

**SOUTHEAST SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING
February 3, 1994
Civic Center
Juneau, Alaska**

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COUNCIL MEMBERS PRESENT:

- Mr. William C. Thomas, Chair
- Ms. Ann L. Lowe, Secretary
- Mr. John F. Vale
- Mr. Herman Kitka, Sr.
- Mr. John P. Feller
- Mr. Richard Dalton, Sr.
- Ms. Patricia A. Phillips
- Ms. Mim Robinson
- Ms. Marilyn R. Wilson
- Ms. A. Millie Stevens
- Ms. Carol Jorgensen, Coordinator

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P R O C E E D I N G S

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2 MR. THOMAS: Call this meeting back to order. One
3 thing we didn't do this morning was act on the minutes and that
4 was only because of our respect to the agenda. But since then
5 we've lost respect for the agenda, so we're going to consider
6 the minutes that we received from our last meeting. Realizing
7 that everybody may not have had a chance to review the minute,
8 I'm entertaining a motion to accept the minutes for the October
9 meeting.

10
11 MR. VALE: So moved.

12
13 MR. THOMAS: Is there a second?

14
15 MR. DALTON: Second.

16
17 MR. THOMAS: Moved and second. Discussion? Any
18 additions, correction? Ann?

19
20 MS. LOWE: Just one correction, Mr. Chairman, on Page
21 dash 10 at the top there it says seconded by Mim Robertson,
22 should be Robinson -- R-o-b-i-n-s-o-n, I'll just correct
23 that for her sake.

24
25 MR. THOMAS: Okay. John.

26
27 MR. VALE: I just want to make a statement that I
28 thought the minutes were very well

29
30 MR. THOMAS: Either a correction or a deletion?

31
32 MR. VALE: I just wanted to compliment the construction
33 of the minutes, I thought they were done very well.

34
35 MR. THOMAS: So noted. Any other corrections or
36 deletions? Okay, all those approving the minutes as amended
37 say aye.

38
39 (Ayes respond)

40
41 MR. THOMAS: Opposed.

42
43 (Aye responded)

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45 MS. LOWE: Did you oppose?

46
47 MR. THOMAS: Yeah, that was a weak oppose, the ayes
48 have it. We're not going to do the roll on that one.

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MS. LOWE: No.

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2 MR. THOMAS: Okay, our agenda calls for getting into
proposals. Our agenda, also, was designed to start on Monday
and we're using a different calendar, so -- in any case, I'm
glad to see those of you that are here and it's a real benefit
to the issue of subsistence to have the input and commitment to
subsistence that it deserves. I've said at previous meeting
and I've said this morning and I'll say it again that everybody
here is in their own way and collectively wanting to give
subsistence in its truest sense the best opportunity we can.
Nobody will deny that subsistence needs help and only needs
help because of us. So we have to kind of rearrange our
commitment to this.

14 We established a format for dealing with the proposals,
the format is strictly to streamline the process in regards to
time and it's not intended to curtail your opportunity to
testify. And the way we're going to approach it -- today we're
going to have each proposal read. Once that's read the staff
will give their analysis of that proposal, that is for more
information for people that are wishing to testify. There's
some cases were staff analysis and input and all that will give
you added information to the language that's in the proposal.

23 So with that the staff will be the first to be heard
after the proposal is read, following the staff we'll hear from
the public. After the public we'll encourage and recognize
people that represent other agencies to offer any input that
they have. This is not designed to exclude anybody from
participating. In fact, we want to do the opposite, we want to
encourage you to participate.

30 I'm not going to allow any rebuttals, once you've
testified you've testified. To be hear again you have to wait
until the next proposal. The limited time for each person to
testify will not exceed 15 minutes. If you give testimony as a
group, the 15 minute rule will apply there as well.

35 Proposal Number 5 has been withdrawn so we won't be
considering Proposal Number 5. To facilitate the process of
the proposals, after the proposal has been read and after the
staff gives their analysis, for public testimony I would like
you to step to the microphone, give you name, who you represent
and remain available there for questions from the Council. And
that will be the order of proposals at this time.

42 I have a list of people who signed up to testify, I
will call the names in which order that they signed up. If
they aren't present at the moment we'll go down to the next
person till we come to somebody that is here and as people
testify, we will go back through the list to make sure that we
didn't exclude anybody because of them being on a lunch break.

48 So given that we'll start out with Proposal Number 1

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and ask staff to read that proposal.

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2 MR. KURTH: Mr. Chairman, if I might just take two or
3 three minutes of the Council's time to sort of explain where we
4 are in our process so we all start off on the same wave length.
5 As you all recall our Federal

6

7 MS. LOWE: Mr. Chairman, could you have each member at
8 the staff table give their name, please, for us for the record?

9

10 MR. THOMAS: Sure.

11

12 MR. KURTH: My name is Jim Kurth, I'm the Deputy
13 Assistant Regional Director for the Subsistence Program, Fish &
14 Wildlife Service in Anchorage.

15 As you know our Federal Subsistence Regulations are an
16 annual cycle where we set seasons and bag limits and the
17 methods and means to take fish and wildlife for subsistence
18 uses on the public lands. Let me try and tell you where we are
19 in the cycle. As you recall from our last meeting on September
20 the proposed rule for this year was issued. Basically
21 that's a repeat of what last season's regulations were and a
22 call for proposed changes to that was made.

23 There was a 60 opportunity to make proposed changes,
24 that closed on November the 1st. Shortly after the close of
25 that proposal submission time we made this book, the blue book
26 of proposals and sent it out to the public and to you to review
27 and had an opportunity to provide comments back to us to be
28 shared with you on these different proposals. And you should
29 have a summary of the comments that were received during that
30 public comment period.

31 This meeting is held specifically after the close of
32 the comment period so the Regional Council Members will all
33 have the benefit of written letters and other kinds of
34 commentary that we've received on these proposals.

35 What happens in our office when we receive these
36 proposals is we conduct an analysis with our staff trying to
37 understand the wildlife impact, the impact on subsistence uses
38 and public prospectus on these proposals. And what you'll find
39 in this yellow book is our preliminary staff analysis. This is
40 very new process for us, we don't usually share staff work
41 before it's completed, but that's the way Congress set this
42 program up, is that this Council was to have meaningful impact
43 on us developing our final recommendations on these proposals,
44 when you see things here that you feel is lacking
45 information, that's good, and we hope very much that you'll
46 supplement what we know with your knowledge of local issues.

47 Right we're in the period where all the Councils are
48 meeting, the first meeting was last week in Bethel and now

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through March 4th Regional Councils will be meeting across the state to develop their recommendations to the Federal Subsistence Board on these proposals.

3 At this meeting each of you, hopefully, will discuss these and make your recommendations so that when the Board meets the week of April 11th up in Anchorage your Chair can come and represent the Council, make its formal recommendations to the Federal Subsistence Board.

8 I do want to recall for you where the teeth of the law as Section 804 that sets up these Councils is, and that is that the Board can reject recommendations from this Council, but if it does it has to be for one of three reasons. Either it's not supported by any substantial evidence. I hope here today in your recommendations you'll provide substantial reasoning for what you recommend.

15 Secondly, the Board can reject that it is contrary to the recognized principles of fish and wildlife conservation. Hopefully through our discussions today we'll avoid any of that. The people here who might say it's contrary will be here to interact and answer questions or, you know, provide that type of reasoning.

21 And lastly, the Board can reject it if it's contrary to the continuation of subsistence uses and I have every reason to believe that this Council certainly wouldn't make a recommendation that would be contrary to that.

25 So to close my introductory remarks on what staff will actually know of the meat of these analysis in there, this is a key period where we're learning from you. We're sharing draft analysis, we use the words conclusions at the end rather than recommendations and the reasons for that is this. We don't have our final recommendations that the agency staff will make to the Board at this time, yet we wanted to give information would lead us strongly to believe that we might take a position, we attempted not to hide anything.

34 So it's kind of a balancing where we still try to remain open minded, but if we see biological conclusions we tried to lay them out for your consideration, so I look for to hearing your comments and your recommendation on these and appreciate the opportunity to speak to you.

39 Thank you, Mr. Chair.

40

41 MR. THOMAS: Thank you. In reference to the analysis, you're suggesting that the analysis are as much draft as a lot of other documents, is that true?

44

45 MR. KURTH: They're draft now. They're the best we could do at this time, didn't hold back, if we could make a conclusion statement, we did. We've gone through all the data and the information that's available. I mean, if we got a new

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survey in before the Board met, we'd like to, you know, have the opportunity to share that with you and include that within the analysis, but until we hear from you we don't make a recommendation.

4

5 MR. THOMAS: The only reason I asked that is that doesn't indicate that on the cover. I was just going to offer that, perhaps, in the future you have preliminary or draft analysis following this procedure. That'll give us an indication. Without that this might suggest to us that this is the granite it's ultimately going to wind up on.

11

12 MR. KURTH: Right. I think what we tried to do is in the pages inside, some of them are the proposals, themselves, and on there we did not stamp draft because the proposals are the final proposals. But on the pages that our analysis is on I think we've got draft on every page, we might have missed some.

18

19 MR. THOMAS: Yeah, thank you.

20

21 MR. KURTH: Thank you, Mr. Chairman.

22

23 MR. LOCKHART: Mr. Chairman.

24

25 MR. THOMAS: Mike.

26

27 MR. LOCKHART: I heard you say that you wanted me to go ahead and read Proposal one before we get into the analysis, is that correct?

30

31 MR. THOMAS: Yeah. And why don't you and Rob identify yourself before we get into that, so we know who you are.

33

34 MR. LOCKHART: Yes, sir. My name is Mike Lockhart, I'm with Fish and Wildlife Services Subsistence office in Anchorage.

37

MS. LOWE: Would you spell your last name, Mike?

38

39 MR. LOCKHART: L-o-c-k-h-a-r-t. Okay, Proposal 1 -- actually what I'm going to do is read it as it occurs in the booklet, if that's all right.

42

43 MR. THOMAS: Okay.

44

45 MR. LOCKHART: Proposal 1 is by the Alaska Department of Fish and Game, it addresses a regulation or proposed rule which is found at Section 25(b) (3) (vii), which as worded now is the following: "Taking or assisting in the taking of

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furbearers by firearm before 3:00 a.m. on the day following the day on which airborne travel occurred; however, this does not apply to a trapper using a firearm to dispatch furbearers caught in a trap or snare;"

4 The proposed regulation change that the Alaska Department of Fish and Game wishes to address would read: "Taking or assisting in the taking of a wolverine by firearm before 3 a.m. on the day following the day on which airborne travel occurred; however, this does not apply to a trapper using a firearm to dispatch a wolverine caught in a trap or snare, or in taking an arctic fox, red fox, coyote, wolf, or lynx if the person is over 300 feet from the airplane at the time of taking;"

13 And if I could just summarize the reasons for changing the regulation represented by the Board. The Alaska Board of Game has undergone some regulation changes for the State in June of 1993. Federal and State regulation should be kept identical to prevent public confusion. Trappers often use airplanes to access their trap lines in remote areas, but do not use aircraft specifically to observe and take an individual animal. Consequently, once a trapper leaves the means of transportation (whether airplane, automotive vehicle, boat or other) to get to and serve the trap line, the trapper should not be prevented from opportunistically taking these furbearers with a gun if the opportunity arises while he or she tends the trap line during the remainder of the day.

26 They list as effect of the proposed change on wildlife populations, they say that populations of arctic fox, red fox, coyote, wolf, and lynx are sufficiently abundant to allow the extra take possible under this regulation. And they don't cite that there will be any additional loss of subsistence opportunity for trappers. Oh, I'm sorry, excuse me. The effect on proposed change on subsistence users, they say this change will provide additional subsistence opportunity for trappers.

35

36 MS. LOWE: May I ask a question, Bill?

37

38 MR. LOCKHART: Excuse me?

39

40 MR. THOMAS: When he finishes.

41

42 MS. LOWE: Okay.

43

44 MR. LOCKHART: This proposal was addressed by members of our staff. Basically, what I'll do is I'll try to hit some highlights of this analysis and then take questions if you'd like to ask.

48 Proposal 1 requests the Board modify Federal

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subsistence trapping regulations to permit same-day-airborne (SDA) taking of wolves, lynx, coyotes, red fox, and arctic fox. And, again, this is in keeping with the regulation changes that were just adopted by the State in June of 1993. This taking would be permitted as long as the animals were over 300 feet from the aircraft at the time the taking occurred. ADF&G maintains these modifications are needed to prevent public confusion over dual regulations and to provide an increased harvest opportunity for trappers who use aircraft to get to their trap lines.

10 Same-day-airborne methods are a very effective tool in taking wolves. For the regulatory years of 1990-1991 and 1991-1992, the same-day-airborne hunting of wolves was restricted to 13 units and required a registration permit, consequently, we have very good previous information for this tool in these areas.

16 The regulation imposed a 10 wolves harvest limit, they were under the hunting regulations, but established no distance limitation for taking the wolves from the aircraft. Over these regulatory years, the harvest records indicated that the same-day-airborne methods accounted for approximately 40 percent of the total wolf harvest taken in the 11 units over those two years.

23 Current data indicate that wolf populations are stable over most of Alaska and may be increasing in several units. There are a few other units where populations may be relatively low and the proposed regulation could have some local adverse impact. Overall, same-day-airborne taking of wolves, and other identified furbearers, the other four species, can likely be accommodated while protecting the species populations.

30 Passage of this proposal would likely moderately increase subsistence harvest of the five furbearer species. Although there has been an increased access to areas by using aircraft, particularly in recent years. Aircraft were not believed to be used extensively for subsistence purposes. In addition, while aircraft were historically employed only in a few rural locations since the 1950's, it appears that the practice of taking furbearers by aircraft was not widespread. Consequently, passage or failure of the proposal will not likely affect a substantial number of users.

40 During the regulatory year of 1992 and 1993, the Board deliberated on Subpart D of the changes, which included a proposal to change the same-day-airborne wolf hunting regulations and that ultimately led to Board passage of a prohibition for taking wolves by same-day-airborne under hunting license. During that meeting the Board listened to testimony that loss of aircraft hunting would not appreciably affect customary and traditional uses of wolves since ample opportunity existed for harvesting wolves by other means. And

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staff also was concerned that because of the efficiency of airborne hunting that there could be additional taking and, again, some localized impact.

3 State regulations regarding same-day-airborne taking of furbearers, particularly wolves, have in flux for a number of years. The Alaska Board of Game reinstated same-day-airborne regulation for taking wolves under trapping license and modified the existing same-day-airborne trapping provisions for taking coyotes, lynx, arctic fox, and red fox. There was a mention of wolverine in under this proposal under current State and Federal trapping regulation. Wolverines are not allowed to be taking by aircraft, same-day-airborne. Under current State and Federal trapping regulations, harvests limit are, of course, more liberal than hunting regulations and free-ranging animals may be taken with firearms.

15 Okay, some of the concern that has been raised on same-day-airborne taking, the Federal managers have not agreed in a large part on what some of the State's positions are on same-day-airborne taking of furbearers. And they are concerned about potential abuses to Federal regulations which prohibit harassment or taking of wildlife from aircraft, which includes subsistence regulations. The State has maintained that a restriction prohibiting trappers from shoot the wolf, coyote, lynx, red fox, or arctic fox, if over 300 feet from aircraft is sufficient protection against violations of some of these Federal laws. However, some of the law enforcement people in Federal agencies have disagreed. Right now the Fish and Wildlife Service has recently published, I believe last December, a proposed rule to prohibit same-day-airborne taking of wolves and wolverine on National Wildlife Refuge lands.

30 We don't believe that there any real biological problem with these species that would occur with passage of this proposal. Nor do we believe that there's any outstanding sociocultural reason for rejecting the proposal. The way the species are affected by proposed regulation are sufficiently abundant to sustain the resulting increase in harvest. And we don't think that the same-day-airborne taking of furbearers, in turn, would likely affect customary and traditional uses of the species or the users, themselves.

39 There are a lot of other issues that are related to this that based on a lot of personal perceptions. We don't believe that same-day-airborne hunting on what is a widespread customary and traditional practice, we don't believe that -- well, we just kind of threw it in your hands and the hands of the Board.

45 We don't believe there's a biological problem, we don't believe that there's going to be any tax on users, themselves, 47 really we think there's a lot of policy issues that are 48 giving this whole question. And I think it's very important

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for the Board to hear from the Councils and users, themselves, on what this proposal would mean in terms of affects on users before they can come to a reasonable decision on how to act on the proposal. So that completes our summary of the analysis.

4

5 MR. THOMAS: Thank you. Questions? Ann.

6

7 MS. LOWE: I take it, then, this whole proposal -- when I read it I was confused somewhat by what areas they were intending this proposal to affect. And I guess this is a statewide, then, proposal or a Federal lands wide proposal?

11

12 MR. LOCKHART: That's correct.

13

14 MS. LOWE: Then I read in here something about -- you know, I read about the wolves situation, the controversy on the wolves, now why was there a comment on that; is the Federal stance different than the State's management system?

18

19 MR. LOCKHART: Well, I can speak from my knowledge of comments that have come out of Fish and Wildlife Service, but Fish and Wildlife Service has been opposed to allowing same-day-airborne taking of wolves because there's a Federal law called the Airborne Hunting Act which prohibits harassment, you know, including any kind of disturbance, chasing, what have you. And the Service's stated concern is that this regulation will probably encourage some of those of those abuses of that act.

28

29 MS. LOWE: Is the harassment act -- I mean, the eventual intention of that animal is death, is the harassment act inapplicable?

32

33 MR. LOCKHART: It is against the law to use an aircraft to harass an animal.

35

36 MS. LOWE: But is harassment, death? Or is it running him all over the countryside and then leaving him there?

38

39 MR. LOCKHART: Well, it's defined as take and take includes death and harassment, you know, disturbance, chasing, worrying, hurting, however you want to define it. I don't know if I answered your

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44 MS. LOWE: Is it defined in the Federal law somewhere?

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46 MR. LOCKHART: Yes.

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48 MS. LOWE: And that is the definition of

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1 MR. LOCKHART: I don't have the definition here, but
2 yeah, it's very -- of course, it's been interpreted by a lot of
3 different courts over the years and it's been applied in the
4 lower 48 more. I don't know that it's ever been -- there's
5 been a case on the Airborne Hunting Act, I'm just not familiar
6 with Alaska. But these like even wildlife watching in
7 aircraft, if you do that in a manner that causes a disturbance
8 to animals that can be characterized as a violation of Airborne
9 Hunting Act.

10

11 MS. LOWE: I can understand that, I mean, we're
12 familiar with whales and sea lions and stuff in Southeast that
13 we're not supposed to get near, but what

14

15 MR. THOMAS: You're getting into deliberations, just
16 ask a question.

17

18 MS. LOWE: Well, I'm going to clarify this question
19 because he's not really answering for me.

20

21 MR. THOMAS: Okay.

22

23 MS. LOWE: I understand that part of it. What I'm
24 having trouble with is if you intend to kill that animal, your
25 intention is to kill that animal, whether you use a trap or
26 airplane or whatever it is, you're saying to me that that's
27 considered -- that might be considered a violation of the
28 Harassment Law?

29

30 MR. LOCKHART: If you use an aircraft with intent on
31 killing that animal -- to kill the animal, it can be a
32 violation. Now, if you land and get out of your airplane and
33 walk away and in no way use the aircraft or disturb any animal
34 prior to killing it, that's not a violation. But if you use an
35 aircraft to find an animal, to in anyway change its path of
36 travel or anything like that, that would be -- and then
37 ultimately kill it, that's still a violation of the Airborne
38 Hunting Act.

39 I still don't know if I'm answering exactly what you're
40 getting at.

41

42 MS. LOWE: I think I understand what you're saying.

43

44 MR. THOMAS: Now, this leads me to something else. If
45 you're going to ask a question, ask the question. Don't give
46 any innuendos if you can help it. In order to get an answer
47 you have to have a question and I'd like to use some discretion
48 here. If I see some struggle in understanding the question

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we'll revisit the question until we understand it.

1 Anybody else? John.

2

3 MR. VALE: Yes, Mr. Chairman. Are you aware of any
4 same-day-airborne hunting of furbearers in Southeast Alaska
5 here?

6

7 MR. LOCKHART: Mr. Chairman, no, I'm sorry, I'm not.
8 And I'm probably a poor one to ask about that, but particularly
9 on

10

11 MR. THOMAS: We have other people here that can respond
12 to that.

13

14 MR. LOCKHART: Okay. I don't think -- you know, the
15 concern in our analysis or one of the points that was raised in
16 our analysis is the same-day-airborne in Southeast, probably
17 wasn't that efficient a tool as it was in other areas of the
18 state.

19

20 MR. THOMAS: Okay, John kind of asked my question a
21 little bit, I was wondering how much it was happening in
22 Southeast. And it's interesting that through all that
23 documentation suggest that whether you support it or not -- I'm
24 talking about that insignificant impact.

25 One thing that did get some curiosity and if you're not
26 prepared to respond to this, I can understand and I'm not going
27 to belabor you with it. You mentioned something about -- your
28 census would suggest that it wouldn't necessarily have any
29 impact cultural consideration or sociocultural impact -- I'm
30 might be phrasing it much different than you said it, but I'm
31 using that trying to get to the gist of my question. I was
32 wondering how do you establish that?

33

34 MR. LOCKHART: Well, there's two aspects of that.
35 Actually, one of them is whether or not there's -- aircraft are
36 used as a customary and traditional method for the taking
37 of wolves, that's one point. And the other part is if the same-
38 day-airborne regulations would allow or would encourage enough
39 of a take where it could effectively impact the population to
40 the point that you might reduce the opportunity to the species.

41 And so, you know, we struggled with both parts of that
42 and I'm not sure the data is good enough to make a call on
43 that. The only thing we can look at is the populations appear
44 to be doing very well and that they can probably withstand that
45 limited amount of additional take that would take place.

46 It's very questionable in my mind how much of that is
47 actually subsistence.

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MR. THOMAS: That's fine.

1 MS. LOWE: If this regulation was to pass as the
proposal here is -- could you explain to me what effect -- I
mean, I read your analysis, but what effect would this have in
Southeast exactly?

5

6 MR. THOMAS: Again, there will be people here that can
respond better than that because they would -- you really
didn't have Southeast hunter (ph), did you?

9

10 MR. LOCKHART: No, I really don't know to answer that
question, I think that if you looked at the same-day-airborne
hunting regulations where they allow per units, what didn't
include Southeast? So it's very unlikely that it's an
effective tool, at least for taking wolves, in Southeast
Alaska, but I'm not qualified to really address that. There
may be other here that would be better.

17

18 MS. LOWE: Mr. Chair, I guess -- is this proposal --
it's a statewide proposal, but is it applicable to Southeast?
That's what I'm wondering.

21

22 MR. THOMAS: It's a spider web enticing us into
polarization possibility that State is having difficult with
the rest of the world and would like us to be a catalyst in
resolving that. In which case we're not going to buy into it.

26

27 MR. LOCKHART: Mr. Chairman, it's also to point out
that each one of the Councils will be addressing this same
issue, it is a statewide issue.

30

31 MR. THOMAS: All right.

32

33 MR. DALTON: Mr. Chairman.

34

35 MR. THOMAS: Richard.

36

37 MR. DALTON: I guess I'm having a hard time trying to
understand between Interior and Southeast by using a plane to
take the game of any kind. It would be very difficult for us
to take out a plane. The majority of our planes over here is
on wheels, not on pontoons and that's going to be difficult to
try to take a plane out and try to shoot any animal for that
matter.

44

Maybe up in John's area, like Yakatat, where it's flat
and they see the game from the airplane, but in our areas it's
mostly hills and snowcapped mountains, so that's kind of
difficult for me to understand when you say taking a game from
airplane in our area because we don't usually utilize that. And

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then if we stop anyplace on our coastline here, the waves are so good and heavy all the time we cannot stop there and try to get off that plane and go up 100 yards and try to shoot the game.

4
5 MS. LOWE: Mr. Chair, are we going to ask questions or?
6

7 MR. THOMAS: We got probably six other people going to give analysis on this thing. What do you want to ask?
9

10 MS. LOWE: Well, I just want to say that if I'm not mistaken if this regulation passes then this is going to be applicable to us as well, correct?
13

14 MR. LOCKHART: That's correct.
15

16 MS. LOWE: All right. Then I understand because it -- just because around Sitka and the ABC Island we don't have wolves and wolverine does not exclude the rest of Southeast and I'm real familiar with taking wolves by plane in Southeast around Ketchikan.
21

22 MR. THOMAS: Well, I'm going to worry about the red fox out there. Jim.
24

25 MR. KURTH: In your recommendation from this Council is going to be specific to Southeast.
27

28 MS. LOWE: Okay.
29

30 MR. KURTH: I think this speaks of substantial evidence. What I would hope that this Council can do -- it's obvious we don't know much about how airplanes interact with subsistence uses here. In making recommendation if you supported this I would suspect that you would be willing to say customarily and traditionally airplane is an important way for us to take wolves for subsistence. If they're not, I would suspect you would tell us that this regulation is not conducive to our area because it's not a customary way to hunt wolves. And now we have you to tell us that rather than have to guess.
40

41 MR. THOMAS: I'm sure we'll do that. We'll give it all due respect to the proposal and so we're going to burden ourselves with the rest of the process. Thank you very much, Mike.
45

46 Now we'll hear from members of the public. And the first name on my list, the top of the list as usual, Tom Abel.
47

48 MR. ABEL: On this proposal?
49

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1 MR. THOMAS: You want to speak on Proposal Number 1?
2
3 MR. ABEL: (Shakes head negatively)
4
5 MR. THOMAS: Okay. Clarence C. Hanlon.
6
7 MS. HANLON: No.
8
9 MR. THOMAS: Mark Jacobs, do you want to speak on
10 Proposal Number 1? Would you like to address Proposal Number
11 Yes or no.
12
13 MR. JACOBS: I don't have that on my list.
14
15 MR. THOMAS: Okay. Does anybody here from the public
16 have testimony on Proposal Number 1?
17
18 MR. ABEL: Can I amend my remark to say I am opposed to
19 it, but I'm speaking for myself only.
20
21 MR. THOMAS: So noted. I'm getting all these
22 observations from our audience. Okay, thank you public for your
23 testimony.
24
25 MR. THOMPSON: Mr. Chair.
26
27 MR. THOMAS: I'd like to offer an opportunity now for
28 public/other. By other that would include -- this is for
29 respect to other agencies that may be in attendance today that
30 may the liberty to participate in these discussions. If that's
31 the case, since I don't know exactly who or what, if you would
32 raise your hand to be recognized and step to the mic and we'll
33 hear input like we do everybody else's. If you choose not to
34 then we'll continue, so if there's anybody from agencies that
35 have input around this, please feel free to participate.
36
37 MR. THOMPSON: Mr. Chair.
38
39 MR. THOMAS: Ken.
40
41 MR. THOMAS: Yeah, Mr. Chairman, Ken Thompson, Forest
42 Service. We in Southeast are concerned about being able to
43 hunt, fish, whatnot, same-day-airborne because that's the
44 primary way we travel around Southeast and I believe the
45 regulations state, except in regularly scheduled commercial
46 aircraft flights, that does not apply. So if that's what
47 you're concerned about, I believe that would be an exception --
48 continued exception, as would -- of course, it doesn't apply to
49
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ungulates or deer hunting where we're primarily concerned about that opportunity.

2

3 MR. DALTON: Mr Chair.

4

5 MR. THOMAS: Richard.

6

7 MR. DALTON: I'd like to ask Ken a question. This question has been bothering me a little bit, I'd like to ask you a question. We're talking about airplanes, now, we need to talk about -- you're from the Forest Service Department, as you introduced yourself, is that correct?

12

13 MR. THOMPSON: That's correct.

14

15 MR. DALTON: Okay, I need to know from your official capacity or whoever is responsible, are you people in contract with the State Trooper and the Fish and Wildlife Service with the State of Alaska?

19

20 MR. THOMPSON: No, we are not.

21

22 MR. DALTON: That means the Fish and Game and whoever is the Forest Service Department, he don't have authority to arrest anybody or give them a ticket or whatever? Does that mean that or

26

27 MR. THOMPSON: Well, Mr. Chairman, I don't know how far you want to get in this, we do have people in the audience who can address that at length.

30

31 MR. THOMAS: If the questions are not specific enough for you to respond to, you're not obligated to respond. If the questions have content and are specific enough to respond you can do that. I am not going to subject anybody assumptions or try to guess what's being looked for. Like I said, if you get a question, ask it. Give the courtesy, what's the situation and then ask because there some cases that apply different. So give us an example.

39

40 MR. DALTON: It's probably true, but we're having problems in Hoonah with that, that's why I brought this up.

42

43 MR. THOMAS: That's what we need to know.

44

45 MR. DALTON: We had some problem with that in Hoonah area with the -- who issues the misdemeanor or who issues the violation. We need some kind of an answer or some kind of evidence to prove that they do have a contract with such and

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such an area where there's a restriction with the Forest Service that's a Federal boundary line, so to speak, that the person gets caught in the acting and animal or trapping, maybe even, if it is restricted and then a State Trooper or a Fish and Game Service from the State Department just happened to be in that area and then issue a citation. I don't know if that is feasible to enforce that. If you have a contract with them I can understand maybe.

8

9 MR. THOMPSON: Again, Mr. Chairman, I

10

11 MR. THOMAS: There's a man in the audience that's going
12 to bail you out, Ken.

13

14 MR. TITUS: Good afternoon, my name is Kim Titus, I'm
15 the regional supervisor for the Division of Wildlife
16 Conservation for Fish and Game, and the answer to that question
17 is, yes, the U.S. Forest Service and State Department of Public
18 Safety in Hoonah do have various agreements so that the State
19 Fish and Wildlife protection officers can enforce Federal
20 regulations.

21

22 MR. THOMAS: Thank you. Does that answer

23

24 MS. LOWE: Would you identify yourself one more time
25 for me?

26

27 MR. TITUS: My name is Kim, K-i-m, Titus, T-i-t-u-s.

28

29 MR. DALTON: Mr. Chairman.

30

31 MS. LOWE: And ADF&G Regional Supervisor.

32

33 MR. TITUS: Yes, in Douglas.

34

35 MR. DALTON: Mr. Chairman.

36

37 MR. THOMAS: Richard.

38

39 MR. DALTON: In order to satisfy me, I would like to
40 see the paperwork on that, whereby you have a contractual with
41 the Forest Service and whereby you carry your credential of
42 authority. I need to see the paperwork on that in order to
43 satisfy and justify my feelings.

44

45 MR. TITUS: Okay, thank you.

46

47 MR. THOMAS: Thank you.

48

49

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UNIDENTIFIED VOICE: Can you make that available; that contract? I think that's what he's asking for.

2

3 MS. LOWE: Getting out of hand.

4

5 MR. THOMAS: Please come forward.

6

7 MS. KERN: Mr. Chairman, my name is Charmaine Kern and I am a special agent with the U.S. Forest Service Law Enforcement capacity.

10

11 MS. LOWE: Would spell your name, Charmaine, please?

12

13 MS, KERN: Charmaine and the last name is Kern,
K4e-r-n.

15

16 MS. LOWE: Charmaine?

17

18 MS. KERN: C-h-a-r-m-a-i-n-e.

19

20 MS. LOWE: Thank you.

21

22 MS. KERN: Okay. To address your question, the U.S. Forest Service does employ certain employees under law enforcement, they're law enforcement officers or special agents. We have the authority -- our authority comes from 16-05C(551) and USC(559). Those are the authorities for us to do law enforcement work on any National Forest system land. And that's where our authority comes from, we do enforce all of the Federal regulations that pertain to National Forest system land as well as some certain State regulations as well.

31

And as far as the subsistence regulations, we enforce those. It's not a matter of a contract or anything with the State or with the State Troopers. We work along side of the State Troopers many times, but we each have different authorities and different jurisdictions. We are the primary authority for the enforcement of the Federal subsistence when it's on our land. And I don't know if that answers your question.

39

40 MR. THOMAS: Is that description available, can you make that available to where the public can read, to understand, because I think what's happening is people are subjected to confrontations with different people and in some cases that authority has been violated by people that posture themselves as people that would be authorized in that capacity. So I think this would help in the area to know who to anticipate with that kind of authority.

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MS. KERN: Okay.

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MR. THOMAS: So we'll know who to hide from.

MS. KERN: Yeah, it would be Forest Service Law Enforcement, but, you know, officials. And, again, our authority, and we can make that available to you, but it comes from 16-USC, Sections 551 and 559 is our enforcement and arrest authorities and our jurisdiction -- our area of jurisdiction, when, is confined to National Forest system land or adjoining land and if it involves a violation that we may be a party of interest, that's our jurisdiction.

MR. THOMAS: Can you get a copy of that to Ms. Jorgensen?

MS. KERN: Certainly can.

MS. LOWE: Who's doing this for you; who's your contract with?

MS. KERN: See that's what I think the confusion is right now. There is no contract, I don't know what you mean by contract. We have the authority through the United States Code, that give us the authority do enforcement.

MS. LOWE: I'm not questioning that. What I'm saying is if a person was on Federal land and he did something wrong and a Fish and Game official arrested him, a State Fish and Game official arrested him, where did his authority come from?

MS. KERN: Okay, State Fish and Game officers have their own authority to enforce certain regulations. They enforce State law, they enforce -- the State Troopers do not have the authority to enforce Federal regulation, at least, our Federal regulations pertaining to the National Forest system.

MS. LOWE: One other

MR. THOMAS: Can you say that again?

MS. LOWE: One other question.

MS. KERN: The State Troopers do not enforce our Federal regs in that they do not write -- they cannot write a ticket for a Federal -- at the Title 36 Federal regulation or a subsistence regulations, a State Trooper cannot write a ticket for those regulations, only a Federal official can.

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MR. THOMAS: Thank you. I think we'll cut it off there. I just looked and I haven't found the word enforcement in the question of the proposal.

3

MS. KERN: Thank you, Mr. Chair.

4

MR. THOMAS: We're going to confine our comments relevant to the contents of the proposal. And, you know, if we're going to address other area, those need to somehow be in a proposal form. And in one breath I'll apologize for that happening. In the next breath I want to assure you that we want to be representative and those are important and pertinent and if you got one in on me, you got one in on me. Ann.

13

MS. LOWE: Mr. Chair, actually he did not get one in on you because the enforcement of this regulation from flying in the plane and trapping and stuff is an important issue on Federal lands and I think that's what Mr. Dalton was trying to get to is who is going to enforce this regulation and who do we answer to over it.

20

MR. THOMAS: Okay, anybody else have any information on this? John.

21

MR. VALE: I'd like to ask one of the Department of Fish and Game staff the question I posed earlier. If they're aware of any use of same-day-airborne aircraft to take furbearers in Southeast Alaska here? If any of them can respond to that I would appreciate an answer.

29

MR. DINNEFORD: Thank you, Mr. Chairman, I'm Bruce Dinneford, Department of Fish and Game, Division of Wildlife in Southeast Alaska.

33

MS. LOWE: Bruce, slow down. How do you spell your last name?

34

MR. DINNEFORD: D-i-n-n-e-f-o-r-d. And the only examples of that I know, John, would be occasionally in past years, as you're aware, that some trappers from Yakutat would fly out and work marten trap lines. And that and I think they were trapping for wolves, is about the only examples I can speak to. There might have been some other species that they were targeting on too, but elsewhere in Southeast Alaska I'm not aware of any examples.

45

MS. LOWE: Did you answer John's question, were they violations or is this just a

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MR. DINNEFORD: No, it was the practice of pursuing
furbearers with use of aircraft.

2 MR. VALE: Thank you.

3

4 MS. PHILLIPS: What criteria was used for sociocultural
5 regions?

6

7 MR. DINNEFORD: We have some cultural anthropologist
8 that are on our staff who tried to investigate how those --
9 they tried to find background research would probably have
10 answers in that and they didn't find very much. So when we say
11 that there's -- you know, wouldn't result in a sociocultural
12 impact, it's just really our initial assessment, we were
13 relying on information from you to suggest otherwise. But we
14 don't have any information that suggests otherwise at this
15 point.

16

17 MR. THOMAS: No more questions? Okay, that concludes
18 our input from the public and staff, so

19

20 MR. LOCKHART: Mr. Chair.

21

22 MR. THOMAS: Yes.

23

24 MR. LOCKHART: I'm sorry, one of the things I neglected
25 to do and I don't know if it's appropriate and if you want this
26 as part of the analysis, but we are prepared to summarize the
27 comments that were received in our office. The public comments
28 on each proposal. It'll take more time, you have that in front
29 of you on that list, but it's just up to you, whatever you want
30 to do.

31

32 MR. THOMAS: Yeah, on this one, no. Okay, now we have
33 a plan for Council deliberations and actions. By actions we
34 either adopt or don't adopt. Ann.

35

36 MS. LOWE: I just wanted to get clear how we're going
37 to do it. Do you want us to put a motion to the positive on
38 the floor and then discuss it and then vote it instead of
39 discussing it first?

40

41 MR. THOMAS: Yeah.

42

43 MS. LOWE: Motion made to adopt Proposal 1.

44

45 MR. THOMAS: Motion has been made to adopt Proposal 1.

46

47 MS. LOWE: Need a second.

48

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MS. ROBINSON: I'll second it for discussion.

1

2 MR. THOMAS: For your information, whether you agree or
disagree with the action, nothing can happen without
3 completeness of the formality. So the longer you wait for a
4 second, the longer you wait to go to bed tonight. So let's
5 proceed with it and we're going to be trim as we can, the whole
6 thing, so discussion. Ann.

8

9 MS. LOWE: Okay, I'm going to support -- I'm going to
10 speak to the support of this regulation. It says in ANILCA
11 that people who are taking subsistence should be able to use --
12 in Section 811(b), notwithstanding any other provision of this
13 act or any other law the Secretary shall permit on public lands
14 appropriate use for subsistence purposes of snowmobiles, motor
15 boats and other means of surface transportation to additionally
16 employ for such purposes by local residents, subject to
17 reasonable regulation.

18

19 And having lived in the Ketchikan area and the Prince
20 of Wales, in logging camps and participating in logging and
21 trapping for a very long time and living in Sitka for a number
22 of years and having trapped here for some 20 years, I can
23 testify to the fact that airplanes are used to trap. And that
24 to run trap lines or to hunt wolves or to hunt wolverines.
25 There are no wolverines, of course, on the ABC Islands, but
26 they do occur around the Ketchikan area and Meyers Chuck and
27 places like that.

27

28 And it is not impossible to land a plane and take a
29 wolf down or a wolverine down on the beach or to go and check
30 the trap line for an animal that you're after with a plane and
31 think it's because ANILCA says that we can use the more
32 advanced techniques today that we're not relegated to canoes
33 and stones and sticks. That we can advance the rest of the
34 world in our pursuit of subsistence practices that this should
35 be allowed.

35

36 I also want to point out in the thing that was passed
37 around to us, there's objections to this proposal from the Park
38 Service. And the Park Service states in here that within parks
39 and monuments is prohibited by the National Park Service
40 regulations and I want to know if ANILCA takes precedent over
41 Park Service regulations. Because if it does, the Park Service
42 regulations can change and reflect a better program for
43 subsistence users and the trapping and I'm thinking that since
44 that's our job on this Committee, is to help protect
45 subsistence users through the ANILCA that any regulations that
46 are promulgated by any of these Federal bureaucracies that do
47 not fall under those auspices need to be changes. So that's
48 one of the things I'm suggesting the National Park Service do
49 this gets adopted.

49

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1 MR. THOMAS: Further discussion? John.
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3 MR. VALE: I guess I would point out that in 811 there
4 isn't any provision for aircraft in that section. It's only
5 for --

6
7 MS. LOWE: Other means of transportation

8
9 MR. THOMAS: Uh-uh-uh, stop.

10
11 MR. VALE: it's only for other means of surface
12 transportation, traditionally employed. And surface is the
13 optimum word there, I would like to ask if one of our Federal
14 people if they have any knowledge of the Congressional record
15 for ANILCA and the discussions that involved use of aircraft
16 access.
17 I know that's a pretty large topic, but I'm wondering
18 if there's any kind of summary could be provided.

19
20 MR. THOMAS: Would you like it read if they have it?

21
22 MR. VALE: Pardon?

23
24 MR. THOMAS: Would you like it read if they do have it?

25
26 MR. VALE: If they could give some kind of a response
27 here.

28
29 MS. LOWE: Here's the Federal record and here is it
30 marked, pass it down to John, please. Thank you.

31
32 MR. VALE: If it's too broad a question then that's
33 okay, I'll just continue on. And it's an open question to any
34 of our Federal people here.

35
36 MR. DALTON: The thing that disturbs me a little bit as
37 far as airplane is concerned. My impression was when I went up
38 to Yakutat to hunt the moose I didn't hunt out of a plane, but
39 I did charter a plane from Yakutat it took me to the camp where
40 I could hunt from. Now, I could see that being used, but if
41 we're airborne and then we start to hunt from that airplane and
42 use a gun from that airplane I would be against that, myself, I
43 would not like to support that.

44
45 MS. LOWE: Mr. Chair, this proposal is about trapping,
46 it's not about hunting. It's about trapping regs.

47
48 MR. THOMAS: Airborne travel, yeah. Yeah, it doesn't
49
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suggest anything about hunting from there, just getting
 (indiscernible) you got there by air. That's where it says,
 the taking a wolverine by firearm one day on which the airborne
 travel occurred.

4

5 MR. VALE: Mr. Chair, I'd like to have the floor. Jim,
 do you have any response to that question?

7

8 MR. KURTH: I don't think you'll find the legislation
 history giving you a specific answer. But Congress did,
 certainly, recognize that new and modern methods weren't to be
 prohibited by this law. If the Chair will let me, I think what
 you want to do is focus on just exactly what this would change.
 This would let you, the same day you're airborne, kill a wolf,
 an arctic fox, a coyote, a wolf or a lynx.

15

16 MR. THOMAS: Yeah.

17

18 MR. KURTH: That's the only change and what you have to
 decide are those activities that you do in your areas.

20

21 MR. THOMAS: Okay. I issued an instruction earlier
 today. If you're going to ask a question, as a question.
 Let's not be asking for material where the answers might be.
 If you have a specific question, let's see if got to respond
 to, because none of us are gathering anything from the
 responses. If they do have it we don't know what they said, we
 don't know what they mean, so let's just keep our questions
 confined to specifics, please. Marilyn.

29

30 MS. WILSON: Yeah, Mr. Chairman, I don't think this
 proposal and regulation is enforceable. I don't see any sense
 in making more regulation when it really can't be enforced.

33

34 MR. THOMAS: Okay, further discussion. Ann.

35

36 MS. LOWE: Mr. Chairman, this is not making more
 regulation, this is actually letting up a little bit. It's
 adding wording, verbiage that allows you to do this from
 mapping as I can see. If you'll read the original thing --
 and yes, they do have ways of enforcing. I've been contacted a
 few times myself in Southeast from a plane, so, they can do it
 if they have a mind to.

43

44 MR. THOMAS: Further discussion? John.

45

46 MR. VALE: Well, the enforceability of this one creates
 a real problem for me because I find it being a very difficult
 regulation to enforce, so -- somebody is out there up and

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around in an airplane on skis and they see some wolves, they can land and blast them without going 300 feet away from the airplane and nobody is going to know the difference and that's where the enforceability creates a problem for me.

4 And for the sake of the Council our Advisory Committee had addressed SDA landing and shooting of animals and we basically been opposed to it and felt that the use of aircraft is -- really has not been traditionally employed. So I guess based on that past input that I've received from the community I'm going to be opposing this proposal here.

10

11 MR. THOMAS: Okay. We're not going to be exchanging and defending our position on here. We're going to defend our positions with a vote. So if you've got discussion that hasn't already been said?

15

16 MS. LOWE: Mr. Chair.

17

18 MR. THOMAS: Ann.

19

20 MS. LOWE: I don't know if I'm going to be able to say this correctly, but we're looking at subsistence proposals here, this is a trapping proposal, this is not a hunting. This is something that has gone on in Southeast since I can remember, it is being used by trappers, it's an activity that has gone on already. I would like to have this tailored more to Southeast needs, 'cause, obviously, we don't have to worry about fox, red fox, coyote or lynx. Maybe up in your area that might be a possibility.

29

30 But we do use this airplane for wolves and wolverines, I don't know about -- Marilyn can talk more about her area for lynx or whatever. We do use airplanes to run trap lines and I know this is a statewide or Federal land wide proposal here, and if there's some way that we can craft this to meet the subsistence users needs that are in our area, and not hamper or hurt anyone else's Council or area where they practice certain things, I would like to see some help here in crafting this so that it does.

38

39 MR. THOMAS: Further discussion?

40

41 MS. PHILLIPS: My concerns are on the sociocultural reasons. Not everyone in rural Alaska who has a subsistence priority can afford an airplane. Ninety-nine percent of us have boats and I can relate with boats, but not a single of the community that I live in owns an airplane. And if we were talking about buying an airplane, you're talking about possibly \$100,000.00 investment and to me that isn't establishing a priority. Because they can afford an airplane they have a

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priority to the use to a subsistence right to trapping. So that's where my concern is.

2

3 MR. THOMAS: Are these furbearing animals on wing or on
4 foot? I was just wondering why subsistence went so high tech.
5 John.

6

7 MR. VALE: When planes are used for trapping in
8 Southeast Alaska, how does it work, traditionally, I mean,
9 wheeled aircraft using strips or are they on floats or are they
10 on skis or -- how does usually work?

11

12 MS. LOWE: Most planes in Southeast Alaska are float
13 planes, that's how we get back and forth to communities, is on
14 a float plane, a bush plane. The wheel planes didn't show up
15 in Southeast until recently when we got these air strips in
16 Ketchikan and Sitka and some of these places you see wheeled
17 planes. A lot of them have the wheels underneath the floats,
18 but float planes are the way people get around in Southeast,
19 that's where the bush pilot came from in Southeast from float
20 plane use.

21

22 MR. THOMAS: And the excitement grows. Further
23 discussion?

24

25 MR. DALTON: Yes.

26

27 MR. THOMAS: Richard.

28

29 MR. DALTON: I'm still having a hard time about
30 listening to this about using a plane for trap line. It's
31 almost impossible from where I come from. I've been trapper
32 for 50 years and I've used double-ender to get in between my
33 trap lines. And I run the trap lines by foot. And that's
34 really a subsistence user and I'm a failure, I've done all
35 these all my life, I've never witness any plane in my area to
36 run a plane (sic).

37

38 If I need to, maybe, I'd charter a plane for me to get
39 my cabin, but that's as far as a plane would take me. But
40 we cannot afford -- even now, we cannot afford to buy a speed
41 boat that will do, at least, 30 miles an hour or a 19 footer to
42 fit us where we need to fit. But in the time that I remember
43 far as trapping is concerned and my hunting expertise, it
44 was on the same boat to get to where we need to get and then we
45 had to be dropped off and then when the season is over they
46 had to come and pick us up.

47

48 And then we brought our fur to that boat and then we
49 brought it home. That was a traditional -- that is
50 additional. We're not talking about modern day, now, I'm

49

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3 talking about traditional. And I think we should -- if we're
4 going to stay in cultural and traditional, let's stay with it
5 and then institute the subsistence uses.

6

7 MR. THOMAS: Are we at a point where we can vote yet?

8

9 MS. LOWE: Mr. Chair.

10

11 MR. THOMAS: Are we not?

12

13 MS. LOWE: No, we're not. I'd like to point out for
14 informational purposes up in the Interior many Native people
15 have planes and they are not rich people. And they customarily
16 use these planes to get around. I can speak to from this
17 because I've been up there at a lot of these Council meetings
18 and listened to numerous testimony.

19

20 MR. THOMAS: These are Southeast proposals.

21

22 MS. LOWE: Yes, but they're telling us this is
23 statewide, is what they're telling us and how this is going to
24 apply to all Federal lands. And what I'm saying is, is you do
25 not have to be a very real rich person to have a plane. And no
26 matter what your financial status is in life, subsistence is
27 not about economics and finance, it's about a customary and
28 traditional lifestyle. And what you may or may not have done
29 customarily and traditionally to get these products or use
30 these resources. It is not about who's rich and who's poor.

31

32 Just like it's some other things that they tired to
33 permit us subsistence users. It's not about using bows and
34 arrows and sticks, it's about being able to go after the
35 resource in an efficient way and make use of it in the most
36 efficient way as ANILCA gives us the authority to do and
37 recognizes. And I'm trying my best for those that have
38 contacted me from the Southeast Alaska who use these methods
39 and who are not necessarily rich people to represent here that
40 this is one of the things, one of the ways that we have trapped
41 in Southeast Alaska. This is a vehicle that we have used to
42 trap with, other people have seine boats, which I could never
43 afford. And other people have fast boats, other people walk,
44 they choose to do things in different ways. However, they are
45 subsistence users.

46

47 And I'm trying to represent to the best I can those
48 people who have contacted me about this proposal and their
49 concerns about protecting their right to continue to trap the
50 way they've done it in the past and have been recognized as by
the State as well.

51

52 MR. THOMAS: Further discussion?

53

54

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1 MS. WILSON: Mr. Chairman.

2

3 MR. THOMAS: Marilyn.

4

5 MS. WILSON: I think we better realize that up north,
6oo, that it's not how you take the game, like Ann said, your
7methods get better. Our people didn't stay in the Stone Age,
8we try to improve. But I think that we need to give our -- the
9subsistence -- maybe the subsistence people up north or
10wherever they use planes, maybe the chance to do this.

11 I'm having a hard time deciding on this proposal here,
12because I'm not familiar with any of it, but I'm trying to put
13myself in a subsistence hunter's or trapper's shoes. And it
14maybe that that's how they make their living is trapping and
15doing these things. I'm kind of trying to put myself in the
16other area's shoes, the other people that live in the other
17areas.

18

19 MR. THOMAS: I would do that too, but I don't know who
20they are, so it'd be pretty hard for me to do that.

21

22 MR. VALE: Sorry, Mr. Chair, one last comment.

23

24 MR. THOMAS: You know, we've had a two-way dialogue on
25this and I'm going to discontinue it. We'll take a roll call
26vote, yes or no on Proposal 1.

27

28 MS. LOWE: Mr. Chair, just one more caution. As the
29Council develops their reasons why and why not, we have a
30charge in here that we're suppose to give sufficient evidence
31and so forth, so if we're going to vote on this could we lay
32out the reasons why we do or do not support it and give the
33proper document, which is biological reasons, as ANILCA says,
34why we -- 'cause if we don't adopt certain thing we restrict
35subsistence users and our goal is not to restrict subsistence
36users, so can I make that caution?

37

38 MR. THOMAS: I can't imagine anything being left for
39those that support it. Call the roll, please.

40

41 MS. LOWE: Okay. We'll start

42

43 MR. THOMAS: Start with me.

44

45 MS. LOWE: Okay. Bill.

46

47 MR. THOMAS: Okay, I'm going to vote no. And the
48reason being is that it's a -- it is too ambiguous or it

49

50

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doesn't apply very much to Southeast the way it's written. To try to assume what people -- and if you were to compare distances in the Lower 48 or what people in Los Angeles will be determining for people in Portland, isn't real realistic.

4 And I don't think that would be too acceptable people
5 from the Arctic Slope, determining what happens on Baranof
6 Island. And so most of this applies to areas out of Southeast
7 and I guess I'm just not sold on the performance of this, so my
8 vote is no and those are the reasons.

9
10 MS. LOWE: Herman Kitka.

11
12 MR. KITKA: No.

13
14 MS. LOWE: John Feller.

15
16 MR. FELLER: No.

17
18 MS. LOWE: Richard Dalton, Senior.

19
20 MR. DALTON: No.

21
22 MS. LOWE: Patricia Phillips.

23
24 MS. PHILLIPS: No, for similar reason as Bill, because
25 is not area specific.

26
27 MS. LOWE: Mim Robinson.

28
29 MS. ROBINSON: No.

30
31 MS. LOWE: Marilyn Wilson.

32
33 MS. WILSON: No, because it's not enforceable.

34
35 MS. LOWE: Millie Stevens.

36
37 MS. STEVENS: No, for all the above reasons.

38
39 MS. LOWE: Ann Lowe. Yes. John Vale.

40
41 MR. VALE: No, because I don't believe it's an
42 enforceable regulation and people in my community have told me
43 that they felt that it's an unfair and disrespectful to the
44 animal population to allow an advantage such as same-day-
45 airborne.

46
47 MS. LOWE: Mr. Chairman the motion failed one, nine,
48 zero.

49
50

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1 MR. THOMAS: Okay, thank you.

2

3 MS. LOWE: Can you slow down a minute, I've got to
write all this stuff down.

5

6 MR. THOMAS: Well, I'm going to exercise some authority
here and declare a five minute break.

8

9 MS. LOWE: Good.

10

11 (Off record)

12

13 (On record)

14

15 MR. THOMAS: Okay, we'll go back into session, but
before we do I think Gina has an announcement for us.

17

18 MS. MARTINEZ: (Shakes her head negatively)

19

20 MR. THOMAS: Not now? She chickened out. Proposal
Number 2.

22

23 MR. LOCKHART: Mr. Chair, Proposal Number 2 is also
submitted by the Alaska Department of Fish and Game. And
here's a big long table here that I'm not going to read, that
you all can look at. Essentially, the proposed regulation
would align

28

29 MS. LOWE: Get your mouth right up close there.

30

31 MR. LOCKHART: Is that better?

32

33 MS. JORGENSEN: Mark can't hear you.

34

35 MS. LOWE: Mark Jacobs in the audience can't hear you.

36

37 MR. LOCKHART: Okay. I'll try and talk a little
louder. Sorry about that.

39

Essentially, this proposal request that the State and
Federal seasons with regard to wolves, both hunting and
trapping, be aligned. So it reflects a section of the Federal
regulation, Section 25(k) throughout the units. And
essentially for Southeast Proposals 1 through 4.

44

If you look at the existing regulation for hunting
you'll see that for hunting that there's no harvest limits, but
under the proposed regulation change there will be a harvest
limit of five. Under the existing season, that runs from July
through June 30 and under the proposed regulation change it

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would run from August 1st to April 30th.

1 Okay, for trapping, essentially they would be the same
 2 for Southeast. Alaska Department of Fish and Game cites the
 3 season for changing the regulation to align the Federal
 4 regulation with those that were adopted by the Board of Game in
 5 June of 1993. The changes described will align Federal
 6 regulations and reduce confusion among hunters and trappers as
 7 to locations of Federal and State property boundaries and which
 8 regulations would prevail. It will also reduce law enforcement
 9 problems.

10 The Department's comments on the effect of proposed
 11 change on wildlife population, the Department believes they
 12 would be insignificant. State regulations designed to provide
 13 adequate harvest limits without causing over harvest. Wolf
 14 populations in these Units are amply abundant to sustain the
 15 additional two to four weeks of trapping harvest.

16 The extended season will allow the additional taking of
 17 wolves for personal use and some case income. By having the
 18 same provisions in both Federal and State regulations, trappers
 19 can avoid confusion when uncertain as to whether they are on
 20 State or Federal property.

21 The staff looked at this. It was, again, a biologist
 22 regulations person and a cultural anthropologist that reviewed
 23 this proposal and I'm just going to try and capture some the
 24 high point of our analysis.

25 Proposal 2 by ADF&G would modify Federal subsistence
 26 management regulations regarding wolf hunting and trapping
 27 seasons and harvest limits to correspond with the State
 28 regulations. The proposal would reduce the length of the
 29 current Federal wolf hunting seasons in Southeastern Alaska, it
 30 would reduce the wolf hunting harvest limit in 16 units or
 31 subunits. It would liberalize the wolf hunting harvest limit
 32 in eight limits or subunits, it would liberalize the Federal
 33 trapping season in nine units.

34 Wolf numbers appear to be stable or increasing,
 35 although, there are some local areas of concern. Wolves
 36 normally breed from late February till early April.
 37 Historically, wolves have been taken by a variety of methods
 38 for fur and for the purpose of controlling their numbers. Most
 39 wolves are harvested during the winter months, when pelts are
 40 prime and travel conditions are most conducive.

41 In Units 1, 2, 3 in the non-regulatory years from 1984
 42 to 1992, only 17 of 643, which is 2.6 percent of the wolves
 43 that were reported taken by Federally qualified users were
 44 taken during the May-July period, which is part of the
 45 proposal that would change.

46 Again, the proposal is primarily concerned with
 47 regulatory consistency, per Federal regulations governing wolf
 48 hunting and trapping season lengths and harvest limits are, for
 49

50

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the most part, a reflection of State regulations as they existed in the 1990-1991 season with a couple of minor modifications.

3 The Alaska Board of Game has made several changes in 1992. They reduced the hunting season in Southeastern Alaska (Units 1 through 5) and established a close season in those years from May through July. By previous Federal Subsistence Board action Unit 5 wolf hunting season harvest limits were changed and they are now consistent with the State regulations.

9 Establishing a May through July closed season for hunting wolves in Southeastern Alaska would reduce harvest opportunity, even though the past harvest during this period has been quite small. While wolf numbers seem to have been a little affected by a year-round open hunting season, a May-July closed season will afford protection to wolves during the main birthing and pup-rearing period.

16 Wolf hunting harvest limits have little application to regulating the overall harvest of wolves over the state. Given the fact that under a trapping license, individuals can take wolves with a firearm and there is no harvest limit. Current wolf hunting harvest limits and seasons which beginning in August are designed to allow opportunistic take of wolves while hunters are chasing other game.

23 Extending the wolf trapping season through April in Units 13 and 19 through 26 would provide an additional 15 to 30 days of opportunity to utilize traps and snares. Several concerns with existing and proposed Federal subsistence wolf seasons have been identified. In light of subsistence uses, taking wolves outside of November through March pelt primeness period may be viewed as a wasteful use of the resource. Allowing the harvest late into the reproductive period also may deviate from the accepted principles of wildlife management.

32 Reducing the wolf hunting season to incorporate a May to July closed season for Units 1 through 3 will have minimal biological and socioeconomic impact. At current estimated levels, wolf populations would not be impacted by a May to July closure, particularly since this is a period of low harvest activity.

38 Our staff recommends that because of the levels of wolves or the absence of wolves in Unit 4, the most appropriate course for action would be eliminate the season in Unit 4. That is counter to the State's desire to align regulation and reduce public confusion. However, we believe it is more appropriate action because if wolves do, in fact, occur in Unit 4 they could not be considered a healthy population.

45 Adoption of the State's wolf hunting bag limits will also have minimal biological and socioeconomic impact. As a practical matter, harvest opportunities under trapping and hunting licenses overlap, with the effect that the more liberal

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trapping regulations are more likely to prevail. Where Federal harvest limits are more restrictive than those of the state, a hunter has the option of taking wolves under State regulations since Federal lands are generally not closed to wolf hunters by non-Federally qualified subsistence users.

5 Conversely, the Federal Subsistence Board wish to
6 retain a different management strategy for wolves on Federal
7 lands in those units. They would have to take specific action
8 to limit harvest activities under State regulations.

9 Finally, extending the Federal subsistence wolf
10 trapping season in Units 13, which doesn't apply to us, and 19
11 through 26 through the month of April will not increase the
12 overall harvest of wolves. The liberalization of State
13 trapping seasons in these units corresponds, in part, with the
14 Alaska Board of Game management strategies which seem to be
15 aimed at wolf population reduction.

16 And with that I'll conclude our analysis and take
17 questions.

18

19 MR. THOMAS: I see it makes reference to rural
20 residents on Unimak Island. Who lives on Unimak Island?

21

22 MR. WILLIS: There's a community at False Pass --
23 residents on Unimak Island, they have customary and traditional
24 use of resources on Unimak Island, that's Unit 10 under the
25 State Game Management Unit system.

26

27 MR. THOMAS: Okay. Ann.

28

29 MS. LOWE: Okay, I notice in Proposal Number 2 it's
30 broken down hunting and trapping and then it says proposal for
31 regulation change. Under hunting it has Unit 1 through 4,
32 harvest limit of five and then you turn the page and go to
33 trapping and it doesn't have Unit 1 through 4. What happened?

34

35 MR. LOCKHART: Well, I believe they're in alignment.
36 The trapping season is already in alignment, so it's not
37 suggesting a change there.

38

39 MS. LOWE: The State and the Federal

40

41 MR. LOCKHART: The State and the Federal seasons are in
42 alignment.

43

44 MS. LOWE: Okay.

45

46 MR. LOCKHART: It's only the hunting season.

47

48 MS. LOWE: So you just listed the ones you were wanting

49

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to change.

1

2 MR. LOCKHART: Where there was a change, that's
3 correct.

4

5 MR. THOMAS: Any other questions? Thank you. Any
6 public would like to testify on Proposal Number 2? No public,
7 how about agencies that I haven't identified by name? Okay,
8 we'll bring it back to the Council for deliberation and action.
9 What's the wish of the Council?

10

11 MR. VALE: Move to adopt.

12

13 MR. THOMAS: It's been moved to adopt.

14

15 MS. ROBINSON: Second.

16

17 MR. THOMAS: Moved and seconded. Further discussion?

18

19 MS. PHILLIPS: Question.

20

21 MR. THOMAS: Question is called. Call the roll,
22 please.

23

24 MS. LOWE: Okay. Herman Kitka.

25

26 MR. KITKA: Yes.

27

28 MS. LOWE: John Feller.

29

30 MR. FELLER: Yes.

31

32 MS. LOWE: Richard Dalton, Senior.

33

34 MR. DALTON: Yes.

35

36 MS. LOWE: Patricia Phillips.

37

38 MS. PHILLIPS: Yes.

39

40 MS. LOWE: Mim Robinson.

41

42 MS. ROBINSON: Yes.

43

44 MS. LOWE: Marilyn Wilson.

45

46 MS. WILSON: Yes.

47

48 MS. LOWE: Millie Stevens.

49

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1 MS. STEVENS: Yes.
2
3 MS. LOWE: Ann Lowe. Yes. John Vale.
4
5 MR. VALE: Yes.
6
7 MS. LOWE: And last, but not least, Bill Thomas.
8
9 MR. THOMAS: Say that every time, I'm getting
10 suspicious. No.
11
12 MS. LOWE: Mr. Chair, the proposal passed, nine, one,
13 zero.
14
15 MR. THOMAS: You guys learned a lesson from the last
16 proposal, that was pretty fast. Okay, Proposal Number 3, won't
17 have to take a break on this one. Proposal Number 3, staff,
18 please.
19
20 MR. WILLIS: My name is Robert Willis, I'm a biologist
21 with the U.S. Fish and Wildlife Service, Subsistence Division.
22 That's W-i-l-l-i-s, Ann, I see you looking at me already.
23 Proposals Number 3 and 4 are identical, so in the
24 interest of time I'll discuss them together. One was submitted
25 by Janice Churchill and the other by the Stikine Sportsman's
26 Association. Both deal with moose hunting in the Stikine River
27 area.
28 The proposed regulation for change is 25(k)(1), which
29 the current regulation states Unit 1(B) south and east of
30 LeConte Bay and Glacier, one antlered bull with spike-fork or
31 50-inch antlers or three brow tines on either antler, by Federal
32 registration permit only. Public land within the Stikine River
33 drainage are closed except to Alaska rural residents who have
34 obtained a Federal registration permit. Open season, September
35 to October 15.
36 The proposed changed regulation would read: Unit 1(B),
37 south and east of LeConte Bay and Glacier, one bull by Federal
38 registration permit only. Public lands within the Stikine
39 River drainage are closed except to Alaska rural residents who
40 have obtained a Federal registration permit. Open season,
41 September 15 to October 15.
42 Now, the change here involves the removal of the antler
43 restriction which is currently in effect, that is the spiked-
44 fork or 50-inch or three brow tine portion of that regulation.
45 There would be no other changes.
46 The reasons given for the change by Ms. Churchill and
47 the Stikine Sportsman's Association are that the antler
48 restriction does not work well because of State and private
49
50

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lands intermix with Federal lands in the area. And they say that there is no accurate information on the moose population in his area. They do not think this proposal will have any effect on the moose population and will give subsistence hunters better opportunities for bagging moose. There was no biological information submitted in support.

6 The proposal, in effect, would return seasons on Federal public lands to the condition which existed prior to last year, this past season, the 1993 season. And this season was established by the Board in April 1993 restricting harvest on Federal public lands to spike-fork or 50-inch bulls, based on evidence of a long decreasing trend in the health of the Unit 1(B) Stikine River moose population. The Board for that the antler restriction was necessary to conserve a healthy moose population in the Stikine River drainage. High over-winter calf mortality and the over-harvest of young bulls under a 60 bull or bull only, if you prefer, harvest limit had resulted in a moose population with a very low adult bull moose component.

19 Of 312 moose that were aged by ADF&G and Forest Service since 1980, 64 percent were 1.5 years old, and 96 percent were 215 years old or younger. This lack of breeding age bulls has caused a decline in the calf production and survival since about 1983. Current estimates place the population at around 200 animals or less; and the carrying capacity of the range is estimated to be about 450 animals. Browse surveys in the area indicate that browse is being under utilized.

27 The reported harvest of bulls has declined each year since 1988. You have in your booklets a graph which compares the one on the left hand side of the wall up here which shows that both the harvest of bulls and hunter success has declined rather dramatically since 1988. That chart runs from 1988 until 1992. The reported harvest in 1988 was 58, which was a record high, and it's declined annually to 19 in 1992. And our preliminary data furnished to me by ADF&G shows that there was 35 bulls harvested in 1993 under the spike-four, 50-inch regulation.

37 The spike-fork, 50-inch regulation is designed to protect the breeding males of the herd. It allows the number of bulls to increase and mature while still maintaining subsistence opportunities. Implementation of this regulation in other parts of the state has shown that the bull/cow ratio and a number of mature bulls within a population can generally be restored in three to five years barring any unusual severe weather conditions.

45 ADF&G field biologist in cooperation with biologists of the Federal resource agencies presented a similar proposal to the Board of Game, as you may recall, in 1993. This proposal for a spike-fork, 50-inch regulation was rejected by the Board

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of Game because of opposition from local people. Almost all of the moose harvested in this area are taken by residents of Wrangell and Petersburg.

3 The conclusions that we drew from analysis is returning
 4 to the one bull harvest, rather than the spike-fork, 50-inch
 5 regulation, which was put into effect last year would
 6 perpetuate the problems of a lack of breeding age bulls, poor
 7 calf survival and a population decline, and is therefore
 8 inconsistent with management and conservation of a healthy
 9 population. The harvest by subsistence users may increase the
 10 first year under an any bull regulation, but this harvest level
 11 cannot be maintained over time and will continue to decline
 12 until such time as subsistence hunting opportunity may be lost
 13 completely. Questions.

14

15 MR. THOMAS: Yeah, in the reason for changing the
 16 regulation says the antler restriction did not work because of
 17 State and private lands on the river. My questions is how is
 18 determined when a restriction works or doesn't work?

19

20 MR. WILLIS: I can't answer that. You'd have to ask
 21 the person who wrote it.

22

23 MR. THOMAS: Thank you. Anybody else? John.

24

25 MR. VALE: Rob, have you got some information that
 26 shows what the bull/cow ration is on that population?

27

28 MR. WILLIS: No, we don't have any good figures other
 29 than the harvest data. We haven't gotten a count this year
 30 because there's been no snow condition, as I'm sure aware. I
 31 did have some data was collected by ADF&G from hunters in both
 32 areas and this is something that's not in your booklet because
 33 didn't get it in time to put it in there, but I do have it
 34 summarized for you.

35

36 And very briefly, some of you may be aware the area
 37 around Thomas Bay has had a spike-fork, 50-inch regulation in
 38 place for several years now. I believe the first antler
 39 restriction put in place in the '87-'88 season, went to a
 40 spike-fork, 50-inch regulation in the '90-'91 season on Thomas
 41 Bay. ADF&G surveyed the hunters for both the Thomas Bay and
 42 Stikine River areas this year and asked them what they saw out
 43 there in the way of moose while they were hunting and the
 44 results were really interesting.

45

46 There were 140 hunters who hunted the Stikine River
 47 area and 134 hunters that hunted Thomas Bay. The hunters in
 48 the Stikine area saw a total of 69 bulls; the hunters in the
 49 Thomas Bay area saw a 425 bulls. The Stikine River hunters saw
 50 484 cows; the Thomas Bay hunters saw 499 cows. Stikine River

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hunters saw 103 calf and the Thomas Bay hunters saw 226 calves. Total moose seen by the Stikine River hunters was 586; total moose seen by the Thomas Bay hunters was 1,150. So as you can see the success rate was almost twice as high for the Thomas Bay hunters, also, even though they hunted fewer days.

5 So the number of bulls in the Thomas Bay area which has had the spike-fork, 50-inch regulation for several years now was six times higher than the number of bulls seen in the Stikine River area. And the cow/calf ratio was just about two times as high, so that's close as I can come to giving you an answer, John.

11

12 MR. VALE: Can you be more specific -- now, another question on the bull/cow ratio, do you have bull/cow ratio? I mean, not bull/cow, but calf/cow ratio for both areas here?

15

16 MR. WILLIS: Let see, it was exactly double, calf/cow ratio in the Stikine area was 25 calves per 100 cows; in the Thomas Bay area it 50 calves per 100 cows.

19

20 MR. VALE: Is there a quota on this population?

21

22 MR. WILLIS: I don't believe that's a quote hunt on Thomas Bay. I'll defer to the State on that, they can correct me if I'm wrong, but I don't believe there is, no.

25

26 MR. VALE: Well, on the Stikine River drainage, there's no quota then on that population?

28

29 MR. WILLIS: No.

30

31 MR. VALE: I guess one last thing here. I talked to people in the Thomas Bay area there and they indicated to me that they ended up with a longer season with the spike-fork, you know, three brow tine regulation. If I'm not mistaken that's what I believe they said, and I felt they ended up with a longer season and more opportunity to harvest moose because it took more time, I guess, to take -- to get an adequate number. Am I throwing out some bad information here or is it potential for a longer season with this type of restriction in there?

41

42 MR. THOMAS: Is Thomas Bay in that Unit?

43

44 MS. LOWE: Thomas Bay is in Game Unit 1(B), Mr. Chairman.

46

47 MR. WILLIS: That's a tough question to answer off the top of my head, John.

49

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1 MR. VALE: I might be confusing areas 'cause I don't
2 know Southeast here that well.

3

4 MR. WILLIS: I might defer that question to Bruce
5 Dinneford or this gentleman whose moved up beside me, whoever
6 he is.

7 MR. EGINGTON: I'm John Egington with the U.S. Forest
8 Service out of Petersburg and the season has been a two week
9 season and there's been no extension of that season. It's
10 possible if we went that way it could offer opportunities for a
11 longer season.

12

13 MR. VALE: Okay.

14

15 MS. LOWE: John, spell your last name, please.

16

17 MR. EGINGTON: E-g-i-n-g-t-o-n.

18

19 MS. LOWE: You're from the Petersburg

20

21 MR. EGINGTON: Petersburg region, yes.

22

23 MS. LOWE: Don't leave. John may be done with his
24 questions but I'm not.

25

26 MR. VALE: Thanks.

27

28 MS. LOWE: Okay, first of all before I ask a question,
29 I would really be nice if the Council Members had on the wall
30 somewhere a picture of the Game Units in Southeast Alaska.
31 Some of these folks are not aware of how these Game Units are
32 divided up and it would sure be nice if somebody would provide
33 that before time is out so they can look at them.

34 John, you have a two week season in Thomas Bay, what's
35 the season in the Stikine?

36

37 MR. EGINGTON: Two weeks.

38

39 MS. LOWE: Two weeks. And what's the periods?

40

41 MR. EGINGTON: It's the 15th through the 31st is the
42 Petersburg, yeah, September 15th to Octo

43

44 MR. THOMAS: That's a month.

45

46 MR. EGINGTON: That's a month, excuse me on the
47 Stikine.

48

49

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1 MS. LOWE: Okay.

2 MR. EGINGTON: This is proposed, what is it now?

3

4 MS. LOWE: Yeah, it's proposed for a month, I was
wondering what it was.

6

7 MR. WILLIS: This is the existing regulation, this is
the proposed.

9

10 MR. EGINGTON: There is a month there.

11

12 MR. WILLIS: The existing season is a month long,
September 15th to October 15th.

14

15 MS. LOWE: And so the one that we want to change is
leave it the same, right?

17

18 MR. EGINGTON: Right.

19

20 MS. LOWE: Okay.

21

22 MR. EGINGTON: The question was about Thomas Bay area.

23

24 MS. LOWE: Right. I guess what I'm interested in is
Thomas Bay has been a controversial for a while for various
things. What has caused the increase in the moose herd there
at Thomas Bay? I mean, it looks like they're doing well.

28

29 MR. EGINGTON: Well, the control of harvest there has
allowed the secondary vegetation to come in and primarily
blueberry, vaccinium growth, the browse have increased and
that's the primary reason. And the antler restriction has
helped that herd to expand.

34

35 MS. LOWE: Thomas Bay was cut out previously before,
wasn't it? Wasn't there some logging in there or something
before; previously in the Thomas Bay area?

38

39 MR. EGINGTON: Yes.

40

41 MS. LOWE: And is that moose population that's
increased, came back, has it increased in the logged area? Has
there been some thinning? Because you just said to me that
there was more undergrowth happening.

45

46 MR. EGINGTON: We have thinned too, over the years we
had a program of thinning to keep that browse at a high level.
Maybe you misunderstood. I think the response to the herd was

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the original of (ph) when the vaccinium came back.

1

2 MS. LOWE: Oh, okay.

3

4 MR. EGINGTON: And in the ensuing years we have gone in
with controlled harvest of the -- well, I shouldn't say
controlled harvest, I should say small clear cuts to keep that
vegetation or whatever has been thinning to, using both
techniques.

9

10 MS. LOWE: And so it's a combination of the thinning,
which gives for more feed.

12

13 MR. EGINGTON: Uh-huh (affirmative).

14

15 MS. LOWE: And the good weather?

16

17 MR. EGINGTON: I think it's the antler restriction,
myself.

19

20 MS. LOWE: Do you have any scientific evidence which
leads you to that conclusion?

22

23 MR. EGINGTON: The numbers of -- well, the numbers
of

25

26 MS. LOWE: Can you say to me, oh, by no means is it
good weather, it's definitely the fact that the hunting
pressure has been relieved because of antlers? I mean, that's
what I'm looking for. Is there anything out there evidence to
that?

31

32 MR. EGINGTON: I'd have to say it would be the antlers
and the amount of browse, not the weather.

34

35 MS. LOWE: Does weather play an important part there in
Thomas Bay?

37

38 MR. EGINGTON: I don't think so. The hunters are
there, they set up their camps, they know their area.

40

41 MS. LOWE: So snow condition doesn't affect the moose
herd like it does the deer herd?

43

44 MR. EGINGTON: No, I don't think so.

45

46 MS. LOWE: Okay. Mr. Chair, I can remember Thomas Bay
being a pretty controversial issue some time back on the
Council and people coming to us and complaining that the trees

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were getting to such a height that they couldn't even see if there were any moose any more. And I guess the University of Alaska was going to go in there, so I'm kind -- interesting to me that the herd has increased quite a bit and I was just kind of trying to get a feel of why that was happening and if it was weather or logging related or whatever.

6

7 MR. THOMAS: If you knew what I know about Thomas Bay
8 you would in there either.

9

10 MR. FELLER: Mr. Chairman.

11

12 MR. THOMAS: We'll give you a perspective about that
13 after a while then nobody will go in there. John.

14

15 MR. FELLER: Yeah, thank you, Mr. Chairman. I have a
16 question to Bob on how he counts the animals -- the method of
17 counting the animals. If he could address that question. I
18 have another one after that.

19

20 MR. WILLIS: Are you talking about the ADF&G and Forest
21 Service census work; are you talking about the hunter survey
22 that I just quoted from?

23

24 MR. FELLER: I'm talking about the Department survey.

25

26 MR. WILLIS: They fly periodically during the winter
27 when the snow cover is on to count the total number of moose
28 and the number of calves versus cows and bulls. They haven't
29 been able to do that yet this year because of inadequate snow
30 conditions and it's my understanding also that last year census
31 was cut short because of the weather.

32

33 MR. FELLER: But they still estimate there's around 400
34 animals?

35

36 MR. WILLIS: That is a crude estimate by the ADF&G area
37 biologist.

38

39 MR. FELLER: The hunters on the Stikine River they
40 usually, every animal they see on the surface with their
41 binoculars or their eyes, they think that there's around 40 in
42 the bush or under the trees. Could that be considered -- any
43 cross reference there?

44

45 MR. WILLIS: No, I couldn't speak to that.

46

47 MR. THOMAS: Sounds like another SWAG to me.

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MR. FELLER: These are hunters that I talked to that was hunting 25 years on the river. Anyway, my other question, Mr. Chairman, to Bob is there a comparison on predation on the river compared to the Thomas Bay area, as of wolves and bear taking the calves, reducing the winter survivability rate?

5

MR. WILLIS: I don't have any information, John, on comparability of predation on one area versus the other. The State area biologist or the Forest Service biologist might be able to shed some light on that.

10

MR. FELLER: Yeah, I just said that because customary and traditional we always knew it wasn't a very good place to deer hunt there because it was high wolf action there on the river and also bears. But the wolf affect the deer more, so I was just wondering about that. Thank you.

16

MR. THOMAS: Ann.

18

MS. LOWE: Is there an ADF&G person out there that's worked with this particular issue? In the audience? I know you're out there guys, so one of you come sit on the hot seat.

22

MR. TITUS: I'm from ADF&G, but we don't have anyone from Petersburg here.

25

MS. LOWE: Okay. And you don't have any of the knowledge of any of this information yourself?

28

MR. TITUS: I have some knowledge, yes.

30

MS. LOWE: Okay, would you come up, I'd like you to impart some of that to me. You don't mind, Mr. Chairman? State your name again.

34

MR. TITUS: My name is Kim Titus and I work for the Division of Wildlife Conservation for ADF&G in Douglas.

37

MS. LOWE: Okay, Kim, do you have any information on the predator relationship in Thomas Bay?

40

MR. TITUS: There are no studies ongoing to my knowledge by either the Forest Service and certainly not by Fish and Game on either Thomas Bay or for the Stikine River.

44

MS. LOWE: Okay, the information you got this year on the herds in Thomas Bay, you didn't actually get out and get to any of the visuals that you used to do?

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MR. TITUS: That's correct, that's been done in the past in cooperation with the Forest Service and our area Biologist conduct their surveys by helicopter. There are a number of problems in counting moose in Southeast Alaska and forest that covers, many of the Council Members know here in trying to estimate that.

6 And the methods the Department uses in northern areas of the state don't seem to work properly down here. As such, one of the management tools afforded to us is this spike-fork, 90 regulation. And our area biologist in Petersburg as, I think, staff from Petersburg Forest Service might agree that that spike-fork, 50 regulation is -- it put into effect around the state around the Department, in the absence of having detailed information of knowing how many moose are out there, a reasonable approach to afford a lot of hunting opportunity is to put that type of regulation into effect. And our area biologist and staff in Petersburg feels that that has been instrumental in having a very positive hunting opportunity and increasing the herd size in Thomas Bay.

19

20 MS. LOWE: I'm sorry, you just mixed me up, Kim, didn't you just tell me you didn't have any idea what that herd size was?

23

24 MR. TITUS: Well, the take has gone up of moose.

25

26 MS. LOWE: So you're basing the size on the basis of take?

28

29 MR. TITUS: Yes.

30

31 MS. LOWE: Has that been done very year? Is that a consistent management tool every year, you do the take and see what you got?

34

35 MR. TITUS: Yes, we know what the take is and has been in Thomas Bay.

37

38 MS. LOWE: So how many years have you flown over Thomas Bay and gotten an actual count?

40

41 MR. TITUS: I can't answer that question.

42

43 MS. LOWE: Do you have a modeling that you use for Thomas Bay?

45

46 MR. TITUS: No.

47

48 MS. LOWE: Hunter survey, then, is all that's used?

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1 MR. TITUS: Yes, and incidental counts of moose when
the weather affords it.

3

4 MS. LOWE: Thank you.

5

6 MR. THOMAS: John.

7

8 MR. VALE: Is there any intention or have you
considered removing the antler restriction when the bull/cow
ratio returns to a more normal level? Or is this a management
scheme from now on?

12

13 MR. TITUS: I think it's, at least, in the current mode
it's not being looked at being changed from the standpoint of
the State's perspective.

16

17 MR. VALE: You're not looking then for a time when you
get -- when you got a 50/50 bull/cow ratio, you're, then, not
considering removing the antler restriction?

20

21 MR. TITUS: For these types of populations I wouldn't
necessarily advise that at this time. Or in the foreseeable
future. Those herds are still not that big, even though the
harvest has gone up.

25

26 MS. LOWE: How do you know they're not that big even
though the harvest has gone up?

28

29 MR. TITUS: There just isn't that much moose habitat
out there in Southeast Alaska.

31

32 MS. LOWE: So you do have some kind of modeling thing
you're using on Thomas Bay?

34

35 MR. TITUS: No, no, we don't. But we know moose are
expanding somewhat, but they're not common in Southeast Alaska
as they are in other parts of the State.

38

39 MS. LOWE: I know, but I was just referring to Thomas
Bay, that's what this regulation is about.

41

42 MR. THOMAS: Let's confine our comments to questions.
Let's not put word in, that was kind of awkward to suggest a
modeling when he said he didn't have that, so let's accept
those answers.

46

47 MS. LOWE: Mr. Chairman, I guess I'm not understanding
him because in one point I'm told that we don't, another point

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he's telling me what he thinks is there. And I'm trying to figure out why, is it seat of the pants; is it based on something scientific or biological; I'd like to grasp something a little more solid.

4

5 MR. THOMAS: If you don't have that information

6

7 MR. TITUS: We don't have that information, I'm sorry.

8

9 MS. LOWE: Okay.

10

11 MR. VALE: One last question. We heard that there wasn't an aerial survey done this year due to snow condition, do you have some survey information for the past five to 10 years?

15

16 MR. TITUS: Yes, we do, but I do not have it with me.

17

18 MS. LOWE: Does Fish and Wildlife have it or does Forest Service have it?

20

21 MR. WILLIS: The information that you see that we have the harvest information, Ann.

23

24 MS. LOWE: Okay, thank you.

25

26 MR. VALE: Is it possible to obtain that information in short order, like later today, or along that line?

28

29 MR. TITUS: I can try.

30

31 MR. VALE: To me it seems really relevant to know what the bull/cow ratio is and that those surveys should be an indication of that, so

34

35 MR. THOMAS: And that's deliberation for the Council, Ann.

37

38 MR. VALE: Yeah. Well, are you telling me, yes, you could get that information?

40

41 MR. TITUS: I don't know whether I can or not. The information has just been provided me by a gentleman from the Forest Service. And you're asking for the information from

45

46 MR. VALE: On the Stikine area there.

47

48 MR. THOMAS: When you say the Stikine area, are you

49

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1 talking about the Stikine River, itself, or you talking about
2 Annatrack (ph) and Thomas Bay or what?

3 MR. VALE: I'm talking about

4
5 MR. TITUS: For the Stikine River, for example, in 1989
6 the ratio was 88 adult to seven calves.

7
8 MR. VALE: I'm sorry, could you repeat that?

9
10 MR. TITUS: It's 88 to seven, that's adults to calves,
11 not bulls to calves. In 1990 it was 70 to 12; '91-'92, 57
12 adults to 12 calves.

13
14 MR. VALE: That's the calf ration or bull to cow
15 ration?

16
17 MR. TITUS: Adult to calf rations, so in the last
18 three, four years for information the percent calves as a
19 percent of the adults was six percent, seven percent, 15
20 percent and 17 percent.

21
22 MS. LOWE: What is the cow/bull ration in Thomas Bay,
23 that on there?

24
25 MR. TITUS: No, that's not in this package here 'cause
26 that's a different hunt, per se.

27
28 MR. THOMAS: Other questions? Okay, thank you. Even
29 though it might not seem like it, we really respect and
30 appreciate you indulgence for flying by the seat of your pants
31 in some cases here. We don't like to do that, but it's not
32 anticipated that we do that, it's kind of fun doing that
33 because we don't get that chance. Mark.

34
35 MR. JACOBS: Mr. Chairman, I'd like to raise a
36 question. A lot of us had a tough time getting here and the
37 State is out of compliance with ANILCA and yet you allow them
38 to dominate this particular hearing. I resent that very much.

39
40 MR. THOMAS: What do you offer as an alternative?
41 Do you have an alternative to offer?

42
43 MR. DALTON: I don't think he heard you.

44
45 MR. THOMAS: Yeah. Well, it's not fair for me to hear
46 him and him not to hear me. In that case we'll continue to
47 dominate. Any further discussion? Mim.

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MS. ROBINSON: I have a question, I'm not sure who would answer. I guess I'm mostly throwing out a thought. It sounds like Thomas Bay has a healthier herd than the Stikine River basin area, would it be possible to go ahead and split those and get rid of the restriction for the Thomas Bay area, but keep it for the Stikine area? Is this something that would work?

7

MR. THOMAS: You're asking the wrong guy.

9

MS. ROBINSON: I don't know who -- whoever can answer that.

12

MR. WILLIS: We have no proposal on the table concerning that particular section, so we can't deal with Thomas Bay under this year's proposed regulation, Mim.

16

MR. THOMAS: The other proposal speaks to south and east of LeConte and Glacier. I thought I had Thomas Bay in the wrong place there for a while.

20

MS. ROBINSON: I'm still figuring out stuff on the map, here, so I mean -- obviously I'm confused.

23

MR. THOMAS: That's okay, I don't mean to be critical. Any other questions?

26

MS. ROBINSON: So why has all this stuff been coming up about Thomas Bay?

29

MR. THOMAS: Ask John.

31

MR. WILLIS: Because that's the question directed to me.

34

MS. ROBINSON: Must have been a confusing one.

36

MR. WILLIS: To really get information comparing the impact --

39

MS. ROBINSON: So it was a comparison only, okay.

41

MR. WILLIS: the impact of spike-fork, 50-inch regulation.

44

MS. ROBINSON: Gotch ya.

46

MR. WILLIS: We believe it's in our best professional judgment that the reason for the big increase in the number of

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moose and number of bulls and calf survival and production in Thomas Bay as opposed to the Stikine River.

2

3 MR. THOMAS: Okay, is that all the questions of these
4 guys? Ann.

5

6 MS. LOWE: When you guys were working on this proposal
7 and so forth, was there public present with you? I mean, had
8 you been to any Advisory Committee members or talked to
9 Ms. Janice Churchill or anything? Gotten that input?

10

11 MR. WILLIS: We just have the written input that they
12 provided and I was remiss in not mentioning the written input
13 that we got. There wasn't a whole lot of it, but -- and in
14 trying to sort out how we're going to do this thing and trying
15 in a hurry also, I skipped over the fact. I had made some notes
16 that we did have some public comment.

17 I was going to mention that we had two letters that
18 were opposed to going back to the old regulation and one letter
19 that was in favor of it. But that was -- other than the
20 proposal, itself, that was the extent of the input from the
21 public.

22

23 MS. LOWE: One more question before you go. Since
24 you're working with subsistence issues on these hunting and so
25 forth, and some times it's hard to separate it out, hunting and
26 subsistence or sports and subsistence, could you tell me -- I
27 looked at your information here on how it would affect things
28 and everything, but could you tell me what you see as an impact
29 strictly from if the subsistence hunter was allowed to do this,
30 what impact you see for, say, this year or next year. And you
31 said in the long run it would get worse and worse, but I'm
32 wondering they're asking for a change now, is there a window
33 now that they can harvest more and then go back to something
34 later? Or why -- what's -- do you see what's happening here?

35

36 MR. WILLIS: No, we're already on a downhill spiral as
37 you can see from that chart on the wall there. Every year
38 makes it a little bit harder to come back. You already have
39 this extremely high number for percentage of young bulls in the
40 population that don't breed very well, you have your poor calf
41 survival and poor calf reduction and to go in -- this year we
42 had a few bulls surveyed that would have been shot had we not
43 been working under the spike-fork, 50-inch regulation. To
44 allow those bulls in to be shot next year, we just undo what
45 you did this year.

46

47 MS. LOWE: Okay, thanks, Bob.

48

49

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MR. THOMAS: Patti.

1
2 MS. PHILLIPS: Because of the subsistence priority for
moose, have there been restrictions made to sport hunting
because of the decline in the moose population?

5
6 MR. WILLIS: Yes, there have. Hunting in that area is
limited to people who have customary and traditional priority
and that's the residents of Petersburg and Wrangell.

9 Excuse me, I've been corrected on that. All rural
residents, as I mentioned earlier in the discussion, almost all
the moose harvested are from Petersburg and Wrangell. The
changes made last year, as many of you will recall, that both
Petersburg and Wrangell were being allowed to hunt, rather than
just one community. This was a change made by the Federal
Board last summer in a request for reconsideration. But there
is no non-subsistence hunting of that moose herd.

17
18 MR. THOMAS: Any further questions? Thank you. Okay,
anybody from the public wishing to testify on Proposal Number
20 Anybody from other agencies have any interest in offering
input on Proposal Number 3?

22
23 MS. LOWE: Three and four, Bill.

24
25 MR. THOMAS: Three and four. Thank you.

26
27 MR. CHESTER: My name is Dennis Chester

28
29 MS. LOWE: My pencil is running out of lead, sorry,
Dennis.

31
32 MR. CHESTER: I'm a wildlife biologist with the Forest
Service in Wrangell. And I guess the one thing I think I
needed to point out if Robert said that I miss was that there's
an important difference between the two proposals that we've
been talking about here.

37 Proposal 3 by Janice Churchill maintains a registration
permit hunt and Proposal 4 eliminates registration permit.

39
40 MR. THOMAS: Any questions?

41
42 MR. WILLIS: That's the way it's written here. I'll
comment to that briefly, Bill. The information you have in
front of you has both of those in the same, as I said, they
both said that you must have a Federal registration permit,
both Number 3 and Number 4. However, this is a reprint of the
original request and so there is a possibility that it was
a different one or the other and we just missed it.

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1 MR. THOMAS: If that's the only case, is there
any

3

4 MS. WILSON: The proposed change.

5

6 MR. WILLIS: No, he's right. I'm sorry, I was looking
at the wrong regulation. I'll get it straight here in a
minute. Number 4 does not require a Federal registration
permit and Number 3 does require a Federal registration permit.
So I probably should reiterate what I said about the original
proposal. It's been rewritten in this booklet and it was put
together in a hurry and there's a possibility of an error.

13

14 MS. LOWE: The issue, however, is still the spike 50,
that -- not the registration?

16

17 MR. CHESTER: Well, I guess there is an important point
to the registration permit in that the registration permit
allows us to collect information on the hunt. Without that
registration permit there is -- we, basically, get no
information back, the hunter is not required to tell us
anything; we don't get any idea how many people are out there
hunting.

24

25 MR. THOMAS: Since there's some expression of being
worried about confusion, I think we'll separate 3 and 4 for
action, that's because of the difference of how it's printed.

28

29 MS. LOWE: You have a motion on the floor to support?

30

31 MR. VALE: No motion yet.

32

33 MS. LOWE: Oh, great, I wrote it down. Writing away
here, okay.

35

36 MR. THOMAS: Any questions?

37

38 MS. ROBINSON: Are we ready to adopt it.

39

40 MR. THOMAS: Okay, thank you. We're ready for Council
deliberations.

42

43 MS. ROBINSON: I move to adopt Proposal Number 3.

44

45 MR. VALE: Second.

46

47 MR. THOMAS: It's been moved and second. Any
discussion? Put an asterisk by that second, please. Any

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further discussion on Proposal Number 3? Even though the information was offered around the both of them, the reason I opted to consider them independently for action just because of the difference in the documentation, so any further discussion? Ann.

5

6 MS. LOWE: John is who I would like to hear from. John, what kind of input have you heard from people in your area on Proposal Number 3? Did you talk to this Janice Churchill yourself or no?

10

11 MR. FELLER: Yeah, I worked with her, Ann, on that proposal and both her and Steve, he's the President of Stikine Sportsman's Association and they just didn't like the regulation change in that it was non-enforceable or there was a conflict and there's so many agents up the river there's almost more agents than hunters. And Janice Rooney kind of coined it like it forced them to be slough bunnies, they had to wait around the slough and wait on the State line for a moose to come by that they could bag. So it's going to limit their harvest, their bag limit.

21

22 MR. THOMAS: Further discussion?

23

24 MR. FELLER: Does that help you?

25

26 MS. LOWE: Yeah. Do you feel like this is good regulation change for the subsistence hunter? I mean, if this is something they're doing.

29

30 MR. FELLER: Well, the way I look at it overall and I might be considered a trader to the Stikine River hunters is that you can't argue with success. Like, if the Thomas Bay is a good example and that's started recently in '87 or '88, what Bob said, then they're already expanding the hunt and they have twice the kill ratio already.

36 But I have a hard time convincing the hunters on the Stikine River of this, you know. They say, also, that there's been real fluctuations in the past and it came back on its own, so it's kind of ambiguous, you know, that they're kind of on faith and I tend to support the biological input here.

41

42 MR. THOMAS: Further discussion?

43

44 MR. VALE: Question.

45

46 MR. THOMAS: Question has been called for. Please call the roll.

48

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1 MS. LOWE: John Feller.
2 MR. FELLER: I'm kind of on the spot here.
3
4 MS. LOWE: I'll come back to you.
5
6 MR. FELLER: No, that's all right. I'll vote yes for
7 Proposal 3.
8
9 MS. LOWE: Richard Dalton, Senior.
10
11 MR. DALTON: I think I'll abstain on this one.
12
13 MS. LOWE: Patricia Phillips.
14
15 MS. PHILLIPS: No.
16
17 MS. LOWE: Mim Robinson.
18
19 MS. ROBINSON: No.
20
21 MS. LOWE: Marilyn Wilson.
22
23 MS. WILSON: No.
24
25 MS. LOWE: Millie Stevens.
26
27 MS. STEVENS: No.
28
29 MS. LOWE: Ann Lowe. No. John Vale.
30
31 MR. VALE: No, because of the conservation concerns on
32 the population.
33
34 MS. LOWE: Bill Thomas.
35
36 MR. THOMAS: No.
37
38 MS. LOWE: Herman Kitka, Senior.
39
40 MR. KITKA: No.
41
42 MR. THOMAS: Okay, Proposal Number 4.
43
44 MS. LOWE: It failed, Mr. Chair, one, eight and one
45 abstention.
46
47 MR. THOMAS: Thank you.
48
49
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1 MR. VALE: Move to adopt Proposal 4.
2 MR. FELLER: Second.
3
4 MR. THOMAS: Move to adopt Proposal 4 and seconded
5 before I was able to say what was going on here.
6
7 MS. WILSON: I second it.
8
9 MR. THOMAS: Moved and second. Discussion.
10
11 MS. ROBINSON: Question.
12
13 MR. THOMAS: Question has been called for.
14
15 MS. LOWE: I missed the motion maker.
16
17 MR. THOMAS: John.
18
19 MR. VALE: Moved to adopt.
20
21 MS. LOWE: And I missed the second, it was?
22
23 MR. THOMAS: Marilyn.
24
25 MS. LOWE: Marilyn. Sorry, you guys are moving right
26 along here. Richard Dalton, Senior.
27
28 MR. DALTON: I say no.
29
30 MS. LOWE: Patricia Phillips.
31
32 MS. PHILLIPS: No.
33
34 MS. LOWE: Mim Robinson.
35
36 MS. ROBINSON: No.
37
38 MS. LOWE: Marilyn Wilson.
39
40 MS. WILSON: No.
41
42 MS. LOWE: Millie Stevens.
43
44 MS. STEVENS: No.
45
46 MS. LOWE: Ann Lowe. No. John Vale.
47
48 MR. VALE: No.
49
50

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1 MS. LOWE: Bill Thomas.
2
3 MR. THOMAS: Yes.
4
5 MS. LOWE: Herman Kitka, Senior.
6
7 MR. KITKA: No.
8
9 MS. LOWE: John P. Feller.
10
11 MR. FELLER: Yes.
12
13 MS. LOWE: Mr. Chair, it failed, two, seven, zero.
14
15 MR. THOMAS: The yes's failed?
16
17 MS. LOWE: The proposal failed. Don't try to confuse
18 me.
19
20 MR. THOMAS: Proposal 5 is withdrawn, that takes us
21 into Proposal 6. Staff, if you would, please.
22
23 MR. WILLIS: Need my name again, Ann?
24
25 MS. LOWE: No.
26
27 MR. WILLIS: Okay. Proposal six deals with moose also,
28 this time in Game Management Unit 3. The existing regulation
29 broken into two parts for Game Management Unit 3. This is
30 regulation 25(k)(3) which states: Unit 3, Mitkof and Wrangell
31 Islands, one antlered bull with spike-fork or 50-inch antler or
32 three brow tines on either antler. Open season, October 1 to
33 October 15. Remainder of Unit 3, no open season.
34 The proposed regulation would read: One bull with
35 spike-fork or 50-inch antler or three brow tines on either
36 antler by State registration permit only. Open season, October
37 to October 15.
38 In essence, this proposal would get rid of the split
39 and create a Federal registration -- excuse me, a Federal
40 subsistence season in the remainder of Unit 3 and there's
41 currently a State season in effect in that area. This proposal
42 requests to make the Federal season or create a subsistence
43 moose hunting season which would be identical to the State's
44 general moose hunting season.
45 There are three issues here. One is expansion of
46 subsistence moose hunting into that portion of Unit 3 where
47 there is currently only the State's general season. The second
48 modification of the Federal subsistence management
49
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regulations in all of Unit 3 to bring them into conformity with State regulations, including requiring State registration permits for subsistence users hunting Mitkof and Wrangell Islands. The third is creation of a subsistence hunting season in an area and on a species where there is no historical record of any subsistence use of the species having occurred.

6 There is a no anticipated biological or cultural impact whether this proposal is passed or not. Under the State's general season or the Federal season, if one is created, the same people would be hunting the same animals in the same areas with the same seasons and bag limits. But there is, however, the other large issue here which we've recommended that the Board needs to consider because it's a divergence from the way that they've done business in the past.

14 Moose have not occupied the portion of Unit 3 which proposed for inclusion in Federal Subsistence Management Regulations until the last two to four years. Therefore, there is no history of subsistence use. So the main issue here is whether to establish subsistence regulations based on customary and traditional use, which is the way it's been done in the past. Or to expand to subsistence use into new areas and after these areas are colonized by new species, by other species.

22 There's been no customary and traditional use determination in Unit 3 which means that any rural resident is eligible to hunt moose under Federal subsistence regulations in that unit. Wrangell Island has been opened for moose hunting since 1990 and '91 and has been hunted primarily by Wrangell residents.

28 Mitkof Island has been open since '91-'92 and has been hunted primarily by the residents of Petersburg and Kupreanof. All of Unit 3 was open under State regulation in 1992-93. And there was some harvest in the new area, mostly by residents of Bake and Petersburg-Kupreanof Island. About 90 percent of the harvest takes place on Federal public lands.

34 Currently, there is a Federal subsistence moose hunting season on Wrangell and Mitkof Islands, with a harvest limit of one bull with spike-fork or 50-inch antlers and an October 1 to October 15 season. This season that was in place is a State season when the Federal program began in 1990 and was adopted by the Federal Subsistence Board. It's identical to the current State season for those two island, except that a State registration permit is not required for Federally qualified subsistence hunters hunting on Federal public lands on those two islands. Requiring such a permit for moose hunting on Federal public lands on these two islands would facilitate harvest data collection and would reduce confusion over regulations for the hunter.

47 This proposal would allow hunters, who are almost entirely local residents, to hunt under coinciding State and

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Federal regulations for the entire unit. It would also create a Federal subsistence season on federal public lands where there is an existing State regulation, but not a Federal regulation. As I said earlier, there would be no biological or social impact either way for this regulation because the same people would continue to hunt in the same areas under the same seasons.

7 However, if this proposal is adopted it would be a divergence from the customary and traditional use approach, which the Board has been using in the past to make determination on who has customary and traditional use of which species in which areas. These are community based decisions and that's how it's been done in the past and so what I'm saying is, if this proposal is adopted then the Board would be diverging from what they have traditionally done. There are eight criteria contained in the regulations which came out in support of ANILCA which have to be met.

17 Eight conditions which have to be met for a community to have subsistence use of a species in a given area. Two of those are that they have to demonstrate a long term consistent pattern of use and a pattern of use over a period of many years. That's kind of difficult to when you haven't had moose in this portion of Unit 3 for only the last two to four years. So it would be difficult to demonstrate under these criteria a subsistence priority for moose in this area.

25 It would, however, be advantageous if all the hunters have the same registration permit requirements. Those Federally qualified subsistence users and non-Federally qualified subsistence users on Wrangell and Mitkof Islands.

29 We had some public comment on this issues, we had two letters, both in support of the proposal by individuals. We had one letter in opposition, the Alaska Department of Fish and Game felt that this proposal should not be adopted because the moose population in Unit 3 is a relatively recent origin and there's no history of customary and traditional use. And a few non-local hunters participate and compete with the local hunters, so there would be no advantage for having a subsistence season on top of the existing State season. Questions.

39

40 MR. THOMAS: Ann.

41

42 MS. LOWE: I believe there's a gentleman out there that's got the information I need and his name has slipped my mind. But there is a history or knowledge of past use on this area that older than two or three years.

46

47 MR. THOMAS: We'll allow that to happen.

48

49

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MS. LOWE: Can we have that testimony now?

1

2 MR. THOMAS: When we're through with him 'cause once he
3 leave he's done.

4

5 MS. LOWE: Okay. Well, I don't think Bob can answer
6 this question, this other guy can, so I'll wait.

7

8 MR. THOMAS: Well, hold the question for him. Anybody
9 else got any questions Bob can respond to? John.

10

11 MR. VALE: Can you describe what the population is in
12 this area here?

13

14 MR. WILLIS: I don't have population data on it. They
15 just opened the season, I may have harvest data.

16

17 MR. VALE: That was my next question, harvest data.

18

19 MR. WILLIS: I believe I have some harvest data here if
20 you'll bear with me for a moment. Yes, 1993, three moose were
21 harvested on Kupreanof Island which was the new area that was
22 opened. There were seven harvested on Mitkof Island and one on
23 Wrangell.

24

25 MR. THOMAS: Further questions?

26

27 MR. VALE: You said there was a portion of that area
28 where you have a Federal subsistence season and it's not
29 required to have a harvest tag.

30

31 MR. WILLIS: Right, Mitkof and Wrangell Islands. And
32 I'm not sure why that wound up that way, I guess it was an
33 oversight on someone's part when the original regulations were
34 adopted from the State regulations. But the State regulations
35 require a permit; the Federal regulation do not.

36

37 MR. VALE: Does the proposed regulation require that
38 harvest?

39

40 MR. WILLIS: The proposed regulation would require that
41 harvest ticket, yes.

42

43 MR. VALE: Okay, thanks.

44

45 MR. THOMAS: Further questions of staff? Thank you,
46 Robert.

47

48 MS. LOWE: Mr. Chairman.

49

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1 MR. THOMAS: We'll now hear from the public.
2
3 MS. LOWE: I think this is Forest Service staff, is
4 that part of this?
5
6 MR. THOMAS: No, they're not.
7
8 MS. LOWE: Okay.
9
10 MR. THOMAS: Public. Anybody from the public wishing
11 to testify on Proposal Number 6? Others? Agencies?
12 Conspiracies, whatever?
13
14 MS. LOWE: Here comes a guy.
15
16 MR. EGINGTON: Mr. Chairman, John Egington. Yeah,
17 presence of moose on Kupreanof Island have been there, we've
18 known of their existence since the early '60's. We found them
19 in our field reconnaissance when we were out doing layout for
20 lumber sales; we found some moose that had died of old age, so
21 they've been present there.
22 And the old thinking on hunting populations you needed
23 to know how many animals were there. With this new idea of the
24 antler restrictions that bypasses the problems of biological
25 knowledge, because you can't hurt the herd by taking out a few
26 of these smaller bulls. So then, therefore, we think that it's
27 possible to hunt out in that area for the subsistence,
28 irrespective of the needing to know how many animals are there.
29 So that's my ideas on the population. If there is any
30 questions I'll -- the existence of moose out there and their
31 expansion from Petersburg -- or from Mitkof Island. The other
32 this question -- I don't think it was covered on this
33 regulation, was the idea that you could be possibly hunting on
34 Mitkof Island as a subsistence hunter without a State
35 registration permit.
36 And I think it's just the problem between the two
37 regulation books. In the Federal subsistence regulation book
38 for this year it does not require a State registration permit,
39 but in the State regulation it does require. So there's a
40 conflict there and it's confusing to the public. Could they
41 hunt there without and so the idea of this regulation -- this
42 proposal is to make it less confusing and so the public just
43 does one thing, they have to have a registration permit to hunt
44 there. That gives us, also, the data to manage that population
45 for permanent herd conditions. That's all I wanted to say.
46
47 MS. LOWE: Before you run off, John, I've got some
48 questions I want to ask. Have you been watching any moose in
49
50

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this area yourself for some time?

1

2 MR. EGINGTON: Yes.

3

4 MS. LOWE: And do you have any data, like, personal
5 observation or harvest observation or anything -- any data to
6 support

7

8 MR. EGINGTON: We don't have harvest counts, we just
9 have antidotal counts, counts where people telling us, well,
10 they seen moose here and there, like I said before we they
11 found them, dying of old age, so, you know, they've been there.

12

13 MS. LOWE: 1960.

14

15 MR. EGINGTON: In the early '60's, yes.

16

17 MS. LOWE: I'm sort of aware of that time back in there
18 because it's pretty close to when I was around that area. Do
19 you know if there's been any -- when people report their moose
20 that they've taken, have they always had to do it by permit
21 from the State?

22

23 MR. EGINGTON: Yes, as far as I know, it's always been
24 the green card.

25

26 MS. LOWE: Okay, so with that permit, have they been
27 required to tell you where they took the moose from?

28

29 MR. EGINGTON: I think so, yes. On a green card
30 there's a spot to say.

31

32 MS. LOWE: And so do you have any information
33 indicating where moose were harvested from?

34

35 MR. EGINGTON: On Kupreanof?

36

37 MS. LOWE: Uh-huh (affirmative).

38

39 MR. EGINGTON: Well, this year, yes. This is the only
40 this season is the only season it's been open officially.
41 They did take three and that information was on a registration
42 permit from the State.

43

44 MS. LOWE: Okay.

45

46 MR. EGINGTON: But not under Federal.

47

48 MS. LOWE: Right. Okay.

49

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1 MR. THOMAS: Further questions? Thank you.

2

3 MR. CHESTER: Want me to state my name again?

4

5 MR. THOMAS: (Nods affirmatively)

6

7 MR. CHESTER: I'm Dennis Chester with the Wrangell
District Forest Service. I think to kind of address what Ann
was talking about a little earlier, a little bit different
perspective on the history and customary and traditional use of
the moose on the island now. I think it's pretty well accepted
that these are an expansion of the moose from the Stikine River
corridor which had been customarily and traditionally used by
the Stikine Tlingits for hundreds, if not thousands of years.
They've been used since they've shown up on the Stikine Delta
by Wrangell and Petersburg residents in the early 1900's. And
I guess if you kind of erase arbitrary lines and dates these
moose are still moving out and expanding their range and are,
basically, the same moose or the ancestors of moose that have
been used for many, many years.

21 So I guess that's not maybe our traditional way of
looking at customary and traditional use on a particular piece
of ground, but I, from the standpoint of the biology of the
people in the area and the moose in the area, I think it's
maybe more appropriate at times. I think that way.

26

27 MR. THOMAS: Mim.

28

29 MS. ROBINSON: I'm not sure you can answer this
question or not. First, a statement. I know another antidotal
sighting, actually there's the last couple of years a couple of
moose had been seen Tebenkof Bay area on Kulu Island and so
it's exciting for people in Port Alexander to think that there
might be some moose in our vicinity.

35 What I'm wondering is, when is there enough to open up
a season in an area where there had previously not been any?
It sounds to me, like, it might be premature to open it, but,
you know, what figures do you look at to decide whether to open
up the area or not?

40

41 MR. CHESTER: Well, there's a couple of different ways.
42 You want to establish a set number of moose that you want to
harvest. I think kind of the standard number for moose would
be approximately 10 percent of the bull population. So you
would have to know how many moose you had out there.

46

47 MS. ROBINSON: You'd do a count.

48

49

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MR. CHESTER: Right. So you'd have to have enough moose out there to make it worth your while to have a hunt. Maybe you'd want 100 moose, or bull moose out there so you could harvest 10 to make it worthwhile. I think what Kim Titus pointed out earlier and John pointed out earlier is under that spike-fork, 50 you are automatically limiting your harvest to a certain percentage of your bull moose population. And following that regulation it -- it's nice from a manager's standpoint because you are not -- you don't have to know as much information about you population.

10 The idea works that there's a certain percentage of young moose that'll have a spiked-fork the first year, a smaller percentage the second year and on and on. And then, of course, they'll get to a larger size and then maybe have the 50-inch antler spread. So you're protecting a certain percentage of your bull moose every year; of your recruitment, and as they become older then you have a certain amount that you can harvest then.

18

19 MR. THOMAS: Ann.

20

21 MS. LOWE: This regulation has been designed with that in mind, from what I can see here. You got this spike-fork, 50-inch antler and then you got a season and then you've got the State registration permit only. So it looks like you got some knowledge or concept that there is enough out there to have a little hunt on it and that you're regulating with this particular regulation. But is this regulation -- isn't it also addressing -- it's addressing an issue of keeping things consistent with State versus the Federal so that the public is not confused about where they can or cannot

31

32 MR. CHESTER: Correct, that is part of the reason for that regulation.

34

35 MS. LOWE: And so what I'm getting at, then, is that we're looking at the consistency, but you also actually have that population there that you can apply this regulation to for hunting.

39

40 MR. CHESTER: Right, we know there's moose out there. Being pretty much in a forested environment it's extremely hard to get an estimate of just how many are out there.

43

44 MR. THOMAS: For the sake of management, you know, one thing subsistence users do is always allude to insuring management about whatever resource. I guess I'm curious that if you don't know how many moose are there, how do you know what good management would be with the harvest -- how could you

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determine the harvest?

1

2 MR. CHESTER: Could you -- I didn't follow what you're
asking.

4

5 MR. THOMAS: How would you determine the harvest level
if we don't know what the population is?

7

8 MR. CHESTER: Well, if you don't know what the
population is -- I guess that's what I'm saying about the
spike-fork, 50 regulation. You know that there's a certain
percentage of your population that will never meet that
criteria.

13

14 MR. THOMAS: I see. Ann.

15

16 MS. LOWE: Also -- I don't know if this is the place to
point it out, but under ANILCA the subsistence user is given
the opportunity to take fish and wildlife populations within
their region to meet their needs. And this Council has not
done C&T yet in the sense that we've reviewed and told you what
we want C&T to be and, therefore, to try and to say in here, to
say, oh, you can't do this because C&T is this is ludicrous to
us because we haven't decided what C&T is yet.

24 So, I'm thinking to myself here, that -- I don't know
what the Council will feel, but I'm thinking myself that
customary and traditional user is someone who takes what
happens to come by and opportunistically, whether it was there
before or not. I mean, it seems to me, like, there might be
effort by the Fish and Wildlife Service or the other agencies
involved to adopt everything from the State that they had in
there and not review it carefully and see if it really is
advantages to subsistence users.

33 So, at this time, presently, at the time I don't think
we're under any obligation to C&T regulations since we have
promulgated them in our region yet. And so I was just thinking
myself that you're saying in your explanation here -- and
this is the part I don't understand, I guess I'm trying to get
it, is what do you mean by there's no Federal regulation? I
mean, if it's in the book, in the season here, what do you mean
the fact that there's no Federal regulation on that moose
hunt?

42

43 MR. WILLIS: I'm not sure I fully understand your
question, Ann. First of all, there is a State season and, of
course, the subsistence hunters hunt under the State regulation
currently. When I said there would be no change, it would just
be that a Federal season would be created which mimics the
State's season with no change. Same people would continue to

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hunt that are hunting now and under the same restrictions.

1 The issue of whether or not you can establish a Federal
 2 subsistence season in the area where traditionally we have no
 3 Background information on the uses by a particular community is
 4 just to raise that issue for the Board's perusal. Make them
 5 aware that there is no impact biologically or culturally from
 6 this. However, there is an issue here, a policy issue, in that
 7 we have decided, pretty much, -- and I say we, the Federal
 8 Government, not me personally, have decided that the way to do
 9 these C&T determination is to look at each community and where
 10 they customarily and traditionally harvested animals and what
 11 animals they harvested. And that's going on all over the State
 12 and it will be done down here when the time comes, I don't know
 13 what the schedule is on that.

14 But in the past they have used as a criteria in order
 15 to make those determination -- and in this situation we saw a
 16 possibility that they were going to diverge from that and we
 17 just wanted to make sure that the Board was aware that if this
 18 proposal is adopted it would be a divergence from what had been
 19 done in the past. So this is not something we're recommending
 20 one way or the other. It's simply to raise the issue to this
 21 Council and to the Board that this is not the way business has
 22 been done for other communities, do what you will with it.

23

24 MR. THOMAS: Jim.

25

26 MR. KURTH: Mr. Chairman, I think it's important to add
 27 one other point. And, Ann, you're right, there's not been any
 28 recommendation from this Council about customary and
 29 additional uses. One of the concerns that has happened on a
 30 number of occasions is when the Board acts just to mimic a
 31 season, without considering whether or not it is a customary
 32 use, you then have some problems because if we allow a hunt
 33 under this regulation, one thing we know pretty much off the
 34 top is not hardly anyone ever customarily and traditionally
 35 hunt only moose with 50-inch antlers.

36 Most of the time when the Board has been deliberating
 37 antler restrictions they find that if it is a subsistence use
 38 to be a restriction on subsistence use and then they move
 39 quickly to eliminate other uses. There is some consideration
 40 to be had here. If it's not a subsistence used by residents of
 41 the region, is it fair to close out the Ketchikan and Juneau
 42 residents because the Board, on the advice of Council, will
 43 consider that should it adopt a 50-inch antler restriction.

44

45 MS. LOWE: Can I ask him a question?

46

47 MR. THOMAS: Sure.

48

49

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MS. LOWE: Is there a sports hunt now?

1

2 MR. KURTH: There is a State hunt in that area, that's
3 correct.

4

5 MS. LOWE: And it's open for everybody in the State or
6 is it just as we've looked at in Proposal 3 and 4, just for
7 those subsistence users?

8

9 MR. KURTH: It's currently open under State regulation
10 all Alaska residents.

11

12 MS. LOWE: Okay, so if you consider adopting this,
13 you're saying that you would have to do away with the sports
14 hunt in order to adopt this reg?

15

16 MR. KURTH: I'd never try and speak for what the
17 Federal Subsistence Board will indeed do, but they will be
18 advised to consider that. If it is considered to be a
19 restriction on subsistence use by limiting this harvest in this
20 way then the Board will have to consider restricting other
21 users.

22

23 MS. LOWE: Okay. And these kinds of things are not
24 looked at as a biological control rather than a restrictive
25 use? I mean, it's not looked at as a way to keep the herd
26 healthy or build it?

27

28 MR. KURTH: The Board has and will always act in order
29 to conserve resources. But in making decision to conserve
30 resources, they'll do that first by looking at other users
31 rather than subsistence users because the law affords the
32 priority to subsistence users. So if there's a need to
33 conserve or close a season or put a restriction on to conserve
34 the animal, the Board will do that, but it'll do that in
35 sequence, other users first and then subsistence uses if it's
36 necessary.

37

38 MS. LOWE: Are there numbers that tell how many were
39 harvested by non-rural residents in this area?

40

41 MR. KURTH: I'd throw that back to staff, I just really
42 wanted to raise that policy issue and then

43

44 MR. THOMAS: Thank you, Jim.

45

46 MR. WILLIS: There were only three harvested this year,
47 Ann. I don't have the names in front of me, you know, they
48 were almost certainly from local residents. I don't think

49

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you're going to find a lot of people that are going to travel very far to hunt moose on Kupreanof Island when there's so many better places to hunt if you're a non-rural resident.

3

4 MS. LOWE: So, basically, there's really no need or fear of cutting anybody else off from this hunt?

6

7 MR. WILLIS: I can't answer that because I don't know, you know, there may be a few people who are non-rural residents who hunt down there and possibly in the future as the herd expands and there are more hunting opportunities than there may be more non-rural residents who come in there to hunt. Or people from other areas who are rural residents, but don't have a customary and traditional use determination for this area.

14

15 MS. LOWE: Okay.

16

17 MR. THOMAS: Mim.

18

19 MS. ROBINSON: What I'm wondering about is the sport hunt. What type of moose licensing is there for that; is it like what's done up in Yakutat or is just if you want it you just go buy a license for it and go shoot your moose or how is that done in that area?

24

25 MR. WILLIS: I'll, again, defer to the State people behind me if I say this wrong, but as I understand it, it's like any other moose hunt in which only the State registration permit is required. And they can correct me if I'm wrong on that.

30

31 MR. THOMAS: I see an affirmative nod back there, so Bob is right on as unusual. John Feller.

33

34 MR. FELLER: Yeah, I just have a statement and then a 35 most of the trophy hunters in Wrangell they want to go up the Stikine River, they go across the boarder and they pay guides to go into Canada to get the bigger horned moose.

38

39 MR. THOMAS: Do they taste better with larger antlers?

40

41 MR. FELLER: They taste pretty good, yeah. There's more of it, too.

43

44 MS. WILSON: Mr. Chairman.

45

46 MR. THOMAS: Marilyn.

47

48 MS. WILSON: Our people that lived in this area used to

49

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trade for moose, so I don't see how they could say that it wasn't a C&T, it's not customary and traditional. Because our people use the moose, even though it wasn't -- there was no border, you know, at one time. Now there's a border, so we have C&T on moose, so according to the State of Alaska we don't, is that right? Does anybody know?

6

7 MR. KURTH: I'm sure I didn't say that.

8

9 MS. WILSON: Oh. Well, I just want to say we have C&T on that.

11

12 MR. THOMAS: Ann.

13

14 MS. LOWE: I guess what I'm wondering is, I guess I don't understand what Bob means when he says we allow this to happen, what do you mean by that?

17

18 MR. WILLIS: Allow what to happen, Ann?

19

20 MS. LOWE: This regulation to pass; this hunt on these moose, what do you mean by that?

22

23 MR. WILLIS: If this proposal is adopted there will be a Federal season established in this area which mimics the State's season.

26

27 MS. LOWE: Right, and what would be wrong with it? And what's what I'm trying to find out.

29

30 MR. WILLIS: I wouldn't say there's anything wrong with it. I just pointed out that it would be a divergence in the way the Board has done business in the past and this is an issue that needs to be raised. This is a unique situation, it's never come up before in the State where you have species that are colonizing a new area that hasn't been transplanted, it never existed there in earlier times, like musk ox on the North Slope or something of that nature. It's the first time that this has happened and because of the way the Board has done business in the past and looking at the communities and where they traditionally harvested and what they traditionally harvested automatically create a new season on a new species on a new area is just different from anything that they've done in the past and so we raised the issue. That's part of our job is to point these things out for their consideration.

45

46 MS. LOWE: Did you hear the testimony that they were, at least, spotted in 1960?

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MR. WILLIS: Yes. There was no hunt, though, in recorded history -- there was no hunting in recorded history. Mitkof and Wrangell Islands are different because there was a State season there in existence when the Federal program began in 1990 and so the Federal program adopted the State's season. But there was no season and no record of any season on GMU 3.

There was a two year season, or something like that, in the early '60's, I believe, at one time.

MS. LOWE: So there was a record?

MR. WILLIS: Yeah, there were two years of hunting under as State season back then, but then it was closed and there was no season in existence at the time the Federal Board or the Federal program began. That's why it was not adopted for all of Unit 3.

MS. LOWE: Is Fish and Wildlife opposed to this?

MR. WILLIS: No, we're not opposed to it or in favor of it at this time, we don't have an official position on it. As I said, we just raised the issue on both sides to make sure both sides are considered.

MR. THOMAS: One other last question? Any more last questions on this one?

MS. LOWE: I'm ready to hear the Council.

MR. VALE: Just one.

MR. THOMAS: One last question.

MR. VALE: How old does a moose in this area have to get before he has 50-inch rack on him? Approximately?

MR. CHESTER: We really don't have a good idea on that. That's one of the reasons we started looking for cooperation of the hunters 'cause we apply these regulations to do some antler spread and aging on the harvested animals. So we can get some of that information and modify it if we find out that one of the contentions is that these are smaller antlered animals and they don't get that big and that's the information we want to find out.

MS. LOWE: Moved to adopt Proposal 6.

MS. WILSON: Second.

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1 MR. THOMAS: Moved and seconded to adopt 6. Further
2 discussion? John.

3

4 MR. VALE: Mr. Chairman, what seems to be key to this
5 proposal to me is whether or not there's customary and
6 traditional uses on these moose in this area here. Looking at
7 the criteria that Board uses in that regulation to me -- I had
8 first looked at it, I'd say, no, there's not C&T on here and
9 they should be authorizing a subsistence hunt. And I think
10 this is sort of the central question and whether or not we
11 should support this proposal.

12 I, however, did -- based on the individual's testimony
13 from the Forest Service there in the area, who said that they
14 believe the population came from Petersburg, Wrangell, Stikine
15 River drainage and extended up there and that there is C&T on
16 that particular population that kind of relieves my distress
17 about creating a subsistence season here. So, you know, I --
18 under that condition, considering the moose population as a
19 unit and there is already C&T on that unit of population I'm a
20 lot more comfortable supporting the proposal and I just thought
21 I would start off with those comments.

22

23 MR. THOMAS: Anybody else?

24

25 MS. PHILLIPS: Bill.

26

27 MR. THOMAS: Patti.

28

29 MS. PHILLIPS: I would like to show appreciation for
30 Dennis Chester's comments of the antidotal history on the
31 moose. All history of the indigenous people have it that this
32 is a unique situation, we have glaciers here, they have come
33 forward and they have receded. Because now there isn't a hunt
34 on it doesn't mean that our oral history doesn't show that
35 there wasn't a hunt on it, you know, centuries ago.

36 So I have a problem with this statement of divergence
37 from the past history of the bureaucracy and how business is
38 done because as a way of life they way business was done was
39 you went with the flow of the glaciers and just, you know, the
40 climate and so on. And I just wanted to say that I feel that
41 there is a customary and traditional use of this stock for that
42 season.

43

44 MR. THOMAS: Are you saying you're a divergence type of
45 person?

46

47 MS. PHILLIPS: A what?

48

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MR. THOMAS: A divergence type of person?

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MS. PHILLIPS: Divergence.

MR. THOMAS: Further comments? Discussion? Ann.

MS. LOWE: Okay, there's several reasons why I'm going to support this. First of all, I like to support things that clear up confusion in the public's mind, especially the subsistence user when he's trying to -- out there to harvest. I've heard so much of them say to me, get things consistent.

Secondly, I agree with Patti, just because there isn't recent written history does not mean that this has not been used in the past and if it hasn't that doesn't make any different anyway. History is that you use -- when your doing customary and traditional activities you use what is available there at the time and if it's not there you use something else.

A prime example is the concern I've seen out of the Forest Service and Fish and Wildlife protection to protect marten and go to great lengths to make restrictive regulations. And I can assure you that marten wasn't indigenous to this territory, they were transplanted for the fur industry in the 20's. So if we can give marten some leeway, we can certainly give moose some leeway.

And I think the same thing happened with rainbow trout and some of those kinds of things, so I support the idea that talked about in ANILCA in Section 805 under D(1)(2)(3) and 4) that protects the subsistence user's right to use the resources around him in a customary and traditional way. And doesn't say that he has to be locked into a certain species in a certain little valley at a certain time of the year.

And I also am of the opinion that one of the best ways probably get a handle on this is through a regulation that has this type of restriction on it so that you can have permits earned in by those that are harvested. You do have a built in protection here for any that might be out there.

I am dismayed because the Forest Service in Southeast had to come into this without their own data and they had to adopt data from other areas as well as Fish and Wildlife Service who does not have people living here in Southeast and has to rely on outside and what they glean on their own. And we're way behind the eight ball in our own research. We put a lot of money into Commissions, but we don't seem to put a lot of money into research so you can come tell this Council what is or is not there.

And so I see this as a tool of helping in that particular place where you're very void in information. I get real tired of hearing -- what did you call it; the wah (sic) or the

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1 MS. ROBINSON: SWAG.
2
3 MR. THOMAS: The SWAG.
4
5 MS. LOWE: The SWAG. I would like for us to start
6 putting some time into getting a handle on what we've got out
7 there. It's for the benefit of the subsistence user. I
8 believe that the Forest Service has submitted this in good
9 faith and it is not to undermine anything that the Council
10 might do later on with C&T issues. And I do believe we'll
11 probably address that down the line and I think at this time I
12 really do think that this is a good one to jump on and support
13 the whole concept of the subsistence user and his ability to
14 use the resource around him.
15
16 MS. WILSON: Question.
17
18 MR. THOMAS: Question is called. Call the roll.
19
20 MS. LOWE: Patricia Phillips.
21
22 MS. PHILLIPS: Yes.
23
24 MS. LOWE: Mim Robinson.
25
26 MS. ROBINSON: Yes.
27
28 MS. LOWE: Marilyn Wilson.
29
30 MS. WILSON: Yes.
31
32 MS. LOWE: Millie Stevens.
33
34 MS. STEVENS: Yes.
35
36 MS. LOWE: Ann Lowe. Yes. John Vale.
37
38 MR. VALE: Yes.
39
40 MS. LOWE: Bill Thomas.
41
42 MR. THOMAS: Yes.
43
44 MS. LOWE: Herman Kitka, Senior.
45
46 MR. KITKA: Yes.
47
48 MS. LOWE: John Feller.
49
50

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1 MR. FELLER: No.

2

3 MS. LOWE: Richard Dalton, Senior.

4

5 MR. DALTON: Yes.

6

7 MS. LOWE: Mr. Chairman, this passed, eight, one, zero.

8

9 MR. THOMAS: Thank you. Okay, we'll address Proposal
 Number 7 at this time. After we take action on Proposal 7
 we'll take a dinner break and depending on your folk's
 cooperation, expediency, we'll determine how long the dinner
 break is. Mark.

14

15 MR. JACOBS: I'd like to ask you, once again, to follow
 the rules of the Federal Advisory Committee to establish to
 provide local advice to the Secretary of the Interior,
 Agriculture regarding subsistence matters. That's what is
 says. And further on here it asks you to comply with FACA.

20

What you're repeating here -- I didn't hear what you
 said, but you asked me to provide an alternative or make other
 suggestions. I didn't hear that request from you. But what
 I'm talking about is repeat of the State Fish and Game when
 other matters push subsistence down to the bottom. This is a
 Federal Subsistence Hearing not sport fishing or sport hunting.

26

It cost money for us to get here and there's time when
 Alaska Natives have traveled to Anchorage and were pushed off
 the agenda and have to return home without being heard. And I
 don't like this domination by a few people. I wish you had
 rules that we could suspend. It cost money for us to be here
 and tomorrow I have an important meeting, I can't be here
 tomorrow, maybe that's what you want.

33

34 MR. THOMAS: That was really a nice presentation, Mark,
 but I need to know what you want. I'm here at your pleasure;
 what would you like?

37

38 MR. JACOBS: Give us a chance is what I want.

39

40 MR. THOMAS: I'm willing to do that, tell me how to do
 that. Dale.

42

43 MR. KANEN: I think if I understood his point, maybe
 there are public who have to leave -- who came to testify and
 cannot be here tomorrow and would like to give testimony,
 perhaps out of order on the proposals.

47

48 MR. THOMAS: I'm willing to do that. I'm willing to do

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that, but I need to know. I can't respond to somebody that isn't specific. And if that's what it means, that's what we'll do. So I now need to know what to do different. Right now we're looking at proposal seven, do you want us to look at a different proposal?

5

6 MR. JACOBS: In Sitka I realized that you used a heavy hand, you can still do it. You don't have a gavel, but you have a heavy hand.

9

10 MS. LOWE: Mr. Chairman, may we go on with Proposal 7 and he wants to -- there's a testimony that he can give in there because he gave it to us and that's what he wants to talk about, it's right here.

14

15 MR. THOMAS: I know that, but I'm wondering what to do different to get to that point.

17

18 MS. LOWE: Well, I don't think Mark understands what you're doing.

20

21 MR. JACOBS: We're out of town and I think what you're listening to is that -- employed right here in Juneau.

23

24 MR. THOMAS: They're not -- they're not. Yes.

25

26 MR. MEHRKENS: May I make a recommendation? My name is Bill Mehrkens, I live here in town. Perhaps, maybe, for this last hour before supper we just take general testimony regarding any issue, any proposal or anything like that to allow people, like Mr. Jacobs, and so forth to get their say and be able to do it in an expeditious way.

32

33 MR. THOMAS: I'm willing to do that as long as it's a proposal in our packet.

35

36 MR. MEHRKENS: Is that a motion that would have to come from the Council?

38

39 MR. THOMAS: No, I can allow that.

40

41 MR. MEHRKENS: I would like to propose that.

42

43 MS. LOWE: Mr. Chair, can we make just a five minute break and maybe we can go clear some things up here real quick?

45

46 MR. THOMAS: Yeah. We'll take a 10 minute break.

47

48 MS. LOWE: Thank you.

49

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1 (Off record)

2

3 (On record)

4

5 MR. THOMAS: It has been brought to my attention that
6 there are some people from the public that can't stay for as
7 long as it's going to take to complete the agenda. We don't
8 want to deny anybody an opportunity to represent themselves or
9 their organizations on this issue. Given that we're going to
10 take what time we need to give those people that need to leave
11 before we're going to be through here an opportunity to
12 testify. If they would rather that we go through the proposal
13 of their choice, we'll do that. If they would rather offer
14 testimony applied to a certain proposal without going through
15 the proposal process and leave their input for us to consider
16 when we get to that part of it, we can do that.

17 So if you intend for us to act on a proposal while
18 you're here, please let us know. If you wish to testify and
19 let us continue on with the proposal, let us know that. So
20 those of you that fall into this category of having to leave
21 and would like us to address at this time a proposal that
22 you're interested in testifying to, we'll do that at this time.
23 So if anybody would like to, please tell me what proposal and
24 we'll do that.

25

26 MS. LOWE: Mr. Chair, hearing -- oh, there we go. Is
27 this also that people can testify that don't have anything to
28 do with proposals because there's some folks that have to leave
29 that want to talk about other issues too.

30

31 MR. THOMAS: I'll respond to their questions, yeah.

32

33 MS. LOWE: Okay.

34

35 MS. HANLON: My name is Ernestine Hanlon and I did not
36 know about the time limit of your proposal. I do have a
37 proposal and each Board member has a copy. I do have time to
38 speak tomorrow, but I would like for you to consider my
39 proposal or my father's.

40

41 MR. THOMAS: I doubt that we'll be able to -- if it's
42 not making reference to something in our proposal book that we
43 have. In order to adopt their process we have to submit
44 a proposal to address that. If I'm not correct on that, somebody
45 please correct me. Can you correct me?

46

47 MS. LOWE: I think what Ernestine is asking for,
48 Ms. Chairman is if she can have an opportunity to address other

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things in the proposals and she's actually, I think, going to address a management program and if she can be her tomorrow maybe that would be more effective so that we can go ahead and get through these proposals.

4

5 MR. THOMAS: I'm not sure I'm understanding. Let's
6 continue so I can understand.

7

8 MS. HANLON: Okay, I have a proposal that I presented
9 to the Board members just now and I would like for you to
10 consider it. I'll be here tomorrow, so we can talk about it
11 then.

12

13 MR. THOMAS: I guess I need to know a little bit. Does
14 it apply to any of the ones that you know of in the book?

15

16 MS. HANLON: No, this is Glacier Bay.

17

18 MR. THOMAS: Okay. I'll probably have to defer that.
19 Probably, at this time, won't be able to schedule it right
20 now. And my guess would be that if we're going to consider it
21 at all it would be after we finish our agenda of proposals.

22

23 MS. HANLON: As for the other proposals, I didn't see
24 any of the proposals until this morning, so I don't have
25 anything.

26

27 MR. THOMAS: I understand. But if that's okay with you
28 for us to do that. I'm not intending to deny the opportunity,
29 I'm just saying that we have to probably put it later when we
30 finish the published proposals.

31

32 MS. HANLON: Well, I'll be here.

33

34 MR. THOMAS: Okay, thank you. Anybody else? Mark.

35

36 MR. JACOBS: Thank you, Mr. Chairman. I didn't hear
37 the instructions that you gave.

38

39 MR. THOMAS: Okay.

40

41 MR. JACOBS: And if you'll allow me I'd like to speak
42 several proposals that are in that book of proposals. My
43 name is Mark Jacobs, Junior. I passed out copies to each
44 member of your Board, I neglected to put my address and phone
45 number on my testimony. Maybe it's a good thing, but for those
46 of you that would like my box number, Box 625, Sitka, Alaska,
47 99835 and phone number is 747-8168.

48

I was working on my proposals when Harold Martin called

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me and told me that he could not attend. Mr. Harold Martin is the President of Southeast Native Subsistence Commission and I am Vice President. And we talked over the issues that we wanted to present here in the form of testimony. I had my written and I had them type it this morning.

5 I would start out with Proposal Number 7. I neglected to identify this as vehicles, but I wanted to make reference to the marten that is cited in this particular regulation or proposal. I would personally favor removal of all harvesting and trapping regulations on marten. My reason for change is marten is not native to Baranof and Chichagof Islands. Since the transplant of marten, they have multiplied to a point of reducing the population of grouse and ptarmigan.

13 Trappers will benefit, but will not endanger the species, and I'm talking about marten.. Grouse and ptarmigan hunters will also benefit. The transplant of squirrels to these islands have helped in reducing predator pressure on grouse and ptarmigan because of marten preying on squirrels.

18 Proposal Number 8. As a 70 year elder, I'm in favor of this proposal, it will give me reasonable access to my subsistence resource. If this becomes too controversial, then elders over 65 years of age and handicapped and cripples should be allowed to use motorized boat hunting.

23 Proposal Number 9. At my age and serious physical setbacks due to a cancer removal surgery, I favor this proposal, without the restrictions imposed by the Alaska Department of Fish and Game on a law enacted by Alaska Legislature to provide access by elders, handicap, blind & crippled. The Federal law should avoid copying the State of Alaska on this particular proposal.

30 Proposal Number 10. This is the same as Number 9, but it includes Peril Straits, Hoonah Sound and Salisbury Sound and includes the offshore islands, including Kruzoff, Biorka and Catherine Islands, I'm very much in favor of Proposal Number 10.

35 A designated hunter on behalf of an elder, handicapped or otherwise disabled, shall strive to deliver a well cared for game, properly gutted, in other words avoid dumping carelessly shot game or blood shot meat.

39 Proposal Number 11. This is okay, extended season should be shortened if there is a heavy snow fall. And that pertains to deer.

42 Proposal Number 12. This makes areas of Unit Number 4, a uniform harvest area for deer, if this overrides the sub-units, I don't object, so long as access to bag limit remains as it is.

46 Number 4 effects. History has shown -- now this is Number 4 under this particular Proposal Number 12. History has shown that deer populations recover very rapidly, up until

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about 20 years ago, we've had severe winters and up until bag limits were imposed by harvest tickets deer populations fluctuated, most die off caused by severe winters and have more of an impact on deer population than that harvested by hunters. This gives the villagers more opportunity.

5 Proposal Number 13. Deer is sufficient and I guess that's the title or part of it. Deer population is not endangered, if they are endangered, it is usually due to heavy snowfall or extreme low temperature. then they resort to feeding on kelp. This weather situation can freeze sources of necessary drinking water, dehydration results in some.

11 It is know that fawns or first year deer are the first victims of extreme winter weather, the next victims are the bucks, pregnant does will always survive a harsh winter. When deer population is down, a good indicator is does begin to deliver twins and even triplets. Biological data may not be correct, but even then it is used to impose a reduced bag limits and shorter seasons.

18 Proposal Number 14. Now this is the real thing that I want to get at. Marten is a transplant to Baranof and Nichagof Islands. Marten have devastated grouse and ptarmigan populations. It would be prudent to allow trapping marten with 20 bag limit. I would even suggest longer trapping seasons because the birds, such as blue jays, used to be a common noise maker and a nuisance. Nowadays, you rarely see this beautiful bird. As a non-migratory bird, marten has severely reduced this species.

27 Proposal Number 15. strongly favor designating an able bodied person to hunt for elders, handicap, blind and so on. Alaska State Legislature did enact Game & Fish Harvest by Proxy, however, when rules and regulations were incorporated in the regulations, it became so limited and stringent it seemed useless. I am an elder, if anyone is willing to hunt in my behalf, that proxy hunter should be able to use my harvest tags and this regulation should be area wide, i.e., all of Southeast Alaska.

36 Proposal Numbers 16 and 17. I support Yakatat on these proposals. Thank you.

38

39 MR. THOMAS: Thank you, Mark. Any questions for Mark on any of these? John.

41

42 MR. VALE: Mark, how old are you when you're an elder; how old do you have to be? Is there a line there of 55?

44 MR. JACOBS: Use your mic.

45

46 MR. VALE: How old does a person have to be to be an elder? In other words on this proxy hunting here -- for example, when we submitted the proposal from Yakatat, Mr. David

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Betie (ph), Yakatat's representative to SENSC

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2 MR. JACOBS: I think that's a good question.

3

4 MR. VALE: Yeah, he indicated we preferred a 55 year
5 age limit.

6

7 MR. JACOBS: That's a good question. I know when I was
8 a young fellow in good physical condition I went goat hunting
9 with Herman Kitka's dad, and how old was he; 78? 75?

10

11 MR. KITKA: Who me?

12

13 MR. JACOBS: No, your dad. Your dad, Mr. Frank Kitka,
14 remember when we went goat hunting and you packed out a big
15 belly goat, you didn't cut it in half.

16

17 MR. KITKA: He was 80 years old at that time.

18

19 MR. JACOBS: Now your dad at that particular time
20 showed no physical disabilities as an elder. In fact, we as
21 a young fellow had a tough time keeping up with him, so I think
22 72 years is a good time to start calling a person an elder.
23 Some are in good physical condition, yet, and some turn elder
24 before they reach 65.

25

26 MR. THOMAS: You're stepping on toes, Mark.

27

28 MR. DALTON: Mr. Chairman.

29

30 MR. THOMAS: Richard.

31

32 MR. DALTON: Mark, it mentions in here about blind and
33 some younger generation might have a marriage and maybe a
34 couple or three children who cannot go hunting, maybe on
35 crutches, so to speak, or this other blind person would like
36 this particular subsistence because it has a utilization by the
37 spiritual meat of the intake. So there's no question in my
38 mind that I would dare say to support the people that needs
39 this particular subsistence. And the use of that would be
40 great for the individual who cannot see. And perhaps have a
41 broken leg, maybe on crutches, or a broken back and can't pack
42 that subsistence.

43

44 It used to be our practice thousands of years of ago
45 when we went hunting, we when hunting and utilized everything
46 we took from there and brought it down and when we brought it
47 down -- if I had a brother who has a broken back and can't do
48 anything, he even might be younger than I am, and if I have a
49 deer to share with him, I would share that deer with him. That

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was customary, traditional uses.

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2 MR. JACOBS: Thank you for sharing my testimony.
 That's exactly the way I think. The bag limit can become quite
 4 a controversy especially when you deal with household permits
 5 and personal permits. It can be use for discrimination. I
 6 have suffered it and I also documented one case of
 7 discrimination in the permit system, well documented.

8

9 MR. THOMAS: I'm not so sure that elder is a real good
 10 criteria. In my recollection and in a subsistence lifestyle
 11 for any reason that somebody wasn't able to go out and get
 12 their own provision it didn't take a Council meeting to decide
 13 whether somebody was going to help that person or not, we just
 14 helped that person. So I think handicap and disadvantage would
 15 probably be more applicable than elder because, you know, like
 16 Mark said, some people are in phenomenal physical shape when
 17 they're in elder age.

18 Other people have different reasons for being
 19 disadvantaged or handicapped that could use somebody to hunt as
 20 a proxy hunter or to provide for them for whatever they get
 21 from the resource. We'll discuss that when we make a decision
 22 on it, but I'll probably offer that for a change in language.

23

24 MR. KITKA: I agree with Bill that handicap would be
 25 more proper to use because I still hunt. I'm 80 years old and
 26 still go out and climb the mountain.

27

28 MR. THOMAS: If we pass this you can't go any more.

29

30 MR. KITKA: There's a lot of Indians out there that's
 31 elderly that's doing the same thing I'm doing, so handicap, I
 32 think, would be more appropriate to use in the proxy hunter.

33

34 MR. THOMAS: Then you can use my proxy and you can hunt
 35 for me.

36

37 MR. JACOBS: Thank you. Thank you, Herman. I don't
 38 show any physical disabilities, but it's a problem for me to
 39 walk a quarter of a mile. And I would have a difficult time to
 40 move to the State Fish and Game or the U.S. Fish and Wildlife
 41 Service that I have a severe disability.

42 I experienced the same kind of thing with my hearing.
 43 I know that my hearing was damaged in my battle station during
 44 the war. And I tried to talk to the Veteran's Administration.
 45 They asked me what my vocation was. I did blasting for 35
 46 years before I retired. They attributed my loss of hearing to
 47 the muffled explosions.

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MR. THOMAS: John.

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2 MR. VALE: Mark, what aspect of the State proxy hunt --
3 In here you say that it became so limited and stringent it
4 became useless, can you tell us what part of the State
5 regulation and discuss that.

6
7 MR. JACOBS: Haven't you read the State regulation on
8 what the present regulation state, Fish and Game regulation.
9 You look at it, the State of Alaska enacted that proxy hunting
10 then it went to implementation, through this kind of process, I
11 guess, I had no input in it, I don't know what happened there,
12 but it became very stringent that I believe one month or so
13 limited, 'cause I was an able bodied man, I wouldn't even

14
15 (Plug was kicked out and machine shut off for
16 approximately 15 seconds.)

17
18 MR. JACOBS: and it was a honor to give those
19 orders that we respect the best meet that we could give them.

20
21 MR. VALE: Thanks.

22
23 MR. JACOBS: Thank you. I don't intend to be sitting
24 here all night and dominate.

25
26 MR. THOMAS: We're enjoying the view. Thank you, Mark.
27 Is there anyone else that would like to address the proposals
28 from the book? Wanda.

29
30 MS. CULP: We're here representing the Tribal
31 Government of Hoonah and not prepared to address the proposals
32 that are in the book simply because we got them today, but we
33 do have some concerns that -- local concerns that we want to
34 bring forward to you as a Council so that you could pass our
35 concerns on to the Federal Subsistence Board, since we're
36 unable do it ourself, we're just trying to fit into the system
37 here. So if it seems a little unorthodox, please bear with us
38 because

39
40 MR. THOMAS: Do you folks have to leave?

41
42 MS. CULP: Yes.

43
44 MR. THOMAS: Okay. Please proceed.

45
46 MS. CULP: This is Mary Rudolph, she representing the
47 Hoonah Indian Association IRA Council and she has a statement
48 and then I'll make a brief on after.

49
50

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1 MS. LOWE: Mary, would you spell your last name,
2 please?

3

4 MS. RUDOLPH: R-u-d-o-l-p-h.

5

6 MS. LOWE: And your title again?

7

8 MS. RUDOLPH: I'm on the IRA Council.

9 My name is Gin-na-haug descendent from Glacier Bay,
10 also Mary Rudolph from Hoonah. My concern is logging at Eight
11 Fathom Bite. There has been abuse on our natural resources in
12 the area around Hoonah. It seems like an all out effort to
13 wipe out everything that is around Hoonah that we need to
14 survive on. This is where we settled down at after Glacier Bay
15 and if this could happen to our village it's going to happen to
16 other Native Villages.

17 Other examples, if you look at old pictures where is
18 the Native villages of Juneau, Ketchikan, Douglas and Sitka?
19 We need to be working together to protect our village before
20 it's all gone. We need to show that Federal and State has to
21 work with us Natives and not be making decisions that concerns
22 the area or the place we live in. With this logging, the fish
23 that are in the rivers are being destroyed and the men are
24 having to move out further to get what was so plentiful for us
25 not so long ago.

26 Forest Service should have been working with the Native
27 people not the corporation because they are not working with
28 Natives that have concerns and want to be heard. We are the
29 largest Native village in this area and we are in danger of
30 becoming extinct because of this logging and because of this
31 Forest Service Park enhancement that has started in the area
32 surrounding Hoonah.

33 We have had our people already cited and we are being
34 held by Forest Service there is forms to fill out even to go
35 get a piece of wood what we have used all our lives now is
36 being regulated and our people will have a hard time adjusting
37 because of all of these encroachments. Who is going to support
38 us? Why is our concerns as Tlingit Natives falling on deaf
39 ears? How much more can we lose? How much more can we give of
40 our land and resources?

41 We have a home and this is the most frightening aspect
42 because I have 11 grandchildren and each of them have been
43 fortunate to have a great grandmother, Amy Marvin, who can
44 still share our history with them. Everything that is
45 happening in Hoonah is similar to what happened in Glacier Bay.
46 This is the reason why I feel we should let it be known that
47 we have legitimate concerns. This is why we are advocating a
48 cooperative partnership, co-management.

49

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The area around Hoonah is already being set up as a tourist attraction without our input. I know we are going to be pushed out of our home again just the way we were forced out of Glacier Bay. The very same promises were made to the Natives of Hoonah that they would always be free to come and gather their food and by the decision of four people speaking and writing letters and giving the wrong impression that we Natives were abusing our Native homeland (not ever realizing the Natives did not abuse their surroundings).

9 Gradually our usage area was taken away with one using a 10gun to keep us away. This, again, is happening to our people of Hoonah and again we, as descendants of Glacier Bay, are not being heard, we have been pushed aside by National Park Service, Forest Service and now by Federal Subsistence Boards on our substitute bill that we introduced in September '93.

15 Thank you.

16

17 MR. THOMAS: Do we have a copy of that?

18

19 MS. RUDOLPH: No, I'm sorry, I just wrote this up in the last few days. I'll be glad to type it up and send it to Carol.

22

23 MR. THOMAS: Okay, if you would do that.

24

25 COURT REPORTER: What's the possibility if I type it up and send it back to you?

27

28 MS. RUDOLPH: Okay.

29

30 COURT REPORTER: Would you put your address on there and I'll make sure you get it back.

32

33 MS. RUDOLPH: Okay.

34

35 COURT REPORTER: Thank you.

36

37 MR. THOMAS: Was there a reason for not asking me to type it?

39

40 MS. CULP: Would you have?

41

42 MR. THOMAS: No.

43

44 MS. CULP: Thank you, Mr. Chairman, for this time and members of the Council to listen to us because we do have a few concerns. And I also didn't type up anything but it is the contents of what we talked about in Sitka, a little bit of it.

48 For clarification I think it needs to be understood

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that the Huna Indian Association or the IRA Council activated the Huna Elder Council in 1988. We are all members of the same organization. The Elder Council, however, is made up of the Clan Elders of each Clan in Hoonah and they address customary and traditional uses concerns within our traditional uses area.

5 And our traditional uses area, briefly, includes -- encompasses Glacier Bay, North Chichagof Island, Icy Straits, Indian Islands and the Outer Continental Shelf. Within our traditional usage area, all five Federal agencies that make up the Federal Subsistence Board hold certain responsibilities that directly affect the Tribal Government in Hoonah.

11 We, again, need this Advisory Council to the Federal Subsistence Board to carry our concerns and proposed solutions to the Board. The following reality we'll bring up again. Just briefly the Forest Service in their profession habitat protection as well as customary and traditional usage protection. It's kind of a double edge sword because we now facing 352 new timber sales units at Eight Fathom Bite. So there is actually no plan in place that would protect our customary and traditional usage.

20 The National Park Service, of course, continuously tries to shut us out and we're dealing with that also through legislation to Congress.

23 The Bureau of Land Management holds responsibility of addressing the Native Allotment Claims, three generations later this has not been resolved yet. There are private lands within Glacier Bay owned by Tribal members that must be recognized. And this we bring up because Glacier Bay is within our traditional usage area and we're not able to piece meal things, like it's been done in some any other ways.

30 The Fish and Wildlife Service holds jurisdictional responsibility to the Marine Mammal Protection Act. We know that this act exempts coastal Alaska Native from the Marine Mammal Moratorium and that the act is recognized in the 1984 Glacier Bay General Management Plan under compliance, but it does not specify clearly just how the Park Service is going to comply with the Marine Mammal Protection Act, so our people are being arrested for harvesting seal.

38 And the Bureau of Indian Affairs there's rights protection issues that we need to clarify with the Bureau of Indian Affairs and we do need their support and assistance in institutionalizing our Tribal Government into the system. So these five agencies we would like to have an opportunity to address at some point in some forum in a manner that wouldn't restrict us or in a manner, you know, that is acceptable to us.

45 The concern we have about the Federal and State regulations we have to deal with is that they're built from the outside in. Neither the Federal or State Government has been able to appropriately address all of the users of the

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resources. Special interest groups hold strong influence on the decision making process. As a Tribe, our voice must be equally important on these issues, even if we can't afford to pay for it.

4 There has been no due process exercised in the development and enforcement of rules and regulation affecting customary and traditional users of the land and water. The State of Alaska provides magistrates, courts and troopers to villages, but no legal representation is available locally, the same story with the Federal Government.

10 Both the National Park Service and Forest Service is digging their roots deeper into our traditional usage area without any regard to our presence and historic use and knowledge. Knowledge which is the product of centuries of observation and tested methods.

15 In order for one Native base entity to effectively address subsistence, well over a dozen agencies, commissions and boards need to be contacted. None of these, however, seem to be able to address our problems and our concerns, which is why we're frustrated right now.

20 It is these great concerns that have compelled the Tribal Government in Hoonah to introduce substitute bill to HR704, which is the Glacier Bay bill now before Congress brought forward by Murkowski and Don Young. And in October in Sitka we presented this substitute bill to this Advisory Council and the Council took action to support our legislative effort with a letter to Secretary of Interior, Babbitt. And we appreciate this, we need the support.

28 Our subsistence bill introduces a new relationship between the Tribal and Federal Governments in Alaska. The introduction of Tribal values into the whole entire system is the missing link. This system would enable traditional values and laws to clear up the numerous gray areas that cloud the issues that directly affect customary and traditional users of the resources.

35 The partnership we advocate is one of balance. Our traditions require balance as does Mother Nature. Tribal ways are an integral part of the ecosystem and accumulative impacts being experience within our traditional usage area require that we intervene to protect our cultural way of life the best we can.

41 This partner concept we are offering will close an enormous crack that we, as Alaska Native people, fall into daily. Speaking of the dozen or so entities we have to contact dealing with customary and traditional usage, within our own little community we have the same kind of problem.

46 In addition to the Huna Indian Association and Tribal Council there's also the Teenage Community Council, ANB and AAS, the Municipal Government Council, the State Fish and Game

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Council representatives, Southeast Native Subsistence Commission representatives, Hoonah Totem Claims us (ph), the Alaska Claims us, then there's the Southeast Advisory Council Representative all within our community. And, yet, when we hold Tribal Government meetings these things should be brought up and talked about so that we can effectively present all of our thoughts on what we're presenting.

7 So it is awkward and I think what we're going through
8 as a transition where we got so many chiefs we don't have
9 enough indians. So if we could meet in a forum where we don't
10 have titles, where we just sit down and beginning talking about
11 how we can accomplish institutionalizing the Tribal form of
12 government and Tribal values into this whole process, I think
13 that we'll begin to feel comfortable as to what is happening
14 here and begin to also join in for the process for developing
15 proposal that we could all talk about on equal grounds.

16

17 MR. THOMAS: Good.

18

19 MS. CULP: Thank you, Mr. Chairman.

20

21 MR. THOMAS: I had a couple of questions. Some of this
22 you offered in October, right, at that meeting?

23

24 MS. CULP: Yes, it came right out of

25

26 MR. THOMAS: Have you had the opportunity to offer this
27 to any other organizations since then?

28

29 MS. CULP: Oh, yes. Well before it was even presented
30 here it has been -- we have a list.

31

32 MR. THOMAS: Were they all ecstatic with it?

33

34 MS. CULP: So far I think our proposal -- well, from
35 the White House it went right over to Barton's (ph) office.

36

37 MR. THOMAS: How are they doing in Hoonah?

38

39 MS. CULP: Pardon?

40

41 MR. THOMAS: How are all these things you just listed
42 to us; how are they getting along in Hoonah with this.

43

44 MS. CULP: Well, again, I think one of the main
45 problems is we've got so many -- we're fragmented into so many
46 directions, we haven't yet to establish a forum where we can
47 all begin to bump heads.

48

49

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MR. THOMAS: Okay. Now, my next question. In listening to your frustrations and fully respect them and I think I have a sense of understanding about that, but through all of this have you had a chance to identify any specifics in all of this and how can conditions be created or changed for an improvement to relieve some of the frustrating circumstances?

6

MS. CULP: Well, we would like to see a forum in Hoonah so that we don't all be coming in with our little -- so we can all sit down and talk this out, all the five Federal Subsistence Board representatives into Hoonah and talk about what were squawking about and barking about, so that we can -- we won't feel and seem like such a threat because what we're offering is to become partners in solutions.

14

MR. THOMAS: I see, I see, okay. Can you leave us with a copy of that? We'll take your name and address and get it back to you.

18

MS. CULP: Yes.

20

MR. THOMAS: I'll type that one up.

22

MS. CULP: Okay, you can.

24

MS. RUDOLPH: Mr. Chairman, I did bring a letter from one of our elders and we had the impression that we were going to be able to speak on our issues, so like Wanda said, we were kind of had the wrong impression of how the forum of this meeting was going to be, so he gave me a letter since he couldn't come to read to the Council members.

31

MR. THOMAS: That'll be fine, that'll be fine.

33

MS. RUDOLPH: The Federal Subsistence Board

35

MS. LOWE: Excuse me, could you identify that gentleman's name and stuff ahead of time and spell it.

38

MS. RUDOLPH: Wilbur "Jumbo" James, Senior, Hoonah Traditional Tribal Council Elder

41

MS. LOWE: Wilbur

43

MS. RUDOLPH: Wilbur "Jumbo" James, Senior. It says: Federal Subsistence Board. Dear Ladies and Gentlemen, Federal Subsistence Board Members:

47

First, the right of subsistence, such as food gathering, fishing and hunting, should be in no way diminished.

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Justification below.

1 Second, the right of food gathering, fishing and
2 limited seal hunting be allowed within all waters and areas of
3 Glacier Bay. Justification below.

4 Justification for the first one. It has been rumored
5 that the United States Forest Service may declare a Forest
6 Service National Park on the northern end of Chichagof Island,
7 possibly restricting our subsistence way of life here in
8 Hoonah. This would devastate our traditional way of life.

9 Number 2. Food gathering and subsistence fishing
10 should never be denied in Glacier Bay. Also limited seal
11 hunting (and Marine Mammal, only as per Freedom of Religion
12 Act, Marine Mammal Protection Act, also ANILCA).

13 The strongest justification is, originally Glacier Bay
14 our true home.

15 1906 Indian Land Allotment Act.

16

17 1909 Gustavus area surveyed and land given to Hoonah
18 Tlingits. United States Government Employees,
19 i.e. Presbyterian people (missionaries and
20 teachers) urge Glacier Bay Tlingits to leave
21 Gustavus for education of our children to
22 Hoonah. Winter is on us, we go to our winter
23 camp in Hoonah. Word get out how valuable
24 Gustavus is as farm land. Government
25 immediately declares abandonment by us. We are
26 not until much later notified of this.

27

28 We are both citizens of our own land and United States in 1924,
29 many years before lower Reservation Indians.

30

31 1925 Upper Glacier Bay made a monument.

32

33 1939 Glacier Bay further expanded (my home included).

34

35 By the early 1950's our seal hunting, even for Potlatches, is
36 nearly stopped.

37

38 1956 In an ultimate act of cynicism, original Hoonah
39 Land Allotment is given to white people (the
40 awarding of townsite Gustavus!) By the Park
41 Service or Interior Department? An area
42 totally surrounded by park land and water, the
43 white man's own killing fields with total
44 bragging rights.

45 In hope that our proposals can be acted favorably on, I
46 those, respectfully, Wilbur "Jumbo" James, Hoonah Traditional
47 Tribal Council.

48 And he sent 12 copies in so. Thank you.

49

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1 MR. THOMAS: You gave us a copy of that already?

2

3 MS. RUDOLPH: No, I just remember I had them with me.

4

5 MR. THOMAS: We'll take a 20 second break for you to
6 give those to us.

7

8 MS. HANLON: Mr. Chairman. My name is Ernestine Hanlon
9 again. While I may agree with some of Wanda's comments I would
10 like for you to note on the Council that the Wooshkeetaan and
11 Tleneidei speak for themselves.

12

13 MR. THOMAS: Thank you. Before we excuse you folks,
14 let me get an idea of what -- what were your wishes that we do,
15 other than solve all the problems.

16

17 MS. CULP: Cooperative management. Co-management,
18 partnership, equal partnership and co-management process.

19

20 MR. THOMAS: Okay. Thank you.

21

22 MR. VALE: Mr. Chairman.

23

24 MR. THOMAS: John.

25

26 MR. VALE: I'd like to make a comment, it's not exactly
27 a question, but it's a comment for these ladies information. I
28 read through what you handed out to us in November in Sitka
29 and, you know, I just want to let you know that much of what I
30 saw on there was received very positively by myself. I
31 especially like the concepts of traditional use areas and
32 developing management plans for traditional use areas and I
33 think that's something that we can address here as a Council in
34 the future to define traditional use area, development
35 management plans for them. And so I just wanted to you know
36 that, you know, your efforts are not wasted and I feel a lot of
37 what you proposed is very good.

38

39 MR. THOMAS: That's true, that's all data for our C&T
40 considerations.

41

42 MS. CULP: All right, thank you. And just for
43 information sake, in Hoonah on the 11th, 12th and 13th, the
44 Tribal Government is having two lawyers come down into Hoonah
45 to discuss with SEALASKA, Hoonah Totem, the Forest Service and
46 ADF&G some of these concerns, so they're going to be flying in
47 and we'd like to invite any of the Federal agencies that are
48 here today to also participate in the forum that is being held

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in Hoonah. So we could address these problems or begin addressing them.

2

3 MR. THOMAS: Thanks. Carol.

4

5 MS. JORGENSEN: Mr. Chairman, could, maybe, Wanda, you and I and Hoonah people can get together after, but with the grant that the Native American Fish and Wildlife Society has available to people this would be a good forum for this society to participate in also.

10

11 MR. THOMAS: Thank you. Anybody else in the category of needing to leave before the anticipated time to finish these? Yes, come forward, please.

14

15 MR. MILLS: Thank you for allowing me to sit here and address you. My name is Kale da sol (ph), I'm from the Tyakdeintaan Clan of Hoonah. I come from the Head House, the Raven Clan and I very proud to see a lot of you sitting up here today. I'm seeing a lot of intelligent people that I worked with before and very knowledgeable people sitting up here and I'm sure you'll receive our words with an open mind because we have dwelled on these subject before. And this time I'm going to get away from the fish, I mean, from the moose and the deer meat and I'm going address the halibut and the king salmon and the co-ho.

26

27 MS. LOWE: Would you spell your name for us and the record, please.

29

30 MR. MILLS: P-a-t-r-i-c-k M-i-l-l-s. Patrick Mills.

31

32 MR. THOMAS: Just like it sounded.

33

34 MS. LOWE: Patrick, I meant your other one.

35

36 MR. MILLS: I have my comments written down and type out so that Chairman doesn't have to get a typewriter.

38

39 MR. THOMAS: Okay.

40

41 MR. MILLS: So these Regional Council Members and Federal Subsistence Board. I am here today before you to seek your strong support in helping the Native community of Hoonah obtain their subsistence, traditional uses of the Public lands of Icy Straits and Glacier Bay. Many problems face the Indigenous Tlingits of Icy Straits and Glacier Bay. A strong show of support by the Regional Advisory Council of Southeast Alaska will set precedence and will help the Natives of Icy

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Straits and Glacier Bay to retain their culture and traditions. For many years the indigenous peoples of Alaska have faced hard times, diseases and a great lack of self esteem. As a result of our forced changes in our customary lifestyle, our Native world is turned upside down.

5 Ever since the Tee-Hit-Ton case in 1954, the indigenous Natives of Alaska have become second class citizens because of the lack of protection guaranteed to all other citizens of the United States of America. Yes, no compensation for the lands, food, shelter and languages taken away from the Tlingits of Hoonah. Why does the United States of America call the Natives of Alaska United States citizens when it cannot guarantee that the Constitution of the United States is applied to all people of the United States of America equally? Immigrants who have just arrived in the United States yesterday have more rights than the indigenous Natives that have lived in America for thousands of years. It does not make any sense to deprive anyone of their constitutional rights. Before Columbus discovered America, we Hoonah Tlingits were using Glacier Bay and Icy Straits.

20 The king salmon should be returned as a subsistence food to the Hoonah Tlingits. The king salmon is sewn into our Native dance regalia of the T'akdeintaan Clan. It is painted on the screen panel of the Mount Fairweather House of the Ravens. The king salmon has always been a part of the Tlingit food group all year around. Since the Hoonah Tlingits have had no input in the discussions to deny us the right to subsistence king salmon, it must be placed back into the food group called subsistence.

29 The coho salmon, by not being allowed for subsistence, is a very sore spot on the Tlingit culture. The Tlingits of Hoonah have a Clan named after this wonderful source of food. It has helped feed the Native Tlingit children of Hoonah down through the centuries. Coho salmon has been our food and also has spiritually helped uphold the self esteem of a Native people.

36 The halibut, with hundreds of years of sustaining the Tlingits, must be returned as a vital food source. The Wosketaan Clan has a halibut dance used at our Potlatches and no one can deny the use of halibut by the Tlingits and other indigenous peoples of Alaska. The original native halibut hook has been proven effective in the taking of halibut by the Coastal Natives of Alaska. Yes, members of the Council, halibut is a vital source of protein used by the Natives, and it is well documented throughout the history of Alaska's coastal communities. the International Pacific Halibut Commission has used Native symbols of the halibut on many of its publications down through the years and yet they deny its use for subsistence. Again, there was no input from the

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indigenous coastal Native communities on these actions taken against the Native needs and lifestyles.

2 And now I will address a major source of disruption to our customary and traditional lifestyle. The Tlingits of both the inner and outer coast of Glacier Bay and Icy Straits have been taken out of their inherent hunting and fishing grounds since 1867. Many of the Hoonah Tlingits that are alive today have parents who were born in Glacier Bay. Almost all of the regalia, customs and traditions of the Huna Tribe comes from Glacier Bay. We cannot loosen our life's hold on Glacier Bay, and we will not loosen our grip either.

11

12 For the first time in history the Federal Subsistence Board and Federal Southeast Regional Council will face a Federally recognized Tribe in the Hoonah Indian Association. The Traditional Tribal Council provides the ancestral ties to the clans of the Huna Tribe. The clans dictated the uses of these life-sustaining foods of the Hoonah Tlingits in their customary and traditional hunting and fishing grounds.

19 We, the Huna Tribe, have a trial obligation to pass our customs, traditions and the right to protect the well being of our future generations. Since the Huna Tribe has tribal community, we have the right of co-management in the traditional and customary hunting and fishing grounds of the Huna Clans. We want our input in all major decision affecting the inherent rights of the Huna Tribe.

26 For starters, the king salmon, the coho salmon and halibut should be returned to the subsistence diet of the indigenous Natives of Southeast Alaska. Rod and reel uses should be allowed for the taking of subsistence. The purchasing of the State of Alaska sport hunting and fishing licenses should not be one of the main point for who is allowed taking fish and game. We do not want to known as sports persons, but as customary and traditional users of the resources of our homelands.

35 And in the conclusion, the Southeast Regional Council should make its position know to the Federal Subsistence Board. After all, it has been 14 years since the passing of ANILCA. This is such a long time for the Federal Subsistence Board to go without Southeast Regional Council advice.

40 En-ney-chee (ph).

41

42 MR. THOMAS: Thank you. Questions, comments for Patrick, now that we got him to spell his Tlingit name. You dazzled us, Patrick, thank you. That was really a good presentation and we'll do as much as we can with it.

46

47 MR. MILLS: Thank you.

48

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MR. THOMAS: Thank you. I'm really enjoying this new testimony, getting away from the ungulates for a while. Is there anyone else that has to leave that would like to testify, even your romantic life, if you want to. One taker, no? Is there anybody else that would like to testify that has to leave that don't live in Juneau?

6 Okay, in that case we'll recess for the evening and
7 return at 8:30 in the morning. Ann.

8

9 MS. LOWE: Mr. Chair, there was a couple of individuals
10 that were here that left thinking that we were going to recess
11 for dinner and come back this evening, they wanted to give
12 their testimonies. They had indicated so to a couple of us.

13

14 MR. THOMAS: We'll be back at 8:30 in the morning after
15 this evening. We're going to go into a closed Council session
16 because we have some in-house Council things that we need to
17 take care of. Gina needs to give us a little scoop on travel
18 vouchers. Marilyn.

19

20 MS. WILSON: Yes, I was wondering do we have the
21 addresses of everybody that testified?

22

23 MR. THOMAS: If we don't have your addresses, would you
24 see that we get them? Thank you. Okay, if you're not a
25 Council member, we'll see you at 8:30.

26

27 (Off record)

28

29

(TO BE CONTINUED)

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o'clock p.m. at Civic Center, Juneau, Alaska;

15
16 THAT the transcript is a true and correct transcript
requested to be transcribed and thereafter transcribed by me to
the best of my knowledge and ability;

19
20 THAT I am not an employee, attorney, or party
interested in any way in this action.

22
23 DATED at Anchorage, Alaska, this 11th day of February,
1994.

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29 _____
Notary Public in and for Alaska
30 My Commission Expires: 4/17/96
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R & R COURT REPORTERS

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