

1 SOUTHEAST ALASKA FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3
4 PUBLIC MEETING

5
6 VOLUME II

7
8 Saxman, Alaska
9 March 17, 2010
10 9:00 clock a.m.

11
12
13 COUNCIL MEMBERS PRESENT:

- 14
15 Bertrand Adams, Chairman
16 Michael Bangs
17 Michael Douville
18 Merle Hawkins
19 Harvey Kitka
20 Floyd Kookesh
21 Jack Lorrigan
22 Cathy Needham
23 Patricia Phillips
24 Frank Wright
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29 Regional Council Coordinator, Robert Larson

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P R O C E E D I N G S

(Saxman, Alaska - 3/17/2010)

(On record)

CHAIRMAN ADAMS: Good morning everyone.
Take your seats, please, and we'll get started.

(Pause)

CHAIRMAN ADAMS: Good morning everyone.
I just want to say that last night was very special. I think the performance of the Cape Fox dancers had a very strong and convincing message for us as members of this Council. To have been invited up there to sit as your leader I want to give credit to all of you for making me the type of person that I am right now. You guys have honed my skills and helped me move along and I just need to give you that credit and put it on record. I really appreciate working with you all and look forward to working in this capacity in the future.

Gunalcheesh.

Thank you very much.

We're going to try to move along pretty rapidly as we possibly can today, so we're now on item number 13, review and make recommendations on wildlife proposals. Before we start that I have a gentleman who would like to make a comment on a whole bunch of these proposals. It looks like maybe all of them. So Mr. Barry Brokken, would you please come forward and we'll take your comments right now and it will be on the record and you don't have to come up again after that.

Thank you.

MR. BROKKEN: Thank you very much. I'm Barry Brokken and I was sent here as the representative for the Juneau-Douglas AC for the Department of Fish and Game for the State. On January 7th it was a first for us and we were invited to participate in discussion on some of these wildlife proposals. We actually only address the ones we felt kind of concerned our particular area. Mr. Bangs was there to inform us essentially of how the RACs operate. I think most of our members were pretty unfamiliar with this entire process. Cal Casipit was there as well to kind of help

1 us through the understanding of the subsistence program
2 and where it is at this point in history.

3

4 I think for expediency purposes I will
5 just go through the proposals that we discussed and how
6 we supported or opposed. If you have any questions
7 regarding how those were determined, I'll do the best I
8 can through recollection on how these votes came to be.

9

10 The first we dealt with was Wildlife
11 Proposal 10-06 and we supported that proposal. 10-11
12 was subsistence hunting in the Juneau area and that was
13 opposed. Proposal 10-13 was supported. 10-14 was
14 unanimously opposed as was 10-18. Proposal 10-19 was
15 supported. 10-20 was actually split. We had 11
16 members present and the vote was 4/4 with 3 abstaining.
17 10-21 was unanimously opposed. 10-23 was opposed.
18 10-24 was opposed and 10-25 was opposed. Those last
19 three dealing with various wolf closure or modification
20 seasons. Those are the only ones.

21

22 CHAIRMAN ADAMS: Is that it? Okay.
23 Mr. Larson would like to know what you did with 21.

24

25 MR. BROKKEN: There was an awful lot of
26 discussion on this proposal and in the end I found it
27 interesting and I'll inflect some of the comments that
28 we heard here yesterday. A similar discussion was
29 taking place at our meeting. A lot of people that
30 various members knew that in fact did go to Hoonah and
31 hunt were either to be with family members hunting,
32 they grew up there, they had moved to Juneau or other
33 communities for economic reasons.

34

35 A lot of people in Juneau feel they
36 have close ties to Hoonah and to have that restricted
37 to only Hoonah residents eliminating Gustavus
38 residents, Angoon, essentially all other communities,
39 was not what they wanted to see and probably in the end
40 not in the best interest of the resource, particularly
41 on the subsistence level. If a Hoonah resident left
42 for any length of time, he wouldn't be able to come
43 back or she wouldn't be able to come back and hunt and
44 partake in that activity.

45

46 CHAIRMAN ADAMS: Thank you.

47

48 MR. LARSON: Was it supported or
49 opposed?

50

1 CHAIRMAN ADAMS: Was it supported or
2 opposed?

3
4 MR. BROKKEN: That was opposed
5 unanimously.

6
7 CHAIRMAN ADAMS: It was opposed. Okay.
8 Patty, do you have a comment, question for Mr. Brokken.

9
10 MS. PHILLIPS: Mr. Chair. You went
11 through 10-20 to 23 too fast for me.

12
13 MR. BROKKEN: 10-20 was -- and I'm
14 going to need to look at my minutes on that. If memory
15 serves, it was very similar to 19. I believe that the
16 consensus on 10-20 was that the current regulations
17 without them in front of me, I believe the
18 non-subsistence user season opens August 15th, so
19 there's currently a two-week period where Federally
20 qualified users essentially have a separate season
21 prior to the arrival of any non-qualified hunters and I
22 believe that that was -- just kind of felt that that
23 was adequate.

24
25 Then I see that also it was supported
26 on 19, which also altered the season for the antlerless
27 and that was supported -- it actually made the
28 antlerless season earlier and the main reason for that
29 -- the logic behind that vote being that I think they
30 were just a little more concerned with getting on to --
31 I may have this backwards as I'm looking at this. Yes,
32 19 was supported in that rather than having the
33 antlerless season October 15th through December 31st,
34 which was after the rut, and you would be harvesting
35 potentially pregnant does. That just wasn't in the
36 best interest of the resource and hence the split on
37 the 20th. Kind of encouraging that two week for the
38 subsistence user prior to non-subsistence.

39
40 CHAIRMAN ADAMS: Thank you, sir. Any
41 more questions or comments.

42
43 (No comments)

44
45 CHAIRMAN ADAMS: Thank you, sir.
46 Appreciate it.

47
48 MR. BROKKEN: Thank you very much for
49 your time.

50

1 CHAIRMAN ADAMS: You bet. Mr. Larson,
2 you have a notation on which ones they supported? You
3 do? So when it comes time for addressing those
4 proposals we should note what their position is.

5
6 I got a note here that the resolution
7 that you have before us for consideration, Patty,
8 Sealaska would like us to defer the resolution until
9 tomorrow because I think they want to come in and make
10 some comments about it as well. So if it comes up you
11 know we'll just go ahead and wait for it tomorrow.

12
13 MS. PHILLIPS: (Nods affirmatively)

14
15 CHAIRMAN ADAMS: Okay. Let's do
16 WP10-01. Mr. Brokken, there's a procedure that the
17 Council goes through their -- you know, they give an
18 analysis and then it's open for comments as I explained
19 yesterday and we take it from the governmental agencies
20 and you've already done yours, so you're already on
21 record as to what your positions are on all of these
22 proposals.

23
24 But the criteria that we follow to
25 determine whether a proposal is a good one or not are,
26 number one, is it supported by substantial data. You
27 know, we look at the analysis and is there enough data
28 to really help us understand that this proposal is a
29 good one. Is there a conservation concern. Then how
30 is it going to affect either way on subsistence and
31 non-subsistence users. Those will be things that the
32 Council members -- we always try to -- when a motion is
33 made, whoever the motioner was, give their reasons why
34 in the outline. If there's no conservation concern,
35 there's a lot of data to support it. It doesn't affect
36 subsistence users or non-subsistence users in any way.
37 So that's the process on how we handle these proposals.

38
39
40 That's why we are so disappointed.
41 When the Federal Subsistence Board doesn't give us
42 deference because we do a lot of work on these
43 proposals and we try to make sure that they are good
44 ones when we push it up the ladder. I just wanted to
45 share that with you so you understand that. Go ahead,
46 please.

47
48 MS. KENNER: Thank you, Mr. Chair.
49 Members of the Council. My name is Pippa Kenner and I
50 work with the Office of Subsistence Management in

1 Anchorage. The analysis for Proposal WP10-01 can be
2 found on Page 24 of the meeting book. The proposal was
3 submitted by the Office of Subsistence Management and
4 requests the addition of a definition for drawing
5 permit to the Federal subsistence management
6 regulations.

7
8 The existing Federal subsistence
9 management regulations do not include a definition for
10 drawing permit. However, because this term is used in
11 the hunting regulations, a definition should be
12 provided.

13
14 CHAIRMAN ADAMS: Excuse me. I kind of
15 jumped the gun here, but what we need to do is make a
16 motion to adopt this and then we'll listen to the
17 analysis. Does the Council want to take this up as a
18 matter of discussion. If so, we need a motion to do
19 so.

20
21 Thank you.

22
23 MS. PHILLIPS: Mr. Chair.

24
25 CHAIRMAN ADAMS: Patty.

26
27 MS. PHILLIPS: Mr. Chair. Move to
28 approve WP10-01.

29
30 MR. BANGS: Second.

31
32 CHAIRMAN ADAMS: It's been moved and
33 seconded. Now we are in discussion. Go ahead. Oh,
34 it's not to -- move to adopt is what the motion should
35 be.

36
37 MS. PHILLIPS: Mr. Chair. Move to
38 adopt WP10-01.

39
40 CHAIRMAN ADAMS: Thank you. And then
41 the second is okay?

42
43 MR. BANGS: (Nods affirmatively)

44
45 CHAIRMAN ADAMS: All right. Go ahead.

46
47 MS. KENNER: This proposal is to
48 include a definition of drawing permit in the Federal
49 regulations. The proposal would apply to the entire
50 state.

1 The OSM preliminary conclusion is to
2 support with modification to simply and clarify the
3 definition. The modification would read, a drawing
4 permit is a permit issued to a limited number of
5 Federally qualified subsistence users selected by means
6 of a random drawing.

7
8 The definition clarifies a term that is
9 used in the Federal regulations and does not affect
10 fish and wildlife populations, subsistence uses or
11 other uses. The modified wording simplifies the
12 definition and makes it clear that drawing permits are
13 based on a random drawing for all similarly situated
14 Federally-qualified subsistence users.

15
16 Thank you, Mr. Chair. I'm done with my
17 presentation and I would be happy to answer questions.

18
19 CHAIRMAN ADAMS: Sure. Thank you. Is
20 there any questions from the Council?

21
22 (No comments)

23
24 CHAIRMAN ADAMS: Comments. Jack, go
25 ahead.

26
27 MR. LORRIGAN: Mr. Chairman, thank you.
28 What was the confusion in the past? This developed out
29 of something. What was that?

30
31 MS. KENNER: Mr. Chair. I'm not aware
32 of any confusion that has occurred recently. I believe
33 the proposal is more because it's anticipating problems
34 that might occur in the future and also because we use
35 this term in the regulations without it being in the
36 definitions, so this proposal should be looked at
37 probably as housekeeping.

38
39 CHAIRMAN ADAMS: Okay, Jack.

40
41 MR. LORRIGAN: (Nods affirmatively)

42
43 CHAIRMAN ADAMS: Good. Any more
44 questions, comments.

45
46 (No comments)

47
48 CHAIRMAN ADAMS: Thank you. We'll take
49 comments now from State people.

50

1 MR. PAPPAS: Good morning, Mr. Chair.
2 Members of the Council.

3
4 CHAIRMAN ADAMS: Good morning, George.
5 Welcome.

6
7 MR. PAPPAS: George Pappas, Department
8 of Fish and Game, Subsistence Liaison Team. A quick
9 note. The Department has not made comments on the
10 statewide proposals at all the RAC meetings so far and
11 we have not made comments on C&T proposals. We want to
12 hear the public input, new information, the RAC's input
13 before we finalize our positions specifically on the
14 statewide and C&T proposals, but we do have comments
15 for the remainder of the proposals for your region.

16
17 Thank you, Mr. Chair.

18
19 CHAIRMAN ADAMS: Thank you, George.
20 Appreciate it. Let me see. Other Federal, State and
21 tribal agency comments.

22
23 (No comments)

24
25 CHAIRMAN ADAMS: Tribal governments.

26
27 (No comments)

28
29 CHAIRMAN ADAMS: InterAgency Staff.

30
31 MR. LARSON: Mr. Chairman. The timing
32 of this proposal is such that there's been other
33 Advisory Committees act on it prior to this meeting.
34 The Yukon-Kuskokwim Delta Regional Advisory Committee
35 voted to support as modified in the OSM preliminary
36 conclusion. Western Interior, the same support with
37 modification. Seward support. Northwest Arctic
38 support without modification. Eastern Interior support
39 as modified. The Wrangell-St. Elias SRC voted to
40 support with OSM modification. One item that the SRC
41 recommended was that each Regional Advisory Council
42 should look at this proposal before it's adopted by the
43 Board, which they are in the process of doing.

44
45 Thank you.

46
47 CHAIRMAN ADAMS: Thank you, Robert.
48 InterAgency Staff Committee comments. Cal.

49
50 MR. CASIPIT: Thank you, Mr. Chair.

1 I'm Cal Casipit. I'm the subsistence staff biologist
2 for the Forest Service. Steve, who is the Staff
3 Committee member for the Forest Service, he's got
4 another meeting this morning, but he's going to
5 hopefully get here pretty quick. Basically I wanted to
6 say that you will notice in your books that there are
7 no comments from the InterAgency Staff Committee on
8 your proposals. That's because in this compressed
9 regulatory cycle Staff Committee's comments have been
10 already incorporated into your analyses before you.
11 This will probably be the last time you'll see me up
12 here giving Staff Committee comments for your
13 proposals, but there's other Staff Committee members
14 here that will be more than willing to answer questions
15 or help you get through portions of your book. Right
16 now our comments are incorporated into each analyses.

17
18 CHAIRMAN ADAMS: But if you're needed,
19 you're available.

20
21 MR. CASIPIT: Yeah, we're here. Steve
22 will be here. Warren is back there. So there's plenty
23 of people here to help you through.

24
25 CHAIRMAN ADAMS: Thank you, Cal. Mr.
26 Douville.

27
28 MR. DOUVILLE: Thank you, Mr. Chair. I
29 missed some of what George said, but somehow I got out
30 of it that the State was reserving their comments until
31 after we made our comment. I think I picked that out
32 of it. Once we start our deliberations there will be
33 no further comment unless requested by the RAC. I
34 would also point out that further comment down the road
35 beyond the RAC after it leaves us is unethical and was
36 never allowed by Chairman Littlefield and Chairman
37 Thomas. So if you cannot make your comment before we
38 go into deliberations and then you've lost your
39 opportunity.

40
41 CHAIRMAN ADAMS: You're absolutely
42 correct. No more comments after we have adopted or
43 determined what the proposal is going to be. Is that
44 the position you still want to take? Do you want to
45 make a comment or not?

46
47 MR. PAPPAS: Thank you, Mr. Chair. Mr.
48 Douville. I understand. You mentioned that to me a
49 couple RAC meetings ago. These are statewide
50 proposals. Many of them are housekeeping in nature.

1 Maybe not part of our purview. For the C&T proposals,
2 it's based on new information besides the analysis and
3 we're waiting also before I finalize our position to
4 incorporate that into our comments. I fully
5 understand, but the ones that are region specific for
6 harvest we do have comments. As you said, we won't
7 make comments once you open up deliberations unless you
8 ask us.

9

10 Thank you, Mr. Chair.

11

12 CHAIRMAN ADAMS: Get me straight here.
13 We don't need to call you on any of the proposals that
14 are coming after this?

15

16 MR. PAPPAS: I'm sorry, Mr. Chair.
17 Proposal 01 to 05 and the two C&T proposals we don't
18 have comments on. We've done the statewide.

19

20 CHAIRMAN ADAMS: Okay. No comments on
21 that, but you're going to have comments on the rest.

22

23 MR. PAPPAS: Oh, yes, sir.

24

25 CHAIRMAN ADAMS: Thank you, sir. That
26 helps me. Any Subsistence Resource Commission people
27 here.

28

29 (No comments)

30

31 CHAIRMAN ADAMS: Fish and Game Advisory
32 Committees.

33

34 (No comments)

35

36 CHAIRMAN ADAMS: Did you share with us
37 the written comments already, Mr. Larson?

38

39 MR. LARSON: Mr. Chairman. There are
40 no public comments

41

42 CHAIRMAN ADAMS: How about public
43 testimony anyone.

44

45 (No comments)

46

47 CHAIRMAN ADAMS: Okay. We're going to
48 go into deliberation. What's the wish of the Council
49 on this proposal.

50

1 MR. DOUVILLE: Mr. Chair.
2
3 CHAIRMAN ADAMS: Mr. Douville, go
4 ahead.
5
6 MR. DOUVILLE: Thank you, Mr. Chair.
7 The motion was to support the proposal. It appears to
8 me that there's a modification and I would support the
9 proposal with the modification. I don't know if that
10 was the motion-maker's intent or not.
11
12 CHAIRMAN ADAMS: Yeah, that was an
13 oversight on my part because I was going to point out
14 that there was a modification and that if the Council
15 wants to adopt the modification part of it. Patty, do
16 you have a comment on that.
17
18 MS. PHILLIPS: Mr. Chair, is it
19 appropriate to amend. So move to amend the motion to
20 support Proposal WP10-01 with modification.
21
22 CHAIRMAN ADAMS: Thank you, Patty.
23 That was appropriate. Is there a second.
24
25 MR. BANGS: (Nods affirmatively)
26
27 CHAIRMAN ADAMS: Mr. Bangs seconded it.
28 We're going to vote on the amendment now. All in favor
29 of the amendment say aye.
30
31 IN UNISON: Aye.
32
33 CHAIRMAN ADAMS: Opposed.
34
35 (No opposing votes)
36
37 CHAIRMAN ADAMS: Now back to the main
38 motion. Any further comments on that. Mike, go ahead.
39
40 MR. DOUVILLE: Thank you, Mr. Chair. I
41 fully support the proposal with modification. It looks
42 pure and simple to me as a housekeeping item and I have
43 no issue with it.
44
45 CHAIRMAN ADAMS: I'm going to support
46 the proposal as well. I'm going to address the four
47 criteria. I don't see any conservation concern. I
48 believe that there's enough data to support the
49 proposal as it was amended and there doesn't seem to be
50 any problems with adversely affecting subsistence or

1 even non-subsistence users. With that, I'm going to
2 support the proposal. Anyone else like to make a
3 comment.

4

5 (No comments)

6

7 MR. BANGS: Question.

8

9 CHAIRMAN ADAMS: The question has been
10 called for. All in favor, please say aye.

11

12 IN UNISON: Aye.

13

14 CHAIRMAN ADAMS: Opposed same sign.

15

16 (No opposing votes)

17

18 CHAIRMAN ADAMS: Motion is carried.

19 Down number 01. 03.

20

21 MS. KENNER: Mr. Chair. Members of the
22 Council. My name is Pippa Kenner with the Office of
23 Subsistence Management.

24

25 CHAIRMAN ADAMS: Just a minute. We
26 need an adoption of this proposal before we go any
27 further.

28

29 MS. NEEDHAM: Mr. Chair. I propose to
30 adopt Wildlife Proposal 10-03 as modified.

31

32 CHAIRMAN ADAMS: Robert, go ahead.

33

34 MR. LARSON: Mr. Chairman. Before we
35 go any further, just a reminder of process. Normally
36 the proposals are put on the table by a move to adopt.
37 At that point we'll hear the discussions and comments
38 on the proposal, but it's the proposal as written.
39 Once we hear the Staff analysis and the testimony,
40 then, of course, the Council can make it its own and
41 deliberate, but the right process is move to adopt so
42 that the Council indicates that they want to have this
43 discussion and at that point then we can amend or
44 approve or discuss, enter into deliberations. So
45 that's the right wording. Move to adopt first and then
46 make it your own. After that then you can move to
47 support or amend or whatever you'd like. Some
48 subsidiary motion.

49

50 Thank you.

1 CHAIRMAN ADAMS: Thank you for that
2 clarification, Mr. Larson. We do have 02 to take care
3 of too. I kind of jumped the gun there. What's the
4 status of WP10-02, which was deferred from a previous
5 proposal. Do we need to address that? Is that the
6 next proposal? I jumped from 01 to 03 and then I
7 failed to look at number 02.

8
9 MS. KENNER: I would ask Bob Larson to
10 answer that question. This is Pippa Kenner.

11
12 MR. LARSON: Mr. Chairman. Proposal
13 10-02 is a proposal concerning use of bear handicrafts.
14 It's contingent upon the work of the bear handicrafts
15 workgroup and that group has not met and they don't
16 have a recommendation. It's the suggestion of the
17 Staff that any discussions of 02 would be premature
18 until the workgroup has met and that's the actions that
19 all of the other Regional Advisory Councils has taken,
20 to take no action, don't put that on the table yet.
21 We'll take it up at some later date after the workgroup
22 has met.

23
24 CHAIRMAN ADAMS: It says here that the
25 working group will meet sometime during the spring of
26 2010, so that hasn't happened yet. I apologize for
27 jumping the gun there.

28
29 MS. PHILLIPS: Mr. Chair.

30
31 CHAIRMAN ADAMS: Patty.

32
33 MS. PHILLIPS: Thank you, Mr. Chair. I
34 don't agree that we're jumping the gun. The RAC has
35 taken a prior position on bear claws and I would like
36 the RAC to reaffirm its position as stated by our past
37 actions and the representation by Chairman John
38 Littlefield to the Federal Subsistence Board on our
39 position should be reaffirmed as well. So I move to
40 reaffirm our prior position as stated by prior actions
41 by the RAC and by Chairman John Littlefield.

42
43 CHAIRMAN ADAMS: Thank you, Patty.

44
45 MR. BANGS: Second.

46
47 CHAIRMAN ADAMS: Seconded by Mr. Bangs.
48 Discussion. Mr. Douville.

49
50 MR. DOUVILLE: Thank you, Mr. Chair. I

1 agree with what Patty is saying, but what I don't
2 understand, I can't remember how we got here and I know
3 we did this in Yakutat and I have had a long time to
4 think about this. I don't support going here with this
5 workgroup because nobody has presented evidence that
6 there is a problem. It's a perceived one and there's
7 no evidence to show there actually is one. So you're
8 trying to fix something that hasn't been proven that
9 it's broken. I don't know how we can start of where we
10 were in Yakutat if you will. I can't remember what
11 action we took there in other words. But after
12 thinking about this for that long, I do not wish to re-
13 examine this after all the work it took to get here to
14 begin with. Chairman Littlefield, like I said, was
15 instrumental.

16
17 CHAIRMAN ADAMS: I remember reading the
18 minutes from the Federal Subsistence Board when Mr.
19 Littlefield testified there and maybe Pete can help us
20 understand the reasons why it was deferred and
21 everything. I can't think of it right offhand right
22 now.

23
24 Mr. Probasco, go ahead.

25
26 MR. PROBASCO: Thank you, Mr. Chair. I
27 think the comments by Ms. Phillips are appropriate as
28 far as the Council's comments back to the Board, but
29 you'll recall that when the Board took this proposal up
30 to take action on it, the State of Alaska voiced
31 concerns about the sale and more importantly the
32 tracking of any type of handicraft made from the brown
33 bears. The Board listened to that testimony and was
34 compelled to defer action on the proposal to allow the
35 opportunity to see if, one, there is an issue with this
36 and, two, is there a means to more accurately track any
37 types of these sales.

38
39 What the workgroup may come up with is
40 uncertain at this point in time, but the Board felt
41 that it was important to at least allow that
42 opportunity. I don't think at this point in time it
43 compromises any type of recommendations by any of the
44 Regional Advisory Councils, but I think it's important
45 that you maintain vigilance on this. At the same time,
46 continue like Mr. Douville said, your comments, as far
47 as demonstrations of any potential problems, which
48 we're not aware of any, and continue with that type of
49 feedback. The Board has instructed Staff to work with
50 this working group, so that's on a course already and

1 we have to complete that.

2

3 Your comments are appropriate at this
4 time.

5

6 Mr. Chair.

7

8 CHAIRMAN ADAMS: Thank you, Pete. Any
9 idea when the working group will be completed with this
10 project?

11

12 MR. PROBASCO: Thank you, Mr. Chair. I
13 have a -- Dr. Polly Wheeler, my deputy, is the lead for
14 OSM and she is hoping to have this completed sometime
15 this summer. The complication is getting this group
16 together, primarily the RAC members that serve on this
17 just because of their conflicting schedules. To date
18 the agencies have met, but myself and some of the Board
19 members were concerned that the opportunity for Council
20 members to participate in this workgroup had not
21 materialized as expected. In other words, the agencies
22 have met, but the attendance by RAC members appointed
23 to the committee have not been to the degree that it
24 should be. So that's why they're allowing additional
25 opportunity because we do need the Regional Advisory
26 Council members assigned to this committee to
27 participate.

28

29 Mr. Chair.

30

31 CHAIRMAN ADAMS: Do we know if anyone
32 from the RAC has been appointed to sit on that working
33 group?

34

35 MR. PROBASCO: Mr. Chair. Mr. Floyd
36 Kookesh is.....

37

38 CHAIRMAN ADAMS: Is he the only one?

39

40 MR. PROBASCO: I can get the full list,
41 but I don't have it in front of me.

42

43 CHAIRMAN ADAMS: Anyway, I think it's
44 appropriate, you know, Patty, for your motion to
45 support or affirm John Littlefield's position on this
46 and then we can just go ahead and let the working group
47 come back and give us a report later on.

48

49 Thank you. Patty, go ahead.

50

1 MS. PHILLIPS: Thank you, Mr. Chair.
2 Mr. Probasco. Thank you for the explanation on the
3 working group status. However, I think the Federal
4 Subsistence Board OSM can better spend our money
5 elsewhere rather than trying to pull together a working
6 group to try and address the sale and tracking of
7 handicraft from brown bear. You said the agencies have
8 met. What are those preliminary discussions? Which
9 way are they leaning?

10
11 Thank you.

12
13 MR. PROBASCO: Mr. Chair. Ms.
14 Phillips. Some of the findings that the agencies have
15 discovered is there may possibly be a method of
16 tracking these handicrafts. The specifics to them I
17 can't speak to that because I'm not knowledgeable at
18 it, but I do know that there are some methods that they
19 are looking at that seem they could be utilized and
20 have least impact on the user.

21
22 Mr. Chair.

23
24 CHAIRMAN ADAMS: Thank you. Go ahead,
25 Jack.

26
27 MR. LORRIGAN: Thank you, Mr. Chairman.
28 I had a nice discussion with Mr. Littlefield on this
29 very topic and he's even more adamant that this
30 proposal stand as he proposed it. He feels if there's
31 a problem, it should be coming from the grassroots
32 level and not from top down. If the legal harvest of
33 brown bears one every four years and people are doing
34 it legally, then he absolutely doesn't see a problem
35 with this.

36
37 Thank you.

38
39 CHAIRMAN ADAMS: Thank you, Jack. Any
40 other comments. Merle.

41
42 MR. HAWKINS: Yeah, I'm support of
43 this, especially in light of what we just heard from
44 the State about seeing black bears as furbearer and
45 some of the abuses that might come about because of
46 what they're looking to do, so that just made me think
47 even more that the stance that we're taking is correct.

48
49 CHAIRMAN ADAMS: Thank you, Merle.
50 Pippa.

1 MS. KENNER: Thank you, Mr. Chair.
2 Just a point of clarification. This proposal, the
3 deferred proposal, does apply to brown bear only.
4
5 Thank you.
6
7 CHAIRMAN ADAMS: It does apply to brown
8 bear only?
9
10 MS. KENNER: That's correct, Mr. Chair.
11
12 CHAIRMAN ADAMS: Ready to act on this.
13 Ready to vote.
14
15 MR. BANGS: Question.
16
17 CHAIRMAN ADAMS: The question has been
18 called. All in favor say aye.
19
20 IN UNISON: Aye.
21
22 CHAIRMAN ADAMS: Opposed.
23
24 (No opposing votes)
25
26 CHAIRMAN ADAMS: We need a motion to
27 adopt the next proposal we have before us WP10-03.
28
29 MR. LORRIGAN: Mr. Chairman. I move to
30 adopt WP10-03 for consideration.
31
32 CHAIRMAN ADAMS: Thank you, Jack. Is
33 there a second.
34
35 MR. KITKA: Second.
36
37 CHAIRMAN ADAMS: It's been seconded by
38 Harvey. It's open for discussion. Pippa, go ahead.
39
40 MS. KENNER: Thank you, Mr. Chair.
41 Members of the Council. This is Pippa Kenner with OSM.
42 The analysis for WP10-03 begins on Page 27 of the
43 meeting book. This proposal was submitted by the
44 Office of Subsistence Management and it requests the
45 addition of a general provision in Federal regulations
46 to allow the harvest of fish and wildlife by
47 participants in a cultural or educational program.
48
49 This proposal is a housekeeping measure
50 intended to provide clarify in the guidelines for

1 issuing permits for the harvest of fish and wildlife by
2 these programs.

3
4 Most of these requests are for cultural
5 camps sponsored by Native nonprofit organizations. The
6 permits are typically requested both to teach cultural
7 activities associated with harvest and to provide food
8 for participants in the program. Once a program has
9 been approved for a permit, follow-up requests,
10 referred to as repeat requests in the regulation, may
11 be made annually for up to five years by the same
12 program to harvest the same animal species and amount
13 without going back to the Federal Subsistence Board.

14
15 The original proposal has been modified
16 to simplify the regulation. The modified regulation
17 describes a qualifying program. It must have
18 instructors, enrolled students, minimum attendance
19 requirements and standards for successful completion of
20 the course. The modified regulation alerts the public
21 that Staff needs time to process the request, but
22 allows Staff to process applications received at any
23 time, which is basically what we do now. Applications
24 should be submitted 60 days prior to the earliest
25 desired date of harvest.

26
27 The modified regulation gives
28 instruction to fish and wildlife managers. Harvest
29 must be reported and any animals harvested will count
30 against any established Federal harvest quota for the
31 area in which it is harvested. Finally, the modified
32 regulation describes how to distribute permits for
33 repeat requests. Requests for follow-up permits must
34 be submitted to the in-season or local manager and
35 should be submitted 60 days prior to the earliest
36 desired date of harvest.

37
38 The OSM preliminary conclusion is to
39 support the modified proposal. Thank you, Mr. Chair.
40 I'm done with my presentation and I'd be happy to
41 answer questions.

42
43 CHAIRMAN ADAMS: Any questions.
44 Harvey.

45
46 MR. KITKA: Thank you, Mr. Chair. I
47 had some questions on Page 29 dealing with a number of
48 mammals and the number of fish per culture and
49 education. Some of our culture is doing -- especially
50 since I lost my father, who was a person of some

1 standing, and I figure in two years they're going to
2 have a memorial potlatch and it's going to be a big
3 one. If 25 fish can feed 1,000 people, I'd like to see
4 that. Or one deer to feed 1,000 people. I'd really
5 like to be able to see that. This thing says per
6 cultural event. Some of these things are just a little
7 out of reason and I would object to that.

8

9 Thank you.

10

11 MS. KENNER: Thank you, Mr. Chair. The
12 modified proposal takes out all references to numbers
13 and time. There are references to time limits, but
14 they are indicated as shoulds rather than musts. It
15 was, in part, to address the issue that you're
16 mentioning. So on Page 32 the modified regulation --
17 the ISC commented on just what you're saying now and we
18 changed it, so if you could review that and let me know
19 if you have additional comments.

20

21 Thank you.

22

23 CHAIRMAN ADAMS: So Pippa did you say
24 something in reference to changing some words from must
25 to should?

26

27 MS. KENNER: Yes, Mr. Chair. From the
28 original, from as OSM proposed it, the revised modified
29 regulation requests that people who are -- qualifying
30 programs requesting one of these permits should be --
31 should submit the request 60 days prior to the earliest
32 date of harvest. However, the way we practice this now
33 is we attempt to process all requests in a timely
34 manner.

35

36 CHAIRMAN ADAMS: Mr. Douville.

37

38 MR. DOUVILLE: Thank you, Mr. Chair.
39 We have a system that works for special purposes
40 including ceremonies and potlatches, which are really
41 simple and I think you can get the permit from your
42 local district ranger. What makes this so much
43 different that you have to go to the Federal
44 Subsistence Board 60 days prior? I mean it's virtually
45 the same thing and it could have been worded onto what
46 already exists and make it simple instead of
47 complicated.

48

49 MS. KENNER: Thank you, Mr. Chair.

50 There's a couple of issues that came up in your

1 question and I'll do my best to explain them. The
2 Federal regulations contain unit-specific exceptions to
3 the general regulations, but in general for a funeral
4 if somebody has died you go to the local ranger or
5 authority. You don't request a permit. You don't need
6 60 days. You work it out with them. These permits
7 generally relate to culture camps that are repeated and
8 in devising -- several years ago the Board instructed
9 OSM to use certain guidelines and we have been using
10 them.

11
12 However, they haven't been written down
13 and the regulations that are written down are confusing
14 because one applies just to fish and one applies to
15 fish and wildlife and they contradict one another
16 sometimes, so we have a lot of new staff and when new
17 staff come on and new ISC members and new Board
18 members, we've been going through this process over and
19 over again of trying to figure out exactly what the
20 Board has instructed us to do. So one of the ways of
21 taking care of that is by putting general, well-written
22 regulation into Federal regulations that clearly state
23 how this process is done and, thereby, when new people
24 come on they will understand where our guidelines come
25 from specifically.

26
27 Also, another issue, we wanted to
28 create a general regulation, a good regulation that
29 applies to many situations but we can't put specifics
30 in -- we shouldn't put specifics in a regulation for
31 each species. So, for instance, a person -- we have
32 had culture camps or college courses come to OSM and
33 want to harvest a sheep or a goat while others want to
34 harvest a deer or five deer. Well, sometimes there's
35 management concerns that we are working with the State
36 on, so this kind of slows the process down, so when we
37 get a request for an animal for which there is a
38 conservation concern, there's an assessment process
39 that goes on and it gives the State time to comment and
40 other people concerned about conservation.

41
42 Thank you.

43
44 CHAIRMAN ADAMS: Okay. Jack and then
45 Frank.

46
47 MR. LORRIGAN: Thank you, Mr. Chairman.
48 Ms. Kenner. After having gone to the Board of Game I
49 feel I see an inconsistency with this. The Board of
50 Game, in compliance with the supreme court, fumed the

1 Religious Freedom Act, requires that a tribal chief,
2 village council clan leader designee must notify the
3 nearest office or department that a hunt for a game
4 will take place.

5
6 To me, the 60 day prior notice to bring
7 that in -- if these are culture camps that we're
8 talking about, then culturally speaking the reason they
9 put that in is some cultures don't believe you're
10 supposed to say I'm going hunting, I'm going to get
11 this, I'm going to go get that. It projects an
12 arrogance or contempt for the animal and I feel this
13 does that. The Federal one does that and the State
14 just brought theirs into align.

15
16 The idea that they took the written
17 permit from the Department is not required for taking
18 game. They want you to tell us where you're going to
19 go hunting so we know to let enforcement know that's
20 what you're doing. If this is a culture camp, then I
21 feel that would be culturally relevant too. There's a
22 reporting requirement after an animal is taken from an
23 area and, to me, I think that would make both these
24 kind of fit since we're talking culture.

25
26 MS. KENNER: Thank you, Mr. Chair.
27 There's a couple of issues here. First of all, when
28 Harvey Kitka brought up the memorial, a memorial
29 potlatch in this sense would fall into a more general
30 category for distributing permits. What this proposal
31 refers to specifically are educational and cultural
32 camps, specifically college courses, courses that
33 rehabilitation programs want to participate in or
34 administer to others. There's another provision for
35 funerary and mortuary harvest and they do not require
36 prior notice except I believe you must report after the
37 harvest to the local land manager and I will check if
38 you need to report for the harvest, but I don't think
39 you do. I think the State and Federal regulations
40 concerning funerary and mortuary potlatches are the
41 same.

42
43 MR. LORRIGAN: Mr. Chairman.

44
45 CHAIRMAN ADAMS: Jack, go ahead. I
46 think Frank was next and then you.

47
48 MR. WRIGHT: He has follow up.

49
50 CHAIRMAN ADAMS: Follow up, go ahead.

1 MR. LORRIGAN: Thank you, Mr. Chairman.
2 I understand that -- I just see this as cultural,
3 whether it's a funeral or you're taking kids out to
4 teach them how to hunt. It's the same thing I would
5 teach my kids no matter what age they are, you don't --
6 the way I've been taught is you don't go out and say
7 I'm going hunting for this and that, we're going to get
8 one, and I think that's what permitting -- that's the
9 idea behind the Board of Game permitting, was to allow
10 that cultural lesson to be taught. I'm not seeing a
11 difference here. If you're trying to teach a culture
12 camp, that is whether it's for a funeral or for
13 culture, I camp -- I'm not separating the two and I
14 don't see why that's necessary. I don't know if I'm
15 wrong, but that's the way I feel about this. If it's
16 for a funeral, okay. If it's culture, that's -- I'm
17 not seeing it, sorry.

18
19 CHAIRMAN ADAMS: Frank, I'll make a
20 comment and then you're next, okay. You know, in
21 Yakutat we have what is called a ceremonial permit.
22 You can get it from the Forest Service or from the
23 tribe and it encompasses all of the ceremonies that
24 have been talked about, memorial service, culture camp,
25 potlatches and so forth. All one has to do is go get
26 this permit and fill it out and they're free to go and
27 get it and then come back and report. To me that's
28 very simple. I don't know why we're going through a
29 process like this right now. If we can simplify it in
30 that manner, I think it would be a lot better. That's
31 my comment on that.

32
33 Go ahead, Frank.

34
35 MR. WRIGHT: Thank you, Mr. Chairman.
36 I was looking at this and I was wondering about --
37 you're talking instructors. Last fall I went out and
38 got something like 600 chum salmon for the community
39 and one of the things is that my sister teaches my
40 nieces or my nephews to cut fish, so that's a cultural
41 thing. I don't know if we have to have instructors be
42 certified. To me, as a Tlingit person taking my
43 nephew, I'm an instructor. Not certified by State or
44 anything.

45
46 Another issue is the 60-day notice.
47 When the State gave me the permit last fall, it was to
48 go to Excursion Inlet, which is part Federal because
49 it's part of Glacier Bay, but you could have thousands
50 of chum in that bay that day and the next day they will

1 be gone. So it's kind of like when you get 60 days,
2 then you have to be there every day to do it to try to
3 get a hold of chum. When you have 60-day prior notice,
4 you're hoping it's going to be there and you don't want
5 to go to Excursion every day.

6
7 I remember two years ago I got another
8 permit from the State and I went there and there was
9 not one fish in the bay. Last year I lucked out and I
10 got a permit for 400 and I accidently caught 600, but
11 the State just said okay. I had all that fish off my
12 boat in two hours. The community came down and took
13 it.

14
15 So I'm just wondering about the
16 instructor thing because who's the instructor,
17 especially when it's being culturally -- you know,
18 people are instructing younger people to do things like
19 this.

20
21 Thank you, Mr. Chair.

22
23 CHAIRMAN ADAMS: Thank you, Frank.
24 Merle.

25
26 MR. PROBASCO: Excuse me, Mr. Chairman.

27
28
29 CHAIRMAN ADAMS: Oh, Pete. Excuse me,
30 Merle.

31
32 MR. PROBASCO: Listening to the
33 conversation here, it's become apparent and I believe
34 based on your comments, Jack and Frank, is that we're
35 starting to confuse two issues here. This is a
36 cultural educational permit that usually allows those
37 activities that occur outside of the Federal
38 subsistence hunt or fishery. In your case, when you're
39 harvesting for the community, your subsistence
40 fisheries permit. This is to allow those type of camps
41 or educational opportunities to occur legally outside
42 of a given season or even within a season. This
43 permitting system has no effect on your ability during
44 normal Federal season to take youth, your children, et
45 cetera and teach them about your culture and your
46 hunting or fishing activities.

47
48 You need to focus on this is a
49 permitting system that brings both fish and wildlife
50 into one arena and that it clarifies how the permits

1 are issued. Don't get stuck on the 60 days. It says
2 it should, however the practice has been we've received
3 requests much later than that. In other words, in a
4 very short time frame and to date we have met those.
5 So it's a process and I'm repeating myself, but it
6 keeps those cultural, those educational camps legal and
7 allows them to occur.

8

9 Mr. Chair.

10

11 CHAIRMAN ADAMS: Thank you, Pete.
12 Well, you know, if you're asking us not to worry about
13 that 60 day notice, why don't we just take that out of
14 there.

15

16 MR. PROBASCO: Mr. Chair. The reason
17 for the 60 days, and it says it should, it doesn't say
18 must, but the should is to give both the user and the
19 people issuing the permit time to address the permit
20 request and issue the permit in a timely manner. We
21 haven't come across yet, but there could conceivably be
22 requests where you have a population that has some
23 conservation or biological concerns and being able to
24 address those and maybe come up with a resolution where
25 the camp can occur, et cetera, will take time.

26

27 Mr. Chair.

28

29 CHAIRMAN ADAMS: Merle.

30

31 MS. HAWKINS: Well, I think he answered
32 my question, but my point was going to be most cultural
33 camps that I'm familiar with KIC, Saxman, Hydaburg,
34 their cultural camps are usually run by the tribes and
35 not by the schools, so they don't have instructors or
36 enrolled students or minimum attendance.

37

38 CHAIRMAN ADAMS: Thank you for that,
39 Merle. Mr. Douville.

40

41 MR. DOUVILLE: Thank you, Mr. Chair. A
42 qualifying program. I mean we don't know who
43 qualifies. Somebody else is deciding that and then it
44 has to have a minimum attendance requirement. Is that
45 one or 100? Can a non-rural entity file for this
46 permit? Do you know what I mean? Because it does
47 involve Federal land. There's a lot of things that
48 aren't in here. So I guess that would be my question.

49

50 MS. KENNER: Thank you, Mr. Chair.

1 Maybe if I could offer you some contrast. The reason
2 why there are requirements for enrolled students and
3 instructors, there's no requirement for certain
4 certifications or even numbers. However, if one or two
5 people came to the Federal program and applied for
6 educational and cultural permit and they wanted to go
7 hunt a moose out of season for their program, we need
8 to be able to ask them what are you teaching, are you
9 going to eat it, are you going to teach something,
10 who's going to be in this course you're offering. If
11 they can't answer those questions, they need to apply
12 for a permit through some other program that doesn't
13 include this one.

14

15 So that's the primary reason why that
16 stipulation is in there. Remember, we were trying to
17 write a good regulation that was general enough to
18 encompass all the situations we envisioned while at the
19 same time not being so specific that it was impossible
20 for anybody to meet the criteria. For instance, must
21 be submitted 30 days before or anything like that.

22

23 Thank you, Mr. Chair.

24

25 CHAIRMAN ADAMS: How are we doing,
26 folks. There's a lot of unanswered questions here, but
27 I doubt whether we would be able to address them all in
28 a morning or so.

29

30 MR. WRIGHT: Mr. Chair.

31

32 CHAIRMAN ADAMS: Frank, go ahead.

33

34 MR. WRIGHT: Do you have like a
35 criteria for kind of a guideline of how to go about
36 doing this. I think that would be helpful on how to do
37 something like this because if someone wants to apply
38 for a permit or anything like that, then you've got to
39 have something to go on. Then I know they can get it
40 or they can't get it or something like that.

41

42 Thank you, Mr. Chair.

43

44 CHAIRMAN ADAMS: Go ahead, Pippa.

45

46 MS. KENNER: Thank you, Mr. Chair.
47 What's been happening in the past for quite a few years
48 now is that on Page 12 of the Federal regulations it is
49 a description of how to obtain a cultural and
50 educational permit. One of the problems is the

1 guidelines in this paragraph do not exist in
2 regulation. The guidelines we are using differ from
3 what's in here. What we do is actually more liberal
4 than what we actually have in the handy-dandy. So
5 before we update the handy-dandy, this document, to
6 make it clear to everybody what the guidelines are, we
7 decided to clean up the regulations because the
8 regulations are in conflict and impossible to
9 understand at this point.

10

11 So this was to eliminate all reference
12 to these specific permits in the fish and wildlife
13 regulations and Federal regulations and replace it with
14 this clearly stated regulation from which the
15 guidelines follow that go into the handy-dandy. So
16 instead of you must apply 30 days before you need a
17 permit, it's you should apply 60 days before to alert
18 us that this is coming up.

19

20 Thank you.

21

22 CHAIRMAN ADAMS: Harvey.

23

24 MR. KITKA: I have a question basically
25 to the Council. Page 32 of our book, the regulation
26 that I read, general regulations, it says must and I
27 don't know where you guys are getting the shall. I
28 don't know if you modified it somewhere, but we don't
29 have that modification.

30

31 MR. PROBASCO: Mr. Chair. Mr. Kitka.
32 I think what you're looking at is the first sentence
33 that says what a program must contain. In other words
34 you've got to have an instructor, you've got to have
35 students, you've got to have a minimum attendance. The
36 purpose of that is to define what constitutes a
37 cultural or educational permit. Where the should comes
38 in is under the number of days that the permit has to
39 be submitted. If you look at the fourth line, it says
40 should be submitted 60 days prior. That's where the
41 must was removed and the should was in place.

42

43 Mr. Chair.

44

45 CHAIRMAN ADAMS: Thank you. I was
46 going to bring that up too. I kind of had a problem
47 with it and I still do. Enlighten me some more.

48

49 MR. PROBASCO: Mr. Chair and Council.
50 Again, we're focusing on cultural and educational

1 permits to develop regulations that allow that practice
2 to continue and prevent opportunities to misuse this
3 practice. A cultural and educational permit system, if
4 you look at the history of our program, has always
5 included an instructor and an elder, always had
6 students, and it had a purpose. I wish Mr. Littlefield
7 was here because he's one that does this annually and
8 he has a very good camp and that's a good model. We've
9 had situations in other areas of the state where this
10 has applied and, quite frankly, we question if it even
11 took place as far as an educational and cultural
12 permit, so we felt based on our practices, not how we
13 would like to conduct it, not captured in the
14 regulation and to further clarify so we can bring both
15 fish and wildlife into one arena. This is focusing on
16 cultural and educational programs and a regulation that
17 defines and protects that is necessary.

18

19 Mr. Chair.

20

21 CHAIRMAN ADAMS: Thank you. How are we
22 doing, folks. Any more questions, comments.

23

24 (No comments)

25

26 CHAIRMAN ADAMS: Go ahead, Pippa. You
27 went like that.

28

29 MS. KENNER: Thank you, Mr. Chair. I
30 did and then I changed my mind. I think we've moved on
31 now.

32

33 CHAIRMAN ADAMS: Okay. Thank you.
34 We'll go ahead and move on. The State says they're not
35 going to comment until after number 5. So other
36 Federal people want to comment.

37

38 (No comments)

39

40 CHAIRMAN ADAMS: Tribal comments.

41

42 (No comments)

43

44 CHAIRMAN ADAMS: InterAgency Staff.

45

46 (No comments)

47

48 CHAIRMAN ADAMS: Fish and Game Advisory
49 Committee. I'd remind Mr. Larson that Mr. Brokken made
50 his comment on that particular one here, so we need to

1 enter his comment into the record.

2

3 Summary of written comments.

4

5 MR. LARSON: Mr. Chairman. There are
6 no written public comments. We do have a communication
7 from the Sitka Advisory Committee and their suggestion
8 was that the proposal needs to be amended to allow the
9 harvest of more than one animal.

10

11 CHAIRMAN ADAMS: What's the Council
12 feel about that. Jack.

13

14 MR. LORRIGAN: I think it meant more
15 than one deer. Did it say more than one animal.

16

17 MR. LARSON: Mr. Chair. The proposal,
18 I believe said -- the rationale was deer, but I believe
19 the comments was mammal, but I could be wrong. I wrote
20 it down as mammal. But the idea was that deer is
21 smaller than a moose, so if you would allow one moose,
22 you would need to allow more than one deer.

23

24 CHAIRMAN ADAMS: Jack, you were there
25 at the meeting.

26

27 MR. LORRIGAN: It doesn't matter. That
28 was the intent, yes.

29

30 CHAIRMAN ADAMS: Because normally one
31 moose, you know, would take care of a pretty good
32 potlatch. Maybe more deer would be needed. Is that
33 addressed in the thing? No, it's not.

34

35 MR. WRIGHT: Mr. Chair.

36

37 CHAIRMAN ADAMS: Frank.

38

39 MR. WRIGHT: Mr. Chair. I believe one
40 deer wouldn't be enough and, you know, when you go out
41 to subsist, you see two deer on the beach, you're not
42 going to leave one because you're out there subsisting.
43 You're not there to spend all the money you can
44 possibly spend to go hunting. If you're going to get a
45 seal, you get seal. You're going to have a potlatch.
46 You can feed five or six hundred people with one deer,
47 so I think that has to be included somehow.

48

49 Thank you, Mr. Chair.

50

1 CHAIRMAN ADAMS: Thank you, Frank. I
2 think Robert has a comment to make.

3
4 MR. LARSON: Mr. Chairman. We need to
5 remember that this is a process from the original
6 proposal to the Staff Committee to public comments. So
7 there's been an evolution of what would be conceived or
8 perceived as the correct language to get the idea
9 across. Right now OSM proposed language incorporates
10 that idea that this permit could be allowed for more
11 than one animal. It's for wildlife. So there's quite
12 a bit of flexibility into OSM's proposed modification.

13
14 CHAIRMAN ADAMS: So in the permit when
15 you're filling it out you would say I need two or three
16 deer. Would that be how it would be addressed?

17
18 MR. LARSON: (Nods affirmatively)

19
20 CHAIRMAN ADAMS: Okay. Any other
21 comments.

22
23 (No comments)

24
25 CHAIRMAN ADAMS: Public testimony.

26
27 (No comments)

28
29 CHAIRMAN ADAMS: Hearing none or seeing
30 none. We'll go into Council deliberations. What is
31 the wish of the Council. Mr. Larson.

32
33 MR. LARSON: Mr. Chairman. The Yukon-
34 Kuskokwim Regional Advisory Council has voted to
35 support as modified by OSM. That's the same position
36 taken as the Western Interior, the Seward Peninsula,
37 the Northwest Arctic, Eastern Interior and the North
38 Slope Regional Advisory Councils.

39
40 The Wrangell-St. Elias Subsistence
41 Resource Commission also voted to support as modified.
42 In addition, they wanted to make sure that OSM
43 understood that they were not in favor of requiring a
44 60-day notice and they wanted two other items. One was
45 that a provision could be made to issue this permit to
46 a village council and that at least in their areas of
47 influence there in the Wrangell-St. Elias there is a
48 need for a joint State/Federal permit, so they could
49 see a need to coordinate with the State so a person
50 could go and obtain one permit without regard to areas

1 of jurisdiction.
2
3 Thank you.
4
5 CHAIRMAN ADAMS: Thank you, Mr. Larson.
6 Mr Douville.
7
8 MR. DOUVILLE: Thank you, Mr. Chair.
9 Are we done with the comment now? Are we under.....
10
11 CHAIRMAN ADAMS: Now we're into Council
12 deliberation, Mr. Douville.
13
14 MR. DOUVILLE: Thank you, Mr. Chair. I
15 support the modified version on Page 32.
16
17 CHAIRMAN ADAMS: Was your motion to
18 accept it?
19
20 MR. DOUVILLE: The original.
21
22 CHAIRMAN ADAMS: The original one?
23 So.....
24
25 MS. PHILLIPS: Mr. Chair. I moved to
26 adopt WP10-03 or somebody did.
27
28 CHAIRMAN ADAMS: I thought it was you.
29
30 MS. PHILLIPS: So now we need to amend
31 it.
32
33 CHAIRMAN ADAMS: Oh, it was you, Jack.
34 Yeah, if you want to adopt it as -- if there's an
35 amendment to it, if you want to use that language, you
36 can make your motion to that effect right away. I'm
37 sorry that I didn't bring that up, but let's remember
38 that. Right now we have to make an amendment to it and
39 we can bypass that by accepting the language as
40 modified if you so wish.
41
42 So Mr. Bangs.
43
44 MR. BANGS: Thank you, Mr. Chairman. I
45 move to amend the regulation as written on Page 32.
46
47 MR. KITKA: Second.
48
49 CHAIRMAN ADAMS: Mr. Kitka seconded it.
50 Discussion. Mr. Wright.

1 MR. WRIGHT: Mr. Chairman. Can we hear
2 the amendment?
3
4 CHAIRMAN ADAMS: Yes. He addressed it
5 as on Page 32. That's the language we're going to use,
6 correct?
7
8 MR. BANGS: Correct.
9
10 CHAIRMAN ADAMS: All in favor, say aye.
11 This is the amendment. Go ahead.
12
13 MR. WRIGHT: Mr. Chair. It's just the
14 language part, taking must out and putting should, is
15 that what it is?
16
17 CHAIRMAN ADAMS: No, we're not touching
18 that. This is the amendment to the original proposal
19 that was submitted on Page 27.
20
21 MR. WRIGHT: Okay.
22
23 CHAIRMAN ADAMS: So OSM's
24 recommendation was to accept it with this modification
25 and that's what we just got through doing. Are we
26 ready to vote.
27
28 MS. PHILLIPS: Question.
29
30 CHAIRMAN ADAMS: The question has been
31 called for. Now this is on the amendment. All in
32 favor say aye.
33
34 IN UNISON: Aye.
35
36 CHAIRMAN ADAMS: Opposed same sign.
37
38 (No opposing votes)
39
40 CHAIRMAN ADAMS: Motion is carried.
41 Now we're on the main motion. More discussion. Patty.
42
43 MS. PHILLIPS: I'm going to support the
44 motion to adopt. It takes a very complicated fish
45 regulation on the top of Page 29 and it has been
46 modified several times to get to a much more well
47 written regulation that provides guidelines and easy to
48 read on Page 32. I think the Staff going through that
49 metamorphose to get to a much cleaner, simpler
50 language.

1 Thank you.

2

3 CHAIRMAN ADAMS: Thank you. Anyone
4 else want to make a comment. Harvey.

5

6 MR. KITKA: Thank you, Mr. Chair. I
7 agree with Patty. I would probably like to see some
8 definition on the educational part. Maybe make it a
9 little clearer for the common folks like me. I'd like
10 to see educational camp instead of educational
11 program.

12

13 CHAIRMAN ADAMS: Thank you, Mr. Kitka.
14 I'm going to support it too. I think it's supported by
15 a lot of good data. I don't see any conservation
16 concern. There's no adverse effect on subsistence
17 users. I don't think it's going to have any effect on
18 non-subsistence users as well. So I think we meet all
19 those criteria, so I'm going to vote in favor.

20

21 Anyone else.

22

23 (No comments)

24

25 MR. BANGS: Question.

26

27 CHAIRMAN ADAMS: The question has been
28 called for. All in favor please signify by saying aye.

29

30 IN UNISON: Aye.

31

32 CHAIRMAN ADAMS: Opposed.

33

34 (No opposing votes)

35

36 CHAIRMAN ADAMS: Motion is carried.
37 Thank you. Why don't we take a little break.

38

39 (Off record)

40

41 (On record)

42

43 CHAIRMAN ADAMS: Okay folks, let's
44 gather together.

45

46 (Pause)

47

48 CHAIRMAN ADAMS: Okay. Meeting is back
49 in session. Before we go any further on our proposals
50 I just want to bring you up to date on the eulachon

1 surveys taking place in Yakutat. Just came in. Susan
2 got the information this morning from Bill Lucey.
3 Nothing in Situk yet. There's still activity going on
4 in Seal Creek. That's where we saw the activity before
5 that was a week or so ago. Decreased activity at
6 Ahrnklin and Dangerous. At that time there were some
7 seagulls in the Dangerous River. It's all muddy water
8 and on the Ahrnklin side. So now birds are in that
9 area. Decreased activity was evident there.

10

11 Sea lion activity at the Lower Akwe and
12 it's a signal. They're following the eulachons. High
13 activity at Alsek and that wasn't evident previously.
14 And then there's some activity down in the Dome River.
15 What they're doing is they're surveying about 18 or 19
16 rivers all the way from Talwa Creek down to the Alsek
17 and this is where they are seeing some activity at this
18 point. So I just thought I'd share that with you.

19

20 I'm really interested in how the
21 eulachon are going to be coming into the Situk River.
22 I've been worried about that over the past few years.
23 So far nothing. I just thought I'd share that with you
24 and thank you, Susan, for making that available for us
25 this morning.

26

27 Who's going to do 10-6?

28

29 MR. LARSON: Five.

30

31 CHAIRMAN ADAMS: Oh, did I jump ahead
32 again? Let's take a couple testimonies right now. Rob
33 Sanderson, are you here? We're going to take a couple
34 testimonies at this point. We've got things stacking
35 up here, so we want to get these out of the way as soon
36 as possible.

37

38 Come forward, Rob.

39

40 MR. SANDERSON: Thank you, Chairman
41 Adams. I'd first like to apologize for my phone going
42 off. It's a brand new one and I did have it on silent.
43 Sometimes all it takes is a slight touch to make it go
44 back on to ring, so I apologize to you and to the rest
45 of the Council and to the audience.

46

47 CHAIRMAN ADAMS: Yeah, I was told that
48 we shouldn't let you testify on account of it, but I
49 fought in your favor.

50

1 (Laughter)

2

3 MR. SANDERSON: Okay. I have several
4 issues up there on the paper that you have and it's all
5 going to intertwine on how I'm going to speak about
6 this. I'm going to start with the king salmon bycatch
7 and other fish in the Bering Sea trawl fishery, pollock
8 fishery.

9

10 First of all, I'd like to introduce
11 myself first. My name is Robert Sanderson, Jr. I'm
12 from Hydaburg. My Indian name is (in Haida). That
13 means talk too much in Haida. I sit on the Ketchikan
14 Indian Community Tribal Council. I sit as our
15 traditional way of life chair and I've had a lot of
16 opportunities to learn from a lot of people in this
17 room and I'd like to recognize Merle Hawkins, somebody
18 that I've worked with for years at KIC. I just want to
19 thank her for a lot of things that she's taught me, so
20 I appreciate that, Merle.

21

22 Going back to my testimony on the king
23 salmon bycatch and other fish in the Bering Sea. As I
24 stated yesterday, I got this information from the North
25 Pacific Fisheries Management Council and I also work
26 with the GOAC3. That's Gulf of Alaska Coastal
27 Communities Coalition 3 and they represent over 70
28 communities from Southeast to way out west.

29

30 The king salmon issue has really been a
31 heavy issue mainly in western Alaska, but it also
32 affects us down here in Southeast Alaska. The powers
33 that be that let this happen, the taking of tens of
34 thousands of king salmon, chum salmon and Lord knows
35 what else. The gentleman from Sitka even mentioned
36 halibut that are being taken away in the Bering Sea.

37

38 I got this number from my meetings up
39 in Anchorage on just how many king salmon that are
40 taken that are destined for Southeast waters and that
41 affects our trawling, that affects our people that are
42 sportfishing and, you know, our traditional way of
43 life. I call it gathering. Ten percent. That's a lot
44 of fish and that might be a low number. This is going
45 to slide right into the heavy hand at law enforcement
46 that I'm going to be talking about.

47

48 Again, this has to do with another
49 area, but it affects us down here in Southeast Alaska
50 as well. The chum salmon, the king salmon fisheries

1 have been so depleted in the Bristol Bay area that our
2 Native brothers and sisters in the Western Alaska are
3 actually -- no, they're starving up there in a lot of
4 villages up there. They're having to get aid from the
5 State. Some villages, their diet is mainly chum salmon
6 and king salmon, up to 70 percent of their diet.

7
8 One of our tribal members, whoever that
9 may be, here in Southeast Alaska and the Interior
10 Western Alaska, they get the bracelets put on them,
11 they get a citation, they go to jail, whatever it may
12 be, whatever the punishment is. We have a bunch of
13 young men over in Prince of Wales Island that are going
14 through court cases now because they took maybe one
15 over the limit.

16
17 Now when the State of Alaska allows
18 tens of thousands of chum salmon and king salmon to be
19 destroyed and kicked off the side of that boat, nobody
20 cries foul, but when our brothers and sisters and our
21 tribal organizations take one over the limit, there's a
22 problem. To me that's a form of genocide and we know
23 what that word is. I'm saying that as politely as I
24 can. To me that's unacceptable.

25
26 I don't need to say the story to our
27 brothers and sisters that are sitting at the table. We
28 knew how our ancestors and our grandparents regulated
29 and conserved their fisheries. If one area wasn't
30 doing well, they did not go there. They went to
31 another area. If that place didn't look good, they
32 went to another area until they found a place that was
33 suitable within their area.

34
35 The Ketchikan Indian Community does not
36 recognize the word subsistence. No way, no how. That
37 used to be our Subsistence Committee and it's now our
38 Way of Life Committee. The more we use that word, the
39 more the State is going to have control over what we do
40 in this arena.

41
42 So, having said that, I think it would
43 be in everybody's favor to keep an eye on what's going
44 on with that Bristol Bay or Bering Sea king salmon and
45 chum salmon bycatch. Our people are in dire straits
46 out west and this fishery is starting to affect us down
47 here in Southeast Alaska. We don't know how many chum
48 salmon are actually coming down this way that are
49 supposed to come this way to our river systems here in
50 Southeast Alaska that are being caught by high seas

1 intercept pollock fisheries. Lord knows what the
2 Japanese are taking out there. We're not really
3 getting accurate numbers, but I'm assuming the numbers
4 that they're giving us are the Bering Sea fishery are
5 low. The last couple years have been very poor returns
6 in Western Alaska.

7

8 Moving on to the rest of my testimony
9 here. This is summer king crab fisheries here in
10 Southeast Alaska, mainly around Prince of Wales Island.
11 KIC does not support this. There's a wintertime
12 fishery. I think this needs to be left alone. I think
13 we need to find out where it is exactly started at. I
14 have my ideas, but I'm not going to share them. I
15 think that we need to engage with these certain people,
16 I think, where this came from. Is anything sacred
17 anymore? No, it's not. Nobody is going to be happy
18 until everything is depleted and then what are we going
19 to do.

20

21 The Native population, the unemployment
22 rate throughout the state of Alaska is about 70
23 percent. They have nothing else to go after but their
24 traditional foods to survive on and put food on their
25 plates. That's something that I hope the RAC Council
26 here will listen and I'm sure there's other people that
27 are going to be testifying on the summer king
28 crab/dungeoness fishery, soft shell not good. The
29 numbers are going down. It's a proven fact. We've got
30 a lot of divers over on the west coast of Prince of
31 Wales Island and this holds to be true too.

32

33 There isn't any more abalone left in
34 the Cordova Bay area, which is the traditional
35 homelands of the Howkan and the Klinkwan and the Haida
36 community of Hydaburg. We have to go all the way out
37 to the Barrier Islands, but then again that's depleted
38 too because of the sea otter. That's something I
39 haven't heard anybody speak about. The Barrier Islands
40 are at the very southern tip of Prince of Wales Island
41 and they've been really hit hard by sea otter. I think
42 that place should be addressed as well.

43

44 My last comment here is that, well, we
45 know there's an over-abundance of sea otter. We're
46 encouraged to take and our tribal members do and I know
47 a couple of them that do take and make fine art out of
48 them, but yet when this happens they're cited for it.
49 Their pelts are being taken away from them. This does
50 not make any sense and this is something that I hope

1 the RAC Council addresses too as well as the tribe that
2 I sit on.

3

4 Lastly is the Saxman rural status. I
5 checked with our people at KIC last night and we do
6 support rural status for Saxman. Hopefully someday KIC
7 will be able to see that status too. We need to do
8 everything possible to help Saxman regain that status.
9 Everything possible. That was wrong. I believe myself
10 that was a last minute decision by the powers that be
11 on that Board. It was wrong. They did not do their
12 homework. Saxman may only be three miles south of
13 Ketchikan, but they're still their own community. I
14 think that KIC and this Council, the RAC, needs to
15 enforce this and the powers that be that the Federal
16 Subsistence Board and really hammer away at them and
17 let them know that this is a rural community regardless
18 if it's connected by a road or not.

19

20 I have one more. I'm sorry, Mr.
21 Chairman, but I really have to put this out there. The
22 wanton waste of our deer out on Prince of Wales Island.
23 Being from Prince of Wales.....

24

25 CHAIRMAN ADAMS: Mr. Sanderson, when
26 you hear this (beep), that means, you know, you're way
27 over, but I'm not going to do it right now.

28

29 MR. SANDERSON: Okay. All right.
30 Thank you, Mr. Chair. This will just take a couple
31 minutes. The deer population in Prince of Wales Island
32 is drastically declining and there's a lot of hunters
33 that are from Ketchikan that do go over there. They're
34 all dressed up in their fatigues and all this and that.
35 That's part of the problem, but a lot of it has to do
36 with sport hunting. We're finding a lot of deer out
37 there on Prince of Wales that just have their heads cut
38 off and everything else left. To me, that's a Cardinal
39 sin in the Native community. So that's something that
40 I think we're going to have to keep our eye on here in
41 Southeast Alaska and I'm sure it's probably happening
42 to other parts here in Southeast Alaska.

43

44 So, with that, Mr. Chair, I thank you
45 for giving me this opportunity to speak and to the rest
46 of the Council.

47

48 CHAIRMAN ADAMS: Gunalcheesh, Mr.
49 Sanderson. Some of the things that you brought up that
50 you asked that the Council should do something about,

1 we operate best from proposals. So if you see any of
2 those things that you've addressed that deserves a
3 proposal then I think you know if it came from, for
4 instance, KIC or the Saxman village or something like
5 that, then it would be brought to us and we could
6 address it that way.

7

8 On the Saxman rural status, we do have
9 that in our annual report. It's a pretty powerful
10 statement that we're making on your behalf. We're also
11 including Ketchikan because I think the threshold
12 that's going to come forth is going to pretty closely
13 qualify Ketchikan as -- do you happen to know what the
14 population of Ketchikan is?

15

16 MR. SANDERSON: I believe within the
17 Borough it's probably about 11,000. It could be off
18 maybe 1,000 here or there, but it's right about 11,000.

19

20 CHAIRMAN ADAMS: That's why I'm saying
21 I think that it's a pretty good chance if we separate
22 Saxman and Ketchikan. Saxman will automatically get
23 theirs. If the population is indeed 11,000, then
24 Ketchikan, I think, would also qualify as non-rural.
25 Thanks for your comments.

26

27 Any questions.

28

29 Mr. Kitka.

30

31 MR. KITKA: Thank you, Mr. Chair. I'd
32 like to thank my cousin, Bob, over there for mentioning
33 a gentleman from Sitka and I assume he means Jack. I
34 liked your comments.

35

36 Thank you very much.

37

38 CHAIRMAN ADAMS: Take one more
39 testimony. Franklin.

40

41 MR. F. JAMES: Thank you, Mr. Chair,
42 RAC Council, for letting me speak. My name is -- my
43 first given name is Onk Ye (ph), which means a town by
44 myself. I'm the head tribal spokesman for the Shakan
45 Kwaan from the Thlinadi Clan. I represent -- I sit on
46 the -- chair the Camp 14 subsistence committee and I
47 also -- like I say, I'm the head tribal spokesman for
48 Shakan Kwaan and also represent the International
49 Foundation for Advancement of Indigenous People out of
50 Puerto Rico, which it's IFAIP.

1 What I'm going to speak on, I'd like to
2 give you guys a copy of this and I'm going to hit on
3 several topics, but I'll be very brief on most of the
4 topics, but just would like to get my point through, if
5 I may, Mr. Chair.

6
7 CHAIRMAN ADAMS: Yes, you may.

8
9 (Pause)

10
11 MR. F. JAMES: A lot of this stuff I
12 can just speak. I know all of it real well, but when I
13 speak without reading, I take more time. What I'm
14 going to start off on is my number one issue. The
15 imminent theft of Alaska by Chief Justice Berger. I
16 gave the Chairman a full copy of that, but you guys
17 will get your copies before the day is over. Rob is
18 having them printed up.

19
20 Anyway, ANCSA was a fraud in the
21 concept and in the execution. ANCSA makes the Laudman
22 (ph) Act look like a dime store burglary. This was
23 done by Chief Justice Berger, who then came out of
24 retirement and went to work for the Natives in Canada.
25 Few Americans are aware of that until Alaska Native
26 Claims Settlement Act was passed in 1973. The Native
27 people of Alaska had legal title to virtually all of
28 the state.

29
30 The Native people of Alaska have long
31 argued that the entire assertion that the United States
32 owns Alaska is based on false assumption. The U.S.
33 believes it legitimately purchased the land from
34 Russia. The Russia themselves were scarcely ever
35 present in Alaska except for a few fur traders.

36
37 The Native people of Alaska have lived
38 for 4,000 years almost entirely by subsistence
39 activity; hunting, fishing, agriculture, trapping,
40 trading and wanted very much to maintain their way of
41 life. The desire to protect that life is what drove
42 them much to maintain -- to seek a settlement ensuring
43 that their land was preserved for future generations.

44
45 So the Alaska Native Claim Settlement
46 Act, the great liberal achievement that promised to
47 benefit Natives as no act has done before to affirm the
48 Native control over the judicial Native lands to break
49 with the State passed by paying the highest cost
50 settlement ever, was a fraud. If you guys read his

1 full book, the whole thing was a scam. How come we
2 can't put those people in jail.

3

4 Going down. Does one way of life have
5 to die so another can live? What was that Yup'ik
6 saying? Do we have to die so the immigrants that come
7 into our country can live? That's what it's saying and
8 that's what's happening.

9

10 Rural/non-rural determination. This is
11 more or less a short fictional story that's going to
12 explain about Saxman. First I want to tell you a
13 fictional short story. Many years ago a priest took a
14 young Tlingit boy from his village. He took the boy to
15 his home to teach him to become a priest. After
16 several years of teaching the priest told the young boy
17 you are now ready to become a priest. He called the
18 young boy to him and made the sign of the cross on his
19 forehead and said you are no longer a Tlingit, you are
20 now a priest. He told the young boy to go back to his
21 people and teach them the right ways to become a good
22 Christian, so the young boy left and went to his
23 village.

24

25 After several months at his village,
26 the priest paid a surprise visit to see how the young
27 boy was doing. The priest asked the young boy how he
28 was doing. The young boy said he was doing fine, had
29 many Native people from the village in his church.
30 While they were talking the priest started sniffing and
31 said what are you cooking. The priest went into the
32 kitchen, opened the oven and saw a deer ham in the
33 oven. The priest said, son, don't you know what day
34 this is. The boy said yes, it is Friday. The priest
35 said don't you know you are supposed to cook fish on
36 Friday. The young boy said yes. The boy pulled out
37 the deer ham and then made the sign of the cross on the
38 deer ham and said you are no more a deer ham, you are
39 now a fish.

40

41 The moral of this story. Saxman has
42 been a rural area far before any non-Native ever set
43 foot on its grounds. The reason why I know, my
44 grandfather was one of the first settlers in Ketchikan
45 when it was still named Katch Kanna, which means the
46 water coming down the creek and hitting this big rock
47 and there's a hole and it shoots out.

48

49 The people that make these rules get
50 their teaching from the priest that taught this young

1 boy. Put the sign of the cross on Saxman and said you
2 no longer rural area, you are now non-rural. I
3 reiterate, does one way of life have to die so another
4 can live? I fully support Saxman as being a rural area
5 and I believe they should not be bothered again.

6

7 Sea otter. Many years ago I was called
8 from the National Marine Fisheries located in
9 Anchorage. A gentleman asked me -- I'm not going to
10 mention his name. I think Floyd knew him when I was
11 talking up there in Juneau that time. He told me to
12 make sure not to mention names again so he can lock the
13 doors. Anyway, located in Anchorage. Excuse me.

14

15 Many years ago I got a call from the
16 National Marine Fisheries located in Anchorage. A
17 gentleman asked me if I'd work with the Natives in
18 Alaska and sell their sea otter for them. They said
19 since you have been working out of Asia for many years
20 we know you have many connections. I did ask for the
21 regulations and they did send those to me. After
22 studying I called them back and said how come you want
23 the Natives to alter the skins and I didn't like what I
24 was -- I did three reports last night -- four reports.
25 One to Japan and one to Puerto Rico and one to Panama
26 and this one here, so I did make some errors when I was
27 typing.

28

29 When I was asking how they wanted these
30 sea otters altered. After studying I called them back
31 and said how do you want the Natives to alter these
32 skins. I don't even want -- how do you want them
33 altered. (Indiscernible) of a sea otter and try to
34 sell it for them. The gentleman said I'll tell you
35 what, if you can swing it and let the non-Natives hunt
36 too, we'll take the altering regulations off. I told
37 him to forget it.

38

39 You know, they put such huge
40 restrictions on us, but we let the non-Natives come in,
41 no restrictions. Something is wrong with this. The
42 gentleman said I'll tell you what. He told me why he
43 wanted the non-Natives to hunt. He said there are too
44 many sea otter and you need to kill around 200,000 to
45 thin them out. I asked him where he was coming from.
46 We don't have that much sea otter in Southeast. What
47 he was trying to do is get out there and slaughter
48 everything so they can take it away from us, the
49 control away from us and they have control.

50

1 I would have to say there is way too
2 much sea otter in Southeast Alaska and they are eating
3 up everything. I believe our government regularly take
4 a serious look and try to change the laws so our people
5 can thin them out. It only takes them less than a week
6 for a big herd to wipe out a bay. Take a look at Idaho
7 Inlet up north. There is about 800 or so sea otters
8 within the bay. You look at those sea otters. They're
9 all young. How come there's no males in there. Big
10 ones I mean. What they do is find food for the young
11 ones and let them survive and then they go. I don't
12 hunt sea otter, but I am for a change in the
13 regulation.

14
15 Herring spawn. I agree with Mr.
16 Douville. Herring are an issue in Craig and Klawock
17 area. I grew up in Craig. When I was a young boy the
18 herring used to spawn from the north side of Rocky Cove
19 through all the islands and Big Harbor and Sugar Point
20 all the way to lagoon. When I say the lagoon, you had
21 to grow up in Craig to know where that is. Graveyard
22 Point, they just spawn from Graveyard Point into the
23 south cove of Craig all the way around Craig right back
24 to Black Sand Point going up halfway to Klawock.
25 They'd spawn on the north end of St. John, Fox Islands
26 and all the way on Fish Egg Island. They'd spawn half
27 of the southern island of Odley. Some of them I didn't
28 spell right. Sam Island, Abbess Island, all the islands
29 around there. They'd also spawn from the northern part
30 of St. Ignace Island all the way past Fern Point to
31 Lilachakan (ph). Where are those spawns today?

32
33 One of the bait fisheries around Little
34 Force Island, inside of Ignace and outside of St. John
35 Big Harbor are killing off the herring. I have no
36 argument over the pond (ph) fisheries if it is
37 regulated right, but the big quota for bait and 1,000
38 tons for the pond fishery, you will kill off the
39 herring. Letting the seine boats fish right where the
40 herring are spawning, you will kill the herring off.

41
42 Take a look at the spawning area in the
43 McFarland Islands, which is down by Hydaburg. That
44 herring is almost gone. Why? For so many years the
45 bait fishery has opened in North Pass and those
46 herrings belong to McFarland Islands. When are these
47 people that regulate the fisheries going to learn?
48 After all the herring is killed off? I'm for closing
49 the bait fisheries in those areas.

50

1 Take a look at Sea Otter Sound. There
2 is no spawn there. There used to be a big spawning or
3 the bait winter fishery around Amchuk, Cape Lynch and
4 the other one I didn't put in there, into Bocus DeFimis
5 (ph) and in and around Tokeen. Just killed that area
6 off just like around Ketchikan.

7
8 I see Sitka and those other areas up
9 north are going to be just like Ketchikan. Who
10 regulates those seasons? The mighty dollar rules them.

11
12 What it is, is -- you take a look at
13 Ketchikan. Our fisheries, we're looking it over about
14 opening it up and said it's almost reaching 10,000
15 tons. It has taken over 20 years for this herring to
16 barely start creeping back. Now they want to wipe it
17 off and wait another 20 years ago. When are they going
18 to start learning.

19
20 People ask me, Frank, are you a
21 biologist. Yes, a true biologist. I didn't go to
22 Texas to learn. I lived it every day. I've been a
23 skipper for 45 years all the way from the Bering Sea to
24 the southern part of Oregon. Yes, I'm a biologist. I
25 live it. I fish it. I hunt it.

26
27 What I want to do is this quote to show
28 that I just didn't make it up, this came in a week ago
29 Saturday. I got over 7,000-plus pages at home. I
30 don't sleep. I'm going to fight until the day I die.
31 What I want to hit you on this one little quote -- I
32 was lucky I turned right to it.

33
34 To fully implement Title VIII, which
35 you guys are talking about, provisions of ANILCA, rural
36 residents must be given a priority to harvest surplus.
37 Fish and wildlife resources and customary trade must be
38 accommodated. Most of these requirements are contrary
39 to the state of Alaska's constitution and
40 administration code. The proposed order by Judge --
41 I'm not going to mention his name -- his Federal
42 district, requires that rural preference and customary
43 trade be implemented throughout all navigable waters
44 and the territorial sea. Implementation of the
45 customary trade for rural residents will eliminate some
46 commercial fisheries and reduce earnings of fishermen
47 and other commercial fisheries. The state limited
48 entry program, which is used to regulate participation
49 in commercial fisheries will be limited and eliminated
50 in some areas, reduced in others. The value of the

1 limited entry permits will decline.

2

3 I just took this one excerpt out and if
4 I'm not mistaken there's over 500 pages and I didn't go
5 through it all. That's what you can see of the quote
6 from the case.

7

8 Natives are being harassed. Our Fish
9 and Game here in Ketchikan, I like them. They're good
10 people to work with. Our State troopers, whoever they
11 are, you know, has to come to an end. These people
12 must have something better else to do than to monitor
13 my phone call or some other Native phone calls when we
14 call. We always let them know where we're going.
15 They're out there checking us. They're out there on
16 the dock and sometimes they run right down that ramp to
17 block us just like we're going to pull that skiff up
18 and run away.

19

20 This has to come to an end. I am
21 getting sick and tired. I finally talked to my
22 attorney. I had to fly south and talk to my attorney
23 about this. He said, Frank, watch them. Get their
24 name, time, place, where it was at and you watch them.
25 If they don't check anybody else out, you've got a
26 suit. After this talk, they'll monitor me more, but
27 that's the way it is with our people.

28

29 If this goes through, it will stop the
30 Natives from being harassed by the State troopers.
31 Sometimes I get checked on the grounds. They check me
32 again at the dock. They monitor my phone so they know
33 where I'm going and when I'm coming in. I flew south
34 to see my attorney. He told me if they keep doing that
35 to your people and not checking other people, take
36 their names, time, place and log it down. I called
37 home several times and others that were being harassed
38 and told them by phone what the attorney said. I knew
39 they were listening. I have never been bothered since.

40

41

42 I always told the troopers since you
43 follow me around so much, why don't you just move in my
44 house. I always told the trooper just move in my house
45 and save the State money. One thing I always told them,
46 you will never get any stars by following me around.
47 What I mean by stars, no stripes, because I don't ever
48 do anything wrong. Not intentionally.

49

50 What I'm going to hit on is the dog

1 salmon. Travel. I've been a commercial skipper for 45
2 years. Yes, I can tell you where to seine and where
3 not to seine by how the wind is blowing. Last year we
4 had a northerly wind. Most of you guys know
5 northwesterly and westly winds in the month of June and
6 July. Where did that fish go? Why was there no big
7 returns in the west coast?

8
9 In Puget Sound, they had an unexpected
10 big pink run. The biggest in many years. Those pinks
11 were small pinks. Puget Sound always had big pinks. I
12 fished down there since 1958. In my opinion, those
13 were our pinks. Why am I telling you this? That goes
14 for our reds. Sometimes they will blow way offshore
15 and they have to travel back. By the time they get
16 back the area for subsistence fishing reds are closed.

17
18
19 Please leave those areas open until we
20 get what we need for our home use or until the pinks
21 drive out. See, this is one thing we have to teach our
22 Fish and Game, on the weather. We got tattletales that
23 tells us for thousands of years. I can tell you when
24 the fish is going to run just by looking at the
25 salmonberries, by the seaweed and so on.

26
27 If I may, Mr. Chairman, one last thing
28 I didn't hit on was

29
30 yang. Of course, in the English language, that's sea
31 cucumbers. Why are these people trying to wipe out all
32 our foods. It really puzzles me. They used to make
33 fun of us when we're eating yang. They'd look at us,
34 how can they eat that stuff. Now they found out they
35 can put it all in their pocket. Now they're taking
36 that away from us. They wipe out -- I can't get any
37 sea cucumbers any place around here. All you can find
38 is little ones. We have to put a boundary around all
39 our villages to keep these divers out. This is
40 something that we like.

41
42 Like the Japanese call it or the
43 shanda, which is Fish Egg Island, fish eggs, herring
44 roe and kelp. That is our staples and I love eating it.
45 We can eat a big batch, but they limit us. We only eat
46 that up in one meal. Some of these things -- we have
47 to start changing these regulations. If I'm
48 successful, we will change it. I told them anybody
49 wants copies of my over 7,000-plus pages, you're
50 welcome to it. I so far only finished this one part.

1 If you read this place there, you'll see it over and
2 over in there. The Natives have priority.

3
4 I'm getting tired of this. That's why
5 I belong on that conference of indigenous people.
6 We're trying to overstep, sitting in meetings like
7 this. It gets tiresome that I have to go beg for 12
8 fish going all the way up the Karta River, costs us
9 over \$200 in gas to go up there. It's cheaper to buy
10 it at Phillips. Let us get what we need.

11
12 Stuff like these meetings, it's a
13 bureaucrat that thought something like this up that we
14 have to sit three, four times a year to ask. I don't
15 see you guys going to the grocery stores and asking can
16 I buy an extra five pounds of beef, extra five pounds
17 of bacon. No. Start putting that on you guys and let
18 you guys come and get it from us. After that you live
19 on our food and I guarantee you'll be healthier.

20
21 Thank you, Mr. Chairman.

22
23 CHAIRMAN ADAMS: Thank you, Franklin.
24 Very well done. I appreciate your comments. Again,
25 you know, like the previous testifier, there's some
26 things in there that you mentioned that could be
27 addressed through this Council through a proposal.
28 Just using the sea cucumbers as an example. If you
29 want this organization or this body to address it, then
30 maybe a proposal would be in order to address those
31 things. We could probably address them in other ways,
32 but I think that's the best way. Any individual can
33 submit a proposal.

34
35 What I think we would like to see is
36 that when a proposal has been submitted, like for
37 instance you submit one, that you take it to KIC and
38 other organizations and get their support behind it and
39 if that's documented somehow, then we know that there
40 is enough public comment that will enable us to look at
41 it real serious. That's one way that I think you can
42 probably address those issues that you brought before
43 us. I appreciate your comments.

44
45 Thank you very much.

46
47 MR. JAMES: Thank you, Mr. Chair. What
48 I'll do is get on with James Lamas and Rob Sanderson.
49 James is one of our writers for us. I appreciate it.
50 Gunalcheesh.

1 CHAIRMAN ADAMS: Any questions or
2 comments by the Council members.
3
4 (No comments)
5
6 CHAIRMAN ADAMS: Gunalcheesh. We're
7 going to continue on with the next proposal. We have
8 about three more people who want to testify, but we can
9 take those later. Let's do WP10-05. First we need a
10 motion to adopt.
11
12 Mr. Bangs.
13
14 MR. BANGS: Thank you, Mr. Chairman. I
15 move to adopt WP10-05 as written.
16
17 CHAIRMAN ADAMS: As written where?
18
19 MR. BANGS: As written originally
20 without the modification if there is one. There isn't
21 one. As written.
22
23 CHAIRMAN ADAMS: On Page 35 you've got
24 the existing Federal regulations there and then there's
25 a proposed Federal regulation. I'm kind of interested
26 in what language you would like to use.
27
28 MR. BANGS: As far as what I heard
29 earlier from Mr. Larson, we're to adopt the original as
30 written and then we can modify it after discussion.
31
32 CHAIRMAN ADAMS: We could do it that
33 way too.
34
35 MR. BANGS: Okay.
36
37 CHAIRMAN ADAMS: I also wanted to make
38 it clear that you could adopt it -- maybe you can
39 correct me if I'm wrong -- as modified and then that
40 would eliminate all of this amending and so forth.
41
42 MR. LARSON: Mr. Chairman. That's
43 correct. That's the prerogative of the Chair to allow
44 a proposal to be adopted as modified by OSM and that
45 would save one step, but that is up to the maker of the
46 motion to decide that, of course.
47
48 CHAIRMAN ADAMS: So that option is open
49 for you, Mr. Bangs.
50

1 MR. BANGS: I will move to adopt as
2 proposed.

3
4 CHAIRMAN ADAMS: Thank you very much.
5 Is there a second.

6
7 MR. DOUVILLE: Second.

8
9 CHAIRMAN ADAMS: Thank you, Mr.
10 Douville. Now we're open for discussion.

11
12 Go ahead, Pippa.

13
14 MS. KENNER: Thank you, Mr. Chair.
15 Members of the Council. My name is Pippa Kenner and I
16 work for the Office of Subsistence Management.
17 Proposal WP10-05 begins on Page 35 in the meeting book.
18 It was submitted by the Office of Subsistence
19 Management and it seeks to update, clarify, and
20 simplify the regulations regarding accumulation of
21 harvest limits for both fish and wildlife. It's a
22 housekeeping proposal to clarify the regulations.

23
24 A prohibition against accumulating
25 Federal and State harvest limits has been included in
26 the statewide general Federal regulations since about
27 1990. Wording in some regulations date back to 1994.
28 There's a need to update two sections in the Federal
29 regulations. While the Board has addressed a number of
30 area specific proposals concerning the accumulation of
31 harvest limits over the years, that's unit specific
32 regulations, these two sections in the general
33 regulations have not been updated to reflect changes to
34 the unit and area specific regulations. The current
35 proposal addresses those inconsistencies. So, again,
36 it's just meant to clarify.

37
38 This proposal would apply to the entire
39 state. The general regulations concerning accumulation
40 of harvest limits need to be updated to reflect Board
41 action over the years. The Board has addressed a number
42 of proposals concerning accumulation of harvest limits.
43 The approved exceptions are reflected within the
44 Federal hunting and trapping, fishing, and shellfish
45 regulations. The changes to the general regulations
46 that apply to all of those species proposed here
47 recognize all of the previously approved exceptions.
48 This proposal does not affect fish and wildlife
49 populations, subsistence users or other users. Given
50 the number of species, areas and units affected, and

1 the changes that may occur in the future, it is
2 appropriate to use more general wording in these
3 general regulations.

4
5 The OSM preliminary conclusion is to
6 support the proposal.

7
8 Thank you, Mr. Chair.

9
10 CHAIRMAN ADAMS: Thank you, Pippa. Is
11 there any questions from the Council.

12
13 (No comments)

14
15 CHAIRMAN ADAMS: Comments. Harvey.

16
17 MR. KITKA: Thank you, Mr. Chair. Just
18 looking at this, I didn't know the Federal had any
19 jurisdiction over shellfish.

20
21 CHAIRMAN ADAMS: Do you want to refer
22 back to that? Oh, Pete will do it.

23
24 MR. PROBASCO: Thank you, Mr. Chair.
25 Mr. Kitka. There are some marine waters, if you look
26 at Alaska as a whole, that we do have jurisdiction, but
27 it's very limited areas.

28
29 Mr. Chair.

30
31 CHAIRMAN ADAMS: Anyone else.

32
33 (No comments)

34
35 CHAIRMAN ADAMS: Okay. Let's take
36 testimonies from -- the State isn't going to do it
37 right now. Any Federal agencies.

38
39 (No comments)

40
41 CHAIRMAN ADAMS: Tribes.

42
43 (No comments)

44
45 CHAIRMAN ADAMS: InterAgency.

46
47 (No comments)

48
49 CHAIRMAN ADAMS: Fish and Game Advisory
50 Committee. We had it on record this morning. Someone

1 had testified. Any written comments, Mr. Larson.

2

3 MR. LARSON: Mr. Chair. There are no
4 public written comments. I would like to note that the
5 Wrangell-St. Elias Subsistence Resource Commission
6 supported the proposal as written, as did the Yukon-
7 Kuskokwim Delta, the Western Interior, the Seward
8 Peninsula, the Northwest Arctic, Eastern Interior and
9 the North Slope Regional Advisory Councils.

10

11 CHAIRMAN ADAMS: Thank you. We can go
12 into deliberations now.

13

14 What's the wish of the Council.

15

16 (No comments)

17

18 CHAIRMAN ADAMS: I'll make a comment.
19 I'm going to support this proposal. I kind of question
20 whether there was enough data here or not, but I think
21 some of the other things will overrule that. I don't
22 see any conservation concern and it will not have any
23 effect on subsistence or non-subsistence users. With
24 that I'm going to vote yes on this proposal. Anyone
25 else.

26

27 (No comments)

28

29 MR. BANGS: Question.

30

31 CHAIRMAN ADAMS: The question has been
32 called for. All in favor please say aye.

33

34 IN UNISON: Aye.

35

36 CHAIRMAN ADAMS: All not in favor say
37 nay.

38

39 (No nay votes)

40

41 CHAIRMAN ADAMS: The ayes have it.
42 Thank you. Number 6, sir. We need a motion to adopt
43 by the Council then you can say it.

44

45 MR. LORRIGAN: Mr. Chairman. I move to
46 adopt Proposal 10-06 for consideration.

47

48 CHAIRMAN ADAMS: Thank you, sir. Is
49 there a second.

50

1 MR. BANGS: Second.
2
3 MR. LORRIGAN: As modified.
4
5 CHAIRMAN ADAMS: As modified. Thank
6 you. Is there a second.
7
8 MR. DOUVILLE: Second.
9
10 CHAIRMAN ADAMS: Mr. Douville. Thank
11 you. Motion by Jack, seconded by Mike Douville.
12
13 Go ahead, Larry.
14
15 MR. DICKERSON: Thank you, Mr. Chairman
16 and Council. My name is Larry Dickerson. I'm a
17 wildlife biologist for the Forest Service. You will
18 find Proposal WP10-06 on Page 41. This proposal was
19 submitted by the Southeast Alaska Subsistence Regional
20 Advisory Council. It requests the Board to standardize
21 the terms to describe female deer in Federal
22 regulations in Units 1 through 5 by changing all
23 references for antlerless deer or doe deer to female
24 deer.
25
26 The Board proposed this because they
27 believed that this change would clarify and it would
28 also benefit subsistence hunters by clarifying the
29 intended sex to be harvested in the regulation or that
30 could be harvested as a choice in hunters depending
31 upon unit. There has been some confusion of this. We
32 should note that this proposal does not change the
33 definition of terms, but the proposal does replace the
34 term or propose to replace the term antlerless under
35 the harvest limits section of the Federal regulations,
36 so it would replace antlerless deer with female deer.
37
38 What I'd like to do is provide just a
39 moment of baseline information that would help clarify
40 that or the confusion where it's a bit ambiguous in the
41 regs. I'll give an example of Unit 2 where I was from
42 in Craig for subsistence hunters. Unit 2 currently
43 under the Federal regulations allows harvest of five
44 deer for Federally-qualified users. One of those deer
45 can be antlerless after October 15th.
46
47 Well, if you're harvesting one
48 antlerless deer, you could shoot a small buck. It
49 could be a fawn, it could be a yearling buck, it could
50 be a buck that's dropped his antlers on the beach that

1 you see on December 15th because the season currently
2 goes to December 31st. That one deer would actually
3 qualify as an antlerless deer. Therefore, if you were
4 punching your harvest tag, you fulfilled the
5 requirement of harvesting one antlerless deer. When it
6 was really put there that the opportunity on Unit 2
7 provides for the subsistence hunter to harvest a female
8 deer because the population does warrant that the
9 females can sustain the harvest that's currently going
10 on.

11
12 So, when you look at the Federal
13 regulations and there's no antler size restriction for
14 a buck, a buck means any male deer at this time,
15 therefore, actually if a hunter harvested that male
16 deer of any size it could be placed on a buck tag and
17 that hunter could still retain that one option of a
18 female deer, which is currently antlerless, for a
19 female deer.

20
21 That was a long-winded story back
22 around, but it's very important because if you have one
23 opportunity to harvest an antlerless deer, it provides
24 you a choice and that choice you don't have to harvest
25 an antlerless deer because we have -- in Unit 2, for
26 instance, we have about 1,800 hunters to 2,000 a year
27 and we're harvesting about 170 antlerless deer a year.
28 So obviously most hunters are not choosing to shoot a
29 doe, but they have that opportunity.

30
31 So this is very good in the units at
32 least when it went through the proposals that it would
33 clarify that. So I think it clarifies it for the
34 hunters, it clarifies it better for the law enforcement
35 personnel when it comes to say a female deer the
36 intended sex versus antlerless as it is.

37
38 As we go through here, this was
39 supported to modify that, to replace antlerless deer
40 with female deer in the harvest limit section in Units
41 1 through 5. The comments I will say during review is
42 people felt that this was -- the people that did
43 provide comments and it's gone through four or five
44 different versions that they believe that should be
45 expanded to all of the units where deer are in Alaska.
46 If that's Units 1 through 8, I'm not sure, but it also
47 should be the term buck where we say buck or antlered
48 deer, should be changed also to reflect male deer,
49 which can cause the same confusion.

50

1 Anyway, questions with that, Mr.
2 Chairman.

3
4 CHAIRMAN ADAMS: Thank you, Larry. Any
5 questions, anyone. Jack.

6
7 MR. LORRIGAN: Thank you, Mr. Chairman.
8 There's an oddball female deer with antlers. I've shot
9 one and I've heard stories of others. I don't think
10 that's here nor there. Will a trooper get upset about
11 that?

12
13 (Laughter)

14
15 MR. DICKERSON: Mr. Chairman. Mr.
16 Lorrigan. I can't answer that question. That is an
17 anomaly. It does occur. I can never speak for law
18 enforcement, but I would speak that I think you would
19 have a very good case and you'd be on the front page of
20 the local newspaper and things would be just fine.

21
22 CHAIRMAN ADAMS: Anyone else.

23
24 (No comments)

25
26 CHAIRMAN ADAMS: Thank you, Larry.
27 Okay. Mr. Pappas from the State will make a comment.
28 Oh, I've seen you sitting over there all morning, Neil,
29 and I just failed to recognize you. So welcome to the
30 meeting.

31
32 MR. PAPPAS: Thank you, Mr. Chair.
33 Members of the Council. I'll attempt to summarize
34 here. Our comments begin on Page 44 and it will be
35 entered into the record as approved by the Federal
36 Subsistence Board as appears. I'll do my best to
37 summarize and Neil will be here to answer the
38 specifics.

39
40 This change would allow federal
41 subsistence hunters to harvest bucks during the late
42 season that have lost their antlers, while protecting
43 female deer as intended. Adoption of this proposal
44 will also reduce confusion. The harvest of female deer
45 has been prohibited in portions of Southeast Alaska in
46 recent years due to high winter kills which negatively
47 impacted the deer populations by varying degrees
48 depending upon location.

49
50 Federal subsistence hunters will be

1 required to pay closer attention to deer without
2 antlers later in the season to ensure female deer are
3 not accidentally harvested in areas or dates where such
4 is prohibited by regulation.

5
6 The department supports this proposal.
7 It's mentioned here OSM also would support with
8 modification to change antlered and bucks to male deer.

9
10 Thank you, Mr. Chair.

11
12 *****
13 STATE OFFICIAL WRITTEN COMMENTS
14 *****

15
16 Alaska Department of Fish and Game
17 Comments to the Regional Advisory Council

18
19 Wildlife Proposal WP10-06:

20
21 This proposal would standardize the use
22 of terms to describe a female deer in federal
23 regulations by changing all references for antlerless
24 or doe deer to female deer.

25
26 Introduction:

27
28 Deer seasons for federally qualified
29 subsistence hunters in portions of Southeast Alaska
30 extend through January. Because bucks lose their
31 antlers in late December, both bucks and does appear as
32 "antlerless" deer late in the hunting season. State
33 and Federal managers closed the antlerless season
34 during parts of the 2007 2009 seasons to protect female
35 deer, which unintentionally also made a buck without
36 antlers illegal. Therefore, the legal description of a
37 doe deer should be changed to "female deer" rather than
38 antlerless deer to protect does while allowing
39 harvest of bucks without antlers.

40
41 Impact on Subsistence Users:

42
43 This change would allow federal
44 subsistence hunters to harvest bucks during the late
45 season that have lost their antlers, while protecting
46 female deer as intended. Adoption of this proposal
47 will also reduce confusion.

48
49 Opportunity Provided by State:

50

1 The State deer hunts in Units 1-5 in
2 Southeast Alaska allow for the harvest of doe deer
3 under the definition of "any deer" in portions of Units
4 1C and 4 from September 15 through December 31.

5
6 Conservation Issues:

7
8 The harvest of female deer has been
9 prohibited in portions of Southeast Alaska in recent
10 years due to high winter kills which negatively
11 impacted the deer populations by varying degrees
12 depending upon location.

13
14 Enforcement Issues:

15
16 Federal subsistence hunters will be
17 required to pay closer attention to deer without
18 antlers later in the season to ensure female deer are
19 not accidentally harvested in areas or dates where such
20 is prohibited by regulation.

21
22 Recommendation:

23
24 Support.

25
26 (The department also would support with
27 modification to change "antlered" and "bucks" to "male"
28 deer.)

29
30 CHAIRMAN ADAMS: Okay. Neil, were you
31 going to say something or did he say it for you?

32
33 MR. BARTEN: Mr. Chair. Members of the
34 Council. Just hello, nice to be here and I don't have
35 anything to add here, but we'll gladly answer any
36 questions.

37
38 CHAIRMAN ADAMS: Thank you. Any
39 questions from the Council.

40
41 (No comments)

42
43 CHAIRMAN ADAMS: Thank you, gentlemen.

44
45 MR. DOUVILLE: Mr. Chair.

46
47 CHAIRMAN ADAMS: Michael, go ahead.

48
49 MR. DOUVILLE: What unit is Yakutat in?
50 How many units do we have?

1 CHAIRMAN ADAMS: Five. We're in Unit
2 5.
3
4 MR. DOUVILLE: Five total?
5
6 CHAIRMAN ADAMS: Uh-huh.
7
8 MR. DOUVILLE: Okay. Thank you.
9
10 CHAIRMAN ADAMS: Am I right, Larry?
11
12 MR. DICKERSON: Yes, Mr. Chairman.
13
14 CHAIRMAN ADAMS: Okay, thanks. Other
15 Federal people.
16
17 (No comments)
18
19 CHAIRMAN ADAMS: Tribal.
20
21 (No comments)
22
23 CHAIRMAN ADAMS: InterAgency.
24
25 (No comments)
26
27 CHAIRMAN ADAMS: No. Fish and Game
28 Advisory Committees. No. Mr. Larson, an individual
29 made a comment this morning. Any written comments.
30
31 MR. LARSON: Yes, Mr. Chairman.
32 Although there are no written comments, there's two ACs
33 that's provided testimony. The Juneau-Douglas AC voted
34 in support. The Sitka AC voted in opposition. Their
35 point was that because they have a late season that may
36 result in inadvertent harvest of doe deer.
37
38 That is all the comments we received.
39
40 CHAIRMAN ADAMS: Thank you. Mr. Bangs.
41
42 MR. BANGS: Thank you, Mr. Chairman. I
43 have the notes or the votes from the Petersburg AC. I
44 chair that committee and I don't know if it's proper
45 for me to give that number to you. How did you want to
46 do that.
47
48 CHAIRMAN ADAMS: Would you be
49 testifying on behalf of your AC?
50

1 MR. BANGS: That's correct.
2
3 CHAIRMAN ADAMS: Why don't you just go
4 ahead and take a microphone over there and do it that
5 way.
6
7 MR. BANGS: Thank you, Mr. Chair. My
8 name is Mike Bangs. I chair the Petersburg AC. On
9 Proposal 06 we voted unanimously in favor of that.
10
11 Thank you.
12
13 CHAIRMAN ADAMS: Thank you, Mr. Bangs.
14 Anyone else.
15
16 (No comments)
17
18 CHAIRMAN ADAMS: Okay. I'm going to
19 support this proposal. I think there's enough data to
20 support it. I don't see any adverse effects on either
21 the subsistence or non-subsistence users and I think
22 there's no conservation concern. So my vote will be
23 yes on this. Any other comments.
24
25 MR. BANGS: Question.
26
27 CHAIRMAN ADAMS: The question has been
28 called for. All in favor.....
29
30 IN UNISON: Aye.
31
32 CHAIRMAN ADAMS: please signify
33 by saying aye. Somebody jumped the gun on me.
34
35 MR. DOUVILLE: False start.
36
37 CHAIRMAN ADAMS: False start. Let's do
38 that again. All in favor please signify by saying aye.
39
40 IN UNISON: Aye.
41
42 CHAIRMAN ADAMS: All those opposed say
43 nay.
44
45 MR. LORRIGAN: Nay.
46
47 CHAIRMAN ADAMS: Motion carries. The
48 ayes have it. One nay. WP10-07. Welcome again,
49 Larry. Mr. Bangs.
50

1 MR. BANGS: I move to adopt WP10-07.
2
3 CHAIRMAN ADAMS: Thank you, sir. Is
4 there a second.
5
6 MR. BANGS: I'll adopt it with
7 modification.
8
9 CHAIRMAN ADAMS: There is no
10 modification on it.
11
12 MR. BANGS: I didn't think so. As
13 written.
14
15 CHAIRMAN ADAMS: As written. Thank
16 you. Is there a second.
17
18 MR. LORRIGAN: Second.
19
20 CHAIRMAN ADAMS: Okay. Let's read
21 that. The OSM preliminary conclusion, I'll read it.
22 It says support Proposal WP10-07 with modification.
23 Re-open marten trapping in this portion of Unit 3 for
24 Federally-qualified subsistence users beginning the
25 regulatory year of July 1, 2012. Is that the one you
26 want to support? I apologize for not bringing that up.
27 I didn't think there was a modification to it.
28
29 MR. BANGS: Thank you, Mr. Chairman. I
30 would like to adopt the proposal that we originally
31 wrote and then we can discuss the amendment later.
32
33 Thank you.
34
35 CHAIRMAN ADAMS: That's fine. That
36 will work. Is there a second. No second?
37
38 REPORTER: Jack already seconded.
39
40 MR. LORRIGAN: (Nods affirmatively)
41
42 CHAIRMAN ADAMS: It's been moved and
43 seconded, so it's on the table. Go ahead, Mr.
44 Dickerson.
45
46 MR. DICKERSON: Thank you, Mr. Chairman
47 and the Council. My name is Larry Dickerson. I'm a
48 wildlife biologist for the Forest Service. The
49 analysis of Proposal WP10-07 can be found on Page 46.
50 Proposal WP10-07 was submitted by the Southeast Alaska

1 Subsistence Regional Advisory Council and requests
2 closure of the Federal subsistence marten trapping
3 season on Kuiu Island portion of Unit 3. This
4 proposal, we have been already through two different
5 special actions that have gone through the Council and
6 the Federal Subsistence Board. This particular
7 proposal would close the season for trapping marten,
8 which would also align it, the Federal regulations,
9 with what is ongoing with the State regulations.

10

11 What I'd like to do is give the Council
12 a brief background of how we got from point A to point
13 B and where we're at and the biology that's concerned.

14

15 To take a look at this, since about
16 2002 there have been a total if I remember correctly 37
17 marten harvested there by four different trappers. Two
18 of those trappers are Federally qualified or rural
19 residents. So that's 2002 through 2008. Each animal
20 that's taken is marten that has to be taken is sealed,
21 so there are records of that. There's no records of
22 animals that aren't captured if a trapper was
23 unsuccessful there. We don't know that. Anyway,
24 there's been extensive research projects going on there
25 for live trapping and hair snagging and sampling for
26 DNA and there's been a lot of information collected,
27 which has been the best science over the last six or
28 seven years with quite a bit going on in the last two
29 years.

30

31 We do feel that trappers are pretty
32 self-regulating. If the species isn't there with the
33 unit, the trappers probably don't go there. What we've
34 done is we've worked through this to give everybody a
35 baseline. Marten populations are generally regulated
36 by the food availability. It would be also the habitat
37 conditions and trapping pressure. We know that when
38 some of these studies were ongoing we've experienced
39 some really tough hard winters and maybe the voles or
40 the species that the marten can get to they couldn't
41 because the vole populations didn't survive the winter
42 or the prey species could not get through the snow to
43 them. There hasn't been a lot of trapping pressure,
44 but obviously the numbers are pretty low.

45

46 Trap nights indicate that there are
47 about four to eight times low as some of the recent
48 studies that have been conducted on neighboring
49 Admiralty Island, so at least the information that we
50 have from the research projects that have been there

1 that indeed indicate that something is going on with
2 the Kuiu marten population.

3
4 So there's been some conservative
5 measures put in. The State has closed the season. One
6 of the things with the State closure that we didn't
7 know is when the State season would be open what amount
8 of funding, what amount of research, what amount of
9 science would that project allow for reopening. So in
10 the Federal season we looked at it in several different
11 directions. A complete closure versus a shortened
12 season. Most seasons, if you look at trapping seasons,
13 most marten are harvested during the month of December.
14 It normally opens from December. It has in the past to
15 February 15th. So there's an alternative to do that
16 just during December.

17
18 There's also an alternative let's say
19 to start in 2012 that we discuss in here. That would
20 give marten -- it basically takes a marten about 16
21 months to reach reproductive capability for a female.
22 The females are the important part of the population.
23 Normally what you want to do as a trapper is you want
24 to have a baseline of three or four young of the year
25 to each adult. That shows that the young of the year,
26 there's harvest being out there -- excuse me, there's
27 reproduction and, therefore, trappers are mainly
28 harvesting those young animals. That wasn't occurring
29 there because there's older populations.

30
31 So we're hopeful with some strategies
32 or we've proposed through the Council's recommendation
33 of a strategy of starting the season on the next
34 regulatory year, holding it off and looking at it in
35 2012. So that would give two or three different life
36 cycles of marten to reproduce and hopefully each of
37 those female marten that do survive are having two or
38 three young per year and, therefore, local trappers can
39 harvest some of those marten, can shorten the season
40 from December 1st to December 31st when most of the
41 trapping occurs, and maybe put a harvest limit of 10
42 species. With that I think we can get some biological
43 information.

44
45 There's three or four different ways to
46 determine sex -- excuse me, or how old a marten is in
47 the field pretty easy by looking at the sagittal crest
48 and it's called the masseter muscle, how much it covers
49 the skull. The old marten it's completely enclosed
50 with muscle. The young of the year have quite a bit of

1 bone showing, which can be measured pretty easily.
2 Year old marten, yearlings, it starts to close more. A
3 trapper can look at that because if you're catching too
4 many adult marten you can shut that down, so I think we
5 can work with people.

6
7 The Forest Service has a program going
8 on now where we're paying for carcasses and samples
9 from some things. I think we can get the biological
10 information. We can still be conservative, but we can
11 give in the future subsistence opportunities there. So
12 that's where we came through quite several different
13 alternatives and shows the one to put in front for the
14 Council's review.

15
16 Mr. Chairman

17
18 CHAIRMAN ADAMS: Thank you, Larry.
19 Questions anyone. Comments.

20
21 Mr. Bangs.

22
23 MR. BANGS: Thank you, Mr. Chairman.
24 Larry, when they were trapping before it was closed,
25 did you have like a catch per unit effort so that if we
26 were to reopen it you would have a comparison as to
27 possible -- like the population is growing or do you
28 have a baseline for when it was open as compared to if
29 it reopens?

30
31 MR. DICKERSON: Mr. Chairman. Mr.
32 Bangs. Yes, Mike, ADF&G does have information on catch
33 rate per 100 trap nights and other information. So I
34 think if we can work with an individual and identify
35 the individuals, we would know very quickly what the
36 population is doing or with some effort. We'll have to
37 communicate with whoever goes in there to make that
38 happen, but I think the people that have been there, at
39 least since 2002, are very limited with just two
40 subsistence trappers during that seven year period.

41
42 CHAIRMAN ADAMS: Anyone else. Jack and
43 then Harvey.

44
45 MR. LORRIGAN: Thank you, Mr. Chairman.
46 It says the marten were considered endemic to Kuiu.
47 They were never relocated there for the fur industry
48 back in the early days?

49
50 MR. DICKERSON: Mr. Chairman. Mr.

1 Lorrigan. That's a very good question, talking to a
2 mammologist about the two subspecies, which is the
3 Pacific marten and American marten, americana and
4 caurina. I can't answer that question because I think
5 it was still -- at least in the mammologist's eyes that
6 visited it was still some questions that we can't
7 pinpoint. Some other folks here might be able to
8 answer that better, but I can't answer that correctly.

9

10 CHAIRMAN ADAMS: Harvey, go ahead.

11

12 MR. KITKA: Thank you, Mr. Chair. I
13 was just curious as to how little people took in
14 trapping, whether there was something else causing
15 their lack of population. I was wondering if they had
16 any other predators besides man working on them.

17

18 MR. DICKERSON: Mr. Chairman. I think
19 that is indeed true. There are goshawks and other
20 sorts of owls are mortalities to marten. They also can
21 be very flexing with the population depending upon the
22 prey base. Not as much as we know with lynx and hares,
23 but nevertheless the vole population and the mice
24 population will regulate them somewhat. They're very
25 good at secondary prey, be it squirrels or fish in the
26 different summer with the runs. They eat a lot of
27 berries also. Nevertheless, they're still a predator
28 and they still depend upon that prey base. I think
29 that's what it is. Possibly more than other outside
30 mortalities.

31

32 CHAIRMAN ADAMS: Follow up.

33

34 MR. KITKA: Yes, Mr. Chair, thank you.
35 Was there a definite year when you noticed a drop in
36 the population of the marten?

37

38 MR. DICKERSON: Excuse me. Would you
39 restate that.

40

41 CHAIRMAN ADAMS: Was there a definite
42 year where you noticed that the population of marten
43 had dropped enough?

44

45 MR. DICKERSON: I can't answer that
46 question. I can see that -- what I've read on the
47 research when this study started seven to ten years ago
48 they were low. I would suggest that that was probably
49 because of some reports that had been coming in and
50 there was a reason that those efforts went on Kuiu

1 Island. The State has been more involved with that than
2 we have been, so maybe Mr. Kitka they can answer some
3 of those questions. Mr. Chairman.

4

5 CHAIRMAN ADAMS: Mr. Bangs.

6

7 MR. BANGS: Thank you, Mr. Chair. Are
8 the marten real susceptible to habitat change from
9 clearcut logging? I know there's been some logging in
10 the past 15, 20 years on northern Kuiu that may or may
11 not have an effect. I just wonder what your opinion on
12 that was.

13

14 MR. DICKERSON: Mr. Chairman. Mr.
15 Bangs. That's a very good question. We, on the
16 Tongass, of course they are an old growth dependant
17 species and we look at them that way. on the other
18 hand we were out and see a lot of marten in second
19 growth, especially that is also occurring in the Lower
20 48, some of the catch rates are as high as they've ever
21 been in some of the second growth. Why the second
22 growth has very good undergrowth in the early years
23 just from down materials and woody debris and things if
24 the prey base is there. If the prey base is there and
25 they have found marten populations high and some of the
26 second growth trees that only have five to ten inch
27 DBH. So I think it's variable and more than we used to
28 think, but we still look at them and it's the old
29 growth species at this point.

30

31 MR. BANGS: Thank you.

32

33 CHAIRMAN ADAMS: Jack.

34

35 MR. LORRIGAN: Thank you, Mr. Chair.
36 My grandfather used to trap marten. I think I got this
37 from him is that they were introduced to the islands
38 and along with that the red squirrel was dropped off
39 with them so that they'd have a food base, not knowing
40 that studies have shown that they're dependant on voles
41 and mice. I've also heard that they're really hard on
42 hooter populations, the chicks and the eggs, and those
43 are old growth dependant species. I don't know if
44 you're interpreting from your data. There's a lynx and
45 hare relationship here going on. It sounds like --
46 I've worked on Kuiu quite a bit and that place is
47 growing up from the logging, so I imagine there's a lot
48 of sheltering going on in some of those advanced second
49 growth stages that could be influencing everybody in
50 there.

1 CHAIRMAN ADAMS: Mr. Douville.

2

3 MR. DOUVILLE: Thank you, Mr. Chairman.
4 Could the decline also be -- I don't know when the last
5 logging camp was there, but certainly those guys
6 trapped if they were there over the winter. Do you
7 have any data on that or have you considered that?

8

9 MR. DICKERSON: Mr. Chairman. Mr.
10 Douville. I have not seen any data over that and
11 didn't really consider back beyond 10 years of -- I
12 actually looked I think back at about 15 years of fur
13 harvest and the harvest at least if I remember there
14 were about 50, 51 animals harvested in previous years
15 and in the last -- since 2002 it had gone down to that
16 total of 37. So it appears that at least the last 15
17 or 20 years that there hasn't been a lot of harvest.
18 So, Mr. Douville, I'm not sure why that has not
19 occurred.

20

21 CHAIRMAN ADAMS: Follow up.

22

23 MR. DOUVILLE: There hasn't been a lot
24 of effort either though on the other hand. I expect
25 that logging roads being what they are become less
26 useable. You can't use them unless you have a
27 snowmachine sometimes. You know, there's other factors
28 here too.

29

30 CHAIRMAN ADAMS: Mr. Dickerson, I
31 learned a lot from Neil and Susan about bull/cow ratio
32 moose in Yakutat the past few years and I was wondering
33 if that was the situation. Seemed like that was a
34 problem. I remember a couple years ago reading
35 something about that. If so, what would be a healthy
36 ratio for males and females?

37

38 MR. DICKERSON: Mr. Chairman. I think
39 that's a very good point. I think when you're trying
40 to keep a marten population working, trappers are
41 really trying to harvest more young of the year and at
42 least the baseline has always been three or four young
43 of the year to each adult. Also, if you can, three
44 males to one female and on adult species. When you
45 start getting into too many adult females or even just
46 most of your ratio is adult, it's the time to self-
47 regulate yourself. Many places, of course, through
48 Alaska trappers manage their trapline and they have to
49 operate from that.

50

1 Over on public lands and public roads
2 and you may run a trapline and then someone comes and
3 follows you up that trapline after you've pulled and
4 that's sometimes when we hurt the resource, where
5 people are working on their own and managing their own
6 and no one is following behind them. They really try
7 to manage that fur, most people by those standards with
8 that baseline and they pull their equipment.

9

10 CHAIRMAN ADAMS: Thanks. Anyone else.

11

12 (No comments)

13

14 CHAIRMAN ADAMS: All right. Thank you,
15 Larry. State.

16

17 MR. PAPPAS: Thank you, Mr. Chair.
18 George Pappas. Comments appear on Page 55. I'll do my
19 best to summarize. During the 10-year period
20 1998-2007, an average of 0.6 trappers reported trapping
21 marten on Kuiu Island. During the same period, the
22 annual marten harvest on Kuiu Island ranged from 0-32
23 marten annually. Due to low harvest and participation
24 in trapping on Kuiu Island, a closure would have little
25 impact on federal subsistence trapping activities. In
26 November 2008 the Alaska Board of Game closed the state
27 marten trapping season on Kuiu Island until the
28 population increases.

29

30 We've already discussed the recent
31 research efforts to indicate a population is low and
32 the Department does support this proposal. The
33 Department recommends that both the state and federal
34 seasons remain closed until the population increases.

35

36 Thank you, Mr. Chair. I believe Neil
37 had a few answers for your questions earlier.

38

39

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STATE OFFICIAL WRITTEN COMMENTS

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

Wildlife Proposal WP10-07:

This proposal would close the marten
trapping season in a portion of Unit 3 Kuiu Island.

1 Introduction:

2

3 Current federal subsistence trapping
4 regulations for marten in Unit 3 (including Kuiu
5 Island) allow for an unlimited take and a season from
6 December 1 through February 15. Research conducted
7 during the past few years involving extensive live
8 capture and hair-snaring efforts by department
9 personnel and university researchers indicates that the
10 Kuiu Island marten population exists at extremely low
11 levels. An ongoing Department of Fish and Game
12 (department) radio-telemetry study indicates a high
13 degree of natural over-winter mortality resulting in
14 concerns about marten survival and recruitment on the
15 island. Because of this research effort, the
16 department was concerned enough about the marten
17 population on Kuiu Island to draft a proposal to the
18 Alaska Board of Game to close the marten trapping
19 season on this island. The Board of Game adopted this
20 proposal in fall 2008, and the closure went into effect
21 on July 1, 2009. The Federal Subsistence Board also
22 closed the federal subsistence harvest of marten on
23 Kuiu Island through adoption of Wildlife Special Action
24 WSA 09-03 at the November 12, 2009, meeting.

25

26 Impact on Subsistence Users:

27

28 During the 10-year period 1998-2007, an
29 average of 0.6 trappers (range 0-3 trappers annually)
30 reported trapping marten on Kuiu Island. During the
31 same period, the annual marten harvest on Kuiu Island
32 ranged from 0-32 marten annually. Due to low harvest
33 and participation in trapping on Kuiu Island, a closure
34 would have little impact on federal subsistence
35 trapping activities.

36

37 Opportunity Provided by State:

38

39 The marten trapping season throughout
40 most of Unit 3 extends from December 1 through February
41 15. Due to the low marten population and conservation
42 concerns, in November 2008 the Alaska Board of Game
43 closed the state marten trapping season on Kuiu Island
44 until the population increases. Because the regulatory
45 action taken by the Board in fall 2008 would not become
46 effective until July 2009, the department issued an
47 emergency order closing the Kuiu marten trapping season
48 prior to the start of the 2008-2009 season due to
49 conservation concerns.

50

1 Conservation Issues:

2

3 Extensive live capture and hair-snaring
4 efforts conducted by department personnel in fall 2009
5 indicate that marten populations on Kuiu remain at low
6 levels. Habitat conversion resulting from past and
7 planned timber harvest and road building further
8 contribute to concerns regarding Kuiu Island marten
9 populations. Logging road densities on the northern
10 half of Kuiu Island have exacerbated concern for
11 overharvest of marten by increasing human access and
12 trapping vulnerability. Telemetry relocation data
13 indicate that Kuiu Island marten tend to concentrate
14 near the beaches during winter where they are similarly
15 vulnerable to shoreline trapping.

16

17 Other Comments:

18

19 In 2002, a genetic survey in Southeast
20 Alaska by the personnel from the University of Alaska
21 Fairbanks found that both marten species (*Martes*
22 *americana* and *Martes caurina*) were found in the region.
23 This survey found that *M. caurina* inhabits only two
24 islands within the archipelago (Kuiu and Admiralty
25 islands) and should be considered endemics.

26

27 Recommendation:

28

29 Support.

30

31 The department recommends that both the
32 state and federal seasons remain closed until the
33 population increases.

34

35 CHAIRMAN ADAMS: Thank you, George.

36 Neil, go ahead.

37

38 MR. BARTEN: Excuse me. Mr. Chair,
39 members of the Council. For the record, my name is Neil
40 Barten. I work with the Department of Fish and Game
41 out of Douglas and I'm a regional management
42 coordinator for the Division of Wildlife.

43

44 Anyway, you know, maybe with the next
45 few proposals, you know, we might be able to come up
46 and help a little more because I know Larry had some
47 questions that maybe I should have come up and helped
48 answer, but I'll try to answer some of them. He did as
49 good a job as he could, but there was a little more
50 information I have.

1 Just to kind of get everybody on the
2 same page because several questions were about when
3 were the marten -- when is the marten population, when
4 did it start going downhill, that kind of thing. I
5 think nobody really -- you know, there hasn't been much
6 harvest, as Larry said, and if you look at the graph on
7 Page 51, figure 2, you can see that over the last since
8 1993 there hasn't been all that much effort anyway and
9 the harvest hasn't been that high.

10

11 I think it really was when the
12 Department of Fish and Game through the University of
13 Fairbanks, I believe, started kind of looking into
14 these low numbers of marten that were being caught that
15 they actually started coming up with a sense of how few
16 marten were really on the island. Through that work
17 with DNA analysis, that's when they also, the people
18 doing the study, determined there was really two
19 subspecies of marten on the island. Larry referenced
20 that a little bit.

21

22 One of them is endemic to Admiralty
23 Island and also on Kuiu and they feel that's an endemic
24 there as well. There were Marten introduced to
25 Chichagof Island and Baranof Island, I believe, where
26 there hadn't been marten. They were introduced there
27 and then somebody mentioned squirrels. I think
28 squirrels were introduced to feed the marten even
29 though marten feed on a lot of other things and
30 squirrels probably aren't their main source, but people
31 didn't know it back then. The marten on Kuiu, at least
32 some of them, are endemic they believe based on the
33 genetic structure as well as the marten on Admiralty
34 are endemic and it's the same subspecies. But then on
35 Kuiu there's an additional subspecies that's also found
36 on the mainland. So there's kind of two subspecies on
37 that island.

38

39 Anyway, so it was only after doing some
40 work that they determined that there was really not
41 that many marten and that caused us some concern to go
42 to the Board last fall and actually ask for a closure
43 and then we ended up closing the marten season. I
44 talked to Rod Flynn this morning. He's a researcher in
45 charge of doing the work on Kuiu Island and they're
46 doing work right now. They're still finding a fair bit
47 of overwinter mortality on the marten that they have
48 radio-collared. I think they have 20 to 25 out there.

49

50

1 What they've been finding the last two
2 or three years with this research is they've had a lot
3 of mortality between now and spring, between now and
4 April. For whatever reason the marten they've been
5 finding dead are almost all in the beach zone. They're
6 moving to the beach zone and that's where they're dying
7 it appears. What they're dying of they're not exactly
8 sure because you dig through the snow and you find a
9 collar and maybe some hair, so it's hard to figure out.

10

11

12 So there's still some concerns about
13 the marten. Rod told me this morning we're going to
14 continue this work into next year and do another year
15 of study. This year was the first time we've trapped
16 on southern Kuiu. So in Tebenkof Bay, I believe is
17 what it's called, they've done some work there. So
18 they've actually been down there this summer with a
19 boat, or last summer, summer of '09, trying to capture
20 marten.

21

22 They caught some in areas that they
23 hadn't previously tried capturing, so we're kind of
24 getting a better assessment across the island of where
25 there are marten, where there aren't marten, doing mark
26 recapture to try to get a sense of how many actually
27 there are and somebody referenced that as well. You
28 can kind of do the mark and recapture with the hair
29 snaring and with actually catching animals and
30 recapturing them, but you can also do the catch per
31 unit effort from what trappers are getting over time.
32 You can look at what they caught five years ago.

33

34 Anyway, getting up to speed for the
35 Department standpoint we would like to see the marten
36 season remain closed until we get another couple years
37 of data and really try to figure out if this population
38 is really increasing since we've had the season closed,
39 in the last couple years anyway, and what the limiting
40 factors really are. I mean maybe it is the logging.
41 In a lot of cases marten are old growth species. Is
42 that a problem with them ever kind of regaining higher
43 numbers? Is it because of the logging roads and access
44 along the beaches that potentially could allow trappers
45 to really access it and knock them down pretty hard or
46 is the prey base just isn't there? I mean Kuiu doesn't
47 have many deer. If you go down to Admiralty and
48 Baranof, Chichagof Islands, you get a lot of deer
49 dying. That's a lot of carrion for marten to feed on
50 and that probably helps them to some degree.

1 So what we're hoping to do is kind of
2 get a game plan for this after another year of studying
3 and decide, well, maybe we can have a marten season,
4 but maybe we don't want to allow people to use the
5 logging roads for access. Maybe we can have a marten
6 season, but we don't want it to go past the end of
7 December or past mid January because they're too
8 vulnerable to harvest and come up with a plan and go
9 from there. But at this time we'd like to see it
10 remain closed.

11
12 CHAIRMAN ADAMS: Thank you, Neil. So
13 you think that maybe in a couple years you might have a
14 pretty good idea of what's happening with the martens
15 at our next wildlife meeting we should be able to get a
16 report from you and you people.

17
18 MR. BARTEN: Mr. Chair. Members of the
19 Council. Yeah, I mean we've actually been putting a
20 lot of effort and time and money into it and I think a
21 year from now with another year of data and another
22 year of radio-collaring and assessing the population I
23 think we'll be sitting a lot better than we are today.

24
25 CHAIRMAN ADAMS: I'll look forward to
26 that. Thank you very much, gentlemen.

27
28 MR. DOUVILLE: Mr. Chairman.

29
30 CHAIRMAN ADAMS: Do you have a
31 question, Mr. Douville.

32
33 MR. DOUVILLE: A couple things.

34
35 CHAIRMAN ADAMS: A couple things. Go
36 ahead.

37
38 MR. DOUVILLE: Thanks, Mr. Chairman.
39 One, like you say endemic species. If Rocky Pass
40 freezes up, they can walk across the ice from
41 Kupreanof. It's simple as that. I know that they
42 occur on islands that are close proximity. They're on
43 Dall Island and there's no ice there. They've gotten
44 across there. And on Sumez Island.

45
46 The other thing is how do you know that
47 these collars you're putting on them isn't having an
48 effect on their lives. I haven't looked at them
49 myself, but I've trapped all my life.

50

1 The other thing I'd like to address is
2 mark recapture. Once you catch an animal, he gets lots
3 smarter the next time. You might not catch him so
4 easy. The other thing is there's lots of wolf on
5 there. Wolf likes to eat marten too.

6
7 CHAIRMAN ADAMS: Would you like to
8 respond, Neil. Go ahead.

9
10 MR. BARTEN: Yeah. Through the Chair.
11 Member Douville. No, you raise a -- you make some
12 good points. I mean I know wolves eat marten. The
13 endemic aspect, the reason the researchers concluded
14 that these marten -- some of the marten on the island
15 were endemic is because the only two places they are
16 found is Admiralty Island and Kuiu Island, this one
17 subspecies.

18
19 The other subspecies are found on the
20 mainland as well as Kuiu Island, so certainly there's
21 been some exchange of marten from the mainland to Kuiu
22 over time, but based on the genetic analysis and this
23 is beyond my knowledge of genetic structure, trust me,
24 they've determined that it's been a long time ago. It
25 hasn't been recent that there's been a lot of exchange
26 from the mainland to the island. That's as much as I
27 want to go into that because I'm not an expert in that
28 field.

29
30 Your point about collaring marten, you
31 know, we collar moose, we collar bear, we collar a lot
32 of different species and it's a very good criticism or
33 at least a point to bring up that maybe the collaring
34 in and of itself could lead to mortality in a lot of
35 species with -- you know, whether it's moose or bear or
36 whatever. You look at the population as a whole and
37 you look at the animals you're collaring and over time
38 you try to see if the animals you're handling and
39 collaring are having a different survival than the ones
40 that aren't. With moose and bear and that kind of
41 thing it's fairly easy to do, especially large
42 ungulates like moose because you can count them.

43
44 With the marten, you know, Rod Flynn
45 has been collaring marten for 20 years on Chichagof,
46 Admiralty, different places like that and following
47 them around with these little collars and I guess he
48 just hasn't seen a lot of negative impact of the
49 collaring, but that's always something -- you know,
50 it's something I think worth discussing, but he

1 certainly had a lot of success as a researcher doing
2 this and other people in other parts of the state as
3 well find marten without a lot of ill effects that they
4 can determine anyway. But it's a good point. Anyway,
5 I'm not sure if there was another question in there.
6 Thanks.

7

8 CHAIRMAN ADAMS: Anyone else.

9

10 MR. DOUVILLE: One of the things that I
11 find is that you really didn't know how many was there
12 to begin with.

13

14 CHAIRMAN ADAMS: Patty.

15

16 MS. PHILLIPS: Mr. Chair. Mr. Barten.
17 Is that carcass collection going on and are you finding
18 out what they're eating through the carcass collection
19 or how are you finding out what they're eating?

20

21 MR. BARTEN: Through the Chair. Member
22 Phillips. Good question. Right now we're not
23 collecting carcasses there because there's not a
24 trapping season, so nobody is bringing them to us
25 obviously. In order to determine what they're eating,
26 yeah, you have to be out there either collecting their
27 scat, which isn't that easy, but your best way to get
28 at what they're feeding on would probably be to collect
29 carcasses.

30

31 MS. PHILLIPS: Mr. Chair, follow up.

32

33 CHAIRMAN ADAMS: Patty.

34

35 MS. PHILLIPS: Speaking holistically, I
36 mean as someone who is -- you know, I was born on Mount
37 Edgumbe Island but I've lived in Pelican like 38
38 years, which is smack dab in the middle of a wilderness
39 area. So I look at things holistically, the world as a
40 whole. What did marten eat in my area. There would be
41 birds, so pine siskins and grosbeaks and ptarmigan. We
42 have less and less and Mr. Wright from Hoonah mentions
43 the hooters. We have less and less of those. I
44 haven't heard of spruce grouse since I was a kid. I
45 see very few ptarmigan and the populations of pine
46 siskin and grosbeaks are diminishing. In my opinion,
47 the timber harvest and other areas of the island are
48 moving the bird populations to the old growth areas,
49 which is areas that I live in. I'm seeing diminished
50 populations of those birds and then I'm in an old

1 growth area.

2

3 We had deer at or above carrying
4 capacity, so they were eating the berry trees right
5 down to the roots. If you're saying that marten eat
6 berries, those berries weren't there. There's also
7 falcons, eagles and hawks that are in abundant supply
8 and they're hungry. So they see a little marten
9 running around on the ground they're going to go nab
10 them. We can't just pinpoint it to one little thing.
11 I know you know that, but there's a bigger picture here
12 that's causing population issues.

13

14 Thank you.

15

16 CHAIRMAN ADAMS: Thank you, Patty.
17 Cathy and then Jack.

18

19 MS. NEEDHAM: Thank you, Mr. Chair.
20 From what I've heard so far it seems like there's a lot
21 more questions about the population than there are
22 answers, so my question to you is, I know that there's
23 a potential modification maybe being discussed in terms
24 of re-opening -- if the marten season is closed at the
25 Federal level, re-opening it in a couple years. How
26 long do you anticipate it will take to get a firmer
27 understanding and be able to provide good substantial
28 scientific evidence about what the population is going
29 to be?

30

31 MR. BARTEN: Through the Chair. Member
32 Needham. That's a very good question and I'm not going
33 to say a year from now we're going to say let's open it
34 the year after because I really don't know where the
35 State is going to lead us. This will probably be the
36 second or third year of the radiotelemetry study and
37 we're going to do that one more year in addition to
38 collecting hair at these hair traps, that kind of
39 thing, and looking at survival of marten and where they
40 are dying when they die and how they're using the
41 habitat, which would make them potentially vulnerable
42 to harvest along the beach or the logging roads, I
43 would think we'll have a much better sense of really do
44 we believe that this marten population can sustain a
45 harvest of any kind or not.

46

47 I think those are the kind of
48 discussions we're going to have. If the answer is yes,
49 then how do we do that without really overharvesting
50 them to where there's a conservation concern. You're

1 right, there's a lot of questions because in a lot of
2 cases you don't really do a lot of these kinds of
3 studies until a problem pops up or if somebody asks a
4 question or you see that there's not many animals being
5 harvested, then you start doing some research.
6 Research can provide a lot of answers, but in a lot of
7 cases it also opens up a lot of questions because you
8 go, wow, this isn't what I expected and then it leads
9 you down another path.

10

11 CHAIRMAN ADAMS: Go ahead, Jack.

12

13 MR. LORRIGAN: Thank you, Mr. Chairman.
14 I think I'm going to make you repeat yourself. Are you
15 seeing this island-wide? I guess I'm not clear on
16 that. Is that from north to south, the same situation?

17

18 MR. BARTEN: Through the Chair. Member
19 Lorrigan.

20

21 MR. LORRIGAN: Lorrigan.

22

23 MR. BARTEN: Lorrigan. Sorry. Yeah,
24 again, this summer was the first time we've done any
25 work on the south end and, again, that was both hair
26 snaring as well as radio-collaring marten, so they're
27 just now kind of getting a sense of what's going on in
28 the southern end of the island.

29

30 MR. LORRIGAN: And they're seeing the
31 same kind of mortality on the beach fringe?

32

33 MR. BARTEN: Again, this is the time of
34 year you really start seeing that mortality, so when I
35 talked to Rod this morning he said up to this point
36 they've had moderate mortality, but it's really the
37 next month and a half, two months where you really see
38 it and I didn't specifically ask about the southern
39 end. Sorry.

40

41 MR. LORRIGAN: There's a lot of roads
42 on the north end, so everybody would have way more
43 access to everything on the north end. I don't know if
44 I caught this or not, but is there a special
45 relationship between the mortality and the nearest
46 clearcut? Has that been measured?

47

48 MR. BARTEN: Good question. It's one I
49 cannot answer.

50

1 MR. LORRIGAN: Thank you.

2

3 CHAIRMAN ADAMS: Anyone else. Frank.

4

5 MR. WRIGHT: Thank you, Mr. Chairman.
6 When I was a kid, I used to stand on Front Street and
7 listen and hear grouse hooting up there and now I never
8 hear it ever again. What I was wondering, I don't know
9 when you introduced marten to Chichagof Island, but I
10 think that was -- you don't mess with Mother Nature.
11 Anyway, do you think the marten are after the eggs of
12 the birds and are eating themselves out, like the sea
13 otters are doing exactly what they do, eating
14 themselves out of an area and then moving on to
15 another, or if you're talking mortality? That's just
16 what I'm wondering.

17

18 Thank you, Mr. Chair.

19

20 MR. BARTEN: Through the Chair. Mr.
21 Wright. You know, I think in general martens main food
22 source is going to be like voles and that's really what
23 they depend on and that's how they cycle, depending on
24 the vole population. Again, they do eat carrion. In
25 my career here in Southeast, I've heard over and over
26 people talk about the lack of blue grouse in places
27 because of marten and I don't doubt that they'll eat
28 eggs and even the young and adults if they can catch
29 them.

30

31 But just to add something that is just
32 my perception, it's very interesting to me where I live
33 in Juneau and I hunt hooters and I do a lot of hiking
34 around the back country there. There's a lot of blue
35 grouse there, but, yeah, we still have pretty good
36 marten population, so it's kind of weird. Nobody
37 really understands this because nobody has ever really
38 looked into it, but I've heard the same concern over
39 and over from people saying when the marten were
40 introduced the blue grouse disappeared and I don't know
41 how much truth there is to that or not.

42

43 CHAIRMAN ADAMS: Thank you. Nice
44 discussion going on here. Anyone else.

45

46 (No comments)

47

48 CHAIRMAN ADAMS: Okay. Thank you,
49 gentlemen. They say that the lunch is ready right now,
50 so maybe we can take a break right now, come back at

1 1:30 and then we'll continue on with this discussion.

2

3 (Off record)

4

5 (On record)

6

7 CHAIRMAN ADAMS: We're back in session.

8 We want to finish up this proposal and then I'll take a

9 couple testimonies and go back to proposals again. I

10 think we were at the point of written summaries. Are

11 there any written summaries, Mr. Larson, on this

12 proposal. We're on 07.

13

14 MR. LARSON: Mr. Chairman. There are
15 no written public comments, there are no comments from
16 the other Advisory Councils, nor are there AC comments.

17

18 Thank you.

19

20 CHAIRMAN ADAMS: Mr. Dickerson asked

21 for a little bit of time because he wanted to clarify

22 something that was not explained in the proposal. Go

23 ahead, Larry.

24

25 MR. DICKERSON: Thank you, Mr.

26 Chairman. I did want to clarify the proposal here and

27 the three alternatives. There were three alternatives.

28 The first was to shorten the season from December 1 to

29 February 15th to December 1 through 31st. The second

30 one was basically to leave things as they are now, but

31 to start the season in 2012-2013 with the next

32 regulatory cycle. That's what you will see as what is

33 proposed here to support the proposal with the

34 modification.

35

36 There is some confusion if you read the
37 third proposal. It says it's the preferred

38 alternative. That is incorrect. That is the third

39 alternative and it's the most conservative alternative

40 where it talks about closing the season to 2012-13,

41 limiting the season to December 1st to the 31st and

42 also a limit of 10 animals. So that is not the

43 preferred alternative. That is a mistake or my mistake

44 in the book. I'll assume that.

45

46 Anyway, the modification support as it
47 reads is what we brought forth.

48

49 Thank you.

50

1 Sorry about that confusion.
2
3 CHAIRMAN ADAMS: Thank you, Larry.
4 You're excused. We're now in Council deliberations.
5 What's the wish of the Council. Anyone.
6
7 Go ahead, Cathy.
8
9 MS. NEEDHAM: Thank you, Mr. Chairman.
10 I think I'm only slightly confused and hopefully I can
11 get a little bit of clarification. We're currently
12 deliberating on a motion to accept the proposal as
13 written?
14
15 CHAIRMAN ADAMS: Uh-huh.
16
17 MS. NEEDHAM: And then we have OSM that
18 has given us a recommendation to support the proposal
19 with a modification.
20
21 CHAIRMAN ADAMS: Uh-huh.
22
23 MS. NEEDHAM: So I guess my comment
24 back to this body is that I would be interested in
25 maybe discussing this. If we are leaning towards
26 closing the season on marten, my question is will it
27 take having to have a significant scientific evidence
28 to re-open it again or if whether or not we should be
29 considering the regulatory cycle and having that
30 opportunity that's it's going to open regardless of
31 whether or not the State is going to be able to provide
32 us with good clear evidence about the population since
33 we know so little about it at this point.
34
35 CHAIRMAN ADAMS: Do you have a response
36 to that, Mr. Douville?
37
38 MR. DOUVILLE: Thank you, Mr. Chair.
39 No, not to her. I have a different idea when we get
40 there.
41
42 CHAIRMAN ADAMS: So we need to address
43 your concern there. Just kind of go over it again if
44 you would. You were wondering what?
45
46 MS. NEEDHAM: Mr. Chair. I was
47 wondering -- I guess my tendency is to support closing
48 the season. I think that even though we don't know
49 much about the population there seems to be enough of a
50 conservation concern for marten on Kuiu, but I don't --

1 if we're going to close the season, I want to know how
2 difficult it will be to re-open it for subsistence
3 users, how much scientific evidence we're going to need
4 and it's not clear to me if we'll have that for the
5 next regulatory cycle. So OSM is recommending that we
6 support the proposal by modifying it to just say it's
7 going to automatically re-open in 2012 and then if
8 there's a conservation concern at that time then we can
9 talk about potentially closing it, but that helps with
10 that limitation towards subsistence users since we're
11 talking about closing a subsistence season that's
12 already -- you know, we don't want to necessarily limit
13 that.

14

15 So I wanted to bring that forth to the
16 Council if we want to consider whether or not we should
17 take the recommendation for the modification into
18 consideration.

19

20 CHAIRMAN ADAMS: I think that was the
21 intent of Mr. Bangs, was to accept the proposal or
22 adopt the proposal as written and then when we get to
23 the deliberation part, then we talk about amendments.
24 Is that how you wanted to approach it, Mr. Bangs?

25

26 MR. BANGS: Yes, thank you, Mr.
27 Chairman. I agree with Ms. Needham and I move that we
28 adopt the amendment proposed by OSM to WP10-07.

29

30 CHAIRMAN ADAMS: We've already made a
31 motion to accept this proposal. What you need to do is
32 adopt the amendment part of it.

33

34 MR. BANGS: That's why I'm proposing
35 adopting the amendment.

36

37 CHAIRMAN ADAMS: Is there a second.

38

39 MR. DOUVILLE: Second.

40

41 CHAIRMAN ADAMS: Seconded by Mr.
42 Douville. Any more discussion on that portion of it.

43

44 (No comments)

45

46 CHAIRMAN ADAMS: Hearing none. All in
47 favor of the amendment please signify by saying aye.

48

49 IN UNISON: Aye.

50

1 CHAIRMAN ADAMS: All opposed nay.
2
3 (No nay votes)
4
5 CHAIRMAN ADAMS: The ayes have it.
6 Thank you. We're now on the main motion. Any more
7 comments.
8
9 MR. BANGS: Question.
10
11 CHAIRMAN ADAMS: I think we need to for
12 the record -- I'll do it. I've done it for the last
13 couple ones here. I'm going to vote in favor of it. I
14 think there's a lot of data here that we can read off
15 of it that there is a conservation concern. It will
16 affect subsistence and non-subsistence users, but I
17 think the conservation concern is going to override
18 that concern. So I'm going to vote in favor for that
19 reason. Any other comments.
20
21 (Pause)
22
23 CHAIRMAN ADAMS: Mr. Bangs.
24
25 MR. BANGS: Mr. Chairman. There's some
26 question whether the four criteria is met and we're
27 just not real clear on that.
28
29 CHAIRMAN ADAMS: See, that's the reason
30 why I said there will be -- it will adversely affect
31 subsistence users because it's going to be closed. You
32 won't be able to go over there and hunt or trap marten
33 in that particular area. It will also affect non-
34 subsistence users. The reason why I said I was going
35 to vote in favor of it is because there is a severe
36 conservation concern there and I think that overrides
37 anything else at this point.
38
39 I'd welcome any other comments. Mr.
40 Kitka, please.
41
42 MR. KITKA: Thank you, Mr. Chair. I
43 know it's probably on a lot of people's minds, but a
44 conservation concern sometimes I -- I wonder about it,
45 whether the trappers are causing this conservation
46 concern. I realize there needs to be more study on it,
47 but we have no idea what the population was before they
48 even started, where it's at now or whether it's gotten
49 worse. So I question that part.
50

1 Thank you.

2

3 CHAIRMAN ADAMS: Thank you, Mr. Kitka.
4 Mr. Douville and then Mr. Bangs and then Patty.

5

6 MR. DOUVILLE: Thank you, Mr. Chair.
7 You did confuse me, but is the recommendation supported
8 by substantial information or evidence. I believe I'm
9 speaking in favor of passing this motion as amended. I
10 think that we've had like three years -- this will have
11 been three years of conservation and I think that we've
12 covered that part. The rural users on the other hand
13 that will get an opportunity take very few of these
14 marten. And I believe it would conserve fish and
15 wildlife populations because we will have had it closed
16 for three years and an opportunity to recover and it
17 will continue subsistence uses. So as far as
18 restriction on non-subsistence users, I don't know how
19 to address that. I think the State has closed it
20 permanently.

21

22 It would eliminate those non-
23 subsistence users.

24

25 CHAIRMAN ADAMS: Thanks for that. Mr.
26 Bangs.

27

28 MR. BANGS: Thank you, Mr. Chair. The
29 reason I think we should accept the amendment in this
30 proposal is that I think it will give us the
31 information -- actually it will probably give us as
32 much if not more as the comparison before and after.
33 We'll get a trend from the trappers themselves, we'll
34 collect carcasses, find out what they're eating. I
35 think that data is just as important as what the State
36 is doing, so in that case I'm for it.

37

38 CHAIRMAN ADAMS: Thank you, Mike.
39 That's a good point. Patty.

40

41 MS. PHILLIPS: Pass.

42

43 CHAIRMAN ADAMS: Any more comments.

44

45 MR. LORRIGAN: Question.

46

47 CHAIRMAN ADAMS: The question has been
48 called for. All in favor of the motion please say aye.

49

50 IN UNISON: Aye.

1 CHAIRMAN ADAMS: All not in favor of
2 the motion say nay.

3
4 (No nay votes)

5
6 CHAIRMAN ADAMS: The ayes have it.
7 Thank you. I'd like to take an opportunity now to give
8 Mr. Willard Jackson and Richard Jackson to make some
9 comments. We'll call on Willard first and then the
10 other Mr. Jackson. Is he here? Richard? Okay, way
11 over there. You're next.

12
13 MR. JACKSON: Thank you, Mr. Chair.
14 Ladies and gentlemen.

15
16 CHAIRMAN ADAMS: We've got a lot of
17 proposals to go through today and tomorrow. Tomorrow I
18 hope we can finish in a good order, so people are going
19 to have to leave in the afternoon, so we'd appreciate
20 it if you made your comments. I don't want to put a
21 time limit on you, but if you'd just be brief and to
22 the point, we'd really appreciate it so we can move on.
23 We've got a whole bunch of other people that's going to
24 testify too. Please, go ahead, Mr. Jackson, and
25 observe that direction at this point.

26
27 Thank you.

28
29 MR. W. JACKSON: Thank you, Mr. Chair.
30 My brother and I met with Steve Kessler. I don't know
31 if he's in the building. If he could come up. We met
32 with him and Robert Loescher. Robert Loescher is our
33 Grand Camp chair for subsistence. He just returned
34 from Washington D.C. I handed you some resolutions
35 earlier this morning and the resolutions that came from
36 Grand Camp and the rural was spoke to and addressed
37 this morning through Steve Kessler with the help of
38 Robert Loescher and my brother.

39
40 I just want to bring it to your
41 attention that these resolutions are being looked at
42 and being revisited and one of them was Saxman and I'd
43 like my brother to speak on behalf of that one
44 resolution on Saxman and there was one for Yakutat.

45
46 CHAIRMAN ADAMS: Thank you, Willard.
47 Will you turn off your mike, please.

48
49 MR. R. JACKSON: Thank you, Mr.
50 Chairman. And all the other members here on the RAC

1 committee. The Grand Camp met last fall and we
2 discussed these issues at our -- we're dealing with
3 today is primarily protection of the Native subsistence
4 rights and uses. The other one was the citations that
5 we're receiving of late. So other than get long and
6 arduous, I think I'll go to the crux of those
7 resolutions and they'll be presented to you.

8
9 We have met with Steve Kessler this
10 morning from the U.S. Department of Agriculture, Forest
11 Service, and we're going to consultation over some of
12 these issues. Some of them are legislative and we
13 can't do anything but go to Washington, D.C. So we
14 have a committee that we funded from the Grand Camp and
15 I believe Sealaska and Tlingit-Haida is working on it.
16 It's a highly member committee.

17
18 So get to the results. I don't believe
19 you have these resolutions in front of you, so this is
20 just basically what the key resolutions were at the
21 convention. The first one was titled protection of
22 Native subsistence rights and uses. Be it further
23 resolved that the Alaska Native Brotherhood and Alaska
24 Native Sisterhood in its 2009 Grand Camp convention
25 adopts and shall proceed the following executive and
26 legislative action.

27
28 First one is to seek immediate
29 consultation between the Department of Interior,
30 Department of Agriculture and Department of Commerce
31 and Alaska Native Tribes and Alaska Native corporations
32 to develop measures and recommendations to develop a
33 subsistence management program that protects the
34 subsistence way of life of the Alaska Natives and other
35 rural residents and provide for full participation of
36 Alaska Natives in the management program to encourage
37 President Obama to issue an executive order that
38 advises the Federal Subsistence Board and the Office of
39 Subsistence Management that Title VIII is Indian
40 Legislation and act in the preliminary authority of
41 Congress or the Indian Affairs and further to implement
42 a subsistence management program in accordance with
43 that executive order.

44
45 To revoke the 2000 Memo of
46 Understanding between the Federal Subsistence Board and
47 the State of Alaska, Department of Fish and Game and to
48 remove the State's non-voting seat from the Federal
49 Subsistence Board.

50

1 To have the Secretary of Interior to
2 interpret the scope of Federal jurisdiction and to
3 extend by regulation the subsistence priority to waters
4 that run through and adjacent to Native allotments and
5 to waters upstream and downstream from Federally
6 reserved lands and waters.

7
8 To suspend the Federal Subsistence
9 Board's determination that the Organized Village of
10 Saxman is not rural because of -- in its territory
11 boundaries.

12
13 To amend ANILCA to provide for Native
14 plus rural subsistence priority.

15
16 To seek legislation that designates
17 Alaska Native corporation lands as Federal lands for
18 the purposes of subsistence under ANILCA.

19
20 A second resolution that I believe was
21 most essential was the citations. Go to the further
22 resolved on resolution title opposition to Federal and
23 State law enforcement and citations for customary and
24 traditional use of fish and wildlife by Alaska Natives
25 and rural people.

26
27 Now therefore be it resolved that the
28 Grand Camp of the Alaska Brotherhood and Alaska Native
29 Sisterhood find the following that as a matter of
30 public policy and tribal law, it should be illegal to
31 make hunting, fishing and harvesting, otherwise known
32 as subsistence, illegal.

33
34 State and Federal law enforcement
35 officers have given citations to Alaska Natives and
36 rural people who have been participating in customary
37 and traditional fishing in the upper Yukon River
38 communities, Yakutat, Kasaan, Angoon, Hydaburg, Saxman,
39 Klawock and many other communities in a manner that is
40 exasperating, irritating and vexing harassment in
41 violation of the civil rights of Alaska Natives and
42 rural people.

43
44 Conservation concerns for salmon have
45 been addressed by increasing enforcement patrols of the
46 subsistence fishery rather than by moderating the
47 commercial harvest and establishing a policy of
48 disproportionate allocation of public resources to the
49 commercial fishing industry rather than affording a
50 resource allocation priority to subsistence users.

1 Citations should be given for wanton
2 violations, illegal methods and means violations, and
3 the commercial sale of subsistence taken fish, but not
4 for subsistence users who responsibly follow customary
5 and traditional fishing where there's fish, harvesting
6 what they catch, keeping what they need, and sharing
7 with others. This is the subsistence priority State
8 and Federal managers must embrace and legalize.

9
10 In Southeast Alaska, inappropriately
11 low harvest limits on subsistence fishing permits make
12 it effectively criminal to live on subsistence and
13 criminal to provide for others, to share with others so
14 no fish goes to waste.

15
16
17 Be it further resolved that the pieces
18 needed to legalize subsistence fishing are available.
19 These need to be melded from existing State and Federal
20 regulations and procedures. For example, the State
21 regulatory system should adopt Federal designated
22 fisherman regulation which allows a permit holder to
23 fish for several households rather than proxy fish for
24 only a permit holder who is blind, disabled, or over
25 65.

26
27 Therefore be it resolved that the
28 Secretary of the Interior, Secretary of Agriculture,
29 and the U.S. Attorney General are hereby requested to
30 investigate, review and report on the implementation of
31 State and Federal law enforcement of customary and
32 traditional hunting, fishing and harvesting, otherwise
33 known as subsistence, undertaken by Alaska Natives and
34 rural people across Alaska for the years 2008-2009 to
35 determine if the enforcement practices, citations and
36 other enforcement conduct has violated the U.S. Civil
37 Rights law, Title VIII of ANILCA,
38 common law and traditional obligations of the United
39 States that inure to the benefit of Alaska Natives.

40
41 These are just two of the resolutions
42 that we are working on. We're going to meet here in
43 the fall, the first week of October, and we're going to
44 title our convention our food is our Tlingit, Haida and
45 Tsimshian way of life. Those are my comments.

46
47 CHAIRMAN ADAMS: Before we go back to
48 Willard I just want you to know that now that those
49 resolutions you just addressed to us is on our record
50 and it would be up to you to send them to the proper

1 agencies or wherever they're supposed to go, addressed
2 to, but please keep us informed as to the results of
3 those resolutions when you receive them back. We'd be
4 interested in receiving them.

5
6 MR. R. JACKSON: One last comment. We
7 realize that some of this is tribal consultation with
8 the appropriate agencies, but we will address our
9 legislative and will have to work in Washington with
10 our ad hoc group. We have subsistence committee that
11 formed two corporations, 105(1)(c) and 105(1)(c)(4), so
12 one can research and one can lobby.

13
14 Thank you.

15
16 CHAIRMAN ADAMS: So whatever happens to
17 those, just make sure we get the results of those
18 resolutions so that we can be aware of what's going on.

19
20 MR. R. JACKSON: Thank you. One
21 further comment. These resolutions that we do were
22 taken a step further at the Alaska Federation of
23 Natives and there's more inclusive resolutions than
24 this that they have.

25
26 Thank you very much for the time.

27
28 CHAIRMAN ADAMS: Thank you, Richard.
29 Willard, go ahead.

30
31 MR. W. JACKSON: I just want to thank
32 you for your time, brothers and sisters. I just want
33 to say Frank Wright told me, he's from Hoonah, he was
34 at a legislator's office testifying on behalf of
35 subsistence. What he said during this testimony was
36 him and his brother were down by the river fishing and
37 the Fish and Game officer came by to pull their license
38 and make sure they had a license to fish. They pulled
39 their wallet out and showed them their license. As
40 they were putting their wallet back in their pocket,
41 Frank told the Fish and Game officer, sir, I've got
42 some cousins around the point there that are fishing
43 and they don't have a license. The Fish and Game
44 officers ran around the point and they come running
45 back with two brown bears on their tail.

46
47 (Laughter)

48
49 MR. W. JACKSON: Thank you. You guys
50 have a good day. Gunalcheesh.

1 CHAIRMAN ADAMS: Okay. We have some
2 proposals that we want to pick up, but before that
3 we'll call on Mr. DeFreest to come up and give a Forest
4 Service report for us.

5
6 MR. DEFREEST: I'm Jeff DeFreest,
7 District Ranger for the Ketchikan Mystic Fjords Ranger
8 District and I'm representing Forrest Cole, who was
9 unfortunately not able to attend and make this
10 presentation for the U.S. Forest Service.

11
12 In general, I see that there's five
13 items on the agenda that you'd like an update on and I
14 can provide an update on those items. The travel
15 management plan on the Tongass has been updated and all
16 the districts have completed their travel access
17 management plans and maps. We call these motor vehicle
18 use maps and they're available in all the district
19 offices.

20
21 The next item on the agenda I believe
22 is the minerals and exploration projects and there's a
23 number of projects on the Tongass from Ketchikan up to
24 Yakutat and I don't know that you need to go into a
25 whole great detail on these but mention them if you
26 have questions and I'll be happy to answer what I can
27 or find out what I need to.

28
29 The Kensington Gold Mine is just north
30 of Juneau at Berners Bay. Greens Creek Mine is on the
31 north end of Admiralty Island and these are both active
32 mining operations. Exploration is taking place on
33 Bokane Mountain on Prince of Wales Island and also
34 there's a Niblack project on Prince of Wales Island.
35 Then there's prospecting operations going on on Bell
36 Island on the Beam Canal for geothermal activities.
37 There's Duke Island, which has a operator doing some
38 drilling and some geophysical surveys on it proposed
39 for the season. Herbert Glacier on the Juneau Ranger
40 District is seeing some activity, some exploration work
41 going on. The Yakutat Forelands have a number of
42 claims staked. Looks like 91 square miles of area and
43 they're proposing some small drilling operations on
44 those. The claims are staked, but the exploration
45 activities are on a smaller scale yet. On Woewodski
46 Island in the Petersburg District there's some
47 prospecting as well as Rumble Island. Neka Bay and
48 Tenakee Inlet both are showing some geothermal
49 prospecting.

50

1 Those activities can be seen on a map
2 which I believe Mr. Larson has a copy of that map. Is
3 that correct?

4
5 MR. LARSON: That's correct. If
6 anybody wanted to see a map, I have access to that. I
7 can show you.

8
9 MR. DEFREEST: The next item on the
10 agenda is forest products, firewood and timber harvest
11 update. We refer to them as special forest products or
12 products derived from non-timber biological resources
13 that are used for subsistence, personal, spiritual,
14 educational, commercial and scientific uses. Some
15 examples of these include mushrooms, boughs, Christmas
16 trees, bark, ferns, moss, burls, berries, cones, a long
17 list of different special forest products.

18
19 These can be categorized in four broad
20 categories and the Tongass National Forest has
21 different guidelines in these four broad categories.
22 The first is subsistence use and that's the gathering
23 of the special forest products for customary and
24 traditional uses by rural residents as identified in
25 ANILCA for direct personal or family use for
26 consumption, barter, sharing or customary trade, which
27 we refer to as cash sale, that does not constitute a
28 significant commercial enterprise.

29
30 Personal use is the second broad
31 category and it's gathering the same special forest
32 products for personal or family use or consumption not
33 otherwise defined as subsistence use.

34
35 Non-commercial uses includes research
36 and educational uses and then, of course, commercial
37 use are for-profit ventures harvest of special forest
38 product resources that will be sold or used in business
39 activities.

40
41 The subsistence and personal use
42 generally do not require a permit. Both can be
43 practiced freely without fees on the National Forest.
44 The main difference is that in rural areas subsistence
45 users may continue to practice customary trade engaging
46 in their traditional cottage industries without
47 permitting requirements or fees, whereas non-rural
48 residents gathering under personal use may not sell the
49 resources or use them in business activities. A larger
50 industry or one that uses non-traditional resource

1 might be considered a commercial use and that would be
2 another case that we could discuss if you had questions
3 on it.

4
5 One thing I wanted to emphasize is that
6 both the Alaska region and the Tongass National Forest
7 have developed interim guidelines for special forest
8 products in consultation with the tribes because there
9 was a push nationally to get things permitted and these
10 traditional uses or permitting of these traditional
11 uses didn't always make sense in every location and
12 Alaska region was one of those locations.

13
14 The next item on the agenda is the
15 implementation of roadless rule. We're still in a
16 position where the activities within inventory roadless
17 areas that require cutting of trees or building of
18 roads is still going to require approval from the
19 Secretary of Agriculture. We've been working to get
20 that clarified and we also have certain projects that
21 have been cleared to proceed, but we still have a
22 number of projects on the Secretary's desk waiting for
23 approval to be able to move ahead on these. Some of
24 them could be wildlife thinning projects, young growth
25 projects, timber sales, recreational facilities.
26 Basically anything involving inventory roadless areas
27 is requiring some level of approval from the
28 Department.

29
30 The last item on the regular agenda was
31 young growth management update. We're moving in a time
32 when the old growth industry is kind of phasing towards
33 the young growth timber industry and we're facing some
34 challenges with that. Utilization of the biomass,
35 utilization of the timber, whether or not it's
36 marketable timber, being smaller diameter materials is
37 creating some challenges for us and over the next 10
38 years or so I would anticipate or we expect that the
39 transition will be more toward young growth and we'll
40 have more viable products.

41
42 That concludes my going through the
43 list and I would turn it over to Mr. Chairman and the
44 Council if there's any questions or things I can
45 answer.

46
47 CHAIRMAN ADAMS: Thank you. Mr.
48 Douville, please.

49
50 MR. DOUVILLE: Thank you, Mr. Chairman.

1 Since you mentioned the roadless, it has had an effect
2 on the free use permitting for home use timber.
3 Virtually all the roadless areas are crossed off the
4 map. First they said you couldn't get wood from the
5 water period and then later said you can get them in
6 these little postage stamp places. The area we have
7 where I live in Craig was small to begin with and it's
8 complicated by eagle trees, sacred sites and so on, so
9 that takes away from it. When you make these spots
10 really small like that because of the roadless rule,
11 you really have very little choice. I was wondering if
12 that was going to change or be addressed in some manner
13 to where it would relax those. I guess what I would
14 ask is the free use permitting is really
15 environmentally friendly, it's done with very close
16 scrutiny from almost all departments of the Forest
17 Service. In my opinion, it should be exempt from the
18 roadless.

19
20 MR. DEFREEST: I will respond just by
21 saying we're working on getting clarification of that
22 as we speak. I'm hoping that we can see that
23 definition. My understanding is right now we can't
24 operate in virtual postage stamp areas, the areas
25 outside of inventory roadless and the beach fringe, but
26 there's also areas that we have a lot of inventory of
27 roadless on the Tongass that is, as you say, impacted
28 by that rule.

29
30 All I can say is at this point we're
31 working on getting that from the Department and looking
32 for getting clarification and also getting approval for
33 activities in those areas.

34
35 CHAIRMAN ADAMS: Follow up, Mike. Go
36 ahead.

37
38 MR. DOUVILLE: I would encourage some
39 action by this body to force that issue because doing a
40 roadless plan could take 20 years. It could take
41 forever. Departments sometimes don't move very fast.
42 This is an ongoing thing. It's okay to do other things
43 and this is not commercial. It has nothing to do with
44 anything commercial. It's like a subsistence use in
45 other words.

46
47 MR. DEFREEST: I understand the use
48 you're discussing or proposing and I will carry it
49 forward as best I can to the forest supervisor and to
50 the region and through the chain of command.

1 MR. DOUVILLE: Perhaps we'll have
2 enough time to address it a little better in a letter
3 or something. Thank you.

4
5 CHAIRMAN ADAMS: Any other questions.
6 Patty.

7
8 MS. PHILLIPS: Thank you, Mr. Chair.
9 We've had presentations on alternatives to clearcuts on
10 POW Island and just wondering if there's been
11 monitoring of those alternative to clearcuts and what
12 is the progress if you would know.

13
14 MR. DEFREEST: I'm making a note to
15 follow up on this because I don't know the answer to
16 that question, Ms. Phillips.

17
18 CHAIRMAN ADAMS: Anyone else. I'll
19 take Frank first and then Mr. Bangs.

20
21 MR. WRIGHT: Thank you, Mr. Chair. You
22 mentioned something about some hot spots in Neka Bay
23 and did you say Mud Bay too near Chichagof?

24
25 MR. DEFREEST: I'm sorry, could you
26 repeat your question.

27
28 MR. WRIGHT: You had mentioned some hot
29 spots and geothermal in Neka Bay and was it Mud Bay,
30 you said?

31
32 MR. DEFREEST: Let me check the report.
33 Neka Bay hot springs located near Hoonah, the company
34 seeks to locate potential geothermal energy sources and
35 the proposal is currently being evaluated by the
36 minerals program on the Tongass. Then there's Tenakee
37 Inlet hot springs located upper Tenakee Inlet, same
38 story.

39
40 MR. WRIGHT: Thank you, Mr. Chair. I
41 was just curious because I was wondering if there was
42 any kind of studies going on that they can use those
43 hot springs for energy. Thank you, Mr. Chair.

44
45 CHAIRMAN ADAMS: The gentleman that's
46 beside you, is he here to support you?

47
48 MR. DEFREEST: This is Greg Killinger
49 is the district ranger at Craig and he may be able to
50 shed some light on Ms. Phillips question.

1 CHAIRMAN ADAMS: Go ahead, Greg.

2

3 MR. KILLINGER: Hello there, Chairman
4 and Council. Real quick on alternatives to clearcut.
5 That has been monitored. It's being monitored by the
6 Pacific Northwest Research Station. I think they've
7 done their 10-year after for most of the -- there's
8 actually three replicas; the ones on Prince of Wales,
9 one is at Hanus Bay by Tenakee and I forgot where the
10 other is. There's three of them anyway and they are
11 monitoring them. I don't have the results, but we can
12 look for that for you.

13

14 CHAIRMAN ADAMS: Mr. Bangs, go ahead.

15

16 MR. BANGS: Thank you, Mr. Chair. I
17 mentioned this to Mr. Pourchot when he was doing the
18 teleconference thing and I'd like to get back to the
19 forest products thing. I mentioned to him that I feel
20 that forest products such as subsistence use of timber
21 for building homes, whatever is in the forest as far as
22 forest products is as much a way of the subsistence
23 lifestyle as fish and game. I think this Council needs
24 to address that and maybe come up with a resolution to
25 where closures or restrictions on the take of personal
26 use lumber should be reviewed by this body before
27 anything happens and I'd like to make time to move
28 forward with that. This is important, I think.

29

30 CHAIRMAN ADAMS: We'll put you in
31 charge of that project, Mr. Bangs. Please do address
32 it for us. I have some questions about the mining. I
33 come from Yakutat. Since I was about 14 or 15 years
34 old my grandparents have challenged me and my brother
35 to find a village on the Akwe River when we began to
36 fish there in 1950 that had seven tribal houses on it.
37 That is where my roots come from. They named them all
38 off. Far Out House is one of them. In this area, this
39 is where raven in our stories pulled in that large
40 canoe with the house on top of it and it had all the
41 animals and that's where they let out all the animals
42 in that area, and then they took that house off the
43 canoe and put it about halfway up the Akwe River. That
44 was the very first tribal house that was made available
45 to the Tlingit people as they began to migrate into
46 that area. They called it Deikee Noow Hit, which means
47 Far Out House, because it was pulled in from far out on
48 the ocean. When a house got too small, then they'd
49 build another one and another one until eventually
50 there was seven of them.

1 The last time they had seen it was 40
2 years ago and that was 1950, which takes it back to
3 around 1910 and I know that the last big potlatch took
4 place there in 1909, but they described those houses to
5 us. So for 16 years my brother and I ran up along the
6 banks of the Akwe River looking for those and we were
7 never able to find it even though they kept pointing
8 it's right here, it's right here.

9
10 To make a long story short, we did
11 happen to find those tribal houses. The first one in
12 1998, I believe it was, and every year or so we would
13 go down there and find more until all of those seven
14 tribal houses have been accounted for. Now those are
15 sacred sites. No doubt. We had burial sites there as
16 well. That 94 square acres of land that the mining
17 company has squared off is right in that particular
18 area and we want to be able to protect those because we
19 do have some plans for that. It's not only sacred, but
20 we want to do something with that.

21
22 We know that the mining laws has really
23 no restrictions. I mean there's no way we can prevent
24 them from going in there if they see an opportunity
25 that they can take. I think I know the answer, but I
26 want to hear it from you if you would as to what can be
27 done to keep our sacred sites sacred.

28
29
30 MR. DEFREEST: With all the reviews of
31 a mining proposal and I'll take just a moment of your
32 time to work through the process. The first thing that
33 a mining company typically does is works with a
34 prospecting where they claim stake an area and they go
35 out and look what's there. The second phase of their
36 activity usually involves exploration where they're
37 proposing test pits or drilling and such and then it's
38 not until you get to the third or fourth phase when you
39 start getting into developmental operations or actually
40 operating mines that have a large footprint and large
41 impact. So that said, each one of those phases has a
42 requirement that they come in and work with either a
43 notice of intent or a plan of operation that they
44 submit and then the Forest Service as the service
45 management agency or working with other agencies
46 through the State if it's on private land or other land
47 ownerships work to get the plan of operations
48 permitted. To do that permitting or that analysis one
49 of the key components is looking at cultural resources
50 and working through the state Historic Preservation

1 Office as well.

2

3 That's one thing that's done. Another
4 side is consultation with the local tribal groups will
5 be conducted by the district ranger or the line officer
6 dealing with that particular region or that area. So
7 those are the two things that start off. Each project
8 will have some sort of an analysis on it, which will
9 include an archeological and cultural component and
10 then also the consultation.

11

12 CHAIRMAN ADAMS: Okay. Yeah, I knew
13 all of that anyhow. We have gone through many of those
14 steps already and I want to put this on the record. I
15 just want you to know that we're going to really work
16 hard to try to get those sites preserved. We do have
17 some very significant and ambitious plans, you know,
18 for restoring some of those tribal houses and so forth
19 for cultural purposes and we want to be able to do it
20 without any interference from any other activities that
21 will be going on out there. At first that mining
22 survey started off with just looking for some minerals
23 and along the ocean beach there.

24

25 The purple sand that you see, there's
26 supposed to be some kind of ore or something in it. As
27 they progressed down further and further towards the
28 Dry Bay area, which is the area I'm talking about, they
29 found gold in them there hills and that got a lot of
30 people pretty well excited and we're excited too, but
31 we don't want to see those places exploited because of
32 our historical and cultural significances to our tribal
33 organizations. Tribal house sites and burial sites are
34 in that area, so we want to make sure they're
35 protected.

36

37 Anyhow, thank you. Is there any other
38 comments, questions from the council members.

39

40 (No comments)

41

42 CHAIRMAN ADAMS: Thank you, gentlemen.
43 Appreciate it.

44

45 MR. DEFREEST: Thank you for your time.

46

47 CHAIRMAN ADAMS: Let's do another
48 proposal. First a motion to adopt and then we'll
49 listen to the analysis. Mr. Bangs.

50

1 MR. BANGS: Mr. Chairman. I move to
2 adopt Proposal WP10-08.

3
4 MS. PHILLIPS: Second.

5
6 CHAIRMAN ADAMS: It's been moved and
7 seconded. The language on Page 57, proposed
8 regulation. Is that the language you want to use?
9 Okay. Mr. Chester, go ahead.

10
11 MR. CHESTER: My name is Dennis
12 Chester. I'm a wildlife biologist for the U.S. Forest
13 Service in Juneau. I'm presenting the Staff analysis
14 for WP10-08, which is a proposal submitted by our
15 friends here at the Southeast Subsistence RAC that
16 requests that the harvest limit for deer in Unit 1A be
17 reduced to two bucks.

18
19 This is a result of the action in fall
20 of 2008 by the Board of Game who adopted a regulation
21 to reduce the harvest limit of deer in the Cleveland
22 Peninsula portion of Unit 1A from four bucks to two
23 bucks. My understanding and clarification was that the
24 RAC also intended to request that the harvest limit be
25 reduced only in the Cleveland Peninsula area. So
26 that's what this analysis is doing. You can see that
27 area on the map on Page 59, the cross-hatched area.

28
29 I think the important information --
30 you can look at the figures on Page 62 and 63, which is
31 the pellet group survey data, which clearly shows the
32 issue at hand that the population was high in the early
33 '90s and has decreased since then. That is also
34 consistent with the harvest information, which is shown
35 in a graph at the top of the Page 65, that both harvest
36 effort and harvest of deer has decreased pretty
37 substantially since the early '90s.

38
39 The other part of that information is
40 that Ketchikan residents were the primary harvesters of
41 those deer and Meyers Chuck is the only community with
42 a positive customary and traditional determination that
43 has shown any effort there in the last -- I think it's
44 harvest data since 1997 and their use is very limited.

45
46 So basically the effect that this
47 proposal would have would be to reduce the opportunity
48 for folks in Meyers Chuck to harvest up to four deer,
49 but it would also align State and Federal regulations.
50 So the preliminary conclusion is to oppose. Basically

1 the rationale is that the harvest by subsistence users
2 or Federally-qualified subsistence users are so low as
3 to be insubstantial biological perspective and there's
4 no need to restrict opportunity based on that.

5

6 CHAIRMAN ADAMS: Questions anyone.

7

8 (No comments)

9

10 CHAIRMAN ADAMS: Thank you, sir.

11 Alaska Department of Fish and Game.

12

13 MR. PAPPAS: Thank you, Mr. Chair.

14 George Pappas. Our comments have been incorporated in

15 the record on Page 66. I'll do my best to summarize.

16 Some of these I can really summarize, some of these I

17 can't, so I'll try.

18

19 This proposal would change the federal
20 subsistence bag limit for deer on the Cleveland
21 Peninsula portion of Unit 1A from 4 bucks to 2 bucks,
22 matching the bag limit in the state hunting regulations
23 for this area. The Cleveland Peninsula is split
24 between Units 1A and 1B, and this change would make the
25 entire Cleveland deer bag limit consistent. The
26 Department of Fish and Game and local deer hunters have
27 been concerned about a decline in deer numbers on the
28 Cleveland Peninsula over the past 15 years. The deer
29 population in this area remains at a low level with no
30 obvious signs of recovery. The deer population appears
31 to persist in small patches at low elevations, and a
32 lower federal subsistence bag limit will help insure
33 all the bucks are not harvested from these patches,
34 especially during the vulnerable November period.

35

36 If the proposal is adopted, the bag
37 limit reduction could impact a small number of federal
38 subsistence hunters, while benefitting all users in the
39 long term by providing deer a greater chance of
40 rebounding from the present low levels. Approximately
41 7,000 Federally qualified residents from units 1A and 2
42 are eligible to hunt deer under Federal subsistence
43 regulations in Unit 1A. However, during 1997-2008, an
44 average of 2.3 Federally-qualified hunters took an
45 average of 1.7 deer from this area, with a range of 0-7
46 hunters and a range of 0-13 deer taken. Based on these
47 numbers, this regulatory change will not impact
48 Federally-qualified deer hunters.

49

50 Additionally, by lowering the bag

1 limit, a greater number of hunters will have the
2 opportunity to harvest deer because any single hunter
3 can only take two of the available bucks, rather than
4 four. This strategy has been used successfully under
5 State hunting regulations for much of the Southeast
6 Alaska mainland area between Ketchikan and Juneau.

7
8 Population trend data derived from
9 spring pellet counts suggest the deer population along
10 the Cleveland Peninsula declined around 1997 and
11 remained at low levels since that time. Vegetation
12 surveys were conducted in this area and compared to
13 similar work completed in nearby Unit 2. The results
14 of the comparison showed similar habitats on the
15 Cleveland Peninsula produce less than one third the
16 digestible forage compared to Prince of Wales Island.

17
18 This may explain, at least in part, why
19 this area is slow to recover. However, the decline and
20 slow recovery is most likely a combination of factors
21 such as: snow depth, snow persistence, low value winter
22 forage, and predation by black bears, brown bears, and
23 wolves. Addressing this conservation through the
24 implementation of a lower bag limit may aid in the
25 recovery of the Cleveland Peninsula deer population.

26
27 Hunters will need to be aware of bag
28 limit restrictions. If a hunter has taken two deer
29 during the season from anywhere in Alaska, they can not
30 take additional deer from this area with a two buck bag
31 limit.

32
33 The Department supports this proposal.

34
35 Thank you, Mr. Chair.

36
37 *****
38 STATE OFFICIAL WRITTEN COMMENTS
39 *****

40
41 Alaska Department of Fish and Game
42 Comments to the Regional Advisory Council

43
44 Wildlife Proposal WP10-08:

45
46 Reduce the federal subsistence bag
47 limit in Unit 1A from 4 bucks to 2 bucks.

48
49 Introduction:
50

1 This proposal would change the federal
2 subsistence bag limit for deer on the Cleveland
3 Peninsula portion of Unit 1A from 4 bucks to 2 bucks,
4 matching the bag limit in the state hunting regulations
5 for this area. The Cleveland Peninsula is split
6 between Units 1A and 1B, and this change would make the
7 entire Cleveland deer bag limit consistent. The
8 Department of Fish and Game and local deer hunters have
9 been concerned about a decline in deer numbers on the
10 Cleveland Peninsula over the past 15 years. The deer
11 population in this area remains at a low level with no
12 obvious signs of recovery. The deer population appears
13 to persist in small patches at low elevations, and a
14 lower federal subsistence bag limit will help insure
15 all the bucks are not harvested from these patches,
16 especially during the vulnerable November period.

17

18 Impact on Subsistence Users:

19

20 If the proposal is adopted, the bag
21 limit reduction could impact a small number of federal
22 subsistence hunters, while benefitting all users in the
23 long term by providing deer a greater chance of
24 rebounding from the present low levels. Approximately
25 7,000 federally qualified residents from units 1A and 2
26 are eligible to hunt deer under federal subsistence
27 regulations in Unit 1A. However, during 1997-2008, an
28 average of 2.3 federally qualified hunters took an
29 average of 1.7 deer from this area, with a range of 0-7
30 hunters and a range of 0-13 deer taken. Based on these
31 numbers, this regulatory change will not impact
32 federally qualified deer hunters. Additionally, by
33 lowering the bag limit, a greater number of hunters
34 will have the opportunity to harvest deer because any
35 single hunter can only take two of the available bucks,
36 rather than four. This strategy has been used
37 successfully under State hunting regulations for much
38 of the Southeast Alaska mainland area between Ketchikan
39 and Juneau.

40

41 Opportunity Provided by State: The state hunting
42 season for both residents and non residents is August 1
43 through December 31 with an annual limit of two bucks.
44 At the 2008 Alaska Board of Game meeting, the state bag
45 limit was reduced from 4 to 2 bucks in this area.

46

47 Conservation Issues:

48

49 Population trend data derived from
50 spring pellet counts suggest the deer population along

1 the Cleveland Peninsula declined around 1997 and
2 remained at low levels since that time. Vegetation
3 surveys were conducted in this area and compared to
4 similar work completed in nearby Unit 2. The results
5 of the comparison showed similar habitats on the
6 Cleveland Peninsula produce less than one third the
7 digestible forage compared to Prince of Wales Island.
8 This may explain, at least in part, why this area is
9 slow to recover. However, the decline and slow
10 recovery is most likely a combination of factors such
11 as: snow depth, snow persistence, low value winter
12 forage, and predation by black bears, brown bears, and
13 wolves. Addressing this conservation through the
14 implementation of a lower bag limit may aid in the
15 recovery of the Cleveland Peninsula deer population.

16

17 Enforcement Issues:

18

19 Hunters will need to be aware of bag
20 limit restrictions. If a hunter has taken two deer
21 during the season from anywhere in Alaska, they can not
22 take additional deer from this area with a two buck bag
23 limit. If someone wanted to hunt on the Cleveland
24 Peninsula, they could harvest deer in that area first
25 then move to an area with a higher bag limit.

26

27 Recommendation:

28

29 Support.

30

31 CHAIRMAN ADAMS: Questions anyone. Mr.
32 Bangs.

33

34 MR. BANGS: Thank you, Mr. Chair.
35 Earlier testimony report about the State being more
36 aggressive on predation control. I was wondering if
37 they were considering any kind of predation control on
38 Cleveland Peninsula.

39

40 MR. BARTEN: Through the Chair. Member
41 Bangs. At this point we haven't seriously talked about
42 that. You all have heard up north in different areas
43 there's certainly active predator control on wolves and
44 even bears in some places, but on the Cleveland or down
45 in Southeast Alaska we have not entertained that at all
46 at this point.

47

48 CHAIRMAN ADAMS: Follow up.

49

50 MR. BANGS: Thank you. Just one thing.

1 I've only hunted there once and the only deer I saw was
2 being carried away by a big wolf. That's why I was
3 wondering.

4

5 MS. PHILLIPS: Mr. Chair.

6

7 CHAIRMAN ADAMS: Patty.

8

9 MS. PHILLIPS: Thank you, Mr. Chair.
10 Thank you State biologist. On Page 66 under
11 conservation issues it says, however, the decline is
12 slow but recovery is most likely a combination of
13 factors such as snow depth, snow persistence, low value
14 winter forage, and predation. So I'm down here in
15 Ketchikan and this snow depth and snow persistence, I
16 mean it just doesn't seem real to me compared to -- and
17 I live on the northern end. Maybe we should ship some
18 of our deer down here because they would really do well
19 in this environment. Is that just a standard statement
20 you make or what?

21

22 MR. BARTEN: Through the Chair. Member
23 Phillips. That's a very good question. I personally
24 have not been on the ground on the Cleveland Peninsula.
25 I really don't have a good sense for the snow depth,
26 the accumulation they get. Maybe some other members of
27 the Council do. Boyd Porter, I believe, was the one
28 who put this together. He's not here at the moment.
29 I'm just not familiar enough with the area to
30 understand how deep the snow gets there.

31

32 CHAIRMAN ADAMS: Well, Mr. Neil, he did
33 a real good job of giving your report yesterday.

34

35 (Laughter)

36

37 CHAIRMAN ADAMS: Any other comments or
38 questions.

39

40 (No comments)

41

42 CHAIRMAN ADAMS: Gunalcheesh. Thank
43 you. Any other Federal people need to comment on this.

44

45 (No comments)

46

47 CHAIRMAN ADAMS: Tribal organizations.

48

49 (No comments)

50

1 CHAIRMAN ADAMS: InterAgency Staff.
2
3 (No comments)
4
5 CHAIRMAN ADAMS: None. Note that Fish
6 and Game Advisory Committee comments were made by an
7 individual this morning. Where's Mr. Larson. We need
8 to know if there's any written comments.
9
10 (No comments)
11
12 CHAIRMAN ADAMS: None. I just peeked
13 over at his paper.
14
15 (Laughter)
16
17 CHAIRMAN ADAMS: With that, let's go
18 into deliberations. Mr. Bangs.
19
20 MR. BANGS: Thank you, Mr. Chairman.
21 I'm not going to support this. I think I tend to agree
22 with the Office of Subsistence Management that there's
23 so little take by subsistence users that I think it
24 wouldn't have any impact. From what I've seen it's
25 more of a predator control problem and that's what we
26 should be addressing.
27
28 Thank you.
29
30 CHAIRMAN ADAMS: Thank you, Mike.
31 Anyone else.
32
33 MS. PHILLIPS: Mr. Chair.
34
35 CHAIRMAN ADAMS: Patty, go ahead.
36
37 MS. PHILLIPS: Mr. Chair. I also am
38 going to oppose the proposal. I appreciate the
39 objective analysis given to us by Mr. Chester. The
40 fact that the proposal as written would restrict
41 opportunities for Federal qualified subsistence users
42 by reducing harvest limits and during these tough
43 economic times people in those rural areas need to be
44 able to get out there and get deer if they can. I
45 agree with Mr. Bangs that the deer populations are
46 likely being impacted by predator species.
47
48 Thank you.
49
50 CHAIRMAN ADAMS: Thank you, Patty.

1 Anyone else. Jack, go ahead.

2

3 MR. LORRIGAN: I guess I did have a
4 question for the professionals. Whoever did the study,
5 I guess.

6

7 (Laughter)

8

9 MR. LORRIGAN: Thank you, Mr. Chairman.
10 What's the rest of the Cleveland Peninsula like? Is
11 there plenty of deer everywhere else except for this
12 black hole?

13

14 MR. CHESTER: Mr. Chairman. I didn't
15 look at the harvest or pellet group information. The
16 other half of the Cleveland Peninsula is actually in a
17 different unit, Unit 1B, and its harvest limit is two
18 deer. So that was part of the State's rationale for
19 going to two deer on this side as well, was to keep it
20 consistent across the whole Cleveland Peninsula, but I
21 do not have the Unit 1B side data. I probably was
22 remiss in not requesting it from Fish and Game, so I
23 can't even look it up for you easily right now.

24

25 CHAIRMAN ADAMS: Go ahead, Cathy.

26

27 MS. NEEDHAM: Thank you, Mr. Chair. On
28 Page 61 of the analysis it says there is no population
29 estimate for Unit 1A, which is the area that we're
30 talking about, so that just means the entire area
31 doesn't have that information. Any information would
32 come from harvest data. I guess I'm kind of backing up
33 in terms of Jack's question of what the rest of it
34 looks like. The answer is basically you don't know at
35 this point. There is no estimate.

36

37 MR. CHESTER: Mr. Chair. Correct.
38 There's no population estimate. The pellet group data
39 and even the harvest data kind of gives you an index of
40 what the population is doing, but it doesn't tell you
41 what the actual numbers are, so that's kind of a subtle
42 difference.

43

44 CHAIRMAN ADAMS: Anyone else.

45

46 (No comments)

47

48 CHAIRMAN ADAMS: I'm also going to
49 oppose this. There is a serious conservation concern
50 here, I think, and it's going to adversely effect the

1 subsistence users and I believe there's significant
2 data to show that, so I'm going to vote no on this
3 proposal.

4

5 Anyone else. Mr. Bangs.

6

7 MR. BANGS: Thank you, Mr. Chairman. I
8 think you covered the criteria, but I just would add
9 that rejecting this proposal really isn't going to
10 change the non-subsistence uses.

11

12 CHAIRMAN ADAMS: That's correct. I had
13 that note. I didn't mention it though. Thank you.

14

15 What's the wish of the Council.

16

17 MR. LORRIGAN: Question.

18

19 CHAIRMAN ADAMS: The question has been
20 called. All in favor of the motion please signify by
21 saying aye.

22

23 (No aye votes)

24

25 CHAIRMAN ADAMS: All those opposed nay.

26

27 IN UNISON: Nay.

28

29 CHAIRMAN ADAMS: The nays have it.
30 Thank you. Okay, let do Number 09.

31

32 MS. PHILLIPS: Mr. Chair.

33

34 CHAIRMAN ADAMS: Yes, ma'am.

35

36 MS. PHILLIPS: I would request that we
37 do WP10-11 prior to doing WP10-09 and WP-1010. I would
38 like to go backwards from 11 to 10 to 9.

39

40 CHAIRMAN ADAMS: You know what, Patty,
41 I had that same note up here. I think that's an
42 appropriate way to go. So we'll do No. 11 and then
43 work backwards.

44

45 MS. PHILLIPS: Mr. Chair. Move to
46 adopt WP10-11.

47

48 CHAIRMAN ADAMS: Thank you. Is there
49 language that you want to use on there or no.

50

1 MR. KITKA: I second the motion.

2

3 CHAIRMAN ADAMS: So as written.

4

5 MS. PHILLIPS: (Nods affirmatively)

6

7 CHAIRMAN ADAMS: And seconded by Mr.

8 Kitka. Go ahead.

9

10 MS. KENNER: Thank you, Mr. Chair.

11 Members of the Council. My name is Pippa Kenner and I

12 work for the Office of Subsistence Management. The

13 analysis for Proposal WP10-11 begins on Page 87 of the

14 meeting book. This proposal was submitted by the

15 Southeast RAC and requests the recognition of customary

16 and traditional uses of moose in Unit 1C for all rural

17 residents of the Southeastern Alaska Management Area

18 and the Yakutat Management Area, comprised of Units 1

19 through 5. I will refer to that later in the analysis

20 as Southeast Alaska Units 1 through 5. No season and no

21 harvest limit are requested. However, if a C&T

22 determination for 1C that includes Berners Bay is

23 adopted, the B portion of Proposal WP10-18 will then be

24 reviewed by the RAC and it does include a harvest limit

25 and season for Berners Bay drainages.

26

27 For most of Unit 1C no Federal

28 customary and traditional use determination has been

29 made for moose and therefore all rural residents are

30 Federally-qualified users. The Berners Bay drainage is

31 an exception. In this area of Unit 1C the Federal

32 Board has determined that there is no Federal

33 subsistence priority for moose and thus no Federally-

34 qualified users.

35

36 This is because at the inception of the

37 Federal program in Alaska in 1990 the Board adopted the

38 customary and traditional use determinations from the

39 State. At that time the majority of the Berners Bay

40 drainage was in the Juneau non-rural area established

41 by the State and the State did not allow subsistence

42 uses in non-rural areas. As a result, the Federal

43 Board established a no-Federal subsistence priority for

44 moose within Berners Bay drainages. This was, of

45 course, to allow for the least amount of disruption

46 until the State regained management authority over

47 subsistence uses on Federal public lands.

48

49 A significant factor affecting hunting

50 effort in Unit 1C is the heavily populated Juneau road

1 system area. That's about 30,000 people. The Juneau
2 area is a non-rural area under Federal management
3 regulations and, thus, Juneau area residents are not
4 eligible to harvest fish and wildlife under Federal
5 subsistence regulations, and the proposed determination
6 would not apply to Juneau area residents.

7

8 In 2007, Proposal WP08-06 was submitted
9 to the Federal program requesting the recognition of
10 customary and traditional uses of moose in the Berners
11 Bay drainage by rural residents of Units 1C and 1D
12 only. The Council requested that the Board defer the
13 proposal giving the Council the opportunity to submit
14 its own proposal, the subject of this analysis. It
15 requests an evaluation of the customary and traditional
16 uses of moose in all of Unit 1C by rural residents of
17 all of Southeast Alaska. The deferred Proposal WP08-06
18 has been renumbered WP10-18 and that analysis starts on
19 Page 163 in the meeting book.

20

21 The proposal seeks to change the
22 customary and traditional use determination in Unit 1B
23 for moose from all rural residents to rural residents
24 of Units 1, 2, 3, 4 and 5 only. The population of
25 rural residents in these management units is roughly
26 29,000 people living in 46 widely dispersed
27 communities. Table 1 in the analysis shows the rural
28 Southeast Alaska community for which an effort to
29 harvest moose in Unit 1C has been documented based on
30 ADF&G's harvest permit database from '83 to '02 and
31 Berners Bay drawing permit applications from '93 to
32 '07.

33

34 Concerning the eight factors for
35 determining a customary and traditional -- to determine
36 customary and traditional uses, I could read to you
37 exactly what those eight factors are and I will if you
38 request it, but for right now they are found in the
39 analysis on Page.....

40

41 CHAIRMAN ADAMS: Page 90.

42

43 MS. KENNER: Thank you very much.

44

45 CHAIRMAN ADAMS: And I would concur
46 with you that unless somebody asks for it, I think
47 we're all familiar with the eight factors.

48

49 MS. KENNER: Okay. Then I'll continue,
50 Mr. Chair.

1 CHAIRMAN ADAMS: But unless somebody
2 would like to have them shared with us, I think we're
3 all familiar with it. So go ahead.

4
5 MS. KENNER: I will say about the eight
6 factors that the Federal Subsistence Board makes
7 customary and traditional use determinations based on a
8 holistic application of these eight factors. In
9 addition, the Board takes into consideration the
10 reports and recommendations of any appropriate Regional
11 Advisory Council regarding customary and traditional
12 use of subsistence resources. The Board makes these
13 determinations for the sole purpose of recognizing the
14 pool of users who generally exhibit the eight factors.

15
16 The Board does not use such
17 determinations for resource management or restricting
18 harvest. The Board addresses most conservation concern
19 for a resource using harvest limits and seasons rather
20 than by limiting the customary and traditional use
21 finding.

22
23 Specific information on each of the
24 eight factors is not required because a community or
25 area seeking a customary and traditional use
26 determination only has to generally exhibit the eight
27 factors. The use of river drainages to harvest wild
28 resources in Southeast Alaska is well documented.
29 Drainages were regularly used to hunt goat and bear,
30 trap furbearers, and collect plants and berries.
31 Cabins and smokehouses were often located on these
32 routes where meat was preserved by smoking. After
33 migrating into these areas, moose were also harvested.
34 Berners Bay was visited by both Chilkat Tlingit, from
35 Skagway and Haines areas, and Auk Tlingit, from Juneau
36 and Admiralty Island areas, to harvest wild resources
37 during the late nineteenth and early twentieth
38 centuries. In the nineteenth century, there were two,
39 year-round villages, seasonally occupied camps, and
40 smokehouses located along Berners Bay drainages. The
41 vestiges of those settlements exist there today and
42 continue to be visited.

43
44 Southeast Alaska moose populations are
45 associated with habitats located near streams with
46 suitable forage of willow and dogwood. Moose prefer
47 the valleys around the rivers and areas recently
48 exposed by receding glaciers. Boat access to moose
49 habitat is particularly effective, especially for
50 residents of communities such as Petersburg and Haines

1 who live relatively close to Unit 1C. Traditionally,
2 the Native peoples of Southeast Alaska were able to
3 travel throughout the region by boat, and the tradition
4 continues with travel by fishing boat, skiff, and other
5 small boats. Residents of rural communities in each of
6 Units 1 through 5 have harvested moose in Unit 1C.

7
8 If this proposal is adopted, only rural
9 residents of Units 1, 2, 3, 4, and 5 would be eligible
10 to hunt moose on Federal public lands in Unit 1C under
11 Federal wildlife regulations. Currently there is no
12 Federal open moose season or harvest limit in Berners
13 Bay drainages, and therefore no other effects are
14 anticipated until a moose season and harvest limit are
15 adopted and are allowed when the conservation concerns
16 have been eliminated.

17
18 If this proposal is not adopted, there
19 would continue to be no Federal subsistence priority in
20 the Berners Bay drainage and hunters would continue to
21 hunt in the Berners Bay drainage with a State draw
22 permit only.

23
24 Based on a review of the eight factors,
25 rural residents of Units 1 through 5 have demonstrated
26 customary and traditional uses of moose in areas of
27 Unit 1C in close proximity to them or assessable to
28 them by boat. According to ethnographic descriptions
29 and harvest documentation supporting such a finding,
30 rural residents of Southeast Alaska customarily and
31 traditionally used moose from Unit 1C since moose first
32 migrated into the area.

33
34 Additionally, several subunits located
35 in Southeast Alaska are sparsely populated with no
36 access to air or mail services. Their moose harvesting
37 efforts were often grouped with nearby communities. In
38 the case of Unit 1B, for example, harvest reporting was
39 likely grouped with nearby Petersburg and Wrangell,
40 located in Unit 3. Therefore, even though no reported
41 harvest from Unit 1B residents was documented in the
42 harvest data reviewed in this analysis, the rural
43 residents of Unit 1B have been included in the
44 customary and traditional use determination for moose
45 in Unit 1C.

46
47 The OSM preliminary conclusion is to
48 support the proposal. Thank you, Mr. Chair.

49
50 CHAIRMAN ADAMS: Thank you, Pippa.

1 Questions or comments.
2
3 (No comments)
4
5 CHAIRMAN ADAMS: State comments,
6 please.
7
8 (No comments)
9
10 CHAIRMAN ADAMS: Other Federal
11 agencies.
12
13 (No comments)
14
15 CHAIRMAN ADAMS: Tribal organizations.
16
17 (No comments)
18
19 CHAIRMAN ADAMS: Mr. Bangs.
20
21 MR. BANGS: Thank you, Mr. Chairman. I
22 just wanted to make sure the State -- this is their
23 last chance to comment on this. Is that the way I
24 understand it?
25
26 CHAIRMAN ADAMS: Uh-huh.
27
28 MR. BANGS: Okay. Thank you.
29
30 CHAIRMAN ADAMS: Public comments.
31
32 MR. LARSON: Mr. Chair. There are no
33 written public comments. The Juneau-Douglas Advisory
34 Committee voted in opposition to this proposal. They
35 felt it would reduce hunting opportunities for Juneau
36 residents.
37
38 CHAIRMAN ADAMS: Thank you. Mr. Bangs,
39 are you going to testify on behalf of your AC?
40
41 MR. BANGS: Yes. Thank you, Mr.
42 Chairman. This is Mike Bangs from Petersburg AC and
43 Petersburg AC voted in opposition to this proposal.
44
45 CHAIRMAN ADAMS: Thank you. Any other
46 comments.
47
48 (No comments)
49
50 CHAIRMAN ADAMS: All right. We're in

1 deliberations.

2

3 MS. PHILLIPS: Mr. Chair.

4

5 CHAIRMAN ADAMS: Patty, go ahead.

6

7 MS. PHILLIPS: Thank you, Mr. Chair. I
8 appreciate the report done by the Office of Subsistence
9 Management. It was very well done. The proposal is
10 now supported by substantial evidence as a result of
11 the study that was presented to us and the substantial
12 evidence recognizes subsistence uses previously ignored
13 under Board of Game process. Currently there is no
14 Federal open moose season or harvest limit in the
15 Berners Bay drainage and yet we have signs of
16 aboriginal villages along the river system and those
17 aboriginal people have been denied their customary
18 traditional rights to harvest moose in those areas and
19 this proposal will liberalize that and also it will
20 provide customary traditional designation to all of
21 Units 1 through 5 for moose subsistence uses.

22

23 Thank you.

24

25 CHAIRMAN ADAMS: Thank you, Patty.

26 Anyone else.

27

28 (No comments)

29

30 CHAIRMAN ADAMS: So I assume you're
31 going to vote in favor of the proposal.

32

33 MS. PHILLIPS: Mr. Chairman. I'm
34 voting in favor of the proposal and it's really
35 refreshing to see that after all these years we're
36 moving in the direction of subsistence.

37

38 CHAIRMAN ADAMS: Thank you. I remember
39 it was a couple meetings ago when we talked about this
40 and now we're at a point we can do something about it.

41

42 Mr. Bangs.

43

44 MR. BANGS: Thank you, Mr. Chairman.
45 One quick point I'd like to make. I think the Advisory
46 Committees, had they had a chance to read the analysis
47 may have a different opinion of what their vote would
48 be. I don't know how we could make that happen, but
49 it would be great if we could get this information
50 sooner.

1 Thank you.

2

3 CHAIRMAN ADAMS: That's a tough one, to
4 come to a meeting with your walking orders from an
5 Advisory Committee and having a position already
6 before. I had to do the same thing with the Federal
7 Subsistence Board on many occasions, but I had to stand
8 by what the Council had mandated and I couldn't deviate
9 from that, but I appreciate that comment. However, you
10 can still vote your conscience.

11

12 MS. PHILLIPS: Mr. Chair.

13

14 CHAIRMAN ADAMS: Mr. Patty.

15

16 (Laughter)

17

18 CHAIRMAN ADAMS: Ms. Patty. I'm sorry.
19 You can beat me up later.

20

21 MS. PHILLIPS: Thank you, Mr. Chair. I
22 also wanted to emphasize the number four factor for
23 determining C&T traditional use, consistent harvest and
24 use of fish and wildlife as related to past methods and
25 means of taking near or reasonably assessable from the
26 community or area and we have accompanying tables that
27 show that harvest or hunters are widely dispersed
28 within the region and do harvest moose in the area.

29

30 Thank you.

31

32 CHAIRMAN ADAMS: Thank you, ma'am.
33 You'll notice I said ma'am. Any other comments.

34

35 (No comments)

36

37 CHAIRMAN ADAMS: Ready to vote.

38

39 MS. PHILLIPS: Question.

40

41 CHAIRMAN ADAMS: The question has been
42 called. All in favor of the motion please say aye.

43

44 IN UNISON: Aye.

45

46 CHAIRMAN ADAMS: Those opposed say nay.

47

48 (No nay votes)

49

50 CHAIRMAN ADAMS: The ayes have it.

1 Thank you. We're going backwards. Mr. Larson just
2 informed me that maybe we should do number 18 because
3 it is related to 11. The ones behind 11 is not, so why
4 don't we go ahead and do that. I have that right here
5 too. Let's take care of 18A, Page 163. It's my
6 opinion when I was reading this and I made this
7 notation that number 11 would take care of this. Let's
8 go ahead and look at it. Is there a motion to adopt.

9

10 MR. WRIGHT: Motion to adopt.

11

12 MR. BANGS: Second.

13

14 CHAIRMAN ADAMS: It's been moved and
15 seconded.

16

17 REPORTER: By who.

18

19 CHAIRMAN ADAMS: Who seconded. Mr.
20 Bangs. Go ahead, Pippa.

21

22 MS. KENNER: Thank you, Mr. Chair.
23 Council members. My name is Pippa Kenner. I'm with
24 the Office of Subsistence Management. Proposal WP18A
25 was submitted by Chuck Burkhardt of Gustavus and
26 requests the recognition of customary and traditional
27 uses of moose in the Berners Bay drainage portion of
28 Unit 1C for rural residents of Units 1C and 1D. This
29 proposal was deferred from 2008 when it was numbered
30 WP08-06. As was the case in 2008, this proposal is
31 addressed in two analyses. The A portion addresses the
32 customary and traditional use determination and the B
33 portion addresses the Federal season and harvest limit.

34

35 The Board will be considering these two
36 proposals on this issue. Proposal WP10-11, which we
37 just went over, which concerns moose in Unit 1C in its
38 entirety, and Proposal 10-18A, which concerns Berners
39 Bay in Unit 1C. Proposal WP10-11 encompasses the
40 request in this proposal. If the Board adopts WP10-11
41 and recognizes the customary and traditional uses of
42 moose in Berners Bay as well as the rest of 1C, then
43 there would be no need to consider and take action on
44 WP10-18A, this proposal. But the Board would need to
45 consider and take action on WP10-18B, which is the
46 season and harvest limit.

47

48 If the Board does not adopt WP10-11,
49 then it will need to consider and take action on this
50 proposal. I wrote that out to make sure I at least

1 said it correctly, but that doesn't mean you understand
2 it. So what I'm saying is that because of your
3 previous action on 11 it encompassed this proposal, the
4 A portion of this proposal and, therefore, I suggest
5 without discussion you can go on to the B portion.

6

7 Thank you, Mr. Chair.

8

9 CHAIRMAN ADAMS: Thank you, Pippa.
10 That's the thing that I saw, just a note here that
11 WP10-11 takes care of this and you've explained it for
12 me.

13

14 Mr. Bangs, go ahead.

15

16 MR. BANGS: Thank you, Mr. Chairman.
17 Then I would suggest that we would remove the motion
18 and a second. Thank you.

19

20 CHAIRMAN ADAMS: Okay. Take no action.

21

22 MR. BANGS: Yes, take no action.

23

24 CHAIRMAN ADAMS: Is that okay with the
25 second. Mike did the second. Who did the motion?

26

27 REPORTER: Frank.

28

29 CHAIRMAN ADAMS: So it's okay then to
30 withdraw the motion.

31

32 MR. WRIGHT: It's fine.

33

34 CHAIRMAN ADAMS: We need a motion to
35 that effect.

36

37 MR. BANGS: I make the motion to take
38 no action on WP18A.

39

40 CHAIRMAN ADAMS: Do I hear a second.

41

42 MR. WRIGHT: Second.

43

44 CHAIRMAN ADAMS: Thank you, Frank.

45 Yes, Harvey.

46

47 MR. KITKA: Mr. Chair. Point of order.
48 The first one we should have voted on and voted to take
49 no action on that one.

50

1 CHAIRMAN ADAMS: You're right. We need
2 a motion to withdraw. Mr. Bangs, go ahead -- or
3 Douville.

4
5 MR. DOUVILLE: Harvey's right. I
6 believe it went past the point where you could
7 withdraw. I think we have to continue and deal with
8 it.

9
10 CHAIRMAN ADAMS: It is a point of
11 order. Go ahead.

12
13 MR. LARSON: Mr. Chairman. I believe
14 that the discussions are appropriate to this point.
15 We've moved to adopt, we've had it on the table, we've
16 had a discussion by the Council that because of
17 previous actions they wish to take no action, so the
18 motion that is most appropriate for the Council at this
19 point would be a motion to take no action and that
20 doesn't require rescinding or withdrawing anything.

21
22 CHAIRMAN ADAMS: So that's the way
23 we'll handle it then. So you made a motion to take no
24 action, you seconded it. Any further discussion.

25
26 (No comments)

27
28 MR. WRIGHT: Question.

29
30 CHAIRMAN ADAMS: The question has been
31 called. All in favor say aye.

32
33 IN UNISON: Aye.

34
35 CHAIRMAN ADAMS: Opposed.

36
37 (No nay votes)

38
39 CHAIRMAN ADAMS: That was a pretty weak
40 aye. The ayes have it. Go ahead. Let's move on.
41 What do we do now? We need to take care of 18B. Are
42 you going to handle this, Mr. Chester? We need a
43 motion to adopt.

44
45 Mr. Bangs.

46
47 MR. BANGS: Thank you, Mr. Chairman. I
48 move to adopt WP10-18B as written.

49
50 CHAIRMAN ADAMS: Is anyone going to

1 second that.

2

3 MS. NEEDHAM: Second.

4

5 CHAIRMAN ADAMS: Cathy, thank you. Mr.
6 Chester, go ahead.

7

8 MR. CHESTER: Thank you, Mr. Chair.

9 Again, my name is Dennis Chester with the U.S. Forest
10 Service. Currently addressing the Staff analysis for
11 WP10-18B, which Pippa just mentioned was submitted by
12 Chuck Burkhardt a couple years ago. Besides it's
13 trying to establish a -- or requesting establishment of
14 customary and traditional use, he also requested a
15 Federal season and harvest limit for Berners Bay.
16 There's currently no Federal season and harvest limit
17 in Berners Bay and his requested season is one bull by
18 Federal registration permit from September 15th to
19 October 15th.

20

21 As you folks know, it's an introduced
22 population back in about the late '50s, early '60s. I
23 guess the new information since this was originally
24 introduced in 2006 is that Fish and Game has had a
25 study of the moose in that area going on and has some
26 pretty good survey information that's shown in Table 2
27 on the top of Page 177. It shows pretty dramatically
28 that there's been a pretty substantial drop in
29 population since the hard winters started in 2006.

30

31 Also since that time there's been no
32 harvest. The State has not opened the season since
33 they closed it in 2006 or after the 2006 winter. The
34 effects of this proposal would establish a season and
35 harvest limit from a Federal standpoint along with a
36 Federal registration permit. There are some concerns
37 about the ability to manage this small population under
38 a registration permit, so there would need to be some
39 restrictions that are outlined here and I can go into
40 more if you request.

41

42 The preliminary conclusion is to oppose
43 and that's primarily based on the conservation concern
44 with the population at this time. The survey
45 information indicates there's not enough moose to meet
46 the guidelines that Fish and Game is using to establish
47 a harvest in the past.

48

49 CHAIRMAN ADAMS: Thank you, Dennis.
50 Any comments, questions.

1 (No comments)

2

3 CHAIRMAN ADAMS: I do have a problem
4 with -- I know that individuals can make proposals.
5 That's the crux of the problem, ANILCA says you work
6 from the bottom up. I think it's appropriate that
7 individuals can make proposals, but if they can show in
8 the analysis that they had meetings, public comments or
9 hearings that are going to affect the people these
10 proposals are going to cover, then I would have a
11 favorable attitude toward it, but to have an individual
12 just submit a proposal as we have seen here now gives
13 me a lot of concern. I hope we can get that out to the
14 public. We encourage individuals to make proposals,
15 but if they can talk to the people in the communities
16 where they're more affected -- where these people are
17 going to be affected by these things if they're passed,
18 they might not be too happy about it.

19

20 I also noticed that this proposal
21 already controlled by special action or special
22 emergencies, so maybe it can be addressed in that
23 manner rather than having a regulation come forth.
24 That's my comments. Anyone else. Cathy, you have
25 something?

26

27 MS. NEEDHAM: Thank you, Mr. Chairman.
28 Are we in deliberations?

29

30 (Laughter)

31

32 CHAIRMAN ADAMS: I was just going to
33 make that comment. No, we're not. We're still taking
34 comments. Thank you. I just wanted to make that
35 comment so the Council would be able to know where I'm
36 coming from later.

37

38 Go ahead.

39

40 MR. BARTEN: Mr. Chair. Members of the
41 Council. This is Neil Barten again with Fish and Game.
42 Yeah, if you have any other population questions, feel
43 free to ask any. Even though Dennis pointed this out,
44 we are tracking this population as best we can and if
45 you have any questions on that, please ask.

46

47 CHAIRMAN ADAMS: Thanks. Questions,
48 comments.

49

50 MR. LORRIGAN: Thank you, Mr. Chairman.

1 What's the average harvest past six to ten years,
2 successfully, I guess.

3

4 MR. BARTEN: Through the Chair. Member
5 Lorrigan. We've had a generally -- I showed up here in
6 1998 and we've generally had a draw permit hunt where
7 we'd issue eight to ten bull permits and seven to ten
8 cow permits and some years people would get all the
9 bulls and some years they'd get four or five of the
10 cows, so they'd take in the neighborhood of eight bulls
11 and five to seven cows a year from probably the early
12 '90s through about four or five years ago, the early
13 2000's, then we started limited the antlerless harvest
14 and then starting in about 2006 the hard winters really
15 put the hurt on the moose and I think there's a graph
16 or a table on the top of Page 177 that shows our
17 population estimate today versus basically three years
18 ago.

19

20 Most of that is attributed to mortality
21 associated with really hard winters because we had
22 stopped the hunt at that point. Berners Bay gets
23 enormous amounts of snow, like six or seven feet of
24 snow that will last all the way into May. The moose
25 that do die, whether they die from starvation or in
26 some cases bears come out of their dens and find them
27 in very vulnerable places where they can't get away
28 because of deep snow, we don't always know the ultimate
29 cause of death, but we do know the population has
30 declined considerably.

31

32 CHAIRMAN ADAMS: Dennis, you want to
33 comment.

34

35 MR. CHESTER: Thank you, Mr. Chair.
36 Yes, just for Jack's purposes the table on top of Page
37 180 shows the harvest history since 1983, the high is
38 15 and the low is zero, so it kind of gives you a feel.
39 It's a pretty low number on a yearly basis. I think
40 the highest ever was 23.

41

42 CHAIRMAN ADAMS: Jack, go ahead.

43

44 MR. LORRIGAN: Thank you, Mr. Chairman.
45 So roughly you're shooting for about 15 percent of the
46 population harvest or 10 percent harvest rate?

47

48 MR. BARTEN: Through the Chair. Member
49 Lorrigan. We were trying to keep this moose population
50 at a level of about 80 to 90 moose that we'd see during

1 our surveys and we did that based on -- back in the
2 early '80s we did some habitat assessment in Berners
3 Bay and estimated what we thought was a carrying
4 capacity of the habitat, so we used a combination of
5 bull hunts as well as cow hunts to keep the population
6 at a level that we thought was sustainable for the
7 habitat, which turned out to be in the neighborhood of
8 10 to 15 moose a year.

9

10 CHAIRMAN ADAMS: Follow up.

11

12 MR. LORRIGAN: Mr. Chairman, thank you.
13 This population was introduced when?

14

15 MR. BARTEN: It was introduced in 1958,
16 1960. There was 16 calves in '58 and I think six more
17 in 1960.

18

19 MR. LORRIGAN: I guess my thought
20 process would be that from '58 until now they've maybe
21 expanded as far as they're going to and the amount of
22 habitat they're going to have. It's kind of reminding
23 me of the elk condition in Yellowstone where there
24 weren't any wolves to keep them moving, so they ate
25 their habitat down. They have a spacial difference in
26 the aspen because the elk just stayed right there and
27 ate the shoots. Once they put the wolves in there,
28 they had them moving around. I'm just curious if the
29 basin is finding its equilibrium based on what the
30 predators are doing and the habitat is doing and snow.

31

32 MR. BARTEN: I think you do find that
33 in Yakutat, Haines, even Gustavus and now here where
34 these moose move into areas. In this case, they were
35 introduced and, yeah, it takes a bit of time and they
36 kind of do find an equilibrium in relation to the
37 winters. Berners Bay, when the calves were first
38 introduced, I'm not sure what the predator load was,
39 but today there's a fair number of brown bears in
40 there, wolves.

41

42 But we think the habitat can actually
43 -- due to some more effort we did a couple winters ago
44 or a couple springs ago with vegetation, we think we
45 can probably carry a few more moose than we anticipated
46 since that 1980 study, but at this point we don't want
47 to see any harvest in there because this herd is really
48 -- the calves are viable and adult mortality led to
49 this lower population estimate that we have today and
50 we don't want to introduce any harvest until we

1 probably see again in the neighborhood of 85 to 90
2 animals in our winter surveys and that might take five
3 years, it might take a long time. We just don't know
4 what the mortality is going to be with this herd from
5 here on out. So we're just going to keep monitoring it
6 and see if it rebounds.

7

8 MS. PHILLIPS: Mr. Chair.

9

10 CHAIRMAN ADAMS: Go ahead, Patty.

11

12 MS. PHILLIPS: Thank you, Chairman
13 Adams. On these moose it talks about they were brought
14 from the Matanuska and Susitna Valleys. What are those
15 in comparison to the moose in Units 1B and 3 where it's
16 the andersoni and the giga subspecies, are they bigger,
17 are they smaller?

18

19 MR. BARTEN: Through the Chair. Member
20 Phillips. Good question. It's an interesting question
21 too. Yeah, the moose from the Mat-Su and from a lot of
22 the parts of Alaska I think are gigas and the ones from
23 the Taku south I believe are andersoni, which are, I
24 guess, if you read the literature, smaller moose, but
25 they also behave somewhat differently during the rut.
26 They tend to be instead of harem-type breeding bull or
27 animal they tend to be serial where one male will stay
28 with a female for a while, so they just have different
29 behavioral characteristics too.

30

31 CHAIRMAN ADAMS: Anyone else.

32

33 (No comments)

34

35 CHAIRMAN ADAMS: Thank you, gentlemen.
36 Any other Federal people like to comment.

37

38 (No comments)

39

40 CHAIRMAN ADAMS: Tribal members, tribal
41 organizations.

42

43 (No comments)

44

45 CHAIRMAN ADAMS: InterAgency.

46

47 (No comments)

48

49 CHAIRMAN ADAMS: Public comments.

50

1 MR. LARSON: Mr. Chair. The Juneau-
2 Douglas AC is in opposition to this proposal and we
3 have no other public written comments.

4
5 CHAIRMAN ADAMS: Thank you. We are now
6 under Council deliberation. What's the wish of the
7 Council. Cathy.

8
9 MS. NEEDHAM: Thank you, Mr. Chairman.
10 I'm going to vote in opposition of this proposal and I
11 want to thank the Staff for putting together a very
12 good analysis in terms of giving us clear information
13 to help me personally determine that there is a
14 conservation concern, which is going to be the basis of
15 my vote for opposition.

16
17 CHAIRMAN ADAMS: Thank you. Any other
18 comments. Harvey.

19
20 MR. KITKA: Thank you, Mr. Chair. I
21 was just curious as to the procedure of how long would
22 it take to open the season for Units 1 through 5 if the
23 population never came back and whether a permit was
24 started, how long the procedure would take to start it.

25
26 CHAIRMAN ADAMS: Mr. Probasco.

27
28 MR. PROBASCO: Thank you, Mr. Chair.
29 And Mr. Kitka for the question. You may recall that
30 approximately three to four years ago the Board
31 instructed and set up a process where every three years
32 a closure is reviewed by the Office of Subsistence
33 Management and the findings are presented to the RACs
34 and the Board to act upon. So the closure just doesn't
35 go off and we forget about it until someone brings it
36 up. If this were to be passed this spring at a minimum
37 you would see it reviewed in three years.

38
39 Mr. Chair.

40
41 CHAIRMAN ADAMS: We can't review it
42 before?

43
44 MR. PROBASCO: Sure can.

45
46 CHAIRMAN ADAMS: Okay, thank you. Mr.
47 Bangs.

48
49 MR. BANGS: Thank you, Mr. Chairman.
50 I'm going to be in opposition to this proposal. I

1 think it's supported by substantial evidence, that it's
2 necessary to carry through with this proposal and
3 conservation concerns are there for this population.
4 Although it preempts any opportunities for subsistence
5 users, I think it's necessary to conserve the
6 population for future uses. I don't think it will have
7 any effect on non-subsistence users anymore than the
8 rest of us.

9

10 Thank you.

11

12 CHAIRMAN ADAMS: Thank you, Mr. Bangs,
13 for addressing those four criteria. Anyone else like
14 to make a comment. That's on the record now.

15

16 (No comments)

17

18 MS. PHILLIPS: Question.

19

20 CHAIRMAN ADAMS: The question has been
21 called for. All in favor of this proposal please say
22 aye.

23

24 (No aye votes)

25

26 CHAIRMAN ADAMS: Opposed say nay.

27

28 IN UNISON: Nay.

29

30 CHAIRMAN ADAMS: The motion is
31 defeated. Thank you. Let's take a break.

32

33 (Off record)

34

35 (On record)

36

37 CHAIRMAN ADAMS: Okay, folks we're
38 going to get back into session here.

39

40 (Pause)

41

42 CHAIRMAN ADAMS: We're back in session
43 now. I want to take some public comment at this time.
44 I really appreciate Charles James, Sr. He's been
45 sitting there all day waiting patiently to make a
46 testimony. I apologize for that, Mr. James. Please
47 come forward and have your say.

48

49 MR. C. JAMES: Hi, ladies and
50 gentlemen. My name is Koo-Ghaith, Charles Murphy

1 James. I was from Kuiu, from over in Klawock and stuff
2 like that. I'm going to talk about -- deer is my
3 subject.

4
5 In the past four years, the deer
6 population has changed drastically. It has been
7 happening since the White men first started coming to
8 Alaska, but has really gotten bad locally in the past
9 four years.

10
11 They have killed off most of the deer,
12 moose and caribou. This was the same way the United
13 States government got rid of the buffalo and solved
14 their Indian problems by eliminating the meat and hides
15 Natives used. They weakened the Indian population and
16 broke up the tribes. That seems to be the same method
17 being used today. The White man was paid a lot of
18 money to do this back in the 1800s. This really makes
19 me wonder if they are being paid big money today.

20
21 I have seen piles of deer carcasses
22 here in Ketchikan and there have been others reported
23 in Sitka and many other places. Even the tiniest baby
24 deer are being killed and left to rot. No Tlingit or
25 Haida Native people would ever do this. In addition,
26 they use GPSs and other electronic equipment are being
27 used along with assault weapons to do this. Some of
28 our Native people have been prosecuted for merely
29 having a rifle with no shells in it, yet the Fish and
30 Game don't bother to make a serious investigation of
31 all the wanton waste of deer. White people seem to be
32 able to get away with anything while Natives are being
33 regulated out of existence.

34
35 The White men have stolen all of our
36 hunting and fishing rights. Now we are trying to save
37 some of our deer and fish and they are still trying to
38 take it right out of our mouths. When it was only
39 Tlingit and Haida fishing, they called us dirty salmon
40 and halibut fishing people. They all sure shot their
41 deer in the stomach and couldn't stand the smell. Now
42 they are still trying to take this away from us. They
43 are regulating our Native land and creeks, which is not
44 legal. Now all of a sudden they want to be equal with
45 us dirty salmon and hunting deer rights. We are
46 supposed to get what we wanted and need before anyone
47 else can get anything.

48
49 I do not like how the Native classes
50 are being treated by the Fish and Game, the Forest

1 Service, the State police and the Coast Guard. When
2 Russia supposedly sold Alaska to the United States they
3 specifically asked for protection of the Native Alaskan
4 fishing and hunting rights. When Alaska accepted
5 statehood, they signed the agreement to follow the U.S.
6 Constitution, which guaranteed those rights never to be
7 taken away, yet every day Native Alaskans have fewer
8 and fewer rights, especially to our subsistence food.
9 What is the point of regulations if there's nothing
10 left to regulate?

11
12 All of our Native subsistence foods are
13 being exploited, destroyed. We cannot just sit back
14 and watch this happen. As soon as the White person
15 sets foot in Alaska, he already has more rights than a
16 Native Alaskan. This is not right. There is much more
17 that I could say, but I thank you for listening to me
18 today. (In Tlingit) sun on the water, double-headed
19 raven.

20
21 That's all, I guess.

22
23 CHAIRMAN ADAMS: Thank you. Mr. James,
24 do you have something to say?

25
26 MR. C. JAMES: This is really a serious
27 problem and they want to take everything away from us.
28 They already have and they still want to grab what we
29 have in our mouth.

30
31 Gunalcheesh.

32
33 CHAIRMAN ADAMS: Gunalcheesh.

34
35 MS. JAMES: I'm just his ears.

36
37 CHAIRMAN ADAMS: Thank you. Your
38 comments are on record. Thank you for being here and
39 your patience. Norman, are you ready? Again, like
40 everyone before you, I appreciate your patience. I
41 know you've been here all day waiting to testify. As
42 you can see, our table is really full of work, so we're
43 trying to slip these testimonies in as much as we
44 possibly can. So thank you for being here and being
45 patient with us.

46
47 Go ahead.

48
49 MR. ARRIOLA: Thank you, Mr. Chair, for
50 recognizing me. For the record, my name is Norman A.

1 Arriola. I reside at 3225 Timberline Court, Ketchikan
2 Alaska 99901. Contact number will be 907-254-1215.

3

4 First of all, I'd like to thank the
5 Organized Village of Saxman for allowing the RAC
6 Committee and those in the audience to come into the
7 house and listen to your report on your meetings that
8 you've had along with hearing testimony from those that
9 are in the audience.

10

11 My only common is, and I'll keep it
12 short because I know you guys still have a lot on your
13 agenda, but my concern is the year-round dungeoness
14 harvest that was approved by the State Fisheries Board
15 last year. Prior to that they allowed written
16 testimony to see what the general public, especially
17 here in Southeast Alaska and District 2, and we opposed
18 that Native and non-Native and we still oppose it
19 today. There was a lot of controversy over that issue
20 last year. If you read the Ketchikan Daily News and
21 the letters to the editor, there were quite a few of
22 them. We had non-Natives coming to our KIC Tribal
23 Council asking for resolutions of support to stop this
24 because any time you harvest the dungeoness crab year
25 round during the summer months, that's when the molting
26 season starts.

27

28 I can give you an example. About five
29 years ago a very close relative of mine passed away and
30 when we gathered as a family to see what we were going
31 to have on the menu one of the things was dungeoness
32 crab for a salad. Lo and behold there was a boat down
33 in Bar Harbor and I went down there and I bought
34 everything they had. Bought 85 crab from him. After I
35 cooked them up, I needed help to clean them up and when
36 we started cleaning them there was barely any meat in
37 them. This was in August.

38

39 Just like the herring roe fishery out
40 of Kasiak that was wiped out over 15 years ago, they're
41 going to do the same with the dungeoness crab. It's
42 bad enough when they do bring crab here during the cold
43 season around November or October, November. The crab
44 are just barely over the limit. They're small. So I
45 would respectfully ask this committee to readdress this
46 with the State Fisheries Board and ask them to stop
47 this because potentially they're going to wipe that out
48 too.

49

50 Thank you.

1 CHAIRMAN ADAMS: We have a fisheries
2 meeting coming up this coming fall and that's when
3 we're going to take up issues like this. So if you can
4 get a proposal in, this would be more effective than us
5 trying to lobby or influence the other organizations
6 that have control of this. If you want to submit a
7 proposal, then we would be better able to address that
8 issue for you.

9
10 MR. ARRIOLA: Thank you, sir. The
11 community of Ketchikan did that, along with other IRAS
12 in Southeast Alaska and our concerns fell on deaf ears.
13 So thank you again.

14
15 CHAIRMAN ADAMS: So you're saying
16 there's already proposals about this issue?

17
18 MR. ARRIOLA: We wrote letters to our
19 legislature. We wrote letters to the Alaska
20 Delegation. Native and non-Native groups. Like I
21 said, it went forward anyway.

22
23 CHAIRMAN ADAMS: But it's not going to
24 come here. What I want to know -- I understood you to
25 say that there was a proposal that was made by
26 Ketchikan Indian Association already or no?

27
28 MR. ARRIOLA: We wrote letters of
29 resolution, groups that were requesting that they not
30 allow this year-round harvest of the dungeoness crab to
31 take place, but it did anyway.

32
33 CHAIRMAN ADAMS: If you want this body
34 to address it, I would suggest that you go to a Forest
35 Service office or somewhere where you can pick up a
36 form and fill it out and that would be a proposal that
37 would address that issue and it would come to this body
38 here probably in the fall meeting.

39
40 MR. ARRIOLA: Okay. Thank you.

41
42 CHAIRMAN ADAMS: Thank you for your
43 testimony. Gunalcheesh.

44
45 Mr. Bangs.

46
47 MR. BANGS: Thank you, Mr. Chairman. I
48 think what some of this testimony would get at is we
49 could generate a proposal to the Board of Fish to have
50 that changed. What he's talking about is presenting us

1 with a proposal for Federal, which we don't have
2 jurisdiction over State waters, so it would have to go
3 to the Board of Fish. I think it's within our
4 authority to generate a proposal to the Board of Fish.

5
6 CHAIRMAN ADAMS: So this is a State
7 issue then.

8
9 MR. BANGS: Yes. Thank you.

10
11 CHAIRMAN ADAMS: All right. Let's make
12 note of that.

13
14 MR. BANGS: Mr. Chairman. We'll have
15 several meetings yet to consider such a thing. They
16 open the proposal period for -- State Southeast
17 proposals is not open as yet. Those need to be in, I
18 believe, by April of 2011. We'll put that on our list
19 and I'm sure we'll hear about this topic in the next
20 few meetings.

21
22 Thank you.

23
24 CHAIRMAN ADAMS: Thank you for
25 clarifying that for me, Mr. Bangs. Is Jay O'Brien
26 here.

27
28 MR. O'BRIEN: Yes, I am.

29
30 CHAIRMAN ADAMS: Please come forward,
31 sir.

32
33 MR. O'BRIEN: Thank you. I have placed
34 two proposals before you for this meeting and I could
35 address either or both of those if you would like.

36
37 CHAIRMAN ADAMS: Take them both. We'll
38 get you on record.

39
40 MR. O'BRIEN: My first proposal is
41 Wildlife Proposal 19 and it is regarding antlerless
42 deer harvest in Unit 2. I believe this proposal is
43 biologically sound. This proposal seeks to protect
44 reproductive does in order to increase the number of
45 harvestable bucks for all user groups. There's been
46 extensive Federal analysis of this proposal and I would
47 like to address a few of those points.

48
49 The Federal analysis of the proposal on
50 Page 197 calls does, quote, the most biologically

1 important component of the population. I think all
2 consumptive users of the resource, rural and non-rural,
3 realize that.

4

5 The analysis continues on Page 191 to
6 say that harvest of antlerless deer is recommended only
7 for populations that have reached carrying capacity
8 because natural mortality is expected to be high in a
9 population that is at carrying capacity, so harvest can
10 capture some of that inherent mortality.

11

12 The Federal analysis of Proposal 19
13 goes on to say, quote, if carrying capacity has not
14 been reached or exceeded, a general rule is that deer
15 herds increase if you shoot only bucks. I would like
16 to see the population of deer increase on Unit 2, as I
17 think we all would. Every biologist I have spoken with
18 about this topic agrees that the deer population in
19 Unit 2 is nowhere near carrying capacity.

20

21 The Federal analysis says that harvest
22 reporting shows that antlerless harvest has ranged from
23 a low of 75 deer to a high of 231 deer in the last 10
24 years. The average is reported to be 138 does per year
25 or harvested from Unit 2. I believe that this estimate
26 is low. I believe that the harvest of antlerless deer
27 in Unit 2 is underreported. I wonder if there has been
28 an effort by the Federal managers to verify report card
29 accuracy or if those numbers are just taken at face
30 value.

31

32 Additionally, I would like to call your
33 attention, since there is no special Federal tag issued
34 that would signify that a resident's antlerless deer
35 has been harvested for the season, any of the State
36 issued harvest tickets potentially could be used for a
37 doe with little opportunity for enforcement to verify.
38 Consequently, the potential for abuse appears to be
39 high.

40

41 It's understandable why does are the
42 most biologically important component of any deer
43 population. A study noted on Page 191 of our booklet
44 says does enter the breeding population at age two and
45 may continue to fawn for 10 years. If half of those
46 offspring are does and they reach maturity, the
47 contribution of future generations or two future
48 generations is magnified. I think we underestimate the
49 value of every female deer in Unit 2.

50

1 Illegal harvest of female deer needs to
2 be acknowledged when management bodies craft
3 regulation. The Department of Fish and Game's deer
4 management report from 2006 states that, quote, Unit 2
5 has one of the highest illegal or unreported harvests
6 in the region. Unreported and illegal kill is
7 estimated to be equal to the Unit 2 reported harvest,
8 end quote. That would mean that an additional 2,500
9 deer are taken annually and I suspect a lot of that
10 hunting could be done or would be done at night. I
11 suspect that those animals that are killed are
12 predominantly females.

13
14 My proposal does impact the rural
15 following rural harvester and I understand that. It
16 impacts the rural following rural harvester of
17 antlerless deer. It does reduce the window of
18 opportunity from the current regulation. However, the
19 proposal still provides for a customary and traditional
20 use of antlerless deer while seeking to protect does
21 carrying fawns.

22
23 The current harvest season runs through
24 the rut period, the breeding period of these deer and I
25 suspect that we are harvesting deer that are carrying
26 next year's fawns. It's a precautionary proposal
27 that's biologically sound. I guess I'm seeking your
28 support.

29
30 CHAIRMAN ADAMS: Thank you, Mr.
31 O'Brien. When did you come, just recently? I know
32 your thing said after 3:00.

33
34 MR. O'BRIEN: Yes, sir. I had work
35 until about 3:00 o'clock today.

36
37 CHAIRMAN ADAMS: Just before -- you
38 know, we had a break. We did Proposal No. 19 already.

39
40 MR. O'BRIEN: Oh, I'm sorry, sir.

41
42 CHAIRMAN ADAMS: And I'm sorry that you
43 weren't here. Did we do No. 19 yet?

44
45 MR. LARSON: No, we haven't done 19.

46
47 CHAIRMAN ADAMS: Oh, we did 18. It's
48 getting late in the afternoon. So thank you for your
49 comments. We appreciate that. You've got No. 20 yet to
50 do. Go ahead.

1 MR. O'BRIEN: Yes, I did write Proposal
2 No. 20. Thank you, sir.

3
4 CHAIRMAN ADAMS: We appreciate your
5 comments.

6
7 MR. O'BRIEN: I appreciate your
8 attention, sir. Wildlife Proposal 20 seeks to open all
9 of the Federal lands in Unit 2 to the harvest of deer
10 by non-rural residents on August 1st. This will allow
11 non-rural residents, including those with children, a
12 better opportunity to harvest deer before school starts
13 later in August. One proposed school calendar for the
14 upcoming year had public school in Ketchikan starting
15 on August 19th. Current Federal regulation would have
16 essentially prohibited youth from participating in Unit
17 2 deer harvest unless they were rural residents.

18
19 The Federal analysis takes exception to
20 my statement that the rural resident has 23 days of
21 exclusive use of Federal land in Unit 2 and points out
22 that areas B and C are open as of August 1 to the non-
23 rural resident. Area B is the Southeast portion of
24 Prince of Wales Island, south of the west arm of
25 Chombley Sound. Area C are the outside islands off the
26 west coast. These areas are divvied up into wildlife
27 analysis units for reporting purposes and those are
28 listed in the analysis. I'm curious to know how many
29 deer were harvested by Ketchikan residents in these
30 wildlife analysis units, those areas B and C, between
31 August 1 and August 15. I don't suppose it's many.

32
33 Since these are areas only accessible
34 by airplane or commercial grade ocean-going vessel,
35 these areas are as off limits to the non-rural family
36 because of economics as if by statute. There is, in
37 effect, no difference between having those areas open
38 and having them closed.

39
40 The population of deer in Unit 2 is
41 currently stable and would be able to withstand an
42 additional two weeks harvest or hunter effort I should
43 say from the non-rural resident without seriously
44 impacting the rural resident. Here's why I believe
45 that. Unit 2 hunters have one of the best harvest
46 seasons in the past 10 years in 2008, according to the
47 Federal analysis on Page 199. Harvest per hunter was
48 high and effort required to harvest their deer was low.

49
50 Competition for this precious resource

1 is always a concern. It's conceivable, however, that
2 an August 1 opening day as proposed could actually
3 alleviate some competition between the rural and non-
4 rural resident. Report cards submitted by hunters
5 claim that only 16 percent of the harvest in Unit 2
6 occurs in August while 45 percent of the harvest and
7 presumed effort occurs in November during the rut. I
8 suspect most individuals such as myself might make only
9 one trip a year to Prince of Wales Island due to cost
10 and other limitations. Some hunters will shift their
11 effort to those open weeks in August and alleviate
12 competition during November.

13

14 The Prince of Wales Access Travel
15 Management Plan has also caused competition concerns.
16 The Federal analysis cites that this plan could reduce
17 road access by, quote, potentially 42 percent, end
18 quote. Potentially is a future that may not come to
19 pass. Resource management needs to be based upon what
20 is reality today. To my knowledge, none of the road
21 closures in this plan have occurred.

22

23 Regeneration and second growth is also
24 stated in the Federal analysis as a reason for
25 maintaining the current regulation. On Page 212 it is
26 stated that only six percent of the clearcuts in Unit 2
27 remain, quote, huntable. That would be six out of
28 every 100 acres previously logged. I suspect everybody
29 has a different definition for huntable, but that
30 estimate seems very conservative. I'd gladly settle
31 for the other 94 percent to open on August 1.

32

33 This proposal is a modest proposal that
34 should have a minimal impact on the rural resident. It
35 would open up Federal lands on Prince of Wales Island
36 two weeks earlier for the non-rural harvester while
37 keeping intact all of the other preferences for the
38 rural resident. Competition for the resource in the
39 fall may be reduced as time of effort is shifted to the
40 summer. Families wanting to hunt with children will
41 have a greater opportunity to participate when younger
42 hunters are out of school.

43

44 Perhaps most importantly supporting
45 this proposal would go a long way toward creating
46 goodwill between the rural and the non-rural resident.

47

48 I thank you.

49

50 CHAIRMAN ADAMS: Thank you, Mr.

1 O'Brien. I have a question or two.

2

3 MR. O'BRIEN: Yes, sir.

4

5 CHAIRMAN ADAMS: I'm wondering, did you
6 talk with other people about your proposal before you
7 submitted it? One of the things that I like to look at
8 is if there was some public type of hearing. You're
9 submitting a proposal that's going to affect a lot of
10 other people.

11

12 MR. O'BRIEN: Yes, sir.

13

14 CHAIRMAN ADAMS: And they do need to
15 have their say as to whether they support it or not.

16

17 MR. O'BRIEN: I appreciate that.

18

19 CHAIRMAN ADAMS: So I was just
20 wondering if you went to an organization and talked to
21 them about it and got their input or did you talk to
22 other people who would be living in these areas that
23 will be most affected by this. I'm kind of interested.

24

25 MR. O'BRIEN: Thank you, sir, and I
26 appreciate your question. I was invited to attend the
27 Ketchikan Advisory Committee meeting that was held I
28 want to say in early February perhaps. Actually that
29 was a joint committee meeting with representatives from
30 the Saxman Fish and Game Advisory Committee. They were
31 in attendance as well. I'm not obviously a member of
32 that committee or either of those committees, but there
33 was a vote of support taken for -- or I should say
34 there was a vote for both of these proposals at that
35 particular meeting and both the proposals were
36 supported by that advisory committee, but that is the
37 only venue that I have essentially aired these
38 proposals in.

39

40 Yes, sir.

41

42 CHAIRMAN ADAMS: I appreciate that.
43 That's something that I encourage the Council to look
44 at when we look at proposals that are submitted by
45 individuals, if that process had been done. So I
46 appreciate that.

47

48 Thank you much.

49

50 Any questions by anyone else.

1 MS. PHILLIPS: Mr. Chairman.

2

3 CHAIRMAN ADAMS: Patty.

4

5 MS. PHILLIPS: Do you have a history of
6 hunting POW and how long is that history?

7

8 MR. O'BRIEN: Thank you, ma'am. I
9 began hunting on Prince of Wales Island shortly after I
10 moved here. I moved here in 1993 and began -- I did
11 not hunt my first year because I could not afford the
12 cost of the out-of-state permitting, so after a year I
13 did make a few trips in the mid '90s to Prince of Wales
14 Island and enjoyed the hunting although it was, again,
15 very casual events for me. It was, at best -- I did
16 make two trips per year for I would say a couple of
17 those years.

18

19 The most important memories I have of
20 those times though were were when I had an opportunity
21 to lead my 16 year old nephew in 1999 to the north end
22 of the island and he harvested his first buck ever
23 there. We proceeded to hunt in the year 2000 and 2001.
24 Those were summer ventures. I would go over at the end
25 of July and scout for a day or two and set up a camp
26 and then we would hunt for probably two to three days
27 and then return home. I have small children and
28 responsibilities are to them first.

29

30 Shortly after that I want to say maybe
31 it would have been 2002 that the Federal Subsistence
32 Board enacted a closure of the north end of Unit 2 or
33 Area A in Unit 2 so that the season did not begin until
34 the -- initially it was the 21st I want to say for the
35 non-rural resident. That has been moved back obviously
36 to the 16th for the non-rural resident, but I haven't
37 been over to hunt in the summer except maybe one time
38 since that regulatory change has been enacted.

39

40 MS. PHILLIPS: Mr. Chair.

41

42 CHAIRMAN ADAMS: Follow up. Go ahead.

43

44 MS. PHILLIPS: Did you hunt the fall
45 season then?

46

47 MR. O'BRIEN: I made fewer trips in the
48 fall. I did hunt the fall three years ago, two years
49 ago, but not last year

50

1 MS. PHILLIPS: Thank you.

2

3 MR. O'BRIEN: Thank you, ma'am. If
4 you're curious, we're two deer a year people at best
5 and those are years that we are really blessed. Like I
6 say, most of these trips involve kids and kids have a
7 limited window of interest in pursuing that. That's
8 why the summer is so valuable because, you know, you
9 can have a couple hours out with the kids maybe looking
10 at clearcuts and then retire to maybe Buster Creek or
11 something like that for some dolly fishing and then hit
12 the slopes for some berry picking or whacking of
13 fireweed or something that's going to keep kids active.
14 The summer months are precious times. The weather is
15 warmer, the days are longer, the kids are more easily
16 entertained and I miss that time and I'd like to be
17 able to have it back and share with them at some point.

18

19 CHAIRMAN ADAMS: Thank you, sir. We
20 appreciate you coming here and sharing that testimony
21 with us. Thank you.

22

23 MR. O'BRIEN: Thank you for the
24 opportunity.

25

26 CHAIRMAN ADAMS: You are now on record.
27 I think we're going to have to go back to 10, is it? 9
28 or 10.

29

30 MS. NEEDHAM: I thought 10.

31

32 MS. PHILLIPS: I thought we were going
33 backwards.

34

35 MR. WRIGHT: 10.

36

37 CHAIRMAN ADAMS: Let's go back to
38 numerical -- let's go over to 9. You know what, I have
39 a little note here that says perhaps we should do 10
40 first and then come back.

41

42 (Laughter)

43

44 CHAIRMAN ADAMS: Okay. Who's going to
45 do the analysis. We need a motion to adopt and then
46 Mr. Chester, are you going to do it?, no, Bob is going
47 to do it. Let's call for a motion to adopt.

48

49 Mr. Bangs.

50

1 MR. BANGS: Thank you, Mr. Chairman. I
2 move to adopt WP10-10 as written on Page 75.

3
4 MS. PHILLIPS: Second.

5
6 CHAIRMAN ADAMS: Thank you, sir and
7 ma'am. Go ahead, Mr. Larson.

8
9 MR. LARSON: Good afternoon, Mr.
10 Chairman. I have the pleasure of presenting three
11 proposals to you today, Staff analysis for Number 10,
12 Number 12 and Number 22. Staff analysis for WP10-10 is
13 a proposal to change the definition of a legal moose in
14 Units 1B and 3 to include moose with two brow tines on
15 each antler.

16
17 The hunt for moose in the local
18 Wrangell and Petersburg area is what we're talking
19 about is described as State hunt RM038 and that's done
20 with a registration permit. The legal description of
21 hunt RM038 includes a small portion of Unit 1C, in
22 addition to 1B and 3, but our understanding of the
23 intent of the Council was that it would be the
24 registration hunt and any references you see to this
25 proposal will include the entire boundaries described
26 in RM038, that one little portion of Unit 1C.

27
28 The current definition of a legally
29 harvested moose is a spike fork or a 50-inch antlers
30 with three or more brow tines on each antler. The
31 State Board of Game recently changed their description
32 of a legal moose to include a moose with two brow tines
33 on each antler. The subsistence program in the 2009
34 season had a special action to align the Federal and
35 State rules to have a two brow tine on each antler
36 provision in Federal rules as well.

37 All rural residents are able to hunt
38 under the State rules. Therefore, despite whether or
39 not you adopt a regulatory change to include the same
40 definition under Federal rules as State rules, the
41 harvest will be conducted by the same people whether
42 they are State authorized or Federally qualified under
43 the two brow tine on each antler rule. However, the
44 difference between Federal and State rules in this area
45 is the use of a designated hunter. Under State rules
46 you can be a proxy hunter, but under Federal rules you
47 can be a designated hunter.

48
49 Without changing the Federal
50 definition, any designated hunters will have to follow

1 the old Federal rules. The current Federal rules,
2 which does not allow the same moose to be killed as
3 under the new State rules. It is our recommendation
4 that the Federal rules be changed to align themselves
5 with the State rules.

6

7 I should mention that the State or
8 Federal agencies have very little information on moose
9 population size. That's very difficult to do. There's
10 very little information on some of those basic
11 parameters that moose biologists like to have at their
12 fingertips of cow/calf ratios, bull/cow ratios, total
13 population estimates, indexes of abundance. Those
14 things are really not available in this area.

15

16 I would therefore characterize the
17 change in moose antler configurations as a carefully
18 crafted experiment that over time may be a wonderful
19 idea and over time it may require some changes. Right
20 now the situation that's in front of you is that the
21 State has changed their definition of legal antlers and
22 the Federal program, it's recommended that they follow
23 suit such that any designated hunter can hunt under the
24 current state regulations.

25

26 Thank you.

27

28 CHAIRMAN ADAMS: Is that it, Mr.
29 Larson.

30

31 MR. LARSON: That's it.

32

33 CHAIRMAN ADAMS: Thank you, sir.
34 Questions anyone.

35

36 (No comments)

37

38 CHAIRMAN ADAMS: Did we move to adopt.
39 I have to tell you guys I'm not feeling very well this
40 afternoon. So if I'm kind of off course here, I
41 apologize. I just took a couple Tylenol. Hopefully it
42 will make me feel better. Did we do the -- Tina?

43

44 REPORTER: (Nods affirmatively)

45

46 CHAIRMAN ADAMS: Okay. Questions to
47 Mr. Larson.

48

49 (No comments)

50

1 CHAIRMAN ADAMS: Nothing. Thank you,
2 Mr. Larson. State people, please.

3

4 MR. PAPPAS: Thank you, Mr. Chair.
5 George Pappas, Department of Fish and Game. Comments
6 begin on Page 85. I'll be summarizing them and so I
7 don't have to repeat myself, these once again will be
8 incorporated into the record as appears on Page 85, 86.

9

10 In fall 2004, the Alaska Board of Game
11 implemented a limited number of any bull moose drawing
12 permits to gather information on the antler
13 characteristics and age structure of bulls protected
14 under previous antler regulation, which was a spike or
15 forked antler on one side, three or more brow tines on
16 one antler, or 50 inch antler spread. The intent of
17 the any bull permits was specifically to obtain
18 information with which to make data driven changes to
19 the preexisting antler regulations. After three season
20 of gathering information on bulls harvested during the
21 any bull drawing hunts, it was determined that the herd
22 could likely sustain the additional harvest of bulls
23 with two brow tines on both antlers, provided that any
24 bull drawing permits were eliminated.

25

26 In fall 2008, the Alaska Board of Game
27 liberalized the antler restrictions for moose in the
28 RM038 hunt area to allow the additional harvest of bull
29 moose with two brow tines on both antlers. As a part
30 of the same action, the Board of Game eliminated the
31 any bull drawing hunts until such time that the impact
32 of the new antler regulations on the herd could be
33 evaluated.

34

35 The Federal Subsistence Board adopted
36 WSA09-01, which liberalized the federal subsistence
37 moose hunting antler restrictions to allow the harvest
38 of bull moose with two brow tines on both sides in 1B
39 and 3 during the September 15 through October 15, 2009
40 federal season.

41

42 Antler restrictions are intended to
43 maximize hunting opportunity while maintaining bull/cow
44 ratios that are at acceptable levels. From 1999 to
45 2008 the RM038 moose harvest averaged 62 moose per
46 year. As a result of the recently liberalized antler
47 regulations, the fall 2009 RM038 moose harvest reached
48 109, the highest on record. This represents a 76
49 percent increase from the preceding 10-year average.
50 The record harvest last fall directly resulted from the

1 recently liberalized antler restrictions, which
2 facilitated additional harvest of 36 2x2 brow tine
3 bulls that would otherwise have been protected.

4
5 It is unclear if increased harvest
6 associated with the new antler regulations will be
7 sustainable over the long-term. It remains unknown what
8 impact the liberalized antler will have on bull/cow
9 ratios, reproductive success, or recruitment of young
10 into the population.

11
12 Illegally harvested animals represent
13 approximately 10 percent of the annual RM038 moose
14 harvest. These illegal kills represent animals that
15 are already being removed from the segment of the bull
16 population the current antler restrictions are designed
17 to protect for breeding.

18
19 The impacts of adoption of WP10-10 if
20 WP10-09 is also adopted need to be carefully
21 considered. Adoption of both WP10-09, which is the
22 establishment of a Federal subsistence drawing hunt for
23 10 any bull moose, and this Proposal WP10-10, which is
24 liberalize moose antler restrictions, may cumulative
25 increase bull moose harvest rates to a level which may
26 not be sustainable under the current combined Federal
27 subsistence and State regulations.

28
29 The Department does support this
30 proposal, WP10-10, if WP10-09 is not adopted, which
31 I'll discuss next.

32
33 Thank you, Mr. Chair.

34
35 *****
36 STATE OFFICIAL WRITTEN COMMENTS
37 *****

38
39 Alaska Department of Fish and Game
40 Comments to the Regional Advisory Council

41
42 Wildlife Proposal WP10-10:

43
44 This proposal would liberalize the
45 moose antler restriction in Units 1B and 3 to allow the
46 harvest of bulls with 2 brow tines on both antlers in
47 addition to the existing spike-fork, 3 or more brow
48 tines on one side, or 50-inch antler criteria.

49
50 Introduction:

1 The antler restrictions currently in
2 place for the RM038 moose hunt (Units 1B, 3 and
3 southern 1C) were originally developed for Alaska-Yukon
4 moose (*Alces alces gigas*) on the Kenai Peninsula and
5 later applied to western Canada moose (*Alces alces*
6 *andersoni*) inhabiting central southeast Panhandle.
7 Speculation had long existed that the previous antler
8 restrictions were overly restrictive when applied to
9 the smaller *andersoni* subspecies inhabiting the central
10 Panhandle region and were protecting mature bulls in
11 excess of those needed for complete and timely breeding
12 of cows. Unlike *gigas* moose found elsewhere in the
13 state, *andersoni* moose in the central Panhandle region
14 typically possess smaller antlers and seldom acquire
15 antler spreads in excess of 50 inches. Therefore, the
16 previous antler restrictions did not partition the
17 harvest among various age classes as intended.
18 Nonetheless, the antler restrictions were very
19 effective at maintaining the harvest to within
20 sustainable levels given the nearly 1,000 registration
21 permits issued annually.

22
23 In fall 2004, the Alaska Board of Game
24 implemented a limited number of any-bull moose drawing
25 permits to gather information on the antler
26 characteristics and age structure of bulls protected
27 under previous antler regulation (spike or forked
28 antler on one side, 3 or more brow tines on one antler,
29 or 50 inch antler spread). The intent of the any-bull
30 permits was specifically to obtain information with
31 which to make data driven changes to the preexisting
32 antler regulations. After three season of gathering
33 information on bulls harvested during the any-bull
34 drawing hunts, it was determined that the herd could
35 likely sustain the additional harvest of bulls with 2
36 brow tines on both antlers, provided that any-bull
37 drawing permits were eliminated.

38
39 In fall 2008, the Alaska Board of Game
40 liberalized the antler restrictions for moose in the
41 RM038 hunt area to allow the additional harvest of bull
42 moose with 2 brow tines on both antlers. As a part of
43 the same action, the Board of Game eliminated the any-
44 bull drawing hunts until such time that the impact of
45 the new antler regulations on the herd could be
46 evaluated. The Federal Subsistence Board adopted
47 WSA09-01 on September 3, 2009, which liberalized the
48 federal subsistence moose hunting antler restrictions
49 to allow the harvest of bull moose with two brown tines
50 on both antlers in Units 1B and 3 during the September

1 15 through October 15, 2009, federal season.

2

3 Impact on Subsistence Users:

4

5 From 2004 to 2008, approximately 95
6 percent (range: 93-98%) of the 324 successful RM038
7 moose hunters were federally qualified subsistence
8 hunters.

9

10 Opportunity Provided by State:

11

12 The Unit 1B and 3 moose season is
13 September 15 through October 15 with a bag limit of one
14 bull with spike-fork antlers, 50 inch antler spread,
15 antlers with 3 or more brow tines on at least one
16 antler, or 2 brow tines on both antlers.

17

18 Conservation Issues:

19

20 Antler restrictions are intended to
21 maximize hunting opportunity while maintaining bull:cow
22 ratios at acceptable levels. From 1999 2008, the RM038
23 moose harvest averaged 62 moose per year (range 47 83).
24 As a result of the recently liberalized antler
25 regulations, the fall 2009 RM038 moose harvest reached
26 109, the highest on record. This represents a 76%
27 increase from the preceding 10-year average. The
28 record harvest last fall directly resulted from the
29 recently liberalized antler restrictions, which
30 facilitated additional harvest of 36 2x2 brow tine
31 bulls that would otherwise have been protected. It is
32 unclear if increased harvest associated with the new
33 antler regulations will be sustainable over the long-
34 term. It remains unknown what impact the liberalized
35 antler will have on bull:cow ratios, reproductive
36 success, or recruitment of young into the population.

37

38 Enforcement Issues:

39

40 Illegally harvested animals currently
41 represent approximately 10% of the annual RM038 moose
42 harvest. These illegal kills represent animals that
43 are already being removed from the segment of the bull
44 population the current antler restrictions are designed
45 to protect for breeding.

46

47 Other Comments:

48

49 The impacts of adoption of WP10-10 if
50 WP10-09 is also adopted need to be carefully

1 considered. Adoption of both WP10-09 (establish a
2 federal subsistence permit drawing for 10 any bull
3 moose) and WP10-10 (liberalize moose antler
4 restrictions) may cumulative increase bull moose
5 harvest rates to a level which may not be sustainable
6 under the current combined federal subsistence and
7 State regulations.

8

9

Recommendation:

10

Support if WP10-09 is not adopted.

11

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CHAIRMAN ADAMS: Thank you, George.

Questions, comments by anyone.

MS. PHILLIPS: Mr. Chair.

CHAIRMAN ADAMS: Patty.

MS. PHILLIPS: Thank you. On Page 85,
the fourth paragraph, the bold, it says until such time
that the impact of the new antler regulations on the
herd could be evaluated. Can you briefly describe that
evaluation process.

26

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MR. BARTEN: Through the Chair. Member
Phillips. What Rich did, and Rich Lowell is an area
biologist for Fish and Game in Petersburg, and for
years he was talking to hunters. Hunters, when they
report their hunts, they say on their report card how
many bulls and how many moose they've seen. He was
getting a sense that there was a lot of extra bulls out
there that potentially could be available to hunters.
So what he did is he established to the Board of Game
process any bull drawing hunt where he sent out a
number and I can't recall if the number was 20 a year,
what it was, but where hunters could shoot any bull
they saw. By doing that he was able to collect
information on bulls that had these two brow tines on
either side to see what age class they fit into and the
spike fork 50 hunt with three brow tines is set up to
protect the age classes two, three and four and some
five year olds, which are going to be the peak
breeders.

46

47

48

49

50

Well, Rich, seeing all these extra
bulls, wanted to see if these 2x2's were the peak
breeders of the animals he really needed to protect.
What he found out is that a lot of those 2x2 bulls that
were out there were five, six, even older bulls,

1 meaning they were beyond the age that he was really
2 trying to protect. So he took that data and, in turn,
3 looked at all these bulls and said, you know, those
4 2x2's may be surplus animals that we don't really need
5 for breeding. We're still going to protect enough of
6 those two, three, four and even five year old animals
7 that are 1x2's or 1x1's or whatever.

8
9 So that's really what that's referring
10 to. So he used that draw hunt to collect information
11 on these other animals that in turn gave him the
12 confidence to allow this 2x2 hunt with enough
13 confidence that he's still protecting enough bulls for
14 breeding.

15
16 CHAIRMAN ADAMS: Thank you, sir.
17 Cathy, go ahead.

18
19 MS. NEEDHAM: Thank you, Mr. Chairman.
20 During the three seasons of gathering information under
21 the any bull hunt that the State had, how many moose
22 were harvested and used in that analysis? Basically
23 what's the end.

24
25 MR. BARTEN: Through the Chair. Member
26 Needham. Good question. I do not have that off the
27 top of my head. It could be in here somewhere, but I
28 do not recall. I thought he was allowing in the
29 neighborhood of 20 draw permits per year is what I
30 thought, but don't hold me to that. I don't know for
31 sure.

32
33 MS. NEEDHAM: Excuse me for the follow
34 up. Are all draw permits hunted?

35
36 MR. BARTEN: My guess would be a high
37 proportion of them are taken. For what it's worth for
38 the Council as well as Member Needham, probably the
39 first thing that's going to happen now that we've gone
40 to this 2x2 brow tine and the harvest increased -- I
41 think 36 bulls were taken. All the teeth from all
42 those animals were sent off for analysis to get an age
43 structure and we should be getting that by May or June.
44 The first thing Rich is going to do is look at the age
45 structure of that harvest to assure that indeed a lot
46 of those animals are outside that age class he's trying
47 to protect. That's one of the checks and balances of
48 this. If it's not, he may reassess this in a hurry.

49
50 CHAIRMAN ADAMS: Follow up. Go ahead.

1 MS. NEEDHAM: Thank you. In addition
2 to that, is there any -- now that your any bull hunt
3 program is no longer going on, is there going to be any
4 other additional data collection to give us more
5 information about the age class structure in relation
6 to brow tines for the future?

7
8 MR. BARTEN: Yeah, the data we will be
9 collecting is only going to be on the harvested
10 animals, the ones that are illegal under the spike, the
11 fork, the three brow tine, the 2x2 or over 50 inches,
12 but by default if you get all that data you kind of
13 know what other age classes are out there, I guess.
14 Then that information is simply going to have to be
15 talking to hunters and seeing what they're seeing out
16 there when they're out in the field.

17
18 CHAIRMAN ADAMS: Go ahead.

19
20 MS. NEEDHAM: On last follow up to that
21 then. Your recommendation is to support the proposal
22 if 09 is not adopted, so I just want to know at this
23 point in time if '09 is adopted would any bull data
24 from the harvest under that particular regulation would
25 that be able to be used to continue to understand age
26 class structure for moose in association with the brow
27 tine part. My questioning is going towards -- you've
28 indicated that it's unknown whether or not the herd can
29 sustain with brow tines, which is your reason for not
30 supporting both proposals being passed at the same
31 time, so that's where I'm kind of going with that.

32
33 MR. BARTEN: Yeah, Rich's concern, and
34 I think it's a valid one, is that going to this more
35 liberal antler configuration, the 2x2, he doesn't want
36 the draw permits out there because that would be
37 additive mortality. Those would be added on top of
38 here. So he doesn't want to see both things going on
39 at once because of his concerns of taking too many bull
40 moose. If that answers your question. If this is
41 adopted, under Federal reg, this would apply as well
42 with the 2x2's. He doesn't want to see those draw
43 permits on the table anymore because he's concerned
44 that's going to take too many bulls out of the
45 population and I certainly agree with him.

46
47 MS. NEEDHAM: Thank you.

48
49 CHAIRMAN ADAMS: Patty.

50

1 MS. PHILLIPS: Couldn't the take or the
2 number of moose harvested be structured such that
3 you're only taking a percentage of the population and
4 the draw permit comes off of that and then the
5 remaining is the two brow tine, so that you're not
6 taking in excess of what the concern is?

7
8 MR. BARTEN: Yeah, I guess I'm not
9 quite sure what you mean by that. If you have the 2x2
10 and people can take those animals as they see them
11 throughout the season and you'd have a draw permit of a
12 percent of the population, is that what you're getting
13 at?

14
15 MS. PHILLIPS: Mr. Chair. You have a
16 total allowable take and the draw permit is 10 moose,
17 so any bull, and you take that off your total allowable
18 catch and you have a remaining balance left and that
19 would be the two brow tine, so you're not really going
20 -- in my opinion, if you do it in that structure,
21 you're not putting the population at risk. Is my
22 thinking inaccurate or what?

23
24 MR. BARTEN: Probably not inaccurate.
25 I just had a hard time understanding where you're going
26 with it. Tell me if I'm correct here in where you
27 think where you're going and I think you're going.
28 You'd have an overall cap on the harvest. You'd say
29 you're going to take 70 animals. Okay. Yeah, the
30 beauty of a spike fork 50 two brow tine, three brow
31 tine type of hunt is -- generally speaking, you can let
32 those hunts run the length of the season. People can
33 plan on going hunting. You can get a lot of
34 opportunity, a lot of participation, and with that you
35 don't have the concern of taking too many animals
36 because you're protecting some, right. And that way
37 you don't have people out in the field on a Friday
38 afternoon getting ready for a weekend hunt and somehow
39 you get the word to them and say, look, the hunt is
40 closed because you got up to 70 bulls, right. So
41 that's the beauty of having a hunt that you don't have
42 a cap on.

43
44 So if you go back three years, Rich is
45 fairly confident his three years of the draw permit
46 where he was collecting information on any bull out
47 there gave him enough information to go forward with
48 this proposal or he would not have. So he's pretty
49 content that he's where he needs to be. The reason we
50 state in here several places that this may not be

1 sustainable in the long term is you never quite know
2 based on the fact that you can't fly these moose and
3 see them and count them every year like we do in
4 Yakutat and other places where we wait for two feet of
5 snow and we go out and we count moose and we have a
6 pretty good idea of what's out there. We have a pretty
7 good idea of the ratio of bulls to cows and that kind
8 of thing.

9

10 I think Rich is pretty spot-on where
11 he's going with this, but there's still wild cards and
12 one of them is, now that we have a larger sample size
13 of those 2x2 bulls, we're going to get pretty good
14 information in about a month or two with the ages
15 coming back to give us a sense if we're really on
16 target with what the age structure of those animals is.

17

18

19 I think we're good here, but you still
20 have to be careful. When you can't go out and actually
21 count the animals, you've got to be monitoring all the
22 other pieces of information you do have, which is from
23 his hunt reports where he does ask what hunters are
24 seeing, but also very critically the age structure of
25 the harvest.

26

27 MS. PHILLIPS: Good information.

28

29 CHAIRMAN ADAMS: Go ahead, Mike.

30

31 MR. DOUVILLE: Thank you, Mr. Chairman.
32 So what you're going to see is an increase in harvest
33 for a couple years if the data shows that you're
34 getting the right age group, but then that would be
35 expected to taper off as you take those animals. So
36 you're seeing a higher harvest now.

37

38 MR. BARTEN: Mr. Douville, that's
39 exactly right.

40

41 MR. DOUVILLE: I think what she was
42 asking could you take a portion of that amount you're
43 harvesting, but you don't even know what that is
44 because it's kind of open-ended. It's higher than it
45 has been, but I expect it will probably go down myself.

46

47 MR. BARTEN: I think you're correct.

48

49 MR. DOUVILLE: Your flexibility could
50 go away also when you see the data.

1 MR. BARTEN: That's correct.
2
3 CHAIRMAN ADAMS: Anyone else.
4
5 (No comments)
6
7 CHAIRMAN ADAMS: Thank you, gentlemen.
8 Appreciate it. Any other Federal agencies want to
9 comment.
10
11 (No comments)
12
13 CHAIRMAN ADAMS: Tribal organizations.
14
15 (No comments)
16
17 CHAIRMAN ADAMS: InterAgency.
18
19 (No comments)
20
21 CHAIRMAN ADAMS: Okay. Written
22 comments, Mr. Larson.
23
24 MR. LARSON: Mr. Chairman. There are
25 no written public comments and there are no AC comments
26 that I'm aware of.
27
28 MR. BANGS: Mr. Chairman.
29
30 CHAIRMAN ADAMS: Mr. Bangs.
31
32 MR. BANGS: Thank you, Mr. Chairman.
33 Mike Bangs on behalf of the Petersburg AC. We
34 discussed this and we had Mr. Lowell in front of us and
35 he was pretty apprehensive about submitting this
36 proposal. Although he did write the proposal, I think
37 he was a little uncertain about the outcome, especially
38 in light of our proposal to introduce the drawing again
39 on top of that. So our AC voted in favor of the
40 proposal before us, 10, and they voted in opposition to
41 the additional and that was because of the potential of
42 overharvesting. That's the way our AC voted.
43
44 CHAIRMAN ADAMS: Thank you, Mr. Bangs.
45 Anyone else like to make a comment.
46
47 (No comments)
48
49 CHAIRMAN ADAMS: Okay. Let's go into
50 deliberations. Mr. Bangs.

1 MR. BANGS: Thank you, Mr. Chairman.
2 I'm wondering, just because of the timeliness of the
3 way we can change if there was to be a problem with the
4 State regulation with the two brow tine and they
5 changed it back to three brow tines, I'm wondering if
6 it would be better for us to continue with special
7 action and follow along until that time or would we
8 fall behind and possibly overharvest? I look at the
9 numbers and over 80 to 90 percent of the bulls are
10 taken by Federally-qualified residents as it is and
11 that's not going to change. I don't believe it will
12 change.

13
14 I'm just wondering if time-wise this
15 would not be a good proposal for us to pass and we
16 could follow suit with a special action every year. I
17 don't know if that's something the Council would want
18 to consider, but it might be in the best interest of
19 the moose population if we did that versus pass this
20 regulation and fall behind the State and have to maybe
21 do a special action, I guess, on the other end back to
22 a three brow tine or would that be -- I'm just throwing
23 out some ideas that might make this more
24 align with protecting the population.

25
26 Thank you.

27
28 CHAIRMAN ADAMS: Thank you, Mike. How
29 do the other Council members feel about that? I think
30 what he's asking is we take no action on this and then
31 just let the special action program come into effect or
32 what.

33
34 MR. DOUVILLE: (Shake head negatively)

35
36 CHAIRMAN ADAMS: I see Mike Douville
37 kind of shaking his head.

38
39 MR. DOUVILLE: Mr. Chair. I'll support
40 the motion because they can do a special action on the
41 other end of it if need be.

42
43 (Laughter)

44
45 CHAIRMAN ADAMS: Cal, he answered your
46 question for you, huh?

47
48 MR. CASIPIT: We prefer to go the other
49 way. If we have to do a special action, we'd rather do
50 a special action.....

1 CHAIRMAN ADAMS: Microphone.
2
3 (Laughter)
4
5 MR. CASIPIT: Thank you, Mr. Chair.
6 Cal Casipit, Forest Service Staff biologist. Mike
7 Douville is exactly right. If we had to do special
8 actions, I would prefer to go ahead and pass this with
9 the two brow tine on both sides and if we have to
10 restrict based on concerns with the teeth monitoring,
11 that we would just use a special action to go back to
12 three brow tine.
13
14 Thank you
15
16 CHAIRMAN ADAMS: Anyone else like to
17 make a comment.
18
19 (No comments)
20
21 CHAIRMAN ADAMS: I was prepared -- you
22 know, my notes have shown that there appears to be no
23 conservation concern here and it seems to be supported
24 by good data and it will benefit subsistence users as
25 well as non-subsistence users, so the four criteria has
26 been met here. I'm going to vote in favor of this
27 motion. Is there anyone else who would like to make a
28 comment.
29
30 MS. PHILLIPS: Mr. Chair.
31
32 CHAIRMAN ADAMS: Patty.
33
34 MS. PHILLIPS: I thank the Staff, ADF&G
35 Staff, for their patience with my inquiries. I didn't
36 realize that there wasn't a cap on harvest, so I
37 figured something out here. Also I am going to vote in
38 support.
39
40 CHAIRMAN ADAMS: Thank you, Patty.
41
42 MS. HAWKINS: Question.
43
44 CHAIRMAN ADAMS: The question has been
45 called. All in favor of the motion please say aye.
46
47 IN UNISON: Aye.
48
49 CHAIRMAN ADAMS: Opposed please say
50 nay.

1 (No opposing votes)
2
3 CHAIRMAN ADAMS: The ayes have it.
4 Okay. We can go over to number 09 now. Mr. Bangs.
5
6 MR. BANGS: I move to adopt WP10-09.
7
8 CHAIRMAN ADAMS: Thank you, Mr. Bangs.
9 Is there a second.
10
11 MR. KITKA: Second.
12
13 CHAIRMAN ADAMS: Seconded by Harvey.
14 Mr. Chester, go ahead.
15
16 MR. CHESTER: I'm still Dennis Chester
17 with the Forest Service. I think a lot of the
18 discussion you had on Proposal 10 is appropriate to 09
19 as well, but I'll quickly go through it.
20
21 The proposal was submitted by the
22 Southeast RAC to provide -- the request was to provide
23 five draw permits for Units 1B and five more for Unit
24 3. Again, as Robert pointed out before, the
25 clarification was that this would apply to all of the
26 State registration hunt area RM038.
27
28 I guess I just wanted to kind of
29 reiterate the distinction that was made previously that
30 the spike fork 50 and the 2x2 brow tine harvest are
31 selective harvest strategies that do not require
32 population information. We really just don't have and
33 can't get that information for these populations.
34 That's the beauty of those. Whereas the permit system
35 would require better information on the registration
36 draw permits would require better information on the
37 population to effectively manage.
38
39 I guess as far as effects, I tried to
40 estimate that and came up with a probability that these
41 extra permits would probably increase the harvest level
42 by about 10 percent.
43
44 I guess the other big factor with the
45 2x2 brow tine we really don't know at this point how
46 that's going to work out. Like Mr. Douville commented,
47 we expect a high harvest the first couple years,
48 decreasing as some of those surplus 2x2 bulls have been
49 harvested.
50

1 The preliminary conclusion is to oppose
2 for the reasons stated as well as the concern about the
3 weather the last three winters.

4
5 Thank you.

6
7 CHAIRMAN ADAMS: Thank you, Dennis.
8 Any questions or comments by the Council.

9
10 (No comments)

11
12 CHAIRMAN ADAMS: Thank you, sir.
13 Appreciate it. Mr. Pappas.

14
15 MR. PAPPAS: Thank you, Mr. Chair.
16 Comments again on Page 73, but we spoke in detail on
17 the last proposal, so I'll just jump towards the end.
18 The Federal and state hunt is currently coordinated by
19 requiring a State registration permit. If additional
20 harvest is authorized by Federal subsistence
21 regulations and not authorized under State regulations,
22 a separate Federal subsistence permit will be
23 necessary.

24
25 If adopted as modified for Unit 1C
26 south of Point Hobart and Unit 3 other than Wrangell
27 and Mitkoff Islands, a Federal subsistence priority
28 will be established without a positive customary and
29 traditional finding. As a result, all rural residents
30 will qualify to apply for a Federal drawing permit for
31 these areas, increasing the applicant pool and lowering
32 the local Federal subsistence user s chance of drawing
33 a permit.

34
35 The proposed drawing permit system
36 would need to be implemented through ANILCA Section
37 .804 because it would restrict the taking of wildlife
38 for subsistence purposes among those Federally
39 qualified. In addition, if adopted as modified, to add
40 that portion of Unit 1C south of Point Hobart and Unit
41 3 other than Wrangell and Mitkoff Islands, the
42 regulation would be the first statewide Federal
43 subsistence moose drawing permit hunt for all rural
44 residents in Alaska.

45
46 The Department opposes the proposal.
47 Thank you, Mr. Chair.

48
49 *****
50 STATE OFFICIAL WRITTEN COMMENTS

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

Wildlife Proposal WP10-09:

This proposal would provide five federal subsistence drawing permits for any-bull moose in Units 1B and an additional five federal subsistence drawing permits for any-bull moose in Unit 3. (Federal staff indicates that the SE council chair requested to modify the proposal to include Unit 1C south of Point Hobart, so we address that as well.)

Introduction:

Moose hunting in the RM038 hunt area (including Units 1B and 3) is currently managed under antler restrictions. In November 2004, the Alaska Board of Game authorized a limited number of any-bull moose drawing permits specifically to gather information on antler characteristics and age structure of bulls protected under the previous antler regulation (spike or fork on one antler or three or more brow tines on one antler or 50 inch antler spread). The primary objective of the any-bull permits was to obtain information needed prior to making data-driven changes to the preexisting antler restrictions, which were widely believed to be overly restrictive. After three season of gathering information on bulls harvested during the any-bull drawing hunts, it was determined that the herd could likely sustain the additional harvest of bulls possessing 2 brow tines on both antlers, provided the any-bull drawing hunts were eliminated. Based on information gathered during the any-bull drawing hunts, the Alaska Board of Game in November 2008 liberalized the antler restrictions for moose in the RM038 hunt area to include the harvest of bulls with 2 brow tines on both antlers. As a part of the same action, the Board eliminated the any-bull drawing hunts until such time that the impact of the new liberalized antler regulations on the herd could be evaluated.

Illegally harvested bull moose currently represent approximately 10% of the annual RM038 moose harvest. Illegal moose represent animals that are already being taken from the segment of the bull population that the current antler restrictions

1 are designed to protect for breeding purposes. Any
2 additional harvest occurring under the proposed any-
3 bull drawing permits would further reduce the segment
4 of the population that the current antler restrictions
5 are designed to protect.

6

7

Impact on Subsistence Users:

8

9

10 From 2004 to 2008, approximately 95
11 percent (range: 93-98%) of the 324 successful RM038
12 hunters were federally qualified subsistence
13 hunters. If this proposal is adopted, the few federal
14 subsistence hunters who receive any-bull permits will
15 benefit in the short term, but any additional harvest
16 of sublegal bulls from the relatively small segment of
17 the population currently protected by antler
18 restrictions will risk overharvest. If the combined
19 harvest of bulls via any-bull drawing permits and
20 liberalized antler restrictions proves unsustainable,
21 all hunters could be negatively impacted. As a result,
22 emergency closures and/or reductions in season length
23 may be necessary to reduce the harvest to sustainable
24 levels.

25 Opportunity Provided by State: The Unit 1B and 3 moose
26 season is September 15 through October 15 with a bag
27 limit of one bull with spike-fork antlers, 50 inch
28 antler spread, antlers with 3 or more brow tines on at
29 least one antler, or 2 brow tines on both antlers.

30

31

Conservation Issues:

32

33 Antler restrictions are intended to
34 maximize hunting opportunity while ensuring that
35 bull:cow ratios remain within acceptable levels.
36 During the November 2008 meeting, the Alaska Board of
37 Game significantly increased moose hunting opportunity
38 in the RM038 hunt area by liberalizing moose antler
39 restrictions to allow for the harvest of bulls with 2
40 brow tines on both antlers. The Board of Game
41 deliberations acknowledged the department's support for
42 liberalizing the existing antler restrictions was
43 contingent upon elimination of any-bull permit hunts
44 that existed at that time in order to assure
45 sustainability of the population. From 1999-2008, the
46 RM038 moose harvest averaged 62 moose per year (range
47 47-83). As a result of the recently liberalized antler
48 regulations, the fall 2009 RM038 moose harvest reached
49 109, the highest on record. This represents a 76%
50 increase from the preceding 10-year average. Record
51 harvest during fall 2009 was the direct result of

1 recently liberalized antler restrictions which
2 facilitated additional harvest of 36 2x2 brow tine
3 bulls that would otherwise have been protected. It
4 remains unclear if the harvest increase associated with
5 the new antler regulations will prove sustainable over
6 the long-term. Until results of the recently revised
7 antler restrictions on the RM038 moose herd can be
8 fully evaluated, allowing harvest of additional bulls
9 from the currently protected segment of the population
10 would increase the risk of overharvest and could prove
11 detrimental to the herd and all Unit 1B and 3 moose
12 hunters.

13

14 Other Comments:

15

16 The federal and state hunt is currently
17 coordinated by requiring a state registration permit.
18 If additional harvest is authorized by federal
19 subsistence regulations and not authorized under state
20 regulations, a separate federal subsistence permit will
21 be necessary.

22

23 If adopted as modified for Unit 1C
24 south of Point Hobart and Unit 3 other than Wrangell
25 and Mitkoff Islands, a federal subsistence priority
26 will be established without a positive customary and
27 traditional finding. As a result, all rural residents
28 will qualify to apply for a federal drawing permit for
29 these areas, increasing the applicant pool and lowering
30 the local federal subsistence user s chance of drawing
31 a permit.

32

33 The proposed drawing permit system
34 would need to be implemented through ANILCA Section 804
35 because it would restrict the taking of wildlife for
36 subsistence purposes among those federally qualified.
37 In addition, if adopted as modified to add that portion
38 of Unit 1C south of Point Hobart and Unit 3 other than
39 Wrangell and Mitkoff Islands, the regulation would be
40 the first statewide federal subsistence moose drawing
41 permit hunt for all rural residents in Alaska.

42

43 Recommendation:

44

45 Oppose

46

47 CHAIRMAN ADAMS: Thank you. Any
48 questions of Mr. Pappas.

49

50 (No comments)

1 CHAIRMAN ADAMS: Thank you. Other
2 Federal agencies.
3
4 (No comments)
5
6 CHAIRMAN ADAMS: Tribal organizations.
7
8 (No comments)
9
10 CHAIRMAN ADAMS: InterAgency Staff.
11
12 MS. PHILLIPS: Question.
13
14 CHAIRMAN ADAMS: Go ahead, Patty.
15
16 MS. PHILLIPS: I would like to know
17 from Federal Staff if that final paragraph that Fish
18 and Game statement, is that true, is that accurate, the
19 proposed drawing permit would need to be implemented
20 through ANILCA Section .804?
21
22 MR. CHESTER: Dennis Chester. Through
23 the Chair. I asked this question when I first got this
24 proposal and the response I got within the Federal
25 system is that, no, we would not need to do an .804
26 because there is already a hunt there and this would
27 just represent additional opportunity.
28
29 CHAIRMAN ADAMS: Thank you. Any other
30 comments.
31
32 (No comments)
33
34 CHAIRMAN ADAMS: Do we have any public
35 comments, Mr. Larson.
36
37 MR. LARSON: Mr. Chair. We have no
38 written public comments and I'm not aware of any other
39 AC comments other than Petersburg, which you've already
40 heard. Thank you.
41
42 CHAIRMAN ADAMS: Thank you. Cal, are
43 you coming up here or no?
44
45 MR. CASIPIT: No.
46
47 CHAIRMAN ADAMS: Oh, you're going to go
48 bother those guys. Okay. All right. Now we're in
49 Council deliberations, so go ahead. Mr. Bangs.
50

1 MR. BANGS: Thank you, Mr. Chairman.
2 I'm not going to support this proposal. I think that
3 the liberalization of the antler restrictions are
4 enough to increase and give us the data that we may
5 need to make further adjustments in the take. At this
6 point I'd rather err on the side of the moose.
7
8 Thank you.
9
10 CHAIRMAN ADAMS: Thank you. This
11 gentleman over here, did you want to make a comment.
12
13 MR. JAMES: Yes.
14
15 CHAIRMAN ADAMS: On this proposal?
16
17 MR. JAMES: Not about the proposal, but
18 another.....
19
20 CHAIRMAN ADAMS: Another issue?
21
22 MR. JAMES: Can I speak now?
23
24 CHAIRMAN ADAMS: Not right now. If you
25 want to go over there and get a form to fill out.
26
27 MR. JAMES: My name is on the list
28 there.
29
30 CHAIRMAN ADAMS: Let's finish this up
31 and then we'll take his testimony. Mr. Douville.
32
33 MR. DOUVILLE: Thank you, Mr. Chair. I
34 do not intend to support this proposal. I believe I
35 read in here somewhere that it would include all rural
36 residents of the state. Right now it appears that 90-
37 plus percent of the moose are being harvested by local
38 rural residents and it might have the potential of
39 taking something away from them.
40
41 CHAIRMAN ADAMS: Thank you, Mike.
42 Anyone else.
43
44 MS. PHILLIPS: Mr. Chair.
45
46 CHAIRMAN ADAMS: Patty.
47
48 MS. PHILLIPS: I also am going to
49 oppose it. The two brow tine has liberalized the hunt,
50 so I think that has provided the additional opportunity

1 for rural residents that we were hoping to provide.
2
3 Thank you.
4
5 CHAIRMAN ADAMS: Thank you, Patty.
6
7 MR. BANGS: Question.
8
9 CHAIRMAN ADAMS: The question has been
10 called. All in favor of this motion please say aye.
11
12 (No aye votes)
13
14 CHAIRMAN ADAMS: All opposed please say
15 nay.
16
17 IN UNISON: Nay.
18
19 CHAIRMAN ADAMS: The nays have it.
20 Thank you.
21
22 MR. DOUVILLE: Are we going forward or
23 backward?
24
25 (Laughter)
26
27 CHAIRMAN ADAMS: As we go backwards,
28 we're getting closer and closer to the end. Do we want
29 to do 12 next.
30
31 MR. LARSON: Give me a couple minutes
32 to find those. We've lost that whole stack of public
33 testimony sheets.
34
35 CHAIRMAN ADAMS: Okay. The gentleman
36 that wanted to make a comment, is he still here. Mr.
37 James. (In Tlingit).
38
39 MR. JAMES: (In Tlingit) My name is
40 long way long raven. My father is from the first Wolf
41 House and actually became the first Wolf House of Kuiu.
42 Also my mother is from the first house of the Double-
43 headed Raven of the Thlinadi and for a matter of record
44 we never abandoned our tribal areas or relinquished our
45 rights to anyone. We want to make this known in every
46 public gathering.
47
48 One thing I'd like to bring to your
49 folks' attention, I'm not from Saxman, but I've got a
50 lot of relatives living here. I've got a lot of

1 relatives living in Hoonah. I've got a lot of
2 relatives living in Juneau, Wrangell, Petersburg. Got
3 them all over. Sitka. In fact, my grandmother was
4 from the Sitka area.

5
6 I'd like to speak to you on the Saxman
7 rural status. There's certain things that -- criteria
8 that should take place before they took the rural
9 status away from Saxman. One was the Northwest
10 Ordinance of 1787. First statute 50 and article 3.
11 This is an old Federal law. Article 3 assured that
12 utmost good faith shall also be observed towards the
13 Indians. The lands and property shall never be taken
14 without their consent and their property and rights and
15 liberty shall never be invaded or disturbed unless
16 unjustful lawful war is authorized by Congress. That
17 laws founded in justice and humanity shall from time to
18 time be made by preventing wrongs being done to them
19 and preserving peace and friendship with them.

20
21 What this law points out is that nobody
22 can take the status away -- our rural status away from
23 Saxman unless they had a right to vote on it. This
24 never goes -- applies for everything else. Also which
25 guarantees that right too is also under the supremacy
26 clause, article 6, paragraph 2 states that this
27 constitution and the laws of the United States shall be
28 made in pursuance thereof. All treaties made -- and
29 which shall be made under the authority of the United
30 States shall be the supreme law of the land and judges
31 in every state shall be bound thereby that anything in
32 the constitution or laws of any state contrary
33 notwithstanding.

34
35 The reason why I bring some of these
36 things up that a lot of our Native -- indigenous Native
37 Alaskans are getting fined for bringing the deer in
38 that I know when I was younger I could carry a buck out
39 of the woods with its horns on, but I can't do that
40 anymore. You get fined for not doing that and I'm not
41 like some of these hunters you've got to drive up to a
42 deer to shoot it. I like to have a little sport behind
43 it, give them a chance.

44
45 Nevertheless that -- also too there's
46 -- I think a limited entry should be put on the
47 hunting, the hunters and the sport fishermen and the
48 guys that come up here to fish. I live here. Born and
49 raised here, but yet I was denied the right for a
50 trawling license because I lacked two points. I lacked

1 two points and they took my livelihood away from me.
2 But there's some people that come up and only lived
3 here maybe five, ten years, they want equal rights, but
4 they should be limited entry to amount of fisherman
5 that are coming in to partake of the fisheries,
6 especially in the rivers.

7
8 Like Klawock River, I was born there
9 but I'm not from there. My tribal lineage is from
10 Kuiu. That creek is only designed for so many people,
11 but yet you've got hundreds and hundreds of people
12 going in there trying to get their sockeyes out of the
13 river and it's going to be killed off.

14
15 Another point I'd like to bring up too
16 is called the Smoking Gun. This is by James Patrick
17 Bailey. The United States claims title to Kuiu Island
18 and Alaska through a quitclaim from the Tsar of Russia
19 by the Treaty of Cession of 1867. The Smoking Gun
20 consists of documents created between 1821 and 1824
21 during the negotiation of a convention between the US
22 and Russia brought about by an edict published by the
23 Tsar of Russia in 1821. In 1821 the Russian Tsar
24 attempted to restrict other nations from the waters
25 that washed the shores of the northwest coast of North
26 America, that is to all territory lying north of the
27 51st degree of latitude, by virtue of discovery.

28
29 The Smoking Gun documents demonstrate
30 that Russia did not have title to the lands claimed and
31 indeed casts a cloud on all lands claimed by the US
32 under the Treaty of Cession of 1867. The documents and
33 the historical context in which they arose demonstrate
34 that the United States recognized the right of the
35 Tlingit people to trade with the U.S., Great Britain
36 and Spain. The United States clearly recognized and
37 asserted that the Tlingit people were free from Russian
38 control and the masters of their own destiny.

39
40 These documents assert that under the
41 Law of Nations Russia did not have title by discovery
42 to any lands not occupied by Russia. The documents are
43 clear. Russia could not successfully claim title to
44 the Northwest coast of North America and the adjacent
45 islands. We believe Russia lacked title in much of the
46 lands owned and occupied by the indigenous peoples of
47 Alaska. Flawed title is flawed title and does improve
48 with the passage of time.

49
50 We have a couple other books like this

1 that's got all these Federal laws, international laws
2 that pertain to our indigenous people. A lot of times
3 I get disappointed in some of our Native groups that
4 they want to talk about subsistence. Why don't we talk
5 about title to the soil. We won't have to talk about
6 subsistence anymore once they find out you own the
7 land.

8

9 This fellow that is a good friend of
10 mine but he's also a doctor of law, Dr. Y.N. Clyde,
11 director of International Human Rights Association of
12 American Minorities, called IHRAAM, specialist in
13 international human rights law states, failure to
14 provide rights on what is called special measures and
15 international law to Indian nations leading to their
16 extinction would be a grave violation of international
17 criminal law in particular as it relates to the
18 genocide convention, which is also a party. On all
19 occasions the majority decision called for non-
20 discrimination to include the required special measures
21 and special rights in self-determination in situations
22 where they were warranted.

23

24 See, a lot of people don't realize that
25 we're supposed to be haled up above anybody else that
26 comes in the state after us. This is not our law.
27 This is their law and they have to abide by it.

28

29 I thought I'd bring to your attention
30 -- I don't want to take too much time because I know
31 there's other people waiting. One thing I'd like to
32 speak to, Hugh Smith. That's a river down here
33 probably 30, 40 miles here, and it was closed last
34 year, but the year before it was open. We go all the
35 way down there and it's probably 80 mile long trip for
36 12 sockeyes and it doesn't seem right that you go all
37 that way, the price of fuel is going up and we're
38 putting our life at risk when we go down there to get
39 those 12 measly sockeyes, but they're good-tasting
40 sockeyes. I think they should up the limit if they're
41 going to open it up again.

42

43 They didn't open that place until after
44 the commercial gillnetters were out and those guys were
45 loading up on sockeyes and yet they allowed us only 12
46 fish per family.

47

48 Another point I'd like to bring out too
49 is the Unuk River here we used to get eulachons from
50 there. I commercially used to get it. Somehow or

1 another the fish stopped coming back there because we
2 think they're mining up above where the eulachons come
3 in and it's killing them off. Last year they said
4 there's only 42 eulachons came up that they know of.
5 42. 42 little guys about so big. We figure that tests
6 should be made there.

7

8 Every year -- I should have mentioned
9 this when I talked about hunting that we can go down
10 here at Mountain Point and find carcasses laying there
11 and we know that's not Indians doing that because the
12 Indians will take and boil the bones too. The only
13 thing missing was just hindquarters. Several carcasses
14 laying there. It's the sporthunters that don't even
15 take the backstrap. That should be stopped.

16

17 I believe there's too many hunters in
18 this area. In fact, where I used to go, I'm 71 years
19 old, I used to spend 10, 12 hours in the woods to get
20 what I wanted to get. I didn't take a car or four-
21 wheeler, I walked. I walked wherever I was going
22 because I didn't want to disturb the environment. The
23 places I went to there's not even any droppings or no
24 sign of deer eating the skunk cabbage. Nothing there
25 because too many people are shooting -- they see a
26 deer, they'll shoot and just leave it.

27

28 At one point in time about three years
29 ago, four years ago we were out walking the trails up
30 there at Board Lake north of town here. There's six
31 fawns that were laying on the side of the road, the
32 carcass of the fawns. Somebody shot them. Didn't
33 bother to take them home. Fish and Game didn't do
34 nothing about it. They seem to be lax.

35

36 One other point I'd like to make is
37 they should stop their commercial herring fishery.
38 That's going to be history for all of us, especially in
39 the Sitka area. We used to have big spawns like Sitka
40 around St. Phillips, the west coast of Prince of Wales,
41 St. Phillip Island, big spawns there when I was kid.
42 You could see the whales by the hundreds are feeding.
43 You can't blame the whales. The whales have been here
44 just as long as the herring. The commercial fishermen
45 are taking their toll.

46

47 I tried three years one time, even I
48 don't believe in herring fishing, I needed money, I
49 wanted to see how these guys were doing it. I noticed
50 they go out and test fish. I was, man, that's spawning

1 over here, spawning over there. Go back the next day,
2 there's nothing there. What happens is that the boats
3 we're test fishing were sitting around a group of males
4 with no females close by and made them spawn. They say
5 we've got a lot of herring. That's what we said back
6 when St. Phillips had a lot of herring too. There's
7 none there anymore. It's history.

8

9 The same way down here at Kashaiks
10 Cove. There's nothing there. Some of these herring
11 boats are going out because they're looking after
12 today. They're not like our people. Our people looked
13 after seven generations in the future. What is my
14 great grandkids going to eat.

15

16 Not only herring, but also too they
17 should stop the dragging, the ocean dragging. I worked
18 on the deck of a dragger. For 15 days my heart ached.
19 I told the skipper, I said this is going to be my first
20 and last trip. He said why, can't you handle the work.
21 I said, no, I spend most of the day watching TV, what's
22 not work, waiting to pull up the drag. But when we
23 pull it up, there's a lot of king salmon mixed with it.
24 This was down in Puget Sound area I was driving on the
25 boat. I said, man, let's cut up this king. Captain
26 says you can't do that, we'll be getting fined. I said
27 that's against my culture to waste something. We can't
28 even have a couple steaks of that king? He said, no,
29 can't even have two steaks, you've got to throw it
30 over.

31

32 Then we moved on towards dungeoness.
33 The first drag we had we had about 35 tons of crab.
34 Tons. That sock was so full of crab it won't even
35 sink. We'd lift it up and drop on the deck and see if
36 any small flounder were in the bag. We made about four
37 lifts. I said, hey, captain, I says pretty unlikely
38 we're going to get a bag of petrolli out of this drag
39 -- a basket I mean, small basket. He said well just
40 dump it. I said we should. I said I'm not a crab
41 eater, but somebody else likes crab.

42

43 Then we moved from there out to Lapush.
44 Our first drag we had about 20,000 pounds of halibut.
45 That's one boat. Look at what they're doing up in the
46 Gulf of Alaska here. They'll move them out of one area
47 when they reach 100,000 pounds of halibut that dumped
48 over the side. Nobody utilized it. So that dragging
49 has to stop. Not only halibut, but they catch salmon,
50 they catch king salmon, cohos, chums. In fact, we're

1 lucky to go out here and catch a halibut when we want
2 to because they're stopping that.

3

4 Anyway, I thank you folks for your
5 time. I thank you for your patience and I thank you
6 for coming to listen to us.

7

8 CHAIRMAN ADAMS: Gunalcheesh, Mr.
9 James. Anybody have any questions.

10

11 (No comments)

12

13 MR. JAMES: Gunalcheesh.

14

15 CHAIRMAN ADAMS: We appreciate your
16 testimony. It's on record. So we appreciate that.

17

18 MR. JAMES: (In Tlingit)

19

20 CHAIRMAN ADAMS: (In Tlingit) Is
21 Melvin Charles here.

22

23 (No comments)

24

25 CHAIRMAN ADAMS: No. Okay, we'll save
26 these for tomorrow. Let's do one more proposal. Let's
27 do Number 12. Go ahead, Mike.

28

29 MR. BANGS: Thank you. I move to adopt
30 WP10-12 as written on Page 98.

31

32 MR. LORRIGAN: Second.

33

34 CHAIRMAN ADAMS: Jack seconds. Go
35 ahead, Mr. Larson.

36

37 MR. LARSON: Good afternoon, Mr.
38 Chairman. Proposal 12 is a proposal to reduce the
39 length of the wolverine trapping season in Units 1
40 through 5 by closing the season on February 15th rather
41 than on the current closing date of April 30th.

42

43 The Alaska Board of Game reduced the
44 length of the wolverine trapping season in Units 1
45 through 5 during their last regulatory meeting to
46 protect lactating female wolverine that will likely be
47 in the harvest after the February 15th date. Right now
48 the Federal subsistence trapping season, which was
49 previously aligned with the State season, now ends two
50 and a half months later than the state season.

1 The February 15th season was selected
2 by the Board of Game to align the season closing dates
3 of wolverine with the closing date of the mink and
4 marten trapping season.

5
6 There are no wolverine population
7 estimates for Units 1 through 5; however, based on
8 harvest records, the wolverine population appears to be
9 stable. Wolverines, of course, are only found in Units
10 1, 3 and 5.

11
12 Young wolverine, called kits, are
13 typically born in February and March and the loss of
14 these young may result in reduced recruitment to the
15 overall wolverine population. This change would
16 decrease the opportunity to harvest wolverines for
17 subsistence users in the short term, but may increase
18 the reproductive potential of the wolverine population
19 and increase harvest opportunities later on.

20
21 The Staff recommendation is to support
22 the proposal and the reason is protecting female
23 wolverines with young is a recognized wildlife
24 management technique. It may protect the health of the
25 wolverine populations and it certainly would align the
26 Federal and State regulations. So it is not necessarily
27 a proposal that is required for conservation, but in
28 fact it is a recognized principal of wildlife
29 management.

30
31 Thank you.

32
33 CHAIRMAN ADAMS: Thank you, Mr. Larson.
34 Questions anyone. Mr. Douville.

35
36 MR. DOUVILLE: Thank you, Mr. Chair. I
37 have a question for you and it is putting a restriction
38 on subsistence users, however slight, and I don't have
39 an issue with the proposal itself. I would just like
40 you to explain how that is dealt with in this case.

41
42 MR. LARSON: Mr. Chairman. Mr.
43 Douville. Yes, it is a restriction on subsistence
44 users. The restriction is shortening the season by two
45 and a half months. The effect on subsistence users is
46 thought to be small for a couple of reasons. One is
47 that now that the State season is closed, the trapping
48 under State rules will be stopped for wolverines. The
49 only wolverines that may be harvested then would be
50 under the -- let me get this straight. Without having

1 a State season, the only wolverines that would be
2 harvested would be trapped under Federal subsistence
3 rules by rural residents. The numbers very likely are
4 going to be small.

5
6 It's unclear, when we looked at the
7 numbers, how much that would be, but we're looking at
8 maybe a couple of wolverines throughout the entire
9 Southeast and Yakutat area.

10
11 CHAIRMAN ADAMS: Follow up, Mike.

12
13 MR. DOUVILLE: So the State season is
14 not open in these areas then.

15
16 MR. LARSON: That's correct, the State
17 season is closed.

18
19 MR. DOUVILLE: Okay. So there is a
20 rural preference.

21
22 MS. PHILLIPS: Mr. Chair.

23
24 CHAIRMAN ADAMS: Patty.

25
26 MS. PHILLIPS: Thank you, Mr. Chair.
27 Mr. Larson. You said that the State closed the season
28 February 15th for marten and mink. Is the Federal
29 program closed at that same time for marten and mink?

30
31 MR. LARSON: That's correct.

32
33 CHAIRMAN ADAMS: Cathy had -- she got
34 my attention before you did, so I apologize. Go ahead.

35
36 MS. NEEDHAM: Thank you, Mr. Chair. I
37 actually have two questions. Should I ask one and then
38 go back because they're separate.

39
40 CHAIRMAN ADAMS: Pardon?

41
42 MS. NEEDHAM: As a matter of protocol,
43 I have two questions. Should I ask them both now?

44
45 CHAIRMAN ADAMS: Sure. I think Mr.
46 Larson can take them okay.

47
48 (Laughter)

49
50 MS. NEEDHAM: Okay. I didn't want to

1 preempt anyone else. My understanding of the existing
2 regulation -- that the existing regulation was
3 established for a broader season to allow for
4 incidental take of wolverine, so if we were to change
5 that, I was wondering what that does in terms of
6 incidental take and what the implications of -- now
7 that you're shortening the season, you know, you could
8 potentially still be having that incidental take and
9 what happens with respect to that.

10

11 MR. LARSON: Mr. Chair. Now that the
12 State -- the reason it was changed in the first place
13 was to align itself with wolf trapping and now that the
14 State has changed their position on what is in fact the
15 best management technique for wolverines and the only
16 reason to be trapping on the uplands has been very much
17 reduced. The only reason he would be there would be
18 for wolves. Most wolf trapping, especially during this
19 time of year, is done in the intertidal sections,
20 actually outside of Federal jurisdiction. Then the
21 participation in trapping is being reduced as time goes
22 on depending upon the availability of -- of black bears
23 primarily coming out of hibernation.

24

25 So the total effect of the State's
26 closure and the jurisdictional issues and the benefit
27 to the wolverine population by reducing harvest of
28 female wolverines that have already had babies is
29 thought to be a good idea. We think that we should
30 follow suit.

31

32 MS. NEEDHAM: Thank you. May I ask my
33 second question, Mr. Chair.

34

35 CHAIRMAN ADAMS: Sure.

36

37 MS. NEEDHAM: My second question is a
38 confusion on Table 1, on Page 101, which is -- I just
39 would like clarification as I think about this from a
40 conservation perspective. My understanding from this
41 table is that -- actually what would really help me
42 with this table is if I knew how many years of
43 information the average was based on and what the range
44 was by year because when I read this, I look at it and
45 it says there's an average harvest of one in November,
46 which only makes up two percent of the harvest, which I
47 believe to be for the whole season, then 64 percent of
48 those are female. I was trying to determine where are
49 females being taken.

50

1 When you first look at the table it
2 says 64 percent and my first inclination was to say it
3 looked like most female wolverines were being harvested
4 in November and I questioned why we were shortening it
5 on the far end, then I started looking at it a little
6 bit more and I realized there was only one average
7 harvest, but then how many years of data do we have and
8 what's the range on that data.

9

10 Does that make sense? This table just
11 kind of confuses me from that statistical perspective.

12

13 MR. LARSON: Of course, the wolverine
14 trapping season doesn't start until mid November, so
15 the month of November is truncated. I don't remember,
16 but I believe it is an extended time period that we're
17 looking at. I couldn't tell you exactly, but I believe
18 that these numbers were based on an extended time
19 period. It seems to me it was 12 or 15 years,
20 something like that.

21

22 Mr. Chairman. I think the take-home
23 message here is that we're not talking about very many
24 animals for all of Southeast Alaska and Yakutat. So
25 it's a small number of animals that are currently being
26 taken and the number of animals in the total population
27 is unknown. However, recent studies have shown that
28 the later you trap into the spring the more likely it
29 is to trap females that have already had babies and
30 that is something that we would like to avoid.

31

32 MS. NEEDHAM: Thank you.

33

34 CHAIRMAN ADAMS: Anyone else. Thank
35 you, Mr. Larson. Oh, sorry, Frank. Going to have to
36 put a red glove on him, too. Go ahead.

37

38 MR. WRIGHT: Thank you, Mr. Chair. On
39 the biological background it says there are no
40 wolverine population estimates for the area. However,
41 based on the harvest records the wolverine population
42 appears to be stable. So if there's no estimates I was
43 just wondering how you came up with them being stable.
44 Was it the number of trappers or how does that work?

45

46 MR. LARSON: What you don't see in
47 Table 1 is the variation around the total harvest in
48 any one year. Under current regulations it appears
49 that this pattern of catching a small number of
50 wolverine each year is being persisted. That's what

1 I'm talking about. It's sustainable in that there's --
2 you don't see a declining trend in harvest numbers.

3

4 Now that's not to say that if we were
5 to do something different here that -- and minimize
6 harvest of females that have already given birth, that
7 you wouldn't see a little bump in that population. But
8 under our current system the numbers of wolverines that
9 are trapped each year appears to be fairly constant
10 over the long term. That's the sustainable portion.

11

12 CHAIRMAN ADAMS: Follow up. Go ahead.
13 And then Jack.

14

15 MR. WRIGHT: Thank you, Mr. Chair.
16 Does this include -- I know that you can't -- you're
17 not supposed to be able to trap in Glacier Bay, so the
18 population up there probably should be higher. When
19 they used to let me fish up there I used to see one
20 once a year or something like that. Does that include
21 the population of Glacier Bay because it says that this
22 includes Glacier Bay?

23

24 MR. LARSON: I'm trying to track your
25 question, Frank. I just didn't understand it.

26

27 MR. WRIGHT: Mr. Chairman. We were
28 talking about the population being stable, but I think
29 he said something about the average number of trappers,
30 which Glacier Bay is included in Units 1 through 5 or
31 something like that. So you can't trap in Glacier Bay,
32 so is there a bigger population in Glacier Bay than
33 there is in the other units that are being trapped?

34

35 MR. LARSON: Mr. Chairman. As far as
36 I'm aware, there is not a population assessment of
37 wolverines anywhere in Southeast or Yakutat. We just
38 don't know how many wolverines there are. Based on
39 harvest records, what we say is that there appears to
40 be a stable number because the number harvested each
41 year is remaining about the same.

42

43 CHAIRMAN ADAMS: Neil, do you have
44 something to add to that.

45

46 MR. BARTEN: Yeah. Through the Chair.
47 Mr. Wright. We actually do have some information on
48 wolverines. We've got a project going on in Berners
49 Bay near Juneau where we actually just started a couple
50 years ago radio-collaring wolverines and trying to get

1 DNA samples from hair collection to get some kind of an
2 estimate of what the density of wolverines is there as
3 well as in Thomas Bay over near Petersburg and that's
4 actually what led to the information that we used to
5 draft this proposal. There were efforts there at
6 looking at the lady who was running that project
7 actually had these motion activated cameras and she
8 used those to get photos of wolverines and actually do
9 kind of a mark recapture population estimate there and
10 actually was able to look at lactating females and
11 determine when the period of time is, et cetera.

12

13 As far as Glacier Bay, we've never done
14 any work there. Obviously you can't trap in the Park
15 there, so nobody does, and I would expect -- you know,
16 there's probably populations in there that don't get
17 harvested by humans anyway because of that.

18

19 CHAIRMAN ADAMS: Okay. Jack, you were
20 next.

21

22 MR. LORRIGAN: Thank you, Mr. Chairman.
23 I guess I've got a couple of questions. One, is there
24 still wolf trapping that gets into incidental catch of
25 wolverine to date.

26

27 MR. BARTEN: Yeah, I can answer that.
28 The wolf trapping season we did not change. We changed
29 the wolverine trapping season under State regulation.
30 The wolf trapping season is still ongoing. If somebody
31 does catch a wolverine in a wolf set after the
32 wolverine season is closed, it makes the animal illegal
33 for them to attain and they have to turn it over to the
34 State.

35

36 Talking to a lot of trappers, when we
37 were deliberating whether or not we were going to put
38 this proposal together or not, a lot of the trappers
39 came to the same conclusion that I think Robert
40 mentioned a little bit ago is that at least in some
41 parts of Southeast they trap wolves down along the
42 beaches and tidepools, that kind of thing. Now in some
43 cases they do trap in river valleys and places where
44 they potentially could catch a wolverine, but it didn't
45 seem to be that likely or that much of a problem.

46

47 MR. LORRIGAN: My other thought is are
48 there other areas along these Units 1 through 5 besides
49 Glacier Bay that are fairly inaccessible? The present
50 trapping areas are probably consistent or are people

1 moving in the new areas or are there areas that just
2 nobody can get to that have wolverines but there's just
3 no way feasible to get in there and get them?

4

5 MR. BARTEN: I think all of the above.
6 I mean there are certainly places that are inaccessible
7 in Southeast Alaska, as you can tell with the terrain,
8 but what we are finding out in both the Thomas Bay
9 study as well as the Berners Bay study is you have
10 these drainages -- you know, you've got pretty steep
11 coastal mountains butting up against the ocean and then
12 you have these drainages that come in like Berners Bay
13 for instance, north of Juneau, and in these river
14 valleys they're very productive, they've got moose and
15 there's mountain goats on the side hills and salmon in
16 the river, et cetera. They're very attractive to
17 wolverines, but what we're finding through radio-
18 collaring is these wolverines have huge home ranges.

19

20 We had a wolverine from Berners Bay,
21 which is just north of Juneau 40, 50 miles, that showed
22 up in the Upper Stikine, a trapper caught it. That's a
23 long ways away. It's a huge distance. So that makes
24 them very vulnerable even if they're from an
25 inaccessible place. Potentially their home range could
26 include an area that trappers can access.

27

28 MR. LORRIGAN: Was that a male or a
29 female?

30

31 CHAIRMAN ADAMS: That was a male.

32

33 MR. LORRIGAN: I guess my next thought
34 would be they probably have dual citizenship, so
35 they're going into Canada.

36

37 (Laughter)

38

39 MR. LORRIGAN: I know we're trying to
40 deal with American law, but what kind of pressure are
41 the Canadians putting on the population? Do you have
42 any idea how that affects seeding our coastal range?
43 We're trying to deal with it from our side, but these
44 things are going back and forth across the border.

45

46 MR. LARSON: No, that's a very good
47 question and a good thought. I personally don't have
48 any idea. I'm not sure if Rich Lowell ever looked into
49 that or not, but I really don't know.

50

1 MR. LORRIGAN: Thank you. I guess my
2 last thought is, I talked to a trapper that had a
3 little bit of history in this and he's uncomfortable
4 losing something that he didn't feel was a huge problem
5 because it's really hard to get it back.

6
7 Thank you, Mr. Chairman.

8
9 CHAIRMAN ADAMS: Mr. Larson.

10
11 MR. LARSON: Mr. Chairman. I want to
12 revisit a question that Mike had and it regards the
13 open season under State rules versus Federal rules. At
14 the present time, the State has an open season of
15 November 10th till February 15th and that is for minks,
16 martens, wolverines, weasels, all those kinds of
17 furbearers. The wolf trapping season extends through
18 April. The current Federal season for wolverines and
19 for wolves is November 10th through April 30th. The
20 answer that I gave was that the State season is closed
21 right now to wolverine trapping between February 15th
22 and April 30th. I don't know if that's exactly the
23 question that you asked, but that was my answer.

24
25 CHAIRMAN ADAMS: Go ahead, Mr.
26 Douville.

27
28 MR. DOUVILLE: It was my impression
29 that it was open at first and then you said it was
30 closed, but what you meant is it's closed now, right?
31 It just closed.

32
33 MR. LARSON: That's.....

34
35 MR. DOUVILLE: Or it will close -- wait
36 a minute. I'm a month off here. It will close on
37 April 15th.

38
39 MR. LARSON: April 30th.

40
41 MR. BARTEN: It did close on February
42 15th under State regulations.

43
44 MR. DOUVILLE: The same as the other
45 ones did. So it is closed.

46
47 MR. LARSON: The State season is
48 currently.....

49
50 MR. DOUVILLE: I guess my concern was

1 that Title VIII mandates a rural preference. So if
2 we're just aligning with the State, then I was
3 wondering what our justification would be. I'm not in
4 opposition to this thing. I think it's okay because
5 the numbers are so small, but does that take care of
6 the justification? I just didn't want to go outside
7 the rules of Title VIII, that's all.

8
9 MR. LARSON: Mr. Chairman. If I could,
10 the rationale for making this change is that it is a
11 more appropriate method of managing wolverines. We
12 have new information that says this time is important
13 that was not available to the previous Councils and
14 previous Boards that made this change. So this new
15 information says a different date was probably more
16 appropriate.

17
18 CHAIRMAN ADAMS: Thank you, gentlemen.
19 Did George just tell you to stay there. Who's the boss
20 here anyhow?

21
22 (Laughter)

23
24 MR. BARTEN: He is.

25
26 MR. PAPPAS: Yes, Mr. Chair. Without
27 stretching this out any further, our comments are found
28 on Page 102 and the briefest summary possible is the
29 Department supports this proposal. Conservation
30 concerns have been discussed. Trapping pregnant
31 females in the springtime have been discussed.

32
33 Thank you, Mr. Chair.

34
35 *****
36 STATE OFFICIAL WRITTEN COMMENTS
37 *****

38
39 Alaska Department of Fish and Game
40 Comments to the Regional Advisory Council

41
42 Wildlife Proposal WP10-12:

43
44 Shorten the wolverine trapping season
45 in Units 1-5 by ending the season on February 15 rather
46 than the present April 30.

47
48 Introduction:

49
50 A key component of viable wolverine

1 populations is the survival of reproductive females.
2 Recent genetic research on wolverines in Unit 1B
3 indicates that recruitment of reproductive females is
4 primarily from females that are born within the region
5 and survive to reproductive age. Female wolverines do
6 not produce young until at least three years old and
7 successfully raise only one or two young every other
8 year. To maintain sustainable populations of
9 wolverines in Southeast Alaska, harvest of females with
10 dependent young should be minimized. Wolverine kits
11 are born in February and early March and remain in the
12 den until late May. Prior to November 2008 when the
13 Alaska Board of Game took action to shorten the
14 wolverine trapping season to limit exposure of
15 reproductive females with dependent young to harvest,
16 Units 1-5 had the longest wolverine trapping season in
17 Alaska and, when considered in conjunction with the
18 hunting season, wolverines were previously vulnerable
19 to harvest 242 days of the year. As a result of
20 reduced state season length, all trappers will benefit
21 from increased survival and reproductive success of
22 denning females and the potential increase in
23 recruitment of young into the population for harvest.
24 Impact on Subsistence Users: Most wolverines in
25 Southeast Alaska are harvested in December, January,
26 and February. Shortening the wolverine season would
27 not significantly impact trapping opportunity or the
28 time period when most wolverines are trapped. While
29 opportunity may be reduced for a relatively small
30 number of trappers that continue to trap wolverines
31 during late February through April, federal subsistence
32 trappers will benefit from the potential increase in
33 recruitment of young into the population as result of
34 increased survival and reproductive success of denning
35 females.

36

37 Opportunity Provided by State:

38

39 State regulations allow wolverine
40 trapping from November 10 through February 15 and do
41 not limit the number of wolverines that can be
42 harvested.

43

44 Conservation Issues:

45

46 From February through March,
47 reproducing females are most vulnerable to trapping
48 because they travel extensively to obtain food while
49 attempting to meet the energetic demands of lactation
50 for their den-bound kits. Harvesting reproductive

1 female wolverines during this period impacts young and
2 could negatively affect recruitment into the
3 population. Closing the wolverine trapping season on
4 February 15 will contribute to long-term and
5 sustainable wolverine hunting and trapping
6 opportunities.

7

8

Enforcement Issues:

9

10 Closing the wolverine trapping season
11 on February 15 will reduce confusion by making the
12 closing dates and sealing deadlines for wolverine
13 trapping consistent with most other furbearers across
14 the region.

15

16

Recommendation:

17

18

Support.

19

20

21

CHAIRMAN ADAMS: Thank you. Any
questions.

22

23

(No comments)

24

25

26

CHAIRMAN ADAMS: Thank you, gentlemen.
Any other Federal agency people.

27

28

(No comments)

29

30

CHAIRMAN ADAMS: Tribal organizations.

31

32

(No comments)

33

34

CHAIRMAN ADAMS: InterAgency Staff.

35

36

(No comments)

37

38

CHAIRMAN ADAMS: Public comments.

39

40

41

42

43

44

MR. LARSON: Mr. Chair. There are no
written public comments; however, the Wrangell-St.
Elias Subsistence Resource Commission deliberated this
proposal and they voted to support.

45

46

47

CHAIRMAN ADAMS: Thank you, Mr. Larson.
We are now in deliberation. Have at it you guys.

48

49

50

MR. LORRIGAN: Thank you, Mr. Chairman.
I guess I'll go out on a limb. I'm going to oppose

1 this for the reasons there's a lot of area that doesn't
2 get trapped. I hate to hear that somebody puts a lot
3 of time and effort setting out their wolf traps and
4 they get a wolverine by accident, they've got to give
5 it up. I guess one of my constituents said they hate
6 to give something up when there's no -- with the
7 information we have, I know it's better than it was,
8 but still it's an opportunity for them, especially in
9 current economic times, to deny them an opportunity and
10 no guarantee of getting it back if things improve. I
11 understand the rationale behind managing it the way the
12 proposal states, but maybe later.

13

14 Thank you.

15

16 CHAIRMAN ADAMS: Thank you, Jack. Mr.
17 Bangs and then Mr. Douville.

18

19 MR. BANGS: Thank you, Mr. Chairman.
20 I'm going to support this proposal. I think with the
21 new information that we have that science says it does
22 make more sense to protect the lactating females. I
23 think this is a possibility of increasing the
24 population.

25

26 Thank you.

27

28 CHAIRMAN ADAMS: Mr. Douville.

29

30 MR. DOUVILLE: Thank you, Mr. Chair. I
31 have just one question. Do you have any information as
32 to how many of these, you know, it's only one or two,
33 have been taken incidental in wolf traps and how many
34 were taken on purpose?

35

36 CHAIRMAN ADAMS: That's a good
37 question. Neil.

38

39 MR. BARTEN: You know, until we changed
40 the season just this year, the wolverine season did
41 align with the wolf trapping season, so there wasn't
42 that issue, if that makes sense. So starting now then
43 we might be able to answer that question in a couple
44 years.

45

46 MR. LARSON: Can I say something.

47

48 CHAIRMAN ADAMS: Mr. Larson, go ahead,
49 you can say something.

50

1 MR. LARSON: Mr. Chair. I attended the
2 Petersburg Advisory Committee meeting where they
3 discussed this proposal and without numbers there was
4 some general consensus that an upland set was more
5 effective for catching wolverines than an intertidal
6 set just because of the nature of those animals. There
7 was some unknown factor in that group and there were
8 several wolf trappers and probably the same two people
9 that caught those two wolverine sitting in the audience
10 and having this discussion. The answer is upland sets
11 for wolverines were probably more effective than
12 intertidal sets for wolves at catching wolverines, but
13 the incidental harvest is by any measure going to be --
14 it's going to be small, but it's unknown.

15
16 CHAIRMAN ADAMS: Thank you. Go ahead,
17 Harvey.

18
19 MR. KITKA: I just had a question. I
20 was curious as to how many -- what the percentage was
21 on Federal qualified subsistence users as to other
22 users.

23
24 CHAIRMAN ADAMS: Mr. Larson, do you
25 have an answer for that?

26
27 MR. LARSON: I do not.

28
29 CHAIRMAN ADAMS: Okay.

30
31 MR. LORRIGAN: Question.

32
33 CHAIRMAN ADAMS: The question has been
34 called. All in favor of this motion please signify by
35 saying aye.

36
37 IN UNISON: Aye.

38
39 CHAIRMAN ADAMS: Those opposed say nay.

40
41 IN UNISON: Nay.

42
43 CHAIRMAN ADAMS: It looks like it was
44 kind of even there.

45
46 Mr. Kitka, would you do a roll call for
47 us, please.

48
49 MR. KITKA: Frank Wright, Jr.

50

1 MR. WRIGHT: Aye.
2
3 MR. KITKA: Patricia Phillips.
4
5 MS. PHILLIPS: Aye.
6
7 MR. KITKA: Michael Douville.
8
9 MR. DOUVILLE: Aye.
10
11 MR. KITKA: Harvey Kitka, he votes no.
12 Bert Adams.
13
14 CHAIRMAN ADAMS: Aye.
15
16 MR. KITKA: Floyd Kookesh.
17
18 MR. KOOKESH: No.
19 .
20 MR. KITKA: Merle Hawkins.
21
22 MS. HAWKINS: Yes.
23
24 MR. KITKA: Cathy Needham.
25
26 MS. NEEDHAM: No.
27
28 MR. KITKA: Michael Bangs.
29
30 MR. BANGS: Yes.
31
32 MR. KITKA: Jack Lorrigan.
33
34 MR. LORRIGAN: No.
35
36 MR. KITKA: Mr. Chair, the vote is 6 to
37 pass and 4 no.
38
39 CHAIRMAN ADAMS: So the motion does
40 pass. Thank you. I'm going to leave this up to you
41 folks. Like I said, I'm not feeling too well, but if
42 we can do maybe Number 14 tonight. I'm moving to
43 number 14 because if we do that, then Number 13 will be
44 taken care of as well. If you don't mind us doing
45 those two proposals tonight, then we can start fresh in
46 the morning with possibly me feeling better. I'll
47 leave it up to you. We could adjourn now and come back
48 in the morning and continue. What do you think? Mr.
49 Douville.
50

1 MR. DOUVILLE: I think it's fine. I'd
2 just like a couple minute at ease.

3
4 CHAIRMAN ADAMS: Sure. You bet. Let's
5 take a five-minute at ease and then come back into
6 session and do these.

7
8 (Off record)

9
10 (On record)

11
12 ACTING CHAIRMAN BANGS: Could we have
13 everybody back in their spots. We're going to try to
14 get through these two more. Bert asked me if I would
15 cover these last two proposals. He's not feeling too
16 well.

17
18 MS. PHILLIPS: Yes, Mr. Chair. Michael
19 Bangs. I would respectfully request to withdraw the
20 resolution that I had added to the agenda as Item 17B.
21 I think we have too much items on our agenda to try to
22 get through and it was brought to my attention that
23 Sealaska was going to make a special trip down here to
24 make a presentation and I don't think we have time to
25 fit all that in and have a discussion about the
26 resolution, so I withdraw the resolution 2010-1, if
27 that is agreeable to the Council.

28
29 ACTING CHAIRMAN BANGS: What does the
30 Council.....

31
32 MS. PHILLIPS: I asked for their
33 agreement.

34
35 ACTING CHAIRMAN BANGS: How does the
36 Council feel? Any objections.

37
38 MR. DOUVILLE: I agree with Patty. It
39 is an important issue because it changes a lot of land
40 in the private and it loses the rural, but we do have
41 time constraints. With that, I will agree with Patty.

42
43 ACTING CHAIRMAN BANGS: Thank you, Mr.
44 Douville. Anyone else. Merle.

45
46 MS. HAWKINS: Yeah, that would be okay.
47 I'd just encourage everyone as an individual to make
48 their opinion known to Congress or the chair of the
49 committee.

50

1 ACTING CHAIRMAN BANGS: Okay, thanks,
2 Merle. Bert.
3
4 MR. ADAMS: Yeah, I go ahead and
5 support Patty's request to have this withdrawn. We do
6 have a lot of things on the table tomorrow. I hope we
7 can finish up in time so that's all right with me.
8
9 Thank you.
10
11 ACTING CHAIRMAN BANGS: Thank you,
12 Michael.
13
14 MR. ADAMS: You're welcome, Mr. Adams.
15
16 (Laughter)
17
18
19 ACTING CHAIRMAN BANGS: That's
20 withdrawn from the agenda. We'll move to WP10-14.
21 Bert.
22
23 MR. ADAMS: Mr. Chairman. I move to
24 adopt WP10-14 as proposed on Page 108.
25
26 MS. HAWKINS: Second.
27
28 ACTING CHAIRMAN BANGS: It's been moved
29 and seconded as written on Page 108. Mr. Chester.
30
31 MR. CHESTER: Thank you, Mr. Chair.
32 Dennis Chester with the Forest Service. This is Staff
33 analysis for Proposal WP10-14. It was submitted by the
34 Southeast Alaska Subsistence RAC and it requests the
35 closure Federal public lands in the Northeast Chichagof
36 Controlled Use Area to the harvest of female deer by
37 non-Federally qualified users in December.
38 Additionally, the Council requests that the analysis
39 evaluate the need for closing the areas draining into
40 Chatham Strait, Peril Strait, and Icy Strait, including
41 Tenakee Inlet to the harvest of female deer by
42 non-Federally qualified users in December.
43
44 This was all precipitated by a series
45 of deep snow winters, as you all know, and subsequent
46 temporary closures during the last three seasons of
47 portions or all of Unit 4. I just wanted to point out
48 in the regulatory history the Federal season has been
49 six deer and the August 1 to January 31st season since
50 the inception of the program except during 1992-93 and

1 1993-94 seasons. The reason for that was the exact same
2 reason we have here. There was a series of hard
3 winters. Some of you may remember going through this
4 process a few years -- at that time it was beginning of
5 the Federal program and I think the processes weren't
6 quite the same as they are now or at least as well
7 developed. That was the rationale for those two
8 seasons, for the change in season.

9
10 The temporary regulations that have
11 been put in place over the last three seasons are shown
12 in Table 2 on the top of 113. As far as the biological
13 section, there's a lot of information here and I'm not
14 going to go through it individually, but I wanted to
15 show I guess is for some species such as moose you can
16 usually go out and do a certain type of survey and get
17 good population information. As you all know, we don't
18 have anything like that for deer in Southeast.

19
20 So there's a whole bunch of factors
21 that we pay attention to to try and determine what's
22 appropriate as far as harvest seasons for deer. If you
23 have individual questions on some of this stuff, I'll
24 be happy to try and answer them, but I'm not going to
25 go through each individual part. I just wanted to show
26 all the different information that is used and we use
27 it all together.

28
29 The harvest history, there's several
30 tables on Page 124, 125. That information shows that
31 we only have it through 2007. At the time I did this
32 proposal, 2007 was the first harvest season after the
33 first serious winter and it definitely shows the
34 effects of the decrease in deer population. I think
35 it's pretty obvious, the point I showed in the
36 biological section that there's been a definite
37 decrease in the deer population since 2006.

38
39 One of the points I wanted to emphasize
40 is that this is a recurring thing. It happens
41 apparently every 11 to 20 years, depending on the
42 severity. Deer populations can recover quickly once
43 mild winters return. Historically, that's happened
44 within about five years. Currently the surviving deer
45 appear to be in good shape. Despite the late snows the
46 last two years, winter mortality seems to have
47 decreased. I don't think it's at a critical -- the
48 information does not indicate that the population has
49 decreased to a critical point, but harvest of does
50 would reduce recruitment and extend the length of time

1 for the population to recover.

2

3 Additionally, I think one of the unique
4 situations of the Northeast Chichagof area is that it
5 has the road system connected to a community. Of
6 course, that's Hoonah and Hoonah has access through the
7 ferry system for other communities and that creates
8 some specific concerns to that area related to access
9 to interior harvest or deer habitat.

10

11 So the effects would be that certainly
12 adopting this proposal would likely reduce the doe
13 harvest in either of the areas. At current population
14 levels, protecting these does would likely increase
15 recruitment. However, the estimated number of does
16 that would be protected is a relatively small
17 proportion of the overall doe harvest. In the long
18 term -- that's kind of the short-term effect and in the
19 long term I think that would reduce opportunity and
20 harvest of does is desirable over not restricting the
21 population by harvesting those does in the long term.

22

23 I think adopting this proposal would
24 reduce our flexibility as far as managing the
25 population. We've been closing the season as
26 appropriate in cooperation with the communities
27 involved, the State, but we cannot expand the season
28 once this issue is over. There's the assumption that
29 we will return to mild winters in that, but I think
30 once that happens, as it has historically happened,
31 then I think the existing regulation is more flexible
32 using our temporary options.

33

34 Finally, of course, the opportunity for
35 non-Federally qualified users to harvest does would be
36 reduced in the long term. The Federal Subsistence
37 Board has established a closure policy, which the
38 conditions that are listed here. When a population is
39 not sufficient to provide for both Federally-qualified
40 subsistence users and other users and when necessary to
41 ensure the continuation of subsistence uses by
42 Federally-qualified users.

43

44 The population at this point appears to
45 be large enough to support the harvest of bucks by all
46 users. There have been no concerns on the buck side of
47 things. Current harvest rates appear to be within
48 acceptable limits for population growth once winters
49 return to normal. Adopting the proposal would decrease
50 competition somewhat by eliminating doe harvest by non-

1 Federally qualified users, but they would still be in
2 the area or potentially could be in the area because
3 they can still harvest bucks in the area.

4
5 The preliminary conclusion is to
6 oppose for the reasons stated.

7
8 ACTING CHAIRMAN BANGS: Thank you, Mr.
9 Chester. Any questions from the Council to Mr.
10 Chester.

11
12 Jack.

13
14 MR. LORRIGAN: Thank you, Mr. Chairman.
15 It says the prime does usually have twin fawns if
16 they're in good conditions of proper age. I've heard
17 that they actually conceive a number of fawns and that
18 depending on calories available and interaction with
19 other deer they either absorb some of the weaker
20 offspring and eventually kick out one, two or three
21 depending on the habitat and so on. Is that the
22 correct thing?

23
24 MR. CHESTER: I'm less familiar with
25 the conception side of things. I think most of the
26 information I was looking at was more to how many were
27 born. That seems to be a population dependent
28 function. Particularly when you get at or above
29 carrying capacity, your productivity decreases because
30 of competition between does themselves. Bucks are kind
31 of a different animal in that respect. As your
32 population increases above the -- particularly gets
33 close to carrying capacity, then the productivity, in
34 this case defined as how many are born and survive
35 decreases.

36
37 MR. LORRIGAN: Thank you.

38
39 ACTING CHAIRMAN BANGS: Anyone else.

40
41 (No comments)

42
43 ACTING CHAIRMAN BANGS: Thank you, Mr.
44 Chester. State.

45
46 MR. PAPPAS: Thank you, Mr. Chair.
47 Members of the Council. The comments appear on Page
48 129. I'll do my best to summarize. Mr. Chester did
49 discuss the closures in recent times due to heavy snow
50 pack, the high deer mortality, so I'll try to skip that

1 portion.

2

3

4 The department did not support
5 Unit-wide closures on harvest of does in 2008 or 2009
6 because concern focused on NECCUA where deer numbers
7 appear to be more heavily impacted by recent winters
8 than other areas. The situation for deer in NECCUA is
9 unique due to easy hunting access via logging roads,
10 extreme snow conditions during the past three winters,
11 and compromised winter habitat due to clear cutting of
12 mature forests. These three factors make the deer
13 population in this area especially vulnerable and have
14 prompted both the Federal and State managers to focus
15 management actions on specific areas only, rather than
16 taking an overly restrictive and unnecessary broad
17 scale approach.

17

18

19 The Department supports a December
20 closure to the harvest of female deer by all user
21 groups in specific areas hit hardest by snow conditions
22 which significantly increased mortality rates. The
23 Department would support similar closures of specific
24 areas to the harvest of female deer by all user groups
25 until the deer populations rebound should this become
26 necessary.

26

27

28 At the February 2009 Southeast RAC
29 meeting, both Federal and Department wildlife
30 biologists agreed that deer populations have declined
31 dramatically in portions of GMU 4 due to recent heavy
32 winter mortalities, likely caused by extreme snow falls
33 during the last few winters. Heavy snows significantly
34 impacted some deer populations, especially in areas
35 where extensive habitat alterations reduced or
36 eliminated the winter habitat necessary to improve deer
37 population overwintering survival rates.

37

38

39 Adoption of this proposal would result
40 in an additional conservation issues by allowing
41 harvest of does by Federally qualified users in an area
42 hard hit by three consecutive winters.

42

43

44 The Department opposes this proposal
45 for several reasons. Conservation concerns that
46 necessitated closing of the female deer season are due
47 mostly to winter weather conditions and resulting deer
48 mortality. In portions of GMU 4, taking of female deer
49 by any users should be curtailed until this population
50 recovers. However, there is no substantive evidence of
51 a conservation concern for the deer populations in all

1 of GMU 4 and no evidence that closure is necessary for
2 the entire unit to ensure continuation of subsistence
3 uses by Federally-qualified subsistence users on all of
4 the identified Federal public lands in GMU 4.

5
6 Adoption of this proposal in areas that
7 do not have conservation concerns would result in
8 unnecessary restrictions on non-Federally qualified
9 users, contrary to Section .815 of ANILCA.

10
11 The intent of this proposal was
12 discussed at the October 6, 2009, Southeast RAC meeting
13 in Yakutat. At the meeting, both Federal and State
14 wildlife managers stated the harvest of any does by any
15 user group should be prohibited until the NECCUA deer
16 population rebounds.

17
18 The Department supports a December
19 closure to harvest of female deer by all user groups in
20 specific areas hit hardest by snow conditions and with
21 significantly increased mortality rates. The department
22 would support similar closures of specific areas to
23 harvest of female deer by all user groups until deer
24 populations rebound, if necessary for conservation
25 purposes.

26
27 Thank you, Mr. Chair.

28
29 *****
30 STATE OFFICIAL WRITTEN COMMENTS
31 *****

32
33 Alaska Department of Fish and Game
34 Comments to the Regional Advisory Council

35
36 Wildlife Proposal WP10-14:

37
38 Close a portion of federal public lands
39 to harvest of female deer by non-federally qualified
40 users during December in the Northeast Chichagof
41 Controlled Use Area (NECCUA). If a broader
42 conservation concern exists, expand the closure to
43 include all of Unit 4 draining into Chatham Strait,
44 Peril Strait, and Icy Strait, including Tenakee Inlet.

45
46 Introduction:

47
48 The federal deer hunting season for
49 Unit 4 is August 1 through January 31 and is one month
50 longer than the August 1 though December 31 State

1 season. The federal and state regulations allow taking
2 of female deer after September 15, but, due to severe
3 winter weather and resulting mortality, federal and
4 State seasons for female deer were shortened or closed
5 for portions of Unit 4 during 2007, 2008, and 2009. In
6 2009 the female deer season in the NECCUA was closed
7 prior to opening under both federal subsistence and
8 State hunting regulation due to low deer numbers.
9 During 2007 through 2009, the NECCUA has been
10 frequently closed due to extreme levels of winter
11 mortality in this area. Other portions of Unit 4 were
12 included in the closures in 2007, when the second year
13 of heavy snows resulted in closing of female deer
14 season for all of Unit 4 under federal subsistence and
15 State regulations in early December. The department
16 determined this widespread closure was necessary in
17 2007 to protect female deer in all of these areas to
18 allow deer populations to rebound.

19

20 The department did not support Unit-
21 wide closures on harvest of does in 2008 or 2009
22 because concern focused on NECCUA where deer numbers
23 appear to be more heavily impacted by recent winters
24 than other areas. The situation for deer in NECCUA is
25 unique due to easy hunting access via logging roads,
26 extreme snow conditions during the past three winters,
27 and compromised winter habitat due to clear cutting of
28 mature forests. These three factors make the deer
29 population in this area especially vulnerable and have
30 prompted both the federal and State managers to focus
31 management actions on specific areas (such as NECCUA)
32 only, rather than taking an overly restrictive and
33 unnecessary broad scale approach.

34

35 Impact on Subsistence Users:

36

37 The department supports a December
38 closure to the harvest of female deer by all user
39 groups in specific areas hit hardest by snow conditions
40 which significantly increased mortality rates. For
41 example, the department fully supported the closure of
42 the NECCUA to the harvest of female deer by all user
43 groups during a portion of the 2008 season and again in
44 2009 to rebuild that population. The department would
45 support similar closures of specific areas to the
46 harvest of female deer by all user groups until the
47 deer populations rebound should this become necessary.

48

49 Opportunity Provided by State:

50

1 The deer hunting season under State
2 regulation in this area (NECCUA) is August 1 through
3 December 31, with a bag limit of three deer. The
4 remainder of Unit 4 has a bag limit of four deer during
5 the same season dates. The State of Alaska closed
6 harvest of doe deer in NECCUA for the 2009/2010 hunting
7 season under Emergency Order (01-02-09).

8

9 Conservation Issues:

10

11 At the February 2009 SE RAC meeting,
12 both federal and department wildlife biologists agreed
13 that deer populations have declined dramatically in
14 portions of GMU 4 due to recent heavy winter
15 mortalities, likely caused by extreme snow falls during
16 the last few winters. Heavy snows significantly
17 impacted some deer populations, especially in areas
18 where extensive habitat alterations reduced or
19 eliminated the winter habitat necessary to improve deer
20 population overwintering survival rates. Adoption of
21 this proposal would result in an additional
22 conservation issue by allowing harvest of does by
23 federally qualified users in an area hard hit by three
24 consecutive winters. The department opposes this
25 proposal for several reasons. Conservation concerns
26 that necessitated closing of the female deer season are
27 due mostly to winter weather conditions and resulting
28 deer mortality. In portions of GMU 4, taking of female
29 deer by any users should be curtailed until this
30 population recovers. However, there is no substantive
31 evidence of a conservation concern for the deer
32 populations in all of GMU 4 and no evidence that
33 closure is necessary for the entire unit to ensure
34 continuation of subsistence uses by federally-qualified
35 subsistence users on all of the identified federal
36 public lands in GMU 4. Adoption of this proposal in
37 areas that do not have conservation concerns would
38 result in unnecessary restrictions on non-federally
39 qualified users, contrary to Section 815 of ANILCA.

40

41 Enforcement Issues:

42

43 Differences in federal and State
44 regulations resulting from adoption of this proposal
45 create confusion and enforcement issues in areas with
46 mixed land ownership.

47

48 Other Comments:

49

50 The intent of this proposal was

1 discussed at the October 6, 2009, Southeast Regional
2 Advisory Council meeting in Yakutat. At the meeting,
3 the federal and State wildlife managers stated the
4 harvest of any does by any user group should be
5 prohibited until the NECCUA deer population rebounds.

6

7

Recommendation:

8

9

Oppose.

10

11 The department supports a December
12 closure to harvest of female deer by all user groups in
13 specific areas hit hardest by snow conditions and with
14 significantly increased mortality rates. For example,
15 the department fully supported closure of NECCUA to
16 harvest of female deer by all user groups during a
17 portion of the 2008 season and again in 2009 to rebuild
18 that population. The department would support similar
19 closures of specific areas to harvest of female deer by
20 all user groups until deer populations rebound, if
21 necessary for conservation purposes.

22

23

24

ACTING CHAIRMAN BANGS: Thank you, Mr.
Pappas. Any questions. Mr. Wright.

25

26

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32

Thank you, Mr. Chair.

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ACTING CHAIRMAN BANGS: Any other

questions.

1 (No comments)

2

3 ACTING CHAIRMAN BANGS: Thank you,
4 gentlemen. Is there any other Federal Staff or tribal
5 agencies.

6

7 (No comments)

8

9 ACTING CHAIRMAN BANGS: Is there any
10 written public comment, Mr. Larson.

11

12 MR. LARSON: Mr. Chair. There are no
13 written public comments. However, the Juneau-Douglas
14 Advisory Committee is in opposition to this proposal
15 and they believe this closure is unnecessary.

16

17 Thank you.

18

19 ACTING CHAIRMAN BANGS: Thank you, Mr.
20 Larson. Mr. Lorrigan.

21

22 MR. LORRIGAN: Thank you, Mr. Chair.
23 Mr. Larson, wasn't there something from Sitka AC on
24 this proposal?

25

26 MR. LARSON: I could double check, but
27 I don't have it here.

28

29 ACTING CHAIRMAN BANGS: Anyone else.

30

31 (No comments)

32

33 ACTING CHAIRMAN BANGS: I guess we'll
34 go into deliberation on this. Mr. Lorrigan.

35

36 MR. LORRIGAN: Thank you, Mr. Chair. I
37 went and sat with our wildlife biologist in Sitka and
38 had about a two-hour talk with him on this topic. I'm
39 going to speak probably in opposition to this proposal
40 for the reasons Unit 4 is a large area, a lot of
41 different aspects. The emergency order authority that
42 the Fish and Game has, they've been working with the
43 Forest Service on this to manage northeast Chichagof
44 because a significant proportion of that area has been
45 logged and there were three hard winters back to back
46 that we all know of. I think the preliminary
47 conclusion is that those deer had nowhere to go when
48 that snow hit. All the way through April the snow was
49 several feet deep.

50

1 We don't have wolves on the island to
2 our benefit, so the deer get culled back in the winter
3 and if there's mild winters -- in the earlier statement
4 I made, correct me if I'm wrong, but deer will conceive
5 a number of fetuses and depending on -- they don't know
6 quite what triggers it, it's either interaction with
7 other deer or calories available to the doe when she's
8 feeding through the winter, of how many of those fawns
9 will actually be born.

10
11 When the population is reduced so much
12 and for three years in a row, a lot of that browse came
13 back, so we're having a mild winter this year, they're
14 anxious to find out what kind of recruitment happens
15 with that population on northeast Chichagof and they
16 get a lot of information. They get volunteer
17 information. They send out the deer hunter survey.
18 People I've talked to from the Sitka area selectively
19 do not hunt does in that area because they know the
20 problem. They shoot bucks only. The Sitka area is
21 avoiding going around there to some extent.

22
23 I know Hoonah is part of Unit 4 and
24 they have a unique situation with the roads and a lot
25 of Juneau traffic coming over. Emergency order
26 authority to limit harvest of does is working. Mr.
27 Wright will probably disagree with me, but it's hard to
28 get something back. Like the gentleman said, once it's
29 gone, it's really hard to get something back when
30 things improve. i think it's a management tool we
31 should keep in our box right now. There's going to be
32 winters like this off and on. With that said, I'll
33 shut up.

34
35 ACTING CHAIRMAN BANGS: Thank you, Mr.
36 Lorrigan. Any other comments.

37
38 MS. PHILLIPS: Mr. Chair.

39
40 ACTING CHAIRMAN BANGS: Ms. Phillips.

41
42 MS. PHILLIPS: Thank you. The deer
43 that were harvested this past season had a lot of fat.
44 I mean the fat was so thick because there was a lot of
45 food for them up in the alpine with very little
46 competition for the food, so they were more fat than
47 they have been in recent years. With the mild winter
48 that we had up until recently, that gave the deer a
49 break and I think we're going to see some rebound as
50 long as the winters stay not too snowy. I also will

1 oppose the proposal.

2

3 ACTING CHAIRMAN BANGS: Thank you, Ms.
4 Phillips. Mr. Lorrigan.

5

6 MR. LORRIGAN: One other point. He also
7 said -- this is all the other wildlife biologists
8 before him that he talked with that were still in the
9 Sitka area, when they were managing through the '70s,
10 '80s, you always want your deer population to be -- you
11 don't want it at carrying capacity because then you're
12 in trouble, which is what happened the last three
13 years. The populations were at carrying capacity and
14 we got hit with these hard winters and then bam. I
15 mean it happened in the old growth stands where the
16 habitat was good.

17

18 In retrospect, it was kind of a good
19 thing to cull off some of the herd and let the best
20 survive. The herd had some weak that needed to be
21 culled out and winter does that in a grand scale.
22 Again, we don't have wolves, we don't have the
23 predation on the fawns that some of the other islands
24 have. Unit 4 is unique in that way and I think we'd
25 like to keep the status quo.

26

27 ACTING CHAIRMAN BANGS: Thank you, Mr.
28 Lorrigan. Robert Larson has a follow up and then
29 Harvey.

30

31 MR. LARSON: Mr. Chair. I have the
32 document submitted by the Sitka AC and they did not
33 comment on Proposal 14. However, they did comment on
34 Proposal 13 and they were in opposition of that and
35 some of the reasons were probably relevant to 14.

36

37 Thank you.

38

39 ACTING CHAIRMAN BANGS: Mr. Kitka.

40

41 MR. KITKA: Thank you, Mr. Chair. I
42 was wondering since this proposal was brought by our
43 group I was wondering if it could be modified to some
44 extent to where it would be useable.

45

46 ACTING CHAIRMAN BANGS: Any comments on
47 that. Mr. Adams.

48

49 MR. ADAMS: How would you propose it be
50 modified, Mr. Kitka?

1 MR. KITKA: Mr. Chair. On Page 108, if
2 we struck the water draining into Chatham Strait, Peril
3 Strait, that would cut down the area basically back to
4 -- I believe what the State had reduced their deer
5 limit. I was wondering if that would work if it was
6 just in that area.

7
8 ACTING CHAIRMAN BANGS: Mr. Adams.

9
10 MR. ADAMS: Follow up, please, Mr.
11 Chairman. The Federal managers and ADF&G have an
12 emergency action authority to quickly close any or all
13 portions of Unit 4 and I think if we just went ahead
14 and defeated this proposal right now that would still
15 be covered under the emergency order program.

16
17 ACTING CHAIRMAN BANGS: Thank you for
18 that.

19
20 MR. ADAMS: For that reason I'm going
21 to vote against it.
22 Mr. Chairman.

23
24 ACTING CHAIRMAN BANGS: Any other
25 comments. Mr. Lorrigan.

26
27 MR. LORRIGAN: Thank you, Mr. Chairman.
28 They seem to feel they have quite a bit of information
29 on that side. They've been watching it for a while.
30 They know the issue on that side and they've been
31 working with the Sitka Ranger District in cooperation
32 on this issue. I'm beating a dead horse, but I think
33 they've got pretty good information.

34
35 Thank you.

36
37 ACTING CHAIRMAN BANGS: Any other
38 comments.

39
40 (No comments)

41
42 MR. ADAMS: Call for the question.

43
44 ACTING CHAIRMAN BANGS: The question
45 has been called for. All those in favor of WP10-14
46 signify by saying aye.

47
48 (No aye votes)

49
50 ACTING CHAIRMAN BANGS: Those opposed

1 nay.

2

3

IN UNISON: Nay.

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ACTING CHAIRMAN BANGS: The nays have it. The only proposal we were going to cover is 13. Mr. Adams.

MR. ADAMS: I move that we adopt Proposal WP10-13 as read on page 103, please.

MR. LORRIGAN: Second.

ACTING CHAIRMAN BANGS: It's been moved and seconded. Mr. Chester.

MR. CHESTER: Thank you, Mr. Chair. I'm presenting the Staff analysis for WP10-13, which was submitted by the Southeast Alaska Subsistence RAC and requests that the doe harvest season be closed on January 15 and that portion of Unit 4 draining into Chatham and Icy Strait, including Tenakee Inlet.

Again, this is a concern on the status of the Unit 4 deer population resulting from the harsh winters. A lot of the basic information is the same as for Proposal 14, so I'll skip straight to the effects. The first effect, it would reduce harvest opportunities for Federally-qualified subsistence users by reducing the season by a total of 16 days. It would have a relatively small effect on the overall doe harvest within that area and the harvest data is in Table 1. The wrong Table 1 got included in this book.

Robert, have you distributed the appropriate Table 1?

MR. LARSON: Yes. I distributed an alternate Table 1 or a new Table 1 right after lunch and it was on everybody's desk. It's labeled at the top WP13.

MR. CHESTER: I think, once again, the short term effect of reducing the doe harvest would be beneficial as it would increase the rate of recovery, but in the long term, again, in Unit 4 without the predators the general desire for doe harvest is there. We don't want necessarily to reduce that opportunity in the long term. For the same situation here, we still have the emergency closure authority which we have used

1 in the past several years. Once the population
2 recovers we would no longer be able to do that and the
3 existing opportunity would be there, which we expect
4 the population to recover in a few years.

5
6 Overall, the preliminary conclusion is
7 to oppose. Thank you.

8
9 ACTING CHAIRMAN BANGS: Thank you. Any
10 questions for Mr. Chester?

11
12 (No comments)

13
14 ACTING CHAIRMAN BANGS: Does the State
15 have anything different on this one.

16
17 MR. PAPPAS: Thank you, Mr. Chair. Our
18 comments appear on Page 107 of your book. I'll attempt
19 to summarize. The Federal deer hunting season for Unit
20 4 is August 1 through January 31, and the State season
21 is August 1 through December 31. The State season
22 originally also ended January 31 but was reduced in
23 1993 to protect deer when extremely vulnerable if
24 winter weather concentrates them on the beaches. The
25 recent Federal subsistence deer hunting season in Unit
26 4 not only extends through January 31, but the bag
27 limit is six deer of which antlerless deer may be taken
28 from September 15 to January 31st.

29
30 If this proposal was adopted,
31 Federally- qualified subsistence hunters would have two
32 fewer weeks to harvest six deer in this hunt. The
33 season is sufficiently long to acquire deer for
34 subsistence use, whereas if the deer population
35 declines, then further reductions in season length or
36 bag limit will be necessary.

37
38 Conservation concerns exist for
39 portions of the deer populations in Unit 4 due to
40 recent high winter kills. The department opposes any
41 January doe season in this area for conservation
42 reasons, whether it is two weeks or the entire month.
43 During January, deer are more likely to be concentrated
44 on beaches, making them very vulnerable to high levels
45 of harvest. When deer numbers are low, the January
46 season could prove detrimental to the rebound of deer
47 populations at the local level.

48
49 The Department supports with
50 modification to eliminate the January season to protect

1 deer when most vulnerable.

2

3

Thank you, Mr. Chair.

4

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STATE OFFICIAL WRITTEN COMMENTS

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

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Wildlife Proposal WP10-13:

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Introduction:

The federal deer hunting season for Unit 4 is August 1 through January 31, and the state season is August 1 through December 31. The state season originally also ended January 31 but was reduced in 1993 to protect deer when extremely vulnerable if winter weather concentrates them on the beaches. The recent federal subsistence deer hunting season in Unit 4 not only extends through January 31, but the bag limit is 6 deer of which antlerless deer may be taken from September 15 to January 31.

Impact on Subsistence Users:

Federally qualified subsistence hunters would have 2 fewer weeks (22 weeks instead of 24 weeks) to harvest 6 deer if this proposal is adopted. The season is sufficiently long to acquire deer for subsistence use, whereas if the deer population declines, then further reductions in season length or bag limit will be necessary.

Opportunity Provided by State:

The state deer hunting season in this proposal area is August 1 through December 31, with a bag limit of three deer in some portions (NECCUA) and four in others (remainder of Unit 4).

Conservation Issues:

1 Conservation concerns exist for
2 portions of the deer populations in Unit 4 due to
3 recent high winter kills. The department opposes any
4 January doe season in this area for conservation
5 reasons, whether it is two weeks or the entire month.
6 During January, deer are more likely to be concentrated
7 on beaches, making them very vulnerable to high levels
8 of harvest. When deer numbers are low, the January
9 season could prove detrimental to the rebound of deer
10 populations at the local level.

11

12 Other Comments:

13

14 The state has long objected to the six
15 deer federal bag limit, (beginning with proposal #3
16 adopted by the Federal Subsistence Board on July 29,
17 1992) because the federal subsistence bag limit was
18 based on adopting the state s season in 1990, when the
19 deer populations in Unit 4 were at peak abundance
20 levels. The state recommends changing the federal
21 regulation to use the 5-month, 4-deer season and bag
22 limit which preceded peak abundance of deer in the late
23 1980s. This harvest regime met local subsistence needs
24 from the time of statehood and was liberalized only to
25 provide increased opportunities during a peak abundance
26 of deer.

27

28 Recommendation:

29

30 Support with modification to eliminate
31 the January season to protect deer when most
32 vulnerable.

33

34 ACTING CHAIRMAN BANGS: Thank you, Mr.
35 Pappas. Any questions.

36

37 MS. PHILLIPS: Mr. Chair.

38

39 ACTING CHAIRMAN BANGS: Ms. Phillips.

40

41 MS. PHILLIPS: Did your hunter surveys
42 come back so you know what the harvest was for this
43 past season or is it too soon to say?

44

45 MR. BARTEN: Very good question. We
46 just sent them out about two weeks ago, so it's going
47 to be a while.

48

49 MS. PHILLIPS: Thank you.

50

1 ACTING CHAIRMAN BANGS: Yes, Ms.
2 Needham.

3
4 MS. NEEDHAM: Thank you, Mr. Chair. I
5 have a question regarding survey methods. Maybe you
6 can make some clarifications for me. So mortality, the
7 claim of higher mortality during the winter months is
8 based on beach fringe surveys or carcasses found along
9 the beach?

10
11 MR. BARTEN: Through the Chair. Member
12 Needham. Yeah, we have established mortality transects
13 that are one mile long, scattered throughout Southeast
14 that we try to do after winter when we have some amount
15 of snow on into heavy snow so year to year we can
16 compare those when we actually get to them. So it's
17 based on that. After these severe winters, especially
18 in '06-'07, Phil Mooney, who is doing the majority of
19 the surveys in and around northeast Chich, he was
20 seeing deer floating and all that kind of stuff, so he
21 was seeing a lot of deer lying dead in the water as
22 well as on the beaches. In addition to that, while we
23 do deer pellet transects we keep track of deer we find
24 dead while we're doing the transects up into the
25 uplands.

26
27 MS. NEEDHAM: Follow up, please. Given
28 the large amount of snow that's been happening the past
29 few winters, that is potentially leading to these
30 increases, could that snow be driving deer just in
31 general down to the beach and potentially skewing that
32 at all?

33
34 MR. BARTEN: I think this winter is a
35 classic case. I was over in Freshwater Bay about a
36 month ago and the deer were scattered from the beach
37 all the way up to as high as we could get, which was
38 1,500 or 1,600 feet. There's hardly any snow. So they
39 use all those habitats I think when they can. In the
40 hard winters they're pretty much forced right down to
41 the beach zone where they really had to compete with
42 one another in the deep snow to get any forage at all.

43
44 MS. NEEDHAM: So then mortality rates,
45 I mean the same number of deer may be dying in mild
46 winters but we don't know because we're not necessarily
47 looking -- well, you did say you are doing it in pellet
48 counts, but you're not looking across the habitats.

49
50 MR. BARTEN: Yeah, believe me, the

1 mortality information we have where we do the mortality
2 transects, we do them and if it's a bad winter where
3 the deer are stacked on the beaches, we'll find dead
4 animals, but like now if a deer dies at 500 feet --
5 it's not an exact science by any means. The best way
6 would be to radio-collar a whole bunch of deer and then
7 each year keep a sample on the air and then you could
8 really get a handle on what's going on.

9

10 MS. NEEDHAM: I'm not trying to be too
11 argumentative. Please bear with me. When I looked at
12 the wildlife analysis information, the biological
13 background, those indices showed an increase in the
14 numbers of deer, I believe, under wildlife proposal 14.
15 This is just my understanding. The shoreline
16 condition, Page 116, paragraph -- I'm sorry, I'm going
17 to withdraw that question. I completely understand
18 now. That was dead deer. It's a decrease.

19

20 Thank you.

21

22 ACTING CHAIRMAN BANGS: Anyone else.
23 Mr. Wright.

24

25 MR. WRIGHT: Thank you, Mr. Chair. You
26 know, with the big road system that we have in Hoonah,
27 there's a lot of clearcut. There's got to be a
28 difference in where you're doing your count. Do you
29 guys do your count in the timber? There's so much
30 clearcut over there, I was wondering where you do your
31 count.

32

33 MR. BARTEN: Through the Chair. Mr.
34 Wright. I guess as far as the counts, we do the
35 mortality transects along the beaches and these one-
36 mile stretches after winters where we've had some snow.
37 As far as our way of assessing deer numbers, it's
38 really based on our indices from deer pellet transects,
39 so we actually run our transects from the beach up to
40 1,500 feet. If we can do that and then count the
41 pellets along those transects. Traditionally, we had
42 transects that went through clearcuts as well as old
43 growth, but a lot of the ones going through clearcuts
44 they grew up so much, so we don't have transects going
45 through some of the real thick clearcuts anymore. If
46 that answers your question.

47

48 ACTING CHAIRMAN BANGS: Anymore
49 comments or questions.

50

1 (No comments)

2

3 ACTING CHAIRMAN BANGS: Thank you. Is
4 there any other Federal Staff.

5

6 (No comments)

7

8 ACTING CHAIRMAN BANGS: Tribal
9 agencies.

10

11 (No comments)

12

13 ACTING CHAIRMAN BANGS: Written public
14 comments. Mr. Larson.

15

16 MR. LARSON: Mr. Chair. There are no
17 written public comments. However, we do have comments
18 from both the Juneau-Douglas AC and the Sitka AC.

19

20 The Juneau-Douglas Advisory Committee
21 is in support of this proposal. They believe this
22 proposal would reduce the harvest of doe deer and that
23 is a desirable result for Unit 4.

24

25 The Sitka Advisory Committee is in
26 opposition to this proposal and their comments were
27 that some of this area has healthy deer populations
28 right now.

29

30 Thank you.

31

32 ACTING CHAIRMAN BANGS: Thank you, Mr.
33 Larson. That's the end of public comments. I guess we
34 could deliberation start. Any comments. Mr. Lorrigan.

35

36 MR. LORRIGAN: Thank you, Mr. Chairman.
37 I'm going to speak in opposition to this proposal. The
38 goal is to preserve female deer from 15th of January
39 through the end of January and we don't think that
40 that's possible at that time of year because the bucks
41 have dropped their antlers. In talking with Phil
42 Mooney, he's a biologist and he was not able to tell a
43 buck from a doe until he was within 30 yards and he
44 watched it for a while. It had to turn its head a
45 certain way before he could see the pedicles. So if
46 the goal is to preserve doe populations, then it should
47 be done on the front end of the season when you can
48 tell who's who.

49

50 If you want to do this, then you would

1 do it in the September hunt, maybe reduce the doe
2 harvest at the end of September instead of the middle.
3 If a doe is removed from the herd at any point, she's
4 still removed, whether she's pregnant or not, her
5 reproductive capability is no longer there to carry
6 through to the spring.

7
8 We feel that this proposal doesn't meet
9 that goal. If a subsistence user wants to shoot a doe
10 with this proposal and they thought it was a buck,
11 we're concerned that they would walk away from it. So
12 two to three deer would die in an effort to get one. So
13 we very strongly oppose this proposal in this form.

14
15 The typical hunter, I did this at the
16 end of January myself, all I saw was a silloutte
17 through the brush and I took the shot and it was a doe,
18 but it was legal. If you make it illegal, that doe may
19 have -- I'm not saying I would have done that, but
20 there are people who don't want to get pinched and they
21 probably would walk away from it and we don't want to
22 do that. We want them to take that animal home and eat
23 it.

24
25 Thank you, Mr. Chair.

26
27 ACTING CHAIRMAN BANGS: Thank you for
28 those comments. Any other comments. Mr. Douville.

29
30 MR. DOUVILLE: Thank you, Mr. Chair.
31 Some of the rationale for defeating the other proposal
32 applies to this one also. It appears that the tools
33 are in place to do a better management plan. While we
34 may have made this request that was well intended, I
35 think the tools are there to take care of it.

36
37 ACTING CHAIRMAN BANGS: Ms. Phillips.

38
39 MS. PHILLIPS: Thank you, Mr. Chair.
40 The effects of the proposal on Page 105 say we don't
41 want to unnecessarily limit harvest opportunity for
42 Federal-qualified subsistence users. I will be
43 opposing the proposal. I want to recognize the
44 research and the studies that are being done so that
45 our Federal Staff can encapsulate the data that they've
46 garnered and present it to us in a nutshell. I very
47 much appreciate that and I appreciate that ADF&G Staff
48 is willing to sit there and answer our questions
49 regarding the stock status.

50

1 Overall, the hunter effort is reduced
2 in January. A lot of us know that with the mild winter
3 that deer are hard to find. The only thing you're
4 going to see generally on the beach fringe is does and
5 does with fawns because the bucks are up on the
6 hillside. So I think it's self-regulating. That's my
7 comment. Thanks.

8

9 ACTING CHAIRMAN BANGS: Thank you, Ms.
10 Phillips. Any other comments. Mr. Adams.

11

12 MR. ADAMS: Thank you, Mr. Chairman.
13 The reason why I wanted us to do Number 14 first is
14 because I thought it would be a no-brainer as far as
15 shooting Number 13 down the drain. I'd just remind us
16 all that Number 14 also addresses the fact that they
17 have that emergency or special action that could go
18 into and will continue to be in effect. I'm going to
19 vote against this proposal and those are the reasons.

20

21 ACTING CHAIRMAN BANGS: Thanks for that
22 point. Mr. Lorrigan.

23

24 MR. LORRIGAN: Thank you, Mr. Chairman.
25 Phil Mooney asked, since we have a rural priority in
26 Sitka, why certain people hunt the January hunt. Some
27 of them are longliners and fishermen and they simply
28 don't have the time to hunt during the regular season
29 and January is the only time they can get out and get
30 deer and supplement their food stocks with something
31 other than fish.

32

33 If there are no deer around, hunter
34 effort will drop off as a result and, again, we don't
35 have the wolves to worry about, so our populations will
36 rebound accordingly.

37

38 Thank you.

39

40 ACTING CHAIRMAN BANGS: Thank you. Mr.
41 Wright.

42

43 MR. WRIGHT: Thank you, Mr. Chair. One
44 of the questions one of our hunters asked the State
45 trooper how are we supposed to tell what a buck is or
46 what a doe is in January and all the State trooper said
47 was be careful. As a hunter, I always wonder why I
48 would go out in January because the winter has already
49 been going on and the deer are starting to -- if it's a
50 tough winter, they're already starting to lose it.

1 They're losing their weight. I don't go hunting in
2 January. Sometimes it's too darn cold anyway. We go
3 when the deer is nice and plump. That's what we want.

4

5 Thank you, Mr. Chair.

6

7 ACTING CHAIRMAN BANGS: Thank you, Mr.
8 Wright. Is there any other comments. Mr. Kookesh.

9

10 MR. KOOKESH: Mr. Chairman. Coming
11 from Angoon, I could probably elaborate a little bit as
12 to why there's a January hunt. A lot of the January
13 hunt has to do for Angoon people is because of the
14 convenience of the packs consolidating. A lot of them
15 that aren't as agile they wait for the snow to come,
16 which makes it also easier for them. It's also based
17 on the fact that they're not seiners. Angoon doesn't
18 have a strong economy. It's been the trend. It's not
19 something we just make up just to get your sympathy.
20 But these people do this for a reason. They're not out
21 there to take the population out because the population
22 impacts -- if I'm correct, and you can correct me if
23 I'm wrong -- is very minimal in January.

24

25 What I was also wondering, I don't know
26 how many thousands of communities there are in Unit 4,
27 but I was wondering if Mr. Mooney ever made it to
28 Angoon to ever ask the Angoon people how their hunting
29 has been going aside from his data where he claims it's
30 all good out there. The one thing that bothers me the
31 most is to watch the gentleman here this afternoon
32 talking about the herring fishery and the total loss of
33 it and I was wondering -- I was glad he didn't ask us
34 what role we play in solving that, are we going to get
35 anywhere with it, because I wouldn't have an answer for
36 him.

37

38 I'd just tell him basically -- if he
39 asked us if we're going to solve the problem, I'd
40 honestly tell him no. Because when you sit here and
41 watch this process, we're never going to close the
42 hunting anywhere in Unit 4. We're just going to
43 harvest it until it's like the herring fishery. I'm
44 sure because of this mild winter Mr. Mooney's data
45 looks very well. He probably has a stripe. Somebody
46 was asking, saying something about somebody getting a
47 stripe or a star. He probably has one in his cap or on
48 his shoulder.

49

50 But that's just a little bit about

1 this. I realize that when these proposals came out
2 that they'd never pass. We'll always talk them down.
3 We'll skew the data to make it look like we don't have
4 an issue here. But if you go out to Angoon, which I've
5 done before, I've had to work for my deer. I know a
6 lot of the people that don't have access. They don't
7 have the technology I have to get deer.

8

9 Thank you.

10

11 ACTING CHAIRMAN BANGS: Thank you, Mr.
12 Kookesh. Any other comments.

13

14 MS. HAWKINS: Question.

15

16 MR. ADAMS: I call for the question,
17 Mr. Chairman.

18

19 ACTING CHAIRMAN BANGS: The question
20 has been called for on Proposal WP10-13. All those in
21 favor signify by saying aye.

22

23 (No aye votes)

24

25 ACTING CHAIRMAN BANGS: All those
26 opposed say nay.

27

28 IN UNISON: Nay.

29

30 ACTING CHAIRMAN BANGS: The nays have
31 it. Is there a motion to adjourn.

32

33 MS. PHILLIPS: We don't need one.

34

35 MR. ADAMS: Mr. Chairman. It's the
36 call of the chair. You can say we'll meet tomorrow
37 morning at 9:00 a.m.

38

39 ACTING CHAIRMAN BANGS: We'll meet
40 tomorrow morning at 10.....

41

42 (Laughter)

43

44 ACTING CHAIRMAN BANGS: I mean 9:00
45 a.m.

46

47 (Off record)

48

49 (PROCEEDINGS TO BE CONTINUED)

