

1 FEDERAL SUBSISTENCE BOARD
2
3 PUBLIC REGULATORY MEETING
4

5 VOLUME II
6

7 SHERATON HOTEL
8 ANCHORAGE, ALASKA
9

10 MAY 1, 2007
11 8:30 o'clock a.m.
12

13 MEMBERS PRESENT:
14

15 Mike Fleagle, Chair
16 Gary Edwards U.S. Fish and Wildlife Service
17 George Oviatt, Bureau of Land Management
18 Judy Gottlieb, National Park Service
19 Wini Kessler, U.S. Forest Service
20 Niles Cesar, Bureau of Indian Affairs
21

22 Bertrand Adams - Southeast RAC
23 Ralph Lohse - Southcentral RAC
24 Speridon Simeonoff - Kodiak/Aleutians RAC
25 Randy Alvarez - Bristol Bay RAC
26 Lester Wilde - Yukon-Kuskokwim Delta RAC
27 Jack Reakoff - Western Interior RAC
28 Mike Quinn - Seward Peninsula RAC
29 Victor Karman - Northwest Arctic RAC
30 Sue Entsminger - Eastern Interior RAC
31 Harry Brower - North Slope RAC
32

33 Ken Taylor, State of Alaska Representative
34

35 Keith Goltz, Solicitor's Office
36

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1 P R O C E E D I N G S

2
3 (Anchorage, Alaska - 5/1/2007)

4
5 (On record)

6
7 CHAIRMAN FLEAGLE: Good morning. The
8 Federal Subsistence Board meeting resumes. And before we
9 start with the agenda again, just a couple of
10 announcements.

11
12 We did have a request yesterday by one
13 Board member that can't be here after today that wanted
14 to address the -- be here for the addressing of a certain
15 proposal. And just give a head's up, we'll go ahead and
16 schedule that for immediately upon returning from lunch,
17 and that is Proposal.....

18
19 MR. PROBASCO: 56.

20
21 CHAIRMAN FLEAGLE:56 on the Unit
22 25A sheep. And actually if we're in the middle of one
23 when we break for lunch, we'll take it up right at the
24 completion of that. So it will be the first one,
25 complete one after the lunch break.

26
27 We did have some discussion yesterday on
28 the role of the liaisons during the deliberative process.
29 I know that we've switched back and forth I guess
30 apparently in the way this has been done before by the
31 Board. And, I as the new Chair, spoke at a meeting down
32 at the Egan Center earlier this winter on how I
33 interpreted some letters that the Secretary Gail Norton
34 wrote concerning the issue of the State's liaison at the
35 Board table. And basically the letter is pretty clear
36 that the Secretary did want the Board to work closely
37 with the State, and I'm quoting here, that we expect the
38 Board to work closely with the State in a cooperative
39 manner that will maximize everyone's involvement and
40 guarantee that the subsistence program is operating
41 efficiently and effectively. We fully expect that the
42 Chairman will recognize the State for comment on any
43 issue relating to the coordinated regulation of fish and
44 wildlife resources. That's the letter to the Chairman.

45
46 And the letter to the Governor in
47 response to the Governor's request for a non-voting seat
48 at the table says essentially the same thing with a
49 little more language. The Secretary says to the
50 Governor, I anticipate that the appointment of an

1 official State liaison to work with the Federal
2 Subsistence Board, that sentence is the same. Although
3 the State has the ability to propose a formal rulemaking
4 to establish a non-voting State seat on the Board, we are
5 optimistic that this approach will provide the same
6 benefit.

7

8 So my read on the letters that were
9 exchanged is that we are to allow the State to
10 participate in the process.

11

12 Now, where we differ as Board members and
13 our legal counsel is when we enter into the
14 deliberations. It gives the appearance that we have
15 extra Board members in the process that the rest of the
16 public or anybody else is not allowed to participate in.
17 The feeling is that this process, the deliberative
18 process is the Board's and the Board's itself.

19

20 And in reading what the Secretary's
21 intent was, I still find that it's worthwhile to
22 recognize the liaison, and this includes the RAC
23 Chairmen, the RAC Chairs. You are also liaisons that are
24 spoken of in the letter. That they can be called on
25 after the deliberative process is begun, after the motion
26 is made for additional information.

27

28 But I am going to draw the line on
29 debate. Yesterday on that last issue we had considerable
30 debate by both the RAC Chairmen and the State with the
31 Board, and that I think is what caused the consternation
32 among my Board members.

33

34 So what I'm offering is a compromise. I
35 think it continues to meet the intent of the Secretary's
36 letter that the liaisons are invited to participate, but
37 we will draw the line at entering into the debate. So I
38 just wanted to announce that change.

39

40 Like I said yesterday, this is my second
41 regulatory meeting, and so I'm still learning. And I
42 think we always should have open minds as to how we move
43 forward with stuff.

44

45 Before I start with the agenda, we're
46 going to open it back up for some testimony. Are there
47 any announcements other than what I just did, Pete.

48

49 MR. PROBASCO: No, Mr. Chair, no
50 announcements at this time.

1 CHAIRMAN FLEAGLE: Board members.

2

3 (No comments)

4

5 CHAIRMAN FLEAGLE: Okay. Let me go back
6 to Page 1 of the agenda, wherever I put that. There's
7 like three different ones here. Okay. All right.

8

9 I'm going to open back the comment period
10 on non-agenda items. And this opportunity is available
11 at the beginning of each day. Are there any interest in
12 testimony on non-agenda items.

13

14 MR. PROBASCO: I have none here, Mr.
15 Chair.

16

17 CHAIRMAN FLEAGLE: Thank you, Pete. Next
18 is public comment period on consensus agenda items. And
19 I know we do have one. We have Austin Ahmasuk who wants
20 to speak on some -- on an issue of some proposals being
21 placed on the consensus agenda. Austin.

22

23 Yes, George. I'm sorry, just a moment,
24 Austin. Bert.

25

26 MR. ADAMS: Mr. Chairman, I'd kind of
27 like to share a story with us this morning, if that's
28 appropriate.

29

30 CHAIRMAN FLEAGLE: Go ahead, Bert.

31

32 MR. ADAMS: All right. My very first
33 meeting representing the Southeast Alaska Chair, as
34 Southeast Alaska Regional Advisory Chair, I shared the
35 story about Raven and how he created, you know, a certain
36 place down in Southeast Alaska, you know, for the place
37 for the Tlingits to dwell, and then how he pulled into
38 the large canoe with the house on top of it, and put all
39 of the animals and birds and fishes in the sea upon the
40 land.

41

42 And one of the first things that he told
43 his people, or told the people after he had taken that
44 house off of the canoe and put it up on a place called
45 Gusayik (ph) on the Akwe River was that these resources
46 are being provided for you to be wisely taken care of.
47 And he outlined, you know, about three or four different
48 -- three or four concepts that he wanted the people
49 strictly adhere to.

50

1 And number 1 was that we should have
2 respect for everything. We hear this among our native
3 people all the time, respect, respect, respect. Native
4 Americans believe that there's life in everything. There
5 is life in this table here, there is life in this
6 planner, there's life in the trees, there's life in the
7 rocks. And that is one of the reasons why he says that
8 we should respect everything, because if we follow what
9 is known as the natural laws, those natural laws will
10 provide all of the things that we need to sustaining our
11 lives for us. But when we begin to mistreat them, then
12 we could see that some of these resources are going to go
13 away from us.

14
15 Another thing that he told us is that we
16 should not take more than what we need. And, you know,
17 our people followed that admonition for years and years
18 and years.

19
20 Another thing that he said was don't
21 waste. You know, try to make use of everything that you
22 take so that there is no waste.

23
24 And then the last thing that he asked the
25 people to do was to share.

26
27 Now, my story about the Gun-a-hoo area or
28 the village of Gusayik was very, very plentiful with
29 resources. This is where he put all of the animals and
30 the fowls of the air and the fishes into the seas. And
31 there plenty there for not only the people that
32 eventually began to populate there, but for other people
33 as well. There were people that came down from the
34 Interior, from along the Alsek River, and there were
35 other groups that came from the Aleutian Islands and from
36 Southeast Alaska. And it was always the protocol that
37 when somebody came to make use of those resources that
38 they meet with the leader and they negotiate, you know,
39 how much fish are going to be taken, how much seals were
40 going to be hunted, and there was always, you know, that
41 protocol and respect that group shared toward one another
42 in order that they might wisely partake of the use of
43 those resources.

44
45 And so I just wanted to share this with
46 you so that as we deliberate and -- as you deliberate and
47 as you listen to testimonies this day that, you know, we
48 follow those values.

49
50 When you talk about natural laws, when

1 you talk about TEK, when you talk about Western science,
2 they're all the same. Natural laws are anything that is
3 unchangeable. It cannot be repealed. And we can almost
4 predict what's going to happen under certain conditions
5 and circumstances. Traditional ecological knowledge is
6 ideas or concepts or laws that are based upon the natural
7 laws. And so we gain this from our elders who are known
8 as the wisdom keepers, and the knowledge that we gain
9 from them, you know, is passed down from generation to
10 generation. And the things that they teach us, you know,
11 are based upon those principles, the principles of the
12 natural laws.

13

14 So is Western science. We know that we
15 go to school, you know, and learn about Western science,
16 that we take a theory and we begin to experiment with it,
17 and then as we see the results come out, and if it's
18 repetitive, and it meets the needs, that those laws are
19 reaching us that they are natural laws.

20

21 And so I just thought maybe I'd share
22 these thoughts with you this morning, Mr. Chairman, and
23 to whomever is here that as we talk about, you know, our
24 own little issues and problems in our regions and areas,
25 that these principles apply to all of us. They apply to
26 all of us. And if we follow and learn, you know, the
27 principles of the natural laws and TEK and use Western
28 science and bridge them all together, where can we go
29 wrong. Where can we go wrong.

30

31 Thank you, Mr. Chairman.

32

33 CHAIRMAN FLEAGLE: Thank you, Bert.

34 Appreciate the comments. Austin.

35

36 MR. AHMASUK: Thank you, Mr. Chairman.

37 For the record, Austin Ahmasuk, Kawerak Subsistence

38 Director.

39

40 I'll speaking about the Kawerak C&T
41 proposals. And as the Kawerak Subsistence Director, I'm
42 going to be disputing and asking for all of the Proposals
43 39 through 49 be pulled for consideration. Hopefully
44 that doesn't come as a surprise, because Kawerak is the
45 proponent of those proposals, and asks for those to be
46 pulled. And I'll be providing some brief comments this
47 morning as to why they should be pulled, and later on
48 today, I can provide much more detailed written comments
49 to the Board.

50

1 First of all, the first reason I'm going
2 to say as to why they should be pulled is perhaps the
3 most important reason, and that is this. There is not
4 consensus on the proposals. Kawerak as the proponent is
5 proposing something else, something different than what
6 the agency wants, and something different than what the
7 RAC wants. And the idea of consensus is that when
8 someone -- someone will propose an idea, someone else
9 will propose the opposing view, and then people work on
10 some sort of compromise. Well, that never even occurred
11 with these proposals.

12
13 What happened is the OSM folks, they have
14 their ideas, I think that they're flawed. I'll provide a
15 couple reasons as to why I think they're flawed, and
16 there simply is not consensus. And how these proposals
17 got on the consent agent is objectionable, because of the
18 fact that the proponent feels differently.

19
20 The proponent is not a single person.
21 It's Kawerak who is composed of 20 -- whose power is
22 derived from 20 tribal entities in the Bering Strait
23 region. It's not a single person.

24
25 The Kawerak Board looked at these
26 proposals and developed them, and put them before you
27 back in '05. You've had two years now to look at these
28 things and ask for more information. It doesn't look
29 like a lot of information has come forward since that
30 time, since you directed that to happen. Okay.

31
32 So, number 1, there's no consensus on
33 them. You feel that there's consensus, but from my
34 standpoint, there isn't.

35
36 The other reasons are the reasonable
37 reasons in terms of how these proposals fit the criteria.
38 The first one is this. It appears that when the agency
39 developed its analysis, that they indicated that there's
40 a lack of harvest information, criteria number 4. They
41 didn't indicate that criteria 1 through 3 or 4 through 8,
42 you know -- they did at least say that -- or didn't say
43 that they didn't meet criteria 1 through 3 or 5 through
44 8. They did say that it did not meet criteria 4.

45
46 Well, that is very objectionable. That's
47 highly flawed. And for the -- and they did not provide
48 any evidence that there is indeed a lack of harvest
49 information for the C&T resources that Kawerak has
50 proposed. And to that I'll just say this, for OSM to

1 indicate that there is a lack of harvest information, it
2 is very objectionable. I asked our secretary just to
3 look on the internet at various harvest information for
4 the C&T resources that are under consideration, and I
5 gave her, you know, fairly constrained directives, you
6 know. Just spend half an hour looking on the internet
7 harvest information, because I knew she would find it.
8 Well, this here little stack of papers, about three-
9 quarters inch thick is what she found in half an hour.
10 There is harvest information. There is not a lack of it,
11 there is harvest information. The information that the
12 Federal Subsistence Board is being given by OSM Staff is
13 flawed. There is harvest information.

14
15 And for all of these proposals to be
16 grouped as they are, 39 through 49, and suggested for
17 opposition based upon one criteria when they meet all the
18 other 7 is very, very objectionable.

19
20 Okay. Now, the other reason, which I
21 think is reasonable as to why these C&T proposals should
22 be pulled is this. OSM and ADF&G indicate, as well as
23 the RAC, indicate that once you develop a C&T
24 determination for these resources, that all of a sudden
25 some other thing must happen, and that is, as indicated
26 in the analysis, that when these C&T proposals are
27 developed, that restrictions must be in place for non-
28 subsistence users. Well, it just so happens that when
29 these proposals were developed, that was the very first
30 opposing and negative argument developed by OSM. And
31 that argument tainted all discussions on those proposals.
32 There simply is no foundation in ANILCA or in any policy
33 that I can find that indicates when you develop C&T
34 determination, that all of a sudden restrictions must be
35 in place. It's somewhere. Someone, OSM Staff as well as
36 the Federal Subsistence Board folks who went to our RAC
37 meeting, indicate that that's how it must occur, but I
38 simply can't find it in ANILCA or in any policy. It's
39 also not one of the criteria that you must utilize when
40 you develop C&T determinations. It's not.

41
42 And that point goes to this meeting, this
43 day. You have on your contentious agenda WP07-38.
44 You've approved it apparently. You are reinforcing the
45 idea that non-subsistence uses can occur with subsistence
46 uses in terms of WP07-38, which is Unit 22D Remainder,
47 moose. You're allowing a non-subsistence use to occur
48 with the subsistence use. You're reinforcing the idea
49 that non-subsistence use can occur together with
50 subsistence uses.

1 There is no consensus on this idea. I've
2 never been approached, Kawerak has never been approached
3 for compromising or any compromises. There are a couple
4 of arguments that I have heard that I've already
5 indicated that I have no problem with, and that is the
6 residents of GMU 18, 20, and 23 who are on our borders
7 likely have subsistence uses of GMU 22 resources. I
8 wholeheartedly believe that they do. I don't doubt that
9 they do. But it would have been terribly presumptuous of
10 me to write a proposals for those other regions when I'm
11 not even a resident of those regions, and I can't
12 possibly, myself, you know, create those proposals for
13 them. You know, that's their job. All I can do is
14 concentrate on the resources I have, or the resources
15 that are within our region.

16
17 And so I've provided I think three
18 reasons why I think that these proposals should be
19 pulled. I have no idea what the Board's going to do. In
20 my opinion, no matter what you do, if you eventually do
21 oppose them, Kawerak will likely come back with
22 additional C&T proposals. We'll work even harder the
23 next time around on C&T proposals. It's my
24 understanding, you know, that these proposals are -- in
25 the eyes of OSM, they're quite detailed. Well, the next
26 time around they're going to even be more detailed.

27
28 And so, you know, with that, those are my
29 comments on those C&T proposals, and thank you.

30
31 CHAIRMAN FLEAGLE: Thank you, Austin.

32
33 Questions, Board members. Judy.

34
35 MS. GOTTLIEB: Mr. Chair, I do think it
36 would be worthwhile to hear these proposals that Austin's
37 bringing up, so I would like to add them back on our
38 agenda.

39
40 CHAIRMAN FLEAGLE: Judy, would you refer
41 to them by number so we can so we can pull them off?

42
43 MS. GOTTLIEB: Sure. It's 39 through 35
44 -- excuse me. 39 through 35.

45
46 CHAIRMAN FLEAGLE: 45.

47
48 MS. GOTTLIEB: Sorry. Right. Let me go
49 back to the table of contents.

50

1 CHAIRMAN FLEAGLE: Yeah, I've got it
2 here. I found the page. 39 through 45, which is treated
3 as basically one proposals. 46, 47 and 49, 49.
4
5 MS. GOTTLIEB: Right. Thank you. Unit
6 22.
7
8 CHAIRMAN FLEAGLE: Your intent is to
9 place those back on the non-consensus agenda?
10
11 MS. GOTTLIEB: Exactly. Thank you.
12
13 CHAIRMAN FLEAGLE: Okay. Thank you.
14 Austin, we'll put those on the agenda, and we'll have
15 further discussion on those for later in the meeting.
16 Thanks for your comments, and go ahead and turn your
17 microphone off, please.
18
19 MR. AHMASUK: Thanks.
20
21 CHAIRMAN FLEAGLE: Okay. Pete, do we
22 have any other consensus agenda testimony?
23
24 MR. PROBASCO: No, Mr. Chair. And based
25 on the action the Board just took, we will insert
26 discussion of those proposals where it best fits in the
27 agenda under Seward Peninsula.
28
29 Mr. Chair.
30
31 CHAIRMAN FLEAGLE: Thank you, Pete.
32
33 MR. ALVAREZ: Mr. Chair.
34
35 CHAIRMAN FLEAGLE: Good morning, Randy.
36
37 MR. ALVAREZ: Good morning. Thank you.
38 I was going to bring it up in the morning. Consensus
39 agenda's proposals, I was wondering if I could go back
40 and discuss one of our proposals that was on the
41 consensus agenda. I could do it in the morning when you
42 ask for that, but we'd be stepping back one step from
43 public testimony if I was to do it now, and I was just
44 wondering if I can discuss.....
45
46 I just want to make a comment on one
47 proposals, how we feel about it, because it's on this
48 consensus agenda. It's Proposal 25 that we had submitted
49 concerning moose buffer zone, and our Council had
50 submitted it. Ms. Gottlieb was at our meeting when we

1 discussed it, and we opposed the proposal when it came
2 forth with new information, and I was just kind of
3 wondering if I could comment on that. We are still in
4 opposition to it, but I feel I need to comment on why.
5 The problem still exists that we see.

6

7 CHAIRMAN FLEAGLE: Any objection, Board
8 members? I mean, it is comment on a consensus item.

9

10 (No comments)

11

12 CHAIRMAN FLEAGLE: Randy, go ahead.

13

14 MR. ALVAREZ: Okay. Thank you. It's
15 Proposal 25 that we had submitted. It starts on 299.

16

17 And this proposal asks that a buffer zone
18 for moose be implemented two miles on either side of some
19 rivers and streams, creeks in Unit 9 and 17. And the
20 proposal says 17A, but it should be just 9 and 17, which
21 is Bristol Bay area.

22

23 We submitted this proposal because this
24 regulation already is in effect on some State land in the
25 Nushagak area, which is in part of 17, for moose, and
26 then on the Kuskokwim for moose and caribou. So that's
27 the reason why we asked for the same proposal. Although
28 when the proposals came back before our Council to
29 discuss whether we're in support or in favor of it, we
30 found out that it goes against ANILCA, because to
31 restrict non-residents from this area is not warranted
32 unless it meets certain criteria, and the criteria was
33 that the population wasn't in need -- for concern.

34

35 And if you would turn over to Page 304,
36 and the second paragraph down, ADF&G population
37 objectives, and the last sentence or the second to the
38 last one and a half sentences, it talks about maintaining
39 -- what kind of densities need to be maintained, 25 bulls
40 per 100 cows in medium to high density populations, and
41 at least 40 bulls per 100 cows in low density areas. And
42 then the next paragraph down, at the beginning, the
43 current moose population in Unit 9 is considered to be
44 low and stable compared to its past population.

45

46 We discussed this with -- we had our --
47 at a fish and game advisory committee meeting we also
48 brought this up. And the state biologist had said that
49 their population count is not very recent, you know, it's
50 probably at least five, six years old. And it's hard to

1 get good estimates we believe with timber and a lot of
2 brush where moose kind of hang out in. And we are going
3 -- our estimate of -- estimation is that there's not as
4 many moose as the ADF&G believe there is, because we were
5 going by the harvest records. And if you look at the
6 harvest records, people aren't getting as many moose as
7 they used to be. And it's hard to get them. And having
8 to compete with non-residents where the resident
9 subsistence user goes, for the areas they utilize is
10 mostly with boats. You know, they can drive around with
11 four-wheelers if there's beach area, but most of the
12 hunting is done with skiffs up the rivers and creeks, and
13 there is competition with non-residents in these areas,
14 and especially we were concerned about Unit 9, and a lot
15 of people were complaining about, local residents,
16 because, you know, they were living in big boats with a
17 bunch of skiffs tied behind, and they were just a lot
18 more impact that the people liked to -- wanted to see.

19
20 But one of the -- we opposed the
21 proposal, because it goes against ANILCA, because it has
22 to be a population of concern, and it's not quite there
23 yet. But if it does drop any lower, we feel that it will
24 be, and then we will have merits to submit the proposal
25 again. And I think it needs to -- we need to have more
26 accurate moose populations. We feel that there just
27 isn't as much as ADF&G thinks there are. And mainly
28 because, as I said, that it's just hard to get a moose.
29 People aren't getting as many as they used to be, so we
30 feel that there isn't as many as they think there are.

31
32 And this area is only 27 percent Federal
33 land, so it would be hard to implement or regulate
34 Federal land. That was another issue that was discussed.

35
36 I just kind of wanted comment on the
37 proposal. We are opposed to it because it goes against
38 ANILCA, but I would like to, we would like to see
39 population estimates, because the one we -- talking to
40 our biologist, he didn't have much -- they hadn't had
41 much money the last couple years, and they've only been
42 doing areas -- less than half we believe it is of Unit 9.
43 9B especially, is where we think there's a -- the
44 population has dropped down to real low numbers.

45
46 So I just wanted to comment on this
47 proposal, and maybe we can get better population figures,
48 or new ones anyway in the future.

49
50 Thank you.

1 CHAIRMAN FLEAGLE: Thank you, Randy.
2
3 MS. GOTTLIEB: Mr. Chair.
4
5 CHAIRMAN FLEAGLE: Judy.
6
7 MS. GOTTLIEB: Thank you, Randy for those
8 comments, and I know these kind of access restrictions
9 are in place in other parts of the State, but I wondered
10 -- I know your RAC is really good at doing this, that
11 perhaps thinking over other ways, cooperative management
12 plan or cooperative working group, you know, with Fish
13 and Game, that could be done to perhaps come up with
14 other kinds of solutions, too.
15
16 Thanks.
17
18 CHAIRMAN FLEAGLE: Thank you, Judy. Mike
19 Quinn.
20
21 MR. QUINN: Thank you, Mike.
22
23 I'd like on this recent deal with
24 Proposals -- the Unit 22 proposals that Austin spoke
25 about. This is my first time here, so I'm probably not
26 totally familiar with everything, but I want to say we've
27 got some really important work to do here, but we have to
28 do it in a certain amount of time.
29
30 Now, I believe the reason that an item is
31 on the consensus agenda, and maybe Mr. Buklis can help me
32 with this, is because the RAC, the OSM and the State all
33 have consensus on the position for that proposal, or in
34 this case those proposals. The fact that Kawerak
35 disagrees with this consensus I'm thinking is not a
36 reason for it to be on or off the consensus agenda.
37 Kawerak had a chance to plead their case at our RAC
38 meeting.
39
40 Judy, were you there?
41
42 MS. GOTTLIEB: (Shakes head negatively)
43
44 MR. QUINN: Okay. But I've seen you at
45 our meetings before. Okay.
46
47 Unfortunately, at that time in February
48 Kawerak, Augustin was not there and did not provide us
49 with all his information. Anyway, but our RAC, which
50 also basically represents the people of that region,

1 including the tribal members, voted on those proposals,
2 and this case we were all in consensus.

3

4 I'm not going to say that I've got a
5 problem with you taking it off the consensus agenda -- or
6 off -- yeah, off the consensus agenda, but like I said,
7 we've only got a certain amount of time to do this stuff,
8 and we need to get through it. And there's certainly
9 ample opportunity in the future for Kawerak to come back
10 and do this again. And a lot of people have had to do
11 that with proposals over the years, because it takes time
12 to -- for everybody to agree. Anyway, thank you.

13

14 CHAIRMAN FLEAGLE: Thank you, Mike. I
15 appreciate the comments. We have established that those
16 proposals will be addressed. So appreciate the comments,
17 and we'll -- obviously you'll be able to weigh in on them
18 as Chair when they are before us again.

19

20 MR. QUINN: Right.

21

22 CHAIRMAN FLEAGLE: Any other comments
23 before we move into deliberations again.

24

25 (No comments)

26

27 CHAIRMAN FLEAGLE: All right. Hearing
28 none, then we're moving on to Proposal 07-16b. And let
29 me get my notes for the.....

30

31 MR. PROBASCO: Dan LaPlant.

32

33 CHAIRMAN FLEAGLE: Dan LaPlant.

34

35 MR. LAPLANT: Good morning, Mr. Chairman,
36 members of the Board. For the record my name is Dan
37 LaPlant.

38

39 I just wanted to start us out this
40 morning on Proposal 16b by introducing Greg Risdahl.
41 He's to my far left. He's a new Staff biologist for OSM.
42 He'll be delivering the Staff analysis for this and
43 several other Southcentral and other analyses here for
44 the next couple days. And also to my left is Donald
45 Mike. So I just wanted to make those introductions.
46 Thank you.

47

48 CHAIRMAN FLEAGLE: Thank you. Good
49 morning.

50

1 MR. RISDAHL: Good morning, Mr. Chairman,
2 members of the Board.

3
4 Wildlife Proposal 16b begins on Page 186
5 of your Board book. Proposal 16b was submitted by the
6 Ninilchik Traditional Council. It requests that a
7 subsistence season be established for the harvest of
8 black bears in Units 15A and 15B. The proposal requests
9 a July 1 through June 30 season with a three bear harvest
10 limit, the same as currently exists for Federally-
11 qualified subsistence users in Unit 15C. Rural residents
12 of Nanwalek and Port Graham have a positive customary and
13 traditional use for black bear in Unit 15C; however,
14 there is no Federal subsistence priority for black bear
15 in Units 15A or 15B.

16
17 Fifty-two percent of the lands in Unit 15
18 are managed by the Kenai National Wildlife Refuge, less
19 than one percent are Kenai Fjords National Park lands,
20 which are not open to subsistence uses.

21
22 Black bear hunting has been open year
23 around on the Kenai Peninsula since 1980 under State
24 regulations. Since 1994 the bag limit has been two bears
25 per regulatory year, including one bear in the fall
26 season, which is July 1 through December 31, and one bear
27 in the spring, January 1 through June 30.

28
29 The meat, skull and hides must be
30 salvaged during the spring season. During the fall
31 season, only the skull and hide must be salvaged.
32 Evidence of sex must be retained naturally attached to
33 the hide. Skulls and hides must be sealed within 30 days
34 of being harvested, and it is illegal to take cubs and
35 females -- cubs or females accompanied by cubs.

36
37 Bear baiting is allowed through an ADF&G
38 permit from April 15th through June 15th, except in
39 certain areas along Resurrection Creek and its
40 tributaries, within one-quarter mile of the Kenai,
41 Kasilof and Swanson Rivers, and in portions of the Kenai
42 National Wildlife Refuge. Fish or fish parts may not be
43 used as bait. Completion of a bear baiting clinic is
44 required by all bear baiting permit holders.

45
46 In terms of the regulatory history for
47 the Federal subsistence users, in regulatory year 1991
48 the Federal Subsistence Board first provided for a
49 Federal subsistence black bear season in Unit 15 from
50 July 1 to June 30 with a three bear harvest limit.

1 Because there was no subsistence eligibility
2 determination, it was open to all rural residents.

3
4 In 1996 the Board made a positive
5 customary and traditional use determination for black
6 bear in Unit 15C for residents of Port Graham and
7 Nanwalek, thereby excluding all other residents from
8 participating in the Federal subsistence hunt. In
9 addition, beginning in regulatory year 1996-1997, the new
10 language no longer provided for a season in Units 15A and
11 15B for Federally-qualified users. Unit 15 Federal
12 subsistence black bear regulations have remained
13 unchanged since 1996.

14
15 There are no harvest permits or tags
16 required for the harvest of black bears on the Kenai.
17 Harvest data is collected by ADF&G at the time of sealing
18 hides and skulls. All reported harvest under Federal
19 subsistence regulations is included within the State's
20 sealing database.

21
22 The black bear population on the Kenai
23 Peninsula is stable and productive with an estimated 3 to
24 4,000 black bears in Units 7 and 15 combined. Density
25 estimates in Unit 15, for example, range from
26 approximately 205 to 265 black bears per 385 square
27 miles. Black bear densities are believed to be the
28 highest along the southern coast where the -- and lower
29 -- where lower brown bear densities and healthy salmon
30 runs exist.

31
32 The ADF&G black bear management objective
33 for the Kenai Peninsula is to regulate the harvest so
34 that no more than 40 percent of the harvest consists of
35 females.

36
37 From 1995 to 2006 the black bear harvest
38 on the Kenai Peninsula, which includes Units 7 and 15,
39 has produced an average take of around 334 bears per
40 year. This includes black bears harvested under both
41 State and Federal regulations. Approximately 40 percent
42 of the harvest takes place in Unit 7, in Unit 15A, 14
43 percent, 8 percent in Unit 15B, and 38 percent in Unit
44 15C. Historically, females have comprised an average of
45 about 26 percent of the total annual harvest, well below
46 the harvest objective of below 40 percent. From 1995
47 through 2006, an average of 83 bears each year are taken
48 over bait, which is about 24 percent of the total black
49 bear harvest on the Kenai.

50

1 From 1995 through 2004, two-thirds of the
2 annual harvest took place in the springtime in Units 15A
3 and 15C. The fall harvest made up about a third of the
4 total take. By contrast, the spring harvest made up 19
5 percent of the total take in Unit 15B.

6
7 In sum, from 1995 through 2004,
8 approximately 39 percent of the total black bear harvest
9 occurred during the fall hunting season, that is July
10 through December when the salvage of meat is not required
11 by State regulations.

12
13 The Ninilchik Traditional Council
14 proposal would require the salvage of meat by all those
15 participating under Federal subsistence regulations
16 during both the all and the spring seasons in Units 15A
17 and 15B.

18
19 A modified proposal was to develop a
20 Federal subsistence registration permit for black bears
21 in coordination with ADF&G. It was considered, but
22 rejected because it was considered impractical, costly
23 and unnecessary. Specifically, hunters desiring to hunt
24 on both Federal and non-Federal lands would be required
25 to have both their State general hunting license as well
26 as a permit. It would require additional work and
27 expense for both State and Federal agencies in issuing
28 permits, collecting and sharing harvest data and
29 coordinating to reduce duplication of effort. It would
30 unnecessarily increase the complexity of the black bear
31 regulations, making it more difficult for Federally-
32 qualified subsistence users to hunt on Federal public
33 lands. Currently a more intensive monitoring system for
34 the black bear population on the Kenai is not needed.

35
36 The effects of the proposal as proposed
37 include the additional subsistence harvest as a result of
38 implementing the proposal would likely be minimal and
39 consequently have little impact on the over-all black
40 bear population in Unit 15. Bear baiting would continue
41 to be allowed under the Kenai National Wildlife Refuge
42 permit conditions in the same areas that are currently
43 open.

44
45 In contrast to the State hunting
46 regulations, black bears harvested under the Federal
47 regulations would require that the meat be salvaged
48 during both the fall and spring seasons. It is
49 anticipated therefore that the majority of the black bear
50 harvest would continue to occur under the State general

1 hunting regulations.

2

3 Adoption of this proposal would add some
4 complexity to the Federal subsistence hunting
5 regulations, giving residents of Ninilchik the
6 opportunity to harvest three bears in Units 15A, 15B and
7 15C under the Federal subsistence regulations. However,
8 it does align Federal regulations in 15A and 15B with
9 those in 15C.

10

11 The preliminary conclusion is to support
12 the proposal, provided the Board -- well, we've already
13 made a positive customary and traditional use
14 determination here.

15

16 The State season has been liberal for
17 many years and the black bear populations are considered
18 healthy and productive. This proposal would provide
19 opportunity for additional black bear harvest by
20 Federally-qualified subsistence users, but would have no
21 appreciable biological effect on the black bear
22 population. Additional opportunity for subsistence
23 harvest would be within current regulatory constraints
24 regarding the mandatory salvage of meat, sealing of
25 skulls and hides and regulations pertaining to bear
26 baiting to protect public safety. It would provide a
27 harvest limit of three bears under the new Federal
28 regulation in Units 15A and 15B that would be consistent
29 with the existing Federal harvest limit in Unit 15C.

30

31 Thank you.

32

33 CHAIRMAN FLEAGLE: Okay. Thank you.
34 Questions, Board members.

35

36 (No comments)

37

38 CHAIRMAN FLEAGLE: Summary of written
39 public comments, Donald.

40

41 MR. MIKE: Mr. Chair. There were no
42 written public comments received. Thank you.

43

44 CHAIRMAN FLEAGLE: Thank you. Public
45 testimony, Pete.

46

47 MR. PROBASCO: Mr. Chair. We have no one
48 signed up for this agenda item.

49

50 CHAIRMAN FLEAGLE: Thank you. Regional

1 Council recommendation, Ralph Lohse.

2

3 MR. LOHSE: Thank you, Mr. Chair.

4

5 The Southcentral Alaska Subsistence
6 Regional Advisory Council recommended support of Proposal
7 WP07-16b with the following modifications. The following
8 modifications are black bear, Units 15A and B, two bears
9 by Federal registration permit.

10

11 From the information we received, bear
12 populations were stable, healthy, productive. The State
13 seasons were liberal. Most of the bears will probably be
14 taken in Unit 15C as we looked on that chart, that's
15 where most of the hunting by Ninilchik has been done in
16 the past. And when we look at the current harvest of the
17 bear and moose under current subsistence hunts, we don't
18 expect to see any great increase, so it will probably
19 have minimal impact on the bear population. But we did
20 want to approach this with care, so we recommended a
21 registration hunt so that we can build a record, so that
22 we can see what happens, and so that if there's any
23 problem, we can adjust the seasons in the future.

24

25 Thank you.

26

27 CHAIRMAN FLEAGLE: Thank you. Questions.
28 Judy.

29

30 MS. GOTTLIEB: Mr. Chair. Thank you.

31

32 So the RAC did not view the Federal
33 registration permit as burdensome then would be my
34 assumption.

35

36 MR. LOHSE: From the information that we
37 got from the subsistence users that were attending that
38 meeting, they didn't consider it a burden, and they
39 actually looked at it -- from my standpoint from talking
40 to them, they looked at it as an opportunity to build a
41 record, to show that their use was there, and that they
42 were not abusing the resource, and so that there could be
43 no question about that in the future. Although I would
44 suggest asking them, too.

45

46 MS. KESSLER: Mr. Chair.

47

48 CHAIRMAN FLEAGLE: Wini.

49

50 MS. KESSLER: Ralph, why was it that the

1 Council went with two bears rather than the original
2 three that was proposed?

3
4 MR. LOHSE: First of all, our Council has
5 a tendency to be very conservative, especially when it
6 comes to the use of resources, whether some people
7 believe that or whether they don't.

8
9 And currently in Unit 15A and 15B, the
10 current limit is two. And what we recommended at one
11 time was that the two could be taken at any time. It
12 didn't have to be one in the spring and one in the fall.
13 We just said -- which is what it currently is under State
14 regulations. They can take one bear in the spring, one
15 bear in the fall. We just said two bear per year. They
16 could the two bear in spring if they wanted to, they
17 could take the two bear in the fall. We considered that
18 a meaningful preference, and we were trying to have the
19 least impact that we could.

20
21 CHAIRMAN FLEAGLE: Other questions.

22
23 (No comments)

24
25 CHAIRMAN FLEAGLE: All right. Thank you.

26
27 Alaska Department of Fish and Game
28 comments. Terry Haynes.

29
30 MR. HAYNES: Mr. Chairman. Residents of
31 Ninilchik can currently hunt black bear under State
32 regulations on all lands open to black bear hunting in
33 Unit 15. As has been pointed out, State regulations
34 allow harvest of two bears per regulatory year, one of
35 which may be harvested between July and December, and the
36 other between January and June.

37
38 In view of the low documented level of
39 black bear hunting by residents of Ninilchik, the State's
40 current regulations provide sufficient opportunity for
41 Ninilchik residents to hunt black bear. No evidence is
42 presented in the Staff analysis that requires
43 establishment of a Federal season that is more liberal
44 than the current State season in order to provide a
45 meaningful preference for black bear hunting by residents
46 of Ninilchik.

47
48 The evidence from harvest records and
49 subsistence studies presented in the Staff analysis
50 indicate that Ninilchik residents have reported

1 harvesting very few black bear on Federal lands in Unit
2 15. More generally, the State sealing data indicate that
3 for the 10-year period 1996 to 2005, for example, a total
4 of 29 hunters from Ninilchik sealed 29 black bears. The
5 annual range of black bear sealed was from one to seven.
6 No hunter in any year sealed more than one black bear.

7
8 The Department became concerned about
9 increasing hunting and harvest of black bear throughout
10 Unit 15 about a decade ago. In response to concerns for
11 the sustainability of black bear, the Board of Game
12 revised the harvest regulations downward to the current
13 bag limit of two black bear per year split between the
14 spring and fall seasons. The Department is monitoring
15 harvest trends, which continue to increase. Discussion
16 of State management of black bear in the Staff analysis
17 for WP07-16b does not acknowledge the clear trend of
18 increasing harvest in Unit 15 over the past decade.
19 State managers are carefully evaluating any changes to
20 determine if additional reductions in harvest may be
21 necessary to continue management for sustained yield.

22
23 In conclusion, the Department opposes
24 creation of a Federal season for black bear in Unit 15
25 that is more liberal than the corresponding State season
26 in light of current management concerns, and in light of
27 the evidence of black bear hunting patterns in Ninilchik.

28
29
30 Current low levels of bear harvest and
31 use by Ninilchik residents indicate that State
32 regulations are already sufficient to provide the
33 opportunity for continued subsistence use of black bear
34 in that community.

35
36 Thank you.

37
38 CHAIRMAN FLEAGLE: Thank you, Terry.

39 Questions.

40
41 (No comments)

42
43 CHAIRMAN FLEAGLE: I have one. You heard
44 the RAC Chair suggest matching the State regulations.
45 How would the State then feel about the regulation were
46 it to be passed? I mean, it would basically have zero
47 net effect, if the opportunity would exist for a similar
48 harvest under State or Federal regulations then if the
49 bag limits were the same.

50

1 MR. HAYNES: Mr. Chairman. The problem
2 with the Regional Council recommendation is that it
3 doesn't require the harvest one bear be taken during the
4 spring and the other in the fall, so you do have a
5 different situation. And if you want to monitor that
6 with a Federal registration permit, then that's fine, but
7 I think the fact it is not the same as the State season
8 when the Federal season would be not split. And it would
9 only be for 15A and B. 15C where most of the black bear
10 hunting appears to occur, the Federal harvest limit there
11 is already three bears per year, which is much more
12 liberal than the current State season. So without some
13 Federal harvest monitoring mechanism, it's real difficult
14 -- it's going to be real difficult to know where the
15 hunting is taking place, and that creates difficulties
16 for enforcement.

17
18 Federal lands are some distance away from
19 Ninilchik, and the evidence seem to suggest that most of
20 the bears they take are not on Federal lands. So for
21 their protection, if the Federal season is going to be
22 more liberal, then there should be a mechanism in place
23 to verify that they are hunting on Federal lands.

24
25 CHAIRMAN FLEAGLE: Thank you, Terry.

26
27 Other questions. George.

28
29 MR. OVIATT: Go ahead.

30
31 CHAIRMAN FLEAGLE: Gary. I'm sorry.
32 Yeah.

33
34 MR. EDWARDS: Mr. Chair. I was going to
35 ask the State, and I think Terry answered the question,
36 is that they seem to be assuming -- if a hunt does take
37 place, are supportive of having a registration hunt. And
38 I guess I was going to ask, Mr. Chairman, since Staff
39 seem to think that a registration hunt is impractical and
40 expensive and unnecessary, maybe Robin West, the Refuge
41 manager, who's going to be -- would be monitoring that
42 registration hunt, could come forward and talk about
43 whether it's impractical or expensive or so forth.

44
45 CHAIRMAN FLEAGLE: Yeah, can we complete
46 testimony and then do this during the deliberative
47 process?

48
49 MR. EDWARDS: Well, I just -- I was going
50 to hold it to then, but it seemed to me that it's more

1 appropriate now since we've had both the RAC and the
2 State address the registration. Either way is fine with
3 me. I just didn't think it was appropriate to do it
4 during the deliberation, but that's fine.

5
6 CHAIRMAN FLEAGLE: Well, he's here. Why
7 don't you go ahead and ask him.

8
9 MR. EDWARDS: Well, Robin, I guess my
10 question was, is that in the Staff analysis they speak to
11 a registration permit being impractical, expensive, and
12 unnecessary, and would require additional work and
13 expense. And given that you're the ones that are going
14 to be doing the work and the expense, I wanted to give
15 you an opportunity to respond to that.

16
17 MR WEST: Thank you. Mr. Chair. Mr.
18 Edwards. Robin West with Kenai National Wildlife Refuge.

19
20 And indeed any time we administer a
21 registration permit, somebody has to print them, somebody
22 has to record, you know, the use, someone has to issue
23 them and explain them to applicants, and so there's
24 inconvenience and expense both to the government and to
25 the user. Nonetheless, it's always been our position
26 that in general when we're having hunts that are on
27 Federal lands that are different in scope, seasons, bag
28 limits or whatever from the State seasons, that some
29 mechanism is in place for us to responsibly administer
30 those. And that's exactly what we do with moose hunts,
31 that's exactly what we proposed for this season should it
32 be adopted by this Board.

33
34 There are a number of issues that I think
35 require that. One is that -- particularly with the case
36 of Ninilchik, it's still an educational process to a lot
37 of outlying community members whether they even qualify
38 or not. And we have this discussion frequently with
39 moose hunters in the fall. And, in fact, just because of
40 where the lines are on the map, often times relatives,
41 some qualify and some don't. A father may qualify and
42 the son may not, because of where they live along the
43 road system. Now, it's a separate issue perhaps, but at
44 the same time, folks, you know, have some responsibility
45 and they could get in trouble being qualified user or
46 not.

47
48 Additionally, our ability to know how
49 many bears are taken, indeed, there is a requirement for
50 the bears to be sealed by ADF&G. As testimony's pointed

1 out, sometimes that doesn't occur, but even if it does,
2 ready access to the database by Federal managers, it
3 could be lacking given certain time constraints. And
4 even the subunits for registration doesn't insure that we
5 will ever know how many bears were taken on Federal
6 public lands. As you saw with the data yesterday when
7 you looked at this issue, some are on the refuge, some
8 aren't, and they're all in 15A, Subunit 11 or whatever.
9 So that leaves us, when it's all said and done, of trying
10 to evaluate the effects of this in the long run of not
11 having a clue on what was taken.

12

13 So there's liabilities to the user, and
14 inability for us to monitor and manage the hunt if we
15 don't use a registration permit. So I guess that's my
16 argument that if we do provide something different -- and
17 Fish and Game also agrees, as well as the RAC, with the
18 Refuge, that if we're going to do this, we should do a
19 registration permit.

20

21 Thank you.

22

23 CHAIRMAN FLEAGLE: Thank you, Robin.

24

25 Before I move on to InterAgency Staff
26 Committee comments, we do have a couple of cards handed
27 in, and I would like to re-open the floor to public
28 testimony. Pete.

29

30 MR. PROBASCO: Thank you, Mr. Chair.
31 These were received late. Maybe they were on the back
32 desk there. But first on black bear we have Kenny Odman
33 and Anna Grant, and I believe they're together. That's
34 the way it's written up, Mr. Chair.

35

36 CHAIRMAN FLEAGLE: Okay. We need to
37 accommodate them with another chair. Larry's working on
38 it. Thank you, Larry.

39

40 Good morning. If you wouldn't mind
41 stating your names for the record again, please.

42

43 MR. ODMAN: My name's Kenny Odman. I'm a
44 director for NTC, also a subsistence user.

45

46 MS. GRANT: And I'm Anna Grant, and I
47 work with the elders in Ninilchik, and I'm a subsistence
48 user.

49

50 Do you want to go first?

1 I agree with the recommendations of the
2 RAC. I would like to see the proposal agreed to. Right
3 now I've got my father and my son out there hunting bear.
4 I've got a new granddaughter, and she'd like to have a
5 parka this winter.

6
7 That's all I have to say.

8
9 MR. ODMAN: I agree to the support of the
10 RAC and OSM, and wholeheartedly agree that WP07-16b
11 should be passed. And I think we fulfilled all of our
12 recommendations for what was needed and required. And
13 I'm going to be short, because Darrel is next.

14
15 Thank you.

16
17 CHAIRMAN FLEAGLE: Okay. I appreciate
18 the comments. And we don't have a Darrel, but at any
19 rate we do have another next. We do have another card.
20 And, Pete.

21
22 MR. PROBASCO: I don't have a card for
23 Darrel, but I do have one for Ivan.

24
25 CHAIRMAN FLEAGLE: Ivan.

26
27 MR. ENCELEWSKI: I turned it in.

28
29 CHAIRMAN FLEAGLE: Okay. Brown bears.
30 Okay. We'll give you black bears, too. Okay. Okay.
31 This is Ivan. Ivan Encelewski.

32
33 MR. ENCELEWSKI: Thank you, Mr. Chairman.
34 Members of the Board. My name is Ivan Encelewski. I'm
35 executive director of the Ninilchik Traditional Council.
36 Also a subsistence user. And I'll be brief as we
37 mentioned, now that you've allowed Darrel to come up.

38
39 I think we wholeheartedly agree with the
40 Staff analysis, 3 to 4,000 black bear. The population's
41 healthy. The subsistence harvest will be very minimal.
42 And no conservation concerns. I think our request for
43 what the State offers us is very minimal.

44
45 I wholeheartedly disagree with the State
46 that opportunities provided by the State are subsistence.
47 The State doesn't acknowledge subsistence in our area.
48 The State has declared our area a non-subsistence area,
49 so I think their comments that -- opportunities provided
50 by them are a joke. Subsistence is not what the State

1 provides us. And I think ANILCA shows that.

2

3 In trying to be brief, you know, there
4 are a lot of opportunity and desire to hunt black bear.
5 My wife just recently a couple years shot one with a
6 little .40 handgun of mine.

7

8 And we talk about sealing data. We know
9 that that's not completely accurately. I know years ago
10 when there was a black bear coming into the garage when I
11 was a little kid, and my dad eventually shot it. And the
12 local Fish and Game officer had to tell him that, you
13 know, you've got to seal that thing, and, of course, we
14 didn't understand what that was.

15

16 Subsistence I think is the priority. I
17 think what we've asked for again is very conservative,
18 what the State requires, and we wholeheartedly agree with
19 the RAC recommendations. I don't think we have a problem
20 with the registration. I think we've always expressed
21 our desire for conservation along with meaningful
22 subsistence harvest. So I think we have no problem in
23 our part with any registration or tracking of the harvest
24 and the amount of black bears.

25

26 Anyway, that concludes my testimony.

27

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

30

31 (No comments)

32

33 CHAIRMAN FLEAGLE: All right. Thank you.
34 And we did review the comment card, and he did write 16b.
35 Darrel Williams.

36

37 DR. WILLIAMS: Mr. Chairman. Members of
38 the Board. First I'd like to apologize for the little
39 goofy-goof on the paper. Now that it's all taken care
40 of, I've got another one for Pete.

41

42 My name is Darrel Williams for those of
43 you who don't know me. I work for Ninilchik Traditional
44 Council, and I am a subsistence user.

45

46 I'd like to request that the proposal,
47 16b, for a total of three bears be supported as was
48 forwarded by the RAC. It provides for a meaningful way
49 for people to be able to harvest bears. And I think one
50 of the most significant parts of this proposal is instead

1 of seeing a lot of incidental take where somebody is out
2 hunting and they happen to see a black bear, they'll take
3 it, it allows for people to go out and do a more
4 meaningful harvest and be able to get better products
5 from the bear and better meat in the spring.

6
7 I also -- I'd like to note the testimony
8 that was at the RAC before to try to save some time.
9 There was a lot of discussion about the methods of
10 harvest that takes place on the Kenai Peninsula, and the
11 shoot, shovel and shut up took a lot of time. And
12 there's a lot of that that happens there. The monitoring
13 and the harvest information is probably not as accurate
14 as it could be.

15
16 One of my good examples I have that I'd
17 like to share with you is that when a sportsman gets his
18 hunting license, does he go into a permitting process and
19 a tracking process to be able to show whether he
20 harvested or not? Now that's one of the things that's on
21 the table being requested of the subsistence users.
22 Sealing the bears and being able to get data from the
23 bears is a good thing, but having the subsistence user
24 group held to a higher standard than sportsmen is really
25 a tough go.

26
27 I believe in my own personal opinion that
28 the meaning of ANILCA did not say that subsistence users
29 had to compete with sports users. That's something that
30 I am just really not aware of, and I'm very confused
31 about. And I see a lot of that going on.

32
33 When we crafted this proposal, one of the
34 things that we wanted to do was to be able to essentially
35 mirror the State regulations and be able to not ask for
36 too much, try to have something reasonable and allow for
37 a meaningful preference. As we discussed this at the
38 RAC, one of the preferences that was addressed was the
39 being able to take two bears at -- in the same season so
40 to speak, either in the spring or the fall, depending on
41 the hunter and what they wanted to use the bear for.
42 Some people like the spring bears better, some people
43 like the fall bears who are eating -- feeding on berries
44 and stuff better. There is some personal preference in
45 that. But it gave the subsistence user a choice to be
46 able to go out and target the bear and be able to harvest
47 it for food and the hide and all the other stuff that
48 they use it for.

49
50 I think also by doing this we'll be able

1 to get and generate better data. If it allows people
2 more opportunity to be able to harvest in a way where
3 they feel like they're not going to get in trouble, or
4 there's not a big lengthy process that's involved with
5 it, I think that we'll get better user data and we'll
6 know more about what people are and aren't doing. I
7 believe that in some of the other activities that we've
8 done here at the Federal level, the reporting has been
9 good, and I think the folks there would really cooperate
10 if they have some possession of what they're able to do.

11
12 That concludes what I have to say. Are
13 there any questions.

14
15 CHAIRMAN FLEAGLE: That's my question.
16 Are there any questions, Board members.

17
18 (No comments)

19
20 MR. PROBASCO: Mr. Chairman.

21
22 CHAIRMAN FLEAGLE: Pete.

23
24 MR. PROBASCO: Darrel, I apologize. It
25 was my mess up. You did fill it out properly, and so I
26 apologize.

27
28 DR. WILLIAMS: Mr. Chairman. Thank you,
29 Mr. Probasco.

30
31 CHAIRMAN FLEAGLE: Thanks for the
32 testimony.

33
34 DR. WILLIAMS: Thank you very much.

35
36 CHAIRMAN FLEAGLE: Okay. We're going to
37 take InterAgency Staff Committee comments. Larry Buklis.

38
39 MR. BUKLIS: Thank you, Mr. Chairman.
40 The InterAgency Staff Committee comments on WP07-16b can
41 be found on Page 194, and I'll highlight some key points.

42
43
44 The Staff Committee noted that the
45 Southcentral Council recommendation to adopt with
46 modification would provide a harvest limit of two black
47 bears per year in Units 15A and 15B by Federal
48 registration permit. In Unit 15C, the existing Federal
49 subsistence harvest limit of three bears would apply to
50 Ninilchik without registration permit requirement.

1 The Southcentral Council believes
2 adoption of its recommendation will provide a meaningful
3 preference for subsistence users. The Staff Committee
4 noted that this recommendation is supported by
5 substantial evidence, is consistent with recognized
6 principles of fish and wildlife management and
7 conservation, and would not be detrimental to subsistence
8 users.

9
10 If the Southcentral Council's
11 recommendation is adopted, subsistence users would be
12 able to take two bears at any time in a regulatory year
13 in Units 15A and 15B instead of being limited to one bear
14 in the fall after June 30th, and one bear in the spring
15 before July 1.

16
17 Federally-qualified subsistence hunters
18 would need to take care that they not exceed the State
19 harvest limit when hunting off of Federal public lands.

20
21 The requirement for a Federal
22 registration permit would provide for a more complete
23 harvest monitoring, including information on hunter
24 effort than is available from the bear sealing records
25 alone. However, as we've discussed already, the
26 registration permit requirement will cause some
27 inconvenience for subsistence hunters and some
28 administrative burden for the Federal Staff.

29
30 An alternative that could be considered
31 is noted by the Staff Committee, and that would be to
32 allow a harvest limit of three bears for all of Unit 15
33 without a requirement for a Federal registration permit
34 as is the case in 15C. And this is the OSM preliminary
35 conclusion which has already been reviewed.

36
37 The black bear population is healthy in
38 all of Unit 15 and considering the limited effort in
39 harvest of black bears by Ninilchik hunters in Unit 15A
40 and 15B in the past, a harvest limit of three bears in
41 the these units should not pose a conservation concern.
42 A more intensive harvest monitoring system as is provided
43 by registration permits is not considered necessary at
44 this time. It is anticipated that the majority of black
45 bear harvest in Unit 15 will continue to occur under
46 State hunting regulations which do not require permits as
47 the analyst already reviewed.

48
49 Thank you, Mr. Chairman.

50

1 CHAIRMAN FLEAGLE: Thank you, Larry.
2 Questions.
3
4 (No comments)
5
6 CHAIRMAN FLEAGLE: All right. Let's take
7 a break, a 10 minute break. Let's stand down.
8
9 (Off record)
10
11 (On record)
12
13 CHAIRMAN FLEAGLE: Good morning, the
14 Federal Subsistence Board is back on record.
15
16 And we've just dispensed with all the
17 testimony and discussions -- not discussions, but
18 testimony and comments on 16b. We now open for Board
19 discussion with Council Chairs and State liaison. Wini.
20
21 MS. KESSLER: Mr. Chair. It's come to my
22 attention that there's one more factor to consider with
23 respect to the registration permit, the aspect of the
24 proposal relating to that. And it concerns the closure
25 zone on the Russian River. So with your permission I'd
26 like to ask Jeff Bryden and Robin West to come up and
27 address that.
28
29 CHAIRMAN FLEAGLE: Okay.
30
31 MR. WEST: Mr. Chair, Ms. Kessler. Robin
32 West.
33
34 I'll let Jeff speak particularly to the
35 closure zone, but I think one of the things that -- along
36 the Russian River, excuse me. One of the things that the
37 registration permit should have in its language to
38 reinforce is where we have area closures for safety zones
39 and that kind of thing. And there are several, around
40 our headquarters area, around our outdoor education area,
41 out along the Swanson River. There are some restrictions
42 in the Skilak Loop area, and then along the Russian River
43 that Jeff can speak to. But I think it would just be
44 necessary to point out where there are firearm discharge
45 restrictions or seasonal closures on the registration
46 permit. In total on the Refuge, for all 2 million acres,
47 it's probably less than 3 percent that have those
48 restrictions. But that would be something that would be
49 included specifically in the registration permits.
50

1 MR. BRYDEN: Mr. Chairman. My name is
2 Jeffrey Bryden. I'm the lead law enforcement officer for
3 subsistence on the Chugach National Forest.

4
5 The Chugach National Forest is in Unit 7,
6 but we share a common boundary on the Russian River with
7 Unit 15, and the major route to get into the Russian
8 River corridor is through the National Forest Service.
9 That's where the trail system is. So if anybody was
10 interested in hunting in the Unit 15B corridor area, they
11 would most likely access through the National Forest, so
12 that's how I'm addressing this from a law enforcement
13 perspective.

14
15 The State currently has a closure during
16 the month of June and July on the Russian River corridor
17 on both Units 7 and 15, and the closure's within 150
18 yards of the river on either side. It's my understanding
19 from the vote that was taken yesterday allowing the
20 subsistence hunt to take place on the 15 part of this,
21 that wouldn't be in effect. The subsistence hunters
22 doesn't have to follow any of the State regulations on
23 that if they're making a subsistence hunt. So that's
24 just one of the closure areas that if we're going to do
25 it, we need to take a look at, is do you want that area
26 to be opened, do you want it to be closed, and just
27 letting us know from an enforcement standpoint how it's
28 going to take place.

29
30 CHAIRMAN FLEAGLE: You bet. And that
31 would be appropriate under this segment of the proposal,
32 not the one yesterday. The one yesterday just identified
33 that there was a customary and traditional use. It
34 didn't establish any hunt. So we'll take that into
35 consideration. Thank you.

36
37 Other discussion.

38
39 MS. GOTTLIEB: Mr. Chair.

40
41 CHAIRMAN FLEAGLE: Judy.

42
43 MS. GOTTLIEB: Well, I was just curious,
44 so do we ask that those same areas, you mentioned the
45 closure around the Russian River, but the one around the
46 headquarters and the education center, are those closed?
47 Do we ask that those are closed for the State hunt also?

48
49 MR. WEST: What I would ask you to
50 consider is just give the latitude, if you do pass the

1 registration permit provision, just give us the latitude
2 to make those conditions of the permit consistent with
3 management plans and objectives and safety restrictions
4 that are already in place.

5
6 CHAIRMAN FLEAGLE: Any further
7 discussion. Wini.

8
9 MS. KESSLER: So the important thing is
10 having the registration permit. As far as the details
11 that you've described, that could be worked out as part
12 of that process. For us the main thing is to consider
13 the proposal to have the -- that includes the
14 registration permit, right?

15
16 MR. WEST: Yes, I believe so, as long as
17 the understanding is there would be, you know,
18 stipulations in the permit such as we've put on record
19 here. Thank you.

20
21 MS. KESSLER: Okay. Thank you.

22
23 CHAIRMAN FLEAGLE: All right. Other
24 discussion.

25
26 MR. LOHSE: Mr. Chair.

27
28 CHAIRMAN FLEAGLE: Ralph.

29
30 MR. LOHSE: I'll try to be brief, as
31 brief as Darrel was, and I'll try not to interject later
32 on, but there's a couple of things that -- I've listened
33 to all of the different testimony that we've had here,
34 and are we in the process of discussing this proposal
35 right now, or are we going to wait until there's a motion
36 on the table to discuss it?

37
38 CHAIRMAN FLEAGLE: This is the
39 appropriate time for discussion, Ralph, and when we do
40 get a motion, we will get it down further on the Board
41 level.

42
43 MR. LOHSE: Okay. Thank you. Then I've
44 just got -- I've got one question, one comment and one
45 observation that I'll give you.

46
47 And one of the things, we found a C&T for
48 this yesterday. And the observation -- the thing is that
49 we're now required to give a meaningful preference, and
50 to me a meaningful reference means exactly what the word

1 preference means. There has to be something special
2 about it, or something that meets the subsistence users
3 needs that's not currently being met.

4
5 And Terry brought up one of the things
6 that we discussed in our Council meeting and that the
7 proponents brought before us, is the fact that as we've
8 seen in Prince William Sound, as we've seen every place
9 else, we have a greatly increased take of black bear from
10 sport hunting in the State of Alaska as our population
11 grows. And the season -- the current liberal bag limits
12 and seasons that we have today probably cannot be
13 maintained into the future. And that's one of the
14 reasons why Ninilchik brought this forward, to get a C&T
15 and a Federal season established, is because of the fact
16 that most people that are into subsistence aren't looking
17 at it for themselves. They're looking at it for their
18 children and their grandchildren. They're looking at it
19 for the future. And as those things change, as increased
20 pressure takes place on a resource and restrictions have
21 to be placed on the sport hunting for black bear and
22 things like that, we'd like -- they'd like to have a
23 preference in place on the books for the subsistence
24 hunter. And that's the reason that we could look at this
25 and we could say, this establishes a meaningful
26 preference with what we were asking for.

27
28 It's always interesting to me that the
29 Sate and everybody else would like to see the subsistence
30 hunter held to a higher standard, or the subsistence
31 fisherman held to a higher standard. Better record
32 keeping. Better proof. Better registration permits and
33 all of this. They're willing to do it, because it
34 creates a record. I'm hoping the day comes when the same
35 thing is applied to all sport hunters, too.

36
37 So thank you.

38
39 CHAIRMAN FLEAGLE: Thank you, Ralph.

40
41 Other discussion.

42
43 (No comments)

44
45 CHAIRMAN FLEAGLE: Ready for a motion. I
46 can't make them. Wini.

47
48 MS. KESSLER: I'll make a motion. A
49 motion to support the recommendation of the Council, and
50 that's for a two bear hunt with registration permit.

1 MR. CESAR: Second.
2
3 CHAIRMAN FLEAGLE: Okay. We've got a
4 second. Would you like to speak to that motion.
5
6 MS. KESSLER: Yes, I think this provides
7 opportunity for subsistence use, and there's no
8 biological effect that would raise any conservation
9 concerns.
10
11 CHAIRMAN FLEAGLE: Other discussion.
12 Judy.
13
14 MS. GOTTLIEB: Mr. Chair. I know we're
15 not looking at the precise wording of the details about a
16 registration permit as shown on Page 192 in our book, but
17 I note that in other areas where we say that the season
18 may be opened or closed by the land manager in
19 consultation with Fish and Game, we also usually say and
20 the Regional Advisory Council Chair. So I would like to
21 suggest when we get down to the fine wording of this
22 regulation that the Chair is included in that as well,
23 just for consistency across the State.
24
25 CHAIRMAN FLEAGLE: Thank you. And
26 looking at the Board book, Page 187 would have the
27 regulatory language as proposed by Wini from the RAC.
28
29 Gary.
30
31 MR. EDWARDS: Yeah, Mr. Chair. I guess I
32 wanted some kind of clarification on the motion, because
33 what she indicated was two bears, but what we really have
34 is I think a recommendation for a three bear limit in C
35 and two bear on the other two, which seem to me to create
36 some confusion. And I know -- was that what you
37 intended, or was it two bears for all of 15.
38
39 CHAIRMAN FLEAGLE: Wini.
40
41 MS. KESSLER: Well, what I'm proposing
42 here is the proposal with modifications, it reads
43 Southcentral Alaska Subsistence Regional Advisory Council
44 supports establishing a subsistence season for the
45 harvest of two black bears a year and requiring Federal
46 registration permits. And yesterday we made a decision
47 or the unit as a whole.
48
49 MR. EDWARDS: Mr. Chairman.
50

1 CHAIRMAN FLEAGLE: Gary.
2
3 MR. EDWARDS: If I could, under your new
4 rules I think I can ask a question of one of our
5 liaisons.
6
7 CHAIRMAN FLEAGLE: Please do.
8
9 MR. EDWARDS: Ralph, can you kind of
10 maybe either clear up my confusion or add more to it,
11 either one.
12
13 MR. LOHSE: Well, I think I can clarify
14 the confusion. You gave C&T to Ninilchik yesterday for
15 all of Unit 15. And 15C already has a subsistence season
16 for three bears. So when you gave C&T to Ninilchik
17 yesterday, they joined Nanwalek and the rest of them for
18 the season, for three bears in Unit 15C. And so what is
19 being asked for here is a season in 15A and 15B.
20
21 Now, while we recognize the Kenai as one
22 peninsula, one hunting area, there was already a season
23 in place in 15C for subsistence, and we weren't asking to
24 change that. We were asking it for the season for 15A,
25 15B two bears by registration hunt.
26
27 MR. EDWARDS: Mr. Chairman, then I ask
28 the general question, does it really make sense to have,
29 looking at 15 in its entirety, to have three bears in one
30 section and two bears in the other two? Wouldn't
31 consistency be more appropriate, whether it's two or
32 three.
33
34 MR. LOHSE: You've got a point there,
35 Gary, and the original proponents requested three bears.
36 And if you would like to change it to three bears, I'm
37 sure they'd be happy with it.
38
39 MR. EDWARDS: What about keeping it at
40 two gears through the whole unit?
41
42 MR. LOHSE: It would be interesting that
43 you could give Ninilchik two bears in Unit 15C and still
44 have Nanwalek and the rest of the at three bears in 15C
45 unless you're willing to change the limit for three bears
46 for all of the subsistence users in 15C. And it's
47 currently a three bear sport season in 15C, so it would
48 be interesting you could give a meaningful preference and
49 cut the limit down.
50

1 CHAIRMAN FLEAGLE: Dan LaPlant.

2

3 MR. LAPLANT: Mr. Chairman. Mr. Lohse
4 explained what I was going to say. There is already
5 currently a three bear harvest limit in 15C and it's
6 available to Nanwalek and Port Graham.

7

8 CHAIRMAN FLEAGLE: Further discussion on
9 the motion. Gary.

10

11 MR. EDWARDS: It's my understanding that
12 the sport hunt is only two bears and not three bears.
13 And just because one community has one, I'm not sure it's
14 necessary for, you know, other communities to have the
15 same. I just think it seems to me there's some confusion
16 here. And certainly, and the Refuge could speak to it if
17 they want, but it seems to me that trying to set up a
18 registration hunt that bounces back and forth like that
19 is also a difficult thing to do.

20

21 CHAIRMAN FLEAGLE: George.

22

23 MR. OVIATT: Mr. Chairman. I'm now a it
24 confused, too. If we went with two bear in 15A and B,
25 would that parallel what the regs are in the State?

26

27 CHAIRMAN FLEAGLE: Terry Haynes.

28

29 MR. HAYNES: Mr. Chairman. Not quite.
30 The State regulations split the harvest between one bear
31 in the all, one in the spring with a two bear limit.
32 Under the proposed Federal regulation, that -- they could
33 take those two bears any time of the year.

34

35 CHAIRMAN FLEAGLE: Further discussion.

36 Judy.

37

38 MS. GOTTLIEB: Mr. Chairman. I just want
39 to add that I think the analysis we've been provided by
40 Staff and Staff Committee, and the work that the Regional
41 Advisory Council has done certainly supports the motion
42 in front of us here. We don't see a conservation issue,
43 and we do think this would be beneficial to subsistence
44 users.

45

46 CHAIRMAN FLEAGLE: Thank you, Judy. I
47 agree with the statements. Based on the presentations
48 and the information we've received in testimony, it
49 doesn't appear that there's going to be a conservation
50 issue raised by an increased participation or an

1 increased harvest, that it just -- the intent is to
2 establish a subsistence reference that is afforded
3 because of the customary and traditional use
4 determination yesterday, and because of the fact that
5 this community is rural, and ANILCA does speak to those
6 as being requirements.

7

8 I find that it is consistent.

9

10 I just want to make sure that as the
11 Board continues through voting on this that we do take
12 into consideration the Refuge's concerns that closures
13 that are currently in place for all hunters also remain
14 in place for this season. And I think we need to do that
15 by reference, not necessarily by specific regulations,
16 because I don't know if we could drag them all up right
17 now, but just so that it's the clear intent of the Board
18 when they vote in the affirmative on this that it doesn't
19 include the current closures where they exist.

20

21 Gary.

22

23 MR. EDWARDS: Mr. Chairman. I'm
24 certainly going to vote for something. But I still am
25 concerned about it doesn't make sense to have it three in
26 one area and two in the other. I just think it needs to
27 be consistent. I can support all two or all three.

28

29 I'm a little unclear how we're going to
30 -- and maybe I can ask Robin, how we do a registration
31 hunt, when people register, are they going to register
32 just for one unit or -- and then, because it's got a
33 three bag limit and then they register for the other two,
34 because there are two. I mean, what kind of
35 complications will that set up, or if it's not a problem,
36 then maybe there's not an issue.

37

38 CHAIRMAN FLEAGLE: Robin.

39

40 MR. WEST: Yes, Mr. Chair. Mr. Edwards.
41 It certainly I think would be our preference if you're
42 going to do a registration permit hunt that it would be
43 for all of the hunting opportunity on the refuge and not
44 split as it seems to be proposed right here. And, in
45 fact, the majority of harvest on the Refuge by Ninilchik
46 probably would be in 15C based on history and proximity.
47 So regardless of what the bag limit is, the decision of
48 the Board on two or three bears, I think, yeah, the
49 permit application should be consistent in our opinion.

50

1 CHAIRMAN FLEAGLE: Further discussion.
2 Ralph.

3
4 MR. LOHSE: I'd like to stand corrected.
5 It was pointed out to me that the current State bag limit
6 in 15C is two bears. It's the current subsistence bag
7 limit that's three bears, so I stand corrected on that.

8
9 CHAIRMAN FLEAGLE: Thank you. Larry
10 Buklis.

11
12 MR. BUKLIS: Mr. Chairman, the question
13 was asked to Robin West, and I'm not sure if his response
14 conveyed to you an aspect that he might have been trying
15 to communicate, but the existing regulation in 15C, which
16 is not proposed for change in your motion, would -- 15C
17 is a harvest limit of three under the Federal regulation,
18 no permit required. There was some dialogue about three
19 bear or two bear, how would the permit system handle
20 that. I don't know if you got that out of his response,
21 but in 16C it's a three bear harvest limit and no Federal
22 registration permit required. The system wouldn't apply
23 in that part of 15. 15A and B, the proposal advanced by
24 the Council and in your motion is to apply that two bear
25 limit and a Federal registration permit up in A and B,
26 but it's silent on C.

27
28 Thank you, Mr. Chairman.

29
30 CHAIRMAN FLEAGLE: Appreciate that,
31 Larry. Judy.

32
33 MS. GOTTLIEB: Mr. Chair. And just a
34 follow up to what Larry said. I wonder, Ralph, if you
35 recall, was there a discussion on whether the
36 registration permit requirement should apply to C or were
37 you focused only on A and B?

38
39 CHAIRMAN FLEAGLE: Ralph Lohse.

40
41 MR. LOHSE: Thank you, Judy. In my
42 recollection there was no discussion on that, because it
43 was just taken for granted that there already was a
44 subsistence hunt in Unit 15C. I can't speak for the
45 users, but I do know that the users in that area are very
46 cooperative when it comes to trying to do things like
47 record keeping and registration hunts, and I think it's
48 within the prerogative of the Board up there to address
49 the whole thing.

50

1 But our recommendation is for 15A, 15B,
2 two bears and a registration hunt for 15A, 15B.
3
4 CHAIRMAN FLEAGLE: And that is what the
5 motion reads. Further discussion.
6
7 (No comments)
8
9 CHAIRMAN FLEAGLE: Ready for the
10 question. It sounds like we're done with discussion.
11 The question's recognized. Pete, on Proposal 16b, please
12 poll the Board.
13
14 MR. PROBASCO: Thank you, Mr. Chair.
15 Final action on WP07-16b, adopt with modification as
16 recommended by the Southcentral Alaska Subsistence
17 Regional Advisory Council, Unit 15 black bear, Units 15A
18 and B, two bears by Federal registration permit, July 1
19 to June 30th.
20
21 Mr. Edwards.
22
23 MR. EDWARDS: Nay.
24
25 MR. PROBASCO: Mr. Fleagle.
26
27 CHAIRMAN FLEAGLE: Aye.
28
29 MR. PROBASCO: Ms. Gottlieb.
30
31 MS. GOTTLIEB: Aye.
32
33 MR. PROBASCO: Mr. Cesar.
34
35 MR. CESAR: Aye.
36
37 MR. PROBASCO: Mr. Oviatt.
38
39 MR. OVIATT: Aye.
40
41 MR. PROBASCO: Is that aye? And Ms.
42 Kessler.
43
44 MS. KESSLER: Aye.
45
46 MR. PROBASCO: Mr. Chair. Motion
47 carries, five/one.
48
49 CHAIRMAN FLEAGLE: Thank you Pete. We
50 now move on to Proposal 17A.

1 MR. PROBASCO: Mr. Chair.

2

3 CHAIRMAN FLEAGLE: Yes, Pete, go ahead.

4

5 MR. PROBASCO: Mr. Chair. Just real
6 quick, a little housekeeping. You did pull some
7 proposals, Proposal WP07-39 through 45. I talked with
8 Staff. Those proposals for the public will be taken up
9 after we do Western Interior Alaska. So Seward Peninsula
10 proposals will be inserted between Western Interior and
11 Northwest Arctic.

12

13 Mr. Chair.

14

15 CHAIRMAN FLEAGLE: Thank you, Pete. We
16 also had a request from the ADF&G that a presentation
17 that was going to be provided on the Mulchatna Caribou
18 Herd be taken up today, and it appears that's going to
19 match our agenda anyway, but we will make sure that we do
20 accommodate that.

21

22 We now move on to 17a dealing with brown
23 bear, and turning over the Staff analysis. This is Liz
24 Williams is going to start us out.

25

26 MS. WILLIAMS: Good morning, Mr. Chair.
27 Members of the Board. I'm Liz Williams of the Office of
28 Subsistence Management.

29

30 WP07-17a was submitted by the Ninilchik
31 Traditional Council, and it requests a customary and
32 traditional use determination for brown bears in Unit 15
33 for Ninilchik residents.

34

35 Currently there is no Federal subsistence
36 priority for brown bear in Unit 15. When the Federal
37 management program was established in 1990, the State's
38 customary and traditional use determinations were
39 adopted. For Unit 15 there was a no subsistence
40 determination for brown bear, which meant that no
41 Federally-qualified rural residence were eligible to
42 harvest brown bear in Unit 15.

43

44 On April 12th, 1994 the Federal
45 Subsistence Board addressed customary and traditional use
46 determinations for all large land mammals on the Kenai
47 Peninsula, but they deferred these proposals until a
48 process and schedule for making customary and traditional
49 use determinations statewide could be established. The
50 Board addressed these proposals May 3rd, 1996 and

1 continued the earlier determination adopted by the State
2 of no subsistence priority for brown bear in Unit 15.

3
4 Before he left, I asked Bill Knauer, our
5 former regulations specialist, why did this happen, and
6 he said, essentially most of the C&T that was going on at
7 that time, as I mentioned yesterday, it was a crazy time.
8 They were doing analyses for most of the large land
9 mammals on the Kenai Peninsula all at once and it was
10 litigious, and moose were the priority. Bill Knauer said
11 that the main reason no one -- of course, the Kenai
12 Peninsula is a non-subsistence area for the State, so
13 there wouldn't be C&T determinations anyway at that
14 point, but most people just felt like brown bear weren't
15 used for food, so no one considered it.

16
17 And when I went back and read the
18 transcripts from that time, unlike black bear where a
19 specific proposal by the Kenai Peninsula Outdoor
20 Coalition was submitted, there was never a proposal about
21 brown gear on the Kenai Peninsula, and it was just sort
22 of left behind after all the moose and other things. And
23 so now I would think that Ninilchik is bringing it
24 forward for that reason, that it just kind of fell by the
25 wayside.

26
27 I was hoping that 16a and 17a could
28 happen on the same day so I wouldn't have to repeat
29 myself. And in deference to the fact that there are new
30 people in the audience today, I will briefly go over some
31 of the history of Ninilchik, because I think it sets the
32 stage for what you have to consider about the use of
33 brown bear. And Bill Knauer knew it and I know it that
34 it's absolutely not true that it's absolutely not true
35 that brown bear were not used for food on the Kenai
36 Peninsula. In fact there's a lot of documentation and
37 history about their use, and in current testimony as
38 well.

39
40 Just to start back, Ninilchik was a
41 community planned by the Russians for people of Alutiiq
42 and Russian descent, retirees from the Russian American
43 Company to settle in the Kenai Peninsula. They picked a
44 place where there were a lot of natural resources, fish
45 and game. When you look at the 1890 census data, it is
46 described as inhabited by 15 Russian Creoles, which was
47 the word at the time for people of blended Alutiiq and
48 Russian ancestry, a small number of natives of the Tnaina
49 Tribe, which is now pronounced Dena'ina, and is part of
50 the southern Athabaskan relation to Kenaitze people that

1 we also know. The population of Ninilchik was enumerated
2 as 12 White, 53 mix, 16 Indian.

3

4 And the reason I'm making this point is
5 because this was a cultural blending zone as most places
6 are. And all three of these cultures had histories of
7 brown bear harvest. The Alutiiq people of Kodiak have an
8 extremely strong brown bear harvest history. In fact,
9 often they have referred to brown bear as their old form
10 of cattle, because there were so many they would eat them
11 as well as marine mammals.

12

13 The Dena'ina used brown bear extensively
14 as well. Both Russian and American accounts that I cite
15 in the account talk about the harvest of brown bear all
16 over the Peninsula, how their fur was used for bedding,
17 for sleds by kids, how certain parts of brown bear made
18 the best snowshoes, because they didn't bend when they
19 got wet, and the uses of the meat.

20

21 The Russians had to eat whatever was
22 here. the Russians couldn't get supplies fast enough
23 from Russia or Siberia. They ate what was here, and they
24 noted in a lot of their early Russian American Company
25 accounts how the bears are plentiful, the Russians eat
26 them. And a lot of those Russians were really Siberians,
27 so eating brown bear is not anything unusual.

28

29 So you bring all these three cultures
30 together in one place, and all the newcomers that come
31 later, too, have started to, or have brought their own
32 brown bear traditions. And so I just can't emphasize
33 enough that eating brown bear, harvesting brown bear is a
34 long-term pattern of use of bear in this community.

35

36 The second thing I talked about yesterday
37 was we often look, maybe from the Anchorage perspective
38 of we see the road coming down the Peninsula, it opens it
39 up. If you live in Ninilchik, from a long-term historic
40 point of view, you may see just the opposite sort of
41 angle as things were narrowing or you. The road came
42 down, suddenly there's public and private land entities.
43 The Moose Refuge which later turned into the Kenai
44 Refuge, there were places you suddenly couldn't go that
45 you used to go. So while we may look from this direction
46 as that road opening up opportunity, for Ninilchik
47 people, it narrowed the patchwork with which they could
48 work.

49

50 And the reason that this would be their

1 perspective is that from Ninilchik people started out
2 there, the Kenaitze, the Dena'ina, subsistence harvesting
3 wherever they happened to go. Populations move, people
4 move with the populations. Depending on what's where,
5 people would move to harvest. When the Russians came,
6 they were after furs and they employed the local people,
7 including Russians, Dena'ina and Alutiiq to trap for
8 them, because those were the people that knew how to
9 harvest the stuff in Alaska.

10

11 When Americans came, mining was a big
12 factor. Native people in Ninilchik owned mining claims,
13 according to Mary Berry's History of Mining on the Kenai
14 Peninsula. Joseph Cooper is one of the founders of -- or
15 his name is used for Cooper Landing. And he was married
16 to one of the original families of Ninilchik, a
17 Kavasnikof woman. He, too, and all of the other people
18 in Ninilchik with mining as well as trapping and
19 subsistence, were constantly moving all round the Gulf of
20 Alaska. The Peninsula was their base. And I don't mean
21 they were all over, but, you know, they weren't confined
22 like maybe we are in our little trail of our work and our
23 office and stuff. It was a different time, much like our
24 own ancestors that may have moved about.

25

26 When commercial fishing became the second
27 big industry in the American period , it was another
28 natural for Ninilchik people, because again that was
29 something they were used to doing.

30

31 And so there are all these different
32 economic pursuits that people had that kept them all over
33 the land and the water. We've had questions before at
34 Board meetings. How did people get somewhere before
35 there were roads. Well, water is transportation. And
36 people walked. There are lots of accounts of people all
37 over the State walking. People from Nicolai, McGrath,
38 would walk to Susitna Station to trade.

39

40 There are a couple of more recent
41 accounts as well about Ninilchik. There was a man named
42 Wayne Leman, part of one of the old families, who wrote a
43 book about the history. And there are a couple of
44 stories in there about women and men and their families
45 walking from Ninilchik to Homer.

46

47 So people being out on the land is just
48 -- we can't look at it through our lenses. We have to
49 look at it through theirs.

50

1 The other thing is I just want to point
2 out again Russian, American, all ethnographic accounts
3 talk about harvest of brown bear. More recently we have
4 the former president of Ninilchik Traditional Council,
5 Grassim Oskolkoff, talking about harvesting brown bear in
6 the Caribou Hills. And as I mentioned yesterday, that's
7 a very specific hunting pattern or behavior where people
8 will walk up the hills and float what they harvest down
9 back to their home base by water, which was often Deep
10 Creek.

11
12 The other thing about brown bear to
13 remember is that everybody doesn't always do that. It's
14 a dangerous animal. It's a specialized hunt. It's not
15 something that you might do all the time, and it's
16 probably not what you eat every day.

17
18 I want to talk about something else, too.
19 When I talk about these narrowing things, after the RAC
20 meeting -- there was extensive discussion at the RAC
21 meeting about how the opportunity for brown bear
22 harvesting has diminished over the years, so again from a
23 Ninilchik perspective where you were just out on the land
24 and there wasn't a lot of other people in the beginning,
25 before the 50s, there weren't a lot of regulations. But
26 progressively, with oil and the road and the population
27 growth, more and more people have led to more and more
28 regulations. And I went back to the State Fish and Game
29 Federal aid reports, which are always very good histories
30 of what has happened, and I also asked my counterpart,
31 Greg Risdahl, to help me look at what has been going on,
32 and how does that give us context for Ninilchik's harvest
33 of brown bear. And I'm just going to kind of briefly go
34 over this.

35
36 In 1902 brown bears were given game
37 status. 1937 through '38, all of Alaska, except for
38 Southeast and Southcentral, had no seasons, no bag
39 limits, but you had a limit of two in Southeast and
40 Southcentral. In 1959 you could get one brown bear. In
41 1961 there was a mandatory sealing program implemented.
42 In 1967, this is a watershed date, the regulations on the
43 Kenai Peninsula changed from one brown bear every four
44 years. So when we look at harvest data, we really need
45 to consider that you could only get one very four years.

46
47
48 In the 70s the seasons ranged from 20 to
49 45 days. In 1978 there was a spring hunt opened in Unit
50 15. In 1980 they opened one in Unit 7.

1 And speaking of Unit 7, that's a really
2 important thing to consider also. It appears that the
3 State manages the Kenai Peninsula as a whole. So you
4 look at Unit 7 and 15. It appears to me, and there are
5 some of the managers in here who can correct me if I'm
6 wrong, but that the harvests on the Kenai Peninsula are
7 looked at as a whole.

8
9 In 1984 the InterAgency Brown Bear Study
10 Team was instituted, and this is important, too, because
11 these regulations are being narrowed for a reasons. As
12 more and more people move to the Peninsula, the incidence
13 of defense of life and property kills of brown bears are
14 skyrocketing, and so Fish and Game's not being mean.
15 There's a real conservation concern about brown bear.
16 And a big part of it is habitat. And the spruce beetle
17 kill and how all of that logging area is just destroying
18 habitat for brown bears, which is leading them to more
19 human-populated areas, more and more human contacts.

20
21 In '89 the fall season was reduced by 14
22 days, because there were a lot of mistaken identity kills
23 by moose hunters that had a concurrent season. In 1994
24 the Board of Game shortened the fall season to 25 days.
25 In 1995 the fall season was closed by emergency order.
26 In 1996 the fall season was closed due to emergency
27 order.

28
29 In 1997, this is really important, too,
30 is that the hunt became a registration hunt. So only as
31 of 1997 do we start to have information about hunter
32 effort, which as I expressed yesterday is really a
33 critical piece when you look at harvest and hunter
34 effort, you really have to look at those two together to
35 get a clear context.

36
37 Also in 1997 the fall season was closed
38 due to emergency order, and the hunt was reduced by
39 length to 16 days. In 1998, the fall season was closed
40 due to emergency order, and they switched management from
41 calendar year management to regulatory year management,
42 which I'm sure is very clear to most people, but for me
43 it makes it maybe a little harder to understand the
44 numbers. In 1999 they changed from a spring registration
45 permit, I believe it was canceled, to a fall registration
46 permit only, and they closed Russian or Goat Creek area
47 because of salmon carcass feeding. And they shortened
48 the fall season from 16 days. In 2000, the Board of Game
49 permanently closed the spring season. In 2002 the season
50 was closed. In 2003 the season was closed, and they

1 changed from regulatory year management to calendar year
2 management. In 2004 the season was opened for three days
3 open. 2005, the season was closed. 2006, the season was
4 closed.

5
6 And, so, I'm sorry to give you all that
7 information, and we don't usually talk about regulatory
8 stuff in a C&T, but when the focus of C&T discussions
9 lately have been just on what has been killed, we really
10 have to look at this regulatory narrowing to understand
11 why Ninilchik doesn't show huge harvest of brown bear.
12 And when you look at other communities that have Federal
13 C&T for brown bear, you don't see communities harvesting
14 brown bear every year. I just flipped through the regs
15 and looked at some other communities with C&T. For
16 Shishmaref, there are two years of data. One year --
17 from the Subsistence Division, excuse me -- they got six
18 bear. Another year they got zero. Larson Bay, some
19 years -- they got three in '97, they got one in '82, and
20 that's out of six years of data. So you don't always get
21 one every year, which has been another question I've
22 received.

23
24 So back to some of the early research --
25 or not the early research, but research that the Board
26 needed when they were making these customary and
27 traditional use determinations. As I mentioned
28 yesterday, and I know it sounds very repetitive, but I'm
29 looking at the same bear studies from the same
30 organizations. Two from Division of Subsistence, two
31 from Ninilchik Traditional Council, and we also look at
32 the bear sealing data.

33
34 When you look at the, excuse me, the
35 first Division of Subsistence study, which is on Page 2
36 of 4, conducted based on harvest estimates from the
37 calendar year '98, let's see, we -- oh, no. First --
38 excuse me. The first Subsistence Division paper I'm
39 looking at is Technical Paper 106, and it looked at the
40 Kenai, Homer, Ninilchik and Seldovia area subsistence
41 harvest between 1982 and 1983. This was a small sample.
42 It was 11 percent of the community, or 24 households.
43 The survey for this year's Subsistence Division research
44 did not have a question about brown bear on it, so we
45 don't have any information about brown bear in that time
46 period, but it was because it wasn't asked.

47
48 In 1998 there's a Division of Subsistence
49 Technical Paper 253, Wild Resource Harvest and Uses by
50 Residents of Selected Communities of the Kenai Peninsula,

1 which included North Fork Road, Fritz Creek East and
2 Nikolaevsk from the calendar year 1998. There were 400
3 households in the study area which included Ninilchik and
4 Happy Valley CDP, and Clam Gulch. The sample size was
5 25.3 percent of the community, or 101 households. The
6 study indicated that in 1998 2 percent, approximately 8
7 households within the entire community of 400 households
8 of Ninilchik tried to harvest brown bear, that none used,
9 harvested, received or shared it. In addition to harvest
10 data, residents were asked about the location of their
11 harvest. In a table in that technical paper, 1 percent,
12 approximately 4 households of 400, reported hunting, but
13 not harvesting, brown bear in Unit 15B within the Kenai
14 National Wildlife Refuge. One percent, which is 4
15 households of the 400 sample, reported hunting brown bear
16 elsewhere. There were no other brown bear hunt locations
17 noted in this table.

18

19 In contrast, though, it's noted in that
20 study, to other communities in the study, only in
21 Ninilchik were there any brown bear hunters. This
22 activity occurred within the Refuge boundaries in Unit
23 15B and off the Kenai Peninsula.

24

25 Now these data were not available to the
26 Board when they talked about brown bear in 1996. But if
27 you look at the year that the data were collected by
28 Subsistence Division, it was people's harvest of 1998.
29 If you go back to the regulatory history that I gave you,
30 the fall season was closed by emergency order in 1998.
31 So when we see low numbers of harvest, it's because the
32 season was closed.

33

34 We have two studies by Ninilchik
35 Traditional Council. One in 1994 which were surveys very
36 much targeted, not a general survey like the Subsistence
37 Division, that were -- 20 percent showed -- are you
38 coming to talk to me?

39

40 CHAIRMAN FLEAGLE: This all on the
41 record. You don't have to repeat it.

42

43 MS. WILLIAMS: Well, it was black bear
44 yesterday, and today is brown.

45

46 CHAIRMAN FLEAGLE: Okay. But this
47 is.....

48

49 MS. WILLIAMS: Okay. So I should stop.
50 Okay.

1 CHAIRMAN FLEAGLE: Summarize.

2

3 MS. WILLIAMS: Okay. See, I knew they
4 would tell me stop.

5

6 1994 the survey was Ninilchik residents,
7 their lifetime memory. People in Ninilchik remembered
8 harvesting, hunting, using brown bear up to 1994.

9

10 In 1999 it shows no use of brown bear,
11 but if you go -- and the 1999 study was just Ninilchik
12 people's harvest from '94 to '99. Well, if you go back
13 to the regulatory history, the fall season was shortened
14 in '94, closed by emergency order in '95, closed '96,
15 closed '97, and closed '98. So they don't remember
16 harvesting brown bear between 1994 and 1998, because they
17 couldn't.

18

19 We have up on our screen 38 brown bears
20 reported harvested by Ninilchik residents between '62 and
21 2006. Greg Risdahl worked tirelessly on finding out
22 about the bear harvest of Ninilchik and what he found is
23 that because their regulatory or their opportunity to
24 harvest brown bear in their own area was nonexistent
25 through most of the time, people went to a lot of other
26 parts of the state. So that 38 brown bears shows that
27 people in Ninilchik harvest brown bear, but they didn't
28 harvest them necessarily in Ninilchik.

29

30 If you turn to the map where -- Page 202
31 and 203, we found out that a lot of the recent kills on
32 Page 203, including 2003 and 2002, are defense of life
33 and property kills. The 1994 is a defense of life and
34 property. The only other defense of life and property is
35 a 1975. Like I said yesterday, this is just a tiny
36 fraction of the data we could consider. It's not the
37 whole picture.

38

39 There are also some comments that I would
40 like for you to hear that were from the Southcentral RAC
41 meeting which showed the logic that lead them to approve
42 or to support the C&T for brown bear for Ninilchik in all
43 of 15, and I'll just summarize these.

44

45 But Doug Blossom, who's a Southcentral
46 RAC member, talked about harvesting brown bear with
47 Grassim Oskolkoff. He doesn't even remember how old he
48 was, but he did shoot one.

49

50 Other people talked about the

1 relationship between enforcement and rural residents, and
2 that there's a bad relationship which leads to under-
3 reporting. I think also a lot of that under-reporting is
4 about misunderstanding and thinking that things are going
5 to be held against them.

6

7 Someone from Ninilchik testified about
8 asking for 15A because animals move and there are large
9 concentrations of people that move, and they wanted to
10 have the area that was available to them to be large
11 enough to accommodate their needs.

12

13 As I noted before, Mr. West talked about
14 the State looking at both Unit 7 and Unit 15, and that
15 it's opened or closed until the quotas are reached. So
16 it's a big management area.

17

18 CHAIRMAN FLEAGLE: Okay. Could we just
19 have this wrapped up.

20

21 MS. WILLIAMS: I'm done.

22

23 CHAIRMAN FLEAGLE: We do have it all in
24 front before us.

25

26 MS. WILLIAMS: Okay. Thanks. That's it.

27

28 CHAIRMAN FLEAGLE: Okay. Thank you, Liz.

29

30 Questions from Board members for the
31 analysis. Gary.

32

33 MR. EDWARDS: I will be willing to yield
34 my first question to Ralph, if that's okay.

35

36 CHAIRMAN FLEAGLE: Ralph Lohse.

37

38 MR. LOHSE: Do you by any chance have a
39 record of when they started charging for the permit for
40 brown bear?

41

42 MS. WILLIAMS: No, I didn't know that
43 they did. I just know they started it in 1997.

44

45 MR. LOHSE: Because I think that would
46 also have an effect, because I do know people who would
47 have hunted brown bear but they didn't -- weren't willing
48 to pay for a permit ahead of time on the chance that
49 they'd get one.

50

1 MS. WILLIAMS: I think there are people
2 in the audience who would know.

3
4 CHAIRMAN FLEAGLE: Gary.

5
6 MR. EDWARDS: You raised -- you brought
7 up this question of a harvest of 38 bears. That's not in
8 your write-up, is it?

9
10 MS. WILLIAMS: No. After the
11 Southcentral RAC meeting, and their long discussions
12 about regulatory prohibitions, I usually don't look at
13 regulations as a C&T analyst, but it became clear that
14 that was an issue that would affect what we saw as
15 harvest, and just there were also a lot of assumptions
16 made in the past records as I mentioned before that
17 people in Ninilchik just don't harvest brown bear. So
18 these 38 brown bear, crystal clearly most of them are not
19 from Ninilchik, but they're recent harvests in other
20 places, because people couldn't harvest them in Ninilchik
21 area.

22
23 MR. EDWARDS: Okay. Now, where did the
24 number 38 come from, what was the data that was used to
25 do that?

26
27 MS. WILLIAMS: I'll defer to Greg Risdahl
28 on this. He put some of it together for me.

29
30 MR. EDWARDS: Well, then let me ask a
31 couple of follow-up questions. How many of those were
32 recreational-related or sport kills, and how many of
33 those was the meat harvested.

34
35 CHAIRMAN FLEAGLE: Greg.

36
37 MR. RISDAHL: Mr. Chairman. Members of
38 the Board. Yeah, I'll summarize this up very briefly in
39 about six points.

40
41 This information came from the sealing
42 harvest database provided by the Alaska Department of
43 Fish and Game. Looking into the harvest beginning in
44 1962 through the present time, 38 total brown bears were
45 harvested by residents of Ninilchik. 26 of those brown
46 bears were actually hunter kills. Twelve were killed in
47 defense of life and property. Five of the 26 brown bears
48 killed by hunters were taken in Unit 15, 21 and other
49 parts of the state. It's interesting to note that 10 of
50 the 12 brown bears killed in defense of life and property

1 were taken in Unit 15 and 2 in other parts of the state.

2

3

4

5 Ten brown bears were actually taken by
6 Ninilchik residents in Unit 15 when the registration hunt
7 was closed from 2002 through 2005. Four Ninilchik
8 hunters actually harvested multiple brown bears during
9 this time period. Actually 8 of 26 bears that were taken
10 by hunters. Sixteen residents of Ninilchik received
11 registration permits from 1997 through 2004 when they
12 instituted the registration permit system; however,
13 because the registration hunt was actually only open 4 of
14 those 10 years and one of the -- one of those 4 years
15 that it was open, it was only open 3 days. So basically
16 residents received 16 permits during a 4-year period when
17 they could hunt. Or excuse me, I got that -- the
18 registration hunt was close during 4 of 10 years, so they
19 received 16 permits during 6 years from 1997 to the
20 present time.

20

21

22 And as far as the hunter harvest in
23 spring versus fall, 21 of the harvested bears were taken
24 in the fall and 4 were taken in the spring.

24

25

Thank you.

26

27

28 MR. EDWARDS: Mr. Chairman. I'm still
29 trying to, I guess, get at my question. So out of the 38
30 bears, 9 of them were taken in Unit 15. Of those nine,
31 five were taken in defense of life and property. So four
32 were harvested for I'm assuming subsistence purposes
33 based upon this data.

33

34

35 So then that leaves the other 28 bears
36 were taken somewhere else. And I was trying to get an
37 understanding kind of where else were those taken and
38 were those taken from a subsistence standpoint or more
39 from a sport hunting standpoint, and I'm assuming that if
40 the meat was caught -- was kept, then I'm assuming that
41 was taken for subsistence purposes, and if not, then more
42 I guess sport hunting purposes.

42

43

CHAIRMAN FLEAGLE: Greg.

44

45

46 MR. RISDAHL: Mr. Chairman. Members if
47 the Board. Actually there were five bears taken in Unit
48 15 by hunters during this time period. Ten bears were
49 taken in defense of life and property in Unit 15 during
50 the same time period. And Liz has actually added up the
51 various numbers of hunter harvests and DLPs that took

1 place outside of the Kenai, and she can give you that
2 information.

3

4 Thank you.

5

6 MS. WILLIAMS: Would you like everything?

7

8 MR. EDWARDS: Well, no, I'm just trying
9 to get at my question. So apparently there were 28 bears
10 during this time period that were taken outside. And I'm
11 trying to understand what the purpose of that hunting
12 was.

13

14 MS. WILLIAMS: And I don't know. I mean,
15 does the database indicate whether they were eaten or
16 sport or not? I don't think it does. It just indicates
17 that they were harvested, correct?

18

19 There was one in Unit 4 that was a kill,
20 which is near Sitka, Unit 4. One DLP and one regular
21 harvest in Unit 6, which is Prince William Sound. Four
22 kills in Kodiak, Unit 8. One in Alaska Peninsula, Unit
23 9. Two in Unit 13 north of Palmer that were regular
24 killed and one was a DLP. Two regular kills -- excuse
25 me. One in Glennallen, Unit 11, which was just a regular
26 kill. Bristol Bay Unit 17, there was one regular kill.
27 Unit 16, there were three regular kills. Bethel, Unit
28 18, there were two regular kills. McGrath, Unit 19,
29 there was one regular kill. Unit 20 near Fairbanks, one
30 regular kill. Fort Yukon -- no, Unit 25, one regular
31 kill. North Slope, Unit 26, one regular kill.

32

33 MR. EDWARDS: Okay. All right. Thank
34 you. I have a couple of other questions. In looking at
35 the various surveys that were done, the 1994 survey done
36 by Ninilchik, you sort of imply that the 1990 -- it's
37 unclear here in the write-up, but I guess I read that
38 1990 was somewhat based upon the same process of 1994,
39 which tended to ask a broader question with regards to,
40 you know, where have you hunted, you know, looking back
41 in time. But you seem to imply that the 1990 one only
42 asked people to look back three years. And I guess my
43 question is, if the season was closed, why would the
44 survey only be asking people to look back on a time
45 period when they couldn't have hunted at all?

46

47 MS. WILLIAMS: The first study was 1994.
48 You're talking about the Traditional Council studies.
49 And that was -- they were asked in that one, 1994, to as
50 far back as they could remember. The other one was in

1 1999, and they were asked to remember just back to 1994.
2 They were doing these surveys at the time that all these
3 C&Ts were being looked at. I'm not sure why they chose
4 those time periods. Ninilchik is here, they can probably
5 speak to that later, but they were asking about all
6 resources in 1999, back to 1994, and bear was one of the
7 resources. So even if you didn't harvest something, you
8 were still asked about it. I mean, they didn't probably
9 -- they just asked about everything to document the
10 history of everything, not just one thing.

11
12 MR. EDWARDS: And, Mr. Chairman, one
13 more. It's more of a comment than a question.

14
15 I want to compliment you on a new
16 terminology that I think the Board ought to adopt, and
17 it's diversified repertoire of subsistence resources.
18 That's an interesting term I guess to describe when we're
19 looking at a broad array of potential resources out
20 there. I never had viewed it as a repertoire, but I
21 think that's an interesting term.

22
23 CHAIRMAN FLEAGLE: Other questions.

24
25 (No comments)

26
27 CHAIRMAN FLEAGLE: All right. Summary of
28 written public comments, Donald Mike.

29
30 MR. MIKE: Mr. Chair. There are no
31 written public comments. Thank you.

32
33 CHAIRMAN FLEAGLE: Thank you. Public
34 testimony.

35
36 MR. PROBASCO: Mr. Chair. We have
37 individuals who would like to testify. First out of the
38 chute is Darrel Williams.

39
40 CHAIRMAN FLEAGLE: Darrel Williams.

41
42 DR. WILLIAMS: Mr. Chairman. Members of
43 the Board. My name is Darrel Williams. I work for
44 Ninilchik Traditional Council.

45
46 And I would like to ask for a positive
47 finding for this C&T for Ninilchik for brown bear. I
48 would like to also note the testimony at the Southcentral
49 Regional Advisory Council. We talked about this in
50 depth. And in that testimony we demonstrated the eight

1 factors, and I'm going to do a really brief summary.

2

3 You know, for example, number 1, the
4 long-term use. There hasn't been a huge harvest, but
5 there's documented harvest. And there are some
6 interesting points that I'll get to after I finish this
7 about harvest on the Kenai Peninsula.

8

9 I think something that we should keep in
10 mind, too, is that rural residents in general are good
11 stewards. People understand that if you go out and
12 harvest all your stuff, you're not going to have any more
13 for next year. It's a very clear thing.

14

15 And the other part that comes into play
16 on that, too, is the seasons. People understand seasons.
17 They understand that in the springtime when things have
18 their babies, don't go hunting, and they respect that.

19

20 Recurring use. I'm very impressed with
21 the Staff analysis. It covered very well of what kind of
22 use there was over a period of time. And it also shows
23 up in other issues, such as the definitions of
24 handicrafts that I saw out there on the table when I came
25 in today.

26

27 Methods and means. Rifles and traps were
28 a couple of methods and means that are mentioned. It is
29 a very specialized hunting practice. It's evident in the
30 regulations of the Refuge. There are caliber
31 restrictions. If you went to Africa, there were be
32 caliber restrictions. They're not necessarily nice
33 animals. Excuse me.

34

35 Consistent harvest. Now, there's
36 documented and undocumented harvest that come along with
37 this. At the Southcentral Regional Advisory Council we
38 talked in depth about the shoot, shovel and shut up
39 variance that comes along with this. And I was very
40 interested in the number 38 that was on the projector
41 there, and realistically, I'd say over the last 60 years,
42 the numbers would probably be 238. And we need to look
43 at that.

44

45 And the compliance issue, and you've all
46 heard it from me before, we've had lots of discussions,
47 my motto is enforcement does not get a pass. Just
48 because they're not doing their job and they're not
49 writing it down, and they can't catch everybody, does not
50 mean it's not happening.

1 Handling and preserving. Smoking,
2 salted, dried, canned. There's a lot of books about
3 that, about how people preserve things and how they use
4 everything from the hide to the bone to the meat, and so
5 on and so forth. And the innards for making sausage and
6 whatnot.

7
8 The handing down of knowledge. This is
9 something I'd like to actually spend another moment on.
10 The traditional techniques in participation of harvest
11 for bear can be very specific. And it depends on your
12 method of harvest and how you're going to target the
13 species. You know, the handing down of knowledge in the
14 native community, in a lot of rural communities, tends to
15 be more oral. Most of these people do not sit down or
16 write books, which is something that we're all quick to
17 go and say, well, who published that.

18
19 And I think we have to be careful when we
20 look at this, because anthropology is a science that
21 addresses use in oral traditions and things like that,
22 not biology. So instead of -- there are times when we
23 have to listen to the users. And when we have the shoot,
24 shovel and shut up thing that happens, the input from the
25 users are an important thing.

26
27 Two generations ago, when you talk to the
28 older community in Ninilchik, the primary language was
29 Russian. And there's one gentleman that I'm very fond
30 of, he's an older man, and he tells me stories about when
31 he was in school, and if they spoke Russian, they would
32 be spanked. And to hand this gentleman a piece of paper
33 and say, fill this out or read this, it is a very
34 difficult task.

35
36 And I think this is where we get confused
37 between rural and urban society. They're two very
38 different things, and this is what this ANILCA is about.

39
40 The sharing. Meats, hides, crafts, and
41 labor is one -- labor is one of the things in the
42 sharing. It's not necessarily an easy task to process a
43 large animal. There's historical preservation
44 techniques, there's smoke houses, there's cellars,
45 there's a lot of community activities. When Ivan comes
46 up here with his sister and testified, we made beaver
47 stew here last week over meat that we saved from the
48 winter. And it's good stuff. And we do that. We get
49 together. It's a social activity. It's where people get
50 together and they do the oral traditions. And these

1 things happen.

2

3 The variety of use. I'm not going to
4 spend really any time on that. I think in all the
5 proposals Ninilchik's put forward, I think we've
6 demonstrated a variety of use.

7

8 The present seasons for brown bear. We
9 have a present season for brown bear, it happens every
10 year. It's called DLP. And when I say that, I have to
11 sit back and say, okay, what's being done about DLP
12 truly? Well, some people put out some bear-proof trash
13 cans. That's really nice. But what are they really
14 doing about DLP? Nothing. So as far as I'm concerned, I
15 call that a hunting season.

16

17 The Kenai Peninsula is managed as a whole
18 area, because of the range of the bears and how they roam
19 and migrate for whatnot. The game management units we've
20 been talking about is A, B, and C in 15.

21

22 The other thing I wanted to point was in
23 the ANILCA surveys that Ninilchik provided in the 1994
24 and the 1999, Kodiak was also a place that was heavily
25 used. And it's also a result of closures in areas where
26 people would still want to go harvest bear, and they
27 would put forth the effort to go and harvest these bear.
28 So the willingness of people to travel to go and find
29 these resources I believe is profound.

30

31 I think that we need to ask the right
32 questions when we're looking at the data that's presented
33 to us on the bear. And as a rural resident, a long-time
34 rural resident of the Kenai Peninsula, I can honestly say
35 there has been more than 38 brown bear harvested down
36 there. Many more. And the idea of getting in trouble
37 for harvesting a brown bear is unthinkable to most rural
38 residents.

39

40 And it kind of brings me into the next
41 point. We discussed at the RAC the threshold for this
42 proposed season which we will discuss more I'm sure later
43 today. But we -- there's other rural communities that
44 are putting in proposals now from the Kenai Peninsula,
45 and I think we need to realize that, too. It's not just
46 Ninilchik, and that's in your schedule coming up.

47

48 And finally, I do personally have some
49 questions about C&T. It's interesting that every time
50 that we have any process that we seek C&T for, we have to

1 demonstrate and prove C&T over again. It's become an
2 exhausting process. And maybe in some way, shape or form
3 we could think about that in the future and maybe try to
4 streamline it a little bit.

5

6 That concludes my testimony.

7

8 CHAIRMAN FLEAGLE: Thank you. Questions.

9

10 (No comments)

11

12 CHAIRMAN FLEAGLE: Appreciate the

13 testimony.

14

15 DR. WILLIAMS: Thank you very much, Mr.

16 Chairman.

17

18 CHAIRMAN FLEAGLE: Pete, next.

19

20 MR. PROBASCO: Thank you, Mr. Chair. The

21 next gentleman is Mike, an excuse me on the last name,

22 Crantord (ph).

23

24 MR. CRAWFORD: Crawford.

25

26 MR. PROBASCO: Crawford.

27

28 CHAIRMAN FLEAGLE: Mike Crawford.

29

30 MR. PROBASCO: Thank you.

31

32 MR. CRAWFORD: Hello. My name is Mike

33 Crawford. I'm with the Kenai/Soldotna Area Fish and Game

34 Advisory Committee.

35

36 The brown bear issue on the Kenai

37 Peninsula, we've got a DLP problem. Last year there was

38 29 DLP/human-caused mortalities that were reported, you

39 know, auto accidents or whatever they may have been,

40 which prevented a hunting -- up to that point -- up to

41 this year, the State's ran a registration hunt which it

42 has not been able to manage properly, just because the

43 number of bears would exceed the -- they had a limit of

44 20 -- we have a limit of 20 bears on the Kenai Peninsula

45 that could be killed due to human-caused mortality,

46 whether it's a DLP, a car wreck, a poaching incident,

47 whatever it was. And also in that number was eight

48 female bears. So once you reach eight female bears, that

49 eliminated the registration season. The reason why there

50 hasn't been a registration season in several years is

1 because of the high DLP count.

2

3 The new regulations that have gone into
4 effect are for a drawing hunt. These are State regs,
5 obviously, on a drawing hunt that will go into effect
6 this year. And there are still going to be -- the season
7 will happen or not happen based on that 20 bears not
8 being killed in DLP situations. And the State is going
9 to put those permits, the drawing permits into areas
10 where the high number of DLPs do occur. Our concern is
11 that a DLP is a waste of a resource, and we'd like to see
12 the number of DLPs dropped, and the way that's going to
13 happen is to maybe harvest some of these bears that are
14 in these areas of high DLP areas.

15

16 The Federal land areas where the
17 potential harvest would be for the -- under the
18 subsistence use, are not high DLP areas. The DLPs are
19 happening, you know, in Kenai and Soldotna, in Ninilchik,
20 along the highway towards Homer. They're happening in
21 the high -- where lots of people are fishing, hunt -- you
22 know, living. You know, bears get in garbage or
23 whatever.

24

25 We'd like to see, if there is a
26 subsistence hunt for bears, the number of registration
27 permits limited just so it could be managed properly, and
28 there would be a strict reporting so that if there is --
29 if you issue 50 permits, well, many bears can be killed
30 in one day. I spend a lot of time on Tustumena Lake in
31 the fall fishing, you know, and it's a good day when I
32 see a couple bears, but on one day I've seen eight bears,
33 you know. Well, that could have been eight dead bears,
34 which would have exceeded the limit or the proposal on
35 the two brown bears for the subsistence hunt.

36

37 So we'd like to see some close management
38 of that. We'd like to see the ability of the Refuge
39 manager to be able to close the season in accordance with
40 the State regs, or whatever the right terminology is, so
41 they work together to manage the brown bear population on
42 the Kenai Peninsula.

43

44 I got a little out of whack here.

45

46 So that's our concern. We want to see
47 both a sport hunt and a subsistence hunt of the brown
48 bears on the Peninsula, managed in an appropriate way
49 towards conservation. I guess that's it.

50

1 CHAIRMAN FLEAGLE: Okay. Thank you.
2 Questions.
3
4 (No comments)
5
6 CHAIRMAN FLEAGLE: Thanks for the
7 testimony.
8
9 Do we have other testimony, Pete?
10
11 MR. PROBASCO: Yes, Mr. Chair. We have
12 Ivan Encelewski next.
13
14 CHAIRMAN FLEAGLE: Ivan.
15
16 MR. ENCELEWSKI: Thank you, Mr. Chairman.
17 Members of the Board. Obviously I'm here to speak in
18 favor of the C&T finding on brown bear.
19
20 I think it was addressed very well in the
21 Staff analysis, the regulatory restrictions, the
22 regulatory restrictions beyond the control of the
23 subsistence users. I think it's been painfully clear
24 that we've been regulated out of hunting for many, many,
25 many years, and I think that needs to be taken in
26 consideration when you look at the actual number of brown
27 bear harvested and that kind of stuff.
28
29 I also want to touch on -- we talked
30 about subsistence and, you know, this meat issue. You
31 know, subsistence isn't just about meat. Subsistence is
32 about the spiritual, cultural, traditional aspect. It's
33 everything. It's not meat, it's bones, it's fur, it's
34 the, you know, going home and, you know, making things
35 out of the fur. So even when the hide is taken, there's
36 the traditional and subsistence aspect to that. So I
37 think that needs to be thought about.
38
39 On a personal note, I live in the area,
40 all my life. I hunt that area. We manage 64,000 acres
41 of land. And I can personally testify that I see about
42 three times the amount of brown bear than I do black bear
43 any more. The population is very healthy. It's very
44 alarming to me over the years to see a lot more brown
45 bear than you do black bear. And that's just on a
46 personal note. I can attest to that.
47
48 Another thing that I've talked about
49 earlier, years ago, on the taste and, you know, whether
50 bear was traditionally used as meat. I think Darrel

1 touched on it earlier, we're blessed to have some beaver
2 and we made some stew. I personally ate the eyeballs
3 raw. That might sound weird to people or -- but I enjoy
4 it. That's -- you know, it makes some people -- so I
5 think the discussion about the taste and this and that,
6 we talked about the moose and the rut, and whether
7 they're, you know, edible and that kind of stuff. I
8 think there's a lot of people in the traditional aspect,
9 the native people, that enjoy things that would probably
10 make a lot of people vomit, honestly. And so I don't
11 think the discussion about, you know, taste and what's
12 good -- you know, one man's trash is another man's
13 treasure. And so I think that's something that needs to
14 be thought about.

15

16 You know, and discussion about the -- you
17 know, I got a permit about three years ago when I paid
18 the money to get the thine. By the time I got my gun and
19 my hunting clothes, the thing was closed down. And that
20 was one year out of, you know -- So there went my money.

21

22 Basically I think again the defense of
23 life and property, we're talking about 30 bears, and
24 we're asking for two. I think Ninilchik has always been
25 conservative in their approach. The rural residents and
26 the subsistence users in my opinion are the best
27 conservationists in the world. Without that, if we were
28 to go and get all the resources, we wouldn't have any for
29 our future and our kids, and that's the important thing.
30 You know, I don't stand here and come to these meetings
31 again and again, but not only just for myself, but for my
32 children and the people I represent, for the future. And
33 that's important.

34

35 Let's see. The other thing I'd like to
36 touch on a little bit is the management issues, you know,
37 and another thing that I -- not to get on my soap box,
38 but when you talk about management issues, you know, when
39 we can't do that, because we'll have trouble managing it.
40 I don't see anything in ANILCA that talks about we can't
41 give subsistence users their preference and their
42 traditional right, because we don't know how we're going
43 to manage it, or we can't print a permit, because there's
44 going to be confusion. I don't see anywhere in ANILCA
45 where it talks about that. It talks about giving a
46 meaningful preference to the subsistence users, and
47 whatever it takes to get that meaningful preference, I
48 think that needs to be done. In regards to that.

49

50 The other thing I talk about is the

1 threshold. You know, it seems that more and more the
2 sport has talked about this threshold, you know, and we
3 see it with our salmon and that kind of stuff. What is
4 the threshold, you know. I think there's clearly
5 evidence of subsistence use, patterns. And what is this
6 threshold, this standard that is going to be applied
7 here? Is it one bear? Two bear? Five bear? We see it
8 with our fishing. You know, what is this threshold? And
9 I don't think there is a threshold, and I don't think
10 ANILCA talks about a threshold. It talks about customary
11 and traditional use, and I don't think it put limits or
12 five percent or one percent. What is this imaginary
13 number or percentage of people that utilize this to be
14 able to give us a C&T?

15

16 And so with that, I again thank the Board
17 and it seems like I've been here quite a bit, but I do
18 appreciate your discussions, and I'll conclude.

19

20 Thank you.

21

22 CHAIRMAN FLEAGLE: Thank you. Questions.

23

24 (No comments)

25

26 CHAIRMAN FLEAGLE: All right. Pete, do
27 we have any others?

28

29 MR. PROBASCO: Yes, Mr. Chair. The last
30 on this agenda item is Kenny Odman and Anna Grant.

31

32 CHAIRMAN FLEAGLE: Kenny Odman and Anna
33 Grant.

34

35 MR. ODMAN: My name is Kenny Odman, NTC,
36 subsistence user.

37

38 MS. GRANT: And I'm Anna Grant again.

39

40 And, well, as I stated before, you know,
41 my father and son are out hunting now. My first
42 grandchild would be my father's only great granddaughter,
43 and he wants to make her a parka. You know, I wore one,
44 my sons wore one. My dad's not going to be here much
45 longer. I'd really like my granddaughter to have one.

46

47 That's it for me.

48

49 MR. ODMAN: Well, I kind of agree with
50 some of the others. I'm not buying this defense of

1 property. I think that's reasons that the bears are
2 being lured in, whether it's due to garbage or discarded
3 fish, or, you know, having a compost pile. We're slowing
4 encroaching on the bears. The bears were there before
5 us. And I think there's other concerns that, you know,
6 we need to address, but our customary and traditional use
7 should be the first one.

8

9 Thank you.

10

11 CHAIRMAN FLEAGLE: Thank you. Questions.

12

13 (No comments)

14

15 CHAIRMAN FLEAGLE: Thank you. Any other
16 public testimony.

17

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

19

20 CHAIRMAN FLEAGLE: Thank you, Pete.

21

22 Regional Council recommendation, Ralph
23 Lohse.

24

25 MR. LOHSE: Thank you, Mr. Chair. If
26 you'll look on Page 196 you'll see the Regional Council's
27 recommendations. We support establishing a positive
28 customary and traditional use determination for brown
29 bear, and it says in Unit 15A, but that was in Unit 15.
30 That was not limited to 15A for residents of Ninilchik.

31

32 We feel that the community of Ninilchik
33 has demonstrated that they've used brown bear in the
34 past. Some brown bears are harvested within public lands
35 during the hunting season, so some of the take has been
36 on public lands. And the opportunity to harvest brown
37 bear's been decreased due to competition and I'll say
38 past and existing hunting regulations, harvest
39 regulations. And I think that was adequately pointed out
40 by our earlier speaker.

41

42 And with that, I'm just going to let it
43 go. I don't see much more that needs to be said on it.

44

45 CHAIRMAN FLEAGLE: Okay. Thank you,
46 Ralph. Questions.

47

48 (No comments)

49

50 CHAIRMAN FLEAGLE: Alaska Department of

1 Fish and Game comments. That would be Tina Cunning.

2

3 MS. CUNNING: Mr. Chairman. We entered
4 extensive comments regarding the community and patterns
5 of use in the record yesterday. I'm going to refer the
6 Board to our written comments and the record we entered
7 yesterday, and only hit just a couple of highlights for
8 you, to shorten it up.

9

10 The Staff analysis does not provide
11 substantial evidence of a long-term, recurring,
12 consistent pattern of community use of brown bear by the
13 Community of Ninilchik. The Staff analysis, the
14 Department's subsistence studies and the Ninilchik
15 Traditional Council surveys provide no new evidence to
16 document changes in the composition of the community or
17 its uses in the subsequent 13 years since the original
18 decision in 1996 by the Federal Subsistence Board.

19

20 The Staff analysis acknowledged the eight
21 regulatory factors that must be evaluated by the Federal
22 Board to determine whether the community or area
23 generally exhibits a long-term consistent pattern of use
24 for a stock or population in a particular geographic
25 area. However, the Staff analysis does not specifically
26 discuss each of these factors, and includes very little,
27 if any, substantive evidence that could be interpreted to
28 show the community generally exhibits any of the factors.

29

30 The Staff analysis suggests that any
31 documented use, no matter how small or infrequent by the
32 community in any unit of the State is a customary and
33 traditional use. This approach of focusing on minimal
34 uses or on uses of other resources is inconsistent with
35 the Federal regulatory requirements for rendering a
36 positive customary and traditional use determination
37 which require a community to generally exhibit the eight
38 factors, most of which require a pattern of use with
39 relation to particular wildlife populations in the area.

40

41 The Federal Staff comments appropriately
42 note the absence of harvest in 15A and the minimal
43 harvest in 15B. However, the Staff comments
44 inappropriately apply -- imply that the harvest of nine
45 brown bear over the 31-year period without any evidence
46 of harvest on Federal public lands or for subsistence use
47 in 15C could support a customary and traditional
48 determination for that subunit.

49

50 The 12 DLP which have been recorded by

1 Ninilchik residents out of the 38 are wrong to be
2 considered to justify a C&T. DLP are killed to defend
3 life or property. The hide and the skull are
4 surrendered, and the carcass is dumped.

5
6 In conclusion, the Department does not
7 believe that the level of harvest of any Unit 15 brown
8 bear population by residents of Ninilchik generally
9 exhibits a long-term, consistent pattern of customary and
10 traditional use as required by Federal regulations, and
11 that no substantial evidence is provided to support a
12 reversal of the earlier customary and traditional use
13 findings by the Federal Board.

14
15 CHAIRMAN FLEAGLE: Thank you. Questions.

16
17 (No comments)

18
19 CHAIRMAN FLEAGLE: Appreciate the
20 comments.

21
22 The Chair would like to take this
23 opportunity to recognize Commissioner Denby Lloyd to the
24 audience. Welcome, Commissioner.

25
26 InterAgency Staff Committee comments,
27 Larry Buklis.

28
29 MR. BUKLIS: Thank you, Mr. Chairman.
30 The comments from the InterAgency Staff Committee on
31 Proposal WP07-17a can be found on Page 210. I'll
32 highlight a few key points.

33
34 In its review of the Southcentral Council
35 recommendation for Proposal 17a, the Staff Committee
36 discussed the application of the factors evaluated to
37 determine customary and traditional subsistence use.
38 Many of the points we made yesterday regarding black bear
39 for 16a would apply to these comments, so I'll highlight
40 a few of the key points that might be more unique to
41 this.

42
43 The Staff Committee that although the
44 Staff analysis presented very limited documented
45 information on the harvest of brown bears in Unit 15B and
46 none in 15A, the Southcentral Council believes that the
47 customary and traditional use determination should be
48 inclusive for all subunits of Unit 15. Division of Unit
49 15 into subunits can be viewed as useful for resource
50 management purposes, but may not be necessary for C&T

1 determinations.

2

3

4 An alternative view is that the Staff
5 analysis may provide support for a positive customary and
6 traditional use determination for Ninilchik on Federal
7 public lands within Unit 15C. By far most of the harvest
8 of brown bears by Ninilchik documented in the State bear
9 sealing database has occurred in Unit 15C, although the
10 number of bears reported is relatively small, nine, and
11 most of the bears were not reported taken on Federal
12 public lands. The reported harvest of brown bears in 15C
13 shows a long-term continuous pattern of use that is
14 sporadic in character. The absence of reported harvest
15 of brown bears in Unit 15A and only one brown bear
16 reported taken in 15B over the 31-year period could be
17 considered to not provide substantial evidence of
18 customary and traditional use of brown bears in those
19 units.

19

20

Thank you, Mr. Chairman.

21

22

CHAIRMAN FLEAGLE: Thank you, Larry.

23 Questions.

24

25

(No comments)

26

27

CHAIRMAN FLEAGLE: Board discussion.

28

29

MS. GOTTLIEB: Mr. Chair.

30

31

CHAIRMAN FLEAGLE: Judy Gottlieb.

32

33

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50

MS. GOTTLIEB: Mr. Chairman.

1 CHAIRMAN FLEAGLE: Oh. Retract. Yes,
2 Judy, go ahead.
3
4 MS. GOTTLIEB: Well, I'll go ahead for
5 discussion purposes, put forward support the Regional
6 Advisory Council's recommendation that would establish a
7 positive customary and traditional use determination for
8 brown bear in Unit 15 for the residents of Ninilchik.
9
10 CHAIRMAN FLEAGLE: Is there a second.
11
12 MS. KESSLER: I'll second.
13
14 CHAIRMAN FLEAGLE: Okay. We've got a
15 second.
16
17 Would you like to speak to the issue and
18 some rationale.
19
20 MS. GOTTLIEB: Yes. Thank you, Mr.
21 Chair. I believe that this Board has been provided with
22 substantial evidence that would support this
23 determination. The Regional Advisory Council from
24 reading over their discussions on this proposal did a
25 thorough job and provided justification as well.
26
27 I think we've heard actually over the
28 last few years a great deal of testimony from Ninilchik
29 on the variety of subsistence species that they use,
30 including brown bear, and including information on the
31 distances and area that they travel to do a variety of
32 subsistence uses.
33
34 CHAIRMAN FLEAGLE: Other discussion.
35 Wini.
36
37 MS. KESSLER: I will agree with that,
38 that the evidence does show a continuous pattern of use,
39 not a high level of use, and a somewhat sporadic level of
40 use, but that's confounded by other factors such as
41 closures and things. I think the pattern of use is
42 demonstrated.
43
44 CHAIRMAN FLEAGLE: Gary.
45
46 MR. EDWARDS: Mr. Chairman. Probably to
47 no one's surprise, I'm sort of where I was yesterday with
48 the C&T on black bear. I guess there's no question in my
49 mind that they Community of Ninilchik, you know, has
50 historically and to this day continued to use brown bear

1 for a multitude of purposes. And so that -- in my mind,
2 that's not the question. Neither even in the next
3 proposal that what they're actually asking for in the way
4 of harvest, I don't think -- I think it's actually a very
5 modest proposal.

6
7 I still continue to wrestle with, you
8 know, our regulations and talking about areas such as 15B
9 and particularly 15A when at least based upon the current
10 information that we have over the last 30 years doesn't
11 show that there, you know, has been harvest occurring
12 there, albeit there may be harvest that has occurred and
13 hasn't been reported. But -- and, you know, I recognize
14 that, you know, the people who came before us here in
15 this state wandered all over this state, and as I think
16 has been said many times there's probably not a critter
17 that's walked, flew or swam in this state that probably
18 hasn't been utilized at one time or another by someone
19 for some various purposes.

20
21 But I'm not so sure that that a C&T
22 makes. Where I could support, as I did yesterday, a C&T
23 for 15C, I'm going to find it difficult to do it for 15A
24 and for 15B.

25
26 CHAIRMAN FLEAGLE: George.

27
28 MR. OVIATT: I, too, am going to have a
29 difficult time finding a C&T determination, especially
30 for 15A and 15B. But I think because of the sporadic
31 use, there's no doubt they've used brown bear, but the
32 sporadic use makes me question whether that is in the
33 realm of continuous use. And I think we all wrestle
34 with, you know, how many makes that number legit or
35 doesn't.

36
37 I often wonder, too, in the history or
38 use where it talks about bear and gives recipe for bear,
39 but it doesn't say that that's brown bear. Most of us
40 who have eaten bear have eaten black bear, and I wonder
41 if that wasn't what historically maybe they were
42 referring to. That's up for question, too.

43
44 But it almost appears to me that we're
45 making -- because of where the bear are taken, we're
46 almost making a C&T determination for the State rather
47 than the feds. I see very little use on Federal lands of
48 the brown bear, but that's just a comment that I'm
49 making.

50

1 So I'm going to have a very difficult
2 time agreeing on a C&T determination for brown bear in
3 Unit 15.

4
5 CHAIRMAN FLEAGLE: Warren Eastland.

6
7 MR. EASTLAND: Mr. Chair. I have no
8 problem at all understanding, granting C&T for A and B as
9 well as 15C simply because the record clearly shows that
10 the people of Ninilchik when they cannot legally get
11 bears in one place, they will travel great distances, and
12 at great expense as anyone who has travelled in this
13 state knows, in order to be able to harvest bears where
14 they are legal to take. And so given that the seasons
15 have been on again, off again, closed, open and just
16 quite cockeyed on the Kenai for a long time, I have no
17 doubt that granted C&T for 15A as well as 15B and 15C,
18 that when the legality of the situation permits, that
19 they will harvest bears there.

20
21 Thank you very much. Mr. Chair.

22
23 CHAIRMAN FLEAGLE: Other comments. Wini.

24
25 MS. KESSLER: Yes, Mr. Chair. The fact
26 that 15C is used more heavily is not in dispute. But
27 again as in the record from yesterday, Mr. Goltz gave us
28 quite an explanation that the point is not based on that,
29 but rather the use of this population. And again as I
30 explained yesterday, I believe this is one population,
31 that the bears don't sort themselves out according to the
32 subunits, and so I would support for 15 as a whole.

33
34 CHAIRMAN FLEAGLE: And that is the
35 recommendation. There was a clarification on the typo on
36 the page. So Pete and I have scribbled out the A, and it
37 reads 15.

38
39 Judy.

40
41 MS. GOTTLIEB: Mr. Chairman. Because I
42 want to clarify as we did perhaps yesterday, but again
43 maybe not everybody was here, with Keith, as we're making
44 our determination on customary and traditional use, are
45 we to factor in whether this occurred on State lands or
46 Federal lands. Or are we looking at the whole area.

47
48 CHAIRMAN FLEAGLE: I think he didn't want
49 to really get into that yesterday. How about today?
50

1 MR. GOLTZ: I don't want to get into it
2 today either. I was trying for a full day's silence, but
3 I'm not going to get it, am I.

4
5 The focus of -- the theater of our
6 concerns is stocks and populations.

7
8 MS. GOTTLIEB: Mr. Chairman. May I ask
9 Keith again to clarify what you mean by that.

10
11 MR. GOLTZ: The regulations say that
12 we're to consider use on stocks and populations. The
13 implementation will be on Federal public lands, not on
14 State lands. That's the limitation.

15
16 MR. EDWARDS: Mr. Chairman. Then if I
17 can follow up on that.

18
19 CHAIRMAN FLEAGLE: Go ahead, Gary.

20
21 MR. EDWARDS: So I guess what I would
22 interpret that to mean, because I think there's
23 absolutely no question that the folks in the Ninilchik
24 community harvest brown bear as well as black bear. So
25 if there was actually no reference or no request of that
26 harvest occurring on Federal lands, the fact that it was
27 harvested at all then would mean that we would grant a
28 C&T for any lands that are being asked for C&T that are
29 Federal lands?

30
31 MR. GOLTZ: Maybe we can simplify it this
32 way. If the court reviews this record, it's going to ask
33 whether you had a rational basis for your decision. So
34 that's what you want to consider. You want to make a --
35 however you vote, you want to make a record, and you want
36 to establish a connection between the facts that are on
37 the record and your decision.

38
39 MR. EDWARDS: So those of us who don't
40 think the proposal is rational should vote no then.

41
42 MR. GOLTZ: Those of you who don't think
43 it's rational should explain why you don't think it's
44 rational.

45
46 CHAIRMAN FLEAGLE: I have interest from a
47 Council Chairman, Jack Reakoff. Go ahead.

48
49 MR. REAKOFF: Thank you, Mr. Chairman.
50 I'm concerned about this question as to where these

1 animals are harvested. Within the Western Interior
2 Region I have villages that are placed within their vast
3 areas of corporation land. They have -- they're rural
4 residents. They harvest on their land and on the Federal
5 lands.

6
7 The question before the Board should be
8 whether they're rural, whether they use the resource, and
9 the question here is whether this bear resource or what
10 kind of resource this is, the repertoire of resource use,
11 using the term repertoire, there's a preference in use.
12 And so if I'm out moose hunting, and I'm coming down on
13 the end of the season, I eat bears, but they don't keep
14 real well. I don't like to take them if I don't have to.
15 If I'm coming down on the end of the season, I'll take a
16 bear as a last resort. So the sporadic use can be
17 attributed to things like that.

18
19 And so I'm concerned about the Board
20 diverging away of where these resources were harvested.
21 The Board should focus on whether the resource -- whether
22 they're rural residents, whether they utilize that
23 resource, and take into consideration the sporadicness
24 and the repertoire.

25
26 Thank you.

27
28 CHAIRMAN FLEAGLE: All right. Thank you.
29 I appreciate the comments, and I think that I probably
30 raised the issue yesterday as to whether or not the use
31 occurs on Federal public lands or State lands or whatever
32 lands that the Board is trying to determine whether that
33 use occurred. And I totally agree with Jack. It's
34 whether the use occurs.

35
36 Now, on this issue, I am going to diverge
37 from my position of yesterday, because I don't find that
38 we have a long-term continuous use. And that's the
39 problem. We don't have a clear threshold. We've all
40 spoken about that yesterday as well. However, on the
41 black bear position, on the black bear decision, it was
42 pretty easily definable to me that we did have a
43 consistent pattern of use. In fact the InterAgency Staff
44 Committee comments used the word sporadic. To me it
45 appears that the brown bear harvest has been incidental,
46 sporadic an not consistent. It may have been long term,
47 but it's not consistent, and I'm going to vote against
48 this finding.

49
50 Other comments. Gary.

1 MR. EDWARDS: Mr. Chairman. One last
2 thing just in case I didn't provide sufficient rationale.
3 As I said, you know, earlier, I keep trying to reconcile
4 in our decisions with what our regulations are, and I do
5 know our regulation under customary and traditional use
6 determination process speaks to determination shall
7 identify the specific community or area of use of
8 specific fish stocks and wildlife. So it does speak, our
9 regulations anyway, rightly or wrongly, do speak to
10 specific areas of use.

11
12 CHAIRMAN FLEAGLE: Other comments.

13
14 MS. KESSLER: Mr. Chair.

15
16 CHAIRMAN FLEAGLE: Wini.

17
18 MS. KESSLER: Just on this question of
19 sporadic use, two things to consider. One is that what
20 we've seen through the information provided, that
21 sporadic wasn't necessarily reflecting choice so much as
22 unavoidable circumstances associated with closures, and
23 also the fact of opportunism, you know, taking bears, not
24 as the primary species, but being opportunistic in order
25 to meet needs for food.

26
27 Also, I'm looking at the eight factors
28 that determine customary and traditional use, and
29 concerning this pattern, it says, a community or area's
30 customary and traditional use is generally exemplified
31 through eight factors. A long-term, consistent pattern
32 of use, excluding interruptions beyond the control of the
33 community or area. So that sporadic nature of the hunt
34 is not in dispute, it's just that I think these
35 interruptions were in fact in many cases beyond the
36 control of the community or area.

37
38 Thanks.

39
40 CHAIRMAN FLEAGLE: Other comments. Niles
41 Cesar.

42
43 MR. CESAR: Thank you, Mr. Chairman. I'm
44 trying to determine in my mind whether there's some
45 middle ground that we could propose, and, you know,
46 because if we vote this down, then we've vote it down for
47 the entire 15, you know, A, B and C. And I'm wondering
48 if we eliminated A and B, and found a C&T for 15C. I
49 mean, number 1, is that possible, and, number 2, I'd be
50 willing to make that motion if I could get some, you

1 know, feedback first I guess for the Board whether they'd
2 even entertain it.

3

4 CHAIRMAN FLEAGLE: I think procedurally
5 there's not a problem with that amendment coming forth.
6 The question I guess that you're finding out is would it
7 change the three votes that have already determined that
8 they would not vote in favor of this. And in my instance
9 it would not. I don't know about Gary or.....

10

11 MR. OVIATT: Well, Mr. Chairman. Mr.
12 Niles. To be consistent with what I said at the start, I
13 said that I could support a C&T for Unit 15C, and that's
14 the same motion that I actually offered yesterday for
15 black bear also.

16

17 CHAIRMAN FLEAGLE: George.

18

19 MR. EDWARDS: Mr. Chairman. You know, I
20 listened to what Wini had said about sporadic use, and it
21 may be -- being interrupted by circumstances of closures
22 or whatever. But when you look at the chart, and you
23 look at those years that we didn't have closures, it
24 still to me is very sporadic use, even in 15C, so I don't
25 believe I would be able to support a change. Thank you.

26

27 MR. CESAR: Mr. Chairman. I would like
28 to forward an amendment to the proposal, and I would like
29 to find positive C&T for 15C.

30

31 CHAIRMAN FLEAGLE: Is there a second.

32

33 MS. GOTTLIEB: I'll second it.

34

35 CHAIRMAN FLEAGLE: All right. We have a
36 motion to amend, to find a positive C&T for brown bear
37 for Ninilchik for Unit 15C only. Further discussion.

38

39 MS. GOTTLIEB: Mr. Chair.

40

41 CHAIRMAN FLEAGLE: Go ahead, Judy.

42

43 MS. GOTTLIEB: Thank you. I guess what
44 disturbs me is again we're focusing in on one numerical
45 -- some people are focusing in on one numerical table
46 here. And that's not the whole story of the last 160 or
47 more years. And so I think we need to be very cautious
48 about those numbers, because we have stated we don't have
49 thresholds and we don't require communities to prove
50 their use. We've got a lot of information that in my

1 mind points to fulfilling the factors that this Board
2 generally relies upon.

3
4 CHAIRMAN FLEAGLE: Additional comments
5 pertinent to the amendment.

6
7 (No comments)

8
9 CHAIRMAN FLEAGLE: Ready for the question
10 on the amendment. Question on the amendment to further
11 define this C&T to only apply to 15C. Pete, if you'll
12 please poll the Board.

13
14 MR. PROBASCO: Thank you, Mr. Chair. And
15 I won't repeat the motion you just mentioned. Amendment
16 to WP07-17a. Mr. Fleagle.

17
18 CHAIRMAN FLEAGLE: No.

19
20 MR. PROBASCO: Ms. Gottlieb.

21
22 MS. GOTTLIEB: Aye.

23
24 MR. PROBASCO: Mr. Cesar.

25
26 MR. CESAR: Yes.

27
28 MR. PROBASCO: Mr. Oviatt.

29
30 MR. OVIATT: No.

31
32 MR. PROBASCO: Ms. Kessler.

33
34 MS. KESSLER: Aye.

35
36 MR. PROBASCO: And Mr. Edwards.

37
38 MR. EDWARDS: Aye.

39
40 MR. PROBASCO: Amendment carries,
41 four/two.

42
43 CHAIRMAN FLEAGLE: The amendment carries.
44 The C&T now pertains only to 15C. Further discussion by
45 the Board.

46
47 (No comments)

48
49 CHAIRMAN FLEAGLE: Ready for the
50 question. The question is recognized. Mr. Probasco,

1 please poll the board on the
2
3 MR. EDWARDS: I have a question.
4
5 CHAIRMAN FLEAGLE: Hang on. Gary.
6
7 MR. EDWARDS: I guess I would, if my two
8 colleagues who voted against the motion, I would -- if
9 you would be willing, I would be interested in sort of
10 your rationale, if you'd be willing to share that.
11
12 CHAIRMAN FLEAGLE: Do you want to go
13 first, George?
14
15 MR. OVIATT: Well, I will, and again I go
16 back to not only the history and they talk about the bear
17 and the use, but I wonder if that isn't mostly black
18 bear. But I look at these charts and that gives me some
19 indication of a sustained use, and I just don't --
20 continuous use, and I don't believe that that is
21 demonstrated in Unit 15 for the brown bear. Thank you.
22
23 CHAIRMAN FLEAGLE: I concur. The
24 question's now recognized on the decision as amended to
25 pertain only to 15C. Pete.
26
27 MR. PROBASCO: Final action of Proposal
28 WP07-17a, Unit 15 brown bear. Ms. Gottlieb.
29
30 MS. GOTTLIEB: Well, while I believe this
31 should be for the entire unit, I will vote aye.
32
33 MR. PROBASCO: Mr. Cesar.
34
35 MR. CESAR: Yes.
36
37 MR. PROBASCO: Mr. Oviatt.
38
39 MR. OVIATT: No.
40
41 MR. PROBASCO: Ms. Kessler.
42
43 MS. KESSLER: Aye.
44
45 MR. PROBASCO: Mr. Edwards.
46
47 MR. EDWARDS: Aye.
48
49 MR. PROBASCO: And Mr. Fleagle.
50

1 CHAIRMAN FLEAGLE: Nay.
2
3 MR. PROBASCO: The motion carries,
4 four/two.
5
6 CHAIRMAN FLEAGLE: Okay. Thanks, Pete.
7 Let's go ahead and stand down for lunch break. And as
8 promised we'll come back after lunch with the discussion
9 on Proposal 56. And we'll be back at 1:00 o'clock.
10
11 Thank you.
12
13 (Off record)
14
15 (On record)
16
17 CHAIRMAN FLEAGLE: Good afternoon. The
18 Federal Subsistence Board is back in session. I hope
19 everybody enjoyed their lunch break, although some of
20 them had to heat their lunch in the last two minutes,
21 because somebody forgot that they had ordered, right,
22 Pete?
23
24 All right. As advertised prior to lunch
25 the lunch break, we are going to take out of cycle -- not
26 out of cycle, but out of order on the agenda, Proposal
27 07-56 dealing with sheep in Unit 25A. So we have a
28 change up in staffing temporarily, and we also have some
29 Staff that are attending by telephone. Larry, can we
30 confirm that the telephone participants are on?
31
32 MR. BUKLIS: Mr. Chairman, we are on
33 line. I'll check if anyone else is on the party line.
34
35 CHAIRMAN FLEAGLE: All right. I
36 understand they're probably in the process of calling.
37
38 Do we need to hold off on lead analysis?
39 No? Okay. We can start off then with Vince for
40 introductions and then take off with the lead off. Go
41 ahead.
42
43 MR. MATHEWS: Yeah. Thank you, Mr.
44 Chair. I'm Vince Mathews, regional coordinator for
45 Eastern and Western Interior. Next to me is Pete
46 DeMatteo, the wildlife biologist for the Yukon-Kuskokwim,
47 Eastern and Western Interior Regions.
48
49 CHAIRMAN FLEAGLE: Welcome. And I
50 understand you'll be doing the lead analysis for us?

1 MR. DEMATTEO: Yes, Mr. Chair.

2

3 CHAIRMAN FLEAGLE: Okay. You may
4 proceed.

5

6 MR. DEMATTEO: Mr. Chair. The analysis
7 for Proposal WP07-56 can be found in your Board book
8 beginning on Page 531. This proposal was submitted by
9 the Alaska Department of Fish and Game, and the proponent
10 request the elimination of the closure of the Federal
11 public lands in the drainages of Red Sheep Creek and Cane
12 Creek within Unit 25A, the Arctic Village Sheep
13 Management Area. This is to open it to sheep hunting by
14 non-Federally-qualified hunters.

15

16 Mr. Chair, more specifically there's a
17 map on Page 533 that shows the specific area. On Page
18 533 at the top of the map you can see that the Red Sheep
19 Creek and Cane Creek drainages are indicated there.
20 Those two creeks, those two drainages make up the
21 proposal area affected by this proposal.

22

23 This regulatory action would allow sheep
24 hunting in these drainages under State regulations during
25 the August 10 through September 20 season. Section
26 .815(3) of ANILCA allows restrictions on the taking of
27 fish and wildlife for non-subsistence uses on public
28 lands only if necessary for conservation of healthy
29 populations of fish and wildlife, or for reasons set
30 forth in Section 816 that would allow subsistence uses of
31 such populations to continue, or pursuant to other
32 applicable law.

33

34 Federal closure regulations for the
35 management area have been in existence since the
36 1991/1992 regulatory year. The management area was
37 expanded in 1995 to include the Cane Creek and the Red
38 Sheep Creek drainages.

39

40 Proposal WP06-57 was submitted by the
41 Department of Fish and Game in October of 2005. That
42 proposal requested the Federal Board to eliminate the
43 closure for the entire Arctic Village Sheep Management
44 Area. The Board rejected the proposal so that
45 information on the sheep population and harvest could be
46 collection.

47

48 Special Action Request WSA06-03 was
49 submitted by the Fish and Wildlife Service in 2006. They
50 requested the Federal Board to open the Cane Creek and

1 Red Sheep Creek drainages during the August 10 through
2 September 20 season for 2006. The Board adopted the
3 request in July of 2006. The Board's action lifted the
4 Federal closure only for the fall season.

5

6 (Teleconference operator)

7

8 MR. DEMATTEO: This proposal, Proposal
9 56, would place into permanent regulation the Board's
10 action that was taken on Special Action WSA06-03.

11

12 Mr. Chair, the proposed regulations can
13 be found on Page 532 of your Board books.

14

15 Residents of Arctic Village, Chalkyitsik,
16 Fort Yukon, Kaktovik and Venetie have a positive C&T use
17 determination for sheep in Unit 25A.

18

19 Mr Chair, I'd like to mention at this
20 time that kudos are in order for the manager of the
21 Arctic Refuge and his Staff for the extensive amount of
22 work and outreach efforts that they did with the intent
23 to provide information, and to conduct public use
24 monitoring that is on-going. Outreach efforts are also
25 being made to the public and proprietors of commercial
26 air services.

27

28 Public use monitoring was conducted at
29 the Red Sheep Creek airstrip during the 19-day period
30 between August 7th and August 25, 2006. This was done to
31 document public use at the Red Sheep Creek airstrip, and
32 to document aircraft travel in the area.

33

34 Nine groups of users were documented at
35 the airstrip during that period. Four of these groups
36 hunted within the affected area. An additional four
37 hunting parties stopped at the Red Sheep Creek airstrip,
38 but did not hunt in the Red Sheep Creek or Cane Creek
39 drainages. Because additional users may have accessed
40 the area at other points and during the latter part of
41 the sheep hunting season, the documented use data may be
42 minimal estimates of public use for the immediate
43 vicinity of the Red Sheep Creek airstrip only, and not be
44 applied to the entire management area.

45

46 Analysis of results from June 2006 survey
47 indicates that the Dall sheep population within the Red
48 Sheep and Cane Creek drainages was 1.7 sheep per mile
49 square. The most recent previous survey in the area was
50 conducted by the Arctic Refuge in 1991. At the time they

1 reported an estimate of 2.25 sheep per square mile. It
2 is unclear whether the differences between the 2006 and
3 the 1991 density estimates for the area between the Red
4 Sheep and Cane Creeks represents a population decline or
5 differences in sheep distribution.

6

(Teleconference Operator)

7

8

9

MR. DEMATTEO: In 1990 the Arctic Refuge
10 conducted a survey from Gilbeau Pass to Cane Creek and
11 estimated that the density for this larger area is 1.9
12 sheep per square mile. Although the 1990, 1991, and 2006
13 surveys produced low densities compared to other parts
14 within the state, the population densities are similar.
15 The composition data or the affected population are
16 within normal ranges and indicate that this population is
17 healthy.

18

19

Analysis of results from recent harvest
20 data collected by the Department of Fish and Game reveal
21 a total of nine hunters reported hunting sheep in the
22 management area. Of these nine hunters, seven were
23 successful in taking sheep. Five of the nine hunters
24 were Alaska residents, two are non-residents, and
25 residency for the remaining two hunters is unknown.

26

27

Federal registration permits have been
28 available since the 1995/1996 regulatory year. Limited
29 data is available for the Federal registration hunt
30 RS596. No permits were issued in 2001. Two permits to
31 one hunter were issued in 2002. And four permits to two
32 hunters were issued in 2003. No harvest reports have
33 been returned, but verbal reports from one hunter in each
34 year indicate no animals were harvested during 2001
35 through 2003 seasons.

36

37

Refuge Staff anticipate gaining further
38 insight into public use levels within the management area
39 from additional sources. Currently there is no complete
40 compilation of sheep harvest for the management area.
41 Although sheep harvest concluded in September of 2006,
42 the main subsistence harvest may occur in late winter and
43 spring of 2007, therefore a more complete harvest
44 estimate may be available after the Department of Fish
45 and Game harvest summaries are compiled, and after
46 Federal subsistence harvest permits are returned in April
47 and May of 2007.

48

49

The commercial air services client use
50 reports for 2006 have been summarized by refuge staff and

1 indicate one additional hunting group after the inclusive
2 dates of the public use monitoring project at the Red
3 Sheep Creek airstrip. Because the group consisted of two
4 people, this should be considered at a minimum -- as a
5 minimum, as the reports do not include noncommercial
6 landings and are not ground truth.

7

8 Finally, a flight-based snowmachine track
9 survey is scheduled for spring 2007 to provide some
10 assessment of area use during the spring sheep hunt,
11 possibly a primary time of subsistence use.

12

13 Mr. Chair, adoption of the proposed
14 action would provide access to the affected area for non-
15 Federally-qualified users during the State's August 10
16 through September 20 season. This action would place
17 into regulation the special action decision made by the
18 Board for the fall 2006 hunt. Because those hunting
19 under State regulations would be limited to taking one full-
20 curl ram in the fall season, sheep hunting by non-
21 Federally-qualified users in these drainages would not
22 adversely affect the sheep population. Removal of some
23 full-curl rams from the population is not expected to
24 reduce reproductive success in the sheep population. The
25 sheep population in these drainages can support harvest
26 by both Federally-qualified subsistence users and non-
27 Federally-qualified hunters. In fact, because Federally-
28 qualified subsistence users can take rams of any age, the
29 number of rams available to Federally-qualified users far
30 exceeds the number of full-curl rams available to non-
31 Federally-qualified users. The sheep population in the
32 affected area can support harvest therefore by both user
33 groups. In addition, the opportunity to harvest under
34 Federal regulations extends until April 30, providing
35 Federally-qualified users with over seven months of
36 opportunity beyond the State's fall hunting season.

37

38 Finally, the existing closure is not
39 justified for reasons of public safety, administration or
40 pursuant to other applicable law.

41

42 Mr. Chair, Staff fully acknowledge that
43 this issue is very sensitive, and that the Cane Creek and
44 Red Sheep Creek areas are culturally important to the
45 local users for hunting sheep and also for other reasons
46 as well. Staff have listened to oral testimony given by
47 people of Arctic Village who stated that the sheep are
48 important to them, and that they continue to take sheep.
49 But as Staff whose job is to do a biological analysis of
50 the proposal within the guidelines of ANILCA, there is no

1 evidence that supports that -- the need to leave the
2 Federal closure in place at this time.

3

4 Maintaining the Federal closure in the
5 affected area is not longer necessary for the
6 conservation of a healthy sheep population. The status
7 of the existing population an harvest do not meet the
8 critical -- sorry, the criteria established under Section
9 .815(3) and .816 of ANILCA that would warrant keeping the
10 Cane Creek and Sheep Creek drainages closed to non-
11 Federally-qualified hunters to sheep hunting.

12

13 Thank you.

14

15 CHAIRMAN FLEAGLE: Thank you, Pete. And
16 I understand we have attendance by telephone now, Larry.

17

18 MR. BUKLIS: Yes, Mr. Chairman. Do you
19 want me to confirm who's on line? Who do we have on
20 line?

21

22 MR. VOSS: Yeah, this is Richard Voss,
23 the manager of Arctic Refuge. I also have Tara Wertz,
24 the sheep biologist, and Dave Payer, the supervisory
25 ecologist for the biological program here. And Tevis
26 Underwood, the assistant manager, is here, too.

27

28 MR. BUKLIS: Thank you.

29

30 MS. LEONARD: This is Beth Leonard and
31 Bob Stephenson from Fish and Game in Fairbanks.

32

33 MR. BUKLIS: Thank you.

34

35 MR. W. ADAMS: This is Wayne Adams with
36 USGS in Anchorage.

37

38 MR. BUKLIS: Thank you. Mr. Chairman, we
39 have three parties on line.

40

41 CHAIRMAN FLEAGLE: Three phone lines with
42 about six individuals, seven individuals. Let's see.
43 I've got Beth Leonard, Bob Stephenson, Wayne Adams. Can
44 you repeat the names of the other -- the first group,
45 Larry?

46

47 MR. BUKLIS: Mr. Chairman. I had the
48 first party was Richard Voss with Tara Wertz, Tevis
49 Underwood, and a fourth person with him. Richard, who
50 else is with you besides Tara and Tevis?

1 MR. VOSS: Dave Payer, the supervisory
2 ecologist for the Refuge.

3
4 MR. BUKLIS: Mr. Chairman. We had Beth
5 Leonard with Bob Stephenson with her. And then we had
6 USGS Anchorage. Could you repeat who's there?

7
8 MR. W. ADAMS: My name is Wayne Adams.

9
10 MR. BUKLIS: Thank you, Wayne.

11
12 CHAIRMAN FLEAGLE: All right. Thanks.
13 Now, excuse me. Questions. Wini.

14
15 MS. KESSLER: Yeah. First of all I want
16 to thank you, Mr. Chair, for accommodating me and putting
17 this one so I could participate.

18
19 And I want to say first off that I
20 personally was really pleased when the restriction was
21 lifted through a special action last year, because this
22 was evidence of a healthy enough population situation to
23 allow this broader use of a resource that had been in
24 decline. So that's always evidence of a real success
25 story to me.

26
27 In my view, the special action was a real
28 opportunity to test the waters so to speak and see how
29 the hunt would play out. And I've got to say that from
30 what I understand about the result of that hunt, it's a
31 real red flag for me. That's how this test has played
32 out. And so that's why I've asked to discuss this
33 situation.

34
35 I guess in a way where I'm coming from,
36 it's kind of like yesterday when we considered Proposal
37 07-06 for deer where the analysis, we couldn't really go
38 just on the face of the analysis, because that analysis
39 didn't take into account the condition that occurred
40 afterward, which was a very severe winter situation. And
41 as you may recall, we had that information through an
42 addendum that helped reveal how the circumstances had
43 changed and led us eventually to a decision to defer that
44 motion in light of that new information.

45
46 So I guess that's where I think we are
47 now. And I think the new information of what had
48 happened on that testing of the water so to speak, that
49 special action, is really pertinent here. And so I guess
50 I'll ask by saying is there an addendum to the

1 information that we can use to base our discussions on
2 that?

3

4 CHAIRMAN FLEAGLE: Anybody? Pete.

5

6 MR. PROBASCO: Thank you, Mr. Chair. Ms.
7 Kessler, are you asking what additional information we've
8 learned since the hunt this fall?

9

10 MS. KESSLER: Yes, because I understand
11 about that causes me some concern about what happened as
12 far as the sustainability on that as indicated by that
13 result. I'm hoping to explore that with the folks here.

14

15 CHAIRMAN FLEAGLE: Thanks for that
16 clarification, Pete. Pete.

17

18 MR. DEMATTEO: Mr. Chair. I'd like to
19 draw Ms. Kessler's attention to Page 535 under current
20 events involving the species Basically, in a nutshell,
21 everything that's new since last year when this analysis
22 went before you at this time, basically anything that's
23 new is in those three paragraphs there.

24

25 What's new is that the Refuge has done
26 extensive outreach and gathering information that's
27 ongoing up in that area. They've been working with the
28 community, they've been doing surveys. The surveys -- or
29 the population survey of June of 2006 revealed that the
30 population estimates are similar to that that they were
31 in '91. And also that the commercial air services client
32 use reports that they -- I've summarized, that I read to
33 you before, I indicated that one additional hunting group
34 after the inclusive dates that I mentioned before, the
35 public use monitoring for the Red Sheep Creek area. So
36 this should be considered minimal at best.

37

38 Also consider that the Federal season
39 ended just yesterday, so we don't have a total of the
40 harvest in yet. It will take some time before I'm sure
41 that that's tallied up.

42

43 Thank you.

44

45 MS. KESSLER: The actual number of sheep
46 taken through the special action was seven rams, correct?

47

48 MR. DEMATTEO: That is correct.

49

50 MS. KESSLER: And how many -- that's

1 seven out of how many available mature animals were
2 available?

3

4 MR. DEMATTEO: There was 188 sheep that
5 were observed during the survey. Of the 188 sheep that
6 they found in the Red Sheep and Cane Creek drainages,
7 there was 53 rams that were observed.

8

9 MS. KESSLER: I understand there were 18
10 available for harvest, is that right?

11

12 MR. DEMATTEO: That is correct.

13

14 MS. KESSLER: So -- and of those 18,
15 that's mature rams, so some proportion of those is full-
16 curl and some proportion may be something less than full-
17 curl. So of 18 animals available for harvest, seven
18 full-curl rams were taken?

19

20 MR. DEMATTEO: That is correct.

21

22 MS. KESSLER: Okay. That's the cause of
23 my concern. Nothing I know about sheep suggests that
24 that level of harvest is commensurate with what we know
25 about the role of mature large rams in the biology of the
26 species. But we can explore further through discussions,
27 but that's my concern.

28

29 MS. GOTTLIEB: Mr. Chair.

30

31 CHAIRMAN FLEAGLE: Judy.

32

33 MS. GOTTLIEB: I wondered since the
34 book's been printed for a few weeks now, and you
35 mentioned the spring snow track survey, I wondered if
36 that has been conducted already, if there are any
37 preliminary results from that.

38

39 MR. EDWARDS: Mr. Chairman. I believe
40 that the folks up in the Arctic Refuge could address
41 that.

42

43 MR. VOSS: I guess I didn't quite hear
44 about what was the survey? The snow mobile survey?

45

46 MS. GOTTLIEB: Yes, that's right.

47

48 MR. VOSS: We conducted the surveys on
49 April 3rd, on April 11th, and then we have a final one
50 actually tomorrow since the season just closed. The

1 early surveys didn't show any snow mobile use, but we
2 haven't conducted anything just prior to, during and
3 after the spring carnival, which is the time when there's
4 -- we've had reports of some -- of activities going on.
5 But we won't know until tomorrow.

6

7 CHAIRMAN FLEAGLE: Okay. Thank you.
8 Other questions. Gary.

9

10 MR. EDWARDS: Yeah. Mr. Chairman, maybe
11 we could follow up with some of the folks on line to
12 maybe try to address some of these questions. And I
13 guess I'd start by -- and Tara, maybe you could just give
14 a little bit of your background for the folks here so
15 they know who you are.

16

17 MS. WERTZ: Yes, Mr. Chairman. My name
18 is Tara Wertz, and I'm the sheep biologist for the Arctic
19 Refuge. I've been here since October of 2001 and have
20 dealt with sheep biology since about 1990 I guess in my
21 career.

22

23 MR. EDWARDS: Thank you. For my
24 purposes, that means you know a lot more about them than
25 I do. So kind of getting at the question on 7 rams out
26 of 18, did the number 18 come from the surveys that you
27 folks ran last year, and that was a fixed wing survey if
28 I recall, and can you relate whether we thought we saw,
29 you know, 100 percent of the animals, 90 percent, or what
30 percent.

31

32 MS. WERTZ: We did conduct the survey out
33 of Super Cubs. We had two Super Cubs with experienced
34 pilots and observers, and we did not have any marked
35 sheep in the area, so we could not determine a
36 sightability index for our survey. The 18 sheep that we
37 considered to be mature rams would be a minimum count.
38 We obviously didn't count all of them.

39

40 MR. EDWARDS: Okay. Thank you. And then
41 I guess a follow-up question, you know kind of from your
42 experience, you know, what kind of a harvest, you know,
43 when you have a full-curl ram, you know, can be supported
44 before you would even start expecting to jeopardize the
45 health of the population?

46

47 MS. WERTZ: Well, I don't think that
48 anybody really has that specific information. There's
49 been several papers written in the past six or seven
50 years from differing authors and there's not a consensus

1 among the sheep biologists. Some people feel that there
2 isn't any biological ramifications to having a heavily
3 hunted population, basically removing the majority of
4 mature rams from a population. There is some data that's
5 been done on Dall sheep populations that have shown that
6 there is some social cost and social disruption in
7 removing the large percentage of mature rams, in
8 particular in regards to young ram survivorship. The
9 survivability of the younger age classes have been shown
10 to decrease when you have the majority of mature rams
11 getting harvested, and most of that is assumed to be from
12 there's a pretty high energy expenditure by the young
13 rams. They have to fight more. The ewes are much more
14 active and kind of refuse their advances during the
15 breeding season.

16
17 But I don't think -- you know, we don't
18 have that specific information from the Red Sheep Creek
19 area. The only thing I can add to that is that the
20 habitat and population dynamics of the population in the
21 Brooks range on the refuge is fairly bleak when compared
22 to habitats in the Alaska Range or the Chugach or in
23 Alberta and -- or British Columbia where they've done
24 some of these other studies.

25
26 MR. EDWARDS: All right. Thank you.
27 Just a couple more questions. What kind of movement do
28 we get in those two drainages, between the those drainage
29 and additional drainages? Can we expect sheep to be
30 moving back and forth?

31
32 MS. WERTZ: Yes, definitely. I mean,
33 there is no closed populations there in the Brooks Range.
34 They all move between drainages. Dall sheep are fairly
35 loyal to the areas. The ewes in particular are fairly
36 loyal to the areas, but there is movement among the
37 drainages, and among the sheep herds in that area.

38
39 MR. EDWARDS: Okay. And then kind of one
40 last question. Based upon last year's harvest, do you
41 think that that harvest posed a conservation concerns for
42 the population?

43
44 MS. WERTZ: I think harvest at that level
45 for one year is not going to affect the population or the
46 ability to reproduce. As some of us biologists talked
47 this morning, I'm not sure that we can make the
48 assumption that that harvest is going to be what we see
49 in the following year if area is opened up to hunting.
50 The opening was only announced a month before the sheep

1 hunting season last year. Most of the sheep hunters had
2 already made plans of where and how they were going to
3 hunt. I think now the expectation is that the area will
4 be open this year and that hunters may be a little more
5 anxious to get up into that area. I think the
6 probability that we'll have more sheep hunter activity is
7 better than we would have less hunter activity this year.

8

9 MR. EDWARDS: Okay. Thank you. Mr.
10 Chairman. Maybe if I could ask a few questions of Wayne
11 Adams, if that was okay.

12

13 CHAIRMAN FLEAGLE: Go ahead, Gary.

14

15 MR. EDWARDS: Hey, Wayne, would you -- I
16 appreciate you taking the time. Would you for the folks
17 here in attendance, could you kind of give a little bit
18 about your background, please.

19

20 MR. W. ADAMS: Sure. My name is Wayne
21 Adams. I'm a wildlife research biologist with U.S.
22 Geological Survey, and I've conducted research on large
23 mammals here in Alaska since 1985. I worked for the Park
24 Service for about eight years before I was transferred
25 into my current position. And I've done sheep surveys,
26 park areas, and recently supervised a research project on
27 Dall sheep out in Northwestern Alaska.

28

29 MR. EDWARDS: Okay. Thank you very much.
30 Again, you're certainly more an expert than I am, but I
31 do have a couple of questions.

32

33 We talked about this potential harvest
34 rate of 7 rams out of 18. Would you consider that
35 excessive or constitute kind of a biological concern for
36 the health of this population.

37

38 MR. W. ADAMS: I wouldn't. You know, I
39 think there's -- to some degree it kind of depends on
40 what your definition of biological health is, but I --
41 based on sort of the drift of the conversation, I think
42 I'm hearing that there are concerns about mating related
43 issues within a sheep population without these mature
44 rams, and then Tara brought up the possibility that
45 younger rams -- when these large rams aren't around, that
46 these younger rams would get involved in breeding and
47 they die at a higher rate as a result. And I just -- I
48 guess I'd like to say that as far as I'm aware, both of
49 those ideas are largely theoretical, and I am not aware
50 personally of any really solid information to back that

1 up. There was some work done in the central Alaska Range
2 regarding the issue of higher mortality of young rams
3 that were involved in the rut.

4
5 And the other thing is that both of these
6 ideas sort of have come about through the -- through
7 situations where there was a heck of a lot more harvest
8 going on. For example, in the central Alaska Range
9 during those studies, I'm pretty sure that the regulation
10 was for three-quarter-curl or larger sheep to be taken.
11 And it's pretty common practice in the Lower 48, or it
12 has been for big horn sheep harvest to, you know, be
13 limited to three-quarter-curl or above.

14
15 And that's a big difference. When you're
16 talking about taking three-quarter-curl sheep, then
17 you're down to animals that are probably five years old
18 or less in the population versus full-curl sheep that
19 are, you know, up to probably eight years of age.

20
21 MR. EDWARDS: Right. Thank you. You
22 sort of kind of answered kind of my second question, and
23 is that, you know, what level of harvest of full-curl
24 rams can be probably supported without jeopardizing a
25 population?

26
27 MR. W. ADAMS: Well, you know, I think
28 that if you're -- you know, I don't think there's a
29 problem in terms of the breeding issue, you know, even if
30 you shot all of the full-curl rams. I don't think that's
31 an issue. And the issue of higher mortality of young
32 rams, you know, the deal there is just that they become
33 -- if those large, if those full-curl rams are gone, then
34 the age classes that are right below there are the ones
35 that become the active breeders, and they are not -- you
36 know, they're putting all of their energetic reserves
37 into breeding during the breeding system, going into the
38 winter in poor condition, and as a result their survival
39 over all is lower. So you'll -- you would ultimately end
40 up with maybe a somewhat smaller proportion of rams in
41 your population at all, but I think in terms of lamb
42 production and the growth potential of the population, it
43 really wouldn't be effected very much.

44
45 MR. EDWARDS: Thank you, folks. That's
46 all I have, Mr. Chair. Maybe some other folks might want
47 to ask them some questions.

48
49 CHAIRMAN FLEAGLE: Other questions.
50 Wini.

1 MS. KESSLER: Yeah. As I understand the
2 history of the sheep management, 30 years ago or so there
3 was hunting of three-quarter-curl acceptable and above,
4 and then through a number of studies done by my
5 colleague, Val Geist from Canada, for Stone sheep and
6 other species, it was discovered, the importance of these
7 large old rams. And that fact led to a change to seven-
8 eighths-curl. Subsequently those relationships were
9 validated I believe through work by Wayne Heimer, and
10 ultimately resulted in more change which went to full-
11 curl. And that's when the actual productivity responses
12 kicked in. And all this is based on what that research
13 indicated as being really critical roles of these large
14 old rams in the reproductive success and productivity of
15 these populations. So I'm kind of surprised to hear that
16 down played as it kind of goes against what I've always
17 learned about sheep.

18
19 But the other thing is, I just want to
20 again reiterate that I view what -- the special action
21 again as a fortuitous thing, because it gave us an
22 attempt to see what would happen, and it -- again I
23 regard what happened as a red flag. I guess the question
24 I would have for the folks on line would be, okay, we had
25 seven out of 18 available taken this year. If this
26 closure is lifted, would you consider that same rate of
27 harvest acceptable for the coming season and beyond?

28
29 MS. WERTZ: Mr. Chairman. This is Tara
30 Wertz. I tend to agree with what Wayne said about maybe
31 when you harvest a high proportion or even all of the
32 full-curl population, that reproductively speaking it's
33 not probably not going to have a huge negative effect.

34
35 The one warning I would add to that
36 though is that's only when you are harvesting full-curl
37 rams. And in this population, due to the subsistence
38 regulations, we have a harvest of rams that are not full-
39 curl, and that is the confounding problem, because we
40 don't have at this time a good estimate of what that
41 harvest is. And when you start harvesting rams in the
42 younger age classes, that's when you run into problems
43 from a population standpoint.

44
45 MR. EDWARDS: Tara, this is Gary. I
46 mean, to follow up on that, but isn't the reality, isn't
47 that subsistence harvest extremely low? I mean, what we
48 heard last time from the folks in Arctic Village, they
49 acknowledge that while they did hunt sheep, they
50 primarily focused on caribou and moose, and during times

1 of shortage of those species, then they would make this
2 longer trip into -- to look for sheep.

3

4 CHAIRMAN FLEAGLE: Tara, do you want to
5 answer the question for Gary?

6

7 MS. WERTZ: If I understood the question,
8 I guess I do agree that that harvest is low or at least
9 in the past we've had no information to say that it's
10 very high. However, there are indications that perhaps
11 Arctic Village is more interested now than they were, and
12 perhaps we're going to get some better information to use
13 in the future to assess that harvest. Well, I can only
14 make some best guesses now, and I don't -- right now I
15 just don't have the information that I feel good about
16 whether or not that's going to change.

17

18 MR. EDWARDS: That's fair. Wayne, would
19 you.....

20

21 MR. W. ADAMS: Since we're talking
22 harvest, I just would like to point out that the
23 monitoring project that we conducted in Red Sheep Creek,
24 especially around the Red Sheep Creek area, we documented
25 four groups of hunters and with a total of 13 people, so
26 it doesn't necessarily jive with the tag returns, but it
27 just points out the discrepancy with people that are
28 actually out there hunting.

29

30 MR. EDWARDS: Wayne, this is Gary Edwards
31 again. Would you be willing to respond sort of to Ms.
32 Kessler's question on the social aspects and some of the
33 studies that were done in Canada if you're familiar with
34 those.

35

36 MR. W. ADAMS: Well, you know, she's
37 right that Val Geist was the guy that, as far as I'm
38 aware of, came up with this whole idea. And again, at
39 the time it came up, there were -- the majority of sheep
40 populations in North America were probably being
41 harvested at three-quarter-curl. And, you know, here in
42 Alaska certainly that was the case, and, you know, that
43 -- as far as I'm aware, that's the case then for big
44 horns in most of the west, and I'm not that sure about
45 Canada, but my recollection is that it was pretty much
46 universal. And, you know, again, at that level of
47 harvest, there at least is some potential for some
48 problems.

49

50 As far as what's happened here in Alaska

1 with changes in regulations, you know, Wayne Heimer did
2 quite a bit of work in the central Alaska Range and came
3 up with the idea that these young males were contributing
4 or participating in the rut prematurely with rams larger
5 than three-quarter-curl removed. And through his efforts
6 largely of getting the word out on that, you know,
7 ultimately the regulations were changed to full-curl
8 throughout most of the state. But that reason for that
9 really was to increase the number of full-curl trophies
10 out there. You know, his argument was that survival of
11 these intermediate age classes of rams was generally
12 pretty high, so that if you held off for a couple years
13 and you waited, excuse me -- instead of shooting them at
14 three-quarter-curl, if you waited until they became full-
15 curl, you would essentially be able to harvest about the
16 same number of sheep, but you would have full-curl
17 trophies instead of three-quarter-curl sheep being taken.
18 So, you know, that was the main impetus behind the change
19 in the regulations.

20

21 And throughout all those discussions I
22 don't remember any mention or any evidence to show that
23 there was any sort of change in productivity of sheep as
24 a result of that regulation change.

25

26 MR. EDWARDS: Thank you.

27

28 CHAIRMAN FLEAGLE: All right. Some of
29 the discussions there were leaning toward deliberations,
30 and I understand that they were mostly questions just to
31 get more information. We will have the folks still on
32 line for further questioning once we get into
33 deliberations if we need.

34

35 I would like to go ahead and move through
36 the rest of the comments and testimony. And up next is
37 the summary of written public comments. Vince.

38

39 MR. MATHEWS: Mr. Chairman. There were
40 no written comments submitted, but the Regional Council
41 meeting had extensive testimony when they met in Arctic
42 Village, and we have copies of the transcript that would
43 be available if the Board so desires.

44

45 CHAIRMAN FLEAGLE: Thank you. Next is
46 any public testimony. Pete.

47

48 MR. PROBASCO: Mr. Chair. We have no
49 people signed up for this agenda item.

50

1 CHAIRMAN FLEAGLE: Thank you. We now
2 turn to the Regional Council recommendation. Sue
3 Entsminger.

4
5 MS. ENTSMINGER: Yeah. Thank you, Mr.
6 Chair. My heart's just pounding right now.

7
8 I would like to have actually asked a few
9 questions during all of that, but I guess I'm going to
10 wait to deliberations, because I wanted to let you know
11 that I probably know a little bit about sheep myself
12 since I've been hunting sheep for 32 years, and I live in
13 the Sheep Mountains and I spend a great deal of time each
14 year photographing, observing and hunting. One of the
15 things I've done in the 80s for Fish and Game was a
16 volunteer at a natural sheep lick, and I feel like I
17 might be able to contribute into this conversation about
18 the biology, even though I'm not a biologist.

19
20 But I would like to just read into the
21 record the Eastern Interior position. And before I read
22 it, I want you to know that we went to Arctic Village as
23 you well know, and it -- this is a highly sensitive issue
24 I know, and we're trying to do the best, and I try to
25 represent the people there as best I can.

26
27 And the Council listened to, I think I
28 wrote this down from our transcripts, that there was six
29 people, and I know a year ago we also had probably as
30 many as eight people from Arctic Village testifying about
31 sheep hunting.

32
33 And the Council, as you well know, last
34 year they were concerned when this was asked to be opened
35 about just the data. They were really -- I remember one
36 of the ladies from Tok who's on the committee being
37 concerned he way the data was presented, it didn't appear
38 that -- it was like getting the cart ahead of the horse,
39 so to speak. We wanted to hear more about the biology
40 about it before we heard that it just had to be open.
41 And I hope that doesn't confuse you, but when you're on
42 the Council, you hear the information, and you listen to
43 it, and when you -- I understood things, but new people
44 coming in, they didn't understand from the data given, so
45 that it was like getting the cart ahead of the horse. We
46 didn't even -- we didn't have the surveys ahead of time
47 to say, hey, yes, you can open that. We understand that
48 there's a policy in ANILCA that it should be open.

49
50 So the Council in all of that decided to

1 defer, because the people of Arctic Village didn't want
2 to see it open. I don't think they truly understood
3 exactly our regulations. But at the same time, it was a
4 very important area to them, and so we voted to defer,
5 and I'm going to read this so I don't miss anything.

6
7 We recommended the Board defer this
8 proposal for one year to form a working group of
9 representatives from affective villages, hunting
10 interests and agencies to decide what an acceptable sheep
11 harvest or number of sheep hunters would be in this area
12 and then draft a proposal to the Board of Game at its
13 March '08 meeting. The proposal would contain the number
14 of non-Federally-qualified hunters to be allowed to hunt
15 sheep in the Red Sheep and Cane Creek area. The working
16 group time line will give the Federal Subsistence Board
17 time to monitor the progress of the working group, the
18 Alaska Board of Game proposals and the actions of the
19 Alaska Board of Game before the Federal Subsistence Board
20 meets in the spring of '08.

21
22 And the justification, the Council
23 received testimony from the people who requested the
24 closure. Testimony included the cultural importance of
25 the area because of the burial sites, allotments, and
26 being a traditional area where they hunt sheep. And they
27 would not be able to compete with other hunters if the
28 area was opened to other hunters. Testimony also
29 included the high cost of accessing the area and the
30 difficulty reaching the area other than by aircraft.

31
32 And I'm not going to continue this. I'm
33 just going to give you a quick synopsis.

34
35 It sounded like at that meeting the
36 people were very concerned about the volume of people
37 that come in, not just from hunting, I guess, and also
38 because of the Refuge. There's a lot of hikers and
39 everything. And so they're having a hard time sharing
40 their -- what they consider their hunting area with all
41 of these new people.

42
43 And so it would be -- and that was kind
44 of the compromise that was talked about at the Council
45 meeting, was to come up with something that might work
46 that the people would accept.

47
48 And if you have any more questions, I'll
49 be happy to answer them.

50

1 MS. GOTTLIEB: Mr. Chair.

2

3 CHAIRMAN FLEAGLE: Judy.

4

5 MS. GOTTLIEB: Thank you, Sue, for that
6 report. And I missed this year's meeting, but I remember
7 the previous meeting. And so at one point it didn't seem
8 like the community was that interested in a working group
9 or cooperative discussions, but it sounds like that did
10 shift at these -- at your most recent RAC meeting, so is
11 that -- am I hearing that correctly? And I do know Fish
12 and Wildlife has done a tremendous amount of work at the
13 community, too.

14

15 MS. ENTSMINGER: I believe it's a
16 reluctance, but if it's going to be opened, they'd like
17 to have some hand in things. And I think the -- what's
18 missing I believe in these RACs in these communities, is
19 it might be a lot of interaction that's done -- this one
20 particularly has been done through the Service up there,
21 and it just needs to be the people feel like they're
22 being cooperated with. And I specifically asked several
23 of the people testifying about, you know, we have to go
24 by these laws, are you guys willing to talk to us about
25 it, and they have a -- the leader's -- she was reluctant
26 to say that on the record, but as I pushed her, she
27 finally said that they would talk to their people, and,
28 yes, they would consider doing that.

29

30 MR. EDWARDS: Sue, you know, given to
31 what you said, I think we all recognize for the folks up
32 there, this is a very sensitive issue, and we certainly
33 heard that when we did open this area. But it seems that
34 given that a lot of the concerns that we heard, and it
35 seemed that you heard, seemed to have less to do with the
36 actual harvest of the sheep, but more the increase of
37 presence of folks up there, the trespassing that occurs,
38 the litter, and all the things that can occur when you
39 have people come into a land that's not their home, so to
40 speak. And if that is sort of the heart of it, what
41 would you kind of visualize might come out of this
42 working group to kind of address those kinds of problems?
43 And are those really addressable given that, you know,
44 the lack of jurisdiction on -- you know, certainly
45 trespassing is a serious issue and needs to be addressed,
46 but, you know, it's not within the purview of this Board,
47 for example, you know, to address those kind of issues.

48

49 MS. ENTSMINGER: I will say it's hard for
50 me to speak for them, but I'll do the best I can. I

1 believe that once you -- if you want to work with people,
2 and you reach out to them like the Fish and Wildlife
3 Service is doing now, then you start to gain respect from
4 the people, and I think gaining respect, they're more
5 likely to -- and then to understand. A lot of times the
6 people don't really understand these regulations.
7 They're doing the best they can, but they don't really
8 understand them. And this outreach to me is important.
9 And you might even have them on your side when you're
10 finished.

11
12 CHAIRMAN FLEAGLE: Any other questions,
13 Board members, for the RAC's presentation.

14
15 (No comments)

16
17 CHAIRMAN FLEAGLE: Vince, did you have
18 something to add?

19
20 MR. MATHEWS: Yes, Mr. Chairman. The
21 representative for North Slope's not here, and would like
22 to get that on the record what the North Slope Regional
23 Council did, if that's okay.

24
25 CHAIRMAN FLEAGLE: You bet. Thanks.

26
27 MR. MATHEWS: Okay. Mr. Chair. The
28 North Slope opposes Proposal 56. Their justification is
29 they said there was no evidence that this action would
30 not impact the villages. For each village the resource
31 needs to be assessed to insure subsistence users' needs
32 are being met. The population is so small, it would not
33 support harvest by commercial and sport hunters. So
34 North Slope opposes this proposal.

35
36 CHAIRMAN FLEAGLE: Thank you, Vince.
37 Alaska Department of Fish and Game comments.

38
39 MR. REAKOFF: Mr. Chairman.

40
41 CHAIRMAN FLEAGLE: Terry Haynes.

42
43 MR. REAKOFF: Mr. Chairman.

44
45 CHAIRMAN FLEAGLE: Jack Reakoff. Excuse
46 me, Terry, I'll back up here. Jack, please.

47
48 MR. REAKOFF: I live in the Brooks Range,
49 have hunted in the Brooks Range since I was seven years
50 old, and also, like Sue, have observed sheep. And Mr.

1 Heimer's data comes from the Alaska Range where there's a
2 more uniform horn growth of those populations there. The
3 Brooks Range and especially the south slope of the Brooks
4 Range is impacted by deep snow falls and the body size of
5 sheep on the south slope of the Brooks Range are larger
6 than the north slope populations. There's usually
7 typically two or three horn styles in each block of
8 hills, which is vastly different than Heimer's data
9 reflects. The faster growing sheep in the population are
10 killed first, and the slower -- there's usually a sub-
11 dominant horn style that's killed last.

12
13 The problem with full extirpation of
14 full-curl sheep is you kill all of the best genetics out
15 of the population first, and you retain the poorer
16 genetics over time.

17
18 I've observed sheep when they're evading
19 wolves, and large rams, they do two things. They have
20 range knowledge, and they also lead in those breeding
21 aggregates when there's deep snow. They stay with the
22 ewes or most of the winter. When the wolves show up, the
23 big rams start bailing out of there, and they're breaking
24 trail for all the young rams and all the ewes, so they
25 help evade predators also, to meet escape terrain.

26
27 And so those factors have to be
28 deliberated by this Board. If this population is going
29 to be highly targeted, and full extirpation ensues, there
30 will be a degradation of the genetic stocks.

31
32 This issue came before the '02 Game Board
33 and was not received, but there's been no genetic
34 understanding of the Brooks Range populations, and so
35 large body size is integral to maintaining those
36 populations. And I wanted to have those inputs.

37
38 Thank you.

39
40 CHAIRMAN FLEAGLE: We appreciate that,
41 Jack. George.

42
43 MR. OVIATT: I'm sorry. I have a
44 question. I was wondering what -- before the closure
45 happened, what the history of hunting in this area was.
46 Does anybody have that information? It might give us an
47 idea of what it might be in the future.

48
49 CHAIRMAN FLEAGLE: Let me just move
50 through the -- can you hang onto that question until we

1 get down to the Board discussion? We're still moving
2 through the testimony portion. And I'd like to get
3 through that. But that's a good question to ask when we
4 start getting into the discussion.

5

6 And I'm going to turn it over to Terry
7 Haynes for the Department of Fish and Game comments.
8 Terry.

9

10 MR. HAYNES: Thank you, Mr. Chairman. On
11 line for the Department, Beth Leonard is the new area
12 biologist for the area that includes the Arctic Village
13 Sheep Management Area. She replaced Bob Stephenson who
14 has been the area biologist there for a number of years.
15 They're both available to answer questions. And Bob can
16 probably provide some historical information on sheep
17 hunting in that area when we get to that point in your
18 deliberations.

19

20 I'm going to summarize our more detailed
21 written comments. The Department supports this proposal
22 consistent with the reasons expressed in the
23 justification on Page 537 of the Staff analysis, and with
24 the information that was posted on your screen earlier
25 during the presentation. Retaining the existing closure
26 of the Red Sheep and Cane Creek drainages to non-
27 Federally-qualified hunters is not necessary for any of
28 the following reasons authorized by ANILCA: for the
29 conservation of sheep, to provide subsistence
30 opportunities for Federally-qualified rural residents on
31 Federal land, for public safety, administration, or
32 pursuant to other applicable law. Without justification
33 to retain the closure of this area to non-Federally-
34 qualified hunters, there is no reason to maintain the
35 closure.

36

37 The Department is sensitive to concerns
38 regarding possible trespass and transporter problems that
39 were raised by local Arctic Village residents during
40 public testimony at the Federal Board meeting last year.
41 To address those concerns, the Department worked very
42 closely with Fish and Wildlife Service Staff and in
43 consultation with Arctic Village representatives to
44 produce a map and brochure that served as a land status
45 map and reminds transporters and hunters to be respectful
46 of private property and the natural resources. This
47 brochure helped to ensure a successful, albeit temporary
48 hunt in 2006 that to the best of our knowledge resulted
49 in no trespass situations or other conflicts with Arctic
50 Village residents.

1 Assuming these area is reopened to
2 hunting, and this closure is lifted, the Department fully
3 intends to again consult with the Fish and Wildlife
4 Service and with local representatives and Arctic Village
5 to refine or update the brochure as needed prior to the
6 next hunting season.

7

8 And we will be happy to try to answer
9 questions if you have any, Mr. Chairman.

10

11 Thank you

12

13 CHAIRMAN FLEAGLE: Questions. Excuse me.

14

15 (No comments)

16

17 CHAIRMAN FLEAGLE: Terry, I have a
18 question. Just reading the proposed language there,
19 we're only dealing with the Arctic Village Sheep
20 Management Area, so if the Federal regulation were to
21 remove the Red Sheep Creek and Cane Creek portions of
22 that from the closed area, where would that move to the
23 State regulation? Which one of those -- we have two
24 options there, Unit 25A east of the middle fork or -- can
25 you just tell me where -- what portion of the State regs
26 would apply if this were -- if this area were removed?

27

28 MR. HAYNES: Mr. Chairman. You're
29 looking at the State regulations and wondering which
30 piece of the State regulations would be affected by this?

31

32 MS. GOTTLIEB: Mr. Chair.

33

34 CHAIRMAN FLEAGLE: Judy.

35

36 MS. GOTTLIEB: Maybe I can help, because
37 I was just having the same question myself. The way I
38 understand it now, if you look to the right at those --
39 at the dates, we're just talking about the -- excuse me,
40 let me start again. Right now on our books is the
41 regulation where the drainages are closed to non-
42 Federally-qualified users. If by adding that language in
43 bold, that opens that particular area to State hunting
44 during those particular times. And then if you drop down
45 to just the Unit 25A description just below on Page 532,
46 that's what would be applicable from August 10th to
47 September 20th, the one full-curl ram.

48

49 CHAIRMAN FLEAGLE: I read that, but I
50 don't see where the -- the middle fork of the Chandalar.

1 So basically it would read 25A, east of the middle fork
2 Chandalar, residents, one ram with full-curl or larger
3 harvest; or three sheep available by permit. Both hunts
4 would apply?

5
6 MR. HAYNES: Mr. Chairman. Only the fall
7 season was opened under the temporary special action last
8 year. And I guess it's a question of which proposal is
9 actually on the table at this point. We've got
10 recommendations to defer and so that's one issue you'll
11 need to address in your deliberations what type of a
12 season we're looking for. But the special action request
13 last year lifted the closure in the Red Sheep and Cane
14 Creek drainages only for the fall season, early fall
15 season.

16
17 CHAIRMAN FLEAGLE: Okay. Thanks, Terry.
18 That was a piece of information I didn't absorb during
19 the presentation. I obviously wasn't here when that
20 action was taken, so that clarifies it. Thank you.

21
22 Other questions for the State. Yeah,
23 Mike Quinn, go ahead.

24
25 MR. QUINN: Okay. Mike Quinn, Seward
26 Peninsula RAC.

27
28 I'm just curious, of the seven sheep that
29 were harvested, exactly which of those two drainages did
30 they come from, and the information here shows some sort
31 of landing strip in Red Sheep Creek. So I'm curious as
32 to what -- how access is in the rest of the area. I see
33 from the scale on the one map here, both drainages look
34 like they're about 20 miles long. Does that one airstrip
35 allow really good access to the whole rest of the area,
36 or is access limiting most of the hunting to around that
37 airstrip. Maybe either Refuge or State Staff on line
38 could comment on that.

39
40 CHAIRMAN FLEAGLE: Terry.

41
42 MR. HAYNES: Mr. Chairman. Maybe I could
43 ask Bob Stephenson and Beth Leonard to see if they could
44 respond to that question.

45
46 MR. STEPHENSON: Mr. Chairman, this is
47 Bob Stephenson.

48
49 I think on the map that we developed and
50 included in our brochure last fall, we show there are a

1 couple other airstrips aside from the larger one near the
2 mouth of Red Sheep Creek. And they're Super Cub
3 airstrips. There are not many of them, but there were a
4 couple others in addition to that main airstrip. And
5 sheep hunters are often willing to walk quite a ways, but
6 I would imagine the hunting is a little big concentrated
7 near those airstrips, and maybe some of the really higher
8 country toward the Continental Divide, the farthest from
9 the east fork, might get a little bit less hunting than
10 lower down. But those drainages aren't that big. But we
11 don't know exactly, but there are a couple additional
12 access points.

13

14 MR. QUINN: And of the seven harvested
15 sheep, you know, were they all in one drainage, were they
16 divided between the two?

17

18 MR. STEPHENSON: Mr. Chairman. I think
19 Beth Leonard here has the harvest data, and we'll check
20 here real quick, see what we can tell.

21

22 MS. ENTSMINGER: Mr. Chair. While he's
23 checking, is this the time.....

24

25 MS. LEONARD: This is Beth Leonard. And
26 most of the harvest was -- it just says Red Sheep Creek.
27 Most of it occurred in Red Sheep Creek.

28

29 CHAIRMAN FLEAGLE: Thanks, Beth. Sue,
30 did you have.....

31

32 MS. ENTSMINGER: Yeah. Is this the time
33 to ask all these questions for us Council members, or
34 should we wait until deliberation, because I've been
35 holding back.

36

37 CHAIRMAN FLEAGLE: I'm confused, too. I
38 thought we would do all of this under Board discussion
39 with Council Chairs and State liaison. But I have the
40 State up here with their discussion, and I opened it up
41 to Board members for questions, and I got a RAC member.
42 So I recognized him out of deference.

43

44 MS. ENTSMINGER: Am I recognized or not?

45

46 CHAIRMAN FLEAGLE: Do you want to ask the
47 State a question?

48

49 MS. ENTSMINGER: I would love to, but I
50 just don't think it's appropriate right now, because it's

1 going to be -- come all up in deliberation. So it's up
2 to you, Mr. Chair.

3

4 CHAIRMAN FLEAGLE: They're on the table
5 to answer questions right now, if you want to go ahead
6 and ask it.

7

8 MS. ENTSMINGER: Okay. I have the two
9 State biologists on line, and I would like to ask, of 188
10 sheep observed, was the State involved in that survey at
11 all?

12

13 MR. STEPHENSON: Ma'am, no, we were not.

14

15 MS. ENTSMINGER: And then another
16 question. Knowing what I do of sheep, when I hear this
17 figure of 18 mature rams, is there someone in the State
18 or these biologists can tell me that -- I mean, we can't
19 hang our hat on 18. It could be more based on the survey
20 results. I mean, when you're flying surveys, you're not
21 seeing every sheep out there. Again, I'm asking this to
22 the -- all the biologists, either the people that did the
23 survey or the State.

24

25 MS. WERTZ: Ma'am, this is Tara Wertz
26 from the Refuge. If I understood your question right,
27 you're asking if we saw all the rams, if that 18 was a
28 solid number or not. Is that correct?

29

30 MS. ENTSMINGER: No, that's not what I'm
31 asking. I'm asking you if you recognize that you don't
32 see every sheep when you're flying?

33

34 MS. WERTZ: Yes, ma'am, I've already
35 stated that we know this is a minimum count, that we are
36 100 percent sure that we did not count all of the sheep.

37

38 MS. ENTSMINGER: So your 18 sheep that
39 you're saying mature rams, are you calling them full-curl
40 or not? All full-curl?

41

42 MS. WERTZ: No, we decided to be on the
43 safe side and just put the three-quarter-curls or larger
44 in one group, because it is extremely difficult to count
45 sheep, or to identify full-curl and three-quarter-curl
46 from a Super Cub aircraft.

47

48 MS. ENTSMINGER: Yeah, I understand that.
49 It's hard to see which is a male and a female sometimes
50 of young sheep when you're on the ground.

1 And I guess what -- does -- do you have,
2 and I know Wayne had this, but I don't know exactly what
3 the data shows, but of 188 sheep counted, I think there
4 would normally be more than 18 available. What I'm
5 trying to get at is hanging your hat on that 18 are
6 mature might be a little restrictive.

7

8 MR. W. ADAMS: Wayne Adams. Maybe I can
9 step in here and provide some perspective.

10

11 One of the major objectives of the work
12 we did in Northwestern Alaska was to actually evaluate
13 aerial survey techniques, and we did it over a marked
14 population of sheep. And out there under relatively
15 similar survey conditions using Super Cubs, we figured
16 over the course of this three-year project that we saw
17 about 88 percent of the sheep in our study area based on,
18 you know, the marked animals that were within the units
19 we were counting.

20

21 Now, a key thing about that is that the
22 sheep that we missed, it's largely dependent on group
23 size, and just to give you an example, for groups that
24 were 10 sheep, we had about a 90 percent probability of
25 picking those groups up, and anything larger than that,
26 you know, the probability of seeing those groups got
27 bigger. For small groups, a group of one lone sheep, we
28 had about 60 percent chance of seeing those. So I think
29 there's certainly some potential that -- well, you know,
30 there definitely were sheep missed in the course of this
31 survey. I would hang my hat on that. And the
32 preponderance of those would be sheep that were in
33 relatively small groups, ones, twos and threes, which are
34 -- which tend to be, you know, large rams.

35

36 CHAIRMAN FLEAGLE: Other questions to the
37 State's testimony.

38

39 (No comments)

40

41 CHAIRMAN FLEAGLE: All right. Hearing
42 none, InterAgency Staff Committee comments.

43

44 MR. BUKLIS: Mr. Chairman. The
45 InterAgency Staff Committee comments can be found on Page
46 538, and as we noted yesterday, there was an error in
47 book production, and the last two paragraphs were
48 omitted, and so we have a supplemental sheet in your
49 folders, and more at the back table for the public. And
50 that includes the final two paragraphs. We have a page

1 538a and b for the record. I'll highlight the main
2 points.

3
4 The Staff Committee found that the
5 Eastern Interior Council recommendation to defer the
6 proposal and establish a working group to develop harvest
7 recommendations may not be consistent with provisions in
8 Section .815(3) of ANILCA in that a deferral of the
9 proposal would continue the pre-2006 restriction on non-
10 subsistence taking of sheep in the drainages of Red Sheep
11 Creek and Cane Creek without substantial evidence that
12 such restriction is necessary for the conservation of a
13 healthy sheep population or to continue subsistence uses
14 of sheep in the area.

15
16 The Staff Committee reviewed the special
17 action WSA06-03 from 2006 in which the Board determined
18 that a closure of these drainages to non-subsistence
19 sheep hunting was no longer necessary for conservation or
20 subsistence use reasons. The Board's review of available
21 biological and subsistence use information in 2006 and
22 the Staff analysis for this proposal, WP07-56, indicate
23 that the sheep population in these drainages is healthy,
24 albeit at a low density, and is capable of supporting
25 harvest of rams under current Federal and State
26 regulations for the fall season.

27
28 Additionally, little reported subsistence
29 harvest has occurred over the past 11 years while the
30 closure to non-subsistence hunting was in effect.
31 Subsistence hunters have the benefit of a long season,
32 August 10th to April 30th, and a more liberal ram harvest
33 limit than is provided under the State's non-subsistence
34 regulations.

35
36 No new information has been presented in
37 the Staff analysis or in testimony to substantiate an
38 alleged adverse effects of non-subsistence hunting on the
39 sheep population or on subsistence hunting opportunity.

40
41 The Staff Committee reviewed the
42 biological and 2006 harvest information presented in the
43 analysis and considered whether the reported harvest of
44 rams combined with possible unreported harvest and
45 natural mortality constitutes a sufficient conservation
46 concern to warrant continuation of the closure to non-
47 subsistence hunting. The written comments go on into
48 some detail about these biological considerations, and
49 concludes, based on the available information, the 2006
50 harvest of rams from the two drainages does not threaten

1 the health of the sheep population.

2

3 And then the paragraphs that were omitted
4 from the bound book.

5

6 The Regional Council heard testimony from
7 Arctic Village residents requesting that the closure of
8 Red Sheep Creek and Cane Creek to non-subsistence hunters
9 remain in effect. This testimony reiterated the concerns
10 previously voiced by village representatives at Federal
11 Subsistence Board meetings in 1995 when these drainages
12 were first closed to non-subsistence hunting, and in 2006
13 when the Board determined that a continuation of the
14 closure for the fall season in 2006 was not necessary to
15 continue subsistence use.

16

17 Although the Council's recommendation to
18 establish a working group to develop harvest
19 recommendations could help improved information exchange
20 and dialogue among affected interests, Arctic Village
21 residents who testified at the Council meeting were
22 strongly opposed to any relaxation of the closure to non-
23 subsistence hunting, and it was not clear from the
24 testimony that they would support or participate in such
25 a working group.

26

27 For the fall non-subsistence hunt in
28 2006, the State and Federal agencies prepared
29 informational material for prospective hunters and
30 transporters to make them aware of villagers' concerns
31 regarding trespass and littering. The Arctic Refuge
32 Staff and State managers are sensitive to these and other
33 concerns of Arctic Village residents. If the proposal is
34 adopted, the agencies will continue to monitor the sheep
35 population and hunting effort in the area and provide
36 informational outreach to the public.

37

38 Mr. Chairman. That concludes my synopsis
39 of the Staff Committee comments.

40

41 CHAIRMAN FLEAGLE: Questions, Board
42 members.

43

44 (No comments)

45

46 CHAIRMAN FLEAGLE: All right. Excuse me.
47 Under discussion. Just a question, Keith, for you. I
48 was just looking through the regulations 100.19 that
49 speak about special action requests and looking for time
50 lines, and I found a couple of different references, and

1 emergency action shall be effective, but may not exceed
2 60 days, and then a temporary action shall be confined to
3 the minimum of time period or harvest limit determined by
4 the Board, will not extend beyond the regulatory year.

5
6 Is that the one we're operating under?
7 So if we don't do anything here, that special action that
8 was taken by the Board disappears, correct?

9
10 MR. GOLTZ: I believe that's correct.

11
12 CHAIRMAN FLEAGLE: And that was the point
13 made by the InterAgency Staff Committee, that if we
14 simply defer this proposal, we go back to square one,
15 which is closed to all non-Federally-qualified users.

16
17 MR. GOLTZ: That's correct.

18
19 CHAIRMAN FLEAGLE: All right. So that
20 question is clear.

21
22 MR. GOLTZ: Yes, that's correct.

23
24 CHAIRMAN FLEAGLE: Okay. That's all I
25 needed to get clarified.

26
27 Discussion among Board members. Gary.

28
29 MR. EDWARDS: Mr. Chairman, and it might
30 help a little bit, because, you know, we have spoke
31 several times again about the concern of Arctic Village.
32 Maybe Richard Voss could share a little bit with the
33 Board some of the things that they did last year and what
34 they might be planning to do this year assuming that if
35 this -- if we continue the hunt to try to address some of
36 the concerns of the folks up there.

37
38 Richard, could you do that for us,
39 please?

40
41 MR. VOSS: Well, basically we worked in
42 cooperation with the State on putting together news
43 releases and flyers and maps and distributing them to the
44 hunting public, and also to the people in the villages,
45 also to air taxi operators, and just hunters in general.
46 I also talked with one commercial guide that has some of
47 the Red Sheep Creek area in his area. So we outreached
48 the program basically, what was going on.

49
50 MR. EDWARDS: What about -- assuming that

1 this -- if this hunt continues, the same type of actions
2 for this year, or would you look at some other options,
3 or what?

4
5 MR. VOSS: Well, certainly the commercial
6 guide in the area says that he didn't plan on conducting
7 commercial operations in the area until he worked with
8 the village and agreeing with what -- on how to conduct
9 his business in the area.

10
11 MR. EDWARDS: So most of the out -- so if
12 I'm correct.....

13
14 MR. VOSS: With the village, where we go
15 over the reports and the surveys that we conduct and
16 possible public use and biological surveys. We're
17 planning on continuing the biological surveys over the
18 next couple years in the Red Sheep Creek area, and we're
19 conducting another public use monitoring effort in Red
20 Sheep Creek again this fall.

21
22 As we would respond that we've conducted,
23 let's see, I believe it was six law enforcement patrols
24 in the area last year. We have that same effort outlined
25 this year also. So it's a combination of outreach, law
26 enforcement, communication with the people in the
27 villages and the general hunters, and working with the
28 State to document what's going on and how it changes.

29
30 I do -- I would think there would be more
31 hunters in the next season versus what happened last year
32 since it was a small announcement and the period between
33 the announcement and the hunting was small. I would
34 think based on the phone calls that we receive, there
35 would be more interest in the area, whether they go out
36 or not.

37
38 CHAIRMAN FLEAGLE: Is that good, Gary?

39
40 MR. EDWARDS: Yes, sir.

41
42 CHAIRMAN FLEAGLE: Wini.

43
44 MS. KESSLER: I'd like to take a question
45 I addressed to the sheep experts on the phone and now
46 address it to the sheep experts in the room, Jack and
47 Sue. What do you think about the results of the 2006
48 hunt following the special action, and if that pattern
49 were to not only remain the same, but actually it may
50 increase with more word out about the hunt, and more

1 interest in that type of thing. I'd like to ask your
2 opinions on that. Do you have concerns?

3

4 CHAIRMAN FLEAGLE: Sue.

5

6 MS. ENTSMINGER: Yeah, thank you, Mr.
7 Chair. One of the first things I have thought about is
8 the information provided here that there was two non-
9 residents and they was not guided by the guide that has
10 the area. So how were they guided? I can't understand
11 why we don't have that information. The State should
12 have that, because that would be -- if they did not hunt
13 with a guide and there was two non-resi -- they would
14 have had to have hunted with a second degree of kindred,
15 otherwise they weren't hunting properly. It was illegal.

16

17 Yeah, I imagine that -- it's my
18 understanding that the guide in the area, from what
19 Richard had told us here, he is reluctant to hunt there,
20 because he's working with the village. This is what I
21 was told. He's working with the village. He's only
22 going to hunt there when the village would agree to this.
23 So that is a good thing.

24

25 But I would have to ask the State to
26 answer your question. Was that a registration hunt or
27 was it not?

28

29 CHAIRMAN FLEAGLE: Terry Haynes.

30

31 MS. ENTSMINGER: Because that was opened,
32 you know, as an emergency, so -- or whatever we did,
33 whatever you call it. So you would have had the old
34 regulations, right?

35

36 MR. HAYNES: Through the Chair. Sue, no,
37 it was not a registration hunt, but the State regulations
38 specify that there may be Federal restrictions that apply
39 to these hunts. And typically in these cases we try to
40 ensure that people come into the office to get
41 information and harvest tickets and other paperwork for
42 hunts, are well-informed about the circumstances for the
43 hunt. But they did not have to obtain registration
44 permits for this hunt.

45

46 MS. ENTSMINGER: I guess the only concern
47 I would have is if you are a resident of Alaska and you
48 just pick up the book and you start reading regulations,
49 and you don't even know what has transpired here, you
50 would say, oh, there's a sheep season here, I'm going

1 hunting there. So without a registration hunt, and what
2 they've done here seems rather highly expensive, but they
3 could do more, which is not our jurisdiction, it's State
4 jurisdiction, to have a registration hunt, and then maybe
5 have a clearer handle what's going on up there.

6

7 Does that help? I could probably say
8 more.

9

10 MS. KESSLER: Yeah, that helps, thanks.

11

12 CHAIRMAN FLEAGLE: Jack.

13

14 MR. REAKOFF: Through the Chair. I don't
15 consider three-quarter-curl rams as adult rams. Those
16 sheep would be probably around the age class of four to
17 five years old. Adult rams are eight years old. And so
18 the full-curl sheep that were harvested in that -- almost
19 twice the age of some of those sheep that were counted as
20 in larger rams. Even though they may not have had the
21 sightability, they did have experienced crew, and so they
22 -- and the Chandalar surveys, and some of those surveys
23 in the Brooks Range, they've been having fairly good
24 success on sighting most of the sheep. And it depends on
25 the conditions they have.

26

27 I would just proceed with caution. This
28 has focused a spotlight on this area. The Red Sheep is a
29 good landing area, and a lot of people know about it.
30 That's why it became such an issue with the people there
31 at Arctic Village, and so I would proceed with caution on
32 monitoring that harvest.

33

34 And I don't consider harvesting for
35 subsistence sub-legal sheep incidental to where people
36 find them as being nearly as detrimental to the genetic
37 stocks than if the ram -- it's like wolves, they harvest,
38 they eat animals randomly. You can do genetics, I've got
39 a study laying in front of me here that I carry in my
40 brief on how they've -- on the full extirpation in an
41 area in Canada where they reduced the sheep size by
42 almost one-third, 20 to 30 percent in horn length and
43 body size under full extirpation, so I would be -- if you
44 want to maintain natural populations or healthy
45 populations of sheep, I would proceed with caution with
46 this highlighted area. And that would be my comment.

47

48 Thank you.

49

50 CHAIRMAN FLEAGLE: Time for a break, 10

1 minutes.

2

3 (Off record)

4

5 (On record)

6

7 CHAIRMAN FLEAGLE: All right. We're back
8 on record. I just want to -- before we resume discussion
9 and potential deliberation on the issue, I just want to
10 raise up to the Board that of the proposals before us, as
11 of noon the Board accomplished, took action on 11 leaving
12 us with 19. So basically at our half-way point, we were
13 a third done. And now we're spending most of our
14 afternoon on one proposal. I'd just remind the Board
15 that in addition to this proposal and the other 18 we
16 have to deal with, we have an RFR and we have until
17 tomorrow. So I'd like to just see if we can maybe
18 summarize our comments or get to our points a little
19 quicker. A lot of the data that's being discussed is
20 already in the record in written form. I do anticipate
21 that we'll probably have to come back after the dinner
22 break and work for a couple of hours just to kind of get
23 caught up to ensure that we're finished by tomorrow.

24

25 And with that, Pete, do you have a
26 comment?

27

28 MR. PROBASCO: Yeah, Mr. Chair. Just
29 maybe you want to add a little incentive, too, that we do
30 have this room all day and all night if we need to meet.
31 So please keep that in mind.

32

33 Mr. Chair.

34

35 CHAIRMAN FLEAGLE: Will they bring
36 breakfast in?

37

38 MR. PROBASCO: I'll have to ask Gary on
39 that one.

40

41 CHAIRMAN FLEAGLE: With that, let's go
42 ahead and resume. We're still under the Board discussion
43 portion. Gary.

44

45 MR. EDWARDS: Mr. Chairman. And I won't
46 try to drag this on, but Tara, I did have one question,
47 maybe we needed to clarify. In response to the question
48 about the survey, I think you had indicated that you
49 included three-quarter-curl rams in the survey, but in
50 reviewing the report from the survey, it says that we

1 chose to use a more conservative method in which rams
2 were classified as mature or other, and we acknowledge
3 that mature rams included those with full-curl horns as
4 well as large bodied rams having horns with massive bases
5 and horns tipped pointed upwards, but less than full-
6 curl. With the horn tips pointed upward, wouldn't that
7 imply something more than a three-quarter, closer to
8 seven-eighths, and not really picking up a lot of three-
9 quarter inch rams?

10
11 MS. WERTZ: Well, we weren't really sure
12 how to explain it in our report, but be assured that
13 those are three-quarter-curl and full-curl rams. And you
14 could assume from most other sheep populations even the
15 composition we've done on the refuge in other areas, like
16 the Hulahula, the majority of those would be three-
17 quarter-curl rams, not full-curl rams.

18
19 CHAIRMAN FLEAGLE: Other discussion.

20
21 MS. KESSLER: Mr. Chair

22
23 CHAIRMAN FLEAGLE: Wini.

24
25 MS. KESSLER: I suppose one of the things
26 that really influences me here is the stated objective
27 for management as on Page 532. The current ADF&G
28 management objectives for Unit 25A sheep population are
29 to manage for full-curl or larger horned rams and for
30 population growth. And that I think is the crux of my
31 concern here about whether what we've seen so far on this
32 trial basis would allow us to do that, manage for
33 population growth.

34
35 So maybe I'll address a question to the
36 State. Assuming the closure were removed or perhaps what
37 I think in the best world deferred so that some kind of a
38 working group might be able to act on it, how would the
39 State go about managing the level of the hunt? Some sort
40 of a quota, limited entry? I mean, what are the
41 possibilities there? What is the State thinking about
42 that?

43
44 CHAIRMAN FLEAGLE: Beth, can you answer
45 that?

46
47 MS. LEONARD: Yes. This is Beth Leonard.
48 As of right now, if we manage it at full-curl, which
49 would be the regulation, then there isn't a biological
50 concern. And then from there it would go if there are

1 different groups of people to propose, if they wanted
2 like a drawing hunt or something like that, then it would
3 go to our Board of Game and that becomes an allocation
4 issue, and then that is up to the Board of Game under
5 that circumstance.

6

7 So initially it would be the fall season,
8 August 10th through September 20th for full-curl rams.

9

10 MR. EDWARDS: And, Beth, this is.....

11

12 MR. STEPHENSON: And if I could add
13 something. This is Bob Stephenson.

14

15 Just for a perspective, we have this, the
16 full-curl season throughout the eastern Brooks Range and
17 much of the rest of Alaska, and we don't have, you know,
18 any need or see any great need to try to limit harvest
19 beyond that unless we want to do something like we do in
20 the Tok Management Area, which is manage for even larger
21 trophy sheep. And there we do limit participation. And
22 that could be done here, but from the standpoint of, you
23 know, just minimizing effects on population dynamics, a
24 full-curl season is already a conservative tool

25

26 In much of the eastern Brook Range we
27 find -- you know, and if we look around the state, when
28 we do these sheep surveys during the summer, we'll find
29 two to four percent of the population is comprised of
30 legal rams. In this case, when the Service did the
31 survey last summer, it was a little bit higher than that,
32 which I think we could expect based on the fact that it
33 wasn't hunted for several years. So the hunting is
34 limited to affecting that small percentage of the
35 population.

36

37 You know, Mr. Reakoff has some concerns
38 about genetics, that we can sure try to figure out and
39 address, but it's kind of a self-limiting situation with
40 the full-curl limit for male sheep only.

41

42 MS. KESSLER: Follow up with a question?

43

44 CHAIRMAN FLEAGLE: Sure. Go ahead, Wini.

45

46 MS. KESSLER: So are there other units
47 where roughly 50 percent of the large, mature rams are
48 hunted on a yearly basis or taken?

49

50 MR. STEPHENSON: Did you say where six

1 percent?

2

3 MS. KESSLER: Roughly 50 percent.

4

5 MR. STEPHENSON: Oh, 50 percent. I would
6 imagine so. I don't think that's high. It's just that
7 the proportion of the population that was older rams in
8 this case was higher than we normally see, and I suspect
9 that was because it was closed for several years to -- at
10 least to general hunting, full-curl hunting. But there
11 are places, for example, in western 25A in the upper
12 Chandalar area where there's a nice sheep population.
13 It's mostly State and BLM and private land. The guiding
14 activity is very heavy, because it isn't regulated, and
15 it's not something we're happy with, but that's part of
16 the -- what happened when the State Guide Board was
17 dismantled years ago. Now they're trying to put it back
18 together.

19

20 But even there we see like three and half
21 percent full-curl rams in our summer surveys, and it's a
22 very heavily hunted area. I think the harvest there is
23 about -- I think it's about 30 rams a years, 35, and we
24 still the next summer we'll find 40 to 50 rams, something
25 like that. So they -- even though, you know, the
26 hunting's heavy, they don't get all of them, and then
27 they're growing right back into that age group by the
28 next hunting season.

29

30 So as I said, it's pretty self-limiting.
31 It's a conservative -- it's like a 50-inch, four brow
32 tine moose harvest -- or antler restriction. It really
33 constrains the harvest, or limits the harvest to a small
34 segment of the population.

35

36 And these sheep populations are
37 controlled by predation and weather. Wolf predations is
38 important. Golden eagles take a lot of lambs. Spring
39 weather and winter weather have a large effect on lamb
40 production and survival, and adult survival of older
41 adults.

42

43 So this little harvest of -- I know Beth
44 has clarification on the harvest, but of a relatively
45 small number of adult rams, has a very small effect on
46 the population. And I know some of the rams that were
47 taken this year were quite old. Their teeth were worn
48 down, and it would probably be their last year anyway.

49

50 So anyway I hope that clarifies things.

1 MS. KESSLER: Thank you.
2
3 CHAIRMAN FLEAGLE: Other discussion.
4 George.
5
6 MR. OVIATT: Thank you, Mr. Chairman. If
7 I can ask the question that I asked before, if somebody
8 could answer, what the pressure or hunt that was put on
9 prior to the closure. How many people were hunting in
10 this area? Does anybody have that answer? Prior to the
11 closure.
12
13 CHAIRMAN FLEAGLE: Terry Haynes.
14
15 MR. HAYNES: Mr. Chairman. Are you
16 talking about under the -- the area was only open under
17 Federal regulations between like '93 and last year.
18 And.....
19
20 MS. LEONARD: Mr. Chairman. Beth
21 Leonard. I have some information.
22
23 MR. HAYNES: Oh, I'll defer to Beth, but
24 I'll point out that the documentation of hunting in the
25 Red Sheep and Cane Creek areas was almost nil.
26
27 CHAIRMAN FLEAGLE: Beth.
28
29 MS. LEONARD: Thank you, Mr. Chair. I
30 have some information on the number of sheep harvested,
31 and it depends on how you look at it. If you look at all
32 of the Arctic Village Sheep Management Area, the highest
33 in one year was 18, but in most years it was below 10,
34 and within Red Sheep and Cane Creek, it was more like 5
35 to 7 sheep that were harvested. And this was in the late
36 80s before the Arctic Village Sheep Management Area was
37 established.
38
39 MR. VOSS: Mr. Chairman. This is Richard
40 Voss from Arctic Refuge.
41
42 I would add that the public use
43 monitoring protocol we followed this time around was
44 similar to a similar observation period in 1997, and it's
45 in that report. But the numbers that we came up with
46 were pretty similar, too. There were 30 people observed
47 in '97. And it's true that these weren't all hunters.
48 These were just observations of the Red Sheep Creek. But
49 it matches the '97 data, the 2006 data. And that's
50 specifically in the Red Sheep Creek drainage.

1 CHAIRMAN FLEAGLE: Board members.
2
3 MR. LOHSE: Mr. Chair.
4
5 CHAIRMAN FLEAGLE: Ralph.
6
7 MR. LOHSE: I'd like to ask a question,
8 if I may. I was just wondering from some of the
9 biologists there, what is the average age of a full-curl
10 ram in the Brooks Range, and what is the average life
11 expectancy of a ram in the Brooks Range.
12
13 MR. STEPHENSON: Mr. Chairman. I don't
14 know particularly. We would have to do some analysis. I
15 think we've got those numbers in our data base and could
16 run some, you know, statistics on them, but the full-curl
17 rams are in the 7 or 8-year-old minimum, and then they go
18 up to 10, 11, 12, and they usually are disappearing by
19 that age. So they'd be in that range. It's not too
20 different than other places. They may be a little slower
21 growing than the Chugach Mountains or the Wrangells, I'm
22 not sure, because it's a shorter growing season, but
23 that's roughly the situation. But we could -- to get
24 averages, we rely on hunters usually to age sheep.
25
26 Does that answer your question.
27
28 MR. LOHSE: Yeah, pretty much. I was
29 just wondering what the life expectancy of the sheep were
30 after they reached full curl, how many years of breeding
31 they had.
32
33 MR. STEPHENSON: A few generally. It's
34 not too long and then they're getting stiff, and, you
35 know, depending on severity of winters, become more
36 vulnerable to wolves or whatever, and if you have a bad
37 winter, you can lose them. I think a really old sheep is
38 like 15 or 16 years. That's extremely old.
39
40 CHAIRMAN FLEAGLE: All right. Thank you,
41 Bob.
42
43 MS. ENTSMINGER: Mr. Chair.
44
45 CHAIRMAN FLEAGLE: We've got a lot of
46 information, and maybe we're going to get some more, but
47 we really need to get a motion and get moving here. Sue.
48
49 MS. ENTSMINGER: I wouldn't say it if I
50 didn't think it was important. I had asked the State

1 about the two non-residents, and from what he asked the
2 gal at break, do you want to speak to it?

3

4 CHAIRMAN FLEAGLE: Terry.

5

6 MR. HAYNES: Mr. Chairman. I think Beth
7 Leonard can respond to that question regarding the two
8 out-of-state hunters who reported, who appeared to have
9 in the Arctic -- in the Red and Cane Creek drainages.

10

11 CHAIRMAN FLEAGLE: Beth Leonard.

12

13 MS. LEONARD: Thank you, Mr. Chair. At
14 the time that I was looking at the harvest tickets, I
15 didn't realize that the registered in the Arctic Village
16 Sheep Management Area had chosen not to take hunters. So
17 two of the harvest tickets show that they have a
18 registered guide, and their comments are east of Red
19 Sheep Creek. And the way we code our harvest
20 information, it includes part of that area, so I just
21 gave it the benefit of the doubt at the time and assumed
22 that it was in the Arctic Village Sheep Management area,
23 but it's likely it was just across from that airstrip,
24 and they were hunting outside of the Arctic Village Sheep
25 Management area. So if that's what happened, then we
26 would have two less sheep harvested in the Arctic Village
27 Sheep Management Area this year.

28

29 CHAIRMAN FLEAGLE: All right. So we're
30 talking about five sheep.

31

32 MS. LEONARD: Correct.

33

34 CHAIRMAN FLEAGLE: Board members.

35

36 MS. GOTTLIEB: Mr. Chair.

37

38 CHAIRMAN FLEAGLE: Gary.

39

40 MS. GOTTLIEB: Oh, go ahead, Gary.

41

42 MR. EDWARDS: No, go ahead. I'm going to
43 make a motion, so if you want to say something.

44

45 CHAIRMAN FLEAGLE: Judy.

46

47 MS. GOTTLIEB: I guess just one more
48 thought from past history, and, of course, it may not be
49 100 percent applicable, but just something we've done
50 before, this has to do with sheep over in Unit 23 in

1 northwest Alaska, and that was establishing a quota. You
2 know, if we're -- if some people are starting to have
3 some conservation concerns, then a quota might be
4 something we incorporate into our further deliberations.

5

6

CHAIRMAN FLEAGLE: Gary.

7

8

MR. EDWARDS: Mr. Chairman. In order to
9 continue to move forward, I guess I'm prepared at this
10 time to make a motion. And I would move that we would
11 reject the Eastern Interior Regional Council's
12 recommendation on Proposal 56 and remove the closure of
13 Federal public lands to non-Federal-eligible sheep
14 hunters in the Red Sheep Creek and the Cane Creek
15 drainages in Unit 25A during the fall season.

16

17

We've heard an awful lot of testimony
18 today, both from the RAC, certainly from biologists from
19 USGS and the Fish and Wildlife Service as well as the
20 State. At least from what I heard, I think there's good
21 information out there that this hunt has not had an
22 impact on the population and continuation of it is not
23 expected to have any impact. And I don't feel that we've
24 gotten any new information that would lead one to believe
25 otherwise. You know, certainly our charge under ANILCA
26 is not to restrict non-subsistence users if we don't
27 have, you know, good reason to do so, particularly for
28 conservation purposes. I don't think we heard anything
29 today that would indicate that we would.

30

31

Certainly the idea that the Council had
32 of a working group, you know, that certainly might have
33 merit, but I guess I would say that that should not be
34 dependent upon whether we have a hunt or not. That's
35 certainly something that could take place regardless of
36 whether we have a hunt or not. I have a lot of
37 confidence in the Refuge is going to continue to work
38 with the folks in Arctic Village as best they can. And
39 we certainly heard that the State would be willing to do
40 so.

41

42

So, Mr. Chairman, that's my motion and my
43 rationale for such.

44

45

CHAIRMAN FLEAGLE: Right. Can you just
46 restate the motion itself and see if we get a second.

47

48

MR. EDWARDS: I move that we reject
49 Eastern Interior Regional Council's recommendation on
50 Proposal 56, and remove the closure on Federal public

1 lands to non-Federally-eligible sheep hunters in the Red
2 Sheep Creek and Cane Creek drainages in Unit 25A during
3 the fall season.

4

5 MR. OVIATT: I'll second.

6

7 CHAIRMAN FLEAGLE: We've got a motion
8 that's seconded, and we did have the supporting
9 statements by Gary rolled into the motion.

10

11 Discussion, Board members. Wini.

12

13 MS. KESSLER: I share the goal behind
14 this proposal, which is the removal of restriction based
15 on absence of a conservation concern, but I cannot
16 support the lifting at this time knowing the intensity of
17 harvest on large and old rams that occurred following the
18 special action, and the likelihood of that intensity
19 increasing in subsequent years. For me it raises
20 conservation concerns, which could be resolved through
21 cooperative effort and consideration of options to limit
22 the harvest, and better insure its continued growth and
23 long-term sustainability. So I think lifting at this
24 time is premature, and I can't support that.

25

26 CHAIRMAN FLEAGLE: Other Board members.

27

28 (No comments)

29

30 CHAIRMAN FLEAGLE: I'd like to ask a
31 question of the State. One question that hadn't been
32 asked throughout the question and answer period there was
33 I know, having worked with the State system for so many
34 years, I'm confident that the State can manage its sheep
35 populations. They do, they do well.

36

37 There is an issue that was raised in the
38 discussion previous to this motion in that this is a
39 small area that has been closed, and we all know how
40 opportunistic hunters are. Once they learn of an
41 opening, they tend to rush an area and that is a
42 possibility. Now, does the State have any -- other than
43 just relying on the small percentage of the population
44 that's full-curl or greater, is there any way that you
45 can watch that, monitor that and close it by EO to the
46 general hunt if you need to, and would that be an
47 intention given the concerns that have been raised here,
48 if it were necessary.

49

50 Ken Taylor.

1 MR. TAYLOR: Thank you, Mr. Chairman.
2 Yes, that is an option, and we would leave that to the
3 area biologists, to their discretion. I think all of our
4 area biologists are very conservation oriented, and are
5 not likely to allow an over-harvest to occur.

6
7 CHAIRMAN FLEAGLE: George.

8
9 MR. OVIATT: I'm not seeing a real
10 conservation reason to keep the area closed. From what
11 we've heard, I believe that the population of the sheep
12 herd is increasing and can support. And I'm encouraged
13 with what I just heard from the State, that they can
14 manage this area and will manage it. So I think I would
15 be supporting the opening.

16
17 CHAIRMAN FLEAGLE: Other Board members.
18 Judy.

19
20 MS. GOTTLIEB: Mr. Chairman. Well, I've
21 certainly heard and seen quite a bit of new information
22 from what we've had before, and appreciate especially the
23 outreach efforts that the Department and the Refuge have
24 done, because that is something this Board very strongly
25 requested not only -- well, a couple times last year, and
26 I think there was a great deal of follow-through.

27
28 I would feel better if there was a very
29 strong commitment. I think we heard it, but just to
30 verify for continued not only outreach efforts, but those
31 survey efforts, and keeping a close handle on the
32 harvest. I think that's important.

33
34 I guess I'd like to go back to my
35 suggestion of a quota, you know, if we open up this area
36 under our regulations, it would be I think important for
37 this program to ask for, you know, quick and timely
38 feedback so that if it's perceived that there's 18
39 available next year and a certain number get taken up
40 pretty quickly, and I guess I'd leave that number for the
41 Refuge manager maybe and Fish and Game to sort out soon.
42 I would feel more comfortable, because I think we did
43 hear some information today that leads me on that track.

44
45 CHAIRMAN FLEAGLE: Other Board members.
46 Mike. Niles.

47
48 MR. CESAR: I share Judy's and Wini's
49 concern. And although I think there's sufficient
50 information to open that, I'm concerned about the

1 numbers, and I think there's enough uncertainty and there
2 seems to be, you know, not real solid information as to
3 where are even hunting. And so that kind of distresses
4 me somewhat that, you know, we're not sure where they
5 hunted, in or out, and so I think a quota number would be
6 my preference. and, again, as Judy said, leave the
7 closure up to the State biologist and Refuge manager.

8

9 MS. GOTTLIEB: And the RAC Chair.

10

11 MR. CESAR: The RAC Chair.

12

13 CHAIRMAN FLEAGLE: What mechanism exists
14 for us to do that, Pete? Keith? Somebody. This is
15 something new to me.

16

17 MR. W. ADAMS:breaking in, but this
18 is laid out. I've got to (cutting out) just wanted to
19 let you know that I'm going to disconnect from the
20 conference call.

21

22 CHAIRMAN FLEAGLE: I didn't catch the
23 name, but thank you.

24

25 MR. W. ADAMS: Wayne Adams.

26

27 CHAIRMAN FLEAGLE: Okay. Wayne, thanks.

28

29 Yeah, I think the point is that by
30 opening this hunt to non-Federally-qualified subsistence
31 -- non-subsistence user -- yeah, subsistence users, we
32 then turn it over to the State to manage, and how can we
33 establish a quota hunt on a State hunt? I just don't see
34 the mechanism that would exist there. That's the
35 question I have. If it's been done before, I don't know.
36 Just curious.

37

38 Ken Taylor.

39

40 MR. TAYLOR: Thank you, Mr. Chairman.
41 Yes, once you've opened it to not non-Federally-eligible
42 subsistence hunters, and it becomes a State hunt, the
43 State is responsible for managing that resource, and I
44 have full confidence that our area biologist will work
45 with the Refuge biologist to insure that an over-harvest
46 doesn't occur.

47

48 CHAIRMAN FLEAGLE: Thank you. I sure
49 that confidence, and I'm going to support the motion.

50

1 Other Board members.
2
3 MR. EDWARDS: Mr. Chairman.
4
5 CHAIRMAN FLEAGLE: Terry.
6
7 MR. EDWARDS: I guess that would mean
8 then that the State -- you could close it under emergency
9 order if you felt you could, right? Or need to?
10
11 MR. TAYLOR: That's correct. And the
12 area biologist can do that. They have that designated
13 authority.
14
15 MS. GOTTLIEB: Mr. Chair.
16
17 CHAIRMAN FLEAGLE: Judy.
18
19 MS. GOTTLIEB: And so how will the
20 feedback be available to that area biologist to be able
21 to close? I sounds like much of the survey work was
22 done, and I'm not clear on this, maybe by Fish and
23 Wildlife Service. So what would be the feedback
24 mechanism?
25
26 CHAIRMAN FLEAGLE: Ken Taylor.
27
28 MR. TAYLOR: Mr. Chairman. We get
29 harvest reports back on a fairly regular basis, which
30 probably would not be timely enough for the concerns that
31 are being expressed by this Board. It's possible that
32 surveys could be conducted in-season, and we do that on
33 some hunts around the State, and if the hunting pressure
34 looks like it's excessive, then the area biologist would
35 have the authority to close the hunt.
36
37 MR. EDWARDS: Mr. Chairman.
38
39 CHAIRMAN FLEAGLE: Gary.
40
41 MR. EDWARDS: Maybe one other question
42 for Ken. I mean, it's my understanding right now because
43 this was emergency action on our part, it's -- currently
44 right now it's closed. It's going to require action of
45 the Board of Game? Assuming if we take a positive action
46 here, and remove the closure, will it take action on the
47 part of -- it will not take action on the part of the
48 Board of Game to do it so there's not an opportunity for
49 the Board of Game to give some kind of instructions or
50 guidance as to how this area should be managed

1 specifically or anything like that.

2

3 CHAIRMAN FLEAGLE: Terry Haynes.

4

5 MR. HAYNES: Mr. Chairman. This area is
6 open in State regulations. The closure is in Federal
7 regulations.

8

9 CHAIRMAN FLEAGLE: Other discussion.

10

11 (No comments)

12

13 CHAIRMAN FLEAGLE: Are we ready for the
14 question. The question is recognized on Proposal 56.
15 Pete.

16

17 MR. PROBASCO: Mr. Chair. Final action
18 on Proposal WP07-56 as read into the record by Mr.
19 Edwards. Mr. Cesar.

20

21 MR. CESAR: No.

22

23 MR. PROBASCO: Mr. Oviatt.

24

25 MR. OVIATT: Aye.

26

27 MR. PROBASCO: Ms. Kessler.

28

29 MS. KESSLER: No.

30

31 MR. PROBASCO: Mr. Edwards.

32

33 MR. EDWARDS: Aye.

34

35 MR. PROBASCO: Mr. Fleagle.

36

37 CHAIRMAN FLEAGLE: Aye.

38

39 MR. PROBASCO: And Ms. Gottlieb.

40

41 MS. GOTTLIEB: Aye.

42

43 MR. PROBASCO: Motion carries, four/two.

44

45 CHAIRMAN FLEAGLE: Okay. Thank you,

46 Pete.

47

48 I have one other request for an item out
49 of order, and that would be a Mulchatna Caribou
50 presentation that's requested to be done today. We only

1 have three more action items under Southcentral Alaska
2 before we get into Bristol Bay, so I think we'll go ahead
3 and work toward completing Southcentral Alaska, and if it
4 looks like we're going to run short of time, we'll fit in
5 the presentation.

6

7 And, Bruce, I know you can't in a
8 microphone from there, but can you just indicate to one
9 of your State people that can tell us how long your
10 presentation is intended to be?

11

12 BRUCE: Fifteen minutes, whatever you
13 want.

14

15 MR. BUKLIS: Fifteen minutes.

16

17 CHAIRMAN FLEAGLE: Okay. We'll make sure
18 we can accommodate that. What time do you have to leave
19 by?

20

21 MR. RISDAHL: Midnight.

22

23 CHAIRMAN FLEAGLE: Any time today.
24 You'll be here by breakfast with the rest of us.

25

26 MR. BUKLIS: Mr. Chairman.

27

28 CHAIRMAN FLEAGLE: Larry.

29

30 MR. BUKLIS: Should we disconnect the
31 phone connection now?

32

33 CHAIRMAN FLEAGLE: That would be
34 appropriate. Thank you.

35

36 Thanks to everyone who called in and
37 helped us on that issue.

38

39 MR. BUKLIS: We're going to disconnect
40 the phone. Thank you.

41

42 MS. LEONARD: You're welcome.

43

44 CHAIRMAN FLEAGLE: Okay. That brings us
45 back to the normal agenda, and we're now at Proposal 17b,
46 which is the establishing a season and bag limit for
47 brown bear for Federally-qualified users of Ninilchik in
48 Unit 15. Okay. It looks like we're ready. We've got
49 Greg Risdahl is going to lead us off on this.

50

1 MR. RISDAHL: Thank you, Mr. Chairman.
2 Members of the Board. I did some slash and burn editing
3 here. Hopefully that will speed this up a little bit.

4
5 Wildlife Proposal 17b was submitted by
6 the Ninilchik Traditional Council. It requests that a
7 season be established for the harvest of brown bear in
8 Unit 15. The proposal requests an August 20th to
9 November 10th season with a harvest bear every four
10 regulatory years.

11
12 I'll skip over the regulatory history,
13 because Liz went over that fairly thoroughly.

14
15 Brown bears are large carnivores that
16 roam over large areas, and in the case of the Kenai
17 Peninsula, the State manages the population as one unit,
18 because it is in fact one population. The current goals
19 from management there are to maintain a healthy brown
20 bear population and minimize negative brown bear/human
21 interactions.

22
23 We talked briefly about the allowable
24 mortality rate being 20 brown bears per year with a
25 subquota maximum of eight females older than one year of
26 age, calculated from the average annual mortality of the
27 most three recent years.

28
29 Brown bears are found throughout the
30 remote lowland forest, and intermountain valleys of the
31 Kenai Peninsula. Highest densities are found west of the
32 Kenai Mountains. Peninsula brown bears are known to make
33 rapid long distances moves across the Peninsula in
34 pursuit of food resources, such as salmon and berries, on
35 a seasonal basis. This is a learned behavior.

36
37 Because of concern over the long-term
38 conservation of brown bear, the InterAgency Brown Bear
39 Study Team was formed in 1994 and they began developing
40 baseline inventories of salmon streams and other known
41 high use areas. Research since that time has included
42 such things as assessing brown bear habitat, evaluating a
43 cumulative effects model to identify habitat at risk from
44 human development, estimating survival and enumerating
45 the Kenai brown bear population through a computer
46 modeling program.

47
48 The initial estimate of the population of
49 brown bears took place in 1992. ADF&G biologists came up
50 with a number of approximately 277 brown bears based on

1 the available habitat on the Kenai Peninsula. Later that
2 census or that population estimate was revised and
3 increased slightly up to -- oh, excuse me. Actually the
4 initial estimate was done in 1989, and that was 150 to
5 250 bears, and that was updated in 1992 to be 277 based
6 on additional habitat use and availability.

7

8 From 1973 to 2006 on average 16 human-
9 caused brown bear mortalities have taken place on the
10 Kenai Peninsula. Of those 16, approximately half have
11 been actual hunter-harvested bears.

12

13 From 2000 to 2006 a total of 12 brown
14 bears have been legally harvested in Unit 15, six of
15 which were harvested in 2000, two in 2001, and four in
16 2004. As mentioned earlier, the brown season was only
17 opened for three days in 2004, and quickly closed after
18 the harvest of those four bears occurred.

19

20 Moving on to current events. At the
21 spring 2000 (sic) Board of Game meeting, Regulatory
22 Proposal No. 30 was adopted authorizing both spring and
23 fall season drawing hunts for brown bear on the Kenai
24 Peninsula. The Board of Game regulation will replace the
25 current fall State registration hunt for brown bear with
26 a set of drawing hunts for separate areas on the Kenai
27 Peninsula. The Department will give out up to 50 permits
28 available only to residents that may be used in the fall
29 and spring seasons. Those seasons being October 1
30 through November 30, and April 1 through June 15.
31 Permits will be allocated to separate areas based on
32 desired harvest levels as well as bear mortalities from
33 other sources. The first drawing will take place
34 beginning this month and next month, in June.

35

36 The State season, hunters will be
37 encouraged to take bears close to human population
38 centers to reduce complaints and negative human/bear
39 interactions. The fall hunt will only be conducted if a
40 harvestable surplus still exists following the spring
41 hunt. That is, of course, in addition to other types of
42 human-caused mortality that take place throughout the
43 summer. Fall hunters with unused permits will be
44 eligible to hunt the following spring, which is within
45 the same regulatory year.

46

47 The hunt is not expected to be the kind
48 of high quality experience of other guided brown bear
49 hunts.

50

1 In terms of effects of the proposal,
2 because of the recent change in the State brown bear
3 regulations as just mentioned, a modification to the
4 original Ninilchik Traditional Council's proposal should
5 be considered in order to provide a meaningful
6 subsistence opportunity for Federally-qualified
7 subsistence users. The Office of Subsistence Management
8 suggests implementing a Federal subsistence season with
9 dates that would align with the State drawing hunt for
10 both the fall and spring seasons.

11
12 However, in contrast to the new State
13 drawing hunt for brown bear, the Federal subsistence
14 season would not confine Federally-qualified subsistence
15 users to small areas based on desired harvest levels, and
16 bear mortalities from other sources. Federally-qualified
17 subsistence hunters would be allowed to hunt for brown
18 bear on all Federal public lands in both the fall and
19 spring seasons by Federal registration permit. Authority
20 to open or close the Federal subsistence season would be
21 given to the Kenai National Wildlife Refuge manager.

22
23 In the first regulatory year, the Refuge
24 manager would close the subsistence season following the
25 harvest of two brown bears by qualified subsistence
26 users. The Federal subsistence harvest quota could be
27 adjusted up or down based on demonstrated need of
28 Federally-qualified subsistence users in subsequent
29 years.

30
31 The preliminary conclusion of the Office
32 of Subsistence Management is to support the proposal with
33 modification to allow a to-be-announced harvest
34 opportunity for one year every four regulatory years by
35 Federal registration permit for the same dates, October
36 1 through November 30 and April 1 through June 15, with
37 the authority delegated to the Refuge manager to open and
38 close the season.

39
40 In sum, the opportunity for either a
41 Federal subsistence or State general hunting season will
42 likely continue to be limited given the isolated nature
43 of brown bears on the Kenai Peninsula, the difficulty in
44 assessing the true population size, the perceived high
45 levels of non-hunting human-caused mortality, and obvious
46 impacts associated with increasing human development.

47
48 With the modified proposal, brown bear
49 harvest and hunter effort would be monitored through
50 Federal registration permit reports and the Alaska

1 Department of Fish and Game sealing requirements.
2
3 Thank you.
4
5 CHAIRMAN FLEAGLE: Thank you, Greg.
6 Questions.
7
8 (No comments)
9
10 CHAIRMAN FLEAGLE: We now move to summary
11 of written public comments. Donald.
12
13 MR. MIKE: Mr. Chair, there are no
14 written public comments. Thank you.
15
16 CHAIRMAN FLEAGLE: Public testimony.
17 Pete.
18
19 MR. PROBASCO: Mr. Chair. We have it
20 looks like five, six public testimony. And the first is
21 Kenny Odman and Anna Grant.
22
23 MS. GRANT: My name is Anna Grant, and
24 I'm from Ninilchik.
25
26 MR. ODMAN: Kenny Odman, NTC director,
27 and subsistence user. I'd say we wholly support this,
28 and we'd like to thank all the hard work that everybody
29 put in on this, and it's going to be a great benefit to
30 all. That's it.
31
32 MS. GRANT: And that's it. I'm done.
33
34 MR. ODMAN: Any questions.
35
36 CHAIRMAN FLEAGLE: Thanks. Board
37 members, questions.
38
39 (No comments)
40
41 CHAIRMAN FLEAGLE: Thank you.
42
43 MR. PROBASCO: Mr. Chair. Next we have
44 Ivan Encelewski.
45
46 MR. ENCELEWSKI: Thank you, Mr. Chairman.
47 Members of the Board. First of all I'd like to say I
48 enjoyed the conversation on the sheep hunt, and I'm glad
49 to see there's some other proposals out there that kind
50 of mirror some of the activity of ours.

1 I'm not going to take a lot of time here.
2 I've previously testified in regards to bear here earlier
3 this morning. A couple of things I'll just touch on.

4
5 You know, we wholeheartedly support the
6 opportunity to harvest brown bear. You know, the State's
7 proposing 50 permits to hunt black (sic) bear I think is
8 evident that there is ample population to support a small
9 bear hunt, a brown bear hunt on the Kenai Peninsula.

10
11 As I mentioned earlier, you know, from my
12 personal assessment of, you know, 30 years, I've been
13 around those lands and whatnot, and I' personally see
14 more brown bear than I do black bear, and that's the God
15 honest truth.

16
17 You know, and another thing we talk
18 about, DLPs, in defense of life and property, and I think
19 if we took out a few of these bears, you could help
20 address some of those issues. One way or another, you
21 know, if it's a better opportunity for hunters to hunt
22 and get the customary and traditional resource before it
23 becomes a defense of life and property, and then it
24 becomes ownership of the State and sold to whoever around
25 the world that wants to buy some of those furs.

26
27 I just want to point out, too, that I
28 think during the sheep hunt there was some discussion
29 about in-season management, and you might hear some
30 concerns about in-season management and how are we going
31 to do that, and, you know, if we get 2 bear, 4 bear, 10
32 bear or whatever, where do you close it, and how do you
33 manage it. Well, I think the State wholeheartedly
34 expressed their previous experience and willingness to do
35 that in other areas, so I certainly would think and
36 conclude that they could do that in this scenario as
37 well.

38
39 Like I said, I'm not going to take up a
40 lot of your time. I appreciate your work and effort, and
41 just refer to some of my other testimony as well.

42
43 CHAIRMAN FLEAGLE: Thank you, Greg.
44 Questions. Judy.

45
46 MS. GOTTLIEB: Mr. Chairman. Thanks,
47 Ivan, for coming up here today and I'll ask this question
48 of Ralph when we get around to the RAC recommendation. I
49 know when you submitted the proposed regulation, it was
50 well before the Board of Game made their determinations

1 on season, so do you have any comments on what the State
2 recently passed, what the Board of Game recently passed
3 that would also include a spring/summer hunt?

4
5 MR. ENCELEWSKI: I guess my comments in
6 regards to the State hunt is more or less just
7 reiterating the availability, the viability of a brown
8 bear hunt for residents of Ninilchik. Certainly if they
9 can issue 50 permits for state hunts and sport hunts,
10 there's certainly under the meaningful preference
11 opportunity for subsistence hunters, there certainly
12 should be an opportunity for some of us subsistence users
13 to get a few bear. So I guess my only comments being,
14 you know, I know that the State had changed the system to
15 this, you know, permit and that kind of stuff, but I just
16 -- I think mainly it kind of reinforces the opportunity
17 and the population that is available to harvest some
18 bears, and I think that the State's recognition of that,
19 because my concern is that, you know, even in this
20 proposal -- the hunt's been there. It's just been closed
21 for years and years and years, you know, because of DLPs
22 and that kind of stuff. And I think also, you know, the
23 spring hunt before the DLPs and a lot of those is also a
24 good idea, because, you know, that gives an opportunity
25 for subsistence people to get some bears before those
26 numbers rack up, and so I guess that's my kind of
27 comments.

28
29 CHAIRMAN FLEAGLE: Thank you.

30
31 MR. ENCELEWSKI: Thank you.

32
33 CHAIRMAN FLEAGLE: Who do we have next,
34 Pete.

35
36 MR. PROBASCO: Next, Mr. Chair, is Mike
37 Crawford.

38
39 CHAIRMAN FLEAGLE: Mike Crawford.

40
41 MR. CRAWFORD: Hello. I kind of said
42 earlier what I wanted to say now.

43
44 But getting to the State, it's up to 50
45 permits. I don't think we'll see 50 permits issued. And
46 those permits are for problem areas where the DLP numbers
47 are concentrated is where they're going to concentrate
48 those hunts initially, so I think I can speak for the
49 fish and game advisory committee that I'm on down in
50 Kenai and Soldotna, that we don't have a problem with the

1 subsistence hunt that's going to happen here.

2

3 Our only concern would be, as the State
4 learned, you put a registration hunt out there, and then
5 they never expected -- the last time the hunt was open,
6 they had a giant number of permits, and they had to turn
7 around and shut the hunt down immediately in 24 hours
8 because they had no idea if one bear had been shot or 20
9 bears had been shot. And so maybe a timely reporting on
10 this so the State can manage their hunt in accordance
11 with this hunt and they could work together and manage
12 the bear population, the bear hunt, both the subsistence
13 and the sport hunt together on the Peninsula. And that
14 way we end up with maybe a good bear hunt for everybody.
15 And I guess that's about it.

16

17 CHAIRMAN FLEAGLE: Thank you. Questions.

18

19 (No comments)

20

21 CHAIRMAN FLEAGLE: Thanks for the
22 testimony. Pete.

23

24 MR. PROBASCO: And last, Mr. Chair, is
25 Darrel Williams.

26

27 DR. WILLIAMS: Mr. Chairman. Members of
28 the Board. My name is Darrel Williams. I work for
29 Ninilchik Traditional Council. Excuse me.

30

31 Of course, we are seeking a positive
32 determination for this harvest; however, there are some
33 issues that's kind of developed today, and I'm going to
34 kind try to impromptly address those.

35

36 Starting with we need to make sure that
37 we have a meaningful preference for the subsistence users
38 so we can meet the mandates of ANILCA.

39

40 Earlier I had mentioned methods and means
41 as in rifles and traps, and to clarify that a little bit
42 better, there's been some good documentation in the Staff
43 analysis about what traps may or may not be.

44

45 The other issue that's come up on this is
46 now we've reduced the area. Brown bears are managed as a
47 population, and essentially the Kenai Peninsula is
48 managed as an island, think of it that way, as far as the
49 availability for animals to come and go and intermingle
50 with other populations neighboring it. So we've reduced

1 that down to 15C. And the chances are that a lot of
2 these animals are going to come and go from one game
3 management unit to another, and there will be incidental
4 take out of different parts of the population depending
5 on how people hunt and where they hunt and whatnot.

6
7 The second part of the problem that's
8 come up is with the reduced season that's come up, and
9 with the State intervening with their bear permitting
10 season that they've come up with, the problem's going to
11 be, in order to provide a meaningful preference to the
12 subsistence users, after you've had the spring hunt by
13 the sportsmen, defense of life and property by whoever,
14 after those two seasons, quote/unquote, are over with,
15 will we meet the threshold and be able to have a
16 subsistence season? And the same thing, it's the charge
17 here to be able to insure a meaningful preference for the
18 subsistence users.

19
20 On a personal note, I'm a little
21 concerned, because I had heard earlier that it's not the
22 charge here to be able to limit harvest to other user
23 groups to insure subsistence. I believe it is. That is
24 exactly the charge and why we're here today. If we have
25 a whole bunch of other harvest take place and say that
26 the subsistence users may or may not be able to harvest
27 in the end, if they meet a certain threshold, there will
28 be no subsistence harvest. So I'm a little alarmed that
29 that's something that we didn't plan for when we crafted
30 the proposal. We didn't realize the State was going to
31 do what they had done with their permitting system.

32
33 So I would really like everyone to be
34 able to consider, and I'm not really sure where to go
35 with this, but I would at least like to mirror what the
36 State has proposed in their brown bear hunt, or have an
37 increase of what they have proposed in the brown bear
38 hunt, in order to insure meaningful preference so it
39 gives the people the availability to harvest.

40
41 The threshold that was discussed at the
42 RAC for the subsistence hunt consisted of two bears.
43 Personally, I'm not sure if that will satisfy the
44 subsistence needs, and I believe it will be like some of
45 the other hunts where you will have an increase of
46 interest in the beginning, and then you will see the core
47 user group, again that's been identified in many
48 different ways, will surface and it will be -- and then
49 you will be able to manage effectively, and it will be
50 good information for everyone.

1 I think somehow we're going to have to
2 reach, and I -- or come to some kind of a conclusion of
3 how we're going to make this work. And, of course, and
4 like I've said, people have heard me say at the RAC,
5 sometimes we have to ask the tough questions in order to
6 provide that meaningful opportunity. And in this
7 particular instance it may be can the State have this
8 hunt and still provide a meaningful opportunity for
9 harvest for rural subsistence residents. In your agenda
10 that I saw, there are other rural communities that are
11 starting to show interest in the subsistence activities,
12 and it may be something you may want to look at, because
13 I don't think it's going to go away. And it gives us all
14 a -- it makes us all a little uncomfortable.

15
16 I would like to see, just to kind of
17 summarize, I would like to see an equal, at least an
18 equal to type season with the State harvest, so that way
19 when it comes to the subsistence users, and if we have to
20 go with the to-be-announced type season, we won't find
21 out in October that there's no bears left to harvest.
22 That just wouldn't be right, and it wouldn't be fair, and
23 it wouldn't be meeting the charge of ANILCA.

24
25 That's all I have. Any questions.

26
27 CHAIRMAN FLEAGLE: Thank you. Questions,
28 Board members.

29
30 (No comments)

31
32 DR. WILLIAMS: Mr. Chairman, thank you.

33
34 CHAIRMAN FLEAGLE: Thank you.

35
36 MR. PROBASCO: That's it, Mr. Chair.

37
38 CHAIRMAN FLEAGLE: Regional Council
39 recommendations. Ralph Lohse.

40
41 MR. LOHSE: Thank you, Mr. Chair. Board
42 members. As you now, the Southcentral Alaska Subsistence
43 Regional Advisory Council supported Proposal WP07-17b
44 with modification. The Southcentral Alaska Subsistence
45 Regional Advisory Council supports establishing a
46 subsistence season, and we picked the numbers October
47 15th through October 31st, because at that time we didn't
48 know what the Board was going to do, for the harvest of
49 one brown bear every four years. The Kenai National
50 Wildlife Refuge manager has the authority to allow for

1 the take of two bears. This will be a registration hunt.
2 The Refuge manager has the authority to open and close
3 the season. We believe this proposal will provide for a
4 meaningful preference for the residents of Ninilchik.

5
6 Now, to answer some of the questions that
7 have come up. Darrel, I think we did plan to make sure
8 that there was going to be one -- at least my
9 understanding was that these two bears that were going to
10 be allowed for the subsistence hunt were going to be
11 reserved out of the population and figured into the
12 population modeling as reserved for the subsistence hunt.
13 And if they weren't used, then they could be put into the
14 following year for the Fish and Game. But it was my
15 understanding that we have had a two bear maximum so that
16 that figure could be worked into ADF&G population
17 management as reserved for subsistence unless time shows
18 that the subsistence community does not use the available
19 quota. And I as a Regional Council member would think
20 that that's what's going to have to be done in order to
21 have a reasonable subsistence preference, that a portion
22 of the allowable hunt has to be reserved. And then if
23 it's not used, it can be put into the port for the other
24 ones, instead of, like Darrel was saying, all of a sudden
25 October comes and there's nothing left for the
26 subsistence community.

27
28 The other thing is I don't envy you guys
29 your job, because when we put in the proposal for C&T, it
30 was for all of Unit 15. It's kind of interesting, now
31 you have to manage for a subsistence hunt on a Kenai
32 National Wildlife Refuge that extends over A, B, and C on
33 a population that's managed by the State for the whole of
34 Unit 15, and you have to manage or come up with some kind
35 of subsistence hunt that deals with 15C only. And I
36 didn't have a chance to say that before, but I don't envy
37 you that, and I don't think it's logical, and I expect
38 that you're going to see more proposals come in from
39 Ninilchik asking for 15A and 15B in the future.

40
41 CHAIRMAN FLEAGLE: Is that it, Ralph?

42
43 MR. LOHSE: That's it.

44
45 CHAIRMAN FLEAGLE: Okay. I've got a
46 question for you. Apparently after your recommendation
47 was drafted, the Board of Game crafted the drawing hunts,
48 and the OSM came up with a new preliminary conclusion.
49 And I suspect your RAC hasn't had a change to with that,
50 but it does change the opening date from October 1 to

1 November 30 to match the State's drawing hunts. Do you
2 sense that your RAC, given that information, would have
3 agreed to those dates?

4
5 MR. LOHSE: Most definitely. As you
6 notice by the dates that we picked, our RAC has a
7 tendency to be conservative more than it does to be
8 liberal. But we would never expect that the subsistence
9 community would be restricted to less than the sport
10 community. And so if the State has proposed a longer
11 season, we would expect that that would extend to the RAC
12 -- I mean to the subsistence community also.

13
14 CHAIRMAN FLEAGLE: Yeah. Okay. Thanks.
15 I wanted that clarification, because there exists the
16 potential for going against your recommendation here in
17 passing a more liberal season.

18
19 Board members, other questions. Judy.

20
21 MS. GOTTLIEB: Well, thanks, that was
22 going to be part of my question, too, because the RAC
23 time period was very short.

24
25 And maybe this is something that we'll
26 have to resolve in our deliberations. The RAC
27 recommendation was for I guess a total of two bears in
28 that two week period approximately. And so now we may be
29 dealing with a much longer time period, and we may need
30 to rethink that total number.

31
32 And secondly, I would once again request
33 that when our regulations are done, if we pass something
34 similar to what's written on Page 212 that we add
35 announcement of the Kenai National Wildlife Refuge
36 manager in consultation with ADF&G and the RAC Chair,
37 consistent with how we do this in other areas.

38
39 CHAIRMAN FLEAGLE: Do you want to
40 respond, Ralph?

41
42 MR. LOHSE: Thank you, Judy. The reason
43 we asked for two bears is we looked at what the State was
44 talking about as the normal take on the Peninsula with
45 the DLPs and what they were expecting to harvest, and how
46 many bears there would be a possible surplus. We were
47 asking for those two bears as a reserve. In other words,
48 this was a maximum to be reserved for the subsistence
49 hunters. It doesn't mean that can be all that they can
50 take, but it was a maximum to be reserved for them so

1 that it could be put into the -- so it could be put into
2 their population modeling, so that the subsistence hunter
3 wouldn't come last.

4

5 MR. EDWARDS: Mr. Chairman.

6

7 CHAIRMAN FLEAGLE: Gary.

8

9 MR. EDWARDS: Ralph, I guess I wanted
10 clarification. I mean, assuming that we had a huge DLP
11 and hit by cars and other things, you still would say
12 that under those circumstances we would be authorizing an
13 additional two regardless of what would be going on, or
14 that would be two assuming that we were going to have
15 other unrelated, not DLP-related harvest.

16

17 MR. LOHSE: No. What we were saying,
18 that if there was a surplus, two of them would be
19 reserved for the subsistence hunters to start off with,
20 and that would go into the modeling. And then after
21 that, if there were surpluses, it could go into the sport
22 hunt.

23

24 CHAIRMAN FLEAGLE: Other questions for
25 the Council's comments -- or recommendations, I mean.

26

27 (No comments)

28

29 CHAIRMAN FLEAGLE: All right. Thank you.
30 Alaska Department of Fish and Game comments. Terry
31 Haynes.

32

33 MR. HAYNES: Thank you, Mr. Chairman.
34 I'll summarize our much more detailed written comments.
35 And after I summarize these comments, the management
36 coordinator for this area, Gino Delfrate is here, and he
37 may be able to answer questions regarding this new State
38 hunt that I don't describe in our comments.

39

40 Kenai Peninsula brown bear were listed as
41 a population of special concern under Alaska's list of
42 special -- species of special concern in 1998. The brown
43 population and harvest by both hunting and human-caused
44 kills such as defense of life and property are very
45 closely monitored by the Department and the Federal
46 agencies on the Kenai Peninsula.

47

48 Staff analysis for Proposal 07-17b
49 describes the State's careful management of the brown
50 bear population and cooperative activities by Federal

1 agencies. It describes the State's administration of a
2 registration permit hunt that has occurred only if the
3 number of non-hunter human-caused brown bear deaths is
4 below the maximum allowable mortality identified in
5 management objectives. Because of this approach, no
6 permits to hunt brown bear have been issued by the State
7 since 2002.

8
9 Because the Department concludes that the
10 available data cannot reasonably support a positive C&T
11 use determination being made for brown bear in Unit 15
12 for residents of Ninilchik, we do not support creation of
13 a Federal season to accommodate those uses. The
14 documented levels of brown bear harvest by Ninilchik
15 residents in Unit 15 over time do not require allocating
16 two brown bears per year to a Federal hunt. Such an
17 allocation would represent more than a nine-fold increase
18 over the historical total harvest of residents of
19 Ninilchik from Unit 15 over the 41-year total harvest
20 shown on map 1 of the Staff analysis, and would likely
21 represent more than an 80-fold increase over the
22 historical harvest on the Federal public lands during
23 that period.

24
25 The Staff analysis generally describes
26 the new State brown bear regulations in Unit 7 and 15
27 effective for the 2007/08 regulatory year. But the
28 Department wants to provide the additional details that
29 are important to assure brown bear conservation.

30
31 The Department plans to issue for this
32 first year 18 drawing permits out of the 50 that are
33 available, and allocate them between five hunting zones
34 on the Kenai Peninsula. The permits will authorize
35 hunting in both the fall and spring seasons; however, if
36 recorded brown bear mortality is too high between January
37 and September 2007, the fall 2007 season will be closed
38 by emergency order and hunting will only be authorized
39 for the spring 2008 season.

40
41 Decisions to issue permits, and the
42 number of permits to be issued will be made each year.
43 In some years, permits may not be issued for all five of
44 the hunting zones.

45
46 If a Federal season is implemented over
47 our objections, it must be closely coordinated with the
48 new State seasons and regulations.

49
50 And like I say, if you have more

1 questions about the new State regulations, Gino can try
2 to answer those for you.

3

4 Thank you.

5

6 CHAIRMAN FLEAGLE: Questions.

7

8 (No comments)

9

10 CHAIRMAN FLEAGLE: I think I've got a
11 question. Now, if I understood that correctly, if you
12 reached your other than hunter-caused mortality prior to
13 the opening of the fall season, you don't plan to have a
14 fall season, but you do plan to have a spring season
15 which will be inclusive of the next year's consideration
16 for mortality prior to the fall season again, correct?
17 So you're still going to maintain the maximum 20 bears,
18 is that the number I remember for the Kenai Peninsula, 20
19 brown bear?

20

21 MR. DELFRATE: Thank you, Mr. Chair.

22 Gino Delfrate for the record.

23

24 Yes, that's true, that our -- at present
25 our current quota is still 20 bears and not more than
26 eight female bears to be taken, and we are pushing up
27 against that upper limit, and we'll take that into
28 consideration.

29

30 CHAIRMAN FLEAGLE: All right. So it
31 sounds like with that in place then, and the fact that
32 you haven't had an open season since 2002, it's pretty
33 likely that you won't have a all season since you're now
34 including a legal harvest by humans.

35

36 MR. DELFRATE: Thank you, Mr. Chair.

37 We've struggled for the last eight or so years to try and
38 come up with a system that would provide opportunity to
39 take brown bear, to make those bears that are actually
40 dying from other causes available to harvest, and to try
41 and get public buy-in into bear management on the Kenai.
42 And I can say with -- it's been hard to do. This has --
43 in my previous job as the assistant area biologist for
44 the Kenai Peninsula, this was one of my primary
45 responsibilities, and it's one that we've always
46 struggled. It's why we came up with a registration hunt
47 to continue to give opportunity.

48

49 Jeff Selinger, the area biologist and I
50 worked on trying to come up with a system whereby we can

1 still provide for a hunting system that would be directed
2 towards those bears that would otherwise become nuisance
3 bears, and it's a unique way of looking at this, and I
4 think that we're definitely treating this as an
5 experiment, and I think it's our best shot of doing this.
6 We are committed to having a spring season in '08, and
7 we're hopeful that our summer of '07 won't be as bloody
8 as it has been in the past. And so all -- everything
9 aside, we are going to try and get through this season.
10 If we have a high DLP rate this summer, it's likely we
11 won't have a fall season, but we do intend to start off
12 with the spring season. We've committed to having the
13 spring season. And as we now count our quota, we start
14 in the spring, so it's likely we will not have achieved
15 our quota of 20 bears or eight females with the spring
16 season, because the bears are just coming out of their
17 den. So it will make things possibly problematic for the
18 following fall or for future years, but that still leaves
19 something to be seen, and we're going to continue to work
20 on that.

21

22 CHAIRMAN FLEAGLE: Right. I get the
23 point. And it's not just DLPs if I remember from the
24 State system. You deal with a lot of automobile versus
25 bear interaction down there as well.

26

27 MR. DELFRATE: Yes, Mr. Chair. The
28 primary cause of mortality from non-hunting is defense of
29 life or property. There have been years where we've had
30 bear/car mortalities where -- in one year we did have six
31 mortalities from automobiles. That was by far a fluke
32 and it hasn't happened since, but we do have brown bears
33 hit on the road by cars, and then we do have the
34 occasional illegal bear that's taken as well.

35

36 CHAIRMAN FLEAGLE: Okay. Thanks. Just
37 -- the reason, Board members, I'm going along with these
38 questions is the -- under the OSM's recommendations with
39 the new information of this hunt, the season would be
40 first a fall season, and then a spring season. So the
41 potential for having a subsistence hunt in the fall, and
42 I'm not sure how this all will play out, whether or not
43 the Federal management system is going to continue to try
44 to agree to and accommodate the 20 maximum. Would we not
45 have a fall hunt as well if we didn't -- I mean, these
46 are just things that we need to discuss as we move
47 forward on this. It does kind of complicate the issue.

48

49 But I understand, you know, your take
50 here, Gino. I appreciate it.

1 Other questions for the ADF&G.

2

3 (No comments)

4

5 CHAIRMAN FLEAGLE: All right. Hearing
6 none, InterAgency Staff Committee comments. Larry.

7

8 MR. BUKLIS: Mr. Chairman. The Staff
9 Committee comments can be found Page 221 of the Board
10 book, and I will summarize those written comments.

11

12 Given that -- this is regarding Proposal
13 17b. Given that non-subsistence hunting opportunity will
14 be limited by the State through a drawing permit hunt,
15 the Council's recommended open Federal registration hunt
16 is considered by the Council to provide a meaningful
17 preference for Ninilchik hunters. This recommendation is
18 supported by substantial evidence. It is consistent with
19 recognized principles of fish and wildlife management and
20 conservation, and would not be detrimental to Federally-
21 qualified subsistence users if the Federal season is
22 opened as scheduled. However, fall brown bear harvest
23 opportunities for both State and Federal hunters will be
24 contingent on the calendar year total brown bear
25 mortalities from all causes prior to the scheduled
26 opening of the fall season.

27

28 Mr. Chairman, I think this implies a
29 cooperative approach to the quota you were talking about.

30

31 If brown bear mortalities for the
32 calendar year equal or exceed sustainable levels prior to
33 the fall hunting season, both State and Federal fall
34 seasons would need to be closed. To avoid the potential
35 problem of a pre-fall season closure precluding
36 subsistence hunting opportunity, an alternative that
37 could be considered would be to provide a split Federal
38 subsistence season of October 1 to November 30th, and
39 April 1st to June 15th with a harvest limit of one bear
40 every four years by Federal registration permit. As with
41 the Council recommendation, the Kenai National Wildlife
42 Refuge manager would have the authority to open and close
43 the season and allow for the take of two bears per
44 regulatory year.

45

46 Providing a spring season would likely
47 assure hunting opportunity before much non-hunting
48 mortality of bears occurs, and would take place
49 coincident with the State spring drawing permit hunt.
50 This option would provide a longer season than the

1 Council recommendation, and the provision for a harvest
2 quota would be consistent with maintaining a healthy bear
3 population.

4
5 Thank you.

6
7 CHAIRMAN FLEAGLE: Questions, Board
8 members.

9
10 (No comments)

11
12 CHAIRMAN FLEAGLE: Board discussion.
13 Gary.

14
15 MR. EDWARDS: Mr. Chairman. Maybe to get
16 this started and to speed up some time, I'm going to go
17 ahead and make a motion.

18
19 CHAIRMAN FLEAGLE: Please do.

20
21 MR. EDWARDS: And in making this motion,
22 I recognize that we're going to have to do some adoption,
23 amendments and jury-rigging of it some way, because
24 certainly the issues that Darrel and Ralph raised I think
25 are real issues. But instead of trying to -- so let's
26 start with the motion.

27
28 So my motion is pretty straight forward,
29 and that is to adopt the recommendation of the
30 Southcentral Alaska Subsistence Regional Advisory Council
31 to establish a subsistence season from October 15th
32 through October 31st for the harvest of one brown bear
33 every four years.

34
35 Under their proposal, or recommendation
36 the Kenai National Wildlife Refuge manager will have the
37 authority to allow for the take of two bears, and this
38 will be a registration hunt, and the Refuge manager has
39 the authority to open and close the season.

40
41 CHAIRMAN FLEAGLE: Is there a second.

42
43 MS. GOTTLIEB: I'll second it.

44
45 CHAIRMAN FLEAGLE: Okay. We do have a
46 second. Gary, do you want to lay out a rationale for
47 your motion.

48
49 MR. EDWARDS: Well, you know, I think the
50 rationale is pretty straight forward, and I think this is

1 a reasonable request. I feel that we can put together a
2 hunt that would provide both for the subsistence user and
3 the sport user, and at the same time provide a preference
4 for the subsistence user. It's going to e a matter of
5 what amendments we put to it to address some of the real
6 concerns that were raised.

7

8 CHAIRMAN FLEAGLE: Discussion. Judy.

9

10 MS. GOTTLIEB: Mr. Chairman, thank you.
11 Well, I guess I would like to offer an amendment as was
12 described by the Staff Committee and kind of confirmed
13 through our discussions with the RAC Chair and others,
14 and that would be along the lines of what appears on Page
15 220, which would extend the season then, October 1 to
16 November 30th, April 1 to June 15th. And again this
17 would be consultation with Fish and Game and the RAC
18 Chair, to-be-announced seasons.

19

20 CHAIRMAN FLEAGLE: We've got motion for
21 an amendment. Is there a second.

22

23 MR. CESAR: Second.

24

25 CHAIRMAN FLEAGLE: Seconded by Niles.
26 220. Page 220 is the language that would be adopted as
27 the amendment. Discussion. Did you want to put some
28 rationale, justification for that, Judy, please.

29

30 MS. GOTTLIEB: Sure. I think we had a
31 little it of a time lag in terms of when these -- the
32 proposed regulation was initially submitted and when the
33 RAC met and when the Board of Game met, and so to kind of
34 catch up and to provide maximum amount of time that will
35 be available to subsistence users, keeping in mind the
36 relatively low numbers that may or may not be available
37 for harvest. I think this makes more sense in terms of a
38 proposed regulation for the Federal Board.

39

40 CHAIRMAN FLEAGLE: Board members, ready
41 for the question on the amendment, or do you want further
42 discussion. Gary.

43

44 MR. EDWARDS: Mr. Chairman. I mean, our
45 goal here is to try to provide this preference, and to
46 insure that the subsistence users have an opportunity to
47 hunt and hopefully to be able to take a bear if they come
48 across it. I might go ahead and ask Robin if he might
49 come up, because I know he knows that this is an issue,
50 and since he's going to be the one that's managing it,

1 maybe he has a silver bullet that might accomplish this.
2 It's not that I'm opposed to the amendment. I'm just in
3 my mind unclear whether it will actually accomplish what
4 we're trying to accomplish here.

5

6 CHAIRMAN FLEAGLE: Robin West.

7

8 MR. WEST: Mr. Chair. Mr. Edwards.

9 Given where we're at with deliberation, I think the
10 amendment probably makes sense.

11

12 Just briefly to explain, the population
13 of bears is probably increasing. We don't have the
14 number. We're still managing them conservatively, and
15 the quotas that were mentioned are still the goals for
16 management. As was stated, the -- what the Board of Game
17 authorized this year is kind of an experiment, and is
18 being initiated in a fairly conservative fashion. When
19 you boil it down to the 18 permits that the State will
20 offer for drawing by the five zones, only two will be in
21 the area that would overlap where these two bears could
22 be taken, which is the core or the heart of the refuge.
23 And that corresponds to what the State's goals are, is to
24 try and get around some of the developed communities and
25 so forth, some of the DLPs that would -- are going to be
26 killed anyway under a legitimate sport harvest.

27

28 So the long and short of it is, you know,
29 in the heart of the refuge there will a couple of drawing
30 permits that will be managed, and the subsistence folks
31 that will be hunting in 15C would be hunting in the same
32 area. There are a lot of bears in that area. There's
33 not a desire to take a lot of bears out of the area,
34 because that's kind of the refugia (ph) for this
35 population of special interest, but the seasons that have
36 been proposed in the amendment would allow that if the
37 number is -- has been taken through any means in the fall
38 and subsistence users just the people that had the two
39 drawing permits would be guaranteed a hunt in the spring.
40 And whether we would allow subsistence hunters to take
41 the opportunity to hunt in the all, even if the sport
42 hunt was closed or not is something for discussion, and
43 there would be some discretion in doing that, but I would
44 suggest that we would not, if the DLPs were taking out of
45 that general area, or the overall harvest was fairly
46 high.

47

48 But for where you are right now, I think
49 the amendment kind of makes sense.

50

1 MR. EDWARDS: Thank you, Robin. And just
2 one other question, and maybe to Judy. Judy, does your
3 amendment -- does it include the two bear quota and the
4 registration hunt? Is that part of your amendment or
5 not?

6
7 CHAIRMAN FLEAGLE: Judy, your microphone.

8
9 MS. GOTTLIEB: Maybe I can get some
10 assistance from Larry on the intent of the Staff
11 Committee or on that preliminary conclusion there. I
12 guess it's not in the wording, but.....

13
14 CHAIRMAN FLEAGLE: Larry Buklis.

15
16 MR. BUKLIS: Mr. Chairman. In terms of
17 the Staff Committee comments, the comments would point to
18 this alternative view of extending into that spring
19 opportunity, but it would include the two bear quota and
20 the registration permit.

21
22 MS. GOTTLIEB: Okay. Thanks.

23
24 CHAIRMAN FLEAGLE: Would you -- Pete,
25 your interpretation. Go ahead.

26
27 MR. PROBASCO: Mr. Chair. If I may, Ms.
28 Gottlieb, if it indeed is your intent to include the
29 quota, you motion focused on the language on Page 220
30 which does not include that, so you would need to clarify
31 your motion.

32
33 CHAIRMAN FLEAGLE: Judy Gottlieb.

34
35 MS. GOTTLIEB: For clarification then,
36 that the Refuge manager does have the authority to allow
37 the take of two bears, and this would be part of the
38 registration hunt, and these two would be part of the
39 overall quota of 50 that seem to apply to Unit 15 in
40 general.

41
42 CHAIRMAN FLEAGLE: Do we have concurrence
43 of the second on the amendment?

44
45 MR. CESAR: Yes.

46
47 CHAIRMAN FLEAGLE: Niles, thank you.
48 Just a correction, 50 is the up to language for permits
49 to be issued. The quota for over-all kill is 20, so just
50 for clarification. And it sounds like the agencies still

1 want to agree to cooperate on that number. I see heads
2 nodding. We've finally reached some cooperation here
3 today.

4

5 (Laughter)

6

7 MS. KESSLER: Mr. Chair.

8

9 CHAIRMAN FLEAGLE: Wini.

10

11 MS. KESSLER: Yeah. This has been a
12 complicated one, but I'm satisfied we've arrived at --
13 between the proposal and the amendment, something that
14 will provide a meaningful preference for subsistence
15 users and is consistent with principles of wildlife
16 management and conservation.

17

18 CHAIRMAN FLEAGLE: Are we ready for
19 action on the amendment.

20

21 MR. EDWARDS: Question.

22

23 CHAIRMAN FLEAGLE: The question's
24 recognized. Pete, on the amendment as just stated into
25 the record by Judy, please poll the Board.

26

27 MR. PROBASCO: Thank you, Mr. Chair.
28 This is amendment to Proposal WP07-17b, and we referenced
29 Page 220 of our book and clarification by Ms. Gottlieb to
30 add the quota of two bears, a registration hunt and to
31 work closely with Alaska Department of Fish and Game,
32 with the overall quota of 20 bears annually.

33

34 Mr. Oviatt.

35

36 MR. OVIATT: Aye.

37

38 MR. PROBASCO: Ms. Kessler.

39

40 MS. KESSLER: Aye.

41

42 MR. PROBASCO: Mr. Edwards.

43

44 MR. EDWARDS: Aye.

45

46 MR. PROBASCO: Mr. Fleagle.

47

48 CHAIRMAN FLEAGLE: Aye.

49

50 MR. PROBASCO: Ms. Gottlieb.

1 MS. GOTTLIEB: Aye.
2
3 MR. PROBASCO: And Mr. Cesar.
4
5 MR. CESAR: Aye.
6
7 MR. PROBASCO: The motion carries,
8 six/zero.
9
10 CHAIRMAN FLEAGLE: Thank you, Pete. That
11 now brings us to the main motion as amended. Further
12 discussion prior to the vote.
13
14 (No comments)
15
16 CHAIRMAN FLEAGLE: Hearing none, it
17 sounds like we're ready for the question. Proposal 17b
18 as amended. Final action. Pete.
19
20 MR. PROBASCO: Thank you, Mr. Chair.
21
22 Ms. Kessler.
23
24 MS. KESSLER: Aye.
25
26 MR. PROBASCO: Mr. Edwards.
27
28 MR. EDWARDS: Aye.
29
30 MR. PROBASCO: Mr. Fleagle.
31
32 CHAIRMAN FLEAGLE: Aye.
33
34 MR. PROBASCO: Ms. Gottlieb.
35
36 MS. GOTTLIEB: Aye.
37
38 MR. PROBASCO: Mr. Cesar.
39
40 MR. CESAR: Aye.
41
42 MR. PROBASCO: And Mr. Oviatt.
43
44 MR. OVIATT: Aye.
45
46 MR. PROBASCO: Main motion carries as
47 amended, six/zero.
48
49 CHAIRMAN FLEAGLE: All right. Thanks,
50 Pete.

1 I'm just wondering if we should plug on a
2 little further, or take a break now. Take a break. Five
3 minutes, 10 minutes, sorry. 10 minute break.

4
5 (Off record)

6
7 (On record)

8
9 CHAIRMAN FLEAGLE: Good afternoon. We're
10 back on record. And there's been some discussion as to
11 what the plan is, and what we're planning on doing is
12 working until approximately 6:00 p.m., and then Wini has
13 to leave us. She can stay that long.

14
15 And we'll take a dinner break and come
16 back and work until we fall over, or until we take a
17 break for the evening. So that's -- that last part was a
18 joke. We'll probably put in a couple three hours tonight
19 and just see how far we can get caught up as far as we're
20 -- we've got a lot of proposals still to deal with, and
21 we want to make sure we're out of here on time tomorrow.

22
23 We do have some more time constraints.
24 We've got a fellow that wants -- needs to be here through
25 the Bristol stuff, and hopefully they'll be all taken --
26 be finished by tonight. And with that, we're going to go
27 ahead and move on.

28
29 Well, I should open it up. Is there any
30 announcements other than that that need to be made, Pete.

31
32 MR. PROBASCO: No, Mr. Chair. You
33 covered it, and we'll try to make our presentations short
34 and to the point, Mr. Chair.

35
36 CHAIRMAN FLEAGLE: Okay. Thanks. With
37 that then, we're moving back on our agenda, and -- gosh,
38 I've got so many of them. All right. Proposal No. 07-
39 21, Unit 15 moose. And the analysis, we go to.....

40
41 MS. H. ARMSTRONG: Helen Armstrong.

42
43 CHAIRMAN FLEAGLE: Helen Armstrong.
44 Welcome. Thanks.

45
46 MS. H. ARMSTRONG: Thank you, Mr. Chair.
47 Members of the Board. My name is Helen Armstrong. I'm
48 an anthropologist with OSM.

49
50 Proposal WP07-21 was submitted by Dennis

1 Reutov and Fred Martushev. And they request that
2 Kachemak-Selo, Razdolna and Voznesenka be added to the
3 customary and traditional use determination for moose in
4 Unit 15B and C. This would add them to the existing C&T
5 determination which is for rural residents of Ninilchik,
6 Nanwalek, Port Graham and Seldovia.

7
8 And I just wanted to note that the
9 proposal book had an error, that it said they requested
10 it for all of 15, but they only requested it for 15B and
11 C.

12
13 I'm going to really move quickly through
14 this analysis, but you do all have it in your book in
15 front of you. Just make a few high point notes.

16
17 The Board adopted the existing C&T in
18 1995 when they did the C&T determinations for Kenai
19 Peninsula that Liz talked about his morning, and they
20 determined that residents of what they called the Homer
21 rural area, which included these communities, that they
22 had -- they did not give them positive C&T for any
23 resources because at the time they felt that those
24 communities did not have enough evidence of a long-term
25 consistent pattern of use.

26
27 The three communities that are under
28 consideration for this proposal are all Federally-
29 qualified rural communities. They are new communities
30 that were founded by households from the community of
31 Nikolaevsk, which was funded by five families in 1967.
32 And families from Nikolaevsk then moved and created these
33 three new communities in the 80s.

34
35 Voznesenka is 23 miles east of Homer.
36 It's on the map on Page 251. You can see the three
37 communities there. Razdolna is just two miles farther
38 and overlooks Fox River mud flats and Kachemak-Selo is
39 near the head of Kachemak Bay.

40
41 They're all quite small, although we
42 don't have an exact population for them, because they are
43 not included in the census individually. They're part of
44 the Fox River CDP which had 616 people, and of those 616,
45 429 of those speak English as a second language, and
46 these three communities, they are Old Believer
47 communities with Russian heritage, and they speak Russian
48 as their first language. So it's somewhere around --
49 something less than 600 is how many people live there.
50

1 We have very little data on these
2 communities. There's only been one household use study
3 that was conducted by ADF&G Subsistence Division in 1998
4 on Voznesenka, and in that study there were -- 14 moose
5 were harvested in that single year. They were shared by
6 the community. They made up a good percentage of their
7 uses -- the harvests that they used. And of that 14
8 moose that were harvested, none were on Federal public
9 lands.

10
11 The problem that I had in really trying
12 to figure out how many moose that people harvest is that
13 the people in these three communities, they get their
14 mail either in Fritz Creek or in Homer, most likely Fritz
15 Creek. There's a general delivery at the store. And in
16 addition to those people getting their mail, the Fritz
17 Creek CDP has 1600 people, so the you add that 600 or so
18 from Fox River CDP. We have absolutely no idea how many
19 people who do report their harvest as being from Fritz
20 Creek are from these three communities. So we have very
21 little information.

22
23 Fritz Creek had somewhere -- you know,
24 I'd say kind of on an average they had anywhere from 2 to
25 10 moose taken a year in Unit 15, but I don't know where
26 those people were from.

27
28 The study that ADF&G did, which was by
29 Dr. Fall, noted that there needed to be further research
30 conducted in the Old Believer communities to examine
31 their harvest use patterns more thoroughly.

32
33 My preliminary OSM conclusion is to
34 oppose the proposal, because we didn't have enough
35 information to give them C&T on Federal public lands.

36
37 I'm kind of -- I was skipping over and I
38 had one more thing I should have said a little bit
39 earlier. The proponents stated in their proposal that
40 they harvest moose in Fox River Valley, Clear Water
41 Slough, Caribou Hills and Tustumena Lake, and all of
42 those are in 15C. And most of Fox River Valley is within
43 State lands. Clear Water Slough, Caribou Hills and
44 Tustumena Lake are in the Kenai National Wildlife Refuge.
45 So they did say that they hunt moose up there. But, as I
46 said, we don't have evidence that they do.

47
48 So the preliminary conclusion is to
49 oppose the proposal until we have additional information.
50

1 Thank you.

2

3 CHAIRMAN FLEAGLE: Thank you. Questions.
4 Gary.

5

6 MR. EDWARDS: A couple of questions.
7 Putting aside where the hunting may or may not have taken
8 place, is there any question that these folks, although
9 not a lengthy history in that area, have a history of
10 utilizing moose for subsistence purposes?

11

12 MS. H. ARMSTRONG: Well, we know from the
13 one study that was done by ADF&G that they did harvest
14 moose. And so we do know that they harvest moose. It is
15 a new community. This Board has never made any kind of
16 decision how old a community has to be, or if it matters.
17 They're very dependent on the land. The Old Believers
18 are pretty self-sufficient. They garden, they hunt, they
19 fish, so they do depend on the land.

20

21 So, you know, I know people were trying
22 to compare this a lot to the Ninilchik bear proposals,
23 but I think the difference is, is we don't have the
24 cultural context. We really don't know that much about
25 these communities. They're isolated and don't interact
26 that much with the outside world.

27

28 MR. EDWARDS: But the fact that they
29 would harvest moose, we're assuming that they utilize
30 those moose that they harvest, wouldn't that be correct?

31

32 MS. H. ARMSTRONG: Absolutely.

33

34 MR. EDWARDS: Okay. And one other
35 question. If you look at distance within Unit 15, and
36 let's say the communities in the Ninilchik group compared
37 to this as far as distance to get up into actually
38 Federal lands, which one actually has the farthest
39 distance to travel.

40

41 MS. H. ARMSTRONG: Which community?

42

43 MR. EDWARDS: Well, right. I mean, you
44 have two communities that are in 15, neither -- both of
45 them have a distance to travel to get up into Federal
46 lands. I was just curious in proximity which one has the
47 -- which one is closer to Federal land so to speak.

48

49 MS. H. ARMSTRONG: You mean which of the
50 three of the.....

1 MR. EDWARDS: Those communities to the
2 Ninilchik cluster of communities.

3
4 MS. H. ARMSTRONG: Well, I don't even --
5 I'm not really sure frankly, I'd have to look at the map,
6 but I think the other thing that I've been told, I
7 haven't ever been there, but I've also been told that
8 it's difficult to get to the Federal public lands from
9 these three communities, and that that's also an issue,
10 is just getting there is difficult, and that there are
11 plenty of moose in the flats there near the communities
12 that they probably wouldn't have to go up onto Federal
13 public lands to get moose, that they're more readily
14 available where they are. Dan LaPlant's spent a lot of
15 time there. He might be able to tell you more.

16
17 MR. EDWARDS: Yes. And my follow-up
18 question, couldn't you make that same argument for
19 Ninilchik? None of that country's easy to get into.

20
21 MS. H. ARMSTRONG: I wouldn't be of
22 authority enough to say.

23
24 CHAIRMAN FLEAGLE: Other questions.

25
26 (No comments)

27
28 CHAIRMAN FLEAGLE: Summary of written
29 public comments. Donald.

30
31 MR. MIKE: Mr. Chair. There are no
32 written public comments. Thank you.

33
34 CHAIRMAN FLEAGLE: Thank you. Public
35 testimony. Pete.

36
37 MR. PROBASCO: Mr. Chair, We have no one
38 signed up for this agenda item.

39
40 CHAIRMAN FLEAGLE: Regional Council
41 recommendation. Ralph.

42
43 MR. LOHSE: Thank you, Mr. Chair. As you
44 know, and I'll go through it, the Regional Council
45 opposed -- the Southcentral Alaska Subsistence Regional
46 Advisory Council opposed the request of Kachemak-Selo,
47 Razdolna, and Voznesenka to be added to the customary and
48 traditional use determination for moose in 15B and C.
49 And no information was presented that the resource was
50 used on Federal public lands. No evidence was found in

1 support of the proponents' claims. The proponents were
2 not present to testify for a positive C&T.

3
4 And I'd like to go into it a little bit
5 in detail, because I know there's been some questions
6 about it. One thing the Fish and Game has characterized,
7 just like with our decision on the brown bear C&T for
8 Ninilchik is that it's a reversal. When we say we oppose
9 here, that just means we didn't find evidence to support
10 it. It doesn't mean that we're against it. It's not a
11 reversal when we change our mind and get evidence
12 presented to us. And that was one of the things that we
13 said for this one right here. We don't know much about
14 these communities like she said, and nobody came forward
15 to tell us anything.

16
17 Now, it's been characterized that we
18 don't have a real lot of information from Ninilchik.
19 That might be true when it comes to written down
20 information. But we had a lot of information from
21 Ninilchik, because they came and testified before us time
22 and time and time again about their customary and
23 traditional use of resources on the Kenai. We know a lot
24 about Ninilchik.

25
26 As a Council we don't know much about
27 these communities right here. They didn't come forward
28 to present their proposal. We're open to their proposal,
29 and in the future, if information is presented and we
30 support their proposal, that's not a reversal. That's
31 just accepting the fact that we now have information on
32 which to base a decision. And so while we oppose this,
33 the main reason we oppose it is because the people who
34 put the proposal in didn't come forward, didn't come and
35 present any information to us other than the little bit
36 of written information that we got from OSM in support of
37 their claims. And we can't act on that as a Council.
38 Our Council doesn't act on that. Or hasn't in the past
39 anyhow.

40
41 So with that, I'm going to let -- open up
42 to any questions anybody has to why we made our
43 decisions.

44
45 CHAIRMAN FLEAGLE: Questions. Gary.

46
47 MR. EDWARDS: I mean, Ralph, I guess
48 realistically I mean, it doesn't seem to me that one of
49 the criterias for a Council acting upon one's proposal is
50 that one appears in person to represent it. Several,

1 obviously -- a lot of our remote communities, it's not
2 easy for people to do. Some people just don't like to
3 get up in front of people, whether it's by phone or
4 whatever. It seems to me that Councils, whether it's
5 your Council or any of the Councils -- it seems to me it
6 took some -- it appears almost on the surface that it was
7 dismissed because nobody was there to represent it,
8 although they did in this case submit a written proposal.

9
10 MR. LOHSE: Mr. Chair. Gary. Again
11 that's possibly a little bit of a misrepresentation.
12 What we said and what we look at ourselves as a Council
13 is we're supposed to be representing local knowledge.
14 We're not scientists. We're representing what we know.
15 If we don't know anything, we can't make a decision.
16 Now, the Board can make a decision based on information
17 that's presented to them that we don't know. But for us
18 to make a recommendation, we have to feel that somebody
19 has come forward and given us sufficient information, or
20 we have to know enough about the subject ourselves that we
21 can say, yes, or we can say, no. And in this case here,
22 it just so happens that I happen to fish with a couple of
23 these guys in Prince William Sound, and I do know that
24 they use a lot of resources and that they have a garden,
25 and that they take a lot of fish from Prince William
26 Sound, and they put up a lot of fish for the winter. But
27 I have no idea -- they have never talked to me about
28 where they go moose hunting or what they do from moose
29 hunting or caribou hunting, or sheep hunting or anything
30 like that. So even I who have a business interaction
31 with some of these people don't know anything about them.
32 So how can I make a decision.

33
34 CHAIRMAN FLEAGLE: Thank you. Department
35 of Fish and Game comments. Terry Haynes.

36
37 MR. HAYNES: Mr. Chairman. I'll
38 summarize our comments as we've done so far this meeting
39 and we'll continue to do in the spirit of keeping things
40 efficient.

41
42 The Department does not support this
43 proposal primarily for two reasons. First, as has been
44 noted in the Staff analysis, Kachemak-Selo, Razdolna and
45 Voznesenka are relatively new communities, and the
46 purpose of ANILCA is to insure customary and traditional
47 use opportunities are allowed to continue, not to create
48 new subsistence opportunities.

49
50 Second, as is noted in the Staff

1 analysis, the few moose that are harvested by these
2 communities are taken on State land under State
3 regulations, indicating that there is insufficient
4 evidence in terms of frequency of use, area of use,
5 community use or otherwise to support a determination
6 that there's been a long-term, consistent, recurring
7 pattern of customary and traditional use for subsistence
8 by the communities of Kachemak-Selo, Razdolna, and
9 Voznesenka of moose on Federal public lands in Unit 15 as
10 required by ANILCA and the Federal subsistence
11 regulations governing such determinations.

12

13 Thank you.

14

15 CHAIRMAN FLEAGLE: Thank you, Terry.

16 Questions.

17

18 (No comments)

19

20 CHAIRMAN FLEAGLE: InterAgency Staff
21 Committee comments. Larry.

22

23 MR. BUKLIS: Mr. Chairman. The Staff
24 Committee comments appear on Page 254 of your book for
25 Proposal No. 21.

26

27 In its review of the Southcentral
28 Council's recommendation, the Staff Committee discussed
29 the lack of clear information regarding moose harvest by
30 the communities. The proponents indicated that their
31 communities had harvested moose on Federal public lands;
32 however, there was no public testimony at the Council
33 meeting to support this claim.

34

35 The Staff analysis indicated that there
36 is only one year of clear information regarding the
37 subsistence use of Voznesenka, and no information
38 regarding the subsistence uses of Razdolna and Kachemak-
39 Selo.

40

41 It was noted by the Staff Committee that
42 the communities addressed in this proposal are located
43 closer to Federal public lands than are some of the other
44 communities that have a customary and traditional use
45 determination for moose on Federal public lands of the
46 Kenai Peninsula.

47

48 The available information in the ADF&G
49 harvest ticket database does not reveal resource use by
50 residents of the three communities as it is

1 indistinguishable from that of Fritz Creek and other
2 nearby Kenai communities, because they do not have their
3 own village addresses, but rather have Fritz Creek
4 addresses. Thus the real use moose by these communities
5 and the locations of harvest could not be accurately
6 determined at this time.

7

8 Based on the Staff analysis, the Staff
9 Committee noted that although there may be use of moose
10 on Federal public lands by the residents of Kachemak-
11 Selo, Razdolna and Voznesenka in Units 15B and 15C,
12 currently there seems to be little evidence that these
13 communities have had a long-term, consistent, recurring
14 pattern of use of moose on Federal public lands in Unit
15 15.

16

17 Mr. Chairman, that's a summary of the key
18 points.

19

20 CHAIRMAN FLEAGLE: Questions.

21

22 (No comments)

23

24 CHAIRMAN FLEAGLE: Thank you. I'm just
25 curious. Under our regulations 100.16, of course, you
26 know, we've spoken about the long-term, consistent
27 patterns of use. Obviously there's no long-term here.
28 And then factor 5 talks about the means of handling,
29 preparation, preserving that has been traditionally used
30 by past generations, and these are brand new communities.
31 We don't have the generational history. So I don't see
32 where we can support this at all.

33

34 But I was just curious, with the State,
35 the RAC and the ISC all being opposed to it, why didn't
36 it just get weeded out in the consensus agenda? Does
37 anybody -- why did it have to come before us?

38

39 MR. EDWARDS: We asked for it.

40

41 CHAIRMAN FLEAGLE: We asked for it?

42 Okay.

43

44 MS. KESSLER: Mr. Edwards and I asked for
45 it.

46

47 CHAIRMAN FLEAGLE: Okay. That's good
48 enough reason. And that was earlier in the meeting
49 yesterday. I just must have forgot the number. Okay.

50

1 MS. GOTTLIEB: Mr. Chairman.

2

3 CHAIRMAN FLEAGLE: Judy.

4

5 MS. GOTTLIEB: It does seem that, I mean,
6 as has been stated several times, there would really need
7 to be a bit more information and research done for us and
8 the Council to understand a little bit better what the
9 situation is for these communities. So I would recommend
10 that, you know, the Board look into gathering that
11 information for future decisions on this area.

12

13 MR. EDWARDS: Mr. Chairman. I guess I
14 would argue that it has been long-term. In their case
15 it's been forever, it's been from the beginning. So, I
16 mean, long is relevant to when you start, and if they
17 were there and started in 1980 and shot and used a moose
18 in 1980, they it's been forever from their perspective of
19 their length. So that's pretty long-term.

20

21 I mean, I guess where I have a difficulty
22 is looking at this, and I think it is clear, I don't
23 think anybody would deny that these folks utilize moose
24 within Unit 15. They're relatively speaking close to
25 Federal lands, and given their previous actions, it seems
26 to me it's difficult for us to rationale not providing
27 the same, you know, C&T that we have done to similar --
28 to other situations.

29

30 CHAIRMAN FLEAGLE: Wini.

31

32 MS. KESSLER: Thank you, Mr. Chair. I
33 don't feel I can speculate on information that's not
34 there; however, I do want to leave the door open for more
35 information that I would hope would become available. It
36 sounds like a community that keeps to itself like that
37 may be reluctant to come out and maybe information
38 gathering will have to be a little more assertive in
39 going to them. But I think definitely in the future a
40 C&T use determination may be appropriate, but we need to
41 have that information on which to base it.

42

43 CHAIRMAN FLEAGLE: George.

44

45 MR. OVIATT: I sort of come down with
46 Gary in parts of this, because they submitted a written
47 testimony that they have subsisted, and, you know,
48 they've been there since 1980, and, you know, we've got
49 some Federal lands that are very close to that area. I'm
50 just -- I mean, is it because they didn't -- maybe they

1 couldn't afford to come forward to the RAC meetings. I
2 just wonder if we're cutting these people a little short,
3 doubting maybe their word that they said they used it.

4

5 Just a comment, Mr. Chairman.

6

7 MR. CESAR: Mr. Chairman.

8

9 CHAIRMAN FLEAGLE: Go ahead, Niles.

10

11 MR. CESAR: It's interesting that for the
12 last however many years we've been sitting here, we beat
13 each other over the heat about long-term, consistent
14 usage. Now, there may be people on this Board who feel
15 that 25 years is long-term. I don't. And I don't think
16 that -- it would be very difficult to convince me of
17 that, so that's -- and I don't think that we're saying
18 that they cannot prove up, they can't come forward. I
19 think as we do on most of these, and there's been a long
20 history of us accepting comments from the floor where
21 people forward and make their case, or ask us to come
22 down there, we have done that, and listened to people.
23 And so we try to use, you know, some good judgment, some
24 balance in making these decisions.

25

26 And I'm comfortable in opposing this,
27 because, again, I'm reminded by Chairman Lohse there that
28 it's not a rejection. What it is, is there's not
29 information. Let's get the information as we've demanded
30 many, many times in the past with many, many proposals,
31 that we get more information. For my vote in opposition
32 to this would be for the purposes of allowing the
33 proponent to come forward with stronger information at
34 the next cycle.

35

36 CHAIRMAN FLEAGLE: It sounds like we're
37 ready for a motion.

38

39 MR. EDWARDS: Well, just one question. I
40 mean, Mr. Chairman, would one option be to defer it?
41 That way it seems to me we maintain some consistency with
42 some of our previous actions that we have done on the two
43 bear proposals, and so it's not like we're deferring it,
44 but -- I mean, opposing it, but we would actually defer
45 it.

46

47 CHAIRMAN FLEAGLE: We don't have any
48 motion on the floor, so if you want to make the to do
49 that, you're entitled to, and we'll have discussion on
50 that, Mr. Edwards. And I do apologize. I did look at

1 our original agenda, and it was on the consensus agenda,
2 and I just forgot that it referred to this.

3

4 MR. PROBASCO: I mislead you.

5

6 CHAIRMAN FLEAGLE: Thanks, Pete.

7

8 MR. EDWARDS: Mr. Chairman. I guess I'd
9 go ahead and try to make a motion. I would move that on
10 Proposal WP07-21, requesting that -- I'm not as good as
11 Ralph to say the names, so the three communities be added
12 to customary and traditional determination for moose in
13 Units 15B and 15C be deferred.

14

15 MR. OVIATT: I'll second that motion.

16

17 CHAIRMAN FLEAGLE: All right. Motion to
18 defer. And you're talking to a time certain, to the next
19 regulatory cycle for this area?

20

21 MR. EDWARDS: That would be fine.

22

23 CHAIRMAN FLEAGLE: Okay. Do you want

24 to.....

25

26 MS. GOTTLIEB: Mr. Chairman.

27

28 CHAIRMAN FLEAGLE: Just a minute.

29

30 MS. GOTTLIEB: I'm sorry.

31

32 CHAIRMAN FLEAGLE: Do you want to speak
33 to the rationale behind your motion again, Gary?

34

35 CHAIRMAN FLEAGLE:

36

37 MR. EDWARDS: Just to add to that. I
38 think that -- as I previously said, I think there is
39 information obviously showing that these folks have
40 utilized moose in this area, maybe or maybe not on
41 Federal lands. I think folks feel that it would be
42 helpful in making this determination that we have
43 additional information. By deferring it, I think it
44 would allow us the opportunity to get that, and by
45 rejecting it, I feel that it would be inconsistent with
46 how we have been addressing recent C&T determinations.

47

48 CHAIRMAN FLEAGLE: Judy.

49

50 MS. GOTTLIEB: I was going to add with

1 respect to the information that I hope it's not the
2 intent of this Board to only put this on the proponent.
3 I think we've learned from past times that it's not the
4 proponent's responsibility to justify everything, that we
5 have the resources and capable personnel of gathering
6 some of that information, and it's our responsibility as
7 well.

8

9 CHAIRMAN FLEAGLE: Other discussion.

10

11 (No comments)

12

13 CHAIRMAN FLEAGLE: Yeah, we did, we did
14 have a second, George Oviatt.

15

16 I'm going to vote against the motion to
17 defer. I don't support the request. Again, just reading
18 right out of the criteria -- well, they're not criteria,
19 they're factors. Long-term, generations, patterns of use
20 that are handed down to generations, pattern of use for
21 sharing -- well, that one doesn't have generation, but
22 there are two of the factors. I just don't see that a
23 brand new community established just over two decades ago
24 can in any way meet long term and meet anything to do
25 with generations. I think an average generation is
26 roughly 20 years. Maybe in 20 years we might feel it
27 does, but I don't support it.

28

29 Other comments.

30

31 (No comments)

32

33 CHAIRMAN FLEAGLE: Ready for the
34 question. The question's called on the motion to defer.
35 Pete.

36

37 MR. PROBASCO: Motion to defer Proposal
38 WP07-21, Unit 15 moose. And we're starting out with Mr.
39 Edwards.

40

41 MR. EDWARDS: Aye.

42

43 MR. PROBASCO: Mr. Fleagle.

44

45 CHAIRMAN FLEAGLE: Nay.

46

47 MR. PROBASCO: Ms. Gottlieb.

48

49 MS. GOTTLIEB: Aye.

50

1 MR. PROBASCO: Mr. Cesar.
2
3 MR. CESAR: No.
4
5 MR. PROBASCO: Mr. Oviatt.
6
7 MR. OVIATT: Aye.
8
9 MR. PROBASCO: And Ms. Kessler.
10
11 MS. KESSLER: Aye.
12
13 MR. PROBASCO: Motion carries, four/two.
14
15 CHAIRMAN FLEAGLE: Thank you, Pete.
16
17 (Pause)
18
19 CHAIRMAN FLEAGLE: All right. We're
20 moving on to Proposal 22. And we have back at the table
21 Mr. Greg Risdahl. We're on Proposal 22.
22
23 MR. RISDAHL: Mr. Chairman. Members of
24 the Board. Proposal No. 22 begins on Page 255 of the
25 Board book.
26
27 This proposal was submitted by Mr. Marvin
28 Peters of Homer, Alaska. It requests that the late fall
29 Federal moose season in Units 15B and 15C be eliminated
30 or restricted to the early season hunt with a total
31 harvest not to exceed 10 animals.
32
33 Currently there is customary and
34 traditional use determinations for rural residents of
35 Ninilchik, Nanwalek, Port Graham and Seldovia in this
36 area or moose.
37
38 I'm going to give the briefest summary of
39 the biology and harvest, cutting down several pages to
40 maybe half a page here.
41
42 Combining the various goals for harvest
43 and population figures for Unit 15A and 15B and 15C,
44 they're to maintain a moose population with bull/cow
45 ratios ranging from 15 to 40 bulls per 100 cows. And
46 recent survey's show that in all these areas the bull/
47 cow ratios have been maintained over the long term and
48 recently. Likewise the cow/calf -- excuse me, the calf
49 to cow ratio over the long term has been around 30 calves
50 per 100 cows on average. The most recent survey in '05

1 had an 18 calf per 100 cow ratio. Over the long term,
2 the recruitment ratio -- or the recruitment rate for all
3 three of these subunits has been around 19 percent, with
4 the most recent survey in 2005 being 12 percent.

5
6 As far as harvest goes, I will break this
7 down a little bit. A large harvest takes place in Unit
8 15A under the State regulations. On average over the
9 long term, around 173 moose are taken by 1215 hunters.
10 Contrast that to the Federal permit hunt for Units 15A,
11 15B and C combined, there is around 4 moose taken each
12 year by approximately 25 hunters. And some years, of
13 course, had no subsistence hunters taking moose.

14
15 In 15B the State harvest is divided into
16 two areas, 15B west, which is a general harvest area, and
17 they are taking on average around 40 bull moose per year.
18 And in the permit area, 15B east, which is set aside for
19 trophy management, they're taking around 12 moose
20 annually.

21
22 The effects of the proposal. The October
23 20 to November 10 or late Federal subsistence season has
24 been in effect for just one year. It was first
25 implemented last year in 2006. If the current proposal
26 is adopted, it would eliminate the late season, or
27 maintain the season, but adopt a 10-moose harvest quota.
28 If either the late season was eliminated, or the quota
29 adopted, there would likely be very little effect on the
30 moose population or subsistence hunters, since only two
31 moose were harvested during the late 2006 season. Plus
32 on average, as I mentioned, only four moose per year have
33 been harvested annually during the early Federal
34 subsistence season since its inception.

35
36 The preliminary conclusion of OSM is to
37 oppose the proposal. The October 20 to November 10, 2006
38 Federal subsistence moose hunt in Unit 15B and 15C had no
39 significant impact on the moose population. Although 62
40 permits were issued for the late season, only two moose
41 were harvested. 77 percent of the permit holders
42 submitted harvest reports. Ten permit holders reported
43 they did not hunt, 36 reported they hunted
44 unsuccessfully, and we have yet to see hunt reports from
45 14 additional hunters.

46
47 The low level of harvest in both the
48 early and late seasons suggests that the elimination of
49 the late hunt or establishing a harvest quota of 10 bulls
50 for the early season is not necessary to protect the

1 Kenai moose population. If a conservation concern does
2 arise, the Kenai National Wildlife Refuge manager is
3 authorized to close the late season in consultation with
4 the Alaska Department of Fish and Game.

5
6 Thank you, Mr. Chair.

7
8 CHAIRMAN FLEAGLE: Thank you, Greg.
9 Questions.

10
11 (No comments)

12
13 CHAIRMAN FLEAGLE: Summary of written
14 public comments. Donald.

15
16 MR. MIKE: Mr. Chair. There's one
17 written public comment received, starting on Page 278 of
18 your Board book.

19
20 And this was from Hans Bilben of Anchor
21 Point, and he comments that he's opposed to any Federal
22 subsistence priority hunting on the road system of the
23 Kenai Peninsula. He further comments, stating that he
24 supports Proposal WP07-22 submitted by Marvin Peters of
25 Homer.

26
27 Thank you, Mr. Chair.

28
29 CHAIRMAN FLEAGLE: Thank you. Public
30 testimony. Pete.

31
32 MR. HAYNES: Mr. Chair. We have no one
33 signed up for this agenda item.

34
35 CHAIRMAN FLEAGLE: Regional Council
36 recommendation. Ralph.

37
38 MR. LOHSE: Thank you, Mr. Chair. The
39 Southcentral Alaska Subsistence Regional Advisory Council
40 opposes the request for the late all Federal moose season
41 in Unit 15B and C to be eliminated completely, or that
42 the Federal harvest be restricted to the previously
43 existing pre-season hunt with a total kill not to exceed
44 10 animals.

45
46 Our justification was only two moose were
47 harvested in 2006 by the subsistence users in the late
48 hunt. Moose harvest reports will go directly to the
49 Refuge manager. We've set up a registration hunt with
50 quick reporting so that the Refuge manager can keep track

1 of what's going on. He has the authority to close the
2 season based on any conservation concerns.

3

4 And one of the statements by the
5 proponent of the proposal was that any hunt on vulnerable
6 late rut and post rut bulls is biologically
7 irresponsible. And we have some late hunts put out the
8 by the State, and so we don't see why there's any problem
9 with a subsistence hunt that's on the same animals.

10

11 Thank you.

12

13 CHAIRMAN FLEAGLE: Questions, Board
14 members.

15

16 (No comments)

17

18 CHAIRMAN FLEAGLE: Okay. The Alaska
19 Department of Fish and Game comments. Terry Haynes.

20

21 MR. HAYNES: Mr. Chairman. The
22 Department supports the option of repealing the late
23 season Federal hunt that's laid out in this proposal
24 since it has the potential to significantly disrupt both
25 bulls and cows and is inconsistent with recognized
26 principles of wildlife management. Disturbing large
27 bulls in October and November can jeopardize their over-
28 winter survival rates, and is likely to be detrimental to
29 the long-range satisfaction of subsistence needs.

30

31 If the Federal Board elects to continue
32 the late fall hunt, we support modification of the
33 proposal to assign a harvest quota of 10 moose to the
34 late fall season, substituting our request for a maximum
35 quota of five large bulls to be allocated as we described
36 last year in response to the proposal that lead to the
37 current season, and that is, no more than two bulls that
38 have antlers with at least a 50-inch spread or at least
39 three brow tines on at least one side may be harvested
40 from Unit 15B, and no more than three bulls that have
41 antlers with at least a 50-inch spread or at least three
42 tines on at least one side may be harvested from Unit
43 15C.

44

45 Because at least 62 Federal registration
46 permits were issued for the 2006 late season hunt, the
47 potential for a substantially higher harvest than the two
48 that were reported last year is evident.

49

50 The Department is also concerned about

1 plans to issue only a single Federal registration permit
2 for the fall and late fall hunts next year, and seeks
3 assurances that the permits will require hunters to
4 indicate when and where they hunted so that participation
5 in and the potential effects of the late season hunt can
6 be closely monitored.

7

8 We appreciate the fact that the Kenai
9 Refuge manager is authorized to close the late season
10 hunt if a conservation concern arises in consultation
11 with the Department; however, it is unclear how this
12 would actually work in practice.

13

14 Thank you.

15

16 CHAIRMAN FLEAGLE: Thank you, Terry.

17

18 Questions. Gary.

19

20 MR. EDWARDS: Thank you, Mr. Chairman.

21

22 The issue that was raised about
23 disturbing the large bulls at this time of the year, and,
24 you know, the response from the Regional Advisory Council
25 is that do you not have State hunts occurring at that
26 same time, and aren't you have -- do you not have the
27 same concern with those hunts.

28

29 CHAIRMAN FLEAGLE: Gino.

30

31 MR. DELFRATE: Thank you, Mr. Chair.
32 Gino Delfrate for the record.

33

34 I think it would be fair to say that we
35 do have concerns for our own State hunt disrupting the
36 rut. We've stated that on the record. We are monitoring
37 that hunt. It is a very small hunt in an area that is
38 closed to all other hunting opportunity, and so we will
39 be continuously looking at that in the future and may be
40 proposing to close that as well.

41

42 CHAIRMAN FLEAGLE: Okay. Thanks. Other
43 questions.

44

45 (No comments)

46

47 CHAIRMAN FLEAGLE: InterAgency Staff
48 Committee comments. Larry.

49

50 MR. BUKLIS: Thank you, Mr. Chairman.

1 The Staff Committee comments can be found on Page 268.
2 I'll summarize the main points.

3
4 The Staff Committee found the
5 Southcentral Council recommendation to be consistent with
6 ANILCA Section 805(c). However, a cautionary note was
7 raised in the discussion of the Staff Committee regarding
8 the relatively large number of Federal permits issued
9 without a specified harvest quota. However, in view of
10 the small harvest in 206, and the regulatory provision
11 authorizing the Refuge manager to close the season if the
12 harvest poses conservation concerns, the Staff Committee
13 believes a harvest quota is not necessary at this time.

14
15 Thank you.

16
17 CHAIRMAN FLEAGLE: Thank you, Larry.
18 Questions.

19
20 (No comments)

21
22 CHAIRMAN FLEAGLE: Board discussion.
23 Gary.

24
25 MR. EDWARDS: Mr. Chairman. I move that
26 we adopt the Southcentral Regional Council's
27 recommendation on Proposal 22.

28
29 MR. OVIATT: I'll second.

30
31 CHAIRMAN FLEAGLE: All right. We've got
32 a second. Was that from George? Thank you.

33
34 And, Gary, do you want to justify your
35 motion -- give us a rationale, excuse me.

36
37 MR. EDWARDS: Well, their action was to
38 reject the proposal, and certainly I don't feel that
39 we've heard any substantial evidence that eliminating or
40 restricting this fall season or establishing a harvest
41 quota is necessary to maintain a healthy moose
42 population.

43
44 Certainly I think there are concerns
45 raised about potentially disturbance of bulls as well as
46 the potential number of bulls that might be harvested.
47 That at least on the harvest level, that hasn't been
48 demonstrated to date, and I do feel that there would be
49 adequate safeguards in place, and that we could address
50 that and certainly if this hunt would -- or harvest would

1 expand as the State thinks that it might, then we can
2 certainly come back and visit it. And I'm assuming that
3 certainly the RAC would certainly be willing to entertain
4 a potential of putting some kind of a limit on the
5 harvest. But at this point it doesn't seem like that's
6 necessary to do.

7

8 CHAIRMAN FLEAGLE: Other comments. Wini.

9

10 MS. KESSLER: Thank you, Mr. Chair.

11

12 Yeah, I'm swayed by a number of factors
13 on this in support of the motion. You know, a number of
14 entities worked together to develop and accept the bull
15 late season fall hunt. And last year was the first time
16 it was implemented. So I think it's a question of giving
17 it some time to work. As well, although 62 permits were
18 issued, there were only two moose taken. I really don't
19 think this is a significant impact. And as well we have
20 the safeguard that the Kenai Refuge manager is authorized
21 to close the hunt if necessary, so that takes care of any
22 conservation concerns I may have had otherwise.

23

24 CHAIRMAN FLEAGLE: Are we ready for the
25 question. All right. The question is recognized on the
26 proposal. Pete.

27

28 MR. PROBASCO: Thank you, Mr. Chair.
29 Proposal WP07-22 to adopt the Southcentral Regional
30 Advisory Council's recommendation to reject this
31 proposal.

32

33 Mr. Fleagle.

34

35 CHAIRMAN FLEAGLE: Aye.

36

37 MR. PROBASCO: Ms. Gottlieb.

38

39 MS. GOTTLIEB: Aye.

40

41 MR. PROBASCO: Mr. Cesar.

42

43 MR. CESAR: Aye.

44

45 MR. PROBASCO: Mr. Oviatt.

46

47 MR. OVIATT: Aye.

48

49 MR. PROBASCO: Ms. Kessler.

50

1 MS. KESSLER: Aye.
2
3 MR. PROBASCO: Mr. Edwards.
4
5 MR. EDWARDS: Aye.
6
7 MR. PROBASCO: Motion carries, six/zero.
8
9 CHAIRMAN FLEAGLE: That appears to
10 conclude Southcentral Alaska issues. I want to thank
11 everybody on the participation in that section. Thank
12 you for all your input, Ralph.
13
14 And maybe we'll just take a brief at ease
15 to let the next group of personnel get ready for the
16 Bristol Bay area. Five minutes.
17
18 (Off record)
19
20 (On record)
21
22 CHAIRMAN FLEAGLE: Good afternoon. The
23 Federal Subsistence Board is back on record. And we're
24 now going to take up the Bristol Bay region proposals.
25 But prior to moving ahead with that we do have a
26 presentation by Bruce Dale of the Alaska Department of
27 Fish and Game on the Mulchatna Caribou Herd, and I'd like
28 to turn it over to you, Bruce, introduce yourself and
29 welcome.
30
31 MR. DALE: Thank you. My name is Bruce
32 Dale. I do caribou and moose wildlife research for the
33 Department of Fish and Game out of the Palmer office.
34 And we recently have conducted some research and reviewed
35 some older research from the Mulchatna Herd and I was
36 asked to present that to you that'll help in your
37 deliberations on possibly adjusting seasons and bag
38 limits for the Mulchatna Caribou Herd.
39
40 If you'll look at the first slide,
41 probably most people here are aware that the Mulchatna
42 Herd's meteoric rise is over. These are their population
43 estimates through 2006. Most notably in about 1996 or so
44 the herd peaked at about 200,000 animals. In the last
45 four years in 2002, it had declined to 145,000 and then
46 two years later 85,000 and last summer it was down to
47 45,000 caribou.
48
49 A common reaction is that caribou herds
50 go up and down and so what, that's something we live

1 with. And I buy that. But still there's management
2 decisions that have to be made and allocation decisions
3 and so it seems worthwhile to take a look at what
4 happened a little bit so we can see where we're at now
5 more realistically, and use that to base whatever
6 predictions we can make for our adjustments for the
7 future.

8
9 Potential causes, I'm just going to go
10 real briefly here and quickly. Food limitation is
11 probably at the root of the decline. Populations get
12 high and can over-shoot carrying capacity by two or three
13 times, as noted in the literature from some Canadian
14 studies. Harvest I'll talk about a little bit more.
15 It's often implicated and often becomes important when
16 you get into allocation. Predation we'll talk about
17 later. Disease is probably -- might be associated with
18 food limitation, I'm going to talk a couple minutes on
19 that because we've done a fair amount of work on that.
20 There's reasons to suspect that there may be some sort of
21 climate or weather patterns that have affected what we
22 see with this herd. And I'm going to talk a little bit
23 more about age structure effects, which are going to
24 probably dictate what we see in the near future for this
25 herd.

26
27 Okay. We conducted a health assessment
28 and I'll just say that it's looking at a lot of old blood
29 samples that were collected years ago, new work on those
30 old archive samples as well as new blood collections and
31 we actually collected some animals. And the idea is to
32 gain a picture of how the health of these animals might
33 have changed, how the environment in terms of disease and
34 parasites might have changed through time.

35
36 Okay. The most interesting results we've
37 obtained so far is that in samples from 1988 to 1998,
38 which are substantial, these aren't small sample sizes
39 when they're compiled over years, you know, there are
40 over 100 samples, the first one I'm looking at here,
41 viruses, those bovine-respiratory viruses is actually a
42 suite of viruses. It was absent in the population
43 through 1998 and now we have a high exposure rate of
44 these viruses. In cattle, which is their usual host, we
45 don't know where they came from, I'll answer that
46 question first, but they can cause all sorts of things,
47 but primarily they're associated with pneumonia, and if
48 there's lung worm present, which there is, that pneumonia
49 can turn from viral pneumonia into bacterial pneumonia
50 and be quite lethal.

1 Basically the same thing with para-
2 influenza virus III started showing up around 2001, now
3 it's real common. It's not only common in that herd but
4 in the Northern Alaska Peninsula Herd, which is to the
5 south of the Mulchatna Herd.

6
7 The same story for rhino-tracheitis,
8 these are basically pneumonia related viruses.

9
10 Leptospirosis is something we don't know
11 much about in terms of its effect on caribou but we do
12 see high rates of it. It's a bacterial infection
13 problems.

14
15 And then the last thing is we've
16 documented a copper deficiency. We didn't document a
17 selenium deficiency like we found in the Northern Alaska
18 Peninsula Herd and the copper deficiency doesn't seem
19 extreme but it could be another related factor.

20
21 So there are some health issues
22 associated with the herd. We are still evaluating how
23 prevalent those are and I'll be talking about a couple
24 other health issues later on, hoof rot especially.

25
26 One thing we did when we started looking
27 back at this herd is we compared it to what happened in
28 neighboring herds and I already mentioned the Northern
29 Alaska Peninsula Herd, but particularly telling, was what
30 happened with the Nushagak Peninsula Caribou Herd, which
31 was introduced in about 1988 with 147 animals, just
32 adjacent to the south and west of the Mulchatna Herd's
33 range, 147 animals, quite few, this is on this graph
34 here, I multiplied them by 100 so they would even show up
35 on the screen compared to the Mulchatna Herd, which, at
36 the same time was in 1988 was over 50,000 animals. But
37 when you look at the two herds and the trajectory they
38 did exactly the same thing over the same period of time.
39 The Nushagak Peninsula Caribou Herd, which was on
40 pristine range, peaked at about 13 -- a little less than
41 1,300 animals at about almost identically the same time
42 as the Mulchatna Herd peaked at 200,000 animals. And
43 what this tells us is that coincidences do occur or
44 conversely that something broader, not something local to
45 the Mulchatna Herd was influencing these populations,
46 like favorable weather changed to unfavorable weather.
47 There's some other interesting things here, the Nushagak
48 Peninsula Caribou Herd had very little harm through a lot
49 of the period, also virtually no wolves in comparison to
50 the Mulchatna Herd, so we have different harvest regimes,

1 different predator regimes, yet we see the same pattern
2 in both herds until the last couple of years so that also
3 gives us another perspective of what's going on in
4 Southwest Alaska.

5
6 Okay. This is work that Pat Valkenberg
7 and Jim Woolington did, they modeled this population just
8 using a couple of age classes. And the interesting thing
9 to note on this graph is the bulls really started to
10 decline early compared to the cows and calves were kind of
11 variable from about 1998 on but previous to that time
12 there were lots of calves in the population.

13
14 Okay. In fact -- oh, that doesn't show
15 up very good. From 1991 to 1998 there were about 35,000
16 calves, they're in red, highlighted so you can't see them
17 -- 35,000 calves recruited in the population every year.
18 This is reconstructed from some population modeling,
19 those are really big cohorts, 35,000 animals entering the
20 year is really big. And when you start thinking about
21 caribou, you know, typically 10 or 12 years old is an old
22 female caribou, six or eight is an old male caribou.
23 Well, that was 1991 to 1998. The youngest of those
24 cohorts from 1998 is just about to turn 10 years old so
25 we had a lot of animals getting very old in a short
26 period of time. And this -- I forgot to mention that the
27 health assessment was done in conjunction with the
28 National Park Service at Lake Clark, and this work that
29 I'm about to show you is done with the Fish and
30 Wildlife Service and Andy Aderman of Togiak Refuge, along
31 with Jim Woolington the area biologist from Dillingham.

32
33 So we started to suspect some strong age
34 structure defects and we actually suspected it, this came
35 to our attention, and we started the modeling with the
36 Nushagak Peninsula Caribou Herd because we knew the exact
37 age and sex of every animal that started off there. We
38 don't know that for Mulchatna because it started growing
39 back in the '70s and grew for a long period at a slow
40 rate before it started to take off at about this time.

41
42 Okay. So just to reiterate what we
43 expected was we had some strong age structure effects
44 from those giant cohorts.

45
46 Okay. So what we did was we did some
47 modeling, it's different from the usual models that the
48 Department uses and we did it with 12 different age
49 classes instead of the usual two or three and we looked
50 at the affects of that on what has happened so far and

1 we're also using that to see what we expect to happen in
2 the next couple of years. And in the interest of time,
3 I'm not going to talk about how we did it, you just have
4 to trust us.

5

6 (Laughter)

7

8 MR. DALE: Okay, the next one. We did
9 use the ratio data as well as the population surveys is
10 the empirical data that we used for the models.

11

12 All right. Okay, next. So this is
13 actually going to be, I'm showing you the model results
14 year to year. Starting in 1988, and what you have along
15 the bottom there, left, with number 1 under it, that's
16 the number of female calfs that we estimated were five
17 months old recruited into the population in 1988. And I
18 actually made up the rest of the age classes, but going
19 out to 12 is animals that are essentially 12 years and
20 older in the fall. So as I go through these -- and then
21 in the upper right-hand corner it's highlighted which
22 year we're looking at, so this is 1988, so you can see
23 this is very early in the increase in the population.

24

25 So we'll just go to 1989, and you can see
26 that the number of calfs is coming up and the number --
27 what happened there was the number of one year olds that
28 we expect survived to two year olds is now in the two
29 column, and everyone -- just each column just increments
30 older and older and older, so this is each age class as
31 we go through time. And you see the population's
32 increasing. Let's go a couple -- another one, that's
33 1990 and again 1991 and go one more, 1992. Now, the
34 important thing from this slide, is not this particular
35 year, but in general, what you have here is an age
36 distribution that is called stable in the lingo, but this
37 is what a population looks like, the age structure, with
38 younger animals comprising the majority of the population
39 and smaller and smaller age classes -- or members in each
40 age class as you grow older and older. And this is what
41 a growing population looks like, this is what a stable
42 population looks like after awhile.

43

44 Okay, let's continue on. 1993, you can
45 see this is during the period of really rapid growth for
46 the herd and it's pretty impressive.

47

48 Continue. And, continue, please. All
49 right, there's a little jump there to 1996 because there
50 was a pause of data there for a couple years, and so it

1 may not look exactly like this but something about like
2 this almost had to occur where by 1996 we had a little
3 bit of a decrease in reproduction relative to the
4 previous years. And if you look at that number 4 age
5 class we have kind of a bulge in the age structure. Now,
6 if you have this situation, and reproduction doesn't
7 increase, over time is that those four and five year old
8 age classes get older and older, the population is going
9 to stabilize or decline, it's just the way it has to be.
10

11 So we'll continue on. And we had a
12 little bit of relief in 1998, which was a good cohort.
13 And some interesting things happened in the fall of 1998.
14 A high proportion -- for disease is a high proportion,
15 but a significant number of limping caribou were
16 observed, and it's hoof rot, which is a soil bacteria,
17 picked up by the animals under the right conditions, we
18 don't know what it does to them. We've had collars on
19 hand now for the last several years waiting to get
20 another little outbreak so we can mark the animals and
21 see whether it predisposes them to predation by wolves,
22 causes reproductive failure or just what it does. We
23 haven't had the opportunity, we're still working on that
24 one. And then in 1999 there were some reports of dead
25 calfs that spring and we don't know anything more than
26 that and over some fairly large areas there were reports
27 of dead calfs.
28

29 Okay, continue. And what that resulted
30 in was a marked change in reproduction for that year. It
31 really tipped over.
32

33 Okay, next. By 2001 the recruitment had
34 really gone down, we had some probably poor survival of
35 younger age classes and now we've got a population where
36 if you look at it, in 2001 there's a lot of eight, nine,
37 10 year old animals compared to those early slides.
38 Those numbers are really high. Remember when we started
39 out, those were a small portion of the population, and so
40 if you look at this you think, well, these animals, some
41 will live to be 16 years old, sure, but a lot are going
42 to die of one cause or another in the next few years and
43 if you look at where we're at now, 2001, this population
44 is tipping over hard.
45

46 So we'll continue on and that's exactly
47 what happens. Some years calf production is good, some
48 years it's poor.
49

50 Keep going. And you can see we still

1 have this large bulge in the age structure, older,
2 completely different shape to the age structure.

3

4 Again. 2004. Go ahead on up to 2006.
5 Now, when you look at the vital rates in here the birth
6 rates, the recruitment rates, the death rates that we
7 assume to get these declines, this population is
8 declining. If those turned around this winter and went
9 to rates that would be sufficient over time to produce a
10 one to two percent growth of the population, because of
11 these old nine and 10 year olds out there, this
12 population still declines to 2011. So we still have
13 several years of decline coming just because of the age
14 structure of the herd. And any remediation, whether it's
15 predator control or even good recruitment, it means that
16 we're not going to get a good response for a few years.

17

18 Now, this was all the female segment of
19 the population.

20

21 Go ahead.

22

23 To summarize this, we have kind of a
24 complex regional causes of decline. We wouldn't limit it
25 -- and we're not talking about local harvest or local
26 predation problems is driving the system. The age
27 structures is going to exacerbate the decline and high
28 harvest at this time could affect the recovery.

29

30 Okay. That was the female segment of the
31 herd. Bulls don't live as long so a lot of that age
32 structure affects is already over for the bulls. We
33 would expect to see a rapid increase in bull/cow ratios,
34 even if the herd continues to decline in the next few
35 years. But the important thing is is the bull/cow ratio
36 right now is at less -- at around 14 bulls per 100, way
37 below objectives. And the bull/cow ratio, in my opinion,
38 is critically low. Recent studies shows that 11 per 100
39 calves are born five, six days late and we're at 14 per
40 100, I don't think in Western Alaska or anywhere where
41 you have full predator regimes and short fleeting summers
42 it would be good to have calves born five days late due to
43 bull/cow ratio. So that definitely needs to be improved
44 right away.

45

46 Okay, next slide. So my recommendations
47 are to increase the bull/cow ratio now based on some
48 empirical and theoretical things we would like to see the
49 population not get less than 35,000 because at that point
50 in time increasing the affects of predation will slow the

1 recovery of the herd. That's kind of a controversial
2 number but I talked to several people and although nobody
3 agrees on the number the principle is sound. And those
4 are basically the recommendations. If we could pick out
5 a way to harvest old cows, we would do that.

6

7 Okay. Just finally here what we're going
8 to be looking at very closely in the next few years is
9 that if the bull/cow ratio does not improve we're going
10 to have to eliminate all bull harvest, in my opinion, and
11 we'll have to drastically reduce, more drastically reduce
12 harvest if population approaches 35,000, which, you know,
13 it probably is headed that way.

14

15 Okay, that's it, no, I'll just skip that,
16 and I think that's it, just in the interest of keeping it
17 short, my allotted time, that's sort of the biological
18 situation as we see it in the Mulchatna Herd right now.
19 Oh, Marianne, can we get the next slide.

20

21 MS. SEE: And the one after that.

22

23 MR. DALE: One more.

24

25 MS. SEE: Thank you. For the record my
26 name is Marianne See with the Division of Subsistence at
27 Fish and Game. And there's four additional slides that
28 are quick but they have to do with how this ties into the
29 harvest information. I hope you can read that.

30

31 But the State Board of Game has to go
32 through a process to look at subsistence and how it
33 provides for subsistence in an allocation. So they
34 essentially look at, is there a customary and traditional
35 use -- yes, and that's been determined and reconfirmed.

36

37 Is there a harvestable surplus -- yes,
38 that determination has been made based on biological
39 information.

40

41 What is the amount reasonably necessary
42 for subsistence -- that has been determined as well, it's
43 2,100 to 2,400 for the Mulchatna Herd in GMU's 9A, 9B,
44 17, 19A, in a portion of it, and in 19B.

45

46 And does the harvestable surplus allow
47 for all or only some uses -- and that matter then becomes
48 a matter that the Board determines.

49

50 If we could go to the next slide, please.

1 Okay. And we looked at -- the Division of Subsistence
2 prepares information for the Board to evaluate the extent
3 to which we have information about subsistence uses and
4 there are several sources. This is just to show you,
5 and, again, this presentation was also given to the Board
6 of Game in March, there are several sources of reliable
7 information that can be used to develop information about
8 the extent of subsistence uses of these caribou.

9
10 Next slide, please. Okay, there are two
11 additional slides in this part of the presentation that
12 we offered to the Board. In this one we took information
13 that we found the most comparable kind of information,
14 which is when you can compare in the same year, the
15 harvest survey information that's developed by Division
16 of Subsistence harvest survey studies as well as harvest
17 ticket information. And the most recent year for which
18 we have both is the 2001/2002 regulatory years, so that's
19 where we developed this chart. And what this shows,
20 there are two bars here, one showing that you have
21 harvest ticket information as well as household
22 information. And the household survey data is the bar,
23 the darker bar on the right. The values are fairly close
24 actually. In these kinds of data we would consider those
25 numbers, those bars to actually be pretty closely
26 similar. The number at the bottom is the important one
27 to look at here, there's one, two, three, four and then
28 five or more across the bottom of the screen. What that
29 refers to is the number of caribou harvested. And what
30 this shows, because the predominant bars that you see
31 here are highest on the two left categories, in other
32 words, one and two caribou that there's a pretty clear
33 and significant trend here that the hunters in these
34 areas are hunting for one or two caribou as opposed to
35 more than that, that's the predominate figure. So we can
36 conclude from this that most hunters take one or two
37 caribou, that if you look at harvest ticket data, that 74
38 percent of hunters took one or two caribou and 26 percent
39 took more than two. If you look at household survey
40 data, the data are really quite similar, 79 percent of
41 hunters took one or two caribou and 21 percent took more
42 than two. Essentially those are not significantly
43 different numbers. The trend is certainly very much the
44 same.

45
46 So that's what we could derive from
47 looking at those sources of data and it was really useful
48 to be able to compare it within one regulatory year.

49
50 And the last slide, please. And this is

1 harder to read but it's really trend information. Along
2 the bottom you can see specific communities and so we
3 compared the number and this is kind of an exhaustive
4 exercise but we compared all the information from harvest
5 tickets as well as all the harvest survey information for
6 each of these communities to get information on number of
7 caribou
8 taken by the successful hunters by each community. Now,
9 the scale on the left only goes from zero to 4.5, so when
10 bars are different -- they're really not very different,
11 we can see that, again, the darker bar is the harvest
12 survey and the lighter bar is the harvest ticket. So for
13 the most part they're pretty closely similar. If you
14 look at the -- let's see, it goes zero, .51, 1.5 and 2,
15 and I apologize it's hard to read, but you can see that
16 most of the data close to right around two or somewhat
17 less than two animals. So the average is about two
18 caribou and that's a helpful thing to see, that it tends
19 to be true in most communities. Right in the middle of
20 the chart you can see there's a difference between in
21 Levelok where there's four coming out of the harvest
22 survey data, I've learned that that was because there
23 were only a couple of harvest tickets returned so
24 essentially it's askew. If you had a better
25 representation of harvest tickets from the community it
26 might well look more like what we found in the harvest
27 survey. So there are some skews in here just because of
28 the low number of harvest ticket returns. But in general
29 you get a more resilient look at the harvest information
30 by community when you can use this kind of analysis. And
31 there'll be other information about Board of Game action
32 from this information when the Department offers
33 comments.

34

35 I'll be happy to answer any questions.
36 Thank you.

37

38 CHAIRMAN FLEAGLE: Questions on either
39 portion of the presentation.

40

41 (No comments)

42

43 CHAIRMAN FLEAGLE: That was a good
44 presentation, Bruce. Been interested in the biology of
45 this herd for quite awhile being on the -- my past
46 history and I remember in 1996 when that herd was peaking
47 they were exploring for new range and they ended up in
48 McGrath, and had we had the traditional knowledge of
49 elders that have dealt with caribou in the past we would
50 have known to let those scouts through and enjoy the

1 country and go home and bring others back and establish
2 territory but we were experiencing our decline in moose
3 right about then very acutely and the Department said,
4 wow, we need to harvest those animals so emergency open
5 five caribou a day and we got them.

6

(Laughter)

7

8

9

CHAIRMAN FLEAGLE: And in 1998 they came
10 back, same story and, you know, it's just who's to know
11 what would have happened. And the old-timers that we've
12 talked to that have caribou in their region said always
13 let the scouts go and so maybe we would have had a little
14 better survival of that herd if we would've let them
15 establish up in our country. But, anyway, it's too bad
16 to see that they're crashing so disastrously, I mean I'm
17 shocked that it's down to 45,000 you said from over
18 200,000.

19

20

MR. DALE: Yeah. Yeah, and it's been
21 real precipitous. But, you know, a lot of those animals
22 have died in the last four years are probably a lot of
23 old animals that contribute -- I've done various
24 analysis, but, you know, up to half of them could have
25 just been real old gammers and probably don't contribute
26 very much to reproduction and that sort of thing. But,
27 still, it's a very catastrophic decline. They came down
28 faster than they went up and that's hard to believe
29 because they went up pretty fast.

30

31

MR. REAKOFF: Mr. Chairman.

32

33

CHAIRMAN FLEAGLE: Yeah, Jack, go ahead.

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

1 MR. DALE: Yeah, that's typical. For
2 caribou, you know, typically 30, 35. The rut is so
3 synchronized that bull/cow ratio has always been a fairly
4 important trigger for management of herds.

5
6 MR. REAKOFF: Well, I'm very concerned
7 about this Mulchatna Caribou Herd and its demise. And I
8 feel -- I had the data in our Council book in our March
9 meeting, I went through and grafted, according to -- it
10 looks very similar to your graphs there. I'm very
11 concerned about the large bull component being down to
12 1.33 bulls per 100 cows, that's a terrible bull/cow
13 ratios of adult bulls. It's five bulls per 100 cows.
14 The smoke screen of this data in percentages and so
15 forth, I had to sort this data out to make it make any
16 sense. The bottom line is these are terrible bull/cow
17 ratios and when the Board of Game allowed non-resident
18 harvest of bulls, targeting bulls, on this extremely low
19 bull/cow ratio, I feel it's unconscionable. It would be
20 my opinion that what should have been implemented would
21 be exclusion of any bull with a shovel to target older
22 cows and to target smaller bulls and reserve the large
23 bull component. I'm highly concerned about the current
24 State implementation of a bull non-resident hunt there
25 for 15 days on the Mulchatna range.

26
27 I feel that this is going to retract this
28 herd to its core area, they won't migrate to the
29 villages. And in Unit 19A and B, which is in the Western
30 Interior, we're already on moose moratoriums over there
31 and I'm very, very concerned about this issue.

32
33 I was wondering what the Department is
34 going to -- what's the planning for returning this
35 bull/cow ratio to proper management guidelines?

36
37 MR. DALE: Yeah, if I may respond to
38 that. The Department certainly shares your concern. And
39 last fall we began a very large study of the bull
40 component of this herd, which is a really very poorly
41 study component of caribou biology. There's really only
42 been one other study that targeted bulls and that was by
43 Lane Adams, who you talked to earlier today on the
44 Mentasta Herd in Unit 11, completely different, very
45 robust animals, really good condition, small low density
46 and what they found out was that the proportion of large
47 bulls was not all age-related. There was a lot more
48 variation to where they went or other unexplained
49 variation but basically food. Their nutritional
50 performance that resulted in how many bulls were large.

1 Some bulls were very large one year and then would fall
2 into our management categories of small, medium and large
3 the next year.

4

5 Now, we know we have a nutritional
6 component to our problem in Mulchatna. We also know that
7 we have a spacial issue where the bulls are skewed
8 towards the west basically and the actual ratio of large
9 bulls in amongst a lot of the cows is even lower so we
10 have undertaken a very large study of that segment of the
11 herd.

12

13 Now, in terms of the management strategy,
14 the Board, Gino will -- oh, you're here, Gino, well, just
15 stop me when I get in too deep, the Board's actions
16 reflected that the non-resident harvest has been
17 declining very rapidly in the last few years. And that
18 participation, because the word's out that the Mulchatna
19 is not a good place to go hunt large bulls anymore and
20 they made the decision to continue it. Like I said one
21 of our key triggers is this bull/cow ratio, if it doesn't
22 prove, again, this fall, we'll be back at the Board. The
23 Department shares that concern. We thin that 14 per 100
24 is very low and in my opinion it's critically low.

25

26 But also our exercise, as I just showed,
27 you know, do predict, for what that's worth, that the
28 bull/cow ratio -- and there's empirical data, too, the
29 Nelchina, when it went through a similar phase, once that
30 age structure problem had run its course the bull/cow
31 ratio came back fairly rapidly and that has been seen
32 other places, too, even in Denali Park with no hunting
33 when that population crashed, it got down to 27 bulls per
34 100 cows and then once it reached a certain point it came
35 right back up.

36

37 So we are watching it and we share your
38 concern.

39

40 MR. REAKOFF: Mr. Chairman.

41

42 CHAIRMAN FLEAGLE: Go ahead, Jack.

43

44 MR. REAKOFF: It's my perception that
45 this area has a large population of brown bears that kill
46 caribou calfs. It indicated when it started its increase
47 that they exceeded their predator load and so now we're
48 approaching back down to where they're going to get stuck
49 again. Large bulls breed, all of -- a lot of the cows in
50 a very short period of time, we need to conserve that

1 large bull component. One more year of this kind of bull
2 harvest could push this herd right on its nose. I am
3 very concerned.

4
5 I've watched various herds of moose,
6 throughout the Interior of Alaska, when we get these
7 bull/cow ratios down in the toilet they throw -- small
8 bulls throw lightweight calves that are under a longer
9 endurance for predation and so then we start into these
10 longer, these steeper declines in populations and I'm
11 very -- extremely concerned. We got moose moratoriums
12 over on the Kuskokwim River, this caribou herd's in a
13 nose dive. I could hardly believe the Board of Game
14 allowed non-resident participation for bull harvest. I
15 could hardly even believe it.

16
17 This population should be conserved for
18 residents of Alaska only, period.

19
20 And I think that one more year, I see
21 last year's harvest by non-residents was 425, you
22 maintain that kind of harvest percentage on this very
23 small large bull component, that's the telling factor of
24 maintaining a breeding structure. How they present
25 antler shows their health of that individual animal. So
26 we've basically got 1.33 large bulls per 100 cows.
27 That's way too few bulls to breed all these cows in a one
28 week period (ph).

29
30 I'm very concerned about this issue and
31 that's why I bring it up before the Board.

32
33 Thank you.

34
35 CHAIRMAN FLEAGLE: Thank you, Jack. And
36 I think the concern is well heard by Department Staff.
37 I'm not sure what else we can add. I agree that the
38 Board actions aren't always in keeping with Department
39 recommendations, I'm talking about the other Board,
40 having been there. And, you know, there's -- I share
41 your concern, I mean having been involved with this herd,
42 having eaten from this herd for at least two years, yeah,
43 we really need to watch it. And whatever we can do from
44 our perspective here on the Federal side, I think we
45 really need to watch what we do as well.

46
47 And, Bruce -- Gino, you had a comment.

48
49 MR. DELFRATE: Yeah, thank you, Mr.
50 Chair. And in keeping with brevity here, I think I

1 repeat what Bruce said is that we are very much concerned
2 about the bull component of this herd and we had quite a
3 bit of discussion about this before the Board meeting
4 convened in March and we did discuss whether or not to
5 exclude all non-residents. And when we looked at the
6 harvest to-date of -- from orange report cards that had
7 come in, the non-residents have kind of left the unit
8 already, they're hunting elsewhere. We had 200 caribou
9 that were reported and typically most of the non-resident
10 hunters are the first to report. Most of the resident
11 hunters that are hunting late in the winter time do not
12 report until after the end of the season. And so it was
13 pretty clear to us that there was very little impact from
14 the fall season, with only 200 caribou reported out of
15 that herd.

16
17 We chose, or at least we discussed with
18 the Board whether or not to maintain a skeleton framework
19 of our basic management strategy which is to allow that
20 in place with the theory that this herd will turn around.
21 And we're going to look at this again in two years, we
22 told the Board we'd be back in two years if anything
23 looked out of sorts, if the bull ratio continues to
24 decline, if Bruce's research project indicates that there
25 are significant issues that we need to address we'll be
26 there sooner. But we do share the same concerns. We've
27 talked about it internally. We've talked about it at the
28 RAC meetings as well as the Advisory Committee meetings
29 and the Board of Game and we're doing it here. So it's
30 front and foremost and within our region.

31
32 The other difficulty with managing the
33 Mulchatna Herd is that for Fish and Game this herd spans
34 five game management units across three regions and so
35 coordination within the Department is quite the task
36 because we have to get everybody involved and we did a
37 really good job prior to the Board meeting and we'll
38 continue to look at it.

39
40 CHAIRMAN FLEAGLE: As far as the harvest
41 data that you guys presented and the subsistence numbers,
42 I think you said 21 to 2,400 amount necessary and what
43 was the annual harvest recorded last year? Roughly.

44
45 MR. DELFRATE: Mr. Chair. At the March
46 meeting we did not have last year's harvest rate. The
47 previous year, which was the 2005/2006, we were right at
48 about -- within that 21 to 2,400 range and actual animals
49 harvested this year, we suspect that it's going to be
50 less than that 2,100. But those animals are still

1 available for harvest.

2

3 CHAIRMAN FLEAGLE: But that pushes you
4 into Tier I situation pretty quickly, wouldn't it?

5

6 MR. DELFRATE: We're close.

7

8 MR. REAKOFF: Mr. Chairman.

9

10 CHAIRMAN FLEAGLE: Well, I've seen that
11 game played also over in Glennallen, I mean Unit 13 on
12 moose. I mean we did the same thing over there, you
13 know, 600 moose available, 600 moose needed so, yeah, we
14 can still do a -- anyway.

15

16 Jack.

17

18 MR. REAKOFF: Mr. Chairman. The data
19 that was presented to the Western Interior Council shows
20 that the '05/06 harvest for total, for residents and non-
21 residents was 1,991 animals, that's below the subsistence
22 amounts necessary under State regulations.

23

24 This year with the declining herd that
25 could be even lower.

26

27 I'm confused by the Game Board's actions.

28

29 CHAIRMAN FLEAGLE: It sounds like we had
30 another comment. Randy.

31

32 MR. ALVAREZ: Thank you, Mr. Chairman. I
33 should jump in here. If you guys would turn to Page 284
34 it has a table there on top and that table, the last year
35 available, they don't have the '06 and '07 because that
36 information hasn't come in yet, but if you'd look at
37 '05/06 resident harvest is at 1,507 and as Jack had
38 stated it's a total of 1,991, but the non-resident is
39 still taking 426 caribou. If you would figure out that
40 the population of large caribou for the Mulchatna is 1.3
41 percent of the -- 14.9 percent are bulls, out of the 14.9
42 percent, 8.9 percent of the 14.9 comes out to 1.3 percent
43 are large bulls left. So if the population of Mulchatna
44 caribou is at 45,000 and you figure 1.3 percent of that
45 are large bulls it comes out to about a little over 580
46 large bulls left in the herd.

47

48 If you look at the non-resident harvest,
49 '05 and '06, they harvested 426 caribou. So if they
50 would do that again, how many large caribou are we going

1 to have left. What the Board of Game did, I think was
2 not -- was wrong by letting non-residents continue to
3 harvest those caribou in our opinion. And by eliminating
4 those, the genetics is going to be gone for large
5 caribou, you know. For instance, you know, the same
6 thing with kings, for instance, some of the fish aren't
7 as big as they used to be. My children aren't very big,
8 you know, I've got cousins -- for instance I got a
9 cousin, she's from a -- her -- my cousin's relatives are
10 bigger than me and she married a guy from Cordova, well,
11 they have a 17 year old son now that's 7'1" weighs about
12 300 pounds, you know, that's genetics, you know.

13

14 (Laughter)

15

16 MR. ALVAREZ: I can't make kids like that
17 although I'm related to her.

18

19 (Laughter)

20

21 MR. ALVAREZ: So by eliminating those
22 large caribou it's going to be disastrous.

23

24 And I guess I'll comment later on when it
25 comes up to our.....

26

27 CHAIRMAN FLEAGLE: That's a good idea. I
28 mean we may want to have some policy discussions as to
29 possible involvement maybe when we bring this up.

30

31 Ken, did you have a comment.

32

33 MR. TAYLOR: (Shakes head negatively)

34

35 CHAIRMAN FLEAGLE: Okay, no. It's 6:05,
36 appreciate the presentation. Let's see we said we're
37 going to break about 6:05 -- I mean 6:00 o'clock for
38 dinner -- about 6:05, duh, and how about if we come back
39 at 7:15 and we'll work for a little bit this evening.

40

41 Thanks.

42

43 (Off record)

44

45 (On record)

46

47 CHAIRMAN FLEAGLE: The Federal
48 Subsistence Board is back on record. I want to apologize
49 for setting a time for return that we couldn't keep. A
50 bunch of us escaped the building and went across the

1 street to the restaurant and they only had one server who
2 was also the person that took the money for getting out
3 who was also the person that seated everybody and I think
4 they only had one cook so it was kind of a slow
5 operation, but it was good.

6

7 (Laughter)

8

9 CHAIRMAN FLEAGLE: My intent is to go to
10 9:00 o'clock. That will give everybody a chance to go
11 home and get some sleep tonight before we start tomorrow.
12 And we left off with the Bristol Bay area.

13

14 MR. PROBASCO: 23.

15

16 CHAIRMAN FLEAGLE: 23.

17

18 MR. PROBASCO: Uh-huh.

19

20 CHAIRMAN FLEAGLE: All right, 07-23,
21 we'll start out with the analysis and we have new Staff
22 at the table, introductions, please.

23

24 MS. GREFFENIUS: All right, good evening,
25 Mr. Chair and members of the Board and Council Chairs.
26 For the record for introduction my name is Laura
27 Greffenius and I'm a wildlife biologist on the OSM Staff.
28 And next to me is Cliff Edenshaw, he's the coordinator
29 with the Bristol Bay Council. And so in about three
30 minutes, Mr. Chair, so this will be -- we covered most of
31 it before the break.

32

33 CHAIRMAN FLEAGLE: Thank you.

34

35 MS. GREFFENIUS: So I wanted to thank
36 Bruce for the informative presentation and he's -- I
37 don't see him but the other State representatives are
38 here and also to Marianne See for the additional
39 background so that really covered most of it. And since
40 Bruce had provided the population dynamics and the
41 biological background for the Mulchatna Caribou Herd,
42 I'll focus my discussion on summarizing the proposed
43 changes and the regulatory updates and so I won't go into
44 the biology aspects since we covered most of that.

45

46 So the Staff analysis for this proposal
47 begins in your Board book on Page 275. WP07-23 was
48 submitted by the Bristol Bay Regional Advisory Council
49 and the proposal requests the Federal regulations for
50 harvest limits of caribou in Units 9B and 17 align with

1 current State regulations. And the open seasons would
2 remain the same but harvest limits would be reduced from
3 five to three caribou, would remove the restriction on a
4 bulls only harvest in the fall and allow no more than one
5 caribou to be harvested prior to November 30th.

6
7 And as you heard in the previous
8 presentation, due to the herd's drastic decline in
9 population, the proposed changes were generated from
10 concerns to maintain a healthier population. So relevant
11 to this proposal, we've already discussed this somewhat,
12 is are Alaska Board of Game actions, the following is a
13 brief background and update. In March of 2006, so a year
14 ago March, the Board of Game adopted regulations to
15 reduce the harvest limit from five to three caribou and
16 to reduce the fall bull harvest and these harvest limits
17 are what is currently in effect for this regulatory year,
18 2006/2007. I point that out because the intent of the
19 proposal, when it was submitted, was to align with the
20 current regulations. Then during its March 2007 meeting
21 in Anchorage, the Alaska Board of Game further reduced
22 harvest limits in open seasons across the range of the
23 herd. And the main changes are that the resident harvest
24 limit has been reduced to two caribou but no more than
25 one caribou can be taken between August 1 and January
26 31st, so that timeframe was lengthened and no more than
27 one can be a bull. And resident seasons throughout the
28 range were aligned to August 1 to March 15th. In
29 addition the Board of Game continued the non-resident
30 season, as we already mentioned, and reduced the length
31 of the non-resident season in September 1 through the
32 15th with a one caribou harvest limit. And these new
33 State regulations for the general hunt will become
34 effective July 1, 2007.

35
36 I just wanted to direct you, we already
37 covered most of the biology but just since it was
38 mentioned by Mr. Reakoff to mention the table on Page 283
39 regarding the bull/cow ratio, the first column there,
40 mentions the percentage -- the bull/cow ratio and also
41 the percentage of bulls, so just scanning some of those
42 numbers can give you an idea of what we were discussing
43 before, and the current population figure's not in that
44 table since it was put out before that was put out by the
45 State. And also at the top of Page 284 is the harvest
46 information that we had discussed prior to the dinner
47 break.

48
49 So I'll go right into a few highlights of
50 the effects of this proposal. They are, if adopted, the

1 Federally-qualified subsistence users would still have an
2 opportunity to harvest caribou but their harvest limit
3 would be reduced from five to three caribou and the
4 restriction on a bulls only harvest in the fall would be
5 liberalized to either bulls or cows. The caribou
6 affected by this proposal are in a herd whose range
7 includes Units 9B, 17, 18 south, 19A and 19B. The
8 regulatory changes should take place in all these units.
9 And also another effect in Unit 18, the modified proposed
10 regulation would shorten the Federal season by one month
11 from April 15th to March 15th as this aligns with the
12 current State regulation.

13

14 The OSM preliminary conclusion is to
15 support with modification to include Units 18, 19A and
16 19B. This modified regulation would be as it is listed
17 on Pages 287 to -- 286 to 287 in your Board book.
18 Including the additional units in the modification would
19 align the harvest limits and open seasons across the
20 range of the herd with the 2006/2007 State regulations.

21

22 As noted previously, in March 2007 the
23 Alaska Board of Game adopted the new State regulations
24 for the general hunt for the Mulchatna Caribou Herd and
25 effective during the next regulatory year to further
26 reduce and change harvest limits and open seasons. And
27 to point out, the modified Federal regulations, as
28 proposed in the OSM preliminary conclusion, would provide
29 a higher harvest limit than the new State regulations.

30

31 That concludes my overview of WP07-23.
32 Thank you, Mr. Chair.

33

34 CHAIRMAN FLEAGLE: Thank you, Laura.
35 Questions.

36

37 (No comments)

38

39 CHAIRMAN FLEAGLE: Summary of written
40 public comments. Cliff.

41

42 MR. EDENSHAW: Thank you, Mr. Chairman.
43 Board members. On Page 288 there was one written public
44 comment from the Lake Clark SRC and the Lake Clark SRC
45 supports reducing hunting pressure on the Mulchatna
46 Caribou Herd to reverse the declining population trend
47 and allow the number of animals to stabilize.

48

49 That concludes the written public
50 comments, Mr. Chair.

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

3
4 MR. PROBASCO: Yes, Mr. Chair. We have
5 one public member to testify on this agenda item and that
6 is Mr. Tim Andrew.

7
8 CHAIRMAN FLEAGLE: Tim Andrew, come on
9 up.

10
11 MR. ANDREW: Good evening, Mr. Chair.
12 Members of the Board. For the record my name is Timothy
13 Andrew. I am the director of Wildlife Resources for the
14 Association of Village Council Presidents based in
15 Bethel, Alaska. And I'm not going to make my testimony
16 very long, in fact, it's going to be pretty short just to
17 facilitate the speedy conclusion to this evening's
18 meeting.

19
20 We are extremely concerned about the
21 status of the Mulchatna Caribou Herd, it's declined from
22 over 200,000 animals down to 45,000 animals within a 10
23 year period of time. During the month of March we
24 attended the Board meeting and at that time we advocated
25 for the reduction of a subsistence take and we also
26 advocated for the elimination of the non-resident take at
27 that meeting as well.

28
29 And our basis for advocating for the
30 elimination of the non-resident take was the non-resident
31 hunters primarily target the large bulls and I'd like to
32 thank Mr. Reakoff and Mr. Alvarez for exposing some of
33 the aggravating issues that relates to the bull/cow
34 ratio. The State currently has a 35 to 100 bull/cow
35 ratio target goal and it is now down to 15 according to
36 some of their documentation. We advocated for the
37 reduction to hopefully build the population of the
38 Mulchatna Caribou Herd to hit some higher levels where it
39 will be a sustainable harvest for a long-term continued
40 subsistence use by the people that reside in the AVCP
41 region.

42
43 The people in the Lower Kuskokwim
44 Corridor are basically in a real dire situation at this
45 point as far as their need for a large mammal harvest and
46 subsistence resource. In Unit 19A they're currently in a
47 Tier II situation under State management and Federal draw
48 permit for moose. And with the reduction of the
49 Mulchatna Caribou Herd, that basically places a number of
50 our villages, starting from the far reaches in the upper

1 portion of Unit 19 all the way down to the mouth down to
2 Tuntutuliak, Eek and Quinhagak and some of those
3 communities.

4
5 And according to some of the more recent
6 statistics that we got from the Institute of Social and
7 Economic Research indicate that people out there consume
8 664 pounds per capita of wild food consumption. That, in
9 itself indicates that the caribou herd or the caribou
10 population or their dependence on caribou is extremely
11 high and we feel that we need to protect this resource
12 and build it to the point where people can continue to
13 harvest for their subsistence needs.

14
15 We also submitted a Legislative funding
16 request to the Alaska State Legislature within this past
17 week, in fact, it might have been a couple of weeks ago
18 to establish the Mulchatna Caribou Herd Working Group,
19 something similar to the Western Arctic Caribou Herd
20 Working Group in hopes to develop a collaborative and
21 deliberative group in addressing some of these declines
22 and some of the management challenges we face in
23 providing for subsistence take. Not only subsistence
24 take, but also for the sport harvest and wildlife viewing
25 as well.

26
27 And the latest indicator is from some of
28 our Legislative staff is that that funding request will
29 not likely be -- would not likely be considered at this
30 Legislative session and we intend to resubmit the funding
31 request for 2008. And we really, really appreciate the
32 support that we got from the Western Interior Council for
33 the development of this working group and also from the
34 YK RAC.

35
36 And that concludes my testimony, Mr.
37 Chair.

38
39 CHAIRMAN FLEAGLE: Thank you, Tim.
40 Questions.

41
42 (No comments)

43
44 CHAIRMAN FLEAGLE: Appreciate it. And
45 that's it, right, Pete.

46
47 MR. PROBASCO: That's correct, Mr. Chair.

48
49 CHAIRMAN FLEAGLE: Okay. We turn to the
50 Regional Council recommendation. Randy.

1 MR. ALVAREZ: Thank you, Mr. Chair. Our
2 Council submitted this proposal back in October, and when
3 we submitted the proposal. It was in reluctance because
4 our -- the population numbers that were given to us back
5 then were at 85,000 and I was -- it would have been
6 similar to the moose proposal that got on consensus that
7 we objected -- we opposed our proposal -- that moose
8 proposal, and I was going to also oppose this proposal
9 that we had submitted for caribou at 85,000, I didn't
10 think it -- that restricting it down to three to match
11 the ADF&G's numbers was justification. But when we got
12 to the meeting, our RAC meeting in March, the ADF&G gave
13 us the new numbers at 45,000, and this was before the
14 Board of Game was to meet in March, and since then they
15 came up with new regulations. But at our February
16 meeting in Naknek we went along with our proposal to
17 limit it down to three, the bag limit.

18
19 At that meeting, there was an ADF&G
20 proposal that came out that was acted on in March by the
21 Board of Game, that proposal by ADF&G, they wanted to
22 limit it down to one and they were also -- they were
23 proposing to restrict non-residents to no hunting at all
24 in Unit 17B and in 19B, and we felt that was a good --
25 was adequate decided because 17B and 19B is where most of
26 the non-resident hunters get dropped off in the hills,
27 kind of the dividing line between the Nushagak and the
28 Kuskokwim and that range of hills extends quite a ways
29 and that's where most of the non-resident harvest was.
30 And so at least I was satisfied with that because if --
31 some of the people figured there shouldn't have been a
32 non-resident hunt but I argued that if they're going to
33 have a non-resident hunt they shouldn't have it in 19B
34 and 17B because that's where they might -- that's in the
35 middle of the Mulchatna Range if you'd look on the map.
36 And what they were doing in the past and since the
37 explosion, the caribou population went up to 200,000
38 there'd be sometimes, from what I was told, from around
39 in the year 2000 and probably a little before that and a
40 little later than that as many as a thousand hunters over
41 there and they were actually turning the caribou when
42 they were migrating back down towards 9B [sic] and for a
43 few years there, and, in fact, still the caribou haven't
44 been showing up in the falltime, they don't come down
45 until early winter, around Thanksgiving, sometimes until
46 around Christmas before they show up down on the Kvichak
47 and then you have to wait until freeze-up is adequate
48 enough so you can go out and harvest caribou. But with
49 non-residents doing that it kind of eliminated our fall
50 caribou harvest because there wasn't any around, they

1 were actually turning the caribou, they were heading them
2 back towards the Taylor Mountains. And I was told that
3 by the Department, more than once, I was asking them
4 where's the caribou at, and they says well they were up
5 there but it looks like there's so much pressure they
6 headed back toward the Taylor Mountains.

7
8 So we, as a Council, thought that with
9 the ADF&G proposal that the non-residents would not be
10 allowed to hunt in 17B and 19B, we thought that would
11 help but apparently at the March Board of Game meeting
12 they didn't do that. They changed their mind and I --
13 I've been asking the Department today for the regulations
14 that happened at the Board of Game meeting here in
15 Anchorage in March after our RAC meeting and I haven't
16 had a copy of those regulations. I've heard that the
17 Board did drop the bag limit down to two, they eliminate
18 the fly and land and shoot and they shortened the season
19 some and they restricted the non-resident somewhat, all
20 they did was shorten the season down to two weeks and I
21 don't think that's adequate enough and I've been trying
22 to come up with -- find out what the Board of Game did,
23 to the best of my -- I've been getting conflicting
24 changes and I believe it's they didn't restrict the non-
25 residents in any of the Mulchatna area, they just
26 shortened the season.

27
28 And we don't think that's good enough.
29 And, because if you look at the table on Page 383, it
30 shows you kind of the history of the harvest for the
31 Mulchatna caribou down to 2006 and '07, the first column
32 is almost 15 bulls to 100 cows and then the next -- the
33 calfs are at 25.5 which is kind of -- which is probably
34 sustainable but it's low, it should be around 30, 35 to
35 be high. Then it shows the percentage of calfs. The
36 percentage of cows is about 76 percent. And it gives you
37 the percentage of bulls, small bulls, medium bulls and
38 large bulls, well, that 8.9 percent of large bulls is
39 only -- it's 8.9 percent of 14.9 percent, which is --
40 which equates to one -- the amount of large bulls in the
41 whole heard is only 1.3 percent of the whole herd and if
42 you do the math it comes out to about 585 large bulls out
43 of 45,000, which is -- I think it's a conservation issue.

44
45 It has to be.

46
47 And if you look at the next page, the
48 table on top there, the reported harvest for the last
49 year, 2005/06, the non-residents harvested 426, that's --
50 if they were to do that when there's only 585 large bulls

1 left, you know, that's what they're targeting, there
2 might not be -- you know, we're going to destroy the
3 genetics if that continues. And I guess we still support
4 a three bag limit but, you know, that's caribou. I could
5 see by -- you know, Bruce, the State biologist that
6 showed us the PowerPoint, you know, they favor limiting
7 -- or restricting the large bull harvest, I don't know,
8 they should have did that earlier at the Board of Game
9 last month or two months ago.

10
11 I think we need to try to do something to
12 protect those remaining large bulls, even if it's only --
13 we still favor the three bag limit even if it was just
14 three cows and no bull harvest, you know, we're after the
15 meat not the antlers. And at 45,000 it's still adequate
16 for the population -- well, I moved to Igiugig from
17 Naknek, I was born and raised in Naknek and I moved to
18 Igiugig in 1983, and when I moved up there, if you
19 remember the graph that we were showed, the early '70s
20 the caribou population for the Mulchatna was about 10,000
21 and then when I moved to Igiugig it was probably between
22 35 and 40,000 and the bag limit was five back then. And
23 the history -- if you look at the census from the '90s
24 and then the 2000 census, there were more people living
25 in our region, in the villages, back during the '90
26 census than there was during the 2000 census, so if
27 that's the case it would make sense to say that there was
28 more caribou harvested when the population was 40,000 or
29 less and the bag limit was five than there is now and
30 still we didn't affect the population. So what I think
31 the subsistence -- the rural hunt doesn't -- isn't going
32 to affect, even with a bag limit of three, isn't going to
33 affect the population of 45,000. I think what we need to
34 try to protect is the large bulls.

35
36 I guess that concludes my testimony.

37
38 But I'm still confused what the exact
39 State regulations say, you know, I was -- on Page 278 it
40 kind of has -- the new State regulations, it also talks
41 about on Page 278 the last paragraph where it says 17 --
42 that portion in Unit 17B, non-resident closed area, I
43 don't understand where it's closed. These new
44 regulations kind of have me confused, so maybe somebody
45 can clarify that later.

46
47 Thank you.

48
49 CHAIRMAN FLEAGLE: Isn't that the river
50 corridors that the Board closed two years ago -- yeah,

1 Gino, you want to go ahead and answer that.

2

3 MR. DELFRATE: Yes, thank you, Mr. Chair.
4 The part that refers to 17B, that portion closed, that is
5 the two mile corridor that was closed to non-resident
6 hunters two years -- three years ago now in '05 and that
7 remained closed during this last round of Board meetings.

8

9 CHAIRMAN FLEAGLE: Yeah, and that was
10 non-residents only and that was not only for caribou but
11 for moose as well, if I remember correctly. Had a
12 limited moose registration available in the local area,
13 but, anyways, yeah, that's what it was the river
14 corridors.

15

16 Questions for Randy's recommendation.

17

18 Gary.

19

20 MR. EDWARDS: Mr. Chairman. Randy if the
21 Council had felt that the Board of Game would have taken
22 more action, some of the things you suggested associated
23 with the non-resident hunt and all, would that have
24 changed the Council's view given that the Board of Game
25 did reduce the harvest to two, would there have been an
26 interest in the Council going further in their harvest or
27 would they have left it at three regardless of what
28 actions the Board of Game may have taken?

29

30 MR. ALVAREZ: We did decide to lower it
31 from five, the bag limit at the October meeting. And
32 then at the March RAC meeting we found out that the
33 population was down to 45,000 and we felt that, you know,
34 there's caribou, you know, there's just not very many
35 large bulls left because of the non-resident harvest.
36 And for awhile there during 2000 the non-residents were
37 allowed to harvest two large bulls during the -- when the
38 season opened, that was their bag limit, they had a two
39 bull harvest and then it got changed, I think, two years
40 ago, when the State dropped it down to a resident harvest
41 of three, they lowered their bag limit down to one.

42

43 We feel that at 45,000 it's still
44 adequate for a three bag limit. Like I mentioned in the
45 early '80s the bag limit was five and it was less than
46 40,000 and in fact it was five -- I don't -- I'm not sure
47 exactly when five was implemented but if I remember
48 correctly it was like that for awhile in the -- and then
49 in the '70s the bag -- the population for caribou was
50 like 10,000 for the Mulchatna, it showed it on the screen

1 there and it was between 10 to 20,000 in the middle '70s.
2 So that wasn't -- we didn't think having a three bag
3 limit was going to impact that population by the
4 subsistence user. It was other factors that were
5 contributing to the decline.

6

7 CHAIRMAN FLEAGLE: Ken Taylor.

8

9 MR. TAYLOR: Thank you, Mr. Chairman.
10 Just a point of clarification, when the herd grew to be
11 about 35 to 40,000 back in the mid-80s, I believe the bag
12 limit was one caribou during the fall season and three
13 during the winter season. The five caribou bag limit
14 didn't come into effect until the 1990s.

15

16 CHAIRMAN FLEAGLE: Thank you. Done with
17 questions, Gary.

18

19 MR. EDWARDS: Yes.

20

21 CHAIRMAN FLEAGLE: Other Board members.

22

23 (No comments)

24

25 CHAIRMAN FLEAGLE: All right, thank you.
26 Other Councils. Jack.

27

28 MR. REAKOFF: The Western Interior
29 endorsed Proposal 07-23. And we were in session and
30 transmitting to the State Game Board to be conservative
31 with non-resident harvest and we learned during the
32 meeting that they had still continued non-resident
33 harvest.

34

35 I also wanted to refer to the Council's
36 letter to the Chair of the Federal Subsistence Board Mike
37 Fleagle and Ron Somerville on January 23rd also
38 highlighting our concern for this very low bull/cow ratio
39 and those fell non deaf ears with the State Game Board.

40

41 We did support Bristol Bay's proposal and
42 so I would stand with that.

43

44 In light of the data that was presented
45 by the Department, it would be actually beneficial to
46 harvest more cows, especially the older age component.
47 And so we were, at our deliberations, unaware of that old
48 age cow component as a harvestable surplus. And so I
49 would feel the Board should take that into consideration
50 and so we did endorse the proposal, though, for three

1 caribou.

2

3 Thank you.

4

5 CHAIRMAN FLEAGLE: Thank you, Jack.

6 Other questions.

7

8 (No comments)

9

10 CHAIRMAN FLEAGLE: Any questions. Cliff.

11

12 MR. EDENSHAW: Thank you, Mr. Chair and

13 Board members. I just wanted to let the Board know on

14 Page 72 [sic] -- at least put it on record, on Page 272

15 and 273 is the Bristol Bay Council's recommendation.

16

17 And in regards to Gary's question he had,

18 when the Council met in October and submitted the

19 original proposal they were informed at the time that

20 what's in the Council's recommendation is what the

21 reduction in the harvest limit was going to be and then

22 when we met again in February, John Hilsinger came to the

23 Council meeting and presented to the meeting that they

24 would reduce the harvest limits down to two and asked if

25 the Council would be in favor of that, but the Council

26 said that if they were to eliminate the non-resident hunt

27 then they might consider such a proposal.

28

29 Thank you.

30

31 CHAIRMAN FLEAGLE: Thank you, Cliff. YK

32 Council, do you have any comments. Lester, do you have

33 comments on this.

34

35 MR. WILDE: The Yukon-Kuskokwim Delta

36 Subsistence Regional Advisory Council supports Proposal

37 23 with modification that includes Unit 18, 19A and 19B.

38 The Yukon-Kuskokwim Delta Subsistence Regional Advisory

39 Council said that the Mulchatna Caribou Herd has

40 declined, revise caribou harvest limits and open seasons

41 for Units 9, 17, 18, 19A and 19B are needed to help

42 assure that that herd rebuilds.

43

44 Mr. Chairman.

45

46 CHAIRMAN FLEAGLE: Thank you, Lester.

47 Now, I can move on, right, unless there's any questions

48 for any of the RAC Chairs. Steve Kessler.

49

50 MR. KESSLER; Thank you, Mr. Chairman.

1 Jack, I do have maybe one question. I think you implied
2 that there might be a way to target older cows, is there
3 a -- has that been done in any regulations in the past in
4 some way?

5

6

CHAIRMAN FLEAGLE: Jack.

7

8

MR. REAKOFF: No, I don't think it's been
9 done. But the data presented shows that there's an old
10 age component of cow caribou that are going to die of old
11 age anyways and we need to protect the bull component and
12 so I felt that the Department should have contemplated
13 elimination of harvest of bulls in more of a moratorium.

14

15

My feeling would be that a proposal at
16 this time should be submitted to the Board of Game to not
17 allow the harvest of bulls with a shovel, which basically
18 targets all cow caribou and young bull caribou which is
19 the highest component of the population. And I feel that
20 the Board of Game is not meeting the amounts necessary
21 for subsistence and that a reconsideration should be
22 considered by the Board of Game. They submit
23 reconsiderations to this Board all the time. I think
24 they need to have a reconsideration from the Federal
25 Subsistence Board. That would be a way to target the
26 harvestable surplus for subsistence, would be to allow
27 more cow harvest and reduce bull harvest.

28

29

The Bristol Bay has not talked about
30 that, neither the Western Interior Council has not talked
31 about that, but those would be my feelings after
32 reviewing all this data and so forth. All of this data
33 is basically floated to the surface before this Board
34 meeting and so that would be one way to harvest for
35 subsistence without depleting the bull component any
36 further.

37

38

CHAIRMAN FLEAGLE: Thank you. Alaska
39 Department of Fish and Game comments. Terry Haynes.

40

41

MR. HAYNES: Mr. Chairman. Staff have
42 laid out what the new State regulations are generally.
43 When I'm finished making comments, Gino may have a bit
44 more to say about the new State regulations and some
45 other aspects of the Mulchatna caribou.

46

47

Staff also laid out the reason why
48 there's a need to develop more restrictive regulations.

49

50

The Department supports the concept of

1 this Bristol Bay Council proposal to reduce the bag limit
2 because of these population declines in the Mulchatna
3 Caribou Herd. The intent of the proposal was to align
4 the Federal and State regulations in effect this
5 regulatory year. But as we've heard the Board of Game
6 has implemented more restrictive regulations that take
7 effect July 1st of this year.

8
9 Consequently the Department requests that
10 the Federal Board take action consistent with the
11 regulations adopted by the Board of Game at its March
12 2007 meeting.

13
14 This action is less restrictive than was
15 originally proposed by the Department. Although the
16 Bristol Bay Regional Council did not support the
17 Department's proposal, as Mr. Alvarez described earlier,
18 the Council also held its winter meeting before the Board
19 of Game had adopted a regulation that was less
20 restrictive than what the Department had requested in
21 terms of bag limits. Consequently the Council did not
22 have the opportunity to discuss and evaluate the new
23 State regulations. The new State regulations continue to
24 accommodate Federally-qualified subsistence users and are
25 necessary for conservation purposes.

26
27 We are concerned that having divergent
28 State and Federal regulations for the Mulchatna caribou
29 hunt that will result if the proposal as modified by the
30 Bristol Bay Regional Council is adopted, they're going to
31 be very confusing and very problematic for rural
32 residents to understand. And given the fact that there
33 would be a harvest limit of three caribou in Federal
34 regulation, a bag limit of two caribou in State
35 regulation with harvest tickets specifically stating
36 that, there may be a need for a separate Federal
37 reporting mechanism, so there's a lot of issues to
38 discuss in the context of whatever action the Board takes
39 on this proposal.

40
41 So I'll turn the mic over to Gino.

42
43 Thank you, Mr. Chairman.

44
45 CHAIRMAN FLEAGLE: Gino.

46
47 MR. DELFRATE: Thank you, Mr. Chair. And
48 I just want to be brief on a couple of responses to a
49 couple of the comments. I thought it was important to
50 lay out the timeline as to how we acted with other

1 Federal agencies within the range of the Mulchatna
2 Caribou Herd. We did not have our photo census completed
3 until mid-February or early February at the time so we
4 were under a really tight time crunch in order to get
5 everything completed. Actually I think it was a little
6 bit earlier because we were able to get a proposal into
7 the book.

8
9 The proposal that was submitted to the
10 Board of Game asked for a non-resident season of two
11 months, August 1st to September 30th. It also asked for
12 a bag limit for all caribou hunters in the Mulchatna of
13 one bull, combined. And that's the proposal that got
14 submitted. This was -- we did not consider the bull/cow
15 ratio as much as we should have and after we listened to
16 Bruce Dale a little bit more with regards to the
17 importance of bulls in the herd and bumping that up, the
18 -- we went with an amend and adopt language at the Board
19 of Game meeting and we still maintained one caribou. And
20 the testimony was we need more than one caribou per
21 household in order to meet subsistence needs and the
22 Subsistence Division staff provided excellent information
23 that showed that most people, when given the opportunity
24 to take many caribou, up to five, took a two caribou bag
25 limit and so the Board, in its wisdom, chose a course
26 that favored local residents in a large way. They
27 eliminated the same day airborne clause, which
28 particularly affected non-local residents. They reduced
29 the resident bag -- or non-resident bag season to a two
30 week season and went to one caribou in order to allow a
31 non-resident to take one caribou regardless if it was a
32 bull or a cow. And so they kind of pulled back on the
33 bull component.

34
35 I'm not trying to debate anything. I
36 just kind of wanted to lay out the sequence of events as
37 they went.

38
39 When we first drafted this proposal we
40 got most of the group of folks that deal with management
41 of caribou in the Mulchatna, we pulled in Refuge Staff
42 from Bethel, Park Service Staff from Lake Clark, all the
43 folks that typically fly these surveys and kind of sat in
44 a room under teleconference and came up with this unified
45 proposal and that's what we went to the Board with. It
46 was much more conservative than what was originally --
47 what was eventually passed by the Board and I think the
48 Board did a really good job of making lemonade out of the
49 lemons that we handed them.

50

1 So anyway I'm not going to go on any
2 farther because I know we got to do but I did want to
3 kind of lay out some of the facts and how things did play
4 out.

5
6 CHAIRMAN FLEAGLE: Thank you, Gino.
7 Questions for the State. Gary.

8
9 MR. EDWARDS: Terry I'm trying to
10 understand what you folks would prefer. And I guess what
11 I understand is that you would prefer us to pass a
12 regulation that would essentially drop down to two
13 caribou instead of the three that's currently being
14 proposed; is that correct?

15
16 MR. HAYNES: Through the Chair, yes, that
17 would be our preference.

18
19 MR. EDWARDS: All right.

20
21 MR. HAYNES: We think that would.....

22
23 MR. EDWARDS: Then, I -- you know, of
24 course, I think our response would have to be how can we
25 do that when it appears that the Board of Game could have
26 taken some additional actions probably to address the
27 conservation concern and it would appear, at least on the
28 surface, then that we were putting that burden on the
29 back of the subsistence users.

30
31 MR. HAYNES: Others may have some
32 comments on this, but I think one observation I have is
33 that there seems to be a suggestion or an implication
34 that the non-resident harvest, if it was not taken by
35 non-residents that it would be taken by Federally-
36 qualified hunters on Federal lands, and I haven't heard
37 evidence to suggest that the non-resident harvest is
38 taking place on Federal lands and that it would then be
39 available to Federally-qualified hunters on Federal
40 lands.

41
42 So I think the Board of Game certainly
43 did take conservation steps. They may not have gone as
44 far as some would have liked, but that's what we have.

45
46 MR. EDWARDS: Well, let me maybe ask kind
47 of a broader question. Is this an issue that maybe
48 collectively we should have all seen coming down the road
49 and recognizing that at this point in time we were going
50 to be at this juncture and been able to take actions

1 between our Board, the Board of Game and the Council to
2 address these.

3

4 And an example I use is in 9D where we
5 knew we were facing a train wreck, you know, it's not on
6 the table so nobody was really aware of that but the
7 Board of Game there, at least from my perspective, took
8 action because they knew that if they didn't this Board
9 would probably have to take some action because of what's
10 going down there, and in that case they did -- it's my
11 understanding, they closed it to non-residents. And I
12 just think that's a perfect example of where we avoided
13 this Board and the Board of Game sort of getting into a
14 conflict, either forcing this Board having to close it to
15 all but subsistence users or not. But the willingness of
16 the, in this case, our Refuge manager there, and your
17 person on the ground working together, and the Board
18 recognizing, the Board of Game recognizing that they
19 needed to do something, I think really avoided the kind
20 of a situation that we're facing right here tonight.

21

22 MR. HAYNES: I'll defer to Mr. Taylor.

23

24 CHAIRMAN FLEAGLE: Ken Taylor.

25

26 MR. TAYLOR: Thank you, Mr. Chairman.
27 Through the Chair. Gary, I think you're correct in much
28 of what you're saying. When we faced the 9D decision
29 back in the early to mid-80s -- or '90s we did have a
30 mini-train wreck at the beginning as I recall and it had
31 to do with what the amount necessary for subsistence was
32 but we did work that out at the local level and between
33 the two Boards and came up with a solution that both
34 Boards agreed on.

35

36 Since I've been out of this process I
37 don't know exactly how we got to where we are today with
38 the Mulchatna Herd, but it seems like this came on a bit
39 faster than the Department expected it and that attempts
40 were made to work with the Fish and Wildlife Service,
41 BLM, the Park Service, Refuge Staff to come up with a
42 solution, but the solution that was put on the table was
43 probably not as restrictive as it should have been and
44 that's where the train wreck occurred. The Board adopted
45 something that had not been passed by the RACs in that
46 same form and so we're faced with the situation where we
47 have a State season and bag limit that's more restrictive
48 in one sense than what the Southwest RAC would like to
49 see, but more liberal in another sense because it allows
50 non-resident hunters.

1 I don't know whether you have ever asked
2 the Board of Game for a reconsideration, I can
3 understand, though, that the difficulty are going to
4 have, the Federal Staff and the State Staff in trying to
5 manage a hunt if you have two different bag limits for
6 the people that live in Bristol Bay. And if right now
7 you're using the State harvest ticket as the report card
8 for both the State hunts and the Federal hunts, if you
9 have two different bag limits that situation's going to
10 have to change, we're going to have to figure out how to
11 deal with that, which sounds, not insurmountable, but
12 it's going to be confusing.

13

14 CHAIRMAN FLEAGLE: Is that it Gary?

15

16 MR. EDWARDS: Yes.

17

18 CHAIRMAN FLEAGLE: Randy Alvarez.

19

20 MR. ALVAREZ: The Board of Game took up
21 Mulchatna last year out of cycle. The Department asked
22 that the bag limit be dropped down to three from five and
23 they did. And the Federal bag limit was still at five.
24 So last year -- all of last year the State was at three
25 and Federal lands were at five so, you know, it happened
26 last year and if it's different again this year, I don't
27 see a problem.

28

29 But what I would like to ask the State
30 is, after listening to Mr. Bruce Dale and then comments
31 by Staff, they realize that there is -- the large -- the
32 bull ratio is too low, and the Department had asked the
33 Board of Game out of cycle to take up Mulchatna Caribou
34 Herd last year when they dropped it down to three and
35 they did and they did drop it down to three from five,
36 out of cycle, and from listening to the ADF&G report they
37 all seem to state that it is the bull ratio is too low
38 and I'm kind of wondering if they might add -- if they're
39 thinking about considering asking the Board of Game to
40 take it up out of cycle again or reconsider it. Because
41 if they don't, I think some of the other Advisory
42 Committee's or the other people probably will because it
43 is definitely looks to be like a conservation concern
44 looking at our figures.

45

46 So just a comment to the Staff and if
47 they're -- see these new regulations are a little over a
48 month old and we still haven't had much time to digest
49 this -- some of this is new information to me, and as you
50 probably.

1 So is that a consideration?

2

3 CHAIRMAN FLEAGLE: Gino.

4

5 MR. DELFRATE: Thank you, Mr. Chair. As
6 I explained in my opening comments, because the Mulchatna
7 Caribou Herd ranges over three different regions, a
8 portion of the range will always be out of cycle and so,
9 I guess practically speaking we'll be looking at calf
10 production in a month, we'll be looking at calf survival
11 in late September, early October with our late fall
12 surveys and we'll be reassessing everything we do with
13 Mulchatna Caribou in addition to what Bruce Dale is doing
14 with regards to looking at this bull component.

15

16 If we felt that there was something we
17 could do in addition to what we've already done I suspect
18 that we would be back in March with a proposal before the
19 Board to try and further restrict. As Bruce said, this
20 herd is going to continue to decline. What we're trying
21 to do is restrict all activities, as much as possible,
22 but still provide for a reasonable system to still stay
23 in place, and I think we've accomplished that. We're
24 still providing for reasonable opportunity for
25 subsistence. A two week season allows those few guides
26 that still want to work in this area to take a handful of
27 hunters although from experience this last fall, the non-
28 residents are not coming to this area anymore, so we
29 don't believe the non-resident harvest is going to be
30 significant enough to alter the trajectory of this herd
31 at all and so we've affected all user groups, we've
32 affected local subsistence users the least and non-
33 residents the most and non-locals got hit pretty hard.
34 So I think we're there.

35

36 But the short answer is, yes, we're going
37 to be continuing to watch this herd, this is one of our
38 highest priorities in this region and we'll be
39 reassessing everything we do from here until the herd
40 turns around.

41

42 CHAIRMAN FLEAGLE: Thank you, Gino. And
43 just to throw in my recollection, two cents here, the
44 State system doesn't use a reconsideration process like
45 we do. I mean they'll reconsider a decision made at the
46 same meeting if there's new information or something like
47 that provided. The way they get a -- the only way to get
48 a change before the Board now, before the next hunt this
49 fall, is through an emergency petition. I mean there
50 isn't even enough time to do an agenda change request

1 because that would go to the next meeting, which would be
2 in November, which would obviously be after the season
3 started.

4
5 So that's, you know, Jack and I were
6 talking about this a little bit at break and he mentioned
7 it, there is that opportunity to submit an emergency
8 petition to the Board and saying, based on the
9 information that we or whoever chooses to submit a
10 petition, that there isn't any warrant for having a non-
11 resident season when we're not meeting the amounts
12 necessary for resident subsistence. And I know, you
13 know, there is the argument about whether we're meeting
14 it or we have the capability of meeting it, that's an
15 argument that I know the Board of Game has used
16 successfully to defend keeping out of Tier I, but in this
17 case it looks pretty clear that we're in a Tier I
18 situation.

19
20 Now, we, as the Federal Board, could
21 mirror these regulations or we could even take action to
22 close non-resident use on Federal lands, but the range of
23 this caribou herd crosses very little Federal lands, I
24 don't know what the net effect of that would have other
25 than more confusion.

26
27 Anyway, I'm just throwing out some of the
28 stuff I know, I'm not throwing out any solutions.
29 There's a lot of different options. I know that the
30 Board of Game, when they have made decisions in the past
31 that would have been good to have coordination with the
32 Federal Board, they withheld the implementation of those
33 regulations pending Federal action that would mirror it
34 so that when we did go into that management regime you
35 would have, you know, similar guidelines and I don't know
36 if this Board has ever done that the other way.

37
38 I'm new here, so I'm not sure what we've
39 done. And you're nodding your head we have, okay.

40
41 So I mean there's all kinds of options to
42 consider and least -- I mean, not the least of which is
43 that this Board could maybe move to write an emergency
44 petition request and, you know, the State will review it
45 and they can say yes or they can say no, but it may be
46 something that this Board wants to consider doing.

47
48 Anyways we'll move on.

49
50 InterAgency Staff Committee comments.

1 Larry.

2

3 MR. BUKLIS: Thank you, Mr. Chairman.

4 The Staff Committee comments are on Page 288. I'll
5 highlight the main points.

6

7 The Staff Committee found that the
8 recommendations and modifications of the Regional
9 Advisory Councils to the proposal were consistent with
10 ANILCA Section .805(c). The Staff Committee notes that
11 the intent of the proposal was to align with the State
12 season and harvest limits for the current regulatory
13 year, 2006/2007 and not with the changes adopted by the
14 Board of Game in March of 2007 that will go into effect
15 July 1.

16

17 The Staff Committee recognizes the
18 Council's position that alignment with the recent changes
19 by the State Board would be unacceptable without at least
20 restricting non-resident hunting of the Mulchatna Caribou
21 Herd in the affected units. The State has repeatedly
22 maintained that no Federal regulations are necessary
23 where the general seasons and harvest limits are in
24 alignment. Concurrent actions by the Alaska Board of
25 Game, such as the severe restrictions on proxy hunting in
26 the affected units, illustrate the need for Federal
27 regulations to meet the requirements of ANILCA, Title
28 VIII even should future Council actions recommend that
29 Federal regulation of caribou hunting of the Mulchatna
30 Caribou Herd more closely mirror the State's.

31

32 The Staff Committee and the Councils
33 recognize that the Mulchatna Caribou Herd is of great
34 conservation concern, and that the modified proposal is
35 consistent with recognized principles of wildlife
36 management for the diminished herd while maintaining
37 Federally-qualified subsistence users meaningful priority
38 for the consumptive use of the wildlife.

39

40 Thank you.

41

42 CHAIRMAN FLEAGLE: Thank you, Larry.

43 Questions.

44

45 (No comments)

46

47 CHAIRMAN FLEAGLE: Board discussions.

48 Gary.

49

50 MR. EDWARDS: Mr. Chairman. I guess I

1 kind of find myself in the same place where I was last
2 year on Unit 9 where I kind of personally felt that we
3 needed to further restrict the subsistence harvest, and,
4 in fact, I think at one point I made a motion that we did
5 that and then it was sort of pointed out to me that given
6 that the State hunt was continuing on and still a lot of
7 non-residents and all that, that we really couldn't ask
8 the subsistence user to, you know, take a further
9 reduction if we didn't do anything and so we were kind of
10 left, theoretically, I guess, with one of the choices
11 that you identified, we could have closed it to all but
12 Federally, you know, recognized subsistence hunters, but,
13 you know, historically the State hasn't -- that's not the
14 approach that they would prefer us to do and I'm one who
15 certainly doesn't -- my goal is not to exclude other
16 hunters, and in that case, as I said earlier, you know,
17 we were able to sit down and work it out and I think, you
18 know, the Board of Game took very good appropriate
19 action.

20

21 So I'm somewhat in the same position
22 here, is that, that I applaud the Council, you know, for
23 coming forward for further restricting their harvest
24 because of their concern but it doesn't seem that in all
25 fairness I would feel comfortable submitting a motion to
26 further reduce theirs when at least it would appear, to
27 some, you know, that more could have been done on the
28 State side. And, again, it's one of these situations
29 where if we can figure out a way to -- it's kind of like
30 we always say, either the cart before the horse or
31 something, because of the way our Boards are and the
32 Councils are, we're always a day late and a dollar short
33 on some of these. And if we can look at ways to get that
34 because we all seem to have the same kind of conservation
35 concern, obviously the State wouldn't have taken the
36 action they did, the Council wouldn't take the action
37 they did, so we're all sort of in agreement here that
38 something needs to be done. But I think it's difficult
39 given our respective mandates, you know, for us in this
40 case to take action to further restrict it.

41

42 And I guess saying that, Mr. Chairman, I
43 would be prepared to make a motion that we would support
44 the proposal 7-23 with the modifications that the Bristol
45 Bay Regional Advisory Council recommended.

46

47 CHAIRMAN FLEAGLE: Do I hear a second.

48

49 MR. OVIATT: I'll second.

50

1 CHAIRMAN FLEAGLE: Okay, we got a second
2 from George. Now, just for clarification, that would
3 mirror the new State regulations?
4
5 MR. EDWARDS: No.
6
7 CHAIRMAN FLEAGLE: No, okay. All right.
8
9 MR. EDWARDS: I'm supporting, at least, I
10 think I am, I'm supporting Bristol Bay's recommendation
11 that the modifications that they had would include Units
12 18, 19A and 19B, I believe that's correct. On Page 272.
13
14 CHAIRMAN FLEAGLE: 272.
15
16 MS. GOTTLIEB: Mr. Chairman.
17
18 CHAIRMAN FLEAGLE: Judy.
19
20 MS. GOTTLIEB: I guess also for
21 clarification that is supporting the Yukon-Kuskokwim and
22 the Western Interior Regional Advisory Council's
23 recommendations as well?
24
25 MR. EDWARDS: That is correct.
26
27 CHAIRMAN FLEAGLE: Further discussion.
28 Judy.
29
30 MS. GOTTLIEB: Yes, Mr. Chair. I do want
31 to thank all the Councils because we know when animals
32 are increasing it's pretty easy to make regulations, but
33 it's pretty tough to deal with these when the populations
34 are declining and especially to self-impose limits, so we
35 appreciate that you have recognized the principles of
36 wildlife management conservation and are consistent with
37 the regulations and mandates of this Board as well.
38
39 And that would be my reason for
40 supporting the proposal.
41
42 MR. EDWARDS: Mr. Chairman. I guess.....
43
44 CHAIRMAN FLEAGLE: Gary.
45
46 MR. EDWARDS:I -- maybe I don't
47 know if I need to provide additional rationale. But as I
48 said I'm not so sure my motion is necessarily the best
49 thing from a conservation standpoint but I think, I
50 guess, it's the right thing, you know, given our mandate.

1 Certainly it's a situation we need to look at. As Ms.
2 Gottlieb said, you know, the Councils have stepped up and
3 put a restriction -- asked for restrictions to be placed
4 upon themselves. I do hope that, as we continue on, we
5 can kind of look for opportunities to try to put all
6 these things in balance and hopefully come out with
7 regulations that are what we all think and not divergent
8 as we continue to have, we keep seem to be getting one
9 year behind on all of these, and maybe we can somehow get
10 one year ahead, I guess would be the objective.

11
12 CHAIRMAN FLEAGLE: Right. I just have
13 one hinderance with this action. I thought I heard
14 pretty clearly from the -- at least from the Bristol Bay
15 RAC, that this modified proposal was based on information
16 that they had prior to the last census numbers that are
17 now available, and that what I heard Randy say and I
18 thought I heard Randy say was that they would actually
19 support the new -- the further restriction that is under
20 the new State guidelines. Did I not hear that correctly
21 Randy?

22
23 MR. ALVAREZ: No. We, doing this
24 proposal, back in October, we made it along with the
25 moose proposal that's on consensus, and by the time we
26 got back to our March meeting where we discussed all
27 these proposals I was going to, myself, not support
28 lowering it down to three because we were still under the
29 assumption that the population was still at 85,000.
30 Well, when we heard that it was down to 45,000 then
31 that's when I decided myself, and the rest of the Council
32 did so also to lower it down to three.

33
34 CHAIRMAN FLEAGLE: Okay, I understand
35 now.

36
37 MR. ALVAREZ: And we.....

38
39 CHAIRMAN FLEAGLE: I got that confused.
40 When I heard you speaking about those reductions, I
41 thought you were talking about mirroring the State which
42 lowered theirs to two so, okay, I understand now. I'm
43 the one in the dark.

44
45 Further discussion.

46
47 (No comments)

48
49 CHAIRMAN FLEAGLE: Are we ready for the
50 question.

1 MR. OVIATT: Question.
2
3 CHAIRMAN FLEAGLE: Question's called.
4 Pete.
5
6 MR. PROBASCO: Thank you, Mr. Chair.
7 Final action on WP07-23.
8
9 Adopt with modification as recommended by
10 the Bristol Bay, Yukon-Kuskokwim and
11 Western Interior Regional Advisory
12 Councils to include Units 18, 19A and
13 19B.
14
15 Ms. Gottlieb.
16
17 MS. GOTTLIEB: Aye.
18
19 MR. PROBASCO: Mr. Eastland.
20
21 MR. EASTLAND: Aye.
22
23 MR. PROBASCO: Mr. Oviatt.
24
25 MR. OVIATT: Aye.
26
27 MR. PROBASCO: Mr. Kessler.
28
29 MR. KESSLER: Aye.
30
31 MR. PROBASCO: Mr. Edwards.
32
33 MR. EDWARDS: Aye.
34
35 MR. PROBASCO: And Mr. Fleagle.
36
37 CHAIRMAN FLEAGLE: Aye.
38
39 MR. PROBASCO: Motion carries, six/zero.
40
41 CHAIRMAN FLEAGLE: I wasn't sure how to
42 vote on that one. I realize that the portion of this
43 harvest that goes to the Federally-qualified subsistence
44 users only accounts for a small amount of the harvest and
45 it's on, you know, only where we have Federal lands, but
46 I do see the wisdom in having aligned seasons and bag
47 limits, and that was my hesitation there.
48
49 Having said that, I know we've been in
50 that situation before and people just have to figure it

1 out. But I just want to raise up the possibility if
2 there's any interest in the room on the suggestion raised
3 earlier about submitting an emergency petition to remove
4 the non-resident component of this hunt.

5
6 I'll just throw that out.

7
8 Gary.

9
10 MR. EDWARDS: Mr. Chairman. You know, I
11 had asked actually that question, I think, earlier of the
12 Council, that if the State would have taken additional
13 action, such as that, would that have changed the
14 Council's view. I know this is after the fact but I was
15 kind of asking you to kind of crystal ball it, would they
16 have been willing to go to two and I thought your answer
17 was probably not.

18
19 CHAIRMAN FLEAGLE: Randy.

20
21 MR. ALVAREZ: We -- I, myself, couldn't
22 support going down to two if the non-residents were still
23 able to harvest the caribou in those areas. But if the
24 population were to drop down to 35,000 or somewhere
25 around there, we're going to have to -- yeah, we'd have
26 to, you know, but at 45,000 I just don't think it's
27 justification, although -- you know, the justification
28 that we see is the problem is the bull is way too -- the
29 bull is just way too low but if it drops down, like I
30 say, any -- down to what the State recommends they have
31 to do something else again then we would have to.

32
33 MS. GOTTLIEB: Mr. Chairman.

34
35 CHAIRMAN FLEAGLE: Judy.

36
37 MS. GOTTLIEB: I guess I do think it
38 would be worthwhile for this Board to send a letter and,
39 you know, the Council will deal with what they need to at
40 the time and this Board will deal with what we need to
41 after we get some response as well.

42
43 But I think instead of trying to guess
44 what might happen, we ought to try sending the letter and
45 perhaps focus on the suggestions that we've had of are
46 there other things we jointly can think of that will
47 improve that bull population.

48
49 CHAIRMAN FLEAGLE: George.

50

1 MR. OVIATT: Something that might help
2 me, joining in with what's being talked about here is,
3 and maybe you could answer this Randy, I thought along
4 the conversations that the subsistence users -- Federal
5 subsistence users were taking mostly cows or not
6 targeting the bulls and it looks like the issue here is a
7 reduction in bulls and not necessarily the cows. And I
8 think, Jack, you said it may benefit to even take more
9 cows to relieve the pressure on the bulls. And so if
10 that's really the case then I think I could support,
11 fully support, in light of what the Council said, that
12 they wouldn't have reduced their numbers because it looks
13 like that we're really trying to do something to enhance
14 the bull population.

15

16 Thank you, Mr. Chairman.

17

18 CHAIRMAN FLEAGLE: Randy.

19

20 MR. ALVAREZ: Yes. The harvest around
21 our area has been after the first of the year until it
22 closes in March but mainly because there are no caribou
23 around before then. They haven't been migrating down
24 until mid-winter because of the hunting pressure up north
25 and maybe they're kind of cycled to that or figure it's
26 time to go down at that time because it's -- there's too
27 much pressure in the fall and there might be these same
28 old caribou, they're dying off, they remember all this
29 hunting pressure down there so they're probably waiting
30 until later on to go down and all of our harvest -- the
31 majority of our harvest has been after the first of the
32 year until it closes and we've been mainly targeting cows
33 because they're not as lean, they've got a little bit of
34 fat by then. And that's, for myself, that's what I'm
35 trying to get is cows, I don't want those big old tough
36 bulls that are really lean.

37

38 So with saying that I would guess that
39 probably most of the harvest is cows, you know, once in a
40 while you end up with a bull but you're trying to get a
41 cow, but, you know, it -- does that answer your question.

42

43 MR. OVIATT: Thank you. Thank you, Mr.
44 Chairman.

45

46 CHAIRMAN FLEAGLE: Mike Quinn.

47

48 MR. QUINN: Yes, thank you, Mr. Chairman.
49 This morning, one of the first things you did was read a
50 letter from Secretary Norton, I think, that, among other

1 things directed the Subsistence Board to work with the
2 State on these issues. And I think you also had a letter
3 from the Governor directing the State to work -- no?

4
5 CHAIRMAN FLEAGLE: That was -- both
6 letters were from the Secretary. One was to the Chair of
7 the Federal Subsistence Board and the other was to the
8 Governor, which essentially said the same thing.

9
10 MR. QUINN: That's right, okay. But I
11 believe there's probably -- since Mr. Taylor's here
12 there's some effort on the State to work with the Federal
13 Board, so I would suggest that from what you said, yes,
14 it is time for this Board to request an emergency action
15 from the Board of Game in order to bring the two Boards
16 together on an issue that's brought people from really
17 far apart areas of this state together.

18
19 Thank you.

20
21 CHAIRMAN FLEAGLE: I appreciate the
22 comments, Mike. And I would certainly vote for one
23 should there be one and that's why I kind of tossed the
24 idea out a couple of times to see if there would be a
25 motion, I can't make motions, and I try not to tell a
26 Board that I'm Chairing what to do, I only make the
27 opportunity exist and if it's not bitten on then I move
28 on. I guess maybe, probably, Jack understood what was
29 happening here but I do try really hard not to steer a
30 board, I only make opportunities available.

31
32 MR. QUINN: Okay, well, since the RACs
33 have so much to do with this process I'll make an effort
34 to steer the Board and I suggest that one of you make a
35 proposal to make this emergency -- to request this
36 emergency action.

37
38 (Laughter)

39
40 MS. GOTTLIEB: Mr. Chairman.

41
42 CHAIRMAN FLEAGLE: Jack Reakoff -- just a
43 second, Judy, and I'll get right to you.

44
45 MS. GOTTLIEB: Oh, sorry.

46
47 CHAIRMAN FLEAGLE: Jack had his hand up.

48
49 MR. REAKOFF: Mr. Chair. I would suggest
50 that the membership of the Federal Subsistence Board make

1 a motion and transmit a request for emergency action by
2 the Board and point out that their actions to allow non-
3 resident harvest of bull caribou is illegal under the
4 aspect of amounts necessary for subsistence. We're
5 taking big cuts here to retain this herd and they're
6 retaining bull harvest, although it's one caribou by non-
7 residents, of course non-residents don't shoot cows, and
8 I'll attest to that. On the Dalton Highway when the
9 antlers fall off the bull caribou in November the hunters
10 stop coming, they only want antlers. Having non-resident
11 participation does target bull caribou, primarily unless
12 it's a mistake.

13

14 CHAIRMAN FLEAGLE: Judy Gottlieb.

15

16 MS. GOTTLIEB: Thank you, Mr. Chairman.
17 I'm waking up now, maybe too late here, and I thought we
18 were discussing the idea of doing an emergency petition
19 and didn't realize we needed a motion, I thought it was
20 something -- but in any case I will make a motion that
21 this Board ought to prepare an emergency petition to the
22 Board of Game discussing our grave concern about the need
23 to improve the bull numbers and perhaps alternate
24 strategies that could be used to accomplish that.

25

26 CHAIRMAN FLEAGLE: Is there a second.

27

28 MR. EDWARDS: I'll second it so we can
29 discuss it.

30

31 CHAIRMAN FLEAGLE: All right. For
32 discussion purposes we do have a motion that's been
33 seconded. Judy, do you want to go ahead and speak any
34 further to the justification.

35

36 MS. GOTTLIEB: I'll just refer to all the
37 discussions we've heard here today and that this is a
38 mechanism we haven't used very often, if at all, and it
39 may be a way to explore getting more common ground here.

40

41 CHAIRMAN FLEAGLE: Having been on that
42 side it's more beneficial if you come with a proposal
43 that says what you want and then the Board can work from
44 there. And from my perspective if it were to say that
45 based on the bull/cow ratios and based on the number of
46 bulls harvested, that we request a closure to the non-
47 resident component, well it would also include the
48 argument that we're obviously in a Tier I situation.
49 And from the State perspective, Tier I means that there's
50 only enough to meet the amount necessary for subsistence

1 and not any more so you eliminate non-resident use. And
2 the numbers that were presented earlier show a pretty
3 clear indication that they should be in Tier I there,
4 which is an elimination of non-resident.

5
6 So it should be pretty specific I would
7 say.

8
9 Other discussion. Gary.

10
11 MR. EDWARDS: Mr. Chairman. I'm not
12 opposed to sending a letter. I'm a little unclear of
13 what the purpose is. If the purpose is just to point out
14 to the Board of Game the error of their ways, that's one
15 thing. If part of it is to do that and then to try to
16 align the regulations then either the Board of Game's
17 going to have to increase theirs to three or this Board
18 then, if the Board of Game would take actions to restrict
19 non-residents or totally close it to non-residents, it
20 seems to me then we would have to be willing to restrict
21 the subsistence harvest to two, otherwise we'll still end
22 up with this -- we won't be in synch, if that's one of
23 the purposes.

24
25 If the purpose is simply to tell the
26 Board of Game that we don't think they made a wise
27 decision, well, then that's another issue. And so I'm a
28 little unclear what the ultimate purpose of this letter
29 will be.

30
31 MR. QUINN: I can live with either way.

32
33 CHAIRMAN FLEAGLE: Well, I don't think
34 that it would behoove this Board at all to poke sticks at
35 the Board of Game, I don't think that that effort has
36 ever worked from either way. So just to send an
37 emergency petition to say that you guys goofed is not
38 going to be productive at all. But I see adequate
39 rationale that there should not be a non-resident season
40 on this caribou herd and that's what it should be, just
41 based on the facts and ask that the Board would consider
42 that fact. And I realize that the action we just took
43 further reduces our Federally-qualified take but it
44 doesn't align it and maybe in the next cycle we can do
45 that. But I really believe that the effort should be a
46 positive effort to recognize that there shouldn't be a
47 non-resident component to this harvest at all.

48
49 MR. EDWARDS: And I agree, Mr. Chair. I
50 mean I still think we're telling them that they goofed,

1 we're just dressing it up a little bit as we deliver the
2 message.

3

4 CHAIRMAN FLEAGLE: Further discussion.
5 Randy.

6

7 MR. ALVAREZ: Another consideration would
8 be, as Jack had mentioned, that, you know, maybe put a
9 restriction on the large ones, the antler size, maybe
10 without the shovel on the front. You know we have it for
11 moose, some areas non-residents have to shoot at least a
12 50-inch or three brow-tines, you know, we could restrict
13 the caribou, ask for a restriction on the caribou if they
14 don't want -- if eliminating the non-resident's
15 altogether is out of the question, you know, it's -- the
16 population is enough, I think is -- the main concern is
17 the large bulls. But if it drops down anymore then there
18 is a concern that there is enough caribou for everybody.

19

20 CHAIRMAN FLEAGLE: Yeah, we can probably
21 discuss this until the cows come home and not have the
22 right modification, but I mean that could be put in
23 there. There's always a line that says other solutions
24 considers and I mean that could be one of the other
25 solutions. But I know that the State has never done
26 anything that differentiates between antler size or
27 configuration and that would be a pretty tough sell, I
28 think, to try to ask for that.

29

30 George.

31

32 MR. OVIATT: Mr. Chairman. If I could
33 ask the State a question, I mean would that -- if we came
34 forward with something like this, a request to, you know,
35 to look at the antlers a certain size for the bull, I
36 mean would that be something that the State could do,
37 would that be something the State might entertain? Would
38 that help the situation, I guess I'm asking?

39

40 CHAIRMAN FLEAGLE: Gino.

41

42 MR. DELFRATE: Thank you, Mr. Chair.
43 About eight years or so ago the -- I believe it was in
44 the Fortymile Caribou Herd area they did try to have an
45 antler restriction for caribou and they limited it to a
46 certain number of points, that proposal didn't last very
47 long or that regulation didn't last very long and I
48 suspect that it was poorly received by the public and
49 poorly understood and difficult to implement. And that's
50 my only recollection of an attempt to do some sort of

1 antler restriction on caribou.

2

3 I'm not aware of any information where
4 we've collected shovel sizes and whenever you get into
5 trying to define what is a shovel versus what is a point,
6 is it greater than two inches wide, three inches wide,
7 six inches wide, coming up with a regulatory definition
8 of a shovel, I think, is going to be challenging, if
9 that's what ends up getting forwarded on to the Board.

10

11 CHAIRMAN FLEAGLE: Ken Taylor.

12

13 MR. TAYLOR: Yes, Mr. Chairman, the only
14 other antler restriction that I can think of for caribou
15 that's ever been used has been on the subsistence hunter
16 where if we have tried to protect bulls we've required
17 antlered caribou only during the winter season.

18

19 CHAIRMAN FLEAGLE: Warren Eastland.

20

21 MR. EASTLAND: Mr. Chair. In British
22 Columbia they do have an antler restriction on caribou
23 and it's based on points. Now, there they're trying to
24 select the taking to only large bulls so that no large
25 bull can be taken unless it has at least five points
26 above the rear tine. Since we're looking at things back
27 -- you know, trying to do it reversed, we can say the no
28 take of caribou with more than three points above the
29 rear tine or something on that order so it needn't be
30 restricted to shovels. There are other forms of antler
31 restriction that can be readily distinguished in the
32 field and implemented.

33

34 Thank you.

35

36 CHAIRMAN FLEAGLE: Thank you. There's no
37 guarantee that the Board would even consider this request
38 but -- I'm talking about the Board of Game, but I think
39 that it's a reasonable request coming from this Board
40 based on the biology and the information we received.
41 And I agree with Jack Reakoff, that even though the
42 change has been made for the non-resident harvest, the
43 change has been made from bull to caribou, that non-
44 resident is still going to go out there and look for a
45 bull.

46

47 I know that we heard evidence about
48 guiding activity, this is also a really highly, heavily
49 used area by transporters that I don't -- maybe not
50 anymore with the reduction in the herd but it had been in

1 the past, you know, there's a lot of people that fly out
2 there and land on those ridge tops, there's just a lot of
3 opportunity to land and -- and it may be self-limiting,
4 as we've heard, but this would definitely limit the bull
5 take by non-residents if they had no non-residents.

6
7 But anyway that's my take on it, I'd
8 support it.

9
10 Are we ready for the question.

11
12 MS. GOTTLIEB: Yes.

13
14 CHAIRMAN FLEAGLE: Pete, on the motion to
15 submit an emergency petition to the Board of Game, please
16 poll the Board.

17
18 MR. PROBASCO: Yes, Mr. Chair, and after
19 the vote, I would ask for some clarification from the
20 Chair when I get a chance.

21
22 CHAIRMAN FLEAGLE: Yes.

23
24 MR. PROBASCO: Okay. Final action on the
25 motion to submit an emergency petition to the Board of
26 Game to address the caribou situation in the units that
27 we have just discussed.

28
29 Mr. Eastland.

30
31 MR. EASTLAND: Aye.

32
33 MR. PROBASCO: Mr. Oviatt.

34
35 MR. OVIATT: Aye.

36
37 MR. PROBASCO: Mr. Kessler.

38
39 MR. KESSLER: Aye.

40
41 MR. PROBASCO: Mr. Edwards.

42
43 MR. EDWARDS: Aye.

44
45 MR. PROBASCO: Mr. Fleagle.

46
47 CHAIRMAN FLEAGLE: Aye.

48
49 MR. PROBASCO: And Ms. Gottlieb.

50

1 MS. GOTTLIEB: Aye.
2
3 MR. PROBASCO: Thank you, Mr. Chair. And
4 may I proceed?
5
6 CHAIRMAN FLEAGLE: Yes.
7
8 MR. PROBASCO: I'm going to throw this on
9 the table and then get the Board's concurrence. My
10 understanding on this motion for emergency petition,
11 Staff would do a draft which would be reviewed by the
12 Board following the Board of Game's guidance in
13 submitting a petition, and we would seek concurrence from
14 the Federal Board prior to submitting that.
15
16 Mr. Chair.
17
18 CHAIRMAN FLEAGLE: That'd be fine. Any
19 objection to that.
20
21 (No objections)
22
23 CHAIRMAN FLEAGLE: Then that'd be fine.
24 Thanks. What do we got left to do?
25
26 MR. PROBASCO: Just moose.
27
28 CHAIRMAN FLEAGLE: Unit 9E moose, how bad
29 is that one going to be.
30
31 (Pause)
32
33 CHAIRMAN FLEAGLE: Pete, go ahead.
34
35 MR. PROBASCO: Dan, on this next
36 proposal, what's your guesstimate on time?
37
38 CHAIRMAN FLEAGLE: Dan LaPlant.
39
40 MR. LAPLANT: Mr. Chairman. No
41 predictions here. I'm substituting for Laura who had to
42 leave.
43
44 (Laughter)
45
46 MR. LAPLANT: So I don't have a great
47 depth of information to provide you on this one, so I can
48 make it brief from my side of the presentation but beyond
49 that it's your guess.
50

1 CHAIRMAN FLEAGLE: Board members, we've
2 reached 9:00 o'clock, we can go home.

3
4 I heard somebody say go home, so why
5 don't we do that.

6
7 MR. BUKLIS: Mr. Chairman.

8
9 CHAIRMAN FLEAGLE: Larry.

10
11 MR. BUKLIS: Thank you, Mr. Chairman. We
12 had a request from the State that we provide to you
13 before you leave tonight, so you're better prepared for
14 tomorrow, the Alaska Department of Fish and Game comments
15 regarding the Federal Subsistence Board's threshold
16 analysis and action on Fishery RFR06-09 and further
17 reconsideration dated April 30th, 2007. So they've got
18 copies for Board members, Solicitor's office and the
19 Council Chair from Southcentral or we can provide it to
20 him through his coordinator, and we'll have more copies
21 for the public in the morning.

22
23 Thank you, Mr. Chairman.

24
25 CHAIRMAN FLEAGLE: So don't forget your
26 copy.

27
28 (Laughter)

29
30 CHAIRMAN FLEAGLE: Thank you, Larry. And
31 we'll start at 8:30, that's what we're advertised.

32
33 (Off record)

34
35 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the State of Alaska and reporter for Computer Matrix Court Reporters, do hereby certify:

THAT the foregoing pages numbered 187 through 399 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME II taken electronically by Nathan Hile on the 1st day of May 2007, beginning at the hour of 8:30 o'clock a.m. at the Sheraton Hotel in Anchorage, Alaska;

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

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

DATED at Anchorage, Alaska, this 9th day of May 2007.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/2008