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FEDERAL SUBSISTENCE BOARD
PUBLIC REGULATORY MEETING

VOLUME II

EGAN CONVENTION CENTER
ANCHORAGE, ALASKA

MAY 4, 2005
8:30 o'clock a.m.

BOARD MEMBERS:

- Mitch Demientieff, Chairman
- Judy Gottlieb, National Park Service
- Paul Roehl, BIA
- George Oviatt, Bureau of Land Management
- Wini Kessler, Forest Service
- Todd Logan, U.S. Fish and Wildlife Service
- Wayne Regelin, Alaska Department of Fish and Game
- Keith Goltz, Solicitor

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1 P R O C E E D I N G S

2
3 (Anchorage, Alaska - 5/4/2005)

4
5 (On record)

6
7 CHAIRMAN DEMIENTIEFF: We'll go ahead and
8 call the meeting to order. Everybody was up early this
9 morning. There was conspiracies going on all around
10 everywhere you looked. No, I think it's just all the
11 wonderful weather we've been having, everybody has just
12 been enjoying taking a few minutes to visit with each
13 other and I think that's probably one of the benefits of
14 these kind of meetings, that we can take a few minutes
15 and socialize before we put on the gloves and come out
16 fighting.

17
18 We're going to go into Proposal No. 01.
19 Oh, yeah. Tom was impressed with the way the Southeast
20 Regional Council dealt with this proposal. I think I
21 mentioned it. So before we get into the Staff analysis,
22 he's going to discuss that approach and that's probably
23 the most efficient approach that we can work with in
24 dealing with this issue. So, Tom, if you'd go ahead and
25 open this up.

26
27 MR. BOYD: Thank you, Mr. Chair. I'll
28 just say that I wasn't at the Southeast meeting. I was
29 told this is the way Mr. Littlefield handled it and I'm
30 always impressed watching Mr. Littlefield run a meeting.
31 If I get it wrong, I'll ask Mr. Littlefield to help me.

32
33 As we proceed through this, we have two
34 proposals that deal with the same issue, Proposal 05-01
35 and 05-03 and there's some overlap between these two
36 proposals in that they address aspects of the same issue.
37 So what I would suggest in terms of the format for
38 dealing with this is that we deal with both proposals
39 together, particularly in the presentations and in the
40 comments from the various folks from Staff and State and
41 others. Then, as we get to Board deliberations, that we
42 break it apart again and deal initially with Proposal 01
43 because that's the more expansive of the two. I think
44 once we deal with Proposal 01, we may not need to deal
45 with Proposal 03, but we may. Nevertheless, deal with
46 Proposal 01 initially.

47
48 In dealing with Proposal 01, I would
49 further suggest that you break it out into three
50 different parts and deal with those separately, Mr.

1 Chair. The first being what would be under the -- in the
2 regulations, the numeric annotation 25(a), which deals
3 with the definitions of handicrafts and then the
4 definition of skin, hide, pelt and fur. And then
5 annotations 25(j)(6) and (7), which deal generally with
6 what can be included in handicrafts made from brown bear
7 and black bears that are sold. And the third items,
8 which would be annotated 25(j)(8)(A), (B) and (C), which
9 deals with commercial aspects of sales of handicrafts
10 made of the claws of black and brown bear. So, if you
11 separate those out, I think it would help you deal with
12 it more efficiently, Mr. Chair.

13

14 That's all I have.

15

16 CHAIRMAN DEMIENTIEFF: Thank you very
17 much. With that we'll go to Staff analysis.

18

19 MS. WHEELER: Mr. Chair, Federal
20 Subsistence Board members, thank you. For the record, my
21 name is Polly Wheeler and I'm an anthropologist with the
22 Office of Subsistence Management. I did the analysis on
23 the first proposal. Dennis Chester, to my right here,
24 did the analysis on Proposal 03. That's why we're both
25 sitting up here together.

26

27 Before I begin I'm going to kind of
28 reiterate some of what Mr. Boyd just said. I need to
29 explain that this proposal is a statewide proposal
30 dealing with several issues surrounding handicrafts that
31 incorporate brown and black bear claws. Another
32 proposal, Proposal 03, addresses many of the same issues
33 covered in Proposal 01; however, as Mr. Boyd said, that
34 proposal is specific to Southeast.

35

36 The Southeast Regional Advisory Council
37 recommended incorporating some changes to Proposal 01,
38 the statewide proposal, based on elements of the proposal
39 that was specific to Southeast, Proposal 03. Many of
40 these changes are reflected in the recommendation of the
41 Interagency Staff Committee. Because of this, I'm going
42 to present the analysis for Proposal 01, the statewide
43 proposal, which will be immediately followed by a
44 presentation on Proposal 03, the Southeast proposal.
45 Again, Mr. Chester will present that analysis.

46

47 Once he is finished, you can proceed with
48 the process for making your decision on Proposal 01. As
49 Mr. Boyd said, for the purposes of clarity, it's probably
50 best to separate out those three sections that he just

1 mentioned. We think that after you take action on
2 Proposal 01 there will be no need to have further
3 discussion on Proposal 03.

4
5 Again, we're proceeding this way because
6 some of the elements of the Southeast proposal have been
7 incorporated into the Interagency Staff recommendation on
8 a statewide proposal and it was thought that it would be
9 more informative and less confusing this way. With that,
10 Mr. Chair, I hope that you and your fellow Board members
11 are clear on how we're going to proceed. If so, I will
12 begin.

13
14 The analysis for this proposal can be
15 found on Pages 212 to 246 in your books. I recognize
16 that it looks somewhat lengthy. The analysis itself is
17 actually only about 15 pages, but there are several
18 appendices to that analysis, which I think adds some
19 clarity.

20
21 This Proposal 01 was submitted by the
22 Fish and Wildlife Service regional office to address the
23 need for clearer definitions and regulatory language
24 regarding the inclusion of claws in handicrafts to be
25 sold that are made from bear fur. In a sentence, the
26 proposal is really a housekeeping proposal in that it
27 changes regulatory language to more clearly describe the
28 previous decision by the Board to allow the sale of bear
29 fur handicrafts that include claws. It does not provide
30 for any additional subsistence harvest opportunity.

31
32 Specifically, the proponent requests that
33 the definitions of handicraft and of skin, hide, pelt or
34 fur be changed to clarify the Federal Subsistence Board's
35 stated intent to allow the sale of handicrafts made by
36 rural Alaskans from bear fur and claws. The proponent
37 also requests that commercial sales of such handicrafts
38 be disallowed.

39
40 As a reminder, this proposal affects all
41 regions in the state because it clarifies a definition,
42 but it does not change the current allowance for the sale
43 of handicraft articles made from the fur or claws of
44 black bear statewide and brown bear in Southeast,
45 Southcentral and Eastern Interior Regions. The existing
46 regulation can be found on Page 212 in your book and the
47 proposed regulation can be found right below that on
48 Pages 212 and 213 in your books.

49
50 The regulatory history can also be found

1 on Pages 213 to 215 in your books. I'm not going to go
2 through the entire regulatory history here as you've
3 dealt with that in the previous several meetings, but a
4 few key points are worth mentioning. In 2002, as you
5 know, the Federal Subsistence Board approved the sale of
6 handicrafts made from black bear fur. In 2004, the Board
7 considered a proposal to allow the sale of handicraft
8 items made from the fur of brown bear. At that time, the
9 Board approved the sale of handicrafts made from brown
10 bear fur in Southeast, Bristol Bay and Eastern Interior
11 Regions. The Board also clarified that the Federal
12 regulation includes claws; that is, claws can be used in
13 handicrafts for sale. The Board's decision was
14 subsequently appealed by the State, which does not allow
15 the sale of handicrafts made with bear claws, although
16 the Board did not accept the State's request for
17 reconsideration. Instead, the Board maintained its
18 regulation to allow the sale of handicrafts that include
19 bear claws for black bears statewide and brown bears in
20 Southeast, Bristol Bay and Eastern Interior Regions.

21
22 Several discussions were brought up by
23 law enforcement, the State and others during these
24 discussions. Questions like what qualifies as a
25 handicraft, does a single claw qualify as a handicraft,
26 can the handicraft be sold in urban gift shops or just by
27 rural residents, can the handicrafts be manufactured
28 outside of Alaska, can handicrafts be made from the skin
29 or just the hair and what's the difference between skin,
30 hide, pelt or fur.

31
32 Office of Subsistence Management Staff
33 addressed these questions with a question and answer
34 sheet, which the Board reviewed last summer, as you might
35 remember, and that question and answer sheet is on Pages
36 245 and 246 in your books. It's actually the last part
37 of the analysis for this proposal just to remind you.

38
39 The modified proposal intends to address
40 these questions with regulatory language. It does
41 several specific things. The modified language provides
42 a more complete definition of handicrafts and includes
43 several additional methods. It also includes the phrase
44 that the design can be traditional or contemporary. It
45 clarifies that handicrafts must be made by rural
46 Alaskans. It fixes the definition of skin, hide, pelt
47 and fur.

48
49 It states in regulatory language, and
50 again as Mr. Boyd had mentioned, in 25(j)(6) and

1 25(j)(7), that black bear claws statewide and brown bear
2 claws in Southeast, Eastern Interior and Bristol Bay, can
3 be used in handicrafts for sale. It also adds that in
4 Units 1, 2, 3, 4 and 5 bear bones, teeth, sinew and
5 skulls can also be used in handicrafts. And it states
6 clearly that sales of such handicrafts are not intended
7 to be a significant commercial enterprise. It basically
8 takes the information that was provided in the question
9 and answer sheet and adds the extra provisions for
10 Southeast and puts it into regulatory language.

11
12 The cultural history section, which can
13 be found on Pages 215 to 218 in your books, is included
14 solely as a means of providing additional information on
15 cultural practices with regard to bear claws and other
16 parts that has not previously been provided as part of
17 consideration of this issue. I'm not going to go into
18 much detail here, but as you can see from reviewing this
19 section, Alaska Native groups all over the state had a
20 rich history of using bear claws and teeth and fur in all
21 kinds of ways, from Tlingit headdresses to fishing lures,
22 to incorporating them into all kinds of jewelry and
23 regalia.

24
25 In summary, Mr. Chair and Board members,
26 this proposal adds some clarity to the definition of
27 handicrafts, which is intended to assist rural Alaskan
28 artists in understanding regulations and providing for
29 allowable uses. It adds teeth, bones, skulls and sinew
30 to the list of materials that can be included in
31 handicrafts for sale for black and brown bears taken in
32 Southeast and it would disallow sales constituting a
33 significant commercial enterprise. It's important to
34 note that adoption of the proposed regulatory language
35 does not provide any additional opportunity for
36 subsistence harvest. Rather, it only provides
37 clarification of previous Board decisions to allow the
38 use of claws in handicrafts for sale.

39
40 Mr. Chair, that concludes my
41 presentation, but I'm available to answer questions.

42
43 CHAIRMAN DEMIENTIEFF: Okay. Dennis.

44
45 MR. CHESTER: Thank you, Mr. Chair,
46 members of the Board. For the record, my name is Dennis
47 Chester. I'm a wildlife biologist for the U.S. Forest
48 Service based in Juneau. This proposal would establish a
49 definition of handicraft that would apply to brown and
50 black bear fur, claws, bones, teeth and skull for Units 1

1 through 5, and it would also modify existing regulations
2 to allow the sale of handicrafts made from brown and/or
3 black bear fur, claws, bones, teeth and skulls in Units 1
4 through 5. That's the basic proposal that was submitted
5 by the Southeast Regional Advisory Council.

6
7 As mentioned, the Council incorporated
8 most of their issues in Proposal 03 into Proposal 01, so
9 what I'm doing here is I'm just trying to present some
10 information from the analysis for that proposal that was
11 not included in Polly's analysis and that begins on Page
12 259, but most of the information I'll actually be
13 discussing is on Pages 285 through 288.

14
15 The available data pretty much shows that
16 brown and black bear populations in Southeast Region are
17 secure. They're generally monitored indirectly by
18 measuring age, sex and size characteristics of harvested
19 bears when they're brought in for sealing. The ADF&G
20 reports that black bear harvests are meeting their
21 objectives for these measures and that they consider the
22 populations to be stable. There are, however, a few
23 local areas of concern, but black bear harvests are
24 generally thought to be well below the level that would
25 cause any population level effects. Similarly, region-
26 wide brown bear populations are considered stable in
27 Units 1 and 5 and slightly increasing in Unit 4. Brown
28 bears do not occur in Units 2 and 3. The estimated
29 population increase in Unit 4 is based on actual research
30 data as opposed to sealing data.

31
32 We do not expect any increase in Federal
33 subsistence harvest. This proposal does not increase
34 harvest limits or lengthened seasons. It seeks to allow
35 more complete utilization of bears harvested under the
36 Federal subsistence regulations. To comply with this
37 regulation, bear meat must be salvaged for personal
38 consumption. One concern is that except for Unit 5 we
39 cannot accurately determine how many bears are taken
40 under Federal subsistence regulations. The best we can
41 do is determine how many were taken by hunters with
42 positive Federal customary and traditional
43 determinations. In reality, we feel that very few brown
44 bears are harvested under Federal regulations.

45
46 Brown and black bears are both listed
47 under Appendix 2 of the Convention for International
48 Trade and Endangered Species of wildlife fauna and flora,
49 commonly known as CITES. For black bears, this listing
50 came about not because of conservation needs or status of

1 the black bear itself, but because of its similarity in
2 appearance to endangered bear species. For brown bears,
3 this listing is designed to protect threatened
4 populations elsewhere in North America, but the brown
5 bear population and status in Alaska is secure, as
6 previously described. Thus, the CITES listing is not an
7 indication of conservation concern for these species in
8 the state of Alaska.

9
10 Due to their low reproductive rate and,
11 therefore, lower acceptable harvest rate, brown bear
12 harvests are considered closer to the Alaska Department
13 of Fish and Game's maximum allowable harvest. However, I
14 wanted to emphasize that current harvests are considered
15 to be below the allowable harvest rates. Overall, brown
16 bear harvest rates are increasing, but harvest by
17 qualified Federal subsistence users is a small percentage
18 of the total harvest. The ADF&G monitors harvests
19 closely and that gives us the opportunity to adjust
20 harvest levels if necessary.

21
22 Some concerns have been voiced that this
23 proposal would lead to increased illegal activity.
24 However, I think we all know that illegal activity
25 already exists and will continue to exist. I think it's
26 speculative to assume that this proposal would increase
27 illegal activity and I have received no evidence from
28 Forest Service law enforcement to suggest that this type
29 of illegal activity has happened so far since the changes
30 in regulations.

31
32 That concludes my remarks.

33
34 CHAIRMAN DEMIENTIEFF: Thank you very
35 much. Go ahead, Todd.

36
37 MR. LOGAN: Thank you, Mr. Chairman. I
38 appreciate the Staff's summary of the proposal and I
39 guess I would like to just make one important
40 clarification here. I think it was pretty well
41 represented by Ms. Wheeler, but some of the wording in
42 these documents I think does not fully represent our
43 proposal. If you look on Page 197, the general
44 description of the proposal, which was submitted by the
45 Fish and Wildlife Service, it states the general
46 description is to clarify the definition of handicrafts
47 and prevent the commercialization of bear handicrafts.
48 Actually, I think this proposal is to clarify the Board's
49 intent to prohibit the commercialization, so I think both
50 aspects are a clarification, not that we're trying to

1 prevent something that is currently allowed. I believe
2 that's best reflected in the Q's and A's that the Board's
3 intent in 2002 and 2003 actions was not to allow the
4 commercialization. So we are just seeking language to
5 clarify that.

6
7 CHAIRMAN DEMIENTIEFF: Thank you. Any
8 further questions. Of course, Staff will be available
9 for the rest of the deliberations. With that, maybe a
10 summary of written comments.

11
12 MR. O'HARA: Mr. Chairman.

13
14 CHAIRMAN DEMIENTIEFF: Go ahead, Dan.

15
16 MR. O'HARA: U.S. Fish and Wildlife here,
17 I want to ask you a question. The gentleman here in the
18 corner. On Page 197, the second paragraph down, skin,
19 hide, pelt or fur means any tanned or untanned external
20 covering of an animal's body; however, for bear, the skin
21 -- what bear are you talking about, black or brown bear
22 or bears in general?

23
24 MR. LOGAN: We mean black and brown bear.

25
26 MR. O'HARA: Okay. Skin, hide, pelt --
27 do you see where I'm reading there -- or fur means the
28 external covering with claws attached. What do you mean
29 by claws attached?

30
31 MR. LOGAN: The intent is to clarify that
32 claws are a part of what's being discussed here in this
33 paragraph because there's an ongoing issue of whether we
34 do or don't include claws as part of skin, hide, pelts.

35
36 MR. O'HARA: That's a big issue. That's
37 why we made this proposal the way we made it to begin
38 with until the Staff decided to fiddle with it and
39 rearrange it. You know, I told Mitch Congress and the
40 Senate passes a bill, then when the Staff gets done with
41 it you don't recognize the bill and that's what's
42 happening here. If we want to disattach the claws, we'll
43 disattach the claws for subsistence reasons or whatever.
44 So you're making it say that we can't disengage the
45 claws, is that right?

46
47 MR. LOGAN: No, that's not the intent
48 here.

49
50 MR. O'HARA: It isn't?

1 MR. LOGAN: No.
2
3 MR. O'HARA: Then why does it say claws
4 are attached to the fur then?
5
6 CHAIRMAN DEMIENTIEFF: If I can just ask
7 people to indulge us and let us go through the reporting
8 process, we will have, I guarantee you, ample opportunity
9 to discuss the specific points before we get to a Board
10 motion. If we would just allow the process to go ahead,
11 I would appreciate it.
12
13 MR. O'HARA: I apologize. You asked for
14 questions and I jumped in, so we will hold off on that.
15
16 Thank you, Mr. Chair.
17
18 CHAIRMAN DEMIENTIEFF: Yeah, we will have
19 ample opportunity. John.
20
21 MR. LITTLEFIELD: Thank you, Mr. Chair.
22 I have a question for both Staff members, Dr. Wheeler and
23 Mr. Chester. Although I saw it on the screen where it
24 said one of the key points is no conservation concern, I
25 believe it's important for the record for both of them to
26 state whether there are any conservation concerns with
27 either Proposal 01 or Proposal 03.
28
29 Mr. Chair.
30
31 CHAIRMAN DEMIENTIEFF: Who would handle
32 that? Polly.
33
34 MS. WHEELER: Thank you, Mr. Chair. The
35 key of this proposal is that the bears have to be taken
36 for subsistence purposes, which means for personal or
37 family consumption, then after that the claws or whatever
38 else can be made into handicrafts. So, no, there's no
39 conservation concern because the bears have to be taken
40 for subsistence purposes.
41
42 Mr. Chair.
43
44 CHAIRMAN DEMIENTIEFF: Thank you.
45 Summary of written public comments.
46
47 MR. EDENSHAW: Thank you, Mr. Chair and
48 Board members. My name is Cliff Edenshaw. I'm the
49 Regional Council coordinator for Bristol Bay. The
50 written public comments are located on Page 211 of the

1 Board book. We received seven written public comments.

2

3 The first one here is submitted by the
4 AHTNA Subsistence Committee. We support Proposal WP05-01
5 to clarify the definition of handicrafts and prevent the
6 commercialization of bear handicrafts. We support rural
7 subsistence users being able to make handicrafts out of
8 the skin, hide, pelt (including claws) for black and
9 brown bears; we support efforts to prohibit
10 commercialization of the skin, hide, pelt, or fur of a
11 black or brown bear (including claws).

12

13 The Wrangell-St. Elias SRC unanimously
14 supports the proposal as modified in the Staff analysis.
15 Commission members expressed concern about the potential
16 commercialization of bear handicrafts and feel that this
17 proposal addresses those concerns.

18

19 Both the Aniakchak SRC and the Lake Clark
20 SRC supports clarification of regulations allowing local
21 subsistence users to make and sell handicrafts made from
22 bear pelts including claws.

23

24 There was two written comments that
25 oppose. One also said oppose or modify. The one by Don
26 Quarberg of Delta Junction opposes or modify to exclude
27 the claws. Including claws is only encouraging poaching
28 in which the claws are quickly removed and the carcass
29 left to rot in the field. The claws are the most
30 economically desirable part for handicraft.

31

32 And the Alaska State Troopers, Department
33 of Public Safety, opposes the proposal. We believe that
34 allowing the sale of bear parts will increase illegal
35 take and waste of bears, will exasperate the black market
36 issues, will go against a North American trend that is
37 more restrictive concerning sale and is not consistent
38 with customary and traditional practices.

39

40 Lastly, the Denali SRC took no action on
41 the proposal. The SRC felt that if excessive bears were
42 harvested in the Denali area in the future, then the
43 Commission would want to take action to protect the
44 population.

45

46 That's all the written public comments,
47 Mr. Chair and Board members.

48

49 CHAIRMAN DEMIENTIEFF: Thank you very
50 much. We have no additional requests for public

1 testimony at this time. I don't know who put these
2 together, but there are, of course, multiple Regional
3 Council recommendations and I'll just call on them as
4 they're listed in our book. Southeast.

5
6 MR. LITTLEFIELD: I'd like to first thank
7 Mr. Boyd for his kind comments on how we were running
8 things. He's correct in that when we considered this, we
9 thought it was expansive enough that by paragraph is what
10 I would recommend that the Federal Board do because each
11 paragraph is distinct enough on its own that you can
12 debate it separately.

13
14 The Southeast Alaska Region
15 recommendations starts on Page 200. It's about four and
16 a half pages and I think I need to cover most of it.
17 However, I refer you to Page 200 for the actual language.
18 The Regional Advisory Council supported the modifications
19 after we had debated each paragraph separately and made
20 changes. We supported the final motion 11 to 1.

21
22 The language begins on the top and I
23 don't want to read that because we're going to go over
24 that several more times again, but the top of 200 is the
25 language that was approved. You'll note that (j(8) was
26 completely stricken from our recommendation.

27
28 The rationale. The Council heard the
29 Staff presentations on 01 and 03 that were just presented
30 to you in kind of a condensed form by Dr. Wheeler and Mr.
31 Chester. We heard the expanded form in Southeast and
32 they were good presentations and if you've got time to
33 read through these, there's quite a bit of information,
34 especially in 03, that we need to make sure is included
35 in 01.

36
37 The Council is on record supporting
38 regulations that allow full utilization of bears taken
39 for subsistence purposes, use of bear parts in
40 traditional regalia and craft items, and appropriate
41 handicraft sale of items made from bear parts. It's
42 important to note that this use predates contact with
43 Europeans, it predates America, it predates territory and
44 it predates the State. We've been doing this since time
45 immemorial and the sale has taken place that long because
46 it was traditional in Southeast to purchase these items
47 of regalia by a member of the opposite clan and that's
48 discussed somewhat in Proposal 03.

49
50 There's a statement also in Proposal 03

1 that's printed on the bottom of Page 200 and the top of
2 201. It listed the concerns that we had with the Q&A and
3 the request for reconsideration. I'll just touch on the
4 last paragraph. It says the Council believes that
5 subsistence bear harvesters should be permitted to make
6 full use of the bear that they take under Federal
7 subsistence regulation, including the sale of handicrafts
8 that incorporate bear parts. Further, the Council
9 supports the continued use of bear parts in traditional
10 Tlingit, Haida, Tsimshean regalia that are incorporated
11 in cultural and religious ceremonies. The repair of old
12 regalia and the creation and consecration of new regalia
13 requires the sale and purchase. So these are something
14 that's a continuing activity and we continue that to this
15 day.

16
17 Our recommendation clearly states our
18 intentions and the Council appreciates the analysis by
19 the Staff anthropologist and Forest Service biologist.

20
21 Each paragraph was deliberated separately
22 as we said and I'll talk about 25(a)(1) now, which is in
23 the center of Page 201. We made several changes to that
24 that are shown on Page 200. First, an amendment was made
25 to strike the words in Alaska. The language that was
26 proposed by the Fish and Wildlife Service had in Alaska
27 in there and we were talking about situations that it's
28 quite common for people to travel and if they were
29 sitting in a hospital, like Virginia Mason in Seattle or
30 something like that with a sick relative, and sewing or
31 doing whatever, we felt that it was, first off,
32 unenforceable to try to pick somebody up for that and it
33 serves no purpose. Now, subsistence is something that is
34 for the benefit of rural residents and if a rural
35 resident happens to be somewhere other than Alaska doing
36 this, we saw no inconsistency there.

37
38 The second part that we talked about was
39 the nonedible byproducts of fish and wildlife and we
40 struck the language that says which is composed wholly or
41 in some significant respect of natural materials. The
42 Council believed this wording was awkward and the meaning
43 was unclear and the language that we are recommending by
44 striking that is quite close to what's stated in ANILCA.

45
46 The next section, we added the word
47 drilling. Carving, drilling, etching -- and the section,
48 and incorporated into work of art, regalia, jewelry,
49 clothing or other creative expressions which can be
50 either traditional or contemporary in design. This was

1 to make sure that the word drilling was in there because
2 we heard earlier from a member that drilling was not
3 acceptable, although we know that at many times drilling
4 is the major portion of work that's done to a piece of
5 regalia.

6
7 The Council heard from Staff that there
8 are markets in the world where the unaltered bear parts
9 have more value, so what we did is we struck the part
10 that said a handicraft must have substantially greater
11 monetary and aesthetic values than the unaltered natural
12 material. The situation could arise where if I was to
13 make a piece of regalia, say a bear claw necklace or
14 something like that, and scrimshawed something onto the
15 bear claw, for a certain circumstance it may be possible
16 to get more money for that on the black market if it had
17 not been scrimshawed. So what you've done is put
18 enforcement in the position of interpreting what the
19 maximum value for a bear claw is or any other bear part
20 and saying, well, we found a claw that went for \$3,000,
21 that would basically eliminate all the sales of
22 handicrafts because none of the handicrafts I know go for
23 anywhere near that. And there are people who are stupid
24 enough to pay that kind of money for a part.
25 Unfortunately there's not enough of them.

26
27 When you look at this, in Southeast in
28 particular, you can take one bear every four regulatory
29 years. If you divide that by four years and 20 claws,
30 most bears have 20 claws, you would have five claws a
31 year, and even if you were to make \$100 a claw, that in
32 no way is a significant commercial enterprise by anyone's
33 imagination that I can think of. This particular
34 language is not specified in ANILCA I'd like to note. It
35 doesn't say anything in ANILCA as concerns customary
36 trade. It just talks about customary trade. The only
37 thing that's similar to that is under barter where they
38 say of a limited commercial nature, but ANILCA does not
39 talk about this at all.

40
41 On the top of Page 202 we talked about
42 our description of (j)(6) and (j)(7), which we basically
43 agreed with. Let me read through this. This would allow
44 the Federally-qualified subsistence users in Units 1, 2,
45 3, 4 and 5 to sell the handicraft articles made from the
46 skin, hide, pelt, fur, claws, bones, teeth, sinew or
47 skulls of black bears and brown bears. Of course, the
48 black bears is in (6) and the brown bears are in (7),
49 taken in those units. So if we were to take a brown bear
50 in that unit or a black bear, we could sell that. This

1 definition explicitly allows the use of claws, bones,
2 teeth, sinew or skulls for handicrafts, which is in
3 addition to the Fish and Wildlife Service one.

4
5 The Council reviewed the documentary
6 evidence presented by Staff and heard Council testimony
7 showing that the use of claws, bones, teeth, sinew or
8 skulls for handicrafts, and since these bear parts have
9 been or are used in handicrafts, including regalia and
10 cultural items, their use needs to be allowed in Federal
11 regulations. I would refer you to the cultural aspects
12 as well as in WP-03 there's pictures of bear claws, teeth
13 and everything used in those areas. Plus a pretty
14 lengthy description from Steve Hendrickson of those
15 items.

16
17 Under the next item, (j)(8), we struck
18 this entirely. If you are a business defined under
19 Alaska Statute 43.70.110(1), you may not purchase,
20 receive or sell handicrafts made from the skin, hide,
21 pelt, fur of a black or brown bear, including claws. The
22 Council reviewed the provisions of the cited Alaska
23 statute. Well, the intent of the proposal, 25(j)(8)
24 language may be to prohibit only certain types of
25 commercial sale and this is like we're talking about to
26 Wal-Mart or Costco or some of these big chains. The
27 effects of adopting this language would be to disallow
28 many if not most of the sales of handicrafts and regalia.

29
30
31 Native and non-Native craftspeople sell
32 things that they make at local and regional craft fairs,
33 at booths at the Alaska Federation of Native conventions,
34 at the celebrations that are held every two years in
35 Southeast Alaska, at the Centennial Hall Christmas Fair
36 in Juneau and many other venues. Artists and craftsmen
37 that sell things they make in shops they own and run in
38 Sitka, at artist cooperatives in Hoonah, Juneau and other
39 locations, the transactions may use credit cards, local
40 sales tax may apply and the crafts people are required to
41 report their income to the Internal Revenue Service.
42 Many or most of these people who are selling handicrafts
43 in these selling situations may well be businesses as
44 defined by the Alaska statute. The Council believes that
45 many craftspeople license their own handicraft
46 operations.

47
48 The unintentional effect in our opinion
49 of incorporating (j)(8) into the regulation would be to
50 disallow or severely limit the handicraft provisions

1 provided in other sections of the regulation that we
2 talked about previously, which were (j)(6),(7) and 25(a).
3 The Council believes that this language is intended to
4 greatly restrain if not eliminate the sale of handicrafts
5 made from nonedible parts of bears that have been taken
6 for subsistence purposes. As such, this regulation is in
7 conflict with the spirit and perhaps the language of
8 ANILCA. Data was not presented showing which sales of
9 handicrafts would be affected. Reasoning to support such
10 a restriction was not developed.

11
12 Staff referred to the following ANILCA
13 provisions and I'd like to read this again because it's
14 referred to in several places. ANILCA Section 803. As
15 used in this Act, the term subsistence uses means the
16 customary and traditional uses by rural Alaska residents
17 of wild, renewable resources for direct personal or
18 family consumption as food, shelter, fuel, clothing,
19 tools, or transportation; for the making of handicraft
20 articles out of nonedible by-products of fish and
21 wildlife resources taken for personal or family
22 consumption; for barter or for sharing, for personal or
23 family consumption; for customary trade. Each of those
24 things with a comma or a semicolon stands by themselves.
25 We're talking about customary trade here and the making
26 of handicraft articles.

27
28 The Council strongly supports regulations
29 that conserve species used for subsistence, conservation
30 of natural resources is not a new concept to the
31 subsistence community. As the previous chairman of
32 Southeast used to like to say, there's never been a
33 documented case of a subsistence depletion of stocks that
34 we know of. In other words, these are all caused by
35 concerns that are other than subsistence uses. For
36 instance, commercial and sport.

37
38 We do not believe that sale of
39 handicrafts that incorporate bear parts will result in
40 any adverse effects on the bear populations on which
41 subsistence hunters depend. This is reinforced by both
42 Staff that said there are no conservation concerns.
43 Should a demonstrable problem arise from the sale of
44 handicrafts incorporating the nonedible parts of bears,
45 our Council will certainly urge for action to protect the
46 bear resources. In the Council's reasoning, however, a
47 putative, possible speculative problem is not a
48 demonstrated resource problem and does not warrant the
49 excessive protections of this regulatory provision.

50

1 In Southeast, we routinely use four
2 criteria to judge proposals by and I think the record is
3 fairly clear in previous occasions. If you look at the
4 bottom of Page 202, the paragraphs that have the bold are
5 the four criteria that we used to consider a proposal.

6
7 In summary, the Southeast Alaska Regional
8 Advisory Council supports the modified proposal. The
9 proposed regulation will benefit subsistence users.
10 That's our number one criteria. Because they will be
11 allowed to make full use of the bears they may take for
12 consumptive subsistence use. Of equal importance, the
13 regulation will allow traditional use of bear parts used
14 in regalia, ceremonial objects and traditional crafts to
15 continue unfettered.

16
17 The proposal as modified has strong
18 supporting data. Staff provided excellent summaries of
19 harvest and use data, regulatory history and management
20 issues. Very importantly, the Staff analysis provided
21 documentation of traditional use of bear parts in
22 handicrafts. Council testimony confirmed much of these
23 Staff analyses. No data was presented showing that there
24 were conservation concerns for black or brown bear at
25 this time. As a matter of fact, it was just mentioned
26 they're abundant and growing in our region. We're only
27 talking about our region. Similarly, no data was
28 presented showing that bear parts were not used for
29 handicrafts, regalia or cultural items. Data were not
30 presented that would support limiting handicraft sales to
31 non-businesses.

32
33 The Council does not believe that there's
34 an existing conservation concern and this is point number
35 three that we always take. This is one of them that we
36 consider to be the mandate of all of us, the conservation
37 concerns. We do not believe there is an existing
38 conservation concern for bears in our units that are
39 affected by this regulation. Because the proposed change
40 is not expected to change harvest patterns in any
41 significant way, the Council does not believe that it
42 raises a conservation concern. However, should an actual
43 demonstrated conservation concern arise through the
44 implementation of this regulation, the Southeast Council
45 will support a special action by the Board in
46 consultation with the Council and regulatory changes in
47 future cycles that may be needed to address real problems
48 if they develop, not conjecture.

49
50 The recommended modified proposal will

1 have minimal effect on non-Federally-qualified hunters.
2 This is the fourth point that we always consider because
3 we're not to have unnecessary effect on non-Federal
4 users. Black bears are abundant in Southeast Alaska.
5 Existing and potential subsistence harvests are low
6 relative to the harvest levels that may be maintained
7 over time. Brown bear harvests are very closely managed
8 and the subsistence component of this harvest has been
9 very low and is expected to remain at current levels.

10
11 If you take the time to look through the
12 book on Proposal 03, you'll find that there's
13 approximately 241 brown bears taken annually in Southeast
14 Alaska and I would challenge anybody to tell me that more
15 than five of those were subsistence taken and I
16 personally don't believe it's that high. The key to
17 remember, as Dr. Wheeler stated, is that these bears are
18 eaten. So when you find a bear carcass in the woods, the
19 chances are 99.99 percent that that was from a sport
20 hunter who does not have to take and salvage that meat
21 and these would be taken under State regulations. I know
22 they don't like the word sport, but I'll let them defend
23 that themselves. Any time you do not eat an animal, I'd
24 have to consider that a sport take in my opinion.

25
26 The Council believes that only a small
27 subset of Federally-qualified hunters taking bears will
28 use the nonedible parts for handicrafts and the Council
29 does not believe that this regulation will affect future
30 harvest levels significantly. It's important that if an
31 individual were to take a subsistence bear for any reason
32 and they were going to eat that, that they be allowed to
33 practice what is customary and traditional in the
34 Southeast area, and that is to use every part of an
35 animal that we take for subsistence. Our history is
36 clear with examples of that of all the things we use. It
37 just flies in the face of things to not use the claws and
38 we would like to make sure that that's allowed.

39
40 So, I guess with that, Mr. Chair, I'll be
41 willing to take any questions.

42
43 Thank you, Mr. Chair.

44
45 CHAIRMAN DEMIENTIEFF: I think we're just
46 going to hold off on questions. If people do have them,
47 just make a note of them and we'll go to those when we
48 get to Board and Regional Council discussion. With that,
49 I'm going to move on. I just want to get through the
50 process. There's so much interest in this issue that we

1 just need to get where we can talk freely with each
2 other. Southcentral.

3

4 MR. LOHSE: Mr. Chair. Well, there's
5 nothing like having Southeastern first to take the wind
6 out of everybody's sails.

7

8 (Laughter)

9

10 MR. LOHSE: Needless to say, we can't
11 quite give the presentation they did. We have to
12 remember that different parts of the state do have
13 different interests and different pressures on them. One
14 thing at Southcentral we realize that we are on the road
15 system and I know there's a lot of tourism in
16 Southeastern. I saw it last summer. I was real shocked
17 at it. But we're on the road system. We have access to
18 so much more other economic people and everything that it
19 does color the way we look at things.

20

21 And we support this with modification.
22 Our modification would allow Federally-qualified users to
23 sell handicrafts made from nonedible parts of a black
24 bear except for the gallbladder. The Council also
25 modified the section pertaining to businesses to add
26 language to state that if a person has a business license
27 as defined in Alaska statute, they may not resell
28 handicrafts made from black bears. I'll talk on that
29 issue in just a little while.

30

31 The Council specified that they did not
32 want to allow commercialization of handicrafts made from
33 nonedible bear parts. As you saw from the letter by
34 AHTNA, that is also the attitude of the Native American
35 people that live in Copper Valley. They do not want to
36 see the commercialization of handicrafts made from
37 nonedible bear parts. And we recognize that other parts
38 of the state have different attitudes towards that.

39

40 We kept made in Alaska by rural Alaskan
41 residents and one of the things that comes to my mind on
42 that is I think if you take unaltered bear parts out of
43 the state to work on them some place else, you may find
44 yourself running into other State or Federal laws that
45 prohibit your possession of them. So you might want to
46 check into that before you drop the made in Alaska by
47 rural Alaskan residents just to save some people from
48 getting into trouble.

49

50 We pretty much stuck with everything else

1 on that part of it that the other groups did and we did
2 make sure and have the understanding that the bear hide
3 included the claws and it doesn't mean they have to be
4 attached, but that just meant that the bear hide was the
5 whole hide, including the claws, and that you could then
6 make parts out of the claws later.

7
8 I'll just get to the one crux of the
9 issue that we had that we worked on a little different.
10 That was on the idea of commercialization. We kept if
11 you are businesses defined under AS 43.70.110, but we
12 struck some words out of it. We felt that a person that
13 had that license shouldn't be limited from purchasing for
14 his own use handicrafts. He shouldn't be limited from
15 receiving them. Many of us who have business licenses
16 may have a friend that would give us something or sell us
17 something that we'd like to have for our own, but what we
18 did say is that he shouldn't be allowed to resell
19 handicrafts.

20
21 In other words, if you have a business
22 license, you can't make a business of reselling somebody
23 else's handicrafts. You can sell your own because that
24 would be covered by resell. You can receive them and you
25 can purchase them, but you can't buy them in bulk and
26 resell them. You can't buy them from other people and
27 resell them. We thought that that would be one way to
28 prevent them ending up in shops all over the place in
29 bulk in our area because we look at what goes on in our
30 area and we can see the potential.

31
32 We may not have the same population that
33 they have in other places, although we do feel like we
34 have a good bear population. We don't see any
35 conservation concern.

36
37 I have one comment and I'd like
38 clarification if I may on this because this came up quite
39 a bit in John's thing. In order to be sold under this
40 regulation, if my understanding is correct, a bear must
41 be taken under Federal subsistence regulations. It
42 cannot be taken under State sport hunting regulations.
43 So, in order to be sold, somebody has to have a Federal
44 subsistence -- not just be a Federally-qualified
45 subsistence user, but has to take it under a Federal
46 subsistence season and make use of the meat in order to
47 sell the handicraft. If I'm not correct in that, that
48 would change my attitude to some of the things in this
49 proposal and I'd like clarification on that.

50

1 CHAIRMAN DEMIENTIEFF: Polly.

2

3 MS. WHEELER: Thank you, Mr. Chair. Mr.
4 Lohse, you're correct. Under these regulations the bear
5 must be harvested for customary and traditional uses,
6 must be a Federally-qualified user operating under
7 Federal regulations. Bears cannot be harvested solely
8 for raw parts to be made into handicrafts. They have to
9 be harvested for subsistence purposes. The bear has to
10 be eaten, so we're not expecting that there will be a
11 drastic increase in the harvest.

12

13 Mr. Chair, thank you.

14

15 CHAIRMAN DEMIENTIEFF: Thank you. I'm
16 going to go around to everybody. Let's just, again, try
17 to get through the process and I assure you we will have
18 ample opportunity to discuss any of the points that you
19 wish to bring up. I want to get where we can be free to
20 discuss it. If I could just ask again people's
21 indulgence with regard to that, I would really appreciate
22 it. Kodiak/Aleutians.

23

24 MR. TUTIAKOFF: Thank you, Mr. Chair.
25 Kodiak/Aleutians Regional Advisory Council had a lengthy
26 discussion regarding this issue. As you know, the
27 Aleutians, some portions entail the peninsula and some of
28 our subsistence users did have some concerns regarding
29 the hunt for bear and use of parts. Dating back many
30 years, they've used the parts, but over the past 40 to 50
31 years the encroachment of Western civilization has caused
32 a lot of problems that economically have driven the use
33 of the bear parts to no longer being used. They're
34 trying to bring it back. They're trying to learn this
35 culture.

36

37 The same issues were brought up in the
38 Kodiak area. They have the same concerns. We appreciate
39 the good work that Southeast is doing in regards to use
40 of the brown bear and the black bear, the trade process
41 that Kodiak has had for many, many years I'm sure has
42 been involved with Southeast in travels, bartering,
43 selling, exchanging.

44

45 After discussion, the Board was kind of
46 mixed but did go with support with modification. The
47 Council supported the proposed regulation with
48 modification to exclude brown bear claws. That was one
49 of the contentious issues but did pass. The Council felt
50 that brown bear claws had the greatest potential for

1 abuse if sales were allowed for handicrafts made from
2 claws. We've heard that discussion from Southeast and
3 I'm sure we'll hear from other entities.

4
5 We kept all of the other modified
6 proposed regulations and (8) we kept as is. That's all I
7 have.

8
9 CHAIRMAN DEMIENTIEFF: Thank you very
10 much. Bristol Bay.

11
12 MR. O'HARA: Yeah, Dan, chair of Bristol
13 Bay. We would just like to leave the proposal as it was
14 brought to us earlier last year. In other words, just
15 don't fiddle with it. Leave it alone like it is. The
16 state troopers mentioned that because of the use of
17 handicrafts for the brown bear mainly -- we don't have
18 any black bear in Bristol Bay except up in the northeast
19 part of Lake Clark, in that area, they have an abundance
20 of black bear up there.

21
22 The state troopers said that if these
23 handicrafts were to be used, Mr. Chairman, that there
24 would be an abuse of the animal and that is so far-
25 fetched. That is just unrealistic. I'm just impressed
26 with an income people of \$65-100,000 telling us who have
27 \$11,000 in the villages that we're going to abuse a brown
28 bear. They will kill 235 brown bears this October, State
29 of Alaska, and let the animals lay there and rot. Then
30 they tell us because we take one brown bear maybe and use
31 its claws for each other, they don't even put it on the
32 market, they said we're going to abuse the animal.

33
34 I guess that's why I have this sign up
35 here, you know, I love my country but it's the government
36 I'm worried about. That's exactly what we have here. So
37 just leave it alone. They've got to take the animal out.
38 They've got to eat it, they've got to use it, the hide,
39 everything. The State of Alaska doesn't have to do that.
40 They just kill the animal and let it rot in the field.
41 235 bears will die and I fly to all those camps and look
42 at them. It just galls me that we have this process.

43
44 Thank you, Mr. Chair.

45
46 CHAIRMAN DEMIENTIEFF: Thank you.
47 Yukon/Kuskokwim.

48
49 MR. WILDE: Mr. Chairman. Our Council
50 had just about the same support of modification as

1 Bristol Bay. You know back home the subsistence people
2 in Yukon/Kuskokwim don't kill an animal any time. They
3 don't. The only time they kill the animal is when
4 they're going to use it. Some elders really love black
5 bear. One elder told me that one time I set a whitefish
6 net, I see a black bear. He had the old ADG gun and he
7 was aiming at it and even his mouth the water is dripping
8 down. Elders really love it. The only time we have a
9 problem is back home in the fish camps. The bears tear
10 up fish house and smoke house and sometimes bother the
11 camps. People are told you should try to get a hold of
12 enforcement or Fish and Wildlife and talk with them.

13

14 So our modification is the same thing
15 like Bristol Bay. Mr. Chairman, we don't really, even
16 our young people don't really sell anything that I know.
17 However, when we catch mostly a black bear, we keep the
18 skin and all the meat and some of our elders really love
19 it because they can't go out and hunt. We supply some of
20 that meat to them.

21

22 Thank you, Mr. Chairman.

23

24 CHAIRMAN DEMIENTIEFF: Thank you.

25 Western.

26

27 MR. REAKOFF: The Western Interior took
28 no action on this proposal because there's cultural
29 taboos regarding bears in our region and people feel very
30 uncomfortable about even talking about this issue in
31 public meetings. So we do not oppose other regions' use
32 of bears and using them in customary trade, but in our
33 region it's felt that we do not want to see that, so we
34 took no action on this proposal.

35

36 CHAIRMAN DEMIENTIEFF: Knowing the
37 region, I also understand that and it doesn't surprise me
38 a bit. Thank you very much. Seward Pen.

39

40 MS. CROSS: Seward Pen deferred the
41 proposal to the home regions. We felt we were not
42 affected by this proposal at this time.

43

44 CHAIRMAN DEMIENTIEFF: Northwest.

45

46 MR. STONEY: Thank you, Mr. Chairman. On
47 this proposal, we all know it's a statewide proposal and
48 I'm speaking on behalf of Northwest Regional Council.
49 I'll say this first, that I'm not against the regions
50 supporting this proposal. However, in our region, I'll

1 give you an example. Eight years ago when the caribou
2 antler was legalized for sale in entire Game Unit 23, we
3 saw hundreds of dead caribou everywhere. It went out of
4 control. That is why the Northwest Arctic opposed this
5 proposal. The Council feels that if we support this
6 proposal that it will definitely become the same as it
7 did to the caribou eight years ago. We'll be seeing
8 carcasses of black and brown bears everywhere.

9
10 So, Mr. Chairman, I'd like to say that
11 there must be some way in Northwest Arctic that we can
12 separate from other regions only to not support this
13 proposal. Like I'm only speaking for Unit 23 only, so
14 it's a benefit to other regions in the state. So there
15 must be some way to write it to get some clarification
16 for our region for not legalizing the sale of bear parts.

17
18 CHAIRMAN DEMIENTIEFF: Thank you very
19 much. Eastern.

20
21 MS. ENTSMINGER: Thank you, Mr. Chairman.
22 Sue Entsminger. I'm representing Eastern Interior. I'd
23 like to say that Eastern Interior is quite diverse. We
24 have the road system, people that live on the road
25 system, and we have people that live on the river system.
26 When the bear proposal first came to sell handicraft out
27 of brown bear, there was mixed feeling within the people
28 on the river system. I think it was more what Western
29 had experienced. Some of the people had some cultural
30 problems and they didn't even want to say the word bear.
31 But out of respect of them there was other people that
32 felt this is something that should be allowed and they
33 brought up this proposal. You'll have to forgive me. My
34 heart is pounding right now. This is kind of tough.

35
36 I'm just going to read to you that we
37 supported with modification the proposal because it
38 provides clarification of what a handicraft is as well as
39 the use of bear parts and handicrafts that are for sale.
40 The proposal, as modified by the Council, honors the
41 Federal Subsistence Board's intent to prevent this
42 becoming a commercial enterprise. The modification
43 provides opportunity for handicraft makers with business
44 licenses who are not a significant business but rural
45 residents to be allowed to continue the craft allowed in
46 ANILCA Section 803.

47
48 If you look at the language here, there
49 is a sentence there to add and incorporated into a work
50 of art, regalia, clothing or other creative expression

1 and could be either traditional or contemporary in
2 design. The handicraft must have -- and then it goes on
3 the same language.

4
5 And we separated out number (8) to (8)(a)
6 and (8)(b) to try to clarify what everyone else is saying
7 here today. I'm a skin sewer. I make things out of all
8 fur and now I can make it out of bear. I have to have a
9 business license legally in the state of Alaska to go to
10 the shows and that's how I sell my stuff. Fur Rondy is
11 where I really got into it and Christmas craft shows.
12 I've gone to the Juneau show that Southeast has spoken
13 of. I had to fly to Juneau. I could not drive from Tok
14 down to Juneau through Canada without an incredible
15 amount of permits. The amount of stuff I had in my car I
16 had to have it all documented. If I sold something, I had
17 to turn around and redo all this permitting process just
18 for fur, not to mention bear, so there is problems
19 through Canada that you have to go through.

20
21 But we, as a group, wanted to protect the
22 skin sewer, both Native and non-Native, that would be
23 making things out of bear and bear parts and we had no
24 problem dealing with the claws. We felt the claws should
25 be allowed to be sold but not to be a commercial
26 enterprise. And allow the skin sewer to make some
27 things, a necklace or whatever, to add to what they're
28 doing. Not just skin sewers but people who are making
29 handicrafts. I hope I've covered it all.

30
31 Thank you.

32
33 CHAIRMAN DEMIENTIEFF: Thank you. Our
34 representative from North Slope is not here, but I
35 understand Barbara is ready to give their report.

36
37 MS. B. ARMSTRONG: Thank you, Mr. Chair.
38 North Slope Regional Council deferred the proposal to the
39 home regions, the regions that would be affected by this
40 regulation change.

41
42 Thank you, sir.

43
44 CHAIRMAN DEMIENTIEFF: Thank you. I
45 think with that, since basically every region was
46 involved in that, we're going to take a short break and
47 we'll come back with Staff Committee and then the State
48 and we'll continue our deliberations.

49
50 (Off record)

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(On record)

CHAIRMAN DEMIENTIEFF: I'll call the meeting back to order. Staff Committee.

MR. PROBASCO: Thank you, Mr. Chair. The Interagency Staff Committee recommendations can be found on Page 208, 209 and 210. I will note right off the start that the Staff Committee did not reach a consensus on this but they were close. If you carefully review both the majority and the minority of recommendations, they're pretty close with the exception as we move into specifics dealing with commercialization.

The majority opinion recommends support with modification. The Staff Committee considered the comments and incorporated many of the recommended modifications provided by all 10 of the Regional Advisory Councils. The majority of the Interagency Staff Committee recommends the following modifications: They concur with removing the phrase made in Alaska from the definition of handicrafts consistent with recommendations of the Southeast Regional Advisory Council.

They also add the language that allows the sale of handicrafts made from bones, teeth, sinew or skulls of black or brown bear taken in Southeast Alaska only. Again, consistent with the Southeast Regional Advisory Council.

Changes in the language of paragraph (8) to limit the restrictions on the sale and purchase of handicrafts by businesses to just claws, excluding the Southeast area. In other words, this commercialization topic will be much more narrowly focused to claws only. As we discuss this regulation with the State, you will find out that the State has recently taken actions regarding fur.

Then add a restriction in paragraph (8)(c) to prohibit such sales that constitute a significant commercial enterprise. That term significant commercial enterprise coming back to us again if you recall what we did with fisheries.

The one thing I want to note, Mr. Chair, as Mr. Littlefield pointed out, that the Staff Committee's recommendation, when we developed it, we omitted the term drilling and our intent was to include

1 that, so I just wanted to clarify that on the record. So
2 we are consistent with the Council in adding the term
3 drilling to paragraph 25(a).

4
5 The justification for these
6 recommendations is the modified proposal provides a
7 clarification of definition of handicraft and these claws
8 and handicrafts for sale. The proposed definition of
9 handicraft includes components offered by the proponent
10 of Proposal 03 and provides additional clarification.
11 The Interagency Staff Committee majority recommends
12 retaining language referring to greater monetary and
13 aesthetic value as this has been part of the existing
14 State and Federal definition. Given the controversial
15 history of regulation and litigation over handicrafts,
16 the majority believes the continuity in the language
17 helps to build familiarity and reduces confusion about
18 the regulations.

19
20 New language in 25(j)(8) prevents large-
21 scale commercialization of handicrafts made with bear
22 claws by prohibiting sales to and purchases by
23 businesses. Small sales from craft producers, some of
24 whom have business licenses, to consumers are authorized
25 while sales to businesses are not.

26
27 In sum, the proposal provides clarity and
28 definition to implement the Board's previous action
29 authorizing sale of handicraft made with bear fur
30 including claws. The proposal does not provide for
31 additional harvest opportunity for subsistence users that
32 could potentially impact bear populations. The proposal
33 assists law enforcement efforts by clarifying in
34 regulation the Board's intent to restrict the commercial
35 sale or purchase by business and require the products
36 made by rural Alaskan residents.

37
38 The minority opinion was to support with
39 modification and they did follow in line with much of the
40 majority opinion with the additional modification to
41 remove the last sentence as the Southeast RAC recommends.
42 That sentence reads the handicraft must have substantial
43 greater monetary and aesthetic value than the unaltered
44 natural material alone. They are pretty much in line
45 with the justification that Mr. Littlefield shared with
46 you earlier.

47
48 The reasons for deleting the last
49 sentence are as follows. There was agreement with
50 Southeast RAC where the Council noted that selling

1 unaltered bear parts in Alaska is illegal, therefore the
2 last sentence in the definition is unclear, unenforceable
3 and arbitrary and, for those reasons, unnecessary. In
4 addition to the obvious redundancy of requiring that a
5 handicraft is not an item in an unaltered state, this
6 provision calls for subjective considerations on the part
7 of law enforcement officials relating to the monetary and
8 aesthetic value of the handicraft.

9
10 In light of these concerns, it was felt
11 that keeping the sentence in the definition of handicraft
12 does not contribute to clarity but, in fact, creates
13 subjectivity. So the minority and majority opinions only
14 differ in that one sentence.

15
16 Mr. Chair.

17
18 CHAIRMAN DEMIENTIEFF: Thank you very
19 much. Department comments.

20
21 MR. HAYNES: Thank you, Mr. Chairman.
22 I'll read our comments on Proposal 01 and Proposal 03 and
23 then the Department of Law will have some additional
24 comments.

25
26 On Proposal WP05-01 the Department does
27 not support the proposal. Our primary concerns are that
28 any regulations
29 authorizing the sale of handicrafts made from claws of
30 brown and black bears must reflect well-documented
31 subsistence practices, include enforceable provisions to
32 protect any such practice,
33 and minimize the potential for exploitation and adverse
34 conservation impacts to bear populations.

35
36 Extending well beyond Alaska to national
37 and international contexts, the sale of bear claws and
38 other parts has generated a market enticing those who are
39 far removed from subsistence traditions. Because brown
40 bear populations reproduce at notably low rates, the
41 Department must carefully evaluate any potential
42 regulatory changes that could lead to adverse effects and
43 conservation concerns.

44
45 This current proposal provides neither
46 the evidence nor
47 regulatory provisions to address the department s
48 concerns, which were previously raised in a Request for
49 Reconsideration submitted to the Federal Board last year
50 concerning the new Federal regulation authorizing the

1 sale of handicraft items made from the fur and claws of
2 brown and black bears. In the current proposal, the
3 regulatory language has been modified but still would not
4 address potential conservation concerns associated with
5 the sale of handicrafts made from bear fur and claws.
6 And I might add other bear parts as proposed in this
7 proposal now.

8
9 For example, the proposal lacks a
10 tracking system that documents number and locations of
11 bears harvested for the purpose of making handicraft
12 items for sale. For similar reasons, the Department also
13 does not support the substantive additional
14 modifications proposed by the Southeast and Southcentral
15 regional councils, and supported by a majority of the
16 Interagency Staff Committee members, that would expand
17 the scope of this regulation by authorizing the use of
18 other body parts of black and brown bears in making
19 handicrafts for sale.

20
21 The Department also does not support
22 Proposal WP05-03. As noted in our comments on proposal
23 WP05-01, this proposal does not address concerns raised
24 by the Department in our Request for Reconsideration last
25 year. It is unclear how the proposed changes in this
26 proposal would address conservation concerns associated
27 with the sale of handicrafts made from bear fur, claws,
28 and other body parts, in the absence of a
29 tracking system that documents how many bears are being
30 harvested for the purpose of making handicraft items for
31 sale.

32
33 As is noted on Page 288 of the Staff
34 analysis, It is not known whether these regulations have
35 resulted in the selling of handicrafts to date. The
36 Department also does not support modifications proposed
37 by the Southeast Regional Advisory Council that would
38 expand the scope of this regulation by authorizing the
39 use of other body parts of black and brown bears in
40 making handicrafts for sale.

41
42 I'll pass the mike to Lance Nelson, Mr.
43 Chair.

44
45 CHAIRMAN DEMIENTIEFF: Thank you.

46
47 MR. NELSON: Thank you, Mr. Chairman. If
48 we had some enforceable way to limit the sale of bear
49 claws to handicraft items made by rural Alaska
50 subsistence users, we'd have no major enforcement

1 concerns. The existing regulations and the proposed ones
2 contain no mechanism to effectively limit sales to those
3 users. There's no tracking system with any kind of
4 reporting or recording requirements. When we find
5 someone with claws that we think might have been
6 illegally purchased and sold, they don't have any burden
7 to show the source as a qualified Federal subsistence
8 user. The burden is on us as the government to prove
9 that their source and sale was illegal. Without a
10 tracking system in place, that's literally going to be
11 impossible in most cases for us to do that.

12

13 We also have conservation concerns
14 because it's logical to expect an increase in Federal
15 subsistence harvest when you create a new motivation for
16 harvest. An opportunity for sale of claws could make
17 bear harvest more viable and attractive to subsistence
18 users who otherwise had decided not to harvest bears in
19 the past. The establishment of a Federal subsistence
20 system without a tracking requirement more importantly
21 creates an opportunity and motivation for non-Federal
22 hunters and poachers to take additional bears because it
23 can't be tracked, resulting in a very likely increase in
24 harvest over time because of the legal market and its
25 masking of illegal activities.

26

27 Our conclusion is that we recommend the
28 Federal Subsistence Board create some kind of tracking
29 system that will allow us to prevent abuses and/or limit
30 the sale to other Federally-qualified subsistence users.
31 That would meet the customary and traditional nature of
32 the activities proposed and allowed and would give us a
33 chance at preventing the abuses that I've described.

34

35 Thank you.

36

37 CHAIRMAN DEMIENTIEFF: Thank you. As we
38 begin discussion, I just want to open up the discussion
39 with I'm pretty disappointed. You people are not used to
40 me sounding negative. I always try to be real happy, but
41 I'm a little disappointed in our approach with regard to
42 this issue. Even though there's not a motion on the
43 table, I don't intend to support either 01 or 03.

44

45 As we look through management styles,
46 neither the State or Federal system, wherever you're from
47 in other parts of the state, your hunting regulations
48 don't look nothing like mine that I live with. Your
49 fishing regulations are tailored to your area and it
50 works. For anybody to say that that is unenforceable or

1 unworkable, it's just nonsense.

2

3

4 Last year when we adopted this
5 regulation, if we go back through the records, I said
6 that I wanted to have these regulations tailored to the
7 region. We have effective Regional Councils that can
8 create regulations for their area consistent with the
9 practices in that area. Why are bears any different? I
10 challenge you to say that they are not any different.

11

12

13 How I expected to deal with this issue
14 this year was to let our Regional Councils do the work
15 and come up with regulations for their region. It works
16 in all other areas of fish and game management and it can
17 work in the management of bears consistent with the
18 practices and the desires of the local people.

19

20

21 I also said that we would be willing to
22 take the time to look at that. I don't really mean to be
23 heavy-handed, but every now and then I get frustrated and
24 I have to vent, I guess. I trust our councils to build
25 regulation for their area and I trust our ability to
26 manage that, just like we manage every other resource
27 consistent with the practices in that area.

28

29

30 So, having vented, I guess I can let
31 everybody else talk now. Sorry.

32

33

MS. CROSS: Mr. Chair.

34

35

CHAIRMAN DEMIENTIEFF: Grace.

36

37

38 MS. CROSS: When this issue first came
39 out, our region decided that it would be better if it was
40 handled regional specifically because some of our
41 communities cultural values conflicted with the selling
42 of bear products. I was really surprised to see it come
43 up again because I thought that was it. I thought it was
44 going to be regional specific.

45

46

47 This is my personal opinion. This is
48 total disrespect for certain cultural values of Alaska
49 Native people. It shouldn't have ever come up. It's
50 kind of like we're going to impose this on you and this
is the way it's going to be done. It should be handled
regional specific because there are certain cultures out
there that have strong opposition to this. Out of
respect for those individuals, our little region decided
that we were not even going to address it. Out of
respect for those cultures that find it acceptable, we

1 decided just to defer the issue. At the rate this is
2 going, I don't think we're going to do that next time. I
3 think that we'll have to end up having to have a stand in
4 this and stating our reasons why.

5
6 I think if statewide proposals are going
7 to come up, especially if they do not come from the
8 regions, that people should really think about the impact
9 it's going to have on Alaska. In particular, our various
10 cultures.

11
12 Thank you.

13
14 CHAIRMAN DEMIENTIEFF: One thing I forgot
15 to mention is that we have heard testimony that there are
16 no conservation issues out there. In the year that the
17 regulation has been on the books, I believe it can stand
18 for another year while people do their work. I don't
19 think we're going to create any conservation concerns at
20 all. I just forgot to mention that in my opening
21 remarks. Other remarks, please.

22
23 John.

24
25 MR. LITTLEFIELD: Thank you, Mr. Chair.
26 I'd like to echo the comments of the previous speaker.
27 We were concerned and have been on record in the
28 Southeast Region of having things coming from the top
29 down. We clearly have stated that ANILCA was meant to
30 enable a process where rural residents had a meaningful
31 part of it and these proposals are supposed to come from
32 the rural residents who are out there and in their own
33 specific regions bringing these forward.

34
35 I'd also like to note, Mr. Chair, that
36 you said you wouldn't support 03 either. What we did, 03
37 was submitted by the RAC, but it incorporated many of the
38 things that 01 did with the exception of the
39 commercialization, which we never talked about at all on
40 03. So we felt it was appropriate just to address the
41 statewide one, but our comments are specific. We
42 recognize the taboos in the other areas. The
43 recommendations we made were for Units 1 through 5. We
44 did not include the others, the 9-C, the 20, we didn't
45 even talk about them. It's not our place to decide what
46 is correct for others. We believe that 01 as modified by
47 the Southeast Region affects the Southeast Region only.

48
49 I guess I could go either way. The
50 position of the Council is to support 01 as modified. We

1 were adamantly opposed to the (j)(8) inclusion.

2

3 I'm going to have other things to say,
4 but I thought we were going to talk about the State first
5 and I had a couple comments about some of the things they
6 said. There was no tracking system. Well, in Southeast
7 Alaska in particular, under the Federal regs in Sitka
8 we're allowed one bear every four regulatory years. Now,
9 to take that bear under the Federal system, we're
10 required to have a State registration permit. That's
11 tracking. In other words, you can look on a permit and
12 see that I've taken one bear every four years and if I've
13 got 120 claws, I'm a bad boy, shouldn't have done that.
14 It's trackable. There are five permits per year that are
15 allowed for educational permits and that's under a
16 Federal permit, also a tracking mechanism. These bear
17 are trackable.

18

19 I guess that's all I have for now, Mr.
20 Chair. I did want to respond to some of what the State
21 said and I'm going to have a lot more to say about this
22 before we're done. And 03 was actually a proposal from
23 the bottom up. It came from us. We thought these were
24 appropriate.

25

26 So we are opposed to Proposal 01 concept,
27 how it came downhill, and we're opposed to sending it out
28 to all the other regions who the year before told us that
29 they didn't want these things to apply to them. These
30 regulations on brown bear do not apply to them because of
31 cultural taboos and to send it to them, as Ms. Cross
32 said, is kind of an affront on a statewide motion, but we
33 tried to make the best out of it as we could and they
34 certainly have the right to comment. We respect all of
35 that. It is a statewide proposal because it deals with
36 handicrafts, but we need to respect the cultural taboos
37 in those regions where they said they don't want to
38 participate in this. I think we should honor that.

39

40 Mr. Chair.

41

42 CHAIRMAN DEMIENTIEFF: Thank you. Tom
43 has a comment quickly.

44

45 MR. BOYD: Mr. Chair. And I make this
46 with all due respect to the comments that have preceded
47 me. In terms of the concerns about whether this proposal
48 is top down or bottom up, I think it's important to keep
49 in mind that the proposal was intended to clarify what
50 the Board accomplished at the last meeting when this was

1 done. There wasn't an intent to try to recreate the
2 wheel here, but to provide clearer language in the
3 regulations about what the Board's intent was. As the
4 administrating agency, I think it's very important as we
5 run into problems in administering the Board's
6 regulations that have come about through very intensive
7 deliberation with the Councils that we bring our concerns
8 to the table as well. And that's what I think we've done
9 here.

10

11 The intent of the Board, in terms of
12 clarifying the definition of what's meant by a
13 handicraft, in terms of clarifying the definition about
14 what is meant by skin, hide, pelt, in terms of clarifying
15 the intent to prevent commercialization of something that
16 is customary and traditional, so that is why we brought
17 it back to the table and I think it's very important that
18 we do that. If we wait for this to come from the bottom
19 up, we may not have clarity. We're the ones that have to
20 explain this to the public and we need clear definition
21 in our regulation in order to be able to do that.

22

23 Mr. Chair.

24

25 CHAIRMAN DEMIENTIEFF: Thank you.

26 Anybody else. Keith.

27

28 MR. GOLTZ: There is some tension between
29 bureaucratic requirements and the major themes of ANILCA
30 and we're probably in one of those melancholy situations
31 now. I think it's clear that the statements by the
32 Chairman and by Grace and by John are constant with the
33 major theme of ANILCA. It's meant to start from the
34 bottom up. Sometimes we stumble, but that is clearly the
35 engine that drives what we're doing here.

36

37 Before we get too far away and I don't
38 know where this is going, but there are some record gaps
39 I think and I'd like to ask the State for a couple
40 clarifications. One I think is central and that is the
41 recent changes in the State regulations. I don't see
42 them in my handy dandy and I think if we're going to
43 cooperate in this area we have to know what those changes
44 are. Could you tell us, if anything, what the State
45 Board of Game did
46 and if they didn't, tell us what the requirements are
47 under State law for sale and use of handicrafts.

48

49 MR. HAYNES: Mr. Chairman, I'm going to
50 defer to Department of Law to respond to that.

1 MR. DOUGHERTY: Thank you, Mr. Chairman.
2 This is Steve Dougherty from the Department of Law. The
3 State regulations regarding sale of game meat, furs and
4 hides are found at 5AAC92.220. Those regulations do
5 allow the sale of fur in handicrafts of bear, but they do
6 not allow the sale of the claws or other nonedible parts
7 of the bear.

8
9 MR. GOLTZ: Is there a salvage
10 requirement and, if so, what is it?

11
12 MR. DOUGHERTY: Yes, I believe that there
13 is a salvage requirement. It's kind of convoluted here,
14 so I'll have to track it out. I think it's under Section
15 D.

16
17 MR. HAYNES: Mr. Chairman, there is a
18 salvage requirement of bear meat in some instances. It's
19 not a statewide requirement for all bears that are
20 harvested. Mr. Regelin may want to add something.

21
22 MR. REGELIN: Mr. Chairman. For brown
23 bear and grizzly bear, under general hunting rules for
24 residents or non-residents, to salvage the hide and the
25 skull, which includes the claws, you're not required to
26 salvage the meat, but we have several areas throughout
27 Alaska, mostly in Western and Interior Alaska where we
28 have subsistence bear hunting areas and in those areas
29 it's a requirement to salvage the meat and it's up to the
30 person if they want to salvage the hide then.

31
32 CHAIRMAN DEMIENTIEFF: So I guess the
33 bottom line is that the State regulations are also
34 tailored to specific areas, if I'm understanding the both
35 of you gentlemen. I guess that's the point I opened up
36 with. It works. Do you have enforcement problems that
37 you're aware of?

38
39 MR. REGELIN: I'd like to make a general
40 comment and then talk about your specific question. I
41 agree with Dr. Wheeler that passing these proposals is
42 not going to increase legitimate subsistence harvest.
43 It's small and it's not going to change the people that
44 take a brown bear for the meat or other purposes,
45 subsistence purposes. However, we all know that when
46 people have the opportunity to make significant amounts
47 of money through illegal activity and there's very little
48 chance of them getting caught or punished, there's going
49 to be a small number of people that are going to take
50 advantage of that system. That's what we're worried

1 about. We know that claws from brown bears can be sold
2 for significant money, up to about \$1,500 per brown bear
3 for just the claws from the front and rear paws.

4
5 So we see a need to minimize the
6 commercial sale of bear claws for brown bears at least
7 while allowing the use and trade of claws for cultural
8 purposes and regalia. We've never objected to that. I
9 have a high degree of concern with the wide-open sales
10 and, to me, that's a major leap when you move from sale
11 among rural Alaskans for cultural purposes and move it
12 into tourist shops across Alaska and I think that's a big
13 thing. I don't mind the idea that someone has a small
14 business and handles a few claws a year that he or she
15 has taken themselves, but having it wide open in tourist
16 shops that really bothers me.

17
18 When a person out there in the woods has
19 a bear, has the claws, you're right, we can track that
20 through our registration system, but once those claws
21 enter into commerce, we don't have a way to track where
22 they came from, whether they were from Kodiak or
23 Southeast Alaska unless we put in some kind of
24 requirement that the people who buy these claws have to
25 keep records of where they purchased them and there's no
26 regulation on that right now.

27
28 We know there is a market out there and
29 people can make significant amounts of money. So I guess
30 what we were trying to do is make sure that we meet the
31 subsistence needs and the cultural needs for using bear
32 claws and regalia and the trade and everybody can use
33 them and have them, but to keep it out of the full-blown
34 sale of these claws to anybody that wants to buy them. I
35 guess that's what we've been trying to tell people and
36 what we're trying to do here. So that is all I had to
37 say.

38
39 CHAIRMAN DEMIENTIEFF: I have one more
40 comment. Dan, if you can indulge me for a moment.
41 There's really good money in the sale of moose and
42 caribou horns right now. Doggone good money, but I
43 simply do not see people going out purposely to shoot
44 more moose or caribou just to get those horns to sell.
45 That's not what really goes on with those. But I think
46 everybody here knows that there's good money in the sale
47 and utilization of those antlers for all kinds of things.
48 You see them everywhere. Dan.

49
50 MR. O'HARA: Mr. Chairman. One of the

1 things that we did in the Bristol Bay region when it came
2 to the sale of subsistence food among each other was to
3 have a paper trail to follow it up. When this Board met,
4 the law enforcement department, hands in the air, saying
5 we can't follow that thing. That's too bad, you know.
6 Bristol Bay says there will be a paper trail on
7 subsistence food sold to one another and the same should
8 be on the brown bear, black bear, anything. There needs
9 to be a paper trail on that. We're not asking just an
10 open sale on these items. There needs to be a permit.

11
12 Every fish is named and numbered, all the
13 animals are accounted for. You're going to have five
14 cops in those tents and lodges and bear camps on the
15 Alaska Peninsula, you'll have five law enforcement
16 officers every day looking for phone number, Social
17 Security number, address, where you're from and write
18 down your permit number. They're everywhere. It's an
19 enforceable thing that can be done.

20
21 However, I think that the only salvation
22 we have here today is to table this thing. I believe the
23 State of Alaska has an excellent point. If we are going
24 to do this for sale, then there needs to be a paper trail
25 to follow it up. If it's illegal, go to jail like the
26 next guy. Some of us need time off anyway.

27
28 Thank you, Mr. Chair.

29
30 CHAIRMAN DEMIENTIEFF: John.

31
32 MR. LITTLEFIELD: Thank you, Mr. Chair.
33 I also have a question for Mr. Dougherty, department of
34 law. I refer you to Page 197 in the proposed regulation
35 that the Fish and Wildlife submitted and it has to do
36 with 25 (j)(8) in bold. You just read the regulations
37 that you referred to under the state sale of handicraft
38 articles and what I'd like you to do is just look at this
39 and strike including claws. Just strike that out and
40 tell me whether that's allowable under State law or not.
41 In other words, it's my interpretation that if we were to
42 enact (j)(8), we would be more restrictive than what you
43 just read out of the book. If you could comment on that,
44 please.

45
46 CHAIRMAN DEMIENTIEFF: Judy.

47
48 MS. GOTTLIEB: Thank you, Mr. Chair. I
49 guess, as we predicted, this is going to be complicated
50 and a lot of things to go through. I wanted to go back.

1 Polly, if you can remind us, how many years the black
2 bear allowance for making and selling handicrafts has
3 been on our Board books. I know we did brown bear most
4 recently, but that's been a statewide allowance.

5
6 Thank you.

7
8 MS. WHEELER: Mr. Chair, Ms. Gottlieb.
9 The Federal Board passed the black bear regulations in
10 2002.

11
12 MS. GOTTLIEB: If I could just ask a
13 follow-up. So have we found difficulties from that as a
14 result of that?

15
16 MS. WHEELER: Mr. Chair, Ms. Gottlieb.
17 Not to my knowledge, no.

18
19 CHAIRMAN DEMIENTIEFF: John did ask a
20 question of the State. Are we prepared to answer that?

21
22 MR. DARBEY: Through the Chair. Where
23 the sale is legal, there is no restriction under State
24 law as to whether it can be sold by a business.

25
26 Thank you, Mr. Chair.

27
28 CHAIRMAN DEMIENTIEFF: Thank you. Other
29 discussion.

30
31 MR. WILDE: Mr. Chairman. A lot of our
32 people back home they don't believe in selling a part of
33 subsistence what they catch. We can't even make our own
34 regulation that we want to because we have too many
35 regulation already. We have to carry two regulations to
36 go out hunting. People scared all the time seems to me
37 try to go subsistence. Like what you guys say and
38 understand that we try to make a regulation for
39 ourselves, like a no fly zone area. They say well you
40 have to go to some other organization, like State or
41 Federal. That's the problem we have out there.

42
43 You ask what did you do with the claws of
44 the bear. I'll tell you what they do with them. Usually
45 the people, elders and some young people, dancing out
46 their Eskimo dance, they've got some in their belt. They
47 don't sell them. I never hear anybody that sells them.
48 They don't like to sell a part of the subsistence, but
49 you can see them. They use them for traditional. The
50 elders are teaching the young people not to forget their

1 traditional way of life.

2

3 CHAIRMAN DEMIENTIEFF: Thank you.

4 Anybody else.

5

6 MR. BSCHOR: Mr. Chair. A clarifying
7 question for Mr. Littlefield. Is it the intent of the
8 Southeast Council to allow handicrafts of bears to be
9 taken in those units to be sold just in those units or is
10 it your intent they be sold statewide?

11

12 MR. LITTLEFIELD: Thank you, Mr. Bschor,
13 through the Chair. Our intent is to sell them wherever
14 you feel like it. The criteria was taken in Southeast.
15 That's what we talked about. If you took the bear in
16 Southeast, it was to be legal to sell those claws.

17

18 CHAIRMAN DEMIENTIEFF: And you have
19 tribal members all over the state. As I understand, the
20 opposite clan that the Tlingits operate under -- I mean
21 your people are not all just living in those units.
22 They're everywhere, is that correct? I just want to get
23 that on the record.

24

25 MR. LITTLEFIELD: Yes, Mr. Chair, we're
26 everywhere. The SEAlaska Corporation holds meetings
27 routinely. I think they had three meetings this year in
28 the Lower 48. In recognition of that, Tlingit and Haida
29 held a convention in San Francisco. The Tlingit, Haida
30 and Tsimshian are well distributed up and down the coast.

31

32

33 If I can talk a little bit about our
34 culture, which comes back to your point, Mr. Chair,
35 region specific. In our culture, what happens in a
36 potlatch, a (in Tlingit), if a big man was giving a
37 party, he would ask for something that he wanted to be
38 made to be made by the opposite clan. In other words,
39 you don't have your own clansman make this. You
40 commission someone, your brother-in-law, they call them
41 (in Tlingit), you commission them to make something for
42 you. When the party occurs, you bring this out and it
43 becomes at the party what's called (in Tlingit), a
44 masterless thing, something that's owned by the clan. It
45 no longer becomes yours. It's brought out. At that
46 point it's not sold anymore. When that happens, it's
47 taboo to sell that after its been made into a piece of
48 (in Tlingit). But before you do that you have to buy it
49 because at the same (in Tlingit) potlatch, the big man
50 that asked for that piece to be made will pay out of the

1 money that's collected at the party, in public will pay
2 that person for the duties that they did. If they were
3 to take a claw and make a claw headdress and it was to
4 become part of the bear clan (in Tlingit), they would
5 then pay that person in public and it could be what you
6 may call significant. We usually try to pay our debts
7 and make sure people are well-compensated for things that
8 we ask them to do. This has happened forever, since time
9 immemorial.

10
11 Like I said, I agree that the sale of (in
12 Tlingit) is not allowed. That's something that's against
13 tradition. But to make the (in Tlingit) in the first
14 place commonly required you to use money. In the old
15 days, it could have been blankets or pelts or bear hides
16 or something. That was the money at that time, but now
17 we use cash. So we've been doing this forever.

18
19 Mr. Chair.

20
21 CHAIRMAN DEMIENTIEFF: Thank you.
22 Further discussion. Todd.

23
24 MR. LOGAN: Thank you, Mr. Chairman.
25 I've enjoyed and found this conversation very helpful.
26 However, I feel a little stymied only in that there are
27 so many issues involved here and we've heard a lot of
28 good comments on all of them. I think Tom Boyd this
29 morning talked about the possibility of us working
30 sequentially through this issue, the three main elements,
31 and I guess it would be helpful to me at some point to
32 get there and, therefore, I would have some thoughts and
33 some things I would be willing and able to propose but
34 only if we can focus along those lines.

35
36 Thank you.

37
38 CHAIRMAN DEMIENTIEFF: Yes.

39
40 MR. ROEHL: Thank you, Mr. Chairman.
41 I've been struck by the testimony I've heard yesterday
42 and today and during some of the testimony I can't help
43 but be reminded of the Chicken Little story. I'd like to
44 remind you that the sky is not falling. It seems like
45 we're trying to take these cookie cutter approaches and
46 apply them to all areas of the state. We've got cultural
47 taboos against any kind of bear utilization in some
48 areas, but in other areas, like Bristol Bay, it's kill
49 whatever is there. These animals are taken for
50 subsistence purposes. They're not taken for just the

1 claws only or the hide or the skulls. Every part of the
2 animal is typically used. I would wager that most of the
3 animal use in the state, whether it be fish or wildlife,
4 is taken by game hunters and sports fishermen and not
5 subsistence users. We need to look at how much of the
6 pie is used by what.

7

8 But I agree with you, Mr. Chairman, there
9 should be a regional approach to bear use. You can't
10 have a statewide policy. I don't think it will work.

11

12 CHAIRMAN DEMIENTIEFF: Thank you. Todd,
13 I should have pointed out, depending on what the motion
14 is, we do the three-part approach to it at that time.
15 This is just general discussion. People have things they
16 want to say and that's what we're looking for right now.
17 Anybody else. Sue.

18

19 MS. ENTSMINGER: If it's okay, I'd like
20 to ask a few questions of the State to bring out some
21 things that I think maybe they're not thinking about. We
22 got into this questioning at our Regional Council
23 meeting. Right now, currently, both black and brown
24 bears can be sold as a handicraft without claws in the
25 state of Alaska. What tracking system do you have or do
26 you have any concerns on brown bears in Southeast Alaska?

27

28 MR. HAYNES: Through the Chair, Sue. The
29 issue in this case, the selling of fur, is the issue of
30 claws. State regulations do not define claws as being
31 part of the fur. Federal regulations do. Claws are the
32 items that have, in some cases, substantial economic
33 value. Because State law and State regulations do not
34 allow the sale of bear claws, we don't have that same
35 concern.

36

37 MS. ENTSMINGER: Yes, thank you. I'd
38 like to continue. Wayne, you might want to get into
39 this. What I'm trying to say is like we look at the
40 Federal law, I understand you're looking at claws being
41 the problem, but you're bringing out points of concern
42 about the resource and I could bring out points of
43 concern about the resource where you're not -- in a
44 subsistence situation, you have to bring out the meat and
45 you have to eat it, but in the State, most of it you do
46 not. So I can see that if you guys are bringing out
47 these points that there's this huge concern. Why aren't
48 we looking at the same concern, particularly in brown
49 bears, as Southeast?

50

1 I had brown bear guides contact me and
2 big concerns. Sue, what did you do? This is terrible.
3 They're concerned that there's going to be -- even with
4 the State law they were upset about it and they're
5 concerned that it might have an impact in the future of
6 the brown bear in Southeast. I guess I just want to
7 bring it up because I believe that you're bringing up
8 concerns that are legitimate, but I believe that you need
9 to think about it on the State side too.

10

11 CHAIRMAN DEMIENTIEFF: Pete.

12

13 MR. PROBASCO: Yes, Mr. Chair. I've been
14 sitting here listening to the discussion of how bears are
15 utilized under the Federal subsistence program and I
16 think there may be some misunderstanding, but I just want
17 to make it very clear that under the Federal system the
18 bear cannot be harvested only for handicrafts. It has to
19 be harvested for consumption. You have to eat the bear.
20 It can't be targeted for just handicrafts. I think
21 that's important to understand under the Federal
22 subsistence program.

23

24 Mr. Chair.

25

26 CHAIRMAN DEMIENTIEFF: Raymond.

27

28 MR. STONEY: Thank you, Mr. Chairman.
29 I've got a question to the State about the proposal on
30 this booklet Federal regulations. It's on Page 15. It
31 says you may sell bear parts in Game Units 1, 2, 3, 4, 5,
32 9-A, B, C and E, 12, 17, 20 and 25. I'm speaking on
33 behalf of Northwest Arctic Regional Council and our area
34 because I represent 11 villages. Game Unit 23 is not
35 listed in this booklet, so is it listed in the State
36 regulations for selling bear parts?

37

38 MR. HAYNES: Mr. Chairman. The State
39 regulations allow the sale of bear hides statewide in all
40 units. The Federal regulation that was adopted last year
41 I'll let one of the Federal Staff clarify to you the
42 Federal regulation, but basically last year the Federal
43 Board adopted a regulation that allows the sale of bear
44 hides with claws attached to be used in the making of
45 handicrafts for sale in three parts of the state, not
46 including Unit 23. Brown bears specifically. Federal
47 Staff may want to provide additional information about
48 the Federal provisions, but that's my understanding of
49 how this works.

50

1 MR. STONEY: The reason why I ask this
2 question is because it's very confusing for our area up
3 there. You know, they've got eight different land
4 managers, so depending on where you get the bears,
5 sometimes you're just within 10, 15 feet away.
6 Evidently, if somebody did harvest a brown bear in State
7 land or Federal land, what's the difference. That's what
8 people are very concerned about in our area. I have to
9 explain to our people when I get home about the State
10 regulation of selling bear parts.

11
12 Thank you, sir.

13
14 CHAIRMAN DEMIENTIEFF: Paul.

15
16 MR. ROEHL: Thank you, Mitch. I was just
17 thinking, some people may have taken my last comments a
18 little bit too literally. For the record, I'm from Dan
19 O'Hara's region, too. Being Alaska Native, we don't
20 waste our resources, so my characterizing Dan as being a
21 shoot anything that moves kind of person really doesn't
22 apply.

23
24 Secondly, in regards to which regulation
25 you pass, you'll have scofflaws no matter where you go.
26 I mean just think of all the poor moose in Kincaid Park
27 that are running around with arrows sticking out of their
28 behinds. You've got bad eggs no matter what you do.

29
30 Thank you.

31
32 CHAIRMAN DEMIENTIEFF: Thank you. Go
33 ahead.

34
35 MR. BSCHOR: Mr. Chairman. Just a couple
36 thoughts and comments first. We do have a regulation
37 that currently exists, so what we're talking about here
38 is trying to make an attempt at clarifying that reg. I
39 think it's important to look at those sorts of things if
40 we can make them better. I also think that hearing the
41 conversation this morning about the restrictions that the
42 State has on selling materials being more restrictive
43 than what we have -- or we're more restrictive than --
44 that takes care of the problem basically is what I'm
45 trying to say. I'm not too sure I'm real clear on that,
46 but would be interesting hearing more, but that's new to
47 me.

48
49 I think there should be language that we
50 come up with as a Board demonstrating our support or

1 rejection of the proposals made by the Regional Advisory
2 Councils. I think the intent of the Board, if I'm not
3 mistaken, is to disallow significant commercial
4 enterprises associated with the sale handicrafts. If I'm
5 wrong, please correct me.

6
7 I also understand and have heard that the
8 conservation problem -- we've only had one year of
9 implementing our current regulation. Apparently, at this
10 point in time, it doesn't appear to be a problem. I'm
11 not sure that I hear that there's a conservation problem.
12 I hear a lot of speculation about a law enforcement
13 problem as far as chain of custody of materials and we
14 have that no matter whether it's subsistence or regular
15 taking of bears. In fact, subsistence is much tighter, I
16 think, as far as that chain of custody even at current
17 levels.

18
19 The only difference we're talking about
20 between the regulations at this point is the use of bear
21 claws and I do have a question of the State. Does your
22 regulations specifically say that bear claws from black
23 bears or brown bears can't be sold or is it just
24 inferred?

25
26 CHAIRMAN DEMIENTIEFF: Wayne.

27
28 MR. REGELIN: Mr. Chair. While they're
29 looking that up and then I can read you the law, but I
30 wanted to clarify something. State law doesn't allow the
31 sale of black or brown bear hides in the raw. What it
32 does allow is a person that's harvested a brown bear to
33 make that into a handicraft or for someone who has a bear
34 hide to give it to someone to make it into a handicraft
35 and then they can sell that handicraft. We, since
36 Statehood, have not allowed the sale of raw bear hides
37 like we do fur and it is specific, it prohibits the sale
38 of claws.

39
40 CHAIRMAN DEMIENTIEFF: If we're done with
41 general discussion, we can move on to the format that
42 we've laid out. We're ready to proceed.

43
44 MR. LOHSE: Mr. Chair.

45
46 CHAIRMAN DEMIENTIEFF: Ralph.

47
48 MR. LOHSE: We've had a lot of discussion
49 on what the State actually allows and doesn't allow.
50 It's kind of interesting because it is in the handy dandy

1 in case a person wants to look on Page 22 and Page 27.
2 It specifically uses a lot of the same words that we use.
3 Handicraft, a finished product in which the shape or
4 appearance of the natural material has been substantially
5 changed with skillful use of hands such as sewing,
6 carving, etching, scrimshawing, painting or other means
7 and they added and which has substantially greater
8 monetary and aesthetic value than the unaltered natural
9 material alone.

10

11 As to whether it can be sold any place,
12 it says you cannot sell any part of any bear except an
13 article of handicraft made from the fur of bear. There
14 are no restrictions on where you can sell it, who you can
15 sell it to, what kind of business you can sell it with.
16 And skin, hide and pelt are all the same and mean any
17 untanned external covering of any game animal's body but
18 do not include a handicraft or other finished product.
19 Skin, hide or pelt of a bear means the entire external
20 covering with claws attached and they don't have the
21 definition for fur in here, but fur did not include
22 claws.

23

24 So, basically, the State allows any sale
25 of the fur made into any handicraft any place. The only
26 thing different is the claws. So, technically speaking,
27 your question, Denny, the regulation that we have in
28 front of us is more restrictive on everything except
29 claws.

30

31 CHAIRMAN DEMIENTIEFF: Thank you. Pete.

32

33 MR. PROBASCO: Mr. Chairman. In response
34 to Mr. Bschor's questions, the Staff Committee also
35 wrestled with the issue of State regulations and Federal
36 regulations. If you look at the Staff Committee's
37 recommendation as a whole, taking away that one sentence
38 on 25(a), you'll see under 25(j)(8)(A) and (B), the
39 regulations specifically addresses claws only. So all
40 other legal parts, fur, would fall under the same
41 umbrella and be utilized in the same manner as State
42 regulations.

43

44 Then to address the Board's concern of
45 commercialization, they inserted 25(j)(8)(C) as far as a
46 significant commercial enterprise. So, to keep our
47 regulations so they weren't more restrictive, the Staff
48 Committee went into 25 and addressed it to only claws and
49 then the Staff Committee also agreed with the Southeast
50 Regional Advisory Council's recommendations in their

1 sale.

2

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Mr. Chair.

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CHAIRMAN DEMIENTIEFF: John.

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MR. LITTLEFIELD: Thank you, Mr. Chair.

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CHAIRMAN DEMIENTIEFF: Dan.

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MR. O'HARA: I think in lieu of that, since we have not as a Council had the opportunity to look at what Staff has done, we probably should table this.

Thank you.

CHAIRMAN DEMIENTIEFF: I think we probably shared the general information. We do have a conflict. We are going to take a pretty long lunch break today and come back and do the procedure that was laid out after lunch. As I pointed out at the beginning of the meeting, we have a couple of employees that are up for some pretty prestigious Federal employee honors and there's a big luncheon that we have over at the Hilton. So I think we're just going to take a break now and we'll come back about 1:30. Does anybody have any real serious conflicts with that time frame.

1 MR. O'HARA: Do you think we'll be nicer
2 after lunch?

3
4 CHAIRMAN DEMIENTIEFF: It worked
5 yesterday. No, we just want to give it the time it
6 needs, but also some of us feel the need to get over to
7 that luncheon. Ralph.

8
9 MR. LOHSE: Mr. Chair, I just have one
10 comment and one question that my neighbor brought up.
11 One comment in response to Dan. I feel like I have to
12 kind of stick up for the Staff and that shows one of the
13 problems we have when we try one of these one shoe fits
14 all type things. All of our different Councils gave the
15 Staff different ideas and I think what the Staff tried to
16 do is synthesize those ideas into something that tried to
17 fit this one size fits all, which we can't do, and I
18 think that's what's come out of this meeting, one size
19 doesn't fit all. So I can't be too down on the Staff for
20 coming up with wording that tries to take all of our
21 ideas together and I'll stick up for them there -- this
22 time.

23
24 The other question my neighbor asked, are
25 we invited to the luncheon?

26
27 CHAIRMAN DEMIENTIEFF: I'll let the
28 Federal employee honoree answer that. I don't know what
29 the arrangements are.

30
31 MR. BOYD: Thank you very much. I'm not
32 sure, frankly. I know you had to make arrangements in
33 advance. Oh, there will be tickets at the door at the
34 Hilton Hotel is what I'm being told.

35
36 MR. PROBASCO: Yes, there are tickets at
37 the door, but, as you know, they go first come, first
38 serve, so you do run that risk, but the intent was to
39 have some tickets at the door.

40
41 Mr. Chair.

42
43 CHAIRMAN DEMIENTIEFF: Thank you. We
44 will recess until 1:30. Please, everybody, enjoy your
45 lunch and we're all going to be touchy-feeling when we
46 get back.

47
48 (Off record)

49
50 (On record)

1 CHAIRMAN DEMIENTIEFF: We'll call the
2 meeting back to order. One of the things I need to note
3 is that we did not have any requests for public comments
4 on non-agenda items. So, having said that, we're done
5 with that since we didn't get any requests. I hope
6 everybody had a great lunch. I had a great time. I'm
7 usually a recluse when I get to these regulatory
8 meetings, but I enjoyed today, Tom's nomination for his
9 award. Tom didn't, of course, win the big award, but he
10 did win an award over there in addition to the
11 certificate he got for being nominated. This is a
12 personal note from a friend of his. We do get a little
13 personal once in a while. The note reads, Tom, Vic said
14 when we described the award, Tom doesn't need that fancy
15 award, he has his wife, Sheila. We don't all get here
16 alone. We all have somebody backing us up. We're most
17 proud that -- I didn't realize it, but we all do a lot of
18 tremendous volunteer work in different areas, but Helen
19 Armstrong won her category in recognition of her 35 years
20 of volunteer work. Community service award is what it
21 was. So we just appreciate the fact that people who do
22 volunteer sometimes actually get appreciated. So
23 congratulations, Helen, for winning the award.

24

(Applause)

25

26

27

CHAIRMAN DEMIENTIEFF: With that, we're
28 going to go back to discussion with regard to Proposal
29 No. 01 and we'll just open it up at this time for further
30 discussion. We haven't advanced to a Board vote and I
31 think we have three different levels that we're going to
32 take up and I'll let Tom introduce the first level and
33 we'll discuss that and go to the second. We are not
34 preparing for a Board vote at this time. We're just
35 going to discuss the three different categories that were
36 so successful in working out a solution in Southeast. Go
37 ahead, Tom.

38

39

MR. BOYD: Mr. Chair. The first item, as
40 I had outlined it, would have been under Section 25(a),
41 which are the definitions of handicraft and the
42 definition of skin, hide, pelt and fur. Do you want me
43 to read those, Mr. Chair?

44

45

CHAIRMAN DEMIENTIEFF: Go ahead.

46

47

MR. BOYD: Under the proposed regulation,
48 that would be 25(a), handicraft means a finished product
49 made in Alaska by a rural Alaskan from nonedible
50 byproducts of fish or wildlife which is composed wholly

1 or in some significant respect of natural materials in
2 which the shape and appearance of the natural material
3 has been substantially changed by the skillful use of
4 hands by sewing, weaving, lacing, beading, carving,
5 etching, scrimshawing, painting or other means and which
6 has substantially greater monetary and aesthetic value
7 than the unaltered natural material alone.

8

9 The second definition would be skin,
10 hide, pelt or fur means any tanned or untanned external
11 covering of an animal's body; however, for bear, the
12 skin, hide, pelt or fur means the external covering with
13 claws attached.

14

15 Now, there are variations on those as
16 provided by some of the Councils as well as by the Staff
17 Committee.

18

19 Mr. Chair.

20

21 CHAIRMAN DEMIENTIEFF: Thank you. I'm
22 just going to have him introduce all three of the areas
23 and as you're preparing your remarks, if you could let us
24 know which area you're going to address. Judy.

25

26 MS. GOTTLIEB: Mr. Chair, thanks. One
27 clarification from my notes. I believe only Southeast
28 RAC made any wording changes in that section.

29

30 MR. BOYD: That's correct, Ms. Gottlieb.

31

32 CHAIRMAN DEMIENTIEFF: Let's just get
33 them all out, Tom.

34

35 MR. BOYD: The second category would deal
36 with the selling and purchasing by businesses and that's
37 found under 25(j)(6) and (7). 25(j)(6) in the proposal
38 reads if you are a Federally-qualified subsistence user
39 you may sell handicraft articles made from the skin,
40 hide, pelt or fur of a black bear, including claws. And
41 under 25(j)(7) it says if you are a Federally-qualified
42 subsistence user, you may sell handicraft articles made
43 from the skin, hide, pelt or fur of a brown bear,
44 including claws, taken from Units 1 through 5, which is
45 in Southeast, 9-A through C, 9-E, which are in the
46 Bristol Bay Region and 12, 17, 20 and 25, which are in
47 the Eastern Interior Region.

48

49 And then item number three is the portion
50 of the regulations dealing with selling and purchasing

1 from businesses. I may have turned those around. Item
2 number two dealt with selling of handicrafts made from
3 bears. The third category is selling and purchasing from
4 businesses. That's found in 25(j)(8). If you are a
5 business, as defined under AS 43.70.110(1), you may not
6 purchase, receive or sell handicrafts made from the skin,
7 hide, pelt or fur of a black bear or brown bear,
8 including claws.

9

10 Again, there have been modifications
11 supported by some of the Councils and the Staff
12 Committee.

13

14 CHAIRMAN DEMIENTIEFF: Thank you. Having
15 discussed, if there's a motion, I'd like to entertain
16 that at this time unless there's somebody who feels the
17 need for additional discussion. Yes.

18

19 MR. LOGAN: Mr. Chair. This is strictly
20 speaking to Section 25(a). We're breaking these into
21 three pieces. I'd like to move to adopt the
22 recommendation of the Eastern Interior Regional Advisory
23 Council with some modifications that were recommended by
24 other Councils and the Interagency Staff Committee.
25 Specifically what I'm moving to do, if you'll turn to
26 Page 208, this is the wording as laid out by the Staff
27 Committee, but it's an adoption of a number of elements
28 from the different Advisory Councils. So what I'm moving
29 to do is accepting the wording as laid out on Page 208,
30 the two sections labeled 25(a) with the addition of the
31 word drilling after the word painting. That's the only
32 omission.

33

34 So that is what I move, Mr. Chair.

35

36 CHAIRMAN DEMIENTIEFF: Thank you. Is
37 there a second to that motion.

38

39 MR. OVIATT: I'll second.

40

41 CHAIRMAN DEMIENTIEFF: It's been moved
42 and seconded. Discussion on the motion. Yes.

43

44 MR. ROEHL: It's a pretty good motion.
45 The only thing that bothers me about it is the inclusion
46 of the references to value, both monetary and aesthetic.
47 Value, in anybody's frame of mind, is highly subjective.
48 One man's trash is another man's treasure. We've all
49 heard that phrase. You can buy Elvis's half-eaten
50 sandwich for \$25,000. I wouldn't pay a dime for it. So

1 any reference to value I don't like.

2

3 CHAIRMAN DEMIENTIEFF: I have a slight
4 problem with moving ahead with that. To tell you the
5 truth, I've been all over the place on this all day
6 because there's been so much information gathered. But I
7 guess the thing that I'm struck with is that of all the
8 RAC representatives, we hear of sales only in Southeast
9 and that's a one-time sale from one clan to another clan
10 for ceremonial purposes and they're not resold. Chairman
11 Littlefield was real eloquent in explaining that to us
12 and I appreciate it. I still have a problem going
13 forward. From the other RACs we heard of no sales by
14 subsistence users. We've heard of utilization, but we
15 haven't heard of sales. That's kind of where I have the
16 problem. I still think it needs more work whether or not
17 we adopt regulations today. We are going to have to
18 still tailor regulations to the each region on how they
19 want these things to be done and dealt with. So
20 regardless, in our process we have very many issues that
21 we've had to work on for several years before we got it
22 right. This may be one of those instances. Go ahead.
23 Other Board members. Todd.

24

25 MR. LOGAN: Thank you. Obviously, since I
26 made the motion, it's obvious we support the language.
27 We do think it's a significant improvement over where we
28 are today. While it might not be perfect, I think it
29 helps quite a bit. Specifically, Paul asked a question
30 about the last sentence of the first paragraph, the
31 statement the handicraft must have substantially greater
32 monetary and aesthetic value than the unaltered natural
33 material alone. I agree. I think it sets the right tone
34 and the intent. I don't know if it's problematic or not,
35 but it is an interesting issue. I do believe I heard
36 correctly this morning, and maybe this is a question for
37 our State colleagues, that this is identical wording, at
38 least in part, to the State definition of handicraft.
39 If, for no other reason, unless it's truly problematic, I
40 think whenever possible we try to mirror the State
41 language as well, but please correct me if I'm mistaken
42 on that.

43

44 CHAIRMAN DEMIENTIEFF: Judy.

45

46 MS. GOTTLIEB: Two comments. First, I
47 did think I heard from some of the RAC members that they
48 are, in fact, making and selling handicrafts. Secondly,
49 the current regulation does have that last part of the
50 sentence in there. It's on Page 212, is that right,

1 Polly? So this is not actually a change. This is
2 identical to what we have right now. If there's a
3 sentence that needs to be changed, then, yes, I would
4 agree that needs to go back to the RACs for those who
5 haven't addressed that part. Everybody, except
6 Southeast, had no comment on that part.

7
8 CHAIRMAN DEMIENTIEFF: Thank you.
9 Further discussion. Yes.

10
11 MR. LOGAN: If I may. I think there's
12 many good reasons to have as clear definitions as
13 possible with the permission of the Chair, Special Agent
14 Stan Pruzenski with the U.S. Fish and Wildlife Service is
15 here today and I think he could spend just a moment
16 talking about why this definition largely will help in
17 the enforcement angle, which I know is just one element
18 of the reason to have clear regulations.

19
20 CHAIRMAN DEMIENTIEFF: Yes. Go ahead.
21 It is a privilege of Board members, as I said yesterday,
22 that they can call on anybody even though we have a
23 motion on the table.

24
25 MR. LOGAN: Thank you, Mr. Chair.

26
27 MR. PRUZENSKI: Thank you, Mr. Chair.
28 Again, my name is Stan Pruzenski. I'm the special agent
29 in charge for the U.S. Fish and Wildlife Services Office
30 of Law Enforcement here in Alaska. As Mr. Logan
31 mentioned, I do agree that this, taken as a whole,
32 significantly increases the enforceability of the
33 definition of handicraft. There has been some discussion
34 by folks today that there are still problems with it. It
35 still gives enforcement officers some discretion to make
36 the calls in the field and I think that's probably almost
37 always going to be the case when we deal with something
38 like this. I think it's incumbent upon everybody to be
39 able to realize or to narrow it down as best we can.

40
41 I just have a couple comments here that
42 I'd like to read if I may. Customary trade regulations
43 are intended to allow qualified subsistence users to sell
44 handicrafts fashioned from bear fur, hides, claws. If
45 the definition of handicraft does not accurately reflect
46 the Board's intent to allow the making and selling of
47 bona fide handicrafts, then potentially every hunter
48 becomes an artist or craftsman and can sell the nonedible
49 byproducts of the bears.

50

1 We all recognize that there truly is a
2 market for handicraft wildlife items, but we have also
3 witnessed an ever-increasing market for raw parts. Many
4 people will buy necklaces, key chains, clothing and
5 general artwork fashioned from wildlife parts, but many
6 are in the market for raw parts, be it the skull, teeth,
7 claws or hide made into a rug.

8
9 One of the most frequently asked
10 questions of our enforcement officers regarding the sale
11 of handicrafts centers around the extent of alteration.
12 One of the questions is what is the least amount of work
13 that I have to do to make a wildlife item into a
14 handicraft. Or the other is, if I do this such and such,
15 will that make this into a handicraft.

16
17 As you all can imagine, the questions do
18 not generally come from artisans or craftsmen, but from
19 harvesters who are attempting to profit from their
20 harvest. The incorporation of drilling as a method of
21 alteration would lead to the conclusion that one would
22 simply have to drill a hole in a tooth, a claw or other
23 part to make it a handicraft.

24
25 This would clearly not be the case with
26 the provision -- and I think that this is very important.
27 It's not a change, but we need to all understand that
28 this is a very important part of this definition. This
29 clearly would not be the case with the provision that the
30 item must be substantially changed. Some of us had
31 talked about substantially greater monetary and aesthetic
32 value that unaltered natural materials alone have. As
33 Mr. Logan said, this kind of sets the tone. Clearly, our
34 officers are not art critics or handicraft appraisers,
35 but this language gives both users and regulators a sense
36 of what is intended to be done to wildlife parts to
37 convert them to handicrafts.

38
39 CHAIRMAN DEMIENTIEFF: Thank you. Paul.

40
41 MR. ROEHL: Thank you, Mr. Chairman. I
42 guess it's the use of the terms substantially and
43 aesthetic because those are two highly subjective terms.
44 Who's to decide what a substantial increase in value is
45 and whether or not something looks better natural or
46 fixed somehow. It all depends on the user. Beauty is in
47 the eye of the beholder. Todd also mentioned that this
48 language pretty much mirrors the State's language, but we
49 shouldn't be trying to fit our square pegs into the round
50 holes. This is a Federal program. On the same token,

1 their definition of bear pelt is different than the
2 Federal definition. So it should be a two-way street if
3 we're going to try to make regulations match each other.

4
5

6 Mr. Chairman, I was wondering if I could
7 get a second on a motion to amend Todd's motion by
8 striking the last sentence relating to monetary and
9 aesthetic value of animal products.

10
11

12 CHAIRMAN DEMIENTIEFF: There is a motion.
13 Is there a second.

14

15 MR. BSCHOR: I'm going to second that
16 motion just to get the discussion on the table a little
17 bit more.

18

19 CHAIRMAN DEMIENTIEFF: Judy.

20

21 MS. GOTTLIEB: Mr. Chair. I think I
22 didn't give Polly enough of a chance to answer my
23 question, so if I could ask her to speak now, please.

24

25 MS. WHEELER: Thank you, Mr. Chair,
26 Member Gottlieb. I think I wasn't clear earlier when I
27 spoke. The current definition of handicraft, which is
28 not the definition in front of you, the existing
29 definition in regulatory language mirrors State
30 regulation regulatory language and that was adopted by
31 the Federal program in 2002. So the existing regulation
32 is actually what's up there, but in the italics, not in
33 the bolded language, if that makes any sense.

34

35 So the modified language, which is on
36 Page 208, includes language to add additional
37 clarification, but that sentence Member Roehl had just
38 suggested be removed, that actually is in current
39 regulation, which was adopted by the Federal program in
40 2002 from the State language. And I would also add that
41 that language was taken from the Marine Mammal Protection
42 Act language of handicraft. So it actually, indirectly,
43 was a Federal thing.

44

45 The other thing is is that the definition
46 of handicraft applies to all handicrafts statewide.
47 Those that include bear claws, those that include muskrat
48 fur, so it's all handicrafts, not just bear claw
49 handicrafts. So hopefully that clarified some things
50 that weren't clear earlier.

51

1 Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Thank you.
4 Further discussion.

5

6 MR. ROEHL: Yes. I'm not sure which way
7 I'm going to vote on the second to be honest because of
8 the fact it was in there before. I just am still
9 concerned that it may look like it's clearer and more
10 specific for law enforcement officers, but, to me, I have
11 a feeling that the judge is going to tell us whether
12 we're right or wrong on whatever we come up with if we
13 follow through with that because of the ambiguity of the
14 wording. I'm prepared to hear other arguments, I guess.

15

16 CHAIRMAN DEMIENTIEFF: Anybody else.
17 Discussion.

18

19 MS. GOTTLIEB: Mr. Chair. Well, I guess
20 our dilemma, as we were discussion before, is this is a
21 statewide proposal, however we have comments carefully
22 etched by the Southeast RAC that want this portion out
23 and the other RACs did not make that comment. So I'm not
24 sure if we want to start fine-tuning as we did previously
25 with respect to brown bears and just say which region
26 this would apply to or regions it wouldn't apply to.

27

28 CHAIRMAN DEMIENTIEFF: Thank you.
29 Further discussion on the amending motion.

30

31 (No comments)

32

33 CHAIRMAN DEMIENTIEFF: Hearing none. All
34 those in favor of the amendment, which is to strike the
35 last sentence, please signify by saying aye.

36

37 IN UNISON: (Two votes)

38

39 CHAIRMAN DEMIENTIEFF: Those opposed same
40 sign.

41

42 IN UNISON: (Three opposing votes)

43

44 CHAIRMAN DEMIENTIEFF: The amendment
45 fails. We now have the main motion before us.

46

47 MS. GOTTLIEB: Mr. Chair. I would like
48 to discuss whether we could look at striking that
49 language for only Southeast Alaska. I would like to make
50 a motion that that last sentence be struck or that we

1 have some language in there that that last sentence would
2 not apply to Units 1 through 5.

3

4 CHAIRMAN DEMIENTIEFF: We have a motion
5 to amend. Is there a second.

6

7 MR. ROEHL: Second.

8

9 MS. GOTTLIEB: Mr. Chair. I guess for
10 those who were also at the RAC meeting, my understanding
11 was this was carefully discussed at all the Regional
12 Advisory Council meetings and it was only the Southeast
13 RAC that specifically asked for this last sentence to be
14 struck.

15

16 CHAIRMAN DEMIENTIEFF: Thank you. Is
17 there any further discussion on that amendment. Todd.

18

19 MR. LOGAN: I certainly appreciate the
20 thought behind what appears to be going on here, which is
21 to try to accommodate individual councils wherever
22 possible, but I am concerned about the idea of a
23 definition, a statewide definition to start modifying
24 that region by region. I think there's a lot of logic to
25 talk about customized regional regulations associated
26 with take and things like that, but a definition of what
27 is or isn't a handicraft, to start slicing, dicing that
28 across the regions, I think is rather problematic, so I
29 guess I'd have a hard time supporting the motion for that
30 reason, even though I do greatly respect the need to pay
31 attention to what the regional advisory councils
32 individually bring in and what their individual needs
33 are.

34

35 CHAIRMAN DEMIENTIEFF: Thank you. Is
36 there any further discussion. I intend to support the
37 amendment because I think even though there's not much
38 snow left we'd have our head in the snow to not realize
39 that we are going to have to tailor these regulations to
40 the regions. There's just so many different diverse
41 utilization of this particular resource. Actually, I
42 like the amendment as far as that's a start in the
43 progress. I think it also sends a strong message to the
44 other Regional Councils that if there are specific things
45 to tailor, regulations to a specific region, to be able
46 to bring them forward. I, quite frankly, can't see that
47 problem as far as what I spoke about earlier this morning
48 in terms of tailoring to a specific area. Go ahead.

49

50 MR. OVIATT: Mr. Chair. I'd like to ask

1 Keith a question. Does the Southeast RAC's
2 recommendation regarding this definition have deference
3 under Section 805?

4
5 MR. GOLTZ: If it's construed as a taking
6 regulation, I think the answer is yes, it does. I'm
7 concerned about putting different definitions into
8 different regions. I'm very much an advocate of each
9 individual region being able to craft regulations that
10 make sense to them, but what we're talking about here is
11 crafting difference language that applies to different
12 regions and I think instead of adding clarity we're
13 adding anything but. I think we're making it very
14 difficult for people to understand the regulations and
15 even more difficult for enforcement to apply them. So
16 although I can't say it's absolutely illegal to have
17 different regulations, I'd certainly strongly advise
18 against it.

19
20 To achieve the end of having tailored
21 regulations, I would recommend that we look for other
22 avenues rather than the definition. If you want to do
23 that now, I can huddle with Bill and maybe we can craft a
24 practical solution. If you want to do it later, defer
25 this and give it back to the Councils, that's another
26 option, too. But this particular method of achieving
27 diversity I think is very problematic.

28
29 CHAIRMAN DEMIENTIEFF: Any further
30 discussion on the amendment.

31
32 MR. BSCHOR: Yeah, I just want to say,
33 Mr. Chair, that while I have concerns about the
34 enforceability of the language, I have to agree on
35 definitions we ought to be as close as possible so
36 there's not a lot of confusion on the definition no
37 matter where you are.

38
39 CHAIRMAN DEMIENTIEFF: Further discussion
40 on the amendment. The motion to amend is to take out the
41 last sentence with regard to Units 1 through 5, I
42 believe. So that is the motion to amend at this time.
43 All those in favor of that motion please signify by
44 saying aye.

45
46 IN UNISON: (Three votes)

47
48 CHAIRMAN DEMIENTIEFF: Those opposed same
49 sign.

50

1 IN UNISON: (Three opposing votes)

2

3 CHAIRMAN DEMIENTIEFF: Motion fails three
4 to three. We now have the main motion in front of us as
5 presented. Is there any further discussion on the main
6 motion.

7

8 MR. BOYD: Mr. Chair. The main motion is
9 as recorded on Page 208. What's shown on the screen is
10 not complete. It also includes the definition of skin,
11 hide, pelt and fur, which also appears under the
12 annotation 25(a) on Page 208. I'll just read it.

13

14 Handicraft means a finished product made
15 by a rural Alaska resident from nonedible byproducts of
16 fish or wildlife which is composed wholly or in some
17 significant respect of natural materials. The shape and
18 appearance of the natural material must be substantially
19 changed by the skillful use of hands by sewing, weaving,
20 lacing, beading, carving, etching, scrimshawing,
21 painting, drilling or other means and incorporated into a
22 work of art, regalia, clothing or other creative
23 expression and can be either traditional or contemporary
24 in design. The handicraft must have substantially
25 greater monetary and aesthetic value than the unaltered
26 natural material alone.

27

28 And then skin, hide, pelt or fur means
29 any tanned or untanned external covering of an animal's
30 body; however, for bear, the skin, hide, pelt or fur
31 means the external covering with claws attached.

32

33 Mr. Chair.

34

35 CHAIRMAN DEMIENTIEFF: Thank you. That
36 is the main motion before us. Is there any further
37 discussion.

38

39 (No comments)

40

41 CHAIRMAN DEMIENTIEFF: I think we're
42 going to go ahead and just do a roll call vote.

43

44 MR. BOYD: Mr. Chair. I'll start with
45 roll call. Mr. Bschor.

46

47 MR. BSCHOR: Aye.

48

49 MR. BOYD: Mr. Oviatt.

50

1 MR. OVIATT: Aye.
2
3 MR. BOYD: Mr. Roehl.
4
5 MR. ROEHL: Aye.
6
7 MR. BOYD: Ms. Gottlieb.
8
9 MS. GOTTLIEB: Aye.
10
11 MR. BOYD: Mr. Logan.
12
13 MR. LOGAN: Aye.
14
15 MR. BOYD: Mr. Chair.
16
17 CHAIRMAN DEMIENTIEFF: Nay. Motion
18 carries. Second issue. I would just remind people I
19 think these need more work and that's the only reason. I
20 think it needs to go back to the RACs one more time and I
21 really stand by that. That's why I voted contrary. Tom,
22 go ahead.
23
24 MR. BOYD: Mr. Chair. Just briefly, item
25 two included Sections 25(j)(6) and (7), which deal
26 generally with the selling of handicrafts from bears.
27
28 Mr. Chair.
29
30 CHAIRMAN DEMIENTIEFF: Thank you. Is
31 there somebody prepared to make a motion.
32
33 MR. BSCHOR: Mr. Chair, I'm prepared to
34 make a motion. I move to adopt the language proposed by
35 Southeast Alaska Regional Advisory Council on Page 200 in
36 Proposal WP05-03. This is one of these areas where I
37 think if we want to regionalize the regs, we should do
38 it. The language provides a special exception for Units
39 1 through 5 as recommended by Southeast Advisory Council
40 and does not affect the other areas where Councils did
41 not request a change. I do not believe that any
42 conservation concern will result from this modified
43 regulation since I don't expect any additional bears will
44 be harvested.
45
46 The Southcentral Regional Advisory
47 Council recommended modifying 25(j)(6) to allow
48 handicrafts to be made of all nonedible parts of the
49 black bear, excluding the gall bladder. The way this
50 recommendation is presented it would apply statewide. In

1 order to apply statewide, I believe that this proposal
2 would need to be proposed in a future regulatory cycle.

3
4 The Kodiak/Aleutians Regional Advisory
5 Council proposed no longer allowing the use of claws to
6 be used in handicraft articles made from the fur of a
7 brown bear in Units 1 through 5, 9-A through C, 9-E, 12,
8 17, 20 and 25. The Kodiak/Aleutians area does not
9 include any of these units and no proposal was made by
10 the Regional Advisory Councils associated with these
11 units to eliminate the use of brown bear claws in their
12 handicrafts. Therefore, I believe that their
13 recommendation is outside the scope of this regulatory
14 proposal and if they want to make this change outside of
15 their own area, this should be proposed in a future
16 regulatory cycle.

17
18 CHAIRMAN DEMIENTIEFF: So we do have a
19 motion. Is there a second.

20
21 MR. ROEHL: I'll second that, Mr.
22 Chairman.

23
24 CHAIRMAN DEMIENTIEFF: Okay. Discussion.

25
26 MS. GOTTLIEB: Mr. Chair. Could I please
27 ask Keith if he finds this to be more clear than the last
28 suggested amendments.

29
30 MR. GOLTZ: I'm having a lot of trouble
31 understanding our clarity on this and the others. I'm
32 not sure I followed the motion, frankly.

33
34 MR. BSCHOR: The motion is to adopt the
35 language proposed by the Southeast Alaska Regional
36 Advisory Council on Page 200. It's also in WP05-03.
37 That's for Sections 25(j)(6) and 25(j)(7).

38
39 MR. GOLTZ: It seems clear to me now that
40 I see the text.

41
42 CHAIRMAN DEMIENTIEFF: Further
43 discussion. Yes, Todd.

44
45 MR. LOGAN: Mr. Chairman. I have
46 struggled and I've looked at these and given this a lot
47 of thought and I feel, if nothing else, in an effort of
48 full information or disclosure, I would, if it suits you,
49 Mr. Chairman, to have Stan Pruzenski once again talk just
50 a little bit about some of the possible law enforcement

1 issues with this approach.

2

3 CHAIRMAN DEMIENTIEFF: Sure. That's
4 fine.

5

6 MR. PRUZENSKI: Thank you, Mr. Chair.
7 Stan Pruzenski again, special agent in charge of Fish and
8 Wildlife Service. I understand the Board's intent to
9 make Region or Game Management Unit-specific regulations,
10 but for enforceability I think that may raise some
11 concerns. Regional or Game Management Unit-specific
12 regulations are very effective when they are incorporated
13 to meet a specific conservation goal and deal with
14 limits, methods and means and other harvest restrictions.
15 They generally concern take of the animal and not with
16 its utilization. Take regulations are enforced in the
17 field when and where the fish or wildlife is taken.

18

19 Regulations dealing with wildlife
20 utilization on the other hand usually have no connection
21 to the field either in time, place or harvester. An
22 officer contacting a successful subsistence user in the
23 field generally knows or can easily determine, one, who
24 the hunter is; that is, he or she is a Federally-
25 qualified subsistence user. Two, when the animal was
26 taken; that is, during the open season. Where it was
27 taken; that is, in an area opened to hunting. And if the
28 harvest was legal.

29

30 The trend toward creating region-specific
31 regulations concerning wildlife utilization on the other
32 hand makes enforcement nearly impossible. The current
33 proposals dealing with sales of handicraft fashioned from
34 parts taken from bears harvested in a specific Game
35 Management Unit is an example. An enforcement officer
36 encountering bear parts out of the field, for example at
37 a residence or handicraft items for sale at a business,
38 a crafts fair or on display for sale over the internet
39 has no way of knowing when, where or by whom the original
40 animal was taken.

41

42 Black or brown bear parts taken from
43 Southeast have the same characteristics as those taken in
44 Southcentral or the Interior of Alaska. To be
45 enforceable, regulations concerning utilization in our
46 view must cover species statewide.

47

48 Thank you, Mr. Chair.

49

50 CHAIRMAN DEMIENTIEFF: Thank you.

1 Further discussion.

2

3 MR. ROEHL: I have a friendly amendment
4 to the motion on the table. It seems that you can't hunt
5 both black bear and brown bear in Units 1, 2, 3, 4 and 5.
6 It appears that some may be harvested in some units and
7 the other species may be harvested in the other. So I'd
8 like to make a friendly amendment whereby the bears may
9 be harvested in the units where allowed or where
10 permitted or appropriate or something to that nature. I
11 haven't had a chance to wordsmith it yet. It appears
12 that black bear may be taken in Units 1, 2, 3 and 5, but
13 not 4. And brown bear and parts from brown bear may be
14 taken in Units 1, 4 and 5. So they don't have the same
15 universal coverage in all five units.

16

17 CHAIRMAN DEMIENTIEFF: Is there a second
18 to that motion to amend.

19

20 MS. GOTTLIEB: I'll second. Mr. Chair.

21

22 CHAIRMAN DEMIENTIEFF: Yes.

23

24 MS. GOTTLIEB: Can I ask a question of
25 Pete or Polly. Not to derail that we're talking about
26 handicrafts, but we went through a pretty long process on
27 customary trade where we also talked about some exchange,
28 trade, sales and did we not come up with some regional
29 specific regulations?

30

31 MR. PROBASCO: Yes, we did. Mr. Chair,
32 Ms. Gottlieb. I'm just trying to remember which specific
33 areas. I wish I had the regulation in front of me, but
34 we did have some specific. Bristol Bay comes to mind,
35 but I know that's not all inclusive there.

36

37 CHAIRMAN DEMIENTIEFF: I think you
38 basically answered the question as far as I can see, so
39 that's on the record. Go ahead, Pete.

40

41 MR. PROBASCO: Mr. Chair. Just to talk
42 to Mr. Roehl's motion there, Mr. Bschor's motion came
43 from Page 200, not the Staff Committee proposal and it
44 does include Units 1, 2, 3, 4 and 5 for black bear.

45

46 MR. ROEHL: I'm sorry. I was given bad
47 advice.

48

49 CHAIRMAN DEMIENTIEFF: Go ahead.

50

1 MR. ROEHL: So, Mr. Chair, I'll withdraw
2 my motion to amend. It was a friendly amendment.
3
4 CHAIRMAN DEMIENTIEFF: With consent of
5 the second?
6
7 MS. GOTTLIEB: Yes.
8
9 CHAIRMAN DEMIENTIEFF: Okay. The motion
10 to amend is withdrawn. Terry.
11
12 MR. HAYNES: Just a point of
13 clarification. I was following Mr. Roehl's amendment.
14 If I'm not mistaken, there is no Federal season for black
15 bear in Unit 4 and I think the same holds true for brown
16 bear seasons in Units 2 and 3, so I was thinking he was
17 addressing that aspect.
18
19 CHAIRMAN DEMIENTIEFF: Pete.
20
21 MR. PROBASCO: Mr. Chair. I think it's
22 just an attempt, if I may, for Mr. Bschor to define the
23 Southeast area. That's not to say in the future you may
24 not have seasons in 4 or those other areas, but it just
25 encompasses Units 1 through 5.
26
27 Mr. Chair, Mr. Knauer is just clarifying
28 that the number of black bears or brown bears in those
29 respected units are very few if any. There's differences
30 of opinion if there's bears in those units or not.
31 However, either including it or omitting it does not
32 change the intent of the definition as far as it applies
33 to the handicraft articles for the Southeast area.
34
35 Mr. Chair.
36
37 CHAIRMAN DEMIENTIEFF: Thank you.
38 Further discussion.
39
40 (No comments)
41
42 CHAIRMAN DEMIENTIEFF: If there's no
43 further discussion, all those in favor of the motion
44 please signify by saying aye.
45
46 IN UNISON: (Two votes)
47
48 CHAIRMAN DEMIENTIEFF: Those opposed same
49 sign.
50

1 IN UNISON: (Three votes)
2
3 CHAIRMAN DEMIENTIEFF: Roll call vote.
4
5 MR. BOYD: Mr. Chair. A roll call vote
6 on the main motion. Mr. Bschor.
7
8 MR. BSCHOR: Oh, this is the main motion.
9 I thought we were dealing with the amendment.
10
11 CHAIRMAN DEMIENTIEFF: No. The amendment
12 was withdrawn.
13
14 MR. BSCHOR: Oh, I'm sorry.
15
16 CHAIRMAN DEMIENTIEFF: It's the main
17 motion. Everybody clear now where we are? This is the
18 main motion.
19
20 MR. BSCHOR: Aye.
21
22 MR. BOYD: Mr. Oviatt.
23
24 MR. OVIATT: Aye.
25
26 MR. BOYD: Mr. Roehl.
27
28 MR. ROEHL: Aye, aye, aye.
29
30 MR. BOYD: Ms. Gottlieb.
31
32 MS. GOTTLIEB: Aye.
33
34 MR. BOYD: Mr. Logan.
35
36 MR. LOGAN: Nay.
37
38 MR. BOYD: Mr. Chair.
39
40 CHAIRMAN DEMIENTIEFF: Nay. Motion
41 carries. Third issue. Just a brief summary again so
42 everybody knows where we're at.
43
44 MR. BOYD: Mr. Chair. The third item
45 deals with the commercial aspects of the sales of
46 handicrafts made from the claws of black and brown bear
47 and it can be found under 25(j)(8).
48
49 Mr. Chair.
50

1 CHAIRMAN DEMIENTIEFF: We'll have the
2 material on the screen here shortly. Is somebody
3 prepared to offer a motion. Yes.

4
5 MR. LOGAN: Thank you, Mr. Chairman. I
6 move to adopt the recommendation of the Eastern Interior
7 Regional Advisory Council with modifications, including
8 some of the wording recommended by Southeast Regional
9 Advisory Council and other Councils as well as the
10 Interagency Staff Committee. Specifically, I move to
11 adopt the language as identified on Page 209, Sections
12 25(j)(8)(A), (8)(B) and (8)(C), as shown on the top of
13 Page 209.

14
15 CHAIRMAN DEMIENTIEFF: Thank you. We
16 have a motion. Is there a second.

17
18 MR. OVIATT: I'll second.

19
20 CHAIRMAN DEMIENTIEFF: Discussion. Judy.

21
22 MS. GOTTLIEB: Yes. I was going to ask
23 about the last part, significant commercial enterprise.
24 Again, this is something we really struggled with when we
25 were doing the customary trade regulations and my
26 understanding of ANILCA is this aspect doesn't come into
27 it, doesn't play into it and it applies more towards
28 customary trade. If we could get some comments or
29 clarification on that.

30
31 CHAIRMAN DEMIENTIEFF: Pete.

32
33 MR. PROBASCO: Ms. Gottlieb, I believe
34 you're focusing strictly on (8)(C) and the intent of that
35 language was to get at trying to find a significant
36 commercial enterprise which is larger than small
37 businesses, allowing that to occur. Granted, there are
38 problems with that language, but that's where the Staff
39 Committee landed with that language.

40
41 Mr. Chair.

42
43 CHAIRMAN DEMIENTIEFF: Thank you.
44 Further discussion.

45
46 MS. GOTTLIEB: Mr. Chair. I guess I'm
47 reflecting on some of the comments we heard before. The
48 Regional Advisory Councils had not seen this language, so
49 this portion might be one that might be good to have
50 either more discussion on here or at the next round of

1 meetings.

2

3 CHAIRMAN DEMIENTIEFF: We have heard
4 testimony that people into crafts have to have a business
5 license. We may need a tabling action just to get it
6 back for a little bit more work. We've heard lots of
7 testimony that they have to have a business license. I
8 think your point is well taken, Judy.

9

10 MR. LOGAN: Mr. Chairman, I apologize. I
11 think I've helped kind of muck this up just a little bit.
12 There are obviously multiple copies with multiple
13 wordings of these different things in here and I'd like
14 to either retract or modify the original motion I made
15 because the wording I pointed to was not my intent. So I
16 guess with permission if I can either start over or
17 retract or correct or whatever, but I did make a mistake
18 in that I referenced some wording, which was not my
19 intent.

20

21 CHAIRMAN DEMIENTIEFF: So you're
22 withdrawing your motion, is that what I'm hearing?

23

24 MR. LOGAN: Yes. If I can do that, that
25 would be the cleanest way to restart this if I can
26 withdraw my motion.

27

28 CHAIRMAN DEMIENTIEFF: Consent of the
29 second.

30

31 MR. OVIATT: Yes.

32

33 CHAIRMAN DEMIENTIEFF: It is withdrawn,
34 so if you want to rephrase it.

35

36 MR. LOGAN: Thank you. Like I said, I do
37 apologize but there is a lot of material here and
38 multiple versions within the book. What I'd like to do
39 instead, if I may then, is to send around the language
40 that I would like to move and this is language
41 specifically with reference to the Sections 25(j)(8)(A),
42 (8)(B) and (8)(C) and specifically the language deals
43 with excluding the business transactions and includes an
44 addition of the language associated with significant
45 commercial enterprise. So please ignore the page except
46 for the last three paragraphs as what we're specifically
47 addressing at this time.

48

49 CHAIRMAN DEMIENTIEFF: We're going to
50 take a short break to review this. Let's not go

1 anywhere.
2
3 (Off record)
4
5 (On record)
6
7 CHAIRMAN DEMIENTIEFF: Okay. Judy.
8
9 MS. GOTTLIEB: Thank you, Mr. Chair
10 and.....
11
12 MR. BOYD: We have a motion on the table.
13
14 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry.
15 Yeah, we do have a motion on the table.
16
17 MR. BOYD: I don't think it's been
18 seconded.
19
20 CHAIRMAN DEMIENTIEFF: No, we didn't. I
21 don't think we got a second, so we'll just rule that
22 motion as failed for lack of a second. Go ahead, Judy.
23
24 MS. GOTTLIEB: Thanks, Mr. Chair, and
25 thank you, Todd, for handing out this language. However,
26 I think we probably all need a lot more time to look it
27 over and evaluate what the impacts or effects could be or
28 maybe how to make some improvements. I think it would
29 benefit from a greater range of discussion. So I would
30 move that this Board postpone discussion on Section
31 (j)(8) until next year's wildlife regulatory meeting.
32
33 MR. OVIATT: Mr. Chair.
34
35 CHAIRMAN DEMIENTIEFF: There's a motion
36 on the floor.
37
38 MR. OVIATT: Point of order. I don't
39 believe we ever called for a second on the earlier
40 motion.
41
42 CHAIRMAN DEMIENTIEFF: I did right before
43 I ruled it. I looked around. We noted we didn't have a
44 second.
45
46 MR. OVIATT: I would have seconded it.
47
48 CHAIRMAN DEMIENTIEFF: Yeah, I
49 understand, but I did notify that we don't have a second
50 for it and that would have been your opportunity to do

1 it. You don't actually call for a second like that. I
2 mean you have the opportunity to do it though. I'm
3 sorry. I don't mean to make you feel disenfranchised.

4
5 MR. OVIATT: My mistake then. I missed
6 the opportunity.

7
8 CHAIRMAN DEMIENTIEFF: Okay. Is there a
9 second on Judy's motion.

10
11 MR. ROEHL: Mr. Chair, I'll second.

12
13 CHAIRMAN DEMIENTIEFF: Discussion on the
14 motion to postpone.

15
16 MR. BSCHOR: What specifically does that
17 mean?

18
19 CHAIRMAN DEMIENTIEFF: That means it
20 comes back next May.

21
22 MR. BSCHOR: It's whatever language and
23 discussion that's been held so far would be considered in
24 further deliberation of this until next May?

25
26 CHAIRMAN DEMIENTIEFF: Right. All the
27 substitute language, the original proposal, all that
28 stuff will go back out for review on that section. Go
29 ahead.

30
31 MR. BOYD: Mr. Chair, excuse me. I have
32 a point of order. I think to postpone to a time certain
33 you need a motion on the table. The motion to postpone
34 is a subsidiary motion to a main motion. When you
35 consider a motion to postpone, you're basically putting
36 off or delaying action on a decision. At that point, all
37 you're discussing is the time of the postponement and
38 that discussion and a majority vote is required to adopt
39 a motion to postpone, but you need a main motion to
40 postpone.

41
42 Mr. Chair.

43
44 CHAIRMAN DEMIENTIEFF: Who bought you
45 that book anyway? Okay. If we're going to get
46 technical, I know that the other part of the situation is
47 that people want to go forward with the bulk of it except
48 for the one clause. Given that, I don't know with the
49 maker or the second, otherwise we're discussing a motion
50 to postpone (j)(8).

1 MR. OVIATT: Mr. Chair.
2
3 CHAIRMAN DEMIENTIEFF: Yes.
4
5 MR. OVIATT: I would propose a motion
6 that we adopt Staff Committee's recommendations for
7 25(j)(8)(A), (B) and (C).
8
9 CHAIRMAN DEMIENTIEFF: We do have a
10 motion on the table.
11
12 MS. GOTTLIEB: Mr. Chair. It sounds like
13 I jumped ahead on wanting to postpone something we didn't
14 quite have here, so I'll withdraw my motion to postpone.
15
16 CHAIRMAN DEMIENTIEFF: Consent of the
17 second.
18
19 MR. ROEHL: I'll consent to her speedy
20 motion.
21
22 MR. OVIATT: Mr. Chair. I'll propose a
23 motion that we adopt the Staff Committee's
24 recommendations for 25(j)(8)(A), (B) and (C) as outlined
25 on Page 209 of our book.
26
27 CHAIRMAN DEMIENTIEFF: Okay. We have a
28 motion. Is there a second.
29
30 MR. BSCHOR: I'll second.
31
32 CHAIRMAN DEMIENTIEFF: Discussion on the
33 motion.
34
35 MS. GOTTLIEB: Mr. Chair.
36
37 CHAIRMAN DEMIENTIEFF: Yes.
38
39 MS. GOTTLIEB: I still believe that the
40 discussions we've had all day today have shown that
41 there's probably many more discussions that can and
42 should take place amongst the RACs and I would like to
43 postpone this discussion, this motion on (j)(8) until we
44 meet again next year on the regulatory wildlife cycle.
45
46 CHAIRMAN DEMIENTIEFF: There is a motion.
47 Is there a second.
48
49 MR. BSCHOR: Second.
50

1 CHAIRMAN DEMIENTIEFF: Discussion on the
2 motion to postpone this until next year.

3
4 MR. BSCHOR: Mr. Chair. I would like to
5 reiterate that I think there is much concern about the
6 future in the process of not only vetting this language
7 and having an opportunity to do that, but also I think
8 there's a lot of, in my opinion, that there's common
9 ground in the intent to not commercialize the sale of
10 handicrafts. I think some work on this particular
11 section (j)(8) is needed. I just want to be sure that
12 we've all got an opportunity to participate in that. So
13 that's why I gave the second.

14
15 CHAIRMAN DEMIENTIEFF: Keith, do you have
16 something.

17
18 MR. GOLTZ: If the Board acts on this,
19 they should do it with the awareness that failure to
20 enact this or something similar will leave the area
21 unregulated for the next year.

22
23 CHAIRMAN DEMIENTIEFF: But basically it
24 has been unregulated, is that correct?

25
26 MR. GOLTZ: That's correct.

27
28 CHAIRMAN DEMIENTIEFF: So the bottom line
29 being, as I pointed out, there is not a conservation
30 issue. There are serious concerns that have been raised
31 with regard to working on this and a serious commitment.
32 Given the fact that there's not a conservation issue but
33 there could be other severe implications and what I'm
34 hearing from Board members and others is that people are
35 willing to continue to work on (j)(8) without trying to
36 disenfranchise people. So it's basically a work in
37 progress as far as I can see. As long as there's not a
38 conservation problem that anybody is aware of, we can
39 work on it. Pete.

40
41 MR. PROBASCO: Mr. Chair. I'm not sure
42 how this vote will come out, but if it does come out
43 where a postponement does occur, then my understanding
44 administratively that this would be a Board-generated
45 proposal to appear in the booklet for 25(j)(8)(A), (8)(B)
46 and (8)(C) for the next wildlife cycle.

47
48 Mr. Chair.

49
50 MR. BOYD: Mr. Chair. I believe where

1 Mr. Probasco is going is that we needed a vehicle for
2 ensuring that this language that the Board has put on the
3 table is in front of the Councils for discussion and the
4 public for discussion. So that vehicle that we normally
5 use is the proposal booklet, so he was suggesting that
6 that be a Board-generated proposal if you will. We would
7 just list it as a Federal Subsistence Board proposal in
8 the proposal booklet so it's out there for discussion.
9 We could do it otherwise, but that's normally the
10 mechanism that we choose.

11

12 CHAIRMAN DEMIENTIEFF: Ralph.

13

14 MR. LOHSE: Mr. Chair. I'm going to say
15 something right now. Maybe I'm out of line, but we heard
16 from a lot of RACs that they didn't even want to look at
17 this again, that this has been before them, this wasn't
18 part of anything that they wanted to discuss. We've gone
19 over it, we've presented our things, we gave it to you to
20 make a decision on. The fact that you're going to
21 basically put it back in our laps again so we have to
22 discuss something that's repugnant to part of the RACs
23 and controversial to some of the others, I am going to
24 say as a RAC chair that I don't feel like you're doing
25 your job and I'm just going to leave it at that.

26

27 CHAIRMAN DEMIENTIEFF: The one thing I
28 will note is that I do know that Southeast has some real
29 concerns about this proposal. Basically we have to go
30 through the notification process that we put it as a
31 Board proposal and Regional Councils have the option
32 themselves whether or not they want to revisit this. But
33 I do know that Southeast has very serious concerns about
34 the language and there may be others. I don't know. The
35 proposal books that go out, we don't all have to look at
36 them. If Southcentral is done with it, so be it. There
37 is a very valid argument that there are some very serious
38 concerns out there and I think the Board is trying to
39 accommodate that. I do know that Southeast will look at
40 this very closely and will work on it with due diligence.
41 Again, there's not a conservation problem. A year is not
42 going to -- but then if people do want to look at it and
43 comment, then that option will be open. If you don't,
44 fine. We're not damaging any resource or anything at
45 this point in time by postponing. Further discussion.
46 Todd.

47

48 MR. LOGAN: Thank you, Mr. Chairman. I
49 guess my only concern about deferring or tailing this, I
50 certainly agree that I'm not sure we've spent any time at

1 this meeting having -- or I think there's certainly
2 opportunity for more debate and see whether or not we can
3 get a resolution. But I think it isn't just a Southeast
4 issue. You know, whether we do or don't approve a
5 commercial exemption for the Southeast, that has impacts
6 across the entire state. So, for us to say, well, let's
7 just talk to Southeast some more and see if we can work
8 something out, I'm not convinced that is the right
9 approach because I think it's a much bigger issue than
10 that. Certainly I'm willing to spend another couple
11 hours to try to work through it if that's the pleasure of
12 the rest of the Board and the Chairman.

13

14 MR. OVIATT: Mr. Chairman.

15

16 CHAIRMAN DEMIENTIEFF: Yes.

17

18 MR. OVIATT: I too am concerned. This is
19 a Staff Committee recommendation based upon the
20 recommendations of all of our Councils and I too am
21 concerned that we're going to table this. I'd be willing
22 to sit and work if we need to try to come to some
23 conclusion.

24

25 Thank you.

26

27 CHAIRMAN DEMIENTIEFF: Fine. Further
28 discussion.

29

30 MS. GOTTLIEB: Mr. Chair. I guess if we
31 could have the information one more time about how many
32 years our regulations have been on the books and how many
33 years the State regs have been on the books. Again, I
34 know we're all worried about potential consequences, but
35 I don't think we've heard a lot of examples of real
36 consequences.

37

38 CHAIRMAN DEMIENTIEFF: We'll go with
39 Polly first, then the State after.

40

41 MS. WHEELER: Thank you, Mr. Chair. In
42 your books, on the last page of the analysis for WP05-01,
43 the last paragraph before the preliminary conclusion, and
44 I'll just read this. It should be noted.....

45

46 UNIDENTIFIED SPEAKER: What page is it
47 on?

48

49 CHAIRMAN DEMIENTIEFF: Page 220.

50

1 MS. WHEELER: Thank you. Page 220. I'll
2 just read it. It should be noted that the use of black
3 bear fur for handicrafts has been legal under State
4 regulations for six years. While the Alaska Department
5 of Fish and Game has not collected data to assess the
6 effects of this regulation, no problems have been
7 reported. Similarly, little to no information exists
8 regarding the legal sale of handicrafts made from
9 byproducts of fish and wildlife harvested on lands and
10 waters under National Park Service jurisdiction. Again,
11 no issues have been reported.

12
13 In the paragraph prior to that we talk
14 about the recent commercialization of handicrafts made
15 from bear fur and claws could lead to an increase in
16 demand in harvest of some bear populations. Managers
17 should be aware of this and carefully monitor harvests.
18 Many portions of Interior Alaska have naturally low but
19 stable brown bear populations. Brown bear population
20 numbers are much smaller than black bear and are
21 carefully managed with low harvest rates and strict
22 reporting requirements. The sustainable yield of brown
23 bear is low except under special circumstances in limited
24 areas. Regulations should continue to be conservative to
25 avoid overexploitation.

26
27 Mr. Chair, thank you.

28
29 CHAIRMAN DEMIENTIEFF: Thank you.
30 Further discussion on the postponement of the motion.

31
32 (No comments)

33
34 CHAIRMAN DEMIENTIEFF: We'd better do a
35 roll call, I believe.

36
37 MR. BOYD: Mr. Chair. Roll call vote on
38 the motion to postpone to a certain time. Mr. Bschor.

39
40 MR. BSCHOR: Aye.

41
42 MR. BOYD: Mr. Oviatt.

43
44 MR. OVIATT: No.

45
46 MR. BOYD: Mr. Roehl.

47
48 MR. ROEHL: Aye.

49
50 MR. BOYD: Ms. Gottlieb.

1 MS. GOTTLIEB: Aye.
2
3 MR. BOYD: Mr. Logan.
4
5 MR. LOGAN: No.
6
7 MR. BOYD: Mr. Chair.
8
9 CHAIRMAN DEMIENTIEFF: Aye. Motion
10 carries. We do have Proposal No. 03 before us. We've
11 already had the discussion with regard to that. At this
12 time the Chair would entertain a motion.
13
14 MS GOTTLIEB: Mr. Chair. I believe
15 Proposal No. 03 was covered in our discussions on No. 01,
16 so at this point I would move to reject Proposal No. 03.
17
18 CHAIRMAN DEMIENTIEFF: Is there a second.
19
20 MR. ROEHL: I'll second it, Mr. Chair.
21
22 CHAIRMAN DEMIENTIEFF: I've had a private
23 discussion with Chairman Littlefield, but if I could just
24 call upon him to see if there's a level of comfort with
25 the motion to reject.
26
27 MR. LITTLEFIELD: Thank you, Mr. Chair.
28 I'm not comfortable with it. What we've asked you to do
29 at the Southeast Alaska Regional Advisory Council is to
30 take no action because of the action on Proposal No. 01.
31 We did not ask you to reject or even discuss Proposal 01.
32 We were the originators of Proposal 03 and, therefore, we
33 are asking your permission to pull it from the table, so
34 to speak, pull it from discussion. By that, we're
35 looking for a motion to take no action on it. It was not
36 an outright rejection of those things because many of
37 those things are covered in Proposal 01.
38
39 Mr. Chair.
40
41 CHAIRMAN DEMIENTIEFF: Judy.
42
43 MS. GOTTLIEB: Mr. Chair. If I can
44 either withdraw my motion or amend it to say consistent
45 with -- okay, I'll withdraw my motion and start again.
46
47 CHAIRMAN DEMIENTIEFF: Consent of the
48 second.
49
50 MR. ROEHL: I'll consent. Thank you.

1 MS. GOTTLIEB: If I can make a motion
2 consistent with the Regional Advisory Council's
3 recommendation from Southeast Alaska to take no action on
4 Proposal 03.
5
6 CHAIRMAN DEMIENTIEFF: Is there a second.
7
8 MR. LOGAN: I'll second.
9
10 CHAIRMAN DEMIENTIEFF: Discussion on the
11 motion.
12
13 (No comments)
14
15 CHAIRMAN DEMIENTIEFF: Hearing none. All
16 those in favor signify by saying aye.
17
18 IN UNISON: Aye.
19
20 CHAIRMAN DEMIENTIEFF: Those opposed same
21 sign.
22
23 (No opposing votes)
24
25 CHAIRMAN DEMIENTIEFF: Motion carries.
26 Again, I want to thank everybody for all their hard work.
27 It's a very complicated issue. Everybody has obviously
28 put a lot of time and thought into the issue. So, at
29 this time the Chair would entertain a motion to adopt the
30 consent agenda. John.
31
32 MR. LITTLEFIELD: With your indulgence,
33 Mr. Chair, before we get off the bear issue, I did break
34 down and buy some presents and I'd like to distribute
35 those. We never say pass out in Southeast. We get
36 fined. So I would like to distribute those with your
37 indulgence. They're grizzly bear claws made of
38 chocolate.
39
40 (Laughter)
41
42 (Applause)
43
44 CHAIRMAN DEMIENTIEFF: Well, I'm going to
45 enjoy one right now. We'll get to them after we're done
46 with our business here. Again, the Chair would entertain
47 a motion to adopt the consent agenda items as originally
48 presented and also with the addition of Proposal 20. Is
49 there such a motion.
50

1 MR. ROEHL: Mr. Chair. I so move.
2
3 CHAIRMAN DEMIENTIEFF: Is there a second.
4
5 MR. LOGAN: I'll second.
6
7 CHAIRMAN DEMIENTIEFF: Discussion.
8
9 (No comments)
10
11 CHAIRMAN DEMIENTIEFF: Hearing none. All
12 those in favor signify by saying aye.
13
14 IN UNISON: Aye.
15
16 CHAIRMAN DEMIENTIEFF: Those opposed same
17 sign.
18
19 (No opposing votes)
20
21 CHAIRMAN DEMIENTIEFF: Motion carries.
22
23 MS. GOTTLIEB: Mr. Chair.
24
25 CHAIRMAN DEMIENTIEFF: Yes.
26
27 MS. GOTTLIEB: If I might. I know a lot
28 of work always goes into getting these proposals on the
29 consent agenda and, as always, we appreciate everyone's
30 effort. As you mentioned earlier, Unit 2 deer was not up
31 for deliberations for us and we know that took a lot of
32 work and cooperation to get there.
33
34 I just wanted to say a few words about
35 Jack Reakoff. Unfortunately he had to leave early today
36 for another teleconference. It should be obvious that
37 Jack cares very deeply about subsistence and you've had
38 the opportunity to see him explain and defend positions
39 from his council. He's also equally active and effective
40 member of the National Park Service Subsistence Resource
41 Commission and the Koyukuk Advisory Committee. It's
42 largely because of committed volunteers like Jack that
43 our system is able to function effectively.
44
45 Being that I'm with National Park Service
46 and have long been able to see Jack through the
47 Subsistence Resource Commission in that arena I wanted to
48 say a special thanks for him, particularly relating to
49 Proposal 12. Jack had felt pressure and strain from that
50 effort and I suspect he's probably been tired and

1 frustrated at times as we've heard from others on a
2 variety of other things, but he has steadfastly kept his
3 hand on the wheel of the proposal and associated issues
4 and kept them moving through the SRC to the Western
5 Interior RAC and then to this Board.

6
7 So I really want to thank him for his
8 efforts and grateful that he is a member not only of our
9 SRC but of our Regional Advisory Council and we'll get
10 him a copy of this note as well. But I did want to give
11 special mention.

12
13 CHAIRMAN DEMIENTIEFF: Thank you. Who
14 was going to do the Unit 2 deer update? Is that Bob?

15
16 DR. SCHROEDER: Mr. Chair, are we ready
17 to go?

18
19 CHAIRMAN DEMIENTIEFF: Yes.

20
21 DR. SCHROEDER: Mr. Chairman. For the
22 record, I'm Bob Schroeder, the Coordinator for the
23 Southeast Regional Advisory Council and anthropologist
24 for the Regional Office in Forest Service in Juneau.
25 With me is Dave Johnson, the Tongass Subsistence
26 Coordinator and he'll be providing some discussion of
27 Unit 2 deer issues. We are distributing copies of a few
28 slides that we have to move us through this discussion
29 fairly quickly. You'll also find in your Board materials
30 a copy of a progress report to the Federal Subsistence
31 Board and that looks like this. That was developed after
32 the last deer subcommittee meeting, which was held April
33 19th and 20th in Ketchikan.

34
35 On the screen you can see a map of Unit
36 2. I'll attempt to be fairly brief with this. I realize
37 that the Board has been doing quite a bit of work today
38 and I want to make sure that there's sufficient time for
39 the Council Chairs to speak with the Board, so we'll try
40 to be as efficient as possible here.

41
42 Just by way of review, the reason why we
43 began a planning effort, a cooperative planning effort
44 with respect to deer in Prince of Wales obviously had to
45 do with management responsibilities of the Board and the
46 program, the Federal Subsistence Program and Forest
47 Service for managing subsistence hunting on Federal
48 public land in this area.

49
50 For quite a number of years the Board had

1 been receiving proposals, mainly from subsistence users,
2 who maintain that their subsistence needs were not being
3 met. In the 1996 to 2003 time period, the Board received
4 something like 30 proposals on suggesting various changes
5 to deer management in this unit. As those of you who
6 were on the Board during those years recall these were
7 highly contentious, very adversarial, intended to pit
8 Alaska hunters against each other as they wished to
9 maintain their own hunting patterns.

10

11 There also was controversy over the
12 closure, over any closure of Federal public lands to non-
13 Federally-qualified subsistence hunters to the non-rural
14 hunters.

15

16 But we also noted in the analysis of
17 these proposals that probably the controversy was not
18 likely to go away on its own because habitat changes on
19 Prince of Wales really look like we'll be facing a
20 decrease in the deer abundance in the future.

21

22 The structure of the subcommittee, the
23 subcommittee was formed as a subcommittee of the Regional
24 Advisory Council. The Council requested formation of the
25 subcommittee and this was approved by the Board. The
26 subcommittee under FACA reports to the Council and
27 through the Council to the Board itself. The structure
28 of the subcommittee included 12 members. These were
29 Council members from Craig, Ketchikan, Petersburg and
30 Point Baker. The Petersburg member was an alternate
31 member in case other Council members couldn't make it.
32 There were three public members from Ketchikan. One from
33 Wrangell. Tribal representatives from Craig and Hydaburg
34 and agency members from USDA Forest Service and the
35 Alaska Department of Fish and Game. The slide on your
36 screen shows the people who did participate and volunteer
37 their time for this process.

38

39 As you see we had a real diversity of
40 Southeast stakeholders who were concerned with deer on
41 Prince of Wales including registered guides, people who
42 are active in the State Fish and Game Advisory Committee
43 system, people who had close relationships with tribal
44 interests on Prince of Wales.

45

46 The subcommittee had six meetings,
47 including a formation meeting, which took place in May of
48 2004, and then subsequently set itself the task of having
49 five meetings, almost one meeting a month from November
50 through April of this year. The subcommittee had a work

1 plan that the Board reviewed, approved and provided
2 advice on and basically it was marching through this work
3 plan.

4
5 The subcommittee report will be completed
6 this next month or so and circulated back to subcommittee
7 members for a review and then it will be presented to the
8 Council at its fall meeting in Wrangell at the end of
9 September. So it would be after that Council meeting
10 that recommendations or that report would be forwarded to
11 the Board, subject Council action.

12
13 And finally, in terms of meetings the
14 subcommittee will have at least one more meeting and then
15 possibly continue its existence over time if needed. But
16 it will have a meeting in February 2006, a little bit
17 before the scheduled Southeast Regional Advisory Council
18 meeting, which, I believe at the end of February.

19
20 The Board has been closely involved in
21 this planning effort. In fact, it was during one of the
22 more contentious sessions on Unit 2 deer that State of
23 Alaska representatives and our Board Chairman recommended
24 that citizens get together and try to come to the Board
25 with solutions to problems rather than come to the Board
26 simply with problems for the Board to resolve.

27
28 The Office of Subsistence Management has
29 been a player in this action, providing logistics for
30 Council member participation, it helped in developing a
31 charge to the subcommittee and also it is presently
32 engaged in working with other Staff on issues concerning
33 the Unit 2 deer harvest report.

34
35 Forest Service, the Southeast Subsistence
36 Team has provided main Staff leadership. Earlier on in
37 the 2003 year, Forest Service provided funding and
38 direction for a feasibility study, which was, I think all
39 of us were a little gun shy this issue had been so heated
40 we basically had questions on whether or not it was safe
41 to get the stakeholders in the same room at the same
42 time. Later on in this last year, Forest Service has
43 provided funding for meeting facilitation, most of the
44 meeting expenses, as well as manage the logistics. And
45 that's been a heavy load on some of our Staff.

46
47 Forest Service has also provided Staff
48 technical presentation and support on such things as
49 timber history, timber alternatives to present timber
50 management, deer habitat ecology, roads and access, et

1 cetera, et cetera.

2

3 The Craig Ranger served as a subcommittee
4 member. And most recently Forest Service has committed
5 to providing funding to implement the harvest report
6 system.

7

8 Fish and Game has been a main player in
9 the subcommittee work. And we really want to thank Fish
10 and Game for its general Staff participation in
11 subcommittee work. This was a major time demand on
12 people. Fish and Game also provided Staff technical
13 presentations and support, particularly presentations on
14 reviewing what we know about the deer population on
15 Prince of Wales and their ongoing research, primarily
16 with deer, but also referred to the ongoing research
17 program concerning predators on Prince of Wales. So that
18 was really instrumental in attempting to give the
19 subcommittee the full story of what we knew about deer
20 and hunters and habitat in this ecozone.

21

22 The Department worked with Forest Service
23 Staff and with subcommittee members in developing a
24 harvest report form. The Division of Wildlife
25 Conservation Southeast Regional Supervisor was a
26 subcommittee member throughout this. And also it was
27 extremely important that the Department facilitated
28 communication with the Board of Game.

29

30 Well, what did we get out of this, what
31 happens the most immediate return, I suppose, is that
32 instead of spending a half a day on discussing Unit 2
33 deer issues, we, instead, have a consent agenda item, and
34 I think this was exactly what Chairman Demientieff was
35 hoping would happen when he asked us to do this somewhat
36 risky planning endeavor three years ago, or perhaps it
37 was four years ago.

38

39 I'd like to just have Dave Johnson
40 explain a little bit about this harvest report. The
41 harvest report serves as an alternative to two proposals
42 that the Council had presented, one proposal, Proposal
43 WP05-04, which is on the consent agenda. It requested
44 that the Federal program would require a Federal
45 registration permit for all hunters who took a deer in
46 Prince of Wales on either Federal public land or other
47 land on Prince of Wales Island. The Council had a
48 companion proposal that it submitted to the Alaska Board
49 of Game, which would have required all hunters to have a
50 State registration permit if they wished to hunt deer on

1 Prince of Wales Island.

2

3

4 The harvest report turned out to be a
5 more feasible and better solution that put less demands
6 on hunters and was a much more workable system than the
7 registration permit proposals that were before the Board
8 of Game and before the Federal Subsistence Board.

8

9

10 The highlights of this harvest report
11 idea is that it will produce uniform harvest reporting
12 and that was the main Council concern, was that the
13 Council, in future years, would get good data on what
14 deer harvest, in fact, take place in Unit 2, and it also,
15 with Board's action on the consent agenda items just
16 passed, makes the Federal registration permit
17 requirements that had been in force on Prince of Wales no
18 longer necessary. In previous years anyone who wished to
19 hunt in the subsistence only season, July 24th through
20 April 15th on Federal public land had to have a separate
21 permit, a Federal registration permit and there were
22 complications with confusion with the public, a major
23 demand on hunters to have both State permits and Federal
24 permits, et cetera. Federally-qualified subsistence
25 hunters also were required to have a permit if they
26 wished to take a doe on Prince of Wales Island, and by
27 your action on the consent agenda item, Proposal WP05-04
28 that requirement's no longer there.

28

29

30 I'd like to turn it over briefly to Dave
31 Johnson to describe the process that got us from two very
32 contentious proposals to consent agenda items.

32

33

Dave.

34

35

36 CHAIRMAN DEMIENTIEFF: Thank you. Go
37 ahead.

37

38

39 MR. JOHNSON: Thank you, Bob. Mr.
40 Chairman. For the record, Dave Johnson for the Tongass
41 Subsistence Coordinator.

41

42

43 The report you see on the screen
44 represents 21 formal reviews of that document by Staff
45 from both OSM, ADF&G, Forest Service and perhaps others,
46 including the RAC members also that participated and the
47 subcommittee as well, and there's two additional reviews
48 that have occurred since that. And so we believe we have
49 a very good first cut for this first year for
50 implementing this joint system.

49

50

1 The plan is, and by the way on Pages 298
2 to 300 in your booklet provides some excellent background
3 on how we got from a Federal registration permit proposal
4 to a joint harvest reporting system between the two
5 agencies.
6

7 I would just say one of the unspoken or
8 unknown partners as we started into this that turned out
9 to be an important partner is the U.S. Postal Service.
10 We found a number of nuances in terms of how this
11 information is sent back to both the State and Federal
12 that became very critical in how this thing is formatted
13 and returned.
14

15 I would just like to say a personal
16 thanks to the Department, particularly for Doug Larson's
17 role in facilitating on the State side many, many
18 informal conversations that, without Doug's involvement,
19 I don't believe we would be here today making this
20 happen. And I personally want to express my
21 appreciation.
22

23 Greg Killinger on the Forest Service side
24 also was a key person that helped provide a lot of
25 important information to the subcommittee's work.
26

27 The plan is that the contract will be in
28 effect for three years, it's a \$15,000 contract for this
29 first year, there'll be a joint review by both the Forest
30 Service and the Department, Wildlife Conservation
31 Division, and with the plan of implementing it again in
32 the second and third years. And at that time we will
33 present a report to the Council to update them on with
34 what the information provides with and what other
35 proposals may come out of the planning process that may
36 warrant additional considerations.
37

38 That concludes my remarks.
39

40 Thank you, Mr. Chairman.
41

42 CHAIRMAN DEMIENTIEFF: Thank you.
43

44 DR. SCHROEDER: I'm not done, Mr. Chair.
45

46 CHAIRMAN DEMIENTIEFF: Okay.
47

48 DR. SCHROEDER: We've proceeded through
49 what's happened for this regulatory cycle, part of the
50 other charge to the subcommittee was to look forward to

1 the future and to try to structure things so that we'd
2 have good management of deer on Prince of Wales Island
3 without unduly contentious proposals coming our way.

4
5 The main recommendations that the
6 subcommittee is forwarding to the -- will be forwarding
7 to the Council in September are to keep the current
8 hunting regulations in effect for about the next three to
9 five years in the next part. And the idea of three to
10 five years is that the current system appears to be
11 working well and three to five years will allow the
12 various agencies and the Council to have better
13 information for looking at deer on Prince of Wales.

14
15 The subcommittee is recommending a
16 Council generated proposal to pare back the area that's
17 closed to non-subsistence hunting on Prince of Wales
18 during the beginning part of the season August 1 through
19 August 15th. The subcommittee looked at the data closely
20 and believes that that closure may not be necessary.
21 We'll need a full Staff analysis to make sure whether
22 that's the case.

23
24 A couple of other recommendations. The
25 subcommittee really wanted to improve data and
26 information. The three areas that they were concerned
27 with was harvest data and they believe that that will be
28 addressed through the harvest report system. They
29 suggested work needs to be done on subsistence uses and
30 needs. And that subsistence users were maintaining that
31 needs were not being met. The subcommittee would like to
32 look a little more closely at what uses and needs might
33 be for deer and, in general, for subsistence in Southeast
34 Alaska. And thirdly to examine deer population trends
35 and the subcommittee spent a fair amount of time talking
36 with scientists about different ways -- scientists and
37 management Staff on different ways that that might be
38 achieved.

39
40 The subcommittee had additional
41 recommendations, mainly to land managers, those are shown
42 on the screen. They had to do with basically doing
43 things that increased the deer supply and manage habitat
44 for wildlife values and to rehabilitate and restore areas
45 that had been subject to commercial harvest.

46
47 I'd like to spend just a few minutes
48 looking at what worked in this whole process and also
49 what didn't work, and we'll be doing a little bit more of
50 a review of this whole subcommittee approach over the

1 summer.

2

3 Some things that worked, one thing was
4 that we broke through the -- well, we didn't break
5 through but we were able to comply fully with the Federal
6 Advisory Committee Act and have good stakeholder
7 participation. And that was a little bit problematic
8 when we were trying to figure out how we would do this.

9

10 Subcommittee members participated very
11 actively and were extremely generous with their time. I
12 figure that people spent maybe perhaps 15 or 20 days in
13 meetings or travel, which is a really substantial
14 contribution of people who have other lives as well.

15

16 Very importantly people started out as
17 adversaries learned to listen to each other and basically
18 respected each other. And that gave me some faith that
19 if you do put people together on contentious issues that
20 they can work on them.

21

22 And, finally, the subcommittee was able
23 to operate on a consensus basis even though it did have
24 provisions for voting, but people reached agreement.

25

26 Some other things worked very well.
27 There was excellent technical reports by Fish and Game
28 and Forest Service management and scientists. We used
29 professional facilitation and we'd recommend that that be
30 used in future actions of this sort.

31

32 And a couple of other things I'll
33 highlight in the part that worked that the subcommittee
34 supported study directions concerning subsistence uses
35 and needs and deer population trends. This format,
36 having meetings in six meetings in four or five different
37 places provided really good public access and the
38 subcommittee had evening sessions where it could hear
39 from the public and these were basically pretty well
40 attended.

41

42 We also received accurate and extensive
43 press and media coverage and, again, thanks to OSM media
44 specialist for helping making that happen.

45

46 Now, we did have a few things that were
47 difficult.

48

49 This sort of thing in Alaska where people
50 have to fly to meetings puts really large demands on

1 people, and we have commercial fishermen who missed very
2 lucrative commercial fishing openings so that they could
3 come and talk about how we should manage deer on Prince
4 of Wales Island. And also connected with that, all
5 members were not able to attend all meetings. So I think
6 we were pushing the envelope of how much we could have of
7 -- how much we could expect of volunteers.

8
9 This approach was pretty logistically
10 complex as I mentioned and we did spend a fair amount of
11 money at it.

12
13 And I do have conclusions and then I'll
14 be done, Mr. Chairman.

15
16 I believe that the subcommittee made --
17 had really substantial accomplishments and was overall
18 really successful. And let's say that at the onset its
19 success was not a sure thing but I think it worked out
20 quite well and I think we're way further along on coming
21 up with effective management of deer in Unit 2 than we
22 were before. And that includes the suggestions for non-
23 regulatory things that had to do with management aspects,
24 and land management aspects and dealing with access and
25 other issues.

26
27 We're way further along on improved
28 public education and public participation. And I see
29 that as an outgrowth of the good work that was done here.
30 And I do believe that the Board might consider using this
31 effort as something of a model for working toward
32 resolution of difficult management issues. And when I
33 refer to this as a model, the model would be constituting
34 subcommittees of Councils to address things that we can't
35 do quite as well through the regulatory process.

36
37 And finally, just as I mentioned, the
38 subcommittee wanted to continue its existence and will be
39 helping us out after this coming deer hunting season and
40 we'll meet in February 2006.

41
42 Mr. Chair, that concludes my report.

43
44 CHAIRMAN DEMIENTIEFF: Thank you very
45 much. Magic works.

46
47 (Laughter)

48
49 CHAIRMAN DEMIENTIEFF: And I just offer
50 my congratulations to everybody who participated in the

1 process. Just by bringing people together, I agree that
2 you can sometimes work out -- I don't know how many times
3 we went round and round on Unit 2 deer and you can work
4 things out, people find out that they're really not that
5 different. They're concerned about the issue at hand.
6 And I just congratulate everybody, and Tom and I are
7 going to be working together to author a personal letter
8 from me thanking the people who participated, so we'll
9 make sure that we're working with everybody to get all
10 the players that were involved in it.

11

12 I also want to thank the Board, we had at
13 every work session, you know, we did track the work of
14 the team so they actually have -- the Board members
15 actually have a lot of time that was spent and devoted to
16 the work and the progress of the team. So anyway we'll
17 follow up on our end.

18

19 I think John may have a closing comment
20 on that, do you?

21

22 MR. LITTLEFIELD: Yes, thank you, Mr.
23 Chair. Mine were similar. That was actually one of the
24 things I was going to ask you to do is to recognize this
25 deer subcommittee and all of the players as well as the
26 State and the Federal participants. Because one of the
27 things that some people don't recognize is that we are
28 serving for free but those subcommittee members spent 15
29 to 20 days serving for free, members of the public as
30 well as subcommittee members, and I think that's really
31 important. And if you can recognize them, Mr. Chair, I
32 think that would be a very good thing to do.

33

34 Thank you's go a long way, they're not
35 getting paid but it was a good process.

36

37 And in that point I want to thank OSM as
38 well as the Federal Board for making this process work.
39 Because when we brought it up earlier, as you said, we
40 didn't know if it was going to work and with your
41 encouragement it has done so and I do appreciate it and
42 thank you to the Board.

43

44 And a special thank you to Mr. Bschor.
45 As the land manager in Southeast Alaska, the Forest
46 Service has really stood behind us. And the Council, I
47 can speak for them and say they all appreciate the work
48 that the Forest Staff has been doing for us, support
49 Staff, as well as taking the lead on these issues and
50 putting their money up basically because it's -- you

1 know, the Federal Board made this direction but the land
2 manager has to make this work. And I really appreciated
3 how your Staff as well as yourself have acted.

4
5 So thanks to all of you. I guess we'll
6 pat each other all on the back.

7
8 So thank you very much, Mr. Chair.

9
10 CHAIRMAN DEMIENTIEFF: Thank you. If
11 there's no other business, we're going to move on to
12 Board discussion of Council topics with Chairs.

13
14 MR. REGELIN: Mr. Chair.

15
16 CHAIRMAN DEMIENTIEFF: Pardon, oh, I'm
17 sorry.

18
19 MR. REGELIN: Under other business I
20 wanted to just say one thing about what happened at our
21 November Board of Game meeting, just to inform everybody.

22
23 At that meeting the Board passed a
24 regulation related to hunts that are conducted by
25 registration permit. You know, we use registration
26 permit hunts when we're concerned about overharvest, and
27 so we keep real close track of that. In some cases we
28 have in-season management and in other cases, in most of
29 them, we just adjust at the end of the season. And for a
30 long time our Board has been very concerned about the
31 failure of some people, a small segment of the people to
32 report that get these registration permits. And it's
33 very important we have complete and accurate reporting
34 while the people that do get a registration permit.

35
36 So they passed a regulation that requires
37 it to be mandatory to turn in your permit report.

38
39 Now, it's always been mandatory. But
40 what they've done now is -- until November, the
41 Department had a lot of discretion in how we could
42 enforce that and steps we took to collect data. But
43 beginning next year, well, this fall, this season, if a
44 person fails to report and after they've been repeatedly
45 contacted and they continue to fail to report they will
46 not get a permit next year and the Department won't have
47 any discretion on that.

48
49 Now, the reason I'm bringing it up here
50 is that it affects Federal subsistence users in several

1 places. There's 27 hunts where the Federal and State
2 seasons are the same and the Federal permit -- Federal
3 subsistence hunters are required to have a State permit,
4 registration permit, in order to hunt. And what we'll do
5 is try to make sure that everybody realizes that the
6 consequences of not reporting are severe and we send
7 letters out, I think, three times, but once that is
8 exhausted then they will not get a permit next year, or
9 the following year. And there are -- and as I said,
10 there are 27 hunts where the Federal and State -- the
11 Federal system uses a State registration permit.

12

13 These are 10 brown bear hunts, 11 moose
14 hunts, four caribou hunts and three goat hunts.

15

16 And I guess that, I think what we all
17 need to do is work together to get the word out and make
18 sure that everyone knows that they have to -- why it's
19 important to report and it's to everybody's benefit to
20 have this data and we're developing an appeal process for
21 people that for good reasons couldn't, you know, failed
22 to report, where they can appeal and we can make an
23 adjustment. But we are -- we're very limited on what
24 we'll be able to do there.

25

26 And, thank you, Mr. Chairman. I thought
27 I just should take this opportunity to let everybody know
28 and that we'll be working with the Office of Subsistence
29 Management to make sure we get the word out.

30

31 CHAIRMAN DEMIENTIEFF: Okay, thank you.
32 We'll be calling on the Regional Council reps that are
33 here for discussion, general discussion with the Board.
34 John made us switch the field around so he can talk last,
35 but he was right, so we're going to start with amongst
36 the ones I know that are here.

37

38 Eastern Interior, actually, Sue, if you
39 have any issues you want to bring up with the Board at
40 this time.

41

42 MS. ENTSMINGER: So I get to go first and
43 don't learn what's going on.

44

45 (Laughter)

46

47 MS. ENTSMINGER: I was warned about this,
48 so, thank you.

49

50 One of the things that I wanted to bring

1 up was at our Council meetings there's training of new
2 Council members and it took place at the last meeting and
3 it had before in the past during the two day period of
4 the meetings and it took away from our ability to meet as
5 a Council and all the stuff that meant a lot more to the
6 rest of us. And I feel that it's important, maybe that
7 doesn't need to be brought up here, but it was kind of
8 frustrating to deal with that.

9
10 One of the other Council members actually
11 said in his Council remarks at that meeting that he felt
12 like he had no way to let the public know what happens at
13 the meetings. And I feel that that's something that I,
14 too, you know, you live in these remote areas and even
15 though we're on the road system I can't go to Eagle to go
16 to an Advisory Committee meeting or I couldn't go to
17 Delta every time everybody's meeting but I get these
18 notices of all these different meetings and it's just
19 hard to stay informed and keep all these different State
20 Advisory who actually bring stuff to the Council, and
21 even the SRC meetings, and your region is so vast and big
22 you don't get a chance to really disseminate the
23 information like you think you should or you can
24 participate like you think you should be able to. We do
25 it as much as we can. But I felt for him when he had
26 mentioned that that was a problem there.

27
28 Also I wanted to thank you for the
29 opportunity to come here. This is the first one I've
30 been to since -- I was here one time when Mitch was brand
31 new at this and it's a lot different all those years ago.
32 I appreciate learning and seeing how it's changed over
33 the years.

34
35 Thank you. I was asked to come by our
36 Chair. I'm just the lonely secretary on the Council. So
37 he thought since it was more in our region that I guess
38 -- and he's in the National Guard and couldn't attend so
39 thank you guys.

40
41 CHAIRMAN DEMIENTIEFF: Thank you.
42 Raymond, Northwest.

43
44 MR. STONEY: Thank you, Mr. Chairman. I
45 know it's been a long day for all of you, but, you know,
46 like for yourself and the Board members, I surely want to
47 thank all of you, you know, for looking at us as the
48 Chairs from the RACs.

49
50 I see it this way, that all the Chairmans

1 of the RACs, it's your backbone, we give you
2 recommendations like these proposals, and I sure want to
3 thank, you know, recognize us as the backbone to our
4 regions throughout Alaska.

5
6 Again, thank you very much for you Board
7 members for listening to us and taking a lot of comments
8 from us and you guys are doing a good job.

9
10 Thank you, very much, Mr. Chairman.

11
12 CHAIRMAN DEMIENTIEFF: Thank you. I see
13 Grace had to leave it looks like. So the next one up
14 would be Jack.

15
16 MR. REAKOFF: Thank you, Mr. Chair. I
17 apologize for missing part of this afternoon. I was
18 attending a teleconference for a formation of a Friend's
19 Group for the Wildlife Refuges and I was at the Refuge
20 Office.

21
22 I feel privileged to appear before the
23 Board and that my Council has confidence in me to appear
24 here. And I feel that the Board is very diligent in
25 working through proposals and looking at all aspects and
26 I very much appreciate that. As a Council member, we
27 have to have the same tearing and deliberation ourselves
28 and so I can very much appreciate that.

29
30 Our annual report will highlight many
31 issues that we have in our region. And we have some very
32 concerning issues that are coming forward with the Senate
33 Bill 85 and the Legislature moving all-terrain vehicles
34 off the Dalton Highway. This will have a huge impact to
35 Northern Alaska. And so I just wanted to bring that to
36 the Board's attention. And that Bill has not gone away
37 yet, that Bill is on hold, on pause. And so there's
38 going to be huge funding concerns for that, for the
39 planning and so forth.

40
41 But I do want to thank the other Council
42 members that came to this meeting and I very much enjoy
43 hearing their aspects of how they deal with their region
44 and so that's a learning process for me at every meeting.

45
46 So thank you.

47
48 MS. GOTTLIEB: Chair.

49
50 CHAIRMAN DEMIENTIEFF: Yes.

1 MS. GOTTLIEB: If I might, I just wanted
2 to tell Jack, maybe two things that you did miss. One is
3 that Proposal 12 passed on the consent agenda.

4
5 And secondly we did want to express our
6 gratitude to you for all the hard work you put in on that
7 proposal and really for all your many years of service,
8 not only at the Gates of the Arctic Subsistence Resource
9 Commission, but also on your Regional Advisory Council.

10
11 So thank you, particularly, this year.

12
13 MR. REAKOFF: Thank you.

14
15 CHAIRMAN DEMIENTIEFF: Harry.

16
17 MR. WILDE: Yeah, Mr. Chairman. For the
18 record my name is Harry Wilde, Chairman of the Yukon-
19 Kuskokwim Regional Advisory Council.

20
21 The Yukon-Kuskokwim Delta Advisory
22 Council appreciates the continued opportunity to
23 participate on the Federal subsistence meeting.

24
25 Yukon-Kuskokwim Council also appreciate
26 the continued support from the Federal Subsistence Board
27 along with the support from the -- also the continued
28 support from the Federal Subsistence Board Chair, Mr.
29 Mitch Demientieff.

30
31 In its winter meeting in February 2005,
32 February 24 and 25 in Toksook Bay, Yukon-Kuskokwim Delta
33 Subsistence Regional Advisory Council considered topics
34 to be presented to the Federal Subsistence Board in its
35 regular meeting on May 3 and 4, 2005.

36
37 Topics were suggested that based on the
38 past Yukon-Kuskokwim Delta Council concerns expressed by
39 the Council in the present meeting and the topics that
40 follow.

41
42 Proposed coal fired plant in the Yukon-
43 Kuskokwim Delta, when the Council realized that proposed
44 coal fire power plant within the Yukon-Kuskokwim Delta,
45 it's still preliminary and planning stage. The Council
46 opposes to the coal fire power plant in the Yukon-
47 Kuskokwim Delta. Since the coal fire power plant is
48 proposed as potential power supply within the Yukon-
49 Kuskokwim Delta, it brought up a concern to the residents
50 of the Yukon-Kuskokwim Delta.

1 Concern about the coal fire power plant
2 is expressed because it brings with adverse affect in the
3 fish and wildlife resource and the migratory birds
4 including the elements of fish and wildlife habitat. For
5 the above reasons and other unforeseen reasons the
6 Council opposes coal fire power, opposes for it.

7
8 Senate Bill 40, this State Legislature
9 which would be create Kuskokwim Port Authority in Bethel
10 area and it's raised concern because it is also -- would
11 have been proposed coal fire power plant in Donely Creek
12 Mine near the village of Crooked Creek -- and the
13 proposed Kuskokwim Authority present -- created by the
14 Governor of Alaska, it's creates additional facility and
15 add an increase in river traffic and it would have
16 adverse impact on the fish and wildlife -- fish and game,
17 migratory birds and environment which is fish and the
18 wildlife habitat and the reason Council is opposing the
19 Port Authority in Bethel area.

20
21 Council business on January 2005 through
22 April 2005 since the Federal Subsistence Board meeting
23 held in January 2005 at which Mary Gregory is the
24 Secretary attend that representing the Yukon-Kuskokwim
25 Delta Council Chair and the Council members participate
26 in other fish and wildlife or related meeting. Bob
27 Aloysius participate in that big ADF&G Interagency
28 Kuskokwim River Fishery meeting on March 30/31, 2005 in
29 Anchorage. Harry Wilde, me, that's me, participate in
30 the Interagency Staff Committee meeting on April 12 and
31 14, 2005. James Charles participate in GMU 29 moose
32 planning meeting in Shageluk in April 18, 20. Lester
33 Wilde make village trips in the Yukon Delta RIT and he's
34 traveled to Scammon Bay, Chevak and continue information
35 and education for the subsistence program in the school
36 and communities. He also conducted subsistence program
37 in Hooper Bay. Joe Mike attending the Lower Yukon River
38 Intertribal Council Watershed meeting in Kuskokwim in
39 Kotlik.

40
41 And on behalf of the subsistence users
42 and other groups in the Yukon-Kuskokwim Delta region, the
43 Regional Council appreciates continued Federal
44 Subsistence Board supporting -- Council also appreciates
45 continued to support from the OSM Staff.

46
47 Thank you, Mr. Chairman, and the Federal
48 Subsistence Board members for this opportunity to report
49 Council concerns.

50

1 And, Mr. Chairman, I thank you, you let
2 me speak English right now.

3
4 (Laughter)

5
6 CHAIRMAN DEMIENTIEFF: Thank you, Harry.
7 It's obvious you spent a lot of time preparing for this
8 and I appreciate you.

9
10 Vince.

11
12 MR. TUTIAKOFF: Thank you, Mr. Chair.
13 Board members.

14
15 As many of you know Della Trumble was the
16 past Chair of Kodiak/Aleutians moved into Anchorage and
17 removed herself from the Council. She did a lot of work
18 in working with other regions, primarily on fish issues.
19 I'm hoping that this next year we'll continue to see
20 those different RACs work together so that we don't get
21 into controversial proposals that we have gone through in
22 the past.

23
24 The Kodiak/Aleutians RAC had their
25 meeting in Kodiak and Tom Boyd came down and we ran him
26 through the coals but I think he got out of there pretty
27 good.

28
29 (Laughter)

30
31 MR. TUTIAKOFF: We appreciate that he
32 came down there and took the heat for some of the issues
33 that were confusing for new members. We've got a road
34 system and commercial and hunters and commercial
35 fishermen now represented on our Board.

36
37 We hope that we'll be able to go to
38 smaller communities. As you know the Aleutian Islands
39 runs 2,400 miles west and there's very few sites that we
40 can visit because of transportation costs, primarily.
41 We'd like and we've proposed many times to go to the
42 Pribilofs, to Unalaska, to Adak to other communities in
43 Kodiak and we've kind of spent a lot of time in Cold Bay,
44 King Cove and Sand Point, and the Kodiak community
45 itself.

46
47 We appreciate the opportunity to do that
48 but I think the concern from the Council members
49 themselves is that we'd like to be able to sit and face
50 the people that we represent in our communities. And I

1 know that the travel costs, especially to the Aleutians
2 is very high. Just one way round-trip to Adak is close to
3 \$1,100 and that's where I live right now and commute back
4 and forth to meet the meetings of the RAC.

5
6 But I'd like to thank the Council for the
7 opportunity to again work with you. I have been past
8 Chair of Kodiak/Aleutians for several years and took on
9 another job which I could not do but appreciate the hard
10 work the Council has done in the last two days. Today's
11 been pretty interesting in regards to the bear claw issue
12 and I'm going to take back these issues to my Council so
13 that they can get more -- maybe more detailed and a
14 response on this next go around because I think that
15 becoming aware of the other Regional Councils having
16 concerns about the bear, you know, as a scared item and a
17 bear as a food and a bear as a clan, you know, we're
18 starting to understand these issues and I know that this
19 Council is trying to make it across the board, a state
20 issue, but I'm hoping that we can come up with a proposal
21 that the regions, if affected by this particular issue,
22 will bring up a good proposal that all of us can agree
23 to.

24
25 Appreciate the time and I know it's
26 getting late and you guys are falling asleep up there so
27 thanks a lot.

28
29 CHAIRMAN DEMIENTIEFF: Thank you.
30 Ralph.

31
32 MR. LOHSE: Thank you, Mr. Chair. I was
33 just looking at something on the ANILCA charter for the
34 Councils. And it says that it recognizes the Council's
35 authority to initiate, review and evaluate proposals for
36 regulations, policies, management plans and other matters
37 related to subsistence uses of fish and wildlife on
38 public lands within the region, and to provide a forum
39 for the expression of opinions and recommendations on any
40 matter related to the subsistence uses of fish and
41 wildlife on public lands within the region.

42
43 And as I brought up before, and
44 especially this is aimed at the guy from the BLM and you
45 all know that, we have a land management plan before us
46 that affects subsistence users -- that has the potential
47 to affect subsistence users very drastically in our area.
48 And I just ask and reiterate that on the seven different
49 options and recommendations and that they have that they
50 seriously consider the impact on subsistence on every one

1 of them. And I'm asking all of the rest of you as land
2 managers to remind them that subsistence is a high
3 priority and the decisions that they make on those
4 recommendations can have a drastic affect on the
5 subsistence users in our area. And I think they
6 recognize that but I just wanted to put that on record.

7
8 And then on the record, Mr. Chair, I
9 would like to apologize to you for my little bit
10 outspoken comments before. I recognize that you're
11 dealing with complex and controversial issues and I know
12 that they come before you and I'm afraid that what I've
13 caught is a little hesitancy on the parts of members of
14 the Board to make a decision. And I know that part of
15 the reason is the decisions are hard to make. But
16 sometimes you have to make a decision whether it's right
17 or whether it's wrong, and then you can go back, and if
18 it turns out that it's wrong you can correct it. But the
19 decisions need to be made. Like my objection before was
20 not an objection to the motion that was on the table or
21 whether it passed or whether it failed and I had no
22 opinion one way or the other, but it was the fact that
23 the RACs had done a lot of work on that, the RACs had
24 presented you with the information. More than likely the
25 RACs would not change their information. And it just
26 felt kind of bad to see it being -- because of the issue
27 it is, being sent back to the RACs when most of them
28 probably aren't going to change their mind. And to me if
29 you want to give one RAC deference because it's very
30 important to one RAC then you need to honor the
31 preferences of all the RACs and take their
32 recommendations and make specific regional proposals for
33 it. If we're going to try to fit it into meet on RACs
34 thing, otherwise do like Mitch said, this is a complex
35 issue, aim it at regional proposals, take what all the
36 RACs have given you and give them a regional proposal for
37 that. But if you want to get a consensus on one of these
38 issues that you've got before you, while you're dealing
39 with those consensus, you've got the Chairmans of the
40 RACs sitting out here, we can work together with you
41 while you're doing that discussion trying to come up with
42 a consensus. You're dealing with one RAC member instead
43 of all of the RAC members.

44
45 When it's a controversial issue and
46 you're trying to make one shoe fit all, give everybody a
47 chance at that time to get right in the discussion and
48 come up with a consensus.

49
50 I think that the RAC Chair are mature

1 enough and have enough information at their hands that
2 they can help you come up with that consensus, otherwise
3 -- let me see what I put down here -- otherwise take what
4 we've said and make your decision on what we've said to
5 the best of your ability and if it turns out wrong, it
6 can always be changed. But rather than send the problem
7 back to us, take action on it. And take action one way
8 or the other.

9

10 I know for a fact I know what my
11 recommendation's going to be to my RAC when this comes
12 back to us again. We've worked on it. Has anybody
13 changed their mind on it, send you the same information
14 we gave you before. And I think that's going to be the
15 results of most of the RACs that are out there.

16

17 So with that, again, I apologize for
18 getting so strong on it before but it really -- I felt
19 this time -- this is the first -- this is the most --
20 I'll say this is the most, I'll use the word,
21 frustrating, it's not really the right word, meeting that
22 I've attended because I've seen so much unwillingness to
23 make hard decisions. And maybe that's just my own, you
24 know, my own seeing it and maybe that's not really what
25 happened but I would have liked to have seen, you know,
26 less deference and more action, but that's personal.

27

28 And I thank you guys for the work that
29 you do and I'm glad I'm not sitting up there and I'm glad
30 I don't have to make the decisions and face the same
31 constituents that you have to make and the same bosses
32 that you have to make, but in the meantime that's where I
33 was at.

34

35 Thank you.

36

37 CHAIRMAN DEMIENTIEFF: Thank you. Ralph,
38 I always appreciate your comments. You don't have to
39 worry about insulting me, I got a one-inch callus all
40 over my body.

41

42 (Laughter)

43

44 CHAIRMAN DEMIENTIEFF: But, you know, you
45 always work hard and we just appreciate it. Everybody's
46 work.

47

48 John.

49

50 MR. LITTLEFIELD: Thank you, Mr.

1 Chairman, for letting me be last. I think that was a
2 good idea that we rotate this and I hope you continue
3 that, that you rotate, make number 2 or number 3 first at
4 the next meeting and then number 4 and then just go ahead
5 and rotate them through so there's no reason for
6 Southeast to be one because they're Region 1. And I
7 think it was a good idea and I do appreciate that.

8

9 I'd like to touch on -- actually, Mr.
10 Chair, I have 11 pages here, single pages, I have nine
11 double pages here and I don't even know but I got a lot
12 and I'm not going to do that, we don't have time to do
13 that and you'd rule me out of order anyway, so I'll try
14 to cover a couple of these things.

15

16 And one is the marine jurisdiction issue
17 that I brought up at the last meeting. That was my
18 number 1 issue on here is that we did not have any
19 response. But, however, at this meeting I was given
20 three draft letters and I don't believe you've signed
21 them yet and I think they're coming, they're forthcoming
22 and I want to acknowledge that I appreciate the OSM
23 working on these. Mr. Probasco gave me a couple as well
24 as Mr. Knauer who both attended our meeting in Petersburg
25 and we appreciate the briefings that they gave us and
26 they brought this back and we are seeing positive results
27 there on what was an oversight before and it's being
28 taken care of as soon as we made it noticed, and I'd like
29 to thank you for that.

30

31 We did write several letters at our
32 meeting, one of them was on the hunting licenses and
33 fishing license and that will be coming your way if you
34 do not have it now, Mr. Chair. We sent that to you as
35 well as the Chairman of the Board of Game and the Board
36 of Fish. And when you look at what happened here
37 recently some of our fears have been allayed because I
38 think the hunting issue has gone away, as far as I know
39 maybe I could be corrected on that. I think the hunting
40 increase went away. But there was an increase on
41 sportfish and if you look at the stated reason for it is
42 for building hatcheries which we don't participate in as
43 subsistence users, but it's only problematic there on the
44 sportfishing because we do not have to have a
45 sportfishing license to subsistence fish and I like that.
46 I think that's really great.

47

48 What is lacking in our system is a
49 similar requirement for deer, moose hunting licenses or
50 meat. And we haven't had a frank discussion on that and

1 I really think that the Board, the Councils need to
2 discuss this issue with the Board. I know we keep saying
3 it's out of our purview but we need to have a frank
4 discussion on that because if we don't need a sportfish
5 license to take subsistence fish and I agree with that
6 100 percent, why do we need a hunting license, a State
7 hunting license and deer tags and be tied to all these
8 permits. Just like Mr. Regelin just brought up, now,
9 it's possible that if one of our elders forgets, or even
10 a youngster forgets to turn in their permit then they're
11 going to be denied a permit the next year and I really
12 have -- I take issue with tying our system so closely to
13 them that we become slaves to what they pass.

14
15 In other words, they passed a proposal
16 that you had to be 10 years old to get a hunting license.
17 We have people who, you know, young widows and women who
18 are unmarried who have children that can easily eat a
19 dozen deer in a year and those kids are below 10 years
20 old. And so when that regulation went into effect it had
21 the unintended consequence of allowing us only to get six
22 deer under the designated hunter permit for that woman
23 and so everybody contributes, and there are other cases
24 like that, where actions that are tied so closely to the
25 State have consequences that I think we should debate.
26 We should debate whether hunting license and tags are
27 required and I hope that we can do that in the future.

28
29 To Ralph's comment on the BLM, the
30 Southeast Alaska Regional Advisory Council did take a
31 position on that, a letter was sent to the BLM as well as
32 the OSM for review and we supported, I believe it was
33 Alternative C and D on the BLM land issue.

34
35 So we've also sent a letter to the Chair,
36 Mr. Demientieff, requesting that we consider the
37 formation of a subcommittee for the subsistence use
38 amounts. We were originally -- originally I was going to
39 be Bill Thomas' replacement, Chairman Bill Thomas'
40 replacement on the subsistence use amount committee and
41 then the FACA concerns raised their head and I think
42 we're being held hostage to FACA concerns because as we
43 discussed earlier these Regional Councils are the
44 backbone as one of the other members mentioned and
45 they're where the proposals need to come from. The
46 agencies need to quit sending proposals to us, to put it
47 frankly, that's what needs to be done.

48
49 But we also need to be involved on these
50 subsistence use amounts. What you have is a few people

1 in the back room, State and Federal, deciding what we
2 need for subsistence use amounts and you're missing out
3 on the people who can -- who are most informed and have
4 their hands on what's happening and what's actually
5 needed to determine the Federal agencies need the
6 subsistence use needs, to be translated to need, we know
7 what is needed to meet your subsistence use amounts. So
8 if you could consider that as you did the deer
9 subcommittee, we would like to see the formation of a
10 subcommittee formed of several members of the Southeast
11 Regional Advisory Council as well as members of the
12 public and Southeast and we will come to you with
13 subsistence use amounts. So that's a request that's
14 coming forward to you in the form of a letter.

15
16 Some success stories that I'd like to
17 thank the State of Alaska, especially Mr. Bedford and the
18 Federal Subsistence Board for the actions on the Stikine
19 River. We had really good results for subsistence
20 fishing on the Stikine. We always took the position they
21 were never new fisheries. The State has been very
22 proactive in helping us and the Board and I'd like to
23 express our appreciation for that. And I think we're
24 going to go expand it, it looks like there might be some
25 proposals to the State, under the State system to allow
26 some other subsistence fishing in there and I think those
27 are great.

28
29 The steelhead regulations. That was part
30 of these numbers of nine double pages I have on steelhead
31 regulations. We spent quite a bit of time and I
32 appreciate the Forest Service asking me to participate in
33 those meetings as well as Mr. Douville who is the
34 representative that lives on Prince of Wales Island and
35 we came up with some pretty good ideas, I think, for
36 Southeast, and I don't think the sky is going to fall and
37 I certainly hope it doesn't. I don't think there's been
38 a -- there's only about 10 permits that have been issued
39 in Sitka so far and I think it's going to be a non-issue
40 and that's my hope, Mr. Chair.

41
42 Again, one final thing was to thank you
43 all for your difficult decisions that you make. I have
44 to disagree a little bit with my cohort and colleague
45 over there, I think you guys have gone quite a ways from
46 where you were when I first came here, my first meeting.
47 I remember someone saying one time, why don't you guys
48 grow a backbone, I remember that in a meeting here. And
49 it is, the six of you are the Secretary and you do have
50 to make hard decisions. Some of them you've made are

1 controversial, the State has been opposed to them and
2 you've made them nevertheless and I appreciate your
3 backing the Federal language of ANILCA that was promised
4 to us in ANILCA and also promised to us in the Statehood
5 Act under Article 12, Section 12.

6
7 So for those reasons I say I don't agree
8 with everything you do, that's for sure, but I do
9 appreciate what you're doing, and I'll leave it at that
10 and say thank you very much and I didn't see those bear
11 claws going around.

12
13 CHAIRMAN DEMIENTIEFF: They'll be going
14 around. Thank you, John. I share your concern about
15 permits. I actually got denied a permit one year because
16 I didn't do my paperwork, and it wasn't too long ago, but
17 I have a wife, so she applied and got the permit that
18 particular year.

19
20 Go ahead, Tom.

21
22 MR. BOYD: Mr. Chair. If I might just
23 speak to a couple of things that came out during this
24 discussion, just as briefly as I can and I don't want to
25 prolong this.

26
27 But I know that Sue brought up a couple
28 of things about the meetings, and certainly I'm going to
29 be looking into that. These are administrative items
30 that fall within my area and I do appreciate you bringing
31 those to our attention.

32
33 With regards to getting out to local
34 Advisory Committee meetings, we do that on a case by case
35 basis. I do provide support when there are issues
36 pending that we want to facilitate the cross
37 communication on. It's somewhat limited because my
38 budget's aren't what I'd like them to be but I think when
39 we have a big issue and it's elevated to us we try to get
40 the right people to the right meetings to make sure that
41 those things, that kind of communication occurs. And so
42 if you have those kind of issues, please, let us know or
43 work with your coordinator to let us know.

44
45 And we'll also work on the meeting format
46 in terms of the training to make sure that it doesn't
47 interfere with other work.

48
49 For Mr. Littlefield, I hope we're working
50 better together in terms of moving things along that the

1 Council wants. I'm certainly going to be more in tune to
2 some of those needs and try to make sure that we don't
3 allow some of those things to fall through the cracks
4 that have in the past.

5
6 With regard to SUAs, subsistence use
7 amounts. Based on what you said, I'm wondering if
8 there's not a misunderstanding about what the
9 State/Federal committee is doing, we're certainly not
10 making determinations of subsistence use amounts in that
11 committee. We're coming up with a protocol on how the
12 State and Federal programs can work together and it's not
13 going to -- that committee's not making determinations.
14 When that protocol is developed or drafted, a draft will
15 go out to the Councils to review before our Board ever
16 acts on it. So you will -- I mean I understand it's not
17 the same as being in the room but you will get a shot at
18 it and I know this Board will listen to what you have to
19 say. And so I just wanted to clarify, and it's probably
20 not satisfactory, totally satisfactory but I wanted to
21 make that point.

22
23 Mr. Chair.

24
25 CHAIRMAN DEMIENTIEFF: John.

26
27 MR. LITTLEFIELD: I wanted to get my bear
28 claw down there. Thank you for that Tom. We're not in
29 there, we don't know what's going on. But nevertheless,
30 it is our charge to do the subsistence use amounts.
31 That's our charge as a Regional Advisory Council, and
32 we'd like to do that in this method and that's another
33 reason why we're submitting it. And we'd also like to be
34 involved with you, we think that's doable.

35
36 Thank you.

37
38 CHAIRMAN DEMIENTIEFF: Okay, we are
39 winding down here. I know I'm exhausted, I imagine
40 everybody else is too. We still got a beautiful
41 afternoon going on out there and I think we all better
42 get out in that weather, it will probably give us some
43 energy.

44
45 I want to thank everybody for all of
46 their hard work. And this meeting -- well, it goes for
47 any meeting that you might be involved in no matter what,
48 but these meetings that we have, we don't always agree
49 and that's okay. But we're brothers and sisters in a
50 sense that we have concerns about the issue. We are

1 concerned about the issue that we're meeting on and that
2 brings us together. And so when you leave the meeting,
3 we're all friends, leave the issues at the table, leave
4 the issues at the meeting, it's over. Whatever decision
5 is made, that's the way it is. So leave it there. Let's
6 just go out and have fun and be friends.

7

8 And with that little message I just want
9 to say, I'm to the favorite part of the meeting when the
10 old gavel drops. We are adjourned.

11

12

(END OF PROCEEDINGS)

C E R T I F I C A T E

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UNITED STATES OF AMERICA)
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STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the State of Alaska and reporter for Computer Matrix Court Reporters, do hereby certify:

THAT the foregoing pages numbered 145 through 244 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME II taken electronically by Nathan Hile on the 4th day of May 2005, beginning at the hour of 8:30 o'clock a.m. at the Egan Convention Center in Anchorage, Alaska;

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

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

DATED at Anchorage, Alaska, this 11th day of May 2005.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/08