SOUTHCENTRAL FEDERAL SUBSISTENCE
REGIONAL ADVISORY COUNCIL MEETING

PUBLIC MEETING

VOLUME I

Cantwell, Alaska
October 3, 2011
8:30 a.m.

COUNCIL MEMBERS PRESENT:

Tom Carpenter, Acting Chairman
Lee Adler
Greg Encelewski
Judy Caminer
Robert Henrichs
Chuck Lamb
James Showalter
Gloria Stickwan

Regional Council Coordinator, K.J. Mushovic

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P R O C E E D I N G S

(Cantwell, Alaska - 10/3/2011)

(On record)

CHAIRMAN CARPENTER: My name's Tom Carpenter, I'm the Vice-Chairman of the Southcentral RAC. I'm going to be chairing the meeting. Ralph Lohse was not able to attend. He had some medical things he needed to attend to and he's in Kenny Lake recuperating. So everybody keep Ralph in your thoughts and -- but he's doing fine and he wanted to come, but thought that it was prudent that he take it easy for a couple days.

So I guess the first thing to do is to maybe go around the room before we call the meeting to order and everybody could introduce themselves and where they're from and if you work for an agency or a tribal organization, introduce yourself as such and after that we'll call the meeting to order and move on with our business. So I don't care who wants to start, Lee, do you want to start and we'll just go around the table this way and then to the audience.

MR. ADLER: Yeah. I'm Lee Adler, a 42 year resident of Glennallen, still live there. And I represent the.....

(Off record comments - microphone)

MR. ADLER: Oh, can everybody hear me? Lee Adler from Glennallen, and been there 42 years and happy to represent the people there. And so I'll just pass it on to the next person here. Greg.

MR. ENCELEWSKI: Yeah, Greg Encelewski from Ninilchik. I won't tell you how many years I've been there, but it's been all my life, but anyway a long time. And I represent the Southcentral RAC.

MR. HENRICHS: Bob Henrichs from Cordova. I might mention that Don Kompkoff is battling cancer right now.

MS. STICKWAN: Gloria Stickwan from Tazlina, lived there most of my life.

MR. CARPENTER: I've introduced myself,

Tom Carpenter, I'm from Cordova.

MS. CAMINER: Judy Caminer from Anchorage and working on subsistence issues since 1976, so a relative newcomer.

MS. MILLS: Mary Ann Mills and I'm from Sterling, Alaska and I'm representing the Southcentral RAC. And I'm also vice-chair for the Kenaitze Indian Tribe.

MS. MUSHOVIC: I'm KJ Mushovic, I'm council coordinator with of Office of Subsistence Management for the Southcentral RAC.

Is there anyone online at this time?

(No comments)

MS. HYER: I'm Karen Hyer, I'm with the Office of Subsistence Management.

MS. PUTERA: I'm Judy Putera, I'm at Wrangell-St. Elias National Park and Preserve.

MR. MILLS: Bill Mills, grew up my life here. I'm a subsistence user all my life.

MS. CELLARIUS: I'm Barbara Cellarius, I'm the subsistence coordinator for Wrangell-St. Elias National Park and Preserve.

MR. RABINOWITCH: Good morning, everyone. I'm Sandy Rabinowitch from the National Park Service and also on the InterAgency Staff Committee for the Federal Board.

MS. SCHWANKE: I'm Becky Schwanke, wildlife biologist for the Alaska Department of Fish and Game, Glennallen.

MR. ROBINS: I'm Frank Robbins, I'm also a wildlife biologist for Alaska Department of Fish and Game.

MR. KESSLER: Steve Kessler with the U.S. Forest Service. I also sit on the Interagency Staff Committee.

MR. CHEN: Good morning. My name's

Glenn Chen, I'm with the Bureau of Indian Affairs.

MR. LORANGER: Hi, I'm Andy Loranger, I'm the representative at the National Wildlife Refuge, Glen Station Wildlife Service.

MR. PALMER: Doug Palmer, U.S. Fish and Wildlife Service Federal fisheries manager.

MR. BERG: Good morning. Jerry Berg, InterAgency Staff Committee member for Fish and Wildlife Service out of Anchorage.

MR. BURCHAM: Milo Burcham, wildlife biologist for the Chugach Forest, based in Cordova, but also work on the Kenai side now too.

MS. YUHAS: Good morning. I'm Jennifer Yuhas with the Alaska Department of Fish and Game and the Federal subsistence liaison.

CHAIRMAN CARPENTER: Sir.

MR. MAYER: I'm Leonard Mayer, I'm just a local resident of Cantwell.

MR. ENCELEWSKI: My name's Ivan Encelewski, I'm from Ninilchik. I'm the executive director for the Ninilchik Tribal Council and a Federally-qualified subsistence user.

MS. BROWN: I'm Cole Brown, wildlife biologist for U.S. Fish and Wildlife, Office of Subsistence Management.

MS. H. ARMSTRONG: I'm Helen Armstrong, I'm chief of anthropology at OSM.

And I also wanted to just send greetings from Pete Probasco, he was going to be here, but had a death in the family last week. And he is also -- was -- had a bad fall in July and broke his pelvis and has not been traveling much -- travel at all yet, he's still on crutches so he's recuperating.

And I also just wanted to note that most of you know Polly Weaver, and Polly has moved on to other pastures, she's the deputy chief of refuges now for Fish and Wildlife Services. She just left us about a week ago.

Chuck Ardizzone is currently acting to fill the position of deputy at our office.

CHAIRMAN CARPENTER: All right. Thanks, everyone, for that. And welcome. I think we need to establish a quorum or do you want to call the roll, KJ.

MS. MUSHOVIC: Mr. Henrichs.

MR. HENRICHS: Here.

MS. MUSHOVIC: Mr. Blossom is absent due to medical reasons.

Mr. Encelewski.

MR. ENCELEWSKI: Here.

MS. MUSHOVIC: Mrs. Mills.

MS. MILLS: Here.

MS. MUSHOVIC: Mr. Adler.

MR. ADLER: Here.

MS. MUSHOVIC: Ms. Waggoner is absent due to medical reasons. Mr. Lamb is absent due to not being able to physically arrive from his location.

Ms. Stickwan.

MS. STICKWAN: Here.

MS. MUSHOVIC: Mr. Kompkoff is not here due to medical reasons.

Ms. Caminer.

MS. CAMINER: Here.

MS. MUSHOVIC: Mr. Lohse is not here due to medical reasons.

Mr. Carpenter.

CHAIRMAN CARPENTER: Here.

MS. MUSHOVIC: We have a quorum.

CHAIRMAN CARPENTER: All right. Thank you. Next on the agenda is to review and adopt the agenda. And I see in our notes that -- was there some additions that you had that we needed to add besides what maybe some of the Council members would also like to do, is that true, KJ?

MS. MUSHOVIC: Well, there was the Council member recognition that we were hoping to do, but those Council members are not here.

CHAIRMAN CARPENTER: Okay.

MS. MUSHOVIC: And then just the knowledge that there have been some inquiries to the Office of Subsistence Management about calling in to this meeting, and where and when -- how that will fit into your agenda.

CHAIRMAN CARPENTER: Okay.

MS. MUSHOVIC: So I'll figure out when they can call in.

CHAIRMAN CARPENTER: There was interest -- just for other Council members, some individuals wanted to call in and specifically speak to a proposal. And so they may be calling in sometime this morning. And it's up to the Council if we would like to just hear their testimony at the time out of order or if we would want them to call back at a time specific that we would take up that proposal. So, you know, we can leave that.....

Bob.

MR. HENRICHS: Yeah, in the interests of making the best use of our time we should probably allow them to speak when they call in, I would think so.

CHAIRMAN CARPENTER: Greg.

MR. ENCELEWSKI: Yeah, I just have a comment that I don't have a problem with that, but I have a concern that if they're speaking to something that we're debating and we're not able to get it on the floor we're not able to have a good consultation back and forth, dialogue, if you don't -- if you're just dropping it in.

CHAIRMAN CARPENTER: Okay. Well, we can talk about that when they -- when they call in and see what kind of schedule they have and we'll try and make it the -- as convenient as we can for whoever decides to call in.

So in reviewing the -- is there anything -- any additions?

Judy.

MS. CAMINER: Just a couple thoughts. We seem to have a huge number of proposals for a two day meeting and so perhaps at the end of -- at about 5:00 today we can consider how far we are and whether we need to do a short evening session to make some progress.

I guess another question we have is we have amongst the proposals the discussion about moose in Unit 7 and 15 and then at the very end of the book is the special action. And I'm wondering if it makes more sense to take them together. And I -- but I can't even say which one I think ought to go first, but maybe the Council would have some thoughts on that. But they are the same issue, it's different wording, but.....

CHAIRMAN CARPENTER: Uh-huh.

MS. CAMINER: .....might make sense to discuss them somewhat jointly.

CHAIRMAN CARPENTER: I think that's a very good point and something to consider. I don't know what -- do you have any ideas about that, Greg, and.....

MR. ENCELEWSKI: Well, my thought, I would probably agree with Judy, it should be taken up as one. I mean, you're going to be debating the issue pretty thoroughly on 30, 31 and the special action refers to that same issue.

CHAIRMAN CARPENTER: Well, what we could do is we could move the Wildlife Special Action which is 11-03 and we could move it and, you know, the -- like you say the debate is going to be somewhat similar for both of them so we can hear all the staff analysis and public comments in regards to those two proposals and we could just take on -- or not take

action on those two, you know, in sequence if that's okay with everybody else.

(No comments)

CHAIRMAN CARPENTER: So okay, we'll move Wildlife Special Action Proposal 11-03, we'll take that up directly after, I guess 30 and -- 12-30 and 31. And we'll just handle those in order that way, make it a little bit more convenient.

Any other changes or amendments to the agenda?

Judy.

MS. CAMINER: Oh, I guess I just had two more questions. In terms of agency reports, I didn't see rural review listed, but it may be something that staff is planning on covering in the general report.

MS. H. ARMSTRONG: There's an update under the Secretarial review, the comments that we're going to do, but it's just an update, there's not really too much to report on, it's just to let you know what's been happening.

CHAIRMAN CARPENTER: Thank you, Helen. Go ahead.

MS. CAMINER: I just wondered if there was anyone here in the audience I guess particularly the public who maybe needed us to talk about certain proposals today, if they were unable later just to make sure everybody has a chance to be heard.

CHAIRMAN CARPENTER: If you do -- if you are here to speak specifically about a proposal and you -- and your time does not allow you to be here tomorrow or this evening or today at some time, please let KJ know and we'll make adequate time for you to get your comments across to the Council. So just keep that in mind. Or if you know somebody that's going to come, you can also let them know that too.

Anything further?

(No comments)

CHAIRMAN CARPENTER: If there's nothing further we would need a motion to approve the agenda.

MR. HENRICHS: I make the motion.

CHAIRMAN CARPENTER: It's been.....

MR. ENCELEWSKI: Second.

CHAIRMAN CARPENTER: .....so moved by Mr. Henrichs, seconded. Any further discussion.

(No comments)

CHAIRMAN CARPENTER: Hearing none.....

MR. HENRICHS: Question.

CHAIRMAN CARPENTER: .....the question's been called. All those in favor.

IN UNISON: Aye.

CHAIRMAN CARPENTER: Opposed.

(No opposing votes)

CHAIRMAN CARPENTER: Okay. Moving on, we need to review and approve the minutes from the March, 2011 meeting. It's on Page 6 of your packet.

MR. HENRICHS: I make a motion to approve the March meeting.....

CHAIRMAN CARPENTER: It's been moved.....

MR. HENRICHS: .....minutes.

MR. ENCELEWSKI: Second.

CHAIRMAN CARPENTER: .....and seconded. Any discussion, is there any corrections, omissions, changes to the minutes that anyone sees?

(No comments)

MR. ENCELEWSKI: Question.

CHAIRMAN CARPENTER: If there's no

omissions or corrections or additions, the question's been called. All those in favor.

IN UNISON: Aye.

CHAIRMAN CARPENTER: Opposed.

(No opposing votes)

CHAIRMAN CARPENTER: Okay. The next on the agenda is the Chair's report. Obviously I'm not the Chairman, I'm the Vice-Chairman so I don't have a whole lot to report myself. Some of the things that I'll talk about later will come up and they'll have to do specifically with the proposal.

I will just say we do have a lot of items on our plate for the next couple days so we will have to take time into consideration to make sure that we get it all completed. I know one thing, please, if you have a cell phone try and put it on silent mode, take your calls outside if possible. We'll try and move the meeting on as fast as we can, hear everybody that has something to say and to contribute and try and move the meeting along as fast as we can.

So that's about all I actually have. There is -- in our packet there is a Federal Subsistence Board response to our 2010 Annual Report. I assume everybody's had a chance to read that. I don't know if anybody has any comments or questions about anything that was submitted to the RAC by the Federal Subsistence Board, but if they do now's the time.

MS. STICKWAN: What pages would I.....

CHAIRMAN CARPENTER: Let's see, Gloria, I think it's -- it's on the handout, yeah, it's the -- kind of the orange colored handout. So anyway you can take a look at that and if you don't see anything now we can possibly bring it up later when we have somebody from staff up that could possibly answer the questions for us.

The other thing under the Chair's report is a discussion of 2011 Annual Report topics. Is there anybody on the Council that at this point of the meeting has anything that we would like to add, we can discuss this later at the meeting after we've had a

discussion on several different topics about things that we'd like to include in our 2011 letter. So it might be a little bit -- a little bit premature, but -- Greg.

MR. ENCELEWSKI: Oh, I just had a comment. I don't know that I have anything new to add, but I just would like some of the stuff that's in there to be reiterated, particularly issue number 4, predator control.

CHAIRMAN CARPENTER: Okay. Thank you, Greg. Is there anybody else?

(No comments)

CHAIRMAN CARPENTER: Okay. Well, we'll keep that list on going and at any point in the meeting if a Council member would like to -- I can just kind of keep track of what we would like to put in that letter and we will -- we can discuss that a little bit later this afternoon or tomorrow.

The next is Council member reports so maybe we can go around the table, starting with you, Lee, and if you have anything to report on things that have happened if your area or -- just let us know.

MR. ADLER: Well, I haven't had anybody come to me with any specific complaints or comments except for one thing I have heard a little bit about is the community hunt, there's a little bit -- nobody wants to pack out the stomach. They're pretty well happy with taking out the head and the organs and obviously all the meat and -- but and some people want to pack out the hide and some don't, but nobody wants to pack out the stomach. And that was a complaint that I heard from a few people.

And looking at the valley and Homer, kind of a low population, I'd say the lowest population of Dall sheep that I've seen in 42 years. And so that kind of concerns me.

And the grouse cycle is also at a low, but that's a normal thing. We have had -- they cycle about every 10 or 12 years. So we were at the bottom last year, we're still at the bottom. So I drove all the way from Cantwell to Paxton and didn't see on grouse or ptarmigan. But that's just -- that's just

the way it is, we can't change that.

Other than that I think people are pretty happy with the system. I -- like I say I haven't got anything specific so that's about all I have to say.

CHAIRMAN CARPENTER: Thank you.

Greg.

MR. ENCELEWSKI: Yeah, our area there's lots going on that could be reported on. Most of it's going to be covered in today's meeting, but I'll just highlight a couple things. One as you know that we have a Federal subsistence fishery on the Kasilof and we did build a new fish wheel, smaller prototype to try and get the work. Doug, I think you participated in that fishing at one time. Anyway we think it works great, we think it will work, but we didn't catch any fish with it yet. The timing was wrong and the -- some strategic location probably wasn't the best. The other thing is even with the big flood of Kenai reds the Kasilof was kind of spikey, it was kind of a little different run return there this year for actually hitting big, right timing. So yeah, we did make a big effort to get that fish wheel going and in the river and we did fish it three, four times and we can discuss that a little more.

The other item I just want to mention to you and it's on our agenda here that the community has been gravely affected by the change in regulations, both State and Federal, on our moose hunt. The spike fork has been taken away on the State level and also on the Federal level on the early hunt and there's proposals for the -- for the fall hunt. What affects the State also affects subsistence and the Federal because those people are not being able to take moose under the State regs. But long story short, it's make a very hardship on the community.

So we'll debate those, they're at different proposals.

And that's what's happening in our area. It's not the greatest, we do have a problem of a lot of people reporting predators and that's why I mentioned it earlier. I've personally seen wolves in the field and on the road and bears and I think Doug

Blossom wanted to testify to that too. But anyway that's kind of my overview.

MR. HENRICHS: Yeah, Bob Henrichs. The Native Village of Eyak did receive a $200,000 grant I think from Fish and Wildlife Service for an orphan moose cap program which we'll get that moving for next year. I would say the research projects went very well on the Copper this year. It was a huge run on the Copper of salmon this year and the -- that hatchery contributed quite a bit to the numbers of fish. And I don't know how the subsistence moose hunt went, but I'm sure Barbara will give us a report on that.

But that's about it.

CHAIRMAN CARPENTER: Gloria.

MS. STICKWAN: I did want this Committee to respond to the issuing to area RACs fishery proposal on C&T. They supported a C&T for personal use. And I would like this RAC to respond in a letter to the Board of Fisheries on that.

CHAIRMAN CARPENTER: Okay. We can take that up at the end of the meeting. I'll just keep a note of it.

MS. STICKWAN: The other thing was we were hoping to set up a meeting on community hunt with Fish and Game, but haven't heard anything, discussions on that will take place we hope later.

CHAIRMAN CARPENTER: Okay.

MS. STICKWAN: Just the impact to our area is always a problem for us for hunting.

That's about it.

CHAIRMAN CARPENTER: Okay. Thank you.

Judy.

MS. CAMINER: Thank you, Mr. Chair. I did sit in on that Federal Subsistence Board meeting this summer and I'm sure most of the topics will be covered in a report that we'll be getting from OSM and others about it.

I did want to mention since the special action preliminary discussion came up at that Board meeting I did make a short presentation to the Board about the discussions this Councils had in March when we were briefed by Fish and Game and by Fish and Wildlife. And subsequent to that meeting is when the Board had their teleconference and made the decision on that topic. But some of the Southcentral views were put forward at that summer meeting.

Thank you.

CHAIRMAN CARPENTER: Thank you, Judy.

Mary Ann.

MS. MILLS: There was a lot of concerns with regards to the new hunting regulations on the moose or the -- on the Kenai. And also there was concern with the State's management, the wildlife population and especially in -- with regard to predator control.

Thank you.

CHAIRMAN CARPENTER: Thank you. I don't really have anything to speak of at the moment in regards to anything with my area. I -- I'm assuming Milo's going to give us a report that has to do with the subsistence hunts and the Cordova, Prince William Sound area so I think I'll let it go at that for right now.

Appreciate Judy taking the time when Ralph and I couldn't go to the Federal Subsistence Board meetings and the different meetings in Anchorage, it's kind of convenient that you live in Anchorage and it's a big cost savings really too to the program that you can go and represent the RAC at those meetings when it's not possible for somebody else to be there. So thanks for that.

MS. CAMINER: Thank you.

CHAIRMAN CARPENTER: If there's nothing further on -- from the Council members, KJ, the next item is reports on tribal and ANCSA corporation consultation teleconferences. Can you.....

MS. MUSHOVIC: Number 8.

CHAIRMAN CARPENTER: Oh, we're on number -- oh, you're right. Excuse me. Number 8, administrative business.

Would you like to speak to that?

MS. MUSHOVIC: Thank you, Mr. Chair. I'm just to point out to everybody that the exits to this building are behind you, the restrooms are in the back over here. I'd like to encourage everyone to sign in every day that you attend. Those that wish to testify, there are small, blue, half sheet forms of the tables back there, they are requests to testify and there is a line on there where you can indicate if you have a time constraint and there's a certain time that you need to testify by and we can try and honor that.

I guess it's customary for the coordinator to go through all these handouts that you've been given that aren't in the books so that it's on the public record. There are some many handouts though do you want me to do that?

CHAIRMAN CARPENTER: I think it's up to the will of the Council. I think -- I've had a chance to read through the ones that you sent us in the mail. Is there anybody that would like her to explain anything specifically in regards to any of the letters that we have or is it self sufficient?

(No comments)

CHAIRMAN CARPENTER: I think we're okay there.

MS. MUSHOVIC: I'm going to point out that it is nomination season for the Regional Advisory Council and there are some seats that will be expiring at the end of 2011. Mr. Carpenter and Ms. Caminer, you are among those. So you will find application forms in your packets there.

And I would also like to bring to you -- the attention of everyone in the room there is a news release on the back table regarding the recruitment for the two new seats on the Federal Subsistence Board. That application period is going on right now also. There's no form for applying to that Board, there is just the requirement to submit a resume addressing the bullet points that are listed in

the announcement. And that is being handled not through the OSM, but through the office of Pat Pourchot.

All the handouts that the Council have been provided with are in stacks on the back table for those of you that need to get them. If any of the rest of you have handouts that you want to give, please have the minimum amount of copies, we need at least 25 and if you would please resist leaving them on the Council member's chairs during breaks or whatever, I make sure I get for the administrative record the formal process accomplished for distributing your handouts for you.

Also in the back of the room by the fax or copy machine back there are three cards for Mr. Kompkoff, Mr. Lohse and Mr. Blossom that I encourage you to sign during any of our breaks.

And I just would like to encourage you that with so many proposals that we have ahead of us today, I'd really like to do a good job capturing your activities. So if you could clearly articulate your motions and your proposal justifications, that would -- that would help the OSM staff greatly.

And do you mind if I just check in with.....

CHAIRMAN CARPENTER: Sure.

MS. MUSHOVIC: Thank you, Mr. Chair. Who just joined by tele.....

MR. McDONOUGH: Hi, this is Thomas McDonough with Fish and Game.

MS. MUSHOVIC: Okay. We're going to acknowledge that you're online and will you let us know if there's anything that you need to say to the Council or are you just here to listen?

MR. McDONOUGH: Mostly here to listen. Thank you.

MS. MUSHOVIC: Thank you. Thank you, Mr. Chair.

CHAIRMAN CARPENTER: Uh-huh. Judy.

MS. CAMINER: KJ, I just was looking at our membership list and it doesn't -- and it appears we have one vacancy and we don't have anybody from Cantwell on our Councils. So this might be a good time informally to recruit membership from Cantwell or Cantwell area.

Thanks.

CHAIRMAN CARPENTER: Did you have anything else, KJ, or is that.....

MS. MUSHOVIC: That's an excellent idea, Ms. Caminer. I have nothing further.

Thank you.

CHAIRMAN CARPENTER: Okay. Anybody have any questions about anything administratively? If you don't want to discuss it now I'm sure you can ask KJ privately.

(No comments)

CHAIRMAN CARPENTER: Okay. So moving on then to number 9, reports on Tribal and ANCSA corporation consultation teleconferences. It looks like we have a couple of speakers.

MR. BERG: Thank you, Mr. Chair. Jerry Berg with Fish and Wildlife Service.

Just wanted to give you an update on kind of a new process that the Board is trying to put together to try to enhance their relationship with and consultation with tribes. So the Federal Board is working to enhance their relationship with tribes and we're working on a government to government consultation process in the form of a protocol. And this past May the Federal Board established a work group made up of tribal and Federal members that would all -- they would work together to come up with a draft protocol on how the consultation with tribes and ANCSA corporations would work. And they agreed on an interim process that we've started this year, but they're continuing to work on a long term protocol on kind of how it would work into the future.

So for this year we held a series of teleconferences, one for each region and then two ANCSA

teleconferences with -- or two teleconferences with ANCSA corporations. And the ones for each region were generally about a week before each Council meeting so for this one we had a teleconference last week.

And so we have the summaries from those teleconferences and, you know, we've had people that commented on some of the statewide proposals from various areas of the state and also some of the individual proposals on your agenda. So we can go through all the comments we received or if you'd prefer we can go and give you the comments on each proposal as you work through your agenda. So it's whatever the Council would like to do. I don't know what's your preference, we can go through all the comments received on all the proposals all at once now or we can give you the comments received on each proposal as you go through them.

CHAIRMAN CARPENTER: Anybody? Bob.

MR. HENRICHS: It would probably be more effective to get the comments as we go through.

MS. STICKWAN: Uh-huh.

CHAIRMAN CARPENTER: You feel the same way, Gloria?

MS. STICKWAN: Yes.

CHAIRMAN CARPENTER: Anybody else?

(No comments)

CHAIRMAN CARPENTER: Okay. We'll just -- when we take up a proposal we'll just have you give us the pertinent comments for that proposal at that time if that works.

MR. BERG: Okay. Thanks. And Steve was reminding me that we're also encouraging people who participated in the teleconferences, Gloria participated in the ANCSA teleconferences, and I think Greg participated in the tribal teleconference, we encourage them to also help us report out and make sure we get everything correct and accurate. So we'll come back up as the proposals come up.

Thank you, Mr. Chair.

CHAIRMAN CARPENTER: All right. Thank you. Gloria, do you have a question?

MS. STICKWAN: Yes.

CHAIRMAN CARPENTER: Go ahead.

MS. STICKWAN: No question, but the ANCSA policy that's going to be drafted, I'm not really sure what's going to be -- what will be included in that, is it going to be the similar to the tribal or is it going to be -- how will -- what's the criteria for -- I don't even know how to ask the question, to write a policy, what will be included in it?

MR. BERG: You're referring to the protocol.....

MS. STICKWAN: Uh-huh.

MR. BERG: .....that's being developed?

MS. STICKWAN: Yes.

MR. BERG: Well, I think -- you know, I mean, it's still under development, but, you know, what we did this time around was we held two statewide teleconferences that ANCSA corporations could call in and consult on any proposals of interest to them. You know, there is the presidential order that we're supposed to consult with ANCSA corporations and so we're just trying to abide by that order. And, I guess, the protocol for ANCSA corporations is similar to the one for the tribal protocol, but we've tried to keep them separate, as two separate documents, but they're similar.

MS. STICKWAN: Okay. Because I haven't seen one for the ANCSA, but I've seen one for the tribe -- tribal protocol.

MR. BERG: Well, there certainly is a draft one available and we can certainly get you a copy of the draft ANCSA corporation protocol because there is a draft available now that you can take a look at. And then there's going to be opportunities for more consultation on the protocols themselves, there's actually one on October 20th at AFN and that's for the ANCSA corporation protocol. And then there's also going to be -- and that's to consult on how the

protocol will -- on the protocol itself. And then there's going to be one for the tribal consultation protocol and that's going to be December 1st in Anchorage at the BIA Service Providers conference. So those are two opportunities for people to help draft that protocol and how better to consult with tribes.

We have not been getting much participation unfortunately at these teleconferences. So we certainly are open for more -- you know, we want to work with the tribes to find out what works for them and how we can improve the process and get more people involved for sure.

Yeah, Helen was just reminding me that the ANCSA corporation protocol is in your book on Page 352, I think she said, so it is printed in your book. And that's the draft interim protocol that we're using this time around. And like I say we're -- you know, the Board is working on a longer term protocol for both ANCSA corporations and tribes.

CHAIRMAN CARPENTER: Bob.

MR. HENRICHS: Yeah, you may be aware that while ANCSA created the corporations, ANCSA did not -- we have two Supreme Court decisions that say ANCSA did not extinguish aboriginal rights on the outer continental shelf. Because when ANCSA was passed the United States only claimed out to three miles and then they claimed out to 200 later and that's still in dispute.

So I thought I would add that to the mix here.

CHAIRMAN CARPENTER: Anybody else, questions. Did you have anything, Steve, to add or at the time?

MR. KESSLER: No, Mr. Chairman. I don't have anything to add right now. I think Jerry covered it pretty well.

CHAIRMAN CARPENTER: All right.

MR. KESSLER: Well, I guess the only other thing I might add though is, you know, that, you know, like for instance Southeast which was held last week, they just had -- they just had a lot of

discussions about sort of the consultations and how those consultations fit into the Regional Advisory Council process. And because they were concerned that -- you know, that the Board provides deference to Regional Advisory Councils and they were trying to figure out just sort of how to get involved in this process to make sure that the Regional Advisory Councils were given the deference in the long run. So it was sort of interesting and, you know, I think that that's one of the things that, you know, you might -- you folks might want to think about a little bit too. There is an ANCSA -- there is a -- excuse me, the -- on the OSM's part of the agenda near the end there's a handout that's in the book about the whole consultation procedures and, you know, an opportunity for that discussion there. And it might be fairly appropriate to have that discussion then after you've sort of had the tribal consultation piece of each of these different proposals.

CHAIRMAN CARPENTER: Uh-huh.

MR. KESSLER: Thanks.

CHAIRMAN CARPENTER: Yeah, thanks for that. I think that that -- that was one thing that I have been thinking about because I think it's always been kind of important to this Council in regards to deference. And we've had discussions on it in the past. And there's been a lot more talk about it lately so I think maybe at that time after we get to that point we can possibly discuss that also.

Anything further from anyone?

(No comments)

CHAIRMAN CARPENTER: All right. Thanks. Okay. We're moving right along. The next on our agenda is public testimony. I think for the most part like I said earlier, if you would like to testify specifically about a certain proposal and you have a certain time that you can do it, please let KJ know. If not we will just go through the proposals as put forth in our agenda and at that time if you are here we will call on you, you can come up and speak specifically about a proposal. And we hope that we have some participation from the public.

So, I guess, moving on and getting

right into the proposals, our first proposal is statewide Proposal WP12-01. And we will have Helen give us an introduction of the proposal and the analysis.

MS. H. ARMSTRONG: Thank you, Mr. Chair. The executive summary is on Page 20 of your books, the analysis begins on Page 22. And I'm Helen Armstrong with OSM.

Proposal WP12-01 was submitted by the Brown Bear Claw Handicraft Working Group and it requests that prior to selling a handicraft incorporating a brown bear claw or claws, the hide or the claws not attached to a hide, must be sealed by an authorized Alaska Department of Fish and Game representative and that a copy of the ADF&G sealing certificate would then accompany the handicraft when sold.

This proposal that you have before you is a compromise reached by the working group and the members of the working groups were members of nine of the 10 Councils. We had ADF&G agency representatives, Federal agency representatives and we had law enforcement from both Federal and State agencies. So it was a compromise that everyone agreed to to bring before the Council.

This proposal addresses concerns raised by the State of Alaska, those of you who have been on the Council for a while know that this has come before you many times and the previous -- the concern from the State of Alaska was with Federal regulations that allow the sale of handicrafts that include brown bear claws from bears that are taken under Federal subsistence regulations.

The working group suggested that deferred proposals WP08-05 and WP10-02, which I'll talk to after this one, be opposed and that this proposal, WP12-01, should be submitted to the Councils for their review.

The intent of the proposal is to protect subsistence users who incorporate brown bear claws into handicrafts who sell them. And this would provide proof that the claws are from brown bears that were harvested by Federally-qualified subsistence users. So the -- this only applies in situations where

your intent is to sell the handicraft. Requiring that a copy of the sealing certificate accompany the handicraft would provide a method of tracking legally harvested brown bears, but also require modification to the sealing certificate which is managed by the State of Alaska to include a place on the certificate indicating that the bear was harvested by Federally-qualified users. And the members of that working group from ADF&G said that that would not be a problem to add that.

So you'll see the existing regulation on Page 22 of your books and the proposed regulation is also on Page 22. It essentially is identical to what I read in the beginning. I do want to note if you look at that regulation you can see that this does not -- the new regulation does not apply everywhere in the state. And in this region it only applies in Unit 12, the other regions don't have -- I mean, the other units don't have a provision for allowing selling handicrafts made from the skin, hide, pelt or fur including claws of the brown bear. You can see that on Page 22. If you look at that you'll see all the units that are listed and the other units in this region are not included except for 12.

The issues of selling handicrafts from bear parts has been before the Board since 2002. And the Board provided the sale of handicrafts made from the skin, hide, pelt, fur, claws, bones, teeth, sinew or skulls of brown bears by Federally-qualified users where required. It was not the intent of the Board to create a commercial incentive to harvest bears based on the sale of bear handicrafts.

On Page 24 in your books there's a timeline of the regulatory actions by the Board regarding the sale of handicrafts from bear parts and I'm not going to go through that, but that is in the book. If you have any questions about that history let me know.

So the working group met over several occasions between 2009 and 2011. The working group recommends that the Board reject or take no action is also a possibility, I believe, on deferred proposal WP10-02 and they submitted this new proposal. At the July 2010 meeting of the working group they took up -- they created this proposal, this was taken to the Councils last fall, you probably remember that, and

then based on comments from the Councils this final proposal was submitted.

Adopting this proposal would provide some protection to subsistence users who incorporate brown bear claws in handicrafts for sale by providing proof that the claws are from brown bears that were harvested by Federally-qualified subsistence users. So it is seen as being advantageous to subsistence users. It is also possible that this would increase the value of the handicraft by being able to indicate that it was from a legally harvested brown bear.

We have no evidence -- there's no known evidence to indicate that current Federal subsistence regulations adversely affect brown bear populations nor that the Federal subsistence regulations that have been in affect have led to an increased legal or illegal harvest of brown bears.

For all the reasons I've stated we support the preliminary -- OSM preliminary conclusion for Proposal WP12-01.

Thank you, Mr. Chair.

That concludes my presentation.

CHAIRMAN CARPENTER: Thank you, Helen.

Any questions from the Council?

Judy.

MS. CAMINER: Well, I was just wondering what the comments would be from Eastern Interior particularly or any of the other RACs.

MS. H. ARMSTRONG: Eastern Interior has not met. The only other Councils that have met were fairly early in our season. I was at the Seward Peninsula Council and they did support this proposal. The comments -- they had some concerns about the sealing certificate, you know, I just relayed what was said in the working group it would be something that would be -- they would add something saying it was a Federally-qualified user who harvested the bear. In the Seward Peninsula there are -- no permits have ever been taken for Federally harvested bears so it's not a really big, big issue to them, but it is allowed in

their regulations.

And in Southeast I hear -- they just concluded their meeting and we haven't -- I haven't crossed paths with people because they didn't come back from the meeting when -- by the time we had left work on Friday, but I heard that they opposed it. They have from -- they had some concerns with the whole idea of this proposal.

And in Kodiak/Aleutians they opposed it as well, but my understanding is they based that on the fact that it doesn't apply in their region. They're not included in the allowance for the brown bear handicrafts.

And those are the only Councils that have met so far so we shall see what happens.

CHAIRMAN CARPENTER: Bob.

MR. HENRICHS: So Kodiak/Aleutians opposed it, but they have a lot of brown bear in Kodiak.

MS. H. ARMSTRONG: They have a lot of brown bear, but they don't -- they're not included in the -- if you look at the existing regulation on Page 22, Unit 8 is not included and -- nor are the Aleutian Islands' units, they're not included as being areas that allow the selling of brown bear handicraft. And I do know from the member from that Council who was on our working group actually doesn't support making handicrafts from brown bears claws at all. So I think it was more of an opposition to the whole idea of -- that's my understanding anyway. I could be wrong on that, but it doesn't affect their region so they didn't support it.

CHAIRMAN CARPENTER: Anybody else?

(No comments)

CHAIRMAN CARPENTER: I guess the only question I would have would be when this work -- I mean, really there are just a couple changes to the original proposal, I mean, basically sealing and keeping the certificate on hand. When this working group met obviously they came to a consensus to put these recommendations forward and there was ADF&G,

Federal staff and then representatives. Was it a unanimous consensus that these recommendations be brought forward or do you remember was it a split.....

MS. H. ARMSTRONG: We didn't vote, but it -- we came to consensus, yes.

CHAIRMAN CARPENTER: Okay.

MS. H. ARMSTRONG: There wasn't -- there wasn't a voting, it was just does anybody have serious problems. And I think -- I will say that I think that part of coming to consensus was this is a proposal we have consensus on to take to the Councils, I don't -- a lot of our Council members don't want to speak for their Councils.....

CHAIRMAN CARPENTER: Right.

MS. H. ARMSTRONG: .....so it was a consensus in this is what we should take forward, the Councils can give their recommendation.

CHAIRMAN CARPENTER: Okay.

MS. H. ARMSTRONG: Okay.

CHAIRMAN CARPENTER: All right. Thanks. Okay. If there's no other questions, Alaska Department of Fish and Game, do you have any comments?

MS. YUHAS Thank you, Mr. Chairman and members of the Council For the record my name is Jennifer Yuhas and I work for the Alaska Department of Fish and Game.

The Council has our written comments for almost all of the proposals and you've already mentioned that you have a time constraint. So what's worked at the other two RACs I've been at was that I just provided a summary verbally for you if that's okay with the Chairman and the members.

CHAIRMAN CARPENTER: That's fine.

MS. YUHAS: The Alaska Department of Fish and Game supports proposal 12-01 and this is in lieu of our original proposal we brought in 2008. We lost a few things in the consensus process, that's what happens. We originally supported the proposal we

wrote, but we really want to say this was a positive, collaborative working experience over the course of two years even though we lost some things, we helped co-chair this working group and we do support moving this particular proposal forward.

I was present at the Kodiak/Aleutians RAC meeting and their discussion was that handicrafts made from bear claws are culturally offensive to their area which is why they were not supporting this and that the other RACs could do what they wanted to.

We intend to withdraw with the permission of the Board the other deferred proposal before you which is our original, it's listed as WP10-02. So if the Council is to take no action on that proposal we can ask the Board to let us withdraw that in lieu of 12-01.

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STATE OFFICIAL WRITTEN COMMENTS
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Alaska Department of Fish and Game
Comments to the Regional Advisory Council

Wildlife Proposal WP12-01: Develop a tracking program for federal subsistence harvested bear claws that are made into in to handicrafts for sale by federally qualified users.

Introduction:

This proposal was a consensus outcome of the Brown Bear claw handicraft working group. The proposal requests all federal subsistence harvested brown bear claws, which are incorporated into handicrafts for sale, be tracked through use of the current department brown bear sealing program. If adopted, federal subsistence users who intend on selling brown bear claws incorporated into handicrafts will be required to have the bear hide sealed by the department. If adopted, a copy of the bear sealing document will be required to accompany the bear claw handicrafts when sold.

Sales of handicrafts made from brown bear claws, teeth, skulls, and bones present a particular problem, because these are potentially high value items, and allowing sales creates market

incentives for illegal harvest in Alaska and other states. Adoption of this proposal will protect federal subsistence craftsmen and their clients by providing proof and a means of documenting their handicrafts were legally taken, legal to sale by federally qualified users only, and are legal to own by any customer. Additionally, if this proposal is adopted, the customers who purchase brown bear claw handicrafts from federally qualified users will have the security of written proof certifying the handicraft came from a legally harvested Alaskan brown bear, legally authorized harvester, and legally authorized artesian.

Changing federal regulation to provide documents which support the legal sales of federal subsistence harvested brown bear claw handicrafts should help eliminate illegal commercial markets and the masking of illegal sales in Alaska and elsewhere.

Impact on Subsistence Users:

The Federal Subsistence Board's current allowance of brown bear handicraft sales was not based upon a determination that such sales are customary and traditional but instead upon the Board's unsupported argument that the Board can authorize any use if the take is customary and traditional (see e.g., January 2, 2006, letter from Chairman Demientieff to Commissioner Campbell). Therefore, adoption of this proposal will not impact customary and traditional subsistence activities.

Adoption of this proposal will not interfere with continuing to allow federally qualified subsistence users to obtain such handicrafts for ceremonial, religious, and cultural purposes.

If adopted, federally qualified subsistence users who plan on selling handicrafts made from legally harvested brown bear claws will be required to have the hide sealed by the department, retain copies of the sealing certificate, and provide copies of the certificate to customers.

Opportunity Provided by State:

Under 5 AAC 92.200, handicrafts made with bear fur may be sold to anyone, but sales of handicrafts made with claws, skulls, teeth, and bones are prohibited. Whole bear skins, with claws attached,

taken in certain predator control areas may be sold under 5 AAC 92.031, but only after sealing and under terms of a permit issued for that bear skin.

Conservation Issues:

The Federal Subsistence Board created a new market for bear claws and other high value bear parts which could readily masks illegal sales, thereby 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. Markets for high value bear handicrafts create a conservation concern because brown bears are protected under the Endangered Species Act in other states and Mexico, and the origin of brown bear products cannot be determined by visual inspection. Brown bears are also listed on Appendix II of the Convention International Trade of Endangered Species (CITES).

In Alaska, economic incentives associated with harvesting brown bears to make handicrafts create conservation concerns because 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. Further, the existing regulations are unenforceable and inconsistent with sound wildlife management principles.

Enforcement Issues:

This proposal will reduce enforcement issues created by the existing federal regulation by creating a tracking system which provides documents to accompany brown bear claws used for making handicrafts legally taken, utilized, and sold under federal subsistence regulations. Further, adoption of this proposal will significantly reduce the likelihood that federally-qualified subsistence users will face state prosecution for engaging in sales that are prohibited under state law when they occur on state or private lands.

Jurisdiction Issues:

The Federal Subsistence Board lacks jurisdiction to allow sales of any wildlife handicrafts

when and where such sales are not customary and traditional. In the past, the Federal Board has rejected this argument, asserting that if any use is customary and traditional then 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 resources are used after they are taken, and not to or a prerequisite condition for the taking itself. State v. Fleagle, (Case 3:06-cv-00107-HRH) Doc. 32 at 22.

Other Comments:

The department appreciates the cooperative work the brown bear claw work group completed over the last two years. Providing for tracking would be an important first step to addressing some of the Department's concerns regarding conservation and enforcement. If brown bear harvests can be tracked over time, and bear parts or handicrafts can be traced to reported legal harvests, conservation concerns will be less likely to arise and managers will be better able to determine if or when legal sales are contributing to illegal sales or otherwise creating conservation concerns.

Recommendation: Support.

CHAIRMAN CARPENTER: Thank you very much. Is there any questions for Jennifer?

(No comments)

CHAIRMAN CARPENTER: Seeing none, thank you. Is there other Federal or State agency comments on this proposal?

(No comments)

CHAIRMAN CARPENTER: None. Is there any tribal comments on this proposal from anyone?

(No comments)

CHAIRMAN CARPENTER: Seeing none, Inter -- oh, excuse me.

MR. BERG: Thank you, Mr. Chair. Jerry Berg with Fish and Wildlife Service.

So this is where I would provide you the comments we received on the tribal -- from the tribal consultation teleconferences we held and so we heard from three different regions, from the Sun'aq Tribe of Kodiak we heard that they'd like to see more consistency between the different programs on how items can be used for handicrafts made from various animals such as marine mammals and brown bear claws. And then if a regulation is put into place it needs to be easily understood by the users so they know what is legal for them to do. And then from the -- and that's the only comment we got from the Kodiak region.

And then for Western Interior we heard from Alec Kaket, tribal council that they don't sell brown bear parts in their area.

And then we also heard from the Organized Village of Kasaan and they said that they were opposed to the proposal, but they wanted to put it on hold until further consultation can be done with their tribes, they hadn't had a chance to really meet with the tribe. They wanted to ensure that this proposal will not interfere with the customary and traditional rights of -- to subsistence barter and trade. Concerns were expressed about law enforcement, the sealing certificate and old bear claws that people have possessed for a long time that -- and how and when those claws could be brought into the program.

So that's all the comments that we heard. We didn't have any comments through the ANCSA corporation teleconferences.

That's all -- the only comments we received, Mr. Chair.

CHAIRMAN CARPENTER: Thank you. Any questions for Jerry?

Helen.

MS. H. ARMSTRONG: Maybe I can just address that last point that was raised or there are a couple things. This is only about selling so trading and barter doesn't -- isn't affected. We did have a lot of discussion about what do you do if you've got, you know, some old claws hanging around or an old hide and you decide you want to make something in our group. And we were -- we were told that what happens in that

type of situation with ADF&G when they're sealing a hide or in this case claws, is that you would do an affidavit saying where the claws came from and that -- to test -- you know, it -- it's just trust that people are being honest about where they took the bear. It could be more difficult if you don't know where the bear's taken, you know, it's been in the family for generations or something, the claws are hanging around, but we did have that discussion. And it's a little bit of a sticky point, but it's just -- we didn't want to get hunt up on letting that be the reason not to go.....

CHAIRMAN CARPENTER: Right.

MS. H. ARMSTRONG: .....forward.

CHAIRMAN CARPENTER: Most of it's about what's going to happen in the future versus what's already happened.

So any other questions? Bob.

MR. HENRICHS: I'm just curious, it had to do with selling things made from these things and who can they sell them to?

MS. H. ARMSTRONG: They can sell them -- they can sell them to anybody who wants to sell them and that's -- and that's the -- I think that's the real concern is selling, but also taking them out of the state and out of the country because if you take a handicraft made from a bear claw out of the country you -- and you don't have proper identification of where that bear's been taken and they it's legally harvested then that can be a problem for the person who's purchased it, they have to make sure they have the permit. But the seller doesn't have to worry about what people are doing with it. But it -- you need to have that be a legally harvested bear claw.

CHAIRMAN CARPENTER: Okay. Thanks. Is there somebody that joined us on the teleconference?

MS. MUSHOVIC: Mr. Dallman?

MR. DALLMAN: Yes.

MS. MUSHOVIC: Would you like to introduce yourself?

MR. DALLMAN: I'm John Dallman from Ninilchik and I've been subsistence hunting on the peninsula since '95. And I was wanting to testify as to the -- for the late hunt, October 20, November 10. And it seems to me that if nonresident hunters are still able to hunt in 15B and there's still 50 drawing permits for trophy hunting, three brow tines, 50 inches, I don't see any reason to restrict the subsistence hunt to four brown tine, 50 inch. I think it should still be spiked fork, 50 inch, three brow tines. And if this was such an emergency you wouldn't think it could be fixed in just two years of the four brown tine, 50 inch. It doesn't make any sense.

So anyway that's what I have to say about it.

CHAIRMAN CARPENTER: Thank you, sir. Do you plan on staying on the teleconference, we are currently dealing with a different proposal at this time. Is there a -- would you like to bring your comments again before the Council when we take up that particular proposal or does time now allow you to do that or would you just like us to bring the comments that you just gave to us into our discussion at the time?

MR. DALLMAN: I guess bring it into the discussion because I can't hear you guys very well at all anyway, I have a hearing impairment. But anyway that's my take on the whole thing, if it was such a big emergency it would take a lot longer than any two years. So I think there's more of an agenda here to kind of throw a wrench into the subsistence hunting opportunities myself. It just doesn't make any sense. We should be the last ones to ever be restricted. So yeah, I guess just throw out there what I have to say about it. I mean, like I say, I've hunted that hunt every year since it started. And with only four animals being taken it's hypothetical to say 200 more would come into the hunt. A lot of those people hunt off the peninsula to begin with and always have. So that's really a hypothetical scenario. So I think it should be, like I said, spike fork, 50 inch, three brow tines. Why should the subsistence people have to be out there trying to trophy hunt to put meet in their freezer. It just doesn't make any sense.

CHAIRMAN CARPENTER: All right. Thank you, sir, appreciate the comment. And we will make

sure that your comments are taken up during our deliberation on that proposal.

MR. DALLMAN: All right. Thank you very much.

CHAIRMAN CARPENTER: Thank you for commenting.

MR. DALLMAN: Bye.

MR. HENRICHS: Mr. Chair.

CHAIRMAN CARPENTER: Okay. Go ahead, Bob.

MR. HENRICHS: While we're on that subject so it's in my train of thought. I was watching this Alaska State Troopers television program and they made the statement that on the Kenai Peninsula they kill more moose with vehicles than they do with hunters.

CHAIRMAN CARPENTER: Okay. Is there any -- getting back to the original Proposal 12-01, is there any SRC comments on this proposal?

(No comments)

CHAIRMAN CARPENTER: None.

MS. MUSHOVIC: Yes. Yes, there were.

CHAIRMAN CARPENTER: There is. Okay.

MS. MUSHOVIC: I just wasn't sure who would do it.

CHAIRMAN CARPENTER: I don't know.

MS. MUSHOVIC: I can do that if.....

CHAIRMAN CARPENTER: Sure. Would you do that, please?

MS. MUSHOVIC: Gates of the Arctic National Park SRC supports WP12-01 at least in as far as Units 1 to 5, 8A to 8C, 9E, 12, 17, 20, 22, 23 and 24B, portions within the Gates of the Arctic National Park, 25 or 26.

They did not provide justification and you should have a copy of that letter.

CHAIRMAN CARPENTER: Uh-huh. Thank you. Is there any Fish and Game Advisory comments?

(No comments)

CHAIRMAN CARPENTER: Is there a summary of any other written public comments?

MS. MUSHOVIC: Yes, the AHTNA Tene Nene' Customary and Traditional Use Committee wrote that they support WP12-01 to require handicrafts made from brown bear claws that are not attached to the hide or separate from the brown bear hide to be sealed by an authorized ADF&G representative prior to selling the handicraft and that a copy of the sealed ADF&G certificate accompany the handicraft when it is sold.

Although the population of brown bear is not a concern in Unit 12, it's still good to have ADF&G monitor the sale of brown bear handicrafts.

CHAIRMAN CARPENTER: Thank you. Is there any public testimony on any -- from anybody in the audience or anybody on the phone that would like to comment on this proposal.

(No comments)

CHAIRMAN CARPENTER: Seeing none, then it would be the Regional Council's time for deliberation, recommendation and justification on 12-01. Is there anybody on the Council that would like to start the discussion?

Judy.

MS. CAMINER: Thank you, Mr. Chair. I guess for Gloria and Lee, you know, living sort of closest to Unit 12 I just wondered if you're comfortable with the wording as it's been suggested to us.

CHAIRMAN CARPENTER: Lee.

MR. ADLER: Well, I personally would go along with AHTNA's recommendation that we go along with the proposal to monitor these bear claws after they're

removed from the animal. I think it's a good idea.

CHAIRMAN CARPENTER: Gloria.

MS. STICKWAN: I believe what our comments are is what I support, that it should be monitored. And I think the working group was a good idea, I mean, people got together and worked this out and now it's finally done. I hope it won't be brought up again.

CHAIRMAN CARPENTER: Anybody else.

(No comments)

CHAIRMAN CARPENTER: I guess I'll just make a couple comments. This proposal, I can remember, it's been a long time ago, I went to a meeting when I was just on the RAC I believe about this and it's another one of those deferred proposals that I'm sure all of us would like to see go away and be dealt with finally. I think it's good that, you know, over the years that there could be a coordinated effort from the Department of Fish and Game and U.S. Fish and Wildlife and the Office of Subsistence Management along with the tribes and the different RACs to be able to come a reasonable conclusion about how to deal with something. Because each -- statewide proposals in my opinion are hard to deal with because every community and every different part of the state and region has different -- there's different cultural practices and, you know, I think that if this proposal were passed with these amendments that would satisfy the State's requirements to keep track of, you know, the harvest and the sale of these handicraft, if that suffices then I'm in agreement that this proposal should be passed. And if people in the future in certain parts of the state don't like it then they can submit comments to the their RAC and the Federal Subsistence Board to have either their regions or units omitted from this regulation or added. So that would be the only comments I have.

Bob.

MR. HENRICHS: Yeah, I know from oral history that my ancestors used to hunt black bear and brown bear with pointed sticks and they hunted them for something to eat. And I do know that they didn't waste anything and they probably traded these things long

before other people showed up in this country.

CHAIRMAN CARPENTER: Anything further? Lee.

MR. ADLER: I can see a problem though rising up in the future even though I agree with the proposal. And that is bear claws and parts that were taken 20, 30, 40, 50 years ago and utilized, people won't be thinking about this new regulation. And even though the bear's been dead for 40 years and the parts used, they may get caught somewhere's along the line and I would hate to see them be prosecuted for something that was inadvertent like that. And so it seems like there should be some grandfather's clause in there to protect those kind of people and those type things.

That's all I have to say.

CHAIRMAN CARPENTER: I guess we'll have to leave that up to the Department of Justice.

Any other comments by anybody on the Council?

(No comments)

CHAIRMAN CARPENTER: If there's no other comments then I would recommend that we make a motion to adopt this proposal.

MR. HENRICHS: I'll make the motion.

CHAIRMAN CARPENTER: It's been moved to adopt Proposal 12-01, is there a second?

MR. ENCELEWSKI: I'll second it.

CHAIRMAN CARPENTER: Is there any other discussion.....

REPORTER: Excuse me, Mr. Chairman.

CHAIRMAN CARPENTER: Excuse me.

REPORTER: I need to tell who makes the motion and who seconds it.

CHAIRMAN CARPENTER: Yes, ma'am. Mr.

Henrichs made the motion, Mr. Encelewski.....

REPORTER: Thank you.

CHAIRMAN CARPENTER: .....seconded the motion. There's been discussion -- is there any further discussion.

Judy.

MS. CAMINER: Mr. Chair, thank you. Just for clarification we are talking about Pages 22 and 23.....

CHAIRMAN CARPENTER: That's right.

MS. CAMINER: .....a little bit modified from the original proposal. And I do think this is great to have this list in front of us, KJ, thank you. We don't have a conservation concern here so I think that we are on firm ground to go ahead with something like this. This recommendation evidently has been supported not only by substantial evidence of what would work best, but also traditional knowledge of how claws are used. This certainly does address the subsistence needs in the sense of keeping clear on what the regulation is and legal which is our biggest concern and it won't unnecessarily restrict other users. So I thank the group for their work and sometimes these solutions do take a long time, but they're really good when they happen so I do support the motion.

CHAIRMAN CARPENTER: Thank you. Anything further?

Greg.

MR. ENCELEWSKI: I agree with everything Judy said, I support that. I also have a concern, I'd just like to echo what Lee said, is the -- you know, the oldtimers that come up with a claw, I'd hate them to get caught, but they'll work that out. But I support it also.

CHAIRMAN CARPENTER: Okay. Anything further.

(No comments)

CHAIRMAN CARPENTER: If nothing further the question's in order.

MR. HENRICHS: Question.

CHAIRMAN CARPENTER: The question's been called by Mr. Henrichs. Do we need a roll call or is a voice vote fine? A voice vote.

All those in favor of WP12-01 signify by saying aye.

IN UNISON: Aye.

CHAIRMAN CARPENTER: Opposed.

(No opposing votes)

CHAIRMAN CARPENTER: The proposal carries unanimously.

Helen, before we go on to the next proposal in lieu of what we just did and in lieu of what the State did, I just was curious if you had any comments in regards to the idea that this proposal -- or maybe that's the next -- is it the next proposal that they were going to withdraw?

MS. H. ARMSTRONG: Yes. Yes, sir. It is WP10-02 and it's also WP08-05.

CHAIRMAN CARPENTER: 08-05. Okay.

MS. H. ARMSTRONG: I'll just make a very quick comment on this. As you heard it was deferred. The working group compromised on a proposed solution to the one you just passed and the recommendation of the working group is to oppose this proposal or Proposals WP08-05 and WP10-02 and for the Board to consider in place of -- and to consider WP10-01 which you've just done.

The OSM preliminary conclusion is to take no action on WP10-02. I will say that we went around and around do you take no action or do you oppose. And because the State is going to ask for a withdrawal and they've asked for take no action we then made a recommendation to take no action.

The Seward Peninsula Council got a

little wrapped around the axle about the difference between take no action and oppose. And they did -- they did vote to oppose it and so did the Kodiak/Aleutians Council and Southeast took no action. So already we don't have consensus on that. So I think -- but I do believe that the -- as Jennifer Yuhas said, the State's going to ask for a withdrawal at the Board meeting. It's just the preference of the Board -- of the Council what they want to do.

CHAIRMAN CARPENTER: Well, I would just make the comment that I think it's quite clearly stated by the State on the record that they plan to request that this proposal be withdrawn. So it's going to be pretty evident with the record and I think that because of our discussion we've had and what we did with the prior proposal I think taking no action and making the comments on the record that in lieu of our last bit of business that it would be pretty evidence to the Board what this Council's position is. So oppose or take no action, I believe in lieu of time take no action would be appropriate from my perspective, but I'd be willing to hear what other members of the Council say -- would have to say.

MS. STICKWAN: I just had a question.

CHAIRMAN CARPENTER: Sure, Gloria, go ahead.

MS. STICKWAN: Did you say Fish and Game is going to wait until the Federal Board to withdraw this proposal?

MS. H. ARMSTRONG: Our process is once a proposal has already been before the Councils and in this case these two proposals have already gone to the Board, it can't -- the proposal can't be withdrawn until the Board meeting. They have asked and we -- and they've been told no, it has to wait for the Board meeting just so that we go through the public process.

CHAIRMAN CARPENTER: Greg.

MR. ENCELEWSKI: Well, in that case I'm the type that I just like to - I'll just make a motion to put it on the floor to oppose it. Can we do that?

CHAIRMAN CARPENTER: If we -- if we would like to do that then I think we have to go

through our process of allowing all the agencies and everybody to come forward and testify unless they would like to just stand up and say they have no comment.

Helen.

MS. H. ARMSTRONG: I believe we usually prefer that proposals be made in the affirmative. You could make a proposal to support it and what has happened at other Council meetings is then it can die for a lack of second and then you've taken no action. And then you don't have to hear all those other comments.

MR. ENCELEWSKI: Well, that's semantics and I don't particularly care for that, but I'll make a motion then for Wildlife Proposal 10-02 to put it on the board for approval.

CHAIRMAN CARPENTER: It's been moved to adopt Proposal 10-02. Is there a second.

(No comments)

CHAIRMAN CARPENTER: Hearing none, it's finished. The Council's recommendation that in -- with the lack of the second that we take no action on 10-02.

MS. H. ARMSTRONG: That's correct.

CHAIRMAN CARPENTER: Moving on to WP12-02.

MS. H. ARMSTRONG: Thank you, Mr. Chair. WP12-02 appears on Page 44 in your books. The executive summary's on 44, the analysis begins on Page 46.

This proposal's also a statewide proposal as submitted by Michael Cronk of Tok. And it requests that only people 60 years of age or older or disabled be allowed to designated their harvest to another person. This regulation change would apply to the entire state.

The Federal Subsistence Board established a statewide designated hunter system in 2003. And this designated hunter system, and this is different from what the State has, is that first you can -- well, any designator must be a Federally-

qualified subsistence user. The designator must designate another Federally-qualified subsistence user to take deer, moose or caribou on his behalf. There are some exception by region, but statewide it's -- the designated hunter system is for deer, moose and caribou. The designated hunter must obtain a designated hunter permit and must complete a harvest report and return it. The designated hunter may hunt for any number of recipients, but may have no more than two harvest limits in his or her possession at any one time.

The purpose of the designated hunter rules is to recognize the customary and traditional practices of sharing and redistribution of harvest in rural Alaska. The designated hunter system legalizes a traditional practice that is ongoing in much of rural Alaska. With individual harvest limits some hunters cannot harvest enough meat to meet the needs of their own household as well as the needs of people with whom they share. The designated hunter system allows hunters to harvest moose, caribou and deer specifically for sharing. Households may contain members who are unable to or do not choose to harvest for themselves. All hunters do not possess equal skills, abilities and aptitudes and all hunters are not able to always go hunting when they may need to.

If this proposal were adopted the extent of impacts on subsistence users cannot be measured exactly because statistics were only partially gathered to describe the age of those designating a hunter and not whether the user was disabled. So we don't -- we just don't collect that information on disability. On the information we have on the age, and you see this in Table 3 for 2009 and 2010, 77 percent of those people designating a hunter were under 60 years of age. And then -- and those people would be prohibited from designating a hunter if this proposal were adopted.

The proponent raises issues regarding the designated hunter system for the entire state and the harvest by designated hunters generally has been a small portion, less than 2 percent, of the total harvest by all hunters. So this really isn't a big deal, the designated hunter system, and that's including all Federally-qualified users and non-Federally-qualified users and nonresidents of the state combined is where there statistic comes from.

A statewide provision restricting the use of designated hunter system is therefore not supported by OSM. And it may be that there are circumstances where the evidence is available to clearly warrant a unit specific restriction and it could be proposed, but we don't support a statewide regulation.

Therefore the OSM preliminary conclusion is to oppose Proposal WP12-02.

CHAIRMAN CARPENTER: Thank you. Council questions.

(No comments)

CHAIRMAN CARPENTER: Hearing none.

MS. MUSHOVIC: Could you please identify yourself?

MR. OGINIK: Yes, I'm Bob Oginik, I live out in Ninilchik.

MS. MUSHOVIC: Can you speak up a little.

MR. OGINIK: I'm just getting over pneumonia, I'll try the best I can. I can't hear you very good either. My name is Bob Oginik and I live in the Ninilchik.

CHAIRMAN CARPENTER: Sir, were you calling in specifically about a certain proposal?

MR. OGINIK: I'm calling in about the -- hopefully we can get our subsistence late hunt on the Refuge opened up.

CHAIRMAN CARPENTER: Okay. Currently we are in the -- dealing with another proposal. Would you like to just give your comments to the Council now or would you like to call back and give your comments at the time that we're going to be handling that proposal, it's up to you.

MR. OGINIK: Well, whatever would work out the best.

CHAIRMAN CARPENTER: Well, we've had

somebody from Ninilchik call in already this morning and give their comments so if you'd like to do that now we'd be more than willing to listen and take your comments and include those in our debate or I would assume that we're probably not going to be dealing with that proposal until later this afternoon at the earliest. So what would you like to do?

MR. OGINIK: Well, I'm not going to take up a whole lot of your time, so if you want that time right now I might as well just tell you what's on my mind.

CHAIRMAN CARPENTER: Okay, sir, go right ahead.

MR. OGINIK: Okay. Yeah, I've been doing the subsistence hunt and we kind of pretty much put meat in our freezer every year and this year so far with our regulations and everything we worked our butts off, hunted evenings and everything and so far nothing in the freezer. And spent a lot of gas money, went on a caribou hunt and didn't get nothing there so spent a lot of money there trying to get some meat in the freezer. So my understanding is that the -- with the nonresidents still able to hunt this year on 15B and then I think I understand there's still a bunch of permits put out for the trophy sized animals on that unit, that what few animals we take, I'd like to see our hunt continued on to later, you know, in October.

And I think that's about the gist of it, that -- I just wanted to have my two cents that I'd like to -- I don't think it's that much of an emergency and I'd like to see the hunt continue.

CHAIRMAN CARPENTER: Okay. Thank you, sir. Is there anybody on the Council that would have a question in regards to that?

Judy.

MS. CAMINER: Thank you for calling in. I just wondered -- you said you'd like the hunt later in October, did you mean changing the dates or did you mean you want the hunt as it was before during the established dates in October?

Thanks.

MR. OGINIK: Okay. I didn't quite hear that, just a change of date maybe. But I just kind of wanted to mainly put my two cents in and I guess I'll just keep my ears opened up on the result.

MS. MUSHOVIC: Did you want that question repeated, sir, about the -- that the Council member had about your intention with the dates?

MR. OGINIK: My intention with the gate?

MS. MUSHOVIC: Date.

MR. OGINIK: Date. Okay. Did I hear something about it might change from the -- what has been the 20th of October through the 10th of November, is there something go -- might change a date on that?

MS. CAMINER: Sorry. Let me clarify. I heard you say something about wanting the subsistence hunt later in October and I didn't know if you were referring to the season as it's been or if you were talking about changing dates.

MR. OGINIK: Well, I can't really hear you people very well. I -- no, I'm not trying to change a date, it's usually been between October 20th and November 10th, that date. I don't want to change anything.

MS. CAMINER: Okay. That was my question. Thank you.

MS. MUSHOVIC: Okay. That does answer the Council member's question.

Thank you.

MR. OGINIK: Okay. Thank you.

CHAIRMAN CARPENTER: Anybody else?

(No comments)

CHAIRMAN CARPENTER: Okay. So we have a couple comments from people from Ninilchik so we can include those in our deliberation when we get into that proposal.

Let's see, we're on 12-02. And, I believe, Alaska Department of Fish and Game, do you have any comments?

MS. YUHAS: Thank you, Mr. Chairman.

Proposal 12-02, the designated hunter, should the Council decide to move forward with State regulations the Department would support modifying what's written to match existing State regulations and Federal regulations in Unit 6 which at the top of Page 54. There's a slight variation there in the age and the qualifications. And for the record that match, that modification would mean that the designating hunter be blind, 65 years of age or older, at least 70 percent disabled or temporarily disabled and that the possession limit be one bag limit. That's an effort to reduce user confusion. If we both have statewide regulations for this, why have them be five years off and have such subtle differences.

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STATE OFFICIAL WRITTEN COMMENTS
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Alaska Department of Fish and Game
Comments to the Regional Advisory Council

Wildlife Proposal WP12-02:

Change federal subsistence designated hunter regulations.

Introduction:

This proposal seeks to change the statewide federal subsistence designated hunter regulation by specifying the qualifications for the recipient of harvest. The proposal requests federal regulations be changed to require that federal subsistence designated hunters only harvest for federally qualified recipients 60 years of age or older or for a person who is disabled.

The proponent indicates the federal subsistence designated hunter program has diverged from the original intent of the Federal Subsistence Board by allowing designated hunting to provide for elders and others that were unable to hunt for themselves. The proponent indicates the designated hunter program is

currently an uncontrolled system. The proponent indicates some federal subsistence users are abusing this regulation and are harvesting as many animals as numbers of permits they can obtain which may lead to detrimental impacts to game populations and subsistence hunting in general.

Impact on Subsistence Users:

If adopted, federally qualified subsistence designated hunters could harvest animal for federally qualified users 60 years of age or older or are disabled. If adopted, some federally qualified subsistence super harvesters may expend additional time locating and obtaining game tags from qualified designated hunter beneficiaries. If adopted, designated hunters who cannot locate federally qualified users 60 or over or are disabled may harvest fewer animals per year.

Opportunity Provided by State:

Proxy hunting for big game is authorized in state hunting regulation. State proxy hunting is allowed for moose, caribou, and deer. The state proxy hunting beneficiary requirements include being a resident of Alaska who is blind, 70% physically disabled, or 65 years of age or older. Proxy hunters may not proxy hunt for more than one beneficiary at a time and may have only one Proxy Authorization with them in the field at a time.

Conservation Issues:

Undetermined at this time. If this proposal is adopted without modifications many more animals may be harvested than anticipated.

Enforcement Issues:

If adopted, this proposal would bring federal and state regulations closer to alignment.

Recommendation:

Support with modification.
Adopt the proposal with modification to establish designated hunter beneficiary qualifications equal to those approved by the Federal Subsistence Board for Unit 6. The State recommends modifying this proposal

to require beneficiaries of the federal subsistence designated hunters be blind, 65 years old or older, at least 70% disabled, or temporarily disabled. The State also recommends modifying this proposal to reflect the Unit 6 designated hunter possession limit adopted by the Federal Subsistence Board which to limits designated hunters to possession of only one bag limit at a time. Adoption of these recommended proposal modification will bring regulatory consistency to Units 1 through 6 and make federal and state regulations more parallel.

CHAIRMAN CARPENTER: Thank you. Any questions.

(No comments)

CHAIRMAN CARPENTER: Thank you. Is there other Federal or State agency comments?

(No comments)

CHAIRMAN CARPENTER: Tribal consultation comments.

MR. BERG: Thank you, Mr. Chair. Jerry Berg with Fish and Wildlife Service.

So we did have a couple of comments on this proposal from the Organized Village of Kasaan. Their comment was that they're opposed to the proposal, that some people need to designate someone else to hunt for them such as a single parent with six children.

We also heard the Sun'aq Tribe of Kodiak. They felt that the proposal doesn't make sense for many cultures around the state and it doesn't make sense for their area. There's no reason to place such restrictions on our elders or hunters who are helping to hunt for an elder.

And then during our ANCSA consultation teleconferences we heard a comment from the Cully Corporation which is Point Lay, and basically they were concerned about the proposal, hunters need to be able to utilize the designated hunter provision when needed to support subsistence uses of the resources available. Hunters need to be able to teach other younger hunters where and how to hunt according to traditional and cultural values.

And those are all the comments I had, Mr. Chair.

Thank you.

CHAIRMAN CARPENTER: Any questions.

(No comments)

CHAIRMAN CARPENTER: Thank you. InterAgency Staff.

(No comments)

CHAIRMAN CARPENTER: Nothing. SRC comments.

MS. MUSHOVIC: Yes.

MR. RABINOWITCH: This is Sandy Rabinowitch from the National Park Service. And, KJ, is I miss something please help me out if you've got more than I do. So there's three different comments that I'll make for the National Park Service Subsistence Resource Commission.

The first one is from Gates of the Arctic, there's a comment in your book on Page 57. Two points about Page 57. One, there's a typo, there's a word, it says to include windows, that should be widows. So that's just a typo that cropped up. And on that point late last week I checked with the coordinator of that Subsistence Resource Commission, Marcy Okotta, and questioned her about this comment from the Gates of the Arctic Subsistence Resource Commission. And after we had a discussion she concurred that she believes this comment is in error. So what you have written in front of you is an accurate letter, but we're going to bring this back to the Gates SRC in a November meeting and ask them to sort of take a second look at it. And we'll see what they -- we'll see what they say. So what you have in front of you is current, but we're not sure that they'll stick with that. But we don't want to put words in their mouth.

The other comment which is very fresh from the Lake Clark SRC and there's a letter in the back table that KJ, I believe, has done a great job getting so quickly. And that comment is to support with modification and I'll just kind of paraphrase to

more closely mirror the State eligibility requirements for the State's proxy hunt. They -- the SRC recommends qualified hunters be allowed to hunt for individuals who are blind, 70 percent physically disabled or over 60 years of age. They believe that this would reduce the possibility of abuse of the designated hunter provision by clearly defining who is eligible to use this opportunity.

That's all I've got.

CHAIRMAN CARPENTER: Thank you. Any questions.

(No comments)

CHAIRMAN CARPENTER: Thank you.

MR. RABINOWITCH: Okay. Thanks.

CHAIRMAN CARPENTER: Is there any other SRC comments?

(No comments)

CHAIRMAN CARPENTER: Is there any Fish and Game Advisory Committee comments?

(No comments)

CHAIRMAN CARPENTER: Summary of written public testimony.

MS. MUSHOVIC: Thank you, Mr. Chair. The Sitka Tribe of Alaska did not support Wildlife Proposal 12-02 feeling that it was too restrictive and would prevent those who qualified for subsistence from meeting their subsistence need.

We also received comments from the AHTNA Tene Nene' Customary and Traditional Use Committee in opposition to Wildlife Proposal 12-02. Many single parents, women without significant others, do not have anyone in the household to hunt for them and if the designated hunter regulation was changed they would not have anyone to hunt for them. Additionally an ill, injured person or other family members would not have someone to hunt for them either.

Thank you, Mr. Chair.

CHAIRMAN CARPENTER: Thank you. Is there anybody in the public that would like to.....

Justin. Come on up.

MR. JUSTIN: Thank you. Wilson Justin, Cheesh'na Tribal Council. I must have missed your call for tribal comments so I apologize.

CHAIRMAN CARPENTER: That's all right. Go right ahead now. Sorry.

MR. JUSTIN: Cheesh'na Tribal Council doesn't have any comprehensive comments on the issue, we recognize the fact that designated hunting in our traditions was always a practice that was very common to our various clans.

The only issue that we would like to see clarified under these proposal is the -- is the issue of whether or not designated hunters are capable of hunting with harvest tickets and designated hunting activities across one or two or three different game management unit boundaries. We have this issue in the background of Game Management Unit boundaries 11, 12 and 13, having different requirements for different kinds of proposal and a different (in native) or timewise. There's never a real easy answer to the question of one Unit 11 activities transferring to Unit 12 and vice versa. So before the proposal goes any further I think we would like to see some clarification of how you would work a designated hunting activity in the three units, wherein 13B, most of unit -- upper end of Unit 11 and about one-third of Unit 12.

Thank you.

CHAIRMAN CARPENTER: Thank you. Is there -- I think those are some valid points and I appreciate you for bringing those up.

Is there any questions for Wilson?

(No comments)

CHAIRMAN CARPENTER: Thank you, sir.

MR. JUSTIN: Thank you.

CHAIRMAN CARPENTER: Is there any other

public testimony?

Helen.

MS. H. ARMSTRONG: I'm not sure when the appropriate time is, but I just want to tell you what the other Councils.....

CHAIRMAN CARPENTER: Okay.

MS. H. ARMSTRONG: They're -- all of the Councils that have met so far, Southeast, Kodiak/Aleutians and Seward Peninsula, they all opposed this proposal.

CHAIRMAN CARPENTER: Thank you. So it's time for Council deliberations. Would somebody like to make a motion to put this proposal on the table?

MR. HENRICHS: I'll make that motion.

CHAIRMAN CARPENTER: It's been moved by Mr. Henrichs to adopt Proposal WP12-02. Is there a second.

MS. STICKWAN: I second.

CHAIRMAN CARPENTER: Been seconded by Ms. Stickwan. Discussion.

Judy.

MS. CAMINER: I guess as a follow-up to Wilson's question, do we have an answer on how the system works across units?

CHAIRMAN CARPENTER: Is there any experts?

MS. H. ARMSTRONG: Barbara wants to say something.

MS. CELLARIUS: Thank you, Mr. Chair. Barbara Cellarius, subsistence coordinator for Wrangell-St. Elias National Park and Preserve. And I coordinate our Federal subsistence hunting permit program. And one of the new things that has happened in the last year or two, the Office of Subsistence Management has put together a statewide data base that

we use for issuing the permits. And as far as I understand It, this designated hunter permit is now actually a statewide permit, it's not unit specific. So you would have to, you know, get the hunter -- the person for whom the hunter is hunting has to get whatever kind of permit or harvest ticket's required to harvest the animal in that unit, but there is this -- now the designated hunter permit isn't a unit specific permit, you simply record on the permit the unit. And that's -- at least that's my understanding of how it works.

So I think it might move in the direction Wilson's talking about.

CHAIRMAN CARPENTER: Thank you, Barbara. Any other Council comments.

(No comments)

CHAIRMAN CARPENTER: Well, there's been a lot of different testimony from the SRCs, from the public, different tribes, and all the other Councils, there was very little support for this proposal. Myself I'm opposed to the proposal not based on the proposal's merits, but on a position that I've held for a long time that I think statewide proposals in general are bad because there are too many different cultural differences and practices that take place in all parts of the state that are just different and it's hard to bring all those conceptual ideas into one set of regulation that makes everybody happy. And I think that's why we have proposals like the one that we dealt with earlier in regards to brown bear claws that take 10 or 15 years to resolve.

So my suggestion would be I would hope that in the future that -- and I don't know if this something that the Federal Subsistence Board or if it's something that staff should -- could direct, but there needs to be a limit in the way that statewide proposals are put into this process. I think they need to be more specific to units, areas, and I think that, you know, people that write these proposals would have a better chance if they were a little bit more specific in the area that they were concentrating on. So that would be the comments I had.

Is there anybody else with any other comments?

Judy.

MS. CAMINER: I also will not support the proposal, I don't think it's needed, that the system is working relatively fine. And I think as best possible even though it is statewide, I think it was designed to be culturally oriented and appropriate and that was the really basis of how it was created. So I will oppose the proposal.

CHAIRMAN CARPENTER: Anything further.

(No comments)

CHAIRMAN CARPENTER: If nothing further I believe the question's in order.

MR. HENRICHS: Question.

CHAIRMAN CARPENTER: The question's been called by Mr. Henrichs on Proposal WP12-02. All those in favor of this proposal signify by saying aye.

(No votes in favor)

CHAIRMAN CARPENTER: Opposed.

IN UNISON: Aye.

CHAIRMAN CARPENTER: Motion fails. Let's try and do this next proposal then we'll take a little break. So we'll move on to 12-03.

MS. H. ARMSTRONG: Thank you, Mr. Chair. I do want to make a comment on what you just said that we do make attempts to get people to make them be -- and this is one of those that we tried, but they wanted it to be statewide.

Proposal WP12-03 starts on Page 58 in your book, the analysis is on Page 60. It was submitted by the Orutsararmiut Native Council and it would require trappers to move a trap that incidently harvests a moose, caribou or deer at least 300 feet from the -- for the remainder of the regulatory year. The proponent is the IRA Council representing Bethel. The proposed regulation would apply to the entire state.

The State of Alaska wildlife

regulations include the provision that a trapper's prohibited from placing a trap or snare within 300 feet of the site at which a moose, caribou or deer was taken during a trap or use -- taken using a trap or snare. The prohibition applies for the duration of the regulatory year in which the moose, caribou or deer were taken. And the animal must be salvaged and its parts cannot be used for bait. Moving the trap from the site of the incidental harvest denies the trappers the benefit of continuing to set a trap at a kill site which may attract furbearers.

The proponent wants a similar provision in Federal wildlife regulations specifically to better inform State and Federal enforcement officers that the prohibition applies during the same regulatory year and not the calendar year. Because it has been reported that an enforcement officer was confused, there was a -- so there's history behind this and this is why they wanted it to become statewide so people would be educated. The -- there was confusion with the law enforcement officer that it was the calendar year and not regulatory year.

So currently the Federal regulations require that wildlife caught incidental to trapping furbearers must be salvaged. The hide, skin, viscera, head or bones may be used for bait. The use of traps to harvest caribou, moose and deer is prohibited in State and Federal wildlife regulations primarily because traps set for moose, caribou and deer do not discriminate between animals such as cows, bulls and fawns. We don't have a good estimate of how often moose, caribou or deer are caught in traps set by furbearers, we do think that it's generally assumed that it's a low level of incidental harvest. Snare height above the ground, trap location, bait type, location trail snares, et cetera, are very effective techniques to selecting for targeted furbearers and against nontargeted animals. But it does happen occasionally that nontargeted animals are caught, but trappers use techniques to avoid them and that is the reason there are low levels of incidental harvest. If this proposal were to be adopted Federal subsistence users would be required to move a trap for the remainder of the regulatory year when it has taken -- when it took a moose, caribou or deer incidental to trapping furbearers. It would only be required if the incidental harvest occurred on Federal public lands using Federal trapping regulations.

The clear intent of the proponent is to import State wildlife regulations into Federal wildlife regulations and to clarify their intent to law enforcement officers so that other trappers who comply with State regulations are not cited. However requiring a trapper to move a trap would be a hardship that would not conserve caribou, moose or deer. There's no conservation concern in that regard. The State's concern is ungulates being used as bait as is not the interest of the Federal subsistence users to impost this regulation on them.

Our preliminary conclusion is to oppose Proposal WP12-03.

CHAIRMAN CARPENTER: Thank you. Any questions for Helen.

(No comments)

CHAIRMAN CARPENTER: ADF&G.

MS. YUHAS: Thank you, Mr. Chairman. Jennifer Yuhas for the Department.

The Department also finds this proposal unnecessary and we're opposing it. We believe that the goal of educating people has been brought by bringing the proposal before the RACs. We have confirmation from the solicitor's office that the State regulation would apply if you don't adopt a duplicate proposal. And this was written in response to a negative enforcement encounter, that enforcement officer has since been educated.

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STATE OFFICIAL WRITTEN COMMENTS
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Alaska Department of Fish and Game
Comments to the Regional Advisory Council

Wildlife Proposal WP12-03:

Incidental harvest requires moving traps for regulatory year. This proposal was submitted by the Orutsararmiut Native Council.

Introduction:

The proposer seeks to require trappers to move a trap that incidentally harvests a moose, caribou, or deer at least 300 feet for the remainder of the regulatory year. Trappers would also be required to salvage the edible meat and turn it over to the Federal inseason wildlife manager.

Impact on Subsistence Users: Federal subsistence users would be required to move a trap when it has taken a moose, caribou, or deer incidental to trapping furbearers for the remainder of the regulatory year, and surrender their meat specifically to the Federal inseason wildlife manager.

Opportunity Provided by State:

5 AAC 92.085. Unlawful methods of taking big game; exceptions The following methods and means of taking big game are prohibited in addition to the prohibitions in 5 AAC 92.080: (6) with the use of a trap or snare . . . .5 AAC 92.095. Unlawful methods of taking furbearers; exceptions a) The following methods and means of taking furbearers under a trapping license are prohibited, in addition to the prohibitions in 5 AAC 92.080: (12) by placing or leaving an active trap or snare set on land that is within 300 feet of the site at which a moose, caribou, or deer was taken using a trap or snare; this prohibition applies for the duration of the regulatory year in which the moose, caribou, or deer was taken using the trap or snare.

Conservation Issues:

None identified nor solved by adoption of this proposal.

Enforcement Issues:

This proposal is purported to have been submitted in response to previous confusion by enforcement personnel. The state understands local enforcement personnel have received updated training as a result of reported events surrounding this issue. Failure to adopt this proposal is not expected to contribute to continued enforcement issues.

Other Comments:

This proposal is likely unnecessary given that if this proposal is not adopted, Federally qualified subsistence users would continue to be

required to comply with the State regulations requiring that when a caribou, moose, or deer are harvested incidentally, the trap must be moved at least 300 feet for the remainder of the regulatory year, or risk receiving a State citation.

Recommendation: Oppose

CHAIRMAN CARPENTER: Thank you. Any questions for Jennifer?

(No comments)

CHAIRMAN CARPENTER: Thank you. Other Federal or State agency comments.

(No comments)

CHAIRMAN CARPENTER: Tribal comments. Tribal consultation comments.

MR. BERG: Thank you, Mr. Chair. We had one comment from the Organized Village of Kasaan. They are opposed to the proposal as written. They did believe there was some possibility that there's some merit to reword the proposal. They didn't feel that setting a wolf trap on a deer trail -- or they felt that it was -- it's just not common sense, something should be written to disallow placement of traps on other animal trails.

And that's the only comment we received, Mr. Chair.

CHAIRMAN CARPENTER: Thank you. Questions.

(No comments)

CHAIRMAN CARPENTER: InterAgency Staff comments.

(No comments)

CHAIRMAN CARPENTER: None. SRC comments.

(No comments)

CHAIRMAN CARPENTER: None. Fish and

Game Advisory Committee comments.

(No comments)

CHAIRMAN CARPENTER: None. Summary of written public comments.

MS. MUSHOVIC: Thank you, Mr. Chair. The AHTNA Tene Nene' Customary and Traditional Use Committee opposed this Wildlife Proposal 12-03, citing that if the proponent wants to have this regulatory change in their region then this proposal should apply only for that region, it should not be a statewide regulatory change and citations for nontargeted species caught in a trap are not yet a problem in this region.

CHAIRMAN CARPENTER: Thank you. Questions

(No comments)

CHAIRMAN CARPENTER: Public testimony. Is there any public testimony?

(No comments)

CHAIRMAN CARPENTER: Seeing none. So we're at Regional Council.....

Helen.

MS. H. ARMSTRONG: Thank you, Mr. Chair. Because this is a statewide proposal I'll just let you know what the other Councils voted on this. Southeast was opposed, Kodiak/Aleutians took no action and Seward Peninsula was opposed.

CHAIRMAN CARPENTER: Thank you. So -- Gloria.

MS. STICKWAN: What Council took no action and why did they do that?

MS. H. ARMSTRONG: Kodiak/Aleutians. I don't know. Some Councils see take no action -- I don't -- they're all different.

MS. STICKWAN: So what does it mean when they take no action on record, what does that mean?

MS. H. ARMSTRONG: It means they didn't vote or they -- or they voted to -- I mean, usually it means they make a proposal -- I mean, they made a motion to support and nobody seconded it so they took no action.

CHAIRMAN CARPENTER: Thank you. Anything further.

(No comments)

CHAIRMAN CARPENTER: Okay. Then at this time Regional Council deliberation. A motion would be in order to adopt WP12-03.

MR. HENRICHS: I'll make that motion.

CHAIRMAN CARPENTER: It's been moved by Mr. Henrichs.

MS. MILLS: Second.

CHAIRMAN CARPENTER: Seconded by Ms. Mills. Is there any discussion.

Judy.

MS. CAMINER: Mr. Chair. It does sound like the needed regulations are currently within the Federal regulations and there seems to be quite a bit of opposition to this proposal. Appreciate the State's comment on that and how all the RACs so far and SRCs or excuse me, and some of the tribal comments have been stated. I think this is a good example of what you were saying earlier, Mr. Chair, that a statewide proposal is not appropriate in this case. And I'll be voting against the motion.

CHAIRMAN CARPENTER: Thank you. Lee.

MR. ADLER: Yes, to me from my standpoint I used to trap quite a few years, and it doesn't make much sense in the Copper River region anyway, everybody traps with a snowmachine and you set your traps along the snowmachine trail. And if I couldn't set a trap I wouldn't move it 300 feet, I'd just give up on that spot, but I would hate to do that because there's certain stalks where the animals stop and urinate. And that's where you catch your fox and your wolf. And it's kind of -- catching ungulates is kind of a random thing, you know, I just don't think it

would solve anything to move the trap 300 feet. The ungulates that got in my traps always pulled out, I never was able to hold a moose or a caribou, they always came out on their own. So I'd be opposed to it.

CHAIRMAN CARPENTER: Thank you. Anything further.

(No comments)

CHAIRMAN CARPENTER: The question's been called by Mr. Henrichs on WP12-03. All those in favor signify by saying aye.

(No votes in favor)

CHAIRMAN CARPENTER: All those opposed signify.

IN UNISON: Aye.

CHAIRMAN CARPENTER: Motion fails. Okay. That's it for the statewide proposals.

Let's take a 10 minute break and we'll get into the regional proposals.

(Off record)

(On record)

CHAIRMAN CARPENTER: Okay. It's 10:45, back from our break. And we are going on to regional proposals and the first one is WP12-22.

Cole. Helen.

MS. H. ARMSTRONG: Thank you, Mr. Chair. This one is divided into two parts. Many of you know that if -- when we don't have a customary and traditional use determination we have to do that first before we can then address the seasons and harvest limit parts. So my recommendation is that we do 22A first and then Cole will address 22B. And that you do them actually separately.

CHAIRMAN CARPENTER: Because.....

MS. H. ARMSTRONG: Because you're -- well, we're addressing.....

CHAIRMAN CARPENTER: .....we have to -- there has to be a positive C&T to even go on to the other.

MS. H. ARMSTRONG: Exactly.

CHAIRMAN CARPENTER: Okay.

MS. H. ARMSTRONG: Exactly.

CHAIRMAN CARPENTER: That sounds good. Anybody else have any problem with that?

(No comments)

CHAIRMAN CARPENTER: All right.

MS. H. ARMSTRONG: All right. 22A begins on Page 65 in your book, it was submitted by the Ninilchik Traditional Council. And it requests that the Federal Subsistence Board recognize Ninilchik's customary and traditional uses of brown bear in Units 8 and 15. The season and harvest limit portion of the proposal is addressed through the analysis, 22B, as I just noted.

Previously the Federal Subsistence Board recognized Ninilchik's customary and traditional uses of brown bear in Unit 15C in 2007. They did not recognize the uses in A and B and the proponent requests that the Federal Subsistence Board recognize Ninilchik's customary and traditional uses of brown bear in 15A and 15B as well as in Unit 8, the Kodiak Archipelago.

So that would change -- it's on Page 67 in your books so that it would read -- it would add Ninilchik to Unit 8 for brown bear and then it would change -- the C&T would be residents of Ninilchik and there would be no longer the no Federal subsistence priority, that would be crossed out.

In Unit 15 the ADF&G has used a quota system to aid in management of brown bear. For the 2010 regulatory year the take of brown bear was not to exceed 10 reproductive age females in the calendar year by all human causes and hunting for brown bear under State and Federal regulations was allowed only if the nonhunting caused, human caused brown bear deaths was below this quota. In Unit 15 due to high levels of

nonhunting, human caused mortality, the fall season was closed in 1995, 1996, 1997 regulatory years as well as spring season for 1999 and 2000 regulatory years. And no permits were issued for 1998, 2001, 2002, 2003, 2005 and 2006. And this is important in the C&T because what this means is there hasn't been any hunting allowed so we don't even know what people might have done had there been hunting allowed. The major causes for known nonhunting brown bear deaths were from vehicle collisions, we were talking about moose collisions a little earlier, in defense of property at residences and defense of life by recreationalists and mistaken identity while hunting other game.

When the Board adopted seasons and harvest limits in Unit 15C in 2007 for Ninilchik residents with a Federal registration permit and since then the Board -- Alaska Board of Game has effectively removed Ninilchik's opportunity to hunt brown bear in Units 15A and 15B by implementing State drawing permits in Unit 15. These hunts had an award rate of 2 percent or less, over 1,000 people applying for drawing permits and -- apply for drawing permits annually and it's difficult to obtain one of these permits to hunt brown bear. Again the high number of people applying, you know, people just -- there may be opportunity, but it's a very, very minimal opportunity for the people of Ninilchik.

The Federal hunt occurs on Federal public lands in 15C, of area that is about 29 percent of Unit 15C. Recognizing Ninilchik's customary and traditional brown bear uses in other units would allow Ninilchik to hunt in 15A which is 67 percent Federal public lands and in Unit 15B which is 88 percent public land -- Federal public land.

Long term residents of Ninilchik trace their origins to the decedents of Alaska Natives, predominantly Alutiiq from Kodiak Island, who married Russian American company employees and settled on the Kenai Peninsula in the Ninilchik area in 1847. The original inhabitants of Ninilchik came to the Kenai Peninsula and settled within the traditional territory of two Alaska Native groups, the Dena'ina Athabascan and the Alutiiq. Thereafter the Ninilchik population increased naturally through kinship relationships and intermarriage with Alutiiq and Dena'ina and through the in migration of people from outside, become more demographically diverse.

So what we're looking at today is a request to the Council and to the Board to recognize Ninilchik's customary and traditional uses of brown bear in Units 8 and 15. The eight factors that we look at when we look at the customary and traditional use determinations are found on Page 73 of your Council book. In addition the Board takes into consideration the reports and recommendations from any appropriate Regional Advisory Council. So the Ninilchik residents have used a wide array of fish and wildlife resources since the founding of the community in 1847. There's not extensive documentation of Ninilchik's subsistence patterns and the information that is available it is clear that brown bear is a part of the subsistence uses of the people of Ninilchik. I mean, this is obvious to their -- their uses have already been recognized in 15C. So really the question is where, not which resource.

There have been two studies that were completed by ADF&G, Division of Subsistence, that documented Ninilchik's subsistence harvest and two completed by the Ninilchik Traditional Council. Some of this information you may well remember in all of our fish C&T analyses that we've had in the past. The ADF&G Division of Subsistence study did not ask residents about their harvest and use of brown bear which is unfortunate. In 1998 -- that was an 1982 student. The 1998 Division of Subsistence study indicated that Ninilchik's brown bear activity in 1998 occurred with the Kenai Refuge boundaries in 15B and off the Kenai Peninsula, but they did not include where off of the peninsula so we don't know if that was in Unit 8. But they did indicate use in 15B.

In 1994 the Ninilchik Traditional Council's study indicated that Ninilchik brown bear hunters attempted to harvest brown bear at some point in their lifetimes in Unit 15 and in Unit 8 on Kodiak Island. The 1999 Ninilchik Traditional Council study of 2 long term Ninilchik households surveyed, none of them reported attempting to harvest brown bear between 1994 and 1999. So we have the first one in '94 was a lifetime use study and then this second one was specific to '99 -- to 1994 to 1999.

In addition to the sources that I just noted, information exists concerning hunting brown bear by Ninilchik residents based on the combined ADF&G and U.S. Fish and Wildlife Service permit data base. In

Unit 8 and this is in -- on Table 6 in the analysis, it shows that since 1986 17 permits have been issued to residents of Ninilchik to hunt brown bear in Unit 8 and nine hunters reported harvesting four brown bear. In Unit 15 in 1997 the State registration hunt was implemented and hunter success rates were that -- ranged from a high of 12 percent in '97 to a low of 4 percent in 2004. In 2007 a State drawing permit was implemented in Unit 15 and the number of applications for a drawing permit that -- it shows that the percentage of applicants who awarded the drawing permit was less than 2 percent annually.

Concurrently in 2007 a Federal registration permit was implemented in 15C and Table 9 shows that the hunter success rate in the three years since implementation the number of permits issued has increased from three in 2007 to 16 in 2009. So this was after they got C&T for Unit 15C. And hunter success rates have varied from 0 percent to 1999 -- 1997 to 50 percent in 2008 based on permits that were used.

It should be noted again that during some years seasons were limited or closed because the ADF&G quota of brown bear was reached. The quota represents the number of brown bear that can safely be taken in one year and still provide for future uses. Brown bear also were taken in defense of life and property, in collisions with motorized vehicles through hunting.

Table 10 includes brown bears harvested through hunting only. This table also shows that from 1997 to 2009 47 permits have been issued to residents of Ninilchik to hunt brown bear in Unit 15 and 25 hunters reported harvesting two brown bear. In Unit 15A one hunter reported harvesting no bear, in 15B three hunters reported harvesting no brown bear and in 15C 19 hunters reported harvesting two bears. Both brown bear harvests in 15C were reported in Unit 15C -- I mean, sorry. Both brown bear harvest in Unit 15 were reported in Unit 15C in the Kasilof River drainage.

Table 11 shows the number of brown bears harvested by residents of Ninilchik prior to 1997. And as I mentioned earlier in 1997 a State registration permit was established in Unit 15 requiring hunters to report their hunting effort as well as harvests. Prior to 1997 brown bear harvests

were recorded when harvested brown bears were sealed and only when they were sealed. And from 1975 to 1996 residents of Ninilchik harvested 11 brown bear in Unit 15C and of the six brown bear taken in defense of life and property, most were taken during an open season hunt -- open hunting season and the other five brown bear were taken while being hunted.

Ninilchik residents have also hunted brown bear in other management units, the number of brown bear sealed since 1962 is cumulative and most were harvested in Unit 15, 39 percent, and then Unit 8, 11 percent, and Units 9, 13 and 16, 7 percent each.

Ninilchik's pattern of brown bear use in Units 15A and 15B has been affected by interruptions beyond the control of the community which is the first factor for C&T. It includes interruptions beyond the control of the community, including that in 1967 the harvest limit was reduced from one brown bear to year to one brown bear every four years. In 1967 the hunting season was reduced from 10 months to a much shorter fall and spring season. In 1978 the State's new subsistence law recognized most of Unit 15 as a nonrural area in which subsistence regulations could not be promulgated and in 1995 the quota of allowable brown bear deaths was reached and the fall hunting season was closed, the first of many closures since 1995 to 2006. Due to the interruptions by factors beyond its control including restrictive hunting seasons and harvest limits, Ninilchik's brown bear pattern of use is not clear. This is demonstrated in Table 10 from 1995 to 2006 hunting seasons every year but one, 2004, had either been closed or -- early or permits were not distributed effectively closing the hunting season.

The Federal Subsistence Board has recognized customary and traditional uses of resources such as moose, black bear and fish in Units 15A and 15B as well as Unit 15C, the unit in which Ninilchik is located. Ninilchik residents have harvested brown bear in many management units of the state, but is only requesting that the Board recognize its customary and traditional brown bear uses in Units 8 and 15. Ninilchik brown bear hunters have harvested more brown bear in Units 8 and 15 than in any other management units. Ninilchik residents have described harvesting brown bear on hunting trips targeting moose, brown bear parallels the harvest of other resources and occur when

other resources are procured in a wide area around the community including Unit 15A and B.

Kodiak Island is also indicated as an area where a wide variety of resources have been harvested in the lifetime of long time Ninilchik residents. Kinship bonds continue to exist with Kodiak area families and the Kodiak area is reached by boat owning commercial fishers from Ninilchik. Kodiak Island is relatively close to the Kenai Peninsula in contrast to other areas of Alaska.

Therefore the OSM preliminary conclusion is to support Proposal WP12-22A.

CHAIRMAN CARPENTER: Thank you.

MS. H. ARMSTRONG: Thank you, Mr. Chair.

CHAIRMAN CARPENTER: Any questions from the Council at this time.

(No comments)

CHAIRMAN CARPENTER: Okay. Alaska Department of Fish and Game.

MS. YUHAS: Thank you, Mr. Chairman. Jennifer Yuhas, ADF&G.

For the C&T portion of this proposal the Department finds insufficient evidence to support making a positive finding for this species for this area and cites that it may negatively impact other subsistence users, specifically those of Kodiak, and would like to report that the Kodiak/Aleutians RAC voted in opposition to this proposal as well.

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STATE OFFICIAL WRITTEN COMMENTS
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Alaska Department of Fish and Game
Comments to the Regional Advisory Council

Wildlife Proposal WP12-22:

This proposal requests a customary and traditional use determination for residents of

Ninilchik for brown bear in Units 15A, 15B, and 8. The proposal also requests federal subsistence brown bear hunt management regulations be changed for Unit 15.

Introduction:

This proposal was submitted to expand the current customary and traditional use determination for the residents of Ninilchik for brown bear in Units 15A and B on the Kenai Peninsula and in Unit 8 in the Kodiak Island archipelago. The proposal also requests modification of the current federal subsistence brown bear hunt management to establish a permanently opened season in Unit 15 which may be closed by the Kenai National Wildlife Refuge Manager in consultation with the Alaska Department of Fish and Game and the chair of the South Central Alaska federal subsistence Regional Advisory Council when necessary. This proposed change differs from existing regulation because currently the federal subsistence brown bear regulations for Unit 15 states the Refuge Manager may open or close the season by announcement.

Impact on Subsistence Users:

Adoption of this proposal will provide a significant increase in opportunity for the residents of Ninilchik to harvest brown bears under federal subsistence regulations. Adoption of this proposal will provide opportunity for residents of Ninilchik to participate a federal subsistence brown bear hunt in Units 15A and B as well as in Unit 8 where the residents of Ninilchik currently do not have a customary and traditional use determination. Adoption of the portion of the proposal restricting the Refuge Manager's ability to open the season is not expected to impact federal subsistence users. A positive C&T finding only for those mentioned may unnecessarily exclude other users.

Opportunity Provided by State:

The State brown bear hunt in Unit 15 follows:

Residents and non-residents are allowed one brown bear every 4 regulatory years by drawing permit. The fall season is from September 15 through November 30 (DB303/305) and the spring season is from April 1 through June 15 (DB307/309).

Conservation Issues:

Yet to be determined

Enforcement Issues:

Differences in federal and State regulations resulting from adoption of this proposal will create enforcement issues in areas with mixed land ownership.

Other Comments:

The questions posed in this proposal should be bifurcated. Ability to provide an open until closed status should be determined independently of a Customary & Traditional determination for this population. A positive C&T finding only for those mentioned may unnecessarily exclude other users.

Recommendation: Modify.

CHAIRMAN CARPENTER: Thank you. Is there any questions for the Department?

(No comments)

CHAIRMAN CARPENTER: I just had one. Do you know under State regulation does Ninilchik have a C&T -- a positive C&T determination under State regulation?

MS. YUHAS: I'd like to defer to Helen Armstrong.

MS. H. ARMSTRONG: This area is considered nonrural.

CHAIRMAN CARPENTER: Nonrural, right.

MS. H. ARMSTRONG: Yeah.

CHAIRMAN CARPENTER: Excuse me. Okay. Anything further.

(No comments)

CHAIRMAN CARPENTER: Thank you. Other Federal or State agency comments?

(No comments)

CHAIRMAN CARPENTER: Tribal comments.

Ivan.

MR. I. ENCELEWSKI: Thank you, Mr. Chairman. Members of the RAC. My name's Ivan Encelewski and I'm the executive director for the Ninilchik Traditional Council, also a Federally-qualified subsistence user.

Basically we speak in support of this proposal. The residents of Ninilchik have customarily and traditionally used brown bears in Units 15 and Units 8. As you know the Southcentral Regional Advisory Council's already addressed this issue specifically in Unit 15 and recommended a positive C&T determination for all of Unit 15. The Federal Subsistence Board when it came to them, as you know, only recognized 15C, but we want to point out that we believe that was -- they didn't consider the interruptions beyond the control of the subsistence users.

As was mentioned we have C&T determination in Unit 15 for moose, black bear, residence fish and salmon species. So it kind of runs contrary to the C&T findings for other species for the community to not recognize a C&T for all of Unit 15.

As was mentioned the tribe did ANILCA studies which had showed Units 15 and 8 that we harvested brown bear. And also as the community profile Ninilchik is made up of, and some of my lineage comes from the Kwasakoff family which a lot of our people from Ninilchik commercial fished and seined in Kodiak, traveled to Kodiak, actually have hunting cabins in the Unit 8 area. There was a lot of travel and use in that area and in Units 15.

So basically there's been -- I won't reiterate the testimony, but testimony from our previous president/chairman, Grassman Skullkoff testifying about the use of brown bear, a previous Council member that had testified about the use of brown bear and like I said I won't get into all the specifics because we believe that it was pretty thoroughly vetted previously through the Council when they adopted the C&T determination for Unit 15.

And with that I think that pretty much concludes any comments that we have at this point.

CHAIRMAN CARPENTER: Thank you, sir. Judy.

MS. CAMINER: Thank you, Ivan. And for you or maybe for Helen, perhaps I should have asked this before, but as I recall the Board decision was split at the time and so I guess I'm wondering in bringing forward this new proposal -- excuse me, not new, in bringing forward this proposal again, is there new information or new testimony that came up or that might be helpful to us and the Board?

MR. I. ENCELEWSKI: As far as new testimony, we don't have any specifics or people that are here to testify specifically in regards to that. One of the -- like I said the big issues that we considered is that there is the interruptions beyond the control of the subsistence users that we feel that even though the Board split at the time, we still feel that that's the valid concern. Obviously this is -- there's long history with this hunt being closed down year after year or the restrictions that are continually placed on it. And so we're continuing to push this forward.

CHAIRMAN CARPENTER: Helen.

MS. H. ARMSTRONG: I think I'll just add, I think Ivan touched on it, I think this proposal which was done by Pippa Kenner and she did a very good job of really digging into the data and I think bringing out more clearly all of those years that you couldn't hunt and so there was clear -- that they weren't able to. And I think that was perhaps brought out more in this analysis than previously. And then, of course, this one includes Unit 8 whereas the other one did not.

CHAIRMAN CARPENTER: Anybody else.

(No comments)

CHAIRMAN CARPENTER: Thank you, sir. Wilson, did you have a comment?

MR. JUSTIN: Yes, sir. Thank you, Mr. Chairman. Wilson Justin, Cheesh'na Tribal Council.

Cheesh'na Tribal Council has no interest in the issue on a population or member, but we have supported the Ninilchik on their efforts for many, many years because we recognize the injustice placed upon Ninilchik on a number of issues that involve not only C&T, but in particular the brown bear. Cheesh'na feels that any time you separate use and occupancy and patterns and practice of co-dependency among the traditional people of a -- of a residence from the food source, you create or you threaten the balance everywhere in the state for every tribe. And we have supported Ninilchik over the years precisely because we feel that the issue is really not about the issue of taking brown bears or whatever animals, the issue is really about the fact that the process and the State regulatory structure deprives Ninilchik unfairly of being a part of their homeland. We support Ninilchik and their proposal.

Thank you.

CHAIRMAN CARPENTER: Thank you. Any questions.

(No comments)

CHAIRMAN CARPENTER: Thank you, Wilson. Jerry, is there any tribal consult -- oh, excuse.....

MR. KESSLER: Mr. Chairman and Council. I'm Steve Kessler, I'm with the U.S. Forest Service. And I will be getting up in front of you with Ivan to talk about the tribal consultation teleconference call that we had on September 26th. You should have a summary of that, it was just recently given to you by KJ so you'll be able to read along with that.

There was only one tribe that called in to this tribal consultation on the 26th, that's a week ago. And on that call we had Greg Encelewski and Ivan Encelewski. And originally we planned for Greg and I to report out to you, but Greg is sitting with you on the Council and so Greg and Ivan, we agreed that Ivan would help report out. You may hear all of these comments directly from Ivan, but at least the process is that we need to report out to you what happened.....

CHAIRMAN CARPENTER: Uh-huh.

MR. KESSLER: .....in this consultation

discussions. So what I'll do is I'll tell you what was said and then if Ivan has anything to add he can do it then.

So on this proposal the discussion was that the Ninilchik Traditional Council supports WP12-22 and, of course, it was their proposal so it's clear that they -- and they still support it. And NTC was made aware of the recommendation for WP12-22 from the Kodiak/Aleutians RAC which was to reject the proposal.

MR. I. ENCELEWSKI: Thank you, Mr. Chairman. I don't really have anything else to add. I think Steve pretty much -- we didn't go into a lot of detail and that was pretty much summarized just that we had -- we support the proposal and wanted to be on record at the tribal consultation that we did support it.

CHAIRMAN CARPENTER: Thank you. Maybe just one question, maybe you can answer this, Steve. Was the reason that the Kodiak/Aleutians RAC opposed this was because Unit 8 was included, I mean, they weren't necessarily opposed or maybe they didn't even have a comment in regards to Unit 15?

MR. KESSLER: You know, I don't really know the answer to that, Mr. Chairman. I wasn't at the meeting. There may be someone else who can speak to that.

MS. BROWN: Mr. Chairman. Cole Brown with OSM. I was at the meeting and yes, that's correct. They were in opposition to the Unit 8 and they didn't want to comment regarding Unit 15.

CHAIRMAN CARPENTER: Okay. All right. Thanks.

MR. KESSLER: Mr. Chairman. There was also a consultation that was done for the Kodiak/Aleutians region and Mr. Rickert Rowland from the Sun'aq Tribe of Kodiak commented on this Proposal 22A. And it's sort of a general comment in a sense, not real specific to this. But he asked about why there was no subsistence priority for Ninilchik for brown bear in Unit 15 remainder, also felt that ANILCA identified subsistence is the priority use on Federal lands and any designation that refers to a quote, no subsistence priority, unquote, appears to be in

conflict with the ANILCA subsistence priority.

Pat Petrivelli from the BIA explained that the Federal Subsistence Board had previously addressed the customary and traditional use of brown bear in Unit 15 and made a determination that residents of Ninilchik primarily used brown bear in units -- in Unit 15C. The no subsistence priority's reflection of that C&T use determination previously made by the Federal Subsistence Board and the Alaska Board of Game.

And that's all the comments from tribal consultation.

CHAIRMAN CARPENTER: Any questions.

(No comments)

CHAIRMAN CARPENTER: Thank you very much. Is there any InterAgency Staff Committee comments?

MR. BERG: Thank you, Mr. Chair. Jerry Berg with Fish and Wildlife Service. And I'm here to present some comments from the InterAgency Staff Committee.

We met to review all the proposals statewide and on August 2nd we took up this proposal and we had a few additional comments that some of the Staff Committee felt were important to bring forward to the Council. So some of the Staff Committee felt that the information available concerning residents in Ninilchik using brown bear in Game Management Unit 15A appears limited with one permit issued and no bears being harvested over the past 25 years in that area. So some of the Staff Committee felt that this does not appear to constitute a consistent pattern of use of brown bear in Unit 15A. It does make more sense that residents of Ninilchik hunted closer -- in closer proximity to their community which is nearer to Units 15C and B.

In addition some of the Staff Committee members felt -- had similar concerns about residents of Ninilchik using brown bears from Unit 8. These members believe that the information available does not demonstrate a consistent pattern of use of brown bear by residents of Ninilchik in Unit 8.

And that's all I had, Mr. Chair.

CHAIRMAN CARPENTER: Thank you. Any questions.

(No comments)

CHAIRMAN CARPENTER: Thank you. Is there any SRC comments?

(No comments)

CHAIRMAN CARPENTER: No. Fish and Game Advisory Committee comments?

(No comments)

CHAIRMAN CARPENTER: None. Summary of written public testimony?

MS. MUSHOVIC: None received, sir.

CHAIRMAN CARPENTER: None. Is there anybody else in the public that would wish to testify about this proposal?

(No comments)

CHAIRMAN CARPENTER: Seeing none, then it's time for Council deliberations. So a motion to put WP12-22A on the table would be in order.

MR. HENRICHS: I'll make the motion.

CHAIRMAN CARPENTER: It's been moved by Mr. Henrichs.

MS. MILLS: Second.

CHAIRMAN CARPENTER: Seconded by Ms. Mills. Discussion.

Mary Ann.

MS. MILLS: I would like to make a few comments with regard to 12-22.

I personally am in agreement with this proposal because I feel that many times the subsistence information, you know, is there traditionally, even

though it has not been in reports with the State Fish and Game. And we've seen this happen many, many times and, you know, I know that, you know, with the brown bear on the Kenai Peninsula there's -- I believe there's a problem with the -- that needs predator control as well. So I definitely am for this proposal.

Thank you.

CHAIRMAN CARPENTER: Thank you. Any.....

Greg.

MR. ENCELEWSKI: I guess I'm going to have to talk to this proposal. I also support the proposal. I -- you know, the Unit 8 thing, I know there's quite a question on that and that's an area of -- that -- where you would normally think out of our area. And as a RAC I think it was explained pretty well because I think Helen did a good job with the ties and the kinship over there, a lot of people probably don't realize the fact that a lot of the Ninilchik residents come from the Kodiak Archipelago in that area. And so there's a lot of our families that live there and there's a lot of ties there. Anyway I just wanted to kind of clarify that point.

The other point is being that I support it because, you know, the C&T was definitely given for the area and I also know that there is -- there's no conservation concern for the bears that I could see at all and therefore I would support it.

CHAIRMAN CARPENTER: Thank you. Judy.

MS. CAMINER: Mr. Chair. I want to thank Wilson because he's always able to phrase things in a very eloquent way, I mean, I think of C&T as the subsistence uses of wild and renewable resources. And even those this has been a challenging use because of closures and interruptions, I do support the proposal, but I like the way that Wilson said that, you know, people need to be connected to the resources that they use and the resources in their area. So I will support this proposal.

CHAIRMAN CARPENTER: Thank you. Anybody else.

(No comments)

CHAIRMAN CARPENTER: I guess I'll just make a couple comments. I think it's always interesting when you look through the subsistence regulations and you look at the different species, you know, especially bear, you got black bear and brown bear. And Ninilchik has a customary and traditional use for black bear in the entire unit, but for some reason they only hunted brown bears in 15C. I really find that a little bit hard to believe. I think, you know, people that tend to use bears for subsistence purposes, I don't think there's a real big difference. You know, there's possibly a food source difference between black bear and brown bear especially near salmon spawning areas, but every culture's different, some eat brown bear, some don't.

The only concern that I have and I appreciate the testimony that Greg and his son gave us in regards to Kodiak, it does at first glance seem a little bit like wow, that's -- you know. But, you know, I think that the commercial fishing ties and the family ties when you think about the Kenai Peninsula and Kodiak, there are some real connections there. I hope that this C&T isn't thrown out just because of that reason and that the -- you know, the Kodiak RAC didn't support it. But I support the proposal as it's written and I hope that the Federal Board when they consider this will look what they've done with other bear species in Unit 15 and use that.

So that's all I have.

Is there any other comments?

(No comments)

CHAIRMAN CARPENTER: If none, the question's in order.

MR. ENCELEWSKI: Call for the question.

MS. STICKWAN: Can I ask a question.

CHAIRMAN CARPENTER: You want to ask a question, Gloria, or make a comment?

MS. STICKWAN: Ask a question.

CHAIRMAN CARPENTER: Go ahead. You bet.

MS. STICKWAN: Did Kodiak say why they --just because it was Unit 8, is that the only reason they gave, there's no other reason?

MS. BROWN: Cole Brown. Not that I recall beyond it being Unit 8 and they didn't see the ties.

CHAIRMAN CARPENTER: Anything else, Gloria?

MS. STICKWAN: No, just wondered why they said no.

CHAIRMAN CARPENTER: Okay. Okay. The question's been called by Mr. Encelewski on Proposal WP12-22A. All those in favor of this proposal signify by saying aye.

IN UNISON: Aye.

CHAIRMAN CARPENTER: Opposed.

(No opposing votes)

CHAIRMAN CARPENTER: The motion carries. So we will move on to 22B.

Go ahead, Cole.

MS. BROWN: Thank you, Mr. Chair. Members of the Council. My name is Cole Brown with the Office of Subsistence Management.

Wildlife Proposal 12-22B begins on Page 91 of your Council books. It is submitted by the Ninilchik Traditional Council and requests the brown bear harvest season dates in Unit 15C be revised and that a season be established for brown bear in Units 15A and 15B and the ability of the in-season manager to open or close the season be rescinded.

Currently there is no Federal brown bear season in Units 15A or B and the proponent requests a brown bear season for all of Unit 15C be expanded and established for all of the unit.

And I'm going to recap quite a bit of what Helen did, but it will be an independent analysis.

Federal subsistence regulations enacted for the 1990 season did not allow hunting in Unit 15. More restrictive general hunting regulations were enacted by the State in 1989 reducing the fall season by 14 days to limit incidental take by moose hunters. In 1994 the Alaska Board of Game changed the policies into October 1 through 25 in response to continued high harvest.
Due to high levels of nonhunting, human caused mortality the 1995 through 1998 fall seasons and the 1999 spring season were closed by ADF&G emergency order. The Kenai Peninsula brown bears were listed as a population of special concern under Alaska's list of species of special concern in 1998. The Federal Subsistence Board adopted regulations in 2007 that reduced the season and take in Unit 15.

The current ADF&G management objectives for Unit 15 are to maintain a healthy brown bear population and minimize negative brown bear and human interactions. Human caused mortalities are not to exceed 10 reproductive age females per calendar year. Hunting for brown bear under State and Federal regulations is allowed only if the number of nonhunter, human caused brown bear deaths is below the maximum allowable mortality identified in the management goals.

In the 1990s ADF&G biologists estimated 250 to 300 brown bears on the Kenai Peninsula. Suitable habitat on the peninsula has been reduced by approximately 70 percent due to cumulative affects of human activities. Increasing development and human activity which results in nonhunting mortality which includes defense of life or property, research kill, illegally harvested, natural mortality, vehicle collisions and agencies kills has generated concern that the population may be at risk due to these cumulative impacts. Also female brown bear immigration to the Kenai Peninsula is believed to be low which makes the population more susceptible to declines from catastrophic events or sturcastic (ph) variation of vital rates.

In 2010 the Kenai National Wildlife Refuge and Chugach National Forest managers identified landscape scale movement corridors for wildlife along the Sterling Highway, west of Cooper Landing to help

mitigate conflict between human and wildlife and maintain connectivity between the northern and southern portions of the Kenai Peninsula. And as part of a current event, there's going to be another public meeting the third week of October on the Kenai Peninsula regarding these movement corridors.

In 2010 Kenai National Wildlife Refuge and Chugach National Forest conducted a DNA based mark recapture study in an effort to determine a statistically reliable estimation of the brown bear population on the Refuge and Forest. These data are currently being analyzed and the population estimate is not expected in 2012.

Annual sustainable harvest of brown bears on the Kenai Peninsula are related to reproductive output and natural mortality rates. Hunting opportunities are dependent on levels of nonhunting mortality prior to October 15th. The average nonhunting mortality in Unit 15 from 2006 to 2010 has been 21 brown bears per year with an average of five bears per year harvested via hunting from 2008 to 2010 and it predominantly occurs in Unit 15A.

As a consequence no Federal or State brown bear harvest permits were issued in Unit 15 until 2007. Since 2007 Anchorage has been the predominant community being issued permits to harvest brown bear within Unit 15A. Currently there is no Federal subsistence season for brown bear on the Kenai Peninsula for Units 15A and B.

If the proposal is adopted it would provide for a brown bear season in Units 15A and 15B, eliminate the requirement for announcing the season in Unit 15C and not require announcing the seasons in either Unit 15A or 15B.

Future hunting opportunities will likely continue to be severely restricted because of high levels of nonhunting, human caused mortality, the isolation of Kenai Peninsula brown bear population from mainland populations and increasing human development.

Establishing a Federal season within Unit 15A remainder -- sorry, within Unit 15 remainder, Units 15A and B, would give a meaningful subsistence opportunity for residents of Ninilchik since most permits for these units are currently being issued to

Alaska residents living outside of Unit 15. Federal subsistence hunters would be required to report brown bears harvested under Federal regulations through registration permit reports and managers already have the ability to close the seasons to keep the take within sustainable limits.

Therefore the OSM preliminary conclusion is to support the Proposal WP12-22B with modification to maintain the season announcement, align the State and Federal season dates and maintain the authority of the Kenai National Wildlife Refuge manager to open and close the season in Unit 15A and B based on conservation concerns.

Thank you, Mr. Chair.

CHAIRMAN CARPENTER: Thank you. Is there any questions for Cole?

(No comments)

CHAIRMAN CARPENTER: Thank you very much. Alaska Department of Fish and Game.

MS. YUHAS: Thank you, Mr. Chairman. Jennifer Yuhas.

The Alaska Department of Fish and Game supports the OSM recommendation to align the seasons to reduce user confusion and maintain language that the Refuge manager needs to consult with the Department and the RAC.

CHAIRMAN CARPENTER: Okay. Thank you. Any questions.

Judy.

MS. CAMINER: Thank you, Mr. Chair. I understand there are some proposals in front of the Board of Game that will look at intensive management in 15. Is that for -- do you know if that's for both black bear and brown bear or if it's wolves or.....

MS. YUHAS: I do not know at this time.

MS. CAMINER: Okay. Well, I can ask later when Fish and Game's up there for the discussions later.

Thanks.

CHAIRMAN CARPENTER: Any other questions?

(No comments)

CHAIRMAN CARPENTER: Thank you. Any other Federal agency comments?

(No comments)

CHAIRMAN CARPENTER: Any tribal comments?

Ivan.

MR. I. ENCELEWSKI: Thank you, Mr. Chairman. Ivan Encelewski with the Ninilchik Traditional Council.

We speak in favor of this proposal and I won't get back into all the details, obviously we want to see a season established for the C&T for 15A and B. We don't have a problem with aligning the seasons with the State, but I guess for just a little bit of clarification on the season announcements, one of the issues that's kind of come about with this whole hunt was the issue of how the brown bear hunt is always shut down essentially. And so the reason why we wanted to put the season to be announced because it's always this, you know, is it or isn't, you know, I mean, you're down literally to the day where the hunt starts and you don't know if the season's going to be opened or closed. And so obviously the proposal here allows for closed by announcement by the Kenai National Wildlife Refuge or in consultation with the Chair. And so it creates confusion for the subsistence users and it still allows, you know, for the season, the conservation concerns to be addressed through which we've always felt are best addressed with in-season management and those type issues.

So that's kind of a little bit of a rationale, I think it's more semantics than anything when you say season to be announced, for us that's always one of those things that's kind of come back where the problem with this whole thing is it's always shut down, the brown bear hunting has always consistently been shut down. So we don't see any

conservation concerns with the brown bear population from the evidence, from the subsistence users, actually it's increased pretty substantially from our evidence.

So anyway that's all the comments I have.

CHAIRMAN CARPENTER: Okay. Thank you. Any questions?

(No comments)

CHAIRMAN CARPENTER: All right. Thank you, Ivan. Do we have any tribal consultation comments?

(No comments)

CHAIRMAN CARPENTER: None. Any other tribal comments?

(No comments)

CHAIRMAN CARPENTER: Okay. InterAgency Staff.

MR. BERG: Thank you, Mr. Chair. Jerry Berg with Fish and Wildlife Service.

More of an administrative comment. When the Staff Committee discussed this proposal if the C&T portion of this proposal is supported by the Board then it probably makes more sense on this proposal if you look at the OSM preliminary conclusion on 97, to just condense that down to just address Unit 15 instead of -- you wouldn't really need at that point sub-unit regulations. So just -- and that could be done administratively. But just so you guys are aware that we have had those discussions and depending on what the Board action would be, that would probably be the way it would go.

Thank you, Mr. Chair.

CHAIRMAN CARPENTER: Judy.

MS. CAMINER: One concern I have and maybe the Council will discuss this is by mirroring the State regulations which the program does in a number of

locations, but, I mean, we do need to be mindful of providing a subsistence priority. So I don't know if the InterAgency Staff Committee might have discussed or not?

MR. BERG: We did not discuss that specific issue. So unless any other Staff Committee members that are here recall, but I don't -- I don't remember that we had that discussion.

CHAIRMAN CARPENTER: Any other questions?

(No comments)

CHAIRMAN CARPENTER: I just had one question, maybe you could answer, Jerry. So in regards to Unit 8 there's already an established season there, if the Board were to pass the C&T for Unit 8 for Ninilchik and I was looking through the Federal regulations and there's different villages that -- in Kodiak that qualify and there's a specific allocation set forth to each one of those villages. Who set that allocation, was it the Refuge in Kodiak that did it or was it the Federal Board and would they just automatically if the C&T were, you know, accepted by the Board would they -- would Ninilchik just -- would they get an allocation similar to the way these other villages did?

MR. BERG: Yeah, Mr. Chair. I mean, obviously the Federal Board did take action to get those permits established by community, you know, I wasn't involved with the program when that was established. So if the Federal Board were to support Ninilchik having C&T there there would be -- there would not be anything identified as far as, you know, the number of permits so I think we'd have to maybe have some more discussions about how that would -- how that would get taken care of. We'd probably have to talk to the Kodiak Refuge and Fish and Game. And I don't know if that would have to come through another proposal or special action request, but it would probably have to be addressed somehow. We haven't had detailed discussions on that.

CHAIRMAN CARPENTER: Well, the reason -- the reason I asked that was it's quite obvious through this proposal that Ninilchik's asking for a specific season in 15A and B or the remainder.....

MR. BERG: Uh-huh.

CHAIRMAN CARPENTER: .....but there isn't an established season there currently so that's why they're asking for it. In Kodiak there is a season and there is a specific allocation and that's all -- that's why I was just curious. I didn't want this -- you know, this process to have to get pushed forward again because they didn't request, but there is already a season so I was just unclear how that would work.

Is there any other questions for InterAgency Staff?

(No comments)

CHAIRMAN CARPENTER: Okay. Thank you. SRC comments.

(No comments)

CHAIRMAN CARPENTER: Fish and Game Advisory Committee comments.

(No comments)

CHAIRMAN CARPENTER: Summary of written public testimony.

MS. MUSHOVIC: Thank you, Mr. Chair. The AHTNA Tene Nene' Customary and Traditional Use Committee supports Wildlife Proposal -- I'm sorry, I don't have -- I'm sorry, I -- I don't have a comment on this one.....

CHAIRMAN CARPENTER: Okay.

MS. MUSHOVIC: .....from them.

CHAIRMAN CARPENTER: Thank you. Is there any public testimony from anyone in the audience or on the phone?

(No comments)

CHAIRMAN CARPENTER: Okay. Then I believe it's time for Regional Council deliberations so a motion is in order for WP12-22B.

MS. MILLS: So moved.

CHAIRMAN CARPENTER: Moved by Ms. Mills.

MR. ENCELEWSKI: Seconded.

CHAIRMAN CARPENTER: Seconded by Mr. Encelewski. Is there any discussion?

(No comments)

CHAIRMAN CARPENTER: Anybody?

MR. HENRICHS: Question.

CHAIRMAN CARPENTER: I think -- no disrespect there, Bob, but I think for the purpose of Ninilchik we should probably put some comments on the record in support or not support, just so we don't have any problems down the road.

Greg, do you have a little comment maybe?

MR. ENCELEWSKI: Sure I have a comment. I will support this and I support the season and I also support the modifications to align it with the State.

I do have a concern -- two concerns actually and one being that the -- you know, the in-season management announcement of the season like Ivan addressed pretty well, that seems to kind of shut down the seasons so we -- as you brought up the priority I would like to see something addressed there.

Also the other one would be that in the Unit 8 season I'm concerned if this Board needs to make another proposal. I think you've made a good valid point there and I think we would be remiss. But I fully support it and I support it for reasons stated prior that there's no conservation concern that I see and we have had customary and traditional use of it in that area. And I think that's what the Federal Board needs to know and as a RAC member I support that.

CHAIRMAN CARPENTER: Thank you, Greg. Judy.

MS. CAMINER: Thank you, Mr. Chair. Yes, I do not believe there's a conservation concern by

adopting this proposal and I think it's supported by substantial evidence, will not be detrimental to subsistence users or other users because of the low anticipated take. So I'm in support.

CHAIRMAN CARPENTER: Mary Ann.

MS. MILLS: I'm also in support of this. I see no conservation concerns and I do recognize Ninilchik's T&C.

Thank you.

CHAIRMAN CARPENTER: Thank you. Do we have something you guys would like to bring into the discussion?

MS. BROWN: Yes. Thank you, Mr. Chair. Just to clarify is the motion to support the proposal or to support the OSM preliminary conclusion which is support with modification?

Thank you.

CHAIRMAN CARPENTER: That's a very good point. I believe the proposed -- the motion was to adopt the proposal. If I'm -- if I'm correct. And if the -- if the -- I believe Mary Ann made the motion. If Mary Ann meant to include OSM's modified language then she could state that at this time, I suppose.

MS. MILLS: Yes, I do.

CHAIRMAN CARPENTER: You want to include the OSM's modified language?

MS. MILLS: Yes.

CHAIRMAN CARPENTER: Okay. Sec.....

MR. ENCELEWSKI: My sec -- my second, I would also include that I.....

CHAIRMAN CARPENTER: Okay. Thank you for the clarification.

Is there any other discussion?

(No comments)

CHAIRMAN CARPENTER: I believe the question's in order then.

MR. HENRICHS: Question.

CHAIRMAN CARPENTER: Question's been called on WP12-22B with OSM's modified language included. All those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN CARPENTER: Opposed.

(No opposing votes)

CHAIRMAN CARPENTER: The motion carries. So it's 11:40, does the Council want to keep going here and do one more proposal before lunch or do you want to have lunch now and come back a little earlier or what's everybody want to do?

(No comments)

CHAIRMAN CARPENTER: Keep going, everybody? Okay.

MS. BROWN: Thank you, Mr. Chair. Members of the Council. WP12-23 and WP12-24 were analyzed together, they start on Page 101.

Proposal WP12-23 was submitted by Vicki Penwell, requests a season be established for caribou in Unit 11 within Wrangell-St. Elias National Park and Preserve from October 21st through March 31st, by Federal registration permit with a limit of 25 permits.

Proposal WP12-24 submitted by the Cheesh'na Tribal Council requests a season be established for one bull caribou from August 1st to September 30th in Unit 11 by Federal registration permit within Wrangell-St. Elias National Park and Preserve.

WP12-23, the proponent states the Mentasta Caribou Herb co-mingles with the Nelchina Caribou Herd within the requested hunt area and they believe that most of the harvest would be from the Nelchina Herd. The proponent states that while there's an opportunity to harvest caribou in other nearby

locations they are not traditional harvest locations and the expense in cash and time continue to place a burden on people with a heavy reliance on wild food.

Proposal WP12-24, the proponent states that there is a small, harvestable surplus available within this herd and that Federal subsistence users should be able to harvest it.

There's been no open season for the Mentasta Caribou Herd since 1992 other than a small Federal harvest from 1996 to 1998 due to management objectives as stated in the Mentasta Caribou Herd Cooperative Management Plan not being met for calf production and recruitment. The Mentasta Caribou Herd plan in 1995 states an annual fall harvest will be allowed as long as the previous two year mean calf recruitment is at least 80 calves, then the quota will be established between 15 and 20 percent of the previous two year mean calf recruitment. The plan also states that at a population level below 2,000, the harvest limit will be limited to bulls only and will be closed if the two year mean bull/cow ratio drops below 35. In addition the plan states winter hunts for Nelchina and Forty-Mile Caribou Herds may result in incidental harvest of Mentasta Caribou and should be managed to minimize the effect on the Mentasta population.

However the Cheesh'na Tribal Council does not consider the Mentasta Caribou a separate herd from the Nelchina Herd. Wilson Justin, the legal representative of the Cheesh'na Tribal Council stated in part at the Southcentral Regional Advisory Council that quote, there never was a Mentasta Herd, there's only been two caribou around, the Big Medicine bull -- People's Caribou, sometimes called the Glacier Caribou and then the Nelchina Herd. We never considered them as Mentasta or Cheesh'na Herd, they were always just portions of the Nelchina Herd that didn't move out. The Cheesh'na do not believe that the game management unit boundaries under any conditions should ever be used to determine community harvest in excess of those resources that are directly related to that community, end quote.

Based on traditional herd definition, Mentasta and Nelchina Herds are separate entities because they have distinct calving grounds. A study conducted by Rolphler of 2011, in press, found through

genetic analyses and telemetry results that while male gene flow was occurring between the Mentasta and Nelchina Caribou Herds either due to natal dispersal of males or proximity in mixing of the herds during the breeding season, the females within the Mentasta and Nelchina Caribou Herds had strong fidelity to calving grounds and form the foundations of two distinct populations.

Since 1995 the pop -- which was when the management plan was created, the population has decreased from 850 to 336 in 2010. Population estimates that have been adjusted for sightability probabilities show an average of 350 caribou since 2008. Since the management plan in 1995 the two year mean has not been above 47 calves. Total observed cows from 1995 to 2010 has decreased from 534 to 88 respectively. Although observed bull/cow ratios appear to be high, the number of calves observed is small and the bull component likely includes a significant number of Nelchina bulls. There is limited ability to predict the extent or frequency of mixing between Nelchina and Mentasta bulls and impossible to discern whether the harvest of a bull would be from the Nelchina or Mentasta Herd.

The Tetlin National Wildlife Refuge conducted an aerial survey for the Mentasta Caribou in January, 2010 and found five caribou within the boundary of the Refuge and seven caribou north of the Alaska Highway near Mount Fairplay and Mosquito Flats which are in Unit 12 and into Unit 20 and in March, 2011 found all six of the located caribou within Unit 12.

There's been no recorded harvest for Mentasta since 1998 since there has been no State or Federal season.

The current events involving this specie for Proposal WP10-103, it was submitted by the Eastern Interior Regional Advisory Council during their February, 2010 meeting and requested that harvest be limit -- that the harvest limit be raised from one to two caribou in Unit 12 remainder for the Nelchina Caribou Herd. That Regional Advisory Council unanimously opposed the proposal based on Mentasta Caribou Herd conservation concerns.

Proposal WP12-66 which we will hear

later, submitted also by the Cheesh'na Native Tribal Council requested a hunt for the Cheesh'na Caribou and stipulated in their proposal that it should be lands that are west of the Nabesna River, small portion of Unit 12 into Unit 11 will remain closed to harvest in order to avoid incidental harvest of the Mentasta Herd.

If either of these proposals are adopted it would allow a harvest on a population that has chronically low productivity which would have detrimental effects on the caribou herd and ultimately subsistence users by driving the population of the herd where recovery is more difficult.

Mixing of the Nelchina and Mentasta Caribou bulls makes interpreting fall composition surveys difficult and there is limited ability to predict the extent, timing or frequency of mixing between the two herds and would be impossible to discern whether the bull was from the Mentasta Herd or the Nelchina Herd.

Therefore the OSM preliminary conclusion is to oppose both proposal WP12-23 and WP12-24.

Thank you, Mr. Chair.

CHAIRMAN CARPENTER: Thank you. Any questions for Cole.

Gloria.

MS. STICKWAN: What did you say about the two herds, they were genetic -- they were different, the Nelchina and the Mentasta were -- I didn't get that part, I didn't hear that part.

MS. BROWN: Through the Chair, member Stickwan. Yes, it's a recent study, it's still in press, but they gave me a draft form and they found through genetic analyses and telemetry results combined that there was a male gene flow, but through the females they were -- they kept fidelity to the calving grounds. And so their hypothesis was that through either the dispersal of males from one herd to the other is what would create that male mediated gene flow, but the females were staying true to their calving grounds.

MS. STICKWAN: Is it wrong that what you're saying they're genetically different, and so -- for females?

MS. BROWN: No, it's a way of saying that they're -- it's a foundation for two distinct populations right now. The difference between whether it's a mitochondrial DNA and a nuclear DNA and what they were analyzing I can't speak in depth to that. What they found was that the males were the ones that were showing the mixing of the herds, not the females. And in the definition of -- the traditional definition of how herds are managed in the state are through separate entities based on distinct calving grounds.

CHAIRMAN CARPENTER: Anything further?

(No comments)

CHAIRMAN CARPENTER: Okay. Thanks. Alaska Department of Fish and Game.

MS. YUHAS: Thank you, Mr. Chairman. Jennifer Yuhas, Alaska Department of Fish and Game.

The Department is also opposed to this pairing of proposals, citing conservation and enforcement issues. And I'd like to defer to the testimony of area biologist, Becky Schwanke.

****
STATE OFFICIAL WRITTEN COMMENTS
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Alaska Department of Fish and Game
Comments to the Regional Advisory Council

Wildlife Proposal WP12-23:

This proposal requests opening a registration federal subsistence caribou hunt in a portion of Unit 11.

Wildlife Proposal WP12-24:

This proposal requests an opening a registration federal subsistence bull caribou hunt within a portion of Unit 11.

Introduction:

Proposal WP12-23 was submitted to establish a federal subsistence registration caribou hunt in that portion of Unit 11 within the Wrangell-St. Elias National Park and Preserve that is bounded by the Copper Lake Trail to the east, Nabesna Road to the north and the Copper River to the south and west to the Suslota Trail trailhead and the Suslota Trail to the east, the park and preserve boundary to the north and west ending at the boundary between Units 11 and 13. The proposal request establishing a limit of one bull per household by Federal Registration Permit only with a limit of 25 permits issued. The proposal recommends a 183 day hunting season with season dates of October 21 through March 31. The proponent indicates this proposal was submitted to provide replacement opportunity for federally qualified users concerned with pending land conveyances of federal public lands to private owners thus removing the federal subsistence priority on those lands land. The proponent also indicates access to the un-conveyed federal public lands portion of Unit 13C is extremely difficult and adoption of this proposal will provide opportunity for more accessible federal subsistence caribou hunting.

Proposal WP12-24 was submitted to establish a federal subsistence registration bull caribou hunt in Unit 11 north of the Sanford River and in Unit 11 Remainder. The proposal requests quotas and any needed closures be announced by the appropriate delegated federal official after consultation with the Alaska Department of Fish and Game. The proposal requests an August 1 through September 30 hunting season. The proponent indicates a small harvestable surplus is currently available and the surplus should be allocated to federally qualified users.

Impact on Subsistence Users:

If WP12-23 is adopted, federal subsistence hunters would have a 183 day season to harvest caribou in the above described portion of Unit 11. If adopted, twenty five households will be authorized to harvest one bull caribou in the described portion of Unit 11.

If WP12-24 is adopted, federal subsistence hunters would have a 61 day season to harvest one bull caribou in the identified portion of Unit 11.

If either proposal is adopted, federal subsistence users will be required to obtain a federal registration to hunt.

Opportunity Provided by State:

The state caribou hunt has been closed in Unit 11 since 1989.

Conservation Issues:

The Mentasta Caribou herd has been observed as a population in steady decline since 1988. Any exploitation on this herd would be detrimental to the long term sustainability of this herd.

Enforcement Issues:

If either proposal is adopted, federal land managing agencies will be responsible for all enforcement as Unit 11 has been closed to hunting by state regulation since 1989. Adoption of either proposal may create enforcement issues in areas with mixed land ownership, especially if federal subsistence users mistakenly or choose to illegally hunt for caribou on non-federal public lands in Unit 11.

Other Comments:

Recommendation: Oppose.

CHAIRMAN CARPENTER: Thank you.

MS. SCHWANKE: Good morning, Mr. Chairman and members of the Commission.

We just wanted to just make one clarification. We support the OSM analysis for the most part. There is a recurring comment in the analysis that we wanted to bring up and that was the fact that there is no documentation that Mentasta Herd actually has low productivity. When they refer to summer composition counts and ratios, summer calf to cow ratios, that's well over a month after parturition and unless you do parturition surveys on the collared cows and actually look at udders, you look at antlers, number of hard antlers and you look at number of calves you don't actually have the data to say it's low productivity. And given the adjacent Nelchina Herd productivity data these last few years have shown above

average productivity we're confident that the Mentasta Herd also probably has fairly high productivity and it's more of a survival issue as a function of several different predators and potential weather factors. But the low recruitment is certainly a cause of concern and that's why the herd is low and that's why we do agree with their analysis in general that we oppose any additional harvest there.

CHAIRMAN CARPENTER: Any questions. Gloria.

MS. STICKWAN: Do you agree with their study or whoever's study that was about the calving grounds?

MS. SCHWANKE: Yeah. Through the Chair, Ms. Stickwan. Yeah, that study has actually been done quite a while ago and it's still in press, but yeah, USGS did that study a long time ago basically and showed I think something that's very common to caribou herds in Alaska, I think bulls typically move between herds, but the cows show fidelity to specific calving areas which is the basis for calving ground delineation starting back in the early '70s. So it's not an uncommon occurrence. And it's good that they've actually ID'd that through genetic studies.

CHAIRMAN CARPENTER: What's the -- excuse me, Lee. What's the calf survival differences between the Mentasta and the Nelchina, you know, roughly?

MS. SCHWANKE: Mr. Chairman. We actually don't monitor calf survival right now on either herd in terms of conventional calf mortality projects, but what I was referring to was a published study that was done by Bartnan and Jenkins, I believe it was the late '80s, early '90s, and they showed that early neonatal loss in the Mentasta Herd was extremely high, looking at I think it was 40 percent calf loss in the first two weeks. So there's a huge imminent calf loss in -- and that's pretty common with small caribou herds like that that don't concentrate for calving. For the Nelchina Herd because it's a different style herd, it's much larger and they concentrate for calving and we actually do summer composition surveys about a month following our parturition surveys so we get kind of an initial parturition, quasi pregnancy rate and then we also do composition surveys and get calf to cow

ratios in late June and then we also repeat that in October so we have some concept of midsummer calf loss, but we are aware that a lot of calves die before our summer composition surveys.

CHAIRMAN CARPENTER: Thank you. Lee.

MR. ADLER: Are we asked to choose between these two seasons, you know, I see there's the August 1st, September 30th and October 21, March 31st, are we asked to choose between those two season?

MS. SCHWANKE: Through the Chair. The two different proposals do have the two different recommended season dates, but regardless that early fall period is probably the highest proportion of Mentasta Caribou available. As you get into October and November you start having an influx of Nelchina animals migrating through. And it can continue anywhere through the end of April, you have the mixing.

MR. ADLER: Yeah, I think -- my own feeling is that it would benefit the people the most to be the early season and probably be the least negative impact to the caribou, you'd have snowmachines out there all winter. But going back a little farther, I have seen the Nelchina Herd cross mainly around Chistochina and both sides in mass several times over and into the Mentasta area, the Wrangell mountains, forelands and all the way up north into Copper and Tanada Lakes and the open hills. I've seen them come and go and come and go. And I'm not -- I kind of agree with Wilson, I'm not sure there's two different herds. True, they do tend to breed and -- I mean, not breed, but -- well, I mean, you'd breed, but calve in different areas, but there's no consistency. So I think they're really the same animals and who knows why they do what they do, nobody will ever know. But I think the key thing should be if we can support a small harvest let's go for it, that's what I think could help the people in the -- that make the proposal. So that would be what I'd say.

CHAIRMAN CARPENTER: Thank you. Anybody else?

MS. STICKWAN: And it's because of predation that the harvest is down, did you say?

MS. SCHWANKE: Through the Chair. I --

I'm not going to go on the record and say that harvest, you know, is eliminated because.....

MS. STICKWAN: (Indiscernible - simultaneous speech) population, I mean.

MS. SCHWANKE: There has been documented high predation on this herd in the past. And it is following what seems to be a natural predator/prey cycle. And that -- the Mentasta Herd has very steadily declined over the last 20 years. And so I'd -- I would just like to clarify based on what Mr. Adler had added that the early fall season is when you would put the Mentasta Herd at the most risk. We actually do Nelchina fall composition surveys generally the first week of October have a helicopter come in a few days to go do those Nelchina comps. And we do that at the same time every year. And we are always west of the Copper River, the Nelchinas have not in mass moved into this area yet. So if any harvest occurs early in the fall you're potentially putting the Mentasta -- the small Mentasta Herd at the most risk. So.....

CHAIRMAN CARPENTER: Anything further.

(No comments)

CHAIRMAN CARPENTER: Thank you very much.

MS. STICKWAN: Is that research going to be continued, that genetic study or whatever?

MS. SCHWANKE: Through the Chair, Ms. Stickwan. I believe that research ended sometime ago and it's something that USGS is currently putting into publication. I have the draft that Cole suggested that -- is in press. So I'm hoping that it gets published here relatively quickly, but yeah, it's something that they've been working on for a while. But it -- the research has been over for quite sometime. And we don't currently have bull caribou collared which is somewhat of a problem because we monitor the cows for calving purposes and movement, but we don't actually monitor, actively monitor the bulls in either of these herds.

CHAIRMAN CARPENTER: Okay. Thanks. Other Federal or State agency comments.

MS. PUTERA: Mr. Chair. This is Judy Putera, wildlife biologist for Wrangell-St. Elias National Park and Preserve. The Park does feel there is a strong conservation concern for the Mentasta Herd in Unit 11 and I would like to go on record that we do agree with the OSM recommendation to oppose these two proposals.

I just did want to comment on something Becky said. She is bringing up the difference between productivity and recruitment. But I would like to say, you know, we don't -- I don't think we have the data to say either way whether we have low or high productivity because she's right, we don't do those productivity surveys. But I think the point is the Mentasta Caribou Management Plan as they talk about -- they do talk about calf recruitment and we do know that that -- you know, we do have a pretty good idea of what that -- what that is. And we're not meeting that, those targets for the plan.

CHAIRMAN CARPENTER: Anything else, any questions or comments?

MS. STICKWAN: What's the recruitment?

CHAIRMAN CARPENTER: Yeah, I guess that -- that's.....

MS. STICKWAN: What's the recruitment?

CHAIRMAN CARPENTER: .....I think that's a good question. Was it the two year average was 47 was that what I heard?

MS. SCHWANKE: Right. Calf recruitment, uh-huh.

CHAIRMAN CARPENTER: And the total population in 2010 was what did you say, 350 roughly?

MS. SCHWANKE: That's an estimate.

CHAIRMAN CARPENTER: What's the bull to cow ratio in the 350?

MS. SCHWANKE: Well, it's -- that's where we get into a little bit of -- you know, a little difficulty trying to decide what the actual Mentasta bull ratio is because we feel that there are Nelchina

bulls kind of coming in the area when we're doing those fall comp counts.

CHAIRMAN CARPENTER: Is there a rough estimate?

MS. SCHWANKE: Well, talking to Lane Adams who's worked on the Mentasta Herd for a long time and he thinks based on recruitment in the Mentasta Herd he feels like it's probably more like 30 bulls per 100 cows, that's his just best guess -- best judgment.

CHAIRMAN CARPENTER: So you're looking at a 225 cows and 100 bulls or something like that, 90 bulls. And so you have 220 cows roughly and you have 47 average survival on the calves, what is there a twinning rate difference between the Mentasta Caribou Herd and the Nelchina Caribou Herd, is one more productive that way than another, is there a way -- what I'm getting at is I'm trying to estimate about how many calves might be born versus how -- what the survival rate is?

MS SCHWANKE: And I think that's where -- you know, just we don't know because we don't do those productivity surveys, we don't get out early enough right after calving to determine how many are born in the Mentasta Herd.

CHAIRMAN CARPENTER: Is -- and I guess I'm being a little blunt, is there a reason for that?

MS. SCHWANKE: Well, funding is a good reason.....

CHAIRMAN CARPENTER: Money.

MS. SCHWANKE: .....but, yeah. I mean, it's a possibility we could start looking at that, but a lot of our funding for the Mentasta Herd comes through our -- it's kind of a separate program within the Park Service, it's an inventory monitoring program. And they're looking to just kind of track the overall population estimate over time rather than, you know, specific productivity surveys. But.....

CHAIRMAN CARPENTER: Well, the only reason I asked, it seems quite apparent to me that over the last few years that the Mentasta Caribou Herd is significantly important to the people that live in that

area. And it seems to get relatively low study, maybe funding for studies to answer some of these pretty vital questions that.....

MS. SCHWANKE: I guess I would add, you know, we did -- I did manage to get some last minute funding this summer and so I will be putting some radio collars on some of the cows in the Mentasta Herd that have GPS satellite with the satellite uplink. So we'll be able to get a lot more detailed information on where these animals are spending their time throughout the year. You know, before it was kind of hard to get out and spend that much money on aircraft flights, but with these GPS collars I think we can get -- we can get pretty much daily locations. So and hopefully, you know, I mean, having that kind of -- having those collars is also a good incentive to just kind of leverage that against maybe trying to get additional funding to do, you know, maybe some more in depth surveys for these animals.

CHAIRMAN CARPENTER: Okay. Thanks.

MS. SCHWANKE: You're welcome.

CHAIRMAN CARPENTER: Judy.

MS. CAMINER: You mentioned that you do know that calf recruitment and it's not meeting the plans.....

MS. SCHWANKE: Right.

MS. CAMINER: .....target circles, what -- what are those numbers if you have those handy, please?

MS. SCHWANKE: Well, I think it -- it's a -- it says the harvest will be allowed as long as the previous two year mean calf recruitment is at least 80 calves. And we're not meeting that, right.

CHAIRMAN CARPENTER: Can I ask one more question. And which -- is that the Park Service Management Plan?

MS. SCHWANKE: It's a management plan that was signed Fish and Game, Park Service and I believe Tetlin National Wildlife Refuge.

CHAIRMAN CARPENTER: So basically does that management plan, I mean, does that have a significant priority over even our recommendation, I mean, even if we would recommend to the Federal Board that a small harvest take place and we've got this plan in place that's interagency wide agreement that this is what we got to have, I mean, is it just -- is this just a moot point?

MS. SCHWANKE: I think I'll let Sandy maybe address that.

MR. RABINOWITCH: Mr. Chairman. This is Sandy Rabinowitch with the Park Service.

Having been with this program for a long time and seen a lot of management plans be made, amended and changed and so on and so forth, I would tell you that the practice is that the Federal Board -- management plans are usually brought to the Federal Board sort of for a briefing and provide information. The Federal Board has never adopted a management plan into Federal regulations. They have a number of times over the years passed resolutions, sort of a nonbinding resolution supporting a plan, you know, acknowledging the work of all the people and so on and so forth. And then I would say that the Federal Board has tried to act in conformance with those plans as much as they can, but there's no requirement that they do that and it's probably fair to say that they haven't 100 percent of the time always acted in conformance. Have they mostly done so, yes, I think so.

CHAIRMAN CARPENTER: All right. That's a good explanation.

MS. PUTERA: Can I just add one thing, Mr. Chair. Just we'll be talking the Chisana Caribou Herd a little bit later, but that's another example of the -- a small declining herd that -- where proposals were introduced to open a harvest on that herd and both I believe the Board of Game -- maybe Alaska Board of Game and the Park Service agreed that there needed to be a management plan in place. I mean, when you're talking about such a small number of animals and possibly a very limited harvest, I think it would be a good idea to have a management plan in place. And we have one for the Mentasta Herd, you know, whether it's revisiting that plan or just leaving it as it is, I think.....

CHAIRMAN CARPENTER: Okay. Thanks.

MS. PUTERA: Yeah.

CHAIRMAN CARPENTER: Judy.

MS. CAMINER: And there are times, and Sandy can help me here, that the Board, in fact, has created some of these working groups to develop a plan so that the Board can follow that plan and I don't recall the history on this, whether that was Board created or not, but the Board has certainly in the past as you say followed and respected the InterAgency teamwork that's gone on.

MR. RABINOWITCH: In response, I don't recall exactly how this plan started although I did start in this program before the Mentasta Plan was settled. But I -- my recollection is that the three entities, State Fish and Game, Park Service and Tetlin Refuge had agreed, but I can't recall their reasons, that they needed a plan, they needed to put their heads together and see what they could come up with. And that plan was the result.

CHAIRMAN CARPENTER: Lee.

MR. ADLER: I'm looking at Table 1 on Page 106 and it starts with 1987. And I personally hunted the Mentasta Herd every year from 1979 through about '88 when it closed down. And it was some of my most memorable hunts. But I noticed that the population here in '87 was over 3,000 and now it's, you know, down -- in other words about a 90 percent reduction in the overall population. And I've always wondered why that herd crashed. At least either they crashed or they quit living in that area. They used to be very populated from the Chestalina north. Chestalina, Dadina and Nadina and so forth on up north and suddenly I do remember the Park Service had a collaring pro -- darting and a collaring program for about three or four years. And so I'm -- what my main question, got to beat around the bush, but why did that herd crash, does anybody know?

MS. PUTERA: Well, my understanding is that it started to decline at about the time a lot of caribou herds within the state declined due to a combination of probably weather, predation, you know, all those -- all those things that would come together

to cause that. Why this herd continued decline whereas others stopped or increased, I don't know. Predation is probably definitely a factor. Whether the herd was just not big enough to sustain that kind of a decline or, you know, and then recover, could be. I don't know. I don't know if anybody else has any insight on that.

MR. ADLER: It couldn't have been the collaring program or.....

(Laughter)

MS. PUTERA: I think the -- I don't think so.

MR. ADLER: Okay.

MS. PUTERA: No, it.....

CHAIRMAN CARPENTER: Gloria.

MS. STICKWAN: At one of our meetings they did say it was predation because of predation over in Unit 11. That was stated by Wrangell-St. Elias employee, he did come out and say that.

The other thing is when this group was formed they tried to be a part of this, but they weren't allowed to be part of the working group or have input into this back in the '90s or -- early '90s, I guess it was. So we tried, but we were refused.

CHAIRMAN CARPENTER: Mary Ann.

MS. MILLS: Do you feel that good science are finding it's driving the studies or, you know, the decisions that we're having to make or the management plan -- plans that are being made for this area because, you know, I'm not sure if I really understood the DNA between the Nelchina and the Mentasta Herd as well?

Thank you.

MS. PUTERA: I'm not sure I exactly understood what question you're asking. Sorry.

MS. MILLS: Well, I'm sorry. Is -- we're making, you know, very important decisions and I

want to make sure that the decisions we're making are based on science. And because I'm not sure I really understand what happened with the DNA studies between the Nelchina and the Mentasta because the local people here are saying that they're the same herd. And for us to make the decisions it would be wise for us to make them based on science.

Thank you.

MS. PUTERA: Okay. Sorry. Thank you for the clarification. I believe that telemetry and genetics study was conducted between about 1999 and 2003. And as Cole mentioned the results of that study indicated that it -- I guess it supports the current way that Alaska manages caribou herds based on -- or separates caribou herds based on their strong fidelity to their calving ranges. And it has been really consistent over time that the cows from these two separate herds do show a strong fidelity to their respective calving grounds which are located quite a distance apart. So over time that gives a lot of support to the management direction that herds have two separate calving grounds are considered distinct herds.

There is a little bit of -- what they found was that -- and one thing I do want to state, what they found was that the herds don't always necessarily mingle every year, it could be variable, but that sometimes they found that -- they had bull -- colored some bull Mentasta animals and found that a few of those bulls would go over to the Nelchina breeding grounds when they were separated and, I guess, presumably possibly bred with Nelchina animals. And then there's some evidence that Nelchina bulls may disperse to the Mentasta grounds although that -- I don't know, that might be based on genetics, it's not necessarily based on telemetry though. I don't think any Nelchina bulls have ever been collared, but I might be wrong. But.....

CHAIRMAN CARPENTER: Okay. Any other.....

MS. PUTERA: So there's a little bit of gene flow with the males, but the females do go to their separate calving grounds every year.

CHAIRMAN CARPENTER: Okay. Great. Any other questions?

(No comments)

CHAIRMAN CARPENTER: All right. Is there any other Federal or State comments?

(No comments)

CHAIRMAN CARPENTER: Tribal comments.

MR. JUSTIN: Thank you, Mr. Chairman. Wilson Justin, Cheesh'na Tribal Council. I guess I will start first with the short summary of two of the issues that are -- that haven't been spoken to before.

The first one would be the issue of the placement of Cheesh'na as a village in a community. I'm going to talk a little bit about the hunting ground that led us back into the discussion of Unit 11 caribou. Cheesh'na originally was located across the Copper River about a mile and a half or two above Boulder Creek, the modern day community of Cheesh'na or Chistochina only dates back to World War II. And the same thing can be said of several other communities. The primary hunting ground and the primary hunting localities of that Copper River decedents of which I belong to is east of the river. The villages of Slusloada, Benzanetes and Mentasta shared a common caribou/sheep hunting camp in a creek called Drop Creek, about six miles, I think, from the headwaters of Drop Creek. The Indian River, Chistochina or Cheesh'na, and some parts of the Gakona Village shared a common hunting and sheep camp over at the head of Boulder Creek. And a number of the lower Copper River villages shared a caribou/sheep hunting camp over in the headwaters of the Sanford River.

And the hunting season primarily was the end of July, usually into the mid -- the late August. It was common practice back then for the hunting camp people to lay up the food as they call it until the ground froze then the dog teams pick it up there and they would retrieve the food. Now Joe who died about eight years ago talked often about having to go up and retrieve the food for the villages to bring it down to where the winter camp was. So the summer camp was the sheep and the caribou season that occurred in those drainages shared by the villages.

That practice ended when the area was compromised or so it's -- I guess you can say in many

ways compromised or taken over by the prospectors and trappers who often moved the people out of their original hunting area with the backing of what we used to refer to as the Commissioner in Valdez. There was a large bootlegging operation in the Fox Lake area, attended by a number of -- who later became very respected citizens. That bootlegging operation employed market hunters and that bootlegging operation had a large part to do with how Cheesh'na -- the decedents of Cheesh'na was frozen out of that hunting area.

So given that the background, the importance of what we're trying to do here, should be not understated. It's not about just going out and shooting caribou, it's all about saying who we are, where we're from and why we were originally moved out of that area. That's point number 1.

Point number 2 that I want to make on the issue before I actually speak to the proposal is the fact that in many ways the distinction between species on a genetic basis is a scientific and important discussion. And I'm going to repeat a discussion I had with the National Park -- I wish I would remember his name, in 2001, when I first heard of the calving ground distinction. I said what if you were to live in Chitina and somebody came to you and said we have documentation that a salmon had a genetic affinity for its home region so we can identify salmon by whether or not they're from Klutina River, Slana River or Indian River, would that make a difference into whether or not you should catch that salmon. And that's precisely the question that you want to ask. You want to ask does the genetic difference between the principals who occupy a calving ground, is that sufficient to say no to the proposal where people want to reclaim their original hunting rights. And that's what we're -- that's the distinction I'm making here is that nobody in Chitina who is a tribal member is going to stop fishing because somebody can clearly show that that fish that come up the Copper River has a genetic affiliation for Indian River or AHTNA or Slana. And it's kind of a little bit of a surreal discussion to somebody like me who was born and raised in the area to listen to that. And I am a very good researcher, I can understand research and data. That's point number 2.

Now the proposal itself. We ask for the proposal to be forwarded and voted on positively

not because the issue of shooting caribou, it's because we had a lot of affinity for this particular herd over many, many generations. And we have always had the opportunity prior to statehood and prior to the National Park to try and get caribou out of this region. Myself personally the population issue is a serious issue, but I think it is really related to the type of food that this -- these caribou live on. I've noticed from the '60s all the way up -- and I was going to fly over there just before this meeting to try and determine the extent of the lichens that used to grow over there. I know that the lichens which this particular caribou, branch of caribou, feeds on has been disappearing decade by decade ever since the '60s when I first -- first started interacting with this caribou. So to me predation is significant, but it's food source. If the Mentasta/Nelchina co-mingled herd that we're talking about are directly dependent on one kind of subset of food or lichen in that area, it's a given they're going to be moving out sooner or later. And to me is's absolutely senseless to watch a herd move out or move on or abandon an area without having the opportunity to go back and take those caribou as a resource for food. So we have a very strong affinity for that particular caribou herd no matter what you call it. It's very important historically and it's very important on a familial and a clan basis.

The last point that I want to make on this particular proposal is the season doesn't matter too much in reality to us, but we do like the August season. It's the best tasting part of the year for caribou take. We like it and it's hunter friendly. August and September is a little easier to get around in terms of that particular caribou than it is in the colder weather.

So in summary I'll just say that this is a very important proposal to Cheesh'na and it's not a matter of going out and shooting a whole bunch of caribou, it's all about the right to reestablish ties to the caribou and participate in getting a caribou if it can be done.

Thank you.

CHAIRMAN CARPENTER: Questions.

(No comments)

CHAIRMAN CARPENTER: I got a couple of questions, Wilson. In the proposed regulation it says your language, one bull caribou per household by a Federal registration permit with a limit of 25. How did you come up -- was there a rationale why you came up with that number, 25 or.....

MR. JUSTIN: Well, we -- actually that was kind of a number I threw in to the mix because I wasn't sure about the bull count.

CHAIRMAN CARPENTER: Uh-huh.

MR. JUSTIN: I don't trust the number 350 because I've always maintained that caribou in particular are easy to double count. So I just halved 350 and I said a certain percentage of 175 would be sufficient which is about eight or 10 percent.

CHAIRMAN CARPENTER: Okay.

MR. JUSTIN: It's kind of -- it's kind of just a rolling number, it just floats.

CHAIRMAN CARPENTER: All right. The other question I had, excuse me, Gloria, was in regards to the management plan that we spoke about earlier and the number 80 in regards to calves, what do you think about that, what do you think about that number. Now currently they say the number's approximately, you know, 47 or 50 which is below that management plan objective. What do you think?

MR. JUSTIN: Well, I should preface a response by saying that I packed a lot of caribou out of that area, but in 1967 to 1972 I contracted with airplane operators to pack caribou in that area. So I flew a lot of that area very low from Sanford River north all the way over to where I used to live on the Nabesna Road. And I want to state that in 1973 or '72 the number of caribou that was in that area was vanishingly small, very hard to find. And then we noticed at the same time in our own guiding operation the dwindling numbers around the upper end of that range over in where we -- where we guided. There was none in the area in the late '70s and the '80s. And then that's when I first began to notice this herd as a distinct population because they were -- they were there year round and I just always assumed they were year round. So the numbers that we're talking about

can go from a very small population to a very big population number.

That number 80 is a snapshot to me and it doesn't work in terms of management plan. In order to having a functioning management plan for this particular caribou you have to establish two criteria. The first criteria is the direct relation to the food source that they're involved with on the flanks of the Wrangell Mountain over there. The second criteria is really the issue that predation has impacted the survival rate. So 80 is just like my number of 25, you pull it out of the air because you have to have a number. And you can't really use 80 as a anchor for a decision in my estimation in these types of proceedings.

CHAIRMAN CARPENTER: Thanks. Did you have something, Gloria?

MS. STICKWAN: According to what I heard earlier they said the females have the -- they -- they're -- they stay in Unit 11 basically I guess that's what I heard and understand. And then I heard you say before that the Woodland Caribou are a distinct herd and they stay in a certain area. So how do you differentiate between a Woodland Caribou that stays in the area and you said it was distinct caribou and it stays in the highlands, it's called a certain caribou, but how do you distinguish that from the Mentasta even though it stays in its Unit 11, how do you do -- could you -- I don't know if you understand what I'm saying, it's like.....

MR. JUSTIN: Yes.

MS. STICKWAN: .....you're saying that the caribou -- highland caribous is a distinct herd, but Mentasta isn't, it stays in Unit 11 though.

MR. JUSTIN: There's three ways. The first is color. The large caribou, the big one that we call the Medicine People Caribou which you refer to as Chisana Herd, has a very distinctive color and their horns are completely different from the Nelchina. The Nelchina Herd has a much smaller kind of horns and you can always tell the Mentasta or a Chisana Herd Caribou just be looking at its horns and you can tell by the color. And the third is size, there's just no comparison between what you find as a normal, regular

caribou and these mountain bulls. I can pack out the whole regular caribou on one horse, you couldn't do that with the big bulls. So it's pretty easy, it's like telling the difference between a pickup truck and a compact car, you just don't miss it. But I haven't seen anything in the way of the big bulls and I think the last one I actually saw was 1988 over there by Platinum Creek, it's been that long.

But as far as the discussion on the Mentasta/Nelchina, for the purpose of taking them we don't differentiate. For the purpose of access and being a part of our ancestral hunting territories we don't differentiate. I do know that the calving ground had a very distinctive place or location. The -- there's only real calving ground that were used by this subherd, one that was over towards Tanada Lake, they were in there year round. We'd see them in all times of the year and we'd see the cows in the springtime. The other one is over there between Boulder Creek and Sanford River and then there's a third one that I'm not really familiar with down towards the Dadina or somewhere in that area. But those are where these caribou like to calve. And that was well -- nothing -- there's no secret about it, it shouldn't be a big revelation to anybody about these locations and locales. But the area around Tanada where it's only five miles from where I was -- where I lived, I'm very familiar with. Or seven miles actually I should say.

CHAIRMAN CARPENTER: Any other questions.

(No comments)

CHAIRMAN CARPENTER: Thank you, Wilson.

MR. JUSTIN: Thank you.

CHAIRMAN CARPENTER: Is there any other tribal comments at this time?

(No comments)

CHAIRMAN CARPENTER: Any tribal consultation comments?

MR. BERG: Thank you, Mr. Chair. Actually this was a comment from one of the ANCSA

corporation teleconferences. And we heard from Gloria on behalf of the AHTNA Corporation and, please, correct me if I didn't get -- capture this correctly, Gloria, but they were basically opposed to Proposal 23 and neutral on 24. And just wanted to clarify that both of these proposals would impact the harvest of the Mentasta Caribou Herd.

And that's all I had unless Gloria had anything she wanted to add.

MS. STICKWAN: I think -- I don't know if I said it or if I made it clear, but I said that we wanted to hear the population and listen to the conservation of the Mentasta Herd and that should be taken into consideration.

CHAIRMAN CARPENTER: Anything else?

(No comments)

CHAIRMAN CARPENTER: Any questions for Jerry?

MS. STICKWAN: I don't.

CHAIRMAN CARPENTER: Gloria.

MS. STICKWAN: No. Well, I don't know if this is the right time to say this.

CHAIRMAN CARPENTER: Well.....

MS. STICKWAN: I just want to say.....

CHAIRMAN CARPENTER: .....go ahead.

MS. STICKWAN: .....I just wanted to say the SRC has a meeting this week, Thursday and Friday, and so we have not been able to address any proposals so I can't make any comments on SRC.

CHAIRMAN CARPENTER: Okay. Thanks. Any InterAgency Staff.

(No comments)

MS. STICKWAN: But I know that they propose -- the opposed it in the past.

CHAIRMAN CARPENTER: Okay. Any SRC comments. I guess Gloria stated they were going to meet here relatively soon, but in the past they have opposed this idea; is that correct?

MS. STICKWAN: That's my recollection.

CHAIRMAN CARPENTER: Okay. Any Fish and Game Advisory Committee comments.

(No comments)

CHAIRMAN CARPENTER: Summary of written public testimony.

MS. MUSHOVIC: Thank you, Mr. Chair. The AHTNA Tene Nene' Customary and Traditional Use Committee opposes Wildlife Proposal 12-23 based on concerns over mixing of the Nelchina and Mentasta Herds, the low population of the Mentasta Herd, uncertainty of the timeline for conveyance of lands in Unit 13C that will take these lands out of Federal management and that the proposed hunt area description is confusing as written in the proposal.

They were neutral on Wildlife Proposal 12-24 and recommended that the Mentasta Herd Management Plan be reviewed to determine whether the herd can sustain a hunt season.

CHAIRMAN CARPENTER: Thank you. Is there any public testimony?

(No comments)

CHAIRMAN CARPENTER: Seeing none, I guess we will go on to Regional Council deliberations. A motion -- now we have two proposals here, we got the analysis -- they were lumped together, do we need to take them up separately or do we just need to pick one?

UNIDENTIFIED VOICE: Do it together.

CHAIRMAN CARPENTER: We can do it together even though the seasons are different?

MS. BROWN: Right. Yes. Thank you, Mr. Chair. That OSM analyzed this proposal -- these proposals together because of the commonalities that would address both of those. So the reasons for both

of those -- opposing both proposals were the same.

CHAIRMAN CARPENTER: Well, I understand that. But from an approval point of view they're completely different.

MS. H. ARMSTRONG: That's correct, we -- you can deliberate on them together, but you -- we need to have the motions be separate just in case somewhere down the road, you know, the Board wants to do one -- one or the other, it just makes a cleaner.....

CHAIRMAN CARPENTER: So we need to do both of them?

MS. H. ARMSTRONG: Yes.

CHAIRMAN CARPENTER: Okay.

MS. H. ARMSTRONG: If you don't mind.

CHAIRMAN CARPENTER: Very good.

MS. H. ARMSTRONG: Thank you.

CHAIRMAN CARPENTER: So we need to vote on these two proposals independent of each other. So a motion would be in order for WP12-23.

MS. STICKWAN: I make a motion to.....

CHAIRMAN CARPENTER: Motion to approve by Ms. Stickwan. Is there a second.

MS. MILLS: Second.

CHAIRMAN CARPENTER: Seconded by Ms. Mills. So we've heard the analysis and.....

MS. STICKWAN: Is that Page 102, the.....

CHAIRMAN CARPENTER: Yeah, the proposals are on Page 101 and 102. And just for clarification let me read the two proposals so that everybody's familiar. The one that's on the table now requests a season be established for caribou in Unit 11 within the Wrangell-St. Elias National Park and Preserve from October 21st through March 31st by

registration permit. That's the one that's on the table at this time.

The next proposal would be similar, but it's would -- but it's for one bull and it's from August 1st to September 30.

MS. STICKWAN: I think this is a map that goes along with the proposal, I think.

MS. BROWN: Excuse me, Mr. Chair.

CHAIRMAN CARPENTER: Yes.

MS. BROWN: Yes. So on Page 100, that might be something better to utilize. It breaks it out because that proponent is also talking about that portion within Wrangell-St. Elias and also they wanted one bull caribou per household with 25 permits issued. And so if you follow that it kind of outlines it a little bit better.

Thank you.

CHAIRMAN CARPENTER: Right. Okay. Thanks. So is there any discussion on this?

MS. STICKWAN: So we're on 23?

CHAIRMAN CARPENTER: We're on 23 right now and I believe that's the one that AHTNA opposed. Am I correct, did you have any comments, Gloria?

MS. STICKWAN: I think there's a map in here that shows where and I'm -- I guess I'm a little bit confused where this -- where she's proposing.

MS. BROWN: I can clarify that for you. It is on your Council books on Page 103. And the dotted area is the boundary of it and the slashed area would be the interior of the hunt area that they're describing.

MS. STICKWAN: So it's basically right and left?

MS. BROWN: Yeah.

CHAIRMAN CARPENTER: Judy.

MS. CAMINER: Mr. Chair. I guess I would oppose creating a new area. I think it's going to be -- it would be very geographically challenging and it certainly affects the other hunting areas. And then we did have the discussion about inadvertently affecting the overall population. So I would not be in favor of this proposal.

CHAIRMAN CARPENTER: Thank you. Gloria.

MS. STICKWAN: I heard from Cheesh'na and from this -- from a biological standpoint and I'm kind of torn in between the two of how to vote. I am opposed to creating a new area, we have so many areas in this proposal already that are confusing, to add another area even though I know in the SRC meeting there was a concern about hunting for moose in this area brought out, I believe, if I'm right, there was a confusion -- there was -- they were concerned about over hunting from people coming from the outside to hunt in this area for moose. I think it causes a dangerous situation for the people that live up in that area along the highway. I think that's what they said. And now they're asking for a area to hunt for caribou and it seems like they're saying two different things from -- I mean, unless I didn't understand what they said at the meeting, that's what.....

MS. CELLARIUS: Thank you, Mr. Chair. Barbara Cellarius from Wrangell-St. Elias National Park.

The Wrangell-St. Elias submitted a proposal that concerns -- it's actually a proposal to the Board of Game, but it's for Unit 12 at the end of the Nabesna Road, it doesn't concern Unit 11. And this is a proposal for Unit 11 that you're looking at right now.

MS. STICKWAN: Yeah, but didn't they say there was over hunting in the area and they were concerned about it for moose and now they're proposing a hunt area for caribou in the same area. It seems like they're saying two different things.

MS. CELLARIUS: The.....

MS. STICKWAN: Isn't that what they said at the meeting, the SRC was -- they were concerned

about over hunting in that area?

MS. CELLARIUS: There is an any bull State season at -- in Unit 12 at the end of the Nabesna Road which is a road accessible area. And having a liberal -- they were concerned that there's a liberal harvest season and that it brings additional hunters into the area. And they've submitted a proposal to the Board of Game to change that season.

MS. STICKWAN: I'm just trying to make the point that they're saying that there's over hunting and now they're trying to create an area in the same spot where they're saying there's over hunting.

CHAIRMAN CARPENTER: Uh-huh.

MS. STICKWAN: It's like they're saying two different things there to me.

CHAIRMAN CARPENTER: Right.

MS. STICKWAN: And I -- that's all.

CHAIRMAN CARPENTER: I think you're right.

MS. STICKWAN: And I'm opposed to creating a new area, I think that would be confusing. And like I said I'm concerned about what Mentasta said, but at the same time I heard the conversation -- the report on the cows to bulls and there's like 335 population and that the calving rate is below the management objective. I believe in genetic studies, I believe they are a true -- genetics is true, true study. And even based on the calving or the stay, I believe that is true. That, you know, I do -- I would like to see that if there is a -- the caribou is brought up to a point where it can be -- there can be an open hunt for this, I would like to see a section 810 done and for a working group to be formed to allow a hunt in this moose -- I mean, this caribou, but until then I think there's conservation concern. The SRC has said they opposed it, the Southcentral in the past RAC have opposed it based on the population. There's a high rate of predation on this Mentasta Herd in the area to allow a hunt as well as predation, it'll reduce -- it'll severely have an impact on the herd over there. And to me it doesn't matter whether it's

Mentasta or Nelchina, it's just that they hunt -- there's a caribou in a certain area, there's a population low on it, what it's called doesn't matter to me. What matters to me is that population is low and that's what we need to take into consideration. So I'd be opposed to this based on conservation concerns.

CHAIRMAN CARPENTER: Thank you, Gloria.

Judy.

MS. CAMINER: I think, Gloria, you actually -- you brought up a procedural aspect that we hadn't talked about. If we were to say we supported a new hunting area wouldn't we have to do a C&T to determine eligibility before we could do any seasons. So I think is all a little maybe premature and I don't think it's warranted to create a new area. And perhaps maybe for our next meeting we could ask for a formal report on the Mentasta plan and how things are going and just keep up updated on that.

Thank you.

CHAIRMAN CARPENTER: Anybody else. Greg.

MR. ENCELEWSKI: Yeah, I guess I should throw a couple thoughts that I have out there. I just -- you know, I'm concerned about the conservation also, but I certainly support Wilson's testimony on the herd and the likings of one and the right to be able to harvest that and follow that and that - I think that's an important issue. Also the issue of the expense and the cash and the burden and so on and so forth. So I would like to see it refined a little bit and clarified so we could do something with it. I would also mention, you know, if they're hunting a caribou in one area, if they're not taking it there and they're taking it somewhere else, they could only take so much so are you really having much over hunting, I -- or more hunting. I just throw that out.

CHAIRMAN CARPENTER: Thank you. Okay. If there's no further comment we are voting on WP12-23. And after we take action on this we will vote on WP12-24. So if there's no further comment, the question's in order on the proposal that's before us.

MR. HENRICHS: Question.

CHAIRMAN CARPENTER: The question's been called by Mr. Henrichs on WP12-23. All those in favor signify by saying aye.

(No votes in favor)

CHAIRMAN CARPENTER: All those opposed.

IN UNISON: Aye.

CHAIRMAN CARPENTER: Motion fails. So the next proposal which is WP12-24 which we've already heard the analysis on and all the same staff reports and testimony. A motion to put this on the table is in order.

MR. HENRICHS: I'll make the motion.

CHAIRMAN CARPENTER: It's been moved to put WP12-24. Is there a second.

MS. STICKWAN: Can I amend -- I don't know, I just wanted to add, you know, if there is -- I would like to see a working group if there is -- the hunt's ever opened and the population is.....

CHAIRMAN CARPENTER: Do you want to second this and then we can talk about it?

MS. STICKWAN: Okay. I second.

CHAIRMAN CARPENTER: Okay. So now the discussion's open so go ahead and.....

MS. STICKWAN: It's just like I said earlier that if there's enough caribou in the future in this area in Unit 11, that there's a working group formed and that they do an 810 analysis to determine who gets these permits.

CHAIRMAN CARPENTER: Okay. Anybody else.

MS. STICKWAN: And I think the Nelchina will have an impact on the Mentasta.

CHAIRMAN CARPENTER: Lee.

MR. ADLER: When we were discussing this earlier I was under the impression that this hunt

was for all of Unit 11. I see on this map here it's a very small area near Slana next to the road. And verification or clarification, is the hunt strictly in that crosshatched area there?

CHAIRMAN CARPENTER: Cole.

MS. BROWN: Through the Chair, member Adler. The -- for Proposal WP12-23 yes, the hunt was in that dashed area. For WP -- which you already voted on. WP12-24 is for Unit 11.....

MR. ADLER: That same.....

MS. BROWN: .....total.

MR. ADLER: .....small area?

MS. BROWN: No, the entire unit.

MR. ADLER: The entire unit?

MS. BROWN: Correct.

MR. ADLER: Makes a lot of difference. Okay.

MS. BROWN: Thank you.

MR. ADLER: Thank you.

CHAIRMAN CARPENTER: Anybody?

(No comments)

CHAIRMAN CARPENTER: Got to make one comment. I think this -- I think this problem's a little bit more complex than maybe a lot of people think it is. I think -- I think Wilson's testimony is very valid and should be taken in great regard. I think -- I agree with you, Wilson, that the management plan number, I haven't necessarily had anybody that was involved with that management plan who came up with that number who could really justify how they came up with it and I think that's important.

I don't really think that we have absolute information in regard to, you know, how do we adjust a management plan or how do we follow a management plan if we really don't have very accurate

information about bull to cow ratios, calf survival, intermingling with breeds, collared programs, I mean, it seems quite amazing that we've gotten to this point, to a population that's basically dropped 90 percent in, you know, the last decade or more.

So, you know, the other thing to consider is the food source and predation, you know, like anybody if you don't have anything to eat and somebody's chasing you down the street you're not going to live there very long, you're going to move around. And I think that there has to be some sort of intermingling between these caribou herds. You know, I'm not a real expert in this area and I don't know if the area where the Mentasta Caribou Herd is a more -- an area that's prone more to predation than where the Nelchina Caribou Herd is, I don't know if that's a factor, but I do think that it's very possible that predation management plans in the two areas could have a very big impact on the survival of calves and things of that sort.

So you have to consider the body in charge of doing these predator control programs versus basically letting things happen as they will. So you have to take that -- unfortunately without good information it's kind of hard to just say yeah, let's open a hunt up. I mean, that's kind of the problem I got. I really think it would be important that these people that live in this area have some sort of opportunity to harvest these animals that they once did, but it's really hard to make that decision with real poor information. And to the people that proposed this I apologize for that because I have to use my best judgment and without good information I just can't see opening it at this time. I would hope that maybe in the future we would get some better information that would provide us with better numbers so that we might be able to have some sort of small opportunity for the people of this region.

So for that and -- I'm going to have to vote no on it.

Anybody else.

MR. ADLER: Mr. Chair.

CHAIRMAN CARPENTER: Lee.

MR. ADLER: Well, Unit 11 is really a quite huge area and the issuing of 25 permits, I don't think is going to have a significant impact negatively to the caribou. That -- and that's my opinion as a former biologist and a 42 year resident. It would reestablish the ability of the Cheesh'na people and other people to at least go out and try. And I don't think food supply is a problem, I really don't. I studied the caribou food -- eating habits and in the spring and summer they will eat anything and everything especially in the spring. And in the winter they switch over to sedge and lichens and stuff like that. You've got a huge area there and for 350 caribou are -- I don't think they're going to negatively -- there's none of them going to go hungry. So I think we should have that, that's my opinion.

CHAIRMAN CARPENTER: Cole, did you have something?

MS. BROWN: Yeah, through the Chair. Sorry, just to clarify to member Adler. This proposal does not stipulate 25 permits, it's open. So the previous proposal stipulated 25 permits, this one is for all of Unit 11 and does not stipulate any amount of permits.

Thank you.

MR. ADLER: Thank you, Cole. I thought it said 25 permits. Okay. It doesn't, but the other one -- okay. So that hasn't been decided yet. It seems like there should be some figures thrown out there. It's -- so it would be up to -- who would it be up to then to decide if we approve it?

CHAIRMAN CARPENTER: I suppose it would probably be up to the Federal Board if they were to open a season then they would have to get with.....

MR. ADLER: Yeah.

CHAIRMAN CARPENTER: .....the Park Service and.....

MR. ADLER: Yeah.

CHAIRMAN CARPENTER: .....the State and try and come up with some reasonable idea for a harvest level kind of like they did for brown bears in the

Kenai where the Refuge manager has the ability to open and close the season.

MR. ADLER: Well, that -- that -- excuse me, they're professionals and they should be able to come up with a reasonable number.

MS. BROWN: Mr. Chair.

CHAIRMAN CARPENTER: Cole.

MS. BROWN: Thank you, Mr. Chair. To clarify again it doesn't stipulate permits, but it does say quotas and any needed closures to be determined by the in-season manager after consultation. So it could be addressed that way as well.

Thank you.

CHAIRMAN CARPENTER: Wilson.

MR. JUSTIN: Thank you, Mr. Chairman. I should just mention real quickly that I'm very good friends with Vicki Penwell who put in the original proposal or put the original proposal together. And a discussion on the number kind of wandered all over the map. And we just agreed there had to be some kind of a number on one of the proposals. On Cheesh'na's proposals we just assumed that the process itself would lead to some kind of working group or some kind of a review where numbers would be discussed. So that's a difference between the two proposals. We felt one of them should have a number and one should be kind of like a discussion one.

CHAIRMAN CARPENTER: Thank you.

MR. JUSTIN: Thank you.

CHAIRMAN CARPENTER: Anybody else have any comments? Judy, nobody.

(No comments)

CHAIRMAN CARPENTER: If there's nothing further WP12-24 of the -- we do have this on the table already. The question would be in order.

Excuse me, KJ.

MS. MUSHOVIC: Mr. Chair, I'm just not sure myself whether the proposal was modified to include the working group so it's.....

CHAIRMAN CARPENTER: Oh, we can -- yeah. Did you want to do that?

MS. STICKWAN: I just said if it's ever opened and it's -- the population in that area can sustain a hunt then a working group should be done and a section 810 analysis should be done. It doesn't have to be part of the proposal, but I'd like it to be a part of the record that in future this -- if it's done then that should take place.

MS. MUSHOVIC: Thank you for the clarification.

CHAIRMAN CARPENTER: Sandy.

MR. RABINOWITCH: Sandy Rabinowitch with the Park Service.

Gloria, if I could ask a question and my goal's just to clarify. I heard you said ANILCA 810, my question is do you mean ANILCA 804. And I can explain what I think the difference.....

MS. STICKWAN: Yeah, that's what I'm referring to.

MR. RABINOWITCH: .....is, but.....

MS. STICKWAN: That's what I'm referring to. Sorry.

MR. RABINOWITCH: Okay. No, it just -- it's just clarity in the record that whatever gets voted on and we all have the same understanding.

Thank you.

CHAIRMAN CARPENTER: Thank you. Okay. If nothing further the question's in order on WP12-24.

MS. CAMINER: Question.

CHAIRMAN CARPENTER: The question's been called. All those in favor of WP12-24 signify aye.

IN UNISON: Aye.

CHAIRMAN CARPENTER: Opposed.

IN UNISON: Aye.

CHAIRMAN CARPENTER: Can we do a roll call vote, please.

MS. MUSHOVIC: Mary Ann Mills.

MS. MILLS: Yes.

MS. MUSHOVIC: Judith Caminer.

MS. CAMINER: No.

MS. MUSHOVIC: Tom Carpenter.

CHAIRMAN CARPENTER: No.

MS. MUSHOVIC: Gloria Stickwan.

MS. STICKWAN: No.

MS. MUSHOVIC: Robert Henrichs.

MR. HENRICHS: Yes.

MS. MUSHOVIC: Greg Encelewski.

MR. ENCELEWSKI: Yes.

MS. MUSHOVIC: Lee Adler.

MR. ADLER: Yes.

CHAIRMAN CARPENTER: Motion carries.

MS. MUSHOVIC: Yes, motion carries.

MR. ADLER: Good.

CHAIRMAN CARPENTER: Okay. It's about five to 1:00, let's take -- we'll break for lunch. How about we come back -- is 2:00 o'clock early -- is that long enough? 2:00 o'clock, we'll start at 2:00 o'clock.

(Off record)

(On record)

CHAIRMAN CARPENTER: Okay. It's 2:15. We will come back from our break. And on the docket is WP12-25.

Cole.

MS. BROWN: Thank you, Mr. Chair, members of the Council.

WP12-25 begins on Page 114 of your Council books. It was submitted by the AHTNA Tene Nene' Customary and Traditional Use Committee and requests the Unit 13 caribou fall harvest season be extended an additional nine days from August 10th through September 30th to August 1st through September 30th.

The proponent states that there will be no impact on the Nelchina Caribou Herd population since the State and Federal administered hunts can be closed if the annual harvest quota is reached.

Since 1998 a Federal registration hunt has been open to residents of Unit 12, Dot Lake, Healey Lake and Mentasta between November and April when the Nelchina migrate through the Tetlin National Wildlife Refuge. Emergency orders are issued for the State harvest season when harvest reaches near quota.

For the 2009/2010 State Nelchina Caribou Tier II subsistence hunt it was eliminated. Two hunts were added, a Tier I hunt and a community harvest hunt. All other Alaskan hunters could obtain a permit and participate in a Tier I resident only hunt. A Federally-qualified subsistence user could opt into the community harvest system or use a State registration permit to harvest one caribou and then get a Federal permit to harvest another caribou since the Federal harvest limit is two caribou.

In July, 2010 the Alaska Superior Court found the elimination of the Tier II hunt was arbitrary and unreasonable. In response the Board of Game met in an emergency meeting in 2010 and opened a Tier II hunt from October 21st to March 31st.

The annual harvest surplus of Nelchina is dependent on survival of calves. From 2008 to 2011

recruitment measures show an annual average of 44 calves to 100 cows which is above the management goal of 40 calves to 100 cows. During the most recent fall survey in 2010 there were 65 calves to 100 cows which equates to nearly 15,000 calves or 33 percent of the total herd and 42 bulls to 100 cows were observed. From 2008 to 2010 the average bull cow ratio increased to 38 bulls to 100 cows.

Hunters harvest primarily bulls in Tier II, drawing and subsistence registration hunts despite the hunt being open for either sex.

In June, 2009 approximately 33,146 caribou, in July.....

MS. MUSHOVIC: Hello, can you -- can you tell us who's calling?

MR. McDONOUGH: Hello, this is Thomas McDonough with Fish and Game.

MS. MUSHOVIC: Okay. Thank you.

MS. BROWN: In July, 2010 there was an increase to almost 45,000 caribou. The preliminary summer population for 2011 is 40,915.

Between 2004 and 2009 the State hunts were the primary source for harvest of the Nelchina Caribou Herd and accounted for 75 percent of the overall harvest. Federal registration hunt has remained relatively consistent with an average annual harvest of 420 caribou. In 2009 the joint harvest quota was 1,000 caribou. The community hunt harvested 125 caribou and the total harvest from State and Federal hunts was 810 caribou.

Federally-qualified subsistence users currently have an additional 10 day season at the end of September and the harvest within the first week of August is minimal compared with the State harvest during the same period. The harvest chronology shows that most of the State harvest does occur between August and September. Weather would presumably have little affect of wanton waste of harvesting the meat from the animal since the average low and temperatures from 2008 to 2010 are similar between the first week and second week of August.

At the Board of Game meeting in March, 2011 Proposal 50 addressed revisions to the State caribou season in Unit 13. State caribou hunting in Unit 13 will occur under a Tier I hunt, a community harvest hunt and drawing hunts.

If this proposal were adopted it would add an additional nine days to the beginning of the Federal harvest season giving Federally-qualified subsistence users an additional nine days prior to the opening of the State hunt and would provide additional opportunity for Federal users.

Currently conservation concerns seem minimal considering the high calf/cow and bull/cow ratios. And in 2010 more State permits were awarded for several hunts due to the high productivity of the herd. The majority of the Nelchina Caribou harvest comes from State administered hunts which are closed by emergency order when the annual harvest quota is reached. If necessary the Federal hunt can also be closed to avoid exceeding the annual quota.

Therefore the OSM preliminary conclusion is to support Proposal WP12-25.

Thank you.

CHAIRMAN CARPENTER: Thank you. Any questions.

(No comments)

CHAIRMAN CARPENTER: Seeing none, thank you. Alaska Department of Fish and Game.

MS. YUHAS: Thank you, Mr. Chairman. Jennifer Yuhas, Alaska Department of Fish and Game.

We oppose this proposal for the conservation reasons previously stated regarded calf recruitment. We don't believe that the additional nine days on the 210 days that are already open is sustainable that early in the season for calf recruitment.

No official written comments inserted/provided by State at this time

CHAIRMAN CARPENTER: Thank you. Any questions for the Department.

(No comments)

CHAIRMAN CARPENTER: Thank you. Other Federal or State agencies.

(No comments)

CHAIRMAN CARPENTER: Any tribal comments.

(No comments)

CHAIRMAN CARPENTER: Tribal consultation comments.

(No comments)

CHAIRMAN CARPENTER: InterAgency staff.

(No comments)

CHAIRMAN CARPENTER: SRC.

(No comments)

CHAIRMAN CARPENTER: Fish and Game Advisory Committee.

(No comments)

CHAIRMAN CARPENTER: Written public comments.

MS. MUSHOVIC: Yes. Thank you, Mr. Chair.

The AHTNA Tene Nene' Customary and Traditional Use Committee supports 12-25 to have a nine day longer hunting season to give more opportunity to Federally-qualified subsistence users to hunt and harvest caribou. The population of the Nelchina Herd is above the ADF&G management objective and can sustain this longer hunting season.

CHAIRMAN CARPENTER: Thank you. Is there any public testimony?

(No comments)

CHAIRMAN CARPENTER: Wilson, you -- I saw you just come in the door. Did you want to comment on the revised season dates for caribou in Unit 13, did you have anything to say about that?

MR. JUSTIN: Yes, just a quick comment.

CHAIRMAN CARPENTER: Okay.

MR. JUSTIN: Thank you, Mr. Chairman. Wilson Justin, Cheesh'na Tribal Council.

Basically we support the proposal. There's been a longstanding issue in the region about the fact that the caribou -- or seasons don't align like they used to and the longer seasons are always more beneficial to particularly the subsistence users who are close to the area, but not in the area. So we support the proposal.

CHAIRMAN CARPENTER: Thank you. Any questions.

(No comments)

CHAIRMAN CARPENTER: Thank you, Wilson. And, Gloria, do you want to speak?

MS. STICKWAN: Can I speak hear or.....

CHAIRMAN CARPENTER: Yeah, you might want to go out there if you're going to speak for AHTNA or yourself, I guess.

MS. STICKWAN: I just want to say I support this proposal as an individual, it will give the subsistence users -- Federally-qualified subsistence users a longer time to harvest caribou because there is an impact during the hunting season in that area, there's a lot of outsiders that come in and there's just a small area for Federal land to hunt in and to give us a longer hunting season for caribou would be beneficial to us.

CHAIRMAN CARPENTER: Okay. Thank you. Any questions for Gloria.

(No comments)

CHAIRMAN CARPENTER: All right. Thanks, Gloria. Is there any other public testimony?

(No comments)

CHAIRMAN CARPENTER: If there is none then a motion would be in order for WP12-25.

MS. STICKWAN: I make a motion to adopt it.

CHAIRMAN CARPENTER: It's been moved by Ms. Stickwan. Is there a second.

MR. HENRICHS: Second.

CHAIRMAN CARPENTER: Second by Mr. Henrichs. Is there any discussion.

Lee.

MR. ADLER: The period from the 1st of August until the 10th is the most -- when most of the blueberry picking is done in the -- along the Denali Highway and also between Sourdough and Paxton. It's kind of nice not to have caribou hunters blazing away. And, you know, I have a problem with -- I don't think they really need more time so I think we should -- and there's still a lot of summer people out and fishermen, but mainly the berry pickers. That's when you pick berries and I know my wife won't want to go berry picking if the caribou season opens 1st of August. So that's what I had to say.

CHAIRMAN CARPENTER: Judy.

MS. CAMINER: Mr. Chair. Well, maybe I guess I saw it a little bit the opposite, that it's kind of spreading out the crowd might help a little bit. And since the limits will be the same I don't have a problem with extra season and I think it will be beneficial for subsistence users to have that time and especially as mentioned that weatherwise it shouldn't jeopardize keeping the meat.

Thank you.

CHAIRMAN CARPENTER: Greg.

MR. ENCELEWSKI: Yeah, I guess I'll

just make a couple comments. I tell you I believe I'll support this, I think the extra time is important for the subsistence user and we're here to provide opportunity and if there's not a conservation concern -- I listened to the State with great interest on this, you know, additional hunting time during their survival or recruitment of the calves and that would be a little concern, but I think that the hunters could differentiate that and I don't think it'll be too big of a problem, I'm hoping. But I would support it because I think it allows extra time and it's not a conservation.

CHAIRMAN CARPENTER: Any further. Gloria.

MS. STICKWAN: At the Board of Game they said there was 45,000 caribou so I don't see why there can't be a hunt -- a longer hunting season for us.

CHAIRMAN CARPENTER: Anything further.

(No comments)

CHAIRMAN CARPENTER: If there's no further discussion the question's in order.

MS. MILLS: Question.

CHAIRMAN CARPENTER: The question's been called by Ms. Mills. All those in favor of WP12-25 signify by saying aye.

IN UNISON: Aye.

CHAIRMAN CARPENTER: Opposed.

MR. ADLER: Opposed.

CHAIRMAN CARPENTER: One in opposition. Motion -- proposal carries. The next proposal is WP12-26.

MS. BROWN: Thank you, Mr. Chair. WP12-26 begins on Page 128 of your Council books. It was submitted by the Kenai National Wildlife Refuge in conjunction with the Chugach National Forest and requests the closure of hunting and trapping seasons for red fox in Units 7 and 15.

The proponents request that the Federal harvest season be closed since red fox are uncommon to rare on the Kenai Peninsula and suitable habitat is limited to the central portions of Unit 15. The proponents state there has been only one unconfirmed report of a red fox being trapped in recent years. Additionally unconfirmed sightings of red fox have been received sporadically from the public over the last three decades. The proponents believe low population levels may be due competition and predation by coyotes and other predators. They state the low fox population on the Kenai Peninsula has led a conservation concern that says there is no harvestable surplus and any continued harvest may be -- may lead to local extirpation of the species.

The current Federal regulations for hunting and trapping red fox in Unit 7 and 15 have been the same since 1998. There is no hunting season for red fox under State regulations in Unit 7 and 15 although there is a trapping season for red fox under State regulations in Unit 7 and 15. Due to conservation concerns for the species the Kenai National Wildlife Refuge has closed red fox trapping on the Refuge through the special conditions of the Kenai National Wildlife Refuge annual trapping permit. The Kenai National Wildlife Refuge has designated the red fox as a species of special interest, a potential candidate for local extirpation and a candidate for restoration efforts.

Prior to 1980 the distribution and density of red fox on the Kenai Peninsula was limited and likely decreased due to competition and predation from increased numbers of coyotes and wolves. In Unit 15C within the Caribou Hills a small remnant population of red fox exist with an occasional observation reported from other areas of the Kenai Peninsula. No confirmed harvest has been reported in the last 25 years. There have been unconfirmed sightings since 2002 near Kasilof in the Caribou Hills.

Canines are typically taken in either blind sets or with a scent post foothold set. Due to a canine's behavior of using scent to mark and identify territory and travel corridors, incidental take of other species of canines is possible in sets made for other species of canine. Coyotes and wolves are present on the Kenai Peninsula and both have no limit

for trapping from November 10th through March 31st. From 2008 to 2009 44 coyotes were trapped and 12 wolves were in Unit 7 and 15.

The only current harvest related data for red fox are fur acquisition and fur export reports and there is no specific data that exists for the Kenai Peninsula.

If this proposal is adopted the Federal subsistence hunting and trapping seasons for red fox in Unit 7 and 15 would be eliminated. Incidental take of red fox would be forfeited to ADF&G. Closing the seasons would have little affect on subsistence users since red fox already occur at such low densities. Red fox are a species of interest for restoration and closing the Federal season may prevent local extirpation of the species and allow the population to increase.

Trappers within Southcentral Alaska have stated that red fox is the least important furbearer to trap and closing the -- in the Kenai -- in the Southcentral area not specifically just the Kenai and closing the Federal season will have little affect.

Harvesting by humans can be a significant source of mortality for red fox and closing the Federal season as shown in ANILCA Section 816, Subpart (b), may prevent local extirpation.

Therefore the OSM preliminary conclusion is to support Proposal WP12-26.

Thank you.

CHAIRMAN CARPENTER: Thank you. Any questions.

(No comments)

CHAIRMAN CARPENTER: Department of Fish and Game.

MS. YUHAS: Thank you, Mr. Chairman. Jennifer Yuhas.

The Department opposes this proposal as unnecessary. We believe that the harvest that has been reported has been incidental and has been so low that

to reduce the harvest from nothing would not do much to boost any of the populations, it would simply endanger the incidental harvester for enforcement issues that they weren't predicting, right now it's legal to report that they've harvested this.

No official written comments inserted/provided by State at this time

CHAIRMAN CARPENTER: Any questions.

MR. HENRICHS: Do you think somebody who incidentally harvests a fox is going to come into the Fish and Game and say oh, I got a fox?

MS YUHAS: Through the Chair, Mr. Henrichs. Not if you adopt this proposal and make it illegal.

CHAIRMAN CARPENTER: Greg.

MR. ENCELEWSKI: I'm glad you made the statement you did because I had the same concern. I mean, if there's really no fox being taken then there's nothing that -- what's the problem, why take away an opportunity of something that we don't really know about.

CHAIRMAN CARPENTER: Anything else.

(No comments)

CHAIRMAN CARPENTER: Thank you. Is there any other Federal or State agency comments?

MR. LORANGER: Thank you, Mr. Chairman. Andy Loranger, Refuge manager, Kenai National Wildlife Refuge.

In terms of the issue on incidental take, when the lynx season is closed because of low lynx densities associated with the hair cycle, the lynx season is closed because there is not a harvestable surplus. The reason that we've instituted this special condition in our permit to close trapping for red fox is because we believe that there's not a harvestable surplus on the Kenai. And as far as reporting incidental take, there isn't any other further implications of that than there would be in a situation

where a trapper takes incidentally a lynx during a closed season for lynx. We don't think it's a deterrent.

Thank you.

CHAIRMAN CARPENTER: Questions.

(No comments)

CHAIRMAN CARPENTER: I have a question for you. Is there a State trapping season for fox, is the State season open for trapping?

MR. LORANGER: Yes, it's open for one fox.

CHAIRMAN CARPENTER: So in theory the Federal regulation will be more restrictive than State game regulation or trapping regulations if this is passed?

MR. LORANGER: Yes, and consistent with how the current restriction on fox trapping which we have closed on the Kenai Refuge for all trappers via our special permit stipulation.

CHAIRMAN CARPENTER: And I guess -- I don't know if you know this or not, but has there ever been a significant red fox population on the Kenai Peninsula?

MS. BROWN: There was not believed to be a significant population, it's always been pretty low according to the reports that I had.

MR. LORANGER: In the early years of the twentieth century there was some active fox fur farming going on on the Kenai, very difficult to -- you know, there were accidental and probably intentional releases and things that were going on from a genetic standpoint. There's some very up in the air questions about red fox on the Kenai and those that currently exist, but it's always very difficult, the historical reports do indicate however that there was a viable red fox population on the Kenai historically.

CHAIRMAN CARPENTER: Okay. I guess the only reason I ask that is, you know, the lynx situation in other parts of the state might be a similar to this

situation with red fox. I know in Cordova, for example, there's no significant lynx population even with the rabbit cycles up and down, they don't tend to fluctuate like many other parts of the state. But the lynx population, the climate just isn't the right climate for lynx. And so the State has this lynx management plan and they were always like you -- like you said opening and closing the season based on the trend. Well, at the last Board of Game meeting they actually got rid of some of that because if there's no population and there's very incidental harvest over long periods of time what's the point in keep changing the regulations, just leave it open, at least you're going to get honest reporting on the very few that are caught. So in that regards I think that, you know, maybe this is very similar.

MS. CAMINER: Mr. Chair.

CHAIRMAN CARPENTER: Go ahead, Judy.

MS. CAMINER: Thanks. A question for the Forest Service and maybe, Andy, you know. So it sounds like the Refuge has done a special regulation to close trapping on the Refuge, but what's the status on the Forest at this point?

Thank you.

MR. BURCHAM: Have anything else, Andy?

MR. LORANGER: Yeah, if I could make, you know, one more comment in terms of, you know, our overall mandates. One of our mandated legal Refuge purposes under ANILCA is to manage all fish and wildlife populations and their natural diversity. That natural diversity term is one that can mean a lot of different things to a lot of different people and we frankly haven't officially defined it yet. However from our standpoint a situation -- having any open season on a species that's so rare that there's a possibility of taking the last of that species within the Refuge is just not an acceptable situation.

Thank you.

CHAIRMAN CARPENTER: Any other questions.

Greg, did you have something?

MR. ENCELEWSKI: Yeah, I just got a question, I don't know who could answer it. But red fox are they -- how's the population in other areas, I mean, these things move around, you know, are they plentiful north, south of us or across? The reason I ask I see them on the road driving up this way and I know they're up north on the Slope where I worked for many years so I just wondered in Ninilchik then vital information historically there used to be a lot of fox farming and I'm sure got out and that was kind of eradicated years ago, but I certainly don't want to take the last of the species, but I don't think taking one's going to, you know, do that, but.....

CHAIRMAN CARPENTER: Any other questions.

(No comments)

CHAIRMAN CARPENTER: Thank you. Are there any tribal -- any other Federal or State agencies.

(No comments)

CHAIRMAN CARPENTER: Any tribal comments.

(No comments)

CHAIRMAN CARPENTER: Any tribal consultation comments.

(No comments)

CHAIRMAN CARPENTER: InterAgency Staff.

(No comments)

CHAIRMAN CARPENTER: SRC.

(No comments)

CHAIRMAN CARPENTER: Fish and Game Advisory.

(No comments)

CHAIRMAN CARPENTER: Summary of written public comments.

(No comments)

CHAIRMAN CARPENTER: Is there anybody in the public that would wish to testify.

(No comments)

CHAIRMAN CARPENTER: Seeing none, a motion would be in order for WP12-26.

MR. HENRICHS: I'll make the motion.

CHAIRMAN CARPENTER: It's been moved by Mr. Henrichs. Is there a second.

MR. ADLER: Second.

CHAIRMAN CARPENTER: And seconded by Mr. Adler. Is there any comment.

Judy.

MS. CAMINER: Mr. Chair. Well, in a way I guess we have kind of an interesting dilemma, low number of animals, do you close it because you do want to avoid complete extinction or extirpation or leave it open because basically nobody's taking them. We certainly want the resource to rebuild and we appreciate Fish and Wildlife and I'm sure Forest Service goal for natural diversity, but looking at the land management, if 50 percent of this area is the Forest, Forest has been leaving it open, and 5 percent of the land's managed by the Refuge and the Refuge has the mechanism to close to trapping if that's their preference, I'm not sure that we would need to close if Fish and Wildlife can still preserve their mandates, but if the Board if they choose can leave it open and avoid any problems between State and Federal regulations is just one way to look at it.

CHAIRMAN CARPENTER: Anything else.

Oh, did you have something, Cole?

MS. BROWN: Yes, just to clarify, member Caminer. That's 5 percent in Unit 7, in Unit 15 they make up 52 percent of the lands.

Thank you.

CHAIRMAN CARPENTER: Lee.

MR. ADLER: Well, for such a limited resource and a low population of red fox, there's really -- doesn't seem like there's much point in having a season, you know, I mean, you know, you aren't going to really do any good trapping fox there and there's no use taking a chance on destroying the rest of the population even though it's a few. So I would say it's not a good idea.

CHAIRMAN CARPENTER: Greg, do you have anything?

MR. ENCELEWSKI: Yeah, I guess I have a comment. My comment is to the more restrictive regulation on the Federal versus the rest in the State. And I don't think that's right at this point. I mean, I -- I'm not convinced that we're going to take the last fox, it's shown that they're not even taking any. So I just throw that comment out for debate.

CHAIRMAN CARPENTER: Yeah, I tend to agree with you in that regard, Greg. You know, I think nobody wants to take the last of anything, but I think fox and coyote populations tend to vary significantly. When you have a high concentration of coyotes you have less fox, when you have a high concentration of wolves you have less coyotes. That's just the natural cycle of things depending on where you are. And I think that natural elimination is probably much more significant than human take, at least from the records that we've been presented. And I'm not necessarily convinced that by restricting Federal users on Federal land for such a minuscule amount of take is necessary myself

Anything further.

(No comments)

CHAIRMAN CARPENTER: If nothing further the question's in order on WP12-26.

MR. ENCELEWSKI: Question.

CHAIRMAN CARPENTER: The question's been called. All those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN CARPENTER: All those opposed.

IN UNISON: Aye.

CHAIRMAN CARPENTER: Motion fails. Next proposal is WP12-27.

MS. H. ARMSTRONG: Thank you, Mr. Chair. Helen Armstrong.

Proposal WP12-27 is found on your book -- I mean, in your book on Page 134 -- 133, starts on 133 with the executive summary. This proposal was submitted by the Upper Tanana Fortymile Fish and Game Advisory Committee. It requests a positive customary and traditional use determination for goat in Unit 11 by residents of Tok Cutoff Road which is Mile -- it's between Milepost 79 to 110, also referred to as Mentasta Pass and Nabesna Road, Mileposts 25 to 46.

The proponent states that the residents of the proposal area have subsistence use patterns that closely resemble those of Slana and Mentasta Lake which are located in Unit 13. The proponent further states that the residents of the proposed area may have been inadvertently omitted from the current customary and traditional use determinations. Customary and traditional uses of the proposal area also have been recognized by the Federal Subsistence Board for black and brown bear, sheep and wolf in Unit 11 and caribou and moose in Unit 11 north of the Sanford River.

The proposed regulation change would more closely align the customary and traditional use determination for goat with these other species. You can see the existing regulation on Page 135 of your books and the proposed regulation on Page -- also on 135.

When the Board assumed management of subsistence wildlife resources on Federal public lands in 1990 it adopted State Alaska -- State of Alaska customary and traditional use determinations establishing a no subsistence determination for goat in Unit 11. Since that time the Federal Board has addressed C&T for goat in Unit 11 for rural residents of Unit 11 and 12 on several occasions in 1997, 1998, 1999 and 2000. There isn't a whole lot of harvest data for communities that hunt in Unit 11. We have an ADF&G harvest survey that's limited in scope and it found

that harvest numbers from Mentasta, Mentasta Pass, Nabesna Road and Slana for the years 1982 through 1987 and you can find that on Table 1 in the analysis. There is some data for 2011 for Mentasta Lake where nine permits were received for goat and in Slana there were five permits, but not from Mentasta Pass, Nabesna Road or Tok Cutoff Road.

The recent harvest data was collected by Wrangell-St. Elias National Park and Preserve in a harvest survey this year in 2011. So since your analysis was printed we have some additional data and Barbara Cellarius can add anything to this. This was just information that came in quite recently from this harvest survey. These households haven't been -- along the road there haven't been surveyed since I believe 1987 if I'm remembering right.

So for that part of the Nabesna Road that falls within Unit 12, Milepost 25 and 46, there are nine resident households and the Park Service interviewed five households and conducted mapping with four households. None of these four households indicated harvests for goat. For the Mentasta Pass area, Milepost 79 to 110 of the Tok Cutoff Road, 12 resident households were there and they completed surveys and mapping with seven of those. Three of these households indicated harvest for goat and in each case the goat harvest area was in Unit 11. And additionally there were two households in the Mentasta Pass area that already have individual C&T for goat in Unit 11 meaning that at least one other Mentasta Pass household hunted goat in Unit 11 in 2010.

These areas that are under consideration aren't actually communities and so we don't really have community characteristics per se of those communities. They're just households along the road that have been inadvertently left out. And because they're not communities it's been difficult to estimate their harvest based on the ADF&G harvest data base because residents get their mail at different mailboxes, post offices in the area, and their mailing address does not necessarily indicate where they actually live. So this is why the survey that the Park Service did was really important.

In the past the residents of these two areas, the Tok Cutoff Road and Mentasta Pass and the Nabesna Road align their community characteristics with

Mentasta Lake and Slana. In the recent study they found that there are 12 year round resident households in the Tok Cutoff Road or Mentasta Pass area and interestingly in 1987 there were 11 so it hasn't grown a great deal since then. And then in the Nabesna Road area there were nine resident households and in 1987 there were 13. The Mentasta Lake area has a population of 112 and Slana has a population of approximately 107.

In the past the Board has determined that the residents of the Tok Cutoff Road, Mentasta Pass and Nabesna Road should have positive customary and traditional use determinations for a number of species including but not limited to sheep, black bear and brown bear. And it really -- it's quite logical to then go from that to say that these residents should have their customary and traditional uses be recognized for goat as well given the residents' reliance on subsistence resources and when you consider the eight factors. The Board previously determined that residents in many of the communities of Unit 11 as well as residents of several communities in Units 12 and 13 generally exhibit the eight factors for goat and thus have made positive customary and traditional use determinations for these residents.

A full analysis of the eight factors was conducted for goat previously in the analyses -- well, I think, for resources in the area in the analyses for proposals 1997 and 1998, '99 and then in 2000 and 2001. The customary and traditional uses were described at length for upper Tanana communities and Copper River basin communities in 1997 in Proposal 22, including Slana and Mentasta Lake and the residents of the Tok Cutoff Road and Nabesna Road share similar subsistence patterns with the residents of Slana and Mentasta who have positive C&T for goat in Unit 11.

It should be noted that both the Tok Cutoff Road and Nabesna Road are -- and in between are Wrangell-St. Elias resident zone communities which are recognized as having customary and traditional uses in Wrangell. The people living in the proposal area in close proximity to Slana and Mentasta Lake should not be excluded from being eligible to hunt in the same areas that Slana and Mentasta Lake hunt just because they live along the road and not actually in those communities.

The residents of the proposal area

would still have to comply with National Park Service regulations for engaging in subsistence activities in Wrangell-St. Elias National Park which requires that subsistence users live within the Park's resident zone or have been issued a subsistence 1344 permit by the Park superintendent.

Recognizing the customary and traditional uses for goat in Unit 11 by the residents of the Tok Cutoff Road and Nabesna Road would make the customary and traditional use determinations for goat more consistent with customary and traditional determinations for other wildlife in Unit 11.

For these reasons the OSM preliminary conclusion is to support Proposal WP12-27.

Thank you, Mr. Chair.

CHAIRMAN CARPENTER: Thank you. Any questions for Helen?

(No comments)

CHAIRMAN CARPENTER: I had a question, Helen. Maybe I'm just not quite getting this. I'm looking at these communities, it's -- you know, in the proposed regulation and all the communities that are listed here already have C&T except for the Tok Cutoff Road, Milepost blah, blah, blah. But what I don't see is what about all the other communities that are really close to the goat hunting areas that aren't listed here, do they -- I mean, I have a real hard time believing that McCarthy which is right next to McCall Ridge, doesn't have a C&T for goats. Why is that?

MS. H. ARMSTRONG: I think you'll hear shortly about Kenny Lake being left out and wanting to be included. And we just were notified really a couple days ago, I'm trying to think, I think it was I talked -- I think -- I don't remember, Friday maybe, very recently that Kenny Lake wanted to be added, that they had realized they weren't included. And so Alisha Davis who's the anthropologist who worked on this, she did a quick look through the history and, I mean, it was very quick, and we could -- all we could figure is that they just weren't included, there wasn't a reason why they were left out. What happens is, you know, somebody comes forward and wants to be included and they live say -- gives a list of included communities

and then we look towards the Council and the public to say hey, wait a minute, you left us out. And I think it's probably as simple as that. So from our perspective there's not a problem with including other communities that may have been inadvertently left out as well.

CHAIRMAN CARPENTER: All right. But you.....

MS. H. ARMSTRONG: Barbara might know more too about that.

CHAIRMAN CARPENTER: I mean, the interesting thing about Unit 11 is there's only a certain few places where there's any significant goat populations and it appears that from like Kenny Lake to McCarthy which is a lot closer to goat populations than some of these other communities, they're not included, but the -- maybe I'm not getting it.

MS. CELLARIUS: Well, if you look at the C&T and the C&T is listed on Page 135.....

CHAIRMAN CARPENTER: All right.

MS. CELLARIUS: .....the existing C&T, it says -- the first thing it says is residents of Unit 11.

CHAIRMAN CARPENTER: So that's every.....

MS. CELLARIUS: And so McCarthy and people living on the McCarthy Road, anybody who lives east of the Copper River in Unit 11 along McCarthy Road, they would be included.

CHAIRMAN CARPENTER: Okay.

MS. CELLARIUS: Chitina is also on the list, but the observation that Kenny Lake is not on the list is correct and best I have been able to figure out it's simply never been evaluated.

CHAIRMAN CARPENTER: Well, yeah, I mean, because Glennallen's on there, but, you know, you would be -- assume that -- I would have assumed that all the communities in Unit 11 were included except for all the ones that were listed, they were added later,

but obviously that's not the case.

MS. H. ARMSTRONG: All the residents of Unit 11 are included, it includes residents of Unit 11.

CHAIRMAN CARPENTER: Right. But then they list specific communities too.

MS. H. ARMSTRONG: Well, Chitina's not in 11. I have to look at the.....

MS. CELLARIUS: The.....

CHAIRMAN CARPENTER: But Kenny Lake is.

MS. CELLARIUS: .....communities that are specifically enumerated for the most part are in Unit 13.

CHAIRMAN CARPENTER: Is Kenny Lake in 13?

MS. H. ARMSTRONG: Kenny Lake is in 13.

MS. CELLARIUS: The boundary is the Copper River.....

CHAIRMAN CARPENTER: Oh, I see.

MS. CELLARIUS: .....and all of the communities along the Copper River are all in Unit 13.

CHAIRMAN CARPENTER: Okay.

MS. CELLARIUS: The McCarthy Road is basically the main place where you're going to find people living in the southern part of Unit 11 in any sort of.....

CHAIRMAN CARPENTER: Okay.

MS. CELLARIUS: .....substantial concentration.

CHAIRMAN CARPENTER: Okay. That's all I got. Thanks.

Anybody else.

MS. CAMINER: Mr. Chair.

CHAIRMAN CARPENTER: Yes.

MS. CAMINER: I think you certainly brought up a good point and sounds like you've had inquiries. So even though we can't make a recommendation because you don't have the information, I'm sure you will provide the Board with more information about these nearby and logical communities by that time.

MS. H. ARMSTRONG: Helen Armstrong, Mr. Chair. I did check with our solicitor since I knew this was coming up about Kenny Lake and I think you have the letter from Kenny Lake is in your books, to see whether they could be added. And he said it's kind of a gray area, but to go ahead and allow the -- you know, the Council could certainly make a recommendation if they so choose to include Kenny Lake. We can then put up -- pull up information we can find which, you know, I'm not sure it's going to be a whole, whole lot because there's a problem with Kenny Lake too where they get their mail in Copper Center. So we don't -- we can't really distinguish harvest data for them either, but we can pull up what we can, add it to the -- as an addendum to the analysis and the Board can then decide what -- whether they want to include them or not. But.....

CHAIRMAN CARPENTER: So would there -- I mean, I'm not saying that there's going to be a problem, I mean, if we did that the public wouldn't have the ability to comment, the State wouldn't haven't the ability to comment. Not that there's going to be a problem with Kenny Lake, but is that an obvious like red flag?

MS. H. ARMSTRONG: Well, it could be, I think that's why he wasn't -- you know, he was sort of sitting on the fence about it. The State can certainly comment at the Board meeting, but -- and the -- you know, we could get more public comments, but you're right, that was my question is this too -- you know, we sometimes proposals and how far is too far, is this too far out that we can't add them this round, but we could -- they could come up with a proposal next time. So I'm not sure.

MS. CAMINER: Might there be an option between now and January for an analysis and we do have this input from one resident in Kenny Lake that maybe

there could be a teleconference of the RAC with proper notice and perhaps some testimony from Kenny Lake or Chitina or other nearby communities, if you're able to do it in that time or if people are interested then the Board might have more information.

MS. H. ARMSTRONG: It's up to the Council what they want to do and then -- and then I think we run it by the solicitor to see if it's okay.

CHAIRMAN CARPENTER: Well, we know what Ralph would say if he was here seeing as how he lives in Kenny Lake.

MS. H. ARMSTRONG: Ralph can testify.

CHAIRMAN CARPENTER: Yeah, that's right. What -- does anybody have a feeling one way or another, is anybody opposed, Gloria, are you opposed to considering this right now or would you like to see it brought forward in another proposal, C&T analysis, the whole nine.....

MS. STICKWAN: I'm just thinking it might be used against this Council that we approved a C&T without going through the process of an evaluation of their use. And they -- maybe by doing this interview Wrangell's doing, hopefully they can get some -- I don't know if they have money to do it, but their -- they got monies for McCarthy, but I don't know about Kenny Lake, they could do that between now and then and come back.

MS. CELLARIUS: Assuming I get past the office's management budget, I'm supposed to be getting funding in 2012 which is I guess this fiscal year, for surveying Kenny Lake in the spring of 2013. So there's a potential for getting some additional information beyond what the surveys say from the 1980s. So keep your fingers crossed, it's not guaranteed, but I'm -- I am hoping to survey Kenny Lake and I'm in line for funding.

MS. STICKWAN: And to do it prematurely, we may be making decisions on scant information which could be used against them to -- I mean, you know, just -- I just think we should wait until we get more information.

CHAIRMAN CARPENTER: Judy.

MS. CAMINER: Yeah, I apologize if I misspoke, I didn't mean we should decide today on C&T for those communities, but I believe we could encourage that further analysis be done on communities that do seem logical at least from what we know so far to just evaluate whether they should or should not be included and bring that to -- that back to us and then to the Board as expeditiously as possible when there's adequate information for us to make a decision.

CHAIRMAN CARPENTER: I think that sounds pretty well planned out.

Okay. Where are we at here, are we at -- does anybody else have any questions for Helen?

(No comments)

CHAIRMAN CARPENTER: Alaska Department of Fish and Game.

Oh, I'm sorry. Go ahead, Mary Ann.

MS. MILLS: I apologize for not knowing the answer to this, but what is the definition for customary and traditional, what.....

CHAIRMAN CARPENTER: The legal definition?

MS. MILLS: Yes.

MS. H. ARMSTRONG: I believe it's kind of a multifaceted answer, but I think if you look at page -- okay, where is it. Well, I don't think -- I think it -- oh, it's on Page 141 where it talks about -- you know, there are -- the factors that go into a customary and traditional use determination. And what's different from how, you know, that we do it than what was done at the State at one time is that this is -- we look at it as a holistic application, it's not a checklist of -- that you have to fulfill all of these. So you look at all of those factors that are listed there on Page 141 and it's sort of a compilation of that will then determine the customary and traditional uses of the community.

Do you want me to go through more detail than that?

CHAIRMAN CARPENTER: Does that answer your question, Mary Ann?

MS. MILLS: Thank you.

CHAIRMAN CARPENTER: Okay. Judy.

MS. CAMINER: Just a suggestion, if someone has a copy of ANILCA just reading the couple sentences on it there might be helpful too, but -- or we can do it at a break.

MS. H. ARMSTRONG: Yeah, I do have a copy, just not right up here.

CHAIRMAN CARPENTER: Okay. Maybe we can get that at a break and pass that along.

MS. H. ARMSTRONG: Sure.

CHAIRMAN CARPENTER: Alaska Department of Fish and Game.

MS. YUHAS: Thank you, Mr. Chairman. Jennifer Yuhas.

And the Department also supports this proposal. We believe that the requestors were inadvertently left off the list and this is the first time they've asked and it's the first time it's come before the Board so they should be included.

No official written comments inserted/provided by State at this time

CHAIRMAN CARPENTER: Thank you. Any questions.

(No comments)

CHAIRMAN CARPENTER: Thank you. Other Federal and State agency comments.

(No comments)

CHAIRMAN CARPENTER: Tribal comments. Wilson.

MR. JUSTIN: Thank you, Mr. Chair.

Wilson Justin, Cheesh'na Tribal Council.

We'd just like to see this particular item deferred until even more data's available or something in the way of evaluating the proposal is developed and I'll explain why. I'm from this area, I know the families that are being spoken to here. And the issue of goats in Unit 11 on our end of the street is problematic to me because of the scarcity of goats in our area. There's actually more goats or was more goats down the Nabesna River in the Cooper Creek, Stone Creek area than in the area that's being specifically referred to here. So to me there's an issue of whether or not this is really a self serving proposal for a few families that politically don't get along with other communities in terms of putting actions together. So I question the validity of the proposal in terms of community harvests and I question the validity of the proposal in terms of actual harvest and take. I've been around this area all of my life and very little goat hunting that I'm aware of. That doesn't mean that goats aren't C&T, what it means is that something happened the last five or six years that I wasn't aware of in this -- in this neck of the woods that's separate or parallel to all the existing processes. Now there used to be goat hunting in Unit 11, it seems to me that those other communities like Kenny Lake and those in 13 who have actually more direct access to goats than the rest of us in Unit 11 would have put a proposal forward and asked for it to be reviewed. So I would say in our estimation it would be better to defer a proposal.

And I'd like to add one final comment. The action doesn't surprise me, but the development of the proposal which includes reference to the Athabascan families of which we are, does. Normally you wouldn't include a settlement like Slana which is really new except for some of the homesteader families, normally would not say well, we are just like the Athabascan families at Twin Lakes or we're all the same. You wouldn't get that kind of a statement in this kind of a proposal. So that -- that's kind of a red flag to me that somebody would come out with a proposal like this together with a reference to settlement and communities, Athabascan families all in one paragraph. Normally you would try and develop your proposal in a way that shows your own consistent use of the resources rather than along -- lumped in with someone else.

But those are my comments and I would

think that it would be more wise to defer action on an issue like this until you get a complete analysis going.

That's all I had. Thank you.

CHAIRMAN CARPENTER: Thank you, Wilson. Any questions for Wilson?

MR. JUSTIN: Oh, could I ask that.....

CHAIRMAN CARPENTER: Sure.

MR. JUSTIN: .....I was going to ask on Page 138 under harvests, second paragraph at the end, I got a little confused on that sentence that says only residents of the Nabesna Road had one sheep reported harvested in 1987. Could staff from the agency clarify that for me? I don't know what it means.

MS. H. ARMSTRONG: I believe -- I mean, I'm not sure what you're -- so in 1987 it just -- it's just saying that there was only one sheep report -- oh, one sheep. I see what you're saying and not goat. Is that what you're asking?

MR. JUSTIN: Yeah, we're talking about a goat proposal and.....

MS. H. ARMSTRONG: Yeah, I see.....

MR. JUSTIN: .....we had one sheep harvested.

MS. H. ARMSTRONG: Yeah. I will raise that question when I get back to the office with the person who wrote it. Yeah, I'm not sure.

MR. JUSTIN: Thank you.

MS. H. ARMSTRONG: We'll clarify that.

CHAIRMAN CARPENTER: Thank you, Wilson. Any other tribal comments.

(No comments)

CHAIRMAN CARPENTER: Tribal consultation comments.

(No comments)

CHAIRMAN CARPENTER: InterAgency Staff.

(No comments)

CHAIRMAN CARPENTER: SRC.

(No comments)

CHAIRMAN CARPENTER: Fish and Game Advisory Committee.

(No comments)

CHAIRMAN CARPENTER: Summary of written public comments.

MS. MUSHOVIC: Yes, Mr. Chair. The AHTNA Tene Nene' Customary and Traditional Use Committee supports Wildlife Proposal 12-27 on the basis of the fact that the people who live along the highway system there already have C&T for black bear, brown bear, caribou, sheep and moose and since they have established C&T for those species they should have C&T for Unit 11 goat as well.

And although it is not exactly a public comment in support of the proposal, I will mention for the record the letter received from Mr. Jake Butler on behalf of his family stating that they've been residents of Kenny Lake since 1977 and traditionally harvesting goat in Unit 11 since that time and making a request for the RAC to consider Kenny Lake residents for a positive customary and traditional use determination in Unit 11, via this proposal or a future proposal if that's not possible. And you have a copy of this letter, it's on white paper, but written in green ink in your package. And then the Office of Subsistence Management was made aware mid morning today of a similar request made by Dean Wilson, Jr., of Kenny Lake, however we've not been able to obtain a copy of that document to have for you at this moment.

Thank you, Mr. Chair.

CHAIRMAN CARPENTER: Thank you. Is there any public testimony.

(No comments)

CHAIRMAN CARPENTER: Seeing none, Proposal WP12-27, a motion would be in order to approve.

MS. STICKWAN: I'll move.

CHAIRMAN CARPENTER: It's been moved by Ms. Stickwan. Is there a second. Would the.....

MR. HENRICHS: Can we make a motion to table this under Robert's Rules of Order?

CHAIRMAN CARPENTER: We could just let -- well, there's no discussion on the motion to table so.....

MS. CAMINER: Do you have to look for a second on Gloria's.....

CHAIRMAN CARPENTER: Well, we need.....

MS. CAMINER: .....or can we make another motion?

CHAIRMAN CARPENTER: .....we need to get a second on Gloria's motion, Bob, first and then -- is there a second on the original motion to approve?

MS. CAMINER: Seconded.

CHAIRMAN CARPENTER: It's been seconded. So now there's discussion. So, Bob, your discussion is that you would like to table this motion and what would be.....

MR. HENRICHS: Table it and get a little more on that -- as you know my first name is Robert.....

CHAIRMAN CARPENTER: Excuse me.

MR. HENRICHS: .....I'm not sure of the order.

(Laughter)

CHAIRMAN CARPENTER: Is there any discussion about the motion to table?

Mary Ann.

MS. MILLS: I'm not sure about the point of order, but in order to do that would Gloria have to take back the motion and the second and then a new motion introduced?

CHAIRMAN CARPENTER: I think eventually, but I also think that -- and I'm not an expert on Robert's Rules of Order, but I think a motion to table, there's no discussion in theory at least if you follow it strictly, and that there would just be a vote on the motion to table.

Helen.

MR. ENCELEWSKI: I've got a comment.

MS. H. ARMSTRONG: I apologize for intervening in your discussion, but I just want to throw this out for your consideration. We at OSM find it -- we have this -- what we've seen happen sometimes is when things get tabled, you know, it -- I mean, occasionally they don't get brought up again, it's kind of messy and it makes it confusing. It's either -- it's really advisable to either vote it up or down. And in this case you could support this, but then a new proposal comes forward next time it's a little cleaner. And they don't -- they don't have to be considered at the same time. That's my thought. And I know there's been some discussion about even developing some kind of policy that unless there's some really good reason to, you know, table or defer something we really think it's better to vote it up or down and have a clean beginning. You saw that with the bear handicraft, we had all those years of deferrals and it just gets sort of messy, that's all.

CHAIRMAN CARPENTER: Judy.

MS. CAMINER: Mr. Chair. I mean, seems like if we were to table it it's because we believe it's not ripe for a decision now. And it would be my thought that for these -- for these areas that were listed in the proposal, the Tok Cutoff Road, the Nabesna Road, I think we were presented with a good analysis and adequate information to vote up or down. We did wander off into the discussion about other potential communities to add where I would agree we do not have adequate information now, we know there might be some interest or that additional analysis might provide us with better information, but in terms of the

proposal in front of us, I guess I'd prefer to see a decision right now.

Thank you.

CHAIRMAN CARPENTER: Gloria.

MS. STICKWAN: They do have C&T for other species and this -- it was approved by the SRC in the past to give them C&T. I would like to see us go forward and not table this because it's just going to make it confusing like she said, you know, it -- it's like we're being inconsistent with our decision if we say in the past we've always said yes and we even said yes to individual families to have C&T. And now we're turning around and we're saying no, we should table this, we're being inconsistent. And so I think if they have C&T in the past, we said if they had -- a community has -- well, they're not a community, but they're people that live kind of in an area, they're not -- they should be able to have C&T, I mean, I don't see why we're not giving them C&T even if they're not officially a community. They do use other sources like we've said in the past, but people -- they use resources, they should be given C&T for all the species. You never heard that here sitting at the Council -- by Council members here sitting on this Council. I just think we're being inconsistent.

CHAIRMAN CARPENTER: Okay. Greg.

MR. ENCELEWSKI: Yeah, Mr. Chairman. I just got a point of order. I'm not sure where we're at on this. We have a motion on the table, we have a second, we didn't vote one way or the other and then we had a motion to table so I'm just -- I would like to question the procedure just to see if we're -- where we're at.

CHAIRMAN CARPENTER: I think the -- yeah, I think that's a good point. There's a motion by Mr. Henrichs to table during the discussion. So I guess to proceed any further if the Council wants to go that way then we'd need a second and we'd need to vote on that. Do I hear a second on the motion to table.

MR. ADLER: I'll second.

CHAIRMAN CARPENTER: It's been seconded.

MS. MUSHOVIC: If I may, one of the guidelines I'm looking at says that the purpose of a motion to lay on the table is to set aside routine business in order to turn to something more urgent. It's not debatable, but it does require a majority vote. So the -- it's a misuse to use it to kill a motion. And I agree with what Helen was saying earlier about if it's going to make things a little less clear for OSM to deal with. So you may -- when you vote on tabling this motion you may want to consider those consequences.

CHAIRMAN CARPENTER: Lee.

MR. ADLER: I'll withdraw my second.

CHAIRMAN CARPENTER: The second has been withdrawn. Is there another second for the motion?

(No comments)

CHAIRMAN CARPENTER: Hearing none, the motion to table without -- in lieu of a second fails. So we have the original motion on the table. Is there any more discussion on the regular -- original motion which is WP12-27?

Judy.

MS. CAMINER: Well, since Ralph isn't here I'll say what I think he usually says which is that this Council if at all possible with good information likes to be inclusive and so I personally believe that it would be good to make these modifications to the existing regulation and I will support the proposal.

CHAIRMAN CARPENTER: Anything further from anyone.

(No comments)

CHAIRMAN CARPENTER: Hearing none, the question's in order on Proposal WP12-27.

MR. ENCELEWSKI: Question.

CHAIRMAN CARPENTER: The question's been called, all those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN CARPENTER: Opposed.

MR. HENRICHS: Aye.

CHAIRMAN CARPENTER: One in opposition. The proposal passes. The next proposal is WP12-28.

MR. HENRICHS: Mr. Chairman.

CHAIRMAN CARPENTER: Yes, sir.

MR. HENRICHS: I could probably speak to this for the Native Village of Eyak.

CHAIRMAN CARPENTER: Yeah, maybe we'll wait until she does the -- and then you can do that, sure.

MS. H. ARMSTRONG: I'm sorry, I forgot that one was mine. This is proposal -- this is on Page 149, it's submitted by the Native Village of Eyak and it requests a change under special provisions to allow the take of one moose rather than one bull moose from Federal Public lands in Units 6B or 6C for the annual Memorial Sobriety Day Potlatch.

The proponent noting that locating a bull moose for the Memorial Sobriety Day Potlatch harvest is becoming difficult, makes the observation in support of the proposal that this -- it would be easier to request this change so to allow their harvest. The Cordova District wildlife biologist indicated that there would be no conservation concern in changing the permit to allow harvest of a cow moose, but the potential didn't exist in regulation so that's why this proposal has come forward. There's a low bull/cow ratio and a car harvest might take some pressure off of the bull moose population as well.

Harvesting of one moose of either sex is not anticipated to have any affects on the moose population in Unit 6B or 6C and providing more certainty that a moose would be harvested for the Memorial Sobriety Day Potlatch would benefit Federally-qualified subsistence users and no other affects are anticipated on non-Federally-qualified users.

The proposal would provide a higher

likelihood that a moose would be harvested for the Memorial Sobriety Day Potlatch and is not anticipated to have any affects on the moose population in 6B or 6C.

So for these reasons OSM recommends supporting -- their preliminary conclusion is to support this proposal.

CHAIRMAN CARPENTER: Thank you. Any questions for Helen.

(No comments)

CHAIRMAN CARPENTER: Alaska Department of Fish and Game.

MS. YUHAS: Thank you, Mr. Chairman. Jennifer Yuhas for the record.

And we're opposed, but for a good reason because we do have a regulatory structure and we've been told by the area biologist that no request for a permit for the Memorial hunt have ever been submitted to the Department and we're willing to go on record that they were very likely to be approved. We don't see a conservation concern and we've got the structure, we think they should go ahead and use it.

No official written comments inserted/provided by State at this time

CHAIRMAN CARPENTER: Thank you. Any questions.

(No comments)

CHAIRMAN CARPENTER: Thank you. All right. Any other Federal or State agency comments.

Milo.

MR. BURCHAM: Yeah, Milo Burcham with the Chugach National Forest based in Cordova.

I just want to go on record as saying that we support this and that we facilitated Native Village of Eyak getting an emergency order so that this regulation could go into effect this hunting season so

they could harvest a cow this season if they needed to.

CHAIRMAN CARPENTER: Thank you. Any questions.

(No comments)

CHAIRMAN CARPENTER: Thank you.

MR. ADLER: I have a quick comment.

CHAIRMAN CARPENTER: Go ahead, Lee.

MR. ADLER: What time of the year is this moose harvested?

MR. BURCHAM: The Potlatch is usually in the first week or two of November, is that right, Robert? So it usually takes place in the weeks before the Sobriety Potlatch.

CHAIRMAN CARPENTER: Judy.

MS. CAMINER: Just for clarification, you supported and facilitated an emergency order, do you mean a Federal regulation or supporting the State -- a State regulation?

MR. BURCHAM: I should say a special action, a Federal action, yeah.

MS. CAMINER: Thank you.

CHAIRMAN CARPENTER: Thank you, Milo. Any other Federal or State agency comments.

(No comments)

CHAIRMAN CARPENTER: Tribal comments. Bob, did you want to.....

MR. HENRICHS: Sure.

CHAIRMAN CARPENTER: .....speak to the.....

MR. HENRICHS: Do you want me to do it from here or there?

CHAIRMAN CARPENTER: If you're going to

speak for the village you probably need to go out there.

MR. HENRICHS: Yeah, I'm Bob Henrichs, speaking for the Native Village of Eyak. And in case anybody wonders about these moose, I planted these moose and they're all mine.

(Laughter)

MR. HENRICHS: And I actually put the proposal in for the Memorial moose many years ago and it's worked real well. But this past year there seemed to be a little shortage of bulls so Mark Kingle has harvested the moose for us for several years, and I had a broken arm so I couldn't help him, he was going out and every morning, every in the middle of the day and every night. And he'd come back, no bull. And I'd tell him well, gee, Mark, you know, your reputation as a hunter's on the line here. You know, I was kind of playing with him. And then finally I told him, you know, we've got to get this moose and we have several tribal members who think they're the greatest hunters in the world, of course, I said maybe we'll have to get some -- so and so to give us a hand, you know. And the next day Mark got up, he went out there and he walked miles and he walked miles off the road and got the bull. And then he pulled his cell phone out and called his son up and an hour later he was there with an air boat. So it's -- but he burned up a lot of gasoline going out all those times and as we all know gasoline isn't cheap and haven't seen prices like at this pump ever, but it's not cheap at home either.

So that's all I got if anyone has any questions.

CHAIRMAN CARPENTER: Okay. Thank you, Robert. Is there any other tribal comments.

Wilson.

MR. HENRICHS: Well, he's getting a work out, huh.

CHAIRMAN CARPENTER: Yeah, he should sit in the front row.

MR. JUSTIN: Thank you, Mr. Chair. Wilson Justin, Cheesh'na Tribal Council.

We'd just like to note for the record that Cheesh'na is a participant in the Sobriety Potlatch, the Memorial Potlatch at Cordova at the (in Native). It's very much looked forward to by the elders and our youth camps -- our youth from Cheesh'na dance in the AHTNA dance group for the entire time. So to Cheesh'na it's a very important event, something we keep on our calendar on a yearly basis and we do expend travel funds to attend. So we naturally would support the proposal fully.

Thank you.

CHAIRMAN CARPENTER: Thank you very much. Any Interagency Staff.

(No comments)

CHAIRMAN CARPENTER: SRC.

(No comments)

CHAIRMAN CARPENTER: Fish and Game Advisory Committee.

(No comments)

CHAIRMAN CARPENTER: Written public.

(No comments)

CHAIRMAN CARPENTER: Is there any public testimony?

(No comments)

CHAIRMAN CARPENTER: Seeing none, Proposal 12-28, a motion to approve is on the table.

MR. ENCELEWSKI: I so move.

CHAIRMAN CARPENTER: It's been moved by Mr. Encelewski. Is there a second.

MS. MILLS: Second.

CHAIRMAN CARPENTER: Second by Ms. Mills. Is there any discussion.

Mr. Henrichs.

MR. HENRICHS: Yeah, you know, I should probably declare a conflict of interest on this one.

CHAIRMAN CARPENTER: How come, they're your moose.

MR. HENRICHS: They are my moose.

(Laughter)

MR. HENRICHS: and if they're my moose why should I even ask anybody, but it's worth a try.

CHAIRMAN CARPENTER: Well, should I do it too since I'm going to eat some?

MR. HENRICHS: Well, I know you're going to eat some.

CHAIRMAN CARPENTER: Okay. You.....

MR. HENRICHS: But I will declare a conflict.

CHAIRMAN CARPENTER: That's fine, if you'd like to do so.

I'd just make a comment that this is a very community wide participant type -- actually it brings people in from all over the place, the coast, Interior, and it has been harder for the village the last few years to get a moose and there are definitely no shortage of cows in Unit 6C. So there is no conversation concerns.

So if there's further comments the questions in order.

(No comments)

MS. CAMINER: Question.

CHAIRMAN CARPENTER: The question's been called. All those in favor of Proposal WP12-28 signify by saying aye.

IN UNISON: Aye.

CHAIRMAN CARPENTER: Opposed.

(No opposing votes)

CHAIRMAN CARPENTER: Motion passes.

MR. HENRICHS: I abstain.

CHAIRMAN CARPENTER: One abstention. Okay. Let's see, let's -- okay. Does everybody want to take a five minute break or you want to just keep going? Five minutes. Let's take five minutes, a real quick one and then we'll start again.

(Off record)

(On record)

CHAIRMAN CARPENTER: Okay. This next Proposal is WP12-29.

Cole.

MS. BROWN: Thank you, Mr. Chair, members of the Council. WP12-29 begins on Page 153 of your Council books. It was submitted by the Southcentral Subsistence Regional Advisory Council and requests a season be established for moose in Unit 7 for that portion draining into King's Bay with a season from August 10th through September 20th by Federal registration permit. The Seward Ranger District will close the Federal season when the quota, to be determined, is reached.

The proponent requests that a Federal season be opened for moose in Unit 7 for that portion draining into King's Bay to give an opportunity to Federally-qualified subsistence users to harvest moose and to discourage poaching. In 1997 the Federal Subsistence Board adopted a proposal to create a season for August 10th through September 20th for residents of Chenega Bay and Tatitlek with a closure to all other users. In 2001 the Federal Subsistence Board closed the harvest season because the moose population was too small to support a harvest. This special action lasted for one regulatory year without a proposal to continue the closure and the original August 10th through September 20th season was reopened. In 2006 the Southcentral Alaska Subsistence Regional Advisory Council requested changing the King's Bay moose hunt limit, harvest season and removing the Federal closure. However because of conservation concerns the

InterAgency Staff Council recommended the opposition of the proposal contrary to the recommendation of the Southcentral Advisory Council. Subsequently the Federal Subsistence Board closed Federal lands to the hunting of moose by all users at its May, 2006 meeting.

The amount of moose habitat in King's Bay area is very small and consists of a narrow, riparian area along the King's River and Nellwyn River. An aerial survey conducted by ADF&G in 1997 revealed 20 moose in the area. The herd consisted of eight bulls, 10 cows and two calves. Counting conditions were good with heavy snow cover and excellent visibility. The entire drainages and Nellwyn and King's River were flown in March, 2001 by ADF&G from Nellwyn Lake downstream to the head of King's Bay and up to the glacier country in which it rises. Nine moose were counted during the survey in conditions characterized as being excellent for aerial survey. In 2006 the moose survey was flown by ADF&G and a total of five moose were observed. Four cows were observed, two were seen south of the Nellwyn River confluence within in King's Bay and two were seen in the area between Nellwyn River and King's River which is out of this area. One bull moose was observed upstream in the King's River watershed. No calves were observed. The total number of moose in the area in the fall would be hard to predict from this late spring survey however.

A small area of moose habitat at King's Bay is isolated with only one accessible route for moose to enter the area across the mountains from the Paradise Lakes or Nellwyn Lake areas and then down the Nellwyn River a distance of 15 to 20 miles over difficult terrain. Interchange of moose with other areas is therefore likely minimal. Harvest data indicate that no moose were harvested from this area from 1997 to 2000. In 2001 some hunting had occurred from the Village of Tatitlek with no success and the hunters of Chenega Bay informally discussed this hunt concluding that they knew of no one from Chenega Bay that had hunted the King's Bay Herd in recent years.

The general hunt under State regulations was closed on Federal public lands in the King's Bay drainage in 1997 by the establishment of exclusive Federal subsistence management regulations. The State's general hunt regulations apply to the non-Federal lands in the vicinity of Nellwyn Lake with a harvest limit of one bull with spike fork or 50 inches

or antlers with four or more brow tines on at least one side. For years 2000 to 2008 zero to two moose have been reported harvested each year under State regulations within the Nellwyn River drainage and that's in Unit 7 remainder which is near the King's River drainage. And that makes a total of five moose throughout the years. The 2000-2008 moose harvest was by non-Federally-qualified users and the affected area is typically accessed by aircraft. Modifying the proposal was an alternative considered to allow the harvest of one bull moose per community with customary and traditional determination and could still result in a conservation concern. Recently residents of Cooper Landing and Hope have been given customary and traditional use determination for this area along with Chenega and Tatitlek and allowing one bull moose per community could result in four bulls being harvested within this small population.

If the proposal were adopted it would establish a harvest season from August 10th to September 20th for the harvest of any moose. The Seward Ranger District of the Chugach National Forest would establish a quota having the authority to close the Federal season once the quota is reached. Establishing a season may have detrimental affects on the moose population since there are four communities that have a positive customary and traditional use determination for moose in this portion of Unit 7. The season has allowed Federally-qualified individuals to be eligible to harvest a moose which could lead to over harvest of this small herd and would violate sound principles of wildlife management. Allowing the possibility of a cow harvest on such a small population would also have detrimental affects on the health of the moose population.

Therefore the OSM preliminary conclusion is to oppose Proposal WP12-29.

CHAIRMAN CARPENTER: Thank you. Any questions.

Judy.

MS. CAMINER: Thanks. So, I guess, just to reiterate what you read, there has been some harvest, but it's been by non-Federally-qualified users. And the way the current regulations are now it is open to non-Federally-qualified users or no?

MS. BROWN: Sorry. Through the Chair. The distinction is that that area is near the King's Bay and that was just to show interrelation that it's the Nellwyn River drainage which we can look at in the Federal regulations, I think it's in the map we had as well. Yeah, it's on Page 155. So you can see the portion of the King's Bay is -- I mean, what we have outlined in the box is even much bigger, it's just that drainage that flows right past the border that we're talking about. The other area, the Nellwyn, is under State regulations and it also has very little moose and so it was just discussing that the likelihood of moose interchanging in the area would be minimal. So there is no nonresident for the portion of -- that we're talking about, I guess to clarify a little bit more.

MS. CAMINER: And is there a Federal regulation for Unit 7 remainder that would be similar to the State reg, I guess I can look it up too.

MS. BROWN: Yes, so in Unit 7 remainder it's for the residents of Cooper Landing and Hope only.

MS. CAMINER: Okay. Thank you.

CHAIRMAN CARPENTER: Any other questions.

(No comments)

CHAIRMAN CARPENTER: Thank you. Alaska Department of Fish and Game.

MS. YUHAS: Thank you, Mr. Chairman. Jennifer Yuhas representing the Department.

We're also opposed to this proposal for many of the same reasons that were already stated, we just simply don't think that this small, sparse population can sustain any harvest rate now.

No official written comments inserted/provided by State at this time

CHAIRMAN CARPENTER: Thank you. Any questions.

(No comments)

CHAIRMAN CARPENTER: Thank you. Any other Federal or State agency comments.

Milo.

MR. BURCHAM: Milo Burcham, wildlife biologist on the Chugach National Forest.

I just wanted to say that we support the -- OSM's conclusion for the same reason that there's just no new information. We are starting dialogue with the biologist, Jeff Selinger, in Kenai, you know, for the Kenai Peninsula, and would like to help them get some more information there. It won't happen this winter, but perhaps next year we can try and get some better information on the population there.

CHAIRMAN CARPENTER: Thank you. Any questions.

(No comments)

CHAIRMAN CARPENTER: Is there any other Federal or State agency comments.

(No comments)

CHAIRMAN CARPENTER: Any tribal comments.

(No comments)

CHAIRMAN CARPENTER: Any tribal consultation comments.

(No comments)

CHAIRMAN CARPENTER: InterAgency Staff.

(No comments)

CHAIRMAN CARPENTER: SRC.

(No comments)

CHAIRMAN CARPENTER: Fish and Game Advisory Committee.

(No comments)

CHAIRMAN CARPENTER: Summary of written public comments.

(No comments)

CHAIRMAN CARPENTER: Is there any public testimony.

(No comments)

CHAIRMAN CARPENTER: Hearing none, then we will go on to Council deliberation on WP12-29. A motion is in order to approve.

MR. HENRICHS: I'll make the motion.

CHAIRMAN CARPENTER: It's been moved by Mr. Henrichs. Is there a second.

MR. ADLER: Second.

CHAIRMAN CARPENTER: It's been seconded by Mr. Adler. Is there any discussion.

MR. HENRICHS: Mr. Chairman.

CHAIRMAN CARPENTER: Sure.

MR. HENRICHS: Yeah, I recall when I was younger that people I know from Cordova went over there and harvested moose and hauled them back to Cordova, Dean Kramer and Jerry O'Brien.

CHAIRMAN CARPENTER: Anything else, Mr. Henrichs?

MR. HENRICHS: No, that's all I got.

CHAIRMAN CARPENTER: Any other discussion.

(No comments)

CHAIRMAN CARPENTER: I -- the only thing I would say about this proposal is it's kind of a pretty remote place in the scheme of things, especially for Southcentral Alaska. There is a very insignificant moose population there and if you look at the overall harvest for the last 20 or 25, 30 years, it's virtually none. The only people in Prince William Sound that

have a C&T for there are Chenega and Tatitlek. And I understand that Hope and Cooper Landing have a C&T for the remainder of Unit 7. But it just seems like it's very -- I mean, I hate to go against the grain here, everybody that's come up has said that they are opposed to this, but I'm not because I think the harvest is always going to be almost zero. And if a moose gets harvested then you can close it, I just don't see what the harm in that is. It's never, ever going to be anything significant because there just isn't a lot of moose. It might vary from five moose to 25 moose and to help the two villages out in Prince William Sound that have the -- you know, and there's very people that really live there anymore, I just don't see what the harm is. So I'm going to actually support this proposal.

Mr. Henrichs.

MR. HENRICHS: Yeah, it was kind of weird because we planted the moose on the Copper River delta and people went over to King's Bay because it was in another district and took a moose there and just shocked everybody that there was a place you could go and actually do some moose hunting because everyone else would take the ferry to Valdez and go up the highway. It was pretty interesting. And let me tell you, they heard the moose there once they got there.

CHAIRMAN CARPENTER: Any other discussion.

Judy.

MS. CAMINER: Mr. Chair. I guess it's a little bit like our discussion on the fox perhaps that they're so rare, you know, maybe it's very unlikely anybody will get it, plus you've added the remoteness of it. So I think the critical part is this area has been closed for a number of year so I guess I likewise maybe don't see a concern in opening it up, but getting the new information is vitally important on what those populations are. I think that's -- maybe we'll put that as part of our annual report request too.

CHAIRMAN CARPENTER: Yeah, we can do that.

Greg.

MR. ENCELEWSKI: Tom, I think you almost convinced me to support this, but, you know, there's really concern for conservation, but I like what you had to say. Also, you know, they state in here it'll discourage poaching, evidently there's something in there if it's discouraging poaching.

CHAIRMAN CARPENTER: Well, I mean, the only thing I'd have to say about that is I know Milo has worked real hard the last, you know, however long he's been here to encourage the two villages to participate in the Federal program. And, you know, by giving them opportunities, not taking away opportunities, even if they don't use them, you know, it's showing the villages that, you know, this system is trying to provide them something and that if they do harvest an animal that if they report is, you know, that -- that only benefits the population of animals also. So that's kind of why I supported it.

Is there any other discussion.

(No comments)

CHAIRMAN CARPENTER: Hearing none, the question's in order for WP12-29.

MR. HENRICHS: Question.

CHAIRMAN CARPENTER: The question's been called. All those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN CARPENTER: Opposed.

(No opposing votes)

CHAIRMAN CARPENTER: Motion passes. So we are moving on to WP12-30-31.

MS. BROWN: Thank you, Mr. Chair, members of the Council. WP12-30-31 begins on Page 162 of your Council books.

Proposal WP12-30 was submitted by the Alaska Department of Fish and Game. Proposal WP12-31 was submitted by the Kenai National Wildlife Refuge. Each proposal is similar with nuances regarding harvest season. Both proposals were submitted prior to the

Board of Game meeting in March and reflect what was requested at the Board of Game meeting rather than the outcome.

In March, 2011 the Alaska Board of Game removed the spike fork harvest option and changed the brow requirement from three or more to four or more brow tines on either antler, in addition to 50 inch antlers for the August 10th through September 20th season and has the intent of a short term solution.

In light of this the proponents would like to address the Regional Advisory Council.

CHAIRMAN CARPENTER: Pull up a chair, I guess. Before you guys get started is there anybody on the phone, is Thomas still on the phone?

MR. McDONOUGH: Yes.

CHAIRMAN CARPENTER: Okay. Are you still there, Thomas?

MR. McDONOUGH: I am on the phone.

CHAIRMAN CARPENTER: Okay. Can you hear us okay?

MS. MUSHOVIC: Who just joined?

MR. STARKEY: Sky Starkey.

CHAIRMAN CARPENTER: Sky Starkey. Okay. Sky, can you hear us okay?

MR. STARKEY: Yes, I can.

CHAIRMAN CARPENTER: Okay. We're just getting ready to start the Kenai moose proposal so you got here at the right time.

MR. STARKEY: Thank you.

CHAIRMAN CARPENTER: Okay. Go ahead.

MS. YUHAS: Through the Chairman. Jennifer Yuhas, Alaska Department of Fish and Game. Thomas McDonough is also online to take any question.

We would like at this time to withdraw

our Proposal 31 and simply discuss the wildlife special action. This is based on discussions with the Refuge and with the users regarding concern that adoption of the proposals would put something permanent in place and the users would favor the special action provision. And this is following the decision that was recently made by the Alaska Board of Game which Cole reported on.

No official written comments inserted/provided by State at this time

CHAIRMAN CARPENTER: Okay.

MR. LORANGER: Thank you, Mr. Chair and the Council. Andy Loranger, Refuge manager, Kenai National Wildlife Refuge.

We would also like to withdraw Proposal 31. We never envisioned this as a long term action, but rather a short term conservation action to address the low bull/cow ratios issues on the Kenai Peninsula. As a matter of fact my early recommendations to the Board of Game was to do just that and express concerns about a harvest strategy long term that would focus just on the larger bulls and recommended consideration of a wider range of options in our letter to the Board of Game.

Relative to the recent tribal consultation that we had, we understood that there is significant concern about this becoming a permanent action and not being reversed in the future. And again since that was never our intent, we are proposing to withdraw this proposal and deal with the conservation concern through special action in the coming year.

Thank you.

CHAIRMAN CARPENTER: Thank you, sir. Does anybody have any questions for either the Department of Fish and Game or the Refuge manager?

Greg.

MR. ENCELEWSKI: I guess I don't have a question, but I thank you both. I know we're going to discuss it under special action, but I really wanted a chance to debate this in detail because it's more

restrictive than actual State and it takes away our subsistence preference. So I was -- I'm very concerned about it and I appreciate what you're doing and we'll take it under the special action.

CHAIRMAN CARPENTER: Judy.

MS. CAMINER: I guess a procedural question. Again can a proponent withdraw a proposal or is it part of the Board process that gets withdrawn at the Board meeting?

CHAIRMAN CARPENTER: I believe that it can be withdrawn as long as the Board or the Council hasn't made a motion to put it on the table. Before that happens according to what I talked to Helen about earlier, they're doing it now because we haven't brought it up in the form of a motion.

MS. H. ARMSTRONG: Helen Armstrong. That's correct. I just looked at the policy, Steve Kessler had it on his computer and that is what it says, as long as it's before the Council takes action.

CHAIRMAN CARPENTER: Judy.

MS. CAMINER: So and maybe I'm jumping ahead too much and maybe we'll discuss this with the special action, but does this mean that you feel like the special action that took place this summer slash fall, was adequate to preserve or build up the male population and that we won't be doing special actions every year?

Thanks.

MR. LORANGER: The analysis, you know, that has been done by the Department of Fish and Game that looks at the affects in a very simple, straightforward mathematical model, suggests that the current regulations need to be in place for two hunting seasons to reach objective bull/cow ratios.

CHAIRMAN CARPENTER: Jerry.

MR. BERG: Yeah, and I guess just to add to that. Procedurally, I mean, we certainly anticipate submitting another special action to address next fall's season. I mean, you have this special action request for this late fall season coming up

later this month, but we anticipate also submitting another special action that would deal with next fall, but we'll have more information between now and this spring to be able to formulate that special action. So it may or may not look different than these proposals, we need to look at some more information, but certainly anticipate a special action to deal with next fall as well.

Thank you.

CHAIRMAN CARPENTER: Jennifer.

MS. YUHAS: Mr. Chairman. Jennifer Yuhas, Alaska Department of Fish and Game.

Part of the reason that we came to this understanding to withdraw and manage through special action was to address the concern over permanence of adoption of the proposal. And this method, in fact, allows the RAC to be more involved as we bring the next anticipated special actions, that you have a decision point each time one is brought and that you don't have to make a repeal decision at a later date through something that would be longer standing.

CHAIRMAN CARPENTER: Thank you. Judy.

MS. CAMINER: Well, while I appreciate that looking forward and I appreciate that we will be discussing the next special action today, in fact, there wasn't RAC involvement on this summer's special action. And as you know you and Tom came before the RAC last March and told us about the moose situation and gave us a heads-up that this would be something discussed at this meeting. So something happened this summer that it became rather an emergency and rush, rush, rush, not give the Board or not give the RAC really -- not give the Board much time so it appeared and not give the RAC a formal opportunity to be involved. So, I mean, it's great for the future, but this was not done in a very good procedural way. I mean, if you really want RAC involvement, it did not happen for this first special action. And so I hope you'll take quite seriously the discussion we'll have now on this second special action.

And I guess lastly -- I mean, I think there's some question about managing through special action. I appreciate what you're saying, you don't

want something for two years, but, I mean, that can also be changed. So there's just a lot of new things coming up here.

CHAIRMAN CARPENTER: Is there any other questions for anyone here?

(No comments)

CHAIRMAN CARPENTER: So the two proposals have been withdrawn, just procedurally we need to -- we don't even need to take any action at all, they're gone.

Okay. I guess we will move along. We will move on to -- we're going to move on to WSA11-03. It's on Page 308.

Go ahead, Cole, whenever you're ready.

MS. BROWN: Thank you, Mr. Chair, members of the Council. Wildlife Special Action 11-03 begins on Page 308. It was submitted by the Kenai National Wildlife Refuge and requests that the moose harvest limits in Units 15B and 15C be revised from one antlered bull with spike fork or 50 inch antlers or with three or more -- or with three or more brow tines on either antler to one antlered bull with 50 inch antlers or four or more brow tines only during the October 20th through November 10th season.

Additionally the proponent requests the antlers of a harvested moose be inspected and sealed within 10 days of harvest by an authorized representative.

The proponent states that recent moose composition surveys indicate that there are conservation concerns for the moose population in Unit 15 since the bull/cow ratios in portions of the area 15C are very low of nine bulls to 100 cows and declining in other subunits. These low bull/cow ratios if not corrected could lead to low productivity and potentially severe moose population declines on the Kenai Peninsula in the future. Modifying the antler restriction should reduce the harvest of bulls in order to address these conversation concerns while still allowing a harvest opportunity.

This change in antler restrictions was

meant to be a short term solution of approximately two years to allow the increase in bull/cow ratios. In March, 2011 the Alaska Board of Game adopted the same restrictions and without a similar action in Federal regulations any conservation gains may be compromised as the majority of land in Unit 15 are Federal public lands. In addition sealing the antlers within 10 days of harvest will allow for more accurate tracking of harvest of legal moose.

In Unit 15B the Kenai National Wildlife Refuge has 25 to 30 bull to 100 cow ratio within the western portion of the Unit 15B as their management objective and 40 to 60 bulls to 100 cows within the eastern portion of the unit. ADF&G's management objective for Unit 15B west from the central Kenai Peninsula are 15 to 100 and for Unit B east, 40 to 100. The most up to date census for Unit 15B are from 2001 when the population was estimated at 958. Composition surveys were completed in 2010 and '11 and they estimated 33 bulls to 100 cows in Unit 15B east. Calves were estimated to comprise 6 percent of the population. Composition surveys were conducted within the Unit 15B east where U.S. Fish and Wildlife has a 40 to 60 bull to 100 cow management objective.

In Unit 15C management objective for the Kenai National Wildlife is 40 to 60 bulls per 100 cows within the Caribou Hills portion of the unit and 25 to 30 bulls within the remainder. ADF&G's management is 15 to 20 bulls to 100 cows. The 2010/'11 fall sex and age composition survey for Unit 15C revealed an extremely low bull/cow ratio of nine bulls to 100 which is much lower than the long term bull/cow ratio of 29 to 100 and well below the established Refuge goal. Based on the ADF&G's 2010 population of 22 -- of around 2,200 animals, the moose population in 15C has decreased when the population was estimated to be around 3,000 animals in 2001. Without action to address the imbalance in sex ratios then this population within Unit 15C will likely continue to decline.

While the current levels of moose harvest under Federal subsistence regulations are low within Unit 15, the percentage of spike fork bulls that make up the total harvest by Federal and State users within those units is significant. At present most Federally-qualified users choose to harvest a moose under State regulations. Due to the fact that the

State regulations were recently changed to be more restrictive than the Federal subsistence regulations it is expected that the number of Federally-qualified subsistence users that would choose to hunt on Federal public lands with a Federal permit will increase.

In addition increasing the brow tine requirement to four brow tines will limit the number of large bulls harvested in the area while still allowing a harvest opportunity of bulls with 50 inch antlers regardless of the number of brow tines and bulls with four brow tines with less than 50 inch antlers. The impact of various harvest scenarios on the bull/cow ratio within Unit 15C specifically was analyzed by ADF&G and is seen in Figure 10. And the harvest restrictions implemented by the Board of Game in 2011 including requiring four tine antlers for harvest, had the highest probability of achieving management objectives short of a total season closure during the two year management period. Comparable results could be expected in the remainder of Unit 15.

The justification, while the current levels of moose harvest under Federal subsistence regulations are low for the October 20th to November 10th season, maintaining the spike fork, 50 inch antlers or antlers with three or more brow tines during this season could lead to a substantial shift in Federally-qualified users applying for permits and harvesting a moose for the late season.

The Federal season from August 10th to September 20th is 10 days longer than the State season and provides a subsistence priority. Additionally the Federal season from October 20th to November 10th provides an additional 20 days of harvest opportunity for the Federally-qualified user and if you look on Page -- Table 7 or sorry, Table 6 on Page 320, discusses the -- under -- what would be considered legal harvest under the proposed 50 inch or greater than four brown tine antlers. So there's a subset of the moose that were harvested in the previous seasons, that would be still legal under the proposed regulation. And then additionally requiring the sealing of antlers will allow for more accurate tracking of legal harvest to effectively manage the moose population on Kenai Peninsula.

Therefore the OSM preliminary conclusion is to support Special Action WSA11-03.

CHAIRMAN CARPENTER: Thank you.

MS. COLE: Thank you.

CHAIRMAN CARPENTER: Any questions for Cole?

Judy.

MS. CAMINER: Thank you, Mr. Chair. Well, maybe a two part question. Maybe you can walk us through age wise approximately how old might a bull be if it had a spike fork or how old might it be if it had three or four brow tines. And second part of the question is the proposed Federal regulation at the top of 309 lists for the Federal hunt four or more brow tines and the State hunt is listed as three or more. So which is more restrictive there?

Thank you.

MS. BROWN: I'm sorry, I missed the first part.....

MS. CAMINER: Okay.

MS. BROWN: .....of that question.

MS. CAMINER: So on the top of Page 309 where the Federal and the State regs are compared, the proposed Federal and the existing State. For 15B east State.....

MS. BROWN: Okay.

MS. CAMINER: .....that one could take three or more brow tines, an animal of three or more. And the Federal reg says four or more. So which would be classified as being more restrictive?

MS. BROWN: The existing State regulation in Unit 15B east is a drawing permit that's open to all users from September 1st to September 20th. And the October 20th to November 10th season is specifically for Federally-qualified users and it would be one antlered bull for 50 inch antlers or with four or more brow tines on either antler, would be the -- is the proposed. So I think that's -- it depends on your -- what part of the -- what part of what is more restrictive are you referring to.

MS. CAMINER: Well, would there be more animals with four or more brow tines or more with three or more brow tines, I guess, would be one way.....

MR. HENRICHS: Three.

MS. CAMINER: Yeah. And the other question since we brought up that State open to all users, 50 permits, is that also open to nonresidents, do you know?

MS. BROWN: Yes, it is.

MS. CAMINER: Okay. Thank you.

CHAIRMAN CARPENTER: Thomas, are you on the phone still.

MR. McDONOUGH: I'm here. Can you hear me?

CHAIRMAN CARPENTER: Yeah. Can I ask you a question. Did you hear Judy's last question in regard to the brow tines for the drawing hunt?

MR. McDONOUGH: I think I -- I think I heard it, there's a bit of an echo. The way the Board of Game made their restriction is it's true that 15B east has on the State side a more liberal bag limit than anywhere else on the Kenai Peninsula having 50 inch or three brow tines. So during -- if I'm interpreting this correctly the Federal season this year that occurred did have a more restrictive bag limit than the State season in that 15B east area. But it's -- it should be known that 15B east State season does not have any general season hunters, it's just a drawing hunt limited to 50 permits. Of those 50 on average about 20 people hunt. It is open to nonresidents. This past year four nonresidents had a permit, one of them hunted and took a bull, the other three did not hunt.

CHAIRMAN CARPENTER: Okay. Thank you. I guess my question would be it seems kind of unusual that the Federal subsistence side of things would have a more restrictive brow tine limit because typically that would be an older or bigger moose. When you have a general State season, I understand it's a drawing hunt so it's somewhat controlled, but does the State plan to before the drawing permits are issued next year

change that brow tine restriction to match the Federal side?

MR. McDONOUGH: No, that wouldn't be something that would occur for one because the Board of Game cycle won't be taking up issues until the March, 2013 meeting so it wouldn't be addressed.

CHAIRMAN CARPENTER: Yeah. No, I know that and I guess I kind of wanted to state that for the record because here we are talking about a special action request on the Federal subsistence side of things and I believe that the Department of Fish and Game has EO authority and can also petition the Board of Game out of cycle because they have biological concerns. And so I kind of guess I wish to know why the State has chosen not to follow this path?

MR. McDONOUGH: Sure, I can address that. I think I know what you're getting at. The only place in -- on the Kenai Peninsula that does not show decline in bull/cow ratios is that area in 15B east. And that's for two reasons. One is because it's been a relatively restricted hunt through a drawing permit system and secondly because spike forks have not been a legal animal in there. So I understand your identification of the difference in bag limit between the State and Federal season in 15B east, that is true, but the purpose of the State restriction and I believe the special action on the Federal season in restricting antler -- legal antler hunting opportunity is because of the decline in the bull/cow ratios everywhere else. So 15B is a little bit unique, but there is a decline bull/cow ratios everywhere outside of this area.

CHAIRMAN CARPENTER: Okay. Thank you. Did you have something, Cole?

MS. BROWN: Yeah. Thank you, Mr. Chair. I just want to clarify why the Federal side hasn't been able to address. We have a different -- the 15B east specifically, it's designated differently under Federal regulations than under State regulations. So it's just a Unit 15B for the Federal side, that's why there's not a discrepancy between that.

CHAIRMAN CARPENTER: So let me ask you one question. Do you have idea of is the area in 15B east that's classified as 15B east in the -- on the State regulations, how much of that is Federal land, is

it all Federal land?

MR. LORANGER: Yes, it's all Federal land or nearly all if not all.

CHAIRMAN CARPENTER: So would it not be -- would it not be prudent -- how many of the Federal moose let's say that have been harvested in the last five years under the Federal system have been harvested in that area, would you have just a general idea, is it -- I mean, they only harvest four or five or six moose a year, but is it -- you can probably see where I'm getting at.

MR. LORANGER: There's -- I think the Federal harvest has been one or two animals in 15B, on Federal lands in 15B.

CHAIRMAN CARPENTER: So would it not be something to consider making a boundary just like the State does and having the Federal restriction similar to the State restrictions in regards to brow tines just so that we are keeping the Federal subsistence people on somewhat of an equal playing field because we just heard from the area biologist that that area tends to have higher bull to cow ratios and he has no real concern with that area. So maybe that's one way of alleviating some of the undue pressure on the Federal users, would that be something that could be considered?

MR. LORANGER: Though we haven't administratively recognized 15B east versus 15B west, I think it's something that could be considered.

CHAIRMAN CARPENTER: Thank you. Any other questions for Cole or anybody here, anybody on the phone?

MS. MILLS: Mr. Chair.

CHAIRMAN CARPENTER: Mary Ann. I'm sorry, go ahead.

MS. MILLS: And I apologize for my unknowledge of this, but what created the emergency from last year to this year to cause such extreme restrictions?

MR. LORANGER: Is that a question for

the Department or for the Refuge?

MS. MILLS: For either -- for both.

MR. LORANGER: Okay. And I think this gets at, you know, Judy's comments as well in terms of the process and last spring's meeting when we identified that there was a conservation concern from our standpoint based on our preliminary look at moose composition data. I will say that, you know, that was my first look at that moose composition data and you really do need to look inside the data in very great detail which happened after the Board of Game action to establish these harvest regulations which as you say are significantly more restrictive than what had been the case in the past. And the concern from our standpoint really was generated in the information that we have, where we have the most information in Subunits 15A and 15C. The situation in 15A especially when you look at the years that moose composition data has been gathered with more or less uniform geographic coverage to include most of the units indicated a general decline over the last 10 years from somewhere in the vicinity of 30 bulls per 100 cows to around 20 today. However when you looked at the majority of that unit outside of some of the higher elevation portions of the unit and the largest part of this unit is in the Kenai lowlands, that bull/cow ratio in that part of the unit was down below 10 and a good -- a significant part of that unit was at five bulls per 100 cows which is a very significant conservation concern from our standpoint.

When we looked at the 15C data that part of 15C on Federal lands, it's part of the Refuge, is an area that traditionally has had very -- some of the highest bull/cow ratios in the area. The State count area is 21 I believe and it's the Caribou Hills section of Kenai National Wildlife Refuge down in the southern peninsula. That area saw a relatively precipitous decline in bull/cow ratios in 2007. The -- you know, the reasons for that I think are still unclear as to why, you know, it seemed to have fallen off the cliff so to speak so dramatically in that year. But since that time, not in every year because snow conditions didn't allow fall surveys, but in the years since that first red flag, 2007, the Department was able to at least cover a wider area of moose composition around that area to see what the situation was on a wide basis. And last year was one of the most

intensive or comprehensive surveys in terms of area and in terms of the number of moose classified in the fall composition survey vicinity of seven or 800 square miles covered and 700 plus moose classified. And the bull/cow ratio was at 11 per 100 in that much larger area which again those kind of bull/cow ratios are what generated the level of conservation concern in combination with the recognition that an alignment of State regulations which was four brow tines or 50 inch bulls, no spike fork, and a very different Federal regulation that would have allowed a spike fork, that provided in our minds a significant or substantial potential for a shift in harvest by the Federally-qualified users to hunt under the State -- who hunted under the State season primarily on State lands and, you know, harvested moose during the regular general moose season. The combination of the -- the significance of that conservation concern with the potential shift in harvest to the Federal-qualified -- to Federal lands by Federally-qualified users in combination was what created our decision or the recommendation we made to move forward with this special action.

CHAIRMAN CARPENTER: Go ahead, Mary Ann.

MS. MILLS: Well, the reason I asked is, you know, because I'm concerned about the management scheme.

Thank you.

CHAIRMAN CARPENTER: Go ahead, Greg.

MR. ENCELEWSKI: Say, Andy, this question is for you. I have quite a few questions on here and I think Ivan from the tribe is going to probably explain the point of view from the tribal side, but this is -- my question as a RAC member is, you know, I don't quite understand how you guys define emergency. And this is my perception because you have a draw hunt for 50 moose up there and you're allowed to take 50 inch, four brow tine and over. You're able to take trophy moose, you made it into a trophy hunt, and you shut down the spike fork. If there's truly an emergency it would seem like everything should be shut down. I mean, that's my take on it.

Anecdotally, and no one goes with

anecdotal information anymore and I think it's a shame they don't, I hunt that area and I travel it very much and the bull/cow ratio is down. But the other point I would make is emergency as a subsistence user and the user take of subsistence moose is somewhere in the neighborhood of six or less. There's also one other statement I wanted to make and I know this and it doesn't necessarily relate to the two, but I got pictures on my camera here if you want to show them, there's signs all over the Kenai, 252 road kill moose from July 1. Our subsistence use there is being more restrictive in my opinion than State and we're taking such a fraction on a perception that more people are going to hunt, to me it's -- it doesn't make sense.

Thank you.

MR. LORANGER: Well, I'd like Thomas to speak to the model that the Department developed and used in predicting the affect of various harvest strategies and scenarios on bull/cow ratios over the course of the next couple of years.

As far as an emergency, from a procedural standpoint the emergency from my standpoint is defined from a bull/cow ratio in a large portion of the area that is at five bulls per 100 cows and another area that was in the 40 to 60 range is down to 11 for 100 cows. That constitutes a need for action from my perceptive.

Thank you.

CHAIRMAN CARPENTER: Thank you, sir. Greg, go ahead.

MR. ENCELEWSKI: Yeah, and I don't question that, Andy, I just wonder why other 50 inch didn't share in that and drawing permits didn't share in that.

CHAIRMAN CARPENTER: Judy.

MS. CAMINER: You mentioned you were or maybe Fish and Game will speak to the model, I guess, I think we'd be interested to know the level of confidence in this model that two cycles of special actions will do it. And I also share Mary Ann's concern about overall management strategy in that -- and maybe this is why it happened, but RACs are not

necessarily or not required to be given deference on special action at least the way the system is set up now. So I wouldn't want anybody to think that that's why we're going that route and I hope maybe you won't give deference, but maybe you and the Board will certainly read quite carefully what the recommendations are from this Council.

CHAIRMAN CARPENTER: Thank you. Maybe before we ask any more questions, Thomas, if you're on the phone there's been a couple of interested RAC members along with the rest of us that maybe if you could speak on the model that you're using to use in this moose population, maybe it would help answer some questions.

MR. McDONOUGH: Sure. We presented a model at the March Board of Game meeting that assessed some harvest strategies and what we might predict the outcome of bull to cow ratios would be for the different strategies. And those strategies included shutting the season down completely; another strategy was 50 inch or four brow tine bulls being legal; another strategy was just 50 inch or three brow tine bulls being legal; another strategy was status quo, keeping it the same; another was keeping it at 50 inch and three brow tines, but issuing some any bull permits. In other words we had a diversity of options. And the model is somewhat crude and it assumes age specific survival rates and it predicts age specific harvests based on what our past harvest has been. And I should note and I noted before the Board of Game that all models are wrong, but some are useful in helping us predict what might happen. And the model that we presented showed those different strategies and outlined the different assumptions and it showed what the response in bull/cow ratios would be after two years.

CHAIRMAN CARPENTER: Thank you very much. Does anybody have any questions in regards to that?

Andy, did you have anything.

MR. LORANGER: Not a question, but just, Greg, the other part of it in terms of your question is upon looking at this and upon looking at the progress predicted by the model over a two year period and fully recognizing that we didn't intend for

this to be anything but a short term strategy, we thought a reasonable course of action would be to continue to allow some level of harvest going forward over these next couple of years.

Thank you.

CHAIRMAN CARPENTER: Judy.

MS. CAMINER: I think this Council certainly appreciates allowing some level of harvest, but something that Tom said and you just said, I mean, based on past harvest when subsistence users are really a pretty small percentage of that harvest, I don't think this was taken into account in the options -- in the option that you chose. And I believe there are ways and I know they were some of the options that was considered in the first special action, but hope we can consider them a little bit more carefully in this special action. There are ways for you to monitor the Federal harvest without just sort of a blanket basically restriction that almost eliminates what was a very small harvest.

And I guess I also have to relay to you experiences that the Council and the Board has had over the years of when any regulation is changed that seems to liberalize a season or the number of users, I mean, one reaction is a concern or fear that oh, my gosh, you know, all these people are going to come in, things are going to change and the population will be declining or decimated. Well, it really rarely happens because we do have good managers in place and we have systems in place for you and the Councils and local people and the Board to monitor it. So I think we need to manage more out of a position of knowledge of past practices and various options that are available.

Thank you.

(Off record)

(Power outage)

(On record)

MS. H. ARMSTRONG: Okay. I'll continue. We've been hearing similar comments at other places about the tribal consultation and I think this is new, it's a process, I think as time goes on we'll

1 get better at getting the word out. I know they sent
2 400 something letters, you know, but like, you know,
3 Greg said, the letter comes and people don't
4 necessarily notice. So it is evolving and the Board,
5 you know, in May they requested this working group to
6 be -- to address these issues and there are two interim
7 protocols, Jerry was talking about that this morning,
8 the tribes and the ANCSA corporation protocols that
9 they reviewed. There are a few -- the work group's
10 continuing to develop everything, it's still in draft.
11
12
13 And there are a few dates that I just
14 wanted to make sure you were all aware of, that October
15 20th there's a consultation with ANCSA corporations at
16 AFN, December 1st there's a consultation with Federally
17 recognized tribes at the BIA Tribal Service Providers
18 Conference and then January 17th through 19th we'll
19 have the Federal Board meeting. And there was
20 originally a date of January 16th that had gone out for
21 tribal consultation, we'll be sending out letters again
22 changing that because we realized the 16th is a Federal
23 holiday and the Egan Center is closed that day. So
24 we're going to have it be on January 17th instead is
25 what I understood the other day. So those are three
26 dates coming up. I do know that letters just went out
27 to all the tribes about the BIA Tribal Services
28 Providers Conference. And then in your book you have
29 the interim protocol on Page 350 and for tribes and
30 then for ANCSA corporations on Page 352.
31
32 So I don't know if there's anything
33 else anyone wants to comment on. This wasn't something
34 we had to vote on, it was just informational.
35
36 CHAIRMAN CARPENTER: Gloria.
37
38 MS. STICKWAN: I participated in the
39 ANCSA one and I thought it was a good chance to be able
40 to -- you know, to give input on the proposals and to
41 get information at the same time. The one thing that
42 wasn't available was the analysis when we were doing
43 the consultations and I know you guys have work to do
44 and it's probably not possible this last time, but
45 maybe in the future if you could have the analysis
46 while we're doing consultation because then we could
47 give better input. And with the tribes I know, even
48 with the ANCSA corporations there's turnover rates.
49 And when you have turnover rates you're not going to
50 have people that's even going to know about this and

working in the office, it's all going to be new to them. And there's a high turnover rate in the tribes, I know.

CHAIRMAN CARPENTER: Anything else.

(No comments)

CHAIRMAN CARPENTER: If there's no other questions on this we will go back to our discussion before the power went off. We are talking about special action request WSA11-03. I'll let everybody come back up to the table. And I don't remember exactly where we were at at the point the power went off. I think we were.....

MS. CAMINER: Tom had talked about the model and.....

CHAIRMAN CARPENTER: .....Tom had talked about the model they were using and.....

MS. CAMINER: And Andy had explained the emergency situation.

CHAIRMAN CARPENTER: And you were explaining what you considered to be an emergency situation with the bull to cow ratio and I think -- I don't know where -- that's where we left off.

MR. LORANGER: Right.

CHAIRMAN CARPENTER: So I guess we're asking questions right now of these people. So does anybody else.....

Judy.

MS. CAMINER: Two questions. One since we were just talking about tribal consultation, can you say what tribal consultation did take place on the special action because again at the Board meeting it was requested that some tribes be called and some RAC members be called and I'm not aware of what actually was done.

MR. BERG: Yeah. This is Jerry Berg with Fish and Wildlife Service. Yeah, I think Steve Kessler was actually going to report out on that, but I guess we can go ahead and cover it here and, of course,

Ivan can provide any additional information we don't.....

MR. KESSLER: Judy's asking about back in July.

MS. CAMINER: Yeah.

MR. BERG: Oh, I'm sorry. In July.

MS. CAMINER: Yeah.

MR. BERG: I'm sorry.

MS. CAMINER: Just so we know.

MR. BERG: We did not conduct any tribal consultation in July. I know there were some phone calls made to Council members down on the Kenai Peninsula and to Ralph to get their input on that special action in July, but there was no tribal consultation per se done. And there -- but there was some received on this current special action and.....

MS. CAMINER: Okay.

MR. BERG: .....we can deal with that one when it comes up on your agenda, I guess.

CHAIRMAN CARPENTER: Okay. Did you have something, Mary Ann.

MS. MILLS: Not on the consultation, but.....

CHAIRMAN CARPENTER: Okay.

MS. MILLS: .....on the -- you know.....

CHAIRMAN CARPENTER: Turn your mic on, please.

MS. MILLS: Oh, I'm sorry.

CHAIRMAN CARPENTER: That's all right.

MS. MILLS: Mr. Encelewski stated that, you know, more moose were killed on the Kenai Peninsula by vehicles than were taken by hunters. And, you know,

living there and participating in hunting and fishing, you know, it was real easy for me to see what created this huge increase of the fish -- I mean, the moose being killed on the roads. And that's every time there's a road project they come in and they spray grass seed and then in those areas the following year where all of this grass comes up, all of the moose go to eat that grass. And I believe that that has contributed to a lot of the moose killed by the vehicles on the Kenai Peninsula.

And I just have only one more comment to make with regard to 15B east. That's the trophy area that's not very accessible, you know, to the subsistence user, it's more for the trophy. But the Fish and Game changed -- made a change from spike, you know, where you could -- we could only harvest spike fork and 50 inch. And that was to increase the number of the big breeding bulls to increase the numbers of calves. And now it's being changed to 50 inch and four brow tines for subsistence. So these are the breeding bulls and I'm kind of confused as to your reasoning, you know, in that one works and now it doesn't. And so I would just like, you know, your thoughts on that.

Thank you.

MR. LORANGER: The spike fork 50 regulation was initiated, if my memory serves me correctly, sometime in the late 1980s on the Kenai Peninsula. We were hunting under an any bull hunt at the time. And there was concern, you know, from the standpoint of exactly, you know, what you -- that many of the breeding bulls were being taken and spike fork 50 was an attempt to address that. And frankly we think it was successful initially. The early years the spike fork 50 were a success. We did increase bull/cow ratios throughout the Kenai Peninsula. What has happened since then is a combination of things. It's a combination of moose population decline because especially in the northern peninsula there's been a forced succession has proceeded following the major wildfires of the mid 1900s, 1947 and 1969, you know, to be exact and there's down in 15C there's -- I was at the Refuge back in the late '80s and early '90s, one of the major change that I've seen is the number of recreational cabins and the miles of trails that exist now in the Caribou Hills outside of the Refuge. A very different situation than existed only 20 years ago in terms of access, in terms of the number of people in

the back country, et cetera. So what we believe has gone on in that in the spike fork 50 regulation is that we're taking too many yearling bulls currently with -- dealing with reduced populations and dealing with other -- you know, other factors that have influenced harvest and harvest distribution across the Kenai Peninsula. And again understanding that we got down to a level that raises this significant concern relative to bull/cow ratios. The goal now is not -- and as a matter of fact I've expressed concern about this focused harvest strategy on large bulls, if it is to be long term I think it's going to be deleterious, it's not something we want to do, but in the short term it seemed like it was the best -- the best strategy to take to maintain some level of harvest, but increase quickly bull/cow ratios throughout the peninsula.

Thank you.

CHAIRMAN CARPENTER: Jerry and then Bob.

MR. BERG: Yeah, I just wanted to add to that. What really helped me kind of understand some of this was the model. And if you look on Page 321 in your book there's -- graphically you can see what they're talking about, how it's going to increase the bull/cow ratio under the various scenarios, where it's -- you know, it's almost flat lined or it's still decreasing under the status quo, then it's flat lined if you just have no spike forks but you allow 50 or three plus 50 any bulls and then the 50 or three is the first line going up and then the 50 or four is the second line going up. And the -- when the Federal Subsistence Board took action in July they sw that graph and they went with 50 and four because they saw it giving the most bang for the buck in the short term. So I just wanted to point that out, that that's really kind of where the Federal Board landed in July.

CHAIRMAN CARPENTER: Mr. Henrichs.

MR. HENRICHS: Yeah, just to pass some information along. The State Department of Transportation plants foliage on the right-of-way that moose like to eat, moose come down there and eat it, people run into the moose, get hurt or killed. Guess what, some sharp attorney is going to turn around and say hmmm, who has the deep pockets. The State does and they're liable and they're starting to realize it right

now. Just as well as on the school grounds if the schools plant foliage that attract moose and moose come down and raise hell with kids, the school is liable if somebody gets hurt. And at Elmendorf they didn't worry about the geese because they said you got to learn to live with the geese until they sucked up geese in an AWAX plane and crashed and killed 17 people. That was stupid. So I'm just passing that information along.

CHAIRMAN CARPENTER: Greg.

MR. ENCELEWSKI: Yeah, through the Chair, Tom. I just wanted to make one comment to Jerry referring back to the model on 321. I just wanted to remind him that Tom just talked -- the biologist that all models all wrong, and they're -- but they're useful.

CHAIRMAN CARPENTER: Judy.

MS. CAMINER: Well, with respect to the projection on 321, sort of two part. Is there reason to believe it would be a similar slope on the other two subunits and this -- managing the Kenai Refuge is no doubt quite a dilemma because you're trying to grow moose population for a variety of users. Now our mandate is a lot more specific and it's to provide that subsistence priority. So perhaps this graph having been developed by Fish and Game may address more of the recreational users, but it may not be as helpful to those who need to provide for subsistence priority.

CHAIRMAN CARPENTER: Thank you. Lee.

MS. CAMINER: I didn't get an answer.....

CHAIRMAN CARPENTER: Oh, yeah. Go ahead.

MS. CAMINER: .....I would like Andy.

MR. ADLER: Well, on the surface it looks like.....

CHAIRMAN CARPENTER: Hold on a second.

MR. ADLER: Yeah.

CHAIRMAN CARPENTER: Hold on a second,

Lee. Do you want to respond to that, Andy, I'm sorry?

MR. LORANGER: Yeah, the model was developed and looked specifically at a graph is on 15C. The thing to remember is that harvest in 15B and 15A is less, but moose populations are less than half of 15C and 15B, less than 1,000 versus 2,100 to 2,500, somewhere in that vicinity. And we're -- our latest estimate of moose abundance in 15A is about 1,450 or 1,500 moose. So it's quite a bit less. So if you think about it the, you know, any harvest of spike fork or bull harvest is going to have a greater proportional impact in a population that has fewer animals in it. So 15C is very informative from that standpoint.

CHAIRMAN CARPENTER: Thank you. Lee.

MR. ADLER: By stopping the or eliminating the harvest of spike forks it looks like for only one age class, but really it could be two or three layers because those spike forks are yearlings and the next year they might not be legal and the next year they might be legal yet. So I can see -- I can see their strategy here. If you want to get those bulls back you're going to protect two to three years worth of bulls and in a couple years it will work, I think. So, I mean, on their behalf I think that's something we should think about, by sacrificing a couple years we can put out a lot of bulls and save their lives.

CHAIRMAN CARPENTER: Okay. Thank you. Greg.

MR. ENCELEWSKI: Yeah, I just want to make one comment. We haven't hit on it, but it was even in the report to the Federal Subsistence Board and that's on the predator control. And this Board has recognized that there's a predator control problem and although it's honorable in some to say we're saving spike forks, if we do nothing with the predators and the bears and the wolves we're saving them for the bears and taking them away from the subsistence users.

CHAIRMAN CARPENTER: Thank you. Judy.

MS. CAMINER: Well, that brings me back to a question I had this morning. And I'm not sure if Tom is on the phone again?

MR. McDONOUGH: I'm here.

MS. CAMINER: Okay. Oh, Tom. Okay. I thought I saw that the Board of Game has before -- will have before it some proposals regarding intensive management in these subunits or in Unit 15, can you speak to that?

MR. McDONOUGH: Sure. In March of this year the Board of Game directed the Department to write intensive management plans that included aerial wolf control for Unit 15A and Unit 15C to be presented at the November Board of Game meeting in Barrow. And we are in the process of finalizing those plans and they will be open for public comment around mid October and will be voted on by the Board of Game at the November meeting in Barrow.

CHAIRMAN CARPENTER: Judy.

MS. CAMINER: Thank you. Sorry for all these questions, but it's certainly an important topic. I appreciate you telling us a little bit about the population numbers in A, B and C, but again sort of a two part question. What has been the average subsistence take in those three and what was the harvest in this first part of the season after the special action?

MS. BROWN: Through the Chair. This is Cole Brown with Office of Subsistence Management. I can speak to the first part of that question and it's in your Council books. You can go to page -- sorry, it's a lot of information. Let's see, for 15B from 2004 to 2009 Federally-qualified users harvested an average of .16 spike fork moose and an average of 1.3 moose with 50 inch antlers or three or more brow tines for a total of nine moose. And this is under the Federal permits which is important for my next part.

Unit 15C, Federally-qualified users harvested an average of 22 spike fork moose and an average of 11 moose with 50 inch antlers or three or more brow tines for total of 199 moose between 2004 and 2009.

And then if you look on Page 327, Table 10, the discrepancy is this table is showing an average of individuals with customary and traditional use determination in Unit 15. Federally-qualified users

are currently harvesting mostly under State permits. So if you look under the first part it states permits for Unit 15, Ninilchik residents, for example, were issued 153 permits, on average a 153 hunted and on average 30 were successful. And you compare that with the Federal permits to add those up for a total of all the customary and traditional use for those residents.

MS. CAMINER: And, Andy, if you have the harvest numbers from the summer slash fall season?

MR. LORANGER: I'm going to defer to Thomas. I think the Fish and Game has sealed the vast majority of the antlers harvested and there may still be a few coming in.

CHAIRMAN CARPENTER: Can you give us the harvest information, Thomas, on the fall season so far?

MR. McDONOUGH: Yeah, it's way to preliminary, reports are still coming in, but if I had to extrapolate based on what we've seen so far, I would guess the harvest across the entire Kenai Peninsula, Unit 15A, B, C and Unit 7, it's probably going to be around 30 bulls.

CHAIRMAN CARPENTER: Okay. Thank you. Andy.

MR. LORANGER: Thank you, Mr. Chair and member Caminer. We have as of the end of the week last week, we'd had very, very few harvest reports submitted for the Federal subsistence moose hunt. We did issue, the Forest Service and the Fish and Wildlife Service, 82 permits for the early or for the fall season, the first season, and as of Thursday last week we'd had looks like 10 reports, 10 harvest reports. So we're waiting for -- you know, it's 15 day after the end of the season so that's not until the middle of the week, but we don't have any harvest reports in terms of people who harvested moose.

MS. CAMINER: Thank you.

CHAIRMAN CARPENTER: Okay. So we've had quite a discussion here. If there's no more questions for the panel of experts up here now we'll go to the next group of people and see what. So we've had the Alaska Department of Fish and Game comments, would

you like to comment anymore, something else, Andy.

MR. LORANGER: Tom, at the break or right after the power failure, I guess I don't remember which it was, you asked about -- and I don't know if you want to discuss that now or you want to wait until the full Council discussion.

CHAIRMAN CARPENTER: I think I'll wait until I.....

MR. LORANGER: Okay.

CHAIRMAN CARPENTER: .....hear from the public and bring that up during our deliberations and ask the questions about it then.

MR. LORANGER: Okay. Thank you. We'll come back then.

CHAIRMAN CARPENTER: All right. Thanks. Is there any other Federal or State agency comments.

(No comments)

CHAIRMAN CARPENTER: Is there any tribal comments.

Ivan, do you have anything?

MS. MUSHOVIC: Is there someone on the phone?

MR. STARKEY: This is Sky Starkey, I'd like an opportunity to comment at some point in time.

CHAIRMAN CARPENTER: Okay, Sky. Ivan is going to testify right now and after he's done how about then.

MR. STARKEY: Sounds good. Thanks, Tom.

CHAIRMAN CARPENTER: All right. Go ahead, Ivan.

MR. I. ENCELEWSKI: Thank you, Mr. Chairman, members of the RAC. My name is Ivan Encelewski, I'm the executive director for the

Ninilchik Traditional Council and also a Federally-qualified subsistence user.

We speak in opposition to this special action request. I want to start out we believe the process here through the management has essentially kind of created a trophy hunt. Subsistence hunters are not trophy hunters. Targeting -- we have questions over the targeting just large bulls, tend to be breeding bulls, your spike fork don't tend to be your largest breeding bulls. So that's to start off with.

This has obviously created a severe hardship for the communities and for our people who spent a lot of hours moose hunting and because of the severe restrictions very, very few tribal members and community members have been able to put moose in their freezer.

I'm not going to hammer away at some of the points that have been made, but I will just briefly bring them up. We have concerns with the variance in the State 15B east hunt where it's actually less restrictive than what is being proposed for Federally-qualified subsistence users. Obviously we don't feel that there's a -- you know, a serious consideration over preference if we're restricted to four brow tine bulls and the State has a hunt. There's a lot of alternatives, we believe, to just closing this to four brow tine bulls. Potentials include registration hunt, maybe quotas, short reporting periods.

We believe heartily in in-season management and that we have some concerns over basing this decision to -- which is a very, very low harvest on what may happen. You know, you hear throughout the proposal and you hear a lot of what may, could, might and we don't believe that while it may be hard -- harder to manage in-season where you have permits being issued, it shouldn't be an obstacle to completely cutout or greatly reduce the potential for subsistence use.

As you know and it's been mentioned before, there's 250 road kills, you know, on the peninsula, there's a huge harvest of moose taken that way, also predators. The issues have been raised over, you know, saving some bulls through the restriction in hunting, but those bulls and being taking through predator means and being hit on the road as well. So,

you know, we partially feel like you're trading off subsistence meat and opportunity for road kills and predators. We don't believe that that is correct or is right.

As mentioned earlier the actual take of moose under the Federal subsistence program is very minuscule. I mean, on average it's like six moose a year. And, you know, taking such a lot amount and taking this all away over theorizing what might happen is just what we believe is not a good policy for the Federal Subsistence Board to implement.

We -- another issue that we have concern with or is believe that partially will help with the issue is the lands in question, 15A obviously is not in question because it's not part of the late season hunt, not part of it. So you're basically only talking about 15B and C for the late season hunt. And one of the things when you take into consideration that the State hunt has been completely restricted now, the early subsistence season has been restricted, there's a great opportunity that's allowed conservation for a lot of these moose. And postulating that basically one late season hunt for a few moose is going to take away all the gains that have been made is preposterous in our opinion because one, you can't even hunt in 15A through this hunt and you've saved so many bulls through the State hunt which is -- the lands in question on 15B and C are very difficult, a lot of times for most users to get to. If you really look at the map and understand the area and the history this isn't about going out in the backyard, 15C is almost impossible for most users to get to in most areas, I mean, you're having to go out a long ways, you can't drive on the Refuge, this isn't like in a lot of areas of the state where you can simply drive down the road, look on one side and there's a Federal subsistence area and shoot a caribou or something. These are very, very difficult lands to get to and an opportunity to harvest. That's why the taking is so low is because of the land. So we believe that yields to conservation in that you're just simply not going to even if you have an influx of hunters or potential hunters.

We have some questions, obviously we don't believe -- we don't doubt that the cow/bull ratio is down, but we have some questions with, you know, as in the index on Page 313 they're talking about the moose compositions and you can see throughout the years

where you have lower bull/cow ratios like in 2001 and 2002 where it was down to 10 and then the next year it jumped to 26. You know, you'll see in '97, '98 where it jumped to 31 to 61, where there wasn't these massive restrictions in place. So we have questions over this very finite timeline where you're just taking a snapshot one year and saying all of a sudden there's a huge issue. We've seen where it's actually fluctuated quite a bit in year to year, we talked about the models not always be correct. So we're not here to necessarily argue that there isn't an issue with bull/cow ratio, but there seems to be a lot of up and down, a lot of unknown issues with some of these things, that we don't feel justifies taking away a couple of moose from the Federally-qualified subsistence users.

And one of the things, you know, getting back to a little bit of the -- this special action request is noted in -- by the Refuge as a potential 80 percent reduction in the harvest potential for subsistence users for a few moose. And so we don't believe that that's necessary.

Also the issue of biological management, the scientific management of this. I think the Refuge has indicated and we would agree that taking and targeting only large bulls is not a sound scientific or biological management principle and we don't believe that a proposal to eliminate or severely restrict subsistence should be based on postulation and bad science, what's acknowledged as bad science. So that's really what we're getting down to if we adopt this proposal is saying that it's bad science, but it's only temporary and it's based on theorizing what potentially could happen. The in-season management, we've recognized over the years, it may be hard -- harder, but we feel that it's fully capable to address any potential issues that may have come out.

And I guess with that I'll turn it over to Sky.

CHAIRMAN CARPENTER: Okay. Let's -- before we do that does anybody have any questions for Ivan?

(No comments)

CHAIRMAN CARPENTER: Okay. Ivan,

thanks for that testimony. That'll be considered greatly in our deliberations.

Sky, it's your turn so if you can hear me you can testify at this time.

MR. STARKEY: Thanks a lot, Tom. Can you hear me okay?

CHAIRMAN CARPENTER: Yeah.

MR. STARKEY: Yeah, I just wanted the opportunity to direct the Council of this issue. First of all I want to thank the Council for giving me this opportunity.

And just wanted to basically -- I mean, biologists are biologists, they have their job to do and they see their world in a certain way. In their view the appropriate balance of options here and unfortunately OSM agrees, is to completely -- essentially completely eliminate subsistence hunting opportunity in order to maximize growth of the herd over some period of years which they say is two, but as we all know the natural world works in ways that aren't predictable and it could certainly extend farther out. But that's a biologist's view of the world. And the Regional Advisory Council is not charged with having the biologist view, but rather to provide the local expertise and knowledge about what it is that subsistence users need and what the right balance is for them.

And so if you look at ANILCA you would see that the very reason that ANILCA was adopted timely was to provide for subsistence uses in precisely this circumstance, when there are conservation concerns, when there are maybe not enough to provide for all uses and when there are hard decisions to be made. But I find it hard to read into ANILCA that the right balance is to maximize growth for all users, and let's be honest here, I mean, in maximizing growth for all users the State, and understandably so, is looking to maximize the growth so that it can open up the hunt to the State users who are not subsistence users. And it's a little more difficult to understand the Fish and Wildlife Service's position on this one frankly, the State is certainly understandable. But so ANILCA's designed exactly to this situation, but for some reason that balance that the -- of maximizing growth

completely overlooks the priority and the reason for it.

And as a safeguard, of course, ANILCA gets exactly this kind of situation where the biologists might want to do something different, you have the Regional Advisory Councils. And this is exactly the kind of situation where the Regional Advisory Councils are most necessary. It's oftentimes your job to look at situations where it's not so important that the RACs make sure that there are subsistence opportunities in difficult situations, but this certainly appears to be a situation where the RAC needs to stand up and say what is and what is not a meaningful opportunity and importantly where the balance is. Is it right to deny all subsistence opportunity in order to maximize herd growth over two years or are there better solutions that can be made. Understanding that there are conservation concerns, but on the other side of the balance understanding that there are subsistence needs that have to be met and that just simply coming to the conclusion and making a proposal and recommendation to foreclose all subsistence opportunity and I know people are saying there's some, but I think the people around the table who are most knowledgeable, those people who are locals and in Ninilchik and other places that there is no meaningful subsistence opportunity in what's proposed. So excluding all meaningful opportunity to maximize growth is simply not a very proactive solution or one that will serve subsistence users or the RAC in the long run.

So I would encourage you to take a look at that balance and in doing so to look at it as though it's you who's been hurt, that's in the same situation and that you and your neighbors are the ones that are being asked to sacrifice your harvest to maximize growth so that sport users and others will have an earlier opportunity to harvest. And what kind of balance -- how that would affect you. And I would encourage you to listen to the local people out there as to what their needs are and how they see that balance.

So thank you, Tom. And thank you RAC members.

CHAIRMAN CARPENTER: Okay. Sky, thank you very much. Does anybody have any questions for Mr.

Starkey?

(No comments)

CHAIRMAN CARPENTER: Okay. Seeing none, thank you for that testimony.

Is there any other tribal comments at this time?

(No comments)

CHAIRMAN CARPENTER: Is there any tribal consultation comments?

MR. KESSLER: Thank you, Mr. Chairman and Council. Steve Kessler with the Forest Service along with Ivan Encelewski.

This was one of the proposals that the Ninilchik Traditional Council did provide comments on. Those written comments are in front of you. It's very important to recognize that this special action comments that they provided depend on the comments they provided for WP12-30-31, the one's that been withdrawn. So I guess it's up to you, Mr. Chairman, if you would like me to read through all of these. I think that the Ninilchik Traditional Council has provided those comments to you already, but we can go through them all in detail if you so chose.

CHAIRMAN CARPENTER: Ivan, would you say that the testimony that you gave us earlier, the synopsis of what you gave is similar to what he's going to read again or is there anything you'd like to add?

MR. I. ENCELEWSKI: Mr. Chairman. Yeah, that's pretty much just a summary of kind of our testimony and I think he's accurately reflected, you'll notice in the consultation under bullet two, it says Wildlife Proposal 12-30-31, but most of those comments were relevant also to the special action request too. So.....

CHAIRMAN CARPENTER: Okay.

MR. I. ENCELEWSKI: .....and I think that I did a good job of summarizing those comments and those have been probably reflected in the testimony.

CHAIRMAN CARPENTER: Okay. Great. Does anybody else on the Council have any of Steve?

MR. ENCELEWSKI: I do.

MR. KESSLER: I was just thinking that maybe one thing to recognize is under WSA11-03, that the value of in-season manager -- in-season management authority was pointed out that already exists. And the concern about the short term actions adopted is long term actions will be taken -- when they'll be taken out of regulation in the future, we don't have to worry about that right now because of the withdrawal of 30-31.

CHAIRMAN CARPENTER: Do you have something, Greg?

MR. ENCELEWSKI: Yeah, I have a couple comments, Ivan and Steve. I -- under other topics you got the special action 02, there's a couple very pertinent things that should be read here. And the one that I feel we need the consultation on, I was involved in it also as president of the tribe, and so I would like them to read these other topics. There specifically it talks to going backwards in the process of no consultation with the tribes and I would like that in the record.

CHAIRMAN CARPENTER: Okay. If you want to go through that, Steve, and we'll be glad to do it.

MR. KESSLER: Okay. I can do that. Ninilchik Traditional Council made the comment concerning the Wildlife Special Action 11-02 and said that it was improper for that special action to pass without tribal consultation and without support of the Regional Advisory Council. They were not allowed to comment on the special action request. A member attended the Board meeting, but was not allowed to testify. They felt it was a step backwards in the process, but are grateful for the opportunity to comment on this new special action, WSA11-03. And the tribe would like the opportunity to work with managers to develop a long term strategy for managing moose populations on the Kenai.

CHAIRMAN CARPENTER: Thank you for that. I think that was a very important thing to be read into the record because it's kind of hard to

believe that you actually attended, but weren't allowed the ability to comment.

Judy.

MS. CAMINER: I guess just to add to that because it was very troublesome, I mean, here this summer the Board had a meeting discussing tribal consultation and draft policy, et cetera, and at the very end of that official meeting, the -- for a special action on number 2 was put in front of the Board and Board -- at least one Board members and others seemed to nod in agreement, committed to making some calls to affected tribes and evidently that didn't happen. And as you were mentioning one tribal representative was at that particular meeting, I was allowed to give some comments, quasi on behalf of the RAC, that person was not asked to come forward even though I know he did have some comments. And then at the -- and then there was an executive session and then there was the decision meeting which was -- which did not allow any public input, people could listen, but could not speak. So another opportunity that was missed for that tribal consultation. And so I hope that doesn't happen again.

CHAIRMAN CARPENTER: Any other questions for these two gentlemen?

(No comments)

CHAIRMAN CARPENTER: All right. Thank you very much. Is there any InterAgency Staff comments?

(No comments)

CHAIRMAN CARPENTER: SRC.

(No comments)

CHAIRMAN CARPENTER: Fish and Game Advisory Committee.

(No comments)

CHAIRMAN CARPENTER: Written public comments.

(No comments)

CHAIRMAN CARPENTER: Is there anybody else in the public that would wish to testify.

(No comments)

CHAIRMAN CARPENTER: Mr. Encelewski.

MR. ENCELEWSKI: I just want to remind you that we've had a couple public testimonies earlier.....

CHAIRMAN CARPENTER: That's correct.

MR. ENCELEWSKI: .....and we need to make sure we're reminded of that, that we had two call ins from down there.

CHAIRMAN CARPENTER: That's true, we did have two individuals for anybody that wasn't here earlier that called in early this morning. I believe they were both from Ninilchik and they were both opposed to this special action as it was written in the book. So thanks for that.

Well, if there's no other public testimony then I believe it is time for Council deliberations.

MR. McDONOUGH: Mr. Chairman.

CHAIRMAN CARPENTER: Yes.

MR. McDONOUGH: This is Thomas McDonough with Fish and Game. I was hoping to comment on some of the comments if this would be a good time.

CHAIRMAN CARPENTER: You sure can. Go right ahead.

MR. McDONOUGH: Thank you very much, Mr. Chairman. I'd like to comment specifically on some testimony I hear -- I heard from Ivan.

Just for the record any reduction in predators can have small improvements to bull/cow ratios, but predators are pretty indiscriminate, they eat both males and females and from basically biological concepts the action we took in reducing the harvest of bulls will have a much bigger impact on increasing bull/cow ratios than predator control would

have. Predator control will have certainly big improvements to overall moose survival and increasing densities, but it doesn't directly affect bull/cow ratios.

Secondly Ivan commented on the jumping of the different bull/cow ratios across time and he referenced a graph or a table. And that's the danger in presenting some of these summary data is a lot of the details are left out. And these summary composition counts are from different areas year to year. So the bull/cow ratios are not comparable year to year, you have to compare the same area over time, so that's the reason why there's often discrepancies from year to year.

And lastly, Mr. Chairman, members of the Board, I took offense to Ivan's call of our action as being bad science. And I understand the hardship that both subsistence and nonsubsistence hunters are having with these antler restrictions, I really do. And I'm not addressing those hardships per se, but the action that the State took and the Refuge took in limiting the harvest of bulls is -- has a foundation in fundamental moose biology in getting the bull/cow ratio back up. And to use a specific example in 15C we tallied nine bulls per 100 cows with a very extensive composition sample of over 700 moose. And it should be noted that a proportion of those were yearlings. So there was really only six adult bulls per 100 cows to do the -- to do all the breeding. And we know from a level of bull/cow ratios that is that low that there are cows able to be bred that are not going to be bred because there's just not enough bulls out there. And when you consider the fact that one bull, one breeding age bull, can breed with multiple females, up to 20 or more, each individual animal that's brought -- each individual bull that's added to that population could result in 20 or more calves being born. So the action that the State and the Refuge took in restricting the harvest and drastic and certainly caused a hardship of subsistence hunters, there's no doubt there, but it has a sound biological principle behind doing it. And the -- even the short term, but certainly the long term health of the moose population was contingent on that happening.

Thank you very much.

CHAIRMAN CARPENTER: Thank you. Might

have a couple questions or comments.

Greg.

MR. ENCELEWSKI: Yeah, Tom, this is Greg. I just got a comment. I mean, I appreciate your understanding and where you're coming from, but it pretty much proved to me it's bad science when you said that the details are left out and it jumps from year to year. I mean, where's the credibility when we hear comments like that.

CHAIRMAN CARPENTER: Okay. Did you have something to say, Andy?

MR. LORANGER: Thank you, Mr. Chair and member Encelewski. I do want to -- you know, I understand from the standpoint of what Thomas was bringing forth is that when you put summary tables together and you create a table it doesn't tell the whole story. Moose composition data is what it is, not all survey units throughout a unit -- not all count areas are surveyed in a given year, weather -- it's weather dependent, there are a lot of things that happen. And one of the questions that Council member Caminer had asked about what, you know, created a difference between March, you know, and the decision to put forward a special action request was looking at the data from the Refuge's perspective that was most meaningful where you could get geographic representation of the count areas, not consider the years when you're only counting a few count areas or portions of one or whatever and weather had considerable impact and we only looked at the data that we felt were comparable over time over the last 10 or 15 years and where that data is available it tells the story of a significantly declining bull/cow ratio that I mentioned in my earlier testimony.

Thank you.

CHAIRMAN CARPENTER: Greg.

MR. ENCELEWSKI: Yeah, Andy, I -- I'm not questioning the declining bull/cow ratio, I'm questioning the surveys, I'm questioning some of the science used, that you had just stated the weather is dependent of when you take these surveys. There's a lot of things that are taken into consideration. And that's the point I'm trying to make. I'm trying to

make that it's not black and white.

CHAIRMAN CARPENTER: Thank you, gentlemen. If there's nobody else that any comments then we'll move on to deliberating on WSA11-03. So a motion to put that on the table is in order.

MR. ENCELEWSKI: I'll so move.

CHAIRMAN CARPENTER: It's been moved by Mr. Encelewski. Is there a second.

MS. STICKWAN: I'll second.

CHAIRMAN CARPENTER: It's been seconded by Ms. Stickwan.

So we've heard quite a bit of information, we all have got updated on what happened last spring. The proposal is before us, does -- who would like to comment on it first?

Greg.

MR. ENCELEWSKI: I'll go ahead and comment first. I'm opposed to this special action for a lot of the reasons I stated earlier. I think it created a special trophy hunt for other users, I think it denies the Federal subsistence user preference, it denies them opportunity and it's a very small amount of moose that are harvested there. I realize they're concerned of the potential, that the in-season manager has control of that. And therefore I'm opposed to it.

And one other comment if I may. I'm totally opposed to the special action with no deference to the RAC and no, you know, course of recourse, we become -- with no deference to us if they take special action.

CHAIRMAN CARPENTER: Thank you, Greg. I think without saying that most members of this RAC present and unpresent, are slightly disappointed in how the process was handled with the special action. I think we're very forthcoming with the public and the staff in the way we felt in the past about -- especially about deference. We have -- you know, that's been a pretty big topic with us. And I also think it's very unfortunate in regards to tribal consultation because it is such, you know, a new

process in regards to that. And I think it's unfortunate that the Federal Board handled that situation the way they did because there really was no reason for that.

I under -- I also understand from the biologist point of view and I think you've stated that you understand that there is a bull/cow ratio problem that has long term implications for the Kenai Peninsula and nobody wants to see that decline any further. So, you know, when I was asking Thomas the questions earlier about, you know, the State's position on why they had a less restrictive regulation in a portion of 15B in regards to nonresidents and residents alike in regards to antler restrictions, that's the sort of thing that I don't like to see, Federally-qualified subsistence users having to have a -- to be put up on a higher pedestal in regards of harvest requirements.

So I understand both sides of the equation and I think, you know, something has to be done, but I also don't want the Federally-qualified users to have to take the blunt of the punishment if you'll say.

And, you know, one of my ideas was that the portion of 15B east that has a lesser antler restriction for the State, that that area have the same restrictions for Federally-qualified users. And I thought well, you know, that's not really doing a whole lot, it's something, but I guess for discussion purposes what would you feel like being that it's pretty pertinent to you, what if it was 50 inch, three brow tine in 15B and C with just no spike forks for this special action?

MR. ENCELEWSKI: Are you addressing me on that, Tom? I think that would do nothing for the Federal subsistence user.

CHAIRMAN CARPENTER: You just don't think it would allow any extra harvest at all? Okay.

Judy.

MS. CAMINER: Thank you, Mr. Chair. And I certainly appreciate your comments. I think what bothered me about the first special action, and this one as you're saying, it seems across the board to affect all users and then even as you pointed out in

one specific case it's even more restrictive or a higher bar for subsistence users than sport users. I guess I would like the Council to think about some sort of modification to this proposal that can be made. If 30 moose were taken this -- under the first season, I mean, that seems to be a lot of moose and probably very few subsistence were taken. We look at that chart and while, of course, it would be nice to achieve the most number of bull to cow ratio, you know, maybe we don't recommend going quite so high or I guess I just feel like a registration or quota hunt would be a better way to manage this hunt and provide opportunity for subsistence users.

Thank you.

CHAIRMAN CARPENTER: Mary Ann.

MS. MILLS: Thank you, Mr. Chair. It bothered me that with this special action there was no deference to the RAC as well. And that was very disappointing because it minimizes this -- the purpose of this Council.

And also with regard to tribal consultation, this has been a mandate by President Obama that has been lacking in this process since the beginning of the order for consultation.

And, you know, other things such -- that really should have been looked at very hard was, you know, the planting of grass on the side of the road. It's almost like baiting the moose and, of course, there has been so many road kills on the side of the road. And this is a very easy fix and it should have been looked at, you know, years ago and probably created a lot of the problems we see today with the high road kill.

Also, you know, subsistence takes precedent over sports. And I think this should be looked at and, you know, maybe a compromise could come where the regulations could be modified for the subsistence user, whether it's, you know, allow the spike or allow the fork maybe, you know, one or the other to help the subsistence user, you know, get what is required for their sustenance. So I will oppose this as well.

Thank you.

CHAIRMAN CARPENTER: Did you two have something you'd like to contribute?

MR. LORANGER: I don't want to interrupt the Council.

CHAIRMAN CARPENTER: Well, we're deliberating and we -- if you have something to say we're more than happy to hear it.

MR. LORANGER: Thank you, Mr. Chair and Council members. Andy Loranger, Refuge manager at the Kenai Refuge again.

One of the things I want to point out that perhaps I did inadequately is the fact that in thinking about this as a short term action strategy to address the conservation concern, my goal are really long term in terms of the benefit and the sustainability of this population to the benefit of all users. I do appreciate Council member Caminer's recognition of the multiple mandates that we have on the Kenai National Wildlife Refuge. We are legally mandated to implement the provisions of Title VIII for ANILCA and as a meaningful subsistence preference and priority and we're working hard to do that. We also have a mandate under Title III of ANILCA and we're unique amongst the 16 Refuges in Alaska relative to Refuge purposes under ANILCA to provide where consistent with sound conservation of fish and wildlife and habitats and their natural diversity, opportunity for wildlife recreation, wildlife oriented recreation. So we have multiple mandates that we have to balance and I'm not saying anything that is not -- that I don't think the Council is, you know, not aware of in regards to that, but the balancing act on the Kenai is particularly challenging. Again the important point is that we are fully, fully committed to meeting the need to provide for a meaningful subsistence priority. In the short term I think this action actually increases the potential for that to happen into the future if we can address this conservation concern in a short period of time.

The last thing that, you know, I want to say in regards to the suggestion that Tom brought up and that is that we recognize the difference in 15B east. We would be open to modification to a 50 inch, three brow tine, you know, relative to this special action for that area. So something to consider in any

case.

Thank you very much.

CHAIRMAN CARPENTER: Go ahead, Judy.

MS. CAMINER: I guess just a little bit of history for those of you who participated in Ninilchik's long time request for C&T in -- for fisheries on the Kenai Refuge and Forest Service lands on the waters on the Kenai Peninsula. This -- the multiple mandates have come up and that discussion's come up before and my recollection is from the DOI solicitor who does work with the subsistence management program and has since its inception, does make it clear that's a bit of a higher -- or I shouldn't even say, that is a higher priority. And so that's our expectation and kind of seeing identical regs, understanding the dates are a little different, I think that's part of the discussion here too.

Thank you.

MS. STICKWAN: Can I ask.....

CHAIRMAN CARPENTER: You can ask. Go ahead, Gloria.

MS. STICKWAN: Judy, I heard attorneys say that ANILCA has prioritized that, is that what you just said?

MS. CAMINER: Uh-huh.

MS. STICKWAN: Okay.

CHAIRMAN CARPENTER: I guess while you and Jerry are up there, this proposal is not extremely pertinent to me. I don't live on the Kenai so I have great deference to Greg and Doug who's unfortunately not here, but the people that live over there. But -- and, Greg, you probably are not going to like the way I say this, but I'm kind of a realist too. I just have a feeling that the way this proposal is submitted to the Council it's not going to pass. And I think that if it doesn't pass the people of Ninilchik are going to be more restricted than if we modify this somehow. Because I think the Federal Board is going to do exactly what they did last time. That's my opinion on it. And so I'm trying to -- you know, in my own mind

try and come to a resolution to where -- it just really irks me that the State has that 15B east hunt that's more restrictive than the Federal hunt and I just don't understand, and I don't know if Thomas is still on the phone, how the State cannot either petition or change the amount of permits that are issued through a drawing hunt or -- and then come before this Council and support a higher restriction for Federal users. I don't get that. And so my suggestion that I made to Greg earlier, would you as the Refuge manager support a 50 inch, three brow tine, no spike fork for all of 15B and C for this special action.

MR. LORANGER: We're willing to go with that.

CHAIRMAN CARPENTER: So -- go ahead. Did you have a comment, Judy?

MS. CAMINER: So if the Council wanted to discuss that we would need to make an amendment to our proposal?

CHAIRMAN CARPENTER: Well, I'm just considering.....

MS. CAMINER: Okay.

CHAIRMAN CARPENTER: .....considering all the options. I mean.....

MS. CAMINER: Okay.

CHAIRMAN CARPENTER: .....I asked Greg first because, you know, like I say I would definitely show deference and also, excuse me, Mary Ann, you live on the Kenai Peninsula too, but, you know, I would just hate to see this proposal as written pass at the Federal Board and that the subsistence communities would have to abide by these more restrictive laws. And I just don't want to see that personally. So, I guess, if we don't have anymore conversation after you comment, Greg, then -- go ahead.

MR. ENCELEWSKI: I have lots more conversation. I think we need to get back and start listening to the subsistence needs of the community. We need to start listening to the testimony that was given from the subsistence users. We need to start listening to the hardship it placed on the subsistence

users on the Kenai. We also need to start listening to that the moose are not going to be greatly impacted by a few more subsistence moose taken.

Further, you know, if it goes and we don't pass or whatever to the Federal Subsistence Board, that's neither here nor there. Our job here is to make good decisions for what we feel is the need of the subsistence users without jeopardizing conservation. I cannot see it as a conservation issue when you're allowed 50 inch bulls to be hunted by groups. The State has a more liberal in one area and, you know, I would -- I would agree with it, it wouldn't be such a problem if the subsistence use wasn't so low. It's arbitrary to think that we're going to go out there and ravish those hills and take all the big bulls -- the little bulls. You know, if they took 10 or 12 it would be a great help to the community and it would be a great thing for the subsistence user and I don't think it would harm the moose population. And that's my personal.

So that's where I am, I don't think I -- you know, I think there's a proposal on the table, we need to deal with it, it's great if you could modify it that the subsistence user really got some benefit, but what you're suggesting, Tom, is very little to no avail.

CHAIRMAN CARPENTER: Okay. Any other conversation?

Gloria.

MS. STICKWAN: We heard public testimony that this place is inaccessible, it's difficult to get a moose in that area. So that will keep the take of moose down just because of the way the land is situated.

And I just want to say I too was at the meeting in July when the Federal Subsistence Board discussed this too and I think I do remember them saying that the -- we could give public testimony or talk about it and then it was changed and I don't know what happened there.

And I am too concerned about the deference to the RACs and something I think we should put in our letter to the Board, this should be

mentioned to the Board that we weren't given deference and the whole Federal review was to, you know, give us deference and to improve the system and it seemed like in this one area they went backwards right about talking about trying to work with the RACs and the public and the tribes and they just went backwards in this situation I think.

I'm going to go along with whatever Greg says because I believe that it's not going to make a big impact upon the caribou -- I mean, the moose because of the public testimony that was said. And in the future I hope that this doesn't happen again, that we're left out.

CHAIRMAN CARPENTER: Thank you. Judy.

MS. CAMINER: Mr. Chair. I just want to make sure I'm following a little bit of this maybe three way conversation. I think you asked Refuge manager whether -- sorry about that. I believe your question was could the Refuge agree or accommodate one antlered bull, 50 inches or with three brow tines for all of 15B and C?

CHAIRMAN CARPENTER: That's right.

MS. CAMINER: And the answer was affirmative. So maybe a question back to Greg, if we could, does that help?

MR. ENCELEWSKI: I thought I answered it pretty clearly and I stated no, that I didn't think it made a meaningful difference.

MS. CAMINER: Okay. I just wanted to clarify whether your answer was that small east portion or whether it was for both of those units. Okay.

Thanks.

CHAIRMAN CARPENTER: Any further discussion.

(No comments)

CHAIRMAN CARPENTER: The -- if there's no further discussion I think the question's in order for special action request WSA11-03.

MR. ENCELEWSKI: Call the question.

CHAIRMAN CARPENTER: The question has been called. All those in favor of WSA11-03, signify by saying aye.

(No votes in favor)

CHAIRMAN CARPENTER: All those opposed.

IN UNISON: Aye.

CHAIRMAN CARPENTER: The special action request fails.

So it's 6:00 o'clock, we have one, two, three, four, five, six, seven, eight, nine proposals left. And we have lots of reports. Is there anybody that's here that is not going to be able to be here tomorrow that like from the ADF&G or U.S. Fish -- anybody? So everybody's going to be here tomorrow. So I just thought we'd ask in case there was somebody that needed to talk about one of these proposals that wouldn't be here.

The -- does everybody want to just recess until tomorrow at 8:30 a.m. or do you want to keep going or what do you want to do?

IN UNISON: Recess.

CHAIRMAN CARPENTER: Recess.

MS. CAMINER: Can we start at 8:00 maybe?

CHAIRMAN CARPENTER: Want to start at 8:00 or 8:30, what. How about we recess until 8:30 a.m. tomorrow and we'll start with WP12-32.

(Off record)

(PROCEEDINGS TO BE CONTINUED)

C E R T I F I C A T E

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)ss.
STATE OF ALASKA)

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Salena A. Hile
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