to make. So I guess we'll recognize we have a
disagreement and move forward with this.

CHAIRMAN FLEAGLE: Further discussion.

Charlie.

MR. BUNCH: Yeah. I'm hesitant to vote
against anything which would affect subsistence uses.
However, you know, I think that the testimony that
Ralph has given and I'm assuming that Mr. Peltola knows
his folks much better than I do, but I think the law
enforcement issue is the only thing that is causing me
concern on this and I would urge Mr. Ulak to petition
the State to do something, but I'm in total agreement
with you. I think if we wait for the State, we may
wait a long time.

CHAIRMAN FLEAGLE: Geoff.

MR. HASKETT: I want to make sure that
what I said is interpreted correctly because I continue
to work with the State on these issues, but I'm just
recognizing the fact that we do have fairly strong
jurisdictional disagreements and those shouldn't keep
us from making decisions here because it could cause
some problems in a lot of our deliberations.

MR. BUNCH: I agree.

CHAIRMAN FLEAGLE: Charlie. Tina.

MS. CUNNING: Thank you. We have a
regulation in the State Board process whereby we can
take up proposals out of cycle in order to make things
work better with the Federal Subsistence Program and
that is a -- a very serious -- serious intent that was recognized through our MOU deliberations that the Board of Game would take up things out of cycle in order to address issues.

It's my suggestion that this is not quite as clear as what the discussion has addressed here. Several of you have noticed Keith and I have been having several sidebar conversations on this issue and there are a number of questions that still aren't raised and discussed on the record.

My suggestion would be that you defer this proposal, let us work on a couple of things: (1) taking this authorization up with the Board of Game which actually I think they have indicated some interest in doing and Pat's nodding yes. Secondly, it's my suggestion that we also work on providing clarifying language jointly. Even where we may disagree on jurisdiction, it's really inappropriate to put our subsistence users at risk of unnecessary enforcement actions.

And I think that we could help clarify, especially if our legal counsel and the Federal legal counsel were to work together -- I think we could provide some clarifying language, perhaps take this up at another Board meeting this year, that would clarify those areas that would clearly recognize the jurisdiction and clearly recognize where there's conflicts.

For example, the one comment that Keith made was that the Federal hunting regulations would apply within those dark areas where there's Federal lands adjacent and not in the areas downstream where there's private and State lands adjacent. However, that's really not been my understand.

Where there's fisheries jurisdiction claims and Federal Reserve water rights, that includes those waters downstream out to the outer boundary of the conservation system unit which would then mean that these Federal subsistence regulations for hunting would apply within those Federal Reserve water rights within the boundaries of the waterway out to the exterior boundary of the unit.

So we still have some discussion on where those claims would be or not be that I think we
need to be sure are cleared up for our respective
users.

CHAIRMAN FLEAGLE: Thank you, Tina. I
have a couple of thoughts on this and just for process.
One is, first not speaking to the jurisdictional or the
process allowing the Board of Game to participate, et
cetera. I'll get to that in a minute.

But the first one is if we adopt the
proposal as presented, we would have an inconsistency
in the exceptions where the exceptions are currently
boat moving under power in Unit 23, a boat moving under
power in Unit 25, a boat moving under power in Unit 26.
This would the exception to the exception where we
would say that that boat moving under power can only be
at lower/idle power. I mean why confuse it with having
that. I would entertain an amendment to remove that
lower/idle. I men they can -- that's what they do.
Yeah. Okay. You guys are way ahead of me. I won.

(Laughter)

MR. HASKETT: You're very convincing.

(Laughter)

CHAIRMAN FLEAGLE: I'm sorry. I was
busy with the other issue, but thank you. That's good.

The second issue is as far as we have
this discussion about whether or not to wait for the
Board of Game or the State to come up with some
language that might allow this practice in this area,
we could take action with a delayed implementation
pending the result of State action at the request of
any Special Action request and I know we've done
similar things like this before. And it kind of
positions you to say, all right, State, we are going to
implement this action and we encourage you to match
this action.

I know we've done it in the past. It's
just a possible compromise solution. I agree with
Geoff. We do have the authority to pass this
regulation whether it's in the best interest to wait
for the State or not. I think it's moot. Pete.

MR. PROBASCO: Mr. Chair. And your
concept there as far as when the regulation would be in
effect and I -- Chief, correct me if I'm wrong, but I
think the Board would need to put in their motion an
effective date specifically when that regulation would
take place -- would start.

CHAIRMAN FLEAGLE: Right. Keith.

MR. GOLTZ: That's correct.

CHAIRMAN FLEAGLE: So I just throw that
out for suggestion and -- Weaver, go ahead.

MR. IVANOFF: Thank you, Mr. Chair.
While your idea has some merits to it, I wasn't there,
but I don't believe the Yukon-Kuskokwim Delta Advisory
group -- RAC people envisioned the discussion to go
this far, that the State would -- we would have to wait
until the State takes some action to address the
concern.

Again the safety issue is of the utmost
importance. The practice is continuing now. It's just
a matter of legalizing it and the practice is going to
continue whether you take action. Maybe I'm off base
saying that right now.

(Laughter)

MR. IVANOFF: But the reality of this
-- and I'm a hunter and I -- things happen like that.
I mean it's -- you're out there in rural Alaska. There
are not that many enforcement officers running around,
you know, to where they'll actually be there. I mean
you'll see them maybe if you're lucky -- or unlucky --
once or twice a week. I mean once every two weeks
maybe and that's the reality of it. It's -- so it's --
I really have I guess a hard time when we have to refer
or defer taking action on a safety issue until the
State could come up with something.

I mean I think we could -- we should be
able to take action on a proposal and if the State
needs to follow suit, then something that we could work
for, but it shouldn't be the other way and that's my
feeling. And again maybe I'm off base saying that, but
at the same time, I believe you should, you know,
really take action rather than defer and wait until the
State because we don't know. We have no idea what the
State Board of Game is going to do and that's the whole
uncertainty.

The certainty here is taking action today. Thank you.

CHAIRMAN FLEAGLE: All right. Appreciate the comments. I have allowed a couple of comments from outside the Board. We have taken a motion on this and I'd like to go ahead and just bring it back to the Board and let us complete our work.

What's the intent of the Board.

(No comments)

CHAIRMAN FLEAGLE: Any further discussion? Charlie.

MR. BUNCH: Call for question.

CHAIRMAN FLEAGLE: Question's called on the proposal. Pete.

MR. PROBASCO: Thank you, Mr. Chair. Final action on WP10-59, adopt the proposal with modification consistent with the Yukon-Kuskokwim Delta Regional Council recommendation to remove the words low or idle. Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Ms. Masica.

MS. MASICA: Yes.

MR. PROBASCO: Ms. Kessler.

DR. KESSLER: Yes.

MR. PROBASCO: Mr. Bunch.

MR. BUNCH: Yes.

MR. PROBASCO: Ms. Dougan.

MS. DOUGAN: Yes.

MR. PROBASCO: And Mr. Haskett.

MR. HASKETT: Yes.
MR. PROBASCO: Motion carries, 6/0.

CHAIRMAN FLEAGLE: Thank you. And I
would encourage the -- somebody to submit a companion
proposal to the Board of Game to align that process --
or I mean that activity.

That concludes the Yukon-Kuskokwim
Delta portion of the meeting and we will resume with
the Western Interior when we return from lunch at 1:50.

(Off record)

(On record)

CHAIRMAN FLEAGLE: Good afternoon.
Welcome back to the afternoon session of the Federal
Subsistence Board, May 19th, and we're stepping into
the Western Interior Region, Region 6. We have two
proposals and first up is Proposal 67.

Dr. Wheeler.

DR. WHEELER: Thank you, Mr. Chair. We
have some staff that haven't been up to the table
before at this meeting, but certainly they've been up
to the table at numerous other meetings. To my right
is Larry Buklis. He's the Chief of the Fisheries
Division. And to his right is Don Rivard, the Analyst
for several of the Western Interior proposals, and then
to his right is Ann Wilkinson, the Chief of the
Coordination Division. And Don will be doing the
analysis for 67 and 68.

Mr. Chair.

CHAIRMAN FLEAGLE: Great. Welcome to
the table, everybody, and, Don, go ahead and lead out.

MR. RIVARD: Good afternoon, Mr. Chair.
Board members and Council representatives. Again my
name is Don Rivard with the Office of Subsistence
Management. The analysis of WP10-67 starts on Page 697
in your book.

WP10-67, submitted by the Western
Interior Alaska Subsistence Regional Advisory Council,
requests changes in the harvest limits and dates for
moose in Unit 24B in the Kanuti Controlled Use Area.
During its February 2010 meeting, the Western Interior Council thoroughly discussed this proposal. The Alaska Department of Fish and Game Area Biologist in Galena offered and spoke to State Proposal 90A as an alternative for consideration. State Proposal 90A requested a four-month winter season from December 15th to April 15th and a limit of one antlered bull with a minimum five-inch antler on one side in portions of Units 24B and 24C with a four-year sunset clause.

The Biologist pointed out that in the upper Koyukuk River Drainage there is a low density moose population and a low number of hunters which translates to low encounter rates with moose and therefore low harvest. The low encounter rates would be offset by the longer four-month season and take pressure off hunters to find moose during a short five- or ten-day season as has been the case and was proposed in this proposal.

The Council was in agreement with the rational for State Proposal 90A and made its recommendation on WP10-67 utilizing the parameters of State Proposal 90A for Federal public lands within the Kanuti Controlled Use Area contingent on State Proposal 90A being adopted by the Alaska Board of Game the following week.

The Council's intent was to align Federal and State regulations in the affected area. The Council made a second recommendation in case the Board of Game did not adopt State Proposal 90A. The Board of Game did adopt State Proposal 90A but with a limit of one antlered bull, but did not adopt the minimum five-inch antler restriction due to the reported difficulty with accurately determining the size of an antler in the field.

OSM Staff concurred with the Council's recommendation and intent and changed its conclusion to match the Council's recommendation but without the antler size restriction so as to be consistent with State regulatory action subsequent to the Council's meeting. The Council met by teleconference last week on the 14th of May and reevaluated its recommendation on this proposal in light of the March 2010 Board of Game action.

The Council Chair will report the
outcome when he provides the Board with the Council's recommendation. Related to this proposal is State Proposal 94 which requested the boundary of the Kanuti Controlled Use Area be modified as a reduction in the size of the Controlled Use Area by removing a triangular shaped portion south of Bettles.

The Western Interior Council's recommendation on State Proposal 94 was to oppose. However, at its March 2010 meeting, the Alaska Board of Game adopted State Proposal 94.

Federal public lands in the Kanuti Controlled Use Area have been and are closed to the taking of moose except by Federally-qualified subsistence users of Unit 24, Koyukuk and Galena, which includes approximately half of the area removed by the Board of Game. There are now two descriptions of the Kanuti Controlled Use Area, one in State regulations and one in Federal regulations. For this proposal, the affected area is the Kanuti Controlled Use Area described in Federal regulations.

The OSM conclusion is to support WP10-67 with modification, to provide a four-month winter season in all Kanuti National Wildlife Refuge and BLM lands in Unit 24B and to specify the Kanuti Controlled Use Area as described in Federal regulation and to specify the regulation will sunset 30 June 2014. I refer you to the map on Page 708 that shows this modification.

Inclusion of all Refuge and BLM lands in Unit 24B will provide the same four months of harvest opportunity for Federally-qualified users on Federal lands adjacent to and/or near the Kanuti Controlled Use Area not covered by State Proposal 90A and would preclude the need for an additional portion description in regulation for 24B. The modified proposed regulations are found on Page 709.

Thank you, Mr. Chair.

Chairman Fleagle: Thank you, Don.

Summary of public comments. Ann.

Ms. Wilkinson: Mr. Chairman, there were no written public comments for this proposal.

Chairman Fleagle: Thank you. Pete,
public testimony.

MR. PROBASCO: No one has signed up to testify on this proposal.


MR. REAKOFF: Mr. Chairman. The Council supports the basic outline here of OSM on Page 709. This has been a long and arduous process for the Western Interior Council to accommodate moose under harvest needs for -- the primary communities are Allakaket and Alatna in Unit 26B. They used to harvest between 30 to 40 moose and in 2004, the Board of Game voted to eliminate winter moose hunting.

The Western Interior Council advocated for telemetry project and the U.S. Fish and Wildlife, the BLM, and the Park Service instituted moose telemetry including the Kanuti National Wildlife Refuge. The telemetry work has shown that the moose are not present on the Valley floor to a large degree during the fall moose hunting season and moose are basically the rule of thumb as according to the TEK there. The moose are way far off of the river quote. The Refuge Manager tracks the moose up to typically ten miles from the river and so -- and until about January, the moose finally come -- get enough snow and they come down along the river quarters and that's what makes them available for harvest.

The Western Interior submitted our original proposal on the State and Federal sides this last regulatory cycle and we were very pleased that the State has accommodated coming up with a meaningful proposal. The State has fought winter hunts, but the State came forward with a meaningful proposal, an alternate 90A, and so that was reviewed.

As Co-Chair of the Koyukuk River Advisory Committee, we met in Allakaket and the Advisory Committee reviewed the various proposals and the people of Allakaket and Alatna were very pleased with Proposal 90A to set out a December 15th to April 15th season. The Area Biologist was hard and fast with the Advisory Committee and the Regional Council to -- originally he wanted an antler length of growth and what we're looking for is to kill bull moose when they begin growing antler in April. After the
vernal equinox in March, they start to grow antler, and so that's been a problem.

There's not another moose population. It's about -- around 880 moose. It's about half of what it was -- 2,000 moose back in the '90s and so there's concern about killing cows. And so this would delineate the bulls as they grow antlers. I was concerned that with an antler length -- or correction -- an ear length there wouldn't be enough time for them to grow that amount of antler. I took pictures of various moose and I've submitted those to the Advisory Committee. So we at least got the State to bring that down to half an ear length or five inches. That was as low as we could get with the Area Biologist.

But during deliberation, the Board of Game and primarily the protection -- Fish and Wildlife Protection said this is a subsistence hunt. It would be hard to enforce anything under four and a half inch moose, four inch moose. You know, it's a subsistence hunt. We can't really do -- so the Board of Game made it one antlered bull. And so now when we had our teleconference in -- last Friday, May 14th, the Council voted to align with the State language.

This proposal, I want the Board to be aware that there's an elimination of a cow harvest for four years here. Winter cow hunting is very traditional. It's desired to be part of the winter hunting opportunity, but I want the Board to be aware that we understand that the moose population is not adequate to support any cow harvest, but in the future, the Western Interior Council has been reluctant to eliminate. We went through a process of authorization. We want to put -- have a placeholder. If the moose population returns in the future, I want this record to reflect that the Council would again like to return to limited cow harvest in winter. That's a traditional activity on the Koyukuk River for the Koyukon people.

And so that would be my comments today. Any questions.

CHAIRMAN FLEAGLE: Thank you, Jack. Questions.

(No comments)

CHAIRMAN FLEAGLE: Thanks. I'm sure
we'll get into more discussion under the discussion portion. Probably a little more debate -- or I mean not debate but discussion. Thanks.

MR. REAKOFF: Uh-huh.

CHAIRMAN FLEAGLE: Okay. Alaska Department of Fish and Game comments. Tina.

MS. CUNNING: I'd like to add to Jack's comments there that this has been a long struggle, long before many of you that are on the Board know about. These proposals related to the Kanuti area have been with us for quite a long time. It's been very, very complicated because of the Controlled Use Area and the closures and whatnot and we're very close to being very much in alignment which is really a pleasure on this one.

We do have a couple concerns related to this proposal, however, which we need to just be sure are on the record. We do support the change to the one antlered bull, December 15 through April 15, within the Federal Kanuti Controlled Use Area. We oppose the modification to expand the winter season boundaries to include all of the Kanuti Refuge and BLM lands of Unit 24B.

If the boundaries of the proposed four-month Federal subsistence winter hunt are expanded, a Federal permit is required because of the checkerboard portions of the expanded hunt area because the State's winter hunt would be closed in a portion of the area that is recommended for expansion.

If this proposal is adopted as modified by OSM, Federally-qualified subsistence users could be required to obtain three or four different permits to hunt moose in 24B depending upon the time and area the hunter chooses to hunt.

3. The Department requests removal of the closure of the Kanuti Controlled Use Area to non-Federally-qualified users. The closure complicates management, unnecessarily reduces opportunity for non-Federally-qualified users in remote areas away from hunting areas used by local residents, and is not necessary to provide for subsistence because it is redundant with the Controlled Use Area. Adoption of
this proposal as modified by OSM will significantly liberalize the Federal subsistence moose hunt. If the four-month Federal subsistence winter hunting season and the hunt area expansion are adopted, continuous of the closure to non-Federally-qualified users within the Kanuti Controlled Use Area cannot be justified as necessary for conservation or to provide for subsistence.

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STATE OFFICIAL WRITTEN COMMENTS
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Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP10-67:

The Western Interior Regional Advisory Council submitted WP10-67 with five changes proposed for moose hunting in Unit 24B. The Council subsequently adopted recommendations to modify their own proposal to mirror the state regulation adopted by the Board of Game March 2010.

Impact on Subsistence Users:

If the modified recommendations are adopted, federally qualified subsistence users would be able to hunt moose under consistent state and federal regulations during a relaxed 4-month winter season when bull moose are most likely to be available and traveling conditions are good.

The proposal requests elimination of the antlerless moose hunt. No antlerless federal subsistence moose hunts were authorized in the last 4 years by federal land managers, thus this proposed change will not restrict or provide additional opportunity for federal subsistence uses.

Removal of the closure of federal public lands in the Kanuti Refuge to non-federally qualified hunters would have little effect on hunting pressure because this is a very remote area. Non-federally qualified hunters are essentially limited to travel by boat on navigable waters in the same general area as federally qualified users. Removal of the closure may result in some increase in hunting by non-federally qualified users on federal lands, but the
state and federal Kanuti Controlled Use Area aircraft access restrictions will limit that increase.

Opportunity Provided by State:

In Unit 24B, the state season is currently one bull from September 1 through 25 upstream of the Henshaw Creek drainage; from (and including) the Henshaw Creek drainage downstream, the seasons are September 1 through 25. Downstream from the Henshaw Creek drainage, the season now includes a winter registration permit hunt during December 15 through April 15 with a bag limit of 1 antlered bull. This season will sunset after 4 years if not reapproved. The Board of Game also adopted this same winter season with a sunset for all of Unit 24C.

Conservation Issues:

The moose population in Unit 24B has declined by as much as 50% since 1999, although bull:cow ratios remain high. The management objective for the moose population is for growth and a return of the population to levels of the late 1990s. The Alaska Board of Game has endorsed this strategy and closed antlerless moose harvest in the fall and closed spring hunts in order to protect that productive component (cows) of the population. Unreported harvest of cows occurs annually, which is a conservation concern. The State season of December 15 through April 15 with a bag limit of one antlered bull will be sustainable as long as residents are careful to not shoot cows. Because this season is experimental, the Alaska Board of Game established the four year sunset so the management program is carefully evaluated before it is allowed to continue.

The Alaska Department of Fish and Game's management responsibilities for sustainable populations and scientific role in the process of determining the hunting season and numerical harvest quota need to be clarified in the proposed consultation process.

Enforcement Issues:

Federal subsistence hunters would be at risk of taking a cow in the late winter bull-only season when bulls have shed their hard antlers and are growing new velvet antlers. A legal definition for
what qualifies as an antlered bull would benefit both federal subsistence users and enforcement officers.

Other Comments:


Recommendations:

(1) Support "one antlered bull" December 15 through April 15 winter federal subsistence moose hunting season within the federal Kanuti Controlled Use Area.

(2) Oppose OSM modification to expand the proposed December 15 through April 15 winter season boundaries to include all of the Kanuti Refuge and BLM lands of Unit 24B. If the boundaries of the proposed four month federal subsistence winter hunt are expanded, a federal permit will be required in checkerboard portions of the expanded hunt area because the State's winter hunt would be closed in a portion of the area recommended for expansion. If this proposal is adopted as modified by OSM, federally qualified subsistence hunters could be required to obtain three or four permits to hunt moose in Unit 24B depending upon the time and area the hunter chooses to hunt.

(3) The Department requests removal of the closure in the Kanuti Controlled Use Area to non-federally qualified users. The closure complicates management, unnecessarily reduces opportunity for non-federally qualified users in remote areas away from hunting areas used by local residents, and is not necessary to provide for subsistence because it is redundant with the Controlled Use Area. Adoption of this proposal as modified by OSM will significantly liberalize the federal subsistence moose hunt. If the four month federal subsistence winter hunting season and the hunt area expansion are adopted, continuance of the closure to non-federally qualified users within the Kanuti Controlled Use Area cannot be justified as necessary for conservation or to provide for subsistence.

CHAIRMAN FLEAGLE: Thank you, Tina.
InterAgency Staff Committee comments, please.

DR. WHEELER: Thank you, Mr. Chair. Before I get to the Staff Committee comments, I do just want to make one point. In your gray notebooks -- or folders, there's a copy. The number is No. 10 and it actually is an up-to-date executive summary for Proposal 67. It gives even the results of the -- of Friday's May -- Friday, May 14th Western Interior Regional Advisory Council meeting. So we should have mentioned that earlier, but just if you want to fish that out in your packet, it gives you the revisions as of Friday.

MS. CUNNING: And the State.....

DR. WHEELER: Right. And the State distributed their comments this morning -- or the State didn't distribute them. They were distributed for the State and they're No. 13. So you might want to get those two pieces of paper.

And then, Mr. Chair, the InterAgency Staff Committee has no additional comments beyond the standard comments. Thank you.

CHAIRMAN FLEAGLE: Thank you. All right. Open for discussion. Jack.

MR. REAKOFF: Mr. Chairman. I -- to address the State's comments. The closure on the Kanuti Controlled User Area and during our deliberations last Friday, we want the Federal Government to retain the old description of the Kanuti Controlled Use Area.

The people of Allakaket and Alatna have spoken extensively on their lack of harvest. My concern with elimination of the Kanuti Controlled Use Area closure under Federal regulations would be that the bull-cow ratio is 45 bulls per 100 cows which is right at our management objective of the Koyukuk Moose Planning Group.

There's -- the Dalton Highway has access to the Jim River, the Bonanza Creek, Fish Creek, and the South Fork of the Koyukuk and those drainages allow boat access and so there are significant numbers of boat hunters that go up against that Controlled Use Area.
We would be concerned that these -- the bull-cow ratio would be -- this encounter rate and this problem that people are having meeting subsistence needs -- and this proposal is for bull moose, that we would be actually inviting additional harvest that we don't feel -- that I don't feel is -- can be accommodated. The 45 bulls per hundred cows would -- because there's not a lot of telemetry on the bulls, it's mainly on cows, but it indicates to me an unhunted population moose. Gates of the Arctic National Park has an unhunted basically and the core area has 78 bulls per hundred cows. That's an unhunted population. 45 bulls per hundred cows would indicate that moose are either being killed by Allakaket and Alatna or outside and there's many air taxis. There are two or three air taxis that fly Beaver Aircraft out of Bettles and they basically ring the Controlled Use Area with drop-off hunters.

And so it indicates that there's significant exchange of moose coming in and out of that Controlled Use Area and there is effect on that moose population within the Controlled Use Area. So I would not be inclined for the Board to eliminate the closure on the Kanuti Controlled Use Area. I would encourage the Board to retain the configuration of the old Controlled Use Area. The Board of Game was -- had a proposal. There was an individual who was one mile inside of the Controlled Use Area and he made a proposal to eliminate a significant portion of the Controlled Use Area and the Board adopted that.

And so I -- regarding all of the lands within Unit 24B, BLM and Refuge lands, I gave the Council time to comment on what they felt about just staying with the Controlled Use Area portion or all of the BLM and Refuge lands. The Council -- many comments were to give the most opportunity.

Bettles was issued -- there's been a Special Action request that the Federal Board has been dealing with on this winter hunt there. This will eliminate that Special Action request every year. There was one permit issued for Bettles. I think there may be three people that might -- Eleanor Yatiin -- she used to live in Bettles. She's on our RAC. She commented that those lands that the Bettles winter road transcends would be -- people may have opportunity to harvest a bull moose along that road and -- so I don't think that it's a significant amount of people that are
going to be Federally-qualified users. It would
basically be Bettles, Evansville, Allakaket, and
Alatna. There's not any more than 30 people in Bettles
-- Evansville. There's very low population there.

And so I don't feel that the additional
lands are actually -- would not be detrimental to the
resource or to -- it would be actually beneficial to
the subsistence users to include those other BLM and
Federal Wildlife Refuge lands.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Jack.

Other discussion. Mr. Buklis.

MR. BUKLIS: Thank you, Mr. Chairman.
The geography of this hunt area is a central aspect to
help understand the proposal better and the various
views on it and so in addition to the two supplemental
documents that Dr. Wheeler pointed out to your
attention, No. 10, which is the RAC -- the Council
teleconference update, and No. 13 which is the revised
State comments, we want to bring your attention to two
other supplements in your folder or on your table, No.
8 and No. 16.

No. 8 is a map of this area that we
produced a few days ago and then No. 16 is a very
similar version of that map provided by the State this
morning. And let me begin with No. 8 -- supplement
item No. 8. We're also putting that on the screen for
you.

Now unfortunately the televised
electronic version doesn't show a diagonal line showing
that wedge removed by the Board of Game, but it is on
your paper copy. So looking on your paper document or
on the screen, let me point out a few key aspects of
the geography here.

The bold black line is the Kanuti
Controlled Use Area boundary under the Federal
regulations and those remain the boundaries at this
point. The fine black line shown on your paper copy
which on the screen would be right about there forming
kind of a diagonal -- triangular wedge, that is the
area removed from the Controlled Use Area definition by
the State Board of Game under State regulations, but
the bold line shown on the screen and on your page is
the Federal Controlled Use Area.

The blue -- the large area of blue shading throughout much of the region is the area of the State Board of Game action on this four-month winter hunt. And you can see that it is 24C and much of 24B and much of the Controlled Use Area. The proposal you're dealing with deals with the Federal Controlled Use Area as we've known it and as it is still defined. The Federal lands to the southeast of Bettles and Evansville outside the Controlled Use Area but in 24B and I'm pointing to them on the projection screen behind you.

The Federal lands outside the Controlled Use Area but in 24B you can see are beyond the area of blue shading where the State Board of Game action had effect. So those lands are not in the Controlled Use Area which is what this proposal deals with and they weren't acted on under State Proposal 90A. So if we don't expand beyond the Controlled Use Area with this action today, those lands would be left out under both regimes.

It would be very difficult to describe just those Federal lands and the Controlled Use Area in regulation for the users. So a much simpler approach to accomplishing the same thing is what we have in our proposal modification package which is Refuge and BLM lands in Unit 24B because those lands I pointed to to the southeast of Bettles and Evansville but outside the Controlled Use Area are Refuge and BLM lands. So saying it that way grabs those lands. It also we recognize is redundancy to the State action elsewhere outside the Controlled Use Area, but it avoids that complex attempt to describe just those lands.

So it wasn't an overreach to make this a larger geographic application than we meant it to be, but it was meant simply to address those lands otherwise left out.

Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Larry. You always do such a good job of going from Point A to Point B and every stop in between. I appreciate that ability you have.

Other comments.
(No comments)

CHAIRMAN FLEAGLE: Discussion. Last chance for Council and State to jump in.

(No comments)

CHAIRMAN FLEAGLE: Ready for a motion.
Geoff.

MR. HASKETT: I'd like to make a motion to adopt the proposal with modification as recommended by the Western Interior Regional Council and if I get a second, I'd also like an amendment to make the motion to address the needed permit.

MS. DOUGAN: Second.

CHAIRMAN FLEAGLE: You have your second. Go ahead and speak to the motion and then we'll talk about an amendment.

MR. HASKETT: So speak to it first before I make the amendment. Okay.

The motion will be to make an amendment to establish a Federal permit from December 15th to April 15th for the Fish and Wildlife Service and BLM lands in 24B and I think people covered this better than I'm going to be able to. These are lands outside of the State's hunt area that was recently adopted by the Board of Game.

CHAIRMAN FLEAGLE: Okay. As for the wording of the amendment, we can get to that. I'm just looking for some supporting statement for the proposal itself prior to the amendment. You understand?

MR. HASKETT: Not really. You have to help me here, Mike. So.....

CHAIRMAN FLEAGLE: Okay. Generally when you're making a motion, you also provide some supporting documentation as to why you're going to be supporting it or opposing it and then in this case, you're going to move forward with an amendment that would encapsulate a permit portion. That's like a separate action that would be rolled into the main action, but I'm just looking for some -- something on the record that indicates why you're supporting or not
supporting the proposal.

MR. HASKETT: So can I do my justification for the first amendment when I do that to kind of tie it together?

CHAIRMAN FLEAGLE: Sure. Sure.

MR. HASKETT: .....how I separate it out.

CHAIRMAN FLEAGLE: Yeah. Yeah. Sure. If you want to do it that way, that'd be fine. So go ahead with your amendment.

MR. HASKETT: Okay. I feel sorry for Mike trying to break me in. It's always interesting. Okay.

So we're recognizing that we have a low density moose population out there overall, but it's stable. We think there's enough moose available to support the local subsistence harvest. We need to align our regulations with the State on both the Fish and Wildlife Service and BLM lands. The amendment is to help provide winter moose hunting opportunities for the peoples of the area who'd otherwise would be excluded and the idea being to try and get us to where as much as possible we are all in the same place in terms of regulation for all the bureaus -- recognizing there are still some concerns from the State. Did I get to it?

CHAIRMAN FLEAGLE: It does -- and go ahead and move with your amendment.

MR. HASKETT: Okay. So the amendment would be just establish a Federal permit for December 15th to April 15th hunt on the Fish and Wildlife Service and BLM lands. These are the ones outside the State's hunt area and this essentially be the Fish and Wildlife Service and BLM lands in Unit 24B that are south of Bettles and Evansville and east of Henshaw Creek. And the map was up here before with the shading that showed that.

CHAIRMAN FLEAGLE: And the permit would be administered by the Fish and Wildlife Service?

MR. HASKETT: Yes.
CHAIRMAN FLEAGLE: Okay. Is there a second to the amendment?

MR. BUNCH: Second.

CHAIRMAN FLEAGLE: Further discussion. I think you laid out in the justification already pretty much what the intent of the amendment would be. Is there any objection to the amendment?

(No objections)

CHAIRMAN FLEAGLE: Hearing none, the amendment carries. We now we have the motion before us as amended on the whole and there's several microphones on. Geoff, go ahead.

MR. HASKETT: I'm sorry. Mine was one of them. Now, this isn't more explanation but just I wanted to -- Tina had alluded to the fact that this has taken many, many years to get to this point and lots of discussions, been very complex, and I just want to go ahead and recognize the State for all the work they did, recognize we're still not all completely there on all the points, but it does seem to me this is one that we've spent a lot time, you know, across the board with everybody coming together and coming up with a proposal that works really, really well.

CHAIRMAN FLEAGLE: Thank you, Geoff.

MR. GOLTZ: This applies to Federal lands which happen to be BLM and Fish and Wildlife land.

MR. HASKETT: Yes.

CHAIRMAN FLEAGLE: I agree. I recognize the complexity of Unit 24. I mean 24 has been -- as other areas of the State have lost their moose populations or saw them decline, 24 was growing. We had populations in some of 24 that had up to 12 moose per square mile and that drew a lot of attention and that's why all of these different regimes started changing out hunts and then there was the subunits and then there's all the little minor draw areas within the subunits and it is getting increasingly complex.

And I know that -- you know, Jack, your
Advisory Council has been -- or Council and other
committees and Councils have been working in that whole
Unit 24 working group that keeps on top of this and I
know it's been a tough go, but I like this. It adds a
lot of -- well, it's more opportunity and just making
things easier to work with.

I'm not sure that I fully understand
why we went with antlerless or a -- I mean not
antlerless, but an antlered for a four-month season
because much of that four months they're not going to
have antlers, but I think I just answered my own
question in saying that is you're reducing
participation because you're only going to be hunting
moose that have antlers. Jack.

MR. REAKOFF: The reason is that on
December 15th a lot of the large bulls, they're
undesirable breeding bulls that have run completely
down, have shed their antler, and so then we have
basically two-year-old and yearling bulls which are
more desirable if you're going to kill a winter moose.

As time goes on, then they're going to
lose their antlers. Starting in February, they're
going to be pretty well -- now they end up going
through a time frame with very few moose that have any
antler and then starting in late March/early -- through
the middle of April, we're going to start to have
antler again.

So we will shift the harvest throughout
different demographics. And so the little bit older
bulls will actually start growing and those are the
actually healthier to eat. If you're kill bull
caribou, you don't kill small bull caribou in the late
winter. You kill big bull caribou. So you shift the
harvest from younger bulls to older bulls. And so it
has somewhat of a wider demographic use of the bull
moose population. Thank you -- and a lot of those
bulls are complete -- as I said, they're completely
inaccessible in the fall time. They're not accessed
and so when they come to the river with snow, then you
have access and so you shift harvest from -- you may be
harvesting moose differently from fall and differently
from the winter populations.

CHAIRMAN FLEAGLE: All right. Thank
you, Jack. I appreciate that. And when you were
saying caribou, I know you meant moose. But we.....
MR. REAKOFF: I meant caribou. If you're killing moose or caribou, the bigger the bull, the better eating it is in late winter and at the early -- the breeding bulls in the early winter are terrible to eat. So they actually -- they go through a recovery and the bigger bull caribou and bigger bull moose are actually the best eating in the late winter.

CHAIRMAN FLEAGLE: Okay. I appreciate it. Other discussion.

(No comments)

CHAIRMAN FLEAGLE: Ready for the question.

(Board nods affirmatively)

CHAIRMAN FLEAGLE: Question's recognized. Pete, on the proposal, please poll the Board.

MR. PROBASCO: Thank you, Mr. Chair. Final Action on Proposal WP10-67 with modification and as amended.

Ms. Masica.

MS. MASICA: Yes.

MR. PROBASCO: Ms. Kessler.

DR. KESSLER: Yes.

MR. PROBASCO: Mr. Bunch.

MR. BUNCH: Yes.

MR. PROBASCO: Ms. Dougan.

MS. DOUGAN: Yes.

MR. PROBASCO: Mr. Haskett.

MR. HASKEETT: Yes.

MR. PROBASCO: And Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.
MR. PROBASCO: Motion carries, 6/0.

CHAIRMAN FLEAGLE: Thank you. We now move to Proposal 68. Don Rivard.

MR. RIVARD: Thank you, Mr. Chair. The analysis for Proposal WP10-68 starts on Page 661 in your book.

Proposal -- Page 661. Proposal WP10-68 submitted by the Western Interior Alaska Subsistence Regional Advisory Council requests changes in dates and harvest limits for the fall and winter seasons for moose in the Koyukuk Controlled Use Area portions of Units 21D, 24C, and 24D.

The requested change in the fall season dates is identical to the one in Proposal WP10-63 which is on the consensus agenda as adopt with modification which would shift the fall season five days later from August 27th to September 20th and those dates would be shifted to September 1st to September 25th. Should the Board adopt Proposal WP10-63 as modified, the proposed dates will go into effect whatever the Board's action is on this proposal. Therefore this presentation is on the remaining aspects of Proposal WP10-68.

The Council believes there is a harvestable surplus of cow moose, albeit a very limited one, in the Koyukuk Controlled Use Area and wants to retain the opportunity to harvest cows during the March to be announced season which is the traditional and preferred time of year when local hunters harvest cows.

The Council proposed a September 1 to 5 to be announced season for one antlered moose, but also proposed a moratorium for five years on cow harvest during this September 1 to 5 to be announced season to help allow the cow population to recover.

In reality, this makes the harvest limit one bull for the fall season. However, the Council specifically requested that the one antlerless moose limit wording remain in regulation.

The proponent also requested that the proposed April to be announced season for bulls be mandatory if the proposed March to be announced for
cows did not take place in the same year. Again during its most recent meeting in February 2010 -- well, it's actually their meeting in 2010 -- the Council discussed this proposal and as with 67, the Alaska Department of Fish and Game Area Biologist offered and spoke to State Proposal 90A which also covers some of Unit 24C.

As I stated earlier, State Proposal 90A requested a four-month winter season and a limit of one antler bull with a minimum five-inch antler on one side in portions of Units 24B and 24C with a four-year sunset clause. The Council wanted to retain the possibility of a March cow moose hunt and therefore did not support the four-month antlered bull winter season for this -- for the Koyukuk Controlled Use Area. However, the Council did limit -- excuse me. The Council did include a limit of one antlered bull with a five-inch antler size restriction in its recommendation for the April to be announced season.

The week following the Council's meeting, the State Board of Game adopted State Proposal 90A with a limit of one antler bull, but did not adopt the minimum five-inch antler restriction. The Council met by teleconference last week on May 14th and reevaluated its recommendation on this proposal in light of the March 2010 Board of Game action and the Council Chair will report the outcome when he provides the Board with the Council's recommendation.

I would also refer you to your Handout No. 9. It's the Revised Executive Summary that will show this as well, the revised -- the new Council recommendation.

Mr. Chair, the OSM conclusion is to support Proposal WP10-68 with modification to (1) specify a harvest limit of one bull for the fall season; (2) to have set dates for the March and April to be announced seasons; and (3) to provide Federal Manager the discretion to authorize the March and April to be announced seasons based on the biological status of the population.

The proposed regulations can be found on Pages 671 and 672. Please note that for the April to be announced season harvest limit, we carry forth our harvest limit recommendation of one bull from the fall season for consistency. In retrospect, we should have recommended a harvest limit of one antlered bull
for the April to be announced season to provide an extra measure of protection against inadvertently harvesting a cow which was and is the Council's intent.

Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Don.

Summary of public comments, Ann Wilkinson.

MS. WILKINSON: Thank you, Mr. Chairman. There were no written public comments for this proposal.

Mr. Chair.

CHAIRMAN FLEAGLE: Thank you. Regional Council recommendation, Jack.

MR. REAKOFF: Mr. Chairman. The Council drove this proposal because we do feel that there's a harvestable number of cow -- winter cow moose in the area near Huslia Village. There is a significant predator harvest by local people there of wolves and black bears. They den black bears. And so we feel that with the high number of moose that is in the Lower Koyukuk which is much different than the Upper Koyukuk, that people should have a traditional use of these cow moose. But if there isn't enough cow moose, the hunt was precluded last year -- or in the '09 season -- spring season by the Refuge Manager.

We felt that there be a mechanism for at least a bull harvest component and that was what drove this proposal. And so we would like to align our -- we were -- went with the five-inch antler restriction. The Board of Game went with an antlered bull. We want to go -- stay consistent on the Koyukuk now and the Council is -- wants an antlered bull. And so we feel that there are -- should always be a priority use for the subsistence users. In the Koyukuk National Wildlife Refuge, there are drawing permits issued for the sporthunt there and so we feel that -- I feel that this hunt should always occur for bull moose because of the Area Biologist can calculate -- he's real good at calculating the harvestable surplus. He'll shave that right down to 30 bulls for hundred cows. He's excellent at that.

And he has to realize that there is a
Federal priority. We've had meetings in Huslia when we used to have meetings there and representatives come to the Advisory Committee. They very much desire winter moose harvest because it's -- freezers are getting empty towards springtime and they want to harvest.

So there is significant need for winter moose harvest and so this bull moose hunt mechanism that this proposal has, it will meet their subsistence needs.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Jack.

Department of Fish and Game comments. Tina.

MS. CUNNING: This is -- like the last one has been constantly evolving set of comments throughout the entire winter as we've worked through this process and so I'm sitting here with the latest revisions that were done by the RAC and our staff participated in and we continue to work on. So even though this is sitting here with an opposition as our recommendation, it is not because we're opposed to the entire proposal and I want to be sure we make that very clear. We're very supportive of these changes that have been occurring.

There is a couple of just residual concerns which appears may be addressed administratively at this point. And that is the ongoing concern about the winter hunt of cows. There is some cow harvesting that occurs annually and everyone knows that the management plan for that area is to have increased growth and we all agree we want to have that increased growth on moose out there.

So the determination that is done by the Service if there is an additional quota in that winter hunt needs to be worked out very carefully with our staff and we've had some sidebar discussions about how to do that so we can reduce the angst that's gone on in the past and we will continue to work on that. But that is a concern. We want to be sure there's real clear understanding about the consultation with the Department because this is a very tightly regulated hunt to assure that growth continues.

So with that, that's our comments.
Wildlife Proposal WP10-68:

Four changes are proposed by the Western Interior Regional Advisory Council: 1) in Koyukuk Controlled Use Area portion of Units 21D, 24C, and 24D, expand late winter season from 5 days (March 1 through 5) to 45 days (March 1 through April 15); 2) establish a federal subsistence quota for moose in the late winter season; 3) establish a moratorium on cow moose harvest; and 4) shorten the fall federal subsistence season by 5 days. The Council subsequently modified the proposal to align the fall season in the Koyukuk Controlled Use Area to match the State fall season of September 1 through September 25.

Introduction:

Proposal WP10-68, as modified by OSM and the Council, would move the fall season to a later date to match the state season, retain the requirement to use the State registration permit, and authorize a March antlerless hunt with a federal permit requirement only after consultation with the Department confirming a harvestable surplus of cows determined for a quota. It also offers a bull by federal permit if no March antlerless season occurs.

Impact on Subsistence Users:

An average of 392 hunters harvested an average of 145 moose from RY01 through RY09, as reported on the RM832 subsistence registration permit. Hunters have voiced concerns that warmer fall temperatures reduce hunter success in the late August portion of the season.

Proposal WP10-68 would provide an additional 45 days in late winter, assuming the intent was to keep 5 days of opportunity in March 15 though April 15. There would be flexibility in the ability of federal managers to open the season depending on favorable weather. Proposal WP10-68, through the moratorium, would eliminate antlerless moose harvest in
regulation, which would benefit federal subsistence
users, because the moose population will grow and the
harvestable surplus will increase. Proposal WP10-68
would shorten the fall hunt by 5 days, which would not
affect federal subsistence hunters, because they could
hunt legally under state regulations.

Opportunity Provided by State:

The season dates were September 1
through September 25 until 2000, when a change was
submitted by the department on behalf of the Koyukuk
Moose Hunters Working Group. The Alaska Board of Game
adopted in 2008 a shift of the season from August 27
through September 20 to September 1 through September
25. Adoption of proposal WP10-63, on the consensus
agenda, would align the federal hunt with the state
regulations. Alaska residents are allowed one bull by
permit (DM812) from September 5 through September 25 or
one bull with the trophy value destroyed (RM832)
September 1 through September 25. Nonresidents are
allowed one bull with 50-inch antlers or four or more
brow tines on at least one side from September 5
through September 25. In Units 24C and 24D (KCUA), the
State season is currently one bull from September 1
through 25 and December 1 through 10. In Unit 21D
(KCUA), the seasons are September 1 through September
25 and December 1 through 10. There is no December 1
through 10 federal subsidence moose hunting season in
the 24D portion of the Koyukuk CUA.

Conservation Issues:

From 1997 through 2008, the moose
population in Koyukuk Controlled Area declined by 25%.
The management objective for the area is for growth of
the moose population to levels of the late 1990s. The
Alaska Board of Game endorsed this strategy, closed
antlerless moose harvest in the fall, and closed the
spring hunts in order to protect that productive
component (cows) of the population. Improved harvest
success rates for subsistence hunters in fall hunts is
consistent with the management strategy for Koyukuk
Controlled Use Area, because improving fall harvest of
bulls reduces dependency of winter harvest when cows
are harvested.

Although fall bull harvest may increase
slightly with adoption of Proposal WP10-63, the
bull:100 cow objectives are being met, therefore this
opportunity can be provided without undermining the objective for growth. Unreported harvest of cows occurs annually, which is a conservation concern, and any additional harvest of cows would further undermine the objective for growth. Any spring hunt risks the harvest of cows.

The Alaska Department of Fish and Game's management responsibility for sustainability and scientific role in determining "the harvestable surplus of cows will be determined for a quota" needs clarification in the "consultation" process for Proposal WP10-68. State population management objectives for Koyukuk Controlled Use Area are detailed in the Koyukuk River Moose Management Plan and Unit 21D and 24 Moose Management Reports. It is important to include Department population and bull:cow ratio objectives or biologically sustainable values for use by federal managers if Proposal WP10-68 is adopted.

Enforcement Issues:

Proposal WP10-68 would take the state and federal subsistence moose hunting seasons further out of alignment and cause more enforcement issues, last minute planning for the subsistence hunter, and confusion over interpretation of the actual season dates published in the federal subsistence regulation summary book versus in-season announcements by the refuge manager.

Recommendations:

Oppose WP10-68 as proposed.

The Department requests proposal WP10-68 be modified to a December 1 through 10 season in the Unit 24D portion of the Koyukuk Controlled Use Area to take advantage of bull harvest opportunity, as it exists in State regulations. The Department requests more specifics regarding the proposed consultation process and quota establishment in proposal WP10-68. The proposed regulatory language, as written, triggers conservation concerns.

CHAIRMAN PLEAGLE: Thank you.

InterAgency Staff Committee comments. Polly.

DR. WHEELER: Thank you, Mr. Chair.

The InterAgency Staff Committee does not have any
additional comments beyond the set of standard comments. I do have something a few points to outline for new Board members, the consultation process if that would be helpful, but I can do it now or at some other point.

CHAIRMAN FLEAGLE: Sure. I think that's appropriate.

DR. WHEELER: Thank you, Mr. Chair.

Just a heads-up to all of the new Board members -- or to all the Board members, the consultation process that we utilize is similar to many other delegations of authorities throughout the State. The Refuge Manager writes a biological status of the population document. Fish and Game is given a chance at that time to review and comment on this document. The Refuge Manager makes a recommendation on the hunt and the quota and discusses it with the local Advisory Committee, the Council Chair, Bureau of Land Management, Fish and Game again at that point in time and the Refuge Manager does make the final decision, but it is after consultation with all of these different entities and as I said, that's a fairly standard process that we use throughout the State for the consultation process so that we try and cover all the bases, Advisory Committees and RAC members as well as Fish and Game and other Federal Agencies.

Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Polly. Now we'll open for discussion. Jack.

MR. REAKOFF: I don't have any real further comments. The State -- I do really appreciate the State working with the Regional Council and the Advisory Committee on these various proposals and I do understand the concern for that Lower Koyukuk moose population to grow larger, but without -- right now it's one of the highest moose populations in Alaska, the Lower Koyukuk River.

And because I feel like the Lower Kuskokwim, those people went through hardship and endured reduction in moose harvest in the Lower Kuskokwim. Those communities that did were rewarded for doing that. I feel that in the Huslia area because they harvest wolves and they harvest bears, the predators, that their savings -- I've actually
calculated their savings in the hundreds of moose, and
so giving back ten cow moose I do not feel is
detrimental to the moose population with the kinds of
savings that they have in predator harvest.

And so I want to make that clear on the
record that they do their part and they should be
available -- be availed of harvest -- winter harvest of
moose.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Jack.

Further discussion. Geoff.

MR. HASKETT: I'd like to make a motion
to adopt the proposal with modification as recommended
by the Western Interior Regional Council and I'll
provide my justification if I get a second.

MR. BUNCH: Second.

CHAIRMAN FLEAGLE: There you go.

MR. HASKETT: Okay. This is another
area where moose population is stable, maybe even
increasing a little bit, but we recognize that a
harvest will serve a plus of cow moose would be good
but recognize it needs to be a very limited one.

This motion will align the fall moose
season dates with the State's fall seasons for Unit
21D, also provides more flexibility to the Refuge
Manager when evaluating the possibility of having a
winter hunt. It can now be either for bulls or cows
depending upon the status of the population.

The Refuge Manager will continue to
consult with the State, BLM, the local advisory groups
when deciding whether to have a winter hunt or not. We
also support the objective to continue to grow this
moose population and hopefully there will be
opportunities to allow for a winter hunt while also
adhering to this objective.

Want to recognize that winter moose
hunt is a very traditional hunt there and one that's
oftentimes critical for many people and this motion
supports that. traditional
CHAIRMAN FLEAGLE: Thank you, Geoff.

Any discussion.

(No comments)

CHAIRMAN FLEAGLE: I concur. Ready for the question.

(Board nods affirmatively)


MR. PROBASCO: Thank you, Mr. Chair. Proposal WP10-68, adopt the proposal with modification consistent with the Western Interior Regional Advisory Council as found on Pages 671 through 672.

Ms. Kessler.

DR. KESSLER: Yes.

MR. PROBASCO: Mr. Bunch.

MR. BUNCH: Yes.

MR. PROBASCO: Ms. Dougan.

Ms. DOUGAN: Yes.

MR. PROBASCO: Mr. Haskett.

MR. HASKETT: Yes.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: And Ms. Masica.

MS. MASICA: Yes.

MR. PROBASCO: Motion carries, 6/0.

CHAIRMAN FLEAGLE: Thank you. That concludes the Western Interior Region proposals. Appreciate your help, Jack, there. Let's give a couple moments for Staff to switch out. Maybe five-minute. Not a real break, just a brief mini break. Okay.
CHAIRMAN FLEAGLE: All right. We're back on record and everybody is back in their seats at the appointed time, but I feel like I'm in a BlackBerry briar bush up here with all the BlackBerry, everybody's doing their other work.

(Laughter)

MR. HASKETT: Except for me.
(Laughter)

CHAIRMAN FLEAGLE: He said he's got two.
(Laughter)

MR. PROBASCO: Let's note that.
(Laughter)

CHAIRMAN FLEAGLE: All right, we're moving on to Region 7, Seward Peninsula and we have new staff at the table and with that, we're going to begin with Proposal 10-72 and I'll pass it on to Polly for introductions.

DR. WHEELER: Thank you, Mr. Chair. We have Cole Brown who's a -- she's been working for OSM for about a year as a wildlife biologist and she'll be presenting the analyses for -- the biological analyses for Region 7 and some Southcentral proposals too.

CHAIRMAN FLEAGLE: Great. Thank you.

Welcome, Coleen.

MS. BROWN: Thank you, Mr. Chairman.

Members of the Board and members of the Regional Councils. The analysis for this proposal begins on Page 748 of your book.

Proposal WP10-72, submitted by the Seward Peninsula Regional Advisory Council, requests that the closure to harvest coyotes on Federal public lands be rescinded. The proponent is requesting the Federal harvest season for coyotes be reopened to allow
harvest of coyotes on Federal public lands under State regulations. The proponent is not specifically seeking a subsistence opportunity for coyotes and therefore not asking for a Federal season to be established.

There is a lack of information regarding coyote in most parts of Alaska and specifically for Unit 22. The first report of coyotes was in 1999 from a trapper harvesting two coyotes in the Unalakleet River Drainage in Unit 22A. Potential immigration from areas surrounding Unit 22 contain records, but small populations do occur in Unit 18 and Unit 21.

No coyote harvest has been reported in Unit 23 and trapping questionnaires list coyotes as being absent. Available food is a major factor in regulation coyote abundance especially in the winter and influences broad aspects of coyote populations including survival, reproduction, and spatial use patterns and density.

Coyotes are typically classified as general list predators. Arctic or Tundra hares may be a potential prey source for immigrating coyotes into Unit 22. However, carrion of large ungulates in Unit 22 would be the most likely break source.

Coyotes are not required to be sealed and consequently information on numbers and distribution throughout the State is extremely limited. From 1999 to 2005, a total of 11 coyotes were reported harvested in Unit 22. A subsistence opportunity was not requested specifically for coyotes. Therefore a Federal season does not need to be established.

By rescinding the closure and not establishing a Federal season of hunting coyotes on Federal lands, individuals will be able to hunt or trap a coyote opportunistically under State regulations. Most of the furbearer harvest in Unit 22 is done opportunistically by local residents while engaged in other activities.

If this proposal is adopted, it would accommodate the existing practices of hunting or trapping opportunistically that occurs State lands and extend it to Federal lands thereby avoiding law enforcement difficulties.
OSM conclusion is to support Proposal WP10-72.

Thank you, Mr. Chairman.

CHAIRMAN FLEAGLE: Thank you. Summary of public comments, Alex.

MR. NICK: Mr. Chair, for the record, my name is Alex Nick. I'm Council Coordinator for Seward Peninsula. There were no written public comments for this proposal.

Mr. Chair.

CHAIRMAN FLEAGLE: Okay. Thank you. Testimony.

MR. PROBASCO: No one signed up, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you. Regional Council recommendation, Weaver.

MR. IVANOFF: Thank you, Mr. Chair.

Yeah. Since 1999, two coyotes have been taken in the Seward Peninsula and those were taken in Federal lands. I believe one was taken in Federal lands south of Unalakleet up in the hills while the guy was trapping for lynx and feel that need to open it so that we could be able to -- people who are in Unit 22 can be able to trap the coyotes and also as stated, make enforcement less difficult.

I would like to make a change in the Proposal 72. It says Unit 22 coyote trapping or -- coyote incidentally taken with a trap or snare intended for red fox or wolf may be used for subsistence purposes. Most trappers hunt -- trap other animals as lynx, et cetera. I was thinking of putting in furbearers, but I thought it would be a lot cleaner just housekeeping change striking incidentally taken with a trap or snare intended for red fox or wolf. So that reads coyote may be used for subsistence purposes. Just kind of cleans it up.

Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Weaver. Department of Fish and Game comments.
MS. CUNNING: We support the proposal.

****************************
STATE OFFICIAL WRITTEN COMMENTS
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Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP10-72:

This proposal allows for federal subsistence use of incidental catch of coyotes taken by federally qualified subsistence users under federal regulations during the federal subsistence trapping season for red fox and wolf in Unit 22.

Introduction:

Coyotes are expanding their range and abundance throughout much of western Alaska. This proposal allows for federal subsistence use of coyotes accidently trapped as non-target species in Unit 22. The state allows hunting and trapping of coyotes in Unit 22; however, federal subsistence regulations do not have open seasons for either hunting or trapping.

Impact on Subsistence Users:

None. Subsistence users can already harvest coyote under state regulations on federal and nonfederal lands. Allowing the use of incidental catch under federal subsistence trapping regulations is not likely to impact the take or subsistence use of coyotes.

Opportunity Provided by State:

In Unit 22, regulations for coyote are:

Hunting: (Coyotes are classed as "Fur Animal"; take requires a state hunting license) the season in September 1 through April 30 with a bag limit of 2 coyotes.

Trapping: (Coyotes are classed as Furbearer; take requires a state trapping license) the season is November 1 through April 15 with no bag
limit.

Conservation Issues:

Coyotes are expanding their range, and trapping or hunting take is not considered an impediment or conservation concern.

Recommendation:

Support; hunting and trapping of coyotes for subsistence use are already provided on federal public lands under state regulations.

CHAIRMAN FLEAGLE: InterAgency Staff Committee comments.

DR. WHEELER: Thank you, Mr. Chair. The State Committee notes that the existing hunting regulation appears to meet the intent of ANILCA Title VIII for maintaining healthy and viable populations of coyotes prior to allowing for subsistence uses.

The existing trapping regulation also provides for incidentally trapped coyotes to be used for subsistence purposes. The level of expected subsistence use should be consistent with the management of healthy populations.

If the Board supports the intent of this proposal, the Staff Committee would suggest considering establishing a Federal subsistence hunting season which aligns with that of the state and that would be two coyotes from September 1 to April 30.

Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Poly. Discussion. Wini.

DR. KESSLER: Yeah. For Ms. Brown. Normally I look to the effects section to talk about effects on the resource and I didn't find that there. So given that ANILCA Title VIII does speak in several places to the conservation of viable, healthy populations, could you explain the reason why this is believed to be consistent with that -- this proposal.

CHAIRMAN FLEAGLE: Ms. Brown.
MS. BROWN: Through the Chair. If I understand correctly, the reason this proposal was requested by the Seward Peninsula Regional Advisory Council was because coyotes would be taken opportunistically. In researching the information, there is a paucity of information about coyotes in this area. They are on the northern extent of the range as I have outlined in the analyses that the Regions -- the units around there, they're rare in those units as well.

So it would be few immigrations through there. Now, there hasn't been any minimal viable population estimate on coyotes anywhere in Alaska. So to come up with a certain number for a Federal season, I'm not quite sure how that was done on the State. That wasn't requested in this proposal. They're not looking for a subsistence opportunity. They're looking to if a coyote happens to stray into this Region, can it be taken opportunistically. If it's being trapped in their snares, are they going to have difficulties with law enforcement because of that. There's no Federal season. It's not open. So if it occurs on Federal lands, they're harvesting against the law. So that was my understanding.

DR. KESSLER: So in reading other parts of the analysis, it's alluded to, so tell me if this is a fair statement. The reason there's not the conservation concern is because it's believed there's no evidence. There's the habitat, the conditions adequate to support a viable population. Is that a correct statement?

MS. BROWN: Yes, ma'am, that's correct.

DR. KESSLER: Okay. Thank you. Yeah.

CHAIRMAN FLEAGLE: Other discussion.

(No comments)

CHAIRMAN FLEAGLE: Are we ready for a motion.

MS. DOUGAN: Mr. Chair.

CHAIRMAN FLEAGLE: Ms. Dougan.

MS. DOUGAN: I move to adopt Proposal
WP10-72 with the suggested modified language by just offered by the Seward Pen. RAC Chair and, Weaver, I'm sorry, I wasn't fast enough to catch it all, so hopefully we have that. If not, you could help us a little with that. And if I get a second, I'll speak to why I'm supporting the adoption of the proposal.

MR. BUNCH: Second.

CHAIRMAN FLEAGLE: There's the second. Go ahead.

MS. DOUGAN: Thank you, Mr. Chair. I'm in support of rescinding the Federal closure on coyote hunting and at present prefer to follow the Seward Peninsula RAC recommendation to allow opportunistic take to occur under State regulations. The State has already indicated they do not have conservation concerns with coyotes statewide and they view coyote appearance in Unit 22 as the extension of a healthy population.

Thank you.

CHAIRMAN FLEAGLE: Thank you. Weaver, would you clarify exactly the intent of the language. What portion you meant to have lined out.

MR. IVANOFF: Yes, Mr. Chair. On Page 748, the proposed regulation, Unit 22, coyote trapping. Coyote incidentally taken with a trap or snare intended for red fox or wolf may be used for subsistence purposes. I'm proposing to strike out after the word coyote, strike out incidentally taken with a trap or a snare intended for red fox or wolf.

CHAIRMAN FLEAGLE: So the remaining language would read coyote may be used for subsistence purposes.

MR. IVANOFF: That's correct.

CHAIRMAN FLEAGLE: Is that even necessary?

MR. IVANOFF: Mr. Chair. I think it's just to clean up the language. If you're not -- if you're trapping lynx and you get a coyote, then you're still against the law because it specifically states you got to be trapping red fox or wolf, you know. But
it's just a fine line.

CHAIRMAN FLEAGLE: Right. But what I'm saying is by deleting that, you delete the intent of the entire reason that the statement is there so the remainder of the statement is not necessary. We could just remove it like we had for the hunting and have the same result. Chuck.

MR. ARDIZZONE: Mr. Chair. I agree with you. I think the whole phrase could be stricken.

CHAIRMAN FLEAGLE: Would you consider amending the motion to meet that?

MS. DOUGAN: Yes, I would consider it. Whether I can speak to it capably -- I move to adopt WP10-72 with the suggested modification from the Seward Peninsula RAC Chair which strikes -- and can you help me, Chuck, with strikes which language.

MR. ARDIZZONE: Through the Chair. There's a whole phrase on Page 749 under coyote trapping, if you struck that whole phrase, coyotes incidentally taken with a trap or snare intended for red fox or wolf may be used for subsistence purposes. If you just remove that whole phrase, I think we're fine.

MS. DOUGAN: So striking the phrase coyote incidentally taken with a trap or snare intended for red fox, correct? No Federal open season or wolf may be used for subsistence purposes.

CHAIRMAN FLEAGLE: Okay. We understand the intent. If the seconder is okay with that, we will accept this as the.....

MR. BUNCH: The seconder is okay with that.

CHAIRMAN FLEAGLE: Okay. We'll accept this as the primary motion. It's substantially similar. This is what happens and what happens is she read this piece into it, so that doesn't count, but what happens now is the proposed Federal regulations on Page 749 read Unit 22, coyote hunting, that entire line is lined out, no Federal open season. Unit 22, coyote trapping, the entire italicized portion is lined out. No Federal open season. There's a column break there,
so -- yeah, the no open Federal season doesn't go away, but the remainder does.

Okay. And we have the language with that language removed. Further discussion.

DR. KESSLER: Mr. Chair. I guess I'm just confused because the whole intent of that one was the incidental take. We say we have no open season and yet we're saying can be taken, so it's like we're creating a season. I'm really confused. Maybe Keith can help me. I don't know.

CHAIRMAN FLEAGLE: Well, I'll take a stab first.

DR. KESSLER: Or you can help, yeah. I don't.....

CHAIRMAN FLEAGLE: Excuse me. Trapping and trappers sort of regulate itself. I mean there's seasons that are like statewide seasons that are open for long period and if the target animal isn't there, they're not trapped. That's just pretty much how it works and we already have a State season that applies to this area that's open for all winter with no limit that's not being utilized. It results in a couple coyotes caught and so we're not producing a -- or creating a conservation issue on a population that just doesn't exist.

So the incidental take is merely that. It's going to be incidental whether we enumerate it or say if it's caught in a wolf or a fox snare or a lynx trap, it's still incidental. I'll get to you, Michael, in a minute. Go ahead.

DR. KESSLER: Thank you, Mr. Chair. I think -- I had my head around the mechanism, the practicality how it works. I guess it was kind of legal question I had. Maybe it's not there. Maybe I'm just misinterpreting, but we say there's no open season and it seems to contradict what we've just decided to do. I don't -- my misunderstanding I guess.

CHAIRMAN FLEAGLE: Pete.

MR. PROBASCO: Thank you, Mr. Chair. The first thing to help us understand is that the coyote season for trapping under State regulations is
an extended season from November 1st to April 15th and there's no limit.

Consequently with -- and that also applies to Federal lands and a Federal subsistence user who wants to trap has to have a State trapping license. So his harvest of a coyote is covered under State regulations.

DR. KESSLER: Okay. So just my bottom line question, is this too big a change to be included with the original proposal. If it's not too big a change, I'm good.

CHAIRMAN FLEAGLE: Keith.

MR. GOLTZ: I don't think it's too big a change. I tend to see the confusion. It was closed. Now we're removing the closure. Why would we put the statement in the book no Federal open season. I think to a general reader they might that as a closure, I think is what you're driving at.

UNIDENTIFIED VOICE: There's no Federal season. It's not a closure.

MR. GOLTZ: I understand, but I see where it might be confusing to people. And if we don't -- why are we even putting it in the book would be the question to answer.

CHAIRMAN FLEAGLE: I'll get to you, Chuck, in a minute. Michael Bangs.

MR. BANGS: Thank you, Mr. Chairman. I -- he cleared up my question just now.

Thank you.

CHAIRMAN FLEAGLE: Chuck Ardizzone.

MR. ARDIZZONE: I'll try not to muddy the waters, but basically we're removing the closure. Federal lands right now you can't harvest anything under State regs or Federal regs, period. So if we pass this, we open the closure. Things can be harvest under State regs. That seems to be the clearest way to explain it.

MS. MASICA: Mr. Chairman,
CHAIRMAN FLEAGLE: Sue.

MS. MASICA: There's another way you could do this is if you went back to the underlying language and rather than -- if the concern was the incidental take, do you address it by just striking intended for red fox or wolf. You still leave the incidentally taken with a trap or snare may be used for subsistence purposes. You just take out the reference to that. Because what I understood the concern was was that there are other types of traps and snares and if you're not specific as to which type, then that might be another way to deal with this.

CHAIRMAN FLEAGLE: Yeah, but -- yeah. All right. I'll let everybody else decide how to go on this. You know, there's no coyotes to be trapped here, so it's immaterial whether they're incidentally caught in a trap or a snare or targeted by a State licensed trapper. That's -- you hear what I'm saying. Figure it out.

MR. ARDIZZONE: This allows -- the way -- if we pass the motion as presented now with all the language lined out except the Federal open season, we are lifting the closure on the Federal lands, but we're allowing just anybody who wants to trap on those Federal lands with a State trapping license under the State bag limits, which is no limit for trapping.

MS. DOUGAN: Mr. Chair, one more question for.....

CHAIRMAN FLEAGLE: Julia.

MS. DOUGAN: .....for Chuck just to make sure. So there is no opportunity now. We would be creating an opportunity for the Federal subsistence user that doesn't exist now; is that correct? Under State -- they would express that through State regulations.

MR. ARDIZZONE: On Federal lands.

MS. DOUGAN: On Federal lands. All right. Thank you.

UNIDENTIFIED VOICE: If you count two coyotes in the last 15 years opportunity, yes.
(Laughter)

CHAIRMAN FLEAGLE: Further discussion.

Sue.

MS. ENTSMINGER: Thank you, Mr. Chair.

I don't mean to make it confusing. I just -- as a logical sensible human being that hopefully I can understand regulations, if -- that what Keith brought out when you have no Federal open season, even in your -- the language in your book, it does confuse the user when they pick it up. Even though -- I mean you guys all understand it, but if you're out in the field and you go, oh, boy, you know, might want to see if I can do this and pick up a Federal -- because they're on Federal land and they pick up the Federal book and then they see no Federal open season. They don't always logically go over to the State regs and read it.

CHAIRMAN FLEAGLE: Keith.

MR. GOLTZ: I tend to agree with you, Sue, and I'm not troubled by this kind of a statement in the Federal register, but I am worried about misleading the public in our Handy-Dandy. And I wonder if we could resolve this as we put together the Handy-Dandy. Because technically our Federal lands are closed until open and now what we've said is no Federal open season. That's bound to confuse somebody.

I think we have an obligation to be clear. That's.....

DR. KESSLER: Mr. Chair.

CHAIRMAN FLEAGLE: Wini.

DR. KESSLER: It was just pointed out to me under the InterAgency Staff Committee comments that the suggestion had been made to consider establishing a Federal subsistence hunting season which aligns with the State's. Is that a cleaner option we might want to consider?

CHAIRMAN FLEAGLE: Weaver.

MR. IVANOFF: Thank you, Mr. Chair.

Yeah. I think it's just getting a little bit too complicated to -- for such a simple subject and I would concur with the amendment that was stated earlier.
that the coyote incidentally taken by a trap or a snare may be used for subsistence purposes. And that could -- hopefully would clear up to the public, indeed that, yeah, I could go out in Federal lands and -- you know, trapping and get my two coyote in ten years. And that seems to me what would take care of the confusion.

CHAIRMAN FLEAGLE: What's the pleasure of the Board. We have a motion on the table currently that lines out all of the language that references the closed. Julia.

MS. DOUGAN: Mr. Chair. I move.....

CHAIRMAN FLEAGLE: For an amendment.

MS. DOUGAN: .....for an amendment -- yes -- in -- to adopt the proposal consistent with the Seward Peninsula Regional Council recommendation. The wording would be Unit 22, coyote hunting, no Federal open season. Unit 22, coyote trapping, no Federal open season. Coyote incidentally taken with a trap or snare may be used for subsistence purposes.

CHAIRMAN FLEAGLE: Is there a second to the amendment.

MR. BUNCH: I second it.

CHAIRMAN FLEAGLE: Thank you. Basically the amendment is adding language back in that was previously taken out.

Is there any objection to the amendment.

(No opposing comments)

CHAIRMAN FLEAGLE: Hearing none, amendment carries. We now have Proposal No. 72 in front of us again as presented on the Board. Further discussion.

(No comments)

CHAIRMAN FLEAGLE: Ready for the question. Okay. Question's called on Proposal 72 as amended. Pete, please poll the Board.

MR. PROBASCO: WP10-72 adopt the
proposal and -- sorry, Tina. Final action WP10-72, 
adopt the proposal as amended and articulated by Ms. 
Dougan.

Mr. Bunch.

MR. BUNCH: Yes.

MR. PROBASCO: Ms. Dougan.

MS. DOUGAN: Yes.

MR. PROBASCO: Mr. Haskett.

MR. HASKETT: Yes.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Ms. Masica.

MS. MASICA: Yes.

MR. PROBASCO: And Ms. Kessler.

DR. KESSLER: Yes.

MR. PROBASCO: Motion carries 6/0.

CHAIRMAN FLEAGLE: Thank you. It's 
funny the proposals that you think are going to be 
controversial and take a lot of time don't and the ones 
that you think are just a slam dunk do.

All right. We're now moving on to 
Proposal 76. And we have Helen Armstrong back to the 
table.

MS. H. ARMSTRONG: Thank you, Mr. 
Chair. When you were -- when Polly was saying that 
Cole's been here for a year, I was -- and we talked 
about Keith being here since -- well, he created the 
program, I was waiting for somebody to say that I'm the 
next one who's been around almost since the beginning 
of the EIS started. So....

MR. GOLTZ: I was going to mention it.

(Laughter)
MS. H. ARMSTRONG: Does that make me as old, Keith. All right. Helen Armstrong. Proposal WP10-76 is found on Page 793 in your books. We're moving right along in that big book.

The proposal was submitted by the Seward Peninsula Subsistence Regional Advisory Council and requests the addition of Unit 22 to the list of areas from which the skin, hide, pelt, or fur, including claws, of brown bears harvested under Federal subsistence regulations can be used to make handicrafts for sale.

The Seward Peninsula Council stated that it submitted the proposal so that subsistence users may more fully utilize brown bears they harvest under Federal subsistence regulations. The Federal Subsistence Board and the Subsistence Regional Advisory Council statewide, as we heard earlier yesterday have considered several proposals related to brown bear handicrafts and have repeated emphasized the importance of the Region-specific approach to bear handicraft regulations.

The addition of Unit 22 to the list of areas from which the skin, hide, pelt, or fur including claws of brown bears harvested under Federal subsistence regulations can be used to make handicrafts for sale is consistent with Section .803 of ANILCA.

The Board has considered numerous proposals regarding the sale of handicrafts made from the nonedible byproducts of black and brown bears harvested under Federal subsistence regulations. The Board has adopted bear handicraft regulations for the Regions that have requested them and has acknowledged the importance of Region-specific regulations because of cultural differences throughout the State.

In the past, the Council has supported the sale of brown bear claw handicrafts in other Regions but not in the Seward Peninsula Region.

The Federal subsistence harvest limit for brown bear in Unit 22 is one bear per year. The proposal does not change the harvest limit. Therefore if adopted, it would have little or no affect on brown bear populations or on other users. Adoption of this proposal will allow for increased utilization of brown bears already harvested under Federal subsistence
Adoption of this proposal may provide subsistence users with a small amount of cash if they opt to make and sell handicrafts from the skin, hide, pelt, or fur, including claws, of brown bears harvested for food. As noted, subsistence harvest limits for brown bears are in place and these regulations dictate that edible meat must be salvaged. Thus the amount of brown bear skin, hide, pelt, or fur, including claws, for handicrafts is limited by these regulations.

The OSM conclusion is to support Proposal WP10-76.

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

CHAIRMAN FLEAGLE: Thank you. And summary of public comments. Mr. Nick.

MR. NICK: Mr. Chair. There were no summary of -- rather there were no written public comments for this proposal. Mr. Chair.

CHAIRMAN FLEAGLE: Thank you. Public testimony.

MR. PROBASCO: No one signed up. Mr. Chair.

CHAIRMAN FLEAGLE: Thank you. Regional Council recommendation, Weaver.

MR. IVANOFF: Thank you, Mr. Chair. Unit 22A is excluded from the rest of the units as far as utilizing brown bear handicrafts or parts of the brown bear to produce handicrafts and would like to be included into it. We realize that there is a brown bear handicraft working group presenting working on the situation right now on the issue and trying to come to a resolve. However, we -- there is a large population of brown bears in Unit 22. There is a large population of brown bear specifically in Unit 22A and the guides have been taking regularly. We've increased the brown bear harvest to two bears I believe.

The subsistence take of brown bears has been very low. The subsistence take of black bears in Unit 22 is a little bit higher. But in Unit 22 as well
as other units in Alaska, there's a number of artists
who produce a lot of work from natural objects, from
animals, from walrus, from everything that they harvest
and marine mammals as well as on the land.

And so the artists are very creative
and would like to continue to use the brown bear parts
for handicrafts. I mean it's been a tradition. The
use of animal parts for artistic reasons, ceremonial
reasons or for use as tools and it's happened for years
and years and years and that's how it is.

It's just like -- I guess it's a way of
saying that we would like to continue to do that as was
-- as has been happening through all these years.

Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you.

Department of Fish and Game comments, Tina.

MS. CUNNING: Thank you, Mr. Chair. As
has been our custom as these handicraft proposals
authorizing customary trade have come up, we request
deferral until the work group completes it work.

We did note that in the case of the
concern that was just raised by the Regional Council,
the customary and traditional use of bear parts is long
recognized, but what the Council has previously stated
on the record was that they didn't want to authorize
trade as the trade and sale of these parts.

It's just our continued position that
we'd like a deferral until that work group is able to
complete its job.

CHAIRMAN FLEAGLE: Thank you.

InterAgency Staff Committee comments.

DR. WHEELER: No additional comments at
this time beyond the standard comment.

Mr. Chair. Thank you.

CHAIRMAN FLEAGLE: Thank you.

Discussion.

(No comments)
CHAIRMAN FLEAGLE: Ready for a motion.

Sue.

MS. MASICA: Mr. Chairman. I have a motion and if I get a second, I'll expand upon it.

MS. DOUGAN: Second.

MS. MASICA: Mr. Chairman. I believe that the justification statement that is on Pages 796 and 797 provides a good explanation for supporting this particular proposal. The proposal is consistent with the provisions of ANILCA Section .803. It does not change the harvest limit, so if adopted will have little or no effect on bear populations or other users and it would allow for increase utilization of brown bears already harvested.

And the proposal is consistent as has been identified with the recommendation of the Seward Pen. RAC. Move its adoption.

CHAIRMAN FLEAGLE: Further discussion.

(No comments)

CHAIRMAN FLEAGLE: I agree. I think we have a good rationale for adding Unit 22 to the already large list of rural areas that have this opportunity and I respect the State's wish to defer this, but I understand the entire suite of this issue is being addressed by this working group and 22 has just now become part of that scope of work. So until they come up with something different, I think -- I see no reason why not to add 22 to this group and with that, I'm going to recognize the question as being called and, Pete, please poll the Board.

MR. PROBASCO: Final action, WP10-76, to adopt the proposal. Ms. Dougan.

MS. DOUGAN: Yes.

MR. PROBASCO: Mr. Haskett.

MR. HASKETT: Yes.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.
MR. PROBASCO: Ms. Masica.

MS. MASICA: Yes.

MR. PROBASCO: Ms. Kessler.

DR. KESSLER: Yes.

MR. PROBASCO: And Mr. Bunch.

MR. BUNCH: Yes.

MR. PROBASCO: Motion carries 6/0.

CHAIRMAN FLEAGLE: Thank you, Pete. We now move to Proposal 78 and I see we have Cole Brown back at the table.

MS. BROWN: Thank you, Mr. Chair.

Members of the Board and members of the Regional Councils. The analysis for WP10-78 begins on Page 816 of your book.

Proposal WP10-78 submitted by the Native Village of Wales requests the special provision for the Kingikmiut Dance Festival increase the harvest limit to three muskoxen from one along with the one bull moose already allowed. The harvest would occur within the regularly established season within Unit 22E.

Federal public lands are closed to the taking of moose of muskoxen except by Federally-qualified subsistence users. 49 percent of the Federal land in Unit 22E is Bering Land Bridge National Preserve and 3 percent is Bureau of Land Management.

The special provision for the Kingikmiut Dance Festival is under the terms of a Federal registration permit issued by the Bering Land Bridge National Park Superintendent and issued to individuals only at the request of the Native Village of Wales. The proponent states since the reestablishment of the festival in 2002 the date has settled into a late summer/early fall period. However, the dates of the festival are meant to be flexible and can be scheduled to follow a successful hunt.

The proponent states the change of harvest season would allow taking moose and muskoxen
for fresh meat prior to the festival thus reducing the
demands for storage. The additional muskoxen would
help ensure the community and guests are supplied with
subsistence resources for the festival in accordance
with traditional and customary hospitality.

Muskoxen have shown an increasing
population trend in Unit 22E since 1998. The
composition of yearling, two- and three-year-old
animals has been stable since 2005. From 2004 to 2007,
annual average hunter success rate for muskoxen bulls
have been approximately 65 percent and 21 percent
success rate for cow harvest.

The joint Federal and State harvest
quota is 62 muskoxen and is below harvest quotas even
with the additional harvest opportunity from the change
of a State Tier II hunt to a State Tier I hunt in 2005.
Moose have shown a stable or slightly increasing
population trend also within Unit 22E. The annual
harvest has been relatively low and hunter effort
typically occurs in the first general harvest season
between August and December.

Average annual hunter success has been
approximately 43 percent with an average of 11 bulls
harvested during that time period.

If this proposal is adopted, it will
allow the Native Village of Wales to take a bull moose
and up to three muskoxen either during regularly
established seasons either early in the season to
celebrate the festival in the fall or during optimal
winter traveling conditions to celebrate the festival
in late winter.

OSM conclusion is to support WP10-80.
Thank you, Mr. Chairman.

CHAIRMAN FLEAGLE: All right. Thank
you. Summary of public comment, Alex.

MS. BROWN: Sorry. 78

MR. NICK: Mr. Chair, there were no
public comments -- written public comments on this
proposal.

CHAIRMAN FLEAGLE: Testimony, Pete.
MR. PROBASCO: No one has signed up.

Mr. Chair.

CHAIRMAN PLEAGLE: Regional Council recommendation, Weaver.

MR. IVANOFF: Yes. Thank you, Mr. Chair. The people of Wales and Kingikmiut Dance Festival is growing. It's becoming increasingly more popular. The priests (ph) learn how to dance in the previous years and as a result more villagers are starting to participate. And as a result of that, they're needing more meat to feed the people who do come because it's their obligation as a host community to do so once you invite other people to come in and participate in the festival as customary and traditional use requires.

Extending the moose and muskox harvest seasons, increasing harvest limit for the dance festival to have enough meat for the festival and as was stated earlier, 80 percent of the muskox were harvested in the previous hunt. And so there's still I guess what you might say a little fudge factor involved in which you could increase the number of muskox taken for the festival.

Wales is located -- one of our most remote sites in the Seward Peninsula and westernmost point of Seward Peninsula and just northeast of that is Shishmaref. And so the two pretty much you have customary and traditional use of the muskox in that area and you have to share -- share the hunting area and basically go out during the wintertime to harvest that. And so they're not connected by any roads. The only way you can get there is by airplane as is most cases in the Seward Peninsula area.

And so that's -- I think that's part of the reason why there is such a low utilization of the muskox during that period because there's -- other people are just not accessible to it. In fact one of the comments made by the representative of Shishmaref was that the muskox are starting to intrude into bear taking areas and other areas and becoming a nuisance and I told him that's a subsistence animal. You shouldn't be calling it a nuisance because elders don't say that, you know.

And -- but that's how it was brought
up. And so Seward Peninsula is in support of this
resolution.

CHAIRMAN FLEAGLE: Thank you, Weaver.
Department of Fish and Game comments, Tina.

MS. CUNNING: Mr. Chairman. As was
consistent with our comments in statewide Proposal 3,
we would urge that the Federal Managers encourage their
Staff to provide these -- to encourage people to come
to the Department of Fish and Game for these kinds of
ceremonial, educational, and cultural permits. They're
already authorized under permit from the State and
applicable in all lands.

And secondly, the Federal Subsistence
Board we do not believe has authority to issue cultural
permits because these authorize take for purposes that
are not subsistence activities protected by ANILCA.

That's our comments. Thank you.

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STATE OFFICIAL WRITTEN COMMENTS
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Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP10-078:

This proposal allows ceremonial
festival harvest in the community of Wales of 1 moose
and 3 muskox within harvest quota guidelines using
individual federal subsistence registration permits for
Unit 22E.

Introduction:

Muskox populations in Unit 22E have
increased over the past 15 years and now appear stable.
Federal subsistence, State Tier I subsistence, and
drawing hunts share harvest quotas and occur annually
in the subunit. Moose populations have increased above
management objectives since a period of low population

Impact on Subsistence Users:

None. Ceremonial harvest is not a
subsistence use protected under ANILCA Title VIII on federal public lands. Ceremonial harvest is allowed under state regulations on all lands.

Opportunity Provided by State:

Under State of Alaska regulations 5AAC 92.034, the Commissioner of the Alaska Department of Fish and Game "may issue permits for the taking of game for the teaching and preservation of historic or traditional Alaskan cultural practices, knowledge, and values." This is a simple permitting process that is usually accomplished by letter within a day of the request. These state permits are widely used for traditional, cultural activities, and are valid on all lands, including private lands near villages. Using the state permit system would be more convenient and avoid enforcement problems.

Conservation Issues:

There are no moose or muskox conservation concerns because proposed ceremonial harvest would be under established harvest quotas.

Other Comments:

In 2010-2011 regulatory year, the State season for cows in hunt RX104 will open on August 1, which lengthens the time female muskox are available for harvest.

All of the lands surrounding and in the vicinity of the community of Wales are non federal public lands where the federal permit would not be valid. Federal and state staff should notify the proponent of the availability of ceremonial or cultural permits from the State of Alaska. No State of Alaska ceremonial or cultural permit requests from Region V have been denied to date.

Recommendation:

Oppose, for two reasons:

(1) This use is already authorized under state regulations. The Alaska Department of Fish and Game has asked the federal subsistence program to not authorize ceremonial harvest where not
traditional and where already authorized under permit by the state.

(2) The Federal Subsistence Board does not have authority to issue cultural permits because these authorize take for purposes that are not subsistence activities protected by ANILCA. In addition, the state issues cultural permits (5 AAC 92.034) that are valid on all lands, including federal public lands that are closed to other than federally qualified subsistence users.

CHAIRMAN FLEAGLE: Thank you. InterAgency Staff Committee.

DR. WHEELER: Thank you, Mr. Chair. The InterAgency Staff Committee found the Staff analysis to be thorough and complete. There are sufficient muskoxen to allow the limit to be increased to up to three muskoxen and by wording the regulation as up to three muskoxen, the Federal Manager can adjust the harvest on that based upon current census and other information in future years.

The delegation to the Federal Manager can occur via a letter of delegation from the Board. Mr. Chair.

CHAIRMAN FLEAGLE: Discussion. Julia.

MS. DOUGAN: Mr. Chair. Along with the Seward Peninsula RAC, I support this proposal for an increase in the muskoxen harvest limit for the Native Village of Wales. The population in the unit's healthy and authority to adjust quotas and enact closures is in place, but in response to Tina's comments, I too encourage coordination between the State and Federal Agencies whenever possible, possibly through the use of some sort of joint permitting and this action would improve hunt opportunities as well as harvest management options.

Thank you.

CHAIRMAN FLEAGLE: Other comments.

(No comments)
CHAIRMAN FLEAGLE: Ready for a motion.

MS. MASICA: Make a motion.

CHAIRMAN FLEAGLE: Go ahead.

MS. MASICA: Mr. Chairman. Prepare to make a motion in support of 10-72 and will expound upon it if I have a second.

CHAIRMAN FLEAGLE: There's a motion to adopt 72. Is there a second.

MR. BUNCH: Second.

CHAIRMAN FLEAGLE: 78. Now I'm doing it. Charlie seconded it.

MR. BUNCH: 78. I did.

CHAIRMAN FLEAGLE: Thank you. Go ahead with your justification, please.

MS. MASICA: As indicated, the OSM justification on Page 825, it appears that both -- that muskoxen populations within the unit can support the harvest limits for the celebration of the dance festival to be changed to increase the number that can be taken and to lengthen the harvest season and this action is also consistent with the recommendations of the Seward Pen. RAC.

CHAIRMAN FLEAGLE: Additional Board comments.

(No comments)

CHAIRMAN FLEAGLE: I concur. I think this is a very minor adjustment in allowable harvest on a population that has sounds like under-utilization for muskox anyway and then moving the moose season to a more usable time for the ceremony I think is appropriate as well. I support for the same reasons. Ready for the question. Question's called on Proposal 78.

MR. PROBASCO: Final action on WP10-78 to adopt the proposal consistent with the Seward Peninsula Regional Council and first up, Mr. Haskett.
MR. HASKETT: Yes.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Ms. Masica.

MS. MASICA: Yes.

MR. PROBASCO: Ms. Kessler.

DR. KESSLER: Yes.

MR. PROBASCO: Mr. Bunch.

MR. BUNCH: Yes.

MR. PROBASCO: And Ms. Dougan.

MS. DOUGAN: Yes.

MR. PROBASCO: Motion carries 6/0.

CHAIRMAN FLEAGLE: Thank you, Pete. What's the feeling of the Board. We can finish Seward Pen. or take a break now.

MR. BUNCH: Finish Seward Pen.


MS. BROWN: Thank you, Mr. Chairman. Members of the Board and members of the Regional Councils. The analysis for WP10-80 begins on Page 837 of your book.

Proposal WP10-80 submitted by the Stebbins Community Association requests that the winter moose season in Unit 22A remainder be shifted two weeks to January 15th through February 15th. Federal public lands are closed except by residents of Unit 22A.

The proponent requests the current winter season be shifted due to short daylight and inclement weather making it too difficult to take advantage of the harvest opportunity for moose in Unit 22A remainder. And there's a map on Page 839 of your book showing the area specifically in question. It's
the cross-hatched area on the lower portion of the map.

The moose population in Unit 22A has remained stable since 2006. Moose in Alaska typically begin to shed their antlers in late November with most mature males having shed their antlers by early January. A few small antlered males may retain their antlers for another 60 or 80 days.

From 2000 through 2008, the Alaska Department of Fish and Game harvest database reported an average of 13 moose per year by residents in Unit 22A. Community-based harvest assessments conducted by Kawerak reported since 2000 have shown 62 percent of the known harvest by residents of Stebbins and St. Michael has occurred in December or January.

The preferred time to hunt is during the winter because moose habitat is difficult to access before freeze-up. Precedence for late winter and early spring moose hunts exist under both Federal and State regulations until February 28th with several lasting into March 31st.

If this proposal is adopted, it would allow the residents of Stebbins and St. Michael to harvest moose when the weather and daylight are more favorable despite the trade-off and difficulty of finding mature antler bulls to harvest since most mature bulls will have shed their antlers by the end of January.

Therefore the shift of the harvest season through February 15th may not greatly increase the opportunity for subsistence hunters to harvest a mature antlered bull, but immature bulls may retain their antlers later in spring which could provide some opportunity for harvest while having minimal impact on the population.

OSM conclusion is to support Proposal WP10-80.

Thank you, Mr. Chairman.

CHAIRMAN PLEAGLE: Okay. Thank you. Summary of public comments, Alex.

MR. NICK: Mr. Chair. There were no written public comments for this proposal.
CHAIRMAN FLEAGLE: Thank you.

MR. PROBASCO: And no one signed up,
Mr. Fleagle.

CHAIRMAN FLEAGLE: Thank you. Regional
Council recommendation, Weaver.

MR. IVANOFF: Thank you, Mr. Chair.

Stebbins and St. Michael is located right on the
southern tip of the Seward/Norton Sound area and
located on the flat area and so the only access to the
people of Stebbins and St. Michael is to travel
anywhere from 10 to 20 miles by snowmachine over hilly
tundra -- hilly country which is -- and that's where
the moose locate. They're away from the flat and up
into the hilly country and so that's where they go and
hunt during the fall.

And while the moose are there, it takes
a great amount of time and effort and pretty difficult
traveling conditions by four-wheeler up to the hills to
get your moose. And so most people rely on going out
to try and do it in the wintertime where the going is a
lot easier and using snowmachines only and they'll run
up by snowmachines up to the hilly country to get their
moose and come back the same way while still at some
point in time traveling over the frozen ice -- ocean
ice where sometimes it is treacherous.

During the year of 2009, there was very
little snow. It was a cold year. Also this year was a
very cold year and not much snow at all, so it really
made for difficult conditions for both people, the
people in St. Mike and Stebbins, to get to the hunting
areas and by changing the season date would allow them
the additional time to harvest the moose. I don't
think, as was stated earlier, that there will be a
great impact on more moose harvested, but I will also --
but it will give them more time and opportunity to
harvest the resource that is near the village.

CHAIRMAN FLEAGLE: Thank you, Weaver.

Department of Fish and Game comments.

MS. CUNNING: This proposal is similar
to others we've had in the past Board meetings where
RACs or proponents have come in and requested shifts in
the season and then based on how the weather changes,
they've requested the seasons to be shifted back. So
we have a little bit of a concern here that the proposal's asking for a two-week delay of the winter season and delaying it will actually decrease available antlered bulls due to the antler drop in the winter season, but the winter travel conditions may or may not be better with the additional daylight.

Our biggest concern is that these moose are not censused on a regular basis. They're censused on a rotational basis. Harvest information is acquired through a number of different techniques. Although the antlered bull bag limit in the State and Federal subsistence winter hunts avoids the take of cows, that is our biggest concern is to try to protect the cows.

There is no other moose season in Unit 22 that goes beyond January 31 on Federal or non-Federal lands due to the lack of available antlered bulls during that time frame. So we have come in with opposing this proposal.

With that said, however, this is one of those areas where we would really encourage the Regional Advisory Council and the Federal Board to look at working with us on the establishment of community harvest quotas for the communities. This would enable the sharing of the resources and develop a program where additional harvest opportunity can be made available as this growing population can meet the needs of the communities, be a little more flexible between the Federal and State programs so we can adjust quotas then as needed and as the population can sustain.

So that's our comments.

STATE OFFICIAL WRITTEN COMMENTS

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

Wildlife Proposal WP10-80:

This proposal changes the federal subsistence winter moose season to January 15 through February 15 in Game Management Unit 22A Remainder (described as Unit 22A South in the proposal).

Introduction:
This proposal requests a two week delay of the winter federal subsistence moose hunt in Unit 22A Remainder. The existing federal subsistence moose hunting winter season dates are January 1 through January 31. The proponent indicates delaying the season by two weeks will potentially increase hunt success.

Impact on Subsistence Users:

Delaying the winter season opening by two weeks later in January will decrease available antlered bulls due to antler-drop during the winter season. Winter travel conditions may improve for hunters with slightly longer day-length.

Opportunity Provided by State: In Unit 22A Remainder, the following moose hunting regulations were effective in 2009-2010:

One bull by harvest ticket; residents only; season Aug 1-Sept 30;
Or
One antlered bull by harvest ticket; residents only; season Jan 1-Jan 31;

One bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side by harvest ticket; nonresidents only; season Sept 1-Sept 30.

Conservation Issues:

Moose populations in Unit 22A Remainder are not censused on a rotational basis by Alaska Department of Fish and Game in Unit 22. However, low hunting effort and probable exchange of moose between local areas and the Yukon River drainage (located easterly of Unit 22A) have provided stable populations that allow State hunting of bulls by harvest ticket for residents and nonresidents. An antlered bull bag limit in the state and federal subsistence winter hunts avoids the take of cows to conserve the population when little is known about bull:cow ratios or total population size. Although data are scant, current harvests are considered to be within sustained yield of the population. Adoption of this proposal will not cause conservation concerns or impede the population objective due to the winter bag limit of antlered bull.
Enforcement Issues:

No other moose season in Unit 22 goes beyond January 31 on federal and non-federal lands due to the lack of available antlered bulls. The number of antlered bulls in February is very few to none, and the Department wants to avoid the take of cows.

Recommendation:
Oppose.

The Regional Advisory Council should consider pursuing establishment of a community harvest hunt under federal subsistence regulations in cooperation with the State to establish harvest quotas per community. Developing a community harvest program will provide additional opportunity to take harvestable surplus from the growing moose population to meet needs of the communities, improve harvest reporting, and adjust harvest quotas to match biological fluctuations in the population.

CHAIRMAN FLEAGLE: Thank you, Tina.
InterAgency Staff Committee comments.

DR. WHEELER: Thank you, Mr. Chair.
The InterAgency Staff Committee has no additional comments beyond the standard comments.

Mr. Chair. Thank you.

CHAIRMAN FLEAGLE: Thank you. I note for discussion that the OSM's conclusion/justification statement also speaks to the issue that Tina raise is that by shifting the season two weeks later, you may not have as many harvestable animals available. They do address the fact that there may be some smaller bulls that retain their antlers longer available and I just wanted to explore this.

I know, at least in the interior areas I grew up in, that you rarely saw a moose with antlers in February, big or small, and I'm just curious, Weaver, is they're different out there toward the coast and then maybe, Jack, you can weigh in from your experience on the bordering country there. Weaver.

MR. IVANOFF: Mr. Chair. You are
correct in that. There's very few. You know, might run into the young ones who still have the horns on there. And that's what I was saying that there will be -- my feeling is that there will be very little impact on the amount of moose that are taken, but at the same time, where the moose that are -- the moose are starting to grow in that area. There is some evidence from St. Michael people and Stebbins people that moose are starting to move during late fall from the Yukon Delta area up toward the -- and they could see movement from the southern area moving up to the northern area where they live up into the hills.

And once they get that feed in the hilly area, then they pretty much stay and recruitment seems to be pretty good there as far as getting -- there are a lot of bears that could be a problem, but at the same time, the moose migration seems to be pretty healthy. And it's based on pretty much their observation that there's an increase of moose moving in and while big bulls will not have their horns, the younger ones -- the antlers, the younger ones should be able to be harvested. Does that answer your question.

CHAIRMAN FLEAGLE:  Jack. Yeah, it does. Jack.

MR. REAKOFF:  It's my experience in the Brooks Range that it's after January 15th, there's very few two-year-old bulls that have antler. There are a few. There's some yearling bulls that have a harder time. The younger they are, the harder they are to shed the antler. They have to work at it to get it off of there.

And so there's a declining number of available antlered bulls after the end of January. That two weeks in February, there would be a few. In looking at their recruitment data here, it would appear there would be -- it looks like approximately 5 yearling bulls per 100 cows or something approximately like that. And so it would be kind of like looking for four-leaf clovers, but there are -- there is a harvestable number there.

If it's -- if the weather's good and you can look at -- would all concentrate along the river, it might actually be fairly easy.

CHAIRMAN FLEAGLE:  Thank you. Well, it
appears to me by -- if we adopt the proposal that we
would be reducing opportunity. I wonder if OSM or the
RAC maybe looked at, okay, we agree that the later
portion of the season should be available if they need
to because of bad weather conditions at the beginning,
but maybe we should retain the beginning as well in
case the weather is amenable and just extend the
existing season by the two weeks.

I mean again, Jack, I agree, they're
going to be out there looking for something that
probably doesn't exist. If they're out there, I don't
see it as adding a conservation burden, but I think by
taking away the two weeks that they may be antlered
that they might be able to get out there would be
reducing the opportunity. I don't know. I'm just
wondering if there's -- if that had been looked at.
Weaver.

MR. IVANOFF: Yes. There was a real
short discussion in regards to that. That was my same
gut reaction was that, you know, should the weather
change and January be -- and sometimes it does, you
know, become very warm and sometimes too warm, it
starts raining, but the weather does change on an
annual basis and you never know what's going to happen
year after year and I would be very supportive of that
amendment of just extending it beginning January 1 and
extending it longer and that would be in my mind a lot
more practical.

CHAIRMAN FLEAGLE: Cole, was that
discussed in the OSM analysis at all?

MS. BROWN: No, Mr. Chairman, it
wasn't. During the Regional Advisory Committee
meeting, that's when we had the discussion, and I can't
remember the member that is from that area. I think
their concern was they didn't want to overreach, that
they were just asking for the same amount of time.

They understood what the tradeoff was,
but they were just really concerned with being able to
have that opportunity at all. So.....

CHAIRMAN FLEAGLE: Go ahead, Weaver.

MR. IVANOFF: I'm sorry. Through the
Chair. And that's exactly right. They wanted to just
so keep the amount of time hunting the same because
they're not -- they weren't sure whether they'd be able
to retain the hunting season during that time, didn't
want to lose it for sure, and so their feeling was
St. Michael -- Stebbins especially was that we'll just
see if we could extend it the longer time, but I really
like your suggestion in regards starting January 1 and
just extending the season, I think is very good.

CHAIRMAN FLEAGLE: All right. Further
discussion. It's still wide open.

MR. BUNCH: Mr. Chair.

CHAIRMAN FLEAGLE: Charlie, go ahead.

MR. BUNCH: I agree. I think that the
weather is quite a factor up there and Tina hit on that
earlier. I think that, you know, it's kind of a crap
shoot if you limit that. I'm -- I would fully support
extending the season for two weeks and then that would
minimize the weather problems.

CHAIRMAN FLEAGLE: And that would keep
our regulation more in alignment with the State
regulation which is January 1 to January 31. It would
just merely add a two-week Federal extension on Federal
lands.

Now if somebody's willing to go forward
with that, I'm ready to entertain a motion. Ms.
Dougan.

MS. DOUGAN: Mr. Chair. Okay. I move
to adopt Proposal WP10-80 and if I should get a second,
I would like to propose an amendment.

MR. BUNCH: Second.

CHAIRMAN FLEAGLE: Okay. There you go.

MS. DOUGAN: Thank you, Mr. Chair. I
move to adopt Proposal WP10-80 with a language
modification that rather than shifting the season two
weeks later, I would propose that we extend for two
weeks the existing season on Federal lands.

And if I would get a second for that
amendment, I'd like to speak to my reasons for support.

MR. BUNCH: Second.
CHAIRMAN FLEAGLE: Okay. Go ahead, Julia.

MS. DOUGAN: Thank you, Mr. Chair. There's a recognized tradeoff between increased daylight and better weather versus less antlered moose being available the longer the hunt proceeds in the winter and I think we've heard discussion on that.

The Seward Peninsula RAC endorsed this proposal because they think it will provide additional opportunity for subsistence and I'm going to support the RAC for that reason and I think that the antlered bull requirement in place for the winter hunt will also continue to protect cows from harvest.

Thank you.

CHAIRMAN FLEAGLE: Further discussion.

(Board nods affirmatively)

CHAIRMAN FLEAGLE: Is it clear everybody? Are we ready for a vote. Okay. I'm sorry. On the amendment?

(Board nods affirmatively)

CHAIRMAN FLEAGLE: Any opposition to the amendment.

(No opposition)

CHAIRMAN FLEAGLE: Hearing none, amendment carries. Main motion stands before you as amended. Further discussion.

(No comments)

CHAIRMAN FLEAGLE: Ready for the question.

(Board nods affirmatively)
CHAIRMAN FLEAGLE: Question on Proposal

80. Pete, please poll the Board.

MR. PROBASCO: Mr. Chair. Final action WP10-80 to adopt the proposal consistent with the Seward Peninsula-Yukon Delta Regional Advisory Council with modification and the amendment to extend the season to February 15th.

Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Ms. Masica.

MS. MASICA: Yes.

MR. PROBASCO: Ms. Kessler.

DR. KESSLER: Yes.

MR. PROBASCO: Mr. Bunch.

MR. BUNCH: Yes.

MR. PROBASCO: Ms. Dougan.

MS. DOUGAN: Yes.

MR. PROBASCO: And Mr. Hasket.

MR. HASKEET: Yes.

MR. PROBASCO: Motion carries.

CHAIRMAN FLEAGLE: Okay. Great.

Weaver, go ahead.

MR. IVANOFF: Yes. Mr. Chair. I'd like to thank the Staff for their assistance. I also thank you -- like to thank you for your practical amendment to the issue. I think that's very helpful and people in Stebbins I'm sure and St. Michael will be very thankful too and on their behalf, thank you very much.

CHAIRMAN FLEAGLE: Very good. All right. Thank you. And we appreciate your work on their behalf as well.
With that, let's go ahead and stand down for 10 minutes.

(Off record)

(On record)

CHAIRMAN FLEAGLE: All right. Federal Subsistence Board is back on record and we're moving into the Eastern Interior Alaska Region, Region 9. We have several proposals before us and we have Proposal 86 to begin with and it looks like Donald Rivard is at the table to lead us through it. Welcome back, Don.

MR. RIVARD: Thank you, Mr. Chair.

Good afternoon again to you, the Board members, and Regional Council representatives. The analysis for Proposal WP10-86 starts on Page 881 in your book.

Proposal WP10-86 submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council requests that the Federal moose season dates in Unit 25C be changed to match the August 20th to September 30th season and adjoining portions of Units 25B and 20E within the Yukon-Charley Rivers National Preserve.

There is no specific customary and traditional use determination for moose in Unit 25C. Therefore all rural residents of the State of Alaska are eligible to hunt moose on Federal public lands in Unit 25C under Federal regulations. Should this proposal be adopted, all users would be provided an additional 27 days of hunting opportunity which will likely lead to an increase in the number of moose harvested.

The Unit 25C moose population appears healthy enough to allow for a few more bulls to be harvested.

Mr. Chair. The OSM conclusion is to support Proposal WP10-86.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Don.

Public comments, Ann Wilkinson.
MS. WILKINSON: Mr. Chairman. There were no public comments for Proposal 66 -- I mean 86.

CHAIRMAN FLEAGLE: Thank you. Public testimony, Pete.

MR. PROBASCO: No one has signed up.

Mr. Chair.

CHAIRMAN FLEAGLE: Regional Council recommendation, Sue Entsminger.

MS. ENTSMINGER: Thank you, Mr. Chair. I hope I'm awake here. The Eastern Interior Regional Advisory Council support WP10-86. This proposed regulation would not increase nonlocal participation but would provide increased opportunity for the Federally-qualified subsistence users. The regulation will not result in a conservation issue and will help align the moose hunting season for the other Federal lands in the area.

And at the Council meeting, there was some discussion about the C&T, all rural residents, and Bill Glanz, it was his Advisory Committee from Central that put this proposal in and he was specifically asked if he felt that would make a difference and they said it would not.

He talked about if you put your boat in the river and you went upriver, you have one season here in that Steese National Conservation area and then it's a different season than the Yukon-Charley and that's why they put the proposal in.

CHAIRMAN FLEAGLE: Thank you. Alaska Department of Fish and Game comments, Tina.

MS. CUNNING: Mr. Chair. The Department is opposed to this dramatic expansion of the Federal subsistence moose hunting season in 25C. The expanded season creating additional differences between the State and Federal regulations is not necessary to provide the opportunity for Federal subsistence by rural residents on Federal lands.

Creating an expanded season for all rural residents of Alaska creates a priority that is not based on continued customary and traditional uses and cannot be justified based on a desire to reduce
Also as the moose population declines, the expanded season will create unnecessary impacts on other subsistence users.

Thank you.

STATE OFFICIAL WRITTEN COMMENTS

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

Wildlife Proposal WP10-86:

The Eastern Interior Regional Advisory Council proposal would lengthen the federal subsistence moose hunting season in Unit 25C from September 1 through September 15 to August 20 through September 30.

Introduction:

The proponent submitted this proposal to liberalize the Unit 25C federal subsistence moose hunting season by changing the season dates to match the federal subsistence moose hunting season dates for the federal public lands within Yukon-Charlie National Preserve of Units 25B and 20E. The 41-day federal subsistence moose hunting seasons within Units 25B and 20E within the Yukon-Charlie National Preserve are August 20 through September 30, which is 26 days longer than the 15-day federal subsistence moose hunting season in Unit 25C.

Impact on Subsistence Users:

If adopted, the opportunity for federal subsistence moose hunters in Unit 25C will increase by an additional 26 days (173%), increasing federal subsistence hunting opportunity for moose in the White Mountains and Steese National Recreational Areas from 15 days to 41 days. If adopted, federal subsistence users would be allowed to hunt 10 days prior to and after the state moose hunting season in Unit 25C, potentially reducing interaction or competition with non-federally qualified moose hunters. If adopted, the liberalization of this road accessible federal subsistence moose hunt may attract other federally
qualified users from other areas and regions resulting
in competition with other federally qualified hunters.

Opportunity Provided by State:

The state resident moose hunting season
in Unit 25C is from September 1 through 15 with a limit
of one bull. The state nonresident moose hunting
season in 25C is September 5 through September 25 with
a limit of one bull.

Conservation Issues:

None under existing regulations. This
is a bull-only hunt, and hunter participation is
relatively stable.

Enforcement Issues:

Federal public lands constitute
approximately 74% of Unit 25C, but a significant
portion of the easily accessible land is non-federal
and in the state's non-subsistence use area.
Federally-qualified hunters will need to be aware of
the boundaries.

Other Comments:

The expanded season, creating
additional differences between the state and federal
regulations, is not necessary to provide the
opportunity for federal subsistence by rural residents
on federal lands. Creating an expanded season for all
rural residents of Alaska creates a priority that is
not based on continued customary and traditional uses
and cannot be justified based on a desire to reduce
competition. Also, as the moose population declines,
the expanded season will create unnecessary impacts on
other subsistence users.

Recommendation: Oppose.

CHAIRMAN FLEAGLE: Thank you.

InterAgency Staff Committee comments, please.

DR. WHEELER: Mr. Chair. The
InterAgency Staff Committee has no additional comments
beyond the standard comments. Thank you.

CHAIRMAN FLEAGLE: Thank you.
Discussion.

MS. DOUGAN: Mr. Chair.

CHAIRMAN FLEAGLE: Ms. Dougan, go ahead.

MS. DOUGAN: If there's no discussion at this point, I would like to make a motion.

CHAIRMAN FLEAGLE: Okay.

MS. DOUGAN: Thank you, Mr. Chair.

MS. MASICA: Second.

(Laughter)

MS. DOUGAN: I move to adopt Proposal WP10-86 and if I receive a second, which I think I already have, I'd like to explain why I'm in support.

(Laughter)

MS. DOUGAN: The proposal was submitted by the Eastern Interior RAC and it is clearly designed to benefit Federally-qualified users trying to meet their subsistence needs.

Aligning the Federal hunt dates within the Yukon-Charley National Park and Preserve makes obvious sense to me and it will help eliminate hunter confusion in that portion of Unit 25C.

But the State's indicated there are no conservation concerns right now under existing regulation. So I think close monitoring of the moose population during this expanded season is really needed so we can maintain that status of the population. But if in the future the expanded season increases the annual harvest to the point where management goals are not met, I will support employing a registration permit to more closely monitor and manage the hunt.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Ms. Dougan. And we do have a motion that was seconded by Sue Masica. Discussion.

(No comments)
CHAIRMAN FLEAGLE: Anybody wish to add comments to the statements that have already been said in the written record.

Wini, thank you.

DR. KESSLER: I'll add comments. This will increase opportunity for eligible rural people to hunt and there's no conservation concerns, so we'll support it.

CHAIRMAN FLEAGLE: All right. Are we ready for the question on Proposal 86.

(Board nods affirmatively)

CHAIRMAN FLEAGLE: Hearing no objection, question is recognized. Pete, 86, please.

MR. PROBASCO: Final action on WP10-86 to adopt the proposal consistent with Eastern Interior Regional Council’s recommendation. Ms. Masica.

MS. MASICA: Yes.

MR. PROBASCO: Ms. Kessler.

DR. KESSLER: Yes.

MR. PROBASCO: Mr. Bunch.

MR. BUNCH: Yes.

MR. PROBASCO: Ms. Dougan.

MS. DOUGAN: Yes.

MR. PROBASCO: Mr. Haskett.

MR. HASKETT: Yes.

MR. PROBASCO: And Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Motion carries 6/0.

CHAIRMAN FLEAGLE: We now move on to Proposal 87. And we have Pippa Kenner back at the
Good afternoon. The analysis for Proposal WP10-87 can be found on Page 889 in your books.

Proposal WP10-87 was submitted by the Eastern Interior Regional Advisory Council and seeks to add black bear to the list of furbearers for Units 12, 20, and 25 in the general regulations for Federal wildlife management.

If this proposal is adopted, it will add black bears to the definition of furbearers. This would create numerous inconsistencies in Federal subsistence regulations. For example, the regulation at Section 25J Part 8 allows the sale of the raw fur or tanned pelt of furbear while the regulation at 25J Part 10 expressly excludes some bear parts from the description of handicraft products that may be sold.

Similarly while there are various regulations that allow for the use of snares and traps to harvest furbearers, the regulation at Section 25B Part 7 states that bears may be taken only with rifles of a particular caliber or larger.

As these examples illustrate, the adoption of this proposal would create ambiguity and conflict in the Federal subsistence regulations and likely cause confusion for subsistence users and managers.

In addition, the Federal Subsistence Board has put considerable effort into considering and adopting specific regulations with regard to the taking of bears and the selling of handicrafts. These regulations would be largely undermined by reclassifying black bears as furbearers.

Finally this regulatory change would defeat the purpose of specific regulations that are intended to limit the sale of bear parts.

This proposal is specific to Units 12, 20, and 25. However, that fact does not remove the inconsistencies with Federal subsistence regulations. There is opportunity under existing regulations to make handicrafts using black bear fur and claws among other parts. Expanding the definition of furbearers to
include black bear creates regulatory incongruities
that are not consistent with past Board action.

For all of these reasons, the OSM
conclusion is to oppose the proposal.

Thank you, Mr. Chair. That's the end
of my presentation.

CHAIRMAN FLEAGLE: Thank you. Public
comments.

MS. WILKINSON: Thank you, Mr. Chair. We received two comments in opposition to this
proposal. The AHTNA Tene Nene' Customary and
Traditional Council stated that it's not the practice
of AHTNA people to trap black bear in winter. They
support predator control but not by this method in Unit
12.

The Wrangell-St. Elias SRC is concerned
that people from outside the Region would try to sell
parts illegally, that snaring or trapping bears could
be a hazard for the trappers and others and they are
concerned about disturbing bears during winter. And
that's the conclusion of the comments.

CHAIRMAN FLEAGLE: Thank you. Public
testimony.

MR. PROBASCO: Mr. Chair. We have no
one signed up.

CHAIRMAN FLEAGLE: Regional Council
recommendations, Sue.

MS. ENTSMINGER: Yeah. Thank you, Mr.
Chair. This is an interesting way that this has come
around. There was a meeting in Tok that instigated
this proposal to come forth and when we put the
proposal forward, the Eastern Interior RAC, it was only
to classify black bears as a furbearer. It wasn't to
create snaring and the sale. That was not part of the
original intent of the Eastern Interior RAC when the
proposal was put forth.

I just wanted to kind of reiterate that
right now, but -- so when we saw this proposal, we were
a bit confused at why all of these other things were in
there and then it hit me that, well, I guess if you
don't understand what the Council was after, which was

to be able to sell a bear hide actually -- a black bear
hide -- and -- then you would think that the people
want a season for snaring and trapping.

So it was interesting. And then at the
discussion at our meeting, we had Pat get online
because we -- since we're talking about snaring bears,
we started talking about the possibility of doing
something like that and we did not -- we deferred even
talking about it -- wanted to talk about it in the
future.

So there was some discussion about it
with the State, but we supported it only in our Region
because that's where we make our recommendations for
our Region. So I think something has happened within
the State since and I'm going to let the State talk to
that.

Thank you.

CHAIRMAN FLEAGLE: Thank you.

Southcentral.

MS. CAMINER: Thank you, Mr. Chair.
I'm going to modify what's written here a little bit
because personally I don't like to say that there'll be
confusion amongst users. I think the confusion if this
were adopted by the Board would actually be, as we said
here, between what's written in Federal regs already
and the differences between what the Board of Game
passed and this Federal reg which would be then unit
specific.

We had quite a bit of discussion at our
meeting and really many of the members felt this was
not necessary because it was all covered through the
Board of Game action statewide.

So we did end up opposing it, but
several people did abstain because they just felt like
the Council did not need to deal with it. We also paid
heed to what the Subsistence Resource Commission said
and they were completely opposed to it. This was not --
we did get into a discussion of trapping understanding
it was not a suggestion to open up a trapping season
but that it could follow.

The SRC opposed that as being not a
customary and traditional method. We also felt that
there was the worry about commercialization from
selling the bear hides and that hides from other
Regions could be brought in or -- so there was a bit of
a split vote, but the Council did oppose this proposal.

CHAIRMAN FLEAGLE: Thank you, Judy.

Department of Fish and Game comments.

MS. CUNNING: Mr. Chairman. Our
comments are on Page 904. We'll be entering those into
the record in full.

Our official position is we are
neutral, that the adoption of this proposal is not
necessary to provide the Federal subsistence needs for
use of black bear. There are some other comments and
explanations of what the Board of Game did in our
comments and Pat would like to supplement.

CHAIRMAN FLEAGLE: Thank you. Deputy
Commissioner Valkenburg.

MR. VALKENBURG: Thank you, Mr. Chair.
There are a couple of points I'd like to make here.
The Department -- or the Board of Game and the
Department has received numerous comments over a long
period of time from people who are interested in being
able to sell black bear hides, from skin sewers who cut
up black bear hides in parts and pieces, is a very
traditional activity statewide.

It has been legal at various times over
the years. The analysis -- the OSM analysis was pretty
good, has a good history of when black bears were
considered furbearers and big game back and forth.

We came to the conclusion that probably
the best thing to do would be to classify black bears
as furbearers statewide and very much the same way that
wolves and wolverines are. So now we would have three
species that were dual classified as furbearers and big
game.

I also wanted to point out that just
because black bears as classified as furbearers does
not mean that people can trap them. The Board of Game
would have to set up specific trapping seasons to do
that and in some areas of the State, it would be
appropriate to do that. In some areas, not. Obviously in places like Southeast Alaska at the present time, neither the Department nor the Board would favor trapping seasons, but in areas like the Yukon Flats where people have been asking for relief from predation by black bears on moose and also on the Kuskokwim and on the Koyukuk where there have been similar proposals, this does provide the Board of Game with an easy way of accommodating those local uses.

Trapping of black bears actually in Alaska using snares is actually a fairly common practice. In Yukon Flats, I would venture to say a few hundred black bears are trapped each year. It's a common method of taking care of problem black bears around fish camps and that sort of thing.

What we're interested in doing is getting people away from the traditional method of snaring black bears with wolf snares and directing them to use more selective techniques like bucket snares for the reason that the bears are more useful when they're caught that way. The meat is still good and the hide is still good and there's less problem with incidental catch of moose, for example, in Yukon Flats where we're really interested in rebuilding the moose population.

And we agree with the comments of the Southcentral RAC and that's one of the main reasons we're neutral on this proposal is that the Board of Game has already gone ahead and classified black bears and furbearers which legalizes the sale of bear hides and all parts except specifically not gallbladders and not bear trophies. And so -- and that is true for bears that are either hunted or trapped and that regulation goes into effect July 1st statewide.

************************************************************************************************************************** STATE OFFICIAL WRITTEN COMMENTS **************************************************************************************************************************

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

Wildlife Proposal WP10-87:

This proposal requests that black bears be added to the list of animals defined as furbearers in Game Management Units 12, 20, and 25.
Introduction:

The proponent requests black bears be listed as furbearers in federal subsistence regulations for Units 12, 20, and 25 to allow federal subsistence users to sell hides from harvested animals.

Impact on Subsistence Users:

If adopted, federal subsistence users could sell hides and claws from black bears harvested under federal subsistence regulations from Units 12, 20, and 25, including part of Denali National Park and part of Wrangell-St. Elias National Park. Because harvest of black bears from these park lands is very low, the effect of the regulation will have been negligible.

Opportunity Provided by State:

The Alaska Board of Game reclassified black bears as furbearers and allowed sale of hides, and all bear parts except gall bladders and trophies, including all black bears taken under hunting and trapping regulations. The regulation will go into effect July 1, 2010. Hunting regulations for black bears in Units 12, 20, and 25, as in most other areas of Interior Alaska, are no closed season and a bag limit of 3 (no cubs or females with cubs), with an additional provision for community harvest permits in Unit 25.

Conservation Issues:

The Department and the Alaska Board of Game do not expect conservation issues by allowing sale of black bear hides and parts. The total value of all black bear parts are worth less than some other furbearers (e.g. wolves, wolverines).

Enforcement Issues:

Because the sale of black bear hides and parts, except gall bladders are now under one, uniform, statewide regulation, no enforcement issues are expected. Sale of black bear hides and parts, except gall bladders are legal in Idaho, Maine, and all Canadian provinces.

Other Comments: Adoption of this
A proposal is not necessary to provide the federal subsistence needs for use of black bear.

Recommendation: Neutral.

CHAIRMAN FLEAGLE: Thank you, Pat.

InterAgency Staff Committee comments.

DR. WHEELER: The InterAgency Staff Committee has no additional comments beyond its standard comments at this point in time.

Mr. Chair.

CHAIRMAN FLEAGLE: And are those the boilerplate comments, Dr. Wheeler.

DR. WHEELER: They are and I'd be happy to read them into the record if you'd like. It's been a long day, but you're -- at your call.

Mr. Chair.

(Laughter)

CHAIRMAN FLEAGLE: Discussion. Jack.

MR. REAKOFF: Mr. Chair. The Western Interior Council, the Koyukon people, have opposed any kind of bear trapping regulations and they have hutlani or taboos that are about speaking about bears. They talk about big animals during their meetings in these rural villages.

And so there's the Western Interior Council has opposed any bear -- sales of bear parts and those kinds of things. So I want to clarify that for the record that the Western Interior Council is opposed any kind of bear trapping because of respect for bears and concern about catching other predators like wolverines and wolves and so forth.

And so those -- the free-ranging bear harvest with a firearm, that's a different issue as far as the method of harvest or denning. Those would be the primary way people harvest black bears.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Jack.
Sue.

MS. ENTSINGER: Yeah. Mr. Chair.

Appreciate Jack's comments, but I'd also like to state for the people in our Region, I mean they look at it very differently. So it's important to realize that -- I guess when Sidney Huntington was on the Board of Game, I thought some of the people in your Region did utilize bears.

Yeah. I don't know. Something I remember from long ago, but just speaking to my Region on that Yukon Flats even when Craig Fleener was on as the -- on this Eastern Interior, I mean there was a lot of things that were brought out about the need to harvest more black bears in the area and the people utilize the bears and -- you know, I'm a skin sewer and, you know, I don't know what it would do if I was able to buy a black bear and turn him into a product to sell, what I'd have to pay for it to still make something that somebody else would purchase because I've actually had people ask me. I said well, it's not legal to do that, you know, but it is something that me personally I would have -- you know, under State regs and July 1st, then I can legally purchase a bear and I can tell you that it cost if someone shot a bear and brought it to me, I would have a day of fleshing to take care of it properly with the claws attached and some drying time and then I would have this tanning cost.

So, you know, my handicraft's end up costing quite a bit more if I had to purchase the hide. It's just information for the future.

Thank you.

CHAIRMAN FLEAGLE: Jack and then.....

MR. REAKOFF: Clarification. The people of Koyukuk extensively use black bears for food. If they harvest black bears, the tradition is to take the skin and put it away, don't bring it back. They don't -- they put it under a tree is what they do with it.

And so they -- there is extensive use of black bears for use black bear for food.

CHAIRMAN FLEAGLE: Thank you. Pat.
MR. VALKENBURG: Yeah. Thank you, Mr. Chairman. There's one point I wanted to make also about in our analysis of going to classifying black bears as furbearers, we looked at the value of black bears and all of their parts compared to other furbearers and both wolves or wolverines are more valuable than black bears.

Black bear hides have averaged anywhere between $50 and $150. On the most recent North American Fur Auctions this past spring, the average price for black bear hide was $60.

So we don't anticipate any conservation problems along those lines and I wanted to reiterate something for Jack is just because we have them classified as furbearers statewide now, it does not mean that people will be able to trap black bears everywhere. Those will be done on a case-by-case basis through trapping seasons set by the Board, by request from ACs and other normal proposal process.


MR. BUNCH: Well, I'm kind of in a quandary here because I like to follow what the RAC tells me, but now the RACs are telling me two different things, so I think that I'm inclined to simplify the regs -- or my vote would simply the regs so that we don't have different regs for different parts of the State.

CHAIRMAN FLEAGLE: Further discussion.

Sue.

MS. ENTSINGER: I think, you know, the discussion at the meeting, you know, if you remember that we're just saying we'll put in a proposal for our Region and then knowing that the State -- if I went back to our Council now and the State has passed that, I don't -- you know, I would venture to say probably that the Council would not care if this failed within -- because they would still have that ability to do so.

And I'm sticking my neck out a little bit, but I think I believe that they would look at it that day.

Thank you.
CHAIRMAN FLEAGLE: Are we ready for a motion. Sue.

MS. MASICA: Mr. Chairman. I move that we support WP10-87 and then after a second, I will speak to my motion.

CHAIRMAN FLEAGLE: Is there a second.

DR. KESSLER: Second.

CHAIRMAN FLEAGLE: There's your second. Go ahead, please.

MS. MASICA: Mr. Chairman. I will vote to oppose my own motion. I'd like to clarify that this is a regulation that would affect all Federal lands in the units, not just NPS lands.

Both the Wrangell-St. Elias SRC, which is the most local Title VIII advisory group for the Park and the Southcentral RAC voted against the proposal, recognizing that Eastern Interior did vote in support of it.

I found the justification on Page 897 from OSM rather compelling. The potential for increased hunting pressure by increasing the economic incentive, the relatively low reproductive rate of black bears, and the general lack of information about population. Also after listening to the presentation, reading the biological background section, it seems like there's a lot we don't know about the population. It's my understanding that these units have a year-round hunting season limit of three bears.

It just -- this seems to me like a big change given what we know and the conservation practice question that was raised in the write-up which is why I would oppose the motion I put forward.

CHAIRMAN FLEAGLE: Further discussion.

Wini.

DR. KESSLER: Yes, Mr. Chair. Number of conservation issues have been raised. Analysis speaks to the likelihood of increased harvest, the lower reproductive rates of black bears compared to other furbearing species, the infrequency of monitoring in the area, so I believe that supporting the motion
would not be consistent with accepted principles of wildlife and fish conservation.

CHAIRMAN FLEAGLE: Thank you.

Appreciate that reference to .805(c). I was looking for that. Are we ready for a question.

(Board nods affirmatively)

CHAIRMAN FLEAGLE: Hearing no objection, question is recognized. Pete, on Proposal 87.

MR. PROBASCO: Thank you, Mr. Chair.

Final Action on WP10-87 to adopt the proposal. Ms. Kessler.

DR. KESSLER: No.

MR. PROBASCO: Mr. Bunch.

MR. BUNCH: No.

MR. PROBASCO: Ms. Dougan.

MS. DOUGAN: No.

MR. PROBASCO: Mr. Haskett.

MR. HASKETT: No.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: No.

MR. PROBASCO: And Ms. Masica.

MS. MASICA: No.

MR. PROBASCO: Motion fails, 0/6.


MS. KENNER: Thank you, Mr. Chair.

I'll just take a minute. Good afternoon. The analysis for Proposal WP10-88 can be found on Page 906 in your Board book.

Proposal WP10-88 was submitted by the
First off, I'd like to direct you to a correction on Page 906. I'd like you to go to the OSM preliminary conclusion and I'd like you to go to .25(h), removing harvest from the field, and I'd like you to go almost halfway down the paragraph and you'll see a phrase Unit 25 prior to October 1st, and that should be bolded. I'm going to underline it and that's the new language that's being added to the regulation. That change could also be made on Page 910.

Does everybody understand that change? Do you need more direction?

CHAIRMAN FLEAGLE: Sorry. Go ahead, Geoff.

MR. HASKETT: Okay. So I understand the change, but then I look at the actual .25(h) and it's not saying what you said on 907. Unless -- I may be looking in the wrong place. No -- 907.

MS. KENNER: Thank you. It would be on Page 908.

MR. HASKETT: 908.

MS. KENNER: And it would be under the proposed Federal regulation, second paragraph, .25(h).

MR. HASKETT: I see it. Okay. I'm good. I see it.

MR. KENNER: I'm sorry for creating that confusion.

MR. HASKETT: No, I'm.....

MS. MASICA: Further question.

CHAIRMAN FLEAGLE: Go ahead, Sue.

MS. MASICA: So on 908 under .25(h), there's no reference to the Unit 25 either. So does that need to get -- it just says Unit 21.
MS. KENNER: Okay. Now I understand what I did. Okay. Okay. What I would like you to do now is to go to Page 910. Under the modification, now you would again go to the phrase Unit 25 prior to October 1st and that would be highlighted.

CHAIRMAN FLEAGLE: Polly.

DR. WHEELER: This is confusing because there's a lot of proposed, existing, and modified in here, but the proposed Federal regulation is on Page 908. That's how the proposal came in. Okay? So that bolded -- there is no section like you said, Member Masica, because it's all edible meat. That's how the proposal came in.

So then if you go over to Page 910 -- 910 and the top of Page 911, that's the modified. So you've got the existing regulation where it doesn't exist. Then you've got the proposed regulation and then you've got the -- where we landed with the modified. Does that help?

MR. HASKETT: So Mr. Chair, I'm very glad I asked this question to start this out.

(Laughter)

DR. WHEELER: Is it clear?

MR. HASKETT: (Nods affirmatively)

DR. WHEELER: Excellent.

MR. HASKETT: Got it.

(Laughter)

CHAIRMAN FLEAGLE: Thank you. Go ahead, Pippa.

MS. KENNER: Thank you very much for your patience. I know it would be difficult the way it was written for Board members to understand it, but I didn't hope that situation much at first. I'm glad that we've got it now. Again I'm sorry.

Okay. A little bit of history. At its winter and fall 2009 meeting, the Council heard that spoilage of moose meat in the field is a problem. The
Council first drafted a proposal to submit to the State of Alaska Board of Game to consider at its meeting in February and March 2010.

The Council also submitted this proposal to the Federal Subsistence Board because much of the land in Unit 25 is within the boundaries of National Wildlife Refuges.

The Council believes that the proposed regulations would make enforcing salvage regulations easier. However, the parallel proposal to the Alaska Board of Game was not adopted. Therefore this proposed regulation would only affect Federally-qualified subsistence users and would not affect non-Federally-qualified users.

The result is that Federal wildlife regulations would be more restrictive than State regulations concerning hunters' ability to remove moose meat from the field.

An important point to consider is that the Board of Game decision to oppose the parallel proposal that would have applied to non-Federally-qualified users occurred after the Council meeting. The Council might not have supported this proposed regulation change if it had known the Board of Game would oppose this similar action.

That's the end of my presentation.

Thank you, Mr. Chair.

CHAIRMAN PLEAGLE: Thank you. Summary of public comments.

MS. WILKINSON: Mr. Chairman. There were no public comments for this proposal.

Thank you.

MR. PROBASCO: And no one has signed up.

CHAIRMAN PLEAGLE: Thank you. Regional Council recommendation, Sue.

MS. ENTSMINGER: Yeah. Mr. Chairman. This is not the area that I'm most familiar with. It's -- Andrew Firmin from Fort Yukon, he saw there was a
need to put a proposal in like this and he wanted to
put in this date and then do it jointly and, you know,
I haven't had the opportunity to talk to the Council or
anything about this, but we are in total support of it.

I do know that the Refuge Manager had
spoken and talked with Andrew when they tried to
develop the proposal. So -- and I apologize for -- I
mean I understand where you're coming from there, that
maybe we need to go back and talk about it, but at the
Council meeting, we supported it.

Thank you.

CHAIRMAN FLEAGLE: Thank you. Alaska
Department of Fish and Game comments, Tina.

MS. CUNNING: Thank you, Mr. Chair. We
once again ask that our comments be entered into the
record. We do oppose this proposal. We don't believe
that it is necessary. Although State enforcement
officials generally acknowledge meat on the bone
requirements make it easier to enforce meat salvage
requirements, this will make it confusing and difficult
because the State hunting regulations do not presently
require meat on bone salvage requirements for moose.

*****************************************************
STATE OFFICIAL WRITTEN COMMENTS
*****************************************************

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board
Wildlife Proposal WP10-88:

This proposal would require that all
edible meat of the front quarters, hind quarters, and
ribs from moose harvested under federal subsistence
regulations in Unit 25 remain on the bones until meat
is removed from the field or processed for human
consumption.

Introduction:

Leaving moose meat on the bones until
it is removed from the field and/or until it is
consumed by humans is widely-practiced by state and
federal subsistence users in Unit 25. However, many
other hunters, including some federal subsistence
users, remove the meat from the bone at the kill site. The meat can be successively salvaged for human consumption if proper procedures are followed when using the "boning" technique. The state has no quantifiable data from Unit 25 concerning the incidence of wasted meat resulting from improperly "boning" moose meat and suggests it rarely occurs. The proposal offers the alternative of adopting state meat-on-the-bone salvage requirement regulations for moose taken in Unit 25 under federal subsistence regulation, and federal subsistence regulations already adopt non-conflicting state regulations by reference.

Impact on Subsistence Users:
If this proposal is adopted, successful federal subsistence moose hunters in Unit 25 will be required to transport the meat attached to the bones out of the field, resulting in more trips or heavier loads per trip.

Opportunity Provided by State:
State regulations currently do not require that moose meat remain on the bone in Unit 25. The department assumes the proponent intended to reference other near by Game Management Units with meat-on-the-bone state regulation requirements (Units 9B, 13, 17, 18, 19A, 19B, 21, 23, and 24).

Conservation Issues: None.

Enforcement Issues:
State enforcement officials generally acknowledge that meat-on-the-bone requirements make it easier to enforce meat salvage requirements. Adoption of this proposal may introduce confusion in Unit 25 because the state hunting regulations do not presently require meat on bone salvage requirements for moose.

The Eastern Interior Regional Advisory Council submitted a parallel proposal (#106) to the Alaska Board of Game. Proposal 106 was voted down by the Alaska Board of Game on March 2, 2010, because there was no supporting evidence to indicate a problem with wanton waste and adoption would place an unnecessary burden on users.

Recommendation: Oppose.
CHAIRMAN FLEAGLE: Thank you.
InterAgency Staff Committee comments.

DR. WHEELER: Mr. Chair. The
InterAgency Staff Committee has no additional comments
beyond the standard comment and I would be more than
happy to read the standard comment into the record
should that be your desire.

Mr. Chair.

CHAIRMAN FLEAGLE: I think the printed
document is adequate. Thank you.

(Laughter)

CHAIRMAN FLEAGLE: Board discussion.
Geoff.

MR. HASKETT: Question for Sue. So
hopefully this is okay. It's my understanding I think
that the reason this was proposed had to do with an
expectation that the Board of Game was going to approve
a regulation that would have been the same. They
didn't do that. So my sense is -- so I'm just asking a
question. I'm not sure -- because this now would
require more of subsistence users than it will of other
folks, so I'm not sure you all would still support it.
I'm not sure how to ask that question even.

Okay. Pete said I asked it okay.

So.....

CHAIRMAN FLEAGLE: And Sue gave a good
-- the proper response in her speaking is that she can
only report on what their committee did, and.....

MR. HASKETT: So I can't ask the
question.

CHAIRMAN FLEAGLE: Well, I mean you
could ask it and she can speculate, but it's not going
to be.....

MR. HASKETT: Well, I guess I'll ask
you to speculate then.

MS. ENTSMINGER: Well, I can speculate
that it was probably a problem that Andrew spoke to on
State land possibly and that's why the proposal was put
He knew of areas where this was a requirement by the State and he was concerned about areas where, you know, there was spoilage of meat and he was -- he wanted to put that proposal in. So if I were to speculate, I would say that most of the time subsistence users would not be more restrictive to themselves, but I have to go back to my Council.

Yeah, thank you.

MR. HASKETT: And I didn't mean to put you on the spot. I'm just trying to figure out how I'm going to phrase something later, so you helped me.

MS. ENTSMINGER: I understand. I'm a little confused here myself.

CHAIRMAN FLEAGLE: But most of the time, subsistence users already do this. They already bring their meat out on the bone and they're trying to take the people that go out and backpack or raft and cut everything up and put it in bags and it spoils and this has been an ongoing concern in a lot of different management units across the State.

So I understand what the intent of the proposal is, but without the State adopting a proposal, all we're doing here is restricting Federally-qualified users on Federal land and anybody else that wants to hunt on Federal land that is eligible to it wouldn't apply to. I mean it's just -- it's ridiculous. I think that we ought to just make a motion and kill it. If it were me.

MR. HASKETT: Can I make that motion.

(Laughter)

CHAIRMAN FLEAGLE: Geoff.

MR. HASKETT: I'm ready to make a motion if you're ready for that.

CHAIRMAN FLEAGLE: I am ready for the motion and the motion should be to adopt the proposal.

MR. HASKETT: Yeah. Thank you. I make a motion to adopt the proposal and will provide my
justification as to why I intend to vote against the motion if I get a second.

CHAIRMAN FLEAGLE: Do we have a second.

MR. BUNCH: I second it.

MR. HASKETT: Okay. This motion does not agree with the Council's recommendation, but as we have heard just now, they met prior to the Board of Game and we're anticipating the Board of Game might approve the regulation. However, since the Board did not adopt this in the State regulation, adoption of this proposal would place more restrictions on subsistence users for harvesting moose than on nonresidents and this to me appears to be detrimental to subsistence uses. Therefore I intend to vote in opposition to this motion.

CHAIRMAN FLEAGLE: And I appreciate the comment linking .805(c). Are we -- any further discussion. Charlie.

MR. BUNCH: I would agree with Geoff wholeheartedly. I don't think that we should place additional burdens on subsistence users that aren't placed on non-Federal users.

CHAIRMAN FLEAGLE: Are we ready for the question.

MR. BUNCH: Ask the question.

CHAIRMAN FLEAGLE: The question's called on the proposal. Pete, please poll the Board.

MR. PROBASCO: Thank you, Mr. Chair. Final action WP10-88 to adopt the proposal. Mr. Bunch.

MR. BUNCH: No.

MR. PROBASCO: Ms. Dougan.

MS. DOUGAN: No.

MR. PROBASCO: Mr. Haskett.

MR. HASKETT: No.

MR. PROBASCO: Mr. Fleagle.
CHAIRMAN FLEAGLE: No.

MR. PROBASCO: Ms. Masica.

MS. MASICA: No.

MR. PROBASCO: And Ms. Kessler.

DR. KESSLER: No.

MR. PROBASCO: Motion fails, 0/6.

CHAIRMAN FLEAGLE: Thank you very much.

Proposal 89. Excuse me just a minute. Tina.

MS. CUNNING: Just as a point of clarification for the record because we've dealt with a recent issue and this which Ken Lord confirmed is that the proposal -- original proposal actually did offer the alternative of adopting any existing State regulations and we understand that the Federal subsistence regulations already adopt non-conflicting State regulations by reference and so our existing utilization of Fish and Wildlife State regulations would apply which do assist with the salvage.

CHAIRMAN FLEAGLE: Thank you. Judy.

MS. CAMINER: Mr. Chair. I can certainly appreciate Sue's difficult position and I think perhaps there's a way should these situations arise in the future where because of the timing of our process, but if there is a major change from -- because of Board of Game or other actions, certainly could be a feedback mechanism where Sue and the Council could be notified and perhaps then it'd be easier for a Chair to come to this meeting and represent an updated opinion from the Council.

So just to keep people current.

CHAIRMAN FLEAGLE: We'll take that into consideration. Thanks. Polly.

DR. WHEELER: Mr. Chair. If I could, actually that's what Western Interior did. There were two teleconferences subsequent to it meeting -- that Council meeting in February and so that opportunity is available to the Regional Advisory Councils with the caveat that because they're FACA Councils, they -- the
meeting has to be properly noticed which means it needs
to go into the Federal register.

So we do have a -- we have an option
for Councils that want to address issues subsequent to
a Board meeting, but there are -- it's within the
parameters of Federal law.

Mr. Chair.

CHAIRMAN FLEAGLE: Thank you. Sue.

MS. ENTSMINGER: Mr. Chair. You know,
I kind of would like to reiterate just a little bit
what I heard earlier today about being a volunteer and
getting used up. Sometimes that's kind of difficult.

So I wish maybe -- I don't know. I
mean this is another example of the complication of the
two systems. Sometimes to get your timing right so
you have your meetings when, you know, the Board of
Game has already now in most cases, like you want to
have, you know, all your -- go through the State Board
of Game proposals. So you have your meeting in front
of the Board of Game proposals so you can take your
comments to the Board of Game and then things change
and then -- you know, I couldn't stay for all of that
Board of Game stuff. It was totally up to another
person on the Council that did that.

So I mean it gets really pretty tough
for, you know, your time.

CHAIRMAN FLEAGLE: Thank you. Geoff.

MR. HASKETT: Okay. So after that
discussion, I feel like I owe you an apology because I
was not trying to put you on the spot. I was trying to
make it easier for me to go ahead and oppose. So I
totally recognize just how much work this is and I
certainly was not trying to put you in a position where
you needed to talk to something you weren't prepared to
do. So I appreciate the position I put you in and I
apologize.

MS. ENTSMINGER: I take your apology
and I appreciate Judy's comment. If there's a way to
simplify our involvement through teleconferencing and
we can still take up some things, I'm perfectly open to
that and I'd rather be sitting in my home than driving
six hours one way to go somewhere to a meeting.

So -- and I would like to see that
happen actually when the Southcentral -- when we have
these overlapping proposals, if there's a way for a
representative from one Council to teleconference in to
another Council's meeting because some of the stuff
that comes up here might have been resolved before we
got here.

CHAIRMAN PLEAGLE: That's all good
points. Good comments. And, Sue, you missed the
beginning of the meeting where we had the interchange
with the Council Chairs and one of the recurring themes
we heard was that the timing of this meeting being
where it is is kind of, you know, inconvenient and it
was explained by Staff that because the notice was lost
going Washington, I think it was twice, right?

DR. WHEELER: Actually it wasn't lost.
It was withdrawn. We knew exactly where it was. It
just was withdrawn.

(Laughter)

CHAIRMAN PLEAGLE: Withdrawn. Anyway,
you know, we -- I don't know if it would have helped
the situation by meeting at an earlier time. We may
still not have met prior to the Board of Game meeting,
but this meeting was not -- should not have been
occurring now.

MS. ENTSINGER: If I may. The Board
of Game met right after our meeting. Matter of fact,
our meeting was taking place Friday, the first day of
the Board of Game meeting.

CHAIRMAN PLEAGLE: That's right. I
remember that.


CHAIRMAN PLEAGLE: Jack.

MR. REAKOFF: Mr. Chair. OSM
accommodated the Western Interior's request for
teleconference and so I would suggest that OSM inform
the Council Chairs if there are redundant proposals in
both systems that they have the option of having
meetings, and so I would advise all Chairs that that's
an option to revisit certain issues. Make sure that
you publish everything that you want to discuss because
it has to be fairly defined.

And so I was satisfied for our Council
with OSM's accommodation to address these issues.
Thank you.

CHAIRMAN FLEAGLE: One more.

MS. ENTSMINGER: I just would like to
point out that it's important for our coordinators to
help us out in some of these situations to look at the
some proposals because sometimes, you know, it's --
this is a huge Region that I'm involved in and
sometimes these proposals pass and we could have done
things but I haven't had the time to look at it
personally to know that something had passed and that
now I should be calling a teleconference. It's stuff
that we need some help with.

Thank you.

CHAIRMAN FLEAGLE: I think that's
compounded by lack of a coordinator for that Region
right now and we're covering with Robert out of
Southeast.

MR. PROBASCO: Actually it's Ann.

MS. WILKINSON: It's me.

CHAIRMAN FLEAGLE: Ann. Okay. Well,
we certainly hear the concerns and I think those are
all taken into consideration by Staff to try to improve
that.

Thank you.

With that are we ready to move on to
Proposal 89.

(Board nods affirmatively)

CHAIRMAN FLEAGLE: Helen.

MS. H. ARMSTRONG: Thank you, Mr.
Chair. Members of the Board, representatives of the
Councils. Proposal WP10-89 found on Page 915 of your
books and it was submitted by the Eastern Interior
It requests the exclusion of residents of Ft. Greely from the customary and traditional use determination for caribou in Units 20D and 20E and for moose in 20D. And I emphasize exclusion because this is a rather unusual proposal in that we are I would almost say always adding residents of communities to our C&T determinations, but this one is an exclusion.

The Council states that this action is necessary due to the temporary nature of the residents on Ft. Greely which does not allow for the establishment of a long-term consistent pattern of use. The existing customary and traditional use determinations were made on a subunit-wide basis which includes all residents of the entire 20D and 20E subunits which also includes Ft. Greely.

In Unit 20D, there are virtually no Federal public lands and there are no Federal open seasons for caribou or moose. So the issue of 20D really has no effect.

Unit 20E, there are -- 24 percent of the lands are Federal public lands. Ft. Greely is a part of the rural grouping of the Delta Junction vicinity and has been determined by the Federal Subsistence Board to be rural. Those of you who have been around for a little while will remember when we did the rural determination review I think in 2006 I think was the year, we had an analysis of the Delta Junction vicinity and determined it to be grouped with that area.

When the Board assumed management of the subsistence uses of wildlife on Federal public lands in 1990, it adopted State of Alaska customary and traditional use determinations including the existing ones for caribou in Units 20D and 20E and moose in Unit 20D.

The Board did not exclude Ft. Greely from those determinations that were adopted. While some determinations adopted from the State such as that for Unit 13B caribou do exclude residents of military bases, the Board has not made it a practice to exclude residents of military bases from customary and traditional use determinations. For example, residents of the Coast Guard bases in Units 4 and 8 are not
excluded from any of the customary and traditional use
determinations in Units 4 and 8.

Harvest data indicate that residents of
Ft. Greely have harvested caribou in Units 20D and E
and moose in Unit 20E since recording began in 1983.
It should be noted that only permanent residents of Ft.
Greely are Federally qualified to harvest caribou in
Unit 20D and 20E and moose in Unit 20D under Federal
regulations.

This means that Ft. Greely must be
their permanent primary home for one which is true
everywhere in Alaska. Those Ft. Greely residents who
have not established permanent residency can only hunt
under State regulations for nonresidents.

The OSM conclusion is to oppose
Proposal WP10-89 because Ft. Greely is a rural
community. The residents have a history of harvesting
caribou in Units 20D and 20E and moose in Unit 20D and
information substantiates the existing customary and
traditional use determination.

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

CHAIRMAN PLEAGLE: Thank you. Summary
of public comments, Ann.

MS. WILKINSON: Thank you. The AHTNA
Customary and Traditional Council and Mr. Don Quarberg
of Delta Junction agreed with this proposal. They both
stated that residents of Ft. Greely are transient and
do not meet the eight factors for positive C&T
determination.

The Delta Junction Fish and Game
Advisory Committee opposes the proposal. Reasons noted
were that residents of Ft. Greely currently cannot
receive subsistence permits and that since the post is
no longer active, many local residents now rent housing
on the post. And those are the only two comments --
three comments -- I'm sorry -- that we received.

CHAIRMAN PLEAGLE: Thank you. Any.....

MR. PROBASCO: No one signed up. Mr.
Chair.
CHAIRMAN FLEAGLE: Regional Council recommendation, Sue.

MS. ENTSMINGER: Thank you, Mr. Chair. It's our proposal. We supported it and it came forth probably because of the caribou in 20E. There was a discussion at the Upper Tanana Fortymile Advisory Committee saying how come Ft. Greely is excluded in these other areas and they really felt like it should be consistent across the State if that's the way it's going to happen and there's -- you know, with the season up the -- on the Taylor Highway becoming -- at Twenty -- and Fortymile caribou, the harvest ended quickly and people are scrambling looking for ways to deal with the issues and they -- Upper Tanana Fortymile Advisory Committee, I go to their meetings and we decided that we would put the proposal forward and that's why we did it because it seems like it should be consistent across the State.

CHAIRMAN FLEAGLE: Thank you. Alaska Department of Fish and Game comments, Tina.

MS. CUNNING: Mr. Chairman. This proposal illustrates some of the concerns we raised the first day in our generic letter in terms of providing data and information on the eight factors.

The documented use by residents of the nonsubsistence areas under State regulations does not necessarily translate into customary and traditional patterns of use of 20D and 20E caribou populations and GMU 20D moose in and around GMUs 20, 12, and 13 communities.

Other than the data reviewed by the joint Boards in 1992, no specific studies have been conducted on the wild resource use patterns of Delta Junction area residents including Ft. Greely as noted in the Federal Staff analysis. In addition, there's no discussion of customary and traditional uses by residents of Ft. Greely in relation to the eight Federal regulatory factors to determine whether or not the residents of the community area generally exhibit the customary and traditional uses of the moose populations to be excluded or retained as a positive customary and traditional determination. Therefore we oppose their being rejected.
STATE OFFICIAL WRITTEN COMMENTS

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

Wildlife Proposal WP10-89:

This proposal, submitted by the Eastern Interior Regional Subsistence Advisory Council, requests exclusion of residents of Fort Greely from the customary and traditional use determination for caribou in Game Management Units (GMU) 20D and 20E and for moose in Unit 20D. Fort Greely is located in Unit 20D.

Customary and Traditional Determination:

Fort Greely, Delta Junction, and the greater Delta area are located within the Fairbanks Nonsubsistence Area established by the Joint Boards of Fisheries and Game as an area in which customary and traditional uses of wild resources is not a principle characteristic of the economy and culture. Documented use by residents of nonsubsistence areas under state regulations does not necessarily translate into customary and traditional patterns of use of 20D and 20E caribou and GMU 20D moose in and around GMUs 20, 12, and 13 communities. Other than the data reviewed by the Joint Boards in 1992 (ADF&G Subsistence TP 335), no specific studies have been conducted on the wild resource use patterns of Delta Junction area residents, including Fort Greely, as noted in the federal staff analysis. In addition, there is no discussion of customary and traditional uses by residents of Fort Greely in relation to the eight federal regulatory factors to determine whether or not residents of the community or area "generally exhibit" in a holistic manner the patterns of use of caribou and moose populations to be excluded or retained as a positive customary and traditional determination.

Recommendation: Oppose.

CHAIRMAN FLEAGLE: Thank you.

InterAgency Staff Committee comments, Polly.

DR. WHEEEeler: Mr. Chair. No additional comments beyond the standard comments. Thank you.
CHAIRMAN FLEAGLE: Thank you.

Discussion. Charlie.

MR. BUNCH: Ann, you said that Ft. Greely was inactive?

MS. WILKINSON: I didn't say that. That was the comment from the Delta Fish and Game Advisory Committee. Whether it is or isn't, I can't say. I don't know, but that's what their comment was.

MR. BUNCH: Okay. I don't think that's a correct comment.

CHAIRMAN FLEAGLE: Other discussion.

(No comments)


MR. BUNCH: Mr. Chair. I move that we support Proposal WP10-89, residents of Ft. Greely do not demonstrate a characteristic of community with subsistence use and wildlife. I think that the -- and if I get a second, I'll explain that.

MS. MASICA: Second.


MR. BUNCH: Okay. I think that although the historical use shows that the residents of Greely have taken the subsistence -- made subsistence use of fish and wildlife, I don't think that those are customary. The tour of duty for an unaccompanied soldier in Ft. Greely is 13 months. So if they have taken it, I doubt if it's the same people who've taken it over a period of time. I suspect that they're all transient.

And if -- even if they are qualified for their year's stay, they certainly do not demonstrate a need for subsistence. I mean I think when I was in the Army they gave me three (indiscernible) and a God.

CHAIRMAN FLEAGLE: Thank you. We have a motion to support the proposal. Further discussion.
DR. KESSLER: Thank you, Mr. Chair.
I'm going to have to vote against this proposal. These are Federally-qualified users and not opposing this would be detrimental to the subsistence use of those rural residents.

CHAIRMAN FLEAGLE: Geoff.

MR. HASKETT: So I'd have similar comments that I'll be voting to oppose the proposal. I mean I guess I understand why the nature of a military base is one that wouldn't seem to fit for long-term use by a community, but I mean I think that the record as I understand it shows that people have utilized subsistence there, so I'll be voting to oppose as well.

CHAIRMAN FLEAGLE: Thank you. I'll be voting against the proposal. I think that this Staff analysis on Page 916 explains fairly well that the Board discussed their ruralness and did include them into the Ft. Greely vicinity along with two other minor communities of -- or Delta -- I'm sorry -- Delta vicinity -- Delta Junction. And that by taking this action would be essentially negating a previous action on the grouping, but I think bigger than that question is how would you address other communities that had like slightly different characteristics within the community boundaries. Would you say that the residents that currently reside in Ninilchik couldn't participate in subsistence harvest because they just recently moved up from outside.

No, we can't do that. We base the long-term and consistent patterns of customary and traditional uses on the people that had occupied the area in the past not on who's currently there now. I think it's really -- it's kind of a fine line, but we have wrestled with the inclusion or exclusion of other military bases as was explained by Helen and I think that by doing this -- by taking this action here would be completely contrary to where the Board's direction has been in the past.

Other discussion.
(No comments)

CHAIRMAN FLEAGLE: Ready for the
question.

(Board nods affirmatively)

CHAIRMAN FLEAGLE: I guess so. Pete, on the proposal, please poll the Board.

MR. PROBASCO: Final action on WP10-89 to adopt the proposal. Ms. Dougan.

MS. DOUGAN: No.

MR. PROBASCO: Mr. Haskett.

MR. HASKETT: No.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: No.

MR. PROBASCO: Ms. Masica.

MS. MASICA: No.

MR. PROBASCO: Ms. Kessler.

DR. KESSLER: No.

MR. PROBASCO: And Mr. Bunch.

MR. BUNCH: Yes.

MR. PROBASCO: Motion fails, 1/5.

CHAIRMAN FLEAGLE: Thank you. And I guess we didn't address the .805(c) portion of that. Probably ought to have a brief comment on that. Wini.

DR. KESSLER: I think I did. Mr. Chair. I said it would be detrimental to the subsistence uses of those rural residents.

CHAIRMAN FLEAGLE: Great. Thank you. Thank you for clarifying that. All right. Okay.

Proposal 91.

DR. WHEELER: Give us a minute to get adjusted here.
(Pause)

CHAIRMAN FLEAGLE: We have a request by Member Haskett that he's got a couple of Refuge personnel that he wants to have make some statements after the OSM analysis. Can we go ahead and have them come up to the table and have them prepared to hand right off to. Great. Thank you. And go ahead with the analysis, Don.

MR. RIVARD: Thank you, Mr. Chair. Don Rivard with the Office of Subsistence Management. The analysis to WP10-91 starts on Page 935 in your book.

Proposal WP10-91 submitted by Phillip Solomon in Fort Yukon requests the harvest limit be increased to three brown bears in Unit 25. Brown bear populations are typically managed conservatively, most often because of the low reproductive rate of brown bears.

The harvestable surpluses for Unit 25A and Units 25B and 25D are based on the conservative assumption that 5 percent of the total population can be harvested annually on a sustainable basis. Table 1 on Page 938 in your book lists the estimated population sizes and allowable harvest for brown bear in Unit 25.

Federally-qualified users account for a small amount of the annual brown bear harvest, less than 8 percent of the reported harvest in Unit 25A and in Units 25B and D, annual reported harvest has been seven bears or less from 1995 to 2006. This is shown on Page 940 in Table 4.

Mr. Chair. The OSM conclusion is to support Proposal WP10-91 with modification to increase the harvest limit to two bears. An increase in the harvest limit to two will provide Federally-qualified users more opportunity consistent with the proponent's request while balancing conservation considerations.

The existing salvage requirement helps assure that harvested bears will be fully utilized for human use.

Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Don. And, Geoff, would you like to introduce your personnel
and lead in.

MR. HASKETT: Yeah. We have from the Refuge here both Mark Bertram and Rob Jess.


MR. BERTRAM: Yeah. Thank you. My name's Mark Bertram. I'm a Wildlife Biologist with Yukon Flats Refuge and we're on -- we're part of this Unit. We're Unit 25D and Unit 25B. And so this -- these two units are nested within Unit 25.

Units 25D and B have a lot of Federally-qualified subsistence users and, you know, we have 1,100 residents on the Yukon Flats. Just would like to highlight -- also I'd like to compliment OSM on a great analysis. I think a lot of the information that I'm going to give you right here I'm repeating some of what they presented in the analysis, but I think it's worth repeating.

Couple of points. The first one is we have a biological concern and that is that currently there is no brown bear tag required to harvest a brown bear on Yukon Flats 25D and B. So, you know, for the last four years, we really have no way to track harvest.

The way we are tracking harvest is through household surveys and the Refuge has subcontracted to Council of Athabaskan Tribal Governments which is a consortium of all the Yukon Flats villages, representatives from all the Yukon Flats villages, and their resource department is conducting household surveys in the seven Yukon Flats villages.

So I guess I'd like to go back to I think it was Table 2 that has the survey data in it and if you go over to the percentage household survey data mortality which is the third column on the far -- from the far right-hand side, I just want to point out that we do have some information that between -- a range between 22 or 37 brown bears were harvested annually over the last five years and this -- at least one year does exceed the allowable quota harvest of 29 bears for 25D and B.
The other years, they are less than 29, but those numbers do not include unreported harvest by sporthunters in Unit 25D and B.

So I guess the point that I'd like to make here is that from a conservative management standpoint of using 5 percent as the allowable harvest, we are approaching and we have documented that we've exceeded in one year. So I mean that's just the best information we have, but I'd just like to point that out.

And the second point I'd like to make is that there is active movement on the Yukon Flats. It's called the Yukon Flats Moose Management Committee that's been -- it was organized in 2002 when we implemented our moose management plan and part of that plan is to increase harvest of bears and predators on the Refuge because we have a very low moose density.

And so -- and the Refuge is fully behind that plan and looking for ways to increase predator harvest.

Part of this committee's job also is to try and come up with ways to align Federal and State regulations as we are trying to do across the State. And because of land ownership patterns on Yukon Flats which we have 2 and a half million acres of private lands seated in the middle of 11 million acres of Federal lands, we try to align those regulations as closely as we possibly can.

And Proposal 91 is going to present us with a -- it's going to give us -- if it's passed as written, it's going to give us a misalignment between Federal and State regulations. So we'll have a bag limit of two on State lands and a bag limit of one on Federal land -- excuse me. Just the reverse.

We'll have a bag limit of one on State lands and a bag limit of two on Federal lands. And so I guess what I'd like to point out is we are -- it's an active committee. We're going to be meeting in August. Part of our mandate is to try and align seasons and so I think that the Refuge is interested in deferring this proposal so that we give this committee the opportunity to develop proposals that will be focused on both aligning regulations on Federal and State lands so we can submit those proposals in sync to the Board of Game
and Federal Subsistence Board as we did in 2002 when we
developed the moose management plan.

MR. JESS: And for the record, I'm Robert Jess. I'm the Refuge Manager for the Yukon
Flats National Wildlife Refuge and just a final point
of clarification that we have and it really ties into
what Mark was saying is that we are working very
closely with Madam Chair, Sue Entsminger, and her Board
on the ERAC. I feel like our relationship is
excellent. We've got very good communication going on
and one of the agenda items that our most recent ERAC
Board meeting that we had up in Fort Yukon was we were
charged through Andrew Firmin to see if it was the
possibility of wiping the slate clean because of the
various season differences and then also between State
and Federal lands, if we could wipe the board clean and
go to each of the villages on government-to-government
consultation and then also working with the ERAC Board,
if we could develop a better subsistence system out
there on the Flats where it isn't so confusing where
the subsistence users don't have to have essentially a
lawyer strapped to their back in order to understand
the regulations.

And so being charged with that mission,
we are working with the State Regional Biologist Beth
Leonard and Jason Sekowski (ph), Mark, myself and ERAC
Board Member Andrew Firmin, we are hoping to get these
five villages -- six villages total in the areas that
we have to see what they think and feel. They are our
user. They are our customer and we hope to be able to
serve them better.

But we're excited about that
opportunity. So we would hope that this defer would
move forward.

CHAIRMAN FLEAGLE: Great. Appreciate
the comments, guys. Questions, Board members. Thank
you. Sue. Sue has a question.

MS. ENTSMINGER: I just have one quick
question. Is it just Andrew that you have on the
working group or do you have other people from the
Region?

MR. JESS: Madam Chair Entsminger, we
have others on there, but he's our primary focus at the
point of the meeting -- our original meeting at the
ERAC. He was the one that we were initially contacting with. But Bill Glanz will be working with -- or Bill Glanz and just offhand, I can't think of who the other one was, but we did have three total.

CHAIRMAN FLEAGLE: All right. Thank you. Public comments.

MS. WILKINSON: Taking notes. There were no public comments for this proposal. Thank you.

CHAIRMAN FLEAGLE: Thank you.

MR. PROBASCO: And no one signed up.

CHAIRMAN FLEAGLE: No one signed up for testimony. Regional Council recommendation, Sue.

MS. ENTSINGER: Thank you, Mr. Chair. This is news to me, so -- we supported the proposal with the modification as the OSM Staff conclusion and the people felt on that RAC that there are sufficient brown bears in the area to support the additional small harvest. Brown bears in our area are considered good food and this type of management action is practiced in other areas of the State.

CHAIRMAN FLEAGLE: Thank you. Alaska Department of Fish and Game comments.

MS. CUNNING: Mr. Chairman. Adoption of this proposal will provide the opportunity for Federal subsistence grizzly bear hunters to harvest more animals per year. The communities in Unit 25 engage in what's known as primary hunter practices where specific community hunters often harvest for multiple families.

The additional harvest is expected to be low because only Federally-qualified users would be able to take more than one grizzly bear per year and only on Federal public lands and as you heard from the Refuge Staff, there's quite a mix of Federal lands. They'd have to very careful of their land status because of the complicated pattern in that area.

The Department's position is neutral on this proposal and I suggest that Pat may want to offer
some supplemental comments.

CHAIRMAN FLEAGLE: Pat Valkenburg.

MR. VALKENBURG: Thank you, Mr. Chairman. Yeah. We have been working closely with the Service on the Yukon Flats to help with moose management issues and we're also sensitive to requests by local users over the years for some relief from predation on moose.

In that spirit, we ask the Board of Game to -- for an agenda change request for the November meeting to allow the consideration of proposals from the Department on methods and means of taking bears and bag limits, et cetera. So depending on the recommendations of the working group, we would be willing to come forward with a proposal at the November Board meeting to expand the bag limit to -- to increase it to two or three bears, whatever the recommendation might be.

We would be interested in making sure that that is consistent with the -- if the Board of Game passes a regulation like that, it would apply on all lands. So a Federal regulation would not be necessary.

Also one of the things we will be considering there too is a proposal to allow trapping of black bears. The focus would be around villages and there would be several ways to do that. We haven't developed the proposal yet, but it could be limited to just private lands or it could be limited to non-Federal lands and the main reason to do that would be to try to focus the effort around the villages where the protection of moose calves would do the most good.

So all of those things are open for discussion and, you know, we are interested and we will be talking to the Service about those ideas over the next few months.

I think the deadline for proposals for that meeting is early August, so during the month of July, we'll be talking to people in the Flats and talking to the Service, talking to the working group about what to do with bears there.

I'd also like to point out that in the
interest of simplifying bear hunting regulations for all users of Interior Alaska, the Board of Game passed a tag fee exemption for all of the Interior units, so users will no longer have to worry about tag fees on grizzly bears anywhere north of the Alaska Range after July 1st.

See, there was one other point that I wanted to make, but it slipped my mind, so I guess I'll shut up.

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STATE OFFICIAL WRITTEN COMMENTS
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Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP10-91:

Increase the bag limit for grizzly bears in Unit 25 from 1 bear to 2 3 bears.

Introduction:

The proponent requests the harvest limit for grizzly bear be raised because the current federal subsistence harvest limit of one bear per year does not meet the traditional subsistence uses and user needs. Residents of Unit 25D have previously requested higher grizzly bear bag limits in state proposals for 2 reasons: 1) to help reduce predation on moose and 2) some hunters would take and utilize more than 1 bear annually.

Impact on Subsistence Users:

Adoption of this proposal will provide the opportunity for federal subsistence grizzly bear hunters to harvest more animals per year. Communities in Unit 25 engage in "primary hunter" practices, where specific community hunters often harvest for multiple families.

Opportunity Provided by State:

The current state bag limit Unit 25 is 1 grizzly bear every regulatory year, and no resident tag fee is required.
Conservation Issues:

None.

The additional harvest would be low because only federally qualified users would be able to take more than 1 grizzly bear per year and only on federal public land. In Unit 25D, grizzly bears are abundant and their population and distribution has increased markedly in the last 30 years, judging from traditional knowledge and observations by department biologists. One to 5 bears are reported harvested in Unit 25D annually. Harvest by local residents is not reported, and they may take an estimated additional 5-8 bears annually. Increasing harvest of bears on the Yukon Flats to improve moose calf survival is consistent with the Yukon Flats Cooperative Moose Management Plan.

Enforcement Issues:

This regulation could cause enforcement issues because of land ownership patterns. Hunters would need to know that they are on federal land if they intend to take more than 1 grizzly bear annually. Unit 25 has a complicated patchwork of land ownership making it difficult for hunters to know when they are on federal public lands or on non-federal lands. If the Federal Subsistence Board approves this regulation, the department will recommend to the Alaska Board of Game to adopt the increased bag limit for Game Management Unit 25D at the November board meeting to alleviate enforcement problems.

Recommendation: Neutral.

CHAIRMAN FLEAGLE: Thank you, Pat. For the comments. Not for shutting up.

(Laughter)

CHAIRMAN FLEAGLE: InterAgency Staff Committee comments, please.

DR. WHEELER: Thank you, Mr. Chair. The InterAgency Staff Committee found the Staff analysis to be a thorough and accurate evaluation of the proposal in that it provides sufficient basis for the Regional Council recommendations and Federal Board action on this proposal. The InterAgency Staff
Committee, however, also identified another option and that would be to defer this proposal until the Yukon Flats Moose Management Planning Committee, which as you just heard from Mr. Jess and Mr. Bertram, includes Yukon Flats Refuge, ADF&G, Council of Athabaskan Tribal Governments, and Yukon Flats villages, as well as Eastern Interior Regional Advisory Council representation, so defer it until that committee has addressed this issue for Unit 25.

The current focus of the planning committee is to align hunting season dates and harvest limits for both State and Federal managed lands in Unit 25.

Thank you, Mr. Chair.

Discussion. Sue.

MS. ENTSINGER: Yeah. Well, with the two systems, I guess I have several questions thinking if it was deferred. What would the timing be? I mean this Board is on a two-year cycle. If it were deferred, does that mean you would take it up next cycle or how would it affect the user if it weren't passed now?

CHAIRMAN FLEAGLE: Our -- yeah. Pete, go ahead.

MR. PROBASCO: Thank you, Mr. Chair. Ms. Entsminger, the Board can set their own agenda. Granted we have a two-year cycle on fisheries and wildlife, but the Board can -- if so desired can take an issue up earlier. They could defer a proposal to a time certain, all of the above.

Mr. Chair.

CHAIRMAN FLEAGLE: Sue, go ahead.

MS. ENTSINGER: Then my other question is, you know, how does that affect the State. So -- with the memorandum of understanding that you have, would -- after the management and the suggestions come forth, then you would both meet and try to have something happen more recent or -- I mean I'm -- I guess I'm.....
CHAIRMAN FLEAGLE: Well, that's all open for discussion, Sue.

MS. ENTSMINGER: Okay.

CHAIRMAN FLEAGLE: If we were to defer it until the next wildlife meeting, that would be like January of 2012 or December of 2011, somewhere in that time frame. Two years on the two-year cycle. Like I said, this May meeting is not our normal date for us. They're usually December/January.

And Pat pointed out that they're petitioning -- not petitioning, but they've submitted an agenda change request to the Board of Game to have this brought up at their meeting in November. So that means that their process is already ongoing and we could defer this with -- like Pete said a number of ways. We could defer it to the next wildlife meeting or we could defer it to no later than the next wildlife meeting which means it could be established at some time before. We could defer it to a work session or -- I mean there's a number of options, but -- and that's all in formulation.

Would we meet because the State took action? No. It would have to take -- it would have to be in our normal process.

Pat.

MR. VALKENBURG: Thank you, Mr. Chairman. I remembered the point that I forgot and that is this proposal -- the Federal proposal asks for an expansion of the bag limit in all of Game Management Unit 25 and the Department would not support that. We would support that for 25D, but some of the other subunits are south side of the Brooks Range where hunting is largely fly in by sporthunters in the fall and so, you know, we would not support the expanded bag limit in that area.

Another point too in places like the Yukon Flats, we are no longer concerned -- and I don't know that we ever were -- about the sustainability of harvest of brown bears. If you look at the traditional knowledge, it's quite clear that brown bear populations have expanded greatly on the Yukon Flats and we know now that that previously estimated 5 percent harvest rate is just way too low. We have lots of examples now
of brown bear populations that have been harvested at much higher rates that are quite sustainable, most notably Game Management Unit 13.

So I think those -- you need to take those bear estimates with a grain of salt. There's a wide confidence interval around those and then also that 5 percent harvest rate is probably far too conservative.

CHAIRMAN FLEAGLE: Thank you, Pat. Further discussion. Judy.

MS. CAMINER: Mr. Chair. Thanks. I think to follow up on Sue's questions on timing, I believe I heard that the next Moose Management Working Group meeting would be in August, but I'm not sure I heard or maybe it's getting too late in the date when would recommendations or final product be expected so that the Board of Game would have information. The Board of -- Federal Subsistence Board would have information. Would that information come in time to go to the Board of Game meeting. So then which proposal would go to the Board of Game.

So just kind of to follow up on the timing issues of whether it may be more helpful to take action now or to defer.

CHAIRMAN FLEAGLE: Thank you, Judy. Okay. Just I'm not sure if you misunderstood or if I misunderstood you. We're not proposing that we defer our proposal and submit it to the Board of Game. The Board of Game proposal is being submitted by the Department of Fish and Game as an agenda change request to their November meeting.

Other discussion.

(No comments)

CHAIRMAN FLEAGLE: Ready for a motion. Geoff.

MR. HASKETT: So I make the motion to defer Proposal 91 till after the planning process between the local residents, the Refuge, and Alaska Department of Fish and Game have had a chance to discuss this issue with a possible recommendation would come back to us. I'll provide further justification if
I get a second.

MR. BUNCH: I second it.

CHAIRMAN FLEAGLE: Go ahead, Geoff.

MR. HASKETT: So this is in line with another option identified by the InterAgency Staff Committee where they identified the proposal that could be Yukon Flats Moose Management Planning Committee meet to address this issue June 25 and I think it was certainly covered by folks from the Refuge.

It's also -- I think works well in conjunction with what I heard Deputy Commission Valkenburg talk about that we try and coordinate that. I mean I've heard the discussion here about questions about time certain which I can't give you, but I guess we'd be looking to do that as soon as possible for the next possible time we get together.

It's based upon having -- we've heard an increase in the harvest limit may create conservation concerns for brown bears in Unit 25 especially given that a harvest tag is not required in Units 25B and 25D. So we don't actually know what the actual harvest level is.

I realize again this is not in agreement with what the Eastern Interior Council recommendation is, but I think we do have a good planning effort as described to explore this issue further, given the possibility of conservation concerns we have heard today.

I think this is also consistent with what the Eastern Interior Council has recommended for the next proposal dealing with black bears in the same area.

CHAIRMAN FLEAGLE: Alrighty. Good motion. I mean good explanation of the motion. I think the one clarification would be as to establishing a deferral time and I agree establishing a deferral date certain right now would probably be not doable, but I think one of the suggestions I made earlier probably would -- would be no later than the next wildlife meeting of the Federal Subsistence Board with the intent that we could take it up earlier if we were prepared -- if the material -- the information were
available. Out of cycle.

MR. HASKETT: Yes. Agree.

CHAIRMAN FLEAGLE: Okay. All right.

Further discussion on the motion to defer. Charlie.

MR. BUNCH: I could support a motion to defer, Mr. Chairman, as long as there was some date certain that we knew some action would be taken.

CHAIRMAN FLEAGLE: Further discussion.

(No comments)

CHAIRMAN FLEAGLE: Ready for the question.

(Board nods affirmatively)

CHAIRMAN FLEAGLE: I think the discussion -- let me just ask it this way. Once we pass the action, I'll get clarification for the record as to what the intent of the deferral time would be. I think we're pretty much in agreement that it's no later than the next wildlife meeting, but since it's not encapsulated in the motion, we'll clarify that on record afterwards. Pete.

MR. PROBASCO: Thank you, Mr. Chair. Final action WP10-91 to defer. Mr. Haskett.

MR. HASKETT: Yes.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Ms. Masica.

MS. MASICA: Yes.

MR. PROBASCO: Ms. Kessler.

DR. KESSLER: Yes.

MR. PROBASCO: Mr. Bunch.

MR. BUNCH: Yes.
MR. PROBASCO: And Ms. Dougan.

MR. DOUGAN: Yes.

MR. PROBASCO: Motion carries 6/0.

CHAIRMAN FLEAGLE: All right. Thanks.

And just for clarification, Member Haskett agreed that no later than the next wildlife meeting, but if there was information available to the Board to that that we could act on out of cycle, we would certainly be willing to take that up. If there's no objection to that, that'll be what we -- that'll be our action.

(No objection)

CHAIRMAN FLEAGLE: Hearing no objection, that's it. All right.

All right. I'd kind of left it open at the end of -- I mean before we started the last proposal whether we should break or not and the decision back here not on the record was to do at least that one. So we're going to go ahead and break for the day. Resume at 8:30 a.m. tomorrow. Have a good evening, everyone.

(Off record)

(PROCEEDINGS TO BE CONTINUED)
CERTIFICATE

UNITED STATES OF AMERICA  }
) ss.
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 188 through 380 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME II taken electronically under my direction on the 19th day of May 2010, beginning at the hour of 8:30 a.m. at the Coast International Inn, 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 2nd day of June 2010.

____________________________
Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 9/16/10