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FEDERAL SUBSISTENCE BOARD MEETING

TELECONFERENCE - ALASKA

June 16, 2021

MEMBERS PRESENT:

- Anthony Christianson, Chairman
- Rhonda Pitka, Public Member
- Chad Padgett, Bureau of Land Management
- Greg Siekaniec, U.S. Fish and Wildlife Service
- Jeff Mow, National Park Service
- Gene Peltola, Bureau of Indian Affairs
- David Schmid, U.S. Forest Service

Ken Lord, Solicitor's Office

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P R O C E E D I N G S

(Teleconference - 6/16/2021)

(On record)

MS. DETWILER: Thank you, Operator. This is Sue Detwiler and welcome everybody. I first want to start off and make sure that Court Reporter, Tina, are you recording this call at this point?

REPORTER: Yes, I'm on Sue and I've just started.

MS. DETWILER: Okay, thank you. In that case I'm going to go through and start with roll call to see who we have on of the Board and make sure that we have a quorum. And I will start with Gene Peltola, from BIA, are you on?

MR. PELTOLA: Present.

MS. DETWILER: Okay. BLM, Chad Padgett.

MR. PADGETT: Present.

MS. DETWILER: Thank you. NPS, Jeff Mow.

(No comments)

MS. DETWILER: Jeff Mow is not on yet. Fish and Wildlife Service, Greg Siekaniec.

MR. SIEKANIEC: Yes, Sue, thank you. I am here.

MS. DETWILER: Thank you, Greg. Forest Service, Dave Schmid.

MR. SCHMID: Sue, I'm here but I can't get in.

MS. DETWILER: Okay, we can hear you

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1 fine, are you talking about the Teams Channel, Dave?

2

3 MR. SCHMID: Can you hear me now, Sue,
4 sorry, they had me in listen only mode?

5

6 MS. DETWILER: Yes, I can hear you
7 Dave, can you hear me?

8

9 MR. SCHMID: Okay, thanks. I'm here.

10

11 MS. DETWILER: Okay, great. Public
12 Member Rhonda Pitka, are you on.

13

14 (No comments)

15

16 MS. DETWILER: Public Member Charlie
17 Brower.

18

19 (No comments)

20

21 MS. DETWILER: Chair Anthony
22 Christianson.

23

24 (Teleconference interference -
25 participants not muted)

26

27 MS. DETWILER: Sorry, Anthony
28 Christianson, was that you on?

29

30 MR. BROWER: No, this is Charlie.

31

32 MS. DETWILER: Oh, okay, thank you
33 Charlie. I don't hear Anthony Christianson. I'm going
34 to check and see who we have from our legal counsel.
35 Ken Lord and Mike Routhier from Department of Interior,
36 Solicitor's Office.

37

38 MR. LORD: Ken Lord's here.

39

40 MS. DETWILER: Thank you, Ken.

41

42 Jim Ustashesfki, USDA, Office of
43 General Counsel.

44

45 (No comments)

46

47 MS. DETWILER: Anybody from the
48 Department of Interior, Senior Advisor for Alaska
49 Affairs Office, Sara Taylor.

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1 (No comments)

2

3 MS. DETWILER: Alaska Department of
4 Fish and Game, Ben Mulligan or Mark Burch.

5

6 MR. MULLIGAN: Ben Mulligan is here.
7 Thanks, Sue.

8

9 MS. DETWILER: Hi Ben. Okay. And I am
10 going to check and see if the RAC Chairs are here,
11 Regional Advisory Council Chairs. Are Western
12 Interior, Regional Advisory Council, is there anybody
13 here from Western Interior.

14

15 (No comments)

16

17 MS. DETWILER: Seward Peninsula
18 Regional Advisory Council.

19

20 MR. GREEN: Yes, Louis is on.

21

22 MS. DETWILER: Thanks, Louis.

23

24 Northwest Arctic, Thomas Baker.

25

26 MR. BAKER: Hi, this is Thomas.

27

28 MS. DETWILER: And North Slope Regional
29 Advisory Council, Gordon Brower.

30

31 MR. G. BROWER: Gordon Brower's online.
32 (In Inupiat)

33

34 MS. DETWILER: Okay, thank you. Do we
35 have any other Regional Advisory Council
36 representatives.

37

38 (No comments)

39

40 MS. DETWILER: Okay. So let me check
41 again, we have five out of eight Board members right
42 now present. Jeff Mow from Park Service, did you come
43 on?

44

45

46 MR. SIEKANIEC: Sue, Jeff sent a note
47 in Teams that he's having trouble getting out of the
48 listen only mode.

49

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1 MS. DETWILER: Okay, thank you, Greg.
2 We'll wait a couple more minutes then while we get a
3 few more people on the line.

4
5 MR. SCHMID: Yeah, I'm sorry, Sue, this
6 is Dave with Forest Service. I'm back, I don't know if
7 you counted me before but I've struggled here as well.
8 The phone got -- I got booted off but I'm back on.

9
10 MS. DETWILER: Okay, thank you, Dave.
11 So we're still waiting for Jeff Mow from the Park
12 Service, Public Member Rhonda Pitka and Chair Anthony
13 Christianson.

14
15 (Pause)

16
17 OPERATOR: Jeff, if you're on the line
18 you can press star zero.

19
20 MS. DETWILER: Operator, we are also
21 looking for Board Members Rhonda Pitka and Anthony
22 Christianson, are either of them in que?

23
24 (No comments)

25
26 MS. DETWILER: Jeff Mow, Rhonda Pitka,
27 Anthony Christianson, are you.....

28
29 OPERATOR: Jeff's line is now open.

30
31 MS. DETWILER: Thanks. Welcome, Jeff.
32 This is Sue Detwiler again. We are taking roll of
33 Board members. We are still missing Rhonda Pitka and
34 Anthony Christianson.

35
36 MR. BROWER: Hello, anybody on?

37
38 MS. DETWILER: Yes.

39
40 CHAIRMAN CHRISTIANSON: Hey, Charlie, I
41 just got on.

42
43 MS. DETWILER: Oh, okay, Chair Anthony
44 Christianson, is that you, you're kind of faint there.

45
46 CHAIRMAN CHRISTIANSON: Yeah, that's
47 me. I had to find different numbers, the two I had
48 didn't work but the operator gave me one that works.

49
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1 MS. DETWILER: Okay. Well, apologize
2 about that confusion. So it looks like, Mr. Chair, we
3 have seven members of the Board. The only Board member
4 that we're missing currently is Rhonda Pitka, and.....

5
6 MR. LIND: Okay, can you hear me?

7
8 MS. DETWILER: I'm sorry, who just
9 spoke up?

10
11 MR. LIND: Sue, this is Orville.
12 Rhonda is having a hard time, the signal is very bad
13 where she's at. She's still trying.

14
15 MS. DETWILER: Is she in the waiting
16 room waiting to be transferred into the speaker's room?

17
18 MR. LIND: No, she's just trying to get
19 on. She just texted me on her other number and the
20 signal is really bad there where she's at.

21
22 CHAIRMAN CHRISTIANSON: Yeah, I got a
23 different number from the operator for a passcode, too,
24 if that would help.

25
26 REPORTER: Okay, and this is Tina, the
27 court reporter. I'll also ask that if anybody's phone
28 is not muted, if you could mute your lines it would
29 help us hear better. I'm getting some typing in the
30 background, and, et cetera. So if we all could check
31 and mute our phones.

32
33 Thanks.

34
35 CHAIRMAN CHRISTIANSON: Okay, we'll
36 give Rhonda one more minute and then we'll get started.

37
38 MS. DETWILER: This is Sue Detwiler
39 again. Mr. Chair, we also have on the phone Regional
40 Advisory Council Chairs Louis Green from Seward
41 Peninsula, Thomas Baker from Northwest Arctic and
42 Gordon Brower from North Slope Regional Advisory
43 Council. I have not heard anybody from Western
44 Interior on yet.

45
46 CHAIRMAN CHRISTIANSON: Thank you.
47 Thank you guys for taking the time to call in today,
48 too. Good to hear from everybody.

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1 (Pause)

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CHAIRMAN CHRISTIANSON: I think we'll go ahead and call the meeting to order, Sue, and hopefully Rhonda will come on here in a minute.

MR. BROWER: Mr. Chair.

CHAIRMAN CHRISTIANSON: Yes, go ahead, somebody's talking?

MR. G. BROWER: We can't hear them.

MR. BROWER: Mr. Chair, can you hear me, this is Charlie?

CHAIRMAN CHRISTIANSON: I hear you Charlie, I'm trying to figure out who else is talking.

MR. BROWER: Oh, did you call the meeting to order -- is it welcome, or agenda adoption?

CHAIRMAN CHRISTIANSON: Yeah, I'm calling the meeting to order now but I'm just trying to figure out who's talking in the background.

REPORTER: Right, so this is Tina, again, the court reporter. Everybody that's calling in to this line, if you could please check your phone, make sure you're on mute. Just take one second and check your line, make sure it's on mute. I'm having a hard time even hearing Tony, so we could get started if people could please take a moment.

Thank you.

Go ahead, Tony.

CHAIRMAN CHRISTIANSON: Thank you, Tina. It sounds like somebody stopped there. So, yes, Charlie, we're opening up the meeting. Quorum established. And we'll go ahead and ask Sue to go ahead and do the formal roll call, please.

MS. DETWILER: Okay. Formal roll call.

BIA, Gene Peltola.

MR. PELTOLA: Present.

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1 MS. DETWILER: Thanks, Gene.

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3 BLM, Chad Padgett.

4

5 MR. PADGETT: Present.

6

7 MS. DETWILER: National Park Service,

8 Jeff Maw.

9

10 MR. MAW: Present.

11

12 MS. DETWILER: Fish and Wildlife

13 Service, Greg Siekaniec.

14

15 MR. SIEKANIEC: Thanks, Sue. Yes, I'm

16 here.

17

18 MS. DETWILER: Forest Service, Dave

19 Schmid.

20

21 MR. SCHMID: Present.

22

23 MS. DETWILER: Public Member Rhonda

24 Pitka.

25

26 (No comments)

27

28 MS. DETWILER: Public Member Charlie

29 Brower.

30

31 MR. BROWER: Here.

32

33 MS. DETWILER: Chair Anthony

34 Christianson.

35

36 CHAIRMAN CHRISTIANSON: Present.

37

38 MS. DETWILER: You have a quorum, seven

39 out of eight Board members, Mr. Chair.

40

41 CHAIRMAN CHRISTIANSON: Thank you, Sue.

42 And welcome all the Board members to deal with the Unit

43 23 caribou and moose. And so before we get started we

44 need a motion from the Board to approve the agenda.

45

46 MR. BROWER: I so move, Mr. Chair.

47

48 MR. PELTOLA: BIA seconds.

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1 CHAIRMAN CHRISTIANSON: Motion's been
2 made and seconded. Any discussion.

3
4 (No comments)

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6 CHAIRMAN CHRISTIANSON: Call for the
7 question.

8
9 MR. PELTOLA: Question.

10
11 CHAIRMAN CHRISTIANSON: All those in
12 favor signify by saying aye.

13
14 IN UNISON: Aye.

15
16 CHAIRMAN CHRISTIANSON: Opposed, same
17 sign.

18
19 (No opposing votes)

20
21 CHAIRMAN CHRISTIANSON: Motion carries
22 unanimously. And with that I'll just say, you know,
23 today we'll run the meeting like we do any other
24 proposal that we get before us. The only difference is
25 today I think we satisfied the public comment
26 requirement, we had several hearings based on what's
27 before us, last month and the public didn't feel they
28 had adequate time to comment and so we opened up a
29 couple of comment periods, one of them five days and a
30 few tribal consultations, and so today we'll be getting
31 summaries of those from the Staff and then moving on
32 to, you know, the Board deliberation and stuff as the
33 process unfolds, hearing from our RAC members and State
34 liaison and all this happening after we have the Staff
35 do the analysis, and then hearing those summaries. And
36 so that's the order of business we'll have today.

37
38 And with that I'll turn it over to Sue
39 to go ahead and explain the agenda and talk further
40 about what we have going today.

41
42 Thank you, Sue.

43
44 MS. DETWILER: Okay, thank you, Mr.
45 Chair. We just have one agenda item on today -- one
46 agenda item for today and that's Wildlife Temporary
47 Special Action Request WSA21-01 to close Federal public
48 lands in Unit 23 and 26A to caribou and moose hunting
49 by non-Federally-qualified users from August 1 to
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1 September 30th, 2021.

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And it will be Hannah starting out with the analysis on that item.

MS. VOORHEES: Good morning, Mr. Chair, and members of the Board. My name is Hannah Voorhees and I'm an anthropologist with the Office of Subsistence Management. My colleague, Lisa Grediagin, Supervisory Wildlife Biologist with Office of Subsistence Management is also on the line.

Temporary Wildlife Special Action WSA21-01 submitted by the Northwest Arctic Regional Advisory Council requests closing Federal public lands in Units 23 and 26A to caribou and moose hunting by non-Federally-qualified users from August 1st to September 30th, 2021. This proposal was also formerly supported by the North Slope Regional Advisory Council during their most recent meeting.

For those of you listening, the full analysis is available online on the Federal Subsistence Management Program website at DOI.gov/subsistence. You can search for special action to pull up the analysis.

The proponent of WSA21-01, Northwest Arctic Regional Advisory Council expresses ongoing concern about the late migration of caribou through Unit 23. The caribou migration has delayed in recent years and the proponent anticipates another delay in the fall of 2021. The effects that transporters and non-local hunters may be having on caribou migration is of particular concern to the Council. The proponent hopes that a closure will reduce activity and traffic creating an easier path for migrating caribou.

The proponent is also requesting a closure to moose hunting by non-Federally-qualified users in Unit 23 and 26A because of declining moose population.

To give some brief background. A geographically targeted closure is already in effect in part of Unit 23 for caribou hunting by non-Federally-qualified users. This closure was adopted in 2017 to address concentrated areas of user conflict. It occurs along the Noatak River, including a portion of Noatak National Preserve within the Eli, Agashashok, and

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1 Squirrel River drainages. Additionally, only local
2 residents can hunt moose and caribou in National Parks
3 and Monuments as part of the status quo. Controlled
4 Use Areas already regulate caribou and moose hunting
5 related air traffic in portions of Unit 23 and 26A.

6
7 In the Northwest Arctic region caribou
8 are traditionally hunted at river crossings and
9 transported back to the village before freeze up. In
10 winter small groups of caribou may be harvested in the
11 areas that are accessible by snowmachine, but harvest
12 in this later season requires greater effort and is far
13 less certain. Inupiat knowledge holds that human
14 action can influence caribou behavior and migration and
15 that hunters should, quote, let the leader pass. That
16 is not interrupt the movement of the herd leader.
17 Members of both the Northwest Arctic and North Slope
18 Councils have expressed concern for migration pathways
19 and food security consequences when hunters do not
20 follow this rule. Reports of delayed caribou migration
21 have been noted as far back as the mid-2000s with the
22 situation becoming more prominent and local knowledge
23 shared by the Northwest Arctic Regional Advisory
24 Council since at least 2015.

25
26 Extensive opportunities for public
27 engagement were made available prior to today's Board
28 meeting. Tribal and ANCSA Corporation consultations
29 and public hearings regarding this proposal were held
30 in April and May. Additionally, written public
31 comments were accepted during a set time window in
32 April. Summaries of comments and consultation will be
33 given shortly.

34
35 If this special action request is
36 approved, only Federally-qualified users, those with a
37 customary and traditional use determination for caribou
38 and moose in Units 23 and 26A would be able to harvest
39 caribou and moose on Federal public lands in these
40 units from August 1st to September 30th, 2021.
41 Approving this request may result in additional
42 subsistence opportunity for caribou for Federally-
43 qualified users. Reducing non-local hunting as well as
44 air traffic and noise associated with hunting may
45 remove one factor possibly contributing to delay,
46 diversion or cessation of the caribou migration into
47 traditional harvest areas. However, the impact of non-
48 Federally-qualified users activity on caribou migration
49 is currently poorly understood. Particularly in
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1 combination with the impact of climate change.

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4 If this proposal is adopted, user
5 conflicts and disruption of caribou movement may
6 actually increase on State lands near villages,
7 particularly along the upper Kobuk River.
8 Additionally, non-Federally-qualified users would still
9 be able to access and harvest caribou on gravel bars
10 below the mean high water mark within Federal public
11 lands.

12

13

14 An alternative to closing Federal
15 public lands in all of Units 23 and 26A to hunting for
16 caribou by non-Federally-qualified users is to expand
17 the current targeted closure to some or all of Unit 23
18 only, such as the rest of Noatak National Preserve.
19 However, again, there is not yet adequate evidence that
20 closing partial Federal public lands would result in
21 caribou migrating to the Kobuk River communities
22 earlier in the fall.

23

24

25 With regard to the proposed closure to
26 moose in Unit 26A, harvest by non-Federally-qualified
27 users in this area is already very low at an average of
28 1 per year, therefore, approval of this request would
29 not contribute to conserving the moose population. In
30 Unit 26A, Controlled Use Area is already closed to the
31 use of aircraft for hunting moose from July 1st to
32 September 30th.

33

34

35 For moose in Unit 23, this request
36 seeks to reduce harvest during the peak of the hunting
37 season by non-Federally-qualified users to protect a
38 declining population, but is important to Federally-
39 qualified subsistence users. There are substantial
40 conservation concerns that threaten the viability of
41 the Unit 23 moose population. Surveys indicate
42 substantial declines in almost every survey area and
43 population estimates are below State objectives.
44 Additionally, the harvestable surplus has likely been
45 exceeded.

46

47

48 Regulatory changes have been made to
49 reduce moose harvest and promote population recovery in
50 Unit 23 under both Federal and State regulations since
2017. The State has closed their non-resident moose
season. However, moose populations have continued to
decline. Approval of this current request could aid in
the recovery of the Unit 23 moose population by

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1 reducing moose harvest by non-Federally-qualified
2 users.

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10 So the OSM conclusion is to support
11 WSA21-01 with modification to only close moose hunting
12 to non-Federally-qualified users in Unit 23 from August
13 1st to September 30th, 2021.

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Thank you, Mr. Chair and members of the Board. My colleague, Lisa Grediagin and I, are here to answer any questions.

CHAIRMAN CHRISTIANSON: Thank you, Hannah. Any questions from the Board for Hannah.

MR. BROWER: Mr. Chair.

CHAIRMAN CHRISTIANSON: Yep, you have the floor.

MR. BROWER: Hannah, when you referred to the proposal WSA21-01, is it the decline in moose or both caribou and moose? So this request is only for moose, is that right?

MS. VOORHEES: Thank you, Mr. Brower. Through the Chair. So the original request was to close for both moose and caribou in Units 23 and 26A for August and September of this year. But in terms of rationale for why these were submitted, they had slightly different rationales from the proponent.

For moose the rationale was for conservation because of a declining moose population. And for caribou, it was continuation of subsistence, not necessarily the population numbers per se, or -- alone. And so -- but just to clarify -- so that was the original proposal, but then the OSM recommendation is to support only the closure for moose in Unit 23 for this time period.

MR. BROWER: For moose only on 23 -- Unit 23?

MS. VOORHEES: That's right, uh-huh.

MR. BROWER: Thank you.

MR. PELTOLA: Mr. Chair, BIA.

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1 CHAIRMAN CHRISTIANSON: You have the
2 floor, Gene.

3
4 MR. PELTOLA: Thank you, Mr. Chair.
5 Appreciate the presentation and analysis, and I have a
6 couple questions for you so please bear with me.

7
8 The last time the Federal Subsistence
9 Board addressed the closure in GMU 23 with regard to
10 caribou was in 2017. At that time the Board asked that
11 the program, via OSM, engage in a very time consuming,
12 inclusive effort to identify core use areas. I
13 understand that the request for this is a bit different
14 than the last request the Board -- the last time the
15 Board addressed, although I recall in part of the
16 analysis it said that there seemed to be some relief
17 with the Board's '17 actions. With that being said,
18 has OSM or the Federal Program engaged in efforts
19 similar to what we did in '17, engaging the Western
20 Arctic Caribou Herd Working Group, the Advisory
21 Committees, the Regional Advisory Councils, local,
22 within the commercial use industry, transporters,
23 guides and land managers; has similar effort occurred
24 this time around with this analysis?

25
26 MS. VOORHEES: Thank you, Member
27 Peltola. So as analysts we consulted with field Staff
28 and experts on caribou migration. And since this is
29 kind of a broader concern, or it's a broader concern
30 that's, you know, maybe mixed or continuous with
31 concerns about local use focused conflict, you know, we
32 really received the information from caribou experts
33 that, you know, the migration is not necessarily
34 predictable enough and it's broad enough that it would
35 be very difficult to have a geographically targeted
36 focus for this particular rationale. So that's kind of
37 where we ended up.

38
39 Now, could there be greater
40 geographical precision in terms of, you know, shaping
41 air traffic, possibly, but that's data that hasn't
42 really been made available to analysts in a way that
43 would be useful.

44
45 And I believe Lisa Grediagin may have
46 something to add.

47
48 MS. GREDIAGIN: Yeah, thanks, Hannah.
49 Through the Chair. I just wanted to also respond to
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1 Member Peltola's question and the targeted closure
2 currently in codified Federal regulations originated as
3 a special action in 2016 and then another special
4 action in 2017 and then finally the codified regulation
5 in 2018. So that closure came about after over two
6 years of analysis, whereas the current request just
7 originated, you know, or was finalized in February or
8 March, when the Northwest Arctic Council met. So just,
9 you know, by nature of the time period it's hard to
10 have as much input as when you're analyzing something
11 over several years and you just have a lot more time to
12 engage all the Councils and subsistence users at public
13 meetings and Council meetings and delve more into the
14 research.

15

16 So just to provide a little more
17 background and history context for the existing
18 targeted closure in regulation.

19

20 MR. PELTOLA: Appreciate that Lisa.
21 And I understand the type of requirements to get to
22 where we are today. So a follow up question for, in
23 regard to moose.

24

25 If I recall moose harvest in GMU23 is
26 broken down into subunits 2301-2, -3, -4 and -5. If I
27 recall in the analysis, it shows that the current
28 status of the population is -- if I recall, below
29 objective for 4, but at the lower end of the objective
30 for additional -- for one of the five units; is that
31 correct?

32

33 MS. GREDIAGIN: Yeah, through the
34 Chair, this is Lisa. And as far as the moose
35 population in Unit 23 it's managed in different survey
36 areas so I think that's what you're referring to, I
37 mean they're not numbered, they're more by river
38 drainages, like Upper Noatak, Lower Kobuk, Upper Kobuk,
39 and, yeah, the moose population in Unit 23 is well
40 below State management objectives in all the survey
41 areas, except the Upper Kobuk and it is just barely at
42 the minimum State objective range in the Upper Kobuk
43 survey area.

44

45 MR. PELTOLA: Okay, Mr. Chair, another
46 follow up question, if I may, with regard to moose.

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48 CHAIRMAN CHRISTIANSON: Yep.

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1 MR. PELTOLA: And so Lisa if I recall
2 the regulatory history, a few years back the State via
3 their draw process precluded non-resident harvest
4 within GMU23; is that correct?

5
6 MS. GREDIAGIN: That is correct. I'd
7 have to look back, maybe Hannah remembers the exact
8 year, but the non-resident hunt under State regulations
9 has been closed for a couple years now.

10
11 MR. PELTOLA: And with regard to
12 hunting moose in GMU23, a clarification for a full -- a
13 broader picture of the harvest, is that -- is a draw
14 permit required for a State resident to hunt in one of
15 the three -- five subunits, or is it just a
16 registration permit or both? Or I should say, either
17 one, registration or a draw?

18
19 MS. VOORHEES: I can check that
20 quickly, through the Chair.

21
22 MS. GREDIAGIN: Yes, through the Chair.
23 It's not a draw permit. The draw permit hunt was only
24 for non-residents, so under State regulations they're
25 both the registration permit that's a more liberal
26 harvest limit, it's just one antlered bull and that's
27 the registration hunt from July 1st to December 31st.
28 But permits are only available in Unit 23 villages from
29 June 1st to July 15th, so that somewhat limits
30 participation by non-local residents because they have
31 to make a special trip to Unit 23 in order to get a
32 registration permit. And then there's a general
33 harvest ticket hunt but it's an antlered restricted
34 hunt September 1st to September 20th for any Alaska
35 resident under State regulations.

36
37 MR. PELTOLA: So just for
38 clarification, is the registration permit hunt would
39 allow for harvest of one bull, and available in the
40 unit, in addition there is a general harvest ticket
41 hunt which is also available to State residents, that
42 is, if I recall 50-inch four brow tine limitations, and
43 I may be inaccurate on that, but there is that option
44 for harvest with antler restrictions?

45
46 Thank you.

47
48 MS. GREDIAGIN: Correct.

49
50

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1 MR. PELTOLA: Okay, thank you.
2 Appreciate it Lisa. Thank you, Mr. Chair.

3
4 (Pause)

5
6 Mr. Chair, BIA.

7
8 CHAIRMAN CHRISTIANSON: Yes, go ahead
9 Gene.

10
11 MR. PELTOLA: Thank you, Mr. Chair. Do
12 we have -- are there Western Arctic Parklands Staff,
13 BLM Squirrel River Staff or Selawik Refuge Staff
14 available for questions?

15
16 MR. PADGETT: Mr. Chair, this is Chad
17 with BLM.

18
19 CHAIRMAN CHRISTIANSON: Yeah, go ahead,
20 Chad, you have the floor.

21
22 MR. PADGETT: Okay. Gene, I don't have
23 Squirrel River Staff on, I do have Chris McKee here
24 with me, but I don't have our Staff from the Squirrel
25 River area on right now.

26
27 MR. PELTOLA: Okay, thank you, Chad.
28 Mr. Chair, if I may, a follow up question generally
29 speaking, maybe the agencies could address.

30
31 CHAIRMAN CHRISTIANSON: Yes.

32
33 MR. PELTOLA: Thank you, Mr. Chair.
34 With regard to the lands which are managing GMU23 that
35 have significant moose and caribou harvest which the
36 Board is addressing today, if I recall we have Western
37 Arctic Parklands, we have the Bureau of Land
38 Management, we have Selawik Refuge, and my recollection
39 is in order to issue either an air taxi or transporter
40 permit, depending on which way the agency addresses it,
41 and that those could be called a special use permit, a
42 concessionaire permit, I'm not sure of the terminology
43 describing the BLM permit, authorizing such activity.
44 But there's a Section .810 determination which is
45 usually associated with authorizing those activities.
46 So my question to the agencies is what were the
47 findings those .810 determinations in addition to, if
48 any, what additional conditions have you placed on
49 those permits to allow the air taxi transporter, and/or
50

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1 guide activities? My assumption would be that this --
2 if there's usually larger volumes of transporters,
3 hunters and guides, we're probably talking about
4 transporters aircraft activity, in addition to private
5 residents who may utilize their own aircraft.
6

7 So the question, what were the outcomes
8 of the .810 determinations and if there have been any
9 additional conditions put on those permits when issued?
10

11 Thank you, Mr. Chair.
12

13 CHAIRMAN CHRISTIANSON: Thank you,
14 Gene. Any other questions from the Board for Staff.
15

16 (No comments)
17

18 CHAIRMAN CHRISTIANSON: All right,
19 thank you for that good analysis Heather and Staff.
20 That concludes the analysis part, we move on to the
21 summary of public comment.
22

23 MS. WESSELS: Thank you, Mr. Chair and
24 members of the Board. For the record this is Katya
25 Wessels with Office of Subsistence Management.
26

27 The Office of Subsistence Management
28 held a public hearing to solicit comments on WSA21-01
29 on April 23rd, 2021 from 3:00 p.m., until 7:15 p.m., by
30 teleconference. Over 600 people called in and
31 approximately 120 people provided comments. Written
32 public comments were also accepted between April 16th
33 and April 20th, 2021 and 1,221 written comments were
34 submitted. The majority of public comments came from
35 non-Federally-qualified users or non-local hunters,
36 guides, transporters and regular citizens, and were in
37 opposition to the requested closure.
38

39 The reasons most frequently given for
40 opposition can be broken down into the following broad
41 categories.
42

43 Category 1. Decisions regarding
44 wildlife management should always be science based and
45 this closure is not supported by available science.
46

47 Category 2. The Western Arctic Herd is
48 above management objectives.
49
50

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1 Category 3. There is not evidence that
2 air traffic has delayed caribou migration.

3
4 Category 4. Subsistence harvest of
5 caribou has remained high.

6
7 Category 5. Public land should be open
8 to all.

9
10 Category 6. Local businesses and
11 guides will be negatively affected.

12
13 Category 7. Non-local hunters have
14 already booked expensive trips.

15
16 Category 8. Once in a lifetime
17 experiences will be lost often involving family
18 members.

19
20 Category 9. Distinguishing between
21 sport and subsistence hunting is not fair or valid.

22
23 Category 10. This action would
24 represent Federal overreach.

25
26 A resident of Ambler testified in
27 opposition expressing concerns that his non-rural
28 relatives would not be able to hunt in the region and
29 asking for the views of all communities in the region
30 to be considered in the decisionmaking.

31
32 However, most residents of Unit 23 and
33 26A who participated in public comment opportunities
34 testified in support of the action for reasons to allow
35 caribou migrations to return to their previous typical
36 route and to support communities during a time when
37 food security has been affected by Covid19 and high
38 fuel prices. Caribou has provided vital sustenance for
39 Inupiaq people in the Northwest Arctic since time
40 immemorial. And the current lack of caribou during the
41 traditional time of harvest has created great hardship
42 for residents. Caribou were noted as being vital to
43 the physical, spiritual and mental well-being of people
44 in the Northwest Arctic region, including the youngest
45 generation. Local residents testified that non-locals
46 do not follow the traditional practice of letting the
47 leader caribou pass, which can result in herd diversion
48 and a small number of hunters having a disproportionate
49 impact on subsistence for entire communities. Speakers
50

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1 expressed frustration about having to find a basic
2 access to their traditional food.

3

4 This concludes my summary of public,
5 oral and written comments.

6

7 Thank you, Mr. Chair and members of the
8 Board.

9

10 CHAIRMAN CHRISTIANSON: Thank you,
11 Katya. Any questions for Katya on the public comment.

12

13 MR. GREEN: Mr. Chair, this is Louis.

14

15 CHAIRMAN CHRISTIANSON: Louis, you have
16 the floor.

17

18 MR. GREEN: Yes, thank you, Mr. Chair.
19 I just -- I guess the question I have is what has
20 happened with the migration route as of late since this
21 smaller concentrated area has been put in place that we
22 worked on years past?

23

24 MS. WESSELS: Thank you, Mr. Green. I
25 would ask my colleague, Lisa, to help me with answering
26 this question, or perhaps Hannah.

27

28 MS. GREDIAGIN: Yeah, hey, Louis, this
29 is Lisa. I can respond somewhat to your question, not
30 -- I don't think we have an exact answer to your
31 question. But since the target closure was enacted
32 around the Noatak area in 2017 we have received
33 feedback from Noatak residents that it improved their
34 hunting experience and hunting success and ability to
35 harvest caribou because of the closure. And as far as
36 caribou migration goes, we don't have the 2020 data
37 yet. The data we do have is from GPS collared caribou
38 that -- they're collared by the National Park Service
39 and monitored by them, and so the migration paths of
40 caribou back -- you know, they've been monitoring back
41 since 2010, like they vary every year and also the
42 timing of the migration is fairly variable. But since
43 2016, which I guess does coincide with the closure in
44 that area by special action, it's been delayed south of
45 the Noatak River. So there hasn't really been a change
46 to the timing of the caribou crossing the Noatak River
47 in recent years but there has been delays in the GPS
48 collared caribou crossing the Kobuk and Selawik Rivers
49 and this is corroborated by testimony from Northwest
50

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1 Arctic Council members stating that in the past couple
2 years Noatak residents have been able to harvest
3 caribou in the fall but they haven't been available to
4 residents in the southern portions of Unit 23, and so
5 how the caribou migration is -- or has been impacted by
6 the closure, you know, correlation doesn't mean
7 causation so I don't think there's been any direct
8 studies, you know, to really specify impacts of the
9 closure on migration but just reporting observations on
10 the closure, success for Noatak residents in the area
11 and then also the changes in caribou migration and
12 timing from the GPS collared caribou.

13

14 So I don't know if Hannah has anything
15 to add, but with the data we have that's about the best
16 -- or maybe some of the Council Chairs might have some
17 observations as well since they, you know, experience
18 it more locally in the area.

19

20 MR. GREEN: Okay, Lisa, thank you. I
21 guess there was a question in my mind about what's
22 going on on the Kobuk, you're saying on the southern
23 side of 23. When the herd expanded down into Unit 22
24 more southerly and westerly, we experienced the fact
25 that the reindeer herds on the Seward Peninsula were in
26 jeopardy and so Fish and Game only allowed a take of
27 those caribou as soon as they hit the north/south --
28 the road that runs north of Nome, is the Nome Taylor
29 Highway. I think it was in the year '97. And they
30 allowed -- they only allowed the hunting pressure after
31 it was shown that those caribou were going to come into
32 reindeer herder's ranges. And so I seen the difference
33 in how those caribou acted at that time when they got
34 turned around and headed back the other way, so I'm
35 wondering -- I can hear the -- the sense of what I'm
36 getting of this is that the folks in the Kobuk for sure
37 are thinking that that's the cause of -- is that
38 there's hunting pressure that's deterring those caribou
39 from migrating under normal circumstances. Is the
40 timing -- I guess is the timing because of this, the
41 later season or is the timing because of hunting
42 pressure?

43

44 Thank you, that's my questions.

45

46 MS. GREDIAGIN: Yeah, thanks, Louis.
47 This is Lisa. And just to respond to your question on
48 why there is variations in the timing of caribou
49 migration, it's largely unknown. Of course there's

50

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1 hypothesis to do with climate change, or just changing
2 range conditions. You know, caribou naturally change
3 their migration paths year to year and over the decades
4 change their wintering grounds and this might be due to
5 climate or due to changes in forage ability that, you
6 know, they -- it's all to lichen in one area so they
7 winter in another area where the lichen is not
8 depleted. And -- or, you know, there's also
9 observations of caribou behavior being affected by
10 airplanes and human activity on the ground and, you
11 know, whether that's long-term or short-term, it's a
12 little harder to determine those effects.

13

14 But the basic answer to your question
15 is, you know, there's not a specific reason or it's
16 largely unknown why the paths and timing has changed.

17

18 MR. GREEN: Okay, thank you. Through
19 the Chair, thank you, Lisa. Yeah, I just -- my
20 personal observations of what happened in Unit 22 for
21 us kind of spoke loudly and I, you know, was able to
22 watch it over more than a decade and see what took
23 place after the fact, after we were allowed to hunt to
24 help preserve the reindeer herds.

25

26 So anyway thank you.

27

28 CHAIRMAN CHRISTIANSON: All right,
29 thank you. Any other questions for Staff.

30

31 MR. PADGETT: Mr. Chair, Chad Padgett,
32 BLM.

33

34 CHAIRMAN CHRISTIANSON: Yes, Chad, you
35 have the floor.

36

37 MR. PADGETT: No questions for Staff.
38 I did want to loop back on Gene's question from
39 earlier. So a couple of things, and just to put out --
40 one is that in Unit 23 we have currently one SRP for
41 hunting, and over the last three years three bull
42 caribou have been taken in that unit from that one SRP.
43 No moose over the last three years. All of our other
44 SRPs are one, two, three, four, five, six air transport
45 SRPs, in that realm we've had 31 clients dropped off
46 for do-it-yourself hunts and they reported harvesting
47 26 caribou, no moose, and that was all in 2019.

48

49 So I just wanted to provide Gene with a

50

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1 little background on the data that we have for our
2 SRPs.

3

4

5 In addition to that he asked about our
6 .810 analysis. That was done in the RMPs or the EAs
7 themselves, so the .810 analysis is included within our
8 RMPs and then tiered to the EAs, or environmental
9 analysis and then that tiers down to the special
10 recreation permit. But I don't have the data on
11 exactly what those analysis said, Gene. I'd have to
12 look those up for you and provide them later.

12

13

That's all, Mr. Chair, thank you.

14

15

16 MR. PELTOLA: Thank you, Chad.
17 Appreciate it.

17

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CHAIRMAN CHRISTIANSON: Yep, thank you,
Chad, for that update. Any other Board questions.

MR. SIEKANIEC: Yeah, Mr. Chair, this
is Greg.

CHAIRMAN CHRISTIANSON: Yes, Greg, you
have the floor.

MR. SIEKANIEC: Thank you. Yeah, I was
trying to find some information out per Gene's request
as well. And, Gene, it looks like out of the OSM
analysis that it recognizes that Selawik Refuge is not
authorized for commercial guide use through their CCP,
through the comprehensive conservation plan, and then
they recognize only two hunters were brought in in 2021
by an air taxi because the caribou are really no longer
abundant in the Selawik National Wildlife Refuge in
September. And the non-resident moose season is
already closed in Unit 23 so the area no longer
receives fly-in hunts.

And then I think we had asked the
Refuge manager if she could possibly join and I do not
have a confirmation that they are online yet at this
point in time.

Thank you, Mr. Chair.

MR. PELTOLA: Thank you, Greg.

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1 CHAIRMAN CHRISTIANSON: Any questions
2 from the Board for Staff. And thank you for those
3 updates Chad and Greg.

4
5 (No comments)

6
7 CHAIRMAN CHRISTIANSON: All right,
8 hearing no more questions I think that moves us on to
9 summary of tribal consultation and corporate.

10
11 MR. LIND: Thank you, Mr. Chair. Can
12 you hear me?

13
14 CHAIRMAN CHRISTIANSON: Yep, hear you
15 good.

16
17 MR. LIND: Thank you. Good morning,
18 Mr. Chair, and Board members. This is Orville Lind,
19 Native Liaison for the Office of Subsistence
20 Management.

21
22 And we did conduct tribal consultations
23 and ANCSA consultations on April 28th and May 26th by
24 teleconference, and we had representatives of several
25 corporations and tribes in the region, which expressed
26 strong support for the closure in order to allow
27 caribou migration to return to their previous and
28 normal routes. And to support communities along the
29 way during a time when food security has been impacted
30 by Covid19, which increased high fuel prices and
31 grocery prices. Caribou have provided vital sustenance
32 for the Inupiaq people around the area of Northwest
33 Arctic since time immemorial, and current lack of
34 caribou during traditional times of harvest has created
35 great hardships for those residents. Participants also
36 clarified that they are concerned with the effects of
37 low flying and small aircraft over caribou rather than
38 the effects of commercial flights. When non-local
39 hunters are dropped off right in front of caribou this
40 can create problems for subsistence hunters who are
41 hunting them at the time. One individual with
42 experience as a reindeer herder also stated that as a
43 caribou hunter, described the effects of human/caribou
44 interactions is capable of diverting migration --
45 normal migration patterns. Disruption in migration was
46 dated to 2017 by one tribal representative from the
47 Lower Kobuk River region. Caribou are not only coming
48 later, but they are also less abundant in the region
49 overall. Participants expressed the need for
50

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1 scientists, the biologists share caribou tracking data
2 with communities. One person also explained that when
3 the caribou migration is delayed or diverted,
4 transportation to harvest becomes difficult. The cost
5 of going further to harvest caribou is often prohibited
6 due to the extreme high cost of fuel in the region.

7

8 Additionally, when the migration is
9 delayed or diverted, locals are forced to hunt more
10 other cows, rather than bulls also. When the caribou
11 are not available the few taken are given to elders.
12 When non-Federally-qualified users share meat with
13 locals, although this is appreciated but it does not
14 replace successful subsistence activities that they
15 partake, which encompasses traditional practices and
16 transmission of cultures.

17

18 Moose are not traditionally the favored
19 subsistence food in Northwest Arctic and North Slope.
20 It also cannot substitute adequately for loss of the
21 caribou.

22

23 The fact of relatives living outside of
24 the region would not be able to hunt on Federal lands,
25 public lands during a closure to non-Federal-qualified
26 users was discussed but it was clarified that these
27 individuals would still be able to hunt on Native
28 corporation lands under State regulations.

29

30 And that is the summary, Mr. Chair, and
31 Board members.

32

33 CHAIRMAN CHRISTIANSON: Thank you,
34 Orville. Any questions for Orville on tribal
35 consultation.

36

37 MR. BROWER: Mr. Chair, Charlie.

38

39 CHAIRMAN CHRISTIANSON: Yes.

40

41 MR. BROWER: Good morning. Just a
42 question. When you were having tribal consultation, do
43 you define what the proposed request is and its
44 meaning, what it can do or what can't it do? I mean
45 was there a change at the time of the tribal
46 consultation that caribou wasn't included, that it was
47 just for moose; just a concern, or you were talking
48 mostly about caribou.

49

50

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1 MR. LIND: Yeah, and I know it sounded
2 that way but the moose also was included in that. When
3 our Staff gives an overview of the special action it is
4 -- both caribou and moose are included in that. And
5 during the summaries we just try to focus on the key
6 talking topics to make sure they're known what the
7 feedback from the tribes and the corporations have.

8
9 MR. BROWER: Thank you, Orville.

10
11 MR. LIND: Thank you, Charlie.

12
13 CHAIRMAN CHRISTIANSON: Any other
14 questions.

15
16 (No comments)

17
18 CHAIRMAN CHRISTIANSON: All right, then
19 hearing no more we'll call on the Regional Advisory
20 Council Chairs, or designee.

21
22 (No comments)

23
24 CHAIRMAN CHRISTIANSON: This is an
25 opportunity for each Regional Advisory Council to speak
26 to support or not, to the proposal, so if any Regional
27 Advisory Council Chair wishes to speak to the proposal
28 this is your time.

29
30 MR. G. BROWER: This is Gordon Brower,
31 Regional Advisory Chair for the North Slope.

32
33 CHAIRMAN CHRISTIANSON: Hey, Gordon,
34 good to hear you, you have the floor.

35
36 MR. G. BROWER: Thank you for the
37 opportunity to provide and comment on this important
38 special action.

39
40 You know when we were deliberating with
41 the -- with this proposal, you know, it came from the
42 Northwest Arctic area but it included Unit 26A which we
43 are residents of up here. And we deliberated on this
44 quite extensively and was in support of it after those
45 deliberations. So in talking about it, you know, I'd
46 like to start by saying that it's important to
47 recognize the food security issues that are prevalent
48 throughout rural Alaska. The very high cost of doing
49 things. Many families pool together resources and get
50

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1 designated hunters and provide them resources to
2 provide for families. And when they're not successful,
3 that is an extreme hardship faced by these communities.

4
5 In addition to that, the villages, you
6 know, some are small, some are a little bit larger and
7 the amount of jobs that are in communities amount to a
8 handful in comparison compared to the residents and the
9 majority of the residents depend fully on subsistence
10 and often have to weigh whether an opportunity to go
11 hunting, or to pay utilities, to get home heating fuel,
12 or these kinds of expenses that are frequent around
13 many, many communities that are not connected by road
14 and only by aircraft. I often heard James Nageak, the
15 late James Nageak talk about the economic disparity
16 about transportation costs. He had mentioned he bought
17 a door for \$145 from Home Depot and by the time he got
18 it home and freight collect, he had a \$1,700 freight
19 bill to get that door and make it useable at his
20 residence in AKP, in Anaktuvuk Pass.

21
22 So these are some of the important
23 things to recognize.

24
25 It's important to also note that here
26 within the North Slope Borough, when animals --
27 terrestrial animals, large scale movement of
28 terrestrial animals like caribou are interrupted, even
29 though there is a more liberal management -- where
30 there is liberal management, but when they are
31 deflected and in our own municipality we often wrangle
32 with this. You know when industry is putting pipelines
33 and other things like that, road infrastructure and the
34 caribou are deflected from primary subsistence use
35 areas that are designated as resource development. The
36 Assembly, the North Slope Borough Assembly has
37 concluded with an analysis about that when large scale
38 development occurs and there's a corresponding
39 deflection of animals, even during a liberal
40 management, while the herd is strong and there is
41 enough, you effectively deplete the resource from that
42 area by deflection. And that's an important thing to
43 remember. Even though in times of plenty and there's a
44 liberal management going on, those resources can be
45 depleted from subsistence -- reasonable opportunity for
46 subsistence can occur for the villages to provide food
47 resources on the table. And one of the ways that the
48 Assembly has treated this is to develop mitigation
49 measures to allow for subsistence users, in particular,
50

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1 by Nuiqsut, alternative mechanisms like funding fuel,
2 and sometimes funding ammunition so that the cost of
3 displacement isn't protracted on to the residents.
4 That if that development goes up and the deflection
5 occurs a corresponding mitigation will occur to allow
6 for reasonable access of those resources that are
7 deflected.

8
9 That is an important thing to recognize
10 because you're going to hear analysis about -- from
11 OSM, from ADF&G, that the caribou herds are strong.
12 These animals are in a -- they're not in a -- the
13 management scheme is not preservation yet. There's
14 preservation, there's conservative and there's liberal
15 management. But it's important to recognize that --
16 and this is another thing I've been trying to get
17 across even to Anthony, the Chair, in one of my reports
18 from the Chair of the North Slope, the North Slope
19 Borough has developed village comprehensive plans in
20 that developing village area of influence, the lands
21 immediately outside of the village district, the
22 village city limits, immediately outside of that is
23 called the -- designed by the community as a village
24 area of influence, where that definition includes that
25 the village area of influence is the contemporary and
26 traditional use area to provide and support the
27 community's subsistence needs. That's important. And
28 that's a law of the Borough. And it's important to
29 note that once enacted by ordinance these are laws of
30 the Borough and I think it's important to recognize a
31 village area of influence can be analogous to a special
32 use area, or a defined control use area or something
33 like that around a village to provide for reasonable
34 availability of subsistence resources so that the
35 community will not go without.

36
37 So there's a lot more I want to say in
38 this area but I really don't want to dominate and I
39 don't even know how much time I have to be able to
40 articulate some of the concerns that were raised but
41 the North Slope region surely did deliberate and had
42 concerns over these areas.

43
44 And the communities that are served by
45 the herds, including moose, and we did argue about the
46 moose as well, there's some arbitrary lines that have
47 been drawn, from transient animals to low populations
48 on the North Slope and that struggling herd -- that
49 struggling population of moose on the North Slope, you
50

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1 know, it really should be on a sustained yield, not be
2 subject to you only get one and then allocate some for
3 some other users that are non-residents. And, you
4 know, the North Slope population of moose is low. You
5 probably have less than 2,000 and that's not a
6 sustained yield principle way of managing that herd
7 just so somebody outside of the state can hang
8 something on the wall versus somebody needing to put
9 food on the table.

10

11 That's what we're talking about, 39
12 communities depend on these caribou. And the needs for
13 subsistence in excess of 15,000 animals for 38
14 communities to be able to successfully put food on the
15 table annually. And when those caribou are not coming,
16 and we don't know, there's a variable of what may be
17 impacting the availability of those caribou, it could
18 be deflection, it could be climate related, it could be
19 some other factor, maybe the outer periphery of the
20 caribou is not large enough anymore. At one time the
21 herd was 490,000 caribou. Right now you're hovering
22 around 230,000. Still 50 percent less of what it was
23 before and we're still managing it either liberally or
24 conersvatively, I don't think we're at managing at
25 preservation.

26

27 But those are the types of concerns we
28 bring to the table and to allow for that short window
29 of opportunity so that we can get the caribou while
30 they're prime. We don't like to hunt animals, the
31 bulls when they are in their rut, and I think it's very
32 important to provide for the Federally-qualified users
33 the first chance of uninterrupted prime caribou meat
34 that can be put on the table, we're not going to hunt a
35 rutted caribou, and that has the most meat to -- in
36 fact, when we were faced with regulations to manage
37 caribou the North Slope Regional Advisory Council acted
38 first to say, hey, we'll use traditional knowledge to
39 make regulation, we're not going to hunt the bulls from
40 October 10 to December 7th until the -- somewhere
41 around December the bulls are edible again after their
42 antlers have fallen off. And we made that into a rule
43 to help be part of the program for preservation when
44 the management scheme for the caribou was at hand.

45

46 So with that I will stop. I'm always
47 excited and want to promote and provide an avenue for
48 our villages, our rural communities an opportunity to
49 have food on the table and recognize that village area
50

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1 of influences are important, and those lands
2 immediately outside and adjacent to villages are
3 important areas to recognize for food security for
4 subsistence, a priority subsistence use area.

5

6 With that I thank the Federal
7 Subsistence Board for the opportunity to provide
8 additional comments to this.

9

10 Thank you. And I'll keep on listening
11 to see if there are any questions that may be asked of
12 myself.

13

14 Thank you.

15

16 CHAIRMAN CHRISTIANSON: Thank you,
17 Gordon. Appreciate that, Mr. Brower. Good insight to
18 what it is we have here and the challenge before us as
19 a Board to provide for that rural subsistence priority.
20 And just always appreciate your in-depth knowledge of
21 your area and bringing your testimony forward to serve
22 the people, so just appreciate that.

23

24 Is there any questions from the Board
25 for Gordon.

26

27 (No comments)

28

29 CHAIRMAN CHRISTIANSON: Okay,
30 appreciate that. Any other Regional Advisory Council
31 Chairs wish to speak to the topic.

32

33 MR. BAKER: Hello, this is Thomas
34 Baker, Chair of the Northwest Arctic RAC.

35

36 CHAIRMAN CHRISTIANSON: Hi, welcome
37 aboard Tom, you have the floor.

38

39 MR. BAKER: Thank you, Mr. Chair. So
40 I'd just like to start by saying thank you to Mr.
41 Brower and the North Slope Regional Advisory Council
42 for supporting our request for this temporary special
43 action.

44

45 Here in the Northwest my entire
46 lifetime, of 26 years, it has been an issue of where
47 the caribou are, how available they are and over the
48 course of my adult life seeing disappearance from the
49 region and measures, such as closing off the corridor

50

0031

1 along the Noatak River initially to help the
2 subsistence people in that area but the issue that
3 we're seeing here in the Northwest Arctic is because
4 that corridor is closed off, outside outfitters and do-
5 it-yourself hunters are being dropped off further and
6 further north towards the calving grounds where the
7 caribou are at this time of year and where they're
8 starting to begin their migration down south towards
9 the Northwest Arctic, towards the Kobuk River, the
10 Selawik area.

11

12 So at this time if this temporary
13 special action is not passed this is going to lead to
14 resource conflict that ultimately is a threat to
15 subsistence opportunities and food security for
16 Federally-qualified subsistence users in the region.

17

18 This is an issue of hunter placement.
19 There's been arguments that airplanes have nothing to
20 do with the migration patterns of caribou because, as
21 some people stated that: I worked at Deadhorse for 30
22 years, we had to shoo caribou off the runway, the jets
23 don't make them scared, they don't divert the caribou,
24 but those are not animals that are actively being
25 hunted. The argument here in our region is that people
26 are coming specifically for this time of year from
27 lower parts of the state, from Anchorage, from
28 Fairbanks, from outside the state of Alaska
29 specifically to run guiding and outfitting operations
30 that ultimately bring people to where the animals are.
31 If you Google caribou hunt Alaska you'll see results
32 saying that if you go with this company you're promised
33 an 85 to 95 percent success rate, whereas we have
34 people here in the region that haven't gotten caribou
35 for five years because of how few there are in their
36 area as the caribou are migrating.

37

38 One of the issues that I have is that
39 the science for local harvest is inaccurate. I reached
40 out to our local Fish and Game office and one of the
41 numbers that they gave me was that 12,000 a year is
42 about what local Federally-qualified subsistence users
43 are harvesting in Game Unit 23 each year. But the
44 issue that there is with that, is that's not accounting
45 for not everyone is reporting, they're not all turning
46 in their RC907 caribou tag, caribou permit, not
47 everyone that's going out and subsisting and living off
48 of these animals is reporting exactly what day and how
49 many they got. So this is an estimate that is not
50

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1 representative of this critical time period this action
2 request covers. If you wanted to know how many caribou
3 are harvested during this timeframe by local hunters
4 that's a number that cannot be given because it's not a
5 number that's easily recorded. Versus the numbers I
6 want -- I believe it's 235 caribou were harvested by
7 non-Federally-qualified subsistence users in Game Unit
8 23 last fall. Each hunter has to have a tag and
9 reported upon completion of their hunt whether they're
10 successful or not. Now, these hunters are being
11 dropped off with an easy access of the herd to where
12 they have the first pick of whatever's coming their
13 way. Five years ago people were complaining that there
14 were small planes along the Noatak and then once the
15 closure along the Noatak River corridor began, there
16 were no more planes there but now across the entire
17 Northwest Arctic region, from Noatak to Kobuk, and the
18 Kobuk River, you got people with complaints in seeing
19 small planes landing hunters to get whatever caribou
20 are north of the villages.

21
22 There are enough animals in this herd
23 as has been brought up by different people throughout
24 the course of this discussion to allow for both user
25 groups whether it be Federally-qualified, or non-
26 Federally-qualified subsistence users to harvest
27 animals in our game unit but when outside hunters
28 bypass the empty grounds prior to the migration
29 possibly starting to hunt where locals aren't able to
30 reach it affects the migration patterns of the caribou.
31 It keeps them from coming down from the southern half
32 of Unit 26A into Unit 23. It prevents hunters from
33 being able to go up to where they typically are and
34 they have to go farther and farther, spend more money
35 on gas, food, fuel, what have you, just to get a
36 smaller amount of caribou than they typically are able
37 to get.

38
39 I'm going to leave it at that and I do
40 appreciate the Board for giving us this time to speak
41 and if there are any questions I'm happy to answer
42 them.

43
44 CHAIRMAN CHRISTIANSON: Thank you.
45 Thank you, Tom, for that. Any questions for Tom.

46
47 MR. PELTOLA: Mr. Chair, BIA.

48
49 CHAIRMAN CHRISTIANSON: Yeah, go ahead,
50

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1 Gene.

2

3 MR. PELTOLA: Thank you, Mr. Chair.
4 Good morning, Tom. So I was curious, has the Regional
5 Advisory Council as a body or individuals, to your
6 knowledge, worked with the agencies on the conditions
7 of the permits which they authorize the activity, i.e.,
8 transporters or guides, that you are aware of?

9

10 MR. BAKER: My phone service is a
11 little spotty, I missed the first half of that
12 question.

13

14 MR. PELTOLA: Oh, sorry about that. So
15 my question was, has the Regional Advisory Council, to
16 your knowledge, or individuals, to your knowledge,
17 reached out to try to work with the land managers on
18 the conditions of the permits that they issue in order
19 to authorize say transporter or air taxi activities?

20

21 MR. BAKER: To my knowledge, no.

22

23 MR. PELTOLA: Okay. Okay, thank you.

24

25 MR. G. BROWER: Can I speak on behalf
26 of that from the North Slope?

27

28 MR. PELTOLA: Sure, I'd appreciate it.

29

30 MR. G. BROWER: Yeah, and, you know,
31 I'm employed at the North Slope Borough as Director of
32 Planning that oversees all the permitting activities
33 from guides to oil field development to general housing
34 development and things like that. And this is not a
35 secret, and it's in many of our public forums, the
36 issuance of violation notices to guides within the
37 North Slope Borough, areas that they were out of their
38 concession areas, and trespassing on Native lands has
39 occurred and our permits do condition to allow for
40 herds to pass by, let the leaders go through with
41 traditional knowledge. But there has been issues
42 related to conforming with the permit even getting
43 outside of their concession areas. And those are
44 things that we work on up here. One other thing is I
45 make a habit of my staff to try to attend the Big Game
46 Services Board meetings when they do occur. And at one
47 time, you know, I did a presentation on the land use
48 policy of the North Slope Borough in front of the Big
49 Game Services Board where these guides and outfitters

50

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1 get their licensing, some of these guys are very, very,
2 kind of audacious, like cowboy type mentality and say,
3 you know, we got our permit, we don't need no Borough
4 permit to do what we're -- I mean there are those types
5 of mentalities that really exist on there so, you know,
6 I make a habit that when a violation notice is issued,
7 I copy the Big Game Services Board so they know what
8 this guide is doing. And those are some of the things
9 we deal with up here.

10

11 Thank you.

12

13 I just wanted to provide the insight to
14 that.

15

16 MR. PELTOLA: Thank you, Mr. Brower,
17 appreciate it.

18

19 CHAIRMAN CHRISTIANSON: Thank you. Any
20 other Board questions.

21

22

23 MR. SIEKANIEC: Mr. Chair, this is
24 Greg.

25

26 CHAIRMAN CHRISTIANSON: Yes, Greg, you
27 have the floor.

28

29

30 MR. SIEKANIEC: Thank you. Yeah,
31 again, as a follow up to Gene, you know, you had asked
32 some questions about the .810 evaluation. And our
33 process on Selawik National Wildlife Refuge, Gene, is
34 through the comprehensive conservation plan and the
35 .810 analysis, we have closed the areas, in particular,
36 are around communities for the purposes of big game
37 hunting. So we have worked with local people in the
38 area in order to put in place the type of stipulations
39 I think you're asking about.

40

41 MR. PELTOLA: Thank you, Greg,
42 appreciate that.

43

44

45 MR. SIEKANIEC: Okay. Thank you, Mr.
46 Chair.

47

48 MR. MOW: Yeah, Mr. Chair, this is Jeff
49 Mow.

50

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1 CHAIRMAN CHRISTIANSON: Yes, Jeff, you
2 have the floor.

3
4 MR. MOW: Yeah, just to also address
5 some of Gene's interest in transporters and outside
6 hunters coming into the area. I do have some numbers
7 for you from the Western Arctic Parkland. By far and
8 away the Noatak Preserve gets the majority of air taxi
9 and transporter flights that we see. In 2020
10 approximately 283 compared to Kobuk Valley which only
11 had 23 and Cape Krusenstern at five. But just to give
12 you a sense of animals harvested from those air taxi
13 transporter flights, in the Noatak Preserve there were
14 16 grizzly bears, 224 caribou, two moose and one wolf.

15
16 I don't have the clarity on our
17 stipulations of that as to whether we discuss herd
18 leaders. I've got Staff trying to bring that up and I
19 think that's all I have to share to answer your
20 original question.

21
22 Thank you.

23
24 MR. PELTOLA: Thank you, Jeff, I
25 appreciate that.

26
27 MR. BAKER: Mr. Chair, this is Thomas
28 again, if I may.

29
30 CHAIRMAN CHRISTIANSON: Yep, you have
31 the floor Tom.

32
33 MR. BAKER: Thank you. I was just
34 notified that Board Member Gene Peltola's question, a
35 commercial user group in the Seward Peninsula has
36 contacted the Council Coordinator, Zach Stevenson,
37 expressing willingness to collaborate moving forward,
38 based upon this special action request being brought
39 up. So it's sparking at least this user group, and
40 potentially more to want to know what the situation is
41 and why this is an issue for the local Federally-
42 qualified subsistence users in the region.

43
44 MR. PELTOLA: Thank you, Thomas. This
45 is Gene, appreciate that.

46
47 CHAIRMAN CHRISTIANSON: Any other
48 questions from the Board for Regional Advisory Council
49 Chairs.

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1 (No comments)

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CHAIRMAN CHRISTIANSON: Hearing none, was there one additional Regional Advisory Council Chair that would like to speak.

MR. GREEN: Is Western on?

CHAIRMAN CHRISTIANSON: Louis, is that you, I believe you called in.

MR. GREEN: Yeah, I was just checking to see, I wanted to hear what Western Interior had to say before I said anything so I was just checking.

MS. DETWILER: Yeah, this is Sue Detwiler. I understand that Jenny Pelkola is the Acting Council Chair for Western Interior Regional Advisory Council. She is unavailable. And Jack Reakoff was going to try to call in but I'm not sure whether he's on.

(Teleconference interference - participants not muted)

MR. GREEN: Okay. There's quite a bit of interference here on the phone line, something beeping very loudly. Was that somebody trying to get in?

MS. DETWILER: This is Sue Detwiler. I'm not sure whether I was able to get through our not. But I was just commenting that my understanding was that Jenny Pelkola, who is the Acting Chair for Western Interior Regional Advisory Council was unable to make today's call but Jack Reakoff may have been trying to call in. I'm not sure if he made it on or not.

OPERATOR: Jack, this is the Operator, if you are on the line press star zero.

(Pause)

MR. GREEN: Mr. Chair, this is Louis again.

CHAIRMAN CHRISTIANSON: Yep, Louis, go ahead.

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1 MR. GREEN: It doesn't sound like Jack
2 is on. I was hoping to hear from him and.....

3
4 OPERATOR: I am getting no response.

5
6 MR. GREEN: Okay, Mr. Chair, if I may.

7
8 CHAIRMAN CHRISTIANSON: Yes, you have
9 the floor Louis.

10
11 MR. GREEN: Thank you, Mr. Chair. So
12 this action came out after our last meeting so in
13 discussion over the years about subsistence and local
14 hunters having access, our RAC has been pretty adamant
15 about making sure that we attend to the people that are
16 directly affected by these regs and we tend to want to
17 make sure that those people out there, those hunters
18 out there get affordable access to their food.
19 Subsistence is No. 1, that's why we're here. That's
20 why we're a part of this process. And we want to see
21 this affordable food for traditional and cultural
22 activities.

23
24 I've seen when you don't have enough,
25 I'll use salmon for instance. I've watched the chum
26 salmon culture kind of fade away in my own community
27 because of the lack of them. And then we've got the
28 multitudes by the millions of pink salmon, you know, in
29 the last 20 years kind of taken over and people have
30 adapted to utilization of lesser quality fish and think
31 that's the perfect thing. So when you see the fact
32 that the traditional and cultural activities fade away,
33 if you're not getting enough of that certain resource,
34 whether it's animals on the hoof or fish in the water,
35 you start seeing the lack of knowledge being passed on.

36
37 So, anyway, as far as when it comes to
38 affordable food and, you know, our RAC is supportive of
39 other RACs, whether they're -- you know we're on this
40 same, on this 23 Unit, we're on the same -- we live off
41 the same herd so we'd like to support where they're
42 coming from.

43
44 The other one is the lead caribou, the
45 scouts of the herd, you know, that's becoming a topic
46 of conversation, now that I'm picking up on it, and
47 I've seen this when the herd expanded and came right
48 down in to Unit 22 towards Teller and towards
49 Shishmaref and I seen lead animals come out there, they
50

0038

1 are important to the herd, for the movement of the herd
2 and if they're taken out on the way down then that herd
3 -- it changes the migration, it lessens it, in my case,
4 what I'm talking about. So I've witnessed that. And
5 this is over more than, you know, a couple decades of
6 observation.

7

8 So the other one that I'm hearing about
9 and I'm seeing it at home and advertisements in the
10 newspaper every year, when people feel like they have
11 to fight back from the communities around Nome, they
12 put up these no trespassing areas on Native lands and
13 so ANCSA lands are starting to have to become part of
14 the regulation. It's kind of disturbing to me when the
15 State and the Feds have an obligation to do that.

16

17 So when it comes to subsistence,
18 affordable traditional activities, the Seward Peninsula
19 RAC always defers to the local hunters.

20

21 With that I'll end my comments.

22

23 Thank you, Mr. Chair.

24

25 CHAIRMAN CHRISTIANSON: Thank you for
26 that Louis, appreciate it. Any questions for Louis
27 from the Board.

28

29 MR. BROWER: Mr. Chair.

30

31 CHAIRMAN CHRISTIANSON: Yes, go ahead,
32 Charlie.

33

34 MR. BROWER: Yeah, I just want to thank
35 Gordon and Louis for their comments. Thank you.

36

37 CHAIRMAN CHRISTIANSON: Okay. Thank
38 you for that, from the Regional Advisory Chairs.
39 Hearing no more questions from the Board to the RACs, we
40 have two more things on the agenda before deliberation,
41 and we skipped over the ISC recommendation. But before
42 we get to that, I think at this time I'd entertain if
43 the State liaison is on the phone, entertain the
44 comments from the State liaison.

45

46 MR. MULLIGAN: Thanks, Chairman
47 Christianson. This is Ben Mulligan, Deputy
48 Commissioner for the Alaska Department of Fish and
49 Game.

50

0039

1 The Department opposes Wildlife Special
2 Action 21-01 finding no evidence that this proposed
3 closure will solve the issues brought forward by this
4 special action request.

5
6 The guidance on Federal subsistence in
7 Alaska is found within Section .8 of ANILCA. While
8 there are multiple provisions guiding the approval of
9 these closures, given the language in the special
10 action request they are asking to close Federal public
11 lands for the purpose of hunting moose and caribou
12 because of either a conservation concern or the
13 continuation of subsistence use. In this instance we
14 cannot agree to this.

15
16 Caribou populations, as you've heard,
17 are at a healthy level, understandably not at historic
18 highs but still well above objectives. Right now the
19 Western Arctic Caribou population sits at 244,000
20 animals, with an intensive management population
21 objective of 200,000. Our harvest rates are also seen
22 as being within the range of ANS, which is amount
23 necessary for subsistence of 8 to 12,000 caribou. This
24 data isn't solely based off of the RC permit reports
25 that we are getting but also entails community harvest
26 surveys.

27
28 Regarding the concerns that we've heard
29 over the impact of aircraft, the Alaska Board of Game
30 has been receptive to those concerns and has acted upon
31 them over the last 30 years establishing controlled use
32 areas throughout the region that restrict the use of
33 aircraft for the purpose of hunting moose and caribou.
34 We've even seen the National Park Service extend on to
35 the Noatak Controlled Use Area into Preserve lands.
36 Opportunities to hunt without interference of aircraft
37 do exist, and if additional areas are desired, there
38 are regulatory processes available here at the State to
39 address those concerns.

40
41 If approved this closure would not
42 impact the use of aircraft for any other reasons not
43 having to do with hunting of moose and caribou also.

44
45 The unintended consequences of acting
46 on this closure will also be felt far and wide here in
47 Alaska. If approved, those Alaskans who wish to hunt
48 this area, including many who hail from local
49 communities will be severely restricted on where they
50

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1 can or can't hunt. They will have to, you know, hunt
2 on State lands, depending on their situation or what
3 they'd have to be doing is threading the needle hunting
4 on navigable waters below the ordinary high water mark
5 where the State currently has jurisdiction. This will
6 cause increased pressure on these State lands and some
7 of them, as it applies outside of navigable waters,
8 State lands lie adjacent to many of the local
9 communities in the region. There'll also be
10 significant economic ripples felt locally and
11 throughout the state. Alaskans who are guides,
12 transporters or the business owners who support these
13 businesses, along with their clients, all spend money
14 in a variety of businesses locally in the region and
15 throughout Alaska.

16
17 The State of Alaska is a sovereign
18 entity which has legal interest in the management,
19 conservation and regulation of all fish and wildlife
20 within its borders for sustained yield, and the maximum
21 use and benefit of the people of Alaska. Providing for
22 subsistence users is important to the State, and we
23 strive to meet its statutory mandate to provide a
24 reasonable opportunity for subsistence use first before
25 providing for other uses, however, in this instance, we
26 can find no evidence to close it down to only local
27 subsistence use.

28
29 Alaska [sic] strongly urges the Federal
30 Subsistence Board to follow the law and reject this
31 proposal. To accept it would be a violation of the law
32 and unjustifiably impact the subsistence opportunities
33 of non-Federally-qualified Alaskans to meet their
34 subsistence needs, and in some cases also to hunt
35 recreationally. We have a Constitutional obligation to
36 provide for these rights and will defend them, if
37 necessary.

38
39 Thank you, Mr. Chairman, for the
40 opportunity to provide comments.

41
42 CHAIRMAN CHRISTIANSON: Thank you, Mr.
43 Mulligan, for your thorough and direct comments too.
44 Appreciate you taking the time today. Any questions
45 from the Board for Mr. Mulligan.

46
47 MR. PELTOLA: Mr. Chair, BIA.

48
49 CHAIRMAN CHRISTIANSON: Yes, Gene, you
50

0041

1 have the floor.

2

3 MR. PELTOLA: Thank you, Mr. Chair.
4 Good morning, Ben. In your presentation you said that
5 the Board of Game has been receptive to aircraft
6 issues. Is there anything specific to GMU 23 that the
7 Board has acted upon in recent history to address the
8 concerns expressed by local residents, which have come
9 forward to the Board in the last several years? And
10 the reason I ask that is that, you know, I moved to
11 Kotzebue in the early '90s and the Noatak Controlled
12 Use Area, if I recall correctly, was in place at the
13 time, and also expanded by the Park Service. So has
14 there been anything in recent history that the Board of
15 Game has addressed that you're aware of with regard to
16 the aircraft usage concerning the local residents?

17

18 Thank you, Mr. Chair.

19

20 MR. MULLIGAN: Chair. Mr. Peltola. I
21 know the -- I don't think there's been a new one but I
22 know the Noatak Controlled Use Area has been modified
23 and expanded over the years since the initial inception
24 of it and I am currently looking for that detail in our
25 comments but I do -- it is in the written comments that
26 we provided. I just am, like I said, trying to find
27 that, and I can chime in here in a minute to provide
28 that to you, if it's okay with you.

29

30 MR. PELTOLA: That's fine, thank you
31 Ben, appreciate it.

32

33 MR. MULLIGAN: Yep.

34

35 MR. SIEKANIEC: Mr. Chair, this is
36 Greg.

37

38 CHAIRMAN CHRISTIANSON: Yes, Greg, you
39 have the floor.

40

41

42 MR. SIEKANIEC: Thank you, Mr. Chair.
43 Hey, Ben, thanks for joining us this morning and
44 providing your thoughts and comments.

45

46 In your comments, you, I think noted
47 that you believe there are mechanisms available for
48 making, you know, the types of changes that may be
49 needed to help facilitate the subsistence harvest by
50

0042

1 rural residents. Can you give me an idea of what you
2 mean when you say that there are mechanisms available?

3

4 MR. MULLIGAN: Thank you. Through the
5 Chair. Greg. You know, the immediate one, and one
6 that we're just talking about that I'm looking for now
7 is to establish additional or expansion of cri -- of
8 these controlled use areas. There's also going to --
9 at least on our side, for State lands, there's going to
10 the Big Game Commercial Services Board, and then there
11 would be, on Federal public lands, there would be
12 options to go to you guys to petition you to adjust the
13 amount of permits that you're giving out for guided
14 trips and transporters.

15

16 MR. SIEKANIEC: Thank you, Ben. And,
17 thank you, Mr. Chair.

18

19 CHAIRMAN CHRISTIANSON: Thank you.
20 Thank you, Mr. Mulligan. Any other questions for Ben.

21

22 (No comments)

23

24 CHAIRMAN CHRISTIANSON: All right, Ben,
25 appreciate, again, you taking the time to call in today
26 and share the position of the State. Hearing no more
27 questions there we'll move on to the ISC
28 recommendations.

29

30 MS. LAVINE: Good morning, Mr. Chair.
31 Members of the Board. For the record my name is Robbin
32 LaVine, and I will be presenting the ISC recommendation
33 in my role as Policy Coordinator.

34

35 The InterAgency Staff Committee
36 recommendation. Approve Temporary Wildlife Special
37 Action WSA21-01 as modified by OSM, to close moose
38 hunting to non-Federally-qualified users in Unit 23,
39 August 1st through September 30th, 2021.

40

41 And the justification is as follows:

42

43 We acknowledge the vital concerns
44 voiced by Federally-qualified subsistence users in
45 Units 23 and 26A regarding food security and the
46 continuation of subsistence uses. To help mitigate the
47 situation we recommend collaborative cross-agency
48 efforts to better understand the patterns of migration
49 in the Western Arctic Caribou Herd, including impacts

50

1 of external factors. We also recommend that co-equal
2 attention be given to traditional knowledge and Western
3 science in understanding and managing subsistence
4 resources in the region.

5
6 As indicated in the Staff analysis for
7 WSA21-01, closure of caribou hunting to non-Federally-
8 qualified users in Unit 23 and 26A is not warranted at
9 this time. The long-term effects of aircraft and non-
10 local hunting activity on caribou migration remains
11 unclear, though short-term effects on individual
12 harvest success by Federally-qualified subsistence
13 users may be occurring.

14
15 The Board has already closed areas of
16 historically high user conflicts in Unit 23 along the
17 portion of the Noatak River, the Squirrel, Eli and
18 Agashashok River drainages to caribou hunting by non-
19 Federally-qualified users, while National Parks and
20 Monuments within the unit are already closed to this
21 user group. Furthermore, closure of Federal public
22 lands in these areas may serve to concentrate non-
23 Federally-qualified users on to State lands which are
24 often located close to villages and may increase user
25 conflicts in these areas, and non-Federally-qualified
26 users would still be able to access and harvest caribou
27 on gravel bars below the mean high water mark along
28 navigable rivers within Federal public land as these
29 areas are considered State land.

30
31 Finally, aircraft traffic from other
32 users, such as recreational boaters and hikers would
33 still occur if a closure was enacted.

34
35 A closure to moose hunting in Unit 26A
36 to non-Federally-qualified users is not also not
37 warranted. Moose harvest by non-Federally-qualified
38 users is very low in the unit and closure of moose
39 hunting to this user group would not aid in the
40 conservation of moose population. Additionally, moose
41 populations are at the edge of their distribution range
42 in Unit 26A and are limited by marginal habitat
43 available in the area.

44
45 Finally, the Unit 26A controlled use
46 area is already closed to the use of aircraft of
47 hunting moose from July 1st through September 14th as
48 well as January 1st through March 31st, which already
49 limits moose hunting opportunities by non-Federally-
50

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1 qualified users.

2

3

4 A closure to moose hunting in Unit 23
5 to non-Federally-qualified users is warranted. As
6 shown in the analysis there are substantial
7 conservation concerns that threaten the moose
8 population in the unit. Surveys indicate substantial
9 declines in almost every survey area, and population
10 estimates are below State objectives. Additionally,
11 the harvestable surplus has likely been exceeded.
12 Regulatory changes have been made to reduce moose
13 harvest and promote population recovery in Unit 23
14 under both Federal and State regulations since 2017.
15 Despite these efforts moose populations have continued
16 to decline. Closure of moose hunting to non-Federally-
17 qualified users in Unit 23 may aid in the recovery of
18 the moose population, additional harvest opportunities
19 for Federally-qualified subsistence users and is
20 warranted under Section .815(3) of ANILCA and 50 CFR
21 100.(d) (4) (6).

21

22

Thank you.

23

24

25

CHAIRMAN CHRISTIANSON: Thank you,
Robbin. Any questions for ISC recommendation.

26

27

(No comments)

28

29

30

CHAIRMAN CHRISTIANSON: Hearing none,
we'll move on to Board deliberation and discussion.

31

32

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34

MR. MULLIGAN: Mr. Chairman, this is
Ben Mulligan. I have an answer for Member Peltola, if
you would indulge me.

35

36

37

CHAIRMAN CHRISTIANSON: Go ahead, Ben,
you have the floor, please.

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MR. MULLIGAN: Thank you, sir. Gene,
just to answer your question, I got an answer from our
Regional folks and looking at our comments, it was
expanded spatially in 2017 to go -- beginning at the --
and I will apologize if I butcher this name, the
Agashashok River and extending up stream to the mouth
of the Nimiuktuk and then the area has been -- it looks
like when it was originally established, the
restrictions applied from August 20th to September
20th, and it now applies to August 15th to September
30th.

0045

1 Thank you, Mr. Chairman.

2

3 MR. PELTOLA: Thank you, Ben. That's
4 what I thought but I wanted to make sure. Appreciate
5 the effort.

6

7 CHAIRMAN CHRISTIANSON: Thank you.
8 Thank you, Ben. Okay, again.....

9

10 MR. PELTOLA: Mr. Chair.

11

12 CHAIRMAN CHRISTIANSON:moving on,
13 Board -- is there a question there?

14

15 MR. PELTOLA: Yeah, this is BIA.

16

17 CHAIRMAN CHRISTIANSON: Go ahead, Gene.

18

19 MR. PELTOLA: I don't want to seem out
20 of line, but before we engage in Board deliberation and
21 before we get to the motion aspect, may I request like
22 a 10 minute break.

23

24

25 MR. SIEKANIEC: Sounds appropriate to
26 me.

27

28 MR. BROWER: Sounds appropriate to me.

29

30 MR. SCHMID: Works for me.

31

32 MS. DETWILER: So, Mr. Chair.....

33

34 MR. LORD: Mr. Chair, this is Ken.

35

36 CHAIRMAN CHRISTIANSON: Yeah, sorry, I
37 was muted guys -- sorry, I was talking away. 10 minute
38 break, we'll fine if we can come back at 12:00 o'clock
39 straight up and allow time for the formation of a
40 motion.

41

42 Thank you.

43

44 MR. PELTOLA: Thank you, Mr. Chair.

45

46 MR. LORD: Mr. Chair, before we go on
47 break.

48

49 CHAIRMAN CHRISTIANSON: Yes.

50

0046

1 MR. LORD: Mike Routhier and I both
2 have a hard stop at 11:55, we've got -- we're on an
3 interview panel and have to jump off at that point.
4

5 CHAIRMAN CHRISTIANSON: Okay. Will
6 that be an issue with us finishing the business today?
7

8 MR. LORD: I hope not.
9

10 CHAIRMAN CHRISTIANSON: I don't think
11 so, I think we'll be fine with no legal couns --
12 appreciate your time today, Ken, and thank you for
13 notifying us.
14

15 MR. LORD: All right, you all have a
16 good day.
17

18 CHAIRMAN CHRISTIANSON: Yeah, you too,
19 thank you. Have a good day. See you at 12:00
20 everyone.
21

22 (Off record)
23

24 (On record)
25

26 MS. DETWILER: Okay, so this is Sue,
27 did we hear Chad Padgett from BLM, are you back on?
28

29 MR. PADGETT: I am.
30

31 CHAIRMAN CHRISTIANSON: Sue, I need
32 five minutes, so I'll be on in five minutes.
33

34 (Pause)
35

36 MS. DETWILER: Chair Christianson, are
37 you on the line?
38

39 MR. PELTOLA: Sue, I think he said he'd
40 be back in five.
41

42 MS. DETWILER: Yeah, that's what I
43 thought. So with your Board members forbearance here I
44 am just going to run through this roll call again just
45 to make sure I didn't miss anybody, everybody was just
46 kind of chiming in there and I want to make sure I
47 record everybody that's on.
48

49 So, Gene, I hear you're on. Chad,
50

0047

1 you're on.

2

3

Jeff Mow, are you on?

4

5

MR. MOW: Yes, Jeff is on.

6

7

MS. DETWILER: Okay, thank you.

8

9

Greg, I heard you.

10

11

12

MR. SIEKANIEC: Yes.

13

14

MS. DETWILER: Dave Schmid, you're on.

15

16

Rhonda Pitka has joined us.

17

18

Charlie, are you on?

19

20

MR. BROWER: That's what I said five
21 minutes ago.

22

23

MS. DETWILER: Okay. Okay, so we're
24 just waiting for Anthony Christianson to come back.

25

26

(Off record)

27

28

(On record)

29

30

CHAIRMAN CHRISTIANSON: Hello,
31 everybody, sorry about that. I had an emergency pop up,
32 I'm back.

33

34

MS. DETWILER: Okay. Charlie [sic],
35 this is Sue Detwiler. All the other Board members are
36 on so you have a full compliment of eight Board members
37 on the phone now.

38

39

CHAIRMAN CHRISTIANSON: Oh, we're just
40 waiting for Charlie, you said?

41

42

MS. DETWILER: No, everybody's on.

43

44

CHAIRMAN CHRISTIANSON: Oh, okay,
45 everybody's on, we'll go ahead and get started again,
46 and we ended the discussion at Board deliberation and
47 discussion for this wildlife special action.

48

49

MR. PELTOLA: Mr. Chair, BIA.

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1 CHAIRMAN CHRISTIANSON: The floor is
2 open. Yes, go ahead.

3
4 MR. PELTOLA: Thank you, Mr. Chair. So
5 I have a few comments and would be interested in other
6 Board members ideas.

7
8 But this body, and myself as a member
9 of this body have, in the past, voted for prescriptive
10 and very targeted closures. And the threshold is very
11 high, as it should be, for precluding a user group.
12 And we've gone through the analysis, we've heard a
13 summary of the public comments, and we've heard from
14 the Regional Advisory Council. At issue is in the --
15 refer to the Chair of the Northwest RAC that this is a
16 primary issue of, I believe it was, hunter placement.
17 And I've also engaged in a series of questions from the
18 agencies in the impacted area about the efforts going
19 through .810 determinations and what that led to and
20 potential permit conditions issued to the commercial
21 users within the region. We also heard from OSM
22 earlier that this was presented to our body earlier
23 this spring. I, personally, and professionally feel
24 that with regard to -- and I think I have an idea of
25 what's going to be recommended when we come to a
26 general motion, so I would ask the body to consider --
27 and this is not a question of just delaying an outcome.

28
29 As I mentioned earlier I moved to
30 Northwest Alaska in the early '90s, resided there for
31 10 years and went back for almost three more years, so
32 I've spent some time up there. And when I first
33 arrived, the issue was brought forth about competition
34 for resource, aircraft usage and such and between the
35 Federal and the State Programs we really haven't been
36 able to, it sounds like, because we have another
37 proposal before us, to address those concerns.

38
39 With that being said, I think that the
40 Program with regard to caribou got to a decent product,
41 a good product, wherein OSM was instructed to work with
42 the Western Arctic Caribou Herd Working Group, the
43 Alaska Department of Fish and Game, transporters,
44 guides, people within the industry, the Regional
45 Advisory Councils, the Advisory Councils for the State
46 Program and such, and I think that this here would also
47 benefit from a similar effort. In addition to when we
48 look at moose, the analysis touched upon moose, but it
49 didn't break it down by subunit and there are general
50

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1 harvest information, but the GMU 23, in regard to moose
2 harvest is broken down into five subunits and with
3 regard to the draw permits, when they were in place,
4 there was, you know, it was tightly controlled. Now,
5 we have a registration and general hunt there, and
6 there are general harvest information in regard to GMU
7 as a whole, and then we have associated survey data,
8 Upper Noatak, Selawik Flats, whatever survey area they
9 may be, but it didn't go into as in-depth analysis with
10 regard to taking the harvest information and trying to
11 break it down as best we could between residents, non-
12 residence unit with regard to -- and correlate -- and
13 compare that to the harvest information to the best of
14 our ability.

15

16 With that being said, I think that a
17 deferral, a motion to defer with instruction to OSM to
18 engage in those efforts. Then if those efforts are
19 executed and completed, then at the will at the Chair
20 we could -- this body with a more in-depth analysis,
21 and information, can make a better informed decision
22 about whether we should preclude a user group from
23 accessing Federal lands or not.

24

25 As I said this is not -- for discussion
26 purposes, it's not a mean of just kicking the can down
27 the road. It's aimed to a more solidified position.
28 There has been support for prescriptive and targeted
29 closures in place, you know, like I said, and it should
30 be, and likely so, a very high bar to preclude a user
31 group from Federal lands.

32

33 I put it out there for discussion
34 purposes.

35

36 Thank you, Mr. Chair.

37

38 CHAIRMAN CHRISTIANSON: Thank you,
39 Gene. And, yeah, I mean I kind of, you know, listening
40 to everything today, you know, it sounded like between
41 the ISC, you know, the Regional Advisory Council Chairs
42 and everybody that there still seems to be some
43 difference of, a little more information needed, and,
44 you know, putting it back -- it seems to be, like the
45 Staff said it took two years to get a full analysis
46 done the last time we were presented with this, to the
47 final. And, again, you know, a little more time to try
48 to find those targeted solutions before we make an
49 effort to move on this might be something we want to

50

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1 consider. Just based on what we've done in the past
2 and can maintain our consistency as a Board, you know,
3 we've done it with the Kusko and the fishery management
4 groups and we entrusted that the caribou before, and,
5 you know, just maintain that consistency is something I
6 can see a benefit to.

7

8 So I'd entertain any additional
9 comments from the Board.

10

11 MR. PADGETT: Mr. Chair, Chad Padgett
12 with BLM.

13

14 CHAIRMAN CHRISTIANSON: Yes, Chad, go
15 ahead.

16

17 MR. PADGETT: Thank you for that, and I
18 would agree with both you and Gene. I do think that
19 allowing a little bit of additional time to do a better
20 analysis and look at what we might be able to do as
21 land management agencies with respect to at the local
22 subunits and those types of things would be really
23 helpful because these are issues that we're tackling
24 kind of across the board in terms of conflict, you
25 know, conflicting user groups, those kinds of things.
26 And so I would agree with both of you that a deferral
27 would be appropriate.

28

29 Thank you.

30

31 CHAIRMAN CHRISTIANSON: Any other Board
32 discussion or deliberation.

33

34 MR. SIEKANIEC: Mr. Chair, this is
35 Greg.

36

37 CHAIRMAN CHRISTIANSON: Yes, Greg, you
38 have the floor.

39

40

41 MR. SIEKANIEC: Thanks. Yeah, Gene,
42 thanks for the thoughtful comments there. I was just
43 wondering, you know, I remember like in 2016/2017,
44 there was -- you know, I think all of us advocated for
45 an engagement on this broad spectrum of users that you
46 described Gene. What I don't recall, and maybe someone
47 else does, is did we defer a proposal in front of us at
48 that time or did we act on it and then ask the
49 Subsistence Team to come together and work with the

50

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1 Northwest Arctic Caribou Board and see, you know, what
2 could be worked out and out of that, I think, came that
3 2017 change that Ben described.

4
5 That's sort of one question I have
6 there.

7
8 And then if you were talking a defer,
9 Gene, help me a little bit more on the timing you're
10 thinking of. If we could defer for a year, I think we
11 could probably see some better outcome here but if
12 you're thinking of a very short deferral to go back and
13 look at some harvest information, I'm -- and I'm
14 concerned, because there's many users out there that
15 are already have plans well underway for this year and
16 we're already, in my opinion, at the Eleventh Hour on
17 this.

18
19 MR. PELTOLA: Completely understand,
20 Greg. This is Gene. So my idea would be a deferred
21 for further analysis. Now, if you take the caribou
22 potential effort and the moose there may be different
23 temporary requirements for accomplishing those, and
24 that's why I was saying that we might be able to take
25 them up independently or as a whole at the will of the
26 Chair.

27
28 Now, if I recall correctly, '17
29 initiated from a special action from Northwest as well.
30 And if the Board addressed it via a wildlife cycle,
31 would have been a permanent regulatory change, which it
32 had not been.

33
34
35 MR. SIEKANIEC: Okay, thanks, Gene.
36 So, I'm, again, trying to understand. I think I got
37 out of your comments, you're looking for a -- probably
38 it would be a longer deferral than, you know, just a
39 couple of weeks here, we're probably going to push this
40 into -- come back to us next year?

41
42 MR. PELTOLA: I wouldn't -- thank you,
43 Greg. This is Gene again, BIA. Well, I wouldn't say
44 that we give it a TBD -- like a time limit, it has to
45 be accomplished in a.....

46
47
48 MR. SIEKANIEC: Right.

49
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1 MR. PELTOLA: But what would be
2 required of OSM to engage in the effort as instructed
3 by the Board.

4
5
6 MR. SIEKANIEC: Okay, thanks, Gene.
7 Again, I think I'm trying to sort this out. I think
8 that if we defer it in such a way that we don't -- we
9 don't set an expectation that we would get this
10 resolved, yet, before the end of -- or before -- or on
11 September, or August, when the season would normally
12 open, because we're -- again, I expressed that short
13 window of time here, we'd keep everybody hanging and
14 plans have been made and all of those considerations,
15 so I think if we were to defer this with the
16 expectation that we would resolve this prior to the
17 next round of hunting season, I would -- I think we'd
18 be in a good place myself. Otherwise I think we need
19 to take action on what's in front of us.

20
21 MR. PELTOLA: No, Greg, I concur with
22 your statement.

23
24
25 MR. SIEKANIEC: Thank you, Gene.

26
27 CHAIRMAN CHRISTIANSON: Yeah, so guess
28 what you're looking for Greg is a time, you know, to
29 set that time, when is the next round of Regional
30 Advisory Council meetings set to start? In the fall?

31
32 MS. GREDIAGIN: Mr. Chair.

33
34 MS. DETWILER: Yeah, Mr. Chair.....

35
36 CHAIRMAN CHRISTIANSON: Yes.

37
38 MS. DETWILER: Yes, they start
39 September/October timeframe.

40
41 CHAIRMAN CHRISTIANSON: Okay. And so
42 reasonably with this we could probably just say, hey,
43 why don't we use the expectation that we do form some
44 type of working group, an expectation that we can come
45 back with something to present to those Regional
46 Advisory Councils at their fall RAC meetings and, you
47 know, and that way, you know, that the time to be
48 determined is going to be, you know, probably after the
49 season be it that ISC is recommending to oppose it
50

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1 anyway, you know.

2

3 The only concern I have is with the
4 moose maybe, you know, and not having enough
5 information there on it and it seems to be a separate
6 issue than the caribou here. We seem to be talking
7 about two things.

8

9 And so, you know, I would be
10 comfortable, you know, because the ISC proposes that
11 and there is, you know, the conservation concern isn't
12 clearly there, it's more, again, about user group
13 conflict and, you know, animal positioning, and human
14 positioning on a hunt that's causing a disruption, and
15 that might be something, again, that needs more
16 analyzing and time to work out. And I know that the
17 Regional Advisory Councils have deliberated this
18 extensively with their communities and with the groups,
19 the RACs that they have, but, again, there still seems
20 to be some hold up on our ability to make a move on
21 this, and so I would say that, you know, we do that
22 working group with that timeline in mind where
23 something before the Regional Advisory Council so that
24 they can, again, engage on that, and then maybe give us
25 back a proposal after that.

26

27 MS. GREDIAGIN: Mr. Chair.

28

29 CHAIRMAN CHRISTIANSON: Yes, you have
30 the floor.

31

32 MS. GREDIAGIN: This is Lisa Grediagin.
33 And I just wanted to point out that the request is for
34 August 1st to September 30th of 2021, so if the Board
35 does not take action before September 30th, you know,
36 August 1st of 2021 then essentially there's, you know,
37 this request -- it would be take no action and
38 ultimately would -- I guess no action would be taken so
39 then the request would ultimately be opposed. So it's
40 not like a regulatory proposal where deferral it would
41 just come up again for the next regulatory cycle, I
42 mean the request itself is just for this year.

43

44 MR. PELTOLA: Mr. Chair, BIA.

45

46 CHAIRMAN CHRISTIANSON: Yes, you have
47 the floor.

48

49 MR. PELTOLA: Thank you, Lisa, for that

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1 clarification. Although I'd like to point out that the
2 Federal Subsistence Board at times does modify the ISC
3 recommendation or OSM recommendation, modify a original
4 request to the Board for consideration. And it's
5 unfortunate that legal counsel is not here, but that it
6 is somewhat of a common occurrence for the Board to
7 modify a request to address the issue as a whole.

8

9 CHAIRMAN CHRISTIANSON: So I guess I
10 think we're all in agreement that, you know, we want to
11 give a little more time but I also hear what Greg's
12 saying and Lisa's saying about, you know, the timeline
13 being, you know, pretty critical because there is a lot
14 of people listening to, you know, if we defer it out a
15 month, that kind of starts to cause issue for certain
16 people, but, again, the priority is the user, and
17 making sure that we provide for that user group and we
18 continue hearing unanimously there's an issue with
19 competition up there and so how do we resolve that
20 issue and do it in a manner that helps support the
21 local user and continue to have access for all user
22 groups because, you know, again, there seems to be a
23 healthy population.

24

25 MR. MOW: Mr. Chair.

26

27 CHAIRMAN CHRISTIANSON: Yes, Jeff.

28

29 MR. MOW: Yes, this is Jeff Mow from
30 the Park Service. I heard from the analysis that there
31 was a conservation issue with moose and, therefore, I'd
32 be certainly be supportive of doing a closure for
33 moose, which would be an action -- taking action on the
34 proposed and still offer that opportunity to continue
35 to work forward on the other aspects.

36

37 CHAIRMAN CHRISTIANSON: I guess
38 according to what Jeff said and what Lisa's saying and
39 what I'm hearing is is at this time we don't feel, you
40 know, we may be able to take action on half of the
41 proposal, but on the second half of the proposal we can
42 support a closure based on conservation concerns of the
43 moose population of that unit.

44

45 MR. PELTOLA: Mr. Chair, BIA.

46

47 CHAIRMAN CHRISTIANSON: Go ahead.

48

49 MR. PELTOLA: Thank you, Mr. Chair. So

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1 I've looked at the moose aspect as well and since we're
2 in discussion phase before a motion is being made, the
3 analysis identifies overall GMU harvest between local
4 and non-local, it does identify survey areas which
5 could be associated with those three harvest areas
6 within GMU 23. There is a subunit that is above
7 population -- the State's population objective and in
8 the lack of an independent plan from the Federal
9 Program, my concern would be is that if there is not a
10 closure warranted for one of the five, would that -- if
11 we -- even if we were to preclude that from inclusion,
12 would that retarget any effort that may occur in 23 to
13 the Upper Kobuk and I think that's the area I was
14 considering, or part -- or referring to, would that
15 this proportionally target -- have people who's desire
16 to hunt in 23 put undue pressure on a population that's
17 already below objective and if we do close it, would
18 that be above objective, do we have the justification
19 to close it.

20

21 Thank you, Mr. Chair.

22

23 Just putting it out there for
24 discussion purposes.

25

26 CHAIRMAN CHRISTIANSON: Thank you,
27 Gene.

28

29 MR. SIEKANIEC: Mr. Chair, this is
30 Greg.

31

32 CHAIRMAN CHRISTIANSON: Yes, Greg, you
33 have the floor.

34

35

36 MR. SIEKANIEC: Thanks, Gene. I think
37 you raise an important point on -- well, two very
38 important points there. One is we do not want to take
39 an action that inadvertently shifts people to an area
40 that already has a below population level objective,
41 and the other point on in an area that does not have a
42 conservation issue, should this Board be taking that
43 type of an action.

44

45 So do you, Gene, see yourself being
46 able to define a clearer maybe motion around that moose
47 concern?

48

49 MR. PELTOLA: Thank you, Greg. I've

50

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1 toyed with that and have not been able to come up -- I
2 mean the options pretty much would be, with regard to
3 be, there'd be three options.

4
5 Support the closure.

6
7 MR. SIEKANIEC: Yep.

8
9 MR. PELTOLA: Oppose the closure. Or
10 since we have one unit that's below popu -- four units
11 below population objective and one above, would be
12 preclude the one that's above the population objective
13 unless we can articulate and justify our concern about
14 displacement and putting disproportionate pressure on
15 that one area that's slightly above population
16 objectives.

17
18 So I think it's a challenge either way.

19
20 MR. SIEKANIEC: Yeah, it certainly
21 sounds like it is.

22
23 MR. PELTOLA: And that's one of the
24 reasons why -- I know that the special action addresses
25 a specific harvest period, August 1st through -- but
26 that is one of the concerns that I had by reviewing the
27 analysis, and looking at, although it may be a
28 challenge, I think the Program should do the best we
29 can to try to associate those survey areas with the
30 subunits because there is different population
31 objectives for each of those subunits in addition to
32 try to break down the local and the non-local harvest
33 within those subunits. Because, just for example, it
34 may turn out that we don't have, you know, any use or a
35 lot of use in one or the other and without looking at
36 that subunit analysis it would be hard to -- at least
37 in my mind, to get to either a support or a deny or a
38 modification.

39
40
41 MR. SIEKANIEC: So hence that takes you
42 back to your deferral idea?

43
44 MR. PELTOLA: Correct, yes it does.

45
46 MR. SIEKANIEC: Yeah.

47
48 MR. PELTOLA: And, you know, I'm not
49 criticizing OSM in any manner or capacity, I think they
50

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1 did an exceptional job with the analysis in the time
2 period in which they were given.

3

4 MR. SIEKANIEC: Yeah, no, thanks, Gene.
5 I appreciate that. But I think you are making very
6 valid points that, you know, we need to be very
7 carefully that we don't inadvertently push people into
8 an area that, you know, really can't take the level of
9 harvest that may occur without having an additional
10 amount of time spent on reviewing it.

11

12 Thank you, Mr. Chair.

13

14 CHAIRMAN CHRISTIANSON: Thank you. Any
15 other Board discussion or deliberation.

16

17 MR. PELTOLA: Mr. Chair, BIA.

18

19 CHAIRMAN CHRISTIANSON: Yes, go ahead,
20 Gene.

21

22 MR. PELTOLA: Thank you, Mr. Chair.
23 Hearing no further comments on it, if it pleases the
24 Board I'd be willing to make a motion for deferral.

25

26 MS. PITKA: Please make a motion.

27

28 MR. SIEKANIEC: Fish and Wildlife is
29 okay with that, Gene.

30

31 MR. PELTOLA: Okay, thank you. Okay,
32 Mr. Chair. The Bureau of Indian Affairs moves that the
33 Federal Subsistence Board defer action on Wildlife
34 Temporary Special Action WSA21-01 with the further
35 guidance to the Office of Subsistence Management to
36 engage in an effort with regard to one caribou to
37 utilize and get input from Western Arctic Caribou Herd
38 Working Group, Alaska Department of Fish and Game, the
39 ACs, the Regional Advisory Councils, the Chairs, and
40 users within the industry, similar to what's occurred
41 prior to the Board's determination in 2017. In
42 addition to, with regard to the moose in this proposal,
43 that OSM further the analysis to include subunit -- to
44 the best of their ability, subunit harvest and survey
45 information data for the Board's future consideration,
46 to be called at the will of the Chair.

47

48 Thank you, Mr. Chair.

49

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1 CHAIRMAN CHRISTIANSON: Thank you,
2 Gene. There's been a motion, is there a second.

3
4 MR. PADGETT: BLM seconds.

5
6 CHAIRMAN CHRISTIANSON: Motion's been
7 made and seconded for deferral. Any discussion.

8
9
10 MR. SIEKANIEC: Mr. Chair, this is
11 Greg.

12
13 MR. BROWER: Mr. Chair.

14
15 CHAIRMAN CHRISTIANSON: Yes, Greg, you
16 have the floor.

17
18 MR. SIEKANIEC: Thank you, Mr. Chair.
19 Gene, I didn't hear any reference to a timing window.
20 Could we identify the expectation would be for, you
21 know, the following hunt season?

22
23 MR. PELTOLA: With the concurrence of
24 the second, I would so include that.

25
26 MR. PADGETT: Concur.

27
28 MR. PELTOLA: Thank you, Chad.

29
30 MR. SIEKANIEC: Thank you, Mr. Chair.

31
32 CHAIRMAN CHRISTIANSON: Okay. And let
33 the record reflect that the deferral is, again, going
34 to be after the 2021 hunting season. Any other Board
35 discussion under the motion.

36
37 MR. SCHMID: Yeah, Forest Service, Mr.
38 Chair.

39
40 CHAIRMAN CHRISTIANSON: Yes, Dave, you
41 have the floor.

42
43 MR. SCHMID: Yeah, I've been following
44 along and tracking here and I'm supportive with where
45 we're heading with a deferral and will support --
46 likely support this motion.

47
48 And, I, too, I get the deferral,
49 certainly until after this season, I just want to make
50

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1 sure that there is some accountability here through the
2 Board and as outlined there in BIA's motion to defer,
3 that this just doesn't continue to slide, that we do
4 continue to have a commitment here to follow through
5 and try and help resolve this with a little bit better
6 data and a little bit more information, but that we can
7 get to a more longer term solution.

8
9 Thank you, Mr. Chair.

10
11 CHAIRMAN CHRISTIANSON: Thank you,
12 Dave. Any other Board discussion.

13
14 MR. BROWER: Mr. Chair, Charlie.

15
16 CHAIRMAN CHRISTIANSON: Charlie, you
17 have the floor.

18
19 MR. BROWER: Yeah, I agree with
20 everyone, delayed until 2022, I believe, is that right,
21 that's the year?

22
23 MR. SIEKANIEC: Mr. Chair, this is
24 Greg.

25
26 CHAIRMAN CHRISTIANSON: Yes, Greg, you
27 have the floor.

28
29 MR. SIEKANIEC: Just in thinking with
30 what Charlie just asked, I think, yes, the idea was for
31 2022. I saw a note from Lisa Maas come in that says,
32 you know, it looks like we probably should defer until
33 the next wildlife proposal cycle. Lisa, maybe -- could
34 we ask Lisa to maybe come on and speak to that.

35
36 MS. GREDIAGIN: Yeah, thanks, Greg. I
37 might pass this over to Theo since he's the regulatory
38 specialist that can probably cite the regs better than
39 I can, but, yeah, that's the feedback I got. Is that
40 the Board is able to defer a special action to the next
41 wildlife proposal cycle so then it would become a
42 proposal, I guess that would be in 2023, and then
43 effective in 2024. But I'd invite Theo to provide more
44 detailed information if you'd like to.

45
46 MR. MATUSKOWITZ: This is Theo, if
47 you'd like me to address this issue a little bit
48 further.

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1 CHAIRMAN CHRISTIANSON: Go ahead, Theo,
2 you have the floor.

3
4 MR. MATUSKOWITZ: Okay, thank you, Mr.
5 Chair. This is Theo Matuskowitz, OSM Regulation
6 Specialist.

7
8 In our regulations, Section 19(c)
9 states the Board may reject a request, and I'm talking
10 about special actions here, for either an emergency or
11 a special temporary special action, if the Board
12 concludes there is no time sensitive circumstances and
13 necessitating a regulatory change before the next
14 regular proposal cycle.

15
16 It goes on to say a special action
17 request that has been rejected for this reason may be
18 deferred, if appropriate, and after consultation with
19 the proponent for consideration during the next
20 regulatory proposal cycle.

21
22 And so it's already in our regulations,
23 you know, how this is a method that you can use to
24 address this issue for deferral and allow to make --
25 since there was concern that, you know, it might not be
26 followed up on, by you taking this action, it would
27 become a proposal that would have to be addressed and,
28 you know, with the current cycle that we're in right
29 now we have a proposal that is exactly, you know, in
30 that same scenario. So it wouldn't be forgotten about,
31 it wouldn't be passed off, it would have to be
32 addressed as a proposal and go through the entire, you
33 know, full public process and, you know, addressed
34 through the Councils and the ISC and, of course,
35 eventually come back to you as the Board.

36
37 Thank you very much. I'll answer any
38 questions if there are any.

39
40 Thank you.

41
42 MR. PELTOLA: Mr. Chair, BIA.

43
44 CHAIRMAN CHRISTIANSON: Go ahead.

45
46 MR. PELTOLA: Thank you, Mr. Chair.
47 Good afternoon, Theo. So as the regulations stipulate,
48 I think I heard it can, it doesn't say shall, so would
49 there be anything in regulations that preclude the
50

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1 Board from taking action on a deferral as a special
2 action request and if time did not allow then
3 converting it over, or if we were to get a request from
4 the proponent during the wildlife cycle, to transition
5 to a full blown proposal. My hope would be that the
6 Board could take action prior to the next wildlife
7 cycle.

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Thank you, Mr. Chair.

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MR. MATUSKOWITZ: Technically, yes, as the Board, you can pretty much do anything you want along those lines. So it could be addressed as a continuation of a special action if that's how you want to address this. But just keep in mind, that, you know, if it continues on as a special action it's going to be temporary in nature and so that after you address it as a special action, if the problem continues, you'll either just have another follow on special action or, you know, years down the road you'll have, you know, a proposal to address this. So, once, again, that's up to the Board's choice of how they want to address it.

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Thank you.

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CHAIRMAN CHRISTIANSON: Hey, Theo, I got a question, this is Anthony. Is there no reason why we couldn't do both, like we're hearing this one and we want to make this deferral, you know, so that if we do have to make an action by next hunting season, you know, we're not going to take any action this season, we're not going to affect the user groups, but that we have a special action deferred out, and if -- but concurrently that, you know, whether or not we take action on it, that we will be having the proponents prepare the proposals for the next regulatory cycle, regardless of our Board action now. Is that a possibility?

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MR. MATUSKOWITZ: You could ask the proponent to do that but we cannot accept an actual proposal at this date. We have to stick to the regulations and the process of, you know, accepting proposals. So, yes, you may continue on with this as a special action with a recommendation to submit this at a later date as a proposal, but we couldn't accept that proposal at this time because we are required to follow, you know, through the APA, the process of

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1 rulemaking. So, yes, you could recommend that but that
2 would be it at this time.

3
4 Thank you.

5
6 CHAIRMAN CHRISTIANSON: Thank you,
7 Theo.

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9 MR. PELTOLA: Mr. Chair, BIA.

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11 CHAIRMAN CHRISTIANSON: Go ahead, Gene,
12 yes.

13
14 MR. PELTOLA: Thank you, Mr. Chair.
15 Thank you, Theo, for that information. I just wanted
16 to follow up on Dave's concern, Bureau of Indian
17 Affairs, myself, also expressed the same concern that
18 the Program does follow through with this, and I will
19 commit our two subsistence personnel at the Bureau of
20 Indian Affairs to assist in the effort and any means
21 that is required of us.

22
23 Thank you, Mr. Chair.

24
25 MR. SCHMID: Through the Chair, thank
26 you.

27
28 MR. SIEKANIEC: Mr. Chair, this is
29 Greg.

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31 CHAIRMAN CHRISTIANSON: Yes, Greg, you
32 have the floor.

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35 MR. SIEKANIEC: Thanks. Theo, thanks.
36 I appreciate your discussion. I think I'm following
37 it. So if we defer, there's a -- it will come back
38 through the regulatory cycle, but there's also the
39 possibility that we defer and if we can accomplish this
40 work in a timely manner, that the proponent could
41 propose again this special action for next year and the
42 Board would then be subject to taking it up again; is
43 that correct?

44
45 MR. MATUSKOWITZ: Through the Chair.
46 Yes, sir, if I follow you correctly, yes, what you just
47 stated is correct.

48
49 MR. SIEKANIEC: Okay, thank you, Theo.
50

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1 And then if the Board takes an action next year and
2 says, yes, we've reached some, you know, program that
3 would allow for some additional actions to hopefully
4 resolve some of this user issue, it would still likely
5 need to follow through into a regulatory action because
6 it needs to become part of the regs at some point in
7 time.

8

9 MR. MATUSKOWITZ: Through the Chair.
10 Yes, sir, that is 100 percent correct.

11

12 MR. SIEKANIEC: Okay. Just wanted to
13 make sure I was getting that straight in my head here.
14 Thank you, Theo.

15

16 Thank you, Mr. Chair.

17

18 CHAIRMAN CHRISTIANSON: Any other Board
19 questions, discussion, deliberations.

20

21 (No comments)

22

23 CHAIRMAN CHRISTIANSON: Hearing none,
24 we'll call for the question.

25

26 MR. SIEKANIEC: Question.

27

28 CHAIRMAN CHRISTIANSON: Question's been
29 called, roll call, please, Sue.

30

31 MS. DETWILER: Okay. So the motion is
32 to defer and I'll start out with the maker of the
33 motion.

34

35 BIA, Gene Peltola.

36

37 MR. PELTOLA: BIA supports as proposed.

38

39 MS. DETWILER: Thank you, Gene.

40

41 Chad Padgett, BLM.

42

43 MR. PADGETT: Support.

44

45 MS. DETWILER: Dave Schmid, Forest
46 Service.

47

48 MR. SCHMID: I support as well, thank
49 you.

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1 MS. DETWILER: Thank you.

2

3 Jeff Mow, Park Service.

4

5 MR. MOW: Support.

6

7 MS. DETWILER: Greg Siekaniec, Fish and
8 Wildlife Service.

9

10 MR. SIEKANIEC: Thank you, Sue. I
11 support. And as much as I would like to be able to
12 reiterate Gene's motion, I think I'll forego that and
13 just say I am in support and thanks, Gene, for putting
14 that forward.

15

16 MS. DETWILER: Thank you, Greg.

17

18 Public Member Rhonda Pitka.

19

20 MS. PITKA: Support. Thank you.

21

22 MS. DETWILER: Thank you.

23

24 Public Member Charlie Brower.

25

26 MR. BROWER: I support, thank you.

27

28 MS. DETWILER: Thank you.

29

30 Chair, Anthony Christianson.

31

32 CHAIRMAN CHRISTIANSON: Support.

33

34 MS. DETWILER: Okay, thank you. So
35 that motion passes unanimously to defer.

36

37 And we, at OSM, we have the transcripts
38 to go on that, it was kind of a long conversation but I
39 think we have enough to go on to move forward and make
40 sure we get something before the Councils this fall.

41

42 MR. PELTOLA: Thank you, Sue.

43

44 CHAIRMAN CHRISTIANSON: Yep, thank you,
45 Sue. Sue, was there anything else on the agenda today?

46

47 MS. DETWILER: Nothing on the agenda
48 but I did just want to note for the public record that
49 the Board did meet in executive session this morning to

50

0065

1 discuss some fishery issues with legal counsel, and
2 there were no decisions made, it was just consulting
3 with legal counsel on some fishery issues.

4
5 CHAIRMAN CHRISTIANSON: Okay, thank
6 you, again, for that, Sue, making sure we get that on
7 the record.

8
9 MR. SIEKANIEC: Mr. Chair, this is
10 Greg.

11
12 CHAIRMAN CHRISTIANSON: With that I --
13 yep, go ahead.

14
15 MR. SIEKANIEC: Thank you. So I just
16 saw another note coming from our OSM Staff that they
17 want us to be clear that the Board's intent is for a
18 2022 special action, and that we would like to see the
19 follow up on this to happen within that timeframe to
20 allow a person, if they want to a proponent, to bring a
21 special action forward, which would mean that the
22 proponent would have to submit it once again. I
23 believe that is correct, that's what was my
24 understanding, I'm hoping everyone else had something
25 similar in mind.

26
27 MR. SCHMID: Through the Chair, this is
28 Forest Service. That's my understanding as well, Greg.

29
30 MR. SIEKANIEC: Thank you.

31
32 MR. PADGETT: Through the Chair, this
33 is Chad. My understanding is the same as.....

34
35 CHAIRMAN CHRISTIANSON: Yeah, Chad, go
36 ahead. Chad, go ahead, you have the floor.

37
38 MR. PADGETT: Sorry about that. I was
39 just saying that. I was just saying that was my
40 understanding as well.

41
42 Thank you.

43
44 MR. BROWER: Mr. Chair, Brower, I
45 agree, it's my understanding. Thank you.

46
47 MR. SIEKANIEC: Okay, this is Greg, Mr.
48 Chair. I received back from our OSM Staff, they're
49 saying, okay, they got it and they appreciate the
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1 clarification.

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CHAIRMAN CHRISTIANSON: Yes, so we'll
4 just make sure they know that we need to be
5 communicating with the proponent as well as, you know,
6 what we're directing our OSM Staff to do, to reach out
7 to the working groups and start to strengthen the
8 analysis and, you know, more rigorous energy put into
9 the areas where we may be able to do those applications
10 in a more localized fashion, being more mindful of
11 pushing user groups around and causing maybe more of a
12 conservation concern in some areas that are lacking a
13 resource. So, you know, that's why we have a Board,
14 and I just want to thank all the Board members for
15 bringing those various perspectives because we see all
16 sides of it once we all get together and have these
17 discussions.

18

19 So just appreciate all the insight that
20 was brought to the table today. Thank you.

21

22

Any other closing comments.

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MR. SIEKANIEC: Mr. Chair, this is
Greg.

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CHAIRMAN CHRISTIANSON: Yes, Greg, you
have the floor.

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MR. SIEKANIEC: Thank you, Mr. Chair.
Hey, I just want to take a moment to, one, say thank
you for all the hard work that the Board puts in and I
think it's pretty common knowledge that I'm retiring
within the next couple of weeks here from the Fish and
Wildlife Service. And it's been an honor to serve with
all of the Board members here and I appreciate the kind
of debate, the dialogue that takes place during Board
meetings when we have difficult decisions in front of
us such as this.

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So, Mr. Chair, again, thank you for
just a moment there to, one, say, thank you, an honor
to serve with you all. And Godspeed in all the
decisions you'll have coming in front of you.

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MR. PADGETT: Thank you, Greg.

CHAIRMAN CHRISTIANSON: Well, Greg
we've -- yep, thank you, Greg, truly from the Board

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1 here and from the Chairman, I appreciate your
2 perspective and what you've brought and, you know,
3 you've done a lot to educate me as a Board member and
4 as a Chairman and I've appreciated your service over
5 the years in looking out for the interest of the
6 subsistence user and conservation of wildlife and have
7 truly been an asset, will be missed. And enjoy your
8 retirement, man, what a special thing to be stepping
9 into.

10

11 MR. SIEKANIEC: Thank you, Mr. Chair.
12 I will certainly look forward to maybe running into you
13 out on the water somewhere.

14

15 MR. BROWER: Mr. Chair.

16

17 CHAIRMAN CHRISTIANSON: Things are
18 biting in Southeast.

19

20 MR. BROWER: Mr. Chair.

21

22 CHAIRMAN CHRISTIANSON: Yes, you have
23 the floor.

24

25 MR. BROWER: I'd like to thank
26 Commissioner Greg for being there at the same time with
27 our Commissioner with the U.S. Treaty on polar bears.
28 Thank you, Greg, for your input, thank you.

29

30 MR. SIEKANIEC: Thank you fellow
31 Commissioner, I appreciate it.

32

33 MR. SCHMID: Mr. Chair, this is Dave
34 with the Forest Service.

35

36 CHAIRMAN CHRISTIANSON: Yes, Dave, you
37 have the floor.

38

39 MR. SCHMID: Yeah, I was waiting for
40 Greg to announce that publicly, and I publicly want to
41 also acknowledge and just truly thank Mr. Siekaniec for
42 all of his leadership, his counsel, and all of the good
43 things he's done in public service here. He beat me to
44 the finish line, I shared that with him before. But
45 just done an amazing amount of work, very well
46 respected amongst his peers and adversaries, I believe,
47 if he has any. But just really want to thank Greg. I
48 think he's going to make his home in Alaska here, for
49 awhile, at least, and look forward to bumping into you
50

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1 maybe on the river sometime, Greg.

2

3 Thanks so much.

4

5 MR. SIEKANIEC: Thank you, Dave. And,
6 yes, we will be continuing to make our home here in
7 Alaska, so hopefully I'll get a chance to run into all
8 Board members around.

9

10 Thanks.

11

12 CHAIRMAN CHRISTIANSON: We'll be
13 getting those fancy proposals from you pretty soon.

14

15 (Laughter)

16

17 MR. SIEKANIEC: That's right. I have
18 to find my rural residency somewhere, Tony.

19

20 CHAIRMAN CHRISTIANSON: Yeah, yeah,
21 we'll be getting those articulate ones.

22

23 (Laughter)

24

25 CHAIRMAN CHRISTIANSON: All right.
26 Right on. Well, definitely appreciate the service
27 again, and appreciate the meeting today. And, you
28 know, it's just good to sit in a room with a bunch of
29 professionals, men and women, who can really tackle the
30 issues and, you know, look out for the best interests
31 and bring all the information to the table to make the
32 best decision, and thank the counterparts for bringing
33 in their perspective and appreciate the State, the RAC
34 Chairs, all the work that the Staff does to provide
35 analysis, the public outreach and the tribal
36 consultation part. The Staff really had to step out on
37 this one knowing it's controversial and causes a little
38 bit of a stress among all of us because it is a big
39 issue when we're talking about user groups and
40 conservation and access, and so just appreciate the
41 diligence by all the Staff, the Board and hope everyone
42 the best this harvest season and look forward to a
43 positive outcome on Unit 23.

44

45 MS. DETWILER: I think we just need a
46 motion to close the meeting then, Mr. Chair.

47

48 MS. PITKA: This is Rhonda. I'll make
49 a motion to close the meeting and thank you all for

50

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1 participating.

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3 CHAIRMAN CHRISTIANSON: Motion on the
4 floor.

5

6 MR. SIEKANIEC: Second.

7

8 MR. PELTOLA: Second.

9

10 CHAIRMAN CHRISTIANSON: Motion -- any
11 opposition to the motion to adjourn?

12

13 (No comments)

14

15 CHAIRMAN CHRISTIANSON: Hearing none,
16 motion carries. Have a nice day.

17

18 MR. SIEKANIEC: Thank you everyone.

19

20 MR. PELTOLA: Thank you.

21

22 MS. PITKA: Thank you.

23

24 MR. SCHMID: Thanks.

25

26 OPERATOR: Thank you. This does
27 conclude today's conference, you may disconnect at this
28 time.

29

30 (Off record)

31

32 (END OF PROCEEDINGS)

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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 Court Reporters, LLC, do hereby certify:

THAT the foregoing, contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING, taken electronically by our firm on the 16th day of June 2021 via teleconference;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 18th day of June 2021.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 09/16/22