

1 SOUTHCENTRAL FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3
4 PUBLIC MEETING

5
6 VOLUME III

7
8 Cordova, Alaska
9 March 14, 2008
10 8:30 o'clock a.m.

11
12
13 COUNCIL MEMBERS PRESENT:

- 14
15 Ralph Lohse, Chairman
16 Doug Blossom
17 Tom Carpenter
18 Greg Encelewski
19 Ricky Gease
20 Robert Henrichs
21 James Showalter
22 Gloria Stickwan
23 Willard Stockwell
24 Tricia Waggoner
25
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27 Regional Council Coordinator, Donald Mike

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P R O C E E D I N G S

(Cordova, Alaska - 3/14/2008)

(On record)

CHAIRMAN LOHSE: I'd like to call this spring session of the Southcentral Regional Federal Subsistence Advisory Council back into session.

And with that, we're going on to WP08-17 and 18. And we'll have our presentation at this point in time.

MR. RISDAHL: Mr. Chairman. Members of the Council. My name is Greg Risdahl, OSM wildlife biologist.

With your permission, I would like to ask if I can shorten up these first two proposals, because we did go through the harvest history, biological background and regulatory history yesterday in Wildlife Proposal 22. With your permission, I'd like to just kind of gloss over that, skip it altogether, if that works for you folks.

CHAIRMAN LOHSE: Well, don't gloss over it, but synopsise it, and we all have it written down in front of us that we can look at it. And I'm sure that Fish and Game will bring up things that we need to look at, too. So just give us a good summary.

MR. RISDAHL: Okay. Thank you.

Wildlife Proposal WP08-17 was submitted by the Alaska Department of Fish and Game and Proposal WP08-18 was submitted by Lee A. Martin. Both proposals request that the late fall Federal moose season in Units 15B and 15C be eliminated. The proposals were therefore combined for analysis.

The proponents state that the late fall Federal moose hunt could disrupt and displace rutting bulls, causing long-term detrimental effects to the sustainability of the population. The proponents further state that elimination of the hunt would help ensure proper management of the moose populations in Units 15B and 15C.

About half the lands in Unit 15 are

1 managed by the Kenai National Wildlife Refuge. Less
2 than one percent are managed by the Kenai Fjords
3 National Park, which are not open to subsistence uses.

4
5 Currently rural residents of Ninilchik,
6 Nanwalek, Port Graham and Seldovia have a positive
7 customary and traditional use determination for moose
8 in Unit 15.

9
10 And just brief review of the regulatory
11 history, one small portion, at the May 2006 Federal
12 Subsistence Board meeting the Board adopted the late
13 season moose hunt to run from October 20 to November 10
14 in Units 15B and C. And that season was challenged
15 last year, and in the spring 2000 [sic] meeting in
16 Anchorage, the Board again heard testimony on the late
17 fall Federal moose season in Units B and C.

18
19 Wildlife Proposal WP07-22 requested the
20 elimination of the hunt or cap the number of permits at
21 10. The Board rejected the proposal, not wanting to
22 eliminate the late fall Federal hunt after only one
23 season, in particular because only 2 bulls were taken
24 by 36 hunters that year. And then in 2007 two
25 additional bulls were taken.

26
27 As mentioned right at the start of
28 this, we did go through the biological background and
29 harvest history yesterday in quite a bit of detail.
30 I'll just state that about half of the total harvest in
31 Unit 15 comes out of Unit 15A. And about 10 percent of
32 the total harvest comes from Kenai Peninsula's Unit
33 15B. And about 40 percent comes out of Unit 15C.

34
35 In terms of the effects of this
36 proposal, the October 20 to November 20 Federal moose
37 season has been in place in Units 15B and C for only
38 two years, in 2006 and 2007. The number of permits
39 issued during the combined early and late seasons
40 increased by 16 percent from 2006 to 2007, but the
41 number of permit holders that hunted remained
42 essentially the same.

43
44 If Wildlife Proposal WP08-17 or 18 are
45 adopted, it would eliminate the late season and
46 decrease moose hunting opportunities for Federally-
47 qualified subsistence users.

48
49 During the two years that the late
50 season has been in place, only four moose total have

1 been harvested by the four communities that have a
2 positive customary and traditional use determination
3 there for moose. Two in 2006 and two in 2007 as
4 mentioned.

5
6 No adverse effects on post-rutting
7 bulls or the moose population as a whole has been
8 documented as a result of this late hunt.

9
10 And as we noted yesterday, the State in
11 fact does have late seasons in these areas as well.
12 For example, there's a State drawing permit hunt in
13 Unit 15A that takes place from October 10th to November
14 10th, which has the same antler restriction as the late
15 season hunt for Federal subsistence users in Units 15B
16 and C. In addition, the State has a drawing hunt in
17 Unit 15B east that runs from September 1 through
18 September 20 and from September 26 through October
19 15th. And Terry mentioned that yesterday as well.

20
21 The small harvest and low number of
22 subsistence hunters participating in the Federal late
23 season moose hunt in Units 15B and C suggests what
24 elimination of the hunt is not necessary to protect
25 Kenai Peninsula moose population at this time. It
26 does, however, provide Federally-qualified users an
27 additional opportunity to meet their subsistence needs.

28
29 If a conservation concern arises, the
30 Kenai National Wildlife Refuge manager is authorized to
31 close the late season on short notice. In addition,
32 further changes in the permitting process can be
33 implemented without regulatory action by the Federal
34 Subsistence Board.

35
36 Therefore, the OSM preliminary
37 conclusion is to oppose Proposals Wildlife WP08-17 and
38 18.

39
40 Thank you.

41
42 CHAIRMAN LOHSE: Thank you. I just
43 have one question. I think I came across in this
44 reading that the Federal late season hunt has a five-
45 day reporting period.

46
47 MR. RISDAHL: I don't remember putting
48 that in there, but it might be, and that does sound
49 familiar, because I helped put together the wording on
50 the permit. So I believe that is correct.

1 CHAIRMAN LOHSE: So with a five-day
2 reporting period and the manager having authority to
3 close it by emergency order, that's pretty good
4 protection put in place I would feel anyhow. Okay. I
5 just wanted that clarified, because I was pretty sure
6 I'd come across that.

7
8 Ricky.

9
10 MR. GEASE: That is a reporting
11 requirement, and do you know what the compliance is
12 with that reporting requirement? Because I know you
13 have people who put in for permits and then are
14 supposed to report back. And I was just wondering, is
15 that working in terms of a process.

16
17 MR. RISDAHL: Yes. Mr. Gease through
18 the Chair. The reporting for the Federal moose hunt
19 has been very good, and I believe that information is
20 in this analysis.

21
22 CHAIRMAN LOHSE: I think Robin can
23 probably speak to that when we get him up here, too.

24
25 MR. RISDAHL: Yeah. I can't remember
26 the figures right off the top of my head, but they're
27 close to 90 percent if I recall, but the Refuge manager
28 said he's got that on hand.

29
30 CHAIRMAN LOHSE: Thanks. And probably
31 the reporting for moose taken have been 100 percent,
32 haven't they? As far as you know?

33
34 MR. MOEGLEIN: Page 104 in your blue
35 book.

36
37 CHAIRMAN LOHSE: 204?

38
39 MR. MOEGLEIN: Page 104.

40
41 CHAIRMAN LOHSE: 104. Okay. Yeah.
42 That's the table I thought I saw.

43
44 Okay. Any questions for him.

45
46 (No comments)

47
48 CHAIRMAN LOHSE: Thank you muchly.
49 Like you said, we went through this quite thoroughly
50 yesterday.

1 And with that, we'll call up the Alaska
2 Department of Fish and Game.

3
4 MR. HAYNES: Mr. Chairman. Good
5 morning. Every once in a while the Department pulls a
6 surprise or two. You might find it unusual for us to
7 not support our own proposal.

8
9 (Laughter)

10
11 CHAIRMAN LOHSE: We would find that
12 very unusual.

13
14 MR. HAYNES: In your packet of
15 Department comments, you'll find what we would like to
16 consider as a substitute for what was in the proposal
17 book, and what was presented in the analysis by Mr.
18 Risdahl.

19
20 And what we would like you to consider
21 is essentially the position that we've had on the late
22 season fall hunt, what we presented to you last year
23 with a couple of additional provisions. And this
24 proposal kind of underscores the concerns we have with
25 this hunt.

26
27 And what we would like to see is for
28 Units 15B and C, for the late season hunt, a harvest
29 limit of one antlered bull with spiked fork or 50-inch
30 antlers or with three or more brow tines on either
31 antler by Federal Registration permit, and the number
32 of permits that would be issued would be limited to 30
33 in 15B and 30 in 15C. And the Kenai Refuge manager
34 would close the hunt if the harvest exceeds two big
35 bulls, which we define as bulls with 50-inch antlers or
36 with three or more brow tines of either antler, two of
37 those in 15B and three in 15C, which is consistent with
38 recommendations we made last year on this late season
39 hunt.

40
41 Finally, we would ask that Federal
42 permit holders be required to sign an residency
43 affidavit verifying that they are eligible to
44 participate in this hunt. It's my understanding that
45 that is done on the Kenai Refuge, but it's also my
46 understanding that it wasn't done for some people who
47 obtained permits at the Alaska Maritime Refuge last
48 year.

49
50 This proposal emphasizes our concern

1 about protecting the post-rut period for bull moose,
2 because it is a stressful period for them
3 physiologically. Bulls typically have exhausted their
4 body reserves during the rut and are in poor condition
5 at the time this late season hunt is held. After the
6 rut, bulls are often at high elevations and grouped
7 into large congregations and are highly visible and
8 accessible to hunters. Hunting that disrupts and
9 displaces bulls during the October 20 to November 10
10 Federal season could be detrimental to the long-term
11 sustainability of these populations. Even if the
12 harvest remains low, a large number of hunters can
13 disrupt these post- rut congregations and reduce bull
14 survival, which can have potentially long-term negative
15 effects on the sustainability of these populations.

16
17 So by limiting the number of permits
18 for the October 20 to November 10 portion of the
19 Federal season, we believe the potential for disruption
20 of the post-rut bulls would be reduced.

21
22 As we pointed out yesterday, growing
23 concern about the sustainability of moose populations
24 in some portions of the Unit 7 and 15 have led the
25 Department to plan to close or cut back on
26 participation in the late season hunts this year. And
27 so it's not only the harvest we're concerned about, but
28 if a certain number of large bulls are taken, we're
29 concerned that that sends a signal that some action
30 should be taken. But then just having the large number
31 of hunters in the field can be of concern.

32
33 And we know that there isn't a long
34 history of this late season hunt yet, but participation
35 may be increasing. We understand that now that only a
36 single permit is being issued for both the early fall
37 and late fall hunts. We would hope that there would be
38 a way to get indication on the permit as to when the
39 hunter hunted. We think if there are no changes made
40 to this regulation, it's critical that we have some
41 ability to evaluate whether participation in the late
42 season hunt is increasing, in addition to whether
43 harvest is occurring in the early or late season.

44
45 It's also not clear in the regulation
46 what would trigger the Refuge manager to close the late
47 season hunt, and that would be helpful for us to
48 understand. That's one reason why we have this
49 proposal on the table is to perhaps get some further
50 discussion about some of these side issues that link

1 directly to the hunt.

2

3 With that, Mr. Chairman, I'll stop and
4 Thomas and I will try to answer questions you may have.

5

6 Thank you.

7

8 Alaska Department of Fish and Game
9 Preliminary Comments to the Regional Advisory Council.

10

11 Wildlife Proposal WP08-17/18:

12

13 Eliminate the late fall moose hunting
14 season in Units 15B and 15C.

15

16 Introduction:

17

18 These proposals address the Department
19 of Fish and Game s continuing concern about the
20 potential effects of the late fall, post-rut (October
21 20 November 10) moose hunt on the long-term
22 sustainability of moose populations in Units 15B and
23 15C.

24

25 Impacts on Subsistence Users:

26

27 Federally-qualified subsistence users
28 would still have a 42-day early fall season, which is
29 10 days longer than the corresponding State seasons in
30 these subunits.

31

32 Other Comments:

33

34 The Department of Fish and Game has
35 reconsidered its original proposal and recommends
36 consideration of this alternative proposal:

37

38 1. How should the new regulation read?

39

40 Units 15B, and 15C- 1 antlered bull
41 with spike-fork or 50-inch antlers or
42 with 3 or more brow tines on either
43 antler, by Federal registration permit
44 only. The Oct. 20 Nov. 10 season is
45 limited to 30 permits in 15B and 30
46 permits in 15C. The Kenai National
47 Wildlife Refuge Manager will close the
48 hunt if the harvest exceeds 2 big bulls
49 (50-inch antlers or with 3 or more brow
50 tines on either antler) in 15B and 3

1 big bulls in 15C. Federal permit
2 holders must sign a residency affidavit
3 verifying that they are eligible to
4 participate in this hunt.

5
6 2. Why should this regulation change
7 be made?

8
9 The Department of Fish and Game
10 continues to have conservation concerns
11 regarding the potential negative
12 impacts the unlimited post-rut portion
13 (Oct. 20 Nov. 10) of the current
14 Federal season may have on moose
15 populations in Units 15B and 15C.
16 State moose hunts on the Kenai
17 Peninsula that take place after the
18 Aug. 20- Sept. 20 general season dates
19 are limited and highly restricted, in
20 contrast to the current late season
21 Federal hunt. For example, the Sept.
22 26 Oct. 15 State drawing permit hunts
23 (DM531 539) in the eastern portion of
24 Unit 15B are limited to 50 total
25 permits; hunters are separated into
26 five large areas that span over more
27 than 30,000 acres to reduce localized
28 impacts. Since 1996, on average 35 of
29 the 50 permittees have participated in
30 this hunt each year and harvested an
31 average of fewer than 11 bulls per
32 year.

33
34 The State s Sept. 26 Oct. 15 hunt in
35 the eastern part of Unit 15B has a
36 unique management structure. There is
37 no general season in this area, which
38 results in a much higher bull:cow ratio
39 in this area compared to that found on
40 adjacent lands open to general season
41 moose hunters. Impacts of a relatively
42 unrestricted late season Federal hunt
43 could have much greater negative
44 impacts in Unit 15C, where bull:cow
45 ratios are lower than in Unit 15B due
46 to a long general season (Aug. 20
47 Sept. 20).

48
49 Additionally, and of paramount
50 importance, is the fact that the post-

1 rut period for bulls is a stressful
2 period physiologically. Bulls
3 typically have exhausted their body
4 reserves during the rut and are in poor
5 condition. After the rut, bulls are
6 often at high elevations and grouped
7 into large congregations, and are
8 highly visible and accessible to
9 hunters. Hunting that disrupts and
10 displaces bulls during the Oct. 20
11 Nov. 10 Federal season could be
12 detrimental to the long-term
13 sustainability of these populations.
14 Even if the harvest remains relatively
15 low, a large number of hunters can
16 disrupt these post-rut congregations
17 and reduce bull survival, which can
18 have potentially long-term negative
19 effects on the sustainability of these
20 populations. By limiting the permits
21 for the Oct. 20 Nov. 10 portion of
22 the Federal season, the potential for
23 this disruption of post-rut bulls would
24 be reduced.

25
26 From 1996 to 2005, the Federal
27 subsistence season was Aug. 10 Sept.
28 20. During those years, the average
29 number of permits issued was fewer than
30 37 per year, with only 24 of those
31 permit holders hunting each year
32 (Figure 1), resulting in an average
33 harvest of fewer than 4 moose each
34 year. In the first year of the early
35 fall and late fall Federal seasons
36 (Aug. 10 Sept. 20; Oct. 20 Nov. 10)
37 in 2006, more permits were issued (96)
38 and more permittees hunted (61) than
39 ever before. We anticipate that the
40 number of permits issued and used will
41 continue to increase, particularly if
42 Cooper Landing is found to have
43 customary and traditional uses of moose
44 in part of Unit 15 where a late season
45 was held. Even though the 2006 harvest
46 remained somewhat low (5 bulls), an
47 unlimited number of late season hunters
48 and the potential negative impact they
49 could cause to post-rut concentrations
50 of bulls is contrary to the best long-

1 term management of the moose
2 populations.
3

4 During the first year of the Federal
5 Oct. 20 Nov. 10 season some
6 additional problems occurred that
7 exacerbate our conservation concerns as
8 described above. The Alaska Maritime
9 Refuge issued permits to hunters who
10 did not reside in communities eligible
11 to participate in this hunt; neither
12 the Alaska Maritime Refuge nor the
13 Kenai National Wildlife Refuge required
14 applicants to sign an affidavit to
15 attest to their community of residence.
16 This makes enforcement and management
17 of the hunt difficult. Requiring that
18 Federal permittees sign a residency
19 affidavit would address this concern.
20

21 In addition to the recommended
22 regulatory changes, the State believes
23 having a Federal enforcement presence
24 during the hunt is essential to ensure
25 participants are hunting only on
26 federal public lands.
27

28 3. What impact will this change have
29 on wildlife populations?
30

31 Limiting the Oct. 20 Nov. 10 season
32 will ensure that the highly visible and
33 often densely congregated post-rut
34 concentrations of moose will not be
35 overly disturbed and disrupted during a
36 physiologically stressful period after
37 the rut. This would help to ensure the
38 long-term and sustainable management of
39 moose populations for both subsistence
40 and non-subsistence users.
41

42 4. How will this change affect
43 subsistence uses?
44

45 Federally-qualified subsistence users
46 hunting under Federal regulations would
47 still have a 42-day early fall season
48 (Aug. 10 Sept. 20), which is 10 days
49 longer than the State general season,
50 and a limited late fall hunt. This is

1 a reasonable compromise between
2 providing opportunity for Federally-
3 qualified subsistence users and
4 ensuring the sustainable management of
5 the moose populations. Retaining an
6 unlimited post-rut season will provide
7 additional short term subsistence
8 hunting opportunity that will be
9 detrimental to sound wildlife
10 management and satisfaction of
11 subsistence needs over the long term.
12

13 5. How will this change affect other
14 uses, i.e.,
15 sport/recreational and commercial?
16

17 We do not know of any impacts this
18 proposed regulation change would have on other uses.
19 The proposed change will help to ensure sustained yield
20 management of the moose populations in Units 15B and
21 15C, which will benefit both Federally-qualified
22 subsistence users and other hunters in the long term.
23

24 CHAIRMAN LOHSE: Thank you, Terry.
25 I'll start off just by asking a couple. So the closure
26 would be based on 50 plus animals, or 50 plus 3 brow
27 tines, 2 in one area, 3 in the other. What would the
28 effect of spike-forks have on the hunt? Nothing at
29 all, or would you -- there's no -- I didn't see any
30 provision in there for a closure for total number of
31 animals any place. Thomas.
32

33 MR. MCDONOUGH: Mr. Chair. Good
34 morning. Good morning to the committee. As a quick
35 aside, I want to report that I got another solid night
36 of sleep last night, so I'm unusually lucid, but the
37 bad news is I'm not lucid to begin with, so you won't
38 be able to tell the difference.
39

40 (Laughter)
41

42 MR. MCDONOUGH: With reference to your
43 question, Mr. Chair, our concern with the harvest of
44 big bulls in the post-rut Federal season is -- I can go
45 into that, but your question addressed the spike-fork
46 component, and the State really doesn't have much
47 concern if the Federal season harvests additional
48 spike-fork animals during this post-rut portion.
49

50 CHAIRMAN LOHSE: Thank you. And,

1 Terry, in regard to your -- you know, I had a little
2 bit mixed feelings about going to a single permit, too.
3 Would it be helpful if people who want to participate
4 in the late season hunt have to call and check in and
5 let the Refuge manager or the person, the manager
6 that's the Federal manager in charge of this hunt, know
7 that they are participating in that hunt so that he
8 could have an idea of how many people are in the field?
9

10 MR. HAYNES: Mr. Chairman. I talked to
11 Robin West briefly yesterday, and he felt there was
12 probably some way that this could be handled, and he
13 may have some suggestions when he talks to you, but we
14 don't want to create a lot of additional work, but we
15 think it is important to -- particularly because this
16 is a relatively new hunt yet, to be able to track
17 participation over time, and whether it be a different
18 you checked on the permit, or as you suggested, calling
19 in, we surely could find some way that would not be a
20 burden to either the user or to the permitting offices.
21

22 CHAIRMAN LOHSE: Yeah. I thought of
23 that check, having an extra box that you check that
24 says you were intending to participate in the fall
25 hunt. But we all know that we all have lots of
26 intentions that we don't get around to doing. And what
27 really counts is how many people are actually out
28 there. And as we've seen by -- as we've seen by the
29 records here, the number of permits that are taken and
30 the number of permits that actually hunt are
31 significantly different. And that was why I was
32 thinking that if you limit it to 30 permits, and we
33 still had the same participation percentage that we
34 have at this point in, you might have people -- knowing
35 people, you would think, I'm going to go this fall. I
36 better get one of the first 30 permits, and then you
37 wouldn't get around to going, where if you had it so
38 that what they had to do is check in, then you could
39 actually keep track of the number of people that
40 actually did participate instead of the number of
41 people who thought they might participate, you know.
42

43 Bill.

44 MR. STOCKWELL: Yeah. I'm trying to
45 find some information, and I'm not sure if this is for
46 the State, but anyhow, on the bottom of 103 we talk
47 about the participation in 15B and C, 62 issued, 39
48 hunted and 2 moose harvested, which is fine. Do we have
49 anywhere a breakdown of how many people hunted in B and
50

1 how many people hunted in C in that late hunt?

2

3 And one thing that we need to add to
4 the 15B one is that we've now given Cooper Landing 15B,
5 and if that is passed by the Board, that will put more
6 people into 15B, but, however, it won't change 15C.

7

8 I'm just trying to find some numbers if
9 anybody's got some numbers.

10

11 CHAIRMAN LOHSE: Are you looking on
12 Page 104?

13

14 MR. STOCKWELL: Yeah.

15

16 CHAIRMAN LOHSE: Right on the chart on
17 Page 104, it gives us the number of permits issued for
18 those areas, and the number of permits hunted.

19

20 MR. STOCKWELL: I was trying to find
21 that.

22

23 CHAIRMAN LOHSE: Right there on the top
24 of Page 104. Sideways there.

25

26 MR. STOCKWELL: Yeah, that's the -- is
27 that for the late hunt?

28

29 CHAIRMAN LOHSE: I think that's for the
30 whole hunt. I don't think.....

31

32 MR. STOCKWELL: Yeah. That's what's
33 I'm.....

34

35 CHAIRMAN LOHSE: That's not just for
36 the late hunt.

37

38 MR. STOCKWELL: So if we're only
39 talking about the last hunt, that's what I was trying
40 to find, the late hunt numbers. Maybe somebody can
41 give us the numbers.

42

43 Thank you, Mr. Chairman.

44

45 CHAIRMAN LOHSE: Do you have it, Terry?

46

47 MR. HAYNES: Mr. Chairman. I don't
48 believe that information is broken down by subunit. As
49 I recall if you get a permit it's good for 15B and C.

50

1 MR. STOCKWELL: Right. But.....
2
3 MR. HAYNES: So I'm not sure that it's
4 broken down as you are requesting.
5
6 MR. STOCKWELL: Yeah. Maybe we need to
7 find that some place though. Thank you very much.
8
9 CHAIRMAN LOHSE: Doug.
10
11 MR. BLOSSOM: Mr. Chair. Terry, I'm
12 really confused. Maybe you can help me. You had
13 3,056 hunters kill 263 moose in 15B and C in 2007. You
14 had 139 hunters kill 8 moose in 2007 in the Federal
15 hunt. Why are we so worried about the Federal hunt and
16 they're going to harass the moose with 139 hunters when
17 you had 3,056 in the early hunts? I'd like to know.
18
19 MR. MCDONOUGH: Mr. Chair. Member
20 Blossom. I'd like to address that, and I'll take a bit
21 of a circuitous path.
22
23 Terry outlined that the post -- or the
24 rut period for bulls is stressful, and I just want to
25 outline some of that. During the rut, bulls don't eat
26 typically for two, three weeks, even more. They can
27 lose 20 percent of their body condition and their
28 survival is compromised. They're at their worse
29 condition bodywise of the year after the rut. Compared
30 to females, females continue to either improve or
31 remain stable in their body condition throughout the
32 first part of the winter and then the late winter takes
33 a toll and they're in their worse condition in March
34 and April. Bulls are in their worse condition after
35 the rut. Disturbance during this time by humans can
36 further compromise their survival.
37
38 So does taking a couple of bulls in 15B
39 or 15C during the post-rut season compromise the
40 conservation of moose? No.
41
42 Does permitting 40 or 60 or even more
43 Federal hunters to hunt during this stressful post-run
44 time, is that a conservation concern? It is.
45
46 And it should be clarified, a couple of
47 points if I may expound a little bit. OSM in their
48 analysis of this proposal state that there's been no
49 adverse impact on the moose populations in B and C due
50 to this post-rut season. I want to make it clear to

1 the committee that the level of monitoring that the
2 State does would not be able to detect a negative
3 impact on the moose populations if there was one. It
4 would require a very extensive research project to
5 address that single question.

6
7 Another statement made by the OSM in
8 this book, on Page 107, they report that the moose
9 population in 15B and 15C is stable. For a following
10 proposal, on Page 104 regarding the antler destruction
11 of hunt, they report that the moose populations in 15A,
12 15B and 15C are relatively stable. The Department has
13 seen a pretty substantial decline in the moose
14 population in 15A since the early 90s. Basically a 50
15 percent reduction in our point estimate between a
16 survey done in 1991 and one done in 2007. In 15B we
17 don't have a recent census, but according to our
18 harvest statistics, there's likely a similar decline in
19 the moose population in 15B. In 15C, kind of analogous
20 to some of the discussion we had yesterday regarding
21 moose population in Unit 7, 15C is a relatively
22 difficult place to do good counts because of the
23 timber.

24
25 In the early 90s the Department
26 conducted a Gazaway stratified random sample technique
27 to estimate the population size, and that technique
28 requires intensive sampling to get a handle on the
29 number of moose that are missed during the surveys.
30 And they estimated that sightability correction factor
31 in Unit 15C at we're missing 49 percent of the moose
32 during our surveys.

33
34 So that's a long-winded way of saying
35 it's difficult to detect long-term trends in the moose
36 population, but we have information from locals. Your
37 Ninilchik Advisory Committee has been very clear that
38 the population has declined in 15C.

39
40 So that's a long-winded way of saying
41 that our moose populations are down in the long term.
42 So when that happens from a management perspective, you
43 become a little bit more conservative. And to have
44 hunting activity occur during the most sensitive period
45 of the year for bulls is something that we fall back on
46 general principle and we want to limit that type of
47 practice in order decrease disturbance.

48
49 Mr. Blossom, you outlined the high
50 hunter activity and harvest in the State seasons, which

1 occur in August and September when bulls are in their
2 best condition of the year, and there's really no
3 chance of disrupting the rut or post-rut, period.

4
5 So hopefully I addressed your question
6 maybe a little bit more.

7
8 CHAIRMAN LOHSE: Doug.

9
10 MR. BLOSSOM: Yeah. Mr. Chair.
11 Thomas, what is the peak day of the rut?

12
13 MR. MCDONOUGH: The peak day probably
14 varies a little bit, but from some of the literature
15 out there, and a lot of the published work on the rut
16 and moose physiology and rut dynamics in general has
17 been conducted on the Kenai Peninsula based out of the
18 Moose Research Center north of Sterling. And some of
19 their work has shown that actual copulation start after
20 September 20th. So the September 20th date for the
21 State season is there for a reason. So the rut
22 continues, you know, through the first part of October.
23 And depending on if first estrus cows were serviced at
24 that time, it can continue into the second estrus, into
25 October. So the peak of the rut is, you know, probably
26 technically in the first part of October, but it starts
27 at the end of September.

28
29 MR. BLOSSOM: Mr. Chair. And correct
30 me if I'm wrong, Ted Spraker has always told our
31 committee that the 7th of October is the magical day.
32 That's the peak day of rut on the Kenai, and if I'm
33 wrong, let me know. You have a hunt that goes on
34 through that period, so you have a hunt in 15B east
35 that goes right through the heart of the rut.

36
37 MR. MCDONOUGH: Yeah.

38
39 MR. BLOSSOM: And so I see during the
40 rut a whole lot more important than after the rut.
41 These moose the 20th of October are all through with
42 the rut and they're back to being a normal moose. Am I
43 right or wrong?

44
45 MR. MCDONOUGH: Mr. Chair. Member
46 Blossom. The State does have a season during the rut.
47 That season or management style started before I
48 entered kindergarten back in the early 70s. The State
49 this year has acknowledged a decline in the population.
50 And in order to be conservative, we're committed to

1 reducing the permits for that 15B east rut period,
2 September 26th through October 15th. We're going to
3 reduce the permits from 50 down to 10 in 2008, giving
4 some of the outfitters a chance to accept the idea.
5 And in 2009 we're not going to issue any permits in
6 that rut period, acknowledging the fact that that's not
7 the best time to hunt moose.

8
9 Similarly, in 15A we're not issuing any
10 permits for the portion of the 15A drawing hunt that
11 occurs after the rut.

12
13 So, yes, it's -- from a management
14 perspective, it's not a good time to hunt moose during
15 the rut, but that management system in 15B east was
16 established a long time ago and designated as a trophy
17 area. And my short time on the Kenai Peninsula, every
18 Board of Game cycle there's been a proposal to
19 eliminate that drawing season and turn that whole area
20 into a general season hunt, and that's an allocation
21 issue. And when we go in front of the Board, we have a
22 no recommendation for those proposals. And the Board
23 has maintained an opinion that they want to keep that
24 trophy hunt in place. The local advisory committees
25 are in favor of that trophy hunt, that's an allocation
26 issue. That's not for Fish and game, but seeing that
27 the population is declining, the Department of Fish and
28 Game has the authority to reduce or eliminate those
29 permits, and that's what we're doing.

30
31 MR. BLOSSOM: Mr. Chair. Could I ask
32 one more and then I'll try to be quiet.

33
34 Maybe I'm wrong, but if I'm wrong
35 again, I want you to correct me. This hunt or these
36 hunts take place on Federal land only. And Title VIII
37 of ANILCA says that if there's a shortage you close
38 down the main people and give it to subsistence. Are
39 you guys advocating that we close down the general
40 hunts and just have subsistence then if we've got a
41 concern? I mean, that's what I have to look at. I
42 don't think we're to that point. So if you're going to
43 let 3,056 hunters into that area, I can't imagine that
44 this little dab of hunters is going to make that big a
45 difference. And if it is, what I'm hearing you say is
46 we'd better shut down the general hunt and just have
47 subsistence hunts.

48
49 MR. MCDONOUGH: Mr. Chairman. Member
50 Blossom. The moose populations rise and fall on the

1 Kenai Peninsula, especially in 15, because it's a
2 system that's driven by fire and successional stages of
3 habitat. So over the course of, you know, our database
4 going back in the 60s, the population has gone up and
5 down depending on the quality of the habitat. So we're
6 going through a period now where we're waiting for
7 significant fires to occur, or for fires that have
8 occurred to really start creating some beneficial moose
9 browse.

10

11 So with the antler restrictions that
12 are in place with the State system, we can maintain
13 hunting population -- or hunting effort and harvest
14 limited by the antler restriction without at this stage
15 restricting those general season hunts. They allow
16 opportunity, they allow harvest even with slightly
17 lower moose populations.

18

19 And if I could kind of go off on a bit
20 of a tangent, but it's related, the Federal Board
21 acknowledged a conservation concern in Subunit 15A and
22 did not establish a Federal late season hunt in 15A
23 because of conservation concerns.

24

25 OSM and Robin West yesterday in their
26 testimony for Proposal 22b acknowledged that there was
27 a conservation concern with a late season hunt in Unit
28 7.

29

30 The State has conservation concern, and
31 they've restricted the State seasons that occurred
32 during or after the rut.

33

34 The Homer Advisory Committee and the
35 Kenai/Soldotna Advisory Committee have conservation
36 concerns with the proposed rut season, Federal season.
37 The Ninilchik Advisory Committee, they don't share
38 those concerns, but in my five years they've voiced a
39 pretty clear indication that the population in 15 is
40 going down.

41

42 So there's conservation concerns out
43 there. And because of that, we're recommending
44 restricting hunting during some of these sensitive
45 times until moose habitat comes back and our
46 populations rebound.

47

48 MR. BLOSSOM: One more.

49

50 CHAIRMAN LOHSE: Okay. Doug, one more.

1 MR. BLOSSOM: I've got the privilege
2 for one more. I just heard you say a minute ago that
3 with the antler restrictions you don't have a concern,
4 and this -- all these Federal hunts have the same
5 antler restrictions, and so I don't see where you have
6 a concern. I just heard you say that before.

7
8 MR. MCDONOUGH: Mr. Chair. Member
9 Blossom. The State seasons, general seasons, occur in
10 August and September when bulls are in their best body
11 condition, and there's really little chance of
12 affecting the rut or after the rut. We have concern
13 with allowing 40, 60, maybe more hunters as the
14 popularity of this Federal late season hunt grows, to
15 disturb bulls when they're in their worse condition of
16 the year. So you're -- from my perspective, maybe I'm
17 not understanding you right, Mr. Blossom, you're
18 comparing apples and oranges a little bit, because we
19 believe that within the August and September time
20 period, and the antler restrictions, you can
21 sustainably allow a harvest for bulls even if the
22 population is declined.

23
24 Thank you.

25
26 CHAIRMAN LOHSE: Thank you. Gloria.

27
28 MS. STICKWAN: On Page 106 in our book
29 it says two were taken in the late season. Two moose
30 under the Federal season, if I'm not reading it wrong.
31 But Page 106 says that they only took two moose in the
32 late season.

33
34 MR. MCDONOUGH: Mr. Chair. I want to
35 make myself clear. The concern is not only the harvest
36 of big mature bulls during this Federal post-rut
37 season, and that's the reason the Department offered an
38 amendment to their proposal that Terry outlined at the
39 beginning to limit the number of big bulls in the post
40 rut season. But there's really no limit or threshold
41 for the number of hunters that go afield during this
42 post-rut season. And as a -- from a management
43 perspective, I have more concern with 100 hunters going
44 into some of these known high density post-run
45 congregations and not killing a bull, not harvesting a
46 bull, than I would for a couple of hunters to go in and
47 shoot a couple of bulls.

48
49 MS. STICKWAN: I have another question.
50

1 CHAIRMAN LOHSE: Gloria.

2

3 MS. STICKWAN: The late hunt that was
4 allowed under the State, how many years was that late
5 hunt allowed and did you notice any disturbance to the
6 moose under the State hunt?

7

8 MR. MCDONOUGH: Mr. Chair. The hunt
9 that occurred in 15B east was under a management
10 strategy of making that area an area for trophy bulls.
11 And the Department had a strategy of limiting the
12 number of permits, or limiting the number of hunters by
13 making this area a drawing permit only. There's no
14 general season in 15B east since the early 1970s. So
15 to a certain extent, the number of hunters going afield
16 in this area during the rut was limited, because the
17 State limited the number of permits. 50 permits were
18 issued for the September 26th through October 15th
19 period, and we know typically 35 of those permit
20 holders every year hunted. And they were designated in
21 five different areas across 30,000 acres. So we knew
22 that we could somewhat limit the number of hunters in
23 this area and partition them into different areas, but
24 acknowledging the fact that hunting during the rut is
25 disruptive is precisely why the Department is rationing
26 out that permit hunt from 50 down to 10, and then in
27 '09 down to 0.

28

29 MS. STICKWAN: I don't think you
30 answered my question, the second part. Did you notice
31 that there was a disturbance in the rut?

32

33 MR. MCDONOUGH: Mr. Chair.
34 Unfortunately we don't monitor at a level to detect a
35 disturbance. But there's a wealth of studies out there
36 that have quantified the condition and survivorship of
37 bulls during and after the rut. And I wouldn't be
38 surprised -- knowing that established literature and
39 the rut dynamics of bulls, I wouldn't be surprised if
40 there were some impacts. But they were probably
41 somewhat limited with the limited number of hunters
42 participating. But because the population is in
43 decline, we're essentially not allowing people to have
44 those potential impacts any more.

45

46 CHAIRMAN LOHSE: Tricia.

47

48 MS. WAGGONER: I don't know if you have
49 the data, but based on those 50 permits that were
50 issued, do you guys have any idea of the actual number

1 of people, because knowing that it's not one individual
2 person that goes out, especially on a trophy hunt, you
3 know, the guide, the assistant guide, the packer, et
4 cetera. Do you know how many users per permit went
5 out?

6
7 MR. MCDONOUGH: Mr. Chair, no, we
8 don't. That's a good question, but, no, we don't
9 require that information, and we don't have a handle on
10 that.

11
12 CHAIRMAN LOHSE: Thank you, Tricia.
13 That is a good point, because for every trophy permit
14 there's at least four people in the field, which puts
15 you at about 200 people right there.

16
17 Ricky

18
19 MR. GEASE: You keep talking about
20 survivorship. Is low energy reserves at the onset of
21 winter, is that the main thing, just winter itself, or
22 has there been a change in the number of predators,
23 such as wolves or brown bear populations on the
24 Peninsula, that is also increasing the -- you know, if
25 they're stressed, is there any studies on the
26 survivorship related to predators? I mean, is it just
27 that they're stressed in that area, or they have a
28 better survivorship towards predators and that's the
29 reason why they congregate up in the post-rut? Can you
30 fill us in a little bit more on those conservation
31 concerns.

32
33 MR. MCDONOUGH: Mr. Chair. I
34 appreciate the question. And there's been a lot of
35 different studies under different -- both captive and
36 live situations, and we don't have any specific data on
37 survivorship of bulls in these areas in 15B and C. We
38 just have general information about, you know, behavior
39 of moose and physiological response of moose during the
40 run. So I want to make it clear that these studies are
41 applicable to moose and moose dynamics, but I can't
42 point to, you know, a particular area in 15B east or
43 the Caribou Hills in 15C where these studies took
44 place, because they didn't take place in those areas.

45
46 But it's clear in the literature that a
47 lot of these studies occurred early, in the mid 80s,
48 and basically have established the knowledge base for
49 this. And it's been documented with captive moose
50 studies at the moose pens north of Sterling that during

1 the rut, you know, the rigors of attending a harem and
2 defending a harem against subordinate males is the
3 thing that compromises the survivorship of bulls during
4 this period where they're not only being attentive and
5 competing with other bulls, but they're not eating. So
6 certainly predation or impacts of a severe winter after
7 the rut period would contribute to impacts on bull
8 survival. Just the rut itself, not considering other
9 limiting factors like predation or weather, is
10 something that compromises the survivorship of bulls.

11

12 Did that answer your question?

13

14 CHAIRMAN LOHSE: Thank you, Ricky.
15 Thomas, I've got a couple questions. I'd like
16 clarification on a couple of things.

17

18 Oh, Greg. Go ahead. Go ahead.

19

20 MR. ENCELEWSKI: Yeah. Mr. Chairman.
21 I've been sitting here listening to this, and I'm
22 almost in disbelief, but I'm going to ask a couple of
23 questions.

24

25 Are you saying that you're proposing
26 one bull, and you're serious about that? The reason I
27 ask that, we have two moose taken one year, two moose
28 taken another year. You've making statements that you
29 would not be able to detect if there was a disturbance.
30 You don't monitor to detect these things. I mean, I
31 find it hard to believe that we have enough history.

32

33 And I just want to give you a little
34 history to bring you a little bit up to date. We went
35 to the Federal Board. We tried to negotiate this hunt.
36 We dropped 15A particularly because we didn't want to
37 take -- or we didn't want to be hard on the population,
38 and we agreed to move to a late season when we got this
39 hunt. We moved at the recommendation of the State to
40 go into a later season at the end of October so we
41 would be in that second estrus period. And I don't
42 believe there's enough evidence at all to show at this
43 point in town that there's an adverse effect,
44 especially when we have so many other hunts, and the
45 road kill, the taking of moose. I mean, I almost find
46 it unbelievable that we have this concern at this point
47 that the sky is falling.

48

49 MR. HAYNES: Mr. Chairman. I want to
50 make a short response to that, and then Thomas may add

1 something.

2

3 The State has never supported a late
4 season hunt. We acknowledge that when the choice put
5 on the table was an earlier late season or a later late
6 season, we expressed a preference there, just to
7 clarify that.

8

9 MR. ENCELEWSKI: Well that's -- okay.

10

11 MR. HAYNES: And, again, our concern is
12 that harvesting too many large bulls during the late
13 season we think may be problematic for conservation of
14 the moose population. As in any management situation,
15 you'd like to have more information. We are urging
16 caution, because this is a new hunt starting out. It
17 appears that participation in obtaining permits is
18 increasing. We don't know if it will continue to go up
19 or not, but my assumption is that if more people
20 participate, there is a potential for more disturbance.
21 there is a potential for increased harvest.

22

23 So -- and we realize this is a
24 sensitive and controversial situation. But we're
25 urging caution, and we're just waving a flag, just
26 saying, let's use -- exercise some caution in
27 administering this Federal hunt.

28

29 We also acknowledge that there have
30 been late season State hunts. Changes are being made
31 there, which we would not do if we did not believe the
32 evidence was indicating that there is a need to do
33 that. And so we're in a situation where this has to be
34 -- we have to try to figure out ways to work in concert
35 with the Federal system, and there are always
36 challenges in doing that. And so we don't like to keep
37 coming to the table with proposals you clearly express
38 concerns about in previous years, but we're obligated
39 at the primary manager of the resource in the State of
40 Alaska to bring what we believe are concerns to your
41 attention. And there's always a desire to have better
42 information and more information, and we do the best we
43 can with what we have.

44

45 Mr. Chairman.

46

47 CHAIRMAN LOHSE: Thank you, Terry.

48 Tom.

49

50 MR. MCDONOUGH: Thank you, Mr. Chair.

1 I'm a biologist. I stick to the biology. The issues
2 of, you know, Federal priority and allocation I defer
3 to people with more gray hair than I have or make a lot
4 more money than I do.

5
6 But in answer to the question, the
7 limits that the Department is proposing is for that
8 late portion, the post-rut hunt. There's no limits for
9 the early season under the antler restriction. So just
10 to clarify things a little bit, and I know you all know
11 this, but in 15C there's a Federal portion of the hunt
12 for 11 days before the State season opens. And in 15B
13 east, there's a 21-day period before the September 1
14 opening of the State drawing season that Federal
15 hunters can hunt, as well as the fact that even when
16 the State drawing season opens, that's for big bulls,
17 and there's -- Federal hunters can hunt in there for
18 spike-fork, which are off limits to the State permit
19 hunt. And there's the early season in 15A as well that
20 Federal hunters hunt before the State season opens.

21
22 So, yes, the State is proposing to put
23 some sort of limits on the post-rut Federal season in
24 regards to big bulls, and the number of Federal hunters
25 that go afield during this post-run period. But
26 there's no limits during the part of the season when
27 bulls are in their best condition in August and
28 September.

29
30 CHAIRMAN LOHSE: Thank you, Thomas. I
31 have a couple questions.

32
33 Bill, do you have your hand up?

34
35 MR. STOCKWELL: I did, but go ahead.
36 Mine may be answered by yours.

37
38 CHAIRMAN LOHSE: I have a couple
39 questions that I was going to ask. And first of all,
40 I'd like to thank the State for modifying their
41 proposal to start off with. Basically from what I
42 looked at it, when I looked at it, you've actually
43 allowed a take bigger than the take that's been taken
44 in the last two years, and the permits are pretty close
45 to the number of permits that we've had for the last
46 two years. So basically what it would do would be to
47 continue the experiment at the same level that we've
48 been experiencing.

49
50 But there's a couple of clarification

1 that I'd like to have. Terry has said a couple times
2 that we've had an increase in permits, and I look on
3 the page, on 107 on the bottom in the justification,
4 and it says fewer permit holders hunted in 2007 than in
5 2006. And I know in 2006 in 15B, we had 39 hunters
6 hunt in the last season. You can find that on the top
7 of Page 106, Bill. There's a thing that breaks down
8 how many hunters hunted and what the success rate was,
9 and they took two moose. So your 30 permits is fairly
10 close to the 39 that were in 2006. And in 2007 had
11 less permits, then they're probably close right there.

12

13

14 And if I understand correct, the only
15 late season hunt that the State will have this year are
16 the 10 permit holders in 15B east, and that is the only
17 late season hunt the State will have this year? And
18 then as of next year, that's planning on being
19 canceled. So as of next year, there will be no late
20 season hunts in 15B or 15C, right?

21

22 MR. MCDONOUGH: That's correct. Mr.
23 Chair.

24

25 MR. BLOSSOM: That's not correct.

26

27 CHAIRMAN LOHSE: Okay. Doug disagrees
28 with that, so that's why I would like a clarification
29 on that one right there. Terry, have you got.....

30

31 MR. BLOSSOM: The cow hunt in Homer.

32

33 MR. HAYNES: Mr. Chairman, I was just
34 going to comment on Page 104 of your book references
35 the Federal moose permits that have been issued in
36 these hunts. And the number of permits issues and the
37 number of permits hunted has increased.

38

39 The one problem with 2007/2008 data, we
40 don't know if those hunters were hunting early in the
41 fall or the late season. But just looking at this
42 table, the number of permits being issued, the number
43 of permits reporting, the number of permits hunted has
44 been increasing, according to this table.

45

46 CHAIRMAN LOHSE: And you're right. So
47 therefore that's either a typo or a mistake in our
48 justification down here then from the OSM. And I'll
49 have them explain that later.

50

1 But clarification then, so Doug says
2 that there is a late season cow hunt in Homer.
3 Basically a city hunt. And I correct there?

4
5 MR. MCDONOUGH: Mr. Chair. It's
6 correct and incorrect. There's a limited cow hunt in
7 the Homer area, but, but the seasons are August 20th
8 through September 20th. So come 2009, all State
9 hunting on the Kenai Peninsula will end on September
10 20th.

11
12 CHAIRMAN LOHSE: Okay. I'll get back
13 to you, Doug on that. I had a couple more question I
14 want to ask them.

15
16 So we'll correct that on the fewer
17 hunters. Okay. The number, 3,056 hunters has been
18 brought up, and total moose killed for those 3,056
19 hunters on the Kenai is in the neighborhood of what,
20 600 moose, something like that? Do you have that off
21 the top of your head?

22
23 MR. MCDONOUGH: Sorry, Mr. Chair, could
24 you repeat that question?

25
26 CHAIRMAN LOHSE: The total moose kill
27 on the Kenai, 15A, B, and C for the 3,056 hunters that
28 take part in it is what, the total moose kill? Have
29 you got that off the top of your head?

30
31 MR. MCDONOUGH: It fluctuates from year
32 to year.

33
34 CHAIRMAN LOHSE: It's not critical that
35 we have an exact number, but kind of an average,
36 because there's a question I want to ask in connection
37 with that.

38
39 Terry.

40
41 MR. HAYNES: Mr. Chairman. Are you
42 looking for information that's on like Page 103 of your
43 book, the Table 2?

44
45 CHAIRMAN LOHSE: I just wanted it out
46 loud.

47
48 MR. HAYNES: Oh, okay.

49
50 MR. MCDONOUGH: Well, this table

1 indicates that the State hunts in Unit 15 between 1992
2 and 2007, the total moose harvested in those hunts has
3 ranged from 120 to 260, 270 per year. The resident
4 moose harvest has been a large portion of that total
5 harvest.

6

7 CHAIRMAN LOHSE: So our actual harvest
8 during the hunting season is almost lower than our road
9 kill harvest on the Kenai Peninsula.

10

11 MR. MCDONOUGH: Mr. Chair. They're
12 definitely comparable. Typically the hunter harvest is
13 higher. The hunter harvest the last -- I'm speaking
14 for the Kenai Peninsula including Unit 7. The average
15 harvest the last five years or so is over 500 moose per
16 year during the general season. The road kill on the
17 Kenai averages about 260 per year.

18

19 CHAIRMAN LOHSE: Okay. Then the other
20 question I have, I know with the spike-fork, 50, do you
21 have any kind of data or any kind of idea, any kind of
22 estimate what the -- I'll just use the word illegal,
23 not purposely illegal, but I know just in our hunts
24 here in Cordova, we've had people with a bull permit
25 shoot a cow. And I know with spike-fork, 50's, there's
26 a lot of people -- not a lot of people, but there are a
27 number of people that I'm sure when they go up and
28 measure their moose horns find out that they're 48
29 inches, and the three brow tines really is only two
30 brow tines. Do you have any estimate on what the --
31 I'll use accidental -- what the accidental take is due
32 to that spike-fork, 50 regulation?

33

34 MR. MCDONOUGH: Mr. Chair. No, we
35 don't. We know that on a typical year there's a
36 handful of self-turn-ins of individuals that realize
37 that their animal was sublegal. But it's -- you know,
38 the spike-fork, 50 antler restriction started on the
39 Kenai Peninsula in '87, and, of course, there's always
40 going to be mistakes, but there's I think a pretty good
41 understanding and judgment on the part of the hunting
42 public for the antler restriction.

43

44 CHAIRMAN LOHSE: That's kind of my
45 impression, too, but I just know with that many hunters
46 in the field, you're going to have -- again going back
47 to what Doug was talking about, with that many State
48 hunters in the field, you're going to have more
49 mistakes than you're going to have take by the small
50 group of Federal hunters that go out, you know, in that

1 last season. You know, when we're talking -- we're
2 talking two moose on the average for the last two
3 years, or four moose total on the average for the last
4 two years, probably the mistakes due to the large
5 number of general hunters going out more than
6 overshadows that take by that group of subsistence
7 hunters.

8

9 I recognize your concern with the idea
10 that it could grow, and so far at this level we haven't
11 had any -- I don't feel we've had any major impact.
12 And that's why I thank the State for, you know, their
13 suggestions, and I'm sure that we'll consider them,
14 too.

15

16 Bill.

17

18 MR. STOCKWELL: Thank you, Mr.
19 Chairman.

20

21 I just want to clarify one thing. On
22 your proposal you said that the manager should close
23 down the harvest after two big bulls in Unit 15B or
24 three in 15C, but however -- and with 30 permits, you
25 have no problem with people taking up to 30 spiked
26 forks during that period, correct?

27

28 MR. MCDONOUGH: Mr. Chair. That's
29 basically correct. I should say though, basically
30 opening another issue I guess, is we've spoken to Robin
31 West and we share some of the same concerns and are
32 going to work on some solutions for some of the
33 administrative issues on this hunt, and I trust we'll
34 come up with good workable solutions, but during the
35 OSM testimony before we came up, they stated that
36 there's very good reporting on this Federal hunt
37 system, and it's not very good. It needs improvement.

38

39 And one concern that I have is even
40 with imposing a post-rut limit for big bulls is the
41 fact that if the reporting isn't good and both the
42 State and the Refuge acknowledges that the threshold
43 for big bulls should be in place, without good
44 reporting, there can't be a really good in-season
45 closure of the hunt. And there hasn't been any --
46 there need to be some agreement as to the limit of the
47 number of hunters as well. And we offer a couple of
48 ideas for limiting the number of permits.

49

50 But I know I bounced around there, but

1 in answer to your question, we definitely want to have
2 some limit for the large bull portion of the hunt in
3 the post-rut hunt. But typically there's a fair amount
4 of segregation between the big bulls and the spike-
5 forks. And the State is hoping that there would not be
6 disruption, as much disruption during the post-rut
7 season for the harvest of spike-forks. So that's why
8 we don't have a limit for the spike-fork component in
9 the post-rut.

10

11 CHAIRMAN LOHSE: Bill, did that clarify
12 it enough?

13

14 MR. STOCKWELL: Yeah. I think that
15 clarifies my question. Yeah, I agree, because down
16 here in the analysis it says 80 percent of the permit
17 holders reported. That's on the bottom of Page 103 and
18 goes over to the top of Page 106. Submitted harvest
19 reports, 80 percent. It might be real good in school,
20 but it may not be very good for reporting for your --
21 on these late hunts, you need to have 100 percent data
22 to make it successful, and I agree with that.

23

24 Thank you.

25

26 Just one other quick question. Does
27 the State intend to support eliminating that 15B east
28 hunt before the Board of Game next cycle when it comes
29 around, or do you intend to leave it on the books.

30

31 MR. MCDONOUGH: Mr. Chair. It's within
32 the State's authority right now to just not issue any
33 permits for it. So we don't intend, or at least I
34 don't envision at this point in time coming to the
35 Board of Game to, you know, change the system that's on
36 the books right now, but it is the State's intention
37 to reduce the number of permits in '08 and eliminate
38 the rut permits in '09.

39

40 MR. STOCKWELL: I understand that. I
41 just -- you haven't supported it before when people
42 have put in proposals to eliminate the hunt. And I was
43 just wondering if that would be changed in the next
44 cycle.

45

46 Thank you.

47

48 MR. MCDONOUGH: Yeah. Mr. Chair. In
49 my five years with the Department on the Kenai
50 Peninsula, when proposals have been brought up to

1 change that drawing permit hunt in 15B east, it's
2 basically an allocation issue, so the Department didn't
3 have a hard recommendation up or down. But the
4 Department does acknowledge that there is a lot of
5 public support for it right now at the AC and members
6 of the public level. But that's an allocation issue,
7 and we manage according to, you know, what others tells
8 us in regards to allocation.

9

10 MR. STOCKWELL: Thank you.

11

12 CHAIRMAN LOHSE: Thank you, Thomas. I
13 think that was a very good answer. Basically you can
14 give the information, but you can't make a
15 recommendation on it.

16

17 Tricia.

18

19 MS. WAGGONER: Just a couple of
20 questions. In the 15B east area in the earlier hunt,
21 the September hunt, how many permits are you guys
22 planning on giving out for this season?

23

24 MR. MCDONOUGH: Mr. Chair. Since 1983,
25 50 permits per year have been issued for the September
26 1 through September 20 portion of that drawing hunt.
27 And it's the Stat's intent at this point in time to
28 maintain that number of permits, 50, for '08.

29

30 CHAIRMAN LOHSE: Tricia.

31

32 MS. WAGGONER: And one of the things
33 that I heard both Terry and Tom say was that harvesting
34 a late season big bull was a conservation concern, and
35 so I'm trying to reconcile the thought of why is a
36 post-rut big bull more of a concern than a general
37 season big bull?

38

39 MR. MCDONOUGH: Mr. Chair. From my
40 standpoint, they're both a concern. But understand,
41 too, that I came into my position in the Department
42 late in the game when this hunt and management strategy
43 in 15B east was well in place. So apparently it worked
44 for a while. But with the judgment of the Department
45 of the decline in the population, the drastic decline
46 in success rate, if we have to cut back on those
47 permits, we cut back the permits that are issues during
48 a period that we know is sensitive, during the rut,
49 acknowledging the September 1st through September 20th
50 season is when bulls are in their best condition, and

1 there's little chance of influencing the rut or post
2 rut during that period.

3

4 CHAIRMAN LOHSE: Doug.

5

6 MR. BLOSSOM: Mr. Chair, I'd like an
7 answer. How many game management units in Alaska are
8 there that have moose? And the second part of the
9 question is how many of those units have post-rut
10 seasons?

11

12 CHAIRMAN LOHSE: Terry.

13

14 MR. HAYNES: Mr. Chairman, there are
15 moose in most units in the State, certainly not all.
16 I'd have to go through the regulations to look and see
17 how many post-rut hunts there are, but certainly the
18 timing of seasons is dictated in part by geographic
19 location. And I would just have to go through the
20 regulations and tally them up, and I don't know if the
21 Council wants to take the time to do that.

22

23 CHAIRMAN LOHSE: Terry, maybe what you
24 could do while we're talking to Robin West, if you
25 don't mind, you could glance through and get Doug that
26 information. I don't think it's going to be a large
27 number, but I know there are places that have post-
28 season ruts [sic], but not a very large number of them.

29

30 MR. BLOSSOM: Right here.

31

32 CHAIRMAN LOHSE: Yeah. Ricky.

33

34 MR. GEASE: That's what I was going to
35 say.

36

37 CHAIRMAN LOHSE: Is that what you were
38 going to say?

39

40 MR. MCDONOUGH: Yeah. I think there's
41 like four or five of them have a season. Most moose
42 seasons stop by October. And then if they have a post-
43 rut season, it's usually in December or January.

44

45 CHAIRMAN LOHSE: Yeah. Tricia.

46

47 MS. WAGGONER: Anchorage, shoot,
48 they've got seasons that go from September through
49 January, September through November, October and
50 November, just November, through the end of October.

1 And that's just right next door. So it's not uncommon,
2 I don't think.

3

4 CHAIRMAN LOHSE: And here we have a
5 season that goes from August to December.

6

7 MR. HAYNES: Mr. Chairman. Just a
8 reminder, we're not suggesting to do away with that
9 late season.

10

11 CHAIRMAN LOHSE: I realize that.

12

13 Thomas.

14

15 MR. MCDONOUGH: Mr. Chair. I'd like to
16 make a comment, too. One challenge is keeping track of
17 the moose seasons and the issues on the Kenai
18 Peninsula, so I'm not going to try and speak for
19 different parts of the State, but I think this
20 committee needs to consider the issue based on what we
21 know about Unit 15 moose. I know speaking to a lot of
22 my colleagues around the State who have very liberal
23 and broad seasons that extend in the winter, a lot of
24 those places, they're trying to reduce their population
25 size. That's not what we're trying to do here in 15
26 from a management perspective.

27

28 CHAIRMAN LOHSE: Thank you, Thomas.

29

30 Any more questions for the Fish and
31 Game at this point in time.

32

33 (No comments)

34

35 CHAIRMAN LOHSE: No. Robin, are you
36 next?

37

38 MR. WEST: Mr. Chair. Members of the
39 Council. Robin West, Kenai National Wildlife Refuge,
40 and I'd be happy to weigh in on moose biology and
41 conservation questions if there are any. But my
42 comments that I have really are just on administrative
43 issues that I'll share with you briefly.

44

45 And as we all know, and as discussed
46 this hunt only has been completed two years, and so
47 we're still learning and kind of tweaking a little bit.
48 And we also know the controversy and compromises, you
49 know, that came into this season.

50

1 I'll mention a couple things on
2 permits, and kind of maybe our intention, and then I
3 want to focus on reporting and some concerns there.

4
5 It's true that after the first year,
6 into the second year, that we issued one permit rather
7 than two, and that was at my urging. And I had two
8 primary concerns with the two permits. One is that it
9 looked like you could shoot two moose. Somebody who
10 hunted early and then come back in a month later, you
11 know, bag limit one permit they had in hand said, you
12 know, one spike-fork, 50 bull, and then you get
13 another one that said spike-fork, 50 bull. And there
14 was some confusion. I was answering that a lot. And
15 if you dig into the regulations deeply and interpret
16 it, you could find out you couldn't. But for the folks
17 who were coming in, that was a point of confusion.

18
19 Plus it required two trips to our
20 office. For some folks that's not a big deal if
21 they're traveling to town. Other folks, it is a
22 concern in trying to, you know, limit their needs to
23 travel to the office to get permits.

24
25 That said, I think what we really are
26 struggling with now is mostly the reporting
27 requirements in the permits and the kind of information
28 that we're getting. Just as was stated earlier, trying
29 to distinguish where people hunted and when, early or
30 late. And we're not getting the kind of information we
31 want. And so I'm kind of pledging to the group to work
32 with OSM and the State on, you know, redoing our report
33 cards as we can. And whether we get it done this
34 season or not, we probably can, but definitely that's
35 our goal, and to gather the kind of information that's
36 similar to the State reporting cards. So the report
37 information is there, it's not going to be any more
38 onerous on a person to mark early or late on they.
39 He's got to send the card in or call in anyway, but
40 we'll definitely try and revamp that reporting card so
41 it gets us more valuable information in the future.

42
43 My primary concern right now is
44 actually the reporting and the timeliness or whether we
45 get it at all. And just to give you a few figures, and
46 some of it's in your packets perhaps and some of it may
47 not be, but in 2006 when we did issue two permits, one
48 early and one late, for the late season, and that's
49 what we're focusing on here, we had 39 -- we issued 62
50 permits and 39 people actually hunted, but 12 folks

1 never reported at all. And so when we're talking
2 about, you know, worrying about two bulls, three bulls
3 and that kind of thing, and we don't hear from 12
4 people at all, that's a concern.

5
6 Jump forward to 2007 where we issued
7 just one permit, and we issued 108, and I think four of
8 them were taken back for some reason, so 104 permits
9 were issued, and 67 people reported hunting. You know,
10 as of December, we sent out 41 certified letters for
11 people that hadn't reported, and, of course, the season
12 had been over for over a month. As of February 8th,
13 and I think as of today, still 16 hadn't reported at
14 all. And the provisions that we put in place last year
15 was that if you don't report, we're going to give you
16 -- we're going to remind you, but if you still don't
17 report, you don't get a permit the next year. And
18 we've threatened, you know, issuing citations, too, but
19 we're not doing that. But somehow we have to get folks
20 to take the reporting seriously. Otherwise the five-
21 day reporting requirement and me being able to taking
22 conservation action on it is kind of a meaningless
23 thing.

24
25 So, I mean, what we're trying to do is
26 step up education and monitoring and communications and
27 enforcement to try and improve that. But right now the
28 system isn't -- it isn't giving us timely information
29 where I could really close the system down if there was
30 a conservation concern. So I think we'll get there.
31 And there may be 16 very angry people this year when
32 they come in, but they did get certified letters, you
33 know. It was bold in the permits, it was discussed,
34 they got letters, and still didn't respond, so work in
35 progress. But that's my major concern right now I
36 think.

37
38 Limiting the number of folks that can
39 hunt is a separate part of the issue that, you know,
40 the State's raised conservation concerns with that.
41 And, you know, I understand their concerns, and I guess
42 there's a couple ways of looking at it. Clearly if we
43 do see more and more people in the field and this is a
44 fairly long season during a stressful time of year, you
45 know, their concerns are ones that we don't want to
46 ignore.

47
48 On the other hand, the areas that we're
49 talking about are pretty remote, and access points are
50 fairly limited. So there's a pretty good chunk of real

1 estate out there that people may or may not be
2 accessing to hunt, and as such disturbing, you know,
3 post-rut moose.

4
5 So -- and since we're so early in this
6 process still, and trying to figure out what we're
7 doing, maybe with our reporting requirements, if we
8 change the cards so we know whether they're hunting
9 early and late and what drainages they're going on,
10 we'll have a better idea of how much the effort's being
11 distributed over time and place, and it will indicate
12 then if there's any red flags on, you know, as this
13 effort grows or distributes, and we may want to take
14 over time some additional steps if we think we are
15 creating a large disturbance factor, not necessarily a
16 kill factor. And so, I'm saying from my standpoint,
17 not ignore that, but let's try to work hard to try and
18 collect information to see if that is an issue over
19 time.

20
21 And I'll leave it at that.

22
23 CHAIRMAN LOHSE: Tom.

24
25 MR. CARPENTER: Yeah. Robin, I mean,
26 I've been sitting here for an hour listening to this,
27 and I think everything you said, everything that you
28 have the ability to do, takes all the questions out of
29 this hunt. It's about reporting. It's about allowing
30 you as the manager, if feel that there's too many bulls
31 harvested, big bulls harvested, you're going to know
32 exactly in-season what's going on. And you as the
33 manager are going to have total ability in conjunction
34 with the State, to control this hunt if it was ever to
35 get out of control. This hunt is not out of control.

36
37 And I think, you know, the one thing
38 that I would stress, and I hope you do it, because I
39 think it's a valuable tool, is that people need to
40 report. Both State and Federal hunters need to
41 recognize that to have this two tiered system,
42 everybody needs to participate and give the manager the
43 best information that he can. And I would suggest that
44 you don't give those people permits that don't turn
45 them in at the end of the year, or in the reporting
46 time, because that's the only way to teach people
47 lessons that to have a management system that works,
48 everybody has to participate fully. I think that's
49 been proven all around the State.

50

1 And a perfect example of that is right
2 here. We have a 24-hour reporting time, and that's a
3 State hunt. But the only reason that everybody finally
4 agreed to it was that the hunt was getting so out of
5 control, that we were going to lose it completely. And
6 not to lose it completely, everybody agreed, you know
7 what, it's not that big of a deal.

8
9 It's like with the National Park
10 Service and sheep hunts and different things like that.
11 You have a five-day reporting time period, and I think
12 it works effectively.

13
14 And I don't think that it puts too much
15 -- you know, maybe 6 day may be a little bit too
16 restrictive for moose hunting, but a week or a 10-day
17 reporting time period, and I think it needs to be as
18 close to 100 percent reporting as possible, but I think
19 you have the ability to do it.

20
21 So that's all I have.

22
23 CHAIRMAN LOHSE: Thank you, Tom. Doug.

24
25 MR. BLOSSOM: Yeah, Mr. Chair.

26
27 Robin, what percent of this hunt takes
28 place on land you manage?

29
30 MR. WEST: Hopefully 100 percent.

31
32 CHAIRMAN LOHSE: Bill.

33
34 MR. STOCKWELL: Thank you, Mr.
35 Chairman.

36
37 Let me take those off, because they
38 echo in my ears. Thank you.

39
40 Do you support the State's proposal as
41 -- their amended proposal as written?

42
43 MR. WEST: In general I do, but I guess
44 I support their conservation concern, and I think the
45 trigger points that we talked about, where would I
46 start being concerned about the number of large bulls
47 being taken, I don't have any reason not to start with
48 the figures of three bulls in 15C and two larger bulls
49 in 15B.

50

1 And if you read the regulations, you
2 know, for me to take action, I'm supposed to consult
3 with the Chair of this council and Fish and Game. And
4 so if those numbers were reported to me, that's what
5 I'm going to consult. And, you know, if it's the last
6 day of the season, you know, we're not going to try to
7 shut 'er down, but if it's the first day of season,
8 yeah. That's as good a place to start as any.

9
10 The other part of it, though, Bill, as
11 far as limiting the number of permits, what I guess I
12 guess I'm suggesting is a wide open number of
13 registration permits if we have good reporting, and we
14 can over time in the next few years kind of figure out
15 where people are hunting. I'm not quite so willing to
16 maybe limit the number of permits up front in the State
17 proposal.

18
19 So in general I support where they're
20 going with it, but maybe not quite as conservative of a
21 start.

22
23 MR. STOCKWELL: Thank you. And just
24 one other thing. On enforcement, you said you have the
25 ability to cite these people. Will you take that kind
26 of action eventually if it continues to be a problem?

27
28 MR. WEST: We do have the authority to,
29 and what I have intended all along is that multiple
30 repeat offenders would ultimately get the ticket, and
31 it wouldn't be immediate. And so just for an example,
32 you didn't report this year. You're reminded and you
33 still didn't report this year, you don't get a permit
34 next year. You're right back in in year 3 to get a
35 permit. You get it, you hunt, you don't report, you
36 get a reminder, and you don't report. That time, you
37 know, you'll get a little additional package in the
38 mail.

39
40 MR. STOCKWELL: Thank you.

41
42 CHAIRMAN LOHSE: Thank you, Robin.
43 Tricia.

44
45 MS. WAGGONER: Under the current
46 system, if -- do you have the authority to shut the
47 hunt down if two large bulls were taken in 15B the way
48 the system is set up right now?

49
50 MR. WEST: That's correct, in

1 consultation with Fish and Game and the Chair of this
2 Council.

3

4 CHAIRMAN LOHSE: Greg.

5

6 MR. ENCELEWSKI: Robin, I've just got
7 one statement I guess, it's more than a question.
8 Maybe it's a question.

9

10 But I think you make a very good point
11 when you stated, you know, the area, you know, it's a
12 large area out there, and I just wanted, you know, you
13 to let people know how much of an area that is that
14 you're managing and the limited access in a lot of that
15 area. I feel there's a lot of area there that is not
16 hunted.

17

18 CHAIRMAN LOHSE: Thank you, Greg.

19

20 Robin, have -- you know, a lot of times
21 we don't have to reinvent the wheel. Have you
22 consulted with the BLM in Glennallen on that Nabesna
23 Caribou Herd and their reporting periods and how
24 they've done it? I know that -- I think, and I better
25 not say it for sure, because it's been a while since we
26 worked on it, but I think they have fairly rapidly
27 reporting, and if you take an animal, you're required
28 to -- not quite as short as we have it here in Cordova,
29 but you have to report by phone that you took an animal
30 in a fairly short time. And I know they had exactly
31 the same problems that you're talking about up there in
32 Nabesna and the same thing in Cordova on the 6B hunt
33 over there.

34

35 There are lots of places in the State
36 that we have that same kind of concern that have gone
37 to the kind of reporting that's necessary to be able to
38 react in time to do it.

39

40 I think that -- I don't see an problem
41 with where we are at this point in time, and I don't
42 see a conservation concern at this point in time. I
43 share Thomas' concern that you could have enough
44 hunters out there that you could disrupt things. We
45 haven't seen it yet, and I think that we've got the
46 management system in place, but I think we need to
47 tweak it.

48

49 I did not realize that we were having
50 that kind of a problem with our reporting.

1 Can I ask one other question on the
2 reporting though? Has the reporting of moose taken
3 been timely, and most of these people that haven't
4 reported, when you finally get around to it, you find
5 out they never even went hunting?
6

7 MR. WEST: Well, I guess we really
8 don't know. That's -- when people don't report at all
9 and don't make any contact at all, you don't know
10 whether they hunted, whether they hunted and weren't
11 successful, or whether they were suggested. And so
12 that's -- yeah, I think you're probably right. I think
13 there's probably more likelihood people are going to
14 report if they're successful, but, you know, frankly we
15 just don't know.
16

17 CHAIRMAN LOHSE: But can it be a
18 requirement that if you don't report and you're
19 successful, then it becomes a legal issue and becomes,
20 you know -- I mean, if you took an animal and didn't
21 report, there should be a different penalty than if you
22 didn't take an animal. I mean, if you didn't take an
23 animal and didn't report it, you lose your permission
24 to hunt next year. But if you took an animal and
25 didn't report, then basically it should almost turn
26 into an illegal act and your -- the possession of your
27 animal is illegal.
28

29 MR. WEST: I guess in principle I would
30 agree, but, you know, not having any information when
31 folks are concerned about this is difficult. And so
32 just following up and treating people differently. I
33 mean, we really need people to report.
34

35 And as you mentioned, Mr. Chair, the
36 Nelchina basin situation is kind of -- we do it
37 somewhat similarly. I mean, you have a five-day
38 reporting requirement if you're successful. Otherwise
39 there's a reporting requirement for everyone after the
40 seasons closed. They have another few weeks and it's,
41 you know, fairly easy. And they can call in. So we're
42 just going to have to work and see, you know, how to
43 try and get the word out a little better.
44

45 And frankly, one of the problems may have been
46 when we went to one permit that people were getting
47 them so early in the year, that it's easier to forget,
48 you know, when the late season comes to an end. And I
49 know, even with the State harvest tickets, that's the
50 way. Unless people put them right where they pay the

1 bills or something, it's easy to forget over a long
2 season. And so we'll do what we can to keep people
3 reminded.

4

5 CHAIRMAN LOHSE: Never did that myself,
6 but -- at least I haven't done exactly the same thing,
7 but that's why -- to me, I think that on the permit
8 there should be a statement that not reporting a taken
9 animal is an illegal act. And that would put some
10 teeth into it. And that's what we really need is we
11 need a reporting of what's been taken, although like
12 you said, it's nice to have a reporting who's been out
13 there, too, at the end of the season.

14

15 Gloria.

16

17 MS. STICKWAN: Do you have on your
18 permits where they hunt, what areas? Do they report
19 that?

20

21 MR. WEST: It's not very specific, and
22 that's one of the things that I think fairly easily we
23 can fix, and that will help to answer some of the
24 questions. So we intend to make it more specific and
25 gather that information in the future.

26

27 Thank you.

28

29 CHAIRMAN LOHSE: Any more questions for
30 Robin.

31

32 (No comments)

33

34 CHAIRMAN LOHSE: Thank you, Robin.
35 Okay. We have InterAgency Staff Committee comments.

36

37 (No comments)

38

39 CHAIRMAN LOHSE: None. Fish and Game
40 Advisory Committee comments. Are there any Fish and
41 Game Advisory Committee standing by.

42

43 MR. MOEGLEIN: Thank you, Mr. Chairman.
44 My name is Ed Moeglein. I'm with the Kenai/Soldotna
45 Advisory Committee. I'm the subsistence member.

46

47 Our concerns weren't so much with
48 disturbing the rut, as they are but with a lot of
49 animals being around or chased around going into their
50 winter reserves, being winter killed. This is the time

1 of year that a lot of us see it when we snowmobile up
2 in the Caribou Hills, just how bad of a winter kill
3 there is, because the brown bears are coming out now.
4 You go around the corner, and they discover where that
5 dead moose is underneath that show, and it's sitting on
6 top of that kill. They're real dangerous when you come
7 up on them. And there's been a lot of sightings that
8 way.

9

10 That's our main concern of a lot of
11 hunters going in after post-rut, wearing down on their
12 fat reserves.

13

14 We appreciate the opportunity for
15 anyone to go up there and harvest those areas, but we
16 feel that the success ratio right now, a couple of
17 moose is indicative of this hunt just beginning.
18 It's the same as what we've seen in subsistence for
19 fishing. Learning the areas that they're hunting and
20 what time they're in an area. I know in that area
21 there are a couple of moose yards. This year it was
22 disturbed a little bit by the forest fires up there.
23 It moved the animals around, they were not in their
24 same common areas that they were, as well as when you
25 discover one of the areas where they yard up for the
26 rut, I think the success ratio will go up as they learn
27 the area, too.

28

29 So I kind of agree with the State and
30 Robin in what they have set for number of people that
31 are going out into the woods as well as pushing them
32 around, and the number of permits, I think that's real
33 fair in limiting it that way, and continue on with a
34 good successful hunt.

35

36 The numbers are down as far as their
37 estimates. They haven't done a census in 15B in a long,
38 long time. In 15C the numbers are better. But by the
39 number of hunters, they're mostly residents, 3,000-some
40 hunters and there's only maybe a total of 400 killed
41 for the whole general season, it shows that the
42 population is in a decline, and there is a conservation
43 issue as well as.....

44

45 We've been talking about it. We really
46 would like to see a predator control plan be enacted.
47 I mean, we're running into brown bears all the time.
48 I've got them in my yard, and I'm just a little ways
49 out of town. And if I've got that many in my yard, you
50 can imagine where other places, where these moose yards

1 are that the bears are coming into, the wolves are
2 coming in. We see more of them all the time, and the
3 habitat issues. Again the habitat is down, so there's
4 everything there for -- and we need a good reporting
5 system, with the habitat going down, the predation
6 coming up and they're coming into town. Unit 15A
7 census determined that most of the moose are moving
8 into town. So I believe they're being pushed in there
9 by predation, and it shows by the number of bear
10 attacks that are going like Mackey Lake, which is just
11 outside of Soldotna on Gaswell Road, we've had two this
12 last year and two the year before. And it's just
13 people walking along the road.

14
15 So I really feel we have a bad
16 predation problem as well as a habitat problem, too.
17 And conservation issues are real important to us.

18
19 Thank you, Mr. Chairman.

20
21 CHAIRMAN LOHSE: Thank you. You
22 brought up one thing that I'm curious about, because
23 we've seen it in Unit 13, and that's the effect of
24 snowmobilers on wintering moose and caribou, and their
25 disruption of their winter -- you know, putting stress
26 on them in the winter when they're already down. What
27 time do the snowmobilers start running around in this
28 same country that the moose are?

29
30 MR. MOEGLEIN: Up in that area, they're
31 there from as long as there's enough snow until there
32 isn't enough snow. It's a highly populated area, and a
33 highly popular area. The Caribou Hills, they've got
34 their own snowmobile club, there's a couple lodges up
35 there. And the moose use their trails to get around,
36 and that's where you really see that the predators are
37 coming in, because they come in and push the moose off
38 of the snowmobile trails and they're eating down to the
39 snowline.

40
41 CHAIRMAN LOHSE: Well, that's what I'm
42 getting at is from a subsistence standpoint, we're
43 worrying about 30 or 40 subsistence hunters disturbing
44 the moose during that time period, but we put 4, 5, 600
45 snowmachines out there that run them off the trails,
46 run them wherever they are, and we worry about the
47 impact of the 30 or 40 subsistence hunters that are out
48 there hunting them, stressing them, but we allow
49 something like this to go on, and to me it just doesn't
50 make sense.

1 Bill.

2

3 MR. STOCKWELL: Could I just ask you a
4 question on the -- where the snowmachines occur, isn't
5 that mostly on non-Refuge land?

6

7 MR. MOEGLEIN: That's correct. And a
8 lot of it's private land. Those people do own that
9 land that those cabins are on.

10

11 MR. STOCKWELL: Right. And so most of
12 that Caribou Hills area is not within the Refuge where
13 there -- it's not on Federal lands where they're
14 snowmachining, correct?

15

16 MR. MOEGLEIN: That's right.

17

18 MR. STOCKWELL: Thank you.

19

20 CHAIRMAN LOHSE: Do they have a
21 snowmachine problem on the Refuge land itself, or is
22 that closed to snowmachines?

23

24 MR. MOEGLEIN: The Refuge manager
25 controls when the snowmachines can go on there, and
26 when they have to come out of there due to cover.
27 There's no cabins in there. There's some people that
28 use it for trapping I believe. But that's controlled
29 by the Refuge manager on Refuge lands.

30

31 CHAIRMAN LOHSE: So the Federal land is
32 not a big snowmachine playground?

33

34 MR. MOEGLEIN: No, sir.

35

36 CHAIRMAN LOHSE: Okay. It was just a
37 question, because we've seen it in other places.

38

39 MR. MOEGLEIN: I know along that
40 pipeline that comes from Kenai/Nikiski going out to
41 Chikaloon Flats and Point Waranzof, there's a lot of
42 people that travel across country on that and along
43 that Great Cliffs trail on the other side of the bluffs
44 there. They come in there.

45

46 CHAIRMAN LOHSE: Bill.

47

48 MR. STOCKWELL: Yeah, I was just going
49 to say, although we're not discussing Unit 7, but Unit
50 7 in the national forest is a huge snowmachining area

1 for people from all over.

2

3 CHAIRMAN LOHSE: I just wondered if
4 they're taking that impact into consideration when
5 they're doing, you know, their drop in moose
6 population, because personally I feel it has a big
7 impact on it, but that's my own personal opinion.

8

9 So any other questions.

10

11 (No comments)

12

13 CHAIRMAN LOHSE: Thank you. Okay.

14 Ricky.

15

16 MR. GEASE: You know, if I can ask a
17 point of clarification from Robin, because the issue of
18 predator control came up. And I would just like to ask
19 him if considers predators to be an issue in
20 conservation or is it mainly habitat?

21

22 CHAIRMAN LOHSE: Robin.

23

24 MR. WEST: Both. But, I think, you
25 know, the general management philosophy is that habitat
26 is what drives the populations, and when you have good
27 habitat, predators aren't as much of an issue. And
28 counter to that, you would be foolish to remove
29 predators from an area to try and make more game
30 animals if your habitat's poor, because, you know,
31 you'll have artificially high numbers, and then you get
32 a bad winter and the population can crash even lower.
33 So it's not a simple answer, but certainly predators
34 are taking animals on the Kenai, and, you know, how you
35 would manage an area specifically make to make more
36 animals largely though is habitat driven, or should be.

37

38 CHAIRMAN LOHSE: Bill, did you have a
39 question for Robin?

40

41 MR. STOCKWELL: Yeah, I do, now that
42 you're up here. We just talked about snowmachines.
43 Maybe you can give us a little rundown on snowmachines
44 in the Refuge portion of Federal lands. Thank you.

45

46 MR. WEST: The snowmachine program on
47 the Kenai, about 60 percent of the Refuge, plus or
48 minus, can be opened each year to snowmachine use. And
49 the regulations allow that anytime between December 1st
50 and April when we have adequate snow cover to protect

1 vegetation and soils, that I'm allowed to open it.
2 This year I opened I want to say it was in January. We
3 didn't have adequate snow in December. All the alpine
4 areas of the Refuge are closed, except the Caribou
5 Hills. And I'm not going to tell you that that was
6 done for biological reasons. You know, it is a
7 playground, and it's a place that people like to go and
8 recreate.

9

10 And it's true as was stated earlier
11 that, you know, where much of the Caribou Hills where
12 people are staging from, I mean, there's like 200
13 recreational cabins in that area. And there's State
14 land and private land in there. But a very popular
15 place for people to go when there's adequate snow and
16 the Refuge opens up, is going up to the alpine and the
17 open areas on the Refuge and the Caribou Hills, too.

18

19 It's been growing in use. When you get
20 deep snow, the animals move out of the area, but in any
21 given year there's sometimes there's overlap. And it
22 has been a concern of the Refuge and we have attempted
23 to try and get adequate funding to study those impacts.
24 It's not easy to really come up with good quantifiable
25 data, but it's something we still intend to do.

26

27 Thank you.

28

29 CHAIRMAN LOHSE: Gloria.

30

31 MS. STICKWAN: Do you have enforcement
32 out there watching people during the hunting season
33 where there are areas of concern?

34

35 MR. WEST: We do. We have five full-
36 time officers and one collateral duty officer, but we
37 also have 2 million acres. And so, you know, they're
38 out in the hunting season in the back country. They're
39 out in the winter time when people are trapping and
40 snowmachining and making sure people aren't in closed
41 areas. But, you know, realistically we don't catch a
42 lot of the folks who may be violating, but there is a
43 presence historically at all times.

44

45 CHAIRMAN LOHSE: Thank you, Robin. Any
46 other questions for Robin.

47

48 (No comments)

49

50 CHAIRMAN LOHSE: Thanks for coming

1 back.

2

3 Okay. At this point in time we don't
4 have any other Fish and Game Advisory Committee
5 comments, do we?

6

7 MR. MIKE: Mr. Chair. Just a written
8 comment from the Central Peninsula Advisory Committee.

9

10 CHAIRMAN LOHSE: Can you give us a
11 brief overview of what the written comment was. We've
12 all read it, but just to put something on the record.

13

14 MR. MIKE: Okay. Mr. Chair. The
15 Central Peninsula Advisory Committee took action on
16 Proposal 17. And they voted against the proposal as it
17 written in the book, and they commented on the
18 Department of Fish and Game had a revised proposal, but
19 they did not see any trend or alarm from the increase
20 in participants or harvest to be able to support this
21 proposal at this date, because of potential negative
22 impacts. The Late season only harvested two moose in
23 each of the last two years. The Department has other
24 late season hunts for the general public. Permits
25 should only be issued to hunters who reside in eligible
26 communities.

27

28 Mr. Chair. Thank you.

29

30 CHAIRMAN LOHSE: So they were in
31 opposition to this proposal.

32

33 MR. MIKE: That is correct, and they
34 voted zero/nine.

35

36 CHAIRMAN LOHSE: Thank you. Okay. At
37 this point in time we go to written public comments.
38 Do we have any other written public comments.

39

40 MR. MIKE: Mr. Chair. We received one
41 written public comment. You will find that on Page
42 109. The Homer Fish and Game Advisory Committee voted
43 unanimously in favor of Proposal WP08-17 and 18.

44

45 Thank you. Mr. Chair.

46

47 CHAIRMAN LOHSE: Thank you. At this
48 point in time we go to public testimony. I only have
49 one request for public testimony. Do I have any other
50 ones. And it's a member of the Council. Greg.

1 MR. ENCELEWSKI: Mr. Chairman. Fellow
2 RAC members. I'm testifying on behalf -- my name is
3 Greg Encelewski, and I'm testifying as president and
4 chairman of the Ninilchik Tribal Council.

5
6 And I just wanted to put this on the
7 record that we're opposed to the Proposals 17 and 18 to
8 close down this hunt. I think we've heard all the
9 reasons. It's unanimous, the council feels that it's
10 just starting, that there's only been several moose
11 taken. There's only been one taken that I know from a
12 Council member, several for locally there. And we
13 think it's way premature at this time.

14
15 We do have the executive director
16 that's willing to call in, and also our resource
17 manager that wanted to testify, but I'm not so sure
18 that you have another day to take all that testimony so
19 I just want to keep it brief. And I've already stated
20 all my reasons.

21
22 So if there's any questions, I'll
23 answer them. Thank you.

24
25 CHAIRMAN LOHSE: Thank you, Greg.

26
27 Any questions for Greg. Ricky.

28
29 MR. GEASE: Greg, you heard some
30 concerns from the Refuge on reporting requirements. Do
31 you share those concerns or is there something that
32 your Council can assist in the education effort of the
33 Wildlife Refuge?

34
35 MR. ENCELEWSKI: Yeah, Ricky. I share
36 those concerns if it's actually happening, and I'm sure
37 it is.

38
39 I got kind of a mixed message here,
40 because when I first showed up at the meeting, one of
41 the law enforcement guys actually commented and praised
42 our reporting, that it was almost 90-some percent and
43 thought it was very good. So I guess somewhere there's
44 a disconnect.

45
46 But at the council, we've stressed very
47 adamantly that we want accurate and quick reporting,
48 because it's to our advantage. We don't want to lose
49 the hunt. It's provided an extra opportunity, and I
50 think the reporting's absolutely critical. And we'll

1 support getting it better.

2

3 CHAIRMAN LOHSE: Greg, when you said as
4 a council, you were talking about the village council,
5 right? Tribal council?

6

7 MR. ENCELEWSKI: That is correct.

8

9 CHAIRMAN LOHSE: Yeah. Because I know
10 this Council has supported and stressed quick and
11 accurate reporting, too. In fact, we've -- in a lot of
12 instances we've required reporting that was quicker and
13 more accurate and more timely than the State had. And
14 I think we're going to continue that, because just like
15 your council, I think that accurate reporting and quick
16 reporting is very important.

17

18 Any other questions for Greg?

19

20 (No comments)

21

22 MR. ENCELEWSKI: Thank you.

23

24 CHAIRMAN LOHSE: Thank you, Greg.

25

26 Okay. At this time a motion to put the
27 Proposal WP08-16 and 17 [sic] on the table is in order.

28

29

30 MR. CARPENTER: Mr. Chairman. I move
31 to adopt Proposal WP08-17/18.

32

33 CHAIRMAN LOHSE: 17/18, my fault.

34

35 MR. BLOSSOM: Second.

36

37 CHAIRMAN LOHSE: It's been moved and
38 seconded to adopt Proposal 17/18.

39

40 MR. GEASE: Just a point of
41 clarification, when the proposer -- is this the State
42 that was proposer? I mean, there were two different
43 groups, but the State has modified that. Is it more
44 appropriate to put the State modification proposal up
45 and talk about that, or is it just the regular
46 proposal?

47

48 CHAIRMAN LOHSE: Was your intention the
49 proposal as written?

50

1 MR. CARPENTER: My intention was as
2 written in the book.

3
4 MR. BLOSSOM: The second agrees with
5 that.

6
7 CHAIRMAN LOHSE: The second agrees to
8 that. Okay. The proposal as written in the book.
9 Okay.

10
11 At this point in time, discussion,
12 amendments, modifications. Anything that anybody would
13 like to bring forward. Doug.

14
15 MR. BLOSSOM: Yeah. Mr. Chair. I'll
16 be voting in opposition to this. I think we've heard
17 long and hard about it.

18
19 I will put one thing on the record.
20 When this proposal went to the Federal Board and they
21 passed it, I was asked directly how many moose I
22 thought they would take. And I told the Federal Board
23 27. So I think we're a long way from what the Federal
24 Board thought was a moose take in this hunt. So I
25 would like that on the record, that the Federal Board
26 heard that from me, and it hasn't -- and we're getting
27 two instead of 27.

28
29 CHAIRMAN LOHSE: Tricia.

30
31 MS. WAGGONER: I'll be voting in
32 opposition to this proposal. As we heard from Robin,
33 he currently has the authority to manage the season in
34 consultation with Fish and Game and the Chair of this
35 Council, and he can shut it down if he feels too many
36 big bulls are taken. So I don't see any reason at all
37 to change the regulations.

38
39 CHAIRMAN LOHSE: Thank you. Bill.

40
41 MR. STOCKWELL: Thank you, Mr.
42 Chairman.

43
44 I want to thank the State for changing
45 their proposal, and with the information that's there,
46 from Robin's testimony, he supports the bulls
47 restrictions that the State's requesting, but does not
48 support limiting the number of permits, and feels that
49 his reporting system can handle the number of people in
50 the field, so I think that takes care of that State

1 concern. And I don't think we need to directly the
2 State's concern with an amendment, so I'll be opposing
3 the proposal as written. And I think with the Refuge,
4 with Robin West having a handle on it, that solves our
5 problems.

6

7 Thank you.

8

9 CHAIRMAN LOHSE: Ricky.

10

11 MR. GEASE: Yes. I want to thank both
12 the Refuge and the State for coming up and making their
13 presentations.

14

15 I do think that the State has expressed
16 some conservation concerns and it's one of the
17 responsibilities of this Council to address those, and
18 recognize them, and figure out what's appropriate. I
19 think that the State's concerns in their modified
20 proposal was a couple of larger bull moose in 15B and
21 three in 15C. It seems like the Refuge manager
22 recognizes those concerns and has the authority already
23 to close down the hunt if those targets were met.

24

25 And I think the concerns that Refuge
26 Manager West has expressed are more reporting concerns,
27 and is actively working over the next couple year to
28 figure those out and tighten those up.

29

30 So at this time I don't think the
31 conservation concerns identified here would meet the
32 level where we would want to pass the proposal, because
33 I think the Refuge manager already has that authority
34 to do that, and has expressed that.

35

36 CHAIRMAN LOHSE: Okay. Thank you,
37 Ricky.

38

39 Gloria.

40

41 MS. STICKWAN: I think it would be
42 detrimental to subsistence users in that area, because
43 this hunt's only like -- is not very long, two years.
44 I would be opposing it, too.

45

46 MR. CARPENTER: Question.

47

48 CHAIRMAN LOHSE: The question's been
49 called. All in favor of Proposal WP08-17/18 as written
50 signify by saying aye.

1 (No aye votes)
2
3 CHAIRMAN LOHSE: All opposed signify by
4 saying nay.
5
6 IN UNISON: Nay.
7
8 CHAIRMAN LOHSE: Motion fails
9 unanimously.
10
11 I, too, would like to thank the State
12 for bringing their concerns forward, and I, too, also
13 believe that Robin will also watch the growth. And if
14 there's any exponential growth to the point where's
15 causing problems with the winter herd, I know that he
16 will come back on our table.
17
18 Thank you. And now let's go on to a
19 break.
20
21 (Laughter)
22
23 (Off record)
24
25 (On record)
26
27 CHAIRMAN LOHSE: Okay. At this point
28 in time, the Council is back from recess or break, and
29 we are looking at Proposal WP08-19, 20, and 21. Do we
30 have a synopsis on that one.
31
32 MR. RISDAHL: Yes. Mr. Chairman. For
33 the Board, this is Greg Risdahl, OSM wildlife
34 biologist.
35
36 And before I get started, I do want to
37 point out one typographical error that actually
38 occurred in three proposals, each of these three that
39 have to do with moose down on the Kenai Peninsula. And
40 in this proposal, we won't worry about the other two,
41 we've gong through those, but in Wildlife Proposals 19,
42 20 and 21, on Page 120 in Table 2 that is actually
43 residency and success of moose hunters in Unit 15A.
44 Somehow the A got dropped in publication. I think
45 there was some confusion about that.
46
47 CHAIRMAN LOHSE: Okay. That's -- yeah.
48
49 MR. RISDAHL: And then Robin did bring
50 up a point that after the printing of these proposals

1 in this booklet, some additional permit holders
2 reported on their harvest from this past season down on
3 the Kenai Peninsula. So if you were to go to Page 121
4 of your books, I'll just tell you this up front so that
5 you have that, and we don't have to stop and go back.
6 During the 2007/2008 regulatory year, it says the
7 number of permits issued. Mr. West noted that four of
8 those permits reported -- or four of those permits
9 were returned for whatever reason. So that 108 should
10 actually be 104. And then because the number of permit
11 holders that reported increased as more permits came
12 in, the next number, 79 should actually be an 87. And
13 the following number the number of permits hunted
14 should go to 67 from 59.

15
16 And one of the other questions that was
17 posed, what was the percent of hunters reporting, in
18 2006 and 2007, 80 percent of the hunters under the
19 Federal program reported. And then next to the 87, if
20 you want to put in parenthesis, last year 84 percent of
21 the hunters reported, and the overall average total
22 number of hunters reporting in the Federal program has
23 been around 90 percent. So it actually, as couple of
24 people pointed out, that the reporting by the Federal
25 subsistence program has been actually pretty good.

26
27 So with that, we'll just go on to the
28 proposal. I will try to keep it at little brief. It
29 begins on Page 111 of your booklet.

30
31 Wildlife Proposal No. 19 was submitted
32 by Robert Haynes. It requests that the antler of moose
33 harvested in Unit 15C be turned into the Alaska
34 Department of Fish and Game to be disposed of.
35 Wildlife Proposal 20 was submitted by Dan Presley, and
36 it requests that the antlers of moose harvested in
37 Units 15B and 15C be taken to the Kenai National
38 Wildlife Refuge manager where the palm of the antler
39 would be cut in half to destroy the trophy value. And
40 Wildlife Proposal 21 was submitted by Keith Presley,
41 and it requests that the antlers of moose harvested by
42 the Federal program in all of Unit 15 to be taken to
43 the Alaska Department of Fish and Game and cut in half
44 again to be destroyed -- destroy the trophy value, and
45 then leave half of that with the Alaska Department of
46 Fish and Game. Because the proposals were similar, the
47 analyses were combined.

48
49 In a nutshell, the proponents of all
50 three of these proposals are asking that the -- asking

1 for the destruction of the trophy value of the moose
2 harvested under the Federal Subsistence Management
3 Program. All proponents agree that the Federal
4 subsistence regulations should emphasize that hunting
5 for moose on -- in this area should be for meat only
6 and not for trophies.

7
8 A little bit of other discussion that
9 is pertinent to this proposal that we should go through
10 briefly. In Unit 15 and elsewhere in Alaska, moose
11 populations, breeding age bulls in particular, are
12 typically protected from the overharvest by the spike-
13 fork or 50-inch or three or more brow tine regulation.
14 It is a conservative regulation that was enacted in the
15 State to -- in the absence of regular survey data where
16 they can more closely monitor these populations.

17
18 When Federal -- there's a couple of
19 Federal regulations that I want to point out, too, that
20 do have an affect on maybe your decision-making with
21 regard to this proposal. When Federal regulations have
22 antler restrictions such as these in place, the ones
23 that we're just talking about, antlers must be removed
24 from the field intact under Federal regulations.
25 That's Section 26(g)(3) of the Federal regulations. In
26 addition, Federal regulations also allow the sale of
27 moose antlers once they are detached from the skull of
28 a legally harvested animal as long as they are not made
29 to represent a big game trophy. and that's in Section
30 25(j)(10).

31
32 So I want to just jump to the harvest
33 history and point out a couple other things in addition
34 to the changes that I directed to you on Table 3 on
35 Page 121.

36
37 There was a question about the
38 reporting period, and I just didn't have it at the top
39 of my head when I asked, but on our harvest tickets, it
40 specifically say that if you are successful in
41 harvesting a moose, that you need to report that to the
42 Wildlife Refuge manager. If you don't harvest a moose,
43 you have to report within 15 days after the close of
44 the season.

45
46 And I did check, there was a question
47 earlier, I don't know if Terry's done this yet, to look
48 through the State regulations, but when I had done this
49 analysis, I had kind of glance through the State
50 regulations, and I did note that there were at least

1 nine units in the State regulations that have moose
2 hunts specifically during the rut. That's what I
3 remember from my brief survey of that several months
4 ago when I first started doing this.

5
6 Just to reiterate a little bit about
7 the harvest history so it's firmly in our heads,
8 approximately 3,000 hunters on average each year are
9 taking around 500 moose annually on the Kenai Peninsula
10 under State regulations. By contrast, since the
11 Federal moose season has been in place, since 1996
12 here, approximately 30 hunters per year have been
13 taking an average of four moose.

14
15 Specifically in Unit 15A, fewer than
16 one moose per year have been taken under the Federal
17 program, little over one moose, 1.4 moose, in Unit 15B,
18 and 2.3 moose in Unit 15C for a total of 4.3 moose.
19 There is no late season in Unit 15A, but as we've heard
20 time and time again, two moose were taken in 2006 in
21 the late season and two in the late season in 2007.

22
23 One of the questions was about the
24 number of permits, versus the number of hunters.
25 Actually the number of permits issued did increase from
26 2006 to 2007 by about 16 percent, but the number of
27 hunters, according to the information, decreased
28 slightly. I think it was like one hunter.

29
30 I mentioned this earlier in the
31 previous presentation that no negative impacts to post-
32 rut bulls or the moose population as a whole have been
33 documented, and the Fish and Game Department stated
34 that, you know, that kind of intensive management
35 hasn't been done, and so that makes sense, that nothing
36 has been documented.

37
38 But as noted, the spike-fork, 50-inch
39 or three brow tine plus regulation has been put in
40 place here as well as elsewhere in the State
41 specifically as a conservative way to manage moose in
42 an area that is intensively harvested.

43
44 Also mentioned before, if a
45 conservation concern were to arise, the Refuge manager
46 is authorized to close the season.

47
48 Again, the small harvest and low number
49 of subsistence hunters participating in the Federal
50 subsistence program suggests that destroying the trophy

1 value of these antlers harvested in this area is not
2 warranted to protect the Kenai moose population. It
3 does, however, keep Federally-qualified subsistence
4 users from making full use of the animals that they
5 harvest.

6
7 And with that, the OSM preliminary
8 conclusion is to oppose Proposals Wildlife WP08-19, 20
9 and 21.

10
11 If you have any questions, I'd be to
12 answer them. Thank you.

13
14 CHAIRMAN LOHSE: Thank you. I notice
15 that the one proposal basically states something that's
16 against subsistence regulations. In fact, it says it's
17 done to thereby diminishing or eliminating any value
18 that could be gained through the creation of
19 handicrafts. And that's against basic subsistence law.

20
21
22 So with that in mind, that's pretty
23 much what all of these proposals do, don't they?

24
25 MR. RISDAHL: Yes. That is correct,
26 Mr. Chairman.

27
28 CHAIRMAN LOHSE: Any other questions.

29
30 (No comments)

31
32 CHAIRMAN LOHSE: Thank you. Alaska
33 Department of Fish and Game.

34
35 MR. HAYNES: Mr. Chairman. The
36 Department doesn't have a position on these proposals.

37
38 As Greg pointed out, there are a small
39 number of moose being taken under the Federal hunts on
40 the Kenai Peninsula, so adoption of this proposal to
41 require destruction of trophy value, we would not see
42 as being a significant impact. In fact, trophy value
43 can be accomplished -- destruction of trophy value can
44 be accomplished without destroying the value of antlers
45 for other uses.

46
47 State regulations don't require
48 destruction of moose hunters from moose harvested in
49 Unit 15, but this has been an effective tool in other
50 areas of the State, and does not affect the use of

1 moose antlers in those areas for subsistence uses.

2

3 Requiring antler destruction would
4 enable Federal managers to measure the size of antlers
5 taken in Federal hunts, which is important management
6 information.

7

8 The proponents of these proposals I
9 think are concerned about trophy moose being taken
10 under subsistence regulation and just saw this as I
11 think probably in response to a year or two ago when a
12 large trophy moose was taken under the subsistence
13 regulations, and the feeling of the proponents that
14 moose taken in a subsistence hunt should not be taken
15 to try to get record moose in the record books.

16

17 So with that, we have no other comments
18 on this proposal.

19

20 Alaska Department of Fish and Game
21 Preliminary Comments to the Regional Advisory Council.

22

23 WP08-19/20/21:

24

25 Require destruction of antlers from
26 moose harvested in all or parts of Unit 15.

27

28 Introduction:

29

30 The intent of these proposals is to
31 remove the incentive for Federally-qualified
32 subsistence users to treat some or all of the moose
33 hunts in Unit 15 as trophy hunts.

34

35 Impact on Subsistence Users:

36

37 None are anticipated. For example, the
38 primary purpose of the late season hunt in Units 15B
39 and 15C is to provide another opportunity for
40 Federally-qualified subsistence users who were
41 unsuccessful during the early fall hunt to obtain moose
42 meat for personal and family consumption. Destruction
43 of the trophy value of antlers can be accomplished
44 without destroying their value for other uses.

45

46 Opportunity Provided by State:

47

48 State regulations do not require
49 destruction of antlers from moose harvested in Unit 15.
50 However, this has been an effective tool in other areas

1 of the state and does not affect use of moose antlers
2 for subsistence purposes.

3

4 Enforcement Issues:

5

6 All Federal subsistence moose hunts in
7 Unit 15 are administered by a Federal registration
8 permit that makes it easy to distinguish between
9 individuals hunting under the Federal and State
10 regulations. However, if one or more of these
11 proposals are adopted and if State and Federal seasons
12 are open at the same time, some Federally-qualified
13 subsistence users might attempt to hunt under State
14 regulations to avoid having to adhere to the antler
15 destruction requirements. This is not expected to be a
16 significant issue.

17

18 Other Comments:

19

20 The Preliminary Conclusion in the
21 Federal Staff analysis indicates that Federal
22 subsistence moose seasons in Unit 15 have not caused
23 any documented adverse impacts to the moose populations
24 in that unit. This assertion misses the goal of these
25 proposals, which is to discourage Federally-qualified
26 subsistence users from treating the Federal moose hunts
27 in Unit 15 as trophy hunts. The small number of moose
28 being harvested under the Federal regulations in Unit
29 15 means that antler destruction will impact only a few
30 hunters. Antler destruction destroys the trophy value
31 but not the use of antlers for making handicrafts.

32

33 Requiring antler destruction also would
34 enable Federal managers to measure the size of antlers
35 taken in the Federal hunts, which is important
36 information particularly for late season hunts.

37

38 Adoption of Proposal WP08-22a would add
39 Cooper Landing to the list of communities for the
40 Federal moose hunts in Unit 15. This increases the
41 potential for more moose to be harvested in Unit 15
42 Federal hunts and the need for improved harvest
43 monitoring of these hunts for conservation purposes.
44 Antler destruction is one low-cost and effective
45 monitoring tool that merits careful consideration.

46

47 CHAIRMAN LOHSE: Terry, maybe you can
48 answer this question for me. I'm under the impression
49 that a moose taken under subsistence is not allowed by
50 Boone and Crockett to be entered into the record book

1 as a trophy. It has to be taken under a recognized
2 sport hunt. So I mean, if we were talking about
3 destroying trophy size antler, Cordova would be -- I
4 mean, we'd have to destroy an awful lot of antlers
5 here. But if they're taken under the subsistence hunt,
6 if they're taking under the Federal hunt, they cannot
7 be entered in Boone and Crockett as a trophy. They can
8 only be entered there if they're taken the State sport
9 hunt. And I think I'm correct on that, am I not, Tom?
10 I know you do the Boone and Crockett thing.

11
12 MR. CARPENTER: I believe you are. I
13 think all the Boone and Crockett regulations require
14 that the hunt be open to a major part of the State in
15 which the animal is taken, either through drawing
16 registration or general harvest provisions. I believe
17 that is similar in the National Park in regards to Dall
18 sheep horns things of that effect.

19
20 MR. EASTLAND: Mr. Chairman. My name
21 is Warren Eastland. I'm the wildlife biologist for the
22 Bureau of Indian Affairs, and I'm also an official
23 measurer with the Boone and Crockett Club.

24
25 And I hate to tell you this, but, no,
26 in moose taken in a legal -- legally taken in a legal
27 hunt can be scored, can be entered in the book. And
28 for the Boone and Crockett Club, it doesn't even need
29 to be a hunted moose. If someone picks up a set of
30 moose antlers off the ground, and they're big -- of
31 course, they still have to be attached to the skull and
32 all that good rot, but still many of the entries in the
33 record books are what they call pick ups. Just ones
34 that have been picked up off the ground, scored and
35 then entered. So, sorry.

36
37 CHAIRMAN LOHSE: Thank you. I stand
38 corrected on that. I had no idea that that was even a
39 -- I don't think most people in Cordova realize that's
40 even a possibility, because nobody considers --
41 nobody's hunting the moose for the trophy there, but
42 everybody likes to show off their big horns in town,
43 you know.

44
45 MR. CARPENTER: Thank you for the
46 clarification there. I guess maybe next year they'll
47 -- we'll have to take over the top 10 when we gather
48 all the horns up.

49
50 (Laughter)

1 MR. CARPENTER: Do we get to enter our
2 next road kill if it doesn't get squashed?

3
4 CHAIRMAN LOHSE: If it's big enough,
5 evidently you can enter your road kill.

6
7 MR. CARPENTER: That's what he said.

8
9 CHAIRMAN LOHSE: I see what you mean,
10 Terry, then in that case you could destroy the trophy
11 value just by separating them from the skull. You
12 wouldn't have to destroy the horns.

13
14 MR. HAYNES: That is correct, Mr.
15 Chairman.

16
17 CHAIRMAN LOHSE: Thank you. Any
18 questions for Terry. Gloria.

19
20 MS. STICKWAN: Where in the State
21 besides Unit 13 do they have to destroy the antlers?

22
23 MR. HAYNES: Through the Chairman. Out
24 in the upper Koyukuk River, middle Yukon area, in Unit
25 21 there are some hunts that require trophy
26 destruction. That's one area that that regulation has
27 been in place for a number of years.

28
29 CHAIRMAN LOHSE: Okay. Any other
30 questions for Terry.

31
32 (No comments)

33
34 CHAIRMAN LOHSE: Terry, you have some
35 comment for us? Oh. Thank you muchly.

36
37 MR. HAYNES: Thank you.

38
39 CHAIRMAN LOHSE: Other Federal, State,
40 and tribal agency comments. Do we have any other
41 Federal State, or tribal agencies that would like to
42 testify on this one?

43
44 (No comments)

45
46 CHAIRMAN LOHSE: InterAgency Staff
47 Committee comments.

48
49 (No comments)

50

1 CHAIRMAN LOHSE: None. Fish and Game
2 Advisory Committee comments.

3
4 MR. MOEGLEIN: Thank you, Mr. Chairman.
5 Ed Moeglein, Kenai/Soldotna AC.

6
7 That was our biggest concern as an AC
8 group, that this is a meat hunt. Getting clarification
9 that way from that gentleman there with Boone and
10 Crockett, I mean, that really cleared something up.
11 But our feeling was this is a meat hunt or subsistence
12 hunt. I don't agree with cutting the antlers up. I
13 mean, that sure would be a nice thing, especially a
14 young subsistence hunter coming up and getting his
15 first big bull, that it be done and that, but not
16 expressed for record books. Cutting them from the
17 skull, maybe splitting the skull cap would be our only
18 thing, instead of destroying the antler.

19
20 Thank you.

21
22 CHAIRMAN LOHSE: Thank you. And I'm
23 glad you corrected it from a meat hunt to a subsistence
24 hunt. There is a difference.

25
26 MR. ENCELEWSKI: Yes.

27
28 CHAIRMAN LOHSE: I mean, part of a
29 subsistence hunt would be for that young hunter to have
30 his record of his subsistence moose that he took
31 hanging at home.

32
33 Okay. No other Fish and Game Advisory
34 Committee Comments.

35
36 (No comments)

37
38 CHAIRMAN LOHSE: A summary of written
39 public comments.

40
41 MR. MIKE: Mr. Chair. You'll find your
42 summary of written public comments on Page 125. The
43 Homer Advisory Committee unanimously voted in favor of
44 Proposal 19, 20 and 21. They commented that if a
45 Federal moose season for subsistence users, the trophy
46 value of the antlers should be destroyed, or the
47 antlers should be surrendered.

48
49 The Central Peninsula Advisory
50 Committee voted against the proposal by a vote of zero

1 to nine, and they felt that the regulation was
2 unnecessary and a burden on the hunter. There was no
3 public support for this proposal. The low harvest
4 numbers don't indicate a rusk to be for trophy hunt
5 purposes. And they further commented that the author
6 of the proposals live in Ninilchik and was not present
7 at the advisory committee meeting.

8

9 Thank you, Mr. Chair.

10

11 CHAIRMAN LOHSE: Thank you. That's the
12 summary of all the written public comments, am I
13 correct?

14

15 MR. MIKE: That's correct, Mr. Chair.

16

17 CHAIRMAN LOHSE: Okay. Do we have any
18 public testimony on this proposal.

19

20 MR. MIKE: None.

21

22 CHAIRMAN LOHSE: None. Okay. At this
23 point then a motion to -- I suppose we could accept one
24 of those proposals or we could accept -- work on them
25 all as a group. So as to WP08-19, 20 or 21, put one or
26 all of them on the table.

27

28 MR. CARPENTER: Mr. Chairman. I move
29 to adopt Proposal WP08-08-19, 20 and 21.

30

31 MR. BLOSSOM: Second.

32

33 CHAIRMAN LOHSE: It's been moved and
34 seconded.

35

36 Discussion, amendments, comments.
37 Gloria.

38

39 MS. STICKWAN: I just want to say that
40 in Unit 13 under the State regulations we have to cut
41 the antlers and I disagree with the statement that it
42 doesn't really affect subsistence purposes. It --
43 we've never customary and traditionally had the
44 practice of cutting moose antlers. And we don't get
45 meat for the trophy purposes, we don't get moose for
46 the trophy. We get it for meat, and people -- I know
47 one person got cited for not cutting a little piece of
48 antler, caribou antlers, only that big. And yet he was
49 still cited for that. He had to go to court, pay a
50 fine. He had his caribou taken away from him. And, you

1 know, it was a Tier II State hunt, and I don't see --
2 this is just a burdensome regulation to the subsistence
3 user, and I'm going to oppose it.

4
5 CHAIRMAN LOHSE: Thank you, Gloria.
6 Tricia.

7
8 MS. WAGGONER: I was just reading
9 through the regs, and maybe somebody knows, is there
10 any legal requirement that, you know, if you shoot a
11 big moose and you're out for meat, do you have to bring
12 the horns in?

13
14 MR. ENCELEWSKI: Yep.

15
16 CHAIRMAN LOHSE: Yeah.

17
18 MR. BLOSSOM: (Nods affirmatively)

19
20 MS. WAGGONER: Okay. And then one
21 other comment on the trophy value, if you go to Page
22 20, you can use the antlers, horns, capes, as long as
23 they're not attached to any part of the skull, so that
24 would negate the Boone and Crockett scoring.

25
26 CHAIRMAN LOHSE: That's if you want to
27 sell them.

28
29 MS. WAGGONER: Correct.

30
31 CHAIRMAN LOHSE: But you could still --
32 from what he's saying, you could still as a person take
33 it in and have it registered with Boone and Crockett.

34
35 MS. WAGGONER: Right.

36
37 CHAIRMAN LOHSE: Bill.

38
39 MR. STOCKWELL: Yeah. I think that
40 somebody has got a little paranoia here that some
41 subsistence hunter might enjoy himself out with
42 something, with a nice trophy. And also, the way
43 they're written, everybody would have to take their
44 spike horns in and have them cut up, too, and I doubt
45 if either the Refuge or the Department wants to fool
46 around with a bunch of spike horns. So I can't see any
47 justification for these. It's not going to -- there's
48 nothing conservation about it. It's just somebody
49 doesn't want to see somebody have a nice set of horns.

50

1 I don't see any sense in the proposal,
2 so I'll be opposing them. Thank you.
3
4 MR. CARPENTER: QQuestion.
5
6 CHAIRMAN LOHSE: Greg.
7
8 MR. ENCELEWSKI: I had a question
9 before he called the question. Is that okay?
10
11 MR. CARPENTER: Sure.
12
13 CHAIRMAN LOHSE: Absolutely.
14
15 MR. ENCELEWSKI: My question is, and I
16 should have got Terry while he was at it, but where is
17 there a definition -- or what is the definition of a
18 trophy?
19
20 CHAIRMAN LOHSE: Well, if what Gloria
21 says is correct, and they had to destroy the trophy
22 value of a caribou that had horns that big, then the
23 definition of a trophy is anything that's left from the
24 animal.
25
26 MR. ENCELEWSKI: That's why I'm asking
27 it. I'd like it explained.
28
29 MS. STICKWAN: I just said that it was
30 that small. I didn't say it a trophy hunt -- a trophy
31 antler. I just said that we don't shoot moose or
32 caribou for the trophy.
33
34 MR. ENCELEWSKI: Well, I understand
35 that. I was trying to point out that I'm not so sure
36 I've never heard the definition of a trophy.
37
38 MR. STOCKWELL: Maybe a trophy is in
39 the eyes of the beholder.
40
41 MS. STICKWAN: It could be if there's a
42 size limit.
43
44 CHAIRMAN LOHSE: Terry, could you
45 answer that question for Greg.
46
47 MR. HAYNES: Mr. Chairman. There is a
48 definition of trophy in the regulations. But I believe
49 the use of the term trophy in the context of these
50 proposals was a response to the large moose that was

1 taken in late season Federal subsistence hunt in the
2 Kenai Refuge a year or two ago, and the individual took
3 that hunt -- or those antlers in to be scored under
4 Boone and as I understand it, it caused quite a stir
5 among people who didn't believe that was appropriate
6 for a subsistence hunt. So I don't believe the
7 definition of trophy as used by the proponents here is
8 related to the official definition of what a trophy is
9 in State regulations at least.

10

11 CHAIRMAN LOHSE: Is there an official
12 definition of what a trophy is in State regulations?

13

14 MR. HAYNES: Yes. Mr. Chairman. On
15 Page 23 of the State regulations booklet, trophy is
16 defined as a mount of a big game animal, including the
17 skin of the head, cape or the entire skin, and a
18 lifelike representation of the animal. Trophy also
19 includes a, quote/unquote, European mount in which the
20 horns or antlers and the skull or a portion of the
21 skull is mounted for display. So reading that
22 definition, I'm not sure that you can link that formal
23 definition in State regulations to how the term is
24 being used in these proposals.

25

26 MR. ENCELEWSKI: Okay.

27

28 CHAIRMAN LOHSE: But technically
29 speaking, underneath that, if I have a spike deer horn
30 on a piece of skull mounted on the wall, that's a
31 trophy?

32

33 MR. HAYNES: Mr. Chairman. That would
34 seem to fit with the State definition.

35

36 CHAIRMAN LOHSE: Yeah. Thank you. The
37 question's been called so -- I hadn't recognized him,
38 but he called the question before I was done
39 recognizing Greg, but I'll recognize you now, Tom, if
40 you want to call the question.

41

42 MR. CARPENTER: Question.

43

44 CHAIRMAN LOHSE: The question's been
45 called. All in favor of Proposal WP08-19, 20 or 21
46 signify by saying aye.

47

48 (No affirmative votes)

49

50 CHAIRMAN LOHSE: All opposed signify by

1 saying nay.

2

3 IN UNISON: Nay.

4

5 CHAIRMAN LOHSE: Motion fails

6 unanimously.

7

8 And I think we've pointed out that we
9 don't think there's any conservation concern, and we've
10 answered the same question time and time again, and we
11 feel that it is against subsistence law, which ways
12 that all parts of the animal are available for use, not
13 just the meat.

14

15 Okay. We're going on to WP08-22 -- no,
16 we already had that one. My fault.

17

18 (Laughter)

19

20 CHAIRMAN LOHSE: 23. Boy, that would
21 be horrible to go through that one again.

22

23 (Laughter)

24

25 CHAIRMAN LOHSE: Okay. WP08-23.

26

27 MR. RISDAHL: Mr. Chairman. Members of
28 the Council. Greg Risdahl, OSM wildlife biologist.

29

30 Wildlife Proposal 08-23 begins on Page
31 167 of your book. This proposal was submitted by the
32 Denali National Park and Preserve, and it simply
33 requests that a Federal registration permit be
34 reestablished for the hunting seasons that take place
35 in that area, specifically the September 1 through
36 September 30 season, and the December 1 through
37 February 28 season, specifically in the Preserve
38 portion of Unit 16B remainder. The Park and Preserve
39 suggests that this Federal registration permit would be
40 limited to one per household.

41

42 Restrictions placed on hunting in Unit
43 16B remainder have concentrated hunting pressure on
44 Preserve lands in the upper Yentna River drainage in
45 recent years, creating a possible concern that over-
46 hunting might occur.

47

48 The proponent's intent is to implement
49 a Federal registration permit to monitor hunter
50 harvest, improving management of the moose population

1 and protecting it from over-harvest as well as
2 protecting harvest opportunities into the future for
3 rural residents of Unit 16B. Reestablishment of the
4 Federal registration permit system would provide
5 resource managers with a way to monitor the harvest and
6 prevent over-harvest as I noted.

7

8 Federal public lands comprise
9 approximately 27 percent of Unit 16, including lands
10 managed by the Denali National Park and Preserve, Lake
11 Clark National Park and Preserve, and a small portion
12 by the Bureau of Land Management.

13

14 Only rural residents of Unit 16B have a
15 customary and traditional use determination for moose
16 in this unit.

17

18 Very briefly, moose density in the area
19 has been declining since the 1980s. During the most
20 recent survey, conducted in 2005, the winter of 2005,
21 41 moose were observed within this 740 square area that
22 was counted. The bull/cow ratio there was relatively
23 good at 40 bulls per 100 cows. The cow/calf ratio was
24 not so good at 11 calves per 100 cows. The next Park
25 Service population survey is scheduled for November
26 2008.

27

28 The average harvest in this area for
29 the last almost 30 years has been about five moose
30 annually, of which 2 are bulls.

31

32 Again, adopting this proposal would
33 simply establish the use of a Federal registration
34 permit in this area, specifically in the Yentna River
35 drainage in the Preserve portion of the Park. And
36 again it would help insure subsistence hunting
37 opportunities for local residents into the future, and
38 enable resource managers a way to better track the
39 harvest.

40

41 Therefore, the OSM preliminary
42 conclusion is to simply support the proposal.

43

44 Thank you.

45

46 CHAIRMAN LOHSE: Can I ask a question.

47

48 MR. RISDAHL: You bet.

49

50 CHAIRMAN LOHSE: If this permit system

1 is not reestablished, is there a hunt taking place
2 without it at this point in time?

3

4 MR. RISDAHL: Yes, Mr. Chairman. There
5 is a hunt going on. From my understanding is, you
6 know, the season dates have been listed there. They
7 just want to have a Federal registration permit
8 available so they can better monitor what goes on
9 there. They're concerned specifically about the
10 hunting taking place in one area. They think it's all
11 being focused there, and they would like to be able to
12 have a better handle on it.

13

14 CHAIRMAN LOHSE: Okay. So the permit's
15 more for information purposes?

16

17 MR. RISDAHL: That is correct.

18

19 CHAIRMAN LOHSE: Okay. Any other
20 questions. Ricky.

21

22 MR. GEASE: Yes. How would this
23 registration provide better information than what the
24 State tracks at the current time?

25

26 MR. RISDAHL: Mr. Gease through the
27 Chair. I might defer to the State. Without looking to
28 see what the current State system is, I'm assuming that
29 people that do get a permit -- or do hunt there should
30 turn in their general harvest ticket, or whatever the
31 system is, but like we were discussing on the Kenai,
32 oftentimes locality, very specific locality of where
33 the moose are taken is not known. This might be a way
34 to more specifically know where people are going and
35 where they're taking their moose.

36

37 CHAIRMAN LOHSE: Tom.

38

39 MR. CARPENTER: Yeah. I think the big
40 thing, Ricky, is with a general harvest reporting form,
41 the manager doesn't know specifically how many people
42 are hunting. It's just a general. I think with a
43 registration hunt, he has an idea of when the hunt
44 starts, how many people during the hunt are actually
45 participating in the hunt. That would be the main
46 source of information.

47

48 MS. WAGGONER: That's a Tier II hunt
49 under the State system.

50

1 CHAIRMAN LOHSE: It is a Tier II hunt.

2

3 MS. WAGGONER: Yeah, it's Tier II, so
4 it's not general harvest or registration.

5

6 CHAIRMAN LOHSE: Any other questions
7 for Greg. Did you have a question.

8

9 (No comments)

10

11 CHAIRMAN LOHSE: Okay. No further
12 question. We'll go to State.

13

14 MR. HAYNES: Thank you, Mr. Chairman.
15 The Department doesn't have a position on this
16 proposal, but we think it is a good idea to have this
17 Federal registration permit. As was pointed out, as
18 Tricia pointed out, State hunting in Unit 16B, which
19 includes the Park Preserve lands, is administered by
20 State Tier II permit.

21

22 We don't have information to indicate
23 that State Tier II hunters are actually hunting in the
24 Preserve, because it is a pretty remote area, difficult
25 to access. But there -- you know, with a Federal
26 registration permit for those persons who are qualified
27 to hunt in Park and Preserve lands, if they had a
28 Federal registration permit, that would allow the
29 National Park Service to monitor that hunt closely.

30

31 And the moose population is in pretty
32 tough shape in that area, and so there is a need to
33 keep a pretty close handle on hunting and I think
34 that's the concern of the National Park Service in this
35 case. Moose numbers are low in much of Unit 16B, and
36 particularly so in the Preserve area, Denali Preserve
37 area. And that's a reflection of -- and the response
38 to that obviously from the State's perspective is
39 having a Tier II hunt.

40

41 The Department would go one step
42 further and suggest that the Federal hunt be closed
43 after two bulls have been taken if this proposal was
44 adopted. And that would obviously be a decision to be
45 made by others, but it's a reflection of the low moose
46 numbers in the area and the need to really monitor this
47 hunt closely and the Federal registration permit would
48 serve that purpose.

49

50 Thank you.

1 Alaska Department of Fish and Game
2 Preliminary Comments to the Regional Advisory Council.

3

4 Wildlife Proposal WP08-23:

5

6 Create a registration permit moose hunt
7 in the Denali National Preserve portion of Unit 16B
8 Remainder.

9

10 Introduction:

11

12 Federally-qualified subsistence hunters
13 currently can hunt on Federal lands in Unit 16B without
14 a State Tier II permit. This proposal addresses a
15 perception among Denali National Park and Preserve
16 officials that the limited hunting opportunity provided
17 by the State s Tier II hunt might result in
18 concentrating hunting pressure on moose in the Upper
19 Yentna River area of the Denali National Preserve. By
20 instituting a Federal registration permit hunt on
21 Preserve lands in Unit 16B, National Park Service Staff
22 will be able to monitor hunting effort by Federally-
23 qualified subsistence users.

24

25 Impact on Subsistence Users:

26

27 Adoption of this proposal to require a
28 Federal permit while hunting on Denali National
29 Preserve in Unit 16B would provide better information
30 about moose hunting in the Preserve by Federally-
31 qualified subsistence users without impacting their
32 opportunity. Few moose inhabit this area of the
33 Preserve, which is a long distance from human
34 habituation, and few people hunt there.

35

36 Opportunity Provided by State:

37

38 The State administers a Tier II permit
39 for moose in the Remainder of Unit 16B, which includes
40 the Denali National Preserve, during September 1-20 and
41 November 15 February 28 seasons. Because hunters
42 have to travel a very long distance to access Denali
43 National Preserve lands in Unit 16B and because moose
44 numbers are very low there, the Department of Fish and
45 Game has no evidence to indicate that Tier II permit
46 holders are hunting in the Preserve.

47

48 Conservation Issues:

49

50 Moose numbers are low in Unit 16B and

1 particularly low in the Denali National Preserve area.
2 This is attributable to a combination of high predator
3 populations, hard winters, and low recruitment in
4 recent years. The Board of Game instituted a Tier II
5 moose hunt and liberalized bear and wolf hunting
6 regulations in Unit 16B to address this conservation
7 concern.

8

9

Other Comments:

10

11 If adopted, the Department of Fish and
12 Game recommends that the proposed registration permit
13 hunt be closed after 2 bull moose have been harvested
14 on Preserve lands in Unit 16B. This would necessitate
15 a reporting requirement.

16

17

CHAIRMAN LOHSE: Thank you. Any
18 questions for Terry.

19

20

(No comments)

21

22

CHAIRMAN LOHSE: Thank you, Terry.

23

24

MR. HAYNES: Thank you.

25

26

(No comments)

27

28

CHAIRMAN LOHSE: Federal, State and
29 tribal agency comments. Do we have any.

30

31

(No comments)

32

33

CHAIRMAN LOHSE: InterAgency Staff
34 Committee comments.

35

36

(No comments)

37

38

CHAIRMAN LOHSE: None. Fish and Game
39 Advisory Committee comments. Do we have any, Donald.

40

41

MR. MIKE: No.

42

43

CHAIRMAN LOHSE: And public testimony.
44 Do we have any.

45

46

MR. MIKE: None.

47

48

CHAIRMAN LOHSE: Okay. Regional
49 Council deliberation, recommendation, justification
50 on.....

1 MS. STICKWAN: There's a written
2 comment.
3
4 CHAIRMAN LOHSE: Oh, we have a written
5 comment.
6
7 MR. MIKE: Mr. Chair. I'm sorry, I
8 thought you were referring to advisory committee
9 comments.
10
11 But there is a written public comment
12 from David McHoes in Skwentna, and he comments -- he
13 writes that opposes Proposal 08-23 regarding creating a
14 Federal permit to participate in any traditional moose
15 hunting activity on Federal lands. And basically
16 currently the State of Alaska harvest ticket and green
17 card is all that is necessary for participating in
18 recording the harvested animals.
19
20 So basically that's the summary, Mr.
21 Chairman. Thank you.
22
23 CHAIRMAN LOHSE: Okay. Then we can go
24 on to the Proposal, Regional Council deliberations. A
25 motion to put WP08-23 on the table is in order.
26
27 MR. CARPENTER: Mr. Chairman. I move
28 we adopt Proposal 08-23.
29
30 CHAIRMAN LOHSE: Do I hear a second.
31
32 MR. BLOSSOM: Second.
33
34 CHAIRMAN LOHSE: It's been moved and
35 seconded to adopt WP08-23. Would the maker of the
36 motion have something to say to the motion.
37
38 MR. CARPENTER: Well, Mr. Chair, I
39 mean, I don't think that this is too big of a deal. I
40 think we've been -- this Council has been consistent
41 that all good reporting that enables a manager to
42 better control the hunt and the harvest of the hunt is
43 something we've thought was a good idea. So I think if
44 the proposee, the Denali Park, thinks that this is a
45 tool that would better enable them to do that, I don't
46 see it as being a problem.
47
48 CHAIRMAN LOHSE: Any other discussion.
49 Tricia.
50

1 MS. WAGGONER: I don't see it as a
2 problem. I see getting the registration permit is a
3 problem. And I would hope that Denali National Park
4 would figure some way to get them, you know, through
5 the mail or whatever. But if you're in Skwentna and
6 trying to get up to Denali National Park, that's a
7 little difficult of a trek. So I would hope that, you
8 know, as this goes through the process that they have
9 some way in place to get them out to the people.

10

11 CHAIRMAN LOHSE: I have a few questions
12 after reading the letter of the person that wrote
13 written comments.

14

15 He said he was denied the first time he
16 was applied. He finally the requirement after a few
17 years, and he believes he was the only qualified
18 resident and recipient for many years.

19

20 So what would be the amount of people
21 who would be needing this permit, and would there be
22 provisions made, you know, if what we have is a few
23 remote people that possibly would be using the permit,
24 what provision would be made, like Tricia said, to get
25 the permit to them instead of having them go get the
26 permit.

27

28 Anybody have any -- is there anything
29 from Denali? Can you speak to that at all?

30

31 MR. SUMMERS: Sure, I'll attempt to.
32 Clarence Summers, National Park Service.

33

34 As you recall, years ago Hollis
35 Twitchell used to.....

36

37 CHAIRMAN LOHSE: Uh-huh. Right.

38

39 MR. SUMMERS:fly into the
40 community and issue permits in this Unit 16B area, in
41 Unit 16. And it's my understanding that that will be
42 the responsibility of the Park to make sure that there
43 is a ranger available and least an aircraft to do that,
44 to continue that.

45

46 There's a new subsistence coordinator,
47 Amy Craver, that's available and ready to issue permits
48 and to coordinate with the Park superintendent to make
49 sure that the permits are available.

50

1 CHAIRMAN LOHSE: And do we still
2 require, I don't know if they're called permits, but
3 reporting on marten in 16D like we were doing for a
4 while? And I know that the Park Service was taking of
5 that. They were going in, you know, they making sure
6 that people didn't have to come all the way out to the
7 Park Service to report their marten catch that was
8 being taken in the National Park and Preserve up there.
9

10 MR. SUMMERS: I'd have to check the
11 current regulations, but I do recall that proposal.
12 And I know that the Park has in the past received
13 requests over the phone, and I know that option's still
14 available to communicate reporting.
15

16 CHAIRMAN LOHSE: It seems to me like if
17 the Park Service responds in that area like they have
18 responded, you know, in the outlying areas of the
19 Wrangells, that the Park would probably make every
20 effort to make sure that the person had the
21 availability and the option to get it without having
22 too much of a hassle.
23

24 Like Tom says, we've always thought
25 that good reporting and good record keeping was
26 worthwhile.
27

28 I'm just hoping that and counting on
29 the fact that our letter writer's -- some of our letter
30 writer's objections will be made and that the Park
31 Service will make sure that if this proposal passes
32 that the permit process isn't onerous to him.
33

34 Anybody else. James.
35

36 MR. SHOWALTER: Yes. This is, as I
37 read it, for the National Preserve only, and everybody
38 is saying Park. And so do those two interchange?
39 Would you be able to hunt in the Preserve and Park?
40

41 MR. SUMMERS: As I understand your
42 question, the concern is whether this permit would be
43 available in the National Preserve or Park. And I
44 think it's on Page 167, it clearly states that there's
45 a permit requirement proposed for Denali National
46 Preserve. And so that's my understanding. It wouldn't
47 include the Park.
48

49 MS. CELLARIUS: I think I can -- this
50 is Barbara Cellarius from Wrangell-St. Elias, and I

1 think I can add something to that.

2

3 I looked at that and said, well there's
4 both Park and Preserve. But if you look at the C&T for
5 that part of the unit, it's only for residents of 16B.
6 And in order to hunt in the National Park, you would
7 have to be living in a resident zone community, and
8 there are no resident communities in 16B. So the only
9 people who could hunt in the National Park are those
10 people who hold 1344 permits and live in 16B, and
11 there's probably not very many of them.

12

13 CHAIRMAN LOHSE: Tricia.

14

15 MS. WAGGONER: Okay. I know Denali
16 National Park is a little bit different, because it has
17 the old Park and the new Park, and then the Preserve.
18 So can they hunt in the new Park or they can't hunt in
19 the new Park?

20

21 MR. SUMMERS: Hunting is authorized in
22 the Park addition to Denali, ANILCA portions, under
23 Federal regulations. The regulation booklets identify
24 the C&T requirements. That's one requirement that you
25 must meet. And in addition to that, you've got to meet
26 the NPS qualifications, and that would be the -- if
27 you're identified with a C&T, then you need -- if
28 you're going to hunt in the Park, you need to reside in
29 one of our resident zone communities, or have an
30 individual subsistence permit issued by the
31 superintendent.

32

33 CHAIRMAN LOHSE: Okay. Any other
34 questions.

35

36 (No comments)

37

38 MR. CARPENTER: Question.

39

40 CHAIRMAN LOHSE: The question's been
41 called. All in favor of WP08-23 signify by saying aye.

42

43 IN UNISON: Aye

44

45 CHAIRMAN LOHSE: All opposed signify by
46 saying nay.

47

48 (No opposing votes)

49

50 CHAIRMAN LOHSE: Motion carries. Thank

1 you.

2

3 We now go on to WP08-24. This is
4 another Kenai Peninsula proposal. We should be done by
5 tomorrow.

6

7 MS. ARMSTRONG: No, we'll be done by
8 lunch. Thank you, Mr. Chair. Helen Armstrong, Office
9 of Subsistence Management.

10

11 This proposal is found on Page 176 in
12 your books. And Proposal WP08-24 was submitted by
13 Dennis Reutov and Fred Martushev, requesting that
14 Kachemak-Selo, Razdolna and Voznesenka be add to the
15 customary and traditional use determination for moose
16 in Units 15B and C.

17

18 There was an error in the proposal book
19 where it said it was for all of Unit 15, but it was
20 not. It was for 15B and C.

21

22 I already presented the regulatory
23 history about moose determinations on the Kenai
24 Peninsula in the earlier 22a proposal. I won't go
25 through that, but in 1996 the Board adopted the
26 Southcentral Council's recommendation for the Homer
27 rural area, which these communities were included in,
28 and they did not recognize -- what your Council
29 recommended, that there should not be positive
30 customary and traditional use determination for any of
31 the resources in that area, because there as not enough
32 evidence of a long-term consistence pattern of use.
33 And the Board then adopted the Council recommendation
34 and did not recognize C&T use of moose for these three
35 communities.

36

37 In May of 2007 the Board addressed
38 Proposal WP07-21, which was also -- it was actually a
39 deferred proposal. This one is deferred. I should
40 have said that earlier on, I'm sorry. And the Council
41 had recommended last year opposing the proposal because
42 of a lack of evidence. And then the Board deferred the
43 proposal, because they were hoping to get more
44 information.

45

46 The proponents last year had been
47 invited to testify at the Council meeting via
48 teleconference, but no one from the communities called
49 in to participate.

50

1 I have written a letter asking the -- I
2 wrote it to one of the proponents who I have an address
3 for, asking for participation again either through the
4 mail or by email or by teleconference or in person,
5 however they wanted to participate. And sent a copy of
6 the analysis, explained what this proposal would do,
7 explaining that it would only qualify them if they were
8 -- did have C&T recognized to hunt on Federal public
9 lands under Federal subsistence regulations, but we did
10 not hear back from the proponent.

11
12 The three communities under
13 consideration in this proposal, Kachemak-Selo, Razdolna
14 and Voznesenka, were founded by community members from
15 Nikolaevsk, which was founded in 1967, 10 miles east of
16 Anchor Point. They're members of the religious group
17 known as the Old Believers, and they originally
18 established Nikolaevsk as a refuge from a long history
19 of religious persecution and migration.

20
21 In the 1980s several families from
22 Nikolaevsk formed separate Old Believer communities in
23 the Homer area, including Razdolna, Voznesenka, and
24 Kachemak-Selo, at the head of Kachemak Bay. And there
25 is a map in the analysis that shows you where those
26 communities are located.

27
28 There is some more information about
29 the communities in your book, but I'm not going to go
30 through all of it.

31
32 The communities try to be self-
33 sufficient as possible. They are avid gardeners,
34 fishermen and hunters.

35
36 None of these three communities has
37 their own post office. And this is significant,
38 because they use the general store in Fritz Creek, and
39 the problem is, is because they don't have their own
40 post office, they use Fritz Creek. When and if harvest
41 tickets are reported, then they come up as being Fritz
42 Creek, and we don't know who from those three
43 communities is actually harvesting moose or any other
44 resources.

45
46 There's no information on the
47 subsistence uses of Razdolna and Kachemak-Selo. They
48 only information we have is a one-year study done in
49 Voznesenka. We could assume that uses by Razdolna and
50 Kachemak-Selo are similar to the Voznesenka residents,

1 because of their proximity and their close
2 interrelationships. But like I said, we only have one
3 year of data from Voznesenka.

4
5 That year of data showed that 14 moose
6 were harvested by Voznesenka households, and it
7 accounted for 7,440 pounds of meat, and came to 120
8 pounds per household, and 22.7 pounds per capita.
9 Moose made up 13.6 percent of the total subsistence
10 harvest.

11
12 It's because we don't know any more
13 information other than that one year from Voznesenka,
14 because of the fact that they have Fritz Creek
15 addressed, we don't have any other motion to reveal
16 moose harvest by the three communities.

17
18 In the 1998 ADF&G study of Voznesenka,
19 all the moose harvest was in Unit 15C on State lands.
20 The proponents stated in their proposal that they
21 harvest moose in 15C in Fox River Valley, Clearwater
22 Slough, Caribou Hills and Tustumena Lake. Most of Fox
23 River Valley is within State lands, Clearwater Sue
24 [sic], Caribou Hills -- Slough, sorry, Caribou Hills
25 and Tustumena Lake are within the Kenai National
26 Wildlife Refuge.

27
28 As I said, we did ask for the
29 proponents to provide additional information, and we
30 were unable to receive any more information.

31
32 Whether the proposal's adopted or
33 rejected, based on the limited information available,
34 it's not expected that there would be any effects no
35 the three communities, because what little we do know,
36 we think that most of the harvest is on State lands and
37 not on Federal public lands.

38
39 The preliminary conclusion, the OSM
40 preliminary conclusion is to oppose Proposal WP08-24,
41 because of the lack of information from these
42 communities, the fact that we have only one year of
43 data from Voznesenka, and the fact that we have not
44 heard any additional information from the proponent.

45
46 Thank you, Mr. Chair and the Council.
47 That concludes my analysis.

48
49 CHAIRMAN LOHSE: Tom.
50

1 MR. CARPENTER: Yeah. Thanks. This is
2 basically the same proposal we heard at the Homer
3 meeting a couple years ago. And it's basically the
4 same preliminary conclusion and justification that the
5 OSM Staff gave this Council. And so just for some of
6 the newer Council members, we have as a Council heard
7 all this information before, and we did make a
8 recommendation to the Board, and just for everyone's
9 information.

10

11 CHAIRMAN LOHSE: Anybody else for
12 Helen.

13

14 (No comments)

15

16 CHAIRMAN LOHSE: Helen, didn't -- and I
17 see that you attempted to, I think that one of the
18 recommendations that we made with our other
19 recommendation on this proposal was that the proponents
20 supply information to prove otherwise and/or come and
21 testify so that we would have something to go on. And
22 it looks to me like you tried to contact them and
23 everything else, and no further information was
24 forthcoming?

25

26 MS. ARMSTRONG: That's correct. Last
27 year I did talk to the proponent briefly on his cell
28 phone. He was getting ready to go out fishing. He
29 couldn't really talk, but he said he would try to get
30 somebody to call in on teleconference, nobody did. And
31 we -- I mean, I called and let them know when we were
32 going to be taking up the proposal, and left a message.
33 And so this year we decided to send a letter, because I
34 wanted to be able to put it in writing so it would be
35 something that could be -- they could, you know, look
36 at, pass around, let other people see what the effect
37 be, what does this really mean, give them the analysis,
38 and nothing further came through.

39

40 CHAIRMAN LOHSE: Thank you. Bill.

41

42 MR. STOCKWELL: I think Ricky -- okay.
43 Thank you, Mr. Chairman.

44

45 A question. These three villages that
46 the Old Believers have settled in, was then was there
47 anybody living there before them? The reason I ask
48 this question is like the C&T for Cooper Landing was
49 kind of based on the Dena'ina people living there long
50 before the white settlers moved in with the mining and

1 so on, and continues on to this day. So was there any
2 settlement to this area that they're moving in on where
3 there was people before? Because there's nothing in
4 the analysis about that.

5
6 MS. ARMSTRONG: There were Dena'ina in
7 the whole Kenai Peninsula before, and I could have
8 included that for sure.

9
10 There's a difference between Cooper
11 Landing residence I think because they've been there
12 since the 1800s, so it is a significant time
13 difference. But we really focused more on the fact
14 that we didn't have any recent information about the
15 community and the fact that there was only one year of
16 data.

17
18 MR. STOCKWELL: But you don't have any
19 of the data -- were these settlements -- were the
20 people settled in these same areas before, that was
21 kind of my question.

22
23 CHAIRMAN LOHSE: In other words, Bill,
24 did they move into existing settlements?

25
26 MR. STOCKWELL: Yes. Right. Did they
27 -- that's correct.

28
29 MS. ARMSTRONG: They are new
30 settlements, but there were Dena'ina all through the
31 Kenai Peninsula earlier, yes.

32
33 MR. STOCKWELL: That's correct. I
34 understand that. Yeah. But these -- there wasn't a
35 settlement there before these settlements. Thank you.

36
37 MS. ARMSTRONG: No.

38
39 CHAIRMAN LOHSE: Ricky.

40
41 MR. GEASE: A question. Are these
42 people -- just for clarification for me. Are these
43 qualified rural residents?

44
45 MS. ARMSTRONG: Yes, they are. If they
46 weren't -- just since you're new, I'll explain this a
47 little further. If they weren't, we would have not
48 accepted the proposal.

49
50 Let me also say the proponents are not.

1 But they didn't propose it for themselves. They
2 proposed it for these three communities. The
3 proponents live in Homer.

4
5 MR. GEASE: Okay. A question. It
6 seems like -- maybe clarification on point, because I
7 need to come up to speed on the difference between the
8 communities being recognized for C&T and rural
9 residents. And is that the case elsewhere in the State
10 where rural residents -- a lot of times I look through
11 the book, it's all rural residents in that unit qualify
12 versus -- if I'm not mistaken, these are rural
13 residents of 15C, is that correct?

14
15 CHAIRMAN LOHSE: Yes

16
17 MR. GEASE: So is that the case
18 elsewhere in the State where qualified rural residents
19 are not eligible for hunting on Federal subsistence
20 lands if they don't live within the boundaries of a
21 community? I mean if somebody lives off here 20 miles,
22 they're not necessarily a member of Cordova proper, but
23 they live within the unit as a rural resident, are they
24 not qualified to hunt within that unit, I just -- for
25 consistency sake I'm just asking that question.

26
27 CHAIRMAN LOHSE: You mean qualified to
28 hunt or do you mean do they have C&T?

29
30 MR. GEASE: Are they qualified to hunt
31 and do they have C&T, so is it in this area here, is it
32 only people who live in Cordova or is it the residents
33 who live in 6C that the C&T for Cordova allowed all
34 rural residents in that area to hunt in that 6C unit?

35
36 CHAIRMAN LOHSE: Larry, could you
37 answer that.

38
39 MR. BUKLIS: Thank you, Mr. Chairman.
40 I think there's a couple of questions there.

41
42 Sometimes you'll see in the listings of
43 C&T all rural residents. In that case it probably
44 means there probably hasn't been a specific C&T
45 determination so all rural residents are eligible.

46
47 Then you went on in your question to
48 something more like sometimes it mentions communities,
49 specific places that everyone recognizes, and sometimes
50 it's more general like residents of Unit 6C. You're

1 right to notice that, and both are approaches that are
2 taken. And I think it's situational and how the C&T is
3 developed and how the information is available and how
4 people reside. And you talked about Cordova, for the
5 moose hunt, for example, it's residents of Unit 6C are
6 eligible. Practically speaking, Cordova is the only
7 recognized community and others in the room know better
8 than I to what extent individuals or families live in
9 6C but not in Cordova. There are probably a few, but
10 very few. And the percentage would be very high,
11 essentially it's Cordova people. So in the course of
12 the meeting you might hear people say, residents of
13 Cordova, that's kind of a short cut, strictly speaking,
14 it's residents of Unit 6C. But practically it's
15 Cordova.

16

17 So, again, in conclusion, all rural
18 residents is sometimes what you'll see because there
19 hasn't been a specific finding and when there is a
20 specific finding, it may be a listing of communities or
21 geographic areas or a mix of communities and people
22 living in an area.

23

24 CHAIRMAN LOHSE: Ricky.

25

26 MR. GEASE: Not to be a stickler for
27 stuff, so if members of this community then we're
28 saying the logic is, is that they're qualified rural
29 residents of the Kenai Peninsula but in that, they
30 don't live in proximity to Ninilchik, Happy Valley,
31 Nanwalek, Port Graham or Seldovia, they don't qualify
32 in terms of C&T.

33

34 MS. ARMSTRONG: That's correct.

35

36 MR. BUKLIS: Mr. Chairman. What we
37 meant to say is they are rural residents, they're not
38 qualified to hunt in this hunt. They have standing as
39 rural residents in our program but they're not on the
40 listing of communities that are recognized in this
41 particular hunt and so they would have to be added to
42 the listing.

43

44 CHAIRMAN LOHSE: Ricky.

45

46 MR. GEASE: So my point being, that as
47 a qualified rural resident -- or a rural resident on
48 the Kenai Peninsula, people could have been living in
49 this community for 30 years and they will not be
50 qualified to go moose hunting in the unit that they

1 live in, however, a person could move into a community
2 that's recognized and they could live there for one
3 year and they will be qualified to hunt in that area?

4
5 MS. ARMSTRONG: That's correct and
6 that's true anywhere in the state. You could move to
7 Kaktovik and live there a year and you would be
8 qualified to harvest moose there. Let me -- oh, I was
9 thinking if you had not been living in Alaska, if you
10 had been living in Alaska you're already a rural
11 resident. But I wanted to explain that the reason that
12 it's that way is because ANILCA talks about the uses of
13 the area, not the users. And so it's the uses of that
14 area, not the specific area, so that way somebody can
15 move in and begin hunting in the same way that people
16 in that community, for example, Kaktovik, do, and they
17 would have C&T.

18
19 MR. GEASE: So these residents right
20 here, the uses of moose would be to eat it, so I'm
21 getting a little confused here, you're saying that
22 these people are not -- I mean they're doing a
23 customary and traditional, they're going probably out
24 hunting, they're probably -- you know, these are not
25 wealthy communities, per se, and they harvest a lot of
26 stuff and make use of a lot, you know, all parts of the
27 animal, those are customary and traditional uses of
28 moose so I'm having a hard time grappling why a rural
29 resident in Unit 15C who uses the animal in a customary
30 and traditional manner is denied access on Federal
31 lands to hunts.

32
33 CHAIRMAN LOHSE: Larry.

34
35 MR. BUKLIS: Mr. Chairman. My response
36 to that -- Larry Buklis, OSM, is that we have an
37 existing positive finding for several communities for
38 this hunt and rural residents in several other
39 communities are being advanced as a proposal to be
40 added. And our assessment is there isn't sufficient
41 information at this time to make a positive
42 determination in that case.

43
44 If the determination at this point had
45 been unit wide as you've alluded to, and these
46 communities in the last 30 or 40 years and emerged and
47 developed in that unit, your logic would apply, but the
48 determination is not unit wide residents, it's
49 residents of specific places and the information we
50 have on these other places is not sufficient at this

1 time, in our view, to warrant a positive determination.

2

3 CHAIRMAN LOHSE: Helen.

4

5 MS. ARMSTRONG: Let me just add a
6 little bit to what Larry said.

7

8 We have the eight factors that we do
9 look at an application of and see if they generally
10 fulfill them, we did not feel that we had the
11 sufficient amount of information in order to look at
12 all of those eight factors for all three communities,
13 and that's why we were seeking additional information
14 and we were unable to get it.

15

16 Thank you.

17

18 CHAIRMAN LOHSE: Thank you, Helen. And
19 we have to remember that we can disagree with you.

20

21 MR. GEASE: Follow up.

22

23 CHAIRMAN LOHSE: Ricky.

24

25 MR. GEASE: Okay, not to be a stickler
26 on stuff, but I will be, I've heard you say you've made
27 one cell phone call and sent one letter, have anybody
28 from the OSM Staff gone to these three villages, which
29 are Russian villages, people there have English as a
30 second language, they teach Russian in their schools,
31 has anybody gone there with a translator and done in-
32 depth surveys of these communities to get the more
33 information. If this was deferred by over a year ago,
34 why hasn't that information, in terms of people going
35 out and doing the actual research in these communities
36 to get more information, and why don't we have it here
37 today.

38

39 CHAIRMAN LOHSE: Larry.

40

41 MR. BUKLIS: Mr. Chairman. We deal
42 with multiple cultures and languages across the state.
43 That's not unique to these communities. And we do not
44 mount research projects in responses to proposals on
45 the regulatory side as a routine matter. There was a
46 request for more information, we made it in several
47 ways, I think they were invited to participate
48 previously and in terms of mounting a field survey, the
49 vehicle for that would be to grant -- to, you know,
50 call for proposals and a grant process to mount a field

1 survey as we've done in some cases. But there has been
2 so little information available and so little response
3 in pursuit of getting more information, that we have
4 not mounted the effort you're describing.

5
6 CHAIRMAN LOHSE: Thank you. Larry, can
7 I ask a question. I didn't realize that the proponents
8 for this proposal were not residents of these
9 communities, the proponents for these proposals are
10 from Homer and they were put in for these communities,
11 is basically what it boils down to.

12
13 MS. ARMSTRONG: That's correct. At
14 least the address that I had was in Homer.

15
16 CHAIRMAN LOHSE: So the response from
17 -- we have had no response from the communities
18 themselves.

19
20 MS. ARMSTRONG: No, we have not.

21
22 CHAIRMAN LOHSE: Tom.

23
24 MR. CARPENTER: You know, I'll just
25 make one comment. I know one of the individuals, he is
26 a commercial fisherman here and after the Homer meeting
27 in which is about as close proximity as you could have
28 for those villages to come and participate and kind of
29 bring evidence to this Council in regards to try to get
30 the customary and traditional use, I spoke with him and
31 told him, I said, you know, you need -- if you can't do
32 it you need to have somebody from these villages speak
33 to somebody at the Staff or write a letter or send an
34 email or do something to initiate the process of this
35 information gathering. And I explained to him the
36 whole idea about Fritz Creek and the post office and
37 the State harvest tickets and he was pretty
38 understanding about all that. And I did tell him that
39 the best way for something like this to go through is
40 to try and be involved more in the process instead of
41 just sending a proposal in and not participating.

42
43 I think that we've been consistent
44 about that, that we do like people to participate in
45 the process. Not even in regards to just C&T, but any
46 general change to any regulation. So I did make
47 contact with at least one of the individuals, so I'm
48 not sure if the desire just isn't there, or if these
49 two individuals are just too busy. I know that there's
50 been some traumatic things happen to a lot of the

1 communities in the Homer area this winter, so I don't
2 know if that had any affect on it, but I do think at
3 least, I, myself, have tried to explain some of the
4 small details about the process. So hopefully it made
5 a difference. But I just thought I'd let you know
6 that.

7

8 CHAIRMAN LOHSE: Helen.

9

10 MS. ARMSTRONG: When was that Tom, I
11 mean was it this round of proposals or was it earlier?

12

13 MR. CARPENTER: Well, it was after the
14 Homer meeting.....

15

16 MS. ARMSTRONG: Okay.

17

18 MR. CARPENTER:when the proposal
19 went in the first time.

20

21 MS. ARMSTRONG: Okay.

22

23 MR. CARPENTER: That next summer I had
24 spoke to him because I had known him and I said, you
25 know, the reason that we did this is because we didn't
26 have enough information, Staff couldn't recommend --
27 and I tried to explain to him about the eight step
28 process and there are certain criteria that Federal
29 Staff use in regards to, you know, schools and post
30 office, you know, and the whole bit of preliminary
31 information that you used, and I think he understood
32 that clearly.

33

34 I also spoke to him last year and
35 talked to him a little bit more about it, you know, so
36 that I do think there was some outreach there.

37

38 CHAIRMAN LOHSE: Thank you. Gloria,
39 did you have something.

40

41 MS. STICKWAN: Yeah. When they came to
42 the meeting in Homer, what year was that, I thought
43 there was some Old Believers at one of our meetings
44 that came and testified in Homer, right?

45

46 MS. ARMSTRONG: I believe maybe they
47 testified about rural but I'm not sure. I actually
48 can't quite remember whether they're -- I don't know
49 whether Pat Petrivelli remembers or not. I know there
50 wasn't any testimony on this issue.

1 MS. STICKWAN: But I remember they were
2 at one of our meetings in Homer and they -- we voted
3 negatively from what we heard then. And since that
4 time they've had all this time to come forward and
5 provide information since that time and they haven't
6 done so, to show an interest in pursuing their C&T.
7 And, you know, they don't have any current use showing
8 that they have C&T in that area.

9
10 Anywhere you go in the state of Alaska,
11 most -- I think most parts of Alaska, you know, you'll
12 have Native people showing, you know, have history, but
13 you don't have the current use in some areas and you
14 got to look into that as well -- it's just as important
15 to look at current use, in the last few years, or 20
16 years as well as, you know, a hundred years ago. You
17 need to have that information before you can make a
18 decision.

19
20 CHAIRMAN LOHSE: Bob.

21
22 MR. HENRICHS: I know Dennis and Fred
23 and a few years ago I went over to Homer and humped on
24 Dennis boat with my halibut IFQs and Fred and his
25 brother were the crew, and on Halloween we went to
26 Shuyak Island in the middle of a big storm, spent a lot
27 of time anchored up.

28
29 (Laughter)

30
31 MR. HENRICHS: And we spent a lot of
32 time talking and this subject was the conversation on
33 that boat at that time. And for awhile there none of
34 were sure we were ever going to make it back to Homer
35 it was so terrible.

36
37 (Laughter)

38
39 MR. HENRICHS: But we got our load of
40 halibut and made it back there and they haven't
41 followed through on this but I will give those guys an
42 A for paying attention because we talked about this
43 quite a bit at that time.

44
45 CHAIRMAN LOHSE: Any other questions
46 for Helen or Larry.

47
48 (No comments)

49
50 CHAIRMAN LOHSE: Hearing none, let's

1 see what the Alaska Department of Fish and Game has to
2 say.

3

4 MR. HAYNES: Thank you, Mr. Chairman.
5 The available evidence for the three communities
6 addressed in this proposal does not support making a
7 customary and traditional use determination for moose
8 in Unit 15.

9

10 Thank you.

11

12 Alaska Department of Fish and Game
13 Preliminary Comments to the Regional Advisory Council.

14

15 Wildlife Proposal WP08-24:

16

17 Establish a customary and traditional
18 use determination for moose in Unit 15 for residents of
19 Kachemak-Selo, Razdolna, and Voznesenka.

20

21 Introduction:

22

23 In 1996, the Federal Subsistence Board
24 declined to grant a positive customary and traditional
25 use determination to these three communities for any
26 wildlife resource because there was insufficient
27 evidence demonstrating that these relatively new
28 communities had a long-term, recurring, consistent
29 pattern of use of wildlife in Unit 15. In supporting
30 rejection of Wildlife Proposal WP07-21, the
31 Southcentral Regional Council and Federal Staff at the
32 May 2007 Council meeting cited a lack of evidence that
33 these communities harvested moose from Federal public
34 lands in Unit 15 or that their use of moose constituted
35 customary and traditional uses. The Interagency Staff
36 Committee reached a similar conclusion, noting the
37 absence of evidence that these communities have had a
38 long-term consistence, recurring pattern of use of
39 moose on Federal public lands in Unit 15. The Federal
40 Subsistence Board deferred this proposal to 2008 and
41 directed Federal Staff to obtain additional information
42 on the eight factors.

43

44 Impact on Subsistence Users:

45

46 Documented moose harvest by residents
47 of these three communities occurs on State lands under
48 State regulations. If the Federal Subsistence Board
49 finds that these three communities have customary and
50 traditional use of moose in Unit 15, the Department of

1 Fish and Game anticipates a substantial increase in the
2 number of Federal registration permits being issued for
3 moose hunts in Unit 15. This additional hunting
4 pressure and a probable increase in harvest of large
5 bulls in the late fall Federal hunts in Units 15B and
6 15C will create conservation concerns and have
7 detrimental effects on subsistence uses. The
8 Department s proposal regarding the late fall Federal
9 hunts in Units 15B and 15C (WP08-17) describes
10 conservation concerns with these hunts, which will be
11 compounded if three more communities become eligible to
12 participate.

13

14 Conservation Issues:

15

16 If this proposal is adopted, the number
17 of Federally-qualified subsistence users eligible for
18 the late season moose hunt in Units 15B and 15C would
19 increase markedly and exacerbate the Department s
20 conservation concerns with this hunt. Even without
21 additional hunting pressure that would result from
22 increasing the number of Federally-qualified users, the
23 Department contends that disturbing and displacing
24 large bulls during the post-rut period can have long-
25 term negative effects on the sustainability of these
26 populations.

27

28 Other Comments:

29

30 The available evidence for the three
31 communities addressed in this proposal does not support
32 a positive customary and traditional use determination
33 for moose in Unit 15.

34

35 CHAIRMAN LOHSE: Thank you. Any
36 questions for Larry.

37

38 (Laughter)

39

40 CHAIRMAN LOHSE: For Terry.

41

42 (Laughter)

43

44 CHAIRMAN LOHSE: Any questions for
45 Terry.

46

47 (No comments)

48

49 CHAIRMAN LOHSE: Thank you, Terry.

50

1 MS. STICKWAN: And the reason being?
2
3 CHAIRMAN LOHSE: What, you had
4 something?
5
6 MS. STICKWAN: What was your reason for
7 saying no C&T?
8
9 MR. HAYNES: There's insufficient
10 information presented in the analysis to support making
11 a positive finding in our opinion.
12
13 MS. STICKWAN: And the State of Alaska
14 doesn't have any information either?
15
16 MR. HAYNES: I'm sorry, could you
17 repeat the.....
18
19 MS. STICKWAN: And the State of Alaska
20 doesn't have any C&T information either?
21
22 CHAIRMAN LOHSE: Does the State of
23 Alaska have any additional information that would
24 support a finding of C&T?
25
26 MR. HAYNES: No. And any information
27 that the Subsistence Division in the Department of Fish
28 and Game might have, Helen has obtained that, but the
29 Subsistence Division has not done work in these other
30 communities. I know that Helen has made the best faith
31 effort to obtain existing documentation. So available
32 information has been used to the extent that's been
33 available, it's the question of whether surveys ought
34 to be done and certainly that's the best way to get
35 this kind of information.
36
37 CHAIRMAN LOHSE: Does the Subsistence
38 Department of Fish and Game have any intention of doing
39 any kind of surveys or anything like that in the
40 future, or in the near future?
41
42 MR. HAYNES: Mr. Chairman. I'm sure
43 that if the Office of Subsistence Management made
44 funding available the Division would consider that.
45
46 (Laughter)
47
48 CHAIRMAN LOHSE: Thank you, Terry.
49 Ricky.
50

1 MR. GEASE: In the past 20 years I
2 believe the Department has surveyed rural communities
3 on the Kenai Peninsula; is that correct?

4
5 MR. HAYNES: Through the Chair, yes,
6 that is correct.

7
8 MR. GEASE: Okay. In the surveys can
9 you explain why these three communities were not
10 surveyed then?

11
12 MR. HAYNES: Through the Chair. No, I
13 don't know what the specific reasoning was for not
14 including these communities. I don't have that
15 information.

16
17 MR. GEASE: Okay, thank you.

18
19 CHAIRMAN LOHSE: Terry, wasn't the
20 survey that was done in 1998 done by the Alaska
21 Department of Fish and Game at Voznesenka.

22
23 MR. CARPENTER: Yep.

24
25 CHAIRMAN LOHSE: That was a subsistence
26 survey by the Alaska Department of Fish and Game,
27 wasn't it?

28
29 MR. HAYNES: The survey done in that
30 one community was, yes.

31
32 CHAIRMAN LOHSE: Okay.

33
34 MR. HAYNES: But I don't know why the
35 other two communities were not part of that or
36 addressed in another separate survey.

37
38 CHAIRMAN LOHSE: In 1998 some of those
39 other communities were pretty new. Voznesenka, I
40 think, was the oldest one, founded in 1980, so it was
41 like 18 years old in 1998, I think the other ones have
42 split off since then, I'm not sure what the founding
43 dates of the others are, but I think it's been after
44 1980.

45
46 MR. STOCKWELL: 1998.

47
48 CHAIRMAN LOHSE: 1990.

49
50 MR. STOCKWELL: 1998 was when the last

1 survey was done, it's on Page 179 about the second
2 paragraph down.

3

4 CHAIRMAN LOHSE: Any other questions
5 for Terry.

6

7 Ricky.

8

9 MR. GEASE: In your professional
10 judgment is the lack of information on these
11 communities a result of actions taken by these
12 communities or a lack of inaction taken by Federal and
13 State surveys?

14

15 MR. HAYNES: Through the Chair. It's
16 not the State's responsibility to address information
17 needs for these proposals. And the Office of
18 Subsistence Management has described to you the efforts
19 it has made thus far.

20

21 MR. GEASE: Thank you.

22

23 CHAIRMAN LOHSE: Thank you. Any other
24 questions for Terry.

25

26 (No comments)

27

28 CHAIRMAN LOHSE: Hearing none, we will
29 go on to Federal, State and tribal.....

30

31 MS. STICKWAN: I have a question.

32

33 CHAIRMAN LOHSE:agency comments,
34 do we have any -- I'm sorry, Gloria, I didn't see that,
35 what.....

36

37 MS. STICKWAN: Is there a place in the
38 State of Alaska where you guys haven't done studies
39 that's a similar situation to this?

40

41 MR. HAYNES: Through the Chair. There
42 are quite a few communities in the State of Alaska,
43 rural communities in the State of Alaska where
44 Subsistence Division has not conducted surveys.

45

46 I would have to think that if there are
47 many fairly new communities in which the Division has
48 not done surveys and I'm -- my brain doesn't work that
49 fast these days, but certainly in the 20 years I worked
50 for Subsistence Division, where there were information

1 needs, we attempted to conduct surveys in those
2 communities. In some cases you selected communities
3 that would be representative of other communities in
4 the area, you made assumptions that if you conducted a
5 survey in community X that the patterns of use, the
6 activities would be comparable in other nearby
7 communities because we didn't have the resources to
8 conduct detailed surveys in every community. And so
9 there probably always will be some places where you
10 don't have much information that's based on survey data
11 and over time it's really important to conduct new
12 surveys in communities, because patterns of use change,
13 people come and go and it's important to see what is
14 happening over time as communities grow, as communities
15 change, and as information needs change.

16
17 So I suspect there are other similarly
18 situated communities in Alaska where Subsistence
19 Division has not conducted surveys.

20
21 CHAIRMAN LOHSE: Thank you, Terry. Any
22 other questions for.....

23
24 MS. STICKWAN: Were these
25 communities.....

26
27 CHAIRMAN LOHSE:Terry.

28
29 MS. STICKWAN:granted.....

30
31 CHAIRMAN LOHSE: Gloria.

32
33 MS. STICKWAN:C&T even though
34 they didn't have sufficient evidence by the State?

35
36 MR. HAYNES: Through the Chair. I want
37 to be careful about how I answer that question because
38 if you're talking about the State, when the State
39 Boards were making the C&T findings, is that your
40 question?

41
42 MS. STICKWAN: I just asked the
43 question if the C&Ts -- if the State granted C&T
44 without sufficient information in any community in the
45 state of Alaska?

46
47 MR. HAYNES: Yes. And I want to
48 clarify, as I described, Unit 18, the Yukon-Kuskokwim
49 Delta, for example, there are probably 60 or more
50 villages, Yup'ik villages in that area, the Division

1 has never had the time nor resources to conduct surveys
2 in all of those villages but surveys have been
3 conducted in representative communities throughout that
4 area and then conclusions made that the pattern of use
5 in one village is similar to those patterns in
6 surrounding villages. On the basis of information that
7 the Division had, it would present that to the State
8 Boards and indicate that on the basis of this
9 information we believe that the patterns of use in this
10 village would also apply to villages where surveys were
11 not conducted.

12

13 Now, what I don't want to include in
14 that statement is any evaluation of how that would
15 apply to newer communities as we're talking about in
16 the context of this proposal.

17

18 But for well established longstanding
19 villages in areas where we know that the harvest and
20 use of resources has been a longstanding practice it's
21 very different than looking at the Kenai Peninsula
22 where you have quite a mix, you have new communities,
23 you have rural areas, non-rural areas, and it's a very
24 dynamic situation there. So I don't want to --
25 anything I've said, not have it apply to -- certainly
26 not how the Federal system is looking at newer
27 communities.

28

29 CHAIRMAN LOHSE: Thank you. Bill.

30

31 MR. STOCKWELL: Just a quick question
32 for you. There was one village was surveyed in 1998 by
33 Jim Fall's people, and they have data on that, would
34 that be sufficient for the other two communities in
35 your opinion, or would each one of those need to be
36 surveyed individually or could we use what was done for
37 one as an example of what all three would be, similar
38 to what you've said.

39

40 Thank you.

41

42 MR. HAYNES: Through the Chair. I
43 would defer that question to the Office of Subsistence
44 Management.

45

46 MR. CARPENTER: That's a good answer.

47

48 CHAIRMAN LOHSE: Larry.

49

50 MR. BUKLIS: Mr. Chairman. Larry

1 Buklis, OSM. I think what we said when we gave our
2 overview was that we took the survey of the one place
3 to probably represent patterns of use in the nearby
4 places that have a similar history. The problem is
5 even doing that expansion or application for the other
6 places, taken collectively, we felt that what we had
7 wasn't sufficient.

8
9 We had the one year and some lack of
10 clarity on where the moose are being taken and the
11 history of use and pattern of use, we felt we needed
12 more than what we had. So it's not just that one of
13 three places was surveyed once, it's the depth of
14 information even in that one place.

15
16 CHAIRMAN LOHSE: Larry. Oh, you've got
17 a question Bill.

18
19 MR. STOCKWELL: Excuse me. Would you
20 clarify that one year, there was one -- did you mean
21 one survey year or do you mean that the information
22 only came from one year. I realize there was only one
23 year they surveyed it but they got what they gathered
24 for that year, but then there's.....

25
26 (Pause)

27
28 MR. BUKLIS: Mr. Chairman. I consulted
29 with the Staff who were more familiar, it was a one
30 year of data information. It wasn't one year of
31 collecting their historic memory. It was a one year
32 use pattern.

33
34 MR. STOCKWELL: Thank you.

35
36 CHAIRMAN LOHSE: Thank you. Larry,
37 correct me if I'm wrong on this, it's not that from
38 this data that there's any question about them living a
39 rural lifestyle or anything, the question is whether or
40 not they practiced C&T in Federal lands that are under
41 our control at this point in time. I mean they could
42 still be top notch subsistence users and rural people
43 but the question is did they practice these on lands
44 that in Units 15C and 15B that are Federal lands?

45
46 MR. BUKLIS: Mr. Chairman. I think
47 that's certainly one questions and maybe a main
48 question. I think other related questions are the
49 relatively short history of these places existing as
50 settled communities in this location and the pattern

1 and depth of use beyond the one year of survey
2 information. So it is what you said but it's these
3 other related questions also. Taken collectively, we
4 felt there wasn't enough to justify a positive finding
5 at this time.

6

7 CHAIRMAN LOHSE: Thank you, Larry.

8

9 Okay, we -- Terry.

10

11 MR. HAYNES: And just one more bit of
12 information, I know you want to move on, the absence of
13 customary and traditional use determinations for these
14 communities does not prevent them from harvesting
15 resources on Federal lands under State regulations.

16

17 CHAIRMAN LOHSE: Right.

18

19 MR. HAYNES: So their opportunity to
20 use Federal lands it's not completely shut off if they
21 don't have this positive finding.

22

23 CHAIRMAN LOHSE: What it does do is
24 prevent them in taking part in any special subsistence
25 hunts on these lands.

26

27 MR. HAYNES: That's correct.

28

29 CHAIRMAN LOHSE: Okay. Any other
30 questions for them while they're up there.

31

32 (No comments)

33

34 CHAIRMAN LOHSE: So we have had our
35 Federal, State and tribal agency comments.

36

37 MR. WEST: Mr. Chair. Council. Robin
38 West, Kenai National Wildlife Refuge. And a great deal
39 to add except that this particular issue has been
40 discussed a lot in various corners for a while. And on
41 one hand, although it's completely prerogative of this
42 Council to, you know, change their minds and so forth,
43 the position of the Council and agencies up until this
44 point in time was that there was insufficient
45 information to make a decision and we're opposed and
46 there's no new information. So, you know, okay.

47

48 The bigger question to me really is,
49 and I -- because I have no doubt these folks use moose,
50 is as we kind of get into implementing the program, we,

1 collectively and looking at C&T and how it's applied
2 and evolves, is there's some types of questions to ask
3 and I look at the Kenai Peninsula as just a small part
4 of the state where we have Moose Point, Grey Cliff, you
5 know, and other subdivisions north of Nikiski that are
6 in rural areas on the map that are yet to be developed.
7 The Borough property south of Cooper Landing, north of
8 Sterling are proposed subdivisions that will be in
9 rural areas and places like Bear Creek on Tustumena
10 that have, you know, have been subdivided are now
11 referred to subdivisions and so forth, all of these
12 communities that are potentially to be established
13 after the passage of ANILCA, which is the case for
14 these three communities, too, they were all established
15 after the passage of ANILCA, is, what is the direction.
16 ANILCA doesn't say, it doesn't preclude giving them
17 C&T, or it doesn't say that you must or must not, but
18 somehow it seems appropriate, as we're in this business
19 for the long haul, to ask advice of the Board on how
20 the Councils are to proceed with these relative new
21 communities in new areas as we address the question of
22 C&T, and I don't have the answer for it. It is just
23 one that, you know, if we're looking down the road,
24 this is a precedent in some ways, you know, so I'll
25 leave it at that.

26
27 CHAIRMAN LOHSE: Thank you, Robin. Any
28 questions for Robin.

29
30 (No comments)

31
32 CHAIRMAN LOHSE: Thank you, Robin.
33 InterAgency Staff Committee comments.

34
35 (No comments)

36
37 CHAIRMAN LOHSE: Fish and Game Advisory
38 Committee comments.

39
40 (No comments)

41
42 CHAIRMAN LOHSE: None. Written public
43 comments, I think we have one written one from a Fish
44 and Game Advisory Committee.

45
46 MR. MIKE: Yes, Mr. Chair. Written
47 public comments you will find on Page 182.

48
49 The Homer Advisory Committee opposed
50 Proposal 24. And they commented finding it impossible

1 for recent villages to have a genuine history of
2 customary and traditional use subsistence --
3 subsistence use. These villages are occupied by
4 successful commercial fishermen with strong ties to
5 Homer.

6
7 The Central Peninsula Advisory
8 Committee voted against the proposal by a vote of zero
9 for and seven against, and two abstained. Those
10 opposed said that the Kachemak-Selo, Razdolna,
11 Voznesenka do not meet the criteria for customary and
12 traditional use determinations. All three communities
13 are newly formed, less than 10 to 20 years, and their
14 moose harvest has been predominately on State lands.
15 The two abstained felt that they didn't have enough
16 information and that the determination would be better
17 handled by the Federal Subsistence Board.

18
19 Bruce Turkington of Homer opposed this
20 proposal and he's a lifelong resident of the Homer area
21 and he strongly disagrees with adding the three
22 communities to the customary and traditional use areas.
23 Many of the residents of these three named communities
24 work in the city of Homer just like a lot of other
25 citizens do that live outside the city limits of Homer
26 and are not part of the three named villages.

27
28 Thank you, Mr. Chair.

29
30 CHAIRMAN LOHSE: Thank you. Do we have
31 any public testimony.

32
33 MR. MIKE: None.

34
35 CHAIRMAN LOHSE: None. Okay, at this
36 point in time we can either take a break or we can put
37 it on the table. Motion to put WP08-24 on the table is
38 in order.

39
40 MR. CARPENTER: Mr. Chairman. I move
41 we adopt Proposal 08-24.

42
43 CHAIRMAN LOHSE: Do I heard a second.

44
45 MS. WAGGONER: Second.

46
47 CHAIRMAN LOHSE: It's been moved and
48 seconded to adopt WP08-24. Does the maker of the
49 motion wish to testify to it.

50

1 MR. CARPENTER: Yeah, Mr. Chairman, I
2 would just speak briefly. There's been -- this is the
3 second meeting that the RAC has made it available to
4 the public for public testimony. At the Homer meeting
5 when we discussed this there were several individuals
6 from the community that testified in opposition to
7 that. I think these communities have had several years
8 now since the proposal has been deferred to try and,
9 you know, get with Staff and make a case for their C&T
10 finding. I see no new evidence that has been presented
11 to us at this time. Our prior recommendation from this
12 Council to the Board that there wasn't enough evidence
13 that warranted a C&T and that the -- and with that
14 information I would be opposed to this and would
15 recommend that we make the same recommendation to the
16 Board.

17

18 CHAIRMAN LOHSE: Bob.

19

20 MR. HENRICHS: Yeah, these communities,
21 they had five of their men die in a plane crash in
22 January. They lost another guy when his boat capsized
23 shortly after that. Most of the men are in Kodiak
24 fishing halibut and cod right now and this isn't a
25 priority for them right now. But I expect them to be
26 back.

27

28 CHAIRMAN LOHSE: Tricia.

29

30 MS. WAGGONER: One of the things that
31 kind of addresses Robin's comment and I hadn't really
32 thought about it until he said it, but when we look at
33 the criteria and exemplify it, one of them is to
34 handing down of the knowledge of fishing and hunting
35 and lore from generation to generation and I mean the
36 community has not been in existence in its location and
37 utilizing those resources for barely a generation, and
38 I think that's something that addresses Robin's concern
39 of communities established after ANILCA. We need to
40 look at that generational transfer of knowledge of the
41 use of the local resources. I will be voting in
42 opposition.

43

44 CHAIRMAN LOHSE: Bill.

45

46 MR. STOCKWELL: To me this puts us kind
47 of a dilemma. A lot of people that move into what are
48 communities that have a C&T and I'll use my own for
49 example, Cooper Landing, people can move in there and
50 establish residency and if the Board approves the C&T

1 they can go hunting, we already have the C&T for
2 fishing so -- and here we're denying people a C&T
3 because they went out and established a brand new
4 village that has no consistency to it, and I don't have
5 a real good answer to that.

6
7 One thing Tom brought up is people have
8 to come ask for C&T's to this Board, we did Hope give
9 the fishing C&T in the Kenai River and nobody from Hope
10 asked for it. I was at your meeting when you did that.

11
12 Another thing we were talking about,
13 that they must harvest their moose mostly on State
14 [sic] land, if you look at Seldovia, Nanwalek and Port
15 Graham, they're a lot further away from the Refuge and
16 a lot harder to get to any of the Refuge land than any
17 of these communities are, so I don't think that's very
18 valid.

19
20 I can understand that we can turn them
21 down because they're not bringing us any information,
22 and that's their problem and do we give them more time
23 to try to get this straightened out, as Bob pointed out
24 they've had some real problems lately and probably have
25 more concerns than whether they get their C&T or not
26 because of those. But I think we got -- this is a real
27 problem, and as Robin pointed out, there's a concern
28 this is going to come up on the Kenai and what do we do
29 with the rural areas of the Kenai and how to solve it
30 is something we need to really think closely about.
31 Because the people -- people come into villages that
32 already got a C&T, they get the things that other
33 people that live in rural areas that haven't really
34 been determined yet, what happens to them.

35
36 So I don't know how I'm going to vote
37 on this to tell you the truth, but I think we need to
38 think about some of those things.

39
40 Thank you.

41
42 CHAIRMAN LOHSE: Thank you, Bill. I'd
43 like to answer something on the Nanwalek and Port
44 Graham thing and even on the Hope thing, even if they
45 didn't provide information themselves, information was
46 available from harvest reports and everything, that
47 they had made use of the Federal land in question and
48 that's the problem that we have right here.

49
50 I mean, personally, myself, I know

1 these people too, they're probably some of the best
2 subsistence users around, I mean they grow good
3 gardens, they put up wild berries, they put up fish,
4 they do everything like that, the only thing that we're
5 lacking is any evidence that they do this on the
6 Federal in question, not that they don't -- we have no
7 question that they don't make use of this kind of a
8 lifestyle. I mean when I talk to them on the docks,
9 they're the ones that are eating the fish, they're the
10 ones that are salting the fish.....

11
12 MR. STOCKWELL: Right.

13
14 CHAIRMAN LOHSE:they're the ones
15 that are out picking berries in the same patch I am.

16
17 MR. STOCKWELL: Right. I agree and
18 that's where the problem is. If we turn them down
19 without getting some evidence from them.

20
21 CHAIRMAN LOHSE: Right.

22
23 MR. STOCKWELL: Of course they always
24 have the opportunity to reapply at any time in any
25 year, I agree with that. So without further evidence
26 we're kind of stuck with what to do.

27
28 CHAIRMAN LOHSE: And that's the
29 difference between them and Nanwalek and Port Graham
30 and Hope, is, even if they didn't provide the evidence,
31 the evidence was available in other papers.

32
33 MR. STOCKWELL: Right and there was
34 evidence from a long period of time, too.

35
36 CHAIRMAN LOHSE: Right.

37
38 MR. STOCKWELL: I agree with that, you
39 know, it's part of our thought process.

40
41 CHAIRMAN LOHSE: Yeah, thank you. Any
42 other comments. Doug.

43
44 MR. BLOSSOM: Mr. Chair. I was at that
45 meeting in Homer and we tried to get the people from
46 the villages to come and they didn't. Since that time
47 I've even went fishing some of the villagers, out
48 halibut fishing commercially and I just can't get them
49 to be interested in this. They didn't bring it
50 forward, the fellows that did bring it forward don't

1 even live in that area, they live in Homer, and I can't
2 seem to get them to get excited about even trying.
3 And, you know, what we've tried to do like we just got
4 through the Cooper Landing thing, giving them C&T for
5 moose in 15B and 7, and, you know, we make them come
6 and at least try for it. Because I live down that way
7 and I just can't seem to get them interested in this at
8 all.

9

10 CHAIRMAN LOHSE: Greg.

11

12 MR. ENCELEWSKI: Yeah, I guess I just
13 want to make one comment. You know I have no doubt
14 that they subsist and use the resource but I think
15 there's a couple points we need to keep in mind.
16 Clearly, to me, there's not enough evidence here to
17 make a determination, it hasn't been presented. It's
18 been stated to that by our presentations and our
19 discussions. Secondly ANILCA is very clear in the
20 criteria and I don't believe they meet the criteria at
21 all.

22

23 Thank you.

24

25 CHAIRMAN LOHSE: James.

26

27 MR. SHOWALTER: Yes. Has everyone
28 well knows here they're applying for a C&T, and as Greg
29 just mentioned on C&T requirements, customary and
30 traditional which is hand me down from years and year
31 past, not just 20 years or whatever timeframe they have
32 been there, which moved into the area, it's customary
33 for the villages for their relationship to the area,
34 that the past generations has lived there and pass
35 their knowledge down and that is, to me, C&T right
36 there.

37

38 Thank you.

39

40 CHAIRMAN LOHSE: Ricky.

41

42 MR. GEASE: I'm going to take a
43 different philosophical take on this.

44

45 I think you'd have the same amount of
46 information if this community lived 10 miles from
47 Ninilchik. These are insular communities. When I was
48 the museum manager, I tried to go down there and get
49 some information from them, it's like -- you know it's
50 very difficult to penetrate into the communities, to be

1 recognized as a person that you can trust. These are
2 very insular communities, that's why, you know, they
3 pretty -- the Kenai Peninsula Borough gives them, you
4 know, their own schools and allows them to allow their
5 own curriculums in the school.

6

7 So my point is is that these are rural
8 residents, if they had made the choice to build an
9 insular community 10 miles from Ninilchik, we would
10 have no question about them qualifying to go hunting on
11 Federal lands. We probably wouldn't have a lot of
12 information on them either.

13

14 MR. ENCELEWSKI: That's still not the
15 question.

16

17 MR. GEASE: But the point, I think,
18 that we should be thinking about, I think, kind of a
19 larger context is, on the Kenai Peninsula as it grows,
20 and it is a good point, there are new subdivisions
21 growing up around Ninilchik, there's whole new
22 subdivisions growing on the Kenai, we're going to have
23 probably within 10 years have a road go out to Point
24 Possession, those are new areas. I could be a resident
25 in Ninilchik and move out to a different area, to a
26 different rural area on the Kenai Peninsula, would I
27 lose my ability then to do that, so I mean as
28 communities grow, I just want to make sure that this
29 policy that's used here is similar to other areas of
30 the state in terms of policies and procedures being
31 consistent.

32

33 I find it difficult sometimes to say
34 well we use one policy in one portion of the state and
35 we're going to use a different policy in a different
36 portion of the state. Yes, we're growing in our area
37 here and this comes to -- the State now is opening up
38 lands for homesteading in different areas of the state,
39 you couldn't have people living, and you couldn't have
40 communities in certain areas of the state, but in
41 certain areas are being homesteaded now, so is a person
42 who's opening up and homesteading in a new area going
43 to be disqualified because they aren't right next to a
44 community or is that area for all rural residents. And
45 I think that's just a philosophical question that
46 people need to think about in more detail.

47

48 So, thank you.

49

50 CHAIRMAN LOHSE: Bill.

1 MR. STOCKWELL: Yeah, I'd just like to
2 bring up one other thing. In ANILCA, Section .801, it
3 says and to non-Native's physical, economical,
4 traditional and social existence, which is a little
5 different than what it describes for economic
6 traditional and cultural existence for Native
7 communities, these are non-Native communities, the
8 people are non-Native, and so they have an integrated
9 social existence so -- which is a little different than
10 customary and traditional, it's their customary and
11 traditions and how do we look into that.

12

13 Thank you.

14

15 CHAIRMAN LOHSE: Gloria.

16

17 MS. STICKWAN: I just want to say that
18 my understanding of C&T is that the Federal government
19 or Subsistence Management doesn't have to meet all the
20 criteria. And I also want to say that recent
21 information by these communities hasn't been presented
22 by these three villages by anyone. They've had all
23 this time the Homer meeting to prepare and bring
24 evidence to us and to provide public testimony. I
25 don't know when that was, I can't remember what year it
26 was, but it was a few years ago and they've had all
27 this time to do that and they haven't done that. To
28 me, that shows that they're not really serious about
29 getting C&T. I mean if it was someone from my
30 community I think they, you know, they would have been
31 here -- they would have been here giving public
32 testimony and showing and proving evidence.

33

34 More than one Council member on this
35 Council has said they've contacted them and told them,
36 explained as best they could what they needed to do so
37 I think they understand the process and what they need
38 to do and, yet, they still haven't done it.

39

40 So, you know, I'm wondering, do they
41 really want C&T.

42

43 And, you know, if people move to one
44 area and they grant C&T, that may be a flaw but that's
45 the law and that's the law we have to live with.

46

47 To me, I don't see any new evidence and
48 I haven't heard anything presented here by anybody and
49 so I'm going to be opposed to this.

50

1 CHAIRMAN LOHSE: Thank you, Gloria.
2 Bob.

3
4 MR. HENRICHS: Yeah, these -- you know,
5 I got to know these people and they were driven out of
6 Russia during the revolution with religious persecution
7 and they moved to China, they were run out of China,
8 they moved to Brazil, they moved from Brazil to Oregon
9 and then ended up in Homer and these people are very
10 wary of government officials, they don't trust
11 government officials and I don't blame them, you know,
12 and I don't think they've been established long enough
13 to get C&T but I wouldn't want to totally close the
14 door on them, I would want to make sure they do -- you
15 know at least they're aware of the process now.

16
17 CHAIRMAN LOHSE: Tom.

18
19 MR. CARPENTER: I'll just make one
20 final comment. I will make an attempt this summer
21 again, depending on what the Council does, to make an
22 attempt to talk with these individuals when I see them
23 and basically explain to them, again, what happened, I
24 mean they are going to have the ability, once again to
25 go to the Federal Board meeting and present any new
26 information that they have at that time to the Federal
27 Board before they defer to our recommendation. But
28 they do have the ability to put a proposal in again.
29 Like you said there were some unforeseen circumstances
30 this year for some of these communities, it was quite
31 troubling, maybe that's the reason but, you know, we
32 might see this again and hopefully -- and, you know,
33 I'll be more than willing to give them a hand in
34 writing the proposal and trying to help them out. But,
35 you know, you can only ask to help somebody, like you
36 say, they have to want to participate.

37
38 So if there's no further discussion I'd
39 call the question.

40
41 CHAIRMAN LOHSE: Seeing no further
42 discussion.

43
44 (No comments)

45
46 CHAIRMAN LOHSE: No further discussion,
47 the question's been called. All in favor of Proposal
48 WP08-24 signify by saying aye.

49
50 (No aye votes)

1 CHAIRMAN LOHSE: All opposed signify by
2 saying nay.
3
4 IN UNISON: Nay.
5
6 MR. STOCKWELL: I'm abstaining.
7
8 CHAIRMAN LOHSE: One abstention - oh,
9 one more - two abstaining.
10
11 REPORTER: Who else is abstaining?
12
13 CHAIRMAN LOHSE: Uh, Tina?
14
15 REPORTER: Who else is abstaining, Bill
16 and.....
17
18 MR. GEASE: (Raises hand)
19
20 REPORTER: Okay, Ricky, thank you.
21
22 CHAIRMAN LOHSE: Ricky.
23
24 MR. GEASE: Yeah, I'm going to abstain
25 out of respect for the process that happened before I
26 got here.
27
28 But I would make a request to OSM that
29 we make an attempt to actually physically go into the
30 village, make an appointment either at the school and
31 talk with some community leaders there. And I think --
32 whether this is pertinent or not -- I don't know how to
33 tactfully say this, but, probably the closest I've ever
34 gotten into a bar fight when I was in Seward with these
35 same gentlemen, they were the Russian Homer fleet that
36 came over, and I actually after that -- after that
37 confrontation we actually became fairly good friends
38 that's why I have an interest in this community and
39 that's why I wanted to do something when I was in the
40 museum, I think sometimes the men are out of the
41 villages a lot, they're fishing, they're hunting,
42 they're doing other things, and as maybe a point of
43 contact for following through is to see if there are
44 some female leaders in that community who are there on
45 a more consistent basis to follow up on this.
46
47 Thank you.
48
49 CHAIRMAN LOHSE: Doug.
50

1 MR. BLOSSOM: Yeah, Mr. Chair. Ricky.
2 You know, from my point of view, like we started with
3 the Cooper Landing thing, giving them C&T and we didn't
4 give them C&T for Unit C, but, you know, the first
5 thing I started reading is it says around 1850 Russian
6 explorers and it goes on to talk about Cooper Landing,
7 you know, they got a long -- I don't even have to ask
8 Cooper Landing residents, I know because I can read in
9 the literature they've got this long history and I know
10 what they did and they really need to bring that --
11 I've got to see that they have along-term history for
12 C&T. We're not denying that they aren't rural
13 residents, it's just the C&T, these factors, and that's
14 part of it. And so that's why with Cooper Landing, I
15 didn't argue about their finding of C&T because it's
16 right here.

17
18 CHAIRMAN LOHSE: Okay. We have left
19 some statewide proposals, WP08-01 and WP08 -- I can't
20 remember what the other one is off the top of my head.

21
22 MR. CARPENTER: Five.

23
24 CHAIRMAN LOHSE: Five. Should we put
25 these off until after lunch, take a break for lunch at
26 this point in time, it's already 25 to 1:00, I would
27 say we should start back about a quarter to 2:00; does
28 that sound right to everybody. We'll take an hour and
29 10 minute lunch break.

30
31 (Off record)

32
33 (On record)

34
35 CHAIRMAN LOHSE: I see we're about 10
36 minutes late for starting this after our noon break,
37 that's not too bad, it could have been a lot later, but
38 with that, we should wait for Donald. I saw Donald, he
39 had to run up the street and get something up the
40 street and he was going to come right back. I don't
41 think we need Donald to get started on this proposal,
42 we'll need him a little bit later on. So I think we'll
43 start right into the proposal at this point in time.

44
45 We're looking at WP08-01, this is a
46 statewide proposal.

47
48 MS. WILLIAMS: Thank you, Mr. Chair.
49 I'm Liz Williams with the Office of Subsistence
50 Management and the analysis for this proposal is on

1 Page 184 in your books. This proposal was submitted by
2 the Orutsararmiut Native Council of Bethel and it
3 requests three related points.

4

5 That the closing dates of the wolf
6 hunting and trapping season statewide
7 are extended to May 31.

8

9 That the harvest limit be increased to
10 10 wolves per day for the dates of
11 April 1 through May 31.

12

13 And that any restrictions to disturbing
14 or destroying wolf dens be removed from
15 the regulations.

16

17 The proponent seeks to expand and
18 increase hunting and trapping opportunities on wolf
19 populations statewide in order to provide for more
20 productive moose and caribou populations, which, are
21 important subsistence resources throughout the state.
22 However, as we discussed yesterday, the Board has a
23 predator management policy and they defer the predator
24 management stuff to the land management agencies who
25 have those issues.

26

27 So for those reasons the OSM
28 preliminary conclusion is to oppose this proposal.

29

30 CHAIRMAN LOHSE: Thank you. Bob.

31

32 MR. HENRICHS: Who proposed this. I
33 don't recognize this.

34

35 REPORTER: Bob.

36

37 MR. HENRICHS: You can still hear me.

38

39 MS. WILLIAMS: It's a tribal council
40 from Bethel.

41

42 MR. HENRICHS: Oh, okay. But it says
43 Native Council.....

44

45 REPORTER: Bob.

46

47 MR. HENRICHS:it doesn't say
48 tribal council and that's a big difference.

49

50 REPORTER: Bob.

1 MR. HENRICHS: Oh, yeah, right, you
2 heard me anyway, right, no, that's the tribal council
3 of Bethel, that's fine, but this says native council
4 and there's a big difference between a tribal.....
5
6 MS. WILLIAMS: It is, but.....
7
8 MR. HENRICHS:council and.....
9
10 MS. WILLIAMS: Excuse me, it is the
11 native council.
12
13 MR. HENRICHS:a Native council.
14
15 MS. WILLIAMS: Yeah, I'm sorry.
16
17 MR. HENRICHS: Yeah, so, that's a
18 difference.
19
20 CHAIRMAN LOHSE: Any other questions.
21
22 (No comments)
23
24 CHAIRMAN LOHSE: Larry.
25
26 MR. BUKLIS: Mr. Chairman. Maybe I'll
27 just volunteer this now.
28
29 Strictly speaking, since this proposal
30 so clearly speaks to predator control, and since the
31 Board has a policy in which it doesn't pursue predator
32 control as a Board, perhaps this proposal should have
33 been on screened out in our initial review of proposals
34 and assignment of them, that doesn't reflect on Liz at
35 all but those of us in the Program who manage the
36 incoming proposals, so it is before you because it was
37 submitted for public comment this summer as part of our
38 package of proposals to analyze and so it's before you
39 now. But we don't have a lot of latitude in analyzing
40 it and coming up with a conclusion or recommendation.
41
42 CHAIRMAN LOHSE: Larry, I see that you
43 talked to the proponent and in the talk that you had
44 with the proponent, he basically was saying that the
45 idea of the wolf limit he would like to take out of the
46 proposal but basically what he was looking to do was to
47 extend the date of wolf hunting and trapping seasons
48 statewide from April 1st to May 31st, and in the
49 discussion you had with him he does not say anything at
50 all about denning or predator control; am I correct on

1 that?

2

3 MS. WILLIAMS: The Staff who spoke to
4 the person isn't here today so I don't know the exact
5 contents of that conversation. She may have just
6 spoken with him on the dates that he wanted because
7 those may not have been clear in the original proposal
8 but the predator management aspect was.

9

10 CHAIRMAN LOHSE: Yeah, because the last
11 sentence says the proponent did intend to extend the
12 season, it was not -- the intent of his proposal was
13 not to put limits on wolf harvest. I think what
14 happened is probably from the area that he was in,
15 extending it to 10 wolves a day was an extension of the
16 limit and he didn't realize that other areas had 10
17 wolves or more, you know, so like he pointed out, his
18 intention was to extend the season.

19

20 Any other questions for Larry or our
21 presenter.

22

23 (No comments)

24

25 CHAIRMAN LOHSE: Hearing none, Alaska
26 Department of Fish and Game.

27

28 MR. HENRICHS: You have a question over
29 here.

30

31 CHAIRMAN LOHSE: Oh, I'm sorry, Ricky,
32 I didn't see you, my fault.

33

34 MR. GEASE: If the section on denning
35 was taken out would there be any conservation concerns
36 in your mind?

37

38 MR. BUKLIS: Mr. Chairman. Larry
39 Buklis, OSM. I don't know, we would need to address
40 that because the fundamental principle is predator
41 control and so that makes it sort of a non-starter with
42 the Federal Subsistence Board. So to go beyond that and
43 ask unit by unit is it a conservation issue skips the
44 starting point which it's predator control.

45

46 MS. WILLIAMS: At the North Slope
47 Council meeting, the local State biologist was there,
48 and he brought up the fact that in a lot of parts of
49 the state under State trapping regs there is no limit,
50 the seasons may be shorter but there is no limit in a

1 lot of places. Under Federal regs, I know here,
2 there's, I think, a limit, but State regs, so there
3 doesn't appear to be much of one. Some places yes, but
4 a lot of places no.

5
6 CHAIRMAN LOHSE: Okay. State of Alaska
7 now.

8
9 MR. HAYNES: Mr. Chairman. The
10 Department doesn't support this proposal. No evidence
11 is presented indicting that the proposed changes are
12 needed to provide for the continuation of subsistence
13 uses of wolves by Federally-qualified subsistence
14 users.

15
16 Any element in this proposal, season
17 extension, increased harvest limit or disturbing and
18 destroying dens could result in the overharvst of
19 wolves and create conservation concerns in some areas.
20 In Southeast Alaska, for example, increased harvest
21 could lead to wolves being listed as threatened or
22 endangered.

23
24 The poor pelt quality of wolves taken
25 in the spring in most areas of the state reduces their
26 value for subsistence uses.

27
28 So we have more details in our
29 comments, but the fact that this is basically being
30 considered as a predator control proposal, this is kind
31 of beyond the purview of the Federal Board, based on
32 how it's chosen to deal with predator management
33 issues.

34
35 Thank you.

36
37 Alaska Department of Fish and Game
38 Comments.

39
40 Wildlife Proposal WP08-01:

41
42 Liberalize wolf harvest regulations
43 statewide.

44
45 Introduction:

46
47 This statewide proposal would extend
48 the wolf hunting and trapping season by moving the date
49 to May 31; increase the hunting bag limit to 10 wolves
50 per day during the period from April 1 to May 31; and

1 delete any restrictions to disturbing or destroying a
2 den.

3

4 Impact on Subsistence Users:

5

6 Adoption of this proposal would: (1)
7 provide additional time and methods for Federally-
8 qualified subsistence users to hunt and trap wolves on
9 Federal lands in spring; (2) substantially increase the
10 harvest limit in some areas for wolves taken under
11 Federal subsistence hunting regulations on Federal
12 lands; and (3) authorize dens on Federal lands to be
13 disturbed or destroyed for the purpose of harvesting
14 wolves. These liberalizations would create wolf
15 management and conservation issues in some areas that
16 would likely result in reduced subsistence
17 opportunities to harvest wolves in the long term.

18

19 Opportunity Provided by the State:

20

21 State hunting regulations allow harvest
22 of wolves in May and/or authorize a bag limit of 10
23 wolves per day in some units where the wolf populations
24 can sustain these harvests. State regulations do not
25 authorize dens to be disturbed or destroyed.

26

27 Conservation Issues:

28

29 Any element in this proposal -- season
30 extension, increased harvest limit, or
31 disturbing/destroying dens -- could result in
32 over-harvest of wolves and create conservation concerns
33 in some areas. In southeast Alaska, for example,
34 increased harvests could lead to wolves being listed as
35 threatened or endangered. The poor pelt quality of
36 wolves taken in spring in most areas reduces their
37 value for subsistence uses.

38

39 Enforcement Issues:

40

41 Differences in Federal and State
42 regulations resulting from adoption of this proposal
43 create enforcement issues in areas with mixed land
44 ownership.

45

46 Other Comments:

47

48 No evidence is presented indicating
49 that the proposed changes are needed to provide for the
50 continuation of subsistence uses of wolves by

1 Federally-qualified subsistence users. Similar
2 proposals to manipulate predator populations that
3 benefit prey populations were submitted to, and
4 rejected by, the Federal Subsistence Board in 2005 and
5 2006 for the following reasons: (1) the Federal
6 Subsistence Board and the Department of Fish and Game
7 were concerned that extending the season statewide when
8 wolves have pups at the den site is contrary to sound
9 wildlife management principles; (2) The Federal
10 Subsistence Board and Department of Fish and Game noted
11 that hides of wolves taken in May are not prime and are
12 of low value for making clothing and handicrafts; and
13 (3) the Federal Subsistence Board reiterated that its
14 policy adopted in 2004 is to not promulgate regulations
15 specifically for predator control.

16
17 The proponent desires that each Federal
18 land management agency take action to facilitate active
19 predator management on Federal units. The State of
20 Alaska is actively engaged in intensive management of
21 wolves in some areas of the state in order to restore
22 healthy prey populations, but Federal land management
23 policies limit the effectiveness of State efforts. The
24 State would welcome opportunities to work with the
25 proponents to encourage Federal land managers to
26 reevaluate their land management policies that limit
27 the State's active management tools on most Federal
28 lands.

29
30 Recommendation:

31
32 Oppose the proposal but support the
33 Council(s) interest in encouraging cooperation between
34 the Federal land management agencies and the State to
35 allow active management of predators.

36
37
38 CHAIRMAN LOHSE: Thank you. Any
39 questions for Terry.

40
41 (No comments)

42
43 CHAIRMAN LOHSE: Thank you, Terry.

44
45 MR. HAYNES: Thank you.

46
47 CHAIRMAN LOHSE: Do we have any other
48 Federal, State and tribal agency comments on this
49 proposal.

50

1 (No comments)
2
3 CHAIRMAN LOHSE: InterAgency Staff
4 Committee comments.
5
6 (No comments)
7
8 CHAIRMAN LOHSE: Fish and Game
9 Advisory Committee comments.
10
11 (No comments)
12
13 CHAIRMAN LOHSE: No Fish and Game
14 Advisory Committee's have weighed in on it.
15
16 Summary of written public comments.
17
18 MR. MIKE: Mr. Chair. You'll find the
19 summary of written public comments beginning on Page
20 198.
21
22 This is from the Defender's of
23 Wildlife. They oppose the proposal to permit denning,
24 the destruction of wolf dens and the disturbance of
25 killing wolf pups in their dens on Federal lands
26 throughout the state. This practice would be to
27 promote the unnecessarily want and waste of wildlife
28 resources. Hunting and trapping are the accepted
29 means of limiting predator population on Federal lands
30 in Alaska. The destruction of dens and wolves hiding
31 within their dens is unnecessary and extreme. We
32 oppose the extension of the open season to May 31
33 because this would extend the hunt into pupping and
34 denning season and the wolf pelts are no longer prime
35 during May.
36
37 The Lake Clark National Park and
38 Preserve SRC voted to oppose WP08-01.
39
40 And the Seward Penn Advisory Council
41 unanimously opposed and their justification was
42 predator control is not part of the Federal Subsistence
43 Management Program.
44
45 The Southeast Regional Advisory Council
46 unanimously opposed the proposal and there was no
47 justification given at this time.
48
49 Western Interior also opposed the
50 proposal based on poor quality pelts and could be seen

1 as predator control contrary to sound principles of
2 wildlife management.

3

4 The Seward Penn Subsistence Regional
5 Advisory Council opposed the proposal, predator control
6 is not part of the Federal Subsistence Management
7 Program.

8

9 The Northwest Arctic -- the Northwest
10 Alaska Subsistence Regional Advisory Council opposed
11 the proposal stating that they concur with the OSM
12 analysis conclusion.

13

14 And the North Slope Regional Advisory
15 Council also opposed the program. Predator control is
16 not part of the Federal Subsistence Management Program.

17

18 The Central Peninsula Advisory
19 Committee voted for the proposal nine to zero. The
20 Advisory Committee members and public in attendance
21 support this proposal. This proposal reinstates the
22 historic activity of customary and traditional methods
23 and means of harvesting wolves. This proposal also
24 enables the customary and traditional method of
25 predator management to maintain healthy and abundant
26 moose and caribou populations to meet subsistence
27 needs. State predator management doesn't go far enough
28 to maintain abundant moose and caribou populations in
29 some areas to meet subsistence needs.

30

31 Mr. Chairman, that concludes the
32 summary of written public comments.

33

34 CHAIRMAN LOHSE: Is that all Donald.

35

36 MR. MIKE: Yes, that's all, Mr. Chair.

37

38 CHAIRMAN LOHSE: Okay, so we have one
39 in favor and the rest of them have been opposed?

40

41 MR. MIKE: That is correct.

42

43 CHAIRMAN LOHSE: Thank you. Okay. Do
44 we have any request for public testimony.

45

46 MR. MIKE: There are none.

47

48 CHAIRMAN LOHSE: Hearing none, let's go
49 on then to putting it on the table, WP08-01 so that we
50 can discuss it, amend it, modify it or vote it up or
down.

1 MR. CARPENTER: Mr. Chairman. I move
2 to adopt Proposal WP08-01.

3
4 MR. HENRICHS: Second.

5
6 CHAIRMAN LOHSE: It's been moved and
7 seconded to adopt Proposal WP08-01.

8
9 Discussion, comments, questions,
10 amendments. Anybody have anything to say.

11
12 (No comments)

13
14 CHAIRMAN LOHSE: I'll say something
15 right off the bat, I look at wolves as a very important
16 subsistence lifestyle asset because I know a lot of
17 subsistence users who, as far as their trapping,
18 consider wolves one of their economic sources of income
19 and I, myself, personally, would oppose any season that
20 takes wolves during the time they're not prime and that
21 would include the month of May as far as I'm concerned.
22 So I will be voting against this even if nobody else
23 does.

24
25 Tom.

26
27 MR. CARPENTER: Yeah, Mr. Chair, I'll
28 just make a couple comments. There's been -- the
29 public comment was pretty much unanimously opposed to
30 this including several different RACs from around the
31 state. There's potential biological concerns and it
32 also poses a potential impact to subsistence as you
33 have stated in regards to being specific to certain
34 people's needs.

35
36 So I will be opposing this too and if
37 there's no further comment I'll call the question.

38
39 CHAIRMAN LOHSE: Is there any further
40 comment.

41
42 MS. STICKWAN: I do.

43
44 CHAIRMAN LOHSE: Gloria.

45
46 MS. STICKWAN: In most of the units
47 there's liberal seasons for the take of wolves, the
48 guy's just trying to get rid of wolves, I mean.

49
50 CHAIRMAN LOHSE: Okay, if there's no

1 further comments, Tom has called the question.

2

3 (No comments)

4

5 CHAIRMAN LOHSE: All in favor of WP08-
6 01 signify by saying aye.

7

8 (No aye votes)

9

10 CHAIRMAN LOHSE: All opposed signify by
11 saying nay.

12

13 IN UNISON: Nay.

14

15 CHAIRMAN LOHSE: Motion fails. Okay,
16 WP08-05.

17

18 MS. WILLIAMS: Thank you, Mr. Chair and
19 the Council. I'm Liz Williams, OSM. And the analysis
20 for WP08-05 is on Page 200 in your books.

21

22 And this is a statewide proposal
23 submitted by the Alaska Department of Fish and Game.
24 It requests the removal of all unit specific
25 regulations related to the sale of brown bear
26 handicrafts made of skin, hide, pelt or fur, which
27 under Federal regs includes claws. It also requests
28 that the sales of handicrafts made of claws, bones,
29 teeth, sinew or skulls occur only between Federally
30 qualified subsistence users.

31

32 The proponent submitted this proposal
33 in order to refine Federal regulations, which, in its
34 view, allow for unconstrained sale of commercial
35 handicrafts and also create market incentives for
36 poaching.

37

38 But as we've reviewed the bear
39 conservation, bear biology literature throughout the
40 several proposals about brown bear handicrafts, or any
41 bear handicrafts that we've reviewed, it becomes pretty
42 clear in the literature that a lot of the conservation
43 concerns are due primarily to habitat loss but also to
44 the traditional Chinese medicine trade or the Asian
45 wildlife cuisine trade. So that's where a lot of the
46 problem seem to be coming from according to the
47 literature.

48

49 Under Federal current subsistence regs,
50 brown bear fur and claws can be used to make

1 handicrafts for sale, only if the bears were harvested
2 from units in the Eastern Interior, Bristol Bay and
3 Southeast Alaska. The other parts, such as bones,
4 teeth, sinew, and skulls can only be used for
5 handicrafts for sale from brown bear taken in Southeast
6 Alaska.

7
8 The proponent's description of the
9 people eligible to sell handicrafts made with these
10 parts would increase the types of bear parts available
11 for sale in much of the state because it would be all
12 units, not just those that want it. And it would also
13 narrow sales as we previously noted, only to sales
14 between other Federally-qualified subsistence -- rural
15 residents, excuse me.

16
17 Between 2002 and '07, the Federal
18 Subsistence Board considered seven proposals regarding
19 the sale of handicrafts made from some of the non-
20 edible parts of bears. And throughout this period, the
21 Board has consistently provided for the sale of
22 handicrafts made from the non-edible parts of bears
23 only where people consider it appropriate.

24
25 The legal use of brown bear claws and
26 other non-edible parts for handicrafts is consistent
27 with previous Board action and with Section .803 of
28 ANILCA. Also, as we've noted, previously, it's not
29 expected to increase harvest. There are no harvest
30 limit increases.

31
32 No evidence has been found to suggest
33 that current Federal subsistence regs adversely affect
34 brown bear populations, nor that Federal subsistence
35 regulations have led to an increased legal or illegal
36 harvest of brown bears.

37
38 For these reasons the OSM preliminary
39 conclusion is to oppose Proposal WP08-05.

40
41 Thanks, that's the conclusion.

42
43 CHAIRMAN LOHSE: Thank you. Questions.

44
45 (No comments)

46
47 CHAIRMAN LOHSE: I was wondering, are
48 there any cases pending or cases on record of anybody
49 being prosecuted for illegally taking brown bears and
50 selling their parts under subsistence regulations at

1 this point in time.

2

3 MS. WILLIAMS: We don't know of any,
4 Mr. Chair, I asked Dan Pruzinski, who is the head of
5 Fish and Wildlife Enforcement, I think, in our area and
6 he said he doesn't know of any either.

7

8 CHAIRMAN LOHSE: Do we have any idea of
9 what kind, you know, there was no sale before so
10 anything is an increase, do we have any idea of what
11 kind of volume or what kind of dollar value has been
12 generated by the availability of being able to use
13 brown bear parts in handicrafts.

14

15 MS. WILLIAMS: No, Mr. Chair, we have
16 no records of that.

17

18 CHAIRMAN LOHSE: Tricia.

19

20 MS. WAGGONER: Would passage of this
21 proposal -- basically this Council opposed a proposal a
22 couple days ago allowing the sale of handicrafts from
23 bears in Unit 11, so if this proposal passed that would
24 basically negate the other proposal and make it an
25 allowable activity.

26

27 MS. WILLIAMS: Yes, Ms. Waggoner for
28 certain things. The way I understand it is that you
29 would only be able to sell handicrafts made of fur; is
30 that the intent, that there would be no claws, because
31 the State has consistently opposed the sale of claws,
32 so as we read it, although I guess you could actually
33 -- sorry about that, I get mixed around in these
34 things, you could only sell them between Federally-
35 qualified subsistence users. You could actually sell
36 claws, bones, teeth, sinew or skulls but only between
37 other Federally-qualified subsistence users, you
38 couldn't have an open market. Sorry about that.

39

40 CHAIRMAN LOHSE: Larry.

41

42 MR., BUKLIS: Yes, Mr. Chairman. Ms.
43 Waggoner. Another way to look at this is this proposal
44 would broaden the geographic scope in terms of making
45 it statewide, but, then would narrow what is allowed.
46 Right now it's regionalized where more is allowed in
47 some places. This would make it uniformed but
48 narrower, but in some places that would be a broadening
49 because it's not allowed, if you see what I mean.

50

1 CHAIRMAN LOHSE: Larry, would this then
2 supersede local, I mean the reason it's not allowed in
3 some areas is the local users do not find this idea of
4 selling brown bear parts palatable, for a lack of a
5 better way of putting it. And by adopting this
6 proposal you would be allowing the sale of brown bear
7 parts in regions that currently don't find it
8 acceptable?

9
10 MS. WILLIAMS: Yes, Mr. Chair, that's
11 correct.

12
13 CHAIRMAN LOHSE: Any other questions
14 for them.

15
16 (No comments)

17
18 CHAIRMAN LOHSE: Thank you.

19
20 MS. WILLIAMS: Thanks.

21
22 CHAIRMAN LOHSE: Alaska Department of
23 Fish and Game.

24
25 MR. HAYNES: Mr. Chairman. I'll make
26 our comments very brief because the Council has heard
27 these kinds of concerns expressed before by the
28 Department.

29
30 The effects of this proposal would be
31 to allow the sale of brown bear fur handicrafts to
32 anyone to the extent that those sales are allowed under
33 State law. And State law does not allow the sale of
34 handicrafts made with bear claws, that's one of the key
35 elements here.

36
37 Brown bear handicrafts of any kind,
38 including claws, could be bartered by Federally-
39 qualified subsistence users. And as was mentioned by
40 Federal Staff, brown bear handicrafts with claws could
41 be sold to other Federally-qualified subsistence users
42 under the Federal regulations. So we see the effects
43 of this proposed regulation change as not impacting the
44 ability of rural residents or of urban Alaska Natives
45 to obtain brown bear handicrafts that might be needed
46 or used for ceremonial, religious and cultural
47 purposes. Adoption of this proposal would also
48 significantly reduce the likelihood that Federally-
49 qualified subsistence users would face State
50 prosecution for engaging in sales that are prohibited

1 under State law if they made such sales on State or
2 private lands.

3

4 And was mentioned, our proposal would
5 broaden the scope of this provision statewide, and if
6 it was adopted, people in regions could choose to take
7 advantage of it or not but it would, as was pointed
8 out, also narrow the types of handicrafts that could be
9 sold under the Federal regulations.

10

11 With that, I'll be happy to try to
12 answer questions you might have.

13

14 Alaska Department of Fish and Game
15 comments:

16

17 Wildlife Proposal WP08-05:

18

19 Change the regulations regarding sale
20 of brown bear handicrafts to allow sales of handicrafts
21 made from brown bear fur in all units and to restrict
22 sales of handicrafts made from claws, bones, teeth or
23 skulls to transactions between Federally-qualified
24 subsistence users.

25

26 Introduction:

27

28 Current Federal regulations allow
29 essentially unconstrained commercial sale of
30 handicrafts made from bear parts taken in some units as
31 a customary and traditional activity, without
32 substantial evidence demonstrating that such sales have
33 ever occurred. The sale of such handicrafts is limited
34 only by an unenforceable provision that prohibits sales
35 constituting a "significant commercial enterprise."
36 The current regulations also allow the purchase of
37 these handicrafts by persons who are not Federally-
38 qualified subsistence users, despite such purchases
39 being prohibited under State law and, as was pointed
40 out in the spring 2006 Federal Subsistence Board
41 meeting, that sales can even occur over the internet.

42

43 Sales of handicrafts made from brown
44 bear claws, teeth, skulls, and bones present a
45 particular problem, because these are potentially high
46 value items, and allowing sales creates market
47 incentives for poaching both in Alaska and other
48 states.

49

50 Black bear handicraft sales, although

1 not customary and traditional, do not create the high
2 level of conservation concern raised by sales of brown
3 bear handicrafts. Similarly, sales of brown bear
4 handicrafts do not raise the same level of concern if
5 limited to the skin or fur as defined in state
6 regulations; and even sales of handicrafts made with
7 claws and teeth do not currently raise extremely high
8 levels of concern if limited to sales among Federally-
9 qualified users.

10
11 Changing the regulation to continue to
12 allow the sale of brown bear fur products to anyone
13 (State allows sale of untanned brown bear hides) while
14 limiting sales of handicrafts made with brown bear
15 claws, teeth, bones and skulls to sales to other
16 Federally-qualified subsistence users should help
17 eliminate commercial markets and the masking of illegal
18 sales in Alaska and elsewhere.

19
20 Unit specific restrictions on sales are
21 almost impossible to enforce without tracking and
22 documentation requirements and are not needed for the
23 lower value fur handicrafts. This proposal will
24 eliminate the unit-specific sale allowances in order to
25 make the regulations more user-friendly and more
26 enforceable.

27
28 Impact on Subsistence Users:

29
30 This proposal will not restrict any
31 customary and traditional activity because sales of
32 brown bear handicrafts are not customary and
33 traditional. The Federal Subsistence Board's current
34 allowance of such sales was not based upon a
35 determination that such sales are customary and
36 traditional but was based upon the Board's unsupported
37 argument that the Board can authorize any use if the
38 take is customary and traditional (see e.g., January 2,
39 2006 letter from Chairman Demientieff to Commissioner
40 Campbell).

41
42 This proposal will continue to allow
43 rural residents to: sell brown bear fur handicrafts to
44 anyone (as allowed under State law); barter brown bear
45 handicrafts with anyone under Federal regulations; and
46 sell brown bear handicrafts to other rural residents
47 under Federal regulations. Therefore, this proposed
48 regulation change will not impair the ability of rural
49 residents or urban Alaska Natives to obtain such
50 handicrafts for ceremonial, religious and cultural

1 purposes.

2

3 Further, adoption of this proposal will
4 significantly reduce the likelihood that Federally-
5 qualified subsistence users will face State prosecution
6 for engaging in sales that are prohibited under State
7 law when they are on State or private lands.

8

9 Opportunity Provided by State:

10

11 Under 5 AAC 92.200, handicrafts made
12 with bear fur may be sold to anyone, but sales of
13 handicrafts made with claws, skulls, teeth, and bones
14 are prohibited. Whole bear skins, with claws attached,
15 taken in certain predator control areas may be sold
16 under 5 AAC 92.031, but only after sealing and under
17 terms of a permit issued for that bear skin.

18

19 Conservation Issues:

20

21 The Federal Subsistence Board created a
22 new market for bear claws and other high value bear
23 parts which likely masks illegal sales, thereby
24 compounding problems with the international trade of
25 endangered species and contributing to the illegal
26 harvest, over-harvest, and waste of bears in other
27 states and countries, as well as Alaska. Markets for
28 high value bear handicrafts create a conservation
29 concern because brown bears are protected under the
30 Endangered Species Act in other states and Mexico, and
31 the origin of brown bear products cannot be determined
32 by visual inspection. Brown bear are also listed on
33 Appendix II of the Convention International Trade of
34 Endangered Species (CITES).

35

36 In Alaska, economic incentives
37 associated with harvesting brown bear to make
38 handicrafts create conservation concerns because brown
39 bears develop slowly and have a low reproductive rate,
40 making small populations extremely susceptible to
41 over-harvest. Allowing a widespread sale of high value
42 bear parts without any kind of tracking mechanism is an
43 invitation to poachers. Further, the existing
44 regulations are unenforceable and inconsistent with
45 sound wildlife management principles.

46

47 Enforcement Issues:

48

49 This proposal will reduce enforcement
50 issues created by the existing Federal regulation in

1 several ways: (1) By limiting the pool of eligible
2 purchasers for high value bear parts, it will
3 significantly reduce the economic incentives for
4 poaching in other states and countries as well as in
5 Alaska. (2) By allowing the sales of brown bear fur
6 handicrafts from any Game Management Unit, as allowed
7 under State law, his proposal will eliminate
8 unenforceable unit-specific sales authorizations in
9 existing regulation. (3) The proposed regulation will
10 reduce the likelihood that Federally-qualified
11 subsistence users will face prosecution for attempting
12 to engage in sales on State or private lands that are
13 prohibited under State law.

14

15 Jurisdiction Issues:

16

17 The Federal Subsistence Board lacks
18 jurisdiction to allow sales of any wildlife handicrafts
19 when and where such sales are not customary and
20 traditional. In the past, the Federal Board has
21 rejected this argument, asserting that if any use is
22 customary and traditional, then the Board can authorize
23 any other use. It should be noted that the Board's
24 argument is inconsistent with its litigation stance in
25 the Chistochina Unit 12 moose case where it argued that
26 "customary and traditional use" is related to "how
27 resources are used after they are taken," and "not to
28 or a prerequisite condition for the taking itself."
29 State v. Fleagle, (Case 3:06-cv-00107-HRH) Doc. 32 at
30 22.

31

32 CHAIRMAN LOHSE: Ricky.

33

34 MR. GEASE: Can you explain the
35 rationale behind the State of not allowing a person to
36 use the sinew of a brown bear in terms of handicrafts,
37 sinew being something that traditionally would be used
38 for sewing?

39

40 MR. HAYNES: Through the Chair. I'm
41 not -- I'm struggling to remember where I've seen a
42 prohibition of using sinew attached with bear
43 regulations.

44

45 MR. GEASE: Well, it says here in your
46 definitions, proposed regulations, if you are a
47 Federally-qualified subsistence user you may sell
48 handicrafts of articles made from the claws, bones,
49 teeth, sinew or skulls of a brown bear to another
50 Federally-qualified subsistence users. And I'd like to

1 understand the rationale specifically for sinew, of why
2 that wouldn't be allowed to a broader context.

3

4 MR. HAYNES: Through the Chair. No, I
5 can't address that specifically, and I'd need to look
6 at this to see if I'm overlooking something.

7

8 CHAIRMAN LOHSE: It surprised me, too,
9 but now that I look at it, I see that this is, again,
10 caused by our region by region rules made on brown bear
11 hides. If you look you see that in Units 9A through C,
12 9E, 12, 17, 20 and 25, you can use the skin, hide,
13 pelt, fur, including claws and in Units 1 to 5, but in
14 Units 1, 3, 3 4 and 5 you can also use the hide, skin,
15 pelt, fur, claws, bones, teeth, sinew, and skulls, and
16 see you cannot use the skulls, the bones and the sinews
17 in Units 9A through C, 9E, 12, 17, 20 and 25, and
18 basically you can't use them in any place else because
19 no place has allowed brown bears to be used in
20 handicrafts. So I think it's dealing with exactly what
21 the Fish and Game is talking about. We have region by
22 region specific regulations now and the regions
23 themselves have disagreed as to what parts can be used
24 in the regions.

25

26 Ricky.

27

28 MR. GEASE: But wasn't this trying to
29 align the Federal regulations with the State
30 regulations.

31

32 MR. HAYNES: Through the Chair. No,
33 we're attempting to allow the sale of brown bear
34 handicrafts consistent with State regulations but
35 there'd be other provisions in Federal regulations that
36 would not be provided for in State regulations.

37

38 MR. GEASE: Right. And so my point
39 is, in State regulations, why don't the State
40 regulations allow the use of sinew in the State
41 regulations, I'm just trying to understand what
42 somebody has against using sinew which is a traditional
43 use of parts of animal in handicrafts.

44

45 CHAIRMAN LOHSE: If we look at the
46 proposal, they're allowing sale of teeth, sinew, and
47 skulls -- claws, bones, teeth, sinew and skulls but
48 only between qualified subsistence users, but they're
49 allowing the statewide sale of handicrafts made of
50 skin, hide, pelt, or fur between anybody. So what they

1 have done is they have taken the two regulations that
2 we currently have on the book, the broader one, which
3 goes to Unit 1 to 5, 9A, C, 9E, 12, 17, 20 and 25, and
4 they've applied that to the whole state and said that
5 those things can be sold to non-subsistence users.
6 They've taken the more restrictive one, or more broader
7 one, whichever way you want to look at it, more
8 restrictive by area, of the Units 1, 2, 3, 4 and 5, and
9 they've taken the things that are recognized in that
10 and they've said that those can only be -- the extra
11 things can only be sold to qualified subsistence users.

12

13 Bill.

14

15 MR. STOCKWELL: The question I'd have
16 and it comes from Ricky is saying, if somebody used a
17 piece of the hide and made something out of it but it
18 had sinew connecting it, does this make it so you
19 cannot sell it as a handicraft?

20

21 MR. HAYNES: Through the Chair. I'm
22 going to get back to Mr. Gease's question. I don't
23 believe the State definition of what is allowed and
24 disallows even references sinew, this is specifically
25 listed in the Federal regulations so I'm not sure that
26 -- I can't -- I don't have our codified State
27 regulations here to see what the State regulations --
28 that's why I'm struggling with what reference we have
29 to sinew in the State regulations, what is in the book
30 here is Federal regulations. And so that might be why
31 I'm having some trouble recalling the scope of what's
32 authorized or not in State regulation.

33

34 CHAIRMAN LOHSE: Okay. This is the
35 State's recommendation for Federal regulations, this is
36 not the current State regulations.

37

38 MR. HAYNES: Mr. Chairman. If we're
39 looking at the definitions on Page 201.

40

41 CHAIRMAN LOHSE: Well, I was looking at
42 the proposed proposal on Page 199 is what I was
43 looking at.

44

45 MR. HAYNES: Yes, and I believe that's
46 the same language that's on page 201.

47

48 (Pause)

49

50 MR. HAYNES: Mr. Chairman. I guess I

1 would say this, that we would not be saying that the
2 use of the sale of handicraft articles made with sinew
3 is a problem if we're not saying anything about that,
4 we're not saying that it should not be allowed in the
5 Federal regulations, I just can't go back and say what
6 the State regulations say about the use of sinew and
7 handicrafts that can be sold. So I'm sorry for that.

8

9

CHAIRMAN LOHSE: Tricia.

10

11 MS. WAGGONER: If I'm reading this
12 right if someone made something out of claws and they'd
13 taken the bear under Federal season they could not, in
14 turn, obtain money for that item from say a relative
15 that lived in Anchorage or Fairbanks because that
16 person would not be a Federally-qualified user so it
17 would quite of limit that familial exchange for money;
18 am I reading it right?

19

20 MR. HAYNES: Under our proposed
21 regulation, yes.

22

23

MS. WAGGONER: Thank you.

24

25 CHAIRMAN LOHSE: Any other questions
26 for Terry.

27

28

Tricia.

29

30 MS. WAGGONER: Just one more and this
31 was asked of Liz also, do you have any evidence since
32 the first passage, what, in 2002, that is there any
33 cases that you know of where someone took a bear under
34 Federal regulations that has a case against them now
35 for illegally selling it.

36

37

38 MR. HAYNES: Through the Chair. No, I
39 don't have any evidence of that. I would like to add
40 that one of the concerns we have is that there is no
41 tracking system in place to allow anybody to know
42 what's going on. And outside the context of these
43 meetings, some of us have been talking about whether
44 there was some way to develop a tracking system
45 specifically for claws because that's the high dollar
46 item, even though as I think was mentioned earlier, at
47 this meeting, artificial bear claws are being made
48 these days, certainly selling for a lot lower price
49 than original brown bear claws. But because that is a
50 high value item in many places yet, we've been talking
about whether there's ways to mark the claws that are

1 used in handicrafts that are then sold so that there
2 would be a way of tracking, are brown bears being taken
3 for this purpose and if so how many and if so what's
4 happening to those brown bear handicrafts.

5
6 So there's no evidence of a problem now
7 and even in the absence of a tracking system, I don't
8 believe -- I don't believe the absence of a tracking
9 system is preventing us from knowing now what's going
10 on but as time goes on we would like to have better
11 information so we're looking at potential tracking
12 systems.

13
14 CHAIRMAN LOHSE: Terry, I'm going to
15 ask a favor because I know this is going to come up
16 time and time again, and the one that always comes up
17 is claws, I would like some documentation that there's
18 a high price being paid for claws. My father-in-law
19 can't find it and he's dealt in those things before and
20 he can't find a high price being paid for claws and he
21 finds all of the imitation claws that are on the market
22 so readily available and so realistic that he can't
23 understand why there would be a high price for claws, I
24 know they don't have the same medicinal value as some
25 of the other bear parts -- or I won't say medicinal
26 value, I'll say -- now, I don't even know what word
27 you'd use for it but anyhow they don't have that kind
28 of connotation and I just have not been able to find --
29 personally, I have not been able to find a high price
30 for claws, you know, it's not -- you know, you could
31 say that you could go out and shoot a sheep today, if
32 you wanted to put it that way and sell the horns to
33 carvers in Anchorage and make a lot more off of a set
34 of sheep horns than you could off of any set of grizzly
35 bear claws that you'd get, at least as far as I've been
36 able to see and even a set of moose horns to carvers or
37 something like that, it's -- it's worth more than bear
38 claws. And I just have not been able to find -- I,
39 personally, have not been able to find and I'm not
40 looking for a market for myself.....

41
42 (Laughter)

43
44 CHAIRMAN LOHSE:but I've been
45 looking for a market, but I personally have not been
46 able to find a market for bear claws that would attract
47 me to the point where I would shoot a bear illegally
48 for the claws, that's for sure.

49
50 MR. HAYNES: Mr. Chairman. At previous

1 Board meetings where this regulation, these issues have
2 been addressed, there have been references made to the
3 value of brown bear claws.....

4

5 CHAIRMAN LOHSE: I know.

6

7 MR. HAYNES:I think in Canada
8 perhaps and perhaps outside in the Lower 48, whether
9 those are based on actual sales, whether those values
10 are fluctuating, I don't know, but we will certainly
11 see what current information we can find.

12

13 CHAIRMAN LOHSE: That's what I would
14 like to see. I could see, if you were talking about 15
15 years ago, bears claws were \$25 apiece. If you're
16 talking about today I think you're going to have a hard
17 time getting anything of any amount for a bear claw and
18 I may be wrong on that and all I can say is I
19 personally just tried to do some checking to see what I
20 could find on it and I was not able to find any high
21 dollar value for bear claws. Nothing that compared to
22 selling horn to the carvers in Anchorage, for example.

23

24 Mr. Stockwell.

25

26 MR. STOCKWELL: Yes, in the beginning
27 of the analysis it talks about wildlife cuisine
28 including the meat of bear paws, and yet -- and yet
29 there's nothing precluding the sale of bear paws, not
30 including the claws.....

31

32 (Laughter)

33

34 MR. STOCKWELL:in the proposal.
35 I'm not sure whether that's an inadvertent mistake or
36 whether there's really a big market for bear paws. I
37 didn't check that out along with bear claws.

38

39 CHAIRMAN LOHSE: Terry, I think you can
40 answer that. I think we've discussed that before, too.

41

42 MR. HAYNES: Well, I believe as
43 referenced in the Staff analysis talking about
44 gallbladders and paws are items that are used in the
45 medicinal trade in Asia.

46

47 MR. STOCKWELL: Yeah.

48

49 MR. HAYNES: And I don't know what else
50 to say about that, that's part of the analysis.

1 MR. STOCKWELL: That is.

2

3 CHAIRMAN LOHSE: That was one of the
4 things that's not included in customary trade and
5 barter in the discussions when we were talking
6 customary trade, that was not -- paws and gallbladders
7 were not considered customary trade items, traditional
8 customary trade items on bears, and they were
9 specifically left out.

10

11 MR. HAYNES: And gallbladders and paws
12 are not bear parts that are authorized for sale under
13 State regulations.

14

15 MR. STOCKWELL: Would you say when
16 they're skinned out.....

17

18 REPORTER: Bill. Bill.

19

20 MR. STOCKWELL:they're skinning
21 the paws out -- right, okay.

22

23 CHAIRMAN LOHSE: Yeah. Ricky.

24

25 MR. GEASE: Can I just get
26 clarification then what is allowed for sale, what can
27 you use on a bear that's taken in a State hunt, what
28 parts of a bear you can use in handicrafts for sale, is
29 it just the fur?

30

31 MR. HAYNES: Through the Chair. If we
32 look at Page 201 of your meeting book, existing State
33 regulations it says:

34

35 As except as provided for in 5 AAC
36 92.031, a person may not purchase,
37 sell, or barter, advertise or otherwise
38 offer for sale or barter any part of a
39 black bear except an article of
40 handicraft made from the fur of a bear.

41

42 Now, if we look at the State definition
43 of fur, fur is defined in State regulation:

44

45 To not include claws, otherwise the
46 definition of fur in State regulation
47 is the same as fur in Federal
48 regulation.

49

50 And that has been kind of the crux of

1 the issue here all along. So does that answer your
2 question?

3
4 MR. GEASE: A little bit. And then if
5 I may follow up.

6
7 CHAIRMAN LOHSE: Yes.

8
9 MR. GEASE: How many bears in an active
10 predator control area is an individual allowed under
11 State regulations?

12
13 MR. HAYNES: In active predator control
14 areas, I think there may be some places where two are
15 allowed but let me look at that.

16
17 (Pause)

18
19 MR. HAYNES: Mr. Chairman. I apologize
20 for the delay, I'm getting hit with questions that I
21 didn't have -- wasn't ready to answer.

22
23 CHAIRMAN LOHSE: That's fine, Terry.

24
25 MR. HAYNES: There's not a standard bag
26 limit for these predator control areas. Sometimes the
27 goal is to harvest X number of bears and individuals
28 could take as many as they want. I think that's the
29 case as was -- it was just whispered in my ear a
30 reminder of what the case is in Unit 20E.

31
32 MR. GEASE: Okay.

33
34 CHAIRMAN LOHSE: Yeah, basically the
35 idea is they take more than one bear.

36
37 MR. HAYNES: But there are taking bears
38 under the predator control provisions are different --
39 different than taking them under the general
40 regulations, so that's a very limited authorization in
41 State regulation.

42
43 CHAIRMAN LOHSE: Do you have comment,
44 Ricky.

45
46 MR. GEASE: Again, I just find it
47 amazing that we can -- you know that we're authorized
48 to go out and kill bears, yet we're not authorized as a
49 -- as a husband of a woman who's a hand crafter, I
50 mean, you're not able to use any of the parts of it for

1 handicrafts, we can eat it, we can use the fur but we
2 can't use the bones, teeth, skulls, anything else that
3 are not necessarily of high value.

4
5 CHAIRMAN LOHSE: Do we have any other
6 questions for Terry.

7
8 (No comments)

9
10 CHAIRMAN LOHSE: Terry.

11
12 MR. HAYNES: Mr. Chairman. I may want
13 to get back to you on that because I.....

14
15 CHAIRMAN LOHSE: Terry, you got a
16 comment on that.

17
18 MR. HAYNES: Well, I want to make sure
19 that you're not under the wrong assumption about what
20 is allowed but I just need to think a bit more about
21 the question.

22
23 CHAIRMAN LOHSE: Okay. With that we'll
24 go on to other Federal, State and tribal agency
25 comments, do we have any.

26
27 (No comments)

28
29 CHAIRMAN LOHSE: And, Terry, you know,
30 I want to apologize if it looked like I was putting you
31 on the spot on the value of bear claws but that's
32 something, it comes up all the time that I'm extremely
33 interested in and, personally, I'm not saying that it's
34 not true, but, personally, I have not been able to find
35 that kind of market.

36
37 InterAgency Staff Committee comments.

38
39 (No comments)

40
41 CHAIRMAN LOHSE: Fish and Game Advisory
42 Committee comments.

43
44 (No comments)

45
46 CHAIRMAN LOHSE: Summary of written
47 public comments.

48
49 MR. MIKE: Mr. Chair. The summary of
50 written public comments begins on Page 212. We

1 received two written public comments from the Copper
2 River Native Association and AHTNA, Inc., and they both
3 oppose the proposal, 08-05, stating that they do not
4 harvest brown bear.

5
6 The Southeast Alaska Regional Advisory
7 Council opposed the proposal, and there was no
8 justification given at this time.

9
10 The Western Interior opposed proposal,
11 no record of abuse, unnecessarily restricts subsistence
12 users.

13
14 The Seward Peninsula Council opposed
15 the proposal stating that predator control is not part
16 of the Federal Subsistence Management Program.

17
18 And the Northwest Alaska Regional
19 Advisory Council concurred with the OSM analysis
20 conclusion.

21
22 The North Slope Regional Council
23 opposed the proposal and stating that it would be
24 detrimental to subsistence users.

25
26 Gates of the Arctic National Park
27 Subsistence Resource Commission on Proposal WP08-05 to
28 limit the sale of bear handicrafts in Units as stated
29 in the proposal, they opposed the proposal. On their
30 justification, the SRC takes the position of deference
31 to the interest of subsistence users in their home
32 Regional Advisory Council areas and thus opposes the
33 State's using regulations to limit sale of bear
34 handicrafts to other Federally-qualified subsistence
35 users where this practice is considered customary.

36
37 The Lake Clark Subsistence Resource
38 Commission opposes the proposal.

39
40 That concludes the written summary of
41 public comments, Mr. Chair.

42
43 CHAIRMAN LOHSE: Did I hear correct
44 there were no written comments in support of the
45 proposal?

46
47 MR. MIKE: That is correct.

48
49 CHAIRMAN LOHSE: Thank you. Do we have
50 any public testimony.

1 MR. MIKE: None, Mr. Chair.
2
3 CHAIRMAN LOHSE: Thank you. In that
4 case then a motion to put WP08-05 on the table is in
5 order.
6
7 MR. CARPENTER: Mr. Chair. I move to
8 adopt Proposal 08-05.
9
10 CHAIRMAN LOHSE: Do I hear a second.
11
12 MR. STOCKWELL: Second.
13
14 CHAIRMAN LOHSE: It's been moved and
15 seconded to adopt Proposal WP08-05. Would the maker of
16 the motion wish to speak to it.
17
18 MR. CARPENTER: Mr. Chair. All I would
19 say is similar to what you have said in regards o the
20 bear claws and with all the other RACs and SRCs in
21 opposition, also the Copper River Native Association
22 and AHTNA in our home region are also both opposed to
23 this, I would not be in support of this.
24
25 CHAIRMAN LOHSE: Any other comments,
26 discussion.
27
28 Bill.
29
30 MR. STOCKWELL: I was the second on
31 this motion, thank you, Mr. Chairman.
32
33 I agree with what Tom said and I don't
34 think that this is going to improve any conservation
35 issues so -- and I also believe that it works better
36 where we have area by area choosing how they want to
37 have the sale and barter and use of brown bear parts on
38 an area by area basis, rather than on a statewide
39 basis. So I'll be opposing this proposal.
40
41 Thank you.
42
43 CHAIRMAN LOHSE: Thank you. I think
44 when you talk conservation issues one of the things
45 that we've brought out time and time again is show us a
46 problem, if there's a problem we will address it. But
47 at this point in time, all of the problems involved
48 with bear parts have been -- I won't even say
49 perceptions they've been perceived possibilities, not
50 even perceived what's going on. So I would be more

1 than happy to readdress this if there was a problem
2 someplace and if there was a problem I'm sure this
3 Council would take action, you know, to alleviate that
4 problem. But at this point in time I haven't seen a
5 problem, so I don't consider it a conservation concern
6 either.

7

8 MR. CARPENTER: Question.

9

10 CHAIRMAN LOHSE: Question's been
11 called. All in favor of WP08-05 signify by saying aye.

12

13 (No aye votes)

14

15 CHAIRMAN LOHSE: All opposed signify by
16 saying nay.

17

18 IN UNISON: Nay.

19

20 CHAIRMAN LOHSE: Motion fails. And
21 this does not mean that there isn't a potential problem
22 and that's something that has to be kept looking at for
23 the future but at this point in time no problem has
24 actually been brought to our attention.

25

26 So with that let's take a break for
27 about five minutes and we'll go on with the rest of the
28 agenda.

29

30 (Off record)

31

32 (On record)

33

34 CHAIRMAN LOHSE: Okay, I'd like to call
35 this spring meeting of the Southcentral Regional
36 Federal Subsistence Advisory Council back in session.
37 We have finished our proposals and we are going on to
38 the rest of the agenda.

39

40 I believe one of our Council members is
41 leaving tonight, right, Bill.

42

43 MR. STOCKWELL: Yes, I am, I'm going to
44 try, I hope I can get out okay.

45

46 CHAIRMAN LOHSE: And pretty much the
47 rest of you are stuck until tomorrow. All right, we're
48 going to go on to the annual report, Donald, can you
49 give us a synopsis on that.

50

1 MR. CARPENTER: Our court reporter
2 wants to leave tonight, too.

3
4 REPORTER: No, she doesn't. Don't say
5 that, it's tomorrow, by noon.

6
7 (Laughter)

8
9 MR. MIKE: Thank you, Mr. Chair.
10 During the break I handed out the Council's draft
11 annual report, copies from last fall and also handed
12 out the report from the Native Village of Eyak, a hand
13 out and a newsletter from Wrangell-St. Elias, their ORV
14 planning newsletter.

15
16 The Council at their fall meeting
17 discussed items that they would like to include in the
18 annual report for that year and the coordinator usually
19 drafts the annual report based on the Council's
20 discussion at the fall meeting and at this spring
21 meeting it is the time to approve the items that the
22 Council discussed at the fall meeting.

23
24 At our fall meeting, the Council wanted
25 to put in the annual report, the Partner's Program. To
26 continue and support that program.

27
28 Brown bear in Unit 15, there's a --
29 it's an important subsistence resource for the Kenai
30 Peninsula and the Council basically requested that the
31 Federal managers request that they conduct population
32 studies on brown bear on the Kenai Peninsula.

33
34 The Regional Advisory Council
35 deference, when the Federal Subsistence Board doesn't
36 give deference to the Council, the Board provide a
37 clear written statement as to why they did not give the
38 Regional Council deference to their recommendations.

39
40 The Office of Subsistence Management
41 budget. The Council is aware of the budget cuts and
42 needs to hold meetings in Anchorage but the Regional
43 Advisory Council also recognized that meeting in other
44 outlying communities is important to get the community
45 involved when there are important subsistence resource
46 concerns.

47
48 Meeting cycles. The Council would like
49 the Board to go back to the annual cycle of dealing
50 with fish and wildlife proposals rather than on a two

1 year cycle.

2

3

4 One last item the Council brought
5 forward on their annual report items, is the population
6 of moose and sheep has declined in Units 11, 12, 13 and
7 15. And basically the Council is requesting that the
8 Board look at some sort of management tool to maintain
9 and promote the healthy population of moose and sheep.

9

10 Mr. Chair, that's my synopsis of the
11 annual report items that the Council discussed at their
12 last fall meeting.

13

14

15 CHAIRMAN LOHSE: Thank you, Donald.
16 You all have the annual report in front of you. Does
17 anybody have any changes or additions or things that
18 they'd like to put in this annual report.

18

19

Ricky.

20

21

22 MR. GEASE: Can somebody clarify the
23 intent of what type of management of wolves and bears
24 must be considered to promote healthy population of
25 moose and sheep to increase subsistence opportunities
26 considered that we have not forwarded on predator
27 control proposals that were kind of aimed at that, so
28 what other types of management are there besides
29 predator control, management of wolves and bears
30 specifically that would not be predator control
31 management, that seems to me a contradiction in what
32 we're asking, sending forward to the Board.

32

33

34 CHAIRMAN LOHSE: I think the idea
35 behind this, Ricky, is we can't put forth proposals
36 that directly affect predator control but all of these
37 members of the Board represent different land
38 management groups or management things and as a
39 Subsistence Board it's been left up to the -- the Board
40 itself does not take action on predator control but
41 leaves it up to the land managers, and these people
42 that are sitting on the Board are the heads of the land
43 management areas, and this is bringing it to their
44 attention as land managers that we feel that something
45 needs to be done about it, you know, and it's within
46 their scope to decide what or how to do something about
47 it or whether or not they even want to do something
48 about it. But we're just bringing it to them that as a
49 subsistence Council we see this as a problem.

49

50

Does that answer your question?

1 MR. GEASE: Thank you.
2
3 CHAIRMAN LOHSE: Bill.
4
5 MR. STOCKWELL: Yes, I got a question
6 on the brown bear.....
7
8 REPORTER: Bill. Bill.
9
10 MR. STOCKWELL: Excuse me. I've got a
11 question on the brown bear issue. The statement says
12 that Unit 15 is a -- brown bear is a subsistence
13 resource to the resident of the Kenai Peninsula,
14 actually most of 15 -- 15A and B has no Federal
15 subsistence priority, and so that's a bit misleading.
16 I agree that asking for bear -- request for Federal
17 land managers to conduct population studies is a great
18 idea and I support that completely, but I'm wondering
19 if that first statement's a little misleading because
20 it's only Ninilchik that has C&T for 15C according to
21 the book, unless I'm reading the book wrong.
22
23 CHAIRMAN LOHSE: Well, what we could do
24 is just say for some residents.
25
26 MR. STOCKWELL: That might be fine. I
27 just don't want -- I want.....
28
29 CHAIRMAN LOHSE: And that would be an
30 accurate.....
31
32 MR. STOCKWELL: That would be accurate.
33 I think this might be -- this is a little misleading if
34 somebody reads it.
35
36 CHAIRMAN LOHSE: Greg.
37
38 MR. ENCELEWSKI: Yeah, I mean you're
39 correct, we only have that in 15C but I mean it is
40 still an important resource to all of the 15 unit and
41 I'm sure you'll be putting in a proposal to utilize it.
42
43 MR. STOCKWELL: I just as soon not, but
44 that's okay, thank you. I just -- until somebody does
45 puts in C&Ts for the rest of 15 I wonder if we ought to
46 change the wording.
47
48 Thank you.
49
50 CHAIRMAN LOHSE: If it's no objection

1 to anyone here, we can just add that it's a subsistence
2 resource for some rural residents of the Kenai
3 Peninsula.

4
5 MR. ENCELEWSKI: Sounds good.

6
7 CHAIRMAN LOHSE: And that way it covers
8 everybody. Gloria.

9
10 MS. STICKWAN: I have a question.

11
12 CHAIRMAN LOHSE: Yes.

13
14 MS. STICKWAN: I don't know if there's
15 going to be a public hearing before the Federal Board
16 on C&T or if we will be able to give public testimony
17 and if it isn't, we're not allowed to and they're going
18 to do this -- the Federal Board's going to do it by
19 themselves, I'd like something in here to amend their
20 comments to the Board.

21
22 CHAIRMAN LOHSE: That's what you and I
23 talked about, how would you -- C&T for what, I can't
24 remember what.

25
26 MS. STICKWAN: The policy. The
27 C&T.....

28
29 CHAIRMAN LOHSE: The C&T policy. And
30 how would you like to word that or what would you think
31 that we should put in that Gloria?

32
33 MS. STICKWAN: AHTNA, Inc., turned in
34 public comments and I just wanted to add into our
35 comments No. 4, under AHTNA's comments -- I think you
36 all got copies of these comments from Donald Mike. It
37 was mailed to me anyway all the comments.

38
39 CHAIRMAN LOHSE: Uh-huh.

40
41 MS. STICKWAN: And it just says that if
42 someone's going to challenge to a C&T determination
43 that has already been made for an area of community
44 that they should -- if they're going to modify or
45 rescind a C&T determination that they should show
46 substantial new information supporting the proponent's
47 claim.

48
49 CHAIRMAN LOHSE: And she was thinking
50 of that also when we were talking about to amend, add

1 to, rescind or anything like that, to C&T, that there
2 should be substantial new information brought before
3 the Council, before the request is brought back again.
4 Does that sound reasonable to everybody.

5
6 MR. CARPENTER: Yep.

7
8 CHAIRMAN LOHSE: Donald, do you.....

9
10 MR. MIKE: Mr. Chair. Can you restate
11 your statement please.

12
13 CHAIRMAN LOHSE: That.....

14
15 MS. STICKWAN: It's already written in
16 AHTNA's comments, No. 4.

17
18 MR. MIKE: Okay, thank you.

19
20 CHAIRMAN LOHSE: But basically that
21 before C&T is amended, added to, rescinded or anything
22 like that, current C&T, that substantial new evidence
23 be brought before the Council. Okay. Okay, anything
24 else that anybody sees that they -- Donald.

25
26 MR. MIKE: Mr. Chair. I think Mr.
27 Larry Buklis had a response to Ms. Stickwan's
28 statement.

29
30 CHAIRMAN LOHSE: Okay.

31
32 MR. BUKLIS: Thank you, Mr. Chairman.
33 Yes, later in your agenda you have us down for a
34 briefing on the status of the C&T policy and at that
35 time I was going to make available to you copies of the
36 comments received that Ms. Stickwan referenced. So if
37 you're looking to Donald for copies of those comments,
38 I have sets of those comments.

39
40 CHAIRMAN LOHSE: Okay. Anything else
41 that anyone else sees that they'd like to add to the
42 annual report or amend that's in the annual report.

43
44 MR. CARPENTER: Do we need a motion to
45 forward it.

46
47 CHAIRMAN LOHSE: Motion to approve is
48 in order. Donald.

49
50 MR. MIKE: Mr. Chair. When I was

1 drafting this annual report for the Council on the
2 subject of meeting cycles, I was just looking through
3 my notes and trying to get more information as far as
4 returning the meeting cycle to a yearly cycle to
5 address fish and wildlife proposals, so if there's any
6 additional items that you'd like to add to this
7 paragraph to make it more -- make the statement more
8 stronger.

9

10 CHAIRMAN LOHSE: Well, the only thing
11 that I could say would be that the Council requests
12 that the Board returns to this for our area, for
13 Southcentral, due to the complex, you know, population
14 and everything that we have, you know, I can see that
15 there are areas of the state that this isn't necessary
16 but I kind of think that for Southcentral it would be
17 worthwhile to -- otherwise we have a two year wait all
18 the time between proposals and actions.

19

20 So you could add in there that we're
21 only requesting this for Southcentral.

22

23 MR. MIKE: Thank you, Mr. Chair.

24

25 CHAIRMAN LOHSE: Does anybody else have
26 a problem with that.

27

28 MR. ENCELEWSKI: No.

29

30 MR. BLOSSOM: No.

31

32 CHAIRMAN LOHSE: No, okay. Ricky, you
33 have a problem with that, yeah, you only signed on for
34 one a year, right.

35

36 MR. GEASE: Well, yeah.....

37

38 (Laughter)

39

40 MR. GEASE: I just signed up for one --
41 I just find it interesting that we had a conversation
42 earlier today where we were just talking about we only
43 have two years worth of data on one of the proposals so
44 it seems two years is not long enough and other ways,
45 you know, one year is perfect, so I'm just pointing
46 that out.

47

48 CHAIRMAN LOHSE: No, we're not talking
49 about collection of data, we're talking about having
50 proposals come before us on a yearly basis, both for

1 game and for fish instead of holding game proposals for
2 two years and fish proposals for two years. And I, you
3 know, personally I doubt if we'll get that because of
4 budget cuts but I think we should bring it to their
5 attention that that would be our recommendations
6 because of the complex nature of Southcentral Alaska.

7

8 Bill.

9

10 MR. STOCKWELL: Like the State does,
11 and have Southcentral fishing meetings that go on for
12 two and three weeks.

13

14 CHAIRMAN LOHSE: Yeah. Okay. Any
15 other changes, additions, corrections, or anything, if
16 not, I think we have a motion on the table.

17

18 MR. CARPENTER: No, Mr. Chair, I'd make
19 a motion to approve the draft agenda [sic] be forwarded
20 to the Federal Subsistence Board.

21

22 CHAIRMAN LOHSE: As amended.

23

24 MR. CARPENTER: As amended.

25

26 MS. WAGGONER: Second.

27

28 CHAIRMAN LOHSE: Okay. There's a
29 motion on the table to approve the draft agenda -- the
30 draft agenda -- the draft report, annual report, as
31 amended to the Subsistence Board.

32

33 Any discussion on it.

34

35 (No comments)

36

37 CHAIRMAN LOHSE: If not, the question
38 is in order.

39

40 MR. STOCKWELL: Question.

41

42 CHAIRMAN LOHSE: The question's been
43 called. All in favor signify by saying aye.

44

45 IN UNISON: Aye.

46

47 CHAIRMAN LOHSE: All opposed signify by
48 saying nay.

49

50 (No opposing votes)

1 CHAIRMAN LOHSE: Motion carries. Okay,
2 now, we have a call for proposals to change Federal
3 subsistence fishery regulations for the 2009-2011
4 regulatory years. This is for our April 1, 2009 to
5 March 31st, 2011 season. That's because we're on a two
6 year cycle. And this is a call for proposals. Those
7 proposals can either come from this Council or we can
8 put the call out to the audience and to anybody that we
9 know in our home communities to submit proposals to the
10 Board for changes during that cycle.

11
12 Donald.

13
14 MR. MIKE: Thank you, Mr. Chair. I was
15 just going to remind the Council that there's a
16 proposal form on the back of the table, call for 2009-
17 2011 subsistence fisheries proposals and the deadline
18 is March 27, 2008.

19
20 CHAIRMAN LOHSE: Okay. Did we all get
21 that, the deadline for submitting proposals is March
22 27, 2008 so if you know anybody that wants to put a
23 proposal in, pick up some application blanks and turn
24 them into Donald or Council or whatever.

25
26 Okay, now we're going to go on to
27 agency -- unless, oops, we got somebody who wishes to
28 say something to us, my fault, I'm getting ahead of
29 myself.

30
31 MR. BERG: Thank you, Mr. Chair.
32 Members of the Council. Jerry Berg with Fish and
33 Wildlife Service out of Anchorage.

34
35 I did draft up a fish proposal that I
36 think I sent a copy -- put a copy in front of
37 everybody, a couple of members I gave copies to
38 yesterday. If you don't still have your copy I got a
39 few extras. But I did want to talk to the Council a
40 little bit about it, it won't take very long, I don't
41 think.

42
43 But there was a group of Federal folks
44 that were involved with the first year of implementing
45 the Kenai fish regs last summer, got together after the
46 season to discuss how things went and how we could do
47 things better, and we came up with a few suggested
48 changes that we thought would help clarify the
49 regulations and then this past February, the Board of
50 Fisheries met and made a few changes to the Upper Cook

1 Inlet regulations that we also included in here.

2

3 So that hand out that I provided has
4 got some red text on the front page, provides some of
5 those changes, and I can go through those real quick,
6 they're pretty short. We tried to keep the changes to
7 a minimum of what we thought would help clean things
8 up. If you want me to try to go through those real
9 quick, page by page to kind of give you an overview of
10 what we did, we'd like to -- I think it would be better
11 if the Council would take action on this proposal as a
12 Council proposal rather than coming from the agency, if
13 the Council would agree to forward some or all of these
14 changes.

15

16 Mr. Chair.

17

18 CHAIRMAN LOHSE: Okay, maybe we could
19 quickly run through the changes, the changes are pretty
20 simple as far as I can see and I think most of the
21 changes are probably within what this Council would
22 approve, I don't know about us submitting it as a
23 proposal ourselves but we could put a recommendation on
24 it, I would think, one way or the other.

25

26 Greg.

27

28 MR. ENCELEWSKI: Yeah, I think that's
29 fine. I mean I had a couple questions. I went through
30 it already, do you just want to answer them at the end
31 or as you go through it?

32

33 CHAIRMAN LOHSE: As we go through it,
34 do you mean the stuff that's in red?

35

36 MR. ENCELEWSKI: Yeah, well, as Jerry
37 comes through it, you're going to come to -- you know
38 it used to be just, you know, immediately, you changed
39 everything to immediate and you put 50 feet from where
40 the fish is removed from the water, I just thought that
41 was a little short, you know, if I got my knife up in
42 camp or whatever, but anyway that's the main comment I
43 had.

44

45 CHAIRMAN LOHSE: To me, I saw that
46 immediately all the time before and that rang a bell
47 because we had the same problem on the Copper River,
48 but the define immediately as prior to concealing, you
49 know, and so immediately doesn't mean that it has to
50 happen instantly. Immediately means prior to

1 concealing the fish from plain view or transporting the
2 fish more than 50 feet, and maybe 50 feet is a little
3 short, but other than that immediately doesn't mean
4 that somebody's going to get you if you haven't marked
5 them prior to walking off the -- you know, walking out
6 of the river.

7

8 So, Jerry, if you want to run us
9 through them real quick, I don't find very many in
10 here, and then the Council can decide if they want to
11 just make a motion to recommend them or submit them as
12 a proposal from themselves, it's up to the Council.
13 Okay.

14

15 MR. BERG: Okay. Well, we'll just go
16 through -- and that first change that Greg was just
17 mentioning, it's probably the biggest change and that
18 was brought forward as a concern from some of the law
19 enforcement folks, they didn't feel like what we had in
20 regulation was -- they thought it was difficult to
21 enforce some of that, and then when I went through
22 there we had it in eight different places, a report,
23 recording requirement, and we didn't say it the same
24 way in all of those places, and so I went through and
25 added this, basically a definition of immediately and
26 the Chair's correct that was taken directly out of the
27 Upper Copper River regulations where we have it in
28 place up there. And so then to follow through on that
29 I tried to make the wording the same or very similar
30 throughout the regulations in all the eight places that
31 it occurs.

32

33 So that's probably the biggest change.

34

35 The second change on the front page is
36 just there was some confusion over where Silver Salmon
37 rapids was so we thought well we'll just get rid of
38 that and say how far down below the boat ramp our
39 marker is. We have a marker posted on the river down
40 there so that's just, you know, cleaning that up.

41

42 The second page is, again, just kind of
43 cleaning up the recording and reporting requirements in
44 a couple of places on that page.

45

46 Page 3, that's a reporting/recording
47 requirement. Just changing the language there. There,
48 we did use immediately, some places we used it, and
49 some we didn't, and so we're just trying to clean that
50 up and make it consistent throughout.

1 MR. BLOSSOM: On Page 3, 4, a little --
2 are you going to explain more about harvest under the
3 ice.

4
5 MR. BERG: Yeah, it's more clearly
6 stated in our public regs book.

7
8 MR. BLOSSOM: Okay.

9
10 MR. BERG: We have a section that's
11 just for the Tustumena ice fishery separated out, so it
12 kind of does get jumbled up in the codified regulations
13 here, but when you look at our public book, the
14 Tustumena Lake ice fishery is separated out so that
15 it's more explanatory that that's a separate fishery,
16 you have to have a separate permit and it's got, you
17 know, the gillnet provisions as well as jigging.

18
19 Page 4, reporting and recording
20 requirements at the top of that page. And then towards
21 the bottom of that page in red it talks about when the
22 report -- the permit is due back to the in-season
23 manager. That was an issue of the end of the
24 dipnetting season is different than the end of the rod
25 and reel season and we didn't want to issue two
26 different permits so, you know, to make it a little bit
27 easier for everybody to have one permit, we'd just say,
28 well, let's just say that the report -- the permit is
29 due back by the date listed on the permit and we'll
30 identify that date on the permit instead of -- because
31 the season dates were different for those two different
32 methods. So that's why that issue is there.

33
34 Nothing on 5.

35
36 And then on Page 6, that's the due date
37 issue again and then cleaning up reporting and
38 recording requirement on the top of that page.

39
40 And then in the middle of Page 6 is a
41 change that the Board of Fisheries made, they changed
42 the slot limit for the early run chinook from -- it
43 used to be 44 to 55 inches. You had to release those
44 fish and they changed that to 46 inches, so they
45 changed it by two inches. And so we included that
46 change there. And then immediately, recording
47 requirement at the bottom of that page followed on to
48 the top of Page 7.

49
50 And then same thing down two-thirds of

1 the way down on that page, and then the Board of Fish
2 also made a change in Hidden Lake for lake trout, they
3 reduced the harvest limit for lake trout on Hidden Lake
4 from two to one and if you remember when we went
5 through these regulations we basically doubled the bag
6 limits for most of the bag limits that the State had in
7 place and so if we were going to keep with that
8 reasoning then we would drop ours down to two.

9
10 And then, of course, these are draft --
11 and that's all the changes, these are draft proposed
12 changes. And, you know, like Greg was saying, maybe
13 there's a better way to word it, 50 feet, or, you know,
14 if you want to change it, this would go through a
15 regular analysis this summer and be brought before your
16 Council next fall for final action.

17
18 And I guess my only comment on, you
19 know, I think it would be better if it would be a
20 Council proposal just because, you know, the perception
21 when an agency puts a proposal out there, it has a
22 different perception than when it comes from the users
23 themselves. It's always better to have a proposal from
24 the user, so that was kind of my thinking there. So
25 that's it.

26
27 Thank you, Mr. Chair.

28
29 CHAIRMAN LOHSE: Personally, I don't
30 see why this even has to be put into a proposal because
31 we've done things like this -- the only one that would
32 possibly have to be put into a proposal is the
33 definition of immediately, and this Council used that
34 definition on the Copper River, if I remember right.

35
36 MR. BERG: Uh-huh.

37
38 CHAIRMAN LOHSE: This is taken right
39 out of the Copper River regulation.....

40
41 MR. BERG: Yes.

42
43 CHAIRMAN LOHSE:book, isn't it?

44
45 MR. BERG: Yes. Yes, it is, Mr. Chair.
46 Yes.

47
48 CHAIRMAN LOHSE: Yes.

49
50 MR. PAPPAS: Mr. Chair. George Pappas,

1 Department of Fish and Game. Just a little piece of
2 information about this immediately on the first page.
3 As the previous area manager for the Kenai River
4 personal use and sportfish fisheries, this would be
5 very difficult to enforce, especially for a moving
6 boat, so just getting this intent on the table, the
7 definition could be figured out later, but this would
8 be very difficult -- if you're dipnetting in Moose
9 Range Meadows and you get your fish, you're floating
10 down river towards the rocks and try to tag -- mark,
11 and record the fish at the same time, that'd be
12 challenging, but that's something that could be worked
13 out later, as you said earlier.

14

15 Thank you, Mr. Chair.

16

17 CHAIRMAN LOHSE: I was thinking that
18 removed from the water meant from the time you docked
19 your boat and took the fish off the river and was
20 walking up the bank, I wasn't thinking from the time
21 that you caught the fish and your boat drifted down 50
22 feet.

23

24 (Laughter)

25

26 CHAIRMAN LOHSE: But I mean that.....

27

28 MR. PAPPAS: Mr. Chair. The situation
29 did come up, an enforcement situation where the
30 personal use fishery at the mouth of the Kenai River,
31 once you pass the WarrenAimes (ph) Bridge in your boat,
32 you're out of the fishery and that's how they were
33 citing folks, if you came across, not the boat ramp up
34 river somewhere, but when you left the actual fishery,
35 that was in a boat, if you're on shore, once you
36 grabbed your fish and drug it up to shore you're no
37 longer in the fishery, you're on that site, and
38 citations were issued for that.

39

40 So I'd just give you a caution that how
41 this is written, but I would assume the Board -- excuse
42 me, the Federal Subsistence Board could finesse this to
43 make it work for everybody.

44

45 Thank you, Mr. Chair.

46

47 CHAIRMAN LOHSE: So basically what we
48 could request is a Board decision on what the word,
49 immediately, means and let them come up with the
50 definition for the word immediately.

1 Bill.

2

3 MR. STOCKWELL: Thank you, Mr.
4 Chairman. That's one little part but most of the
5 things in here are rather administrative changes to
6 regulation and I'd like to propose that we support this
7 as a proposal from the Council before -- for the next
8 cycle on the fisheries.

9

10 Thank you.

11

12 CHAIRMAN LOHSE: Do I hear a second to
13 that.

14

15 (No comments)

16

17 MR. STOCKWELL: That went over like a
18 lead balloon.

19

20 (Laughter)

21

22 CHAIRMAN LOHSE: I don't hear a second
23 to that at this point in time so that motion fails.
24 Does anybody have an alternative motion to make.

25

26 Tricia.

27

28 MS. WAGGONER: Well, I don't have an
29 alternative motion but George's comments were -- my
30 issue, the way immediately is addressed in here does
31 not address the issue, if you're in a boat and you
32 bring up a fish and you throw it in the cooler, you
33 know, based on what it says here you're getting a
34 ticket and it doesn't -- and I know dipnetting out of a
35 boat, the cooler's open, you throw your fish in there,
36 you hit the -- close the cooler lid, you don't take the
37 time to get rid of the fins, so I would suggest if we
38 can come up with some different language. I have no
39 problem supporting the changes, but we need to come up
40 with some language that works with the actual way the
41 fishery works.

42

43 MR. GEASE: Mr. Chair.

44

45 CHAIRMAN LOHSE: Ricky.

46

47 MR. GEASE: Yeah, there's a couple
48 things that I have an issue with, you know, I'm all for
49 recorded on a permit. I think, you know, when you
50 harvest your fish they should be marked, that's how

1 it's done in the personal use fishery, you bring it
2 into the boat, you clip the tail or you bring it to
3 shore, you got to clip it right there, but the actual
4 recording on your permit while you're on a boat, to me,
5 is problematic. One, trying to get a pen to write on a
6 boat where it's wet on a permit that we want to turn
7 in, to me, is very problematic. So I would feel better
8 if it was, when we're talking about, when you dock your
9 boat, when you unload your boat, that you just record
10 your fish at that point or when you're in your vehicle.

11
12 The other thing is, you know, you have
13 fish boxes on boats, you put ice in there, you bleed
14 your fish, you throw them in the fish boxes, is that
15 concealing it from view?

16
17 So.....

18
19 CHAIRMAN LOHSE: Ricky, can I ask you a
20 question then?

21
22 MR. GEASE: Yes.

23
24 CHAIRMAN LOHSE: Could immediately mean
25 prior to moving the fish 50 feet from the river bank,
26 would that kind of suffice what you guys are talking
27 about, and that way you would have that time period
28 from the time you docked your boat until the time you
29 moved 50 feet to the riverbank to fin your fish, record
30 your fish and -- I guess I was thinking -- this looked
31 like it would be fine on the Copper River, but most of
32 it's not being done from a boat in the Copper River,
33 it's being done from a fishwheel so I can recognize
34 your problem. But would something like that be more
35 acceptable?

36
37 MR. GEASE: (Nods affirmatively)

38
39 MR. ENCELEWSKI: Depends on where the
40 bank is.

41
42 (Laughter)

43
44 CHAIRMAN LOHSE: So basically what
45 we're saying is that we can see that we need to have a
46 little bit more work done on what immediately would
47 mean on the Kenai and the Kasilof River.

48
49 We recognize the need for immediately
50 to go along with the permit process, but we need

1 definition as to what -- we need a working,
2 immediately, for the Kenai and the Kasilof River.

3

4 George.

5

6 MR. PAPPAS: Mr. Chair. George Pappas,
7 Department of Fish and Game.

8

9 One issue you would have to consider is
10 when you move out of a Federal subsistence fishery area
11 into a State area, if you don't have it marked on a
12 permit or recorded there could be issues, that's the
13 complexities of the Kenai River, with the patchwork
14 there, sir, sorry, I had to bring that up.

15

16 CHAIRMAN LOHSE: Yeah.

17

18 MR. CARPENTER: Yeah.

19

20 (Laughter)

21

22 MR. PAPPAS: I apologize.

23

24 CHAIRMAN LOHSE: Thank you, George.
25 Then really what we need to do is maybe what we need is
26 a working committee from our Council for people who
27 actually deal with the Kenai and the Kasilof River to
28 sit down and come up with a good definition for how we
29 can meet the intent of our purpose of having immediate
30 marking and still address some of these legal issues
31 and practical issues at the same time. And I see we
32 have about four or five different people that deal with
33 this area that probably could get together and could
34 come up with a definition that the rest of us could
35 probably accept.

36

37 Bill.

38

39 MR. STOCKWELL: Mr. Chairman. Yeah, I
40 know a few in this room that do -- and maybe we're
41 going to need two definitions, one for people fishing
42 off shore and another for people fishing out of boats,
43 because this is actually written up for somebody who's
44 dipnetting off the shore or something that -- before
45 you conceal the fish and move them 50 feet you have to
46 go through the process, which wouldn't work in a boat,
47 but is suitable for dipnetting from the shore, like the
48 dipnetting up on the Russian River for instance.

49

50 CHAIRMAN LOHSE: That's true, Bill, and

1 that's why I'm saying that it would be nice to have
2 some of you guys who have got experience in that area,
3 and maybe as the Chair, I should appoint a working
4 group to work on this and that way the rest of the
5 Council, I'm sure, will go along with your suggestions
6 since this is the area that you live and deal in. And
7 with that in mind, I would like to appoint a working
8 group of all members who live in the Kenai Peninsula to
9 get together and work on a definition that will meet
10 our intent to make sure that there is marking that's
11 valid and immediate and yet meets the needs of the
12 people on the Kenai River. Do I have any objections to
13 that.

14

15 MR. ENCELEWSKI: I just have a comment.
16 We have a solution to this but the Federal Board didn't
17 pass it, and that was to move it on shore.

18

19 (Laughter)

20

21 CHAIRMAN LOHSE: Move the fishery on
22 shore.

23

24 (Laughter)

25

26 MR. ENCELEWSKI: Yeah.

27

28 CHAIRMAN LOHSE: Yeah.

29

30 MR. STOCKWELL: Mr. Chairman. Would
31 this have to be completed by March 27th and back to Mr.
32 Berg by that time, and.....

33

34 CHAIRMAN LOHSE: Well, I'm like you, to
35 me this is -- we passed the intent, this is an
36 administrative thing. I don't see where there has to
37 be a proposal -- personally, I don't see where there
38 has to be a proposal in to do something to meet it --
39 to write regulations that meet the intent and the
40 intent of this Council was that there needs to be, you
41 know, immediate marking or, you know, marking that's
42 valid and applicable on these fisheries. And, so,
43 maybe Larry can tell us whether we have to have a
44 proposal, and if we have to have a proposal by March
45 27th, I'm sure that you guys can do it by
46 teleconference or possibly this evening after this
47 meeting's over.

48

49 Larry.

50

1 MR. BUKKLIS: Thank you, Mr. Chairman.
2 Larry Buklis, OSM. I think there's two questions I
3 have.

4
5 One is, is the Council intending to
6 work on this definition as to make this their proposal
7 and submit it, or are you talking about how you're
8 going to help the agency with their proposal.

9
10 Fish and Wildlife Service has come
11 forward with a mark up of what could become a proposal
12 by March 27th and you're discussing the details
13 surrounding immediately. The Council didn't second a
14 motion to make this their proposal. So FWS advances
15 this as their proposal to OSM, in the course of
16 analysis between March 27th and your fall round of
17 meetings, we would be analyzing this and coming to you
18 with an analysis and in the course of that analysis we
19 could be looking for input on how to best define
20 immediately and contact interested parties and other
21 agencies and working through definitions of
22 immediately.

23
24 If you want to try to solve it on the
25 front end and have the proposal be as good as it can
26 be, that's always better, because the proposal that's
27 let out in the summer for comment is as close to what
28 people want as possible and then the comments are on
29 target to what's being dealt with.

30
31 If you put in sort of a placeholder
32 that just says immediately and then we're going to work
33 out what that means over the summer, at the same time
34 people are commenting, so it's not really in sync.

35
36 But I think the main point I'm trying
37 to make is, is it an FWS proposal to OSM or a Council
38 proposal and is immediately worked out before it's
39 finalized as a proposal in the next two weeks or in
40 analysis over the summer.

41
42 CHAIRMAN LOHSE: Tom.

43
44 MR. CARPENTER: I think what I'd like
45 to know is, does this even have to be a proposal. Can
46 it be something that -- we've passed all these
47 regulations for the Kenai and we've recognized in
48 regards to most of these, we talked about Silver Salmon
49 Rapids, we're just basically taking a little language
50 and making it more specific. We've passed, you know,

1 doubling the bag limit, for example, whatever the Board
2 of Fish has proposed to make it adequate. These are
3 just administrative changes and can't those just be
4 made without us going through the whole Staff analysis,
5 the whole proposal; you see what I'm saying, can we do
6 it that way?

7

8 Because I have a feeling we're going to
9 have plenty of things to discuss at the next fisheries
10 meeting and something like this just seems like it
11 could be handled administratively with concurrence
12 maybe with the Council.

13

14 CHAIRMAN LOHSE: Larry.

15

16 MR. BUKLIS: Mr. Chairman. Sometimes
17 we can handle adjustments administratively but I think
18 the harvest limit changes would go beyond that.
19 Because I understand the principal at the time was
20 doubling the existing limits. If the Board of Fish
21 then adjusts downwards, it's not inherent that we would
22 adjust downwards. If that was the case we could have
23 written language that linked our harvest numbers to
24 double the number found in and reference the State, but
25 we didn't, we put a fixed number. And I understand the
26 principals behind that number but if we wanted to do
27 what you said, it could automatically rescale to the
28 State but we didn't. And so I think the numbers have
29 to be gone through and you can see the discussion
30 you've got on immediately just in unveiling the concept
31 here, so I don't know that we would administratively
32 back in an office define immediately, put it in the
33 books for everyone and not have dialogue.

34

35 I think that's generated a lot of
36 dialogue already.

37

38 CHAIRMAN LOHSE: Thank you, Larry. And
39 I think that what we should do since we've already
40 voted it down as -- or had no second as submitting it
41 as a Council recommendation, I think we should let it
42 go forward as a Fish and Wildlife Service, OSM
43 proposal, but like I said, as Chair, I would like to
44 appoint all members of the Kenai as a working group to
45 get together with you, either by phone or later on
46 while we're still stuck here in Cordova, and come up
47 with some wording that would be acceptable to them that
48 you could put into your proposal and to present, you
49 know, by March 27th. And if they can't come up with a
50 consensus then you just have to put in what you've got

1 and it'll get argued out in front of the Council and in
2 front of the Board. But if they can come up with a
3 consensus or give you some help on it, then you'd have
4 a more thorough proposal.

5
6 Does that sound good to the members of
7 the Council from the Kenai.

8
9 (Laughter)

10
11 CHAIRMAN LOHSE: Acceptable, not good,
12 okay.

13
14 MR. BERG: Yeah, Mr. Chair. I think
15 that does sound like the best solution so that way we
16 can actually be more flexible between here and the 27th
17 to fine tune it, we don't have to have to have the
18 Council take final action on it, we can kind of fine
19 tune it with other members. In fact, I was talking to
20 Robin earlier and we were thinking, you know, well, why
21 didn't we just say, let's just defer to double the bag
22 limit of whatever the State does and that way if they
23 change it, up or down in the future, you know, which
24 they're likely to do then we just auto -- and we
25 wouldn't have to go through this every time and so we
26 may think more about that in the next two weeks and we
27 may even go through and try to suggest such a change.

28
29 I don't know, that would be a bigger
30 change to make to these regulations, we'll have to
31 think more about that.

32
33 But anyway certainly giving us two
34 weeks to work on this would give us more flexibility to
35 put more thought into what immediately means and work
36 with the Council members and also maybe think about
37 this double the bag limits issue and see if there's
38 some way we can make that a little bit more
39 streamlined.

40
41 CHAIRMAN LOHSE: Well, what I'm hoping
42 is that our Council members that are here will have
43 time before they leave, to get together over a cup of
44 coffee and just discuss it among themselves and come up
45 with something that they can give you as a consensus
46 starting point and then it will go from there.

47
48 So my suggestions to them is when they
49 don't have anything to do to write down their ideas and
50 then they can throw them all in a pot and maybe come up

1 with an idea that they can give you.

2

3

And with that, Ricky.

4

5

MR. GEASE: Yeah, I just want to point
6 out. In terms of immediately, on that front page
7 there, you guys are just kind of looking at recording,
8 does that imply that the marking would be done
9 immediately or is there two separate issues there.
10 Because you can immediately mark your fish if you
11 harvest it, that's not a problem.

12

13

CHAIRMAN LOHSE: Right.

14

15

MR. GEASE: But, you know, the
16 definition of immediately recording it, that's where an
17 issue comes in.

18

19

CHAIRMAN LOHSE: Right.

20

21

MR. STOCKWELL: On this page it's
22 immediately recording on the permit and marked.....

23

24

REPORTER: Bill.

25

26

MR. STOCKWELL: Excuse me, thank you.
27 On the next page it talks about fish must be
28 immediately recorded on the permit and marked by
29 removal of the dorsal fin, so using immediately there
30 again.

31

32

CHAIRMAN LOHSE: Yeah. The immediately
33 marking, I can see where there's no problem with that,
34 and that should definitely probably be left as
35 immediate and you guys could maybe work out something
36 that would meet the recording requirements that would
37 be -- well, one thing, if they were marked, then when
38 you went from Federal waters to State waters, the fish
39 is already marked.

40

41

Yeah, so anyhow maybe you guys could
42 get together over a cup of coffee or something or over
43 the phone, if you have to, and get ahold of Larry [sic]
44 and give him a starting point so that he can put it
45 into this proposal.

46

47

Okay.

48

49

So with that, now, I think we're going
50 to go on to agency organization reports.

1 And some of these are in writing and
2 some of these are people who are here and some of
3 these, like Donald has informed me, are people who
4 would like to come on the phone and at least introduce
5 their thing. So with this we're going to go on to the
6 first one which is Bureau of Land Management, Anchorage
7 Office, Glennallen Field Office.

8
9 Donald, the reports from them are
10 pretty much in writing, aren't they?

11
12 MR. MIKE: I did not receive any
13 reports from BLM as far as written reports are
14 concerned and I don't see any BLM Staff present here.

15
16 CHAIRMAN LOHSE: No BLM Staff present
17 today.

18
19 (No comments)

20
21 CHAIRMAN LOHSE: Okay, so we have no
22 BLM reports at this point in time then.

23
24 Okay, the Office of Subsistence
25 Management, status report on rural/non-rural request
26 for reconsideration. Do we need a presentation or can
27 we take that out of the writings that's been given to
28 us.

29
30 Larry.

31
32 MR. BUKLIS: Mr. Chairman. That's
33 indicated on your agenda as informational so that's
34 meant to be a reference item for you.

35
36 CHAIRMAN LOHSE: Yeah.

37
38 MR. BUKLIS: If you have questions on
39 it I'm here for that but we didn't have a presentation
40 planned.

41
42 CHAIRMAN LOHSE: That's what I thought.
43 And the next one. Briefing on the Draft Customary and
44 Traditional Use Determination Policy.

45
46 MR. BUKLIS: Mr. Chairman. That has my
47 name with it, which means I have a presentation to
48 deliver.

49
50 CHAIRMAN LOHSE: Okay.

1 MR. BUKLIS: It's very brief, less than
2 five minutes.

3
4 CHAIRMAN LOHSE: Okay, we're ready to
5 take it.

6
7 MR. BUKLIS: Okay, thank you, Mr.
8 Chairman. The briefing on the Draft Policy on
9 Customary and Traditional Use Determinations is on Page
10 214 of your Council books, and I would be saying
11 that this is not an action item for the Council at this
12 time.

13
14 I'll highlight a few key points.

15
16 Last fall a draft policy on customary
17 and traditional use determinations or C&T was presented
18 to each of the Regional Advisory Councils for their
19 review and comment. That draft policy was developed in
20 response to a request from the Deputy Secretary of the
21 Interior. The draft policy laid out the existing Board
22 process for addressing C&T use determinations, which
23 has been used since the start of the program.

24
25 Part of this process is to consider
26 eight factors in a general holistic way, rather than in
27 a rigid checklist manner, and we've been talking about
28 that as we've dealt with some proposals here this week.

29
30 The policy does not represent a change
31 from the way C&T determinations have been made in the
32 past. It simply clarifies the approach that is taken
33 by the Board as was requested by the Secretary.

34
35 A three month comment period was
36 provided last fall for review and input. We received
37 13 comments on the draft policy. Those comments
38 spanned a broad range of perspectives including:

- 39
40 1. Supporting the status quo, in
41 other words keeping the policy
42 as it is drafted;
43
44 2. Making minor modifications;
45
46 3. There were requests for
47 rulemaking to accommodate clear
48 administrative procedures or
49 checklists; and
50

1 4. There was suggestions that the
2 Board pursue rulemaking to
3 eliminate the need for making
4 C&T determinations in the
5 future.
6

7 The briefing in your book on the C&t
8 policy draft concludes by noting that the Board will
9 attempt to prepare a draft for Secretarial review this
10 spring. However, since this briefing was prepared and
11 put in your Council books, the Board has decided to
12 defer further work on a draft policy pending the
13 outcome of related litigation.
14

15 A lawsuit was brought against the
16 Federal Subsistence Board by the State of Alaska
17 involving a Federal C&T determination in Chistochina
18 dealing with moose and the District Court ruling in
19 favor of the Federal Subsistence Board has been
20 appealed by the State.
21

22 So, Mr. Chairman, to conclude that main
23 point, we had been through a process developing and
24 letting out a draft for comment, we have received
25 comments on that draft, we have the briefing before you
26 saying the Board intends to work towards a draft for
27 Secretarial review this spring, but since that briefing
28 was developed that you're looking at, the Board has
29 decided to defer that further work because of the
30 Chistochina litigation on appeal.
31

32 And in conclusion, Mr. Chairman, I have
33 copies of the draft policy that had been circulated
34 last fall, if you wanted to see it again, although it's
35 not an action item, and I have copies of the comments
36 we did receive. I know there was interest last fall in
37 getting those for you to see what had been given back
38 to us.
39

40 And that concludes my overview.
41

42 MS. STICKWAN: I have a question.
43

44 CHAIRMAN LOHSE: Thank you. At this
45 point in time with the.....
46

47 MR. CARPENTER: She has a question.
48

49 CHAIRMAN LOHSE: Oh, Gloria.
50

1 MS. STICKWAN: Is my letter considered
2 to add -- is it considered an action item.

3
4 MR. BUKLIS: Mr. Chairman. If I
5 understood the question correctly, this is not an
6 action item, it's a briefing.....

7
8 MS. STICKWAN: Is my letter.....

9
10 MR. BUKLIS:on how it's
11 progressing.

12
13 MS. STICKWAN:including that on
14 the letter, is that considered an action item or is
15 that just a letter.

16
17 MR. BUKLIS: The letter you're
18 referring to would have been one of the comments
19 received, and that was a period during which it was an
20 action item for the Council back in the fall it was an
21 active comment period. So, yes, your comment is a
22 response to the call for comments and it's part of the
23 package of comments you're receiving copies of now.
24 And what I'm reporting back is the Board has received
25 the comments but they have deferred, they are
26 suspending further work in developing the policy,
27 pending the outcome of the litigation.

28
29 MS. STICKWAN: So it's okay to be in
30 the letter.

31
32 CHAIRMAN LOHSE: Uh.

33
34 MS. STICKWAN: So it's okay to be in
35 the letter.

36
37 CHAIRMAN LOHSE: Yeah, it's okay to be
38 in the letter.

39
40 At this point in time with the
41 concurrence of the rest of the Council, we have one of
42 the respected elders from up in the Copper Basin that
43 would like to speak on this customary and traditional
44 use determination and if it's okay with the rest of the
45 Council I'd like to allow Nick Jackson to speak also on
46 this at the same time.

47
48 (No objections)

49
50 CHAIRMAN LOHSE: Hearing non

1 objections, Nick, do you want to come up.

2

3 MR. JACKSON: Thank you, Mr. Chairman
4 and the Board, for allowing me today to speak on this
5 C&T policy.

6

7 One of the issues, you know, like
8 yesterday I heard was like this Unit 6 moose, you know,
9 talking about local preference and that's -- you know
10 that should be clearly defined in the policy and also
11 definition of different wording like customary and
12 traditional values; everybody should have the same
13 knowledge of what they're looking at. Something that's
14 written down that they see that -- and what's long-term
15 use and all of this here, you know, everybody has their
16 own picture of what it means to them and it means a lot
17 more different to me than it does to you, so I think it
18 should have written down somewhere where everybody has
19 the same view of long-term customary and traditional
20 use.

21

22 And like yesterday I heard that, you
23 know, local preference was one of the, you know, they
24 favor here, too, and we also do, you know, I just want
25 to -- we wrote a comment to the Board Chair, and I just
26 want to read part of it here on that local preference.
27 You know the policy states that it is:

28

29 The Federal Subsistence Board's intent
30 to implement C&T use determination such
31 as all rural community and area should
32 have the use of sufficient public land
33 to satisfy their subsistence needs.

34

35 You know within our corporation at
36 AHTNA, most of the land that was selected around there
37 was for subsistence use and now with McDowell issued,
38 you know, the court findings on it, we can't even use
39 that for subsistence use because under ANILCA all
40 selected land falls under private holding. So the land
41 within the rural area that we call rural area in Unit
42 13 falls under private lands so local preference isn't
43 even in place there. So what I'd like to see that we
44 have all selected lands by ANCSA to be under Federal
45 jurisdiction instead of State.

46

47 So that's what I wanted to bring up.

48

49 Any questions.

50

1 CHAIRMAN LOHSE: Thank you, Nick. I
2 know that's -- I noticed that -- since it's private
3 land I noticed that there's a lot more no trespassing
4 signs and I think that was, you know, to bring to
5 people's attention that this private property. I think
6 that was a good idea.

7
8 Now, as far as putting it under Federal
9 control, I don't think there's any -- I know, we, as a
10 Council, have no ability to effect that, and I think
11 that at about the time that the Federal tribe to take
12 jurisdiction over, that there would be an extended
13 legal battle from the State because by definition
14 private land becomes under State regulations.

15
16 The one thing that you do have an
17 advantage on is you can close that land to anybody
18 other than your own shareholders so that the land, even
19 if it's under State regulations is your own private
20 property. Now, the problem, you and I both know, is
21 trying to enforce that.

22
23 MR. JACKSON: That's true.

24
25 CHAIRMAN LOHSE: Yeah.

26
27 MR. JACKSON: You know we do have
28 policy to close it to other than shareholders and
29 enforcing it, the State won't enforce it and, you know,
30 in the last two years now we've been under attack of
31 making that area a non-rural area, a non-subsistence
32 area right now. In fact the Fish Board was discussing
33 it last week, so we just -- that's where we're coming
34 from with these -- make all the land that was selected
35 for subsistence use to fall under Federal jurisdiction.

36
37 CHAIRMAN LOHSE: Somewhere along the
38 line you're going to have to either bring litigation
39 against the State in the fact that they enforce private
40 property for individuals and communities and things
41 like that, that they're not enforcing the private
42 property laws on Native selections, and that. to me, is
43 discrimination and at some point in time it's going to
44 have to be recognized that Native land is no different
45 than ranches and farms or anything else and that if you
46 have no trespassing signs up and it's private property,
47 the State needs to enforce that as private property and
48 if they're not doing it they're not doing their job.

49
50 MR. JACKSON: Yeah, we tried that

1 already.

2

3 CHAIRMAN LOHSE: You already tried
4 that.

5

6 MR. JACKSON: We're getting nowhere.

7

8 CHAIRMAN LOHSE: You're not getting
9 anywhere that way, either, uh, yeah, that's going to
10 have to be a change in attitude in the State and I find
11 that when I -- I get in arguments all the time when I
12 go to Anchorage and they say, well, that was Federal
13 land, the Federal government gave it to them and I ask
14 them, I said what kind of land are you living on, oh,
15 we bought this piece of property, I say, yeah, where
16 did you buy the piece of property, well, it -- we
17 brought it from so and so and where did he get it,
18 well, at some time or another it was a homestead that
19 came from the Federal government or a city site that
20 came from the Federal government, was given by the
21 Federal government to an individual who has now
22 subdivided it and sold it as lots.

23

24 You and I both know that if you went
25 into Anchorage and camped out in somebody's back yard,
26 they'd have the police on you in a minute.

27

28 MR. JACKSON: That's right.

29

30 CHAIRMAN LOHSE: But if they come and
31 camp in your backyard they can't see why they shouldn't
32 be able to camp on your own private property, you know,
33 and that's going to have to be a change in attitude in
34 the State and that's an education problem.

35

36 Mr. Henrichs.

37

38 MR. HENRICHS: Yeah, before this policy
39 is implemented, I expect tribes to request government
40 to government consultation with the United States
41 because this is -- these are the Feds, you know, and
42 they just can't just shove something down somebody's
43 throat, a tribe's throat without consulting with them.
44 I know our tribe will.

45

46 CHAIRMAN LOHSE: Tom.

47

48 MR. CARPENTER: Yeah, I'd just like to
49 make a comment. I appreciate what you said earlier
50 about having a more defined, you know, in plain view

1 determination by the Federal Board about the eight
2 criteria. I think, in my opinion, personally, and I
3 think some of the other members of the RAC, that it
4 would be a more consistent process if it was a more
5 defined definition, or more refined definition in
6 regards to the eight criteria for coming up with C&T
7 determinations. And I'm glad you said that because I
8 agree with you 100 percent.

9

10 CHAIRMAN LOHSE: Thank you. Ricky.

11

12 MR. GEASE: Yeah, I would concur with
13 Mr. Carpenter's comments. I know in the State side in
14 fisheries when there were a variety of sustainable
15 salmon definitions throughout the state on a regional
16 level they would vary from region to region and the
17 State put effort into codifying those into a more
18 standardized approach so when a person does go from
19 region to region they can have assurance that the same
20 definition means the same thing in different regions.

21

22 CHAIRMAN LOHSE: Thank you. Any other
23 comments.

24

25 (No comments)

26

27 CHAIRMAN LOHSE: Thank you, Mr.
28 Jackson, for coming and speaking to us.

29

30 MR. JACKSON: Thank you.

31

32 MS. STICKWAN: I got a question.

33

34 CHAIRMAN LOHSE: Gloria. Did you have
35 something you want to ask.....

36

37 MS. STICKWAN: No.

38

39 CHAIRMAN LOHSE: No.

40

41 MS. STICKWAN: I was wondering if you
42 could give us an update on the court case, what's going
43 on with it.

44

45 CHAIRMAN LOHSE: Ken.

46

47 MR. LORD: I think that falls under my
48 bailiwick. Ken Lord with the Solicitor's Office.

49

50 As you know the Chistochina decision,

1 the District Court decision was appealed to the Ninth
2 Circuit and we just -- or we're in the process of
3 completing briefing on that appeal right now. The
4 Federal brief was due about two weeks ago and then the
5 State gets a reply brief, which will be due in another
6 couple of weeks. I would expect, based on their usual
7 sort of schedule of doing things, that we would then
8 have oral argument before the Ninth Circuit sometime
9 this summer and a decision probably the end of this
10 year, maybe late fall, something like that.

11
12 Now that could be the end of the
13 litigation right there or it's possible that the Ninth
14 Circuit if they disagreed with something the District
15 Court said would then remand or send it back to the
16 District Court for a new decision, in which case this
17 could go on for quite awhile. My expectation, or my
18 best guess is that it will be done by the end of this
19 year though.

20
21 CHAIRMAN LOHSE: Is this another one
22 that can go all the way to the Supreme Court, if
23 necessary?

24
25 MR. LORD: Could. Certainly the State
26 could appeal to the Supreme Court but the Supreme Court
27 only accepts a very small percentage of what gets
28 appealed to it and so the likelihood of that happening
29 is very small.

30
31 CHAIRMAN LOHSE: Yeah, people in
32 Cordova thought that, too.

33
34 MR. LORD: Yeah, well.....

35
36 (Laughter)

37
38 MR. CARPENTER: You have to be an oil
39 company.

40
41 (Laughter)

42
43 CHAIRMAN LOHSE: Okay, with that, does
44 that answer your question Gloria.

45
46 MS. STICKWAN: (Nods affirmatively)

47
48 CHAIRMAN LOHSE: Okay. Okay, then we
49 go on to Fisheries Resource Monitoring Program,
50 informational, it's in our book. We don't have a

1 presentation on that.

2

3 We have a Partners for Fisheries
4 Monitoring Program, we have an informational on that.

5

6 Larry.

7

8 MR. BUKLIS: Mr. Chairman. Larry
9 Buklis, OSM. On the Partners for Fisheries Monitoring,
10 I have a very brief statement to make of a minute or
11 two and then Keith van den Broek with Eyak had some
12 things to present to you as well.

13

14 CHAIRMAN LOHSE: Okay.

15

16 MR. BUKLIS: Thank you. There's a full
17 briefing on the Partners for Fishery Monitoring Program
18 on Page 219 of your books. I'll just highlight a
19 couple of points.

20

21 The Office of Subsistence Management
22 announced a call for proposals in November of 2006 to
23 implement the second phase of the Partners Program to
24 begin this year in 2008. This follows the initial five
25 year phase that ended in 2007. We received 14
26 proposals that requested in total \$1.7 million and our
27 actual Partners budget is on the order of six to
28 \$700,000 this year. We, in the end, have approved six
29 positions for this second phase. Four full-time and
30 two part-time positions. The positions are located in
31 the Yukon, the Kuskokwim, Southwest Alaska and
32 Southcentral Alaska. Within Southcentral, which is
33 closest to your interest, the Native Village of Eyak
34 was awarded a new fisheries biologist position and
35 Keith van den Broek is in that position, and I think he
36 has more to tell you about the work they're doing.

37

38 MR. VAN DEN BROEK: Yeah, Mr. Chairman,
39 Keith van den Broek, Native Village of Eyak. I don't
40 have a whole lot to add to that, the contract paperwork
41 hasn't even yet been finalized so this is a very new
42 program for us but as Larry mentioned, I will be
43 filling the role as the regional Copper River fisheries
44 biologist. The main function of that role will be to
45 continue to support our Fisheries Resource Monitoring
46 Program projects on the Copper River and offering
47 assistance to some of the other tribes in the region
48 with developing their own programs.

49

50 And I guess if there's no questions on

1 the Partners Program I can move immediately into the
2 next agenda item, which is a presentation on our 2007
3 projects.

4

5 CHAIRMAN LOHSE: If there's no
6 questions on the Partners Program, we'll move right on
7 to where you're going with it this year.

8

9 (No comments)

10

11 MR. VAN DEN BROEK: All right. Well,
12 first I'll draw your attention to the hand out that I
13 provided, this is a written report, a written summary
14 on the 2007 projects. And I think all but two of you
15 should be fairly familiar with the programs that we've
16 been running.

17

18 So in 2007 we essentially had three
19 projects but they were blanketed under two contracts,
20 the FIS07-503 and 05-501. We were doing a radio
21 telemetry program on sockeye salmon and 2007 was the
22 final year of that program, and we were also doing a
23 mark/recapture study on chinook and sockeye salmon.
24 The chinook abundance estimate and mark/recapture study
25 has been operational since 2001, that's a long-term
26 monitoring program. The sockeye mark/recapture study
27 was initiated through some feasibility work in 2005.
28 Last year was the first successful year of that
29 program. We're funded through 2009 on both of those
30 programs.

31

32 The radio telemetry program is no
33 longer funded through the FRMP, however, I did receive
34 notification that will continue funding for another two
35 years on that study through the Pacific Coastal Salmon
36 Recovery Fund, which was excellent news, so we'll be
37 doing that through 2009 as well.

38

39 I'll allow you guys to read over the
40 summary of the methodologies and what not and just give
41 a real brief summary of the results here.

42

43 So the chinook abundance estimate that
44 we generated in 2007 was 46,349 fish. And the sockeye
45 abundance estimate was roughly 1.3 million fish. And
46 comparing that with the Miles Lake count, which was --
47 like part of the intention of the study was to try to
48 do an independent validation of the Miles Lake count.
49 We saw about a 44 percent variation, a difference
50 roughly 410,000 fish in our counts, a large part of

1 that variability was seen during a five day period at
2 the Miles Lake station where they were seeing in excess
3 of 30,000 fish a day go past the counter. And we
4 believe that they sort of hit a threshold where they
5 couldn't count every fish that was going by and during
6 that five day period we saw a variation up to 125
7 percent of the counts.

8
9 Moving into the sockeye radio telemetry
10 program, the largest portion of the spawners were seen
11 in the Klutina, which is fairly common. We've seen an
12 increase each year at the Klutina. So in 2007 54
13 percent of the spawners and then going down 10 percent
14 in the Tazlina and nine percent on the Gulkana, nine
15 percent in the Lower Copper, seven percent in the Upper
16 Copper, five percent in the Chitina and five percent in
17 the Tonsina. And there's a couple of tables in this
18 hand out that give a much more detailed break down of
19 the numbers for those that are interested, and a table
20 that discusses the run timing and travel time as well.

21
22 And that kind of concludes my
23 presentation unless anybody had any questions for me.

24
25 CHAIRMAN LOHSE: Keith. Do you think
26 that the preponderance of the sockeye radio telemetry
27 ending up in Klutina was due to the timing when you put
28 the radio telemetry in or do you think that that
29 actually represents the percentage of the run that's
30 going to Klutina.

31
32 MR. VAN DEN BROEK: We try to stratify
33 our sampling as best as we can. We distribute our
34 tagging effort across the run based on the Miles Lake
35 counts, a percentage each day of tags that are going
36 out. Some of the late run fish we have difficulty with
37 because we do shut down our operation a few days after
38 Miles Lake Sonar Station shuts down so there could be
39 up to a month of additional fish running by and we
40 simply don't have the funding to tag those fish.

41
42 But I think for the most part this
43 number is fairly representative except for maybe some
44 bias away from the upper Copper and the very late run
45 fish -- I'm sorry, the lower Copper and the very late
46 run fish.

47
48 CHAIRMAN LOHSE: And the upper Chitina.

49
50 MR. VAN DEN BROEK: And potentially the

1 upper Chitina.

2

3 CHAIRMAN LOHSE: Yeah. But basically
4 what we're seeing out of this is that Klutina is the
5 most important spawning area for sockeye in the Copper
6 River Basin.

7

8 MR. VAN DEN BROEK: It would seem so.

9

10 CHAIRMAN LOHSE: Wow. That is a high
11 percentage of the fish going up the Klutina.

12

13 MR. CARPENTER: Uh-huh.

14

15 CHAIRMAN LOHSE: We better do
16 everything we can to protect that system, not that the
17 others aren't important.

18

19 Gloria.

20

21 MS. STICKWAN: I didn't understand him
22 when he said there's variation without something with a
23 sonar, where -- I didn't understand what you were
24 talking about.

25

26 MR. VAN DEN BROEK: Okay. The total
27 sonar count for 2007 was 926,438 fish and there's no
28 species apportionment there so that's the total number
29 of fish that went by, So what we did is we actually
30 subtracted our chinook estimate from that number to
31 give a total of 880,000 fish, sockeye, component that
32 essentially was generated by the Miles Lake Sonar and
33 then our actual mark/recapture estimate that we
34 generated was 1,290,591 fish so the difference in our
35 count versus the Mile Lake count was about 410,500
36 fish.

37

38 MS. STICKWAN: So yours was less or
39 more.

40

41 MR. VAN DEN BROEK: Ours was much
42 higher, 400,000 fish higher than what Miles Lake was
43 able to count.

44

45 CHAIRMAN LOHSE: And you feel that was
46 because you during that time period that they were
47 pushing by the sonar counter -- they were pushing by
48 faster and you could count them.

49

50 MR. VAN DEN BROEK: That's what it

1 looks like, yeah. And they're only doing a sub-sample
2 of their counts, they're taking 10 minutes of every
3 hour on their counts and, you know, it could be that
4 pulses of fish are going by that aren't be accounted
5 for, it could be that it's simply overloading the
6 acoustic system and it can't register every fish that's
7 in the field.

8

9 MS. STICKWAN: So you caught all these
10 fish in the fishwheel.

11

12 REPORTER: Gloria.

13

14 MS. STICKWAN: You caught all that fish
15 in a fishwheel.

16

17 MR. VAN DEN BROEK: We didn't catch
18 that total number of fish, the way the mark/recapture
19 study works, we tag fish at the first sampling event
20 and then look for tagged fish at the second sampling
21 event and you're looking at a proportion of tagged fish
22 at the second sampling event to actually derive an
23 estimate for the system.

24

25 MS. STICKWAN: So you tagged fish.

26

27 MR. VAN DEN BROEK: Sorry.

28

29 MS. STICKWAN: Further up the river you
30 were counting tagged fish.

31

32 MR. VAN DEN BROEK: That's right, at
33 the Canning Creek site, below Wood Canyon we're looking
34 for tagged fish and at Baird Canyon we're tagging fish.
35 So you can look at my numbers here, we tagged 11,027
36 sockeye salmon and then we examined 56,501 sockeye
37 salmon for tags and had 521 recaptures in that 56,000.

38

39 CHAIRMAN LOHSE: So Keith what you're
40 saying is you actually captured 56,561 fish in your
41 fishwheels below Woods Canyon.

42

43 MR. CAN DEN BROEK: That's correct.

44

45 CHAIRMAN LOHSE: Pretty good
46 fishwheels.

47

48 (Laughter)

49

50 CHAIRMAN LOHSE: Tom.

1 MR. CARPENTER: Yeah, thanks, Keith.
2 I'd like to thank you guys once again, and NVE, and you
3 and your staff, you guys have been an outstanding job.
4 I think the information that you show here has been a
5 very, very valuable tool, not only for the people that
6 live in Cordova but for trying to compare the data with
7 what Fish and Game provides us for in-river abundance,
8 Board of Fish cycles and also, and most importantly,
9 trying to determine and maintain the level of fish in
10 the upper river for the people who are trying to meet
11 their subsistence needs.

12

13 I think that's very important.

14

15 And I hope that the people who are
16 involved in picking the projects, that are funded, that
17 these two projects, in particular, be continued to be
18 looked at and funded found for, if necessary because in
19 my opinion these are the two most important projects
20 and I think one thing in particular is this sockeye --
21 2007 sockeye abundance estimate, brings to light
22 serious questions about the management strategy that
23 the Department of Fish and Game is bringing forward in
24 regards to the sockeye escapement numbers. I think
25 that as time goes on, myself, included, am going to try
26 and figure out a way to figure out why there's such a
27 large disparity between this scientific project and the
28 sonar based project that the Department has.

29

30 So, I, once again would just like to
31 say thank you and to the Native Village of Eyak for
32 continuing to do a great thing for Cordova and the
33 whole river, in general, so that's all I had.

34

35 MR. VAN DEN BROEK: Thanks, Tom.

36

37 CHAIRMAN LOHSE: Keith, I've got two
38 questions to ask you actually.

39

40 The sonar thing is an index thing
41 anyhow, it's not an actual count, it's an index.

42

43 MR. VAN DEN BROEK: Correct. It's
44 always been treated as an index.

45

46 CHAIRMAN LOHSE: This is treated more
47 as -- with a tag and recapture thing, this is more of
48 an actual count.

49

50 MR. VAN DEN BROEK: Correct. It's an

1 actual abundance estimate.

2

3 CHAIRMAN LOHSE: Okay. The next thing
4 I want to ask you, is I know that you did
5 radiotelemetry on chinook and on steelhead, but that's
6 not in this years.....

7

8 MR. VAN DEN BROEK: Correct. The
9 chinook radiotelemetry program ended in 2005 and the
10 steelhead and silver salmon radiotelemetry program was
11 actually run by the Alaska Department of Fish and Game
12 using our facilities and that was only operated in '05
13 and '06, I believe.

14

15 CHAIRMAN LOHSE: Okay. That's why
16 there's no information on that.

17

18 MR. VAN DEN BROEK: Correct. Those
19 reports are all available through the OSM website.

20

21 CHAIRMAN LOHSE: Yeah, I was pretty
22 sure that they weren't being carried on, it was just of
23 interesting to me to -- those were very interesting
24 reports, too, and I really appreciated seeing those.

25

26 And I'll echo what Tom says, I think
27 that the information that's been gathered from Eyak's
28 projects has been a real -- has been a real eye-opener
29 and a real important thing to management of salmon,
30 chinook and steelhead on the Copper River. And one of
31 the things that came out of it was that we found that
32 we had steelhead and chinook going to a lot of places
33 we'd never considered before as being important and I
34 think that's pretty important.

35

36 MR. VAN DEN BROEK: Thank you.

37

38 CHAIRMAN LOHSE: Gloria.

39

40 MS. STICKWAN: I just want to ask a
41 question to you, so 54 percent of the fish Klutina,
42 those are the ones that are -- out of 553 -- 54 percent
43 is the one that were spawning in Klutina that you
44 tagged; is that right?

45

46 MR. VAN DEN BROEK: Correct. Those are
47 the spawners that are seen. So of the 500 roughly tags
48 that we put out, 297 of them made it to the spawning
49 grounds and.....

50

1 MS. STICKWAN: And you didn't do any
2 other rivers or creeks besides those because you didn't
3 have any money or because those were just.....

4
5 MR. VAN DEN BROEK: I'm sorry, I don't
6 understand the question.

7
8 MS. STICKWAN: How did you choose these
9 rivers, you didn't choose any other places in the upper
10 Copper River, seven percent, what is that? What is
11 upper Copper River?

12
13 MR. VAN DEN BROEK: The upper Copper
14 River, if you look at the table on Page 3 there,
15 there's a breakdown of the systems that are included as
16 upper Copper. Basically the large percentages that you
17 see there we've got the fixed receiver towers located
18 at the mouth of those major tributaries and then we use
19 aerial surveys to attribute the -- in the smaller
20 systems.

21
22 MS. STICKWAN: So you went up to Tanada
23 then?

24
25 MR. VAN DEN BROEK: I'm sorry.

26
27 MS. STICKWAN: So you went up Tanada?

28
29 MR. VAN DEN BROEK: With the aerial
30 surveys.

31
32 MS. STICKWAN: With the aerial surveys.

33
34 MR. VAN DEN BROEK: Yes.

35
36 MS. STICKWAN: You counted them by the
37 aerial surveys.

38
39 MR. VAN DEN BROEK: Correct.

40
41 MS. STICKWAN: Not actually with an
42 actual count like you did in Klutina or Baird Canyon.

43
44 MR. VAN DEN BROEK: Right. There is no
45 tower at Tanada, there's one on the lower Klutina.

46
47 CHAIRMAN LOHSE: But you were picking
48 up radio signals.

49
50 MR. VAN DEN BROEK: We picked up radio

1 signals.

2

3 CHAIRMAN LOHSE: I mean that's how you
4 were counting, you were counting different radio
5 signals, am I correct on that.

6

7 MR. VAN DEN BROEK: Correct. That's
8 correct.

9

10 CHAIRMAN LOHSE: Yeah, because these
11 are radio tags.

12

13 MS. STICKWAN: Huh.

14

15 CHAIRMAN LOHSE: Bob.

16

17 MR. HENRICHS: Yeah, when we started
18 that project we got funded late, I think it was in
19 April and we ended up using a fishwheel that they had
20 used on the Nase River in BC because LGL was involved
21 with it and that has fairly vertical banks and it's
22 swift moving and it's a pretty big fishwheel, and we
23 got that going and then later on in years in the
24 project we got Johnny Goodlataw to come down from
25 Copper Center and he built us a wheel like they've been
26 using 10,000 years on that river, and it's a smaller
27 wheel built out of local material and I think that
28 wheel caught as many fish as all the rest of them
29 combined there at one point so local knowledge is --
30 people ought to pay attention to local knowledge.

31

32 CHAIRMAN LOHSE: Thank you. Ricky.

33

34 MR. GEASE: Yeah, I just wanted to
35 point out that similar mark/recapture studies are being
36 done both in the Mat-Su and in the Kenai and, again,
37 they're showing that the Bendex sonars are
38 undercounting relative to the DIDSON sonars that are
39 coming in and there's an adjustment factor of about a
40 third higher, I think, on those three systems and then
41 relative to the absolute numbers they're anywhere from
42 50 percent to, you know, four times under-counting.
43 And I think the error rates, where the errors are
44 coming in are, either when they're very, very low
45 numbers of fish or when there are pulses of very high
46 numbers of fish going through and greatest errors are
47 when you're on the upper end, you're not capturing the
48 total number of fish on the large pulses that are going
49 through.

50

1 That's consistent with other areas with
2 similar studies in the state.

3

4 CHAIRMAN LOHSE: Thank you, Ricky.

5

6 Gloria.

7

8 MS. STICKWAN: I have a question for
9 Keith. You -- I thought I heard you say sometime
10 earlier during this meeting that you weren't sure if
11 you were going to be funded for this year, that a
12 biologist position was applied for but you don't know
13 if you're going to get funding -- do you know if you'll
14 get funding and when?

15

16 MR. VAN DEN BROEK: Yeah, we've
17 received notification now that the 2008 funding is
18 secure, 2009 funding is still questionable at this
19 stage. We do have funding approved but that's
20 contingent upon actual funding to the Forest Service
21 and to the Fish and Wildlife Service and the
22 Presidential proposed budget for 2009 essentially
23 eliminates funding for subsistence management in the
24 state of Alaska through the Forest Service, and a
25 fairly substantial cut to the Fish and Wildlife Service
26 so it's uncertain what implications that has for this
27 entire system, for everyone sitting in this room, so I
28 don't think it's appropriate -- I don't think the
29 Council's allowed to take action on that but it's
30 probably something that everyone in here, as
31 individuals, wants to maybe consider writing a letter
32 to their congressional delegation just letting them
33 know how important the program is to the state of
34 Alaska.

35

36 MS. STICKWAN: Can I say something.

37

38 CHAIRMAN LOHSE: Yes.

39

40 MS. STICKWAN: Maybe we should add that
41 in our letter, too, as a concern that subsistence was
42 taken out of the budget, I guess, is that right, I
43 guess I don't understand what he's saying about
44 subsistence not being in the budget and if it isn't we
45 should include it in our letter as a concern, you know,
46 how are they supposed to run a program on subsistence
47 if they don't have sufficient funds or don't have funds
48 for 2009.

49

50 CHAIRMAN LOHSE: Larry.

1 MR. BUKLIS: Mr. Chairman. For the
2 Department of the Interior part, the Fish and Wildlife
3 Service part of OSM's budget, there have been some
4 reductions and cost increases which we have to absorb
5 and those are the reasons why we have gone to the two
6 year cycle for regulation and for the Fishery
7 Monitoring Plan call. And you're aware, we briefed you
8 on that.

9
10 Keith's reference to the Forest
11 Service, I'm not with the Forest Service but what I
12 understand is that for the future budget that's being
13 planned, so it's not final, the line item that had
14 specified the subsistence program has been eliminated
15 but that amount of money is in their general budget.
16 So I wouldn't want to overstate that it's been
17 eliminated. It's going to have to come out of the
18 general budget they have but the reserved line called
19 subsistence program has been stricken out. And those
20 with the Forest Service might have more details than
21 that but I don't want you to overreact to the sense
22 that it's eliminated.

23
24 At this point it's a budget
25 organizational arrangement but I don't think the total
26 money is different.

27
28 CHAIRMAN LOHSE: Larry, correct me if
29 I'm wrong, I think our letter writing policy,
30 basically, we're not allowed to write political
31 letters. We can direct letters to the Board, in other
32 words to the Federal Subsistence Board but we're not
33 allowed to go over their heads and write letters to, as
34 a Council, to Senators and Presidents and things like
35 that, we're just allowed to address the Subsistence
36 Board, itself, right?

37
38 MR. BUKLIS: Mr. Chairman. I think
39 you're allowed, in principal, to address different
40 elected officials on different issues, but in terms of
41 budget allocations, I believe you're not allowed to
42 lobby for funding.

43
44 CHAIRMAN LOHSE: That's what I was
45 talking about.

46
47 MR. BUKLIS: So since we're talking
48 about funding what you said applies. But there are
49 other issues, in terms of conservation or other issues,
50 you could write to elected officials about.

1 CHAIRMAN LOHSE: Right. And I think we
2 ran into that before Gloria. Ricky.

3
4 MR. GEASE: Do individuals still retain
5 their individual right to write letters?

6
7 CHAIRMAN LOHSE: Yes.

8
9 MR. GEASE: Okay.

10
11 CHAIRMAN LOHSE: Individuals and
12 organizations that members of the Council represent
13 still retain their right to do it as an individual or
14 as a member of an organization, but they cannot use
15 their status on the Council as part of the letter
16 writing. They can't say Ralph Lohse, Chair of the
17 Regional Subsistence Council would like to bring to
18 your attention, you know, you aren't allowed to do
19 that, I could write Ralph Lohse, resident of Cordova,
20 or resident of Chitina Valley, you know, I could do it
21 that way but I could not do it as Chair.

22
23 You know I couldn't put in my list of
24 credentials the fact that I'm the Chair of the Regional
25 Advisory Council. Bob could put in there that he's the
26 Chairman of the Native Village of Eyak, but he can't
27 say Chairman of the Native Village of Eyak and member
28 of the Regional Subsistence Council, because that's out
29 of our -- that's in our -- if you look in our manual
30 that's out of our legal ability to do.

31
32 So, Gloria.

33
34 MS. STICKWAN: I wasn't referring to
35 the Federal officials, I was referring to the Federal
36 Board, that that is a concern about, that's all I was
37 trying to say, that we're concerned about it.

38
39 CHAIRMAN LOHSE: Yeah, we have that in
40 our letter.

41
42 MS. STICKWAN: But it's just general
43 subsistence, right, that's being reduced, not just the
44 Fishery Monitoring Program, but the overall Subsistence
45 Program is being reduced by 10 percent; is that right?

46
47 MR. BUKLIS: Mr. Chairman. Larry
48 Buklis, OSM. I think you do have -- I know you do have
49 the opportunity to advise the Board and express
50 concerns to the Board since you serve the Board, you

1 can express concerns about budgets and funding and what
2 the implications are for the program. And rather than
3 getting different percentages out there, I think
4 expressing it in principal I think would be sufficient.

5
6 MS. STICKWAN: That's what I was trying
7 to say.

8
9 MR. BUKLIS: Yes.

10
11 MS. STICKWAN: I didn't in no way say
12 official, I referred to the Federal Subsistence Board
13 when I said that.

14
15 MR. STOCKWELL: It's already in our
16 letter.

17
18 CHAIRMAN LOHSE: Uh. It's in our
19 letter right there.

20
21 MR. STOCKWELL: Yes, that's correct,
22 it's in our letter.

23
24 CHAIRMAN LOHSE: Yeah, we expressed --
25 in fact, we specifically recognized the Partner's
26 Program and the budget cuts and.....

27
28 MS. STICKWAN: But it's overall.....

29
30 CHAIRMAN LOHSE:the other
31 budget.....

32
33 MS. STICKWAN:subsistence program
34 is what I'm saying, it's not just the Fishery
35 Monitoring Program, it's the Subsistence Management
36 Program as well.

37
38 MR. STOCKWELL: If you'll look on the
39 second page it says the Council is aware of budget cuts
40 and needs to hold Anchorage meetings, it's important
41 the Council meet outside periodically on affected
42 communities, it's talking about the budget, our budget.

43
44 CHAIRMAN LOHSE: Yeah.

45
46 MS. STICKWAN: Well, I'm referring to
47 the Federal Subsistence Management budget, not just our
48 own, our own RAC but the overall statewide subsistence
49 budget, we have a concern about, I do. Maybe you guys
50 don't but I do, and I just wanted to express that

1 concern without being political to the Federal
2 Subsistence Board.

3

4 CHAIRMAN LOHSE: I think there's no
5 problem for us to add that to our annual report, that
6 we, as a Council, are concerned about the budget cuts
7 that affect the whole Subsistence Program and we can
8 add that into our letter if it's agreeable to the rest
9 of the Council.

10

11 Tricia.

12

13 MS. WAGGONER: I move that we add that
14 into the letter.

15

16 MR. ENCELEWSKI: Second.

17

18 MR. STOCKWELL: Second.

19

20 CHAIRMAN LOHSE: It's been moved and
21 seconded that we add our concern with the budget cuts
22 and the reduced funding for the whole subsistence issue
23 in general to our letter and Donald can come up with
24 the proper wording for that.

25

26 MR. CARPENTER: Question.

27

28 CHAIRMAN LOHSE: The question's been
29 called, all in favor.

30

31 IN UNISON: Aye.

32

33 CHAIRMAN LOHSE: Opposed.

34

35 (No opposing votes)

36

37 CHAIRMAN LOHSE: Motion carries. Thank
38 you for bringing that to our attention, Gloria.

39

40 Okay, do you have anything more, Keith.

41

42 MR. VAN DEN BROEK: No.

43

44 CHAIRMAN LOHSE: Keith, we won't do
45 anymore patting on the back, then, we'll just let you
46 go.

47

48 MR. VAN DEN BROEK: Thank you.

49

50 CHAIRMAN LOHSE: The Copper Country

1 Alliance. You'll find that on Page 220 in our book and
2 I don't think there's anybody here to present, is
3 there, Donald.

4

5 MR. MIKE: Mr. Chair. Ruth McHenry
6 representing the Copper Country Alliance contacted me
7 and requested that she would like to speak to the
8 Council on what is presented in the book, and if you
9 can give me a minute I can make an attempt to contact
10 her. Hopefully we'll get through.

11

12 CHAIRMAN LOHSE: Okay. Maybe while
13 you're attempting to contact her, then we'll go on to
14 one or two of the others and you can let us know when
15 you've got her in contact and we'll go back to the
16 Copper Country Alliance.

17

18 So we'll look at the U.S. Fish and
19 Wildlife Service Marine Mammals. Do we have any
20 presentation on that from the Fish and Wildlife
21 Service.

22

23 (No comments)

24

25 CHAIRMAN LOHSE: Other than a piece of
26 paper.

27

28 (No comments)

29

30 CHAIRMAN LOHSE: Forest Service.

31

32 MR. ZEMKE: Steve Zemke, Chugach
33 National Forest. In the essence of time, basically I
34 gave you two informational items. One is this 15 page
35 schedule of proposed actions that normally the Regional
36 Council -- we provide that information to kind of show
37 what available projects are upcoming on the Forest, and
38 there's probably -- what's that Donald.

39

40 (Pause)

41

42 CHAIRMAN LOHSE: Let's let her --
43 you're here, we'll let her go and then we'll take care
44 of yours.

45

46 MR. ZEMKE: Okay.

47

48 MS. MCHENRY: My name is Ruth McHenry.
49 I'm in Kenny Lake. I represent Copper Country
50 Alliance. And I wanted to talk about a possible Tangle

1 Lakes Wildlife Refuge.

2

3 Would you like me to launch into this?

4

5 CHAIRMAN LOHSE: What'd she say?

6

7 MR. CARPENTER: She wants to go ahead.

8

9 CHAIRMAN LOHSE: Yes.

10

11 MS. MCHENRY: Okay. You do have in
12 your packet a letter and a list of questions and
13 answers about this. But for those of you who haven't
14 ever been there, Tangle Lakes is between Delta and
15 Glennallen and it's up in the Alpine Zone. During
16 recent years it has been the most used caribou
17 wintering habitat in Unit 13. Most used caribou
18 wintering habitat in Unit 13.

19

20 It has a 10,000 year history of
21 hunting. 10,000 years. And so it is important to the
22 AHTNA people. But today the area is plastered with
23 claims, there has been drilling north of the lakes in
24 the past three years by foreign companies, and we
25 believe that if the mining companies pull out there
26 will just be something else. There will always be
27 people who look at our best lands and imagine something
28 else there.

29

30 We found that Alaskans want to Tangles
31 to be protected but they want it to be an area where
32 they can still hunt and fish and come and go as they
33 please.

34

35 In that way it has been an alternative
36 to Denali National Park. And that's why a Refuge under
37 Fish and Game management is a good fit for this area.

38

39 The Nelchina Herd and other wildlife
40 are the most important resources there. Fish and Game
41 knows how to manage them and DNR does not.

42

43 Earlier this month, the State Board of
44 Game considered a proposal to create a Tangle Lake
45 State Wildlife Refuge. The Board showed that it
46 understood the importance of the area but it stopped
47 short of designating a Refuge. Instead they voted to
48 write letters to the Governor, the Legislature, DNR,
49 Fish and Game and ask all them to work together to
50 protect the area.

1 Now, some people asked whether they
2 would still be able to hunt the area if it's a Refuge,
3 and the answer is yes but it is now and will continue
4 to be State land and that means Tier II hunting, the
5 same as it is now. But the benefit is that the herd
6 will be protected for future generations.

7
8 And even though you folks deal with
9 Federal, not State lands, the caribou don't recognize
10 those boundaries. The same herd that is in State lands
11 is on those Federal lands where locals can subsistence
12 hunt. And that's why it's a legitimate concern of
13 yours and why it's important that you weigh in. And
14 what we're hoping that you will do is write a
15 resolution to protect the herd and send such a
16 resolution to the Governor, the Legislature, DNR, Fish
17 and Game and copy us if you would, and we can make it
18 part of a packet to lobby the Legislature with.

19
20 And I'm open for any questions.

21
22 CHAIRMAN LOHSE: Ruth, Ralph Lohse
23 here, can you hear me?

24
25 MS. MCHENRY: I can just barely hear
26 you.

27
28 CHAIRMAN LOHSE: Ruth, one thing I'd
29 like you to make clear to this Council that if the
30 State lands are made into a Refuge it has no affect on
31 the Federal lands and the regulations on the Federal
32 lands in the future that's right around the Refuge.

33
34 MS. MCHENRY: That's right.

35
36 CHAIRMAN LOHSE: Okay. Because I think
37 that needs to be understood that the Federal lands
38 remain Federal lands even if the State lands around it
39 become a Refuge. So, okay, thank you for your
40 presentation and I'll see what the Council has to say
41 here.

42
43 Bill.

44
45 MR. STOCKWELL: I have one question.
46 This is Bill Stockwell, I'm from Cooper Landing. Do
47 you have somebody in the Legislature who is willing to
48 introduce legislation to make this a State Refuge?

49
50 Thank you.

1 MS. MCHENRY: We haven't gotten as far
2 as introducing legislation, but Senator Kookesh has
3 expressed an interest and support of this general
4 concept and he does represent part of this area and so
5 we look forward to working with him but, of course,
6 we'll want to work with others in the Legislature, too.

7
8 MR. STOCKWELL: Thank you, that answers
9 my question. Appreciate the answer.

10
11 CHAIRMAN LOHSE: Gloria, you're from
12 that area, do you have any questions for her or any
13 comments on what she's saying?

14
15 MS. STICKWAN: He had a question.

16
17 CHAIRMAN LOHSE: Oh, did you have a
18 question, Ricky, I'm sorry.

19
20 MR. GEASE: Yes, I was wondering, you
21 made a comment about DNR not being able to be a good
22 regulatory agency in terms of actions taken on those
23 lands, however, I understand the Governor's put in that
24 the habitat section that Governor Murkowski had
25 transferred over to DNR is going to be transferred back
26 to Fish and Game, in light of that transfer back to
27 Fish and Game and Fish and Game having oversight of
28 habitat projects, does that alleviate some of the fears
29 that you would have with DNR maintaining control over
30 the land status of that area?

31
32 MS. MCHENRY: Boy, what a good
33 question. On the face of it it would seem so, but
34 actually habitat, whether it's been the Department of
35 Fish and Game or DNR, just has authority to write
36 stipulations regarding fish, it doesn't have that
37 authority for game.

38
39 CHAIRMAN LOHSE: Tricia, you have a
40 comment.

41
42 MS. WAGGONER: (Shakes head negatively)

43
44 CHAIRMAN LOHSE: Everybody seems to be
45 thinking on that one, Ruth. I don't think anybody has
46 a direct answer to that that's here. Terry, do you
47 have an answer to that, if habitat is returned to Fish
48 and Game, will they have jurisdiction over, not just
49 fish, but over habitat and game or what?

50

1 MR. HAYNES: Mr. Chairman. I don't
2 have the codified regulations here that outline Habitat
3 Division's authorities. But I think if Habitat
4 Division is moved back to Fish and Game its authorities
5 will be the same that it has if they remained in DNR.
6 And I've worked with Habitat Division on looking at a
7 lot of wide range of other habitat issues around the
8 state and certainly if there's interest in developing a
9 -- or establishing a wildlife Refuge, Habitat Division
10 would have a major role in that and I'm confident that
11 Habitat Division's responsibilities and work in that
12 regard would extend beyond anadromous fish and that
13 type of thing. But I think, you know, whether they're
14 in Fish and Game or DNR doesn't really make that much
15 difference in terms of the scope of the work that they
16 do.

17
18 MS. MCHENRY: If I could elaborate on
19 that one a little bit. I think that the critical thing
20 here is that Habitat's authority to put stipulations on
21 permits such as permits for mineral exploration is
22 limited to fish. Now, they can make suggestions and
23 have sometimes tried to make suggestions to DNR, but
24 absent a Refuge, if there's no Refuge and if the land
25 stays under DNR management, DNR can ignore whatever
26 Habitat is telling them because Habitat cannot go in
27 and just write a stipulation on a permit regarding
28 game. And DNR's mandate is to develop resources, it
29 isn't protection of game and fish. And so I think
30 Habitat is going to be better in Fish and Game, I think
31 it's going to be working in a department where it has
32 more inter-departmental cooperation and so forth, but
33 unless we see a Refuge created, the permit authority
34 for game stays with DNR. And so far in three years of
35 exploration they haven't written any stipulations that
36 mention wildlife.

37
38 CHAIRMAN LOHSE: Thank you, Ruth. That
39 you for that explanation and I see your concern there.
40 I thank you for bringing it to the attention of this
41 Council and we'll do some consideration right now to
42 see whether or not we would like to pass a resolution
43 in support of the Refuge idea.

44
45 But I'm going to let Gloria comment or
46 ask a question at this point in time.

47
48 MS. STICKWAN: You said that we'd still
49 be able to fish and hunt and trap even if we have a
50 State Refuge; is that right?

1 MS. MCHENRY: That is correct, Gloria.

2

3 MS. STICKWAN: And the proposal that
4 was submitted to the Board of Game, it was just for
5 hard-rock mining, existing mining claims would still be
6 allowed; is that right?

7

8 MS. MCHENRY: Actually what we found
9 was that the proposal was sent in last year and would
10 have disallowed hard-rock mining there was a lot of
11 furor over that because there are existing claims and
12 it would have caused problems for the State, possibly a
13 lawsuit. And so what Copper Country Alliance suggested
14 this year was that if a Refuge is created it would
15 disallow hard-rock mineral entry. And that word,
16 entry, means that new claims cannot be State lapsed
17 claims can't be restaked, but that existing claims
18 could continue. But they would still be subject to a
19 lot closer scrutiny by Fish and Game than they would be
20 by DNR as far as impacts on wildlife go, and on
21 wildlife habitat because if you strip lichen off of the
22 country there you don't have caribou habitat anymore.

23

24 CHAIRMAN LOHSE: Thank you for that
25 explanation Ruth. At this time I'm going to turn it
26 over to the rest of the Council and see if anybody at
27 this point in time wants to make a motion as a Council
28 member for the Council to consider a resolution or
29 whether we'll take it all back and consider it as
30 individuals. I know I've already written a letter on
31 it in the past and I will probably continue to stay on
32 top of it myself. But I'll see whether the Council or
33 anybody on this Council wishes to pass a resolution at
34 this point in time. And, thank you, again, for
35 presenting it to us and we'll go from there.

36

37 MS. MCHENRY: Thank you very much for
38 your time, I appreciate it. Good day to you all.

39

40 CHAIRMAN LOHSE: Okay, thank you.
41 Okay, at this point in time does anybody wish to
42 forward a resolution for us to consider or do we want
43 to put this on our agenda, what?

44

45 Doug.

46

47 MR. BLOSSOM: Mr. Chair. I think I
48 prefer that we all go home and think about it and write
49 individual letters. I think that way we get more
50 meaning in it. I don't think in the little bit of time

1 we've heard here we could make a Council decision.
2
3 CHAIRMAN LOHSE: Does that seem to be
4 the consensus of the rest of the Council.
5
6 (Council nods affirmatively)
7
8 CHAIRMAN LOHSE: Gloria, this most
9 directly affects people up in your area, in the Tangle
10 Lakes, I know when I've spent all my time up there that
11 was a very important place. To me that was a wonderful
12 place to go up and it's the caribou hunting area for
13 the local people. Have your people sat down and
14 considered the idea of the Refuge and what's kind of
15 your idea on it at this point in time.
16
17 MS. STICKWAN: Well, they did support
18 the Board of Game proposal to have it be made into a
19 State Refuge.
20
21 CHAIRMAN LOHSE: You didn't?
22
23 MS. STICKWAN: They did.
24
25 CHAIRMAN LOHSE: You did.
26
27 MS. STICKWAN: Yeah.
28
29 CHAIRMAN LOHSE: You did support the
30 game.....
31
32 MS. STICKWAN: Yeah, the AHTNA
33 Subsistence Committee.
34
35 CHAIRMAN LOHSE: Yeah, that was my
36 letter, it was.....
37
38 MS. STICKWAN: And they understood
39 that.....
40
41 CHAIRMAN LOHSE:in support of it,
42 too.
43
44 MS. STICKWAN:it would be open to
45 hunting, fishing and trapping. And I can understand
46 the Southcentral Regional Advisory, you know, if
47 they're reluctant to -- because it is a political issue
48 and we were just told not to get in -- not to write
49 letters to our officials or -- and I don't know if a
50 resolution is probably -- would be considered

1 political, too, I guess, so I don't know if we can do
2 anything other than individually -- as individuals.

3
4 CHAIRMAN LOHSE: I believe we could
5 write a resolution in support of it since it directly
6 affects subsistence users in our area if we wanted to.

7
8 MS. STICKWAN: I guess I would like to
9 see that if it's not -- you know, if we don't get in
10 trouble by being political, you know, just stating that
11 we want to see the caribou protecting from mining but I
12 don't know how to word it but something that wouldn't
13 be political or whatever.

14
15 CHAIRMAN LOHSE: We could just resolve
16 that the caribou in the Tangle Lakes area are important
17 to subsistence users in our area and we'd like to see
18 everything done that could be done to protect these
19 caribou in the future or something on that order.

20
21 MS. STICKWAN: I would go along with
22 that.

23
24 MR. ENCELEWSKI: I'd go along with
25 that.

26
27 MR. BLOSSOM: I'd go along with that.

28
29 MS. STICKWAN: I'd go along with that.

30
31 CHAIRMAN LOHSE: So if you would like
32 to make a motion and we could pass a resolution to that
33 effect and pass it on. It seems like we kind of had
34 consensus that that would be agreeable.

35
36 Ricky.

37
38 MS. STICKWAN: Larry Buklis.

39
40 MR. STOCKWELL: I'll second that.

41
42 CHAIRMAN LOHSE: Wait, we'll have Ricky
43 talk and then get him.

44
45 MR. GEASE: Having been up there twice
46 this winter already assisting on a subsistence hunt, I
47 understand that the area is important for caribou and
48 wintering habitat. However, I'm a bit gun-shy of being
49 on a Council that ventures into State policy on State
50 lands.

1 CHAIRMAN LOHSE: Thank you, Ricky.
2
3 MS. STICKWAN: I don't think we're
4 saying that, we're just saying we'd like to see the
5 area protected, that's what we're saying. I don't know
6 if that's really making it political.
7
8 I don't know. I don't know if it's
9 political or not.
10
11 I guess Larry could answer that.
12
13 CHAIRMAN LOHSE: Larry.
14
15 MR. BUKLIS: Mr. Chairman. I've been
16 reviewing the correspondence policy for Councils. And
17 on regulatory matters affecting subsistence you are
18 authorized to write directly to the Alaska Board of
19 Game and the Alaska Board of Fisheries without the
20 Assistant Regional Director of Subsistence clearing it
21 for you. On other sorts of concerns affecting
22 subsistence where you're writing to other agencies, it
23 does indicate a step where you make your resolution,
24 draw up your letter but then it should be cleared by
25 Pete Probasco, ARD for Subsistence. So you can address
26 it to whatever State agency is relevant here but it
27 wouldn't go without some review and clearance.
28
29 So my reading of this is this is within
30 your scope of authority to express this concern it's
31 just that it wouldn't go automatically from you to the
32 State but would need to be checked off by OSM. But
33 because it's a matter of concern in terms of
34 subsistence management it's within your purview of
35 concerns.
36
37 CHAIRMAN LOHSE: Thank you, Larry. You
38 did bring up a point that we wouldn't even know which
39 agency we would want to forward it to. I was kind of
40 thinking that we would forward it to the Governor of
41 the State of Alaska. and just again, like Gloria was
42 saying, to express our concur with anything that
43 affects the caribou in Unit 13, a very general letter,
44 not, like Ricky said, not proposing a Refuge, not
45 saying what should be done on State land but just
46 expressing our concern with anything that could have
47 possible detrimental effect on the subsistence resource
48 of the caribou in Unit 13, especially up in the Tangle
49 Lakes Denali area and will something like that be
50 legitimate?

1 MR. BUKLIS: Yes, Mr. Chairman, it's
2 legitimate and within your authority and I'm just
3 saying that once you and Donald work to develop that
4 draft it would go to the head of OSM for clearance as a
5 final step before it's mailed off for you.

6
7 CHAIRMAN LOHSE: Yeah. I'm like
8 Gloria, I wouldn't see where we could dictate what they
9 should do on State land, but we could express concern
10 about the resource.

11
12 And, Gloria.

13
14 MS. STICKWAN: Can we send that letter
15 to DNR as well as Fish and Game, Alaska Department of
16 Fish and Game and maybe the Governor like you said.

17
18 MR. BUKLIS: Mr. Chairman.

19
20 CHAIRMAN LOHSE: Larry.

21
22 MR. BUKLIS: Perhaps, best, here, to
23 work in principal on the issue and Donald can work to
24 develop the letter and in terms of who the addressee
25 and the CC list would be, that could be worked out and
26 Donald could check with you, Mr. Chairman, to make sure
27 it captures your concerns and then Pete Probasco could
28 review it and approve it.

29
30 I think we have the main theme of your
31 concern. And you've mentioned the Governor's office,
32 DNR, Habitat Division, ADF&G and so I think we can work
33 with Pete Probasco at OSM to get the right addressees
34 and CC list.

35
36 CHAIRMAN LOHSE: Thank you, Larry.
37 Personally, as the Chair, a resolution like this to me
38 would have to be by consensus otherwise I would say
39 that we should do it as individuals. And if we don't
40 have 100 percent consensus on it then I would say that
41 we should drop it as a resolution.

42
43 Gloria.

44
45 MS. STICKWAN: I said it would be a
46 letter, not a resolution.

47
48 CHAIRMAN LOHSE: Tricia.

49
50 MS. WAGGONER: I personally have

1 problems with sending a letter, being involved and
2 associated with this action, and so if the Council
3 wants to forward a letter, resolution, whatever, that's
4 fine, I definitely do not want my name as a Council
5 member, at least to be shown as dissenting or
6 something.

7

8

CHAIRMAN LOHSE: Mr. Henrichs.

9

10 MR. HENRICHS: I think if we're opening
11 Pandora's Box here, I think the next meeting we come to
12 we're going to be flooded with requests to take stands
13 on development in this region and I don't think we
14 should go there. If individual organizations want to
15 do it that's fine. I don't think we should go there.

16

17 CHAIRMAN LOHSE: Thank you, Robert. So
18 basically we don't have a consensus on it but we have
19 had the information presented to us so as individuals
20 or as representatives of other groups we can go forward
21 with what we would like to do on that. But I wouldn't
22 want to pass a letter, you know, on something like this
23 unless we had complete consensus, 100 percent
24 unanimous.

25

26

Ricky.

27

28 MR. GEASE: Yeah, I'll just echo two
29 other comments here of fellow Council members, I would
30 not feel comfortable with that. I think there's a
31 difference between the purview of looking at
32 conservation concerns and seeing how that affects --
33 but to get into how private lands in this state are
34 managed opens up Pandora's Box, because the next person
35 could come to AHTNA private lands, or to CIRI private
36 lands on the Kenai Peninsula and say, these lands are
37 Ninilchik, you know, lands that are private State lands
38 and then, you know, say, well, you set a precedence
39 here, therefore, all lands that could be considered to
40 be within the range of mobile wildlife need to be
41 protected and be wildlife refuges. You could make the
42 similar comment. And I just feel uncomfortable going
43 there in terms of, you know, writing, as a Council, how
44 private and/or State lands are managed by the State.

45

46

CHAIRMAN LOHSE: Thank you, Ricky.
47 Okay, with that then we'll just leave it to the
48 individuals and let it go at that.

49

50 Okay, now, we're back to the U.S.

1 Forest Service. Sorry.

2

3 MR. ZEMKE: Steve Zemke here again.
4 Obviously you've had some time to take a look at the 15
5 page hand out now.

6

7 (Laughter)

8

9 MR. ZEMKE: But anyway I won't take
10 time to go through each of the individual projects.
11 The District is always looking for local or traditional
12 knowledge, examples, I guess, would be the hydroacts
13 proposal that they're looking at for Copper River
14 Delta. I know Native Village of Eyak, State of Alaska
15 as well as the Forest Service are looking at that
16 habitat, improvement for moose habitat and working with
17 local users obviously that have that knowledge would
18 greatly enhance our ability to get the work done in the
19 right spot. And the SOPA includes kind of when they're
20 planning to do it and kind of a general description of
21 the project and kind of the primary contact within the
22 Forest Service. So I would kind of direct you there.

23

24 There's Kenai Peninsula Seward Ranger
25 District has a series of stream restoration and/or
26 hazardous fuels reduction projects which would also
27 maybe address some of the issues we've dealt with
28 before, fisheries obviously for the enhancement
29 opportunities there. Hazardous fuels primarily focused
30 on kind of protection of townsites and that but it's at
31 the same time, dual benefits, say, for where moose
32 habitat is being reduced through gradual successional
33 changes. It may be an opportunity to get both
34 objectives accomplished in this same time, and local
35 knowledge would greatly enhance our ability to be able
36 to do that.

37

38 So for Council members that are
39 directly interested I would recommend that they contact
40 those people that are directly involved with putting
41 together those projects.

42

43 The second hand out I gave you is one
44 from Milo Burcham, kind of describing the Cordova
45 Ranger District wildlife projects over this last year.
46 Milo apologizes for not being able to be here to be
47 able to present that but he's involved with the Michael
48 O'Leary memorial celebration portions and he apologizes
49 for not being here to provide you that information.

50

1 Essentially there's three different
2 portions there, one is kind of a further description,
3 kind of the moose hunt and moose surveys in the Copper
4 River Delta, we pretty much kind of already discussed
5 what the essence of that is. I won't go any further
6 than that.

7
8 The second part is the mountain goat
9 portion of the program and there were two permits, both
10 out at Tatitlek -- I should say there were 20
11 subsistence goat permits issued and there were two
12 reported harvests, both were out of the community of
13 Tatitlek.

14
15 And then the third one is the deer
16 surveys and then the deer hunts that happened out at
17 the Prince William Sound. In the past, really, we've
18 had deer harvest hunts on the books but really they've
19 been managed under the State permit system on harvest
20 ticket system, but within this last December when there
21 was an emergency order by the State to shut down the
22 antlerless deer harvest in Prince William Sound, came
23 time for the Federal Program to actually issue harvest
24 permits for antlerless doe within the area, there's
25 only actually three permits issued, and they don't
26 really have any reported harvest on those but you can
27 read in there, apparently there was -- reports of low
28 deer numbers, the actual difficult weather and then
29 probably the lack of snow in the area made it probably
30 problematic for people to go out and harvest deer for
31 that period of time.

32
33 So with that I'll probably end unless
34 there's some other questions. I know there was
35 discussion about the Forest Service budget and I guess
36 I could go a little bit, you know, there was the 2009
37 Presidential initial budget -- it did zero out the
38 subsistence line appropriation item that was in there,
39 there's discussion right now that between our regional
40 office and the Washington office to be able to put that
41 line item back in the budget. If that doesn't work
42 then there's talk about, well, the money would come out
43 of another -- maybe the Fish and Wildlife appropriation
44 or maybe the Information Inventory Monitoring portions
45 of the program but that would all be kind of an
46 interactive discussion between our region office and
47 the Washington office. And the money isn't assured,
48 that way to be coming down at that level and maybe at
49 or maybe above or below but that would all be
50 contingent on those discussions and negotiations at

1 that time.

2

3 You know obviously at this time we know
4 the Native Village of Eyak has written a letter to
5 Senator Stevens to be able to have him, you know, I
6 guess it's not really lobbying, you know, at the Forest
7 Service, we're not supposed to go out and say, hey, how
8 about writing us a letter, that way -- but if you do
9 have interest either as a Council or as individual
10 members or other organizations, certainly that
11 expressed interest to responsible officials probably
12 would at least inform them that there is significant
13 concern within the region that there is a management
14 concern there.

15

16 With that I'll entertain questions.

17

18 CHAIRMAN LOHSE: Any questions.

19

20 Ricky.

21

22 MR. GEASE: Yeah, in the projects that
23 you listed here one of the things that we saw in Unit 7
24 was -- I think reductions or kind of in a cycle where
25 we don't have fire coming through and reestablishing
26 some good areas for moose, there are two projects in
27 here that are on hold for fuels management, can you
28 talk about why they're on hold and what the prospect of
29 those two projects and other such projects in Unit 7
30 would be?

31

32 CHAIRMAN LOHSE: What page?

33

34 MR. GEASE: That's on Page 12 and Page

35 9.

36

37 MR. ZEMKE: Yeah, the two that are
38 there listed are the Cooper Creek and Primrose
39 Hazardous Fuel Reduction Projects, and really they're
40 on hold right now to take a look at this comprehensive
41 strategic plan that's being put together for most of
42 the entire Kenai Peninsula rather than kind of these
43 one op projects. I would anticipate that they would be
44 accelerated once that strategic plan is done.
45 Hopefully, I think within the year. And then at the
46 same time, I think -- at one -- we did have some other
47 moose habitat wildlife burns were on the projects -- on
48 the proposals, and I think it was in 2001 there was the
49 Kenai Lake habitat burn and we had anomalous
50 conditions, the burn was done, it was successful and

1 then after about two weeks when normally the weather
2 would have moved in the fire picked back up and about
3 burned down Moose Pass. So at that time there was kind
4 of basically kind of a hold put on the projects to be
5 able to maybe take a look at more of the strategic plan
6 and I think the other one is that the focus is on the
7 available dollars, is probably to do the hazardous fuel
8 reduction first adjacent to the communities because
9 that's the greatest need. But I think one of the
10 things I'm going to do when we get back to the Forest
11 and talk to the manager, particular the District Ranger
12 out there, is discuss the need for a comprehensive
13 approach at providing better habitat for moose in the
14 near future and beyond that.

15

16 As far as a specific timeframe I
17 couldn't give you that right at the moment.

18

19 MR. GEASE: Yeah, I mean there was -- I
20 think there is a Forest Service policy, though, is to
21 put out, even in kind of more -- has the let burn
22 policy changed if you're not in an area specific that
23 has property to let it burn more than kind of
24 immediately put a fire crew on it and put it out, you
25 know, when it's just 40 acres, if it could grow and
26 burn some more areas up.

27

28 MR. ZEMKE: Yeah, you know, the actual
29 areas within the Unit 7, most of those are all within
30 the immediate response zones just because of their
31 proximity to the communities that are there and the
32 other infrastructure. Some of the areas, like in
33 Prince William Sound, and the back country there, they
34 could be in that zone but they aren't in a fire adapted
35 eco-system so there's probably not much point to do
36 that. As Robin West and Kenai Refuge, they do have
37 some wild land fire use zones where they look at
38 resource. I couldn't talk specific to those but most
39 all the Kenai -- or the Seward Ranger District is in
40 not kind of a let burn zone, it's in kind of a more
41 immediate response area.

42

43 MR. GEASE: Thank you.

44

45 CHAIRMAN LOHSE: Bill, did you have a
46 question.

47

48 MR. STOCKWELL: I was just going to
49 bring up the one on Page 9, which is the Cooper Creek
50 Hazardous Fuel Reduction, that's just outside of the

1 community of Cooper Landing, and since they almost
2 burned down Moose Pass awhile ago, people in Cooper
3 Landing are pretty gun-shy about Forest fires. I,
4 personally, support the Forest fires but I live on the
5 other end of town so it's not too bad.

6

7

(Laughter)

8

9

MR. STOCKWELL: But, yeah, I agree we
10 need more moose habitat and fire is one way to do it
11 but the people in Cooper Landing, I just want to pass
12 on to everyone, are very gun-shy who's setting Forest
13 fires around the village area.

14

15

Thank you.

16

17

MR. ZEMKE: Well notes.

18

19

MR. STOCKWELL: Yeah.

20

21

CHAIRMAN LOHSE: Any other questions.

22

23

(No comments)

24

25

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50

But nevertheless I enjoy coming and
trying to present our best case to you and we
appreciate your thoughtful questions and comments and
this has always been an enjoyable process for me.

Thank you.

1 CHAIRMAN LOHSE: Thank you, Terry. I
2 won't say anything about how often we agree.

3
4 (Laughter)

5
6 CHAIRMAN LOHSE: But, I do really -- I
7 really do appreciate your presentations and the back
8 and forth feedback that we have with them. And I thin
9 it's made us think and sometimes -- I hope some of it
10 carries back, carries back to the Fish and Game and has
11 them think.

12
13 So, thanks again.

14
15 MR. HAYNES: Thank you.

16
17 CHAIRMAN LOHSE: National Park Service.
18 Wrangell-St. Elias.

19
20 MS. CELLARIUS: Mr. Chair. Barbara
21 Cellarius, Wrangell-St. Elias National Park and
22 Preserve. Donald should have passed out to you two
23 things.

24
25 One is the ORV planning newsletter that
26 I see some of you have and then the other is a single
27 sheet two-sided report that is largely based on
28 information that I got from Mason and Eric, our
29 wildlife biologist, and our former fisheries biologist
30 who's now the chief of resources.

31
32 I'm going to mostly let you read
33 whatever you want to out of here but I do want to make
34 just a couple of specific points.

35
36 The first is actually a general Park
37 Service piece of news. In case you hadn't heard, Judy
38 Gottlieb, who has been the head of the -- sort of the
39 Park Service's member on the Federal Subsistence Board
40 retired at, I think the end of February or early March.
41 And to the best of my knowledge not a -- a permanent
42 replacement hasn't been identified yet.

43
44 And also on personnel news, Mason Reid,
45 who's the Park's wildlife biologist is going to be
46 leaving us, we're recruiting for a new wildlife
47 biologist, the job announcement is currently open and
48 if you know of anyone who would be interested in that
49 kind of a position please pass the word on that -- I
50 think it's open until April 4th and it's available on

1 USA jobs, which is a website that's got jobs for the
2 Federal government.

3

4 The SRC is meeting in a couple weeks in
5 Mentasta and anyone who is interested is invited to
6 come.

7

8 And this morning there was one copy
9 left on the back table of an Upper Tanana Ethnographic
10 Overview and Assessment that Terry, along with Bill
11 Simeion, both from Alaska Department of Fish and Game
12 produced for the Park, and if anyone is interested in a
13 copy I would be happy to mail you one.

14

15 Okay, so I'm seeing Ralph and Gloria.
16 If anybody else wants one, my contact information is on
17 the report.

18

19 Greg. Doug.

20

21 Okay. I'll get your address
22 information from Donald.

23

24 And then the final thing I want to
25 mention is that the Park is embarking on a major
26 planning process for recreational use of off road
27 vehicles on nine trails along the Nabesna Road, that's
28 what this newsletter's about. We're having our first
29 set of public scoping meetings coming up in the next
30 couple of weeks and so you'll see here that Tok on
31 March 25th, Slana on March 26th, Glennallen, Fairbanks
32 and Anchorage are the locations of those meetings.
33 We're interested in hearing from people who use those
34 trails about how they would like to see the trails
35 managed. So this stems from a lawsuit against the Park
36 Service saying that we're not managing recreational ORV
37 use the way we should be so we're taking a look at how
38 we manage those trails.

39

40 I had one question for you, so
41 obviously you're all encouraged to go to a scoping
42 meeting, if you're interested, a number of these trails
43 are in Unit 11 or at least the first couple of trails
44 are in Unit 11 on the western portion of the Nabesna
45 Road. Since you're -- at least what I've seen
46 tentatively is that you're meeting in Glennallen in the
47 fall and wondered if you would be interested in having
48 the project manager come and give you a little more
49 presentation on that planning effort.

50

1 MS. STICKWAN: I would.
2
3 CHAIRMAN LOHSE: I would think so.
4 This is strictly the trail off the Nabesna Road, not
5 the rest of the trails in the Park?
6
7 MS. CELLARIUS: Yes. There are nine
8 recreational -- they are nine trails off the Nabesna
9 Road that we have issued permits for recreational ORV
10 use and so that's what the lawsuit's about so that's
11 what the focus of the EIS will be.
12
13 CHAIRMAN LOHSE: Who brought the
14 lawsuit?
15
16 MS. CELLARIUS: The lawsuit was brought
17 -- let me see if it is here, it was essentially three
18 environmental organizations. It's probably in here
19 someplace.
20
21 CHAIRMAN LOHSE: That's okay, we can
22 find that Barbara. I was just wondering if a local
23 tribal agency or individual brought it.
24
25 MS. CELLARIUS: It's the National Parks
26 Conservation Association, Alaska Center for the
27 Environment and the Wilderness Society. They filed a
28 lawsuit and then the EIS is in response to the lawsuit.
29 But if you're interested in having a little more
30 information when we get a little bit further along -- I
31 was just thinking that since the meeting was going to
32 be in Glennallen then it will be easy for us to have
33 somebody.....
34
35 CHAIRMAN LOHSE: Have a little update
36 on it.
37
38 MS. CELLARIUS: Yeah.
39
40 CHAIRMAN LOHSE: Yeah. Doug.
41
42 MR. BLOSSOM: Mr. Chair. On the Kenai
43 they're using, I don't know, what do they call that
44 stuff, that geodystic, geoblock and that, I think, is
45 working quite well, CIRI is doing quite a bit of it.
46 You know we have ORV trouble there, too, and they're
47 bridging some of the bad areas with that and making it
48 palatable so that's a thought.
49
50 MS. CELLARIUS: I imagine that -- I

1 mean geoblock is a term that I've heard, I'm not even
2 all that involved except for that when we get to doing
3 -- there'll be analysis of whatever impacts the
4 recommended actions would have on subsistence that I'll
5 be involved with writing but some of the planning I've
6 not been so involved in. We've got, I think, it's over
7 100 miles of trails that we're talking about but
8 certainly doing some kinds of trail stabilization is
9 something that's being talked about.

10

11 CHAIRMAN LOHSE: So this basically is
12 not on Park Service policy this is -- of ORVs, this is
13 strictly on these trails on the Nabesna Road.

14

15 MS. CELLARIUS: Right. We base -- I --
16 we need to sort of come up with a strategy for the
17 management of those trails and how can we manage those
18 trails without seeing like resource degradation, that
19 kind of thing. We have been -- we have been issuing
20 permits to recreational ORV users for these trails and
21 the lawsuit said or claimed that we had not done
22 environmental analysis, we hadn't evaluated the impact
23 that issuing those permits had before we do it so we
24 have to go back and do the analysis.

25

26 CHAIRMAN LOHSE: And this does not
27 affect the use of -- subsistence user's use of ORVs
28 anyhow because they're exempt from the recreational
29 part of it.

30

31 MS. CELLARIUS: The lawsuit is specific
32 to recreational ORV use.

33

34 CHAIRMAN LOHSE: Right.

35

36 MS. CELLARIUS: I can't tell you what
37 the end point of the planning process is going to be.
38 The focus is recreational ORV use.

39

40 CHAIRMAN LOHSE: Right. Okay. Any
41 questions for Barbara.

42

43 MS. WAGGONER: I have a question.

44

45 CHAIRMAN LOHSE: Tricia.

46

47 MS. WAGGONER: I just have one quick
48 comment. On the first part of the wildlife report it
49 talks about the Chisana Caribou Hunt and having heard
50 over the years about this herd of caribou I would just

1 really like to congratulate the Park Service working
2 internationally and rebuilding a small herd of caribou,
3 woodland caribou to boot, that almost went extinct and
4 they have managed to bring it back and it appears that,
5 you know, it might not be back to a huntable population
6 yet but it's definitely on its way and I think it was
7 down to less than 100 animals.

8

9 So I just would really like to
10 congratulate the Park Service on that.

11

12 MS. CELLARIUS: Thank you. And I'll
13 pass your thanks -- your congratulations on to Mason
14 because he's put a lot of work into participation in
15 the recovery effort.

16

17 CHAIRMAN LOHSE: Any other comments,
18 questions.

19

20 (No comments)

21

22 CHAIRMAN LOHSE: Thank you, Barbara.

23

24 MS. STICKWAN: Well, can I say
25 something, ask.....

26

27 CHAIRMAN LOHSE: Oh, that's right,
28 sorry, Gloria, my fault.

29

30 MS. STICKWAN: You said something about
31 the lawsuit, is there a hearing pretty soon or maybe
32 you said it and I didn't hear you. I was wondering if
33 there was a hearing soon or what?

34

35 MS. CELLARIUS: So there was -- the
36 Park Service was sued and the timeframe is in the
37 newsletter, I won't take the time to look specifically
38 when it was. There was an out of court settlement, I
39 think that's my understanding that we would do this EIS
40 to see if we could address the concerns of the folks
41 who filed the lawsuit. So the EIS is the current, sort
42 of the next step in the process that came out of the
43 lawsuit, the lawsuit was -- didn't actually get to
44 court. We are going to be having public scoping
45 meetings for the EIS coming up the last week of March,
46 the first week of April, but this is a process that's
47 going to go on for a couple of years and since it
48 sounds like there is some interest in hearing a little
49 more about this I will see what I can do about having
50 somebody who's more involved in the planning process

1 come to your meeting in Glennallen and give you a
2 little bit of a presentation.

3

4 CHAIRMAN LOHSE: Anybody else.

5

6 (No comments)

7

8 CHAIRMAN LOHSE: Thank you, Barbara.

9

10 Denali National Park Service.

11

12 MS. CELLARIUS: Amy's not here today.

13

14 MR. SUMMERS: I just got a -- Clarence
15 Summers, National Park Service. Mr. Chairman and
16 Commission. Amy Craver couldn't make it today. But
17 she promised me over the phone that she would provide
18 you with an update, a briefing on some of the projects
19 that are ongoing planned for this coming year and we'll
20 try to get that out to you as soon as possible.

21

22 Another point that she wanted me to
23 share. She's in the process of -- she's very close to
24 identifying a candidate for this vacancy that the
25 Southcentral Regional Council appoints two members,
26 currently you've got Vern Carlson serving until 2009,
27 you've got a vacancy and it's one where the person you
28 appoint has to be a qualified subsistence user and
29 either serve on a local Advisory Committee or on the
30 Regional Council. And there is a candidate that's
31 identified, but, unfortunately that person's not
32 currently on the local Advisory Committee, and that's
33 for the Denali Local Advisory Committee, and hopefully
34 at the next session this individual will affiliate with
35 that committee either as a full-time member or an
36 alternate. And there may be other candidates also that
37 she's identified, unfortunately she's not here to
38 provide you with the details, she hopes that by your
39 next meeting she'll resolve this.

40

41 Any questions.

42

43 CHAIRMAN LOHSE: Thank you. And that
44 means, therefore, SRC membership and appointments are
45 not an action item at this meeting.

46

47 MR. SUMMERS: That's correct.

48

49 CHAIRMAN LOHSE: Thank you. Any
50 questions.

1 (No comments)

2

3 CHAIRMAN LOHSE: The new members, do
4 you all understand that in order to be on an SRC the
5 person has to either be a member of a Fish and Game
6 Advisory Committee or our Council right here. In the
7 past a member of our Council has always been on as an
8 SRC member on the Denali but he passed away and so we
9 don't currently have one right now.

10

11 Thank you.

12

13 MR. SUMMERS: Thank you.

14

15 CHAIRMAN LOHSE: Okay, we go on to
16 other business. Council topics for the spring FSB
17 meeting. Does anybody have any topics that they would
18 like to forward to Donald to put on to that meeting.
19 You're not limited to having those topics today, if you
20 think of any topics between now and the time we need to
21 put them on the agenda they can be forwarded to him at
22 that point in time. But if anybody has any pressing
23 topics they'd like to bring before the rest of the
24 Council to consider to give to Donald to put on the
25 agenda, now would be a good time to do it otherwise you
26 can bring them to the Chair's attention or you can
27 bring them directly to Donald's attention and he'll
28 bring them to the Chair's attention.

29

30 (No comments)

31

32 CHAIRMAN LOHSE: Hearing none, let's go
33 on to future meeting plans. Donald, first thing we
34 need to do is confirm the time and location for the
35 fall 2008 meeting and would you give us what our
36 current plans are and how that's going.

37

38 MR. MIKE: Thank you, Mr. Chair. At
39 your last meeting the Council selected for its fall
40 meeting October 7th to 9th in Glennallen and we just
41 need to confirm by this Council those days are still
42 what the Council suggested.

43

44 CHAIRMAN LOHSE: Those days are still
45 open.

46

47 MR. MIKE: That is correct, Mr. Chair.

48

49 CHAIRMAN LOHSE: And have you done any
50 looking into accommodations and everything in the

1 Glennallen area, does it all seem feasible.

2

3 MR. MIKE: The Glennallen area I think
4 we can find places to meet, usually either at the CRNA
5 Hall or at the Caribou Lodge.

6

7 CHAIRMAN LOHSE: Okay.

8

9 MR. MIKE: We have options available.

10

11 CHAIRMAN LOHSE: And when we consider
12 the Glennallen area, how far around Glennallen do we
13 consider, do we consider all the way to the Princess
14 Lodge at Tazlina.

15

16 MR. CARPENTER: Hey, there you go.

17

18 MR. MIKE: That is correct, Mr. Chair.

19

20 MR. CARPENTER: Is it open.

21

22 CHAIRMAN LOHSE: I don't know, October
23 7th through 9th, I'm trying to remember whether I went
24 there and had something to eat at the Princess Lodge at
25 that time or not, I'm not sure.

26

27 Barbara.

28

29 MS. CELLARIUS: Mr. Chair. If you want
30 to have your meeting at the Princess Lodge, you're
31 going to have to do it before the middle of September.

32

33 CHAIRMAN LOHSE: Okay, that answers
34 that question. How about the National Park Service
35 buildings, do we have facilities there?

36

37 MS. CELLARIUS: We have a new building
38 that it is possible that there would be room for a
39 meeting, I would have to check on that. I also was
40 talking to a colleague who's involved in the American
41 Legion, and the Legion has a hall in Glennallen. I've
42 only been in it very briefly but that might be something
43 else for Donald to check on and I will check on the
44 Park Service building and get with Donald on that.

45

46 CHAIRMAN LOHSE: I was just thinking
47 with the budget cuts it would be nice, you know, if we
48 could find a facility that's already owned by the
49 Federal government then that would be a cost savings.

50

1 Mr. Henrichs.
2
3 MR. HENRICHS: Well, I don't think the
4 use of our tribe's hall here broke the government.
5
6 CHAIRMAN LOHSE: Good.
7
8 MR. HENRICHS: So maybe AHTNA has a
9 place.
10
11 CHAIRMAN LOHSE: We have used their
12 place in the past in Copper Center.
13
14 MR. CARPENTER: Is that when we flew up
15 and had that meeting.
16
17 CHAIRMAN LOHSE: Uh-huh.
18
19 MS. STICKWAN: There's other villages
20 besides Klutaka too that have halls, Gulkana has a
21 hall, Tazlina has a hall.
22
23 CHAIRMAN LOHSE: Yeah.
24
25 MS. STICKWAN: You know it's just not
26 Klutaka.
27
28 CHAIRMAN LOHSE: Yeah.
29
30 MS. STICKWAN: I think you have a list
31 of people, don't you, with phone numbers to call them.
32
33 MR. MIKE: Mr. Chair. Yes, I do. And
34 there's other options, we may consider is if BLM has
35 any meeting facilities, I'll check with them, too.
36
37 CHAIRMAN LOHSE: Thank you, Donald.
38 And we'd like to thank the Village of Eyak that they
39 didn't break the Federal government in renting this
40 hall. I'm sure they appreciate it and we appreciate
41 it. We'd hate to add to the national debt.
42
43 (Laughter)
44
45 CHAIRMAN LOHSE: Of any significant
46 quantity.
47
48 Okay. Donald.
49
50 MR. MIKE: Mr. Chair. The Council

1 needs to consider their winter 2009 meeting, their next
2 time and location.

3

4 CHAIRMAN LOHSE: That's the time and
5 location for the winter meeting, right.

6

7 MR. MIKE: Yes, that's the 2009
8 meeting.

9

10 CHAIRMAN LOHSE: Do we need to make a
11 motion to confirm the time and location for the fall
12 meeting or is that all pretty well taken care of.

13

14 MR. MIKE: I would consider it pretty
15 much taken care of.

16

17 CHAIRMAN LOHSE: Okay. At this time
18 then we're going to look at time and location for our
19 winter 2009 meeting.

20

21 MR. MIKE: Mr. Chair. The meeting
22 calendar is on Page 226 in your Council book. And
23 other Regional Advisory Councils have met and the
24 Seward Peninsula have selected the meeting dates of
25 February 10th and 11th. Northwest Alaska February 11th
26 [sic]. North Slope February 17th to the 18th.
27 Southeast February 24th to 26th. Western Interior
28 February 18th and 19th or March 10th and 11th.

29

30 Thank you, Mr. Chair.

31

32 CHAIRMAN LOHSE: I missed the first
33 couple of them that you had there, Donald.

34

35 MR. MIKE: The first couple, Seward
36 Peninsula February 10th and 11th. Northwest Alaska
37 February 12th. North Slope February 17th and 18th.

38

39 CHAIRMAN LOHSE: Okay.

40

41 MR. CARPENTER: We should do it in
42 March.

43

44 CHAIRMAN LOHSE: I think so.

45

46 MR. CARPENTER: What about 10th, 11th
47 and 12th in Anchorage.

48

49 CHAIRMAN LOHSE: The 10th and 11th,
50 they already have meetings on in March, right?

1 MR. MIKE: That's February.
2
3 MR. CARPENTER: 3rd, 4th, 5th.
4
5 CHAIRMAN LOHSE: That sounds better to
6 me.
7
8 MR. CARPENTER: Mr. Chair. I move that
9 we have our winter meeting '09 in Anchorage in March
10 3rd, 4th and 5th.
11
12 CHAIRMAN LOHSE: Does that conflict
13 with anybody else's schedule, does anybody else have
14 any suggestions that they'd like to make.
15
16 Greg, everything always conflicts with
17 yours, doesn't it?
18
19 MR. CARPENTER: He'll be retired.
20
21 MR. ENCELEWSKI: I'm hoping to retire by
22 then.
23
24 CHAIRMAN LOHSE: Mr. Henrichs.
25
26 MR. HENRICHS: That is a lifetime away.
27 That is a year away.
28
29 CHAIRMAN LOHSE: That's right.
30
31 MR. HENRICHS: How the hell do you know
32 what you're going to be doing in a year.
33
34 (Laughter)
35
36 MR. HENRICHS: Christ.
37
38 (Laughter)
39
40 CHAIRMAN LOHSE: Well, we have to be
41 able to -- we have to reconfirm it at the fall meeting.
42 One of the reasons that when Tom suggested the 10th,
43 11th, 12th, there already was a meeting at that time
44 and also possibly halibut season would be open at that
45 time which might involve you, but I doubt if the
46 halibut season will be open on the 3rd, 4th or 5th, so
47 it shouldn't affect you.
48
49 MR. CARPENTER: Do we need a second.
50

1 REPORTER: (Nods affirmatively)
2
3 CHAIRMAN LOHSE: So is there a second
4 on the 3rd, 4th and 5th.
5
6 MR. ENCELEWSKI: Second.
7
8 CHAIRMAN LOHSE: It's been moved and
9 seconded the 3rd, 4th and 5th of March, a lifetime
10 away, 2009.
11
12 (Laughter)
13
14 MR. STOCKWELL: Mr. Chairman. I just
15 hope to be breathing by that time, thank you.
16
17 CHAIRMAN LOHSE: Don't look around at
18 all the grey hair on the Council and say things like
19 that.
20
21 (Laughter)
22
23 CHAIRMAN LOHSE: Okay. Do we need a --
24 first we have a motion and a second.
25
26 MR. CARPENTER: Question.
27
28 CHAIRMAN LOHSE: Question's been
29 called, all in favor signify by saying aye.
30
31 IN UNISON: Aye.
32
33 CHAIRMAN LOHSE: Opposed signify by
34 saying nay.
35
36 (No opposing votes)
37
38 CHAIRMAN LOHSE: And my suggestion
39 would be since we've had the last two meetings in
40 outlying communities that we have it in Anchorage the
41 3rd, 4th and 5th because that's more central for all of
42 us.
43
44 (Council nods affirmatively)
45
46 MR. HENRICHS: That was in the motion
47 wasn't it.
48
49 CHAIRMAN LOHSE: That was in the
50 motion.

1 MR. CARPENTER: Yep.
2
3 CHAIRMAN LOHSE: I'm sorry I didn't
4 hear that. So okay the 3rd, 4th and 5th in Anchorage;
5 is that agreeable to everybody.
6
7 MR. CARPENTER: Yep.
8
9 (Council nods affirmatively)
10
11 CHAIRMAN LOHSE: We already said aye so
12 it has to be agreeable.
13
14 (Laughter)
15
16 CHAIRMAN LOHSE: Okay, with that, I
17 don't see anything else on the agenda. A motion to
18 adjourn is in order.
19
20 MR. STOCKWELL: I make a motion that we
21 adjourn.
22
23 MR. CARPENTER: Second.
24
25 CHAIRMAN LOHSE: It's been moved and
26 seconded that we adjourn, the meeting is adjourned.
27
28 (Off record)
29
30 (END OF PROCEEDINGS)

