FEDERAL SUBSISTENCE BOARD
PUBLIC REGULATORY MEETING
VOLUME III
COAST INTERNATIONAL INN
ANCHORAGE, ALASKA
MAY 1, 2008
8:30 o'clock a.m.

MEMBERS PRESENT:
Mike Fleagle, Chair
Thomas Melius, U.S. Fish and Wildlife Service
Thomas Lonnie, Bureau of Land Management
Marsha Blaszak, National Park Service
Denny Bschor, U.S. Forest Service
Niles Cesar, Bureau of Indian Affairs
Ralph Lohse - Southcentral RAC
Randy Alvarez - Bristol Bay RAC
Bertrand Adams - Southeast RAC
Sue Entsminger - Eastern Interior RAC
Patrick Holmes - Kodiak/Aleutians RAC
Victor Karmun - Northwest Arctic RAC
Jack Reakoff - Western Interior RAC
Greg Roczicka - Yukon-Kuskokwim Delta RAC
Myron Savetilik - Seward Peninsula RAC
Commissioner Denby Lloyd/Ken Taylor, State of Alaska
Representative
Keith Goltz, Solicitor's Office

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CHAIRMAN FLEAGLE: Good morning. It's good to be back with people for our third day of the Federal Subsistence Board, May 1st, Anchorage. I'd like to welcome everybody.

Pete, you have some announcements.

MR. PROBASCO: Yes, Mr. Chair, I have a couple of announcements. But I would probably like to start out first, on behalf of the Board, I'll wait until Rod's done here. Thank you, Rod.

We have a Board member that she hopes today is her last day at a Board meeting, and I understand tomorrow is going to be her last day at work, is it?

MS. BLASZAK: Yes.

MR. PROBASCO: And, Marcia, is marking the end of a 39 year career.

UNANIMOUS: Wow.

MR. PROBASCO: And I think we all want to wish her the best as she goes on a new adventure in her life. I understand that you're moving out to the Valley in the future.

MS. BLASZAK: Yes.

MR. PROBASCO: And we look forward to you coming out to the Valley, God's country, it's a great place to live.

But Marcia your services here on the Board have been greatly appreciated and you've brought the knowledge and wisdom necessary from the Park Service to help with our Subsistence Program, and we greatly appreciate that and more importantly we really appreciate your services to the state of Alaska and we wish you the best. And the Board, as well as others wanted to give you a little card and a gift in our appreciation.
MS. BLASZAK: Thank you.

MR. PROBASCO: And we understand there's going to be a much bigger party later but we wanted to recognize you here at the Board meeting. Marcia.

MS. BLASZAK: Thanks, very much.

(Applause)

MS. BLASZAK: I suppose you want me to open this.

MR. PROBASCO: Yeah, we'd like you to open it.

MS. BLASZAK: My favorite store. How beautiful. This is exquisite you guys, thank you so much. Can everybody see this, I'll put it out here. Thank you so much. I really -- I really can't tell you how honored I am to be here among all of you this week. You know it was kind of a bitter-sweet way to spend my last week working, but I also appreciate the importance of the work that the Board does and the decisions that are made and how it affects Alaskans. And because we're choosing to stay in Alaska, I suspect you'll continue to hear from me and maybe with a different voice, probably a consistent voice but perhaps from a different vantage voice.

But I really appreciate the recognition and the opportunity to work and know all of you and hope that we'll continue to have relationships in the future because I'll be around, so thank you.

(Applause)

CHAIRMAN FLEAGLE: Thank you, Marcia. Pete, additional introduction comments.

MR. PROBASCO: Ken.

CHAIRMAN FLEAGLE: Sure. Ken, you have some opening statements today.

MR. TAYLOR: Yes, thank you, Mr. Chairman. I think virtually everybody in this room knows Terry Haynes. He's worked for the Federal
Subsistence Program and the Board of Game for many,
many years and, this, too, is his last day at the
Federal Subsistence Board, and I would like to
personally thank him for his years of service. Since
you’ve gone to now an alternate year cycle Terry’s
indicated that he will probably be retiring sometime
before the next Board meeting here that deals with
wildlife proposals. So thank you, Terry, I’m sure that
your work with the RACs will be missed in the future
and you set a high standard for your replacement.

I would also like to introduce Nancy
Hendrickson. She's the young lady in the red shirt
back there. She's our new liaison to the Federal
Subsistence Board and she's currently in training.
She's coming up to speed very quickly and I hope you'll
get a chance to meet her and we look forward to working
with you Nancy.

Thank you, very much, Mr. Chairman.

CHAIRMAN FLEAGLE: Thank you, Ken. And
also appreciate your work Terry, and nice to meet you
Nancy.

Pete.

MR. PROBASCO: Thank you, Mr. Chair.
There are some written correspondence that Staff handed
out to the Board members this morning.

These are issues that we have, we, the
Office of Subsistence Management, have been contacted
on, and these individuals were unable to travel to
testify in person. These are issues that are not on
your agenda but they are gaining momentum so to speak
and I just wanted to draw your attention to these
issues.

We have from the Angoon Community
Association, from Matthew Fred, a letter, it's speaking
on the Chatham Straits Southeast purse seine fishery
and their concerns on the impacts that fishery may have
on their subsistence.

We also have a letter from the
Kootznahoo Incorporation, Peter, and I'm not going to
do very well on his last name, Narose and also speaking
on the Chatham Straits issue and the effects on
subsistence.
Victor's here, our Chairman from Northwest, he has provided you with a slate of written material dealing with transporters in his area and I'm sure he will speak to that later.

And then finally since, at the request of Greg Roczicka, we were speaking on Proposal 1 as it relates to the predator policy. We actually had responded, the Board, December 19th, 2006 to Gerald Nichola from the Eastern Interior, and it's a reference material for you to address the very similar issue on how predator management is dealt with on the Park Service, BLM, and U.S. Fish and Wildlife Service, and this will be a reference document that we will utilize when we get into that discussion.

Mr. Chair, that's the written information we have.

CHAIRMAN FLEAGLE: Thank you. I have one more.

MR. PROBASCO: He's here to testify.

CHAIRMAN FLEAGLE: Okay. All right. We'll move on then. Once, again, welcome, good morning to everyone.

We start out with public comment period on nonagenda items. Pete.

MR. PROBASCO: Mr. Chair. We do have a request here and I'm not sure if Mr. Banks wants to wait until the Board discusses the predator issue after the proposals or would like to do it at this time. He has submitted also a written document that is on each of your desks, so, Mr. Banks, what is your preference?

MR. BANKS: I'd be willing to do it now.

MR. PROBASCO: Okay. Mr. Tom Banks, Defenders of Wildlife.

CHAIRMAN FLEAGLE: Good morning. Please turn your microphone on and state your name for the record and go ahead and give your testimony.

MR. BANKS: Good morning. You have written testimony in front of you and with your
Mr. Chairman. Members of the Federal Subsistence Board. My name is Tom Banks. And I am the Alaska representative for the Defenders of Wildlife. I live and work in Anchorage. I am grateful for the opportunity to make comments with regard to review of the Board's policy on predator management.

Founded in 1947, Defenders of Wildlife is dedicated to the protection and restoration of Native animals and plants in their natural communities. Like you, we recognize the important role that predators play in the overall function of healthy ecosystems by limiting prey populations and ensuring that the weaker members are removed from the populations.

Alaska is fortunate and somewhat unique in the United States and having intact predator and prey communities over very broad areas.

On Tuesday the Board was asked to consider, put forth by Mr. Greg Roczicka, of the Yukon Kuskokwim Delta Regional Council, this proposal asserts that the Federal Subsistence Board is failing to implement its Predator Control Policy, and that the Federal Subsistence Board must endorse predator control on Federal lands and request that the Federal agencies adopt predator control. We disagree with both assertions.

The proposal cites select portions of the policy to make its case, specifically:

The Board will provide for subsistence take and use of the subject species and the Board will endorse timely, affirmative and effective action to reduce predator populations and allow affected ungulate populations to recover and the Board will monitor actions taken by the agency to address such concerns.

Taken out of context, these partial quotes would seem to support an aggressive stance to our predator control on Federal lands in Alaska. However, the policy statement and accompanying Staff
report lay out numerous legal requirements that predator control must meet in order to be implemented, particularly on National Wildlife Refuges.

In the first paragraph of the policy, it states:

That the Board recognizes that predator control may be an appropriate management tool on some Federal public lands for restoring prey populations to provide for subsistence needs.

The second paragraph says, in part:

Wildlife management activities on Federal public lands, such as predator control are the responsibility and remain within the authority of the individual land management agencies.

Paragraph A on Page 1 states:

The Board will also take into account approved population objectives, management plans, customary and traditional uses and recognize principles of fish and wildlife management.

Paragraph B on Page 1 states:

Where predators have been determined to be a major contributing factor the Board will endorse timely affirmative and effective action consistent with each respective agency's policies and management objectives to reduce predator populations to allow affected ungulate populations to recover.

Pages 9 of the Staff analysis sets out a list of seven criteria, by which predator control would be evaluated for implementation on wildlife refuges, a list which dates to 1992.

1. The needs and benefits of wolf control must be based on sound biological justification.
2. A thorough evaluation must be given to substantiate intended benefits of the wolf control efforts.

3. Alternatives to wolf control must be evaluated, attempted and exhausted as a practical means of achieving management objectives.

4. The proposed wolf control must be consistent with management goals and Refuge objectives.

5. A formal compatibility determination must be made addressing the Refuge's primary purpose to conserve fish and wildlife populations and habitats in their natural diversity.

6. The Service must comply with the requirements of an extensive public review and comment through NEPA; and

7. The Service must evaluate the affect of proposed wolf control on subsistence uses and needs as required by Section .810 of ANILCA.

Page 9 follows by saying that:

Though allowed, predator control must be well justified and used prudently.

In addition, in several instances, the Federal agencies and the Secretary of Interior's office have responded to requests to implement predator control with detailed letters explaining the relationship between the relevant State and Federal laws and regulations. I'm sure you are familiar with these letters but I can provide copies, if needed.

In sum, we disagree with Mr. Roczicka's assertion that the Federal Subsistence Board has not applied its policy and we disagree with his
interpretation of both this policy and to the relevant Federal laws, regulations and policy. There are not merely two or three criteria to be met for predator control to be initiated on Wildlife Refuges, but at least seven, including extensive public review and comment through a NEPA.

Proponents of predator control should not make their proposals to the Federal Subsistence Board, but to each agency where such proposals can be properly evaluated based on law and policy. Mr. Roczicka's request is an attempt to require State mandated predator control on Federal lands in spite of ANILCA's requirement that wildlife be managed for natural diversity. Federal law requires that Federal agencies undertake environmental review of a major Federal action, like predator control before authorizing it.

Thank you for this opportunity to comment.

CHAIRMAN FLEAGLE: Thank you, appreciate the testimony.

Any questions.

(No comments)

CHAIRMAN FLEAGLE: Thank you.

MR. BANKS: Thank you.

CHAIRMAN FLEAGLE: Additional nonagenda testimony, Pete.

MR. PROBASCO: Mr. Chair. That's all we had that was signed up.

CHAIRMAN FLEAGLE: All right. How about for the comment period on the consensus agenda items.

MR. PROBASCO: We have no one signed up for that.

CHAIRMAN FLEAGLE: Okay, then moving right along we'll get back to our agenda. Wildlife Proposal 32, Unit 9 bear, and we have still at the table, Dr. Polly Wheeler and Liz Williams. Good
MS. WILLIAMS: Good morning, Mr. Chair and Members of the Board. I'm Liz Williams, anthropologist with OSM. The analysis for WP08-32 starts on Page 463 in your books.

This proposal was submitted by the Lake Clark Subsistence Resource Commission. It requests clarification of Federal subsistence regulations regarding hunter eligibility for the year-round resident zone brown bear subsistence hunt in Lake Clark National Park and Preserve portion of Unit 9B. There are three aspects to this request.

1. A request listing the resident zone communities in alphabetical order.

2. It requests clarifying that people who live inside park boundaries but outside the named resident zone communities are acknowledged as resident zone residents.

3. It seeks the addition of Preserve residents to the list of those authorized to participate in the year-round resident zone brown bear subsistence hunt.

OSM supports the first two requests. Alphabetizing the resident zone communities and clarifying that people living within the boundaries of the Park are eligible for the resident zone subsistence brown bear hunt. However, under National Park Service regulations Preserve residents without 13.440 permits do not have eligibility so they can't be added to the list of those eligible for the year-round bear subsistence hunt in Lake Clark National Park and Preserve.

Making residents of the Preserve within Unit 9B eligible for the year-round subsistence hunt of brown bear would provide them with an opportunity not afforded the other rural residents of Unit 9B who also have a positive customary and traditional use determination for brown bear in Unit 9B.
As rural residents of Unit 9B, Preserve residents can, however, participate in a different Federal subsistence brown bear hunt that allows for the harvest of one brown bear per year from September 1st through May 31st.

The Lake Clark Subsistence Resource Commission met on February 12th, 2008 and considered the draft analysis of Proposal 32. In a letter to the Bristol Bay Regional Subsistence Advisory Council, which you can see on Page 469, the Lake Clark SRC supported the OSM modification of the original proposal and added an additional modification. This modification was to reduce the geographic area of the resident zone brown bear hunt from the Park and the Preserve to the Park only. The Bristol Bay RAC voted to adopt the Lake Clark SRC modifications in full. It should be noted that the original proposal submitted by the Lake Clark SRC requested clarification of eligibility for this hunt, but didn't request a reduction of the resident zone hunt area. This analysis addresses the eligibility issues but a reduction of the hunt area isn't part of the analysis.

For these reasons the OSM conclusion is to support Proposal 32 with modification to specify eligibility of 13.440 permit holders but not to include Preserve resident without a 13.440 permit for the resident zone subsistence brown bear hunt in the Unit 9B portion of Lake Clark National Park and Preserve.

And for clarity I'll just read the first part of the modified proposed regulation:

In Unit 9B Lake Clark National Park and Preserve, residents of Illiamna, NewHalen, Nondalton, Pedro Bay, Port Alsworth, residents of that portion of the Park Resident Zone in Unit 9B, and 13.440 permit holders may hunt brown bear by Federal registration permit.

Thanks.

CHAIRMAN FLEAGLE: Thank you, Liz.

We go to Ann Wilkinson for summary of written public comments, good morning.

MS. WILKINSON: Good morning, Mr.
Chair. There was only one written comment and that was from the Lake Clark Subsistence Resource Commission, and Liz spoke to it already. You can see what their modification was at the bottom of Page 469.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Ann.

Public testimony, Pete.

MR. PROBASCO: Yes, Mr. Chair, we have one individual. Mr. Robert Fithian.

CHAIRMAN FLEAGLE: Bobby Fithian.

(No comments)

CHAIRMAN FLEAGLE: All right. Regional Council recommendation, Randy Alvarez.

MR. ALVAREZ: Thank you, Mr. Chair. The Bristol Bay RAC supports the proposal. We believe that it clarifies who can utilize this and this -- it makes it a better regulation in our opinion.

CHAIRMAN FLEAGLE: Thank you, Randy.

Department of Fish and Game comments, Ken Taylor.

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

CHAIRMAN FLEAGLE: Thank you. Good morning, Terry.

MR. HAYNES: Good morning, Mr. Chairman. The Department's written comments are on Page 472 of your meeting book.

The Department supports this proposal as modified by the Bristol Bay Regional Council and the Lake Clark Subsistence Resource Commission. And that modification extends eligibility for the brown bear hunt in Lake Clark National Park to local rural residents living within Lake Clark National Preserve who qualify for an individual 13.440 permit from the National Park Service. The modifications in the modified proposals ensure that all rural residents qualified to hunt brown bears in Lake Clark National Park are eligible for this hunt. Brown bear hunting in Lake Clark National Preserves should not be limited
only to those rural residents eligible to hunt in the
Park.

So it's an important distinction,
eligibility can be and should be more limited for the
Park but less so for the Preserve.

Thank you, Mr. Chairman.

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

Wildlife Proposals WP08-32:

Authorize rural residents of Lake Clark
National Park and Preserve within Unit 9B to
participate in the federal subsistence brown bear hunt
within the Lake Clark National Park and Preserve within
Game Management Unit 9B.

Introduction:

Under the federal subsistence
regulations, residents of the Lake Clark National Park
and Preserve within Unit 9B have a customary and
traditional use of brown bears in Unit 9B, but these
residents are ineligible to participate in the federal
registration permit hunt in the park and preserve.
This proposal would qualify them for this hunt but
would make no other changes to the existing regulation.

Impact on Subsistence Users:

Adoption of this proposal would enable
rural residents living within the Lake Clark National
Park and Preserve to participate in the federal
registration permit hunt within the park and preserve,
in addition to persons residing in resident zone
communities for Lake Clark National Park. The federal
subsistence regulations authorize a longer season than
occurs in the remainder of Unit 9B, where hunting is
authorized by state registration permit from September
1 to May 31.

Opportunity Provided by State:

State regulations in Unit 9B authorize
the harvest of one brown bear every four years during
September 20 October 21 or May 10-25 seasons in odd-
and even-numbered years, respectively.
Recommendation:

Adopt as modified by the Bristol Bay Regional Advisory Council and Lake Clark National Park Subsistence Resource Commission recommendation to extend eligibility for the brown bear hunt in Lake Clark National Park to local rural residents living within Lake Clark National Preserve who qualify for an individual 13.44 subsistence permit from the National Park Service. These modifications ensure that all rural residents qualified to hunt brown bears in Lake Clark National Park are eligible for this hunt. Brown bear hunting in Lake Clark National Preserve should not be limited only to those rural residents eligible to hunt in the Park.

CHAIRMAN FLEAGLE: Thank you, Terry.

InterAgency Staff Committee comments, Larry Buklis.

MR. BUKLIS: Thank you, Mr. Chairman.

The Staff Committee comments can be found on Page 471. The recommendation of the Bristol Bay Council would exclude the Preserve from the geographic scope of the hunt. This differs from the original proposal which sought clarification of who would be eligible for this hunt.

As a consequence one concern raised at the Staff Committee meeting was whether or not the public was given sufficient notice that the hunt boundary might be subject to change. A related concern is whether the issue of geographic scope has been properly considered in our administrative process and in the record.

For the Board's information the users affected by that change, removing the Preserve from the hunt area, are primarily those people represented by the proponent, the Lake Clark Subsistence Resource Commission. The Commission discussed and recommended these changes in response to modifications recommended by the Office of Subsistence Management at an SRC meeting in Port Alsworth in March 2008. The Bristol Bay Council then later reviewed the proposal and supported the SRC's recommendation, thereby making it their own recommendation.

Thank you, Mr. Chairman.

CHAIRMAN FLEAGLE: Thank you, Larry.
All right, thank you. Board discussion with Council Chairs and State liaison. Randy, do you want to speak to this more, I know you mentioned that your RAC supported the proposal but you didn't speak to the modification portion of it.

MR. ALVAREZ: Yes. We did -- this was a -- as the State says, the author is the Lake Clark SRC and I, being not from that area, not eligible, not real familiar so we depended a lot on what their representative had to say but we -- I -- from what I understand this does clarify who can use it and what areas it would pertain to like Mr. Buklis mentioned, that it would exclude the Preserve, well -- well, what I understand the Preserve is open to all Alaskans, it's just the Park that is -- only those residents of those areas can utilize the Park and we support that.

CHAIRMAN FLEAGLE: Thank you. Other discussion. Marcia.

MS. BLASZAK: Mr. Chairman. I believe we can make fairly quick work of this proposal. I'd like to, unless there's more discussion, to go ahead and move forward into a motion.

CHAIRMAN FLEAGLE: You bet.

MS. BLASZAK: Thanks. I move that we support the Bristol Bay Regional Advisory Council's recommendation with the modification and if I can get a second I'll continue.

MR. CESAR: I'll second that.

CHAIRMAN FLEAGLE: Okay.

MS. BLASZAK: The modification I'd like to propose is actually that which the Office of Subsistence Management provided and that Liz spoke to on Page 455. And the difference between my motion as represented in this, I guess, revised proposal, is the area which would include both the Park and Preserve, while the Council's recommendation suggested only the Park be included. Second my motion include -- would use the term and 13.440 permit holders, where the Council's proposal uses the term and other NPS qualified hunters, and it's primarily to be consistent with other language we already have in existing regulations.
The point regarding the Park versus the Preserve is being made based on recommendations that we had from our legal counsel and I didn't front load this with our fine attorney beforehand but if you could help me explain why.

MR. GOLTZ: You're doing fine.

MS. BLASZAK: Okay. I'm doing fine, yeah.

(Laughter)

MS. BLASZAK: But we believe the conclusion that OSM has on Page 466 is the appropriate way to provide this clarification that's been requested by the Lake Clark SRC. And that's my motion.

CHAIRMAN FLEAGLE: I wonder if going back to the preferred way of taking the motion since we do have two possible amendments, one that's OSM supported and one that's RAC supported. Just make the original motion to adopt the proposal as presented and then move your amendment, would you do that, mind doing that?

MS. BLASZAK: Thank you, Mr. Chair. Again, for the record I vote to support the proposal from the Bristol Bay Advisory Council, motion 32 -- excuse me on Proposal 32 with their modification -- I'm sorry, sir.

CHAIRMAN FLEAGLE: Just a simple move to adopt Proposal 32.

MS. BLASZAK: Move to adopt Proposal 32.

CHAIRMAN FLEAGLE: Okay. Now, the amendment -- does Niles -- does the second concur?

MR. CESAR: Yes. Yes.

CHAIRMAN FLEAGLE: Okay. Now, the amendment would be to adopt the recommend.....

MS. BLASZAK: The recommendation from OSM, which is on Page 466, would be the exact wording that we would propose.
CHAIRMAN FLEAGLE: Okay, we now have a motion for an amendment as contained on Page 466 in the OSM recommendation.

MR. CESAR: And a second.

CHAIRMAN FLEAGLE: Okay. All right, do you want to speak to that further, or you've pretty much covered it?

MS. BLASZAK: I'm done.

CHAIRMAN FLEAGLE: Discussion.

(No comments)

CHAIRMAN FLEAGLE: And you said the difference was that the Staff.....

MS. BLASZAK: The difference would be the inclusion of the Preserve, where the original amended proposal -- or modified proposal was only the Park, and then to replace language regarding reference to other NPS qualified hunters with the term 13.440 permit holders. Again, those are interchangeable terms.

CHAIRMAN FLEAGLE: Okay. Open floor for Board discussion. We do have a motion before us and I do see the State has a hand raised and because their recommendation was different than what is before the Board here, I'm going to recognize their input. Ken.

MR. TAYLOR: Thank you, Mr. Chairman. I would like to get some clarification from Staff on exactly what the difference is between what OSM is proposing and what the modified proposal was.

CHAIRMAN FLEAGLE: I think that would be beneficial. Liz.

MS. WILLIAMS: Between the Bristol Bay RAC recommendation and the OSM recommendation?

MR. TAYLOR: That's correct.

MS. WILLIAMS: The Bristol Bay RAC recommendation includes a modification to reduce the resident zone hunt from Park and Preserve to Park only.
The OSM recommendation keeps the Park and the Preserve as the hunt area for resident zone residents.

CHAIRMAN FLEAGLE: And changes language from.....

MS. WILLIAMS: Right. Specifies 13.440 permit holders. The original proposal didn't have 13.440 permit holders mentioned but when we looked at all groups who are eligible for the year-round brown bear subsistence resident zone hunt it's 13.440 permit holders, it's resident zone residents.

But back to the original question. The difference between the Bristol Bay RAC modification is geography which wasn't part of the original proposal. I think it's general Park Service regs that resident zone residents can hunt in the Park proper and the Preserve and the reduction by the Lake Clark SRC from the Park and Preserve to the Park only, there just didn't seem to be a justification for that because there's not a conservation concern so that's why the OSM modification does not include a geographic limitation.

CHAIRMAN FLEAGLE: What brought about that proposed change? I see their original proposal did not eliminate the Preserve portion but it got amended to where that was taken out, what brought about that change, do you know?

MS. WILLIAMS: I'm not really sure, you'd have to talk to the Lake Clark SRC or some Park Service representative. It was a response to the fact that Preserve residents could not be given resident zone eligibility status. In the original proposal the request was to add preserve residents to resident zone eligibility status, and, again, it's a general Park Service regulation. If you look on the first page of the analysis, Page 463 it defines local rural resident, and this is Park Service regulations, 36 CFR, it's not Federal subsistence regs, which are 50 CFR, but we just can't turn Preserve residents into resident zone residents and this is deep in the heart of Park Service subsistence policy. And it would be a statewide precedent.

CHAIRMAN FLEAGLE: Sandy can you help clarify that.
MR. RABINOWITCH: I was focused on the question that you asked.

CHAIRMAN FLEAGLE: Yeah.

MR. RABINOWITCH: So I'm happy to respond to that. What the Park Service did was take the original analysis as Liz has said to the Lake Clark SRC meeting and they had a very long discussion about it. We went through a series of questions trying to articulate what their concerns were, and the outcome of those questions then led to their recommendation that you see in this letter. And in a nutshell what I would say is that, I think, they were sort of frustrated by the process a little bit. And one of their recommendations came out to change the geographic extent as you've heard.

I've gone back and looked at the record to make sure, you know, I understand that, and I think -- I think that they were just a little bit frustrated and they sort of decided that they would narrow their recommendation down to the Park only. One thing to keep in mind is that by making that recommendation they were limiting themselves, okay, and that's just how they landed on that.

CHAIRMAN FLEAGLE: So irregardless of whether it's the entire Park and Preserve or just the Park only, we still have the harvest limits that are established for this area so harvest isn't going to be affected.

MR. RABINOWITCH: That's correct. And the other thing is that if you look in the Federal regulation book, you see that there is another Federal regulation for the 9B remainder portion, okay, so other Federally-qualified users that have C&T in the region can hunt in the Preserve under the remainder regulation, and then the Preserve is also affected by State regulations, so any State resident, like myself from Anchorage can hunt in the Preserve under the State regulations also.


MS. BLASZAK: Don't move.

CHAIRMAN FLEAGLE: Sandy this might be
I'm still a bit confused and I'm wondering if you could recognize Terry Haynes to maybe clarify some of this for me.

CHAIRMAN FLEAGLE: Can you help?

MR. HAYNES: Well, I have a question.

(Laughter)

MR. HAYNES: It's my understanding that there are eligibility requirements for who can hunt in National Parks, and I think the Lake Clark SRC recommendation is appropriate and consistent with Park Service regulations. I question extending that limitation on eligibility to the Preserve because the Preserve is different than the Park. And limiting eligibility for this hunt in the Preserve only to people who are eligible to hunt in the Park seems to me to be inconsistent with Park Service regulations.

So perhaps I need clarification.

But I believe the Lake Clark SRC modification is consistent with the Park Service regulations and is the appropriate course of action. So unless I'm confused as to what Park Service regulations call for in terms of eligibility for the Park versus the Preserve.

CHAIRMAN FLEAGLE: There does seem to be some confusion. It sounds like to me what the intent is to expand an area of opportunity for those residents rather than restrict other uses, I'm not sure, did I just confuse it even more?

MR. RABINOWITCH: A little bit.

CHAIRMAN FLEAGLE: A little bit. Well, straighten us out, Sandy.

MR. RABINOWITCH: Let me see if I can go back to basics.

I think this regulation is confusing and many people in this room actually have heard me say that over the past several months as we've worked on
I'm going to put a bit of history out here. I think the reason this regulation is confusing is because if you look down in the reg book right now and see how it's constructed and if you compared it to how lots of other regs are constructed, this regulation looks different and I think the reason it looks different is because it was built in several pieces over several years, that is over several proposals over many years starting in 1994, actually Nondalton was the first community. And, you know, with hindsight I think we can look back and say we built the regulation in a fashion that we wouldn't build it that way today, and so I think we suffer from that.

That's my opinion of the history, we are where we are.

In simple terms, to hunt in a Park, you have to be Park Service qualified. The way you are qualified is to either live in a resident zone community like the ones named here, to live inside the boundaries of a Park, and that's part of the confusion that the Lake Clark SRC wanted clarified, or -- and -- or, or, if you have a 13.440, we added an 0 to it last year, permit. So you have to have C&T from the Federal Board, you have to be Park Service qualified and that's how you get to hunt in the Park.

I agree with Terry, that the requirements for Preserve are, you know, they're just like any other hunt in the Federal Board book.

I'm going to stop there and see if that helps or if I need to say more.

CHAIRMAN FLEAGLE: Board members. Liz Williams.

MS. WILLIAMS: I'd like to add a little bit of clarification too. We've worked extensively on this analysis because it is a bit of arcane stuff that's out of our regular regulatory purview.

These are some pages from the Lake Clark Subsistence Plan for the Lake Clark National Park and they're very specific about resident zone eligibility and Preserve eligibility. We've spoken extensively with Chris Bockman, the solicitor for the
Park Service and, I agree, that Terry is seeing, I think, an intent of including Preserve residents in the resident zone hunt, but we can't change Park Service regulations about who can do what where. I think the proposal that should have been submitted was a C&T for all residents of Unit 9B to participate in the year-round hunt because if we adopt the regulation as submitted we will be giving Preserve residents a special privilege that the other residents of -- rural residents of Unit 9B don't have, and what should have been done is a C&T for the remainder of Unit 9B to participate in a year-round brown bear subsistence hunt is what probably should have been submitted, but it wasn't.

CHAIRMAN FLEAGLE: And so we run the risk of adding just another, yet another hodge to the hodge-podge here. And maybe the appropriate thing would be for this Board to just defer and remand it back to the SRC for.....

UNIDENTIFIED VOICE: No.

CHAIRMAN FLEAGLE: No.

(Laughter)

CHAIRMAN FLEAGLE: Well, we can't do what Liz just suggested without the proper notice, we can't -- we're facing the -- can't even remove the Preserve portion because of proper notice, et cetera, et cetera, and I got all kinds of hands. Pete, you first.

MR. PROBASCO: Mr. Chair. I'm going to defer to Larry after I speak. What I think needs to occur is the Board needs to focus on the intent of the proposal and also the legal counsel that we have received regarding Proposal 32 and how far we can go. We can't go outside -- in my opinion, we can't go outside of that scope as far as what legal counsel we have received. And what my Staff has captured is the parameters or the sideboards, if you will, of what we can do legally in the amendment that Marcia offered.

Larry, do you have anything to add.

CHAIRMAN FLEAGLE: Larry Buklis.

MR. BUKLIS: Mr. Chairman. I know
1 you're post-motion status here, but just taking you
2 back to the InterAgency Staff Committee comments, which
3 I delivered pre-motion and it addressed that the
4 recommendation of the Council picked up on a feature of
5 a comment from the SRC. Although the SRC was the
6 proponent, at that point in the process they just make
7 comments, they don't have any special ownership of the
8 proposal. And as Mr. Probasco said, the original
9 proposal did not address adjusting the scope of the
10 hunt area. So the proposal at hand and the SRC's
11 comment on the proposal is something to consider. But
12 you just said maybe we need to defer all this, the
13 original proposal has been addressed, in the analysis
14 and addressed by the Council, and this late development
15 of the SRC and the hunt area was picked up by the
16 Council, but as the Staff Committee comments speak, we
17 have a concern as to whether that was duly noticed and
18 duly part of the process to that point. And then the
19 analyst, Liz Williams, brought to your attention, other
20 points about Park Service regulations, but I'm speaking
21 to the process as well.
22
23 CHAIRMAN FLEAGLE: Polly Wheeler.
24
25 DR. WHEELER: Thank you, Mr. Chair. I
26 was just going to add that basically the OSM
27 modification addresses the original proposal, which is
28 to alphabetize the communities, to make it clear that
29 people living within Park Service boundaries but not in
30 the named communities are part of the resident zone,
31 and that 13.44 permit holders, or 13.440 permit
32 holders, sorry, can also participate in the hunt. So
33 those two elements are included in the OSM
34 modification. Just to be clear. But adding the
35 Preserve residents to those eligible for the hunt was
36 not added because when talking to the Park Service
37 attorney he felt that that was not consistent with Park
38 Service regs.
39
40 Thank you, Mr. Chair.
41
42 CHAIRMAN FLEAGLE: All right. Further
43 discussion.
44
45 (No comments)
46
47 CHAIRMAN FLEAGLE: Let's take a five
48 minute stand down.
49
50 (Off record)
CHAIRMAN FLEAGLE: All right, the Board is back in session. And it sounds like there was some discussion during the stand down that would clarify what the exact intent of the proposal would be and who would like to put that on the record.

Marcia.

MS. BLASZAK: Thank you, Mr. Chair. The intent of the proposal is to respond to the request of the SRC's desire to have clarification of the communities that are included in 9C -- or excuse me, 9B and to, I think, be more consistent with other language in our regulations and we find this to be clarifying and not adding any additional eligibility nor locality to the hunt.

CHAIRMAN FLEAGLE: And the amendment that you fostered does not remove the Preserve portion as the Regional Advisory Council's did and that was cause for a little more confusion.

MS. BLASZAK: That's correct.

CHAIRMAN FLEAGLE: Ken Taylor.

MR. TAYLOR: Thank you, Mr. Chairman. This regulation here is a real anomaly for brown bears in Park Preserve and Hard Park. And it's -- I would like to hear from your legal Staff why the scope of this proposal can't be reduced to just the Park.

CHAIRMAN FLEAGLE: Keith.

MR. GOLTZ: I don't know if it can or can't, that's part of the problem, we don't have a record that would analyze the reduction of scope of the hunt size. We haven't had notice on that question. And it seems to me that we would at least have to consider doing an .804 if we're going to reduce subsistence opportunity.

I think that the motion of the Park Service is legally defensible, but if we reduce subsistence opportunity, I think the record has to show more than it does at this point.

CHAIRMAN FLEAGLE: Thank you. Pete.
MR. PROBASCO: And, Keith, as far as when you say proper notice, that means as far as having the Regional Advisory Councils and the public, prior to a Board meeting to review that type of a recommendation?

CHAIRMAN FLEAGLE: Keith.

MR. GOLTZ: Correct. That's correct.

CHAIRMAN FLEAGLE: All right. And that further raises the question that this would now be not in consistency with the Regional Advisory Council's recommendation because it does insert the word and Preserve back into the proposal, so there's some question about whether we would be voting against their recommendation or not.

Pete.

MR. PROBASCO: Mr. Chair. This may be appropriate for Mr. Alvarez to speak to but during our break Mr. Alvarez and I were speaking, and he clarified to me that the intent was to not limit the current eligibility people that hunt in this area and there was some confusion on their part as they dealt with this proposal.

Mr. Alvarez.

CHAIRMAN FLEAGLE: Randy.

MR. ALVAREZ: Mr. Chair. Yes, this was a little confusing to us when it came before the Committee because we hadn't discussed it before and our intent was just to keep everything the way it has been, and we thought this was just language to clarify the regulation. So we don't understand why -- you don't need a 13.44 to hunt in the Preserve, but it -- but it would -- I see that there still is -- the communities are still eligible to hunt subsistence bear in the Preserve as where somebody from elsewhere int he state cannot do a subsistence but they can still hunt in the Preserve. And we -- however you guys clarify it to remain the same, it would be fine with me and probably the RAC also, I believe.

CHAIRMAN FLEAGLE: Thanks, Randy. Just thought that would be appropriate to have on the record.
Now, we did allow quite a bit of outside discussion after the motion was taken but I think that it was appropriate in this case because the motion did differ from the -- the motion -- the language of OSM's recommendation was different from the Subsistence Regional Advisory Council's recommendation, so, with that, I'm going to draw this back to the Board and ask for final discussions on the motion in support of or opposition to the amendment.

(No comments)

CHAIRMAN FLEAGLE: Are we ready for the question on the amendment. It looks like we are, on the amendment to adopt the language on 466, OSM's modified language, Pete, please poll the Board.

MR. PROBASCO: Thank you, Mr. Chair. Amendment to WP08-32. Mr. Cesar.

MR. CESAR: Yes.

MR. PROBASCO: Mr. Bschor.

MR. BSCHOR: Yes.

MR. PROBASCO: Mr. Melius.

MR. MELIUS: Yes.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Ms. Blaszak.

MS. BLASZAK: Yes.

MR. PROBASCO: And Mr. Lonnie.

MR. LONNIE: Yes.

MR. PROBASCO: Amendment carries six/zero.

CHAIRMAN FLEAGLE: Thank you. On the main motion, ready for the question. Pete.

MR. PROBASCO: Thank you, Mr. Chair. Final action on WP08-32. Mr. Bschor.
MR. BSCHOR: Yes.

MR. PROBASCO: Mr. Melius.

MR. MELIUS: Yes.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Ms. Blaszak.

MS. BLASZAK: Yes.

MR. PROBASCO: Mr. Lonnie.

MR. LONNIE: Yes.

MR. PROBASCO: And Mr. Cesar.

MR. CESAR: Yes.

MR. PROBASCO: Motion carries as amended six/zero.

CHAIRMAN FLEAGLE: All right, thank you. That wraps up the Bristol Bay suite of proposals. Thank you for all your hard work Randy. And as we go through a Staff change I'm going to turn to Ken Taylor for an announcement. Ken, go ahead.

MR. TAYLOR: Thank you, Mr. Chairman. I've been called away for another meeting and I will be absent for about an hour, perhaps a little longer, I would like to request that Tina Cunning sit in as the State liaison.

CHAIRMAN FLEAGLE: You bet. Pete.

MR. PROBASCO: Thank you, Mr. Chair. Before Staff starts, I just wanted to give credit where credit's due. A lot of people have been admiring the work of art that we gave Marcia for her retirement and I did not pick that out, I had help, in fact, I didn't do anything except ask for the services of Maureen and she gets the credit, so thank you Maureen for picking out a nice piece.

MS. CLARK: It's from Nome.
CHAIRMAN FLEAGLE: Thank you, Maureen.

MS. BLASZAK: Thank you.

CHAIRMAN FLEAGLE: You did do something, you were the one hitting us up for the bucks.

(Laughter)

MS. BLASZAK: That was good too.

MR. PROBASCO: Well, that's where I come in, yeah.

(Laughter)

CHAIRMAN FLEAGLE: All right. It looks like we've got folks lined up for Proposal 33, and this is concerning Unit 18 moose. We have new people at the table, Alex, Chuck and Pete, welcome, look forward to the analysis for 33.

MR. DEMATTEO: Thank you, Mr. Chair. My name is Pete DeMatteo. I'm a wildlife biologist with the Office of Subsistence Management. And, Mr. Chair, the analysis of WP08-33 begins in your book on Page 476.

Proposal 33 was submitted by the Association of Village Council of Presidents [sic], and the Association requests a closure of Federal public lands to non-Federally-qualified users during the fall and winter moose seasons in the Yukon River drainage in Unit 18 and also Unit 18 remainder.

The requested closure area could be seen in Map 1 on Page 479 of your books. The proponent requests that the closure to non-Federally-qualified users be reinstated in these two areas and on the map it's marked as remainder, Unit 18 remainder, and also the area in the upper left quadrant of the map, it's marked as Lower Yukon Hunt Area. The proposed regulations can be seen on the lower half of Page 477 of your Board books.

In May of 2007, the Board eliminated the Federal regulatory closure on moose hunting for non-Federally-qualified users in the lower Yukon River area down stream from Mountain Village as well as Unit...
18 reminder for both the fall and winter moose seasons
in response to current moose population abundance.

The moose population in the proposal
area is highly productive, continues to grow and is
capable of supporting an increased harvest. In
February of 2008, moose population surveys were
conducted by the Alaska Department of Fish and Game and
the Yukon Delta Refuge Staff. These surveys were
conducted on the lower Yukon River survey unit along
the main river corridor from Mountain Village to
Kotlik. It is important to note that these were the
most accurate moose density surveys ever conducted in
the unit.

Within the lowest Yukon survey unit,
2,828 moose were observed. If we employ a sightability
correction factor to that number, the number increases
to 3,320 moose. To put that in perspective during the
2002 moose survey in the same area, 674 moose were
observed, and more recently in the 2005 survey 1,342
moose were observed for that same survey unit. These
data from the lowest Yukon indicates that the moose
population is approaching carrying capacity and is
experiencing a rapid growth rate of 27 percent.

Resource managers are concerned that
without additional control of population, through
increased harvest, the lowest Yukon River area of Unit
18 will experience habitat damage. Recovery from this
damage will take years, and this will be detrimental to
both the resource and also the subsistence user.

The Unit 18 harvest totals for the
years 1997 through 2006 average 208 moose annually.
Total hunters for the same years averaged 514 hunters.
This hunt had a 40 percent success rate. If the
harvest was under reported during 1997 through 2006,
the actual hunter success rate would be even higher.
According to the Alaska Department of Fish and Game
harvest records, in 2005 and 2006 hunter success rate
was 48 and 51 percent respectfully. Even with an
increase in subsistence hunter success and the harvest
limit which allows the take of any moose during the 30
day winter season, the projected take will not be
enough to control these moose numbers, and habitat
degradation would eventually result at the current
growth rate.

Therefore, additional harvest of moose
is essential for managing the moose population and its
habitat in the lower Yukon drainage of Unit 18. This
current population trend is attributed primarily to theive year moratorium on moose hunting that occurred
between 1993 and 1998 and also to the excellent habitat
conditions that exist below Mountain Village.

Mr. Chair, Staff continues to recognize
the huge sacrifice that Unit 18 residents made during
the five year moratorium on moose hunting. The size of
today's moose population in the lower Yukon River
drainage is due to a cooperative effort between the
local residents and also Mother Nature.

ANILCA gives the Board the authority to
limit harvest to Federally-qualified subsistence users
during periods of shortage, as the Board did in 1991.
But currently there remains no biological reason that
justifies a closure to the lower Yukon River drainage
of Unit 18 and also for Unit 18 remainder.

Again, Mr. Chair, the area of concern
focuses on the current level of harvest is not enough
to keep this population from reaching the carrying
capacity of its habitat at the current growth rate.

With that, the OSM conclusion is to
oppose Proposal WP08-33.

This concludes my presentation, thank
you.

CHAIRMAN FLEAGLE: Thank you, Pete.

MR. NICK: Mr. Chair. We received one
written comment from Steve Powers. And I will try to
highlight the main points of the comment.

Mr. Powers indicated that in 2007
Federal Board determined based on biological
information from most recent moose survey showed
surplus of 600 animals and he also stated that moose
hunting in the area was extended to 82 days and that
nonresidents harvested eight moose in 2007, that large
harvestable surplus exists, and he also applauded AVCP
for requesting accurate subsistence use amounts. And I
think that's the highlights of the comment.
Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Alex.
Public testimony, Pete.

MR. PROBASCO: Thank you, Mr. Chair.
We have Mr. Timothy Andrew from the Association of
Village Council Presidents. Tim.

CHAIRMAN FLEAGLE: Good morning, Tim.
If you'd turn your microphone on and state your name
for the record and go with your testimony, please.

MR. ANDREW: Good morning. For the
record my name is Timothy Andrew. I'm the director of
natural resources for the Association of Village
Council Presidents.

Mr. Chairman. Members of the Federal
Subsistence Board. Guests. Thank you for the
opportunity to testify before you today. And the
subject of my testimony is in support of Proposal WP08-
33, which calls for the closure of Federal land in Unit
18 to non-Federally-qualified hunters for moose.

Mr. Chairman and members of the Federal
Subsistence Board, we choose to differ from the Office
of Subsistence Management and the Alaska Department of
Fish and Game's position in this matter to the extent
that we believe the following.

1. We find that in Section .802(1)
of ANILCA which calls for sound
management principles and
conservation of healthy
populations is not adhered to,
to the following conditions
that are inherent in both
Federal and State management
systems.

No. 1 The sound wildlife management
principles have not been followed. There's no clear
moose population objectives. And No. 2 there is an
absence of a bull to cow ratio that we know of. There
is no information as far as -- or there is no objective
for cow to calf ratios and there is no habitat studies
indicating what the maximum carrying capacity is for
moose in the area.
And also we believe that the absence or the reliance on the outdated State of Alaska's amounts necessary for subsistence in the area, we believe that this could result in underharvesting of people's subsistence needs.

We did make an attempt to determine what the amounts necessary for subsistence is for the area via Western Regional Council that AVCP and the ONC tribal -- of the community of Bethel, we sponsored a meeting of the Western Regional Council via advisory committees to address this issue and formulated a plan to develop an accurate necessary for subsistence for the region.

We believe that much of this basic information negated the health and continued viability of the lower Yukon moose population is absent from information sources of both the Alaska Department of Fish and Game and the U.S. Fish and Wildlife Service. Without this basic information we do not see how the Alaska Department of Fish and Game and Office of Subsistence Management can advocate for a continued hunt for non-Federally-qualified hunters in absence of this basic information.

2. Maximum opportunity has not been provided to the subsistence hunter, although there is an earlier hunting opportunity given to hunters as provided by Section .801(4) of ANILCA.

The following are other considerations that perhaps the Board should consider before opening to non-Federally-qualified hunters. No. 1 being a winter cow hunt should be considered to control the potential over population, and especially in Unit 18 remainder. Opening Unit 18 to other Federally-qualified hunters like residents in Units 19, 22 and 21E should be a priority rather than opening the Federal conservation units to non-Federally-qualified hunters. The community of Aniak is a good example of a community that relies on moose and in their current situation with moose in Unit 19 they don't have any other customary and traditional use in Unit 21E, which is five miles to the north of the community of Aniak.

3. In Section .802(3) of ANILCA
which states Federal land
managing agencies in managing
subsistence activities on
public lands and protecting the
continued viability of all wild
renewable resources in Alaska
shall cooperate with adjacent
landowners and land managers
including Native corporations.

This important provision of ANILCA was
violated with the U.S. Fish and Wildlife Service
arbitrarily issued permits to transporters operating
out of the community of Bethel in the prosecution of
the non-Federally-qualified hunt in Unit 18 as follows:
Within the close proximity of community of Marshall a
permit was issued to one of the transporters to operate
a camp approximately 1,200 feet from the southern
boundaries of lands owned by (Indiscernible) Inc., an
Alaska Native Corporation, and in close proximity to
Alaska Native allotment lands. And after talking to
the assistant manager of the Yukon Delta National
Wildlife Refuge, the camp operating permit was revoked
for the coming season. And we have yet to be consulted
on placement of these camps for any operators within
the near future.

4. Twice, including this spring's
meeting in Kalskag, the Yukon
Kuskokwim-Delta Regional
Advisory Council voted
overwhelmingly to support the
continued closure to non-
Federally-qualified hunters for
moose.

Yet, due deference was not provided to
the voices of the people of the Yukon Kuskokwim-Delta,
through the Regional Advisory Council members, and this
type of behavior in overriding the recommendations of
the RACs places the region in a state of chaos.

Mr. Chairman and members of the Board,
it is very clear that the Federal Subsistence
Management System in Alaska needs to develop a clear
policy and direction before implementing or allowing
non-Federally-qualified hunts to occur where
subsistence is protected by Congress and Federal law.
In my testimony, I have outlined a process that would
allow for maximum opportunity for the rural subsistence
users to utilize the resource before opening the area to non-Federally-qualified hunters.

In summary, the following progressive course of actions should be seriously considered.

That we should develop a Federal moose management plan with involvement of all the Advisory Committees and the YK-Delta Regional Advisory Council that contain the following:

1. Optimum population objectives that includes habitat considerations.

2. Optimal bull to cow ratios that is conducive to sustaining population levels for human harvest and limited predation.

3. Optimal cow/calf ratios to gage the health of the population and habitat conditions. Other considerations would include the threats of predation on the young.

4. Assess the habitat to determine optimal productivity levels.

5. Continuously assess on a three to five year cycle the resource needs for subsistence purposes with whom the positive customary and traditional use determinations were made for.

6. If it is determined that the local needs, or rural needs or the needs of the Federally-qualified subsistence user are being met, other neighboring Federally-qualified users should be provided reasonable opportunity to participate in the harvesting of the resource.

7. If additional hunting pressure from neighboring Federally-qualified hunters is not
achieving harvest objectives,
additional hunting
opportunities should be
considered like in the case of
moose, a cow hunt, people can
always use the additional
opportunity and the meat during
the winter months.

8. If additional hunting pressure
by Federally-qualified users
and cow hunts are not helping
to achieve the population
objectives and after careful
and diligent consultation of
land owners and tribal
governments, only then should
the Board consider non-
Federally-qualified users to
participate in the hunt.

Mr. Chairman, that concludes my
testimony. I would be happy to answer any questions at
this time.

Questions.

(No comments)

Mr. Chairman. The
Council in its discussion agreed with the sponsor, the
proponent, that this closure should be reinstated for
much of what he's laid out there, first, we do get an
accurate assessment of the moose harvest that are
needed by the residents of Unit 18. And strongly
favoring that a moose management plan of the same scope that's been affording to our neighboring units in GMU 19A and 21E and incorporating that same level of extensive local involvement is developed. And a further recommendation is that this effort should be done in cooperation with the Board of Game actions which defer to a similar proposal at their meeting just this spring in March 2008, that remanded the issue back to the State's Western Regional Council, which I'll speak to that further when we get into comments. And the charge there was to work with Division of Wildlife Conservation, Subsistence Division Staff and the area managers, including Refuge Staff to address the amounts necessary for subsistence that are more reflective of the reality, discuss potential options for opening moose hunting on the Kuskokwim side because of the expiration of the moratorium that's coming up at the end of this year, this calendar year. And to develop an amended proposal for the Board's consideration at their Spring 2009 meeting.

CHAIRMAN FLEAGLE: Thank you, Greg. Western Interior, Jack.

MR. REAKOFF: Thank you, Mr. Chairman. The Western Interior Regional Advisory Council opposed the proposal, primarily because this planning aspect was not brought before the Council. We do have .815 of ANILCA that does not give exclusive use of resource to subsistence users and this is an expanding resource, and so personally I was concerned about excluding other users when we have a resource that's gone beyond the capacity or at least the utilization capacity that's been provided in regulation. I personally would have felt more comfortable with expanding use of the subsistence -- you know, the winter hunts in the remainder, and increasing proposals for customary and traditional use determinations for 19A and -- but we oppose the proposal. We will go into that a little later.

But those were the basics why we oppose. We're not against subsistence, we're just opposed to this particular proposal.

Thank you.

CHAIRMAN FLEAGLE: Thank you. And Seward Peninsula has jurisdiction over this area as well and I see that you've taken no action, do you want
to explain that Myron.

MR. SAVETILIK: The reason there was no
action taken was I think they needed more data or more
information on the issue right here.

Mr. Chair.

CHAIRMAN FLEAGLE: Thank you. All
right. We now move to the Department of Fish and Game
comments. Tina Cunning.

MS. CUNNING: Mr. Chairman. Terry
Haynes will present our comments.

CHAIRMAN FLEAGLE: Terry.

MR. HAYNES: Thank you, Mr. Chairman.
Our comments are on Page 487 of your meeting book. And
let me first state that the success of the moose
moratoria in Unit 18 are really a model for moose
management across the state and the incredible comeback
of moose in different parts of Unit 18 is remarkable
and it's due in no small part to the sacrifices made by
local people to not hunt during a time that was really
important for letting the moose population rebound.

There are no conservation issues that
justify reinstating a closure at this time, however.
Moose are abundant in areas of Unit 18 currently open
for hunting thanks to the success of the moratoria.
Information presented to the Board last year indicate
that the moose population in areas targeted in this
proposal are highly productive and continuing to grow.
Preliminary harvest estimates for 2007 indicate that
only eight moose were taken in Unit 18 by nonlocal
residents and nonresidents of Alaska combined.

The Department does not support this
proposal. Under the closure policy adopted in 2007,
the Federal Board:

Will not restrict the taking of fish
and wildlife by users on Federal public
lands, other than National Parks and
Park Monuments unless necessary for
conservation of healthy populations of
fish and wildlife resources or to
continue subsistence uses of those
populations or for public safety or
administrative reasons or pursuant to
other applicable law.

None of these conditions apply to moose
hunting on Federal public lands open to moose hunting
in Unit 18 and a closure would be an unnecessary
restriction on non-Federally-qualified subsistence
users in violation of Section .815 of ANILCA.

Thank you, Mr. Chairman.

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board
Wildlife Proposals WP08-33:
Close federal public lands in Game Management Unit 18 to moose hunting by non-federally qualified subsistence users.

Introduction:
The proposal seeks to provide additional opportunity for federally-qualified subsistence users by eliminating competition from other hunters. The proposal omits two areas in Unit 18 that are closed to moose hunting in federal regulations. These omissions have the effect of increasing the size of the Remainder of Unit 18 and could convey the impression that hunting is allowed in areas that are closed.

Impact on Subsistence Users:
The proposed closure would eliminate the opportunity for non-federally-qualified subsistence users to hunt moose on federal public lands in Unit 18 that are presently open to hunting. This closure would apply to friends and relatives of federally-qualified subsistence users eligible to participate in this hunt under state regulations and would concentrate hunting by nonlocal residents onto limited state and private lands.

Opportunity Provided by State:
Although the state and federal area descriptions do not match, the state regulations authorize moose hunting in Unit 18 south of the Eek River drainage and north of the Goodnews River drainage.
(residents: September 1-30); in the area north and west of a line from Cape Romanzof, etc. (residents: September 1-30 or December 20 January 10, and nonresidents: September 1-30); and in the remainder of Unit 18 (residents: September 1-30 or December 20 January 18, nonresidents: September 1-30). In addition, the state regulations authorize moose hunting beginning in fall 2008 in the Goodnews River drainage and south to the Unit 18 boundary.

Conservation Issues:

There are no conservation issues that justify reinstating a closure. Moose are abundant in areas of Unit 18 currently open for hunting, thanks to the success of the moratoria. Information presented to the Federal Subsistence Board in 2007 indicated that the moose population in areas targeted in this proposal is highly productive and continuing to grow. Preliminary harvest estimates for 2007 indicate that only 8 moose were taken in Unit 18 by nonlocal residents and nonresidents of Alaska combined.

Enforcement Issues:

Differences in federal and state regulations resulting from adoption of this proposal create enforcement problems in areas with mixed land ownership. The boundaries between federal and state lands are not marked and often difficult to locate on the ground.

Recommendation:

Oppose.

Under the closure policy adopted in 2007, the Federal Subsistence Board will not restrict the taking of fish and wildlife by users on federal public lands (other than national parks and park monuments) unless necessary for conservation of healthy populations of fish and wildlife resources or to continue subsistence uses of those populations, or for public safety or administrative reasons, or pursuant to other applicable law. None of these conditions apply to moose hunting on federal public lands open to moose hunting in Unit 18, and a closure would be an unnecessary restriction on non-federally qualified subsistence users in violation of section 815 of ANILCA.
CHAIRMAN FLEAGLE: Thank you, Terry.

InterAgency Staff Committee comments, Larry.

MR. BUKLIS: Mr. Chairman. The Staff Committee comments are found on Page 486, and it's the statement we've used before about the analysis being complete and accurate evaluation of the proposal. And applying this standard statement here we say that the recommendation of the Council to be consistent with ANILCA .805(c).

Having Chaired the Staff Committee meeting, Mr. Chairman, I think this applies to the Western Interior Council recommendation of oppose, and it doesn't speak to the YK-Delta Council recommendation of support.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Larry.

Board discussion with Council Chairs and State liaison.

Greg.

MR. ROCZICKA: Thank you, Mr. Chairman. First off the moratorium that occurred down there was actually for seven years and it was 1988 to 1995, not '93 to '98, for the lower Yukon.

The other thing I'd mention -- concern about, reaching carrying capacity, there's no signs of that whatsoever as yet. I mean it is a concern as people have mentioned and it's out there on the horizon somewhere but the brow surveys that have been done to date and the observations from the folks over on the lower Yukon are not showing any stress on the habitat as yet.

The people -- and, again, Unit 18, when people speak of that, again, when you put it into the Alaska context, we're about the size of the state of Oregon. It's a long haul to get over to the lower Yukon from the Kuskokwim side and in the past couple years, since the expansion has occurred or the more liberalized season, the season has actually closed before travel conditions were good enough to get over there. So you haven't had the ability for the rest of the residents of Unit 18 to really utilize harvest of that herd.

And I wanted to speak to just the
really strong ownership that people feel for this and 
reflected in the comments from the Department, the 
lower Yukon being, I think they're probably the first 
in the state to call for their own moratorium in their 
own area, and along with setting that real strong 
local, almost an override of many other areas that you 
shoot whatever animals, or you shoot cows or whatever, 
that when the animal presents itself you catch because 
you might be insulting (In Native) if you don't, for 
people not to shoot cows and leave them along was 
really a dramatic, a dramatic change and they saw the 
results and that -- result followed up with the Togiak 
and now the Kuskokwim side of Unit 18. But there's -- 
there's a real worry about going too fast and 
overharvesting. Actually even though the population is 
at the healthy level that it's at and that also is 
reflected, we discussed at our fall meeting about 
possibly putting a proposal in for expansion and we 
esentially deferred to the lower Yukon folks that they 
were worried about opening up too much for an extended 
cow season at this point in time, and, again, that 
reflects back that they're not seeing the stress on the 
habitat. So that resulted in the Council or nobody 
putting in a proposal, specifically for -- in respect 
for that concern.

To speak to the effort that we've asked 
the Board of Game to do and we would hope that this 
Board would endorse as well for their Staff to 
participate in, the Western Regional Council, I know, 
caused some excitement among the Staff and while we 
were calling the Western Regional Council, why it's 
going to them and the Western Regional Council that we 
refer to for those of you that have been around awhile, 
many of you probably haven't so you don't know the 
background of this, but prior to McDowell, there were 
six regional councils around the state that were made 
up of the Chairman of the Advisory Committees that had 
jurisdiction within the area and they were specifically 
to address the cross-regional or inter-regional 
concerns and for our area that includes Central 
Kuskokwim, Lower Kuskokwim, Central Bering Sea, Lower 
Yukon and now the newly created Stony/Holitna Advisory 
Committee and all those chairmen were present at that 
meeting and they make up what's the regional council. 
The State ceased to fund those councils following 
McDowell, and about 1992, I think was the last time 
that they met because they saw it as a duplicate effort 
and an unnecessary expenditure since the Federal system 
created our Regional Councils that sit here today, but
they never did take it off the books and they are still there in Statute 92 -- I forget what the quote is but anyway -- so we saw that as a vehicle that could be used.

Because when the Board deferred their proposals on the amounts necessary, when they discussed it in their fall meeting, they deferred it with the specific intent that they need to take into consideration, given GMU 18 and this whole western regional area, they want to take it into context with the amounts necessary in 19A and the amounts necessary in GMU 21E as well.

So, again, it would really behoove this Board or OSM to have our participation in that process also and we also specifically requested the Board, in setting up this group, that they include the Advisory Committee from GMU 21E to participate as well.

So that's what we'd like to look to develop. But as far as the proposal goes the people did feel that it was really premature and the harvest that would be needed for subsistence is much greater and could be much better utilized through expanded opportunity, locally, prior to that opening to the nonresident folks.

I'll stop there for now.

CHAIRMAN FLEAGLE: Thank you, Jack.

MR. REAKOFF: Thank you, Mr. Chair.

The one problem with this proposal is that it goes to the qualified subsistence users, and the qualified subsistence users in Unit 18 only include up to upper Kalskag and so I'm concerned that people in my region will not be able to go down into that unit then and hunt under Federal regulations. And so that's a primary concern, and so we're being excluded from expanding and utilizing -- as our populations in Unit 19 and in 21E are perceived, and moratorium or -- and drawing Federal permits in Tier II in 19A and we got 21E, I got people up there saying the moose population's going downhill, and so we feel that we're being cut off, arbitrarily cut off from Unit 18 under this proposal.

I would feel more comfortable with, not this proposal, but I highly endorse AVCP's plan for
population objectives, habitat objectives and real
concern about maintaining these bull/cow ratios and
these recruitment levels. But this proposal basically
excludes Western Interior regional residents from 18.

The clarification on that, it should be
State Southwestern Regional Advisory Council. There's
a name, and we're going to get cross-threaded with this
a lot, this is the Western Interior Regional Advisory
Council to the Federal Subsistence Board, they have an
Advisory Council to the State Board of Game, and so
there needs to be a name change differential and we
can't be using the same names and getting everybody all
mixed up.

So that's basically why our Council is
opposed to this particular proposal.

I would endorse a planning group to
assess the population and to come up with population
objectives and the Refuge Staff can participate. I
would like our Council to also participate in those
planning groups. Our Council has participated in the
Board of Game's planning groups, the Koyukuk River
Moose Hunting Planning Group and so forth, and so I
don't feel that this proposal is also warranted at this
time. We have .815 of ANILCA that says we can't really
do that unless, you know, we get into some different
parameters. So there's multiple reasons why this
proposal should not be adopted by the Federal
Subsistence Board.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Jack. I
got a question I think that may be pertinent to the
proposal. First, I was one of the two Board members
that voted against the reopening to nonqualified users
last year and it was based a lot on the crashing of the
Mulchatna, the moratorium and the Kuskokwim portion of
Unit 18. Several reasons, you know, that I felt
compelled by AVCP and the Delta Regional Advisory
Council [sic]. On Monday I heard a news report on the
radio that quoted that the moratorium in the Kuskokwim
portion of Unit 18 as being very successful, and that
they anticipate opening a hunt in '09 so that kind of
alleviates some of the concerns that I had on voting
this proposal to reopen this area last time, or voting
against it, I should say.
But I just wonder if somebody here is willing to speak to the biology of the Unit 18 Kuskokwim moratorium and its numbers and the potential for a hunt, I mean basically just verifying what I heard on the radio Monday. I think there was a wildlife biologist speaking on that program as well.

Pete, would you do that.

MR. DEMATTEO: Yes, Mr. Chair.

Information we received from the Refuge and also the Department of Fish and Game just last week speaks to recent surveys that were done in that area in January of 2008, and moose composition counts were conducted along the lower Kuskokwim River from Kalskag to Bethel and also along the Kwethluk River from Elbow Mountain to the village of Kwethluk. Within these areas we noted -- speaking for the Refuge, a combined ratio of 98 bulls per 100 cows and 73 calves per 100 cows. Mr. Chair, that's not high, that's off the charts.

(Laughter)

MR. DEMATTEO: These results indicate good reproduction within these areas of Unit 18.

They also observed calving data from collared moose along the Kwethluk River during May and June of 2007, 34 out of a possibility of 39 cows of breeding age gave birth equaling 87 percent calving rate. A total of 52 calves, which includes 14 sets of twins, which is very high, two sets of triplets and 18 single calves were born to 34 cows. The multiple birth rate, which is twins and triplet calves is 47 percent. Cows with calves were checked again at the end of December 2007 to determine survival. The six month calving -- or six month calf survival rate was 62 percent.

Again, these are all very high figures, thank you.

CHAIRMAN FLEAGLE: Thank you, Pete.

And one other clarification. I think it's been stated that the moratorium were to reverse a decline, but isn't it more that the moratorium were intended to allow the colonization to continue, I mean I think we're talking about a new population of animals into this region. Moose are relatively new to the Delta, they're still colonizing if I remember the discussions
from before.

Pete.

MR. DEMATTEO: Yes, Mr. Chair, that is correct. The theory that everyone seems to agree to is the moose are continuing to colonize into a new area, which is the lower Kuskokwim River, and the thought is and biologists have been tracking this, a lot of these moose are coming in from the Western Interior and funneling down into the lower Kuskokwim River where the habitat is said to be excellent.

CHAIRMAN FLEAGLE: And we appreciate Jack for that participation.

(Laughter)

CHAIRMAN FLEAGLE: Greg Roczicka.

MR. ROCZICKA: Thank you, Mr. Chairman. And, again, it'll be coming up over and over those are tremendously encouraging numbers but when you put it into context of total numbers of animals, when we had -- and as far as the colonizing we do get the in-migration and, we, again, thank you, Western Interior for letting your animals come across the border.

(Laughter)

MR. ROCZICKA: We like those kind of immigrants.

(Laughter)

MR. ROCZICKA: But moose have been certainly present in the lower Kuskokwim for ever since I could remember but, you know, again, just not in very large numbers. It goes back to past practices where anything that stuck its nose out of the brush was in the stew pot before long.

And also the -- when they did their survey back when the moratorium started, I believe, in the lower Kusko, they counted in the range of 70 to 80 moose and in that area that has gone to 663, I believe, is the mean right about now, 668 is what they have in that lower river and, you know, you look at a harvestable surplus off of that amount, that at the four or five percent rate it's not a real substantial
amount of moose, certainly nothing like if we could get across the -- access over to the lower Yukon population that they have over there with 600 is a harvestable surplus.

So, yeah, we're growing.

As far as the opening hunt next year, that's part of the impetus to get this group together and start, there's real strong disagreement on the Kuskokwim side about opening too soon and losing what we sacrificed for over the last five years. Like I mentioned, you talk about the five year moratorium on the lower Yukon, it was actually seven because the local guys got together and said, well, let's give it another couple of years, and there's a strong feeling, not just Bethel, but in the villages, throughout the lower Kuskokwim that they -- it's about 50/50, really, I mean there's people that are anxious to get out there and start catching -- you know, there's 20 moose within a couple miles of my house in Bethel right now and people are seeing them and they're -- comparatively speaking there's a heck of a lot of moose out there compared to what has been in the past, and so there's people that are anxious to hunt, but there are also about an equal number of people that say let's not go too quick here.

The other thing about it is this amounts necessary that's there, if we have a hunt, people don't want to open up, at least as far as the State system, they don't want to open up into a Tier II right off the bat where you end up getting stuck into that system. So there also is another thing to talk about and what kind of hunt we'd have, whether it'd be -- on the lower Yukon, they did a short -- when they opened in '95 was -- I thin it was like a 10 day hunt in the fall that was open to everybody, but it didn't take a chance on overharvest. So we got to look at what kind of options we have there, you know, limited registration, what may be involved, but we don't want to go back and, you know, open up into a Tier II where people get locked in and you end up not being able to get out of it, and you actually lose the impetus on the -- actually some management to keep that herd growing as well.

That's one thing about -- I've got to say this, success that occurred, that has occurred with these populations as well, and it needs to be stated
straight out, is that, the people's ownership and not
shooting cows, they also, as far as the lower Yukon,
when they had theirs, they had weekly wolf patrols in
the wintertime with snowmachines that was allowed by
the Board of Game to help to speed that growth back
along. We had the same thing going on on the Kuskokwim
as well. So it's a defacto predator management
activity and we still have healthy wolf populations
coming in though so we're not decimating them but the
numbers are being held in check and that's why we do
have the survival rate that we do and the growth rate
that we do. And you could have other places -- it's
not as conducive to that kind of an effort being
successful in other parts of the state because we've
got extensive amounts of open country, you know, that
people can get to, you can't do that in the interior
such as in 19A to that level of success.

But as far as opening next year, that's
still up for discussion. The moratorium does end at
the end of 2008, the current one, but whether we choose
to go forward with a hunt at this time is still
something that this group is going to have to hash out.

CHAIRMAN FLEAGLE: Okay, thanks, Greg.
Hopefully those healthy numbers of wolves coming in are
also coming from the Western Interior.

(Laughter)

MR. ALVAREZ: Bristol Bay.

CHAIRMAN FLEAGLE: Or Bristol Bay.

(Laughter)

CHAIRMAN FLEAGLE: Anyway, one last
question I have, just based on the biology. I know
when it was mentioned about a winter cow hunt up in
Unit 18 I was trying to think back to the regulatory
process the State has been through and I thought they
had opened one but I guess it's not, it's still a bull,
but didn't they add the ability to harvest calves into
that to try to check this rapid expansion.

Terry, or -- or maybe you can look that
up and I'll go to Jack while you're looking for the
answer.

MR. REAKOFF: (Shakes head negatively)
CHAIRMAN FLEAGLE: No. Terry.

MR. HAYNES: Mr. Chairman. In part of Unit 18 there is an option in a winter hunt for one antlered bull or one calf in one part of Unit 18; is that what you're asking?

CHAIRMAN FLEAGLE: Yeah, and the second part of the question was, wasn't that to try to arrest the rapid growth of the herd?

MR. HAYNES: I don't remember the specific justification given but that would be the intent.

CHAIRMAN FLEAGLE: I do, I was on the Board.

(Laughter)

CHAIRMAN FLEAGLE: Let's take a 10 minute break.

(Off record)

(On record)

CHAIRMAN FLEAGLE: All right, Federal Board is back in session. We're still dealing with Proposal 33, and quite a bit of discussion before the break. Are there any final comments before we ask for a motion.

Hearing none.....

(Laughter)

CHAIRMAN FLEAGLE: No, go ahead, Greg.

MR. ROCZICKA: Thank you. Mr. Chairman. Just a couple more points I wanted to put down here. We'd certainly welcome -- and Jack saying -- and you bring up a real strong point and that's the fact of either 19 or 21E residents being able to come down, that's just because of the way the boundaries are and the way the whole C&T determinations worked out. You know, we got the 100 or so moose that used to come out of 21E are no longer available to us over in the Kuskokwim that were taken out of the winter hunt, or probably another 50 to 100 that came down -- used to
come down out of the fall hunt, that actually is another part of the impetus for the moratoriums and trying to get our own populations to grow.

But a couple other things that were brought to my attention while you had the break.

Regarding the influx of transporters and the guides and so forth, is that, they're not actually focusing their efforts where the main growth and concern that's been expressed as far as habitat stress may be occurring, which is Mountain Village and below, their efforts are being concentrated up around the villages of Marshall and the upper sections -- the upper portion of the lower Yukon. So they're not putting their efforts in where the concerns that have been raised here as far as habitat, that's not occurring.

And the other thing, back to, again, this was something that was done by the lower Yukon folks and one thing to keep in mind here, too, is that the lower Yukon is actually part of what's called the Wade Hampton District, and you talk about people who have made a great sacrifice that can least afford it. The Wade Hampton District is the most economically depressed, not just area -- not only in the state of Alaska, but in the entire nation, so, again, when you need to look at that.

And the fear that people have also around -- that old story the balloon being squeezed where people have been cut out of other areas, they're worried about that saturation spilling out over on to them as well and that balloon bursting on the lower Yukon, just because of the success we've had with growing that population, and Unit 18 as a whole.

I just wanted to toss those out there for the Board.


MR. REAKOFF: I feel the concerns that Greg is expressing, you know, that there could be a real large opportunity for a lot of influx of people. I think that the planning effort for that population, it's a new population, is a real positive thing, setting some sideboards on what's sustainable with that population and habitat browse inventories.
Another aspect is that they're -- what should be contemplated is a controlled use aspect of the -- the primary detriments that we've had in 19A is the air taxi transporter high saturation rate, suppression of the bull/cow ratio and crash of the population. The planning effort should incorporate utilization of basically nonaircraft transportation. There's plenty of residents in that lower Yukon and Kuskokwim region that would utilize surface, water and snowmachine for access. And so I feel that a planning effort instead of this proposal moving forward, a planning effort, and incorporating controlled use aspects on hunt parameters is the direction that this population should go in.

And so that would be my final comments.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Jack.

Tom Melius.

MR. MELIUS: Mr. Chairman. I'll make a motion to adopt the proposal, and if I get a second I will be explaining and justifying I would not be supporting that motion.

MR. LONNIE: I'll second.

CHAIRMAN FLEAGLE: All right, you got the second. Go ahead, Tom.

MR. MELIUS: You know, this is an area where the Board lifted the closure last year due to an expanding population as we have heard. In fact, some of the statistics have indicated that this is a herd that is increasing at a very healthy rate, in fact, as Pete mentioned there is some biological concern that in some areas there could be, at this rate, some concern for habitat damage.

I believe comments that Jack brought up about planning is indeed the way we, on the Refuge, will be approaching the future years as we see growth and use of this, and so I don't believe at this time the Council's request to reinstate a closure follows principles of wildlife management and, therefore, I will be voting in opposition to the proposal.

CHAIRMAN FLEAGLE: Further Board
MR. BSCHOR: Mr. Chair.

CHAIRMAN FLEAGLE: Denny.

MR. BSCHOR: I just have a few comments.

I, too, think that if the proposal -- the ban is lifted that it's important to make sure that it's the proper planning and approaches and wildlife management procedures and regulations follow that so that the situation doesn't go backwards because it's very apparent to me, who, I'm not in that area, I don't know that area very well but it sure sounds from the testimony and the information today that tremendous strides have been made by the local people and tremendous sacrifices have been made and I think we -- at least I want to say that I recognize that even from afar, that I know that that has to be a significant and I know the people are very concerned that this doesn't go backwards.

So with that said, the evidence I've seen -- or heard today and read, it's a success, the conservation principles have been turned around to the positive and I see no reason to continue the closure.

CHAIRMAN FLEAGLE: Thank you. Niles.

MR. CESAR: Yeah, and sit and listen both to Greg and Jack and I think they're both right and it's one of these situations, who is rightist or can you make a selection about that, it's very positive what's going on and I think we all support and endorse that. But at the same time we've seen what has happened over the years where, in, not rush, but in a direction that we might take to open things back up, we've got to be very careful about how we do it so that we don't find ourselves back in the same situation.

Jack proposes planning, proper planning and meeting to get that in place, which I strongly endorse because I think that's, in terms of what we do, that really brings us long-term success if we can do that. It's just that when you're sitting here in a situation like today and you got to make a decision, you have to make a decision based upon the knowledge that you have presently. What I see presently
happening, I cannot support this proposal, so I will vote against it.

CHAIRMAN FLEAGLE: Ready for the question. Pete, on the proposal, please poll the Board.

MR. PROBASCO: Thank you, Mr. Chair.

Final action on WP08-33. Mr. Melius.

MR. MELIUS: No.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: No.

MR. PROBASCO: Ms. Blaszak.

MS. BLASZAK: No.

MR. PROBASCO: Mr. Lonnie.

MR. LONNIE: No.

MR. PROBASCO: Mr. Cesar.

MR. CESAR: No.

MR. PROBASCO: And Mr. Bschor.

MR. BSCHOR: No.

MR. PROBASCO: Mr. Chair, motion fails zero/six.

CHAIRMAN FLEAGLE: Thank you, Pete. We now move to Proposal 34, also of the Yukon Kuskokwim-Delta region, and do we have new Staff.

MR. PROBASCO: Yes.

CHAIRMAN FLEAGLE: We'll take a moment to allow the Staff change. Thank you for your help on this one.

(Pause)

CHAIRMAN FLEAGLE: All right. We have Dr. Polly Wheeler at the table with Chuck Ardizzone and Alex Nick for the analysis. Dr. Polly Wheeler.
The analysis for Proposal WP08-34 starts on Page 489 in your books, goes to Page 511, that’s the full analysis and the full suite of comments there.

This proposal was submitted by the Togiak National Wildlife Refuge. It requests the establishment of a moose season for the portion of Unit 18 south of the Kanektok and Arolik River drainages with a one bull harvest limit by State registration permit.

The proposed hunt area is shown on Map 1 which can be found on Page 492 in your books. The intent of the proposal is to establish a moose season on Federal public lands within the proposed area by 2009 or earlier whenever the population reaches a minimum of 100 moose.

Federal public lands in the area have been closed to moose hunting since the inception of the Federal Subsistence Management Program in 1991. State lands were open to moose hunting until the 2005/2006 regulatory year when they were closed due to conservation concerns over a small but increasing moose population in the area to protect this population and in the hopes of increasing the population so that it could provide limited hunting opportunity. A three year moratorium on moose hunting in the Goodnews River drainage was agreed to by the Togiak National Wildlife Refuge, the Alaska Department of Fish and Game, the Goodnews River Drainage Moose Advisory Committee and the Village Councils of Goodnews Bay and Platinum.

As parties to the moratorium, which was put into place beginning in the 2006/2007 regulatory year with a sunset date of June 30, 2009 the above entities jointly agreed that hunting would remain closed until the population reached 100 moose or until three years elapsed.

Based on recent survey data, the moose population appears to be growing and exceeded the threshold of 100 animals with a survey count of 113 moose on February 15, 2008.

At its meeting in March 2008, the Alaska Board of Game established a moose season in the Goodnews River drainage and south to the Unit 18 boundary with an August 25 to September 20 season for
one antlered bull by registration permit with a quota
of up to 10 antlered moose. The permits will be issued
in Goodnews Bay.

A Section .804 analysis was developed
for this proposal due to the small number of moose
available for harvest and the large number of
subsistence users with a customary and traditional use
determination to harvest moose in Unit 18 remainder,
which includes the proposed hunt area. All Unit 18
residents and upper Kalskag have a customary and
determination to harvest moose in Unit
18 remainder, including the proposed hunt area. This
includes roughly 20,000 people living in 43
communities. Of all these communities only Goodnews
Bay and Platinum lie within the area that is the focus
of this proposal, Quinhagak lies about 10 miles north
of the proposed hunt area.

After examining all 43 communities in
the context of the three .804 criteria which include,
just to remind you:

Customary and direct dependence upon
the populations as a mainstay of
livelihood.

That's addressed on Page 500 in your
books.

Local residency or proximity to the
resource.

Which is on Page 502 of your books.

And availability of all alternative
resources.

Which is also on Page 502.

So after examining the 43 communities
in the context of these three criterias we found that
residents of Quinhagak, Goodnews Bay and Platinum
demonstrate the highest dependency on moose harvested
in this proposed hunt area.

While harvest effort for moose by other
Unit 18 communities in this area has been minimal, it
is possible that there may be interest in hunting moose
by those residents of Unit 18 communities with a
positive customary and traditional use determination
for moose should a hunt be opened.

While an .804 analysis was developed
through the proposal analysis process, it was
subsequently determined that it was possible and
possibly preferable to proceed without an .804 analysis
and result in restriction to those most dependent upon
and in closest proximity to the resource and without
retaining the closure of Federal public lands.
Proceeding in this way rests presumption that even
though the number of moose available for harvest is
likely small, interest from Federally-qualified users
and from other users hunting under State regulations
will not be enough to create a conservation risk.

Further, if more interest than
anticipated did occur, a special action could be
implemented in sufficient time to close Federal public
lands entirely or to narrow the number of communities
eligible to participate in the hunt based on an .804
analysis.

The proposed regulation would split the
existing area closed to moose hunting into a portion
which would remain closed and a portion which would be
subject to the proposed harvest regulations. Adoption
of the proposed regulations would allow the Togiak
National Wildlife Refuge manager to determine and
announce through delegated authority the season dates
of a Federal moose season for the affected area without
having to request a special action by the Board.

The proposed regulations would require
the Refuge manager to make the determination after
consultation with the Alaska Department of Fish and
Game, and local users.

Adoption of the proposal would create a
Federal open season requiring a State registration
permit.

And providing a date range in
regulation within which the Refuge manager may open a
season would provide constraint on the timing of such a
season and public awareness as to potential timing of
the opportunity.

Also consultation with the Regional
Advisory Council Chairs and more appropriate regulatory
formulation than consultation with just plain local
users.

If it's determined that a Section .804
restriction is not necessary than hunting opportunity
will be open to subsistence users with a customary and
traditional use determination to harvest moose in Unit
18 remainder. Further the closure of Federal public
lands in this area to non-Federally-qualified users
will be lifted, which would result in these lands being
open to hunting moose for the first time since 1991.
This may result in adverse impacts to the affected
moose population as well as to Federally-qualified
subsistence users, although what the impacts may be and
the extent to which they may occur is unknown.

The OSM conclusion is to support
Proposal WP08-34 with modification, and the
modification's on Page 502. The modifications include:

To redefine the hunt area as the
Goodnews River drainage and south to
the Unit 18 boundary.

To establish an August 25 to September
20 season for one antlered bull.

And to have the Togiak National
Wildlife Refuge manager announce a
quota and any needed closures in
consultation with the Bureau of Land
Management, Alaska Department of Fish
and Game and the Chair of the Yukon
Kuskokwim-Delta Subsistence Regional
Advisory Council.

Adoption of this proposal as modified
would provide Federally-qualified users an opportunity
to harvest a small number of moose in the Goodnews
River drainage and south of the Unit 18 border. The
establishment of a set season of August 25 to September
20 aligns with the newly established State season,
which as I said was established by the Board of Game at
their March 2008 meeting. Limiting the harvest to one
antlered bull focuses the legal harvest on adult bulls.
And adding the language allowing the harvest quota and
any needed closures to be announced by the land manager
in consultation with BLM, Fish and Game and the Chair
of the Yukon Kuskokwim-Delta Subsistence Regional
Advisory Council allows the managers regulatory
flexibility to change the allowable harvest as the population of moose changes in the area and to close the hunt based on conservation concerns or once the quota has been met.

Mr. Chair. Council members. That concludes my presentation.

CHAIRMAN FLEAGLE: Thank you, Polly.

Summary of written public comments, Alex Nick.

MR. NICK: Thank you, Mr. Chair. Board members. The summary of written public comment can be found on 511 of your Board book.

And the main points that I captured, they talked about that in 2005 they agreed to a three year moose moratorium which was signed off by signatories and that community did not hunt moose beginning in 2004 and they thought maybe they -- even though they started -- stop hunting even before the moratorium started due to a misunderstanding of it. And also -- they also talked about that they honored the community of -- Goodnews Bay honored moose moratorium. And they also believe that moose numbers would continue to grow. And with the high price of gasoline that they could not go on a distance for moose hunting.

And if I missed anything, maybe, the analyst could help me.

Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Alex.

Public testimony, Pete.

MR. PROBASCO: Mr. Chair, we have no one signed up for this proposal.

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

MR. ROCZICKA: Thank you, Mr. Chairman. The YK RAC supported the proposal with the modification. The discussion was written into the recommendation by the Staff and we felt that any conservation concerns we had as far as overharvest were addressed through the use of that limited State registration permit that would be issued in Goodnews
River. The Department has the discretionary authority on registration permits, where they can be issued. And the use of the State permits would also allow the local residents the opportunity to hunt on all the lands, including their own corporation lands. With that one State permit in the single season.

CHAIRMAN FLEAGLE: Thanks, Greg.

Department of Fish and Game comments, Ken Taylor.

MR. TAYLOR: Thank you, Mr. Chairman.

Terry Haynes will speak to this proposal.

CHAIRMAN FLEAGLE: Thank you. Terry.

MR. HAYNES: Mr. Chairman. You'll find the 509 and 510 of your meeting book. I don't have much to add to what's already stated.

The Department does not support the original proposal. The proposal, as modified and the Office of Subsistence Management conclusion and as recommended by the Yukon Kuskokwim-Delta Regional Council provide for a Federal hunt that would be administered by State registration permit and occur in the same area defined in State regulation.

These modified proposals also would reopen lands that are currently closed to non-Federally-qualified subsistence users, which is important for a hunt that's going to be administered by a State registration permit.

And my recollection from the YK-Delta Regional Council meeting was that they liked the idea of this hunt as it's being modified because it would resemble a moose hunt that's -- administration of a moose hunt in neighboring Unit 17A whereby the Federal hunt is administered with a State registration permit.

So we really believe this proposal as modified by the Regional Council and in the OSM conclusion is the way to go. Again, this is another successful moratorium where people sacrificed, held off hunting. We have an opportunity to provide for limited hunting in the Goodnews Bay area and we believe that having this hunt administered by a State registration permit is the most efficient way to proceed. We don't anticipate other people flocking to Goodnews Bay to try to obtain a registration permit, especially with gas
prices the way they are, it'd be very expensive. And we believe that this will be a successful hunt.

Thank you, Mr. Chairman.

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

Wildlife Proposal WP08-34:

Reopen a portion of Unit 18 south of and including the Kanektok River drainage to moose hunting by federal registration permit beginning in fall 2009.

Introduction:

For the past 10 years, moose populations have expanded into the southwestern part of Unit 18, where moose hunting has been restricted by agreement and design to allow colonization and population growth. The Togiak National Wildlife Refuge, Department of Fish and Game, village councils of Goodnews Bay and Platinum, and Goodnews River Drainage Moose Advisory Committee collaborated on instituting a moose moratorium in 2005. These organizations agreed to support reopening of the hunting season after 100 or more moose are counted during winter surveys in the area.

Impact on Subsistence Users:

The hunting moratorium has corresponded with a steady growth of the moose population in the Goodnews Bay area for the past five years. Support for the moratorium by residents of Goodnews Bay has been essential to its success.

Opportunity Provided by State:

At its November 2005 meeting, the Alaska Board of Game closed the state season in this area, stipulating that the season remain closed for 3 years or until 100 moose are counted in the area. The City of Goodnews Bay submitted a petition for emergency action to the Board of Game in September 2007, which requested that a 7 to 10 day hunting season be opened in the area of Unit 18 near the community. The Board of Game did not open the season because it would have been inconsistent with the agreement made at an October
2005 meeting involving Goodnews Bay residents, Department of Fish and Game, and Fish and Wildlife Service to not reopen the season in this area until 100 or more moose are counted in winter surveys. Department surveys conducted in 2006 and 2007 counted approximately 55-60 moose in the Goodnews River drainage. The Fish and Wildlife Service counted 81 moose in a December 2007 survey and approximately 115 moose in a February 2008 survey.

Conservation Issues:

When moose hunting is reauthorized in this area, a harvest allocation must be instituted to reduce the potential for overharvest that would limit herd growth in order to assure improved moose hunting opportunity in future years. Based on herd composition data, a harvest allocation of no more than 5-10 moose is anticipated if a season is opened in 2008.

Enforcement Issues:

Establishing only a federal season could increase the potential for enforcement problems due to the mixed land ownership patterns in the area. If only a federal season is established, hunters would have to travel about 10 miles to reach the federal public lands nearest to Goodnews Bay village, and hunters would have to ensure they do not hunt on state or private lands.

Other Comments:

Potential confusion in the proposed regulation has been addressed in the staff analysis by indicating that it involves the area south of the Kanektok and Arolik river drainages. This area more closely corresponds to the area that is currently closed in state regulation.

Recommendation:

Oppose original proposal.

At the March 2008 meeting, the Alaska Board of Game addressed a request from Goodnews Bay and reopened the moose season in Unit 18, the Goodnews Bay drainage south to the unit boundary. The August 25 September 20 season will have a harvest limit of one antlered bull by registration permit only, and permits
will only be issued in Goodnews Bay. Up to 10 antlered bulls may be taken.

If Proposal WP08-34 is adopted as modified in the Office of Subsistence Management Conclusion and by the Yukon-Kuskokwim Delta Regional Council, the federal hunt would be administered by state registration permit and occur in the same area defined in state regulation. Federal lands also will be open to non-federally qualified subsistence users, but federal lands will remain closed to non-federally qualified subsistence users if no action is taken on this modified proposal. The Yukon-Kuskokwim Delta Regional Advisory Council developed its position with the intent to create a federal hunt modeled after the moose hunt in Unit 17A.

CHAIRMAN FLEAGLE: Thank you, Terry.

ISC comments, Larry.

MR. BUKLIS: Thank you, Mr. Chairman.
The Staff Committee comments are found on Page 508.

The main point I'll bring out is the Staff Committee suggests that the Board consider authorizing the Togiak National Wildlife Refuge manager to close the season on Federal public lands in consultation with ADF&G and the Chair of the Yukon Kuskokwim Regional Advisory Council. The reason for that authority would be to match ADF&G emergency order closure authority.

And also, Mr. Chairman, when we referenced a set of modifications to the proposal in the OSM conclusion, we meant to reference Page 505.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Larry.

Board discussion with Chairs and State. Greg.

MR. ROCZICKA: Yeah, I guess the only other thing to add is, and Terry kind of mentioned it, even though the YK-Delta is remote Goodnews Bay is remote even by YK-Delta standards as far as getting out there. Just mention about concern of people lining up at the door, getting too many folks out there is pretty minimal.

CHAIRMAN FLEAGLE: Greg -- I mean, Jack
-- sorry.

MR. REAKOFF: Question for Terry. Is the registration hunt for nonresident -- is it a nonresident inclusion into the registration?

CHAIRMAN FLEAGLE: Terry.

MR. HAYNES: No, it's limited to State residents, Mr. Chairman.

CHAIRMAN FLEAGLE: Other discussion.

(No comments)

CHAIRMAN FLEAGLE: Ready for action.

Tom.

MR. MELIUS: Thank you, Mr. Chairman. I make a motion to adopt the proposal, and if I get a second I will be offering an amendment to bring in a number of concerns that were raised.

MR. LONNIE: I'll second, Mr. Chairman.

CHAIRMAN FLEAGLE: All right, you got your second, Tom, go ahead.

MR. MELIUS: Okay. The amendment that I'm going to be offering basically brings in the Yukon Kuskokwim Council's recommendation, and I would also add that we would add that the Togiak Refuge Manager have the authority to close the season in consultation with BLM, ADF&G and the Chair of the YK Council when there are conservation concerns.

CHAIRMAN FLEAGLE: Is there a second to the amendment.

MR. LONNIE: I'll second.

CHAIRMAN FLEAGLE: All right. You want to go ahead and speak to that amendment, Tom, please.

MR. MELIUS: Yeah. Mr. Chairman, this is a proposal that I believe builds upon the good work that we've just heard from a number of different speakers. It is also a recognition of the conservation actions that have been taking place over the last couple years for a population to be rebounding. I
believe that giving the Refuge manager the authority
does also help for future management actions. It
recognizes the sacrifices that have gone over the last
several years by the local users and I think this is a
way to really have a good use of that expanding
population.

It's also an encouragement for this
type of co-management, where all the users get together
and work cooperatively and then we can see the success
of that action.

So I would hope that this motion -- or
this amendment to the original proposal would be
accepted.

CHAIRMAN FLEAGLE: Other discussion.

MR. BSCHOR: Mr. Chair.

CHAIRMAN FLEAGLE: Denny.

MR. BSCHOR: Just clarification, does
that amendment include the wording as proposed by the
OSM recommendation on Page 505?

MR. MELIUS: 505.

CHAIRMAN FLEAGLE: Pete.

MR. PROBASCO: Mr. Chair, if I may,
there is a difference between the YK Regional Advisory
Council's recommendation and OSM Staff's recommendation
and what the Board of Game passed. And if we stick
with the YK Regional Advisory Council's recommendation
we exclude that area south to the Unit 18 boundary.

MR. PROBASCO: Go ahead, Polly.

CHAIRMAN FLEAGLE: Polly Wheeler.

DR. WHEELER: Thank you. If you look
on Page 490 in your books, and I have the right page
number this time, if you look on Page 490 you can see
the Regional Advisory Council modification, that is,
Goodnews River drainage and south to the Unit 18
boundary. But Regional Director Melius added
additional language after that that diverges somewhat
from the Regional Advisory Council language, but the
geography is correct in there.
CHAIRMAN FLEAGLE: But the added language is just the closure authority, which is listed on Page 505 in the OSM conclusion.

MR. PROBASCO: I stand corrected.

CHAIRMAN FLEAGLE: Okay. So the language is encapsulated in the OSM conclusion on Page 505 for the amendment.

Further discussion.

(NO comments)

CHAIRMAN FLEAGLE: I'm going to support the proposal and the amendment.

I was a little concerned that here we had a closure and then we're going to open it up to everybody but those concerns are allayed by the RAC Chairs statements about the remoteness of the area and the lack of anticipated participation, so I think the amendment does what is requested.

Other discussion. Denny.

MR. BSCHOR: Yes, Mr. Chair, I'm a little confused. If we could write it up on the -- what this amendment actually says, I would be more comfortable with -- I'm not -- I'm tending to want to vote for an amendment that does what Mr. Melius' is intending, I just want to make sure the wording is what I'm thinking of.

CHAIRMAN FLEAGLE: Well, I meant every word he said.

(Laughter)

CHAIRMAN FLEAGLE: We're getting there.

Larry.

MR. BSCHOR: I have a question for Mr. Buklis.

Buklis.

MR. BUKLIS: Mr. Chairman. I think our Staff needs just a moment to get the slide composed that you want to see and I think it would provide clarity.
CHAIRMAN FLEAGLE: That's fine. Let's just stand down until we get that.

MR. BUKLIS: Thank you.

(Off record)

(On record)

CHAIRMAN FLEAGLE: There we go, we're back on record.

MR. PROBASCO: Everybody's happy with that.

CHAIRMAN FLEAGLE: Denny, does that look okay to you.

MR. BSCHOR: It looks okay to me.

CHAIRMAN FLEAGLE: Further discussion on the amendment, Tom.

MR. MELIUS: That looks fine as I originally had tried to articulate, so, thank you, Denny.

CHAIRMAN FLEAGLE: Marcia.

MS. BLASZAK: Probably not necessary but I'd like to also recognize the good cooperation that went into bringing this proposal forward as amended.

Thank you.

CHAIRMAN FLEAGLE: Thank you. Ready for the question on the amendment.

MR. MELIUS: Call the question.

CHAIRMAN FLEAGLE: Question's called on the amendment, Pete.

MR. PROBASCO: Thank you, Mr. Chair. WP08-34, to the amendment. Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Ms. Blaszak.
MS. BLASZAK: Yes.

MR. PROBASCO: Mr. Lonnie.

MR. LONNIE: Yes.

MR. PROBASCO: Me. Cesar.

MR. CESAR: Yes.

MR. PROBASCO: Mr. Bschor.

MR. BSCHOR: Yes.

MR. PROBASCO: And Mr. Melius.

MR. MELIUS: Yes.

MR. PROBASCO: Amendment carries, six/zero.

CHAIRMAN FLEAGLE: Thank you. Are we ready for the question on the main motion.

MR. MELIUS: Yes.

CHAIRMAN FLEAGLE: Main motion, Pete.

MR. PROBASCO: Final action on WP08-34 as amended. Ms. Blaszak.

MS. BLASZAK: Yes.

MR. PROBASCO: Mr. Lonnie.

MR. LONNIE: Yes.

MR. PROBASCO: Mr. Cesar.

MR. CESAR: Yes.

MR. PROBASCO: Mr. Bschor.

MR. BSCHOR: Yes.

MR. PROBASCO: Mr. Melius.

MR. MELIUS: Yes.

MR. PROBASCO: And Mr. Fleagle.
MR. PROBASCO: Amended motion carries six/zero.

CHAIRMAN FLEAGLE: Thank you. That concludes our Yukon Kuskokwim-Delta suite of proposals and we're moving into the Seward Peninsula region, Region 7 with combined Proposal 36, 37 and 38 for Unit 22 moose and we'll give a moment for the Staff to change their chair occupancy there.

(Pause)

CHAIRMAN FLEAGLE: Greg, you're outnumbered two Armstongs to one Risdahl.

(Laughter)

CHAIRMAN FLEAGLE: I'd like to welcome to the table Barbara Armstrong, Helen Armstrong and Greg Risdahl. And for the analysis for Proposals 36, 37 and 38, Greg.

MR. RISDAHL: Thank you, Mr. Chairman. Members of the Board. And Council Chairs. The analysis for Wildlife Proposals 36, 37 and 38 begin on Page 514 of your Board Book.

Wildlife Proposal 36 was submitted by the Native Village of Unalakleet and requests opening of Federal subsistence moose hunting season in the Unalakleet River drainage in central Unit 22A from August 1 through September 30 with a one bull limit. And by the way I get tongue-twisted after saying Unalakleet so many times, so please bear with me.

Likewise, Wildlife Proposal 37 was submitted by the Seward Peninsula Regional Advisory Council and requests opening a Federal subsistence moose season in the same area with the same dates, also with a one bull limit but by Federal registration permit.

Wildlife Proposal 38 was submitted by the Native Village of Unalakleet and requests a Federal registration permit be issued to the Native Village for five bull moose to be harvested in Unit 22A by designated hunters selected by the Native Village and a harvest season to run from August 1 through September
Maps of the hunt areas and the Unalakleet River drainage can be found on Pages 517 and 522 of your book.

The proponent for Wildlife Proposal 36 states that an aerial survey conducted by the Alaska Department of Fish and Game in the spring of 2006 following a three year moratorium on hunting showed an increase in moose numbers in central Unit 22A.

The proponent for Proposal 37 states that subsistence users will benefit by reopening the moose season in the Unalakleet River drainage because it will give local residents an opportunity to harvest moose closer to home.

The proponent for Proposal 38 states that moose meat will be distributed only to the elders of Unalakleet thereby maintaining the traditional practice of sharing in the harvest.

At the November 2007 Board of Game meeting in Bethel Alaska, two proposals were submitted to reopen moose hunting in central Unit 22A. Proposal 19 submitted by the Southern Norton Sound Advisory Committee requested opening a September 1 through September 14 season using limited registration permits. The Board of Game adopted this proposal and established the season for one antlered bull by registration permit in the Unalakleet River drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of the Tagoomenik and Shaktoolik River drainages. State regulations will take effect beginning July 1st, 2008.

The Alaska Department of Fish and Game population management objectives for moose in Unit 22A is to maintain a population of 600 to 800 moose with a post-hunting season bull/cow ratio of 30 bulls per 100 cows. The most recent survey conducted by the Department of Fish and Game in February of this year, 2008, estimated 339 moose, including 21 calves per 100 adults.

The harvest ticket database for Unit 22A provides a reasonably accurate summary of harvest by nonresident and nonlocal resident Alaskans, but local harvest is thought to be under-reported. In
fact, the most complete moose harvest data available for this area comes from the large mammal harvest surveys that have been conducted by both the Alaska Department of Fish and Game and Kawerak and indicates that the actual harvest is approximately double of what is typically reported on the State harvest tickets.

A Section .804 analysis was developed for this proposal due to the small number of moose available for harvest in central Unit 22A and the large number of subsistence users with a customary and traditional use determination for moose in all of Unit 22A. All Unit 22A residents, which includes 20 communities have a customary and traditional use determination for moose in Unit 22A, however, only the communities of Unalakleet, St. Michael, Stebbins and Shaktoolik are actually in central Unit 22A. After examining all 20 communities in Unit 22 in the context of the three .804 criteria that Polly Wheeler described to you, including customary and direct dependence upon populations as a mainstay of their livelihood; local residency and proximity to the resources; and availability of alternative resources, it was determined that the residents of Unalakleet demonstrate the highest dependence on and are in closest proximity to the Unalakleet River drainage. In fact from 1983 through 2004 87 percent of the moose that were harvested in the Unalakleet River drainage were taken by residents of Unalakleet.

As far as distribution of permits, which is a part of Wildlife Proposal 38, this proposal requests that one Federal registration permit be issued to the Native village for five bull moose to be harvested in central Unit 22A by designated hunters selected by the Native Village Council. In short the Federal Management Program has not put into regulation how permits should be distributed in the community, it has, instead, left permit distribution up to the local land managers. During the 2008 winter Seward Peninsula Regional Advisory Council meeting, the Native Village of Unalakleet recommended a change in their preferred season dates than what was originally proposed. It was recommended that the moose season dates be changed from the August 1 through September 30 date to August 15 through September 14. They felt that this would allow residents the opportunity to hunt moose and fish for salmon at the same time. In addition it was stated that most moose hunting takes place on Federal public lands above the Chiroskey River, that residents of
Unalakleet have been hunting the area for their entire lives and are very familiar with the land ownership patterns there. The Council voted to support the community’s recommendation, noting that an August 15 through September 14 moose season should give residents ample time to harvest the established quota. There is now nearly unanimous agreement to reopen the moose season in the Unalakleet River drainage. If Proposals 36 and 37 are adopted the Federal subsistence moose hunting season would last approximately six and a half weeks longer than the State registration permit season that was recently approved by the Board of Game.

If Proposal 38 was adopted, the Federal season would still be longer than the State season by four weeks but would end one day later than the State season. The different State and proposed Federal season dates might cause confusion among hunters. From a biological standpoint, however, a longer season would not affect the moose population any more than a shorter season if the target quota was the same under all scenarios. It would, however, allow Federally-qualified subsistence users more opportunity to harvest a moose by giving them more time to hunt.

If Proposals 36 and 37 were adopted, the Section .804 analysis would require maintaining the closure of the Federal public lands to the taking of moose by everyone except the residents of Unalakleet.

The OSM conclusion is, therefore, to support Proposals 36 and 37 with modification to open an August 15 through September 14 season, to lift the closure for residents of Unalakleet and delegate authority to open and close the season by the local BLM field office manager.

OSM opposes Proposal 38.

In summary, adopting the proposal with the modifications just described would increase moose hunting opportunities in central Unit 22A for Federally-qualified subsistence users specifically for those residents of Unalakleet allowing them to hunt closer to home, yet not jeopardize the progress made by the increasing moose population as a result of the recent three year moratorium on hunting. By establishing a harvest quota and through careful joint
monitoring of the harvest by the BLM field office manager and local Alaska Department of Fish and Game wildlife biologist, including a mandatory reporting period, the moose population in Unit 22A should not be negatively impacted.

Proposal 38 is opposed because providing five permits to the Native Village of Unalakleet would put into regulation the distribution of permits. Instead the local land manager should work with the Native village and other community members to assure that permit distribution is done in a fair and equitable manner.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Greg. Now, go to the summary of written public comments, Barbara.

MS. B. ARMSTRONG: Thank you, Mr. Chair. There are no written public comments for this proposal.

CHAIRMAN FLEAGLE: Thank you. Public testimony, Pete.

MR. PROBASCO: No one has signed up for these three proposals, Mr. Chair.

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

MR. SAVETILIK: Mr. Chair. I'm just trying to think of how I can word this right now. Just looking at -- if just one moose was taken out by a nonresident, I think it would be too much, that's quote/unquote, for -- for this one right here.

CHAIRMAN FLEAGLE: Thank you, Myron.

Department of Fish and Game comments, Ken Taylor.

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

CHAIRMAN FLEAGLE: Terry.

MR. HAYNES: Mr. Chairman. The Department's written comments are on Pages 533 and 534 of your meeting book.
The Department opposes all three proposals and recommends that you either do not adopt the modified proposals or that they be modified to match the current State regulations for the moose hunt in this part of Unit 22A. This would include lifting the closure to non-Federally-qualified subsistence users in the affected part of Unit 22A.

The limited moose hunting opportunity currently available in central Unit 22A can be administered most effectively under State regulations. Even if the modifications recommended by the Seward Peninsula Regional Council or in the Office of Subsistence Management conclusion are adopted, the Department still plans to issue registration permits in Unalakleet beginning August 1 for a season that opens September 1 and will close the State season by emergency order whenever the quota of 14 bull moose is reached. That is our obligation to the people in Unalakleet, who we worked very closely with to determine when a season should be reopened. And, despite the fact that there are other proposals on the table we're still obligated to plan to have a State season. Now, whether or not a State hunt actually is held, all hunting must be closed when 14 bulls have been harvested. Higher harvest levels would be inconsistent with sound wildlife management principles and would be detrimental to long-term subsistence use.

The Federal registration permit proposed for use, if a Federal hunt is implemented, must require successful hunters to report within 24 hours of harvest, which will facilitate closing the season quickly when the harvest quota is reached.

Thank you, Mr. Chairman.

Alaska Department of Fish and Game

Comments to the Federal Subsistence Board

Wildlife Proposals WP08-36, 37, and 38:

Reopen a federal subsistence moose hunting season in central Game Management Unit 22A, (that portion in the Unalakleet River drainage and all drainages flowing into Norton Sound north of the Golsovia River and south of the Tagoomenik and Shaktoolik river drainages). Both WP08-36 and WP08-37 request an August 1 September 30 season for one bull, while WP08-37 requests up to 20 federal registration
permits. WP08-38 would authorize a harvest season from August 1 to September 15 for designated hunters selected by the Native Village of Unalakleet Council to take 5 bull moose in Unit 22A under provisions of a federal registration permit issued to the Native Village of Unalakleet.

Introduction:

In response to a significant moose population decline attributed to predation, severe winters, and hunting pressure, the Alaska Board of Game closed the moose season in central Unit 22A by Emergency Order (05-04-05) in July 2005. The Federal Subsistence Board took similar action by adopting Special Action WSA05-03 in August 2005. Both boards later adopted proposals to temporarily close the seasons beginning in the 2006-07 regulatory year. The goal was to retain the closed seasons for three years.

Impact on Subsistence Users:

Unalakleet residents were observing and harvesting very few moose in the years immediately preceding the closure and supported a moratorium as a necessary step to rebuild the moose population in central Unit 22A. Proposals WP08-36 and WP08-37 request federal seasons and/or harvest limits that are not sustainable and would be detrimental to subsistence users because they would eliminate or significantly delay any chance of this moose population recovering and would likely result in closure of preferred hunting areas that are easily accessible to Unalakleet residents.

Opportunity Provided by State:

The moose season was closed in 2005 in the central portion of Unit 22A for conservation purposes. The Department of Fish and Game worked closely with the Southern Norton Sound Advisory Committee and residents of Unalakleet to develop a proposal for consideration at the Board of Game November 2007 meeting that would allow for a limited harvest of moose in this area. The Alaska Board of Game established a September 1-14 season open only to state residents for one antlered bull by registration permit issued only in Unalakleet. A moose census conducted by the Department in the Unalakleet River drainage in February 2008 estimated a population of 339.
moose in the 2,400 square mile survey area. Therefore, the season will be closed by emergency order when the harvest quota of 14 bulls is met (a 4% harvest rate). Successful hunters must report their harvest within 24 hours. A closely-managed state registration permit hunt with specific guidelines provides a reasonable way to resume limited hunting in an area where a depleted moose population is showing signs of recovery. Moose hunting by Unalakleet residents occurs primarily in central Unit 22A and most other resident hunters have more accessible and productive alternate places to hunt moose.

Conservation Issues:

Limiting the harvest to only 3-4% of the population is essential for sustained yield management and to support continued population recovery in central Unit 22A. The moose population appears to have stabilized, and the percent of calves observed has increased.

Proposal WP08-37 requests a long federal season and a harvest quota of 20 antlered bulls, which would exceed the 4% harvest rate established by the Department and would represent a harvest rate that far exceeds the harvest rate currently applied anywhere in Unit 22.

Enforcement Issues:

Differences in federal and state regulations resulting from adoption of any of these proposals or of the proposals as modified by the Seward Peninsula Regional Council and in the Office of Subsistence Management Conclusion will create enforcement problems in areas with mixed land ownership. Federally-qualified subsistence users will not be authorized to harvest on state and private lands that are closer to Unalakleet if any of these proposals or modified proposal is adopted. Therefore, federal enforcement must be a high priority if a federal permit hunt is established.

Other Comments:

Federal public lands in the hunt area would be closed to non-federally qualified subsistence users if either of the modified proposals is adopted. While less problematic than any of the actual
proposals, these options would still result in an unnecessarily complicated federal hunt. Participants in the state hunt who are federally-qualified subsistence users will be authorized to hunt on either state or federal lands, while hunters who have a federal registration permit could only hunt on federal lands that are located at least 10-15 miles away from Unalakleet. Parallel state and federal hunts would require that the few moose available for harvest be divided between the state and federal hunts. How an equitable allocation would be determined is unclear.

Recommendation:

Oppose all three proposals and either do not adopt the modified proposals or modify them to match the state regulations. The limited moose hunting opportunity currently available in central Unit 22A can be administered most effectively under state regulations. Even if the modifications recommended by the Seward Peninsula Regional Advisory Council or in the Office of Subsistence Management Conclusion are adopted, the Department still plans to issue registration permits in Unalakleet beginning August 1 and will close the State season by Emergency Order whenever the quota of 14 bull moose is reached. Whether or not a state hunt actually is held, all hunting must be closed when 14 bulls have been harvested. Higher harvest levels would be inconsistent with sound wildlife management principles and would be detrimental to long term subsistence use. The federal registration permit proposed for use if a federal hunt is implemented will need to require successful hunters to report within 24 hours of harvest, which will facilitate closing the season quickly when the quota is reached.

CHAIRMAN FLEAGLE: Thank you, Terry.
InterAgency Staff Committee, Larry.

MR. BUKLIS: Thank you, Mr. Chairman.
The Staff Committee comments are found on Page 532.
I'll highlight the main points.

Although the Staff Committee recognizes the strong support of the modified proposal by the Regional Council, which was on Page 513, Mr. Chairman, we suggest several points be considered by the Board as you consider these proposals.
The Alaska Board of Game established a September 1 to 14 moose season open only to State residents for one antlered bull by registration permit issued only in Unalakleet. Other areas in Unit 22A have a more liberal State and Federal moose season. So it was thought unlikely that residents outside of the Village of Unalakleet will travel to Unalakleet 30 days prior to the season in order to obtain a State permit and then return for the hunt.

If the Federal season opens August 15th, it is possible that the quota may be reached before the State season opens, thereby eliminating the State season. The proposal as recommended by the Council would limit the hunt to Federal public lands, although past moose harvest has occurred predominately on Federal public lands, there are significant areas of State or private land that are closer to the village that would not be open to moose hunting under that management approach, however, the Council was aware of this when making its recommendation.

Finally, if the proposal is adopted as recommended by the Regional Council, then Federal public lands would remain closed to the taking of moose except by residents of Unalakleet.

And, Mr. Chairman, as we've noted previously in this meeting, the Board is reminded of its closure policy in relation to the Council recommendation for such a partial lifting of the existing closure.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Larry.

Board discussion with Council Chairs and State.

(No comments)

CHAIRMAN FLEAGLE: Terry, I've got a question for you on your testimony.

Is the concern that if the Board takes action on these proposals and has a season that's longer than the general State season, that the permits would all be used by Federally-qualified users and not by other State residents or what is the main concern there?
MR. HAYNES: Mr. Chairman. The proposed Federal season would open two weeks earlier than the State season and we suspect that -- a strong possibility that the allocation would be taken before the State season could open. But we're also very concerned, as Larry pointed out, that State managed lands are closer to Unalakleet and much more easily accessed, and, therefore, if a Federal season is in place before the State opens, there needs to be enforcement out there to ensure that harvest activities are occurring on Federal public lands.

If a season was held with a State permit we could have a situation very much like the Goodnews Bay moose hunt that we just discussed. The State permit could apply with a lifting of the closure in Federal regulations, the State permit could apply on both State and Federal lands, one permit, it'd be much easier for people to deal with.

This is a very -- as proposed in the modified proposals, increasing the administrative burden for this hunt, I think there's a potential for confusion in Unalakleet, people will wonder about Federal permits, State permits, State permit, as was pointed out, we will issue permits beginning August 1 for a hunt that begins September 1. If there's a Federal season that opens August 15th, people may assume that the State permit will apply to that Federal hunt, which it won't.

We just see the potential for a lot of confusion if the Federal modified proposals are adopted.

CHAIRMAN FLEAGLE: I'll recognize you in a minute, Ken. There's a little confusion I have on that statement about when the registration permit for the State takes effect. I heard earlier that the permit would be available a month -- somebody would have to be there a month before the season to get the permit but the way you just said it, the permit process starts a month; but is that not correct, is the permitting -- is the registration permit not available before one month before the season starts?

MR. HAYNES: Mr. Chairman. I hope I didn't misspeak, but the State will make permits, State registration permits available August 1st in Unalakleet.
CHAIRMAN FLEAGLE: Only August 1st.

MR. HAYNES: Starting on August 1st.
The intent being that this will give Unalakleet residents certainly an advantage to get permits and we don't anticipate other people coming into Unalakleet to obtain a State permit.

CHAIRMAN FLEAGLE: But there's no limit to the number of permits, the registration there usually isn't?

MR. HAYNES: Mr. Chairman. We can't limit the number of registration permits that could be issued, but, again, the -- we do have a cap on the allowable harvest, so that if the State season moved forward, we would close the State season when 14 moose had been taken.

CHAIRMAN FLEAGLE: Right. But without that registration permit process closing for a certain amount of days prior to the start of the season, I don't see any advantage at all of having a longer permit process, I mean why start distributing permits -- it doesn't give any advantage at all if the permitting process applies right up to the season start date, because anybody then, in the world, not in the world, but in Alaska could then fly to Unalakleet the day before the season starts, obtain their permit or even while the season is open unless there's that gap in there, which has been used by the State in other areas of the State, which would require, somebody either to traveling twice to hunt or to camp for a week before they start hunting. So without that gap I don't see any benefit at all to having that longer registration period.

Ken.

MR. TAYLOR: Thank you, Mr. Chairman. I was not at the Board meeting when they passed this proposal, but I know that the Board worked very hard with the residents of Unalakleet to provide the opportunity they were requesting. And I believe the residents of that village wanted to be able to hunt on both Federal and non-Federal lands.

Typically when we have a hunt like this, and we haven't had a chance to even see it run yet because it was just passed last year, but we do
begin issuing permits early and then we cut the permits off before the start of the season. We want to make sure that the residents of the area have a chance to get the permit that they need to go hunt and we don't encourage people to come in from the outside. This is the way we did it in Dillingham and other areas of the state. I can't say for certain that we have a cut off point, because I wasn't at that Board meeting, but I would be surprised if we don't.

And I think this is one of those opening remarks where we need to have the Boards working together to address these issues, and the Board of Game did work hard to meet the needs of the Unalakleet residents and establish the season so that they could hunt close to home if they wanted to. And our fear is that if this season is established the State season will probably go away and that residents will then have to go several miles from Unalakleet before they get to Federal land to begin their hunt.

CHAIRMAN FLEAGLE: Thanks Ken, that's kind of where I'm getting at with this.

And I know that the State doesn't put that, you know, the permit will be distributed up until five days prior to the start of the season in regulation, that's a condition of the permit, and if -- but not knowing what the conditions of the permit are in this case, it makes it kind of hard for me, as a Board member, to say, yeah, I think that what you're doing is right.

Tina.

Ms. CUNNING: Mr. Chairman. Steven has stepped out to call Kevin Saxby who was present during that discussion to see what the conditions of that permit were at the Board meeting.

CHAIRMAN FLEAGLE: Okay. We don't have any motion on this one yet, maybe we could just set this one aside and take the next proposal in order, because there's some key information I think that's missing, and we're coming up on lunch.

Larry.

MR. BUKLIS: Mr. Chairman. I just
wanted to reiterate a comment that was in our Staff Committee comments and it's the point regarding the lands and the location of the hunting effort and the State lands being closer to the village, the Council was aware of this when making its recommendation. There was an active discussion of the lands and the issue of jurisdiction and lands and proximity to the village, and they made their recommendation for an earlier date in the face of that knowledge. There was a teleconference facility provided for the proponents and involving the Council.

Secondly, just to remind the Board that the current status of the Federal public lands are closed on this matter. So if the Board doesn't act on this proposal in one way or another, the lands are closed to hunting for moose.

Thank you, Mr. Chairman.

Jack.

MR. REAKOFF: Under other regulations the State has implemented, like the cutting the antler, they call that discretionary authority of the Department, and I feel that the Department could make that discretionary authority of when to cut those permit issuance off to assure this Federal Board what we're working with here. And so your lawyer will probably come up with it but you have that discretionary authority the Board of Game has given you on the issuance of a registration permit. All's you have to do is assure this Board that you're going to cut those permits off one week before they can open the BLM lands up.

Thank you.

CHAIRMAN PLEAGLE: You're right, Jack, and that's what -- that's the assurance I don't have and we're waiting for.

Ken Taylor.

MR. TAYLOR: Thank you, Mr. Chairman. That's true in some cases and not true in other cases. If you look at our State regulations some areas where we have these types of hunts they say what dates those permits will be available for those people out there,
but not in all cases.
So I think it would be a good idea to check and just make sure.

CHAIRMAN FLEAGLE: Pete says we can break early for lunch.

MR. PROBASCO: It's 12:30.

(Laughter)

CHAIRMAN FLEAGLE: How are you an hour fast?

(Laughter)

MR. PROBASCO: I don't know.

(Laughter)

CHAIRMAN FLEAGLE: Let's do that, come back 12:45.

(Off record)

(On record)

CHAIRMAN FLEAGLE: The Federal Subsistence Board is back on record and we left -- we're still in the round-table open discussion process on Proposals 36, 37 and 38, and we left with a question hanging as to whether the Department was going to do a time spacial between the ending of the distribution of the registration permits to the start of the hunt and I understand you have an answer to that, Ken.

MR. TAYLOR: Yes, thank you, Mr. Chair. We checked with the Nome Regional Office over lunch and they said that they would be very willing to do that. They would like at least 15 days between August 1st to the 15th to issue the permits. They would like to issue them, perhaps maybe up through the 20th, depending on this Board's preference we will cut the permits off any time after the 15th.

CHAIRMAN FLEAGLE: Thank you, Ken.

Other discussion.

MR. SAVETILIK: Mr. Chair. I forgot to
add on the Seward Peninsula Regional Advisory Council, the proposal, WP08-36 and WP08-37 with modification to establish an August 15 to September 14 season, to lift the closure only for residents of Unalakleet, to delegate authority to open and close the season to the BLM and to be less specified about the number of permits issued. And it's shown on Page 513. And the Council was fully aware of the State versus Federal land aspects of an earlier Federal season when we made the recommendation, and we believe the earlier season provided for the Federal subsistence priority and is supported by the Staff analysis.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Myron.

Other discussion.

(No comments)

CHAIRMAN FLEAGLE: Ready for Board motion. Tom Lonnie.

MR. LONNIE: Thank you, Mr. Chairman. Mr. Chairman, I've heard the State's concerns regarding confusion over what a dual hunt creates, I've also heard the concerns regarding enforcement issues and possible harvest limitations due to land stewardship. I think these concerns have some merit. It may limit subsistence users more than it's anticipated. However, the residents of Unalakleet and the RAC were aware of these concerns and still supported the proposals as amended.

Mr. Chairman, I move to adopt Proposals 08-36 and 08-37. After I get a second, I'll propose an amendment.

MS. BLASZAK: Second.

CHAIRMAN FLEAGLE: Go ahead, Tom.

MR. LONNIE: Mr. Chairman. I would like to make a motion to amend 08-36 AND 08-37 as modified by the Seward Peninsula RAC as written on Page 513 of the Board book, after I get a second I'll state why I intend to vote in favor of the amendment and the amended motion.

MS. BLASZAK: Second.
CHAIRMAN FLEAGLE: Okay, you got your second, go ahead, Tom Lonnie.

MR. LONNIE: Mr. Chairman. In deference to the RAC I intend to support this motion. Although I think that the State's position has some merit, it is difficult for me not to defer to the judgment and desires of the local residents in this case. I encourage the Alaska Department of Fish and Game to continue with their plans for a State registration hunt in the Unalakleet drainage of Unit 22A. I intend to have BLM Staff monitor this hunt closely and determine how well a separate Federal hunt actually meets the needs of the residents. I also intend to have BLM Staff work closely with the residents of Unalakleet and the State of Alaska in developing a proposal for the next regulatory cycle that incorporates the lessons that we've learned from this season.

Thank you, Mr. Chairman.

CHAIRMAN FLEAGLE: Thank you, Tom. Further discussion on the amendment.

(No comments)

CHAIRMAN FLEAGLE: Board members.

(No comments)

CHAIRMAN FLEAGLE: Are we ready for the question. Tom, the language that you're referring to has been put on the screen; is that consistent with what your amendment.

MR. LONNIE: (No microphone)

CHAIRMAN FLEAGLE: Go ahead and turn your microphone on please.

MR. LONNIE: Mr. Chairman. That appears to be a summary that's on the screen right now. The language that appears on Page 513 of the Board book is the same language that the RAC had proposed as modified and it matches the language that OSM came up with also.

CHAIRMAN FLEAGLE: Okay. And the only difference I see is one bull by Federal permit.
MR. LONNIE: Well, Mr. Chairman, the language that the RAC and OSM came up with also identifies the Anchorage Field Office manager would consult with Alaska Department of Fish and Game.

CHAIRMAN FLEAGLE: Got that. All right, well, I'll just throw a couple comments, I'm going to support the amendment. I wanted to have that discussion with the State and their permit hunt and I realize that this may cause some confusion between the two hunts but it sounds like the people of Unalakleet have considered that. It sounds like the lands they want to access under the Federal permit are farther up the river from the closer State and private lands to the community, but that's understood. And so the concerns that we're giving a preference for lands that are farther away don't really have a concern -- I mean it's not a hardship, I guess, is where I'm going with that, so I support the amendment.

And I'll now recognize the question, Pete, on the amendment.

MR. PROBASCO: Thank you, Mr. Chair. Proposal 08-36/37 amendment which is on Page 513. Mr. Lonnie.

MR. LONNIE: Yes.

MR. PROBASCO: Mr. Cesar.

MR. CESAR: Yes.

MR. PROBASCO: Mr. Bschor.

MR. BSCHOR: Yes.

MR. PROBASCO: Mr. Melius.

MR. MELIUS: Yes.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Ms. Blaszak.

MS. BLASZAK: Yes.

MR. PROBASCO: Amendment carries
six/zero.

CHAIRMAN FLEAGLE: All right, that takes care of the regulatory language. Now, somebody needs to answer the question concerning the C&T, we're just restricting the -- it used to be all of Unit 22 residents could hunt in Unit 22A, but now we're -- by this action we're only allowing the residents of Unalakleet. Is there a process that we need to go to that restrict other Federally-qualified users or just adoption of this simple action, will that take care of it.

Larry.

MR. BUKLIS: Mr. Chairman. This proposed regulation and set of actions do not speak to C&T. What you're dealing with is lifting the closure and this is a partial lifting of the closure, this is not a -- you're not affecting the C&T pool of eligible people, you're lifting the closure in part, and you're lifting the closure to residents of Unalakleet.

CHAIRMAN FLEAGLE: Okay. But from just being a layman I don't agree, if you got a C&T that says all of 22 residents are eligible to hunt here and now you're only -- yeah, you're lifting the closure, but you're only lifting the closure to the rest of the eligible communities -- and I'm not saying it's wrong, I just want to understand that that's appropriate to do without a process.

MR. BUKLIS: Mr. Chairman.

CHAIRMAN FLEAGLE: Larry.

MR. BUKLIS: Yes, I spoke to your comment about C&T, but the analysis includes an .804 analysis which looks at those most proximal, dependent and with fewest alternative resources, so the analysis contains an .804, which lands on the Unalakleet residents.

CHAIRMAN FLEAGLE: Right, I understand that Larry and that's where I'm getting at with the questioning. Is there a process other than just having it presented to the Board and the Board taking a simple action like that, I mean shouldn't we at least address the analysis. I understand it's in the book, but maybe Keith's got a better answer for that.
MR. GOLTZ: No, I don't have a better answer. We have done an .804 analysis that is in the book. It's part of the record, and that's what you're basing your decision on. If you want to discuss it further, that's perfectly all right, too.

CHAIRMAN FLEAGLE: No, that's okay, as long as it's inferred by reference that the Board did consider that in its decision. I just want to make sure that are T's are dotted and our I's crossed.

(Laughter)

CHAIRMAN FLEAGLE: Ready for action, final action, Tom, you have a further comment.

MR. LONNIE: No.

CHAIRMAN FLEAGLE: Ready for the question. Question on 36/37, Pete.

MR. PROBASCO: Final action on Proposal WP08-36/37 as amended.

Mr. Cesar.

MR. CESAR: Yes.

MR. PROBASCO: Mr. Bschor.

MR. BSCHOR: Yes.

MR. PROBASCO: Mr. Melius.

MR. MELIUS: Yes.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Ms. Blaszak.

MS. BLASZAK: Yes.

MR. PROBASCO: And Mr. Lonnie.

MR. LONNIE: Yes.

MR. PROBASCO: Motion carries as amended six/zero.
CHAIRMAN FLEAGLE: How do we dispense with 38 Pete.

MR. LONNIE: Mr. Chairman, I'd like to make a motion on 38.

CHAIRMAN FLEAGLE: Go ahead, Tom.

MR. LONNIE: Mr. Chairman, I move to adopt Proposal WP08-38. I plan on opposing my motion and will give my reasons when I receive a second.

MR. CESAR: I'll second.

CHAIRMAN FLEAGLE: There you go.

MR. LONNIE: Mr. Chairman, I do not support WP08-38 due to actions taken on WP08-36 and 08-37. My position on this proposal is supported by the recommendations of the Seward Peninsula RAC.

CHAIRMAN FLEAGLE: Discussion.

(No comments)

CHAIRMAN FLEAGLE: Question. Go ahead, Pete, poll the Board on 38.

MR. PROBASCO: Final action on Proposal WP08-38.

Mr. Bschor.

MR. BSCHOR: No.

MR. PROBASCO: Mr. Melius.

MR. MELIUS: No.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: No.

MR. PROBASCO: Ms. Blaszak.

MS. BLASZAK: No.

MR. PROBASCO: Mr. Lonnie.

MR. LONNIE: No.
MR. PROBASCO: And Mr. Cesar.

MR. CESAR: No.

MR. PROBASCO: Motion fails zero/six.

CHAIRMAN FLEAGLE: Okay, thank you. Okay, we now have Proposals 39 through 45 dealing with various furbearers and small game in the Seward Peninsula Region 7 and welcome to the table, Dr. Polly Wheeler, for the analysis.

MS. H. ARMSTRONG: Thank you, Mr. Chair, I'm doing the analysis. Sorry.

CHAIRMAN FLEAGLE: All right, you switched chairs.

MS. H. ARMSTRONG: My name is Helen Armstrong. I'm with the Office of Subsistence Management. The analysis for Proposals WP08-39 through WP08-45 can be found on Page 537 in your books.

These proposals were submitted by Kawerak in Nome and they request customary and traditional use determinations for residents of Unit 22 for beaver, Arctic Fox, red fox, hare, lynx, marten and wolverine in Unit 22. The existing C&T for beaver, Arctic Fox, red fox, hare, lynx, marten and wolverine is for all Federally-qualified rural residents statewide, thus this narrows the C&T determination to only rural residents of Unit 22.

All of these proposals were deferred by the Federal Subsistence Board last year in order to let the Councils weigh in on the Staff Committee recommendation to oppose these proposals. This was a -- these proposals had been on the consensus agenda and they were taken off of the consensus agenda at the Board meeting at the requests of Kawerak and then asked to be deferred.

Very little specific harvest data are available for any of these species, thus the proposals were combined into one analysis. With the exception of beaver in Units 9 and 17, the Board has not made unit specific customary and traditional use determinations statewide for any of these resources. So statewide for all of those resources they have all rural residents for their C&T determinations.
Prior to 2006 the Board had never addressed customary and traditional use determinations for these resources.

The written analysis provides information on the uses of these resources by Unit 22 communities, and I'm not going to go through all of this, as it is in the written analysis and in the administrative record.

We are not as concerned with the uses in Unit 22 because it's clear that Unit 22 residents have harvested these resources in Unit 22, the problem that we've been faced with is that people living outside of Unit 22 do come into Unit 22, some to hunt and trap. There is some information regarding subsistence users from outside of Unit 22 coming into Unit 22 to harvest these resources, but there is little information in the literature regarding the areas of use or in the harvest databases.

There was some information that we gathered from the Council meetings during the 2007 winter meetings. We found that people from Kaltag hunt for bears in Unit 22A along the Unalakleet trail following the trail to the coast. Some people outside of Unit 22A have marten traplines along the Unalakleet trail and would harvest a number of these resources, if needed, while they were out trapping.

Seward Peninsula Council members also noted that residents from Unit 21D take furbearers and beaver was specifically mentioned in Unit 22A. Mention was also made of friends from Unit 23 who come over to hunt beaver. There are some people from Unit 23 who like to go to Granite Mountain Hot Springs in Unit 22 and they might take some of these resources while they're on their hunting trip. Subsistence use maps created for Unit 18 communities show that Unit 18 subsistence use area for furbearers includes Unit 22A.

So we know that uses by neighboring communities outside of Unit 22 that come into Unit 22 to harvest other resources, such as caribou and wolf, and they may be taking these resources at the same time.

There is relatively little written documentation of subsistence uses of the resources in these proposals in Unit 22 and consequently there is
insufficient information to specifically address every community within Unit 22 relative to each of the eight factors.

Adopting or opposing these proposals would have no affect on subsistence users in 22. They already can harvest these resources and would still be able to if it is opposed or adopted since it's all rural residents, whether it's opposed or adopted, they could still take them.

Some people living in adjacent units may travel to Unit 22 and take other resources and as a result, those people, if they were taking these resources opportunistically they would then be doing it -- if the proposal were opposed [sic] it, then they would be doing it illegally.

The OSM conclusion is to oppose this proposal.

The justification is that with the exception of beaver in Units 9 and 17, the Board has not made unit specific customary and traditional use determinations statewide beaver, Arctic Fox, red fox, hare, lynx, marten and wolverine. There is insufficient harvest data and information regarding all of these resources to narrow the existing customary and traditional use determinations. And while there is sufficient information to generally fulfill the eight factors and to recommend that all rural residents of Unit 22 should continue to have a positive customary and traditional use determination for these resources, they also are harvested by subsistence users from surrounding regions when they are hunting and trapping in Unit 22.

Narrowing to only Unit 22 residents would affect those living outside of the unit who also may harvest these resources in Unit 22.

Rejecting the proposal has no affect on subsistence users in Unit 22 or other units because they would continue to be able to be harvested under the existing broad customary and traditional use determinations.

Thank you, Mr. Chair. That concludes my presentation.
CHAIRMAN FLEAGLE: Thank you, Helen.

Summary of written public comments, Barbara.

MS. B. ARMSTRONG: Thank you, Mr. Chair. There are no written public comments for these proposals. Thank you.

CHAIRMAN FLEAGLE: Thank you. Public testimony, Pete.

MR. PROBASCO: No one's signed up for testimony on these proposals.

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

MR. SAVETILIK: The Seward Peninsula support Proposals WP08 through 45 [sic] with modification to include Units 18, 21 and 23. Mr. Chair.

CHAIRMAN FLEAGLE: Thank you.

Department of Fish and Game comments, Ken Taylor.

MR. TAYLOR: Mr. Chair. Terry Haynes will speak to this proposal.

CHAIRMAN FLEAGLE: Did I miss something?

MR. BUKLIS: Mr. Chairman. There are multiple Councils on this set of proposals.

CHAIRMAN FLEAGLE: As the screen shows, you're right, thank you. We better hear from them then.

(Laughter)

CHAIRMAN FLEAGLE: Jack.

MR. REAKOFF: Thank you, Mr. Chairman. The Western Interior Regional Council opposed the proposal and I'll give our reasons during the discussion.

CHAIRMAN FLEAGLE: Okay. Victor.

MR. KARMUN: I think this was discussed at great length with the Northwest Arctic, I really
don't remember what route we elected to go but I know from Unit 23, we do go use the Granite Mountain area quite frequently.

CHAIRMAN FLEAGLE: Thanks. The record shows that your Council opposed it. YK's not here but they also show that they opposed it. Barbara.

MS. B. ARMSTRONG: Yeah. Yukon Kuskokwim-Delta Subsistence Regional Advisory Council also opposed Proposals WP08-39 through 45.

Thank you.

CHAIRMAN FLEAGLE: Thank you. And thanks for that flag, Larry. The trouble with having to wear reading glasses is I can read here but I can't read there so now Department of Fish and Game comments, Terry.

MR. HAYNES: Thank you, Mr. Chairman. Our comments are on Page 545 of your meeting book. This is the third year this proposal has basically been on the table and our comments remain the same and that is that no action should be taken on these proposals until C&T analysis is done that addresses uses by communities or users outside of Unit 22. And so there's no new evidence before us other than a few comments about possible uses or uses by scattered communities, but no comprehensive analysis.

So until that comprehensive analysis is done we don't believe action should be taken to adopt these proposals.

Thank you.

Alaska Department of Fish and Game Comments to the Federal Subsistence Board Wildlife Proposals WP08-39 through WP08-45:

Establish customary and traditional use determinations in Game Management Unit 22 for beaver, red fox, Arctic fox, hare, lynx, marten, and wolverine

Introduction:

Because the Federal Subsistence Board
has not made customary and traditional use
determinations for these furbearer species in Unit 22,
all rural residents qualify to harvest them in Unit 22
under federal regulations. Adoption of these proposals
as written would limit eligibility only to residents of
Unit 22 and disallow harvest under federal regulations
by other rural residents. The Federal Subsistence
Board deferred action on these proposals at its May
2006 and May 2007 meetings in order to allow time for
neighboring regional councils to provide input and for
staff to assemble information on use of these species
by rural residents in Unit 22 and adjoining units.

Impact on Subsistence Users:

Adoption of these proposals would not
affect federally-qualified subsistence users in Unit 22
but would disqualify other residents from adjoining
units from harvesting furbears in Unit 22 under
federal regulations. The effect of establishing
customary and traditional use determinations is to
provide a federal preference to rural residents to
harvest a particular species on federal public land.
Nonlisted rural residents and other state subsistence
users are subject to limits on participation in times
of shortage. The Federal Subsistence Board should
establish a priority use based on substantial evidence
of customary and traditional use of each species for
each geographic area by more than just the residents of
Unit 22; otherwise, other residents, such as those in
adjoining units that have a history of harvesting these
resources in Unit 22, will be inappropriately
eliminated.

Other Comments:

The Federal Subsistence Board
previously made customary and traditional use
determinations for other species where substantial
evidence resulted in inclusion of more than just Unit
22 residents, so findings for additional species should
also evaluate available information on uses by other
residents. At its May 1997 meeting, the Federal
Subsistence Board narrowed an existing customary and
traditional use finding for wolves in Unit 22 to rural
residents of Units 21D (north of the Yukon River), 22,
23, and Kotlik. Areas and communities outside of Unit
22 were included on the basis of testimony from the
Northwest Arctic and Western Interior Regional Advisory
Councils.
Recommendation:

Oppose.

The staff analysis contains insufficient information to specify which rural residents have a history of use of the specific wildlife populations for subsistence purposes in specific geographic areas in Unit 22. The federal regulatory standard for a customary and traditional use determination requires that a community or area generally exhibit the eight factors listed in 50 CFR 100.16(b). The regulations require that the Federal Subsistence Board s determination identify the specific community s or area s use of specific fish stocks or wildlife populations. In order to identify these uses by a community or area for federal lands in Unit 22, substantial evidence must support a decision after meaningful Board discussion for each of the eight factors on the record.

CHAIRMAN FLEAGLE: Thank you, Terry.

ISC comments, Larry.

MR. BUKLIS: Mr. Chairman. Those comments are on Page 544 and they speak to the analysis being considered complete and accurate and the recommendations of the Councils YK, Western Interior, Northwest Arctic in this case consistent with .805(c) of ANILCA.

Thank you.

CHAIRMAN FLEAGLE: All right, thank you. I'm going to open it up for Board discussion with Council Chairs and State liaison.

I got a question for the State and maybe for the Federal folks, maybe somebody might have an answer. I don't understand, unless the Federal regulations are more -- are less restrictive than the State, I don't see where a person would be restricted from living outside of Unit 22 and trapping in Unit 22 under State regulations; is there a difference, is there a preference under trapping regulations or hunting for these species?

Terry.

MR. HAYNES: Mr. Chairman. Helen may
want to address this, too. But, you're correct, under
the current regulations, there aren't any restrictions
on who can pursue harvest of these animals or these
resources in Unit 22, but if the time came where there
were restrictions imposed, we believe, that there would
have to be a customary and traditional use
determination made to specifically address who is
eligible to take these resources. And that, in turn,
could lead to some restrictions.

CHAIRMAN FLEAGLE: Okay, I understand
that. But under current regulations there's no
preference under the Federal system. Helen.

MS. H. ARMSTRONG: Currently all rural
residents have the right to take these resources in
Unit 22.

CHAIRMAN FLEAGLE: Yeah, I understand
that. The point I'm getting at is under State law any
Alaska resident has the right to hunt or trap in Unit
22, and that's even more liberal and this wouldn't
change that unless the Federal seasons and bag limits
were more liberal, which, in this case, they're not,
that's what I'm getting at.

Other Council comments or discussion.

Jack.

MR. REAKOFF: The Western Interior
Council has reviewed these proposals before. Our
Council has felt that customary and traditional use
determinations for like black bear and animals that are
not over utilized or even coming near sustainability
should have more liberal customary and traditional
uses, and so we've been reluctant to go towards -- only
for specific species where we felt that like moose or
caribou or those types of animals. We felt that this
is basically an unnecessary determination. There may
be people that, from within our region that may travel
through, into Unit 22 and utilize resources, hares, or
various subsistence resources like that or have
opportunity to harvest a wolverine.

And so we opposed the proposal
primarily for those reasons and grounds.

CHAIRMAN FLEAGLE: Thank you, Jack.

Any other discussion.
CHAIRMAN FLEAGLE: Are we ready to take it up as a Board. Tom Lonnie.

MR. LONNIE: Thank you, Mr. Chairman. I move to adopt Proposals WP08-39 through 45. And upon hearing a second I'll give my reasons why I intend to not support the proposals 08-39 through 45, nor the modified proposal as presented by the Seward Peninsula RAC.

MR. MELIUS: Second.

CHAIRMAN FLEAGLE: Okay, you got your second, go ahead, Tom.

MR. LONNIE: Mr. Chairman. I intend to vote against this motion consistent with the recommendation of three of the Regional Advisory Councils.

I do not feel that there is sufficient evidence at this time to narrow the customary and traditional use determinations for these species. Retaining the C&T use determinations for all rural residents for these species rather than attempting to define use more narrowly is consistent with customary practices and the available data.

Thank you, Mr. Chairman.

CHAIRMAN FLEAGLE: Discussion.

(No comments)

CHAIRMAN FLEAGLE: I concur. Are we ready for the question.

MS. BLASZAK: Yes.

CHAIRMAN FLEAGLE: The question's recognized, Pete, on 39 through 45, poll the Board, please.

MR. PROBASCO: Final action on WP08-39 through 45. Mr. Melius.

MR. MELIUS: No.
MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: No.

MR. PROBASCO: Ms. Blaszak.

MS. BLASZAK: No.

MR. PROBASCO: Mr. Lonnie.

MR. LONNIE: No.

MR. PROBASCO: Mr. Cesar.

MR. CESAR: No.

MR. PROBASCO: And Mr. Bschor.

MR. BSCHOR: No.

MR. PROBASCO: Motion fails zero/six.

CHAIRMAN FLEAGLE: Thank you. And we now have Proposals 46 and 47 dealing with spruce, grouse and ptarmigan. Helen.

MS. H. ARMSTRONG: Thank you, Mr. Chair. Given the time of the day and the time in the meeting, I'm going to make this a really short presentation, if anybody has questions then they can ask, but these are very similar to the ones you just heard.

Proposals WP08-46 and 47 were also submitted by Kawerak and the request customary and traditional use determinations for residents of Unit 22 for spruce, grouse and ptarmigan, rock and willow in Unit 22.

These were also deferred. The thing that's different about these two besides the fact that they're not fur bearers and the reason I separated these because they were a little bit different not being fur bearers but they also did not have an all rural resident C&T, they had a very broad C&T but there was one that they had -- that came from the State, and I have to admit that I'm sure when Kawerak saw this they thought, why do you have this sort of C&T because it's for people from Units 11, 13, 15, 16, 20D, 22, 23 and Chickaloon. And so it is a little bit of an unusual
sort of C&T but the State had lumped them together, they were making a broad C&T determination. I'm not sure why it happened but we adopted those and that's what we have.

And for all the same reasons that we just spoke to for the other ones and I can give you those if you'd like, our OSM conclusion is to oppose these proposals because there's insufficient harvest data and information regarding spruce, grouse and ptarmigan to narrow the existing customary and traditional use determinations and narrowing to only Unit 22 residents would affect those living outside of the unit who also may harvest these resources in Unit 22. And rejecting the proposal would have no affect on subsistence users in Unit 22 because they would be able to continue to harvest under the existing broad C&T determination.

Thank you, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you. Summary of written public comments, Barbara.

MS. B. ARMSTRONG: Mr. Chair. There are no written public comments for these proposals, thank you.

CHAIRMAN FLEAGLE: Thank you. Testimony, Pete.

MR. PROBASCO: No one's signed up for these proposals.


MR. SAVETILIK: Seward Peninsula support with modification. Thank you.

CHAIRMAN FLEAGLE: Thank you. Jack.

MR. REAKOFF: Western Interior Regional Council opposed for the previous reasons.

CHAIRMAN FLEAGLE: Victor.

MR. KARMUN: I think the Northwest Arctic opposed this one, too, also for the same reasons.
CHAIRMAN FLEAGLE: Thank you. Greg.

MR. ROCZICKA: YK Council, ditto.

CHAIRMAN FLEAGLE: Thank you.

Department of Fish and Game comments, Ken Taylor.

MR. TAYLOR: Mr. Chairman. The Department opposes this proposal for the same reasons as the previous one.

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

Wildlife Proposals WP08-46 and 47:

Establish customary and traditional use determinations for spruce grouse and rock and willow ptarmigan in Game Management Unit 22.

Introduction:

Because the Federal Subsistence Board has not made customary and traditional use determinations for these game birds in Unit 22, all rural residents qualify to harvest them in Unit 22 under federal regulations. Adoption of these proposals as written would limit eligibility only to residents of Unit 22 and disallow harvest under federal regulations by other rural residents. The Federal Subsistence Board deferred action on these proposals at its May 2006 and May 2007 meetings in order to allow time for neighboring regional councils to provide input and for staff to assemble information on use of these species by rural residents in Unit 22 and adjoining units.

Impact on Subsistence Users:

Adoption of these proposals would not affect federally-qualified subsistence users in Unit 22 but would disqualify other residents from harvesting game birds in Unit 22 under federal regulations. The effect of establishing customary and traditional use determinations is to provide a federal preference to rural residents to harvest a particular species on federal public land. Nonlisted rural residents and other state subsistence users are subject to limits on participation in times of shortage. The Federal Subsistence Board should establish a priority use based on substantial evidence of customary and traditional
use of each species for each geographic area by more than just the residents of Unit 22; otherwise, other residents, such as those in adjoining units that have a history of harvesting these resources in Unit 22, will be inappropriately eliminated.

Opportunity Provided by State:

The state and federal season and harvest limit for grouse are the same in Unit 22. State regulations allow a harvest of 20 ptarmigan per day and 40 in possession during a September 1 April 30 season in Unit 22.

Other Comments:

The Federal Subsistence Board previously made customary and traditional use determinations for other species where substantial evidence resulted in inclusion of more than just Unit 22 residents, so findings for additional species should also evaluate available information on uses by other residents. At its May 1997 meeting, the Federal Subsistence Board narrowed an existing customary and traditional use finding for wolves in Unit 22 to rural residents of Units 21D (north of the Yukon River), 22, 23, and Kotlik. Areas and communities outside of Unit 22 were included on the basis of testimony from the Northwest Arctic and Western Interior Regional Advisory Councils.

Recommendation:

Oppose.

The staff analysis has insufficient information to specify which rural residents have a history of use of grouse and ptarmigan populations for subsistence purposes in specific geographic areas in Unit 22. The federal regulatory standard for a customary and traditional use determination requires that a community or area generally exhibit the eight factors listed in 50 CFR 100.16(b). The regulations require that the Federal Subsistence Board determine the specific community or area's use of specific fish stocks or wildlife populations. In order to identify these uses by a community or area for federal lands in Unit 22, substantial evidence must support a decision after meaningful Board discussion for each of the eight
factors on the record.

CHAIRMAN FLEAGLE: Thank you.

InterAgency Staff Committee comments, Larry.

MR. BUKLIS: Mr. Chairman. The Staff Committee comments are on Page 553 and similar in content to the comments on 39 through 45.

Thank you.

CHAIRMAN FLEAGLE: Thank you. Board discussion with Council Chairs and State liaison.

Tom Lonnie.

MR. LONNIE: Mr. Chairman. I move to adopt Proposals WP08-46 and 47. Upon hearing a second I'll give my reasons why I intend to not support Proposals WP08-46 and 47, nor the modified proposal as presented by Seward Peninsula RAC.

MR. MELIUS: Second.

CHAIRMAN FLEAGLE: You have your second.

MR. LONNIE: Mr. Chairman. I intend to vote against this motion consistent with the recommendations of three of the Regional Advisory Councils. I do not feel there's sufficient evidence at this time to narrow the customary and traditional use determinations for these species.

CHAIRMAN FLEAGLE: Was that a call for the question, too.

MR. LONNIE: Yes, it was.

CHAIRMAN FLEAGLE: I thought so.

(Laughter)

CHAIRMAN FLEAGLE: Pete.

MR. PROBASCO: Final action on WP08-46 and 47. Mr. Fleagle.

CHAIRMAN FLEAGLE: No.
MR. PROBASCO: Ms. Blaszak.

MS. BLASZAK: No.

MR. PROBASCO: Mr. Lonnie.

MR. LONNIE: No.

MR. PROBASCO: Mr. Cesar.

MR. CESAR: No.

MR. PROBASCO: Mr. Bschor.

MR. BSCHOR: No.

MR. PROBASCO: And Mr. Melius.

MR. MELIUS: No.

MR. PROBASCO: Motion fails zero/six.

CHAIRMAN FLEAGLE: All right, thank you, Pete. Let's take five minutes to let the Staff change, appreciate that. That concludes our Seward Peninsula region issues.

CHAIRMAN FLEAGLE: Good afternoon. The Board is back in session and we're getting ready to take up the Northwest Arctic suite of proposals. And we have new Staff at the table, Ann Wilkinson, Chuck Ardizzone and Greg Risdahl. And, Greg, you're going to give the analysis for Proposals 50 and 51.

Your name tag doesn't match.

(Laughter)

CHAIRMAN FLEAGLE: Welcome to Mark Birch for the State also.

MR. RISDAHL: Thank you, Mr. Chairman.

Proposal 50 was submitted by Virgil Adams and requests changing the time period in the special provision that restricts aircraft use over the Noatak Controlled Use Area from the current August 25th through September 15th, to August 30th to September 30th.

Similarly, Wildlife Proposal 51 was submitted by the Maniilaq Association and requests changing the time period in the special provision from August 25th through September to August 25th through October 30th.

The primary reason the proponents want to change the dates in the special provision restricting aircraft use over the Noatak Controlled Use Area is to protect the Western Arctic Caribou Herd on its annual migration.

The proponent for Proposal 50 states that because caribou are migrating later, the restriction on flying aircraft over the Noatak should be changed accordingly. The proponent also states that this will improve caribou harvest for subsistence users.

The proponent for 51 states that much has changed since the village of Noatak first requested the prohibition on the use of aircraft in 1984. With climate change the Western Arctic Caribou Herd are migrating later and later and freeze up of the rivers and streams do not occur until mid-October. The proponent for 51 also states that restricting the use of aircraft over the Noatak Controlled Use Area through the end of October will allow caribou to migrate on their normal routes, which will subsequently improve subsistence hunting opportunities.

All rural residents of Unit 23 as well as several other communities in several other units have a customary and traditional use determination to hunt caribou in Unit 23. Only residents of Unit 23 have a customary and traditional use determination for moose in that unit, however.

The Alaska Board of Game implemented the Noatak Controlled Use Area in 1988, that's on Map 1. The Federal Subsistence Board adopted the State's controlled use area regulations in 1990. Today much of the Noatak Controlled Use Area is within the Noatak
National Preserve as administered by the National Park Service where there are few regulations controlling the use of aircraft in this valley. Air taxi's, guides and transporters operating with the Preserve are only required to obtain a business license from the Park Service and report on their activities on an annual basis. The Park Service also recommends that aircraft maintain an altitude of 2,000 feet when flying over the Park lands.

The current population estimate for the Western Arctic Caribou Herd is around a half a million animals. The average fall population composition count for this herd over the long-term, this is 1961 through 2004 has been 48 bulls per 100 cows, 44 calves per 100 cows and about 23 calves per 100 adults. State and Federal biologists consider this herd healthy and have few concerns about the amount of hunting pressure on them, thus, caribou regulations, both State and Federal are some of the most liberal in the state of Alaska.

Nevertheless, scientists and local hunters alike are concerned that the Western Arctic Caribou Herd may be nearing carrying capacity and ultimately crash in the possible not so distant future because of competition of food sources, loss of forage from extensive tundra fires and the inability to access food on wintering areas because of icing.

People in the Noatak have a long history of hunting caribou in the upper Noatak River Valley especially in the fall. Local residents traditionally hunt for caribou off snowmobiles from late october through early May. Few local hunters use aircraft. In contrast, nonlocal hunters rely almost entirely on aircraft to access caribou hunting areas in Unit 23. Once in the field, nonlocal hunters use boats to float the river or four-wheelers supplied by hunting guides who store them at remote camps. An estimated 10,000 plus or minus caribou are taken annually in Unit 23 by subsistence hunters. This represents on average about 95 percent of the total harvest.

The average annual harvest by nonlocal hunters on the other hand has been around 580 animals since 1999. This is less than six percent of the total harvest.

Conflicts among nonlocal hunters, commercial operators, including guides and
transporters, and nonlocal -- and local subsistence hunters have been an ongoing problem for many years in Unit 23. The issue is complex and involves all hunters, not just caribou hunters. Use of aircraft by nonlocal hunters and commercial operators in contrast to local hunters use of boats and snowmachines, shortened seasons, reduced bag limits, crowding and few trophy class animals in other parts of the state of Alaska and fewer places to hunt multiple species of big game animals, especially for nonresidents have all contributed to the problem.

The primary limiting factors driving these conflicts are access points and space to accommodate all users. Some high volume transporters control virtually entire drainages in Unit 23 by contracting their services to numerous clients and monopolizing access points.

During the November 2007 Alaska Board of Game meeting in Bethel, the Board of Game rejected a proposal to change the timing of the no fly restrictions in the Noatak Controlled Use Area. Instead the Board of Game endorsed the creation of a Unit 23 User Conflict Working Group to conduct an in-depth study to document and quantify the extent of perceived problems between local subsistence hunters, nonlocal hunters and commercial enterprise.

If either Wildlife Proposals 50 or 51 are adopted by the Board, it would not decrease the amount of air traffic within the Noatak Controlled Use Area because Federal regulations only apply to Federally-qualified users on Federal public lands.

Nonlocal hunters who use air traffic transporters or big game guides and outfitters to access the Noatak River drainage during August and September all operate under State hunting regulations. Adopting Wildlife Proposal 50 or 51 and lengthening or adjusting the restrictions on aircraft within the Noatak Controlled Use Area would only penalize the few Federally-qualified subsistence users, mostly from Kotzebue, who use aircraft to hunt the area.

A Federal Subsistence Board proposal would only be effective in lengthening or adjusting the dates that the air traffic restrictions are in place if they are done in conjunction with changes made also by the Alaska Board of Game.
A Federal public lands closure is unlikely because there are no conservation concerns for the Western Arctic Caribou Herd.

Finally, controlled use areas are State of Alaska management areas and the Federal Subsistence Management Program has not modified controlled use area wording from that provided in State regulations.

Therefore the OSM conclusion is to oppose Proposals 50 and 51.

In summary, changes to the Noatak Controlled Use Area should be postponed until the results of the Unit 23 conflict study indicates the best course of action to take. By working together, the Alaska Board of Game, the Federal Subsistence Management Program and the subsistence hunters will have the best possible opportunity to solve user conflict problems in Unit 23.

Thank you.

CHAIRMAN FLEAGLE: Thanks, Greg.

Summary of written public comments, Ann.

MS. WILKINSON: Mr. Chairman. For these proposals we did not receive any comments, thank you.

CHAIRMAN FLEAGLE: Thank you. Public testimony, Pete.

MR. PROBASCO: Mr. Chair, no one has signed up for these two proposals.


MR. KARMUN: Thank you, Mr. Chairman. This conflict has been going on for many years.

Let me name off a few of the streams that are most affected. Like I said earlier, they're corked off. The Kelly River, Trail Creek, Wrench Creek, Squirrel River, which is under BLM management, and the Aggie River. The three main ones are the Kelly, Squirrel and the Aggie Rivers.

Nobody up to now and you were there,
Mr. Chairman, at this user conflict meeting, the bad news to us is it will take at least two or three years for this user conflict committee or whatever you want to call it to come up with some sort of solution. We think, locally, that's a little bit long.

As to the no-fly zone, I think that's the wrong nomenclature to use for that controlled use area. You can still fly in there and engage in photography, skinny dipping, fishing, picnicking, whatever, it's misused and I don't really care for that just for the main and simple reason you can still fly in there but you cannot hunt and engage in any one of these other activities.

Our best solution for right now and we don't think that will be the whole part of the solution, it will just put a band aid on part of it, is adjusting the dates for the controlled use area just because of global warming.

That river corridor is the most highly used and where most of the camps are are on the Kelly River, the Aggie and Squirrel which is under BLM management. In fact, some of the camps themselves they come in and -- when they come back to town they go write a complaint to the State Fish and Game of the camps being so close to each other they're competing with each other also. And you'll hear comments from these individuals, they said nothing can get through, we've got it all corked off.

The working group, I would say it's made up of a good mixture of all organizations and agency. We think locally that the Noatak Controlled Use Area is kind of in jeopardy. I think the State Fish and Game Board would possibly like to do away with it, mainly because of the pressure from organizations like the Alaska Outdoor Council for one. I think that's the main one. But the bottom line, the way we look at the subsistence needs in two villages that are most impacted by this are Noatak and Kiana and we think Kotzebue third because of the usage of the Noatak River.

The numbers of camps on these, believe it or not, maybe up on the Kelly River, basically on every bend, maybe two or three tenths within a few meters apart from each other.
That's all I have for now, Mr. Chairman, thank you.

CHAIRMAN FLEAGLE: Thank you, Victor.

Department of Fish and Game comments, Ken Taylor.

MR. TAYLOR: Thank you, Mr. Chairman.

Terry Haynes will speak to this proposal and we also have Mark Birch who is also part of the planning group lead.

CHAIRMAN FLEAGLE: Terry.

MR. HAYNES: Mr. Chairman. The Department's comments are on Page 566 and 567 of your meeting book.

Adoption of either of these proposals would result in divergent Federal and State season dates during which aircraft could not be used for hunting in the Noatak Controlled Use Area. There are substantial amounts of both State and Federal lands within the controlled use area and hunting occurs on lands under both State and Federal jurisdiction. The State's controlled use area dates apply to all lands, while the Federal prohibition would apply only to Federally-qualified subsistence users on Federal lands in the controlled use area if either of these proposals was adopted.

Adoption of either proposal would create unnecessarily complex regulations in the Noatak Controlled Use Area with result in compliance and enforcement problems.

The Department recommends that when we wrote these comments that the proposals be opposed or no action be taken until the Unit 23 working group had met and made recommendations concerning the Noatak Controlled Use Area regulations. That group has met and has made some recommendations and I'll defer to either Ken or Mark to speak to the potential for some short-term changes being made that might address some of the concerns that have been raised.

Thank you, Mr. Chairman.

Alaska Department of Fish and Game Comments to the Federal Subsistence Board
Wildlife Proposals WP08-50 and 51:

Modify the August 30 September 15 dates during which aircraft cannot be used for hunting in the Noatak Controlled Use Area in Game Management Unit 23. WP08-50 requests an August 30 September 30 closure, while WP08-51 requests an August 25 October 30 closure.

Introduction:

The Noatak Controlled Use Area (CUA) was established in the 1988-89 regulatory year to reduce conflicts between local hunters, who access hunting areas by boat, and commercial operators and nonlocal hunters, who primarily use aircraft for access. The CUA was enlarged for the 1994-95 regulatory year, and its duration shortened primarily to more effectively reduce conflicts while minimizing impacts on nonlocal hunters and to reduce moose harvests in the Noatak River drainage. The CUA clearly reduced hunting-related aircraft activity in the protected corridor, thereby reducing conflicts in the lower Noatak drainage during the fall season. Moose hunter numbers and harvest levels in the Noatak drainage declined from the 1992-93 to the 1999-2000 regulatory years, reportedly because moose hunting was better in other portions of the unit. Since then, the number of moose hunters in the Noatak drainage has slowly increased while harvests have shown no clear trend.

The timing of the fall migration of the Western Arctic Caribou Herd has been more variable and generally has occurred 2-6 weeks later since the CUA was last modified. In recent years, few caribou have been present in the lower Noatak drainage before the CUA restrictions expire on September 15. Caribou harvest data prior to 1998-99 are not available to evaluate the effects of this CUA on caribou hunting.

Impact on Subsistence Users:

These proposals would increase the period during which aircraft cannot be used for hunting in the Noatak Controlled Use Area. The proposals are based on the presumption that expanding the dates of the prohibition would reduce conflicts or competition from nonlocal hunters and improve caribou hunting by local residents.
Opportunity Provided by State:

At its November 2007 meeting, the Alaska Board of Game considered a proposal to extend the aircraft closure period to October 30 in the CUA. Had the Alaska Board of Game chosen to modify the dates, the Alaska Department of Fish and Game would have recommended a closure period of September 1-30 to accommodate changes in the caribou migration. Beginning the closure on September 1 would accommodate greater variability in the onset of the fall caribou migration and minimize conflicts during the critical early part of the fall hunting season. The Alaska Board of Game did not adopt this proposal and instead supported creation of a working group to evaluate the need for regulatory changes to the CUA to address user conflicts.

Enforcement Issues:

Adoption of either proposal would result in divergent federal and state season dates during which aircraft could not be used for hunting in the Noatak Controlled Use Area. There are substantial amounts of both state and federal lands within the Noatak CUA, and hunting occurs on lands under both state and federal jurisdiction. The state’s CUA dates apply to all lands, while the federal prohibition would only apply to federally-qualified users on federal lands. Adoption of either WP08-50 or WP08-51 would create unnecessarily complex regulations in the Noatak CUA, with resultant compliance and enforcement problems.

Other Comments:

A working group is being formed to address user conflicts in Unit 23 and is expected to recommend changes that could reduce user conflicts in the Noatak CUA. The working group should have an opportunity to address these user conflicts at its meeting in Kotzebue on April 23-24, 2008, and submit regulatory proposals to the Alaska Board of Game and Federal Subsistence Board for action during the same regulatory cycle.

Recommendation:

Either oppose or take no action on this proposal until the Unit 23 working group has met and
made recommendations concerning the Noatak CUA regulations. If regulatory changes are proposed, we recommend that the Federal Subsistence Board and Alaska Board of Game consider the changes during the same wildlife regulatory cycle.

CHAIRMAN FLEAGLE: Thank you. Ken, can I just call on Mark.

MR. TAYLOR: Yes.

CHAIRMAN FLEAGLE: Mark Birch I know you were there, welcome.

MR. BIRCH: Thank you. There were, as I recall, of course you, Mr. Chairman, and Victor were both there so hopefully if I don't get it exact you can help correct me, but there were two basic recommendations agreed to by the group.

One was having to do with transporters and some voluntary guidelines that they may develop as a subcommittee and I don't have any details on those because they're being developed in subcommittee.

The other recommendation had to do with moving these dates as Victor had just described. I don't have it in front of me but as I recall it was to move the dates, the three week closure to the last three weeks of September for the reasons that Victor described. The other aspect of that has to do with changing some of the bag limits for caribou for nonresidents from one to two in some locations to help disburse some of the effort to some of the areas where there's less effort.

So that's basically the recommendation that's being sent to the Board of Game as an emergency for them to carry forward with.

CHAIRMAN FLEAGLE: Thank you, Mark.

InterAgency Staff Committee comments, Larry.

MR. BUKLIS: Mr. Chairman. The Staff Committee comments on Proposals 50 and 51 are on Page 565.

It's the general statement we've read before, I don't have any specific points to bring out.
Thank you.

CHAIRMAN FLEAGLE: Thank you. Board discussion with Council Chairs and State liaison. Victor.

MR. KARMUN: Yeah, one thing I forgot to mention, to us, this is where the transporter, outfitters don't follow policy and their policies are a very grey area. After they move their group out, they don't break down their camps and move them back to Kotzebue which is the hub for the region or normally where they operate from. They leave these camps up and they're occupied during the duration of the hunt until the season is closed.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Victor.

I'll add a little bit to what both Mark and Victor have stated about the working group.

Of course this is an issue that I've been involved with for several years with the Unit 23 residents and hearing the concerns. I know the State Board of Game has taken action to try to alleviate some of the concerns but they don't have full authority over transporting, guiding, et cetera, et cetera, they can only regulate the users that are there. Not users, uses. And they -- we -- I shouldn't say we, because I'm not them anymore, but they decided to petition the Legislature repeatedly through a resolution and what not to ask for the reinstatement of the Big Game Commercial Services Board, which Representative Reggie Jewell did, however, that Big Game Guide Board, as it used to be called, the Guide Board, has the authority to regulate guiding activities, but not transporting activities, so we still have an industry that has a massive impact up there that's not regulated and there's some intent from Legislature, Reggie Jewell spoke to it up there, that he intends to try to put some additional authority to the Guide Board to deal with the transporting issue.

This working group concept is trying to take a whole approach because there's so many different regulatory agencies, there's the Guide Board, the Game Board, the Federal Board, the you name it. And then there's also the different land managers that have different land management goals and practices and so
this working group is going to attempt to try to look
at all of the complex issues with this issue and come
up with some resolution that hopefully will work.

Now, compounded by some things, first
of all, like Victor said, the planning process is
intended to be a two year process and possibly
stretching into a third year if necessary. That's not
going to alleviate any immediate concerns.

Second, we are hearing some indication
that that caribou herd has declined. I'm not saying
that it's declining but it has declined substantially
since those number that Greg has spoken of. They're
not 490,000 anymore, they're estimating probably in the
high 300s and if we continue to see smaller numbers of
caribou and an increased pressure from outside of the
area, the user conflicts are probably going to rise.
And there is increased pressure from out of the area on
the horizon. There's the crash of the Mulchatna Herd
is forcing people to look for somewhere else to hunt.
The Unit 9 caribou herds are all tanking. And there's
big ads in the gun section of the newspaper right now
advertising five per day, come up to Unit 23, get five
per day. And this is aimed at State residents, and so
that's transporters and where do they put them, they
put them right where Victor's talking about, where the
caribou move.

So as a short-term solution, like Mark
talked about, the transporters, there's going to be a
small group that will look at some voluntary steps like
disbursing of their camps, you know, a number of
different things that they might look at that will help
let the subsistence users in the area get their
caribou. And to try to come up with something short-
term, the idea to put a petition before the Board of
Game and two Board of Game members are a part of this
group, one is acting in capacity of the Board and one
is acting in capacity of the Big Game and Commercial
Services Board, but he's also a Board of Game member,
and they have committed to trying to work through their
process and emergency petition that would do exactly
what these proposals do and that's to shift the
controlled use area dates to later in the season to try
to cover that period when the caribou are moving
through.

And it may have unseen consequences --
unforeseen consequences, because it could tend to push
that pressure out into other areas that aren't experiencing as high a pressure now.

But anyway the point of my comments are that I think that this working group is a good start. This issue is being addressed right now by the formation of an emergency petition to the Board of Game to try to get this controlled use area shifted to a later time this season and I think that either no action or a deferral would be appropriate.

But maybe I could just dispense with all the discussion that we're going to have by putting that all out on the table.

Further discussion.

Marcia.

MS. BLASZAK: Thank you, Mr. Chairman. This is an issue that we're certainly heavily emerged in in the National Park Service, I think we're actually -- because we're at the point of needing to reauthorize transporter licenses for a two year period that it's been at the forefront of a number of people's thinking. We're very supportive of the work group effort and particularly, Mark, your help in guiding that effort. And look forward to perhaps a much better, broader solution coming out of that effort.

I am very aware of a desire to have some immediate action taken and I frankly think that deferring to the work that the work group is doing with the Board of Game may be a better solution than us taking any action at this point and when we get to that point I'm planning to move to defer.

CHAIRMAN FLEAGLE: All right. Marcia, it sounds like you're ready.

MS. BLASZAK: I'd like to move to defer the Northwest Arctic Regional Advisory Council's recommendations on Proposals 50 and 51. And if I can have a second I'll speak a little bit more to that.

MR. LONNIE: I'll second.

CHAIRMAN FLEAGLE: Okay, go ahead.

MS. BLASZAK: Yes. As I stated
earlier, you know, I believe this working group just
met, what, last week, and I know the commitment our
agency shares with both the State of Alaska, the
Department of Fish and Game, as well as the other DOI
bureaus whose lands are in this region, that we all
want a solution that's going to be more holistic and
work for the long haul and I have a sense that any
action that we would take would -- I heard band aid,
which is a good -- maybe a good description, but I'm
afraid the band aid may just push the problem somewhere
else and I think deferring for, I think, the wise
advice that we'll get from the working group is a
better approach than taking action on this proposal at
this time.

CHAIRMAN FLEAGLE: All right. And just
to clarify the motion, the motion is to defer the
proposals themselves, not the RAC recommendation, but a
fine point.

And speaking to a deferral to time,
would it be to the next wildlife meeting or would it be
to after action by the working group or what would it
be.

Pete.

MR. PROBASCO: Mr. Chair. Right now
your deferral would be to the next wildlife cycle,
however, if a group or the Council brings something
before the Board, again, the Board can create its own
agenda and could take it up prior to that.

CHAIRMAN FLEAGLE: Okay. Because that
will cover both possible scenarios.

One, it will give the working group an
opportunity to get involved with the process.

Two, if the Board of Game does take
action on amending the CUA, then this Board could meet
on its own cycle to match those regulations.

MR. PROBASCO: Yes.

CHAIRMAN FLEAGLE: All right. Any
further discussion.

(No comments)
CHAIRMAN FLEAGLE: Ready for the question. On Proposals 50 and 51, Pete.


MS. BLASZAK: Yes.

MR. PROBASCO: Mr. Lonnie.

MR. LONNIE: Yes.

MR. PROBASCO: Mr. Cesar.

MR. CESAR: Yes.

MR. PROBASCO: Mr. Bschor.

MR. BSCHOR: Yes.

MR. PROBASCO: Mr. Melius.

MR. MELIUS: Yes.

MR. PROBASCO: And Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Motion carries six/zero.

CHAIRMAN FLEAGLE: That brings us up to Proposal 52, Unit 23 bear. Same Staff, no different Staff, okay, let's take five minutes to change out. Thank you, Mark.

(Off record)

(On record)

CHAIRMAN FLEAGLE: I don't know why I rushed everybody back, I just realized we've only got three proposals left to do with three hours to do them in, so we need to slow down.

(Laughter)

MS. BLASZAK: We still have the predator control.

CHAIRMAN FLEAGLE: Oh, yeah. All
right, we're moving on to Proposal 52, Dr. Polly
Wheeler, Liz Williams at the table, good afternoon.

MS. WILLIAMS: Thank you, Mr. Chair.
Members of the Board. I'm Liz Williams, anthropologist
with OSM. The analysis for WP08-52 starts on Page 570
in your books. And initially Proposals 52 and 53 were
analyzed together for their -- because they had similar
content but after we went through the Council reviews
it became clear we should present them to you
separately.

Proposal 52 was submitted by the
Northwest Arctic Regional Advisory Council and requests
the addition of Unit 23 to the list of areas from which
the skin, hide, pelt or fur, including claws of brown
bears can be harvested under Federal subsistence
regulations to make handicrafts for sale.

The Northwest Arctic RAC submitted this
proposal so that subsistence users in their region may
more completely utilize the brown bears they harvest
under Federal subsistence regulations.

A 2004 bear handicraft proposal WP04-01
requested statewide regulations to allow for the sale
of handicraft items made from the fur of brown bear.
The Northwest Arctic RAC voted to oppose this proposal
on the basis that it shouldn't have been a statewide
proposal, they felt that the proposed regulation should
have been addressed on a region by region basis.

After opposing the statewide proposal,
at the May 2004 Board meeting, the Chair of the
Northwest Arctic RAC stated that he planned to submit a
proposal for brown bear handicraft regulations for his
region during the next wildlife proposal cycle. There
have been several handicraft related regulations
throughout the years and the Northwest Arctic has been
very deliberate about which one they would support and
which one they wouldn't.

WP08-52, the one in front of you now is
the result of the discussions at the fall 2007
Northwest Arctic Council meeting. The Board and the
Regional Advisory Councils have considered several
proposals related to brown bear handicrafts and have
repeatedly emphasized the importance of the region
specific nature of bear handicraft regulations.
The addition of Unit 23 to the list of units with brown bear handicraft regulations is consistent with Section .803 of ANILCA. This proposal does not change the harvest limit for brown bear, therefore if adopted, this proposal should have little or no effect on other users.

For these reasons the OSM conclusion is to support Proposal 52.


MS. WILKINSON: The Gates of Arctic Subsistence Resource Commission would -- I can't make out whether they defer to the Council or they're recommending that you defer to the Council.

It says the Subsistence Resource Commission defers to the customary practice of subsistence users in their home regions.

CHAIRMAN FLEAGLE: Thank you. Public testimony, Pete.

MR. PROBASCO: No one has signed up for this proposal, Mr. Chair.

CHAIRMAN FLEAGLE: Regional Council recommendation, Victor.

MR. KARMUN: After much discussion I will stick to what it said. Basically what it boiled down to was region specific, but in my association with the villages that take and use brown bear, which is very high in that Northwest Arctic, on the average of 30 plus brown bear are taken every year, mainly in the spring, some of the people I know that take and use this animal will just cut the hide in four pieces and leave it.

Thank you.


MR. REAKOFF: Mr. Chairman. The Western Interior took no action on the proposal. I'm vice Chair of the Subsistence Resource Commission for Gates of the Arctic and we deferred to the region in
23. And so felt that that was their prerogative.

CHAIRMAN FLEAGLE: Thank you.

Department of Fish and Game comments, Ken Taylor.

MR. TAYLOR: Thank you, Mr. Chairman.

Tina Cunning will speak to this proposal.

CHAIRMAN FLEAGLE: Thank you. Tina.

MS. CUNNING: Thank you, Mr. Chairman.

Consistent with the request on Proposal WP08-05, we're asking that the Board defer action on this proposal until such a time that a work group can come up with a tracking system or some other mechanism by which we can reduce the problems that we've identified with the sale and trade of bear claws, in particular, and other bear parts. Then once that tracking mechanism or results of that work group is released, then this proposal could be dealt with by the Board.

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

Wildlife Proposal WP08-52 would allow the sale of handicrafts made from the fur, including claws, of brown bear harvested in Unit 23.

Introduction:

Federal regulations authorizing sale of handicrafts made from the skin, hide, fur, or pelt, including claws, of brown bears do not apply to brown bears taken in Units 23. This proposal would allow such sales. Where such sales are allowed under federal law, they are limited only by an unenforceable regulation that prohibits sales constituting a significant commercial enterprise, which is undefined. Under state law, sales and purchases of handicrafts made with brown bear claws are prohibited. The state opposes these proposals as written but notes that sales of bear fur handicrafts without claws would be allowed without adoption of this proposal if proposal WP08-05 is adopted.

Impact on Subsistence Users:

This proposal would not further subsistence use of brown bear because sales of brown bear handicrafts are not customary and traditional in
Units 23, 24B, and 26. The Federal Subsistence Board’s current allowance of such sales in other units was not based upon a determination that such sales are customary and traditional but upon the Board’s unsupported argument that the Board can authorize any use if the take is customary and traditional.1 Bartering brown bear handicrafts with anyone is already allowed under federal regulations, and, therefore, this proposal is not needed to allow rural residents or urban Natives to obtain such handicrafts for ceremonial, religious, and cultural purposes. Adoption of this proposal will increase the likelihood that federal subsistence users will face state prosecution for engaging in sales that are prohibited under state law when they are on state or private lands. Opportunity Provided by State:

State regulations allow the purchase, sale, and barter of handicrafts made from the fur of a bear, but the state’s definition of fur does not include claws. Under 5 AAC 92.900, handicrafts made with bear fur may be sold to anyone, but sales of handicrafts made with claws are prohibited.

Conservation Issues:

Regulations allowing the sales of high value bear claws create a legal market for bear claws which is likely to mask illegal sales, compounding problems with the international trade of Endangered Species and contributing to the illegal harvest, overharvest, and waste of bears in other states and countries as well as Alaska. Brown bears develop slowly and have a low reproductive rate, making small populations extremely susceptible to overharvest. Allowing widespread sale of high value bear parts without any kind of tracking mechanism is an invitation to illegal harvest. Existing unit-specific regulations are unenforceable and inconsistent with sound management principles. Adoption of these proposals will incrementally increase these problems.

Enforcement Issues:

Adoption of this proposal will increase

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1 See for example Chairman Demientieff letter to ADF&G on January 17, 2006
enforcement problems in several ways. First, by expanding the pool of eligible sellers and potential numbers of legal sales of high value bear parts, it will contribute to increased masking of illegal sales and bolster the economic incentives for poaching in other states and countries as well as Alaska. Second, it will add another unenforceable unit specific sales authorization with no tracking mechanism for linking handicrafts to the location where a bear is harvested. Third, adoption of this proposal will increase the likelihood that federal subsistence users will face prosecution for attempting to engage in sales on state or private land that are prohibited under state law.

Jurisdiction Issues:

The State continues to maintain that the federal government lacks jurisdiction to allow sales of any wildlife handicrafts where such sales are not customary and traditional. In the past, the Federal Subsistence Board has rejected this argument, asserting that if any use is customary and traditional the Board can authorize any other use. The Board’s argument is inconsistent with its litigation stance in the Chistochina Unit 12 moose case where it argued that customary and traditional use is related to how a resource is used after it is taken and not to or a prerequisite condition for the taking itself.2

Recommendation:

Oppose WP08-52 and support WP08-05 instead. No evidence is presented in either the proposal or staff analysis demonstrating that the production and sale of brown bear handicrafts is a customary and traditional activity in Unit 23. Furthermore, such sales will create enforcement problems for subsistence users and are contrary to accepted principles of wildlife management in light of the endangered species and sustainability issues. Sales of bear fur handicrafts without claws would be allowed without adoption of this proposal if proposal WP08-05 is adopted.

CHAIRMAN FLEAGLE: Thank you, Tina. ISC comments, Larry.

2 State v. Flagle, (Case 3:06-cv-00107-HRH) Doc 32 at 22
MR. BUKLIS: Mr. Chairman. The Staff Committee comments are on Page 573. It's a statement that the committee found the analysis to be complete and accurate and the Council recommendations to be consistent with .805(c) of ANILCA.

CHAIRMAN FLEAGLE: Thank you. Board discussion with Council Chairs and State liaison. (No comments)

CHAIRMAN FLEAGLE: Anybody have any ideas. (No comments)

CHAIRMAN FLEAGLE: Ready for action.

Marcia.

MS. BLASZAK: Thank you, Mr. Chairman. I move to support Northwest Arctic Regional Advisory Council's recommendation on Proposal 08-52 -- excuse me I move to adopt the proposal.

CHAIRMAN FLEAGLE: Proposal 52.

MS. BLASZAK: Thank you.

CHAIRMAN FLEAGLE: There you go, thank you. Move to adopt, is there a second.

MR. CESAR: I'll second.

CHAIRMAN FLEAGLE: All right, it's seconded. Marcia, do you want to speak to your motion.

MS. BLASZAK: Yes, sir, thank you, Mr. Chairman. This will add Unit 23 to the list of areas where Federally-qualified subsistence users may sell handicraft articles that are made from the fur of a brown bear. I heard in an earlier testimony that this was the culmination of a number of years of deliberation and I believe that it's now ready for prime time and I intend to vote in favor of my motion.

CHAIRMAN FLEAGLE: Other discussion.

Tom.

MR. MELIUS: Yeah, I guess hearing a
lot of the discussion that we had on the first day of
the Board meeting in reference to the concerns we
addressed under 05, I thought the pathway forward of
having a work group look at the LE (ph) concerns and
the ability to possibly mark through various means in a
very short timeline, if they could come back with
recommendations from that work group within a year as,
I think, the State had indicated, we could work with
the Board's calendar to try to accommodate that so I
was hoping that possibly this proposal and the
following proposal that also dealt with bear claws
could be added to the assignment, or to the agenda that
this work group would take up and that we wouldn't be
taking an action in one area where earlier in the
Board's deliberation we decided to defer to a work
group.

So I'm more inclined to add this to the
mix that the State work group that includes Council
representation and that they would thrash this out and
come back with a proposal that we could then address.

So I would move -- well, I'll just hold
off on whether or not I'm going to move an amendment.

CHAIRMAN FLEAGLE: All right, thanks.

MS. BLASZAK: I actually believe Mr.
Melius' recommendation may be a better pathway forward
and I guess I'd probably more appropriately withdraw my
motion, no, sir.....

CHAIRMAN FLEAGLE: No, no.

MS. BLASZAK: .....or are we discussing
it.

CHAIRMAN FLEAGLE: Let's leave this
on.....

MS. BLASZAK: Okay.

CHAIRMAN FLEAGLE: I'd prefer to deal
with it as an amendment.....

MS. BLASZAK: Amend it. Amendment.

CHAIRMAN FLEAGLE: .....because there's
going to be some objection to deferral,
MS. BLASZAK: Yes, sir.

CHAIRMAN FLEAGLE: I sense it.

MS. BLASZAK: Okay.

(Laughter)

MS. BLASZAK: You sense that.

(Laughter)

MS. BLASZAK: Let's get it right for the record, sir, go ahead.

CHAIRMAN FLEAGLE: Well, I don't support deferral. The State's proposal in '05 was a statewide issue dealing with the sale and how it's regulated and how it's marked and how it's -- you know, how everything is done statewide, it's not an attempt to regulate where -- well, it might turn into where a place can be done, I don't see any conflict between adding areas that can sell handicrafts including claws with the working group that is going to address to adequately mark and track and do whatever it has to do to make this not a conservation issue, if I make any sense there.

I don't see any conflict with opening Unit 23 to the same use that neighboring units have and still allow the work group process to go forward that would somehow try to bring into a higher compliance the regulation.

That would be my only comment.

Tom.

MR. MELIUS: I guess it's -- I understand the view that you've just laid out. I guess my thought is at this point to just have a time out, so to speak, and allow the work group to do its due diligence and bring back a recommendation as opposed to continuing to add additional units.

Again, my comment is not on how I would vote on that, it was more or less an opportunity to have it thoroughly discussed, and if there is no good consensus, fine, if there is consensus, then we bring it back before the Board, but not to continue to add to
the list at this time when we've already, as a Board, adopted, unanimously, a position to go with the work group. So that's kind of where I was coming from, Mr. Chairman.

CHAIRMAN FLEAGLE: Niles.

MR. CESAR: Mr. Chairman. I agree with your position that I don't see the harm of the addition of this and it seems to me like the work group can continue on on its way.

CHAIRMAN FLEAGLE: Further discussion. Denny.

MR. BSCHOR: Yes, Mr. Chair, I believe in dealing with this in past years we were approaching this as a, you know, specific need by area or by Council and so we left it open to additional needs as they may arise or additional requests as they may arise.

So I'm not sure I would vote for a deferral. And I also don't think it would have to conflict at all with the work group. The work group could continue to do what they need to do.

CHAIRMAN FLEAGLE: Tom.

MR. MELIUS: Well, I guess I can count votes.

(Laughter)

MR. MELIUS: I would hope, though, that if we do approve the proposal, that it would still be one of the -- well, since '05 is a statewide look at the issue of marking for claws, this, as well as all the other ones would be considered. So with that understanding, Mr. Chairman, I probably will be supporting the proposal.

CHAIRMAN FLEAGLE: All right. We don't have a motion for deferral so discussion on the main proposal -- on the main motion, further discussion.

(No comments)
CHAIRMAN FLEAGLE: Are we ready for the question. All right, Pete, on Proposal 52, please poll the Board.

MR. PROBASCO: Final action WP08-52.

Mr. Lonnie.

MR. LONNIE: Yes.

MR. PROBASCO: Mr. Cesar.

MR. CESAR: Yes.

MR. PROBASCO: Mr. Bschor.

MR. BSCHOR: Yes.

MR. PROBASCO: Mr. Melius.

MR. MELIUS: Yes.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: And Ms. Blaszak.

MS. BLASZAK: Yes.

MR. PROBASCO: Motion carries six/zero.

CHAIRMAN FLEAGLE: That concludes the Northwest Arctic region proposals. All right, we're moving into the North Slope and we'll allow Staff a few moments to switch out -- you're the same Staff -- all right. Proposal 53. Liz Williams.

MS. WILLIAMS: Thank you, Mr. Chair. Members of the Board. I'm Liz Williams, anthropologist with OSM. And the analysis for Proposal WP08-53 starts on Page 579 in your books. And if you have a Federal reg book with you I'd like to refer you to Page 115 because I think that map will make a lot of what I'm about to say much clearer than what I'm about to say will.

(Laughter)

MS. WILLIAMS: And the main reason is I just want you to look at where Anaktuvuk Pass is. And
with that I'll begin, Proposal WP08-53 was submitted by
the North Slope Regional Subsistence Advisory Council.
And it requests the addition of Units 24B and Units 26
to the list of areas from which the skin, hide, pelt or
fur including claws of brown bear harvested under
Federal subsistence regulations can be used to make
handicrafts for sale.

Unit 24B is part of the Western
Interior RAC region. Unit 26 is the North Slope RAC
region. The North Slope RAC included Unit 24B in this
proposal so that the community of Anaktuvuk Pass, which
is located just under the border of Unit 26 and Unit
24B was covered in the proposed regulation. Anaktuvuk
Pass is represented by the North Slope RAC due to
shared Inupiat heritage with Unit 26. The majority of
people living in 24B, however, are Athabascan, and
they're represented by the Western Interior RAC.

Cultural beliefs about bears vary
greatly between these two regions.

The Western Interior RAC has
consistently opposed brown bear handicrafts regulations
for its region but has supported region specific
proposals for brown bear handicrafts in other regions
as they did today.

In Unit 24B the majority of Federal
public lands accessed by the residents of Anaktuvuk
Pass are in Gates of the Arctic National Park. The
people of Anaktuvuk Pass have made masks from a variety
of animal skins and fur, including brown bear for
generations. The making and selling of brown bear
handicrafts does not conflict with beliefs about bears
in this community and in the remainder of Region 10,
the area of the North Slope RAC. The consistent
support of bear handicraft regulations by the North
Slope RAC reflect this preference.

In many Athabascan communities
represented by the Western Interior RAC beliefs clearly
prescribe what can and can't be or should not be done
in relation to bears. These beliefs are reflected in
the Western Interior RAC's consistent opposition to
regulations for the sale of bear handicrafts in their
region.

The North Slope RAC stated that it
submitted these proposals so that subsistence users may
more completely utilize brown bears they harvest under
Federal subsistence regulations. The Board has adopted
Federal regs that allow for handicrafts made from brown
bear fur, including claws, only for those regions whose
Regional Councils approve it.

WP08-53 is the result of discussions at
the fall 2007 North Slope RAC meetings and which the
question of Units 24 and 26 was raised in response to
requests from residents of Anaktuvuk Pass and Unit 26
to the National Park Service. The Federal harvest
limit for brown bear in both of these units is one bear
per year. This proposal doesn't change the harvest
limit so if adopted it shouldn't have any affect on
other users.

Adoption of regulations for the sale of
brown bear handicrafts in all of Unit 24B, however, is
not appropriate for all of Unit 24B and in an attempt
to accommodate the beliefs of all the residents of Unit
24B the proposal has been modified to include only that
portion of Gates of the Arctic National Park in Unit
24B or actually only that portion of Unit 24B within
Gates of the Arctic National Park. These are the
Federal public lands that are closest to Anaktuvuk
Pass.

For these reasons, the OSM conclusion
is to support Proposal 53 with the modification to
include Unit 26 and only that portion of Unit 24B
within Gates of the Arctic National Park.

CHAIRMAN FLEAGLE: And that concludes?

MS. WILLIAMS: Yes.

CHAIRMAN FLEAGLE: Okay, thank you.

All right, summary of written public comments, Barbara.

MS. B. ARMSTRONG: Mr. Chair. We have
one submitted by the Gates of the Arctic Subsistence
Resource Commission. They said to defer WP08-53 to the
home North Slope Subsistence Regional Advisory Council
with modification to remove Unit 24B from the proposal.

The Subsistence Resource Commission
defers to the customary practices of subsistence users
in their home regions. The primary subsistence
qualified users of 24B have social and cultural
sanctions against the sale of bear handicrafts.
Thank you, sir.

CHAIRMAN FLEAGLE: Thank you, Barbara.

Public testimony, Pete.

MR. PROBASCO: No one signed up for this proposal, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you. Regional Council recommendation. North Slope, will you go ahead and give that one, Barbara, please.

MS. B. ARMSTRONG: Yes. And the North Slope Regional Advisory Council supported Proposal WP08-53. Anaktuvuk Pass residents harvest brown bears in Unit 24B and 26 and other residents of Unit 26 use the brown bear skin, hide, pelt and fur including claws for handicrafts.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Barbara.

Northwest Arctic, Victor.

MR. KARMUN: I don't remember what we did with this one.

(Laughter)

CHAIRMAN FLEAGLE: It says you supported it.

MS. ENTSMINGER: It's right here.

(Pause)

MR. KARMUN: Personally what I'll say, the Northwest Arctic Council is very reluctant to make any comments, recommendations for any entity outside of Northwest Arctic.

Thank you.


MR. REAKOFF: Thank you, Mr. Chair.

Western Interior officially supported the proposal with the modification to exclude 24B. And as vice Chair of the Subsistence Resource Commission, when we had the meeting, the day before our RAC meeting, the
representative from Anaktuvuk Pass didn't state that
they were wanting to be included in the sale portion.

And I've known people up there in
Anaktuvuk and I've seen masks that were incorporating
grizzly bear fur a long time ago, before it was legal,
and so we would have been supportive if that
representative would have stated so, to include the
Gates of the Arctic Park.

So I feel that the OSM's position is a
good mediation. But we, at that time, that's why we --
our RAC went along with that SRC recommendation.

CHAIRMAN FLEAGLE: Thank you, Jack.

Department of Fish and Game comments, Ken Taylor.

Consistent with our position on the previous proposal,
we would support deferral of this proposal.

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

Wildlife Proposal WP08-53 would allow
the sale of handicrafts made from the fur, including
claws, of brown bear harvested in Units 24B and 26.

Federal regulations authorizing sale of
handicrafts made from the skin, hide, fur, or pelt,
including claws, of brown bears do not apply to brown
bears taken in Units 24B and 26. These proposals would
allow such sales. Where such sales are allowed under
federal law, they are limited only by an unenforceable
regulation that prohibits sales constituting a
significant commercial enterprise, which is
undefined. Under state law, sales and purchases of
handicrafts made with brown bear claws are prohibited.
The state opposes these proposals as written but notes
that sales of bear fur handicrafts without claws would
be allowed without adoption of these proposals if
proposal WP08-05 is adopted.

Impact on Subsistence Users:

This proposal would not further
subsistence use of brown bear because sales of brown
bear handicrafts are not customary and traditional in
Units 24B and 26. The Federal Subsistence Board's current allowance of such sales in other units was not based upon a determination that such sales are customary and traditional but upon the Board's unsupported argument that the Board can authorize any use if the take is customary and traditional. Bartering brown bear handicrafts with anyone is already allowed under federal regulations, and, therefore, this proposal is not needed to allow rural residents or urban Natives to obtain such handicrafts for ceremonial, religious, and cultural purposes. Adoption of this proposal will increase the likelihood that federal subsistence users will face state prosecution for engaging in sales that are prohibited under state law when they are on state or private lands.

Opportunity Provided by State:

State regulations allow the purchase, sale, and barter of handicrafts made from the fur of a bear, but the state's definition of fur does not include claws. Under 5 AAC 92.900, handicrafts made with bear fur may be sold to anyone, but sales of handicrafts made with claws are prohibited.

Conservation Issues:

Regulations allowing the sales of high value bear claws create a legal market for bear claws which is likely to mask illegal sales, compounding problems with the international trade of Endangered Species and contributing to the illegal harvest, overharvest, and waste of bears in other states and countries as well as Alaska. Brown bears develop slowly and have a low reproductive rate making small populations extremely susceptible to overharvest. Allowing widespread sale of high value bear parts without any kind of tracking mechanism is an invitation to illegal harvests. Existing unit-specific regulations are unenforceable and inconsistent with sound management principles. Adoption of these proposals will incrementally increase these problems.

Enforcement Issues:

Adoption of this proposal will increase

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1 See for example Chairman Demientieff letter to ADF&G on January 17, 2006
enforcement issues in several ways. First, by
expanding the pool of eligible sellers and potential
numbers of legal sales of high value bear parts, it
will contribute to increased masking of illegal sales
and bolster the economic incentives for poaching in
other states and countries as well as Alaska. Second,
it will add another unenforceable unit specific sales
authorization without any tracking mechanism for
linking handicrafts to the location where a bear is
harvested. Third, adoption of this proposal will
increase the likelihood that federal subsistence users
will face prosecution for attempting to engage in sales
on state or private land that are prohibited under
state law.

Jurisdiction Issues:

The State continues to maintain that
the federal government lacks jurisdiction to allow
sales of any wildlife handicrafts where such sales are
not customary and traditional. In the past, the
Federal Subsistence Board has rejected this argument,
asserting that if any use is customary and traditional
the Board can authorize any other use. The Board’s
argument is inconsistent with its litigation stance in
the Chistochina Unit 12 moose case where it argued that
customary and traditional use is related to how a
resource is used after it is taken and not to or a
prerequisite condition for the taking itself.2

Recommendation:

Oppose WP08-53 and support WP08-05
instead. No evidence is presented in either the
proposal or staff analysis demonstrating that the
production and sale of brown bear handicrafts is a
customary and traditional activity in Units 24B and 26.
Furthermore, such sales will create enforcement
problems for subsistence users and are contrary to
accepted principles of wildlife management in light of
the endangered species and sustainability issues.
Sales of bear fur handicrafts without claws would be
allowed without adoption of this proposal if proposal
WP08-05 is adopted.

CHAIRMAN FLEAGLE: Thank you. ISC
comments, Larry.

2 State v. Flagle, (Case 3:06-cv-00107-HRH) Doc 32 at
MR. BUKLIS: Mr. Chairman. Those are found on Page 583. The comments speak to the analysis being a complete and accurate evaluation and the Council recommendation is consistent with ANILCA .805. Thank you.

CHAIRMAN FLEAGLE: Thank you, Larry. Discussion. Tom Melius.

MR. MELIUS: Mr. Chairman. As I've raised in the 05 and 52 proposals, I do have some concerns and would hope that the work group that we did adopt with the 05 proposal would also look at sale of claws here and I would be -- with that noted, would be supportive of the proposal.

CHAIRMAN FLEAGLE: Jack.

MR. REAKOFF: The bear population is very healthy in the Brooks Range and I feel, with especially the eligibility restrictions within the Gates of the Arctic Park and harvests are low at Anaktuvuk Pass, I see no problem with the modified proposal.

CHAIRMAN FLEAGLE: Okay, thank you. Are we ready for a motion, and this will be to adopt.

Marcia.

MS. BLASZAK: Thank you, Mr. Chair. I'd like to move to adopt Proposal 08-53 submitted by the North Slope Regional Advisory Council with the modifications.

CHAIRMAN FLEAGLE: Let's just stop at adopt.

MS. BLASZAK: Adopt the proposal.

CHAIRMAN FLEAGLE: Okay. Is there a second.

MR. LONNIE: I'll second.

CHAIRMAN FLEAGLE: Okay, now move your amendment.
MS. BLASZAK: I'd like to include the amendment that was discussed in the -- by OSM that would include the portion of Unit 24B only National Park lands in Gates of the Arctic National Park. This would exclude BLM and Fish and Wildlife Service lands within Unit 24B.

CHAIRMAN FLEAGLE: Is there a second.

MR. LONNIE: I'll second.

CHAIRMAN FLEAGLE: Thank you. And that language can be found on the top of Page 582.

Discussion.

(No comments)

CHAIRMAN FLEAGLE: Ready for the question. Pete, on the amendment to substitute the language found in the OSM conclusion for the proposal.

MR. PROBASCO: Mr. Chair. Amendment to WP08-53. Mr. Cesar.

MR. CESAR: Yes.

MR. PROBASCO: Mr. Bschor.

MR. BSCHOR: Yes.

MR. PROBASCO: Mr. Melius.

MR. MELIUS: Yes.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Ms. Blaszak.

MS. BLASZAK: Yes.

MR. PROBASCO: And Mr. Lonnie.

MR. LONNIE: Yes.

MR. PROBASCO: Amendment carries six/zero.

CHAIRMAN FLEAGLE: Main motion. Any
I think just a minor point similar with the last proposal is that the intent is we're adding an area that allows for the sale of handicrafts including claws but it does not preclude the planning group that will look at the conservation issues, the marking, tagging, tracking that will apply statewide once that group comes up with a recommendation that's acceptable to the Board.

MR. MELIUS: Well, stated, Mr. Chairman.

CHAIRMAN FLEAGLE: Thank you. The question is now recognized on Proposal 53, Pete.

MR. PROBASCO: WP08-53 as amended. Mr. Bschor.

MR. BSCHOR: Yes.

MR. PROBASCO: Mr. Melius.

MR. MELIUS: Yes.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Ms. Blaszak.

MS. BLASZAK: Yes.

MR. PROBASCO: Mr. Lonnie.

MR. LONNIE: Yes.

MR. PROBASCO: And Mr. Cesar.

MR. CESAR: Yes.

MR. PROBASCO: Motion carries six/zero.

CHAIRMAN FLEAGLE: Thank you, Pete. Now, it looks like we've got a Staff change out.

(Pause)

CHAIRMAN FLEAGLE: All right. We now
move to Proposal 54 and we have Chuck Ardizzone and
Laura Greffenius at the table. Good afternoon, Laura.

MS. GREFFENIUS: Thank you. I trust
you're all alert after Liz' good humor, and this is the
last one here. So good afternoon, Mr. Chair, and Board
members and Council Chairs. My name is Laura
Greffenus and I am a wildlife biologist with the
Office of Subsistence Management. And I will be
presenting Proposal WP08-54. Staff analysis begins on
Page 589 of your Board book.

This proposal was submitted by Lee
Kayotuk of Kaktovik and relates to moose regulations in
Unit 26C. WP08-54 requests the harvest quota for
Kaktovik residents increase from three moose to five
moose in Unit 26C only. And of these five, the harvest
of up to one cow would be allowed in Unit 26C.

The proposal discontinues the harvest
quota in 26B remainder and removes the closure of
Federal public lands in Unit 26B remainder to moose
hunting for all except Kaktovik residents.

In 2004, this Board adopted into
regulation a harvest quota of three moose in Unit 26C
and in Unit 26B remainder, with no more than two bulls
harvested from Unit 26C and cows may not be harvested
from Unit 26C. This regulation was adopted with these
harvest limits to minimize adverse effects on the moose
population in Unit 26C.

I refer you to Table 1 on Page 593
which summarizes moose trend surveys done in Unit 26C,
results of these surveys show low numbers of moose
using selected drainages with no significant population
increase. And since 2004 Kaktovik is the only
community in the area eligible for Federal subsistence
harvest. And on Page 595 is a summary of the reported
moose harvest.

The effects of this proposal. If
adopted, Kaktovik hunters would be able to harvest
three additional moose than what is allowed in Unit 26C
and would be able to harvest in close proximity to
their village -- in closer proximity to their village
than if they traveled to the Canning River drainage in
Unit 26B.

If adopted the number of moose
harvested in Unit 26C could rise from the currently
allowed quota of two bulls to potentially four bulls
and one cow. A harvest quota limit of five moose could
have negative impacts on the recovery of a depressed
moose population. The impact would be especially
heightened if any cows were harvested. In addition to
the legal harvest of one cow that would be allowed if
this proposal was adopted, additional cow harvest is
possible because it is difficult to distinguish bulls
and cows during late winter when subsistence harvest is
most likely to occur.

If adopted, residents of Kaktovik would
not have an opportunity to harvest moose in Unit 26B
remainder. In addition the closure of Federal public
lands in Unit 26B remainder to moose hunting for all
except Kaktovik residents would be removed.

The OSM conclusion is to oppose
Proposal WP08-54 for these reasons:

The moose population in Unit 26C
remains a conservation concern.

The existing regulation allowing a
maximum of two bulls harvested in Unit
26C was a compromise measure
deliberated by this Board in 2004.

Moose surveys in Unit 26C indicate that
moose numbers have remained low and
have not shown sufficient increase
since 2004 to raise the allowable
harvest at this time.

The harvest of any cow moose is
detrimental to efforts to rebuild the
Unit 26C moose population.

And it is recommended that the moose
closure in the Canning River drainage
of Unit 26B remain in effect for the
continued subsistence use of Kaktovik
residents.

This concludes my presentation, thank
you.

CHAIRMAN FLEAGLE: Thank you, Laura.
Summary of written public comments, Barbara.
MS. B. ARMSTRONG: Mr. Chair, we have one received today from Mr. Fenton Rexford of Kaktovik on Proposal 54.

And he says that it's short and to the point for the Federal Board to consider eco-wide eco-system count and distribute the hunt that way. Moose will never become extinct in Unit 26C. They are always moving around.

Thank you, sir.

CHAIRMAN FLEAGLE: Thank you. Public testimony.

MR. PROBASCO: Mr. Chair, we have no one signed up for this proposal.

CHAIRMAN FLEAGLE: Thank you. Regional Advisory Council recommendation, Barbara.

MS. B. ARMSTRONG: Okay, for the North Slope Regional Advisory Council, support Proposal WP08-54 with modification to change the harvest quota to five bulls with a shorter season from July 1 to December 31. The Council recommended that a population consensus be conducted in Unit 26B and C and on an annual basis in the summer when the moose are in the area.

Now, if you'd look at the modified regulation it should read:

26B remainder and Unit 26C.

The 26B remainder and should be crossed out.

Thank you, sir.

CHAIRMAN FLEAGLE: Okay, make that correction on your Page 588 language, it should read only 26C for the changes incorporated. Thanks for that correction.

Department of Fish and Game comments, Ken Taylor.

MR. TAYLOR: Thank you, Mr. Chairman. Terry Haynes will speak to this proposal.
CHAIRMAN FLEAGLE: Terry.

MR. HAYNES: Mr. Chairman. Our written comments are on Page 598.

The Department opposes both the original proposal and the proposal as modified by the North Slope Regional Advisory Council for the reasons very clearly and convincingly expressed by Laura in her presentation.

I would like to add that the Department's area biologist for this part of Alaska has been in constant contact with her counterpart in the Arctic Refuge, and they've worked very closely in looking at the moose numbers up there and they both agree that there simply aren't enough moose to increase the harvest limit at this time. And this is another example of Department Staff maintaining constant communication with Federal counterparts to make sure we understand the biology of the moose population in this area and that we stay on the same page to the extent possible.

Thank you.

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

Wildlife Proposal WP08-54:

Increase the harvest quota and number of federal registration permits for the federal moose hunt in Game Management Unit 26C.

Introduction:

The Federal Subsistence Board and Alaska Board of Game closed Unit 26C to moose hunting in 1996 due to very low moose numbers. Effective for the 2004-05 regulatory year, the Federal Subsistence Board opened a July 1 March 31 season in Units 26B and 26C with a harvest quota of 3 moose (2 bulls and one of either sex), provided that no more than 2 bulls and no cows could be harvested in Unit 26C and a cow accompanied by a calf could not be harvested. Only 3 federal registration permits are issued. Federal public lands are closed except to Kaktovik residents holding federal registration permits. In the 2007-2008 regulatory year, the closure in Unit 26B applies only
to federal land in the Canning River drainage. This proposal would: (1) increase the number of permits issued from 3 to 5; (2) increase the harvest quota from 3 to 5 moose (4 bulls and one of either sex), (3) prohibit harvest of a cow accompanied by a calf; and (4) close moose hunting under the federal regulations in Unit 26B Remainder.

Impact on Subsistence Users:

The proposal is designed to provide Kaktovik residents with the opportunity to hunt closer to home and to harvest more moose in the short term. Moose numbers are low in Unit 26C, and conservative management is required.

Opportunity Provided by State:

Moose hunting in Unit 26C and the Remainder of Unit 26B are closed in state regulations for conservation purposes. In Unit 26B excluding the Canning River drainage, state regulations for the 2007-08 regulatory year allow a harvest of one bull by drawing permit September 1-14. An additional 14-day resident season during February 15 April 15 for one bull may be announced by Emergency Order.

Conservation Issues:

The Alaska Department of Fish and Game applies a 3% harvest rate to moose populations on the North Slope, and harvest should be limited to bulls in situations like that in Unit 26C. Surveys conducted by the Arctic National Wildlife Refuge in Unit 26C counted 52 moose in 2003, 47 moose in 2005, and 59 moose in 2007. The 3% harvest rate formula indicates no more than 2 bull moose should be harvested from Unit 26C to assure sustainability.

Recommendation:

Oppose both the original proposal and the proposal as modified by the North Slope Regional Advisory Council, both of which seek to increase the harvest quota of moose in Unit 26C and retain the existing restrictions in Unit 26C for the reasons specified in the Justification for the Conclusion in the federal staff analysis. This proposed increase in the harvest of moose in Unit 26C is not supported by substantial evidence, would violate recognized
principles of wildlife conservation, and would be
detrimental to the long term interests of subsistence
users.

CHAIRMAN FLEAGLE: Thank you, Terry.
ISC comments, Larry.

MR. BUKLIS: Mr. Chairman. The Staff
Committee comments are on Page 597 in your Board book.

The Staff Committee noted that an
alternative approach to that of the proposal would be
to maintain the existing season and harvest limits for
Unit 26B and Unit 26C, but to modify the regulation to
require that only antlered bulls may be taken. This
would be consistent with the concerns expressed by the
Council to minimize the potential for mistakenly taking
a cow in Unit 26C.

Any increase harvest limit in Unit 26C
would not be consistent with recognized principles of
wildlife conservation due to the low moose population
in this unit.

Thank you, Mr. Chairman.

CHAIRMAN FLEAGLE: Thank you.

Discussion. Jack.

MR. REAKOFF: Mr. Chairman. One point
that's not been brought out, I'm on the Advisory
Committee for the Koyukuk and I got an emergency order
from the Department and there was an April 1 to April
15th season in 26B for antlerless bulls and so the
Department has an antlerless bull hunt this springs and
seems to be concerned about Federal users killing cows
yet they have an antlerless bull season which included
the Dalton Highway Corridor. So I felt that the Board
should be aware that there's not full conservation on
the State side when they have an emergency -- when the
Board has approved an emergency order hunt for
antlerless bulls in 26B with no real quota set that I
could see and 15 bulls, all of those bulls could have
come out of the Dalton Highway Corridor. I felt that
that was very risky on the part of the Board of Game.

I wanted to bring that out to the
Board, that should enter into your deliberations.

Thank you.
CHAIRMAN FLEAGLE: Thank you, Jack. Appreciate that. But we're only dealing with 26C in this issue.

MR. REAKOFF: The InterAgency Staff Committee had discussion on 26B also so I wanted to bring that out.

CHAIRMAN FLEAGLE: Larry.

MR. BUKLIS: Mr. Chairman, we should have been clear and we weren't, it's that portion of 26B that's relevant to this proposal, which I believe is the Canning River drainage.

MR. REAKOFF: Okay.

MR. BUKLIS: That's a deficiency in the completeness of our comment.

CHAIRMAN FLEAGLE: All right. So the map, Map 1, you're only talking the real small area of Unit 26B remainder, down in the southeast corner.

MR. BUKLIS: Mr. Chairman, that is correct.


MR. TAYLOR: Thank you, Mr. Chairman. In response to Jack's comments, I just wanted to point out that Unit 26B remainder which is the Canning River drainage and Unit 26C have no open season under the State regulations.

CHAIRMAN FLEAGLE: Other discussion. (No comments)

CHAIRMAN FLEAGLE: Ready to move on it. Tom.

MR. MELIUS: I will try to be clear as we move through this one because I am planning into making it two separate motions. My first motion would be as we've customarily done is to adopt the North Slope Regional Council's recommendation, and if I get a second I will
be laying out my justification for opposing my motion.

MR. LONNIE: I'll second it.

CHAIRMAN FLEAGLE: Go it.

MR. MELIUS: Mr. Chairman. As we've heard from the OSM and the State testimony, numbers of moose in Unit 26C continue to be quite low so an increased harvest limit for moose especially any harvest of cows in Unit 26C would create a conservation concern which would violate recognized principles of wildlife management.

I'm not opposed to shortening the season but do not believe it's necessary at this time.

And for those reasons I will be voting in opposition to my motion, however, in response to the Council's concerns of unintentional harvest of cow moose in Unit 26C and if my motion is rejected, I would then be making a second motion to take in some of these concerns at that time.

CHAIRMAN FLEAGLE: Let me just think procedurally the best way to do that may be to amend the original proposal to meet the intent of what you're wanting to put on.

MR. MELIUS: But then I would be voting against what I just wanted to put on.

CHAIRMAN FLEAGLE: Well, the part that you would be not in support of would be removed out by amendment, if your amendment carries, and then you would vote for the main proposal.

Let's stand down for five minutes.

(Off record)

(On record)

CHAIRMAN FLEAGLE: The Federal Subsistence Board is back on record. Tom Melius.

MR. MELIUS: Thank you, Mr. Chairman. I will try to walk us through this in a much clearer fashion than I tried earlier.
We do have, I believe, a motion that has been seconded and that motion, the wording for that motion is starting on the bottom of Page 589 in the Board book which does indicate a shift from the current quota from three to five moose. I am planning to offer an amendment that will -- let's see my original proposal did have a second.

MR. PROBASCO: Yes.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Tom Lonnie.

CHAIRMAN FLEAGLE: It did.

MR. MELIUS: I will then offer an amendment to that proposal.

The language for that amendment is just above that on Page 589, except, and I'm waiting for the language to be put on the screen, the one addition that I was talking about earlier is now identified on the third and fourth lines in bold as antlered bulls -- two antlered bulls -- okay, I can't quite read whether or not that's been hatchmarked through, the harvest quota is three moose -- two antlered bulls, one of either sex, no more than the two antlered bulls may be harvested from Unit 26C.

Yeah, we're not quite -- we're getting there.

CHAIRMAN FLEAGLE: Okay, thanks. I understand the intent of the amendment.

MR. MELIUS: Yeah.

CHAIRMAN FLEAGLE: Is there a second.

MR. LONNIE: I'll second.

CHAIRMAN FLEAGLE: Tom Lonnie seconds. Go ahead speak to your amendment.

MR. MELIUS: Basically, Mr. Chairman, this does bring in the concerns that were raised earlier. It does change the current situation to only have two antlered bulls. It basically -- basically the intent is to minimize the possibility of a hunter
mistakenly taking a cow thinking it was a bull, that it
dropped its antlers during the winter months.

This would not change, though, the
opportunity to take a cow in that area and so I would
hope that I haven't muddied the water too much with
that and that the amendment would be adopted.

CHAIRMAN FLEAGLE: Okay, one fine
point. If we say two antlered bulls and one of either
sex, then that third moose could be without antlers.

(Pause)

MR. PROBASCO: Mr. Chair.

CHAIRMAN FLEAGLE: Pete.

MR. PROBASCO: The intent of Mr. Melius' motion is to allow a harvest of a cow to occur
in only that portion of 26, 26B.

CHAIRMAN FLEAGLE: Okay. Discussion.

(No comments)

CHAIRMAN FLEAGLE: Now, one question, I
understand the concern and that was part of the
justification for shortening the season that the North
Slope RAC gave in their request for an additional
harvest, and it makes good conservation sense. But in
this amendment by reducing the bag limit to only
antlered -- I mean -- yeah, antlered bulls, could that
be construed as some type of restriction, probably not,
because you still have the same harvest level, but in
effect you're causing the harvest to take place early
in the year.

I just want to see what somebody else
has to think about that.

Marcia.

MS. BLASZAK: Mr. Chairman. On Page
588, and perhaps I need to be corrected if I'm not
reading this correctly, the modification that the
Advisory Council proposed shows an end date of December
31st, and the current adopted modification still shows
March 31st.
MR. MELIUS: That was intentional.

MS. BLASZAK: Was that intentional.

CHAIRMAN FLEAGLE: No, that's not, that needs to be -- I mean that's correct.

MS. BLASZAK: This is correct, okay.

CHAIRMAN FLEAGLE: Because the RAC's recommendation was to shorten the season to December 31 because of the possibility of shooting a moose without antlers.

MS. BLASZAK: Okay.

CHAIRMAN FLEAGLE: And Tom's amendment fixes that without shortening the season.

MS. BLASZAK: Fixes that. Got it, thank you. Thank you, for the clarification.

CHAIRMAN FLEAGLE: All right.

MR. MELIUS: We're there.

CHAIRMAN FLEAGLE: Everybody clear on the amendment.

Are we ready for the question. On the amendment, Pete, please poll the Board.

MR. PROBASCO: Mr. Chair. WP08 amendment to 54 and Mr. Melius.

MR. MELIUS: Yes.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Ms. Blaszak.

MS. BLASZAK: Yes.

MR. PROBASCO: Mr. Lonnie.

MR. LONNIE: Yes.

MR. PROBASCO: Mr. Cesar.
MR. CESAR: Yes.

MR. PROBASCO: Mr. Bschor.

MR. BSCHOR: Yes.

MR. PROBASCO: Amendment carries six/zero.

CHAIRMAN FLEAGLE: Thank you, Pete. Now, we go to the main motion as amended and the net effect of the amendment would be -- the only change would be to add antlered to the bulls -- the bulls are now required to have antlers when they're shot. Ready for the question.

MR. MELIUS: Yes.

CHAIRMAN FLEAGLE: All right. Pete, poll the Board, please, on 54, final action.

MR. PROBASCO: Final Action on 54 as amended. Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.

MR. PROBASCO: Ms. Blaszak.

MS. BLASZAK: Yes.

MR. PROBASCO: Mr. Lonnie.

MR. LONNIE: Yes.

MR. PROBASCO: Mr. Cesar.

MR. CESAR: Yes.

MR. PROBASCO: Mr. Bschor.

MR. BSCHOR: Yes.

MR. PROBASCO: Mr. Melius.

MR. MELIUS: Yes.

MR. PROBASCO: Motion carries six/zero.

CHAIRMAN FLEAGLE: All right, thank
That concludes all of the non-consensus proposals. We now move back to the consent agenda. On the first day of this meeting we announced the consensus agenda. Opportunities have been provided for comment on the consensus agenda each day, there have been no changes recommended to the consensus agenda and I'm now looking for a motion from a Board member on the consensus agenda as announced on Day 1 of the meeting.

MR. BSCHOR: I move to adopt the consensus agenda.

MR. MELIUS: Second.

CHAIRMAN FLEAGLE: All right. It's been moved and seconded. Discussion. Ken Taylor.

MR. TAYLOR: Mr. Chairman. I was trying to get these remarks in before we moved the consensus agenda.

Just a couple of quick things.

As we stated in our opening comments, two proposals were submitted by rural communities seeking authorization in the Federal regulations to harvest wildlife for cultural events, and we request the Board direct Federal Staff in the future to encourage rural communities and organizations to consider applying to our Department for a cultural permit before making requests to the Federal Board because it's much quicker and easier to get them through the Department than it would be to do it through this Board process. They apply to all lands and they can be authorized more timely and they provide more flexibility to the person harvesting the resources.

Proposal 08-23 is on the consensus agenda and would create a Federal registration permit for moose in the Denali National Preserve portion of the remainder of Unit 16B. Moose numbers are low in this area and recruitment is being severely limited by wolf and bear predation and hard winters. This is reflected in very low harvest levels being reported in the Preserve in recent years. However, administering this hunt in the Preserve by Federal registration permit will enable National Park Service Staff to monitor the harvest in-season and initiate closures, if necessary, for conservation purposes. The Department
recommends that a closure be initiated if and when two
moose have been harvested.

Thank you, Mr. Chairman.

CHAIRMAN FLEAGLE: Okay, thank you. So
that's just comments in addition to what you've already
laid out on that.

MR. TAYLOR: Yes.

CHAIRMAN FLEAGLE: Okay. Other
comments on the consensus agenda.

(No comments)

CHAIRMAN FLEAGLE: Ready for the
question.

MR. LONNIE: Call the question.

CHAIRMAN FLEAGLE: The question's
called, Pete, on the consent agenda, please poll the
Board.

MR. PROBASCO: Thank you, Mr. Chair.
Consensus agenda, final action, Ms. Blaszak.

MS. BLASZAK: Yes.

MR. PROBASCO: Mr. Lonnie.

MR. LONNIE: Yes.

MR. PROBASCO: Mr. Cesar.

MR. CESAR: Yes.

MR. PROBASCO: Mr. Bschor.

MR. BSCHOR: Yes.

MR. PROBASCO: Mr. Melius.

MR. MELIUS: Yes.

MR. PROBASCO: Mr. Fleagle.

CHAIRMAN FLEAGLE: Yes.
MR. PROBASCO: Motion carries six/zero.

CHAIRMAN FLEAGLE: All right. That concludes regulatory action.

We do now have the action that was tabled from the first day and that's the discussion on the Board's Predator Management Policy and how the Board should proceed.

Discussion.

Greg.

MR. ROCZICKA: Thank you, Mr. Chairman.

And I sure appreciate you guys coming -- taking a more in-depth look at this.

You can figure if you haven't been here for awhile, this whole issue is one that, in many eyes has been a major failing of the whole Federal Management System, and the understandings that many people have for the priority that's provided in Title VIII of ANILCA.

And I guess one thing I'd want to ask first off, maybe from Mr. Goltz can help here, is that, are the management agencies actually exempt from the Title VIII considerations on providing for continuation of subsistence opportunities and the priority use that is there, all of those conditions that are there, .801 through .807, .809?

CHAIRMAN FLEAGLE: Keith.

MR. GOLTZ: Title VIII's an over -- what we call an overlay statute that applies to all Federal public lands and includes all Federal agencies.

The issues of habitat manipulation and predator control were considered when we put the program together and the decision was made at that time that those two issues would be handled by individual agencies in accordance with the individual agency mandates.

I think what you're doing is presenting an argument that we should have made a different decision at that time and I can't say whether one argument is better than another. What I can say is
that that's the decision we made and that's the way the program is set up at this time.

MR. ROCZICKA: Well, and then that follows, too, you know, everything that's referenced throughout those, I mean we could go through them one at a time, you know, .801, you know, to fulfill policies and purpose of the Alaska Native Claims Settlement Act, a matter of equity, is to protect and to provide the opportunity for continued subsistence use and without some level of management of populations to achieve that use, unless you consider that providing an opportunity is opening a season and not having any kind of a concern for -- or anything in place to have anything there to catch, you know, it's almost contradictory in nature. To me, and I think to many people it almost flies in the face of the intent and purpose of what Title VIII was put in place for.

You know, as a ruling or a definition been made on that as far as opportunity. I mean under the State they have reasonable opportunity which is defined as normally diligent person having a reasonable expectation of success, and when you have -- when you go down into a Tier II or you have total closures, you know, those conditions are certainly -- you know far from being fulfilled. Has there been any more determination on that?

CHAIRMAN FLEAGLE: Keith.

MR. GOLTZ: As you know wolf control has a long history in this state, I've been involved with it as have you. As a Federal Board, however, we have never gone that deeply into it to the best of my knowledge. That initial determination was made, it came before the Board a few years ago when you and I were both involved at that time, we put the policy together as it now exists and the Board has never taken an active role in predator management. If you ask me if we can roll all that back and make a different decision under ANILCA, maybe, but that's not what we did.

The EIS made that initial determination and that has not been changed.

If it were to be changed, I think it would have to probably be at the Secretarial level. And it would, as you can imagine, excite much
discussion within the Department itself.

CHAIRMAN PLEAGLE: Greg.

MR. ROCZICKA: Thank you, Mr. Chairman. Well, you know, I'm trying to look at -- trying to come to some kind of affirmative action here. Mr. Chairman, you said this doesn't have any teeth but maybe we could try to fit you with a pair of dentures or something.

(Laughter)

MR. ROCZICKA: Along those lines or something, you know, because what we have here is basically the rural people of the state are only getting the crumbs of what we know can be there, you know, the lands and both the fish and wildlife resources that we depend on out there, they're -- you know as you've heard other people say they're our grocery store, they're also our bank, they're our agriculture, our economy and just basically overall livelihood. And to not have a -- maybe to try to put it into context that some people don't have, too, you know, is it's money in your bank and people -- whether we should deal with wolves and not deal with bears. If you can get a 40 percent return on your IRA and you're bank says they're not going to allow you to do it unless you can get an 80 percent, it kind of doesn't make sense in my mind.

But the other part, you know, I've gone through what the Service has put out as far as their criteria and certainly for that Section 19A that I referenced earlier, all those criteria have pretty much been addressed. It's -- I want to find somehow how do we get there from here.

Well, back in earlier discussions it's what is your priority use for the Refuges, and I just -- the discussion actually is kind of coming down to focus on the Fish and Wildlife Service because BLM, we pretty much heard -- well, BLM has the blanket approval for other -- for such programs to go forward. Under the Forest Service their practices allowed there seem to accommodate everything pretty much, as much can be expected or needed. The Park Service has its mandate. The BIA don't have nothing.

(Laughter)
MR. ROCZICKA: Of course the Park Service could be scrutinized perhaps a little more, but anyway it does -- it gets down to the Refuges and the purposes of the Refuges, of course, that natural diversity is your number 1, but we also have the Congressional record that specifically states that natural diversity is not to preclude for human use.

I've looked through your bio-diversity policy as well and you talk about historic -- maintaining historical harvests and balances and so forth and it depends on what kind of hist -- how far in the history you want to go, you know, if we talked about historical harvest for the middle Kuskokwim, we've had the last two generations, thanks to the Federal government, and actions taken in the earlier part of that century where we had harvests of moose in the area that provided for all needs. And so we'd like to -- how do we get to somewhere where we don't have to be going into a Tier II or seeing these closures and maintaining these populations to provide for subsistence uses and needs?

We'd like to try to get back to achieving that balance. It kind of occurred to me a little while ago that perhaps something this Board could do, as far as a statement coming out, is -- or an action, is that any time that you have a Tier II situation or you're contemplating Tier II to go forward or a closure, that the responsible agency, that that would automatically be a trigger for management actions to be taken to get yourself out of it or to stay out of it if you see it coming. And everybody thinks that predator management -- of course people equate it immediately with airborne wolf control, that certainly doesn't have to be the case, there's other methods and means that are utilized, you know, more liberalized trapping or means of take like was provided by the State in GMU 18, perhaps we can look at the Federal Management Agencies not to automatically have to exclude themselves from allowing those more liberal methods and means in -- in 18, I don't know if you're aware or not but they allow the take of wolves by snowmachine, to position the hunter is what it's called, but Federal lands are excluded.

So that's another example of -- or that is a good example of something that could be done and could be allowed, and done through the environmental assessment. I don't believe the Board to come forward
with it is anywhere out of line or asserting any
authority but you're up here to represent the concerns
of the Council and the concerns, the needs of the rural
subsistence users, and until we can address this
effectively into the future that's really not
happening.

You know I quoted to you out of the
policy the other day and I didn't mention -- caught my
eye in that Section A there, your second sentence which
you're supposed to set up your premise for everything
you're doing, and here again is one of those hard words
that says:

The Board will ensure that the effect
of its decisions to provide for
subsistence take and use of the
species.

You know not to try your best, it says
ensure, that's some pretty strong language in there and
taking into account the population objectives and
management plans, et cetera. You have those pretty
much in place, at least where the State has gone to the
extent it has.

And then as far as Item 2, Section B,
the Service, I believe, at least through Eastern
Interior, efforts in the past from previous Chairs and
actions of that Council have requested action be taken
up in Tetlin, I believe and Yukon Flats and nothing has
been done, so according to your policy what has this
Board done to provide, again, your final sentence of
Section B of your policy where it says, what have you
done to monitor the actions that were requested and
denied, and what have you done to provide support where
it's necessary to ensure the continuation of the
subsistence harvest opportunity. And that, again, gets
back into are you providing an opportunity if the
population has been depressed.

And in most of these cases, well,
again, I can only speak with in-depth knowledge about
my own area, but it's not a habitat problem, we're
getting real good productivity, high pregnancy, high
twinning rates, habitat's in great condition, the human
harvest has been severely restricted if not totally
eliminated, but we're not getting the recruitment.

So I'll toss that out there to start it
if that's something you can see yourselves moving
towards, to give that direction -- and, again, at least
for the future or maybe even -- well, no, I'll say it
for now, that those areas where you have a Tier II or
hunt closures on Federal lands, that that would be the
trigger for an environmental assessment on management
actions that would include predator management, since
we're using that as the vehicle right now, but for
future, that that be made part of your process, for the
management agencies to come forward when a proposal,
and be ready to address it at this Board.

I'll stop there if anybody else wants
to talk so.....

CHAIRMAN FLEAGLE: Does anybody have an
answer, Pete.....

MR. PROBASCO: I don't know if I.....

CHAIRMAN FLEAGLE: .....from OSM's
standpoint. Larry. Larry has his hand up, he'll take
the heat.

MR. BUKLIS: Mr. Chairman. I just
wanted to point out the Part A clause or paragraph and
the sentence that was read is trying to say that the
Board will ensure that the subsistence regulations you
construct or adopt are relevant to the subject species,
and that the species subject to that regulation are
being used in a customary and traditional way. It's
not meaning -- it's not trying to say you will ensure
that you construct regulations on one species to
benefit another species that is the one of interest.

If you know what I'm saying.

This is speaking to subsistence
regulations on a given species being relevant to the
use of that species. It's not speaking to predator
control to benefit a species of interest.

CHAIRMAN FLEAGLE: One interpretation.
But the fact that that statement is in a predator
management policy could lead one to believe otherwise
as Roczicka's referring to.

Larry.

MR. BUKLIS: Mr. Chairman. If that's
the case, then we didn't do a sufficient job in constructing that language, but I'm confident that that was -- I was party to the process and I'm aware that that was the intent of what this is trying to say.

CHAIRMAN FLEAGLE: Okay, thanks, Larry.

Pete.

MR. PROBASCO: Mr. Chair. I sense that the Board is fishing on how we can proceed with this issue before us as it pertains to our policy and if you'll recall earlier this morning we passed out a memo and this same discussion was brought before the Board, through the Secretary's office, and we provided a response on the processes that could occur, particularly the focus that Mr. Roczicka's on -- U.S. Fish and Wildlife Service.

As far as where OSM could go to assist this issue and to provide more clarity, we could work with the Yukon Kuskokwim-Delta Regional Advisory Council and along with the affected Refuges in there and try to understand the issues that Mr. Roczicka is talking about and come back to the Board with a report. As we've done with other difficult issues there's a process where we do a scoping, where Staff will sit down and try to scope the intent of this group and what the goals and objectives are, we bring that back to the Board for approval and further work.

Mr. Chair, there's a lot of unanswered questions here that we don't have the information or data at this point to discuss and make a determination on and I think part of the process would include that to collect this information so that we have a better understanding of where we're going with this.

As we said in our letter nothing precludes the U.S. Fish and Wildlife Service from dealing with predator control of wolves or bears, but it is a process that's laid out that would probably require certain requirements and those, in themselves are daunting, as far as starting out. So, Mr. Chair, I would suggest that we work with Mr. Roczicka and the Council to scope out what our objectives are and report back to the Board.

CHAIRMAN FLEAGLE: Thanks, Pete.

Before I go to you, Tom, Sue.
MS. ENTSINGER: Yeah, I just wanted to bring out something like from the user, and our region and that Yukon River. This is how the people feel. I'm surrounding by total U.S. Fish and Wildlife Service land and we see things that we could do and we're not getting it done through one process and they're trying to come through this process and then you're telling them their hands are tied. It's very, very, very frustrating for them.

And then -- I have to say -- you know me, I like to say things kind of off the cuff, but you get baffled with lots of paper I'll say instead of BS but, I mean we get thrown all these things and saying the NEPA process, the this and that and the other and then you just kind of -- then the user gets very, very frustrated because you just feel like you can't get anything accomplished.

CHAIRMAN FLEAGLE: Tom.

MR. MELIUS: Appreciate, Sue, those comments. It is definitely a challenge we work with on all of our Refuges in balancing, as I said, the opening day, balancing the various users interests along with our other legislative requirements, such as ANILCA and it's -- we're not opposed to predator management, but we have to look at it on a Refuge specific and have that action analyzed. As we discussed earlier, there's a NEPA process, it could be short, it could be long, depending on what that action is and we're trying to work it at each one of the Refuges since that's how other laws require us to be managing those resources, so I don't have the ability to just, you know, waive a wand and have it all taken care of. We're trying to do it specifically at those Refuges and the option of continuing to work with the Council, with our Refuge folks, I will offer that our folks will continue to help in explaining the process and their approach.

And so as Pete laid out that could be one way that if the Board so chooses we could move in that direction, but that does have its own, not hurdles, but its own long pathway to work through.

CHAIRMAN FLEAGLE: Thank you, Tom. One other angle that could be looked at is I know we're struggling with trying to find some kind of threshold to trigger some kind of discussion and, Greg, you mentioned the closure to Federal lands to other uses
other than qualified subsistence users.

MR. ROCZICKA: Mr. Chairman. I need to clarify that, I said a Tier II or a total closure.

CHAIRMAN FLEAGLE: We don't have Tier II.

MR. ROCZICKA: Yes, you do. In 19A you do. The.....

CHAIRMAN FLEAGLE: That's a State.....

MR. ROCZICKA: No, it is also the Federal -- there's a Federal Tier II hunt in 19A where only the villages in the closest proximity that -- it triggered that, what an .806 or, what do you call it?

DR. WHEELER: .804.

MR. ROCZICKA: Where there's not enough for all Federally-qualified subsistence users so the villages from Johnson River from Akiak have been excluded from participating to even apply for a Tier II in that area.

CHAIRMAN FLEAGLE: Okay, I guess we just opened a Tier II hunt in Unalakleet, too, then, I never heard the terminology applied to the Federal program, so I stand corrected.

But anyway the point being, my discussion was going to go a little track. We do have -- the State has identified five regions and with the addition of Unit 9 being a sixth -- a small area down on the Peninsula and where those five predatory control programs that have survived the legal challenges and the State's opposition -- not the State itself, but the opposition within the state, maybe where those five plans address Federal lands that aren't included, I mean that might be a starting argument. There are two that are standout in real great area -- or three, the 12, 20E and the 19A and B, I don't know about 13 or 16B, but, anyway, I mean that might be a starting point for the discussion that you were referring to, Pete.

That would not just leave it up to Tom to come up with something for the Yukon-Delta area that covers that small portion of 19A, but it would cover your area, I mean as a starting point for this.
discussion that Pete's referring to.

Just a suggestion.

I got Randy and then Pat.

MR. ALVAREZ: Thank you, Mr. Chair. I think it was Tuesday the Board took action on Proposal 26, which dealt with a closure for 9D caribou, and you just stated, at the last -- last winter the Board in Fairbanks developed -- is going to work on a predator plan for 9D. I didn't make the meeting -- or the Lake Illimna Advisory Committee sent a representative up there and we were told that they were going to take up Mulchatna Caribou and I think the North Peninsula -- they were going to be working on the predator control. And then I heard that they came out with -- they were going to take action on Unit 9D for predator control. And I find it quite interesting that they went to 9D instead of doing 9C and 9E, apparently 9D was still open for caribou until just a little while ago. But Unit 9C and 9E has been closed for four or five years for any harvesting for caribou, it's that bad off and, you know, we were talking about a balance between the user groups, there is no balance here, the harvester has nothing.

And, you know, I'd like to hear from, you know, get information from the Fish and Wildlife Service who has jurisdiction or any of the agencies that -- Federal agencies that have jurisdiction in these areas, what's -- what are our options -- what are options are and what course of action can be taken since, you know, since 2004 the Federal lands were closed for caribou and I think the State a little before that. It doesn't seem to be getting any better and it's been status quo. My question here is where do we go from here. Do we just leave it at status quo forever until it finally gets enough caribou if for some reason the predators are all gone, it's -- that's not in our best interest.

As Mr. Roczicka was stating in the policy from some of the ANILCA statements, it has to be managed for healthy populations so that the users groups are able to harvest and I'm frustrated because nothing has happened and I'm disappointed that the Board of Game -- maybe they're using this as a stepping stone, I don't know, to carry on from there up to 9E and 9C, I'm hoping so, but so far there has been no
action to rectify the problem there and it's worse off
-- this area is worse off than any areas of the state
because the clos -- not only is it closed but it's been
closed since 2004.

I just wanted to comment and I hope I
get some -- or we get some information on what options
are available from the agencies.

Thank you.

CHAIRMAN FLEAGLE: Thanks, Randy.

Before I call on you, Pat, and this is where what
starts the process, what comes first. I mean when the
State went to Tier II down in the Northern Peninsula
Caribou Herd and then went to the closure they
addressed the issue of predator management and under
the State's Intensive Management Law there are a number
of criteria that have to be met in order to do it and
one of them is patterns of land ownership and the State
did not consider any predator control down there
because it's all Federal land. They knew that even if
they had a predator control program there would be --
I'm not saying it's all but the vast majority of it and
that's one of the major concerns under the Intensive
Management Program. And so then what can the Federal
System do and I think that's where Greg is coming to
and this is where the wheel just turns and there's no
stopping it.

And I think that we're on the right
track to try to at least initiate some kind of
discussion to find out where we can interject into the
process and start talking about predator management as
a management tool for ungulates. I mean the State's
doing it, but they can't do it everywhere, and it's
been defensible because of the steps that they've gone
through. It may be time that, you know, the Federal
land managers start sticking their neck out a little
bit too. I mean but, we, as the Board, can't tell them
to do that, that's the problem. I think we can suggest
or maybe encourage the dialogue and maybe this
discussion about using the existing predator control
areas that the State has identified and have already
survived legal challenges and public opinion challenges
as a starting point. And that's what I throw out as a
suggestion.

Anyway, Pat Holmes.
MR. HOLMES: Yeah, I was wondering if Mr. Banks was still here from the Defenders, are you, good, you know, I would encourage you to go out to Perryville in February or False Pass where some of these communities on the Peninsula and other parts of the state where I can remember 30 years ago out on the Peninsula where the caribou numbers were, from the locals, were very much higher than any survey that's ever been taken. They probably overpopulated and dropped and then restabilized probably in the '80s. But since then we've seen some tremendous declines. And we're down to the point where we had four calves survive in the entire bloody herd last year from when they were dropped.

Lem Butler, I think our Council looks to the State as the people that give us the answers on what is going on and solutions. And, you know, he went down, the habitat's recovered, the does are fat, I mean they're round as Holstein cattle when they drop their calves and they come back a few weeks later and the calves are gone, they're totally being scarfed up. We're down to some population levels that are probably a tenth of what they were 20 years ago, down to four or 500 animals in the whole herd. I mean in the amount of drops that we seen in between individual years, by the time we develop or implement any policy down there, if -- and I don't know that even the State's efforts for surgical action next year on the calving grounds and it's fortunate that that herd that calving grounds is on State lands because when we talk to our Refuge biologist down there she just said we can't do it or even think about it without a full EIS program, it would take years. We could see all 431 of those caribou be gone by next fall. They probably won't but I mean we're getting down to the point when you close the State hunts, you close the State Tier II, you close the -- we've been backing down our subsistence numbers to where we closed the subsistence as well and, you know, it's not people, it's critters and we need to implement something, or once you get to the point where you've eliminated all the human harvest then you should have something -- when you know that's coming up, you need to have a policy of what you're going to do when that happens.

And to me, I think that if the State wasn't there, I don't know, most people just don't even hunt caribou anymore, they just can't because they're not there.
And I guess I would also echo all of my colleagues earlier comments and I really like your idea, Mike, of including the RAC folks or representative for the areas that the State have already gone through the process on to participate in the dialogue because truly something does need to be done because it's just not there.

I talked to a friend of mine, a lady in Perryville and usually her kids would get moose for her, she didn't get any moose this year. They haven't had caribou in years. And she was running out of fuel oil and so she called up and ordered some fuel and they flew it in and she pumped it into a tank and then two weeks later, the next mail plane came in and the bill for that one drum of fuel was $1,500. She's not going to be there next year if she doesn't have food to eat, she doesn't have a way to heat her house.

And you see people from all those villages, you go down there, the houses are empty.

So I really truly think that we need to do something. I hope I wasn't too impassioned but it's something very, very important to the people on the Peninsula and statewide.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Pat.

Other discussion.

(No comments)

CHAIRMAN FLEAGLE: I was trying to see if there was any new discussion first.

Greg.

MR. ROCZICKA: Mr. Chair. I did want to bring out what I started to mention awhile ago as far as that priority use and that management directives that are there for the Refuges.

And correct me if I'm wrong, but, you know, I mentioned the natural diversity which is the first one but the second one and I mentioned it the first day, too, is the priority for subsistence use and that management directives that are there for the Refuges.
we could work with that.

But what's happening is essentially the Park Service mandate seems to be spreading over into the Service.

And it's more that for the recreational user or I guess what they had in that -- oh, the predation study, the National Academy Sciences Study, they called it the existence value of Lower 48 and that is coming out to be a priority in appearance with the reluctance that seems to have been there so far in getting these programs going.

When something's keeping food off the plate for people as in 19 where the moose population has dropped and not because of the human harvest and not because of most of the other environmental factors, it's primarily related to predation and not having those programs going or something in place because of the deference to those interests, essentially makes them a competing competitive use. If it's keeping food off your plate it's a competing competitive use. And in that case, according to ANILCA and Title VIII on those Refuges we're supposed to have the priority and we're not getting it.

Just to put it in larger terms, you know, I don't just preach to the choir on this, or I haven't in the past, there are a lot of new faces here so I can say it again because you might not have heard it but I've been to the Worldwide Wolf Congress, by their invitation by the way, to speak on this very issue that was held in Calgary back in 2004, they hold it every 10 years, 21 countries 1,200 people from all over the world and when I was done I had retired school teachers from Massachusetts coming up in tears and apologizing for their leaderships in being opposed and the measures that they've taken to prevent these programs from going forward in the state. I followed up with the National Carnivore Conference in Santa Fe the year after that, the same thing. Again, I wasn't treated -- I didn't get the red paint or blood thrown on me, people were so grateful, they'd never heard it before. The main speaker, Dr. Ran Ballenberg (ph), who's the most outspoken scientist certainly in the state, within Alaska and the familiarity that they had on there did his half hour, 45 minute presentation and I got up to the mic to ask him a question or to -- I gave a little two or three minute, five minute talk on
our views and the whole audience in that room of 500
people totally ignored him and started asking me
questions for the next 45 minutes, just standing on an
open mic on the floor. People, they don't hear it, so
it's not the bad people. The chief scientist for
Defenders told me at that World Congress as well that
he's been down to their media folks in D.C. begging
them to please give out more accurate information, they
told him this is fundraising, go away, don't bother us.

You know so there's -- coming to some
kind of a balance, I'd hope that the subsistence could
come out a priority for those folks who have that, and,
again they're not bad people at all, real good hearted.

But they come to share our land and
appreciate its beauty and bounty for what's there but
in -- I guess that's what we ask, is can we keep a
share, you know, for the subsistence priority that was
put forward within the ANILCA Legislation and when it's
not happening -- because -- again, deference to values.

I'm sorry, that's where I'm trying to
get for this Board, if it can assert itself, again, you
don't have the authority to tell your management
agencies but you can certainly put out those
recommendations and relay it to the management agencies
that these are real problems that you have to struggle
with and you all are sitting here, of course, and
directors of your respective agencies, but like I say
some kind of affirmative action to get a -- or formal
action would be, I think, appropriate.

CHAIRMAN FLEAGLE: And I think you just
identified the chief hurdle, Greg.

Now, I got a request from Carl Jack to
add a few words to the discussion.

Carl.

MR. JACK: Thank you, Mr. Chairman.
It's not every day that when I get to address the Board
on the subject areas being considered. I was sitting
in the back and it seemed like I was going to jump out
of my skin.

A few days -- I think it was last week,
I received an update from the Alaska Federation of
Natives on the issue of postponing their subsistence
summit and that update has been sent to the Board members and most of what was on that is the -- is what the Federal Board is addressing, so that means that the Native community and the representative organizations, the Alaska Federation of Natives, the regional nonprofits are watching very carefully the conduct of the Federal Subsistence Board.

My understanding is when they meet to address the subsistence issue, one, they would -- that they're assessing who is going to be in the next Administration and I think once they find out who's going to take the helm of the Federal government, I think they're going to sit down and make a checklist of the legislative fixes that will do to Title VIII, that's my assessment. And any inaction by the Federal Board on the issues that's being addressed right now will probably be included on that -- included in that list, the legislative fix that they want to formulate as amendments to Title VIII.

I just want you to be aware of that assessment while you're addressing these type of issues.

Thank you, Mr. Chairman.

CHAIRMAN PLEAGLE: Thank you, Carl. Thanks for the input.

It sounds like we all hear loud and clear the concerns the Regional Advisory Councils are bringing forward with these and it's not just you, Greg, I mean we've got several other Councils weighing in with you. And I don't know that we can come to the right solution, but I think that Pete's offer to start a dialogue with the Councils and to discuss how we can work this with the agencies and especially where we do have predator management plans that are approved by the State already that could overlap these Federal lands would be a good starting point, if there isn't any objection from Board members, I would suggest that that's a good place to start. I mean at least it's pushing us in one direction. It may not get us to where we Council Chairs would like to see us go, it may not get us there quickly if we do go there, but at least it's pushing us off the dime.

Tom.
MR. MELIUS: Mr. Chairman. I have no objection to that. Like I said it's a challenge for our agency, with the various constituencies that we have and the various laws that govern our actions, I'm trying to walk through this as best as I can and keep it out of the courts and keep management actions going forward for the resources, and that includes all the subsistence needs. So it's a challenge I'm trying to deal with.

So I hear you loud and clear.

I think the offer that the Chairman has suggested would be one that we'd welcome in continuing the dialogue to look for ways that we can go through this, so I have no objection to that.

CHAIRMAN FLEAGLE: Pete, how would this look to you.

MR. PROBASCO: Well, Mr. Chairman, how it would look to me, we don't have the answers today. And I think we have a foggy idea of where we want to go.

What I would like to propose is that you allow Staff working with the solicitor's office to sit down and develop a scoping document of where we think the Board wants to go, we bring this back, we do have work sessions in the summer, bring that back for your review and change, et cetera. But we need to once we go down this path, we need to make sure that this is a path the Board wants us to go down. And we're not ready to provide that at this point, we need some time to work with Staff and come back to the Board with how we view the issue.

Mr. Chair.

CHAIRMAN FLEAGLE: Is that acceptable Board members.

(No comments)

CHAIRMAN FLEAGLE: Hearing no objection, that's the direction we'll take, thank you. Appreciate your involvement Greg and other Chairs that weighed in on the issue.

With that, I don't have any other
1 agenda items or action items before the Board. Pete
2 has discussion, though, go ahead.
3
4 MR. PROBASCO: Mr. Chair and Board
5 Members. The Native Village of Eyak has invited the
6 Board for a field trip this summer and I'll provide
7 more information in an email to you. But I just wanted
8 to give you a head's up, it's looking at the month of
9 June which would work best for Board members, it's up
10 to 10 individuals, they envision the trip to take
11 anywhere from two to three days but they would start in
12 Cordova and it's focusing on the Copper River and the
13 projects that they have there.
14
15 We have, annually, with the exception
16 of last year, the Board has gone on field trips to
17 various areas and the Native Village of Eyak has
18 stepped up and offered to be your host. Of course, on
19 this, Ken, the Commissioner or his designee is also
20 invited to go on these trips. This is just a head's
21 up. They asked me to present this to you. I don't
22 want an answer now, I'll put this out in an email and
23 you can share with me. I know your schedules are very
24 full. This may not be possible but I did tell them
25 that I would share this with you during this meeting.
26
27 CHAIRMAN FLEAGLE: Thank you, Pete. I
28 don't have any other action that needs to come before
29 the Board, is there any closing comments by Board
30 members before we leave.
31
32 Denny.
33
34 MR. BSCHOR: Mr. Chair. Yeah, I just
35 want to make a comment that it's obvious probably to
36 everyone, but if it isn't, we are agencies, Federal
37 agencies sitting up here with, in many cases, quite
38 different missions and challenges within our agencies.
39
40 And whether we had Title VIII or not, it
41 does require at least a cooperation and hopefully a
42 partnership with the appropriate State agencies. No
43 matter where you are in the United States, we're faced
44 with overlapping issues like this.
45
46 And we all have the same conditions to
47 follow relative to process and operating in the public
48 interest and we have national laws that we follow
49 sometimes even in a consistent way, not always, but we
all have NEPA to deal with, no matter what we -- how
liberal or how conservative we are relative to our
missions in our agencies, so I just want to make sure
that that -- and Tom's sitting here saying -- he
whispered to me, why am I on the hot seat, I think
we're all on the hot seat and we're on the hot seat to
work in the public interest and predator control is one
of those issues that I consider is a public interest.

So I just wanted to make that statement
to let you know that's where I'm coming from. And if
any of the other agency leads here or heads here want
to add anything further or disagree, please do.

CHAIRMAN FLEAGLE: Marcia.

MS. BLASZAK: Well, I concur with, I
guess, both what Denny said and also Tom's concern
about being on the hot seat. You know these are
National Public Interest Lands with, you know, a
respect and recognition for the provisions that are
provided to Alaskans that were part of the big
compromise in these big, you know, broad sweeping
acreages and it is, you know, a compelling story from
what you said today, that we definitely need to pay
attention to our roles and responsibilities as it
relates to the Board, but also, you know, as Denny
mentioned each agency's individual mandates may or may
not allow, and in the case of the National Park Service
we don't do predator control and -- but I certainly
appreciate the dialogue and the opportunity to hear the
concern from you. It's as moving to me as it was for
you, as you shared with us from your meetings in the
wildlife arena.

So I thank you for your participation
in this dialogue.

CHAIRMAN FLEAGLE: Thank you, Marcia.

Niles.

MR. CESAR: As we are very often quick
to remember, the Bureau is not a land management agency
although we manage a lot of land in 34 states and we
have various predator control programs across the
nation that we do, we do not have a mandate against
predator control and I think that when predator control
proposals are brought forward, certainly we, as an
agency are more than willing to listen to and see where
the justice is.

I am struck very closely with the issues that you're talking about in terms of what is the use, or are we fulfilling our responsibilities as Federal agencies, vis-a-vis the subsistence users if we don't look at always to increase the opportunity for our subsistence users so that these predator control issues, while we have taken, certainly a back seat and have kept a hand's off approach on them, I don't believe are a dead issue for us.

I think that the dialogue that's being suggested is important and I think needs to happen and especially with the land management agencies because I think that there is some possibility of assisting, you know, either already established predator control programs, or, in fact, some participation by however we do that, and I don't want to jump out in front of the dialogue, I just as soon see that happen.

But, you know, I am struck by issues or the knowledge that you bring that I think -- it's in the back of my head but, you know, never really brought it forth and thought about it in terms of, you know, why aren't we assisting more in this endeavor.

So I just wanted to mention that as an agency we are in the throws of much change ourselves and new leadership will be coming on, which would have been coming on anyway, and I have never in the many years that I've been here been instructed by my agency to vote one way or another or to do one thing or another, although I've been questioned, obviously, about some of the votes I've taken, but -- and that's a function of in-agency kinds of dialogue that we have.

I didn't want to leave this meeting without, again, thanking Marcia and the Park Service. I think over the years, you know, where we first started this program and the gulf between the Park Service and the Bureau of Indian Affairs was quite large and, you know, for good reasons, I suppose, but as with all of the agencies, the Federal agencies here, I think that we have narrowed that gulf considerably and it's all by interaction at the Board level and the dialogue that's been ongoing all these years, you know, even though we're -- many of us in the Interior we all don't speak the same language and it -- it's unusual for us to sit at the same table on more than a
collegial basis a couple times a year, you know, we
just don't -- we have separate, large missions to
accomplish, and on a day to day basis we go about that.
So it's been the interaction at this Board level that
has narrowed that gap and has helped me understand the
rest of the Department and I think that dialogue has
brought forth a lot of fruit with the interaction with
the Regional Councils.

I think when we started this process
there was so much unease about the role and who does
what and who's listening to whom, and as we can see
today for a number of years it is completely different
-- although, you know, admittedly I have been chastised
a number of times by Regional Councils recently about
our ineptitude at the Federal level to carry out what
many people have felt to be our mandate. All I can
tell you is that I think the Board is sincerely trying
to meet that mandate and with continued dialogue I
believe we will make better decisions. I don't think
we'll ever be at the position where we're making
decisions that we're all agreeing with, that's just not
the case.

So I just wanted to state that, thank
you.

CHAIRMAN FLEAGLE: Thank you. Tom
Lonnie.

MR. LONNIE: Yeah, just to make a few
brief comments. Denny's point about we all have
different missions is certainly right on point.

Probably of all the Federal agencies up
here, the BLM has probably the diverse mission of any
of the agencies, I mean we do everything from leasing
oil and gas and coal to managing the wild horses in the
west. But fortunately we don't have any of those here.

(Laughter)

MR. LONNIE: But I just wanted to say
listening to this discussion associated with predator
control, you know, Ralph, I was thinking about some of
the comments you made about snowmobiles. I mean all of
these things are going to start piling up in terms of
pressure on, particularly public lands, in terms of how
we manage. If you look across the Rocky Mountains, as
an example, the pressure and activity of development
there and, you know, the urban sprawl and people
wanting to use the lands that never existed 30 years in
terms of BLM has put tremendous pressure on big game.
And if you've been following sage grouse, that's a very
significant issue in terms of livestock grazing and all
the other activities that take place.

But, you know, I just wanted to thank
all of you because, you know, you kind of bring things
to the ground for me when you discuss things. And, you
know, some of the comments, Jack, you made yesterday
and Ralph you made, I just want to appreciate that and
I do think, to echo what Niles just said, the fact that
we're all up here, I think gives you the sense, from
the standpoint at least of the two Secretaries
involved, Agriculture and Interior, of the importance
of this, because frankly I've been directed
specifically by the Secretary of Interior to attend and
participate in all of these meetings, and I've gotten a
lot out of just the two that I've been at. And I guess
I want to express some appreciation to you all, you RAC
Chair people, in terms of what you provide to us in the
process. And I'd like to thank the State, too, we
certainly don't agree all the time, but the fact that
we're all here trying to participate together, I think
is very important.

And, finally, good luck Marcia, and the
fact that you were here on your last week on the job
tells me something.

CHAIRMAN FLEAGLE: All right, thank you
for the comments. I'd like to offer to Council Chairs
for brief closing comments. It looks like we got a
taker already, Ralph.

MR. LOHSE: Thank you. I'd like to
thank Niles for what he had to say. I think over the
years, and I've been in this program since it started,
I seen a lot of change in -- and a lot of learning, I
guess I would say on all sides. I've seen learning in
different departments, I've seen learning in the users,
I've seen learning in myself especially, and I'd just
like to thank you for your participation in it.

I thank the people that are up there
for the fact that they've been willing to learn and to
listen.

At the same time I think of what's been
said here this afternoon and I have no particular
agenda as far as what needs to be done or an answer as
to what needs to be done as far as predator control or
anything and I know we've brought it up from our
Southcentral, and we recognize that we're dealing with
the National Park where it can't take place, but we've
seen what's happened. And I think you've all had a
very good example today, remembering that these things
are food for people that are out in rural Alaska. And
as was pointed out today, parts of rural Alaska are as
poor or poorer than anywhere else in the United States.
And the difference comes between -- we heard a report
that calf survival for one year was 62 percent and we
just heard a report from another place where calf
survival is one percent. There's a lot of difference
between how many people you feed on a 62 percent
increase and a one percent increase because a one
percent increase doesn't keep up with the mortality.
And we've seen the same thing in Southcentral. We've
seen it with the Mentasta Caribou Herd, which is right
inside a National Park. There is no other human
pressure on it but the herd has basically just about
disappeared. There is no calf survival. I can
remember when I first moved to the Chitina Valley and I
took a small flight, just a small flight from where I
live to Mt. Drum, we flew in a straight line, we didn't
go looking for anything, but just out of curiosity we
counted the number of bull moose that we saw on the
way, we counted 274 bull moose, we didn't count cows,
we didn't count calves, we only counted moose that we
could see the horns from way up in the air and that's
how many bull moose we saw. I had a friend that flew
the same thing two years ago, he saw two. He saw two
moose. He didn't see two bull moose, he saw two moose
at the same time of the year at the same distance. If
you talk to the area biologist up there you find that
the calf survival is seven percent, four percent,
somewhere in that neighborhood, depending on where you
look.

That's the one thing that I think -- I
think that's what the other people were trying to bring
up, is in a lot of areas this is food for people's
table, and they recognize -- I don't think -- I don't
know anybody that lives in rural Alaska that wants a
sterile environment. I don't know anybody -- we get
just as much kicks out of seeing a bear go by the front
of the house or hearing the wolves at night as anybody
else. But at the same time the food on the table for a
lot of the rural areas of Alaska that doesn't have much
other economy is a lot dependent on what kind of calf
survival you have.

And I applaud the State for some of the
guts that they've had in instituting very unpopular
programs, if you want to put it that way, that has put
more food on the table in certain areas, and I would
suggest to the Board that if there's anything they can
do to do it recognizing that each individual land
management area is managed for different purposes.

But just keep in mind the fact that,
like we heard today, the Wade Hampton District is one
of the poorest districts in the United States. The
moose that they've gone on moratorium and allowed to
come back are very important to them. They're very
important to their very survival. They're very
important to exactly what my neighbor here was saying,
whether or not there's going to be anybody out there or
whether they're going to have to come to town and then
be a drain on the economy because of the fact that they
have no other choice. And it's an important thing and
that's what we're dealing with.

So thank you. And I thank you again
for listening to us and I thank you again for the fact
that we don't all agree but we do listen to each other.

CHAIRMAN FLEAGLE: Thanks, Ralph.

Other comments, Jack.

MR. REAKOFF: Thank you, Mr. Chairman.
And I appreciated all of the regional heads and leads
being here. And Marcia's good hand at the wheel during
her time with the Park Service and I wish her well in
the Valley.

But I also appreciate the State being
here. I think it's good for the State to be at these
meetings, to understand where we're coming from in
rural Alaska. We have certain perspectives that we
bring to this program and I think that it's good to
dialogue with the State and I appreciate that also.

I do feel that one point in this
predator issue is that sound management and
conservation of healthy populations is a prerequisite
to not going to this predator programs. If you look at
all of the predator programs that we currently have on
the books the bull/cow ratios were in the toilet previous to that. so we need to really look, and you'll see in our annual report, we really want to have our population structures healthy to start with and maintain those healthy structures. Eight bulls per 100 cows down there in 19A previous to the wolf programs and the moratorium and so forth is the commonality, the Mulchatna Caribou Herd's the same thing, and so we want to move towards -- the Program should be moving towards watching these populations and maintaining healthy populations of game.

Predator management, basically is the way I look at it, is the rectification of mistakes that have been made in harvest. So there may be places where it may -- if left alone it might take decades for them to recover, predator management may accelerate the recovery to the benefit of the subsistence users. Those are specific areas that the State has identified and currently has jumped all the hoops and is now doing the programs to change things. 19A is an example of that, the population structure, the bull/cow ratio has come back, the calf recruitments are good. The population is coming back. Take the predators away from them for a little bit of period of time, the population returns but it's a rectification of mistakes that were made, don't go there to start with.

But I also appreciate all of the Council members that come out and all of the people that come to our meetings that you don't see but we do. We're out there in the field with the animals watching them in the deep snow and so forth, we're also out at these meetings and people come and they have tears streaming down their face if they can't meet their subsistence needs, those are the people that we're speaking for. And so I appreciate all of their comments at all of our meetings that we have in our various areas of the Western Interior.

And so I appreciate all your work, thank you.

CHAIRMAN PLEAGLE: Thanks, Jack. Bert.

MR. ADAMS: Thank you, Mr. Chairman. First off I want to compliment you, Mr. Chairman, for running a meeting real well this time, and you've done it before too but.....
MR. ADAMS: .....but you get better as you go along, you know, practice makes perfect.

I also want to, you know, wish Marcia well. I serve as Chairman of the Wrangell-St. Elias Subsistence Resource Commission and you have some very good people working up there, we really do appreciate them. So I just wanted you to know that.

Also, Terry, you know, it's not going to be right not seeing you at future meetings anymore because we got used to your face and we'll miss you as well.

I have a few things that I'd like to just bring out for your consideration here, Mr. Chairman. First of all I was happy to see the rural determination issues were going to be taken up this summer and I'm assuming that the Saxman, Ketchikan RFRs are going to be addressed as well. So, you know, I have something to report when I get back, you know, when people start asking me questions about that.

Often times, you know, our Council and even our Resource Council Commissions, I know are lacking quorums and I know that there was some consideration, you know, some time ago about providing alternates for our RACs and I was just wondering if that was going to be pursued further. Sometimes, you know, people travel from long, you know, places to go to a meeting and then when you get there you find that you don't have enough people to conduct business so, you know, I'm kind of curious about whether this is going to be pursued further.

Then I'm going to ask a question or two that probably -- and I'm going to do it deliberately so Keith will tell me we can't do it. Anyhow that's just -- I don't mean that to be serious Keith, you know, we get along okay.

But, you know, in regards to the RAC Chairs meetings, the intent, you know, when I brought it forth as an issue, you know, was to be able to get the RAC Chairs together in a room and to be able to talk about common issues, not to do business or anything of that sort, you know, and we don't have that opportunity even though we're all here for three or
four days, you know, to gather together and talk about
issues that we think, you know, could support one
another in. But I was wondering, you know, if it'd be
possible if we could have one before this meeting and
that it be advertised or provided for in the Federal
Register that way, you know, it would be a public
meeting advertised and I don't think it would be in
violation of FACA. So, you know, you don't have to
answer right now Keith but it's something for
consideration.

Now, that we're on a two year cycle,
Mr. Chairman, I witnessed some critical issues that
probably needs to be taken care of, you know, right
away during these meetings and so forth and, of course,
the State has offered to sponsor a working group to
cover those things. But I was wondering if it would
also be possible, you know, for the OSM to coordinate
joint meetings with RACs that might be affected with a
proposal, you know, to discuss, you know, issues that
are common, you know, crossover proposals and so forth,
you know, that affect two or three RACs that they can
be together to talk about these issues.

You have the letters from Southeast in
regards, you know, to -- Kootznahoo in regards to some
of the problems they're having down there with the
sockeye salmon. We hope that you'll keep close contact
with what's happening down there. I know the State and
one of our RAC members, you know, had a meeting, it was
some time ago, to talk about Chatham Straits and all
that and, you know, I really didn't see any real
solution come out of that but I hope that -- we will
keep an eye on it but I hope that you will as well as
the State. There's a fear there that the seiners are,
you know, intercepting a lot of the sockeye salmon that
are going into certain areas that adversely affect
subsistence users.

You know you just recently had a
coordinator retire. And then our coordinator resigned
or, you know, quit his job last year. And, of course,
was fortunate enough to be able to have someone fill in
for him and, you know, Bob Larson has been just really
excellent. Let me just express to you about how I feel
how important that particular position is to us as RAC
Chairs. Because, you know, we're volunteers and we
can't go out and do the things, you know, that necess
- that we need to do in order to come here and be
fully prepared, you know, to present our issues to you
and that coordinator is very, very important to us. And I think that you shouldn't wait too long to fill that position that's vacant right now. Tricia O'Connor is going to take over as our permanent coordinator, you know, sometime mid-summer but I have to say, you know, that I've been satisfied, very satisfied with what we've been dealing with. But I was kind of concerned, you know, when Mr. Schroeder had left, about who was going to take over for awhile and then just to fill in Mr. Larson has been doing an excellent job for us and for me preparing me to come to these meetings and present you with these issues so, you know, that's -- be sensitive to the people that have to be -- has to have that position filled.

Let me see anything else.

I just want to say, again, you know, this has been a real good meeting, I'm really impressed with everyone that's sitting at that table over there and I wish you good luck, you know, until the next time we see each other.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Bert.

Pat.

MR. HOLMES: Mr. Chairman. I certainly concur with all my colleagues and I won't tread over other ground because I know you want to go and I've got a plane to catch too.

I would like to comment first on -- I've been making Board meetings, filling in for our Chair about every two years and I've seen a growth in your Board as well as the State Boards of Fish and Game and your interactions and at least attempting to try to get together. I think that's reflected in our local area with greater cooperation between our RAC and Advisory Committee on trying to work out problem-solving and usually we call in the Fed and the State folks and just sit down and say, well, what's our bottom line and try to figure out our problems and can Fish and Wildlife solve it this time, can the State solve it this time, and then approach the respective Boards with what seems to be the best perspective from our community's approach.

I would like to make a suggestion on
your way to perhaps save money and increase outreach
for the RACs and that would be to provide the potential
where we could have, you know, telecommunications,
let's say for an hour at the start of the meeting for
folks to call in from the villages because with the
centralization now we really don't get to the rural
places other than Kodiak is where we're having all our
meetings now and we hardly ever get to the Peninsula,
so the tribal councils and the respective communities
and AC folks could call in and say, hey, we know you
got this issue coming, OSM sent us the manual for your
meeting and we'd like to say this about that and it
allows, I think, communications and improves problems.

My third and closing point is field
trips. They're wonderful. I mean when you're in
school or in college, I mean that's the way you learned
what is really going on. You could sit around and
memorize facts, figures and regulations but it's the
field trips where you really get to learn the people
and learn the country. And I appreciate those of you
that have come to Kodiak when we had our rural hearing
and Marcia came and Judy and Ed Jackson, Niles has been
to Kodiak before, Tom came down, and Denny -- and Tom
came down to throw an eagle in the air, but I'd like to
share a couple words from a gentleman, a Native elder
that allowed me to call him uncle, and that's Iver
Malutin, and he normally would invite you down for the
awakening of the bears, it's a big Native potluck that
we have every spring but unfortunately with the state
of people's freezers and finances they've decided
between three major Native tribal entities that they
can't afford to do it this year. But we would like to
once, again, let you know that our invitation of two
years, if the Board or any individuals ever wants to
come down our way, check the tide table and give me a
call or one of our RAC members and we'll take you out
tide pooling or gillnetting or whatever your little
heart desires so that you can understand how our
community is at, and if you get more than one or two to
come, then we'll put together a potluck down at the
Sun'aq Hall or something just so that you can get the
feel for what our community is all about. Because as
you get out in Alaska and go to these remote places,
and I really wasn't being facetious about our colleague
about predator patrol [sic] because when you go to a
village of 15 or 20 or 30 people, or even Kodiak, we're
a big town in all of perspective but we're a rural
subsistence hub. I reported to you when we were doing
the rural determination that half our village
population had moved into Kodiak or to Anchorage.

Well, this last year we're down to probably a third of
the population, three of the villages the schools have
closed and they've moved into town and, yet, we see a
lot of the folks in town that can afford to move, have
already packed up and gone back to Ballard (ph), you
know, so we have high numbers but we still have a very
strong core of subsistence use and food, caring and
sharing. When I sent up the salmon a few years ago, it
wasn't to bribe, it was just a token from our community
to each of the Board members, you know, of what we
consider to be something that's really wonderful and
to, you know, give somebody a fish is -- that's caring
and sharing. If I had sent you up each 100 fish that
would have been a bribe.

(Laughter)

MR. HOLMES: And I'd rather give that
to my friends and neighbors.

(Laughter)

MR. HOLMES: But anyway, thank you very
much for sitting and listening to us and you're good
folks no matter barky I get at times, so, thank you.

CHAIRMAN FLEAGLE: Thank you, Pat.

Greg, then Randy.

MR. ROCZICKA: Mr. Chairman. It's a
certainly whole different thing sitting on this side of
the table I can tell you that.

I've been to a few meetings in the past
but never been all the way through one so it's been
actually kind of a learning experience to me, too,
every -- every process has its own little quirks and
you just kind of got to get used to.

I really want to express my
appreciation to you guys for giving me the feedback and
actually taking this issue up for the whole predator
management issue. I mean I know -- I'll say it
straight out, I pretty much resigned when I walked in
here that it was going to be shrugged off again that
that's not our responsibility, and you haven't actually
made a formal statement of endorsement or so forth but
what you have said is that it's starting to recognize
the point that I was trying to make here is how are the
populations going to be managed to provide for that
subsistence harvest opportunity and the priority that's
there.

It's really timely that you're doing
this as well and a recognition and a statement to go
forward that predator management is part of subsistence
management although it's not a "authority" of the
Board.

The timeliness of it is, you know, is
that when we have the other State programs that are in
place may go away soon again because of the folks that
talk about sound science and unfortunately it generates
a lot of sound and very little science except of a
political nature, could very well take some of those
programs away or their viability, not only at the State
level but also that national thing you got going
forward and, of course, with the change in
Administration or Congress, good old Georgie Miller in
California with his PAW act could have something coming
down the pike that's going to hit you hard here so we
need to start looking at some of these alternatives
that can keep the integrity of subsistence there for
the future on the ground.

So, again, I sure do appreciate you
guys and actually stepping forward on it and giving us
more hope. And look forward, the Good Lord willing and
the wind, water, the weather don't get me, I look
forward to working with you more in the future.

Thanks.

CHAIRMAN FLEAGLE: Thanks, Greg. At
least we're making sound.

(Laughter)

CHAIRMAN FLEAGLE: Randy.

MR. ALVAREZ: Thank you, Mr. Chair.
And I appreciate being able to come here and represent
our region. And I appreciate Bert's comments for our
coordinators, we need them a lot more than you probably
realize. I depend on ours because we're so busy in
everything else that we do, you know, and the nine of
his here and probably maybe one or two more in the
audience are the only ones that are here volunteering
to be here and everybody else I assume is probably paid
to be here and so we depend, you know, we don't have a whole lot of time to do our coordinating, you know, we can talk to each other when certain things come up before we have meetings or issues and -- but I appreciate what they do for us, the coordinators.

And I also wanted to express to Marcia and to Terry, wellness when they're leaving from here in whatever they're going to be doing.

I feel very confident of our, you know, feel quite good about this meeting about what the outcome, of the dialogue and what we're going to be doing. Future -- it looks like we're going to be doing something to help the situation out -- before when I left meetings that it was stagnant, status quo, and now I feel a lot better about our situation in our area and some of the other ones, too, so I just wanted to thank you guys for that and that's my comment, Mr. Chair.

CHAIRMAN FLEAGLE: Thank you, Randy.

MS. ENTSMINGER: Yeah, thank you, Mr. Chair. I want to first start off with Marcia, Marcia, I don't know if you knew this but before the Park came in our area with the Antiquities Act, in my 20s I met the first superintendent of the Wrangell-St. Elias with a skunk hat saying National Park Service stinks so I've come a long ways.

MS. BLASZAK: Yes.

MS. ENTSMINGER: A long ways.....

MS. BLASZAK: You're part of our history Sue.

MS. ENTSMINGER: Okay.

(Laughter)

MS. ENTSMINGER: Oh, good, I'll go down with something here.

But I have to say I really appreciate, I heard a lot of good things about you, I haven't been able to interact with you as much as I would like to have and I really like seeing this joining of hands and
people understanding our lifestyles out there, especially with the Park so I really appreciate you and hope someone like you fills your position.

And I especially want to speak to Terry here, I have been with that guy from the very start because I think he started doing subsistence in Tok and he has really done a good job working with the user. And I can't say enough about you Terry, you are great, and I hate seeing you go and wish there was a way to keep your continuity in this process because I hate seeing continuity leave because a lot times that's the frustration with the Federal governments and your heads is, you know, you get here a couple years and three years down the road you're gone and then we got to train somebody new and that gets pretty difficult at times. And then sometimes it's not so bad.

(Laughter)

MS. ENTSMINGER: It's better off they don't know.

(Laughter)

MS. ENTSMINGER: But that's one of my positive things and I don't like to say anything negative. But it is a struggle for us as users. I'm still trying to still work with my hands, you know, sewing fur hats and stuff and I was trying to be -- not obnoxious, but work on a few little projects while I'm here because I give up a week to be here at this and sometimes it's a real struggle to say do I have this kind of time to keep doing this, you know, and then as I get in the process I get pretty excited about it because I feel that it means so much to for the State and the Federal people and the users to get along and figure out ways to make things work for the benefit of the people and the resource.

So I want to express my thanks to everyone also, thank you.

CHAIRMAN FLEAGLE: Victor.

MR. KARMUN: Thank you, Chairman. Probably the town of Kotzebue will be a little bit disappointed with the information I'm going to give them tonight but I did hear some encouraging words that our concerns are being looked into, as to when remains
to be seen yet.

I think one of the biggest things we understand now is a lot of the -- some of the proposals that we present to this Federal Game Board is not under the authority of the Federal Game Board so I think they're going to look long and hard at the State on some of these concerns.

I appreciate your tolerance of my presence here. I learned a lot. Maybe we'll see if I can do better the next go around.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Victor.

Myron.

MR. SAVETILIK: I'd like to thank everybody for putting up with me even though I didn't say much, but other than that it was a good meeting for me to understand of what we all go through as individuals and as we go through, you know, what -- you know, the villages and what individuals go through to make our needs made and all the other stuff.

Thank you.

CHAIRMAN FLEAGLE: Appreciate it. And I'd like to close with thanking everybody who participated. Board members, Council members, Staff, public. I really appreciated the tone and tenor of this meeting, it seems like there weren't that many conflicts between people, agencies, RACs or whatever, it just had a really good feeling to it. I think that our process is improving. Our working relationships with the user groups and with the State are improving, but like any other bureaucratic entity it takes time, you know, we may be seeing a little bit of adjustment towards those positive and so we still have a lot of issues that are needing to be addressed and fixed with wildlife management -- fish and wildlife management in the state but I'm really pleased with just the outcome of this meeting. A lot of decisions that were made that were, as Keith referred to, he said, I don't know if I've ever seen a meeting where we had so many six/zero votes, just like the homework was done, the issues were well laid out.

And I appreciate everybody's patience
in my making sure that we put even little details on the record just for the record's sake so that hopefully we can, next year, not have 19 RFRs, maybe -- because those take a lot of time. I think that a little bit of time well spent here addressing issues that may be triggered later, will save us time in the long-run but we still ended up with time left over and pretty happy about the conclusion of the meeting.

So thank you everyone.

With that, is there a motion to adjourn.

MR. MELIUS: So moved.

MS. BLASZAK: Second.

CHAIRMAN FLEAGLE: Meeting's adjourned, thank you.

(Off record)

(END OF PROCEEDINGS)
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 352 through 534 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME III taken electronically by Computer Matrix Court Reporters on the 30th day of April 2008 beginning at the hour of 8:30 o'clock a.m. at the Coast International Inn 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 11th day of May 2008.

______________________________
Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/2012