SEWARD PENINSULA FEDERAL SUBSISTENCE
REGIONAL ADVISORY COUNCIL MEETING

PUBLIC MEETING

VOLUME I

Aurora Inn
Nome, Alaska
September 21, 2011
8:30 a.m.

Members Present:

Michael Quinn, Chairman
Peter Buck
Fred Eningowuk
Thomas Gray
Louis Green
Anthony Keyes
Peter Martin
Elmer Seetot
Timothy Smith

Regional Council Coordinator - Alex Nick

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P R O C E E D I N G S

(Nome, Alaska - 9/21/2011)

(On record)

CHAIRMAN QUINN: I'll call the meeting to order. Mr. Secretary, you can do the roll call.

MR. BUCK: Anthony Keyes.

MR. KEYES: Here.

MR. BUCK: Peter Buck. Here. Louis Green, Jr.

MR. GREEN: Here.

MR. BUCK: Tom Gray.

MR. GRAY: Here.

MR. BUCK: Weaver Ivanoff.

MR. NICK: Mr. Chair. I contacted Mr. Ivanoff earlier this summer and he's still in recovery stage and he was unable to attend this meeting.

MR. BUCK: Peter Martin, Sr.

MR. MARTIN: Here.

MR. BUCK: Fred Eningowuk.

MR. ENINGOWUK: Here.

MR. BUCK: Elmer Seetot, Jr.

MR. SEETOT: Here.

MR. BUCK: Mike Quinn.

CHAIRMAN QUINN: Here.

MR. BUCK: Timothy Smith.

MR. NICK: Mr. Chair. I contacted Tim last weekend. He was supposed to be here. He might show up in a couple minutes.

MR. BUCK: It looks like we have a quorum.

CHAIRMAN QUINN: Okay. So Mr. Secretary or Alex, do we have a quorum?

MR. NICK: Yes, you do.

CHAIRMAN QUINN: All right. Then I'll welcome everybody to the meeting and we'll do our introductions. I'll start with the Council members, starting with Louis and then we'll just go all the way around the room to all the people who are actually paid to be here.

MR. GREEN: Good morning to you. My name is Louis Green. I reside here in Nome, a 50-year resident.

MR. KEYES: I'm Anthony Keyes and I represent Wales, Alaska. I had a good start of a summer, starting springtime. Eventually, when the summer started progressing on, I lost a daughter not too long ago. So if you guys kind of see me keeping my head down every now and then, that's because of that. Other than that, got lots to say today.

Thank you very much.

MR. BUCK: Peter Buck from White Mountain.

MR. ENINGOWUK: Fred Eningowuk, Shishmaref.

MR. GRAY: Tom Gray, Nome. You've heard from me quite a bit before and I'm back again.

CHAIRMAN QUINN: Mike Quinn from Nome.

MR. SEETOT: Elmer Seetot, Jr., Brevig Mission.

MR. MARTIN: Peter Martin, Sr. of Stebbins.

MS. PETRIVELLI: I'm Pat Petrivelli with the Bureau of Indian Affairs.

MS. BRADY: Rose Brady, Bureau of

Indian Affairs from Anchorage, the deputy regional director for Trust.

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

MR. MCKEE: Chris McKee, Office of Subsistence Management.

MR. PAPPAS: George Pappas, Fish and Game, Subsistence Liaison Team.

MS. H. ARMSTRONG: Helen Armstrong. I'm chief of anthropology, Office of Subsistence Management.

MR. NICK: Alex Nick, Bethel, OSM coordinator for this RAC and YK.

MR. ADKISSON: Ken Adkisson with Park Service, Western Arctic National Park here in Nome.

MR. RABINOWITCH: Good morning. I'm Sandy Rabinowitch with National Park Service in Anchorage and also part of the InterAgency Staff Committee of the Federal Board.

CHAIRMAN QUINN: Okay. One more member just was seated. Mr. Smith, introduce yourself.

MR. SMITH: My name is -- sorry to be late. Something came up I had to deal with. My name is Tim Smith. I'm a Nome resident. Once again, I apologize for being late.

CHAIRMAN QUINN: Okay. Thanks, everybody. Rosemary, did I catch your name right?

MS. BRADY: Rose Brady.

CHAIRMAN QUINN: Rose.

MS. BRADY: Yes.

CHAIRMAN QUINN: Can you say who you are again. I didn't catch it all.

MS. BRADY: Deputy regional director for Trust, BIA.

CHAIRMAN QUINN: So you work for BIA?

MS. BRADY: Yes.

CHAIRMAN QUINN: Okay. I've never seen you at the meetings before. Just so we're all clear, how come you're here?

MS. BRADY: Just to observe.

CHAIRMAN QUINN: Are you Pat's boss?

MS. BRADY: Yeah.

CHAIRMAN QUINN: Well, Pat's always here. Okay. Helen, how come neither Pete or Polly are here? I dislike it when one of them is not here. I just really feel unimportant if somebody really important isn't here.

MS. H. ARMSTRONG: Actually Polly is taking another job as of this Friday and will no longer be with subsistence. She's going to be the deputy assistant regional director of refuges, so you may see her at some point in that capacity. Probably not actually here because there are no refuges up here.

And Pete got very badly injured last summer, fell off a scaffolding -- off a ladder off the scaffolding from his roof and broke his pelvis and he's been out quite a bit. He's not doing much traveling right now. So that's why you are not seeing either Pete or Polly. We have a lot of transition in our office.

So you have to live with me. But, really, Mike, I've been here -- I may not be at the top.....

(Laughter)

MS. H. ARMSTRONG: .....but I've been here 20 years in the program, so I'll do my best. If we have any questions for Pete, he is in the office today and I can call him.

CHAIRMAN QUINN: Oh, good. How about the process to replace Polly, is that in the works?

MS. H. ARMSTRONG: It is in the works. They have.....

CHAIRMAN QUINN: Can I apply?

MS. H. ARMSTRONG: Well, there is an application for a temporary detail that closed last Monday and that was only to just fill temporarily because it is a position that has to be approved all the way to Washington and it takes a while and they'll do a fair amount of outreach for that position because it is a high-level position. So they'll temporarily fill it while they're doing the full application process and that hopefully will be advertised quickly. With the Federal application process, it can take a while sometimes.

CHAIRMAN QUINN: Sure. Okay. Thanks.

MS. H. ARMSTRONG: I'll just say we've had a lot of transition at OSM. So we have a new Fisheries Division chief who just started, I think, about two weeks ago, Steve Fried, but he's been with our program about 10 years. He's a fisheries biologist. He's become our chief. Our chief of the coordinators retired in May, Ann Wilkinson. You may have seen her. Some of you know her. She used to be a coordinator for this region. She's retired, so that position has been advertised and we haven't gotten a cert yet, a list of people who are qualified. Gary Goldberg, who was our policy coordinator, he left and went to another part of Fish and Wildlife Service, so that position is open. We still don't have anybody as our Native liaison either. So there's been a lot of transition. And Chuck Ardizzone, who is the chief of wildlife biology, is acting in Polly's position right now, but he can only do it until October. They have limits as to how long you can be acting.

So a fair amount of transition at OSM right now.

CHAIRMAN QUINN: All right. We'll live with it.

MS. H. ARMSTRONG: Thank you, Mike.

CHAIRMAN QUINN: All right. Moving on. Elections of officers. I'll open the floor to a motion to elect officers. Is that about the way to do it, Alex?

MR. NICK: Mr. Chair. For members who

are new to the RAC, when a chairman is elected, the Coordinator is to Chair the meeting. You are to turn the Chair over to the Coordinator and then after a new Chairman or a Chair is re-elected, then the Chair is turned over to the new or re-elected Chair. Mr. Chair.

CHAIRMAN QUINN: Okay. Then I'll turn the meeting over to you, Alex.

MR. NICK: Thank you, Mr. Chair. I'm not a very good Chairman to be honest with you. The floor is now open for nomination for Chair.

MR. GRAY: I nominate Mike Quinn.

MR. NICK: Mike Quinn has been nominated.

MR. KEYES: I second it.

MR. NICK: Seconded by Mr. Keyes.

MR. MARTIN: I nominate John Gray.

MR. GRAY: I decline.

MR. BUCK: I move nominations cease.

MR. NICK: There's a motion on the floor to cease the nominations. Do I hear a second.

MR. SEETOT: Second.

MR. ENINGOWUK: Second.

MR. NICK: Discussion on the motion.

(No comments)

MR. NICK: All those in favor say aye.

IN UNISON: Aye.

MR. NICK: All those opposed.

(No opposing votes)

MR. NICK: Motion carries. Mr. Quinn, congratulations.

CHAIRMAN QUINN: Thank you. So I get to do the rest of them. Now that I'm Chair, I can't make motions, Alex. Open the floor for nominations for vice-Chair.

MR. BUCK: I nominate Louis Green, Jr.

CHAIRMAN QUINN: I can second that, I think.

MR. SMITH: I'll second it.

CHAIRMAN QUINN: There's a second.

MR. GRAY: I move nominations cease.

MR. SEETOT: Second that.

CHAIRMAN QUINN: Okay. Only one nomination. Mr. Green, you're our vice-Chair.

MR. GREEN: Thank you.

CHAIRMAN QUINN: We will now do nominations for Secretary.

MR. GRAY: I nominate Pete.

CHAIRMAN QUINN: Which one?

MR. GRAY: Peter Buck. He's the Secretary now, huh?

CHAIRMAN QUINN: He is.

MR. GREEN: I move that nominations be closed.

MR. MARTIN: I second it.

CHAIRMAN QUINN: Okay, a second on nominations being closed. With only one nomination, Mr. Peter Buck is our Secretary.

We'll review and adopt our agenda for today. While we're at this point -- I guess I was looking for new business, Alex. We don't have a column for new business? Can I add a couple things to Council business?

MR. NICK: You're the Chair.

CHAIRMAN QUINN: I'd like to have Council discussion -- Board of Game proposal. This is going to be a discussion of us commenting on Proposal -- the proposal to the Board of Game for the November meeting for Unit 22. I don't have the proposal number in front of me at the moment. It's dealing with trophy destruction of muskox and it has some fairly serious implications to the Federal side, so I'd like for us to review the proposal, discuss and possibly agree to submit a written comment.

Oh, you're going to help me here?

MR. PAPPAS: Mr. Chair. George Pappas. Peter Bente will be here. When you tell me to call him, Peter will be over and he is prepared to speak on the Board of Game proposals if you want.

Thank you, Mr. Chair.

CHAIRMAN QUINN: Okay. Well, is Tony going to be here for whatever State thing we normally do?

MR. PAPPAS: Sorry, Mr. Chair, Tony is not available today, but Peter Bente will be here and so will Letty. So it's a bonus to have Peter here. So I'll call him when you give me the nod, sir.

CHAIRMAN QUINN: Well, isn't he going to be here anyway, I mean at some point? Alaska Department of Fish and Game under Agency reports.

MR. PAPPAS: Correct. Tony can't make it to the meeting.

CHAIRMAN QUINN: Yeah, so Peter will be here.

MR. PAPPAS: And Peter is.....

CHAIRMAN QUINN: All right. Well, if he's here for that, I'm sure that will be good enough and we'll get that in. I guess we'll maybe also do another proposal concerning -- well, we'll put it on Unit 22-C bear. There's not a lot of Federal land in Unit 22-C. Maybe we won't do it. But I'll stick it on for now. Sorry I'm so unorganized this morning.

MR. PAPPAS: The proposal you're

talking about is Proposal 23, about the nullification of trophy value.

CHAIRMAN QUINN: Okay, 23. Thank you, George. All right. I guess I have to open the floor for a motion to accept today's agenda.

MR. MARTIN: So moved.

MR. SMITH: Wait.

CHAIRMAN QUINN: Go ahead.

MR. SMITH: I had another addition. I see under number 10 there's fisheries issues. I want to just make sure that we talk about salmon and I guess that would be -- I don't know if that's the appropriate place for it, but I just want to make sure that we had a discussion of salmon and the poor runs we've had this year. I think it's a very important thing to discuss, so I'd like to make sure that that's on the agenda.

CHAIRMAN QUINN: Okay. I'll certainly make time available for you to bring up salmon and we can discuss issues there.

MR. SMITH: The other issue is, of course, chum salmon bycatch. The North Pacific Fishery Management Council is going to be considering that and I think there's a report in there somewhere, but I just wanted to make sure that we had a chance to talk about it.

CHAIRMAN QUINN: Okay. So I think I have a motion on the floor to adopt today's agenda.

MR. GRAY: As amended, second.

CHAIRMAN QUINN: As amended. Okay, second. Any discussion.

MR. GRAY: Question.

CHAIRMAN QUINN: The question has been called. All those in favor of adopting today's agenda say aye.

IN UNISON: Aye.

CHAIRMAN QUINN: Any opposed.

(No opposing votes)

CHAIRMAN QUINN: Motion carries. All right. Review and adoption of minutes from last February. Tim, did you have something?

MR. SMITH: Of minutes? Yes, I had.....

CHAIRMAN QUINN: Last meeting minutes.

MR. SMITH: Yeah, I had -- actually, I have quite a few changes. I was going to do it in writing. I talked to Alex about it and then I didn't get it done. There are quite a number of changes I think that need to be made. I don't know if we want to go through them one by one or do it some other way.

CHAIRMAN QUINN: Have you got them ready?

MR. SMITH: I've got some stuff half written, yeah.

CHAIRMAN QUINN: Can you just go ahead and still do it in writing and we'll -- well, I don't know. If we adopt the minutes now, they're all said and done, huh?

MR. SMITH: Yeah.

CHAIRMAN QUINN: How long will it take you?

MR. GRAY: What kind of changes? Are they typos or are they big errors?

MR. SMITH: Some of them are, I think, substantial errors. The typos I'm not worried about.

MR. NICK: Mr. Chair. I'm the one who's responsible for the minutes and I'm the one that takes the blame for any errors or major errors or minor errors or whatever. I apologize for leaving out one of the people who is very important to us, Ms. Pat Petrivelli. She just reminded me that I left her out in the minutes and I apologize for that. We could correct that. If anyone who attended last meeting noticed that there are any changes, we certainly will incorporate those in the minutes even after you adopt

them as long as we get them in writing.

CHAIRMAN QUINN: So even though we adopt the minutes you can work with Tim to throw in a few.....

MR. GRAY: We need to be adopting good minutes, so I would suggest we table the minutes and everybody work together in getting a clean set of minutes for the next meeting, so I'll make that motion.

MR. KEYES: I'll make a motion to second that.

CHAIRMAN QUINN: So seconded. Any discussion.

MR. SEETOT: Question.

CHAIRMAN QUINN: The question is called. All those in favor of tabling the minutes until they're worked out say aye.

IN UNISON: Aye.

CHAIRMAN QUINN: Any opposed.

(No opposing votes)

CHAIRMAN QUINN: Motion carries. Okay. The September 14th, 2011 tribal consultation teleconference. Apparently somebody is going to give us a report, but it doesn't say who.

MS. PETRIVELLI: Mr. Chair. I think Sandy Rabinowitch was assigned, but I ended up volunteering and we both attended the corporation consultations or were present at them. BLM was the lead agency for the Seward Peninsula regional one and they're not here, but I can report I listened in and no tribes participated in that teleconference. We left the line open for an hour or a half an hour, an hour, somewhere around there, but there were no tribes that called in.

First I'll introduce myself as Pat Petrivelli with Bureau of Indian Affairs. I think there's a letter in the RAC book, but I can't remember. We sent a letter to all the tribes July 26th and we announced the schedule for the consultations. For each

region the consultation session was one week before the RAC meeting and that was to allow the RAC to hear what the tribes had to say about the proposals and specifically consultation on the wildlife proposals that are before you.

There's a law that says we have to also consult with ANCSA corporations as we do the tribes, so we scheduled two ANCSA corporation consultations. One was for September 7th and one was for September 15th. On September 7th, Cully Corporation, Huna Totem, Ahtna and Kwethluk called in. And then on the 15th Kwethluk called back because they didn't have their proposal book, so they just listened the first time and then they called back on the 15th and Cully Corporation from Point Lay called back and Ahtna called back just to listen in. Someone from NANA called in just to listen in also.

The only reason we're going to report what they said to you is because they did have comments on the statewide proposals, so I'm going to read the comments that they made and then the comments they made on regional proposals we'll report Cully Corporation's comments to the North Slope and then Kwethluk, their comments on the other proposals will be reported to YK.

We'll make these comments to you available and then all the tribal consultation comments and corporation comments will be forwarded to the Board at a later date. We encourage all the corporations and tribes who called in to participate in the RAC meetings. They were just essentially commenting on the proposal book and the proposal book is just what was available on July 26th. A lot of them didn't have the RAC meeting book, which has the analysis and the preliminary conclusions. So we encouraged them to read the RAC books and participate in the meetings, those who did call in.

So for the input on the statewide proposals, what we heard, the Cully Corporation said on the statewide proposal to designated hunting, they said they're concerned about this proposal as hunters need to be able to utilize a designated hunter provision when needed to support subsistence use of the resources available. Hunters need to be able to teach other younger hunters where and how to hunt according to traditional and cultural values. Of course, they only

got to read what the proposal said, not the analysis.

Kwethluk commented that the proposed restrictions limiting designated hunting permits to people over 60 could cause problems for the subsistence households where the household head is a widow or single mother under six years of age and this proposal should not pass.

So those were the only specific comments we received. I don't know if you have any questions about the process.

MR. GRAY: I have a question. It sounds like you had three or four people call in to this thing, is that correct?

MS. PETRIVELLI: Well, OSM sent out a letter to all the tribes and all the ANCSA corporations, yes. Those are the people that called in to participate.

MR. GRAY: So you only had three or four.

MS. PETRIVELLI: That called in, yes.

MR. GRAY: Are you going to change your process to figure out how to get some.....

MS. PETRIVELLI: More input.

MR. GRAY: .....more input? I mean if we're going to just get three or four people applying or talking to you at a time, we're going to get nowhere. Somehow we've got to interject some interest in this thing and analyze where we've been, what we're doing and where we're going and try and get more people involved. Even if it takes sending people out and doing something out in the villages.

MS. PETRIVELLI: Besides the letters we sent out there was -- for the Kodiak Region, some of the RITs or refuge information technicians did contact individual tribes and from that region three tribes did call in and comment.

As far as this goes, this is a trial run of the consultation process and we're going to be providing the tribes and corporations the opportunity

to comment on the process. AFN, on October 20th, between 1:00 and 5:00, and during the BIA tribal providers session on December 1st, between 1:00 and 5:00. We posted the process on the web where it explains how we sent out the letter, how we set up the teleconferences and I guess everyone could be free to comment on how to improve that or how to add additional steps.

One tribe had suggested that rather than just -- even responding to the proposal book that we need to consult with the tribes at the very beginning and they wanted us to hold the meeting during AFN, you know, when they had the ivory sale auction. They said people really participate in that and they suggested that we hold a consultation meeting in conjunction with that event.

The Board will take into account all these suggestions and try to come up with something, but this is the first time around that we're actually trying to incorporate consultation into it and we're trying to see how it fits in with the RAC process because we know that it's important because the Federal Board has to defer to the RAC and the RAC needs to know the information the Board is hearing from the tribes and the corporations because it's not fair that you -- the RAC needs to know the same information the Board hears when they make their decision.

There is one other time though that everyone, the corporations and tribes, can consult right before the Federal Board meeting. It's all a trial process and if you have any other suggestions, you could feel -- I don't know if you want to discuss it as a RAC.

MR. GRAY: I have a couple suggestions and I'll drop it. Number one, some of us go to camp. I just moved to town from camp, so talking to people in July may be a problem. The other thing that just popped into my mind when you were talking about AFN, there's no reason you can't have a booth down there and talk issues out of a booth at the AFN deal and a lot of people do. That may be an option.

The thing I don't want to see is you come back next year, oh, we only had three or four people call us. Somehow we need to get the next step and get more people involved.

MS. PETRIVELLI: Thank you. I think they picked July just because there was some idea that we needed to have 60 days notice. So if you work back from the RAC meeting, it would be 60 days before and that's how that date ended up there.

MR. GRAY: But you've got to keep on mind our subsistence lives are on a subsistence schedule, not your schedule.

MR. KEYES: This is Anthony from Wales. You just mentioned that you had some papers send out to the villages for the villages to participate in this thing. You know, I did not see a paper or get a phone call from anybody about this. That's why you don't see our name on this paper that you have here. I think the suggestion would be is to get a hold of the RAC member along with the IRA, not just the IRA itself because if you don't have the RAC member there with the IRA council members, they're not going to know what exactly is really happening.

MR. GREEN: Mr. Chair.

CHAIRMAN QUINN: Go ahead.

MR. GREEN: When you sent these letters out, was there any specific -- was it to a president of an ANCSA corp. or.....

MS. PETRIVELLI: I'm pretty sure it would have been sent to the president of the ANCSA corp. and the president of the tribal council. We use an official list that BIA puts out as the official tribes, you know, the Federally-designated tribes and then the list of the corporations, it would have been the president of the corporation.

MR. GREEN: The only reason I ask is because I'm on the board of directors of a regional corporation, ANCSA, and also a village corporation, so I was unaware that anything had even been sent out. I'll be bringing that to the table.

MR. SMITH: Mr. Chair.

CHAIRMAN QUINN: Go ahead.

MR. SMITH: One of the concerns -- this came up at the Federal Subsistence Board and at our

last RAC meeting. One of my concerns is that we don't bypass the RAC in these consultations. I'm not sure exactly how this is going to work if we have separate -- these groups providing input separately. How is the RAC going to know what's been discussed? I think that -- I see a lot of problems with having -- just working around the RAC. The RAC is set up to provide input to the Federal Subsistence Board. Now we've got another avenue for providing input and I think that needs to be worked out. I don't see that what was done this time really addresses that issue.

MS. PETRIVELLI: Technically this is the opportunity that you would hear what the corporations and tribes would have to say. Because the consultation -- the government has an obligation to do government-to-government consultation with the tribes or government to corporations. So they're not consulting with the RAC, so we're balancing these two approaches and we're required to do the consultations with the tribes on a government to government and that's why each of these consultations -- we made an attempt to have at least four board members or their designee listening in on the consultation. Then with the report out, it would be reported to the whole Board.

Now this opportunity here is the RACs. It was a provision so the RAC would hear what the tribes are telling the Board and that's what we were trying to balance out. I don't know what else we could do because really -- in the agenda, I think, for every proposal there is the opportunity to hear tribal input. I think that's added to the little list. During the consultation process we encourage the tribes to come to the RAC meetings and provide more specific input along the way.

I think that's about the best we can do now.

By law, the RAC and the Board have a different relationship, but by policy, with the tribal consultation policy, the Board is being directed to consult with the tribes at the same time, so we're trying to meld the two processes. I don't know what else we could do except for doing this reporting thing. The tribes have been very cooperative, the ones who participate. We've been lucky because there were only four tribes. If there were 20, you know.

We type up the little summary and we share it with the tribes and review it and then we say we're going to share this with the RAC, so we get their permission or make sure what they said was accurately reflected. So they reviewed these comments and so they know this is what we're telling all 10 RACS about the statewide proposals. So we are making known that we're sharing it with the RACs and that we have the responsibility to work with the RACs in the whole process. So we're trying not to leave the RACs out.

CHAIRMAN QUINN: Pat, on the government to ANCSA corporations consultation, does ANCSA corporation include regional and village?

MS. PETRIVELLI: Yes.

CHAIRMAN QUINN: Thank you. Okay. Well, if there's no other questions, thank you.

MR. GRAY: Do we have those comments in our packet here somewhere?

MS. PETRIVELLI: No.

MR. GRAY: Is the Chairman going to have that at his -- it seems to me it's appropriate that we, as a board, have copies of that or, at the very least, the Chairman has access to it.

MS. PETRIVELLI: I could make copies of the two meeting summaries I have and I'll make copies enough for all RAC members so you can see the summary of both ANCSA corporation because I just read the statewide thing and then the other, but you can see who was in attendance and the other comments they made. I'll make copies and distribute it later sometime during the meeting.

CHAIRMAN QUINN: Were any of those comments relevant to our area?

MS. PETRIVELLI: Just the statewide proposal comments that I read.

CHAIRMAN QUINN: Oh, all right. Okay. Go ahead, Tim.

MR. SMITH: I think this does bring up -- it kind of reiterates my concern, is that we don't

know -- it's a way of working around the RACs. What's happening is these consultations apparently provide input directly to the Federal Subsistence Board without even being heard by the RACs. I haven't heard anything that came out of them. I think that's a concern. Nobody is really too sure exactly what the purpose of these consultations are. There's been a lot of discussion. There's a lot of disagreement.

We spent quite a bit of time at the Federal Subsistence Board. The North Pacific Fishery Management Council talked about it. National Marine Fisheries Services got different ideas on what it means. I do think if we're going to do these things the RAC needs to know what was said and at least have some way of knowing what was done before it goes directly to the Federal Subsistence Board.

CHAIRMAN QUINN: If you read Page 153, the government to government consultation, the last item says that they will report the results of the consultation to the RAC. So there will be notification to the RAC. I'm pretty sure I heard Pat say and previous times I've heard people say that throughout this process they're going to make sure they don't overstep their bounds and that the RAC is the one that has the real authority. So the consultation will be sent to the RAC.

MS. H. ARMSTRONG: Mr. Chair.

CHAIRMAN QUINN: Go ahead.

MS. H. ARMSTRONG: Helen Armstrong, OSM. I just want to add a little bit to that. You're exactly right, that it in no way is the importance of the Council being taken away by this. ANILCA says that this is a rural program, not a Native priority program and this was a concern of the Board when this whole tribal consultation issue came up because we've always had the feeling that we do tribal consultation sort of in an indirect way through the Councils because we have Natives on the Councils, but this has been a directive and it is something we're doing, but it is not meant to take away the deference that the Board gives to the Councils, which we're going to talk about a little bit later.

There is deference and it will just be some input of what another entity has an opinion of at

the Councils. It's probably not a whole lot different than at the Council meeting when we're doing proposals, we ask for comments from the state, we ask for comments from local organizations, from the tribes. It's probably not going to be much different in that sense of getting input from the tribes. It will just be a more formalized process.

But it is why it's on the agenda and this time it's new. We haven't had it -- you know, people aren't aware of what's going on. It's kind of a new thing. There hasn't been that much time for outreach. Next time probably there will be some comments, but this would be the time when the Council would hear what the tribes had to say on particular proposals.

I have to say there are times when a proposal affects a particular community and they need to know that that proposal is affecting them and that they should have the opportunity to comment and try to get input in a more public way. I don't think we need to worry that it's going to take away from the importance of the Council in the process.

Thank you, Mr. Chair.

MR. GRAY: The only concern that I have now is we're going to jump right into the proposals. I've already forgotten what she talked about on this stuff, so it would be good that we get this stuff long before the meeting so we have an idea what the public is talking about before we come in here.

MS. H. ARMSTRONG: I think you make a good point and, as I said, it's a new process, so maybe what we really need to be doing is if there are comments from the tribes that came from these pre-meetings as we discussed the proposals that they're presented at that time rather than being separate. So we will take that message back.

MR. GRAY: I guess what I'm trying to say is that my packet is in the mail somewhere. In the real world, it would have been nice to read all this stuff prior to coming to this meeting so I've got an idea of what my region is talking before I act on issues in my region or statewide or whatever it is. I guess in my mind this public forum or this comment period is to get me up to snuff on issues so I can talk

to the RAC or the Board and make decisions the way I should be, not the big Board. It's great that information is going to the big Board, but we're the ones that represent this region and any action should come from this board right here.

MS. H. ARMSTRONG: I will take those comments back. I think you make good comments that we need to have the tribal comments in the book or not happening so close to the meeting. This was September 14th, last week. Your books were long done and in the mail. I will take that forward. I think Pat has been working on the tribal -- have you been working on the tribal consultation team too? But I work closely with the person who's heading this up and we'll take that comment forward. It's an evolving process getting this all worked out, so thank you for your comments.

CHAIRMAN QUINN: Go ahead.

MR. GREEN: Helen, I was thinking about the process and how you got it out to people. You know, the comment was that it's going out to presidents of councils and ANCSA corps. If there was some way that you could encourage that these councils and these boards get this stuff and put it on the agenda for discussion, that way it gets brought to the table, that might make it a little more respective.

I'm on, like I said, two different boards, one is the regional, one is the village, and I never even heard about it. I'm also sitting on this council here, so I was kind of caught by that. That would be my suggestion, would be to make it official in some way that the Boards and Councils can react to it. If they were asked to put it on the agenda for discussion, there might be some comments made on it.

Thank you.

MS. H. ARMSTRONG: That's another good point. Much like the SRCs, Subsistence Resource Commissions, they take up proposals, our proposals, at their meetings to provide comments and that type of system is what you're talking about. It's a good comment.

MR. GREEN: Yes. Both boards that I'm on have land departments to take up stuff like this, so it would be good to see that it gets to the agenda

level.

Thank you.

MS. H. ARMSTRONG: I'll take that comment back. Thank you.

CHAIRMAN QUINN: Don't go anywhere, Helen, you're next. Sandy, did you want to say something? I saw you sit down there.

MR. RABINOWITCH: Helen did a good job.

CHAIRMAN QUINN: All right.

MS. H. ARMSTRONG: You'll be seeing a lot of me up here today I'm afraid. We are starting with the review of the wildlife proposals and the first proposal is statewide and it starts on Page 22 in your books.

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

I want to emphasize that this is only when you're selling the handicraft. If you're not going to sell it, you don't have to do this.

This proposal is a compromise reached by the members of the Brown Bear Claw Handicraft Working Group and the proposal addresses concerns originally raised by the State of Alaska with Federal regulations that allow the sale of handicrafts that include brown bear claws from bears that are taken under Federal subsistence regulations.

All of you that have been on the Council for a while have heard a number of brown bear proposals. It started in '08. We had WP08-05. That was deferred to then WP10-02 and then that was deferred to the Handicraft Working Group. The Working Group is suggesting that both of those two deferred proposals

then be opposed and this one be reviewed in its place.

The intent of the proposal is to protect subsistence users who incorporate brown bear claws into handicrafts for sale by providing proof that the claws are from brown bears that were harvested by Federally qualified subsistence users. Having this proof could provide added value to the handicraft, as it would clearly identify that the claws are from a legally harvested brown bear.

Requiring that a copy of the sealing certificate accompany the handicraft would provide a method of tracking legally harvested brown bears and it would also require some modification to the sealing certificate, so they'll have to put something on the sealing certificate saying that it was a Federally harvested bear and the State was willing to do that.

The new regulation that's being proposed would say -- actually the proposed regulation is on Page 25 in your book and I read a summary of it earlier, so I won't re-read that. This doesn't apply in all regions because not in all -- or all units of the state because not in all units are you allowed to sell handicrafts, but it does apply here. This was adopted by the Council not too many years ago, like maybe three years ago, I think, that we added the provision that Unit 22 be included in the brown bear claw handicraft.

If I remember correctly from that time, I think, Mike Quinn, you asked how many brown bears are even harvested in this region under Federal regulations and I think it was none, so it probably isn't even something that's happening too much, but what we don't know is with the new provision, it's only been allowed a few years in Unit 22, if that would change what people are doing and increase selling of handicrafts. We don't really know.

The Brown Bear Claw Handicraft Working Group -- and you've all heard the presentations and the briefings for a few years, it started meeting in 2009 and the draft charge was to develop a method to recommend to the Federal Subsistence Board and Board of Game for tracking brown bear claws made into handicrafts as enforceable and culturally sensitive commensurate with the need to provide conservation for the resource.

We don't have any evidence that Federal subsistence regulations have led to an increased legal or illegal harvest of brown bears or that current subsistence regulations adversely affect brown bear populations, so there really isn't a conservation concern that we're aware of right now but the State had concerns about this that by allowing selling of brown bear claw handicrafts that it would increase the harvest of brown bears, but right now we don't know that that actually is happening.

Adopting the proposal would provide some protection to subsistence users who incorporate brown bear claws into handicrafts for sale by providing proof that the claws are from brown bears that were harvested by Federally qualified users and it would clearly identify that the claws are from a legally harvested brown bear.

The preliminary conclusion is to recommend supporting the proposal for all the reasons I've just talked about.

Thank you, Mr. Chair.

CHAIRMAN QUINN: Go ahead.

MR. GRAY: This bear claw issue, it seems to me there's a State side and Federal side. The Federal side -- I remember talking about bear claws and setting up something so we can sell them on the Federal side. The State side, and maybe Peter is the one to answer this, I don't know. Reading here, it looks like you can make handicraft out of a bear from the State side and sell it. So is it legal to sell claws?

MS. H. ARMSTRONG: Not under State regulations.

MR. GRAY: Not under the State regulations.

MS. H. ARMSTRONG: But I want to say that the State was part of this working group and they came to consensus on this proposal. They did agree to this. That doesn't mean that they're changing their regulations.

MR. GRAY: Okay. My next question is, when I shoot a Federal subsistence bear, how do I

report that?

CHAIRMAN QUINN: You have to have a State registration permit in order to go.....

MR. GRAY: And where I'm going here is why are we reporting to the State? If the State's involved in our Federal process, then maybe it's justified, but is there a reason we're going to the State to certify a Federally-taken product here?

MS. H. ARMSTRONG: In this program we haven't set up completely parallel systems where we have a State system and a Federal system. We try to work together so that we don't -- I mean it's kind of a hardship on the users too to have to know which office am I going to. So we've tried in as many cases as possible -- like permits, you know, we try not to have a separate Federal permit. We do have that sometimes. So if you're getting a permit, it could be a State or a Federal permit. The same thing with sealing. So we have not set up a separate sealing program where the Feds seal and the State seals, it's only the State. They do all of the sealing.

MR. GRAY: For both of them.

MS. H. ARMSTRONG: Yes. So whether it's a Federally harvested bear or a State harvested bear you go to the State office to have it sealed. One thing we discussed that wasn't really a part -- you know, a big deal about this proposal, but what we did discuss is that right now it says you have to go to certain offices for sealing, but we did discuss with Larry VanDaele, who is the bear biologist king for the State. I'll call him the king. He'll like that.

(Laughter)

MS. H. ARMSTRONG: But we talked about even trying -- we don't want it to be a hardship for people in small villages that they have to travel somewhere else to get the bear sealed -- that even designating somebody in that community. You know, if there's a Park Service office or, you know, being flexible as to who is actually doing the sealing so there's not a hardship to subsistence users. And they only have to do it in Unit 22 only if they're going to sell the handicraft or if they're taking the bear hide out of the region, then you have to have it sealed.

MR. GRAY: I'm kind of fishing for something here, but I guess my comment to this thing is I think the Federal side should set up a parallel program. The reason being that we're a subsistence program. The State is not very supportive of subsistence period and we are different. So we should have our own system set up. You know, I don't mind using the State as a tool to accommodate our program, but we should have our own system. I mean you're the United States government. You've got a bigger checkbook than the State does. So whether or not that's reality.....

(Laughter)

MS. H. ARMSTRONG: Don't know about that. It's rapidly shrinking.

MR. GRAY: Whether or not it's reality is whatever, but in looking at this we're working with the State. Granted, they can be a tool in our chest, but we should have our own system. This poor-mouthing ourselves how we can't do this, we can't do that, that's just a cop out I feel. We should have our own system. I'm going to let it go at that.

MS. H. ARMSTRONG: I can certainly take that comment back. I don't know that it affects adopting this proposal or not, but we can include that in the comments from the Council.

CHAIRMAN QUINN: Well, we represent Unit 22, so here's the Unit 22 stuff, State registration permit. When does this proposal go to the Federal Subsistence Board for decision?

MS. H. ARMSTRONG: January of 2012.

CHAIRMAN QUINN: George and Letty, are you ready for this? I'm not asking if you're ready today. I'm asking if you got the process in place so if somebody shows up in Letty's office to get their handicrafts tagged, has she got the thing there to do it?

MS. H. ARMSTRONG: It goes to the Board in January. The regulations don't go into effect until July of 2012, so there is some time to modify the sealing certificate.

CHAIRMAN QUINN: Okay. I'll modify the question. Will you be ready for this?

MS. HUGHES: This is Letty with Alaska Department of Fish and Game. As it currently stands with sealing a brown bear either through general harvest or through the subsistence brown bear, which in Unit 22 is RB699. The only case that those would need to be sealed is if the head or hide was to be salvaged and taken out of the unit. As of right now on the State end, that would not change regardless if, you know, we would try to work with the Federal if what you guys are asking for would take place. I mean we would have to work on that. Regardless, we have very few bears that are taken on an RB699 permit. Most are taken on a general harvest and those are sealed regardless.

CHAIRMAN QUINN: Yeah, I think most of us are aware of that. We're also aware that nobody is taking advantage of this in Unit 22 yet, but the opportunity is about to exist. I just want to know that you guys will have the paperwork in place so when somebody shows up in your office and says I got three bear claw necklaces here I'd like to sell and I am required to have you seal these handicrafts, are you going to have the form in place to seal it.

MS. HUGHES: I think this would be going through -- we would be working with the Federal system and the State, so we would have that in place.

CHAIRMAN QUINN: Okay. Tony.

MR. KEYES: Through the Chair. This is Anthony Keyes. We're making a big fumble over this bear issue deal. As a suggestion, we should have a person out in the village that should do the tagging instead of having to wait for the Nome Fish and Wildlife to come out to the village to do it for us because by the time they get out to the village to do it for us it's either getting rotten or it's going to get rotten, so I think it would be a strong suggestion to have a tagger out in the village like they do for walruses for the tusks.

You know, we have to fumble and wait for the Fish and Wildlife to come out to our villages to do our taggings for us. I would strongly suggest to appoint a person to do the tagging like the walrus

tagger does. Have the information with them and then send a copy of the information to wherever it needs to be sent to. With this situation we're going through now is just making it harder for us right now with all these bear issues that are on this table for us here. It's just like talking about muskox. Just about the same thing.

Thank you.

MS. HUGHES: Through the Chair to Mr. Keyes. I will definitely take your comment into consideration. We do have brown bear sealing vendors throughout some areas, like such as Unalakleet, for example, where we have many bears harvested, but we're more than willing to work with you or someone within communities that want to be a bear sealer.

MR. SMITH: Mr. Chairman.

CHAIRMAN QUINN: Go ahead.

MR. SMITH: This comes up quite a bit when we consider proposals like this or issues like this. We don't have any data on what's happening so far. Is it accurate that no bears are taken under Federal subsistence harvesting rules in Unit 22 or, if not, how many? What I'd like to know is how many, how many are we talking about?

MS. HUGHES: Through the Chair to Mr. Smith. Under one percent of the bears that we know of that are being taken under the registration brown bear subsistence permit. Generally most of it -- it coincides with the season of the general harvest, so very little of that is reported to us. I would have to say almost everyone is very good about reporting their brown bear harvest to us and it's under one percent that is being utilized.

MR. SMITH: I just want to follow up on that. The subsistence registration permit is not necessarily a Federal subsistence hunt, is it?

MS. HUGHES: It's through a State hunt, which the Federal side also utilizes.

CHAIRMAN QUINN: If you have the registration permit and you take the bear on Federal land, then you can call it a Federal bear and do what

you want with it under those Federal regulations even though you had to hold a State permit to do it. If you take the bear on State land or anything except Federal land, you've got to abide by the State regulations of that registration permit.

MR. SMITH: I understand that, but this brings us back to the point where we don't have any idea how many bears are taken under Federal subsistence rules. We don't have any data at all on that. Am I correct?

CHAIRMAN QUINN: I'm not the biologist, but, no, that's not correct. The State has the same data that they have for any other species. They're totally dependant upon harvest data provided by the public. They assume the data provided by the public is truthful when they do their plans. So if someone turns in a registration -- have you ever seen the bear registration permit?

MR. SMITH: Yes.

CHAIRMAN QUINN: Well, if they turn that in, then that bear was either a State subsistence bear or a Federal subsistence bear. So whatever registration permits are turned in are, in fact, the harvest. According to Letty, there's not too many turned in.

MS. H. ARMSTRONG: Mr. Chair. I believe that that probably is a factor in the fact that there's very little Federal land in Unit 22.

CHAIRMAN QUINN: There's enough Federal land in all of Unit 22. There's plenty.

MS. H. ARMSTRONG: Let me say this. There's a lot less than in.....

CHAIRMAN QUINN: Other units, certainly.

MS. H. ARMSTRONG: Yeah.

MR. GRAY: Helen, I'd like to point out, stop and think for a minute and this is why I say we need a parallel system here, is a good example of what we know, who we know. I don't know if you even have the numbers in your office. Can you go to your

office and pull out we've got this many Federal bears taken in the last 10 years?

MS. H. ARMSTRONG: Yes, we can. We do have a database. We weren't focusing in this analysis on how many bears were taken because the issue really wasn't a biological issue in our view, but we do have a database. I can go in my office and I can tell you right -- and it's got Federal and State bears. I can tell you where they were harvested, what use. Yes, we do have that database. So anything that's been reported we have it. Actually, you can go in and look now. It's a publicly accessible database.

MR. GRAY: Okay. And going back to this parallel system, you have people in the villages sealing bears -- or sealing walrus. I had tusks sealed in Golovin one time. So you have infrastructure to a certain extent here in Alaska. Anyway, again we have different missions. A good example is if you take it under this system, you can do this. You take it under that, you can do that. I don't mind using the State as a tool to get our stuff done, but we should be going some place too and having our own system in our own pocket that we manage. I don't know that I'm getting it across.

MS. H. ARMSTRONG: I understand. I fully understand.

MR. SMITH: Mr. Chair.

CHAIRMAN QUINN: Go ahead.

MR. SMITH: I don't mean to belabor this, but I'd like to know how many bears have been killed in Unit 22 in the last 10 years. What's the total and what does it amount to per year under Federal subsistence hunting rules.

MS. H. ARMSTRONG: I can call the office and ask for that number and get back to you. I believe at a previous meeting we were told none, but that was a couple years ago. I'm sure it's less than 1 percent as Letty said. But if you want to know the exact number, I can get that for you. I can call at a break and ask somebody to look it up for me.

MR. SMITH: I think it would be pretty useful to know that in case all of a sudden we start

getting large numbers of bears killed after this proposal passes. We'll know or at least have a good reason to suspect that this proposal made a big difference on how the bears are hunted or at least how they're reported. It's kind of important to know what the situation is now. Also, I guess if there are no bears taken under Federal subsistence rules, it doesn't seem really too important to set up a special sealing program for those bears if there aren't any being taken unless we anticipate a big increase.

MR. GRAY: But.....

MS. H. ARMSTRONG: I have a question for the Council. Are there people in this region making handicrafts with brown bear claws?

MR. GRAY: That was a point that I was going to just throw out. I saw something on Facebook a couple days ago, a bear claw necklace, and it sounded like it was going to get sold and I told my wife that's illegal. Unless it was Federally taken, it's illegal. So I think we're going to that era and we're going to see more and more of it. To me, that says that you guys need to educate the public. Even if we don't go there, the public needs to be educated that, hey, you guys, if you're going to do this, you've got to do it this way. Otherwise you're going to get nailed.

CHAIRMAN QUINN: Well, to some extent we have a duty to educate the public too because we represent the public, just like our other Federal and State elected officials have some duty to keep us informed of what's going on. We're learning here what's going on. We can pass that on to the people we know and deal with and stuff.

This RAC supported this direction to some extent over the last few years. When this process started, I don't believe that Unit 22 was included. On Page 26 there's a history of the Subsistence Board's action and Unit 22 wasn't in there to begin with. We requested to be in there. The reason is so our people can participate in this. It doesn't matter if they don't know. That's not why I came to this RAC. I came here to increase opportunities for people to survive off of the animals they kill. Personally I'm seeing this as a good thing. I'm not sure this is going to actually do what everybody thinks it's going to do.

Some of the driver behind this was that brown bears are covered under CITES. Brown bear parts -- I believe that brown bear parts can move within the United States without any real CITES documentation, but to move outside of the United States they need CITES documentation, so this has been a process to allow the very people that we represent to sell these handicrafts to almost anyone and let that person go anywhere legally. Currently they can't do that. They can stuff it in their luggage and hope they don't get caught. We're now trying to set up a process so when the person goes through customs somewhere or anywhere else -- I just know this isn't going to work -- they can show that piece of paper that say this is a sealed handicraft and I can get out of the country with it legally. So that's what's going on here.

I suppose your point about harvest is relevant. If all of a sudden 10 years from now there's 75 Federal bears taken, we'll take note of that. I certainly don't have a problem with 75 bears being taken. Anyway, it's just working towards a process so opportunity increases. If people choose not to take advantage of the opportunity, that's their choice.

Okay. Go ahead.

MR. SMITH: I think you might be arguing something that I wasn't talking about. You don't need to convince me that, you know, we have enough bears to harvest. My point is that so often we reach this point where it would be nice to know what the facts are. That's what I'm asking. What's the situation now and apparently that's not readily available and it seems like it should be.

MS. H. ARMSTRONG: Mr. Chair. I heard Karen -- I was actually writing her a note, but I heard her. She got it already. So at your fingertips.

CHAIRMAN QUINN: Great.

MS. H. ARMSTRONG: No Federal bears have been harvested in Unit 22.

MR. GRAY: In how long, ever?

(Laughter)

MS. H. ARMSTRONG: Well, this program

has only been going on since 1990.

MR. GRAY: When did it start?

MS. H. ARMSTRONG: The start of the data collected says 1995. Is that what that says, Karen?

MS. HYER: Yeah.

MS. H. ARMSTRONG: Hold on. You know, I just realized now that there's WiFi. I could have gone on my computer and done it from here too. It's a new database that we have. We have this awesome guy who's created this and it's very cool. So since 2004 under the State regulations it's been 551, but under Feds it's been none.

CHAIRMAN QUINN: 551 statewide?

MS. H. ARMSTRONG: No, in Unit 22.

CHAIRMAN QUINN: No way.

MR. GRAY: Total harvest.

MS. H. ARMSTRONG: Total harvest since 2004.

MR. GRAY: Bears.

MS. H. ARMSTRONG: That's in Unit 22, correct?

MS. HYER: Right, since 2004.

CHAIRMAN QUINN: That's all bears harvested in Unit 22.

MS. H. ARMSTRONG: 551. You're sure about that?

MS. HYER: I have him on the line. I can ask him.

MS. H. ARMSTRONG: Just verify that that number is correct. I will need to look it over before I answer that.

CHAIRMAN QUINN: Elmer, go ahead.

MR. SEETOT: Number of bears being harvested and recorded in hub. I think it's mostly -- what do you call it. If I have to report something, then I will report it to the authorities. Number one, the authorities are within the hub. Fish and Game biologists, law enforcement. The number for statewide harvest I would think is accurate because hunters report what they harvest. On the other level, I would think at least one-third is missing. You know, you have 250, 500, 750. Five hundred is being recorded, the other 250 is not being recorded. That's an example. That's within the rural communities.

Nome is the one pretty much for the region, but the numbers are reported because, one, they require a harvest ticket or registration number and you have a road system. Out in the urban areas -- the rural areas, any bear that is shot I don't think it will be reported. One, they're a nuisance. Some people regard them as a nuisance, part of the wildlife system. And two is that too many reporting requirements to even report a bear and then you've got so many regulations. If I do shoot this in defense of life and property, I have to go through some requirements. Under general requirements or general hunt, then you have to go through other regulations. I would think that leaves a third of the report harvest. You have 551 statewide.

MS. H. ARMSTRONG: Unit 22.

MR. SEETOT: Oh, just for 22. I would think another 250 is not being reported from your reporting date to the present because what you see in the numbers are report harvests. What you don't see in the numbers are what the rural communities are doing, what the rural residents are doing. I don't encourage that, but that's the way it is.

Thank you.

MS. H. ARMSTRONG: Mr. Chair. The other information Karen just added. This is only since 2004, okay, not a long time, is 551 have reported sealing -- brown bears that have been sealed and I asked her to double check that that was brown bears, and 75 people have reported hunting but not harvesting. So I actually think those numbers are -- I do agree with you, there probably are people not reporting, but I think these are pretty good that people are

reporting. That's a lot of bears.

CHAIRMAN QUINN: No it's not.

MS. H. ARMSTRONG: No? Maybe it's not a lot of bears. Never mind.

CHAIRMAN QUINN: Not over this time period.

MR. GRAY: Of this 551 bears there were zero Federally taken bears, is that right?

MS. H. ARMSTRONG: That's correct.

MR. GREEN: Mr. Chair. Helen.

MS. H. ARMSTRONG: Yes.

MR. GREEN: Is there any reason out there that you know why people aren't utilizing the Federal subsistence?

MS. H. ARMSTRONG: I don't know. I mean I think you guys could tell me more than I could tell you why you think they're not utilizing it. Maybe not being aware that they can. People are probably harvesting in areas close to their communities where it's not Federal public land possibly. I don't know. Ken Adkisson has his hand raised.

MR. ADKISSON: Ken Adkisson, National Park Service. Mr. Chair and Council members. I don't have the facts and all the numbers at my fingertips either, but I can tell you from like especially in Unit 23 and so forth you could probably count the number of the Federally subsistence harvested bears in any given year on a single hand or less.

One of the things that's happened is if you look in the regulation booklets, you find the salvage requirements are very different for a subsistence-harvested bear and a bear taken under a general hunt. General hunt bears get sealed. The subsistence-harvested bears, if you salvage the meat and you have to salvage the meat where you don't have to under a general hunt, you don't necessarily have to salvage the hide and the skull and all that. That can be left in the field. If you do that, the bear doesn't need to be sealed. Under the old brown bear management

area hunts, if the bear came out of the hunt area or whatever, it generally had to get sealed if you brought the hide and skull out.

In the earlier days, the brown bear management areas had much more liberal seasons and so forth often than the general hunt areas. What's happened over the years is the general hunts have been liberalized to the point where there's almost no advantage to using a Federal permit anymore. Almost anywhere you look the harvest limit either for subsistence or general hunt is one bear a year and if you take it under the general permit, you can just basically keep the bear and that's it. You have to have it sealed anyway.

So the only real advantage to the subsistence management hunts are in really Parks and Monuments, which are closed to hunting bears under non-subsistence regulations or State regulations. In places like where you have preserves, like Bering Land Bridge, there's almost no advantage to using a subsistence permit anymore.

MR. GREEN: Mr. Chair.

CHAIRMAN QUINN: Yeah.

MR. GREEN: Thank you, Ken. That was the answer I was looking for. If it was a subsistence hunt, you were required to take the meat out of the field. It's kind of like people just like shooting bears to the point of shooting them and then taking the trophy. Under the subsistence regulations you don't do that.

CHAIRMAN QUINN: Okay. I read a little more here and I see the effects of the proposal are that the sealing certificate would require modification, so that there would be a space for blah, blah, blah. I guess I'll go over Letty's head here and ask Peter. If this all comes to place, do you think your people will make that happen? I'm sure the Feds will require you to modify and cover the cost of it.

MS. H. ARMSTRONG: Can I just add something because Peter wasn't involved in this committee. Larry VanDaele has assured me that they would change it.

CHAIRMAN QUINN: Oh. There you go, Peter, Larry spoke for you.

MS. H. ARMSTRONG: This working group was co-chaired by Larry VanDaele and myself, but I wasn't through the whole process but the end. We had a copy of the sealing certificate we looked at, we discussed how it could be added. So the State definitely would be on board with changing the sealing certificate. They set that as part of our discussions.

CHAIRMAN QUINN: Well, that answers my question. Unless you've got something to say, you don't have to say anything now.

MR. BENTE: To the Chair and members of the Council. I'm Peter Bente, management coordinator for Region 5, Division of Wildlife Conservation. So the answer that was given is truthful in the fact that we have a committee that reviews all published materials and all preparatory materials for the next regulatory year. We're starting that cycle at the end of September. Sealing certificates are always on the agenda, so we make revisions as needed so that they're available next regulatory year, which would be July 1st.

So I think the answer is, yes, the sealing certificate would be modified to accommodate the needs of the sealing requirement.

CHAIRMAN QUINN: All right, great.

MR. SMITH: Mr. Chairman.

CHAIRMAN QUINN: Go ahead.

MR. SMITH: Are we discussing the proposal, the details of it?

CHAIRMAN QUINN: That's kind of where I was hoping we'd get to now. Is there any more discussion on it? Okay, George.

MR. PAPPAS: We have prepared State comments. There's copies in the back of the room. Touched on a lot of topics. I'll just try to touch on a few items without going through them all.

If this proposal is adopted, it will not interfere with continuing to allow Federally qualified subsistence users to obtain such handicrafts for ceremonial, religious and cultural purposes. Additionally, just for clarification, if adopted, Federal subsistence users would intend on selling brown bear claws incorporated into handicrafts will be required to have that brown bear hide sealed by the Department. Not bringing in handicrafts already completed, but actually have the hide sealed first and then handicrafts made. So there was a little bit of confusion earlier. Letty is not going to be -- she won't have the ability to be able to tell me where a bear claw comes from.

So the hide will be sealed and for each claw or handicraft that goes out for sale we'd just have a Xerox of that registration permit -- excuse me, the sealing permit and that would help track it. There's all kinds of variables that we discussed of how people can abuse it, what have you, but this is a good start towards ensuring that all brown bear claw handicrafts that do come from Alaska are legally taken and legally done by Federally qualified subsistence users.

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

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

Introduction:

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

document will be required to accompany the bear claw handicrafts when sold.

Sales of handicrafts made from brown bear claws, teeth, skulls, and bones present a particular problem, because these are potentially high value items, and allowing sales creates market incentives for illegal harvest in Alaska and other states. Adoption of this proposal will protect federal subsistence craftsmen and their clients by providing proof and a means of documenting their handicrafts were legally taken, legal to sale by federally qualified users only, and are legal to own by any customer. Additionally, if this proposal is adopted, the customers who purchase brown bear claw handicrafts from federally qualified users will have the security of written proof certifying the handicraft came from a legally harvested Alaskan brown bear, legally authorized harvester, and legally authorized artisan.

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

Impact on Subsistence Users:

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

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

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

Opportunity Provided by State:

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

Conservation Issues:

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

In Alaska, economic incentives associated with harvesting brown bears to make handicrafts create conservation concerns because brown bears develop slowly and have a low reproductive rate, making small populations extremely susceptible to overharvest. Allowing widespread sale of high value bear parts without any kind of tracking mechanism is an invitation to illegal harvests. Further, the existing regulations are unenforceable and inconsistent with sound wildlife management principles.

Enforcement Issues:

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

lands.

Jurisdiction Issues:

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

Other Comments:

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

Recommendation: Support.

Thank you, Mr. Chair.

MR. SMITH: Hang on a minute, George.

MR. GRAY: I've got a question too.

CHAIRMAN QUINN: Tom and then Tim.

MR. GRAY: I guess, you know, you take walrus for example. The tusks are sealed, they're turned into a handicraft. You have a raw product that kind of goes through the chain of command, huh? I'm telling you these bear claws, if you don't have a chain of command, you're going to have every Tom, Dick and Harry out shooting bears just for the claws and

somebody's going to get caught and so be it and then this proposal is going to go down the tubes because of a little bit of error. Boy, I don't know. How are we going to track this thing? It's going to be interesting to see where it goes because if I have one sealed bear, a Federally sealed bear or if there's 15 of them, how are you going to track those claws? It's going to be a mess.

MS. H. ARMSTRONG: The idea is you'd have a certificate for each claw actually so that it would go with that claw. We don't have the technology really for the claws to actually have some kind of marking on the claw itself that might not ruin the value of the handicraft. So at this point -- maybe that will happen someday, but at this point there would just be a sealing certificate. You'd have copies of it. You'd have your 10 claws, copies of those.

We also did discuss as the working group -- you know, someone said what if I've got an old hide hanging in my house that's been there for 20 years and I decide I want to make a handicraft and you don't even know exactly where it came from, but you're living in an area where it's all Federal public land or you have claws hanging around the house that you don't even have the hide anymore. So we had a lot of discussion about that too. We just didn't want to get bogged down into the nitty-gritty little details.

Larry VanDaele said at that point they do have people who come in who don't necessarily know exactly where something has been taken. You just have them sign an affidavit saying that to the best of their knowledge it was a Federally-harvested bear. So there are going to be some sticky points at times with it, but we'll just -- this is a step in the right direction to try to deal with this. I think the State felt like it was better than having nothing. So there might be some difficulties, but we'll kind of go through it and it may be an evolving regulation that changes over time as many of our regulations do.

MR. GRAY: I guess my comeback to that is it's going to be the State people that are going to enforce it. It's not going to be the Federal program. If the State people are comfortable with what she just said -- it's like the city of Nome turning their head or the State troopers turning their head every time a four-wheeler drives down the highway, I'm comfortable

with that, but it could be a can of worms and all of a sudden the market could be flooded with a bunch of necklaces and you've only got one Federally-taken bear or no Federally-taken bear and we've got a process that's good for the public.

If it's handled right to begin with, it will be a good thing, but if it's not handled right and Joe Blow looks over, oh, that guy got $2,000 for that necklace, I can do that. Let me go find that old hide. Again, it's the State that's going to enforce it. It isn't the Feds.

MR. PAPPAS: Part of this issue is not State. It's outside of the United States. It's outside of Alaska. Even going to Seattle with a bear claw necklace might be a challenge going through TSA, who knows. I just got harassed going through TSA to get here. That's part of it, sir. I agree. That was one of our discussions. What if we have one bear that has 300 claws.

(Laughter)

MR. PAPPAS: Paper claws should we say. The permits come up. That's something that will have to be worked out down the line. But this will be the first step in tracking if there's even an issue.

Thank you, Mr. Chair.

CHAIRMAN QUINN: So anybody want to make a motion.

MR. SMITH: I've still got another comment. I guess the question is are we talking about the proposal at this point?

CHAIRMAN QUINN: We've been talking about it the whole time just trying to understand it and all that. This is an ongoing process. I'm ready to entertain a motion if anybody is ready to make one.

MR. GREEN: So moved.

MR. KEYES: Second.

CHAIRMAN QUINN: Well, wait a minute. I need a little more specific motion. Move to support or not.

MR. SMITH: I move to support this proposal for discussion purposes WP12-01 and my name is Tim Smith.

MR. GRAY: I second it.

CHAIRMAN QUINN: Okay. Discussion. Tim.

MR. SMITH: I'd like to talk just for a minute about the requirement for a sealing certificate accompanying the claws. This is, I think, a combination of kind of an onerous requirement and an ineffective requirement. You know, a few years back I think it was the Marine Mammal Protection Act that prevented trade in sperm whale teeth, but there were some sperm whale teeth that were grandfathered in prior to the Act. Well, I saw sperm whale teeth being sold along with these certificates issued by the government, about the 100th Xerox copy of this certificate. You know, you could barely even read the thing. Well, I'm sure that that certificate didn't go with that tooth. There was no way to tie that tooth to that certificate. So I think you've got the same situation here. It's a meaningless requirement and yet it's going to be kind of onerous to anybody who wants to sell a handicraft.

There's a big difference between what we do with walruses. You know, Tom brought up walruses. You seal a walrus tusk, but as soon as you cut that tusk and make it into a handicraft, there's no requirement for it to be sealed or for the sealing certificate to stay with the handicraft. If there was that requirement, it would be awfully difficult. Those handicrafts get sold again and again and again. Who's going to be able to keep that sealing certificate with the little ivory carving? It would be impossible. I think this is the same situation is going to happen here. It's going to be at the same time meaningless and onerous to the people who try to comply with it.

I guess I would ask George, the second time this handicraft is sold would you still have to have the sealing certificate?

MR. PAPPAS: The intent of the work group was that certificate would follow and be with that handicraft as far as it goes.

MR. SMITH: I think it's going to be an

awfully onerous requirement for somebody. I can't keep things like that together myself. I don't think anybody else could. That claw might last for 100 years or 200 years. How is anybody going to keep that certificate with it all that time.

MS. H. ARMSTRONG: You're certainly welcome to modify the proposal with your recommendation and take those comments forward to the Board.

MR. SMITH: Mr. Chairman. With that being said, I would move to amend the proposal to eliminate that requirement.

CHAIRMAN QUINN: Eliminate what requirement?

MR. SMITH: The requirement for the sealing certificate to accompany the handicraft.

MS. H. ARMSTRONG: On Page 25, the A part that says a copy of the ADF&G sealing certificate must accompany the handicraft when sold if I'm understanding you correctly, Tim.

MR. SMITH: Yes.

CHAIRMAN QUINN: Okay. So you got a motion now. Does anybody want to second that motion. No?

MR. GREEN: Second for discussion.

CHAIRMAN QUINN: All right. Now we'll discuss that. I'll go first here. Then we're right back to where we started. The whole thing for this was to provide documentation for Federal users to legally sell their claws because currently if a guy walks up to the Arctic Trading Post and says I've got a bear claw necklace, there's no way to know whether that was legally taken stuff and it can't get out of the country, it can't do any of that. You're certainly right to some extent this is onerous. All the stuff we do with wildlife is onerous. The intent here was to provide opportunity to legally sell these things and that intent is good and we're heading that direction and there's opportunity to modify this over time. I certainly don't support your modification proposal, but that's just my opinion.

MR. GRAY: If you read this thing, it says a sealing certificate would accompany the handicraft when sold. If I'm a carver in this area and I sell Joe Blow an artifact, I really don't care where it goes after that. He's going to take that artifact and if he's interested in reselling it, he's going to make sure that certificate stays with it and he's going to go on and sell it to somebody else or he's going to keep it and forget about it. In reality, I'm comfortable the way this is written.

I would throw this out though. In the old days we used to keep a piece of bear hair for DNA or whatever. That may be a possibility that you keep a piece of bear hair for DNA on these Federal subsistence hunts and you can track this thing if push comes to shove. Somebody is going to have to warehouse this thing. I don't think it's going to be a big issue if in the last seven or eight years there's only been zero bears taken.

Anyway, those are my thoughts.

MR. SMITH: Mr. Chairman.

CHAIRMAN QUINN: Go ahead.

MR. SMITH: I just wanted to comment on your comments. If we adopt this amendment, there would be nothing to stop someone from giving a copy of the sealing certificate to the person who wants to travel outside. It just wouldn't be a requirement. If you make it a requirement, it makes it easy for someone to violate. If you lose the sealing certificate or even if you got confused and you got the wrong claw with the wrong sealing certificate. That's going to be a problem.

Say you deal in handicrafts and you've got 10 claws and 10 sealing certificates. What if you get them mixed up? Then you're in violation. What if somebody does what Tom is suggesting and does a DNA test, you've got them mixed up, you're in violation. Why not make this voluntary? If somebody feels the need to have a copy of the sealing certificate, they could certainly have one, but if you make it mandatory, it makes it real easy for someone to get caught in violation.

CHAIRMAN QUINN: Well, to some extent

the Convention on International Trade of Endangered Species has already required this. It doesn't matter who you are. You aren't going to get the bear claw out of the country if the guy looking at your stuff knows his Federal wildlife laws. A lot of times he probably don't. But the requirement is already there. What we're doing here is trying to enable people to meet that requirement. At least that's the way I view it. They currently can't meet that requirement. We had, what, two big tour boats come into Nome this summer and unload a bunch of -- I think they were all Germans. I would almost guarantee you that one or two of those people would have purchased a bear claw handicraft if it had been legally available. There aren't any handicrafts available because everybody still thinks it's illegal. We're on the brink of this larger tourist system right here in this community, providing opportunity to sell anything to people who can't get it anywhere else and I want to see that opportunity exist. The guy can buy a bear claw from anybody here in town and get back on his boat I bet. Oh, no, they went through customs here.

MR. GREEN: Mr. Chair.

CHAIRMAN QUINN: Go ahead.

MR. GREEN: I did second for purposes of discussion and I would like to withdraw my second so we can move on because I think that, you know, if there's an enforcement problem, that's enforcement's business and it will come back to the table again. I think Tim has a good point. I'm not discrediting his point, but I think that moving on and letting things happen as they -- as they say, the chips fall. We'll find out what needs to be taken care of.

CHAIRMAN QUINN: All right. Then now, amongst all this stuff, as we're going through this motion to support the proposal, I've got to allow all these different people to comment on it. I think I've already allowed the Department of Fish and Game. Are there any Federal agencies here who want to comment.

MR. GRAY: It shouldn't be are there. It should be Federal agencies need to comment.

CHAIRMAN QUINN: Okay. Well, they're not here. Are there any Native, tribal, village representatives here that wish to comment.

(No comments)

CHAIRMAN QUINN: InterAgency Staff comments.

MR. RABINOWITCH: No comments.

CHAIRMAN QUINN: Okay. Advisory group committees, neighboring RACs or ACs.

(No comments)

CHAIRMAN QUINN: And then the National Park Service Subsistence Commission.

MR. RABINOWITCH: No comments. None to be made.

CHAIRMAN QUINN: All right. Summary of written comments. Did you already do that, Helen?

MS. H. ARMSTRONG: I don't believe -- Gates of the Arctic Subsistence Resource Commission supports the proposal. They didn't have any justification provided.

CHAIRMAN QUINN: Any other members of the public that wish to comment or testify.

(No comments)

CHAIRMAN QUINN: Is there any more discussion by RAC members on the proposal.

(No comments)

MR. GREEN: Mr. Chair. I call for the question.

CHAIRMAN QUINN: The question has been called. All those in favor of the motion to support say aye.

IN UNISON: Aye.

CHAIRMAN QUINN: Any opposed.

(No opposing votes)

CHAIRMAN QUINN: Motion carries and

I'll call a 15-minute break.

(Off record)

(On record)

CHAIRMAN QUINN: I'm going to call us back to order. Why don't you just get a remote button and set it right there.

REPORTER: Why don't you just leave it on.

(Laughter)

CHAIRMAN QUINN: We're going to do C, Wildlife Proposal 10-2, since that's also bear handicrafts. Page 36.

MS. H. ARMSTRONG: Thank you, Mr. Chair. This proposal was deferred. Actually it was deferred Proposal WP08-05 and then in 2010 we didn't change the number, but it was deferred again. It requested clarification of the existing Federal Subsistence management regulation governing the use of brown bear claws in handicrafts for sale. The proposal asked for the removal of all unit-specific regulations related to the statewide sale of brown bear handicrafts made of skin, hide, pelt or fur and that sales of brown bear handicrafts made of claws, bones, teeth, sinew, or skulls should occur only between Federally qualified subsistence users. It was submitted by ADF&G.

We have been told in the Brown Bear Claw Handicraft Working Group that ADF&G will request that this proposal or these two proposals that were deferred that it will be the request of the Board that there be no action taken because the one you just heard has been replaced or is being replaced instead of.

So our recommendation on WP10-02 is to take no action.

MR. GREEN: What page is that on? I'm sorry.

MS. H. ARMSTRONG: It starts on Page 36, is the executive summary. It's a little confusing because we have a deferred and then there's another

proposal that's deferred, but you don't need to worry too much about it. We're recommending take no action because of the one you just discussed.

CHAIRMAN QUINN: Okay. I'm going to go through this list again, Tina said I had to.

(Laughter)

CHAIRMAN QUINN: ADF&G comment.

MR. PAPPAS: Thank you, Mr. Chair. The Department concurs. We'd like to either request take no action or actually request a withdrawal if it's possible since the proposal we spoke of earlier addresses this concern.

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

Wildlife Proposal WP10-02 (Deferred WP08-05): Change the regulations regarding sale of brown bear handicrafts to allow sales of handicrafts made from brown bear fur in all units and to restrict sales of handicrafts made from claws, bones, teeth, or skulls to transactions between federally-qualified subsistence users.

Introduction:

Existing federal regulations allow essentially unconstrained commercial sale of handicrafts made from bear parts taken in some units as a customary and traditional activity, despite a lack of substantial evidence demonstrating that such sales are a customary and traditional practice. The sale of such handicrafts is limited only by virtually unenforceable provision that prohibits sales constituting a significant commercial enterprise. These regulations also allow the purchase of brown bear handicrafts by persons who are not federally-qualified subsistence users, despite such purchases being prohibited under state law and, as was pointed out at the Spring 2006 Federal Subsistence Board meeting, that sales can even occur over the Internet.

Sales of handicrafts made from brown bear claws, teeth, skulls, and bones present a particular problem, because these are potentially high value items, and allowing sales creates market incentives for illegal harvest in Alaska and other states.

Black bear handicraft sales, although not customary and traditional, do not create the high level of conservation concern raised by sales of brown bear handicrafts. Similarly, sales of brown bear handicrafts do not raise the same level of concern if limited to the skin or fur as defined in state regulations; and even sales of handicrafts made with claws and teeth do not currently raise extremely high levels of concern if limited to sales among federally-qualified users.

Changing the regulation to continue allowing the sale of brown bear fur products to anyone (state regulations allow sale of untanned brown bear hides), while limiting sales of handicrafts made with brown bear claws, teeth, bones, and skulls to sales to other federally-qualified subsistence users, should help eliminate commercial markets and the masking of illegal sales in Alaska and elsewhere.
Unit specific restrictions on sales are almost impossible to enforce without tracking and documentation requirements and are not needed for lower value fur handicrafts. This proposal will eliminate the unit-specific sale allowances and render the regulations more user-friendly and more enforceable.

Impact on Subsistence Users:

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

This proposal will continue to allow rural residents to: sell brown bear fur handicrafts to anyone (as allowed under State law); barter brown bear handicrafts with anyone under federal regulations; and

sell brown bear handicrafts to other rural residents under federal regulations. Therefore, this proposed regulation change will not impair the ability of rural residents or urban Alaska Natives to obtain such handicrafts for ceremonial, religious, and cultural purposes.

Further, adoption of this proposal will significantly reduce the likelihood that federally-qualified subsistence users will face state prosecution for engaging in sales that are prohibited under state law when they occur on state or private lands.

Opportunity Provided by State:

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

Conservation Issues:

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

In Alaska, economic incentives associated with harvesting brown bears to make handicrafts create conservation concerns because brown bears develop slowly and have a low reproductive rate, making small populations extremely susceptible to overharvest. Allowing widespread sale of high value bear parts without any kind of tracking mechanism is an invitation to illegal harvests. Further, the existing regulations are unenforceable and inconsistent with

sound wildlife management principles.

Enforcement Issues:

This proposal will reduce enforcement issues created by the existing federal regulation in several ways: (1) by limiting the pool of eligible purchasers for high value bear parts, it will significantly reduce economic incentives for poaching in other states and countries as well as in Alaska; (2) by allowing the sales of brown bear fur handicrafts from any Game Management Unit, as presently allowed under state law, this proposal will eliminate unenforceable Unit-specific sales authorizations in existing regulation; and (3) the proposed regulation will reduce the likelihood that federally-qualified subsistence users will face prosecution for attempting to engage in sales on state or private lands that are prohibited under state law.

Jurisdiction Issues:

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

Recommendation: TAKE NO ACTION / GRANT PERMISSION TO WITHDRAW / DEFER TO PROPOSAL 12-01 AS RECOMMENDED BY WORKING GROUP

Thank you, Mr. Chair.

CHAIRMAN QUINN: Okay. Federal agencies.

(No comments)

CHAIRMAN QUINN: Native, tribal, village.

(No comments)

CHAIRMAN QUINN: InterAgency Staff.

(No comments)

CHAIRMAN QUINN: Any advisory groups or neighboring RACs.

(No comments)

CHAIRMAN QUINN: National Park Service.

(No comments)

CHAIRMAN QUINN: Any written comments. Helen.

MS. H. ARMSTRONG: There are none.

CHAIRMAN QUINN: Okay. Is there anyone from the public that wishes to comment on this proposal.

(No comments)

CHAIRMAN QUINN: Entertain a motion.

MR. GRAY: Can I ask a question?

CHAIRMAN QUINN: Well, I was going to kind of change things a little bit here. I kind of forgot the procedure we used at the ACs and I think it works pretty good. We start with a motion and then we discuss and then we vote.

MR. GREEN: So move that we.....

MR. GRAY: Second.

CHAIRMAN QUINN: Okay. A move to support to take no action and a second. Okay. Discussion.

MR. GRAY: I've got a question. In reading this, at this point there's no -- no product can be made out of brown bear skins, hides, teeth, bones, anything, and be sold as artifact, is that true?

CHAIRMAN QUINN: Handicraft.

MS. H. ARMSTRONG: No, it can be.

MR. GRAY: It can be.

MS. H. ARMSTRONG: Okay. If you look at Page 41, the existing Federal regulations. This one actually -- because this was deferred from 2010 it doesn't list 22, this is old, but 22 is actually in here. So if you are a Federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur, including claws, of a brown bear taken from -- and then all the units that they list. So it is in place. What the State wanted in 2010 was to add if you are a Federally qualified subsistence user, you can only sell to another Federally qualified subsistence user. That got deferred by the Board to the Brown Bear Claw Handicraft Working Group.

Now the State is fine with saying take no action on this proposal. They're going to ask the Board to withdraw it, but they're not allowed to withdraw it until actually at the Board meeting.

MR. GRAY: So I guess this proposal is taking what we have in place going backwards. It's pulling what opportunity our subsistence users have.

MS. H. ARMSTRONG: Exactly. The State was not happy with that. They were -- yes, going backwards is a good way to perhaps describe it.

MR. GRAY: With that in mind -- and this is why I talked about the State and subsistence people have different missions in life. With this in mind, I withdraw my second to the motion because I'm not supportive of my subsistence users not being able to use whatever tools they have in selling handicraft.

MS. H. ARMSTRONG: I believe the motion was to take no action.

MR. SMITH: (Nods affirmatively).

MR. GRAY: Oh, I thought you were approving that.

MR. SMITH: No, no.

CHAIRMAN QUINN: The State already said

they're going to withdraw.....

MR. GRAY: Okay. I'll leave my second in place then.

MR. SMITH: Mr. Chair.

CHAIRMAN QUINN: Go ahead.

MR. SMITH: Maybe this isn't clear, but this WP12-01 makes this redundant. If WP12-01 passes, it legalizes making handicrafts and selling handicrafts from brown bears, so this other one is just redundant. I guess I'd go further than take no action and opposing it. It's not necessary. WP10-02, I think we should oppose it and vote against it.

MR. GRAY: Opposing would be appropriate.

CHAIRMAN QUINN: Elmer.

MR. SEETOT: So what you're stating is the unit specific regulation would be taken off under this proposal. Instead of 22-C bear it would just be all statewide.

MS. H. ARMSTRONG: Well, there were a couple of things. They would not include claws and take the Unit 1 off. So it just says not include claws and then add that if you are a Federally qualified user, then you could sell, but only to another Federally qualified user, so it would limit it and it would be statewide. There wouldn't be any unit specific.

MR. SEETOT: So all of this is asking unit removal from the regulations and just be statewide?

MS. H. ARMSTRONG: No. Unit removal, but if you read that first part on Page 41 under definitions, under proposed regulations kind of in the middle, .25(j)(7), there's a bold not, so not including claws, all right, so they're saying you can't make any crafts with claws and then they added the part about you can only if you're a Federally qualified user selling to another user.

MR. SEETOT: But they just removed the

units.

MS. H. ARMSTRONG: That's right.

MR. SEETOT: Okay. Thank you.

MR. GRAY: I hate to be a pest again. The regulations, it looks like we can't sell artifacts out of Unit 22, is that right?

MS. H. ARMSTRONG: Well, this was old. When this was done, this is deferred, this is before it came into place. It was in 2010 that we added Unit 22. So it is included now, but this was old.

MR. GRAY: Okay. I didn't see Unit 22 above there in existing.

MS. H. ARMSTRONG: Right. Because it was old. Now it's included.

MR. GRAY: Okay. And I agree with Tim that we should oppose this thing. No action is kind of a let somebody else decide. So I would be willing to change my second if you're willing to.....

CHAIRMAN QUINN: Well, you've got to understand what happens when a Board, either the Subsistence Board or the Board of Game takes no action. That means the thing basically disappears. They're not tabling it, they're not deferring it. They're voting to take no action. That means it disappears. Now the responsibility to bring it back to the table falls upon the people who originally submitted or somebody else. So when the Board takes no action, the thing goes away.

Let me request Mr. Green to more clearly state his motion and then we'll go from there.

MR. GREEN: I was going off of the recommendation.....

CHAIRMAN QUINN: By OSM to take no action.

MR. GREEN: Correct.

CHAIRMAN QUINN: So the motion is to support the take no action recommendation. That's the motion you seconded, that we recommend the Subsistence

Board take no action. The State has even requested a similar conclusion of this issue because the State has now moved their work to the labeling part.

MR. GRAY: I can either make a motion to oppose it or -- and I'll do that. I'm going to make a motion to oppose this thing.....

CHAIRMAN QUINN: You've got to let me.....

MR. GRAY: ....or amendment to oppose this thing. Mike, there is a difference. When you don't oppose something, you turn your head saying no action, and standing up and waving a flag and opposing something, there's a definite difference. This is subsistence. This is something that's going to be very very hard to change and when it goes to the next level, if they recognize that, oh, they didn't make a big issue out of it and oppose it, it could change. Anyway, my motion is to amend the motion to oppose it.

MR. GREEN: There.

CHAIRMAN QUINN: You guys are confusing me. Tim, go ahead.

MR. SMITH: I'm going to second Tom's amendment. First I'm going to ask a procedure question. Can we oppose a proposal?

CHAIRMAN QUINN: Well, yeah, we can. All right.

MR. SMITH: So I second it.

CHAIRMAN QUINN: No, I'm not even going to let you talk. I'm going to put this matter to rest.

MR. GRAY: Question.

CHAIRMAN QUINN: There. The question has been called on Louie's proposal. We've discussed it, the question was called.

MR. GREEN: I was trying to get in the middle of this. I would withdraw my motion in support of a new motion rather than amending and dada dada, let's just simplify it.

CHAIRMAN QUINN: All right. Louie's motion has been withdrawn. I'll now entertain a new motion.

MR. GRAY: I move to oppose this thing.

MR. SMITH: Second.

CHAIRMAN QUINN: Second. Discussion.

(No comments)

MR. GRAY: Question.

MR. KEYES: Question.

CHAIRMAN QUINN: The question has been called. All those in favor of opposing Proposal WP10-02 say aye.

IN UNISON: Aye.

(No opposing votes)

CHAIRMAN QUINN: Motion carries. Next, Helen.

MS. H. ARMSTRONG: Thank you, Mr. Chair. I wanted to -- this is a side comment. I wanted to point out in your reg books whenever there's a highlighted in yellow part, that means it was a new action that was just put into place. So on Page 19 you can see that under -- this is under the bear regulations. That 22 is highlighted. It was just an informational thing, so if you had been reading the book and trying to understand, gosh, why wasn't 22 in there and then you looked at this, you'd say, oh, uh-huh, it's a new reg. I kind of like that that we've added that feature in our book so we can see what's new.

All right. I did just want to make a comment that we wrestled with that same issue of take no action versus opposed and I understand the dilemma totally of what you were going through and I think it's fine to oppose it as well.

WP12-02 is on Page 50, starts the executive summary. The analysis starts on Page 52. This was a proposal by Michael Cronk of Tok, Alaska,

and he requests that only people 60 years of age or older, or disabled, be allowed to designate their harvest limit to another person. This regulation change he wanted for the entire state, so that's why you're hearing it even though he's in Tok.

The Federal Subsistence Board established a statewide designated hunter system in 2003. The statewide designated hunter regulation includes these points. The reason this gets confusing to people is we are different from what the State does, so you need to be clear on that, that we're not as restrictive as the State.

In order to designate another hunter you have to be a Federally qualified subsistence user and that person has to be. The person designated can only do it for deer, moose or caribou unless there's specific exemptions they apply for. Right now it's just deer, moose or caribou.

The designated hunter must obtain a permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time. These are applied unless they're unit-specific regulations.

It's important to note that several Regional Councils have supported and the Board has adopted regulations modifying this designated hunter system in specific management units. Those are listed on Page 60 in your book.

The purpose of designated hunter rules is to recognize the customary and traditional practices of the people and the subsistence users and sharing and redistribution of harvest in rural Alaska. For example, the designated hunter system legalizes a traditional practice that is ongoing in much of rural Alaska. With individual harvest limits, some hunters cannot harvest enough meat to meet the needs of their own household as well as the needs of the people with whom they share.

The designated hunter system allows hunters to harvest moose, caribou and deer and for those who cannot hunt for whatever reason. So there's not a restriction that you have to be disabled or elderly. Households may contain members who are unable

to hunt or who choose not to hunt for whatever reasons.

If this proposal were adopted, the extent of impacts and subsistence users cannot be measured exactly because statistics have been collected only to describe the age of those designating a hunter and not whether the hunter was disabled. So we don't even collect that information. We do collect information on age. Right now 77 percent of the users in 2009 and 2010 were under 60 years of age. So if we change this to above 60 years of age, we would be affecting a fair number of people who use this permit. However, the harvest by designated hunters is a small portion of hunting that goes on. It's less than 2 percent of the total harvest of all hunters.

A statewide provision restricting the use of the designated hunter system is not supported for these reasons. It would affect a lot of people who are under the age of 60. If there were some evidence in a region to clearly warrant a change to the designated hunter provisions in that unit or that region, then it would be recommended that they do a unit-specific restriction rather than a statewide restriction.

For those reasons the OSM preliminary conclusion is to oppose WP12-02. It's too restrictive on subsistence users.

CHAIRMAN QUINN: Okay. I'll entertain a motion.

MR. GREEN: So moved.

CHAIRMAN QUINN: No, you've got to be more specific, Louie.

MR. GREEN: I move to oppose it.

MR. GRAY: Second.

CHAIRMAN QUINN: So seconded. Discussion.

REPORTER: Mike.

CHAIRMAN QUINN: Oh, I'm sorry. Darn it. Go ahead. Thank you for reminding me.

(Laughter)

MR. PAPPAS: Thank you, Mr. Chair. George Pappas, Fish and Game. For the record, I'd like to request that the court reporter incorporate our comments as they were distributed today electronically into the transcripts for reference as they're not in the book at this time.

REPORTER: (Nods affirmatively)

MR. PAPPAS: I'll try to summarize here. The proponent indicates the Federal subsistence designated hunter program has diverged from the original intent of the Federal Board by allowing designated hunters to provide for elders and others that were unable to hunt for themselves. The proponent indicates the designated hunter program is currently an uncontrolled system. The proponent indicates some Federal subsistence users are abusing this regulation and harvesting as many animals as number of permits they could obtain, which may lead to detrimental impacts to the game population since subsistence hunts in general. If adopted, this proposal would require 60 years or older or disabled.

The opportunity provided by the State, as Helen said earlier, we have different systems. It is authorized under State regulations and allow for moose, caribou and deer only. The State proxy system requires to be a resident of Alaska who is blind 70 percent, physically disabled or 65 years of age or older and a proxy hunter may not proxy hunt for more than one beneficiary at a time or have more than one proxy authorization with them at a time in the field.

The Department recommends supporting this with modification to establish a designated hunter beneficiary qualification equal to those approved by the Federal Subsistence Board for Unit Number 6. The State recommends modifying this proposal to require beneficiaries of the Federal subsistence designated hunters be blind, 65 years or older or 70 percent disabled or temporary disabled.

The State also recommends modifying this proposal to reflect the Unit 6 designation hunter possession limit adopted by the Federal Subsistence Board which limits the designated hunters to possession of only one bag limit at a time. Adoption of these

recommended proposal modifications will bring regulatory consistency to Units 1 through 6 and make Federal and State regulations more parallel.

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

Wildlife Proposal WP12-02:

Change federal subsistence designated hunter regulations.

Introduction:

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

The proponent indicates the federal subsistence designated hunter program has diverged from the original intent of the Federal Subsistence Board by allowing designated hunting to provide for elders and others that were unable to hunt for themselves. The proponent indicates the designated hunter program is currently an uncontrolled system. The proponent indicates some federal subsistence users are abusing this regulation and are harvesting as many animals as numbers of permits they can obtain which may lead to detrimental impacts to game populations and subsistence hunting in general.

Impact on Subsistence Users:

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

qualified users 60 or over or are disabled may harvest fewer animals per year.

Opportunity Provided by State:

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

Conservation Issues:

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

Enforcement Issues:

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

Recommendation:

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

Thank you, Mr. Chair.

CHAIRMAN QUINN: Okay. Federal agencies. All right, Ken. So, Ken, there's been a question in my mind through this process, you're

different than the Park Service Subsistence Resource Commission?

MR. ADKISSON: Mr. Chair and Council members. The National Park Service Subsistence Resource Commissions are unique advisory bodies set up in Federal law to provide advice to the superintendent for National Park and Monument units, such as Cape Krusenstern National Monument, Kobuk Valley National Park. They also have additional responsibilities, for example, to develop hunting programs or plans for those units. We do not have them for National Preserves, like Bering Land Bridge and Noatak National Preserve, so we find ourselves perhaps relying more on working with the Regional Advisory Councils in lieu of that. In the Noatak National Preserve, the Park Service does listen to its SRCs because they kind of form a cohesive unit and they do have valuable input onto the management of the Noatak National Preserve even though they're not specified to. They provide an additional level of local input. Does that answer the question?

CHAIRMAN QUINN: Yeah. So your comment today.....

MR. ADKISSON: Is for Western Arctic National Park lands.

CHAIRMAN QUINN: Oh, okay.

MR. ADKISSON: Basically we do not support this proposal. We feel it's too restrictive. We're comfortable with the existing regulation, which we think is more supportive of and consistent with traditional and customary practices.

One of the comments, for example, that was presented from one of the tribal consultation things that was read earlier mentioned households where you have a single mother that's under 50 or something like that and that's an example of one of the forms of where customary and traditional practices can allow people to hunt for her as well. So we think the proposal is way too restrictive.

Additionally, we have no evidence or no indication of any of the so-called problems occurring in Northwest Alaska and feel that the existing regulation as it is now provides the flexibility if problems do occur with it and examples such as the RAC

recognizing that the regulation could be modified to that and don't feel any necessary need for absolute consistency across the state.

CHAIRMAN QUINN: Thanks. Native, tribal, village.

(No comments)

CHAIRMAN QUINN: InterAgency Staff.

(No comments)

CHAIRMAN QUINN: Other RACs, ACs.

(No comments)

CHAIRMAN QUINN: No Subsistence Resource.

(No comments)

CHAIRMAN QUINN: Any written comments, Helen.

MS. H. ARMSTRONG: Thank you, Mr. Chair. The written comments are on Page 64 of your book. This is from the Gates of the Arctic National Park Resource Commission. It says support with modification to include windows. I don't know what windows means. The designated hunter option is important to traditional subsistence practices and ensuring that animals are harvested correctly.

When I went to talk to Sandy Rabinowitch to ask him for more clarification, he suggested that maybe he could add some clarification to these comments if you'd like to hear it.

CHAIRMAN QUINN: Sorry, I already gave you the opportunity and you didn't speak up. Do you feel you can add anything to sway us one way or the other.

MR. RABINOWITCH: Not going to try to sway you, just going to try to clarify.

CHAIRMAN QUINN: All right.

MS. H. ARMSTRONG: I just didn't know

what windows meant and I also was a little bit puzzled because it would seem to me if you were supporting traditional practices that you would oppose this proposal, so that's where we left that.

MR. RABINOWITCH: Thank you, Mr. Chair. Again, I'm Sandy Rabinowitch for the National Park Service. When I read this comment a day or two ago I did the same thing Helen did, which is kind of shook my head and said this doesn't seem like -- this isn't a comment I would expect from this group of subsistence users. I tried to reach the person in the Park Service, but they're traveling in Anaktuvuk Pass, so I couldn't. I'll probably accomplish that next week.

I think there's an error in this comment, but I can't tell you there's an error with it factually today. I would have expected this group to oppose the proposal and support the existing regulation. But this comment says what it says and it is written down. I have a letter that shows this is an accurately written down comment. That's how far I've been able to get. I'm trying to bring clarity to it, but I just haven't got there yet. On the question of the word windows, I think that is supposed to mean widows, but I again don't know that.

(Laughter)

MR. RABINOWITCH: But that's our best guess. That's as much as I an bring to the table.

CHAIRMAN QUINN: Okay, thanks. Go ahead, Elmer.

MR. SEETOT: The other one could be -- maybe when they say windows, maybe the timeframe within that harvest period. That's what I'm thinking. On your other point, widows, it might include that, but I think that needs clarification.

MR. KEYES: This is Anthony. I forgot what I was going to say.

MR. GREEN: You want me to write it down next time?

(Laughter)

MR. KEYES: Oh, I found it. I found

it. Maybe the windows would be referring as to our calendar date. Could that be another way of putting the windows on there?

MS. H. ARMSTRONG: Could be or it could be a spellcheck error.

CHAIRMAN QUINN: Well, we'll have to read it and each RAC member can draw their own assumption or conclusion from it. Is there any more discussion on.....

MR. GREEN: Call for the question.

MR. SMITH: Can you please read the motion.

CHAIRMAN QUINN: The question has been called on a motion to oppose this proposal. All those in favor of that motion say aye.

IN UNISON: Aye.

CHAIRMAN QUINN: All those opposed.

(No opposing votes)

CHAIRMAN QUINN: That motion carries. Well, we only got one more -- Helen, I'll just let you do your part here to start with.

MS. H. ARMSTRONG: This hopefully won't take too long. The analysis begins on Page 67, WP12-03. This one was submitted by the Orutsararmiut Native Council out of Bethel and it would require would require trappers to move a trap that incidentally harvests a moose, caribou, or deer at least 300 feet for the remainder of the regulatory year. It would apply to the entire state.

The State of Alaska wildlife regulations includes the following provision, that a trapper is prohibited from placing a trap or snare within 300 feet of the site at which a moose, caribou, or deer was taken using a trap or snare. The prohibition applies for the duration of the regulatory year in which the moose, caribou, or deer was taken using the trap or snare. In addition, the animal must be salvaged and

its parts cannot be used for bait.

One of the points about the proposed regulation for the Federal regulations is that moving the trap from the site of the incidental harvest denies the trappers the benefit of continuing to set a trap at a kill site which may attract furbearers.

The proponent wants a similar provision in Federal regulations as the State provisions, specifically to better inform State and Federal enforcement officers that the prohibition applies during the same regulatory year, not the same calendar year because it was reported that an enforcement officer was confused. So there was an issue with somebody being cited. The case eventually got thrown out, but at some cost for defense of the person who was cited, so that's why this proposal has come forward and why they wanted to make it a statewide issue. They wanted it to be elevated to everybody's attention that this is actually a regulatory year regulation and not a calendar year.

Right now the Federal regulations, which you can find the existing regs on Page 67 and the proposed regs on Page 68, the Federal regulations require that wildlife caught incidentally to trapping furbearers be salvaged. Right now the hide, skin, viscera, head, or bones may be used for bait. So if this proposed regulation went into effect, they would not be allowing the use for bait, so it would be the same as the State's reg.

The use of traps to harvest caribou, moose, and deer is prohibited in State and Federal wildlife regulations primarily because traps set for moose, caribou, and deer do not discriminate between animals such as cows, bulls, and fawns. We don't really know how often moose, caribou or deer are caught in traps set for furbearers statewide or by region.

The State and Federal Staff generally assume that it's a very low level of incidental harvest that's occurring. The snare height above ground, trap location, bait type, location of trail snares, et cetera, are effective techniques to select for targeted furbearers and against non-targeted animals. Occasionally, non-targeted animals are caught, but trappers use techniques to avoid them, and that is one reason there are low levels of incidental harvests.

If this proposal is adopted, Federal subsistence users would be required to move a trap for the remainder of the regulatory year when it has taken a moose, caribou, or deer incidental to trapping furbearers. This would be required if the incidental harvest occurred on Federal public lands using Federal trapping regulations.

The clear intent of the proponent, and we had a lot of discussions with the proponent, is to import State wildlife regulations into Federal wildlife regulations and to clarify their intent to law enforcement officers so that other trappers who comply with State regulations are not cited. Requiring a trapper to move a trap would be a hardship that would not conserve caribou, moose or deer, so no conservation concern.

The State s concern is ungulates being used as bait, and it is not in the interest of Federal subsistence users to impose this regulation on them. So it would be more restrictive of subsistence users. For that reason, the OSM preliminary conclusion is to oppose Proposal WP12-03.

CHAIRMAN QUINN: All right. I guess we still haven't completely been following the proper order. I see that the motion for these proposals is always supposed to be a positive motion and then we either pass the motion or don't pass it. I guess that's what we've done at the AC now that I think about it. Roy has always forced us into a positive motion and then we debate it.

So that being said, I'll entertain a motion to support this proposal. The possibility of no motion coming forward is certainly possible and that also says something. I'm going to give you 10 more seconds.

MR. SMITH: Mr. Chairman. I move to support Proposal WP12-03. My name is Tim Smith.

CHAIRMAN QUINN: All right. Is there a second.

MR. SEETOT: Second.

CHAIRMAN QUINN: Okay. Discussion. Tim.

MR. SMITH: I guess I question the need for this. It seems to be based on something that Greg Roczicka saw happening in Bethel. It doesn't seem like it should happen very often. It was apparently a misunderstanding by an enforcement officer. It's one of those regulations where -- I think the regulation book is filled with a lot of regulations that don't have a clear need and I don't see a clear need for this one. I guess I will oppose the motion even though I made it.

CHAIRMAN QUINN: If you hadn't made the motion, I wouldn't have had to go through this whole list. Okay. I thought I was only trying to be official and give 10 more seconds. I didn't want a motion. Okay. So George is sitting there ready to talk. Go ahead, George.

MR. PAPPAS: I'll speak as fast as you can hear it if you want me to.

CHAIRMAN QUINN: All right.

MR. GREEN: Slow down, George.

(Laughter)

CHAIRMAN QUINN: Faster, George.

MR. PAPPAS: Conservation issues. None identified were solved by adopting this proposal, so it's not a conservation issue. This proposal is purported to have been submitted in response to previous confusion by enforcement personnel. The State understands all enforcement personnel have received updated training as a result of reported events surrounding this issue and failure to adopt this proposal is not expected to contribute to continued enforcement issues.

The proposal is likely unnecessary given that if this proposal is not adopted Federally qualified subsistence users will continue to be required to comply with State regulations requiring that when caribou, moose or deer are harvested incidentally, the trap must be moved at least 300 feet for the remainder of the regulatory year or risk receiving a citation.

Additionally, this proposal is

submitted to the Board of Game as No. 18. The Department opposes both the proposal that's going to the Board of Game and the proposal going to the Federal Subsistence Board.

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

Wildlife Proposal WP12-03:

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

Introduction:

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

Impact on Subsistence Users:

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

Opportunity Provided by State:

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

duration of the regulatory year in which the moose, caribou, or deer was taken using the trap or snare.

Conservation Issues:

None identified nor solved by adoption of this proposal.

Enforcement Issues:

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

Other Comments:

This proposal is likely unnecessary given that if this proposal is not adopted, Federally qualified subsistence users would continue to be required to comply with the State regulations requiring that when a caribou, moose, or deer are harvested incidentally, the trap must be moved at least 300 feet for the remainder of the regulatory year, or risk receiving a State citation.

Recommendation: Oppose

Thank you, Mr. Chair.

CHAIRMAN QUINN: Any Federal agencies.

(No comments)

CHAIRMAN QUINN: Native, tribal, village.

(No comments)

CHAIRMAN QUINN: InterAgency Staff.

MR. RABINOWITCH: None.

CHAIRMAN QUINN: There's no other ACs or RAC members here.

(No comments)

CHAIRMAN QUINN: National Park Service Resource Commission.

(No comments)

CHAIRMAN QUINN: Any written comments.

MS. H. ARMSTRONG: There are no written public comments.

CHAIRMAN QUINN: Any other members of the public that are here to make comment.

(No comments)

CHAIRMAN QUINN: Okay. Anybody want to call the question.

MR. GRAY: Question.

MR. SMITH: Mr. Chairman. I'm a little unclear about the procedure here, but I'd like to -- if I can, I'd like to amend my motion to oppose rather than just take.....

CHAIRMAN QUINN: Well, it's six one, half a dozen the other, you know. A motion is made to support, we go through the process and then we either vote aye or nay. So we can more or less say the same thing.

MR. SMITH: If we vote nay to adopt the proposal, is that the same as opposing the proposal?

CHAIRMAN QUINN: Well, if the majority votes nay, then the motion fails. So we currently have a motion to support. We can vote nay and the motion fails. We've got to go forward with this one. The question has been called. All those in favor of the motion to support Proposal 12-03 say aye.

(No aye votes)

CHAIRMAN QUINN: All those opposed.

IN UNISON: Nay.

CHAIRMAN QUINN: Okay, motion fails. As far as I'm concerned, that makes our statement. We don't support the proposal. I don't see a whole lot of

purpose in doing another motion to oppose it. We've failed to support it. For time sake, I'm not going to entertain any more motions on this proposal.

MR. GRAY: Let me throw something in here. I think there's a big difference in not support and oppose. The way the motion is made, if it's to not support something, that's saying one thing, but a motion to oppose is saying something else and there's a big difference there I really think. Now we just had a motion and voted on whether to oppose something or support something. We basically opposed it through the motion. We need to be careful how we make our motions is what I'm trying to say.

MR. SMITH: I'm just trying to follow the procedure and it says that the motion must always be a positive, so we always made the motions always to support, but what if we really wanted to oppose rather than just take no action?

CHAIRMAN QUINN: Well, that's not taking no action. That's different. Help me here. This thing comes from Robert's Rules of Order. We're required to run the meeting according to Robert's Rules of Order. I've been ticked off in the past when things happened here when I wasn't the Chair that weren't done that way. This is our way, according to Robert's Rules of Order of either supporting or not supporting these proposals. A failed motion to support says that we oppose the proposal.

MR. SMITH: I've got it now.

CHAIRMAN QUINN: Okay. Now what. Helen, thank you.

MS. H. ARMSTRONG: I'm done for a little while now. It's being turned over to Chris McKee, then you'll see me again.

CHAIRMAN QUINN: Let me ask a question of the Council members. Do you guys want to break at noon for lunch?

MR. KEYES: Yes.

CHAIRMAN QUINN: Tony is the only one that said yes. Majority carries. We break at lunch. I won't set the order here unless things get real

tight, but we'll continue on since we have time. Chris, you're up with 12-61.

MR. MCKEE: This is Chris McKee with OSM. Mr. Chair. Members of the Regional Advisory Council. The draft analysis for WP12-61 begins on Page 72 of the meeting materials booklet.

Proposal WP12-61 was submitted by the Defenders of Wildlife and requests that the harvest limit for wolf hunting in Unit 22 be reduced to 10 wolves.

Two years ago the Alaska Wildlife Alliance submitted a proposal asking for the very same regulatory change. That proposal was opposed by the Seward Peninsula Regional Advisory Council and rejected by the Federal Subsistence Board.

The Unit 22 wolf population does not appear to be declining under the current regulations. It appears that the wolf population is gradually increasing as wolves expand their range westward across the Seward Peninsula. In addition, the Unit 22 wolf population appears to be regulated more by natural factors than by the harvest by hunters and trappers.

There's been no harvest limit for wolf hunters in Unit 22 since the beginning of the Federal subsistence management program in 1990. This proposal would make the Federal subsistence wolf hunting harvest limit more restrictive than State regulations.

The OSM preliminary conclusion is to oppose this proposal. I welcome your comments and edits.

Thank you.

CHAIRMAN QUINN: Do I have to let these guys go through that even though there's not a motion?

REPORTER: You should let all the comments go through first and then do your motion.

CHAIRMAN QUINN: Okay.

(Laughter)

CHAIRMAN QUINN: George.

MR. PAPPAS: I have no comment about that.

(Laughter)

MR. PAPPAS: In November 2009, the Alaska Board of Game rejected the proposal to change the hunting season to a bag limit of 10 just as similar as this proposal prior. If this proposal is adopted reducing the bag limit to 10 wolves will reduce opportunity for Federal subsistence users who successfully harvest more than 10 wolves hunting in Unit 22.

Reducing the bag limit to 20 wolves will match the State season and will provide a Federal subsistence opportunity but reduce the risk of enforcement due to travel over mixed land ownership in this area. Different bag limits for wolves across Federal and not Federal lands will create enforcement problems due to differing land status in Unit 22. Since customary harvest by individuals is under 20 wolves, which is the State bag limit, a reduction of the bag limit to match the State bag limit would reduce the risk of enforcement actions while continuing to provide for Federal opportunity for customary and traditional subsistence by rural residents on Federal lands.

The Department opposes this proposal. Here is some biological information. Letty Hughes back here gave me the information that we have -- since 1997 to 2008 about 15 wolves a year are harvested under hunting regulations and approximately -- total, including trapping, approximately 40 wolves per year. So it doesn't look like too many people, if anybody, is getting more than say 10 or 20 wolves a year per person.

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

Wildlife Proposal WP12-61:

This proposal changes the wolf hunting season unlimited bag limit to 10 wolves in Unit 22.

Introduction:

Wolf populations in Unit 22 are not censused; however, harvest and observation information suggest that populations have increased in recent years. The state bag limit for hunting wolves was set at 20 wolves in 2007 by the Alaska Board of Game. Current season (August 1 through April 30) allows for maximum opportunity within areas that do not have predator management programs. Harvests approximate 41 wolves per year based on sealing records from 1997-2008 and are considered within sustained yield for the population. Among hunters/trappers taking wolves, no individual has reached the total bag limit of 20 wolves per season. In November 2009, the Alaska Board of Game rejected a proposal to change the hunting season bag limit to 10 wolves (similar proposal to WP12-61).

Impact on Subsistence Users:

Reducing the bag limit 10 wolves will reduce opportunity for the few federal subsidence users who successfully harvest more than 10 wolves by hunting in Unit 22. Reducing the bag limit to 20 wolves to match the state season would still provide the federal subsistence opportunity but reduce the risk of enforcement due to travel over mixed land ownership.

Opportunity Provided by State:

In Unit 22, the state wolf hunting season is from August 1 through April 30 with a bag limit of 20 wolves. The hunt is open to both residents and nonresidents; requires a tag for nonresidents; hide must be sealed within 30 days of harvest.

Conservation Issues: None.

Enforcement Issues:

Different bag limits for wolves across federal land (approximately 1/3 of the unit) and non-federal lands (2/3 of the unit) will create enforcement problems due to differing land status in Unit 22. Since the customary harvest by individuals is under 20 wolves, which is the state bag limit, a reduction of the bag limit to match the state bag limit would reduce the risk of enforcement actions while continuing to provide the federal opportunity for customary and traditional subsistence by rural

residents on federal lands.

Other Comments:

Adult wolves have learned to avoid humans through experience and are the most difficult pack members to harvest. These populations can easily sustain the small reduction in pups born by the taking of a few pregnant females. Wolves have evolved and thrived under natural conditions where adult mortality occurs regularly through intraspecific competition. Also, it is the mature adults, including pregnant and lactating females responsible for killing large prey, and are therefore subject to injury and death during attempted predation. In cases of natural adult mortality, the pack social structure provides support to pups.

Recommendation: Oppose

Thank you, Mr. Chair.

CHAIRMAN QUINN: Federal agencies.

MR. RABINOWITCH: Sandy Rabinowitch with the National Park Service. National Park Service offers the same suggestion as the State. That is to change the limit to 20. It would bring about alignment, as the State has said. We think in this case it's a good pragmatic response to this. That's it. We think moving to 20 would be a pragmatic step and we support a limit of 20.

Thank you.

CHAIRMAN QUINN: Native, tribal, village.

(No comments)

CHAIRMAN QUINN: InterAgency Staff.

MR. RABINOWITCH: None.

CHAIRMAN QUINN: Advisory groups and other RACs.

(No comments)

CHAIRMAN QUINN: National Park Service

Subsistence Resource Commission.

(No comments)

CHAIRMAN QUINN: Any written comments, Chris.

MR. MCKEE: No, Mr. Chair.

CHAIRMAN QUINN: Anybody from the public wish to testify.

(No comments)

CHAIRMAN QUINN: All right. I'll entertain a motion and you can certainly make a statement by not making a motion. Whatever you guys want to do.

MR. SMITH: Mr. Chairman.

CHAIRMAN QUINN: Go ahead, Tim.

MR. SMITH: This is Tim Smith. I move to adopt WP12-61.

CHAIRMAN QUINN: So moved.

(No comments)

CHAIRMAN QUINN: No second. Motion dies for lack of a second. We'll move on. We have time to do 42.

MR. SMITH: Mr. Chairman. I got a clarification on what our actions mean and I guess the problem with not -- I made the motion to adopt this. I was going to vote against it. I think what we've done now is we've taken no action. We're not on the record. If we want to oppose this, we probably should vote on it.

MR. GRAY: Can I make a motion?

CHAIRMAN QUINN: All right. I'll back up and I'll allow another motion.

MR. GRAY: I'll make a motion in a positive way to oppose this.

MR. MARTIN: Seconded.

CHAIRMAN QUINN: Okay. And the motion is seconded. Discussion.

MR. GRAY: Question.

CHAIRMAN QUINN: The question has been called. Louie.

MR. GREEN: Mr. Chairman. I was looking at this as there was no limit on the Federal side, but I guess the question is to Sandy. You said it was for alignment purposes to go with the State regulation?

MR. RABINOWITCH: Let me make sure I understand the question. So you're asking if the Park Service view was that we supported 20 for alignment?

MR. GREEN: Yes.

MR. RABINOWITCH: My answer is in part yes. That goes to my comment about being pragmatic. The other part, as an agency, we're more comfortable when there's a limit as opposed to a no limit on hunting seasons. You know, there's all kinds of numbers you could come up with, but we landed on the pragmatic, let's support aligning. The other thing was that given the information in the book you have we believe that it provides all the opportunity that subsistence users need, that nobody would suffer, nobody would be having a limit pushed now and then they would be limited, which we don't want to do that. We don't want to limit subsistence users. We believe the population can support harvest. So that's how we landed there.

MR. GRAY: I'd like to throw something in. You know, we're always coming back to aligning with the State, aligning with the State, aligning with the State. I'm sitting here representing subsistence users. I could care less what the State thinks. This is our program. We need to think this way and manage our resource according to what subsistence users are doing. You know, my people, my subsistence users, if there was no wolves out there, they'd probably do back flips and have moose and caribou and everything else running across this country and there wouldn't be problems.

Again, I'm very concerned that every time I turn around we're trying to align with the State and I don't think that's fair for us here as managers or fair for our subsistence users. You know, we have different goals, we have different missions in life. We're a subsistence group and we've got to keep that in the back of our minds when we're making decisions.

MR. SMITH: Mr. Chairman.

MR. GREEN: Mr. Chair.

CHAIRMAN QUINN: Tim first.

MR. SMITH: Adopting your motion would continue with the status quo of no limit, is that correct?

UNIDENTIFIED VOICE: That's correct.

CHAIRMAN QUINN: Louie.

MR. GREEN: Mr. Chair. I was bringing that question to the table because I wanted to hear if anybody else felt like I did and Tommy was pretty clear about it. I was getting to the point where the question is if there has been no limit on the Federal side and there has been no abuse, I just find it unnecessary to even put in a limit. Tommy made a good point that we're always aligning with the State. It's not going to hurt anything to leave it at no limit.

The other thing, I had a question. If there is no limit -- or if there's a limit put into place, then we do have a limit and their subsistence use is the ability to sell these products after they've been harvested, they're utilized by the subsistence user. So I would rather not put a limit on it at this time because there may be more -- I guess what I'm getting to, make it to the point here where economic situation is that being find they need to do this more often and the usage might go up. So rather than put a limit on there I'd just rather leave it as is.

CHAIRMAN QUINN: Thank you. Anybody want to call the question.

MR. GRAY: Question.

CHAIRMAN QUINN: The question has been

called on the motion to positively oppose this proposal. All those in favor say aye.

IN UNISON: Aye.

CHAIRMAN QUINN: Any opposed.

(No opposing votes)

CHAIRMAN QUINN: Motion carries. So now we'll do 42.

MR. MCKEE: Thank you, Mr. Chair. Members of the Regional Advisory Council. Draft analysis for WP12-42 begins on Page 78 of the meeting materials booklet.

Proposal WP12-42 was submitted by the Yukon Delta National Wildlife Refuge and requests a reduction in the harvest limit and season for caribou in Unit 18 from two caribou to one and a shortening of the season by approximately three months.

The proponent states that these restrictions are in response to the declining population of the Mulchatna Caribou Herd over the last several years. Management objections were to maintain a population of 100-150,000 animals with a minimum bull:cow ratio of 35:100. In 2009 the Alaska Board of Game reduced the population objective to 30-80,000 citing that these numbers are more realistic for the herd.

The herd increased at an average annual rate of 17 percent between 1981 and 1996. Overall herd size peaked in 1996, at approximately 200,000 animals with a peak bull:cow ratio of 42:100 and a calf:cow ratio of 34:100. However, since 1996 the population, bull:cow ratios and calf:cow ratios, have declined significantly. The last available census done with the herd was in 2008 with an estimated population of 30,000 animals.

Harvest on the herd continues to decline. Total reported harvest was 2,171 in 2005, but this had declined to 516 by 2008.

The OSM preliminary conclusion is to oppose this proposal. Further decline in the Mulchatna Caribou Herd may very well necessitate further

reduction in harvest at some point, but this proposal, however, would make the Federal harvest limit and seasons more restrictive than State regulations. If this proposal is adopted, hunters will still be able to take two caribou under State regulations on US Fish and Wildlife and BLM lands in Unit 18. There's currently no companion State proposal before the Alaska Board of Game to align State and Federal regulations should this proposal pass and without alignment with State regulations, the effectiveness of this proposal would be limited.

I welcome your comments and edits.

Thank you.

CHAIRMAN QUINN: Ready, George.

MR. PAPPAS: Thank you, Mr. Chair. This proposal would reduce the season and the bag limit on the Federal side. I'll cut to the chase here. The Department supports the proposed hunting season date reductions but recommends modifying the proposal to retaining the current Federal subsistence bag limit of two caribou per year.

****
STATE OFFICIAL WRITTEN COMMENTS
****

Alaska Department of Fish and Game
Comments to the Regional Advisory Council

Wildlife Proposal WP12-42: This proposal changes the federal subsistence season and bag limit for the federal subsistence caribou hunt in Unit 18.

Introduction:

This proposal seeks to reduce the federal subsistence caribou hunting season from August 1 through March 15 to August 1 through September 1 and December 20 through February 29. Additionally, the proposal requests reducing the annual bag limit of the federal subsistence caribou hunt from two to one.

Impacts on Subsistence Users:

If adopted, the federal subsistence

caribou hunting season in Unit 18 would be reduced by approximately 90 days and the federal subsistence caribou harvest limit would be reduces by 50% to one caribou per year.

Opportunity Provided by State:

State regulations for caribou in Unit 18 follows: The season is August 1 through March 15 with a limit of two caribou, of which no more than 1 bull may be taken, and only one caribou may be taken from August 1 through January 31. This hunt is closed to non-residents.

Conservation Issues:

Reduced harvest in the Mulchatna Caribou Herd is needed to promote herd growth. Limiting take of both bulls and cows is needed for herd growth. Limiting take to 1 caribou per year is needed for conservation. The proposed reduced season dates eliminate harvest between September 2 through December 19 preventing harvest of specific segments of the herd during fall migration period.

Enforcement Issues:

Uniform federal subsistence and state bag limits would decrease the potential for enforcement problems across the mixed land ownership patterns in the area. In Unit 18, the proposed federal subsistence bag limit would be different than the state bag limit, creating confusion among hunters.

Recommendation:

Support with modification. The department supports the proposed hunting season dates but recommends modifying the proposal to retain the current federal subsistence bag limit of two caribou per year.

Thank you, Mr. Chair.

CHAIRMAN QUINN: Federal agencies.

(No comments)

CHAIRMAN QUINN: Native, tribal, village.

(No comments)

CHAIRMAN QUINN: InterAgency Staff.

MR. RABINOWITCH: None.

CHAIRMAN QUINN: ACs and other RACs.

(No comments)

CHAIRMAN QUINN: Park Service Subsistence Commission.

MR. RABINOWITCH: None.

CHAIRMAN QUINN: Any written comments, Chris.

MR. MCKEE: No, Mr. Chair.

CHAIRMAN QUINN: Anybody for public testimony.

(No comments)

CHAIRMAN QUINN: Okay. I'll entertain a motion

MR. SMITH: Mr. Chairman.

CHAIRMAN QUINN: Go ahead.

MR. SMITH: This is Tim Smith. I move to adopt WP12-42.

CHAIRMAN QUINN: The motion has been made to adopt or support. No second?

MR. SEETOT: Second.

CHAIRMAN QUINN: Oh, okay. Second. Discussion.

MR. GRAY: Issues like this in the past, this Board has deferred the decision on this thing to the local RAC or the local advisory boards, so we're not dabbling so to speak in their politics. We've heard a biologist tell us a little bit about what's going on down there, but we have no idea. We're trying to manage something that we really don't know.

We've got a 30-second blurb of what's going on, but we don't actually know. I guess I'm a little bit reserved in supporting something that I don't know anything about. Those people in that region would better manage their own resource. It would be like somebody down there trying to tell us to open up moose hunting. Anyway, I just want to throw that out.

CHAIRMAN QUINN: Go ahead.

MR. SMITH: I was going to ask about the biology. I remember it wasn't all that many years ago that the Mulchatna Herd was rapidly growing and was one of the most successful herds in the state. I've heard it alleged that it was overhunting by flying hunters out of Anchorage. Is there any truth to that?

MR. MCKEE: I haven't heard that. That's certainly not something that I found reviewing some of the past literature. No, I haven't heard that.

MR. SMITH: So what is the theory? What is causing the problem? I see there's a big change in bull:cow ratios, which I guess could be a problem. What do people think is causing this?

MR. MCKEE: The productivity has decreased dramatically, particularly since 2002 when it was at 147,000. You're looking at decreases between surveys of 60,000, 40,000 and now 15,000 between 2006 and 2008. Unfortunately, now we're dealing with the latest numbers we have are three years old, so we also don't know what's going on. It would be nice to have more recent information. There has been some signs of stress in the herd. Outbreak of hoof rot was something that has been mentioned. Whether or not we know the specific reasons for the decline, I don't believe we do at this time.

CHAIRMAN QUINN: Chris, this is under cross-over proposals. Explain that to me or to all of us a little better.

MR. MCKEE: I'm going to play the new guy card here at this time. I'm not sure why this is under a cross-over proposal, but perhaps Helen could help me out here.

CHAIRMAN QUINN: I'm going to guess you're allowing comments by the bordering RACs.

MS. H. ARMSTRONG: No, that's -- I mean sometimes that might -- well, the only time we really do cross-overs is when there's a C&T that is in one region and they're going into another, so all of these cross-over proposals I believe, if I'm not mistaken, are because St. Michael and Stebbins have C&T in Unit 18. So because of that it affects those communities, then we want this Council, those people in those communities to have the right to have an opinion on these.

In some cases, this Council -- I'm not saying this might happen here, but like all the Yukon River proposals are always heard by this Council because of St. Michael and Stebbins having C&T and sometimes this Council chooses to take no action.

CHAIRMAN QUINN: All right. Thanks. I'll point out that apparently this proposal is a unit-wide proposal. It doesn't specify between caribou herds or north of Unit 18. It's just the whole unit. In recent history, the Western Arctic Herd has traveled all the way into Unit 18 and people down that way have harvested those animals. I think it would be a shame to see the bag limit drop to one caribou for people who aren't even hunting the Mulchatna Herd. I don't think the Western Arctic Herd has been getting into 18 within the past whatever, five or more years, but that doesn't mean it won't do it at some point in the future. If they've got problems with the Mulchatna Herd harvest, then a proposal needs to be more specific than just knocking the bag limit down for everybody that's hunting all of Unit 18 and that's a big unit.

MS. H. ARMSTRONG: Mr. Chair. May I add something to help with this.

CHAIRMAN QUINN: Okay.

MS. H. ARMSTRONG: A number of years ago the Federal program -- in the beginning, the Federal program did C&T and regulations by herd, but there was a decision made by the Board to not do C&T by herd but to do it instead by unit because when subsistence users are hunting, it's not like they're going to say, oh, that's a Mulchatna caribou, I'll take that one, but I can't take the Western Arctic. A caribou is a caribou. So we eliminated that C&T by herd.

What's happened in some areas is they've sort of carved out different regulations in different parts of units because they know where the herds are going, but then they'll move so then you have to change it. That's why you're seeing this -- and you're right, you make a very good point, but I just wanted to make sure people knew we don't do C&T by herd.

CHAIRMAN QUINN: Anybody want to call the question.

MR. SMITH: Well, one way to address your concern would be to amend the proposal to apply south of the Yukon.

CHAIRMAN QUINN: The current motion on the floor is to adopt this proposal and that's what we're discussing. You made the original motion?

MR. SMITH: Yeah.

CHAIRMAN QUINN: Would you care to amend your motion.

MR. SMITH: Okay. I move to adopt this motion with the provision that it be modified so that it only applies south of the Yukon River -- to portions of Unit 18 south of the Yukon River.

CHAIRMAN QUINN: The motion on the floor has been amended and we now need a second for that motion.

(No comments)

CHAIRMAN QUINN: Okay, there's no second for that motion. I guess now I'm unclear. Did amending his original motion kill his first motion?

MS. H. ARMSTRONG: No.

CHAIRMAN QUINN: So we need to go forward with the existing motion.

MS. H. ARMSTRONG: Right. It just kills the amendment.

CHAIRMAN QUINN: All right. I still need someone else to call the question.

MR. GRAY: Question.

CHAIRMAN QUINN: All those in favor of supporting 12-42 say aye.

MR. SMITH: Aye.

MR. SEETOT: Aye. Two.

CHAIRMAN QUINN: And all those opposed say nay.

IN UNISON: Nay.

CHAIRMAN QUINN: All right. Motion fails.

MS. H. ARMSTRONG: Mr. Chair. For clarity in our record, could we just get a.....

MR. GRAY: Can I make an additional motion?

CHAIRMAN QUINN: Not if you want to go to lunch.

MR. GRAY: It will be fast. What I'd like to do is make a motion deferring any action on this issue to the local RAC and the local advisory boards down in that region. Does that make sense?

CHAIRMAN QUINN: Well, the reason it's sitting in front of us is because it's relevant to us and to our.....

MR. GRAY: But we took no action on it, which means we opposed it, but I think there's need for somebody to address this thing. Being we're not addressing it, they should be addressing it if that makes sense. That's why I'm saying defer it.

CHAIRMAN QUINN: They are going to have their opportunity at their meeting to support or not support this motion.

MR. SMITH: Mr. Chairman. I think to do what you want to do, Tom, we would have to take no action.

MR. GRAY: You just did.

MR. SMITH: No, we opposed it.

REPORTER: You opposed it.

MR. GREEN: We took action. We voted on it. We opposed it. She has it right.

MR. SEETOT: We've got the record.

MR. GRAY: It doesn't really matter. They're going to take action anyway. I sat on this board for quite a while and there was issues that we deferred any action to other areas because we didn't want to step on their feet. Like I say, I don't know enough about that resource down there to make a good management decision. You may be telling the truth, but you've got three year old information you're bringing to this board, which, to me, if you picked up the phone and called somebody and asked them, you would have had fresh information. But you've got three year old information and I can't make a decision on that.

MR. KEYES: This is Anthony.

CHAIRMAN QUINN: All right. Tony.

MR. GREEN: Mr. Chair. There was two things we could have done. We could have opposed it or we could have amended it like Mr. Smith had requested. So I think we've acted on it. We don't need to defer anything. We opposed it. We're done.

CHAIRMAN QUINN: All right. Tim.

MR. SMITH: Elmer was going to say something.

CHAIRMAN QUINN: Okay, Elmer, you can go ahead.

MR. SEETOT: On your minutes, I mentioned something about Seward Peninsula doing on the fishery and then you replied that the Seward Pen deals with other region issues like Yukon River proposals and you've got some villages in the region uses subsistence resources in other regions. So that's how I understood it. We spent so much time last year on fishery I thought our local issues weren't being addressed. One is because we didn't authorize any studies to do fishery proposals. I think it takes some time for

Staff to come up with something like this here.

MR. KEYES: This is Anthony. You know, with them making this proposal, why don't we just leave it at their own hands and their discretion because if we step on their feet we're going to get someone mad in that area down there. If we ask them to do it for us, we'll turn around and say, hey, we don't like it. I mean we're going to do the same thing to them. If we do this to them now, we are going to get hit by them sooner or later. I'm thinking later. They're going to attack us back and we're going to be hurting. So I would kind of say we would leave this to their own discretion because they're the ones that came up with this idea.

CHAIRMAN QUINN: This proposal was submitted by the Refuge. It wasn't submitted by a RAC. I believe we're the first fall meeting, so we don't even know whether the other RACs, including the Yukon-Kuskokwim Delta RAC supports this proposal. We don't know that. This was submitted by the Refuge. George and Peter, is there any adjoining -- in November there's going to be Board of Game for Unit 18. Are there any similar proposals?

(No audible response)

CHAIRMAN QUINN: So the State hasn't even gone in to do this. This is all Yukon Delta Refuge throwing their interpretation of regulation into caribou hunting on Federal lands in Unit 18. We're not stepping on anybody's toes here. We're just giving our opinion on this particular proposal.

MR. SMITH: Mr. Chairman.

CHAIRMAN QUINN: Okay.

MR. SMITH: Well, maybe I could be corrected if this is not parliamentary procedure, but I guess I'd make a motion to reconsider to address Tom's concerns and bring the issue back on the table. That way we can change the way we voted on it rather than if we don't want to oppose it, we can take no action.

MR. GRAY: My intention was to send a message to the Yukon RAC committee that, hey, we'll support whatever you do in your management scheme. You know better than us. So to defer any action to that

board basically.

MR. SMITH: My motion was to bring it back on the table so we can do that.

CHAIRMAN QUINN: Honestly, Tim, I'm a little torn because we got every legal right to comment on this. I really don't want to step back from this issue. This is an issue that affects Unit 22 users and we made our statement. I don't want to go back, you know. Their people have plenty of opportunity at their meeting to make their decision and I'll just take a wild guess and figure that YK isn't going to support this either.

Okay, I'll admit to being stupid. George, I didn't even listen to you. What was the State's position on this proposal. Do it again.

MR. PAPPAS: The State's position is to agree with the shortening of the season and leave the bag limit in place.

CHAIRMAN QUINN: I'm sorry. Okay. See. So the State doesn't even support changing the bag limit. Alex, what did you want to say.

MR. NICK: For the record, Alex Nick, Council Coordinator. I talked to Tom Doolittle before I left Bethel about some of these proposals and what he told me was.....

CHAIRMAN QUINN: Who is Tom Doolittle?

MR. NICK: Tom Doolittle is the deputy Refuge manager for the Yukon Delta National Wildlife Refuge. He indicated that when we discussed some of the proposals on the caribou proposal that they're beginning to work with the State. Some of the regulations they want to make it easier for the Federal users by aligning some of the proposals. I thought this would help.

The other comment I want to have is that in the future there may be some adverse impact on the two villages that have C&T. If you look at the Federal regulations for 22A, I think is five per day, and then in that area maybe it would be good to remember that part of the Yukon Delta National Wildlife Refuge is within southern portion of Unit 22 and two

villages that has C&T has interest in that area, I mean within YK and the Refuge.
Mr. Chair.

CHAIRMAN QUINN: Thanks everyone. I'm calling for our break for lunch and we're going to leave this one at the decision we made.

MS. H. ARMSTRONG: Could I just, Mr. Chair, have a show of hands of how that vote went for the record, please.

CHAIRMAN QUINN: Okay. You don't get to change your vote. Let me say it again. All those in favor of the motion to support 12-42 say aye or raise your hand.

MR. SMITH: (Raises hand)

MR. SEETOT: (Raises hand)

MS. H. ARMSTRONG: All right. Thank you.

CHAIRMAN QUINN: And the rest were opposed.

(Off record)

(On record)

CHAIRMAN QUINN: We're going to start heading in that direction. The other two guys are almost here. I need to correct something procedurally I've been told. If we make a motion and whether that motion fails or passes, the winning side may bring that motion back to the table for any kind of reconsideration or a new motion and the losing side may not. Tim wanted to bring a new motion to the floor and the previous one had failed, so I was able to not allow that to carry forward.

So on with the show. We are on 12-45.

MR. GRAY: What page?

CHAIRMAN QUINN: I believe it's 85. Oh, we've got 45 and 49.

MR. MCKEE: That's correct.

CHAIRMAN QUINN: Okay, 45/49.

MR. MCKEE: Mr. Chair. Members of the Regional Advisory Council. As was mentioned, the draft analysis for WP12-45/49 begins on Page 85 of the meeting materials booklet.

Proposal WP12-45 was submitted by Aloysius Unok of Kotlik and requests that for a portion of Unit 18 the start of the fall hunting season be changed from August 10 to September 1 and that the harvest limit be changed from one antlered bull to one moose, except that a cow with a calf may not be taken.

Proposal WP12-49 was submitted by the Yukon Delta National Wildlife Refuge and requests the moose hunting season in portions of Unit 18 be revised from fall and winter dates. Those are August 10 to September 30 and December 20 to February 28 to August 1 through the last day of February. And that the harvest limit be two moose, only one of which may be antlered. The taking of an antlered bull would be limited to the dates of September 1 to September 30.

The proponent for 12-45 states that hunting opportunities for local users are limited in Unit 18 by the antlered bull restriction during the fall hunting season and that hunters have to spend a long time in the field searching for a legal animal to harvest. A one moose harvest limit would allow for more harvest opportunities.

The proponent for 12-49 states that the moose population of the lower Yukon has grown dramatically and the season and harvest limit for this portion of Unit 18 can be liberalized. In addition, it's stated that reducing the number of cows may help slow the increase in the population, thereby reducing habitat damage that could lead to a population crash.

Population surveys conducted in 2008 in portions of Unit 18 yield an estimate of 3,320 moose with a density of 2.8 moose per square mile. The area has experienced rapid growth since the end of the moratorium in 1994 with an average annual growth rate of 27 percent between 1994 and 2008. Although fall and winter moose harvest has increased since 2005 with an average annual winter harvest of 29 animals from 2007 to 2009, the total reported winter harvest remained

lower than anticipated.

The OSM preliminary conclusion is to support 12-49 and take no action on 12-45. The Federal Subsistence Board recently adopted Proposal WP10-56, which increased the harvest limit for moose in the Lower Yukon area of Unit 18 to two moose per regulatory year. Proposal 12-49 would provide additional opportunity for Federal subsistence users to harvest moose in the area by lengthening the season and liberalizing harvest requirements from one antlered bull to two moose.

Moose densities along the Lower Yukon are high and additional harvest should not have any negative impacts on the moose population. WP12-49 should help reduce moose densities in the area, which could prevent negative impacts to the habitat that could possibly lead to a population crash. The increased seasonal length and hunting opportunities in 12-49 should meet the needs set forth by the proponent in 12-45.

I welcome your comments and edits.

Thank you.

Figure 1 on Page 92 also gives you a good idea of just how quickly this population has increased.

MR. KEYES: This is Anthony. I was looking at your survey and you got up to 2008. Do you have anything that's after 2008?

MR. MCKEE: No. Those are the most recent numbers available.

MR. GRAY: Do we know what -- you've grown 2,000 moose in three years. That doesn't make sense. Do we know why these numbers have changed dramatically? Is it because the different times of year an area was surveyed maybe, migration, animals coming into the area. I can't believe that in three years we've doubled, almost tripled the amount of animals in there.

CHAIRMAN QUINN: I don't think it's that short a time period.

MR. GRAY: Look right here. 1,300 animals in 2005. 2008 it's 3,320.

CHAIRMAN QUINN: What's the SCF in that graph?

MR. MCKEE: That's the sightability correction factor.

CHAIRMAN QUINN: Oh.

MR. MCKEE: I don't know what to say other than the numbers are the numbers. It is rapid growth. We're talking between a 14-year period a growth rate of 27 percent. That's pretty substantial. So much so that there is concern that the population is going to exceed the carrying capacity if it continues unabated. Trying to get an increase particularly in the winter hunt because so far during the winter the harvest has been quite a bit lower than what's expected.

Table 1 on Page 94 shows the fall and winter harvest in this area.

CHAIRMAN QUINN: Go ahead.

MR. SMITH: I've got a comment on that. Back in 1974 I worked as a biologist for the regional ANCSA corporation down there, Calista, and we were looking at habitat. My job was to look at big game habitat and we looked at moose. In 1974 I recommended that we do moose transplants down there. The habitat is incredibly good. It was unutilized by moose. What was limiting it was over-hunting. They didn't do that, but the moose migrated in there anyway and you see the tremendous growth rate there.

I wouldn't worry too much about habitat at these densities. The moose habitat along the Yukon really is a lot better than Lower Yukon. It's a lot better than any place I've ever seen. I wouldn't be too worried. These numbers are not that high and I think the growth rate is real. I think they really are growing that fast. So I don't really see a need to increase harvest at this time if you're concerned about protecting habitat.

CHAIRMAN QUINN: Okay, Peter. We'll just go on with the Alaska Department of Fish and Game

agency comments.

MR. BENTE: Peter Bente, Fish and Game. I wanted to address the question you had about population growth. I think there will be other comments from the Department on this proposal. Unit 18 has been an area of expanding moose populations. Through cooperative efforts there were closed seasons for long period of time. Five years on the Yukon Drainage, five years on the Kuskokwim Drainage. The habitat is very good and now the population is in very rapid growth. We have very high twinning rates in the spring. In the order of between 50 and 70 cows per 100 have twins.

Then, when we look at recruitment, we're in the 70 calves per 100 cows, somewhere in that ballpark, for recruitment. That's like double the rates of other healthy or productive moose populations. So the numbers in increase of total population you're seeing are very real and they're very significant and I would also support the suggestion that the habitat is good, it hasn't been overbrowsed at this point. The population will reach a maximum at some point, but we're not there yet. So that's the comment I wanted to make on population growth and recovery.

CHAIRMAN QUINN: Would it also be accurate to say that this area downstream from Mountain Village is almost virtually free of predators besides us humans?

MR. BENTE: I don't know the answer to predator-free zone, but there probably are a few predators. There's certainly a high human population down there that gets out and about and does do trapping. We know that simply because of the density of villages in the area along the coastal front. There's a high human use.

CHAIRMAN QUINN: The brown bear population in this particular Lower Yukon area and the wolf population, those are the two animals that we're all familiar with preying on moose. Aren't those species very poorly represented?

MR. BENTE: Certainly the distribution of brown bears would be away from the coastal area downstream of Mountain Village. That's flat, open tundra primarily. Wolves could be there, but I also

think they're pursued quite a bit during trapping season.

CHAIRMAN QUINN: Okay. Go ahead.

MR. PAPPAS: Mr. Chair. To conclude with our State comments here, summarize. If WP12-45 is adopted, Federal subsistence users participating in the Lower Yukon area portion of Unit 18 Federal subsistence fall moose hunt will have greater opportunity for harvest of moose with or without antlers during the open season. Additionally, if the proposal is adopted, Federal subsistence moose hunters will have 21 less days to hunt moose. That's for 45.

Proposal 49, if adopted, Federal subsistence users participating in the same hunt will have greater opportunities to harvest antlerless moose. The current fall season, which is antlered bulls only, is 51 days long. In the winter season, which is any moose, is 70 days long for a total of 121 days. The proposed season length is 202 days, which will be a 60 percent increase, of which antlered moose could be only harvested between September 1 and 30. If adopted, Federal subsistence users would be restricted from harvesting antlered bulls between August 10th and the 31st. If adopted, Federal subsistence users' opportunity to harvest cows and antlerless moose would significantly increase.

Mr. Bente touched on the population growth rates there. Other comments. The Department will submit similar if not more liberal proposals to the Alaska Board of Game requesting liberalization of harvest regulations for portions of Unit 18 and those are Proposals No. 7 and Proposal No. 8 going to Board of Game.

The Department recommends supporting as modified. The Department recommends modifying the proposals to align with the Department proposals that have been submitted to Alaska Board of Game. I have copies of those if you're interested.

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

Wildlife Proposal WP12-45:

This proposal requests eliminating the antlered bull moose harvest requirement Lower Yukon Area portion of Unit 18 The proposal also requests reducing the Lower Yukon Area portion of Unit 18 federal subsistence moose hunting season by delaying the season opening date.

Wildlife Proposal WP12-49:

The proposal requests liberalizing the Lower Yukon Area portion of Unit 18 federal subsistence moose hunting season. The proposal also requests changing the federal subsistence antlered bull moose harvest requirement dates.

Introduction:

The proponent of WP12-45 requests authorizing the harvest cow moose without calves in the fall season for that portion of Unit 18 north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village (Lower Yukon Area). The proponent also requests reducing the federal subsistence moose hunting season in the identified area from August 10 through September 30 to September 1 through September 30.

The proponent of WP12-49 requests liberalizing the federal subsistence moose hunting season for that portion of Unit 18 north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village (Lower Yukon Area). The proposal requests the current fall and winter federal subsistence moose hunting seasons be replaced with a single continuous season from August 1 through February 29. The proposal also requests changing the antlered bull moose harvest requirement dates from August 10 through September 30 and from December 20 through February 28 to the single time period of September 1 through September 30.

The proponent of WP12-49 indicates

adoption of this proposal will result in lowering the moose densities in the Lower Yukon Area of Unit 18 by establishing one continuous season partially directed at cow moose.

Impact on Subsistence Users:

If WP12-45 is adopted, federal subsistence users participating in the Lower Yukon Area portion of Unit 18 federal subsistence fall moose hunt will have greater opportunities to harvest a moose, with or without antlers during the open season. Additionally, if this proposal is adopted, federal subsistence moose hunters would have a 21 day (41%) reduction of the season length.

If WP12-49 is adopted, federal subsistence users participating in the Lower Yukon Area portion of Unit 18 federal subsistence fall moose hunt will have greater opportunities to harvest antlerless moose. The current fall season (antlered bulls only) is 51 days long and the winter season (any moose) is 70 days long (total 121 days). The proposed season length is 202 days (60% increase) of which antlered moose could be only harvested between September 1 and 30. If adopted, federal subsistence users would be restricted from harvesting antlered bulls between August 10 and 31. If adopted, federal subsistence user opportunity to harvest cow and antlerless moose would significantly increase.

Opportunity Provided by State:

In the Lower Yukon Area portion of Unit 18, the state moose hunting season is from August 10 through September 30 for residents of Alaska with a bag limit of one antlered bull. The nonresident state moose hunting season is September 1 through September 30 with a bag limit of one antlered bull. The state winter hunting season for the Lower Yukon Area portion of Unit 18 is from December 20 through February 28 with a bag limit of one antlered bull. Meat-on-the-bone salvage is required thus meat taken prior to October 1 must remain on the bones of the front and hindquarters until removed from the field or processed for human consumption. Residents may not harvest more than one moose per year between the fall and winter seasons.

Conservation Issues:

The Lower Yukon River moose population is growing rapidly and currently is not a conservation concern. If the moose population continues at a high rate of growth, over-browsing may result in future management and conservation considerations. Moose are abundant in areas of Unit 18 currently open for hunting, thanks to the success of the moratoria. Information presented to the Federal Subsistence Board in 2007 indicated that the moose population in areas targeted in this proposal is highly productive and is continuing to grow.

Enforcement Issues:

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

Other Comments:

The department will submit similar if not more liberal proposals to the Alaska Board of Game requesting liberalization of harvest regulations for portions of Unit 18.

Recommendation:

Support as modified. The department recommends modification of the proposal to align with the following proposals the department will submit to the Alaska Board of Game.

Thank you, sir.

CHAIRMAN QUINN: So the November meeting does have proposals before the Board of Game for this same sort of deal?

MR. PAPPAS: Yes, sir, to liberalize -- to basically increase harvest rates there.

CHAIRMAN QUINN: Okay, thank you. Probably no other Federal agencies.

(No comments)

CHAIRMAN QUINN: Village, tribal,

Native.

(No comments)

CHAIRMAN QUINN: InterAgency Staff.

(No comments)

CHAIRMAN QUINN: No other ACs or RAC members here.

(No comments)

CHAIRMAN QUINN: National Park Service Subsistence Resource Commission.

(No comments)

CHAIRMAN QUINN: Any written comments on this?

MR. MCKEE: I don't believe so, no.

CHAIRMAN QUINN: Anybody for public testimony.

(No comments)

CHAIRMAN QUINN: Okay. We can accept a motion for whatever on this. Go ahead, Tim.

MR. SMITH: I'm making a positive motion to put it on the table because that's what we're supposed to do, but I don't really support this proposal. My name is Tim Smith and I move to support Proposal WP12-45/49.

CHAIRMAN QUINN: You presented these together, but they're truthfully two different proposals. So we can have motions on each. How about if we just start with 45. Let's take a motion on 45.

MR. SMITH: So moved.

CHAIRMAN QUINN: Motion to support 45. Is there a second?

(No comments)

CHAIRMAN QUINN: So no second, so 45

dies, at least as far as we're concerned. Now Proposal No. 49 from the Refuge.

MR. SMITH: Mr. Chair.

CHAIRMAN QUINN: Go ahead.

MR. SMITH: My name is Tim Smith. I move to support Proposal WP12-49.

MR. GREEN: Second.

CHAIRMAN QUINN: Second by Louie. Discussion. I certainly like the proposal. If I lived in that area, I'd sure like to get an opportunity to get a couple moose.

MR. KEYES: Question.

CHAIRMAN QUINN: Everybody says.....

(Laughter)

CHAIRMAN QUINN: Cutting me off.

MR. GRAY: All in favor say aye.

CHAIRMAN QUINN: You just guaranteed yourself another few years, Peter. I like that.

MR. GREEN: You're a rural resident.

CHAIRMAN QUINN: So any other discussion.

MR. GRAY: You know, I didn't -- this is a Federal thing, so you've got to be a resident of that area?

CHAIRMAN QUINN: No, not currently. It was that way in the past and there was quite the fight to get it out of there.

MR. GRAY: So I could go down there and shoot two moose.

CHAIRMAN QUINN: Yeah.

MR. GRAY: Or I could shoot one moose up here and one moose down there.

CHAIRMAN QUINN: Yeah.

MR. KEYES: So in other words there's no 30-day residence for going down and getting a moose.

CHAIRMAN QUINN: Alex, what did you need.

MR. NICK: Mr. Chair. Alex Nick, Council Coordinator. Under Federal season, if you hunt under Federal regulations, then you'd have to be a resident of Stebbins and Unalakleet. Under State regulations any resident of Alaska?

MS. HUGHES: If that was to be adopted through the Board.

MR. NICK: Yeah, if the proposal is adopted.

MR. GRAY: Don't run away. Let me get this clear in my mind. If we adopt this under our guidelines, it would be only for those people down there. If the State adopts it, it would be okay for the rest of us. What I'm after for 49, who can shoot those moose. I'm not too supportive of somebody from the States coming up and shooting two moose in that area.

MS. H. ARMSTRONG: A little clarification on the C&T. It's not for all of Unit 18. St. Michael and Stebbins, the only communities in Unit 22 who have C&T. This is for Proposal 49. In Unit 18, that portion north of the line from Cape Romanzof to Kusilvak Mountain to Mountain Village and all drainages north of the Yukon River downstream from Marshall, so it's not all of 18.

MR. GRAY: But it's only Stebbins/St. Michael people that can be.....

MS. H. ARMSTRONG: Yes.

MR. GRAY: .....players in this thing.

MS. H. ARMSTRONG: Yes, only Stebbins and St. Michael.

MR. GRAY: So Tom Green can't go down there.

MS. H. ARMSTRONG: Not under Federal regulations.

MR. GRAY: Okay. You can do your question now.

CHAIRMAN QUINN: Go ahead, Tim.

MR. SMITH: George, is the State proposal a mirror of this?

MR. PAPPAS: Through the Chair. Proposal No. 7, let's see here, resident hunters, two moose, only one may be antlered, August 1 to the last day of February. For non-residents it would be one antlered bull September 1 to September 30th, which doesn't change. Does that answer your question?

MR. SMITH: That's a Department proposal?

MR. PAPPAS: This was submitted by the Department of Fish and Game, correct.

MR. GRAY: Question.

CHAIRMAN QUINN: The question has been called. All those in favor of the motion to support Proposal 49 say aye.

IN UNISON: Aye.

CHAIRMAN QUINN: Any opposed.

(No opposing votes)

CHAIRMAN QUINN: Motion carries. Next one. That's 47.

MR. MCKEE: Mr. Chair. Members of the Regional Advisory Council. The draft analysis for Proposal WP12-47 begins on Page 96 of the meeting materials booklet. I should mention -- Helen wanted me to mention that similar to the last proposal this area only refers to residents of St. Michael, Stebbins and -- should I read the whole description?

MS. H. ARMSTRONG: It's the one we just read.

MR. MCKEE: It applies to the same area that we were just discussing in the last proposal. I just wanted to clarify that. It was submitted by Stanley Sheppard of the Mountain Village Working Group and requests addition of a special provision to limit aircraft use for the moose season in a portion of Unit 18. The portion I just mentioned.

The proponent states there are concerns among Unit 18 residents regarding nonlocal users flying in to refuge lands to harvest moose. The proponent states there have been reports of non-local fly-in moose hunters claiming areas of Unit 18 for their exclusive use and have asked local tribal members to leave hunting areas.

The proposal requests a special provision to create a Unit 18 Federal Controlled Use Area to restrict the use of aircraft during moose seasons for users harvesting moose, including transportation of any moose hunter or moose part. The controlled use area would encompass the Lower Yukon and remainder areas of Unit 18. The controlled use area would not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports.

As mentioned in the last proposal, the moose population in this area is highly productive and continues to grow and is certainly capable of supporting increased harvest.

Airplanes are used by both Federally qualified and non-Federally qualified users in Unit 18. 3 to 7 percent of all users listed airplanes as their primary means of transportation. You can see this on Table 2 on Page 108. This accounted for less than 4 percent of overall harvest, which is indicated in Table 3 on Page 107. Airplane use has been more prevalent by non-Federally qualified users, 64 to 72 percent of airplane use in that case. The overall effort for these users was low, 5 to 12 percent of known residency hunters.

Use of airplanes and harvest of moose by users utilizing airplanes did drop in 2009-2010. This proposal therefore would affect all Federally qualified subsistence users and non-Federally qualified users as well. Between 2007 and 2009 6 to 17 Federally qualified subsistence users reported using an airplane as a primary method of transportation.

The OSM preliminary conclusion is to oppose 12-47 because the Federal Subsistence Board does not have jurisdiction to restrict access methods on State or private lands or to restrict spotting moose from aircraft. Because of the mixed land ownership within the affected area, the establishment of a Federal only controlled use area would not effectively restrict aircraft access as requested by the proponent. Both Federal and State regulations currently prohibit taking moose the same day the hunter is airborne.

There are no conservation concerns for the affected moose population that would require regulatory restrictions.

I welcome your comments and edits.

Thank you.

CHAIRMAN QUINN: George.

MR. PAPPAS: Chris is doing a fantastic job in stealing most of my thunder for the day. Again, this proposal seeks to provide additional opportunity for Federally qualified subsistence users in 18 by eliminating competition from other hunters through eliminating the most effective form of transportation. There are low conservation concerns. We've just heard discussions from the last proposal about the expansion of the population. A significant increase in numbers in recent times.

The Federal subsistence Board does not have the authority to manage or control methods of access for hunts on Federal public lands in Alaska. Under the current closure policy adopted in 2007 the Federal Subsistence Board will not restrict taking of Fish and Wildlife by users on Federal public lands other than National Parks and Park Monuments unless necessary for conservation of healthy populations of fish and wildlife resources or to continue subsistence uses of these populations or for public safety or for administrative reasons or pursuant to other applicable laws. None of these conditions apply to the moose hunting on Federal public lands open to moose hunting in Unit 18. Any closure to access by aircraft would be an unnecessary restriction on non-Federally qualified subsistence users in violation of 6 and 815 of ANILCA.

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

Wildlife Proposal WP12-47:

This proposal requests eliminating air transport as a method of access used by non-federally qualified moose hunters in Western Unit 18 Controlled Use Area.

Introduction:

The proponent requests the federal subsistence board eliminate aircraft use for transporting hunters or moose parts in a portion of Unit 18. The proposal seeks to provide additional opportunity for federally-qualified subsistence users in Unit 18 by eliminating competition from other hunters through eliminating the most effective form of transportation.

Impact on Subsistence Users:

The proposed access method closure would eliminate the opportunity for non-federally-qualified subsistence users to hunt moose on federal public lands in Unit 18 that are presently open to hunting and currently accessed by aircraft. This closure would apply to friends and relatives of federally-qualified subsistence users eligible to participate in this hunt under state regulations and would concentrate hunting by non-local residents onto limited state and private lands. If adopted, non-federally qualified moose hunter would be restricted to ORV and boat access which may concentrate hunters near the waterways where locals traditionally hunt. If adopted, federal subsistence moose hunters in Unit 18 may opportunistically harvest additional moose. Users will be burdened with differentiating unclear boundaries in the field.

Opportunity Provided by State:

In the affected portion of Unit 18, the state moose hunting is allowed for residents of Alaska by registration permit RM 615 and is open September 1-September 10 with a bag limit of one antlered bull.

Meat-on-the-bone salvage is required, therefore, meat taken prior to October 1 must remain on the bones of the front and hindquarters until removed from the field or processed for human consumption.

Conservation Issues:

None to justify proposal. The Lower Yukon River moose population is growing rapidly and currently is not a conservation concern. If the moose population continues at a high rate of growth, over-browsing may result in future management and conservation considerations. There are no conservation issues that justify restricting non-federally qualified moose hunter access to federal public lands in the affected area in Unit 18. Moose are abundant in areas of Unit 18 currently open for hunting, thanks to the success of the moratoria. Information presented to the Federal Subsistence Board in 2007 indicated that the moose population in areas targeted in this proposal is highly productive and is continuing to grow. The moose population is so abundant in this portion of Unit 18 in 2010 the Federal Subsistence Board granted the most liberal bag limit known of two moose per federally qualified hunter per year.

Enforcement Issues:

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

Other Comments:

The Federal Subsistence Board does not have the authority to manage or control methods of access for hunts on federal public lands in Alaska.

Recommendation:

Oppose. Under its closure policy adopted in 2007, the Federal Subsistence Board will not restrict the taking of fish and wildlife by users on federal public lands (other than national parks and park monuments) unless necessary for conservation of healthy populations of fish and wildlife resources or to continue subsistence uses of those populations, or

for public safety or administrative reasons, or pursuant to other applicable law. None of these conditions apply to moose hunting on federal public lands open to moose hunting in Unit 18, and a closure to access by aircraft would be an unnecessary restriction on non-federally qualified subsistence users in violation of section 815 of ANILCA.

Thank you, Mr. Chair.

CHAIRMAN QUINN: Any Federal agencies.

(No comments)

CHAIRMAN QUINN: Native, tribal, village.

(No comments)

CHAIRMAN QUINN: InterAgency Staff.

(No comments)

CHAIRMAN QUINN: ACs and other RACs.

(No comments)

CHAIRMAN QUINN: National Park Service.

(No comments)

CHAIRMAN QUINN: Any written comments.

MR. MCKEE: No, Mr. Chair.

CHAIRMAN QUINN: Any public testimony.

MR. MCKEE: Excuse me, Mr. Chair. I'd also like to mention that the Refuge does have requirements that they have of guides, about where they can land, so there are rules out there to restrict them from trying to interfere with local users.

MR. GRAY: I have a question. The subsistence users of this moose population in that area, it sounds like this herd is really flourished and it's gone gangbusters, so there's no real competition with subsistence users and the rest of the world out there I take it.

MR. MCKEE: Correct. From what I could gather, it seems that this is one or two isolated incidents. I'd like to encourage people that if this happens to certainly contact State or Federal law enforcement and report it.

MR. SMITH: I have a question.

CHAIRMAN QUINN: Go ahead.

MR. SMITH: Is there any confirmation that this actually happened, what he's claiming happened?

MR. MCKEE: I only know of one incident that was communicated about -- and it wasn't guided. It was Alaskan residents that flew into an area and confronted some local users and told them that this area was theirs and that they needed to leave. From what I understand it's a single isolated incident.

MR. SMITH: And that's it. Was it confirmed by somebody else that even that one incident happened?

MR. MCKEE: Confirmed? From my understanding, no. No, it wasn't.

CHAIRMAN QUINN: Okay. Motion anyone.

MR. SMITH: Mr. Chairman.

CHAIRMAN QUINN: Go ahead.

MR. SMITH: This is Tim Smith. I move to adopt WP12-47.

CHAIRMAN QUINN: Any second.

(No comments)

CHAIRMAN QUINN: No second. Motion dies and we move on. Page 111.

MS. H. ARMSTRONG: Thank you, Mr. Chair. Helen Armstrong for the record. Proposal WP12-52 was submitted by Brian L. Williams of Alakanuk Native Corporation and it requests a change in regulations to ban hunting by non-Federally qualified subsistence users along the Yukon River and

into Canada. This is a cross-over because of the C&T for Stebbins and St. Michael.

There is no actual proposed regulation. The proponent didn't provide anything. The proponent states that the subsistence practices need to have priority over sport hunting in order to preserve wildlife for future generations and their subsistence needs. The proponent also states that sport hunters should not hunt up and down the Yukon River and should be fined for trespassing on our lands. The proponent additionally states that banning sport hunters will result in increased wildlife populations.

I just want to make sure that everybody knows that for subsistence management purposes Native corporation lands are under State management and neither the State nor Federal regulations have jurisdiction in Canada. So part of his request -- two parts of the request wouldn't be applicable here.

As I think most of you are aware, Title VIII of ANILCA already specifically prioritizes subsistence uses over any other consumptive uses such as commercial or sport hunting on Federal public lands. When a conservation concern exists for any resource, commercial and sport uses are restricted before subsistence uses are restricted.

The effect of the proposal would be that if adopted it would ban hunting by non-Federally qualified users along the Yukon River on both Federal public lands and other lands. The proposal would affect non-Federally qualified users by not allowing harvests in places where there may not be conservation concerns. The result could be an increase in wildlife populations which otherwise would be taken by non-Federally qualified users. The proposal would not affect large portions of land along the Yukon River because those are managed by the State of Alaska. A large percentage of State-managed lands are surrounding villages.

So there really wouldn't be any effect at all from this proposal if it were to pass because the Feds don't manage the land in much of those areas. Of course, there's no jurisdiction in Canada, so there would be no effect there.

Because the proponent's concerns are addressed in Federal Subsistence Management regulations already, meaning that we already have a priority for subsistence users, the proposed regulatory changes are unnecessary and should be opposed. Subsistence uses, including hunting, already have priority over other consumptive uses, including sport hunting.

There's already the authority from the Secretary of the Interior and the Secretary of Agriculture to restrict hunting, fishing or trapping on Federal public lands when such activities interfere with subsistence activities. Then, again, we have no jurisdiction in Canada.

For these reasons we oppose the Proposal WP12-52.

CHAIRMAN QUINN: George.

MR. PAPPAS: Thank you, Mr. Chair. The Department's comments are limited to addressing the proposal as it applies to Federal public lands along the Yukon River in alaska as the Federal Subsistence Board does not have authority for non-Federal public lands or lands outside of the United States.

If adopted, Federal subsistence users hunting moose on Federal public lands along the Yukon might have higher success rates due to less competition with sport hunters. Federally qualified users may experience lower success while hunting on non-Federal public lands because a shift of effort will likely take place by the displaced hunters. Displaced hunters will shift to those lands open to them which includes all lands surrounding communities along the Yukon River.

For conservation issues. Moose population conservation issues vary along the Yukon River depending upon which population is being addressed. The State of Alaska manages each moose hunt so the sustainability of each population is ensured.

The Department opposes this proposal due to lack of substantive evidence that the Yukon River drainage-wide conservation concern exists and no evidence that the closure is necessary for continuance of subsistence uses by Federally qualified rural residents of the entire Yukon River drainage.

The Department opposes this proposal.

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

Wildlife Proposal WP12-52:

Close all moose hunting on federal public lands along the Yukon River to non-subsistence users.

Introduction:

This proposal seeks to close all sport hunting on federal public lands boarding the Alaska portion of the Yukon River. The department's comments are limited to addressing this proposal as it applies to federal public lands along the Yukon River within Alaska as the Federal Subsistence Board does not have authority on non-federal public lands or outside of the United States.

Impact on Subsistence Users:

If adopted, federally qualified users would be prohibited from participating in state moose sport hunting seasons on federal public lands along the Yukon River. If adopted, federal subsistence users moose hunting on federal public lands along the Yukon River may have higher success rates due to less competition with sport hunters. Federally qualified users may experience lower success rates while hunting non-federal public lands because a shift in effort will likely take place by displaced hunters. Displaced hunters will shift to those lands open to them which include all lands surrounding communities along the Yukon River.

Opportunity Provided by State:

The Yukon River flows through a number of Game Management Units and state moose hunting regulations allow a variety of sport hunting opportunities. Opportunity varies by Game Management Units and will not be included in these comments for brevity sake.

Conservation Issues:

Moose population conservation issues vary along the Yukon River depending upon which population is being addressed. The State of Alaska manages each moose hunt to ensure the sustainability of each population is ensured.

Enforcement Issues:

If adopted, this proposal would result in confusion for all member of the public. Differences in federal and state regulations resulting from adoption of this proposal create enforcement problems in areas with mixed land ownership. The boundaries between federal and state lands are not marked and often difficult to locate on the ground.

Other Comments:

The Department opposes this proposal due to lack of substantive evidence that a Yukon River drainage wide conservation concern exists and no evidence that the closure is necessary for continued subsistence use by federally-qualified rural residents for the entire Yukon River Drainage.

Recommendation: Oppose.

Thank you, Mr. Chair.

CHAIRMAN QUINN: Okay. Any other Federal agencies.

(No comments)

CHAIRMAN QUINN: Native, tribal, village.

(No comments)

CHAIRMAN QUINN: InterAgency Staff.

(No comments)

CHAIRMAN QUINN: ACs or RACs.

(No comments)

CHAIRMAN QUINN: National Park Service

Resource Commission.

(No comments)

CHAIRMAN QUINN: Any written comments.

MS. H. ARMSTRONG: There are none, Mr. Chair.

CHAIRMAN QUINN: Anybody here for public testimony on this proposal.

(No comments)

CHAIRMAN QUINN: Okay. We can entertain a motion, but we don't have to.

MR. SMITH: Mr. Chairman.

CHAIRMAN QUINN: Go ahead.

MR. SMITH: My name is Tim Smith. I move to adopt WP12-52.

CHAIRMAN QUINN: Is there a second.

(No comments)

CHAIRMAN QUINN: Hearing none. The motion dies.

MR. GRAY: I'm a little bit curious. If we adopted this thing, where would it be in the regulations that we changed things? I'm sitting here thinking we just spent half an hour spinning our wheels for what.

CHAIRMAN QUINN: That happens.

MS. H. ARMSTRONG: If it were adopted, I think it would be under -- I mean he wants to ban all hunting everywhere, so under every single resource it would say Federal public lands are closed to all but non-Federally qualified users.

MR. GRAY: I guess what I'm saying in a kind way is why are we looking at this. This isn't professional, it's not realistic. Why are we wasting our time looking at it. Stuff like this should be screened. The guy should have to come back to us with

a clean, presentable proposal that we look at.

CHAIRMAN QUINN: What do your rules in the regs say? I mean somebody throws a proposal in, are you stuck dealing with it?

MS. H. ARMSTRONG: We are. I mean sometimes people put in proposals to change regs that we can't do that are completely out of line. This one I think was on the margin. I'll make that comment when I go back.

MR. GREEN: To your question, Tom, I think everybody has a right to do one of these. It just depends on the way we interpret it.

MR. GRAY: I agree that we all have our rights. Everybody has rights, but there's certain things that we, as a board, can adopt and push on and move to the next level and this issue here we don't have the authority to push it to the next level. We have no control over the Yukon River Corridor. So, in reality, we can deal with issues that we have authority to deal with and go from there.

MR. GREEN: So you're saying we have no reason to deal with this. In other words, I guess that's what he was trying to get from you earlier, why are we doing this. I'm just trying to understand this.

MR. GRAY: The point that I was trying to make is, this, to me, is a far-fetched proposal that is not going to go anywhere and he should be bringing a proposal to us that has some merit, let's say, or makes sense. He wants us to shut down everything and for what? I mean we have no control over a lot of those areas up there. I think we're wasting our time.

MS. H. ARMSTRONG: I hear you. Moving on, Mr. Chair.

CHAIRMAN QUINN: Yes, ma'am.

MS. H. ARMSTRONG: Next proposal, Page 115. WP12-53. This was another proposal submitted by the Yukon Delta National Wildlife Refuge. It again is here before you because Stebbins and St. Michael have a C&T for moose.

This proposal would prohibit a hunter

in Unit 18 from pursuing with a motorized vehicle a caribou, moose, or muskox, an ungulate, that is fleeing. In Unit 18 there's no C&T for muskox, so it only applies to moose and caribou. As it states in the analysis, caribou are the only ones that flee. The moose don't really flee when they're chased. Apparently they just walk away when they're being approached by a motorized vehicle. So this really applies to caribou.

The proposed reg you see on Page 116, and I want to point out the proposed part is the bold part, that number 5 just above that bolded part, the existing reg is using a motorized vehicle to drive, herd, or molest wildlife. So it's already in the regulations that it's forbidden to drive, herd or molest wildlife. Then the special provision that they want to add is that you may not pursue with a motorized vehicle an ungulate that is fleeing.

Part of the reason I think they wanted to do this is that in the State booklet that's distributed to the public they clarify the regulations for the public stating that you may not take game by pursuing with a vehicle an animal that is fleeing. It's also not actually in their regs, the fleeing part, but it's in their booklet.

So if this proposal were to be adopted, there would be no effect on Federal subsistence users in Unit 18 because the prohibition against chasing ungulates that are fleeing is encompassed in Federal subsistence general provisions and other wildlife regulations, so there's no effect from the proposed regulation. If the proposal is not adopted, there would also be no effect. So, for that reason, we're recommending opposing the proposal.

The intent really of the proponent is to make it explicit that using a motorized vehicle to pursue an ungulate that is fleeing or near gallop is prohibited. So what we're recommending instead of -- because it's already forbidden according to our regulations, we should add a clarification in our regulation book the same way the State has that says you may not take ungulates by pursuing with a motorized vehicle an animal that's fleeing or at a near full gallop. Just defining what that means.

So our recommendation is to oppose it because it's not necessary to put it in regulation. I hope that made sense. It took us a while to sort this one out.

Thank you, Mr. Chair.

CHAIRMAN QUINN: Okay. George.

MR. PAPPAS: Thank you, Mr. Chair. The proponent indicates adoption of this proposal will strengthen the existing regulations for protecting ungulates. The proponent also indicates this proposal was submitted in response to Federal subsistence hunters illegally pursuing game on snowmachines.

The State's regulation, for example talking about snowmachines and caribou, specifically just for Unit 22 and 23, State regulations indicate a snowmachine may be used to position a hunter to select an individual caribou for harvest and caribou may be shot from a stationary snowmachine. This regulation is not pertinent to 18, but that's what in another area has been adopted. So that's the kind of language that's used on the State side.

Other comments. The harassment of game or herding of game with motorized vehicles, including snowmachines, is already illegal. For enforcement issues, full gallop may prove difficult to determine leaving enforcement of this measure too subjective and inconsistent for determinations. The differences in Federal and State regulations resulting from adoption of this proposal would create enforcement difficulties in areas with mixed land ownership and the boundaries between Federal and State lands are not marked and often difficult to determine in the field.

The Department does oppose this proposal also.

****
STATE OFFICIAL WRITTEN COMMENTS
****

Alaska Department of Fish and Game
Comments to the Regional Advisory Council

Wildlife Proposal WP12-53:

This proposal requests the federal subsistence hunting regulations be changed to clearly define how a snowmachine may be used to pursue ungulates in the Unit 18 federal subsistence hunts.

Introduction:

The proponent requests the Federal Subsistence Board further define the use of motorized snowmachines in the Unit 18 federal subsistence hunts targeting ungulates to better position them for harvesting in Unit 18. The proponent indicates adoption of this proposal will strengthen the existing regulations protection of ungulates. The proponent also indicates this proposal was submitted in response to federal subsistence hunters illegally pursuing game on snowmachines.

Impact on Subsistence Users:

Adoption of these proposals would have an unknown impact as the department is unaware if federal subsistence caribou hunters are illegally using snowmachines to pursue ungulates in Unit 18. If this proposal is adopted, federal subsistence users would be prohibited from pursuing ungulates with snowmachines . Need input here on BENEFITS or Detracts from fed sub users.

Opportunity Provided by State:

State methods and means prohibit use of snowmachine to position caribou hunters in Unit 18.

General state methods and means regulations addressing off road vehicles:

5AAC 92.004. Policy for off-road vehicle use for hunting and transporting game. (a) Off-road vehicles are a legitimate method of transporting hunters and game in the state, subject to requirements of federal, state, and local landowners. If the Board of Game, through its public process, finds that off-road vehicle use attributed to hunting activities in a specific area has resulted or is likely to result in one or more of the following conditions, it will, in its discretion, take action to avoid or minimize the conditions: (1) soil erosion or compaction, or vegetative changes, significantly affecting important wildlife habitat, including

wildlife food sources such as fish and fish streams, or wildlife distribution or abundance; (2) harvest of a population, sex, or age class significantly affecting condition, abundance, or trophy size relative to area management goals; (3) wildlife disturbance significantly affecting reproductive success, abundance, or condition; movement patterns, distribution, or behavior; or avoidance of important habitats such as mineral licks, birthing sites, wintering habitat, or fish spawning, incubation, and rearing sites, and other wildlife feeding sites and food sources; (4) chronic conflicts with other user groups leading to a decline in the quality of the outdoor experience. (b) The provisions of (a) of this section do not prevent the board from taking other action that it considers necessary or advisable to adopt or modify off-road vehicle regulations that might affect hunting or the transportation of hunters, hunting gear, or game. (c) In this section, "off-road vehicle" includes four-wheel drive trucks and automobiles, motorcycles, three- to eight-wheeled all-terrain recreation and utility vehicles, vehicles with two tracks, air-cushioned vehicles, and airboats operated outside of a navigable waterway.
5AAC 92.080 Unlawful methods of taking game; exceptions. The following methods of taking game are prohibited: (4) unless otherwise provided in this chapter, from a motor-driven boat or a motorized land vehicle, unless the motor has been completely shut off and progress from the motor's power has ceased, except that a,(4)(B)(i.): in Units 22 and 23, a snowmachine may be used to position a hunter to select an individual caribou for harvest, and caribou may be shot from a stationary snowmachine.

Other Comments:

Harassment of game, or herding of game with a motorized vehicle including a snow machine is already illegal.

Enforcement Issues:

Full Gallop may prove difficult to determine leaving enforcement of this measure to subjective and inconsistent determinations. Differences in federal and state regulations resulting from adoption of this proposal create enforcement difficulties in areas with mixed land ownership. The boundaries between federal and state lands are not

marked and often difficult to locate on the ground.

Recommendation: Oppose

Thank you, Mr. Chair.

CHAIRMAN QUINN: Okay, thank you, George.

MR. SMITH: Mr. Chairman. I have a question for George.

CHAIRMAN QUINN: Okay.

MR. SMITH: Would this proposal prohibit going after a wounded animal with a motorized vehicle?

MS. H. ARMSTRONG: Since it wouldn't be fleeing or galloping is what you're saying?

MR. SMITH: Oh, it would be fleeing.

CHAIRMAN QUINN: Oh, yeah, you can bet you're fleeing. That is very much the definition of fleeing.

(Laughter)

MS. H. ARMSTRONG: It's already in regulation that you can't use a motorized vehicle to drive, herd or molest wildlife. This proposal just says you can't pursue a motorized vehicle with an ungulate that's fleeing. It's already not allowed to use a motorized vehicle. That's what you're saying?

MR. SMITH: I'm not arguing with you, but I wouldn't want to further prohibit going after a wounded animal. I don't like the idea of a regulation that requires a hunter to let wounded animals get away.

MS. H. ARMSTRONG: Oh, okay.

CHAIRMAN QUINN: It says on Page 115 that the Federal code doesn't define drive, herd, molest or harass. The State does define harass and it even has a little section, which is shown at the top of Page 117 on how you may not take game by pursuing with a vehicle an animal that is fleeing. But the State does have a heavy requirement to harvest your wounded

animal and salvage the required items.

MR. BENTE: Peter Bente, Fish and Game. Through the Chair to the question about wounded game. My understanding is the restriction is for the taking of game, so that's before it would have been shot or wounded and that there would not be a restriction related to recovering or salvaging the game that was taken. So that's my understanding. I don't know the place in codified language where that exists, but that would be our interpretation of pursuing a wounded animal with a vehicle would be allowed.

MR. SMITH: Mr. Chairman.

CHAIRMAN QUINN: Go ahead.

MR. SMITH: So if I read this correctly, this would prohibit a hunter -- this proposed regulation would prohibit a hunter from going after a wounded animal. I understand what you're saying as far as State regulations go. The animal has already been taken once it's shot, but this regulation would seem to me that it would prohibit going after a wounded animal.

MR. BENTE: I didn't read it that closely with that in mind, but clearly the chasing an animal or a fleeing animal is related to take and as you clarified, once shot or wounded, it has been taken and now you're in the process of salvaging. So I'd have to look at the exact regulation.

MR. GRAY: I think Tim is right in the fact that the way this is written it doesn't talk about shot or anything like that.

MR. BENTE: The language that I see on Page 116, section F that's bolded, you may not pursue. So the word pursue is a different interpretation than take.

MR. SMITH: I guess my concern here is -- let me just walk you through a little bit. Centuries ago the Eskimos used to look at whales offshore and, gee, I wish I could eat those. Then all of a sudden boats game along and they paddled after them and they caught them and they killed them and ate them. Then they put sails on their boats and they sailed after them and they caught them and they ate

them. Then they put motors on their boats and they chased them and they caught them and they ate them.

So, a subsistence hunter is resourceful with the tools he has in his bucket. I'm not in favor of creating regulations just for the sake of regulations. There's so many that doesn't understand subsistence. So I'm going to oppose this thing.

CHAIRMAN QUINN: I certainly agree, Tim. It's kind of hazy and gives the enforcement people a fair amount of latitude as to whether they decide they should write a citation for an animal that's fleeing or not. It's certainly not a very well written proposal in my estimation especially coming from a government agency. I would have expected better.

Okay. How far did I get?

MR. GRAY: Fish and Game.

CHAIRMAN QUINN: So Federal agencies.

(No comments)

CHAIRMAN QUINN: Native, tribal, village.

(No comments)

CHAIRMAN QUINN: InterAgency Staff.

(No comments)

CHAIRMAN QUINN: Other ACs and RACs are not present.

(No comments)

CHAIRMAN QUINN: National Park Service Resource Commission has nothing.

(No comments)

CHAIRMAN QUINN: Any written comments.

MS. H. ARMSTRONG: There are not, Mr. Chair.

CHAIRMAN QUINN: Okay. Any members of the public that aren't here want to make a comment.

(Laughter)

CHAIRMAN QUINN: We're not popular this go around. Okay. We can entertain a motion.

(No comments)

CHAIRMAN QUINN: Hearing none.....

MR. SMITH: I'll do it, Mr. Chairman.

CHAIRMAN QUINN: All right.

MR. SMITH: My name is Tim Smith. I move to adopt WP12-53.

CHAIRMAN QUINN: Okay. Is there a second. Hearing no second, motion.....

MR. SEETOT: I'll second it.

CHAIRMAN QUINN: Oh, you want to second?

MR. SEETOT: Yes.

CHAIRMAN QUINN: Okay.

MR. SEETOT: For the record to make sure that we at least discuss this item.

CHAIRMAN QUINN: We have a second on the motion to support. Is there any discussion.

MR. SMITH: Yes, I do.

CHAIRMAN QUINN: Go ahead, Tim.

MR. SMITH: I agree with what my second said. I think it's important. I oppose this motion and I think it's important to get on the record that we oppose it. If we don't take action, we're not on the record. I think it's wrong to have a regulation that can be used to prevent people from recovering wounded animals, so I'm against it.

CHAIRMAN QUINN: Would someone like to

call the question.

MR. SEETOT: I'll make a comment.

CHAIRMAN QUINN: Okay.

MR. SEETOT: Pretty much every wildlife animal that is harvested is either in one way or form the hunter is transported by a motorized vehicle; airplane, hovercraft, boat, snowmachine, motorbike, whatever you can name. If that was to be implemented and the State enforced that, there would be overwhelming opposition from the subsistence hunters, from wildlife harvesters, you know, because where the animal is concentrated is pretty much their calving areas, their wintering areas and those closest to the resource would not really be affected at all.

When the number of animals are huge, they're more relaxed compared to a few bands of caribou. Whenever they hear a motorized vehicle they just take off. With a big herd at least they're looking at one another and seeing it as not a threat but something to be of concern of. That's where I think we are running into problems.

Our younger generation has all these vehicles to kind of pursue this and that or to gather wildlife resources. Maybe the education wasn't passed on from father to son, from community residents from elders to the younger generation. But where the majority of hunters in our communities, 99 percent is pretty much subsistence.

The one animal that is used the most I would think is the caribou or the reindeer because pretty much the hide is used for sleeping mats, antlers for tools and stuff like that. With the moose, it's mostly meat. With the muskox, it's mostly meat. There's other things that can be derived from these animals, the moose antlers, the hooves, stuff like that, but they're not in big use right now.

To get back to the main question I think if we were to support this and say no motorized vehicles, that's pretty much dog teams and other stuff. I don't know where everybody would be. Everything would be at a standstill. We look at some of these items. Motorized vehicle. We don't worry about planes bringing in hunters that affects migration early on in

the season, like the Western Arctic Caribou Herd that comes from -- that roams the Brooks Range and then winter in the Seward Peninsula.

So I use vehicles, but in a way where you're not really harassing them. If you constantly harass them, they're out of your area and that's what we try to protect. What's in areas of concern for the communities. Once you drive animal resources away from their area, then you have to spend more and look at weather problems, look at delays, look at everything that goes in the harvest of wildlife resources. So I would kind of oppose it.

It's just that certain hunters use their hunting principals that have been taught on down. Others pretty much just harvest those animals without any regard to regulations, without any regard to traditional concerns and stuff like that. So there's people out there that will take animals regardless of you've got them in a motorized vehicle or you just happen to be in the right place at the right time and then, you know, that's the way it is, I guess.

Thank you.

CHAIRMAN QUINN: Okay. Anybody want to call the question.

MR. GREEN: Question.

CHAIRMAN QUINN: The question has been called. All those in favor of supporting.....

MR. GREEN: Could you read the proposal.....

CHAIRMAN QUINN: The motion?

MR. GREEN: Excuse me, the motion.

CHAIRMAN QUINN: The motion was to support Proposal 12-53. All those in favor of the motion say aye.

(No aye votes)

CHAIRMAN QUINN: Opposed say nay.

IN UNISON: Nay.

CHAIRMAN QUINN: The motion is defeated. We're on the record. Is there more?

MS. H. ARMSTRONG: That's it for all the regulatory proposals. Now we have the Fisheries Resource Monitoring Program.

CHAIRMAN QUINN: Okay.

MS. HYER: Hello, Mr. Chairman and Council members. I'm Karen Hyer. I'm with the Office of Subsistence Management. I'm going to take you through the draft Fisheries Resource Monitoring Program.

During our fall council meeting we discussed the priority information that would guide the 2012 fisheries monitoring plan and now I'm presenting to you the projects that are going to make up our draft plan. So if you'd turn to page 122, that's the start of the discussion. There's a lot of information in this book and most of it you can go through on your own and I'm just going to highlight a fraction of it.

MR. KEYES: Excuse me, what page?

MS. HYER: 122 is the start of it. That's just kind of the background of the program, which is not a new program. It started in 2000. If you turn to Page 123, you can see the project evaluation process and under that each investigation plan was evaluated under four criteria and you can see them there. The strategic priority, the technical and scientific merit, the investigator's ability and resources and the partnership and capacity building. These are the criteria that we looked at -- well, we looked at the Technical Review Committees that we looked at when they evaluate the proposal, it absolutely had to have the first strategic priority, which it has to have a Federal jurisdiction because the purpose of the monitoring program is to help manage subsistence fisheries, so there has to be a very clear Federal nexus.

If you turn to Page 125, Table 1, you'll see the number of investigation plans we'll receive for consideration of funding and in this region we had a total of seven investigation plans submitted, three of which were recommended for funding through the Technical Review Committee.

Then if you turn to Page 126 up at the top, you can see the list of issue and information needs. This is what, when we met in the fall of last year, we discussed this, these information needs, and these are what we asked the investigators to focus on, although a lot of our proposals had other areas of interest too, but these were the ones that were specifically identified by the Regional Advisory Councils.

So if you turn to Page 127 up at the top you'll see a list of the six proposals, the titles and the amount requested for funding. These are the six proposals that were reviewed by the Technical Review Committee and put forward to make up the draft plan. The first one is the Selawik River Sheefish Assessment and this project would provide information for assessing the long-term effects of the large Selawik River permafrost slump that happened on the wildlife refuge and it's evaluating the spawning success of sheefish in the Selawik River.

The second one, the Kobuk River Sheefish, this project we've built on a project that's currently underway in the Kobuk River. Radio tags have already been deployed and monitored some for two years, some for three. The life of the radio tags is actually five years, so they're just asking for supplemental funding to continue to monitor those tags for the life of the project.

The Noatak River Dolly Varden Assessment. This project would use sonar and radiotelemetry to assess the location and estimate the abundance of overwintering Dolly Varden in the Noatak River.

The next one is the Northwest Alaska Fisheries Harvest Survey. Information from this project would fill a data gap by providing salmon and non-salmon harvest information in eight villages in Northwest Alaska.

The next one, Norton Sound Salmon Fishery Traditional Ecological Knowledge. Data from this project will document baseline information on humans and their harvest of salmon and non-salmon in two North Slope communities.

The last one -- that can't be North

Slope though, right, Helen, if it says Norton Sound. That must be a typo. It's Norton Sound communities.

MS. H. ARMSTRONG: No, they're not Norton Sound.

MS. HYER: They're not?

MS. H. ARMSTRONG: They're North Slope.

MS. HYER: Point Lay and Wainwright, Norton Sound.

MS. H. ARMSTRONG: They're North Slope. That's a typo.

MS. HYER: Okay. Then the North Slope Climate Change and Subsistence Use of Whitefish. This project gathers local knowledge about subsistence use of broad whitefish and cisco in four North Slope communities.

The remaining pages of this section summarize the completed projects in Northern Arctic. On Page 129 you can see what has been completed. On Page 130 is the summary of ongoing projects and currently we have two ongoing projects in Norton Sound. One is the Unalakleet River Weir and it has just finished its second year and the other one we have is the Bering Strait Non-salmon Fish and Local Ecological Knowledge and that started also in 2010.

The rest of these pages are just summaries of kind of the allocation of money and then the last pages are a description, executive summaries, of each of the projects that was recommended for funding. So the Draft Fisheries Resource Monitoring Program is an action item, so we'll need a motion either to recommend the Draft Fisheries Resource Monitoring Program for funding.

Any questions or comments.

MR. SMITH: What is it you need from us?

MS. HYER: I just need a motion to recommend funding.

MR. GREEN: Mr. Chair.

CHAIRMAN QUINN: Go ahead.

MR. GREEN: Question for -- I didn't get your name.

MS. HYER: Karen Hyer.

MR. GREEN: Karen, that 12-154 was not in Norton Sound, it was North Slope?

MS. HYER: It was North Slope and it's a typo in the book.

MR. SEETOT: All the proposals are pretty much just studying fish resources and then there's no -- maybe a study should be done pretty much like climate change. Water temperatures moving up or the waters in our local areas are going up a little bit and it's affecting whatever is in there, in the water.

MS. HYER: Mr. Chairman and Council members. We actually have a separate water monitoring program and we are working with some of our long-term projects to do long-term monitoring, so we actually have that going on on the Unalakleet River right now. For the projects that do get funded, we will be working with them to try to get some water monitoring. But that is separate. That is not dependant on funding for the Fisheries Monitoring Program.

MR. SEETOT: So you would be able to get local, non-governmental agencies like NSEDC, Kawerak or in some of these communities to help do the study?

MS. HYER: We're working with our existing projects, so we're looking at where we have projects as an agency in the water and then if we have some long-term projects -- the projects that are candidates for this are like the weirs that are going to last more than a year or two. Like the Unalakleet Weir is a cooperative and NSEDC is involved in that. In those projects we're going to those investigators and we're asking them to collect long-term water monitoring information for us.

MR. BUCK: I have one.

MS. H. ARMSTRONG: I'll emphasize a little more and correct me if I'm wrong, Karen, but any of our projects that are more than one year it's a

requirement, I believe, that they look at, they consider doing temperature monitoring, isn't that correct?

MS. HYER: It's not as of to date a requirement because we haven't written the contracts for these. When we write the contracts for these, it will be a requirement for the new projects. The previous projects it has been on a volunteer basis, but nobody has said they won't do it. Any time you're looking at a dataset that's climate related, it needs to be more than a year or two, so we are only approaching our investigators that have funding for us over several years, but we are actively doing that.

MR. SEETOT: Okay, thank you.

MR. BUCK: I have a comment. White Mountain has for the past three years has a water monitoring program going on and that has been successful. With just the past two years they noticed that the water temperature is going up. So there is concerns and this monitor program for White Mountain is run by the tribal government. I don't know where they got their funding, but it's run by the IRA.

MR. KEYES: I'm Tony, Anthony Keyes from Wales. This water monitor thing, it does need to be -- we do need to have one up here because we had set some nets recently for whitefish and eventually -- almost half of the catch was infected by sea lice and we never had a problem with sea lice until the water had changed its temperature on us. It has changed dramatically and it's going to be changing more and more, year to year as of this date because right now our ice is very much melting.

We are getting into more water and the water is not as salty as it used to be and it's true. The water streams that are being run off from all streams are getting more warmer as they are draining into our ocean. Looking at this subject here, it's very sensitive the way I look at it and see you guys going over it. It's a very sensitive topic here. Like they say, we do need to have a water monitoring station up here in this part of the region.

MS. H. ARMSTRONG: Mr. Chair. I think these are really good comments and it's something that Fish and Wildlife Service is very concerned about, is

climate change. I want to just make a comment that this might be something that every two years we ask for ideas for proposals for research and maybe something very specific to measuring the temperature of water should be put into our next call.

MS. HYER: That's good.

MS. H. ARMSTRONG: That might be what we want to do. It's a little late now. We've got proposals that are before us, but we're going to be asking you at the next meetings in the fall for ideas for the next call for proposals and maybe something specific. We've been asking for proposals on climate change, but maybe something specific like that if that's what we're hearing from you should be brought forward.

MR. KEYES: Yes, this is Anthony. It would be wise to put it in all villages. Not just in one village because their village could be a different temperature related to another village that you're going to go to. So I would strongly suggest have a monitor in each village.

MR. GREEN: Mr. Chair.

CHAIRMAN QUINN: Go ahead.

MR. GREEN: Karen.

MS. HYER: Uh-huh.

MR. GREEN: Anyway, what I was going to talk to you about was this water quality studies that's been going on with some of the tribal councils. Nome Eskimo is doing this IGAP. I can't remember exactly what that means now. It's been so long since I looked at it. If you folks were ever to get with these tribal councils that are always doing these water quality studies, maybe that would be a good thing. Everybody would be on the same page.

MS. HYER: We have worked with some agencies. It's important that the data is collected the same way so it's comparable and there are different groups measuring different things. As Helen just said, it might be an idea for the information for the next call because there could be some effort put forward to identify where we need more. Like identify the data

gaps and maybe get data there and possibly work on kind of holistically looking at what we have.

MR. GREEN: Possibly coming up with a master sheet that this is what we're all looking for, this is what we're working on, but we're adding this to the information.

MS. HYER: Yeah, some sort of overlying way of looking at it. That's a good idea.

MR. GRAY: The funding that you're talking about is $385,000 basically. Is that what you're asking us to bless? Is that your budget that you have?

MS. H. ARMSTRONG: The money is what -- people have come in with a proposal and this is what they're asking for.

MR. GRAY: What kind of money do you have?

MS. H. ARMSTRONG: Let's see. The total -- hold on a second. For 2012 for the whole state is $2.7 million and then we have that divided up where -- you know, the projects that came forward, they only requested $2.18 million. Some years we get more projects with funding requested for more than what we have.

MR. GRAY: The reason I'm curious of what kind of money you have -- and it's good to hear you say you're a little short on applications and you've got a little extra money to spend. I've asked about this in the past. I've been kind of circumvented and shut down with the attitude we don't have Federal alliance here, we're not going to deal with you guys.

Nome has had no salmon for years and we need help and you're a subsistence organization that is supposed to be helping with subsistence. Whether or not it's State or Federal lands, I really don't care. It's a subsistence issue and it would be good to see some money funneled through Kawerak or some agencies in this town, some fisheries agencies, something to bring back the fish in this region. There's lots of partners out there. There's no reason you have to back it yourself.

I guess where I'm going with this is will you guys be willing to accept proposals from this region, from Nome, Alaska, and work on projects here. I've asked that question in the past and it wasn't a laughing matter.

MS. H. ARMSTRONG: We are currently funding a study that's going on right now and Kawerak is the principal investigator on and it's not looking specifically at fish in Nome, but it's climate change for non-salmon resources in Teller -- what is it, Karen? I'm having a blank here, sorry. I know we added two communities because of Elmer's request.

MR. GRAY: I guess if you look at the Seward Peninsula, there's places that have fish, there's places that have lots of fish and there's places where the rivers are dead, I mean just flat dead. That's the areas that we need some help in.

MS. H. ARMSTRONG: Just to finish what I was saying, it's the Local Ecological Knowledge of Non-salmon Fish in the Bering Strait Season. It's being done by Kawerak and it's in Shishmaref, Wales, Stebbins and Teller.

MR. GRAY: I saw that. That's great. With a little bit of work that's going to happen. Again.....

MS. H. ARMSTRONG: It's ongoing right now. I'm just trying to make a point that we do fund things in the region.

MR. GRAY: Okay. So tell me then, it sounds like you're willing to accept proposals from this region regarding salmon and how do we get these proposals in your door or on your list. I see 2012 proposal request and over here you've got we want your blessing on these requests, but I would like to see this region get some help trying to bring this fishery back.

For example, I have a hard time in my river when I have 3,000 or 2,000 silver salmon go by and they've been commercial fishing silvers down below and our subsistence users are having a hard time finding silvers. We struggle with issues like this and that's why I say there definitely needs to be a different -- the State has their goals and their

objectives and the Feds have their goals and their objectives and there's a big difference. It's very important. We walk different streets, different lines. We can live together, but, believe me, we've got different missions in life.

With that, I'm urging you guys to accept and get some proposals and some work going in this region. I know there's been a lot of screaming about the salmon in this region for years, for the last 20 years, and everybody is turning their heads and not doing anything. If there's 2 point some million dollars and $600,000 left over that's not spoken for, there's no reason we can't get a part of that to do something here.

MS. H. ARMSTRONG: At this point, because the process is -- we don't have any proposals before us and we're at the point of -- we've had the Technical Review Committee that has reviewed the proposals. They're going before the Councils, then they'll go before the Board. We need somebody to give a proposal to us and that didn't happen this last round in the nature of what you're talking about. So what we need to do and maybe the people here can try to get Kawerak to do a proposal.

MR. GRAY: We will. We will get people to get proposals to you.

MS. H. ARMSTRONG: So it will be during the call for proposals for 2014 and that call will have the ideas to go into the call for proposals in the fall of 2012 and then we'll go out to the public, to the world, and say give us some proposals in 2013, so then they would come before you.

MR. GRAY: Okay. Can I ask this of you. Can you email --send this whole board an email or letter saying this is where you've got to go to deal with this and I will forward that to whoever I feel needs to get that process going. If we're talking two years out or three years out, that's fine, but we need to start somewhere.

MS. HYER: It's actually on our website too.

MR. GRAY: I want you guys to do a little work and send it to us so we can send it to

whoever. You guys can put the package together, send me it so I can send it to Kawerak or the fisheries guy or whatever. Okay?

MS. H. ARMSTRONG: Okay. We'll send the process at the Fisheries Resource Monitoring Program to all the Council members.

MR. GRAY: Thank you.

MS. H. ARMSTRONG: We'll send it to Alex and he'll be in charge of sending it out to all of you.

MR. GRAY: More importantly though what I'm digging for here is support from you guys for projects in this region to go forward and do something here. I've brought this before and you remember this. I've brought it before and I've been shut down because, oh, we don't have Federal lands here. Well, subsistence has no boundaries. So, anyway.

MS. H. ARMSTRONG: Karen and I can't make that commitment because we're not Federal Subsistence Board.....

MR. GRAY: I understand.

MS. H. ARMSTRONG: .....but I will say that one of the ways it's been done here in the past and certainly the project that I just told you about that Kawerak is doing is that they've used -- they've looked at -- some communities in the region that do have Federal jurisdiction and some that don't, so you can have some way of getting some buy-in from the Federal Subsistence Board. Unalakleet is always a good one because they have Federal jurisdiction in the Unalakleet River.

Or if it's something that can apply in other areas. For example, Jim Magdanz did a project in this region on patterns of sharing and it was in communities that didn't have Federal jurisdiction, but it was a concept that could be applied elsewhere. So you have to be a little creative in how you can get the funding.

CHAIRMAN QUINN: Louie.

MR. GREEN: I just wanted to follow up

on Tom. I just want to align some people's thoughts in here. He's talking about the Nome subdistrict and we've been in the hole since the early '80s. I mean we're talking about almost 30 years here looking for help, funding to do projects. We have a hatchery on Sitnasuak Native corporation land. All these rivers in the Nome subdistrict are within the Sitnasuak Native lands. So that would be to me the entity that we'd be wanting to go after funding and work with you folks because Kawerak is regional and they spread themselves all over the place. They're not overseeing what Nome is doing. It's pretty obvious. Nobody is overseeing what Nome is doing, what Nome's problem has been for a long time.

Anyway, just food for thought for the future. Like I said, we have a hatchery in place, we have some way to make a difference. We need funding for that. Sitnasuak is the major landholder around the rivers of this resource that's missing.

Thank you.

CHAIRMAN QUINN: So we're looking for a motion.

MR. SMITH: I have another comment.

CHAIRMAN QUINN: Okay.

MR. SMITH: Just looking at one of these projects on Page 148, this has been a problem, I think -- just to pick on this one, but there's lots of others like it that I've seen come through. You're looking at $187,000 for I think very modest objectives. You know, we're paying these consultants to do something that I don't think is worth $187,000, you know. As Tom said, as Louie said, we have some real problems with shortages of subsistence resources. I don't see how this will address that issue. There's other studies like that.

The one done on the Seward Peninsula on sharing. Well, that might be interesting from an anthropological point of view, but what's it got to do with providing more fish for people to eat. We have severe shortages of fish resources for people to use and it's not getting better. It's been going on for 30 years. I hate to see this kind of money, and this is only one project, $187,000 spent on something that to

me doesn't seem to be particularly important and could be done pretty easily really.

So I'd like to see a lot more focus on addressing the real needs of subsistence users rather than these academic studies. There's limited amounts of money to be spent. Congress is telling us there's going to be less in the future. I think we need to be real careful to focus on things that will address the real problems. The most important problems and the highest priorities for subsistence users.

Thank you.

MS. H. ARMSTRONG: Mr. Chair, if I may. Helen Armstrong. You can recommend for funding all of the projects that we have before you for the Northern Region or you could choose to take them one by one or pull one out. It's your pleasure.

I do want to make a note that this one that you were just pointing out is recommended fund with modification. We have asked for modifications and they have to have those modifications done before it goes to the Board. We agreed with you that it needed -- we actually want the scope of that project to be narrowed.

I think there could be some interesting information because they're looking at -- you know, as all of you have been talking about, you've been noticing effects of climate change and so has the North Slope. Every meeting we have they're talking about what's going on. So it was a matter of documenting what's actually happening, what people are seeing, the effects on -- that one was for broad whitefish and arctic cisco and least cisco. They have been asked to do it in just one or two communities and not all four, so it would be at a reduced amount.

CHAIRMAN QUINN: Elmer.

MR. SEETOT: Mr. Smith's concerns are, I think, valid other than that Federal Subsistence Board has the Regional Advisory Councils within their respective areas. Each area wants a piece of the pie by the Federal government agencies doing studies. So I think stuff like that is pretty hard to take in especially when most of the studies are in one area. But, you know, we are part of the Federal government.

We're not too sure if we're going to get any more funding. They talk about the trillion dollar debt, $14 trillion debt that hasn't been paid. The numbers are supposed to be higher in unfunded mandates, about 47 trillion if I understand right.

I am an Alaska Native. I was born before statehood was born, so that's where my priority is with the U.S. Federal government. With tribal consultation, I don't see that very often. In the past, it was like one elder say, BIA stood for boss indians around. He kind of understood that because I guess he was under Bureau of Indian Affairs for so long they kind of mandated what we were supposed to do until they say we're on equal status with the Federal government.

For stuff like this, I think we might -- Seward Peninsula might not be happy with the studies, but at least it's important for people within different areas and I think that's one of the things we need to be looking at. We have our own concerns, but we are just a small part of the bigger picture. Even though I don't really approve of the studies up north, that's what the TRC recommended and the best use of their dollars.

Thank you.

CHAIRMAN QUINN: Well, you know, we don't have to have a motion to support this stuff if you guys think the money is not wisely spent or you want more money spent down here since currently none of these projects are really for our area. Of course, we did get a big gift from Uncle Ted a long time ago when he created the Community Economic Development thing. Now we've got NSEDC that pours a fair amount of money into fishery stuff around here. Whether the money is wisely spent or not, each person can decide for themselves. These people up north don't have a CDQ group to pour money into their stuff.

MR. GREEN: Question, Mr. Chair, of Karen. Who is soliciting for these studies? Is it the people up north that are actually asking for this to happen or is it the government just deciding to do something and putting it out?

MS. HYER: No, we have a call that we put out and before we put the call out we come around

to the Regional Advisory Councils and ask for a list of priority information. That list was developed in 2010 and it's in your book. When it goes out -- what page was that -- 126, right at the top. When the call went out, we said this is what's important. Not every proposal we got was one of these questions. Some investigators submitted other proposals. If they submitted other proposals, they had to justify why it was as important as the ones that the RAC told us were important and then we get these proposals.

So we might have said -- let's see. Spawning distribution and timing on the Mead River for whitefish. We didn't get a single proposal on that. We thought it was important through the RACs, but no investigator submitted a proposal to us to study that. So we basically put a call out, we say we have this amount of money, this is what we're interested in studying and then the investigators come to us with their proposals.

MS. H. ARMSTRONG: Can I answer? Those were what was specific to the Northern Region, but the Northern Region also asked us for climate change proposals, but so did other regions, so there was another section that was what was asked for for all regions because the effects on climate change came from everybody, but North Slope specifically asked for that. We had a lively, long discussion about what they were seeing and the effects of climate change and what was happening.

MR. GREEN: Mr. Chair. I guess you're answering my question saying that this was brought up from the people of the region that are asking for things and they said we need something in this category and then you came up with what you should look into or did they come up with that?

MS. H. ARMSTRONG: They came up with that and then we put it into the call for proposals and then we wait for some group, could be somebody at Fish and Game, could be somebody at the university, could be a private consultant to give us proposals. Could be a Native organization. Kawerak has submitted proposals.

MR. GREEN: So, in other words, like I suggested, if anything is going to be done with the Nome subdistrict salmon runs around here that Sitnasuak, being the major landowner, might be in line

for something like that?

MS. H. ARMSTRONG: Correct. They may want to partner with someone else too.

MR. GREEN: Right. Thank you.

MR. GRAY: You've got a request for proposals here. Once that comes to you and then you solicit some investigator and they give you a bottom budget, I assume, there must be a way of weeding out proposals that aren't going to make the final crunch and then you have the ones that you support over here on the right side on 127. I guess you're asking 385,000. What is the process or is there a process?

You know, to me, I guess, whitefish for example. The whitefish in this region have never really been depleted. We've never had a whitefish problem. I lived in White Mountain for 30 years and the salmon runs were high and now they're lower and blah, blah, blah. Whitefish always come every year. So let's say this region isn't as big of an issue as salmon. Maybe if you go to Homer halibut is an issue. So there must be different priorities or processes of how you're going to fund or support programs. Is there a process that people can build their proposal so you will fund them? Do you see what I'm digging for here?

MS. H. ARMSTRONG: Absolutely. On Page 123 there's a project evaluation process. So the Technical Review Committee looks at each proposal and they look at four different categories. One of them is strategic priority and that's where we get into Federal jurisdiction. Then whether it meets technical or scientific merit, investigator ability and resources, and then partnership and capacity building.

Of all the proposals we received, I think we received 32, not that many of them were not forwarded for funding. I think it was 29. So if a good proposal comes in and it meets technical and scientific merits, etc, etc, then it's going to be recommended for funding.

This year we didn't have an excess of proposals, more proposals than we had funding. In other years we've had more and we've had to prioritize and that won't be necessary this year except for Southeast. In Southeast they're a little different

because they're Department of Agriculture and there's no funding there right now. So there's a process and it's a pretty technical process.

MR. GRAY: What I'm a little bit curious about though is -- let's take Shishmaref. You want to do an evaluation of whitefish or some other fish uses. And let's take Nome. The Nome subsistence users are having a tough time getting fish. If both of those proposals are on the table, who's going to get funded?

In the past, when I've raised this issue, I've almost been thrown out of this room because of non-Federal lands and not support. The bottom line is we're subsistence users and there's no lines. Granted you may have lines or somebody might have lines on a table, but we're subsistence users and it's the resource that we're using and if we need help, we need help.

I guess it's great to look at this and this is the process you go through, but when we do a research of users that catch -- who caught the most caribou or who caught the most fish versus let's try to put food on the table, hopefully you're going to fund the food on the table one. Do you follow me? I'll quit talking for a while.

MS. H. ARMSTRONG: You know, the Chair of the Federal Subsistence Board is from Unalakleet and maybe bringing that up with Tim Towarak would be -- I mean this is something that would have to be changed in our program because it says Federal jurisdiction. It has to be a need that's addressed. Issue or information needs addressed must have a direct association to a subsistence fishery within a Federal Conservation Unit.

I understand. I totally understand where you're coming from. I do. I mean I've been coming up here for this program for 20 years and we've been hearing it a long time. It frustrates us too to get that kind of -- we've tried to work with people to be creative to figure out projects that we can do in the Norton Sound Region and sometimes we've been successful. We just have to be creative.

MS. HYER: I also think the Council can help the next time we develop our priority information

needs to be creative and think specifically about what we can put in there or how we can word it so that it can meet the requirements of our program. We have a couple years to think about that.

MR. GRAY: I mean you can use things -- for example, I'm in a council, Native Village of Council. It's a Native Federally recognized organization. Nome's got one. Every village has one. You can use those as tools to funnel funding through if need be. That would be a partnering program. Pete talked about the watershed program in White Mountain. Money is funneled through the Native IRA council. There's ways of doing it. I know there is. We've got to somehow get the interest and the right players convinced that this is a need and this is a realistic tool or a way we're going to do things.

CHAIRMAN QUINN: Go ahead, Louie.

MR. GREEN: Mr. Chair. He's talking about government to government. What I'm going to say is the Federal government has been interested in people's cultures and this administration is into that kind of thing. Well, right now our salmon culture in the Nome subdistrict is totally in the toilet. You know, it's been there for 30 years. Tommy Gray and I grew up in a time -- I can just refer to him because we grew up on the same river systems as kids -- grew up under a salmon culture. We were doing that stuff every summer. Our families were a part of that. You don't see that anymore. It's dying off. Maybe the government needs to step in and have something to do with regenerating so it can continue. There's other avenues, like you said. Anyway, just food for thought. Trying to bring it to the table.

Thank you.

Oh, and I did see Kawerak was working with Fish and Game on the Nome subdistrict salmon -- subsistence salmon survey. Is that in the future?

MS. HYER: What page are you on?

MR. GREEN: 129. They're listed on 01-224 Nome subdistrict subsistence salmon survey.

MS. HYER: Those are completed projects.

MR. GREEN: It is a completed project. You are asking us to okay this funding. Do you keep the Council abreast of what's going on, the developments of those things during the meetings where we'd get something to see what the money was being spent on, how it was maturing so to speak?

MS. HYER: At any time we can be responsive and I can bring reports. A lot of times our final product is a report and certainly we can bring you anything you want from completed projects or ongoing. Oftentimes too the investigators will come and talk to the Councils. I think we have one sitting in the room right here right now. So, anyway, yes, there are several different ways that that can be accomplished.

MR. GREEN: Thank you.

CHAIRMAN QUINN: Go ahead.

MR. SEETOT: Since we're talking about Nome, I'll talk about Nome from a different perspective from outside the circle. I have talked about in the past people have been either pro or con about what I say. Nome is very diverse. A lot of people from many different places. Nome had a history with gold mining from the 1800s. We don't know what was put in the waters to extract the gold. Many people came here. That's my opinion, is that the waters are polluted from chemicals in the past and they do stay for a long time. You look at Exxon Valdez, you look at the Gulf. Oil will be there to stay.

The other thing is TEK. Like I say, Nome is a diverse group. I'm talking outside of Nome. My opinion. Commercial fishing, subsistence fishing, those, they're arguing over the resources. TEK, from my perspective, that is still being carried on. You argue about the resources, the resources won't be there for you, period. That's what it is, TEK. It took me a long time to understand what they were talking about, the elders. They know what they have seen, they know what they have heard, but they pass it on.

That's why I look at Nome. They had past minings. We don't know what kind of chemicals are there. You look at all the rivers, pretty much they're all depressed, no salmon. You look at Agiapuk River. We have thousands of chum salmon that spawn up there.

Between now and probably the next two weeks the water quality is so bad, like foam on top, you can smell the fish decay. Maybe about 10, 15 miles from their spawning ground to the camps around Agiapuk River. Agiapuk River is pretty much one of the most productive salmon streams that I've ever seen in chum salmon. All kinds of fish go there, but that's my perspective when I look at depressed salmon, especially chum salmon in the Nome district.

I live outside Nome. Nome won't talk for no people. I will talk for Brevig people. I will be offended when they say something about my community. Hopefully Nome is not offended by what I said, but I have said that in the past. Being vocal like that sometimes people just switch off their ears and continue as nothing has happened. But that is the reality. I've seen it through my own eyes. I experienced it.

So the people that make regulations out in the cities, out in the urban areas, they kind of look at that information from hearsay, information from books. All these that are around the table they have seen it firsthand. They have experienced it firsthand some of the things we have talked about.

At least we know what we have seen and what we experienced and hopefully we'll be able to pass that information to our next generation because our next generation right now has food, technology. They want things done right away. For them, hunting is shooting an animal. That's about it and even the process. The process of skinning and stuff. That would be in certain areas. It's not prevalent in all areas, but I have seen it in some places, you know, that have this.

Thank you.

MR. GREEN: Mr. Chair.

CHAIRMAN QUINN: Uh-huh.

MR. GREEN: Speaking of Agiapuk River over there, I grew up seining in that river and at the turn of the century that river was mined on and it was full of mud and full of yucky things that mining did to nature, but Nome wasn't the only thing. The whole Seward Peninsula was choked with mud. Every tributary

on the Seward Peninsula at the time was puking mud. So we all experienced that.

What's going on here in Nome has never been dealt with. I've listened to Charlie Lane talk about how pristine our river systems are and it's great habitat. Okay, well, what's the problem. So, I understand, Elmer, where you're coming from, but understand where I'm coming from. People were living here 350 years ago on the Snake River right there, you know, and they weren't miners and this was a salmon culture here and we have every right to be asking for that to come back to us and ask for the help. And not to be pointing the fingers at anybody, but to try and get something resolved here.

So that's why I'm bringing it to the table as a Nome subdistrict. The Nome subdistrict is the red flag of the whole salmon culture in the state. It's the worst. We've already gone through Tier II. I can't say anymore. It's a problem here and we need to find a way to resolve it. So I was looking at different avenues and finding out how we could acquire money and I don't know if we need any more studies. I think we just need to put some fish in the water.

Thank you.

CHAIRMAN QUINN: Okay. Well, I'm still waiting for a motion.

MR. SMITH: Mr. Chairman. I'm going to make a motion. My name is Tim Smith and I'm going to move to support three of the six projects. I think those have some potential to provide information useful for management. I don't really see that in the three and it's a lot of money. I really support what Louie said. We need to spend what money we have focused very carefully on things that are going to provide a direct benefit and have direct application. Congress is telling us there's going to be a lot less money in the future. So I'm getting into discussion. Okay, I'll stop here. I move to support the first three and not the last three.

MR. GREEN: What page was the list on?

CHAIRMAN QUINN: 127.

MS. HYER: Mr. Chairman. Just for the

record I'd like to read those numbers, so it's 12-100, 12-103 and 12-104?

MR. SMITH: Correct.

CHAIRMAN QUINN: Okay. We have a motion on the floor. Is there a second.

MR. KEYES: I second it.

CHAIRMAN QUINN: Seconded by Tony. Do we need any more discussion.

MR. GRAY: Let's discuss the other three a little bit. I'm a little curious of what their merits are. Before they get thrown out, I'd like to understand why we're throwing them out.

CHAIRMAN QUINN: Those are the higher dollar ones.

MR. KEYES: The most expensive.

CHAIRMAN QUINN: Elmer.

MR. SEETOT: Some of the proposals you have, that is going to North Slope also. Pretty much most of the agenda items that we went through other than local wildlife proposals pretty much that's made it to the regional RACs. What we're reviewing, they're pretty much going to look at it too in a different format or pretty much a similar format?

MS. H. ARMSTRONG: Yes. Mr. Chair. The North Slope Council will review the same thing you just did and so will the Northwest Arctic. The first proposal, 153, is the Northwest Arctic proposal and that one is a four-year project that would fill the gaps in data on salmon and non-salmon species, would do annual harvest assessments because they're not conducted in the Kotzebue area, and obtain data on the harvest as well as some contextual information on fisheries for Kivalina, Noatak, Noorvik, Selawik, Kiana, Ambler, Shungnak and Kobuk.

This would also help understand how increased mining and development in the region as well as climate change, related changes will affect trends in subsistence harvest, uses and distribution of resources. They'll be doing harvest surveys and then

key respondent interviews, going and talking to people, and doing some observations.

That one is being done -- probably a lot of you know Jim Magdanz. He's one of the co-PI's on that. It's being done by ADF&G Subsistence Division.

The North Slope Emerging Salmon Fishery Traditional Ecological Knowledge, that one is also being done by the Subsistence Division and it's a four-year project that would document the ethnographic data regarding salmon and non-salmon fisheries in Point Lay and Wainwright.

What's happening on the North Slope because of climate change there's a lot more fishing of salmon and they're trying to document what's happening now, getting some baseline information so that as things change with the climate they have some information about what's happening. Trends in abundance of the fisheries in both salmon/non-salmon.

This is a lot of stuff that we know about for a lot of communities in the state, but we don't know farther north because it hasn't been an issue.

Then 155 was the North Slope Climate Change and Subsistence Use of Whitefish. This one we've asked for it to be narrowed and probably will be either Barrow, Nuiqsut or Kaktovik because Wainwright already has some research going on. They'll be looking at traditional ecological knowledge of subsistence uses of whitefish. This is something we just don't have any information on. Harvest locations, changes in harvest timing, and changes in preservation methods. We've been hearing a lot from the Councils about how they're having to preserve fish differently because of climate change and then looking back over 20 years on how things have been changing.

MR. GREEN: Mr. Chair.

CHAIRMAN QUINN: Go ahead.

MR. GREEN: I guess basically these are like baseline studies before anything else changes?

MS. H. ARMSTRONG: That's correct.

MR. GRAY: You guys have done a lot of baseline studies in the past. Is that something that's an asset to you guys or is it just something that's sitting on the shelf that's collecting dust? Again, if we have a project that's going to put food on the table and we have a project that's going to collect dust, I'm not too interested in that dusty old project. But if collecting this information is going to be a tool that you're using day to day, then I would say let's talk about it a little more. If it's not something that you're using all the time, trash it.

Granted, I realize that we're just one of a bunch of people that are going to vote on this issue and it's going to go to a higher place that actually deals with it, but this is why I'm a little bit interested in the process of how something gets your blessing and trying to figure out a way to get some money into this region that will help our salmon problem. As long as we've got things that are collecting dust and aren't really being used, they're just being warehoused, we have no hope.

MR. GREEN: Mr. Chair.

CHAIRMAN QUINN: Go ahead.

MR. GREEN: I did answer your question that this is baseline. I spoke to a biologist that worked here named Len Schwartz and they had opened a commercial fishery in front of Nome. You alluded to that a little bit, Elmer. A good point. I spoke to him for a while at Board of Fish meetings several years ago and I asked him, I said did you do a baseline study on what the runs were in Nome before you had a commercial fishery open. Nope, we just opened it. We were directed to.

So I see a merit in some of this, Tommy. I'm not trying to say that it might not gather dust or it might gather dust. I just know if they had done something back then before they opened the flood gates here and let things happen, we might have a little bit more knowledge and ability to fight off the people that want to take our salmon in other places in the ocean around us here. So I kind of think there's some merit to these. Just conversation there, get people to think.

CHAIRMAN QUINN: Pat.

MS. PETRIVELLI: Hello. I'm on the TRC Committee and I'm the social scientist on there. Pat Petrivelli. I have mixed feelings. I mean I understand your concern about the expense of social sciences and then just the concern about letting them sit on the shelves. I wanted to just echo Mr. Green's statement that it would have been nice if these studies had been done before.

The other question is who else is collecting this information and you would have to say nobody is. They're not doing it on a regular systematic basis. So this is the one place people can look for funding to get it done on a regular systematic basis. Now are they the most efficient proposals and the most useful. That's why we put in some modifications to make sure the local communities are participating because if the local communities want to make sure that information is collected and then they participate and do it in a valuable manner, then it's up to the local communities to take that information that's documented and use it to fight for whatever they want to protect. If it's not documented, then they don't have the data available to protect the uses that are being described.

If nobody wants to pick it up and use it -- I've participated in a few studies and that's what I tell the people. When they ask me, you know, what's going to be done with this data and I'll say, well, we're going to have it in a report. Can I guarantee the regulators will make the right decisions based upon this information? All I can guarantee is that we do it, we describe it as accurate as possible and if you want to use this information and hopefully it will be as accurate as possible, you can use it to take to the decision-makers and say this study describes our uses and these use levels are accurate and please protect them.

So that's usually what I tell the people, but it's up to you to make your decision about it.

MR. SMITH: Mr. Chairman.

CHAIRMAN QUINN: Tim.

MR. SMITH: I think we're maybe comparing apples and oranges here, Louie. I mean

you're talking about what should have been done here and I agree with you. What should have been done here before we launched into commercial fishing was a resource assessment, determining how many fish are out there. But that's not what these projects are about. They're social science studies. Had we done one of these types of studies here before opening the commercial fisheries in the late '70s, it wouldn't have made any difference at all.

CHAIRMAN QUINN: We still have a motion on the floor that we're discussing. Somebody can call a question if we're ready for that.

MR. GRAY: I have a question. Let's say these other three if they never made it through the loops, you would take that money and throw it back in the pot, probably bump up some other project or what would happen with that funding? I mean it sounds to me like this funding -- if new funding that we're talking about is 2014, this funding started back in whatever, 2008 or something. So those proposals that were gone after back then, what would happen to this extra funding?

MS. H. ARMSTRONG: On Page 125 it says, as has been done in past years, any unallocated Monitoring Program funds from the current year will be used to increase the amount of funding available for subsequent years. However, we are quite concerned that Federal -- it's no secret. The Federal government is in big trouble. A lot of us even wonder what's going to happen with the Fisheries Resource Monitoring Program in future years. I think it will be here, but I don't know.

MR. GRAY: Let me ask something in a different way. Let's say if you're going to come into Nome, Alaska and you're going to work on the runs here in Nome, Alaska and do something about salmon, is it going to require an assessment or some tool that you were talking about throwing out, is that going to be needed to get funding for this region here?

MS. H. ARMSTRONG: I'm not sure I understood the question. Did you?

MS. HYER: No, I'm not sure I understood either. Are you saying we need some sort of baseline and then do.....

MR. GRAY: Would we have to jump through the same hoops and go through an evaluation process just like this here to get funding to address the salmon runs in this region?

MS. HYER: If you were seeking funding through the Fisheries Resource Monitoring Program, yes, then you'd have to submit a proposal.

MR. GRAY: So we would be cutting our own throats by cutting this out of here if we want to get funding in the future for monies for salmon runs here.

(Laughter)

MS. HYER: No. I think each proposal is evaluated independently. There is the issue of how much money we have to give out, but for the most part each proposal is looked at on its own merit, so I don't know that funding this or not funding it would make a future proposal more competitive.

REPORTER: Are we on break or what?

(Laughter)

MR. GREEN: I was just going to say let's go on a 15-minute break.

(Laughter)

CHAIRMAN QUINN: Okay, you got it, 15-minute break.

(Off record)

(On record)

CHAIRMAN QUINN: I'm waiting for someone to call the question on the motion, that's it.

MR. GRAY: I'm curious what the motion was.

CHAIRMAN QUINN: The first three studies.

MR. GRAY: What does it do with the last three? Is it ignoring the last three? Do we have

opportunity to deal with the last three again or where are we at?

MR. SMITH: Mr. Chairman. You could make another motion, but we should vote on this one and then we can do whatever we want with the others.

MR. GRAY: Question.

CHAIRMAN QUINN: The question has been called on the motion to support studies 100, 103 and 104. All in favor of the motion say aye.

IN UNISON: Aye.

CHAIRMAN QUINN: Any opposed.

(No opposing votes)

CHAIRMAN QUINN: Motion carries. We discussed this thing to death, but if somebody's got another motion.....

MR. GRAY: I'll make a motion to support the other three.

MR. GREEN: I'll second.

CHAIRMAN QUINN: Okay, second. Any discussion.

MR. GRAY: The only discussion I would like to throw out is this money is already obligated, it's going to go to projects that are not our projects and down the road we're going to need people supporting us, so if we don't support them now, it's going to bite us in the end. We're not going to get a piece of this pie right now anyway. No matter what happens we're not going to get any of it.

I understand all the arguments, but the bottom line is -- you know, I think our focus needs to be on 2014 and how can we get a piece of that pie.

CHAIRMAN QUINN: Okay.

MR. SMITH: I don't mean to be argumentative, Tom, but another way that we get bitten in the ass is -- the good example was the Norton Sound Salmon Research and Restoration Program. I don't know

if you recall $5.4 million spent on Seward Peninsula salmon between 2000 and 2007, I believe. $5.4 million. We didn't spend it very wisely. A lot of the projects that it was spent on -- I'm sure no one has ever even read the reports. Certainly nobody is using the reports for anything. Now when we go -- there's another huge pool of money, the AYK Sustainable Salmon Initiative. Now when we go to them, John White is the chairman of the board, he says, look, you had $5.4 million, you're not getting any of this AYK SSI money and we're not getting much. Hardly any of it is being spent in Norton Sound. So that's another way to get bit in the ass is if you don't do good projects, if you don't do useful projects that can be applied.

MR. GREEN: Call the question.

CHAIRMAN QUINN: The question has been called. All those in favor of the motion to support studies 153, 154 and 155 say aye.

IN UNISON: Aye.

CHAIRMAN QUINN: Any opposed.

MR. SMITH: Nay.

CHAIRMAN QUINN: Motion carries. What's up for fisheries issues?

MS. HYER: Would you like me to get Don Rivard on the line for the bycatch? Are you ready for that?

CHAIRMAN QUINN: I don't know. Are we? Tim, you wanted to bring something up on bycatch.

MR. SMITH: I was going to talk about what happened at the North Pacific Fishery Management Council meeting here in June and what's going to happen here in the future as best I understand it.

MS. H. ARMSTRONG: If we could get Don Rivard on the line because he's been the person following this from our office. I think he has to call in.

MS. HYER: Right.

MR. KENT: If you wanted, we could skip

to the briefing on tribal consultation.

CHAIRMAN QUINN: Do you need to do anything, Scott? Does anybody have any questions for ADF&G while he's here?

MR. KENT: I can come up if you like so I can address any fisheries related questions.

CHAIRMAN QUINN: Okay. Come up and sit down. If nobody asks you questions, you can go.

MR. KENT: My name is Scott Kent. I'm the assistant area management biologist for Norton Sound, Port Clarence and Kotzebue for the Department of Fish and Game.

CHAIRMAN QUINN: What's open for subsistence fishing right now, Scott?

MR. KENT: Mr. Chair. The emergency order that closed the Nome subdistrict to subsistence salmon fishing for coho salmon expired on September 15th. Right now subsistence fishing is open seven days a week in the ocean and seven days a week in the fresh water areas of the Nome subdistrict in the subsistence zones located on the back of the subsistence permits. The thinking is to protect cohos that have already reached the spawning grounds or in close proximity to the spawning grounds.

CHAIRMAN QUINN: Any late fisheries in Salmon Lake for reds?

MR. KENT: Let's see. I'm not sure if Jim extended the Salmon Lake closure. Usually by regulation it's closed until August 31st and then usually that expires and you can go get some spawned out reds. This year, to be honest, I don't really know. I'd have to check. It's normally a moot issue. There's only a few people that usually do it every year.

CHAIRMAN QUINN: That's all legal dog food stuff, right? Subsistence caught fish.

MR. KENT: Yes.

CHAIRMAN QUINN: The guys can use it for teams or whatever.

MR. KENT: Yes.

CHAIRMAN QUINN: Isn't that who used to do it, a couple of dog mushers or something go out and grab a bunch, throw them in the freezer?

MR. KENT: No, there's actually some people that like to dry them. Another dish that's done, not so much here but in the Yup'ik areas is cyathaluk. They fillet it and cut it up in little cubes like surimi, like pollock, and you dip it in wasabi or whatever. It looks like imitation crab meat. I've actually had it and it's pretty good. That's another thing people do sometimes.

MR. GRAY: I have a question. Silver salmon in this region, your counting towers, how many silvers in your estimate escaped on the rivers?

MR. KENT: Mr. Gray, I'll start out with your river. Of course, I'm sure that's the one you want.

CHAIRMAN QUINN: Hey, wait, that's just as much my river as it is his.

(Laughter)

MR. KENT: We'll start out with the Niukluk River. It was a below average silver salmon run as you know. I would estimate that between 2,500 and 3,000 cohos escaped at the Niukluk. The reason I express that as a range is because, as you know, high water plagued a lot of the counting projects this summer throughout the region. This year, for the first time, as far as I can remember, that back channel below the tower up above from the -- or below the confluence had a lot of water in it throughout the summer consistently. The point being is some of those coho navigated around the tower and probably escaped without being counted, a small proportion.

My aerial surveys flown in September support that. I actually waved at you. You were at camp.

(Laughter)

MR. KENT: But the survey supported that. I didn't have a lot of silvers in that channel,

but there's no doubt they went through there. I had a lot of chum spawning in the channel when I flew my July surveys, upwards of 1,500 in the back channel alone.

MR. GRAY: There's a fall run of chums in there. What I'm after is I'm curious what your take on Norton Sound's silver run this year was as far as fish in the Norton Sound.

MR. KENT: Yeah. Mr. Gray, it was below the recent five year or let's say eight year average. Up until a couple years ago we had a tremendous upswing in coho salmon production throughout the region. This year's run overall in Norton Sound was much more typical of what occurred throughout the '80s and '90s.

Now, granted, in some areas it was depressed, like the Nome subdistrict and Golovin subdistrict, but in other areas it was quite a bit better. For example, in Elim we were at the upper end of the escape goal range in Elim, whereas on the Niukluk we were at the lower end of the goal. So even though those fish went around the tower, we still made the escapement, the lower end of the escapement goal range.

MR. GRAY: We're going in circles here. Is there a number that we can put our finger on on what escaped in the rivers?

MR. KENT: Throughout Norton Sound?

MR. GRAY: Yes.

MR. KENT: I need some chicken scratch here to add that up.

MR. GRAY: We've got all the chicken scratch you need.

MR. KENT: I would say around 100,000. That includes Unalakleet and Shaktoolik.

MR. GRAY: And I'm after something because I was very frustrated that we had commercial fishing open in Golovin Bay and in listening to the radio we've got a resource, 100,000 fish when in rivers, according to your numbers, and there was 50-some thousand taken by the commercial fleet so to speak

and that was on the radio. You guys had to put this together. To me, it would seem like if you're going to take a third of the fish out every year, you're going to have no fish in the end. I'm not a biologist, but just simple math I would imagine pretty soon we're going to have no fish everywhere.

The other issue that I would like to throw on the table is Tim has talked about intercept fisheries and all of a sudden my river has no fish, I'm sitting there thinking I wonder if there's an intercept fishery of Shaktoolik and Elim and Unalakleet going on on my fishery and maybe it's better that we open commercial fishing later. Let some of those fish get by so my fish can get to where -- they're in Golovin Bay milling around, before you open up fishing in other areas just to let those fish go by.

If you look at fish going up the river and you've flown lots, I'm sure you understand they follow the edge of the land going up on both sides of the river and I'm sure they do that out in the ocean. I'm not positive, I don't know, but I would guess that there's a big intercept fishery.

So if Nome is kind of at the end of the food chain and maybe that's part of the problem we don't have a fishery is the Japanese set up in Golovin Bay for years and just smacked all the salmon runs that came into that area.

Anyway, the commercial fishing, you know, I'm a commercial guy myself. I'm a commercial operator, but I protect the resource. Commercial fishing kind of slammed that resource. If you're taking a third of that resource out of the system every year, what is that doing to the baseline of that resource. I don't think it's good for it.

MR. GREEN: Are you going to answer?

MR. KENT: I can. I'll try. Mr. Chair and Mr. Gray. The answer to that, whether you're taking a third or not -- cropping a third off the run is going to have some long-term impact on the runs, the answer is it depends. It depends on the rearing conditions especially for coho salmon.

During the second year freshwater growth they become mainly persiverous. That is they

feed on other fish, salmon fry mostly. When there's a preponderance of pink salmon and chum salmon fry going out to sea in the springtime and we've had a good seeding of cohos two years prior. They tend to go to seed at a larger size and greater numbers and when that happens, they typically have good survival at sea and they come back in stronger numbers. The fish that went out that came back this year went out to sea last spring.

What we saw in Norton Sound last year, of course those would have been fish from the 2009 year, which was a pretty low year for pinks and actually for chums as well. So there wasn't a lot of food in the system when those fish went to sea last year. We think that had a lot to do with some of the lower returns.

A good example of that is there's been years on the Niukluk where we've had escapements upwards of 11-12,000 and those runs 50 percent didn't even come back. The runs didn't even replace themselves. They seem to be coincidental with those fish going out to sea when there's not a lot of other fry in the system and I think that's what's happened this year.

Now next year because of that fact we think we're going to have a better silver run because those fish went out to sea this spring and, of course, we had a decent -- we had an even year pink run last year and there should be more food in the system for those guys. This year was all about the chum and kings and sockeye were in the dumps and coho was mediocre except for some places in northern Norton Sound.

CHAIRMAN QUINN: Wait guys. Karen, is somebody on the thing waiting?

MR. HYER: I think Don Rivard is on now, right?

CHAIRMAN QUINN: All right. Just to be polite I want to move to him and let him do his thing so he's not sitting waiting.

REPORTER: Don are you on the phone?

MR. RIVARD: Good afternoon. Can everybody hear me?

REPORTER: Yes.

MR. RIVARD: My name is Don Rivard and I'm with the U.S. Fish and Wildlife Service Office of Subsistence Management and I'm a fishery biologist. It's my understanding you'd like me to speak or discuss a little bit about chum salmon bycatch, is that correct?

MR. SMITH: Yes.

CHAIRMAN QUINN: Yeah, go ahead.

MR. RIVARD: Okay. You've got a briefing in your book. I believe it starts on Page 159.

MS. HYER: 151.

MR. RIVARD: 151. Okay. I have a little different version, I guess. As you can see, the North Pacific Fisheries Management Council, as some of you are aware, they met the last time in June in Nome and some of you were there. I know I saw Tim Smith there. They had a lot of people testify about the amount of salmon bycatch and what it ought to be maybe as a cap. They didn't take any action in Nome in June and they're going through some more review. The council asked that staff do some more analysis and provide some more information, so they're going through some more analysis.

They've decided to wait till about a year from now before they're going to actually make some decision on that due to the other things they have to deal with in their schedule between now and then. I'll take any questions if anybody has any.

MR. SMITH: I have a question, Don. What's your best guess of when they'll be choosing a preliminary alternative. This is Tim Smith.

MR. RIVARD: Well, I would guess the preliminary one may be sometime about this time next year during their October meeting and then it's likely then that they would make a -- that's the preliminary one and then they would actually probably have a final action I would guess probably in December of 2012.

MR. SMITH: Just to follow up, what

would be the best thing that the RAC could do to achieve a as low as possible chum salmon bycatch cap?

MR. RIVARD: Well, this Council could again send another letter in. It wouldn't be right away. They'll be probably asking for more public comment around a year from now. So I would say just kind of stay up on the issue and then the timing would be about a year from now and maybe when you submit another letter.

In your book you'll also see that the Federal Subsistence Board provided a letter with their recommendation. I don't think that will change between now and then, although it could. But they've already provided a recommendation to the North Pacific Fisheries Management Council.

CHAIRMAN QUINN: Anyone else.

(No comments)

CHAIRMAN QUINN: Okay. Well thanks, Don.

MR. RIVARD: Thank you, Mr. Chair.

CHAIRMAN QUINN: Scott, you're back in the hot seat.

MR. GRAY: Before you get off on my question, I'm a little curious about your take on this intercept fishery that I'm talking about and your thoughts on it.

MR. KENT: That was the other part of your question I didn't address. I apologize, Mr. Gray. My best stab at that would be that a lot of these stocks in Norton Sound and Port Clarence they most likely overlap in oceanic distribution as we all thought. However, the last study that was done to kind of get at who's catching whose fish within the region was done in the late 1970s by Gaudet and Schaefer. It was done for two years and they did set gillnetting out here in the ocean in front of Nome, in front of Shaktoolik and Unalakleet.

The assumptions or the conclusions they drew from salmon migration and where they're going and that were based on not a lot of tag recoveries. It was

just visual tags. You had to go up on the spawning grounds and try to find these tags. What they came up with was that there's this mean group of fish of all these stocks commingling together that come into the center of Norton Sound and then in Cape Nome they start to break off. There's some Kotzebue fish in there as well.

So fish headed to the Nome subdistrict and in Golovin and Elim and Norton Bay, fish in those nearshore waters are thought to be largely comprised of stocks of those rivers of origin in those areas, whereas Shaktoolik and Unalakleet were definitely mixed stock fisheries. There's a mixing area there between those two areas and there's also some Yukon fish that probably get intercepted there.

My point is that study is over 30 years old. One of the things we've thought about is we're going to start building a proposal, a research proposal, to revisit that using modern acoustic tagging technologies that get at that question a little bit better to see if, one, the migration patterns have changed or if the original ones are valid and to what extent each area constitutes a mixed stock fishery. That has implications for harvest apportionment and has also implications for setting escapement goals in all these areas to get at kind of what you're getting at.

Okay, is this a biologically sensitive time where all these -- say your fish are coming up the coast instead of coming out from the center of the Sound. Could you delay the onset of a fishery in Shaktoolik or Elim or Norton Bay or wherever to allow more of those fish through. I don't know. But that's kind of where you start. You start with a good research question and that's the plan. Next year when AYK SSI or SSF call comes out in September, the plan is to go after some of those monies to do that, to revisit that study.

So I don't know right now, but to some extent yes. Everybody is probably catching everybody's fish. If we waited, we'd never have fisheries. They're all mixed stock fisheries to some extent.

MR. GRAY: I've been screaming about my silvers for years and it's good to hear that you guys are going to put a proposal together to go forward looking at this fishery. The first thing I'm thinking

of is how are you going to identify these fish. I know there was an ear watermark thing or something you guys were looking at. Somebody was looking. Kawerak did or something.

You know, I guess it would be good to see some projects come to this region. I don't care if they're graduate students or whatever, but if you guys put your stamp of approval on it as valid information in the end, that's what this region needs, is the fisheries all working together trying to better the fishery.

Here I am 20 years later still screaming I need more fish and I'm still talking to the same wall I've been talking to 20 years ago. Hopefully things are changing and it sounds like maybe that's happening.

MR. KENT: Yeah. It's actually really easy to tell where the fish are coming from now. They've got these -- it's basically, the way I understand it, is like a fiberoptic cable or tracking station that you lay across -- you can even go to all these other tributaries and places where it wouldn't be cost-effective to try to conduct via foot surveys. You lay one of these arrays down and then when a fish swims by it it registers. So it's actually now -- that's what I'm saying. It would be really insightful I think to revisit that study and kind of re-deploy that design.

MR. SMITH: Mr. Chairman.

CHAIRMAN QUINN: Tim, go ahead.

MR. SMITH: Getting back to your point, Tom, I mean a lot of this goes to research priorities. We've spent a lot of money here. Like you said, we spent $5.4 million for the Norton Sound Salmon Research and Restoration Program. NSEDC, between 2000 and 2011 spent $22 million on salmon restoration enhancement and fisheries development. We spent a lot of money, but we all believe that interception is a big problem.

The only thing we've got for Norton Sound salmon interception is this poorly done study from the late '70s of Gaudet and Schaefer, that's it. A lot of the determinations were based on which side of the net they thought the fish entered and that

determined the direction of travel.

The only thing we've got for False Pass, their Area M, is another very poorly done study by Eggers in 1987. All that time has passed, all that money has been spent. We didn't address those questions. We really know nothing about interception. Even if we knew something in 1987 or 1976, whenever Schaefer's study was done, it doesn't apply today, just like Scott says. We're not directing our research funds where they really can do the most good and we need to change that.

MR. GREEN: Mr. Chair.

CHAIRMAN QUINN: Go ahead.

MR. GREEN: I was kind of delighted in hearing what you had to say about the pinks and the chums and how they were basically fish food for coho. I've been pounding the table on how important chum salmon are to these rivers. Since we've had the depletion of chum, everything else has dropped out of the bottom, including the pinks, which were just in the millions here just a few years ago. What happened to them?

Anyway, pounding the table a little bit harder saying, you know, we need to be developing an incubation facility here that puts pinks and chums back in the rivers. Marine driven nutrients are a big deal too. You get these fish out there and they grow up and they come back and they take care of business in the river naturally. We're losing out on that.

One of the questions I had is on these openings. You know, Tommy is talking about commercial openings. I don't care what kind of openings. It's basically the same thing. If you're opening a fishery up, whether it's subsistence or commercial, before the escapement goals have even been met in the river systems, how does Fish and Game justify doing that ahead of time? I'm really having a hard time with that.

MR. KENT: Mr. Chair. Mr. Green. The answer is if we waited before we actually reached escapement goals before prosecuting a commercial or subsistence or even a sport fishery, nobody would be fishing or, if so, the opportunity would be greatly

diminished.

What we do is we have a prescriptive recipe for management, which is called the escapement goal policy. Basically I have a range. I want to have my escapements fall within this range of escapements that has been shown to provide sustained yields over a 5, 10, 15, 20 year period, the more data the better.

If my database, my historical data shows me the run timing, the average run timing, it shows me years with similar climatic patterns, I look at all that information collectively and I decide, okay, what is my run doing. Is it a late run, is it an early run, what's my water levels. I look at everything. Based on all that information I make a projection of where I think the escapement is going to fall. I also take into account how much harvest is going to occur in the commercial fishery or subsistence fishery.

Once my projection -- like in the case of Golovin, my projections were in the mid range, mid point of the escapement goal range at the time I had the two openings. When the CPUE dropped off during the second period, I shut it down because my projection fell, that I was going to not meet my escapement if I did not take any action. So I took action and we made escapement.

It's better than what we had before where we had no escapement goal, we had no number or range of numbers where we thought, okay, this is a healthy level of seeding for this system. This is going to give us yields in most years.

That number, I want to make a point, is actually pretty precautionary. If we fall 100 short of it, yeah, we didn't make our goal, but it's not -- we're still trying to achieve that goal and typically the levels of escapement where you start running into depensatory issues where it's hard for another salmon to find a mate and get his genes in the next generation. Normally that level is a lot lower than what we set for an escapement goal. It is lower no matter what. So the approach is precautionary and even then we're still conservative. That's why we normally achieve the goals.

As time goes on, as more and more data

is fed into the model, that level of precision in terms of developing the goals gets better and better and there's more environmental variability incorporated into the model.

MR. GREEN: I had a conversation with Gene Sandone a few years ago and I questioned his judgment on dropping the BEGs, biological escapement goals, in our rivers here and he said we did that to create fishing and I said the more fish in the river that spawn in the river, four years later we get more fishing. He says, well, we dropped them and you got to fish, didn't you. And I said, well, Fish and Game is allowing us to kill our own runs off. It doesn't make sense.

When you're not allowing the resource to get back into the river system early on, I understand the opportunity is not there for the subsistence or the commercial fisheries. I think commercial really drives a lot of it. I think that public pressure is part of it. It puts Fish and Game in the position where they have to provide the opportunity. It's a legal right of the people of the state of Alaska.

Are you managing these fish stocks on maximum sustained yield.....

MR. KENT: (Shakes head negatively)

MR. GREEN: .....or is it not the question to ask?

MR. KENT: No, that's a good question, Mr. Green. Most of our runs in most years because in a lot of places we don't have well developed commercial fisheries. In some areas we have what we call a resurgent commercial fishery. Like Elim now is on the upswing. We know we've got a coho fishery there now. We've got a coho fishery in Golovin now. Most of these areas are like historically exploitation has been pretty low. Most areas, with the exception of Nome and with chinook salmon in Unalakleet.

So we can't manage for maximum sustained yield because we would never be able to -- we'd be backing ourselves into a management concern because we'd never be able to take this harvest surplus in most years. According to the escapement goal

policy, your escapements need to be in that range or above that threshold. If you chronically don't make it in that range, you're putting more fish on the spawning grounds than the system can handle. There comes a point when a fish is worth more in the seafood plant or on somebody's table than it is on the spawning grounds.

MR. GREEN: Sort of like silver in the bank.

(Laughter)

MR. KENT: Yes. There comes that point and in many years we exceed that level and you run into density dependant factors. There's not enough available spawning habitat or there's pinks superimposing over chums. So there's a lot of stuff going on there. Normally in most years we can't take the surplus.

MR. GREEN: I think that certainly we're doing some detrimental damage to the river systems by not getting enough fish in there to kick it around. Charlie and I talked about that a while back here. I said isn't that creating a problem on the spawning beds when you don't have enough fish in there to take agitate anything and they said, yeah, that's called concretion. I said, oh, okay, stands to reason. The less fish you've got running up the river, the less chance you have of a healthy river bottom for a spawning bed.

So my question is, is it prudent or whatever you want to call it management to allow a fishery to take place when you're still having problems with the river systems, not enough escapement?

I have a hard time swallowing this carrying capacity theory that has been around for a long time. We don't even know what it is. I don't think it's ever been matched from times past in the last 30 years. We're talking about great runs around here in the Norton Sound in the last 30 years of bad runs, so I don't understand some of that that comes out.

Anyway, the carrying capacity of a river system I heard you start to say that couldn't hold up.

MR. KENT: Mr. Green. In some years, yes. The answer to carrying capacity is, most likely because of environmental variability carrying capacity changes interannually and within systems. You know, that's kind of why the escapement goal policy -- you know, usually escapement goals are set as ranges for that reason because there's some uncertainty in there that we can't full capture. It's impossible.

The great runs that everybody talks about with chum salmon in Norton Sound, from 1981 to 1988 chum salmon abundance in western Alaska was phenomenal throughout, in this area as well. This commercial fishery out here, this was a mixed stock fishery too. There was a lot of Kotzebue fish tagged in that project that were -- fish that ended up in Kotzebue were caught out here in this marine fishery.

CHAIRMAN QUINN: We should be getting those fish now. What's the point in letting them go to Kotzebue?

MR. KENT: There you go. Yes. This summer was more weather dependant. We had a good run of chum salmon. All escapement goals were achieved in the mid to upper portion of the ranges. There were two marine fishing periods that were extended to seven days a week to provide more opportunity because of weather. As you know, the weather was just atrocious this year for both getting out in the ocean to set a net and drying your fish. That was a huge factor this summer. We'll see what the harvest shows.

Last year what the harvest data showed is people still targeted more pinks even though chum were in incredible abundance last year. This year I know there was people telling me they were going to go and put more effort into getting chum, but then I also heard reports of spoilage and stuff like that.

I guess my answer is carrying capacity changes through time and that's why that escapement goal is evaluated every three years. Put more data in the system, we look at it again and see how the runs performed. It's not perfect, but it's a lot better than what we used to have, which was nothing or a manager's hunch.

MR. GREEN: Reflecting on your Kotzebue fish going by here is interesting because back in the

'70s there was talk of a hatchery coming to Nome and then the political gang from the Kotzebue area got a hold of that and they ended up saying, well, you're intercepting our chums out here, so let's just put it at the far end of the range. So they took that hatchery and they put it up on the Noatak and they ran it for 14 years. It seems to have been a success because I can sit there and look at the last two years of chum catches in Kotzebue and chum catches in the southern Norton Sound around Unalakleet and Shaktoolik. Twice the fishermen are catching half the fish down here as opposing to up there.

Somebody made a comment in a meeting saying why is Kotzebue getting so many fish, how come they're doing so well. Somebody spoke up and nobody in this room did that. Somebody other than who was in this room said they had a hatchery for 14 years.

MR. GRAY: You said you met your carrying capacities. I guess my comment would be in the old days when carrying capacities guidelines were set at more realistic numbers you would have never made your carrying capacity numbers. My river is a good example. To me it's a slap in the face as a subsistence user that you're going to be content with two or three thousand fish coming in the river that the rest of us got to divide up and eat.

As a subsistence user -- if you take a typical subsistence user, he's going to go out and seine the last fish that comes in that river. He's just like a commercial fisherman out there. He's going to reap that resource and there will be no resource. So opening and closing and who's using that resource is pretty critical how it's managed.

These management goals or carrying capacities -- you know, my river is 20-some hundred fish and the top is 70-some hundred fish. You know, I've seen the days of 80,000 chums coming in my river. I would love to see 80,000 silvers come into my river. I believe that it can happen. You may not believe that. Irregardless, we can argue about it.

The point being we've got Native people using a resource and our resource management numbers are at the bottom. They're down as low as they can go and we're meeting our goals. Oh, by gosh, we met our goals this year. We pat ourselves on the back over it

and yet those goals -- there was no fish in that doggone river this year, yet you met your goals so we can go home happy. I just have a hard time looking at a resource and people happy with a resource when there is a resource that's in critical condition and nothing is being done about it.

Let's take Pilgrim River for example. I'm not even thinking about reds. One of the fish, I think it's kings in that river, there was no kings. You didn't meet your needs in that situation I don't think. If you did, it's a farce because it seemed to me you had like 40-some kings go by that tower.

MR. SMITH: 44.

MR. GRAY: Yeah. So here again we've got a resource that's trashed. What are we doing about it? It's an important resource for this region.

MR. KENT: I agree to disagree on what the status of the coho resource on the Niukluk. Two years ago we had a record escapement there. Since we started measuring escapements. I'm not going to say that you may be alluding to a period of higher productivity in years past where you saw more silvers in your river. The point is we didn't have a measurement tool, a monitoring tool in place at that time, so we can't go back and compare based on your opinion or someone else's opinion. But that's all the more reason to continue monitoring that resource. If we do go through another upswing in productivity, we want to know why and we want to put that information in the model because that may increase the goal. We may find that the system can sustain a higher level of escapement.

As far as kings on the Pilgrim River, you know, there may be nothing we can do about it. We have very low harvest numbers there. It's almost non-existent in the Pilgrim River. Now there may be some taken in the Port Clarence subsistence fishery, there's a few. In 2003 and 4, you know, we had upwards of 900 fish go through the weir. We didn't get anything back from those runs. Zero.

CHAIRMAN QUINN: 900 kings?

MR. KENT: Yes. In those two years we had escapements in excess of -- one year we had 1,100,

one year we had 903, I believe. We didn't get anything back from those cohorts. We didn't get anything back.

CHAIRMAN QUINN: Is that because everybody caught them all?

MR. KENT: Well, that's not what the permit data reflects.

CHAIRMAN QUINN: Oh, there you go.

MR. KENT: In actuality, I don't think people would be targeting king salmon there. They're pretty ripe by the time they get up there, the majority of them. It's not a preferred food item, especially when you can catch a bright red salmon right next to it. One of the theories positive is that those king salmon milling around below the weir are continually caught as incidental to sockeye in the seine fishery. It's pretty hard to stop that without having a closed area to subsistence for seining or whatnot to protect those fish.

I guess as users you have to decide what environmental attributes you treasure more. Do you treasure your red salmon and the ability to go get them when there's a surplus of them like we think there might be again next year or do you let them go to save 50 king salmon. I don't know. The answer would be pretty clear for me.

We don't have an escapement goal there for king salmon and until we do we don't -- you know, we just don't have a concern.

CHAIRMAN QUINN: Let me interject something here as a Nome resident who relies on subsistence fishing for his winter's worth of alternative protein.

MR. GREEN: Omega-3.

CHAIRMAN QUINN: I'm a lazy subsistence fisherman, but I'm mobile. I'll go wherever the fish are the easiest within economic and time reason. So for a while I took advantage of the Pilgrim River. It was easy. Then it wasn't easy anymore. I found a spot here in town that was easy. As long as these guys open the Nome subdistrict, I've got my winter's fish easier than you could ever ask for.

But I continue to hear that the place to go to get silvers -- so my next easy spot was silver salmon here in Nome. I continue to hear how good the silver fishing is on the Niukluk River and I know that I'm not -- me and anyone else with a Nome subdistrict subsistence permit we're not able to seine, at least for silvers, in the Nome subdistrict. As soon as we hit that Niukluk River, we can get our seine nets out, right? You've got seining open in the Niukluk?

MR. KENT: Uh-huh. (Affirmative)

CHAIRMAN QUINN: So I can't speak to whether the runs are good now compared to other times, but just being a subsistence fisherman looking to get the job done for what I want, it sure looks like the Niukluk is fairly good. I've seen the results of it from other people that have gone and done it. I pointed this out last year and I'll do it again, Tom. You had your picture right in the paper with a whole bunch of kids holding silver salmon.

MR. GRAY: Kings.

CHAIRMAN QUINN: Those were all kings? That's right. Then I'm going to go get kings.

MR. KEYES: We're getting off subject here.

CHAIRMAN QUINN: Well, it sure seems like there's decent opportunity for the subsistence users in this region to use the various rivers. I'm not saying I don't want it to get better. Niukluk seems to be pretty good and I sure see a lot of people using that river.

MR. GRAY: And I'm going to say -- you know, I go back to the years that -- in the Niukluk River there's probably -- I think there's 56 silver holes. I'm a commercial fisherman. I take people fishing and there's 56 silver holes that I know of. When the silvers come in, there's probably 20 holes that we fish downriver. The old days we go down there and there would be 200 fish in each of the holes. You go down there now and you're lucky to see between 30 and 50 fish in each of these holes.

I talk about the old days and traditional knowledge is probably your best asset as

1 far as old time understanding of what that fishery was.
2 You know, it's like chum salmon. I remember the days
3 when there was 80,000 chums go by my place. I remember
4 1.2 million pinks go by my place. Those days have
5 probably come and gone. Maybe the silvers has come and
6 gone, but they're going to come back again.
7
8 The bottom line is we need to manage
9 for the resource. The bottom of the pole is the
10 subsistence user. He's the last guy to get out of the
11 system and let the resource go upriver. Time and time
12 again we've got commercial fishing happening in Golovin
13 Bay and I remember commercial fishing happening. They
14 shut it down, they shut subsistence down. Less than
15 1,000 fish went upriver. It just irks when commercial
16 fishing takes precedence over subsistence.
17
18 We can sit here and argue and we've
19 done this before, we've been there and talked about it.
20 So I'm going to shut up and bite my tongue from now on.
21
22 MR. KENT: Just real quick. I didn't
23 want to make it sound like there's no concern on
24 Pilgrim River kings, but there's some question whether
25 that's a bona fide king salmon run. Most of the years
26 where we have counts the numbers are below 100. We
27 only have a few of those outlier years. We have a lot
28 of other chinook runs around here. If we quit fishing
29 for other species based on the 40 kings that go up the
30 Nome River, the 10 that go up the Snake River, we'd
31 never be fishing. So I mean there's some question
32 whether that's a real run or if it's depressed due to
33 nothing we've done, it's just environmental. We have
34 no idea.
35
36 The other thing is if any of you are
37 unhappy with how we're managing it, there's a great
38 opportunity coming up to provide direction for
39 management and that's called the Board of Fish and
40 proposals will be due in April. So if you want to work
41 a proposal out through your local AC, I recommend that
42 you do that if you want to put some safeguards in there
43 or other things. That's it.
44
45 MR. GREEN: Mr. Chair.
46
47 CHAIRMAN QUINN: Louie.
48
49 MR. GREEN: You know, you're
50 questioning whether that was a run of king on the

Pilgrim. It was a run of king on the Pilgrim at one point in time. They're not there anymore. I asked a question here one day when I was looking at my permit this year for the Pilgrim River. I'm allowed two kings. Wow. I can't believe that's on there. There's no run there. So you're still allowing two salmon to be taken and they're not very good. So you're still allowing two salmon to be taken. To me that's not real good management of a run that you don't think is really a run. I have a problem when Fish and Game can take that stand.

I also have a problem in the past with the idea that the river over there next door, the Krusenstern River, was not a salmon run. It's a whitefish and a sucker run. That was the mentality of ADF&G. I seen king salmon, the big ones, up in the upper end of that river, you know, and I argued with Charlie over that. There is a run up there. There's something going on up there and it's happened a long time. I said it's a chum run and a pink run there.

So Fish and Game just decides to write off a run. I have a hard time with that because I grew up there and saw the run. I lived off of it. Enough said.

MR. SMITH: I think low salmon runs are self-perpetuating and I think that -- you know, I didn't agree with reducing the escapement goals, I think mostly for political reasons, and I think they're self-perpetuating. You discount the importance of bioengineering, the spawning fish improving the habitat and also the importance of marine-derived nutrients from all the salmon species. It's a complex of fish. I think what we've had with these low escapements is causing low escapements and perpetuating the problem.

I look at the Nome River now and escapement goals were met for chum salmon or for pink salmon and there's no fish in the river. That habitat is nowhere being used anywhere near to its capacity.

Then on to another issue. Another really important body for -- maybe the most important body for salmon management in this region is the Regional Planning Team. That group hasn't met since 2006. I can't get any kind of a forecast on when it will meet again and what's happening on that.

MR. KENT: Mr. Smith. The last part of your question, I'm not sure. I haven't heard anything on RPT in well over a year. As far as bioengineering and working the gravels by large escapements, there's probably some validity to that. I'm not arguing that. Big escapements aren't bad for salmon runs or stocks. They're bad for fisheries. That's the point I was trying to make. You're going to have more years where the fisheries close when you go through these big peaks and valleys by overescapement. It's not bad for the salmon. They've gone through this since antiquity, exceeding their carrying capacity and then coming back up. But it's bad for fisheries. You have a less stable fish, you have more years where it's closed or restricted.

A good example of that is Salmon Lake and Pilgrim River sockeye fishery is a prime example. The State says identify what you need for escapement, try to hit that. That's your first priority. Your second priority is provide reasonable opportunity for subsistence and then anything above and beyond that is for sport and commercial. That's how we're directed to manage and that's what statute says.

These other things about ecosystem management and long-term things, those are great ideas. I'm just saying that's not the State's mandate right now even though we sort of do that at some level.

MR. SMITH: Let me just follow up. What can we do to get the RPT meeting again?

MR. KENT: I'm not sure. Talk to the commissioner.

MR. SMITH: One last thing I just wanted to talk about is 1998, 1999 Louie and I were on a subsistence salmon working group. We were appointed by the Board of Fisheries. We spent a whole year meeting on what to do about low salmon runs and then low subsistence opportunities in the Nome area. What we were talking about was the need to go to Tier II with chum salmon and we didn't like it. None of us really liked the idea of Tier II, but the Board told us at that time that the law required it. If we couldn't meet the needs of subsistence users, we had to start choosing which subsistence users got to fish and we got it from 1999. We're still under Tier II.

MR. KENT: Not for long.

MR. SMITH: Maybe not. My question though is why aren't we there in the Unalakleet River? I mean the same laws still apply that applied in 1999. The situation is probably worse there than it was here for chums. I'm talking about king salmon. How come we're not at Tier II there and when are we going to go to Tier II?

MR. KENT: Mr. Smith. I would recommend not going to Tier II for the reasons that we shouldn't have gone to Tier II here in Nome. I think it's divisive, I think you can achieve the same objectives in terms of curtailing harvest to reach escapement just by closing the fishery down and then opening it back up to a Tier I fishery if escapements improve. I think we've locked ourselves into this construct where we have really good chum runs like we've had since 2005 or we have a few in the toilet.

I think the reality is in the Nome subdistrict -- I'll get to Unalakleet -- the Nome subdistrict we have a lot of small drainages contributing to an overall stock aggregate. Those drainages are highly susceptible to environmental fluctuations, freeze down, low water levels, etc, etc. Some of them there's also not a lot of beaver activity relative to the Unalakleet and the Fish River drainage, so there's not a lot of what I would call hydrological or thermal permanence for rearing salmon.

So when environment is good and conducive to rearing, we have good runs, but when it's not, sometimes they tend to go way down. We've locked ourselves in this Tier II thing. If we don't make escapement for four consecutive years or we don't restrict -- if we restrict subsistence to make that escapement in one out of those four years, the clock starts over again. I think it's an unrealistic -- it's boxed us in an unrealistic set of expectations.

So we fully intend this next Board cycle to make changes to the management plan. One, to get rid of that and maybe make a few other changes to provide more subsistence opportunity. We have all the tools we need to shut the fishery down if we need to to make escapement. We have the goals, we have the tools. This Tier II fishery, you know -- especially like last year we could have had a commercial fishery here in

Nome, but we couldn't because we were still in Tier II. So the plan is to get out of that.

Now in Unalakleet for that same reason when that king salmon run does turn around and we think it will, we're boxing ourselves in. So if we have a good run, we can't take advantage of it. We need to be adaptable and be able to do that. In Unalakleet, only until recently we had the management plan changed to make sure -- you know, curtail subsistence harvest to make escapement there.

Prior to 2007 you could fish in the ocean seven days a week and you could fish in the river five and a half days a week, so there were -- at any given time there were 18 to 20 nets in the lower Unalakleet River soaking, five and a half days a week, while the fish were milling, swimming around in circles after they got through the gauntlet out in the ocean. Before that we had a pretty good commercial chum fishery and a king fishery in the '70s, '80s and up until the mid, late '90s. These fish just got a breath. We haven't even been through one life cycle since we started taking action down there.

The early indications we saw this year at the Unalakleet River Weir, a project funded by OSM, which has been a great project, is that we've got a high proportion of age 4 chinook through the weir. Now that's bad for this year. We didn't get a lot of females up on the spawning grounds, but that bodes well for next year and the year after because those are offspring from the 2007 brood year. That was the first year of our plan where we had the windows, the restricted subsistence schedule, the early closure when we knew we weren't going to make it. We made the mid point of our escapement goal range and we think we put a lot of females on the spawning grounds.

The last time we saw this high proportion of four-year-olds the next two years we had decent runs there. We still had to take action because the fish -- it's a late run now and they don't show up at our assessment projects until later, but we think next year is going to be a significant improvement from this year and last year.

Like I say, there hasn't been enough time since -- we can't evaluate whether our plans worked yet. I think another life cycle, if we don't

see any growth, I think that would be a different story. You'd have to start thinking about more severe restrictions and maybe restoration work or enhancement. I'll leave it there.

CHAIRMAN QUINN: Tony.

MR. KEYES: This is Anthony. I kind of feel like we sure went pretty far on the subject and got off along the way on the road, so I would like to see this one taken care of, please.

Thank you.

CHAIRMAN QUINN: Yeah. A lot of this can go to an AC meeting since we're dealing with the State mostly anyway. So it's after 5:00. I certainly don't want to be paying any overtime to these Federal employees.

So we'll adjourn until tomorrow at 8:30.

(Off record)

(PROCEEDINGS TO BE CONTINUED)

C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter of Computer Matrix, do hereby certify:

THAT the foregoing transcript contain a full, true and correct Transcript of the SEWARD PENINSULA FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, taken electronically by our firm on the 21st day of September 2011, beginning at the hour of 8:30 o'clock a.m. at Nome, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 4th day of October 2011.

_____
Salena A. Hile
Notary Public, State of Alaska
My Commission Expires:9/16/2014